

By: Representative Shirley

To: Accountability,  
Efficiency, Transparency;  
Transportation

HOUSE BILL NO. 632

1 AN ACT TO TRANSFER LAW ENFORCEMENT PERSONNEL AND LAW  
2 ENFORCEMENT DUTIES OF THE MOTOR CARRIER DIVISION OF THE  
3 MISSISSIPPI HIGHWAY SAFETY PATROL WITHIN THE MISSISSIPPI  
4 DEPARTMENT OF PUBLIC SAFETY RELATED TO THE MOTOR CARRIER  
5 REGULATORY LAW TO THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION; TO  
6 AMEND SECTIONS 77-7-16, MISSISSIPPI CODE OF 1972, TO CONFORM; TO  
7 BRING FORWARD SECTIONS 25-13-3, 77-1-19, 77-1-21 AND 77-1-27,  
8 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND  
9 FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** (1) The Mississippi Department of Public Safety  
12 shall transfer employees, equipment, inventory, size and weights,  
13 permits, Unified Carrier Registration, computer systems, IFTA,  
14 grants, stationary and portable weigh stations, support staff,  
15 state and federal funding, and resources of the department  
16 employed in the Motor Carrier Division of the Mississippi Highway  
17 Safety Patrol and used to enforce the Motor Carrier Regulatory Law  
18 of 1938 to the Mississippi Department of Transportation on July 1,  
19 2019. In addition, the Department of Public Safety shall consult  
20 with the Bureau of Buildings, Grounds and Real Property of the  
21 Department of Finance and Administration for the effective



22 transfer of any office space that was assigned for the use of the  
23 enforcement of the Motor Carrier Regulatory Law of 1938. The  
24 transfer of personnel shall be commensurate with the number and  
25 classification of positions allocated to that law enforcement.  
26 All salaries and benefits shall remain the same until further  
27 agreement. Rank and structure shall be revised through the  
28 Mississippi Department of Transportation as is practical for  
29 proper supervision.

30 (2) Any reference in any statute, rule or regulation to law  
31 enforcement duties being performed by the Motor Carrier Division  
32 of the Mississippi Highway Safety Patrol under the Mississippi  
33 Department of Public Safety requiring the use of vehicles to  
34 enforce shall be construed to mean law enforcement duties being  
35 performed by the Mississippi Department of Transportation.

36 **SECTION 2.** Section 77-7-16, Mississippi Code of 1972, is  
37 amended as follows:

38 77-7-16. (1) Supervision and inspection of the safe  
39 operation and the safe use of equipment of motor vehicles  
40 operating in the state shall be a specified duty of the  
41 Mississippi Transportation Commission \* \* \*. In accordance  
42 therewith, the Mississippi Transportation Commission shall  
43 promulgate as its own the rules, regulations, requirements and  
44 classifications of the United States Department of Transportation  
45 or any successor federal agency thereof charged with the  
46 regulation of motor vehicle safety and \* \* \* shall enforce such



47 rules, regulations, requirements and classifications. The  
48 Department of \* \* \* Transportation shall provide training to its  
49 law enforcement officers \* \* \* charged with the duty of enforcing  
50 the Mississippi Motor Carrier Regulatory Law of 1938 to the extent  
51 that funds are made available and training is approved under the  
52 Motor Carrier Safety Assistance Program of the Federal Motor  
53 Carrier Safety Administration. The Mississippi Transportation  
54 Commission shall establish a system of reciprocity with other  
55 states to facilitate the inspection of motor vehicles provided for  
56 in this subsection.

57 (2) The Mississippi Transportation Commission \* \* \* shall  
58 have the authority to inspect for safe operation and safe use of  
59 equipment the following motor vehicles:

60 (a) Each holder of a certificate of convenience and  
61 necessity, a permit to operate as a contract carrier or interstate  
62 permit;

63 (b) Any individual, corporation or partnership engaged  
64 in a commercial enterprise operating a single motor vehicle or  
65 those in combination with a manufacturer's gross vehicle rating of  
66 more than ten thousand (10,000) pounds, and (ii) a single motor  
67 vehicle or those in combination with a manufacturer's gross  
68 vehicle rating of more than twenty-six thousand (26,000) pounds in  
69 interstate commerce; and

70 (c) Any individual, corporation or partnership  
71 operating a motor vehicle of any gross weight transporting



72 hazardous material that requires placarding under the Federal  
73 Hazardous Material Regulations.

74 (3) This section shall not apply to the following:

75 (a) Motor vehicles employed to transport school  
76 children and teachers;

77 (b) Motor vehicles owned and operated by the United  
78 States, District of Columbia or any state or any municipality or  
79 any other political subdivision of this state;

80 (c) Motor vehicles engaged in the occasional  
81 transportation of personal property without compensation by  
82 individuals which is not in the furtherance of a commercial  
83 enterprise;

84 (d) Motor vehicles engaged in the transportation of  
85 human corpses or sick or injured persons;

86 (e) Motor vehicles engaged in emergency or related  
87 operations;

88 (f) Motor vehicles engaged in the private  
89 transportation of passengers;

90 (g) Motor vehicles, including pickup trucks, that have  
91 a GVWR or GCWR of Twenty-six Thousand (26,000) pounds or less,  
92 operating intrastate only, provided that such vehicle does not:

93 (i) Transport hazardous material requiring a  
94 placard; or

95 (ii) Transport sixteen (16) or more passengers,  
96 including the driver.



97 (h) Motor vehicles owned and operated by any farmer  
98 who:

99 (i) Is using the vehicle to transport agricultural  
100 products from a farm owned by the farmer, or to transport farm  
101 machinery or farm supplies to or from a farm owned by the farmer;

102 (ii) Is not using the vehicle to transport  
103 hazardous materials of a type or quantity that requires the  
104 vehicle to be placarded in accordance with the Federal Hazardous  
105 Material Regulations in CFR 49 part 177.823; and

106 (iii) Is using the vehicle within one hundred  
107 fifty (150) air miles of the farmer's farm, and the vehicle is a  
108 private motor carrier of property.

109 (i) Motor vehicles engaged in the transportation of  
110 logs and pulpwood between the point of harvest and the first point  
111 of processing the harvested product;

112 (j) Motor vehicles engaged exclusively in hauling  
113 gravel, soil or other unmanufactured road building materials;

114 (k) As to hours of service only, utility service  
115 vehicles owned or operated by public utilities subject to  
116 regulation by the commission, while in intrastate commerce within  
117 this state, with a manufacturer's gross vehicle rating of less  
118 than twenty-six thousand one (26,001) pounds, unless the vehicle:

119 (i) Transports hazardous materials requiring a  
120 placard; or



121                   (ii) Is designed or used to transport sixteen (16)  
122 or more people, including the driver.

123           (4) Anyone who violates or fails to comply with this section  
124 shall be subject to the penalties as provided for in Section  
125 77-7-311, Mississippi Code of 1972.

126           **SECTION 3.** Section 25-13-3, Mississippi Code of 1972, is  
127 brought forward as follows:

128           25-13-3. As used in this chapter, unless the context clearly  
129 indicates otherwise, the term "Highway Patrol or Highway Safety  
130 Patrol" for the purpose of establishing membership in this system  
131 for persons presently employed by the Highway Safety Patrol shall  
132 mean and include all the officers of the Mississippi Highway  
133 Safety Patrol who have completed a course of instruction in an  
134 authorized highway patrol training school on general law  
135 enforcement, and who have served for a period of at least five (5)  
136 years prior to July 1, 1958, as a uniformed officer of the Highway  
137 Safety Patrol in the enforcement of the traffic laws of the State  
138 of Mississippi, or in the driver's license division, or who are  
139 now engaged in such service. New members shall include all the  
140 officers of the Mississippi Highway Safety Patrol who have  
141 completed a course of instruction in an authorized highway patrol  
142 training school on general law enforcement, and who serve as sworn  
143 officers of the Highway Patrol in the enforcement of the laws of  
144 the State of Mississippi.



145 Any former sworn officer of the Highway Safety Patrol who  
146 returns to service with the Highway Safety Patrol in any capacity,  
147 and who has had not less than two (2) years of prior service as a  
148 sworn officer of the Highway Safety Patrol, and who was disabled  
149 by wounds or accident in line of duty, may become a member of the  
150 Highway Safety Patrol Retirement System even though his present  
151 duties would not otherwise qualify him for membership, and he may  
152 continue membership so long as he remains in the employ of the  
153 Highway Safety Patrol.

154 Membership in the Highway Safety Patrol Retirement System  
155 shall be retroactive to the date of such patrolman's return to  
156 employment with the Highway Safety Patrol, and any funds  
157 contributed by him, previous to July 1, 1958, to the Public  
158 Employees' Retirement System shall be transferred to his credit in  
159 the Highway Safety Patrol Retirement System, and the employer's  
160 contributions made to the Public Employees' Retirement System for  
161 the patrolman shall also be transferred to the employee's credit  
162 in the Highway Safety Patrol Retirement System; and the difference  
163 between the contributions for both the employer and the employee  
164 made to the Public Employees' Retirement System, and those which  
165 should have been made to the Highway Safety Patrol Retirement  
166 System by both employer and employee for the patrolman since the  
167 date of his return to the Highway Safety Patrol shall be paid into  
168 the Highway Safety Patrol Retirement System.



169           In order to be eligible for service retirement benefits under  
170 this retirement system any member must have served at least five  
171 (5) years as a sworn officer of the Highway Patrol engaged in the  
172 enforcement of the laws of the State of Mississippi, or at least  
173 five (5) years as a sworn agent of the Mississippi Bureau of  
174 Narcotics, or a combination of at least five (5) years as a sworn  
175 agent of the Mississippi Bureau of Narcotics and as a sworn  
176 officer of the Highway Patrol. If the officer is transferred from  
177 duty making him eligible for membership in this retirement system  
178 to other duties for which credit is not allowed by this system,  
179 and he has not been credited with a minimum of five (5) years in  
180 this system as a sworn officer of the Highway Patrol engaged in  
181 the enforcement of the laws of this state, then an amount as  
182 determined by the Public Employees' Retirement System shall be  
183 transferred from this system to his account in the Public  
184 Employees' Retirement System of Mississippi to make him a member  
185 of that system with full credit for his years of service with the  
186 Mississippi Highway Safety Patrol, and he shall become a member of  
187 the Public Employees' Retirement System of Mississippi with prior  
188 service credits. The amount that is determined to be necessary to  
189 be transferred shall be paid first from the member's total  
190 contributions in the Highway Safety Patrol System, plus interest,  
191 so that all of those funds are transferred, and any remainder  
192 shall be paid from the employer's accumulation account.





193           **SECTION 4.** Section 77-1-19, Mississippi Code of 1972, is  
194 brought forward as follows:

195           77-1-19. The commission is authorized to employ the  
196 following additional employees to carry out and enforce the  
197 provisions of the Motor Carrier Regulatory Law of 1938:

198                   (a) An assistant secretary and two (2)  
199 stenographer-clerks;

200                   (b) One (1) combined bookkeeper and stenographer;

201                   (c) One (1) stenographer competent to serve as a  
202 reporter of evidence taken before the commission; and

203                   (d) Twelve (12) additional employees, which includes  
204 seven (7) employees to be transferred from the utility department  
205 to the motor carrier department to perform the duties of the  
206 commission imposed upon it by the provisions of said Motor Carrier  
207 Regulatory Law.

208           **SECTION 5.** Section 77-1-21, Mississippi Code of 1972, is  
209 brought forward as follows:

210           77-1-21. (1) For the purpose of enforcing the provisions of  
211 the Mississippi Motor Carrier Regulatory Law of 1938, the  
212 Mississippi Department of Transportation is authorized to employ,  
213 in addition to personnel already employed by the department, one  
214 (1) chief enforcement officer and twenty-one (21) inspectors, who  
215 shall be under the management of the department. The chief  
216 enforcement officer and the inspectors shall devote their full  
217 time to the performance of their duties and shall take an oath



218 faithfully to perform the duties of their position. The  
219 department shall require bonds to be carried on such employees as  
220 the department may deem necessary, the cost thereof to be paid by  
221 the department. The chief enforcement officer and inspectors  
222 shall be qualified by experience and training in law enforcement  
223 or investigative work, and shall attend and satisfactorily  
224 complete an appropriate course of instruction established by the  
225 Commissioner of Public Safety at the Law Enforcement Officers  
226 Training Academy. The chief enforcement officer and the  
227 inspectors referred to in this section shall be selected after an  
228 examination as to physical and mental fitness. Such employees  
229 shall be citizens of the United States and the State of  
230 Mississippi, and of good moral character. All such members of  
231 staff shall be appointed by the Mississippi Department of  
232 Transportation and shall be subject to removal at any time by the  
233 department.

234 (2) The Public Service Commission shall transfer all  
235 employees, equipment, inventory and resources of the commission  
236 employed and used to enforce the Motor Carrier Regulatory Law of  
237 1938 to the Mississippi Department of Transportation on July 1,  
238 2004. The transfer of personnel shall be commensurate with the  
239 number and classification of positions allocated to that law  
240 enforcement. The transfer also shall include direct support,  
241 clerical, data processing and communications positions allocated  
242 to that law enforcement.



243 (3) The Public Service Commission shall transfer to the  
244 Mississippi Department of Transportation each year the amount of  
245 funds necessary to support the law enforcement functions being  
246 performed for the commission by the department, as specified in  
247 the appropriation bill for the Public Service Commission.

248 (4) Any reference in any statute, rule or regulation to law  
249 enforcement duties being performed by the Public Service  
250 Commission shall be construed to mean law enforcement duties being  
251 performed for the commission by the Mississippi Department of  
252 Transportation.

253 **SECTION 6.** Section 77-1-27, Mississippi Code of 1972, is  
254 brought forward as follows:

255 77-1-27. All commission employees provided for in this  
256 chapter, and the reasonable and necessary expenses of the  
257 administration of the duties imposed on the commission by the  
258 Motor Carrier Regulatory Law of 1938, shall be paid out of the  
259 appropriations made to defray the expenses of the commission, upon  
260 requisitions and warrants in the same manner provided by law for  
261 the disbursements of appropriations for the commission. An  
262 itemized account shall be kept of all receipts and expenditures  
263 and shall be reported to the Legislature by the commission.

264 **SECTION 7.** This act shall take effect and be in force from  
265 and after July 1, 2019.

