

By: Representatives Rogers (61st),
Carpenter, Scoggin, Shanks, Staples,
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To: Military Affairs

HOUSE BILL NO. 751

1 AN ACT TO AMEND SECTION 63-1-203, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE COMMERCIAL DRIVER'S LICENSE ACT TO EXCLUDE FROM THE
3 DEFINITION OF "COMMERCIAL MOTOR VEHICLE" ANY MILITARY AND
4 COMMERCIAL EQUIPMENT OWNED OR OPERATED BY THE MISSISSIPPI MILITARY
5 DEPARTMENT AND OPERATED BY EMPLOYEES OF THE MISSISSIPPI MILITARY
6 DEPARTMENT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 63-1-203, Mississippi Code of 1972, is
9 amended as follows:

10 63-1-203. As used in this article:

11 (a) "Alcohol" means any substance containing any form
12 of alcohol including, but not limited to, ethanol, methanol,
13 propanol and isopropanol.

14 (b) "Alcohol concentration" means the concentration of
15 alcohol in a person's blood or breath. When expressed as a
16 percentage it means:

17 (i) The number of grams of alcohol per one hundred
18 (100) milliliters of blood; or

19 (ii) The number of grams of alcohol per two
20 hundred ten (210) liters of breath.



21 (c) "Commercial driver's license" or "CDL" means a
22 license issued by a state or other jurisdiction, in accordance
23 with the standards contained in 49 CFR, Part 383, to an individual
24 which authorizes the individual to operate a class of commercial
25 motor vehicle.

26 (d) "Commercial driver's license information system" or
27 "CDLIS" means the CDLIS established by the Federal Motor Carrier
28 Safety Administration (FMCSA) pursuant to Section 12007, of the
29 Commercial Motor Vehicle Safety Act of 1986.

30 (e) "Commercial learner's permit" means a permit issued
31 pursuant to Section 63-1-208(5).

32 (f) "Commercial motor vehicle" or "CMV" means a motor
33 vehicle or combination of motor vehicles used in commerce to
34 transport passengers or property if the motor vehicle:

35 (i) Has a gross combination weight rating of
36 eleven thousand seven hundred ninety-four (11,794) kilograms or
37 more (twenty-six thousand one (26,001) pounds or more) inclusive
38 of a towed unit(s) with a gross vehicle weight rating of more than
39 four thousand five hundred thirty-six (4,536) kilograms (ten
40 thousand (10,000) pounds);

41 (ii) Has a gross vehicle weight rating of eleven
42 thousand seven hundred ninety-four (11,794) or more kilograms
43 (twenty-six thousand one (26,001) pounds or more);

44 (iii) Is designed to transport sixteen (16) or
45 more passengers, including the driver;



46 (iv) Is of any size and is used in the
47 transportation of hazardous materials as defined in this section;
48 or

49 (v) The term shall not include:

50 1. Authorized emergency vehicles as defined
51 in Section 63-3-103;

52 2. Motor homes as defined in Section
53 63-3-103; however, this exemption shall only apply to vehicles
54 used strictly for recreational, noncommercial purposes;

55 3. Military and commercial equipment owned or
56 operated by the United States Department of Defense, including the
57 National Guard and Mississippi Military Department, and operated
58 by: active duty military personnel; members of the military
59 reserves; members of the National Guard on active duty, including
60 personnel on full-time National Guard duty; personnel on part-time
61 National Guard training; National Guard military technicians
62 (civilians who are required to wear military uniforms); employees
63 of the Mississippi Military Department; and active duty United
64 States Coast Guard personnel. This exception is not applicable to
65 United States Reserve technicians;

66 4. Farm vehicles, which are vehicles:

67 a. Controlled and operated by a farmer;

68 b. Used to transport either agricultural
69 products, farm machinery, farm supplies, or both, to or from a
70 farm;



71 c. Not used in the operations of a
72 common or contract motor carrier; and

73 d. Used within one hundred fifty (150)
74 miles of the farm.

75 (g) "Controlled substance" means any substance so
76 classified under Section 102(6) of the Controlled Substances Act,
77 21 USCS 802(6), and includes all substances listed on Schedules I
78 through V of 21 Code of Federal Regulations, Part 1308, as they
79 may be revised from time to time, any substance so classified
80 under Sections 41-29-113 through 41-29-121, Mississippi Code of
81 1972, and any other substance which would impair a person's
82 ability to operate a motor vehicle.

83 (h) "Conviction" means an unvacated adjudication of
84 guilt, or a determination by a judge or hearing officer that a
85 person has violated or failed to comply with the law in a court of
86 original jurisdiction or an authorized administrative tribunal, an
87 unvacated forfeiture of bail or collateral deposited to secure the
88 person's appearance in court, the payment of a fine or court cost,
89 or violation of a condition of release without bail, regardless of
90 whether or not the penalty is rebated, suspended or probated.
91 Conviction shall also mean a plea of guilty or nolo contendere
92 which has been accepted by the court.

93 (i) "Disqualification" means any of the following three
94 (3) actions:



95 (i) The suspension, revocation or cancellation of
96 a commercial driver's license by the state or jurisdiction of
97 issuance;

98 (ii) Any withdrawal of a person's privilege to
99 drive a commercial motor vehicle by a state or other jurisdiction
100 as the result of a violation of state or local law relating to
101 motor vehicle traffic control, other than parking, vehicle weight
102 or vehicle defect violations; or

103 (iii) A determination by the Federal Motor Carrier
104 Safety Administration that a person is not qualified to operate a
105 commercial motor vehicle under 49 CFR, Part 391.

106 (j) "Driver" means any person who drives, operates or
107 is in physical control of a commercial motor vehicle on a public
108 highway or who is required to hold a commercial driver's license.

109 (k) "Employer" means any person, including the United
110 States, a state, the District of Columbia or a political
111 subdivision of a state, who owns or leases a commercial motor
112 vehicle or assigns employees to operate a commercial motor
113 vehicle.

114 (l) "Foreign" means outside the fifty (50) United
115 States and the District of Columbia.

116 (m) "Gross combination weight rating" or "GCWR" means
117 the value specified by the manufacturer as the loaded weight of a
118 combination (articulated) vehicle. In the absence of a value
119 specified by the manufacturer, gross combination weight rating



120 will be determined by adding the gross vehicle weight rating of
121 the power unit and the total weight of the towed unit and any load
122 thereon.

123 (n) "Gross vehicle weight rating" or "GVWR" means the
124 value specified by the manufacturer as the loaded weight of a
125 single vehicle.

126 (o) "Hazardous materials" means any material that has
127 been designated as hazardous under 49 USCS Section 5103 and is
128 required to be placarded under subpart F of 49 CFR, Part 172 or
129 any quantity of a material listed as a select agent or toxin in 42
130 CFR, Part 73.

131 (p) "Imminent hazard" means the existence of a
132 condition that presents a substantial likelihood that death,
133 serious illness, severe personal injury, or a substantial
134 endangerment to health, property, or the environment may occur
135 before the reasonably foreseeable completion date of a formal
136 proceeding begun to lessen the risk of that death, illness,
137 injury, or endangerment.

138 (q) "Nonresident commercial driver's license" or
139 "nonresident CDL" means a commercial driver's license issued by a
140 state to an individual under either of the following two (2)
141 conditions:

142 (i) To an individual domiciled in a foreign
143 country meeting the requirements of 49 CFR, Part 383.23(b)(1); or



144 (ii) To an individual domiciled in another state
145 meeting the requirements of 49 CFR, Part 383.23(b)(2).

146 (r) "Serious traffic violation" means conviction at any
147 time when operating a commercial motor vehicle or at those times
148 when operating a noncommercial motor vehicle when the conviction
149 results in the revocation, cancellation, or suspension of the
150 operator's license or operating privilege, of:

151 (i) Excessive speeding, involving a single charge
152 of any speed fifteen (15) miles per hour or more, above the posted
153 speed limit;

154 (ii) Reckless driving, as defined under state or
155 local law;

156 (iii) Improper traffic lane changes, as defined in
157 Section 63-3-601, 63-3-603, 63-3-613 or 63-3-803;

158 (iv) Following the vehicle ahead too closely, as
159 defined in Section 63-3-619;

160 (v) A violation of any state law or local
161 ordinance relating to motor vehicle traffic control, other than a
162 parking violation, arising in connection with an accident or
163 collision resulting in death to any person;

164 (vi) Operating a commercial motor vehicle without
165 obtaining a commercial driver's license;

166 (vii) Operating a commercial motor vehicle without
167 a commercial driver's license in the driver's possession;



168 (viii) Operating a commercial motor vehicle
169 without the proper class of commercial driver's license or
170 endorsements, or both.

171 (s) "Out-of-service order" means a declaration by an
172 authorized enforcement officer of a federal, state, Canadian,
173 Mexican, or local jurisdiction, that a driver, or a commercial
174 motor vehicle, or a motor carrier operation, is out of service
175 pursuant to 49 CFR, Part 386.72, 392.5, 395.13, 396.9 or
176 compatible laws, or the North American Uniform Out-of-Service
177 Criteria.

178 (t) "State of domicile" means that state where a person
179 has a true, fixed and permanent home and principal residence and
180 to which the person has the intention of returning whenever the
181 person is absent.

182 (u) "Tank vehicle" means any commercial motor vehicle
183 that is designed to transport any liquid or gaseous materials
184 within a tank that is either permanently or temporarily attached
185 to the vehicle or the chassis. Such vehicles include, but are not
186 limited to, cargo tanks and portable tanks, as defined in 49 CFR,
187 Part 171. However, they do not include portable tanks having a
188 rated capacity under one thousand (1,000) gallons.

189 (v) "United States" means the fifty (50) states and the
190 District of Columbia.

191 **SECTION 2.** This act shall take effect and be in force from
192 and after July 1, 2019.

