

By: Representative Busby

To: Public Utilities;
TransportationCOMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1457

1 AN ACT TO UPDATE AND STREAMLINE MOTOR CARRIER REGULATION; TO
2 AMEND SECTION 77-7-45, MISSISSIPPI CODE OF 1972, TO MAKE
3 DISCRETIONARY WITH THE MISSISSIPPI TRANSPORTATION COMMISSION THE
4 HOLDING OF A PUBLIC HEARING ON THE APPLICATION FOR A CERTIFICATE
5 OF PUBLIC CONVENIENCE AND NECESSITY; TO AMEND SECTION 77-7-51,
6 MISSISSIPPI CODE OF 1972, TO MAKE DISCRETIONARY WITH THE
7 TRANSPORTATION COMMISSION THE HOLDING OF A HEARING ON THE
8 APPLICATION FOR A PERMIT; TO AMEND SECTION 77-7-151, MISSISSIPPI
9 CODE OF 1972, TO PROVIDE THAT CARRIERS OF HOUSEHOLD GOODS, BOTH
10 COMMON CARRIERS AND CONTRACT CARRIERS, SHALL BE STRICTLY LIABLE
11 FOR THE LOSS OR DAMAGE TO THE HOUSEHOLD GOODS CARRIED; TO AMEND
12 SECTION 77-7-223, MISSISSIPPI CODE OF 1972, TO REMOVE REFERENCES
13 TO CODE SECTIONS REPEALED BY THIS ACT; TO REPEAL SECTION 77-7-211,
14 MISSISSIPPI CODE OF 1972, WHICH PROHIBITS COMMON CARRIERS OF
15 PASSENGERS FROM TRANSPORTING PASSENGERS UNLESS THE CARRIERS HAVE
16 FILED WITH THE COMMISSION TARIFFS SHOWING THEIR RATES, AND UNLESS
17 THOSE RATES HAVE BEEN PUBLISHED; TO REPEAL SECTION 77-7-213,
18 MISSISSIPPI CODE OF 1972, WHICH PROHIBITS COMMON CARRIERS BY MOTOR
19 VEHICLE FROM CHARGING OR RECEIVING COMPENSATION FOR TRANSPORTATION
20 OR RELATED SERVICES THAT DIFFERS FROM THE RATES SPECIFIED IN THEIR
21 TARIFFS; TO REPEAL SECTION 77-7-215, MISSISSIPPI CODE OF 1972,
22 WHICH PROHIBITS A CHANGE IN RATES OR CLASSIFICATIONS, OR IN ANY
23 RELATED REGULATIONS OR PRACTICES, SPECIFIED IN ANY ELECTIVE TARIFF
24 OF A COMMON CARRIER BY MOTOR VEHICLE, UNLESS 30 DAYS' NOTICE OF
25 THE PROPOSED CHANGE HAS BEEN FILED AND POSTED; TO REPEAL SECTION
26 77-7-217, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE
27 COMMISSION TO INVESTIGATE AND HOLD HEARINGS ON THE REASONABLENESS
28 OF COMMON CARRIER RATES AND CLASSIFICATIONS, AND TO DETERMINE
29 LAWFUL RATES AND CLASSIFICATIONS; TO REPEAL SECTION 77-7-219,
30 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE COMMISSION TO HOLD
31 HEARINGS ON THE LAWFULNESS OF COMMON CARRIER RATES, REGULATIONS
32 AND PRACTICES CONNECTED WITH A SCHEDULE CONTAINING NEW RATES OR
33 CLASSIFICATIONS, AND TO SUSPEND THE SCHEDULE AND DEFER THE USE OF
34 THE RATES, REGULATIONS OR PRACTICES FOR NO MORE THAN 180 DAYS; TO



35 REPEAL SECTION 77-7-221, MISSISSIPPI CODE OF 1972, WHICH LISTS
36 FACTORS TO BE CONSIDERED AND EXCLUDED BY THE COMMISSION IN
37 DETERMINING JUST AND REASONABLE RATES FOR THE TRANSPORTATION OF
38 PASSENGERS BY COMMON CARRIERS BY MOTOR VEHICLE; TO REPEAL SECTION
39 77-7-241, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS CONTRACT
40 CARRIERS BY MOTOR VEHICLE FROM TRANSPORTING PASSENGERS IN
41 INTRASTATE COMMERCE UNLESS THE CARRIERS HAVE FILED WITH THE
42 COMMISSION THEIR MINIMUM TRANSPORTATION CHARGES, AND UNLESS THOSE
43 CHARGES HAVE BEEN PUBLISHED, AND WHICH FURTHER PROHIBITS
44 REDUCTIONS IN CHARGES WITHOUT NOTICE; TO REPEAL SECTION 77-7-243,
45 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE COMMISSION TO
46 INVESTIGATE AND HOLD HEARINGS ON THE REASONABLENESS OF CONTRACT
47 CARRIER CHARGES, REGULATIONS AND PRACTICES FOR THE TRANSPORTATION
48 OF PASSENGERS IN INTRASTATE COMMERCE, AND TO DETERMINE MINIMUM
49 RATES AND DESIRABLE REGULATIONS AND PRACTICES UPON CONSIDERATION
50 OF CERTAIN FACTORS AND EXCLUSION OF OTHER FACTORS; TO REPEAL
51 SECTION 77-7-245, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE
52 COMMISSION TO HOLD HEARINGS ON THE LAWFULNESS OF CONTRACT CARRIER
53 CHARGES, REGULATIONS AND PRACTICES CONNECTED WITH A SCHEDULE OR
54 CONTRACT CONTAINING REDUCED CHARGES, AND TO SUSPEND THE SCHEDULE
55 OR CONTRACT AND DEFER THE USE OF THE CHARGES, REGULATIONS OR
56 PRACTICES FOR NO MORE THAN 180 DAYS; AND FOR RELATED PURPOSES.

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

58 **SECTION 1.** Section 77-7-45, Mississippi Code of 1972, is
59 amended as follows:

60 77-7-45. (1) Upon the filing of an application for a
61 certificate of public convenience and necessity the
62 commission * * * may, in its discretion, notify the applicant and
63 other parties known to have a substantial interest in the
64 application of the time and place for a public hearing, not less
65 than twenty (20) days prior thereto, and shall * * * determine the
66 application within a reasonable length of time. In determining
67 whether the certificate shall be granted, the commission shall,
68 among other things, give due consideration to the present
69 transportation facilities over the proposed route of the
70 applicant, the volume of traffic over the route, the financial



71 condition of the applicant, and the condition of the highway over
72 the proposed route, or routes.

73 (2) If the commission shall find the proposed operation
74 justified, and that the applicant is fit, willing and able to
75 perform properly the services proposed and to conform to the
76 provisions of this chapter and the requirements, rules and
77 regulations of the commission, it shall issue a certificate to the
78 applicant, subject to terms, limitations and restrictions as the
79 commission may deem proper, authorizing, in whole or in part, the
80 operations covered by the application. If the commission shall
81 find the proposed operation not justified, the application shall
82 be denied.

83 If the commission denies the application on the written
84 application, it shall notify the applicant by certified mail of
85 the denial. That notice shall further inform the applicant of the
86 date, time and place of a hearing, to be held not less than twenty
87 (20) days subsequent to the date of the notice, at which the
88 applicant shall be entitled to appear and present to the
89 commission reasons for the commission to reconsider the denial.
90 The commission shall render a final decision to grant or deny the
91 application within ten (10) days following such hearing.

92 (3) Notwithstanding any provision of this section to the
93 contrary, the certificate as applied for may be granted without a
94 hearing * * *; however, the commission may hear any * * * case if
95 it determines that the public interest will be served thereby.



96 **SECTION 2.** Section 77-7-51, Mississippi Code of 1972, is
97 amended as follows:

98 77-7-51. (1) Applications for permits shall be made to the
99 commission in writing, shall be verified under oath, shall be in
100 the form and contain the information as the commission may by
101 regulation require. A permit shall be issued to any qualified
102 applicant therefor authorizing, in whole or in part, the
103 operations covered by the application, if it appears from the
104 applications or from any hearing held thereon, that the applicant
105 is fit, willing, and able to perform properly the service of a
106 contract carrier by motor vehicle, and to conform to the
107 provisions of this chapter and the lawful requirements, rules and
108 regulations of the commission thereunder, and that the proposed
109 operation, to the extent authorized by the permit, will be
110 consistent with the public interest and the policy declared in
111 Section 77-7-3; otherwise, the application shall be denied.

112 (2) The commission shall specify in the permit the business
113 of the contract carrier covered thereby, and the scope thereof,
114 and shall attach to it, at the time of issuance, and, from time to
115 time, thereafter, reasonable terms, conditions and limitations
116 consistent with the character of the holder as a contract carrier
117 that are necessary to carry out, with respect to the operations of
118 the carrier, the requirements established by the commission under
119 authority of this chapter. However, no terms, conditions or
120 limitations shall restrict the right of the carrier to substitute



or add contracts within the scope of the permit, or to add to his, or her or its equipment or facilities, within the scope of permit, as the development of the business and the demands of the public may require.

(3) Notwithstanding any provision of this section to the contrary, the * * * permit as applied for may be granted without a hearing * * *; however, the commission may hear any * * * case if it determines that the public interest will be served thereby.

SECTION 3. Section 77-7-151, Mississippi Code of 1972, is amended as follows:

77-7-151. It shall be the duty of every * * * carrier of household goods by motor vehicle to provide safe and adequate service, equipment and facilities for the transportation of household goods. Carriers of household goods, both common carriers and contract carriers, shall be strictly liable for the loss or damage to household goods carried.

SECTION 4. Section 77-7-223, Mississippi Code of 1972, is amended as follows:

77-7-223. Nothing in * * * Section 77-7-151, 77-7-153 * * * or 77-7-187 * * * shall be held to extinguish any remedy or right of action not inconsistent therewith.

SECTION 5. Section 77-7-211, Mississippi Code of 1972, which prohibits common carriers of passengers from transporting passengers unless the carriers have filed with the commission



tariffs showing their rates, and unless those rates have been published, is repealed.

SECTION 6. Section 77-7-213, Mississippi Code of 1972, which prohibits common carriers by motor vehicle from charging or receiving compensation for transportation or related services that differs from the rates specified in their tariffs, is repealed.

SECTION 7. Section 77-7-215, Mississippi Code of 1972, which prohibits a change in rates or classifications, or in any related regulations or practices, specified in any elective tariff of a common carrier by motor vehicle, unless thirty (30) days' notice of the proposed change has been filed and posted, is repealed.

SECTION 8. Section 77-7-217, Mississippi Code of 1972, which authorizes the commission to investigate and hold hearings on the reasonableness of common carrier rates and classifications, and to determine lawful rates and classifications, is repealed.

SECTION 9. Section 77-7-219, Mississippi Code of 1972, which authorizes the commission to hold hearings on the lawfulness of common carrier rates, regulations and practices connected with a schedule containing new rates or classifications, and to suspend the schedule and defer the use of the rates, regulations or practices for no more than one hundred eighty (180) days, is repealed.

SECTION 10. Section 77-7-221, Mississippi Code of 1972, which lists factors to be considered and excluded by the commission in determining just and reasonable rates for the



transportation of passengers by common carriers by motor vehicle,
is repealed.

SECTION 11. Section 77-7-241, Mississippi Code of 1972,
which prohibits contract carriers by motor vehicle from
transporting passengers in intrastate commerce unless the carriers
have filed with the commission their minimum transportation
charges, and unless those charges have been published, and which
further prohibits reductions in charges without notice, is
repealed.

SECTION 12. Section 77-7-243, Mississippi Code of 1972,
which authorizes the commission to investigate and hold hearings
on the reasonableness of contract carrier charges, regulations and
practices for the transportation of passengers in intrastate
commerce, and to determine minimum rates and desirable regulations
and practices upon consideration of certain factors and exclusion
of other factors, is repealed.

SECTION 13. Section 77-7-245, Mississippi Code of 1972,
which authorizes the commission to hold hearings on the lawfulness
of contract carrier charges, regulations and practices connected
with a schedule or contract containing reduced charges, and to
suspend the schedule or contract and defer the use of the charges,
regulations or practices for no more than one hundred eighty (180)
days, is repealed.

SECTION 14. This act shall take effect and be in force from
and after July 1, 2020.

