

By: Representatives Bain, Hopkins,  
Williamson

To: Transportation

HOUSE BILL NO. 411

1 AN ACT TO AMEND SECTION 63-1-203, MISSISSIPPI CODE OF 1972,  
2 TO EXCLUDE CHURCH-OWNED VEHICLES EQUIPPED TO TRANSPORT THIRTY OR  
3 LESS PASSENGERS FROM THE DEFINITION OF COMMERCIAL MOTOR VEHICLE  
4 FOR THE PURPOSES OF COMMERCIAL DRIVER'S LICENSES; AND FOR RELATED  
5 PURPOSES.

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

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

9 63-1-203. As used in this article:

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

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

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

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



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

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

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

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

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

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

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



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

48 (v) The term shall not include:

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

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

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

65 4. Farm vehicles, which are vehicles:

66 a. Controlled and operated by a farmer;

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



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

72 d. Used within one hundred fifty (150)  
73 miles of the farm \* \* \*; and

74 5. Church-owned vehicles equipped to  
75 transport thirty (30) passengers or less.

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

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



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

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

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

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

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

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

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

117 (m) "Gross combination weight rating" or "GCWR" means  
118 the value specified by the manufacturer as the loaded weight of a



119 combination (articulated) vehicle. In the absence of a value  
120 specified by the manufacturer, gross combination weight rating  
121 will be determined by adding the gross vehicle weight rating of  
122 the power unit and the total weight of the towed unit and any load  
123 thereon.

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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





192           **SECTION 2.** This act shall take effect and be in force from  
193 and after July 1, 2023.

