

By: Representative Tullos

To: Transportation;
Judiciary A

HOUSE BILL NO. 553

1 AN ACT TO AMEND SECTION 63-1-203, MISSISSIPPI CODE OF 1972,
2 TO EXPAND THE DEFINITION OF THE TERM "COMMERCIAL DRIVER'S LICENSE"
3 FOR THE PURPOSE OF EXEMPTING COUNTY AND MUNICIPAL EMPLOYEES FROM
4 THE REQUIREMENT OF POSSESSING A CDL TO OPERATE VEHICLES AND
5 EQUIPMENT OWNED AND OPERATED BY THE LOCAL COUNTY OR MUNICIPAL
6 GOVERNING AUTHORITY; 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 * * *; and

75 5. Vehicles and equipment owned or operated
76 by local county and municipal governing authorities, which such
77 vehicles are:

78 a. Under the control of the local
79 governing authority;

80 b. Operated by personnel employed by the
81 local governing authority who are in the performance of his or her
82 work related duties;

83 c. Used to transport either products,
84 other machinery, supplies, or both, to or from an assigned work
85 site, place of origin or final destination of such items or
86 machinery; and

87 d. Not used in the operations of a
88 common or contract motor carrier.

89 (g) "Controlled substance" means any substance so
90 classified under Section 102(6) of the Controlled Substances Act,
91 21 USCS 802(6), and includes all substances listed on Schedules I
92 through V of 21 Code of Federal Regulations, Part 1308, as they
93 may be revised from time to time, any substance so classified
94 under Sections 41-29-113 through 41-29-121, Mississippi Code of



95 1972, and any other substance which would impair a person's
96 ability to operate a motor vehicle.

97 (h) "Conviction" means an unvacated adjudication of
98 guilt, or a determination by a judge or hearing officer that a
99 person has violated or failed to comply with the law in a court of
100 original jurisdiction or an authorized administrative tribunal, an
101 unvacated forfeiture of bail or collateral deposited to secure the
102 person's appearance in court, the payment of a fine or court cost,
103 or violation of a condition of release without bail, regardless of
104 whether or not the penalty is rebated, suspended or probated.
105 Conviction shall also mean a plea of guilty or nolo contendere
106 which has been accepted by the court.

107 (i) "Disqualification" means any of the following three
108 (3) actions:

109 (i) The suspension, revocation or cancellation of
110 a commercial driver's license by the state or jurisdiction of
111 issuance;

112 (ii) Any withdrawal of a person's privilege to
113 drive a commercial motor vehicle by a state or other jurisdiction
114 as the result of a violation of state or local law relating to
115 motor vehicle traffic control, other than parking, vehicle weight
116 or vehicle defect violations; or

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



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

123 (k) "Employer" means any person, including the United
124 States, a state, the District of Columbia or a political
125 subdivision of a state, who owns or leases a commercial motor
126 vehicle or assigns employees to operate a commercial motor
127 vehicle.

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

130 (m) "Gross combination weight rating" or "GCWR" means
131 the value specified by the manufacturer as the loaded weight of a
132 combination (articulated) vehicle. In the absence of a value
133 specified by the manufacturer, gross combination weight rating
134 will be determined by adding the gross vehicle weight rating of
135 the power unit and the total weight of the towed unit and any load
136 thereon.

137 (n) "Gross vehicle weight rating" or "GVWR" means the
138 value specified by the manufacturer as the loaded weight of a
139 single vehicle.

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



145 (p) "Imminent hazard" means the existence of a
146 condition that presents a substantial likelihood that death,
147 serious illness, severe personal injury, or a substantial
148 endangerment to health, property, or the environment may occur
149 before the reasonably foreseeable completion date of a formal
150 proceeding begun to lessen the risk of that death, illness,
151 injury, or endangerment.

152 (q) "Nonresident commercial driver's license" or
153 "nonresident CDL" means a commercial driver's license issued by a
154 state to an individual under either of the following two (2)
155 conditions:

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

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

160 (r) "Serious traffic violation" means conviction at any
161 time when operating a commercial motor vehicle or at those times
162 when operating a noncommercial motor vehicle when the conviction
163 results in the revocation, cancellation, or suspension of the
164 operator's license or operating privilege, of:

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

168 (ii) Reckless driving, as defined under state or
169 local law;



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

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

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

178 (vi) Operating a commercial motor vehicle without
179 obtaining a commercial driver's license;

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

182 (viii) Operating a commercial motor vehicle
183 without the proper class of commercial driver's license or
184 endorsements, or both.

185 (s) "Out-of-service order" means a declaration by an
186 authorized enforcement officer of a federal, state, Canadian,
187 Mexican, or local jurisdiction, that a driver, or a commercial
188 motor vehicle, or a motor carrier operation, is out of service
189 pursuant to 49 CFR, Part 386.72, 392.5, 395.13, 396.9 or
190 compatible laws, or the North American Uniform Out-of-Service
191 Criteria.

192 (t) "State of domicile" means that state where a person
193 has a true, fixed and permanent home and principal residence and



194 to which the person has the intention of returning whenever the
195 person is absent.

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

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

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

