

By: Representatives Hood, Mickens

To: County Affairs;
Transportation

HOUSE BILL NO. 658

1 AN ACT TO AMEND SECTION 63-1-203, MISSISSIPPI CODE OF 1972,
2 TO EXCLUDE COUNTY-OWNED GARBAGE TRUCKS FROM THE DEFINITION OF
3 COMMERCIAL MOTOR VEHICLE FOR THE PURPOSES OF COMMERCIAL DRIVER'S
4 LICENSES; AND FOR RELATED PURPOSES.

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

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

8 63-1-203. As used in this article:

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

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

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

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



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

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

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

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

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

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

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



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

47 (v) The term shall not include:

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

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

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

64 4. Farm vehicles, which are vehicles:

65 a. Controlled and operated by a farmer;

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



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

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

73 5. County-owned garbage trucks.

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

