

By: Senator(s) Hickman

To: Judiciary, Division B

SENATE BILL NO. 2357

1 AN ACT TO AMEND SECTION 63-1-203, MISSISSIPPI CODE OF 1972,  
2 TO EXCLUDE SOLID WASTE COLLECTION OR DISPOSAL VEHICLES FROM THE  
3 DEFINITION OF THE TERM "COMMERCIAL MOTOR VEHICLES" IN THE  
4 COMMERCIAL DRIVER'S LICENSE ACT; 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 \* \* \*; or

73 5. Solid waste collection or disposal  
74 vehicles.

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, 2023.

