

By: Representative Tullos

To: Transportation

HOUSE BILL NO. 147

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;



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

(v) The term shall not include:

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

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

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

4. Farm vehicles, which are vehicles:

a. Controlled and operated by a farmer;

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

(w) "Fully autonomous vehicle" means a motor vehicle equipped with an automated driving system designed to function without a human driver as a Level 4 or Level 5 automation system under the Society of Automotive Engineers (SAE) Standard J3016.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2025.

