

By: Senator(s) Hewes

To: Highways and
Transportation

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3042

1 AN ACT TO AMEND SECTIONS 77-7-7 AND 77-7-16, MISSISSIPPI CODE
2 OF 1972, TO EXEMPT CERTAIN VEHICLES FROM REGULATION UNDER THE
3 MISSISSIPPI MOTOR CARRIER REGULATORY LAW OF 1938; TO PROVIDE THAT
4 THE STATE ENACTS THE EXEMPTION ALLOWED UNDER FEDERAL REGULATIONS
5 FOR INTRASTATE COMMERCE; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 77-7-7, Mississippi Code of 1972, is
8 amended as follows:

9 77-7-7. Whenever used in this chapter unless expressly
10 stated otherwise:

11 (a) The term "person" means individual, firm,
12 copartnership, corporation, company, association or joint-stock
13 association, and includes any trustee, receiver, assignee or
14 personal representative thereof.

15 (b) The term "commission" means the Public Service
16 Commission of the State of Mississippi.

17 (c) The term "highway" means every public highway or
18 place of whatever nature open to the use of the public for
19 purposes of vehicle travel in this state, including the streets
20 and alleys in towns and cities.

21 (d) The term "motor vehicle" and "vehicle" means any
22 vehicle, machine, tractor, trailer or semitrailer propelled or
23 drawn by mechanical power and used upon the highways in the
24 transportation of passengers or property; such term, however, does
25 not include any vehicle, locomotive or car operated exclusively on
26 a rail or rails.

27 (e) The term "common carrier by motor vehicle" means
28 any person who or which undertakes, whether directly or by a lease

29 or any other arrangement, to transport passengers or household
30 goods.

31 (f) The term "contract carrier by motor vehicle" means
32 any person, not included under subsection (e) of this section, who
33 or which, under special and individual contracts or agreements,
34 and whether directly or by a lease or any other arrangement,
35 transports passengers or household goods.

36 (g) The term "restricted motor carrier" means all
37 carriers of property, except household goods, by motor vehicle for
38 compensation.

39 (h) The "services" and "transportation" to which this
40 chapter applies include all vehicles operated by, for or in the
41 interest of any motor carrier irrespective of ownership or
42 contract, express or implied, together with all facilities and
43 property operated or controlled by any such carrier or carriers
44 and used in the transportation of passengers or property or in the
45 performance of any service in connection therewith.

46 (i) The term "certificate" means a certificate of
47 public convenience and necessity issued by the commission to
48 common carriers by motor vehicle and restricted common carriers by
49 motor vehicle under this chapter.

50 (j) The term "permit" means a permit issued by the
51 commission to contract carriers by motor vehicle under this
52 chapter.

53 (k) The term "interstate permit" means a permit issued
54 under the terms of this chapter to the holder of a certificate of
55 public convenience and necessity, a permit, or other operating
56 authority from the Interstate Commerce Commission.

57 (l) The term "owner" or "operator" and "owner and
58 operator" means any individual, firm, copartnership, corporation,
59 company, association or joint-stock association, and includes any
60 trustee, receiver, assignee or personal representative thereof, to
61 whom or to which a certificate of convenience and necessity or

62 permit or interstate permit has been issued by the Public Service
63 Commission.

64 (m) The term "vanpooling" means a nonprofit arrangement
65 entered into to provide for the transportation of persons to and
66 from their places of employment utilizing a motor vehicle
67 manufactured primarily for the transporting of not less than eight
68 (8) nor more than fifteen (15) people, and where the costs of
69 operating said vehicle, including reasonable vehicle depreciation
70 costs, are paid for by those people utilizing such arrangement.

71 (n) The term "gross vehicle weight rating (GVWR)" means
72 the value specified by the manufacturer as the loaded weight of a
73 single motor vehicle.

74 (o) The term "gross combination weight rating (GCWR)"
75 means the value specified by the manufacturer as the loaded weight
76 of a combination (articulated) motor vehicle. In the absence of a
77 value specified by the manufacturer, GCWR will be determined by
78 adding the GVWR of the power unit and the total weight of the
79 towed unit and any load thereon.

80 **SECTION 2.** Section 77-7-16, Mississippi Code of 1972, is
81 amended as follows:

82 77-7-16. (1) Supervision and inspection of the safe
83 operation and the safe use of equipment of motor vehicles
84 operating in the state shall be a specified duty of the
85 Mississippi Transportation Commission. In accordance therewith,
86 the commission shall promulgate as its own and enforce the rules,
87 regulations, requirements and classifications of the United States
88 Department of Transportation or any successor federal agency
89 thereof charged with the regulation of motor vehicle safety. The
90 Mississippi Transportation Commission shall establish a system of
91 reciprocity with other states to facilitate the inspection of
92 motor vehicles provided for in this subsection.

93 (2) The Mississippi Transportation Commission shall have the
94 authority to inspect for safe operation and safe use of equipment
95 the following motor vehicles:

96 (a) Each holder of a certificate of convenience and
97 necessity, a permit to operate as a contract carrier or interstate
98 permit;

99 (b) Any individual, corporation or partnership engaged
100 in a commercial enterprise operating a single motor vehicle or
101 those in combination with a manufacturer's gross vehicle rating of
102 more than ten thousand (10,000) pounds; and

103 (c) Any individual, corporation or partnership
104 operating a motor vehicle of any gross weight transporting
105 hazardous material that requires placarding under the Federal
106 Hazardous Material Regulations.

107 (3) This section shall not apply to the following:

108 (a) Motor vehicles employed to transport school
109 children and teachers;

110 (b) Motor vehicles owned and operated by the United
111 States, District of Columbia or any state or any municipality or
112 any other political subdivision of this state;

113 (c) Motor vehicles engaged in the occasional
114 transportation of personal property without compensation by
115 individuals which is not in the furtherance of a commercial
116 enterprise;

117 (d) Motor vehicles engaged in the transportation of
118 human corpses or sick or injured persons;

119 (e) Motor vehicles engaged in emergency or related
120 operations;

121 (f) Motor vehicles engaged in the private
122 transportation of passengers;

123 (g) Motor vehicles, including pick-up trucks, that have
124 a GVWR or GCWR of Twenty-six Thousand (26,000) pounds or less,
125 operating intrastate only, provided that such vehicle does not:

126 (i) Transport hazardous material requiring a
127 placard; or

128 (ii) Transport sixteen (16) or more passengers,
129 including the driver.

130 (h) Motor vehicles owned and operated by any farmer
131 who:

132 (i) Is using the vehicle to transport agricultural
133 products from a farm owned by the farmer, or to transport farm
134 machinery or farm supplies to or from a farm owned by the farmer;

135 (ii) Is not using the vehicle to transport
136 hazardous materials of a type or quantity that requires the
137 vehicle to be placarded in accordance with the Federal Hazardous
138 Material Regulations in CFR 49 part 177.823; and

139 (iii) Is using the vehicle within one hundred
140 fifty (150) air miles of the farmer's farm, and the vehicle is a
141 private motor carrier of property.

142 (i) Motor vehicles engaged in the transportation of
143 logs and pulpwood between the point of harvest and the first point
144 of processing the harvested product;

145 (j) Motor vehicles engaged exclusively in hauling
146 gravel, soil or other unmanufactured road building materials;

147 (k) As to hours of service only, utility service
148 vehicles owned or operated by public utilities subject to
149 regulation by the commission, while in intrastate commerce within
150 this state, with a manufacturer's gross vehicle rating of less
151 than twenty-six thousand one (26,001) pounds, unless the vehicle:

152 (i) Transports hazardous materials requiring a
153 placard; or

154 (ii) Is designed or used to transport sixteen (16)
155 or more people, including the driver.

156 (4) Anyone who violates or fails to comply with this section
157 shall be subject to the penalties as provided for in Section
158 77-7-311, Mississippi Code of 1972.

159 **SECTION 3.** Notwithstanding the provisions of this chapter to
160 the contrary, Parts 390 through 397, Title 49, Code of Federal
161 Regulations, shall not apply to commercial motor vehicles operated
162 in intrastate commerce to transport property which have a gross
163 vehicle weight rating or gross combination weight rating of
164 twenty-six thousand (26,000) pounds or less. The exception
165 provided by this section shall not apply to vehicles transporting
166 hazardous materials required to be placarded, or to vehicles
167 designed to transport sixteen (16) or more passengers, including
168 the driver, as defined in Title 49 of the Code of Federal
169 Regulations.

170 **SECTION 4.** This act shall take effect and be in force from
171 and after July 1, 2007.