

By: Senator(s) Branning, England

To: Highways and  
Transportation

SENATE BILL NO. 2478

1 AN ACT TO PROHIBIT CONSIDERATION OF THE DEPLOYMENT,  
2 IMPLEMENTATION OR USE OF A MOTOR CARRIER SAFETY IMPROVEMENT, BY OR  
3 AS REQUIRED BY A MOTOR CARRIER OR ITS RELATED ENTITY, INCLUDING BY  
4 CONTRACT, IN THE EVALUATION OF AN INDIVIDUAL'S STATUS AS AN  
5 EMPLOYEE, INDEPENDENT CONTRACTOR OR JOINTLY EMPLOYED EMPLOYEE  
6 UNDER ANY STATE LAW; TO AMEND SECTION 77-7-7, MISSISSIPPI CODE OF  
7 1972, TO DEFINE THE TERM "MOTOR CARRIER SAFETY IMPROVEMENT"; AND  
8 FOR RELATED PURPOSES.

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

10 **SECTION 1.** The deployment, implementation or use of a motor  
11 carrier safety improvement, as defined in Section 77-7-7, by or as  
12 required by a motor carrier or its related entity, including by  
13 contract, shall not be considered in the evaluation of an  
14 individual's status as an employee, independent contractor or  
15 jointly employed employee under any state law.

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

18 77-7-7. Whenever used in this chapter unless expressly  
19 stated otherwise:

20 (a) The term "person" means individual, firm,  
21 copartnership, corporation, company, association or joint-stock



22 association, and includes any trustee, receiver, assignee or  
23 personal representative thereof.

24 (b) The term "commission" means the Mississippi  
25 Transportation Commission.

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

30 (d) The term "motor vehicle" and "vehicle" means any  
31 vehicle, machine, tractor, trailer or semitrailer propelled or  
32 drawn by mechanical power and used upon the highways in the  
33 transportation of passengers or property; such term, however, does  
34 not include any vehicle, locomotive or car operated exclusively on  
35 a rail or rails.

36 (e) The term "common carrier by motor vehicle" means  
37 any person who or which undertakes, whether directly or by a lease  
38 or any other arrangement, to transport passengers or household  
39 goods.

40 (f) The term "contract carrier by motor vehicle" means  
41 any person, not included under \* \* \* paragraph (e) of this  
42 section, who or which, under special and individual contracts or  
43 agreements, and whether directly or by a lease or any other  
44 arrangement, transports passengers or household goods.



45 (g) The term "restricted motor carrier" means all  
46 carriers of property, except household goods, by motor vehicle for  
47 compensation.

48 (h) The "services" and "transportation" to which this  
49 chapter applies include all vehicles operated by, for or in the  
50 interest of any motor carrier irrespective of ownership or  
51 contract, express or implied, together with all facilities and  
52 property operated or controlled by any such carrier or carriers  
53 and used in the transportation of passengers or property or in the  
54 performance of any service in connection therewith.

55 (i) The term "certificate" means a certificate of  
56 public convenience and necessity issued by the commission to  
57 common carriers by motor vehicle and restricted common carriers by  
58 motor vehicle under this chapter.

59 (j) The term "permit" means a permit issued by the  
60 commission to contract carriers by motor vehicle under this  
61 chapter.

62 (k) The term "interstate permit" means a permit issued  
63 under the terms of this chapter to the holder of a certificate of  
64 public convenience and necessity, a permit, or other operating  
65 authority from the U.S. Department of Transportation.

66 (l) The term "owner" or "operator" and "owner and  
67 operator" means any individual, firm, copartnership, corporation,  
68 company, association or joint-stock association, and includes any  
69 trustee, receiver, assignee or personal representative thereof, to



70 whom or to which a certificate of convenience and necessity or  
71 permit or interstate permit has been issued by the commission.

72 (m) The term "vanpooling" means a nonprofit arrangement  
73 entered into to provide for the transportation of persons to and  
74 from their places of employment utilizing a motor vehicle  
75 manufactured primarily for the transporting of not less than eight  
76 (8) nor more than fifteen (15) people, and where the costs of  
77 operating said vehicle, including reasonable vehicle depreciation  
78 costs, are paid for by those people utilizing such arrangement.

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

82 (o) The term "gross combination weight rating (GCWR)"  
83 means the value specified by the manufacturer as the loaded weight  
84 of a combination (articulated) motor vehicle. In the absence of a  
85 value specified by the manufacturer, GCWR will be determined by  
86 adding the GVWR of the power unit and the total weight of the  
87 towed unit and any load thereon.

88 (p) The term "motor carrier safety improvement" means  
89 any device, equipment, software, technology, procedure, training,  
90 policy, program or operational practice intended and primarily  
91 used to improve or facilitate compliance with traffic safety or  
92 motor carrier safety laws, safety of a motor vehicle, safety of  
93 the operator of a motor vehicle or safety of third-party users of  
94 highways of this state.



95           **SECTION 3.** This act shall take effect and be in force from  
96 and after July 1, 2021.

