

By: Ford

To: Transportation

HOUSE BILL NO. 248  
(As Passed the House)

1 AN ACT TO AMEND SECTION 27-19-81 AND 63-5-33, MISSISSIPPI  
2 CODE OF 1972, TO EXTEND THE DATE OF THE REPEALERS ON THE  
3 PROVISIONS OF LAW THAT AUTHORIZE THE MISSISSIPPI DEPARTMENT OF  
4 TRANSPORTATION TO ISSUE HARVEST PERMITS TO OWNERS AND OPERATORS OF  
5 VEHICLES HAULING CERTAIN PRODUCTS; TO REVISE THE MAXIMUM AXLE LOAD  
6 SPECIFICATIONS TO CONFORM WITH FEDERAL LAW; AND FOR RELATED  
7 PURPOSES.

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

9 SECTION 1. Section 27-19-81, Mississippi Code of 1972, is  
10 amended as follows:[LH1]

11 27-19-81. (1) No vehicle shall be registered by the State  
12 Tax Commission or by a tax collector, and no license tag  
13 whatsoever shall be issued therefor, where the gross weight of  
14 such vehicle exceeds the limits provided by law. In the event of  
15 an emergency requiring the hauling of a greater gross weight than  
16 permitted by law, the owner or operator of such vehicle shall  
17 obtain an excess weight authorization from the Mississippi  
18 Department of Transportation or local authority having  
19 jurisdiction of the particular road, street or highway before  
20 operating such vehicle on the highways of this state to haul such  
21 a gross weight over a route to be designated by the aforesaid  
22 department. It shall then be necessary for the owner or operator  
23 of the vehicle to obtain a permit from the Transportation  
24 Department, which shall be issued by the department under the same  
25 provisions as are provided for the issuance of trip permits under  
26 Section 27-19-79, but which permit shall likewise be obtained  
27 prior to the operation of such vehicle on the highways. No  
28 persons or agencies other than the Mississippi Department of

29 Transportation shall have authority to issue the permits provided  
30 for in this section. The fee to be charged for such permits shall  
31 be computed in the same manner provided in Section 27-19-79 for  
32 each one thousand (1,000) pounds, or fractional part thereof, of  
33 gross weight above the licensed capacity of the vehicle, up to the  
34 maximum legal weights provided by this article on the roads to be  
35 traveled.

36 This subsection shall apply, but not be limited, to any  
37 tractor, road roller or road machinery used solely and  
38 specifically in road building or other highway construction or  
39 maintenance work.

40 For each one thousand (1,000) pounds, or fractional part  
41 thereof, in excess of the weight authorized by Sections 63-5-29  
42 and 63-5-33 for any such vehicle or in excess of the limits set by  
43 the Transportation Department for specified roads and bridges, the  
44 fee shall be Five Cents (5¢) per one thousand (1,000) pounds, or  
45 fractional part thereof, for each mile traveled upon the highways  
46 of the state, except that the fee for manufactured housing modular  
47 units, residential or commercial, shall be Two Cents (2¢) per one  
48 thousand (1,000) pounds, or fractional part thereof, for each mile  
49 traveled upon the highways of the state. Provided, however, no  
50 permit shall be issued for a fee of less than Ten Dollars  
51 (\$10.00).

52 The Transportation Department may provide for an annual  
53 permit which will allow pre-approved vehicles and loads to travel  
54 predesignated routes with self-issued permits. Under such  
55 self-issuance authority, the owner of the vehicle shall complete  
56 the permit in a format designated by the department,  
57 electronically transmit a copy to the department prior to the  
58 move, and ensure that a copy is in the possession of the operator.  
59 Vehicles having a gross weight exceeding the limits provided by  
60 law that have a nondivisible gross vehicle weight of ninety-five  
61 thousand (95,000) pounds or less, which are otherwise legal, shall  
62 not be restricted as to the hours of the day such vehicles may be  
63 operated on predesignated routes. The department shall bill the  
64 vehicle owner according to the provisions of the preceding  
65 paragraph. The department is authorized to modify predesignated

66 routes at any time for cause, such as highway construction or  
67 hazardous highway conditions. The annual fee for the  
68 self-issuance permit authority obtained pursuant to this paragraph  
69 shall be Five Hundred Dollars (\$500.00) per owner, regardless of  
70 the number of vehicles which he will operate pursuant to such  
71 permit, in addition to any other fees required by this section.  
72 Any vehicle and load being operated pursuant to this paragraph for  
73 which the operator does not have the permit or a copy thereof in  
74 his possession, or for which a copy of the permit was not  
75 electronically transmitted to the department, shall be deemed not  
76 to have a permit and shall be penalized accordingly.

77 (2) Before operating a vehicle where the size of the load  
78 being hauled is in excess of that permitted by law, the owner or  
79 operator of such vehicle shall obtain excess size authorization  
80 from the Transportation Department or proper local authority and  
81 an excess size permit from the Transportation Department. Such  
82 excess size permit shall be issued by the Mississippi Department  
83 of Transportation under the same provisions as are provided for  
84 the issuance of trip permits under Section 27-19-79, and it shall  
85 be obtained prior to the operation of such vehicle on the  
86 highways. The fee to be charged for such excess size permit shall  
87 be Ten Dollars (\$10.00) per trip. Such permits may be issued for  
88 an extended period of time and must coincide with the expiration  
89 date and other provisions of the carrier's permit or authorization  
90 issued by the Transportation Department or local authority. The  
91 fee for such extended permits shall be based upon an annual fee of  
92 One Hundred Dollars (\$100.00) per carrier. No permit shall be  
93 issued under this subsection if the issuance of the permit would  
94 violate federal law or would cause the State of Mississippi to  
95 lose federal aid funds. This subsection shall not apply to any  
96 tractor, road roller or road machinery used solely and  
97 specifically in road building or other highway construction or  
98 maintenance work or to any machinery or equipment operated on the

99 highways or transported thereon in the course of normal farming  
100 activities, including cotton module transporters.

101 (3) The Executive Director of the Mississippi Department of  
102 Transportation may authorize certain carriers of property to issue  
103 overweight and/or oversize permits for vehicles owned or operated  
104 by such carriers, provided such carriers have blanket  
105 authorization from the Transportation Commission and also meet  
106 other requirements established by the Transportation Commission.

107 (4) The owner or operator of a vehicle hauling sand, gravel,  
108 fill dirt, agricultural products or unprocessed forestry products  
109 may apply to the Mississippi Department of Transportation for a  
110 harvest permit for the purpose of authorizing any such vehicles to  
111 operate on the highways in this state (other than the federal  
112 interstate system or those highways designated by the Mississippi  
113 Department of Transportation as not capable of carrying more than  
114 fifty-seven thousand six hundred fifty (57,650) pounds at the  
115 maximum gross weight specified in Section 63-5-33). Harvest  
116 permits may be issued and are valid to permit any such vehicle to  
117 be operated on a highway in this state that has been designated by  
118 the Mississippi Department of Transportation as not capable of  
119 carrying more than fifty-seven thousand six hundred fifty (57,650)  
120 pounds only if such vehicle operates in compliance with the  
121 provisions of Section 63-5-29(3)(b). A fee of Twenty-five Dollars  
122 (\$25.00) shall be charged for each permit issued. The permit  
123 shall be in the form of a decal which shall be affixed to each  
124 permitted vehicle on the upper left corner of the windshield on  
125 the driver's side. Each permit shall expire one (1) year from its  
126 date of issue. The fees collected under this subsection shall be  
127 deposited into a special fund that is created in the State  
128 Treasury. Monies in the fund shall be allocated and distributed  
129 quarterly, beginning September 30, 1994, to each of the counties  
130 of the state on an equal basis. Monies distributed to the  
131 counties under this subsection shall be deposited in each county's

132 road and bridge fund and may be expended, upon approval of the  
133 board of supervisors, for any purpose for which county road and  
134 bridge fund monies lawfully may be expended. This subsection (4)  
135 shall stand repealed from and after July 1, 2001.

136 (5) Any owner or operator who has met the requirements set  
137 by the Mississippi Transportation Commission may defer payment of  
138 permits issued by the department until the end of the current  
139 month. If full payment is not received by the twentieth of the  
140 following month, there may be added as damages to the total amount  
141 of the delinquency or deficiency the following percentages: ten  
142 percent (10%) for the first offense; fifteen percent (15%) for the  
143 second offense and twenty-five percent (25%) for the third and any  
144 subsequent offense. Upon the third offense, the department may  
145 suspend the privilege to defer payment. The balance due shall  
146 become payable upon notice and demand by the department.

147 (6) The permit fee monies collected under this section,  
148 except as provided for in subsection (4) of this section, shall be  
149 deposited into the State Highway Fund for the construction,  
150 maintenance and reconstruction of highways and roads of the State  
151 of Mississippi or the payment of interest and principal on bonds  
152 authorized by the Legislature for construction and reconstruction  
153 of highways.

154 (7) The department may waive the permits, taxes and fees set  
155 forth in this section whenever a motor vehicle is operated upon  
156 the public highways in this state in response to an emergency, a  
157 major disaster or the threat of a major disaster.

158 SECTION 2. Section 63-5-33, Mississippi Code of 1972, is  
159 amended as follows:

160 63-5-33. (1) Subject to the limitations imposed on wheel  
161 and axle loads by Section 63-5-27, and to the further limitations  
162 hereinafter specified, the total combined weight (vehicles plus  
163 load) on any group of axles of a vehicle or a combination of  
164 vehicles shall not exceed the value given in the following table

165 (Table III) corresponding to the distance in feet between the  
 166 extreme axles of the group, measured longitudinally to the nearest  
 167 foot, on those highways or parts of highways designated by the  
 168 Mississippi Transportation Commission as being capable of carrying  
 169 the maximum load limits and, in addition thereto, such other  
 170 highways or parts of highways found by the commission to be  
 171 suitable to carry the maximum load limits from an engineering  
 172 standpoint, and so designated as such by order of the commission  
 173 entered upon its minutes and published once each week for three  
 174 (3) consecutive weeks in a daily newspaper published in this state  
 175 and having a general circulation therein. The maximum total  
 176 combined weight carried on any group of two (2) or more  
 177 consecutive axles shall be determined by the formula contained in  
 178 the Federal Weight Law enacted January 4, 1975, as follows:  $W=500$   
 179  $(LN/N-12+NP)$  where  $W$ =maximum weight in pounds carried on any group  
 180 of two (2) or more axles computed to nearest five hundred (500)  
 181 pounds,  $L$ =distance in feet between the extremes of any group of  
 182 two (2) or more consecutive axles, and  $N$ =number of axles in group  
 183 under consideration.

184 TABLE III

185	DISTANCE					
186	IN FEET					
187	BETWEEN THE					
188	EXTREMES OF					
189	ANY GROUP					
190	OF 2 OR MORE					
191	CONSECUTIVE					
192	AXLES					
	MAXIMUM LOAD IN POUNDS CARRIED ON ANY					
	GROUP OF 2 OR MORE CONSECUTIVE AXLES					
193	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
194	4	34,000				
195	5	34,000				
196	6	34,000	Axle groups in			
197	7	34,000				

198	<u>8 and</u>						
199	<u>less 34,000</u>	<u>34,000</u>	<u>these spacings</u>				
200	<u>More</u>						
201	<u>than</u>						
202	<u>8</u>	<u>38,000</u>	<u>42,000</u>				
203	9	39,000	42,500				
204	10	40,000	43,500	impractical			
205	11		44,000				
206	12		45,000	50,000			
207	13		45,500	50,500			
208	14		46,500	51,500			
209	15		47,000	52,000			
210	16		48,000	52,500	58,000		
211	17		48,500	53,500	58,500		
212	18		49,500	54,000	59,000		
213	19		50,000	54,500	60,000		
214	20		51,000	55,500	60,500	66,000	
215	21		51,500	56,000	61,000	66,500	
216	22		52,500	56,500	61,500	67,000	
217	23		53,000	57,500	62,500	68,000	
218	24		54,000	58,000	63,000	68,500	74,000
219	25		54,500	58,500	63,500	69,000	74,500
220	26		55,500	59,500	64,000	69,500	75,000
221	27		56,000	60,000	65,000	70,000	75,500
222	28		57,000	60,500	65,500	71,000	76,500
223	29		57,500	61,500	66,000	71,500	77,000
224	30		58,500	62,000	66,500	72,000	77,500
225	31		59,000	62,500	67,500	72,500	78,000
226	32		60,000	63,500	68,000	73,000	78,500
227	33			64,000	68,500	74,000	79,000
228	34			64,500	69,000	74,500	80,000
229	35			65,500	70,000	75,000	80,000
230	36			66,000	70,500	75,500	80,000

231	37	66,500	71,000	76,000	80,000
232	38	67,500	71,500	77,000	80,000
233	39	68,000	72,500	77,500	80,000
234	40	68,500	73,000	78,000	80,000
235	41	69,500	73,500	78,500	80,000
236	42	70,000	74,000	79,000	80,000
237	43	70,500	75,000	80,000	80,000
238	44	71,500	75,500	80,000	80,000
239	45	72,000	76,000	80,000	80,000
240	46	72,500	76,500	80,000	80,000
241	47	73,500	77,500	80,000	80,000
242	48	74,000	78,000	80,000	80,000
243	49	74,500	78,500	80,000	80,000
244	50	75,500	79,000	80,000	80,000
245	51	76,000	80,000	80,000	80,000
246	52	76,500	80,000	80,000	80,000
247	53	77,500	80,000	80,000	80,000
248	54	78,000	80,000	80,000	80,000
249	55	78,500	80,000	80,000	80,000
250	56	79,500	80,000	80,000	80,000
251	57	80,000	80,000	80,000	80,000

252           (2) Moreover, in addition to the per axle weight limitations  
253 specified by Section 63-5-27, two (2) consecutive sets of tandem  
254 axles may carry a gross load of thirty-four thousand (34,000)  
255 pounds each, providing that the overall distance between the first  
256 and last axles of such consecutive sets of tandem axles is  
257 thirty-six (36) feet or more, except that, until September 1,  
258 1989, the axle distance for tank trailers, dump trailers and ocean  
259 transport container haulers may be thirty (30) feet or more. Such  
260 overall gross weight may not exceed eighty thousand (80,000)  
261 pounds, except as provided by this section.

262           (3) Notwithstanding the provisions of Section 63-5-27 and/or  
263 Section 63-5-29 to the contrary, vehicles hauling products in the

264 manner set forth in this subsection, whether or not such vehicles  
265 are operating with a harvest permit, shall be allowed a gross  
266 weight of not to exceed forty thousand (40,000) pounds on any  
267 tandem. Vehicles operating without a harvest permit shall be  
268 allowed a tolerance not to exceed five percent (5%) above their  
269 authorized gross vehicle weight, tandem or axle weight; except  
270 that the maximum gross vehicle weight of any such vehicle shall  
271 not exceed eighty thousand (80,000) pounds plus a tolerance  
272 thereon of not more than two percent (2%). Vehicles operating  
273 with a harvest permit shall be allowed a tolerance not to exceed  
274 five percent (5%) above their authorized tandem or axle weight,  
275 but the maximum gross vehicle weight of any such vehicle shall not  
276 exceed eighty-four thousand (84,000) pounds. However, neither the  
277 increased weights in this subsection nor any tolerance shall be  
278 allowed on federal interstate highways or on other highways where  
279 a tolerance is specifically prohibited by the transportation  
280 commission, the county board of supervisors or the municipal  
281 governing authorities as provided for in Section 63-5-27. The  
282 tolerance allowed by this subsection shall only apply to the  
283 operation of vehicles from the point of loading to the point of  
284 unloading for processing, and to the operation of vehicles hauling  
285 sand, gravel, fill dirt and agricultural products, and products  
286 for recycling or materials for the construction or repair of  
287 highways. The range of such operation shall not exceed a radius  
288 of one hundred (100) miles except where the products are being  
289 transported for processing within this state. The tolerance shall  
290 not be allowed for vehicles loading at a point of origin having  
291 scales available for weighing each individual axle of the vehicle;  
292 provided, however, that vehicles loading at a point of origin  
293 having scales available for weighing the vehicle shall not be  
294 eligible for any tolerance over the gross weight limit of eighty  
295 thousand (80,000) pounds.

296 (4) Notwithstanding the provisions of Section 63-5-27 and/or

297 Section 63-5-29 to the contrary, vehicles hauling prepackaged  
298 products, unloaded at a state port or to be loaded at a state  
299 port, which are containerized in such a manner as to make  
300 subdivision thereof impractical shall be allowed a gross weight of  
301 not to exceed forty thousand (40,000) pounds on any tandem, and a  
302 tolerance not to exceed five percent (5%) above their authorized  
303 gross weight, tandem or axle weight; except that the maximum  
304 weight of any vehicle shall not exceed eighty thousand (80,000)  
305 pounds plus a tolerance thereon of not more than two percent (2%);  
306 however, neither the increased weights in this subsection nor any  
307 tolerance shall be allowed on federal interstate highways or on  
308 other highways where a tolerance is specifically prohibited by the  
309 transportation commission, the county board of supervisors or the  
310 municipal governing authorities as provided for in Section  
311 63-5-27.

312 (5) (a) Vehicles for which a harvest permit has been issued  
313 pursuant to Section 27-19-81(4) shall be allowed a gross vehicle  
314 weight not to exceed eighty-four thousand (84,000) pounds.  
315 However, the board of supervisors of any county and the governing  
316 authorities of any municipality may designate the roads, streets  
317 and highways under their respective jurisdiction on and along  
318 which vehicles for which a harvest permit has been issued may  
319 travel. This subsection shall not apply to the federal interstate  
320 system.

321 (b) Any owner or operator who has been issued a harvest  
322 permit and who wishes to operate a vehicle on the roads, streets  
323 or highways under the jurisdiction of a county or municipality at  
324 a gross vehicle weight greater than the weight allowed by law or  
325 greater than the maximum weight established for such roads,  
326 streets or highways by the board of supervisors or municipal  
327 governing authorities, shall notify, in writing, the board of  
328 supervisors or the governing authorities, as the case may be,  
329 before operating such vehicle on the roads, streets or highways of

330 such county or municipality. In his notice, the permit holder  
331 shall identify the routes over which he intends to operate  
332 vehicles for which the permit has been issued and the dates or  
333 time period during which he will be operating such vehicles. The  
334 board of supervisors or the governing authorities, as the case may  
335 be, shall have two (2) working days to respond in writing to the  
336 permit holder to notify the permit holder of the routes on and  
337 along which the permit holder may operate vehicles for which a  
338 harvest permit has been issued. Failure of the board of  
339 supervisors or the governing authorities timely to notify the  
340 permit holder and to designate the routes on and along which the  
341 permit holder may operate shall be considered as authorizing the  
342 permit holder to operate on any of the roads, streets or highways  
343 of the county or municipality in accordance with the authority  
344 granted to the permit holder by the harvest permit.

345 (c) Anytime a timber deed is filed with the chancery  
346 clerk, the grantee, at that time, may make a written request of  
347 the board of supervisors of the county or the governing  
348 authorities of the municipality, as the case may be, for the  
349 purpose of providing to the grantee, within three (3) working days  
350 of the filing of the request, a designated and approved route over  
351 the roads, streets or highways under the jurisdiction of the  
352 county or city, as the case may be, that the grantee may travel  
353 for the purpose of transporting harvested timber. Upon providing  
354 such route designation, the county or city, as the case may be,  
355 shall also provide to the grantee a map designating the approved  
356 route. An approved route designation provided to a grantee under  
357 the provisions of this paragraph shall be valid for a period of  
358 six (6) months from its date of issue. The permit authorized to  
359 be issued under paragraph (b) of this section shall not be  
360 required for any person who obtains a permit issued under this  
361 paragraph.

362 (d) This subsection (5) shall stand repealed from and

363 after July 1, 2001.

364 (6) Nothing in this section or subsections (1) through (4)  
365 of Section 63-5-27 shall be construed to deny the operation of any  
366 vehicle or combination of vehicles that could be lawfully operated  
367 upon the interstate highway system of this state on January 4,  
368 1975.

369 SECTION 3. This act shall take effect and be in force from  
370 and after July 1, 2000.