

By: Ellzey

To: Transportation

HOUSE BILL NO. 349

1 AN ACT TO AMEND SECTIONS 27-19-81,27-19-89 AND 63-5-33,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE FEES COLLECTED BY
3 THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION FOR THE ISSUANCE OF
4 HARVEST PERMITS TO OPERATORS OF VEHICLES HAULING CERTAIN PRODUCTS,
5 AND THE FINES AND PENALTIES COLLECTED BY THE MISSISSIPPI
6 DEPARTMENT OF TRANSPORTATION FOR VIOLATIONS OF THE VEHICLE WEIGHT
7 LIMITS AUTHORIZED ON STATE HIGHWAYS, SHALL BE DEPOSITED INTO A
8 SPECIAL FUND CREATED IN THE STATE TREASURY; TO PROVIDE THAT MONIES
9 IN THE SPECIAL FUND SHALL BE ALLOCATED AND DISTRIBUTED TO EACH OF
10 THE COUNTIES IN THE STATE IN ACCORDANCE WITH THE STATE AID ROAD
11 FORMULA AND MAY BE EXPENDED BY THE COUNTIES FOR COUNTY ROAD AND
12 BRIDGE CONSTRUCTION AND REPAIR; TO EXTEND THE DATE OF THE
13 REPEALERS ON THE PROVISIONS OF LAW THAT AUTHORIZE THE MISSISSIPPI
14 DEPARTMENT OF TRANSPORTATION TO ISSUE HARVEST PERMITS; AND FOR
15 RELATED PURPOSES.

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

17 SECTION 1. Section 27-19-81, Mississippi Code of 1972, is
18 amended as follows:

19 27-19-81. (1) No vehicle shall be registered by the State
20 Tax Commission or by a tax collector, and no license tag
21 whatsoever shall be issued therefor, where the gross weight of
22 such vehicle exceeds the limits provided by law. In the event of
23 an emergency requiring the hauling of a greater gross weight than
24 permitted by law, the owner or operator of such vehicle shall
25 obtain an excess weight authorization from the Mississippi
26 Department of Transportation or local authority having
27 jurisdiction of the particular road, street or highway before

28 operating such vehicle on the highways of this state to haul such
29 a gross weight over a route to be designated by the aforesaid
30 department. It shall then be necessary for the owner or operator
31 of the vehicle to obtain a permit from the Transportation
32 Department, which shall be issued by the department under the same
33 provisions as are provided for the issuance of trip permits under
34 Section 27-19-79, but which permit shall likewise be obtained
35 prior to the operation of such vehicle on the highways. No
36 persons or agencies other than the Mississippi Department of
37 Transportation shall have authority to issue the permits provided
38 for in this section. The fee to be charged for such permits shall
39 be computed in the same manner provided in Section 27-19-79 for
40 each one thousand (1,000) pounds, or fractional part thereof, of
41 gross weight above the licensed capacity of the vehicle, up to the
42 maximum legal weights provided by this article on the roads to be
43 traveled.

44 This subsection shall apply, but not be limited, to any
45 tractor, road roller or road machinery used solely and
46 specifically in road building or other highway construction or
47 maintenance work.

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

59 (\$10.00).

60 The Transportation Department may provide for an annual
61 permit which will allow pre-approved vehicles and loads to travel
62 predesignated routes with self-issued permits. Under such
63 self-issuance authority, the owner of the vehicle shall complete
64 the permit in a format designated by the department,
65 electronically transmit a copy to the department prior to the
66 move, and ensure that a copy is in the possession of the operator.
67 Vehicles having a gross weight exceeding the limits provided by
68 law that have a nondivisible gross vehicle weight of ninety-five
69 thousand (95,000) pounds or less, which are otherwise legal, shall
70 not be restricted as to the hours of the day such vehicles may be
71 operated on predesignated routes. The department shall bill the
72 vehicle owner according to the provisions of the preceding
73 paragraph. The department is authorized to modify predesignated
74 routes at any time for cause, such as highway construction or
75 hazardous highway conditions. The annual fee for the
76 self-issuance permit authority obtained pursuant to this paragraph
77 shall be Five Hundred Dollars (\$500.00) per owner, regardless of
78 the number of vehicles which he will operate pursuant to such
79 permit, in addition to any other fees required by this section.
80 Any vehicle and load being operated pursuant to this paragraph for
81 which the operator does not have the permit or a copy thereof in
82 his possession, or for which a copy of the permit was not
83 electronically transmitted to the department, shall be deemed not
84 to have a permit and shall be penalized accordingly.

85 (2) Before operating a vehicle where the size of the load
86 being hauled is in excess of that permitted by law, the owner or

87 operator of such vehicle shall obtain excess size authorization
88 from the Transportation Department or proper local authority and
89 an excess size permit from the Transportation Department. Such
90 excess size permit shall be issued by the Mississippi Department
91 of Transportation under the same provisions as are provided for
92 the issuance of trip permits under Section 27-19-79, and it shall
93 be obtained prior to the operation of such vehicle on the
94 highways. The fee to be charged for such excess size permit shall
95 be Ten Dollars (\$10.00) per trip. Such permits may be issued for
96 an extended period of time and must coincide with the expiration
97 date and other provisions of the carrier's permit or authorization
98 issued by the Transportation Department or local authority. The
99 fee for such extended permits shall be based upon an annual fee of
100 One Hundred Dollars (\$100.00) per carrier. No permit shall be
101 issued under this subsection if the issuance of the permit would
102 violate federal law or would cause the State of Mississippi to
103 lose federal aid funds. This subsection shall not apply to any
104 tractor, road roller or road machinery used solely and
105 specifically in road building or other highway construction or
106 maintenance work or to any machinery or equipment operated on the
107 highways or transported thereon in the course of normal farming
108 activities, including cotton module transporters.

109 (3) The Executive Director of the Mississippi Department of
110 Transportation may authorize certain carriers of property to issue
111 overweight and/or oversize permits for vehicles owned or operated
112 by such carriers, provided such carriers have blanket
113 authorization from the Transportation Commission and also meet
114 other requirements established by the Transportation Commission.

115 (4) The owner or operator of a vehicle hauling sand, gravel,
116 fill dirt, agricultural products or unprocessed forestry products
117 may apply to the Mississippi Department of Transportation for a
118 harvest permit for the purpose of authorizing any such vehicles to
119 operate on the highways in this state (other than the federal
120 interstate system or those highways designated by the Mississippi
121 Department of Transportation as not capable of carrying more than
122 fifty-seven thousand six hundred fifty (57,650) pounds at the
123 maximum gross weight specified in Section 63-5-33). Harvest
124 permits may be issued and are valid to permit any such vehicle to
125 be operated on a highway in this state that has been designated by
126 the Mississippi Department of Transportation as not capable of
127 carrying more than fifty-seven thousand six hundred fifty (57,650)
128 pounds only if such vehicle operates in compliance with the
129 provisions of Section 63-5-29(3)(b). A fee of Twenty-five Dollars
130 (\$25.00) shall be charged for each permit issued. The permit
131 shall be in the form of a decal which shall be affixed to each
132 permitted vehicle on the upper left corner of the windshield on
133 the driver's side. Each permit shall expire one (1) year from its
134 date of issue. The fees collected under this subsection shall be
135 deposited into the special fund that is created under Section 3 of
136 this act. This subsection (4) shall stand repealed from and after
137 July 1, 2001.

138 (5) Any owner or operator who has met the requirements set
139 by the Mississippi Transportation Commission may defer payment of
140 permits issued by the department until the end of the current
141 month. If full payment is not received by the twentieth of the
142 following month, there may be added as damages to the total amount

143 of the delinquency or deficiency the following percentages: ten
144 percent (10%) for the first offense; fifteen percent (15%) for the
145 second offense and twenty-five percent (25%) for the third and any
146 subsequent offense. Upon the third offense, the department may
147 suspend the privilege to defer payment. The balance due shall
148 become payable upon notice and demand by the department.

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

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

160 SECTION 2. Section 27-19-89, Mississippi Code of 1972, is
161 amended as follows:

162 27-19-89. (a) If any nonresident owner or operator or other
163 nonresident person eligible for a temporary permit as provided in
164 Section 27-19-79, who has not elected to register and pay the
165 annual privilege taxes prescribed, shall enter or go upon the
166 public highways of the state and shall fail or refuse to obtain
167 the permit required by Section 27-19-79, such person shall be
168 liable, for the first such offense, for the full amount of the
169 permit fee required, plus a penalty thereon of five hundred
170 percent (500%). For the second and all subsequent offenses, such

171 person who fails or refuses to obtain such permits shall be liable
172 for the pro rata part of the annual tax for the balance of the tag
173 year for the maximum legal gross weight of the vehicle plus a
174 penalty thereon of twenty-five percent (25%). Any weight in
175 excess of the maximum legal gross weight of the vehicle, or in
176 excess of the maximum highway weight limit, shall be penalized
177 according to subsection (c) of this section. In either case the
178 excess weight shall be removed by the operator before the vehicle
179 can be allowed to proceed. In order to constitute a "second or
180 subsequent offense" under the provisions hereof, it shall not be
181 necessary that the same or identical vehicle be involved, it being
182 the declared purpose hereof to provide that such penalties shall
183 run against the owner or operator rather than against the
184 specified vehicle. It is further provided that, in order for such
185 owner or operator to become liable for the penalties herein
186 provided, it shall not be necessary to show that such owner or
187 operator was guilty of willfulness, gross negligence or
188 wantonness, but the offense shall be complete upon the failure or
189 refusal to obtain the required permit.

190 (b) If any person who has registered his vehicle in
191 Mississippi shall operate such vehicle upon the public highways,
192 having a gross weight greater than the licensed gross weight of
193 such vehicle, and shall fail or refuse to obtain a permit therefor
194 as required by Section 27-19-79, or if any person shall operate
195 any such registered vehicle upon the public highways in a higher
196 classification than that for which it is registered, and shall
197 fail or refuse to obtain a permit therefor as required by Section
198 27-19-79, then such person shall be liable for the pro rata part

199 of the annual tax for the balance of the tag year for the legal
200 gross weight of such vehicle and in the classification in which
201 same is being operated, plus a penalty thereon of twenty-five
202 percent (25%), after having been given credit for the unexpired
203 part of the privilege tax paid, as provided in Section 27-19-75.
204 In order that such owner or operator shall become liable for the
205 penalties herein provided, it shall not be necessary to show that
206 such owner or operator was guilty of willfulness, gross negligence
207 or wantonness, but the offense shall be complete upon the failure
208 or refusal to obtain the required permit.

209 (c) If any person shall operate upon a highway of this state
210 a vehicle which has a greater vehicle gross weight than the
211 maximum gross weight limit established by law for that highway and
212 shall have failed to obtain an overload permit as required by
213 Section 27-19-81, or if any person shall operate a vehicle with a
214 greater load on any axle or axle grouping than allowed by law,
215 then such person, owner or operator shall be assessed a penalty on
216 such axle load weight or vehicle gross weight as exceeds the legal
217 limit in accordance with the following schedule:

218	AMOUNT IN EXCESS OF	
219	LEGAL HIGHWAY WEIGHT	
220	LIMITS IN POUNDS	PENALTY
221	1 to 999	\$10.00 minimum penalty
222	1,000 to 1,999	14 per pound in excess of legal limit
223	2,000 to 2,999	24 per pound in excess of legal limit
224	3,000 to 3,999	34 per pound in excess of legal limit
225	4,000 to 4,999	44 per pound in excess of legal limit
226	5,000 to 5,999	54 per pound in excess of legal limit

227	6,000 to 6,999	64 per pound in excess of legal limit
228	7,000 to 7,999	74 per pound in excess of legal limit
229	8,000 to 8,999	84 per pound in excess of legal limit
230	9,000 to 9,999	94 per pound in excess of legal limit
231	10,000 to 10,999	104 per pound in excess of legal limit
232	11,000 or more	114 per pound in excess of legal limit

233 Any vehicle in violation of the tolerance allowed pursuant to
234 Section 63-5-33(3) shall be fined pursuant to Section 27-19-89(c)
235 for all weight in excess of the legal highway gross weight limit
236 authorized for such vehicle or for all weight in excess of the
237 legal tandem axle load weight limit of forty thousand (40,000)
238 pounds and the legal single axle load limit of twenty thousand
239 (20,000) pounds, whichever the case may be.

240 The penalty to be assessed for operations of a vehicle with a
241 greater load on any axle or axle grouping than the legal axle load
242 weight limits shall be one-half (1/2) the penalty for operation in
243 excess of the legal gross weight limit.

244 In instances where both the legal highway gross weight limit
245 and the legal axle load weight limit(s) are exceeded, the fine
246 that shall be levied shall be either the penalty amount for the
247 excess vehicle gross weight or the total of the penalty amounts of
248 all overloaded axles, whichever is the larger amount.

249 Notwithstanding any other provisions of this section to the
250 contrary, the fine assessed against the holder of a harvest permit
251 for exceeding a gross vehicle weight of eighty-four thousand
252 (84,000) pounds shall be Five Cents (54) per pound and Fifteen
253 Cents (154) per pound for exceeding a gross vehicle weight of one
254 hundred thousand (100,000) pounds.

255 Notwithstanding any other provision of this subsection (c) to
256 the contrary, upon an appeal to the Appeals Board of the
257 Mississippi Transportation Commission by an owner or operator of a
258 vehicle hauling without a harvest permit any of the products or
259 materials described in subsection (3) of Section 63-5-33 and upon
260 whom a penalty has been assessed under this subsection (c) for
261 exceeding the legal weight limit(s) on a highway having a legal
262 weight limit of eighty thousand (80,000) pounds or less, the
263 appeals board shall reduce the penalty assessed against such
264 owner/operator to an amount not to exceed ten percent (10%) of the
265 amount which would otherwise be due without the reduction
266 authorized under this paragraph. A reduction shall not be
267 authorized under this paragraph if the gross weight of the vehicle
268 for which an owner/operator has been charged with a violation of
269 this section exceeds eighty-four thousand (84,000) pounds; and, in
270 any event, no reduction shall be authorized under this paragraph
271 unless a penalty assessed under this section is appealed to the
272 appeals board and unless the board determines, based upon its
273 records, that such owner/operator has not been granted a penalty
274 reduction under this paragraph within a period of twelve (12)
275 months immediately preceding the date of filing an appeal with the
276 board for a penalty reduction under this paragraph.

277 (d) If any nonresident owner or operator who has not
278 registered his vehicle and paid the annual privilege taxes
279 prescribed shall operate his vehicle upon the highways of this
280 state when such vehicle has a greater gross weight than permitted
281 by law for the highway traveled upon, and for which such excess
282 gross weight a permit was not or could not be procured from the

283 Transportation Department as required by Section 27-19-81, such
284 person shall be liable upon his second and all subsequent offenses
285 for the pro rata part of the annual tax for the balance of the tag
286 year for the legal gross weight of the vehicle, and in addition
287 thereto the penalty fee on the excess weight as specified in
288 subsection (c) of this section. In order that such owner or
289 operator shall become liable for the penalties herein provided, it
290 shall not be necessary that the same or identical vehicle be
291 involved, it being the declared purpose hereof to provide that
292 such penalties shall run against the owner or operator rather than
293 against the specific vehicle.

294 (e) All fines and penalties imposed and collected by the
295 Mississippi Department of Transportation for violations of the
296 maximum legal vehicle weight limits authorized on the highways of
297 this state shall be deposited into the special fund that is
298 created under Section 3 of this act.

299 SECTION 3. (1) There is created in the State Treasury a
300 special fund to be designated as the "2000 Feeder Road Improvement
301 Fund." The fund shall consist of the monies required to be
302 deposited therein under Sections 27-19-81(4) and 27-19-89(e) and
303 such other monies as the Legislature appropriates or otherwise
304 designates for deposit into the fund. Monies in the fund shall be
305 allocated and distributed to each of the counties in the state
306 upon requisition of the State Aid Engineer on October 1 of each
307 year in accordance with the state aid road formula as prescribed
308 in Section 65-9-3. Unexpended amounts remaining in the fund at
309 the end of a fiscal year shall not lapse into the State General
310 Fund, and any interest earned on amounts in the fund shall be

311 deposited to the credit of the fund.

312 (2) A county may expend funds allocated and distributed to
313 it under this section to construct, reconstruct, repair or
314 maintain roads, streets, highways and bridges of the county that
315 are not included on the state highway system or the state aid road
316 system. Monies allocated and distributed to a county under this
317 section may also be used to match any federal funds that may be
318 available for the same or similar purposes.

319 SECTION 4. Section 63-5-33, Mississippi Code of 1972, is
320 amended as follows:

321 63-5-33. (1) Subject to the limitations imposed on wheel
322 and axle loads by Section 63-5-27, and to the further limitations
323 hereinafter specified, the total combined weight (vehicles plus
324 load) on any group of axles of a vehicle or a combination of
325 vehicles shall not exceed the value given in the following table
326 (Table III) corresponding to the distance in feet between the
327 extreme axles of the group, measured longitudinally to the nearest
328 foot, on those highways or parts of highways designated by the
329 Mississippi Transportation Commission as being capable of carrying
330 the maximum load limits and, in addition thereto, such other
331 highways or parts of highways found by the commission to be
332 suitable to carry the maximum load limits from an engineering
333 standpoint, and so designated as such by order of the commission
334 entered upon its minutes and published once each week for three

335 (3) consecutive weeks in a daily newspaper published in this state
336 and having a general circulation therein. The maximum total
337 combined weight carried on any group of two (2) or more
338 consecutive axles shall be determined by the formula contained in

339 the Federal Weight Law enacted January 4, 1975, as follows: $W=500$
 340 $(LN/N-12+NP)$ where W =maximum weight in pounds carried on any group
 341 of two (2) or more axles computed to nearest five hundred (500)
 342 pounds, L =distance in feet between the extremes of any group of
 343 two (2) or more consecutive axles, and N =number of axles in group
 344 under consideration.

345 TABLE III

346	DISTANCE					
347	IN FEET					
348	BETWEEN THE					
349	EXTREMES OF					
350	ANY GROUP					
351	OF 2 OR MORE					
352	CONSECUTIVE					
353	AXLES					
	MAXIMUM LOAD IN POUNDS CARRIED ON ANY					
	GROUP OF 2 OR MORE CONSECUTIVE AXLES					
354	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
355	4	34,000				
356	5	34,000				
357	6	34,000				
358	7	34,000				
359	8	34,000	34,000			
360	9	39,000	42,500			
361	10	40,000	43,500			
362	11		44,000			
363	12		45,000	50,000		
364	13		45,500	50,500		
365	14		46,500	51,500		
366	15		47,000	52,000		

367	16	48,000	52,500	58,000		
368	17	48,500	53,500	58,500		
369	18	49,500	54,000	59,000		
370	19	50,000	54,500	60,000		
371	20	51,000	55,500	60,500	66,000	
372	21	51,500	56,000	61,000	66,500	
373	22	52,500	56,500	61,500	67,000	
374	23	53,000	57,500	62,500	68,000	
375	24	54,000	58,000	63,000	68,500	74,000
376	25	54,500	58,500	63,500	69,000	74,500
377	26	55,500	59,500	64,000	69,500	75,000
378	27	56,000	60,000	65,000	70,000	75,500
379	28	57,000	60,500	65,500	71,000	76,500
380	29	57,500	61,500	66,000	71,500	77,000
381	30	58,500	62,000	66,500	72,000	77,500
382	31	59,000	62,500	67,500	72,500	78,000
383	32	60,000	63,500	68,000	73,000	78,500
384	33		64,000	68,500	74,000	79,000
385	34		64,500	69,000	74,500	80,000
386	35		65,500	70,000	75,000	80,000
387	36		66,000	70,500	75,500	80,000
388	37		66,500	71,000	76,000	80,000
389	38		67,500	71,500	77,000	80,000
390	39		68,000	72,500	77,500	80,000
391	40		68,500	73,000	78,000	80,000
392	41		69,500	73,500	78,500	80,000
393	42		70,000	74,000	79,000	80,000
394	43		70,500	75,000	80,000	80,000

395	44	71,500	75,500	80,000	80,000
396	45	72,000	76,000	80,000	80,000
397	46	72,500	76,500	80,000	80,000
398	47	73,500	77,500	80,000	80,000
399	48	74,000	78,000	80,000	80,000
400	49	74,500	78,500	80,000	80,000
401	50	75,500	79,000	80,000	80,000
402	51	76,000	80,000	80,000	80,000
403	52	76,500	80,000	80,000	80,000
404	53	77,500	80,000	80,000	80,000
405	54	78,000	80,000	80,000	80,000
406	55	78,500	80,000	80,000	80,000
407	56	79,500	80,000	80,000	80,000
408	57	80,000	80,000	80,000	80,000

409 (2) Moreover, in addition to the per axle weight limitations
410 specified by Section 63-5-27, two (2) consecutive sets of tandem
411 axles may carry a gross load of thirty-four thousand (34,000)
412 pounds each, providing that the overall distance between the first
413 and last axles of such consecutive sets of tandem axles is
414 thirty-six (36) feet or more, except that, until September 1,
415 1989, the axle distance for tank trailers, dump trailers and ocean
416 transport container haulers may be thirty (30) feet or more. Such
417 overall gross weight may not exceed eighty thousand (80,000)
418 pounds, except as provided by this section.

419 (3) Notwithstanding the provisions of Section 63-5-27 and/or
420 Section 63-5-29 to the contrary, vehicles hauling products in the
421 manner set forth in this subsection, whether or not such vehicles
422 are operating with a harvest permit, shall be allowed a gross

423 weight of not to exceed forty thousand (40,000) pounds on any
424 tandem. Vehicles operating without a harvest permit shall be
425 allowed a tolerance not to exceed five percent (5%) above their
426 authorized gross vehicle weight, tandem or axle weight; except
427 that the maximum gross vehicle weight of any such vehicle shall
428 not exceed eighty thousand (80,000) pounds plus a tolerance
429 thereon of not more than two percent (2%). Vehicles operating
430 with a harvest permit shall be allowed a tolerance not to exceed
431 five percent (5%) above their authorized tandem or axle weight,
432 but the maximum gross vehicle weight of any such vehicle shall not
433 exceed eighty-four thousand (84,000) pounds. However, neither the
434 increased weights in this subsection nor any tolerance shall be
435 allowed on federal interstate highways or on other highways where
436 a tolerance is specifically prohibited by the transportation
437 commission, the county board of supervisors or the municipal
438 governing authorities as provided for in Section 63-5-27. The
439 tolerance allowed by this subsection shall only apply to the
440 operation of vehicles from the point of loading to the point of
441 unloading for processing, and to the operation of vehicles hauling
442 sand, gravel, fill dirt and agricultural products, and products
443 for recycling or materials for the construction or repair of
444 highways. The range of such operation shall not exceed a radius
445 of one hundred (100) miles except where the products are being
446 transported for processing within this state. The tolerance shall
447 not be allowed for vehicles loading at a point of origin having
448 scales available for weighing each individual axle of the vehicle;
449 provided, however, that vehicles loading at a point of origin
450 having scales available for weighing the vehicle shall not be

451 eligible for any tolerance over the gross weight limit of eighty
452 thousand (80,000) pounds.

453 (4) Notwithstanding the provisions of Section 63-5-27 and/or
454 Section 63-5-29 to the contrary, vehicles hauling prepackaged
455 products, unloaded at a state port or to be loaded at a state
456 port, which are containerized in such a manner as to make
457 subdivision thereof impractical shall be allowed a gross weight of
458 not to exceed forty thousand (40,000) pounds on any tandem, and a
459 tolerance not to exceed five percent (5%) above their authorized
460 gross weight, tandem or axle weight; except that the maximum
461 weight of any vehicle shall not exceed eighty thousand (80,000)
462 pounds plus a tolerance thereon of not more than two percent (2%);
463 however, neither the increased weights in this subsection nor any
464 tolerance shall be allowed on federal interstate highways or on
465 other highways where a tolerance is specifically prohibited by the
466 transportation commission, the county board of supervisors or the
467 municipal governing authorities as provided for in Section
468 63-5-27.

469 (5) (a) Vehicles for which a harvest permit has been issued
470 pursuant to Section 27-19-81(4) shall be allowed a gross vehicle
471 weight not to exceed eighty-four thousand (84,000) pounds.
472 However, the board of supervisors of any county and the governing
473 authorities of any municipality may designate the roads, streets
474 and highways under their respective jurisdiction on and along
475 which vehicles for which a harvest permit has been issued may
476 travel. This subsection shall not apply to the federal interstate
477 system.

478 (b) Any owner or operator who has been issued a harvest

479 permit and who wishes to operate a vehicle on the roads, streets
480 or highways under the jurisdiction of a county or municipality at
481 a gross vehicle weight greater than the weight allowed by law or
482 greater than the maximum weight established for such roads,
483 streets or highways by the board of supervisors or municipal
484 governing authorities, shall notify, in writing, the board of
485 supervisors or the governing authorities, as the case may be,
486 before operating such vehicle on the roads, streets or highways of
487 such county or municipality. In his notice, the permit holder
488 shall identify the routes over which he intends to operate
489 vehicles for which the permit has been issued and the dates or
490 time period during which he will be operating such vehicles. The
491 board of supervisors or the governing authorities, as the case may
492 be, shall have two (2) working days to respond in writing to the
493 permit holder to notify the permit holder of the routes on and
494 along which the permit holder may operate vehicles for which a
495 harvest permit has been issued. Failure of the board of
496 supervisors or the governing authorities timely to notify the
497 permit holder and to designate the routes on and along which the
498 permit holder may operate shall be considered as authorizing the
499 permit holder to operate on any of the roads, streets or highways
500 of the county or municipality in accordance with the authority
501 granted to the permit holder by the harvest permit.

502 (c) Anytime a timber deed is filed with the chancery
503 clerk, the grantee, at that time, may make a written request of
504 the board of supervisors of the county or the governing
505 authorities of the municipality, as the case may be, for the
506 purpose of providing to the grantee, within three (3) working days

507 of the filing of the request, a designated and approved route over
508 the roads, streets or highways under the jurisdiction of the
509 county or city, as the case may be, that the grantee may travel
510 for the purpose of transporting harvested timber. Upon providing
511 such route designation, the county or city, as the case may be,
512 shall also provide to the grantee a map designating the approved
513 route. An approved route designation provided to a grantee under
514 the provisions of this paragraph shall be valid for a period of
515 six (6) months from its date of issue. The permit authorized to
516 be issued under paragraph (b) of this section shall not be
517 required for any person who obtains a permit issued under this
518 paragraph.

519 (d) This subsection (5) shall stand repealed from and
520 after July 1, 2001.

521 (6) Nothing in this section or subsections (1) through (4)
522 of Section 63-5-27 shall be construed to deny the operation of any
523 vehicle or combination of vehicles that could be lawfully operated
524 upon the interstate highway system of this state on January 4,
525 1975.

526 SECTION 5. This act shall take effect and be in force from
527 and after July 1, 2000.