

By: Compretta

To: Transportation

HOUSE BILL NO. 1420

1 AN ACT TO AMEND SECTIONS 27-19-81, 27-19-89 AND 63-5-33,
2 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALERS ON
3 THE 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 PROVIDE THAT HARVEST PERMIT
6 FEES AND CERTAIN FINES AND PENALTIES COLLECTED BY THE MISSISSIPPI
7 DEPARTMENT OF TRANSPORTATION FOR VIOLATIONS OF THE MAXIMUM LEGAL
8 VEHICLE WEIGHT LIMITS SHALL BE DEPOSITED INTO THE STATE HIGHWAY
9 FUND FOR THE CONSTRUCTION, MAINTENANCE AND RECONSTRUCTION OF STATE
10 HIGHWAYS AND ROADS; TO REVISE THE MAXIMUM AXLE LOAD SPECIFICATIONS
11 TO CONFORM WITH FEDERAL LAW; AND FOR RELATED PURPOSES.

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

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

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

31 prior to the operation of such vehicle on the highways. No
32 persons or agencies other than the Mississippi Department of
33 Transportation shall have authority to issue the permits provided
34 for in this section. The fee to be charged for such permits shall
35 be computed in the same manner provided in Section 27-19-79 for
36 each one thousand (1,000) pounds, or fractional part thereof, of
37 gross weight above the licensed capacity of the vehicle, up to the
38 maximum legal weights provided by this article on the roads to be
39 traveled.

40 This subsection shall apply, but not be limited, to any
41 tractor, road roller or road machinery used solely and
42 specifically in road building or other highway construction or
43 maintenance work.

44 For each one thousand (1,000) pounds, or fractional part
45 thereof, in excess of the weight authorized by Sections 63-5-29
46 and 63-5-33 for any such vehicle or in excess of the limits set by
47 the Transportation Department for specified roads and bridges, the
48 fee shall be Five Cents (5¢) per one thousand (1,000) pounds, or
49 fractional part thereof, for each mile traveled upon the highways
50 of the state, except that the fee for manufactured housing modular
51 units, residential or commercial, shall be Two Cents (2¢) per one
52 thousand (1,000) pounds, or fractional part thereof, for each mile
53 traveled upon the highways of the state. Provided, however, no
54 permit shall be issued for a fee of less than Ten Dollars
55 (\$10.00).

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

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

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

101 specifically in road building or other highway construction or
102 maintenance work or to any machinery or equipment operated on the
103 highways or transported thereon in the course of normal farming
104 activities, including cotton module transporters.

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

111 (4) The owner or operator of a vehicle hauling sand, gravel,
112 fill dirt, agricultural products or unprocessed forestry products
113 may apply to the Mississippi Department of Transportation for a
114 harvest permit for the purpose of authorizing any such vehicles to
115 operate on the highways in this state (other than the federal
116 interstate system or those highways designated by the Mississippi
117 Department of Transportation as not capable of carrying more than
118 fifty-seven thousand six hundred fifty (57,650) pounds at the
119 maximum gross weight specified in Section 63-5-33). Harvest
120 permits may be issued and are valid to permit any such vehicle to
121 be operated on a highway in this state that has been designated by
122 the Mississippi Department of Transportation as not capable of
123 carrying more than fifty-seven thousand six hundred fifty (57,650)
124 pounds only if such vehicle operates in compliance with the
125 provisions of Section 63-5-29(3)(b). A fee of Twenty-five Dollars
126 (\$25.00) shall be charged for each permit issued. The permit
127 shall be in the form of a decal which shall be affixed to each
128 permitted vehicle on the upper left corner of the windshield on
129 the driver's side. Each permit shall expire one (1) year from its
130 date of issue. * * * This subsection (4) shall stand repealed
131 from and after July 1, 2002.

132 (5) Any owner or operator who has met the requirements set
133 by the Mississippi Transportation Commission may defer payment of

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

143 (6) The permit fee monies collected under this Section
144 27-19-81 shall be deposited into the State Highway Fund for the
145 construction, maintenance and reconstruction of highways and roads
146 of the State of Mississippi or the payment of interest and
147 principal on bonds authorized by the Legislature for construction
148 and reconstruction of highways.

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

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

155 27-19-89. (a) If any nonresident owner or operator or other
156 nonresident person eligible for a temporary permit as provided in
157 Section 27-19-79, who has not elected to register and pay the
158 annual privilege taxes prescribed, shall enter or go upon the
159 public highways of the state and shall fail or refuse to obtain
160 the permit required by Section 27-19-79, such person shall be
161 liable, for the first such offense, for the full amount of the
162 permit fee required, plus a penalty thereon of five hundred
163 percent (500%). For the second and all subsequent offenses, such
164 person who fails or refuses to obtain such permits shall be liable
165 for the pro rata part of the annual tax for the balance of the tag
166 year for the maximum legal gross weight of the vehicle plus a

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

183 (b) If any person who has registered his vehicle in
184 Mississippi shall operate such vehicle upon the public highways,
185 having a gross weight greater than the licensed gross weight of
186 such vehicle, and shall fail or refuse to obtain a permit therefor
187 as required by Section 27-19-79, or if any person shall operate
188 any such registered vehicle upon the public highways in a higher
189 classification than that for which it is registered, and shall
190 fail or refuse to obtain a permit therefor as required by Section
191 27-19-79, then such person shall be liable for the pro rata part
192 of the annual tax for the balance of the tag year for the legal
193 gross weight of such vehicle and in the classification in which
194 same is being operated, plus a penalty thereon of twenty-five
195 percent (25%), after having been given credit for the unexpired
196 part of the privilege tax paid, as provided in Section 27-19-75.
197 In order that such owner or operator shall become liable for the
198 penalties herein provided, it shall not be necessary to show that
199 such owner or operator was guilty of willfulness, gross negligence

200 or wantonness, but the offense shall be complete upon the failure
201 or refusal to obtain the required permit.

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

211	AMOUNT IN EXCESS OF	
212	LEGAL HIGHWAY WEIGHT	
213	LIMITS IN POUNDS	PENALTY
214	1 to 999	\$10.00 minimum penalty
215	1,000 to 1,999	14 per pound in excess of legal limit
216	2,000 to 2,999	24 per pound in excess of legal limit
217	3,000 to 3,999	34 per pound in excess of legal limit
218	4,000 to 4,999	44 per pound in excess of legal limit
219	5,000 to 5,999	54 per pound in excess of legal limit
220	6,000 to 6,999	64 per pound in excess of legal limit
221	7,000 to 7,999	74 per pound in excess of legal limit
222	8,000 to 8,999	84 per pound in excess of legal limit
223	9,000 to 9,999	94 per pound in excess of legal limit
224	10,000 to 10,999	104 per pound in excess of legal limit
225	11,000 or more	114 per pound in excess of legal limit

226 Any vehicle in violation of the tolerance allowed pursuant to
227 Section 63-5-33(3) shall be fined pursuant to Section 27-19-89(c)
228 for all weight in excess of the legal highway gross weight limit
229 authorized for such vehicle or for all weight in excess of the
230 legal tandem axle load weight limit of forty thousand (40,000)
231 pounds and the legal single axle load limit of twenty thousand
232 (20,000) pounds, whichever the case may be.

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

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

242 Notwithstanding any other provisions of this section to the
243 contrary, the fine assessed against the holder of a harvest permit
244 for exceeding a gross vehicle weight of eighty-four thousand
245 (84,000) pounds shall be Five Cents (5¢) per pound and Fifteen
246 Cents (15¢) per pound for exceeding a gross vehicle weight of one
247 hundred thousand (100,000) pounds.

248 Notwithstanding any other provision of this subsection (c) to
249 the contrary, upon an appeal to the Appeals Board of the
250 Mississippi Transportation Commission by an owner or operator of a
251 vehicle hauling without a harvest permit any of the products or
252 materials described in subsection (3) of Section 63-5-33 and upon
253 whom a penalty has been assessed under this subsection (c) for
254 exceeding the legal weight limit(s) on a highway having a legal
255 weight limit of eighty thousand (80,000) pounds or less, the
256 appeals board shall reduce the penalty assessed against such
257 owner/operator to an amount not to exceed ten percent (10%) of the
258 amount which would otherwise be due without the reduction
259 authorized under this paragraph. A reduction shall not be
260 authorized under this paragraph if the gross weight of the vehicle
261 for which an owner/operator has been charged with a violation of
262 this section exceeds eighty-four thousand (84,000) pounds; and, in
263 any event, no reduction shall be authorized under this paragraph
264 unless a penalty assessed under this section is appealed to the
265 appeals board and unless the board determines, based upon its

266 records, that such owner/operator has not been granted a penalty
267 reduction under this paragraph within a period of twelve (12)
268 months immediately preceding the date of filing an appeal with the
269 board for a penalty reduction under this paragraph.

270 (d) If any nonresident owner or operator who has not
271 registered his vehicle and paid the annual privilege taxes
272 prescribed shall operate his vehicle upon the highways of this
273 state when such vehicle has a greater gross weight than permitted
274 by law for the highway traveled upon, and for which such excess
275 gross weight a permit was not or could not be procured from the
276 transportation department as required by Section 27-19-81, such
277 person shall be liable upon his second and all subsequent offenses
278 for the pro rata part of the annual tax for the balance of the tag
279 year for the legal gross weight of the vehicle, and in addition
280 thereto the penalty fee on the excess weight as specified in
281 subsection (c) of this section. In order that such owner or
282 operator shall become liable for the penalties herein provided, it
283 shall not be necessary that the same or identical vehicle be
284 involved, it being the declared purpose hereof to provide that
285 such penalties shall run against the owner or operator rather than
286 against the specific vehicle.

287 (e) All fines and penalties imposed and collected by the
288 Mississippi Department of Transportation for violations of the
289 maximum legal vehicle weight limits authorized on the highways of
290 this state shall be deposited into the State Highway Fund for the
291 construction, maintenance and reconstruction of state highways and
292 roads.

293 SECTION 3. Section 63-5-33, Mississippi Code of 1972, is
294 amended as follows:

295 63-5-33. (1) Subject to the limitations imposed on wheel
296 and axle loads by Section 63-5-27, and to the further limitations
297 hereinafter specified, the total combined weight (vehicles plus
298 load) on any group of axles of a vehicle or a combination of

299 vehicles shall not exceed the value given in the following table
 300 (Table III) corresponding to the distance in feet between the
 301 extreme axles of the group, measured longitudinally to the nearest
 302 foot, on those highways or parts of highways designated by the
 303 Mississippi Transportation Commission as being capable of carrying
 304 the maximum load limits and, in addition thereto, such other
 305 highways or parts of highways found by the commission to be
 306 suitable to carry the maximum load limits from an engineering
 307 standpoint, and so designated as such by order of the commission
 308 entered upon its minutes and published once each week for three
 309 (3) consecutive weeks in a daily newspaper published in this state
 310 and having a general circulation therein. The maximum total
 311 combined weight carried on any group of two (2) or more
 312 consecutive axles shall be determined by the formula contained in
 313 the Federal Weight Law enacted January 4, 1975, as follows: $W=500$
 314 $(LN/N-1+12N+36)$ where W=maximum weight in pounds carried on any
 315 group of two (2) or more axles computed to nearest five hundred
 316 (500) pounds, L=distance in feet between the extremes of any group
 317 of two (2) or more consecutive axles, and N=number of axles in
 318 group under consideration.

319 TABLE III

320	DISTANCE						
321	IN FEET						
322	BETWEEN THE						
323	EXTREMES OF						
324	ANY GROUP						
325	OF 2 OR MORE						
326	CONSECUTIVE						
327	AXLES						
	MAXIMUM LOAD IN POUNDS CARRIED ON ANY						
	GROUP OF 2 OR MORE CONSECUTIVE AXLES						
328	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	
329	4	34,000					
330	5	34,000					
331	6	34,000					Axle groups in

332	7	34,000					
333	8	<u>and</u>					
334		<u>less</u> 34,000	34,000	these spacings			
335		<u>More</u>					
336		<u>than</u>					
337	8	<u>38,000</u>	<u>42,000</u>				
338	9	39,000	42,500				
339	10	40,000	43,500	impractical			
340	11		44,000				
341	12		45,000	50,000			
342	13		45,500	50,500			
343	14		46,500	51,500			
344	15		47,000	52,000			
345	16		48,000	52,500	58,000		
346	17		48,500	53,500	58,500		
347	18		49,500	54,000	59,000		
348	19		50,000	54,500	60,000		
349	20		51,000	55,500	60,500	66,000	
350	21		51,500	56,000	61,000	66,500	
351	22		52,500	56,500	61,500	67,000	
352	23		53,000	57,500	62,500	68,000	
353	24		54,000	58,000	63,000	68,500	74,000
354	25		54,500	58,500	63,500	69,000	74,500
355	26		55,500	59,500	64,000	69,500	75,000
356	27		56,000	60,000	65,000	70,000	75,500
357	28		57,000	60,500	65,500	71,000	76,500
358	29		57,500	61,500	66,000	71,500	77,000
359	30		58,500	62,000	66,500	72,000	77,500
360	31		59,000	62,500	67,500	72,500	78,000
361	32		60,000	63,500	68,000	73,000	78,500
362	33			64,000	68,500	74,000	79,000
363	34			64,500	69,000	74,500	80,000
364	35			65,500	70,000	75,000	80,000

365	36	66,000	70,500	75,500	80,000
366	37	66,500	71,000	76,000	80,000
367	38	67,500	71,500	77,000	80,000
368	39	68,000	72,500	77,500	80,000
369	40	68,500	73,000	78,000	80,000
370	41	69,500	73,500	78,500	80,000
371	42	70,000	74,000	79,000	80,000
372	43	70,500	75,000	80,000	80,000
373	44	71,500	75,500	80,000	80,000
374	45	72,000	76,000	80,000	80,000
375	46	72,500	76,500	80,000	80,000
376	47	73,500	77,500	80,000	80,000
377	48	74,000	78,000	80,000	80,000
378	49	74,500	78,500	80,000	80,000
379	50	75,500	79,000	80,000	80,000
380	51	76,000	80,000	80,000	80,000
381	52	76,500	80,000	80,000	80,000
382	53	77,500	80,000	80,000	80,000
383	54	78,000	80,000	80,000	80,000
384	55	78,500	80,000	80,000	80,000
385	56	79,500	80,000	80,000	80,000
386	57	80,000	80,000	80,000	80,000

387 (2) Moreover, in addition to the per axle weight limitations
388 specified by Section 63-5-27, two (2) consecutive sets of tandem
389 axles may carry a gross load of thirty-four thousand (34,000)
390 pounds each, providing that the overall distance between the first
391 and last axles of such consecutive sets of tandem axles is
392 thirty-six (36) feet or more, except that, until September 1,
393 1989, the axle distance for tank trailers, dump trailers and ocean
394 transport container haulers may be thirty (30) feet or more. Such
395 overall gross weight may not exceed eighty thousand (80,000)
396 pounds, except as provided by this section.

397 (3) Notwithstanding the provisions of Section 63-5-27 and/or

398 Section 63-5-29 to the contrary, vehicles hauling products in the
399 manner set forth in this subsection, whether or not such vehicles
400 are operating with a harvest permit, shall be allowed a gross
401 weight of not to exceed forty thousand (40,000) pounds on any
402 tandem. Vehicles operating without a harvest permit shall be
403 allowed a tolerance not to exceed five percent (5%) above their
404 authorized gross vehicle weight, tandem or axle weight; except
405 that the maximum gross vehicle weight of any such vehicle shall
406 not exceed eighty thousand (80,000) pounds plus a tolerance
407 thereon of not more than two percent (2%). Vehicles operating
408 with a harvest permit shall be allowed a tolerance not to exceed
409 five percent (5%) above their authorized tandem or axle weight,
410 but the maximum gross vehicle weight of any such vehicle shall not
411 exceed eighty-four thousand (84,000) pounds. However, neither the
412 increased weights in this subsection nor any tolerance shall be
413 allowed on federal interstate highways or on other highways where
414 a tolerance is specifically prohibited by the transportation
415 commission, the county board of supervisors or the municipal
416 governing authorities as provided for in Section 63-5-27. The
417 tolerance allowed by this subsection shall only apply to the
418 operation of vehicles from the point of loading to the point of
419 unloading for processing, and to the operation of vehicles hauling
420 sand, gravel, fill dirt and agricultural products, and products
421 for recycling or materials for the construction or repair of
422 highways. The range of such operation shall not exceed a radius
423 of one hundred (100) miles except where the products are being
424 transported for processing within this state. The tolerance shall
425 not be allowed for vehicles loading at a point of origin having
426 scales available for weighing each individual axle of the vehicle;
427 provided, however, that vehicles loading at a point of origin
428 having scales available for weighing the vehicle shall not be
429 eligible for any tolerance over the gross weight limit of eighty
430 thousand (80,000) pounds.

431 (4) Notwithstanding the provisions of Section 63-5-27 and/or
432 Section 63-5-29 to the contrary, vehicles hauling prepackaged
433 products, unloaded at a state port or to be loaded at a state
434 port, which are containerized in such a manner as to make
435 subdivision thereof impractical shall be allowed a gross weight of
436 not to exceed forty thousand (40,000) pounds on any tandem, and a
437 tolerance not to exceed five percent (5%) above their authorized
438 gross weight, tandem or axle weight; except that the maximum
439 weight of any vehicle shall not exceed eighty thousand (80,000)
440 pounds plus a tolerance thereon of not more than two percent (2%);
441 however, neither the increased weights in this subsection nor any
442 tolerance shall be allowed on federal interstate highways or on
443 other highways where a tolerance is specifically prohibited by the
444 transportation commission, the county board of supervisors or the
445 municipal governing authorities as provided for in Section
446 63-5-27.

447 (5) (a) Vehicles for which a harvest permit has been issued
448 pursuant to Section 27-19-81(4) shall be allowed a gross vehicle
449 weight not to exceed eighty-four thousand (84,000) pounds.
450 However, the board of supervisors of any county and the governing
451 authorities of any municipality may designate the roads, streets
452 and highways under their respective jurisdiction on and along
453 which vehicles for which a harvest permit has been issued may
454 travel. This subsection shall not apply to the federal interstate
455 system.

456 (b) Any owner or operator who has been issued a harvest
457 permit and who wishes to operate a vehicle on the roads, streets
458 or highways under the jurisdiction of a county or municipality at
459 a gross vehicle weight greater than the weight allowed by law or
460 greater than the maximum weight established for such roads,
461 streets or highways by the board of supervisors or municipal
462 governing authorities, shall notify, in writing, the board of
463 supervisors or the governing authorities, as the case may be,

464 before operating such vehicle on the roads, streets or highways of
465 such county or municipality. In his notice, the permit holder
466 shall identify the routes over which he intends to operate
467 vehicles for which the permit has been issued and the dates or
468 time period during which he will be operating such vehicles. The
469 board of supervisors or the governing authorities, as the case may
470 be, shall have two (2) working days to respond in writing to the
471 permit holder to notify the permit holder of the routes on and
472 along which the permit holder may operate vehicles for which a
473 harvest permit has been issued. Failure of the board of
474 supervisors or the governing authorities timely to notify the
475 permit holder and to designate the routes on and along which the
476 permit holder may operate shall be considered as authorizing the
477 permit holder to operate on any of the roads, streets or highways
478 of the county or municipality in accordance with the authority
479 granted to the permit holder by the harvest permit.

480 (c) Anytime a timber deed is filed with the chancery
481 clerk, the grantee, at that time, may make a written request of
482 the board of supervisors of the county or the governing
483 authorities of the municipality, as the case may be, for the
484 purpose of providing to the grantee, within three (3) working days
485 of the filing of the request, a designated and approved route over
486 the roads, streets or highways under the jurisdiction of the
487 county or city, as the case may be, that the grantee may travel
488 for the purpose of transporting harvested timber. Upon providing
489 such route designation, the county or city, as the case may be,
490 shall also provide to the grantee a map designating the approved
491 route. An approved route designation provided to a grantee under
492 the provisions of this paragraph shall be valid for a period of
493 six (6) months from its date of issue. The permit authorized to
494 be issued under paragraph (b) of this section shall not be
495 required for any person who obtains a permit issued under this
496 paragraph.

497 (d) This subsection (5) shall stand repealed from and
498 after July 1, 2002.

499 (6) Nothing in this section or subsections (1) through (4)
500 of Section 63-5-27 shall be construed to deny the operation of any
501 vehicle or combination of vehicles that could be lawfully operated
502 upon the interstate highway system of this state on January 4,
503 1975.

504 SECTION 4. This act shall take effect and be in force from
505 and after July 1, 2000.