

By: Representative Ford

To: Transportation

HOUSE BILL NO. 486

1 AN ACT TO AMEND SECTIONS 27-19-81 AND 63-5-33, MISSISSIPPI  
2 CODE OF 1972, TO EXTEND THE DATE OF REPEAL OF THE PROVISIONS OF  
3 LAW THAT AUTHORIZE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO  
4 ISSUE HARVEST PERMITS TO OWNERS AND OPERATORS OF VEHICLES HAULING  
5 CERTAIN PRODUCTS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 27-19-81, Mississippi Code of 1972, is  
8 amended as follows:

9 27-19-81. (1) No vehicle shall be registered by the State  
10 Tax Commission or by a tax collector, and no license tag  
11 whatsoever shall be issued therefor, where the gross weight of  
12 such vehicle exceeds the limits provided by law. In the event of  
13 an emergency requiring the hauling of a greater gross weight than  
14 permitted by law, the owner or operator of such vehicle shall  
15 obtain an excess weight authorization from the Mississippi  
16 Department of Transportation or local authority having  
17 jurisdiction of the particular road, street or highway before  
18 operating such vehicle on the highways of this state to haul such  
19 a gross weight over a route to be designated by the aforesaid  
20 department. It shall then be necessary for the owner or operator  
21 of the vehicle to obtain a permit from the Transportation  
22 Department, which shall be issued by the department under the same  
23 provisions as are provided for the issuance of trip permits under  
24 Section 27-19-79, but which permit shall likewise be obtained  
25 prior to the operation of such vehicle on the highways. No  
26 persons or agencies other than the Mississippi Department of  
27 Transportation shall have authority to issue the permits provided  
28 for in this section. The fee to be charged for such permits shall



29 be computed in the same manner provided in Section 27-19-79 for  
30 each one thousand (1,000) pounds, or fractional part thereof, of  
31 gross weight above the licensed capacity of the vehicle, up to the  
32 maximum legal weights provided by this article on the roads to be  
33 traveled.

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

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

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



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

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



95 specifically in road building or other highway construction or  
96 maintenance work or to any machinery or equipment operated on the  
97 highways or transported thereon in the course of normal farming  
98 activities, including cotton module transporters.

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

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



128 of the state on an equal basis. Monies distributed to the  
129 counties under this subsection shall be deposited in each county's  
130 road and bridge fund and may be expended, upon approval of the  
131 board of supervisors, for any purpose for which county road and  
132 bridge fund monies lawfully may be expended. This subsection (4)  
133 shall stand repealed from and after July 1, 2003.

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

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

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

156 **SECTION 2.** Section 63-5-33, Mississippi Code of 1972, is  
157 amended as follows:

158 63-5-33. (1) Subject to the limitations imposed on wheel  
159 and axle loads by Section 63-5-27, and to the further limitations  
160 hereinafter specified, the total combined weight (vehicles plus



161 load) on any group of axles of a vehicle or a combination of  
 162 vehicles shall not exceed the value given in the following table  
 163 (Table III) corresponding to the distance in feet between the  
 164 extreme axles of the group, measured longitudinally to the nearest  
 165 foot, on those highways or parts of highways designated by the  
 166 Mississippi Transportation Commission as being capable of carrying  
 167 the maximum load limits and, in addition thereto, such other  
 168 highways or parts of highways found by the commission to be  
 169 suitable to carry the maximum load limits from an engineering  
 170 standpoint, and so designated as such by order of the commission  
 171 entered upon its minutes and published once each week for three  
 172 (3) consecutive weeks in a daily newspaper published in this state  
 173 and having a general circulation therein. The maximum total  
 174 combined weight carried on any group of two (2) or more  
 175 consecutive axles shall be determined by the formula contained in  
 176 the Federal Weight Law enacted January 4, 1975, as follows:  $W=500$   
 177  $(LN/N-1+12N+36)$  where  $W$ =maximum weight in pounds carried on any  
 178 group of two (2) or more axles computed to nearest five hundred  
 179 (500) pounds,  $L$ =distance in feet between the extremes of any group  
 180 of two (2) or more consecutive axles, and  $N$ =number of axles in  
 181 group under consideration.

182 TABLE III

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



194	6	34,000		Axle groups in			
195	7	34,000					
196	8 and						
197	less	34,000	34,000	these spacings			
198	More						
199	than						
200	8	38,000	42,000				
201	9	39,000	42,500				
202	10	40,000	43,500	impractical			
203	11		44,000				
204	12		45,000	50,000			
205	13		45,500	50,500			
206	14		46,500	51,500			
207	15		47,000	52,000			
208	16		48,000	52,500	58,000		
209	17		48,500	53,500	58,500		
210	18		49,500	54,000	59,000		
211	19		50,000	54,500	60,000		
212	20		51,000	55,500	60,500	66,000	
213	21		51,500	56,000	61,000	66,500	
214	22		52,500	56,500	61,500	67,000	
215	23		53,000	57,500	62,500	68,000	
216	24		54,000	58,000	63,000	68,500	74,000
217	25		54,500	58,500	63,500	69,000	74,500
218	26		55,500	59,500	64,000	69,500	75,000
219	27		56,000	60,000	65,000	70,000	75,500
220	28		57,000	60,500	65,500	71,000	76,500
221	29		57,500	61,500	66,000	71,500	77,000
222	30		58,500	62,000	66,500	72,000	77,500
223	31		59,000	62,500	67,500	72,500	78,000
224	32		60,000	63,500	68,000	73,000	78,500
225	33			64,000	68,500	74,000	79,000
226	34			64,500	69,000	74,500	80,000



227	35	65,500	70,000	75,000	80,000
228	36	66,000	70,500	75,500	80,000
229	37	66,500	71,000	76,000	80,000
230	38	67,500	71,500	77,000	80,000
231	39	68,000	72,500	77,500	80,000
232	40	68,500	73,000	78,000	80,000
233	41	69,500	73,500	78,500	80,000
234	42	70,000	74,000	79,000	80,000
235	43	70,500	75,000	80,000	80,000
236	44	71,500	75,500	80,000	80,000
237	45	72,000	76,000	80,000	80,000
238	46	72,500	76,500	80,000	80,000
239	47	73,500	77,500	80,000	80,000
240	48	74,000	78,000	80,000	80,000
241	49	74,500	78,500	80,000	80,000
242	50	75,500	79,000	80,000	80,000
243	51	76,000	80,000	80,000	80,000
244	52	76,500	80,000	80,000	80,000
245	53	77,500	80,000	80,000	80,000
246	54	78,000	80,000	80,000	80,000
247	55	78,500	80,000	80,000	80,000
248	56	79,500	80,000	80,000	80,000
249	57	80,000	80,000	80,000	80,000

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





260 (3) Notwithstanding the provisions of Section 63-5-27 and/or  
261 Section 63-5-29 to the contrary, vehicles hauling products in the  
262 manner set forth in this subsection, whether or not such vehicles  
263 are operating with a harvest permit, shall be allowed a gross  
264 weight of not to exceed forty thousand (40,000) pounds on any  
265 tandem. Vehicles operating without a harvest permit shall be  
266 allowed a tolerance not to exceed five percent (5%) above their  
267 authorized gross vehicle weight, tandem or axle weight; except  
268 that the maximum gross vehicle weight of any such vehicle shall  
269 not exceed eighty thousand (80,000) pounds plus a tolerance  
270 thereon of not more than two percent (2%). Vehicles operating  
271 with a harvest permit shall be allowed a tolerance not to exceed  
272 five percent (5%) above their authorized tandem or axle weight,  
273 but the maximum gross vehicle weight of any such vehicle shall not  
274 exceed eighty-four thousand (84,000) pounds. However, neither the  
275 increased weights in this subsection nor any tolerance shall be  
276 allowed on federal interstate highways or on other highways where  
277 a tolerance is specifically prohibited by the Transportation  
278 Commission, the county board of supervisors or the municipal  
279 governing authorities as provided for in Section 63-5-27. The  
280 tolerance allowed by this subsection shall only apply to the  
281 operation of vehicles from the point of loading to the point of  
282 unloading for processing, and to the operation of vehicles hauling  
283 sand, gravel, fill dirt and agricultural products, and products  
284 for recycling or materials for the construction or repair of  
285 highways. The range of such operation shall not exceed a radius  
286 of one hundred (100) miles except where the products are being  
287 transported for processing within this state. The tolerance shall  
288 not be allowed for vehicles loading at a point of origin having  
289 scales available for weighing each individual axle of the vehicle;  
290 provided, however, that vehicles loading at a point of origin  
291 having scales available for weighing the vehicle shall not be



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

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

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

319 (b) Any owner or operator who has been issued a harvest  
320 permit and who wishes to operate a vehicle on the roads, streets  
321 or highways under the jurisdiction of a county or municipality at  
322 a gross vehicle weight greater than the weight allowed by law or  
323 greater than the maximum weight established for such roads,  
324 streets or highways by the board of supervisors or municipal



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

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



358 required for any person who obtains a permit issued under this  
359 paragraph.

360 (d) This subsection (5) shall stand repealed from and  
361 after July 1, 2003.

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

367 **SECTION 3.** This act shall take effect and be in force from  
368 and after July 1, 2002.

