

By: Representative Ford

To: Transportation

HOUSE BILL NO. 486  
(As Passed the House)

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; TO INCLUDE WOOD CHIPS, WOOD SHAVINGS AND SAWDUST  
6 IN THE TYPES OF PRODUCTS THAT MAY BE HAULED IN VEHICLES FOR WHICH  
7 THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION MAY ISSUE HARVEST  
8 PERMITS; AND FOR RELATED PURPOSES.

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

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

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



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

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

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

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



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

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



97 tractor, road roller or road machinery used solely and  
98 specifically in road building or other highway construction or  
99 maintenance work or to any machinery or equipment operated on the  
100 highways or transported thereon in the course of normal farming  
101 activities, including cotton module transporters.

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

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



130 Treasury. Monies in the fund shall be allocated and distributed  
131 quarterly, beginning September 30, 1994, to each of the counties  
132 of the state on an equal basis. Monies distributed to the  
133 counties under this subsection shall be deposited in each county's  
134 road and bridge fund and may be expended, upon approval of the  
135 board of supervisors, for any purpose for which county road and  
136 bridge fund monies lawfully may be expended. This subsection (4)  
137 shall stand repealed from and after July 1, 2005.

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 63-5-33, Mississippi Code of 1972, is  
161 amended as follows:





|     |       | 2 axles | 3 axles | 4 axles        | 5 axles | 6 axles | 7 axles |
|-----|-------|---------|---------|----------------|---------|---------|---------|
| 195 |       |         |         |                |         |         |         |
| 196 | 4     | 34,000  |         |                |         |         |         |
| 197 | 5     | 34,000  |         |                |         |         |         |
| 198 | 6     | 34,000  |         | Axle groups in |         |         |         |
| 199 | 7     | 34,000  |         |                |         |         |         |
| 200 | 8 and |         |         |                |         |         |         |
| 201 | less  | 34,000  | 34,000  | these spacings |         |         |         |
| 202 | More  |         |         |                |         |         |         |
| 203 | than  |         |         |                |         |         |         |
| 204 | 8     | 38,000  | 42,000  |                |         |         |         |
| 205 | 9     | 39,000  | 42,500  |                |         |         |         |
| 206 | 10    | 40,000  | 43,500  | impractical    |         |         |         |
| 207 | 11    |         | 44,000  |                |         |         |         |
| 208 | 12    |         | 45,000  | 50,000         |         |         |         |
| 209 | 13    |         | 45,500  | 50,500         |         |         |         |
| 210 | 14    |         | 46,500  | 51,500         |         |         |         |
| 211 | 15    |         | 47,000  | 52,000         |         |         |         |
| 212 | 16    |         | 48,000  | 52,500         | 58,000  |         |         |
| 213 | 17    |         | 48,500  | 53,500         | 58,500  |         |         |
| 214 | 18    |         | 49,500  | 54,000         | 59,000  |         |         |
| 215 | 19    |         | 50,000  | 54,500         | 60,000  |         |         |
| 216 | 20    |         | 51,000  | 55,500         | 60,500  | 66,000  |         |
| 217 | 21    |         | 51,500  | 56,000         | 61,000  | 66,500  |         |
| 218 | 22    |         | 52,500  | 56,500         | 61,500  | 67,000  |         |
| 219 | 23    |         | 53,000  | 57,500         | 62,500  | 68,000  |         |
| 220 | 24    |         | 54,000  | 58,000         | 63,000  | 68,500  | 74,000  |
| 221 | 25    |         | 54,500  | 58,500         | 63,500  | 69,000  | 74,500  |
| 222 | 26    |         | 55,500  | 59,500         | 64,000  | 69,500  | 75,000  |
| 223 | 27    |         | 56,000  | 60,000         | 65,000  | 70,000  | 75,500  |
| 224 | 28    |         | 57,000  | 60,500         | 65,500  | 71,000  | 76,500  |
| 225 | 29    |         | 57,500  | 61,500         | 66,000  | 71,500  | 77,000  |
| 226 | 30    |         | 58,500  | 62,000         | 66,500  | 72,000  | 77,500  |
| 227 | 31    |         | 59,000  | 62,500         | 67,500  | 72,500  | 78,000  |



|     |    |        |        |        |        |        |
|-----|----|--------|--------|--------|--------|--------|
| 228 | 32 | 60,000 | 63,500 | 68,000 | 73,000 | 78,500 |
| 229 | 33 |        | 64,000 | 68,500 | 74,000 | 79,000 |
| 230 | 34 |        | 64,500 | 69,000 | 74,500 | 80,000 |
| 231 | 35 |        | 65,500 | 70,000 | 75,000 | 80,000 |
| 232 | 36 |        | 66,000 | 70,500 | 75,500 | 80,000 |
| 233 | 37 |        | 66,500 | 71,000 | 76,000 | 80,000 |
| 234 | 38 |        | 67,500 | 71,500 | 77,000 | 80,000 |
| 235 | 39 |        | 68,000 | 72,500 | 77,500 | 80,000 |
| 236 | 40 |        | 68,500 | 73,000 | 78,000 | 80,000 |
| 237 | 41 |        | 69,500 | 73,500 | 78,500 | 80,000 |
| 238 | 42 |        | 70,000 | 74,000 | 79,000 | 80,000 |
| 239 | 43 |        | 70,500 | 75,000 | 80,000 | 80,000 |
| 240 | 44 |        | 71,500 | 75,500 | 80,000 | 80,000 |
| 241 | 45 |        | 72,000 | 76,000 | 80,000 | 80,000 |
| 242 | 46 |        | 72,500 | 76,500 | 80,000 | 80,000 |
| 243 | 47 |        | 73,500 | 77,500 | 80,000 | 80,000 |
| 244 | 48 |        | 74,000 | 78,000 | 80,000 | 80,000 |
| 245 | 49 |        | 74,500 | 78,500 | 80,000 | 80,000 |
| 246 | 50 |        | 75,500 | 79,000 | 80,000 | 80,000 |
| 247 | 51 |        | 76,000 | 80,000 | 80,000 | 80,000 |
| 248 | 52 |        | 76,500 | 80,000 | 80,000 | 80,000 |
| 249 | 53 |        | 77,500 | 80,000 | 80,000 | 80,000 |
| 250 | 54 |        | 78,000 | 80,000 | 80,000 | 80,000 |
| 251 | 55 |        | 78,500 | 80,000 | 80,000 | 80,000 |
| 252 | 56 |        | 79,500 | 80,000 | 80,000 | 80,000 |
| 253 | 57 |        | 80,000 | 80,000 | 80,000 | 80,000 |

254 (2) Moreover, in addition to the per axle weight limitations  
255 specified by Section 63-5-27, two (2) consecutive sets of tandem  
256 axles may carry a gross load of thirty-four thousand (34,000)  
257 pounds each, providing that the overall distance between the first  
258 and last axles of such consecutive sets of tandem axles is  
259 thirty-six (36) feet or more, except that, until September 1,  
260 1989, the axle distance for tank trailers, dump trailers and ocean





261 transport container haulers may be thirty (30) feet or more. Such  
262 overall gross weight may not exceed eighty thousand (80,000)  
263 pounds, except as provided by this section.

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



294 weighing each individual axle of the vehicle; provided, however,  
295 that vehicles loading at a point of origin having scales available  
296 for weighing the vehicle shall not be eligible for any tolerance  
297 over the gross weight limit of eighty thousand (80,000) pounds.

298 (4) Notwithstanding the provisions of Section 63-5-27 and/or  
299 Section 63-5-29 to the contrary, vehicles hauling prepackaged  
300 products, unloaded at a state port or to be loaded at a state  
301 port, which are containerized in such a manner as to make  
302 subdivision thereof impractical shall be allowed a gross weight of  
303 not to exceed forty thousand (40,000) pounds on any tandem, and a  
304 tolerance not to exceed five percent (5%) above their authorized  
305 gross weight, tandem or axle weight; except that the maximum  
306 weight of any vehicle shall not exceed eighty thousand (80,000)  
307 pounds plus a tolerance thereon of not more than two percent (2%);  
308 however, neither the increased weights in this subsection nor any  
309 tolerance shall be allowed on federal interstate highways or on  
310 other highways where a tolerance is specifically prohibited by the  
311 Transportation Commission, the county board of supervisors or the  
312 municipal governing authorities as provided for in Section  
313 63-5-27.

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

323 (b) Any owner or operator who has been issued a harvest  
324 permit and who wishes to operate a vehicle on the roads, streets  
325 or highways under the jurisdiction of a county or municipality at  
326 a gross vehicle weight greater than the weight allowed by law or



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

347 (c) Anytime a timber deed is filed with the chancery  
348 clerk, the grantee, at that time, may make a written request of  
349 the board of supervisors of the county or the governing  
350 authorities of the municipality, as the case may be, for the  
351 purpose of providing to the grantee, within three (3) working days  
352 of the filing of the request, a designated and approved route over  
353 the roads, streets or highways under the jurisdiction of the  
354 county or city, as the case may be, that the grantee may travel  
355 for the purpose of transporting harvested timber. Upon providing  
356 such route designation, the county or city, as the case may be,  
357 shall also provide to the grantee a map designating the approved  
358 route. An approved route designation provided to a grantee under  
359 the provisions of this paragraph shall be valid for a period of



360 six (6) months from its date of issue. The permit authorized to  
361 be issued under paragraph (b) of this section shall not be  
362 required for any person who obtains a permit issued under this  
363 paragraph.

364 (d) This subsection (5) shall stand repealed from and  
365 after July 1, 2005.

366 (6) Nothing in this section or subsections (1) through (4)  
367 of Section 63-5-27 shall be construed to deny the operation of any  
368 vehicle or combination of vehicles that could be lawfully operated  
369 upon the interstate highway system of this state on January 4,  
370 1975.

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

