

By: Representative Compretta (By Request)

To: Transportation

HOUSE BILL NO. 1586

1 AN ACT TO AMEND SECTION 27-19-89, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT FINES AND PENALTIES IMPOSED AND COLLECTED BY THE
3 MISSISSIPPI DEPARTMENT OF TRANSPORTATION FOR VIOLATING THE MAXIMUM
4 HIGHWAY WEIGHT LIMITS SHALL BE PLACED IN A SPECIAL FUND AND USED
5 BY THE DEPARTMENT FOR THE PURCHASE, CONSTRUCTION, RECONSTRUCTION,
6 REPAIR, RENOVATION AND MAINTENANCE OF SCALES AT INSPECTION
7 STATIONS UNDER ITS JURISDICTION; TO REMOVE PROVISIONS THAT REQUIRE
8 SUCH FINES AND PENALTIES TO BE PAID QUARTERLY TO THE COUNTY IN
9 WHICH THEY WERE IMPOSED AND COLLECTED; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 27-19-89, Mississippi Code of 1972, is
12 amended as follows:

13 27-19-89. (a) If any nonresident owner or operator or other
14 nonresident person eligible for a temporary permit as provided in
15 Section 27-19-79, who has not elected to register and pay the
16 annual privilege taxes prescribed, shall enter or go upon the
17 public highways of the state and shall fail or refuse to obtain
18 the permit required by Section 27-19-79, such person shall be
19 liable, for the first such offense, for the full amount of the
20 permit fee required, plus a penalty thereon of five hundred
21 percent (500%). For the second and all subsequent offenses, such
22 person who fails or refuses to obtain such permits shall be liable
23 for the pro rata part of the annual tax for the balance of the tag
24 year for the maximum legal gross weight of the vehicle plus a
25 penalty thereon of twenty-five percent (25%). Any weight in
26 excess of the maximum legal gross weight of the vehicle, or in
27 excess of the maximum highway weight limit, shall be penalized
28 according to subsection (c) of this section. In either case the
29 excess weight shall be removed by the operator before the vehicle
30 can be allowed to proceed. In order to constitute a "second or



31 subsequent offense" under the provisions hereof, it shall not be
32 necessary that the same or identical vehicle be involved, it being
33 the declared purpose hereof to provide that such penalties shall
34 run against the owner or operator rather than against the
35 specified vehicle. It is further provided that, in order for such
36 owner or operator to become liable for the penalties herein
37 provided, it shall not be necessary to show that such owner or
38 operator was guilty of willfulness, gross negligence or
39 wantonness, but the offense shall be complete upon the failure or
40 refusal to obtain the required permit.

41 (b) If any person who has registered his vehicle in
42 Mississippi shall operate such vehicle upon the public highways,
43 having a gross weight greater than the licensed gross weight of
44 such vehicle, and shall fail or refuse to obtain a permit therefor
45 as required by Section 27-19-79, or if any person shall operate
46 any such registered vehicle upon the public highways in a higher
47 classification than that for which it is registered, and shall
48 fail or refuse to obtain a permit therefor as required by Section
49 27-19-79, then such person shall be liable for the pro rata part
50 of the annual tax for the balance of the tag year for the legal
51 gross weight of such vehicle and in the classification in which
52 same is being operated, plus a penalty thereon of twenty-five
53 percent (25%), after having been given credit for the unexpired
54 part of the privilege tax paid, as provided in Section 27-19-75.
55 In order that such owner or operator shall become liable for the
56 penalties herein provided, it shall not be necessary to show that
57 such owner or operator was guilty of willfulness, gross negligence
58 or wantonness, but the offense shall be complete upon the failure
59 or refusal to obtain the required permit.

60 (c) If any person shall operate upon a highway of this state
61 a vehicle which has a greater vehicle gross weight than the
62 maximum gross weight limit established by law for that highway and
63 shall have failed to obtain an overload permit as required by



64 Section 27-19-81, or if any person shall operate a vehicle with a
65 greater load on any axle or axle grouping than allowed by law,
66 then such person, owner or operator shall be assessed a penalty on
67 such axle load weight or vehicle gross weight as exceeds the legal
68 limit in accordance with the following schedule:

69	AMOUNT IN EXCESS OF	
70	LEGAL HIGHWAY WEIGHT	
71	LIMITS IN POUNDS	PENALTY
72	1 to 999	\$10.00 minimum penalty
73	1,000 to 1,999	1¢ per pound in excess of legal limit
74	2,000 to 2,999	2¢ per pound in excess of legal limit
75	3,000 to 3,999	3¢ per pound in excess of legal limit
76	4,000 to 4,999	4¢ per pound in excess of legal limit
77	5,000 to 5,999	5¢ per pound in excess of legal limit
78	6,000 to 6,999	6¢ per pound in excess of legal limit
79	7,000 to 7,999	7¢ per pound in excess of legal limit
80	8,000 to 8,999	8¢ per pound in excess of legal limit
81	9,000 to 9,999	9¢ per pound in excess of legal limit
82	10,000 to 10,999	10¢ per pound in excess of legal limit
83	11,000 or more	11¢ per pound in excess of legal limit

84 Any vehicle in violation of the tolerance allowed pursuant to
85 Section 63-5-33(3) shall be fined pursuant to Section 27-19-89(c)
86 for all weight in excess of the legal highway gross weight limit
87 authorized for such vehicle or for all weight in excess of the
88 legal tandem axle load weight limit of forty thousand (40,000)
89 pounds and the legal single axle load limit of twenty thousand
90 (20,000) pounds, whichever the case may be.

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

95 In instances where both the legal highway gross weight limit
96 and the legal axle load weight limit(s) are exceeded, the fine



97 that shall be levied shall be either the penalty amount for the
98 excess vehicle gross weight or the total of the penalty amounts of
99 all overloaded axles, whichever is the larger amount.

100 Notwithstanding any other provisions of this section to the
101 contrary, the fine assessed against the holder of a harvest permit
102 for exceeding a gross vehicle weight of eighty-four thousand
103 (84,000) pounds shall be Five Cents (5¢) per pound and Fifteen
104 Cents (15¢) per pound for exceeding a gross vehicle weight of one
105 hundred thousand (100,000) pounds.

106 Notwithstanding any other provision of this subsection (c) to
107 the contrary, upon an appeal to the Appeals Board of the
108 Mississippi Transportation Commission by an owner or operator of a
109 vehicle hauling without a harvest permit any of the products or
110 materials described in subsection (3) of Section 63-5-33 and upon
111 whom a penalty has been assessed under this subsection (c) for
112 exceeding the legal weight limit(s) on a highway having a legal
113 weight limit of eighty thousand (80,000) pounds or less, the
114 appeals board shall reduce the penalty assessed against such
115 owner/operator to an amount not to exceed ten percent (10%) of the
116 amount which would otherwise be due without the reduction
117 authorized under this paragraph. A reduction shall not be
118 authorized under this paragraph if the gross weight of the vehicle
119 for which an owner/operator has been charged with a violation of
120 this section exceeds eighty-four thousand (84,000) pounds; and, in
121 any event, no reduction shall be authorized under this paragraph
122 unless a penalty assessed under this section is appealed to the
123 appeals board and unless the board determines, based upon its
124 records, that such owner/operator has not been granted a penalty
125 reduction under this paragraph within a period of twelve (12)
126 months immediately preceding the date of filing an appeal with the
127 board for a penalty reduction under this paragraph.

128 (d) If any nonresident owner or operator who has not
129 registered his vehicle and paid the annual privilege taxes



130 prescribed shall operate his vehicle upon the highways of this
131 state when such vehicle has a greater gross weight than permitted
132 by law for the highway traveled upon, and for which such excess
133 gross weight a permit was not or could not be procured from the
134 transportation department as required by Section 27-19-81, such
135 person shall be liable upon his second and all subsequent offenses
136 for the pro rata part of the annual tax for the balance of the tag
137 year for the legal gross weight of the vehicle, and in addition
138 thereto the penalty fee on the excess weight as specified in
139 subsection (c) of this section. In order that such owner or
140 operator shall become liable for the penalties herein provided, it
141 shall not be necessary that the same or identical vehicle be
142 involved, it being the declared purpose hereof to provide that
143 such penalties shall run against the owner or operator rather than
144 against the specific vehicle.

145 (e) All fines and penalties imposed and collected by the
146 Mississippi Department of Transportation for violations of the
147 maximum legal vehicle weight limits authorized on the highways of
148 this state shall be deposited into a special fund that is created
149 in the State Treasury. Money in the fund shall be used by the
150 Mississippi Department of Transportation for the purpose of
151 purchasing, constructing, reconstructing, repairing, renovating
152 and maintaining scales at inspection stations under its
153 jurisdiction and permanent scales operated pursuant to an
154 interstate agreement entered into under Section 65-1-503. Money
155 in the fund at the end of a fiscal year shall not lapse into the
156 General Fund and any interest earned thereon shall be deposited to
157 the credit of the special fund.

158 **SECTION 2.** This act shall take effect and be in force from
159 and after July 1, 2002.

