

By: Representative Warren

To: Transportation

HOUSE BILL NO. 921

1 AN ACT TO AUTHORIZE THE MISSISSIPPI DEPARTMENT OF
2 TRANSPORTATION TO ISSUE ANNUAL SPECIAL PERMITS FOR VEHICLES
3 TRANSPORTING HEAVY EQUIPMENT WITH A GROSS VEHICLE WEIGHT OF
4 120,000 POUNDS OR LESS; TO PROVIDE THAT THE PERMIT SHALL BE ISSUED
5 FOR THE PULLING UNIT AND SHALL BE NONTRANSFERABLE; TO PROVIDE THE
6 FEE FOR SUCH PERMIT; TO AMEND SECTION 27-19-89, MISSISSIPPI CODE
7 OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** In addition to other permits authorized to be
10 issued for overweight loads, the Department of Transportation may
11 issue annual special permits for vehicles transporting heavy
12 equipment with a gross vehicle weight of one hundred twenty
13 thousand (120,000) pounds or less. The permit shall be issued for
14 the pulling unit and shall be nontransferable. The fee for the
15 permit shall be Two Thousand Five Hundred Dollars (\$2,500.00) and
16 the permit shall expire one (1) year from the beginning movement
17 date. Movements under such permit shall be made under such safety
18 and equipment restrictions as the department may establish. The
19 department shall specify the routes over which such movements may
20 be conducted.

21 **SECTION 2.** Section 27-19-89, Mississippi Code of 1972, is
22 amended as follows:

23 27-19-89. (a) If any nonresident owner or operator or other
24 nonresident person eligible for a temporary permit as provided in
25 Section 27-19-79, who has not elected to register and pay the
26 annual privilege taxes prescribed, shall enter or go upon the
27 public highways of the state and shall fail or refuse to obtain
28 the permit required by Section 27-19-79, such person shall be
29 liable, for the first such offense, for the full amount of the



30 permit fee required, plus a penalty thereon of five hundred
31 percent (500%). For the second and all subsequent offenses, such
32 person who fails or refuses to obtain such permits shall be liable
33 for the pro rata part of the annual tax for the balance of the tag
34 year for the maximum legal gross weight of the vehicle plus a
35 penalty thereon of twenty-five percent (25%). Any weight in
36 excess of the maximum legal gross weight of the vehicle, or in
37 excess of the maximum highway weight limit, shall be penalized
38 according to subsection (c) of this section. In either case the
39 excess weight shall be removed by the operator before the vehicle
40 can be allowed to proceed. In order to constitute a "second or
41 subsequent offense" under the provisions hereof, it shall not be
42 necessary that the same or identical vehicle be involved, it being
43 the declared purpose hereof to provide that such penalties shall
44 run against the owner or operator rather than against the
45 specified vehicle. It is further provided that, in order for such
46 owner or operator to become liable for the penalties herein
47 provided, it shall not be necessary to show that such owner or
48 operator was guilty of willfulness, gross negligence or
49 wantonness, but the offense shall be complete upon the failure or
50 refusal to obtain the required permit.

51 (b) If any person who has registered his vehicle in
52 Mississippi shall operate such vehicle upon the public highways,
53 having a gross weight greater than the licensed gross weight of
54 such vehicle, and shall fail or refuse to obtain a permit therefor
55 as required by Section 27-19-79, or if any person shall operate
56 any such registered vehicle upon the public highways in a higher
57 classification than that for which it is registered, and shall
58 fail or refuse to obtain a permit therefor as required by Section
59 27-19-79, then such person shall be liable for the pro rata part
60 of the annual tax for the balance of the tag year for the legal
61 gross weight of such vehicle and in the classification in which
62 same is being operated, plus a penalty thereon of twenty-five



63 percent (25%), after having been given credit for the unexpired
 64 part of the privilege tax paid, as provided in Section 27-19-75.
 65 In order that such owner or operator shall become liable for the
 66 penalties herein provided, it shall not be necessary to show that
 67 such owner or operator was guilty of willfulness, gross negligence
 68 or wantonness, but the offense shall be complete upon the failure
 69 or refusal to obtain the required permit.

70 (c) If any person shall operate upon a highway of this state
 71 a vehicle which has a greater vehicle gross weight than the
 72 maximum gross weight limit established by law for that highway and
 73 shall have failed to obtain an overload permit as required by
 74 Section 27-19-81 or Section 1, House Bill No. _____, 2003 Regular
 75 Session, or if any person shall operate a vehicle with a greater
 76 load on any axle or axle grouping than allowed by law, then such
 77 person, owner or operator shall be assessed a penalty on such axle
 78 load weight or vehicle gross weight as exceeds the legal limit in
 79 accordance with the following schedule:

80	AMOUNT IN EXCESS OF	
81	LEGAL HIGHWAY WEIGHT	
82	LIMITS IN POUNDS	PENALTY
83	1 to 999	\$10.00 minimum penalty
84	1,000 to 1,999	1¢ per pound in excess of legal limit
85	2,000 to 2,999	2¢ per pound in excess of legal limit
86	3,000 to 3,999	3¢ per pound in excess of legal limit
87	4,000 to 4,999	4¢ per pound in excess of legal limit
88	5,000 to 5,999	5¢ per pound in excess of legal limit
89	6,000 to 6,999	6¢ per pound in excess of legal limit
90	7,000 to 7,999	7¢ per pound in excess of legal limit
91	8,000 to 8,999	8¢ per pound in excess of legal limit
92	9,000 to 9,999	9¢ per pound in excess of legal limit
93	10,000 to 10,999	10¢ per pound in excess of legal limit
94	11,000 or more	11¢ per pound in excess of legal limit



95 Any vehicle in violation of the tolerance allowed pursuant to
96 Section 63-5-33(3) shall be fined pursuant to Section 27-19-89(c)
97 for all weight in excess of the legal highway gross weight limit
98 authorized for such vehicle or for all weight in excess of the
99 legal tandem axle load weight limit of forty thousand (40,000)
100 pounds and the legal single axle load limit of twenty thousand
101 (20,000) pounds, whichever the case may be.

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

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

111 Notwithstanding any other provisions of this section to the
112 contrary, the fine assessed against the holder of a harvest permit
113 for exceeding a gross vehicle weight of eighty-four thousand
114 (84,000) pounds shall be Five Cents (5¢) per pound and Fifteen
115 Cents (15¢) per pound for exceeding a gross vehicle weight of one
116 hundred thousand (100,000) pounds.

117 Notwithstanding any other provision of this subsection (c) to
118 the contrary, upon an appeal to the Appeals Board of the
119 Mississippi Transportation Commission by an owner or operator of a
120 vehicle hauling without a harvest permit any of the products or
121 materials described in subsection (3) of Section 63-5-33 and upon
122 whom a penalty has been assessed under this subsection (c) for
123 exceeding the legal weight limit(s) on a highway having a legal
124 weight limit of eighty thousand (80,000) pounds or less, the
125 appeals board shall reduce the penalty assessed against such
126 owner/operator to an amount not to exceed ten percent (10%) of the
127 amount which would otherwise be due without the reduction



128 authorized under this paragraph. A reduction shall not be
129 authorized under this paragraph if the gross weight of the vehicle
130 for which an owner/operator has been charged with a violation of
131 this section exceeds eighty-four thousand (84,000) pounds; and, in
132 any event, no reduction shall be authorized under this paragraph
133 unless a penalty assessed under this section is appealed to the
134 appeals board and unless the board determines, based upon its
135 records, that such owner/operator has not been granted a penalty
136 reduction under this paragraph within a period of twelve (12)
137 months immediately preceding the date of filing an appeal with the
138 board for a penalty reduction under this paragraph.

139 (d) If any nonresident owner or operator who has not
140 registered his vehicle and paid the annual privilege taxes
141 prescribed shall operate his vehicle upon the highways of this
142 state when such vehicle has a greater gross weight than permitted
143 by law for the highway traveled upon, and for which such excess
144 gross weight a permit was not or could not be procured from the
145 transportation department as required by Section 27-19-81, such
146 person shall be liable upon his second and all subsequent offenses
147 for the pro rata part of the annual tax for the balance of the tag
148 year for the legal gross weight of the vehicle, and in addition
149 thereto the penalty fee on the excess weight as specified in
150 subsection (c) of this section. In order that such owner or
151 operator shall become liable for the penalties herein provided, it
152 shall not be necessary that the same or identical vehicle be
153 involved, it being the declared purpose hereof to provide that
154 such penalties shall run against the owner or operator rather than
155 against the specific vehicle.

156 (e) All fines and penalties imposed and collected by the
157 Mississippi Department of Transportation for violations of the
158 maximum legal vehicle weight limits authorized on the highways of
159 this state shall be deposited into a special fund that is created
160 in the State Treasury. Monies in the fund shall be allocated and



161 distributed quarterly, beginning September 30, 1994, to each
162 county of the state based on the amount of such fines and
163 penalties imposed and collected in the county during the
164 immediately preceding three (3) months. Monies distributed to the
165 counties under this subsection shall be deposited in each county's
166 road and bridge fund and may be expended, upon approval of the
167 board of supervisors, for any purpose for which county road and
168 bridge fund monies lawfully may be expended.

169 **SECTION 3.** This act shall take effect and be in force from
170 and after July 1, 2003.

