

By: Senator(s) Harvey, Thames, Jackson,
Johnson (19th), Browning, Dearing, King,
Stogner, Chaney, Dickerson, Smith

To: Highways and
Transportation

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2676

1 AN ACT AUTHORIZE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION
2 TO ISSUE ANNUAL SPECIAL PERMITS FOR VEHICLES TRANSPORTING HEAVY
3 EQUIPMENT WITH A GROSS VEHICLE WEIGHT OF 140,000 POUNDS OR LESS;
4 TO PROVIDE THAT THE PERMIT SHALL BE ISSUED FOR THE PULLING UNIT
5 AND SHALL BE NONTRANSFERABLE; TO PROVIDE THE FEE FOR SUCH PERMIT;
6 TO AMEND SECTIONS 27-19-81 AND 27-19-89, MISSISSIPPI CODE OF 1972,
7 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) In addition to other permits authorized to
10 be issued for overweight loads, the Department of Transportation
11 is authorized to issue annual special permits for vehicles
12 transporting heavy equipment with a gross vehicle weight of one
13 hundred forty thousand (140,000) pounds or less. The permit shall
14 be issued for the pulling unit and shall be nontransferable. The
15 fee for such permit shall be Four Thousand Five Hundred Dollars
16 (\$4,500.00) and the permit shall expire one (1) year from the
17 beginning movement date. Movements under such permit shall be
18 made under such safety and equipment restrictions as the
19 department may establish. The department shall specify the routes
20 over which such movements may be conducted.

21 (2) This section shall stand repealed from and after July 1,
22 2006.

23 **SECTION 2.** Section 27-19-81, Mississippi Code of 1972, is
24 amended as follows:

25 **[Through June 30, 2006, this section shall read as follows:]**

26 27-19-81. (1) No vehicle shall be registered by the State
27 Tax Commission or by a tax collector, and no license tag
28 whatsoever shall be issued therefor, where the gross weight of
29 such vehicle exceeds the limits provided by law. In the event of



30 an emergency requiring the hauling of a greater gross weight than
31 permitted by law, the owner or operator of such vehicle shall
32 obtain an excess weight authorization from the Mississippi
33 Department of Transportation or local authority having
34 jurisdiction of the particular road, street or highway before
35 operating such vehicle on the highways of this state to haul such
36 a gross weight over a route to be designated by the aforesaid
37 department. It shall then be necessary for the owner or operator
38 of the vehicle to obtain a permit from the Transportation
39 Department, which shall be issued by the department under the same
40 provisions as are provided for the issuance of trip permits under
41 Section 27-19-79, but which permit shall likewise be obtained
42 prior to the operation of such vehicle on the highways. No
43 persons or agencies other than the Mississippi Department of
44 Transportation shall have authority to issue the permits provided
45 for in this section. The fee to be charged for such permits shall
46 be computed in the same manner provided in Section 27-19-79 for
47 each one thousand (1,000) pounds, or fractional part thereof, of
48 gross weight above the licensed capacity of the vehicle, up to the
49 maximum legal weights provided by this article on the roads to be
50 traveled.

51 This subsection shall apply, but not be limited to, any
52 tractor, road roller or road machinery used solely and
53 specifically in road building or other highway construction or
54 maintenance work.

55 For each one thousand (1,000) pounds, or fractional part
56 thereof, in excess of the weight authorized by Sections 63-5-29
57 and 63-5-33 for any such vehicle or in excess of the limits set by
58 the Transportation Department for specified roads and bridges, the
59 fee shall be Five Cents (5¢) per one thousand (1,000) pounds, or
60 fractional part thereof, for each mile traveled upon the highways
61 of the state, except that the fee for manufactured housing modular
62 units, residential or commercial, shall be Two Cents (2¢) per one



63 thousand (1,000) pounds, or fractional part thereof, for each mile
64 traveled upon the highways of the state. Provided, however, no
65 permit shall be issued for a fee of less than Ten Dollars
66 (\$10.00).

67 The Transportation Department may provide for an annual
68 permit which will allow pre-approved vehicles and loads to travel
69 predesignated routes with self-issued permits. Under such
70 self-issuance authority, the owner of the vehicle shall complete
71 the permit in a format designated by the department,
72 electronically transmit a copy to the department prior to the
73 move, and ensure that a copy is in the possession of the operator.
74 Vehicles having a gross weight exceeding the limits provided by
75 law that have a nondivisible gross vehicle weight of ninety-five
76 thousand (95,000) pounds or less, which are otherwise legal, shall
77 not be restricted as to the hours of the day such vehicles may be
78 operated on predesignated routes. The department shall bill the
79 vehicle owner according to the provisions of the preceding
80 paragraph. The department is authorized to modify predesignated
81 routes at any time for cause, such as highway construction or
82 hazardous highway conditions. The annual fee for the
83 self-issuance permit authority obtained pursuant to this paragraph
84 shall be Five Hundred Dollars (\$500.00) per owner, regardless of
85 the number of vehicles which he will operate pursuant to such
86 permit, in addition to any other fees required by this section.
87 Any vehicle and load being operated pursuant to this paragraph for
88 which the operator does not have the permit or a copy thereof in
89 his possession, or for which a copy of the permit was not
90 electronically transmitted to the department, shall be deemed not
91 to have a permit and shall be penalized accordingly.

92 It shall not be necessary for the owner or operator of a
93 vehicle to obtain a permit pursuant to this subsection if such
94 owner or operator has obtained for his vehicle an annual special



95 permit for vehicles transporting heavy equipment pursuant to
96 Section 1 of Senate Bill No. 2676, 2003 Regular Session.

97 (2) Before operating a vehicle where the size of the load
98 being hauled is in excess of that permitted by law, the owner or
99 operator of such vehicle shall obtain excess size authorization
100 from the Transportation Department or proper local authority and
101 an excess size permit from the Transportation Department. Such
102 excess size permit shall be issued by the Mississippi Department
103 of Transportation under the same provisions as are provided for
104 the issuance of trip permits under Section 27-19-79, and it shall
105 be obtained prior to the operation of such vehicle on the
106 highways. The fee to be charged for such excess size permit shall
107 be Ten Dollars (\$10.00) per trip. Such permits may be issued for
108 an extended period of time and must coincide with the expiration
109 date and other provisions of the carrier's permit or authorization
110 issued by the Transportation Department or local authority. The
111 fee for such extended permits shall be based upon an annual fee of
112 One Hundred Dollars (\$100.00) per carrier. No permit shall be
113 issued under this subsection if the issuance of the permit would
114 violate federal law or would cause the State of Mississippi to
115 lose federal aid funds. This subsection shall not apply to any
116 tractor, road roller or road machinery used solely and
117 specifically in road building or other highway construction or
118 maintenance work or to any machinery or equipment operated on the
119 highways or transported thereon in the course of normal farming
120 activities, including cotton module transporters.

121 (3) The Executive Director of the Mississippi Department of
122 Transportation may authorize certain carriers of property to issue
123 overweight and/or oversize permits for vehicles owned or operated
124 by such carriers, provided such carriers have blanket
125 authorization from the Transportation Commission and also meet
126 other requirements established by the Transportation Commission.



127 (4) The owner or operator of a vehicle hauling sand, gravel,
128 wood chips, wood shavings, sawdust, fill dirt, agricultural
129 products or unprocessed forestry products may apply to the
130 Mississippi Department of Transportation for a harvest permit for
131 the purpose of authorizing any such vehicles to operate on the
132 highways in this state (other than the federal interstate system
133 or those highways designated by the Mississippi Department of
134 Transportation as not capable of carrying more than fifty-seven
135 thousand six hundred fifty (57,650) pounds at the maximum gross
136 weight specified in Section 63-5-33). Harvest permits may be
137 issued and are valid to permit any such vehicle to be operated on
138 a highway in this state that has been designated by the
139 Mississippi Department of Transportation as not capable of
140 carrying more than fifty-seven thousand six hundred fifty (57,650)
141 pounds only if such vehicle operates in compliance with the
142 provisions of Section 63-5-29(3)(b). A fee of Twenty-five Dollars
143 (\$25.00) shall be charged for each permit issued. The permit
144 shall be in the form of a decal which shall be affixed to each
145 permitted vehicle on the upper left corner of the windshield on
146 the driver's side. Each permit shall expire one (1) year from its
147 date of issue. The fees collected under this subsection shall be
148 deposited into a special fund that is created in the State
149 Treasury. Monies in the fund shall be allocated and distributed
150 quarterly, beginning September 30, 1994, to each of the counties
151 of the state on an equal basis. Monies distributed to the
152 counties under this subsection shall be deposited in each county's
153 road and bridge fund and may be expended, upon approval of the
154 board of supervisors, for any purpose for which county road and
155 bridge fund monies lawfully may be expended. This subsection (4)
156 shall stand repealed from and after July 1, 2005.

157 (5) Any owner or operator who has met the requirements set
158 by the Mississippi Transportation Commission may defer payment of
159 permits issued by the department until the end of the current



160 month. If full payment is not received by the twentieth of the
161 following month, there may be added as damages to the total amount
162 of the delinquency or deficiency the following percentages: ten
163 percent (10%) for the first offense; fifteen percent (15%) for the
164 second offense and twenty-five percent (25%) for the third and any
165 subsequent offense. Upon the third offense, the department may
166 suspend the privilege to defer payment. The balance due shall
167 become payable upon notice and demand by the department.

168 (6) The permit fee monies collected under this section,
169 except as provided for in subsection (4) of this section, shall be
170 deposited into the State Highway Fund for the construction,
171 maintenance and reconstruction of highways and roads of the State
172 of Mississippi or the payment of interest and principal on bonds
173 authorized by the Legislature for construction and reconstruction
174 of highways.

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

179 **[From and after July 1, 2006, this section shall read as**
180 **follows:]**

181 27-19-81. (1) No vehicle shall be registered by the State
182 Tax Commission or by a tax collector, and no license tag
183 whatsoever shall be issued therefor, where the gross weight of
184 such vehicle exceeds the limits provided by law. In the event of
185 an emergency requiring the hauling of a greater gross weight than
186 permitted by law, the owner or operator of such vehicle shall
187 obtain an excess weight authorization from the Mississippi
188 Department of Transportation or local authority having
189 jurisdiction of the particular road, street or highway before
190 operating such vehicle on the highways of this state to haul such
191 a gross weight over a route to be designated by the aforesaid
192 department. It shall then be necessary for the owner or operator



193 of the vehicle to obtain a permit from the Transportation
194 Department, which shall be issued by the department under the same
195 provisions as are provided for the issuance of trip permits under
196 Section 27-19-79, but which permit shall likewise be obtained
197 prior to the operation of such vehicle on the highways. No
198 persons or agencies other than the Mississippi Department of
199 Transportation shall have authority to issue the permits provided
200 for in this section. The fee to be charged for such permits shall
201 be computed in the same manner provided in Section 27-19-79 for
202 each one thousand (1,000) pounds, or fractional part thereof, of
203 gross weight above the licensed capacity of the vehicle, up to the
204 maximum legal weights provided by this article on the roads to be
205 traveled.

206 This subsection shall apply, but not be limited to, any
207 tractor, road roller or road machinery used solely and
208 specifically in road building or other highway construction or
209 maintenance work.

210 For each one thousand (1,000) pounds, or fractional part
211 thereof, in excess of the weight authorized by Sections 63-5-29
212 and 63-5-33 for any such vehicle or in excess of the limits set by
213 the Transportation Department for specified roads and bridges, the
214 fee shall be Five Cents (5¢) per one thousand (1,000) pounds, or
215 fractional part thereof, for each mile traveled upon the highways
216 of the state, except that the fee for manufactured housing modular
217 units, residential or commercial, shall be Two Cents (2¢) per one
218 thousand (1,000) pounds, or fractional part thereof, for each mile
219 traveled upon the highways of the state. Provided, however, no
220 permit shall be issued for a fee of less than Ten Dollars
221 (\$10.00).

222 The Transportation Department may provide for an annual
223 permit which will allow pre-approved vehicles and loads to travel
224 predesignated routes with self-issued permits. Under such
225 self-issuance authority, the owner of the vehicle shall complete



226 the permit in a format designated by the department,
227 electronically transmit a copy to the department prior to the
228 move, and ensure that a copy is in the possession of the operator.
229 Vehicles having a gross weight exceeding the limits provided by
230 law that have a nondivisible gross vehicle weight of ninety-five
231 thousand (95,000) pounds or less, which are otherwise legal, shall
232 not be restricted as to the hours of the day such vehicles may be
233 operated on predesignated routes. The department shall bill the
234 vehicle owner according to the provisions of the preceding
235 paragraph. The department is authorized to modify predesignated
236 routes at any time for cause, such as highway construction or
237 hazardous highway conditions. The annual fee for the
238 self-issuance permit authority obtained pursuant to this paragraph
239 shall be Five Hundred Dollars (\$500.00) per owner, regardless of
240 the number of vehicles which he will operate pursuant to such
241 permit, in addition to any other fees required by this section.
242 Any vehicle and load being operated pursuant to this paragraph for
243 which the operator does not have the permit or a copy thereof in
244 his possession, or for which a copy of the permit was not
245 electronically transmitted to the department, shall be deemed not
246 to have a permit and shall be penalized accordingly.

247 (2) Before operating a vehicle where the size of the load
248 being hauled is in excess of that permitted by law, the owner or
249 operator of such vehicle shall obtain excess size authorization
250 from the Transportation Department or proper local authority and
251 an excess size permit from the Transportation Department. Such
252 excess size permit shall be issued by the Mississippi Department
253 of Transportation under the same provisions as are provided for
254 the issuance of trip permits under Section 27-19-79, and it shall
255 be obtained prior to the operation of such vehicle on the
256 highways. The fee to be charged for such excess size permit shall
257 be Ten Dollars (\$10.00) per trip. Such permits may be issued for
258 an extended period of time and must coincide with the expiration



259 date and other provisions of the carrier's permit or authorization
260 issued by the Transportation Department or local authority. The
261 fee for such extended permits shall be based upon an annual fee of
262 One Hundred Dollars (\$100.00) per carrier. No permit shall be
263 issued under this subsection if the issuance of the permit would
264 violate federal law or would cause the State of Mississippi to
265 lose federal aid funds. This subsection shall not apply to any
266 tractor, road roller or road machinery used solely and
267 specifically in road building or other highway construction or
268 maintenance work or to any machinery or equipment operated on the
269 highways or transported thereon in the course of normal farming
270 activities, including cotton module transporters.

271 (3) The Executive Director of the Mississippi Department of
272 Transportation may authorize certain carriers of property to issue
273 overweight and/or oversize permits for vehicles owned or operated
274 by such carriers, provided such carriers have blanket
275 authorization from the Transportation Commission and also meet
276 other requirements established by the Transportation Commission.

277 (4) The owner or operator of a vehicle hauling sand, gravel,
278 wood chips, wood shavings, sawdust, fill dirt, agricultural
279 products or unprocessed forestry products may apply to the
280 Mississippi Department of Transportation for a harvest permit for
281 the purpose of authorizing any such vehicles to operate on the
282 highways in this state (other than the federal interstate system
283 or those highways designated by the Mississippi Department of
284 Transportation as not capable of carrying more than fifty-seven
285 thousand six hundred fifty (57,650) pounds at the maximum gross
286 weight specified in Section 63-5-33). Harvest permits may be
287 issued and are valid to permit any such vehicle to be operated on
288 a highway in this state that has been designated by the
289 Mississippi Department of Transportation as not capable of
290 carrying more than fifty-seven thousand six hundred fifty (57,650)
291 pounds only if such vehicle operates in compliance with the



292 provisions of Section 63-5-29(3)(b). A fee of Twenty-five Dollars
293 (\$25.00) shall be charged for each permit issued. The permit
294 shall be in the form of a decal which shall be affixed to each
295 permitted vehicle on the upper left corner of the windshield on
296 the driver's side. Each permit shall expire one (1) year from its
297 date of issue. The fees collected under this subsection shall be
298 deposited into a special fund that is created in the State
299 Treasury. Monies in the fund shall be allocated and distributed
300 quarterly, beginning September 30, 1994, to each of the counties
301 of the state on an equal basis. Monies distributed to the
302 counties under this subsection shall be deposited in each county's
303 road and bridge fund and may be expended, upon approval of the
304 board of supervisors, for any purpose for which county road and
305 bridge fund monies lawfully may be expended. This subsection (4)
306 shall stand repealed from and after July 1, 2005.

307 (5) Any owner or operator who has met the requirements set
308 by the Mississippi Transportation Commission may defer payment of
309 permits issued by the department until the end of the current
310 month. If full payment is not received by the twentieth of the
311 following month, there may be added as damages to the total amount
312 of the delinquency or deficiency the following percentages: ten
313 percent (10%) for the first offense; fifteen percent (15%) for the
314 second offense and twenty-five percent (25%) for the third and any
315 subsequent offense. Upon the third offense, the department may
316 suspend the privilege to defer payment. The balance due shall
317 become payable upon notice and demand by the department.

318 (6) The permit fee monies collected under this section,
319 except as provided for in subsection (4) of this section, shall be
320 deposited into the State Highway Fund for the construction,
321 maintenance and reconstruction of highways and roads of the State
322 of Mississippi or the payment of interest and principal on bonds
323 authorized by the Legislature for construction and reconstruction
324 of highways.



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

329 **SECTION 3.** Section 27-19-89, Mississippi Code of 1972, is
330 amended as follows:

331 **[Through June 30, 2006, this section shall read as follows:]**

332 27-19-89. (a) If any nonresident owner or operator or other
333 nonresident person eligible for a temporary permit as provided in
334 Section 27-19-79, who has not elected to register and pay the
335 annual privilege taxes prescribed, shall enter or go upon the
336 public highways of the state and shall fail or refuse to obtain
337 the permit required by Section 27-19-79, such person shall be
338 liable, for the first such offense, for the full amount of the
339 permit fee required, plus a penalty thereon of five hundred
340 percent (500%). For the second and all subsequent offenses, such
341 person who fails or refuses to obtain such permits shall be liable
342 for the pro rata part of the annual tax for the balance of the tag
343 year for the maximum legal gross weight of the vehicle plus a
344 penalty thereon of twenty-five percent (25%). Any weight in
345 excess of the maximum legal gross weight of the vehicle, or in
346 excess of the maximum highway weight limit, shall be penalized
347 according to subsection (c) of this section. In either case the
348 excess weight shall be removed by the operator before the vehicle
349 can be allowed to proceed. In order to constitute a "second or
350 subsequent offense" under the provisions hereof, it shall not be
351 necessary that the same or identical vehicle be involved, it being
352 the declared purpose hereof to provide that such penalties shall
353 run against the owner or operator rather than against the
354 specified vehicle. It is further provided that, in order for such
355 owner or operator to become liable for the penalties herein
356 provided, it shall not be necessary to show that such owner or
357 operator was guilty of willfulness, gross negligence or



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

360 (b) If any person who has registered his vehicle in
361 Mississippi shall operate such vehicle upon the public highways,
362 having a gross weight greater than the licensed gross weight of
363 such vehicle, and shall fail or refuse to obtain a permit therefor
364 as required by Section 27-19-79, or if any person shall operate
365 any such registered vehicle upon the public highways in a higher
366 classification than that for which it is registered, and shall
367 fail or refuse to obtain a permit therefor as required by Section
368 27-19-79, then such person shall be liable for the pro rata part
369 of the annual tax for the balance of the tag year for the legal
370 gross weight of such vehicle and in the classification in which
371 same is being operated, plus a penalty thereon of twenty-five
372 percent (25%), after having been given credit for the unexpired
373 part of the privilege tax paid, as provided in Section 27-19-75.
374 In order that such owner or operator shall become liable for the
375 penalties herein provided, it shall not be necessary to show that
376 such owner or operator was guilty of willfulness, gross negligence
377 or wantonness, but the offense shall be complete upon the failure
378 or refusal to obtain the required permit.

379 (c) If any person shall operate upon a highway of this
380 state a vehicle which has a greater vehicle gross weight than the
381 maximum gross weight limit established by law for that highway and
382 shall have failed to obtain an overload permit as required by
383 Section 27-19-81 or Section 1, Senate Bill No. 2676, 2003 Regular
384 Session, or if any person shall operate a vehicle with a greater
385 load on any axle or axle grouping than allowed by law, then such
386 person, owner or operator shall be assessed a penalty on such axle
387 load weight or vehicle gross weight as exceeds the legal limit in
388 accordance with the following schedule:

389 AMOUNT IN EXCESS OF
390 LEGAL HIGHWAY WEIGHT



391	LIMITS IN POUNDS	PENALTY
392	1 to 999	\$10.00 minimum penalty
393	1,000 to 1,999	1¢ per pound in excess of legal limit
394	2,000 to 2,999	2¢ per pound in excess of legal limit
395	3,000 to 3,999	3¢ per pound in excess of legal limit
396	4,000 to 4,999	4¢ per pound in excess of legal limit
397	5,000 to 5,999	5¢ per pound in excess of legal limit
398	6,000 to 6,999	6¢ per pound in excess of legal limit
399	7,000 to 7,999	7¢ per pound in excess of legal limit
400	8,000 to 8,999	8¢ per pound in excess of legal limit
401	9,000 to 9,999	9¢ per pound in excess of legal limit
402	10,000 to 10,999	10¢ per pound in excess of legal limit
403	11,000 or more	11¢ per pound in excess of legal limit

404 Any vehicle in violation of the tolerance allowed pursuant to
405 Section 63-5-33(3) shall be fined pursuant to Section 27-19-89(c)
406 for all weight in excess of the legal highway gross weight limit
407 authorized for such vehicle or for all weight in excess of the
408 legal tandem axle load weight limit of forty thousand (40,000)
409 pounds and the legal single axle load limit of twenty thousand
410 (20,000) pounds, whichever the case may be.

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

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

420 Notwithstanding any other provisions of this section to the
421 contrary, the fine assessed against the holder of a harvest permit
422 for exceeding a gross vehicle weight of eighty-four thousand
423 (84,000) pounds shall be Five Cents (5¢) per pound and Fifteen



424 Cents (15¢) per pound for exceeding a gross vehicle weight of one
425 hundred thousand (100,000) pounds.

426 Notwithstanding any other provision of this subsection (c) to
427 the contrary, upon an appeal to the Appeals Board of the
428 Mississippi Transportation Commission by an owner or operator of a
429 vehicle hauling without a harvest permit any of the products or
430 materials described in subsection (3) of Section 63-5-33 and upon
431 whom a penalty has been assessed under this subsection (c) for
432 exceeding the legal weight limit(s) on a highway having a legal
433 weight limit of eighty thousand (80,000) pounds or less, the
434 appeals board shall reduce the penalty assessed against such
435 owner/operator to an amount not to exceed ten percent (10%) of the
436 amount which would otherwise be due without the reduction
437 authorized under this paragraph. A reduction shall not be
438 authorized under this paragraph if the gross weight of the vehicle
439 for which an owner/operator has been charged with a violation of
440 this section exceeds eighty-four thousand (84,000) pounds; and, in
441 any event, no reduction shall be authorized under this paragraph
442 unless a penalty assessed under this section is appealed to the
443 appeals board and unless the board determines, based upon its
444 records, that such owner/operator has not been granted a penalty
445 reduction under this paragraph within a period of twelve (12)
446 months immediately preceding the date of filing an appeal with the
447 board for a penalty reduction under this paragraph.

448 (d) If any nonresident owner or operator who has not
449 registered his vehicle and paid the annual privilege taxes
450 prescribed shall operate his vehicle upon the highways of this
451 state when such vehicle has a greater gross weight than permitted
452 by law for the highway traveled upon, and for which such excess
453 gross weight a permit was not or could not be procured from the
454 transportation department as required by Section 27-19-81, such
455 person shall be liable upon his second and all subsequent offenses
456 for the pro rata part of the annual tax for the balance of the tag



457 year for the legal gross weight of the vehicle, and in addition
458 thereto the penalty fee on the excess weight as specified in
459 subsection (c) of this section. In order that such owner or
460 operator shall become liable for the penalties herein provided, it
461 shall not be necessary that the same or identical vehicle be
462 involved, it being the declared purpose hereof to provide that
463 such penalties shall run against the owner or operator rather than
464 against the specific vehicle.

465 (e) All fines and penalties imposed and collected by
466 the Mississippi Department of Transportation for violations of the
467 maximum legal vehicle weight limits authorized on the highways of
468 this state shall be deposited into a special fund that is created
469 in the State Treasury. Monies in the fund shall be allocated and
470 distributed quarterly, beginning September 30, 1994, to each
471 county of the state based on the amount of such fines and
472 penalties imposed and collected in the county during the
473 immediately preceding three (3) months. Monies distributed to the
474 counties under this subsection shall be deposited in each county's
475 road and bridge fund and may be expended, upon approval of the
476 board of supervisors, for any purpose for which county road and
477 bridge fund monies lawfully may be expended.

478 **[From and after July 1, 2006, this section shall read as**
479 **follows:]**

480 27-19-89. (a) If any nonresident owner or operator or other
481 nonresident person eligible for a temporary permit as provided in
482 Section 27-19-79, who has not elected to register and pay the
483 annual privilege taxes prescribed, shall enter or go upon the
484 public highways of the state and shall fail or refuse to obtain
485 the permit required by Section 27-19-79, such person shall be
486 liable, for the first such offense, for the full amount of the
487 permit fee required, plus a penalty thereon of five hundred
488 percent (500%). For the second and all subsequent offenses, such
489 person who fails or refuses to obtain such permits shall be liable



490 for the pro rata part of the annual tax for the balance of the tag
491 year for the maximum legal gross weight of the vehicle plus a
492 penalty thereon of twenty-five percent (25%). Any weight in
493 excess of the maximum legal gross weight of the vehicle, or in
494 excess of the maximum highway weight limit, shall be penalized
495 according to subsection (c) of this section. In either case the
496 excess weight shall be removed by the operator before the vehicle
497 can be allowed to proceed. In order to constitute a "second or
498 subsequent offense" under the provisions hereof, it shall not be
499 necessary that the same or identical vehicle be involved, it being
500 the declared purpose hereof to provide that such penalties shall
501 run against the owner or operator rather than against the
502 specified vehicle. It is further provided that, in order for such
503 owner or operator to become liable for the penalties herein
504 provided, it shall not be necessary to show that such owner or
505 operator was guilty of willfulness, gross negligence or
506 wantonness, but the offense shall be complete upon the failure or
507 refusal to obtain the required permit.

508 (b) If any person who has registered his vehicle in
509 Mississippi shall operate such vehicle upon the public highways,
510 having a gross weight greater than the licensed gross weight of
511 such vehicle, and shall fail or refuse to obtain a permit therefor
512 as required by Section 27-19-79, or if any person shall operate
513 any such registered vehicle upon the public highways in a higher
514 classification than that for which it is registered, and shall
515 fail or refuse to obtain a permit therefor as required by Section
516 27-19-79, then such person shall be liable for the pro rata part
517 of the annual tax for the balance of the tag year for the legal
518 gross weight of such vehicle and in the classification in which
519 same is being operated, plus a penalty thereon of twenty-five
520 percent (25%), after having been given credit for the unexpired
521 part of the privilege tax paid, as provided in Section 27-19-75.
522 In order that such owner or operator shall become liable for the



523 penalties herein provided, it shall not be necessary to show that
524 such owner or operator was guilty of willfulness, gross negligence
525 or wantonness, but the offense shall be complete upon the failure
526 or refusal to obtain the required permit.

527 (c) If any person shall operate upon a highway of this
528 state a vehicle which has a greater vehicle gross weight than the
529 maximum gross weight limit established by law for that highway and
530 shall have failed to obtain an overload permit as required by
531 Section 27-19-81, or if any person shall operate a vehicle with a
532 greater load on any axle or axle grouping than allowed by law,
533 then such person, owner or operator shall be assessed a penalty on
534 such axle load weight or vehicle gross weight as exceeds the legal
535 limit in accordance with the following schedule:

536	AMOUNT IN EXCESS OF	
537	LEGAL HIGHWAY WEIGHT	
538	LIMITS IN POUNDS	PENALTY
539	1 to 999	\$10.00 minimum penalty
540	1,000 to 1,999	1¢ per pound in excess of legal limit
541	2,000 to 2,999	2¢ per pound in excess of legal limit
542	3,000 to 3,999	3¢ per pound in excess of legal limit
543	4,000 to 4,999	4¢ per pound in excess of legal limit
544	5,000 to 5,999	5¢ per pound in excess of legal limit
545	6,000 to 6,999	6¢ per pound in excess of legal limit
546	7,000 to 7,999	7¢ per pound in excess of legal limit
547	8,000 to 8,999	8¢ per pound in excess of legal limit
548	9,000 to 9,999	9¢ per pound in excess of legal limit
549	10,000 to 10,999	10¢ per pound in excess of legal limit
550	11,000 or more	11¢ per pound in excess of legal limit

551 Any vehicle in violation of the tolerance allowed pursuant to
552 Section 63-5-33(3) shall be fined pursuant to Section 27-19-89(c)
553 for all weight in excess of the legal highway gross weight limit
554 authorized for such vehicle or for all weight in excess of the
555 legal tandem axle load weight limit of forty thousand (40,000)



556 pounds and the legal single axle load limit of twenty thousand
557 (20,000) pounds, whichever the case may be.

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

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

567 Notwithstanding any other provisions of this section to the
568 contrary, the fine assessed against the holder of a harvest permit
569 for exceeding a gross vehicle weight of eighty-four thousand
570 (84,000) pounds shall be Five Cents (5¢) per pound and Fifteen
571 Cents (15¢) per pound for exceeding a gross vehicle weight of one
572 hundred thousand (100,000) pounds.

573 Notwithstanding any other provision of this subsection (c) to
574 the contrary, upon an appeal to the Appeals Board of the
575 Mississippi Transportation Commission by an owner or operator of a
576 vehicle hauling without a harvest permit any of the products or
577 materials described in subsection (3) of Section 63-5-33 and upon
578 whom a penalty has been assessed under this subsection (c) for
579 exceeding the legal weight limit(s) on a highway having a legal
580 weight limit of eighty thousand (80,000) pounds or less, the
581 appeals board shall reduce the penalty assessed against such
582 owner/operator to an amount not to exceed ten percent (10%) of the
583 amount which would otherwise be due without the reduction
584 authorized under this paragraph. A reduction shall not be
585 authorized under this paragraph if the gross weight of the vehicle
586 for which an owner/operator has been charged with a violation of
587 this section exceeds eighty-four thousand (84,000) pounds; and, in
588 any event, no reduction shall be authorized under this paragraph



589 unless a penalty assessed under this section is appealed to the
590 appeals board and unless the board determines, based upon its
591 records, that such owner/operator has not been granted a penalty
592 reduction under this paragraph within a period of twelve (12)
593 months immediately preceding the date of filing an appeal with the
594 board for a penalty reduction under this paragraph.

595 (d) If any nonresident owner or operator who has not
596 registered his vehicle and paid the annual privilege taxes
597 prescribed shall operate his vehicle upon the highways of this
598 state when such vehicle has a greater gross weight than permitted
599 by law for the highway traveled upon, and for which such excess
600 gross weight a permit was not or could not be procured from the
601 transportation department as required by Section 27-19-81, such
602 person shall be liable upon his second and all subsequent offenses
603 for the pro rata part of the annual tax for the balance of the tag
604 year for the legal gross weight of the vehicle, and in addition
605 thereto the penalty fee on the excess weight as specified in
606 subsection (c) of this section. In order that such owner or
607 operator shall become liable for the penalties herein provided, it
608 shall not be necessary that the same or identical vehicle be
609 involved, it being the declared purpose hereof to provide that
610 such penalties shall run against the owner or operator rather than
611 against the specific vehicle.

612 (e) All fines and penalties imposed and collected by
613 the Mississippi Department of Transportation for violations of the
614 maximum legal vehicle weight limits authorized on the highways of
615 this state shall be deposited into a special fund that is created
616 in the State Treasury. Monies in the fund shall be allocated and
617 distributed quarterly, beginning September 30, 1994, to each
618 county of the state based on the amount of such fines and
619 penalties imposed and collected in the county during the
620 immediately preceding three (3) months. Monies distributed to the
621 counties under this subsection shall be deposited in each county's



622 road and bridge fund and may be expended, upon approval of the
623 board of supervisors, for any purpose for which county road and
624 bridge fund monies lawfully may be expended.

625 **SECTION 4.** This act shall take effect and be in force from
626 and after July 1, 2003.

