

By: Senator(s) Harvey

To: Highways and  
Transportation

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 120,000 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 SECTION 27-19-89, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
7 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 is  
11 authorized to issue annual special permits for vehicles  
12 transporting heavy equipment with a gross vehicle weight of one  
13 hundred twenty thousand (120,000) pounds or less. The permit  
14 shall be issued for the pulling unit and shall be nontransferable.  
15 The fee for such permit shall be Two Thousand Five Hundred Dollars  
16 (\$2,500.00) 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 **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, Senate 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.

