

By: Representative Warren

To: Transportation

HOUSE BILL NO. 205

1 AN ACT TO AMEND SECTION 27-19-81, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE DATE OF REPEAL ON THE SECTION OF LAW WHICH REGULATES
3 THE REGISTRATION OF VEHICLES IN EXCESS OF WEIGHT LIMITS, EXCESS
4 WEIGHT PERMITS AND EXCESS SIZE PERMITS; AND FOR RELATED PURPOSES.

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

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

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

9 27-19-81. (1) No vehicle shall be registered by the State
10 Tax Commission or by a tax collector, and no license tag
11 whatsoever shall be issued therefor, where the gross weight of
12 such vehicle exceeds the limits provided by law. In the event of
13 an emergency requiring the hauling of a greater gross weight than
14 permitted by law, the owner or operator of such vehicle shall
15 obtain an excess weight authorization from the Mississippi
16 Department of Transportation or local authority having
17 jurisdiction of the particular road, street or highway before
18 operating such vehicle on the highways of this state to haul such
19 a gross weight over a route to be designated by the aforesaid
20 department. It shall then be necessary for the owner or operator
21 of the vehicle to obtain a permit from the Transportation
22 Department, which shall be issued by the department under the same
23 provisions as are provided for the issuance of trip permits under
24 Section 27-19-79, but which permit shall likewise be obtained
25 prior to the operation of such vehicle on the highways. No
26 persons or agencies other than the Mississippi Department of
27 Transportation shall have authority to issue the permits provided
28 for in this section. The fee to be charged for such permits shall

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

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

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

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

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

75 It shall not be necessary for the owner or operator of a
76 vehicle to obtain a permit pursuant to this subsection if such
77 owner or operator has obtained for his vehicle an annual special
78 permit for vehicles transporting heavy equipment pursuant to
79 Section 63-5-52.

80 (2) Before operating a vehicle where the size of the load
81 being hauled is in excess of that permitted by law, the owner or
82 operator of such vehicle shall obtain excess size authorization
83 from the Transportation Department or proper local authority and
84 an excess size permit from the Transportation Department. Such
85 excess size permit shall be issued by the Mississippi Department
86 of Transportation under the same provisions as are provided for
87 the issuance of trip permits under Section 27-19-79, and it shall
88 be obtained prior to the operation of such vehicle on the
89 highways. The fee to be charged for such excess size permit shall
90 be Ten Dollars (\$10.00) per trip. Such permits may be issued for
91 an extended period of time and must coincide with the expiration
92 date and other provisions of the carrier's permit or authorization
93 issued by the Transportation Department or local authority. The
94 fee for such extended permits shall be based upon an annual fee of

95 One Hundred Dollars (\$100.00) per carrier. No permit shall be
96 issued under this subsection if the issuance of the permit would
97 violate federal law or would cause the State of Mississippi to
98 lose federal aid funds. This subsection shall not apply to any
99 tractor, road roller or road machinery used solely and
100 specifically in road building or other highway construction or
101 maintenance work or to any machinery or equipment operated on the
102 highways or transported thereon in the course of normal farming
103 activities, including cotton module transporters.

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

110 (4) The owner or operator of a vehicle hauling sand, gravel,
111 wood chips, wood shavings, sawdust, fill dirt, agricultural
112 products or unprocessed forestry products may apply to the
113 Mississippi Department of Transportation for a harvest permit for
114 the purpose of authorizing any such vehicles to operate on the
115 highways in this state (other than the federal interstate system
116 or those highways designated by the Mississippi Department of
117 Transportation as not capable of carrying more than fifty-seven
118 thousand six hundred fifty (57,650) pounds at the maximum gross
119 weight specified in Section 63-5-33). Harvest permits may be
120 issued and are valid to permit any such vehicle to be operated on
121 a highway in this state that has been designated by the
122 Mississippi Department of Transportation as not capable of
123 carrying more than fifty-seven thousand six hundred fifty (57,650)
124 pounds only if such vehicle operates in compliance with the
125 provisions of Section 63-5-29(3)(b). A fee of Twenty-five Dollars
126 (\$25.00) shall be charged for each permit issued. The permit
127 shall be in the form of a decal which shall be affixed to each

128 permitted vehicle on the upper left corner of the windshield on
129 the driver's side. Each permit shall expire one (1) year from its
130 date of issue. The fees collected under this subsection shall be
131 deposited into a special fund that is created in the State
132 Treasury. Monies in the fund shall be allocated and distributed
133 quarterly, beginning September 30, 1994, to each of the counties
134 of the state on an equal basis. Monies distributed to the
135 counties under this subsection shall be deposited in each county's
136 road and bridge fund and may be expended, upon approval of the
137 board of supervisors, for any purpose for which county road and
138 bridge fund monies lawfully may be expended. This subsection (4)
139 shall stand repealed from and after July 1, 2007.

140 (5) Any owner or operator who has met the requirements set
141 by the Mississippi Transportation Commission may defer payment of
142 permits issued by the department until the end of the current
143 month. If full payment is not received by the twentieth of the
144 following month, there may be added as damages to the total amount
145 of the delinquency or deficiency the following percentages: ten
146 percent (10%) for the first offense; fifteen percent (15%) for the
147 second offense and twenty-five percent (25%) for the third and any
148 subsequent offense. Upon the third offense, the department may
149 suspend the privilege to defer payment. The balance due shall
150 become payable upon notice and demand by the department.

151 (6) The permit fee monies collected under this section,
152 except as provided for in subsection (4) of this section, shall be
153 deposited into the State Highway Fund for the construction,
154 maintenance and reconstruction of highways and roads of the State
155 of Mississippi or the payment of interest and principal on bonds
156 authorized by the Legislature for construction and reconstruction
157 of highways.

158 (7) The department may waive the permits, taxes and fees set
159 forth in this section whenever a motor vehicle is operated upon

160 the public highways in this state in response to an emergency, a
161 major disaster or the threat of a major disaster.

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

164 27-19-81. (1) No vehicle shall be registered by the State
165 Tax Commission or by a tax collector, and no license tag
166 whatsoever shall be issued therefor, where the gross weight of
167 such vehicle exceeds the limits provided by law. In the event of
168 an emergency requiring the hauling of a greater gross weight than
169 permitted by law, the owner or operator of such vehicle shall
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172 jurisdiction of the particular road, street or highway before
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177 Department, which shall be issued by the department under the same
178 provisions as are provided for the issuance of trip permits under
179 Section 27-19-79, but which permit shall likewise be obtained
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181 persons or agencies other than the Mississippi Department of
182 Transportation shall have authority to issue the permits provided
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186 gross weight above the licensed capacity of the vehicle, up to the
187 maximum legal weights provided by this article on the roads to be
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196 the Transportation Department for specified roads and bridges, the
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214 thousand (95,000) pounds or less, which are otherwise legal, shall
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309 forth in this section whenever a motor vehicle is operated upon
310 the public highways in this state in response to an emergency, a
311 major disaster or the threat of a major disaster.

312 **SECTION 2.** This act shall take effect and be in force from
313 and after July 1, 2005.