AN ACT TO AMEND SECTIONS 27-19-81 AND 63-5-33, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL ON THE PROVISIONS OF LAW THAT AUTHORIZE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO ISSUE HARVEST PERMITS TO OWNERS AND OPERATORS OF VEHICLES HAULING CERTAIN PRODUCTS; AND FOR RELATED PURPOSES.

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

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

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

27-19-81. (1) No vehicle shall be registered by the State Tax Commission or by a tax collector, and no license tag whatsoever shall be issued therefor, where the gross weight of such vehicle exceeds the limits provided by law. In the event of an emergency requiring the hauling of a greater gross weight than permitted by law, the owner or operator of such vehicle shall obtain an excess weight authorization from the Mississippi Department of Transportation or local authority having jurisdiction of the particular road, street or highway before operating such vehicle on the highways of this state to haul such a gross weight over a route to be designated by the aforesaid department. It shall then be necessary for the owner or operator of the vehicle to obtain a permit from the Transportation Department, which shall be issued by the department under the same provisions as are provided for the issuance of trip permits under Section 27-19-79, but which permit shall likewise be obtained prior to the operation of such vehicle on the highways. No persons or agencies other than the Mississippi Department of Transportation shall have authority to issue the permits provided
for in this section. The fee to be charged for such permits shall be computed in the same manner provided in Section 27-19-79 for each one thousand (1,000) pounds, or fractional part thereof, of gross weight above the licensed capacity of the vehicle, up to the maximum legal weights provided by this article on the roads to be traveled.

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

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

The Transportation Department may provide for an annual permit which will allow pre-approved vehicles and loads to travel predesignated routes with self-issued permits. Under such self-issuance authority, the owner of the vehicle shall complete the permit in a format designated by the department, electronically transmit a copy to the department prior to the move, and ensure that a copy is in the possession of the operator.

Vehicles having a gross weight exceeding the limits provided by law that have a nondivisible gross vehicle weight of ninety-five thousand (95,000) pounds or less, which are otherwise legal, shall not be restricted as to the hours of the day such vehicles may be
operated on predesignated routes. The department shall bill the
vehicle owner according to the provisions of the preceding
paragraph. The department is authorized to modify predesignated
routes at any time for cause, such as highway construction or
hazardous highway conditions. The annual fee for the
self-issuance permit authority obtained pursuant to this paragraph
shall be Five Hundred Dollars ($500.00) per owner, regardless of
the number of vehicles which he will operate pursuant to such
permit, in addition to any other fees required by this section.
Any vehicle and load being operated pursuant to this paragraph for
which the operator does not have the permit or a copy thereof in
his possession, or for which a copy of the permit was not
electronically transmitted to the department, shall be deemed not
to have a permit and shall be penalized accordingly.

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

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

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

(4) The owner or operator of a vehicle hauling sand, gravel,
wood chips, wood shavings, sawdust, fill dirt, agricultural
products or unprocessed forestry products may apply to the
Mississippi Department of Transportation for a harvest permit for
the purpose of authorizing any such vehicles to operate on the
highways in this state (other than the federal interstate system
or those highways designated by the Mississippi Department of
Transportation as not capable of carrying more than fifty-seven
thousand six hundred fifty (57,650) pounds at the maximum gross
weight specified in Section 63-5-33). Harvest permits may be
issued and are valid to permit any such vehicle to be operated on
a highway in this state that has been designated by the
Mississippi Department of Transportation as not capable of
carrying more than fifty-seven thousand six hundred fifty (57,650)
pounds only if such vehicle operates in compliance with the
provisions of Section 63-5-29(3)(b). A fee of Twenty-five Dollars
($25.00) shall be charged for each permit issued. The permit
shall be in the form of a decal which shall be affixed to each permitted vehicle on the upper left corner of the windshield on the driver's side. Each permit shall expire one (1) year from its date of issue. The fees collected under this subsection shall be deposited into a special fund that is created in the State Treasury. Monies in the fund shall be allocated and distributed quarterly, beginning September 30, 1994, to each of the counties of the state on an equal basis. Monies distributed to the counties under this subsection shall be deposited in each county's road and bridge fund and may be expended, upon approval of the board of supervisors, for any purpose for which county road and bridge fund monies lawfully may be expended. This subsection (4) shall stand repealed from and after July 1, 2009.

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

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

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

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

27-19-81. (1) No vehicle shall be registered by the State
Tax Commission or by a tax collector, and no license tag
whatsoever shall be issued therefor, where the gross weight of
such vehicle exceeds the limits provided by law. In the event of
an emergency requiring the hauling of a greater gross weight than
permitted by law, the owner or operator of such vehicle shall
obtain an excess weight authorization from the Mississippi
Department of Transportation or local authority having
jurisdiction of the particular road, street or highway before
operating such vehicle on the highways of this state to haul such
a gross weight over a route to be designated by the aforesaid
department. It shall then be necessary for the owner or operator
of the vehicle to obtain a permit from the Transportation
Department, which shall be issued by the department under the same
provisions as are provided for the issuance of trip permits under
Section 27-19-79, but which permit shall likewise be obtained
prior to the operation of such vehicle on the highways. No
persons or agencies other than the Mississippi Department of
Transportation shall have authority to issue the permits provided
for in this section. The fee to be charged for such permits shall
be computed in the same manner provided in Section 27-19-79 for
each one thousand (1,000) pounds, or fractional part thereof, of
gross weight above the licensed capacity of the vehicle, up to the
maximum legal weights provided by this article on the roads to be
traveled.

This subsection shall apply, but not be limited to, any
tractor, road roller or road machinery used solely and
specifically in road building or other highway construction or
maintenance work.
For each one thousand (1,000) pounds, or fractional part thereof, in excess of the weight authorized by Sections 63-5-29 and 63-5-33 for any such vehicle or in excess of the limits set by the Transportation Department for specified roads and bridges, the fee shall be Five Cents (5¢) per one thousand (1,000) pounds, or fractional part thereof, for each mile traveled upon the highways of the state, except that the fee for manufactured housing modular units, residential or commercial, shall be Two Cents (2¢) per one thousand (1,000) pounds, or fractional part thereof, for each mile traveled upon the highways of the state. Provided, however, no permit shall be issued for a fee of less than Ten Dollars ($10.00).

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Any vehicle and load being operated pursuant to this paragraph for
which the operator does not have the permit or a copy thereof in
his possession, or for which a copy of the permit was not
electronically transmitted to the department, shall be deemed not
to have a permit and shall be penalized accordingly.

(2) Before operating a vehicle where the size of the load
being hauled is in excess of that permitted by law, the owner or
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from the Transportation Department or proper local authority and
an excess size permit from the Transportation Department. Such
excess size permit shall be issued by the Mississippi Department
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the issuance of trip permits under Section 27-19-79, and it shall
be obtained prior to the operation of such vehicle on the
highways. The fee to be charged for such excess size permit shall
be Ten Dollars ($10.00) per trip. Such permits may be issued for
an extended period of time and must coincide with the expiration
date and other provisions of the carrier's permit or authorization
issued by the Transportation Department or local authority. The
fee for such extended permits shall be based upon an annual fee of
One Hundred Dollars ($100.00) per carrier. No permit shall be
issued under this subsection if the issuance of the permit would
violate federal law or would cause the State of Mississippi to
lose federal aid funds. This subsection shall not apply to any
tractor, road roller or road machinery used solely and
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maintenance work or to any machinery or equipment operated on the
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(3) The Executive Director of the Mississippi Department of
Transportation may authorize certain carriers of property to issue
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authorization from the Transportation Commission and also meet other requirements established by the Transportation Commission.

(4) The owner or operator of a vehicle hauling sand, gravel, wood chips, wood shavings, sawdust, fill dirt, agricultural products or unprocessed forestry products may apply to the Mississippi Department of Transportation for a harvest permit for the purpose of authorizing any such vehicles to operate on the highways in this state (other than the federal interstate system or those highways designated by the Mississippi Department of Transportation as not capable of carrying more than fifty-seven thousand six hundred fifty (57,650) pounds at the maximum gross weight specified in Section 63-5-33). Harvest permits may be issued and are valid to permit any such vehicle to be operated on a highway in this state that has been designated by the Mississippi Department of Transportation as not capable of carrying more than fifty-seven thousand six hundred fifty (57,650) pounds only if such vehicle operates in compliance with the provisions of Section 63-5-29(3)(b). A fee of Twenty-five Dollars ($25.00) shall be charged for each permit issued. The permit shall be in the form of a decal which shall be affixed to each permitted vehicle on the upper left corner of the windshield on the driver's side. Each permit shall expire one (1) year from its date of issue. The fees collected under this subsection shall be deposited into a special fund that is created in the State Treasury. Monies in the fund shall be allocated and distributed quarterly, beginning September 30, 1994, to each of the counties of the state on an equal basis. Monies distributed to the counties under this subsection shall be deposited in each county's road and bridge fund and may be expended, upon approval of the board of supervisors, for any purpose for which county road and bridge fund monies lawfully may be expended. This subsection (4) shall stand repealed from and after July 1, 2009.
(5) Any owner or operator who has met the requirements set by the Mississippi Transportation Commission may defer payment of permits issued by the department until the end of the current month. If full payment is not received by the twentieth of the following month, there may be added as damages to the total amount of the delinquency or deficiency the following percentages: ten percent (10%) for the first offense; fifteen percent (15%) for the second offense and twenty-five percent (25%) for the third and any subsequent offense. Upon the third offense, the department may suspend the privilege to defer payment. The balance due shall become payable upon notice and demand by the department.

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

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

SECTION 2. Section 63-5-33, Mississippi Code of 1972, is reenacted and amended as follows:

63-5-33. (1) Subject to the limitations imposed on wheel and axle loads by Section 63-5-27, and to the further limitations hereinafter specified, the total combined weight (vehicles plus load) on any group of axles of a vehicle or a combination of vehicles shall not exceed the value given in the following table (Table III) corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot, on those highways or parts of highways designated by the Mississippi Transportation Commission as being capable of carrying...
the maximum load limits and, in addition thereto, such other highways or parts of highways found by the commission to be suitable to carry the maximum load limits from an engineering standpoint, and so designated as such by order of the commission entered upon its minutes and published once each week for three (3) consecutive weeks in a daily newspaper published in this state and having a general circulation therein. The maximum total combined weight carried on any group of two (2) or more consecutive axles shall be determined by the formula contained in the Federal Weight Law enacted January 4, 1975, as follows: 

\[ W = 500 \left( \frac{LN}{N-1} + 12N + 36 \right) \]

where \( W \) = maximum weight in pounds carried on any group of two (2) or more axles computed to the nearest five hundred (500) pounds, \( L \) = distance in feet between the extremes of any group of two (2) or more consecutive axles, and \( N \) = number of axles in any group under consideration.

**TABLE III**

<table>
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<tr>
<th>Distance in Feet Between the Extremes of Any Group of 2 or More Consecutive Axles</th>
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</table>

(2) Moreover, in addition to the per axle weight limitations specified by Section 63-5-27, two (2) consecutive sets of tandem axles may carry a gross load of thirty-four thousand (34,000) pounds each, providing that the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six (36) feet or more, except that, until September 1, 1989, the axle distance for tank trailers, dump trailers and ocean transport container haulers may be thirty (30) feet or more. Such overall gross weight may not exceed eighty thousand (80,000) pounds, except as provided by this section.

(3) Notwithstanding the provisions of Section 63-5-27 and/or Section 63-5-29 to the contrary, vehicles hauling products in the manner set forth in this subsection, whether or not such vehicles are operating with a harvest permit, shall be allowed a gross weight of not to exceed forty thousand (40,000) pounds on any tandem. Vehicles operating without a harvest permit shall be
allowed a tolerance not to exceed five percent (5%) above their authorized gross vehicle weight, tandem or axle weight; except that the maximum gross vehicle weight of any such vehicle shall not exceed eighty thousand (80,000) pounds plus a tolerance thereon of not more than two percent (2%). Vehicles operating with a harvest permit shall be allowed a tolerance not to exceed five percent (5%) above their authorized tandem or axle weight, but the maximum gross vehicle weight of any such vehicle shall not exceed eighty-four thousand (84,000) pounds. However, neither the increased weights in this subsection nor any tolerance shall be allowed on federal interstate highways or on other highways where a tolerance is specifically prohibited by the Transportation Commission, the county board of supervisors or the municipal governing authorities as provided for in Section 63-5-27. The tolerance allowed by this subsection shall only apply to the operation of vehicles from the point of loading to the point of unloading for processing, and to the operation of vehicles hauling sand, gravel, wood chips, wood shavings, sawdust, fill dirt and agricultural products, and products for recycling or materials for the construction or repair of highways. The range of such operation shall not exceed a radius of one hundred (100) miles except where the products are being transported for processing within this state. The tolerance shall not be allowed for vehicles loading at a point of origin having scales available for weighing each individual axle of the vehicle; provided, however, that vehicles loading at a point of origin having scales available for weighing the vehicle shall not be eligible for any tolerance over the gross weight limit of eighty thousand (80,000) pounds. (4) Notwithstanding the provisions of Section 63-5-27 and/or Section 63-5-29 to the contrary, vehicles hauling prepackaged products, unloaded at a state port or to be loaded at a state port, which are containerized in such a manner as to make subdivision thereof impractical shall be allowed a gross weight of

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not to exceed forty thousand (40,000) pounds on any tandem, and a
tolerance not to exceed five percent (5%) above their authorized
gross weight, tandem or axle weight; except that the maximum
weight of any vehicle shall not exceed eighty thousand (80,000)
pounds plus a tolerance thereon of not more than two percent (2%); however, neither the increased weights in this subsection nor any
tolerance shall be allowed on federal interstate highways or on
other highways where a tolerance is specifically prohibited by the
Transportation Commission, the county board of supervisors or the
municipal governing authorities as provided for in Section
63-5-27.

(5) (a) Vehicles for which a harvest permit has been issued
pursuant to Section 27-19-81(4) shall be allowed a gross vehicle
weight not to exceed eighty-four thousand (84,000) pounds.
However, the board of supervisors of any county and the governing
authorities of any municipality may designate the roads, streets
and highways under their respective jurisdiction on and along
which vehicles for which a harvest permit has been issued may
travel. This subsection shall not apply to the federal interstate
system.

(b) Any owner or operator who has been issued a harvest
permit and who wishes to operate a vehicle on the roads, streets
or highways under the jurisdiction of a county or municipality at
a gross vehicle weight greater than the weight allowed by law or
greater than the maximum weight established for such roads,
streets or highways by the board of supervisors or municipal
governing authorities, shall notify, in writing, the board of
supervisors or the governing authorities, as the case may be,
before operating such vehicle on the roads, streets or highways of
such county or municipality. In his notice, the permit holder
shall identify the routes over which he intends to operate
vehicles for which the permit has been issued and the dates or
time period during which he will be operating such vehicles. The
board of supervisors or the governing authorities, as the case may be, shall have two (2) working days to respond in writing to the permit holder to notify the permit holder of the routes on and along which the permit holder may operate vehicles for which a harvest permit has been issued. Failure of the board of supervisors or the governing authorities timely to notify the permit holder and to designate the routes on and along which the permit holder may operate shall be considered as authorizing the permit holder to operate on any of the roads, streets or highways of the county or municipality in accordance with the authority granted to the permit holder by the harvest permit.

(c) Anytime a timber deed is filed with the chancery clerk, the grantee, at that time, may make a written request of the board of supervisors of the county or the governing authorities of the municipality, as the case may be, for the purpose of providing to the grantee, within three (3) working days of the filing of the request, a designated and approved route over the roads, streets or highways under the jurisdiction of the county or city, as the case may be, that the grantee may travel for the purpose of transporting harvested timber. Upon providing such route designation, the county or city, as the case may be, shall also provide to the grantee a map designating the approved route. An approved route designation provided to a grantee under the provisions of this paragraph shall be valid for a period of six (6) months from its date of issue. The permit authorized to be issued under paragraph (b) of this section shall not be required for any person who obtains a permit issued under this paragraph.

(d) This subsection (5) shall stand repealed from and after July 1, 2009.

(6) Nothing in this section or subsections (1) through (4) of Section 63-5-27 shall be construed to deny the operation of any vehicle or combination of vehicles that could be lawfully operated
upon the interstate highway system of this state on January 4, 1975.

SECTION 3. This act shall take effect and be in force from and after July 1, 2005.