

By: Representative Warren

To: Transportation

HOUSE BILL NO. 243

1 AN ACT TO AMEND SECTION 63-5-33, MISSISSIPPI CODE OF 1972, TO  
2 EXTEND THE REPEALER ON THE TOTAL COMBINED WEIGHT OF VEHICLES WITH  
3 A HARVEST PERMIT; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 63-5-33, Mississippi Code of 1972, is  
6 reenacted and amended as follows:

7 63-5-33. (1) Subject to the limitations imposed on wheel  
8 and axle loads by Section 63-5-27, and to the further limitations  
9 hereinafter specified, the total combined weight (vehicles plus  
10 load) on any group of axles of a vehicle or a combination of  
11 vehicles shall not exceed the value given in the following table  
12 (Table III) corresponding to the distance in feet between the  
13 extreme axles of the group, measured longitudinally to the nearest  
14 foot, on those highways or parts of highways designated by the  
15 Mississippi Transportation Commission as being capable of carrying  
16 the maximum load limits and, in addition thereto, such other  
17 highways or parts of highways found by the commission to be  
18 suitable to carry the maximum load limits from an engineering  
19 standpoint, and so designated as such by order of the commission  
20 entered upon its minutes and published once each week for three  
21 (3) consecutive weeks in a daily newspaper published in this state  
22 and having a general circulation therein. The maximum total  
23 combined weight carried on any group of two (2) or more  
24 consecutive axles shall be determined by the formula contained in  
25 the Federal Weight Law enacted January 4, 1975, as follows:  $W=500$   
26  $(LN/N-1+12N+36)$  where W=maximum weight in pounds carried on any  
27 group of two (2) or more axles computed to nearest five hundred

28 (500) pounds, L=distance in feet between the extremes of any group  
 29 of two (2) or more consecutive axles, and N=number of axles in  
 30 group under consideration.

31 TABLE III

32 DISTANCE

33 IN FEET

34 BETWEEN THE

35 EXTREMES OF

36 ANY GROUP

37 OF 2 OR MORE

38 CONSECUTIVE

MAXIMUM LOAD IN POUNDS CARRIED ON ANY

39 AXLES

GROUP OF 2 OR MORE CONSECUTIVE AXLES

40 2 axles 3 axles 4 axles 5 axles 6 axles 7 axles

41 4 34,000

42 5 34,000

43 6 34,000 Axle groups in

44 7 34,000

45 8 and

46 less 34,000 34,000 these spacings

47 More

48 than

49 8 38,000 42,000

50 9 39,000 42,500

51 10 40,000 43,500 impractical

52 11 44,000

53 12 45,000 50,000

54 13 45,500 50,500

55 14 46,500 51,500

56 15 47,000 52,000

57 16 48,000 52,500 58,000

58 17 48,500 53,500 58,500

59 18 49,500 54,000 59,000

60 19 50,000 54,500 60,000

61	20	51,000	55,500	60,500	66,000	
62	21	51,500	56,000	61,000	66,500	
63	22	52,500	56,500	61,500	67,000	
64	23	53,000	57,500	62,500	68,000	
65	24	54,000	58,000	63,000	68,500	74,000
66	25	54,500	58,500	63,500	69,000	74,500
67	26	55,500	59,500	64,000	69,500	75,000
68	27	56,000	60,000	65,000	70,000	75,500
69	28	57,000	60,500	65,500	71,000	76,500
70	29	57,500	61,500	66,000	71,500	77,000
71	30	58,500	62,000	66,500	72,000	77,500
72	31	59,000	62,500	67,500	72,500	78,000
73	32	60,000	63,500	68,000	73,000	78,500
74	33		64,000	68,500	74,000	79,000
75	34		64,500	69,000	74,500	80,000
76	35		65,500	70,000	75,000	80,000
77	36		66,000	70,500	75,500	80,000
78	37		66,500	71,000	76,000	80,000
79	38		67,500	71,500	77,000	80,000
80	39		68,000	72,500	77,500	80,000
81	40		68,500	73,000	78,000	80,000
82	41		69,500	73,500	78,500	80,000
83	42		70,000	74,000	79,000	80,000
84	43		70,500	75,000	80,000	80,000
85	44		71,500	75,500	80,000	80,000
86	45		72,000	76,000	80,000	80,000
87	46		72,500	76,500	80,000	80,000
88	47		73,500	77,500	80,000	80,000
89	48		74,000	78,000	80,000	80,000
90	49		74,500	78,500	80,000	80,000
91	50		75,500	79,000	80,000	80,000
92	51		76,000	80,000	80,000	80,000
93	52		76,500	80,000	80,000	80,000

94	53	77,500	80,000	80,000	80,000
95	54	78,000	80,000	80,000	80,000
96	55	78,500	80,000	80,000	80,000
97	56	79,500	80,000	80,000	80,000
98	57	80,000	80,000	80,000	80,000

99           (2) Moreover, in addition to the per axle weight limitations  
100 specified by Section 63-5-27, two (2) consecutive sets of tandem  
101 axles may carry a gross load of thirty-four thousand (34,000)  
102 pounds each, providing that the overall distance between the first  
103 and last axles of such consecutive sets of tandem axles is  
104 thirty-six (36) feet or more, except that, until September 1,  
105 1989, the axle distance for tank trailers, dump trailers and ocean  
106 transport container haulers may be thirty (30) feet or more. Such  
107 overall gross weight may not exceed eighty thousand (80,000)  
108 pounds, except as provided by this section.

109           (3) Notwithstanding the provisions of Section 63-5-27 and/or  
110 Section 63-5-29 to the contrary, vehicles hauling products in the  
111 manner set forth in this subsection, whether or not such vehicles  
112 are operating with a harvest permit, shall be allowed a gross  
113 weight of not to exceed forty thousand (40,000) pounds on any  
114 tandem. Vehicles operating without a harvest permit shall be  
115 allowed a tolerance not to exceed five percent (5%) above their  
116 authorized gross vehicle weight, tandem or axle weight; except  
117 that the maximum gross vehicle weight of any such vehicle shall  
118 not exceed eighty thousand (80,000) pounds plus a tolerance  
119 thereon of not more than two percent (2%). Vehicles operating  
120 with a harvest permit shall be allowed a tolerance not to exceed  
121 five percent (5%) above their authorized tandem or axle weight,  
122 but the maximum gross vehicle weight of any such vehicle shall not  
123 exceed eighty-four thousand (84,000) pounds. However, neither the  
124 increased weights in this subsection nor any tolerance shall be  
125 allowed on federal interstate highways or on other highways where  
126 a tolerance is specifically prohibited by the Transportation

127 Commission, the county board of supervisors or the municipal  
128 governing authorities as provided for in Section 63-5-27. The  
129 tolerance allowed by this subsection shall only apply to the  
130 operation of vehicles from the point of loading to the point of  
131 unloading for processing, and to the operation of vehicles hauling  
132 sand, gravel, wood chips, wood shavings, sawdust, fill dirt and  
133 agricultural products, and products for recycling or materials for  
134 the construction or repair of highways. The range of such  
135 operation shall not exceed a radius of one hundred (100) miles  
136 except where the products are being transported for processing  
137 within this state. The tolerance shall not be allowed for  
138 vehicles loading at a point of origin having scales available for  
139 weighing each individual axle of the vehicle; provided, however,  
140 that vehicles loading at a point of origin having scales available  
141 for weighing the vehicle shall not be eligible for any tolerance  
142 over the gross weight limit of eighty thousand (80,000) pounds.

143 (4) Notwithstanding the provisions of Section 63-5-27 and/or  
144 Section 63-5-29 to the contrary, vehicles hauling prepackaged  
145 products, unloaded at a state port or to be loaded at a state  
146 port, which are containerized in such a manner as to make  
147 subdivision thereof impractical shall be allowed a gross weight of  
148 not to exceed forty thousand (40,000) pounds on any tandem, and a  
149 tolerance not to exceed five percent (5%) above their authorized  
150 gross weight, tandem or axle weight; except that the maximum  
151 weight of any vehicle shall not exceed eighty thousand (80,000)  
152 pounds plus a tolerance thereon of not more than two percent (2%);  
153 however, neither the increased weights in this subsection nor any  
154 tolerance shall be allowed on federal interstate highways or on  
155 other highways where a tolerance is specifically prohibited by the  
156 Transportation Commission, the county board of supervisors or the  
157 municipal governing authorities as provided for in Section  
158 63-5-27.

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

168           (b) Any owner or operator who has been issued a harvest  
169 permit and who wishes to operate a vehicle on the roads, streets  
170 or highways under the jurisdiction of a county or municipality at  
171 a gross vehicle weight greater than the weight allowed by law or  
172 greater than the maximum weight established for such roads,  
173 streets or highways by the board of supervisors or municipal  
174 governing authorities, shall notify, in writing, the board of  
175 supervisors or the governing authorities, as the case may be,  
176 before operating such vehicle on the roads, streets or highways of  
177 such county or municipality. In his notice, the permit holder  
178 shall identify the routes over which he intends to operate  
179 vehicles for which the permit has been issued and the dates or  
180 time period during which he will be operating such vehicles. The  
181 board of supervisors or the governing authorities, as the case may  
182 be, shall have two (2) working days to respond in writing to the  
183 permit holder to notify the permit holder of the routes on and  
184 along which the permit holder may operate vehicles for which a  
185 harvest permit has been issued. Failure of the board of  
186 supervisors or the governing authorities timely to notify the  
187 permit holder and to designate the routes on and along which the  
188 permit holder may operate shall be considered as authorizing the  
189 permit holder to operate on any of the roads, streets or highways  
190 of the county or municipality in accordance with the authority  
191 granted to the permit holder by the harvest permit.

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

209           (d) This subsection (5) shall stand repealed from and  
210 after July 1, 2007.

211           (6) Nothing in this section or subsections (1) through (4)  
212 of Section 63-5-27 shall be construed to deny the operation of any  
213 vehicle or combination of vehicles that could be lawfully operated  
214 upon the interstate highway system of this state on January 4,  
215 1975.

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