

By: Representative Mims

To: Transportation

HOUSE BILL NO. 709

1 AN ACT TO AMEND SECTION 63-5-51, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT HIGHWAY SAFETY PATROL OFFICERS SHALL BE USED TO
3 ESCORT THE MOVEMENT OVER THE HIGHWAYS OF THIS STATE OF OVER-SIZE
4 VEHICLES FOR WHICH THE MISSISSIPPI TRANSPORTATION COMMISSION HAS
5 ISSUED A SPECIAL PERMIT; TO PROVIDE FOR AN ADDITIONAL FEE TO
6 DEFRAY THE COSTS INCURRED BY THE DEPARTMENT OF PUBLIC SAFETY FOR
7 PROVIDING SUCH ESCORT SERVICES; TO CREATE A SPECIAL FUND IN THE
8 STATE TREASURY INTO WHICH SHALL BE DEPOSITED THE ADDITIONAL FEES;
9 TO PRESCRIBE THE MANNER IN WHICH OFFICERS SHALL BE ASSIGNED ESCORT
10 SERVICES DUTIES; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 63-5-51, Mississippi Code of 1972, is
13 amended as follows:

14 63-5-51. (1) (a) The Mississippi Transportation Commission
15 with respect to highways under its jurisdiction and local
16 authorities with respect to highways under their jurisdiction may,
17 in their discretion, upon application in writing and good cause
18 being shown therefor, issue a special permit in writing
19 authorizing the applicant to operate or move a vehicle or
20 combination of vehicles of a size or weight of vehicle or load
21 exceeding the maximum specified in this chapter or otherwise not
22 in conformity with the provisions of this chapter upon any highway
23 under the jurisdiction of the party granting such permit and for
24 the maintenance of which said party is responsible.

25 (b) The application for any such permit shall
26 specifically describe the general operation and load to be moved,
27 and the particular highways for which the permit to operate is
28 requested, and whether such permit is requested for a single trip,
29 or for continuous operation.

30 (c) The Mississippi Transportation Commission or local
31 authority is authorized to issue or withhold such permit at its

32 discretion. If such permit is issued, the Mississippi
33 Transportation Commission or local authority is authorized to
34 limit the number of trips, or to establish seasonal or other time
35 limitations within which the vehicles described may be operated on
36 the highways indicated, or otherwise to limit or prescribe
37 conditions of operation of such vehicle or vehicles, when
38 necessary to assure against undue damage to the road foundations,
39 surfaces or structures. The Mississippi Transportation Commission
40 or local authority may require such undertaking or other security
41 as may be deemed necessary to compensate for any injury to any
42 roadway or road structure.

43 (d) Every such permit shall be carried in the vehicle
44 or combination of vehicles to which it refers and shall be open to
45 inspection by any police officer or authorized agent of any
46 authority granting such permit, and no person shall violate any of
47 the terms or conditions of such special permit. However, permits
48 covering the number of vehicles anticipated in any operation may
49 be issued by the commission.

50 (2) The Mississippi Transportation Commission or local
51 authorities, in their discretion, upon application in writing and
52 good cause being shown therefor, issue a permit authorizing the
53 commercial movement of one or more recreational vehicles or motor
54 homes which comply with the provisions of Section 63-5-13. Such
55 permits shall be valid for one (1) year from the date they are
56 issued. A copy of the permit shall be carried with all such
57 vehicles while they are being moved. The provisions of subsection
58 (1) of this section shall not apply to the commercial movement of
59 vehicles under a permit issued pursuant to this subsection if such
60 vehicles comply with Section 63-5-13.

61 (3) Whenever a permit is issued by the Transportation
62 Commission authorizing the applicant to operate or move upon any
63 highway under the jurisdiction of the commission a vehicle or
64 combination of vehicles with a size or load that exceeds the

65 maximum specified in this chapter or that is not otherwise in
66 conformity with the provisions of this chapter and such vehicle
67 operation or movement is required under rules and regulations of
68 the commission to be provided with escort services, such escort
69 services shall be provided by law enforcement officers of the
70 Mississippi Department of Public Safety. At the time of
71 application for any such over-size load, the applicant shall pay
72 to the Department of Transportation a fee, in addition to the
73 regular permit fee, for the purpose of reimbursing the Department
74 of Public Safety for costs incurred in providing such escort
75 services. The Commissioner of Public Safety shall establish and
76 provide to the Department of Transportation a fee schedule for
77 escort services based upon the number of trip miles, length of
78 time that escort services are provided, the number of officers,
79 vehicles and equipment that will be required to provide escort
80 services and such other factors as the commissioner determines
81 relevant. Highway patrol officers wishing to participate in the
82 performance of escort services may submit their request to the
83 Commissioner of the Department of Public Safety who shall include
84 their names on a roster. Officers shall be selected and assigned
85 escort services by the commissioner on a rotating basis, with
86 priority being given to officers who do not have other assigned
87 duties at the time that the escort services are required. All
88 such fees collected by the Department of Transportation shall be
89 deposited in a special fund that is created in the State Treasury.
90 Monies in the fund shall be expended, upon Legislative
91 appropriation, to pay the expenses, including extra compensation
92 paid to Highway patrol officers, that the Department of Public
93 Safety incurs in performing escort services as provided under this
94 section.

95 **SECTION 2.** This act shall take effect and be in force from
96 and after July 1, 2006.