

By: Senator(s) Hewes

To: Highways and
Transportation

SENATE BILL NO. 2663

1 AN ACT TO AMEND SECTION 63-5-52, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE REPEALER ON THE AUTHORITY OF THE DEPARTMENT OF
3 TRANSPORTATION TO ISSUE PERMITS FOR VEHICLES TRANSPORTING HEAVY
4 EQUIPMENT WITH A NONDIVISIBLE LOAD; TO AMEND SECTION 27-19-81,
5 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 63-5-52, Mississippi Code of 1972, is
8 amended as follows:

9 63-5-52. * * * 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 nondivisible load having a
13 gross vehicle weight of one hundred forty thousand (140,000)
14 pounds or less. The permit shall be issued for the pulling unit
15 and shall be nontransferable. The fee for such permit shall be
16 Four Thousand Five Hundred Dollars (\$4,500.00) and the permit
17 shall expire one (1) year from the beginning movement date.
18 Movements under such permit shall be made under such safety and
19 equipment restrictions as the department may establish. The
20 department shall specify the routes over which such movements may
21 be conducted.

22 * * *

23 **SECTION 2.** Section 27-19-81, Mississippi Code of 1972, is
24 amended as follows:

25 * * *

26 27-19-81. (1) No vehicle shall be registered by the State
27 Tax Commission or by a tax collector, and no license tag
28 whatsoever shall be issued therefor, where the gross weight of

29 such vehicle exceeds the limits provided by law. In the event of
30 an emergency requiring the hauling of a greater gross weight than
31 permitted by law, the owner or operator of such vehicle shall
32 obtain an excess weight authorization from the Mississippi
33 Department of Transportation or local authority having
34 jurisdiction of the particular road, street or highway before
35 operating such vehicle on the highways of this state to haul such
36 a gross weight over a route to be designated by the aforesaid
37 department. It shall then be necessary for the owner or operator
38 of the vehicle to obtain a permit from the Transportation
39 Department, which shall be issued by the department under the same
40 provisions as are provided for the issuance of trip permits under
41 Section 27-19-79, but which permit shall likewise be obtained
42 prior to the operation of such vehicle on the highways. No
43 persons or agencies other than the Mississippi Department of
44 Transportation shall have authority to issue the permits provided
45 for in this section. The fee to be charged for such permits shall
46 be computed in the same manner provided in Section 27-19-79 for
47 each one thousand (1,000) pounds, or fractional part thereof, of
48 gross weight above the licensed capacity of the vehicle, up to the
49 maximum legal weights provided by this article on the roads to be
50 traveled.

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

55 For each one thousand (1,000) pounds, or fractional part
56 thereof, in excess of the weight authorized by Sections 63-5-29
57 and 63-5-33 for any such vehicle or in excess of the limits set by
58 the Transportation Department for specified roads and bridges, the
59 fee shall be Five Cents (5¢) per one thousand (1,000) pounds, or
60 fractional part thereof, for each mile traveled upon the highways
61 of the state, except that the fee for manufactured housing modular

62 units, residential or commercial, shall be Two Cents (2¢) per one
63 thousand (1,000) pounds, or fractional part thereof, for each mile
64 traveled upon the highways of the state. Provided, however, no
65 permit shall be issued for a fee of less than Ten Dollars
66 (\$10.00).

67 The Transportation Department may provide for an annual
68 permit which will allow pre-approved vehicles and loads to travel
69 predesignated routes with self-issued permits. Under such
70 self-issuance authority, the owner of the vehicle shall complete
71 the permit in a format designated by the department,
72 electronically transmit a copy to the department prior to the
73 move, and ensure that a copy is in the possession of the operator.
74 Vehicles having a gross weight exceeding the limits provided by
75 law that have a nondivisible gross vehicle weight of ninety-five
76 thousand (95,000) pounds or less, which are otherwise legal, shall
77 not be restricted as to the hours of the day such vehicles may be
78 operated on predesignated routes. The department shall bill the
79 vehicle owner according to the provisions of the preceding
80 paragraph. The department is authorized to modify predesignated
81 routes at any time for cause, such as highway construction or
82 hazardous highway conditions. The annual fee for the
83 self-issuance permit authority obtained pursuant to this paragraph
84 shall be Five Hundred Dollars (\$500.00) per owner, regardless of
85 the number of vehicles which he will operate pursuant to such
86 permit, in addition to any other fees required by this section.
87 Any vehicle and load being operated pursuant to this paragraph for
88 which the operator does not have the permit or a copy thereof in
89 his possession, or for which a copy of the permit was not
90 electronically transmitted to the department, shall be deemed not
91 to have a permit and shall be penalized accordingly.

92 It shall not be necessary for the owner or operator of a
93 vehicle to obtain a permit pursuant to this subsection if such
94 owner or operator has obtained for his vehicle an annual special

95 permit for vehicles transporting heavy equipment pursuant to
96 Section 63-5-52.

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

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

127 (4) The owner or operator of a vehicle hauling sand, gravel,
128 wood chips, wood shavings, sawdust, fill dirt, agricultural
129 products or unprocessed forestry products may apply to the
130 Mississippi Department of Transportation for a harvest permit for
131 the purpose of authorizing any such vehicles to operate on the
132 highways in this state (other than the federal interstate system
133 or those highways designated by the Mississippi Department of
134 Transportation as not capable of carrying more than fifty-seven
135 thousand six hundred fifty (57,650) pounds at the maximum gross
136 weight specified in Section 63-5-33). Harvest permits may be
137 issued and are valid to permit any such vehicle to be operated on
138 a highway in this state that has been designated by the
139 Mississippi Department of Transportation as not capable of
140 carrying more than fifty-seven thousand six hundred fifty (57,650)
141 pounds only if such vehicle operates in compliance with the
142 provisions of Section 63-5-29(3)(b). A fee of Twenty-five Dollars
143 (\$25.00) shall be charged for each permit issued. The permit
144 shall be in the form of a decal which shall be affixed to each
145 permitted vehicle on the upper left corner of the windshield on
146 the driver's side. Each permit shall expire one (1) year from its
147 date of issue. The fees collected under this subsection shall be
148 deposited into a special fund that is created in the State
149 Treasury. Monies in the fund shall be allocated and distributed
150 quarterly, beginning September 30, 1994, to each of the counties
151 of the state on an equal basis. Monies distributed to the
152 counties under this subsection shall be deposited in each county's
153 road and bridge fund and may be expended, upon approval of the
154 board of supervisors, for any purpose for which county road and
155 bridge fund monies lawfully may be expended. This subsection (4)
156 shall stand repealed from and after July 1, 2009.

157 (5) Any owner or operator who has met the requirements set
158 by the Mississippi Transportation Commission may defer payment of
159 permits issued by the department until the end of the current

160 month. If full payment is not received by the twentieth of the
161 following month, there may be added as damages to the total amount
162 of the delinquency or deficiency the following percentages: ten
163 percent (10%) for the first offense; fifteen percent (15%) for the
164 second offense and twenty-five percent (25%) for the third and any
165 subsequent offense. Upon the third offense, the department may
166 suspend the privilege to defer payment. The balance due shall
167 become payable upon notice and demand by the department.

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

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

179 * * *

180 **SECTION 3.** This act shall take effect and be in force from
181 and after its passage.