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To: Transportation; Agriculture

HOUSE BILL NO. 1134

1 AN ACT TO AMEND SECTION 63-5-33, MISSISSIPPI CODE OF 1972, TO
 2 AUTHORIZE A WEIGHT TOLERANCE FOR VEHICLES HAULING FEED TO A FARM;
 3 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 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 the nearest five
 28 hundred (500) pounds, L =distance in feet between the extremes of
 29 any group of two (2) or more consecutive axles, and N =number of
 30 axles in any 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) (a) Notwithstanding the provisions of Section 63-5-27
110 and/or Section 63-5-29 to the contrary, vehicles hauling products
111 in the manner set forth in this subsection, whether or not such
112 vehicles are operating with a harvest permit, shall be allowed a
113 gross weight of not to exceed forty thousand (40,000) pounds on
114 any 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.

129 **(b)** The tolerance allowed by this subsection shall only
130 apply to the following:

131 **(i)** Operation of vehicles from the point of
132 loading to the point of unloading for processing * * *;

133 **(ii)** Operation of vehicles hauling sand, gravel,
134 wood chips, wood shavings, sawdust, fill dirt and agricultural
135 products;

136 **(iii)** Operation of vehicles hauling animal feed to
137 a farm; and

138 **(iv)** Products for recycling or materials for the
139 construction or repair of highways.



140 (c) The range of such operation shall not exceed a
141 radius of one hundred (100) miles except where the products are
142 being transported for processing within this state.

143 (d) The tolerance shall not be allowed for vehicles
144 loading at a point of origin having scales available for weighing
145 each individual axle of the vehicle except for vehicles hauling
146 animal feed to a farm * * *. However, * * * vehicles loading at a
147 point of origin having scales available for weighing the vehicle
148 shall not be eligible for any tolerance over the gross weight
149 limit of eighty thousand (80,000) pounds except for vehicles
150 hauling animal feed to a farm.

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



165 municipal governing authorities as provided for in Section
166 63-5-27.

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

176 (b) Any owner or operator who has been issued a harvest
177 permit and who wishes to operate a vehicle on the roads, streets
178 or highways under the jurisdiction of a county or municipality at
179 a gross vehicle weight greater than the weight allowed by law or
180 greater than the maximum weight established for such roads,
181 streets or highways by the board of supervisors or municipal
182 governing authorities, shall notify, in writing, the board of
183 supervisors or the governing authorities, as the case may be,
184 before operating such vehicle on the roads, streets or highways of
185 such county or municipality. In his notice, the permit holder
186 shall identify the routes over which he intends to operate
187 vehicles for which the permit has been issued and the dates or
188 time period during which he will be operating such vehicles. The
189 board of supervisors or the governing authorities, as the case may



190 be, shall have two (2) working days to respond in writing to the
191 permit holder to notify the permit holder of the routes on and
192 along which the permit holder may operate vehicles for which a
193 harvest permit has been issued. Failure of the board of
194 supervisors or the governing authorities timely to notify the
195 permit holder and to designate the routes on and along which the
196 permit holder may operate shall be considered as authorizing the
197 permit holder to operate on any of the roads, streets or highways
198 of the county or municipality in accordance with the authority
199 granted to the permit holder by the harvest permit.

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



215 required for any person who obtains a permit issued under this
216 paragraph.

217 (d) This subsection (5) shall stand repealed from and
218 after July 1, 2016.

219 (6) Nothing in this section or subsections (1) through (4)
220 of Section 63-5-27 shall be construed to deny the operation of any
221 vehicle or combination of vehicles that could be lawfully operated
222 upon the interstate highway system of this state on January 4,
223 1975.

224 **SECTION 2.** This act shall take effect and be in force from
225 and after July 1, 2016.

