

By: Representative White

To: Transportation

HOUSE BILL NO. 1198

1 AN ACT TO AMEND SECTION 27-19-81, MISSISSIPPI CODE OF 1972,
 2 TO EXTEND THE REPEALER ON THE PROVISION OF LAW THAT AUTHORIZES THE
 3 MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO ISSUE HARVEST PERMITS;
 4 TO AMEND SECTION 63-5-33, MISSISSIPPI CODE OF 1972, TO EXTEND THE
 5 REPEALER ON THE PROVISIONS OF LAW THAT PROVIDE FOR THE MAXIMUM
 6 WEIGHT OF HARVEST PERMIT VEHICLES AND REQUIRE CERTAIN HARVEST
 7 PERMIT HOLDERS TO GET PRIOR APPROVAL FOR THEIR ROUTES; AND FOR
 8 RELATED PURPOSES.

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

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

12 27-19-81. (1) No vehicle shall be registered by the
 13 Department of Revenue or by a tax collector, and no license tag
 14 whatsoever shall be issued therefor, where the gross weight of
 15 such vehicle exceeds the limits provided by law. In the event of
 16 an emergency requiring the hauling of a greater gross weight than
 17 permitted by law, the owner or operator of such vehicle shall
 18 obtain an excess weight authorization from the Mississippi
 19 Department of Transportation or local authority having
 20 jurisdiction of the particular road, street or highway before
 21 operating such vehicle on the highways of this state to haul such



22 a gross weight over a route to be designated by the aforesaid
23 department. It shall then be necessary for the owner or operator
24 of the vehicle to obtain a permit from the Transportation
25 Department, which shall be issued by the department under the same
26 provisions as are provided for the issuance of trip permits under
27 Section 27-19-79, but which permit shall likewise be obtained
28 prior to the operation of such vehicle on the highways. No
29 persons or agencies other than the Mississippi Department of
30 Transportation shall have authority to issue the permits provided
31 for in this section. The fee to be charged for such permits shall
32 be computed in the same manner provided in Section 27-19-79 for
33 each one thousand (1,000) pounds, or fractional part thereof, of
34 gross weight above the licensed capacity of the vehicle, up to the
35 maximum legal weights provided by this article on the roads to be
36 traveled.

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

41 For each one thousand (1,000) pounds, or fractional part
42 thereof, in excess of the weight authorized by Sections 63-5-29
43 and 63-5-33 for any such vehicle or in excess of the limits set by
44 the Transportation Department for specified roads and bridges, the
45 fee shall be Five Cents (5¢) per one thousand (1,000) pounds, or
46 fractional part thereof, for each mile traveled upon the highways



47 of the state, except that the fee for manufactured housing modular
48 units, residential or commercial, shall be Two Cents (2¢) per one
49 thousand (1,000) pounds, or fractional part thereof, for each mile
50 traveled upon the highways of the state. Provided, however, no
51 permit shall be issued for a fee of less than Ten Dollars
52 (\$10.00).

53 The Transportation Department may provide for an annual
54 permit which will allow preapproved vehicles and loads to travel
55 predesignated routes with self-issued permits. Under such
56 self-issuance authority, the owner of the vehicle shall complete
57 the permit in a format designated by the department,
58 electronically transmit a copy to the department prior to the
59 move, and ensure that a copy is in the possession of the operator.
60 Vehicles having a gross weight exceeding the limits provided by
61 law that have a nondivisible gross vehicle weight of ninety-five
62 thousand (95,000) pounds or less, which are otherwise legal, shall
63 not be restricted as to the hours of the day such vehicles may be
64 operated on predesignated routes. The department shall bill the
65 vehicle owner according to the provisions of the preceding
66 paragraph. The department is authorized to modify predesignated
67 routes at any time for cause, such as highway construction or
68 hazardous highway conditions. The annual fee for the
69 self-issuance permit authority obtained pursuant to this paragraph
70 shall be Five Hundred Dollars (\$500.00) per owner, regardless of
71 the number of vehicles which he will operate pursuant to such



72 permit, in addition to any other fees required by this section.
73 Any vehicle and load being operated pursuant to this paragraph for
74 which the operator does not have the permit or a copy thereof in
75 his possession, or for which a copy of the permit was not
76 electronically transmitted to the department, shall be deemed not
77 to have a permit and shall be penalized accordingly.

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

83 (2) Before operating a vehicle where the size of the load
84 being hauled is in excess of that permitted by law, the owner or
85 operator of such vehicle shall obtain excess size authorization
86 from the Transportation Department or proper local authority and
87 an excess size permit from the Transportation Department. Such
88 excess size permit shall be issued by the Mississippi Department
89 of Transportation under the same provisions as are provided for
90 the issuance of trip permits under Section 27-19-79, and it shall
91 be obtained prior to the operation of such vehicle on the
92 highways. The fee to be charged for such excess size permit shall
93 be Ten Dollars (\$10.00) per trip. Such permits may be issued for
94 an extended period of time and must coincide with the expiration
95 date and other provisions of the carrier's permit or authorization
96 issued by the Transportation Department or local authority. The



97 fee for such extended permits shall be based upon an annual fee of
98 One Hundred Dollars (\$100.00) per carrier. No permit shall be
99 issued under this subsection if the issuance of the permit would
100 violate federal law or would cause the State of Mississippi to
101 lose federal aid funds. This subsection shall not apply to any
102 tractor, road roller or road machinery used solely and
103 specifically in road building or other highway construction or
104 maintenance work or to any machinery or equipment operated on the
105 highways or transported thereon in the course of normal farming
106 activities, including cotton module transporters.

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

113 (4) The owner or operator of a vehicle hauling sand, gravel,
114 wood chips, wood shavings, sawdust, fill dirt, agricultural
115 products or unprocessed forestry products may apply to the
116 Mississippi Department of Transportation for a harvest permit for
117 the purpose of authorizing any such vehicles to operate on the
118 highways in this state (other than the federal interstate system
119 or those highways designated by the Mississippi Department of
120 Transportation as not capable of carrying more than fifty-seven
121 thousand six hundred fifty (57,650) pounds at the maximum gross



122 weight specified in Section 63-5-33). Harvest permits may be
123 issued and are valid to permit any such vehicle to be operated on
124 a highway in this state that has been designated by the
125 Mississippi Department of Transportation as not capable of
126 carrying more than fifty-seven thousand six hundred fifty (57,650)
127 pounds only if such vehicle operates in compliance with the
128 provisions of Section 63-5-29(3)(b). A fee of Twenty-five Dollars
129 (\$25.00) shall be charged for each permit issued. The permit
130 shall be in the form of a decal which shall be affixed to each
131 permitted vehicle on the upper left corner of the windshield on
132 the driver's side. Each permit shall expire one (1) year from its
133 date of issue. The fees collected under this subsection shall be
134 deposited into a special fund that is created in the State
135 Treasury. Monies in the fund shall be allocated and distributed
136 quarterly, beginning September 30, 1994, to each of the counties
137 of the state on an equal basis. Monies distributed to the
138 counties under this subsection shall be deposited in each county's
139 road and bridge fund and may be expended, upon approval of the
140 board of supervisors, for any purpose for which county road and
141 bridge fund monies lawfully may be expended. This subsection (4)
142 shall stand repealed from and after July 1, * * *2019.

143 (5) Any owner or operator who has met the requirements set
144 by the Mississippi Transportation Commission may defer payment of
145 permits issued by the department until the end of the current
146 month. If full payment is not received by the twentieth of the



147 following month, there may be added as damages to the total amount
148 of the delinquency or deficiency the following percentages: ten
149 percent (10%) for the first offense; fifteen percent (15%) for the
150 second offense; and twenty-five percent (25%) for the third and
151 any subsequent offense. Upon the third offense, the department
152 may suspend the privilege to defer payment. The balance due shall
153 become payable upon notice and demand by the department.

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

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

165 **SECTION 2.** Section 63-5-33, Mississippi Code of 1972, is
166 amended as follows:

167 63-5-33. (1) Subject to the limitations imposed on wheel
168 and axle loads by Section 63-5-27, and to the further limitations
169 hereinafter specified, the total combined weight (vehicles plus
170 load) on any group of axles of a vehicle or a combination of
171 vehicles shall not exceed the value given in the following table



172 (Table III) corresponding to the distance in feet between the
173 extreme axles of the group, measured longitudinally to the nearest
174 foot, on those highways or parts of highways designated by the
175 Mississippi Transportation Commission as being capable of carrying
176 the maximum load limits and, in addition thereto, such other
177 highways or parts of highways found by the commission to be
178 suitable to carry the maximum load limits from an engineering
179 standpoint, and so designated as such by order of the commission
180 entered upon its minutes and published once each week for three
181 (3) consecutive weeks in a daily newspaper published in this state
182 and having a general circulation therein. The maximum total
183 combined weight carried on any group of two (2) or more
184 consecutive axles shall be determined by the formula contained in
185 the Federal Weight Law enacted January 4, 1975, as follows: $W=500$
186 $(LN/N-1+12N+36)$ where W =maximum weight in pounds carried on any
187 group of two (2) or more axles computed to the nearest five
188 hundred (500) pounds, L =distance in feet between the extremes of
189 any group of two (2) or more consecutive axles, and N =number of
190 axles in any group under consideration.

191 TABLE III

192 DISTANCE
193 IN FEET
194 BETWEEN THE
195 EXTREMES OF
196 ANY GROUP



197	OF 2 OR MORE					
198	CONSECUTIVE		MAXIMUM LOAD IN POUNDS CARRIED ON ANY			
199	AXLES		GROUP OF 2 OR MORE CONSECUTIVE AXLES			
200		2 axles	3 axles	4 axles	5 axles	6 axles 7 axles
201	4	34,000				
202	5	34,000				
203	6	34,000		Axle groups in		
204	7	34,000				
205	8 and					
206	less	34,000	34,000	these spacings		
207	More					
208	than					
209	8	38,000	42,000			
210	9	39,000	42,500			
211	10	40,000	43,500	impractical		
212	11		44,000			
213	12		45,000	50,000		
214	13		45,500	50,500		
215	14		46,500	51,500		
216	15		47,000	52,000		
217	16		48,000	52,500	58,000	
218	17		48,500	53,500	58,500	
219	18		49,500	54,000	59,000	
220	19		50,000	54,500	60,000	
221	20		51,000	55,500	60,500	66,000



222	21	51,500	56,000	61,000	66,500	
223	22	52,500	56,500	61,500	67,000	
224	23	53,000	57,500	62,500	68,000	
225	24	54,000	58,000	63,000	68,500	74,000
226	25	54,500	58,500	63,500	69,000	74,500
227	26	55,500	59,500	64,000	69,500	75,000
228	27	56,000	60,000	65,000	70,000	75,500
229	28	57,000	60,500	65,500	71,000	76,500
230	29	57,500	61,500	66,000	71,500	77,000
231	30	58,500	62,000	66,500	72,000	77,500
232	31	59,000	62,500	67,500	72,500	78,000
233	32	60,000	63,500	68,000	73,000	78,500
234	33		64,000	68,500	74,000	79,000
235	34		64,500	69,000	74,500	80,000
236	35		65,500	70,000	75,000	80,000
237	36		66,000	70,500	75,500	80,000
238	37		66,500	71,000	76,000	80,000
239	38		67,500	71,500	77,000	80,000
240	39		68,000	72,500	77,500	80,000
241	40		68,500	73,000	78,000	80,000
242	41		69,500	73,500	78,500	80,000
243	42		70,000	74,000	79,000	80,000
244	43		70,500	75,000	80,000	80,000
245	44		71,500	75,500	80,000	80,000
246	45		72,000	76,000	80,000	80,000



247	46	72,500	76,500	80,000	80,000
248	47	73,500	77,500	80,000	80,000
249	48	74,000	78,000	80,000	80,000
250	49	74,500	78,500	80,000	80,000
251	50	75,500	79,000	80,000	80,000
252	51	76,000	80,000	80,000	80,000
253	52	76,500	80,000	80,000	80,000
254	53	77,500	80,000	80,000	80,000
255	54	78,000	80,000	80,000	80,000
256	55	78,500	80,000	80,000	80,000
257	56	79,500	80,000	80,000	80,000
258	57	80,000	80,000	80,000	80,000

259 (2) Moreover, in addition to the per axle weight limitations
260 specified by Section 63-5-27, two (2) consecutive sets of tandem
261 axles may carry a gross load of thirty-four thousand (34,000)
262 pounds each, providing that the overall distance between the first
263 and last axles of such consecutive sets of tandem axles is
264 thirty-six (36) feet or more, except that, until September 1,
265 1989, the axle distance for tank trailers, dump trailers and ocean
266 transport container haulers may be thirty (30) feet or more. Such
267 overall gross weight may not exceed eighty thousand (80,000)
268 pounds, except as provided by this section.

269 (3) Notwithstanding the provisions of Section 63-5-27 and/or
270 Section 63-5-29 to the contrary, vehicles hauling products in the
271 manner set forth in this subsection, whether or not such vehicles



272 are operating with a harvest permit, shall be allowed a gross
273 weight of not to exceed forty thousand (40,000) pounds on any
274 tandem. Vehicles operating without a harvest permit shall be
275 allowed a tolerance not to exceed five percent (5%) above their
276 authorized gross vehicle weight, tandem or axle weight; except
277 that the maximum gross vehicle weight of any such vehicle shall
278 not exceed eighty thousand (80,000) pounds plus a tolerance
279 thereon of not more than two percent (2%). Vehicles operating
280 with a harvest permit shall be allowed a tolerance not to exceed
281 five percent (5%) above their authorized tandem or axle weight,
282 but the maximum gross vehicle weight of any such vehicle shall not
283 exceed eighty-four thousand (84,000) pounds. However, neither the
284 increased weights in this subsection nor any tolerance shall be
285 allowed on federal interstate highways or on other highways where
286 a tolerance is specifically prohibited by the Transportation
287 Commission, the county board of supervisors or the municipal
288 governing authorities as provided for in Section 63-5-27. The
289 tolerance allowed by this subsection shall only apply to the
290 operation of vehicles from the point of loading to the point of
291 unloading for processing, and to the operation of vehicles hauling
292 sand, gravel, wood chips, wood shavings, sawdust, fill dirt and
293 agricultural products, and products for recycling or materials for
294 the construction or repair of highways. The range of such
295 operation shall not exceed a radius of one hundred (100) miles
296 except where the products are being transported for processing



297 within this state. The tolerance shall not be allowed for
298 vehicles loading at a point of origin having scales available for
299 weighing each individual axle of the vehicle; provided, however,
300 that vehicles loading at a point of origin having scales available
301 for weighing the vehicle shall not be eligible for any tolerance
302 over the gross weight limit of eighty thousand (80,000) pounds.

303 (4) Notwithstanding the provisions of Section 63-5-27 and/or
304 Section 63-5-29 to the contrary, vehicles hauling prepackaged
305 products, unloaded at a state port or to be loaded at a state
306 port, which are containerized in such a manner as to make
307 subdivision thereof impractical shall be allowed a gross weight of
308 not to exceed forty thousand (40,000) pounds on any tandem, and a
309 tolerance not to exceed five percent (5%) above their authorized
310 gross weight, tandem or axle weight; except that the maximum
311 weight of any vehicle shall not exceed eighty thousand (80,000)
312 pounds plus a tolerance thereon of not more than two percent (2%);
313 however, neither the increased weights in this subsection nor any
314 tolerance shall be allowed on federal interstate highways or on
315 other highways where a tolerance is specifically prohibited by the
316 Transportation Commission, the county board of supervisors or the
317 municipal governing authorities as provided for in Section
318 63-5-27.

319 (5) (a) Vehicles for which a harvest permit has been issued
320 pursuant to Section 27-19-81(4) shall be allowed a gross vehicle
321 weight not to exceed eighty-four thousand (84,000) pounds.



322 However, the board of supervisors of any county and the governing
323 authorities of any municipality may designate the roads, streets
324 and highways under their respective jurisdiction on and along
325 which vehicles for which a harvest permit has been issued may
326 travel. This subsection shall not apply to the federal interstate
327 system.

328 (b) Any owner or operator who has been issued a harvest
329 permit and who wishes to operate a vehicle on the roads, streets
330 or highways under the jurisdiction of a county or municipality at
331 a gross vehicle weight greater than the weight allowed by law or
332 greater than the maximum weight established for such roads,
333 streets or highways by the board of supervisors or municipal
334 governing authorities, shall notify, in writing, the board of
335 supervisors or the governing authorities, as the case may be,
336 before operating such vehicle on the roads, streets or highways of
337 such county or municipality. In his notice, the permit holder
338 shall identify the routes over which he intends to operate
339 vehicles for which the permit has been issued and the dates or
340 time period during which he will be operating such vehicles. The
341 board of supervisors or the governing authorities, as the case may
342 be, shall have two (2) working days to respond in writing to the
343 permit holder to notify the permit holder of the routes on and
344 along which the permit holder may operate vehicles for which a
345 harvest permit has been issued. Failure of the board of
346 supervisors or the governing authorities timely to notify the



347 permit holder and to designate the routes on and along which the
348 permit holder may operate shall be considered as authorizing the
349 permit holder to operate on any of the roads, streets or highways
350 of the county or municipality in accordance with the authority
351 granted to the permit holder by the harvest permit.

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

369 (d) This subsection (5) shall stand repealed from and
370 after July 1, * * *2019.



371 (6) Nothing in this section or subsections (1) through (4)
372 of Section 63-5-27 shall be construed to deny the operation of any
373 vehicle or combination of vehicles that could be lawfully operated
374 upon the interstate highway system of this state on January 4,
375 1975.

376 **SECTION 3.** This act shall take effect and be in force from
377 and after July 1, 2016.

