

By: Senator(s) Bryan

To: Accountability,  
Efficiency, Transparency;  
Highways and Transportation

SENATE BILL NO. 2606

1 AN ACT TO AMEND SECTION 27-19-81, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE PER TRIP FEE FOR EXCESS SIZE PERMITS ONCE A  
3 CARRIER HAS CONDUCTED TEN TRIPS WITH A WIDE LOAD OVER THE SAME  
4 PORTION OF A TWO-LANE HIGHWAY IN ANY ONE CALENDAR YEAR; AND FOR  
5 RELATED PURPOSES.

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

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

9 27-19-81. (1) No vehicle shall be registered by the  
10 Department of Revenue or by a tax collector, and no license tag  
11 whatsoever shall be issued therefor, where the gross weight of  
12 such vehicle exceeds the limits provided by law. In the event of  
13 an emergency requiring the hauling of a greater gross weight than  
14 permitted by law, the owner or operator of such vehicle shall  
15 obtain an excess weight authorization from the Mississippi  
16 Department of Transportation or local authority having  
17 jurisdiction of the particular road, street or highway before  
18 operating such vehicle on the highways of this state to haul such  
19 a gross weight over a route to be designated by the aforesaid



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

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

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



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

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



Any vehicle and load being operated pursuant to this paragraph for which the operator does not have the permit or a copy thereof in his possession, or for which a copy of the permit was not electronically transmitted to the department, shall be deemed not to have a permit and shall be penalized accordingly.

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

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



otherwise provided in this subsection, the fee for such extended permits shall be based upon an annual fee of One Hundred Dollars (\$100.00) per carrier. No permit shall be issued under this subsection if the issuance of the permit would violate federal law or would cause the State of Mississippi to lose federal aid funds. This subsection shall not apply to any tractor, road roller or road machinery used solely and specifically in road building or other highway construction or maintenance work or to any machinery or equipment operated on the highways or transported thereon in the course of normal farming activities, including cotton module transporters. Once a carrier has conducted ten (10) trips with a wide load over the same portion of two-lane highway in any one (1) calendar year, the fee for an excess size permit for each subsequent trip conducted by the carrier over that portion of two-lane highway be One Thousand Dollars (\$1,000.00).

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

(4) The owner or operator of a vehicle hauling sand, gravel, woodchips, wood shavings, sawdust, fill dirt, agricultural products or unprocessed forestry products may apply to the Mississippi Department of Transportation for a harvest permit for



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



bridge fund monies lawfully may be expended. This subsection (4) shall stand repealed from and after July 1, 2019.

(5) Any owner or operator who has met the requirements set by the Mississippi Transportation Commission may defer payment of permits issued by the department until the end of the current month. If full payment is not received by the twentieth of the following month, there may be added as damages to the total amount of the delinquency or deficiency the following percentages: ten percent (10%) for the first offense; fifteen percent (15%) for the second offense; and twenty-five percent (25%) for the third and any subsequent offense. Upon the third offense, the department may suspend the privilege to defer payment. The balance due shall become payable upon notice and demand by the department.

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

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



168           **SECTION 2.** This act shall take effect and be in force from  
169 and after July 1, 2018.

