

By: Senator(s) Branning

To: Agriculture

SENATE BILL NO. 2894

1 AN ACT TO AMEND SECTION 27-19-81, MISSISSIPPI CODE OF 1972,
2 TO EXTEND UNTIL JULY 1, 2022, THE REPEAL DATE ON THE PROVISIONS OF
3 LAW THAT AUTHORIZE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO
4 ISSUE HARVEST PERMITS TO OWNERS AND OPERATORS OF VEHICLES HAULING
5 CERTAIN PRODUCTS, AND TO INCLUDE BULK FEED AND WOOD PELLETS IN THE
6 LIST OF SUCH PRODUCTS; AND FOR RELATED PURPOSES.

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

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

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



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

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

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



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

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



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

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

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



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

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

111 (4) The owner or operator of a vehicle hauling sand, gravel,
112 woodchips, wood shavings, sawdust, fill dirt, bulk feed, wood
113 pellets, agricultural products or unprocessed forestry products
114 may apply to the Mississippi Department of Transportation for a
115 harvest permit for the purpose of authorizing any such vehicles to
116 operate on the highways in this state (other than the federal
117 interstate system or those highways designated by the Mississippi
118 Department of Transportation as not capable of carrying more than
119 fifty-seven thousand six hundred fifty (57,650) pounds at the
120 maximum gross weight specified in Section 63-5-33). Harvest



121 permits may be issued and are valid to permit any such vehicle to
122 be operated on a highway in this state that has been designated by
123 the Mississippi Department of Transportation as not capable of
124 carrying more than fifty-seven thousand six hundred fifty (57,650)
125 pounds only if such vehicle operates in compliance with the
126 provisions of Section 63-5-29(3)(b). A fee of Twenty-five Dollars
127 (\$25.00) shall be charged for each permit issued. The permit
128 shall be in the form of a decal which shall be affixed to each
129 permitted vehicle on the upper left corner of the windshield on
130 the driver's side. Each permit shall expire one (1) year from its
131 date of issue. The fees collected under this subsection shall be
132 deposited into a special fund that is created in the State
133 Treasury. Monies in the fund shall be allocated and distributed
134 quarterly, beginning September 30, 1994, to each of the counties
135 of the state on an equal basis. Monies distributed to the
136 counties under this subsection shall be deposited in each county's
137 road and bridge fund and may be expended, upon approval of the
138 board of supervisors, for any purpose for which county road and
139 bridge fund monies lawfully may be expended. This subsection (4)
140 shall stand repealed from and after July 1, * * * 2022.

141 (5) Any owner or operator who has met the requirements set
142 by the Mississippi Transportation Commission may defer payment of
143 permits issued by the department until the end of the current
144 month. If full payment is not received by the twentieth of the
145 following month, there may be added as damages to the total amount



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

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

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

163 **SECTION 2.** This act shall take effect and be in force from
164 and after July 1, 2019.

