

By: Representative Busby

To: Transportation

HOUSE BILL NO. 1456

1 AN ACT TO AMEND SECTION 63-5-49, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE MISSISSIPPI LAW ENFORCEMENT ESCORT OF SUPERLOAD VEHICLES  
3 TO PROMOTE SAFETY AND EFFICIENCY ON MISSISSIPPI HIGHWAYS; TO AMEND  
4 SECTION 27-19-81, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE  
5 AGENCY PERFORMING THE ESCORT TO CHARGE A REASONABLE FEE FOR THE  
6 ESCORT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 63-5-49, Mississippi Code of 1972, is  
9 amended as follows:

10 63-5-49. (1) Any police officer, law enforcement officer of  
11 the Department of Public Safety or authorized enforcement officer  
12 of the Mississippi Department of Transportation may require the  
13 driver of any vehicle that is required by law or by any rule or  
14 regulation of the Mississippi Department of Transportation or the  
15 State Tax Commission to stop at inspection stations and submit to  
16 an inspection to stop and submit to a weighing of the vehicle,  
17 either by means of portable or stationary scales, and may require  
18 that such vehicle be driven to the nearest scales for weighing.  
19 To aid the enforcement of this chapter, the Transportation



20 Department may assign up to forty (40) portable scale teams as it  
21 deems necessary for efficient enforcement.

22 (2) Whenever such an officer, upon weighing a vehicle and  
23 load as above provided, determines that the weight is unlawful,  
24 such officer shall assess a penalty against the owner or operator  
25 in accordance with Section 27-19-89, and may require the driver to  
26 drive the vehicle to a suitable place and remain standing until  
27 such portion of the load is removed as may be necessary to reduce  
28 the gross weight of such vehicle to such limit as permitted under  
29 this chapter. All material so unloaded shall be cared for by the  
30 owner or operator of such vehicle at the risk of such owner or  
31 operator.

32 (3) Any police officer, law enforcement officer of the  
33 Department of Public Safety, or authorized enforcement officer of  
34 the Transportation Department who stops a vehicle pursuant to  
35 subsection (1) of this section shall have the authority to inspect  
36 such vehicle to determine whether or not such vehicle is engaged  
37 in the illegal transportation of any contraband.

38 (4) Any driver of a vehicle who fails or refuses to stop and  
39 submit the vehicle and load to a weighing, or who fails or  
40 refuses, when directed by such an officer upon weighing of the  
41 vehicle, to stop the vehicle and otherwise comply with the  
42 provisions of this section, shall be guilty of a misdemeanor,  
43 punishable by a fine of not more than One Thousand Dollars  
44 (\$1,000.00), or by confinement in the county jail for not more



than thirty (30) days, or by both such fine and jail sentence and, if operating at a gross weight in excess of the legal limit, such additional penalty or assessment as provided by law.

(5) It is the intent of the Legislature that the Department of Public Safety and all police officers shall cooperate with the Transportation Department in the enforcement of the highway weight laws of this state.

(6) Any police officer, law enforcement officer of the Department of Public Safety or authorized enforcement officer of the Mississippi Department of Transportation shall be authorized to escort any vehicle designated as a superload vehicle pursuant to the regulations of the Mississippi Department of Transportation. The escort shall be performed in a marked law enforcement vehicle with operating blue lights.

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

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



70 operating such vehicle on the highways of this state to haul such  
71 a gross weight over a route to be designated by the aforesaid  
72 department. It shall then be necessary for the owner or operator  
73 of the vehicle to obtain a permit from the Transportation  
74 Department, which shall be issued by the department under the same  
75 provisions as are provided for the issuance of trip permits under  
76 Section 27-19-79, but which permit shall likewise be obtained  
77 prior to the operation of such vehicle on the highways. No  
78 persons or agencies other than the Mississippi Department of  
79 Transportation shall have authority to issue the permits provided  
80 for in this section. The fee to be charged for such permits shall  
81 be computed in the same manner provided in Section 27-19-79 for  
82 each one thousand (1,000) pounds, or fractional part thereof, of  
83 gross weight above the licensed capacity of the vehicle, up to the  
84 maximum legal weights provided by this article on the roads to be  
85 traveled.

86 This subsection shall apply, but not be limited to, any  
87 tractor, road roller or road machinery used solely and  
88 specifically in road building or other highway construction or  
89 maintenance work.

90 For each one thousand (1,000) pounds, or fractional part  
91 thereof, in excess of the weight authorized by Sections 63-5-29  
92 and 63-5-33 for any such vehicle or in excess of the limits set by  
93 the Transportation Department for specified roads and bridges, the  
94 fee shall be Five Cents (5¢) per one thousand (1,000) pounds, or



95 fractional part thereof, for each mile traveled upon the highways  
96 of the state, except that the fee for manufactured housing modular  
97 units, residential or commercial, shall be Two Cents (2¢) per one  
98 thousand (1,000) pounds, or fractional part thereof, for each mile  
99 traveled upon the highways of the state. Provided, however, no  
100 permit shall be issued for a fee of less than Ten Dollars  
101 (\$10.00).

102       The Transportation Department may provide for an annual  
103 permit which will allow preapproved vehicles and loads to travel  
104 predesignated routes with self-issued permits. Under such  
105 self-issuance authority, the owner of the vehicle shall complete  
106 the permit in a format designated by the department,  
107 electronically transmit a copy to the department prior to the  
108 move, and ensure that a copy is in the possession of the operator.  
109 Vehicles having a gross weight exceeding the limits provided by  
110 law that have a nondivisible gross vehicle weight of ninety-five  
111 thousand (95,000) pounds or less, which are otherwise legal, shall  
112 not be restricted as to the hours of the day such vehicles may be  
113 operated on predesignated routes. The department shall bill the  
114 vehicle owner according to the provisions of the preceding  
115 paragraph. The department is authorized to modify predesignated  
116 routes at any time for cause, such as highway construction or  
117 hazardous highway conditions. The annual fee for the  
118 self-issuance permit authority obtained pursuant to this paragraph  
119 shall be Five Hundred Dollars (\$500.00) per owner, regardless of



the number of vehicles which he will operate pursuant to such 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. 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



145 issued by the Transportation Department or local authority. The  
146 fee for such extended permits shall be based upon an annual fee of  
147 One Hundred Dollars (\$100.00) per carrier. No permit shall be  
148 issued under this subsection if the issuance of the permit would  
149 violate federal law or would cause the State of Mississippi to  
150 lose federal aid funds. This subsection shall not apply to any  
151 tractor, road roller or road machinery used solely and  
152 specifically in road building or other highway construction or  
153 maintenance work or to any machinery or equipment operated on the  
154 highways or transported thereon in the course of normal farming  
155 activities, including cotton module transporters.

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

162 (4) The owner or operator of a vehicle hauling sand, gravel,  
163 woodchips, wood shavings, sawdust, fill dirt, agricultural  
164 products, bulk feed, wood pellets or unprocessed forestry products  
165 may apply to the Mississippi Department of Transportation for a  
166 harvest permit for the purpose of authorizing any such vehicles to  
167 operate on the highways in this state (other than the federal  
168 interstate system or those highways designated by the Mississippi  
169 Department of Transportation as not capable of carrying more than



fifty-seven thousand six hundred fifty (57,650) pounds at the maximum gross weight specified in Section 63-5-33). Harvest permits may be issued and are valid to permit any such vehicle to be operated on a highway in this state that has been designated by the Mississippi Department of Transportation as not capable of carrying more than fifty-seven thousand six hundred fifty (57,650) pounds only if such vehicle operates in compliance with the provisions of Section 63-5-29(3)(b). A fee of Twenty-five Dollars (\$25.00) shall be charged for each permit issued. The permit shall be in the form of a decal which shall be affixed to each permitted vehicle on the upper left corner of the windshield on the driver's side. Each permit shall expire one (1) year from its date of issue. The fees collected under this subsection shall be deposited into a special fund that is created in the State Treasury. Monies in the fund shall be allocated and distributed quarterly, beginning September 30, 1994, to each of the counties of the state on an equal basis. Monies distributed to the counties under this subsection shall be deposited in each county's road and bridge fund and may be expended, upon approval of the 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, 2023.

(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.

(8) The Mississippi Department of Transportation and any other law enforcement agency authorized to perform escort of a vehicle designated as a superload vehicle pursuant to regulations of the Mississippi Department of Transportation may charge a reasonable fee to perform the escort of superload vehicles. The



219 fee charged for escort will be collected by the agency performing  
220 the escort.

221       **SECTION 3.** This act shall take effect and be in force from  
222 and after July 1, 2020.

