

House Amendments to Senate Bill No. 2825

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

46 **SECTION 1.** This act shall be known and may be cited as the
47 "Mississippi Transportation Infrastructure Investment Act of
48 2021."

49 **SECTION 2.** (1) From and after July 1, 2021, the department,
50 through the division, shall have jurisdiction over all matters of
51 enforcement of the provisions of this chapter on the roads,
52 streets and highways of this state and shall prescribe such rules
53 and regulations as are necessary therefor. The jurisdiction and
54 authority of the department under this section shall be in
55 addition to any other jurisdiction and authority provided to the
56 department under any other law. The powers and duties related to
57 the administration of this chapter which do not concern
58 enforcement on the roads, streets and highways of this state shall
59 remain with the commission.

60 (2) On July 1, 2021, the Mississippi Department of
61 Transportation and/or the commission shall transfer to the
62 department the employees, equipment, inventory, size and weights,

63 computer systems, IFTA, grants, stationary and portable weigh
64 stations, support staff, state and federal funding, and resources
65 used to enforce the provisions of this chapter on the roads,
66 streets and highways of this state. The department shall consult
67 and work with the Bureau of Building, Grounds and Real Property of
68 the Department of Finance and Administration for the effective
69 transfer to the department of any office space that was assigned
70 for the use of the enforcement of the provisions of this chapter
71 on the roads, streets and highways of this state.

72 (3) Any reference in any statute, rule or regulation to law
73 enforcement duties being performed by the commission or the
74 Mississippi Department of Transportation requiring the use of
75 vehicles to enforce shall be construed to mean law enforcement
76 duties being performed by the division.

77 (4) The Mississippi State Personnel Board PIN numbers the
78 Mississippi Department of Transportation has assigned to persons
79 in law enforcement and support of enforcement of this chapter at
80 the time of the transfer shall be transferred over to the
81 department. The transfer of personnel shall be commensurate with
82 the number and classification of positions allocated to that law
83 enforcement. All salaries and benefits shall remain the same
84 until further agreement. Rank and structure shall be revised
85 through the division as is practical for proper supervision. All
86 transferred personnel shall possess the same state service
87 protections with the Mississippi State Personnel Board that they
88 possessed before the transfer.

89 **SECTION 3.** There is hereby created a special fund in the
90 State Treasury, to be known as the "DPS Motor Carrier Enforcement
91 Fund." The fund shall consist of monies appropriated by act of
92 the Legislature and monies transferred from the Mississippi
93 Department of Transportation. Money in the fund shall only be
94 utilized by the Department of Public Safety's Commercial
95 Transportation Enforcement Division to defray expenses for
96 officers' salaries and other costs to implement and enforce the
97 provisions of this act. Unexpended amounts remaining in the fund
98 at the end of a fiscal year shall not lapse into the State General
99 Fund, and any interest earned or investment earnings on amounts in
100 the fund shall be deposited to the credit of the fund.

101 **SECTION 4.** Section 77-7-7, Mississippi Code of 1972, is
102 amended as follows:

103 77-7-7. Whenever used in this chapter unless expressly
104 stated otherwise:

105 (a) The term "person" means individual, firm,
106 copartnership, corporation, company, association or joint-stock
107 association, and includes any trustee, receiver, assignee or
108 personal representative thereof.

109 (b) The term "commission" means the Mississippi
110 Transportation Commission.

111 (c) The term "highway" means every public highway or
112 place of whatever nature open to the use of the public for
113 purposes of vehicle travel in this state, including the streets
114 and alleys in towns and cities.

115 (d) The term "motor vehicle" and "vehicle" means any
116 vehicle, machine, tractor, trailer or semitrailer propelled or
117 drawn by mechanical power and used upon the highways in the
118 transportation of passengers or property; such term, however, does
119 not include any vehicle, locomotive or car operated exclusively on
120 a rail or rails.

121 (e) The term "common carrier by motor vehicle" means
122 any person who or which undertakes, whether directly or by a lease
123 or any other arrangement, to transport passengers or household
124 goods.

125 (f) The term "contract carrier by motor vehicle" means
126 any person, not included under * * * paragraph (e) of this
127 section, who or which, under special and individual contracts or
128 agreements, and whether directly or by a lease or any other
129 arrangement, transports passengers or household goods.

130 (g) The term "restricted motor carrier" means all
131 carriers of property, except household goods, by motor vehicle for
132 compensation.

133 (h) The "services" and "transportation" to which this
134 chapter applies include all vehicles operated by, for or in the
135 interest of any motor carrier irrespective of ownership or
136 contract, express or implied, together with all facilities and
137 property operated or controlled by any such carrier or carriers
138 and used in the transportation of passengers or property or in the
139 performance of any service in connection therewith.

140 (i) The term "certificate" means a certificate of
141 public convenience and necessity issued by the commission to
142 common carriers by motor vehicle and restricted common carriers by
143 motor vehicle under this chapter.

144 (j) The term "permit" means a permit issued by the
145 commission to contract carriers by motor vehicle under this
146 chapter.

147 (k) The term "interstate permit" means a permit issued
148 under the terms of this chapter to the holder of a certificate of
149 public convenience and necessity, a permit, or other operating
150 authority from the U.S. Department of Transportation.

151 (l) The term "owner" or "operator" and "owner and
152 operator" means any individual, firm, copartnership, corporation,
153 company, association or joint-stock association, and includes any
154 trustee, receiver, assignee or personal representative thereof, to
155 whom or to which a certificate of convenience and necessity or
156 permit or interstate permit has been issued by the commission.

157 (m) The term "vanpooling" means a nonprofit arrangement
158 entered into to provide for the transportation of persons to and
159 from their places of employment utilizing a motor vehicle
160 manufactured primarily for the transporting of not less than eight
161 (8) nor more than fifteen (15) people, and where the costs of
162 operating said vehicle, including reasonable vehicle depreciation
163 costs, are paid for by those people utilizing such arrangement.

164 (n) The term "gross vehicle weight rating (GVWR)" means
165 the value specified by the manufacturer as the loaded weight of a
166 single motor vehicle.

167 (o) The term "gross combination weight rating (GCWR)"
168 means the value specified by the manufacturer as the loaded weight
169 of a combination (articulated) motor vehicle. In the absence of a
170 value specified by the manufacturer, GCWR will be determined by
171 adding the GVWR of the power unit and the total weight of the
172 towed unit and any load thereon.

173 (p) "Department" means the Department of Public Safety.

174 (q) "Division" means the Commercial Transportation
175 Enforcement Division within the department.

176 **SECTION 5.** Section 77-7-11, Mississippi Code of 1972, is
177 amended as follows:

178 77-7-11. No motor carrier shall operate any motor vehicle
179 for the transportation of passengers or property for compensation
180 on any highway in this state, except in accordance with the
181 provisions of this chapter, and every such motor carrier is hereby
182 declared to be subject to control, supervision and regulation by
183 the commission for permitting purposes and by the department,
184 through the division, for enforcement purposes. Nothing in this
185 chapter shall confer any proprietary or property rights in the use
186 of the public highways.

187 **SECTION 6.** Section 77-7-13, Mississippi Code of 1972, is
188 amended as follows:

189 77-7-13. (1) It shall be the duty of the commission and the
190 commission shall have the power:

191 (a) To regulate common carriers by motor vehicle and
192 contract carriers by motor vehicle not exempted in this chapter,
193 doing business in this state, and to that end, the commission may
194 establish reasonable requirements with respect to continuous and
195 adequate service, transportation of baggage and express, uniform
196 system of accounts, records and reports, preservation of records,
197 and safety of operation and equipment, including maximum hours of
198 service of employees.

199 * * *

200 (* * * b) To administer * * * the provisions of this
201 chapter concerning certificates of public convenience and
202 necessity, permits, performance bond, insurance, fees,
203 identification plates and trip permits, and carrier service, rates
204 and charges, to make necessary orders in connection therewith, and
205 to prescribe rules, regulations and procedure for such
206 administration; however, the enforcement of the provisions of this
207 chapter on the roads, streets and highways of this state shall
208 fall under the jurisdiction of the department, through the
209 division.

210 (* * * c) To inquire into the organization of motor
211 carriers, and into the management of their businesses, to keep
212 itself informed as to the manner and method in which the same is
213 conducted, and to transmit to the Legislature, from time to time,

214 such recommendations as to additional legislation relating to such
215 carriers as the commission may deem necessary.

216 (2) The commission may from time to time establish such just
217 and reasonable classifications of groups of carriers included in
218 the terms "common carrier by motor vehicle" and "contract carrier
219 by motor vehicle," as the special nature of the services performed
220 by such carriers shall require, and the commission may from time
221 to time establish such just and reasonable rules, regulations and
222 requirements, consistent with the provisions of this chapter, to
223 be observed by the carriers so classified or grouped, as the
224 commission deems necessary or desirable in the public interest.

225 (3) The commission may from time to time enter into joint
226 and cooperative agreements with other governmental agencies in
227 regard to safety, forms, operating procedures and regulatory
228 jurisdiction.

229 (4) The rules, regulations, requirements and classifications
230 adopted in pursuance to the power and duty of the commission by
231 this section granted and imposed shall conform as nearly as
232 practicable to the rules, regulations, requirements and
233 classifications promulgated by the Interstate Commerce Commission,
234 the United States Department of Transportation, or any other
235 appropriate governmental agency.

236 (5) The commission shall not have the duty nor the power to
237 regulate the rates of common carriers by motor vehicle which
238 undertake, whether directly or by a lease or any other
239 arrangement, to transport household goods.

240 (6) The commission shall not have the duty nor the power to
241 regulate the rates of contract carriers by motor vehicle, who or
242 which, under special and individual contract or agreements, and
243 whether directly or by a lease or any other arrangement, transport
244 household goods.

245 **SECTION 7.** Section 77-7-15, Mississippi Code of 1972, is
246 amended as follows:

247 77-7-15. The commission shall prescribe, issue, amend and
248 rescind such reasonable rules and regulations as may be reasonably
249 necessary or appropriate to carry out the provisions of this
250 chapter concerning certificates of public convenience and
251 necessity, permits, performance bond, insurance, fees,
252 identification plates and trip permits, and carrier duties,
253 service, rates and charges; however, the prescription, issuance,
254 amendment and rescission of reasonable rules and regulations
255 concerning the enforcement of the provisions of this chapter on
256 the roads, streets and highways of this state shall fall under the
257 jurisdiction of the department, through the division, and shall
258 not be subject to this section.

259 No rule or regulation shall be effective until thirty (30)
260 days after copies of the proposed rule or regulation have been
261 mailed to intrastate motor carriers affected thereby and until a
262 notice, setting forth the terms or substance thereof and the time
263 and place of a hearing thereon, has been published in a newspaper
264 or newspapers of general circulation in the state and filed with
265 the Secretary of State pursuant to the Mississippi Administrative

266 Procedures Law. Such hearing may be held at any time after twenty
267 (20) days following the date of publication of such notice, but
268 such rules or regulations shall not become effective until a
269 hearing thereon. The commission may make its initial set of rules
270 and regulations effective at the end of such thirty-day period,
271 subject to review thereof. All rules and regulations of the
272 commission shall be filed with its secretary and shall be readily
273 available for public inspection and examination during reasonable
274 business hours. Any interested person shall have the right to
275 petition the commission for issuance, amendment or repeal of a
276 rule or regulation.

277 **SECTION 8.** Section 77-7-16, Mississippi Code of 1972, is
278 amended as follows:

279 77-7-16. (1) Supervision and inspection of the safe
280 operation and the safe use of equipment of motor vehicles
281 operating in the state shall be a specified duty of * * * the
282 Mississippi Department of Public Safety. * * * The Mississippi
283 Transportation Commission shall promulgate as its own the rules,
284 regulations, requirements and classifications of the United States
285 Department of Transportation or any successor federal agency
286 thereof charged with the regulation of motor vehicle safety * * *.
287 The * * * department shall enforce such rules, regulations,
288 requirements and classifications. * * * The Mississippi
289 Transportation Commission shall establish a system of reciprocity
290 with other states to facilitate the inspection of motor vehicles
291 provided for in this subsection.

292 (2) The * * * Mississippi Department of Public Safety shall
293 have the authority to inspect for safe operation and safe use of
294 equipment the following motor vehicles:

295 (a) Each holder of a certificate of convenience and
296 necessity, a permit to operate as a contract carrier or interstate
297 permit;

298 (b) Any individual, corporation or partnership engaged
299 in a commercial enterprise operating a single motor vehicle or
300 those in combination with a manufacturer's gross vehicle rating of
301 more than ten thousand (10,000) pounds; and

302 (c) Any individual, corporation or partnership
303 operating a motor vehicle of any gross weight transporting
304 hazardous material that requires placarding under the Federal
305 Hazardous Material Regulations.

306 (3) This section shall not apply to the following:

307 (a) Motor vehicles employed to transport school
308 children and teachers;

309 (b) Motor vehicles owned and operated by the United
310 States, District of Columbia or any state or any municipality or
311 any other political subdivision of this state;

312 (c) Motor vehicles engaged in the occasional
313 transportation of personal property without compensation by
314 individuals which is not in the furtherance of a commercial
315 enterprise;

316 (d) Motor vehicles engaged in the transportation of
317 human corpses or sick or injured persons;

318 (e) Motor vehicles engaged in emergency or related
319 operations;

320 (f) Motor vehicles engaged in the private
321 transportation of passengers;

322 (g) Motor vehicles, including pickup trucks, that have
323 a GVWR or GCWR of twenty-six thousand (26,000) pounds or less,
324 operating intrastate only, provided that such vehicle does not:

325 (i) Transport hazardous material requiring a
326 placard; or

327 (ii) Transport sixteen (16) or more passengers,
328 including the driver.

329 (h) Motor vehicles owned and operated by any farmer
330 who:

331 (i) Is using the vehicle to transport agricultural
332 products from a farm owned by the farmer, or to transport farm
333 machinery or farm supplies to or from a farm owned by the farmer;

334 (ii) Is not using the vehicle to transport
335 hazardous materials of a type or quantity that requires the
336 vehicle to be placarded in accordance with the Federal Hazardous
337 Material Regulations in CFR 49 part 177.823; and

338 (iii) Is using the vehicle within one hundred
339 fifty (150) air miles of the farmer's farm, and the vehicle is a
340 private motor carrier of property.

341 (i) Motor vehicles engaged in the transportation of
342 logs and pulpwood between the point of harvest and the first point
343 of processing the harvested product;

344 (j) Motor vehicles engaged exclusively in hauling
345 gravel, soil or other unmanufactured road building materials;

346 (k) As to hours of service only, utility service
347 vehicles owned or operated by public utilities subject to
348 regulation by the commission, while in intrastate commerce within
349 this state, with a manufacturer's gross vehicle rating of less
350 than twenty-six thousand one (26,001) pounds, unless the vehicle:

351 (i) Transports hazardous materials requiring a
352 placard; or

353 (ii) Is designed or used to transport sixteen (16)
354 or more people, including the driver.

355 (4) Anyone who violates or fails to comply with this section
356 shall be subject to the penalties as provided for in Section
357 77-7-311, Mississippi Code of 1972.

358 **SECTION 9.** Section 77-7-17, Mississippi Code of 1972, is
359 amended as follows:

360 77-7-17. No member of the commission or the department, and
361 no employee of the commission or the department appointed or
362 employed in the administration of this chapter, shall in any
363 manner have pecuniary interest in, own any securities of, or hold
364 any position with any motor carrier.

365 **SECTION 10.** Section 77-7-21, Mississippi Code of 1972, is
366 amended as follows:

367 77-7-21. No restricted motor carrier not exempted in this
368 chapter shall engage in intrastate operation on any highway within
369 the state unless such carrier is in compliance with the

370 requirements of the laws and regulations of the commission and the
371 department.

372 **SECTION 11.** Section 77-7-127, Mississippi Code of 1972, is
373 amended as follows:

374 77-7-127. All funds collected by the commission under the
375 provisions of this chapter shall be deposited in the State
376 Treasury to the credit of the commission's regulation fund for use
377 by the commission for the administration * * * of the laws of this
378 state relative to the inspection, control and supervision of the
379 business, * * * service or accounts of motor carriers subject to
380 this chapter.

381 From and after July 1, 2016, the expenses of this agency
382 shall be defrayed by appropriation from the State General Fund and
383 all user charges and fees authorized under this section shall be
384 deposited into the State General Fund as authorized by law.

385 From and after July 1, 2016, no state agency shall charge
386 another state agency a fee, assessment, rent or other charge for
387 services or resources received by authority of this section.

388 **SECTION 12.** Section 77-7-311, Mississippi Code of 1972, is
389 amended as follows:

390 77-7-311. (1) Any person violating any provisions of this
391 chapter, or any rule, regulation, requirement or order thereunder,
392 or any term or condition of any certificate or permit, for which a
393 penalty is not otherwise provided in this chapter, shall be deemed
394 guilty of a misdemeanor and, upon conviction thereof, be fined not
395 less than Twenty-five Dollars (\$25.00) and not more than Five

396 Hundred Dollars (\$500.00) for the first offense and not less than
397 Five Hundred Dollars (\$500.00) and not more than One Thousand
398 Dollars (\$1,000.00) for each subsequent offense. Each day of
399 violation shall constitute a separate offense.

400 (2) Any person, whether carrier, shipper, consignee, or any
401 officer, employee, agent or representative thereof, who shall
402 knowingly offer, grant or give, or solicit, accept or receive any
403 rebate, concession or discrimination in violation of any provision
404 of this chapter, or who by means of any false statement or
405 representation, or by the use of any false or fictitious bill,
406 bill of lading, receipt, voucher, roll, account, claim,
407 certificate, affidavit, deposition, lease or bill of sale, or by
408 any other means or device, shall knowingly and willfully assist,
409 suffer or permit any person or persons, natural or artificial, to
410 obtain transportation of passengers or property subject to this
411 chapter for less than the applicable rate, fare or charge, or who
412 shall knowingly and willfully, by any such means or otherwise,
413 fraudulently seek to evade or defeat regulation as in this chapter
414 provided for motor carriers, shall be deemed guilty of a
415 misdemeanor and, upon conviction thereof, be fined not less than
416 One Hundred Dollars (\$100.00) and not more than Five Hundred
417 Dollars (\$500.00) for the first offense and not less than Five
418 Hundred Dollars (\$500.00) and not more than One Thousand Dollars
419 (\$1,000.00) for any subsequent offense.

420 (3) Any owner, operator or driver of any vehicle, who is
421 required by any law or by any rule or regulation of the commission

422 or the department to stop at any inspection station or submit to
423 an inspection, who willfully fails or refuses to do so, shall be
424 guilty of a misdemeanor and, upon conviction, shall be punished by
425 a fine of not less than One Hundred Dollars (\$100.00), or more
426 than One Thousand Dollars (\$1000.00), or by confinement in the
427 county jail for not more than thirty (30) days, or by both fine
428 and jail sentence.

429 (4) Any individual, corporation or partnership operating a
430 motor vehicle transporting hazardous material that is found to be
431 in violation of any rule, regulation or requirement as provided by
432 Section 77-7-16 shall be deemed guilty of a misdemeanor and, upon
433 conviction, shall be punished by a fine of not less than Two
434 Hundred Dollars (\$200.00) or more than Five Hundred Dollars
435 (\$500.00) for the first offense, and not less than Five Hundred
436 Dollars (\$500.00) and not more than One Thousand Dollars
437 (\$1,000.00) for each subsequent offense. Each day of violation
438 shall constitute a separate offense.

439 (5) Any person operating or attempting to operate a motor
440 vehicle which has been placed out of service by a motor carrier
441 inspector shall be fined One Thousand Dollars (\$1,000.00).

442 **SECTION 13.** Section 77-7-331, Mississippi Code of 1972, is
443 amended as follows:

444 77-7-331. The chief enforcement officer and the
445 inspectors * * * of the commission shall be responsible for
446 enforcing and investigating all alleged violations of this
447 chapter, and the rules, regulations and general orders of the

448 commission promulgated thereunder; however, the enforcement and
449 investigation of the provisions of this chapter, and the rules,
450 regulations and general orders of the commission or the department
451 promulgated thereunder, on the roads, streets and highways of this
452 state shall fall under the jurisdiction of the department, through
453 the division. In the performance of their duties such employees
454 shall give particular attention to the enforcement of the
455 commission's or the department's safety rules and regulations; the
456 provisions of this chapter applicable to rates, charges and
457 practices of motor carriers; the provisions prohibiting unlawful
458 preference, concession, rebate, or discrimination; the adequacy of
459 service, equipment and facilities of motor carriers; and the
460 requirements respecting certificate of public convenience and
461 necessity or permits as set forth in this chapter.

462 **SECTION 14.** Section 77-7-333, Mississippi Code of 1972, is
463 amended as follows:

464 77-7-333. After selection, the * * * enforcement officers and
465 and the inspectors of the division shall go through thirty (30)
466 days of intensive instruction of the laws of this state pertaining
467 to the Mississippi Department of Transportation and the Department
468 of Public Safety, together with the rules and regulations of * * *
469 both of these * * * agencies, and the laws of this state
470 pertaining to arrest. The expenses of attending such school shall
471 be paid out of the * * * monies appropriated by the Legislature to
472 the department.

473 From and after July 1, 2016, the expenses of this agency
474 shall be defrayed by appropriation from the State General Fund and
475 all user charges and fees authorized under this section shall be
476 deposited into the State General Fund as authorized by law.

477 From and after July 1, 2016, no state agency shall charge
478 another state agency a fee, assessment, rent or other charge for
479 services or resources received by authority of this section.

480 **SECTION 15.** Section 77-7-335, Mississippi Code of 1972, is
481 amended as follows:

482 77-7-335. (1) All division inspectors on duty shall wear
483 uniforms, shall have the right to bear arms, and shall have the
484 authority to make arrests and hold and impound any vehicle and the
485 contents thereof which is being operated in violation of this
486 chapter or the commission's or the department's rules, regulations
487 or general orders promulgated thereunder.

488 (2) All inspectors shall have the authority to enforce all
489 of the laws, rules and regulations of the commission and the
490 department upon all highways in the state and the rights-of-way of
491 such highways and other properties as defined in Section 77-7-261;
492 except that if any person commits an offense in violation of this
493 chapter or the rules and regulations of * * * the commission or
494 the department upon a highway in the state and be pursued by * * *
495 an enforcement officer or inspector of the * * * division,
496 such * * * enforcement officer or inspector may pursue and
497 apprehend such offender upon any of the highways in this state, or
498 to any other place to which such offender may flee.

499 (3) All inspectors shall have the authority to aid and
500 assist any law enforcement officer whose life or safety is in
501 jeopardy and may arrest without warrant any fugitive from justice
502 who has escaped or who is using the highways in the state in an
503 attempt to flee. * * * Inspectors of the * * * division may
504 assist other law enforcement agencies in searching for convicted
505 felons who have escaped or for alleged felons where there is
506 probable cause to believe that the person being sought committed
507 the felony and a felony had actually been committed.

508 (4) Upon request of * * * a sheriff of any county or the
509 chief of police of any community * * *, all division inspectors
510 have the authority to assist in traffic control during time of
511 natural disasters, such as hurricanes, tornados or floods.

512 * * *

513 **SECTION 16.** Section 77-7-337, Mississippi Code of 1972, is
514 amended as follows:

515 77-7-337. The * * * division is hereby authorized and
516 empowered to purchase all necessary equipment to enforce the
517 provisions of this chapter * * *.

518 From and after July 1, 2016, the expenses of this agency
519 shall be defrayed by appropriation from the State General Fund and
520 all user charges and fees authorized under this section shall be
521 deposited into the State General Fund as authorized by law.

522 From and after July 1, 2016, no state agency shall charge
523 another state agency a fee, assessment, rent or other charge for
524 services or resources received by authority of this section.

525 **SECTION 17.** Section 77-7-339, Mississippi Code of 1972, is
526 amended as follows:

527 77-7-339. The * * * reasonable and necessary expenses
528 of * * * the administration of the duties imposed on the
529 commission by this chapter, shall be paid out of the special fund
530 in the State Treasury designated as the commission's regulation
531 fund, upon requisition and warrants in the same manner provided by
532 law for the disbursements of appropriations for the commission.
533 An itemized account shall be kept of all receipts and expenditures
534 and shall be reported to the Legislature by the commission.

535 From and after July 1, 2016, the expenses of this agency
536 shall be defrayed by appropriation from the State General Fund and
537 all user charges and fees authorized under this section shall be
538 deposited into the State General Fund as authorized by law.

539 From and after July 1, 2016, no state agency shall charge
540 another state agency a fee, assessment, rent or other charge for
541 services or resources received by authority of this section.

542 **SECTION 18.** Section 77-7-341, Mississippi Code of 1972, is
543 amended as follows:

544 77-7-341. For the purpose of administering * * * the
545 provisions of this chapter, the commission * * * is directed to
546 cooperate with and use the services of the * * * enforcement
547 officers and inspectors of the * * * department, and the
548 commission shall utilize the facilities and equipment of the
549 inspection stations maintained by the * * * division. However, in
550 utilizing these personnel and facilities, the commission shall not

551 interfere with or impede the performance by the personnel of the
552 duties and responsibilities otherwise assigned to them.

553 **SECTION 19.** Section 45-3-21, Mississippi Code of 1972, is
554 amended as follows:

555 45-3-21. (1) The powers and duties of the Highway Safety
556 Patrol shall be, in addition to all others prescribed by law, as
557 follows:

558 (a) To enforce all of the traffic laws, rules and
559 regulations of the State of Mississippi upon all highways of the
560 state highway system and the rights-of-way of such highways;
561 provided, however, that if any person commits an offense upon the
562 state highway system and be pursued by a member of the Highway
563 Safety Patrol, such patrol officer may pursue and apprehend such
564 offender upon any of the highways or public roads of this state,
565 or to any other place to which such offender may flee.

566 (b) To enforce all rules and regulations of the
567 commissioner promulgated pursuant to legal authority.

568 (c) When so directed by the Governor, to enforce any of
569 the laws of this state upon any of the highways or public roads
570 thereof.

571 (d) Upon the request of the * * * Department of
572 Revenue, and with the approval of the Governor, to enforce all of
573 the provisions of law with reference to the registration, license
574 and taxation of vehicles using the highways of this state, and
575 relative to the sizes, weights and load limits of such vehicles,
576 and to enforce the provisions of all other laws administered by

577 the * * * Department of Revenue upon any of the highways or public
578 roads of this state; and for such purpose the Highway Safety
579 Patrol shall have the authority to collect and receive all taxes
580 which may be due under any of such laws, and to report and remit
581 same to the * * * Department of Revenue in the manner required by
582 law, or the rules and regulations of the * * * Department of
583 Revenue.

584 (e) * * * Upon request of the Commercial Transportation
585 Enforcement Division within the Department of Public Safety, and
586 when so instructed by the commissioner, to enforce * * * the
587 Mississippi Motor Carrier Regulatory Law of 1938 and rules and
588 regulations promulgated thereunder.

589 (f) To arrest without warrant any person or persons
590 committing or attempting to commit any misdemeanor, felony or
591 breach of the peace within their presence or view, and to pursue
592 and so arrest any person committing such an offense to and at any
593 place in the State of Mississippi where he may go or be. Nothing
594 herein shall be construed as granting the Mississippi Highway
595 Safety Patrol general police powers.

596 (g) To aid and assist any law enforcement officer whose
597 life or safety is in jeopardy. Additionally, officers of the
598 Highway Safety Patrol may arrest without warrant any fugitive from
599 justice who has escaped or who is using the highways of the state
600 in an attempt to flee. With the approval of the commissioner or
601 his designee, officers of the Highway Safety Patrol may assist
602 other law enforcement agencies in manhunts for convicted felons

603 who have escaped and/or for alleged felons where there is probable
604 cause to believe that the person being sought committed the felony
605 and a felony had actually been committed.

606 (h) To cooperate with the State Forest Service by
607 reporting all forest fires.

608 (i) Upon request of the sheriff or his designee, or
609 board of supervisors of any county or the chief of police or mayor
610 of any municipality, and when so instructed by the commissioner or
611 his designee, to respond to calls for assistance in a law
612 enforcement incident; such request and action shall be noted and
613 clearly reflected on the radio logs of both the Mississippi
614 Highway Safety Patrol district substation and that of the
615 requesting agency, entered on the local NCIC terminal, if
616 available, and a request in writing shall follow within
617 forty-eight (48) hours. Additionally, the time of commencement
618 and termination of the specific law enforcement incident shall be
619 clearly noted on the radio logs of both law enforcement agencies.

620 (2) The Legislature declares that the primary law
621 enforcement officer in any county in the State of Mississippi is
622 the duly qualified and elected sheriff thereof, but for the
623 purposes of this subsection there is hereby vested in the
624 Department of Public Safety, in addition to the powers hereinabove
625 mentioned and the other provisions of this section under the terms
626 and limitations hereinafter mentioned and for the purpose of
627 insuring domestic tranquility and for the purpose of preventing or
628 suppressing, or both, crimes of violence, acts and conduct

629 calculated to, or which may, provoke or lead to violence and/or
630 incite riots, mobs, mob violence, a breach of the peace, and acts
631 of intimidation or terror, the powers and duties to include the
632 enforcement of all the laws of the State of Mississippi relating
633 to such purposes, to investigate any violation of the laws of the
634 State of Mississippi and to aid in the arrest and prosecution of
635 persons charged with violating the laws of the State of
636 Mississippi which relate to such purposes. Investigators of the
637 Bureau of Investigation of the Department of Public Safety shall
638 have general police powers to enforce all the laws of the State of
639 Mississippi. All officers of the Department of Public Safety
640 charged with the enforcement of the laws administered by that
641 agency, for the purposes herein set forth, shall have full power
642 to investigate, prevent, apprehend and arrest law violators
643 anywhere in the state, and shall be vested with the power of
644 general police officers in the performance of their duties. The
645 officers of the Department of Public Safety are authorized and
646 empowered to carry and use firearms and other weapons deemed
647 necessary in the discharge of their duties as such and are also
648 empowered to serve warrants and subpoenas issued under the
649 authority of the State of Mississippi. The Governor shall be
650 authorized to offer and pay suitable rewards to persons aiding in
651 the investigation, apprehension and conviction of persons charged
652 with acts of violence, or threats of violence or intimidation or
653 acts of terrorism. The additional powers herein granted to or
654 vested in the Department of Public Safety or any of its officers

655 or employees by this section, excepting investigating powers, and
656 those powers of investigators who shall have general police power,
657 being the investigators in the Bureau of Investigation of the
658 Department of Public Safety, shall not be exercised by the
659 Department of Public Safety, or any of its officers or employees,
660 except upon authority and direction of the Governor or Acting
661 Governor, by proclamation duly signed, in the following instances,
662 to wit:

663 (a) When requested by the sheriff or board of
664 supervisors of any county or the mayor of any municipality on the
665 grounds that mob violence, crimes of violence, acts and conduct of
666 terrorism, riots or acts of intimidation, or either, calculated to
667 or which may provoke violence or incite riots, mobs, mob violence,
668 violence, or lead to any breach of the peace, or either, and acts
669 of intimidation or terror are anticipated, and when such acts or
670 conduct in the opinion of the Governor or Acting Governor would
671 provoke violence or any of the foregoing acts or conduct set out
672 in this subsection, and the sheriff or mayor, as the case may be,
673 lacks adequate police force to prevent or suppress the same.

674 (b) Acting upon evidence submitted to him by the
675 Department of Public Safety, or other investigating agency
676 authorized by the Governor or Acting Governor to make such
677 investigations, because of the failure or refusal of the sheriff
678 of any county or mayor of any municipality to take action or
679 employ such means at his disposal, to prevent or suppress the
680 acts, conduct or offenses provided for in subsection (1) of this

681 section, the Governor or Acting Governor deems it necessary to
682 invoke the powers and authority vested in the Department of Public
683 Safety.

684 (c) The Governor or Acting Governor is hereby
685 authorized and empowered to issue his proclamation invoking the
686 powers and authority vested by this paragraph, as provided in
687 paragraphs (a) and (b) of this subsection, and when the Governor
688 or Acting Governor issues said proclamation in accordance
689 herewith, said proclamation shall become effective upon the
690 signing thereof and shall continue in full force and effect for a
691 period of ninety (90) days, or for a shorter period if otherwise
692 ordered by the Governor or Acting Governor. At the signing of the
693 proclamation by the Governor or Acting Governor, the Department of
694 Public Safety and its officers and employees shall thereupon be
695 authorized to exercise the additional power and authority vested
696 in them by this paragraph. The Governor and Acting Governor may
697 issue additional proclamations for periods of ninety (90) days
698 each under the authority of paragraphs (a) and (b) of this
699 subsection (2).

700 (3) All proclamations issued by the Governor or Acting
701 Governor shall be filed in the Office of the Secretary of State on
702 the next succeeding business day.

703 (4) It is not the intention of this section to vest the wide
704 powers and authority herein provided for, as general powers of the
705 Department of Public Safety, and the same are not hereby so
706 vested, but to limit these general powers to cases and incidents

707 wherein it is deemed necessary to prevent or suppress the offenses
708 and conditions herein mentioned in this and other subsections of
709 this section, and under the terms and conditions hereinabove
710 enumerated, it being the sense of the Legislature that the prime
711 duties of the Department of Public Safety are to patrol the
712 highways of this state and enforce the highway safety laws.

713 (5) Patrol officers shall have no interest in any costs in
714 the prosecution of any case through any court; nor shall any
715 patrol officer receive any fee as a witness in any court held in
716 this state, whether a state or federal court.

717 (6) Provided, however, that the general police power vested
718 by virtue of the terms of subsection (2) of this section is solely
719 for the purposes set out in said subsection.

720 **SECTION 20.** Section 27-19-89, Mississippi Code of 1972, is
721 amended as follows:

722 **[Through June 30, 2023, this section shall read as follows:]**

723 27-19-89. (a) If any nonresident owner or operator or other
724 nonresident person eligible for a temporary permit as provided in
725 Section 27-19-79, who has not elected to register and pay the
726 annual privilege taxes prescribed, shall enter or go upon the
727 public highways of the state and shall fail or refuse to obtain
728 the permit required by Section 27-19-79, such person shall be
729 liable, for the first such offense, for the full amount of the
730 permit fee required, plus a penalty thereon of five hundred
731 percent (500%). For the second and all subsequent offenses, such
732 person who fails or refuses to obtain such permits shall be liable

733 for the pro rata part of the annual tax for the balance of the tag
734 year for the maximum legal gross weight of the vehicle plus a
735 penalty thereon of twenty-five percent (25%). Any weight in
736 excess of the maximum legal gross weight of the vehicle, or in
737 excess of the maximum highway weight limit, shall be penalized
738 according to subsection (c) of this section. In either case the
739 excess weight shall be removed by the operator before the vehicle
740 can be allowed to proceed. In order to constitute a "second or
741 subsequent offense" under the provisions hereof, it shall not be
742 necessary that the same or identical vehicle be involved, it being
743 the declared purpose hereof to provide that such penalties shall
744 run against the owner or operator rather than against the
745 specified vehicle. It is further provided that, in order for such
746 owner or operator to become liable for the penalties herein
747 provided, it shall not be necessary to show that such owner or
748 operator was guilty of willfulness, gross negligence or
749 wantonness, but the offense shall be complete upon the failure or
750 refusal to obtain the required permit.

751 (b) If any person who has registered his vehicle in
752 Mississippi shall operate such vehicle upon the public highways,
753 having a gross weight greater than the licensed gross weight of
754 such vehicle, and shall fail or refuse to obtain a permit therefor
755 as required by Section 27-19-79, or if any person shall operate
756 any such registered vehicle upon the public highways in a higher
757 classification than that for which it is registered, and shall
758 fail or refuse to obtain a permit therefor as required by Section

759 27-19-79, then such person shall be liable for the pro rata part
760 of the annual tax for the balance of the tag year for the legal
761 gross weight of such vehicle and in the classification in which
762 same is being operated, plus a penalty thereon of twenty-five
763 percent (25%), after having been given credit for the unexpired
764 part of the privilege tax paid, as provided in Section 27-19-75.
765 In order that such owner or operator shall become liable for the
766 penalties herein provided, it shall not be necessary to show that
767 such owner or operator was guilty of willfulness, gross negligence
768 or wantonness, but the offense shall be complete upon the failure
769 or refusal to obtain the required permit.

770 (c) If any person shall operate upon a highway of this state
771 a vehicle which has a greater vehicle gross weight than the
772 maximum gross weight limit established by law for that highway and
773 shall have failed to obtain an overload permit as required by
774 Section 27-19-81, or if any person shall operate a vehicle with a
775 greater load on any axle or axle grouping than allowed by law,
776 then such person, owner or operator shall be assessed a penalty on
777 such axle load weight or vehicle gross weight as exceeds the legal
778 limit in accordance with the following schedule:

779	AMOUNT IN EXCESS OF	
780	LEGAL HIGHWAY WEIGHT	
781	LIMITS IN POUNDS	PENALTY
782	1 to 999	\$10.00 minimum penalty
783	1,000 to 1,999	1¢ per pound in excess of legal limit
784	2,000 to 2,999	2¢ per pound in excess of legal limit

785	3,000 to 3,999	3¢ per pound in excess of legal limit
786	4,000 to 4,999	4¢ per pound in excess of legal limit
787	5,000 to 5,999	5¢ per pound in excess of legal limit
788	6,000 to 6,999	6¢ per pound in excess of legal limit
789	7,000 to 7,999	7¢ per pound in excess of legal limit
790	8,000 to 8,999	8¢ per pound in excess of legal limit
791	9,000 to 9,999	9¢ per pound in excess of legal limit
792	10,000 to 10,999	10¢ per pound in excess of legal limit
793	11,000 or more	11¢ per pound in excess of legal limit

794 Any vehicle in violation of the tolerance allowed pursuant to
795 Section 63-5-33(3) shall be fined pursuant to this subsection (c)
796 for all weight in excess of the legal highway gross weight limit
797 authorized for such vehicle or for all weight in excess of the
798 legal tandem axle load weight limit of forty thousand (40,000)
799 pounds and the legal single axle load limit of twenty thousand
800 (20,000) pounds, whichever the case may be.

801 The penalty to be assessed for operations of a vehicle with a
802 greater load on any axle or axle grouping than the legal axle load
803 weight limits shall be one-half (1/2) the penalty for operation in
804 excess of the legal gross weight limit.

805 In instances where both the legal highway gross weight limit
806 and the legal axle load weight limit(s) are exceeded, the fine
807 that shall be levied shall be either the penalty amount for the
808 excess vehicle gross weight or the total of the penalty amounts of
809 all overloaded axles, whichever is the larger amount.

810 Notwithstanding any other provisions of this section to the
811 contrary, the fine assessed against the holder of a harvest permit
812 for exceeding a gross vehicle weight of eighty-four thousand
813 (84,000) pounds, but not exceeding a gross vehicle weight of
814 ninety-five thousand (95,000) pounds, shall be Five Cents (5¢) per
815 pound * * *. The fine for exceeding a gross vehicle weight of
816 ninety-five thousand (95,000) pounds, but not exceeding a gross
817 vehicle weight of one hundred thousand (100,000) pounds, shall be
818 One Thousand Five Hundred Dollars (\$1,500.00). The fine for
819 exceeding a gross vehicle weight of one hundred thousand (100,000)
820 pounds shall be Two Thousand Five Hundred Dollars (\$2,500.00) for
821 a first offense and Three Thousand Five Hundred Dollars
822 (\$3,500.00) for a second offense. Any subsequent offense of
823 exceeding a gross vehicle weight of one hundred thousand (100,000)
824 pounds may subject the permit holder to suspension of the harvest
825 permit for up to thirty (30) days.

826 Notwithstanding any other provision of this subsection (c) to
827 the contrary, upon an appeal to the Appeals Board of the
828 Mississippi Transportation Commission by an owner or operator of a
829 vehicle hauling without a harvest permit any of the products or
830 materials described in subsection (3) of Section 63-5-33 and upon
831 whom a penalty has been assessed under this subsection (c) for
832 exceeding the legal weight limit(s) on a highway having a legal
833 weight limit of eighty thousand (80,000) pounds or less, the
834 appeals board shall reduce the penalty assessed against such
835 owner/operator to an amount not to exceed ten percent (10%) of the

836 amount which would otherwise be due without the reduction
837 authorized under this paragraph. A reduction shall not be
838 authorized under this paragraph if the gross weight of the vehicle
839 for which an owner/operator has been charged with a violation of
840 this section exceeds eighty-four thousand (84,000) pounds; and, in
841 any event, no reduction shall be authorized under this paragraph
842 unless a penalty assessed under this section is appealed to the
843 appeals board and unless the board determines, based upon its
844 records, that such owner/operator has not been granted a penalty
845 reduction under this paragraph within a period of twelve (12)
846 months immediately preceding the date of filing an appeal with the
847 board for a penalty reduction under this paragraph.

848 (d) If any nonresident owner or operator who has not
849 registered his vehicle and paid the annual privilege taxes
850 prescribed shall operate his vehicle upon the highways of this
851 state when such vehicle has a greater gross weight than permitted
852 by law for the highway traveled upon, and for which such excess
853 gross weight a permit was not or could not be procured from the
854 transportation department as required by Section 27-19-81, such
855 person shall be liable upon his second and all subsequent offenses
856 for the pro rata part of the annual tax for the balance of the tag
857 year for the legal gross weight of the vehicle, and in addition
858 thereto the penalty fee on the excess weight as specified in
859 subsection (c) of this section. In order that such owner or
860 operator shall become liable for the penalties herein provided, it
861 shall not be necessary that the same or identical vehicle be

862 involved, it being the declared purpose hereof to provide that
863 such penalties shall run against the owner or operator rather than
864 against the specific vehicle.

865 (e) All fines and penalties imposed and collected by the
866 Mississippi Department of Transportation for violations of the
867 maximum legal vehicle weight limits authorized on the highways of
868 this state shall be deposited into a special fund that is created
869 in the State Treasury. Monies in the fund shall be allocated and
870 distributed quarterly, beginning September 30, 1994, to each
871 county of the state based on the amount of such fines and
872 penalties imposed and collected in the county during the
873 immediately preceding three (3) months. Monies distributed to the
874 counties under this subsection shall be deposited in each county's
875 road and bridge fund and may be expended, upon approval of the
876 board of supervisors, for any purpose for which county road and
877 bridge fund monies lawfully may be expended.

878 **[From and after July 1, 2023, this section shall read as**
879 **follows:]**

880 27-19-89. (a) If any nonresident owner or operator or other
881 nonresident person eligible for a temporary permit as provided in
882 Section 27-19-79, who has not elected to register and pay the
883 annual privilege taxes prescribed, shall enter or go upon the
884 public highways of the state and shall fail or refuse to obtain
885 the permit required by Section 27-19-79, such person shall be
886 liable, for the first such offense, for the full amount of the
887 permit fee required, plus a penalty thereon of five hundred

888 percent (500%). For the second and all subsequent offenses, such
889 person who fails or refuses to obtain such permits shall be liable
890 for the pro rata part of the annual tax for the balance of the tag
891 year for the maximum legal gross weight of the vehicle plus a
892 penalty thereon of twenty-five percent (25%). Any weight in
893 excess of the maximum legal gross weight of the vehicle, or in
894 excess of the maximum highway weight limit, shall be penalized
895 according to subsection (c) of this section. In either case the
896 excess weight shall be removed by the operator before the vehicle
897 can be allowed to proceed. In order to constitute a "second or
898 subsequent offense" under the provisions hereof, it shall not be
899 necessary that the same or identical vehicle be involved, it being
900 the declared purpose hereof to provide that such penalties shall
901 run against the owner or operator rather than against the
902 specified vehicle. It is further provided that, in order for such
903 owner or operator to become liable for the penalties herein
904 provided, it shall not be necessary to show that such owner or
905 operator was guilty of willfulness, gross negligence or
906 wantonness, but the offense shall be complete upon the failure or
907 refusal to obtain the required permit.

908 (b) If any person who has registered his vehicle in
909 Mississippi shall operate such vehicle upon the public highways,
910 having a gross weight greater than the licensed gross weight of
911 such vehicle, and shall fail or refuse to obtain a permit therefor
912 as required by Section 27-19-79, or if any person shall operate
913 any such registered vehicle upon the public highways in a higher

914 classification than that for which it is registered, and shall
915 fail or refuse to obtain a permit therefor as required by Section
916 27-19-79, then such person shall be liable for the pro rata part
917 of the annual tax for the balance of the tag year for the legal
918 gross weight of such vehicle and in the classification in which
919 same is being operated, plus a penalty thereon of twenty-five
920 percent (25%), after having been given credit for the unexpired
921 part of the privilege tax paid, as provided in Section 27-19-75.
922 In order that such owner or operator shall become liable for the
923 penalties herein provided, it shall not be necessary to show that
924 such owner or operator was guilty of willfulness, gross negligence
925 or wantonness, but the offense shall be complete upon the failure
926 or refusal to obtain the required permit.

927 (c) If any person shall operate upon a highway of this state
928 a vehicle which has a greater vehicle gross weight than the
929 maximum gross weight limit established by law for that highway and
930 shall have failed to obtain an overload permit as required by
931 Section 27-19-81, or if any person shall operate a vehicle with a
932 greater load on any axle or axle grouping than allowed by law,
933 then such person, owner or operator shall be assessed a penalty on
934 such axle load weight or vehicle gross weight as exceeds the legal
935 limit in accordance with the following schedule:

936	AMOUNT IN EXCESS OF	
937	LEGAL HIGHWAY WEIGHT	
938	LIMITS IN POUNDS	PENALTY
939	1 to 999	\$10.00 minimum penalty

940	1,000 to 1,999	1¢ per pound in excess of legal limit
941	2,000 to 2,999	2¢ per pound in excess of legal limit
942	3,000 to 3,999	3¢ per pound in excess of legal limit
943	4,000 to 4,999	4¢ per pound in excess of legal limit
944	5,000 to 5,999	5¢ per pound in excess of legal limit
945	6,000 to 6,999	6¢ per pound in excess of legal limit
946	7,000 to 7,999	7¢ per pound in excess of legal limit
947	8,000 to 8,999	8¢ per pound in excess of legal limit
948	9,000 to 9,999	9¢ per pound in excess of legal limit
949	10,000 to 10,999	10¢ per pound in excess of legal limit
950	11,000 or more	11¢ per pound in excess of legal limit

951 Any vehicle in violation of the tolerance allowed pursuant to
952 Section 63-5-33(3) shall be fined pursuant to this subsection (c)
953 for all weight in excess of the legal highway gross weight limit
954 authorized for such vehicle or for all weight in excess of the
955 legal tandem axle load weight limit of forty thousand (40,000)
956 pounds and the legal single axle load limit of twenty thousand
957 (20,000) pounds, whichever the case may be.

958 The penalty to be assessed for operations of a vehicle with a
959 greater load on any axle or axle grouping than the legal axle load
960 weight limits shall be one-half (1/2) the penalty for operation in
961 excess of the legal gross weight limit.

962 In instances where both the legal highway gross weight limit
963 and the legal axle load weight limit(s) are exceeded, the fine
964 that shall be levied shall be either the penalty amount for the

965 excess vehicle gross weight or the total of the penalty amounts of
966 all overloaded axles, whichever is the larger amount.

967 Notwithstanding any other provisions of this section to the
968 contrary, the fine assessed against the holder of a harvest permit
969 for exceeding a gross vehicle weight of * * * eighty-eight
970 thousand (88,000) pounds, but not exceeding a gross vehicle weight
971 of ninety thousand (90,000) pounds, shall be Five Cents (5¢) per
972 pound. The fine for exceeding a gross vehicle weight of ninety
973 thousand (90,000) pounds, but not exceeding a gross vehicle weight
974 of one hundred thousand (100,000) pounds, shall be One Thousand
975 Five Hundred Dollars (\$1,500.00). The fine for exceeding a gross
976 vehicle weight of one hundred thousand (100,000) pounds shall be
977 Two Thousand Five Hundred Dollars (\$2,500.00) for a first offense
978 and Three Thousand Five Hundred Dollars (\$3,500.00) for a second
979 offense. Any subsequent offense of exceeding a gross vehicle
980 weight of one hundred thousand (100,000) pounds may subject the
981 permit holder to suspension of the harvest permit for up to thirty
982 (30) days.

983 Notwithstanding any other provision of this subsection (c) to
984 the contrary, upon an appeal to the Appeals Board of the
985 Mississippi Transportation Commission by an owner or operator of a
986 vehicle hauling without a harvest permit any of the products or
987 materials described in subsection (3) of Section 63-5-33 and upon
988 whom a penalty has been assessed under this subsection (c) for
989 exceeding the legal weight limit(s) on a highway having a legal
990 weight limit of eighty thousand (80,000) pounds or less, the

991 appeals board shall reduce the penalty assessed against such
992 owner/operator to an amount not to exceed ten percent (10%) of the
993 amount which would otherwise be due without the reduction
994 authorized under this paragraph. A reduction shall not be
995 authorized under this paragraph if the gross weight of the vehicle
996 for which an owner/operator has been charged with a violation of
997 this section exceeds * * * eighty-eight thousand (88,000) pounds;
998 and, in any event, no reduction shall be authorized under this
999 paragraph unless a penalty assessed under this section is appealed
1000 to the appeals board and unless the board determines, based upon
1001 its records, that such owner/operator has not been granted a
1002 penalty reduction under this paragraph within a period of twelve
1003 (12) months immediately preceding the date of filing an appeal
1004 with the board for a penalty reduction under this paragraph.

1005 (d) If any nonresident owner or operator who has not
1006 registered his vehicle and paid the annual privilege taxes
1007 prescribed shall operate his vehicle upon the highways of this
1008 state when such vehicle has a greater gross weight than permitted
1009 by law for the highway traveled upon, and for which such excess
1010 gross weight a permit was not or could not be procured from the
1011 transportation department as required by Section 27-19-81, such
1012 person shall be liable upon his second and all subsequent offenses
1013 for the pro rata part of the annual tax for the balance of the tag
1014 year for the legal gross weight of the vehicle, and in addition
1015 thereto the penalty fee on the excess weight as specified in
1016 subsection (c) of this section. In order that such owner or

1017 operator shall become liable for the penalties herein provided, it
1018 shall not be necessary that the same or identical vehicle be
1019 involved, it being the declared purpose hereof to provide that
1020 such penalties shall run against the owner or operator rather than
1021 against the specific vehicle.

1022 (e) All fines and penalties imposed and collected by the
1023 Mississippi Department of Transportation for violations of the
1024 maximum legal vehicle weight limits authorized on the highways of
1025 this state shall be deposited into a special fund that is created
1026 in the State Treasury. Monies in the fund shall be allocated and
1027 distributed quarterly, beginning September 30, 1994, to each
1028 county of the state based on the amount of such fines and
1029 penalties imposed and collected in the county during the
1030 immediately preceding three (3) months. Monies distributed to the
1031 counties under this subsection shall be deposited in each county's
1032 road and bridge fund and may be expended, upon approval of the
1033 board of supervisors, for any purpose for which county road and
1034 bridge fund monies lawfully may be expended.

1035 **SECTION 21.** Section 65-1-179, Mississippi Code of 1972, is
1036 amended as follows:

1037 **[Through June 30, 2024, this section shall read as follows:]**

1038 65-1-179. (1) There is created in the State Treasury a
1039 special fund to be known as the "Emergency Road and Bridge Repair
1040 Fund," into which shall be deposited money appropriated by the
1041 Legislature or otherwise made available in any manner, and funds
1042 from any other source designated for deposit into such fund.

1043 Unexpended amounts remaining in the fund at the end of a fiscal
1044 year shall not lapse into the State General Fund and any interest
1045 earned or investment earnings on amounts in the fund shall be
1046 deposited into the fund. The expenditure of money deposited into
1047 the fund shall be under the direction of the Mississippi
1048 Department of Transportation, and such funds shall be paid by the
1049 Mississippi Department of Transportation upon warrants issued by
1050 the Department of Finance and Administration.

1051 (2) Money in the fund shall be utilized by the Mississippi
1052 Department of Transportation, with the advice of the Emergency
1053 Road and Bridge Repair Fund Advisory Board, to provide funding, in
1054 equal portions, for * * *: (a) the repair, reconstruction and
1055 maintenance of the roads, streets and highways * * * of this state
1056 and its counties and municipalities, and * * * (b) the
1057 rehabilitation and replacement of bridges on the public roads,
1058 streets and highways * * * of this state and its counties and
1059 municipalities, as determined by a unanimous vote of the
1060 Mississippi Transportation Commission. However, before the
1061 expenditure of money in the fund, the department shall promulgate
1062 rules and regulations as authorized in subsection (3) of this
1063 section.

1064 (3) (a) There is created the Emergency Road and Bridge
1065 Repair Fund Advisory Board which shall consist of the following
1066 members:

1067 (i) The President and Chief Executive Officer of
1068 the Mississippi Economic Council;

1069 (ii) The President and Chief Executive Officer of
1070 the Mississippi Manufacturers Association;

1071 (iii) The President of the Mississippi Farm Bureau
1072 Federation;

1073 (iv) The President of the Mississippi Poultry
1074 Association;

1075 (v) The President of the Mississippi Trucking
1076 Association;

1077 (vi) The Executive Director of the Mississippi
1078 Association of Supervisors;

1079 (vii) The Executive Director of the Mississippi
1080 Municipal League;

1081 (viii) The Executive Vice President of the
1082 Mississippi Cattlemen's Association;

1083 (ix) The Executive Director of the Mississippi
1084 Loggers Association; and

1085 (x) The Executive Director of the American Council
1086 of Engineering Companies-Mississippi.

1087 (b) The Governor shall appoint the chairman of the
1088 board and the board shall elect such other officers as it
1089 considers necessary from among its members.

1090 (c) A majority of the members of the board shall
1091 constitute a quorum for the conduct of meetings and all actions of
1092 the board shall be by a majority vote. No compensation, per diem
1093 or mileage expense shall be provided to board members.

1094 (d) The Governor's office shall provide any necessary
1095 administrative support to the board.

1096 (e) The board shall meet at least quarterly to conduct
1097 business.

1098 (f) The board shall provide nonbinding advice to the
1099 Department of Transportation regarding the expenditure of money in
1100 the Emergency Road and Bridge Repair Fund.

1101 (4) The Mississippi Department of Transportation shall have
1102 all powers necessary to implement and administer the program
1103 established under this section to maximize all potential sources
1104 of funding including state and federal, for projects covered by
1105 the program. Any available sources of funding may be combined to
1106 fund any project covered by the program. This includes state aid
1107 road funds and/or Local System Bridge Replacement and
1108 Rehabilitation Program funds, which may be used in conjunction
1109 with Emergency Road and Bridge Repair Fund monies within the
1110 discretion of the State Aid Engineer. Under no circumstances,
1111 however, shall Emergency Road and Bridge Repair Fund monies be
1112 used to reimburse any amount that has been expended on the project
1113 prior to the award of such monies to the recipient.

1114 (5) When monies in the Emergency Road and Bridge Repair Fund
1115 are distributed for projects, such monies shall not be redeposited
1116 in the State Treasury, absent extraordinary circumstances where
1117 the recipient must return monies received under the program. This
1118 requirement is not intended to inhibit state agencies from
1119 receiving Emergency Road and Bridge Repair Fund monies for

1120 appropriate projects or to curtail any proper transfer of monies
1121 to accomplish such a project.

1122 (6) The department shall promulgate rules and regulations,
1123 in accordance with the Mississippi Administrative Procedures Law,
1124 necessary for the implementation of this section.

1125 **[From and after July 1, 2024, this section shall read as**
1126 **follows:]**

1127 65-1-179. (1) There is created in the State Treasury a
1128 special fund to be known as the "Emergency Road and Bridge Repair
1129 Fund," into which shall be deposited money appropriated by the
1130 Legislature or otherwise made available in any manner, and funds
1131 from any other source designated for deposit into such fund.
1132 Unexpended amounts remaining in the fund at the end of a fiscal
1133 year shall not lapse into the State General Fund and any interest
1134 earned or investment earnings on amounts in the fund shall be
1135 deposited into the fund. The expenditure of money deposited into
1136 the fund shall be under the direction of the Mississippi
1137 Department of Transportation, and such funds shall be paid by the
1138 Mississippi Department of Transportation upon warrants issued by
1139 the Department of Finance and Administration.

1140 (2) Money in the fund shall be utilized by the Mississippi
1141 Department of Transportation, with the advice of the Emergency
1142 Road and Bridge Repair Fund Advisory Board, to provide funding for
1143 emergency repairs to roads, streets and highways in this state and
1144 emergency bridge repairs on public roads, streets and highways in
1145 this state, as determined by a unanimous vote of the Mississippi

1146 Transportation Commission. However, before the expenditure of
1147 money in the fund, the department shall promulgate rules and
1148 regulations as authorized in subsection (3) of this section.

1149 (3) (a) There is created the Emergency Road and Bridge
1150 Repair Fund Advisory Board which shall consist of the following
1151 members:

1152 (i) The President and Chief Executive Officer of
1153 the Mississippi Economic Council;

1154 (ii) The President and Chief Executive Officer of
1155 the Mississippi Manufacturers Association;

1156 (iii) The President of the Mississippi Farm Bureau
1157 Federation;

1158 (iv) The President of the Mississippi Poultry
1159 Association;

1160 (v) The President of the Mississippi Trucking
1161 Association;

1162 (vi) The Executive Director of the Mississippi
1163 Association of Supervisors;

1164 (vii) The Executive Director of the Mississippi
1165 Municipal League;

1166 (viii) The Executive Vice President of the
1167 Mississippi Cattlemen's Association;

1168 (ix) The Executive Director of the Mississippi
1169 Loggers Association; and

1170 (x) The Executive Director of the American Council
1171 of Engineering Companies-Mississippi.

1172 (b) The Governor shall appoint the chairman of the
1173 board and the board shall elect such other officers as it
1174 considers necessary from among its members.

1175 (c) A majority of the members of the board shall
1176 constitute a quorum for the conduct of meetings and all actions of
1177 the board shall be by a majority vote. No compensation, per diem
1178 or mileage expense shall be provided to board members.

1179 (d) The Governor's office shall provide any necessary
1180 administrative support to the board.

1181 (e) The board shall meet at least quarterly to conduct
1182 business.

1183 (f) The board shall provide nonbinding advice to the
1184 Department of Transportation regarding the expenditure of money in
1185 the Emergency Road and Bridge Repair Fund.

1186 (4) The Mississippi Department of Transportation shall have
1187 all powers necessary to implement and administer the program
1188 established under this section to maximize all potential sources
1189 of funding including state and federal, for projects covered by
1190 the program. Any available sources of funding may be combined to
1191 fund any project covered by the program. This includes state aid
1192 road funds and/or Local System Bridge Replacement and
1193 Rehabilitation Program funds, which may be used in conjunction
1194 with Emergency Road and Bridge Repair Fund monies within the
1195 discretion of the State Aid Engineer. Under no circumstances,
1196 however, shall Emergency Road and Bridge Repair Fund monies be

1197 used to reimburse any amount that has been expended on the project
1198 prior to the award of such monies to the recipient.

1199 (5) When monies in the Emergency Road and Bridge Repair Fund
1200 are distributed for projects, such monies shall not be redeposited
1201 in the State Treasury, absent extraordinary circumstances where
1202 the recipient must return monies received under the program. This
1203 requirement is not intended to inhibit state agencies from
1204 receiving Emergency Road and Bridge Repair Fund monies for
1205 appropriate projects or to curtail any proper transfer of monies
1206 to accomplish such a project.

1207 (6) The department shall promulgate rules and regulations,
1208 in accordance with the Mississippi Administrative Procedures Law,
1209 necessary for the implementation of this section.

1210 **SECTION 22.** Section 19-11-27, Mississippi Code of 1972, is
1211 amended as follows:

1212 19-11-27. No board of supervisors of any county shall expend
1213 from, or contract an obligation against, the budget estimates for
1214 road and bridge construction, maintenance and equipment, made and
1215 published by it during the last year of the term of office of such
1216 board, between the first day of October and the first day of the
1217 following January, a sum exceeding one-fourth (1/4) of such item
1218 of the budget made and published by it, except in cases of
1219 emergency. The clerk of any county is prohibited from issuing any
1220 warrant contrary to the provisions of this section. No board of
1221 supervisors nor any member thereof shall buy any machinery or
1222 equipment in the last six (6) months of their or his term unless

1223 or until he has been elected at the general election of that year.
1224 The provisions of this section shall not apply to (i) until
1225 January 1, 2020, projects of any type that receive monies from the
1226 Local System Bridge Replacement and Rehabilitation Program, the
1227 Emergency Road and Bridge Repair Fund, the 2018 Transportation and
1228 Infrastructure Improvement Fund or the Gulf Coast Restoration Fund
1229 and (ii) to expenditures during calendar year 2019 on deficient
1230 bridges in the State Aid Road System or the Local System Road
1231 Program that have a sufficiency rating of less than fifty (50) or
1232 to a contract, lease or lease-purchase contract executed pursuant
1233 to the bidding requirements in Section 31-7-13 and approved by a
1234 unanimous vote of the board. Such unanimous vote shall include a
1235 statement indicating the board's proclamation that the award of
1236 the contract is essential to the efficiency and economy of the
1237 operation of the county government. On and after July 1, 2021,
1238 through June 30, 2024, the provisions of this section shall not
1239 apply to projects of any type that receive monies from the
1240 Emergency Road and Bridge Repair Fund.

1241 **SECTION 23.** Section 63-5-33, Mississippi Code of 1972, is
1242 amended as follows:

1243 63-5-33. (1) Subject to the limitations imposed on wheel
1244 and axle loads by Section 63-5-27, and to the further limitations
1245 hereinafter specified, the total combined weight (vehicles plus
1246 load) on any group of axles of a vehicle or a combination of
1247 vehicles shall not exceed the value given in the following table
1248 (Table III) corresponding to the distance in feet between the

1249 extreme axles of the group, measured longitudinally to the nearest
1250 foot, on those highways or parts of highways designated by the
1251 Mississippi Transportation Commission as being capable of carrying
1252 the maximum load limits and, in addition thereto, such other
1253 highways or parts of highways found by the commission to be
1254 suitable to carry the maximum load limits from an engineering
1255 standpoint, and so designated as such by order of the commission
1256 entered upon its minutes and published once each week for three
1257 (3) consecutive weeks in a daily newspaper published in this state
1258 and having a general circulation therein. The maximum total
1259 combined weight carried on any group of two (2) or more
1260 consecutive axles shall be determined by the formula contained in
1261 the Federal Weight Law enacted January 4, 1975, as follows: $W=500$
1262 $(LN/N-1+12N+36)$ where W =maximum weight in pounds carried on any
1263 group of two (2) or more axles computed to the nearest five
1264 hundred (500) pounds, L =distance in feet between the extremes of
1265 any group of two (2) or more consecutive axles, and N =number of
1266 axles in any group under consideration.

1267 TABLE III

1268 DISTANCE
1269 IN FEET
1270 BETWEEN THE
1271 EXTREMES OF
1272 ANY GROUP
1273 OF 2 OR MORE
1274 CONSECUTIVE

MAXIMUM LOAD IN POUNDS CARRIED ON ANY

1275	AXLES	GROUP OF 2 OR MORE CONSECUTIVE AXLES					
1276		2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
1277	4	34,000					
1278	5	34,000					
1279	6	34,000		Axle groups in			
1280	7	34,000					
1281	8 and						
1282	less	34,000	34,000	these spacings			
1283	More						
1284	than						
1285	8	38,000	42,000				
1286	9	39,000	42,500				
1287	10	40,000	43,500	impractical			
1288	11		44,000				
1289	12		45,000	50,000			
1290	13		45,500	50,500			
1291	14		46,500	51,500			
1292	15		47,000	52,000			
1293	16		48,000	52,500	58,000		
1294	17		48,500	53,500	58,500		
1295	18		49,500	54,000	59,000		
1296	19		50,000	54,500	60,000		
1297	20		51,000	55,500	60,500	66,000	
1298	21		51,500	56,000	61,000	66,500	
1299	22		52,500	56,500	61,500	67,000	
1300	23		53,000	57,500	62,500	68,000	

1301	24	54,000	58,000	63,000	68,500	74,000
1302	25	54,500	58,500	63,500	69,000	74,500
1303	26	55,500	59,500	64,000	69,500	75,000
1304	27	56,000	60,000	65,000	70,000	75,500
1305	28	57,000	60,500	65,500	71,000	76,500
1306	29	57,500	61,500	66,000	71,500	77,000
1307	30	58,500	62,000	66,500	72,000	77,500
1308	31	59,000	62,500	67,500	72,500	78,000
1309	32	60,000	63,500	68,000	73,000	78,500
1310	33		64,000	68,500	74,000	79,000
1311	34		64,500	69,000	74,500	80,000
1312	35		65,500	70,000	75,000	80,000
1313	36		66,000	70,500	75,500	80,000
1314	37		66,500	71,000	76,000	80,000
1315	38		67,500	71,500	77,000	80,000
1316	39		68,000	72,500	77,500	80,000
1317	40		68,500	73,000	78,000	80,000
1318	41		69,500	73,500	78,500	80,000
1319	42		70,000	74,000	79,000	80,000
1320	43		70,500	75,000	80,000	80,000
1321	44		71,500	75,500	80,000	80,000
1322	45		72,000	76,000	80,000	80,000
1323	46		72,500	76,500	80,000	80,000
1324	47		73,500	77,500	80,000	80,000
1325	48		74,000	78,000	80,000	80,000
1326	49		74,500	78,500	80,000	80,000

1327	50	75,500	79,000	80,000	80,000
1328	51	76,000	80,000	80,000	80,000
1329	52	76,500	80,000	80,000	80,000
1330	53	77,500	80,000	80,000	80,000
1331	54	78,000	80,000	80,000	80,000
1332	55	78,500	80,000	80,000	80,000
1333	56	79,500	80,000	80,000	80,000
1334	57	80,000	80,000	80,000	80,000

1335 (2) Moreover, in addition to the per axle weight limitations
1336 specified by Section 63-5-27, two (2) consecutive sets of tandem
1337 axles may carry a gross load of thirty-four thousand (34,000)
1338 pounds each, providing that the overall distance between the first
1339 and last axles of such consecutive sets of tandem axles is
1340 thirty-six (36) feet or more, except that, until September 1,
1341 1989, the axle distance for tank trailers, dump trailers and ocean
1342 transport container haulers may be thirty (30) feet or more. Such
1343 overall gross weight may not exceed eighty thousand (80,000)
1344 pounds, except as provided by this section.

1345 (3) Notwithstanding the provisions of Section 63-5-27 and/or
1346 Section 63-5-29 to the contrary, vehicles hauling products in the
1347 manner set forth in this subsection, whether or not such vehicles
1348 are operating with a harvest permit, shall be allowed a gross
1349 weight of not to exceed forty thousand (40,000) pounds on any
1350 tandem. Vehicles operating without a harvest permit shall be
1351 allowed a tolerance not to exceed five percent (5%) above their
1352 authorized gross vehicle weight, tandem or axle weight; except

1353 that the maximum gross vehicle weight of any such vehicle shall
1354 not exceed eighty thousand (80,000) pounds plus a tolerance
1355 thereon of not more than two percent (2%). Vehicles operating
1356 without a harvest permit loading at a point of origin having
1357 scales available for weighing the vehicle shall not be eligible
1358 for any tolerance over the gross weight limit of eighty thousand
1359 (80,000) pounds. Vehicles operating with a harvest permit shall
1360 be allowed a tolerance not to exceed ten percent (10%) above their
1361 authorized tandem or axle weight, but the maximum gross vehicle
1362 weight of any such vehicle shall not exceed * * * eighty-eight
1363 thousand (88,000) pounds. However, neither the increased weights
1364 in this subsection nor any tolerance shall be allowed on federal
1365 interstate highways or on other highways where a tolerance is
1366 specifically prohibited by the Transportation Commission, the
1367 county board of supervisors or the municipal governing authorities
1368 as provided for in Section 63-5-27. The tolerance allowed by this
1369 subsection shall only apply to the operation of vehicles from the
1370 point of loading to the point of unloading for processing, and to
1371 the operation of vehicles hauling sand, gravel, woodchips, wood
1372 shavings, sawdust, fill dirt, and agricultural products, and
1373 products for recycling or materials for the construction or repair
1374 of highways. The range of such operation shall not exceed a
1375 radius of one hundred (100) miles except where the products are
1376 being transported for processing within this state.

1377 (4) Notwithstanding the provisions of Section 63-5-27 and/or
1378 Section 63-5-29 to the contrary, vehicles hauling prepackaged

1379 products, unloaded at a state port or to be loaded at a state
1380 port, which are containerized in such a manner as to make
1381 subdivision thereof impractical shall be allowed a gross weight of
1382 not to exceed forty thousand (40,000) pounds on any tandem, and a
1383 tolerance not to exceed ten percent (10%) above their authorized
1384 gross weight, tandem or axle weight; except that the maximum
1385 weight of any vehicle shall not exceed eighty thousand (80,000)
1386 pounds plus a tolerance thereon of not more than two percent (2%);
1387 however, neither the increased weights in this subsection nor any
1388 tolerance shall be allowed on federal interstate highways or on
1389 other highways where a tolerance is specifically prohibited by the
1390 Transportation Commission, the county board of supervisors or the
1391 municipal governing authorities as provided for in Section
1392 63-5-27.

1393 (5) (a) Vehicles for which a harvest permit has been issued
1394 pursuant to Section 27-19-81(4) shall be allowed a gross vehicle
1395 weight not to exceed * * * eighty-eight thousand (88,000) pounds.
1396 However, the board of supervisors of any county and the governing
1397 authorities of any municipality may designate the roads, streets
1398 and highways under their respective jurisdiction on and along
1399 which vehicles for which a harvest permit has been issued may
1400 travel. This subsection shall not apply to the federal interstate
1401 system.

1402 (b) Any owner or operator who has been issued a harvest
1403 permit and who wishes to operate a vehicle on the roads, streets
1404 or highways under the jurisdiction of a county or municipality at

1405 a gross vehicle weight greater than the weight allowed by law or
1406 greater than the maximum weight established for such roads,
1407 streets or highways by the board of supervisors or municipal
1408 governing authorities, shall notify, in writing, the board of
1409 supervisors or the governing authorities, as the case may be,
1410 before operating such vehicle on the roads, streets or highways of
1411 such county or municipality. In his notice, the permit holder
1412 shall identify the routes over which he intends to operate
1413 vehicles for which the permit has been issued and the dates or
1414 time period during which he will be operating such vehicles. The
1415 board of supervisors or the governing authorities, as the case may
1416 be, shall have two (2) working days to respond in writing to the
1417 permit holder to notify the permit holder of the routes on and
1418 along which the permit holder may operate vehicles for which a
1419 harvest permit has been issued. Failure of the board of
1420 supervisors or the governing authorities timely to notify the
1421 permit holder and to designate the routes on and along which the
1422 permit holder may operate shall be considered as authorizing the
1423 permit holder to operate on any of the roads, streets or highways
1424 of the county or municipality in accordance with the authority
1425 granted to the permit holder by the harvest permit.

1426 (c) Any time a timber deed is filed with the chancery
1427 clerk, the grantee, at that time, may make a written request of
1428 the board of supervisors of the county or the governing
1429 authorities of the municipality, as the case may be, for the
1430 purpose of providing to the grantee, within three (3) working days

1431 of the filing of the request, a designated and approved route over
1432 the roads, streets or highways under the jurisdiction of the
1433 county or city, as the case may be, that the grantee may travel
1434 for the purpose of transporting harvested timber. Upon providing
1435 such route designation, the county or city, as the case may be,
1436 shall also provide to the grantee a map designating the approved
1437 route. An approved route designation provided to a grantee under
1438 the provisions of this paragraph shall be valid for a period of
1439 six (6) months from its date of issue. The permit authorized to
1440 be issued under paragraph (b) of this subsection shall not be
1441 required for any person who obtains a permit issued under this
1442 paragraph.

1443 (d) This subsection (5) shall stand repealed from and
1444 after July 1, 2022.

1445 (6) Nothing in this section or subsections (1) through (4)
1446 of Section 63-5-27 shall be construed to deny the operation of any
1447 vehicle or combination of vehicles that could be lawfully operated
1448 upon the interstate highway system of this state on January 4,
1449 1975.

1450 (7) (a) Notwithstanding any provisions of Section 63-5-27
1451 to the contrary, a vehicle that is operated by an engine fueled
1452 primarily by compressed or liquefied natural gas may exceed the
1453 gross vehicle weight limits by an amount, not to exceed a maximum
1454 of two thousand (2,000) pounds, that is equal to the difference
1455 between the weight of the vehicle attributable to the natural gas

1456 tank and fueling system carried by the vehicle and the weight of a
1457 comparable diesel tank and fueling system.

1458 (b) The weight exception provided in this subsection
1459 shall apply to all interstate highways per the exemption expressly
1460 permitted by 23 USC Section 127.

1461 **SECTION 24.** Section 65-1-46, Mississippi Code of 1972, is
1462 amended as follows:

1463 65-1-46. (1) There is created an Appeals Board of the
1464 Mississippi Transportation Commission. If any person feels
1465 aggrieved by a penalty for excess weight assessed against him by
1466 an agent or employee of the Mississippi Department of
1467 Transportation pursuant to Section 27-19-89, he may apply to the
1468 appeals board.

1469 (2) The members serving on the appeals board on April 7,
1470 1995, shall continue to serve until July 1, 1995. On July 1,
1471 1995, the appeals board shall be reconstituted to be composed of
1472 five (5) qualified people. The initial appointments to the
1473 reconstituted board shall be made no later than June 30, 1995, for
1474 terms to begin July 1, 1995, as follows: One (1) member shall be
1475 appointed by the Governor for a term ending on June 30, 1996, one
1476 (1) member shall be appointed by the Lieutenant Governor for a
1477 term ending on June 30, 1997, one (1) member shall be appointed by
1478 the Attorney General for a term ending on June 30, 1998, one (1)
1479 member shall be appointed by the Chairman of the State Tax
1480 Commission for a term ending on June 30, 1999, and one (1) member
1481 shall be appointed by the Executive Director of the Mississippi

1482 Department of Transportation for a term ending on June 30, 2000.
1483 After the expiration of the initial terms of the members of the
1484 reconstituted board, all subsequent appointments shall be made for
1485 terms of four (4) years from the expiration date of the previous
1486 term. Any member serving on the appeals board before July 1,
1487 1995, may be reappointed to the reconstituted appeals board.
1488 Appointments to the board shall be with the advice and consent of
1489 the Senate; however, the advice and consent of the Senate shall
1490 not be required for the appointment of a person to the
1491 reconstituted appeals board for a term beginning on July 1, 1995,
1492 if such person was serving as a member of the appeals board on
1493 June 30, 1995, and such person received the advice and consent of
1494 the Senate for that appointment.

1495 (3) There shall be a chairman and vice chairman of the board
1496 who shall be elected by and from the membership of the board. Any
1497 member who fails to attend three (3) consecutive regular meetings
1498 of the board shall be subject to removal by a majority vote of the
1499 board. A majority of the members of the board shall constitute a
1500 quorum. The chairman, or a majority of the members of the board,
1501 may call meetings as may be required for the proper discharge of
1502 the board's duties. Members of the board, except a member who is
1503 an officer or employee of the Mississippi Department of
1504 Transportation, shall receive per diem in the amount authorized by
1505 Section 25-3-69, for each day spent in the actual discharge of
1506 their duties and shall be reimbursed for mileage and actual

1507 expenses incurred in the performance of their duties in accordance
1508 with the provisions of Section 25-3-41.

1509 Application shall be made by petition in writing, within
1510 thirty (30) days after assessment of the penalty, for a hearing
1511 and a review of the amount of the assessment. At the hearing the
1512 appeals board shall try the issues presented according to the law
1513 and the facts and within guidelines set by the Transportation
1514 Commission. Upon due consideration of all the facts relating to
1515 the assessment of the penalty, the appeals board, except as
1516 otherwise provided under this section or under Section 27-19-89,
1517 may require payment of the full amount of the assessment, may
1518 reduce the amount of the assessment or may dismiss imposition of
1519 the penalty entirely. The appeals board shall dismiss in its
1520 entirety the imposition of any penalty imposed against the holder
1521 of a harvest permit if the permittee proves to the appeals board,
1522 by clear and convincing evidence, that the average load
1523 transported by the permittee during the permittee's last five (5)
1524 haul days immediately preceding the day upon which the penalty
1525 appealed from was assessed did not exceed eighty thousand (80,000)
1526 pounds. The appeals board shall reduce the penalty assessed
1527 against the holder of a harvest permit to a maximum of Two Cents
1528 (2¢) per pound of overweight if the permittee proves to the
1529 appeals board, by clear and convincing evidence, that the average
1530 load transported by the permittee during the permittee's last five
1531 (5) haul days immediately preceding the day upon which the penalty
1532 appealed from was assessed exceeded seventy-nine thousand nine

1533 hundred ninety-nine (79,999) pounds but did not exceed * * *
1534 eighty-eight thousand (88,000) pounds. The board shall make such
1535 orders in the matter as appear to it just and lawful and shall
1536 furnish copies thereof to the petitioner. If the appeals board
1537 orders the payment of the penalty, the petitioner shall pay the
1538 penalty, damages and interest, if any, within ten (10) days after
1539 the order is issued unless there is an application for appeal from
1540 the decision of the board as provided in the succeeding paragraph.
1541 Interest shall accrue on the penalty at the rate of one percent
1542 (1%) per month, or part of a month, beginning immediately after
1543 the expiration of the ten-day period.

1544 If any person feels aggrieved by the decision of the appeals
1545 board, he may appeal the decision to the Chancery Court of the
1546 First Judicial District of Hinds County.

1547 **SECTION 25.** Section 2 of this act shall be codified in Title
1548 77, Chapter 7, Mississippi Code of 1972.

1549 **SECTION 26.** Not later than June 30, 2021, the Commissioner
1550 of Public Safety shall establish an alternative state
1551 identification card that shall operate in every respect like the
1552 state identification cards issued under Section 45-35-7, except
1553 that this card shall not require proof of domicile for the purpose
1554 of making a state identification card available for persons who do
1555 not have a domicile to list.

1556 **SECTION 27.** Sections 1 through 23, and Section 27, of this
1557 act shall take effect and be in force from and after July 1, 2021,
1558 and shall stand repealed on June 29, 2021. Sections 24 and 25 of

1559 this act shall take effect and be in force from and after July 1,
1560 2023, and shall stand repealed on June 29, 2023. Section 26 of
1561 this act shall take effect and be in force from and after its
1562 passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO CREATE THE MISSISSIPPI TRANSPORTATION
2 INFRASTRUCTURE INVESTMENT ACT OF 2021; TO TRANSFER, ON JULY 1,
3 2021, LAW ENFORCEMENT PERSONNEL AND LAW ENFORCEMENT DUTIES OF THE
4 MISSISSIPPI TRANSPORTATION COMMISSION AND MISSISSIPPI DEPARTMENT
5 OF TRANSPORTATION RELATED TO THE MOTOR CARRIER REGULATORY LAW OF
6 1938 TO THE COMMERCIAL TRANSPORTATION ENFORCEMENT DIVISION WITHIN
7 THE DEPARTMENT OF PUBLIC SAFETY; TO CREATE THE DPS MOTOR CARRIER
8 ENFORCEMENT FUND AS A SPECIAL FUND IN THE STATE TREASURY TO DEFRAY
9 EXPENSES FOR OFFICERS' SALARIES AND OTHER COSTS TO IMPLEMENT AND
10 ENFORCE THIS ACT; TO AMEND SECTIONS 77-7-7, 77-7-11, 77-7-13,
11 77-7-15, 77-7-16, 77-7-17, 77-7-21, 77-7-127, 77-7-311, 77-7-331,
12 77-7-333, 77-7-335, 77-7-337, 77-7-339, 77-7-341 AND 45-3-21,
13 MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION 27-19-89,
14 MISSISSIPPI CODE OF 1972, TO ADJUST THE PENALTIES FOR HARVEST
15 PERMIT HOLDERS FOR WEIGHT LIMIT VIOLATIONS; TO PROVIDE THAT THE
16 FINE FOR EXCEEDING A GROSS VEHICLE WEIGHT OF 95,000 POUNDS, BUT
17 NOT EXCEEDING A GROSS VEHICLE WEIGHT OF 100,000 POUNDS, SHALL BE
18 \$1,500.00; TO PROVIDE THAT THE FINE FOR EXCEEDING A GROSS VEHICLE
19 WEIGHT OF 100,000 POUNDS SHALL BE \$2,500.00 FOR A FIRST OFFENSE
20 AND \$3,500.00 FOR A SECOND OFFENSE; TO PROVIDE THAT ANY SUBSEQUENT
21 OFFENSE OF EXCEEDING A GROSS VEHICLE WEIGHT OF 100,000 POUNDS MAY
22 SUBJECT THE PERMIT HOLDER TO SUSPENSION OF THE HARVEST PERMIT FOR
23 UP TO 30 DAYS; TO CONFORM TO AN INCREASE IN THE WEIGHT LIMIT FOR
24 HARVEST PERMITS, BEGINNING JULY 1, 2023, FROM 84,000 POUNDS TO
25 88,000 POUNDS; TO AMEND SECTION 65-1-179, MISSISSIPPI CODE OF
26 1972, TO SPECIFY THAT MONIES IN THE EMERGENCY ROAD AND BRIDGE
27 REPAIR FUND SHALL BE USED TO PROVIDE FUNDING, IN EQUAL PORTIONS,
28 FOR THE REPAIR, RECONSTRUCTION AND MAINTENANCE OF STATE, COUNTY
29 AND MUNICIPAL ROADS, STREETS AND HIGHWAYS, AND FOR THE
30 REHABILITATION AND REPLACEMENT OF STATE, COUNTY AND MUNICIPAL
31 BRIDGES; TO PROVIDE A THREE-YEAR REVERTER FOR THE AMENDMENTS TO
32 THIS SECTION; TO AMEND SECTION 19-11-27, MISSISSIPPI CODE OF 1972,
33 TO EXEMPT, FROM JULY 1, 2021, THROUGH JUNE 30, 2024, PROJECTS
34 RECEIVING MONIES FROM THE EMERGENCY ROAD AND BRIDGE REPAIR FUND
35 FROM LIMITATIONS ON CERTAIN EXPENDITURES FOR THE LAST YEAR OF THE
36 TERM OF A COUNTY BOARD OF SUPERVISORS; TO AMEND SECTIONS 63-5-33
37 AND 65-1-46, MISSISSIPPI CODE OF 1972, TO INCREASE THE WEIGHT
38 LIMIT FOR HARVEST PERMITS, BEGINNING JULY 1, 2023, FROM 84,000

39 POUNDS TO 88,000 POUNDS; TO CREATE A NEW SECTION OF LAW TO REQUIRE
40 THE COMMISSIONER OF PUBLIC SAFETY TO ESTABLISH AN ALTERNATIVE
41 STATE IDENTIFICATION CARD THAT DOES NOT REQUIRE PROOF OF DOMICILE,
42 FOR THE PURPOSE OF MAKING A STATE IDENTIFICATION CARD AVAILABLE
43 FOR PERSONS WHO DO NOT HAVE A DOMICILE TO LIST; AND FOR RELATED
44 PURPOSES.

HR26\SB2825A.J

Andrew Ketchings

Clerk of the House of Representatives