

By: Representative Busby

To: Transportation

## HOUSE BILL NO. 1472

1 AN ACT TO BRING FORWARD SECTION 27-19-89, MISSISSIPPI CODE OF  
2 1972, WHICH IMPOSES PENALTIES UPON OWNERS OR OPERATORS OF CERTAIN  
3 VEHICLES WHO, WITHOUT A PROPER PERMIT, OPERATE SUCH VEHICLES UPON  
4 THE PUBLIC ROADWAYS OF THIS STATE, FOR THE PURPOSE OF POSSIBLE  
5 AMENDMENT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 27-19-89, Mississippi Code of 1972, is  
8 brought forward as follows:

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

10 27-19-89. (a) If any nonresident owner or operator or other  
11 nonresident person eligible for a temporary permit as provided in  
12 Section 27-19-79, who has not elected to register and pay the  
13 annual privilege taxes prescribed, shall enter or go upon the  
14 public highways of the state and shall fail or refuse to obtain  
15 the permit required by Section 27-19-79, such person shall be  
16 liable, for the first such offense, for the full amount of the  
17 permit fee required, plus a penalty thereon of five hundred  
18 percent (500%). For the second and all subsequent offenses, such  
19 person who fails or refuses to obtain such permits shall be liable



20 for the pro rata part of the annual tax for the balance of the tag  
21 year for the maximum legal gross weight of the vehicle plus a  
22 penalty thereon of twenty-five percent (25%). Any weight in  
23 excess of the maximum legal gross weight of the vehicle, or in  
24 excess of the maximum highway weight limit, shall be penalized  
25 according to subsection (c) of this section. In either case the  
26 excess weight shall be removed by the operator before the vehicle  
27 can be allowed to proceed. In order to constitute a "second or  
28 subsequent offense" under the provisions hereof, it shall not be  
29 necessary that the same or identical vehicle be involved, it being  
30 the declared purpose hereof to provide that such penalties shall  
31 run against the owner or operator rather than against the  
32 specified vehicle. It is further provided that, in order for such  
33 owner or operator to become liable for the penalties herein  
34 provided, it shall not be necessary to show that such owner or  
35 operator was guilty of willfulness, gross negligence or  
36 wantonness, but the offense shall be complete upon the failure or  
37 refusal to obtain the required permit.

38 (b) If any person who has registered his vehicle in  
39 Mississippi shall operate such vehicle upon the public highways,  
40 having a gross weight greater than the licensed gross weight of  
41 such vehicle, and shall fail or refuse to obtain a permit therefor  
42 as required by Section 27-19-79, or if any person shall operate  
43 any such registered vehicle upon the public highways in a higher  
44 classification than that for which it is registered, and shall



45 fail or refuse to obtain a permit therefor as required by Section  
46 27-19-79, then such person shall be liable for the pro rata part  
47 of the annual tax for the balance of the tag year for the legal  
48 gross weight of such vehicle and in the classification in which  
49 same is being operated, plus a penalty thereon of twenty-five  
50 percent (25%), after having been given credit for the unexpired  
51 part of the privilege tax paid, as provided in Section 27-19-75.  
52 In order that such owner or operator shall become liable for the  
53 penalties herein provided, it shall not be necessary to show that  
54 such owner or operator was guilty of willfulness, gross negligence  
55 or wantonness, but the offense shall be complete upon the failure  
56 or refusal to obtain the required permit.

57 (c) If any person shall operate upon a highway of this state  
58 a vehicle which has a greater vehicle gross weight than the  
59 maximum gross weight limit established by law for that highway and  
60 shall have failed to obtain an overload permit as required by  
61 Section 27-19-81, or if any person shall operate a vehicle with a  
62 greater load on any axle or axle grouping than allowed by law,  
63 then such person, owner or operator shall be assessed a penalty on  
64 such axle load weight or vehicle gross weight as exceeds the legal  
65 limit in accordance with the following schedule:

66	AMOUNT IN EXCESS OF	
67	LEGAL HIGHWAY WEIGHT	
68	LIMITS IN POUNDS	PENALTY
69	1 to 999	\$10.00 minimum penalty



70	1,000 to 1,999	1¢ per pound in excess of legal limit
71	2,000 to 2,999	2¢ per pound in excess of legal limit
72	3,000 to 3,999	3¢ per pound in excess of legal limit
73	4,000 to 4,999	4¢ per pound in excess of legal limit
74	5,000 to 5,999	5¢ per pound in excess of legal limit
75	6,000 to 6,999	6¢ per pound in excess of legal limit
76	7,000 to 7,999	7¢ per pound in excess of legal limit
77	8,000 to 8,999	8¢ per pound in excess of legal limit
78	9,000 to 9,999	9¢ per pound in excess of legal limit
79	10,000 to 10,999	10¢ per pound in excess of legal limit
80	11,000 or more	11¢ per pound in excess of legal limit

81 Any vehicle in violation of the tolerance allowed pursuant to  
82 Section 63-5-33(3) shall be fined pursuant to this subsection (c)  
83 for all weight in excess of the legal highway gross weight limit  
84 authorized for such vehicle or for all weight in excess of the  
85 legal tandem axle load weight limit of forty thousand (40,000)  
86 pounds and the legal single axle load limit of twenty thousand  
87 (20,000) pounds, whichever the case may be.

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

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



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

97       Notwithstanding any other provisions of this section to the  
98 contrary, the fine assessed against the holder of a harvest permit  
99 for exceeding a gross vehicle weight of eighty-four thousand  
100 (84,000) pounds, but not exceeding a gross vehicle weight of  
101 ninety thousand (90,000) pounds, shall be Five Cents (5¢) per  
102 pound. The fine for exceeding a gross vehicle weight of ninety  
103 thousand (90,000) pounds, but not exceeding a gross vehicle weight  
104 of one hundred thousand (100,000) pounds, shall be One Thousand  
105 Five Hundred Dollars (\$1,500.00). The fine for exceeding a gross  
106 vehicle weight of one hundred thousand (100,000) pounds shall be  
107 Two Thousand Five Hundred Dollars (\$2,500.00) for a first  
108 violation during any twelve-month period and Three Thousand Five  
109 Hundred Dollars (\$3,500.00) for a second violation during any  
110 twelve-month period. Any subsequent violation of exceeding a  
111 gross vehicle weight of one hundred thousand (100,000) pounds  
112 during any twelve-month period shall result in the suspension of  
113 the permit holder's harvest permit for thirty (30) days from the  
114 date of violation.

115       Notwithstanding any other provision of this subsection (c) to  
116 the contrary, upon an appeal to the Appeals Board of the  
117 Commercial Transportation Enforcement Division of the Department  
118 of Public Safety by an owner or operator of a vehicle hauling  
119 without a harvest permit any of the products or materials



described in subsection (3) of Section 63-5-33 and upon whom a penalty has been assessed under this subsection (c) for exceeding the legal weight limit(s) on a highway having a legal weight limit of eighty thousand (80,000) pounds or less, the appeals board shall reduce the penalty assessed against such owner/operator to an amount not to exceed ten percent (10%) of the amount which would otherwise be due without the reduction authorized under this paragraph. A reduction shall not be authorized under this paragraph if the gross weight of the vehicle for which an owner/operator has been charged with a violation of this section exceeds eighty-four thousand (84,000) pounds; and, in any event, no reduction shall be authorized under this paragraph unless a penalty assessed under this section is appealed to the appeals board and unless the board determines, based upon its records, that such owner/operator has not been granted a penalty reduction under this paragraph within a period of twelve (12) months immediately preceding the date of filing an appeal with the board for a penalty reduction under this paragraph.

(d) If any nonresident owner or operator who has not registered his vehicle and paid the annual privilege taxes prescribed shall operate his vehicle upon the highways of this state when such vehicle has a greater gross weight than permitted by law for the highway traveled upon, and for which such excess gross weight a permit was not or could not be procured from the transportation department as required by Section 27-19-81, such



145 person shall be liable upon his second and all subsequent offenses  
146 for the pro rata part of the annual tax for the balance of the tag  
147 year for the legal gross weight of the vehicle, and in addition  
148 thereto the penalty fee on the excess weight as specified in  
149 subsection (c) of this section. In order that such owner or  
150 operator shall become liable for the penalties herein provided, it  
151 shall not be necessary that the same or identical vehicle be  
152 involved, it being the declared purpose hereof to provide that  
153 such penalties shall run against the owner or operator rather than  
154 against the specific vehicle.

155 (e) All fines and penalties imposed and collected by the  
156 Mississippi Department of Public Safety for violations of the  
157 maximum legal vehicle weight limits authorized on the highways of  
158 this state shall be deposited into a special fund that is created  
159 in the State Treasury. Monies in the fund shall be allocated and  
160 distributed quarterly, beginning September 30, 1994, to each  
161 county of the state based on the amount of such fines and  
162 penalties imposed and collected in the county during the  
163 immediately preceding three (3) months. Monies distributed to the  
164 counties under this subsection shall be deposited in each county's  
165 road and bridge fund and may be expended, upon approval of the  
166 board of supervisors, for any purpose for which county road and  
167 bridge fund monies lawfully may be expended.

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



27-19-89. (a) If any nonresident owner or operator or other nonresident person eligible for a temporary permit as provided in Section 27-19-79, who has not elected to register and pay the annual privilege taxes prescribed, shall enter or go upon the public highways of the state and shall fail or refuse to obtain the permit required by Section 27-19-79, such person shall be liable, for the first such offense, for the full amount of the permit fee required, plus a penalty thereon of five hundred percent (500%). For the second and all subsequent offenses, such person who fails or refuses to obtain such permits shall be liable for the pro rata part of the annual tax for the balance of the tag year for the maximum legal gross weight of the vehicle plus a penalty thereon of twenty-five percent (25%). Any weight in excess of the maximum legal gross weight of the vehicle, or in excess of the maximum highway weight limit, shall be penalized according to subsection (c) of this section. In either case the excess weight shall be removed by the operator before the vehicle can be allowed to proceed. In order to constitute a "second or subsequent offense" under the provisions hereof, it shall not be necessary that the same or identical vehicle be involved, it being the declared purpose hereof to provide that such penalties shall run against the owner or operator rather than against the specified vehicle. It is further provided that, in order for such owner or operator to become liable for the penalties herein provided, it shall not be necessary to show that such owner or



operator was guilty of willfulness, gross negligence or wantonness, but the offense shall be complete upon the failure or refusal to obtain the required permit.

(b) If any person who has registered his vehicle in Mississippi shall operate such vehicle upon the public highways, having a gross weight greater than the licensed gross weight of such vehicle, and shall fail or refuse to obtain a permit therefor as required by Section 27-19-79, or if any person shall operate any such registered vehicle upon the public highways in a higher classification than that for which it is registered, and shall fail or refuse to obtain a permit therefor as required by Section 27-19-79, then such person shall be liable for the pro rata part of the annual tax for the balance of the tag year for the legal gross weight of such vehicle and in the classification in which same is being operated, plus a penalty thereon of twenty-five percent (25%), after having been given credit for the unexpired part of the privilege tax paid, as provided in Section 27-19-75. In order that such owner or operator shall become liable for the penalties herein provided, it shall not be necessary to show that such owner or operator was guilty of willfulness, gross negligence or wantonness, but the offense shall be complete upon the failure or refusal to obtain the required permit.

(c) If any person shall operate upon a highway of this state a vehicle which has a greater vehicle gross weight than the maximum gross weight limit established by law for that highway and



220 shall have failed to obtain an overload permit as required by  
221 Section 27-19-81, or if any person shall operate a vehicle with a  
222 greater load on any axle or axle grouping than allowed by law,  
223 then such person, owner or operator shall be assessed a penalty on  
224 such axle load weight or vehicle gross weight as exceeds the legal  
225 limit in accordance with the following schedule:

226	AMOUNT IN EXCESS OF	
227	LEGAL HIGHWAY WEIGHT	
228	LIMITS IN POUNDS	PENALTY
229	1 to 999	\$10.00 minimum penalty
230	1,000 to 1,999	1¢ per pound in excess of legal limit
231	2,000 to 2,999	2¢ per pound in excess of legal limit
232	3,000 to 3,999	3¢ per pound in excess of legal limit
233	4,000 to 4,999	4¢ per pound in excess of legal limit
234	5,000 to 5,999	5¢ per pound in excess of legal limit
235	6,000 to 6,999	6¢ per pound in excess of legal limit
236	7,000 to 7,999	7¢ per pound in excess of legal limit
237	8,000 to 8,999	8¢ per pound in excess of legal limit
238	9,000 to 9,999	9¢ per pound in excess of legal limit
239	10,000 to 10,999	10¢ per pound in excess of legal limit
240	11,000 or more	11¢ per pound in excess of legal limit

241 Any vehicle in violation of the tolerance allowed pursuant to  
242 Section 63-5-33(3) shall be fined pursuant to this subsection (c)  
243 for all weight in excess of the legal highway gross weight limit  
244 authorized for such vehicle or for all weight in excess of the



245 legal tandem axle load weight limit of forty thousand (40,000)  
246 pounds and the legal single axle load limit of twenty thousand  
247 (20,000) pounds, whichever the case may be.

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

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

257 Notwithstanding any other provisions of this section to the  
258 contrary, the fine assessed against the holder of a harvest permit  
259 for exceeding a gross vehicle weight of eighty-eight thousand  
260 (88,000) pounds shall be broken down as follows:

261	WEIGHT IN POUNDS	PENALTY
262	88,001 to 89,999	5¢ per pound
263	90,000 to 90,999	\$ 500.00
264	91,000 to 91,999	\$1,000.00
265	92,000 to 100,000	\$1,500.00

266 For a weight of over one hundred thousand (100,000) pounds,  
267 the penalty shall be Two Thousand Five Hundred Dollars (\$2,500.00)  
268 for a first violation within any twelve-month period, Three  
269 Thousand Five Hundred Dollars (\$3,500.00) for a second violation



270 within any twelve-month period, and the loss of the harvest permit  
271 for a period of thirty (30) days from the date of the violation  
272 for a third violation within any twelve-month period.

273         Notwithstanding any other provision of this subsection (c) to  
274 the contrary, upon an appeal to the Appeals Board of the  
275 Commercial Transportation Enforcement Division of the Department  
276 of Public Safety, by an owner or operator of a vehicle hauling  
277 without a harvest permit any of the products or materials  
278 described in subsection (3) of Section 63-5-33 and upon whom a  
279 penalty has been assessed under this subsection (c) for exceeding  
280 the legal weight limit(s) on a highway having a legal weight limit  
281 of eighty thousand (80,000) pounds or less, the appeals board  
282 shall reduce the penalty assessed against such owner/operator to  
283 an amount not to exceed ten percent (10%) of the amount which  
284 would otherwise be due without the reduction authorized under this  
285 paragraph. A reduction shall not be authorized under this  
286 paragraph if the gross weight of the vehicle for which an  
287 owner/operator has been charged with a violation of this section  
288 exceeds eighty-eight thousand (88,000) pounds; and, in any event,  
289 no reduction shall be authorized under this paragraph unless a  
290 penalty assessed under this section is appealed to the appeals  
291 board and unless the board determines, based upon its records,  
292 that such owner/operator has not been granted a penalty reduction  
293 under this paragraph within a period of twelve (12) months



immediately preceding the date of filing an appeal with the board for a penalty reduction under this paragraph.

(d) If any nonresident owner or operator who has not registered his vehicle and paid the annual privilege taxes prescribed shall operate his vehicle upon the highways of this state when such vehicle has a greater gross weight than permitted by law for the highway traveled upon, and for which such excess gross weight a permit was not or could not be procured from the transportation department as required by Section 27-19-81, such person shall be liable upon his second and all subsequent offenses for the pro rata part of the annual tax for the balance of the tag year for the legal gross weight of the vehicle, and in addition thereto the penalty fee on the excess weight as specified in subsection (c) of this section. In order that such owner or operator shall become liable for the penalties herein provided, it shall not be necessary that the same or identical vehicle be involved, it being the declared purpose hereof to provide that such penalties shall run against the owner or operator rather than against the specific vehicle.

(e) All fines and penalties imposed and collected by the Mississippi Department of Public Safety, for violations of the maximum legal vehicle weight limits authorized on the highways of this state shall be deposited into a special fund that is created in the State Treasury. Monies in the fund shall be allocated and distributed quarterly, beginning September 30, 1994, to each



319 county of the state based on the amount of such fines and  
320 penalties imposed and collected in the county during the  
321 immediately preceding three (3) months. Monies distributed to the  
322 counties under this subsection shall be deposited in each county's  
323 road and bridge fund and may be expended, upon approval of the  
324 board of supervisors, for any purpose for which county road and  
325 bridge fund monies lawfully may be expended.

326       **SECTION 2.** This act shall take effect and be in force from  
327 and after July 1, 2023.

