

By: Representative Roberson

To: Transportation

HOUSE BILL NO. 1477

1 AN ACT TO AMEND SECTION 27-19-81, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE DATE OF THE REPEALER ON THE PROVISION OF LAW THAT
3 AUTHORIZES THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO ISSUE
4 HARVEST PERMITS TO OWNERS AND OPERATORS OF VEHICLES HAULING
5 CERTAIN PRODUCTS; AND FOR RELATED PURPOSES.

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

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

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



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

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

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



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

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



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

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

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



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

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

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



120 permits may be issued and are valid to permit any such vehicle to
121 be operated on a highway in this state that has been designated by
122 the Mississippi Department of Transportation as not capable of
123 carrying more than fifty-seven thousand six hundred fifty (57,650)
124 pounds only if such vehicle operates in compliance with the
125 provisions of Section 63-5-29(3)(b). A fee of Twenty-five Dollars
126 (\$25.00) shall be charged for each permit issued. The permit
127 shall be in the form of a decal which shall be affixed to each
128 permitted vehicle on the upper left corner of the windshield on
129 the driver's side. Each permit shall expire one (1) year from its
130 date of issue. The fees collected under this subsection shall be
131 deposited into a special fund that is created in the State
132 Treasury. Monies in the fund shall be allocated and distributed
133 quarterly, beginning September 30, 1994, to each of the counties
134 of the state on an equal basis. Monies distributed to the
135 counties under this subsection shall be deposited in each county's
136 road and bridge fund and may be expended, upon approval of the
137 board of supervisors, for any purpose for which county road and
138 bridge fund monies lawfully may be expended. This subsection (4)
139 shall stand repealed from and after July 1, * * * 2026.

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



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

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

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

162 (8) The Mississippi Department of Transportation and any
163 other law enforcement agency authorized to perform escort of a
164 vehicle designated as a superload vehicle pursuant to regulations
165 of the Mississippi Department of Transportation may charge a
166 reasonable fee to perform the escort of superload vehicles. The
167 fee charged for escort will be collected by the agency performing
168 the escort.



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

