

## **Senate Amendments to House Bill No. 1477**

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE 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:**

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. \* \* \*

139 (5) Any owner or operator who has met the requirements set  
140 by the Mississippi Transportation Commission may defer payment of  
141 permits issued by the department until the end of the current  
142 month. If full payment is not received by the twentieth of the  
143 following month, there may be added as damages to the total amount  
144 of the delinquency or deficiency the following percentages: ten  
145 percent (10%) for the first offense; fifteen percent (15%) for the  
146 second offense; and twenty-five percent (25%) for the third and  
147 any subsequent offense. Upon the third offense, the department  
148 may suspend the privilege to defer payment. The balance due shall  
149 become payable upon notice and demand by the department.

150 (6) The permit fee monies collected under this section,  
151 except as provided for in subsection (4) of this section, shall be  
152 deposited into the State Highway Fund for the construction,

153 maintenance and reconstruction of highways and roads of the State  
154 of Mississippi or the payment of interest and principal on bonds  
155 authorized by the Legislature for construction and reconstruction  
156 of highways.

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

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

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

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

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

SS08\HB1477A.J

Eugene S. Clarke  
Secretary of the Senate