

By: Representative Arnold

To: Transportation

HOUSE BILL NO. 649

1 AN ACT TO AMEND SECTIONS 27-19-81 AND 63-5-33, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF HARVEST PERMITS FOR
3 VEHICLES HAULING LIMESTONE UPON THE PUBLIC ROADWAYS OF THIS STATE;
4 AND FOR RELATED PURPOSES.

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

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

8 27-19-81. (1) No vehicle shall be registered by the
9 Department of Revenue or by a tax collector, and no license tag
10 whatsoever shall be issued therefor, where the gross weight of
11 such vehicle exceeds the limits provided by law. In the event of
12 an emergency requiring the hauling of a greater gross weight than
13 permitted by law, the owner or operator of such vehicle shall
14 obtain an excess weight authorization from the Mississippi
15 Department of Transportation or local authority having
16 jurisdiction of the particular road, street or highway before
17 operating such vehicle on the highways of this state to haul such
18 a gross weight over a route to be designated by the aforesaid
19 department. It shall then be necessary for the owner or operator



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

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

37 For each one thousand (1,000) pounds, or fractional part
38 thereof, in excess of the weight authorized by Sections 63-5-29
39 and 63-5-33 for any such vehicle or in excess of the limits set by
40 the Transportation Department for specified roads and bridges, the
41 fee shall be Five Cents (5¢) per one thousand (1,000) pounds, or
42 fractional part thereof, for each mile traveled upon the highways
43 of the state, except that the fee for manufactured housing modular
44 units, residential or commercial, shall be Two Cents (2¢) per one



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

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



70 which the operator does not have the permit or a copy thereof in
71 his possession, or for which a copy of the permit was not
72 electronically transmitted to the department, shall be deemed not
73 to have a permit and shall be penalized accordingly.

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

79 (2) Before operating a vehicle where the size of the load
80 being hauled is in excess of that permitted by law, the owner or
81 operator of such vehicle shall obtain excess size authorization
82 from the Transportation Department or proper local authority and
83 an excess size permit from the Transportation Department. Such
84 excess size permit shall be issued by the Mississippi Department
85 of Transportation under the same provisions as are provided for
86 the issuance of trip permits under Section 27-19-79, and it shall
87 be obtained prior to the operation of such vehicle on the
88 highways. The fee to be charged for such excess size permit shall
89 be Ten Dollars (\$10.00) per trip. Such permits may be issued for
90 an extended period of time and must coincide with the expiration
91 date and other provisions of the carrier's permit or authorization
92 issued by the Transportation Department or local authority. The
93 fee for such extended permits shall be based upon an annual fee of
94 One Hundred Dollars (\$100.00) per carrier. No permit shall be



95 issued under this subsection if the issuance of the permit would
96 violate federal law or would cause the State of Mississippi to
97 lose federal aid funds. This subsection shall not apply to any
98 tractor, road roller or road machinery used solely and
99 specifically in road building or other highway construction or
100 maintenance work or to any machinery or equipment operated on the
101 highways or transported thereon in the course of normal farming
102 activities, including cotton module transporters.

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

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



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

138 (5) Any owner or operator who has met the requirements set
139 by the Mississippi Transportation Commission may defer payment of
140 permits issued by the department until the end of the current
141 month. If full payment is not received by the twentieth of the
142 following month, there may be added as damages to the total amount
143 of the delinquency or deficiency the following percentages: ten
144 percent (10%) for the first offense; fifteen percent (15%) for the



145 second offense; and twenty-five percent (25%) for the third and
146 any subsequent offense. Upon the third offense, the department
147 may suspend the privilege to defer payment. The balance due shall
148 become payable upon notice and demand by the department.

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

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

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

167 **SECTION 2.** Section 63-5-33, Mississippi Code of 1972, is
168 amended as follows:

169 * * *



170 63-5-33. (1) Subject to the limitations imposed on wheel
171 and axle loads by Section 63-5-27, and to the further limitations
172 hereinafter specified, the total combined weight (vehicles plus
173 load) on any group of axles of a vehicle or a combination of
174 vehicles shall not exceed the value given in the following table
175 (Table III) corresponding to the distance in feet between the
176 extreme axles of the group, measured longitudinally to the nearest
177 foot, on those highways or parts of highways designated by the
178 Mississippi Transportation Commission as being capable of carrying
179 the maximum load limits and, in addition thereto, such other
180 highways or parts of highways found by the commission to be
181 suitable to carry the maximum load limits from an engineering
182 standpoint, and so designated as such by order of the commission
183 entered upon its minutes and published once each week for three
184 (3) consecutive weeks in a daily newspaper published in this state
185 and having a general circulation therein. The maximum total
186 combined weight carried on any group of two (2) or more
187 consecutive axles shall be determined by the formula contained in
188 the Federal Weight Law enacted January 4, 1975, as follows: $W=500$
189 $(LN/N-1+12N+36)$ where W =maximum weight in pounds carried on any
190 group of two (2) or more axles computed to the nearest five
191 hundred (500) pounds, L =distance in feet between the extremes of
192 any group of two (2) or more consecutive axles, and N =number of
193 axles in any group under consideration.

194

TABLE III



195 DISTANCE
 196 IN FEET
 197 BETWEEN THE
 198 EXTREMES OF
 199 ANY GROUP
 200 OF 2 OR MORE
 201 CONSECUTIVE MAXIMUM LOAD IN POUNDS CARRIED ON ANY
 202 AXLES GROUP OF 2 OR MORE CONSECUTIVE AXLES
 203 2 axles 3 axles 4 axles 5 axles 6 axles 7 axles
 204 4 34,000
 205 5 34,000
 206 6 34,000 Axle groups in
 207 7 34,000
 208 8 and
 209 less 34,000 34,000 these spacings
 210 More
 211 than
 212 8 38,000 42,000
 213 9 39,000 42,500
 214 10 40,000 43,500 impractical
 215 11 44,000
 216 12 45,000 50,000
 217 13 45,500 50,500
 218 14 46,500 51,500
 219 15 47,000 52,000



220	16	48,000	52,500	58,000		
221	17	48,500	53,500	58,500		
222	18	49,500	54,000	59,000		
223	19	50,000	54,500	60,000		
224	20	51,000	55,500	60,500	66,000	
225	21	51,500	56,000	61,000	66,500	
226	22	52,500	56,500	61,500	67,000	
227	23	53,000	57,500	62,500	68,000	
228	24	54,000	58,000	63,000	68,500	74,000
229	25	54,500	58,500	63,500	69,000	74,500
230	26	55,500	59,500	64,000	69,500	75,000
231	27	56,000	60,000	65,000	70,000	75,500
232	28	57,000	60,500	65,500	71,000	76,500
233	29	57,500	61,500	66,000	71,500	77,000
234	30	58,500	62,000	66,500	72,000	77,500
235	31	59,000	62,500	67,500	72,500	78,000
236	32	60,000	63,500	68,000	73,000	78,500
237	33		64,000	68,500	74,000	79,000
238	34		64,500	69,000	74,500	80,000
239	35		65,500	70,000	75,000	80,000
240	36		66,000	70,500	75,500	80,000
241	37		66,500	71,000	76,000	80,000
242	38		67,500	71,500	77,000	80,000
243	39		68,000	72,500	77,500	80,000
244	40		68,500	73,000	78,000	80,000



245	41	69,500	73,500	78,500	80,000
246	42	70,000	74,000	79,000	80,000
247	43	70,500	75,000	80,000	80,000
248	44	71,500	75,500	80,000	80,000
249	45	72,000	76,000	80,000	80,000
250	46	72,500	76,500	80,000	80,000
251	47	73,500	77,500	80,000	80,000
252	48	74,000	78,000	80,000	80,000
253	49	74,500	78,500	80,000	80,000
254	50	75,500	79,000	80,000	80,000
255	51	76,000	80,000	80,000	80,000
256	52	76,500	80,000	80,000	80,000
257	53	77,500	80,000	80,000	80,000
258	54	78,000	80,000	80,000	80,000
259	55	78,500	80,000	80,000	80,000
260	56	79,500	80,000	80,000	80,000
261	57	80,000	80,000	80,000	80,000

262 (2) Moreover, in addition to the per axle weight limitations
 263 specified by Section 63-5-27, two (2) consecutive sets of tandem
 264 axles may carry a gross load of thirty-four thousand (34,000)
 265 pounds each, providing that the overall distance between the first
 266 and last axles of such consecutive sets of tandem axles is
 267 thirty-six (36) feet or more, except that, until September 1,
 268 1989, the axle distance for tank trailers, dump trailers and ocean
 269 transport container haulers may be thirty (30) feet or more. Such



270 overall gross weight may not exceed eighty thousand (80,000)
271 pounds, except as provided by this section.

272 (3) Notwithstanding the provisions of Section 63-5-27 and/or
273 Section 63-5-29 to the contrary, vehicles hauling products in the
274 manner set forth in this subsection, whether or not such vehicles
275 are operating with a harvest permit, shall be allowed a gross
276 weight of not to exceed forty thousand (40,000) pounds on any
277 tandem. Vehicles operating without a harvest permit shall be
278 allowed a tolerance not to exceed five percent (5%) above their
279 authorized gross vehicle weight, tandem or axle weight; except
280 that the maximum gross vehicle weight of any such vehicle shall
281 not exceed eighty thousand (80,000) pounds plus a tolerance
282 thereon of not more than two percent (2%). Vehicles operating
283 without a harvest permit loading at a point of origin having
284 scales available for weighing the vehicle shall not be eligible
285 for any tolerance over the gross weight limit of eighty thousand
286 (80,000) pounds. Vehicles operating with a harvest permit shall
287 be allowed a tolerance not to exceed ten percent (10%) above their
288 authorized gross vehicle weight, tandem or axle weight, but the
289 maximum gross vehicle weight of any such vehicle shall not exceed
290 eighty-eight thousand (88,000) pounds. However, neither the
291 increased weights in this subsection nor any tolerance shall be
292 allowed on federal interstate highways or on other highways where
293 a tolerance is specifically prohibited by the Transportation
294 Commission, the county board of supervisors or the municipal



295 governing authorities as provided for in Section 63-5-27. The
296 tolerance allowed by this subsection shall only apply to the
297 operation of vehicles from the point of loading to the point of
298 unloading for processing, and to the operation of vehicles hauling
299 sand, gravel, woodchips, wood shavings, sawdust, fill dirt,
300 limestone, and agricultural products, and products for recycling
301 or materials for the construction or repair of highways. The
302 range of such operation shall not exceed a radius of one hundred
303 (100) miles except where the products are being transported for
304 processing within this state.

305 (4) Notwithstanding the provisions of Section 63-5-27 and/or
306 Section 63-5-29 to the contrary, vehicles hauling prepackaged
307 products, unloaded at a state port or to be loaded at a state
308 port, which are containerized in such a manner as to make
309 subdivision thereof impractical shall be allowed a gross weight of
310 not to exceed forty thousand (40,000) pounds on any tandem, and a
311 tolerance not to exceed ten percent (10%) above their authorized
312 gross weight, tandem or axle weight; except that the maximum
313 weight of any vehicle shall not exceed eighty thousand (80,000)
314 pounds plus a tolerance thereon of not more than two percent (2%);
315 however, neither the increased weights in this subsection nor any
316 tolerance shall be allowed on federal interstate highways or on
317 other highways where a tolerance is specifically prohibited by the
318 Transportation Commission, the county board of supervisors or the



319 municipal governing authorities as provided for in Section
320 63-5-27.

321 (5) (a) Vehicles for which a harvest permit has been issued
322 pursuant to Section 27-19-81(4) shall be allowed a gross vehicle
323 weight tolerance of ten percent (10%), not to exceed eighty-eight
324 thousand (88,000) pounds. However, the board of supervisors of
325 any county and the governing authorities of any municipality may
326 designate the roads, streets and highways under their respective
327 jurisdiction on and along which vehicles for which a harvest
328 permit has been issued may travel. This subsection shall not
329 apply to the federal interstate system.

330 (b) Any owner or operator who has been issued a harvest
331 permit and who wishes to operate a vehicle on the roads, streets
332 or highways under the jurisdiction of a county or municipality at
333 a gross vehicle weight greater than the weight allowed by law or
334 greater than the maximum weight established for such roads,
335 streets or highways by the board of supervisors or municipal
336 governing authorities, shall notify, in writing, the board of
337 supervisors or the governing authorities, as the case may be,
338 before operating such vehicle on the roads, streets or highways of
339 such county or municipality. In his notice, the permit holder
340 shall identify the routes over which he intends to operate
341 vehicles for which the permit has been issued and the dates or
342 time period during which he will be operating such vehicles. The
343 board of supervisors or the governing authorities, as the case may



344 be, shall have two (2) working days to respond in writing to the
345 permit holder to notify the permit holder of the routes on and
346 along which the permit holder may operate vehicles for which a
347 harvest permit has been issued. Failure of the board of
348 supervisors or the governing authorities timely to notify the
349 permit holder and to designate the routes on and along which the
350 permit holder may operate shall be considered as authorizing the
351 permit holder to operate on any of the roads, streets or highways
352 of the county or municipality in accordance with the authority
353 granted to the permit holder by the harvest permit.

354 (c) Any time a timber deed is filed with the chancery
355 clerk, the grantee, at that time, may make a written request of
356 the board of supervisors of the county or the governing
357 authorities of the municipality, as the case may be, for the
358 purpose of providing to the grantee, within three (3) working days
359 of the filing of the request, a designated and approved route over
360 the roads, streets or highways under the jurisdiction of the
361 county or city, as the case may be, that the grantee may travel
362 for the purpose of transporting harvested timber. Upon providing
363 such route designation, the county or city, as the case may be,
364 shall also provide to the grantee a map designating the approved
365 route. An approved route designation provided to a grantee under
366 the provisions of this paragraph shall be valid for a period of
367 six (6) months from its date of issue. The permit authorized to
368 be issued under paragraph (b) of this subsection shall not be



369 required for any person who obtains a permit issued under this
370 paragraph.

371 (d) This subsection (5) shall stand repealed from and
372 after July 1, 2025.

373 (6) Nothing in this section or subsections (1) through (4)
374 of Section 63-5-27 shall be construed to deny the operation of any
375 vehicle or combination of vehicles that could be lawfully operated
376 upon the interstate highway system of this state on January 4,
377 1975.

378 (7) (a) Notwithstanding any provisions of Section 63-5-27
379 to the contrary, a vehicle that is operated by an engine fueled
380 primarily by compressed or liquefied natural gas may exceed the
381 gross vehicle weight limits by an amount, not to exceed a maximum
382 of two thousand (2,000) pounds, that is equal to the difference
383 between the weight of the vehicle attributable to the natural gas
384 tank and fueling system carried by the vehicle and the weight of a
385 comparable diesel tank and fueling system.

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

389 **SECTION 3.** This act shall take effect and be in force from
390 and after July 1, 2024.

