

By: Dearing

To: Highways and
Transportation

SENATE BILL NO. 2706

1 AN ACT TO AMEND SECTIONS 27-19-81 AND 63-5-33, MISSISSIPPI
2 CODE OF 1972, TO EXTEND THE DATE OF THE REPEALERS ON THE
3 PROVISIONS OF LAW THAT AUTHORIZE THE MISSISSIPPI DEPARTMENT OF
4 TRANSPORTATION TO ISSUE HARVEST PERMITS TO OWNERS AND OPERATORS OF
5 VEHICLES HAULING 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:[LH1]

9 27-19-81. (1) No vehicle shall be registered by the State
10 Tax Commission 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

for in this section. The fee to be charged for such permits shall be computed in the same manner provided in Section 27-19-79 for each one thousand (1,000) pounds, or fractional part thereof, of gross weight above the licensed capacity of the vehicle, up to the maximum legal weights provided by this article on the roads to be traveled.

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

For each one thousand (1,000) pounds, or fractional part thereof, in excess of the weight authorized by Sections 63-5-29 and 63-5-33 for any such vehicle or in excess of the limits set by the Transportation Department for specified roads and bridges, the fee shall be Five Cents (5¢) per one thousand (1,000) pounds, or fractional part thereof, for each mile traveled upon the highways of the state, except that the fee for manufactured housing modular units, residential or commercial, shall be Two Cents (2¢) per one thousand (1,000) pounds, or fractional part thereof, for each mile traveled upon the highways of the state. Provided, however, no permit shall be issued for a fee of less than Ten Dollars (\$10.00).

The Transportation Department may provide for an annual permit which will allow pre-approved vehicles and loads to travel predesignated routes with self-issued permits. Under such self-issuance authority, the owner of the vehicle shall complete the permit in a format designated by the department, electronically transmit a copy to the department prior to the move, and ensure that a copy is in the possession of the operator. Vehicles having a gross weight exceeding the limits provided by law that have a nondivisible gross vehicle weight of ninety-five thousand (95,000) pounds or less, which are otherwise legal, shall not be restricted as to the hours of the day such vehicles may be operated on predesignated routes. The department shall bill the vehicle owner according to the provisions of the preceding paragraph. The department is authorized to modify predesignated 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 (2) Before operating a vehicle where the size of the load
76 being hauled is in excess of that permitted by law, the owner or
77 operator of such vehicle shall obtain excess size authorization
78 from the Transportation Department or proper local authority and
79 an excess size permit from the Transportation Department. Such
80 excess size permit shall be issued by the Mississippi Department
81 of Transportation under the same provisions as are provided for
82 the issuance of trip permits under Section 27-19-79, and it shall
83 be obtained prior to the operation of such vehicle on the
84 highways. The fee to be charged for such excess size permit shall
85 be Ten Dollars (\$10.00) per trip. Such permits may be issued for
86 an extended period of time and must coincide with the expiration
87 date and other provisions of the carrier's permit or authorization
88 issued by the Transportation Department or local authority. The
89 fee for such extended permits shall be based upon an annual fee of
90 One Hundred Dollars (\$100.00) per carrier. No permit shall be
91 issued under this subsection if the issuance of the permit would
92 violate federal law or would cause the State of Mississippi to
93 lose federal aid funds. This subsection shall not apply to any
94 tractor, road roller or road machinery used solely and
95 specifically in road building or other highway construction or
96 maintenance work or to any machinery or equipment operated on the
97 highways or transported thereon in the course of normal farming

98 activities, including cotton module transporters.

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

105 (4) The owner or operator of a vehicle hauling sand, gravel,
106 fill dirt, agricultural products or unprocessed forestry products
107 may apply to the Mississippi Department of Transportation for a
108 harvest permit for the purpose of authorizing any such vehicles to
109 operate on the highways in this state (other than the federal
110 interstate system or those highways designated by the Mississippi
111 Department of Transportation as not capable of carrying more than
112 fifty-seven thousand six hundred fifty (57,650) pounds at the
113 maximum gross weight specified in Section 63-5-33). Harvest
114 permits may be issued and are valid to permit any such vehicle to
115 be operated on a highway in this state that has been 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 only if such vehicle operates in compliance with the
119 provisions of Section 63-5-29(3)(b). A fee of Twenty-five Dollars
120 (\$25.00) shall be charged for each permit issued. The permit
121 shall be in the form of a decal which shall be affixed to each
122 permitted vehicle on the upper left corner of the windshield on
123 the driver's side. Each permit shall expire one (1) year from its
124 date of issue. The fees collected under this subsection shall be
125 deposited into a special fund that is created in the State
126 Treasury. Monies in the fund shall be allocated and distributed
127 quarterly, beginning September 30, 1994, to each of the counties
128 of the state on an equal basis. Monies distributed to the
129 counties under this subsection shall be deposited in each county's
130 road and bridge fund and may be expended, upon approval of the

board of supervisors, for any purpose for which county road and bridge fund monies lawfully may be expended. This subsection (4) shall stand repealed from and after July 1, 2001.

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

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

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

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

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

164 extreme axles of the group, measured longitudinally to the nearest
165 foot, on those highways or parts of highways designated by the
166 Mississippi Transportation Commission as being capable of carrying
167 the maximum load limits and, in addition thereto, such other
168 highways or parts of highways found by the commission to be
169 suitable to carry the maximum load limits from an engineering
170 standpoint, and so designated as such by order of the commission
171 entered upon its minutes and published once each week for three
172 (3) consecutive weeks in a daily newspaper published in this state
173 and having a general circulation therein. The maximum total
174 combined weight carried on any group of two (2) or more
175 consecutive axles shall be determined by the formula contained in
176 the Federal Weight Law enacted January 4, 1975, as follows: $W=500$
177 $(LN/N-12+NP)$ where W=maximum weight in pounds carried on any group
178 of two (2) or more axles computed to nearest five hundred (500)
179 pounds, L=distance in feet between the extremes of any group of
180 two (2) or more consecutive axles, and N=number of axles in group
181 under consideration.

182	TABLE III					
183	DISTANCE					
184	IN FEET					
185	BETWEEN THE					
186	EXTREMES OF					
187	ANY GROUP					
188	OF 2 OR MORE					
189	CONSECUTIVE	MAXIMUM LOAD IN POUNDS CARRIED ON ANY				
190	AXLES	GROUP OF 2 OR MORE CONSECUTIVE AXLES				
191		2 axles	3 axles	4 axles	5 axles	6 axles 7 axles
192	4	34,000				
193	5	34,000				
194	6	34,000			Axle groups in	
195	7	34,000				
196	8	34,000	34,000	these spacings		

197	9	39,000	42,500				
198	10	40,000	43,500	impractical			
199	11		44,000				
200	12		45,000	50,000			
201	13		45,500	50,500			
202	14		46,500	51,500			
203	15		47,000	52,000			
204	16		48,000	52,500	58,000		
205	17		48,500	53,500	58,500		
206	18		49,500	54,000	59,000		
207	19		50,000	54,500	60,000		
208	20		51,000	55,500	60,500	66,000	
209	21		51,500	56,000	61,000	66,500	
210	22		52,500	56,500	61,500	67,000	
211	23		53,000	57,500	62,500	68,000	
212	24		54,000	58,000	63,000	68,500	74,000
213	25		54,500	58,500	63,500	69,000	74,500
214	26		55,500	59,500	64,000	69,500	75,000
215	27		56,000	60,000	65,000	70,000	75,500
216	28		57,000	60,500	65,500	71,000	76,500
217	29		57,500	61,500	66,000	71,500	77,000
218	30		58,500	62,000	66,500	72,000	77,500
219	31		59,000	62,500	67,500	72,500	78,000
220	32		60,000	63,500	68,000	73,000	78,500
221	33			64,000	68,500	74,000	79,000
222	34			64,500	69,000	74,500	80,000
223	35			65,500	70,000	75,000	80,000
224	36			66,000	70,500	75,500	80,000
225	37			66,500	71,000	76,000	80,000
226	38			67,500	71,500	77,000	80,000
227	39			68,000	72,500	77,500	80,000
228	40			68,500	73,000	78,000	80,000
229	41			69,500	73,500	78,500	80,000

230	42	70,000	74,000	79,000	80,000
231	43	70,500	75,000	80,000	80,000
232	44	71,500	75,500	80,000	80,000
233	45	72,000	76,000	80,000	80,000
234	46	72,500	76,500	80,000	80,000
235	47	73,500	77,500	80,000	80,000
236	48	74,000	78,000	80,000	80,000
237	49	74,500	78,500	80,000	80,000
238	50	75,500	79,000	80,000	80,000
239	51	76,000	80,000	80,000	80,000
240	52	76,500	80,000	80,000	80,000
241	53	77,500	80,000	80,000	80,000
242	54	78,000	80,000	80,000	80,000
243	55	78,500	80,000	80,000	80,000
244	56	79,500	80,000	80,000	80,000
245	57	80,000	80,000	80,000	80,000

246 (2) Moreover, in addition to the per axle weight limitations
247 specified by Section 63-5-27, two (2) consecutive sets of tandem
248 axles may carry a gross load of thirty-four thousand (34,000)
249 pounds each, providing that the overall distance between the first
250 and last axles of such consecutive sets of tandem axles is
251 thirty-six (36) feet or more, except that, until September 1,
252 1989, the axle distance for tank trailers, dump trailers and ocean
253 transport container haulers may be thirty (30) feet or more. Such
254 overall gross weight may not exceed eighty thousand (80,000)
255 pounds, except as provided by this section.

256 (3) Notwithstanding the provisions of Section 63-5-27 and/or
257 Section 63-5-29 to the contrary, vehicles hauling products in the
258 manner set forth in this subsection, whether or not such vehicles
259 are operating with a harvest permit, shall be allowed a gross
260 weight of not to exceed forty thousand (40,000) pounds on any
261 tandem. Vehicles operating without a harvest permit shall be
262 allowed a tolerance not to exceed five percent (5%) above their

263 authorized gross vehicle weight, tandem or axle weight; except
264 that the maximum gross vehicle weight of any such vehicle shall
265 not exceed eighty thousand (80,000) pounds plus a tolerance
266 thereon of not more than two percent (2%). Vehicles operating
267 with a harvest permit shall be allowed a tolerance not to exceed
268 five percent (5%) above their authorized tandem or axle weight,
269 but the maximum gross vehicle weight of any such vehicle shall not
270 exceed eighty-four thousand (84,000) pounds. However, neither the
271 increased weights in this subsection nor any tolerance shall be
272 allowed on federal interstate highways or on other highways where
273 a tolerance is specifically prohibited by the transportation
274 commission, the county board of supervisors or the municipal
275 governing authorities as provided for in Section 63-5-27. The
276 tolerance allowed by this subsection shall only apply to the
277 operation of vehicles from the point of loading to the point of
278 unloading for processing, and to the operation of vehicles hauling
279 sand, gravel, fill dirt and agricultural products, and products
280 for recycling or materials for the construction or repair of
281 highways. The range of such operation shall not exceed a radius
282 of one hundred (100) miles except where the products are being
283 transported for processing within this state. The tolerance shall
284 not be allowed for vehicles loading at a point of origin having
285 scales available for weighing each individual axle of the vehicle;
286 provided, however, that vehicles loading at a point of origin
287 having scales available for weighing the vehicle shall not be
288 eligible for any tolerance over the gross weight limit of eighty
289 thousand (80,000) pounds.

290 (4) Notwithstanding the provisions of Section 63-5-27 and/or
291 Section 63-5-29 to the contrary, vehicles hauling prepackaged
292 products, unloaded at a state port or to be loaded at a state
293 port, which are containerized in such a manner as to make
294 subdivision thereof impractical shall be allowed a gross weight of
295 not to exceed forty thousand (40,000) pounds on any tandem, and a

tolerance not to exceed five percent (5%) above their authorized gross weight, tandem or axle weight; except that the maximum weight of any vehicle shall not exceed eighty thousand (80,000) pounds plus a tolerance thereon of not more than two percent (2%); however, neither the increased weights in this subsection nor any tolerance shall be allowed on federal interstate highways or on other highways where a tolerance is specifically prohibited by the transportation commission, the county board of supervisors or the municipal governing authorities as provided for in Section 63-5-27.

(5) (a) Vehicles for which a harvest permit has been issued pursuant to Section 27-19-81(4) shall be allowed a gross vehicle weight not to exceed eighty-four thousand (84,000) pounds. However, the board of supervisors of any county and the governing authorities of any municipality may designate the roads, streets and highways under their respective jurisdiction on and along which vehicles for which a harvest permit has been issued may travel. This subsection shall not apply to the federal interstate system.

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

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

(c) Anytime a timber deed is filed with the chancery clerk, the grantee, at that time, may make a written request of the board of supervisors of the county or the governing authorities of the municipality, as the case may be, for the purpose of providing to the grantee, within three (3) working days of the filing of the request, a designated and approved route over the roads, streets or highways under the jurisdiction of the county or city, as the case may be, that the grantee may travel for the purpose of transporting harvested timber. Upon providing such route designation, the county or city, as the case may be, shall also provide to the grantee a map designating the approved route. An approved route designation provided to a grantee under the provisions of this paragraph shall be valid for a period of six (6) months from its date of issue. The permit authorized to be issued under paragraph (b) of this section shall not be required for any person who obtains a permit issued under this paragraph.

(d) This subsection (5) shall stand repealed from and after July 1, 2001.

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

362 1975.

363 SECTION 3. This act shall take effect and be in force from
364 and after July 1, 2000.