

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2706

By Representative(s) Committee

9 Amend by striking all after the enacting clause and inserting
10 in lieu thereof the following:

11

12 SECTION 1. Section 27-19-81, Mississippi Code of 1972, is
13 amended as follows:

14 27-19-81. (1) No vehicle shall be registered by the State
15 Tax Commission or by a tax collector, and no license tag
16 whatsoever shall be issued therefor, where the gross weight of
17 such vehicle exceeds the limits provided by law. In the event of
18 an emergency requiring the hauling of a greater gross weight than
19 permitted by law, the owner or operator of such vehicle shall
20 obtain an excess weight authorization from the Mississippi
21 Department of Transportation or local authority having
22 jurisdiction of the particular road, street or highway before
23 operating such vehicle on the highways of this state to haul such
24 a gross weight over a route to be designated by the aforesaid
25 department. It shall then be necessary for the owner or operator
26 of the vehicle to obtain a permit from the Transportation
27 Department, which shall be issued by the department under the same
28 provisions as are provided for the issuance of trip permits under
29 Section 27-19-79, but which permit shall likewise be obtained
30 prior to the operation of such vehicle on the highways. No
31 persons or agencies other than the Mississippi Department of

32Transportation shall have authority to issue the permits provided
33for in this section. The fee to be charged for such permits shall
34be computed in the same manner provided in Section 27-19-79 for
35each one thousand (1,000) pounds, or fractional part thereof, of
36gross weight above the licensed capacity of the vehicle, up to the
37maximum legal weights provided by this article on the roads to be
38traveled.

39 This subsection shall apply, but not be limited, to any
40tractor, road roller or road machinery used solely and
41specifically in road building or other highway construction or
42maintenance work.

43 For each one thousand (1,000) pounds, or fractional part
44thereof, in excess of the weight authorized by Sections 63-5-29
45and 63-5-33 for any such vehicle or in excess of the limits set by
46the Transportation Department for specified roads and bridges, the
47fee shall be Five Cents (5¢) per one thousand (1,000) pounds, or
48fractional part thereof, for each mile traveled upon the highways
49of the state, except that the fee for manufactured housing modular
50units, residential or commercial, shall be Two Cents (2¢) per one
51thousand (1,000) pounds, or fractional part thereof, for each mile
52traveled upon the highways of the state. Provided, however, no
53permit shall be issued for a fee of less than Ten Dollars
54(\$10.00).

55 The Transportation Department may provide for an annual
56permit which will allow pre-approved vehicles and loads to travel
57predesignated routes with self-issued permits. Under such
58self-issuance authority, the owner of the vehicle shall complete
59the permit in a format designated by the department,
60electronically transmit a copy to the department prior to the
61move, and ensure that a copy is in the possession of the operator.
62Vehicles having a gross weight exceeding the limits provided by
63law that have a nondivisible gross vehicle weight of ninety-five
64thousand (95,000) pounds or less, which are otherwise legal, shall
65not be restricted as to the hours of the day such vehicles may be
66operated on predesignated routes. The department shall bill the

67vehicle owner according to the provisions of the preceding
68paragraph. The department is authorized to modify predesignated
69routes at any time for cause, such as highway construction or
70hazardous highway conditions. The annual fee for the
71self-issuance permit authority obtained pursuant to this paragraph
72shall be Five Hundred Dollars (\$500.00) per owner, regardless of
73the number of vehicles which he will operate pursuant to such
74permit, in addition to any other fees required by this section.
75Any vehicle and load being operated pursuant to this paragraph for
76which the operator does not have the permit or a copy thereof in
77his possession, or for which a copy of the permit was not
78electronically transmitted to the department, shall be deemed not
79to have a permit and shall be penalized accordingly.

80 (2) Before operating a vehicle where the size of the load
81being hauled is in excess of that permitted by law, the owner or
82operator of such vehicle shall obtain excess size authorization
83from the Transportation Department or proper local authority and
84an excess size permit from the Transportation Department. Such
85excess size permit shall be issued by the Mississippi Department
86of Transportation under the same provisions as are provided for
87the issuance of trip permits under Section 27-19-79, and it shall
88be obtained prior to the operation of such vehicle on the
89highways. The fee to be charged for such excess size permit shall
90be Ten Dollars (\$10.00) per trip. Such permits may be issued for
91an extended period of time and must coincide with the expiration
92date and other provisions of the carrier's permit or authorization
93issued by the Transportation Department or local authority. The
94fee for such extended permits shall be based upon an annual fee of
95One Hundred Dollars (\$100.00) per carrier. No permit shall be
96issued under this subsection if the issuance of the permit would
97violate federal law or would cause the State of Mississippi to
98lose federal aid funds. This subsection shall not apply to any
99tractor, road roller or road machinery used solely and
100specifically in road building or other highway construction or
101maintenance work or to any machinery or equipment operated on the

102highways or transported thereon in the course of normal farming
103activities, including cotton module transporters.

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

110 (4) The owner or operator of a vehicle hauling sand, gravel,
111fill dirt, agricultural products or unprocessed forestry products
112may apply to the Mississippi Department of Transportation for a
113harvest permit for the purpose of authorizing any such vehicles to
114operate on the highways in this state (other than the federal
115interstate system or those highways designated by the Mississippi
116Department of Transportation as not capable of carrying more than
117fifty-seven thousand six hundred fifty (57,650) pounds at the
118maximum gross weight specified in Section 63-5-33). Harvest
119permits may be issued and are valid to permit any such vehicle to
120be operated on a highway in this state that has been designated by
121the Mississippi Department of Transportation as not capable of
122carrying more than fifty-seven thousand six hundred fifty (57,650)
123pounds only if such vehicle operates in compliance with the
124provisions of Section 63-5-29(3)(b). A fee of Twenty-five Dollars
125(\$25.00) shall be charged for each permit issued. The permit
126shall be in the form of a decal which shall be affixed to each
127permitted vehicle on the upper left corner of the windshield on
128the driver's side. Each permit shall expire one (1) year from its
129date of issue. The fees collected under this subsection shall be
130deposited into a special fund that is created in the State
131Treasury. Monies in the fund shall be allocated and distributed
132quarterly, beginning September 30, 1994, to each of the counties
133of the state on an equal basis. Monies distributed to the
134counties under this subsection shall be deposited in each county's
135road and bridge fund and may be expended, upon approval of the
136board of supervisors, for any purpose for which county road and

137bridge fund monies lawfully may be expended. This subsection (4)
138shall stand repealed from and after July 1, 2001.

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

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

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

161 SECTION 2. Section 63-5-33, Mississippi Code of 1972, is
162amended as follows:

163 63-5-33. (1) Subject to the limitations imposed on wheel
164and axle loads by Section 63-5-27, and to the further limitations
165hereinafter specified, the total combined weight (vehicles plus
166load) on any group of axles of a vehicle or a combination of
167vehicles shall not exceed the value given in the following table
168(Table III) corresponding to the distance in feet between the
169extreme axles of the group, measured longitudinally to the nearest
170foot, on those highways or parts of highways designated by the
171Mississippi Transportation Commission as being capable of carrying

172the maximum load limits and, in addition thereto, such other
 173highways or parts of highways found by the commission to be
 174suitable to carry the maximum load limits from an engineering
 175standpoint, and so designated as such by order of the commission
 176entered upon its minutes and published once each week for three
 177(3) consecutive weeks in a daily newspaper published in this state
 178and having a general circulation therein. The maximum total
 179combined weight carried on any group of two (2) or more
 180consecutive axles shall be determined by the formula contained in
 181the Federal Weight Law enacted January 4, 1975, as follows: $W=500$
 182 $(\frac{LN}{N-1}+12N+36)$ where W=maximum weight in pounds carried on any
 183group of two (2) or more axles computed to nearest five hundred
 184(500) pounds, L=distance in feet between the extremes of any group
 185of two (2) or more consecutive axles, and N=number of axles in
 186group under consideration.

187	TABLE III					
188	DISTANCE					
189	IN FEET					
190	BETWEEN THE					
191	EXTREMES OF					
192	ANY GROUP					
193	OF 2 OR MORE					
194	CONSECUTIVE	MAXIMUM LOAD IN POUNDS CARRIED ON ANY				
195	AXLES	GROUP OF 2 OR MORE CONSECUTIVE AXLES				
196		2 axles	3 axles	4 axles	5 axles	6 axles 7 axles
197	4	34,000				
198	5	34,000				
199	6	34,000		Axle groups in		
200	7	34,000				
201	8 <u>and</u>					
202	<u>less</u>	34,000	34,000	these spacings		
203	<u>More</u>					
204	<u>than</u>					
205	<u>8</u>	<u>38,000</u>	<u>42,000</u>			
206	9	39,000	42,500			

207	10	40,000	43,500	impractical			
208	11		44,000				
209	12		45,000	50,000			
210	13		45,500	50,500			
211	14		46,500	51,500			
212	15		47,000	52,000			
213	16		48,000	52,500	58,000		
214	17		48,500	53,500	58,500		
215	18		49,500	54,000	59,000		
216	19		50,000	54,500	60,000		
217	20		51,000	55,500	60,500	66,000	
218	21		51,500	56,000	61,000	66,500	
219	22		52,500	56,500	61,500	67,000	
220	23		53,000	57,500	62,500	68,000	
221	24		54,000	58,000	63,000	68,500	74,000
222	25		54,500	58,500	63,500	69,000	74,500
223	26		55,500	59,500	64,000	69,500	75,000
224	27		56,000	60,000	65,000	70,000	75,500
225	28		57,000	60,500	65,500	71,000	76,500
226	29		57,500	61,500	66,000	71,500	77,000
227	30		58,500	62,000	66,500	72,000	77,500
228	31		59,000	62,500	67,500	72,500	78,000
229	32		60,000	63,500	68,000	73,000	78,500
230	33			64,000	68,500	74,000	79,000
231	34			64,500	69,000	74,500	80,000
232	35			65,500	70,000	75,000	80,000
233	36			66,000	70,500	75,500	80,000
234	37			66,500	71,000	76,000	80,000
235	38			67,500	71,500	77,000	80,000
236	39			68,000	72,500	77,500	80,000
237	40			68,500	73,000	78,000	80,000
238	41			69,500	73,500	78,500	80,000
239	42			70,000	74,000	79,000	80,000
240	43			70,500	75,000	80,000	80,000
241	44			71,500	75,500	80,000	80,000

242	45	72,000	76,000	80,000	80,000
243	46	72,500	76,500	80,000	80,000
244	47	73,500	77,500	80,000	80,000
245	48	74,000	78,000	80,000	80,000
246	49	74,500	78,500	80,000	80,000
247	50	75,500	79,000	80,000	80,000
248	51	76,000	80,000	80,000	80,000
249	52	76,500	80,000	80,000	80,000
250	53	77,500	80,000	80,000	80,000
251	54	78,000	80,000	80,000	80,000
252	55	78,500	80,000	80,000	80,000
253	56	79,500	80,000	80,000	80,000
254	57	80,000	80,000	80,000	80,000

255 (2) Moreover, in addition to the per axle weight limitations
 256 specified by Section 63-5-27, two (2) consecutive sets of tandem
 257 axles may carry a gross load of thirty-four thousand (34,000)
 258 pounds each, providing that the overall distance between the first
 259 and last axles of such consecutive sets of tandem axles is
 260 thirty-six (36) feet or more, except that, until September 1,
 261 1989, the axle distance for tank trailers, dump trailers and ocean
 262 transport container haulers may be thirty (30) feet or more. Such
 263 overall gross weight may not exceed eighty thousand (80,000)
 264 pounds, except as provided by this section.

265 (3) Notwithstanding the provisions of Section 63-5-27 and/or
 266 Section 63-5-29 to the contrary, vehicles hauling products in the
 267 manner set forth in this subsection, whether or not such vehicles
 268 are operating with a harvest permit, shall be allowed a gross
 269 weight of not to exceed forty thousand (40,000) pounds on any
 270 tandem. Vehicles operating without a harvest permit shall be
 271 allowed a tolerance not to exceed five percent (5%) above their
 272 authorized gross vehicle weight, tandem or axle weight; except
 273 that the maximum gross vehicle weight of any such vehicle shall
 274 not exceed eighty thousand (80,000) pounds plus a tolerance
 275 thereon of not more than two percent (2%). Vehicles operating
 276 with a harvest permit shall be allowed a tolerance not to exceed

277five percent (5%) above their authorized tandem or axle weight,
278but the maximum gross vehicle weight of any such vehicle shall not
279exceed eighty-four thousand (84,000) pounds. However, neither the
280increased weights in this subsection nor any tolerance shall be
281allowed on federal interstate highways or on other highways where
282a tolerance is specifically prohibited by the transportation
283commission, the county board of supervisors or the municipal
284governing authorities as provided for in Section 63-5-27. The
285tolerance allowed by this subsection shall only apply to the
286operation of vehicles from the point of loading to the point of
287unloading for processing, and to the operation of vehicles hauling
288sand, gravel, fill dirt and agricultural products, and products
289for recycling or materials for the construction or repair of
290highways. The range of such operation shall not exceed a radius
291of one hundred (100) miles except where the products are being
292transported for processing within this state. The tolerance shall
293not be allowed for vehicles loading at a point of origin having
294scales available for weighing each individual axle of the vehicle;
295provided, however, that vehicles loading at a point of origin
296having scales available for weighing the vehicle shall not be
297eligible for any tolerance over the gross weight limit of eighty
298thousand (80,000) pounds.

299 (4) Notwithstanding the provisions of Section 63-5-27 and/or
300Section 63-5-29 to the contrary, vehicles hauling prepackaged
301products, unloaded at a state port or to be loaded at a state
302port, which are containerized in such a manner as to make
303subdivision thereof impractical shall be allowed a gross weight of
304not to exceed forty thousand (40,000) pounds on any tandem, and a
305tolerance not to exceed five percent (5%) above their authorized
306gross weight, tandem or axle weight; except that the maximum
307weight of any vehicle shall not exceed eighty thousand (80,000)
308pounds plus a tolerance thereon of not more than two percent (2%);
309however, neither the increased weights in this subsection nor any
310tolerance shall be allowed on federal interstate highways or on
311other highways where a tolerance is specifically prohibited by the

312transportation commission, the county board of supervisors or the
313municipal governing authorities as provided for in Section
31463-5-27.

315 (5) (a) Vehicles for which a harvest permit has been issued
316pursuant to Section 27-19-81(4) shall be allowed a gross vehicle
317weight not to exceed eighty-four thousand (84,000) pounds.
318However, the board of supervisors of any county and the governing
319authorities of any municipality may designate the roads, streets
320and highways under their respective jurisdiction on and along
321which vehicles for which a harvest permit has been issued may
322travel. This subsection shall not apply to the federal interstate
323system.

324 (b) Any owner or operator who has been issued a harvest
325permit and who wishes to operate a vehicle on the roads, streets
326or highways under the jurisdiction of a county or municipality at
327a gross vehicle weight greater than the weight allowed by law or
328greater than the maximum weight established for such roads,
329streets or highways by the board of supervisors or municipal
330governing authorities, shall notify, in writing, the board of
331supervisors or the governing authorities, as the case may be,
332before operating such vehicle on the roads, streets or highways of
333such county or municipality. In his notice, the permit holder
334shall identify the routes over which he intends to operate
335vehicles for which the permit has been issued and the dates or
336time period during which he will be operating such vehicles. The
337board of supervisors or the governing authorities, as the case may
338be, shall have two (2) working days to respond in writing to the
339permit holder to notify the permit holder of the routes on and
340along which the permit holder may operate vehicles for which a
341harvest permit has been issued. Failure of the board of
342supervisors or the governing authorities timely to notify the
343permit holder and to designate the routes on and along which the
344permit holder may operate shall be considered as authorizing the
345permit holder to operate on any of the roads, streets or highways
346of the county or municipality in accordance with the authority

347granted to the permit holder by the harvest permit.

348 (c) Anytime a timber deed is filed with the chancery
349clerk, the grantee, at that time, may make a written request of
350the board of supervisors of the county or the governing
351authorities of the municipality, as the case may be, for the
352purpose of providing to the grantee, within three (3) working days
353of the filing of the request, a designated and approved route over
354the roads, streets or highways under the jurisdiction of the
355county or city, as the case may be, that the grantee may travel
356for the purpose of transporting harvested timber. Upon providing
357such route designation, the county or city, as the case may be,
358shall also provide to the grantee a map designating the approved
359route. An approved route designation provided to a grantee under
360the provisions of this paragraph shall be valid for a period of
361six (6) months from its date of issue. The permit authorized to
362be issued under paragraph (b) of this section shall not be
363required for any person who obtains a permit issued under this
364paragraph.

365 (d) This subsection (5) shall stand repealed from and
366after July 1, 2001.

367 (6) Nothing in this section or subsections (1) through (4)
368of Section 63-5-27 shall be construed to deny the operation of any
369vehicle or combination of vehicles that could be lawfully operated
370upon the interstate highway system of this state on January 4,
3711975.

372 SECTION 3. This act shall take effect and be in force from
373and after July 1, 2000.

**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 AND 63-5-33, MISSISSIPPI
2CODE OF 1972, TO EXTEND THE DATE OF THE REPEALERS ON THE
3PROVISIONS OF LAW THAT AUTHORIZE THE MISSISSIPPI DEPARTMENT OF
4TRANSPORTATION TO ISSUE HARVEST PERMITS TO OWNERS AND OPERATORS OF
5VEHICLES HAULING CERTAIN PRODUCTS; TO REVISE THE BRIDGE FORMULA
6AND THE MAXIMUM AXLE LOAD SPECIFICATIONS TO CONFORM WITH FEDERAL
7LAW; AND FOR RELATED PURPOSES.