

By: Senator(s) Harvey, Thames, Jackson,
Johnson (19th), Browning, Dearing, King,
Stogner, Chaney, Dickerson, Smith

To: Highways and
Transportation

SENATE BILL NO. 2676
(As Sent to Governor)

1 AN ACT TO AUTHORIZE THE MISSISSIPPI DEPARTMENT OF
2 TRANSPORTATION TO ISSUE ANNUAL SPECIAL PERMITS FOR VEHICLES
3 TRANSPORTING HEAVY EQUIPMENT WITH A NONDIVISIBLE LOAD HAVING A
4 GROSS VEHICLE WEIGHT OF 140,000 POUNDS OR LESS; TO PROVIDE THAT
5 THE PERMIT SHALL BE ISSUED FOR THE PULLING UNIT AND SHALL BE
6 NONTRANSFERABLE; TO PROVIDE THE FEE FOR SUCH PERMIT; TO AMEND
7 SECTIONS 27-19-81 AND 27-19-89, MISSISSIPPI CODE OF 1972, IN
8 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** (1) In addition to other permits authorized to
11 be issued for overweight loads, the Department of Transportation
12 is authorized to issue annual special permits for vehicles
13 transporting heavy equipment with a nondivisible load having a
14 gross vehicle weight of one hundred forty thousand (140,000)
15 pounds or less. The permit shall be issued for the pulling unit
16 and shall be nontransferable. The fee for such permit shall be
17 Four Thousand Five Hundred Dollars (\$4,500.00) and the permit
18 shall expire one (1) year from the beginning movement date.
19 Movements under such permit shall be made under such safety and
20 equipment restrictions as the department may establish. The
21 department shall specify the routes over which such movements may
22 be conducted.

23 (2) This section shall stand repealed from and after July 1,
24 2006.

25 **SECTION 2.** Section 27-19-81, Mississippi Code of 1972, is
26 amended as follows:

27 **[Through June 30, 2006, this section shall read as follows:]**

28 27-19-81. (1) No vehicle shall be registered by the State
29 Tax Commission or by a tax collector, and no license tag
30 whatsoever shall be issued therefor, where the gross weight of



31 such vehicle exceeds the limits provided by law. In the event of
32 an emergency requiring the hauling of a greater gross weight than
33 permitted by law, the owner or operator of such vehicle shall
34 obtain an excess weight authorization from the Mississippi
35 Department of Transportation or local authority having
36 jurisdiction of the particular road, street or highway before
37 operating such vehicle on the highways of this state to haul such
38 a gross weight over a route to be designated by the aforesaid
39 department. It shall then be necessary for the owner or operator
40 of the vehicle to obtain a permit from the Transportation
41 Department, which shall be issued by the department under the same
42 provisions as are provided for the issuance of trip permits under
43 Section 27-19-79, but which permit shall likewise be obtained
44 prior to the operation of such vehicle on the highways. No
45 persons or agencies other than the Mississippi Department of
46 Transportation shall have authority to issue the permits provided
47 for in this section. The fee to be charged for such permits shall
48 be computed in the same manner provided in Section 27-19-79 for
49 each one thousand (1,000) pounds, or fractional part thereof, of
50 gross weight above the licensed capacity of the vehicle, up to the
51 maximum legal weights provided by this article on the roads to be
52 traveled.

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

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



64 units, residential or commercial, shall be Two Cents (2¢) per one
65 thousand (1,000) pounds, or fractional part thereof, for each mile
66 traveled upon the highways of the state. Provided, however, no
67 permit shall be issued for a fee of less than Ten Dollars
68 (\$10.00).

69 The Transportation Department may provide for an annual
70 permit which will allow pre-approved vehicles and loads to travel
71 predesignated routes with self-issued permits. Under such
72 self-issuance authority, the owner of the vehicle shall complete
73 the permit in a format designated by the department,
74 electronically transmit a copy to the department prior to the
75 move, and ensure that a copy is in the possession of the operator.
76 Vehicles having a gross weight exceeding the limits provided by
77 law that have a nondivisible gross vehicle weight of ninety-five
78 thousand (95,000) pounds or less, which are otherwise legal, shall
79 not be restricted as to the hours of the day such vehicles may be
80 operated on predesignated routes. The department shall bill the
81 vehicle owner according to the provisions of the preceding
82 paragraph. The department is authorized to modify predesignated
83 routes at any time for cause, such as highway construction or
84 hazardous highway conditions. The annual fee for the
85 self-issuance permit authority obtained pursuant to this paragraph
86 shall be Five Hundred Dollars (\$500.00) per owner, regardless of
87 the number of vehicles which he will operate pursuant to such
88 permit, in addition to any other fees required by this section.
89 Any vehicle and load being operated pursuant to this paragraph for
90 which the operator does not have the permit or a copy thereof in
91 his possession, or for which a copy of the permit was not
92 electronically transmitted to the department, shall be deemed not
93 to have a permit and shall be penalized accordingly.

94 It shall not be necessary for the owner or operator of a
95 vehicle to obtain a permit pursuant to this subsection if such
96 owner or operator has obtained for his vehicle an annual special



97 permit for vehicles transporting heavy equipment pursuant to
98 Section 1 of Senate Bill No. 2676, 2003 Regular Session.

99 (2) Before operating a vehicle where the size of the load
100 being hauled is in excess of that permitted by law, the owner or
101 operator of such vehicle shall obtain excess size authorization
102 from the Transportation Department or proper local authority and
103 an excess size permit from the Transportation Department. Such
104 excess size permit shall be issued by the Mississippi Department
105 of Transportation under the same provisions as are provided for
106 the issuance of trip permits under Section 27-19-79, and it shall
107 be obtained prior to the operation of such vehicle on the
108 highways. The fee to be charged for such excess size permit shall
109 be Ten Dollars (\$10.00) per trip. Such permits may be issued for
110 an extended period of time and must coincide with the expiration
111 date and other provisions of the carrier's permit or authorization
112 issued by the Transportation Department or local authority. The
113 fee for such extended permits shall be based upon an annual fee of
114 One Hundred Dollars (\$100.00) per carrier. No permit shall be
115 issued under this subsection if the issuance of the permit would
116 violate federal law or would cause the State of Mississippi to
117 lose federal aid funds. This subsection shall not apply to any
118 tractor, road roller or road machinery used solely and
119 specifically in road building or other highway construction or
120 maintenance work or to any machinery or equipment operated on the
121 highways or transported thereon in the course of normal farming
122 activities, including cotton module transporters.

123 (3) The Executive Director of the Mississippi Department of
124 Transportation may authorize certain carriers of property to issue
125 overweight and/or oversize permits for vehicles owned or operated
126 by such carriers, provided such carriers have blanket
127 authorization from the Transportation Commission and also meet
128 other requirements established by the Transportation Commission.



129 (4) The owner or operator of a vehicle hauling sand, gravel,
130 wood chips, wood shavings, sawdust, fill dirt, agricultural
131 products or unprocessed forestry products may apply to the
132 Mississippi Department of Transportation for a harvest permit for
133 the purpose of authorizing any such vehicles to operate on the
134 highways in this state (other than the federal interstate system
135 or those highways designated by the Mississippi Department of
136 Transportation as not capable of carrying more than fifty-seven
137 thousand six hundred fifty (57,650) pounds at the maximum gross
138 weight specified in Section 63-5-33). Harvest permits may be
139 issued and are valid to permit any such vehicle to be operated on
140 a highway in this state that has been designated by the
141 Mississippi Department of Transportation as not capable of
142 carrying more than fifty-seven thousand six hundred fifty (57,650)
143 pounds only if such vehicle operates in compliance with the
144 provisions of Section 63-5-29(3)(b). A fee of Twenty-five Dollars
145 (\$25.00) shall be charged for each permit issued. The permit
146 shall be in the form of a decal which shall be affixed to each
147 permitted vehicle on the upper left corner of the windshield on
148 the driver's side. Each permit shall expire one (1) year from its
149 date of issue. The fees collected under this subsection shall be
150 deposited into a special fund that is created in the State
151 Treasury. Monies in the fund shall be allocated and distributed
152 quarterly, beginning September 30, 1994, to each of the counties
153 of the state on an equal basis. Monies distributed to the
154 counties under this subsection shall be deposited in each county's
155 road and bridge fund and may be expended, upon approval of the
156 board of supervisors, for any purpose for which county road and
157 bridge fund monies lawfully may be expended. This subsection (4)
158 shall stand repealed from and after July 1, 2005.

159 (5) Any owner or operator who has met the requirements set
160 by the Mississippi Transportation Commission may defer payment of
161 permits issued by the department until the end of the current



162 month. If full payment is not received by the twentieth of the
163 following month, there may be added as damages to the total amount
164 of the delinquency or deficiency the following percentages: ten
165 percent (10%) for the first offense; fifteen percent (15%) for the
166 second offense and twenty-five percent (25%) for the third and any
167 subsequent offense. Upon the third offense, the department may
168 suspend the privilege to defer payment. The balance due shall
169 become payable upon notice and demand by the department.

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

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

181 **[From and after July 1, 2006, this section shall read as**
182 **follows:]**

183 27-19-81. (1) No vehicle shall be registered by the State
184 Tax Commission or by a tax collector, and no license tag
185 whatsoever shall be issued therefor, where the gross weight of
186 such vehicle exceeds the limits provided by law. In the event of
187 an emergency requiring the hauling of a greater gross weight than
188 permitted by law, the owner or operator of such vehicle shall
189 obtain an excess weight authorization from the Mississippi
190 Department of Transportation or local authority having
191 jurisdiction of the particular road, street or highway before
192 operating such vehicle on the highways of this state to haul such
193 a gross weight over a route to be designated by the aforesaid
194 department. It shall then be necessary for the owner or operator



195 of the vehicle to obtain a permit from the Transportation
196 Department, which shall be issued by the department under the same
197 provisions as are provided for the issuance of trip permits under
198 Section 27-19-79, but which permit shall likewise be obtained
199 prior to the operation of such vehicle on the highways. No
200 persons or agencies other than the Mississippi Department of
201 Transportation shall have authority to issue the permits provided
202 for in this section. The fee to be charged for such permits shall
203 be computed in the same manner provided in Section 27-19-79 for
204 each one thousand (1,000) pounds, or fractional part thereof, of
205 gross weight above the licensed capacity of the vehicle, up to the
206 maximum legal weights provided by this article on the roads to be
207 traveled.

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

212 For each one thousand (1,000) pounds, or fractional part
213 thereof, in excess of the weight authorized by Sections 63-5-29
214 and 63-5-33 for any such vehicle or in excess of the limits set by
215 the Transportation Department for specified roads and bridges, the
216 fee shall be Five Cents (5¢) per one thousand (1,000) pounds, or
217 fractional part thereof, for each mile traveled upon the highways
218 of the state, except that the fee for manufactured housing modular
219 units, residential or commercial, shall be Two Cents (2¢) per one
220 thousand (1,000) pounds, or fractional part thereof, for each mile
221 traveled upon the highways of the state. Provided, however, no
222 permit shall be issued for a fee of less than Ten Dollars
223 (\$10.00).

224 The Transportation Department may provide for an annual
225 permit which will allow pre-approved vehicles and loads to travel
226 predesignated routes with self-issued permits. Under such
227 self-issuance authority, the owner of the vehicle shall complete



228 the permit in a format designated by the department,
229 electronically transmit a copy to the department prior to the
230 move, and ensure that a copy is in the possession of the operator.
231 Vehicles having a gross weight exceeding the limits provided by
232 law that have a nondivisible gross vehicle weight of ninety-five
233 thousand (95,000) pounds or less, which are otherwise legal, shall
234 not be restricted as to the hours of the day such vehicles may be
235 operated on predesignated routes. The department shall bill the
236 vehicle owner according to the provisions of the preceding
237 paragraph. The department is authorized to modify predesignated
238 routes at any time for cause, such as highway construction or
239 hazardous highway conditions. The annual fee for the
240 self-issuance permit authority obtained pursuant to this paragraph
241 shall be Five Hundred Dollars (\$500.00) per owner, regardless of
242 the number of vehicles which he will operate pursuant to such
243 permit, in addition to any other fees required by this section.
244 Any vehicle and load being operated pursuant to this paragraph for
245 which the operator does not have the permit or a copy thereof in
246 his possession, or for which a copy of the permit was not
247 electronically transmitted to the department, shall be deemed not
248 to have a permit and shall be penalized accordingly.

249 (2) Before operating a vehicle where the size of the load
250 being hauled is in excess of that permitted by law, the owner or
251 operator of such vehicle shall obtain excess size authorization
252 from the Transportation Department or proper local authority and
253 an excess size permit from the Transportation Department. Such
254 excess size permit shall be issued by the Mississippi Department
255 of Transportation under the same provisions as are provided for
256 the issuance of trip permits under Section 27-19-79, and it shall
257 be obtained prior to the operation of such vehicle on the
258 highways. The fee to be charged for such excess size permit shall
259 be Ten Dollars (\$10.00) per trip. Such permits may be issued for
260 an extended period of time and must coincide with the expiration



261 date and other provisions of the carrier's permit or authorization
262 issued by the Transportation Department or local authority. The
263 fee for such extended permits shall be based upon an annual fee of
264 One Hundred Dollars (\$100.00) per carrier. No permit shall be
265 issued under this subsection if the issuance of the permit would
266 violate federal law or would cause the State of Mississippi to
267 lose federal aid funds. This subsection shall not apply to any
268 tractor, road roller or road machinery used solely and
269 specifically in road building or other highway construction or
270 maintenance work or to any machinery or equipment operated on the
271 highways or transported thereon in the course of normal farming
272 activities, including cotton module transporters.

273 (3) The Executive Director of the Mississippi Department of
274 Transportation may authorize certain carriers of property to issue
275 overweight and/or oversize permits for vehicles owned or operated
276 by such carriers, provided such carriers have blanket
277 authorization from the Transportation Commission and also meet
278 other requirements established by the Transportation Commission.

279 (4) The owner or operator of a vehicle hauling sand, gravel,
280 wood chips, wood shavings, sawdust, fill dirt, agricultural
281 products or unprocessed forestry products may apply to the
282 Mississippi Department of Transportation for a harvest permit for
283 the purpose of authorizing any such vehicles to operate on the
284 highways in this state (other than the federal interstate system
285 or those highways designated by the Mississippi Department of
286 Transportation as not capable of carrying more than fifty-seven
287 thousand six hundred fifty (57,650) pounds at the maximum gross
288 weight specified in Section 63-5-33). Harvest permits may be
289 issued and are valid to permit any such vehicle to be operated on
290 a highway in this state that has been designated by the
291 Mississippi Department of Transportation as not capable of
292 carrying more than fifty-seven thousand six hundred fifty (57,650)
293 pounds only if such vehicle operates in compliance with the



294 provisions of Section 63-5-29(3)(b). A fee of Twenty-five Dollars
295 (\$25.00) shall be charged for each permit issued. The permit
296 shall be in the form of a decal which shall be affixed to each
297 permitted vehicle on the upper left corner of the windshield on
298 the driver's side. Each permit shall expire one (1) year from its
299 date of issue. The fees collected under this subsection shall be
300 deposited into a special fund that is created in the State
301 Treasury. Monies in the fund shall be allocated and distributed
302 quarterly, beginning September 30, 1994, to each of the counties
303 of the state on an equal basis. Monies distributed to the
304 counties under this subsection shall be deposited in each county's
305 road and bridge fund and may be expended, upon approval of the
306 board of supervisors, for any purpose for which county road and
307 bridge fund monies lawfully may be expended. This subsection (4)
308 shall stand repealed from and after July 1, 2005.

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

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



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

331 **SECTION 3.** Section 27-19-89, Mississippi Code of 1972, is
332 amended as follows:

333 **[Through June 30, 2006, this section shall read as follows:]**

334 27-19-89. (a) If any nonresident owner or operator or other
335 nonresident person eligible for a temporary permit as provided in
336 Section 27-19-79, who has not elected to register and pay the
337 annual privilege taxes prescribed, shall enter or go upon the
338 public highways of the state and shall fail or refuse to obtain
339 the permit required by Section 27-19-79, such person shall be
340 liable, for the first such offense, for the full amount of the
341 permit fee required, plus a penalty thereon of five hundred
342 percent (500%). For the second and all subsequent offenses, such
343 person who fails or refuses to obtain such permits shall be liable
344 for the pro rata part of the annual tax for the balance of the tag
345 year for the maximum legal gross weight of the vehicle plus a
346 penalty thereon of twenty-five percent (25%). Any weight in
347 excess of the maximum legal gross weight of the vehicle, or in
348 excess of the maximum highway weight limit, shall be penalized
349 according to subsection (c) of this section. In either case the
350 excess weight shall be removed by the operator before the vehicle
351 can be allowed to proceed. In order to constitute a "second or
352 subsequent offense" under the provisions hereof, it shall not be
353 necessary that the same or identical vehicle be involved, it being
354 the declared purpose hereof to provide that such penalties shall
355 run against the owner or operator rather than against the
356 specified vehicle. It is further provided that, in order for such
357 owner or operator to become liable for the penalties herein
358 provided, it shall not be necessary to show that such owner or
359 operator was guilty of willfulness, gross negligence or



360 wantonness, but the offense shall be complete upon the failure or
361 refusal to obtain the required permit.

362 (b) If any person who has registered his vehicle in
363 Mississippi shall operate such vehicle upon the public highways,
364 having a gross weight greater than the licensed gross weight of
365 such vehicle, and shall fail or refuse to obtain a permit therefor
366 as required by Section 27-19-79, or if any person shall operate
367 any such registered vehicle upon the public highways in a higher
368 classification than that for which it is registered, and shall
369 fail or refuse to obtain a permit therefor as required by Section
370 27-19-79, then such person shall be liable for the pro rata part
371 of the annual tax for the balance of the tag year for the legal
372 gross weight of such vehicle and in the classification in which
373 same is being operated, plus a penalty thereon of twenty-five
374 percent (25%), after having been given credit for the unexpired
375 part of the privilege tax paid, as provided in Section 27-19-75.
376 In order that such owner or operator shall become liable for the
377 penalties herein provided, it shall not be necessary to show that
378 such owner or operator was guilty of willfulness, gross negligence
379 or wantonness, but the offense shall be complete upon the failure
380 or refusal to obtain the required permit.

381 (c) If any person shall operate upon a highway of this
382 state a vehicle which has a greater vehicle gross weight than the
383 maximum gross weight limit established by law for that highway and
384 shall have failed to obtain an overload permit as required by
385 Section 27-19-81 or Section 1, Senate Bill No. 2676, 2003 Regular
386 Session, or if any person shall operate a vehicle with a greater
387 load on any axle or axle grouping than allowed by law, then such
388 person, owner or operator shall be assessed a penalty on such axle
389 load weight or vehicle gross weight as exceeds the legal limit in
390 accordance with the following schedule:

391 AMOUNT IN EXCESS OF
392 LEGAL HIGHWAY WEIGHT



393	LIMITS IN POUNDS	PENALTY
394	1 to 999	\$10.00 minimum penalty
395	1,000 to 1,999	1¢ per pound in excess of legal limit
396	2,000 to 2,999	2¢ per pound in excess of legal limit
397	3,000 to 3,999	3¢ per pound in excess of legal limit
398	4,000 to 4,999	4¢ per pound in excess of legal limit
399	5,000 to 5,999	5¢ per pound in excess of legal limit
400	6,000 to 6,999	6¢ per pound in excess of legal limit
401	7,000 to 7,999	7¢ per pound in excess of legal limit
402	8,000 to 8,999	8¢ per pound in excess of legal limit
403	9,000 to 9,999	9¢ per pound in excess of legal limit
404	10,000 to 10,999	10¢ per pound in excess of legal limit
405	11,000 or more	11¢ per pound in excess of legal limit

406 Any vehicle in violation of the tolerance allowed pursuant to
407 Section 63-5-33(3) shall be fined pursuant to Section 27-19-89(c)
408 for all weight in excess of the legal highway gross weight limit
409 authorized for such vehicle or for all weight in excess of the
410 legal tandem axle load weight limit of forty thousand (40,000)
411 pounds and the legal single axle load limit of twenty thousand
412 (20,000) pounds, whichever the case may be.

413 The penalty to be assessed for operations of a vehicle with a
414 greater load on any axle or axle grouping than the legal axle load
415 weight limits shall be one-half (1/2) the penalty for operation in
416 excess of the legal gross weight limit.

417 In instances where both the legal highway gross weight limit
418 and the legal axle load weight limit(s) are exceeded, the fine
419 that shall be levied shall be either the penalty amount for the
420 excess vehicle gross weight or the total of the penalty amounts of
421 all overloaded axles, whichever is the larger amount.

422 Notwithstanding any other provisions of this section to the
423 contrary, the fine assessed against the holder of a harvest permit
424 for exceeding a gross vehicle weight of eighty-four thousand
425 (84,000) pounds shall be Five Cents (5¢) per pound and Fifteen



426 Cents (15¢) per pound for exceeding a gross vehicle weight of one
427 hundred thousand (100,000) pounds.

428 Notwithstanding any other provision of this subsection (c) to
429 the contrary, upon an appeal to the Appeals Board of the
430 Mississippi Transportation Commission by an owner or operator of a
431 vehicle hauling without a harvest permit any of the products or
432 materials described in subsection (3) of Section 63-5-33 and upon
433 whom a penalty has been assessed under this subsection (c) for
434 exceeding the legal weight limit(s) on a highway having a legal
435 weight limit of eighty thousand (80,000) pounds or less, the
436 appeals board shall reduce the penalty assessed against such
437 owner/operator to an amount not to exceed ten percent (10%) of the
438 amount which would otherwise be due without the reduction
439 authorized under this paragraph. A reduction shall not be
440 authorized under this paragraph if the gross weight of the vehicle
441 for which an owner/operator has been charged with a violation of
442 this section exceeds eighty-four thousand (84,000) pounds; and, in
443 any event, no reduction shall be authorized under this paragraph
444 unless a penalty assessed under this section is appealed to the
445 appeals board and unless the board determines, based upon its
446 records, that such owner/operator has not been granted a penalty
447 reduction under this paragraph within a period of twelve (12)
448 months immediately preceding the date of filing an appeal with the
449 board for a penalty reduction under this paragraph.

450 (d) If any nonresident owner or operator who has not
451 registered his vehicle and paid the annual privilege taxes
452 prescribed shall operate his vehicle upon the highways of this
453 state when such vehicle has a greater gross weight than permitted
454 by law for the highway traveled upon, and for which such excess
455 gross weight a permit was not or could not be procured from the
456 transportation department as required by Section 27-19-81, such
457 person shall be liable upon his second and all subsequent offenses
458 for the pro rata part of the annual tax for the balance of the tag



459 year for the legal gross weight of the vehicle, and in addition
460 thereto the penalty fee on the excess weight as specified in
461 subsection (c) of this section. In order that such owner or
462 operator shall become liable for the penalties herein provided, it
463 shall not be necessary that the same or identical vehicle be
464 involved, it being the declared purpose hereof to provide that
465 such penalties shall run against the owner or operator rather than
466 against the specific vehicle.

467 (e) All fines and penalties imposed and collected by
468 the Mississippi Department of Transportation for violations of the
469 maximum legal vehicle weight limits authorized on the highways of
470 this state shall be deposited into a special fund that is created
471 in the State Treasury. Monies in the fund shall be allocated and
472 distributed quarterly, beginning September 30, 1994, to each
473 county of the state based on the amount of such fines and
474 penalties imposed and collected in the county during the
475 immediately preceding three (3) months. Monies distributed to the
476 counties under this subsection shall be deposited in each county's
477 road and bridge fund and may be expended, upon approval of the
478 board of supervisors, for any purpose for which county road and
479 bridge fund monies lawfully may be expended.

480 **[From and after July 1, 2006, this section shall read as**
481 **follows:]**

482 27-19-89. (a) If any nonresident owner or operator or other
483 nonresident person eligible for a temporary permit as provided in
484 Section 27-19-79, who has not elected to register and pay the
485 annual privilege taxes prescribed, shall enter or go upon the
486 public highways of the state and shall fail or refuse to obtain
487 the permit required by Section 27-19-79, such person shall be
488 liable, for the first such offense, for the full amount of the
489 permit fee required, plus a penalty thereon of five hundred
490 percent (500%). For the second and all subsequent offenses, such
491 person who fails or refuses to obtain such permits shall be liable



492 for the pro rata part of the annual tax for the balance of the tag
493 year for the maximum legal gross weight of the vehicle plus a
494 penalty thereon of twenty-five percent (25%). Any weight in
495 excess of the maximum legal gross weight of the vehicle, or in
496 excess of the maximum highway weight limit, shall be penalized
497 according to subsection (c) of this section. In either case the
498 excess weight shall be removed by the operator before the vehicle
499 can be allowed to proceed. In order to constitute a "second or
500 subsequent offense" under the provisions hereof, it shall not be
501 necessary that the same or identical vehicle be involved, it being
502 the declared purpose hereof to provide that such penalties shall
503 run against the owner or operator rather than against the
504 specified vehicle. It is further provided that, in order for such
505 owner or operator to become liable for the penalties herein
506 provided, it shall not be necessary to show that such owner or
507 operator was guilty of willfulness, gross negligence or
508 wantonness, but the offense shall be complete upon the failure or
509 refusal to obtain the required permit.

510 (b) If any person who has registered his vehicle in
511 Mississippi shall operate such vehicle upon the public highways,
512 having a gross weight greater than the licensed gross weight of
513 such vehicle, and shall fail or refuse to obtain a permit therefor
514 as required by Section 27-19-79, or if any person shall operate
515 any such registered vehicle upon the public highways in a higher
516 classification than that for which it is registered, and shall
517 fail or refuse to obtain a permit therefor as required by Section
518 27-19-79, then such person shall be liable for the pro rata part
519 of the annual tax for the balance of the tag year for the legal
520 gross weight of such vehicle and in the classification in which
521 same is being operated, plus a penalty thereon of twenty-five
522 percent (25%), after having been given credit for the unexpired
523 part of the privilege tax paid, as provided in Section 27-19-75.
524 In order that such owner or operator shall become liable for the



525 penalties herein provided, it shall not be necessary to show that
526 such owner or operator was guilty of willfulness, gross negligence
527 or wantonness, but the offense shall be complete upon the failure
528 or refusal to obtain the required permit.

529 (c) If any person shall operate upon a highway of this
530 state a vehicle which has a greater vehicle gross weight than the
531 maximum gross weight limit established by law for that highway and
532 shall have failed to obtain an overload permit as required by
533 Section 27-19-81, or if any person shall operate a vehicle with a
534 greater load on any axle or axle grouping than allowed by law,
535 then such person, owner or operator shall be assessed a penalty on
536 such axle load weight or vehicle gross weight as exceeds the legal
537 limit in accordance with the following schedule:

538	AMOUNT IN EXCESS OF	
539	LEGAL HIGHWAY WEIGHT	
540	LIMITS IN POUNDS	PENALTY
541	1 to 999	\$10.00 minimum penalty
542	1,000 to 1,999	1¢ per pound in excess of legal limit
543	2,000 to 2,999	2¢ per pound in excess of legal limit
544	3,000 to 3,999	3¢ per pound in excess of legal limit
545	4,000 to 4,999	4¢ per pound in excess of legal limit
546	5,000 to 5,999	5¢ per pound in excess of legal limit
547	6,000 to 6,999	6¢ per pound in excess of legal limit
548	7,000 to 7,999	7¢ per pound in excess of legal limit
549	8,000 to 8,999	8¢ per pound in excess of legal limit
550	9,000 to 9,999	9¢ per pound in excess of legal limit
551	10,000 to 10,999	10¢ per pound in excess of legal limit
552	11,000 or more	11¢ per pound in excess of legal limit

553 Any vehicle in violation of the tolerance allowed pursuant to
554 Section 63-5-33(3) shall be fined pursuant to Section 27-19-89(c)
555 for all weight in excess of the legal highway gross weight limit
556 authorized for such vehicle or for all weight in excess of the
557 legal tandem axle load weight limit of forty thousand (40,000)



558 pounds and the legal single axle load limit of twenty thousand
559 (20,000) pounds, whichever the case may be.

560 The penalty to be assessed for operations of a vehicle with a
561 greater load on any axle or axle grouping than the legal axle load
562 weight limits shall be one-half (1/2) the penalty for operation in
563 excess of the legal gross weight limit.

564 In instances where both the legal highway gross weight limit
565 and the legal axle load weight limit(s) are exceeded, the fine
566 that shall be levied shall be either the penalty amount for the
567 excess vehicle gross weight or the total of the penalty amounts of
568 all overloaded axles, whichever is the larger amount.

569 Notwithstanding any other provisions of this section to the
570 contrary, the fine assessed against the holder of a harvest permit
571 for exceeding a gross vehicle weight of eighty-four thousand
572 (84,000) pounds shall be Five Cents (5¢) per pound and Fifteen
573 Cents (15¢) per pound for exceeding a gross vehicle weight of one
574 hundred thousand (100,000) pounds.

575 Notwithstanding any other provision of this subsection (c) to
576 the contrary, upon an appeal to the Appeals Board of the
577 Mississippi Transportation Commission by an owner or operator of a
578 vehicle hauling without a harvest permit any of the products or
579 materials described in subsection (3) of Section 63-5-33 and upon
580 whom a penalty has been assessed under this subsection (c) for
581 exceeding the legal weight limit(s) on a highway having a legal
582 weight limit of eighty thousand (80,000) pounds or less, the
583 appeals board shall reduce the penalty assessed against such
584 owner/operator to an amount not to exceed ten percent (10%) of the
585 amount which would otherwise be due without the reduction
586 authorized under this paragraph. A reduction shall not be
587 authorized under this paragraph if the gross weight of the vehicle
588 for which an owner/operator has been charged with a violation of
589 this section exceeds eighty-four thousand (84,000) pounds; and, in
590 any event, no reduction shall be authorized under this paragraph



591 unless a penalty assessed under this section is appealed to the
592 appeals board and unless the board determines, based upon its
593 records, that such owner/operator has not been granted a penalty
594 reduction under this paragraph within a period of twelve (12)
595 months immediately preceding the date of filing an appeal with the
596 board for a penalty reduction under this paragraph.

597 (d) If any nonresident owner or operator who has not
598 registered his vehicle and paid the annual privilege taxes
599 prescribed shall operate his vehicle upon the highways of this
600 state when such vehicle has a greater gross weight than permitted
601 by law for the highway traveled upon, and for which such excess
602 gross weight a permit was not or could not be procured from the
603 transportation department as required by Section 27-19-81, such
604 person shall be liable upon his second and all subsequent offenses
605 for the pro rata part of the annual tax for the balance of the tag
606 year for the legal gross weight of the vehicle, and in addition
607 thereto the penalty fee on the excess weight as specified in
608 subsection (c) of this section. In order that such owner or
609 operator shall become liable for the penalties herein provided, it
610 shall not be necessary that the same or identical vehicle be
611 involved, it being the declared purpose hereof to provide that
612 such penalties shall run against the owner or operator rather than
613 against the specific vehicle.

614 (e) All fines and penalties imposed and collected by
615 the Mississippi Department of Transportation for violations of the
616 maximum legal vehicle weight limits authorized on the highways of
617 this state shall be deposited into a special fund that is created
618 in the State Treasury. Monies in the fund shall be allocated and
619 distributed quarterly, beginning September 30, 1994, to each
620 county of the state based on the amount of such fines and
621 penalties imposed and collected in the county during the
622 immediately preceding three (3) months. Monies distributed to the
623 counties under this subsection shall be deposited in each county's



624 road and bridge fund and may be expended, upon approval of the
625 board of supervisors, for any purpose for which county road and
626 bridge fund monies lawfully may be expended.

627 **SECTION 4.** This act shall take effect and be in force from
628 and after July 1, 2003.

