

By: Representative Parker

To: Transportation

HOUSE BILL NO. 993

1 AN ACT TO AMEND SECTIONS 63-5-33 AND 27-19-81, MISSISSIPPI  
2 CODE OF 1972, TO INCREASE TO EIGHTY-EIGHT THOUSAND POUNDS THE  
3 MAXIMUM GROSS WEIGHT ALLOWED FOR VEHICLES OPERATING ON THE  
4 HIGHWAYS OF THIS STATE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 63-5-33, Mississippi Code of 1972, is  
7 amended as follows:

8 63-5-33. (1) Subject to the limitations imposed on wheel  
9 and axle loads by Section 63-5-27, and to the further limitations  
10 hereinafter specified, the total combined weight (vehicles plus  
11 load) on any group of axles of a vehicle or a combination of  
12 vehicles shall not exceed the value given in the following table  
13 (Table III) corresponding to the distance in feet between the  
14 extreme axles of the group, measured longitudinally to the nearest  
15 foot, on those highways or parts of highways designated by the  
16 Mississippi Transportation Commission as being capable of carrying  
17 the maximum load limits and, in addition thereto, such other  
18 highways or parts of highways found by the commission to be  
19 suitable to carry the maximum load limits from an engineering  
20 standpoint, and so designated as such by order of the commission  
21 entered upon its minutes and published once each week for three  
22 (3) consecutive weeks in a daily newspaper published in this state  
23 and having a general circulation therein. The maximum total  
24 combined weight carried on any group of two (2) or more  
25 consecutive axles shall be determined by the formula contained in  
26 the Federal Weight Law enacted January 4, 1975, as follows:  $W=500$   
27  $(LN/N-1+12N+36)$  where  $W$ =maximum weight in pounds carried on any  
28 group of two (2) or more axles computed to the nearest five

29 hundred (500) pounds, L=distance in feet between the extremes of  
 30 any group of two (2) or more consecutive axles, and N=number of  
 31 axles in any group under consideration.

32 TABLE III

33 DISTANCE  
 34 IN FEET  
 35 BETWEEN THE  
 36 EXTREMES OF  
 37 ANY GROUP  
 38 OF 2 OR MORE  
 39 CONSECUTIVE  
 40 AXLES

		MAXIMUM LOAD IN POUNDS CARRIED ON ANY GROUP OF 2 OR MORE CONSECUTIVE AXLES					
		2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
42	4	34,000					
43	5	34,000					
44	6	34,000		Axle groups in			
45	7	34,000					
46	8 and						
47	less	34,000	34,000	these spacings			
48	More						
49	than						
50	8	38,000	42,000				
51	9	39,000	42,500				
52	10	40,000	43,500	impractical			
53	11		44,000				
54	12		45,000	50,000			
55	13		45,500	50,500			
56	14		46,500	51,500			
57	15		47,000	52,000			
58	16		48,000	52,500	58,000		
59	17		48,500	53,500	58,500		
60	18		49,500	54,000	59,000		
61	19		50,000	54,500	60,000		

62	20	51,000	55,500	60,500	66,000	
63	21	51,500	56,000	61,000	66,500	
64	22	52,500	56,500	61,500	67,000	
65	23	53,000	57,500	62,500	68,000	
66	24	54,000	58,000	63,000	68,500	74,000
67	25	54,500	58,500	63,500	69,000	74,500
68	26	55,500	59,500	64,000	69,500	75,000
69	27	56,000	60,000	65,000	70,000	75,500
70	28	57,000	60,500	65,500	71,000	76,500
71	29	57,500	61,500	66,000	71,500	77,000
72	30	58,500	62,000	66,500	72,000	77,500
73	31	59,000	62,500	67,500	72,500	78,000
74	32	60,000	63,500	68,000	73,000	78,500
75	33		64,000	68,500	74,000	79,000
76	34		64,500	69,000	74,500	80,000
77	35		65,500	70,000	75,000	80,000
78	36		66,000	70,500	75,500	80,000
79	37		66,500	71,000	76,000	80,000
80	38		67,500	71,500	77,000	80,000
81	39		68,000	72,500	77,500	80,000
82	40		68,500	73,000	78,000	80,000
83	41		69,500	73,500	78,500	80,000
84	42		70,000	74,000	79,000	80,000
85	43		70,500	75,000	80,000	80,000
86	44		71,500	75,500	80,000	80,000
87	45		72,000	76,000	80,000	80,000
88	46		72,500	76,500	80,000	80,000
89	47		73,500	77,500	80,000	80,000
90	48		74,000	78,000	80,000	80,000
91	49		74,500	78,500	80,000	80,000
92	50		75,500	79,000	80,000	80,000
93	51		76,000	80,000	80,000	80,000
94	52		76,500	80,000	80,000	80,000

95	53	77,500	80,000	80,000	80,000
96	54	78,000	80,000	80,000	80,000
97	55	78,500	80,000	80,000	80,000
98	56	79,500	80,000	80,000	80,000
99	57	80,000	80,000	80,000	80,000

100           (2) Moreover, in addition to the per axle weight limitations  
101 specified by Section 63-5-27, two (2) consecutive sets of tandem  
102 axles may carry a gross load of thirty-four thousand (34,000)  
103 pounds each, providing that the overall distance between the first  
104 and last axles of such consecutive sets of tandem axles is  
105 thirty-six (36) feet or more, except that, until September 1,  
106 1989, the axle distance for tank trailers, dump trailers and ocean  
107 transport container haulers may be thirty (30) feet or more. Such  
108 overall gross weight may not exceed eighty thousand (80,000)  
109 pounds, except as provided by this section.

110           (3) Notwithstanding the provisions of Section 63-5-27 and/or  
111 Section 63-5-29 to the contrary, vehicles \* \* \* shall be allowed a  
112 gross weight of not to exceed forty thousand (40,000) pounds on  
113 any tandem. Vehicles \* \* \* shall be allowed a tolerance not to  
114 exceed ten percent (10%) above their authorized gross vehicle  
115 weight, tandem or axle weight; except that the maximum gross  
116 vehicle weight of any such vehicle shall not exceed eighty-eight  
117 thousand (88,000) pounds \* \* \*. However, neither the increased  
118 weights in this subsection nor any tolerance shall be allowed on  
119 federal interstate highways or on other highways where a tolerance  
120 is specifically prohibited by the Transportation Commission, the  
121 county board of supervisors or the municipal governing authorities  
122 as provided for in Section 63-5-27. \* \* \*

123           \* \* \*

124           (4) Nothing in this section or subsections (1) through (4)  
125 of Section 63-5-27 shall be construed to deny the operation of any  
126 vehicle or combination of vehicles that could be lawfully operated

127 upon the interstate highway system of this state on January 4,  
128 1975.

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

131         27-19-81. (1) No vehicle shall be registered by the State  
132 Tax Commission or by a tax collector, and no license tag  
133 whatsoever shall be issued therefor, where the gross weight of  
134 such vehicle exceeds the limits provided by law. In the event of  
135 an emergency requiring the hauling of a greater gross weight than  
136 permitted by law, the owner or operator of such vehicle shall  
137 obtain an excess weight authorization from the Mississippi  
138 Department of Transportation or local authority having  
139 jurisdiction of the particular road, street or highway before  
140 operating such vehicle on the highways of this state to haul such  
141 a gross weight over a route to be designated by the aforesaid  
142 department. It shall then be necessary for the owner or operator  
143 of the vehicle to obtain a permit from the Transportation  
144 Department, which shall be issued by the department under the same  
145 provisions as are provided for the issuance of trip permits under  
146 Section 27-19-79, but which permit shall likewise be obtained  
147 prior to the operation of such vehicle on the highways. No  
148 persons or agencies other than the Mississippi Department of  
149 Transportation shall have authority to issue the permits provided  
150 for in this section. The fee to be charged for such permits shall  
151 be computed in the same manner provided in Section 27-19-79 for  
152 each one thousand (1,000) pounds, or fractional part thereof, of  
153 gross weight above the licensed capacity of the vehicle, up to the  
154 maximum legal weights provided by this article on the roads to be  
155 traveled.

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

160 For each one thousand (1,000) pounds, or fractional part  
161 thereof, in excess of the weight authorized by Sections 63-5-29  
162 and 63-5-33 for any such vehicle or in excess of the limits set by  
163 the Transportation Department for specified roads and bridges, the  
164 fee shall be Five Cents (5¢) per one thousand (1,000) pounds, or  
165 fractional part thereof, for each mile traveled upon the highways  
166 of the state, except that the fee for manufactured housing modular  
167 units, residential or commercial, shall be Two Cents (2¢) per one  
168 thousand (1,000) pounds, or fractional part thereof, for each mile  
169 traveled upon the highways of the state. Provided, however, no  
170 permit shall be issued for a fee of less than Ten Dollars  
171 (\$10.00).

172 The Transportation Department may provide for an annual  
173 permit which will allow preapproved vehicles and loads to travel  
174 predesignated routes with self-issued permits. Under such  
175 self-issuance authority, the owner of the vehicle shall complete  
176 the permit in a format designated by the department,  
177 electronically transmit a copy to the department prior to the  
178 move, and ensure that a copy is in the possession of the operator.  
179 Vehicles having a gross weight exceeding the limits provided by  
180 law that have a nondivisible gross vehicle weight of ninety-five  
181 thousand (95,000) pounds or less, which are otherwise legal, shall  
182 not be restricted as to the hours of the day such vehicles may be  
183 operated on predesignated routes. The department shall bill the  
184 vehicle owner according to the provisions of the preceding  
185 paragraph. The department is authorized to modify predesignated  
186 routes at any time for cause, such as highway construction or  
187 hazardous highway conditions. The annual fee for the  
188 self-issuance permit authority obtained pursuant to this paragraph  
189 shall be Five Hundred Dollars (\$500.00) per owner, regardless of  
190 the number of vehicles which he will operate pursuant to such  
191 permit, in addition to any other fees required by this section.  
192 Any vehicle and load being operated pursuant to this paragraph for

193 which the operator does not have the permit or a copy thereof in  
194 his possession, or for which a copy of the permit was not  
195 electronically transmitted to the department, shall be deemed not  
196 to have a permit and shall be penalized accordingly.

197         It shall not be necessary for the owner or operator of a  
198 vehicle to obtain a permit pursuant to this subsection if such  
199 owner or operator has obtained for his vehicle an annual special  
200 permit for vehicles transporting heavy equipment pursuant to  
201 Section 63-5-52.

202         (2) Before operating a vehicle where the size of the load  
203 being hauled is in excess of that permitted by law, the owner or  
204 operator of such vehicle shall obtain excess size authorization  
205 from the Transportation Department or proper local authority and  
206 an excess size permit from the Transportation Department. Such  
207 excess size permit shall be issued by the Mississippi Department  
208 of Transportation under the same provisions as are provided for  
209 the issuance of trip permits under Section 27-19-79, and it shall  
210 be obtained prior to the operation of such vehicle on the  
211 highways. The fee to be charged for such excess size permit shall  
212 be Ten Dollars (\$10.00) per trip. Such permits may be issued for  
213 an extended period of time and must coincide with the expiration  
214 date and other provisions of the carrier's permit or authorization  
215 issued by the Transportation Department or local authority. The  
216 fee for such extended permits shall be based upon an annual fee of  
217 One Hundred Dollars (\$100.00) per carrier. No permit shall be  
218 issued under this subsection if the issuance of the permit would  
219 violate federal law or would cause the State of Mississippi to  
220 lose federal aid funds. This subsection shall not apply to any  
221 tractor, road roller or road machinery used solely and  
222 specifically in road building or other highway construction or  
223 maintenance work or to any machinery or equipment operated on the  
224 highways or transported thereon in the course of normal farming  
225 activities, including cotton module transporters.

226           (3) The Executive Director of the Mississippi Department of  
227 Transportation may authorize certain carriers of property to issue  
228 overweight and/or oversize permits for vehicles owned or operated  
229 by such carriers, provided such carriers have blanket  
230 authorization from the Transportation Commission and also meet  
231 other requirements established by the Transportation Commission.

232       \* \* \*

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

244           (5) The permit fee monies collected under this section \* \* \*  
245 shall be deposited into the State Highway Fund for the  
246 construction, maintenance and reconstruction of highways and roads  
247 of the State of Mississippi or the payment of interest and  
248 principal on bonds authorized by the Legislature for construction  
249 and reconstruction of highways.

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

254           **SECTION 3.** This act shall take effect and be in force from  
255 and after July 1, 2007.