

By: Senator(s) Branning, Whaley, Sojourner, Parks, Younger, Suber, McCaughn, Chassaniol, Chism, Fillingane, Tate, Caughman, McMahan, Moran, McLendon

To: Highways and Transportation

SENATE BILL NO. 2825
(As Sent to Governor)

1 AN ACT TO TRANSFER, ON JULY 1, 2021, LAW ENFORCEMENT
2 PERSONNEL AND LAW ENFORCEMENT DUTIES OF THE MISSISSIPPI
3 TRANSPORTATION COMMISSION AND MISSISSIPPI DEPARTMENT OF
4 TRANSPORTATION RELATED TO THE MOTOR CARRIER REGULATORY LAW OF 1938
5 TO THE COMMERCIAL TRANSPORTATION ENFORCEMENT DIVISION WITHIN THE
6 DEPARTMENT OF PUBLIC SAFETY; TO CREATE THE DPS MOTOR CARRIER
7 ENFORCEMENT FUND AS A SPECIAL FUND IN THE STATE TREASURY TO DEFRAY
8 EXPENSES FOR OFFICERS' SALARIES AND OTHER COSTS TO IMPLEMENT AND
9 ENFORCE THIS ACT; TO AMEND SECTIONS 77-7-7, 77-7-11, 77-7-13,
10 77-7-15, 77-7-16, 77-7-17, 77-7-21, 77-7-127, 77-7-311, 77-7-331,
11 77-7-333, 77-7-335, 77-7-337, 77-7-339, 77-7-341 AND 45-3-21,
12 MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION 27-19-89,
13 MISSISSIPPI CODE OF 1972, TO ADJUST THE PENALTIES FOR HARVEST
14 PERMIT HOLDERS FOR WEIGHT LIMIT VIOLATIONS; TO CONFORM TO AN
15 INCREASE IN THE WEIGHT TOLERANCE FOR HARVEST PERMITS, BEGINNING
16 JULY 1, 2023, FROM 84,000 POUNDS TO 88,000 POUNDS; TO AMEND
17 SECTION 19-11-27, MISSISSIPPI CODE OF 1972, TO EXEMPT, FROM JULY
18 1, 2021, THROUGH JUNE 30, 2023, PROJECTS RECEIVING MONIES FROM THE
19 EMERGENCY ROAD AND BRIDGE REPAIR FUND FROM LIMITATIONS ON CERTAIN
20 EXPENDITURES FOR THE LAST YEAR OF THE TERM OF A COUNTY BOARD OF
21 SUPERVISORS; TO AMEND SECTION 63-5-33, MISSISSIPPI CODE OF 1972,
22 TO INCREASE, BEGINNING JULY 1, 2023, THE MAXIMUM GROSS VEHICLE
23 WEIGHT TOLERANCE, FROM 84,000 POUNDS TO 88,000 POUNDS, WHICH IS
24 FROM 5% TO 10% OF THE AUTHORIZED 80,000 POUNDS, FOR A VEHICLE
25 OPERATING UNDER A HARVEST PERMIT; TO AMEND SECTION 65-1-46,
26 MISSISSIPPI CODE OF 1972, TO TRANSFER THE APPEALS BOARD OF THE
27 MISSISSIPPI TRANSPORTATION COMMISSION TO THE COMMERCIAL
28 TRANSPORTATION ENFORCEMENT DIVISION OF THE DEPARTMENT OF PUBLIC
29 SAFETY; TO ESTABLISH THE HARVEST PERMIT TRANSPORTATION STEWARDSHIP
30 COUNCIL TO ADVISE THE LEGISLATURE ON POLICY AND TO MAKE BEST
31 PRACTICES RECOMMENDATIONS TO HARVEST PERMIT HOLDERS AND RECEIVING
32 FACILITIES FOR THE PURPOSE OF DETERRING OVERWEIGHT HAULING AND
33 PROTECTING THE STATE'S INFRASTRUCTURE SYSTEM; TO PROVIDE THAT THE
34 COUNCIL SHALL BE DISSOLVED ON JULY 1, 2023; TO TRANSFER



35 \$89,000,000.00 OF HIGHWAY INFRASTRUCTURE PROGRAM FUNDS RECEIVED BY
36 THE STATE PURSUANT TO THE CORONAVIRUS RESPONSE AND RELIEF
37 SUPPLEMENTAL APPROPRIATIONS ACT OF 2021 TO THE EMERGENCY ROAD AND
38 BRIDGE REPAIR FUND; AND FOR RELATED PURPOSES.

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

40 **SECTION 1.** (1) From and after July 1, 2021, the department,
41 through the division, shall have jurisdiction over all matters of
42 enforcement of the provisions of this chapter on the roads,
43 streets and highways of this state and shall prescribe such rules
44 and regulations as are necessary therefor. The jurisdiction and
45 authority of the department under this section shall be in
46 addition to any other jurisdiction and authority provided to the
47 department under any other law. The powers and duties related to
48 the administration of this chapter which do not concern
49 enforcement on the roads, streets and highways of this state shall
50 remain with the commission.

51 (2) On July 1, 2021, the Mississippi Department of
52 Transportation and/or the commission shall transfer to the
53 department the employees, equipment, inventory, size and weights,
54 computer systems, IFTA, grants, stationary and portable weigh
55 stations, support staff, weigh-in-motion scales and vehicles,
56 state and federal funding, and resources used to enforce the
57 provisions of this chapter on the roads, streets and highways of
58 this state. The department shall consult and work with the Bureau
59 of Building, Grounds and Real Property of the Department of
60 Finance and Administration for the effective transfer to the
61 department of any office space that was assigned for the use of



62 the enforcement of the provisions of this chapter on the roads,
63 streets and highways of this state, except the office space used
64 by the Enforcement Division of the Department of Transportation
65 located within the Billy McCoy Office Building in Jackson,
66 Mississippi.

67 (3) Any reference in any statute, rule or regulation to law
68 enforcement duties being performed by the commission or the
69 Mississippi Department of Transportation requiring the use of
70 vehicles to enforce shall be construed to mean law enforcement
71 duties being performed by the division.

72 (4) The Mississippi State Personnel Board PIN numbers the
73 Mississippi Department of Transportation has assigned to persons
74 in law enforcement and support of enforcement of this chapter at
75 the time of the transfer shall be transferred over to the
76 department. The transfer of personnel shall be commensurate with
77 the number and classification of positions allocated to that law
78 enforcement. All salaries and benefits shall remain the same
79 until further agreement. Rank and structure shall be revised
80 through the division as is practical for proper supervision. All
81 transferred personnel shall possess the same state service
82 protections with the Mississippi State Personnel Board that they
83 possessed before the transfer.

84 (5) All accrued personal leave earned pursuant to Section
85 25-3-93, accrued major medical leave earned pursuant to Section
86 25-3-95, accrued state compensatory leave balances earned pursuant



87 to Section 25-3-92, and compensatory leave earned pursuant to the
88 Fair Labor Standards Act (FLSA) shall transfer from the
89 Mississippi Department of Transportation to the Department of
90 Public Safety for all employees transferred to the department
91 under this act.

92 **SECTION 2.** There is hereby created a special fund in the
93 State Treasury, to be known as the "DPS Motor Carrier Enforcement
94 Fund." The fund shall consist of monies appropriated by act of
95 the Legislature and monies transferred from the Mississippi
96 Department of Transportation. Money in the fund shall only be
97 utilized by the Department of Public Safety's Commercial
98 Transportation Enforcement Division to defray expenses for
99 officers' salaries and other costs to implement and enforce the
100 provisions of this act. Unexpended amounts remaining in the fund
101 at the end of a fiscal year shall not lapse into the State General
102 Fund, and any interest earned or investment earnings on amounts in
103 the fund shall be deposited to the credit of the fund.

104 **SECTION 3.** Section 77-7-7, Mississippi Code of 1972, is
105 amended as follows:

106 77-7-7. Whenever used in this chapter unless expressly
107 stated otherwise:

108 (a) The term "person" means individual, firm,
109 copartnership, corporation, company, association or joint-stock
110 association, and includes any trustee, receiver, assignee or
111 personal representative thereof.



112 (b) The term "commission" means the Mississippi
113 Transportation Commission.

114 (c) The term "highway" means every public highway or
115 place of whatever nature open to the use of the public for
116 purposes of vehicle travel in this state, including the streets
117 and alleys in towns and cities.

118 (d) The term "motor vehicle" and "vehicle" means any
119 vehicle, machine, tractor, trailer or semitrailer propelled or
120 drawn by mechanical power and used upon the highways in the
121 transportation of passengers or property; such term, however, does
122 not include any vehicle, locomotive or car operated exclusively on
123 a rail or rails.

124 (e) The term "common carrier by motor vehicle" means
125 any person who or which undertakes, whether directly or by a lease
126 or any other arrangement, to transport passengers or household
127 goods.

128 (f) The term "contract carrier by motor vehicle" means
129 any person, not included under * * * paragraph (e) of this
130 section, who or which, under special and individual contracts or
131 agreements, and whether directly or by a lease or any other
132 arrangement, transports passengers or household goods.

133 (g) The term "restricted motor carrier" means all
134 carriers of property, except household goods, by motor vehicle for
135 compensation.



136 (h) The "services" and "transportation" to which this
137 chapter applies include all vehicles operated by, for or in the
138 interest of any motor carrier irrespective of ownership or
139 contract, express or implied, together with all facilities and
140 property operated or controlled by any such carrier or carriers
141 and used in the transportation of passengers or property or in the
142 performance of any service in connection therewith.

143 (i) The term "certificate" means a certificate of
144 public convenience and necessity issued by the commission to
145 common carriers by motor vehicle and restricted common carriers by
146 motor vehicle under this chapter.

147 (j) The term "permit" means a permit issued by the
148 commission to contract carriers by motor vehicle under this
149 chapter.

150 (k) The term "interstate permit" means a permit issued
151 under the terms of this chapter to the holder of a certificate of
152 public convenience and necessity, a permit, or other operating
153 authority from the U.S. Department of Transportation.

154 (l) The term "owner" or "operator" and "owner and
155 operator" means any individual, firm, copartnership, corporation,
156 company, association or joint-stock association, and includes any
157 trustee, receiver, assignee or personal representative thereof, to
158 whom or to which a certificate of convenience and necessity or
159 permit or interstate permit has been issued by the commission.



160 (m) The term "vanpooling" means a nonprofit arrangement
161 entered into to provide for the transportation of persons to and
162 from their places of employment utilizing a motor vehicle
163 manufactured primarily for the transporting of not less than eight
164 (8) nor more than fifteen (15) people, and where the costs of
165 operating said vehicle, including reasonable vehicle depreciation
166 costs, are paid for by those people utilizing such arrangement.

167 (n) The term "gross vehicle weight rating (GVWR)" means
168 the value specified by the manufacturer as the loaded weight of a
169 single motor vehicle.

170 (o) The term "gross combination weight rating (GCWR)"
171 means the value specified by the manufacturer as the loaded weight
172 of a combination (articulated) motor vehicle. In the absence of a
173 value specified by the manufacturer, GCWR will be determined by
174 adding the GVWR of the power unit and the total weight of the
175 towed unit and any load thereon.

176 (p) The term "department" means the Department of
177 Public Safety.

178 (q) The term "division" means the Commercial
179 Transportation Enforcement Division within the department.

180 **SECTION 4.** Section 77-7-11, Mississippi Code of 1972, is
181 amended as follows:

182 77-7-11. No motor carrier shall operate any motor vehicle
183 for the transportation of passengers or property for compensation
184 on any highway in this state, except in accordance with the



185 provisions of this chapter, and every such motor carrier is hereby
186 declared to be subject to control, supervision and regulation by
187 the commission for permitting purposes and by the department,
188 through the division, for enforcement purposes. Nothing in this
189 chapter shall confer any proprietary or property rights in the use
190 of the public highways.

191 **SECTION 5.** Section 77-7-13, Mississippi Code of 1972, is
192 amended as follows:

193 77-7-13. (1) It shall be the duty of the commission and the
194 commission shall have the power:

195 (a) To regulate common carriers by motor vehicle and
196 contract carriers by motor vehicle not exempted in this chapter,
197 doing business in this state, and to that end, the commission may
198 establish reasonable requirements with respect to continuous and
199 adequate service, transportation of baggage and express, uniform
200 system of accounts, records and reports, preservation of records,
201 and safety of operation and equipment, including maximum hours of
202 service of employees.

203 * * *

204 (* * *b) To administer * * * the provisions of this
205 chapter concerning certificates of public convenience and
206 necessity, permits, performance bond, insurance, statutorily
207 prescribed fees, identification plates and trip permits, and
208 carrier service, rates and charges, to make necessary orders in
209 connection therewith, and to prescribe rules, regulations and



210 procedure for such administration; however, the enforcement of the
211 provisions of this chapter on the roads, streets and highways of
212 this state shall fall under the jurisdiction of the department,
213 through the division.

214 (* * *c) To inquire into the organization of motor
215 carriers, and into the management of their businesses, to keep
216 itself informed as to the manner and method in which the same is
217 conducted, and to transmit to the Legislature, from time to time,
218 such recommendations as to additional legislation relating to such
219 carriers as the commission may deem necessary.

220 (2) The commission may from time to time establish such just
221 and reasonable classifications of groups of carriers included in
222 the terms "common carrier by motor vehicle" and "contract carrier
223 by motor vehicle," as the special nature of the services performed
224 by such carriers shall require, and the commission may from time
225 to time establish such just and reasonable rules, regulations and
226 requirements, consistent with the provisions of this chapter, to
227 be observed by the carriers so classified or grouped, as the
228 commission deems necessary or desirable in the public interest.

229 (3) The commission may from time to time enter into joint
230 and cooperative agreements with other governmental agencies in
231 regard to safety, forms, operating procedures and regulatory
232 jurisdiction.

233 (4) The rules, regulations, requirements and classifications
234 adopted in pursuance to the power and duty of the commission by



235 this section granted and imposed shall conform as nearly as
236 practicable to the rules, regulations, requirements and
237 classifications promulgated by the Interstate Commerce Commission,
238 the United States Department of Transportation, or any other
239 appropriate governmental agency.

240 (5) The commission shall not have the duty nor the power to
241 regulate the rates of common carriers by motor vehicle which
242 undertake, whether directly or by a lease or any other
243 arrangement, to transport household goods.

244 (6) The commission shall not have the duty nor the power to
245 regulate the rates of contract carriers by motor vehicle, who or
246 which, under special and individual contract or agreements, and
247 whether directly or by a lease or any other arrangement, transport
248 household goods.

249 **SECTION 6.** Section 77-7-15, Mississippi Code of 1972, is
250 amended as follows:

251 77-7-15. The commission shall prescribe, issue, amend and
252 rescind such reasonable rules and regulations as may be reasonably
253 necessary or appropriate to carry out the provisions of this
254 chapter concerning certificates of public convenience and
255 necessity, permits, performance bond, insurance, statutorily
256 prescribed fees, identification plates and trip permits, and
257 carrier duties, service, rates and charges; however, the
258 prescription, issuance, amendment and rescission of reasonable
259 rules and regulations concerning the enforcement of the provisions



260 of this chapter on the roads, streets and highways of this state
261 shall fall under the jurisdiction of the department, through the
262 division, and shall not be subject to this section.

263 No rule or regulation shall be effective until thirty (30)
264 days after copies of the proposed rule or regulation have been
265 mailed to intrastate motor carriers affected thereby and until a
266 notice, setting forth the terms or substance thereof and the time
267 and place of a hearing thereon, has been published in a newspaper
268 or newspapers of general circulation in the state and filed with
269 the Secretary of State pursuant to the Mississippi Administrative
270 Procedures Law. Such hearing may be held at any time after twenty
271 (20) days following the date of publication of such notice, but
272 such rules or regulations shall not become effective until a
273 hearing thereon. The commission may make its initial set of rules
274 and regulations effective at the end of such thirty-day period,
275 subject to review thereof. All rules and regulations of the
276 commission shall be filed with its secretary and shall be readily
277 available for public inspection and examination during reasonable
278 business hours. Any interested person shall have the right to
279 petition the commission for issuance, amendment or repeal of a
280 rule or regulation.

281 **SECTION 7.** Section 77-7-16, Mississippi Code of 1972, is
282 amended as follows:

283 77-7-16. (1) Supervision and inspection of the safe
284 operation and the safe use of equipment of motor vehicles



285 operating in the state shall be a specified duty of * * * the
286 Mississippi Department of Public Safety. * * * The Mississippi
287 Transportation Commission shall promulgate as its own the rules,
288 regulations, requirements and classifications of the United States
289 Department of Transportation or any successor federal agency
290 thereof charged with the regulation of motor vehicle safety * * *.
291 The * * * department shall enforce such rules, regulations,
292 requirements and classifications. * * * The Mississippi
293 Transportation Commission shall establish a system of reciprocity
294 with other states to facilitate the inspection of motor vehicles
295 provided for in this subsection.

296 (2) The * * * Mississippi Department of Public Safety shall
297 have the authority to inspect for safe operation and safe use of
298 equipment the following motor vehicles:

299 (a) Each holder of a certificate of convenience and
300 necessity, a permit to operate as a contract carrier or interstate
301 permit;

302 (b) Any individual, corporation or partnership engaged
303 in a commercial enterprise operating a single motor vehicle or
304 those in combination with a manufacturer's gross vehicle rating of
305 more than ten thousand (10,000) pounds; and

306 (c) Any individual, corporation or partnership
307 operating a motor vehicle of any gross weight transporting
308 hazardous material that requires placarding under the Federal
309 Hazardous Material Regulations.



310 (3) This section shall not apply to the following:

311 (a) Motor vehicles employed to transport school
312 children and teachers;

313 (b) Motor vehicles owned and operated by the United
314 States, District of Columbia or any state or any municipality or
315 any other political subdivision of this state;

316 (c) Motor vehicles engaged in the occasional
317 transportation of personal property without compensation by
318 individuals which is not in the furtherance of a commercial
319 enterprise;

320 (d) Motor vehicles engaged in the transportation of
321 human corpses or sick or injured persons;

322 (e) Motor vehicles engaged in emergency or related
323 operations;

324 (f) Motor vehicles engaged in the private
325 transportation of passengers;

326 (g) Motor vehicles, including pickup trucks, that have
327 a GVWR or GCWR of twenty-six thousand (26,000) pounds or less,
328 operating intrastate only, provided that such vehicle does not:

329 (i) Transport hazardous material requiring a
330 placard; or

331 (ii) Transport sixteen (16) or more passengers,
332 including the driver.

333 (h) Motor vehicles owned and operated by any farmer
334 who:



335 (i) Is using the vehicle to transport agricultural
336 products from a farm owned by the farmer, or to transport farm
337 machinery or farm supplies to or from a farm owned by the farmer;

338 (ii) Is not using the vehicle to transport
339 hazardous materials of a type or quantity that requires the
340 vehicle to be placarded in accordance with the Federal Hazardous
341 Material Regulations in CFR 49 part 177.823; and

342 (iii) Is using the vehicle within one hundred
343 fifty (150) air miles of the farmer's farm, and the vehicle is a
344 private motor carrier of property.

345 (i) Motor vehicles engaged in the transportation of
346 logs and pulpwood between the point of harvest and the first point
347 of processing the harvested product;

348 (j) Motor vehicles engaged exclusively in hauling
349 gravel, soil or other unmanufactured road building materials;

350 (k) As to hours of service only, utility service
351 vehicles owned or operated by public utilities subject to
352 regulation by the commission, while in intrastate commerce within
353 this state, with a manufacturer's gross vehicle rating of less
354 than twenty-six thousand one (26,001) pounds, unless the vehicle:

355 (i) Transports hazardous materials requiring a
356 placard; or

357 (ii) Is designed or used to transport sixteen (16)
358 or more people, including the driver.



359 (4) Anyone who violates or fails to comply with this section
360 shall be subject to the penalties as provided for in Section
361 77-7-311, Mississippi Code of 1972.

362 **SECTION 8.** Section 77-7-17, Mississippi Code of 1972, is
363 amended as follows:

364 77-7-17. No member of the commission or the department, and
365 no employee of the commission or the department appointed or
366 employed in the administration of this chapter, shall in any
367 manner have pecuniary interest in, own any securities of, or hold
368 any position with any motor carrier.

369 **SECTION 9.** Section 77-7-21, Mississippi Code of 1972, is
370 amended as follows:

371 77-7-21. No restricted motor carrier not exempted in this
372 chapter shall engage in intrastate operation on any highway within
373 the state unless such carrier is in compliance with the
374 requirements of the laws and regulations of the commission and the
375 department.

376 **SECTION 10.** Section 77-7-127, Mississippi Code of 1972, is
377 amended as follows:

378 77-7-127. All funds collected by the commission under the
379 provisions of this chapter shall be deposited in the State
380 Treasury to the credit of the commission's regulation fund for use
381 by the commission for the administration * * * of the laws of this
382 state relative to the inspection, control and supervision of the



383 business, * * * service or accounts of motor carriers subject to
384 this chapter.

385 From and after July 1, 2016, the expenses of this agency
386 shall be defrayed by appropriation from the State General Fund and
387 all user charges and fees authorized under this section shall be
388 deposited into the State General Fund as authorized by law.

389 From and after July 1, 2016, no state agency shall charge
390 another state agency a fee, assessment, rent or other charge for
391 services or resources received by authority of this section.

392 **SECTION 11.** Section 77-7-311, Mississippi Code of 1972, is
393 amended as follows:

394 77-7-311. (1) Any person violating any provisions of this
395 chapter, or any rule, regulation, requirement or order thereunder,
396 or any term or condition of any certificate or permit, for which a
397 penalty is not otherwise provided in this chapter, shall be deemed
398 guilty of a misdemeanor and, upon conviction thereof, be fined not
399 less than Twenty-five Dollars (\$25.00) and not more than Five
400 Hundred Dollars (\$500.00) for the first offense and not less than
401 Five Hundred Dollars (\$500.00) and not more than One Thousand
402 Dollars (\$1,000.00) for each subsequent offense. Each day of
403 violation shall constitute a separate offense.

404 (2) Any person, whether carrier, shipper, consignee, or any
405 officer, employee, agent or representative thereof, who shall
406 knowingly offer, grant or give, or solicit, accept or receive any
407 rebate, concession or discrimination in violation of any provision



408 of this chapter, or who by means of any false statement or
409 representation, or by the use of any false or fictitious bill,
410 bill of lading, receipt, voucher, roll, account, claim,
411 certificate, affidavit, deposition, lease or bill of sale, or by
412 any other means or device, shall knowingly and willfully assist,
413 suffer or permit any person or persons, natural or artificial, to
414 obtain transportation of passengers or property subject to this
415 chapter for less than the applicable rate, fare or charge, or who
416 shall knowingly and willfully, by any such means or otherwise,
417 fraudulently seek to evade or defeat regulation as in this chapter
418 provided for motor carriers, shall be deemed guilty of a
419 misdemeanor and, upon conviction thereof, be fined not less than
420 One Hundred Dollars (\$100.00) and not more than Five Hundred
421 Dollars (\$500.00) for the first offense and not less than Five
422 Hundred Dollars (\$500.00) and not more than One Thousand Dollars
423 (\$1,000.00) for any subsequent offense.

424 (3) Any owner, operator or driver of any vehicle, who is
425 required by any law or by any rule or regulation of the commission
426 or the department to stop at any inspection station or submit to
427 an inspection, who willfully fails or refuses to do so, shall be
428 guilty of a misdemeanor and, upon conviction, shall be punished by
429 a fine of not less than One Hundred Dollars (\$100.00), or more
430 than One Thousand Dollars (\$1000.00), or by confinement in the
431 county jail for not more than thirty (30) days, or by both fine
432 and jail sentence.



433 (4) Any individual, corporation or partnership operating a
434 motor vehicle transporting hazardous material that is found to be
435 in violation of any rule, regulation or requirement as provided by
436 Section 77-7-16 shall be deemed guilty of a misdemeanor and, upon
437 conviction, shall be punished by a fine of not less than Two
438 Hundred Dollars (\$200.00) or more than Five Hundred Dollars
439 (\$500.00) for the first offense, and not less than Five Hundred
440 Dollars (\$500.00) and not more than One Thousand Dollars
441 (\$1,000.00) for each subsequent offense. Each day of violation
442 shall constitute a separate offense.

443 (5) Any person operating or attempting to operate a motor
444 vehicle which has been placed out of service by a motor carrier
445 inspector shall be fined One Thousand Dollars (\$1,000.00).

446 **SECTION 12.** Section 77-7-331, Mississippi Code of 1972, is
447 amended as follows:

448 77-7-331. The chief enforcement officer and the inspectors,
449 employed pursuant to the authority granted in Section 77-1-21,
450 shall be responsible for enforcing and investigating all alleged
451 violations of this chapter, and the rules, regulations and general
452 orders of the commission promulgated thereunder; however,
453 beginning July 1, 2021, the enforcement and investigation of
454 alleged violations of this chapter, and the rules, regulations and
455 general orders promulgated thereunder, shall fall under the
456 jurisdiction of the department, through the division. In the
457 performance of their duties such employees shall give particular



458 attention to the enforcement of the commission's or the
459 department's safety rules and regulations; the provisions of this
460 chapter applicable to rates, charges and practices of motor
461 carriers; the provisions prohibiting unlawful preference,
462 concession, rebate, or discrimination; the adequacy of service,
463 equipment and facilities of motor carriers; and the requirements
464 respecting certificate of public convenience and necessity or
465 permits as set forth in this chapter.

466 **SECTION 13.** Section 77-7-333, Mississippi Code of 1972, is
467 amended as follows:

468 77-7-333. After selection, the * * * enforcement officers
469 and the inspectors of the division shall go through thirty (30)
470 days of intensive instruction of the laws of this state pertaining
471 to the Mississippi Department of Transportation and the Department
472 of Public Safety, together with the rules and regulations of * * *
473 both of these * * * agencies, and the laws of this state
474 pertaining to arrest. The expenses of attending such school shall
475 be paid out of the * * * monies appropriated by the Legislature to
476 the department.

477 From and after July 1, 2016, the expenses of this agency
478 shall be defrayed by appropriation from the State General Fund and
479 all user charges and fees authorized under this section shall be
480 deposited into the State General Fund as authorized by law.



481 From and after July 1, 2016, no state agency shall charge
482 another state agency a fee, assessment, rent or other charge for
483 services or resources received by authority of this section.

484 **SECTION 14.** Section 77-7-335, Mississippi Code of 1972, is
485 amended as follows:

486 77-7-335. (1) All division inspectors on duty shall wear
487 uniforms, shall have the right to bear arms, and shall have the
488 authority to make arrests and hold and impound any vehicle and the
489 contents thereof which is being operated in violation of this
490 chapter or the commission's or the department's rules, regulations
491 or general orders promulgated thereunder.

492 (2) All inspectors shall have the authority to enforce all
493 of the laws, rules and regulations of the commission and the
494 department under this chapter upon all highways in the state and
495 the rights-of-way of such highways and other properties as defined
496 in Section 77-7-261; except that if any person commits an offense
497 in violation of this chapter or the rules and regulations of * * *
498 the commission or the department upon a highway in the state and
499 be pursued by * * * an enforcement officer or inspector of
500 the * * * division, such * * * enforcement officer or inspector
501 may pursue and apprehend such offender upon any of the highways in
502 this state, or to any other place to which such offender may flee.

503 (3) All inspectors shall have the authority to aid and
504 assist any law enforcement officer whose life or safety is in
505 jeopardy and may arrest without warrant any fugitive from justice



506 who has escaped or who is using the highways in the state in an
507 attempt to flee. * * * Inspectors of the * * * division may
508 assist other law enforcement agencies in searching for convicted
509 felons who have escaped or for alleged felons where there is
510 probable cause to believe that the person being sought committed
511 the felony and a felony had actually been committed.

512 (4) Upon request of * * * a sheriff of any county or the
513 chief of police of any community * * *, all division inspectors
514 have the authority to assist in traffic control during time of
515 natural disasters, such as hurricanes, tornados or floods.

516 * * *

517 **SECTION 15.** Section 77-7-337, Mississippi Code of 1972, is
518 amended as follows:

519 77-7-337. The * * * division is hereby authorized and
520 empowered to purchase all necessary equipment to enforce the
521 provisions of this chapter * * *.

522 From and after July 1, 2016, the expenses of this agency
523 shall be defrayed by appropriation from the State General Fund and
524 all user charges and fees authorized under this section shall be
525 deposited into the State General Fund as authorized by law.

526 From and after July 1, 2016, no state agency shall charge
527 another state agency a fee, assessment, rent or other charge for
528 services or resources received by authority of this section.

529 **SECTION 16.** Section 77-7-339, Mississippi Code of 1972, is
530 amended as follows:



531 77-7-339. The * * * reasonable and necessary expenses
532 of * * * the administration of the duties imposed on the
533 commission by this chapter, shall be paid out of the special fund
534 in the State Treasury designated as the commission's regulation
535 fund, upon requisition and warrants in the same manner provided by
536 law for the disbursements of appropriations for the commission.
537 An itemized account shall be kept of all receipts and expenditures
538 and shall be reported to the Legislature by the commission.

539 From and after July 1, 2016, the expenses of this agency
540 shall be defrayed by appropriation from the State General Fund and
541 all user charges and fees authorized under this section shall be
542 deposited into the State General Fund as authorized by law.

543 From and after July 1, 2016, no state agency shall charge
544 another state agency a fee, assessment, rent or other charge for
545 services or resources received by authority of this section.

546 **SECTION 17.** Section 77-7-341, Mississippi Code of 1972, is
547 amended as follows:

548 77-7-341. For the purpose of administering * * * the
549 provisions of this chapter, the commission * * * is directed to
550 cooperate with and use the services of the * * * enforcement
551 officers and inspectors of the * * * department, and the
552 commission shall utilize the facilities and equipment of the
553 inspection stations maintained by the * * * division. However, in
554 utilizing these personnel and facilities, the commission shall not



555 interfere with or impede the performance by the personnel of the
556 duties and responsibilities otherwise assigned to them.

557 **SECTION 18.** Section 45-3-21, Mississippi Code of 1972, is
558 amended as follows:

559 45-3-21. (1) The powers and duties of the Highway Safety
560 Patrol shall be, in addition to all others prescribed by law, as
561 follows:

562 (a) To enforce all of the traffic laws, rules and
563 regulations of the State of Mississippi upon all highways of the
564 state highway system and the rights-of-way of such highways;
565 provided, however, that if any person commits an offense upon the
566 state highway system and be pursued by a member of the Highway
567 Safety Patrol, such patrol officer may pursue and apprehend such
568 offender upon any of the highways or public roads of this state,
569 or to any other place to which such offender may flee.

570 (b) To enforce all rules and regulations of the
571 commissioner promulgated pursuant to legal authority.

572 (c) When so directed by the Governor, to enforce any of
573 the laws of this state upon any of the highways or public roads
574 thereof.

575 (d) Upon the request of the * * * Department of
576 Revenue, and with the approval of the Governor, to enforce all of
577 the provisions of law with reference to the registration, license
578 and taxation of vehicles using the highways of this state, and
579 relative to the sizes, weights and load limits of such vehicles,



580 and to enforce the provisions of all other laws administered by
581 the * * * Department of Revenue upon any of the highways or public
582 roads of this state; and for such purpose the Highway Safety
583 Patrol shall have the authority to collect and receive all taxes
584 which may be due under any of such laws, and to report and remit
585 same to the * * * Department of Revenue in the manner required by
586 law, or the rules and regulations of the * * * Department of
587 Revenue.

588 (e) * * * Upon request of the Commercial Transportation
589 Enforcement Division within the Department of Public Safety, and
590 when so instructed by the commissioner, to enforce * * * the
591 Mississippi Motor Carrier Regulatory Law of 1938 and rules and
592 regulations promulgated thereunder.

593 (f) To arrest without warrant any person or persons
594 committing or attempting to commit any misdemeanor, felony or
595 breach of the peace within their presence or view, and to pursue
596 and so arrest any person committing such an offense to and at any
597 place in the State of Mississippi where he may go or be. Nothing
598 herein shall be construed as granting the Mississippi Highway
599 Safety Patrol general police powers.

600 (g) To aid and assist any law enforcement officer whose
601 life or safety is in jeopardy. Additionally, officers of the
602 Highway Safety Patrol may arrest without warrant any fugitive from
603 justice who has escaped or who is using the highways of the state
604 in an attempt to flee. With the approval of the commissioner or



605 his designee, officers of the Highway Safety Patrol may assist
606 other law enforcement agencies in manhunts for convicted felons
607 who have escaped and/or for alleged felons where there is probable
608 cause to believe that the person being sought committed the felony
609 and a felony had actually been committed.

610 (h) To cooperate with the State Forest Service by
611 reporting all forest fires.

612 (i) Upon request of the sheriff or his designee, or
613 board of supervisors of any county or the chief of police or mayor
614 of any municipality, and when so instructed by the commissioner or
615 his designee, to respond to calls for assistance in a law
616 enforcement incident; such request and action shall be noted and
617 clearly reflected on the radio logs of both the Mississippi
618 Highway Safety Patrol district substation and that of the
619 requesting agency, entered on the local NCIC terminal, if
620 available, and a request in writing shall follow within
621 forty-eight (48) hours. Additionally, the time of commencement
622 and termination of the specific law enforcement incident shall be
623 clearly noted on the radio logs of both law enforcement agencies.

624 (2) The Legislature declares that the primary law
625 enforcement officer in any county in the State of Mississippi is
626 the duly qualified and elected sheriff thereof, but for the
627 purposes of this subsection there is hereby vested in the
628 Department of Public Safety, in addition to the powers hereinabove
629 mentioned and the other provisions of this section under the terms



630 and limitations hereinafter mentioned and for the purpose of
631 insuring domestic tranquility and for the purpose of preventing or
632 suppressing, or both, crimes of violence, acts and conduct
633 calculated to, or which may, provoke or lead to violence and/or
634 incite riots, mobs, mob violence, a breach of the peace, and acts
635 of intimidation or terror, the powers and duties to include the
636 enforcement of all the laws of the State of Mississippi relating
637 to such purposes, to investigate any violation of the laws of the
638 State of Mississippi and to aid in the arrest and prosecution of
639 persons charged with violating the laws of the State of
640 Mississippi which relate to such purposes. Investigators of the
641 Bureau of Investigation of the Department of Public Safety shall
642 have general police powers to enforce all the laws of the State of
643 Mississippi. All officers of the Department of Public Safety
644 charged with the enforcement of the laws administered by that
645 agency, for the purposes herein set forth, shall have full power
646 to investigate, prevent, apprehend and arrest law violators
647 anywhere in the state, and shall be vested with the power of
648 general police officers in the performance of their duties. The
649 officers of the Department of Public Safety are authorized and
650 empowered to carry and use firearms and other weapons deemed
651 necessary in the discharge of their duties as such and are also
652 empowered to serve warrants and subpoenas issued under the
653 authority of the State of Mississippi. The Governor shall be
654 authorized to offer and pay suitable rewards to persons aiding in



655 the investigation, apprehension and conviction of persons charged
656 with acts of violence, or threats of violence or intimidation or
657 acts of terrorism. The additional powers herein granted to or
658 vested in the Department of Public Safety or any of its officers
659 or employees by this section, excepting investigating powers, and
660 those powers of investigators who shall have general police power,
661 being the investigators in the Bureau of Investigation of the
662 Department of Public Safety, shall not be exercised by the
663 Department of Public Safety, or any of its officers or employees,
664 except upon authority and direction of the Governor or Acting
665 Governor, by proclamation duly signed, in the following instances,
666 to wit:

667 (a) When requested by the sheriff or board of
668 supervisors of any county or the mayor of any municipality on the
669 grounds that mob violence, crimes of violence, acts and conduct of
670 terrorism, riots or acts of intimidation, or either, calculated to
671 or which may provoke violence or incite riots, mobs, mob violence,
672 violence, or lead to any breach of the peace, or either, and acts
673 of intimidation or terror are anticipated, and when such acts or
674 conduct in the opinion of the Governor or Acting Governor would
675 provoke violence or any of the foregoing acts or conduct set out
676 in this subsection, and the sheriff or mayor, as the case may be,
677 lacks adequate police force to prevent or suppress the same.

678 (b) Acting upon evidence submitted to him by the
679 Department of Public Safety, or other investigating agency



680 authorized by the Governor or Acting Governor to make such
681 investigations, because of the failure or refusal of the sheriff
682 of any county or mayor of any municipality to take action or
683 employ such means at his disposal, to prevent or suppress the
684 acts, conduct or offenses provided for in subsection (1) of this
685 section, the Governor or Acting Governor deems it necessary to
686 invoke the powers and authority vested in the Department of Public
687 Safety.

688 (c) The Governor or Acting Governor is hereby
689 authorized and empowered to issue his proclamation invoking the
690 powers and authority vested by this paragraph, as provided in
691 paragraphs (a) and (b) of this subsection, and when the Governor
692 or Acting Governor issues said proclamation in accordance
693 herewith, said proclamation shall become effective upon the
694 signing thereof and shall continue in full force and effect for a
695 period of ninety (90) days, or for a shorter period if otherwise
696 ordered by the Governor or Acting Governor. At the signing of the
697 proclamation by the Governor or Acting Governor, the Department of
698 Public Safety and its officers and employees shall thereupon be
699 authorized to exercise the additional power and authority vested
700 in them by this paragraph. The Governor and Acting Governor may
701 issue additional proclamations for periods of ninety (90) days
702 each under the authority of paragraphs (a) and (b) of this
703 subsection (2).



704 (3) All proclamations issued by the Governor or Acting
705 Governor shall be filed in the Office of the Secretary of State on
706 the next succeeding business day.

707 (4) It is not the intention of this section to vest the wide
708 powers and authority herein provided for, as general powers of the
709 Department of Public Safety, and the same are not hereby so
710 vested, but to limit these general powers to cases and incidents
711 wherein it is deemed necessary to prevent or suppress the offenses
712 and conditions herein mentioned in this and other subsections of
713 this section, and under the terms and conditions hereinabove
714 enumerated, it being the sense of the Legislature that the prime
715 duties of the Department of Public Safety are to patrol the
716 highways of this state and enforce the highway safety laws.

717 (5) Patrol officers shall have no interest in any costs in
718 the prosecution of any case through any court; nor shall any
719 patrol officer receive any fee as a witness in any court held in
720 this state, whether a state or federal court.

721 (6) Provided, however, that the general police power vested
722 by virtue of the terms of subsection (2) of this section is solely
723 for the purposes set out in said subsection.

724 **SECTION 19.** Section 27-19-89, Mississippi Code of 1972, is
725 amended as follows:

726 **[Through June 30, 2023, this section shall read as follows:]**

727 27-19-89. (a) If any nonresident owner or operator or other
728 nonresident person eligible for a temporary permit as provided in



729 Section 27-19-79, who has not elected to register and pay the
730 annual privilege taxes prescribed, shall enter or go upon the
731 public highways of the state and shall fail or refuse to obtain
732 the permit required by Section 27-19-79, such person shall be
733 liable, for the first such offense, for the full amount of the
734 permit fee required, plus a penalty thereon of five hundred
735 percent (500%). For the second and all subsequent offenses, such
736 person who fails or refuses to obtain such permits shall be liable
737 for the pro rata part of the annual tax for the balance of the tag
738 year for the maximum legal gross weight of the vehicle plus a
739 penalty thereon of twenty-five percent (25%). Any weight in
740 excess of the maximum legal gross weight of the vehicle, or in
741 excess of the maximum highway weight limit, shall be penalized
742 according to subsection (c) of this section. In either case the
743 excess weight shall be removed by the operator before the vehicle
744 can be allowed to proceed. In order to constitute a "second or
745 subsequent offense" under the provisions hereof, it shall not be
746 necessary that the same or identical vehicle be involved, it being
747 the declared purpose hereof to provide that such penalties shall
748 run against the owner or operator rather than against the
749 specified vehicle. It is further provided that, in order for such
750 owner or operator to become liable for the penalties herein
751 provided, it shall not be necessary to show that such owner or
752 operator was guilty of willfulness, gross negligence or



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

755 (b) If any person who has registered his vehicle in
756 Mississippi shall operate such vehicle upon the public highways,
757 having a gross weight greater than the licensed gross weight of
758 such vehicle, and shall fail or refuse to obtain a permit therefor
759 as required by Section 27-19-79, or if any person shall operate
760 any such registered vehicle upon the public highways in a higher
761 classification than that for which it is registered, and shall
762 fail or refuse to obtain a permit therefor as required by Section
763 27-19-79, then such person shall be liable for the pro rata part
764 of the annual tax for the balance of the tag year for the legal
765 gross weight of such vehicle and in the classification in which
766 same is being operated, plus a penalty thereon of twenty-five
767 percent (25%), after having been given credit for the unexpired
768 part of the privilege tax paid, as provided in Section 27-19-75.
769 In order that such owner or operator shall become liable for the
770 penalties herein provided, it shall not be necessary to show that
771 such owner or operator was guilty of willfulness, gross negligence
772 or wantonness, but the offense shall be complete upon the failure
773 or refusal to obtain the required permit.

774 (c) If any person shall operate upon a highway of this state
775 a vehicle which has a greater vehicle gross weight than the
776 maximum gross weight limit established by law for that highway and
777 shall have failed to obtain an overload permit as required by



778 Section 27-19-81, or if any person shall operate a vehicle with a
779 greater load on any axle or axle grouping than allowed by law,
780 then such person, owner or operator shall be assessed a penalty on
781 such axle load weight or vehicle gross weight as exceeds the legal
782 limit in accordance with the following schedule:

783	AMOUNT IN EXCESS OF	
784	LEGAL HIGHWAY WEIGHT	
785	LIMITS IN POUNDS	PENALTY
786	1 to 999	\$10.00 minimum penalty
787	1,000 to 1,999	1¢ per pound in excess of legal limit
788	2,000 to 2,999	2¢ per pound in excess of legal limit
789	3,000 to 3,999	3¢ per pound in excess of legal limit
790	4,000 to 4,999	4¢ per pound in excess of legal limit
791	5,000 to 5,999	5¢ per pound in excess of legal limit
792	6,000 to 6,999	6¢ per pound in excess of legal limit
793	7,000 to 7,999	7¢ per pound in excess of legal limit
794	8,000 to 8,999	8¢ per pound in excess of legal limit
795	9,000 to 9,999	9¢ per pound in excess of legal limit
796	10,000 to 10,999	10¢ per pound in excess of legal limit
797	11,000 or more	11¢ per pound in excess of legal limit

798 Any vehicle in violation of the tolerance allowed pursuant to
799 Section 63-5-33(3) shall be fined pursuant to this subsection (c)
800 for all weight in excess of the legal highway gross weight limit
801 authorized for such vehicle or for all weight in excess of the
802 legal tandem axle load weight limit of forty thousand (40,000)



803 pounds and the legal single axle load limit of twenty thousand
804 (20,000) pounds, whichever the case may be.

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

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

814 Notwithstanding any other provisions of this section to the
815 contrary, the fine assessed against the holder of a harvest permit
816 for exceeding a gross vehicle weight of eighty-four thousand
817 (84,000) pounds, but not exceeding a gross vehicle weight of
818 ninety thousand (90,000) pounds, shall be Five Cents (5¢) per
819 pound * * *. The fine for exceeding a gross vehicle weight of
820 ninety thousand (90,000) pounds, but not exceeding a gross vehicle
821 weight of one hundred thousand (100,000) pounds, shall be One
822 Thousand Five Hundred Dollars (\$1,500.00). The fine for exceeding
823 a gross vehicle weight of one hundred thousand (100,000) pounds
824 shall be Two Thousand Five Hundred Dollars (\$2,500.00) for a first
825 violation during any twelve-month period and Three Thousand Five
826 Hundred Dollars (\$3,500.00) for a second violation during any
827 twelve-month period. Any subsequent violation of exceeding a



828 gross vehicle weight of one hundred thousand (100,000) pounds
829 during any twelve-month period shall result in the suspension of
830 the permit holder's harvest permit for thirty (30) days from the
831 date of violation.

832 Notwithstanding any other provision of this subsection (c) to
833 the contrary, upon an appeal to the Appeals Board of the * * *
834 Commercial Transportation Enforcement Division of the Department
835 of Public Safety by an owner or operator of a vehicle hauling
836 without a harvest permit any of the products or materials
837 described in subsection (3) of Section 63-5-33 and upon whom a
838 penalty has been assessed under this subsection (c) for exceeding
839 the legal weight limit(s) on a highway having a legal weight limit
840 of eighty thousand (80,000) pounds or less, the appeals board
841 shall reduce the penalty assessed against such owner/operator to
842 an amount not to exceed ten percent (10%) of the amount which
843 would otherwise be due without the reduction authorized under this
844 paragraph. A reduction shall not be authorized under this
845 paragraph if the gross weight of the vehicle for which an
846 owner/operator has been charged with a violation of this section
847 exceeds eighty-four thousand (84,000) pounds; and, in any event,
848 no reduction shall be authorized under this paragraph unless a
849 penalty assessed under this section is appealed to the appeals
850 board and unless the board determines, based upon its records,
851 that such owner/operator has not been granted a penalty reduction
852 under this paragraph within a period of twelve (12) months



853 immediately preceding the date of filing an appeal with the board
854 for a penalty reduction under this paragraph.

855 (d) If any nonresident owner or operator who has not
856 registered his vehicle and paid the annual privilege taxes
857 prescribed shall operate his vehicle upon the highways of this
858 state when such vehicle has a greater gross weight than permitted
859 by law for the highway traveled upon, and for which such excess
860 gross weight a permit was not or could not be procured from the
861 transportation department as required by Section 27-19-81, such
862 person shall be liable upon his second and all subsequent offenses
863 for the pro rata part of the annual tax for the balance of the tag
864 year for the legal gross weight of the vehicle, and in addition
865 thereto the penalty fee on the excess weight as specified in
866 subsection (c) of this section. In order that such owner or
867 operator shall become liable for the penalties herein provided, it
868 shall not be necessary that the same or identical vehicle be
869 involved, it being the declared purpose hereof to provide that
870 such penalties shall run against the owner or operator rather than
871 against the specific vehicle.

872 (e) All fines and penalties imposed and collected by the
873 Mississippi Department of * * * Public Safety for violations of
874 the maximum legal vehicle weight limits authorized on the highways
875 of this state shall be deposited into a special fund that is
876 created in the State Treasury. Monies in the fund shall be
877 allocated and distributed quarterly, beginning September 30, 1994,



878 to each county of the state based on the amount of such fines and
879 penalties imposed and collected in the county during the
880 immediately preceding three (3) months. Monies distributed to the
881 counties under this subsection shall be deposited in each county's
882 road and bridge fund and may be expended, upon approval of the
883 board of supervisors, for any purpose for which county road and
884 bridge fund monies lawfully may be expended.

885 **[From and after July 1, 2023, this section shall read as**
886 **follows:]**

887 27-19-89. (a) If any nonresident owner or operator or other
888 nonresident person eligible for a temporary permit as provided in
889 Section 27-19-79, who has not elected to register and pay the
890 annual privilege taxes prescribed, shall enter or go upon the
891 public highways of the state and shall fail or refuse to obtain
892 the permit required by Section 27-19-79, such person shall be
893 liable, for the first such offense, for the full amount of the
894 permit fee required, plus a penalty thereon of five hundred
895 percent (500%). For the second and all subsequent offenses, such
896 person who fails or refuses to obtain such permits shall be liable
897 for the pro rata part of the annual tax for the balance of the tag
898 year for the maximum legal gross weight of the vehicle plus a
899 penalty thereon of twenty-five percent (25%). Any weight in
900 excess of the maximum legal gross weight of the vehicle, or in
901 excess of the maximum highway weight limit, shall be penalized
902 according to subsection (c) of this section. In either case the



903 excess weight shall be removed by the operator before the vehicle
904 can be allowed to proceed. In order to constitute a "second or
905 subsequent offense" under the provisions hereof, it shall not be
906 necessary that the same or identical vehicle be involved, it being
907 the declared purpose hereof to provide that such penalties shall
908 run against the owner or operator rather than against the
909 specified vehicle. It is further provided that, in order for such
910 owner or operator to become liable for the penalties herein
911 provided, it shall not be necessary to show that such owner or
912 operator was guilty of willfulness, gross negligence or
913 wantonness, but the offense shall be complete upon the failure or
914 refusal to obtain the required permit.

915 (b) If any person who has registered his vehicle in
916 Mississippi shall operate such vehicle upon the public highways,
917 having a gross weight greater than the licensed gross weight of
918 such vehicle, and shall fail or refuse to obtain a permit therefor
919 as required by Section 27-19-79, or if any person shall operate
920 any such registered vehicle upon the public highways in a higher
921 classification than that for which it is registered, and shall
922 fail or refuse to obtain a permit therefor as required by Section
923 27-19-79, then such person shall be liable for the pro rata part
924 of the annual tax for the balance of the tag year for the legal
925 gross weight of such vehicle and in the classification in which
926 same is being operated, plus a penalty thereon of twenty-five
927 percent (25%), after having been given credit for the unexpired



928 part of the privilege tax paid, as provided in Section 27-19-75.
929 In order that such owner or operator shall become liable for the
930 penalties herein provided, it shall not be necessary to show that
931 such owner or operator was guilty of willfulness, gross negligence
932 or wantonness, but the offense shall be complete upon the failure
933 or refusal to obtain the required permit.

934 (c) If any person shall operate upon a highway of this state
935 a vehicle which has a greater vehicle gross weight than the
936 maximum gross weight limit established by law for that highway and
937 shall have failed to obtain an overload permit as required by
938 Section 27-19-81, or if any person shall operate a vehicle with a
939 greater load on any axle or axle grouping than allowed by law,
940 then such person, owner or operator shall be assessed a penalty on
941 such axle load weight or vehicle gross weight as exceeds the legal
942 limit in accordance with the following schedule:

943	AMOUNT IN EXCESS OF	
944	LEGAL HIGHWAY WEIGHT	
945	LIMITS IN POUNDS	PENALTY
946	1 to 999	\$10.00 minimum penalty
947	1,000 to 1,999	1¢ per pound in excess of legal limit
948	2,000 to 2,999	2¢ per pound in excess of legal limit
949	3,000 to 3,999	3¢ per pound in excess of legal limit
950	4,000 to 4,999	4¢ per pound in excess of legal limit
951	5,000 to 5,999	5¢ per pound in excess of legal limit
952	6,000 to 6,999	6¢ per pound in excess of legal limit



953	7,000 to 7,999	7¢ per pound in excess of legal limit
954	8,000 to 8,999	8¢ per pound in excess of legal limit
955	9,000 to 9,999	9¢ per pound in excess of legal limit
956	10,000 to 10,999	10¢ per pound in excess of legal limit
957	11,000 or more	11¢ per pound in excess of legal limit

958 Any vehicle in violation of the tolerance allowed pursuant to
959 Section 63-5-33(3) shall be fined pursuant to this subsection (c)
960 for all weight in excess of the legal highway gross weight limit
961 authorized for such vehicle or for all weight in excess of the
962 legal tandem axle load weight limit of forty thousand (40,000)
963 pounds and the legal single axle load limit of twenty thousand
964 (20,000) pounds, whichever the case may be.

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

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

974 Notwithstanding any other provisions of this section to the
975 contrary, the fine assessed against the holder of a harvest permit
976 for exceeding a gross vehicle weight of * * * eighty-eight
977 thousand (88,000) pounds * * * shall be broken down as follows:



978	<u>WEIGHT IN POUNDS</u>	<u>PENALTY</u>
979	<u>88,001 to 89,999</u>	<u>5¢ per pound</u>
980	<u>90,000 to 90,999</u>	<u>\$ 500.00</u>
981	<u>91,000 to 91,999</u>	<u>\$1,000.00</u>
982	<u>92,000 to 100,000</u>	<u>\$1,500.00</u>

983 For a weight of over one hundred thousand (100,000) pounds,
984 the penalty shall be Two Thousand Five Hundred Dollars (\$2,500.00)
985 for a first violation within any twelve-month period, Three
986 Thousand Five Hundred Dollars (\$3,500.00) for a second violation
987 within any twelve-month period, and the loss of the harvest permit
988 for a period of thirty (30) days from the date of the violation
989 for a third violation within any twelve-month period.

990 Notwithstanding any other provision of this subsection (c) to
991 the contrary, upon an appeal to the Appeals Board of the
992 Commercial Transportation Enforcement Division of the Department
993 of Public Safety, by an owner or operator of a vehicle hauling
994 without a harvest permit any of the products or materials
995 described in subsection (3) of Section 63-5-33 and upon whom a
996 penalty has been assessed under this subsection (c) for exceeding
997 the legal weight limit(s) on a highway having a legal weight limit
998 of eighty thousand (80,000) pounds or less, the appeals board
999 shall reduce the penalty assessed against such owner/operator to
1000 an amount not to exceed ten percent (10%) of the amount which
1001 would otherwise be due without the reduction authorized under this
1002 paragraph. A reduction shall not be authorized under this



1003 paragraph if the gross weight of the vehicle for which an
1004 owner/operator has been charged with a violation of this section
1005 exceeds * * * eighty-eight thousand (88,000) pounds; and, in any
1006 event, no reduction shall be authorized under this paragraph
1007 unless a penalty assessed under this section is appealed to the
1008 appeals board and unless the board determines, based upon its
1009 records, that such owner/operator has not been granted a penalty
1010 reduction under this paragraph within a period of twelve (12)
1011 months immediately preceding the date of filing an appeal with the
1012 board for a penalty reduction under this paragraph.

1013 (d) If any nonresident owner or operator who has not
1014 registered his vehicle and paid the annual privilege taxes
1015 prescribed shall operate his vehicle upon the highways of this
1016 state when such vehicle has a greater gross weight than permitted
1017 by law for the highway traveled upon, and for which such excess
1018 gross weight a permit was not or could not be procured from the
1019 transportation department as required by Section 27-19-81, such
1020 person shall be liable upon his second and all subsequent offenses
1021 for the pro rata part of the annual tax for the balance of the tag
1022 year for the legal gross weight of the vehicle, and in addition
1023 thereto the penalty fee on the excess weight as specified in
1024 subsection (c) of this section. In order that such owner or
1025 operator shall become liable for the penalties herein provided, it
1026 shall not be necessary that the same or identical vehicle be
1027 involved, it being the declared purpose hereof to provide that



1028 such penalties shall run against the owner or operator rather than
1029 against the specific vehicle.

1030 (e) All fines and penalties imposed and collected by the
1031 Mississippi Department of Public Safety, for violations of the
1032 maximum legal vehicle weight limits authorized on the highways of
1033 this state shall be deposited into a special fund that is created
1034 in the State Treasury. Monies in the fund shall be allocated and
1035 distributed quarterly, beginning September 30, 1994, to each
1036 county of the state based on the amount of such fines and
1037 penalties imposed and collected in the county during the
1038 immediately preceding three (3) months. Monies distributed to the
1039 counties under this subsection shall be deposited in each county's
1040 road and bridge fund and may be expended, upon approval of the
1041 board of supervisors, for any purpose for which county road and
1042 bridge fund monies lawfully may be expended.

1043 **SECTION 20.** Section 19-11-27, Mississippi Code of 1972, is
1044 amended as follows:

1045 19-11-27. No board of supervisors of any county shall expend
1046 from, or contract an obligation against, the budget estimates for
1047 road and bridge construction, maintenance and equipment, made and
1048 published by it during the last year of the term of office of such
1049 board, between the first day of October and the first day of the
1050 following January, a sum exceeding one-fourth (1/4) of such item
1051 of the budget made and published by it, except in cases of
1052 emergency. The clerk of any county is prohibited from issuing any



1053 warrant contrary to the provisions of this section. No board of
1054 supervisors nor any member thereof shall buy any machinery or
1055 equipment in the last six (6) months of their or his term unless
1056 or until he has been elected at the general election of that year.
1057 The provisions of this section shall not apply to (i) until
1058 January 1, 2020, projects of any type that receive monies from the
1059 Local System Bridge Replacement and Rehabilitation Program, the
1060 Emergency Road and Bridge Repair Fund, the 2018 Transportation and
1061 Infrastructure Improvement Fund or the Gulf Coast Restoration Fund
1062 and (ii) to expenditures during calendar year 2019 on deficient
1063 bridges in the State Aid Road System or the Local System Road
1064 Program that have a sufficiency rating of less than fifty (50) or
1065 to a contract, lease or lease-purchase contract executed pursuant
1066 to the bidding requirements in Section 31-7-13 and approved by a
1067 unanimous vote of the board. Such unanimous vote shall include a
1068 statement indicating the board's proclamation that the award of
1069 the contract is essential to the efficiency and economy of the
1070 operation of the county government. On and after July 1, 2021,
1071 through June 30, 2023, the provisions of this section shall not
1072 apply to projects of any type that receive monies from the
1073 Emergency Road and Bridge Repair Fund.

1074 **SECTION 21.** Section 63-5-33, Mississippi Code of 1972, is
1075 amended as follows:

1076 63-5-33. (1) Subject to the limitations imposed on wheel
1077 and axle loads by Section 63-5-27, and to the further limitations



1078 hereinafter specified, the total combined weight (vehicles plus
1079 load) on any group of axles of a vehicle or a combination of
1080 vehicles shall not exceed the value given in the following table
1081 (Table III) corresponding to the distance in feet between the
1082 extreme axles of the group, measured longitudinally to the nearest
1083 foot, on those highways or parts of highways designated by the
1084 Mississippi Transportation Commission as being capable of carrying
1085 the maximum load limits and, in addition thereto, such other
1086 highways or parts of highways found by the commission to be
1087 suitable to carry the maximum load limits from an engineering
1088 standpoint, and so designated as such by order of the commission
1089 entered upon its minutes and published once each week for three
1090 (3) consecutive weeks in a daily newspaper published in this state
1091 and having a general circulation therein. The maximum total
1092 combined weight carried on any group of two (2) or more
1093 consecutive axles shall be determined by the formula contained in
1094 the Federal Weight Law enacted January 4, 1975, as follows: $W=500$
1095 $(LN/N-1+12N+36)$ where W =maximum weight in pounds carried on any
1096 group of two (2) or more axles computed to the nearest five
1097 hundred (500) pounds, L =distance in feet between the extremes of
1098 any group of two (2) or more consecutive axles, and N =number of
1099 axles in any group under consideration.

1100 TABLE III

1101 DISTANCE

1102 IN FEET



1103	BETWEEN THE					
1104	EXTREMES OF					
1105	ANY GROUP					
1106	OF 2 OR MORE					
1107	CONSECUTIVE		MAXIMUM LOAD IN POUNDS CARRIED ON ANY			
1108	AXLES		GROUP OF 2 OR MORE CONSECUTIVE AXLES			
1109		2 axles	3 axles	4 axles	5 axles	6 axles 7 axles
1110	4	34,000				
1111	5	34,000				
1112	6	34,000		Axle groups in		
1113	7	34,000				
1114	8 and					
1115	less	34,000	34,000	these spacings		
1116	More					
1117	than					
1118	8	38,000	42,000			
1119	9	39,000	42,500			
1120	10	40,000	43,500	impractical		
1121	11		44,000			
1122	12		45,000	50,000		
1123	13		45,500	50,500		
1124	14		46,500	51,500		
1125	15		47,000	52,000		
1126	16		48,000	52,500	58,000	
1127	17		48,500	53,500	58,500	



1128	18	49,500	54,000	59,000		
1129	19	50,000	54,500	60,000		
1130	20	51,000	55,500	60,500	66,000	
1131	21	51,500	56,000	61,000	66,500	
1132	22	52,500	56,500	61,500	67,000	
1133	23	53,000	57,500	62,500	68,000	
1134	24	54,000	58,000	63,000	68,500	74,000
1135	25	54,500	58,500	63,500	69,000	74,500
1136	26	55,500	59,500	64,000	69,500	75,000
1137	27	56,000	60,000	65,000	70,000	75,500
1138	28	57,000	60,500	65,500	71,000	76,500
1139	29	57,500	61,500	66,000	71,500	77,000
1140	30	58,500	62,000	66,500	72,000	77,500
1141	31	59,000	62,500	67,500	72,500	78,000
1142	32	60,000	63,500	68,000	73,000	78,500
1143	33		64,000	68,500	74,000	79,000
1144	34		64,500	69,000	74,500	80,000
1145	35		65,500	70,000	75,000	80,000
1146	36		66,000	70,500	75,500	80,000
1147	37		66,500	71,000	76,000	80,000
1148	38		67,500	71,500	77,000	80,000
1149	39		68,000	72,500	77,500	80,000
1150	40		68,500	73,000	78,000	80,000
1151	41		69,500	73,500	78,500	80,000
1152	42		70,000	74,000	79,000	80,000



1153	43	70,500	75,000	80,000	80,000
1154	44	71,500	75,500	80,000	80,000
1155	45	72,000	76,000	80,000	80,000
1156	46	72,500	76,500	80,000	80,000
1157	47	73,500	77,500	80,000	80,000
1158	48	74,000	78,000	80,000	80,000
1159	49	74,500	78,500	80,000	80,000
1160	50	75,500	79,000	80,000	80,000
1161	51	76,000	80,000	80,000	80,000
1162	52	76,500	80,000	80,000	80,000
1163	53	77,500	80,000	80,000	80,000
1164	54	78,000	80,000	80,000	80,000
1165	55	78,500	80,000	80,000	80,000
1166	56	79,500	80,000	80,000	80,000
1167	57	80,000	80,000	80,000	80,000

1168 (2) Moreover, in addition to the per axle weight limitations
1169 specified by Section 63-5-27, two (2) consecutive sets of tandem
1170 axles may carry a gross load of thirty-four thousand (34,000)
1171 pounds each, providing that the overall distance between the first
1172 and last axles of such consecutive sets of tandem axles is
1173 thirty-six (36) feet or more, except that, until September 1,
1174 1989, the axle distance for tank trailers, dump trailers and ocean
1175 transport container haulers may be thirty (30) feet or more. Such
1176 overall gross weight may not exceed eighty thousand (80,000)
1177 pounds, except as provided by this section.



1178 (3) Notwithstanding the provisions of Section 63-5-27 and/or
1179 Section 63-5-29 to the contrary, vehicles hauling products in the
1180 manner set forth in this subsection, whether or not such vehicles
1181 are operating with a harvest permit, shall be allowed a gross
1182 weight of not to exceed forty thousand (40,000) pounds on any
1183 tandem. Vehicles operating without a harvest permit shall be
1184 allowed a tolerance not to exceed five percent (5%) above their
1185 authorized gross vehicle weight, tandem or axle weight; except
1186 that the maximum gross vehicle weight of any such vehicle shall
1187 not exceed eighty thousand (80,000) pounds plus a tolerance
1188 thereon of not more than two percent (2%). Vehicles operating
1189 without a harvest permit loading at a point of origin having
1190 scales available for weighing the vehicle shall not be eligible
1191 for any tolerance over the gross weight limit of eighty thousand
1192 (80,000) pounds. Vehicles operating with a harvest permit shall
1193 be allowed a tolerance not to exceed ten percent (10%) above their
1194 authorized gross vehicle weight, tandem or axle weight, but the
1195 maximum gross vehicle weight of any such vehicle shall not
1196 exceed * * * eighty-eight thousand (88,000) pounds. However,
1197 neither the increased weights in this subsection nor any tolerance
1198 shall be allowed on federal interstate highways or on other
1199 highways where a tolerance is specifically prohibited by the
1200 Transportation Commission, the county board of supervisors or the
1201 municipal governing authorities as provided for in Section
1202 63-5-27. The tolerance allowed by this subsection shall only



1203 apply to the operation of vehicles from the point of loading to
1204 the point of unloading for processing, and to the operation of
1205 vehicles hauling sand, gravel, woodchips, wood shavings, sawdust,
1206 fill dirt, and agricultural products, and products for recycling
1207 or materials for the construction or repair of highways. The
1208 range of such operation shall not exceed a radius of one hundred
1209 (100) miles except where the products are being transported for
1210 processing within this state.

1211 (4) Notwithstanding the provisions of Section 63-5-27 and/or
1212 Section 63-5-29 to the contrary, vehicles hauling prepackaged
1213 products, unloaded at a state port or to be loaded at a state
1214 port, which are containerized in such a manner as to make
1215 subdivision thereof impractical shall be allowed a gross weight of
1216 not to exceed forty thousand (40,000) pounds on any tandem, and a
1217 tolerance not to exceed ten percent (10%) above their authorized
1218 gross weight, tandem or axle weight; except that the maximum
1219 weight of any vehicle shall not exceed eighty thousand (80,000)
1220 pounds plus a tolerance thereon of not more than two percent (2%);
1221 however, neither the increased weights in this subsection nor any
1222 tolerance shall be allowed on federal interstate highways or on
1223 other highways where a tolerance is specifically prohibited by the
1224 Transportation Commission, the county board of supervisors or the
1225 municipal governing authorities as provided for in Section
1226 63-5-27.



1227 (5) (a) Vehicles for which a harvest permit has been issued
1228 pursuant to Section 27-19-81(4) shall be allowed a gross vehicle
1229 weight tolerance of ten percent (10%), not to exceed * * *
1230 eighty-eight thousand (88,000) pounds. However, the board of
1231 supervisors of any county and the governing authorities of any
1232 municipality may designate the roads, streets and highways under
1233 their respective jurisdiction on and along which vehicles for
1234 which a harvest permit has been issued may travel. This
1235 subsection shall not apply to the federal interstate system.

1236 (b) Any owner or operator who has been issued a harvest
1237 permit and who wishes to operate a vehicle on the roads, streets
1238 or highways under the jurisdiction of a county or municipality at
1239 a gross vehicle weight greater than the weight allowed by law or
1240 greater than the maximum weight established for such roads,
1241 streets or highways by the board of supervisors or municipal
1242 governing authorities, shall notify, in writing, the board of
1243 supervisors or the governing authorities, as the case may be,
1244 before operating such vehicle on the roads, streets or highways of
1245 such county or municipality. In his notice, the permit holder
1246 shall identify the routes over which he intends to operate
1247 vehicles for which the permit has been issued and the dates or
1248 time period during which he will be operating such vehicles. The
1249 board of supervisors or the governing authorities, as the case may
1250 be, shall have two (2) working days to respond in writing to the
1251 permit holder to notify the permit holder of the routes on and



1252 along which the permit holder may operate vehicles for which a
1253 harvest permit has been issued. Failure of the board of
1254 supervisors or the governing authorities timely to notify the
1255 permit holder and to designate the routes on and along which the
1256 permit holder may operate shall be considered as authorizing the
1257 permit holder to operate on any of the roads, streets or highways
1258 of the county or municipality in accordance with the authority
1259 granted to the permit holder by the harvest permit.

1260 (c) Any time a timber deed is filed with the chancery
1261 clerk, the grantee, at that time, may make a written request of
1262 the board of supervisors of the county or the governing
1263 authorities of the municipality, as the case may be, for the
1264 purpose of providing to the grantee, within three (3) working days
1265 of the filing of the request, a designated and approved route over
1266 the roads, streets or highways under the jurisdiction of the
1267 county or city, as the case may be, that the grantee may travel
1268 for the purpose of transporting harvested timber. Upon providing
1269 such route designation, the county or city, as the case may be,
1270 shall also provide to the grantee a map designating the approved
1271 route. An approved route designation provided to a grantee under
1272 the provisions of this paragraph shall be valid for a period of
1273 six (6) months from its date of issue. The permit authorized to
1274 be issued under paragraph (b) of this subsection shall not be
1275 required for any person who obtains a permit issued under this
1276 paragraph.



1277 (d) This subsection (5) shall stand repealed from and
1278 after July 1, 2022.

1279 (6) Nothing in this section or subsections (1) through (4)
1280 of Section 63-5-27 shall be construed to deny the operation of any
1281 vehicle or combination of vehicles that could be lawfully operated
1282 upon the interstate highway system of this state on January 4,
1283 1975.

1284 (7) (a) Notwithstanding any provisions of Section 63-5-27
1285 to the contrary, a vehicle that is operated by an engine fueled
1286 primarily by compressed or liquefied natural gas may exceed the
1287 gross vehicle weight limits by an amount, not to exceed a maximum
1288 of two thousand (2,000) pounds, that is equal to the difference
1289 between the weight of the vehicle attributable to the natural gas
1290 tank and fueling system carried by the vehicle and the weight of a
1291 comparable diesel tank and fueling system.

1292 (b) The weight exception provided in this subsection
1293 shall apply to all interstate highways per the exemption expressly
1294 permitted by 23 USC Section 127.

1295 **SECTION 22.** Section 65-1-46, Mississippi Code of 1972, is
1296 amended as follows:

1297 **[Through June 30, 2023, this section shall read as follows:]**

1298 65-1-46. (1) There is created an Appeals Board of the
1299 Mississippi Transportation Commission. If any person feels
1300 aggrieved by a penalty for excess weight assessed against him by
1301 an agent or employee of the Mississippi Department of



1302 Transportation pursuant to Section 27-19-89, he may apply to the
1303 appeals board. Beginning July 1, 2021, the Appeals Board shall be
1304 administratively located within the Commercial Transportation
1305 Enforcement Division of the Mississippi Department of Public
1306 Safety and shall receive appeals with respect to penalties for
1307 excess weight assessed by agents or employees of the Commercial
1308 Transportation Enforcement Division.

1309 (2) The members serving on the appeals board on April 7,
1310 1995, shall continue to serve until July 1, 1995. On July 1,
1311 1995, the appeals board shall be reconstituted to be composed of
1312 five (5) qualified people. The initial appointments to the
1313 reconstituted board shall be made no later than June 30, 1995, for
1314 terms to begin July 1, 1995, as follows: One (1) member shall be
1315 appointed by the Governor for a term ending on June 30, 1996, one
1316 (1) member shall be appointed by the Lieutenant Governor for a
1317 term ending on June 30, 1997, one (1) member shall be appointed by
1318 the Attorney General for a term ending on June 30, 1998, one (1)
1319 member shall be appointed by the Chairman of the State Tax
1320 Commission for a term ending on June 30, 1999, and one (1) member
1321 shall be appointed by the Executive Director of the Mississippi
1322 Department of Transportation for a term ending on June 30, 2000.
1323 After the expiration of the initial terms of the members of the
1324 reconstituted board, all subsequent appointments shall be made for
1325 terms of four (4) years from the expiration date of the previous
1326 term. Any member serving on the appeals board before July 1,



1327 1995, may be reappointed to the reconstituted appeals board.
1328 Appointments to the board shall be with the advice and consent of
1329 the Senate; however, the advice and consent of the Senate shall
1330 not be required for the appointment of a person to the
1331 reconstituted appeals board for a term beginning on July 1, 1995,
1332 if such person was serving as a member of the appeals board on
1333 June 30, 1995, and such person received the advice and consent of
1334 the Senate for that appointment. The term of the member appointed
1335 by the Executive Director of the Mississippi Department of
1336 Transportation shall end on June 30, 2021, and the vacancy shall
1337 be filled by a member appointed by the Commissioner of Public
1338 Safety for a term ending on June 30, 2024, after which the
1339 position shall be for a four-year term.

1340 (3) There shall be a chairman and vice chairman of the board
1341 who shall be elected by and from the membership of the board. Any
1342 member who fails to attend three (3) consecutive regular meetings
1343 of the board shall be subject to removal by a majority vote of the
1344 board. A majority of the members of the board shall constitute a
1345 quorum. The chairman, or a majority of the members of the board,
1346 may call meetings as may be required for the proper discharge of
1347 the board's duties. Members of the board, except a member who is
1348 an officer or employee of the Mississippi Department of
1349 Transportation or, beginning July 1, 2021, is an officer or
1350 employee of the Department of Public Safety, shall receive per
1351 diem in the amount authorized by Section 25-3-69, for each day



1352 spent in the actual discharge of their duties and shall be
1353 reimbursed for mileage and actual expenses incurred in the
1354 performance of their duties in accordance with the provisions of
1355 Section 25-3-41.

1356 Application shall be made by petition in writing, within
1357 thirty (30) days after assessment of the penalty, for a hearing
1358 and a review of the amount of the assessment. At the hearing the
1359 appeals board shall try the issues presented according to the law
1360 and the facts and within guidelines set by the Transportation
1361 Commission or, beginning July 1, 2021, by the Department of Public
1362 Safety. Upon due consideration of all the facts relating to the
1363 assessment of the penalty, the appeals board, except as otherwise
1364 provided under this section or under Section 27-19-89, may require
1365 payment of the full amount of the assessment, may reduce the
1366 amount of the assessment or may dismiss imposition of the penalty
1367 entirely. The appeals board shall dismiss in its entirety the
1368 imposition of any penalty imposed against the holder of a harvest
1369 permit if the permittee proves to the appeals board, by clear and
1370 convincing evidence, that the average load transported by the
1371 permittee during the permittee's last five (5) haul days
1372 immediately preceding the day upon which the penalty appealed from
1373 was assessed did not exceed eighty thousand (80,000) pounds. The
1374 appeals board shall reduce the penalty assessed against the holder
1375 of a harvest permit to a maximum of Two Cents (2¢) per pound of
1376 overweight if the permittee proves to the appeals board, by clear



1377 and convincing evidence, that the average load transported by the
1378 permittee during the permittee's last five (5) haul days
1379 immediately preceding the day upon which the penalty appealed from
1380 was assessed exceeded seventy-nine thousand nine hundred
1381 ninety-nine (79,999) pounds but did not exceed eighty-four
1382 thousand (84,000) pounds. The board shall make such orders in the
1383 matter as appear to it just and lawful and shall furnish copies
1384 thereof to the petitioner. If the appeals board orders the
1385 payment of the penalty, the petitioner shall pay the penalty,
1386 damages and interest, if any, within ten (10) days after the order
1387 is issued unless there is an application for appeal from the
1388 decision of the board as provided in the succeeding paragraph.
1389 Interest shall accrue on the penalty at the rate of one percent
1390 (1%) per month, or part of a month, beginning immediately after
1391 the expiration of the ten-day period.

1392 If any person feels aggrieved by the decision of the appeals
1393 board, he may appeal the decision to the Chancery Court of the
1394 First Judicial District of Hinds County.

1395 **[From and after July 1, 2023, this section shall read as**
1396 **follows:]**

1397 65-1-46. (1) There is created an Appeals Board of the
1398 Mississippi Transportation Commission. If any person feels
1399 aggrieved by a penalty for excess weight assessed against him by
1400 an agent or employee of the Mississippi Department of
1401 Transportation pursuant to Section 27-19-89, he may apply to the



1402 appeals board. Beginning July 1, 2021, the Appeals Board shall be
1403 administratively located within the Commercial Transportation
1404 Enforcement Division of the Mississippi Department of Public
1405 Safety and shall receive appeals with respect to penalties for
1406 excess weight assessed by agents or employees of the Commercial
1407 Transportation Enforcement Division.

1408 (2) The members serving on the appeals board on April 7,
1409 1995, shall continue to serve until July 1, 1995. On July 1,
1410 1995, the appeals board shall be reconstituted to be composed of
1411 five (5) qualified people. The initial appointments to the
1412 reconstituted board shall be made no later than June 30, 1995, for
1413 terms to begin July 1, 1995, as follows: One (1) member shall be
1414 appointed by the Governor for a term ending on June 30, 1996, one
1415 (1) member shall be appointed by the Lieutenant Governor for a
1416 term ending on June 30, 1997, one (1) member shall be appointed by
1417 the Attorney General for a term ending on June 30, 1998, one (1)
1418 member shall be appointed by the Chairman of the State Tax
1419 Commission for a term ending on June 30, 1999, and one (1) member
1420 shall be appointed by the Executive Director of the Mississippi
1421 Department of Transportation for a term ending on June 30, 2000.
1422 After the expiration of the initial terms of the members of the
1423 reconstituted board, all subsequent appointments shall be made for
1424 terms of four (4) years from the expiration date of the previous
1425 term. Any member serving on the appeals board before July 1,
1426 1995, may be reappointed to the reconstituted appeals board.



1427 Appointments to the board shall be with the advice and consent of
1428 the Senate; however, the advice and consent of the Senate shall
1429 not be required for the appointment of a person to the
1430 reconstituted appeals board for a term beginning on July 1, 1995,
1431 if such person was serving as a member of the appeals board on
1432 June 30, 1995, and such person received the advice and consent of
1433 the Senate for that appointment. The term of the member appointed
1434 by the Executive Director of the Mississippi Department of
1435 Transportation shall end on June 30, 2021, and the vacancy shall
1436 be filled by a member appointed by the Commissioner of Public
1437 Safety for a term ending on June 30, 2024, after which the
1438 position shall be for a four-year term.

1439 (3) There shall be a chairman and vice chairman of the board
1440 who shall be elected by and from the membership of the board. Any
1441 member who fails to attend three (3) consecutive regular meetings
1442 of the board shall be subject to removal by a majority vote of the
1443 board. A majority of the members of the board shall constitute a
1444 quorum. The chairman, or a majority of the members of the board,
1445 may call meetings as may be required for the proper discharge of
1446 the board's duties. Members of the board, except a member who is
1447 an officer or employee of the Mississippi Department of
1448 Transportation or, beginning July 1, 2021, is an officer or
1449 employee of the Department of Public Safety, shall receive per
1450 diem in the amount authorized by Section 25-3-69, for each day
1451 spent in the actual discharge of their duties and shall be



1452 reimbursed for mileage and actual expenses incurred in the
1453 performance of their duties in accordance with the provisions of
1454 Section 25-3-41.

1455 Application shall be made by petition in writing, within
1456 thirty (30) days after assessment of the penalty, for a hearing
1457 and a review of the amount of the assessment. At the hearing the
1458 appeals board shall try the issues presented according to the law
1459 and the facts and within guidelines set by the Transportation
1460 Commission or, beginning July 1, 2021, by the Department of Public
1461 Safety. Upon due consideration of all the facts relating to the
1462 assessment of the penalty, the appeals board, except as otherwise
1463 provided under this section or under Section 27-19-89, may require
1464 payment of the full amount of the assessment, may reduce the
1465 amount of the assessment or may dismiss imposition of the penalty
1466 entirely. The appeals board shall dismiss in its entirety the
1467 imposition of any penalty imposed against the holder of a harvest
1468 permit if the permittee proves to the appeals board, by clear and
1469 convincing evidence, that the average load transported by the
1470 permittee during the permittee's last five (5) haul days
1471 immediately preceding the day upon which the penalty appealed from
1472 was assessed did not exceed eighty thousand (80,000) pounds. The
1473 appeals board shall reduce the penalty assessed against the holder
1474 of a harvest permit to a maximum of Two Cents (2¢) per pound of
1475 overweight if the permittee proves to the appeals board, by clear
1476 and convincing evidence, that the average load transported by the



1477 permittee during the permittee's last five (5) haul days
1478 immediately preceding the day upon which the penalty appealed from
1479 was assessed exceeded seventy-nine thousand nine hundred
1480 ninety-nine (79,999) pounds but did not exceed * * * a gross
1481 vehicle weight tolerance of ten percent (10%), not to exceed
1482 eighty-eight thousand (88,000) pounds. The board shall make such
1483 orders in the matter as appear to it just and lawful and shall
1484 furnish copies thereof to the petitioner. If the appeals board
1485 orders the payment of the penalty, the petitioner shall pay the
1486 penalty, damages and interest, if any, within ten (10) days after
1487 the order is issued unless there is an application for appeal from
1488 the decision of the board as provided in the succeeding paragraph.
1489 Interest shall accrue on the penalty at the rate of one percent
1490 (1%) per month, or part of a month, beginning immediately after
1491 the expiration of the ten-day period.

1492 If any person feels aggrieved by the decision of the appeals
1493 board, he may appeal the decision to the Chancery Court of the
1494 First Judicial District of Hinds County.

1495 SECTION 23. (1) There is established the Harvest Permit
1496 Transportation Stewardship Council to advise the Legislature on
1497 policy and to make best practices recommendations to harvest
1498 permit holders and receiving facilities for the purpose of
1499 deterring overweight hauling and protecting the state's
1500 infrastructure system.



1501 (2) The council shall meet annually with the chairs of the
1502 Senate Agriculture Committee, the House Agriculture Committee, the
1503 Senate Forestry Committee, the House Forestry Committee, the
1504 Senate Highways and Transportation Committee, and the House
1505 Transportation Committee. In addition, the council shall provide
1506 reports and testimony to the Legislature upon request, which shall
1507 include, but not necessarily be limited to, baseline estimates of
1508 average weights hauled, content of commodities hauled, and
1509 estimated delivery period of the same.

1510 (3) The council shall be composed of the following members:

1511 (a) The Lieutenant Governor, or his designee;

1512 (b) The Speaker of the House of Representatives, or his
1513 designee;

1514 (c) The Commissioner of Public Safety, or his designee;

1515 (d) The Executive Director of the Mississippi
1516 Department of Transportation, or her designee;

1517 (e) The State Aid Engineer;

1518 (f) The Commissioner of Agriculture and Commerce, or
1519 his designee;

1520 (g) The President of the Mississippi Forestry
1521 Association, or his designee;

1522 (h) The President of the Mississippi Poultry
1523 Association, or his designee;

1524 (i) The President of the Mississippi Farm Bureau, or
1525 his designee;



1526 (j) The President of the Mississippi Cattlemen's
1527 Association, or his designee;

1528 (k) The President of the Mississippi Loggers
1529 Association, or his designee;

1530 (l) The President of the Mississippi Feed and Grain
1531 Association, or his designee;

1532 (m) The Chairman of the Mississippi Trucking
1533 Association Board of Directors, or his designee;

1534 (n) The President of the Delta Council, or his
1535 designee;

1536 (o) The President of the Mississippi Association of
1537 Supervisors, or his designee;

1538 (p) The President of the Mississippi Municipal League,
1539 or his designee;

1540 (q) The Chairs of the Senate Highways and
1541 Transportation Committee and of the House Transportation
1542 Committee; and

1543 (r) Two at-large members, one appointed by the
1544 Lieutenant Governor and one appointed by the Speaker of the House.

1545 (4) Appointments to the council shall be made by August 1,
1546 2021. At the first meeting, the council shall elect from among
1547 its membership a chairman, a vice chairman and any other officers
1548 determined to be necessary, and shall adopt rules for transacting
1549 business and keeping records.



1550 (5) A majority of the members of the council shall
1551 constitute a quorum. In the adoption of rules, resolutions and
1552 reports, and in the election of a chairman, vice chairman and any
1553 other officers determined to be necessary, an affirmative vote of
1554 a majority of the members present shall be required.

1555 (6) The Department of Public Safety shall provide the staff
1556 and other support necessary for the council to perform its duties.

1557 (7) To effectuate the purposes of this section, any
1558 department, division, board, bureau, committee, institution or
1559 agency of the state, or any political subdivision thereof, shall,
1560 at the request of the chairman of the council, provide the
1561 facilities, assistance, information and data needed to enable the
1562 council to carry out its duties.

1563 (8) The council shall be dissolved on July 1, 2023.

1564 **SECTION 24.** On July 1, 2021, Eighty-nine Million Dollars
1565 (\$89,000,000.00) of Highway Infrastructure Program funds received
1566 by the state pursuant to the Coronavirus Response and Relief
1567 Supplemental Appropriations Act of 2021 shall be transferred to
1568 the Emergency Road and Bridge Repair Fund created in Section
1569 65-1-179.

1570 **SECTION 25.** Section 1 of this act shall be codified in Title
1571 77, Chapter 7, Mississippi Code of 1972.

1572 **SECTION 26.** Section 21 of this act shall take effect and be
1573 in force from and after July 1, 2023, and the remaining sections



1574 of this act shall take effect and be in force from and after July
1575 1, 2021.

