

By: Representatives Holden, Barnett (92nd)

To: Public Health and
Welfare

HOUSE BILL NO. 831
(As Passed the House)

1 AN ACT TO AMEND SECTION 25-1-87, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE STATE BOARD OF MEDICAL LICENSURE TO OWN OR LEASE
3 UNMARKED VEHICLES FOR INVESTIGATIVE USE; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 25-1-87, Mississippi Code of 1972, is
6 amended as follows:

7 25-1-87. All motor vehicles owned or leased by the State of
8 Mississippi or any agency, department or political subdivision
9 thereof, which shall include counties and municipalities, when
10 such agency or department or political subdivision, which shall
11 include counties and municipalities, is supported wholly or in
12 part by public taxes or by appropriations from public funds, shall
13 have painted on both sides in letters at least three (3) inches in
14 height, and on the rear in letters not less than one and one-half
15 (1-1/2) inches in height, the name of the state agency or
16 department, or political subdivision, which shall include counties
17 and municipalities, in a color which is in contrast with the color
18 of the vehicle; provided, however, that a permanent decal may be
19 used in lieu of paint, and provided further, that any municipality
20 may affix a permanent decal or design at least twelve (12) inches
21 in height and twelve (12) inches in width on both sides of the
22 vehicle with the name of the municipality within or across the
23 permanent decal or design, and the permanent design or decal shall
24 be in a color or colors which are in contrast with the color of
25 the vehicle. No privilege license tag shall be issued for such
26 vehicle until the name has been painted thereon or a permanent

27 design or decal affixed thereto as required by this section. A
28 permanent decal may be used in lieu of paint. The provisions of
29 this paragraph shall not apply to vehicles used by the Chief
30 Executive of the State of Mississippi, to vehicles owned or leased
31 by the Department of Economic Development, to vehicles owned or
32 leased by the Office of the Attorney General, to vehicles owned or
33 leased by the Mississippi state Board of Medical Licensure and
34 used only by the Investigative Division of the board, to one (1)
35 vehicle owned or leased by the Commissioner of the Mississippi
36 Department of Corrections, to not more than three (3) vehicles
37 owned or leased by the Department of Corrections and used only by
38 Community Services Division officers, to not more than one (1)
39 vehicle owned or leased by the Mississippi Department of
40 Transportation and used only by an investigator employed by the
41 Mississippi Department of Transportation or to not more than one
42 (1) vehicle owned or leased by the Mississippi State Tax
43 Commission; and upon receipt of a written request from the State
44 Adjutant General, the Commissioner of Public Safety, the Director
45 of the Alcoholic Beverage Control Division of the Mississippi
46 State Tax Commission, the Director of the Bureau of Fisheries and
47 Wildlife of the Department of Wildlife Conservation, the Director
48 of the Bureau of Narcotics, the Executive Officer of the Board of
49 Pharmacy, the Executive Director of the Mississippi Gaming
50 Commission, the State Auditor or a president or chancellor of a
51 state institution of higher learning, the Governor may authorize
52 the use of specified unmarked vehicles only in instances where
53 such identifying marks will hinder official investigations, and
54 the governing authorities of any municipality may authorize the
55 use of specified, unmarked police vehicles when identifying marks
56 would hinder official criminal investigations by the police. The
57 written request or the order or resolution authorizing such shall
58 contain the manufacturer's serial number, the state inventory
59 number, where applicable, and shall set forth why the vehicle
60 should be exempt from the provisions of this paragraph. In the
61 event the request is granted, the Governor shall furnish the State
62 Department of Audit with a copy of his written authority for the
63 use of the unmarked vehicles, or the governing authority, as the

64 case may be, shall enter its order or resolution on the minutes
65 and shall furnish the State Department of Audit with a certified
66 copy of its order or resolution for the use of the unmarked police
67 vehicle. The state property auditors of the State Department of
68 Audit shall personally examine vehicles owned or leased by the
69 State of Mississippi or any agency, department or commission
70 thereof and report violations of the provisions of this paragraph
71 to the State Auditor and the Chairman of the Joint Legislative
72 Committee on Performance Evaluation and Expenditure Review. Any
73 vehicle found to be in violation of this paragraph shall be
74 reported immediately to the department head charged with such
75 vehicle, and five (5) days shall be given for compliance; and if
76 not complied with, such vehicles shall be impounded by the State
77 Auditor until properly marked or exempted.

78 Upon notification to the State Tax Commission by the State
79 Auditor that any municipality or political subdivision is not in
80 compliance with this section, the State Tax Commission shall
81 withhold any sales tax due for distribution to any such
82 municipality and any excise tax on gasoline, diesel fuel, kerosene
83 and oil due any such county and for any months thereafter, and
84 shall continue to withhold such funds until compliance with this
85 section is certified to the State Tax Commission by the State
86 Department of Audit.

87 County-owned motor vehicles operated by the sheriff's
88 department shall not be subject to the provisions of this section,
89 but shall be subject to the provisions of Section 19-25-15.
90 County-owned motor vehicles operated by a family court established
91 pursuant to Section 43-23-1 et seq., shall not be subject to the
92 provisions of this section.

93 State-owned or leased motor vehicles operated by the
94 Department of Mental Health or by facilities operated by the
95 Department of Mental Health and used for transporting patients
96 living in group homes or alternative living arrangements shall not
97 be subject to the provisions of this section.

98 Up to four (4) passenger automobiles owned or leased by
99 economic development districts or economic development authorities
100 shall not be subject to the provisions of this section.

101 State-owned or leased motor vehicles operated by the
102 Agricultural and Livestock Theft Bureau of the Department of
103 Agriculture and Commerce and used to investigate livestock theft
104 shall not be subject to the provisions of this section.

105 Up to three (3) motor vehicles owned or leased by the
106 Pascagoula Municipal Separate School District for use by district
107 security officers shall not be subject to the provisions of this
108 section.

109 Up to two (2) motor vehicles owned or leased by the
110 Department of Human Services for use only by the Program Integrity
111 Division shall not be subject to the provisions of this section.

112 The motor vehicles of a public airport shall not be subject
113 to the provisions of this section upon a finding by the governing
114 authority of such airport that marking a motor vehicle as required
115 in this section will compromise security at such airport.

116 SECTION 2. This act shall take effect and be in force from
117 and after July 1, 1999.