

By: Senator(s) Johnson (19th)

To: Fees, Salaries and  
Administration

SENATE BILL NO. 2830  
(As Sent to Governor)

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.