

By: Ellington

To: Conservation and
Water Resources

HOUSE BILL NO. 1088

1 AN ACT TO AMEND SECTION 25-1-87, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE USE OF UNMARKED VEHICLES BY THE MISSISSIPPI
3 DEPARTMENT OF MARINE RESOURCES; 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:[JMR1]

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, to not more than five
42 (5) vehicles owned or leased by the Mississippi Department of
43 Marine Resources, or to not more than one (1) vehicle owned or
44 leased by the Mississippi State Tax Commission; and upon receipt
45 of a written request from the State Adjutant General, the
46 Commissioner of Public Safety, the Director of the Alcoholic
47 Beverage Control Division of the Mississippi State Tax Commission,
48 the Director of the Bureau of Fisheries and Wildlife of the
49 Department of Wildlife, Fisheries and Parks, the Director of the
50 Bureau of Narcotics, the Executive Officer of the Board of
51 Pharmacy, the Executive Director of the Mississippi Gaming
52 Commission, the State Auditor, or a president or chancellor of a
53 state institution of higher learning, the Governor may authorize
54 the use of specified unmarked vehicles only in instances where
55 such identifying marks will hinder official investigations, and
56 the governing authorities of any municipality may authorize the
57 use of specified, unmarked police vehicles when identifying marks
58 would hinder official criminal investigations by the police. The
59 written request or the order or resolution authorizing such shall
60 contain the manufacturer's serial number, the state inventory
61 number, where applicable, and shall set forth why the vehicle
62 should be exempt from the provisions of this paragraph. In the
63 event the request is granted, the Governor shall furnish the State

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

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

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

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

100 Up to four (4) passenger automobiles owned or leased by

101 economic development districts or economic development authorities
102 shall not be subject to the provisions of this section.

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

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

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

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

118 SECTION 2. This act shall take effect and be in force from
119 and after July 1, 2000.