

By: Hewes, Moffatt

To: Fees, Salaries and
Administration

SENATE BILL NO. 2665
(As Sent to Governor)

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, THE CAPITOL POLICE AND THE
4 DEPARTMENT OF MENTAL HEALTH; TO AUTHORIZE THE DEPARTMENT OF HUMAN
5 SERVICES TO USE AN ADDITIONAL UNMARKED VEHICLE; AND FOR RELATED
6 PURPOSES.

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

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

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

29 vehicle until the name has been painted thereon or a permanent
30 design or decal affixed thereto as required by this section. A
31 permanent decal may be used in lieu of paint. The provisions of
32 this paragraph shall not apply to vehicles used by the Chief
33 Executive of the State of Mississippi, to vehicles owned or leased
34 by the Department of Economic and Community Development, to
35 vehicles owned or leased by the Office of the Attorney General, to
36 not more than one (1) vehicle owned or leased by the Department of
37 Finance and Administration for use by the Capitol Police, to
38 vehicles owned or leased by the Mississippi State Board of Medical
39 Licensure and used only by the Investigative Division of the
40 board, to one (1) vehicle owned or leased by the Executive
41 Director of the Department of Mental Health, to one (1) vehicle
42 owned or leased by the Commissioner of the Mississippi Department
43 of Corrections, to not more than three (3) vehicles owned or
44 leased by the Department of Corrections and used only by Community
45 Services Division officers, to not more than one (1) vehicle owned
46 or leased by the Mississippi Department of Transportation and used
47 only by an investigator employed by the Mississippi Department of
48 Transportation, to not more than two (2) vehicles owned or leased
49 by the Mississippi Department of Marine Resources, or to not more
50 than one (1) vehicle owned or leased by the Mississippi State Tax
51 Commission; and upon receipt of a written request from the State
52 Adjutant General, the Commissioner of Public Safety, the Director
53 of the Alcoholic Beverage Control Division of the Mississippi
54 State Tax Commission, the Executive Director of the Mississippi
55 Department of Wildlife, Fisheries and Parks, the Director of the
56 Bureau of Narcotics, the Executive Officer of the Board of
57 Pharmacy, the Executive Director of the Mississippi Gaming
58 Commission, the State Auditor or a president or chancellor of a
59 state institution of higher learning, the Governor may authorize
60 the use of specified unmarked vehicles only in instances where
61 such identifying marks will hinder official investigations, and
62 the governing authorities of any municipality may authorize the
63 use of specified, unmarked police vehicles when identifying marks
64 would hinder official criminal investigations by the police. The
65 written request or the order or resolution authorizing such shall

66 contain the manufacturer's serial number, the state inventory
67 number, where applicable, and shall set forth why the vehicle
68 should be exempt from the provisions of this paragraph. In the
69 event the request is granted, the Governor shall furnish the State
70 Department of Audit with a copy of his written authority for the
71 use of the unmarked vehicles, or the governing authority, as the
72 case may be, shall enter its order or resolution on the minutes
73 and shall furnish the State Department of Audit with a certified
74 copy of its order or resolution for the use of the unmarked police
75 vehicle. The state property auditors of the State Department of
76 Audit shall personally examine vehicles owned or leased by the
77 State of Mississippi or any agency, department or commission
78 thereof and report violations of the provisions of this paragraph
79 to the State Auditor and the Chairman of the Joint Legislative
80 Committee on Performance Evaluation and Expenditure Review. Any
81 vehicle found to be in violation of this paragraph shall be
82 reported immediately to the department head charged with such
83 vehicle, and five (5) days shall be given for compliance; and if
84 not complied with, such vehicles shall be impounded by the State
85 Auditor until properly marked or exempted.

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

95 County-owned motor vehicles operated by the sheriff's
96 department shall not be subject to the provisions of this section,
97 but shall be subject to the provisions of Section 19-25-15.
98 County-owned motor vehicles operated by a family court established
99 pursuant to Section 43-23-1 et seq., shall not be subject to the
100 provisions of this section.

101 State-owned or leased motor vehicles operated by the
102 Department of Mental Health or by facilities operated by the

103 Department of Mental Health and used for transporting patients
104 living in group homes or alternative living arrangements shall not
105 be subject to the provisions of this section.

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

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

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

117 Up to three (3) motor vehicles owned or leased by the
118 Department of Human Services for use only by the Program Integrity
119 Division and the executive director shall not be subject to the
120 provisions of this section.

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

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