

By: Representative Moody

To: Public Health and Welfare

HOUSE BILL NO. 995

1 AN ACT TO AMEND SECTION 25-1-87, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE USE OF ONE UNMARKED VEHICLE BY THE DIVISION OF  
3 MEDICAID; 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 and Community Development, to  
32 vehicles owned or leased by the Office of the Attorney General, to  
33 not more than one (1) vehicle owned or leased by the Department of  
34 Finance and Administration for use by the Capitol Police, to  
35 vehicles owned or leased by the Mississippi State Board of Medical  
36 Licensure and used only by the Investigative Division of the  
37 board, to one (1) vehicle owned or leased by the Executive  
38 Director of the Department of Mental Health, to one (1) vehicle  
39 owned or leased by the Mississippi Division of Medicaid, to one  
40 (1) vehicle owned or leased by the Commissioner of the Mississippi  
41 Department of Corrections, to not more than three (3) vehicles  
42 owned or leased by the Department of Corrections and used only by  
43 Community Services Division officers, to not more than one (1)  
44 vehicle owned or leased by the Mississippi Department of  
45 Transportation and used only by an investigator employed by the  
46 Mississippi Department of Transportation, to not more than two (2)  
47 vehicles owned or leased by the Mississippi Department of Marine  
48 Resources, or to not more than one (1) vehicle owned or leased by  
49 the Mississippi State Tax Commission; and upon receipt of a  
50 written request from the State Adjutant General, the Commissioner  
51 of Public Safety, the Director of the Alcoholic Beverage Control  
52 Division of the Mississippi State Tax Commission, the Executive  
53 Director of the Mississippi Department of Wildlife, Fisheries and  
54 Parks, the Director of the Bureau of Narcotics, the Executive  
55 Officer of the Board of Pharmacy, the Executive Director of the  
56 Mississippi Gaming Commission, the State Auditor or a president or  
57 chancellor of a state institution of higher learning, the Governor  
58 may authorize the use of specified unmarked vehicles only in  
59 instances where such identifying marks will hinder official  
60 investigations, and the governing authorities of any municipality



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

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



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

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

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

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

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

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

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

123 **SECTION 2.** This act shall take effect and be in force from  
124 and after July 1, 2003.

