HOUSE BILL NO. 995
(As Passed the House)

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 ONE UNMARKED VEHICLE BY THE STATE DEPARTMENT OF
4 REHABILITATION SERVICES; AND FOR RELATED PURPOSES.
5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
6 SECTION 1. Section 25-1-87, Mississippi Code of 1972, is
7 amended as follows:
8 25-1-87. All motor vehicles owned or leased by the State of
9 Mississippi or any agency, department or political subdivision
10 thereof, which shall include counties and municipalities, when
11 such agency or department or political subdivision, which shall
12 include counties and municipalities, is supported wholly or in
13 part by public taxes or by appropriations from public funds, shall
14 have painted on both sides in letters at least three (3) inches in
15 height, and on the rear in letters not less than one and one-half
16 (1-1/2) inches in height, the name of the state agency or
17 department, or political subdivision, which shall include counties
18 and municipalities, in a color which is in contrast with the color
19 of the vehicle; provided, however, that a permanent decal may be
20 used in lieu of paint, and provided further, that any municipality
21 may affix a permanent decal or design at least twelve (12) inches
22 in height and twelve (12) inches in width on both sides of the
23 vehicle with the name of the municipality within or across the
24 permanent decal or design, and the permanent design or decal shall
25 be in a color or colors which are in contrast with the color of
26 the vehicle. No privilege license tag shall be issued for such
27 vehicle until the name has been painted thereon or a permanent
28 design or decal affixed thereto as required by this section. A
permanent decal may be used in lieu of paint. The provisions of this paragraph shall not apply to vehicles used by the Chief Executive of the State of Mississippi, to vehicles owned or leased by the Department of Economic and Community Development, to vehicles owned or leased by the Office of the Attorney General, to not more than one (1) vehicle owned or leased by the Department of Finance and Administration for use by the Capitol Police, to vehicles owned or leased by the Mississippi State Board of Medical Licensure and used only by the Investigative Division of the board, to one (1) vehicle owned or leased by the Executive Director of the Department of Mental Health, to one (1) vehicle owned or leased by the Mississippi Division of Medicaid, to one (1) vehicle owned or leased by the Mississippi Division of Medicaid, to one (1) vehicle owned or leased by the State Department of Rehabilitation Services, to one (1) vehicle owned or leased by the Commissioner of the Mississippi Department of Corrections, to not more than three (3) vehicles owned or leased by the Department of Corrections and used only by Community Services Division officers, to not more than one (1) vehicle owned or leased by the Mississippi Department of Transportation and used only by an investigator employed by the Mississippi Department of Transportation, to not more than two (2) vehicles owned or leased by the Mississippi Department of Marine Resources, or to not more than one (1) vehicle owned or leased by the Mississippi State Tax Commission; and upon receipt of a written request from the State Adjutant General, the Commissioner of Public Safety, the Director of the Alcoholic Beverage Control Division of the Mississippi State Tax Commission, the Executive Director of the Mississippi Department of Wildlife, Fisheries and Parks, the Director of the Bureau of Narcotics, the Executive Officer of the Board of Pharmacy, the Executive Director of the Mississippi Gaming Commission, the State Auditor or a president or chancellor of a state institution of higher learning, the Governor may authorize the use of specified unmarked vehicles only in instances where
such identifying marks will hinder official investigations, and
the governing authorities of any municipality may authorize the
use of specified, unmarked police vehicles when identifying marks
would hinder official criminal investigations by the police. The
written request or the order or resolution authorizing such shall
contain the manufacturer's serial number, the state inventory
number, where applicable, and shall set forth why the vehicle
should be exempt from the provisions of this paragraph. In the
event the request is granted, the Governor shall furnish the State
Department of Audit with a copy of his written authority for the
use of the unmarked vehicles, or the governing authority, as the
case may be, shall enter its order or resolution on the minutes
and shall furnish the State Department of Audit with a certified
copy of its order or resolution for the use of the unmarked police
vehicle. The state property auditors of the State Department of
Audit shall personally examine vehicles owned or leased by the
State of Mississippi or any agency, department or commission
thereof and report violations of the provisions of this paragraph
to the State Auditor and the Chairman of the Joint Legislative
Committee on Performance Evaluation and Expenditure Review. Any
vehicle found to be in violation of this paragraph shall be
reported immediately to the department head charged with such
vehicle, and five (5) days shall be given for compliance; and if
not complied with, such vehicles shall be impounded by the State
Auditor until properly marked or exempted.

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

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

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

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

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

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

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

The motor vehicles of a public airport shall not be subject
to the provisions of this section upon a finding by the governing
authority of such airport that marking a motor vehicle as required
in this section will compromise security at such airport.
SECTION 2. This act shall take effect and be in force from and after July 1, 2003.