

By: Representative Moody

To: Public Health and Welfare

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



29 permanent decal may be used in lieu of paint. The provisions of
30 this paragraph shall not apply to vehicles used by the Chief
31 Executive of the State of Mississippi, to vehicles owned or leased
32 by the Department of Economic and Community Development, to
33 vehicles owned or leased by the Office of the Attorney General, to
34 not more than one (1) vehicle owned or leased by the Department of
35 Finance and Administration for use by the Capitol Police, to
36 vehicles owned or leased by the Mississippi State Board of Medical
37 Licensure and used only by the Investigative Division of the
38 board, to one (1) vehicle owned or leased by the Executive
39 Director of the Department of Mental Health, to one (1) vehicle
40 owned or leased by the Mississippi Division of Medicaid, to one
41 (1) vehicle owned or leased by the State Department of
42 Rehabilitation Services, to one (1) vehicle owned or leased by the
43 Commissioner of the Mississippi Department of Corrections, to not
44 more than three (3) vehicles owned or leased by the Department of
45 Corrections and used only by Community Services Division officers,
46 to not more than one (1) vehicle owned or leased by the
47 Mississippi Department of Transportation and used only by an
48 investigator employed by the Mississippi Department of
49 Transportation, to not more than two (2) vehicles owned or leased
50 by the Mississippi Department of Marine Resources, or to not more
51 than one (1) vehicle owned or leased by the Mississippi State Tax
52 Commission; and upon receipt of a written request from the State
53 Adjutant General, the Commissioner of Public Safety, the Director
54 of the Alcoholic Beverage Control Division of the Mississippi
55 State Tax Commission, the Executive Director of the Mississippi
56 Department of Wildlife, Fisheries and Parks, the Director of the
57 Bureau of Narcotics, the Executive Officer of the Board of
58 Pharmacy, the Executive Director of the Mississippi Gaming
59 Commission, the State Auditor or a president or chancellor of a
60 state institution of higher learning, the Governor may authorize
61 the use of specified unmarked vehicles only in instances where



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

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



94 section is certified to the State Tax Commission by the State
95 Department of Audit.

96 County-owned motor vehicles operated by the sheriff's
97 department shall not be subject to the provisions of this section,
98 but shall be subject to the provisions of Section 19-25-15.

99 County-owned motor vehicles operated by a family court established
100 pursuant to Section 43-23-1 et seq., shall not be subject to the
101 provisions of this section.

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

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

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

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

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

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



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

