

By: Representative Formby

To: Fees and Salaries of
Public Officers;
Appropriations

HOUSE BILL NO. 1459

1 AN ACT TO AMEND SECTION 25-1-87, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT ALL MOTOR VEHICLES OWNED OR LEASED BY THE STATE THAT
3 ARE NOT EXEMPT FROM THE REQUIREMENTS OF BEING MARKED SHALL DISPLAY
4 A DECAL ON THE REAR BUMPER OR REAR GLASS DEPICTING THE OFFICIAL
5 FLAG OF THE STATE OF MISSISSIPPI; AND FOR RELATED PURPOSES.

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

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

9 25-1-87. (1) All motor vehicles owned or leased by the
10 State of Mississippi or any agency, department or political
11 subdivision thereof, which shall include counties and
12 municipalities, when such agency or department or political
13 subdivision, which shall include counties and municipalities, is
14 supported wholly or in part by public taxes or by appropriations
15 from public funds, shall have painted on both sides in letters at
16 least three (3) inches in height, and on the rear in letters not
17 less than one and one-half (1-1/2) inches in height, the name of
18 the state agency or department, or political subdivision, which
19 shall include counties and municipalities, in a color which is in
20 contrast with the color of the vehicle; provided, however, that a
21 permanent decal may be used in lieu of paint, and provided
22 further, that any municipality may affix a permanent decal or
23 design at least twelve (12) inches in height and twelve (12)
24 inches in width on both sides of the vehicle with the name of the
25 municipality within or across the permanent decal or design, and
26 the permanent design or decal shall be in a color or colors which
27 are in contrast with the color of the vehicle. No privilege
28 license tag shall be issued for such vehicle until the name has



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



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

86 (2) Upon notification to the State Tax Commission by the
87 State Auditor that any municipality or political subdivision is
88 not in compliance with subsection (1) of this section, the State
89 Tax Commission shall withhold any sales tax due for distribution
90 to any such municipality and any excise tax on gasoline, diesel
91 fuel, kerosene and oil due any such county and for any months
92 thereafter, and shall continue to withhold such funds until
93 compliance with subsection (1) of this section is certified to the
94 State Tax Commission by the State Department of Audit.



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

99 (4) 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 subsection (1) of this section.

104 (5) 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 subsection (1) of this
107 section.

108 (6) State-owned or leased motor vehicles operated by the
109 Agricultural and Livestock Theft Bureau of the Department of
110 Agriculture and Commerce and used to investigate livestock theft
111 shall not be subject to the provisions of subsection (1) of this
112 section.

113 (7) 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
116 subsection (1) of this section.

117 (8) 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 subsection (1) of this section.

121 (9) The motor vehicles of public airport shall not be
122 subject to the provisions of subsection (1) of this section upon a
123 finding by the governing authority of such airport that marking a
124 motor vehicle as required in this section will compromise security
125 at such airport.

126 (10) All motor vehicles owned or leased by the State of
127 Mississippi or any agency or department of the state, except such



128 motor vehicles that are not subject to the provisions of
129 subsection (1) of this section, shall display a decal depicting
130 the official flag of the State of Mississippi in a prominent
131 location on the rear bumper or rear glass of the vehicle. The
132 decals shall be furnished and distributed to each agency or
133 department by the Department of Finance and Administration.

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

