

By: Senator(s) Huggins

To: Fees, Salaries and Administration

SENATE BILL NO. 2269
(As Sent to Governor)

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, ONE UNMARKED VEHICLE BY THE STATE DEPARTMENT OF
4 REHABILITATION SERVICES, ONE UNMARKED VEHICLE BY THE MISSISSIPPI
5 DEPARTMENT OF TRANSPORTATION, AND THREE UNMARKED VEHICLES BY THE
6 STATE FIRE MARSHAL'S OFFICE; AND FOR RELATED 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 not more than one
42 (1) vehicle owned or leased by the Mississippi Division of
43 Medicaid, to one (1) vehicle owned or leased by the State
44 Department of Rehabilitation Services, to one (1) vehicle owned or
45 leased by the Mississippi Department of Transportation, to one (1)
46 vehicle owned or leased by the Commissioner of the Mississippi
47 Department of Corrections, to not more than three (3) vehicles
48 owned or leased by the Department of Corrections and used only by
49 Community Services Division officers, to not more than one (1)
50 vehicle owned or leased by the Mississippi Department of
51 Transportation and used only by an investigator employed by the
52 Mississippi Department of Transportation, to not more than two (2)
53 vehicles owned or leased by the Mississippi Department of Marine
54 Resources, or to not more than one (1) vehicle owned or leased by
55 the Mississippi State Tax Commission; and upon receipt of a
56 written request from the State Adjutant General, the Commissioner
57 of Public Safety, the Director of the Alcoholic Beverage Control
58 Division of the Mississippi State Tax Commission, the Executive
59 Director of the Mississippi Department of Wildlife, Fisheries and
60 Parks, the Director of the Bureau of Narcotics, the Executive
61 Officer of the Board of Pharmacy, the Executive Director of the
62 Mississippi Gaming Commission, the State Auditor or a president or



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

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



96 shall continue to withhold such funds until compliance with this
97 section is certified to the State Tax Commission by the State
98 Department of Audit.

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

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

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

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

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

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

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

125 Up to three (3) motor vehicles owned or leased by the
126 Department of Insurance for use by the State Fire Marshal's Office
127 shall not be subject to the provisions of this section.



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

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

