

By: Senator(s) Kirby

To: Fees, Salaries and Administration

SENATE BILL NO. 2869

1 AN ACT TO AMEND SECTION 25-1-87, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT UP TO THREE MOTOR VEHICLES OWNED OR LEASED BY THE
3 DEPARTMENT OF INSURANCE FOR USE BY THE STATE FIRE MARSHAL'S
4 DIVISION SHALL BE EXEMPT FROM THE MARKING REQUIREMENTS FOR
5 PUBLICLY OWNED OR LEASED MOTOR VEHICLES; 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. All motor vehicles owned or leased by the State of
10 Mississippi or any agency, department or political subdivision
11 thereof, which shall include counties and municipalities, when
12 such agency or department or political subdivision, which shall
13 include counties and municipalities, is supported wholly or in
14 part by public taxes or by appropriations from public funds, shall
15 have painted on both sides in letters at least three (3) inches in
16 height, and on the rear in letters not less than one and one-half
17 (1-1/2) inches in height, the name of the state agency or
18 department, or political subdivision, which shall include counties
19 and municipalities, in a color which is in contrast with the color
20 of the vehicle; provided, however, that a permanent decal may be
21 used in lieu of paint, and provided further, that any municipality
22 may affix a permanent decal or design at least twelve (12) inches
23 in height and twelve (12) inches in width on both sides of the
24 vehicle with the name of the municipality within or across the
25 permanent decal or design, and the permanent design or decal shall
26 be in a color or colors which are in contrast with the color of
27 the vehicle. No privilege license tag shall be issued for such
28 vehicle until the name has been painted thereon or a permanent



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



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

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



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

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

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

108 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 this section.

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

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

120 Up to three (3) motor vehicles owned or leased by the
121 Department of Insurance for use by the State Fire Marshal's
122 division shall not be subject to the provisions of this section.

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



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

