

By: Representative Holland

To: Public Health and Human Services

HOUSE BILL NO. 913

1 AN ACT TO AMEND SECTION 25-1-87, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT VEHICLES OWNED OR LEASED BY THE BOARD OF NURSING FROM THE
3 REQUIREMENT THAT VEHICLES OWNED BY THE STATE BE MARKED; AND FOR
4 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 vehicles owned or leased by the Mississippi Board of
39 Nursing and used only by the Executive Director or the
40 Investigative Division of the board, to one (1) vehicle owned or
41 leased by the Executive Director of the Department of Mental
42 Health, to not more than one (1) vehicle owned or leased by the
43 Mississippi Division of Medicaid, to one (1) vehicle owned or
44 leased by the State Department of Rehabilitation Services, to one
45 (1) vehicle owned or leased by the Mississippi Department of
46 Transportation, to one (1) vehicle owned or leased by the
47 Commissioner of the Mississippi Department of Corrections, to not
48 more than three (3) vehicles owned or leased by the Department of
49 Corrections and used only by Community Services Division officers,
50 to not more than one (1) vehicle owned or leased by the
51 Mississippi Department of Transportation and used only by an
52 investigator employed by the Mississippi Department of
53 Transportation, to not more than two (2) vehicles owned or leased
54 by the Mississippi Department of Marine Resources, or to not more
55 than one (1) vehicle owned or leased by the Mississippi State Tax
56 Commission; and upon receipt of a written request from the State
57 Adjutant General, the Commissioner of Public Safety, the Director
58 of the Alcoholic Beverage Control Division of the Mississippi
59 State Tax Commission, the Executive Director of the Mississippi
60 Department of Wildlife, Fisheries and Parks, the Director of the
61 Bureau of Narcotics, the Executive Officer of the Board of

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

91 Upon notification to the State Tax Commission by the State
92 Auditor that any municipality or political subdivision is not in
93 compliance with this section, the State Tax Commission shall
94 withhold any sales tax due for distribution to any such

95 municipality and any excise tax on gasoline, diesel fuel, kerosene
96 and oil due any such county and for any months thereafter, and
97 shall continue to withhold such funds until compliance with this
98 section is certified to the State Tax Commission by the State
99 Department of Audit.

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

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

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

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

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

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

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

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

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

133 **SECTION 2.** This act shall take effect and be in force from
134 and after July 1, 2004.