

By: Representatives Formby, Akins, Barnett, Beckett, Chism, Davis, Denny, Ellington, Fillingane, Lott, Mayhall, Mims, Moore, Reeves, Robinson (84th), Rotenberry, Simpson, Staples

To: Public Property; Appropriations

HOUSE BILL NO. 1338

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 not more than one (1) vehicle owned or leased by the
42 Mississippi Division of Medicaid, to one (1) vehicle owned or
43 leased by the State Department of Rehabilitation Services, to one
44 (1) vehicle owned or leased by the Mississippi Department of
45 Transportation, to one (1) vehicle owned or leased by the
46 Commissioner of the Mississippi Department of Corrections, to not
47 more than three (3) vehicles owned or leased by the Department of
48 Corrections and used only by Community Services Division officers,
49 to not more than one (1) vehicle owned or leased by the
50 Mississippi Department of Transportation and used only by an
51 investigator employed by the Mississippi Department of
52 Transportation, to not more than two (2) vehicles owned or leased
53 by the Mississippi Department of Marine Resources, or to not more
54 than one (1) vehicle owned or leased by the Mississippi State Tax
55 Commission; and upon receipt of a written request from the State
56 Adjutant General, the Commissioner of Public Safety, the Director
57 of the Alcoholic Beverage Control Division of the Mississippi
58 State Tax Commission, the Executive Director of the Mississippi
59 Department of Wildlife, Fisheries and Parks, the Director of the
60 Bureau of Narcotics, the Executive Officer of the Board of
61 Pharmacy, the Executive Director of the Mississippi Gaming

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

90 (2) Upon notification to the State Tax Commission by the
91 State Auditor that any municipality or political subdivision is
92 not in compliance with this subsection (1) of this section, the
93 State Tax Commission shall withhold any sales tax due for
94 distribution to any such municipality and any excise tax on

95 gasoline, diesel fuel, kerosene and oil due any such county and
96 for any months thereafter, and shall continue to withhold such
97 funds until compliance with subsection (1) of this section is
98 certified to the State Tax Commission by the State Department of
99 Audit.

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

104 (4) State-owned or leased motor vehicles operated by the
105 Department of Mental Health or by facilities operated by the
106 Department of Mental Health and used for transporting patients
107 living in group homes or alternative living arrangements shall not
108 be subject to the provisions of subsection (1) of this section.

109 (5) Up to four (4) passenger automobiles owned or leased by
110 economic development districts or economic development authorities
111 shall not be subject to the provisions of subsection (1) of this
112 section.

113 (6) 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 subsection (1) of this
117 section.

118 (7) 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
121 subsection (1) of this section.

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

126 (9) 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 subsection (1) of this
129 section.

130 (10) The motor vehicles of a public airport shall not be
131 subject to the provisions of subsection (1) of this section upon a
132 finding by the governing authority of such airport that marking a
133 motor vehicle as required in this section will compromise security
134 at such airport.

135 (11) All motor vehicles owned or leased by the State of
136 Mississippi or any agency or department of the state, except such
137 motor vehicles that are not subject to the provisions of
138 subsection (1) of this section, shall display a decal depicting
139 the official flag of the State of Mississippi in a prominent
140 location on the rear bumper or rear glass of the vehicle. The
141 decals shall be furnished and distributed to each agency or
142 department by the Department of Finance and Administration.

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