

**Not Germane  
AMENDMENT NO 3 PROPOSED TO**

**Cmte Sub for Senate Bill No. 2398**

**BY: Senator(s) Flowers, Davis**

1           **AMEND after line 696 by inserting the following section and**  
2 **renumbering any succeeding sections:**

3           **SECTION \*.** Section 25-1-87, Mississippi Code of 1972, is  
4 amended as follows:

5           25-1-87. All motor vehicles owned or leased by the State of  
6 Mississippi or any agency, department or political subdivision  
7 thereof, which shall include counties and municipalities, when  
8 such agency or department or political subdivision, which shall  
9 include counties and municipalities, is supported wholly or in  
10 part by public taxes or by appropriations from public funds, shall  
11 have painted on both sides in letters at least three (3) inches in  
12 height, and on the rear in letters not less than one and one-half  
13 (1-1/2) inches in height, the name of the state agency or  
14 department, or political subdivision, which shall include counties  
15 and municipalities, in a color which is in contrast with the color  
16 of the vehicle; provided, however, that a permanent decal may be  
17 used in lieu of paint, and provided further, that any municipality  
18 may affix a permanent decal or design at least twelve (12) inches  
19 in height and twelve (12) inches in width on both sides of the  
20 vehicle with the name of the municipality within or across the  
21 permanent decal or design, and the permanent design or decal shall  
22 be in a color or colors which are in contrast with the color of  
23 the vehicle. No privilege license tag shall be issued for such

24 vehicle until the name has been painted thereon or a permanent  
25 design or decal affixed thereto as required by this section. A  
26 permanent decal may be used in lieu of paint. The provisions of  
27 this paragraph shall not apply to vehicles used by the Chief  
28 Executive of the State of Mississippi, to vehicles owned or leased  
29 by the Department of Economic and Community Development, to  
30 vehicles owned or leased by the Office of the Attorney General, to  
31 not more than one (1) vehicle owned or leased by the Department of  
32 Finance and Administration for use by the Capitol Police, to  
33 vehicles owned or leased by the Mississippi State Board of Medical  
34 Licensure and used only by the Investigative Division of the  
35 board, to one (1) vehicle owned or leased by the Executive  
36 Director of the Department of Mental Health, to not more than one  
37 (1) vehicle owned or leased by the Mississippi Division of  
38 Medicaid, to one (1) vehicle owned or leased by the State  
39 Department of Rehabilitation Services, to one (1) vehicle owned or  
40 leased by the Mississippi Department of Transportation, to one (1)  
41 vehicle owned or leased by the Commissioner of the Mississippi  
42 Department of Corrections, to not more than three (3) vehicles  
43 owned or leased by the Department of Corrections and used only by  
44 Community Services Division officers, to not more than one (1)  
45 vehicle owned or leased by the Mississippi Department of  
46 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 paragraph. 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 paragraph to the State Auditor and the Chairman  
79 of the Joint Legislative Committee on Performance Evaluation and  
80 Expenditure Review. Any vehicle found to be in violation of this  
81 paragraph shall be reported immediately to the department head  
82 charged with such vehicle, and five (5) days shall be given for  
83 compliance; and if not complied with, such vehicles shall be  
84 impounded by the State 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 DeSoto  
117 County School District for use by district security officers shall  
118 not be subject to the provisions of this section.

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

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

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

130           **FURTHER, amend the title to conform.**