

By: Representative Horan

To: Judiciary B

HOUSE BILL NO. 1023

1 AN ACT TO AMEND SECTION 25-1-87, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE FRAUD INVESTIGATORS TO DRIVE UNMARKED VEHICLES; AND FOR
3 RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 25-1-87, Mississippi Code of 1972, is
6 amended as follows:

7 25-1-87. All motor vehicles owned or leased by the State of
8 Mississippi or any agency, department or political subdivision
9 thereof, which shall include counties and municipalities, when
10 such agency or department or political subdivision, which shall
11 include counties and municipalities, is supported wholly or in
12 part by public taxes or by appropriations from public funds, shall
13 have painted on both sides in letters at least three (3) inches in
14 height, and on the rear in letters not less than one and one-half
15 (1-1/2) inches in height, the name of the state agency or
16 department, or political subdivision, which shall include counties
17 and municipalities, in a color which is in contrast with the color
18 of the vehicle; provided, however, that a permanent decal may be



19 used in lieu of paint, and provided further, that any municipality
20 may affix a permanent decal or design at least twelve (12) inches
21 in height and twelve (12) inches in width on both sides of the
22 vehicle with the name of the municipality within or across the
23 permanent decal or design, and the permanent design or decal shall
24 be in a color or colors which are in contrast with the color of
25 the vehicle. No privilege license tag shall be issued for such
26 vehicle until the name has been painted thereon or a permanent
27 design or decal affixed thereto as required by this section. A
28 permanent decal may be used in lieu of paint. The provisions of
29 this paragraph shall not apply to vehicles used by the Chief
30 Executive of the State of Mississippi, to vehicles owned or leased
31 by the Department of Economic and Community Development, to
32 vehicles owned or leased by the Office of the Attorney General, to
33 not more than one (1) vehicle owned or leased by the Department of
34 Public Safety for use by the Capitol Police, to vehicles owned or
35 leased by the Mississippi State Board of Medical Licensure and
36 used only by the Investigative Division of the board, to one (1)
37 vehicle owned or leased by the Executive Director of the
38 Department of Mental Health, to not more than one (1) vehicle
39 owned or leased by the Mississippi Division of Medicaid, to one
40 (1) vehicle owned or leased by the State Department of
41 Rehabilitation Services, to one (1) vehicle owned or leased by the
42 Mississippi Department of Transportation, to one (1) vehicle owned
43 or leased by the Commissioner of the Mississippi Department of



44 Corrections, to not more than three (3) vehicles owned or leased
45 by the Department of Corrections and used only by Community
46 Services Division officers, to not more than one (1) vehicle owned
47 or leased by the Mississippi Department of Transportation and used
48 only by an investigator employed by the Mississippi Department of
49 Transportation, to not more than two (2) vehicles owned or leased
50 by the Mississippi Department of Marine Resources, or to not more
51 than one (1) vehicle owned or leased by the Department of Revenue;
52 and upon receipt of a written request from the State Adjutant
53 General, the Commissioner of Public Safety, the Director of the
54 Alcoholic Beverage Control Division of the Department of Revenue,
55 the Executive Director of the Mississippi Department of Wildlife,
56 Fisheries and Parks, the Director of the Bureau of Narcotics, the
57 Executive Officer of the Board of Pharmacy, the Executive Director
58 of the Mississippi Gaming Commission, the State Auditor or a
59 president or chancellor of a state institution of higher learning,
60 the Governor may authorize the use of specified unmarked vehicles
61 only in instances where such identifying marks will hinder
62 official investigations, and the governing authorities of any
63 municipality may authorize the use of specified, unmarked police
64 vehicles when identifying marks would hinder official criminal
65 investigations by the police. The written request or the order or
66 resolution authorizing such shall contain the manufacturer's
67 serial number, the state inventory number, where applicable, and
68 shall set forth why the vehicle should be exempt from the



69 provisions of this paragraph. In the event the request is
70 granted, the Governor shall furnish the State Department of Audit
71 with a copy of his written authority for the use of the unmarked
72 vehicles, or the governing authority, as the case may be, shall
73 enter its order or resolution on the minutes and shall furnish the
74 State Department of Audit with a certified copy of its order or
75 resolution for the use of the unmarked police vehicle. The state
76 property auditors of the State Department of Audit shall
77 personally examine vehicles owned or leased by the State of
78 Mississippi or any agency, department or commission thereof and
79 report violations of the provisions of this paragraph to the State
80 Auditor and the Chairman of the Joint Legislative Committee on
81 Performance Evaluation and Expenditure Review. Any vehicle found
82 to be in violation of this paragraph shall be reported immediately
83 to the department head charged with such vehicle, and five (5)
84 days shall be given for compliance; and if not complied with, such
85 vehicles shall be impounded by the State Auditor until properly
86 marked or exempted.

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



94 section is certified to the Department of Revenue by the State
95 Department of Audit.

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

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

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

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

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

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

118 * * *



119 The provisions of this section shall not apply to vehicles
120 owned or leased by the Department of Human Services, Office of
121 Inspector General for use only by Mississippi certified law
122 enforcement officers who are assigned to the Fraud Investigative
123 Unit. In addition, one (1) vehicle for the executive director of
124 the Department of Human Services 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, 2024.

