

By: Representative Owen

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1338

1 AN ACT TO AMEND SECTION 25-1-87, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE DEPARTMENT OF PUBLIC SAFETY, CAPITOL POLICE AND THE
3 MISSISSIPPI BUREAU OF NARCOTICS FROM THE REQUIREMENT TO HAVE
4 STATE-IDENTIFIED VEHICLES; AND FOR 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
34 General, * * * to vehicles owned or leased by the Mississippi
35 State Board of Medical Licensure and used only by the
36 Investigative Division of the board, to one (1) vehicle owned or
37 leased by the Executive Director of the Department of Mental
38 Health, to not more than one (1) vehicle owned or leased by the
39 Mississippi Division of Medicaid, to one (1) vehicle owned or
40 leased by the State Department of Rehabilitation Services, to one
41 (1) vehicle owned or leased by the Mississippi Department of
42 Transportation, to one (1) vehicle owned or leased by the
43 Commissioner of the Mississippi Department of Corrections, to not
44 more than three (3) vehicles owned or leased by the Department of



45 Corrections and used only by Community Services Division officers,
46 to not more than one (1) vehicle owned or leased by the
47 Mississippi Department of Transportation and used only by an
48 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 Director of the Alcoholic Beverage Control
54 Division of the Department of Revenue, the Executive Director of
55 the Mississippi Department of Wildlife, Fisheries and Parks, * * *
56 the Executive Officer of the Board of Pharmacy, the Executive
57 Director of the Mississippi Gaming Commission, the State Auditor
58 or a president or chancellor of a state institution of higher
59 learning, the Governor may authorize the use of specified unmarked
60 vehicles only in instances where such identifying marks will
61 hinder official investigations, and the governing authorities of
62 any municipality may authorize the use of specified, unmarked
63 police vehicles when identifying marks would hinder official
64 criminal investigations by the police. The written request or the
65 order or resolution authorizing such shall contain the
66 manufacturer's serial number, the state inventory number, where
67 applicable, and shall set forth why the vehicle should be exempt
68 from the provisions of this paragraph. In the event the request
69 is granted, the Governor shall furnish the State Department of



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

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



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

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

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

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

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

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

117 The provisions of this section shall not apply to vehicles
118 owned or leased by the Department of Human Services, Office of
119 Inspector General for use only by Mississippi certified law



enforcement officers who are assigned to the Fraud Investigative Unit.

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

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

The provisions of this section shall not apply to vehicles owned and leased by the Department of Public Safety for use by sworn officers in performance of their official duties which include, but are not limited to, ensuring the safety of the public, the apprehension and investigation of criminal offenders, or the investigation of criminal activities.

SECTION 2. This act shall take effect and be in force from and after July 1, 2025.

