

By: Representative Owen

To: Judiciary B

HOUSE BILL NO. 1338
(As Passed the House)

1 AN ACT TO AMEND SECTION 25-1-87, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE PROVISIONS OF LAW REGULATING UNMARKED VEHICLES FOR
3 PURPOSES OF CLARIFICATION; AND FOR 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 state agency
20 or department, or political subdivision, which shall include
21 counties and municipalities, * * * may affix a permanent decal or
22 design at least twelve (12) inches in height and twelve (12)
23 inches in width on both sides of the vehicle with the name of the
24 municipality within or across the permanent decal or design, and
25 the permanent design or decal shall be in a color or colors which
26 are in contrast with the color of the vehicle. No privilege
27 license tag shall be issued for such vehicle until the name has
28 been painted thereon or a permanent design or decal affixed
29 thereto as required by this section. A permanent decal may be
30 used in lieu of paint. The provisions of this paragraph * * *
31 shall only apply to vehicles which are for use by sworn officers
32 in the performance of their official duties which include, but are
33 not limited to, ensuring the safety of the public, the
34 apprehension and investigation of criminal offenders, or the
35 investigation of criminal activities including vehicles used by
36 the Chief Executive of the State of Mississippi, to vehicles owned
37 or leased by the Department of Economic and Community Development,
38 to vehicles owned or leased by the Office of the Attorney General,
39 to vehicles owned or leased motor vehicles operated by the
40 Department of Mental Health or by facilities operated by the
41 Department of Mental Health and used for transporting patients
42 living in group homes or alternative living arrangements, up to
43 four (4) vehicles owned or leased by economic development



44 districts or economic development authorities, up to three (3)
45 vehicles owned or leased by the Department of Insurance for use by
46 the State Fire Marshal's Office, up to three (3) vehicles owned or
47 leased by the Department of Corrections and used only by Community
48 Services Division officers, to vehicles owned or leased by the
49 Department of Public Safety for executive protection, and to
50 vehicles owned or leased by the Agricultural and Livestock Theft
51 Bureau of the Department of Agriculture and Commerce and used for
52 investigative purposes. * * * The provisions of this paragraph
53 shall not apply to one (1) vehicle owned or leased by the
54 Executive Director of the Department of Mental Health, * * * the
55 Mississippi Division of Medicaid, * * * the State Department of
56 Rehabilitation Services, * * * the Mississippi Department of
57 Transportation, * * * the Commissioner of the Mississippi
58 Department of Corrections, * * * the Mississippi Department of
59 Marine Resources, or to not more than one (1) vehicle owned or
60 leased by the Department of Revenue; * * * the State Adjutant
61 General, the Commissioner of Public Safety, * * * the Alcoholic
62 Beverage Control Division of the Department of Revenue, * * * the
63 Mississippi Department of Wildlife, Fisheries and Parks, the
64 Director of the Bureau of Narcotics, * * * the Board of Pharmacy,
65 the Executive Director of the Mississippi Gaming Commission, the
66 State Auditor or a president or chancellor of a state institution
67 of higher learning * * *.



68 The Governor may authorize the use of specified unmarked
69 vehicles upon written request of any state agency department or
70 political subdivision only in instances where such identifying
71 marks will hinder official investigations. * * * The written
72 request shall contain the manufacturer's serial number, the state
73 inventory number, where applicable, and shall set forth why the
74 vehicle should be exempt. In the event the request is granted,
75 the Governor shall furnish the State Department of Audit with a
76 copy of his written authority for the use of the unmarked
77 vehicles. The governing authorities of any municipality may
78 authorize the use of specified, unmarked police vehicles when
79 identifying marks would hinder official criminal investigations by
80 the police. The * * * order or resolution authorizing such shall
81 contain the manufacturer's serial number, the state inventory
82 number, where applicable, and shall set forth why the vehicle
83 should be exempt from the provisions of this paragraph. * * * The
84 governing authority * * * shall enter its order or resolution on
85 the minutes and shall furnish the State Department of Audit with a
86 certified copy of its order or resolution for the use of the
87 unmarked police vehicle. The governing authorities of any board
88 or political subdivision of the State of Mississippi may authorize
89 the use of specified, unmarked vehicles when identifying marks
90 would hinder official investigations by a sworn law enforcement
91 officer. The governing authority of any airport or school may
92 authorize the use of unmarked vehicles when identifying mark will



93 compromise security at such airport or school. The order or
94 resolution authorizing such unmarked vehicles shall contain the
95 manufacturer's serial number, the inventory number, and shall set
96 forth why the vehicle should be exempt from the provisions of this
97 paragraph. The governing authority shall enter its order or
98 resolution on the minutes and shall furnish the State Department
99 of Audit with a certified copy of its order or resolution for the
100 use of the unmarked police vehicle. The state property auditors
101 of the State Department of Audit shall personally examine vehicles
102 owned or leased by the State of Mississippi or any agency,
103 department or commission thereof and report violations of the
104 provisions of this paragraph to the State Auditor and the Chairman
105 of the Joint Legislative Committee on Performance Evaluation and
106 Expenditure Review. Any vehicle found to be in violation of this
107 paragraph shall be reported immediately to the department head
108 charged with such vehicle, and five (5) days shall be given for
109 compliance; and if not complied with, such vehicles shall be
110 impounded by the State Auditor until properly marked or exempted.

111 Upon notification to the Department of Revenue by the State
112 Auditor that any municipality or political subdivision is not in
113 compliance with this section, the Department of Revenue shall
114 withhold any sales tax due for distribution to any such
115 municipality and any excise tax on gasoline, diesel fuel, kerosene
116 and oil due any such county and for any months thereafter, and
117 shall continue to withhold such funds until compliance with this



118 section is certified to the Department of Revenue by the State
119 Department of Audit.

120 County-owned motor vehicles operated by the sheriff's
121 department shall not be subject to the provisions of this section,
122 but shall be subject to the provisions of Section 19-25-15.
123 County-owned motor vehicles operated by a family court established
124 pursuant to Section 43-23-1 et seq., shall not be subject to the
125 provisions of this section.

126 * * *

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

