

By: Hewes, Moffatt

To: Fees, Salaries and
Administration

SENATE BILL NO. 2665

1 AN ACT TO AMEND SECTION 25-1-87, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE USE OF UNMARKED VEHICLES BY THE MISSISSIPPI
3 DEPARTMENT OF MARINE RESOURCES; 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:[JMR1]

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 Development, to vehicles owned or
32 leased by the Office of the Attorney General, to vehicles owned or
33 leased by the Mississippi State Board of Medical Licensure and
34 used only by the Investigative Division of the board, to one (1)
35 vehicle owned or leased by the Commissioner of the Mississippi
36 Department of Corrections, to not more than three (3) vehicles
37 owned or leased by the Department of Corrections and used only by
38 Community Services Division officers, to not more than one (1)
39 vehicle owned or leased by the Mississippi Department of
40 Transportation and used only by an investigator employed by the
41 Mississippi Department of Transportation, to not more than five
42 (5) vehicles owned or leased by the Mississippi Department of
43 Marine Resources, or to not more than one (1) vehicle owned or
44 leased by the Mississippi State Tax Commission; and upon receipt
45 of a written request from the State Adjutant General, the
46 Commissioner of Public Safety, the Director of the Alcoholic
47 Beverage Control Division of the Mississippi State Tax Commission,
48 the Director of the Bureau of Fisheries and Wildlife of the
49 Department of Wildlife Conservation, the Director of the Bureau of
50 Narcotics, the Executive Officer of the Board of Pharmacy, the
51 Executive Director of the Mississippi Gaming Commission, the State
52 Auditor, the Executive Director of the Mississippi Department of
53 Marine Resources, or a president or chancellor of a state
54 institution of higher learning, the Governor may authorize the use
55 of specified unmarked vehicles only in instances where such
56 identifying marks will hinder official investigations, and the
57 governing authorities of any municipality may authorize the use of
58 specified, unmarked police vehicles when identifying marks would
59 hinder official criminal investigations by the police. The
60 written request or the order or resolution authorizing such shall
61 contain the manufacturer's serial number, the state inventory
62 number, where applicable, and shall set forth why the vehicle
63 should be exempt from the provisions of this paragraph. In the

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

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

90 County-owned motor vehicles operated by the sheriff's
91 department shall not be subject to the provisions of this section,
92 but shall be subject to the provisions of Section 19-25-15.
93 County-owned motor vehicles operated by a family court established
94 pursuant to Section 43-23-1 et seq., shall not be subject to the
95 provisions of this section.

96 State-owned or leased motor vehicles operated by the
97 Department of Mental Health or by facilities operated by the
98 Department of Mental Health and used for transporting patients
99 living in group homes or alternative living arrangements shall not
100 be subject to the provisions of this section.

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

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

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

Up to two (2) motor vehicles owned or leased by the Department of Human Services for use only by the Program Integrity Division 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.

SECTION 2. This act shall take effect and be in force from and after July 1, 2000.