

By: Hewes, Moffatt

To: Fees, Salaries and
Administration

SENATE BILL NO. 2665
(As Passed the Senate)

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; TO AUTHORIZE THE DEPARTMENT OF
4 HUMAN SERVICES TO USE AN ADDITIONAL UNMARKED VEHICLE; AND FOR
5 RELATED PURPOSES.

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

7 SECTION 1. Section 25-1-87, Mississippi Code of 1972, is
8 amended as follows:[JMR1]

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

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

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

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

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

98 State-owned or leased motor vehicles operated by the
99 Department of Mental Health or by facilities operated by the
100 Department of Mental Health and used for transporting patients
101 living in group homes or alternative living arrangements shall not

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 three (3) motor vehicles owned or leased by the Department of Human Services for use only by the Program Integrity Division and the executive director 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.