

By: Representative Ellington

To: Conservation and Water Resources

HOUSE BILL NO. 1088

1 AN ACT TO AMEND SECTION 25-1-87, MISSISSIPPI CODE OF 1972, TO  
2 ALLOW THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF MARINE RESOURCES  
3 TO HAVE AN UNMARKED CAR; 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 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 Finance and Administration for use by the Capitol Police, to  
35 vehicles owned or leased by the Mississippi State Board of Medical  
36 Licensure and used only by the Investigative Division of the  
37 board, to one (1) vehicle owned or leased by the Executive  
38 Director of the Department of Mental Health, to one (1) vehicle  
39 owned or leased by the Commissioner of the Mississippi Department  
40 of Corrections, to not more than three (3) vehicles owned or  
41 leased by the Department of Corrections and used only by Community  
42 Services Division officers, to not more than one (1) vehicle owned  
43 or leased by the Mississippi Department of Transportation and used  
44 only by an investigator employed by the Mississippi Department of  
45 Transportation, to not more than two (2) vehicles owned or leased  
46 by the Mississippi Department of Marine Resources, or to not more  
47 than one (1) vehicle owned or leased by the Mississippi State Tax  
48 Commission; and upon receipt of a written request from the State  
49 Adjutant General, the Commissioner of Public Safety, the Director  
50 of the Alcoholic Beverage Control Division of the Mississippi  
51 State Tax Commission, the Executive Director of the Mississippi  
52 Department of Wildlife, Fisheries and Parks, the Executive  
53 Director of the Mississippi Department of Marine Resources, the  
54 Director of the Bureau of Narcotics, the Executive Officer of the  
55 Board of Pharmacy, the Executive Director of the Mississippi  
56 Gaming Commission, the State Auditor or a president or chancellor  
57 of a state institution of higher learning, the Governor may  
58 authorize the use of specified unmarked vehicles only in instances  
59 where such identifying marks will hinder official investigations,  
60 and the governing authorities of any municipality may authorize



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

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



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

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

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

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

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

115 Up to three (3) motor vehicles owned or leased by the  
116 Department of Human Services for use only by the Program Integrity  
117 Division and the executive director shall not be subject to the  
118 provisions of this section.

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

123 **SECTION 2.** This act shall take effect and be in force from  
124 and after July 1, 2002.

