

By: Representative Formby

To: Public Buildings,  
Grounds and Lands

HOUSE BILL NO. 1654

1 AN ACT TO AMEND SECTION 25-1-87, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT ALL MOTOR VEHICLES OWNED OR LEASED BY THE STATE THAT  
3 ARE NOT EXEMPT FROM THE REQUIREMENTS OF BEING MARKED SHALL DISPLAY  
4 A DECAL ON THE REAR BUMPER OR REAR GLASS DEPICTING THE OFFICIAL  
5 FLAG OF THE STATE OF MISSISSIPPI; AND FOR 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:

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



29 been painted thereon or a permanent design or decal affixed  
30 thereto as required by this section. A permanent decal may be  
31 used in lieu of paint. The provisions of this subsection shall  
32 not apply to vehicles used by the Chief Executive of the State of  
33 Mississippi, to vehicles owned or leased by the Mississippi  
34 Development Authority, to vehicles owned or leased by the Office  
35 of the Attorney General, to not more than one (1) vehicle owned or  
36 leased by the Department of Finance and Administration for use by  
37 the Capitol Police, to vehicles owned or leased by the Mississippi  
38 State Board of Medical Licensure and used only by the  
39 Investigative Division of the board, to one (1) vehicle owned or  
40 leased by the Executive Director of the Department of Mental  
41 Health, to one (1) vehicle owned or leased by the Commissioner of  
42 the Mississippi Department of Corrections, to not more than three  
43 (3) vehicles owned or leased by the Department of Corrections and  
44 used only by Community Services Division officers, to not more  
45 than one (1) vehicle owned or leased by the Mississippi Department  
46 of Transportation and used only by an investigator employed by the  
47 Mississippi Department of Transportation, to not more than two (2)  
48 vehicles owned or leased by the Mississippi Department of Marine  
49 Resources, or to not more than one (1) vehicle owned or leased by  
50 the Mississippi State Tax Commission; and upon receipt of a  
51 written request from the State Adjutant General, the Commissioner  
52 of Public Safety, the Director of the Alcoholic Beverage Control  
53 Division of the Mississippi State Tax Commission, the Executive  
54 Director of the Mississippi Department of Wildlife, Fisheries and  
55 Parks, the Director of the Bureau of Narcotics, the Executive  
56 Officer of the Board of Pharmacy, the Executive Director of the  
57 Mississippi Gaming Commission, the State Auditor or a president or  
58 chancellor of a state institution of higher learning, the Governor  
59 may authorize the use of specified unmarked vehicles only in  
60 instances where such identifying marks will hinder official  
61 investigations, and the governing authorities of any municipality



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

86       (2) Upon notification to the State Tax Commission by the  
87 State Auditor that any municipality or political subdivision is  
88 not in compliance with subsection (1) of this section, the State  
89 Tax Commission shall withhold any sales tax due for distribution  
90 to any such municipality and any excise tax on gasoline, diesel  
91 fuel, kerosene and oil due any such county and for any months  
92 thereafter, and shall continue to withhold such funds until  
93 compliance with subsection (1) of this section is certified to the  
94 State Tax Commission by the State Department of Audit.



95           (3) County-owned motor vehicles operated by the sheriff's  
96 department shall not be subject to the provisions of subsection  
97 (1) of this section, but shall be subject to the provisions of  
98 Section 19-25-15. \* \* \*

99           (4) 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 subsection (1) of this section.

104           (5) 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 subsection (1) of this  
107 section.

108           (6) State-owned or leased motor vehicles operated by the  
109 Agricultural and Livestock Theft Bureau of the Department of  
110 Agriculture and Commerce and used to investigate livestock theft  
111 shall not be subject to the provisions of subsection (1) of this  
112 section.

113           (7) 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  
116 subsection (1) of this section.

117           (8) Up to three (3) motor vehicles owned or leased by the  
118 Department of Human Services for use only by the Program Integrity  
119 Division and the executive director shall not be subject to the  
120 provisions of subsection (1) of this section.

121           (9) The motor vehicles of public airport shall not be  
122 subject to the provisions of subsection (1) of this section upon a  
123 finding by the governing authority of such airport that marking a  
124 motor vehicle as required in this section will compromise security  
125 at such airport.

126           (10) All motor vehicles owned or leased by the State of  
127 Mississippi or any agency or department of the state, except such



128 motor vehicles that are not subject to the provisions of  
129 subsection (1) of this section, shall display a decal depicting  
130 the official flag of the State of Mississippi in a prominent  
131 location on the rear bumper or rear glass of the vehicle. The  
132 decals shall be prepared and distributed to each agency or  
133 department by the Department of Finance and Administration.

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

