

By: Representatives Kinkade, Hale

To: Corrections; Revenue and
Expenditure General Bills

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 248

1 AN ACT TO AMEND SECTION 25-1-87, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS THE
3 USE OF SPECIFIED UNMARKED VEHICLES WHERE SUCH IDENTIFYING MARKS
4 MAY HINDER OFFICIAL INVESTIGATIONS; TO REVISE THE NUMBER OF
5 VEHICLES THAT MAY BE OWNED OR LEASED BY THE DEPARTMENT TO BE USED
6 BY ITS COMMUNITY SERVICES DIVISION OFFICERS; TO PROVIDE THAT THE
7 DEPARTMENT SHALL FURNISH TO THE DEPARTMENT OF AUDIT CERTAIN
8 INFORMATION RELATED TO THE VEHICLES, SUCH AS THE MANUFACTURER'S
9 SERIAL NUMBER OF THE VEHICLE, AS WELL AS REASONS FOR THE NECESSITY
10 FOR SUCH VEHICLES TO BE UNMARKED; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 25-1-87, Mississippi Code of 1972, is
13 amended as follows:

14 25-1-87. All motor vehicles owned or leased by the State of
15 Mississippi or any agency, department or political subdivision
16 thereof, which shall include counties and municipalities, when
17 such agency or department or political subdivision, which shall
18 include counties and municipalities, is supported wholly or in
19 part by public taxes or by appropriations from public funds, shall
20 have painted on both sides in letters at least three (3) inches in
21 height, and on the rear in letters not less than one and one-half
22 (1-1/2) inches in height, the name of the state agency or



23 department, or political subdivision, which shall include counties
24 and municipalities, in a color which is in contrast with the color
25 of the vehicle; provided, however, that a permanent decal may be
26 used in lieu of paint, and provided further, that any municipality
27 may affix a permanent decal or design at least twelve (12) inches
28 in height and twelve (12) inches in width on both sides of the
29 vehicle with the name of the municipality within or across the
30 permanent decal or design, and the permanent design or decal shall
31 be in a color or colors which are in contrast with the color of
32 the vehicle. No privilege license tag shall be issued for such
33 vehicle until the name has been painted thereon or a permanent
34 design or decal affixed thereto as required by this section. A
35 permanent decal may be used in lieu of paint. The provisions of
36 this paragraph shall not apply to vehicles used by the Chief
37 Executive of the State of Mississippi, to vehicles owned or leased
38 by the Department of Economic and Community Development, to
39 vehicles owned or leased by the Office of the Attorney General, to
40 not more than one (1) vehicle owned or leased by the Department of
41 Finance and Administration for use by the Capitol Police, to
42 vehicles owned or leased by the Mississippi State Board of Medical
43 Licensure and used only by the Investigative Division of the
44 board, to one (1) vehicle owned or leased by the Executive
45 Director of the Department of Mental Health, to not more than one
46 (1) vehicle owned or leased by the Mississippi Division of
47 Medicaid, to one (1) vehicle owned or leased by the State



48 Department of Rehabilitation Services, to one (1) vehicle owned or
49 leased by the Mississippi Department of Transportation, to one (1)
50 vehicle owned or leased by the Commissioner of the Mississippi
51 Department of Corrections, to not more than * * * nine (9)
52 vehicles owned or leased by the Department of Corrections and used
53 only by Community Services Division officers, the Commissioner of
54 the Department of Corrections may authorize the use of additional
55 specified unmarked vehicles where such identifying marks will
56 hinder official investigations. His authorization shall contain
57 the manufacturer's serial number, the state inventory number and
58 shall set forth reasons the vehicle shall be exempt. The
59 authorization shall be furnished to the Department of Audit.
60 Further, the provisions of this paragraph shall not apply to not
61 more than one (1) vehicle owned or leased by the Mississippi
62 Department of Transportation and used only by an investigator
63 employed by the Mississippi Department of Transportation, to not
64 more than two (2) vehicles owned or leased by the Mississippi
65 Department of Marine Resources, or to not more than one (1)
66 vehicle owned or leased by the Mississippi * * * Department of
67 Revenue; and upon receipt of a written request from the State
68 Adjutant General, the Commissioner of Public Safety, the Director
69 of the Alcoholic Beverage Control Division of the * * * Department
70 of Revenue, the Executive Director of the Mississippi Department
71 of Wildlife, Fisheries and Parks, the Director of the Bureau of
72 Narcotics, the Executive Officer of the Board of Pharmacy, the



73 Executive Director of the Mississippi Gaming Commission, the State
74 Auditor or a president or chancellor of a state institution of
75 higher learning, the Governor may authorize the use of specified
76 unmarked vehicles only in instances where such identifying marks
77 will hinder official investigations, and the governing authorities
78 of any municipality may authorize the use of specified, unmarked
79 police vehicles when identifying marks would hinder official
80 criminal investigations by the police. The written request or the
81 order or resolution authorizing such shall contain the
82 manufacturer's serial number, the state inventory number, where
83 applicable, and shall set forth why the vehicle should be exempt
84 from the provisions of this paragraph. In the event the request
85 is granted, the Governor shall furnish the State Department of
86 Audit with a copy of his written authority for the use of the
87 unmarked vehicles, or the governing authority, as the case may be,
88 shall enter its order or resolution on the minutes and shall
89 furnish the State Department of Audit with a certified copy of its
90 order or resolution for the use of the unmarked police vehicle.
91 The state property auditors of the State Department of Audit shall
92 personally examine vehicles owned or leased by the State of
93 Mississippi or any agency, department or commission thereof and
94 report violations of the provisions of this paragraph to the State
95 Auditor and the Chairman of the Joint Legislative Committee on
96 Performance Evaluation and Expenditure Review. Any vehicle found
97 to be in violation of this paragraph shall be reported immediately



98 to the department head charged with such vehicle, and five (5)
99 days shall be given for compliance; and if not complied with, such
100 vehicles shall be impounded by the State Auditor until properly
101 marked or exempted.

102 Upon notification to the * * * Department of Revenue by the
103 State Auditor that any municipality or political subdivision is
104 not in compliance with this section, the * * * Department of
105 Revenue shall withhold any sales tax due for distribution to any
106 such municipality and any excise tax on gasoline, diesel fuel,
107 kerosene and oil due any such county and for any months
108 thereafter, and shall continue to withhold such funds until
109 compliance with this section is certified to the * * * Department
110 of Revenue by the State Department of Audit.

111 County-owned motor vehicles operated by the sheriff's
112 department shall not be subject to the provisions of this section,
113 but shall be subject to the provisions of Section 19-25-15.

114 County-owned motor vehicles operated by a family court established
115 pursuant to Section 43-23-1 et seq., shall not be subject to the
116 provisions of this section.

117 State-owned or leased motor vehicles operated by the
118 Department of Mental Health or by facilities operated by the
119 Department of Mental Health and used for transporting patients
120 living in group homes or alternative living arrangements shall not
121 be subject to the provisions of this section.



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

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

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

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

137 Up to three (3) motor vehicles owned or leased by the
138 Department of Insurance for use by the State Fire Marshal's Office
139 shall not be subject to the provisions of this section.

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

144 **SECTION 2.** This act shall take effect and be in force from
145 and after July 1, 2016.

