

§ 25-1-87. **Marking** publicly **owned** or leased **vehicle**; exceptions; effect of noncompliance.

All motor **vehicles owned** or leased by the **State** of Mississippi or any agency, department or political subdivision thereof, which shall include counties and municipalities, when such agency or department or political subdivision, which shall include counties and municipalities, is supported wholly or in part by public taxes or by appropriations from public funds, shall have painted on both sides in letters at least three (3) inches in height, and on the rear in letters not less than one and one-half (1-1/2) inches in height, the name of the **state** agency or department, or political subdivision, which shall include counties and municipalities, in a color which is in contrast with the color of the **vehicle**; provided, however, that a permanent decal may be used in lieu of paint, and provided further, that any municipality may affix a permanent decal or design at least twelve (12) inches in height and twelve (12) inches in width on both sides of the **vehicle** with the name of the municipality within or across the permanent decal or design, and the permanent design or decal shall be in a color or colors which are in contrast with the color of the **vehicle**.

No privilege license tag shall be issued for such **vehicle** until the name has been painted thereon or a permanent design or decal affixed thereto as required by this section. A permanent decal may be used in lieu of paint. The provisions of this paragraph shall not apply to **vehicles** used by the Chief Executive of the **State** of Mississippi, to **vehicles owned** or leased by the Department of Economic and Community Development, to **vehicles owned** or leased by the Office of the Attorney General, to not more than one (1) **vehicle owned** or leased by the Department of Public Safety for use by the Capitol Police, to **vehicles owned** or leased by the Mississippi **State** Board of Medical Licensure and used only by the Investigative Division of the board, to one (1) **vehicle owned** or leased by the Executive Director of the Department of Mental Health, to not more than one (1) **vehicle owned** or leased by the Mississippi Division of Medicaid, to one (1) **vehicle owned** or leased by the **State** Department of Rehabilitation Services, to one (1) **vehicle owned** or leased by the Mississippi Department of Transportation, to one (1) **vehicle owned** or leased by the Commissioner of the Mississippi Department of Corrections, to not more than three (3) **vehicles owned** or leased by the Department of Corrections and used only by Community Services Division officers, to not more than one (1) **vehicle owned** or leased by the Mississippi Department of Transportation and used only by an investigator employed by the Mississippi Department of Transportation, to not more than two (2) **vehicles owned** or leased by the Mississippi Department of Marine

Resources, or to not more than one (1) **vehicle owned** or leased by the Department of Revenue; and upon receipt of a written request from the **State** Adjutant General, the Commissioner of Public Safety, the Director of the Alcoholic Beverage Control Division of the Department of Revenue, the Executive Director of the Mississippi Department of Wildlife, Fisheries and Parks, the Director of the Bureau of Narcotics, the Executive Officer of the Board of Pharmacy, the Executive Director of the Mississippi Gaming Commission, the **State** Auditor or a president or chancellor of a **state** institution of higher learning,

The Governor may authorize the use of specified unmarked **vehicles** only in instances where such identifying **marks** will hinder official investigations, and the governing authorities of any municipality may authorize the use of specified, unmarked police **vehicles** when identifying **marks** would hinder official criminal investigations by the police.

The written request or the order or resolution authorizing such shall contain the manufacturer's serial number, the **state** inventory number, where applicable, and shall set forth why the **vehicle** should be exempt from the provisions of this paragraph. In the event the request is granted, the Governor shall furnish the **State** Department of Audit with a copy of his written authority for the use of the unmarked **vehicles**, or the governing authority, as the case may be, shall enter its order or resolution on the minutes and shall furnish the **State** Department of Audit with a certified copy of its order or resolution for the use of the unmarked police **vehicle**.

The **state** property auditors of the **State** Department of Audit shall personally examine **vehicles owned** or leased by the **State** of Mississippi or any agency, department or commission thereof and report violations of the provisions of this paragraph to the **State** Auditor and the Chairman of the Joint Legislative Committee on Performance Evaluation and Expenditure Review.

Any vehicle found to be in violation of this paragraph shall be reported immediately to the department head charged with such vehicle, and five (5) days shall be given for compliance; and if not complied with, such vehicles shall be impounded by the State Auditor until properly marked or exempted.

Upon notification to the Department of Revenue by the **State** Auditor that any municipality or political subdivision is not in compliance with this section, the Department of Revenue shall withhold any sales tax due for distribution to any such municipality and any excise tax on gasoline, diesel fuel, kerosene and oil due any such county and for any months thereafter, and shall continue to withhold such funds until

compliance with this section is certified to the Department of Revenue by the **State** Department of Audit.

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

State-~~owned~~ or leased motor **vehicles** operated by the Department of Mental Health or by facilities operated by the Department of Mental Health and used for transporting patients 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.

Up to three (3) motor **vehicles** **owned** or leased by the Department of Insurance for use by the **State** Fire Marshal's Office 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.