

**HIGHWAY PATROL USE OF UNMARKED
VEHICLES**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Curtis S. Bramble

This act modifies the Motor Vehicles Code to allow Utah Highway Patrol to use more than one unmarked vehicle in organized operations to enforce traffic laws. This act limits the use of unmarked vehicles in an organized operation to an operation conducted in a county of the first or second class unless no more than one unmarked vehicle is used for the operation. This act requires a peace officer engaged in an operation involving unmarked vehicles to be in uniform. This act makes technical changes.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

41-1a-407, as last amended by Chapter 111, Laws of Utah 2002

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-1a-407** is amended to read:

41-1a-407. Plates issued to political subdivisions or state -- Use of "EX" letters -- Confidential information.

(1) Except as provided in Subsection (2), each municipality, board of education, school district, state institution of learning, county, other governmental division, subdivision, or district, and the state shall:

(a) place a license plate displaying the letters, "EX" on every vehicle owned and operated by it or leased for its exclusive use; and

(b) display an identification mark designating the vehicle as the property of the entity in a conspicuous place on both sides of the vehicle.

(2) The entity need not display the "EX" license plate or the identification mark required by Subsection (1) if:

(a) the vehicle is in the direct service of the governor, lieutenant governor, attorney general, state auditor, or state treasurer of Utah;

(b) the vehicle is used in official investigative work where secrecy is essential;

(c) the vehicle is used in an organized Utah Highway Patrol operation that is:

(i) conducted within a county of the first or second class as defined under Section 17-50-501, unless no more than one unmarked vehicle is used for the operation;

~~[(i)]~~ (ii) approved by the Commissioner of Public Safety;

~~[(ii) utilizing no more than one unmarked vehicle for each operation; and]~~

(iii) of a duration of 14 consecutive days or less; and

~~[(iii)]~~ (iv) targeted toward aggressive driving and accidents involving:

(A) violations of Title 41, Chapter 6, Article 5, Driving While Intoxicated and Reckless Driving;

(B) speeding violations for exceeding the posted speed limit by 21 or more miles per hour;

(C) speeding violations in a reduced speed school zone under Section 41-6-48.5;

(D) violations of Section 41-6-78 related to pedestrian crosswalks; or

(E) violations of Section 41-6-53.5 related to lane restrictions;

(d) the vehicle is provided to an official of the entity as part of a compensation package allowing unlimited personal use of that vehicle; or

(e) the personal security of the occupants of the vehicle would be jeopardized if the "EX" license plate were in place.

(3) Plates issued to Utah Highway Patrol vehicles may bear the capital letters "UHP," a beehive logo, and the call number of the trooper to whom the vehicle ~~[for which the plate]~~ is issued.

(4) (a) The commission shall issue "EX" and "UHP" plates ~~[and]~~.

(b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission shall make rules establishing the procedure for application for and distribution of the plates.

(5) For a vehicle that qualifies for "EX" or "UHP" license plates, the entity is not required to display an annual registration decal.

(6) (a) Information shall be confidential for vehicles that are not required to display the "EX" license plate or the identification mark under Subsections (2)(a), (b), ~~and~~ (d), and (e).

(b) (i) If a law enforcement officer's identity must be kept secret, his agency head may request in writing that the division remove the license plate information of the officer's personal vehicles from all public access files and place it in a confidential file until the assignment is completed.

(ii) The agency head shall notify the division when the assignment is completed.

(7) A peace officer engaged in an organized operation under Subsection (2)(c) shall be in a uniform clearly identifying the law enforcement agency the peace officer is representing during the operation.