

28 (1) The chief of police has the same authority as the sheriff within the boundaries of the
29 municipality of appointment. The chief has authority to:

- 30 (a) suppress riots, disturbances, and breaches of the peace;
- 31 (b) apprehend all persons violating state laws or city ordinances;
- 32 (c) diligently discharge his duties and enforce all ordinances of the city to preserve the
33 peace, good order, and protection of the rights and property of all persons; and
- 34 (d) attend the municipal justice court located within the city when required, provide
35 security for the court, and obey its orders and directions.

36 (2) This section is not a limitation of a police chief's statewide authority as otherwise
37 provided by law.

38 (3) A police chief may not require any law enforcement officer to issue within any
39 specified time period a specific number of citations, complaints, or warning notices for violations
40 of Title 41, Chapter 6, Traffic Rules and Regulations, or violations of any local traffic ordinance,
41 including any of the offenses described in Section 41-6-17.

42 Section 3. Section **10-3-918** is amended to read:

43 **10-3-918. Chief of police or marshal in third class cities and towns -- Authority,**
44 **duties.**

45 (1) In cities of the third class and towns, the chief of police or marshal shall exercise and
46 perform such duties as may be prescribed by the governing body. The chief of police or marshal
47 shall be under the direction, control, and supervision of the mayor. The chief of police or marshal
48 may with the consent of the mayor, appoint assistants to the chief of police or marshal.

49 (2) The chief of police or marshal may not require any law enforcement officer to issue
50 within any specified time period a specific number of citations, complaints, or warning notices for
51 violations of Title 41, Chapter 6, Traffic Rules and Regulations, or violations of any local traffic
52 ordinance, including any of the offenses described in Section 41-6-17.

53 Section 4. Section **17-4-3.5** is enacted to read:

54 **17-4-3.5. Traffic violation quotas prohibited.**

55 A county may not require its law enforcement agency or any law enforcement officer to
56 issue within any specified time period a specific number of citations, complaints, or warning
57 notices for violations of Title 41, Chapter 6, Traffic Rules and Regulations, or violations of any
58 local traffic ordinance, including any of the offenses described in Section 41-6-17.

59 Section 5. Section **17-22-2.5** is enacted to read:

60 **17-22-2.5. Traffic violation quotas prohibited.**

61 A sheriff may not require any law enforcement officer to issue within any specified time
62 period a specific number of citations, complaints, or warning notices for violations of Title 41,
63 Chapter 6, Traffic Rules and Regulations, or violations of any local traffic ordinance, including
64 any of the offenses described in Section 41-6-17.

65 Section 6. Section **53-1-108** is amended to read:

66 **53-1-108. Commissioner's powers and duties.**

67 (1) In addition to the responsibilities contained in this title, the commissioner shall:

68 (a) administer and enforce this title and Title 41, Chapter 12a, Financial Responsibility of
69 Motor Vehicle Owners and Operators Act;

70 (b) appoint deputies, inspectors, examiners, clerical workers, and other employees as
71 required to properly discharge the duties of the department;

72 (c) make rules:

73 (i) governing emergency use of signal lights on private vehicles;

74 (ii) allowing privately owned vehicles to be designated for part-time emergency use, as
75 provided in Section 41-6-1.5; and

76 (iii) specifying approved maximum altered heights for vehicles, as required by Section
77 41-6-148.31;

78 (d) set standards for safety belt systems, as required by Section 41-6-182;

79 (e) serve as the chairman of the Disaster Emergency Advisory Council, as required by
80 Section 63-5-4; and

81 (f) designate vehicles as "authorized emergency vehicles," as required by Section 41-6-1.

82 (2) The commissioner may:

83 (a) subject to the approval of the governor, establish division headquarters at various
84 places in the state;

85 (b) issue to a special agent a certificate of authority to act as a peace officer and revoke that
86 authority for cause, as authorized in Section 56-1-21.5;

87 (c) create specialized units within the commissioner's office for conducting internal affairs
88 and aircraft operations as necessary to protect the public safety;

89 (d) cooperate with any recognized agency in the education of the public in safety and crime

90 prevention and participate in public or private partnerships, subject to Subsection (3);

91 (e) cooperate in applying for and distributing highway safety program funds; and

92 (f) receive and distribute federal funding to further the objectives of highway safety in
93 compliance with the Federal Assistance Management Program Act.

94 (3) (a) Money may not be expended under Subsection (2)(d) for public safety education
95 unless it is specifically appropriated by the Legislature for that purpose.

96 (b) Any recognized agency receiving state money for public safety shall file with the
97 auditor of the state an itemized statement of all its receipts and expenditures.

98 (4) The commissioner may not require any law enforcement officer to issue within any
99 specified time period a specific number of citations, complaints, or warning notices for violations
100 of Title 41, Chapter 6, Traffic Rules and Regulations, or violations of any local traffic ordinance,
101 including any of the offenses described in Section 41-6-17.

102 Section 7. Section **53-8-104** is amended to read:

103 **53-8-104. Superintendent's duties.**

104 (1) The superintendent shall:

105 [(1)] (a) divide the state highways into sections for the purpose of patrolling and policing;

106 [(2)] (b) employ peace officers known as highway patrol troopers to patrol or police the
107 highways within this state and to enforce the state statutes as required;

108 [(3)] (c) establish ranks, grades, and positions in the Highway Patrol and designate the
109 authority and responsibility in each rank, grade, and position;

110 [(4)] (d) establish for the Highway Patrol standards and qualifications and fix prerequisites
111 of training, education, and experience for each rank, grade, and position;

112 [(5)] (e) appoint personnel to each rank, grade, and position necessary for the efficient
113 operation and administration of the Highway Patrol;

114 [(6)] (f) devise and administer examinations designed to test applicants for positions with
115 the Highway Patrol;

116 [(7)] (g) make rules governing the Highway Patrol as appear to the superintendent
117 advisable;

118 [(8)] (h) discharge, demote, or temporarily suspend any employee in the Highway Patrol
119 for cause;

120 [(9)] (i) prescribe the uniforms to be worn and the equipment to be used by employees of

121 the Highway Patrol;

122 [(10)] (j) charge against each employee of the Highway Patrol the value of any property
123 of the state lost or destroyed through the carelessness of the employee;

124 [(11)] (k) establish, with the approval of the Division of Finance, the terms and conditions
125 under which expense allowance should be paid to any employee of the Highway Patrol while away
126 from his station;

127 [(12)] (l) station the Highway Patrol in localities as he finds advisable for the enforcement
128 of the laws of this state;

129 [(13)] (m) conduct in conjunction with the State Board of Education in and through all
130 state schools an educational campaign in highway safety and work in conjunction with civic
131 organizations, churches, local units of government, and other organizations that may function in
132 accomplishing the purposes of reducing highway accidents;

133 [(14)] (n) provide the initial mandatory uniform items for each new trooper hired after July
134 1, 1998; and

135 [(15)] (o) determine by rule a basic uniform allowance system which includes the manner
136 in which troopers may receive maintenance services and vouchers for basic uniforms and
137 administer any funds appropriated by the Legislature to the division for that purpose.

138 (2) The superintendent may not require any law enforcement officer to issue within any
139 specified time period a specific number of citations, complaints, or warning notices for violations
140 of Title 41, Chapter 6, Traffic Rules and Regulations, or violations of any local traffic ordinance,
141 including any of the offenses described in Section 41-6-17.

Legislative Review Note

as of 2-8-00 4:17 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel