

1 **HIGHWAY PATROL USE OF UNMARKED**
2 **VEHICLES**

3 2003 GENERAL SESSION
4 STATE OF UTAH

5 **Sponsor: Curtis S. Bramble**

6 **This act modifies the Motor Vehicles Code to allow Highway Patrol to use more than one**
7 **unmarked vehicle in organized operations to enforce traffic laws. This act makes**
8 **technical changes.**

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

10 AMENDS:

11 **41-1a-407**, as last amended by Chapter 111, Laws of Utah 2002

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

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

14 **41-1a-407. Plates issued to political subdivisions or state -- Use of "EX" letters --**
15 **Confidential information.**

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

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

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

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

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

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



- 28 (c) the vehicle is used in an organized Utah Highway Patrol operation that is:
29 (i) approved by the Commissioner of Public Safety; and
30 [~~(ii) utilizing no more than one unmarked vehicle for each operation; and~~]
31 [~~(iii)~~] (ii) targeted toward reducing traffic violations and accidents involving:
32 (A) violations of Title 41, Chapter 6, Article 5, Driving While Intoxicated and
33 Reckless Driving;
34 (B) speeding violations for exceeding the posted speed limit by 21 or more miles per
35 hour;
36 (C) speeding violations in a reduced speed school zone under Section 41-6-48.5;
37 (D) violations of Section 41-6-78 related to pedestrian crosswalks; or
38 (E) violations of Section 41-6-53.5 related to lane restrictions;
39 (d) the vehicle is provided to an official of the entity as part of a compensation package
40 allowing unlimited personal use of that vehicle; or
41 (e) the personal security of the occupants of the vehicle would be jeopardized if the
42 "EX" license plate were in place.
- 43 (3) Plates issued to Utah Highway Patrol vehicles may bear the capital letters "UHP," a
44 beehive logo, and the call number of the trooper to whom the vehicle [~~for which the plate~~] is
45 issued.
- 46 (4) (a) The commission shall issue "EX" and "UHP" plates [~~and~~].
47 (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
48 commission shall make rules establishing the procedure for application for and distribution of
49 the plates.
- 50 (5) For a vehicle that qualifies for "EX" or "UHP" license plates, the entity is not
51 required to display an annual registration decal.
- 52 (6) (a) Information shall be confidential for vehicles that are not required to display the
53 "EX" license plate or the identification mark under Subsections (2)(a), (b), [~~and~~] (d), and (e).
- 54 (b) (i) If a law enforcement officer's identity must be kept secret, his agency head may
55 request in writing that the division remove the license plate information of the officer's
56 personal vehicles from all public access files and place it in a confidential file until the
57 assignment is completed.
- 58 (ii) The agency head shall notify the division when the assignment is completed.

Legislative Review Note

as of 1-14-03 11:14 AM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0106

Highway Patrol Use of Unmarked Vehicles

23-Jan-03

3:14 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst