

CHAPTER 42. USE OF UNMARKED VEHICLES**GENERAL PROVISIONS**

- Sec.
 42.1. Purpose.
 42.2. Policy and effect.
 42.3. Definitions.

PROCEDURES

- 42.21. Identification and uniform requirements.
 42.22. Vehicle stops and pursuits.

Authority

The provisions of this Chapter 42 issued under the Vehicle Code, 75 Pa.C.S. §§ 3327 and 3328, unless otherwise noted.

Source

The provisions of this Chapter 42 adopted January 7, 2005, effective January 8, 2005, 35 Pa.B. 254, unless otherwise noted.

GENERAL PROVISIONS**§ 42.1. Purpose.**

This chapter governs the use of unmarked vehicles. It is necessary to establish uniformity in the use of unmarked vehicles by police officers.

§ 42.2. Policy and effect.

The policy of the Commonwealth is to permit the use of unmarked vehicles by police officers. Failure to comply with this chapter does not affect the legality of any arrest or citation, nor will it be grounds for the suppression of evidence except as provided by statutory or constitutional law.

§ 42.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless otherwise indicated:

Light bar assembly—A device designed and constructed to display more than one steady burning, flashing or revolving beam of light with 360° visibility.

Marked police vehicle—A police vehicle that is equipped with at least one light-bar assembly and displays graphics, markings or decals identifying the agency or department on a minimum of three sides (front, rear, left or right).

Official identification—Identification issued, designated or approved by the individual law enforcement agency or municipality.

Official uniform—Any attire designated or approved by the individual law enforcement agency or municipality.

Unmarked police vehicle—A police vehicle not equipped with a roof mounted light-bar assembly. The vehicle may display graphics, markings or decals, identifying the agency or department.

PROCEDURES

§ 42.21. Identification and uniform requirements.

(a) *Identification.* Police officers using an unmarked police vehicle shall ensure they are carrying official identification, other than their uniform, to verify their identity, unless it would jeopardize the police officers' safety due to their work assignment. Police officers shall be prepared to display their official identification upon request. Police officers shall honor these requests when the request is reasonable and the police officer's safety has been ensured. If the police officer does not carry official identification, the police officer may not attempt to stop traffic law violators, unless there is immediate threat to public safety.

(b) *Uniforms.* Police officers assigned to use an unmarked police vehicle to perform patrol duties shall be attired in an official uniform. Police officers assigned other duties that are likely to include or require traffic stops shall wear an official uniform or alternative attire, such as a police raid jacket, that bears the name of a specific law enforcement agency or task force.

§ 42.22. Vehicle stops and pursuits

(a) *Stopping suspected violators while operating an unmarked police vehicle.* Police officers stopping suspected violators shall attempt to ascertain the safest available location for the police officer and the motorist, consistent with the need for prompt action. Police officers shall take into consideration the road and weather conditions, terrain, lighting, traffic and the nature of the violation. The police officer shall also attempt to choose a location that will afford both the driver and the police officer a sense of safety.

(b) *Use of audible and visual signals required while operating an unmarked police vehicle.* Audible and visual signals meeting the requirements of 75 Pa.C.S. § 4571 (relating to visual and audible signals on emergency vehicles) shall be utilized when police officers stop suspected violators.

(c) *Unmarked police vehicle pursuits.* Police officers engaged in a pursuit using an unmarked police vehicle, shall relinquish their role as the primary pursuit vehicle and permit police officers in marked police vehicles to assume the role of the primary pursuit vehicle when that assistance is available.

[Next page is 51.1.]