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**Dyed Diesel Fuel Search Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephanie Gricius**

Senate Sponsor: Wayne A. Harper

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**LONG TITLE**

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**General Description:**

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This bill addresses searching a vehicle for a dyed diesel fuel violation.

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**Highlighted Provisions:**

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This bill:

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▸ establishes that a government official may only inspect a vehicle for a dyed diesel fuel

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violation if the official:

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• has probable cause that a dyed diesel fuel violation has occurred;

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• has consent of the owner of the vehicle; or

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• is conducting the search at a port-of-entry in compliance with Section 72-9-501; and

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▸ specifies that probable cause is not established simply by observing an individual drive a

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motor vehicle that uses diesel fuel on a highway.

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**Money Appropriated in this Bill:**

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None

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**Other Special Clauses:**

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None

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**Utah Code Sections Affected:**

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AMENDS:

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**59-13-320.5**, as enacted by Laws of Utah 2001, Chapter 29

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

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Section 1. Section **59-13-320.5** is amended to read:

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**59-13-320.5 . Use of dyed diesel on highways prohibited -- Penalty.**

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(1) A person may not operate a motor vehicle on a highway if a fuel supply tank of the

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motor vehicle contains dyed diesel fuel, unless:

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(a) permitted under federal law;

- 29 (b)(i) the motor vehicle is used on the highway only to travel from one parcel of land  
30 owned or operated by the owner to another parcel of land owned or operated by  
31 the owner; and
- 32 (ii) the motor vehicle's travel on the highway is necessary for furtherance of  
33 agricultural purposes; or
- 34 (c) the motor vehicle is special mobile equipment, as defined in Section 41-1a-102,  
35 including off-road motorized construction or maintenance equipment, that is only  
36 incidentally operated or moved on a highway in connection with a construction  
37 project.
- 38 (2) A person who violates Subsection (1) shall pay a penalty assessed by the commission as  
39 follows:
- 40 (a) the greater of \$500 or \$5 per gallon of dyed diesel fuel within each fuel supply tank  
41 of the motor vehicle, based on the maximum storage capacity of each fuel supply  
42 tank; or
- 43 (b) for a second and subsequent offense, the greater of \$1,000 or \$10 per gallon of dyed  
44 diesel fuel within each fuel supply tank of the motor vehicle, based on the maximum  
45 storage capacity of each fuel supply tank.
- 46 (3) The penalty imposed under this section:
- 47 (a) is in addition to any other taxes, interest, or penalties imposed under this chapter; and  
48 (b) shall be deposited in the Transportation Fund.
- 49 (4) Upon making a record of its actions, and upon reasonable cause shown, the commission  
50 may waive, reduce, or compromise the penalty imposed under this section.
- 51 (5)(a) A government official, including a law enforcement officer, may not inspect the  
52 fuel from a fuel supply tank of a motor vehicle to determine if the fuel supply tank  
53 contains dyed diesel fuel unless the official:
- 54 (i) subject to Subsection (5)(b), has probable cause to believe that the operator or  
55 owner of the motor vehicle is in violation of this section;
- 56 (ii) has received consent from the operator or owner of the motor vehicle to inspect  
57 the fuel; or
- 58 (iii) is conducting the search at a port-of-entry in accordance with Section 72-9-501  
59 for the purpose of checking the motor vehicle for compliance with state and  
60 federal laws.
- 61 (b) The act of driving a motor vehicle that uses diesel fuel on a highway, without  
62 additional facts indicating a potential violation of this section, does not constitute

63           sufficient facts to establish probable cause for an official, including a law  
64           enforcement officer, to inspect the fuel from a fuel supply tank of a motor vehicle  
65           under Subsection (5)(a)(i).

66           Section 2. **Effective Date.**

67           This bill takes effect on May 6, 2026.