

1 **Fatal Motor Vehicle Accident Amendments**
 2026 GENERAL SESSION
 STATE OF UTAH
Chief Sponsor: Ann Millner
 House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill addresses requirements for a chemical test of an individual involved in a motor vehicle accident.

Highlighted Provisions:

This bill:

- requires a peace officer to direct an individual to submit to a chemical test if the peace officer has reasonable suspicion that the individual was operating a vehicle in violation of certain alcohol or drug related offenses;

- requires a peace officer investigating a fatal motor vehicle accident to review the facts of the accident with a senior officer before declining to seek a warrant for a chemical test; and

- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-520, as last amended by Laws of Utah 2023, Chapter 415

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

Section 1. Section **41-6a-520** is amended to read:

41-6a-520 . Implied consent to chemical tests for alcohol or drug -- Number of tests -- Refusal -- Warning, report.

(1)(a) [~~A person~~] An individual operating a motor vehicle in this state [~~is considered to~~

29 ~~have given the person's consent]~~ consents to a chemical test or tests of the [~~person's-~~
 30 individual's breath, blood, urine, or oral fluids [~~for the purpose of determining-~~] to
 31 determine whether the [~~person-~~] individual was operating or in actual physical control
 32 of a motor vehicle[~~while~~]:

33 (i) having a blood or breath alcohol content statutorily prohibited under Section
 34 41-6a-502, 41-6a-530, or 53-3-231;

35 (ii) under the influence of alcohol, [~~any~~] a drug, or combination of alcohol and [~~any~~] a
 36 drug under Section 41-6a-502; or

37 (iii) having any measurable controlled substance or metabolite of a controlled
 38 substance in the [~~person's-~~] individual's body in violation of Section 41-6a-517.

39 [~~(b) A test or tests authorized under this Subsection (1) must be administered at the~~
 40 ~~direction of a peace officer having grounds to believe that person to have been~~
 41 ~~operating or in actual physical control of a motor vehicle while in violation of any~~
 42 ~~provision under Subsections (1)(a)(i) through (iii).]~~

43 (b) A peace officer having reasonable suspicion to believe that an individual was
 44 operating or was in actual physical control of a motor vehicle in violation of an
 45 offense described in Subsections (1)(a)(i) through (iii) shall direct that a test be
 46 administered as authorized in Subsection (1).

47 (c)(i) [~~The-~~] A peace officer determines which of the tests are administered and how
 48 many [~~of them~~] tests are administered.

49 [(ii) ~~If a peace officer requests more than one test, refusal by a person to take one or~~
 50 ~~more requested tests, even though the person does submit to any other requested~~
 51 ~~test or tests, is a refusal under this section.]~~

52 (ii) If a peace officer requests more than one test, refusal by an individual to take one
 53 or more requested tests, even if the individual submits to another requested test or
 54 tests, is a refusal under this section.

55 (d)(i) [~~A person-~~] An individual who has been requested under this section to submit
 56 to a chemical test or tests of the [~~person's-~~] individual's breath, blood, or urine, or
 57 oral fluids may not select the test or tests to be administered.

58 (ii) The failure or inability of a peace officer to arrange for [~~any~~] a specific chemical
 59 test is not a defense to taking a test requested by a peace officer, and it is not a
 60 defense in [~~any~~] a criminal, civil, or administrative proceeding resulting from [~~a~~
 61 ~~person's-~~] an individual's refusal to submit to the requested test or tests.

62 (2)(a) A peace officer requesting a test or tests shall warn [~~a person-~~] an individual that

63 refusal to submit to the test or tests may result in criminal prosecution, revocation of
64 the ~~[person's-]~~ individual's license to operate a motor vehicle, a ~~[five or 10-year]~~
65 five-year or 10-year prohibition of driving with ~~[any]~~ a measurable or detectable
66 amount of alcohol in the ~~[person's-]~~ individual's body depending on the ~~[person's-prior]~~
67 individual's driving history, and a ~~[three-year]~~ two-year prohibition of driving without
68 an ignition interlock device if the ~~[person]~~ individual:

69 (i) has been placed under arrest;

70 (ii) has then been requested by a peace officer to submit to ~~[any-]~~ one or more of the
71 chemical tests under Subsection (1); and

72 (iii) refuses to submit to ~~[any]~~ a chemical test requested.

73 (b)(i) ~~[Following the warning under Subsection (2)(a), if the person does not~~
74 ~~immediately request that the chemical test or tests as offered by a peace officer be~~
75 ~~administered, a]~~ A peace officer shall, on behalf of the Driver License Division
76 and within 24 hours of the arrest, give notice of the Driver License Division's
77 intention to revoke the ~~[person's-]~~ individual's privilege or license to operate a
78 motor vehicle if, following the warning described in Subsection (2)(a), the
79 individual does not immediately request that a chemical test or tests be
80 administered as offered by a peace officer.

81 (ii) When a peace officer gives the notice on behalf of the Driver License Division,
82 the peace officer shall supply to the operator, in a manner specified by the Driver
83 License Division, basic information regarding how to obtain a hearing before the
84 Driver License Division.

85 (c) As a matter of procedure, ~~[the-]~~ a peace officer shall submit a signed report, within 10
86 calendar days after the day on which notice is provided under Subsection (2)(b), that:

87 (i) the peace officer had grounds to believe the arrested ~~[person-]~~ individual was in
88 violation of ~~[any]~~ a provision under Subsections (1)(a)(i) through (iii); and

89 (ii) the ~~[person-]~~ individual had refused to submit to a chemical test or tests under
90 Subsection (1).

91 (3) ~~[Upon the request of the person-]~~ If an individual who was tested requests so, the results
92 of the test or tests shall be made available to the ~~[person]~~ individual.

93 (4)(a) The ~~[person]~~ individual to be tested may, at the ~~[person's-]~~ individual's own
94 expense, have a physician or a physician assistant of the ~~[person's-]~~ individual's own
95 choice administer a chemical test in addition to the test or tests administered at the
96 direction of a peace officer.

- 97 (b) The failure or inability to obtain the additional test does not affect admissibility of
98 the results of the test or tests taken at the direction of a peace officer, or preclude or
99 delay the test or tests to be taken at the direction of a peace officer.
- 100 (c) The additional test shall be ~~[subsequent to]~~ after the test or tests administered at the
101 direction of a peace officer.
- 102 (5) ~~[For the purpose of determining whether to submit to a chemical test or tests, the person~~
103 ~~to be tested]~~ An individual being asked to submit to a chemical test or tests does not have
104 the right to consult an attorney or have an attorney, physician, or other [person]
105 individual present [as a condition for the taking of any test] for the purpose of
106 determining whether to submit to a chemical test or tests.
- 107 (6) Notwithstanding the provisions in this section, a blood test taken under this section is
108 subject to Section 77-23-213.
- 109 (7) If a peace officer investigating a motor vehicle accident resulting in the death of an
110 individual believes there is insufficient probable cause to justify a search warrant
111 authorizing a chemical test described in Subsection (1)(a), the peace officer shall review
112 the facts with a senior officer to confirm that no impairment is suspected and probable
113 cause for a chemical test does not exist.

114 Section 2. **Effective Date.**

115 This bill takes effect on May 6, 2026.