

SB0226S02 compared with SB0226

~~{Omitted text}~~ shows text that was in SB0226 but was omitted in SB0226S02

inserted text shows text that was not in SB0226 but was inserted into SB0226S02

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1 Fatal Motor Vehicle Accident Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: Steve Eliason

2 LONG TITLE

4 General Description:

5 This bill ~~{directs law enforcement to seek a warrant to administer}~~ addresses requirements for a
6 ~~{drug and alcohol}~~ chemical test ~~{to a driver when the driver is}~~ of an individual involved in a ~~{fatal}~~
7 motor vehicle accident.

7 Highlighted Provisions:

8 This bill:

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

12 {directs} requires a peace officer investigating a fatal motor vehicle accident to ~~{pursue}~~
13 review the facts of the accident with a senior officer before declining to seek a warrant for a ~~{drug test
14 for a surviving driver}~~ chemical test; and

15 makes technical changes.

16 Money Appropriated in this Bill:

17 None

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

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

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

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

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

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

(c)

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

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

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

52 (d)

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

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

59 (2)

(a) A peace officer requesting a test or tests shall warn ~~[a person-]~~ an individual that refusal to submit to the test or tests may result in criminal prosecution, revocation of the ~~[person's-]~~ individual's license to operate a motor vehicle, a ~~[five or 10 year]~~ five-year or 10-year prohibition of driving with ~~[any]~~ a measurable or detectable amount of alcohol in the ~~[person's-]~~ individual's body depending on the ~~[person's prior]~~ individual's driving history, and a ~~[three-year]~~ two-year prohibition of driving without an ignition interlock device if the ~~[person]~~ individual:

66 (i) has been placed under arrest;

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

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

70 (b)

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

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- 78 (ii) When a peace officer gives the notice on behalf of the Driver License Division, the peace officer shall supply to the operator, in a manner specified by the Driver License Division, basic information regarding how to obtain a hearing before the Driver License Division.
- 82 (c) ~~{ $\hat{S}$ → }~~ ~~{ { } { } }~~ ~~{ { } { } }~~ As a matter of procedure, [the { }] a { { } } {A} peace officer shall submit a signed report, within 10 calendar days after the day on which notice is provided under Subsection (2)(b), that: }
- 87 (i) { $\leftarrow \hat{S}$ } _ { $\hat{S}$ → } { { } { } } $\leftarrow \hat{S}$ } the peace officer { shall submit a signed report, within 10 calendar days after the day on which notice is provided under Subsection (2)(b), that: } had grounds to believe the arrested
- 85 {(i) [{the peace officer had grounds to believe the arrested } person] individual { {person } was in violation of { } individual } [{was in violation of } any] a { {any } provision under Subsections (1) (a)(i) through (iii); and { } } a }
- 89 (ii) { -provision under Subsections (1)(a)(i) through (iii); and } the
- 87 {(ii) [{the } person] individual { {person } had refused to submit to a chemical test or tests under Subsection (1). { } individual }
- 91 (3) [{had refused to submit to a chemical test or tests under Subsection (1). } Upon the request of the person
- 89 {(3) } If an individual { {Upon the request of the person } who was tested } {If an individual } requests so {who was tested } , the results of the test or tests shall be made available to the { -requests so } [{ , the results of the test or tests shall be made available to the } person] individual { {person } . { } individual }
- 93 (4)
- (a) { : } The
- 91 {(4)}
- {(a) [{The } person] individual { {person } to be tested may, at the { } individual } [{ -to be tested may, at the } person's] individual's { {person's } own expense, have a physician or a physician assistant of the { } individual's } [{own expense, have a physician or a physician assistant of the } person's] individual's { {person's } own choice administer a chemical test in addition to the test or tests administered at the direction of a peace officer. { } individual's }
- 97 (b) { own choice administer } The failure or inability to obtain the additional test does not affect admissibility of the results of the test or tests taken at the direction of a { chemical test in addition to

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} peace officer, or preclude or delay the test or tests {~~administered~~} to be taken at the direction of a peace officer.

95 {(b)} (c) The failure or inability to obtain the additional test {~~shall be~~} does not affect admissibility of
the results of the test or tests taken at the direction of a peace officer, or preclude or delay the test or
tests to be taken at the direction of a peace officer.

98 {(c)} [~~The additional test shall be~~] subsequent to {~~the test or tests administered at the direction of a~~
~~peace officer.~~}

100 {(5)} [~~after~~] {~~[For the purpose of determining whether to submit to a chemical~~] the test or tests {~~,~~
administered at the {~~person to be tested~~} direction of a peace officer. {~~}]~~} An individual being asked
to submit to a chemical test or tests }

102 (5) [~~does not have~~] For the {~~right~~} purpose of determining whether to {~~consult an attorney~~} submit
to a chemical test or {~~have an attorney~~} tests, {~~physician, or other~~} the person to be tested] An
individual being asked to submit to a chemical test or tests {~~[person]~~} does not have the right to
consult an attorney or have an attorney, physician, or other {~~}]~~ individual {~~[present]~~} person
] individual {~~[as a condition for the taking of any test]~~} present {~~}]~~ for the purpose of determining
whether to submit to a chemical test or tests] {~~[-]~~} as a condition for the taking of any test

105 {(6)} [~~]~~ for the purpose of determining whether to submit to a chemical test or tests {~~Notwithstanding the~~
~~provisions in this section, a blood test taken under this section is subject to Section 77-23-213~~} .

107 {(7)}

{(a) A peace officer investigating a motor vehicle accident resulting in the death of an individual shall
seek a search warrant authorizing a chemical test described in Subsection (1)(a) of each driver
involved in the accident.}

110 {(b) The search warrant requirement described in Subsection (7)(a) applies to an accident involving one
or more of the following: }

112 {(i) a vehicle and a pedestrian; }

113 {(ii) a vehicle and an object; or }

114 {(iii) multiple vehicles. }

115 {(c) A peace officer may administer a chemical test described in Subsection (7)(a) if: }

116 {(i) a court issues a search warrant authorizing the chemical test; or }

117 {(ii) the individual the peace officer wishes to test gives voluntary consent. }

118 {(d) A peace officer shall ensure a chemical test administered under this Subsection (7): }

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119 {~~(i) is a blood test; and~~}
120 {~~(ii) if possible, is administered within 24 hours of an accident described in Subsection (7)(b).~~}
122 {~~(e) The implied consent described in Subsection (1) alone does not authorize a chemical test described~~
~~in Subsection (7)(a).~~}

107 (6) Notwithstanding the provisions in this section, a blood test taken under this section is subject to
Section 77-23-213.

109 (7) If a peace officer investigating a motor vehicle accident resulting in the death of an individual
believes there is insufficient probable cause to justify a search warrant authorizing a chemical
test described in Subsection (1)(a), the peace officer shall review the facts with a senior officer to
confirm that no impairment is suspected and probable cause for a chemical test does not exist.

114 Section 2. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

3-1-26 7:18 PM