

Dyed Diesel Fuel Search Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor:

LONG TITLE**Committee Note:**

The Revenue and Taxation Interim Committee recommended this bill.

Legislative Vote: 11 voting for 0 voting against 7 absent

General Description:

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

Highlighted Provisions:

This bill:

- establishes that a government official may only inspect a vehicle for a dyed diesel fuel violation if the official:
 - has probable cause that a dyed diesel fuel violation has occurred;
 - has consent of the owner of the vehicle; or
 - is conducting the search at a port-of-entry in compliance with Section 72-9-501; and
- specifies that probable cause is not established simply by observing an individual drive a motor vehicle that uses diesel fuel on a highway.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

- (1) A person may not operate a motor vehicle on a highway if a fuel supply tank of the motor vehicle contains dyed diesel fuel, unless:

- (a) permitted under federal law;
- (b)(i) the motor vehicle is used on the highway only to travel from one parcel of land owned or operated by the owner to another parcel of land owned or operated by the owner; and
- (ii) the motor vehicle's travel on the highway is necessary for furtherance of agricultural purposes; or
- (c) the motor vehicle is special mobile equipment, as defined in Section 41-1a-102, including off-road motorized construction or maintenance equipment, that is only incidentally operated or moved on a highway in connection with a construction project.

(2) A person who violates Subsection (1) shall pay a penalty assessed by the commission as follows:

- (a) the greater of \$500 or \$5 per gallon of dyed diesel fuel within each fuel supply tank of the motor vehicle, based on the maximum storage capacity of each fuel supply tank; or
- (b) for a second and subsequent offense, the greater of \$1,000 or \$10 per gallon of dyed diesel fuel within each fuel supply tank of the motor vehicle, based on the maximum storage capacity of each fuel supply tank.

(3) The penalty imposed under this section:

- (a) is in addition to any other taxes, interest, or penalties imposed under this chapter; and
- (b) shall be deposited in the Transportation Fund.

(4) Upon making a record of its actions, and upon reasonable cause shown, the commission may waive, reduce, or compromise the penalty imposed under this section.

(5)(a) A government official, including a law enforcement officer, may not inspect the fuel from a fuel supply tank of a motor vehicle to determine if the fuel supply tank contains dyed diesel fuel unless the official:

- (i) subject to Subsection (5)(b), has probable cause to believe that the operator or owner of the motor vehicle is in violation of this section;
- (ii) has received consent from the operator or owner of the motor vehicle to inspect the fuel; or
- (iii) is conducting the search at a port-of-entry in accordance with Section 72-9-501 for the purpose of checking the motor vehicle for compliance with state and federal laws.

(b) The act of driving a motor vehicle that uses diesel fuel on a highway, without

65 additional facts indicating a potential violation of this section, does not constitute
66 sufficient facts to establish probable cause for an official, including a law
67 enforcement officer, to inspect the fuel from a fuel supply tank of a motor vehicle
68 under Subsection (5)(a)(i).

69 Section 2. **Effective Date.**

70 This bill takes effect on May 6, 2026.