

Fatal Motor Vehicle Accident Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor:

LONG TITLE

General Description:

This bill directs law enforcement to seek a warrant to administer a drug and alcohol test to a driver when the driver is involved in a fatal motor vehicle accident.

Highlighted Provisions:

This bill:

- directs a peace officer investigating a fatal motor vehicle accident to pursue a warrant for a drug test for a surviving driver; 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 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

30 41-6a-502, 41-6a-530, or 53-3-231;

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

33 (iii) [having any] the individual had a measurable controlled substance or metabolite
34 of a controlled substance in the [person's] individual's body in violation of Section
35 41-6a-517.

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

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

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

46 [(ii) If a peace officer requests more than one test, refusal by a person to take one or
47 more requested tests, even though the person does submit to any other requested
48 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
50 or more requested tests, even if the individual submits to another requested test or
51 tests, is a refusal under this section.

52 (d)(i) [A person] An individual who has been requested under this section to submit
53 to a chemical test or tests of the [person's] individual's breath, blood, or urine, or
54 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
56 test is not a defense to taking a test requested by a peace officer, and it is not a
57 defense in [any] a criminal, civil, or administrative proceeding resulting from [a
58 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
60 refusal to submit to the test or tests may result in criminal prosecution, revocation of
61 the [person's] individual's license to operate a motor vehicle, a [five or 10 year]
62 five-year or 10-year prohibition of driving with [any] a measurable or detectable
63 amount of alcohol in the [person's] individual's body depending on the [person's prior]
64 individual's driving history, and a three-year prohibition of driving without an

65 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

68 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

71 immediately request that the chemical test or tests as offered by a peace officer be

72 administered, a] A peace officer shall, on behalf of the Driver License Division

73 and within 24 hours of the arrest, give notice of the Driver License Division's

74 intention to revoke the [person's] individual's privilege or license to operate a

75 motor vehicle if, following the warning described in Subsection (2)(a), the

76 individual does not immediately request that a chemical test or tests be

77 administered as offered by a peace officer.

78 (ii) When a peace officer gives the notice on behalf of the Driver License Division,

79 the peace officer shall supply to the operator, in a manner specified by the Driver

80 License Division, basic information regarding how to obtain a hearing before the

81 Driver License Division.

82 (c) [As a matter of procedure, the] A peace officer shall submit a signed report, within

83 10 calendar days after the day on which notice is provided under Subsection (2)(b),

84 that:

85 (i) the peace officer had grounds to believe the arrested [person] individual was in

86 violation of [any] a provision under Subsections (1)(a)(i) through (iii); and

87 (ii) the [person] individual had refused to submit to a chemical test or tests under

88 Subsection (1).

89 (3) [Upon the request of the person] If an individual who was tested requests so, the results

90 of the test or tests shall be made available to the [person] individual.

91 (4)(a) The [person] individual to be tested may, at the [person's] individual's own

92 expense, have a physician or a physician assistant of the [person's] individual's own

93 choice administer a chemical test in addition to the test or tests administered at the

94 direction of a peace officer.

95 (b) The failure or inability to obtain the additional test does not affect admissibility of

96 the results of the test or tests taken at the direction of a peace officer, or preclude or

97 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

99 direction of a peace officer.

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

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

107 (7)(a) A peace officer investigating a motor vehicle accident resulting in the death of an
108 individual shall seek a search warrant authorizing a chemical test described in
109 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
111 involving one or more of the following:

- (i) a vehicle and a pedestrian;
- (ii) a vehicle and an object; or
- (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):
119 (i) is a blood test; and

- (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
123 test described in Subsection (7)(a).

124 **Section 2. Effective Date.**

125 This bill takes effect on May 6, 2026.