

**41-6a-524 Refusal as evidence.**

If a person under arrest refuses to submit to a chemical test or tests or any additional test under Section 41-6a-520, evidence of any refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle while:

- (1) under the influence of:
  - (a) alcohol;
  - (b) any drug; or
  - (c) a combination of alcohol and any drug;
- (2) having any measurable controlled substance or metabolite of a controlled substance in the person's body;
- (3) having any measurable or detectable amount of alcohol in the person's body if the person is an alcohol restricted driver as defined under Section 41-6a-529; or
- (4) having any measurable or detectable amount of alcohol in the person's body if the person has been issued a conditional license under Section 53-3-232.

Enacted by Chapter 2, 2005 General Session

Amended by Chapter 91, 2005 General Session