

**REPORTING TESTS OF INDIVIDUALS  
INVOLVED IN MOTOR VEHICLE CRASHES**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: Scott N. Howell**

AN ACT RELATING TO MOTOR VEHICLES; ~~§ [REQUIRING]~~ **ALLOWING** § REPORTING OF CERTAIN TESTS PERFORMED ON PERSONS INVOLVED IN MOTOR VEHICLE CRASHES BY HEALTH CARE PROVIDERS ~~§ AND §~~; PROVIDING IMMUNITY FOR LIABILITY ~~§ [-AND].~~ § ~~§ [PROVIDING CRIMINAL PENALTIES.]~~ §

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

**41-6-44.12**, Utah Code Annotated 1953

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

Section 1. Section **41-6-44.12** is enacted to read:

**41-6-44.12. Reporting requirements -- Immunity from liability -- Failure to report -- Criminal penalty.**

(1) As used in this section, "health care provider" means a person licensed under Title 58, Chapter 67, Utah Medical Practice Act, § **TITLE 58, CHAPTER 68, UTAH OSTEOPATHIC MEDICAL PRACTICE ACT**, § or Title 58, Chapter 31b, Nurse Practice Act.

(2) A health care provider who is providing medical care to any person involved in a motor vehicle crash § ~~[shall]~~ **MAY** § notify, as soon as reasonably possible, the nearest peace officer or law enforcement agency if the health care provider has reason to believe, as a result of any test performed in the course of medical treatment, that the:

(a) person's blood alcohol concentration meets or exceeds the limit under Subsection 41-6-44(2)(a)(i);

(b) person is younger than 21 years of age and has any measurable blood, breath, or urine alcohol concentration in the person's body; or.

(c) person has any measurable controlled substance or metabolite of a controlled substance

28 in the person's body which could be a violation of Subsection 41-6-44(2)(a)(ii) or Section  
29 41-6-44.6.

30 (3) The report under Subsection (2) shall consist of the:

31 (a) name of the person being treated;

32 (b) date and time of the administration of the test; and

33 (c) results disclosed by the test.

34 (4) A health care provider participating in good faith in making a report or assisting an  
35 investigator from a law enforcement agency pursuant to this section is immune from any liability,  
36 civil or criminal, that otherwise might result by reason of those actions.

36a h (5) A REPORT UNDER SUBSECTION (2) MAY NOT BE USED TO SUPPORT A FINDING OF  
36b PROBABLE CAUSE THAT A PERSON WHO IS NOT A DRIVER OF A VEHICLE HAS COMMITTED AN  
36c OFFENSE. h

37 § [(5) A health care provider required to report a person under this section who willfully fails  
38 to do so is guilty of a class B misdemeanor. Action for failure to report must be commenced  
39 within four years from the date of knowledge of the offense and the willful failure to report.] §

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**Legislative Review Note**

**as of 1-5-99 11:35 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

lilac 2-26-1999 kh/dsl

**Amended on 3** — goldenrod 2-4-1999 rd

**Amended on 2** — goldenrod 2-1-1999 rd

- 2 - **Amended in Committee** — goldenrod 1-27-1999