

**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; ALLOWING REPORTING OF CERTAIN TESTS PERFORMED ON PERSONS INVOLVED IN MOTOR VEHICLE CRASHES BY HEALTH CARE PROVIDERS; AND PROVIDING IMMUNITY FOR LIABILITY.

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 test results -- Immunity from liability.

(1) As used in this section, "health care provider" means a person licensed under Title 58, Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

(2) A health care provider who is providing medical care to any person involved in a motor vehicle crash 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 in the person's body which could be a violation of Subsection 41-6-44(2)(a)(ii) or Section 41-6-44.6.

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

(a) name of the person being treated;

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

(c) results disclosed by the test.

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

(5) A report under Subsection (2) may not be used to support a finding of probable cause that a person who is not a driver of a vehicle has committed an offense.