

**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 REPORTING OF CERTAIN TESTS PERFORMED ON PERSONS INVOLVED IN MOTOR VEHICLE CRASHES BY HEALTH CARE PROVIDERS; 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, 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 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.

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.

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