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Nancy L. Lancaster, Editor  
Patricia Smith-Mansfield, Director  
Kimberly K. Hood, Executive Director

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# TABLE OF CONTENTS

<b>SPECIAL NOTICES</b> .....	<b>1</b>
Commerce	
Occupational and Professional Licensing	
Proposed Building Codes and Amendments under Utah Uniform Building Standards Act.....	1
Health	
Health Care Financing, Coverage and Reimbursement Policy	
Notice for October 2015 Medicaid Rate Changes.....	52
Public Hearing for Rulemaking Requirements for S.B. 61 (2015).....	52
<b>EXECUTIVE DOCUMENTS</b> .....	<b>53</b>
Governor	
Administration	
Wildland Fire Management, Utah Exec. Order No. 2015-8.....	53
<b>NOTICES OF PROPOSED RULES</b> .....	<b>55</b>
Commerce	
Occupational and Professional Licensing	
No. 39630 (Amendment): R156-1 General Rule of the Division of Occupational and Professional Licensing.....	56
No. 39609 (Amendment): R156-22 Professional Engineers and Professional Land Surveyors Licensing Act Rule.....	63
Health	
Health Care Financing, Coverage and Reimbursement Policy	
No. 39629 (Amendment): R414-307 Eligibility for Home and Community-Based Services Waivers.....	70
Family Health and Preparedness, Emergency Medical Services	
No. 39628 (Amendment): R426-6 Emergency Medical Services Per Capita and Competitive Grant Program Rules.....	73
Family Health and Preparedness, Primary Care and Rural Health	
No. 39613 (New Rule): R434-45 Rural Physician Loan Repayment Program Rules.....	75
Human Services	
Administration, Administrative Services, Licensing	
No. 39617 (Amendment): R501-12 Foster Care Services.....	77
Child and Family Services	
No. 39625 (Amendment): R512-11 Accommodation of Moral and Religious Beliefs and Culture.....	87
No. 39626 (Amendment): R512-201 Child Protective Services, Investigation Services.....	88
No. 39627 (Amendment): R512-202 Child Protective Services, General Allegation Categories.....	90
Insurance	
Title and Escrow Commission	
No. 39631 (Amendment): R592-11 Title Insurance Producer Annual and Controlled Business Reports.....	93
No. 39632 (Amendment): R592-15 Submission of a Schedule of Minimum Charges for Escrow Services.....	95
Natural Resources	
Parks and Recreation	
No. 39624 (Amendment): R651-206 Carrying Passengers for Hire.....	99
Pardons (Board Of)	
Administration	
No. 39606 (New Rule): R671-314 Compassionate Release.....	107
Tax Commission	
Auditing	
No. 39618 (Amendment): R865-13G-18 Definition of Statewide Average Rack Price of a Gallon of Motor Fuel Pursuant to Utah Code Ann. Sections 59-13-201 and 59-13-210.....	108

TABLE OF CONTENTS

Motor Vehicle Enforcement	
No. 39619 (Amendment): R877-23V-7 Misleading Advertising Pursuant to Utah Code Ann. Section 41-3-210.....	109
No. 39620 (Amendment): R877-23V-7 Misleading Advertising Pursuant to Utah Code Ann. Section 41-3-210.....	112
No. 39621 (Amendment): R877-23V-20 Reasonable Cause to Deny, Suspend, or Revoke a License Issued Under Title 41, Chapter 3 Pursuant to Utah Code Ann. Section 41-3-209.....	115
Property Tax	
No. 39622 (Amendment): R884-24P-33 2015 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301.....	116
No. 39623 (Amendment): R884-24P-66 County Board of Equalization Procedures and Appeals Pursuant to Utah Code Ann. Section 59-2-1004.....	125
<b>NOTICES OF CHANGES IN PROPOSED RULES.....</b>	<b>127</b>
Alcoholic Beverage Control Administration	
No. 39474: R81-7 Single Event Permits.....	128
<b>NOTICES 120-DAY (EMERGENCY) RULES.....</b>	<b>131</b>
Agriculture and Food Animal Industry	
No. 39616: R58-13 Custom Exempt Slaughter.....	131
<b>FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION.....</b>	<b>133</b>
Agriculture and Food Chemistry Laboratory	
No. 39611: R63-1 Fee Schedule.....	133
Plant Industry	
No. 39612: R68-1 Utah Bee Inspection Act Governing Inspection of Bees.....	133
Corrections Administration	
No. 39608: R251-110 Sex and Kidnap Offender Registration Program.....	134
No. 39610: R251-303 Offenders' Use of Telephones.....	134
Regents (Board Of) Administration	
No. 39605: R765-649 Utah Higher Education Assistance Authority (UHEAA) Privacy Policy.....	135
<b>NOTICES OF FIVE YEAR EXPIRATIONS.....</b>	<b>137</b>
Agriculture and Food Administration	
No. 39633: R51-1 Public Petitions for Declaratory Rulings.....	137
Animal Industry	
No. 39614: R58-13 Custom Exempt Slaughter.....	137
<b>NOTICES OF RULE EFFECTIVE DATES.....</b>	<b>139</b>
<b>RULES INDEX</b>	
<b>BY AGENCY (CODE NUMBER)</b>	
<b>AND</b>	
<b>BY KEYWORD (SUBJECT).....</b>	<b>143</b>

# SPECIAL NOTICES

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## Commerce Occupational and Professional Licensing

### Proposed Building Codes and Amendments under Utah Uniform Building Standards Act

(DAR NOTE: A public hearing regarding the proposed building codes will be held 10/07/2015 at 9:00 am at Sandy City Hall, 10000 South Centennial Parkway, Room 341, Sandy, Utah. The Uniform Building Code Commission is obligated under the Uniform Building Standards Act to have a public hearing regarding the proposed changes to the building codes. This public notice and scheduled public hearing are for the Uniform Building Code Commission to receive public comment on the proposed building codes prior to it making its recommendation to the legislative Business and Labor Interim Committee.)

This document has two parts.

The first part is proposed changes to the State Construction Codes which have been recommended by the Uniform Building Code Commission advisory committees and which the Uniform Building Code Commission has considered for recommendation to the Business and Labor Interim Committee. These proposed changes are written with strikethrough and underline to the existing statute for easier identification of the items that are being recommended for change.

The second part, starting at page 68, is a summary reasons for the proposed changes to the State Construction Codes.

(DAR NOTE: Page 68 is where it starts in the original document that was filed. It starts on Page 41 in this issue, September 15, 2015, of the Bulletin.)

#### **15A-2-102. Definitions.**

As used in this chapter and Chapter 3, Statewide Amendments Incorporated as Part of State Construction Code, and Chapter 4, Local Amendments Incorporated as Part of State Construction Code:

- (1) "HUD Code" means the Federal Manufactured Housing Construction and Safety Standards Act, as issued by the Department of Housing and Urban Development and published in 24 C.F.R. Parts 3280 and 3282 (as revised April 1, 1990).
- (2) "IBC" means the edition of the International Building Code adopted under Section 15A-2-103.
- (3) "IECC" means the edition of the International Energy Conservation Code adopted under Section 15A-2-103.
- (4) "IFGC" means the edition of the International Fuel Gas Code adopted under Section 15A-2-103.
- (5) "IMC" means the edition of the International Mechanical Code adopted under Section 15A-2-103.
- (6) "IPC" means the edition of the International Plumbing Code adopted under Section 15A-2-103.
- (7) "IRC" means the edition of the International Residential Code adopted under Section 15A-2-103.
- (8) "NEC" means the edition of the National Electrical Code adopted under Section 15A-2-103.
- (9) "UWUI" means the edition of the Utah Wildland Urban Interface Code adopted under Section 15A-2-103.
- (10) "IEBC" means the edition of the International Existing Building Code adopted under Section 15A-2-103.

#### **15A-2-103. Specific editions adopted of construction code of a nationally recognized code authority.**

(1) Subject to the other provisions of this part, the following construction codes are incorporated by reference, and together with the amendments specified in Chapter 3, Statewide Amendments to International Plumbing Code, and Chapter 4, Local Amendments Incorporated as Part of State Construction Code, are the construction standards to be applied to building construction, alteration, remodeling, and repair, and in the regulation of building construction, alteration, remodeling, and repair in the state:

- (a) the ~~[2012]~~2015 edition of the International Building Code, including Appendix J, issued by the International Code Council;
- (b) the ~~[2012]~~2015 edition of the International Residential Code, issued by the International Code Council;
- (c) the ~~[2012]~~2015 edition of the International Plumbing Code, issued by the International Code Council;
- (d) the ~~[2012]~~2015 edition of the International Mechanical Code, issued by the International Code Council;
- (e) the ~~[2012]~~2015 edition of the International Fuel Gas Code, issued by the International Code Council;
- (f) the ~~[2014]~~ 2014 edition of the National Electrical Code, issued by the National Fire Protection Association;
- (g) the ~~[2012]~~2015 edition of the International Energy Conservation Code, issued by the International Code Council;
- (h) the 2015 edition of the International Existing Building Code, issued by the International Code Council;

~~[(h)]~~(i) subject to Subsection 15A-2-104(2), the HUD Code;

~~[(h)]~~(j) subject to Subsection 15A-2-104(1), Appendix E of the ~~[2012]~~2015 edition of the International Residential Code, issued by the International Code Council; and

~~(j)~~(k) subject to Subsection 15A-2-104(1), the 2005 edition of the NFPA 225 Model Manufactured Home Installation Standard, issued by the National Fire Protection Association.

(2) Consistent with Title 65A, Chapter 8, Management of Forest Lands and Fire Control, the Legislature adopts the 2006 edition of the Utah Wildland Urban Interface Code, issued by the International Code Council, with the alternatives or amendments approved by the Utah Division of Forestry, as a construction code that may be adopted by a local compliance agency by local ordinance or other similar action as a local amendment to the codes listed in this section.

**15A-2-104. Installation standards for manufactured housing.**

(1) The following are the installation standards for manufactured housing for new installations or for existing manufactured or mobile homes that are subject to relocation, building alteration, remodeling, or rehabilitation in the state:

(a) The manufacturer's installation instruction for the model being installed is the primary standard.

(b) If the manufacturer's installation instruction for the model being installed is not available or is incomplete, the following standards apply:

(i) Appendix E of the ~~[2012]~~2015 edition of the IRC, as issued by the International Code Council for installations defined in Section AE101 of Appendix E; or

(ii) if an installation is beyond the scope of the ~~[2012]~~2015 edition of the IRC as defined in Section AE101 of Appendix E, the 2005 edition of the NFPA 225 Model Manufactured Home Installation Standard, issued by the National Fire Protection Association.

(c) A manufacturer, dealer, or homeowner is permitted to design for unusual installation of a manufactured home not provided for in the manufacturer's standard installation instruction, Appendix E of the ~~[2012]~~2015 edition of the IRC, or the 2005 edition of the NFPA 225, if the design is approved in writing by a professional engineer or architect licensed in Utah.

(d) For a mobile home built before June 15, 1976, the mobile home shall also comply with the additional installation and safety requirements specified in Chapter 3, Part 8, Installation and Safety Requirements for Mobile Homes Built Before June 15, 1976.

(2) Pursuant to the HUD Code Section 604(d), a manufactured home may be installed in the state that does not meet the local snow load requirements as specified in Chapter 3, Part 2, Statewide Amendments to International Residential Code, except that the manufactured home shall have a protective structure built over the home that meets the IRC and the snow load requirements under Chapter 3, Part 2, Statewide Amendments to International Residential Code.

**15A-2-105. Scope of application.**

**15A-3-101. General provision.**

**15A-3-102. Amendments to Chapters 1 through 3 of IBC.**

(1) IBC, Section 106, is deleted.

(2) (a) In IBC, Section 110, a new section is added as follows: "110.3.5.1, Weather-resistant exterior wall envelope. An inspection shall be made of the weather-resistant exterior wall envelope as required by Section 1403.2, and flashing as required by Section 1405.4 to prevent water from entering the weather-resistive barrier."

~~[(b) The remaining sections of IBC, Section 110, are renumbered as follows: 110.3.6, Lath or gypsum board inspection; 110.3.7, Fire and smoke-resistant penetrations; 110.3.8, Energy efficiency inspections; 110.3.9, Other inspections; 110.3.10, Special inspections; and 110.3.11, Final inspection.]~~

(3) IBC, Section 115.1, is deleted and replaced with the following: "115.1 Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or other pertinent laws or ordinances or is dangerous or unsafe, the building official is authorized to issue a stop work order."

(4) In IBC, Section 202, the following definition is added for Ambulatory Surgical Center: "AMBULATORY SURGICAL CENTER. A building or portion of a building licensed by the Utah Department of Health where procedures are performed that may render patients incapable of self preservation where care is less than 24 hours. See Utah Administrative Code R432-13."

(5) In IBC, Section 202, the definition for Foster Care Facilities is modified by changing the word "Foster" to "Child."

(6) In IBC, Section 202, the definition for "[F]Record Drawings" is modified by deleting the words "a fire alarm system" and replacing them with "any fire protection system".

(7) In IBC, Section 202, the following definition is added for Residential Treatment/Support Assisted Living Facility: "RESIDENTIAL TREATMENT/SUPPORT ASSISTED LIVING FACILITY. See Section 308.1.2."

(8) In IBC, Section 202, the following definition is added for Type I Assisted Living Facility: "TYPE I ASSISTED LIVING FACILITY. See Section 308.1.2."

(9) In IBC, Section 202, the following definition is added for Type II Assisted Living Facility: "TYPE II ASSISTED LIVING FACILITY. See Section 308.1.2."

~~[(10) In the list in IBC, Section 304.1, the following words are added after the words "Ambulatory care facilities": "where four or more care recipients are rendered incapable of self preservation."]~~

~~[(14)](10)~~ In IBC, Section 305.2, the words "child care centers," are inserted after the word "supervision," and the following sentence is added at the end of the paragraph: "See Section ~~[425]~~427 for special requirements for Day Care."

~~[(12)]~~(11) In IBC, Section 305.2.2 and 305.2.3, the word "five" is deleted and replaced with the word "four" in both places.

~~[(13)]~~(12) A new IBC Section 305.2.4 is added as follows: "305.2.4 Child Day Care Residential Certificate or a Family License. Areas used for child day care purposes with a Residential Certificate R430-50 or a Family License, as defined in Utah Administrative Code, R430-90, Licensed Family Child Care, may be located in a Group R-2 or R-3 occupancy as provided in Section 310.5 or shall comply with the International Residential Code in accordance with Section R101.2."

~~[(14)]~~(13) A new IBC Section 305.2.5 is added as follows: "305.2.5 Child Care Centers. Areas used for Hourly Child Care Centers, as defined in Utah Administrative Code, R430-60, Child Care Center as defined in Utah Administrative Code, R430-100, or Out of School Time Programs, as defined in Utah Administrative Code, R430-70, may be classified as accessory occupancies."

~~(14)~~ In IBC, Table 307.1(1), footnote "d" is added to the row for Consumer fireworks in the column titled STORAGE - Solid Pounds (cubic feet).

~~(15)~~ In IBC, Section 308.2, the word "FOSTER" is deleted and replaced with "CHILD".

~~[(15)]~~(16) A new IBC Section 308.2.1 is added as follows: "308.2.1 Assisted living facilities and related occupancies. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

TYPE I ASSISTED LIVING FACILITY. A residential facility licensed by the Utah Department of Health that provides a protected living arrangement for ambulatory, non-restrained persons who are capable of achieving mobility sufficient to exit the facility without the assistance of another person. Occupancies. Limited capacity, type I assisted living facilities with two to five residents shall be classified as R-3 occupancies. Small, type I assisted living facilities with six to sixteen residents shall be classified as R-4 occupancies. Large, type I assisted living facilities with over sixteen residents shall be classified as I-1 occupancies.

TYPE II ASSISTED LIVING FACILITY. A residential facility licensed by the Utah Department of Health that provides an array of coordinated supportive personal and health care services to residents who meet the definition of semi-independent. Semi-Independent. A person who is:

A. Physically disabled but able to direct his or her own care; or

B. Cognitively impaired or physically disabled but able to evacuate from the facility with the physical assistance of one person.

Occupancies. Limited capacity, type II assisted living facilities with two to five residents shall be classified as R-4 occupancies. Small, type II assisted living facilities with six to sixteen residents shall be classified as I-1 occupancies. Large, type II assisted living facilities with over sixteen residents shall be classified as I-2 occupancies.

RESIDENTIAL TREATMENT/SUPPORT ASSISTED LIVING FACILITY. A residential treatment/support assisted living facility which creates a group living environment for four or more residents licensed by the Utah Department of Human Services, and provides a protected living arrangement for ambulatory, non-restrained persons who are capable of achieving mobility sufficient to exit the facility without the physical assistance of another person."

~~[(16)]~~(17) In IBC, Section 308.3, the words "(see Section 308.2.1)" are added after the words "assisted living facilities".

~~[(17)]~~(18) In IBC, Section 308.3.~~[4]~~4, all of the words after the first International Residential Code are deleted.

~~[(18)]~~(19) In IBC, Section 308.4, the following changes are made:

(a) The words "five persons" are deleted and replaced with the words "three persons."

(b) The words "foster care facilities" are deleted and replaced with "child care facilities."

(c) The words "(both intermediate care facilities and skilled nursing facilities)" are added after "nursing homes."

~~[(d) The words "Ambulatory Surgical Centers with five or more operating rooms" are added to the list.]~~

~~[(19)]~~(20) In IBC, Section 308.4.~~[1]~~2, the word "five" is deleted and replaced with the word "three" in both places.

~~[(20)]~~(21) In IBC, Section 308.6, the word "five" is deleted and replaced with the word "four".

~~[(21)]~~(22) In IBC, Section 308.6.1, the following changes are made:

(a) The word "five" is deleted and replaced with the word "four".

(b) The words "2 1/2 years or less of age" are deleted and replaced with "under the age of two".

(c) The following sentence is added at the end: "See Section ~~[425]~~427 for special requirements for Day Care."

~~[(22)]~~(23) In IBC, Sections 308.6.3 and 308.6.4, the word "five" is deleted and replaced with the word "four" in both places and the following sentence is added at the end: "See Section ~~425~~ ~~[427]~~ for special requirements for Day Care."

~~[(23)]~~(24) In IBC, Section 310.5, the words "and single family dwellings complying with the IRC" are added after "Residential occupancies".

~~[(24)]~~(25) In IBC, Section 310.5.1, the words "other than Child Care" are inserted after the word "dwelling" in the first sentence and the following sentence is added at the end: "See Section ~~425~~ ~~[427]~~ for special requirements for Child Day Care."

~~[(25)]~~(26) A new IBC Section ~~[310.5.2]~~310.5.3 is added as follows: "~~[310.5.2]~~310.5.3 Child Care. Areas used for child care purposes may be located in a residential dwelling unit under all of the following conditions and Section ~~[425]~~427:

1. Compliance with Utah Administrative Code, R710-8, Day Care Rules, as enacted under the authority of the Utah Fire Prevention Board.

2. Use is approved by the Utah Department of Health, as enacted under the authority of the Utah Code, Title 26,

Chapter 39, Utah Child Care Licensing Act, and in any of the following categories:

- a. Utah Administrative Code, R430-50, Residential Certificate Child Care.
- b. Utah Administrative Code, R430-90, Licensed Family Child Care.
3. Compliance with all zoning regulations of the local regulator."

~~[(26)]~~(27) In IBC, Section 310.6, the words "(see Section 308.2.1)" are added after "assisted living facilities".

**15A-3-103. Amendments to Chapters 4 through 6 of IBC.**

(1) IBC Section 403.5.5 is deleted.

~~[(2)]~~ IBC Section (F)406.5.8 is deleted and replaced with the following: "(F)406.5.8 Standpipe system. An open parking garage shall be equipped with an approved Class I manual standpipe system when fire department access is not provided for firefighting operations to within 150 feet of all portions of the open parking garage as measured from the approved fire department vehicle access. Exception: Open parking garages equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and a standpipe system is not required by Section 905.3.1." ]

~~[(3)]~~ A new IBC Section (F)406.5.8.1 is added as follows: "(F)406.5.8.1 Installation requirements. Class I manual standpipe shall be designed and installed in accordance with Section 905 and NFPA 14. Class I manual standpipe shall be accessible throughout the parking garage such that all portions of the parking structure are protected within 150 feet of a hose connection."

~~[(4)]~~(2) In IBC, Section 422.2, a new paragraph is added as follows: "422.2 Separations: Ambulatory care facilities licensed by the Utah Department of Health shall be separated from adjacent tenants with a fire ~~[barrier]~~partition having a minimum one hour fire-resistance rating. Any level below the level of exit discharge shall be separated from the level of exit discharge by a horizontal assembly having a minimum one hour fire-resistance rating. Exception: A fire barrier is not required to separate the level of exit discharge when: 1. Such levels are under the control of the Ambulatory Care Facility. 2. Any hazardous spaces are separated by horizontal assembly having a minimum one hour fire-resistance rating."

~~[(5)]~~(3) A new IBC Section ~~[425]~~427, Day Care, is added as follows:

~~[425.1]~~427.1 Detailed Requirements. In addition to the occupancy and construction requirements in this code, the additional provisions of this section shall apply to all Day Care in accordance with Utah Administrative Code R710-8 Day Care Rules.

~~[425.2]~~427.2 Definitions.

~~[425.2.1]~~427.2.1 Authority Having Jurisdiction (AHJ): State Fire Marshal, his duly authorized deputies, or the local fire enforcement authority code official.

~~[425.2.2]~~427.2.2 Day Care Facility: Any building or structure occupied by clients of any age who receive custodial care for less than 24 hours by individuals other than parents, guardians, relatives by blood, marriage or adoption.

~~[425.2.3]~~427.2.3 Day Care Center: Providing care for five or more clients in a place other than the home of the person cared for. This would also include Child Care Centers, Out of School Time or Hourly Child Care Centers licensed by the Department of Health.

~~[425.2.4]~~427.2.4 Family Day Care: Providing care for clients listed in the following two groups:

~~[425.2.4.1]~~427.2.4.1 Type 1: Services provided for five to eight clients in a home. This would also include a home that is certified by the Department of Health as Residential Certificate Child Care or licensed as Family Child Care.

~~[425.2.4.2]~~427.2.4.2 Type 2: Services provided for nine to sixteen clients in a home with sufficient staffing. This would also include a home that is licensed by the Department of Health as Family Child Care.

~~[425.2.5]~~427.2.5 R710-8: Utah Administrative Code, R710-8, Day Care Rules, as enacted under the authority of the Utah Fire Prevention Board.

~~[425.3.]~~427.3 Family Day Care.

~~[425.3.1]~~427.3.1 Family Day Care units shall have on each floor occupied by clients, two separate means of egress, arranged so that if one is blocked the other will be available.

~~[425.3.2]~~427.3.2 Family Day Care units that are located in the basement or on the second story shall be provided with two means of egress, one of which shall discharge directly to the outside.

~~[425.3.2.1]~~427.3.2.1 Residential Certificate Child Care and Licensed Family Child Care with five to eight clients in a home, located on the ground level or in a basement, may use an emergency escape or rescue window as allowed in IFC, Chapter 10, Section ~~[4029]~~1030.

~~[425.3.3]~~427.3.3 Family Day Care units shall not be located above the second story.

~~[425.3.4]~~427.3.4 In Family Day Care units, clients under the age of two shall not be located above or below the first story.

~~[425.3.4.1]~~427.3.4.1 Clients under the age of two may be housed above or below the first story where there is at least one exit that leads directly to the outside and complies with IFC, Section ~~[4009]~~1011 or Section ~~[4040]~~1012 or Section ~~[4026]~~1027.

~~[425.3.5]~~427.3.5 Family Day Care units located in split entry/split level type homes in which stairs to the lower level and upper level are equal or nearly equal, may have clients housed on both levels when approved by the AHJ.

~~[425.3.6]~~427.3.6 Family Day Care units shall have a portable fire extinguisher on each level occupied by clients, which shall have a classification of not less than 2A:10BC, and shall be serviced in accordance with NFPA, Standard 10, Standard for Portable Fire Extinguishers.

~~[425.3.7]~~427.3.7 Family Day Care units shall have single station smoke detectors in good operating condition on each level occupied by clients. Battery operated smoke detectors shall be permitted if the facility demonstrates testing, maintenance, and battery replacement to insure continued operation of the smoke detectors.

~~[425.3.8]~~427.3.8 Rooms in Family Day Care units that are provided for clients to sleep or nap, shall have at least one window or door approved for emergency escape.

~~[425.3.9]~~427.3.9 Fire drills shall be conducted in Family Day Care units quarterly and shall include the complete evacuation from the building of all clients and staff. At least annually, in Type I Family Day Care units, the fire drill shall include the actual evacuation using the escape or rescue window, if one is used as a substitute for one of the required means of egress.

~~[425.4]~~427.4 Day Care Centers.

~~[425.4.1]~~427.4.1 Day Care Centers shall comply with either I-4 requirements or E requirements of the IBC, whichever is applicable for the type of Day Care Center.

~~[425.4.2]~~427.4.2 Emergency Evacuation Drills shall be completed as required in IFC, Chapter 4, Section 405.

~~[425.4.3]~~427.4.3 Location at grade. Group E child day care centers shall be located at the level of exit discharge.

~~[425.4.3.1]~~427.4.3.1 Child day care spaces for children over the age of 24 months may be located on the second floor of buildings equipped with automatic fire protection throughout and an automatic fire alarm system.

~~[425.4.4]~~427.4.4 Egress. All Group E child day care spaces with an occupant load of more than 10 shall have a second means of egress. If the second means of egress is not an exit door leading directly to the exterior, the room shall have an emergency escape and rescue window complying with Section ~~[4029]~~1030.

~~[425.4.5]~~427.4.5 All Group E Child Day Care Centers shall comply with Utah Administrative Code, R430-100 Child Care Centers, R430-60 Hourly Child Care Centers, and R430-70 Out of School Time.

~~[425.5]~~427.5 Requirements for all Day Care.

~~[425.5.1]~~427.5.1 Heating equipment in spaces occupied by children shall be provided with partitions, screens, or other means to protect children from hot surfaces and open flames. ~~[425.5.2]~~427.5.2 A fire escape plan shall be completed and posted in a conspicuous place. All staff shall be trained on the fire escape plan and procedure."

~~[(6)](4)~~ In IBC, Section ~~[504.2]~~504.4, a new section is added as follows:

~~"[504.2.1]~~504.4.1 ~~[Notwithstanding the exceptions to Section 504.2, ]~~Group I-2 Assisted Living Facilities shall be allowed on each level of a ~~[to be]two [stories]story~~ building of Type V-A construction when all of the following apply:

1. All secured units are located at the level of exit discharge in compliance with Section ~~[4008.1.9.3]~~1010.1.9.3 as amended;

2. The total combined area of both stories shall not exceed the total allowable area for a one-story building; and

3. All other provisions that apply in Section 407 have been provided."

### **15A-3-104. Amendments to Chapters 7 through 9 of IBC.**

(1) IBC, Section (F)901.8, is deleted and replaced with the following: "(F)901.8 Pump and riser room size. Fire pump and automatic sprinkler system riser rooms shall be designed with adequate space for all installed equipment necessary for the installation and to provide sufficient working space around the stationary equipment. Clearances around equipment shall be in accordance with manufacturer requirements and not less than the following minimum elements:

901.8.1 A minimum clear and unobstructed distance of 12-inches shall be provided from the installed equipment to the elements of permanent construction.

901.8.2 A minimum clear and unobstructed distance of 12-inches shall be provided between all other installed equipment and appliances.

901.8.3 A clear and unobstructed width of 36-inches shall be provided in front of all installed equipment and appliances, to allow for inspection, service, repair or replacement without removing such elements of permanent construction or disabling the function of a required fire-resistance-rated assembly.

901.8.4 Automatic sprinkler system riser rooms shall be provided with a clear and unobstructed passageway to the riser room of not less than 36-inches, and openings into the room shall be clear and unobstructed, with doors swinging in the outward direction from the room and the opening providing a clear width of not less than 34-inches and a clear height of the door opening shall not be less than 80-inches.

901.8.5 Fire pump rooms shall be provided with a clear and unobstructed passageway to the fire pump room of not less than 72-inches, and openings into the room shall be clear, unobstructed and large enough to allow for the removal of the largest piece of equipment, with doors swinging in the outward direction from the room and the opening providing a clear width of not less than 68-inches and a clear height of the door opening shall not be less than 80-inches."

(2) In IBC, Section (F)903.2.2, the words "the entire floor" are deleted and replaced with "a building" and the last paragraph is deleted.

(3) IBC, Section (F)903.2.4, condition 2, is deleted and replaced with the following: "2. A Group F-1 fire area is located more than three stories above the lowest level of fire department vehicle access."

(4) IBC, Section (F)903.2.7, condition 2, is deleted and replaced with the following: "2. A Group M fire area is located more than three stories above the lowest level of fire department vehicle access."

(5) IBC, Sections (F)903.2.8, (F)903.2.8.1, ~~and~~ (F)903.2.8.2, and (F)903.2.8.4 are deleted and replaced with the following: "(F)903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area. Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) constructed in accordance with the International Residential Code For One- and Two-Family Dwellings.

2. Single story Group R-1 occupancies with fire areas not more than 2,000 square feet that contain no installed plumbing or heating, where no cooking occurs, and constructed of Type I-A, I-B, II-A, or II-B construction.

(6) IBC, Section (F)903.2.8.3 and (F)903.2.8.3.1 are renumbered to (F)903.2.8.1 and (F)903.2.8.1.1.

(7) IBC, Section (F)903.2.8.3.2 is renumbered to (F)903.2.8.1.2 and the following exception is added.

~~3. ]~~(1) Group R-4 fire areas not more than 4,500 gross square feet and not containing more than 16 residents, provided the building is equipped throughout with an approved fire alarm system that is interconnected and receives its primary power from the building wiring and a commercial power system."

(8) IBC, Section (F)903.2.8.4 is deleted.

~~(6)~~(9) IBC, Section (F)903.2.9, condition 2, is deleted and replaced with the following: "2. A Group S-1 fire area is located more than three stories above the lowest level of fire department vehicle access."

~~(7)~~(10) IBC, Section ~~[(F)904.11](F)904.12~~, is deleted and replaced with the following:

~~[(F)904.11](F)904.12~~ Commercial cooking systems. The automatic fire-extinguishing system for commercial cooking systems shall be of a type recognized for protection of commercial cooking equipment and exhaust systems. Pre-engineered automatic extinguishing systems shall be tested in accordance with UL 300 and listed and labeled for the intended application. The system shall be installed in accordance with this code, its listing and the manufacturer's installation instructions.

Exception: Factory-built commercial cooking recirculating systems that are tested in accordance with UL 710B and listed, labeled, and installed in accordance with Section 304.1 of the International Mechanical Code."

~~(8)~~(11) IBC, Sections ~~[(F)904.11.3, (F)904.11.3.1, (F)904.11.4, and (F)904.11.4.1](F)904.12.3, (F)904.12.3.1, (F)904.12.4, and (F)904.12.4.1~~ are deleted.

(12) In IBC, Section (F)905.3.9, a new subsection is added as follows: "Open Parking Garages. Open parking garages shall be equipped with an approved Class 1 manual standpipe system when fire department access is not provided for firefighting operations to within 150 feet of all portions of the open parking garage as measured from the approved fire department vehicle access. Class 1 manual standpipe shall be accessible throughout the parking garage such that all portions of the parking structure are protected within 150 feet of a hose connection."

(13) In IBC, Section (F)905.8, the exception is deleted and replaced with the following: "Exception: Where subject to freezing conditions and approved by the fire code official."

~~(9)~~(14) IBC, Section (F)907.2.3 Group E:

~~(a)~~The first sentence is deleted and rewritten as follows: "A manual fire alarm system that ~~[initiates]~~activates the occupant notification system in accordance with Section (F)907.5 and installed in accordance with Section (F)907.6 and Utah Administrative Rule R710-4, shall be installed in Group E occupancies."

~~(b)~~ In Exception number 3, starting on line five, the words "emergency voice/alarm communication system" are deleted and replaced with "occupant notification system".]

(10) In IBC, Section (F)908.7, the first sentence is deleted and replaced as follows: "Groups R-1, R-2, R-3, R-4, I-1, and I-4 occupancies"; the exceptions are deleted and the following sentence is added after the first sentence: "A minimum of one carbon monoxide alarm shall be installed on each habitable level."

(11) In IBC, Section (F)908.7, the following new subsections are added:

"(F)908.7.1 Interconnection. Where more than one carbon monoxide alarm is required to be installed within Group R or I-1 occupancies, the carbon monoxide alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms. Physical interconnection of carbon monoxide alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

(F)908.7.2 Power source. In new construction, required carbon monoxide alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Carbon monoxide alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Carbon monoxide alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection. Exception: Carbon monoxide alarms are not required to be equipped with battery backup where they are connected to an emergency electrical system."

(12) IBC, Section (F)908.7.1, is renumbered to 908.7.3.]

(15) IBC Sections (F)915 through (F)915.6 are deleted and replaced with the following:

(F)915 Where required. Group I-1, I-2, I-4 and R occupancies located in a building containing a fuel-burning appliance or in a building which has an attached garage shall be equipped with single-station carbon monoxide alarms. The carbon monoxide alarms shall be listed as complying with UL 2034 or UL 2075 and be installed and maintained in accordance with

NFPA 720 and the manufacturer's instructions. An open parking garage, as defined in Chapter 2, or an enclosed parking garage ventilated in accordance with Section 404 of the International Mechanical Code shall not be considered an attached garage. A minimum of one carbon monoxide alarm shall be installed on each habitable level.

(F)915.1 Interconnection. Where more than one carbon monoxide alarm is required to be installed within Group I-1, I-2, I-4 or R occupancies, the carbon monoxide alarm shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms. Physical interconnection of carbon monoxide alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

(F)915.2 Power Source. In new construction, required carbon monoxide alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Carbon monoxide alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Carbon monoxide alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection. Exceptions.

1. Carbon monoxide alarms are not required to be equipped with battery backup where they are connected to an emergency electrical system.

2. Hard wiring of carbon monoxide alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for hard wiring, without the removal of interior finishes.

(F)915.3 Group E. A carbon monoxide detection system shall be installed in new buildings that contain Group E occupancies in accordance with IFC Chapter 9, Section 915. A carbon monoxide detection system shall be installed in existing buildings that contain Group, E occupancies in accordance with IFC, Chapter 11, Section 1103.9.

(F)915.3.1 Where required. In Group E occupancies, a carbon monoxide detection system shall be provided where a fuel-burning appliance, a fuel-burning fireplace, or a fuel-burning forced air furnace is present.

(F)915.3.2 Detection equipment. Each carbon monoxide detection system shall be installed in accordance with NFPA 720 and the manufacturer's instructions, and be listed as complying with UL 2034 for single station and UL2075 for system detectors.

(F)915.3.3 Locations. Each carbon monoxide detection system shall be installed in the locations specified in NFPA 720.

(F)915.3.4 Combination detectors. A combination carbon monoxide/smoke detector is an acceptable alternative to a carbon monoxide detection system if the combination carbon monoxide/smoke detector is listed in accordance with UL 2075 and UL 268.

(F)915.3.5 Power source. Each carbon monoxide detection system shall receive primary power from the building wiring if the wiring is served from a commercial source. If primary power is interrupted, each carbon monoxide detection system shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than that required for over-current protection.

(F)915.3.6 Maintenance. Each carbon monoxide detection system shall be maintained in accordance with NFPA 720. A carbon monoxide detection system that becomes inoperable or begins to produce end of life signals shall be replaced.

### **15A-3-105. Amendments to Chapters 10 through 12 of IBC.**

(1) In IBC, Section [4008.1.9.6]1010.1.9.6, [the words "Group I-1 and" are added in the title and in the first sentence before the words "Group I-2" and a]A new number [8]9 is added as follows: "[8]9. The secure area or unit with special egress locks shall be located at the level of exit discharge in Type V construction."

[(2) In IBC, Section 1008.1.9.7, a new number 7 is added as follows: "7. The secure area or unit with delayed egress locks shall be located at the level of exit discharge in Type V construction."]

[(3)](2) In IBC, Section [4009.7.2]1011.5.2 exception [5]3 is deleted and replaced with the following: "[5]3. In Group R-3 occupancies, within dwelling units in Group R-2 occupancies, and in Group U occupancies that are accessory to a Group R-3 occupancy, or accessory to individual dwelling units in Group R-2 occupancies, the maximum riser height shall be 8 inches (203 mm) and the minimum tread depth shall be 9 inches (229 mm). The minimum winder tread depth at the walk line shall be 10 inches (254 mm), and the minimum winder tread depth shall be 6 inches (152 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 10 inches (254 mm)."

[(4)](3) In IBC, Section [4009.45]1011.11, a new exception [6]5 is added as follows:

"[6] 5. In occupancies in Group R-3, as applicable in Section 101.2 and in occupancies in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2, handrails shall be provided on at least one side of stairways consisting of four or more risers."

[(5)](4) In IBC, Section [4044.5]1013.5, the words ", including when the building may not be fully occupied." are added at the end of the sentence.

[(6)](5) IBC, Section [4024]1025, is deleted.

~~[(7)](6)~~ In IBC, Section ~~[4028-42]1029.14~~ exception 2 is deleted.

~~[(8)](7)~~ In IBC, Section 1109.8, the following words "shall be capable of operation without a key and" are inserted in the second sentence between the words "lift" and "shall".

~~[(9)](8)~~ In IBC, Section 1208.4, subparagraph 1 is deleted and replaced with the following: "1. The unit shall have a living room of not less than 165 square feet (15.3 m<sup>2</sup>) of floor area. An additional 100 square feet (9.3 m<sup>2</sup>) of floor area shall be provided for each occupant of such unit in excess of two."

### 15A-3-106. Amendments to Chapters 13, and 14, and 15 of IBC.

IBC, Chapters 13, ~~[and]14, and 15~~ are not amended.

### ~~[15A-3-106.5. Amendments to Chapter 15 of IBC.]~~

~~[(1)]~~ IBC, Section 1505.8 is deleted.]

~~[(2)]~~ IBC, Section 1509.7.2 is deleted.]

~~[(3)]~~ IBC, Section 1509.7.4 is deleted and rewritten as follows:

~~"Photovoltaic panels and modules that are mounted on top of a roof shall: 1. Regardless of the roof assembly classification, be listed and labeled with at least a class C fire classification; 2. Be listed and labeled in accordance with UL 1703; and 3. Be installed in accordance with the manufacturer's installation instructions."~~

~~[(4)]~~ Subsections (1) through (3) do not apply if the Legislature adopts, with or without amendment, an edition of the IBC that is more recent than the 2012 edition.]

### 15A-3-107. Amendments to Chapter 16 of IBC.

(1) In IBC, Table 1604.5, Risk Category III, in the sentence that begins "Group I-2," a new footnote c is added as follows: "c. Type II Assisted Living Facilities that are I-2 occupancy classifications in accordance with Section 308 shall be Risk Category II in this table."

(2) In IBC, Section 1605.2, in the portion of the definition for the value of  $f_2$ , the words "and 0.2 for other roof configurations" are deleted and replaced with the following: " $f_2 = 0.20 + .025(A-5)$  for other configurations where roof snow load exceeds 30 psf;  $f_2 = 0$  for roof snow loads of 30 psf (1.44kN/m<sup>2</sup>) or less. Where A = Elevation above sea level at the location of the structure (ft./1,000)."

(3) In IBC, Sections 1605.3.1 and 1605.3.2, exception 2 in each section is deleted and replaced with the following: "2. Flat roof snow loads of 30 pounds per square foot (1.44 kNm<sup>2</sup>) or less need not be combined with seismic loads. Where flat roof snow loads exceed 30 pounds per square foot (1.44 kNm<sup>2</sup>), the snow loads may be reduced in accordance with the following in load combinations including both snow and seismic loads.  $W_s$  as calculated below, shall be combined with seismic loads.

$W_s = (0.20 + 0.025(A-5))P_f$  is greater than or equal to 0.20  $P_f$ .

Where:  $W_s$  = Weight of snow to be included in seismic calculations

A = Elevation above sea level at the location of the structure (ft./1,000)

$P_f$  = Design roof snow load, psf.

For the purpose of this section, snow load shall be assumed uniform on the roof footprint without including the effects of drift or sliding. The Importance Factor, I, used in calculating  $P_f$  may be considered 1.0 for use in the formula for  $W_s$ ."

(4) IBC, Section 1608.1, is deleted and replaced with the following: "1608.1 General. Except as modified in Sections 1608.1.1, 1608.1.2, and 1608.1.3, design snow loads shall be determined in accordance with Chapter 7 of ASCE 7, but the design roof load shall not be less than that determined by Section 1607."

(5) A new IBC, Section 1608.1.1, is added as follows: "1608.1.1 Section 7.4.5 of Chapter 7 of ASCE 7 referenced in Section 1608.1 of the IBC is deleted and replaced with the following: Section 7.4.5 Ice Dams and Icicles Along Eaves. Where ground snow loads exceed 75 psf, eaves shall be capable of sustaining a uniformly distributed load of 2pf on all overhanging portions. No other loads except dead loads shall be present on the roof when this uniformly distributed load is applied. All building exits under down-slope eaves shall be protected from sliding snow and ice."

(6) In IBC, Section 1608.1.2, a new section is added as follows: "1608.1.2 Utah Snow Loads. The snow loads specified in Table 1608.1.2(b) shall be used for the jurisdictions identified in that table. Otherwise, the ground snow load,  $P_g$ , to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula:  $P_g = (P_o + S^2(A-A_o)^2)0.5$  for A greater than  $A_o$ , and  $P_g = P_o$  for A less than or equal to  $A_o$ .

WHERE:

$P_g$  = Ground snow load at a given elevation (psf);

$P_o$  = Base ground snow load (psf) from Table No. 1608.1.2(a);

S = Change in ground snow load with elevation (psf/100 ft.) From Table No. 1608.1.2(a);

A = Elevation above sea level at the site (ft./1,000);

$A_o$  = Base ground snow elevation from Table 1608.1.2(a) (ft./1,000).

The building official may round the roof snow load to the nearest 5 psf. The ground snow load,  $P_g$ , may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments. Where the minimum roof live load in accordance with Section 1607.~~[44]12~~ is greater than the design roof snow load, such roof live load shall be used for

design, however, it shall not be reduced to a load lower than the design roof snow load. Drifting need not be considered for roof snow loads less than 20 psf."

(7) IBC, Table 1608.1.2(a) and Table 1608.1.2(b), are added as follows:

"TABLE NO. 1608.1.2(a)

STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	P <sub>o</sub>	S	A <sub>o</sub>
Beaver	43	63	6.2
Box Elder	43	63	5.2
Cache	50	63	4.5
Carbon	43	63	5.2
Daggett	43	63	6.5
Davis	43	63	4.5
Duchesne	43	63	6.5
Emery	43	63	6.0
Garfield	43	63	6.0
Grand	36	63	6.5
Iron	43	63	5.8
Juab	43	63	5.2
Kane	36	63	5.7
Millard	43	63	5.3
Morgan	57	63	4.5
Piute	43	63	6.2
Rich	57	63	4.1
Salt Lake	43	63	4.5
San Juan	43	63	6.5
Sanpete	43	63	5.2
Sevier	43	63	6.0
Summit	86	63	5.0
Tooele	43	63	4.5
Uintah	43	63	7.0
Utah	43	63	4.5
Wasatch	86	63	5.0
Washington	29	63	6.0
Wayne	36	63	6.5
Weber	43	63	4.5

TABLE NO. 1608.1.2(B)

REQUIRED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS<sup>1,2</sup>

The following jurisdictions require design snow load values that differ from the Equation in the Utah Snow Load Study.

1The IBC requires a minimum live load - See 1607.[11-2]12.

2This table is informational only in that actual site elevations may vary. Table is only valid if site elevation is within 100 feet of the listed elevation. Otherwise, contact the local Building Official.

3Values adopted from Table VII of the Utah Snow Load Study.

4Values based on site-specific study. Contact local Building Official for additional information.

5Contact local Building Official. 6Based on Ce =1.0, Ct =1.0 and Is =1.0"

(8) A new IBC, Section 1608.1.3, is added as follows: "1608.1.3 Thermal Factor. The value for the thermal factor, Ct, used in calculation of Pf shall be determined from Table 7.3 in ASCE 7. Exception: Except for unheated structures, the value of Ct need not exceed 1.0 when ground snow load, Pg is calculated using Section 1608.1.2 as amended."

(9) IBC, Section 1608.2, is deleted and replaced with the following: "1608.2 Ground Snow Loads. The ground snow loads to be used in determining the design snow loads for roofs in states other than Utah are given in Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated CS in figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within the CS areas shall be approved. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data

SPECIAL NOTICES

available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official."

(10) A new IBC, Section 1613.1.1, is added as follows: "1613.1.1 ASCE 12.7.2 and 12.14.8.1 of Chapter 12 of ASCE 7 referenced in Section 1613.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Where the flat roof snow load,  $P_f$ , exceeds 30 psf, the snow load included in seismic design shall be calculated, in accordance with the following formula:  $W_s = (0.20 + 0.025(A-5))P_f$  is greater than or equal to 0.20  $P_f$ .

WHERE:

$W_s$  = Weight of snow to be included in seismic calculations

$A$  = Elevation above sea level at the location of the structure (ft./1,000)

$P_f$  = Design roof snow load, psf.

For the purposes of this section, snow load shall be assumed uniform on the roof footprint without including the effects of drift or sliding. The Importance Factor,  $I$ , used in calculating  $P_f$  may be considered 1.0 for use in the formula for  $W_s$ ."

(11) A new IBC, Section ~~[4643.5]~~1613.7, is added as follows: " ~~[4643.5]~~1613.7 ASCE 7, Section 13.5.6.2.2 paragraph (e) is modified to read as follows: (e) Penetrations shall have a sleeve or adapter through the ceiling tile to allow for free movement of at least 1 inch (25 mm) in all horizontal directions. Exceptions:

1. Where rigid braces are used to limit lateral deflections.
2. At fire sprinkler heads in frangible surfaces per NFPA 13."

**15A-3-108. Amendments to Chapters 17 through 19 of IBC.**

(1) A new IBC, Section 1807.1.6.4, is added as follows: "1807.1.6.4 Empirical concrete foundation design. Group R, Division 3 Occupancies three stories or less in height, and Group U Occupancies, which are constructed in accordance with Section 2308, or with other methods employing repetitive wood-frame construction or repetitive cold-formed steel structural member construction, shall be permitted to have concrete foundations constructed in accordance with Table 1807.1.6.4."

(2) A new IBC, Table 1807.1.6.4 is added as follows:

"TABLE 1807.1.6.4  
EMPIRICAL FOUNDATION WALLS (1,7,8)

"TABLE 1807.1.6.4 EMPIRICAL FOUNDATION WALLS (1,7,8)							
Max. Height	Top Edge Support	Min. Thickness	Vertical Steel (2)	Horizontal Steel (3)	Steel at Openings (4)	Max. Lintel Length	Min. [Lintel] Bearing Length
2'(610 mm)	None	6"	(5)	2- #4 Bars	2- #4 Bars above 1- #4 Bar each side 1- #4 Bar below	2'(610 mm)	2" for each foot of opening width; min. 6"
3'(914 mm)	None	6"	#4@32"	3- #4 Bars	2- #4 Bars above 1- #4 Bar each side 1- #4 Bar below	2'(610 mm)	2" for each foot of opening width; min. 6"
4'(1,219 mm)	None	6"	#4@32"	4- #4 Bars	2- #4 Bars above 1- #4 Bar each side 1- #4 Bar below	3'(914 mm)	2" for each foot of opening width; min. 6"
6'(1,829 mm)	Floor or roof Diaphragm (6)	8"	#4@24"	5- #4 Bars	2- #4 Bars above 1- #4 Bar each side 1- #4 Bar below	6'(1,829 mm)	2" for each foot of opening width; min. 6"

8'(2,438 mm)	Floor or roof Diaphragm (6)	8"	#4@24"	6- #4 Bars	2- #4 Bars above 1- #4 Bar each side 1- #4 Bar below	6'(1,829 mm)	2" for each foot of opening width; min. 6"
9'(2,743 mm)	Floor or roof Diaphragm (6)	8"	#4@16"	7- #4 Bars	2- #4 Bars above 1- #4 Bar each side 1- #4 Bar below	6'(1,829 mm)	2" for each foot of opening width; min. 6"
Over 9'(2,743 mm), Engineering required for each column							
Footnotes:							
(1) Based on 3,000 psi (20.6 Mpa) concrete and 60,000 psi (414 Mpa) reinforcing steel.							
(2) To be placed in the center of the wall, and extended from the footing to within three inches (76 mm) of the top of the wall; dowels of #4 bars to match vertical steel placement shall be provided in the footing, extending 24 inches (610 mm) into the foundation wall.							
(3) One bar shall be located in the top four inches (102 mm), one bar in the bottom four inches (102 mm) and the other bars equally spaced between. Such bar placement satisfies the requirements of Section 1805.9. Corner reinforcing shall be provided so as to lap 24 inches (610 mm).							
(4) Bars shall be placed within two inches (51 mm) of the openings and extend 24 inches (610 mm) beyond the edge of the opening; vertical bars may terminate three inches (76 mm) from the top of the concrete.							
(5) Dowels of #4 bar at 32 inches on center shall be provided in the footing, extending 18 inches (457 mm) into the foundation wall.							
(6) Diaphragm shall conform to the requirements of Section 2308.							
(7) Footing shall be a minimum of nine inches thick by 20 inches wide.							
(8) Soil backfill shall be soil classification types GW, GP, SW, or SP, per Table 1610.1. Soil shall not be submerged or saturated in groundwater."							

~~[(3) — In IBC, Section 1904.2, a new exception 1 is added as follows and the current exception is modified to be number 2. Exceptions: "1. In ACI Table 4.3.1, for Exposure Class F1, change Maximum w/cm from 0.45 to 0.5 and Minimum f<sub>c</sub> from 4,500 psi to 3,000 psi."]~~

~~[(4)](3) A new IBC, Section [1905.1.11]1905.1.9, is added as follows: "[1905.1.11]1905.1.9 ACI 318, Table [4.2.4]19.3.1.1." Modify ACI 318, Table [4.2.4]19.3.1.1 to read as follows: In the portion of the table designated as "Conditions", the following Exposure [categories]category and classes [are]is deleted and replaced with the following:~~

~~"F0: Concrete [elements]not exposed to freezing and thawing cycles to include footing and foundation elements that are completely buried in soil.~~

~~[F1: Concrete elements exposed to freezing and thawing cycles and are not likely to be saturated or exposed to deicing chemicals.~~

~~—— F2: Concrete elements exposed to freezing and thawing cycles and are likely to be saturated, but not exposed to deicing chemicals.~~

~~—— F3: Concrete elements exposed to freezing and thawing cycles and are likely to be saturated and exposed to deicing chemicals."]~~

### 15A-3-109. Amendments to Chapters 20 through 22 of IBC.

### 15A-3-110. Amendments to Chapters 23 through 25 of IBC.

(1) A new IBC, Section 2306.1.5, is added as follows: "2306.1.5 Load duration factors. The allowable stress increase of 1.15 for snow load, shown in Table 2.3.2, Frequently Used Load Duration Factors, C<sub>d</sub>, of the National Design Specifications, shall not be utilized at elevations above 5,000 feet (1,524 M)."

(2) In IBC, Section [2308.6]2308.3.1, a new exception 3 is added as follows: ["Exception:"]3. Where foundation plates or sills are bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors,

embedded at least 7 inches (178 mm) into concrete or masonry and spaced not more than 32 inches (816 mm) apart, there shall be a minimum of two bolts or anchor straps per piece located not less than 4 inches (102 mm) from each end of each piece. A properly sized nut and washer shall be tightened on each bolt to the plate."

(3) IBC, Section 2506.2.1, is deleted and replaced with the following: "2506.2.1 Other materials. Metal suspension systems for acoustical and lay-in panel ceilings shall conform with ASTM C635 listed in Chapter 35 and Section 13.5.6 of ASCE 7, as amended in Section [4643.8]1613.5, for installation in high seismic areas."

### 15A-3-111. Amendments to Chapters 26 through 28 of IBC

#### 15A-3-112. Amendments to Chapters 29 through 31 of IBC.

(1) In IBC [P]Table 2902.1 the following changes are made:

(a) The title for [P]Table 2902.1 is deleted and replaced with the following: "[P]Table 2902.1, Minimum Number of Required Plumbing Facilities a, h".

(b) In the row for "E" occupancy in the field for "OTHER" a new footnote i is added.

(c) In the row for "I-4" occupancy in the field for "OTHER" a new footnote i is added.

(d) A new footnote h is added as follows: "FOOTNOTE: h. When provided, in public toilet facilities there shall be an equal number of diaper changing facilities in male toilet rooms and female toilet rooms."

(e) A new footnote i is added to the table as follows: "FOOTNOTE i: Non-residential child care facilities shall comply with additional sink requirements of Utah Administrative Code R430-100-4."

(2) A new section IBC, Section [P]2902.7, is added as follows: "[P]2902.7 Toilet Facilities for Workers. Toilet facilities shall be provided for construction workers and such facilities shall be maintained in a sanitary condition. Construction worker toilet facilities of the nonsewer type shall conform to ANSI Z4.3.

[(2)](3) In IBC, Section 3005.5, a new exception is added as follows: "Exception: Hydraulic elevators and roped hydraulic elevators with a rise of 50 feet or less."

#### 15A-3-113. Amendments to Chapters 32 through 35 of IBC.

[(1)] A new section IBC, Section 3401.7, is added as follows: "3401.7 Parapet bracing, wall anchors, and other appendages. Until June 30, 2014, a building constructed before 1975 shall have parapet bracing, wall anchors, and appendages such as cornices, spires, towers, tanks, signs, statuary, etc. evaluated by a licensed engineer when the building is undergoing structural alterations, which may include structural sheathing replacement of 10% or greater, or other structural repairs. Reroofing or water membrane replacement may not be considered a structural alteration or repair for purposes of this section. Beginning July 1, 2014, a building constructed before 1975 shall have parapet bracing, wall anchors, and appendages such as cornices, spires, towers, tanks, signs, statuary, etc. evaluated by a licensed engineer when the building is undergoing a total reroofing. Parapet bracing, wall anchors, and appendages required by this section shall be evaluated in accordance with 75% of the seismic forces as specified in Section 1613. When allowed by the local building official, alternate methods of equivalent strength as referenced in an approved code under Utah Code, Subsection 15A-1-204(6)(a), will be considered when accompanied by engineer-sealed drawings, details, and calculations. When found to be deficient because of design or deteriorated condition, the engineer's recommendations to anchor, brace, reinforce, or remove the deficient feature shall be implemented. Exceptions:

1. Group R-3 and U occupancies.

2. Unreinforced masonry parapets need not be braced according to the above stated provisions provided that the maximum height of an unreinforced masonry parapet above the level of the diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times the thickness of the parapet wall. The parapet height may be a maximum of two and one-half times its thickness in other than Seismic Design Categories D, E, or F."

[(2)] IBC, Section 3408.4, is deleted and replaced with the following: "3408.4 Seismic. When a change in occupancy results in a structure being reclassified to a higher Risk Category (as defined in Table 1604.5), or when such change of occupancy results in a design occupant load increase of 100% or more, the structure shall conform to the seismic requirements for a new structure. Exceptions:

1. Specific seismic detailing requirements of this code or ASCE 7 for a new structure shall not be required to be met where it can be shown that the level of performance and seismic safety is equivalent to that of a new structure. A demonstration of equivalence analysis shall consider the regularity, overstrength, redundancy, and ductility of the structure. Alternatively, the building official may allow the structure to be upgraded in accordance with referenced sections as found in an approved code under Utah Code, Subsection 15A-1-204(6)(a).

2. When a change of use results in a structure being reclassified from Risk Category I or II to Risk Category III and the structure is located in a seismic map area where SDS is less than 0.33, compliance with the seismic requirements of this code and ASCE 7 are not required.

3. Where design occupant load increase is less than 25 occupants and the Risk Category does not change."

[(3)](1) In IBC, Chapter 35, the referenced standard ICCA117.1-09, Section 606.2, Exception 1 is modified to include the following sentence at the end of the exception: "The minimum clear floor space shall be centered on the sink assembly."

[(4)](2) The following referenced standard is added under UL in IBC, Chapter 35:

"Number	Title	Referenced in code section number
2034-2008	Standard of Single- and Multiple-station Carbon Monoxide Alarms	907.9"

### 15A-3-201. General provision.

#### 15A-3-202. Amendments to Chapters 1 through 5 of IRC.

(1) In IRC, Section R102, a new Section R102.7.2 is added as follows: "R102.7.2 Physical change for bedroom window egress in legal nonconforming rental housing use. A structure classified as a legal nonconforming rental housing use, whose egress bedroom window is smaller than required by this code, is not required to undergo a physical change to conform to this code if the change would compromise the structural integrity of the building or could not be completed in accordance with other applicable requirements of this code, including setback and window well requirements."

(2) In IRC, Section 109:

(a) A new IRC, Section 109.1.5, is added as follows: "R109.1.5 Weather-resistant exterior wall envelope inspections. An inspection shall be made of the weather-resistant exterior wall envelope as required by Section R703.1 and flashings as required by Section R703.8 to prevent water from entering the weather-resistive barrier."

(b) The remaining sections are renumbered as follows: R109.1.6 Other inspections; R109.1.6.1 Fire- and smoke-resistance-rated construction inspection; R109.1.6.2 Reinforced masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection; and R109.1.7 Final inspection.

(3) IRC, Section R114.1, is deleted and replaced with the following: "R114.1 Notice to owner. Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of this code or other pertinent laws or ordinances or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work; and shall state the conditions under which work will be permitted to resume."

(4) In IRC, Section R202, the following definition is added: "CERTIFIED BACKFLOW PREVENTER ASSEMBLY TESTER: A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Utah Code, Subsection 19-4-104(4)."

(5) In IRC, Section R202, the definition for "CONDITIONED SPACE" is modified by deleting the words at the end of the sentence "being heated or cooled by any equipment or appliance" and replacing them with the following: "enclosed within the building thermal envelope that is directly heated or cooled, or indirectly heated or cooled by any of the following means:

1. Openings directly into an adjacent conditioned space.
2. An un-insulated floor, ceiling or wall adjacent to a conditioned space.
3. Un-insulated duct, piping or other heat or cooling source within the space."

(6) In IRC, Section R202, the definition of "Cross Connection" is deleted and replaced with the following: "CROSS CONNECTION. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas, or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow, Water Distribution")."

(7) In IRC, Section 202, in the definition for gray water a comma is inserted after the word "washers"; the word "and" is deleted; and the following is added to the end: "and clear water wastes which have a pH of 6.0 to 9.0; are non-flammable; non-combustible; without objectionable odors; non-highly pigmented; and will not interfere with the operation of the sewer treatment facility."

(8) In IRC, Section R202, the definition of "Potable Water" is deleted and replaced with the following: "POTABLE WATER. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Utah Code, Title 19, Chapters 4, Safe Drinking Water Act, and 5, Water Quality Act, and the regulations of the public health authority having jurisdiction."

(9) IRC, Figure R301.2(5), is deleted and replaced with Table R301.2(5a) and Table R301.2(5b) as follows:

"TABLE NO. R301.2(5a)

#### STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	P <sub>o</sub>	S	A <sub>o</sub>
Beaver	43	63	6.2
Box Elder	43	63	5.2
Cache	50	63	4.5
Carbon	43	63	5.2
Daggett	43	63	6.5

SPECIAL NOTICES

Davis	43	63	4.5
Duchesne	43	63	6.5
Emery	43	63	6.0
Garfield	43	63	6.0
Grand	36	63	6.5
Iron	43	63	5.8
Juab	43	63	5.2
Kane	36	63	5.7
Millard	43	63	5.3
Morgan	57	63	4.5
Piute	43	63	6.2
Rich	57	63	4.1
Salt Lake	43	63	4.5
San Juan	43	63	6.5
Sanpete	43	63	5.2
Sevier	43	63	6.0
Summit	86	63	5.0
Tooele	43	63	4.5
Uintah	43	63	7.0
Utah	43	63	4.5
Wasatch	86	63	5.0
Washington	29	63	6.0
Wayne	36	63	6.5
Weber	43	63	4.5

TABLE NO. R301.2(5b)  
REQUIRED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS<sup>1,2</sup>

The following jurisdictions require design snow load values that differ from the Equation in the Utah Snow Load Study.

<sup>1</sup> The IRC requires a minimum live load -- See R301.6
<sup>2</sup> This table is informational only in that actual site elevations may vary. Table is only valid if site elevation is within 100 feet of the listed elevation. Otherwise, contact the local Building Official.
<sup>3</sup> Values adopted from Table VII of the Utah Snow Load Study
<sup>4</sup> Values based on site-specific study. Contact local Building Official for additional information.
<sup>5</sup> Contact local Building Official.
<sup>6</sup> Based on $C_e = 1.0$ , $C_t = 1.0$ and $I_s = 1.0$ "

(10) IRC, Section R301.6, is deleted and replaced with the following: "R301.6 Utah Snow Loads. The snow loads specified in Table R301.2(5b) shall be used for the jurisdictions identified in that table. Otherwise, the ground snow load,  $P_g$ , to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula:  $P_g = (P_o2 + S2(A-A_o)2)0.5$  for A greater than  $A_o$ , and  $P_g = P_o$  for A less than or equal to  $A_o$ .

WHERE:

$P_g$  = Ground snow load at a given elevation (psf);

$P_o$  = Base ground snow load (psf) from Table No. R301.2(5a);

S = Change in ground snow load with elevation (psf/100 ft.) From Table No. R301.2(5a);

A = Elevation above sea level at the site (ft./1,000);

$A_o$  = Base ground snow elevation from Table R301.2(5a) (ft./1,000). The building official may round the roof snow load to the nearest 5 psf. The ground snow load,  $P_g$ , may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments.

Where the minimum roof live load in accordance with Table R301.6 is greater than the design roof snow load, such roof live load shall be used for design, however, it shall not be reduced to a load lower than the design roof snow load. Drifting need not be considered for roof snow loads less than 20 psf."

[(11) In IRC, Section R302.2, the words "Exception: A" are deleted and replaced with the following: "Exceptions:

1. A common 2-hour fire-resistance-rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installation shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

~~2. In buildings equipped with an automatic residential fire sprinkler system, a".]~~

~~[(12)] In IRC, Section R302.2.4, a new exception 6 is added as follows: "6. Townhouses separated by a common 2-hour fire-resistance-rated wall as provided in Section R302.2."~~

~~[(13)](11) In IRC, Section R302.5.1, the words "self-closing device" are deleted and replaced with "self-latching hardware".~~

~~(12) IRC, Section R302.13, is deleted.~~

~~[(14)](13) In IRC, Section R303.4, the number "5" is changed to "3" in the first sentence.~~

~~[(15)](14) IRC, Sections R311.7.[4]5 through R311.7.[4]5.3, are deleted and replaced with the following:~~

~~"R311.7.[4]5 Stair treads and risers.~~

~~R311.7.[4]5.1 Riser height. The maximum riser height shall be 8 inches (203 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).~~

~~R311.7.[4]5.2 Tread depth. The minimum tread depth shall be 9 inches (228 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the greatest winder tread depth at the 12-inch (305 mm) walk line shall not exceed the smallest by more than 3/8 inch (9.5 mm).~~

~~R311.7.[4]5.3 Profile. The radius of curvature at the leading edge of the tread shall be no greater than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere. Exceptions.~~

~~1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).~~

~~2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less."~~

~~[(16)] In IRC, Section R312.1-2, the words "adjacent fixed seating" are deleted.]~~

~~[(17)](15) IRC, Section R312.2, is deleted.~~

~~[(18)](16) IRC, Sections R313.1 through R313.2.1, are deleted and replaced with the following: "R313.1 Design and installation. When installed, automatic residential fire sprinkler systems for townhouses or one- and two-family dwellings shall be designed and installed in accordance with Section P2904 or NFPA13D."~~

~~(17) In IRC, Section 315.3, the following words are added to the first sentence after the word "installed": "on each level of the dwelling unit and".~~

~~[(19)](18) In [A new] IRC, Section R315.5, a new exception 3 is added as follows:~~

~~["R315.5 Power source. Carbon monoxide alarms shall receive their primary power from the building wiring when such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for over-current protection. Exceptions:~~

~~1. Carbon monoxide alarms shall be permitted to be battery operated when installed in buildings without commercial power.]~~

~~[2.]3. Hard wiring of carbon monoxide alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for hard wiring, without the removal of interior finishes."~~

~~[(20)](19) A new IRC, Section R315.[6]Z, is added as follows: "R315.[6]Z Interconnection. Where more than one carbon monoxide alarm is required to be installed within an individual dwelling unit in accordance with Section R315.1, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. Exception:~~

~~Interconnection of carbon monoxide alarms in existing areas shall not be required where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes."~~

~~[(21)](20) In IRC, Section R403.1.6, a new Exception [4]3 is added as follows: "[4]3. When~~

~~anchor bolt spacing does not exceed 32 inches (813 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls, interior braced wall lines, and at all exterior walls."~~

~~[(22)](21) In IRC, Section R403.1.6.1, a new exception is added at the end of Item 2 and Item 3 as follows: "Exception: When anchor bolt spacing does not exceed 32 inches (816 mm) apart, anchor bolts may be placed with a minimum of two bolts~~

per plate section located not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls, interior braced wall lines, and at all exterior walls."

~~[(23)]~~(22) In IRC, Section R404.1, a new exception is added as follows: "Exception: As an alternative to complying with Sections R404.1 through R404.1.5.3, concrete and masonry foundation walls may be designed in accordance with IBC Sections 1807.1.5 and 1807.1.6 as amended in Section 1807.1.6.4 and Table 1807.1.6.4 under these rules."

~~[(24)]~~—IRC, Section R501.3, is deleted.]

**15A-3-203. Amendments to Chapters 6 through 15 of IRC.**

(1) In IRC, Section N1101.~~[8]~~5 (R103.2), all words after the words "herein governed." are deleted and replaced with the following: "Construction documents include all documentation required to be submitted in order to issue a building permit."

(2) In IRC, Section N1101.~~[14]~~12 (R303.3), all wording after the first sentence is deleted.

(3) In IRC, Section N1101.13 (R401.2) a new number 4. is added as follows:

4. "Compliance may be shown by using the RESCheck "2012 Utah Energy Conservation Code" and showing compliance "10 percent better than code" as shown by the above referenced software."

~~[(3)]~~4) In IRC, Table N1102.1.~~[1]~~2 (R402.1.~~[4]~~2) in the column entitled MASS WALL R-VALUE [and Table N1102.1.3 (R402.1.3), the rows for "climate zone 3", "climate zone 5 and Marine 4", and "climate zone 6" are deleted and replaced and] a new footnote j is added as follows: "j. Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zones 5-8 when overall window glazing is .31 U-factor or lower, minimum heating equipment efficiency is 90 AFUE (gas) or 84 AFUE (oil), and all other component requirements are met."

[TABLE N1102.1.1 (R402.1.1)  
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT<sup>a</sup>

"TABLE N1102.1.1 (R402.1.1) INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT <sup>a</sup>										
CLIMATE ZONE	FENESTRATION U-FACTOR <sup>b</sup>	SKYLIGHT U-FACTOR <sup>b</sup>	GLAZED FENESTRATION SHGC <sup>b,e</sup>	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE <sup>i,j</sup>	FLOOR R-VALUE	BASEMENT WALL R-VALUE	SLAB R-VALUE & DEPTH <sup>d</sup>	CRAWL SPACE WALL R-VALUE
3	0.65	0.65	0.40	30	15	5	19	0	0	5/13
5 and Marine 4	0.35	0.60	NR	38	19 or 13+ <sup>5h</sup>	13	30 <sup>g</sup>	10/13	10, 2 ft	10/13
6	0.35	0.60	NR	40	19 or 13+ <sup>5h</sup>	15	30 <sup>g</sup>	10/13	10, 4 ft	10/13]

j. Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zones 5-8 when overall window glazing is .31 U-factor or lower, minimum heating equipment efficiency is 90 AFUE (gas) or 84 AFUE (oil), and all other component requirements are met."

[TABLE N1102.1.3 (R402.1.3)  
EQUIVALENT U-FACTORS<sup>a</sup>

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT U-FACTOR	CEILING U-FACTOR	FRAME WALL U-FACTOR	MASS WALL U-FACTOR <sup>b</sup>	FLOOR U-FACTOR	BASEMENT WALL U-FACTOR	CRAWL SPACE WALL U-FACTOR
3	0.65	0.65	0.035	0.082	0.141	0.047	0.360	0.136
5 and Marine 4	0.35	0.60	0.030	0.060	0.082	0.033	0.059	0.065
6	0.35	0.60	0.026	0.060	0.060	0.033	0.059	0.065]

- ~~[(4) In IRC, Section N1102.2.1 (R402.2.1), the last sentence is deleted.]~~
- ~~[(5) In IRC, Section N1102.2.2 (R402.2.2), the last sentence is deleted.]~~
- ~~[(6) In IRC, Section N1102.3.3 (R402.3.3), the last sentence is deleted.]~~
- ~~[(7) In IRC, Section N1102.3.4 (R402.3.4), the last sentence is deleted.]~~
- ~~[(8)](5) In IRC, Section N1102.4.1 (R402.4.1), in the first sentence, the word "and" is deleted and replaced with the word "or".~~
- ~~[(9)](6) In IRC, Section N1102.4.1.1 (R402.4.1.1), the last sentence is deleted and replaced with the following: "Where allowed by the [building]code official, the builder may certify compliance to components criteria for items which may not be inspected during regularly scheduled inspections."~~
- ~~[(10)](7) In IRC, Section N1102.4.1.2 (R402.4.1.2), the following changes are made:~~
- ~~(a) In the first sentence, the words "in Climate Zones 1 and 2, and [3]three air changes per hour in Climate Zones 3 through 8" are deleted.~~
- ~~(b) In the third sentence, the [words "Where required by the building official," and the]word "third" [are]is deleted.~~
- ~~(c) The following sentence is inserted after the third sentence: "The following parties shall be approved to conduct testing: Parties certified by BPI or RESNET, or licensed contractors who have completed training provided by Blower Door Test equipment manufacturers or other comparable training."~~
- ~~[(11) In IRC, Section N1102.4.4 (R402.4.4), the last sentence is deleted.]~~
- ~~[(12) In IRC, Section N1103.2.2 (R403.2.2), the requirements for total leakage testing are deleted and replaced with the following:~~
- ~~— "1. Postconstruction test: Total leakage shall be less than or equal to 10 cfm (283 L/min) per 100 square feet (9.29 m<sup>2</sup>) of conditioned floor space when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.~~
- ~~— 2. Rough-in test: Total leakage shall be less than or equal to 10 cfm (283 L/min) per 100 square feet (9.29 m<sup>2</sup>) of conditioned floor area when tested at a pressure differential of at least 0.1 inches w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure. All registers shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 7.5 cfm (212 L/min) per 100 square feet (9.29 m<sup>2</sup>) of conditioned floor area."~~
- ~~[(13)](8) In IRC, Section N1103.[2-2]3.3 (R403.[2-2]3.3), the exception for [total]duct air leakage testing is deleted and replaced with the following: "Exception: The [total]duct air leakage test is not required for systems with all air handlers and at least [50]65% of all ducts (measured by length) located entirely within the building thermal envelope."~~
- ~~(9) In IRC, Section N1103.3.3 (R403.3.3), the following is added after the exception: "The following parties shall be approved to conduct testing: Parties certified by BPI or RESNET, or licensed contractors who have completed training provided by Duct Test equipment manufacturers or other comparable training."~~
- ~~(10) In IRC, Section N1103.3.4 (R403.3.4), in subsection 1, the number 4 is changed to 6, the number 113.3 is changed to 170, the number 3 is changed to 5, the number 85 is changed to 114.6 and in subsection 2, the number 4 is changed to 8 and the number 113.3 is changed to 226.5.~~
- ~~[(14)](11) In IRC, Section N1103.[2-3]3.5 (R403.[2-3]3.5), the words "or plenums" are deleted.~~
- ~~[(15) In IRC, Section N1103.4.2 (R403.4.2), the sentences f or "3.", "9.", and the last sentence are deleted.]~~
- ~~[(16) In IRC, Section N1103.5 (R403.5), the first sentence is deleted.]~~
- ~~[(17) IRC, Section N1104.1 (R404.1) and the exception are deleted, and N1104.1.1 (R404.1.1) becomes N1104.1 (R404.1).]~~
- ~~[(18) In IRC, Table N1105.5.2(1) (R405.5.2(1)), the following changes are made under the column STANDARD-REFERENCE DESIGN:~~
- ~~(a) In the row "Air exchange rate", the words "in Zones 1 and 2, and 3 air changes per hour in Zones 3 through 8" are deleted.~~
- ~~(b) In the row "Heating systemsf, g", the standard reference design is deleted and replaced with the following: "Fuel Type: same as proposed design Efficiencies: Electric: air source heat pump with prevailing federal minimum efficiencies Nonelectric furnaces: natural gas furnace with prevailing federal minimum efficiencies Nonelectric boilers: natural gas boiler with prevailing federal minimum efficiencies Capacity: sized in accordance with Section N1103.6"~~
- ~~(c) In the row "Cooling systemsf, h" the words "As proposed" are deleted and replaced with the following: "Fuel Type: Electric Efficiency: in accordance with prevailing federal minimum standards"~~
- ~~(d) In the row "Service water heatingf, g, h, i", the words "As proposed" are deleted and replaced with the following: "Fuel Type: same as proposed design Efficiency: in accordance with prevailing federal minimum standards Tank Temperature: 120o-F"~~
- ~~(e) replaced with the following: "Thermal distribution system efficiency (DSE) of .080 shall be applied to both the heating and cooling system efficiencies."~~
- ~~[(19) In Table N1105.5.2(2) (R405.5.2(2)), the number "0.80" is inserted under "Forced air systems" for "Distribution system components located in unconditioned space".]~~
- ~~(12) In IRC, Section N1106.2 (R406.2), the last sentence and exception are deleted.~~
- ~~(13) In IRC, Section N1106.4 (R406.4) the table is deleted and replaces as follows:~~

TABLE N1106.4 (R406.4)  
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX
<u>1</u>	<u>59</u>
<u>2</u>	<u>59</u>
<u>3</u>	<u>59</u>
<u>4</u>	<u>63</u>
<u>5</u>	<u>63</u>
<u>6</u>	<u>62</u>
<u>7</u>	<u>60</u>
<u>8</u>	<u>60</u>

[(20)](14) In IRC, Section M1307.2, the words "In Seismic Design Categories  $D_0$ ,  $D[1]_1$  and  $D[2]_2$ ", and in townhouses in Seismic Design Category C, are deleted and in subparagraph 1. the last sentence is deleted.

[(21)] The RESCheck Software adopted by the United States Department of Energy and modified to meet the requirements of this section shall be used to verify compliance with this section. The software shall address the Total UA alternative approach and account for Equipment Efficiency Trade-offs when applicable per the standard reference design as amended.

[(22)](15) IRC, Section [M4411.6]M1411.8, is deleted.

#### 15A-3-204. Amendments to Chapters 16 through 25 of IRC.

[(1)] In IRC, Table M1601.1.1(2), in the section "Round ducts and enclosed rectangular ducts", the word "enclosed" is deleted; the words "14 inches or less" are deleted and replaced with "over 8 inches but less than 15 inches"; the wording "8 under equivalent gage no., and "0.0159" under aluminum minimum thickness (in.), are added; and the section "Exposed rectangular ducts" is deleted.]

[(2)] In IRC, Section M1901.3, the word "only" is inserted between the words "labeled" and "for".]

[(3)](1) A new IRC, Section G2401.2, is added as follows: "G2401.2 Meter Protection. Fuel gas services shall be in an approved location and/or provided with structures designed to protect the fuel gas meter and surrounding piping from physical damage, including falling, moving, or migrating ice and snow. If an added structure is used, it must provide access for service and comply with the IBC or the IRC."

#### 15A-3-205. Amendments to Chapters 26 through 35 of IRC.

(1) A new IRC, Section P2602.3, is added as follows: "P2602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized, provided that the source has been developed in accordance with Utah Code, Sections 73-3-1 and 73-3-25, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction."

(2) A new IRC, Section P2602.4, is added as follows: "P2602.4 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where the sewer is accessible and is within 300 feet of the property line in accordance with Utah Code, Section 10-8-38; or an approved private sewage disposal system in accordance with Utah Administrative Code, Chapter 4, Rule R317, as administered by the Department of Environmental Quality, Division of Water Quality."

(3) In IRC, Section P2801.[7]8, all words in the first sentence up to the word "water" are deleted.

(4) A new IRC, Section P2902.1.1, is added as follows: "P2902.1.1 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested in accordance with Utah Administrative Code, R309-305 at the time of installation, repair, and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly.[""]

Third-party certification for backflow prevention assemblies will consist of any combination of two certifications, laboratory or field. Acceptable third-party laboratory certifying agencies are ASSE, IAPMO, and USC-FCCCHR. USC-FCCCHR currently provides the only field testing of backflow protection assemblies. Also see [www.drinkingwater.utah.gov](http://www.drinkingwater.utah.gov) and Division of Drinking Water Rule, Utah Administrative Code, R309-305-6."

[(5) — IRC, Table P2902.3, is deleted and replaced with the following:

"DEVICE-	DEGREE OF HAZARD <sup>a</sup> -	APPLICATION <sup>b</sup> -	APPLICABLE STANDARDS-
<b>BACKFLOW PREVENTION ASSEMBLIES:-</b>			
Double check backflow prevention assembly and double check fire protection backflow prevention assembly-	Low hazard-	Backpressure or backsiphonage Sizes 3/8" – 16"	ASSE 1015, AWWA C510, CSA B64.5, CSA B64.5.1-
Double check detector fire protection backflow prevention assemblies-	Low hazard	Backpressure or backsiphonage Sizes 3/8" – 16"	ASSE 1048-
Pressure vacuum breaker assembly-	High or low hazard-	Backsiphonage only Sizes 1/2" – 2"	ASSE 1020, CSA B64.1.2-
Reduced pressure principle backflow prevention assembly and reduced pressure principle fire protection backflow assembly-	High or low hazard-	Backpressure or backsiphonage Sizes 3/8" – 16"	ASSE 1013, AWWA C511, CSA B64.4, CSAB64.4.1-
Reduced pressure detector fire protection backflow prevention assemblies-	High or low hazard- 15A-3-701160	Backpressure or backsiphonage (Fire Sprinkler Systems)	ASSE 1047-
Spill resistant vacuum breaker assembly-	High or low hazard-	Backsiphonage only Sizes 1/2" – 2"	ASSE 1056-
<b>BACKFLOW PREVENTER PLUMBING DEVICES:-</b>			
Antisiphon type fill valves for gravity water closet flush tanks-	High hazard-	Backsiphonage only-	ASSE 1002, CSA B125.3-
Backflow preventer for carbonated beverage machines-	Low hazard-	Backpressure or backsiphonage Sizes 1/4" – 3/8"	ASSE 1022-

Backflow preventer with intermediate atmospheric vents-	Low hazard-	Backpressure or backsiphonage Sizes 1/4" - 3/8"	ASSE 1012, CSA B64.3-
Dual check-valve type backflow preventers-	Low hazard-	Backpressure or backsiphonage Sizes 1/4" - 1"	ASSE 1024, CSA B64.6-
Hose connection backflow preventer-	High or low hazard-	Backsiphonage only Sizes 1/2" - 1"	ASSE 1052, CSA B64.2, B64.2.1-
Hose connection vacuum breaker-	High or low hazard-	Backsiphonage only Sizes 1/2", 3/4", 1"	ASSE 1011, CAN/CSA B64.1.1-
Atmospheric type vacuum breaker-	High or low hazard-	Backsiphonage only Sizes 1/2" - 4"	ASSE 1001, CSA B64.1.1-
Vacuum breaker wall hydrants, frost resistant, automatic draining type-	High or low hazard-	Backsiphonage only Sizes 3/4", 1"	ASSE 1019, CSA B64.2.2-

OTHER MEANS or METHODS:-

Air gap-	High or low hazard-	Backsiphonage only-	ASME A112.1.2-
Air gap fittings for use with plumbing fixtures, appliances and appurtenances-	High or low hazard-	Backpressure or backsiphonage-	ASME A112.1.3-

For SI: 1 inch = 25.4 mm-

a. Low Hazard - See Pollution (Section 202), High Hazard - See Contamination (Section 202)

b. See Backpressure (Section 202), See Backpressure, low head (Section 202), See Backsiphonage Section 202)

Installation Guidelines: The above specialty devices shall be installed in accordance with their listing and the manufacturer's instructions and the specific provisions of this chapter." ]

- (5) In IRC, Section P2902.1, the following subsections are added as follows:  
 "P2902.1.1 General Installation Criteria. Assemblies shall not be installed more than five feet above the floor unless a permanent platform is installed. The assembly owner, where necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to insure the safety of the backflow technician.

P2902.1.2 Specific installation criteria:

P2902.1.2.1 Reduced Pressure Principle Backflow Prevention Assembly. The reduced pressure principle backflow prevention assembly shall be installed as follows:

- a. Shall NOT be installed in a pit.
- b. The relief valve of the reduced pressure principle backflow prevention assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents.
- c. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation in accordance with Section 303.4
- d. The bottom of each RP assembly shall be installed a minimum of 12 inches above the floor or ground.
- e. The body of the RP assembly shall be a minimum of 12 inches from any walls, ceiling, or obstacle and shall be readily accessible for testing, repair and maintenance.

P2902.1.2.2 Double Check Valve Backflow Prevention Assembly. Double check valve backflow prevention assembly shall be installed as follows:

- a. Shall be installed in a horizontal position only unless listed or approved for vertical installation.
- b. The bottom of the DC assembly shall be a minimum of 12 inches above the ground or floor. The body of the DC assembly shall be a minimum of 12 inches from any walls, ceilings, or obstacle and shall be readily accessible for testing, repair and maintenance.
- c. If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance.

P2902.1.2.3 Pressure Vacuum Break Assembly and Spill Resistant Pressure Vacuum Breaker Assembly. Pressure vacuum break assemblies and spill resistant pressure vacuum breaker assemblies shall be installed as follows:

- a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.
- b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.
- c. The PVB or SVB shall be a minimum of 12 inches from walls, ceiling, or obstacle and shall be readily accessible for testing, repair and maintenance.
- d. Shall not be installed below ground or in a vault or pit.
- e. Shall be installed in a vertical position only."

(6) IRC, Section P2910.5, is deleted and replaced with the following: "P2910.5 Potable water connections. When a potable system is connected to a nonpotable water system, the potable water system shall be protected against backflow by a reduced pressure backflow prevention assembly or an air gap installed in accordance with Section 2901."

(7) IRC, Section P2910.9.5, is deleted and replaced with the following: " Makeup water. Where an uninterrupted nonpotable water supply is required for the intended application, potable or reclaimed water shall be provided as a source of makeup water for the storage tank. The make-up water supply shall be protected against backflow by means of an air gap not less than 4 inches (102 mm) above the overflow or by a reduced pressure backflow prevention assembly installed in accordance with Section 2902."

(8) In IRC, Section P2911.12.4, the following words are deleted: "and backwater valves".

(9) In IRC, Section P2912.15.6, the following words are deleted: "and backwater valves".

(10) In IRC, Section P2913.4.2, the following words are deleted: "and backwater valves".

(11) IRC, Section P3009 is deleted and replaced with the following: "P3009 Connected to nonpotable water from on-site water reuse systems. Nonpotable systems utilized for subsurface irrigation for single family residences shall comply with the requirements of R317-401, UAC, Gray Water Systems.

[(6) In IRC, Section P3009.1, all words after the word "urinals" are deleted and the following sentence is added at the end: "Gray water recycling systems for subsurface landscape irrigation shall conform with UAC R317-401-Gray Water Systems."]

[(7) A new IRC, Section P3009.1.1, is added as follows: "P3009.1.1 Recording. The existence of a gray water recycling system shall be recorded on the deed of ownership for that property. The certificate of occupancy shall not be issued until the documentation of the recording required under this section is completed by the owner."]

[(8) In IRC, Section P3009.2, the words "and systems for subsurface landscape irrigation shall comply with Section P3009.14" are deleted.]

[(9) IRC, Section P3009.6, is deleted and replaced with the following: "P3009.6 Potable water connections. The potable water supply to any building utilizing a gray water recycling system shall be protected against backflow by a reduced pressure backflow prevention assembly installed in accordance with Section P2902."]

[(10) In IRC, Section P3009.7, the following is added at the end of the sentence: "and other clear water wastes which have a pH of 6.0 to 9.0; are non-flammable, non-combustible; without objectionable odor; non-highly pigmented; and will not interfere with the operation of the sewer treatment facility."]

[(11) In IRC, Section P3009.13.3, in the second sentence, the following is added between the words "backflow" and "in": "by a reduced pressure backflow prevention assembly or an air gap installed".]

[(12) IRC, Section P3009.14, is deleted and replaced with the following: "Section P3009.14 LANDSCAPE IRRIGATION SYSTEMS. Gray water recycling systems utilized for subsurface irrigation for single family residences shall comply with the requirements of UAC R317-401, Gray Water Systems. Gray water recycling systems utilized for subsurface irrigation for other

occupancies shall comply with UAC R317-3, Design Requirements for Wastewater Collection, Treatment and Disposal and UAC R317-4, Onsite Waterwaste Systems."

~~(13)~~(12) In IRC, Section P3103.6, the following sentence is added at the end of the paragraph: "Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward."

~~(14)~~(13) In IRC, Section P3104.4, the following sentence is added at the end of the paragraph: "Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink installations when installed below grade in accordance with Chapter 30, and Sections P3104.2 and P3104.3. A wall cleanout shall be provided in the vertical vent."

**15A-3-206. Amendments to Chapters 36 and 44 of IRC.**

(1) In IRC Section E3901.9 the following exception is added: "Exception: Receptacles or other outlets adjacent to the exterior walls of the garage or outlets in storage rooms with entry from the garage shall be permitted to be connected to the garage branch circuit."

~~(4)~~(2) In IRC, Section E3902.~~[42]~~16, the following words are deleted: "family rooms, dining rooms, living rooms, parlors, libraries, dens, sunrooms, recreation rooms, closets, hallways, and similar rooms or areas. Exception: This section does not apply for a simple move or an extension of a branch circuit or an outlet which does not significantly increase the existing electrical load. This exception does not include changes involving remodeling or additions to a residence."

~~(2)~~(3) IRC, Chapter 44, is amended by adding the following reference standard:

"Standard reference Number	Title	Referenced in code section number
USC-FCCCHR 10th Edition Manual of Cross Connection Control	Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531	Table P2902.3"

**15A-3-301. General provision.**

**15A-3-302. Amendments to Chapters 1 and 2 of IPC.**

(1) A new IPC, Section ~~[404.2]~~101.2.1, is added as follows: "For clarification, the International Private Sewage Disposal Code is not part of the plumbing code even though it is in the same printed volume."

(2) In IPC, Section 202, the definition for "Backflow Backpressure, Low Head" is deleted.

(3) In IPC, Section 202, the following definition is added: "Certified Backflow Preventer Assembly Tester. A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Utah Code, Subsection 19-4-104(4)."

(4) In IPC, Section 202, the following definition is added: "Contamination (High Hazard). An impairment of the quality of the potable water that creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids or waste."

(5) In IPC, Section 202, the definition for "Cross Connection" is deleted and replaced with the following: "Cross Connection. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas, or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow")."

(6) In IPC, Section 202, the following definition is added: "Deep Seal Trap. A manufactured or field fabricated trap with a liquid seal of 4" or larger."

~~(7)~~ In IPC, Section 202, the definition for "Essentially Nontoxic Transfer Fluid" is deleted and replaced with the following: "Essentially Nontoxic Transfer Fluid. Fluids including propylene glycol or mineral oil."

~~(8)~~ In IPC, Section 202, the definition for "Essentially Toxic Transfer Fluid" is deleted and replaced with the following: "Essentially Toxic Transfer Fluid. Soil, waste or gray water and fluids not defined by this code as an essentially nontoxic transfer fluid."

~~(7)~~ In IPC, Section 202, in the definition for gray water a comma is inserted after the word "washers"; the word "and" is deleted; and the following is added to the end: "and clear water wastes which have a pH of 6.0 to 9.0; are non-flammable; non-combustible; without objectionable odors; non-highly pigmented; and will not interfere with the operation of the sewer treatment facility."

~~(8)~~(9) In IPC, Section 202, the following definition is added: "High Hazard. See Contamination."

~~(9)~~(10) In IPC, Section 202, the following definition is added: "Low Hazard. See Pollution."

[(10)](11) In IPC, Section 202, the following definition is added: "Pollution (Low Hazard). An impairment of the quality of the potable water to a degree that does not create a hazard to the public health but that does adversely and unreasonably affect the aesthetic qualities of such potable water for domestic use."

[(11)](12) In IPC, Section 202, the definition for "Potable Water" is deleted and replaced with the following: "Potable Water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Utah Code, Title 19, Chapters 4, Safe Drinking Water Act, and 5, Water Quality Act, and the regulations of the public health authority having jurisdiction."

### 15A-3-303. Amendments to Chapter 3 of IPC.

(1) In IPC, Section 303.4, the following exception is added: "Exception: Third-party certification for backflow prevention assemblies will consist of any combination of two certifications, laboratory or field. Acceptable third party laboratory certifying agencies are ASSE, IAPMO, and USC-FCCCHR. USC-FCCCHR currently provides the only field testing of backflow protection assemblies. Also see [www.drinkingwater.utah.gov](http://www.drinkingwater.utah.gov) and Division of Drinking Water Rule, Utah Administrative Code, R309-305-6."

[(2) IPC, Section 304.3, Meter Boxes, is deleted.]

(2) IPC, Section 307.5, Protection of footings, is deleted.

(3) IPC, Section 311.1, is deleted. "See IBC"

(4) In IPC, Section 312.3, the following is added at the end of the paragraph:

"Where water is not available at the construction site or where freezing conditions limit the use of water on the construction site, plastic drainage and vent pipe may be permitted to be tested with air. The following procedures shall be followed:

1. Contractor shall recognize that plastic is extremely brittle at lower temperatures and can explode, causing serious injury or death.

2. Contractor assumes all liability for injury or death to persons or damage to property or for claims for labor and/or material arising from any alleged failure of the system during testing with air or compressed gasses.

3. Proper personal protective equipment, including safety eyewear and protective headgear, should be worn by all individuals in any area where an air or gas test is being conducted.

4. Contractor shall take all precautions necessary to limit the pressure within the plastic piping.

5. No ~~water supply~~ drain and vent system shall be pressurized in excess of 6 psi as measured by accurate gauges graduated to no more than three times the test pressure.

6. The pressure gauge shall be monitored during the test period, which should not exceed 15 minutes.

7. At the conclusion of the test, the system shall be depressurized gradually, all trapped air or gasses should be vented, and test balls and plugs should be removed with caution."

(5) In IPC, Section 312.5, the following is added at the end of the paragraph: "Where water is not available at the construction site or where freezing conditions limit the use of water on the construction site, plastic water pipes may be permitted to be tested with air. The following procedures shall be followed:

1. Contractor shall recognize that plastic is extremely brittle at lower temperatures and can explode, causing serious injury or death.

2. Contractor assumes all liability for injury or death to persons or damage to property or for claims for labor and/or material arising from any alleged failure of the system during testing with air or compressed gasses.

3. Proper personal protective equipment, including safety eyewear and protective headgear, should be worn by all individuals in any area where an air or gas test is being conducted.

4. Contractor shall take all precautions necessary to limit the pressure within the plastic piping.

5. Water supply systems shall be pressure tested to a minimum of 50 psi but not more than 80 psi as measured by accurate gauges graduated to no more than three times the test pressure.

6. The pressure gauge shall be monitored during the test period, which should not exceed 15 minutes.

7. At the conclusion of the test, the system shall be depressurized gradually, all trapped air or gasses should be vented, and test balls and plugs should be removed with caution."

(6) A new IPC, Section 312.10.3, is added as follows: "312.10.3 Tester Qualifications. Testing shall be performed by a Utah Certified Backflow Preventer Assembly Tester in accordance with Utah Administrative Code, R309-305."

### 15A-3-304. Amendments to Chapter 4 of IPC.

(1) In IPC, Table 403.1, the following changes are made:

(a) The title for Table 403.1 is deleted and replaced with the following: "Table 403.1, Minimum Number of Required Plumbing ~~Facilities~~ Fixtures a, h";

(b) In ~~the~~ row number "3" for "E" occupancy in the field for "OTHER" a new footnote [i]g is added.

(c) In the row number "5" for "I-4 Adult day care and child day care" occupancy in the field for "OTHER" a new footnote [i]g is added.

(d) A new footnote [h]f is added as follows: "FOOTNOTE: [h]f. When provided, in public toilet facilities there shall be an equal number of diaper changing facilities in male toilet rooms and female toilet rooms. Diaper changing facilities shall meet the

requirements of ASTM F2285-04 (2010) Standard Consumer Safety Performance Specifications for Diaper Changing Tables for Commercial Use".

(e) A new footnote [i]g is added to the table as follows: "FOOTNOTE [i]g: Non-residential child care facilities shall comply with the additional sink requirements of Utah Administrative Code R430-100-4."

(2) A new IPC, Section 406.3, is added as follows: "406.3 Automatic clothes washer safe pans. Safe pans, when installed under automatic clothes washers, shall be installed in accordance with Section 504.7."

(3) A new IPC, Section 412.5, is added as follows: "412.5 Public toilet rooms. All public toilet rooms in A & E occupancies and M occupancies with restrooms having multiple water closets or urinals shall be equipped with at least one floor drain."

(4) IPC, Section 423.3 is deleted.

**15A-3-305. Amendments to Chapter 5 of IPC.**

(1) IPC, Section 502.4, is deleted and replaced with the following: "502.4 Seismic supports. ~~[Appliances designed to be fixed in position shall be fastened or anchored in an approved manner.]~~ As a minimum requirement, [W]water heaters shall be anchored or strapped to resist horizontal displacement caused by earthquake motion. Strapping shall be at points within the upper one-third and lower one-third of the appliance's vertical dimensions. [At the lower point, the strapping shall maintain a minimum distance of 4 inches (102 mm) above the controls]."

(2) In IPC, Section 504.7.2, the following is added at the end of the section: "When permitted by the code official, the pan drain may be directly connected to a soil stack, waste stack, or branch drain. The pan drain shall be individually trapped and vented as required in Section 907.1. The pan drain shall not be directly or indirectly connected to any vent. The trap shall be provided with a trap primer conforming to ASSE 1018 or ASSE 1044, a barrier type floor drain trap seal protection device meeting ASSE 1072, or a deep seal p-trap."

(3) A new IPC, Section 504.7.3, is added as follows: "504.7.3 Pan Designation. A water heater pan shall be considered an emergency receptor designated to receive the discharge of water from the water heater only and shall not receive the discharge from any other fixtures, devices, or equipment."

**15A-3-306. Amendments to Chapter 6 of IPC.**

(1) IPC, Section 602.3, is deleted and replaced with the following: "602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Utah Code, Sections 73-3-1, 73-3-3, and 73-3-25, as of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction. The source shall supply sufficient quantity of water to comply with the requirements of this chapter."

(2) IPC, Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5, and 602.3.5.1, are deleted.

(3) A new IPC, Section 604.4.1, is added as follows: "604.4.1 Manually operated metering faucets for food service establishments. Self closing or manually operated metering faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet."

(4) IPC, Section 606.5, is deleted and replaced with the following: "606.5 Water pressure booster systems. Water pressure booster systems shall be provided as required by Section 606.5.1 through 606.5.11."

(5) A new IPC, Section 606.5.11, is added as follows: "606.5.11 Prohibited installation. In no case shall a booster pump be allowed that will lower the pressure in the public main to less than the minimum water pressure specified in Utah Administrative Code R309-105-9."

(6) In IPC, Section 608.1, the words "and pollution" are added after the word "contamination."

(7) [IPC, Table 608.1, is deleted and replaced with the following:

"TABLE 608.1  
Application of Backflow Preventers

DEVICE-	DEGREE OF HAZARDa-	APPLICATIONb-	APPLICABLE STANDARDS-
BACKFLOW PREVENTION ASSEMBLIES:-			
Double check backflow prevention assembly and double check fire protection backflow prevention assembly-	Low hazard-	Backpressure or backsiphonage Sizes 3/8" – 16"	ASSE 1015, AWWA C510, CSA B64.5, CSA B64.5.1-
Double check detector fire protection backflow prevention assemblies-	Low hazard	Backpressure or backsiphonage Sizes 3/8" – 16"	ASSE 1048-
Pressure vacuum breaker assembly-	High or low hazard-	Backsiphonage only Sizes 1/2" – 2"	ASSE 1020, CSA B64.1.2-
Reduced pressure principle backflow prevention assembly and reduced pressure principle fire protection backflow assembly-	High or low hazard-	Backpressure or backsiphonage Sizes 3/8" – 16"	ASSE 1013, AWWA C511, CSA B64.4, CSAB64.4.1-
Reduced pressure detector fire protection backflow prevention assemblies-	High or low hazard-	Backpressure or backsiphonage (Fire Sprinkler Systems)	ASSE 1047-
Spill resistant vacuum breaker assembly-	High or low hazard-	Backsiphonage only Sizes 1/2" – 2"	ASSE 1056-
BACKFLOW PREVENTER PLUMBING DEVICES:-			

Antisiphon type fill valves for gravity water closet flush tanks	High hazard	Backsiphonage only	ASSE 1002, CSA B125.3
Backflow preventer for carbonated beverage machines	Low hazard	Backpressure or backsiphonage Sizes 1/4" - 3/8"	ASSE 1022
Backflow preventer with intermediate atmospheric vents	Low hazard	Backpressure or backsiphonage Sizes 1/4" - 3/8"	ASSE 1012, CSA B64.3
Dual check valve type backflow preventers	Low hazard	Backpressure or backsiphonage Sizes 1/4" - 1"	ASSE 1024, CSA B64.6
Hose connection backflow preventer	High or low hazard	Backsiphonage only Sizes 1/2" - 1"	ASSE 1052, CSA B64.2, B64.2.1
Hose connection vacuum breaker	High or low hazard	Backsiphonage only Sizes 1/2", 3/4", 1"	ASSE 1011, CAN/CSA B64.1.1
Atmospheric type vacuum breaker	High or low hazard	Backsiphonage only Sizes 1/2" - 4"	ASSE 1001, CSA B64.1.1
Vacuum breaker wall hydrants, frost resistant, automatic draining type	High or low hazard	Backsiphonage only Sizes 3/4", 1"	ASSE 1019, CSA B64.2.2

OTHER MEANS or METHODS:-

Air gap	High or low hazard	Backsiphonage only	ASME A112.1.2
Air gap fittings for use with plumbing fixtures, appliances and appurtenances	High or low hazard	Backpressure or backsiphonage	ASME A112.1.3

For SI: 1 inch = 25.4 mm

a. ~~Low Hazard – See Pollution (Section 202), High Hazard – See Contamination (Section 202)~~

b. ~~See Backpressure (Section 202), See Backpressure, low head (Section 202), See Backsiphonage Section 202)~~

~~Installation Guidelines: The above specialty devices shall be installed in accordance with their listing and the manufacturer's instructions and the specific provisions of this chapter."~~

In IPC, Section 608.1, the following subsections are added as follows:

608.1.1 General Installation Criteria. Assemblies shall not be installed more than five (5) feet above the floor unless a permanent platform is installed. The assembly owner, where necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to insure the safety of the backflow technician.

608.1.2 Specific installation criteria:

608.1.2.1 Reduced Pressure Principle Backflow Prevention Assembly. The reduced pressure principle backflow prevention assembly shall be installed as follows:

a. Shall NOT be installed in a pit.

b. The relief valve of the reduced pressure principle backflow prevention assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents.

c. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation in accordance with Section 303.4

d. The bottom of each RP assembly shall be installed a minimum of 12 inches above the floor or ground.

e. The body of the RP assembly shall be a minimum of 12 inches from any walls, ceiling, or obstacle and shall be readily accessible for testing, repair and maintenance.

608.1.2.2 Double Check Valve Backflow Prevention Assembly. Double check valve backflow prevention assembly shall be installed as follows:

a. Shall be installed in a horizontal position only unless listed or approved for vertical installation.

b. The bottom of the DC assembly shall be a minimum of 12 inches above the ground or floor. The body of the DC assembly shall be a minimum of 12 inches from any walls, ceilings, or obstacle and shall be readily accessible for testing, repair and maintenance.

c. If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance.

608.1.2.3 Pressure Vacuum Break Assembly and Spill Resistant Pressure Vacuum Breaker Assembly. Pressure vacuum break assemblies and spill resistant pressure vacuum breaker assemblies shall be installed as follows:

a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.

b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.

c. The PVB or SVB shall be a minimum of 12 inches from walls, ceiling, or obstacle and shall be readily accessible for testing, repair and maintenance.

d. Shall not be installed below ground or in a vault or pit.

e. Shall be installed in a vertical position only.

(8) In IPC, Section 608.3, the word "and" after the word "contamination" is deleted and replaced with a comma and the words "and pollution" are added after the word "contamination" in the first sentence.

(9) In IPC, Section 608.5, the words "with the potential to create a condition of either contamination or pollution or" are added after the word "substances".

(10) In IPC, Section 608.6, the following sentence is added at the end of the paragraph: "Any connection between potable water piping and sewer-connected waste shall be protected by an air gap in accordance with Section 608.13.1."

(11) IPC, Section 608.7, is deleted and replaced with the following: "608.7 Stop and Waste Valves installed below grade. Combination stop-and-waste valves shall be permitted to be installed underground or below grade. Freeze proof yard hydrants that drain the riser into the ground are considered to be stop-and-waste valves and shall be permitted. Stop and waste valves shall be installed in accordance with manufacture's recommended installation instructions."

(12) In IPC, Section 608.11, the following sentence is added at the end of the paragraph: "The coating and installation shall conform to NSF Standard 61 and application of the coating shall comply with the manufacturer's instructions."

(13) IPC, Section 608.13.3, is deleted and replaced with the following: "608.13.3 Backflow preventer with intermediate atmospheric vent. Backflow preventers with intermediate atmospheric vents shall conform to ASSE 1012 or CSA CAN/CSA-B64.3. These devices shall be permitted to be installed on residential boilers only, without chemical treatment, where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged."

(14) IPC, Section 608.13.4, is deleted.

(15) IPC, Section 608.13.9, is deleted and replaced with the following: "608.13.9 Chemical dispenser backflow devices. Backflow devices for chemical dispensers shall comply with Section 608.16.7."

(16) IPC, Section 608.15.3, is deleted and replaced with the following: "608.15.3 Protection by a backflow preventer with intermediate atmospheric vent. Connections to residential boilers only, without chemical treatment, shall be protected by a backflow preventer with an intermediate atmospheric vent."

(17) IPC, Section 608.15.4, is deleted and replaced with the following: "608.15.4 Protection by a vacuum breaker. Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors. Fill valves shall be set in accordance with Section 425.3.1. Atmospheric Vacuum Breakers - The critical level of the atmospheric vacuum breaker shall be set a minimum of 6 inches (152 mm) above the flood level rim of the fixture or device. Pipe-applied vacuum breakers shall be installed not less than 6 inches (152 mm) above the flood level rim of the fixture, receptor, or device served. No valves shall be installed downstream of the atmospheric vacuum breaker. Pressure Vacuum Breaker - The critical level of the pressure vacuum breaker shall be set a minimum of 12 inches (304 mm) above the flood level of the fixture or device."

(18) In IPC, Section 608.15.4.2, the following is added after the first sentence: "Add-on-backflow prevention devices shall be non-removable. In climates where freezing temperatures occur, a listed self-draining frost proof hose bibb with an integral backflow preventer shall be used."

(19) IPC, Section 608.16.2, is deleted and replaced as follows: "608.16.2 Connections to boilers. The potable supply to a boiler shall be protected by an air gap or a reduced pressure principle backflow preventer, complying with ASSE 1013, CSA B64.4 or AWWA C511. Exception: The potable supply to a residential boiler without chemical treatment may be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA CAN/CSA-B64.3."

~~[(20) IPC, Section 608.16.3, is deleted and replaced with the following: "608.16.3 Heat exchangers. Heat exchangers shall be separated from potable water by double wall construction. An air gap open to the atmosphere shall be provided between the two walls.~~

~~Exceptions:~~

~~1. Single wall heat exchangers shall be permitted when all of the following conditions are met:~~

~~a. It utilizes a heat transfer medium of potable water or contains only substances which are recognized as safe by the United States Food and Drug Administration (FDA);~~

~~b. The pressure of the heat transfer medium is maintained less than the normal minimum operating pressure of the potable water system; and~~

~~c. The equipment is permanently labeled to indicate only additives recognized as safe by the FDA shall be used.~~

~~2. Steam systems that comply with paragraph 1 above.~~

~~3. Approved listed electrical drinking water coolers."~~

[(21)](20) In IPC, Section 608.16.4.1, a new exception is added as follows: "Exception: All class 1 and 2 systems containing chemical additives consisting of strictly glycerine (C.P. or U.S.P. 96.5 percent grade) or propylene glycol shall be protected against backflow with a double check valve assembly. Such systems shall include written certification of the chemical additives at the time of original installation and service or maintenance."

[(22)](21) IPC, Section 608.16.7, is deleted and replaced with the following: "608.16.7 Chemical dispensers. Where chemical dispensers connect to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8. Installation shall be in accordance with 608.1.2. Chemical dispensers shall connect to a separate dedicated water supply line, not a [separate from any] sink faucet."

[(23)](22) IPC, Section 608.16.8, is deleted and replaced with the following: "608.16.8 Portable cleaning equipment. Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1 ~~or~~ Section 608.13.2 ~~[or Section 608.13.8].~~"

[(24)](23) A new IPC, Section 608.16.11, is added as follows: "608.16.11 Automatic and coin operated car washes. The water supply to an automatic or coin operated car wash shall be protected in accordance with Section 608.13.1 or Section 608.13.2."

[(25)](24) IPC, Section 608.17, is deleted and replaced with the following: "608.17 Protection of individual water supplies. See Section 602.3 for requirements."

### 15A-3-308. Amendments to Chapter 8 of IPC.

~~[IPC, Chapter 8, is not amended.]~~

~~(1) In IPC, Section 802.1.1, the last sentence is deleted.~~

### 15A-3-310. Amendments to Chapter 10 of IPC.

~~IPC Chapter 10 is not amended.~~

~~[In IPC, Section 1002.4, the following is added at the end of the paragraph:]~~

~~["Approved Means of Maintaining Trap Seals. Approved means of maintaining trap seals include the following, but are not limited to the methods cited:~~

~~1. A listed trap seal primer conforming to ASSE 1018 and ASSE 1044.~~

- ~~2. A hose bibb or bibbs within the same room.~~
- ~~3. Drainage from an untrapped lavatory discharging to the tailpiece of those fixture traps which require priming. All fixtures shall be in the same room and on the same floor level as the trap primer.~~
- ~~4. Barrier type floor drain trap seal protection device meeting ASSE Standard 1072.~~
- ~~5. Deep seal p-trap".]~~

**15A-3-311. Amendments to Chapter 11 of IPC.**

~~[(1) IPC, Section 1104.2, is deleted and replaced with the following: "1104.2 Combining storm and sanitary drainage prohibited. The combining of sanitary and storm drainage systems is prohibited."]~~

~~(1) A new IPC, Section 1106.1.1, is added as follows: "1106.1.1 Alternate Methods. Approved alternate storm drain sizing methods may be allowed."~~

~~(2) IPC, Section 1109, is deleted.~~

**15A-3-312. Amendments to Chapter 12 of IPC.****15A-3-313. Amendments to Chapter 13 of IPC.**

~~[(1) In IPC, Section 1301.1, all words after the word "urinals" are deleted and the following sentence is added at the end: "Gray water recycling systems for subsurface landscape irrigation shall conform with UAC R317-401 Gray Water Systems."]~~

~~[(2) A new IPC, Section 1301.1.1, is added as follows: "1301.1.1 Recording. The existence of a gray water recycling system shall be recorded on the deed of ownership for that property. The certificate of occupancy shall not be issued until the documentation of the recording required under this section is completed by the owner."]~~

~~[(3) In IPC, Section 1301.2, the words "and systems for subsurface landscape irrigation shall comply with Section 1303" are deleted. ]~~

~~[(4) IPC, Section 1301.6, is deleted and replaced with the following: "1301.6 Potable water connections. The potable water supply to any building utilizing a gray water recycling system shall be protected against backflow by a reduced pressure backflow prevention assembly installed in accordance with Section 608."]~~

~~[(5) In IPC, Section 1301.7, the following is added at the end of the sentence: "and other clear water wastes which have a pH of 6.0 to 9.0; are non-flammable, non-combustible; without objectionable odor; non-highly pigmented; and will not interfere with the operation of the sewer treatment facility."]~~

~~[(6) In IPC, Section 1302.3, in the second sentence, the following is added between the words "backflow" and "in": "by a reduced pressure backflow prevention assembly or an air gap installed".]~~

~~[(7) IPC, Section 1303, is deleted and replaced with the following: "Section 1303 SUBSURFACE LANDSCAPE IRRIGATION SYSTEMS. Gray water recycling systems utilized for subsurface irrigation for single family residences shall comply with the requirements of UAC R317-401, Gray Water Systems. Gray water recycling systems utilized for subsurface irrigation for other occupancies shall comply with UAC R317-3, Design Requirements for Wastewater Collection, Treatment and Disposal and UAC R317-4, Onsite Waterwaste Systems."]~~

~~(1) A new IPC, Section 1301.4.1 is added as follows: "1301.4.1 Recording. The existence of a non-potable water system shall be recorded on the deed of ownership for the property. The certificate of occupancy shall not be issued until the documentation for the recording required under this section is completed by the property owner."~~

~~(2) IPC, Section 1301.5, is deleted and replaced with the following: 1301.5 Potable water connections. Where a potable system is connected to a non-potable water system, the potable water supply shall be protected against backflow by a reduced pressure backflow prevention assembly or an air gap installed in accordance with Section 608.~~

~~(3) IPC, Section 1301.9.5, is deleted and replaced with the following: 1301.9.5 Makeup water. Where an uninterrupted supply is required for the intended application, potable or reclaimed water shall be provided as a source of makeup water for the storage tank. The makeup water supply shall be protected against backflow by a reduced pressure backflow prevention assembly or an air gap installed in accordance with Section 608. A full-open valve located on the makeup water supply line to the storage tank shall be provided. Inlets to the storage tank shall be controlled by fill valves or other automatic supply valves installed to prevent the tank from overflowing and to prevent the water level from dropping below a predetermined point. Where makeup water is provided, the water level shall not be permitted to drop below the source water inlet or the intake of any attached pump.~~

~~(4) IPC, Section 1302.12.4, is deleted and replaced with the following: 1302.12.4 Inspection and testing of backflow prevention assemblies. The testing of backflow preventers shall be conducted in accordance with Section 312.10.1, 312.10.2, and 312.10.3.~~

~~(5) IPC, Section 1303.15.6, is deleted and replaced with the following: Inspection and testing of backflow prevention assemblies. The testing of backflow preventers shall be conducted in accordance with Section 312.110.1, 312.10.2, and 312.10.3.~~

~~(6) IPC, Section 1304.4.2, is deleted and replaced with the following: The testing of backflow preventers and backwater valves shall be conducted in accordance with Section 312.10.1, 312.10.2, and 312.10.3.~~

**15A-3-314. Amendments to Chapter 14 of IPC.**

(1) ~~IPC, Chapter 14, is deleted and replaced with the following "Section 1401. SUBSURFACE LANDSCAPE IRRIGATION SYSTEMS. Gray water recycling systems utilized for subsurface irrigation for single family residences shall comply with the requirements of UAC R317-401, Gray Water Systems. Gray water recycling systems utilized for subsurface irrigation for other occupancies shall comply with UAC R317-3, Design Requirements for Wastewater Collection, Treatment and Disposal and UAC R317-4, Onsite Waterwaste Systems."~~

**15A-3-315. Amendments to Chapter 15 of IPC.**

(1) ~~In IPC, Chapter 14, the following referenced standard is added under ASSE:~~

Standard reference number	Title	Referenced in code section number
1072-2007	Performance Requirements for Barrier Type Floor Drain Trap Seal Protection Devices]	1004.2"

[(2)](1) In IPC, Chapter [44]15, the following referenced standard is added:

Standard reference number	Title	Referenced in code section number
USC-FCCCHR 10th Edition Manual of Cross Connection Control	Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531	Table 608.1"

[(3)] ~~IPC, Appendix C, is deleted and replaced with the following Appendix C, Gray Water Recycling]~~

**15A-3-401. General provisions.**

The following are adopted as amendments to the IMC to be applicable statewide:

[(1)] ~~In IMC, Section 202, the definition for "CONDITIONED SPACE" is deleted and replaced with the following: "CONDITIONED SPACE. An area, room, or space enclosed within the building thermal envelope that is directly heated or cooled, or indirectly heated or cooled by any of the following means:~~

- ~~1. Openings directly into an adjacent conditioned space.~~
- ~~2. An un-insulated floor, ceiling or wall adjacent to a conditioned space.~~
- ~~3. Un insulated duct, piping or other heat or cooling source within the space."~~

[(2)] ~~In IMC, Section 403.2.1, Item 3, is deleted and replaced with the following: "Except as provided in Table 403.3, Note h, where mechanical exhaust is required by Note b in Table 403.3, recirculation of air from such spaces is prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required by Table 403.3."~~

[(3)] ~~In IMC, Table 403.3, Note b, is deleted and replaced with the following: "Except as provided in Note h, mechanical exhaust required and the recirculation of air from such spaces is prohibited (see Section 403.2.1, Item 3)."~~

[(4)] ~~In IMC, Table 403.3, Note h is deleted and replaced with the following:~~

~~"1. For a nail salon where a nail technician files or shapes an acrylic nail, as defined by rule by the Division of Occupational and Professional Licensing, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, each nail station where a nail technician files or shapes an acrylic nail shall be provided with:~~

- ~~a. a source capture system capable of filtering and recirculating air to inside space not less than 50 cfm per station; or~~
- ~~b. a source capture system capable of exhausting not less than 50 cfm per station."~~

~~2. Except as provided in paragraph 3, the requirements described in paragraph 1 apply beginning on July 1, 2020.~~

~~3. The requirements described in paragraph 1 apply beginning on July 1, 2014 if the nail salon is under or begins new construction or remodeling on or after July 1, 2014.]~~

[(5)] ~~In IMC, Section 403, a new Section 403.8 is added as follows: "Retrospective effect. Removal, alteration, or abandonment shall not be required, and continued use and maintenance shall be allowed, for a ventilation system within an existing installation that complies with the requirements of this Section 403 regardless of whether the ventilation system satisfied the minimum ventilation rate requirements of prior law."~~

[(6) — In IMC, Table 603.4, in the section "Round ducts and enclosed rectangular ducts", the word "enclosed" is deleted; the words "14 inches or less" are deleted and replaced with "over 8 inches but less than 15 inches"; the wording "8 inches or less" under duct size, "0.013" under minimum thickness (in.), "30" under equivalent gage no., and "0.0159" under aluminum minimum thickness (in.), are added; and the section "Exposed rectangular ducts" is deleted. ]

[(7)](1) In IMC, Section 1004.2, the first sentence is deleted and replaced with the following: "In accordance with Utah Code Annotated, Title 34A, Chapter 7, and Utah Administrative Code, Title R616, Chapter 2, [B]boilers and pressure vessels in Utah are regulated by the Utah Labor Commission, Division of Boiler, Elevator and Coal Mine Safety, except those located in private residences or in apartment houses of less than five family units. Boilers shall be installed in accordance with their listing and labeling, with minimum clearances as prescribed by the manufacturer's installation instructions and the state boiler code, whichever is greater."

[(8)](2) In IMC, Section 1004.3.1, the word "unlisted" is inserted before the word "boilers".

[(9)](3) IMC, Section 1101.10, is deleted.

(4) In IMC, Section 1209.3, the following words are added at the end of the section: "or other methods approved for the application."

### **15A-3-501. General provisions.**

The following are adopted as an amendment to the IFGC to be applicable statewide:

(1) In IFGC, Section 404.9, a new Section 404.9.1, is added as follows: "404.9.1 Meter protection. Fuel gas services shall be in an approved location and/or provided with structures designed to protect the fuel gas meter and surrounding piping from physical damage, including falling, moving, or migrating ice and snow. If an added structure is used, it must still provide access for service and comply with the IBC or the IRC."

(2) IFGC, Section 409.5.3, is deleted.

(3) In IFGC, Section 631.2, the following sentence is inserted before the first sentence: "In accordance with Utah Code Annotated, Title 34A, Chapter 7, and Utah Administrative Code, Title R616, Chapter 2, [B]boilers and pressure vessels in Utah are regulated by the Utah Labor Commission, Division of Boiler, Elevator and Coal Mine Safety, except those located in private residences or in apartment houses of less than five family units. Boilers shall be installed in accordance with their listing and labeling, with minimum clearances as prescribed by the manufacturer's installation instructions and the state boiler code, whichever is greater."

### **15A-3-601. General provision.**

The following are adopted as amendments to the NEC to be applicable statewide:

(1) The IRC provisions are adopted as the residential electrical standards applicable to installations applicable under the IRC. All other installations shall comply with the adopted NEC.

[(2) — In NEC, Section 310.15(B)(7), the second sentence is deleted and replaced with the following: "For application of this section, the main power feeder shall be the feeder(s) between the main disconnect and the panelboard(s)."]

(2) NEC Section 240.87(B) is modified to add the following as an additional approved equivalent means:

6. An instantaneous trip function set at or below the available fault current.

### **15A-3-701. General provisions.**

The following is adopted as an amendment to the IECC to be applicable statewide:

[(1) — In IECC, Section C202, the definition for "CONDITIONED SPACE" is deleted and replaced with the following: "CONDITIONED SPACE. An area, room or space enclosed within the building thermal envelope that is directly heated or cooled, or indirectly heated or cooled by any of the following means:

1. Openings directly into an adjacent conditioned space.

2. An un-insulated floor, ceiling or wall adjacent to a conditioned space.

3. Un-insulated duct, piping or other heat or cooling source within the space."]

[(2) — In IECC, Section C404.4, a new exception is added as follows: "Exception:

Heat traps, other than the arrangement of piping and fittings, shall be prohibited unless a means of controlling thermal expansion can be ensured as required in the IPC Section 607.3."]

(1) In IECC, Section C403.2.9.1.3, the words "by the designer" are deleted.

[(3)](2) In IECC, Section R103.2, all words after the words "herein governed." Are deleted and replaced with the following: "Construction documents include all documentation required to be submitted in order to issue a building permit."

[(4) — In IECC, Section R202, the definition for "CONDITIONED SPACE" is deleted and replaced with the following: "CONDITIONED SPACE. An area, room or space enclosed within the building thermal envelope that is directly heated or cooled, or indirectly heated or cooled by any of the following means:

1. Openings directly into an adjacent conditioned space.

SPECIAL NOTICES

- 2. An un-insulated floor, ceiling or wall adjacent to a conditioned space.
- 3. Un-insulated duct, piping or other heat or cooling source within the space.”]
- ([5]3) In IECC, Section R303.3, all wording after the first sentence is deleted.
- (4) In IECC, Section R401.2, a new number 4. is added as follows:

4. “Compliance may be shown by using the RESCheck “2012 Utah Energy Conservation Code” and showing compliance “10 percent better than code” as shown by the above referenced software.”

([6]5) In IECC, Table R402.1.[4]2 and Table R402.1.3, the rows for “climate zone 3”, “climate zone 5 and Marine 4, and climate zone 6” are deleted and replaced and]in the column entitled MASS WALL R-VALUE a new footnote j is added as follows: “j. Log walls complying with ICC400 and with a minimum average wall thickness of 5” or greater shall be permitted in Zones 5-8 when overall window glazing is .31 U-factor or lower, minimum heating equipment efficiency is 90 AFUE (gas) or 84 AFUE (oil), and all other component requirements are met.”

["TABLE R402.1.1

INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT<sup>a</sup>

CLIMATE ZONE	FENESTRATION U-FACTOR <sup>b</sup>	SKYLIGHT <sup>b</sup> U-FACTOR	GLAZED-FENESTRATION-SHGC <sup>b,c</sup>	CEILING-R-VALUE	WOOD-FRAME WALL-R-VALUE	MASS-WALL-R-VALUE <sup>i,j</sup>	FLOOR-R-VALUE	BASEMENT <sup>e</sup> WALL-R-VALUE	SLAB <sup>d</sup> R-VALUE & DEPTH	CRAWL-SPACE <sup>e</sup> WALL R-VALUE
3	0.65	0.65	0.40	30	15	5	19	0	0	5/13
5 and Marine 4	0.35	0.60	NR	38	19 or 13 + 5 <sup>h</sup>	13	30 <sup>g</sup>	10/13	10, 2 ft	10/13
6	0.35	0.60	NR	49	19 or 13 + 5 <sup>h</sup>	15	30 <sup>g</sup>	10/13	10, 4 ft	10/13

[j. Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in ones 5-8 when overall window glazing is .31 U-factor or lower, minimum heating equipment efficiency is 90 AFUE (gas) or 84 AFUE (oil), and all other component requirements are met.]

TABLE R402.1.3 EQUIVALENT U-FACTORS<sup>a</sup>

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT U-FACTOR	CEILING U-FACTOR	FRAME WALL U-FACTOR	MASS WALL U-FACTOR <sup>b</sup>	FLOOR U-FACTOR	BASEMENT WALL U-FACTOR	CRAWL-SPACE WALL U-FACTOR
3	0.65	0.65	0.035	0.082	0.141	0.047	0.360	0.136
5 and Marine 4	0.35	0.60	0.030	0.060	0.082	0.033	0.059	0.065
6	0.35	0.60	0.026	0.060	0.060	0.033	0.059	0.065]

- ([7) In IECC, Section R402.2.1, the last sentence is deleted.]
- ([8) In IECC, Section R402.2.2, the last sentence is deleted.]
- ([9) In IECC, Section R402.3.3, the last sentence is deleted.]
- ([10) In IECC, Section R402.3.4, the last sentence is deleted.]
- ([11]6) In IECC, Section R402.4.1, in the first sentence, the word "and" is deleted and replaced with the word "or".

[(12)7] In IECC, Section R402.4.1.1, the last sentence is deleted and replaced with the following: "Where allowed by the [building]code official, the builder may certify compliance to components criteria for items which may not be inspected during regularly scheduled inspections."

[(13)8] In IECC, Section R402.4.1.2, the following changes are made:

(a) In the first sentence, the words "in Climate Zones 1 and 2, and [3]three air changes per hour in Climate Zones 3 through 8" are deleted.

(b) In the third sentence, the [words "Where required by the building official," and the]word "third" [are]is deleted.

(c) The following sentence is inserted after the third sentence: "The following parties shall be approved to conduct testing: Parties certified by BPI or RESNET, or licensed contractors who have completed training provided by Blower Door Test equipment manufacturers or other comparable training."

[(14) In IECC, Section R402.4.4, the last sentence is deleted.]

[(15) In IECC, Section R403.2.2, the requirements for duct tightness testing are deleted and replaced with the following:

1. Postconstruction test: Total leakage shall be less than or equal to 10 cfm (283 L/min) per 100 square feet (9.29 m<sup>2</sup>) of conditioned floor space when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.

2. Rough-in test: Total leakage shall be less than or equal to 10 cfm (283 L/min) per 100 square feet (9.29 m<sup>2</sup>) of conditioned floor area when tested at a pressure differential of at least 0.1 inches w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure. All registers shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 7.5 cfm (212 L/min) per 100 square feet (9.29 m<sup>2</sup>) of conditioned floor area."

[(16)9] In IECC, Section R403.[2-2]3.3, the exception for [total]duct air leakage testing is deleted and replaced with the following: "Exception: The total leakage test is not required for systems with all air handlers and at least [50]65% of all ducts (measured by length) located entirely within the building thermal envelope."

(10) In IECC, Section R403.3.3 the following is added after the exception: "The following parties shall be approved to conduct testing: Parties certified by BPI or RESNET, or licensed contractors who have completed training provided by Duct Test equipment manufacturers or other comparable training."

(11) In IECC, Section R403.3.4, in subsection 1, the number 4 is changed to 6, the number 113.3 is changed to 170, the number 3 is changed to 5, the number 85 is changed to 114.6 and in subsection 2, the number 4 is changed to 8 and the number 113.3 is changed to 226.5.

[(17)12] In IECC, Section R403.[2-3]3.5, the words "or plenums" are deleted.

[(18) In IECC, Section R403.4.2, the sentences for "3." and "9." and the last sentence are deleted.]

[(19) In IECC, Section R403.5, the first sentence is deleted.]

[(20) IECC, Section R404.1 and the exception are deleted, and R404.1.1 becomes R404.1.]

[(21) In IECC, Table R405.5.2(1), the following changes are made under the column STANDARD REFERENCE DESIGN:

(a) In the row "Air exchange rate", the words "in Zones 1 and 2, and 3 air changes per hour in Zones 3 through 8" are deleted.

(b) In the row "Heating systemsf, g", the standard reference design is deleted and replaced with the following:

"Fuel Type: same as proposed design Efficiencies:

Electric: air source heat pump with prevailing federal minimum efficiencies

Nonelectric furnaces: natural gas furnace with prevailing federal minimum efficiencies

Nonelectric boilers: natural gas boiler with prevailing federal minimum efficiencies Capacity: sized in accordance with Section N1103.6"

(c) In the row "Cooling systemsf, h" the words "As proposed" are deleted and replaced with the following: "Fuel Type: Electric Efficiency: in accordance with prevailing federal minimum standards"

(d) In the row "Service water heatingf, g, h, i", the words "As proposed" are deleted and replaced with the following

"Fuel Type: same as proposed design

Efficiency: in accordance with prevailing federal minimum standards

Tank Temperature: 120o F"

(e) In the row "Thermal distribution systems" the word "none" is deleted and replaced with the following: "Thermal distribution system efficiency (DSE) of .080 shall be applied to both the heating and cooling system efficiencies."

[(22) In IECC, Table R405.5.2(2), the number "0.80" is inserted under "Forced air systems" for "Distribution system components located in unconditioned space".]

[(23) The RESCheck Software adopted by the United States Department of Energy and modified to meet the requirements of this section shall be used to verify compliance with this section. The software shall address the Total UA alternative approach and account for Equipment Efficiency Trade-offs when applicable per the standard reference design as amended.]

(13) In IECC, Section R406.2, the last sentence and exception are deleted.

(14) In IECC, Section R406.4 the table is deleted and replaces as follows:

TABLE R406.4 MAXIMUM ENERGY PATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX
1	59
2	59
3	59
4	63
5	63
6	62
7	60
8	60

**15A-3-801. General provisions.**

The following are adopted as amendments to the IEBC to be applicable statewide:

- (1) In Section 202 the following definition is added: "BUILDING OFFICIAL. See Code Official."
- (2) In Section 202 the definition for code official is deleted and replaced with the following:  
 "CODE OFFICIAL. The officer or other designated authorities having jurisdiction (AHJ) charged with the administration and enforcement of this code."
- (3) In Section 202 the definition for existing buildings is deleted and replaced with the following:  
 EXISTING BUILDING. A building lawfully erected under a prior adopted code, or one which is deemed a legal non-conforming building by the code official, and one which is not a dangerous building.
- (4) In Section 301.1 the exception is deleted.
- (5) Section 403.5 is deleted and replaced with the following" 403.5 Bracing for Unreinforced masonry parapets and other appendages upon reroofing. Where the intended alteration requires a permit for reroofing and involves removal of roofing materials from more than 25 percent of the roof area of a building assigned to Seismic Design Category, D, E, or F that has parapets constructed of unreinforced masonry or appendages such as cornices, spires, towers, tanks, signs, statuary, etc, the work shall include installation of bracing to resist out-of-plane seismic forces, unless an evaluation demonstrates compliance of such items. For purposes of this section, design seismic forces need not be taken greater than 75 percent of those that would be required for the design of similar nonstructural components in new buildings of similar purpose and location.
- (6) In Section 705.1, Exception number 3, the following is added at the end: "This exception does not apply if the existing facility is undergoing a change of occupancy classification."
- (7) Section 707.3.1 is deleted and replaced with the following" 707.3.1 Bracing for unreinforced masonry bearing wall parapets and other appendages. Where a permit is issued for reroofing more than 25 percent of the roof area of a building assigned to Seismic Design Category, D, E, or F that has parapets constructed of unreinforced masonry or appendages such as cornices, spires, towers, tanks, signs, statuary, etc, the work shall include installation of bracing to resist the reduced International Building Code level seismic forces as specified in Section 301.1.4.2 of this code unless an evaluation demonstrates compliance of such items.
- (8) Section 1007.3.1 is deleted and replaced with the following: 1007.3.1 Compliance with the International Building Code Level Seismic Forces. When a building or portion thereof is subject to a change of occupancy such that a change in the nature of the occupancy results in a higher risk category based on Table 1604.5 of the International Building Code or when such change of occupancy results in a design occupant load increase of 100% or more, the building shall conform to the seismic requirements of the International Building Code for the new risk category.  
 Exceptions 1- 3 remain unchanged.  
 4. Where the design occupant load increase is less than 25 occupants and the occupancy category does not change.
- (9) In Section 1012.7.3 exception 2 is deleted.
- (10) In Section 1012.8.2 number 7 is added as follows:  
 7. When a change of occupancy in a building or portion of a building results in a Group R-2 occupancy, not less than 20 percent of the dwelling or sleeping units shall be Type B dwelling or sleeping units. These dwelling or sleeping units may be located on any floor of the building provided with an accessible route. Two percent, but not less than one unit, of the dwelling or sleeping units shall be Type A dwelling units.

**15A-3-[804]901. General provision.**

Mobile homes built before June 15, 1976 that are subject to relocation, building alteration, remodeling, or rehabilitation shall comply with the following:

- (1) Related to exits and egress windows:

(a) Egress windows. The home has at least one egress window in each bedroom, or a window that meets the minimum specifications of the U.S. Department of Housing and Urban Development's (HUD) Manufactured Homes Construction and Safety Standards (MHCSS) program as set forth in 24 C.F.R. Parts 3280 and 3282, MHCSS 3280.106 and 3280.404 for manufactured homes. These standards require the window to be at least 22 inches in the horizontal or vertical position in its least dimension and at least five square feet in area. The bottom of the window opening shall be no more than 36 inches above the floor, and the locks and latches and any window screen or storm window devices that need to be operated to permit exiting shall not be located more than 54 inches above the finished floor.

(b) Exits. The home is required to have two exterior exit doors, located remotely from each other, as required in MHCSS 3280.105. This standard requires that single-section homes have the doors no less than 12 feet, center-to-center, from each other, and multisection home doors no less than 20 feet center-to-center from each other when measured in a straight line, regardless of the length of the path of travel between the doors. One of the required exit doors must be accessible from the doorway of each bedroom and no more than 35 feet away from any bedroom doorway. An exterior swing door shall have a 28-inch-wide by 74-inch-high clear opening and sliding glass doors shall have a 28-inch-wide by 72-inch-high clear opening. Each exterior door other than screen/storm doors shall have a key-operated lock that has a passage latch; locks shall not require the use of a key or special tool for operation from the inside of the home.

(2) Related to flame spread:

(a) Walls, ceilings, and doors. Walls and ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame-spread rating not exceeding 25. Sealants and other trim materials two inches or less in width used to finish adjacent surfaces within these spaces are exempt from this provision, provided all joints are supported by framing members or materials with a flame spread rating of 25 or less. Combustible doors providing interior or exterior access to furnace and water heater spaces shall be covered with materials of limited combustibility (i.e., 5/16-inch gypsum board, etc.), with the surface allowed to be interrupted for louvers ventilating the space. However, the louvers shall not be of materials of greater combustibility than the door itself (i.e., plastic louvers on a wooden door). Reference MHCSS 3280.203.

(b) Exposed interior finishes. Exposed interior finishes adjacent to the cooking range (surfaces include vertical surfaces between the range top and overhead cabinets, the ceiling, or both) shall have a flame-spread rating not exceeding 50, as required by MHCSS 3280.203. Backsplashes not exceeding six inches in height are exempted. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets, as required by MHCSS 3280.204(e).

(3) Related to smoke detectors:

(a) Location. A smoke detector shall be installed on any ceiling or wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door, unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living-area side, as close to the door as practicable, as required by MHCSS 3280.208. Homes with bedroom areas separated by any one or combination of common-use areas such as a kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall be required to have one detector for each bedroom area. When located in the hallways, the detector shall be between the return air intake and the living areas.

(b) Switches and electrical connections. Smoke detectors shall have no switches in the circuit to the detector between the over-current protection device protecting the branch circuit and the detector. The detector shall be attached to an electrical outlet box and connected by a permanent wiring method to a general electrical circuit. The detector shall not be placed on the same branch circuit or any circuit protected by a ground-fault circuit interrupter.

(4) Related to solid-fuel-burning stoves/fireplaces:

(a) Solid-fuel-burning fireplaces and fireplace stoves. Solid-fuel-burning, factory-built fireplaces, and fireplace stoves may be used in manufactured homes, provided that they are listed for use in manufactured homes and installed according to their listing/manufacturer's instructions and the minimum requirements of MHCSS 3280.709(g).

(b) Equipment. A solid-fuel-burning fireplace or fireplace stove shall be equipped with an integral door or shutters designed to close the fire chamber opening and shall include complete means for venting through the roof, a combustion air inlet, a hearth extension, and means to securely attach the unit to the manufactured home structure.

(i) Chimney. A listed, factory-built chimney designed to be attached directly to the fireplace/fireplace stove and equipped with, in accordance with the listing, a termination device and spark arrester, shall be required. The chimney shall extend at least three feet above the part of the roof through which it passes and at least two feet above the highest elevation of any part of the manufactured home that is within 10 feet of the chimney.

(ii) Air-intake assembly and combustion-air inlet. An air-intake assembly shall be installed in accordance with the terms of listings and the manufacturer's instruction. A combustion-air inlet shall conduct the air directly into the fire chamber and shall be designed to prevent material from the hearth from dropping on the area beneath the manufactured home.

(iii) Hearth. The hearth extension shall be of noncombustible material that is a minimum of 3/8-inch thick and shall extend a minimum of 16 inches in front and eight inches beyond each side of the fireplace/fireplace stove opening. The hearth shall also extend over the entire surface beneath a fireplace stove and beneath an elevated and overhanging fireplace.

(5) Related to electrical wiring systems:

(a) Testing. All electrical systems shall be tested for continuity in accordance with MHCSS 3280.810, to ensure that metallic parts are properly bonded; tested for operation, to demonstrate that all equipment is connected and in working order; and given a polarity check, to determine that connections are proper.

(b) 5.2 Protection. The electrical system shall be properly protected for the required amperage load. If the unit wiring employs aluminum conductors, all receptacles and switches rated at 20 amperes or less that are directly connected to the aluminum conductors shall be marked CO/ALA. Exterior receptacles, other than heat tape receptacles, shall be of the ground-fault circuit interrupter (GFI) type. Conductors of dissimilar metals (copper/aluminum or copper-clad aluminum) must be connected in accordance with NEC, Section 110-14.

(6) Related to replacement furnaces and water heaters:

(a) Listing. Replacement furnaces or water heaters shall be listed for use in a manufactured home. Vents, roof jacks, and chimneys necessary for the installation shall be listed for use with the furnace or water heater.

(b) Securement and accessibility. The furnace and water heater shall be secured in place to avoid displacement. Every furnace and water heater shall be accessible for servicing, for replacement, or both as required by MHCSS 3280.709(a).

(c) Installation. Furnaces and water heaters shall be installed to provide complete separation of the combustion system from the interior atmosphere of the manufactured home, as required by MHCSS.

(i) Separation. The required separation may be achieved by the installation of a direct-vent system (sealed combustion system) furnace or water heater or the installation of a furnace and water heater venting and combustion systems from the interior atmosphere of the home. There shall be no doors, grills, removable access panels, or other openings into the enclosure from the inside of the manufactured home. All openings for ducts, piping, wiring, etc., shall be sealed.

(ii) Water heater. The floor area in the area of the water heater shall be free from damage from moisture to ensure that the floor will support the weight of the water heater.

**[15A-4-103. Amendments to IBC applicable to City of Farmington.**

The following amendments are adopted as amendments to the IBC for the City of Farmington:]

[~~\_\_\_\_\_ (1) A new IBC, Section (F)903.2.13, is added as follows: "(F)903.2.13 Group R, Division 3 Occupancies. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13D, when any of the following conditions are present:~~

- ~~\_\_\_\_\_ 1. The structure is over two stories high, as defined by the building code;~~
- ~~\_\_\_\_\_ 2. The nearest point of structure is more than 150 feet from the public way;~~
- ~~\_\_\_\_\_ 3. The total floor area of all stories is over 5,000 square feet (excluding from the calculation the area of the basement and/or garage); or~~

~~\_\_\_\_\_ 4. The structure is located on a street constructed after March 1, 2000, that has a gradient over 12% and, during fire department response, access to the structure will be gained by using such street. (If the access is intended to be from a direction where the steep gradient is not used, as determined by the Chief, this criteria shall not apply). Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves or in enclosed attic spaces, unless required by the Chief."~~

[~~\_\_\_\_\_ (2) A new IBC, Section 907.9, is added as follows: "907.9 Alarm Circuit Supervision. Alarm circuits in alarm systems provided for commercial uses (defined as other than one and two family dwellings and townhouses) shall have Class "A" type of supervision. Specifically, Type "B" or End of line resistor and horn supervised systems are not allowed."~~

[~~\_\_\_\_\_ (3) In NFPA Section 13-07, new sections are added as follows: "6.8.6 FDC Security Locks Required. All Fire Department connections installed for fire sprinkler and standpipe systems shall have approved security locks.~~

~~\_\_\_\_\_ 6.10 Fire Pump Disconnect Signs. When installing a fire pump, red plastic laminate signs shall be installed in the electrical service panel, if the pump is wired separately from the main disconnect. These signs shall state: "Fire Pump Disconnect ONLY" and "Main Breaker DOES NOT Shut Off Fire Pump".~~

~~\_\_\_\_\_ 22.1.6 Plan Preparation Identification. All plans for fire sprinkler systems, except for manufacturer's cut sheets of equipment shall include the full name of the person who prepared the drawings. When the drawings are prepared by a registered professional engineer, the engineer's signature shall also be included.~~

~~\_\_\_\_\_ 22.2.2.3 Verification of Water Supply:~~

~~\_\_\_\_\_ 22.2.2.3.1 Fire Flow Tests. Fire flow tests for verification of water supply shall be conducted and witnessed for all applications other than residential unless directed otherwise by the Chief. For residential water supply, verification shall be determined by administrative procedure.~~

~~\_\_\_\_\_ 22.2.2.3.2 Accurate and Verifiable Criteria. The design calculations and criteria shall include an accurate and verifiable water supply.~~

~~\_\_\_\_\_ 24.2.3.7 Testing and Inspection of Systems. Testing and inspection of sprinkler systems shall include, but are not limited to:~~

~~\_\_\_\_\_ Commercial:~~

~~\_\_\_\_\_ FLUSH Witness Underground Supply Flush;~~

~~ROUGH Inspection Installation of Riser, System Piping, Head Locations and all Components, Hydrostatic Pressure Test;~~

~~FINAL Inspection Head Installation and Escutcheons, Inspectors Test Location and Flow, Main Drain Flow, FDC Location and Escutcheon, Alarm Function, Spare Parts, Labeling of Components and Signage, System Completeness, Water Supply Pressure Verification, Evaluation of Any Unusual Parameter."]~~

**15A-4-[104]103. Amendments to IBC applicable to City of North Salt Lake.**

The following amendment is adopted as an amendment to the IBC for the City of North Salt Lake, a new IBC, Section (F)903.2.13, is added as follows: "(F)903.2.13 Group R, Division 3 Occupancies. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13D, when the following condition is present:

1. The structure is over 6,200 square feet. Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves, or in enclosed attic spaces, unless required by the fire chief."

**15A-4-[105]104. Amendments to IBC applicable to Park City Corporation or Park City Fire District.**

(1) The following amendment is adopted as an amendment to the IBC for the Park City Corporation, in IBC, Section 3409.2, exception 3, is modified to read as follows: "3. Designated as historic under a state or local historic preservation program."

(2) The following amendments are adopted as amendments to the IBC for the Park City Corporation and Park City Fire District:

(a) IBC, Section (F)903.2, is deleted and replaced with the following: "(F)903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the location described in this section.

All new construction having more than 6,000 square feet on any one floor, except R-3 occupancy.

All new construction having more than two (2) stories, except R-3 occupancy.

All new construction having three (3) or more dwelling units, including units rented or leased, and including condominiums or other separate ownership.

All new construction in the Historic Commercial Business zone district, regardless of occupancy.

All new construction and buildings in the General Commercial zone district where there are side yard setbacks or where one or more side yard setbacks is less than two and one half (2.5) feet per story of height.

All existing building within the Historic District Commercial Business zone."

(b) In IBC, Table 1505.1, new footnotes d and e are added as follows:

"d. Wood roof covering assemblies are prohibited in R-3 occupancies in areas with a combined rating of more than 11 using Tables 1505.1.1 and 1505.1.2 with a score of 9 for weather factors.

e. Wood roof covering assemblies shall have a Class A rating in occupancies other than R-3 in areas with a combined rating of more than 11 using Tables 1505.1.1 and 1505.1.2 with a score of 9 for weather factors. The owner of the building shall enter into a written and recorded agreement that the Class A rating of the roof covering assembly will not be altered through any type of maintenance process.

TABLE 1505.1.1		
WILDFIRE HAZARD SEVERITY SCALE		
RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

TABLE 1505.1.2		
PROHIBITION/ALLOWANCE OF WOOD ROOFING		
Rating	R-3 Occupancy	All Other Occupancies
Less than or equal to 11	Wood roof covering assemblies per Table 1505.1 are allowed	Wood roof covering assemblies per Table 1505.1 are allowed
Greater than or equal to 12	Wood roof covering is prohibited	Wood roof covering assemblies with a Class A rating are allowed"

(c) IBC, Appendix C, is adopted.

**15A-4-[106]105. Amendments to IBC applicable to Salt Lake City.**

The following amendment is adopted as an amendment to the IBC for Salt Lake City, in IBC, Section 1008.1.9.7, a new exception is added as follows: "Exception: In International Airport areas designated as Group "A" Occupancies where national security interests are present, the use of panic hardware with delayed egress is allowed when all provisions of Section 1008.1.9.7 are met and under item #4 1 second is changed to 2 seconds."

**15A-4-[107]106. Amendments to IBC applicable to Sandy City.**

The following amendments are adopted as amendments to the IBC for Sandy City:

(1) A new IBC, Section (F)903.2.13, is added as follows: "(F)903.2.13 An automatic sprinkler system shall be installed in accordance with NFPA 13 throughout buildings containing all occupancies where fire flow exceeds 2,000 gallons per minute, based on Table B105.1 of the [2009]2015 International Fire Code. Exempt locations as indicated in Section 903.3.1.1.1 are allowed.

Exception: Automatic fire sprinklers are not required in buildings used solely for worship, Group R Division 3, Group U occupancies and buildings complying with the International Residential Code unless otherwise required by the International Fire Code.

(2) A new IBC, Appendix L, is added and adopted as follows: "Appendix L BUILDINGS AND STRUCTURES CONSTRUCTED IN AREAS DESIGNATED AS WILDLAND-URBAN INTERFACE AREAS AL 101.1 General. Buildings and structures constructed in areas designated as Wildland-Urban Interface Areas by Sandy City shall be constructed using ignition resistant construction as determined by the Fire Marshal. Section 502 of the 2006 International Wildland-Urban Interface Code (IWUIC), as promulgated by the International Code Council, shall be used to determine Fire Hazard Severity. The provisions listed in Chapter 5 of the 2006 International Wildland-Urban Interface Code, as modified herein, shall be used to determine the requirements for Ignition Resistant Construction.

(i) In Section 504 of the IWUIC Class I IGNITION-RESISTANT CONSTRUCTION a new Section 504.1.1 is added as follows: "504.1.1 General. Subsections 504.5, 504.6, and 504.7 shall only be required on the exposure side of the structure, as determined by the Fire Marshal, where defensible space is less than 50 feet as defined in Section 603 of the 2006 International Wildland-Urban Interface Code.

(ii) In Section 505 of the IWUIC Class 2 IGNITION-RESISTANT CONSTRUCTION Subsections 505.5 and 505.7 are deleted."

**[15A-4-203. Amendments to IRC applicable to City of Farmington.**

The following amendments are adopted as amendments to the IRC for the City of Farmington:

(1) In IRC, R324 Automatic Sprinkler Systems, new IRC, Sections R324.1 and R324.2 are added as follows: "R324.1 When required. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13D, when any of the following conditions are present:

- 1. the structure is over two stories high, as defined by the building code;
- 2. the nearest point of structure is more than 150 feet from the public way;
- 3. the total floor area of all stories is over 5,000 square feet (excluding from the calculation the area of the basement and/or garage); or
- 4. the structure is located on a street constructed after March 1, 2000 that has a gradient over 12% and, during fire department response, access to the structure will be gained by using such street. (If the access is intended to be from a direction where the steep gradient is not used, as determined by the Chief, this criteria shall not apply). R324.2 Installation

requirements and standards. Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves or in enclosed attic spaces, unless required by the Chief. Such system shall be installed in accordance with NFPA 13D-"]  
 [ (2) In IRC, Chapter 44, the following NFPA referenced standards are added as follows:

	"TABLE
ADD	
13D-07	Installation of Sprinkler Systems in One and Two-family Dwellings and Manufactured Homes, as amended by these rules
13R-07	Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height"]

[ (3) In NFPA, Section 13D-07, new sections are added as follows: "1.15 Reference to NFPA 13D. All references to NFPA 13D in the codes, ordinances, rules, or regulations governing NFPA 13D systems shall be read to refer to "modified NFPA 13D" to reference the NFPA 13D as amended by additional regulations adopted by Farmington City:

4.9 Testing and Inspection of Systems. Testing and inspection of sprinkler systems shall include, but are not limited to:

Residential:

ROUGH Inspection Verify Water Supply Piping Size and Materials, Installation of Riser, System Piping, Head Locations and all Components, Hydrostatic Pressure Test.

FINAL Inspection Inspectors Test Flow, System Completeness, Spare Parts, Labeling of Components and Signage, Alarm Function, Water Supply Pressure Verification.

5.2.2.3 Exposed Piping of Metal. Exposed Sprinkler Piping material in rooms of dwellings shall be of Metal.

EXCEPTIONS:

a. CPVC Piping is allowed in unfinished mechanical and storage rooms only when specifically listed for the application as installed.

b. CPVC Piping is allowed in finished, occupied rooms used for sports courts or similar uses only when the ceiling/floor framing above is constructed entirely of non-combustible materials, such as a concrete garage floor on metal decking.

5.2.2.4 Water Supply Piping Material. Water Supply Piping from where the water line enters the dwelling adjacent to and inside the foundation to the fire sprinkler contractor point-of-connection shall be metal, suitable for potable plumbing systems. See Section 7.1.4 for valve prohibition in such piping. Piping down stream from the point-of-connection used in the fire sprinkler system, including the riser, shall conform to NFPA 13D standards.

5.4 Fire Pump Disconnect Signs. When installing a Fire Pump, Red Plastic Laminate Signs shall be installed in the electrical service panel, if the pump is wired separately from the main disconnect. These signs shall state: "Fire Pump Disconnect ONLY" and "Main Breaker DOES NOT Shut Off Fire Pump".

7.1.4 Valve Prohibition. NFPA 13D, Section 7.1 is hereby modified such that NO VALVE is permitted from the City Water Meter to the Fire Sprinkler Riser Control.

7.6.1 Mandatory Exterior Alarm. Every dwelling that has a fire sprinkler system shall have an exterior alarm, installed in an approved location. The alarm shall be of the combination horn/strobe or electric bell/strobe type, approved for outdoor use.

8.1.05 Plan Preparation Identification. All plans for fire sprinkler systems, except for manufacturer's cut sheets of equipment, shall include the full name of the person who prepared the drawings. When the drawings are prepared by a registered professional engineer, the engineer's signature shall also be included.

8.7 Verification of Water Supply:

8.7.1 Fire Flow Tests: Fire Flow Tests for verification of Water Supply shall be conducted and witnesses for all applications other than residential, unless directed otherwise by the Chief. For residential Water Supply, verification shall be determined by administrative procedure.

8.7.2 Accurate and Verifiable Criteria. The design calculations and criteria shall include an accurate and verifiable Water Supply.]

#### **15A-4-[204]203. Amendments to IRC applicable to Morgan City Corporation or Morgan County.**

(1) The following amendment is adopted as an amendment to the IRC for the Morgan City Corporation, in IRC, Section R105.2, Work Exempt From Permit, a new list item number 11 is added as follows: "11. Structures intended to house farm animals, or for the storage of feed associated with said farm animals when all the following criteria are met:

a. The parcel of property involved is zoned for the keeping of farm animals or has grandfathered animal rights.

b. The structure is setback not less than 50 feet from the rear or side of dwellings, and not less than 10 feet from property lines and other structures.

c. The structure does not exceed 1,000 square feet of floor area, and is limited to 20 feet in height. Height is measured from the average grade to the highest point of the structure.

d. Before construction, a site plan is submitted to, and approved by the building official. Electrical, plumbing, and mechanical permits shall be required when that work is included in the structure."

(2) The following amendment is adopted as an amendment to the IRC for Morgan County, in IRC, Section R105.2, a new list item number 11 is added as follows: "11. Structures intended to house farm animals, or for the storage of feed associated with said farm animals when all the following criteria are met:

a. The parcel of property involved is zoned for the keeping of farm animals or has grandfathered animal rights.

b. The structure is set back not less than required by the Morgan County Zoning Ordinance for such structures, but not less than 10 feet from property lines and other structures.

c. The structure does not exceed 1,000 square feet of floor area, and is limited to 20 feet in height. Height is measured from the average grade to the highest point of the structure.

d. Before construction, a Land Use Permit must be applied for, and approved, by the Morgan County Planning and Zoning Department. Electrical, plumbing, and mechanical permits shall be required when that work is included in the structure."

**15A-4-[205]204. Amendments to IRC applicable to City of North Salt Lake.**

The following amendment is adopted as an amendment to the IRC for the City of North Salt Lake, a new IRC, Section R324, is added as follows: "Section R324 Automatic Sprinkler System Requirements. R324.1 When Required. An automatic sprinkler system shall be installed throughout every dwelling when the following condition is present:

1. The structure is over 6,200 square feet. R324.2 Installation requirements and standards. Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves, or in enclosed attic spaces, unless required by the fire chief. Such system shall be installed in accordance with NFPA 13D."

**15A-4-[206]205. Amendments to IRC applicable to Park City Corporation or Park City Fire District.**

(1) The following amendment is adopted as an amendment to the IRC for the Park City Corporation, Appendix P, of the 2006 IRC is adopted.

(2) The following amendments are adopted as amendments to the IRC for Park City Corporation and Park City Fire District:

(a) IRC, Section R905.7, is deleted and replaced with the following: "R905.7 Wood shingles. The installation of wood shingles shall comply with the provisions of this section. Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE		
WILDFIRE HAZARD SEVERITY SCALE		
RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE	
RATING	WOOD ROOF PROHIBITION
less than or equal to 11	wood roofs are allowed
greater than or equal to 12	wood roofs are prohibited"

(b) IRC, Section R905.8, is deleted and replaced with the following: "R905.8 Wood Shakes. The installation of wood shakes shall comply with the provisions of this section. Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE		
WILDFIRE HAZARD SEVERITY SCALE		
RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

  

PROHIBITION/EXEMPTION TABLE	
RATING	WOOD ROOF PROHIBITION
less than or equal to 11	wood roofs are allowed
greater than or equal to 12	wood roofs are prohibited"

(c) Appendix K is adopted.

**15A-4-[207]206. Amendments to IRC applicable to Sandy City.**

The following amendment is adopted as an amendment to the IRC for Sandy City, a new IRC, Section R324, is added as follows: "Section R324 IGNITION RESISTANT CONSTRUCTION

R324.1 General. Buildings and structures constructed in areas designated as Wildland-Urban Interface Areas by Sandy City shall be constructed using ignition resistant construction as determined by the Fire Marshal. Section 502 of the 2006 International Wildland-Urban Interface Code (IWUIC), as promulgated by the International Code Council, shall be used to determine Fire Hazard Severity. The provisions listed in Chapter 5 of the 2006 IWUIC, as modified herein, shall be used to determine the requirements for Ignition Resistant Construction.

(i) In Section 504 of the IWUIC Class I IGNITION-RESISTANT CONSTRUCTION a new Section 504.1.1 is added as follows:

504.1.1 General. Subsections 504.5, 504.6, and 504.7 shall only be required on the exposure side of the structure, as determined by the Fire Marshal, where defensible space is less than 50 feet as defined in Section 603 of the 2006 IWUIC.

(ii) In Section 505 of the IWUIC Class 2 IGNITION-RESISTANT CONSTRUCTION Subsections 505.5 and 505.7 are deleted."

**Summary of Recommended Changes to Construction Codes  
Under Title 15A State Construction and Fire Code Act**

**Overall Summary of Proposed Changes:**

There are 6 areas of change recommended:

1. Change the adopted construction codes from the 2012 International Code Council (ICC) codes to the current 2015 ICC codes.
2. Delete existing amendments that are no longer needed because the 2015 ICC codes now adequately addresses the reason for the Utah amendment.
3. Modify existing amendments to coordinate with revised text in the 2015 ICC codes and requirements imposed by other state laws or agencies.
4. Delete or modify selected new requirements of the 2015 ICC codes if not recommended for adoption in Utah.
5. Change the 2015 International Existing Building Code (IEBC) together with amendments from an approved code to an adopted code.
6. Change the current residential energy provisions to the 2015 IECC and Chapter 11 of the 2015 IRC.

With the exception of the residential energy recommendations, the Committees have encountered limited opposition to the proposed code changes with most persons attending the meetings agreeing that the changes should be made.

As to the residential energy code provisions of the 2015 IECC and Chapter 11 of the 2015 IRC, this subject has been discussed at great length. These recommendations are a compromise solution among the interested parties.

Persons interested in the full discussion or material may review the committee's agenda, minutes, recordings and material which are located at <http://dopl.utah.gov/programs/ubc/index.html> (Click on View Commission or Committee Agendas, Minutes and Materials).

**Detailed Summary of Proposed Changes:**

**15A-2-102(10):**

This change is to add the IEBC to the list of adopted codes.

**15A-2-103. Specific editions adopted of construction code of a nationally recognized code authority.**

These changes are to change from the 2012 to the 2015 IBC, IRC, IPC, IMC, IEGC, IECC and to change the 2011 NEC to the 2014 NEC, and to add the 2015 IEBC to the list of adopted codes.

**15A-2-104. Installation standards for manufactured housing.**

This change is to change the installation standards for manufactured housing from the 2012 IRC to the 2015 IRC.

**15A-3-102(2) -- Section 110:**

This is a change to an existing amendment (inspections) which is being modified for clarification and to coordinate with the 2015 code.

**15A-3-102(3) -- Section 115.1:**

This is a change to an existing amendment (stop work order) which is modified for clarification.

**15A-3-102 [prior (10) deleted]-- Section 304.1:**

This change deletes an amendment (business group B) that is no longer needed because it is now adequately addressed in the 2015 code and other amendments.

**15A-3-102(10) [prior (11)]-- Section 305.2:**

This is a reference change in an existing amendment to coordinate with the changes made in the 2015 code.

**15A-3-102(14) -- Table 307.1(1):**

This is a new amendment (hazardous material) to allow an increase in the number of pounds of fireworks that can be stored in a building equipped throughout with an approved automatic sprinkler system. This change is made to coordinate with the requirements of the State Fire Code

**15A-3-102(15) -- Section 308.2:**

This is a new amendment (definitions) to clarify the wording and to coordinate with the statutes and rules under the Department of Human Services, which regulates this type of facility.

**15A-3-102(18) [prior 17]-- Section 308.3.4:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-102(19) [prior 18]-- Section 308.4:**

This is a change to an existing amendment (institutional group I-2) for clarification and for coordination of requirements with the Department of Health.

**15A-3-102(20) [prior 19]-- Section 308.4.2:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-102(22) [prior 21]-- Section 308.6.1:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-102(23) [prior 22]-- Section 308.6.3 and 308.6.4:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-102(25) [prior 24]-- Section 310.5.1:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-102(26) [prior 25]-- Section 310.5.3:**

This changes in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-103. [prior (2) deleted]-- Section 406.5.8:**

This change deletes an amendment (standpipes) that is no longer needed because it is now adequately addressed in the 2015 code

**15A-3-103. [prior (3) deleted]-- Section 406.5.8.1:**

This change deletes an amendment (standpipes) that is no longer needed because it is now adequately addressed in the 2015 code

**15A-3-103(2) [prior 4]-- Section 422.2:**

This is a technical change to an existing amendment (ambulatory care facilities) to match the wording in the 2015 codes.

**15A-3-103(3) [prior 5]-- Section 427:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-103(4) [prior 6]-- Section 504.4:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code and changes wording for clarification of the requirements.

**15A-3-104(5) -- Section (F)903.2.8, (F)903.2.8.1, (F)903.2.8.2, (F)903.2.8.4:**

This is an existing amendment (automatic sprinkler system) in which an additional referenced section is added to coordinate with requirements of the State Fire Code.

**15A-3-104(6) -- Section (F)903.2.8.3 and (F)903.2.8.3.1:**

This changes section numbers to coordinate with the other amendment changes.

**15A-3-104(7) -- Section (F)903.2.8.3.2:**

This changes section numbers to coordinate with the other amendment changes.

**15A-3-104(8) -- Section (F)903.2.8.4:**

This is a new amendment (automatic sprinkler system) to coordinate with the requirements of the State Fire Code.

**15A-3-104(10) [prior (7)]-- Section (F)904.12:**

This is a change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-104(11) [prior (8)]-- Section (F)904.12.3:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-104(12) -- Section 905.3.9:**

This is a new amendment (open parking garages) to coordinate with the requirements of the State Fire Code.

**15A-3-104(13) -- Section 905.8:**

This is a new amendment (dry standpipes) to coordinate with the requirements of the State Fire Code.

**15A-3-104(14) [prior (9)]-- Section (F)907.2.3:**

This change is made to an existing amendment (Group E) for clarification.

**15A-3-104. [prior (10) deleted]-- Section 908.7:****15A-3-104. [prior (11) deleted]-- Section 908.7.1:****15A-3-104. [prior (12) deleted]-- Section 908.7:**

These amendments (carbon monoxide alarm) are being deleted because they have been moved to a different section in the 2015 code.

**15A-3-104(15) -- Section 915:**

This is a new amendment (carbon monoxide alarms) that has been rewritten from the previous carbon monoxide amendments and is needed to coordinate with changes in the 2015 code. It does not substantially change the installation requirements.

**15A-3-105(1) -- Section 1010.1.9.6:**

This is an existing amendment (secure area) which is being modified to coordinate with changes in the 2015 code.

**15A-3-105. [prior (2) deleted]-- Section 1008.1.9.7:**

This change deletes an amendment that is no longer needed because it is now adequately addressed in the 2015 code and other amendments.

**15A-3-105(2) [prior (3)]-- Section 1011.5.2:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-105(3) [prior (4)]-- Section 1011.11:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-105(4) [prior (5)]-- Section 1013.5:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-105(5) [prior (6)]-- Section 1025:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-105(6) [prior (7)]-- Section 1029.14:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-106. Amendments to Chapters 13, 14, and 15 of IBC.**

This is being recommended as a technical change to numbering because of deleted amendments.

**15A-3-106.5 [prior (1) -- Section 1505.8 deleted]:**

**15A-3-106.5 [prior (2) -- Section 1509.7.2 deleted]:**

**15A-3-106.5 [prior (3) -- Section 1509.7.4 deleted]:**

**15A-3-106.5 [prior (4) -- Subsection 1-3 deleted]:**

These changes delete amendments that are no longer needed because they are now adequately addressed in the 2015 code.

**15A-3-107(6) -- Section 1608.1.2:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-107(7) -- Table 1608.1.2(b):**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-107(11) -- Section 1613.7:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-108. [prior (3) -- Section 1904.2 deleted]:**

This change deletes an amendment that is no longer needed because it is now adequately addressed in the 2015 code.

**15A-3-108(3) [prior (4)]-- Section 1905.1.9:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code and other amendments to the 2015 code.

**15A-3-110(2) -- Section 2308.3.1:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-110(3) -- Section 2506.2.1:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-112(2) -- Section [P]2902.7:**

This is a new amendment (toilet facilities for workers) that is being recommended for approval in order to clarify who is responsible to supply toilet facilities during construction.

**15A-3-112(3)[prior (2)]-- Section 3005.5:**

This is a change in a section number in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-113 [prior (1) Section 3401.7 deleted]:****15A-3-113 [prior (2) Section 3408.4 deleted]:**

These amendments are being deleted because the 2015 IBC no longer has a Chapter 34.

**15A-3-202 [prior (11) -- Section R302.2 deleted]:****15A-3-202 [prior (12) -- Section R302.2.4 deleted]:**

These changes delete amendments that are no longer needed because they are now adequately addressed in the 2015 code.

**15A-3-202(12) -- Section R302.13:**

This is a new amendment to lessen the requirements for fire protection of floors.

**15A-3-202(14) [prior (15)]-- Section R311.7.5 through R311.7.5.3:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-202 [prior (16) -- Section R312.1.2 deleted]:**

This amendment (adjacent fixed seating) is being recommended for deletion as it is now adequately addressed in the 2015 code.

**15A-3-202(16) [prior (18)]-- Section R313.1 through R313.2.1:**

This is an existing amendment (automatic fire sprinkler systems) that is modified for clarification and to coordinate with the requirements of the State Fire Code.

**15A-3-202(17) -- Section R315.3:**

This is a new amendment (carbon monoxide alarms) for clarification and to coordinate with other state amendments.

**15A-3-202(18) [prior (19)]-- Section R315.5:**

This is an existing amendment (carbon monoxide alarms) which is being modified to coordinate with the changes in the 2015 code.

**15A-3-202(19) [prior (20) -- Section R315.7:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-202(20) [prior (21)]-- Section R403.1.6:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-202 [prior (24) -- Section R501.3 deleted]:**

This change deletes an amendment that is no longer needed because it is now adequately addressed in the 2015 code.

**15A-3-203 (1) -- Section N1101.5 (R103.2):**

These are existing amendments that are being recommended to be carried forward with a change to the section number. This is necessary to coordinate with the changes to the 2015 code.

**15A-3-203 (2) -- Section N1101.12 (R303.3):**

This is an existing amendment that is being recommended to be carried forward with a modification to the section number. This is necessary to coordinate with the changes to the 2015 code.

**15A-3-203(3) -- Section N1101.13 (R4021.2):**

This is a new amendment (compliance) that is being recommended in order to add an additional means of complying with the requirements of the energy code.

**15A-3-203(4) [prior (3) -- Section N1102.1.2 (R402.1.2)]modified:**

This is an existing amendment that is being modified to delete the table but keep the footnote. The table is now adequately covered in the 2015 energy code.

**15A-3-203 [prior (4) -- Section N1102.2.1 (R402.2.1) deleted]:**

**15A-3-203 [prior (5) -- Section N1102.2.2 (R402.2.2) deleted]:**

**15A-3-203 [prior (6) -- Section N1102.3.3 (R402.3.3) deleted]:**

**15A-3-203 [prior (7) -- Section N1102.3.4 (R402.3.4) deleted]:**

These changes delete amendments that are no longer needed because they are adequately addressed in the 2015 code.

**15A-3-203(5)[prior (8)]-- Section N1102.4.1 (R402.4.1):**

This is an existing amendment that is being recommended to be carried forward.

**15A-3-203(6) [prior (9)]-- Section N1102.4.1.1 (R402.4.1.1):**

This is an existing amendment that is being recommended to be carried forward with a modification in the wording. This does not change the requirements.

**15A-3-203(7) [prior (10)]-- Section N1102.4.1.2 (R402.4.1.2):**

This is an existing amendment that is being recommended to be carried forward with a modification in the wording. This does not change the requirements.

**15A-3-203 [prior (11)]-- Section N1102.4.4 (R402.4.4) deleted]:**

**15A-3-203 [prior (12) -- Section N1103.2.2 (R403.2.2) deleted]:**

These changes delete amendments that are no longer needed because they are adequately addressed in the 2015 code.

**15A-3-203(8) [prior (13)]-- Section N1103.3.3 (R403.3.3):**

This is an existing amendment that is being recommended to be carried forward with a modification in the section number and wording. This is necessary to coordinate with the changes in the 2015 code. It does not change the requirements.

**15A-3-203(9) -- Section N1103.3.3 (R403.3.3):**

This is a new amendment that is being recommended. It defines who is approved to conduct duct air leakage testing.

**15A-3-203(10) -- Section N1103.3.4 (R403.3.4):**

This is a new amendment that is being recommended. It will lessen the requirements for duct leakage.

**15A-3-203(11) [prior (14)]-- Section N1103.3.5 (R403.3.5):**

This is an existing amendment that is being recommended to be carried forward with a modification in the section number. This is necessary to coordinate with the changes in the 2015 code. It does not change the requirements.

**15A-3-203 [prior (15) -- Section N1103.4.2 (R403.4.2) deleted]:**

**15A-3-203 [prior (16) -- Section N1103.5 (R403.5) deleted]:**

**15A-3-203 [prior (17) -- Section N1104.1 (R404.1) deleted]:**

**15A-3-203 [prior (18) -- Table N1105.5.2(1) (R405.5.2(1)) deleted]:**

**15A-3-203 [prior (19) -- Table N1105.5.2(2) (R405.5.2(2)) deleted]:**

These changes delete amendments that are no longer needed because they are adequately addressed in the 2015 code.

**15A-3-203(12) -- Section N1106.2(R406.2):**

This is a new amendment that is being recommended. This will lessen the requirements.

**15A-3-203(13) -- Section N1106.4(R406.4):**

This is a new amendment that is being recommended. This will lessen the requirements.

See discussion on the Energy Code.

**15A-3-203(14)[prior (20)]Section M1307.2:**

This is an existing amendment that is being recommended to be carried forward with a modification in the wording. This is necessary to coordinate with the changes in the 2015 code. It does not change the requirements.

**15A-3-203 [prior (21) -- deleted]:**

This change deletes an amendment that is no longer needed because it is adequately addressed in the 2015 code.

**15A-3-203(15) [prior (22)]:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-204 [prior (1) -- Table M1601.1.1(2) deleted]:**

This change deletes an amendment that is no longer needed because it is now adequately addressed in the 2015 code.

**15A-3-204 [prior (2) -- Section M1901.3 deleted]:**

This change deletes an amendment that is no longer needed because it is now adequately addressed in the 2015 code.

**15A-3-205(3) -- Section P2801.8:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-205(4) -- Section P2902.1.1:**

This is an existing amendment (backflow assembly testing) that is being clarified to coordinate with requirements of the Division of Drinking Water

**15A-3-205 [prior (5) -- Table P2902.3 deleted]:**

This change deletes an amendment that is no longer needed because it is now adequately addressed in the 2015 code.

**15A-3-205(5) -- Section P2902.1:**

This is a new amendment (general installation criteria) that is needed to clarify the installation requirements for the protection of a potable water supply system and to coordinate with the 2015 code changes and amendments that are being deleted.

**15A-3-205(6) -- Section P2910.5:****15A-3-205(7) -- Section P2910.9.5****15A-3-205(8) -- Section P2911.12.4****15A-3-205(9) -- Section P2912.15.6****15A-3-205(10) -- Section P2913.4.2****15A-3-205(11) -- Section P3009**

These are all new amendments (installation criteria) to clarify and coordinate with statutes, rules and other requirements under the Utah Department of Environmental Quality, which regulates this area.

**15A-3-205 [prior (6) -- Section P3009.1 deleted]:****15A-3-205 [prior (7) -- Section P3009.1.1 deleted]:****15A-3-205 [prior (8) -- Section P3009.2 deleted]:****15A-3-205 [prior (9) -- Section P3009.6 deleted]:****15A-3-205 [prior (10) -- Section P3009.7 deleted]:****15A-3-205 [prior (11) -- Section P3009.13.3 deleted]:****15A-3-205 [prior (12) -- Section P3009.14: deleted]:**

These changes delete amendments that are no longer needed because they are now adequately addressed in the 2015 code.

**15A-3-206(1) -- Section E3901.9:**

This is a new amendment (basement, garages, and accessory buildings) that will lessen the requirement for wiring.

**15A-3-206(2) [prior (1)]-- Section E3902.16:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-302(1) -- Section 101.2.1:**

This is a reference change in an existing amendment to coordinate with the changes in 2015 code.

**15A-3-206(7) -- Section 202:****15A-3-206(8) -- Section 202:**

These are new amendments for definitions to clarify and coordinate with the requirements of the Department of Health and the Department of Environmental Quality.

**15A-3-206[prior (7) -- Section 202 deleted]:**

This change deletes an amendment that is no longer needed because it is now adequately addressed in the 2015 code.

**15A-3-302(1): -- Section 101.2.1:**

This is an existing amendment that is being modified to coordinate with the 2015 code.

**15A-3-302(7) -- Section 202:**

**15A-3-302(8) -- Section 202:**

These are new amendments that are being recommended to add definitions in order to coordinate with the requirements of the Department of Environmental Quality.

**15A-3-302 [prior (7) -- Section 202 deleted]:**

This change deletes an amendment that is no longer needed because it is now adequately addressed in the 2015 code.

**15A-3-303 [prior (2) -- Section 304.3 deleted]:**

This change deletes an amendment that is no longer needed because it is now adequately addressed in the 2015 code.

**15A-3-303(2) -- Section 307.5:**

This is a new amendment (protection of footings) that deletes a requirement for trenching that is parallel to footings.

**15A-3-303(3) -- Section 311.1:**

This is a current amendment (general) that is being modified to clarify the requirement for toilet facilities for workers during construction.

**15A-3-303(4) -- Section 312.3:**

This is a current amendment (drainage and vent air testing) that is being modified for clarification.

**15A-3-304(1) -- Table 403.1:**

This is an existing amendment (minimum number of required plumbing fixtures) that is being modified for clarification and to coordinate with the requirements of the Department of Health.

**15A-3-304(3) -- Section 412.5:**

This is an existing amendment (public toilet room) that is being modified to lessen the requirement in certain occupancies and to coordinate with the requirements for the Department of Health.

**15A-3-304(4) -- Section 423.3:**

This is a new amendment (footbaths, pedicure baths and head shampoo sinks) to delete a requirement for water temperature limiting devices in footbaths, pedicure baths and head shampoo sinks.

**15A-3-305(1) -- Section 502.4:**

This is an existing amendment (seismic support) that clarifies the requirement for anchoring water heaters.

**15A-3-306(3) -- Section 604.4.1:**

This is an existing amendment (maximum flow and water consumption) that is being clarified to be a requirement for food service establishments.

**15A-3-306 [(7) -- Table 608.1 deleted]**

This change deletes an amendment that is no longer needed because it is now adequately addressed in the 2015 code.

**15A-3-306(7) -- Section 608.1:**

This is a new amendment (general installation criteria) that is needed to clarify the installation requirements for the protection of a potable water supply system and to coordinate with the 2015 code changes and amendments that are being deleted.

**15A-3-306(11) -- Section 608.7:**

This is an existing amendment (stop-and-waste valves) that is being modified to clarify the installation requirements.

**15A-3-306 [prior (20) -- Section 608.16.3 deleted]:**

This change deletes an amendment that is no longer needed because it is now adequately addressed in the 2015 code.

**15A-3-306(21) [prior (22)]-- Section 608.16.7:**

This is an existing amendment (chemical dispensers) that is being modified to clarify the requirements for installation of chemical dispensers and to coordinate with the requirements of the Department of Environmental Quality.

**15A-3-306(22) [prior (23)]-- Section 608.16.8:**

This is an existing amendment that is being modified to coordinate with the 2015 codes.

**15A-3-308(1) -- Section 802.1.1:**

This is a new amendment (food handling) that deletes a new requirement for multiple-compartment sinks so that they do not have to discharge independently to a waste receptor.

**15A-3-310 Section 1002.4:**

This change deletes an amendment that is no longer needed because it is now adequately addressed in the 2015 code.

**15A-3-311 [prior (1) -- Section 1104.2 deleted]:**

This change deletes an amendment that is no longer needed because it is now adequately addressed in the 2015 code.

**15A-3-311(1) -- Section 1106.1.1:**

This is a new amendment (storm drains) that will allow alternative methods to be used.

**15A-3-313 [prior (1) Section 1301.1 deleted]:****15A-3-313 [prior (2) Section 1301.1.1 deleted]:****15A-3-313 [prior (3) Section 1301.2 deleted]:****15A-3-313 [prior (4) Section 1301.6 deleted]:****15A-3-313 [prior (5) Section 1301.7 deleted]:****15A-3-313 [prior (6) Section 1302.3 deleted]:****15A-3-313 [prior (7) Section 1303 deleted]:**

These changes delete amendments that are being rewritten to coordinate with the 2015 code.

**15A-3-313 (1) -- Section 1301.4.1:****15A-3-313(2) -- Section 1301.5:****15A-3-313(3) -- Section 1301.9.5:****15A-3-313(4) -- Section 1302.12.4:****15A-3-313(5) -- Section 1303.15.6:****15A-3-313(6) -- Section 1304.4.2:**

These are new amendments that are being rewritten to replace amendments deleted above, to coordinate with the 2015 codes and to coordinate with requirements of the Utah Department of Health and the Utah Department of Environmental Quality to allow for the use of gray water recycling systems in commercial and residential areas.

**15A-3-314 (1) Chapter 14:**

This is a new amendment (subsurface landscape irrigation systems) that coordinates with the requirements of the Utah Department of Health and the Utah Department of Environmental Quality to allow for the use of gray water recycling systems in single family residential areas.

**15A-3-315 [prior (1) -- Chapter 14 deleted]:**

This change deletes an amendment that is no longer needed because it is now adequately addressed in the 2015 code.

**15A-3-315(1) [prior (2)]Chapter 15:**

This is an existing amendment that is being recommended to be carried forward with a modification to the number. This is necessary to coordinate with the changes in the 2015 code.

**15A-3-315 [prior (3) -- Appendix C deleted]:**

This change deletes an amendment that is no longer needed because it is now adequately addressed in the 2015 code.

**15A-3-401[prior (1) -- Section 202 deleted]:****15A-3-401[prior (2) -- Section 403.2.1 deleted]:****15A-3-401 [prior (3) -- Section 403.3 deleted]:****15A-3-401[prior (4) -- Section 403.3deleted]:****15A-3-401[prior (5) -- Section 403.8 deleted]:**

**15A-3-401[prior (6) -- Section 603.4 deleted]:**

These changes delete amendments that are no longer needed because they are now adequately addressed in the 2015 code.

**15A-3-401(1) [prior (7)]-- Section 1004.2**

This is an existing amendment (boilers and pressure vessels) that is changed to clarify that the Utah Labor Commission which regulates boilers may have greater requirements.

**15A-3-401(4) -- Section 1209.3:**

This is a new amendment (embedded joints) that will allow alternative methods to be approved.

**15A-3-501(3) -- Section 631.2:**

This is an existing amendment (boilers and pressure vessels) that is changed to clarify that the Utah Labor Commission which regulates boilers may have greater requirements.

**15A-3-601 [prior (2) -- Section 310.15(B)(7) deleted]:**

This change deletes an amendment that is no longer needed because it is now adequately addressed in the 2015 code.

**15A-3-601(2) -- Section 240.87(B):**

This is a new amendment (arc energy reduction) that will allow alternative means of installing overcurrent devices and could result in a cost savings.

**15A-3-701[ prior (1) -- Section C202 deleted]:**

**15A-3-701[ prior (2) -- Section C404.4 deleted]:**

These changes delete amendments that are no longer needed because they are now adequately addressed in the 2015 code.

**15A-3-701(1) -- Section C403.2.9.1.3:**

This is a new amendment that is added for clarification.

**15A-3-701(2) [prior (3) -- Section R103.2:**

This is an existing amendment that is being recommended to be carried forward.

**15A-3-701 [prior (4) -- Section R202 deleted]:**

**15A-3-701(4) -- Section R401.2:**

This a new amendment that is being recommended that will allow an additional means of compliance with the energy code.

**15A-3-701(5) [prior (6)]-- Table R402.1.1 and Table R402.1.3:**

This is an existing amendment that is being modified by deleting the tables as they are no longer necessary but keeping the footnote.

**15A-3-701 [prior (7) -- Section R402.2.1 deleted]:**

**15A-3-701 [prior (8) -- Section R402.2.2 deleted]:**

**15A-3-701 [prior (9) -- Section R402.3.3 deleted]:**

**15A-3-701 [prior (10) -- Section R402.3.4 deleted]:**

These changes delete amendments that are no longer needed because they are adequately addressed in the 2015 code.

**15A-3-701(7) [prior (12) -- Section R402.4.1.1:**

**15A-3-701(8) [prior (13) -- Section R402.4.1.2:**

These are existing amendment that are being recommended to be carried forward with a modification in the wording to coordinate with the wording in the 2015 code.

**15A-3-701 [prior (14) -- Section R402.4.4 deleted]:**

**15A-3-701 [prior (15) -- Section R403.2.2 deleted]:**

These changes delete amendments that are no longer needed because they are adequately addressed in the 2015 code.

**15A-3-701(9) [prior (16)]-- Section R403.3.3:**

This is an existing amendment that is being recommended to be carried forward with modifications.

**15A-3-701(10) -- Section R403.3:**

This is a new amendment that is being recommended. It defines who is approved to do testing.

**15A-3-701(11) -- Section R403.3.4:**

This is a new amendment that is being recommended. It will lessen the requirements. See discussion on Energy Code.

**15A-3-701(12) [prior (17) -- Section R403.2.3:**

This is an existing amendment that is being carried forward with a modification in the section number. This is necessary to coordinate with the 2015 code.

**15A-3-701 [prior (18) -- Section R403.4.2 deleted]:****15A-3-701 [prior (19) -- Section R403.5 deleted]:****15A-3-701 [prior (20) -- Section R404.1 deleted]:****15A-3-701 [prior (21) -- Table R405.5.2(1) deleted]:****15A-3-701 [prior (22) -- Table R405.5.2(2) deleted]:****15A-3-701 [prior (23) deleted]:**

These existing amendment are being recommended for deletion. See discussion on the Energy Code.

**15A-3-701(13) -- Section R406.2:****15A-3-701(14) -- Section R406.4:**

These are new amendments that are being recommended. These will lessen the requirements. See discussion on Energy Code.

**15A-3-801(1) --Section 202:****15A-3-801(2) --Section 202:****15A-3-801(3) -- Section 202:****15A-3-801(4) -- Section 301.1:****15A-3-801(5) -- Section 403.5:****15A-3-801(6) -- Section 705.1:****15A-3-801(7) -- Section 707.3.1:****15A-3-801(8) -- Section 1007.3.1:****15A-3-801(9) -- Section 1012.7.3:****15A-3-801(10) -- Section 1012.8.2:**

These are all new amendments needed as the result of the recommendation that the 2015 IEBC be changed from an approved code to an adopted code. This change was recommended because Chapter 34 of the 2015 IBC now only refers to the 2015 IEBC for existing buildings. These amendments will allow for other means for remodeling that could result in significant cost savings.

**15A-3-901. General provision.**

This section is renumbered to allow the addition of new section 15A-3-801.

**15A-4-103. Amendments to IBC applicable to City of Farmington [delete].**

This is an existing amendment that is being deleted upon the request of the City of Farmington. Subsequent sections are renumbered as the result of the deletion.

**15A-4-106. Amendments to IBC applicable to Sandy City.**

This is an existing amendment that is being recommended to be carried forward with a change to reference the current fire code.

**15A-4-203. Amendments to IRC applicable to City of Farmington [deleted].**

This is an existing amendment that is being deleted upon the request of the City of Farmington. Subsequent sections are renumbered as the result of the deletion.

**Health**  
**Health Care Financing, Coverage and Reimbursement Policy**  
**Notice for October 2015 Medicaid Rate Changes**

Effective October 1, 2015, Utah Medicaid will adjust its rates consistent with approved methodologies. Rate adjustments include new codes priced consistent with approved Medicaid methodologies as well as potential adjustments to existing codes. Nursing home rate changes to case mix components are consistent with adopted payment methodology. All rate changes are posted to the web and can be viewed at: <http://health.utah.gov/medicaid/stplan/bcrp.htm>.

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**Health**  
**Health Care Financing, Coverage and Reimbursement Policy**  
**Public Hearing for Rulemaking Requirements for S.B. 61 (2015)**

The Division of Medicaid and Health Financing will hold a public hearing to discuss rulemaking requirements set forth under S.B. 61, Medicaid Audit Amendments, passed during the 2015 General Session of the Utah Legislature.

This bill establishes certain audit and investigation standards for providers and health care professionals, which are conducted and administered by the Medicaid program and the Office of Inspector General of Medicaid Services.

The public hearing will be held Thursday, October 8, 2015, from 3 p.m. to 5 p.m., in Room 125 of the Cannon Health Building, 288 North 1460 West, Salt Lake City, Utah.

*Individuals needing special accommodations to participate in this meeting should contact Craig Devashrayee, 801-538-6641 by October 5.*

**End of the Special Notices Section**

# EXECUTIVE DOCUMENTS

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Under authority granted by the Utah Constitution and various federal and state statutes, the Governor periodically issues **EXECUTIVE DOCUMENTS**, which can be categorized as either Executive Orders, Proclamations, and Declarations. Executive Orders set policy for the executive branch; create boards and commissions; provide for the transfer of authority; or otherwise interpret, implement, or give administrative effect to a provision of the Constitution, state law or executive policy. Proclamations call special or extraordinary legislative sessions; designate classes of cities; publish states-of-emergency; promulgate other official formal public announcements or functions; or publicly avow or cause certain matters of state government to be made generally known. Declarations designate special days, weeks or other time periods; call attention to or recognize people, groups, organizations, functions, or similar actions having a public purpose; or invoke specific legislative purposes (such as the declaration of an agricultural disaster).

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Division of Administrative Rules for publication and distribution.

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## Wildland Fire Management, Utah Exec. Order No. 2015-8

### EXECUTIVE ORDER

#### Wildland Fire Management

**WHEREAS**, the danger from wildland fires is remains high throughout the State of Utah;

**WHEREAS**, below-normal precipitation in central and southern Utah continues the drying of wildland vegetation;

**WHEREAS**, some of the potential fire dangers areas are extremely remote, inaccessible and in the even to a wildfire occurring the situation has the potential to deteriorate if left unattended;

**WHEREAS**, the potential for large fire occurrence remains high regionally as the wildland vegetation has cured in the wake of the recent hot and dry weather;

**WHEREAS**, immediate action is required to suppress the fire conditions and mitigate potential post-burn destruction. This destruction can lead to mudslides and flash floods causing dangerous conditions for life safety, property, natural resources and the environment;

**WHEREAS**, The National Weather Service continues predicting a persistent hot dry pattern of weather for the remainder of the summer season;

**WHEREAS**, the eleven Interagency Hotshot Firefighting Crews and two of the five Type 2 Incident Management Teams located in the Great Basin Geographic Area are assigned to active wildfire incidents;

**WHEREAS**, the National Wildfire Planning Level has remains elevated to a Planning Level 3, and the Regional Wildfire Planning Level remains elevated to Planning Level 2, indicating the potential firefighting resources will be scarcity; and

**WHEREAS**, the current conditions do create the potential for a disaster emergency within the intent of the Disaster Response and Recovery Act of 1981,

**NOW THEREFORE**, I, Gary R. Herbert, Governor of the State of Utah by virtue of the power vested in me by the constitution and the laws of the State of Utah, do hereby order that:

It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, critical infrastructure, natural resources and the environment for thirty days, effective as of August 27, 2015 requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

**IN TESTIMONY, WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 27th day of August 2015

(State Seal)

**Gary R. Herbert**  
Governor

**ATTEST:**

**Lieutenant Governor**  
**Spencer J. Cox**

2015/008/EO

**End of the Executive Documents Section**

## NOTICES OF PROPOSED RULES

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A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between August 15, 2015, 12:00 a.m., and September 01, 2015, 11:59 p.m. are included in this, the September 15, 2015, issue of the *Utah State Bulletin*.

In this publication, each **PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **PROPOSED RULE** is usually printed. New rules or additions made to existing rules are underlined (example). Deletions made to existing rules are struck out with brackets surrounding them (~~example~~). Rules being repealed are completely struck out. A row of dots in the text between paragraphs (. . . . .) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not usually printed. If a **PROPOSED RULE** is too long to print, the Division of Administrative Rules may include only the **RULE ANALYSIS**. A copy of each rule that is too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Bulletin* until at least October 15, 2015. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through January 13, 2016, the agency may notify the Division of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Division of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE OR A CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

The public, interest groups, and governmental agencies are invited to review and comment on **PROPOSED RULES**. *Comment may be directed to the contact person identified on the **RULE ANALYSIS** for each rule.*

**PROPOSED RULES** are governed by Section 63G-3-301, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5a, R15-4-9, and R15-4-10.

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**The Proposed Rules Begin on the Following Page**

## Commerce, Occupational and Professional Licensing

### R156-1

## General Rule of the Division of Occupational and Professional Licensing

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39630

FILED: 08/31/2015

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this filing is to: 1) add renewal dates to implement bills from the 2015 General Session (S.B. 92 and S.B. 246); 2) add a definition to the rule for clarification; 3) remove certain professions from eligibility to be on inactive status at the request of Bureau Managers who indicate there is no reason for these professions to be on inactive status; 4) clarify certain provisions in the rule; 5) remove inconsistency between Title 58, Chapter 1, and this rule; and 6) make technical corrections.

**SUMMARY OF THE RULE OR CHANGE:** Subsection R156-1-102(5) is added to define "conditional licensure." The term is defined generally with more specific definition accomplished by reference to Subsection R156-1-308(f). Section R156-1-102 is renumbered accordingly after the insertion of this new Subsection R156-1-102(5). Subsection R156-1-109(3)(e) is modified because it is inconsistent with and beyond the authority of Subsection 38-11-104(3). Section R156-1-302 is entitled, "Consideration of Good Moral Character, Unlawful Conduct, Unprofessional Conduct, or Other Mental or Physical Condition" has been reworded and renumbered for clarity. The changes are nonsubstantive. Section R156-1-305 is modified to remove certain professions from the list of professions eligible for inactive licensure. Section R156-1-308a incorporates changes made in the 2015 General Session in S.B. 92, Dental Practice Act Amendments, and S.B. 246, Licensing of Autism Providers. In regards to S.B. 246 which created a new licensing act, renewal dates are added for two new classifications of licensure: Behavior Analyst and Assistant Behavior Analyst. Renewal dates are also added for two new classifications of registration: Behavior Specialist and Assistant Behavior Specialist. In regards to S.B. 92, which repealed the licensure requirement for Dental Educators, opting instead for a licensure exemption, the renewal date designated for Dental Educators is removed from Section R156-1-308a.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 58-1-308 and Subsection 58-1-106(1)(a) and Subsection 58-1-501(2)

### ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The Division will incur minimal costs of approximately \$75 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

♦ **LOCAL GOVERNMENTS:** The proposed amendments apply only to licensed occupations and professions regulated by the Division and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to local governments.

♦ **SMALL BUSINESSES:** S.B. 246 requires small businesses providing autism services to use licensed providers. In order to qualify for licensure, providers will be required to meet the requirements specified by this new licensing act as further implemented by rule. These costs cannot be quantified at this juncture. This filing only addresses changes applicable to the Division of Occupational and Professional Licensing's global umbrella rule, specifically the renewal dates for the new license classifications. A separate more specific licensing act rule filing will implement the bulk of the provisions of the new licensing act. It is anticipated that this separate filing will further address any cost impact to small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** S.B. 246 requires entities providing autism services to use licensed providers. In order to qualify for licensure, providers will be required to meet the requirements specified by this new licensing act as further implemented by rule. These costs cannot be quantified at this juncture. This filing only addresses changes applicable to the Division of Occupational and Professional Licensing's global umbrella rule, specifically the renewal dates for the new license classifications. A separate more specific licensing act rule filing will implement the bulk of the provisions of the new licensing act. It is anticipated that this separate filing will further address any cost impact to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** S.B. 246 requires autism providers to be licensed. In order to qualify for licensure, applicants will be required to meet the requirements of the new licensing act as further implemented by rule. These costs cannot be quantified at this juncture. This rule filing only addresses changes applicable to the Division of Occupational and Professional Licensing's global umbrella rule, specifically the renewal dates for the new license classifications. A separate more specific licensing act rule filing will implement the bulk of the provisions of the new licensing act. It is anticipated that this separate filing will further address cost impact to any affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This rule filing responds to legislative action (S.B. 246, 2015 General Session) that requires businesses to use licensed individuals in providing autism treatment and services. Any associated costs were considered by the Legislature in determining to implement regulation. In addition, the filing

clarifies how the Division will evaluate the moral character of individual applicants and sets forth circumstances in which an individual may be granted a conditional licensure during an ongoing investigation or audit. No fiscal impact to businesses is anticipated from these amendments.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

COMMERCE  
OCCUPATIONAL AND PROFESSIONAL  
LICENSING  
HEBER M WELLS BLDG  
160 E 300 S  
SALT LAKE CITY, UT 84111-2316  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ W. Ray Walker by phone at 801-530-6256, by FAX at 801-530-6511, or by Internet E-mail at raywalker@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2015

AUTHORIZED BY: Mark Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.**  
**R156-1. General Rule of the Division of Occupational and Professional Licensing.**  
**R156-1-102. Definitions.**

In addition to the definitions in Title 58, as used in Title 58 or this rule:

(1) "Active and in good standing" means a licensure status which allows the licensee full privileges to engage in the practice of the occupation or profession subject to the scope of the licensee's license classification.

(2) "Aggravating circumstances" means any consideration or factors that may justify an increase in the severity of an action to be imposed upon an applicant or licensee. Aggravating circumstances include:

(a) prior record of disciplinary action, unlawful conduct, or unprofessional conduct;

(b) dishonest or selfish motive;

(c) pattern of misconduct;

(d) multiple offenses;

(e) obstruction of the disciplinary process by intentionally failing to comply with rules or orders of the Division;

(f) submission of false evidence, false statements or other deceptive practices during the disciplinary process including creating, destroying or altering records after an investigation has begun;

(g) refusal to acknowledge the wrongful nature of the misconduct involved, either to the client or to the Division;

(h) vulnerability of the victim;

(i) lack of good faith to make restitution or to rectify the consequences of the misconduct involved;

(j) illegal conduct, including the use of controlled substances; and

(k) intimidation or threats of withholding clients' records or other detrimental consequences if the client reports or testifies regarding the unprofessional or unlawful conduct.

(3) "Cancel" or "cancellation" means nondisciplinary action by the Division to rescind, repeal, annul, or void a license:

(a) issued to a licensee in error, such as where a license is issued to an applicant:

(i) whose payment of the required application fee is dishonored when presented for payment;

(ii) who has been issued a conditional license pending a criminal background check and the check cannot be completed due to the applicant's failure to resolve an outstanding warrant or to submit acceptable fingerprint cards;

(iii) who has been issued the wrong classification of licensure; or

(iv) due to any other error in issuing a license; or

(b) not issued erroneously, but where subsequently the licensee fails to maintain the ongoing qualifications for licensure, when such failure is not otherwise defined as unprofessional or unlawful conduct.

(4) "Charges" means the acts or omissions alleged to constitute either unprofessional or unlawful conduct or both by a licensee, which serve as the basis to consider a licensee for inclusion in the diversion program authorized in Section 58-1-404.

(5) "Conditional licensure" means an interim non-adverse licensure action, in which a license is issued to an applicant for initial, renewal, or reinstatement of licensure on a conditional basis in accordance with Section R156-1-308f, while an investigation or audit is pending.

([5]6) "Denial of licensure" means action by the Division refusing to issue a license to an applicant for initial licensure, renewal of licensure, reinstatement of licensure or relicensure.

([6]7)(a) "Disciplinary action" means adverse licensure action by the Division under the authority of Subsections 58-1-401(2)(a) through (2)(b).

(b) "Disciplinary action", as used in Subsection 58-1-401(5), shall not be construed to mean an adverse licensure action taken in response to an application for licensure. Rather, as used in Subsection 58-1-401(5), it shall be construed to mean an adverse action initiated by the Division.

([7]8) "Diversion agreement" means a formal written agreement between a licensee, the Division, and a diversion committee, outlining the terms and conditions with which a licensee must comply as a condition of entering in and remaining under the diversion program authorized in Section 58-1-404.

([8]9) "Diversion committees" mean diversion advisory committees authorized by Subsection 58-1-404(2)(a)(i) and created under Subsection R156-1-404a.

([9]10) "Duplicate license" means a license reissued to replace a license which has been lost, stolen, or mutilated.

([10]11) "Emergency review committees" mean emergency adjudicative proceedings review committees created by the Division under the authority of Subsection 58-1-108(2).

([11]12) "Expire" or "expiration" means the automatic termination of a license which occurs:

(a) at the expiration date shown upon a license if the licensee fails to renew the license before the expiration date; or

(b) prior to the expiration date shown on the license:  
 (i) upon the death of a licensee who is a natural person;  
 (ii) upon the dissolution of a licensee who is a partnership, corporation, or other business entity; or  
 (iii) upon the issuance of a new license which supersedes an old license, including a license which:

(A) replaces a temporary license;

(B) replaces a student or other interim license which is limited to one or more renewals or other renewal limitation; or  
 (C) is issued to a licensee in an upgraded classification permitting the licensee to engage in a broader scope of practice in the licensed occupation or profession.

(~~12~~13) "Inactive" or "inactivation" means action by the Division to place a license on inactive status in accordance with Sections 58-1-305 and R156-1-305.

(~~13~~14) "Investigative subpoena authority" means, except as otherwise specified in writing by the director, the Division regulatory and compliance officer, or if the Division regulatory and compliance officer is unable to so serve for any reason, a Department administrative law judge, or if both the Division regulatory and compliance officer and a Department administrative law judge are unable to so serve for any reason, an alternate designated by the director in writing.

(~~14~~15) "License" means a right or privilege to engage in the practice of a regulated occupation or profession as a licensee.

(~~15~~16) "Limit" or "limitation" means nondisciplinary action placing either terms and conditions or restrictions or both upon a license:

(a) issued to an applicant for initial licensure, renewal or reinstatement of licensure, or relicensure; or

(b) issued to a licensee in place of the licensee's current license or disciplinary status.

(~~16~~17) "Mitigating circumstances" means any consideration or factors that may justify a reduction in the severity of an action to be imposed upon an applicant or licensee.

(a) Mitigating circumstances include:

(i) absence of prior record of disciplinary action, unlawful conduct or unprofessional conduct;

(ii) personal, mental or emotional problems provided such problems have not posed a risk to the health, safety or welfare of the public or clients served such as drug or alcohol abuse while engaged in work situations or similar situations where the licensee or applicant should know that they should refrain from engaging in activities that may pose such a risk;

(iii) timely and good faith effort to make restitution or rectify the consequences of the misconduct involved;

(iv) full and free disclosure to the client or Division prior to the discovery of any misconduct;

(v) inexperience in the practice of the occupation and profession provided such inexperience is not the result of failure to obtain appropriate education or consultation that the applicant or licensee should have known they should obtain prior to beginning work on a particular matter;

(vi) imposition of other penalties or sanctions if the other penalties and sanctions have alleviated threats to the public health, safety, and welfare; and

(vii) remorse.

(b) The following factors may not be considered as mitigating circumstances:

(i) forced or compelled restitution;  
 (ii) withdrawal of complaint by client or other affected persons;

(iii) resignation prior to disciplinary proceedings;

(iv) failure of injured client to complain;

(v) complainant's recommendation as to sanction; and

(vi) in an informal disciplinary proceeding brought pursuant to Subsection 58-1-501(2)(c) or (d) or Subsections R156-1-501(1) through (5):

(A) argument that a prior proceeding was conducted unfairly, contrary to law, or in violation of due process or any other procedural safeguard;

(B) argument that a prior finding or sanction was contrary to the evidence or entered without due consideration of relevant evidence;

(C) argument that a respondent was not adequately represented by counsel in a prior proceeding; and

(D) argument or evidence that former statements of a respondent made in conjunction with a plea or settlement agreement are not, in fact, true.

(~~17~~18) "Nondisciplinary action" means adverse licensure action by the Division under the authority of Subsections 58-1-401(1) or 58-1-401(2)(c) through (2)(d).

(~~18~~19) "Peer committees" mean advisory peer committees to boards created by the legislature in Title 58 or by the Division under the authority of Subsection 58-1-203(1)(f).

(~~19~~20) "Probation" means disciplinary action placing terms and conditions upon a license;

(a) issued to an applicant for initial licensure, renewal or reinstatement of licensure, or relicensure; or

(b) issued to a licensee in place of the licensee's current license or disciplinary status.

(~~20~~21) "Public reprimand" means disciplinary action to formally reprove or censure a licensee for unprofessional or unlawful conduct, with the documentation of the action being classified as a public record.

(~~21~~22) "Regulatory authority" as used in Subsection 58-1-501(2)(d) means any governmental entity who licenses, certifies, registers, or otherwise regulates persons subject to its jurisdiction, or who grants the right to practice before or otherwise do business with the governmental entity.

(~~22~~23) "Reinstate" or "reinstatement" means to activate an expired license or to restore a license which is restricted, as defined in Subsection (26)(b), or is suspended, or placed on probation, to a lesser restrictive license or an active in good standing license.

(~~23~~24) "Relicense" or "relicensure" means to license an applicant who has previously been revoked or has previously surrendered a license.

(~~24~~25) "Remove or modify restrictions" means to remove or modify restrictions, as defined in Subsection (25)(a), placed on a license issued to an applicant for licensure.

(~~25~~26) "Restrict" or "restriction" means disciplinary action qualifying or limiting the scope of a license:

(a) issued to an applicant for initial licensure, renewal or reinstatement of licensure, or relicensure in accordance with Section 58-1-304; or

(b) issued to a licensee in place of the licensee's current license or disciplinary status.

([26]27) "Revoke" or "revocation" means disciplinary action by the Division extinguishing a license.

([27]28) "Suspend" or "suspension" means disciplinary action by the Division removing the right to use a license for a period of time or indefinitely as indicated in the disciplinary order, with the possibility of subsequent reinstatement of the right to use the license.

([28]29) "Surrender" means voluntary action by a licensee giving back or returning to the Division in accordance with Section 58-1-306, all rights and privileges associated with a license issued to the licensee.

([29]30) "Temporary license" or "temporary licensure" means a license issued by the Division on a temporary basis to an applicant for initial licensure, renewal or reinstatement of licensure, or relicensure in accordance with Section 58-1-303.

([30]31) "Unprofessional conduct" as defined in Title 58 is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-1-502.

([31]32) "Warning or final disposition letters which do not constitute disciplinary action" as used in Subsection 58-1-108(3) mean letters which do not contain findings of fact or conclusions of law and do not constitute a reprimand, but which may address any or all of the following:

- (a) Division concerns;
- (b) allegations upon which those concerns are based;
- (c) potential for administrative or judicial action; and
- (d) disposition of Division concerns.

#### **R156-1-109. Presiding Officers.**

In accordance with Subsection 63G-4-103(1)(h), Sections 58-1-104, 58-1-106, 58-1-109, 58-1-202, 58-1-203, 58-55-103, and 58-55-201, except as otherwise specified in writing by the director, or for Title 58, Chapter 55, the Construction Services Commission, the designation of presiding officers is clarified or established as follows:

(1) The Division regulatory and compliance officer is designated as the presiding officer for issuance of notices of agency action and for issuance of notices of hearing issued concurrently with a notice of agency action or issued in response to a request for agency action, provided that if the Division regulatory and compliance officer is unable to so serve for any reason, a replacement specified by the director is designated as the alternate presiding officer.

(2) Subsections 58-1-109(2) and 58-1-109(4) are clarified with regard to defaults as follows. Unless otherwise specified in writing by the director, or with regard to Title 58, Chapter 55, by the Construction Services Commission, the department administrative law judge is designated as the presiding officer for entering an order of default against a party, for conducting any further proceedings necessary to complete the adjudicative proceeding, and for issuing a recommended order to the director or commission, respectively, determining the discipline to be imposed, licensure action to be taken, relief to be granted, etc.

(3) Except as provided in Subsection (4) or otherwise specified in writing by the director, the presiding officer for adjudicative proceedings before the Division are as follows:

(a) Director. The director shall be the presiding officer for:

(i) formal adjudicative proceedings described in Subsections R156-46b-201(1)(b), and R156-46b-201(2)(a) through (c), however resolved, including stipulated settlements and hearings; and

(ii) informal adjudicative proceedings described in Subsections R156-46b-202(1)(g), (j), (l), (m), (o), (p), and (q), and R156-46b-202(2)(a), (b)(ii), (c), and (d), however resolved, including memoranda of understanding and stipulated settlements.

(b) Bureau managers or program coordinators. Except for Title 58, Chapter 55, the bureau manager or program coordinator over the occupation or profession or program involved shall be the presiding officer for:

(i) formal adjudicative proceedings described in Subsection R156-46b-201(1)(c), for purposes of determining whether a request for a board of appeal is properly filed as set forth in Subsections R156-15A-210(1) through (4); and

(ii) informal adjudicative proceedings described in Subsections R156-46b-202(1)(a) through (d),(f), (h), (j), (n) and R156-46b-202(2)(b)(iii).

(iii) At the direction of a bureau manager or program coordinator, a licensing technician or program technician may sign an informal order in the name of the licensing technician or program technician provided the wording of the order has been approved in advance by the bureau manager or program coordinator and provided the caption "FOR THE BUREAU MANAGER" or "FOR THE PROGRAM COORDINATOR" immediately precedes the licensing technician's or program technician's signature.

(c) Citation Hearing Officer. The regulatory and compliance officer or other citation hearing officer designated in writing by the director shall be the presiding officer for the adjudicative proceeding described in Subsection R156-46b-202(1)(k).

(d) Uniform Building Code Commission. The Uniform Building Code Commission shall be the presiding officer for the adjudicative proceeding described in Subsection R156-46b-202(1)(e) for convening a board of appeal under Subsection 15A-1-207(3), for serving as fact finder at any evidentiary hearing associated with a board of appeal, and for entering the final order associated with a board of appeal. An administrative law judge shall perform the role specified in Subsection 58-1-109(2).

(e) Residence Lien Recovery Fund Advisory Board. The Residence Lien Recovery Fund Advisory Board shall be the presiding officer for formal adjudicative proceedings[~~described in Subsection R156-46b-202(1)(f) that exceed the authority of the program coordinator, as delegated by the board, or are otherwise referred by the program coordinator to the board for action~~].

(4) Unless otherwise specified in writing by the Construction Services Commission, the presiding officers and process for adjudicative proceedings under Title 58, Chapter 55, are established or clarified as follows:

(a) Commission.

(i) The commission shall be the presiding officer for all adjudicative proceedings under Title 58, Chapter 55, except as otherwise delegated by the commission in writing or as otherwise provided in this rule; provided, however, that all orders adopted by the commission as a presiding officer shall require the concurrence of the director.

(ii) Unless otherwise specified in writing by the commission, the commission is designated as the presiding officer:

(A) informal adjudicative proceedings described in Subsections R156-46b-202(1)(l), (m), (o), (p), and (q), and R156-46b-202(2)(b)(i), (c), and (d), however resolved, including memoranda of understanding and stipulated settlements;

(B) to serve as fact finder and adopt orders in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed under Title 58, Chapter 55; and

(C) to review recommended orders of a board, an administrative law judge, or other designated presiding officer who acted as the fact finder in an evidentiary hearing involving a person licensed or required to be licensed under Title 58, Chapter 55, and to adopt an order of its own. In adopting its order, the commission may accept, modify or reject the recommended order.

(iii) If the commission is unable for any reason to act as the presiding officer as specified, it shall designate another presiding officer in writing to so act.

(iv) Orders of the commission shall address all issues before the commission and shall be based upon the record developed in an adjudicative proceeding conducted by the commission. In cases in which the commission has designated another presiding officer to conduct an adjudicative proceeding and submit a recommended order, the record to be reviewed by the commission shall consist of the findings of fact, conclusions of law, and recommended order submitted to the commission by the presiding officer based upon the evidence presented in the adjudicative proceeding before the presiding officer.

(v) The commission or its designee shall submit adopted orders to the director for the director's concurrence or rejection within 30 days after it receives a recommended order or adopts an order, whichever is earlier. An adopted order shall be deemed issued and constitute a final order upon the concurrence of the director.

(vi) If the director or his designee refuses to concur in an adopted order of the commission or its designee, the director or his designee shall return the order to the commission or its designee with the reasons set forth in writing for the nonconcurrence therein. The commission or its designee shall reconsider and resubmit an adopted order, whether or not modified, within 30 days of the date of the initial or subsequent return, provided that unless the director or his designee and the commission or its designee agree to an extension, any final order must be issued within 90 days of the date of the initial recommended order, or the adjudicative proceeding shall be dismissed. Provided the time frames in this subsection are followed, this subsection shall not preclude an informal resolution such as an executive session of the commission or its designee and the director or his designee to resolve the reasons for the director's refusal to concur in an adopted order.

(vii) The record of the adjudicative proceeding shall include recommended orders, adopted orders, refusals to concur in adopted orders, and final orders.

(viii) The final order issued by the commission and concurred in by the director may be appealed by filing a request for agency review with the executive director or his designee within the department.

(ix) The content of all orders shall comply with the requirements of Subsection 63G-4-203(1)(i) and Sections 63G-4-208 and 63G-4-209.

(b) Director. The director is designated as the presiding officer for the concurrence role on disciplinary proceedings under Subsections R156-46b-202(2)(b)(i), (c), and (d) as required by Subsection 58-55-103(1)(b)(iv).

(c) Administrative Law Judge. Unless otherwise specified in writing by the commission, the department administrative law judge is designated as the presiding officer to conduct formal adjudicative proceedings before the commission and its advisory boards, as specified in Subsection 58-1-109(2).

(d) Bureau Manager. Unless otherwise specified in writing by the commission, the responsible bureau manager is designated as the presiding officer for conducting informal adjudicative proceedings specified in Subsections R156-46b-202(1)(a) through (d), (h), and (n).

(e) At the direction of a bureau manager, a licensing technician may sign an informal order in the name of the licensing technician provided the wording of the order has been approved in advance by the bureau manager and provided the caption "FOR THE BUREAU MANAGER" immediately precedes the licensing technician's signature.

(f) Plumbers Licensing Board. Except as set forth in Subsection (c) or as otherwise specified in writing by the commission, the Plumbers Licensing Board is designated as the presiding officer to serve as the fact finder and to issue recommended orders to the commission in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed as plumbers.

(g) Electricians Licensing Board. Except as set forth in Subsection (c) or as otherwise specified in writing by the commission, the Electricians Licensing Board is designated as the presiding officer to serve as the fact finder and to issue recommended orders to the commission in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed as electricians.

(h) Alarm System Security and Licensing Board. Except as set forth in Subsection (c) or as otherwise specified in writing by the commission, the Alarm System Security and Licensing Board is designated as the presiding officer to serve as the fact finder and to issue recommended orders to the commission in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed as alarm companies or agents.

**R156-1-302. Consideration of Good Moral Character, Unlawful Conduct, Unprofessional Conduct, or Other Mental or Physical Condition.**

~~[Pursuant to the provisions of Subsection 58-1-401(1) and (2), if]~~(1) This section applies in circumstances where an applicant or licensee:

~~(a) is not automatically disqualified from licensure pursuant to a statutory provision; and~~

~~(b)(i) has history that reflects negatively on the person's moral character, including past unlawful or unprofessional conduct; [failed to demonstrate good moral character, has been involved in unlawful conduct, has been involved in unprofessional conduct,] or~~

~~\_\_\_\_\_ (ii) has a [ny other] mental or physical condition [which conduct or condition] that, when considered with the duties and responsibilities of the license held or to be held, demonstrates a threat or potential threat to the public health, safety or welfare. [the Division may consider various relevant factors in determining what action to take regarding licensure including the following]~~

(2) In a circumstance described in Section (1), the following factors are relevant to a licensing decision:

- (1) a) aggravating circumstances, as defined in Subsection R156-1-102(2);
- (2) b) mitigating circumstances, as defined in Subsection R156-1-102(~~17~~);
- (3) c) the degree of risk to the public health, safety or welfare;
- (4) d) the degree of risk that a conduct will be repeated;
- (5) e) the degree of risk that a condition will continue;
- (6) f) the magnitude of the conduct or condition as it relates to the harm or potential harm;
- (7) g) the length of time since the last conduct or condition has occurred;
- (8) h) the current criminal probationary or parole status of the applicant or licensee;
- (9) i) the current administrative status of the applicant or licensee;
- (10) j) results of previously submitted applications, for any regulated profession or occupation;
- (11) k) results from any action, taken by any professional licensing agency, criminal or administrative agency, employer, practice monitoring group, entity or association;
- (12) l) evidence presented indicating that restricting or monitoring an individual's practice, conditions or conduct can protect the public health, safety or welfare;
- (13) m) psychological evaluations; or
- (14) n) any other information the Division or the board reasonably believes may assist in evaluating the degree of threat or potential threat to the public health, safety or welfare.

**R156-1-305. Inactive Licensure.**

(1) In accordance with Section 58-1-305, except as provided in Subsection (2), a licensee may not apply for inactive licensure status.

(2) The following licenses issued under Title 58 that are active in good standing may be placed on inactive licensure status:

- ~~\_\_\_\_\_ (a) [advanced practice registered nurse;~~
- ~~\_\_\_\_\_ (b) ]architect;~~
- (e) b) audiologist;[
- ~~\_\_\_\_\_ (d) certified nurse midwife;]~~
- (e) c) certified public accountant emeritus;[
- ~~\_\_\_\_\_ (f) certified registered nurse anesthetist;]~~
- (g) d) certified court reporter;
- (h) e) certified social worker;
- (i) f) chiropractic physician;
- (j) g) clinical mental health counselor;
- (k) h) clinical social worker;
- (l) i) contractor;
- (m) j) deception detection examiner;
- (n) k) deception detection intern;
- (o) l) dental hygienist;
- (p) m) dentist;[

- ~~\_\_\_\_\_ (q) direct entry midwife;]~~
- (r) n) dispensing medical practitioner - advanced practice registered nurse;
- (s) o) dispensing medical practitioner - physician and surgeon;
- (t) p) dispensing medical practitioner - physician assistant;
- (u) q) dispensing medical practitioner - osteopathic physician and surgeon;
- (v) r) dispensing medical practitioner - optometrist;
- (w) s) dispensing medical practitioner - clinic pharmacy;
- (x) t) genetic counselor;
- (y) u) health facility administrator;
- (z) v) hearing instrument specialist;
- (aa) w) landscape architect;
- (bb) x) licensed advanced substance use disorder counselor;
- (cc) y) marriage and family therapist;
- (dd) z) naturopath/naturopathic physician;
- (ee) aa) optometrist;
- (ff) bb) osteopathic physician and surgeon;
- (gg) cc) pharmacist;
- (hh) dd) pharmacy technician;[
- ~~\_\_\_\_\_ (ii) physical therapist;]~~
- (ij) ee) physician assistant;
- (kk) ff) physician and surgeon;
- (ll) gg) podiatric physician;
- (mm) hh) private probation provider;
- (nn) ii) professional engineer;
- (oo) jj) professional land surveyor;
- (pp) kk) professional structural engineer;
- (qq) ll) psychologist;
- (rr) mm) radiology practical technician;
- (ss) nn) radiologic technologist;
- (tt) oo) security personnel;
- (uu) pp) speech-language pathologist;
- (vv) qq) substance use disorder counselor; and
- (xx) rr) veterinarian.

(3) Applicants for inactive licensure shall apply to the Division in writing upon forms available from the Division. Each completed application shall contain documentation of requirements for inactive licensure, shall be verified by the applicant, and shall be accompanied by the appropriate fee.

(4) If all requirements are met for inactive licensure, the Division shall place the license on inactive status.

(5) A license may remain on inactive status indefinitely except as otherwise provided in Title 58 or rules which implement Title 58.

(6) An inactive license may be activated by requesting activation in writing upon forms available from the Division. Unless otherwise provided in Title 58 or rules which implement Title 58, each reactivation application shall contain documentation that the applicant meets current renewal requirements, shall be verified by the applicant, and shall be accompanied by the appropriate fee.

(7) An inactive licensee whose license is activated during the last 12 months of a renewal cycle shall, upon payment of the appropriate fees, be licensed for a full renewal cycle plus the period

of time remaining until the impending renewal date, rather than being required to immediately renew their activated license.

(8) A Controlled Substance license may be placed on inactive status if attached to a primary license listed in Subsection R156-1-305(2) and the primary license is placed on inactive status.

**R156-1-308a. Renewal Dates.**

(1) The following standard two-year renewal cycle renewal dates are established by license classification in accordance with the Subsection 58-1-308(1):

TABLE  
RENEWAL DATES

[ <del>(a)</del> ]	Acupuncturist	May 31	even years
[ <del>(b)</del> ]	Advanced Practice Registered Nurse	January 31	even years
[ <del>(c)</del> ]	Advanced Practice Registered Nurse-CRNA	January 31	even years
[ <del>(d)</del> ]	Architect	May 31	even years
[ <del>(e)</del> ]	Athlete Agent	September 30	even years
[ <del>(f)</del> ]	Athletic Trainer	May 31	odd years
[ <del>(g)</del> ]	Audiologist	May 31	odd years
[ <del>(h)</del> ]	Barber	September 30	odd years
[ <del>(i)</del> ]	Barber School Behavior Analyst and Assistant Behavior Analyst	September 30	even years
[ <del>(j)</del> ]	Building Inspector	November 30	odd years
[ <del>(k)</del> ]	Burglar Alarm Security	March 31	odd years
[ <del>(l)</del> ]	C.P.A. Firm	September 30	even years
[ <del>(m)</del> ]	Certified Court Reporter	May 31	even years
[ <del>(n)</del> ]	Certified Dietitian	September 30	even years
[ <del>(o)</del> ]	Certified Medical Language Interpreter	March 31	odd years
[ <del>(p)</del> ]	Certified Nurse Midwife	January 31	even years
[ <del>(q)</del> ]	Certified Public Accountant	September 30	even years
[ <del>(r)</del> ]	Certified Social Worker	September 30	even years
[ <del>(s)</del> ]	Chiropractic Physician	May 31	even years
[ <del>(t)</del> ]	Clinical Mental Health Counselor	September 30	even years
[ <del>(u)</del> ]	Clinical Social Worker	September 30	even years
[ <del>(v)</del> ]	Construction Trades Instructor	November 30	odd years
[ <del>(w)</del> ]	Contractor	November 30	odd years
[ <del>(x)</del> ]	Controlled Substance License	Attached to primary license renewal	
[ <del>(y)</del> ]	Controlled Substance Precursor	May 31	odd years
[ <del>(z)</del> ]	Controlled Substance Handler	September 30	odd years
[ <del>(aa)</del> ]	Cosmetologist/Barber	September 30	odd years
[ <del>(bb)</del> ]	Cosmetology/Barber School	September 30	odd years
[ <del>(cc)</del> ]	Deception Detection	November 30	even years
[ <del>(dd)</del> ]	Dental Hygienist	May 31	even years
[ <del>(ee)</del> ]	Dentist	May 31	even years
[ <del>(ff)</del> ]	Direct-entry Midwife	September 30	odd years
[ <del>(gg)</del> ]	Dispensing Medical Practitioner	September 30	odd years
[ <del>(hh)</del> ]	Dispensing Medical Practitioner	September 30	odd years
[ <del>(ii)</del> ]	Electrician	November 30	even years
[ <del>(jj)</del> ]	Electrologist	September 30	odd years
[ <del>(kk)</del> ]	Electrology School	September 30	odd years
[ <del>(ll)</del> ]	Elevator Mechanic	November 30	even years
[ <del>(mm)</del> ]	Environmental Health Scientist	May 31	odd years
[ <del>(nn)</del> ]	Esthetician	September 30	odd years
[ <del>(oo)</del> ]	Esthetics School	September 30	odd years
[ <del>(pp)</del> ]	Factory Built Housing Dealer	September 30	even years

[ <del>(qq)</del> ]	Funeral Service Director	May 31	even years
[ <del>(rr)</del> ]	Funeral Service Establishment	May 31	even years
[ <del>(ss)</del> ]	Genetic Counselor	September 30	even years
[ <del>(tt)</del> ]	Health Facility Administrator	May 31	odd years
[ <del>(uu)</del> ]	Hearing Instrument Specialist	September 30	even years
[ <del>(vv)</del> ]	Internet Facilitator	September 30	odd years
[ <del>(ww)</del> ]	Landscape Architect	May 31	even years
[ <del>(xx)</del> ]	Licensed Advanced Substance Use Disorder Counselor	May 31	odd years
[ <del>(yy)</del> ]	Licensed Practical Nurse	January 31	even years
[ <del>(zz)</del> ]	Licensed Substance Use Disorder Counselor	May 31	odd years
[ <del>(aaa)</del> ]	Marriage and Family Therapist	September 30	even years
[ <del>(bbb)</del> ]	Massage Apprentice, Therapist	May 31	odd years
[ <del>(ccc)</del> ]	Master Esthetician	September 30	odd years
[ <del>(ddd)</del> ]	Medication Aide Certified	March 31	odd years
[ <del>(eee)</del> ]	Music Therapist	March 31	odd years
[ <del>(fff)</del> ]	Nail Technologist	September 30	odd years
[ <del>(ggg)</del> ]	Nail Technology School	September 30	odd years
[ <del>(hhh)</del> ]	Naturopath/Naturopathic Physician	May 31	even years
[ <del>(iii)</del> ]	Occupational Therapist	May 31	odd years
[ <del>(jjj)</del> ]	Occupational Therapy Assistant	May 31	odd years
[ <del>(kkk)</del> ]	Optometrist	September 30	even years
[ <del>(lll)</del> ]	Osteopathic Physician and Surgeon, Online Prescriber	May 31	even years
[ <del>(mmm)</del> ]	Outfitter/Hunting Guide	May 31	even years
[ <del>(nnn)</del> ]	Pharmacy Class A-B-C-D-E, Online Contract Pharmacy	September 30	odd years
[ <del>(ooo)</del> ]	Pharmacist	September 30	odd years
[ <del>(ppp)</del> ]	Pharmacy Technician	September 30	odd years
[ <del>(qqq)</del> ]	Physical Therapist	May 31	odd years
[ <del>(rrr)</del> ]	Physical Therapist Assistant	May 31	odd years
[ <del>(sss)</del> ]	Physician Assistant	May 31	even years
[ <del>(ttt)</del> ]	Physician and Surgeon, Online Prescriber	January 31	even years
[ <del>(uuu)</del> ]	Plumber	November 30	even years
[ <del>(vvv)</del> ]	Podiatric Physician	September 30	even years
[ <del>(www)</del> ]	Pre Need Funeral Arrangement Sales Agent	May 31	even years
[ <del>(xxx)</del> ]	Private Probation Provider	May 31	odd years
[ <del>(yyy)</del> ]	Professional Engineer	March 31	odd years
[ <del>(zzz)</del> ]	Professional Geologist	March 31	odd years
[ <del>(aaaa)</del> ]	Professional Land Surveyor	March 31	odd years
[ <del>(bbbb)</del> ]	Professional Structural Engineer	March 31	odd years
[ <del>(cccc)</del> ]	Psychologist	September 30	even years
[ <del>(dddd)</del> ]	Radiologic Technologist, Radiology Practical Technician, Radiologist Assistant	May 31	odd years
[ <del>(eeee)</del> ]	Recreational Therapy Therapeutic Recreation Technician, Therapeutic Recreation Specialist, Master Therapeutic Recreation Specialist	May 31	odd years
[ <del>(ffff)</del> ]	Registered Nurse	January 31	odd years
[ <del>(gggg)</del> ]	Respiratory Care Practitioner	September 30	even years
[ <del>(hhhh)</del> ]	Security Personnel	November 30	even years
[ <del>(iiii)</del> ]	Social Service Worker	September 30	even years
[ <del>(jjjj)</del> ]	Speech-Language Pathologist	May 31	odd years
[ <del>(kkkk)</del> ]	Veterinarian	September 30	even years
[ <del>(llll)</del> ]	Vocational Rehabilitation Counselor	March 31	odd years

(2) The following non-standard renewal terms and renewal or extension cycles are established by license classification in accordance with Subsection 58-1-308(1) and in accordance with specific requirements of the license:

(a) Associate Clinical Mental Health Counselor licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the Division and the Board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure.

(b) Associate Marriage and Family Therapist licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the Division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure; but the period of the extension may not exceed two years past the date the minimum supervised experience requirement has been completed.

(c) Certified Advanced Substance Use Disorder Counselor licenses shall be issued for a period of four years and may be extended if the licensee presents satisfactory evidence to the Division and Board that reasonable progress is being made toward completing the required hours of supervised experience necessary for the next level of licensure.

(d) Certified Advanced Substance Use Disorder Counselor Intern licenses shall be issued for a period of six months or until the examination is passed whichever occurs first.

(e) Certified Substance Use Disorder Counselor licenses shall be issued for a period of two years and may be extended if the licensee presents satisfactory evidence to the Division and Board that reasonable progress is being made toward completing the required hours of supervised experience necessary for the next level of licensure.

(f) Certified Social Worker Intern licenses shall be issued for a period of six months or until the examination is passed whichever occurs first.

(g) Certified Substance Use Disorder Counselor Intern licenses shall be issued for a period of six months or until the examination is passed, whichever occurs first.

~~(h) [Dental Educator licenses shall be issued for a two-year renewable term, until the date of termination of employment with the dental school as an employee, or until the failure to maintain any of the requirements of Section 58-69-302.5, whichever occurs first.~~

~~(i) ]Funeral Service Apprentice licenses shall be issued for a two year term and may be extended for an additional two year term if the licensee presents satisfactory evidence to the Division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure.~~

(j)i) Hearing Instrument Intern licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the Division and the Board that reasonable progress is being made toward passing the qualifying examination, but a circumstance arose beyond the control of the licensee, to prevent the completion of the examination process.

(k)j) Pharmacy technician trainee licenses shall be issued for a period of two years and may be extended if the licensee presents satisfactory evidence to the Division and the Board that

reasonable progress is being made toward completing the requirements necessary for the next level of licensure.

(H)k) Psychology Resident licenses shall be issued for a two year term and may be extended if the licensee presents satisfactory evidence to the Division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure; but the period of the extension may not exceed two years past the date the minimum supervised experience requirement has been completed.

(m)l) Type I Foreign Trained Physician-Educator licenses will be issued initially for a one-year term and thereafter renewed every two years following issuance.

(n)m) Type II Foreign Trained Physician-Educator licenses will be issued initially for an annual basis and thereafter renewed annually up to four times following issuance if the licensee continues to satisfy the requirements described in Subsection 58-67-302.7(3) and completes the required continuing education requirements established under Section 58-67-303.

**KEY: diversion programs, licensing, supervision, evidentiary restrictions**

**Date of Enactment or Last Substantive Amendment: ~~August 21, 2014~~2015**

**Notice of Continuation: January 5, 2012**

**Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-308; 58-1-501(2)**

Commerce, Occupational and  
Professional Licensing  
**R156-22**  
Professional Engineers and  
Professional Land Surveyors Licensing  
Act Rule

**NOTICE OF PROPOSED RULE**  
(Amendment)  
DAR FILE NO.: 39609  
FILED: 08/24/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The Division and Professional Engineers and Professional Land Surveyors Licensing Board reviewed the rule and are proposing amendments to: 1) modify the professional land surveyor experience requirement; 2) remove the requirement for an applicant seeking licensure as a professional engineer or professional structural engineer to pass the Utah Law and Rules Examination; 3) remove inconsistent language concerning citations issued for unlicensed practice; and 4) make minor technical changes.

**SUMMARY OF THE RULE OR CHANGE:** Changes are made to Subsections R156-22-102(5), R156-22-102(6)(d),

and R156-22-102(7) to modify the code reference to the state construction and fire codes adopted under Title 15A. Additionally, this change removes unnecessary language from Subsection R156-22-102(14), and clearly defines "recognized jurisdiction", for the purpose of licensure by endorsement, as a jurisdiction that is a member of the National Council of Examiners for Engineering and Surveying (NCEES). In Section R156-22-302b, this change removes the language "formerly known as the Center for Professional Engineering Education Services (CPEES)" referenced in Subsections R156-22-302b(1)(c) and R156-22-302b(2)(e), as it is no longer necessary. Section R156-22-302c addresses an inconsistency created by prior rule changes that implemented the statutory repeal of the former experience-only track for licensure. The qualifying supervised experience requirement for professional land surveyors with an associate's degree is amended from four to six years, which brings the total combined education and experience requirement for all applicants to eight years. In Section R156-22-302d, this change repeals Subsections R156-22-302d(1)(a)(iii) and R156-22-302d(2)(a)(i) that require an applicant for licensure as a professional engineer or a professional structural engineer, respectively, to pass the Utah Law and Rules Examination. The examination is currently included as part of the application for licensure. Additionally, this change removes "prior to April 2011" in Subsection R156-22-302d(2)(a)(iii)(B) and "prior to January 1, 2004" in Subsection R156-22-302d(2)(a)(iii)(C) as these dates are no longer necessary. In Section R156-22-503, this change removes the language, "to individuals licensed" from the entry clause of the Subsection R156-22-503(1) in order to make it uniform with Section 58-22-501 regarding unlawful conduct and unlicensed practice. In Section R156-22-601, this change clarifies the seal requirement to allow for electronically generated signatures.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 58-22-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** The Division will incur minimal costs of approximately \$75 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

◆ **LOCAL GOVERNMENTS:** The proposed amendments apply only to licensed professional engineers, professional structural engineers, and professional land surveyors and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to local governments.

◆ **SMALL BUSINESSES:** The proposed amendments will primarily impact individuals who have obtained an associate's degree in land surveying or geomatics and seek licensure as a professional land surveyor. The applicants will now be required to complete a total of eight years of combined education and experience. This may result in a cost increase for those applicants that decide to pursue additional

education in lieu of an associate's degree, and correspondingly to businesses that hire them. These increased costs cannot be quantified due to a wide range of circumstances for the applicants and businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendments will primarily impact individuals who have obtained an associate's degree in land surveying or geomatics and seek licensure as a professional land surveyor. The applicants will now be required to complete a total of eight years of combined education and experience. This may result in a cost increase for those applicants that decide to pursue additional education in lieu of an associate's degree. These increased costs cannot be quantified due to a wide range of circumstances for the applicants.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The proposed amendments apply only to licensed professional engineers, professional structural engineers and professional land surveyors, and applicants for licensure in those classifications. The proposed amendments will primarily impact individuals who have obtained an associate's degree in land surveying or geomatics and seek licensure as a professional land surveyor. The applicants will now be required to complete a total of eight years of combined education and experience. This may result in a cost increase for those applicants that decide to pursue additional education in lieu of an associate's degree. These increased costs cannot be quantified due to a wide range of circumstances for the applicants. Without any formal training or education, an individual seeking employment with a land surveying firm, in the designated starting position of "rodman" can expect a wage of \$14 to \$18 per hour, whereas an experienced employee of the firm who did not obtain the required education and holds the position of "party chief" can expect a wage of \$18 to \$35 per hour. Similarly, a licensed professional land surveyor, with an associates degree can expect a wage of \$18 to \$40 per hour and a licensed professional land surveyor with a bachelors, masters, or doctorate degree can expect wages of \$20 to \$50 per hour.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** As stated in the rule analysis, this filing clarifies the education and experience requirements that apply to individuals who are licensed or seeking licensure as professional engineers, professional structural engineers and professional land surveyors. No fiscal impact to businesses is anticipated.

**THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:**

COMMERCE  
OCCUPATIONAL AND PROFESSIONAL  
LICENSING  
HEBER M WELLS BLDG  
160 E 300 S  
SALT LAKE CITY, UT 84111-2316  
or at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Steve Duncombe by phone at 801-530-6235, by FAX at 801-530-6511, or by Internet E-mail at sduncombe@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2015

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 09/16/2015 09:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 464 (fourth floor) Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2015

AUTHORIZED BY: Mark Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.**  
**R156-22. Professional Engineers and Professional Land Surveyors Licensing Act Rule.**

**R156-22-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1, 3a and 22, as used in Title 58, Chapters 1, 3a and 22, or this rule:

(1) "Complete and final", as used in Section 58-22-603, means "complete construction plans" as defined in Subsection 58-22-102(3).

(2) "Direct supervision", as used in Subsection 58-22-102(10), means "supervision" as defined in Subsection 58-22-102(16).

(3) "Employee, subordinate, associate, or drafter of a licensee", as used in Subsections 58-22-102(16), 58-22-603(1)(b) and this rule, means one or more individuals not licensed under this chapter, who are working for, with, or providing professional engineering, professional structural engineering, or professional land surveying services directly to and under the supervision of a person licensed under this chapter.

(4) "Engineering surveys", as used in Subsection 58-22-102(9), include all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but exclude the surveying of real property for the establishment of land boundaries, rights-of-way, easements, alignment of streets, and the dependent or independent surveys or resurveys of the public land survey system.

(5) "Highly toxic materials", as used in Subsection 58-22-102(14)(a)(ii)(F), is as defined in the State Construction and Fire Codes adopted under Title 15A~~hazardous materials as defined in Section 307 of the 2009 International Building Code and Section 2703 of the 2009 International Fire Code~~.

(6) "Incidental practice" means "architecture work as is incidental to the practice of engineering", as used in Subsection 58-22-102(9), and "engineering work as is incidental to the practice of architecture", as used in Subsection 58-3a-102(6), which:

(a) can be safely and competently performed by the licensee without jeopardizing the life, health, property and welfare of the public;

(b) is secondary and substantially less in scope and magnitude when compared to the work performed or to be performed by the licensee in the licensed profession;

(c) is work in which the licensee is fully responsible for the incidental practice performed as provided in Subsections 58-3a-603(1) or 58-22-603(1);

(d) unless exempt from licensure as provided in Subsection 58-22-305(1)(e), is work on a building classified for~~that affects~~ not greater than 49 occupants as determined in the State Construction and Fire Codes adopted under Title 15A~~Section 1004 of the 2009 International Building Code~~;

(e) unless exempt from licensure as provided in Subsection 58-22-305(1)(e), is work included on a project with a construction value not greater than 15 percent of the overall construction value for the project including all changes or additions to the contracted or agreed upon work; and

(f) shall not include work on a building or related structure in an occupancy category of III or IV as defined in 1604.5 of the 2009 International Building Code.

(7) "Maximum allowable quantities", as used in Subsection 58-22-102(14)(a)(ii)(F), is quantities of hazardous materials as set forth in Section 307 of the 2009 International Building Code, Tables 307.1(1) and 307.1(2), which when exceeded, would classify the building, structure or portion thereof as Group H-1, H-2, H-3, H-4 or H-5 hazardous use.

(8) "NCEES FE", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Fundamentals of Engineering Examination.

(9) "NCEES FS", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Fundamentals of Surveying Examination.

(10) "NCEES PE", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Principles and Practice of Engineering Examination.

(11) "NCEES PS", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Principles and Practice in Surveying Examination.

(12) "NCEES SE", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Structural Engineering Examination.

(13) "Professional structural engineering or the practice of structural engineering", as defined in Subsection 58-22-102(14), is further defined to exclude the design and oversight of the construction and installation of highway, utility, or pedestrian bridges.

(14) "Recognized jurisdiction", as used in Subsection 58-22-302(4)(d)(i), for licensure by endorsement, means any jurisdiction that is a member of the NCEES~~state, district or territory of the United States, or any foreign country that issues licenses to professional engineers, professional structural engineers, or professional land surveyors~~.

(15) "Responsible charge" by a principal, as used in Subsection 58-22-102(7), means that the licensee is assigned to and is personally accountable for the production of specified professional engineering, professional structural engineering or professional land surveying projects within an organization.

(16) "TAC/ABET" means Technology Accreditation Commission/Accreditation Board for Engineering and Technology (ABET, Inc.).

(17) "Under the direction of the licensee", as used in Subsection 58-22-102(16), as part of the definition of "supervision of an employee, subordinate, associate, or drafter of a licensee",

means that the unlicensed employee, subordinate, associate, or drafter of a person licensed under this chapter engages in the practice of professional engineering, professional structural engineering, or professional land surveying only on work initiated by a person licensed under this chapter, and only under the administration, charge, control, command, authority, oversight, guidance, jurisdiction, regulation, management, and authorization of a person licensed under this chapter.

(18) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 22, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-22-502.

**R156-22-302b. Qualifications for Licensure - Education Requirements.**

(1) Education requirements - Professional Engineer and Professional Structural Engineer.

In accordance with Subsections 58-22-302(1)(d) and 58-22-302(2)(d), the engineering program criteria is established as one of the following:

(a) The bachelors or post graduate engineering program shall be accredited by EAC/ABET or the Canadian Engineering Accrediting Board (CEAB).

(b) The post graduate engineering degree, when not accredited by EAC/ABET or CEAB, shall be earned from an institution which offers a bachelors or masters degree in an engineering program accredited by EAC/ABET or CEAB in the same specific engineering discipline as the earned post graduate degree and the applicant is responsible to demonstrate that the combined engineering related coursework taken (both undergraduate and post graduate) included coursework that meets or exceeds the engineering related coursework required for the EAC/ABET accreditation for the bachelor degree program.

(c) If the degree was earned in a foreign country, the engineering curriculum shall be determined by the NCEES Credentials Evaluations~~[, formerly known as the Center for Professional Engineering Education Services (CPEES),]~~ to fulfill the required curricular content of the NCEES Engineering Education Standard. Deficiencies in course work reflected in the credential evaluation may be satisfied by ~~[successfully]~~ completing the deficiencies in course work at a recognized college or university approved by the Division in collaboration with the Board. Engineering course work deficiencies must be completed at an EAC/ABET approved program.

(d) A TAC/ABET accredited degree is not acceptable to meet the qualifications for licensure as a professional engineer or a professional structural engineer.

(2) Education requirements - Professional Land Surveyor. In accordance with Subsection 58-22-302(3)(d), an applicant applying for licensure as a professional land surveyor shall verify completion of one of the following land surveying programs affiliated with an institution that is recognized by the Council for Higher Education Accreditation (CHEA) and approved by the Division in collaboration with the Board:

(a) an associates in applied science degree in land surveying or geomatics;

(b) a bachelors, masters or doctorate degree in land surveying or geomatics;

(c) an equivalent land surveying program that includes completion of a bachelors, masters or doctorate degree in a field related to land surveying or geomatics comprised of a minimum of 30 semester hours or 42 quarter hours of course work in land surveying or geomatics which shall include the following courses:

(i) successful completion of a minimum of one course in each of the following content areas:

(A) boundary law;

(B) writing legal descriptions;

(C) photogrammetry;

(D) public land survey system;

(E) studies in land records or land record systems; and

(F) surveying field techniques; and

(ii) completion of the remainder of the 30 semester hours or 42 quarter hours from any or all of the following content areas:

(A) algebra, calculus, geometry, statistics, trigonometry, not to exceed six semester hours or eight quarter hours;

(B) control systems;

(C) drafting, not to exceed six semester hours or eight quarter hours;

(D) geodesy;

(E) geographic information systems;

(F) global positioning systems;

(G) land development; and

(H) survey instrumentation; or

(d) an equivalent land surveying program that includes completion of a bachelors, masters or doctorate degree in a field related to land surveying or geomatics that does not include some of the course work specified in (c)(i) or (ii), or both, as part of the degree program, provided that the deficient requirements specified in (c)(i) or (ii), or both, have been completed post degree; and

(e) if the degree was earned in a foreign country, the land surveying curriculum shall be determined by the NCEES Credentials Evaluations~~[, formerly known as the Center for Professional Engineering Education Services (CPEES),]~~ to fulfill the required curricular content of the NCEES Education Standard. Deficiencies in course work reflected in the credential evaluation may be satisfied by ~~[successfully]~~ completing the deficiencies in course work at a recognized college or university approved by the Division in collaboration with the Board.

**R156-22-302c. Qualifications for Licensure - Experience Requirements.**

(1) General Requirements. These general requirements apply to all applicants under this chapter and are in addition to the specific license requirements in Subsections (2), (3) and (4).

(a) 2,000 hours of work experience constitutes one year (12 months) of work experience.

(b) No more than 2,000 hours of work experience can be claimed in any 12 month period.

(c) Experience shall be progressive on projects that are of increasing quality and requiring greater responsibility.

(d) Only experience of an engineering, structural engineering or surveying nature, as appropriate for the specific license, is acceptable.

(e) Experience is not acceptable if it is obtained in violation of applicable statutes or rules.

(f) Unless otherwise provided in this Subsection (1)(g), experience shall be gained under the direct supervision of a person licensed in the profession for which the license application is submitted. Supervision of an intern by another intern is not permitted.

(g) Experience is also acceptable when obtained in a work setting where licensure is not required or is exempted from licensure requirements, including experience obtained in the armed services if:

(i) the experience is performed under the supervision of qualified persons and the applicant provides verifications of the credentials of the supervisor; and

(ii) the experience gained is equivalent to work performed by an intern obtaining experience under a licensed supervisor in a licensed or civilian setting, and the applicant provides verification of the nature of the experience.

(h) Proof of supervision. The supervisor shall provide to the applicant the certificate of qualifying experience in a sealed envelope with the supervisor's seal stamped across the seal flap of the envelope, which the applicant shall submit with the application for licensure.

(i) In the event the supervisor is unavailable or refuses to provide a certification of qualifying experience, the applicant shall submit a complete explanation of why the supervisor is unavailable and submit verification of the experience by alternative means acceptable to the Board, which shall demonstrate that the work was profession-related work, competently performed, and sufficient accumulated experience for the applicant to be granted a license without jeopardy to the public health, safety or welfare.

(j) In addition to the supervisor's documentation, the applicant shall submit:

(i) at least one verification from a person licensed in the profession who has personal knowledge of the applicant's knowledge, ability and competence to practice in the profession applied for; or

(ii) if a person verifying the applicant's credentials is not licensed in the profession:

(A) at least one verification from the unlicensed person; and

(B) a written explanation as to why the unlicensed person is best qualified to verify the applicant's knowledge, ability and competence to practice in the profession applied for.

(k) Duties and responsibilities of a supervisor. The duties and responsibilities of a licensee under Subsection (1)(f) or other qualified person under Subsection (1)(g) include the following.

(i) A person may not serve as a supervisor for more than one firm.

(ii) A person who renders occasional, part time or consulting services to or for a firm may not serve as a supervisor.

(iii) The supervisor shall be in responsible charge of the projects assigned and is professionally responsible for the acts and practices of the supervisee.

(iv) The supervision shall be conducted in a setting in which the supervisor is independent from control by the supervisee and in which the ability of the supervisor to supervise and direct the practice of the supervisee is not compromised.

(v) The supervisor shall be available for advice, consultation and direction consistent with the standards and ethics of the profession.

(vi) The supervisor shall provide periodic review of the work assigned to the supervisee.

(vii) The supervisor shall monitor the performance of the supervisee for compliance with laws, standards and ethics applicable to the profession.

(viii) The supervisor shall provide supervision only to a supervisee who is an employee of a licensed professional or alternatively in a setting wherein both the supervisor and the supervisee are engaged in a work setting in which the work is exempt from licensure requirements.

(ix) The supervisor shall submit appropriate documentation to the Division with respect to all work completed by the supervisee during the period of supervised experience, including the supervisor's evaluation of the supervisee's competence to practice in the profession.

(x) The supervisor shall assure each supervisee has obtained the degree which is a prerequisite to the intern beginning to obtain qualifying experience.

(2) Experience Requirements - Professional Engineer.

(a) In accordance with Subsection 58-22-302(1)(e), an applicant for licensure as a professional engineer shall ~~complete the following qualifying experience requirements~~:

~~\_\_\_\_\_ (i) S] submit verification of qualifying experience obtained while under the supervision of one or more licensed professional engineers, which experience has been certified by the licensed professional who provided the supervision documenting completion of a minimum of four years of full time or equivalent part time qualifying experience in professional engineering approved by the Division in collaboration with the Board] in accordance with the following:~~

~~\_\_\_\_\_ ([A]i) The [qualifying] experience shall be obtained after meeting the education requirement[s].~~

~~\_\_\_\_\_ (ii) The experience shall be supervised by one or more licensed professional engineers.~~

~~\_\_\_\_\_ (iii) The experience shall be certified by the licensed professional engineer who provided the supervision.~~

~~\_\_\_\_\_ (iv) The experience shall include a minimum of four years of full-time or equivalent part-time experience in professional engineering, except as provided in Subsection (b).~~

~~\_\_\_\_\_ (b) Credit toward meeting the experience requirement may be granted as follows:~~

~~[\_\_\_\_\_ (B) A maximum of three of the four years of qualifying experience may be approved by the Board as follows:~~

~~] \_\_\_\_\_ ([H]i) A maximum of three years of qualifying experience may be granted for teaching advanced engineering subjects in a college or university offering an engineering curriculum accredited by EAC[ ]/ABET.~~

~~\_\_\_\_\_ ([H]ii) A maximum of three years of qualifying experience may be granted for conducting research in a college or university offering an engineering curriculum accredited by EAC/ABET provided the research is under the supervision of a licensed professional and is directly related to the practice of engineering, as long as such research has not been credited towards the education requirements. Therefore research which is included as part of the classwork, thesis or dissertation or similar work is not acceptable as additional work experience.~~

~~\_\_\_\_\_ ([H]iii) A maximum of one year of qualifying experience may be granted for ~~completing~~[~~completion of~~] a masters degree in engineering provided that both the earned bachelors and masters~~

degree in engineering meet the program criteria set forth in Subsection R156-22-302b(1).

~~(H)iv~~ A maximum of two years of qualifying experience may be granted for completing~~[completion of]~~ a doctorate degree in engineering provided that both the earned bachelors or masters degree and doctorate degree in engineering meet the program criteria set forth in Subsection R156-22-302b(1).

~~(b)c~~ The performance or supervision of construction work as a contractor, foreman or superintendent is not qualifying experience for licensure as a professional engineer.

~~(e)d~~ Experience should include demonstration of, knowledge, application, and practical solutions using engineering mathematics, physical and applied science, properties of materials and the fundamental principles of engineering design.

(3) Experience Requirements - Professional Structural Engineer.

(a) In accordance with Subsection 58-22-302(2)(e), each applicant shall submit verification of qualifying experience in accordance with the following:~~[three years of full-time or equivalent part-time professional structural engineering experience obtained while under the supervision of one or more licensed professional structural engineers, which experience is certified by the licensed structural engineer supervisor and is in addition to the qualifying experience required for licensure as a professional engineer.]~~

~~(b)i~~ The ~~[qualifying-]~~experience shall be obtained after meeting the education requirement~~[s]~~.

(ii) The experience shall be supervised by one or more licensed professional structural engineers.

(iii) The experience shall be certified by the licensed professional structural engineer who provided the supervision.

(iv) The experience shall include a minimum of three years of full-time or equivalent part-time experience in professional structural engineering.

~~(e)b~~ Professional structural engineering experience shall include responsible charge of structural design in one or more of the following areas:

(i) structural design of any building or structure two stories and more, or 45 feet in height, located in a region of moderate or high seismic risk designed in accordance with current codes adopted pursuant to Section 58-56-4;

(ii) structural design for a major seismic retrofit/rehabilitation of an existing building or structure located in a region of moderate or high seismic risk; or

(iii) structural design of any other structure of comparable structural complexity.

~~(d)c~~ Professional structural engineering experience shall include structural design in all of the following areas:

(i) use of three of the following four materials as they relate to the design, rehabilitation or investigation of buildings or structures:

- (A) steel;
- (B) concrete;
- (C) wood; or
- (D) masonry;

(ii) selection of framing systems including the consideration of alternatives and the selection of an appropriate system for the interaction of structural components to support vertical and lateral loads;

(iii) selection of foundation systems including the consideration of alternatives and the selection of an appropriate type of foundation system to support the structure;

(iv) design and detailing for the transfer of forces between stories in multi-story buildings or structures;

(v) application of lateral design in the design of the buildings or structures in addition to any wind design requirements; and

(vi) application of the local, state and federal code requirements as they relate to design loads, materials, and detailing.

(4) Experience Requirements - Professional Land Surveyor.

(a) In accordance with Subsection 58-22-302(3)(d), each applicant for licensure as a professional land surveyor shall submit verification of qualifying experience in accordance with the following:~~[four years of full-time or equivalent part-time qualifying experience in land surveying obtained under the supervision of one or more licensed professional land surveyors which experience may be obtained before, during or after completing the education requirements for licensure. The experience shall be certified by the licensed professional land surveyor supervisor.]~~

(i) The experience may be obtained before, during or after completing the education requirement.

(ii) The experience shall be supervised by one or more licensed professional land surveyors.

(iii) The experience shall be certified by the licensed professional land surveyor who provided the supervision.

~~(b)iv~~ The ~~[four years of qualifying-]~~experience shall ~~[comply with the following]~~include experience in professional land surveying in the following content areas:

~~(i)A~~ ~~[two years of-]~~experience specific to field surveying with actual "hands on" surveying, including all of the following:

- ~~(A)I~~ operation of various instrumentation;
- ~~(B)II~~ review and understanding of plan and plat data;
- ~~(C)III~~ public land survey systems;
- ~~(D)IV~~ calculations;
- ~~(E)V~~ traverse;
- ~~(F)VI~~ staking procedures;
- ~~(G)VII~~ field notes and manipulation of various forms of data encountered in horizontal and vertical studies; and
- ~~(h)B~~ ~~[two years of-]~~experience specific to office surveying, including all of the following:
  - ~~(A)I~~ drafting (includes computer plots and layout);
  - ~~(B)II~~ reduction of notes and field survey data;
  - ~~(C)III~~ research of public records;
  - ~~(D)IV~~ preparation and evaluation of legal descriptions;

and

~~(E)V~~ preparation of survey related drawings, plats and record of survey maps.

(v) The amount of experience shall be in accordance with one of the following:

(A) Each applicant having graduated and received an associates degree in land surveying or geomatics shall complete a minimum of six years of experience as follows:

(I) three years of experience that complies with Subsection (4a)(a)(iv)(A); and

~~(II) three years of experience that complies with Subsection (4)(a)(iv)(B).~~

~~(B) Each applicant having graduated and received a bachelors degree in land surveying or geomatics shall complete a minimum of four years of qualifying experience as follows:~~

~~(A) two years of qualifying experience that complies with Subsection (4)(a)(iv)(A); and~~

~~(B) two years of qualifying experience that complies with Subsection (4)(a)(iv)(B).~~

~~(vi) Each applicant having graduated and received a masters degree in land surveying or geomatics shall complete a minimum of three years of qualifying experience as follows:~~

~~(A) one and a half years of qualifying experience that complies with Subsection (4)(a)(iv)(A); and~~

~~(B) one and a half years of qualifying experience that complies with Subsection (4)(a)(iv)(B).~~

~~(vii) Each applicant having graduated and received a doctorate degree in land surveying or geomatics shall complete a minimum of two years of qualifying experience as follows:~~

~~(A) one year of qualifying experience that complies with Subsection (4)(a)(iv)(A); and~~

~~(B) one year of qualifying experience that complies with Subsection (4)(a)(iv)(B).~~

~~[(c) A maximum of one year of qualifying experience may be granted for completion of a masters degree in land surveying or geomatics.~~

~~(d) A maximum of two years of qualifying experience may be granted for completion of a doctorate degree in land surveying or geomatics.~~

]

**R156-22-302d. Qualifications for Licensure - Examination Requirements.**

(1) Examination Requirements - Professional Engineer.

(a) In accordance with Subsection 58-22-302(1)(f), the examination requirements for licensure as a professional engineer are defined, clarified or established as the following:

(i) the NCEES FE examination with a passing score as established by the NCEES except that an applicant who has completed one of the following is not required to pass the FE examination:

(A) a Ph.D. or doctorate degree in engineering from an institution that offers EAC/ABET undergraduate programs in the Ph.D. field of engineering; or

(B) A Ph.D. or doctorate degree in engineering from a foreign institution if the engineering curriculum is determined by the NCEES Credentials Evaluations, formerly known as the Center for Professional Engineering Education Services (CPEES), to fulfill the required curricular content of the NCEES Engineering Education Standard.

(ii) the NCEES PE examination with a passing score as established by the NCEES; or

(iii) the NCEES SE examination with a passing score as established by the NCEES; ~~and~~

~~(iii) pass all questions on the open book, take home Utah Law and Rules Examination, which is included as part of the license application form].~~

(b) If an applicant was approved by the Division of Occupational and Professional Licensing to take the examinations required for licensure as an engineer under prior Utah statutes and

rules and did take and pass all examinations required under such prior rules, the prior examinations will be acceptable to qualify for reinstatement of licensure rather than the examinations specified under Subsection R156-22-302d(1)(a).

(c) Prior to submitting an application for pre-approval to sit for the NCEES PE examination, an applicant shall successfully complete the education requirements set forth in Subsection R156-22-302b(1).

(d) The admission criteria to sit for the NCEES FE examination is set forth in Section 58-22-306.

(2) Examination Requirements - Professional Structural Engineer.

(a) In accordance with Subsection 58-22-302(2)(f), the examination requirements for licensure as a professional structural engineer are established as the following:

~~(i) [as part of the application for license, pass all questions on the open book, take home Utah Law and Rules Examination.~~

~~(ii) ]the NCEES FE examination with a passing score as established by the NCEES; and~~

~~(iii) ](A) the NCEES SE examination with a passing score as established by the NCEES;~~

~~(B) [prior to April 2011, ]the NCEES Structural I and Structural II Examinations with a passing score as established by the NCEES;~~

~~(C) [prior to January 1, 2004, ]an equivalent 16-hour state written examination with a passing score; or~~

~~(D) the NCEES Structural II exam and an equivalent 8-hour state written examination with a passing score.~~

(b) Prior to submitting an application for pre-approval to sit for the NCEES SE examination, an applicant ~~[must have successfully completed]~~ shall complete two out of the three years of the experience requirements set forth in Subsection R156-22-302c(3).

(3) Examination Requirements - Professional Land Surveyor.

(a) In accordance with Subsection 58-22-302(3)(e), the examination requirements for licensure as a professional land surveyor are established as the following:

(i) the NCEES FS examination with a passing score as established by the NCEES;

(ii) the NCEES PS examination with a passing score as established by the NCEES; and

(iii) the Utah Local Practice Examination with a passing score of at least 75. An applicant who fails the Utah Local Practice Examination may retake the examination as follows:

(A) no sooner than 30 days following any failure, up to three failures; and

(B) no sooner than six months following any failure thereafter.

(b) Prior to submitting an application for pre-approval to sit for the NCEES PS examination, an applicant shall ~~[successfully]~~ complete the education requirement set forth in Subsection R156-22-302b(2).

(4) Examination Requirements for Licensure by Endorsement.

In accordance with Subsection 58-22-302(4)(d)(ii), the examination requirements for licensure by endorsement are established as follows:

(a) Professional Engineer: An applicant for licensure as a professional engineer by endorsement shall comply with the examination requirements in Subsection R156-22-302d(1) except that the Board may waive one or more of the following examinations under the following conditions:

(i) the NCEES FE examination for an applicant who is a principal for five of the last seven years preceding the date of the license application and who was not required to pass the NCEES FE examination for initial licensure from the recognized jurisdiction the applicant was originally licensed;

(ii) the NCEES PE examination for an applicant who is a principal for five of the last seven years preceding the date of the license application, who has been licensed for 10 years preceding the date of the license application, and who was not required to pass the NCEES PE examination for initial licensure from the recognized jurisdiction the applicant was originally licensed.

(b) Professional Structural Engineer: An applicant for licensure as a professional structural engineer by endorsement shall comply with the examination requirements in Subsection R156-22-302d(2) except that the Board may waive the NCEES FE examination for an applicant who is a principal for five of the last seven years preceding the date of the license application and who was not required to pass the NCEES FE examination for initial licensure from the recognized jurisdiction the applicant was originally licensed.

(c) Professional Land Surveyor: An applicant for licensure as a professional land surveyor by endorsement shall comply with the examination requirements in Subsection R156-22-302d(3) except that the Board may waive either the NCEES FS examination or the NCEES PS examination or both to an applicant who is a principal for five of the last seven years preceding the date of the license application and who was not required to pass the NCEES FS examination or the NCEES PS examination for initial licensure from the recognized jurisdiction the applicant was originally licensed.

**R156-22-503. Administrative Penalties.**

(1) In accordance with Subsection 58-22-503, the following fine schedule shall apply to citations issued [~~to~~ ~~individuals licensed~~] under Title 58, Chapters 1 and 22:

.....

(2) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor. If a citation is issued for a third offense, the fine is double the second offense amount, with a maximum amount not to exceed the maximum fine allowed under Subsection 58-22-503(1) (i).

(3) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.

(4) An investigative supervisor may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.

(5) In all cases the presiding officer shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine amount based upon the evidence reviewed.

**R156-22-601. Seal Requirements.**

(1) In accordance with Section 58-22-601, all final plans, specifications, reports, maps, sketches, surveys, drawings, documents and plats prepared by the licensee or prepared under the supervision of the licensee, shall be sealed in accordance with the following:

(a) Each seal shall be a circular seal, 1-1/2 inches minimum diameter.

(b) Each seal shall include the licensee's name, license number, "State of Utah", and "Professional Engineer", "Professional Structural Engineer", or "Professional Land Surveyor" as appropriate.

(c) Each seal shall be signed and dated with the signature and date appearing across the face of each seal imprint.

(d) Each original set of final plans, specifications, reports, maps, sketches, surveys, drawings, documents and plats, as a minimum, shall have the original seal imprint, original signature and date placed on the cover or title sheet.

(e) A seal may be a wet stamp, embossed, or electronically produced.

(f) Electronically generated signatures are acceptable.

(g) It is the responsibility of the licensee to provide adequate security when documents with electronic seals and electronic signatures are submitted. Sheets subsequent to the cover of specifications are not required to be sealed, signed and dated.

([f]h) Copies of the original set of plans, specifications, reports, maps, sketches, surveys, drawings, documents and plats which contain the original seal, original signature and date is permitted, if the seal, signature and date is clearly recognizable.

(2) A person who qualifies for and uses the title of professional engineer intern is not permitted to use a seal.

**KEY: professional land surveyors, professional engineers, professional structural engineers**

**Date of Enactment or Last Substantive Amendment: [~~April 8, 2014~~2015]**

**Notice of Continuation: June 25, 2012**

**Authorizing, and Implemented or Interpreted Law: 58-22-101; 58-1-106(1)(a); 58-1-202(1)(a)**

**Health, Health Care Financing,  
Coverage and Reimbursement Policy  
R414-307  
Eligibility for Home and Community-  
Based Services Waivers**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39629

FILED: 08/31/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This change is based on guidance from the Centers for Medicare and Medicaid Services (CMS) to clarify post-eligibility treatment of income for individuals who become eligible for the Medically Needy Waiver Group, the New Choices Waiver, and the Home and Community-Based Services (HCBS) Waiver for Individuals with Physical Disabilities. The other purpose is to update the age requirement for Autism Waiver eligibility.

**SUMMARY OF THE RULE OR CHANGE:** This amendment clarifies post-eligibility treatment of income for individuals who become eligible for the New Choices Waiver under the Special Income Group. It also updates the age requirement for Autism Waiver eligibility.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Pub. L. No. 111-148 and Section 26-1-5 and Section 26-18-3

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** The Department estimates annual savings of \$100,000 based on a few individuals who will have to pay more for services under the Medically Needy Waiver Group, the New Choices Waiver, and the HCBS Waiver for Individuals with Physical Disabilities. The update to the Autism Waiver, however, does not affect the state budget because it is within appropriations previously approved for the Autism Waiver program.

♦ **LOCAL GOVERNMENTS:** There is no impact to local governments because they do not fund or provide waiver services to Medicaid recipients.

♦ **SMALL BUSINESSES:** Small businesses may lose a portion of \$100,000 in total annual revenue based on a few individuals who will have to pay more for services under the Medically Needy Waiver Group, the New Choices Waiver, and the HCBS Waiver for Individuals with Physical Disabilities. The update to the Autism Waiver, however, does not affect business revenue because it is within appropriations previously approved for the Autism Waiver program.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Medicaid providers may lose a portion of \$100,000 in total annual revenue based on a few individuals who will have to pay more for services under the Medically Needy Waiver Group, the New Choices Waiver, and the HCBS Waiver for Individuals with Physical Disabilities. Additionally, a few Medicaid recipients may have to pay this aggregate amount in out-of-pocket expenses. The update to the Autism Waiver, however, neither affects providers nor recipients because it is within appropriations previously approved for the Autism Waiver program.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** This amendment requires a few recipients to pay more for services under the Medically Needy Waiver Group, the New Choices Waiver, and the HCBS Waiver for Individuals with Physical

Disabilities. The annual out-of-pocket expense to a single Medicaid recipient is about \$7,200.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The proposed changes may fiscally impact businesses who are medical care providers because they may lose a portion of the estimated \$100,000 in annual revenue from program savings based on the few individuals who will pay more for services under the waiver programs.

**THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:**

HEALTH  
HEALTH CARE FINANCING,  
COVERAGE AND REIMBURSEMENT POLICY  
CANNON HEALTH BLDG  
288 N 1460 W  
SALT LAKE CITY, UT 84116-3231  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

♦ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 11/01/2015**

**AUTHORIZED BY: Joseph Miner, MD, Executive Director**

**R414. Health, Health Care Financing, Coverage and Reimbursement Policy.**

**R414-307. Eligibility for Home and Community-Based Services Waivers.**

**R414-307-5. Medically Needy Waiver Group.**

The following sets forth financial eligibility requirements for the medically needy coverage group, and applies to individuals seeking Medicaid coverage for HCBS under the New Choices Waiver or the Individuals with Physical Disabilities Waiver.

(1) If an individual's spouse meets the definition of a community spouse, the eligibility agency shall apply the resource provisions defined in Section 1924 of the Social Security Act and Section R414-305-3 and Section R414-305-4.

(2) If the individual does not have a spouse or the individual's spouse does not meet the definition of a community spouse, the eligibility agency may only count the individual's resources to determine eligibility. When both members of a married couple who live together apply for waiver services and meet the criteria for the medically needy waiver group, the eligibility agency shall count one-half of jointly-held assets available to each spouse. Each spouse must pass the medically needy resource test for one person.

(3) The eligibility agency may only count income of the individual determined under the most closely associated cash

assistance program to decide eligibility for the medically needy waiver group. The eligibility agency may not count income of the individual's spouse except for actual contributions from the spouse.

(4) If the individual is a minor child, the eligibility agency may only count income and resources of the child and may not count income and resources of the child's parents to decide if the child passes the income and resource tests for the medically needy waiver group. The eligibility agency shall count actual contributions from a parent, including court-ordered support payments as income of the child.

(5) The individual's income must exceed three times the payment that would be made to an individual with no income under Subsection 1611(b)(1) of the Social Security Act.

(6) To determine eligibility for an individual ~~without a community spouse~~, the eligibility agency shall apply the income deductions allowed by the community Medicaid category under which the individual qualifies.

(a) The eligibility agency shall compare countable income to the applicable medically needy income limit for a one-person household to determine the individual's spenddown. The individual's medical expenses, including the cost of long-term care services, must exceed the spenddown amount.

~~(i) If an individual does not have a community spouse, to~~ To receive Medicaid eligibility, the individual must meet the monthly spenddown as defined ~~applicable contribution to the cost of care in the same manner as a spenddown as defined~~ in Subsection R414-304-11(9).

~~(ii) An individual who has a community spouse is subject to the post-eligibility provisions of Section 1924 of the Social Security Act. The eligibility agency determines the individual's cost-of-care contribution by deducting from the individual's total income, the post-eligibility allowances defined in the implementation plan of the specific waiver for which the individual qualifies. The individual must meet the applicable contribution to the cost of care in the same manner as a spenddown as defined in Subsection R414-304-11(9).~~

(b) The eligibility agency deducts medical expenses incurred by the individual in accordance with Section R414-304-11.

(7) The eligibility agency shall determine an individual's financial eligibility for the medically needy waiver group based on the level of care date on a valid waiver referral form as defined in Subsection R414-307-3(2). The eligibility agency shall determine eligibility for prior months using the community Medicaid or institutional Medicaid rules that apply to the individual's situation.

#### **R414-307-6. New Choices Waiver Eligibility Criteria.**

(1) ~~To qualify for the New Choices Waiver, a~~ An individual must be 65 years of age or older, or at least 18 through 64 years of age and disabled to be eligible for the New Choices Waiver, as defined in Subsection 1614(a)(3) of the Social Security Act. ~~For the purpose of~~ In accordance with ~~this~~ waiver provisions, the eligibility agency considers an individual is to be 18 years of age beginning the first month after the month of in which the individual 's turns 18 th birthday years old.

(2) A single individual ~~eligible under the special income group~~, or any married individual with a community spouse, who is eligible under the Special Income Group, may be required to pay a contribution toward the cost of care to receive services under an HCBS waiver. The eligibility agency determines a client's cost-of-care contribution as follows:

(a) The eligibility agency counts all of the client's income unless the income is excluded under other federal laws that exclude certain income from being counted to determine eligibility for federally-funded, needs-based medical assistance.

(b) The eligibility agency deducts the following amounts from the individual's income:

(i) A personal needs allowance equal to 100% of the federal poverty guideline for a household of one;

(ii) For individuals with earned income, up to \$125 of gross-earned income;

(iii) Actual monthly shelter costs not to exceed \$300. This deduction includes mortgage, insurance, property taxes, rent, and other shelter expenses;

(iv) A deduction for monthly utility costs equal to the standard utility allowance Utah uses under Subsection 5(e) of the Food Stamp Act of 1977. If the waiver client shares utility expenses with others, the allowance is prorated accordingly;

(v) In the case of a married individual with a community spouse, an allowance for a community spouse and dependent family members who live with the community spouse, in accordance with the provisions of Section 1924 of the Social Security Act;

(vi) When an individual has a dependent family member at home and the provisions of Section 1924 of the Social Security Act do not apply, an allowance for a dependent family member that is equal to one-third of the difference between the minimum monthly spousal needs allowance defined in Section 1924 of the Social Security Act and the family member's monthly income. If more than one individual qualifies for an HCBS waiver or institutional Medicaid coverage, and contributes income to the dependent family member, the combined income deductions of these individuals cannot exceed one-third of the difference between the minimum monthly spousal needs allowance and the family member's monthly income. The eligibility agency shall end this deduction when the dependent family member enters a medical institution;

(vii) Medical and remedial care expenses incurred by the individual in accordance with Section R414-304-11.

(c) The income deduction to provide an allowance to a spouse or a dependent family member may not exceed the amount the individual actually gives to such spouse or dependent family member.

(d) The remaining amount of income after these deductions is the individual's cost-of-care contribution.

(3) The individual must pay the cost-of-care contribution to the eligibility agency each month to receive services under an HCBS waiver.

#### **R414-307-11. Home and Community-Based Services Waiver for Individuals with Physical Disabilities.**

(1) To qualify for the waiver for individuals with physical disabilities, the individual must meet non-financial criteria for Aged, Blind, or Disabled Medicaid.

(2) A client's resources must be equal to or less than \$2000. The spousal impoverishment resource provisions for married, institutionalized clients in Section R414-305-3 apply to this rule.

(3) Countable income is determined using income rules of Aged, Blind, or Disabled Institutional Medicaid. The eligibility agency counts all income unless the income is excluded under other federal laws that exclude certain income from being counted to determine eligibility for federally-funded, needs-based medical

assistance. Eligibility is determined counting only the gross income of the client.

(4) The eligibility agency counts a spouse's income only if the client receives a cash contribution from a spouse.

(5) An individual whose income does not exceed 300% of the federal benefit rate ~~[, or any married individual with a community spouse]~~ may be required to pay a cost-of-care contribution. The following provisions apply to the determination of cost-of-care contribution.

(a) The eligibility agency counts all of the client's income except income that is excluded under other federal laws from being counted to determine eligibility for federally-funded, needs-based medical assistance.

(b) The eligibility agency deducts the maximum allowance available, which is a personal needs allowance equal to 300% of the federal benefit rate payable under Section 1611(b)(1) of the Social Security Act for an individual with no income. No other deductions from income are allowed.

(6) An individual ~~[who does not have a community spouse and]~~ whose income exceeds three times the federal benefit rate payable under Section 1611(b)(1) of the Social Security Act may pay a spenddown to become eligible. To determine the spenddown amount, the income rules and medically needy income standard for non-institutionalized aged, blind or disabled individuals in Rule R414-304 apply except that income is not deemed from the client's spouse.

(7) The provisions of Section R414-305-9 concerning transfers of assets apply to individuals seeking eligibility or receiving benefits under this home and community-based services waiver.

**R414-307-12. Home and Community-Based Services Waiver for Individuals with Autism.**

~~[(1) To qualify for the waiver for individuals with autism, the child must be at least two years of age and under six years of age. The last month a child can be eligible for this waiver is the month in which the child turns six years of age.~~

~~(2) All other eligibility requirements follow the rules of the Community Supports Home and Community-Based Services Waiver found in Section R414-307-7 except for Subsection R414-307-7(1).~~

~~(1) An individual must be at least two years of age and under seven years of age to be eligible for the Medicaid Autism Waiver.~~

~~(a) The eligibility agency shall treat an individual as being under seven years of age through the month in which the individual turns seven years old.~~

~~(b) The agency shall end waiver eligibility after the month in which the individual turns seven years old.~~

~~(2) This waiver complies with the provisions of the Community Supports Home and Community-Based Services Waiver and all other eligibility requirements found in Section R414-307-7, except for the requirement of Subsection R414-307-7(1).~~

**KEY: eligibility, waivers, special income group**  
**Date of Enactment or Last Substantive Amendment: [July 1,] 2015**  
**Notice of Continuation: April 17, 2012**  
**Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3**

**Health, Family Health and Preparedness, Emergency Medical Services**  
**R426-6**  
**Emergency Medical Services Per Capita and Competitive Grant Program Rules**

**NOTICE OF PROPOSED RULE**

(Amendment)  
 DAR FILE NO.: 39628  
 FILED: 08/31/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The grant award effective dates need to be revised from the fiscal year dates to the dates listed within the Emergency Medical Services (EMS) Grant guidelines.

**SUMMARY OF THE RULE OR CHANGE:** Grant awards effective date needs to be amended to the end of July, after the EMS Committee meets and approves EMS Grant Awards for the new fiscal year. The end date of the grant award needs to be amended, as they do not match current EMS Grant guideline or contract dates. The new Section R426-6-3 needs to be amended to reflect the new grant effective dates.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 26-8a-207

- ANTICIPATED COST OR SAVINGS TO:**
- ◆ **THE STATE BUDGET:** State budget will not be impacted as this matches existing EMS Grant Guidelines and Grant Contracts.
  - ◆ **LOCAL GOVERNMENTS:** Local government budgets will not be impacted as EMS agencies still have over 10 months to utilize EMS Grant funds.
  - ◆ **SMALL BUSINESSES:** EMS budgets will not be impacted as grant awards are effective for over 10 months.
  - ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** EMS budgets will not be impacted as grant awards are effective for over 10 months.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no costs to the agency for this rule revision.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The proposed change revises the grant award date from June 30 to May 15 and adds that the per capita grant award is no less than \$500. This change has no fiscal impact on business because it neither places additional requirements on business nor does it reduce or increase any funding that would go to business.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HEALTH  
FAMILY HEALTH AND PREPAREDNESS,  
EMERGENCY MEDICAL SERVICES  
3760 S HIGHLAND DR  
SALT LAKE CITY, UT 84106  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Allan Liu by phone at 801-273-6664, by FAX at 801-273-4165, or by Internet E-mail at [aliu@utah.gov](mailto:aliu@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2015

AUTHORIZED BY: Joseph Miner, MD, Executive Director

**R426. Health, Family Health and Preparedness, Emergency Medical Services.**

**R426-6. Emergency Medical Services Per Capita and Competitive Grant Programs Rules.**

**R426-6-1. Authority and Purpose.**

- (1) This rule is established under Title 26 Chapter 8a.
- (2) The purpose of this rule provides guidelines for the equitable distribution of per capita grant funds and competitive grant funds specified under the Emergency Medical Services (EMS) Grants Program.

**R426-6-2. Per Capita and Competitive Grants Eligibility.**

- (1) Grants are available only to licensed EMS ambulance services, paramedic services, EMS designated first response units, and EMS dispatch providers that are either:
  - (a) Agencies or political subdivisions of local or state government or incorporated non-profit entities; or
  - (b) for-profit EMS providers that are the primary EMS provider for a service area.
- (2) A for-profit EMS provider is a primary EMS provider in a geographical service area if it is licensed for and provides service at a higher level than the public or non-profit provider;
  - (a) The levels of EMS providers are in this rank order:
    - (i) Paramedic service;
    - (ii) EMT-IA;
    - (iii) Advanced EMT;
    - (iv) EMT;
    - (v) EMR;
    - (vi) EMD.
  - (b) Paramedic ambulance interfacility transports, EMT ambulance interfacility transports, or paramedic tactical rescue units are not eligible for grant funding because they cannot be the primary EMS provider for a geographical service area.
- (3) Grants are available for use specifically related to the provision of emergency medical services. Grant funds cannot be used for rescue and fire equipment.

(4) Grantees must be in compliance with the EMS Systems Act and all EMS rules during the grant period.

(5) An applicant that is six months or more in arrears in payments owed to the Department is ineligible for per grant consideration.

**R426-6-3. Per Capita and Competitive Grants Implementation.**

- (1) In accordance with Title 26, Chapter 8a, awards shall be implemented by grants between the Department and the grantee.
- (2) The Grant Program Guidelines, outlining the review schedule, funding amounts, eligible expenditures, and awards schedule shall be established annually by the Department and EMS Committee.
- (3) The [d]Department may accept only complete applications which are submitted by the deadlines established by the Department and EMS Committee.
- (4) Grant awards are effective on July [+]31 and must be used by [~~June 30~~]May 15 of the following year. No extensions will be given.
- (5) Grant funding is on a reimbursable basis after presentation of documentation of expenditures which are in accordance with the approved grant awards budget.
- (6) No matching funds are required for per capita grants.
- (7) Per capita funds may be used as matching funds for competitive grants.
- (8) Per capita grant award shall be no less than \$500.

**R426-6-4. Per Capita Application and Award Formula.**

- (1) Per capita grants are available to eligible providers that complete a grant application by the deadline established annually by the Department.
- (2) Agency applicants shall certify agency personnel rosters as part of the grant application process.
  - (a) A certified individual who works for both a public and a for-profit agency may be credited only to the public or non-profit licensee or designee.
  - (b) Certified individuals may be credited for only one agency. However, if a dispatcher is also an EMT, EMT-I, AEMT, EMT-IA, or paramedic, the dispatcher may be credited to one agency as a dispatcher and one agency as an EMT, EMT-I, AEMT, EMT-IA, or paramedic.
  - (c) Certified individuals who work for providers that cover multiple counties may be credited only for the county where the certified person lives.
- (3) The Department shall allocate funds by using the following point totals for agency-certified personnel: certified Dispatchers = 1; certified EMRs = 1; certified EMTs = 2; certified Advanced EMTs = 3; certified Intermediate Advanced EMTs = 3; and certified Paramedics = 4. The number of certified personnel is based upon the personnel rosters of each licensed EMS provider, designated EMS dispatch agency, and designated EMS first response unit as a date as specified by the Department immediately prior to the grant year, which begins July 1. To comply with Legislative intent, the point totals of each eligible agency will be multiplied by the current county classification as provided under Section 17-50-501.

**R426-6-5. Competitive Grant Process.**

- (1) It is the intent of the EMS Committee that there the local EMS council or committee review of EMS grant applications.

Therefore, copies of competitive grant applications should be provided by grant applicants to their respective county EMS councils or committees and the multi-county EMS councils or committees, where organized, for review and recommendation to the State Grants subcommittee.

(2) Agencies that are licensed or designated, whose EMS service area includes multiple local EMS Committee jurisdictions will be reviewed separately by the State Grants Subcommittee.

(3) The Grants Subcommittee shall review the competitive grant applications and forward its recommendations to the EMS Committee. The EMS Committee shall review and comment on the Grants Subcommittee recommendations and forward to the Department.

(4) Grant recipients shall provide matching funds in the amount specified in the Grant Program Guidelines.

(5) The Grants Subcommittee may recommend reducing or waiving the matching fund requirements where appropriate in order to respond to special or pressing local or state EMS issues.

(6) The Grants Subcommittee shall make recommendations based upon the following criteria:

- (a) The impact on patient care;
- (b) a description of the size and significant impediments of the geographic service area;
- (c) the population demographics of the service area;
- (d) the urgency of the need;
- (e) call volume;
- (f) the per capita grant allocated to each agency, and its relative benefit on the agency to provide EMS service;
- (g) local county recommendation;
- (h) a description of the agency; and
- (i) percent of responses to non-residents of the service area.

#### **R426-6-6. Interim or Emergency Grant Awards.**

(1) The Grants Subcommittee may recommend interim or emergency grants if all the following are met:

- (a) Grant funds are available;
- (b) The applicant clearly demonstrates the need;
- (c) the application was not rejected by the Grants Subcommittee during the current grant cycle; and
- (d) Delay of funding to the next scheduled grant cycle would impair the agency's ability to provide EMS care.

(2) Applicants for interim or emergency grants shall:

- (a) Submit an interim/emergency grant application, following the same format as annual grant applications; and
- (b) submit the interim/emergency grant application to the Department at least 30 days prior to the EMS Committee meeting at which the grant application will be reviewed.

(3) The Grants Subcommittee shall review the interim/emergency grant application and forward recommendations to the EMS Committee. The EMS Committee shall review and comment on the Grants Subcommittee recommendations and forward to the Department.

**KEY: emergency medical services**

**Date of Enactment or Last Substantive Amendment: [~~October 18, 2013~~2015]**

**Authorizing, and Implemented or Interpreted Law: 26-8a**

## Health, Family Health and Preparedness, Primary Care and Rural Health **R434-45** Rural Physician Loan Repayment Program Rules

### NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 39613

FILED: 08/24/2015

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is required by Title 63G, Chapter 3, and Subsection 26-46a-103(6)(a). The rule implements the Rural Physician Loan Repayment Program, which governs the award of funds to rural physicians to repay eligible bona fide loans taken for educational expenses.

**SUMMARY OF THE RULE OR CHANGE:** The rules govern the administration of the program including: contract administration, full-time equivalency provisions, contract eligibility and selection criteria, contract breach and penalties, contract extension, and release from contract.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Title 63G, Chapter 3

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** The rule will impose minor costs and duties to state government. These costs will be administrative costs to the program.

◆ **LOCAL GOVERNMENTS:** There are no expected costs to local government, other than the time it would take for them to fill out and complete the competitive employment site application. Anticipate savings for those health care facilities that are matched with a rural physician.

◆ **SMALL BUSINESSES:** There are no expected costs to small businesses, other than the time it would take for them to fill out and complete the competitive employment site application. Anticipate savings for those health care facilities that are matched with a rural physician.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no expected costs to businesses, other than the time it would take for them to fill out and complete the competitive employment site application. Anticipate savings for those health care facilities that are matched with a rural physician. Hospital would be required to match state dollars awarded rural physician.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The rule will have no fiscal impact on business because it does not impose any requirements on business. Rural hospitals may see an undefined benefit if it is matched with and receives the services from participating physician.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HEALTH  
FAMILY HEALTH AND PREPAREDNESS,  
PRIMARY CARE AND RURAL HEALTH  
3760 S HIGHLAND DR  
SALT LAKE CITY, UT 84106  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Erin Olsen by phone at 801-273-6618, by FAX at 801-273-4146, or by Internet E-mail at elolsen@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/17/2015

THIS RULE MAY BECOME EFFECTIVE ON: 10/24/2015

AUTHORIZED BY: Robert Rolfs, Deputy Director

**R434. Health, Family Health and Preparedness, Primary Care and Rural Health.**

**R434-45. Rural Physician Loan Repayment Program Rules.**

**R434-45-1. Purpose.**

This rule implements the Rural Physician Loan Repayment Program, Utah Code, Title 26, Chapter 46a; which governs the award of funds to rural physicians to repay eligible bona fide loans taken for educational expenses.

**R434-45-2. Authority.**

This rule is required by Section 26-46a-103(6)(a) and is promulgated under the authority of Section 26-1-5 and 26-1-17.

**R434-45-3. Definitions.**

The definitions as they appear in Section 26-46a-102 apply. In addition:

(1) "Applicant" means a physician who submits a completed application and meets the application requirements established by the Department for loan repayment, including a written agreement with a rural hospital to provide matching funds.

(2) "Approved rural hospital" means a hospital located in a rural county as defined by Section 26-46a-102, who has entered into a written agreement with the recipient to provide matching funds for the program.

(3) "Committee" means the Rural Physician Loan Repayment Program Advisory Committee created by Section 26-46a-104.

(4) "Contract year" means a 12 month period beginning with the effective date of the contract between the recipient and the approved rural hospital.

(5) "Educational expenses" means the cost of allopathic or osteopathic medical education, including books, equipment, fees, materials, reasonable living expenses, supplies, and tuition.

(6) "Eligible bona fide loan" means a loan used to pay for educational expenses leading to an allopathic or osteopathic medical degree and license in Utah that is:

(a) A commercial loan made by a bank, credit union, savings and loan association, insurance company, school, or credit institution;

(b) A governmental loan made by a federal, state, county or city agency;

(c) A loan made by another person that is documented by a contract notarized at the time of making of the loan, indicative of an arm's length transaction, and with competitive terms and rates as other loans available to students; or

(d) A loan that the application conclusively demonstrates to the Department is a bona fide loan.

(7) "Loan repayment contract" means a contract for funds to defray educational loans in exchange for a service obligation at an approved site.

(8) "Recipient" means an applicant selected to receive a loan repayment.

(9) "Service obligation" means the required professional services rendered under a loan repayment contract at an approved site for a minimum of two years.

**R434-45-4. Loan Repayment Contract Administration.**

(1) The Department may enter into education loan repayment contracts with physicians, in accordance with 26-46a-103(2).

(2) The Department may award loan repayment contracts up to \$15,000 per contract year per physician.

(3) The Department may pay recipient at the end of the first quarter of the contract year.

(4) The Department may not enter into a loan repayment contract with an applicant who is in default of any scholarship or loan repayment program at the time of application.

(5) Recipient shall enter into a written loan repayment contract with the Department and the approved rural hospital that binds them to the terms of the program before receiving Department funds.

(6) The approved rural hospital shall provide a copy of the contract with recipient to the Department showing evidence of the payment method used by the rural hospital to match funds.

(7) Recipient shall have and maintain a permanent, unrestricted license to practice as a physician in Utah before his first day of service under the contract and during the service obligation.

(8) Recipient shall provide a progress report as defined by the Department from the hospital on a biannual basis to the Department.

(9) Recipient shall provide information reasonably necessary for administration of the program, as determined by the Department.

(10) Recipient may not enter into any other similar contract for loan repayment until recipient satisfies the service obligation of the loan repayment contract.

**R434-45-5. Full-Time Equivalency Provisions for Recipient.**

(1) Loan repayment contract amount is based on the level of full-time equivalency of recipient.

(2) Recipient may work full time or part time.

(3) As used in this rule:

(a) Full time means providing services for at least 40 hours per week for forty-seven 47 weeks per year; or

(b) Part-time means providing services for at least 20 hours per week for 47 weeks per year.

**R434-45-6. Loan Repayment Contract Eligibility and Selection Criteria.**

(1) Applicant shall be selected based on eligibility criteria, such as:

(a) Prior experience living, working, or both in a rural community;

(b) Board certification or eligibility;

(c) The applicant obtaining a contract with an approved rural hospital that will match the loan funds;

(d) Status as a United States Citizen or legal resident; and

(e) Application within one year of beginning professional practice in a rural community.

**R434-45-7. Loan Repayment Contract Service Obligation.**

(1) Recipient shall enter into written loan repayment contracts with the Department and the approved rural hospital agreeing to the conditions upon which the award is to be made before receipt of award under the act.

(2) The contract shall include conditions necessary to carry out the purposes of the act.

(3) Recipient shall serve at a rural site, approved by the Department, for a period established at the time of award, no less than 24 months.

(4) Periods of internship, preceptorship, or other clinical training may not satisfy service obligation.

**R434-45-8. Loan Repayment Contract Breach, Repayment and Penalties.**

(1) If recipient fails to complete the service obligation, he shall:

(a) Pay a penalty twice the total amount of the award, on a prorated basis, according to a schedule established by the loan repayment contract;

(b) Pay 12% annum interest on the unpaid penalty; and

(c) Pay all costs and expenses incurred, including attorney fees, in collection of penalty.

(2) If recipient is in breach of contract he shall begin to repay within 30 days of breach.

(3) If recipient does not begin to repay within 30 days, the Department may submit for immediate collection of the total amount of the penalty.

(4) Recipient shall repay the penalty in no less than one year of breach of contract.

(5) Recipient shall make quarterly payments, no less than one-fourth of the total amount of the penalty.

(6) The total amount of the penalty shall be determined from the end of the month in which breach of contract was made.

(7) Recovered funds and damages collected under this section shall be deposited as dedicated credits to be used to carry out the provisions of the act.

**R434-45-9. Extension of Loan Repayment Contracts.**

(1) The Department may extend the service obligation period for one year if:

(a) Recipient has completed his first year of service under a two-year contract;

(b) The approved rural hospital will continue to match the Department funds; and

(c) Recipient informs the Department and rural hospital, in writing, of his interest in extending the contract at least six months prior to the end of the service obligation.

**R434-45-10. Release of Recipient from Loan Repayment Contract and Service Obligations.**

(1) The Department and the rural hospital may cancel or release, in full or in part, a recipient from his service obligation if:

(a) The service obligation has been fulfilled;

(b) Recipient is unable to fulfill the service obligation due to permanent disability, preventing him from performing any work as a physician for remuneration or profit;

(c) Recipient dies; or

(d) Good cause is shown, as determined by the Department and the approved rural hospital.

**KEY: rural, physicians, loan repayments, hospitals**

**Date of Enactment or Last Substantive Amendment: 2015**

**Authorizing, and Implemented or Interpreted Law: 26-46a**

## Human Services, Administration, Administrative Services, Licensing

### R501-12

#### Foster Care Services

#### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39617

FILED: 08/26/2015

#### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being updated to include some increased health and safety language for foster children, as well as create more flexibility in implementation for foster parents and licensors.

SUMMARY OF THE RULE OR CHANGE: This is a general update to the rules that were completely repealed in November of 2014. It is based on stakeholder feedback on a variety of issues, as well as corrects and clarifies some existing language. This rule update includes a definition of

"siblings" for the Office of Licensing and language to encourage the placement of siblings together in foster homes; moves the requirement of CPR training being "in person"; broadens the type of mental health examinations allowable in order to reduce cost/burden to prospective foster parents and ensure the right assessment is done when needed; creates more flexible language regarding requirements for recreation space, telephones, bed requirements, and home temperature; adds a requirement for residents of a foster home to be immunized if they are wanting to take unimmunized foster children; disallows smoking in the foster home; clarifies that homes must be in compliance with municipal requirements for septic systems and swimming pools; and clarifies a foster child's right to be free from harmful media. Extensive stakeholder feedback was sought prior to rule submission from the Division of Child and Family Services (DCFS), Juvenile Justice Services (JJS), Utah Foster Care, Youth Provider's Association, the Department of Health, and Foster Families of Utah.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-2-101 et seq.

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** It is not anticipated that this rule change will have any change on state government budget. It will not modify our workload in any significant way at the Office of Licensing. It will not require extra audits or additional forms. It will just be incorporated into current audits. There is no cost or savings.

◆ **LOCAL GOVERNMENTS:** It is not anticipated that this rule change will have any change on local government. They are not directly affected in any way.

◆ **SMALL BUSINESSES:** It is not anticipated that this rule change will have any significant change for small businesses. Organizations that hold a Child Placing Foster license with Office of Licensing will have to come into compliance with this rule, but that will take only minimal effort and cost.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Foster families will be minimally affected by this rule change. Some foster families may have to pay for immunizations not covered by their insurance. Other prospective families may save money by not having to do a full psychological assessment if asked by the Office, but may be able to get a more low cost, but equally effective option. Some may save money by choosing to do online CPR rather than in-person. Either way, costs and impact are minimal as either a gain or loss.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Minimal—Some foster families may have to pay for immunizations not covered by their insurance, but they have reduced costs in other areas such as CPR training.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has little anticipated impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
HUMAN SERVICES  
ADMINISTRATION, ADMINISTRATIVE SERVICES,  
LICENSING  
195 N 1950 W 1ST FLR  
SALT LAKE CITY, UT 84116  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Diane Moore by phone at 801-538-4235, by FAX at 801-538-4553, or by Internet E-mail at [dmoore@utah.gov](mailto:dmoore@utah.gov)  
◆ Julene Robbins by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at [jhjonesrobbins@utah.gov](mailto:jhjonesrobbins@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2015

AUTHORIZED BY: Diane Moore, Director

**R501. Human Services, Administration, Administrative Services, Licensing.**

**R501-12. Foster Care Services.**

**R501-12-1. Authority.**

This Rule is authorized by Sections 62A-2-101 et seq.

**R501-12-2. Purpose Statement.**

(1) This Rule establishes standards for the licensure of foster parents for children in the custody of DHS, inclusive of its Divisions.

(2) This Rule establishes standards that must be utilized by child-placing foster agencies for the certification of foster parents to provide care for foster children.

(3) This Rule establishes compliance standards for licensed and certified foster parents.

**R501-12-3. Definitions.**

As used in this Rule:

(1) "Abuse" includes but is not limited to:

(a) actual, attempted, or threatened non-accidental harm, to the physical, psychological, or emotional health of a child;

(b) the use of confinement, physical restraint, medication, or isolation that causes or may cause harm to a child;

(c) the deprivation of treatment, food, or hydration to a child;

(d) causing physical injury or pain, including but not limited to bleeding, bruising, swelling, dislocation, contusion, laceration, burning, bone fracture, bodily damage, or death;

(e) corporal punishment, including but not limited to hitting or slapping;

(f) domestic violence related abuse;

(g) sexual abuse or sexual exploitation; or

(h) severe emotional abuse, severe physical abuse, or emotional or psychological abuse, as these terms are defined in section 62A-4a-101.

(2) "Agency" means a child-placing foster agency licensed by the DHS Office of Licensing to certify foster parents.

(3) "Chemical restraint" means any drug or substance used to control a child's behavior or movement that is not prescribed and monitored by the child's personal physician.

(4) "Child" means a person under 18 years of age or a person under 21 years of age who remains subject to the continuing jurisdiction of the Utah Juvenile Court.

(5) "Child care" is defined in Section 26-39-102.

(6) "DCFS" means the DHS Division of Child and Family Services.

(7) "DHS" means the Utah Department of Human Services.

(8) "Direct access" is defined in section 62A-2-101.

(9) "DJJS" means the DHS Division of Juvenile Justice Services.

(10) "Foster care" means the temporary provision of family based care for a foster child by a foster parent.

(11) "Foster parent" means a substitute parent licensed by the DHS Office of Licensing or certified by a licensed child-placing foster agency, and includes the spouse of the primary applicant. Foster parents may also be referred to by other titles, including but not limited to proctor foster parents, professional foster parents, resource families, or kinship caregivers.

(12) "Hazardous material" means any substance that if ingested, inhaled, ignited, used, or touched may cause significant injury, illness, or death. These substances include but are not limited to:

- (a) pesticides;
- (b) gasoline;
- (c) bleach, including bleach based cleansers;
- (d) compressed air
- (e) ammonia, including ammonia based cleansers;
- (f) chemical drain openers;
- (g) hair relaxers/permanents;
- (h) kerosene;
- (i) spray paint;
- (j) paint thinner;
- (k) automotive fluids;
- (l) toxic glues (excludes non-toxic glues);
- (m) oven cleaners;
- (n) matches/lighters/lighter fluid;
- (o) cleaning aerosols;
- (p) medications; and
- (q) ultra and concentrated detergent capsules.

(13) "Home study" means the written assessment of an applicant's ability to:

- (a) comply with all applicable statutes and administrative rules related to providing foster care;
- (b) meet the physical and emotional needs of a child in foster care; and
- (c) actively engage in achieving the custodial agency's identified outcomes for foster children.

(14) "Human services program" is defined in Section 62A-2-101.

(15) "Maltreatment" includes but is not limited to group punishments for the misbehavior of individuals; disrespecting, bullying, provoking, intimidating, or agitating a child; violating the child's rights as described in R501-12-13; unreasonably withholding emotional response or stimulation; or the actual, attempted, or

threatened denial of access to the child's foster home for any purpose unrelated to safety.

(16) "Mechanical restraint" means any device used to control or restrict a child's free movement, including but not limited to a locked door that the child cannot open, a locked window that the child cannot open, handcuffs, belts, straps, ties, or restraint jackets. Mechanical Restraints do not include clothing or safety devices used for their intended purposes, such as belts and seatbelts.

(17) "Medication" means any over-the-counter or prescription drug, vitamin, or supplement in any form.

(18) "Neglect" includes but is not limited to actual, attempted, or threatened failure to provide sufficient nutrition, hydration, sleep, clothing, bedding, shelter, medical services, dental services, educational services, supervision, or the care or treatment prescribed by the child's service or treatment plan.

(19) "Passive physical restraint" means non-violent holding techniques that temporarily restrict a child's free movement, and are used solely to prevent the child from harming any person, animal, or property, or to allow the child to regain physical or emotional control.

(20) "Poverty Guidelines" means the current US Department of Health and Human Services listing of poverty levels as determined by the number of members of a family (see <http://www.direct.ed.gov/RepayCalc/poverty.html>).

(21) "Reside" Anyone living in the home for thirty days.

(22) "Respite care" means the short term provision of family based care for a foster child by one foster parent in order to provide relief to another foster parent.

(23) "Restraint" means the use of physical force or a mechanical device to restrict a child's freedom of movement or a child's normal access to his or her body, and includes the use of a drug or substance that is not prescribed by the child's physician, and is used to control the child's behavior or restrict the child's freedom of movement.

(24) "Sexual abuse" includes but is not limited to actual, attempted, or threatened sexual contact with a child, or a sexual offense described in Title 76 Chapter 5, Offenses Against the Person.

(25) "Sexual exploitation" includes but is not limited to employing, using, persuading, inducing, enticing, or coercing a child to pose in the nude, to observe or participate in sexual acts, or to engage in any sexual or simulated sexual conduct.

(26) "Siblings" means children with a common parent or grandparent, regardless of whether their legal relationship has been severed, including biological siblings, half-siblings, step-siblings, adopted siblings, and cousins.

(2)[6][7] "Sick" means to have a fever, to be experiencing ongoing or severe diarrhea, unexplained lethargy, respiratory distress, ongoing or severe vomiting, or pain or other symptoms that are ongoing or severe enough to impair a child's ability to participate in normal activity.

#### **R501-12-4. Initial, Renewal, and Reapplication Process.**

(1) Initial Application for Licensure or Certification: An individual or legally married couple age 21 or over may apply to be a foster parent. The applicant shall provide:

(a) Application Forms: A completed Office of Licensing or Agency foster care application that lists each member of the applicant's household must be submitted, including the following documents signed by the applicant/s:

(i) a confidentiality agreement;  
 (ii) a DHS Provider Code of Conduct signature form; and  
 (iii) a verification that the applicant/s have read and understand R501-12 Foster Care Services;

(b) Background Screening: a completed background screening application for each member of the household who is 18 years of age or older, including any supplemental documentation that the application requires;

(c) Financial Viability: a written statement of household income and expenses, together with consecutive current pay stubs or income tax forms;

(i) The Office of Licensing or Agency may consider poverty guidelines when evaluating the dependence of a foster parent on foster payments for their own expenses.

(ii) The Office of Licensing or Agency may require supporting documentation of household income and expenses in order to verify the foster parent will not be dependent on foster care reimbursement for their own expenses.

(d) Training:

~~(i) [agency provided v]Verification of successful completion of agency approved pre-service training by each applicant within the past 24 months, and~~

~~(ii) Verification of current CPR/first aid training[certification] for each prospective foster parent. Examples of accepted training include but are not limited to: Heart Savers, American Red Cross, and American Heart Association Friends and Family.[While CPR classes may be accessed online, final CPR certification must be an in-person certification.]~~

(2) Medical Assessment:

(a) Each applicant shall authorize their current licensed physician, physician's assistant or nurse practitioner to complete and send a signed medical reference report directly to the Office of Licensing or Agency. Medical reference reports must assess the ability of the individual to be a foster parent.

(b) A ~~[psychological examination]professional mental health examination~~ of a prospective or current foster parent may be required by the Office of Licensing or the Agency ~~[if, in the sole discretion of the Office of Licensing or the Agency, there are questions regarding]if there are concerns regarding~~ the individual's mental status which may impair functioning as a foster parent. ~~These concerns may be based upon any information gathered during the licensing/certifying and monitoring process.~~

~~(i) The type of professional mental health examination required shall be determined by the Office of Licensing or Agency based on the nature of the presenting concerns.~~

~~(ii) Determination of need and type of examination will be made collaboratively involving the licensor, Agency or Office of Licensing administration, and clinical staff from within the Department of Human Services or Agency.~~

~~(iii) The prospective or current foster parent shall authorize [their psychologist, psychiatrist, or Licensed Clinical Social Worker (or equivalent license recognized by the Division of Occupational and Professional Licensing) to complete and send]the release of examination information to the Office of Licensing or Agency, including a signed [psychological]-report that assesses the ability of the individual [to be a foster parent directly to the Agency or the Office of Licensing]to parent vulnerable children full time as a foster parent.~~

(c) Medical and ~~[psychological]mental health~~ examinations shall be paid for by the prospective or current foster parent.

(d) The Agency or the Office of Licensing may, in the exercise of their professional judgment, deny or revoke an application or license if a medical reference report or ~~[psychological]other~~ examination reveals reasonable concerns regarding an applicant's ability to provide foster care services, or if the required examination is not completed and provided to the Agency of the Office of Licensing.

(3) References:

(a) At the time of initial application, the applicant/s shall submit the names, mailing address, email addresses, and phone numbers of no more than four individuals who will be contacted by the agency or the Office of Licensing and asked to provide a reference letter. These individuals shall be knowledgeable regarding the ability of the applicant/s to provide a safe environment and to nurture foster children. No more than one reference may be a relative of the applicant. Only the four original reference individuals submitted will be considered.

(b) A minimum of three out of the four individuals must submit reference letters directly to the Agency or the Office of Licensing. A minimum of three reference letters received must be acceptable to the Agency or the Office of Licensing.

(c) The Agency or the Office of Licensing may, in the exercise of their professional judgment, deny an application if a reference reveals reasonable concerns regarding an applicant's ability to provide foster care services.

(4) Background Screening:

(a) Each applicant and all persons 18 years of age or older residing in the home shall submit a background screening application as part of the initial application. A background screening application is also required at the point any new individual over the age of 18 moves into the home. A foster parent shall not be licensed or certified unless the background screening applications of all persons 18 years of age or older who reside in the home are approved by the Office of Licensing in compliance with Section 62A-2-120 and R501-14.

(b) A background screening approval shall not be transferred from one Agency to another Agency.

(c) A foster parent shall not permit any adult in the foster parent's home to have unsupervised direct access to a foster child unless the adult's background screening application is approved by the Office of Licensing.

(d) A foster parent shall immediately notify the Office of Licensing or Agency if any person in the home is charged with or under investigation for any criminal offense or allegation of abuse, neglect, or exploitation of any child or vulnerable adult.

(e) Pursuant to section 62A-4a-1003(2), Licensing shall review and evaluate information from the Division of Child and Family Services Management Information System for the purpose of licensing and for the purpose of monitoring all individuals who reside in the foster parents' home. When, in the professional judgment of the Office of Licensing, a supported or substantiated finding against any individual who resides in the foster parents' home may pose a risk of harm to a foster child, the Office of Licensing may issue a safety plan or a sanction on the license of the foster parent or Agency

(5) Home Study:

(a) The Office of Licensing or Agency is not required to perform a home study until after the background screening applications of all persons 18 years of age or older who reside in the home are approved.

(b) A narrative home study shall be completed by a Licensing Specialist in the Office of Licensing or a licensed social

worker or mental health worker (SSW or higher) licensed by the State of Utah.

(c) The home study shall include, but not be limited to:

(i) background and current information of each caregiver, including but not limited to information regarding family of origin, discipline used by parents, family history or presence of abuse or neglect, use of substances, education, employment, relationship with extended family, mental and physical health history, stress reduction techniques, values, and interests;

(ii) marital relationship information, including but not limited to areas of conflict, communication, how problems are resolved, and how responsibilities are shared;

(iii) family demographical information, including but not limited to ages, ethnicity, languages spoken, dates of birth, gender, relationships, and history of adoption;

(iv) family characteristics including but not limited to functioning, cohesion, interests, work/life balance, family activities, ethnicity, culture, and values;

(v) child care and supervision arrangements;

(vi) physical characteristics of the home, including neighborhood and school information;

(vii) motivation for doing foster care, including assessment of interest in adoption vs. foster care only;

(viii) assessment of understanding and expectations of children in foster care;

(ix) previous experience caring for children;

(x) current and planned methods of discipline, use of privileges, family rules;

(xi) previous experience with children with special needs or trauma histories;

(xii) assessment of informal and formal supports;

(xiii) assessment of willingness and ability to access support and resources;

(xiv) finances, including bankruptcies;

(xv) applicant strengths and weaknesses;

(xvi) applicant history of any and all previous applications, home studies, or licenses/certifications related to providing foster care;

(xvii) assessment of ability to actively engage in achieving the custodial agency's identified outcomes for foster children; and

(xviii) recommendations for child matching, capacity, training, and support needs.

(xix) query results of the home address on the Utah Sex Offender Registry and address how potential threats will be mitigated.

(6) Foster Parent Annual Renewal Application: A foster parent who wishes to remain authorized to provide foster care services shall submit [a]-renewal paper work at least 30 days and no longer than 90 days prior to license or certification expiration. Background screening approvals and renewal activities have to be completed prior to license expiration. Foster parent shall provide or otherwise submit to the following annually:

(a) Signed renewal application, including a signed confidentiality agreement, a signed DHS Provider Code of Conduct signature form, and a signed verification that the applicant/s have read and understand R501-12 Foster Care Services.

(b) Health Statement: Each foster parent shall submit a personal health status statement together with their renewal application; including new medical references if there have been changes to a foster parent's health status over the past year.

(c) Background Screening: Each foster parent and all persons 18 years of age or older residing in the home shall submit a background screening application with each renewal application. A background screening application is also required at the point any new individual over the age of 18 moves into in the home. A foster parent shall not be licensed or certified unless the background screening applications of all persons 18 years of age or older who reside in the home are approved by the Office of Licensing in compliance with Section 62A-2-120 and R501-14.

(d) Financial Viability: a written statement of household income and expenses, together with consecutive current pay stubs or income tax forms.

(i) The Office of Licensing or Agency may consider poverty guidelines when evaluating the dependence of a foster parent on foster payments for their own expenses.

(ii) The Office of Licensing or agency may require supporting documentation of household income and expenses in order to verify the foster parent will not be dependent on foster care reimbursement for their own expenses.

(e) Proof of current CPR/first aid certification.

(f) The home study shall be updated in writing annually after a home visit and safety inspection by a Licensing Specialist in the Office of Licensing or a licensed social worker or mental health worker (SSW or higher) licensed by the State of Utah. Updates should address all changes to the required home study information outlined in this rule, and an assessment of the family's experience over the past year as a foster parent.

(7) Reapplication: A previously licensed or certified foster home is subject to the same requirements as an initial application, with the following exceptions:

(a) Each applicant shall disclose all previous foster care licenses and certifications, including those outside the State of Utah.

(b) Previously licensed homes shall request a written reference from the DCFS region, or out-of-state equivalent, where they last held a foster care license to be sent directly to the Office of Licensing or Agency. Previously certified homes shall request a written reference letter from the last agency where they were certified, and every agency they have been certified by within the past 3 years, to be sent directly to the Office of Licensing or Agency.

(c) Each applicant shall sign releases of information for any agency where they previously provided certified or licensed foster care.

(d) Reapplication of previously licensed or certified homes may utilize an update of the previous home study as long as the home study was created by the same agency currently relicensing or recertifying the home.

(e) If 12 months or less since lapse of any license or certification, non-agency references will be waived.

(f) If 12 months or less since lapse of any license or certification, physician's statement shall be waived. Personal Health statement is still required.

(g) If 24 months or less since lapse of any license or certification, initial training requirements will be waived as long as there is not a change in licensing/certifying agency. A change in agency requires new initial training.

(8) Approval or Denial:

(a) The decision to approve or deny the applicant to provide foster services shall be made on the basis of facts, health and safety

factors, and the professional judgment of the Agency or the Office of Licensing.

(b) No person may be denied a foster care license or certification on the basis of the religion, race, color, or national origin of any individual.

(c) The approval of a license or certification is not a guarantee that a foster child will be placed or retained in the foster parent's home.

(d) Foster parents shall not be licensed or certified to provide foster or respite care services in the same home in which they are providing child care or another licensed or certified human services program.

(e) In order to promote health and safety, the Office of Licensing or Agency may issue a license or certification that includes additional restrictions unique to the circumstances of the license.

(f) If a license or certification is denied, an applicant may not reapply for a minimum of 90 days from the date of denial.

#### **R501-12-5. Foster Parent Requirements.**

(1) Foster parents shall:

(a) be in good health and emotionally stable;

(b) be able to provide for the physical, social, mental health, and emotional needs of the foster child;

(c) be responsible persons who are 21 years of age or older;

(d) provide documentation of legal residential status;

(e) have the ability to help the foster child thrive;

(f) not be dependent on foster care reimbursement for their own expenses, outside of those expenses directly associated with providing foster care services; and

(g) provide updated medical, social, financial, or other family information when requested by the Office of Licensing or Agency.

(2) DHS employees shall not be licensed or certified as foster parents for children in the custody of their respective Divisions, unless they qualify as kinship providers for the child in accordance with Utah Code Ann. Section 78A-6-307. An employee may provide foster services for children in the custody of a different Division only with the prior written approval of both Divisions' Directors in accordance with DHS conflict of interest policy.

(3) Agency owners, directors, managers, and members of the governing body shall not be certified to provide foster care services for children placed with or by the Agency.

(4) Foster parents shall cooperate with the Office of Licensing, Agency, courts, and law enforcement officials.

(5) Each foster parent shall read, sign, and comply with the DHS Provider Code of Conduct.

(a) A foster parent shall not abuse, neglect, or maltreat a child through any act or omission.

(b) A foster parent shall not encourage or fail to deter the acts or omissions of another that abuse, neglect, or maltreat a child.

(6) No more than two children under the age of two, including children who are members of the household and foster children, shall reside in a foster home.

(7) No more than two non-ambulatory children, including children who are members of the household and foster children, shall reside in a foster home.

(8) Except as provided by Section 62A-2-101(14) and R501-12-5-9, (b) and R501-12-5(10), no more than three foster

~~children shall reside in a foster home]~~ no more than four foster children shall reside in a licensed foster home and no more than three children shall reside in a certified foster home.

(9) Foster parents may provide respite care in their home as long as they remain in compliance with licensing rules in regards to each child placed for foster and respite care. Foster parents may provide respite care when the additional foster child(ren) exceed their licensed capacity only as follows:

(a) Respite care is limited to a maximum of 10 days within any 30 day period.

(i) For foster children who are not siblings, each day of respite for each individual child counts as one day of respite care.

(ii) For foster children who are siblings, each day of respite for a sibling group receiving respite in the same foster home at the same time counts as one day of respite care.

(b) The foster home must have no licensing sanctions currently imposed, including corrective action plans or conditional licenses.

(c) Total number of foster and respite children in a home at one time shall not exceed six unless all but one or two of the children are part of a single sibling group.

(10) A foster parent shall report all major changes or events to the Office of Licensing or Agency within 48 hours. The Office of Licensing or Agency shall evaluate major changes to determine whether the foster parent remains able to provide foster care services. A major change in the lives of foster parents includes, but is not limited to:

(a) the death or serious illness of a member of the foster parent's household;

(b) change in marital status;

(c) loss of employment;

(d) change in household composition, such as the birth or adoption of a child, addition of household members, or tenants; or

(e) allegations of abuse or neglect of any child or vulnerable adult against any member of the foster parent's household.

(11) A foster parent shall report any potential change in address in advance to their licenser or agency.

(a) Licenses and certifications are site specific.

(b) An adjoining dwelling with a separate address that is not accessible from the foster home is not considered part of the foster home site.

(c) A foster child shall not be moved into a home that is not licensed or certified to provide foster care.

#### **R501-12-6. Physical Aspects of Home.**

(1) All indoor and outdoor areas of the home shall be maintained to ensure a safe physical environment.

(2) The home shall be free from health and fire hazards.

(3) The home shall have a working smoke detector and a working carbon monoxide detector on each separated level.

(4) The home shall have at least one approved, fully charged fire extinguisher readily accessible to the main living area. An approved fire extinguisher shall be a minimum of 2A:10BC five point, rated multi-purpose, dry chemical fire extinguisher.

(5) Each bathroom shall have a lock sufficient to preserve the privacy of the occupant.

(6) The home shall have sufficient bedroom space to provide for the following:

(a) a bedroom shall not be shared by children ~~[who are over the age of two and]~~ of the opposite sex unless each child sharing the room is under two years of age;

(b) a foster parent's bedroom may only be shared with foster children who are under the age of two years~~[two years of age or younger];~~

(c) a foster parent's bedroom shall not be considered in calculating the allowable bedroom space for foster children;

(d) a foster child shall not share a bedroom with other adults in the home;

(e) each ~~[foster child has his or her own solidly constructed, non-portable bed adequate to the child's size]~~ child in foster care must have an individual bed/crib, mattress, and linens that meet the child's needs and are comparable to other similarly utilized sleeping accommodations in the household;

(f) a minimum of 40 square feet per child, excluding adjoining bathrooms and storage space;

(g) no more than four children are housed in a single bedroom that houses at least one foster child;

(h) bedrooms used for foster children shall be comparable to other similarly utilized bedrooms in the home, including but not limited to access, location, space, finishings, and furnishings; and

(i) bedrooms used by foster children shall have a source of natural light and shall be equipped with a screened window that opens and provides egress to the outdoors.

(7) Closet or dresser space shall be provided within the bedroom for the foster child's personal possessions and for a reasonable degree of privacy.

(8) The home shall have space or access to common areas for recreational activities.

(9) Foster parents shall offer nutritious, balanced meals that meet each foster child's individual needs.

(10) The home shall be maintained at a reasonable temperature when occupied by a foster child. The age and needs of the child and other residents may be considered. Generally, reasonable temperatures range between~~[temperatures between]~~ 65-82 degrees Fahrenheit.

(11) The home shall have a working refrigerator, cooking appliances, and functional indoor plumbing.

(12) Hazards on the property shall be abated. These areas include but are not limited to fall hazards of 3 feet or greater (steep grades, cliffs, open pits, window wells, stairwells, elevated porches, retaining walls, etc), drowning hazards (swimming pools, hot tubs, water features, ponds or streams, etc), burn hazards (fireplaces, candles, radiators, water, etc), unstable heavy items (televisions, bookshelves, etc), high voltage boosters, or dangerous traffic conditions. These hazards shall be mitigated through the use of protective hardware, fences, banisters, railings, grates, natural barriers, or other licensor approved methods.

(13) The home and its contents shall be maintained in a clean and safe condition. Food, clothing, supplies, furniture, and equipment shall be of sufficient quantity, variety, and quality to meet the foster child(ren)'s needs.

(14) Exits: There shall be at least two exits on each accessible floor of the home. Each exit shall be accessible and adequately sized for emergency personnel. Multiple-level homes shall have a functional, automatic fire suppression system or an escape ladder, stairway, or other exterior egress to ground level accessible from each of the upper levels.

(15) Foster parents shall have and use child safety devices appropriate to the needs of the foster child, including but not limited to safety gates and electrical outlet covers.

(16) Home address is clearly visible and location is accessible.

(17) Water and sewage disposal systems other than public systems must be approved by the appropriate authorities.

(18) Swimming pools will be secured in order to prevent unsupervised access and comply with applicable community ordinances.

#### **R501-12-7. Safety.**

(1) A foster parent shall not smoke any substance in the foster home or when a foster child is present. All smoking materials shall be inaccessible to foster children.

(2) Foster parents shall provide training to children regarding response to fire warnings and other instructions for life safety upon the initial placement of a child and annually thereafter. This includes an evacuation plan that also anticipates the evacuation of a child who is non-ambulatory or who has a disability.

(3) The home shall have a telephone on-site during all times that a foster child is present. ~~[The telephone]~~ This may be a land line or a mobile phone, but must be able to receive and make calls and be recognized by the 911 system. Telephone numbers for emergency assistance and the address of the home shall be posted next to the telephone or in a central location visible to the child.

(4) The home shall have a fully supplied first aid kit such as recommended by the American Red Cross.

(5) Foster parents shall inform the Office of Licensing or the Agency if they possess or use a firearm or other weapon.

(6) Firearms, ammunition, and other weapons shall be inaccessible to children~~[at all times]~~. Foster parents shall not provide a weapon to a child or permit a child to possess a weapon ~~[in violation of]~~ except as outlined in Sections 76-10-509 through 76-10-509.7.

(a) Foster parents do not have the authority of a parent or guardian under Section 76-10-509.

(b) Firearms may be stored together with ammunition only in a locked container commercially manufactured for the secure storage of firearms.

(c) Firearms not stored in a locked container commercially manufactured for the secure storage of firearms shall be unloaded and securely locked. Ammunition for these firearms shall be kept securely locked in a separate location.

(i) The locked storage for firearms and ammunition shall not be accessible through the same keys or combinations.

(ii) Keys and combinations utilized to open locked storage for firearms and ammunition shall not be accessible to a foster child.

(d) Firearms may be stored in display cases only if unloaded and rendered inoperable through the effective use of trigger locks, bolts removed, or other disabling methods.

(e) This does not restrict an individual's rights regarding concealed weapons permits pursuant to UC 53-5-704.

(7) Foster parents who have alcoholic beverages in their home shall ensure that the beverages are closely monitored and inaccessible to children at all times.

(8) Hazardous materials shall be stored securely and remain locked when not in active use, and closely monitored while in active use.

(i) Hazardous materials shall be stored in the manufacturer's original packaging together with the manufacturer's directions and warnings; or

(ii) a container that complies with the manufacturer's directions and warnings and is clearly labeled with the contents, manufacturer's directions and warnings.

(9) Flammable substances, including but not limited to gasoline and kerosene, shall be locked in a ventilated storage area separate from living areas. This requirement does not include substances contained within the storage tanks of equipment, including but not limited to automobiles, lawnmowers, ATV's, boats and snow blowers.

(10) General, common use, household items (excluding those identified as hazardous materials) shall be stored responsibly in consideration of the age, behavior, history, and cognitive and physical ability of each foster child in the home. The foster parent is responsible for consulting with the caseworker and child and family team regarding individual restrictions. General, common use, household items include, but are not limited to the following:

- (a) oral hygiene products;
- (b) hair and cosmetic products;
- (c) facial and skin hygiene products;
- (d) cutlery;
- (e) laundry and dish detergent (excluding concentrated pods);
- (f) cleaning wipes;
- (g) rubbing alcohol;
- (h) nail polish remover;
- (i) laundry stain remover;
- (j) propane attached to a grill;
- (k) air fresheners and deodorizers; and
- (l) spray furniture polish.

(11) Foster parents shall comply with all laws regarding the care and number of animals on their property.

(12) Foster parents shall ensure that the foster child has the safety equipment, supervision, and training necessary for the child to safely participate in an activity that has an inherent risk of bodily harm, injury, or death.

(a) These activities include but are not limited to participation in rock climbing, swimming, hunting, target practice, camping, hiking, use of recreational vehicles, and sports.

(b) Every precaution must be taken to participate in the respective activity as safely as possible. This includes, but is not limited to: wearing DOT/Snell approved helmets when riding off-highway vehicles (OHV), completing OHV education, personal watercraft or boating education, wearing Coast Guard approved lifejackets, and completing hunter's education.

(c) Foster parents shall follow any applicable statute pertaining to minors operating OHV's, personal watercraft, boats, and firearms.

(d) Foster parents shall not permit a foster child any access to firearms without first obtaining the written approval of the child's caseworker.

(13) Foster parents shall comply with any written safety plan required by the Office of Licensing or Agency which establishes additional safety requirements to protect the child from hazardous conditions on the foster parent's property. A safety plan shall not waive any requirement of this R501-12.

(14) Verification of compliance with the Utah Department of Health's recommended immunization schedules shall be provided for each individual residing in the home who is not a foster child.

(a) Recommended influenza immunizations are optional unless a foster child in the home has an immunocompromised condition.

(b) If compliance of all residents in the home cannot be verified, the license shall be restricted to only placements of children who are over the age of 2 months and who are immunized in accordance with the Utah Department of Health's recommendations for their age.

(i) Foster parents must disclose if any individual residing in the home is not in compliance with the Utah Department of Health's recommended immunization schedules to the child placing agency prior to accepting a placement.

(ii) Newborn infants must reach the required age and receive their first dose of required vaccinations to be considered appropriately immunized for their age.

(15) Foster parents shall not accept the placement of a child into their home in violation of any license conditions.

#### **R501-12-8. Emergency Plans.**

(1) Foster parents shall have a written plan of action for emergencies and disaster to include the following:

- (a) evacuation with a pre-arranged site for relocation;
- (b) transportation and relocation of foster children when necessary;
- (c) supervision of foster children after evacuation or relocation; and
- (d) notification of appropriate authorities.

(2) Foster parents shall have a written plan for medical emergencies, including arrangements for medical transportation, treatment and care.

(3) Foster parents shall immediately report any serious illness, injury, or death of a foster child to the appropriate Division or Agency and the Office of Licensing.

#### **R501-12-9. Infectious Disease.**

(1) In the event of an infectious or communicable disease outbreak, foster parents shall follow specific instructions given by the local health department.

#### **R501-12-10. Medication and Medical Emergencies.**

(1) Foster parents shall ensure that prescribed medication is administered according to the written directions of the foster child's health provider.

(a) Foster parents shall ensure that the foster child actually consumes the medication.

(b) Foster parents shall report any severe or unexpected side effects or reactions to the foster child's health provider.

(2) Medication shall only be given to the foster child for whom it was prescribed.

(3) Medication shall not be discontinued without the approval of the foster child's health provider.

(4) Non-prescription medications may be administered by foster parents according to manufacturer's instructions unless otherwise directed by the child's health provider.

(5) Medications shall not be administered or carried by the foster child unless approved in writing by the child's health provider.

(6) Medication shall not be used for behavior management or restraint unless prescribed in writing by the foster child's health provider and after notification to the Division or Agency worker.

(7) Medication shall remain locked at all times they are not in immediate, active use.

(a) Foster parents shall not leave medications in active use unattended.

(b) If a foster child requires immediate access to the child's medication, including but not limited to a child with asthma or diabetes, foster parents may carry a single dose of medication for active use on the foster parent's person.

(8) Medications shall remain in the original pharmacy or manufacturer's packaging.

(a) Foster parents shall not repackage medications or divide doses into alternative containers.

(b) Foster parents should partner with the pharmacy regarding any needed divisions of medication.

(9) Foster parents shall promptly take a foster child who has a medical emergency, who is sick, or who is injured, for an assessment by a medical practitioner.

(10) Foster parents shall comply with the treatment orders of the foster child's health provider.

(11) When a foster child is ~~removed from~~ no longer placed in the foster parent's home, all unused medications shall be transferred to the caseworker or Agency.

#### **R501-12-11. Transportation.**

(1) Drivers of vehicles carrying foster child/ren shall have a valid, current driver's license and valid, current vehicle insurance, and comply with all traffic regulations.

(2) Transportation of foster children shall be provided in an enclosed, registered vehicle that has functional seatbelts. Foster parents shall ensure that foster children properly utilize seatbelts and other safety equipment, including age and size appropriate car/booster seats. Recreational vehicles, including motorcycles, shall not be used for transportation.

(3) Emergency contact information, including but not limited to caseworker and agency information, shall be provided and accessible in each vehicle used to transport foster children.

(4) Each vehicle shall be equipped with a first aid kit.

#### **R501-12-12. Behavior Management.**

(1) Foster parents shall provide supervision appropriate to the age and needs of each foster child.

(2) Foster parents shall not use, nor permit the use of corporal punishment including but not limited to physical, mechanical, or chemical restraint, physical force, infliction of bodily harm or pain, deprivation of meals, rest or visits with family, or humiliating or frightening methods to discipline, coerce, punish, or retaliate against a child.

(3) Foster parents shall only use behavior management techniques appropriate for the child's age, behavior, needs, developmental level, and past experiences.

(4) Foster parents shall use the least restrictive method of behavior management available to control a situation.

(5) Foster parents shall only use behavior management techniques that are positive, consistent, and that promote self-control, self-esteem, and independence.

(6) Foster parents shall not use physical work assignments or activities that inflict pain as behavior management techniques. A physical work assignment or activity that results in minor sore muscles does not violate this subsection.

(7) Foster parents shall not abuse, threaten, ridicule, intimidate, or degrade a child.

(8) Foster parents shall not deny a child medical care, nutrition, hydration, clothing, bedding, sleep, or toilet and bathing facilities.

(9) Passive physical restraint shall be applied only by individuals who are trained in accordance with the non-violent intervention strategies of a state, regional, or nationally recognized behavior management program. Documentation of passive physical restraint training certification shall be submitted to the Office of Licensing or Agency with the initial and each renewal application.

#### **R501-12-13. Child's Rights in Foster Care.**

(1) Foster parents shall not violate a foster child's right to:

(a) eat nutritious meals with the family;

(b) eat the same food as the family, except when the child is provided with alternative food ordered by the child's physician;

(c) participate in family and school activities;

(d) privacy, including but not limited to maintaining the confidentiality of information about the child and not retaining copies of the child's records once the child is no longer placed there;

(e) be informed of the child's responsibilities, including household tasks, privileges, and rules of conduct;

(f) be protected from discrimination based upon the child's race, color, national origin, culture, religion, sex, sexual orientation, age, political affiliation, or disability;

(g) be protected from harm or acts of violence, including but not limited to protection from physical, verbal, sexual, or emotional abuse, neglect, maltreatment, exploitation, or inhumane treatment;

(h) be treated with courtesy and dignity, including but not limited to reasonable personal privacy and self-expression;

(i) communicate with and visit the child's family, attorney, physician, and clergy, except as restricted by court order;

(j) have clean clothes and personal hygiene needs met;

(k) participate in their own cultural traditions; and

(l) receive prompt medical care when sick or injured.

(m) be free from media content that is likely harmful considering the child's age, behavior, needs, developmental level, and past experiences.

#### **R501-12-14. ~~[Additional Requirements for Agencies.]~~ Additional Child Placing Agency Considerations.**

(1) The Agency shall comply with all Office of Licensing rules that relate to their Child Placing Foster license.

(2) The Agency shall comply with Background Screening Rules, R501-14.

(3) The Agency shall recruit, train, certify, and supervise foster parents.

(4) The Agency shall verify completion of all of a foster parent's training requirements, including but not limited to CPR/First Aid training and training regarding the requirements of R501-12, prior to issuing an initial or renewal certification and prior to placing a foster child in the home.

(5) The Agency shall train each foster parent regarding the Agency's policies and procedures prior to placing a foster child in the home.

(6) The Agency shall provide the Department with identifying information of all certified foster homes via the DHS/DCFS Provider website located on the Human Services DHS/DCFS Employee website.

(7) The Agency shall maintain documentation of the initial and annual home studies of the foster parent's home.

(8) The Agency shall have a signed written agreement or contract with each foster parent that clarifies each party's expectations, obligations and responsibilities, including but not limited to the services to be provided to and by the foster parent, the provision of medical, remedial, treatment, and other specialized services to the child, limitations of authority, and financial arrangements.

(9) The Agency shall monitor and keep detailed documentation regarding foster parents' compliance with R501-12, including one unannounced visit to the foster home annually for the purposes of safety and compliance assessment annually in addition to any initial and renewal visits to the home.

(10) The Agency shall investigate all complaints and alleged violations of this rule. The Agency shall provide documentation to the Office of Licensing of any investigations into complaints and alleged violations of R501-12.

(11) The Agency shall provide written notification to each foster parent that informs the foster parent of the rights and responsibilities assumed by a foster parent who signs as the responsible adult for a foster child to receive a driver license, as described in Section 53-3-211. The Agency shall maintain documentation in the foster parent's file, signed and dated by the foster parent, acknowledging receipt of a copy of this written notification.

(12) The Agency shall have and comply with written policies and procedures regarding the denial, suspension, and revocation of a foster parent's certification to provide foster care services, which must include written notification of the foster parent's appeal process.

(13) The Agency shall provide documentation to the Office of Licensing and DCFS of any denial, suspension, revocation or other agency-initiated termination of a foster parent's certification. Documentation shall be provided within two weeks of the action.

(14) The Agency shall not grant any variance to this R501-12 or any other regulation without the prior written consent of the Director of the Office of Licensing.

(15) The Agency shall certify foster parent/s for a specific time period that does not exceed one year prior to placing any foster children in the home. Documentation of certification dates shall be made available to the Office of Licensing as requested.

(16) The Agency must have a written agreement with the foster parent/s which includes the expectations and responsibilities of the agency, staff, foster parents; the services to be provided; the financial arrangements for children placed in the home; the authority foster parents can exercise on children placed in the home; and actions which require staff authorizations.

(17) The Agency shall provide ongoing supervision of certified foster parents to ensure the quality of care they provide.

(18) The Agency shall participate with the child's legal guardian and the foster home to obtain, coordinate, and supervise care and services necessary to meet the needs of each child in their care.

**R501-12-15. [Additional Requirements for DCFS Kinship and Specific Home Licensure.] Additional DCFS Kinship and Specified Home Licensure Considerations.**

(1) An applicant may be licensed for the placement of a specific foster child or sibling group.

(2) The home study shall be conducted by an approved DCFS kinship home study specialist or by the Office of Licensing.

(3) A minimum of two reference letters received must be acceptable to the Agency or the Office of Licensing.

(4) The home study safety inspection and background screening approvals shall be successfully completed prior to the placement of the child in the home.

(5) A kinship or specific home license may not be utilized for the placement of any foster child other than the child designated on the license, and may not be utilized for respite care.

(6) If a kinship or specific home desires to provide general foster care services, they will close their specific license and submit to the requirements of a general foster care license.

(7) The Office of Licensing recognizes the importance of preserving family and cultural connections for children in foster care. In accordance with 62A-2-117.5 and the Indian Child Welfare Act, the Office of Licensing may issue a waiver of any rule in regards to a kinship/specific home that does not impact the health and safety of the specific child or sibling group. This requires prior written approval by the Director of the Office of Licensing.

**R501-12-16. Special Considerations for Siblings.**

(1) Except as described below, a sibling group may not be placed in a foster home that already has more than one foster child placed in the home when the addition of the sibling group would exceed four foster children in a licensed foster home or exceed three foster children in a certified foster home

(a) The sibling(s) of a child already living in a foster home may be placed in the foster home for the purpose of reuniting the siblings, even if the addition of the sibling or sibling group would exceed four or more foster children in a licensed foster home or three or more foster children in a certified foster home.

(b) A foster home may provide for a sibling or a sibling group beyond the allowable four foster child limit for licensed foster care and three foster care limit for certified foster care only when they remain in compliance with licensing rules in regards to each child.

**R501-12-17. Compliance.**

Any active license on the effective date of this rule shall be given 30 days to achieve compliance with this rule with the exception of R501-12-7(14) which will be given 60 days to achieve compliance.

**KEY: licensing, human services, foster care, certified foster care**  
**Date of Enactment or Last Substantive Amendment: [November 17, 2014] 2015**

**Notice of Continuation: October 18, 2012**

**Authorizing, and Implemented or Interpreted Law: 62A-2-101 et seq.**

**Human Services, Child and Family  
Services  
R512-11  
Accommodation of Moral and Religious  
Beliefs and Culture**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39625

FILED: 08/31/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this rule modification is to bring the rule in line with current statute and practice.

**SUMMARY OF THE RULE OR CHANGE:** This rule change is intended to make the rule technically correct with current practice.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 62A-4a-102 and Section 62A-4a-105 and Section 62A-4a-106 and Section 62A-4a-120

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** There will be no increase in cost or savings to the state budget because these proposed changes do not increase workload that would require additional staff or other costs.

◆ **LOCAL GOVERNMENTS:** Local governments have no responsibility for services offered by Child and Family Services and are therefore not affected by this rule and will have no fiscal impact.

◆ **SMALL BUSINESSES:** Small businesses have no responsibility for services offered by Child and Family Services and are therefore not affected by this rule and will have no fiscal impact.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no expected fiscal impact for "persons other than small businesses, businesses, or local government entities" because funding requests for services offered by Child and Family Services come out of already-existing budgets.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Child and Family Services determined that there will be no compliance costs for affected persons because there are no specific costs involved with the changes being made to this rule.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This rule will have no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
HUMAN SERVICES  
CHILD AND FAMILY SERVICES  
195 N 1950 W  
SALT LAKE CITY, UT 84116  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov

◆ Julene Robbins by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjonessrobbins@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2015

AUTHORIZED BY: Brent Platt, Director

**R512. Human Services, Child and Family Services.**

**R512-11. Accommodation of Moral and Religious Beliefs and Culture.**

**R512-11-1. Purpose and Authority.**

(1) The purpose of this rule is to define procedures to accommodate the moral beliefs, religious beliefs, and culture of children and families served by the Division of Child and Family Services (Child and Family Services) according to Section 62A-4a-120.

(2) This rule is authorized by Section 62A-4a-102.

**R512-11-2. Definitions.**

(1) "Accommodate" means to adapt, adjust, or make provision to support.

(2) [~~"Child and Family Assessment"~~]"Utah Family and Children Engagement Tool", hereinafter referred to as "UFACET", means a document that is a collection of formal and informal assessments pertaining to the child and family identifying the strengths, resources, and needs of the family. The [~~Child and Family Assessment~~]UFACET is a working document used to record information, draw conclusions, and inform the Child and Family Plan.

(3) "Child and Family Plan" means the collective intentions of the Child and Family Team documenting specific goals, roles, strategies, resources, and schedules for coordinated provision of assistance, supports, supervision, and services for the child, caregiver, and parents, or guardians.

(4) "Child and Family Team" means a group that may consist of the child, the child's family, the Child and Family Services caseworker, the out-of-home provider, relatives, representatives of the family's moral beliefs, religious beliefs, and culture, representatives from education, health care, and law enforcement, the Guardian ad Litem, the parents' attorney, the Attorney General, and other supportive individuals as designated by the family.

(5) "Culture" means the totality of socially transmitted behavior patterns characteristic of a family and includes moral beliefs and religious beliefs.

(6) "Moral beliefs" means ideas of what is right and what is wrong that shape one's outward behavior. Moral beliefs define what is decent and honorable.

(7) "Religious beliefs" means faith or conviction in a system of principles or worship relating to the sacred and uniting its adherents in a community.

**R512-11-3. Child and Family Services Responsibilities.**

(1) Child and Family Services recognizes that children and families have the right to be understood within the context of their family's moral beliefs, religious beliefs, and culture.

(2) When intervening with a family, Child and Family Services caseworkers shall ask the family to identify aspects of the family's moral beliefs, religious beliefs, and culture that are relevant to the care and placement of the child.

(3) Child and Family Services shall develop a Child and Family Team when engaging children and families.

(a) The Child and Family Team shall discuss with the child and family any aspects of their moral beliefs, religious beliefs, and culture that they wish to have accommodated.

(b) The ~~[Child and Family Assessment]~~UFACET shall ~~[document]~~identify the moral beliefs, religious beliefs, and culture of the child and family and the accommodations requested by the child and family. ~~[It shall document]~~The method that Child and Family Services will employ to make the accommodation or the reasons that such accommodation is not reasonable or proper~~[-Accommodations]~~ shall be reflected in the Child and Family Team Meeting minutes or the Child and Family Plan.

(c) The decisions of the Child and Family Team related to accommodations of moral beliefs, religious beliefs, and culture shall be documented in the ~~[Child and Family Assessment]~~Child and Family Team Meeting minutes and reflected in the services and provisions made in the Child and Family Plan. Any accommodation that cannot be provided shall be explained to the child and family and noted in the Child and Family Plan.

(d) When Child and Family Services is not able to accommodate exactly some aspect of the family's moral beliefs, religious beliefs, or culture, the Child and Family Team may explore the best way to accommodate the moral beliefs, religious beliefs, or culture of the child and family.

(e) These accommodations ~~[in the Child and Family Assessment and Child and Family Plan]~~shall be periodically reviewed with the parents or caregivers, along with all other requirements, to assure that the moral beliefs, religious beliefs, and culture of the child and family are met according to the decisions made by the Child and Family Team.

(4) The planning and implementation of all other activities provided by Child and Family Services shall identify in the ~~[Child and Family Assessment and the Child and Family Plan]~~Child and Family Team Meeting minutes aspects of the family's moral beliefs, religious beliefs, and culture that are relevant to the service. Documentation shall identify any requested accommodation and the method Child and Family Services employs to make accommodation for the child and family or the reasons accommodation is not reasonable or appropriate.

**KEY: child welfare**

**Date of Enactment or Last Substantive Amendment: [September 15, 2010]2015**

**Notice of Continuation: July 22, 2015**

**Authorizing, and Implemented or Interpreted Law: 62A-4a-102; 62A-4a-105; 62A-4a-106; 62A-4a-120**

**Human Services, Child and Family  
Services  
R512-201  
Child Protective Services, Investigation  
Services**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39626

FILED: 08/31/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this rule modification is to bring the rule in line with current statute and practice.

**SUMMARY OF THE RULE OR CHANGE:** This rule change is intended to make the rule technically correct with current practice.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 62A-4a-102 and Section 62A-4a-105 and Section 62A-4a-202.3

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** There will be no increase in cost or savings to the state budget because these proposed changes do not increase workload that would require additional staff or other costs.
- ◆ **LOCAL GOVERNMENTS:** Local governments have no responsibility for services offered by Child and Family Services and are therefore not affected by this rule and will have no fiscal impact.
- ◆ **SMALL BUSINESSES:** Small businesses have no responsibility for services offered by Child and Family Services and are therefore not affected by this rule and will have no fiscal impact.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no expected fiscal impact for "persons other than small businesses, businesses, or local government entities" because funding requests for services offered by Child and Family Services come out of already-existing budgets.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Child and Family Services determined that there will be no compliance costs for affected persons because there are no specific costs involved with the changes being made to this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HUMAN SERVICES  
CHILD AND FAMILY SERVICES  
195 N 1950 W  
SALT LAKE CITY, UT 84116  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov
- ◆ Julene Robbins by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhonesrobbins@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2015

AUTHORIZED BY: Brent Platt, Director

## **R512. Human Services, Child and Family Services.**

### **R512-201. Child Protective Services, Investigation Services.**

#### **R512-201-1. Purpose and Authority.**

(1) Purpose. ~~[Promoting protection, Child Protective Services (CPS), and safety of children by accurate and timely investigations; and assessments, which determine the capability, willingness, and the availability of resources for achieving safety, permanence, and well-being for the children. The Child and Family Services CPS caseworker shall assess protection, risk, and safety needs of a child, the family's strengths, needs, and challenges, and capacity and willingness of the family to provide for and protect the child, and shall determine appropriate services.]~~ CPS promotes the safety and protection of children through accurate and timely safety and risk assessments. The CPS caseworker shall assess the safety and risk to a child, as well as determine the protective capacities of the caregiver(s) and resources they have available to them in order to identify the most effective interventions at the most accurate level of intensity.

(2) Authority. Pursuant to Sections 62A-4a-105 and 62A-4a-202.3, ~~[the]~~ Child and Family Services is authorized to provide CPS.

- (a) This rule is authorized by Section 62A-4a-102.

#### **R512-201-2. Definitions.**

(1) ~~["Immediate Protection and Safety Assessment": An organized protocol whereby Child and Family Services or another agency gathers information to identify the strengths and challenges and other factors of the family members that may contribute to safety or risk issues of a child who may be an alleged victim of abuse, neglect, or dependency.]~~ CPS: Child Protective Services.

(2) SDM: Structured Decision Making.

(3) SDM Safety Assessment: A research informed safety assessment used to determine the current safety of the child.

~~(4) SDM Risk Assessment: An evidence-based risk assessment used to determine the ongoing risk to a child.~~

#### **R512-201-3. Qualifications.**

(1) Children who are the subject of a referral for child abuse, neglect, or dependency qualify for investigation services, as described in Section 62A-4a-403 and Rule R512-200, Child Protective Services, Intake Services.

#### **R512-201-4. Scope of Services.**

(1) A CPS investigation shall include (but is not limited to) the following:

(a) ~~[Immediate Protection and Safety Assessment for the Child.]~~ SDM Safety and Risk Assessment. The Child and Family Services CPS caseworker shall assess the immediate ~~[protection-]~~ safety needs of a child and the family's capacity to protect the child, as well as any ongoing risk to a child. The Child and Family Services CPS caseworker shall include a domestic violence assessment in cases with allegations or indicators of Domestic Violence Related Child Abuse.

(b) CPS Investigation and Assessment. In addition to the requirements of Sections 62A-4a-202.3 and 62A-4a-409, a CPS investigation may include, but is not limited to, the following:

(i) Assessment of immediate risk, safety, and protection needs of a child. ~~[to include an assessment of risk that an absent parent or cohabitant may pose to the child.]~~

(ii) Assessment of risk, protection, and safety needs for any siblings or other children residing in the home as a sibling or child at risk. ~~[Complete the team consultation of each case.]~~

(iii) Assessment of the family's strengths, needs, challenges, and limitations, [struggles,] and the ability[;] and willingness to protect the child.

(iv) Determination of eligibility for enrollment or membership in a Native American tribe.

(v) Medical or mental health evaluations completed as required by statute within required time frames to negate or lessen the possibility of physical injury, severe physical abuse, medical neglect, exposure to a hazardous, illegal chemical environment, or recent sexual abuse.

(2) Availability.

(a) CPS ~~[services]~~ are available in all geographic regions of the state.

(3) Transfer of a Case When a Child has Moved Out of the State of Utah.

(a) Child and Family Services regional and inter-regional offices will cooperate to ensure that a CPS investigation is not interrupted and children are not placed in danger when the child has moved out of the state.

(b) If the child and family move outside the state of Utah before the Child and Family Services CPS caseworker is able to make the face-to-face contact with the child and the new location of the child and family is known, the Child and Family Services CPS caseworker shall contact the state child welfare agency where the family has moved and request courtesy casework. If the state child welfare agency where the family has moved refuses to complete courtesy casework, the case shall be closed as "unable to locate." If the receiving state child welfare agency agrees to complete the courtesy casework, the Child and Family Services CPS caseworker shall make the appropriate finding based on information from the receiving state.

(c) If the child and family move outside the state of Utah after the Child and Family Services CPS caseworker has made the face-to-face contact with the alleged victim and the whereabouts of the child and family are known, the Child and Family Services CPS caseworker who began the investigation shall contact the state child welfare agency where the family has moved and shall make a request for courtesy casework referral, providing the information that was obtained in the investigation. The case shall be closed as "unable to complete investigation" unless the information obtained meets the standard of "reasonable cause to believe" that the abuse, neglect, or dependency occurred. If a finding of "supported" is made against one or both of the parents/caregivers, upon case closure a Notice of Agency Action shall be sent to the address of the family in their current state of residence.

(i) If the facts of the investigation establish reason to suspect the child is in imminent danger, the Child and Family Services CPS caseworker shall make appropriate referrals to CPS and law enforcement in the other state and screen the case with the Assistant Attorney General for legal action.

(d) If the child and family move out of the state of Utah after the Child and Family Services CPS caseworker has made the face-to-face contact with the alleged victim and the whereabouts of the child and family are unknown, the Child and Family Services CPS caseworker shall make reasonable efforts to locate the family in order to make a referral to request courtesy casework from the state child welfare agency where the family now resides. Reasonable efforts include (but are not limited to) contacting the post office for a forwarding address and checking with the school to obtain the address where records are being transferred when there is a school-age child in the home.

(4) Transfer of a Case When a Child has Moved Within the State of Utah.

(a) Regional and inter-regional offices will cooperate to ensure that a CPS investigation is not interrupted and children are not placed in danger when the child who is the subject of the investigation has moved within the state of Utah.

(5) Request for Courtesy Casework.

(a) A Child and Family Services CPS caseworker may request courtesy assistance for completion of specific investigative activities on an open CPS case when the child or other related individual is not accessible to the assigned Child and Family Services CPS caseworker.

(6) Courtesy Casework Request from Another State.

(a) A Child and Family Services CPS caseworker shall assist in the protection and supervision of a child under the jurisdiction of another state.

(7) Duration of Services.

(a) Unable to Locate Within the State of Utah. A Child and Family Services CPS caseworker shall not close an investigation solely on the grounds that the child could not be located until reasonable efforts have been made by the caseworker to locate the child and family members.

(b) Case Finding. At the conclusion of a CPS investigation, a finding shall be made for each allegation identified at the time of Intake or identified during the investigation. Each alleged victim in the case shall be linked to a specific allegation or allegations and to an alleged perpetrator or alleged perpetrators. Acceptable findings include:

(i) Supported. A case finding of supported shall be used when there is a reasonable basis to conclude that abuse, neglect, or dependency occurred, even if the alleged perpetrator is unknown.

(ii) Unsupported. A case finding of unsupported/not accepted shall be used when there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.

(iii) Without Merit. A case finding of without merit shall be used when there is evidence that abuse, neglect, or dependency did not occur.

(iv) Unable to Locate. A case finding of unable to locate shall be used when the Child and Family Services CPS caseworker was unable to complete face-to-face contact with the alleged victim and all reasonable efforts were made to locate the child and family members.

(v) Unable to Complete Investigation. A case finding of unable to complete investigation shall be used when the caseworker is unable to complete the investigation because the subject of the investigation has moved out of the state or similar reason.

**KEY: social services, child welfare, domestic violence, child abuse**  
**Date of Enactment or Last Substantive Amendment: [~~October 13,~~ 2010]2015**

**Notice of Continuation: April 8, 2013**

**Authorizing, and Implemented or Interpreted Law: 62A-4a-102; 62A-4a-105; 62A-4a-202.3**

## Human Services, Child and Family Services R512-202 Child Protective Services, General Allegation Categories

### NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 39627  
FILED: 08/31/2015

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this rule modification is to bring the rule in line with current statute and practice.

**SUMMARY OF THE RULE OR CHANGE:** This rule change is intended to make the rule technically correct with current practice.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 62A-4a-102 and Section 62A-4a-105

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** There will be no increase in cost or savings to the state budget because these proposed changes do not increase workload that would require additional staff or other costs.

- ◆ LOCAL GOVERNMENTS: Local governments have no responsibility for services offered by Child and Family Services and are therefore not affected by this rule and will have no fiscal impact.
- ◆ SMALL BUSINESSES: Small businesses have no responsibility for services offered by Child and Family Services and are therefore not affected by this rule and will have no fiscal impact.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no expected fiscal impact for "persons other than small businesses, businesses, or local government entities" because funding requests for services offered by Child and Family Services come out of already-existing budgets.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Child and Family Services determined that there will be no compliance costs for affected persons because there are no specific costs involved with the changes being made to this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 HUMAN SERVICES  
 CHILD AND FAMILY SERVICES  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ◆ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov  
 ◆ Julene Robbins by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjonessrobbins@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2015

AUTHORIZED BY: Brent Platt, Director

**R512. Human Services, Child and Family Services.**  
**R512-202. Child Protective Services, General Allegation Categories.**

**R512-202-1. Purpose and Authority.**

- (1) The purpose of this rule is to provide information about the allegation categories used by the Division of Child and Family Services (Child and Family Services).
- (2) Pursuant to Section 62A-4a-105, Child and Family Services is authorized to provide Child Protective Services (CPS).
- (3) This rule is authorized by Section 62A-4a-102.

**R512-202-2 Categories.**

- (1) Qualification for Services.
  - (a) The Child and Family Services worker receiving or investigating a report of child abuse, neglect, or dependency shall categorize the information into an allegation category. Severe and chronic categories of abuse and neglect are found in Sections 62A-4a-101 and 62A-4a-1002. This rule contains the allegation categories that are not severe or chronic.
    - (2) Referral and Investigation Allegation Categories for Abuse, Neglect, and Dependency.
      - ~~\_\_\_\_\_ (a) Abuse:~~
        - ~~\_\_\_\_\_ (i) Child endangerment:~~
          - ~~\_\_\_\_\_ (A) Driving under the influence with children in the vehicle;~~
          - ~~\_\_\_\_\_ (B) Homes where there are lab paraphernalia, chemicals for manufacturing illegal drugs, access to illegal drugs, distribution of illegal drugs in the presence of a child, loaded weapons within the reach of the child, or exposure to pornography;~~
          - ~~\_\_\_\_\_ (C) Giving children illegal drugs or substances, alcohol, tobacco, or non-prescribed/not recommended medications for that child;~~
          - ~~\_\_\_\_\_ (D) Involving a child in the commission of crimes, such as shoplifting;~~
          - ~~\_\_\_\_\_ (E) Other circumstances endangering a child.~~
        - ~~\_\_\_\_\_ (ii) Domestic Violence Related Child Abuse:~~
          - ~~\_\_\_\_\_ (A) Potential for or actual injury to a child during a domestic violence episode;~~
          - ~~\_\_\_\_\_ (B) Violent physical and/or verbal altercation between adults in the presence a child.~~
        - ~~\_\_\_\_\_ (iii) Emotional abuse:~~
          - ~~\_\_\_\_\_ (A) General emotional abuse, such as a pattern or severe isolated incident of:~~
            - ~~\_\_\_\_\_ (I) Demeaning or derogatory remarks about the child or other family member in the presence of the child;~~
            - ~~\_\_\_\_\_ (II) Perception of or actual threatened harm;~~
            - ~~\_\_\_\_\_ (III) Corrupting or exploiting the child;~~
            - ~~\_\_\_\_\_ (IV) Multiple false reports to CPS;~~
            - ~~\_\_\_\_\_ (V) Terrorizing;~~
            - ~~\_\_\_\_\_ (VI) Spurning (hostile rejecting);~~
            - ~~\_\_\_\_\_ (VII) Denying emotional responsiveness;~~
            - ~~\_\_\_\_\_ (VIII) Isolating.~~
          - ~~\_\_\_\_\_ (iv) Material harmful to a child.~~
          - ~~\_\_\_\_\_ (v) Physical abuse:~~
            - ~~\_\_\_\_\_ (A) Physical abuse, general, excluding any physical abuse as defined herein, including (but not limited to):~~
              - ~~\_\_\_\_\_ (I) Non-accidental injury to a child that may or may not be visible;~~
              - ~~\_\_\_\_\_ (II) Unexplained injuries to an infant or toddler;~~
              - ~~\_\_\_\_\_ (III) Unexplained injuries to a disabled or non-verbal child.~~
            - ~~\_\_\_\_\_ (vi) Fetal exposure to alcohol or other substances.~~
            - ~~\_\_\_\_\_ (vii) Fetal addiction to alcohol or other harmful substances.~~
            - ~~\_\_\_\_\_ (viii) Pediatric Condition Falsification (formerly known as Munchausen Syndrome by Proxy).~~
        - ~~\_\_\_\_\_ (2) Neglect:~~
          - ~~\_\_\_\_\_ (a) Medical neglect. This allegation or finding needs to be based on the opinion of the child's primary care physician or other licensed medical professional. A parent or guardian may obtain a second opinion to be considered in determining medical neglect, at their own expense. A parent or guardian may obtain a second medical~~

~~opinion to present for consideration by Child and Family Services, but Child and Family Services is not bound by the opinion and shall consider the totality of the facts.~~

~~(b) Baby Doe (congenital birth defect that parents or caregiver declines to treat).~~

~~(c) Failure to thrive, based on the opinion of the child's primary care physician or other licensed medical professional.~~

~~(d) Neglect of child's physical health.~~

~~(e) Neglect of child's psychological health.~~

~~(f) Neglect of child's dental health.~~

~~(g) Pediatric Condition Falsification (formerly known as Munchausen Syndrome by Proxy).~~

~~(h) Physical neglect.~~

~~(i) Sibling or child at risk.~~

~~(j) Educational neglect occurs when a child has been frequently absent from school without good cause or that the parent has failed to cooperate with school authorities in a reasonable manner according to Section 78A-6-319.~~

~~(k) Failure to protect.~~

~~(l) Non-supervision.~~

~~(m) Abandonment.~~

~~(n) Environmental neglect. Physical neglect of the environment such as absence of utilities, home conditions below minimum standards, hazards, etc.~~

~~(o) Dependency. A child who is homeless or without proper care through no fault of the child's parent, guardian, or custodian. Institutionalization of a parent or guardian who has not or cannot arrange for safe and appropriate care for the child.~~

~~(a) Abuse: Non-accidental harm or threatened harm of a child or sexual exploitation or sexual abuse as described in Section 78A-6-105 and Rule R512-80. Abuse does not include reasonable discipline or management of a child including withholding privileges, or the use of reasonable and necessary physical restraint or force on a child in self-defense, defense of others, to protect the child, or to remove a weapon in the possession of a child. Abuse includes the following:~~

~~(i) Child Endangerment: Subjecting a child to threatened harm. This also includes conduct described in:~~

~~(A) Section 76-5-112, recklessly engaging in conduct that creates a substantial risk of death or serious bodily injury to a child, or~~

~~(B) Section 76-5-112.5, knowing or intentionally causing or permitting a child to be exposed to, inhale, ingest, or have contact with a controlled substance, chemical substance, or drug paraphernalia. "Exposed to" means the child is able to access or view an unlawfully possessed controlled substance or chemical substance, has reasonable capacity to access drug paraphernalia, or is able to smell an odor produced during or as a result of the manufacture or production of a controlled substance.~~

~~(ii) Dealing in Material Harmful to a Child: Distributing (providing or transferring possession), exhibiting (showing), or allowing immediate access to material harmful to a child or any other conduct constituting an offense under Sections 76-10-1201 through 76-10-1206.~~

~~(iii) Domestic Violence Related Child Abuse: Domestic violence between cohabitants in the presence of a child. It may be an isolated incident or a pattern of conduct (see Rule R512-205).~~

~~(iv) Emotional Abuse: Engaging in conduct or threatening a child with conduct that causes or can reasonably be~~

expected to cause the child emotional harm. This includes demeaning or derogatory remarks that affect or can reasonably be expected to affect a child's development of self and social competence; or threatening harm, rejecting, isolating, terrorizing, ignoring, or corrupting the child.

(v) Fetal Exposure to Alcohol or other Harmful Substances: A condition in which a child has been exposed to or is dependent upon harmful substances as a result of the mother's use of illegal substances or abuse of prescribed medications during pregnancy, or the child has fetal alcohol spectrum disorder.

(vi) Pediatric Condition Falsification (formerly Munchausen Syndrome by Proxy): A cluster of symptoms or signs, circumstantially related, in which the parent or guardian misrepresents information and/or simulates or produces illness in a child, has knowledge about the etiology of the child's illness but denies such knowledge, seeks multiple medical procedures, or acute symptoms and signs of the illness cease when the child is separated from the parent or guardian. A Pediatric Condition Falsification supported finding must be supported by the child's primary care physician or other medical professional's opinion. (May also be referred to as Medical Child Abuse or Factitious Disorder.)

(vii) Physical Abuse: Non-accidental physical harm or threatened physical harm of a child that may or may not be visible. Unexplained physical harm to an infant, toddler, disabled, or non-verbal child. Physical abuse may also include a child who suffered physical harm during a domestic violence episode. Physical harm includes "physical injury" and/or "serious physical injury" as defined in Section 76-5-109.

(viii) Sexual Abuse: An act or attempted act of sexual intercourse, sodomy, incest, or molestation directed toward a child as described in Section 78A-6-105.

(b) Neglect: An action or inaction that causes abandonment of a child, except a safe relinquishment of a newborn child as provided in Section 62A-4a-802; lack of proper parental care by reason of the fault or habits of the parent, guardian, or custodian; failure or refusal of a parent, guardian, or custodian to provide proper or necessary subsistence, education, or medical care, or any other care necessary for the child's health, safety, morals, or well-being; a child at risk of being neglected or abused because another child in the same home is neglected or abused (see Section 78A-6-105 and Rule R512-80). Neglect includes abandonment, educational neglect, environmental neglect, failure to protect, failure to thrive, medical neglect, non-supervision, physical neglect, and sibling at risk.

(i) Abandonment: Except in the case of the safe relinquishment of a newborn child pursuant to Section 62A-4a-802, conduct by either a parent or legal guardian showing a conscious disregard for parental obligations, where that disregard leads to the destruction of the parent/child relationship. Abandonment also arises when a parent:

(A) Although having legal custody of the child, has surrendered physical custody of the child, and for a period of six months following the surrender has not manifested to the child or to the person having the physical custody of the child a firm intention to resume physical custody or to make arrangements for the care of the child;

(B) Has failed to communicate with the child by mail, telephone, or otherwise for six months;

(C) Failed to have shown the normal interest of a natural parent, without just cause; or

(D) Has abandoned an infant as described in Section 78A-6-316.

(ii) Educational Neglect: Failure or refusal to make a good faith effort to ensure that a child receives an appropriate education, after receiving notice that the child has been frequently absent from school without good cause or that the parent has failed to cooperate with school authorities in a reasonable manner in accordance with Sections 78A-6-105 and 78A-6-319.

(iii) Environmental Neglect: An environment that poses an unreasonable risk to the physical health or safety of a child.

(iv) Failure to Protect: Failure to take reasonable action to remedy or prevent child abuse or neglect. Failure to protect includes the conduct of a non-abusive parent or guardian who knows the identity of the abuser or the person neglecting the child but lies, conceals, or fails to report the abuse or neglect or the alleged perpetrator's identity.

(v) Failure to Thrive: A medically diagnosed condition in which the child fails to develop physically. This condition is typically indicated by inadequate weight gain.

(vi) Medical Neglect: Failure or refusal to provide proper medical, dental, or mental health care or to comply with the recommendations of a medical, dental, or mental health professional necessary to the child's health, safety, or well-being. Exceptions and limitations provided in Section 78A-6-105 include:

(A) A parent or guardian legitimately practicing religious beliefs and who, for that reason, does not provide specified medical treatment for a child.

(B) A health care decision made for a child by the child's parent or guardian does not constitute neglect unless clear and convincing evidence shows that the health care decision is not reasonable and informed. Nothing may prohibit a parent or guardian from exercising the right to obtain a second health care opinion per Section 78A-6-301.5.

(vii) Non-Supervision: The child is subjected to accidental harm or an unreasonable risk of accidental harm due to failure to supervise the child's activities at a level consistent with the child's age and maturity.

(viii) Physical Neglect: Failure to provide for a child's basic needs of food, clothing, shelter, or other care necessary for the child's health, safety, morals, or well-being.

(ix) Sibling or Child at Risk: A child who is at risk of being abused or neglected because another child in the same home or with the same caregiver has been or is abused or neglected.

(c) Dependency: The condition of a child who is homeless or without proper care through no fault of the child's parent, guardian, or custodian as described in Section 62A-4a-101 and Rule R512-80. Dependency may be due to a lack of understanding by the child's parent or guardian as a result of a lack of education or due to a mental, emotional, or physical disability. Dependency may also be due to a parent or guardian's lack of economic resources, or the institutionalization of a parent or guardian.

(d) Safe Relinquishment of a Newborn Child: A parent or a parent's designee may safely relinquish a newborn child at a hospital in accordance with the requirements of Section 62A-4a-802 and retain anonymity, as long as the newborn child has not been subjected to abuse or neglect.

**KEY: social services, child welfare, domestic violence, child abuse**  
**Date of Enactment or Last Substantive Amendment: [~~October 13, 2010~~]2015**

**Notice of Continuation: April 8, 2013**

**Authorizing, and Implemented or Interpreted Law: 62A-4a-102; 62A-4a-105**

## Insurance, Title and Escrow Commission **R592-11**

### Title Insurance Producer Annual and Controlled Business Reports

#### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39631

FILED: 08/31/2015

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The changes contained in the rule are made in response to H.B. 352, Title Insurance Reporting and Assessment Amendments, which was passed during the 2015 General Session.

**SUMMARY OF THE RULE OR CHANGE:** H.B. 352 was amended to exempt attorneys from annual reporting requirements if they issued 12 or fewer title insurance policies during a 12-month period. The amendments to Rule R592-11 clarify language regarding who is required to file annual reports.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 31A-23a-413 and Subsection 31A-2-404(2)(a) and Subsection 31A-23a-406(1)(g) and Subsection 31A-23a-503(8)

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** There will be no cost or savings to the state budget because the majority of title insurance producers will still be required to file annual reports. The number of those exempted by H.B. 352 and this rule is so slight that it will have no impact on state employee work time.

◆ **LOCAL GOVERNMENTS:** There will be no cost or savings to local government because the rule governs reporting requirements between individual title insurance producers and the state.

◆ **SMALL BUSINESSES:** There will be no cost or savings to small businesses because the rule governs reporting requirements between individual title insurance producers and the state.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** An individual title insurance producer who is not an employee of

a title insurer or who has not been designated to an agency title insurance producer may have one fewer annual report to produce. Any savings will come as a result of decreased work time.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for any persons. The net effect of the rule is to reduce annual report filing requirements on title insurance producers that meet certain circumstances. The requirements will remain unchanged for most title insurance producers.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This rule amendment was requested and passed by the Utah Title and Escrow Commission at its August meeting. The changes to this rule will have no impact on businesses because it is a regulatory rule that governs how title insurance licensees file reports with the state.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
INSURANCE  
TITLE AND ESCROW COMMISSION  
ROOM 3110 STATE OFFICE BLDG  
450 N MAIN ST  
SALT LAKE CITY, UT 84114-1201  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
♦ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at [sgooch@utah.gov](mailto:sgooch@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2015

AUTHORIZED BY: Todd Kiser, Commissioner

**R592. Insurance, Title and Escrow Commission.**

**R592-11. Title Insurance Producer Annual and Controlled Business Reports.**

**R592-11-1. Authority.**

This rule is promulgated pursuant to:

(1) Section 31A-2-404(2)(a), which requires the Title and Escrow Commission (Commission) to make rules related to title insurance;

(2) Section 31A-23a-413, which requires the annual filing of a report containing a verified statement of the financial condition, transactions, and affairs by [each] an agency title insurance producer[;] and an individual title insurance producer who is not an employee of a title insurer or who has not been designated to an agency title insurance producer[;] and attorney licensed to practice law in Utah, who is also an individual title insurance producer not designated to a title insurance agency, containing a verified statement of the producer's financial condition, transactions, and affairs[;]

(3) Subsection 31A-23a-503(8), which requires the annual filing of a controlled business report; and

(4) Subsection 31A-23a-406(1)(g), which requires the maintenance of a physical address in Utah.

**R592-11-2. Purpose and Scope.**

(1) The purpose of this rule is to establish the form and filing deadline for the Title Insurance Producer Annual Report and Controlled Business Report required by Section 31A-23a-413 and Subsection 31A-23a-503(8)(a).

(2) This rule applies to ~~an~~ an agency title insurance producer[;] and an individual title insurance producer[s] who is not an employee of a title insurer or who has not been designated to an agency title insurance producer[;] and attorneys licensed to practice law in Utah, who are also individual title insurance producers not designated to a title insurance agency[.]

**R592-11-3. Title Insurance Producer Annual Report.**

(1) The following shall file a Title Insurance Producer Annual Report not later than April 30 of each year if they have conducted title insurance business in the State of Utah within the time period described in R592-11-3(4)[-containing the information shown in Subsection R592-11-3(2)]:

(a) an agency title insurance producer; and

(b) an individual title insurance producer who is not an employee of a title insurer or who has not been designated to an agency title insurance producer[;] and

~~an attorney licensed to practice law in Utah, who is also an individual title insurance producer not designated to a title insurance agency[.]~~

(2) A Title Insurance Producer Annual Report shall consist of:

(a) a balance sheet and an income and expense statement prepared and presented in conformity with generally accepted accounting principles;

(i) title premium, including endorsement income and expenses, shall be reported separately from the escrow income and expenses;

(b) the name and address of each financial institution where a title or escrow trust account is maintained;

(c) proof of financial protection that complies with Subsection 31A-23a-204(2) shall consist of one or more of the following:

(i) a copy of the declarations page of a fidelity bond;

(ii) a copy of the declarations page of a professional liability insurance policy; or

(iii) a copy of the commissioner's approval of equivalent financial protection approved by the commissioner;

(d) the name of the individual title insurance producer designated as the "qualifying licensee," as provided in 31A-23a-204; and

(e) the physical address in Utah maintained by the agency title insurance producer or individual title insurance producer, pursuant to 31A-23a-406(1)(g).

(3) Subsection R592-11-3(2)(c) does not apply to an attorney exempted under 31A-23a-204(8).

~~(4) Agency title insurance producers, individual title insurance producers not designated to an agency title insurance producer and an attorney licensed to practice law in Utah, who is also~~

~~an individual title insurance producer, not designated to a title insurance agency, shall file a Title Insurance Producer Annual Report not later than April 30 of each year.~~

] (5)4 The Title Insurance Producer Annual Report period shall be the preceding calendar year.

(6)5 A Title Insurance Producer Annual Report will be considered protected data if the producer submitting the report requests classification as a protected record in accordance with Sections 63G-2-305 and 63G-2-309.

#### **R592-11-4. Controlled Business Report.**

(1) The following that conduct title insurance business in the State during the time period described in R592-11-4(2)(a) shall file an annual Controlled Business Report not later than April 30 of each year:

- (a) an agency title insurance producer; and
- (b) an individual title insurance producer who is not an employee of a title insurer or who has not been designated to an agency title insurance producer; and
- ~~(c) an attorney licensed to practice law in Utah, who is also an individual title insurance producer not designated to a title insurance agency].~~

(2)(a) The Controlled Business Report period shall be the preceding calendar year and shall contain the information required in Subsection 31A-23a-503(8)(a); and

(b) contain the name, address, and percentage of ownership of each owner.

(3) A Controlled Business Report is a public record upon filing.

#### **R592-11-5. Electronic Filing of Title Insurance Producer Annual Report and Controlled Business Report.**

(1) The Title Insurance Producer Annual Report and the Controlled Business Report shall be submitted together electronically via email to market.uid@utah.gov.

(2) The Title Insurance Producer Annual Report and the Controlled Business Report shall be submitted not later than April 30 of each year as attachments to the Title Insurance Agency Annual Reports Transmittal Form.

(3) The following report forms, which are available on the department's website, shall be used to submit the Title Insurance Producer Annual Report and the Controlled Business Report:

- (a) Title Insurance Producer Annual and Controlled Business Reports Transmittal form; and
- (b) Controlled Business Report form.

(4) Actual copies of the forms may be used or may be adapted to a particular word processing system, however, if adapted, the content, size, font, and format shall be similar.

#### **R592-11-6. Penalties.**

A person found to be in violation of this rule shall be subject to penalties as provided under Section 31A-2-308.

#### **R592-11-7. Enforcement Date.**

The commissioner will begin enforcing this rule 45 days from the rule's effective date.

#### **R592-11-8. Severability.**

If any provision or clause of this rule or its application to any person or situation is held invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

#### **KEY: title insurance**

**Date of Enactment or Last Substantive Amendment:** ~~[March 10, 2014]~~2015

**Notice of Continuation:** June 15, 2011

**Authorizing, and Implemented or Interpreted Law:** 31A-2-404(2)(a); 31A-23a-406(1)(g); 31A-23a-413; 31A-23a-503(8)

## Insurance, Title and Escrow Commission **R592-15** Submission of a Schedule of Minimum Charges for Escrow Services

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39632

FILED: 08/31/2015

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The changes contained in the rule are made in response to H.B. 352, Title Insurance Reporting and Assessment Amendments, which was passed during the 2015 General Session.

**SUMMARY OF THE RULE OR CHANGE:** This amendment to Rule R592-15 clarifies language regarding who is required to file a Schedule of Minimum Charges for Escrow Services.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 31A-2-404

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** There will be no cost or savings to the state budget as a result of this change. The amendment merely updates who is required to file a Schedule of Minimum Charges for Escrow Services.

♦ **LOCAL GOVERNMENTS:** There will be no cost or savings to local government because the rule governs reporting requirements between individual title insurance producers and the state.

♦ **SMALL BUSINESSES:** There will be no cost or savings to small businesses because the rule governs reporting requirements between individual title insurance producers and the state.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: An individual title insurance producer who is not an employee of a title insurer or who has not been designated to an agency title insurance producer will have one more filing with the Department if they have not previously filed a Schedule of Minimum Charges for Escrow Services, but there is no explicit cost or savings for doing so.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for any persons. The rule merely updates language regarding who is required to file a Schedule of Minimum Charges for Escrow Services. There is no cost to file the schedule, and it should require minimum effort on the part of the filer.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule amendment was requested and passed by the Utah Title and Escrow Commission at its August meeting. The changes to this rule will have no impact on businesses because it is a regulatory rule that requires title insurance licensees to file a Schedule of Minimum Charges for Escrow Services with the state.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

INSURANCE  
TITLE AND ESCROW COMMISSION  
ROOM 3110 STATE OFFICE BLDG  
450 N MAIN ST  
SALT LAKE CITY, UT 84114-1201  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at [sgooch@utah.gov](mailto:sgooch@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2015

AUTHORIZED BY: Todd Kiser, Commissioner

**R592. Insurance, Title and Escrow Commission.**

**R592-15. Submission of a Schedule of Minimum Charges for Escrow Services.**

**R592-15-1. Authority.**

This rule is promulgated by the Title and Escrow Commission pursuant to Section 31A-2-404 which requires the Commission to make rules related to title insurance.

**R592-15-2. Purpose and Scope.**

(1) The purpose of this rule is to establish the procedures for filing a Schedule of Minimum Charges for Escrow Services pursuant to Section 31A-19a-209.

(2) This rule applies to all title insurers, agency title insurance producers and individual title insurance producers who are not an employee of a title insurer or who are not designated to an agency title insurance producer that provide~~[-providing]~~ escrow services in Utah.

**R592-15-3. Required Documents.**

(1) The department requires that the documents described in this section shall be used for all filings, and are available on the department's web site, <http://www.insurance.utah.gov>.

(a) "Transmittal Document for Agency Title Insurance Producer or Individual Title Insurance Producer"; and

(b) "Schedule of Minimum Charges for Escrow Services."

**R592-15-4. Definitions.**

In addition to the definitions of Sections 31A-1-301, 31A-2-402, and 31A-19a-102, the following definitions shall apply for the purpose of this rule.

(1) "Additional escrow services" means escrow settlement services that are rendered in excess of the escrow settlement services not specifically shown in the minimum escrow charges listed in the Schedule of Minimum Charges for Escrow Services.

(2) "Certification" means a statement that the filing being submitted is in compliance with Utah laws and rules.

(3) "Charge" means a dollar amount charged for a service rendered by a title insurer, agency title insurance producer, or individual title insurance producer.

(4) "Document preparation" means the preparation or compilation of documents in connection with escrow services.

(5) "Electronic filing" or "file electronically" means:

(a) a filing submitted via the internet by a title insurer using the System for Electronic Rate and Forms Filings (SERFF); or

(b) a filing submitted via an email system by an agency title insurance producer or an individual title insurance producer~~[-not designated to an agency title insurance producer]~~.

(6) "Escrow charge" means a dollar amount charged for an escrow service shown in the Schedule of Minimum Charges for Escrow services.

(7) "Escrow services" means those services related to settlements of real estate transactions.

(8) "File and use" means a filing can be used, sold, or offered for sale after it has been filed with the department.

(9) "File before use" means a filing can be used, sold, or offered for sale after it has been filed with the department, and a stated period of time has elapsed from the date filed.

(10) "Filer" means a person or entity who submits a filing.

(11) "Filing Objection Letter" means a letter issued by the commissioner when a review has determined the filing fails to comply with Utah law and rules. The Filing Objection Letter may, in addition to requiring correction of non-compliant items, request clarification or additional information pertaining to the filing.

(12) "Letter of Authorization" means a letter signed by an officer of the licensee on whose behalf the filing is submitted and which designates filing authority to the filer.

(13) "Long-term escrow" means a "For Benefit Of" (FBO) account that is for the purpose of payment collection and administration of seller-financed transactions, as described by an escrow agreement.

(14) "Mini escrow" means an escrow settlement service conducted by an agency title insurance producer to clear a title, obtain payoffs and record necessary closing documents for a lender that performs his or her own closing service.

(15) "Minimum escrow fee" means the minimum amount that must be charged for escrow settlement services that are rendered.

(16) "Order to Prohibit Use" means an order issued by the commissioner that prohibits the use of a filing.

(17) "Other settlement services" means additional services not specifically listed in the Schedule of Minimum Charges for Escrow Services.

(18) "Rejected" means a filing is:

- (a) not submitted in accordance with Utah laws and rules;
- (b) returned to the filer by the department, with the reasons for rejection; and
- (c) not considered filed with the department.

#### **R592-15-5. General Filing Information.**

(1) Each filing submitted must be accurate, consistent, complete, and contain all required documents in order for the filing to be processed in a timely and efficient manner. The commissioner may request any additional information deemed necessary.

(2) Licensees are responsible for assuring compliance with Utah laws and rules. Filings not in compliance with Utah laws and rules are subject to regulatory action under Section 31A-2-308.

(3) A filing that does not comply with this rule will be rejected as incomplete and returned to the filer. A rejected filing:

- (a) is not considered filed with the department;
- (b) must be submitted as a new filing; and
- (c) will be charged a new filing fee.

(4) Prior filings will not be researched to determine the purpose of the current filing.

(5) The department does not review or proofread every filing.

- (a) A filing may be reviewed:
  - (i) when submitted;
  - (ii) as a result of a complaint;
  - (iii) during a regulatory examination or investigation; or
  - (iv) at any other time the department deems necessary.
- (b) If a filing is reviewed and is not in compliance with Utah laws and rules, a Filing Objection Letter or an Order to Prohibit Use will be issued to the filer. The commissioner may require the licensee to disclose deficiencies in rating practices to affected consumers.

(6)(a) Filing corrections are considered informational.

(b) Filing corrections must be submitted within 15 days of the date the original filing was submitted to the department. The filer must reference the original filing.

(c) A new filing is required if a filing correction is made more than 15 days after the date of the original filing was submitted to the department. The filer must reference the original filing.

(7) If responding to a Filing Objection Letter or an Order to Prohibit Use, refer to R592-15-9.

(8) A filer must notify the department when withdrawing a previously filed rate.

(9) A filer must notify the department when withdrawing a previously filed rate.

#### **R592-15-6. Filing Requirements.**

(1) A title insurer, agency title insurance producer, or individual title insurance producer who is not an employee of a title

insurer or who is not designated to an agency title insurance producer shall electronically file a Schedule of Minimum Escrow Service Charges.

(2) Only an individual who is authorized to act on behalf of the insurer, agency title insurance producer or individual title insurance producer can submit a filing.

(2)3(a) An initial Schedule of Minimum Charges for Escrow Services filing is a file and use filing and is effective the day the initial schedule is filed.

(b) A revised Schedule of Minimum Charges for Escrow Services filing is a file before use filing and is effective:

- (i) 30 calendar days after the revised Schedule of Minimum Charges for Escrow Services is filed; or
- (ii) a date specified by the filer that is later than 30 calendar days after the revised Schedule of Minimum Charges for Escrow Services is filed.

(3)4 All filings must be submitted as an electronic filing via:

- (a) email; or
- (b) SERFF.

(4)5 Email Filing: A complete email filing consists of the following:

(a) an email with a title showing the name of the filer and stating that it is an escrow rate filing;

(b) Utah Transmittal Document for Agency Title Insurance Producer or Individual Title Insurance Producer, completed and containing the following items in the following order:

(i) completed filing description, contained in Section 9 of the transmittal document, with the following information presented in the order shown.

(A) Certification.

(I) The filer must certify that a filing has been properly completed AND is in compliance with Utah laws and rules.

(II) The following statement must be included in the filing description: "BY SUBMITTING THIS FILING I CERTIFY THAT THE ATTACHED FILING HAS BEEN COMPLETED IN ACCORDANCE WITH UTAH ADMINISTRATIVE RULE R592-15 AND IS IN COMPLIANCE WITH APPLICABLE UTAH LAWS AND RULES".

(III) A filing will be rejected if the certification is false, missing, or incomplete.

(IV) a certification that is false may subject the licensee to administrative action.

(B) Indicate if the filing is:

(I) new;

(II) replacing or modifying a previous submission, with changes described;

(III) previously rejected, with reasons for rejection and previous filing's submission date; or

(IV) previously objected to or prohibited, with reasons for resubmission.

(c) Schedule of Minimum Charges for Escrow Services, completed as follows:

(i) all blank fields must be completed;

(ii) if a listed service is not performed by a licensee, the field must show "N/A" or "Not Applicable"; and

(iii) The Schedule of Minimum Charges for Escrow Services shall not be altered.

(d) Letter of Authorization.

(i) When the filer is not the licensee, a Letter of Authorization from the licensee must be attached.

(ii) The licensee remains responsible for making sure that the filing is in compliance with Utah laws and rules.

(e) As required by subsection 31A-19a-203(1)(e)(i), the rate filing fee must be received by the department within 5 days of the electronic submission or the filing will be rejected.

~~[(5)]~~6 SERFF Filing. A complete SERFF filing consists of the following:

(a) The completed description section on the general information tab, presented in the order shown below.

(i) Certification.

(A) The filer must certify that a filing has been properly completed AND is in compliance with Utah laws and rules.

(B) The following statement must be included in the filing description: "BY SUBMITTING THIS FILING I CERTIFY THAT THE ATTACHED FILING HAS BEEN COMPLETED IN ACCORDANCE WITH UTAH ADMINISTRATIVE RULE R592-15 AND IS IN COMPLIANCE WITH APPLICABLE UTAH LAWS AND RULES".

(C) A filing will be rejected if the certification is false, missing, or incomplete.

(D) A certification that is false may subject the licensee to administrative action.

(ii) Indicate if the filing is:

(A) new;

(B) replacing or modifying a previous submission, with changes described;

(C) previously rejected, with reasons for rejection, and previous filing's submission date; or

(D) previously objected to or prohibited, with reasons for resubmission.

(b) Schedule of Minimum Charges for Escrow Services completed as follows, and attached to the rate/rule schedule tab:

(i) all blank fields must be completed;

(ii) if a listed service is not performed by a licensee, the field must show "N/A" or "Not Applicable"; and

(iii) The Schedule of Minimum Charges for Escrow Services shall not be altered.

(c) Letter of Authorization.

(i) When the filer is not the licensee, a Letter of Authorization from the licensee must be attached.

(ii) The licensee remains responsible for making sure that the filing is in compliance with Utah laws and rules.

(d) As required by subsection 31A-19a-203(1)(e)(i), the rate filing fee must be received by the department within 5 days of the electronic submission or the filing will be rejected.

#### **R592-15-7. Charges.**

(1) Escrow Service Charges.

(a) In accordance with subsection 31A-19a-209(3), no charge may be filed or used that would cause the ~~filer~~~~[agency title insurance producer or individual title insurance producer]~~ to operate at less than the cost of doing the business of escrow.

(b) Only minimum escrow charges shown in the Schedule of Minimum Charges for Escrow Services must be filed.

(2) Other Settlement Services Charges.

(a) other settlement services charges will be used for services not specifically shown in the Schedule of Minimum Charges for Escrow Services.

(b) other settlement service charge must be filed as a per hour charge.

(3) Document Preparation Charge.

Only document charges shown in the Schedule of Minimum Charges for Escrow Services must be filed.

(4) Other services which are not specifically listed on the Schedule of Minimum Charges for Escrow services may be rendered provided a justifiable charge is made.

#### **R592-15-8. Correspondence and Status Checks.**

(1) When corresponding with the department, provide the following information to identify the original filing:

(a) type of filing;

(b) date of filing; and

(c) submission method; SERFF or email.

(2) A filer can request the status of its filing 60 days after the date of submission.

#### **R592-15-9. Responses.**

(1) A response to a Filing Objection Letter must include:

(a) a cover letter identifying the changes made; and

(b) revised documents with all changes highlighted.

(2)(a) An Order to Prohibit Use becomes final 15 days after the date of the Order.

(b) Use of the filing must be discontinued not later than the date specified in the Order.

(c) To contest an Order to Prohibit Use, the commissioner must receive a written request for a hearing no later than 15 days after the date of the Order.

(d) Once the Order to Prohibit Use has been issued, a new filing is required if the company chooses to make the requested changes addressed in the original Filing Objection Letter. The new filing must reference the previously prohibited filing.

#### **R592-15-10. Penalties.**

A person found to be in violation of this rule shall be subject to penalties under Section 31A-2-308.

#### **R592-15-11. Enforcement Date.**

The commissioner will begin enforcing this rule ~~[+]~~45 days from the effective date of this rule.

#### **R592-15-12. Severability.**

If any provision of this rule or its application to any person or situation is held to be invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

#### **KEY: title escrow filings**

**Date of Enactment or Last Substantive Amendment:** ~~[April 11, 2011]~~2015

**Authorizing, and Implemented or Interpreted Law:** 31A-2-404

**Natural Resources, Parks and  
Recreation  
R651-206  
Carrying Passengers for Hire**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39624

FILED: 08/28/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The Division of Parks and Recreation is mandated to create rules to provide safety for the commercial side of boating in Utah. The Division of Parks and Recreation works with a Boating Advisory Council to ensure the safety and enjoyment of the citizens that access Utah's waterways. These amendments are due to the recommendations of those members of the Boating Advisory Council and others to see that safe services are provided, to reduce liability issues by re-classifying rivers and by fine-tuning the license endorsements to include instructors.

**SUMMARY OF THE RULE OR CHANGE:** The Division of Parks and Recreation is mandated to create rules to provide safety for the commercial side of boating in Utah. The Division of Parks and Recreation works with a Boating Advisory Council to ensure the safety and enjoyment of the citizens that access Utah's waterways. These amendments are due to the recommendations of those members of the Boating Advisory Council and others to see that safe services are provided, to reduce liability issues by re-classifying rivers and by fine-tuning the license endorsements to include instructors.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 73-18-4(4)

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** There is little effect on the state budget. This rule amendment modifies two licensing endorsements while adding a new licensing endorsement and because of that there may be small costs for database modifications to implement it.
- ◆ **LOCAL GOVERNMENTS:** These changes are only modifications to training procedures so there is very little affect to the local government.
- ◆ **SMALL BUSINESSES:** There should be a savings of time and personnel costs for evaluating experience qualifications. It is unknown what the savings is.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is a savings of time and costs for providing experience qualifications. It is unknown what the savings is.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The compliance to the rule should not impose any cost to affected persons because this amendment reduces liability issues by re-classifying rivers and by fine-tuning the license endorsements to include instructors.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This rule should help by easing and clarifying rules.

**THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:**

NATURAL RESOURCES  
PARKS AND RECREATION  
ROOM 116  
1594 W NORTH TEMPLE  
SALT LAKE CITY, UT 84116-3154  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

- ◆ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at [tammywright@utah.gov](mailto:tammywright@utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2015**

**AUTHORIZED BY: Fred Hayes, Director**

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**R651. Natural Resources, Parks and Recreation.**

**R651-206. Carrying Passengers for Hire.**

**R651-206-1. Definitions.**

- (1) "Agent" means a person(s) designated by an outfitting company to act in behalf of that company in certifying:
  - (a) The verification of a license or permit applicant's vessel operation experience, appropriate first aid and CPR certificates and identifying information.
  - (b) The verification of an annual dockside or a five-year dry dock inspection of a vessel.
- (2) "Certificate of maintenance and inspection" means a document produced by the Division and signed by a marine or vessel inspector and an agent of the outfitting company that a vessel has met the requirements of a required inspection. For ~~float~~ river trip vessels, the certificate of maintenance and inspection will be issued to the outfitting company and not an individual vessel.
- (3) "Certificate of outfitting company registration" means a document produced by the Division annually, indicating that an outfitting company is registered and in good standing with the Division.
- (4) "Certifying experience" means vessel operation or river running experience obtained within ten years of the date of application for the license or permit.
- (5) "CFR" means U.S. Code of Federal Regulations.
- (6) "Deck rail" means a guard structure at the outer edge of a vessel deck consisting of vertical solid or tubular posts and horizontal courses made of metal tubing, wood, cable, rope or suitable material.

(7) "Dockside inspection" means an annual examination of a vessel when the vessel is afloat in the water so that all of the exterior of the vessel above the waterline and the interior of the vessel may be examined. For ~~[float]~~river trip vessels, the annual dockside inspection may be performed at the company's place of business.

(8) "Dry dock inspection" means an examination of a vessel, conducted once every five years, when the vessel is out of the water and supported so all the exterior and interior of the vessel may be examined. For float trip vessels, the five-year dry dock inspection may be performed at the company's place of business.

~~(9) "Flatwater River Area" means all river sections defined in R651-215-10.~~

~~(9)~~(10) "Good marine practices and standards" means those methods and ways of maintaining, operating, equipping, repairing and restructuring a vessel according to commonly accepted standards, including 46 CFR, the American Boat and Yacht Council, the American Bureau of Shipping, the National Marine Manufacturers Association, and other appropriate generally accepted standards as sources of reference.

~~(10)~~(11) "License" means a Utah ~~[Captain's/Guide's]~~Carrying Passengers for Hire (CPFH) License or a U.S. Coast Guard Master's License.

(12) "Low capacity vessel" means a manually propelled vessel designed or intended to carry no more than two occupants.

~~(12)~~(13) "Marine inspector" means a person who has been trained to perform a dry dock inspection and is registered with the Division as a person who is eligible to perform a dry dock inspection of a vessel.

~~(13) "Other rivers" means all rivers or river sections in Utah not defined in Subsection (18) of this rule as a whitewater river.~~

~~(14) "Permit" means a Utah [Boat]~~Carrying Passengers for Hire (CPFH) Crew Permit.

~~(14)~~(15) "[~~Float~~]River trip vessel" means a vessel, or the components and equipment used to configure such a vessel that is designed to be operated on a whitewater river or section of river. A ~~[float]~~river trip vessel may be a raft with inflatable chambers or a configuration of metal and/or wood frames, straps or chains, and inflatable pontoon tubes that are integral in maintaining the flotation, structural integrity and general seaworthiness of the vessel.

(16) "Racing shell" means a long, narrow watercraft outfitted with long oars and sliding seats; and specifically designed for racing or exercise.

~~(15)~~(17) "Sole state waters," means all waters of this state, except for the waters of Bear Lake, Flaming Gorge and Lake Powell.

~~(16)~~(18) "Towing for hire" means the activity of towing vessels or providing on-the-water assistance to vessels for consideration.

(a) Towing for hire is considered carrying passengers for hire

(b) Towing for hire does not include a person or entity performing salvage or abandoned vessel retrieval operations.

~~(17)~~(19) "Vessel inspector" means a person who has been trained to perform a dockside inspection and is registered with the Division as a person who is eligible to perform a dockside inspection on a vessel.

~~(18)~~(20) "Whitewater river" ~~[means the following river sections: the Green and Yampa Rivers within Dinosaur National Monument, the Green River in Desolation-Gray Canyon (Mile 96 to Mile 20), the Colorado River in Westwater Canyon, the Colorado-~~

~~River in Cataract Canyon, all rivers not designated as a flatwater river area or other Division recognized whitewater rivers in other states.~~

#### **R651-206-2. Outfitting Company Responsibilities.**

(1) Each outfitting company carrying passengers for hire on waters of this state shall register with the Division annually, prior to commencement of operation. Outfitting companies include, but are not limited to, fishing guides, waterski or sailing schools, river trip companies and tour boat operators.

(a) Outfitting company registration with the Division requires the completion of the prescribed application form and providing the following:

(i) Evidence of a current and valid business license;

(ii) Evidence of a current and valid river trip authorization(s), Special Use Permit(s), or performance contract(s) issued by an appropriate federal or state land managing agency;

(iii) Evidence of general liability insurance coverage; and

(iv) Payment of a \$150 fee for an outfitting company whose place of business is physically located within the State of Utah, or

(v) Payment of a \$200 fee for an outfitting company whose place of business is physically located outside of the State of Utah.

(b) Owners and employees of a migratory bird production area created under Title 23, Chapter 28, Migratory Bird Production Area and operating within that Migratory Bird Production Area shall not be considered an outfitting company.

(2) Upon successful registration with the Division, the Division shall issue a certificate of outfitting company registration in the name of the outfitting company. An outfitting company shall display its certificate of outfitting company registration at its place of business in a prominent location, visible to persons and passengers who enter the place of business.

(3) An agent of an outfitting company shall certify that each license or permit applicant sponsored by the outfitting company has:

(a) Obtained the minimum levels of required vessel operation experience corresponding to the type of license or permit applied for;

(b) Obtained the appropriate first aid and CPR certificates; and

(c) Completed the prescribed application form with true and correct identifying information.

(4) An outfitting company's annual registration with the Division may be suspended, denied, or revoked for a length of time determined by the Division director, or an individual designated by the Division director, if one of the following occurs:

(a) The outfitting company's, or agent's negligence caused personal injury or death as determined by due process of law;

(b) The outfitting company or agent is convicted of three violations of Title 73, Chapter 18, or rules promulgated thereunder during a calendar year period;

(c) False or fictitious statements were certified or false qualifications were used to qualify a person to obtain a license or permit for an employee or others;

(d) The Division determines that the outfitting company intentionally provided false or fictitious statements or qualifications when registering with the Division;

(e) The outfitting company has utilized a private trip permit for carrying passengers for hire and has been prosecuted by the issuing agency and found guilty of the violation;

(f) The outfitting company used a vessel operator without a valid license or permit or without the appropriate license or permit while engaging in carrying passengers for hire; or

(g) The outfitting company is convicted of violating a resource protection regulation or public safety regulation in effect by the respective land managing and/or access permitting agency.

(5) An outfitting company shall have a written policy describing a program for a drug free workplace.

(6) An outfitting company shall maintain a training log for each of its vessel operators.

(7) An outfitting company shall maintain a voyage plan and a passenger manifest, on shore, for each trip or excursion the company conducts.

(8) An outfitting company shall maintain a daily or trip operations log for each of its vessels.

(9) An outfitting company shall ensure that each of its vessel operators conducts a check of the vessel he or she will be operating. The vessel check shall include:

(a) Passenger count;

(b) A discussion of safety protocols and emergency operations with passengers on board the vessel[-];

(c) A check of the vessel's required carriage of safety equipment[-];

(d) A check of the vessel's communication systems;

(e) A check of the operation and control of the vessel's steering controls and propulsion system; and

(f) A check of the vessel's navigation lights, if the vessel will be operating between sunset and sunrise.

(10) An outfitting company shall ensure that each vessel in its fleet is equipped with the required safety equipment.

(11) An outfitting company shall maintain each vessel in its fleet according to good marine practices and standards.

(a) The outfitting company shall ensure that each vessel used in the service of carrying passengers for hire meets the maintenance and inspection requirements, if such inspections are required of a vessel.

(b) The outfitting company shall maintain a file of its maintenance and inspections for each vessel, or the components and equipment that configure a [~~float~~]river trip vessel, that is required to be inspected in its fleet. Maintenance and inspection files shall be maintained for the duration in which the vessel is in the service of carrying passengers for hire, plus one additional year.

(12) The owner of a vessel carrying passengers for hire, shall carry general liability insurance. The insurance coverage shall be [~~for a minimum of \$1,000,000 aggregate per incident.~~]determined by the permitting agency.

(13) Upon request of an agent of the Division, an outfitting company shall provide the Division with a copy of the company's:

(a) Drug free workplace policy;

(b) A passenger manifest and trip voyage plan;

(c) Trip [~~operation logs~~]Authorization permit;

(d) A vessel's maintenance and inspection files; or

(e) A vessel operator's training log.

(14) An outfitting company that is registered to carry passengers for hire in another state and possesses a state-issued certificate of outfitting company registration, or similar license, permit or registration accepted and recognized by the Division, where the state has similar outfitting company registration provisions, shall not

be required to obtain and display a Utah certificate of outfitting company registration as required by this section when:

(a) Operating vessels on Bear Lake, Flaming Gorge, and Lake Powell where a trip embarks and disembarks from the out-of-state portion of the lake and less than 25 percent of a trip is conducted on the Utah portion of the lake.

(b) Operating vessels on rivers flowing into Utah where the river trip originates out-of-state and terminates at the first available launch ramp/take-out.

(i) For vessels operating on the Colorado River, the first available take-out is the Westwater Ranger Station launch ramp/take-out.

(ii) For vessels operating on the Dolores River, the first available take-out is the Dewey Bridge launch ramp/take-out on the Colorado River.

(iii) For vessels operating on the Green River, the first available take-out is the Split Mountain launch ramp/take-out.

(iv) For vessels operating on the San Juan River, the first available take-out is the Montezuma Creek launch ramp/take-out.

**R651-206-3. Utah [~~Captain's/Guide's~~]Carrying Passengers for Hire (CPFH) License and Utah [~~Boat~~]Crew Permit.**

(1) No person shall operate a vessel engaged in carrying passengers for hire on sole state waters unless that person has in his possession a valid and appropriately endorsed Utah [~~Captain's/Guide's~~]CPFH License or Utah [~~Boat~~]Crew Permit issued by the Division, or a valid and appropriately endorsed U.S. Coast Guard Master's License.

(a) When carrying passengers for hire on a motorboat on the waters of Bear Lake, Flaming Gorge or Lake Powell, the operator must have a valid and appropriately endorsed U.S. Coast Guard Master's License.

(b) A Utah [~~Captain's/Guide's~~]CPFH License is valid on the waters of Bear Lake, Flaming Gorge, and Lake Powell when the holder is carrying or leading persons for hire on non-motorized vessels.

(c) A Utah [~~Captain's/Guide's~~]CPFH License or Utah [~~Boat~~]Crew Permit, with the appropriate [~~whitewater~~]river [~~or other river~~] endorsement, is valid when operating a vessel exiting from a river to the first appropriate and usable take-out or launch ramp on a lake or reservoir.

(d) A boat operator, carrying passengers within a migratory bird production area created under Title 23, Chapter 28, Migratory Bird Production Area shall comply with the guidelines for safe boat operation adopted by the management of the Migratory Bird Production Area.

(2) License and Permit Requirements.

(a) The license or permit must be accompanied by current and appropriate first aid and CPR certificates. A photocopy of both sides of the first aid and CPR certificates is allowed when carrying passengers for hire on rivers.

(b) A license with a "Lake and Reservoir Captain" or instructor endorsement is required when carrying passengers for hire on any lake or reservoir.

(c) A license with a "Tow Vessel Captain" endorsement is required when towing or assisting other vessels for hire on waters of this state.

(d) A license with a "Whitewater River guide" endorsement is required when carrying passengers for hire on any river section, including "whitewater," [~~other,~~] and "flatwater" river designations.

(e) A license with a ~~[n]~~ "[~~Other~~]Flatwater River Guide" endorsement is required when carrying passengers for hire on any ~~[river or river section designated as "other" or "flatwater." Flatwater river area.~~

(f) A permit with a "[~~lake~~]Lake and Reservoir Crew" endorsement is valid only when the holder is accompanied, on board the vessel, by a qualified license holder with a "Lake and Reservoir Captain" endorsement.

(g) A permit with a "Tow Vessel Crew" endorsement is valid only when the holder is accompanied, on board the vessel, by a qualified license holder with a "Tow Vessel Captain" endorsement.

(h) A permit with a "Whitewater River Crew" endorsement is valid only when the holder is accompanied on the river trip, by a qualified license holder with a "Whitewater River Guide" endorsement.

(i) A permit with an "[~~Other~~]Flatwater River Crew" endorsement is valid only when the holder is accompanied on the river trip, by a qualified license holder with either a "Whitewater River Guide" or "[~~Other~~]Flatwater River Guide" endorsement.

~~[(j)] All Vessel Operator Permits and River Guide 1, 2, 3, and 4 Permits will expire at the end of their current term. Applications for renewal or duplicate of a Vessel Operator or River Guide Permit will be changed to the respective Utah Captain's/Guide's License or Utah Boat Crew Permit.~~

~~[(k)]~~ [(l)] All Boatman Permits issued by the Division are expired.

(3) Requirements to obtain a [~~Utah Captain's/Guides~~]CPFH License.

(a) The applicant shall be at least 18 years of age as of the date the application is received by the Division.

(b) The applicant shall complete the prescribed application form.

(i) Information on the application form must be verified by an agent of the employing/sponsoring outfitting company.

(ii) The completed application form must be signed by the applicant and by an agent of the employing/sponsoring outfitting company.

(iii) For persons who are applying for their first license, the application, testing, and issuance of the license shall be done in a manner accepted by the Division.

(c) The applicant shall pay a \$50 application fee for the license and first endorsement. A fee of \$10 will be charged for each additional license endorsement.

(d) The applicant shall choose from the ~~[four]~~ [five] types of license endorsements:

(i) Lake and Reservoir Captain [~~(LCG)]LRC~~

~~[(ii)]~~ Lake and Reservoir Instructor (LRI)

~~[(iii)]~~ Tow Vessel Captain [~~(TCG)]TVC~~

~~[(iv)]~~ Whitewater River Guide [~~(WCG)](WRG)~~

~~[(v)]~~ [~~Other~~]Flatwater River Guide [~~(OCG)]FRG~~

(e) The applicant shall provide an original proof of current and valid first aid and CPR certifications:

(i) The first aid certificate must be issued for an [~~American Red Cross-~~] "Emergency Response" course or an equivalent course from a reputable provider whose curriculum is in accordance with the USDOT First Responder Guidelines or the Wilderness Medical Society Guidelines for Wilderness First Responder.

(ii) The CPR certificate must be issued for an American Red Cross, American Heart Association, American Safety and Health

Institute, National Safety Council CPR or BLS course, or an equivalent course from a reputable provider whose curriculum is in accordance with the most current Consensus on Science for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC).

(iii) First aid and CPR certificates must include the following information: name, or title of the course; course provider; length of certification; name of the person certified and legible name of the course instructor.

(f) A [~~current~~] Utah Vessel Operator Permit holder, whose permit was issued prior to January 1, 2008, and who is renewing and converting their permit to a Utah [~~Captain's/Guide's~~]CPFH License, is exempt from showing proof of completion of a National Association of State Boating Law Administrators (NASBLA) approved boating safety course.

(g) The applicant shall complete a multiple-choice, written examination administered by an agent of the Division:

(i) 80 percent correct is required to pass.

(ii) In relation to the respective endorsement, the examination will have a specific focus on the carrying passengers for hire laws and rules along with general safety, etiquette and courtesy.

(iii) If an applicant fails to pass the exam, there is a seven-day waiting period to re-test, and [-]

(iv) Pay a \$15 fee for each re-test.

(h) The applicant shall provide documentation of vessel operation experience that has been obtained within 10 years previous to the date of application.

(i) Lake and Reservoir Captain [~~(LCG)]LRC~~ - a minimum of at least 80 hours of actual vessel operation experience. At least 40 of these hours must be obtained while operating the vessel, or a similar vessel, that will be carrying passengers for hire on the specific lake or reservoir on which the operator will be carrying passengers for hire. The applicant shall provide proof of successful completion of a NASBLA approved boating safety course.

[(ii)] Lake and Reservoir Instructor (LRI) - a minimum of at least 40 hours of actual vessel operation experience. At least 10 of these hours must be obtained through mentored coaching while operating the vessel, or a similar vessel, that will be carrying passengers for hire on the specific lake or reservoir on which the instructor will be carrying passengers for hire.

~~[(iii)]~~ Tow Vessel Captain [~~(TCG)](TVC)~~ - A minimum of at least 80 hours of actual vessel operation experience. At least 40 of these hours must be obtained while operating the vessel, or a similar vessel, that will be towing for hire on the specific lake or reservoir on which the operator will be towing vessels for hire. The applicant shall provide proof of successful completion of a NASBLA approved boating safety course.

~~[(iv)]~~ Whitewater River Guide [~~(WCG)](WRG)~~ - A minimum of nine river trips on whitewater river sections. At least one of these trips must be obtained while operating the vessel, or similar vessel, on the respective river section on which the operator will be carrying passengers for hire. A Whitewater River Guide endorsement meets the requirements for an [~~Other~~]Flatwater River Guide endorsement.

~~[(v)]~~ [~~Other~~]Flatwater River Guide [~~(OCG)](FRG)~~ - A minimum of six river trips on any river section. At least one of these trips must be obtained while operating the vessel or similar vessel, on the respective river section on which the operator will be carrying passengers for hire.

(4) A Utah [~~Captain's/Guide's~~]CPFH License is valid for a term of five years. The license will expire five years from the date of issue, unless suspended or revoked.

(a) A Utah [~~Captain's/Guide's~~]CPFH License may be renewed within the six months prior to its expiration.

(b) To renew a Utah [~~Captain's/Guide's~~]CPFH License, the applicant must complete the prescribed application form along with adhering to the requirements described above. A current license holder may renew his license in a manner accepted by the Division

(c) The renewed license will have the same month and day expiration as the original license.

(d) A Utah [~~Captain's/Guide's~~]License that has expired shall not be renewed and the applicant shall be required to apply for a new license.

(5) Requirements to obtain a Utah [~~Boat~~]Crew Permit.

(a) The applicant shall be at least 18 years of age as of the date the application is received by the Division.

(b) The applicant shall complete the prescribed application form.

(i) Information on the application form must be verified by an agent of the employing/sponsoring outfitting company.

(ii) The completed application form must be signed by the applicant and by an agent of the employing/sponsoring outfitting company.

(iii) For persons who are applying for their first Crew P[ermit], the application and issuance of the Crew P[ermit] shall be done in a manner accepted by the Division.

(c) The applicant shall pay a \$50 application fee for the original permit and first endorsement. A \$10 fee shall be charged for each additional crew permit endorsement.

(d) The applicant shall choose from the four types of permit endorsements:

(i) Lake and Reservoir Crew [~~LRC~~](LRCP)

(ii) Tow Vessel Crew [~~TVC~~](TVCP)

(iii) Whitewater River Crew [~~WRC~~](WRCP)

(iv) [~~Other~~]Flatwater River Crew [~~ORC~~](FRCP)

(e) The applicant shall provide original proof of current and valid first aid and CPR certifications:

(i) The first aid certificate must be issued [~~for an American Red Cross "Standard" or "Basic" first aid course, or an equivalent course~~]from a reputable provider whose curriculum is in accordance with the USDOT "Standard" First Aid.

(ii) The CPR certificate must be issued from an American Red Cross, American Heart Association, American Safety and Health Institute, National Safety Council CPR or BLS course, or an equivalent course from a reputable provider whose curriculum is in accordance with the most current Consensus on Science for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC).

(iii) First aid and CPR certificates must include the following information: name, or title of the course; course provider; length of certification; name of the person certified and legible name of the course instructor.

(f) The applicant shall provide documentation of vessel operation experience that has been obtained within the 10 years previous to the date of application.

(i) Lake and Reservoir Crew [~~LRC~~](LRCP) - A minimum of at least 20 hours of actual vessel operation experience. At least 10 of these hours must be obtained while operating the vessel, or a similar vessel, on which the operator will be carrying passengers for hire. The

applicant shall provide proof of successful completion of a NASBLA approved boating safety course.

(ii) Tow Vessel Crew [~~TVC~~](TVCP) - A minimum of at least 20 hours of actual vessel operation experience. At least 10 of these hours must be obtained while operating the vessel, or a similar vessel, that will be towing for hire on the specific lake or reservoir on which the operator will be towing vessels for hire. The applicant shall provide proof of successful completion of a NASBLA approved boating safety course.

(iii) Whitewater River Crew [~~WRC~~](WRCP) - A minimum of three river trips on "whitewater" rivers or river sections[ ~~similar to those they will be guiding on.~~ At least one of these trips must be obtained while operating the vessel, or similar vessel, on the respective river or river section on which the operator will be carrying passengers for hire. A Whitewater River Crew endorsement meets the requirements for an [~~Other~~]Flatwater River Crew endorsement.

(iv) [~~Other~~]Flatwater River Crew [~~ORC~~](FRCP) - A minimum of three river trips on any river or river section. At least one of these trips must be obtained while operating the vessel on a respective river or river section on which the operator will be carrying passengers for hire.

(6) A Utah [~~Boat~~]Crew Permit is valid for a term of five years. The permit will expire five years from the date of issue, unless suspended or revoked.

(a) A Utah [~~Boat~~]Crew Permit may be renewed within the six months prior to its expiration.

(b) To renew a Utah [~~Boat~~]Crew Permit, the applicant must complete the prescribed application form along with the requirements described above. A current permit holder may renew his license in a manner accepted by the Division.

(c) The renewed permit will have the same month and day expiration as the original permit.

(d) A Utah [~~Boat~~]Crew Permit that has expired shall not be renewed and the applicant shall be required to apply for a new permit.

(e) A Utah [~~Boat~~]Crew Permit holder who upgrades to a Utah [~~Captain's/Guide's~~]License, within one year of when the permit was issued, shall receive a \$25 discount on the fee for the Utah [~~Captain's/Guide's~~]License.

(7) In the event a Utah [~~Captain's/Guide's~~]CPFH License or a Utah [~~Boat~~]Crew permit is lost or stolen, a duplicate license or permit may be issued with the same expiration date as the original license or permit.

(a) The applicant must complete the prescribed application form.

(b) The fee for a duplicate license or permit is \$15.

(8) Current Utah [~~Captain's/Guide's~~]CPFH License and Utah [~~Boat~~]Crew Permit holders shall notify the Division within 30 days of any change of address.

(9) A Utah [~~Captain's/Guide's~~]CPFH License or Utah [~~Boat~~]Crew Permit may be suspended, revoked, or denied for a length of time determined by the Division director, or individual designated by the Division director, if one of the following occurs:

(a) The license or permit holder is convicted of three violations of the Utah Boating Act, Title 73, Chapter 18, or rules promulgated thereunder during a three-year period.

(b) The license or permit holder is convicted of driving under the influence of alcohol or any drug while carrying passengers for hire, or refuses to submit to any chemical test that determines blood

or breath alcohol content resulting from an incident while carrying passengers for hire;

(c) The license or permit holder's negligence or recklessness causes personal injury or death as determined by due process of the law;

(d) The license or permit holder is convicted of utilizing a private trip permit to carry passengers for hire;

(e) The license or permit holder is convicted of violating a resource protection regulation or public safety regulation in effect by the respective land managing and/or access permitting agency.

(f) The Division determines that the license or permit holder intentionally provided false or fictitious statements or qualifications to obtain the license or permit.

(10) A Utah [~~Captain's/Guide's~~]CPFH License or Utah [~~Boat-~~]Crew Permit holder shall not carry passengers for hire while operating an unfamiliar vessel or operating on an unfamiliar lake, reservoir, or river section, unless there is a license holder aboard who is familiar with the vessel and the lake, reservoir, or river section. An exception to this rule allows a license or permit holder to lead passengers for hire on a lake, reservoir, or [~~designated flatwater river section~~]a flatwater river area, as long as there is a license holder who is familiar with the vessel and the lake, reservoir, or river section and remains within sight of the rest of the group.

(11) Number of passengers carried for each license or permit holder.

(a) On a vessel that is carrying more than 49 passengers for hire, there shall be at least one license holder and one permit holder or two license holders on board.

(b) On a vessel carrying more than 24 passengers for hire, and operating more than one mile from shore, there shall be an additional license or permit holder on board.

(c) On a vessel carrying passengers for hire, there shall be a minimum of one license or permit holder on board for each passenger deck on the vessel.

(12) Low capacity vessels being led requirements.

(a) On all river sections, except as noted in Subsection (b) below, there shall be at least one qualified license or permit holder for every four low capacity vessels being led in a group.

(b) On lakes, reservoirs, there shall be at least one qualified license or permit holder for every eight low capacity vessels, or racing shells being led in a group; and [~~designated flatwater river sections~~]flatwater river area, there shall be at least one qualified license or permit holder for every six low capacity vessels or racing shells being led in a group.

(13) A license or permit holder shall not operate a vessel carrying passengers for hire for more than 12 hours in a 24 hour period.

(14) A license or permit holder shall conduct a safety and emergency protocols discussion with passengers prior to the vessel getting underway. This discussion shall include the topics of water safety, use and stowage of safety equipment, wearing and usage of life jackets and initiating the rescue of a passenger(s).

(15) Vessel operators who are licensed or permitted to carry passengers for hire in another state, and possess a state-issued vessel captain's license, or similar license or permit accepted and recognized by the Division, where the state has similar vessel operator licensing provisions, shall not be required to obtain and possess a Utah [~~Captain's/Guide's~~]CPFH License or Utah [~~Boat-~~]Crew Permit as required by this section.

#### **R651-206-4. Additional PFD Requirements for Vessels Carrying Passengers for Hire.**

(1) Type I PFDs are required. Each vessel shall have an adequate number of Type I PFDs on board, that meets or exceeds the number of persons on board the vessel. A Type V PFD may be used in lieu of a Type I PFD if the Type V PFD is approved for the activity in which it is going to be used.

(2) In situations where infants, children and youth are in enclosed cabin areas of vessels over 19 feet in length and not wearing PFDs, a minimum of ten percent of the wearable PFDs on board the vessel must be of an appropriate type and size for infants, children and youth passengers.

(3) Type I PFDs or Type V PFDs - used in lieu of the Type I PFD, must be listed for commercial use on the label.

(4) If PFDs are not being worn by passengers, and the PFDs are being [~~stowed~~]stored on the vessel, the PFDs shall be [~~stowed~~]stored in readily accessible containers that legibly and visually indicate their contents.

(5) Each PFD must be marked with the name of the outfitting company, in one-inch high letters that contrast with the color of the device.

(6) The Type IV PFD shall be a ring life buoy on vessels 26 feet or more in length. CPFH vessels on rivers are exempt from carrying a ring life buoy and must comply with R651-215-2 and R651-215-8.

(a) Vessels that are 40 feet or more in length shall carry a minimum of two Type IV PFDs.

(b) Ring life buoys shall have a minimum of 60 feet of line attached.

(7) If U.S. Coast Guard approved Type I PFDs are not available for infants under the weight of 30 pounds, Type II PFDs may be used, provided they are the correct size for the intended wearer.

(8) On rivers, any low capacity vessel operator or a working employee of the outfitting company, may wear a Type III PFD in lieu of the Type I PFD.

(9) On lakes and reservoirs, any low capacity vessel operator or a working employee may wear or carry, a Type III PFD may be carried or worn in lieu of the required Type I PFD.

(10) All passengers and crew members shall wear a PFD when a vessel is being operated in hazardous conditions.

(11) The license or permit holder is responsible for the passengers on his vessel to be in compliance with this section and R651-215.

#### **R651-206-5. Additional Fire Extinguisher Requirements for Vessels Carrying Passengers for Hire.**

(1) Each motorboat that carries passengers for hire, must carry a minimum of one type B-1 fire extinguisher. Vessels equipped solely with an electric motor, and not carrying flammable fuels on board, are exempt from this provision.

(2) Each motorboat that carries more than six passengers for hire and is equipped with an inboard, inboard/outboard, inboard jet, or direct drive gasoline engine, and carrying passengers for hire, shall have at least one fixed U.S. Coast Guard approved fire extinguishing system mounted in the engine compartment.

(3) Portable fire extinguishers shall be mounted in a readily accessible location, near the helm, away from the engine compartment. For motorized vessels operating on rivers, portable fire extinguishers

may be stowed in a readily accessible location near the operator's position.

(4) For vessels carrying more than 12 passengers for hire or providing on board overnight passenger accommodations, smoke detectors shall be installed in each enclosed passenger area.

**R651-206-6. Additional Equipment Requirements for Vessels Carrying Passengers for Hire.**

(1) Emergency communications equipment.

(a) An outfitting company shall have appropriate communication equipment for contacting emergency services, or, have a policy and emergency communications protocols that describe the quickest and most efficient means of contacting emergency services, taking into consideration the remoteness of the area in which the vessel will be operated.

(b) For vessels traveling in a group, this requirement can be met by carrying one communication device in the group.

(2) Carbon monoxide detectors.

Each vessel carrying passengers for hire shall be equipped with carbon monoxide detectors in each enclosed passenger area.

(3) Survival Craft.

Each vessel carrying more than six passengers for hire, and operating at a distance greater than one mile from shore, shall carry an appropriate number of life rafts or other life-saving apparatus respective to the number of passengers carried on board.

(4) Visual distress signals.

Each vessel carrying more than six passengers for hire, and operating at a distance greater than one mile from shore, shall carry a minimum of three visual distress signal flares that are approved for day and night use.

(5) Navigation equipment.

(a) Each vessel must carry a map or chart of the water body and a compass or GPS unit that is in good and serviceable condition.

(b) For vessels traveling in a group, this requirement can be met by carrying a map or chart and a compass or GPS unit in the group.

(c) ~~Float~~River trip vessels are only required to carry a map of the water body or river or river sections.

(6) Lines, straps and anchorage.

(a) Each vessel shall be equipped with at least one suitable anchor and an appropriate anchorage system, respective of the body of water on which the vessel will be operating. Any line, when attached to an anchor, shall be attached by an eye splice, thimble and shackle. On lakes and/or reservoirs, low capacity vessels and racing shells are exempt from this requirement.

(b) Vessels operating on rivers are exempt from carrying an anchor, but shall have sufficient lines to secure the vessel to shore.

(c) Lines and straps utilized for anchorage, mooring and maintaining vessel structural integrity shall be in good and serviceable condition.

(7) Portable lighting.

Each vessel carrying passengers for hire shall carry on board, at least one portable, battery-operated light per operator or crew member. That portable battery-operated light shall be in good and serviceable condition and readily accessible.

(8) First Aid Kit.

(a) Each vessel shall have on board, an adequate first aid kit, stocked with supplies respective to the number of passengers carried

on board, and the nature of boating activity in which the vessel will be engaged.

(b) For vessels traveling in a group, this requirement can be met by carrying one first aid kit in the group.

(9) Identification of outfitting company.

(a) An outfitting company shall prominently display its name on the hull or superstructure of the vessel.

(b) The display of an outfitting company's name shall not interfere with any required numbering, registration or documentation display.

(c) If another governmental agency prohibits the display of an outfitting company's name on the exterior of a vessel, the name shall be displayed in a visible manner that does not violate the agency's requirements.

(10) Marine toilets and sanitary facilities.

(a) Each vessel carrying more than six passengers for hire shall be equipped with a minimum of one marine toilet and washbasin sanitary facilities, except for vessels where suitable privacy enclosures are not practical.

(b) The toilet and washbasin shall be connected to a permanently installed holding tank that allows for dockside pumpout at approved sanitary disposal facilities. Vessels that do not have access to dockside pumpout facilities may carry a portable marine toilet and washbasin to meet this requirement.

(c) For vessels traveling in a group, this requirement can be met by carrying one marine sanitation device in the group.

(d) Marine toilets and washbasins shall be maintained in a good and serviceable, sanitary condition.

(e) A vessel that carries more than 49 passengers shall have at least two marine toilets and washbasins, one each for men and women.

(f) A vessel operating on a trip or excursion with a duration of one hour or less, or operating on a river, is not required to be equipped with a marine toilet or washbasin.

**R651-206-7. Towing Vessels for Hire Requirements.**

(1) Any person or entity that provides the service of towing vessels for hire on waters of this state, shall register with the Division as an outfitting company and pay the appropriate fee. ~~[-The registration of a person or entity towing for hire will be required beginning January 1, 2008.]~~

(2) A vessel engaged in the activity of towing vessels for hire shall comply with the dockside and dry dock vessel maintenance and inspection requirements, plus the additional equipment requirements described in this section.

(3) Any conditions of a contract, special use permit, or other agreement with a person or entity that is towing vessels for hire, shall not supersede the boating safety and assistance activities of a state park ranger, other law enforcement officer, emergency and search and rescue personnel, a member of the U.S. Coast Guard Auxiliary, or any other person providing "Good Samaritan" service to vessels needing or requesting assistance.

(4) Any vessel receiving assistance from a state park ranger, other law enforcement officer, emergency and search and rescue personnel, a member of the U.S. Coast Guard Auxiliary, or any person providing "Good Samaritan" service need not be turned over to, or directed to a person or entity registered with the Division and authorized to tow vessels for hire, unless the operator or owner of the vessel receiving assistance specifically requests such action.

(5) A person or entity towing vessels for hire shall immediately notify a law enforcement officer of any vessel they assist, if the person reasonably believes the vessel being assisted was involved in a reportable boating accident.

(6) A person or entity towing vessels for hire shall not perform an emergency rescue unless he reasonably believes immediate emergency assistance is required to save the lives of persons, prevent additional injuries to persons onboard a vessel, or reduce damage to a vessel, and a state park ranger, other law enforcement officer, emergency and search and rescue personnel, or a member of the U.S. Coast Guard Auxiliary is not immediately available, or a state park ranger, other law enforcement officer, or emergency and search and rescue personnel make such a request for emergency assistance.

(7) The owner of a vessel engaged towing vessels for hire shall carry general liability insurance. The insurance coverage shall be ~~[a minimum of \$1,000,000 per incident.]~~ determined by the permitting agency.

(8) A vessel engaged in towing vessels for hire, shall be a minimum of 21 feet in length and have a minimum total of a 150 hp gasoline engine(s) or a 90 hp diesel engine(s). The towing vessel should be as large or larger than the average vessel it will be towing.

(9) A vessel engaged in towing vessels for hire, must have at least one Tow Vessel L[H] license holder on board.

(10) A person or entity towing vessels for hire shall provide appropriate types of training for each of its license and permit holders. Each vessel operator shall conduct a minimum of five training evolutions of towing a vessel each year, with at least one evolution being a side tow.

(11) The operator and any crew members on board a vessel engaged in towing vessels for hire, shall wear a PFD at all times. The operator of a vessel engaged in towing vessels for hire is responsible to have all occupants of a vessel being towed to wear a properly fitted PFD for the duration of the tow.

(12) A person or entity engaged in towing vessels for hire must keep a log of each tow or vessel assist. The towing vessels for hire log of activities shall include:

- (a) Assisted vessel's assigned bow number.
- (b) Name of assisted vessel's owner or operator, including address and phone number.
- (c) Number of persons on board the assisted vessel.
- (d) Nature of assistance.
- (e) Date and time assistance provided.
- (f) Location of the assisted vessel.

(g) The operator of the vessel towing for hire shall make appropriate radio or other communications of the above actions with a person on land preferable at the company's place of business.

(h) Upon request of an agent of the Division, an outfitting company shall provide the Division with a copy of a towing vessels for hire log.

(13) Additional Equipment Requirements for Vessels Towing for Hire.

- (a) PFDs.
  - (i) Shall carry a sufficient number of Type I PFDs for persons on board a towed vessel.
  - (ii) Shall carry a minimum of two Type IV PFDs, one of which must be a ring life buoy.
- (b) Vessel shall be equipped with a depth finder.
- (c) Tow Line.
  - (i) Shall have a minimum of 100 feet of 5/8" line with a tow bridle.
  - (ii) Towing vessel shall be equipped with a towing post or reinforced cleats.
  - (d) Vessel shall carry a dewatering pump with a minimum capacity of 25 gallons per minute, to be used to dewater other vessels.
  - (e) If a vessel is towing for hire between sunset and sunrise, the vessel shall carry the following pieces of equipment.
    - (i) A white spot light with a minimum brightness of 500,000 candle power.
    - (ii) It is recommended that a vessel be equipped with electronic RADAR equipment.
    - (f) Vessel shall carry a loudhailer, speaker, or other means of communicating with another vessel from a distance.
    - (g) Vessel shall carry the following equipment, in addition to the equipment required for vessels carrying passengers for hire.
      - (i) A knife capable of cutting the vessel's towline;
      - (ii) A boat hook;
      - (iii) A minimum of four six-inch fenders;
      - (iv) Binoculars;
      - (v) A jump starting system;
      - (vi) A tool kit and spare items for repairs on assisting vessel;
  - (vii) Damage control items for quick repairs to another vessel.

(i) Shall have a minimum of 100 feet of 5/8" line with a tow bridle.

(ii) Towing vessel shall be equipped with a towing post or reinforced cleats.

(d) Vessel shall carry a dewatering pump with a minimum capacity of 25 gallons per minute, to be used to dewater other vessels.

(e) If a vessel is towing for hire between sunset and sunrise, the vessel shall carry the following pieces of equipment.

(i) A white spot light with a minimum brightness of 500,000 candle power.

(ii) It is recommended that a vessel be equipped with electronic RADAR equipment.

(f) Vessel shall carry a loudhailer, speaker, or other means of communicating with another vessel from a distance.

(g) Vessel shall carry the following equipment, in addition to the equipment required for vessels carrying passengers for hire.

- (i) A knife capable of cutting the vessel's towline;
- (ii) A boat hook;
- (iii) A minimum of four six-inch fenders;
- (iv) Binoculars;
- (v) A jump starting system;
- (vi) A tool kit and spare items for repairs on assisting vessel;

and

(vii) Damage control items for quick repairs to another vessel.

#### **R651-206-8. Maintenance and Inspections of Vessels Carrying Passengers for Hire.**

(1) Each outfitting company carrying passengers for hire shall have an ongoing vessel maintenance and inspection program. The vessel maintenance and inspection program shall include the structural integrity, flotation, propulsion of the vessel, and equipment associated with passenger safety.

(2) The annual vessel maintenance and inspection program certification will be required beginning January 1, 2009. The five-year vessel inspections will be required no later than January 1, 2014.

(3) The Division shall prepare and maintain a "Carrying Passengers for Hire Vessel Inspection Manual".

(a) The Division shall establish a committee to oversee, maintain, and recommend any substantive changes in the "Carrying Passengers for Hire Vessel Inspection Manual".

(i) The members of this committee shall be selected by the Boating Advisory Council and shall report directly to the Boating Advisory Council.

(ii) This committee shall consist of five members: two members who will represent the non-float trip vessel carrying passengers for hire industry in Utah; two members who will represent the float trip vessel carrying passengers for hire industry in Utah; and one member who will represent a state or federal agency responsible for managing or regulating the activity of carrying passengers for hire in Utah.

(iii) This committee shall convene when information regarding substantive changes to the "Carrying Passengers for Hire Vessel Inspection Manual" has been presented to the Boating Advisory Council.

(b) The Division shall establish a committee to prepare and develop the portions of the "Carrying Passengers for Hire Vessel Inspection Manual" that do not pertain to ~~[Float]~~ River Trip Vessels.

(i) This committee shall consist of five members: three members who represent the carrying passengers for hire industry in Utah; and two members who represent a state or federal agency responsible for managing or regulating the activity of carrying passengers for hire in Utah.

(ii) This committee will disband after the original "Carrying Passengers for Hire Vessel Inspection Manual" is approved and accepted by the Boating Advisory Council.

(c) The Division shall establish a committee to prepare and develop the portions of the "Carrying Passengers For Hire Vessel Inspection Manual" that pertain to ~~Float~~River Trip Vessels.

(i) This committee shall consist of five members: three members who represent the ~~Float~~River Trip Vessel carrying passengers for hire industry in Utah; and two members who represent a state or federal agency responsible for managing or regulating the activity of carrying passengers for hire in Utah.

(ii) This committee will disband after the original "Carrying Passengers for Hire Vessel Inspection Manual" is approved and accepted by the Boating Advisory Council.

**KEY:** boating, parks

**Date of Enactment or Last Substantive Amendment:** ~~July 23, 2012~~**October 22, 2015**

**Notice of Continuation:** January 11, 2011

**Authorizing, and Implemented or Interpreted Law:** 73-18-4(4)

## Pardons (Board of), Administration **R671-314** Compassionate Release

### NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 39606

FILED: 08/20/2015

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The proposed rule allows the offender, Department of Corrections, or other interested party to request the release of an offender on the grounds of a serious medical condition, mental health issue, or the death of an immediate family member.

**SUMMARY OF THE RULE OR CHANGE:** An offender, the Department of Corrections, or other interested party may request the release of an offender by submitting verification of the exceptional circumstances that justify the release. The rule sets parameters on the conditions the Board will consider.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Art. VII, Sec. 12 and Section 77-27-5 and Section 77-27-7 and Section 77-27-9 and Subsection 63G-3-201(3)

### ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Processing requests will increase workload but the Board will absorb the increase with existing resources. Incarceration costs are higher than supervising a parolee in the community so releasing inmates early may create some savings for the Department of Corrections.

◆ **LOCAL GOVERNMENTS:** Local government does not have a role in the compassionate release process and will not be affected.

◆ **SMALL BUSINESSES:** Small business do not have a role in the compassionate release process and will not be affected.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Victims have an interest in any decision affecting the release of an offender. The proposed rule allows victim input in the decision. There is no cost to the victim.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The Board does not charge the inmate, Department of Corrections, or other parties to submit a compassionate release request. There are no compliance costs for inmates.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Compassionate release is a request submitted by an inmate or other person asking for an early release from prison due to medical or mental health issues or the death of a family member. The decision does not involve businesses and there are no compliance costs.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

PARDONS (BOARD OF)  
ADMINISTRATION  
ROOM 300  
448 E 6400 S  
SALT LAKE CITY, UT 84107-8530  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Greg Johnson by phone at 801-261-6454, by FAX at 801-261-6481, or by Internet E-mail at gregjohnson@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2015**

**AUTHORIZED BY:** Angela Micklos, Chair

**R671. Pardons (Board of), Administration.**

**R671-314. Compassionate Release.**

**R671-314-1. Rule.**

(1) The Board shall consider a compassionate release when specified exceptional circumstances exist.

(2) A compassionate release request submitted on behalf of an offender does not limit or preclude other requests for special attention or redetermination consideration.

(3) Compassionate release consideration shall be initiated upon the receipt of a written request, as specified herein, explaining the circumstances supporting the release.

(4) The Board shall consider a compassionate release in the following exceptional circumstances:

(a) Upon the request of the Department of Corrections (Department), if an offender's public safety and recidivism risk is significantly reduced due to the effects or symptoms of advancing age, medical infirmity, disease, or disability, or mental health disease or disability;

(b) Upon the request of the Department if an offender suffers from a serious and persistent medical condition which requires extensive medical attention, nursing home care, or palliative care; or

(c) Upon the request of the Department, offender, or other interested person, if an offender's immediate family member dies within 120 days of a previously scheduled release.

(5) If the compassionate release request is submitted pursuant to paragraphs (4)(a) or (b), the request shall include a report from the Department detailing the specific effects, conditions, or symptoms to be considered; the treatments available; and, when possible, the prognosis of such effects, conditions, or symptoms.

(6) For compassionate release requests submitted pursuant to paragraph (4)(c):

(a) Immediate family member is defined as a parent, step-parent, spouse, child, sibling, grandparent, or grandchild;

(b) The request shall be accompanied by a death certificate or other verification acceptable to the Board; and

(c) The Board may request that the Department review the request, provide any institutional or other reports requested by the Board, and make a recommendation regarding the request.

(7) Except as provided in section (8) of this rule, the Board may make a decision regarding a compassionate release with or without a hearing.

(8) Before granting a compassionate release pursuant to this rule, the Board shall hold a hearing if the compassionate release would occur before an offender's original hearing.

(9) Before granting a compassionate release without a hearing pursuant to this rule, the Board shall make a reasonable effort to contact, inform, and consider the input of any victim of record in the case for which the offender is incarcerated, if the victim of record has previously requested notice of hearings pursuant to Utah Code Subsection 77-38-3(8).

**KEY: parole, inmates**

**Date of Enactment: 2015**

**Authorizing, and Implemented or Interpreted Law: Art. VII, Sec. 12; 63G-3-201(3); 77-27-5; 77-27-7; 77-27-9**

**Tax Commission, Auditing**  
**R865-13G-18**  
**Definition of Statewide Average Rack**  
**Price of a Gallon of Motor Fuel**  
**Pursuant to Utah Code Ann. Sections**  
**59-13-201 and 59-13-210**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39618

FILED: 08/27/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The proposed rule defines a term necessary for the implementation of H.B. 362 from the 2015 General Session. Section 59-13-210 provides the Tax Commission rulemaking authority to administer the motor fuel tax.

**SUMMARY OF THE RULE OR CHANGE:** H.B. 362 (2015) provides that the tax on motor and special fuels is 12% of the statewide average rack price of a gallon of motor fuel. This rule defines the statewide average rack price of a gallon of motor fuel as the average of the Salt Lake City and Cedar City terminal prices of the average daily average net closing price of a gallon of branded regular, 10% ethanol, 9.0 Reid Vapor Pressure unleaded motor fuel for each terminal.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 59-13-201 and Section 59-13-210

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** None--Any revenue impacts were considered in H.B. 362 (2015).
- ◆ **LOCAL GOVERNMENTS:** None--Any revenue impacts were considered in H.B. 362 (2015).
- ◆ **SMALL BUSINESSES:** None--Any revenue impacts were considered in H.B. 362 (2015).
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--Any revenue impacts were considered in H.B. 362 (2015).

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** None--The proposed rule defines the statewide average rack price of a gallon of motor fuel for purposes of determining the tax rate on motor and special fuel. H.B. 362 (2015) anticipated a motor and special fuel tax increase of 4.9 cents per gallon on 01/01/2016.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact--Any fiscal impacts were considered in H.B. 362 (2015).

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 TAX COMMISSION  
 AUDITING  
 210 N 1950 W  
 SALT LAKE CITY, UT 84134  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at cj@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2015

AUTHORIZED BY: Rebecca Rockwell, Commissioner

**R865. Tax Commission, Auditing.**  
**R865-13G. Motor Fuel Tax.**  
**R865-13G-18. Definition of Statewide Average Rack Price of a Gallon of Motor Fuel Pursuant to Utah Code Ann. Sections 59-13-201 and 59-13-210.**

(1) For purposes of the fuel tax imposed under Section 59-13-201, "statewide average rack price of a gallon of motor fuel" shall be determined by calculating the average of the Salt Lake City and Cedar City terminal prices of the average daily average net closing price of a gallon of branded regular, 10% ethanol, 9.0 Reid Vapor Pressure unleaded motor fuel for each terminal.

(2) Pursuant to Section 59-13-301, the tax rate calculated using the statewide average rack price of a gallon of motor fuel shall be the tax rate for special fuel.

**KEY: taxation, motor fuel, gasoline, environment**  
**Date of Enactment or Last Substantive Amendment: [December 22, 2011] 2015**  
**Notice of Continuation: January 3, 2012**  
**Authorizing, and Implemented or Interpreted Law: 59-13-201; 59-13-202; 59-13-203.1; 59-13-204; 59-13-208; 59-13-210; 59-13-404**

**Tax Commission, Motor Vehicle Enforcement**  
**R877-23V-7**  
**Misleading Advertising Pursuant to Utah Code Ann. Section 41-3-210**

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE NO.: 39619  
 FILED: 08/27/2015

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is amended to provide more specific guidance for motor vehicle advertisements.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment indicates how, in a motor vehicle advertisement, the disclosure that a vehicle has a salvage certificate or branded title shall be made.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 41-3-210

- ANTICIPATED COST OR SAVINGS TO:
- ♦ THE STATE BUDGET: None--The proposed amendment indicates how and where in a motor vehicle advertisement the language that a vehicle has a salvage certificate or branded title must appear.
  - ♦ LOCAL GOVERNMENTS: None--The proposed amendment indicates how and where in a motor vehicle advertisement the language that a vehicle has a salvage certificate or branded title must appear.
  - ♦ SMALL BUSINESSES: None--The proposed amendment indicates how and where in a motor vehicle advertisement the language that a vehicle has a salvage certificate or branded title must appear.
  - ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--The proposed amendment indicates how and where in a motor vehicle advertisement the language that a vehicle has a salvage certificate or branded title must appear.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendment indicates how and where in a motor vehicle advertisement the language that a vehicle has a salvage certificate or branded title must appear.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact because the proposed amendment indicates how and where in a motor vehicle advertisement the language that a vehicle has salvage certificate or branded title must appear.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 TAX COMMISSION  
 MOTOR VEHICLE ENFORCEMENT  
 210 N 1950 W  
 SALT LAKE CITY, UT 84134  
 or at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at cj@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2015

AUTHORIZED BY: Rebecca Rockwell, Commissioner

**R877. Tax Commission, Motor Vehicle Enforcement.****R877-23V. Motor Vehicle Enforcement.****R877-23V-7. Misleading Advertising Pursuant to Utah Code Ann. Section 41-3-210.**

(1)(a) "Advertisement" means any oral, written, graphic, or pictorial statement made that concerns the offering of a motor vehicle for sale or lease.

(b) "Advertisement" includes any statement or representation:

(i) made in a newspaper, magazine, electronic medium, or other publication;

(ii) made on radio or television;

(iii) appearing in any notice, handbill, sign, billboard, banner, poster, display, circular, pamphlet, letter, or other printed material;

(iv) contained in any window sticker or price tag; and

(v) in any oral statement.

(c) "Advertisement" includes the terms "advertise" and "advertising".

(d) "Advertisement" does not include:

(i) a statement made solely for the purpose of obtaining motor vehicle financing or a motor vehicle title; or

(ii) hand written negotiation sheets between a dealer and a customer of the dealer.

(2) Violation of any of the following standards of practice for the advertising and selling of motor vehicles is a violation of Section 41-3-210.

(a) Accuracy. Any advertised statements and offers about a motor vehicle as to year, make, model, type, condition, equipment, price, trade-in-allowance, terms, and so forth, shall be clearly set forth and based upon facts.

(b) Bait. Bait advertising and selling practices may not be used. A motor vehicle advertised at a specific price shall be in the possession of the advertiser at the address given. It shall be willingly shown, demonstrated and sold. If sold, the advertiser shall, upon request of any prospective purchaser, peace officer, or employee of the division, show sales records of the advertised motor vehicle.

(c)(i)(A) Price. When the price or payment of a motor vehicle is quoted, the motor vehicle shall be clearly identified as to make, year, model and if new or used. Except as provided in Subsection (c)(i)(B), the advertised price must include charges that the customer must pay for the motor vehicle, including freight or destination charges, dealer preparation, and dealer handling.

(B) The following fees are not required to be included in the advertised price that the customer must pay for the motor vehicle:

(I) dealer document fees;

(II) if optional, undercoating or rustproofing fees; and

(III) taxes or fees required by the state or a county, including sales tax, titling and registration fees, safety and emission fees, and waste tire recycling fees.

(ii) In addition to other advertisements, this pertains to price statements such as "\$..... Buys".

(iii) When "list", "sticker", or words of similar import are used in an advertisement, they may refer only to the manufacturer's suggested retail price. If a supplementary price sticker is used, the advertised price must include all items listed on the supplementary sticker.

(iv) If the customer requests and receives a temporary permit, the temporary permit fee need not be included in the advertised price.

(d) Savings and Discount Claims. Because the intrinsic value of a used motor vehicle is difficult to establish, specific claims of savings may not be used in an advertisement. This includes statements such as, "Was priced at \$....., now priced at \$....."

(i) The word "wholesale" may not be used in retail motor vehicle advertising.

(ii) When a motor vehicle advertisement contains an offer of a discount on a new motor vehicle, the amount of the discount must be stated by reference to the manufacturer's suggested retail price of the motor vehicle.

(e) Down Payments. The amount of the down payment may not be stated in a manner that suggests that it is the selling price of the motor vehicle. If an advertisement states "You can buy with no money down", or terms of similar import, the customer must be able to leave the dealership with the motor vehicle without making any outlay of money.

(f) Trade-in Allowance. Statements representing that no other dealer grants greater allowances for trade-ins may not be used. A specific trade-in amount or range of trade-in amounts may not be used in advertising.

(g)(i)(A) Finance. The phrases, "no finance charge", "no carrying charge", or similar expressions may not be used when there is a charge for placing the transaction on a time payment basis. Statements representing or implying that no prospective credit purchaser will be rejected because of inability to qualify for credit, such as "we accept all credit applications", may not be used.

(B) If the amount of the advertised payment changes during the term of the loan, both the payments and the terms of the loan must be disclosed together.

(ii) The phrase "we will pay off your trade no matter what you owe" may not be used.

(h) Unpaid Balance and Repossessions. The term "repossessed" may be used only to describe motor vehicles that have actually been repossessed from a purchaser. Advertisers offering repossessed motor vehicles for sale may be required to offer proof of those repossessions. The unpaid balance shall be the full selling price unless otherwise stated.

(i) Current Used. When a used motor vehicle, as defined by Section 41-3-102, of a current series is advertised, the first line of the advertisement must contain the word "used", "pre-owned", "certified used", "certified pre-owned", or other similar term used to designate a used motor vehicle, or the text must clearly indicate that the motor vehicle offered is used.

(j) Demonstrators, Executives' and Officials' Motor Vehicles.

(i) "Demonstrator" means a motor vehicle that has never been sold or leased to a member of the public.

(ii) Demonstrator motor vehicles include motor vehicles used by new motor vehicle dealers or their personnel for demonstrating performance ability but not motor vehicles purchased or leased by dealers or their personnel and used as their personal motor vehicles.

(iii) A demonstrator motor vehicle may be advertised for sale only by a dealer franchised for the sale of that make of new motor vehicle.

(iv) An executive's or official's motor vehicle shall have been used exclusively by an executive of the dealer's franchising manufacturer or distributor, or by an executive of the franchised dealership. These motor vehicles may not have been sold or leased to a member of the public prior to the appearance of the advertisement.

(v) Demonstrator's, executive's and official's motor vehicles shall be clearly and prominently advertised as such. Advertisements shall include the year, make, and model of the motor vehicle offered for sale.

(k) Taxi-cabs, Police, Sheriff, and Highway Patrol Motor Vehicles. Taxi-cabs, police, sheriff, and highway patrol motor vehicles shall be so identified. These motor vehicles may not be described by an ambiguous term such as "commercial".

(l) Mileage Statements. When an advertisement quotes the number of miles or a range of miles a motor vehicle has been driven, the dealer must have written evidence that the motor vehicle has not been operated in excess of the advertised mileage.

(i) The evidence required by this section shall be the properly completed odometer statement required by Section 41-1a-902.

(ii) If a dealer chooses to advertise specific mileage or a range of miles a motor vehicle has been driven, the dealer shall upon request of any prospective purchaser, peace officer, or employee of the division produce all documents in its possession pertaining to that motor vehicle so that the mileage can be readily verified.

(m) Underselling Claims. Unsupported underselling claims may not be used. Underselling claims include the following: "our prices are guaranteed lower than elsewhere", "money refunded if you can duplicate our values", "we guarantee to sell for less", "we sell for less", "we purchase motor vehicles for less so we can sell them for less", "highest trade-in allowance", "we give \$300 more in trade than any other dealers". Evidence of supported underselling claims must be contained in the advertisement and shall be produced upon request of a prospective purchaser, peace officer, or employee of the division.

(n) Free. "Free" may be used in advertising only when the advertiser is offering a gift that is not conditional on the purchase of any product or service.

(o) Driving Trial. A free driving trial means that the purchaser may drive the motor vehicle during the trial period and return it to the dealer within the specified period and obtain a refund of all moneys, signed agreements, or other considerations deposited and a return of any motor vehicle traded in. The exact terms and conditions of the free driving trial shall be set forth in writing and a copy given to the purchaser at the time of the sale.

(p) Guaranteed. When words such as "guarantee", "warranty", or other terms implying protection are used in advertising, an explanation of the time and coverage of the guarantee or warranty shall be given in clear and concise language. The purchaser shall be provided with a written document stating the specific terms and coverage.

(q) Name Your Own Deal. Statements such as "write your own deal", "name your own price", "name your own monthly payments", "appraise your own motor vehicle", and phrases of similar import may not be used.

(r) Disclosure of Material Facts. Disclosures of material facts that are contained in advertisements and that involve types of motor vehicles and transactions shall be made in a clear and conspicuous manner.

(i) Fine print, and mouse print are not acceptable methods of disclosing material facts.

(ii) The disclosure must be made in a typeface and point size comparable to the smallest typeface and point size of the text used throughout the body of the advertisement.

(iii) An asterisk may be used to give additional information about a word or term, however, asterisks or other reference symbols may not be used as a means of contradicting or substantially changing the meaning of any advertising statements.

(s) Lease. When an advertisement relates to a lease, the advertisement must make it readily apparent that the transaction advertised is a lease.

(i) The word "lease" must appear in a prominent position in the advertisement in a typeface and point size comparable to the largest text used to directly advertise the motor vehicle.

(ii) Statements that do not use the term "lease" do not constitute adequate disclosure of a lease.

(iii) Lease advertisements may not contain the phrase "no down payment" or words of similar import if an outlay of money is required to lease the motor vehicle.

(iv) Lease terms that are not available to the general public may not be included in advertisements directed at the general public.

(v) Limitations and qualifications applicable to the lease terms advertised shall be clearly and conspicuously disclosed.

(t) Electronic Medium Disclosures. A disclosure appearing in any electronic advertising medium must clearly and conspicuously feature all necessary information in a manner that can be read and understood if type is used, or that can be heard and understood if audio is used.

(u) Invoice or Cost. The terms "invoice" or "factory invoice" may be used as long as the dealer is willing to show the factory invoice to the prospective buyer. The term "cost" may not be used.

(v) Rebate Offers. "Rebate", "cash rebate", or similar terms may be used only when it is clearly and conspicuously stated who is offering the rebate.

(w) Buy-down Interest Rates. No buy-down interest rate may be advertised unless the dealer discloses the amount of dealer contribution and states that the contribution by the dealership may increase the negotiated price of the motor vehicle.

(x) Special Status of Dealership. A motor vehicle advertisement may not falsely imply that the dealer has a special sponsorship, approval status, affiliation, or connection with the manufacturer that is greater or more direct than any other like dealer.

(y) Price Equaling. An advertisement that expresses a policy of matching or bettering competitor's prices shall fully disclose any conditions that apply and specify the evidence a consumer must present to take advantage of the offer. The evidence requirement may not place an unreasonable burden on the consumer; however, for example requiring the consumer to bring a written offer made to that consumer by an authorized representative of a dealership on a substantially similar motor vehicle would be considered reasonable.

(z) Auction. "Auction" or "auction special" and other terms of similar import may be used only in connection with motor vehicles offered or sold at a bona fide auction.

(aa) Layout and Type Size. The layout, headlines, illustrations, or type size of a printed advertisement and the broadcast words or pictures of radio, television, or electronic medium advertisements may not convey or permit an erroneous or misleading impression as to which motor vehicle or motor vehicles are offered at featured prices.

(i) When an advertisement contains a picture of a motor vehicle along with a quoted price, the motor vehicle pictured must be a similar model with similar options and accessories as the motor vehicle advertised.

(ii) No advertised offer, expression, or display of price, terms, down payment, trade-in allowances, cash difference, savings, or other material terms may be misleading and any necessary qualifications shall be clearly, conspicuously, and accurately set forth to prevent misunderstanding.

(iii) Qualifying terms and phrases shall be clearly, conspicuously, and accurately set forth as follows:

(A) in bold print and in type of a size that is capable of being read without unreasonable extra effort;

(B) in terms that are understandable to the buying public; and

(C) in close proximity to the qualified representation and not separated or buried by asterisk in some other part of the advertisement.

(bb) An advertisement must disclose that a vehicle is a salvage vehicle with a [Ø] branded title or salvage certificate [as prominently as the description of the advertised motor vehicle]. The disclosure shall be made by inserting the terms "salvage certificate" or "branded title," as appropriate:

(i) immediately following the year, make, and model of the advertised salvage vehicle; and

(ii) in the same typeface and point size as the typeface and font size used to advertise the year, make, and model of the salvage vehicle.

**KEY: taxation, motor vehicles**

**Date of Enactment or Last Substantive Amendment: [August 22, 2013]2015**

**Notice of Continuation: January 3, 2012**

**Authorizing, and Implemented or Interpreted Law: 41-1a-712; 41-3-105; 41-3-201; 41-3-202; 41-3-210; 41-3-301; 41-3-302; 41-3-305; 41-3-503; 41-3-505; 41-3-506; 41-3-507**

**Tax Commission, Motor Vehicle  
Enforcement  
R877-23V-7  
Misleading Advertising Pursuant to  
Utah Code Ann. Section 41-3-210**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39620

FILED: 08/27/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The rule is amended to provide more specific guidance for motor vehicle advertisements.

**SUMMARY OF THE RULE OR CHANGE:** The proposed amendment provides that in a verbal advertisement of a motor vehicle, the speed of the words spoken must be constant throughout the advertisement.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 41-3-210

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** None--The proposed amendment governs the clarity of a verbal advertisement.

♦ **LOCAL GOVERNMENTS:** None--The proposed amendment governs the clarity of a verbal advertisement.

♦ **SMALL BUSINESSES:** None--The proposed amendment governs the clarity of a verbal advertisement.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--The proposed amendment governs the clarity of a verbal advertisement.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** None--The proposed amendment governs the clarity of a verbal advertisement.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There is no fiscal impact because the proposed amendment governs the clarity of a verbal advertisement.

**THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:**  
TAX COMMISSION  
MOTOR VEHICLE ENFORCEMENT

210 N 1950 W  
SALT LAKE CITY, UT 84134  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

♦ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at [cj@utah.gov](mailto:cj@utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2015**

**AUTHORIZED BY: Rebecca Rockwell, Commissioner**

**R877. Tax Commission, Motor Vehicle Enforcement.**

**R877-23V. Motor Vehicle Enforcement.**

**R877-23V-7. Misleading Advertising Pursuant to Utah Code Ann. Section 41-3-210.**

(1)(a) "Advertisement" means any oral, written, graphic, or pictorial statement made that concerns the offering of a motor vehicle for sale or lease.

(b) "Advertisement" includes any statement or representation:

(i) made in a newspaper, magazine, electronic medium, or other publication;

(ii) made on radio or television;

(iii) appearing in any notice, handbill, sign, billboard, banner, poster, display, circular, pamphlet, letter, or other printed material;

(iv) contained in any window sticker or price tag; and

(v) in any oral statement.

(c) "Advertisement" includes the terms "advertise" and "advertising".

(d) "Advertisement" does not include:

(i) a statement made solely for the purpose of obtaining motor vehicle financing or a motor vehicle title; or

(ii) hand written negotiation sheets between a dealer and a customer of the dealer.

(2) Violation of any of the following standards of practice for the advertising and selling of motor vehicles is a violation of Section 41-3-210.

(a) Accuracy. Any advertised statements and offers about a motor vehicle as to year, make, model, type, condition, equipment, price, trade-in-allowance, terms, and so forth, shall be clearly set forth and based upon facts.

(b) Bait. Bait advertising and selling practices may not be used. A motor vehicle advertised at a specific price shall be in the possession of the advertiser at the address given. It shall be willingly shown, demonstrated and sold. If sold, the advertiser shall, upon request of any prospective purchaser, peace officer, or employee of the division, show sales records of the advertised motor vehicle.

(c)(i)(A) Price. When the price or payment of a motor vehicle is quoted, the motor vehicle shall be clearly identified as to make, year, model and if new or used. Except as provided in Subsection (c)(i)(B), the advertised price must include charges that

the customer must pay for the motor vehicle, including freight or destination charges, dealer preparation, and dealer handling.

(B) The following fees are not required to be included in the advertised price that the customer must pay for the motor vehicle:

(I) dealer document fees;

(II) if optional, undercoating or rustproofing fees; and

(III) taxes or fees required by the state or a county, including sales tax, titling and registration fees, safety and emission fees, and waste tire recycling fees.

(ii) In addition to other advertisements, this pertains to price statements such as "\$.... Buys".

(iii) When "list", "sticker", or words of similar import are used in an advertisement, they may refer only to the manufacturer's suggested retail price. If a supplementary price sticker is used, the advertised price must include all items listed on the supplementary sticker.

(iv) If the customer requests and receives a temporary permit, the temporary permit fee need not be included in the advertised price.

(d) Savings and Discount Claims. Because the intrinsic value of a used motor vehicle is difficult to establish, specific claims of savings may not be used in an advertisement. This includes statements such as, "Was priced at \$....., now priced at \$....."

(i) The word "wholesale" may not be used in retail motor vehicle advertising.

(ii) When a motor vehicle advertisement contains an offer of a discount on a new motor vehicle, the amount of the discount must be stated by reference to the manufacturer's suggested retail price of the motor vehicle.

(e) Down Payments. The amount of the down payment may not be stated in a manner that suggests that it is the selling price of the motor vehicle. If an advertisement states "You can buy with no money down", or terms of similar import, the customer must be able to leave the dealership with the motor vehicle without making any outlay of money.

(f) Trade-in Allowance. Statements representing that no other dealer grants greater allowances for trade-ins may not be used. A specific trade-in amount or range of trade-in amounts may not be used in advertising.

(g)(i)(A) Finance. The phrases, "no finance charge", "no carrying charge", or similar expressions may not be used when there is a charge for placing the transaction on a time payment basis. Statements representing or implying that no prospective credit purchaser will be rejected because of inability to qualify for credit, such as "we accept all credit applications", may not be used.

(B) If the amount of the advertised payment changes during the term of the loan, both the payments and the terms of the loan must be disclosed together.

(ii) The phrase "we will pay off your trade no matter what you owe" may not be used.

(h) Unpaid Balance and Repossessions. The term "repossessed" may be used only to describe motor vehicles that have actually been repossessed from a purchaser. Advertisers offering repossessed motor vehicles for sale may be required to offer proof of those repossessions. The unpaid balance shall be the full selling price unless otherwise stated.

(i) Current Used. When a used motor vehicle, as defined by Section 41-3-102, of a current series is advertised, the first line of the advertisement must contain the word "used", "pre-owned", "certified used", "certified pre-owned", or other similar term used to designate a used motor vehicle, or the text must clearly indicate that the motor vehicle offered is used.

(j) Demonstrators, Executives' and Officials' Motor Vehicles.

(i) "Demonstrator" means a motor vehicle that has never been sold or leased to a member of the public.

(ii) Demonstrator motor vehicles include motor vehicles used by new motor vehicle dealers or their personnel for demonstrating performance ability but not motor vehicles purchased or leased by dealers or their personnel and used as their personal motor vehicles.

(iii) A demonstrator motor vehicle may be advertised for sale only by a dealer franchised for the sale of that make of new motor vehicle.

(iv) An executive's or official's motor vehicle shall have been used exclusively by an executive of the dealer's franchising manufacturer or distributor, or by an executive of the franchised dealership. These motor vehicles may not have been sold or leased to a member of the public prior to the appearance of the advertisement.

(v) Demonstrator's, executive's and official's motor vehicles shall be clearly and prominently advertised as such. Advertisements shall include the year, make, and model of the motor vehicle offered for sale.

(k) Taxi-cabs, Police, Sheriff, and Highway Patrol Motor Vehicles. Taxi-cabs, police, sheriff, and highway patrol motor vehicles shall be so identified. These motor vehicles may not be described by an ambiguous term such as "commercial".

(l) Mileage Statements. When an advertisement quotes the number of miles or a range of miles a motor vehicle has been driven, the dealer must have written evidence that the motor vehicle has not been operated in excess of the advertised mileage.

(i) The evidence required by this section shall be the properly completed odometer statement required by Section 41-1a-902.

(ii) If a dealer chooses to advertise specific mileage or a range of miles a motor vehicle has been driven, the dealer shall upon request of any prospective purchaser, peace officer, or employee of the division produce all documents in its possession pertaining to that motor vehicle so that the mileage can be readily verified.

(m) Underselling Claims. Unsupported underselling claims may not be used. Underselling claims include the following: "our prices are guaranteed lower than elsewhere", "money refunded if you can duplicate our values", "we guarantee to sell for less", "we sell for less", "we purchase motor vehicles for less so we can sell them for less", "highest trade-in allowance", "we give \$300 more in trade than any other dealers". Evidence of supported underselling claims must be contained in the advertisement and shall be produced upon request of a prospective purchaser, peace officer, or employee of the division.

(n) Free. "Free" may be used in advertising only when the advertiser is offering a gift that is not conditional on the purchase of any product or service.

(o) Driving Trial. A free driving trial means that the purchaser may drive the motor vehicle during the trial period and return it to the dealer within the specified period and obtain a refund of all moneys, signed agreements, or other considerations deposited and a return of any motor vehicle traded in. The exact terms and conditions of the free driving trial shall be set forth in writing and a copy given to the purchaser at the time of the sale.

(p) Guaranteed. When words such as "guarantee", "warranty", or other terms implying protection are used in advertising, an explanation of the time and coverage of the guarantee or warranty shall be given in clear and concise language. The purchaser shall be provided with a written document stating the specific terms and coverage.

(q) Name Your Own Deal. Statements such as "write your own deal", "name your own price", "name your own monthly payments", "appraise your own motor vehicle", and phrases of similar import may not be used.

(r) Disclosure of Material Facts. Disclosures of material facts that are contained in advertisements and that involve types of motor vehicles and transactions shall be made in a clear and conspicuous manner.

(i) Fine print, and mouse print are not acceptable methods of disclosing material facts.

(ii) The disclosure must be made in a typeface and point size comparable to the smallest typeface and point size of the text used throughout the body of the advertisement.

(iii) An asterisk may be used to give additional information about a word or term, however, asterisks or other reference symbols may not be used as a means of contradicting or substantially changing the meaning of any advertising statements.

(iv) The speed of the words spoken in any verbal advertisement must be constant throughout the advertisement.

(s) Lease. When an advertisement relates to a lease, the advertisement must make it readily apparent that the transaction advertised is a lease.

(i) The word "lease" must appear in a prominent position in the advertisement in a typeface and point size comparable to the largest text used to directly advertise the motor vehicle.

(ii) Statements that do not use the term "lease" do not constitute adequate disclosure of a lease.

(iii) Lease advertisements may not contain the phrase "no down payment" or words of similar import if an outlay of money is required to lease the motor vehicle.

(iv) Lease terms that are not available to the general public may not be included in advertisements directed at the general public.

(v) Limitations and qualifications applicable to the lease terms advertised shall be clearly and conspicuously disclosed.

(t) Electronic Medium Disclosures. A disclosure appearing in any electronic advertising medium must clearly and conspicuously feature all necessary information in a manner that can be read and understood if type is used, or that can be heard and understood if audio is used.

(u) Invoice or Cost. The terms "invoice" or "factory invoice" may be used as long as the dealer is willing to show the factory invoice to the prospective buyer. The term "cost" may not be used.

(v) Rebate Offers. "Rebate", "cash rebate", or similar terms may be used only when it is clearly and conspicuously stated who is offering the rebate.

(w) Buy-down Interest Rates. No buy-down interest rate may be advertised unless the dealer discloses the amount of dealer contribution and states that the contribution by the dealership may increase the negotiated price of the motor vehicle.

(x) Special Status of Dealership. A motor vehicle advertisement may not falsely imply that the dealer has a special sponsorship, approval status, affiliation, or connection with the manufacturer that is greater or more direct than any other like dealer.

(y) Price Equaling. An advertisement that expresses a policy of matching or bettering competitor's prices shall fully disclose any conditions that apply and specify the evidence a consumer must present to take advantage of the offer. The evidence requirement may not place an unreasonable burden on the consumer; however, for example requiring the consumer to bring a written offer made to that consumer by an authorized representative of a dealership on a substantially similar motor vehicle would be considered reasonable.

(z) Auction. "Auction" or "auction special" and other terms of similar import may be used only in connection with motor vehicles offered or sold at a bona fide auction.

(aa) Layout and Type Size. The layout, headlines, illustrations, or type size of a printed advertisement and the broadcast words or pictures of radio, television, or electronic medium advertisements may not convey or permit an erroneous or misleading impression as to which motor vehicle or motor vehicles are offered at featured prices.

(i) When an advertisement contains a picture of a motor vehicle along with a quoted price, the motor vehicle pictured must be a similar model with similar options and accessories as the motor vehicle advertised.

(ii) No advertised offer, expression, or display of price, terms, down payment, trade-in allowances, cash difference, savings, or other material terms may be misleading and any necessary qualifications shall be clearly, conspicuously, and accurately set forth to prevent misunderstanding.

(iii) Qualifying terms and phrases shall be clearly, conspicuously, and accurately set forth as follows:

(A) in bold print and in type of a size that is capable of being read without unreasonable extra effort;

(B) in terms that are understandable to the buying public; and

(C) in close proximity to the qualified representation and not separated or buried by asterisk in some other part of the advertisement.

(bb) An advertisement must disclose a salvage or branded title as prominently as the description of the advertised motor vehicle.

**KEY: taxation, motor vehicles**

**Date of Enactment or Last Substantive Amendment:** [~~August 22, 2013~~]**2015**

**Notice of Continuation:** **January 3, 2012**

**Authorizing, and Implemented or Interpreted Law:** **41-1a-712; 41-3-105; 41-3-201; 41-3-202; 41-3-210; 41-3-301; 41-3-302; 41-3-305; 41-3-503; 41-3-505; 41-3-506; 41-3-507**

**Tax Commission, Motor Vehicle  
Enforcement  
R877-23V-20  
Reasonable Cause to Deny, Suspend,  
or Revoke a License Issued Under Title  
41, Chapter 3 Pursuant to Utah Code  
Ann. Section 41-3-209**

**NOTICE OF PROPOSED RULE  
(Amendment)  
DAR FILE NO.: 39621  
FILED: 08/27/2015**

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The rule is amended to provide more specific guidance on reasonable cause to deny, suspend, or revoke a license issued under Title 41, Chapter 3.

**SUMMARY OF THE RULE OR CHANGE:** The proposed amendment clarifies that the list of violations of state or federal law that constitute reasonable cause to deny, suspend, or revoke a license issued under Title 41, Chapter 3, is an inclusive, and not an exclusive, list.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 41-3-209

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** None--The proposed amendment clarifies the commission's interpretation of reasonable cause to deny, suspend, or revoke a license issued under Title 41, Chapter 3.

◆ **LOCAL GOVERNMENTS:** None--The proposed amendment clarifies the commission's interpretation of reasonable cause to deny, suspend, or revoke a license issued under Title 41, Chapter 3.

◆ **SMALL BUSINESSES:** None--The proposed amendment clarifies the commission's interpretation of reasonable cause to deny, suspend, or revoke a license issued under Title 41, Chapter 3.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--The proposed amendment clarifies the commission's interpretation of reasonable cause to deny, suspend, or revoke a license issued under Title 41, Chapter 3.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** None--The proposed amendment clarifies the commission's interpretation of reasonable cause to deny, suspend, or revoke a license issued under Title 41, Chapter 3.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact because the proposed amendment clarifies the commissions current interpretation of the law.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

TAX COMMISSION  
MOTOR VEHICLE ENFORCEMENT  
210 N 1950 W  
SALT LAKE CITY, UT 84134  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at [cj@utah.gov](mailto:cj@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2015

AUTHORIZED BY: Rebecca Rockwell, Commissioner

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**R877. Tax Commission, Motor Vehicle Enforcement.**

**R877-23V. Motor Vehicle Enforcement.**

**R877-23V-20. Reasonable Cause to Deny, Suspend, or Revoke a License Issued Under Title 41, Chapter 3 Pursuant to Utah Code Ann. Section 41-3-209.**

There is a rebuttable presumption that reasonable cause to deny, suspend, or revoke a license issued under Title 41, Chapter 3 does not include a violation of a state or federal law ~~[listed]that constitutes reasonable cause to deny, suspend, or revoke a license~~ under Subsection 41-3-209(2) if the license applicant:

- (1) indicates on the license application that the applicant has been charged with, found in violation of, or convicted of a state or federal law ~~[listed]that constitutes reasonable cause to deny, suspend, or revoke a license~~ under Subsection 41-3-209(2);
- (2) has completed any court-ordered probation or parole;
- (3) if the license applicant has entered into a plea in abeyance, met the conditions of that plea in abeyance; and
- (4) paid any required restitution and fines.

**KEY:** taxation, motor vehicles

**Date of Enactment or Last Substantive Amendment:** ~~[August 22, 2013]~~2015

**Notice of Continuation:** January 3, 2012

**Authorizing, and Implemented or Interpreted Law:** 41-1a-712; 41-3-105; 41-3-201; 41-3-202; 41-3-210; 41-3-301; 41-3-302; 41-3-305; 41-3-503; 41-3-505; 41-3-506; 41-3-507

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Tax Commission, Property Tax  
**R884-24P-33**  
2015 Personal Property Valuation  
Guides and Schedules Pursuant to  
Utah Code Ann. Section 59-2-301

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39622

FILED: 08/27/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The valuation guides and schedules contained in this rule are reviewed and updated annually by the Property Tax Division. The personal property guides and schedules are used for local property tax valuation and assessment of business personal property and certain motor vehicles by county assessors.

**SUMMARY OF THE RULE OR CHANGE:** Section 59-2-107 authorizes the State Tax Commission to promulgate rules that define classes of items considered to be personal property and provide valuation percent good schedules to value locally assessed personal property. County assessors must use the percent good schedules as contained in this rule. Any deviation which affects an entire class or type of personal property requires a written report documenting the schedule change to be submitted to the Tax Commission for approval prior to use. This year, the changes to the percent good schedules also included the following changes to the personal property classes: Class 3, point of sale (POS) equipment: POS equipment was moved from Class 3 to Class 12 (computer equipment) in 2014. Large retailers provided information that POS equipment is now computers. The POS equipment is linked to a computer mainframe. When a sale occurs, the computer notes the sale, automatically takes it from inventory, and tracks the inventory at each location and ships items or goods when the inventory reaches a certain level. Computers are already included in Class 12. Class 16, solar panels and supporting equipment: in 2012 the Tax Commissioners requested solar panels and the equipment that supports the solar panels to be listed as personal property. It was immediately listed in the classification guide online and the counties were sent a notice. The rule change places the commissioners' request into rule. Class 16, underground fiber optic cable: in 2015 the Property Tax Division reached a stipulation that underground fiber optic cable should be moved from Class 8 to Class 16.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-301

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The amount of savings or cost to state government is not affected by this rule. Tax revenue generated by taxing personal property is distributed to local governments to finance public services, programs, school districts and local districts. No tax revenues generated by taxation of personal property will be retained by state government.

◆ **LOCAL GOVERNMENTS:** The amount of saving or cost to local government is undetermined. Local governmental entities receive tax revenue based on increased or decreased personal property values and the change in the annual property tax rate. Increases or decreases in 2016 property tax revenue cannot be determined, even if there were no changes in the percent good tables, because taxpayer acquisitions and deletions of personal property during 2015 are unknown. The proposed personal property schedules in this amendment are raised, lowered or remain the same for 2016 based upon the type and age of the personal property assessed. Schedules used to value business personal property increase or decrease based upon the calculation of economic trends from cost indexes published by the Marshall Valuation Service. It is anticipated that the change in the annual property tax rate will have a larger impact on revenue than will the proposed amendments to this rule.

◆ **SMALL BUSINESSES:** In the aggregate, the amount of savings or cost to individuals and business is undetermined. Affected persons pay property taxes based on increased or decreased personal property values and the change in the annual property tax rate. The proposed personal property schedules in this rule are raised, lowered or remain the same for 2016 based upon the type and age of the property. Since some schedules are increased and some decreased, it is not possible to determine the change to affected persons without knowing the 2016 personal property mix compared to the previous year.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** In the aggregate, the amount of savings or cost to individuals and business is undetermined. Affected persons pay property taxes based on increased or decreased personal property values and the change in the annual property tax rate. The proposed personal property schedules in this rule are raised, lowered or remain the same for 2016 based upon the type and age of the property. Since some schedules are increased and some decreased, it is not possible to determine the change to affected persons without knowing the 2016 personal property mix compared to the previous year.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Local business owners and property tax practitioners will once again be required to be aware of new percent good figures. This is an annual occurrence; therefore, the compliance cost in completing the assessment process will not change. The change in taxes charged for these businesses depends

entirely on the owner's mix of personal property since some percent good schedules are increasing and others decreasing. For example, the owner of a business may discard some personal property items and add new equipment or replace equipment which may increase or decrease personal property values. In addition, the personal property percent good schedule percentages often change from the previous year due to current economic conditions.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The fiscal impact on businesses is undetermined for the reasons stated under "small businesses" above.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

TAX COMMISSION  
PROPERTY TAX  
210 N 1950 W  
SALT LAKE CITY, UT 84134  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at [cj@utah.gov](mailto:cj@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2015

AUTHORIZED BY: Rebecca Rockwell, Commissioner

**R884. Tax Commission, Property Tax.**

**R884-24P. Property Tax.**

**R884-24P-33. [2015]2016 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301.**

(1) Definitions.

(a)(i) "Acquisition cost" does not include indirect costs such as debugging, licensing fees and permits, insurance, or security.

(ii) Acquisition cost may correspond to the cost new for new property, or cost used for used property.

(b)(i) "Actual cost" includes the value of components necessary to complete the vehicle, such as tanks, mixers, special containers, passenger compartments, special axles, installation, engineering, erection, or assembly costs.

(ii) Actual cost does not include sales or excise taxes, maintenance contracts, registration and license fees, dealer charges, tire tax, freight, or shipping costs.

(c) "Cost new" means the actual cost of the property when purchased new.

(i) Except as otherwise provided in this rule, the Tax Commission and assessors shall rely on the following sources to determine cost new:

(A) documented actual cost of the new or used vehicle; or

(B) recognized publications that provide a method for approximating cost new for new or used vehicles.

(ii) For the following property purchased used, the taxing authority may determine cost new by dividing the property's actual cost by the percent good factor for that class:

- (A) class 6 heavy and medium duty trucks;
- (B) class 13 heavy equipment;
- (C) class 14 motor homes;
- (D) class 17 vessels equal to or greater than 31 feet in length; and
- (E) class 21 commercial trailers.

(d) For purposes of Sections 59-2-108 and 59-2-1115, "item of taxable tangible personal property" means a piece of equipment, machinery, furniture, or other piece of tangible personal property that is functioning at its highest and best use for the purpose it was designed and constructed and is generally capable of performing that function without being combined with other items of personal property. An item of taxable tangible personal property is not an individual component part of a piece of machinery or equipment, but the piece of machinery or equipment. For example, a fully functioning computer is an item of taxable tangible personal property, but the motherboard, hard drive, tower, or sound card are not.

(e) "Percent good" means an estimate of value, expressed as a percentage, based on a property's acquisition cost or cost new, adjusted for depreciation and appreciation of all kinds.

(i) The percent good factor is applied against the acquisition cost or the cost new to derive taxable value for the property.

(ii) Percent good schedules are derived from an analysis of the Internal Revenue Service Class Life, the Marshall and Swift Cost index, other data sources or research, and vehicle valuation guides such as Penton Price Digests.

(2) Each year the Property Tax Division shall update and publish percent good schedules for use in computing personal property valuation.

(a) Proposed schedules shall be transmitted to county assessors and interested parties for comment before adoption.

(b) A public comment period will be scheduled each year and a public hearing will be scheduled if requested by ten or more interested parties or at the discretion of the Commission.

(c) County assessors may deviate from the schedules when warranted by specific conditions affecting an item of personal property. When a deviation will affect an entire class or type of personal property, a written report, substantiating the changes with verifiable data, must be presented to the Commission. Alternative schedules may not be used without prior written approval of the Commission.

(d) A party may request a deviation from the value established by the schedule for a specific item of property if the use of the schedule does not result in the fair market value for the property at the retail level of trade on the lien date, including any relevant installation and assemblage value.

(3) The provisions of this rule do not apply to:

(a) a vehicle subject to the age-based uniform fee under Section 59-2-405.1;

(b) the following personal property subject to the age-based uniform fee under Section 59-2-405.2:

- (i) an all-terrain vehicle;

- (ii) a camper;

- (iii) an other motorcycle;

- (iv) an other trailer;

- (v) a personal watercraft;

- (vi) a small motor vehicle;

- (vii) a snowmobile;

- (viii) a street motorcycle;

- (ix) a tent trailer;

- (x) a travel trailer; and

- (xi) a vessel, including an outboard motor of the vessel,

that is less than 31 feet in length and

(c) an aircraft subject to the uniform statewide fee under Section 59-2-404.

(4) Other taxable personal property that is not included in the listed classes includes:

(a) Supplies on hand as of January 1 at 12:00 noon, including office supplies, shipping supplies, maintenance supplies, replacement parts, lubricating oils, fuel and consumable items not held for sale in the ordinary course of business. Supplies are assessed at total cost, including freight-in.

(b) Equipment leased or rented from inventory is subject to ad valorem tax. Refer to the appropriate property class schedule to determine taxable value.

(c) Property held for rent or lease is taxable, and is not exempt as inventory. For entities primarily engaged in rent-to-own, inventory on hand at January 1 is exempt and property out on rent-to-own contracts is taxable.

(5) Personal property valuation schedules may not be appealed to, or amended by, county boards of equalization.

(6) All taxable personal property, other than personal property subject to an age-based uniform fee under Section 59-2-405.1 or 59-2-405.2, or a uniform statewide fee under Section 59-2-404, is classified by expected economic life as follows:

(a) Class 1 - Short Life Property. Property in this class has a typical life of more than one year and less than four years. It is fungible in that it is difficult to determine the age of an item retired from service.

(i) Examples of property in the class include:

- (A) barricades/warning signs;

- (B) library materials;

- (C) patterns, jigs and dies;

- (D) pots, pans, and utensils;

- (E) canned computer software;

- (F) hotel linen;

- (G) wood and pallets;

- (H) video tapes, compact discs, and DVDs; and

- (I) uniforms.

(ii) With the exception of video tapes, compact discs, and DVDs, taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

(iii) A licensee of canned computer software shall use one of the following substitutes for acquisition cost of canned computer software if no acquisition cost for the canned computer software is stated:

- (A) retail price of the canned computer software;

(B) if a retail price is unavailable, and the license is a nonrenewable single year license agreement, the total sum of expected payments during that 12-month period; or

(C) if the licensing agreement is a renewable agreement or is a multiple year agreement, the present value of all expected licensing fees paid pursuant to the agreement.

(iv) Video tapes, compact discs, and DVDs are valued at \$15.00 per tape or disc for the first year and \$3.00 per tape or disc thereafter.

TABLE 1

Year of Acquisition	Percent Good of Acquisition Cost
[14]15	[71]69%
[13]14	[41]40%
[12]13 and prior	10%

(b) Class 2 - Computer Integrated Machinery.

(i) Machinery shall be classified as computer integrated machinery if all of the following conditions are met:

(A) The equipment is sold as a single unit. If the invoice breaks out the computer separately from the machine, the computer must be valued as Class 12 property and the machine as Class 8 property.

(B) The machine cannot operate without the computer and the computer cannot perform functions outside the machine.

(C) The machine can perform multiple functions and is controlled by a programmable central processing unit.

(D) The total cost of the machine and computer combined is depreciated as a unit for income tax purposes.

(E) The capabilities of the machine cannot be expanded by substituting a more complex computer for the original.

(ii) Examples of property in this class include:

(A) CNC mills;

(B) CNC lathes;

(C) high-tech medical and dental equipment such as MRI equipment, CAT scanners, and mammography units.

(iii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 2

Year of Acquisition	Percent Good of Acquisition Cost
[14]15	[90]88%
[13]14	79%
[12]13	68%
[11]12	[59]57%
[10]11	[48]47%
[09]10	36%
[08]09	[25]24%
[07]08 and prior	[13]12%

(c) Class 3 - Short Life Trade Fixtures. Property in this class generally consists of electronic types of equipment and includes property subject to rapid functional and economic obsolescence or severe wear and tear.

(i) Examples of property in this class include:

(A) office machines;

(B) alarm systems;

(C) shopping carts;

(D) ATM machines;

(E) small equipment rentals;

(F) rent-to-own merchandise;

(G) telephone equipment and systems;

(H) music systems;

(I) vending machines;

(J) video game machines; and

(K) cash registers[~~and point of sale equipment~~].

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 3

Year of Acquisition	Percent Good of Acquisition Cost
[14]15	[84]83%
[13]14	[68]67%
[12]13	51%
[11]12	[35]34%
[10]11 and prior	18%

(d) Class 5 - Long Life Trade Fixtures. Class 5 property is subject to functional obsolescence in the form of style changes.

(i) Examples of property in this class include:

(A) furniture;

(B) bars and sinks;

(C) booths, tables and chairs;

(D) beauty and barber shop fixtures;

(E) cabinets and shelves;

(F) displays, cases and racks;

(G) office furniture;

(H) theater seats;

(I) water slides; and

(J) signs, mechanical and electrical.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 5

Year of Acquisition	Percent Good of Acquisition Cost
[14]15	[91]89%
[13]14	81%
[12]13	[72]71%
[11]12	[63]61%
[10]11	[54]53%
[09]10	43%
[08]09	[33]32%
[07]08	[23]22%
[06]07 and prior	12%

(e) Class 6 - Heavy and Medium Duty Trucks.

(i) Examples of property in this class include:

(A) heavy duty trucks;

(B) medium duty trucks;

(C) crane trucks;

(D) concrete pump trucks; and

(E) trucks with well-boring rigs.

(ii) Taxable value is calculated by applying the percent good factor against the cost new.

(iii) Cost new of vehicles in this class is defined as follows:

(A) the documented actual cost of the vehicle for new vehicles; or

(B) 75 percent of the manufacturer's suggested retail price.

(iv) For state assessed vehicles, cost new shall include the value of attached equipment.

(v) The ~~2015~~2016 percent good applies to ~~2015~~2016 models purchased in ~~2014~~2015.

(vi) Trucks weighing two tons or more have a residual taxable value of \$1,750.

TABLE 6

Model Year	Percent Good of Cost New
<del>15</del> 16	90%
<del>14</del> 15	71%
<del>13</del> 14	<del>64</del> 65%
<del>12</del> 13	<del>58</del> 60%
<del>11</del> 12	<del>52</del> 54%
<del>10</del> 11	<del>46</del> 49%
<del>09</del> 10	<del>39</del> 43%
<del>08</del> 09	<del>33</del> 38%
<del>07</del> 08	<del>27</del> 32%
<del>06</del> 07	<del>21</del> 27%
<del>05</del> 06	<del>14</del> 21%
<del>04</del> 05	<del>10</del> 16%
<del>03</del> 04	<del>7</del> 10%
<del>02</del> 03 and prior	<del>3</del> 4%

(f) Class 7 - Medical and Dental Equipment. Class 7 property is subject to a high degree of technological development by the health industry.

(i) Examples of property in this class include:

- (A) medical and dental equipment and instruments;
- (B) exam tables and chairs;
- (C) microscopes; and
- (D) optical equipment.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 7

Year of Acquisition	Percent Good of Acquisition Cost
<del>14</del> 15	<del>93</del> 91%
<del>13</del> 14	<del>85</del> 84%
<del>12</del> 13	<del>77</del> 76%
<del>11</del> 12	<del>70</del> 68%
<del>10</del> 11	<del>63</del> 61%
<del>09</del> 10	54%
<del>08</del> 09	<del>46</del> 45%
<del>07</del> 08	<del>38</del> 37%
<del>06</del> 07	<del>30</del> 29%
<del>05</del> 06	<del>21</del> 20%
<del>04</del> 05 and prior	11%

(g) Class 8 - Machinery and Equipment. Property in this class is subject to considerable functional and economic obsolescence created by competition as technologically advanced and more efficient equipment becomes available.

(i) Examples of property in this class include:

- (A) manufacturing machinery;
- (B) amusement rides;
- (C) bakery equipment;
- (D) distillery equipment;

- (E) refrigeration equipment;
- (F) laundry and dry cleaning equipment;
- (G) machine shop equipment;
- (H) processing equipment;
- (I) auto service and repair equipment;
- (J) mining equipment;
- (K) ski lift machinery;
- (L) printing equipment;
- (M) bottling or cannery equipment;
- (N) packaging equipment; and
- (O) pollution control equipment.

(ii) Except as provided in Subsection (6)(g)(iii), taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

(iii)(A) Notwithstanding Subsection (6)(g)(ii), the taxable value of the following oil refinery pollution control equipment required by the federal Clean Air Act shall be calculated pursuant to Subsection (6)(g)(iii)(B):

- (I) VGO (Vacuum Gas Oil) reactor;
- (II) HDS (Diesel Hydrotreater) reactor;
- (III) VGO compressor;
- (IV) VGO furnace;
- (V) VGO and HDS high pressure exchangers;
- (VI) VGO, SRU (Sulfur Recovery Unit), SWS (Sour Water Stripper), and TGU; (Tail Gas Unit) low pressure exchangers;
- (VII) VGO, amine, SWS, and HDS separators and drums;
- (VIII) VGO and tank pumps;
- (IX) TGU modules; and
- (X) VGO tank and air coolers.

(B) The taxable value of the oil refinery pollution control equipment described in Subsection (6)(g)(iii)(A) shall be calculated by:

(I) applying the percent good factor in Table 8 against the acquisition cost of the property; and

(II) multiplying the product described in Subsection (6)(g)(iii)(B)(I) by 50%.

TABLE 8

Year of Acquisition	Percent Good of Acquisition Cost
<del>14</del> 15	<del>93</del> 91%
<del>13</del> 14	<del>85</del> 84%
<del>12</del> 13	<del>77</del> 76%
<del>11</del> 12	<del>70</del> 68%
<del>10</del> 11	<del>63</del> 61%
<del>09</del> 10	54%
<del>08</del> 09	<del>46</del> 45%
<del>07</del> 08	<del>38</del> 37%
<del>06</del> 07	<del>30</del> 29%
<del>05</del> 06	<del>21</del> 20%
<del>04</del> 05 and prior	11%

(h) Class 9 - Off-Highway Vehicles.

(i) Because Section 59-2-405.2 subjects off-highway vehicles to an age-based uniform fee, a percent good schedule is not necessary.

(i) Class 10 - Railroad Cars. The Class 10 schedule was developed to value the property of railroad car companies. Functional and economic obsolescence is recognized in the

developing technology of the shipping industry. Heavy wear and tear is also a factor in valuing this class of property.

(i) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 10

Year of Acquisition	Percent Good of Acquisition Cost
[14] 15	[94] 92%
[13] 14	88%
[12] 13	[82] 81%
[11] 12	[77] 75%
[10] 11	[72] 70%
[09] 10	65%
[08] 09	[59] 57%
[07] 08	[54] 52%
[06] 07	[49] 46%
[05] 06	[42] 40%
[04] 05	[37] 34%
[03] 04	[28] 27%
[02] 03	19%
[01] 02 and prior	9%

(j) Class 11 - Street Motorcycles.

(i) Because Section 59-2-405.2 subjects street motorcycles to an age-based uniform fee, a percent good schedule is not necessary.

(k) Class 12 - Computer Hardware.

(i) Examples of property in this class include:

- (A) data processing equipment;
- (B) personal computers;
- (C) main frame computers;
- (D) computer equipment peripherals;
- (E) cad/cam systems; and
- (F) copiers.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 12

Year of Acquisition	Percent Good of Acquisition Cost
[14] 15	62%
[13] 14	46%
[12] 13	21%
[11] 12	9%
[10] 11 and prior	7%

(l) Class 13 - Heavy Equipment.

(i) Examples of property in this class include:

- (A) construction equipment;
- (B) excavation equipment;
- (C) loaders;
- (D) batch plants;
- (E) snow cats; and
- (F) pavement sweepers.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

(iii) [2015]2016 model equipment purchased in [2014]2015 is valued at 100 percent of acquisition cost.

TABLE 13

Year of Acquisition	Percent Good of Acquisition Cost
[14] 15	[50] 49%
[13] 14	[47] 46%
[12] 13	[44] 43%
[11] 12	41%
[10] 11	38%
[09] 10	[36] 35%
[08] 09	33%
[07] 08	30%
[06] 07	27%
[05] 06	[25] 24%
[04] 05	22%
[03] 04	19%
[02] 03	16%
[01] 02 and prior	14%

(m) Class 14 - Motor Homes.

(i) Taxable value is calculated by applying the percent good against the cost new.

(ii) The [2015]2016 percent good applies to [2015]2016 models purchased in [2014]2015.

(iii) Motor homes have a residual taxable value of \$1,000.

TABLE 14

Model Year	Percent Good of Cost New
[15] 16	90%
[14] 15	[67] 71%
[13] 14	[63] 67%
[12] 13	[59] 64%
[11] 12	[55] 60%
[10] 11	[52] 56%
[09] 10	[48] 52%
[08] 09	[44] 49%
[07] 08	[40] 45%
[06] 07	[37] 41%
[05] 06	[33] 38%
[04] 05	[29] 34%
[03] 04	[25] 30%
[02] 03	[21] 26%
[01] 02	[18] 23%
[00] 01	[14] 19%
[99] 00 and prior	[10] 12%

(n) Class 15 - Semiconductor Manufacturing Equipment. Class 15 applies only to equipment used in the production of semiconductor products. Equipment used in the semiconductor manufacturing industry is subject to significant economic and functional obsolescence due to rapidly changing technology and economic conditions.

(i) Examples of property in this class include:

- (A) crystal growing equipment;
- (B) die assembly equipment;
- (C) wire bonding equipment;
- (D) encapsulation equipment;
- (E) semiconductor test equipment;
- (F) clean room equipment;
- (G) chemical and gas systems related to semiconductor manufacturing;

- (H) deionized water systems;
- (I) electrical systems; and
- (J) photo mask and wafer manufacturing dedicated to semiconductor production.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 15

Year of Acquisition	Percent Good of Acquisition Cost
[14]15	47%
[13]14	34%
[12]13	24%
[11]12	15%
[10]11 and prior	6%

(o) Class 16 - Long-Life Property. Class 16 property has a long physical life with little obsolescence.

(i) Examples of property in this class include:

- (A) billboards;
- (B) sign towers;
- (C) radio towers;
- (D) ski lift and tram towers;
- (E) non-farm grain elevators; ~~and~~
- (F) bulk storage tanks;
- ~~(G) underground fiber optic cable; and~~
- ~~(H) solar panels and supporting equipment.~~

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 16

Year of Acquisition	Percent Good of Acquisition Cost
[14]15	[96]94%
[13]14	91%
[12]13	[87]86%
[11]12	[84]82%
[10]11	[82]79%
[09]10	76%
[08]09	[72]70%
[07]08	[69]67%
[06]07	[67]64%
[05]06	[64]61%
[04]05	[62]59%
[03]04	[57]55%
[02]03	50%
[01]02	43%
[00]01	[37]36%
[99]00	[30]29%
[98]99	22%
[97]98	15%
[96]97 and prior	8%

(p) Class 17 - Vessels Equal to or Greater Than 31 Feet in Length.

(i) Examples of property in this class include:

- (A) houseboats equal to or greater than 31 feet in length;
- (B) sailboats equal to or greater than 31 feet in length;
- (C) yachts equal to or greater than 31 feet in length.

(ii) A vessel, including an outboard motor of the vessel, under 31 feet in length:

- (A) is not included in Class 17;
- (B) may not be valued using Table 17; and
- (C) is subject to an age-based uniform fee under Section 59-2-405.2.

(iii) Taxable value is calculated by applying the percent good factor against the cost new of the property.

(iv) The Tax Commission and assessors shall rely on the following sources to determine cost new for property in this class:

(A) the following publications or valuation methods:

(I) the manufacturer's suggested retail price listed in the ABOS Marine Blue Book;

(II) for property not listed in the ABOS Marine Blue Book but listed in the NADA Marine Appraisal Guide, the NADA average value for the property divided by the percent good factor; or

(III) for property not listed in the ABOS Marine Blue Book or the NADA Appraisal Guide:

(aa) the manufacturer's suggested retail price for comparable property; or

(bb) the cost new established for that property by a documented valuation source; or

(B) the documented actual cost of new or used property in this class.

(v) The [2015]2016 percent good applies to [2015]2016 models purchased in [2014]2015.

(vi) Property in this class has a residual taxable value of \$1,000.

TABLE 17

Model Year	Percent Good of Cost New
[15]16	90%
[14]15	[66]65%
[13]14	[64]62%
[12]13	[61]60%
[11]12	[59]58%
[10]11	[57]56%
[09]10	[54]53%
[08]09	[52]51%
[07]08	49%
[06]07	47%
[05]06	[45]44%
[04]05	42%
[03]04	40%
[02]03	[37]38%
[01]02	35%
[00]01	33%
[99]00	[30]31%
[98]99	[28]29%
[97]98	[25]26%
[96]97	[23]24%
[95]96	20%
[94]95 and prior	16%

(q) Class 17a - Vessels Less Than 31 Feet in Length

(i) Because Section 59-2-405.2 subjects vessels less than 31 feet in length to an age-based uniform fee, a percent good schedule is not necessary.

(r) Class 18 - Travel Trailers and Class 18a - Tent Trailers/Truck Campers.

(i) Because Section 59-2-405.2 subjects travel trailers and tent trailers/truck campers to an age-based uniform fee, a percent good schedule is not necessary.

(s) Class 20 - Petroleum and Natural Gas Exploration and Production Equipment. Class 20 property is subject to significant functional and economic obsolescence due to the volatile nature of the petroleum industry.

- (i) Examples of property in this class include:
  - (A) oil and gas exploration equipment;
  - (B) distillation equipment;
  - (C) wellhead assemblies;
  - (D) holding and storage facilities;
  - (E) drill rigs;
  - (F) reinjection equipment;
  - (G) metering devices;
  - (H) cracking equipment;
  - (I) well-site generators, transformers, and power lines;
  - (J) equipment sheds;
  - (K) pumps;
  - (L) radio telemetry units; and
  - (M) support and control equipment.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 20

Year of Acquisition	Percent Good of Acquisition Cost
[14] 15	[93] 92%
[13] 14	[88] 86%
[12] 13	[81] 80%
[11] 12	[76] 73%
[10] 11	[70] 67%
[09] 10	61%
[08] 09	[56] 53%
[07] 08	[50] 47%
[06] 07	[44] 41%
[05] 06	[38] 35%
[04] 05	[31] 28%
[03] 04	[21] 20%
[02] 03 and prior	11%

- (t) Class 21 - Commercial Trailers.
  - (i) Examples of property in this class include:
    - (A) dry freight van trailers;
    - (B) refrigerated van trailers;
    - (C) flat bed trailers;
    - (D) dump trailers;
    - (E) livestock trailers; and
    - (F) tank trailers.

(ii) Taxable value is calculated by applying the percent good factor against the cost new of the property. For state assessed vehicles, cost new shall include the value of attached equipment.

(iii) The [2015]2016 percent good applies to [2015]2016 models purchased in [2014]2015.

(iv) Commercial trailers have a residual taxable value of \$1,000.

TABLE 21

Model Year	Percent Good of Cost New
[15] 16	95%
[14] 15	[93] 90%
[13] 14	[88] 86%
[12] 13	[83] 81%

[11] 12	[78] 77%
[10] 11	[73] 72%
[09] 10	[67] 68%
[08] 09	[62] 64%
[07] 08	[57] 59%
[06] 07	[52] 55%
[05] 06	[47] 49%
[04] 05	[42] 45%
[03] 04	[36] 39%
[02] 03	[31] 34%
[01] 02	[26] 28%
[00] 01	[21] 23%
[99] 00 and prior	16%

(u) Class 21a - Other Trailers (Non-Commercial).

(i) Because Section 59-2-405.2 subjects this class of trailers to an age-based uniform fee, a percent good schedule is not necessary.

(v) Class 22 - Passenger Cars, Light Trucks/Utility Vehicles, and Vans.

(i) Class 22 vehicles fall within four subcategories: domestic passenger cars, foreign passenger cars, light trucks, including utility vehicles, and vans.

(ii) Because Section 59-2-405.1 subjects Class 22 property to an age-based uniform fee, a percent good schedule is not necessary.

(w) Class 22a - Small Motor Vehicles.

(i) Because Section 59-2-405.2 subjects small motor vehicles to an age-based uniform fee, a percent good schedule is not necessary.

(x) Class 23 - Aircraft Required to be Registered With the State.

(i) Because Section 59-2-404 subjects aircraft required to be registered with the state to a statewide uniform fee, a percent good schedule is not necessary.

(y) Class 24 - Leasehold Improvements on Exempt Real Property.

(i) The Class 24 schedule is to be used only for those leasehold improvements where the underlying real property is owned by an entity exempt from property tax under Section 59-2-1101. See Tax Commission rule R884-24P-32. Leasehold improvements include:

- (A) walls and partitions;
- (B) plumbing and roughed-in fixtures;
- (C) floor coverings other than carpet;
- (D) store fronts;
- (E) decoration;
- (F) wiring;
- (G) suspended or acoustical ceilings;
- (H) heating and cooling systems; and
- (I) iron or millwork trim.

(ii) Taxable value is calculated by applying the percent good factor against the cost of acquisition, including installation.

(iii) The Class 3 schedule is used to value short life leasehold improvements.

TABLE 24

Year of Installation	Percent of Installation Cost
[14] 15	94%
[13] 14	88%
[12] 13	82%

[14]12	77%
[10]11	71%
[09]10	65%
[08]09	59%
[07]08	54%
[06]07	48%
[05]06	42%
[04]05	36%
[03]04 and prior	30%

[00]01	61%
[99]00	58%
[98]99	56%
[97]98	53%
[96]97	51%
[95]96	48%
[94]95	45%
[93]94	43%
[92]93	40%
[91]92	38%
[90]91	35%
[89]90	32%
[88]89	30%
[87]88	27%
[86]87	25%
[85]86	22%
[84]85	19%
[83]84	17%
[82]83	14%
[81]82	12%
[80]81 and prior	9%

(z) Class 25 - Aircraft Parts Manufacturing Tools and Dies. Property in this class is generally subject to rapid physical, functional, and economic obsolescence due to rapid technological and economic shifts in the airline parts manufacturing industry. Heavy wear and tear is also a factor in valuing this class of property.

(i) Examples of property in this class include:

- (A) aircraft parts manufacturing jigs and dies;
- (B) aircraft parts manufacturing molds;
- (C) aircraft parts manufacturing patterns;
- (D) aircraft parts manufacturing taps and gauges; and
- (E) aircraft parts manufacturing test equipment.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 25

Year of Acquisition	Percent Good of Acquisition Cost
[14]15	84%
[13]14	68%
[12]13	52%
[11]12	36%
[10]11	19%
[09]10 and prior	4%

(aa) Class 26 - Personal Watercraft.

(i) Because Section 59-2-405.2 subjects personal watercraft to an age-based uniform fee, a percent good schedule is not necessary.

(bb) Class 27 - Electrical Power Generating Equipment and Fixtures

(i) Examples of property in this class include:

- (A) electrical power generators; and
- (B) control equipment.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 27

Year of Acquisition	Percent Good of Acquisition Cost
[14]15	97%
[13]14	95%
[12]13	92%
[11]12	90%
[10]11	87%
[09]10	84%
[08]09	82%
[07]08	79%
[06]07	77%
[05]06	74%
[04]05	71%
[03]04	69%
[02]03	66%
[01]02	64%

(cc) Class 28 - Noncapitalized Personal Property. Property shall be classified as noncapitalized personal property if the following conditions are met:

(i) the property is an item of taxable tangible personal property with an acquisition cost of \$1,000 or less; and

(ii) the property is eligible as a deductible expense under Section 162 or Section 179, Internal Revenue Code, in the year of acquisition, regardless of whether the deduction is actually claimed.

TABLE 28

Year of Acquisition	Percent Good of Acquisition Cost
[14]15	75%
[13]14	50%
[12]13	25%
[11]12 and prior	0%

The provisions of this rule shall be implemented and become binding on taxpayers beginning January 1, [2015]2016.

**KEY: taxation, personal property, property tax, appraisals**  
**Date of Enactment or Last Substantive Amendment: [January 1,]2015**

**Notice of Continuation: January 3, 2012**

**Authorizing, and Implemented or Interpreted Law: Art. XIII, Sec 2; 9-2-201; 11-13-302; 41-1a-202; 41-1a-301; 59-1-210; 59-2-102; 59-2-103; 59-2-103.5; 59-2-104; 59-2-201; 59-2-210; 59-2-211; 59-2-301; 59-2-301.3; 59-2-302; 59-2-303; 59-2-303.1; 59-2-305; 59-2-306; 59-2-401; 59-2-402; 59-2-404; 59-2-405; 59-2-405.1; 59-2-406; 59-2-508; 59-2-514; 59-2-515; 59-2-701; 59-2-702; 59-2-703; 59-2-704; 59-2-704.5; 59-2-705; 59-2-801; 59-2-918 through 59-2-924; 59-2-1002; 59-2-1004; 59-2-1005; 59-2-1006; 59-2-1101; 59-2-1102; 59-2-1104; 59-2-1106; 59-2-1107 through 59-2-1109; 59-2-1113; 59-2-1115; 59-2-1202; 59-2-1202(5); 59-2-1302; 59-2-1303; 59-2-1308.5; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-1351; 59-2-1365; 59-2-1703**

**Tax Commission, Property Tax**  
**R884-24P-66**  
**County Board of Equalization**  
**Procedures and Appeals Pursuant to**  
**Utah Code Ann. Section 59-2-1004**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39623

FILED: 08/27/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The proposed amendment deletes an unnecessary step in the process a county goes through in approving its board of equalization rules.

**SUMMARY OF THE RULE OR CHANGE:** The proposed amendment deletes language requiring the Tax Commission to approve local board of equalization rules and procedures, and makes technical changes.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 59-2-1001 and Section 59-2-1004

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** None--Property tax revenues are local revenues.
- ◆ **LOCAL GOVERNMENTS:** None--The proposed amendment simplifies the process for a county to adopt board of equalization rules.
- ◆ **SMALL BUSINESSES:** None--The proposed amendment simplifies the process for a county to adopt board of equalization rules.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--The proposed amendment simplifies the process for a county to adopt board of equalization rules.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** None--The proposed amendment simplifies the process by which a county adopts board of equalization rules.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** No fiscal impact--The proposed amendment simplifies the process for a county to adopt the board of equalization rules.

**THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:**

TAX COMMISSION  
 PROPERTY TAX  
 210 N 1950 W  
 SALT LAKE CITY, UT 84134  
 or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at cj@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2015**

**AUTHORIZED BY: Rebecca Rockwell, Commissioner**

**R884. Tax Commission, Property Tax.**

**R884-24P. Property Tax.**

**R884-24P-66. County Board of Equalization Procedures and Appeals Pursuant to Utah Code Ann. [Section]Sections 59-2-1001 and 59-2-1004.**

- (1)(a) "Factual error" means an error that is:
    - (i) objectively verifiable without the exercise of discretion, opinion, or judgment;
    - (ii) demonstrated by clear and convincing evidence; and
    - (iii) agreed upon by the taxpayer and the assessor.
  - (b) Factual error includes:
    - (i) a mistake in the description of the size, use, or ownership of a property;
    - (ii) a clerical or typographical error in reporting or entering the data used to establish valuation or equalization;
    - (iii) an error in the classification of a property that is eligible for a property tax exemption under:
      - (A) Section 59-2-103; or
      - (B) Title 59, Chapter 2, Part 11;
    - (iv) an error in the classification of a property that is eligible for assessment under Title 59, Chapter 2, Part 5;
    - (v) valuation of a property that is not in existence on the lien date; and
    - (vi) a valuation of a property assessed more than once, or by the wrong assessing authority.
  - (c) Factual error does not include:
    - (i) an alternative approach to value;
    - (ii) a change in a factor or variable used in an approach to value; or
    - (iii) any other adjustment to a valuation methodology.
- [~~\_\_\_\_\_~~(2) If the county has not formally adopted board of equalization rules and procedures under Section 59-2-1001 that have been approved by the commission, the procedures contained in this rule must be followed.
- ] [(3)](2) To achieve standing with the county board of equalization and have a decision rendered on the merits of the case, the taxpayer shall provide the following minimum information to the county board of equalization:
- (a) the name and address of the property owner;
  - (b) the identification number, location, and description of the property;
  - (c) the value placed on the property by the assessor;
  - (d) the taxpayer's estimate of the fair market value of the property;
  - (e) evidence or documentation that supports the taxpayer's claim for relief; and

(f) the taxpayer's signature.

~~[(4)](3)~~ If the evidence or documentation required under Subsection ~~[(3)](2)(e)~~ is not attached, the county will notify the taxpayer in writing of the defect in the claim and permit at least ten calendar days to cure the defect before dismissing the matter for lack of sufficient evidence to support the claim for relief.

~~[(5)](4)~~ If the taxpayer appears before the county board of equalization and fails to produce the evidence or documentation described under Subsection ~~[(3)](2)(e)~~ and the county has notified the taxpayer under Subsection ~~[(4)](3)~~, the county may dismiss the matter for lack of evidence to support a claim for relief.

~~[(6)](5)~~ If the information required under Subsection ~~[(3)](2)~~ is supplied, the county board of equalization shall render a decision on the merits of the case.

~~[(7)](6)~~ The county board of equalization may dismiss an appeal for lack of jurisdiction when the claimant limits arguments to issues not under the jurisdiction of the county board of equalization.

~~[(8)](7)~~ The county board of equalization shall prepare and maintain a record of the appeal.

(a) For appeals concerning property value, the record shall include:

- (i) the name and address of the property owner;
- (ii) the identification number, location, and description of the property;
- (iii) the value placed on the property by the assessor;
- (iv) the basis for appeal stated in the taxpayer's appeal;
- (v) facts and issues raised in the hearing before the county board that are not clearly evident from the assessor's records; and

(vi) the decision of the county board of equalization and the reasons for the decision.

(b) The record may be included in the minutes of the hearing before the county board of equalization.

~~[(9)](8)(a)~~ The county board of equalization shall notify the taxpayer in writing of its decision.

(b) The notice required under Subsection ~~[(9)](8)(a)~~ shall include:

- (i) the name and address of the property owner;
- (ii) the identification number of the property;
- (iii) the date the notice was sent;
- (iv) a notice of appeal rights to the commission; and
- (v) a statement of the decision of the county board of equalization; or

(vi) a copy of the decision of the county board of equalization.

~~[(10)](9)~~ A county shall maintain a copy of a notice sent to a taxpayer under Subsection ~~[(9)](8)~~.

~~[(11)](10)~~ If a decision affects the exempt status of a property, the county board of equalization shall prepare its decision in writing, stating the reasons and statutory basis for the decision.

~~[(12)](11)~~ Decisions by the county board of equalization are final orders on the merits.

~~[(13)](12)~~ Except as provided in Subsection ~~[(15)](14)~~, a county board of equalization shall accept an application to appeal the valuation or equalization of a property owner's real property that is filed after the time period prescribed by Section 59-2-1004(2)(a) if any of the following conditions apply:

(a) During the period prescribed by Section 59-2-1004(2)(a), the property owner was incapable of filing an appeal as a result of a medical emergency to the property owner or an immediate family member of the property owner, and no co-owner of the property was capable of filing an appeal.

(b) During the period prescribed by Section 59-2-1004(2)(a), the property owner or an immediate family member of the property owner died, and no co-owner of the property was capable of filing an appeal.

(c) The county did not comply with the notification requirements of Section 59-2-919.1.

(d) A factual error is discovered in the county records pertaining to the subject property.

(e) The property owner was unable to file an appeal within the time period prescribed by Section 59-2-1004(2)(a) because of extraordinary and unanticipated circumstances that occurred during the period prescribed by Section 59-2-1004(2)(a), and no co-owner of the property was capable of filing an appeal.

~~[(14)](13)~~ Appeals accepted under Subsection ~~[(13)](12)~~ (d) shall be limited to correction of the factual error and any resulting changes to the property's valuation.

~~[(15)](14)~~ The provisions of Subsection ~~[(13)](12)~~ apply only to appeals filed for a tax year for which the treasurer has not made a final annual settlement under Section 59-2-1365.

~~[(16)](15)~~ The provisions of this rule apply only to appeals to the county board of equalization. For information regarding appeals of county board of equalization decisions to the Commission, please see Section 59-2-1006 and R861-1A-9.

**KEY: taxation, personal property, property tax, appraisals**

**Date of Enactment or Last Substantive Amendment:** ~~January 1, 2015~~

**Notice of Continuation:** January 3, 2012

**Authorizing, and Implemented or Interpreted Law:** Art. XIII, Sec 2; 9-2-201; 11-13-302; 41-1a-202; 41-1a-301; 59-1-210; 59-2-102; 59-2-103; 59-2-103.5; 59-2-104; 59-2-201; 59-2-210; 59-2-211; 59-2-301; 59-2-301.3; 59-2-302; 59-2-303; 59-2-303.1; 59-2-305; 59-2-306; 59-2-401; 59-2-402; 59-2-404; 59-2-405; 59-2-405.1; 59-2-406; 59-2-508; 59-2-514; 59-2-515; 59-2-701; 59-2-702; 59-2-703; 59-2-704; 59-2-704.5; 59-2-705; 59-2-801; 59-2-918 through 59-2-924; 59-2-1002; 59-2-1004; 59-2-1005; 59-2-1006; 59-2-1101; 59-2-1102; 59-2-1104; 59-2-1106; 59-2-1107 through 59-2-1109; 59-2-1113; 59-2-1115; 59-2-1202; 59-2-1202(5); 59-2-1302; 59-2-1303; 59-2-1308.5; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-1351; 59-2-1365; 59-2-1703

**End of the Notices of Proposed Rules Section**

## NOTICES OF CHANGES IN PROPOSED RULES

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After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends October 15, 2015.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (*example*). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (. . . . .) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Division of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

From the end of the 30-day waiting period through January 13, 2016, an agency may notify the Division of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Division of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

**CHANGES IN PROPOSED RULES** are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

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**The Changes in Proposed Rules Begin on the Following Page**

**Alcoholic Beverage Control,  
Administration  
R81-7  
Single Event Permits**

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR FILE NO.: 39474  
FILED: 08/28/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this repeal is to combine administrative rules related to event permits into one rule to bring the administrative rules in line with statutory provisions of Title 32B, Chapter 9, Event Permit Act, which contains provisions for both temporary beer and single event permits. The purpose of this amendment is to make changes to the rule as requested by the administrative rules committee. Additionally, the rule has been redrafted to clarify language and reference statutory authority. Changes to the proposed rule are based on public comment.

**SUMMARY OF THE RULE OR CHANGE:** Changes to the proposed rule are based on public comment and include: 1) general formatting; 2) allowance for late applications received less than a month prior to the event; 3) consideration of violation history if there are violations within the last 36 months; 4) requires server training to be completed within the last three years; and 5) requires the director to make certain findings prior to relaxing controls for an event. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed repeal and reenactment that was published in the July 15, 2015, issue of the Utah State Bulletin, on page 14. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed repeal and reenactment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 32B-2-202(1) and Title 32B, Chapter 9

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** None--This amendment makes changes to the rule as requested by the administrative rules committee and to clarify language and reference statutory authority. There are no anticipated costs or savings as the department's responsibilities remain the same.
- ◆ **LOCAL GOVERNMENTS:** None--This amendment makes changes to the rule as requested by the administrative rules committee and to clarify language and reference statutory

authority. There are no anticipated cost or savings to local government.

◆ **SMALL BUSINESSES:** None--This amendment makes changes to the rule as requested by the administrative rules committee and to clarify language and reference statutory authority. There are no anticipated cost or savings to small businesses. Any additional cost or savings to small businesses would result from a business' decision related to control measures for an event or a requirement to increase control measures to minimize the likelihood of service to minors and service to intoxicated individuals based on totality of the circumstances.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--This amendment makes changes to the rule as requested by the administrative rules committee and to clarify language and reference statutory authority. There are no anticipated cost or savings to persons other than small business, businesses, or local government entities. Any additional cost or savings to small businesses would result from a business' decision related to control measures for an event or a requirement to increase control measures to minimize the likelihood of service to minors and service to intoxicated individuals based on totality of the circumstances.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** None--This amendment makes changes to the rule as requested by the administrative rules committee and to clarify language and reference statutory authority. Any compliance cost for affected persons would result from a business' decision related control measures for an event or a requirement to increase control measures to minimize the likelihood of service to minors and service to intoxicated individuals based on totality of the circumstances.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** None--This amendment makes changes to the rule as requested by the administrative rules committee and to clarify language and reference statutory authority. Any fiscal impact that this rule may have on businesses would result from a business' decision related control measures for an event or a requirement to increase control measures to minimize the likelihood of service to minors and service to intoxicated individuals based on totality of the circumstances.

**THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:**

ALCOHOLIC BEVERAGE CONTROL  
ADMINISTRATION  
1625 S 900 W  
SALT LAKE CITY, UT 84104-1630  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

- ◆ Andrew Hofeling by phone at 801-977-6835, by FAX at 801-977-6888, or by Internet E-mail at ahofeling@utah.gov

◆ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2015

AUTHORIZED BY: Sal Petilos, Executive Director

## **R81. Alcoholic Beverage Control, Administration.**

### **R81-7. Event Permits.**

#### **R81-7-1. Authority and Purpose.**

(1) Pursuant to 32B-2-202(1)(c)(i) and (1)(n), this rule establishes procedures and criteria for issuing and denying event permits in accordance with 32B-9.

#### **R81-7-2. Definitions.**

(1) "Conducting" means the conduct, management, control or direction of an event. An applicant may be deemed to be conducting the event if there is a contract in which the applicant has been designated as the agent for the event's beverage service.

#### **R81-7-[2]3. Application Guidelines.**

(1) An event permit application will not be submitted to the Director for consideration until the requirements of Section 32B-1-304, 32B-9-201-203, -304 (for single event permits) and -405 (for temporary beer event permits) have been met, including:

(a) A complete application including all documents and supplemental materials listed on the department's application checklist has been submitted to the department [7 business days]one month prior to the event; and

(b) The department has conducted an investigation in compliance with 32B-9-202(1)(a).

(2) Late applications will be accepted up to 7 business days prior to the event. Late applications will be reviewed as time allows and are not subject to the provisions in R81-7-4(1)(ii) and (iii) below.

#### **R81-7-[3]4. Guidelines for Issuing Permits.**

(1) Once submitted to the director, the application will be considered in compliance with 32B-9-202 and 303 (for single event permits) and -403 (for temporary beer event permits), including consideration of R81- 7-5(2) (for single event permits), (3) (4) and (5)] below.

(i) After consideration of the totality of the circumstances, the director will either issue a preliminary decision to issue or deny the event permit or refer the application to the commission in accordance with 32B-9-202(3).

(ii) If the director issues a preliminary decision to deny issuance of an event permit, the decision shall be provided in writing detailing the basis for the denial.

(iii) An applicant may submit a request for review by the commission within the time limits of 32B-9-202(3)(b) and (c) related to the three business day review period and regularly scheduled commission meetings. If at least three commissioners request review of the denial in compliance with 32B-9-202(3)(b) and (c), the

commission shall review the request at their next regularly schedule commission meeting.

(2) In accordance with 32B-9-202(2)(d), the director may authorize multiple sales outlets on different properties under one single event permit, provided that each site conforms to location requirements of Section 32B-9-201(4).

(3) All approvals, notifications, requests for meetings or requirements to inform under section 32B-9-202 shall be done electronically.

(4) For purposes of 32B-9-202(4), the department may provide notice to law enforcement of the preliminary approval within three business days of the event, so long as law enforcement is notified if that approval does not become final.

#### **R81-7-5. Additional Consideration for Event Permits.**

~~[(2)](1)~~ Additional Consideration for Single Event Permits: In accordance with 32B-9-303(2), a single event permit is issued to entities in existence for a year or more conducting a convention, civic or community enterprise.

~~[ (a) "Conducting" means the conduct, management, control or direction of an event. An applicant may be deemed to be conducting the event if there is a contract in which the applicant has been designated as the agent for the event's beverage service.~~

~~[(3)](a)~~ As part of local consent required by 32B-9-201(1)(c), the locality may provide a recommendation as to whether the entity is conducting a civic or community enterprise.

(b) The director may consider the recommendation of the local authority in determining whether the entity is conducting a civic or community enterprise.

(c) Notwithstanding subsection[s] ~~[(a)](1)~~, an event permit will not be issued if, based on the totality of the circumstances, it is determined that the permit is being used to circumvent other applicable requirements of 32B-9 Event Permit Act[;].

(2) Violation History: In accordance with 32B-9-202(2)(d), in considering the nature of the event, ~~[the director will consider the violation history for the last three years of the applicant, the event, and the venue where the event will be held.]~~if there is a violation of the applicant, the event, or the venue within the last 36 months, the director will consider violation history in making a determination regarding whether to issue the permit or in determining additional controls as outlined in section (3) below.

~~[(4)](3)~~ Control Measures: In accordance with 32B-9-202(2)(d), in considering the nature of the event, the director must determine that adequate and appropriate control measures will be in place to minimize the possibility of minors being sold or furnished alcohol or adults being over-served alcohol at the event.

(a) Before an event permit may be issued by the director, the following control measures must be present at the event unless relaxed by the director in accordance with section (c) below.

(i) There must be at least one location at the event where those wanting to purchase alcoholic beverages must show proof of age;

(ii) Any person assigned to check proof of age shall have completed the alcohol server training seminar outlined in 62A-15-401 in the last three years;

(iii) At least one person who has completed the alcohol server training seminar outlined in 62A-15-401 shall be at each location where alcoholic beverages are sold and dispensed to supervise the sale and dispensing of alcoholic beverages;

(iv) The event shall be properly secured and completely delineated by some type of physical structure(s), such as fencing, walls, gates and secured entry and exits; and

(v) A minimum of one (1) security person for every fifty (50) people estimated to be in the consumption area at one time: security may include police officers, hired security, organization staff members and security volunteers.

(b) In accordance with 32B-9-202(2)(e), the following additional control measures must be present for an outdoor public event or a large-scale public event where minors are present, unless relaxed by the director in accordance with section (c) below.

(i) Alcoholic beverages shall be served in readily identifiable cups or containers distinct from those used for non-alcoholic beverages;

(ii) All dispensing and consumption of alcoholic beverages shall be in a designated, confined, and restricted area where minors are not allowed without being accompanied by a parent or guardian, and where alcohol consumption may be closely monitored;

(iii) The proof of age location(s) shall be separate from the alcoholic beverage sales and dispensing location(s); and

(iv) The proof of age location(s) will either issue a hand stamp and/or non-transferable wristband.

(c) The director, after reviewing the facts and circumstances of a particular event, has the discretion to relax any of the control measures outlined in Subsection (a) and (b) above or to require additional control measures as a condition of issuing an event permit

provided that the director has first reasonably determined that such modification will not increase the likelihood of minors being sold or furnished alcohol or adults being over-served alcohol at the event.

~~[(5) In accordance with 32B-9-202(2)(d), the director may authorize multiple sales outlets on different properties under one single event permit, provided that each site conforms to location requirements of Section 32B-9-201(4).~~

~~(6) All approvals, notifications, requests for meetings or requirements to inform under section 32B-9-202 shall be done electronically.~~

~~(7) For purposes of 32B-9-202(4), the department may provide notice to law enforcement of the preliminary approval within three business days of the event, so long as law enforcement is notified if that approval does not become final.~~

]  
**KEY: alcoholic beverages, event permits**

**Date of Enactment or Last Substantive Amendment: 2015**

**Notice of Continuation: May 10, 2011**

**Authorizing, and Implemented or Interpreted Law: 32B-2-202(1); 32B-9-101; 32B-9-102; 32B-9-201; 32B-9-202; 32B-9-203; 32B-9-204; 32B-9-301; 32B-9-302; 32B-9-303; 32B-9-304; 32B-9-305; 32B-9-401; 32B-9-402; 32B-9-403; 32B-9-404; 32B-9-405; 32B-9-406**

**End of the Notices of Changes in Proposed Rules Section**

## NOTICES OF 120-DAY (EMERGENCY) RULES

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An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text ([example]). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (. . . . .) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Division of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

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### Agriculture and Food, Animal Industry **R58-13** Custom Exempt Slaughter

#### NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 39616  
FILED: 08/25/2015

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The rule establishes the operating procedures for a custom exempt slaughter facility. The rule is necessary to prevent uninspected meat from entering into the stream of commerce.

**SUMMARY OF THE RULE OR CHANGE:** The rule exempts certain operations from federal inspection requirements provided that the livestock is slaughtered for use only by the owners of the livestock. It establishes proof of ownership requirements and also sets up the procedures that must be used in order to ensure that the exempted product is not made available for general public consumption.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Title 4, Chapter 32

#### EMERGENCY RULE REASON AND JUSTIFICATION:

REGULAR RULEMAKING PROCEDURES WOULD cause an imminent peril to the public health, safety, or welfare.

**JUSTIFICATION:** This rule ensures that meat and poultry products will go through proper inspection process before being sold to the public. In the absences of this rule there is no regulatory authority to inspect the facility for compliance with the law. Without the regulatory oversight meat that has not been properly inspected could be consumed by the public.

#### MATERIALS INCORPORATED BY REFERENCES:

- ◆ Adds 9 CFR 308, published by Government Printing Office, 01/01/2000

#### ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There will be no new cost associated with this rule. The department has resources in place to enforce and inspect the facilities. These people are already trained and in position to enforce this rule.

◆ **LOCAL GOVERNMENTS:** There are no cost or saving anticipated to effect the local governments. There are no elements of this rule which are to be enforced by local governments, nor are there provisions that have effect on local governments.

◆ **SMALL BUSINESSES:** Small businesses that engage in practice of performing custom exempt slaughter for farmers who have an estimated \$125 increase in income per animal.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The farmer who takes his animal to a custom exempt facility saves upwards of \$300 from having this service performed at this facility versus a regular slaughter facility.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These facilities are already in place the requirements of this rule do not affect the operation and only require recordkeeping and identification procedures for the animal. There is no compliance cost for the facilities.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The businesses regulated under this rule do not have additional cost associated with this rule. In fact the businesses regulated by this rule will see an increase in the income from this rule. It allows them to offer a service to others and bring in business that they would not have without this rule. There are no additional costs that are necessary for these businesses to undertake in order to come into compliance.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

AGRICULTURE AND FOOD  
ANIMAL INDUSTRY  
350 N REDWOOD RD  
SALT LAKE CITY, UT 84116-3034  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Cody James by phone at 801-538-7166, by FAX at 801-538-7169, or by Internet E-mail at codyjames@utah.gov  
◆ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at kmathews@utah.gov  
◆ Scott Ericson by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at sericson@utah.gov

EFFECTIVE: 08/25/2015

AUTHORIZED BY: LuAnn Adams, Commissioner

**R58. Agriculture and Food, Animal Industry.**

**R58-13. Custom Exempt Slaughter.**

**R58-13-1. Authority.**

Promulgated under authority of Section 4-32-7.

**R58-13-2. Inspection Exemptions.**

A. The Commissioner of Agriculture and Food may exempt the operation of any person from inspection or other requirements of

Title 4, Chapter 32, to the extent such operations would be exempt from corresponding requirements under the Federal Meat Inspection Act.

B. The Commissioner shall exempt from inspection the slaughtering and preparation by any person of any livestock which is exclusively for use by the owner of said livestock, members of his household, his nonpaying guests, or full time employees.

C. The custom operators claiming exemption from inspection will keep records showing the numbers and kinds of livestock slaughtered on a custom basis, the quantities and types of products prepared on a custom basis, and the names and addresses of the owners of the livestock and products. In addition to these records all beef animals slaughtered at an exempt slaughter establishment must have received a Utah State Brand Inspection or proof of ownership verification prior to slaughter.

D. The establishment in which custom operations are conducted will conform to all sanitary requirements prescribed by the Commissioner or designee and 9 C.F.R. 308.4 through 308.11, 308.13, 308.14 and 308.3 (except 308.3 (d) (2) and (3), January 1, 2001 edition.

**R58-13-3. Identification of Carcasses.**

The carcasses of custom slaughtered animals will be clearly and plainly marked "NOT FOR SALE," in letters not less than 3/8 of an inch in height, immediately after the slaughter process is completed. The custom slaughtered carcass will be marked on each quarter of the carcass. Custom prepared products must be plainly marked "NOT FOR SALE," 3/8 inch letter height, immediately after being prepared and kept so identified until delivered to the owner.

**R58-13-4. Separation of Custom and Official Slaughtering.**

A. If exempted custom slaughtering or other preparation of products is conducted in an official establishment, all facilities and equipment in the official establishment used for such custom operations shall be thoroughly cleaned and sanitized before they are reused for preparing any products for sale.

B. Exempted custom slaughtered carcasses and products will be kept separate and away from all inspected carcasses and products while in an official establishment. Custom slaughtered carcasses will be kept not less than 36 inches apart in the nearest proximity from inspected carcasses in chill and holding coolers.

C. The construction of all exempted slaughter or processing establishments will conform to minimum requirements as prescribed by the Commissioner or designee to assure adequate facilities for the purpose intended as required in the licensing act.

**KEY: food inspections, meat inspections**

**Date of Enactment or Last Substantive Amendment: 2015**

**Authorizing, and Implemented or Interpreted Law: 4-32-7**

**End of the Notices of 120-Day (Emergency) Rules Section**

# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at <http://www.rules.utah.gov/publicat/code.htm>. The rule text may also be inspected at the agency or the Division of Administrative Rules. **REVIEWS** are effective upon filing.

**REVIEWS** are governed by Section 63G-3-305.

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## Agriculture and Food, Chemistry Laboratory **R63-1** Fee Schedule

### FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 39611  
FILED: 08/24/2015

### NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is promulgated under Section 4-2-10 which allows the department to perform analytical test and to charge for the work involved.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received by the department since the last five-year review of the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule allows charging of fees to other agencies, companies, and individuals for testing of samples. The law continues to require this rule, therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
AGRICULTURE AND FOOD  
CHEMISTRY LABORATORY

350 N REDWOOD RD  
SALT LAKE CITY, UT 84116-3034  
or at the Division of Administrative Rules.

### DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at [kmathews@utah.gov](mailto:kmathews@utah.gov)
- ◆ Scott Ericson by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at [sericson@utah.gov](mailto:sericson@utah.gov)

AUTHORIZED BY: LuAnn Adams, Commissioner

EFFECTIVE: 08/24/2015

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## Agriculture and Food, Plant Industry **R68-1** Utah Bee Inspection Act Governing Inspection of Bees

### FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 39612  
FILED: 08/24/2015

### NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule was promulgated under Section 4-11-3 to make and enforce rules for administration and enforcement of the Bee Inspection Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR

OPPOSING THE RULE: The department has received public comment on the rule requesting a change regarding the fee charged. The department is looking into those comments and will be submitting changes.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is needed to protect the bee industry from pests, parasites, and diseases. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 AGRICULTURE AND FOOD  
 PLANT INDUSTRY  
 350 N REDWOOD RD  
 SALT LAKE CITY, UT 84116-3034  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Clark Burgess by phone at 801-538-7188, by FAX at 801-538-7189, or by Internet E-mail at cburgess@utah.gov  
 ♦ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at kmathews@utah.gov  
 ♦ Robert Hougaard by phone at 801-538-7187, by FAX at 801-538-7189, or by Internet E-mail at rhougaard@utah.gov  
 ♦ Scott Ericson by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at sericson@utah.gov

AUTHORIZED BY: LuAnn Adams, Commissioner

EFFECTIVE: 08/24/2015

**Corrections, Administration  
 R251-110**

**Sex and Kidnap Offender Registration  
 Program**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**

DAR FILE NO.: 39608  
 FILED: 08/21/2015

**NOTICE OF REVIEW AND STATEMENT OF  
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Sections 63G-3-201 and 64-13-10, and Title 77, Chapter 41.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR

OPPOSING THE RULE: No comments were received since the last five-year review was completed.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of the rule is to define the registrant requirement and process for obtaining sex and kidnap offender registration information. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 CORRECTIONS  
 ADMINISTRATION  
 14717 S MINUTEMAN DR  
 DRAPER, UT 84020-9549  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Steven Turley by phone at 801-545-5633, by FAX at 801-545-5726, or by Internet E-mail at sturley@utah.gov

AUTHORIZED BY: Rollin Cook, Executive Director

EFFECTIVE: 08/21/2015

**Corrections, Administration  
 R251-303  
 Offenders' Use of Telephones**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**

DAR FILE NO.: 39610  
 FILED: 08/24/2015

**NOTICE OF REVIEW AND STATEMENT OF  
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Sections 63G-3-201 and 64-13-10 of the Utah Code, which allow the department to adopt standards and rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of this rule is to provide the

Department's policy and procedures governing offenders' access to and use of telephones. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

CORRECTIONS  
ADMINISTRATION  
14717 S MINUTEMAN DR  
DRAPER, UT 84020-9549

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Steven Turley by phone at 801-545-5633, by FAX at 801-545-5726, or by Internet E-mail at [sturley@utah.gov](mailto:sturley@utah.gov)

AUTHORIZED BY: Rollin Cook, Executive Director

EFFECTIVE: 08/24/2015

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**Regents (Board of), Administration  
R765-649**

**Utah Higher Education Assistance  
Authority (UHEAA) Privacy Policy**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 39605

FILED: 08/18/2015

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 53B-12-101 authorized the Utah Higher Education Assistance Authority (UHEAA) to

act as the guarantor in Utah of federal student loans. Prior to 07/01/2010, UHEAA guaranteed, funded, and serviced student loans for Utah students attending institutions of higher education in Utah and locations outside of Utah. UHEAA continues to own and service student loans which contain personal identifiable information. UHEAA's privacy policy and this rule are required to safeguard that information.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments about this rule have been received during the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to continue the requirements needed to safeguard the personal information of student loan borrowers that are found within the loan documents held by UHEAA. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

REGENTS (BOARD OF)  
ADMINISTRATION  
BOARD OF REGENTS BUILDING, THE GATEWAY  
60 SOUTH 400 WEST  
SALT LAKE CITY, UT 84101-1284  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Ronell Crossley by phone at 801-321-7291, by FAX at 801-321-7299, or by Internet E-mail at [rcrossley@utahsbr.edu](mailto:rcrossley@utahsbr.edu)

AUTHORIZED BY: Dave Buhler, Commissioner of Higher Education

EFFECTIVE: 08/18/2015

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**End of the Five-Year Notices of Review and Statements of Continuation Section**



## NOTICES OF FIVE-YEAR EXPIRATIONS

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Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). The Division of Administrative Rules (Division) is required to notify agencies of rules due for review at least 180 days prior to the anniversary date. If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR EXTENSION (EXTENSION)** with the Division. However, if the agency fails to file either the **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION** or the **EXTENSION** by the date provide by the Division, the rule expires.

Upon expiration of the rule, the Division files a **NOTICE OF FIVE-YEAR EXPIRATION (EXPIRATION)** to document the action. The Division is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule and it must follow regular rulemaking procedures to replace the rule if it is still needed.

The Division has filed **EXPIRATIONS** for each of the rules listed below which were not reviewed in accordance with Section 63G-3-305. These rules have expired and have been removed from the *Utah Administrative Code*.

The expiration of administrative rules for failure to comply with the five-year review requirement is governed by Subsection 63G-3-305(8).

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### Agriculture and Food, Administration **R51-1** Public Petitions for Declaratory Rulings

#### **FIVE-YEAR REVIEW EXPIRATION**

DAR FILE NO.: 39633  
FILED: 09/01/2015

**SUMMARY:** The five-year review was not filed by the 08/31/2015 deadline so this rule is expired and removed from the Utah Administrative Code. (DAR NOTE: The agency has filed a 120-day (emergency) rule that is effective as of 09/02/2015 to put the rule back into place. The emergency rule filing for Rule R51-1 is under DAR No. 39636 and will be published in the October 1, 2015, Bulletin.)

**EFFECTIVE:** 09/01/2015

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### Agriculture and Food, Animal Industry **R58-13** Custom Exempt Slaughter

#### **FIVE-YEAR REVIEW EXPIRATION**

DAR FILE NO.: 39614  
FILED: 08/25/2015

**SUMMARY:** The five-year review was not filed by the 08/24/2015 deadline so this rule is expired and removed from the Utah Administrative Code. (DAR NOTE: The agency has filed a 120-day (emergency) rule that is effective as of 08/25/2015 to put the rule back into place. The emergency rule filing for Rule R58-13 is under DAR No. 39616 in this issue, September 15, 2015, of the Bulletin.)

**EFFECTIVE:** 08/25/2015

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**End of the Notices of Notices of Five Year Expirations Section**



## NOTICES OF RULE EFFECTIVE DATES

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State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Division of Administrative Rules that the rules listed below have been made effective.

**NOTICES OF EFFECTIVE DATE** are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

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### Abbreviations

AMD = Amendment  
CPR = Change in Proposed Rule  
NEW = New Rule  
R&R = Repeal & Reenact  
REP = Repeal

### Administrative Services

Purchasing and General Services  
No. 39472 (AMD): R33-4. General Procurement Provisions, Prequalifications, Specifications, and Small Purchases  
Published: 07/15/2015  
Effective: 08/21/2015

No. 39470 (AMD): R33-16. Controversies and Protests  
Published: 07/15/2015  
Effective: 08/21/2015

No. 39454 (AMD): R33-26-202. Disposal of State-Owned Surplus Electronic Data Devices  
Published: 07/15/2015  
Effective: 08/21/2015

### Alcoholic Beverage Control

Administration  
No. 39476 (AMD): R81-2-8. Accepting Checks as Payment for Liquor  
Published: 07/15/2015  
Effective: 08/25/2015

### Commerce

Occupational and Professional Licensing  
No. 39428 (AMD): R156-46a-502d. Form of Written Informed Consent  
Published: 07/01/2015  
Effective: 08/17/2015

### Crime Victim Reparations

Administration  
No. 39463 (AMD): R270-1-22. Sexual Assault Forensic Examinations  
Published: 07/15/2015  
Effective: 08/21/2015

### Education

Administration  
No. 39488 (NEW): R277-99. Definitions for Utah State Board of Education (Board) Rules  
Published: 07/15/2015  
Effective: 08/26/2015

No. 39489 (AMD): R277-107. Educational Services Outside of Educator's Regular Employment  
Published: 07/15/2015  
Effective: 08/26/2015

No. 39490 (AMD): R277-410. Accreditation of Schools  
Published: 07/15/2015  
Effective: 08/26/2015

No. 39491 (AMD): R277-500. Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks  
Published: 07/15/2015  
Effective: 08/26/2015

No. 39492 (AMD): R277-516. Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees  
Published: 07/15/2015  
Effective: 08/26/2015

No. 39494 (AMD): R277-700. The Elementary and Secondary School Core Curriculum  
Published: 07/15/2015  
Effective: 08/26/2015

Environmental Quality

Radiation Control

No. 39280 (AMD): R313-19-13. Exemptions  
 Published: 05/01/2015  
 Effective: 08/26/2015

No. 39280 (CPR): R313-19-13. Exemptions  
 Published: 07/15/2015  
 Effective: 08/26/2015

No. 39278 (AMD): R313-21-22. General Licenses\*--  
 Radioactive Material Other Than Source Material  
 Published: 05/01/2015  
 Effective: 08/26/2015

No. 39278 (CPR): R313-21-22. General Licenses\*--  
 Radioactive Material Other Than Source Material  
 Published: 07/15/2015  
 Effective: 08/26/2015

No. 39279 (AMD): R313-22. Specific Licenses  
 Published: 05/01/2015  
 Effective: 08/26/2015

No. 39279 (CPR): R313-22. Specific Licenses  
 Published: 07/15/2015  
 Effective: 08/26/2015

Health

Family Health and Preparedness, Children with Special Health Care Needs

No. 39451 (AMD): R398-3. Children's Hearing Aid Pilot Program  
 Published: 07/15/2015  
 Effective: 08/21/2015

Health Care Financing, Coverage and Reimbursement Policy

No. 39483 (AMD): R414-302-8. Application for Other Possible Benefits  
 Published: 07/15/2015  
 Effective: 09/01/2015

No. 39484 (AMD): R414-304. Income and Budgeting  
 Published: 07/15/2015  
 Effective: 09/01/2015

Family Health and Preparedness, Emergency Medical Services

No. 39467 (AMD): R426-2. Emergency Medical Services Provider Designations, Critical Incident Stress Management and Quality Assurance Reviews  
 Published: 07/15/2015  
 Effective: 08/21/2015

No. 39468 (AMD): R426-9. Statewide Trauma System Standards  
 Published: 07/15/2015  
 Effective: 08/21/2015

Family Health and Preparedness, Child Care Licensing

No. 39465 (AMD): R430-6. Background Screenings  
 Published: 07/15/2015  
 Effective: 08/31/2015

Family Health and Preparedness, Licensing

No. 39464 (AMD): R432-2. General Licensing Provisions  
 Published: 07/15/2015  
 Effective: 08/21/2015

Human Services

Administration

No. 39480 (AMD): R495-878. Americans With Disabilities Act Grievance Procedures  
 Published: 07/15/2015  
 Effective: 08/25/2015

Insurance

Administration

No. 39443 (AMD): R590-162-3. Scope  
 Published: 07/01/2015  
 Effective: 08/26/2015

No. 39444 (AMD): R590-198-5. General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves

Published: 07/01/2015  
 Effective: 08/26/2015

No. 39444 (CPR): R590-198-5. General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves

Published: 07/15/2015  
 Effective: 08/26/2015

Lieutenant Governor

Elections

No. 39457 (AMD): R623-1-4. Registration/License Application Procedure  
 Published: 07/15/2015  
 Effective: 08/24/2015

Natural Resources

Parks and Recreation

No. 39497 (AMD): R651-602. Aircraft and Powerless Flight  
 Published: 07/15/2015  
 Effective: 08/28/2015

Tax Commission

Auditing

No. 39437 (AMD): R865-4D-21. Consistent Basis for Diesel Fuel Reporting Pursuant to Utah Code Ann. Sections 59-13-301 and 59-13-307  
 Published: 07/01/2015  
 Effective: 08/27/2015

No. 39438 (AMD): R865-20T-10. Procedures for the Revocation, Renewal, and Reinstatement of Licenses Issued Pursuant to Utah Code Ann. Sections 59-14-202, 59-14-203.5, and 59-14-301.5  
 Published: 07/01/2015  
 Effective: 08/27/2015

Transportation

Motor Carrier

No. 39479 (AMD): R909-1. Safety Regulations for Motor Carriers  
 Published: 07/15/2015  
 Effective: 08/24/2015

Operations, Traffic and Safety

No. 39481 (AMD): R920-1. Utah Manual on Uniform Traffic Control Devices  
 Published: 07/15/2015  
 Effective: 08/24/2015

No. 39495 (NEW): R920-2. Rural Conventional Road Definition  
 Published: 07/15/2015  
 Effective: 08/24/2015

Preconstruction

No. 39297 (NEW): R930-8. Utility Relocations Required by Highway Projects  
 Published: 05/15/2015  
 Effective: 08/24/2015

No. 39297 (CPR): R930-8. Utility Relocations Required by Highway Projects  
 Published: 07/15/2015  
 Effective: 08/24/2015

Workforce Services

Employment Development

No. 39496 (AMD): R986-700. Child Care Assistance  
 Published: 07/15/2015  
 Effective: 09/01/2015

**End of the Notices of Rule Effective Dates Section**



**RULES INDEX  
BY AGENCY (CODE NUMBER)  
AND  
BY KEYWORD (SUBJECT)**

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The Rules Index is a cumulative index that reflects all effective changes to Utah's administrative rules. The current Index lists changes made effective from January 2, 2015 through September 01, 2015. The Rules Index is published in the Utah State Bulletin and in the annual Utah Administrative Rules Index of Changes. Nonsubstantive changes, while not published in the Bulletin, do become part of the Utah Administrative Code (Code) and are included in this Index, as well as 120-Day (Emergency) rules that do not become part of the Code. The rules are indexed by Agency (Code Number) and Keyword (Subject).

Questions regarding the index and the information it contains should be addressed to the Division of Administrative Rules (801-538-3764).

A copy of the **RULES INDEX** is available for public inspection at the Division of Administrative Rules (5110 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.utah.gov/>).

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## RULES INDEX - BY AGENCY (CODE NUMBER)

### ABBREVIATIONS

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b>ADMINISTRATIVE SERVICES</b>					
<u>Facilities Construction and Management</u>					
R23-1	Procurement of Construction	39033	R&R	03/03/2015	2015-2/4
R23-2	Procurement of Architect-Engineer Services	39061	REP	03/16/2015	2015-3/4
R23-7	State Construction Contracts and Drug and Alcohol Testing	39482	5YR	06/30/2015	2015-14/139
 <u>Finance</u>					
R25-7	Travel-Related Reimbursements for State Employees	39301	AMD	06/22/2015	2015-10/6
R25-10	State Entities Posting of Financial Information to the Utah Public Finance Website	39360	AMD	07/08/2015	2015-11/4
R25-25-7	Travel-Related Reimbursements for State Employees	39160	AMD	04/21/2015	2015-6/10
 <u>Purchasing and General Services</u>					
R33-1-1	Definitions	38974	AMD	01/28/2015	2014-24/4
R33-4	General Procurement Provisions, Prequalifications, Specifications, and Small Purchases	39327	AMD	06/23/2015	2015-10/11
R33-4	General Procurement Provisions, Prequalifications, Specifications, and Small Purchases	39472	AMD	08/21/2015	2015-14/6
R33-4	General Procurement Provisions, Prequalifications, Specifications, and Small Purchases	39523	NSC	08/24/2015	Not Printed
R33-6-101	Competitive Sealed Bidding; Multiple Stage Bidding; Reverse Auction	38975	AMD	01/28/2015	2014-24/5
R33-6-109	Only One Bid Received	39366	AMD	07/09/2015	2015-11/5
R33-7	Request for Proposals	38976	AMD	01/28/2015	2014-24/6
R33-7	Request for Proposals	39513	NSC	07/30/2015	Not Printed
R33-7-702	Only One Proposal Received	39365	AMD	07/09/2015	2015-11/6
R33-7-702	Only One Proposal Received	39432	AMD	08/07/2015	2015-13/6
R33-8	Exceptions to Procurement Requirements	39328	AMD	06/23/2015	2015-10/15
R33-12	Terms and Conditions, Contracts, Change Orders and Costs	38977	AMD	01/28/2015	2014-24/9
R33-16	Controversies and Protests	39470	AMD	08/21/2015	2015-14/9
R33-16-401	Protest Officer May Correct Noncompliance, Errors and Discrepancies	38978	AMD	01/28/2015	2014-24/12
R33-26	State Surplus Property	39084	NSC	01/28/2015	Not Printed
R33-26	State Surplus Property	39271	AMD	06/10/2015	2015-9/4
R33-26-202	Information Technology Equipment	39042	AMD	03/31/2015	2015-2/33
R33-26-202	Disposal of State-Owned Surplus Electronic Data Devices	39454	AMD	08/21/2015	2015-14/11

Records Committee

R35-1	State Records Committee Appeal Hearing Procedures	39400	AMD	07/31/2015	2015-11/7
R35-2	Declining Appeal Hearings	39401	AMD	07/31/2015	2015-11/9
R35-4	Compliance with State Records Committee Decisions and Orders	39402	AMD	07/31/2015	2015-11/10
R35-5	Subpoenas Issued by the Records Committee	39403	AMD	07/31/2015	2015-11/11
R35-6	Expedited Hearing	39404	AMD	07/31/2015	2015-11/12

AGRICULTURE AND FOOD

Administration

R51-1	Public Petitions for Declaratory Rulings	39633	EXD	09/01/2015	Not Printed
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Animal Industry

R58-1	Admission, Identification, and Inspection of Livestock, Poultry and other Animals	39423	AMD	08/12/2015	2015-13/7
R58-2	Disease, Inspections, and Quarantines	39422	AMD	08/12/2015	2015-13/14
R58-7	Livestock Markets, Satellite Video Livestock Auction Market, Livestock Sales, Dealers, and Livestock Market Weighpersons	39075	5YR	01/13/2015	2015-3/67
R58-11	Slaughter of Livestock and Poultry	39073	5YR	01/13/2015	2015-3/67
R58-12	Record Keeping and Carcass Identification at Meat Exempt (Custom Cut) Establishments	39573	5YR	08/12/2015	2015-17/97
R58-13	Custom Exempt Slaughter	39614	EXD	08/25/2015	Not Printed
R58-13	Custom Exempt Slaughter	39616	EMR	08/25/2015	Not Printed
R58-15	Collection of Annual Fees for the Wildlife Damage Prevention Act	39602	5YR	08/13/2015	2015-17/97
R58-17	Aquaculture and Aquatic Animal Health	39074	5YR	01/13/2015	2015-3/68
R58-21	Trichomoniasis	39086	5YR	01/21/2015	2015-4/37
R58-22	Equine Infectious Anemia (EIA)	39424	AMD	08/12/2015	2015-13/15

Chemistry Laboratory

R63-1	Fee Schedule	39611	5YR	08/24/2015	Not Printed
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Plant Industry

R68-1	Utah Bee Inspection Act Governing Inspection of Bees	39237	5YR	03/24/2015	2015-8/33
R68-1	Utah Bee Inspection Act Governing Inspection of Bees	39612	5YR	08/24/2015	Not Printed
R68-2	Utah Commercial Feed Act Governing Feed	39471	5YR	06/29/2015	2015-14/139
R68-6	Utah Nursery Act	39548	5YR	07/29/2015	2015-16/79
R68-10	Quarantine Pertaining to the European Corn Borer	39507	5YR	07/10/2015	2015-15/31
R68-12	Quarantine Pertaining to Mint Wilt	39408	5YR	05/21/2015	2015-12/33
R68-22	Industrial Hemp Research	39148	NEW	04/22/2015	2015-6/14

Regulatory Services

R70-101	Bedding, Upholstered Furniture and Quilted Clothing	39223	5YR	03/16/2015	2015-7/57
R70-101	Bedding, Upholstered Furniture and Quilted Clothing	39407	R&R	07/22/2015	2015-12/6
R70-610	Uniform Retail Wheat Standards of Identify	39561	5YR	08/05/2015	2015-17/98
R70-620	Enrichment of Flour and Cereal Products	39560	5YR	08/05/2015	2015-17/98
R70-910	Registration of Servicepersons for Commercial Weighing and Measuring Devices	39562	5YR	08/05/2015	2015-17/99
R70-950	Uniform National Type Evaluation	39563	5YR	08/05/2015	2015-17/99

ALCOHOLIC BEVERAGE CONTROL

Administration

R81-1-3	General Policies	39156	AMD	04/28/2015	2015-6/16
R81-1-6	Violation Schedule	39158	AMD	04/28/2015	2015-6/18
R81-1-26	Criminal History Background Checks	39329	AMD	06/24/2015	2015-10/17
R81-2-1	Special Orders of Liquor by Public	39154	AMD	04/28/2015	2015-6/22
R81-2-8	Accepting Checks as Payment for Liquor	39476	AMD	08/25/2015	2015-14/13
R81-2-9	Accepting Credit Cards as Payment for Liquor	39330	AMD	06/24/2015	2015-10/20

RULES INDEX

R81-3-1	Definition	39417	AMD	07/28/2015	2015-12/12
R81-3-5	Special Orders of Liquor by Public	39155	AMD	04/28/2015	2015-6/23
R81-3-14	Type 5 Package Agencies	39418	AMD	07/28/2015	2015-12/14
R81-3-19	Credit Cards	39331	AMD	06/24/2015	2015-10/21
R81-4E	Resort Licenses	39059	5YR	01/08/2015	2015-3/69

ATTORNEY GENERAL

Administration

R105-1	Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services	39032	AMD	03/26/2015	2015-2/34
R105-1	Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services	39099	AMD	03/26/2015	2015-4/4
R105-1	Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services	39363	EMR	05/12/2015	2015-11/171
R105-1	Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services	39364	AMD	07/13/2015	2015-11/13
R105-3	White Collar Crime Registry	39445	NEW	08/10/2015	2015-13/17

AUDITOR

Administration

R123-6	Allocation of Money in the Property Tax Valuation Agency Fund	39136	AMD	04/08/2015	2015-5/8
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CAPITOL PRESERVATION BOARD (STATE)

Administration

R131-2	Capitol Hill Complex Facility Use	39025	AMD	02/24/2015	2015-2/41
R131-6	Board Designation of Space	39501	5YR	07/06/2015	2015-15/31
R131-9	Art and Exhibits	39266	EXD	04/08/2015	2015-9/87
R131-15	State Construction Contracts and Drug and Alcohol Testing	39502	5YR	07/06/2015	2015-15/32

COMMERCE

Administration

R151-4-109	Extension of Time and Continuance of Hearing	39144	AMD	04/10/2015	2015-5/9
R151-14-3	Adjudicative Proceedings	39034	AMD	02/24/2015	2015-2/49

Consumer Protection

R152-1	Utah Division of Consumer Protection: "Buyer Beware List"	39281	5YR	04/15/2015	2015-9/83
R152-1	Utah Division of Consumer Protection: "Buyer Beware List"	39273	AMD	06/08/2015	2015-9/5
R152-39	Child Protection Registry Rules	39282	5YR	04/15/2015	2015-9/83

Occupational and Professional Licensing

R156-17b	Pharmacy Practice Act Rule	39056	5YR	01/05/2015	2015-3/69
R156-17b	Pharmacy Practice Act Rule	39018	AMD	02/24/2015	2015-2/51
R156-20a	Environmental Health Scientist Act Rule	39306	5YR	04/27/2015	2015-10/101
R156-20a	Environmental Health Scientist Act Rule	39351	AMD	07/09/2015	2015-11/20
R156-24b-302b	Qualifications for Licensure - Examination Requirements	39092	AMD	03/24/2015	2015-4/9
R156-26a-501	Unprofessional Conduct	39055	AMD	04/02/2015	2015-3/7
R156-28-304	Continuing Professional Education	39233	AMD	05/27/2015	2015-8/6
R156-31b	Nurse Practice Act Rule	39132	AMD	04/07/2015	2015-5/10
R156-31b-202	Advisory Peer Education Committee Created -- Membership - Duties	38981	AMD	01/22/2015	2014-24/13
R156-31b-609	Standards for Out-of-State Programs Providing Clinical Experiences in Utah	38980	AMD	01/22/2015	2014-24/14
R156-37	Utah Controlled Substances Act Rule	39015	AMD	02/24/2015	2015-2/80
R156-37f-102	Definitions	39020	AMD	02/24/2015	2015-2/84

R156-44a-609	Standards for Out-of-State Programs Providing Certified Nurse Midwife Clinical Experiences in Utah	39176	AMD	05/11/2015	2015-7/2
R156-46a-502d	Form of Written Informed Consent	39428	AMD	08/17/2015	2015-13/21
R156-47b	Massage Therapy Practice Act Rule	38915	AMD	04/21/2015	2014-22/16
R156-47b	Massage Therapy Practice Act Rule	38915	CPR	04/21/2015	2015-6/42
R156-47b-302a	Qualifications for Licensure - Equivalent Education and Training	39238	AMD	05/28/2015	2015-8/7
R156-60a	Social Worker Licensing Act Rule	38979	AMD	01/22/2015	2014-24/15
R156-60d	Substance Use Disorder Counselor Act Rule	38964	AMD	01/22/2015	2014-24/17
R156-61	Psychologist Licensing Act Rule	38957	AMD	06/15/2015	2014-24/19
R156-61	Psychologist Licensing Act Rule	38957	CPR	06/15/2015	2015-9/80
R156-63a	Security Personnel Licensing Act Contract Security Rule	39293	AMD	06/22/2015	2015-10/22
R156-63a	Security Personnel Licensing Act Contract Security Rule	39368	AMD	07/23/2015	2015-11/22
R156-63b	Security Personnel Licensing Act Armored Car Rule	39294	AMD	06/22/2015	2015-10/24
R156-63b	Security Personnel Licensing Act Armored Car Rule	39369	AMD	07/23/2015	2015-11/25
R156-70a-302	Qualification for Licensure - Examination Requirements	39177	AMD	05/27/2015	2015-7/3
R156-71-202	Naturopathic Physician Formulary	39151	AMD	04/21/2015	2015-6/25
R156-72-102	Definitions	39343	AMD	07/09/2015	2015-11/28
R156-79	Hunting Guides and Outfitters Licensing Act Rule	39350	AMD	07/09/2015	2015-11/29
R156-83	Online Prescribing, Dispensing, and Facilitation Licensing Act Rule	39298	5YR	04/23/2015	2015-10/102
<u>Real Estate</u>					
R162-2a	Utah Housing Opportunity Restricted Account	39575	5YR	08/13/2015	2015-17/100
R162-2a	Utah Housing Opportunity Restricted Account	39576	NSC	08/28/2015	Not Printed
R162-2c	Utah Residential Mortgage Practices and Licensing Rules	39249	5YR	03/31/2015	2015-8/33
R162-2c-201	Licensing and Registration Procedures	38999	AMD	02/10/2015	2015-1/8
R162-2e	Appraisal Management Company Administrative Rules	39291	5YR	04/17/2015	2015-10/102
R162-2e-401	Unprofessional Conduct	38971	AMD	01/28/2015	2014-24/26
R162-2f	Real Estate Licensing and Practices Rules	39572	5YR	08/12/2015	2015-17/101
R162-2f-206	Certification of Continuing Education Course	38972	AMD	01/21/2015	2014-24/28
R162-2f-401j	Standards for Property Management	39305	AMD	06/22/2015	2015-10/25
R162-57a	Timeshare and Camp Resort Rules	39292	5YR	04/21/2015	2015-10/103
<u>Securities</u>					
R164-2	Investment Adviser - Unlawful Acts	39104	5YR	02/02/2015	2015-4/37
R164-15-2	Notice Filings for Rule 506 Offerings	38926	AMD	03/10/2015	2014-22/20
R164-32	Codification of Precedent	39300	NEW	06/22/2015	2015-10/26
CORRECTIONS					
<u>Administration</u>					
R251-102	Release of Communicable Disease Information	39541	5YR	07/23/2015	2015-16/79
R251-109	Sex Offender Treatment Providers	39539	5YR	07/23/2015	2015-16/80
R251-110	Sex and Kidnap Offender Registration Program	39608	5YR	08/21/2015	Not Printed
R251-301	Employment, Educational or Vocational Training for Community Correctional Center Offenders	39540	5YR	07/23/2015	2015-16/80
R251-303	Offenders' Use of Telephones	39060	5YR	01/08/2015	2015-3/70
R251-303	Offenders' Use of Telephones	39610	5YR	08/24/2015	Not Printed
R251-709	Transportation of Inmates	39498	5YR	07/02/2015	2015-15/32
CRIME VICTIM REPARATIONS					
<u>Administration</u>					
R270-1-22	Sexual Assault Forensic Examinations	39463	AMD	08/21/2015	2015-14/38

RULES INDEX

EDUCATION

Administration

R277-99	Definitions for Utah State Board of Education (Board) Rules	39488	NEW	08/26/2015	2015-14/40
R277-107	Educational Services Outside of Educator's Regular Employment	39462	5YR	06/25/2015	2015-14/140
R277-107	Educational Services Outside of Educator's Regular Employment	39489	AMD	08/26/2015	2015-14/41
R277-111	Sharing of Curriculum Materials by Public School Educators	39077	5YR	01/15/2015	2015-3/71
R277-111	Sharing of Curriculum Materials by Public School Educators	39078	AMD	03/10/2015	2015-3/13
R277-114	Corrective Action and Withdrawal or Reduction of Program Funds	39335	5YR	05/01/2015	2015-10/104
R277-114	Corrective Action and Withdrawal or Reduction of Program Funds	39285	R&R	06/08/2015	2015-9/10
R277-116-1	Definitions	39218	AMD	05/08/2015	2015-7/7
R277-200	Utah Professional Practices Advisory Commission (UPPAC), Definitions	39382	NEW	07/08/2015	2015-11/33
R277-201	Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions	39383	NEW	07/08/2015	2015-11/37
R277-202	UPPAC Hearing Procedures and Reports	39384	NEW	07/08/2015	2015-11/41
R277-203	Request for Licensure Reinstatement and Reinstatement Procedures	39385	NEW	07/08/2015	2015-11/47
R277-204	Utah Professional Practices Advisory Commission Criminal Background Review	39386	NEW	07/08/2015	2015-11/50
R277-205	Alcohol Related Offenses	39387	NEW	07/08/2015	2015-11/52
R277-206	Drug Related Offenses	39388	NEW	07/08/2015	2015-11/53
R277-404	Requirements for Assessments of Student Achievement	39340	AMD	06/23/2015	2015-10/28
R277-410	Accreditation of Schools	39485	5YR	07/01/2015	2015-14/140
R277-410	Accreditation of Schools	39490	AMD	08/26/2015	2015-14/43
R277-417	Prohibiting LEAs and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation	39372	NEW	07/08/2015	2015-11/55
R277-418	Distance, Blended, Online, or Competency Based Learning Program	39373	NEW	07/08/2015	2015-11/57
R277-419	Pupil Accounting	39374	AMD	07/08/2015	2015-11/58
R277-419-9	Provisions for Maintaining Student Membership and Enrollment Documentation and Documentation of Student Education Services Provided by Third Party Vendors	39080	EMR	01/15/2015	2015-3/63
R277-444	Distribution of Funds to Arts and Science Organizations	39578	5YR	08/13/2015	2015-17/101
R277-459	Classroom Supplies Appropriation	39336	5YR	05/01/2015	2015-10/104
R277-459	Classroom Supplies Appropriation	39286	AMD	06/08/2015	2015-9/12
R277-468	Parent/Guardian Review of Public Education Curriculum and Review of Complaint Process	39079	NEW	03/10/2015	2015-3/14
R277-474	School Instruction and Human Sexuality	39337	5YR	05/01/2015	2015-10/105
R277-474	School Instruction and Human Sexuality	39287	AMD	06/08/2015	2015-9/13
R277-475	Patriotic, Civic and Character Education	39338	5YR	05/01/2015	2015-10/105
R277-475	Patriotic, Civic and Character Education	39288	AMD	06/08/2015	2015-9/16
R277-477	Distribution of Funds from the Interest and Dividend Account and Administration of the School LAND Trust Program	39579	5YR	08/13/2015	2015-17/102
R277-487	Public School Data Confidentiality and Disclosure	38956	AMD	01/07/2015	2014-23/6
R277-487	Public School Data Confidentiality and Disclosure	39375	AMD	07/08/2015	2015-11/67
R277-490	Beverly Taylor Sorenson Elementary Arts Learning Program	39376	AMD	07/08/2015	2015-11/72
R277-491	School Community Councils	39580	5YR	08/13/2015	2015-17/102
R277-497	School Grading System	39007	AMD	02/09/2015	2015-1/11
R277-497	School Grading System	39581	5YR	08/13/2015	2015-17/103

R277-498	Grant for Math Teaching Training	39582	5YR	08/13/2015	2015-17/103
R277-500	Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks	39486	5YR	07/01/2015	2015-14/141
R277-500	Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks	39491	AMD	08/26/2015	2015-14/46
R277-502	Educator Licensing and Data Retention	39378	AMD	07/08/2015	2015-11/75
R277-504	Early Childhood, Elementary, Secondary, Special Education (K-12), and Preschool Special Education (Birth-Age 5) Licensure	39008	AMD	02/09/2015	2015-1/13
R277-504	Early Childhood, Elementary, Secondary, Special Education (K-12), and Preschool Special Education (Birth-Age 5) Licensure	39219	AMD	05/08/2015	2015-7/8
R277-516	Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees	39492	AMD	08/26/2015	2015-14/51
R277-516-3	Licensed Public Education Employee Personal Reporting of Arrests	39289	AMD	06/08/2015	2015-9/18
R277-517-5	Board Disciplinary Actions	39290	AMD	06/08/2015	2015-9/19
R277-520	Appropriate Licensing and Assignment of Teachers	39371	5YR	05/15/2015	2015-11/185
R277-520	Appropriate Licensing and Assignment of Teachers	39379	AMD	07/08/2015	2015-11/80
R277-602	Special Needs Scholarships - Funding and Procedures	39583	5YR	08/13/2015	2015-17/104
R277-700	The Elementary and Secondary School Core Curriculum	39487	5YR	07/01/2015	2015-14/141
R277-700	The Elementary and Secondary School Core Curriculum	39494	AMD	08/26/2015	2015-14/59

Rehabilitation

R280-200	Rehabilitation	39220	AMD	05/08/2015	2015-7/13
R280-203	Certification Requirements for Interpreters for the Hearing Impaired	38930	AMD	01/02/2015	2014-22/22

ENVIRONMENTAL QUALITY

Administration

R305-5	Health Reform - Health Insurance Coverage in DEQ State Contracts - Implementation	39135	5YR	02/09/2015	2015-5/101
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Air Quality

R307-103	Administrative Procedures	39109	5YR	02/05/2015	2015-5/101
R307-110-17	Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits	39167	AMD	06/04/2015	2015-7/14
R307-110-28	Regional Haze	39166	AMD	06/04/2015	2015-7/15
R307-120	General Requirements: Tax Exemption for Air Pollution Control Equipment	38998	AMD	03/05/2015	2015-1/17
R307-165	Emission Testing	39110	5YR	02/05/2015	2015-5/102
R307-201	Emission Standards: General Emission Standards	39111	5YR	02/05/2015	2015-5/103
R307-202	Emission Standards: General Burning	39113	5YR	02/05/2015	2015-5/103
R307-203	Emission Standards: Sulfur Content of Fuels	39112	5YR	02/05/2015	2015-5/104
R307-204	Emission Standards: Smoke Management	39114	5YR	02/05/2015	2015-5/104
R307-205	Emission Standards: Fugitive Emissions and Fugitive Dust	39115	5YR	02/05/2015	2015-5/105
R307-206	Emission Standards: Abrasive Blasting	39116	5YR	02/05/2015	2015-5/105
R307-207	Residential Fireplaces and Solid Fuel Burning Devices	39117	5YR	02/05/2015	2015-5/106
R307-210	Stationary Sources	39168	AMD	06/04/2015	2015-7/17
R307-214	National Emission Standards for Hazardous Air Pollutants	39169	AMD	06/04/2015	2015-7/19
R307-302	Solid Fuel Burning Devices in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber Counties	38842	AMD	02/04/2015	2014-19/44
R307-302	Solid Fuel Burning Devices in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber Counties	38842	CPR	02/04/2015	2015-1/48

RULES INDEX

R307-302	Solid Fuel Burning Devices in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber Counties	39349	5YR	05/06/2015	2015-11/185
R307-305	Nonattainment and Maintenance areas for PM10: Emission Standards	39118	5YR	02/05/2015	2015-5/107
R307-306	PM10 Nonattainment and Maintenance Areas: Abrasive Blasting	39119	5YR	02/05/2015	2015-5/107
R307-307	Road Salting and Sanding	39120	5YR	02/05/2015	2015-5/108
R307-309	Nonattainment and Maintenance Areas for PM10 and PM2.5: Fugitive Emissions and Fugitive Dust	39121	5YR	02/05/2015	2015-5/108
R307-310	Salt Lake County: Trading of Emission Budgets for Transportation Conformity	39122	5YR	02/05/2015	2015-5/109
R307-311	Utah County: Trading of Emission Budgets for Transportation Conformity	38997	NEW	03/05/2015	2015-1/22
R307-401-19	General Approval Order	38901	AMD	02/05/2015	2014-21/16
R307-841	Residential Property and Child Occupied Facility Renovation	39123	5YR	02/05/2015	2015-5/109
R307-842	Lead-Based Paint Activities	39124	5YR	02/05/2015	2015-5/110
<u>Drinking Water</u>					
R309-100	Administration: Drinking Water Program	39196	5YR	03/13/2015	2015-7/57
R309-105	Administration: General Responsibilities of Public Water Systems	39197	5YR	03/13/2015	2015-7/58
R309-110	Administration: Definitions	39198	5YR	03/13/2015	2015-7/59
R309-115	Administrative Procedures	39199	5YR	03/13/2015	2015-7/59
R309-200	Monitoring and Water Quality: Drinking Water Standards	39200	5YR	03/13/2015	2015-7/60
R309-205	Monitoring and Water Quality: Source Monitoring Requirements	39201	5YR	03/13/2015	2015-7/60
R309-210	Monitoring and Water Quality: Distribution System Monitoring Requirements	39202	5YR	03/13/2015	2015-7/61
R309-215	Monitoring and Water Quality: Treatment Plant Monitoring Requirements	39203	5YR	03/13/2015	2015-7/61
R309-220	Monitoring and Water Quality: Public Notification Requirements	39204	5YR	03/13/2015	2015-7/62
R309-225	Monitoring and Water Quality: Consumer Confidence Reports	39205	5YR	03/13/2015	2015-7/62
R309-300	Certification Rules for Water Supply Operators	39206	5YR	03/13/2015	2015-7/63
R309-305	Certification Rules for Backflow Technicians	39207	5YR	03/13/2015	2015-7/63
R309-400	Water System Rating Criteria	39208	5YR	03/13/2015	2015-7/64
R309-405	Compliance and Enforcement: Administrative Penalty	39209	5YR	03/13/2015	2015-7/64
R309-500	Facility Design and Operation: Plan Review, Operation and Maintenance Requirements	39184	5YR	03/13/2015	2015-7/65
R309-500	Facility Design and Operation: Plan Review, Operation and Maintenance Requirements	39076	AMD	07/15/2015	2015-3/16
R309-500	Facility Design and Operation: Plan Review, Operation and Maintenance Requirements	39076	CPR	07/15/2015	2015-11/166
R309-505	Facility Design and Operation: Minimum Treatment Requirements	39185	5YR	03/13/2015	2015-7/65
R309-510	Facility Design and Operation: Minimum Sizing Requirements	39186	5YR	03/13/2015	2015-7/66
R309-510	Facility Design and Operation: Minimum Sizing Requirements	39399	AMD	07/15/2015	2015-11/92
R309-511	Hydraulic Modeling Requirements	39187	5YR	03/13/2015	2015-7/66
R309-515	Facility Design and Operation: Source Development	39188	5YR	03/13/2015	2015-7/67
R309-520	Facility Design and Operation: Disinfection	39189	5YR	03/13/2015	2015-7/67
R309-525	Facility Design and Operation: Conventional Surface Water Treatment	39190	5YR	03/13/2015	2015-7/68
R309-530	Facility Design and Operation: Alternative Surface Water Treatment Methods	39191	5YR	03/13/2015	2015-7/68
R309-535	Facility Design and Operation: Miscellaneous Treatment Methods	39192	5YR	03/13/2015	2015-7/69
R309-540	Facility Design and Operation: Pump Stations	39193	5YR	03/13/2015	2015-7/69

R309-545	Facility Design and Operation: Drinking Water Storage Tanks	39194	5YR	03/13/2015	2015-7/70
R309-550	Facility Design and Operation: Transmission and Distribution Pipelines	39195	5YR	03/13/2015	2015-7/70
R309-600	Source Protection: Drinking Water Source Protection for Ground Water Sources	39213	5YR	03/13/2015	2015-7/71
R309-605	Source Protection: Drinking Water Source Protection for Surface Water Sources	39214	5YR	03/13/2015	2015-7/71
R309-700	Financial Assistance: State Drinking Water State Revolving Fund (SRF) Loan Program	39210	5YR	03/13/2015	2015-7/72
R309-705	Financial Assistance: Federal Drinking Water State Revolving Fund (SRF) Loan Program	39211	5YR	03/13/2015	2015-7/72
R309-800	Capacity Development Program	39212	5YR	03/13/2015	2015-7/73
<u>Environmental Response and Remediation</u>					
R311-500	Illegal Drug Operations Site Reporting and Decontamination Act, Decontamination Specialist Certification Program	39146	5YR	02/18/2015	2015-6/45
<u>Radiation Control</u>					
R313-12-3	Definitions	39277	AMD	06/16/2015	2015-9/21
R313-15-1208	Reports of Leaking or Contaminated Sealed Sources	39082	AMD	03/17/2015	2015-3/21
R313-17-4	Special Procedures for Decisions Associated with Licenses for Uranium Mills and Disposal of Byproduct Material	38770	AMD	02/17/2015	2014-17/95
R313-17-4	Special Procedures for Decisions Associated with Licenses for Uranium Mills and Disposal of Byproduct Material	38770	CPR	02/17/2015	2014-24/40
R313-19	Requirements of General Applicability to Licensing of Radioactive Material	38907	AMD	02/17/2015	2014-21/18
R313-19-13	Exemptions	39280	AMD	08/26/2015	2015-9/27
R313-19-13	Exemptions	39280	CPR	08/26/2015	2015-14/114
R313-19-34	Terms and Conditions of Licenses	39274	AMD	06/16/2015	2015-9/32
R313-21-22	General Licenses*--Radioactive Material Other Than Source Material	39278	AMD	08/26/2015	2015-9/34
R313-21-22	General Licenses*--Radioactive Material Other Than Source Material	39278	CPR	08/26/2015	2015-14/118
R313-22	Specific Licenses	39279	AMD	08/26/2015	2015-9/40
R313-22	Specific Licenses	39279	CPR	08/26/2015	2015-14/124
R313-24-1	Purpose and Authority	39149	NSC	03/06/2015	Not Printed
R313-24-4	Clarifications or Exceptions	39275	AMD	06/16/2015	2015-9/49
R313-27	Medical Use Advisory Committee	39283	NEW	07/09/2015	2015-9/51
R313-28-31	General and Administrative Requirements	39016	AMD	03/24/2015	2015-2/85
R313-34	Requirements for Irradiators	39047	AMD	05/05/2015	2015-2/87
R313-35	Requirements for X-ray Equipment Used for Non-Medical Applications	39017	AMD	05/22/2015	2015-2/89
R313-35	Requirements for X-Ray Equipment Used for Non-Medical Applications	39017	CPR	05/22/2015	2015-8/30
R313-36-3	Clarifications or Exceptions	39276	AMD	06/16/2015	2015-9/52
R313-37	Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material	38908	NEW	06/29/2015	2014-21/21
R313-37	Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material	38908	CPR	06/29/2015	2015-5/98
R313-38-3	Clarifications or Exceptions	39083	AMD	03/17/2015	2015-3/22
<u>Solid and Hazardous Waste</u>					
R315-15-1	Applicability, Prohibitions, and Definitions	39302	NSC	05/11/2015	Not Printed
R315-15-3	Standards for Used Oil Collection Centers and Aggregation Points	39303	NSC	05/06/2015	Not Printed
R315-15-5	Standards for Used Oil Processors and Re-Refiners	39304	NSC	05/11/2015	Not Printed
R315-15-6	Standards for Used Oil Burners Who Burn Used Oil for Energy Recovery	39307	NSC	05/11/2015	Not Printed
R315-15-13	Registration and Permitting of Used Oil Handlers	39308	NSC	05/11/2015	Not Printed

RULES INDEX

---

Water Quality

R317-4	Onsite Wastewater Systems	39106	5YR	02/03/2015	2015-5/111
R317-10-8	Utah Wastewater Operator Certification Council	39105	AMD	04/29/2015	2015-4/10

FINANCIAL INSTITUTIONS

Administration

R331-14	Rule Governing Parties Who Engage in the Business of Issuing and Selling Money Orders, Traveler's Checks, and Other Instruments for the Purpose of Effecting Third-Party Payments	39370	REP	07/08/2015	2015-11/104
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Nondepository Lenders

R343-10	Title Lenders Registration with the Nationwide Database	39442	NEW	08/12/2015	2015-13/22
R343-10	Title Lenders Registration with the Nationwide Database	39503	NSC	08/17/2015	Not Printed

GOVERNOR

Criminal and Juvenile Justice (State Commission on)

R356-1	Procedures for the Calculation and Distribution of Funds to Reimburse County Correctional Facilities Housing State Probationary Inmates or State Parole Inmates	39053	EXT	01/02/2015	2015-3/75
R356-1	Procedures for the Calculation and Distribution of Funds to Reimburse County Correctional Facilities Housing State Probationary Inmates or State Parole Inmates	39344	EXD	05/05/2015	2015-11/191
R356-101	Judicial Nominating Commissions	39466	5YR	06/26/2015	2015-14/142

Economic Development

R357-1	Rural Fast Track Program	39526	NSC	08/17/2015	Not Printed
R357-2	Targeted Business Tax Credit	39527	NSC	08/17/2015	Not Printed
R357-3	Refundable Economic Development Tax Credit	39094	R&R	04/13/2015	2015-4/12
R357-3	Refundable Economic Development Tax Credit	39528	NSC	08/17/2015	Not Printed
R357-4	Government Procurement Private Proposal Program	39529	NSC	08/17/2015	Not Printed
R357-5	Motion Picture Incentive Fund	39530	NSC	08/17/2015	Not Printed
R357-6	Technology and Life Science Economic Development and Related Tax Credits	39531	NSC	08/17/2015	Not Printed
R357-7	Utah Capital Investment Board	39532	NSC	08/17/2015	Not Printed
R357-8	Allocation of Private Activity Bond Volume Cap	39263	NEW	07/08/2015	2015-9/53
R357-9	Alternative Energy Development Tax Incentives	39533	NSC	08/17/2015	Not Printed
R357-10	Small Business Jobs Act or Utah New Market Tax Credit	39346	NEW	07/08/2015	2015-11/105
R357-11	Technology Commercialization and Innovation Program (TCIP)	38944	NEW	03/23/2015	2014-23/14
R357-11	Technology Commercialization and Innovation Program (TCIP)	39534	NSC	08/17/2015	Not Printed
R357-12	Fiscal Emergency Contingent Management of Federal Lands	38945	NEW	03/20/2015	2014-23/17

Energy Development (Office of)

R362-3	Energy Efficiency Fund	38931	AMD	01/07/2015	2014-22/24
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HEALTH

Administration

R380-40	Local Health Department Minimum Performance Standards	39173	5YR	03/06/2015	2015-7/74
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Center for Health Data, Health Care Statistics

R428-2	Health Data Authority Standards for Health Data	39405	AMD	07/30/2015	2015-11/112
R428-15	Health Data Authority Health Insurance Claims Reporting	39247	NSC	04/07/2015	Not Printed

<u>Child Care Center Licensing Committee</u>					
R381-60	Hourly Child Care Centers	39130	NEW	05/01/2015	2015-5/16
R381-70	Out of School Time Programs	39129	NEW	05/01/2015	2015-5/25
R381-100	Child Care Centers	39128	NEW	05/01/2015	2015-5/36
<u>Children's Health Insurance Program</u>					
R382-10	Eligibility	39102	AMD	04/01/2015	2015-4/15
<u>Disease Control and Prevention, Environmental Services</u>					
R392-600	Illegal Drug Operations Decontamination Standards	39159	EXD	02/26/2015	2015-6/49
R392-600	Illegal Drug Operations Decontamination Standards	39161	NEW	05/01/2015	2015-6/27
<u>Disease Control and Prevention, Epidemiology</u>					
R386-703	Injury Reporting Rule	39170	AMD	05/15/2015	2015-7/24
R386-800	Immunization Coordination	39108	5YR	02/05/2015	2015-5/111
<u>Disease Control and Prevention, Health Promotion</u>					
R384-300	Parkinson's Disease Reporting Rule	39052	NEW	03/12/2015	2015-3/24
<u>Disease Control and Prevention, Immunization</u>					
R396-100	Immunization Rule for Students	39171	NSC	03/24/2015	Not Printed
<u>Family Health and Preparedness, Child Care Licensing</u>					
R430-6	Background Screenings	39465	AMD	08/31/2015	2015-14/93
R430-60	Hourly Child Care Centers	39127	REP	05/01/2015	2015-5/56
R430-70	Out of School Time Child Care Programs	39126	REP	05/01/2015	2015-5/66
R430-100	Child Care Centers	39125	REP	05/01/2015	2015-5/76
<u>Family Health and Preparedness, Children with Special Health Care Needs</u>					
R398-1	Newborn Screening	39054	AMD	06/01/2015	2015-3/26
R398-3	Children's Hearing Aid Pilot Program	39451	AMD	08/21/2015	2015-14/68
R398-30	Children's Organ Transplants	39133	NEW	04/20/2015	2015-5/49
<u>Family Health and Preparedness, Emergency Medical Services</u>					
R426-2	Emergency Medical Services Provider Designations, Critical Incident Stress Management and Quality Assurance Reviews	39467	AMD	08/21/2015	2015-14/82
R426-8	Emergency Medical Services Ambulance Rates and Charges	39265	AMD	06/08/2015	2015-9/55
R426-9	Statewide Trauma System Standards	39468	AMD	08/21/2015	2015-14/87
<u>Family Health and Preparedness, Licensing</u>					
R432-2	General Licensing Provisions	39464	AMD	08/21/2015	2015-14/97
R432-2-6	Application	38982	AMD	02/06/2015	2014-24/33
R432-35	Background Screening -- Health Facilities	38954	AMD	01/27/2015	2014-23/23
R432-725	Personal Care Agency Rule	39232	AMD	06/02/2015	2015-7/27
<u>Family Health and Preparedness, Maternal and Child Health</u>					
R433-1	Very Low Birth Weight Infant Reporting	38802	NEW	02/12/2015	2014-18/20
R433-1	Very Low Birth Weight Infant Reporting	38802	CPR	02/12/2015	2015-1/50
<u>Family Health and Preparedness, Primary Care and Rural Health</u>					
R434-100	Physician Visa Waivers	39342	5YR	05/04/2015	2015-11/187
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-1-5	Incorporations by Reference	39040	AMD	03/02/2015	2015-2/90
R414-1-5	Incorporations by Reference	39248	AMD	06/01/2015	2015-8/8
R414-1B	Prohibition of Payment for Certain Abortion Services	39341	AMD	07/01/2015	2015-10/32
R414-6	Reduction in Certain Targeted Case Management Services	39087	REP	03/24/2015	2015-4/18
R414-10B	Children's Organ Transplants	39134	REP	04/20/2015	2015-5/51
R414-11	Podiatric Services	38952	AMD	01/13/2015	2014-23/22
R414-14A	Hospice Care	39142	AMD	04/07/2015	2015-5/53

RULES INDEX

R414-19A	Coverage for Dialysis Services by a Free-Standing State Licensed Dialysis Facility	39005	AMD	02/18/2015	2015-1/24
R414-19A	Coverage for Dialysis Services by a Free-Standing State Licensed Dialysis Facility	39264	5YR	04/07/2015	2015-9/84
R414-33D	Targeted Case Management for Individuals with Serious Mental Illness	39377	5YR	05/15/2015	2015-11/186
R414-38	Personal Care Service	39131	AMD	04/07/2015	2015-5/54
R414-40	Private Duty Nursing Service	39515	5YR	07/16/2015	2015-16/81
R414-52	Optometry Services	39356	AMD	07/16/2015	2015-11/110
R414-53	Eyeglasses Services	39357	AMD	07/16/2015	2015-11/111
R414-59	Audiology Services	39516	5YR	07/16/2015	2015-16/81
R414-302-8	Application for Other Possible Benefits	39483	AMD	09/01/2015	2015-14/76
R414-303-6	12-Month Transitional Medicaid	39413	AMD	08/01/2015	2015-12/15
R414-303-8	Foster Care, Former Foster Care Youth and Independent Foster Care Adolescents	39165	AMD	05/08/2015	2015-7/26
R414-304	Income and Budgeting	39484	AMD	09/01/2015	2015-14/77
R414-306-2	QMB, SLMB, and QI Benefits	39414	AMD	08/01/2015	2015-12/16
R414-307	Eligibility for Home and Community-Based Services Waivers	39310	AMD	07/01/2015	2015-10/33
R414-309	Medicare Drug Benefit Low-Income Subsidy Determination	39145	5YR	02/18/2015	2015-6/45
R414-310-7	Household Composition and Income Provisions	38984	AMD	02/01/2015	2014-24/32
R414-401-3	Assessment	39299	AMD	07/01/2015	2015-10/37
R414-506	Hospital Provider Assessments	39517	5YR	07/16/2015	2015-16/82
R414-507	Ground Ambulance Service Provider Assessments	39332	NEW	07/01/2015	2015-10/38

HERITAGE AND ARTS

Arts and Museums

R451-3	Capital Funds Request Prioritization	39096	EXD	01/28/2015	2015-4/41
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Library

R458-3	Capital Funds Request Prioritization	39097	EXD	01/28/2015	2015-4/41
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HUMAN RESOURCE MANAGEMENT

Administration

R477-1	Definitions	39324	AMD	07/01/2015	2015-10/39
R477-2	Administration	39315	AMD	07/01/2015	2015-10/44
R477-3-1	Job Classification Applicability	39316	AMD	07/01/2015	2015-10/47
R477-4	Filling Positions	39317	AMD	07/01/2015	2015-10/48
R477-6	Compensation	39318	AMD	07/01/2015	2015-10/51
R477-7	Leave	39319	AMD	07/01/2015	2015-10/56
R477-8-3	Lunch, Break and Exercise Release Periods	39320	AMD	07/01/2015	2015-10/64
R477-9-4	Political Activity	39321	NSC	05/11/2015	Not Printed
R477-15	Workplace Harassment Prevention	39322	AMD	07/01/2015	2015-10/65
R477-16	Abusive Conduct Prevention	39323	NEW	07/01/2015	2015-10/67

HUMAN SERVICES

Administration

R495-808	Fatality Review Act	39326	5YR	04/30/2015	2015-10/106
R495-820	Institutional Review Board	39270	NEW	06/18/2015	2015-9/57
R495-861	Requirements for Local Discretionary Social Services Block Grant Funds	39361	AMD	07/16/2015	2015-11/116
R495-878	Americans With Disabilities Act Grievance Procedures	39325	R&R	06/22/2015	2015-10/68
R495-878	Americans With Disabilities Act Grievance Procedures	39480	AMD	08/25/2015	2015-14/101
R495-883	Children in Care Support Services	39500	5YR	07/06/2015	2015-15/33
R495-890	Department of Human Services Conflict Investigation Procedure	39469	5YR	06/29/2015	2015-14/142

Administration, Administrative Hearings

R497-100	Adjudicative Proceedings	39521	5YR	07/20/2015	2015-16/82
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Administration, Administrative Services, Licensing

R501-1	General Provisions	39334	AMD	07/01/2015	2015-10/72
R501-4	Certified Local Inspectors	39333	REP	06/29/2015	2015-10/76
R501-12	Foster Care Services	39358	EMR	05/12/2015	2015-11/178
R501-19	Residential Treatment Programs	39258	5YR	04/01/2015	2015-8/34
R501-20	Day Treatment Programs	39259	5YR	04/01/2015	2015-8/35
R501-21	Outpatient Treatment Programs	39260	5YR	04/01/2015	2015-8/35
R501-22	Residential Support Programs	39257	5YR	04/01/2015	2015-8/36

Aging and Adult Services

R510-100	Funding Formulas	39272	AMD	06/30/2015	2015-9/62
R510-400	Home and Community Based Alternatives Program	39269	AMD	06/30/2015	2015-9/64

Child and Family Services

R512-1	Description of Division Services, Eligibility, and Service Access	39284	AMD	06/15/2015	2015-9/71
R512-11	Accommodation of Moral and Religious Beliefs and Culture	39535	5YR	07/22/2015	2015-16/83
R512-203	Child Protective Services, Significant Risk Assessments	39536	5YR	07/22/2015	2015-16/83
R512-300	Out-of-Home Services	39409	AMD	07/22/2015	2015-12/20
R512-308	Out-of-Home Services, Guardianship Services and Placements	39537	5YR	07/22/2015	2015-16/84

Child Protection Ombudsman (Office of)

R515-1	Processing Complaints Regarding the Utah Division of Child and Family Services	39478	5YR	06/30/2015	2015-14/143
--------	--	-------	-----	------------	-------------

Recovery Services

R527-254	Limitations on Collection of Arrears	39262	NEW	06/09/2015	2015-9/74
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Substance Abuse and Mental Health

R523-8	Evidence-Based Prevention Registry	38917	NEW	01/06/2015	2014-22/33
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INSURANCE

Administration

R590-130-7	Advertisements of Benefits Payable, Losses Covered or Premiums Payable	39029	NSC	01/15/2015	Not Printed
R590-140	Reference Filings of Rate Service Organization Prospective Loss Costs	39147	5YR	02/18/2015	2015-6/46
R590-142	Continuing Education Rule	38934	AMD	01/12/2015	2014-23/25
R590-162-3	Scope	39443	AMD	08/26/2015	2015-13/26
R590-164	Uniform Health Billing Rule	39174	5YR	03/10/2015	2015-7/74
R590-173	Credit For Reinsurance	39030	NSC	01/15/2015	Not Printed
R590-194	Coverage of Dietary Products for Inborn Errors of Amino Acid or Urea Cycle Metabolism	39038	NSC	01/15/2015	Not Printed
R590-198-5	General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves	39444	AMD	08/26/2015	2015-13/27
R590-198-5	General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves	39444	CPR	08/26/2015	2015-14/133
R590-199	Plan of Orderly Withdrawal Rule Relating to Health Benefit Plans	39398	5YR	05/15/2015	2015-11/187
R590-226-14	Responses	39031	NSC	01/15/2015	Not Printed
R590-231	Workers' Compensation Market of Last Resort	39313	5YR	04/29/2015	2015-10/106
R590-244	Individual and Agency Licensing Requirements	38935	AMD	01/12/2015	2014-23/31
R590-256	Health Benefit Plan Internet Portal Solvency Rating	39175	5YR	03/10/2015	2015-7/75
R590-271	Data Reporting for Consumer Quality Comparison	39103	NEW	06/22/2015	2015-4/19
R590-271	Data Reporting for Consumer Quality Comparison	39103	CPR	06/22/2015	2015-10/98

Title and Escrow Commission

R592-6	Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business	39412	AMD	08/11/2015	2015-12/23
--------	--	-------	-----	------------	------------

RULES INDEX

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JUDICIAL CONDUCT COMMISSION

Administration

R595-1	General Provisions	39048	5YR	01/02/2015	2015-3/71
R595-2	Administration	39049	5YR	01/02/2015	2015-3/72
R595-3	Procedure	39050	5YR	01/02/2015	2015-3/72
R595-4	Sanctions	39051	5YR	01/02/2015	2015-3/73

JUDICIAL PERFORMANCE EVALUATION COMMISSION

Administration

R597-2	Administration of the Commission	39268	5YR	04/13/2015	2015-9/85
R597-3-2	Survey	39244	AMD	05/27/2015	2015-8/13
R597-3-3	Courtroom Observation	39243	AMD	05/27/2015	2015-8/15

LABOR COMMISSION

Adjudication

R602-2-4	Attorney Fees	39380	AMD	07/08/2015	2015-11/117
----------	---------------	-------	-----	------------	-------------

Antidiscrimination and Labor, Antidiscrimination

R606-6	Regulation of Practice and Procedure on Employer Reports and Records	39245	5YR	03/30/2015	2015-8/36
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Boiler and Elevator Safety

R616-3-3	Safety Codes for Elevators	39296	AMD	06/22/2015	2015-10/86
R616-4	Coal Mine Safety	39138	5YR	02/12/2015	2015-5/112

Occupational Safety and Health

R614-1-7	Inspections, Citations, and Proposed Penalties	39381	AMD	07/08/2015	2015-11/119
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LIEUTENANT GOVERNOR

Elections

R623-1-4	Registration/License Application Procedure	39457	AMD	08/24/2015	2015-14/103
----------	--	-------	-----	------------	-------------

MONEY MANAGEMENT COUNCIL

Administration

R628-15	Certification as an Investment Adviser	39347	EXD	05/06/2015	2015-11/191
R628-15	Certification as an Investment Adviser	39348	EMR	05/06/2015	2015-11/180
R628-15	Certification as an Investment Adviser	39396	NEW	07/13/2015	2015-11/126

NATURAL RESOURCES

Forestry, Fire and State Lands

R652-70	Sovereign Lands	39314	AMD	07/06/2015	2015-10/88
R652-160	Department of Natural Resources Wilderness Rules	38942	NEW	01/27/2015	2014-23/36

Oil, Gas and Mining: Oil and Gas

R649-3	Drilling and Operating Practices	39028	AMD	02/26/2015	2015-2/95
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Parks and Recreation

R651-101	Adjudicative Proceedings	39139	5YR	02/12/2015	2015-5/112
R651-207	Registration Fee	39006	AMD	02/11/2015	2015-1/25
R651-214	Temporary Registration	38970	AMD	01/22/2015	2014-24/34
R651-223	Vessel Accident Reporting	39090	5YR	01/23/2015	2015-4/38
R651-409	Minimum Amounts of Liability Insurance Coverage for an Organized Practice or Sanctioned Race	39140	5YR	02/12/2015	2015-5/113
R651-412	Curriculum Standards for OHV Education Programs Offered by Non-Division Entities	39088	5YR	01/22/2015	2015-4/38
R651-602	Aircraft and Powerless Flight	39497	AMD	08/28/2015	2015-14/105
R651-634	Nonresident OHV User Permits and Fees	39089	5YR	01/22/2015	2015-4/39

R651-635	Commercial Use of Division Managed Park Areas	39141	5YR	02/12/2015	2015-5/113
<u>Water Rights</u>					
R655-14	Administrative Procedures for enforcement Proceedings Before the Division of Water Rights	39153	5YR	02/24/2015	2015-6/47
R655-16	Administrative Procedures for Declaring Beneficial Use Limitations for Supplemental Water Rights	39152	5YR	02/24/2015	2015-6/47
<u>Wildlife Resources</u>					
R657-3	Collection, Importation, Transportation, and Possession of Animals	39217	AMD	05/08/2015	2015-7/29
R657-5	Taking Big Game	38996	AMD	02/09/2015	2015-1/26
R657-5	Taking Big Game	39062	AMD	03/16/2015	2015-3/30
R657-6	Taking Upland Game	39431	5YR	06/08/2015	2015-13/63
R657-9	Taking Waterfowl, Common Snipe and Coot	39435	AMD	08/07/2015	2015-13/29
R657-11	Taking Furbearers	39509	5YR	07/13/2015	2015-15/34
R657-15	Closure of Gunnison, Cub and Hat Islands	39162	5YR	03/03/2015	2015-7/75
R657-19	Taking Nongame Mammals	39215	AMD	05/08/2015	2015-7/33
R657-21	Cooperative Wildlife Management Units for Small Game and Waterfowl	39163	5YR	03/03/2015	2015-7/76
R657-24	Compensation for Mountain Lion, Bear, Wolf or Eagle Damage	39559	5YR	08/03/2015	2015-17/105
R657-33	Taking Bear	39063	AMD	03/16/2015	2015-3/31
R657-38	Dedicated Hunter Program	39064	AMD	03/16/2015	2015-3/39
R657-41	Conservation and Sportsman Permits	39065	AMD	03/16/2015	2015-3/40
R657-41	Conservation and Sportsman Permits	39362	AMD	07/09/2015	2015-11/129
R657-42	Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents	39066	AMD	03/16/2015	2015-3/42
R657-43	Landowner Permits	38995	AMD	02/09/2015	2015-1/33
R657-55	Wildlife Convention Permits	39067	AMD	03/16/2015	2015-3/43
R657-55	Wildlife Expo Permits	39345	5YR	05/05/2015	2015-11/188
R657-57	Division Variance Rule	39068	AMD	03/16/2015	2015-3/48
R657-59	Private Fish Ponds	39069	AMD	03/16/2015	2015-3/50
R657-62	Drawing Application Procedures	39070	AMD	03/16/2015	2015-3/52
R657-65	Urban Deer Control	39434	AMD	08/07/2015	2015-13/33
R657-68	Trial Hunting Authorization	39071	AMD	03/16/2015	2015-3/54
R657-69	Turkey Depredation	38949	AMD	01/08/2015	2014-23/39
R657-70	Taking Utah Prairie Dogs	39216	NEW	05/08/2015	2015-7/36
R657-70	Taking Utah Prairie Dogs	39436	AMD	08/07/2015	2015-13/36

PARDONS (BOARD OF)

Administration

R671-201	Original Parole Grant Hearing Schedule and Notice	39093	AMD	03/24/2015	2015-4/20
R671-204	Hearing Continuances	39544	EMR	07/27/2015	2015-16/77
R671-205	Credit for Time Served	39420	AMD	08/11/2015	2015-13/43
R671-205	Credit for Time Served	39547	NSC	08/17/2015	Not Printed
R671-303-1	Information Received, Maintained or Used by the Board	39107	AMD	04/07/2015	2015-5/90
R671-305-1	Board Decisions and Orders	39137	AMD	04/07/2015	2015-5/91

PROFESSIONAL PRACTICES ADVISORY COMMISSION

Administration

R686-100	Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions	39389	REP	07/08/2015	2015-11/134
R686-100-7	Default Procedures	39221	AMD	05/08/2015	2015-7/42
R686-101	UPPAC Hearing Procedures and Reports	39390	REP	07/08/2015	2015-11/139
R686-101-14	Default	39222	AMD	05/08/2015	2015-7/43
R686-102	Request for Licensure Reinstatement and Reinstatement Procedures	39391	REP	07/08/2015	2015-11/146

RULES INDEX

R686-103	Utah Professional Practices Advisory Commission Review of Licensure Due to Background Check Offenses	39392	REP	07/08/2015	2015-11/149
R686-104	Alcohol Related Offenses	39393	REP	07/08/2015	2015-11/152
R686-105	Drug Related Offenses	39394	REP	07/08/2015	2015-11/153

PUBLIC SAFETY

Administration

R698-6	Honoring Heroes Restricted Account	39549	5YR	07/29/2015	2015-16/84
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Criminal Investigations and Technical Services, 911 Committee (Utah)

R720-1 (Changed to R173-1)	Utah 911 Committee	39022	AMD	05/06/2015	2015-2/98
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Criminal Investigations and Technical Services, Criminal Identification

R722-300	Concealed Firearm Permit and Instructor Rule	39359	5YR	05/12/2015	2015-11/188
R722-310	Regulation of Bail Bond Recovery and Enforcement Agents	39057	5YR	01/07/2015	2015-3/73
R722-330	Licensing of Private Investigators	38947	AMD	01/07/2015	2014-23/40
R722-330	Licensing of Private Investigators	39058	5YR	01/07/2015	2015-3/74
R722-330	Licensing of Private Investigators	39410	AMD	07/22/2015	2015-12/27
R722-370	Firearm Safety Program	39019	NEW	02/24/2015	2015-2/100
R722-380	Firearm Background Check Information	39091	NEW	03/24/2015	2015-4/22
R722-380	Firearm Background Check Information	39411	AMD	07/22/2015	2015-12/31

Driver License

R708-7	Functional Ability in Driving: Guidelines for Physicians	39072	AMD	03/10/2015	2015-3/55
R708-14	Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs	39236	AMD	05/26/2015	2015-8/17
R708-32	Uninsured Motorist Identification Database	39179	5YR	03/10/2015	2015-7/77
R708-36	Disclosure of Personal Identifying Information in MVRs	39178	5YR	03/10/2015	2015-7/77
R708-37	Certification of Licensed Instructors of Commercial Driver Training Schools or Testing Only Schools to Administer Driving Skills Tests	39180	5YR	03/10/2015	2015-7/78
R708-40	Driving Simulators	39181	5YR	03/10/2015	2015-7/78
R708-41	Requirements for Acceptable Documentation, Storage and Maintenance	39182	5YR	03/10/2015	2015-7/79
R708-50	Vehicle Impound Fee Reimbursement	39003	NEW	02/09/2015	2015-1/38
R708-51	Mobility Vehicle Permit	39043	NEW	02/25/2015	2015-2/97

Peace Officer Standards and Training

R728-506	Canine Body Armor Restricted Account	38983	NEW	01/26/2015	2014-24/36
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PUBLIC SERVICE COMMISSION

Administration

R746-100-3	Pleadings	39234	AMD	05/27/2015	2015-8/19
R746-100-11	Decisions and Orders	39235	AMD	05/27/2015	2015-8/21
R746-200-7	Termination of Service	39246	AMD	05/27/2015	2015-8/22
R746-312	Electrical Interconnection	39311	5YR	04/29/2015	2015-10/107
R746-341-5	Duties of ETCs	38936	AMD	01/07/2015	2014-23/43
R746-360	Universal Public Telecommunications Service Support Fund	39367	AMD	07/08/2015	2015-11/155
R746-510	Funding for Speech and Hearing Impaired Certified Interpreter Training	39568	5YR	08/11/2015	2015-17/105

REGENTS (BOARD OF)

Administration

R765-571	Delegation of Purchasing Authority	39010	NEW	04/28/2015	2015-1/39
R765-609	Regents' Scholarship	39157	5YR	02/25/2015	2015-6/48
R765-611	Veterans Tuition Gap Program	39023	NEW	02/25/2015	2015-2/101
R765-649	Utah Higher Education Assistance Authority (UHEAA) Privacy Policy	39605	5YR	08/18/2015	Not Printed

University of Utah, Commuter Services

R810-1	University of Utah Parking Regulations	39224	AMD	05/19/2015	2015-7/44
R810-2	Parking Meters	39225	AMD	05/19/2015	2015-7/46
R810-5	Permit Types, Eligibility and Designated Parking Areas	39226	AMD	05/19/2015	2015-7/47
R810-6	Permit Prices and Refunds	39227	AMD	05/19/2015	2015-7/48
R810-8	Vendor Regulations	39228	AMD	05/19/2015	2015-7/49
R810-9	Contractors and Their Employees	39229	AMD	05/19/2015	2015-7/50
R810-10	Enforcement System	39230	AMD	05/19/2015	2015-7/50
R810-11	Appeals System	39231	AMD	05/19/2015	2015-7/51

SCHOOL AND INSTITUTIONAL TRUST FUND BOARD OF TRUSTEES

Administration

R849-1	Appeal Rule	39143	NEW	04/15/2015	2015-5/92
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SCHOOL AND INSTITUTIONAL TRUST LANDS

Administration

R850-1-200	Definitions	39430	AMD	08/11/2015	2015-13/46
R850-21	Oil, Gas and Hydrocarbon Resources	39250	5YR	04/01/2015	2015-8/37
R850-22	Bituminous-Asphaltic Sands and Oil Shale Resources	39251	5YR	04/01/2015	2015-8/37
R850-23	Sand, Gravel and Cinders Permits	39252	5YR	04/01/2015	2015-8/38
R850-24	General Provisions: Mineral and Material Resources, Mineral Leases and Material Permits	39253	5YR	04/01/2015	2015-8/38
R850-25	Mineral Leases and Materials Permits	39254	5YR	04/01/2015	2015-8/39
R850-26	Coal Leases	39255	5YR	04/01/2015	2015-8/39
R850-27	Geothermal Steam	39256	5YR	04/01/2015	2015-8/40
R850-50	Range Management	39429	AMD	08/11/2015	2015-13/48
R850-90	Land Exchanges	39295	NSC	05/11/2015	Not Printed
R850-150	Rare Plant Species	39309	NEW	06/22/2015	2015-10/92

TAX COMMISSION

Auditing

R865-4D-21	Consistent Basis for Diesel Fuel Reporting Pursuant to Utah Code Ann. Sections 59-13-301 and 59-13-307	39437	AMD	08/27/2015	2015-13/50
R865-6F-28	Enterprise Zone Corporate Franchise Tax Credits Pursuant to Utah Code Ann. Sections 63M-1-401 through 63M-1-416	39425	NSC	06/24/2015	Not Printed
R865-9I-37	Enterprise Zone Individual Income Tax Credits Pursuant to Utah Code Ann. Sections 63M-1-401 through 63M-1-414	39426	NSC	06/24/2015	Not Printed
R865-20T-10	Procedures for the Revocation, Renewal, and Reinstatement of Licenses Issued Pursuant to Utah Code Ann. Sections 59-14-202, 59-14-203.5, and 59-14-301.5	39438	AMD	08/27/2015	2015-13/51
R865-21U	Use Tax	39564	5YR	08/06/2015	2015-17/106

Collections

R867-2B	Delinquent Tax Collection	39565	5YR	08/06/2015	2015-17/106
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TECHNOLOGY SERVICES

Administration

R895-6	IT Plan Submission Rule for Agencies	39026	AMD	05/05/2015	2015-2/104
R895-14	Access to Information Technology for Users with Disabilities	39427	NEW	08/07/2015	2015-13/52

TRANSPORTATION

Motor Carrier

R909-1	Safety Regulations for Motor Carriers	39172	EMR	03/06/2015	2015-7/53
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RULES INDEX

R909-1	Safety Regulations for Motor Carriers	39479	AMD	08/24/2015	2015-14/106
<u>Operations, Construction</u>					
R916-3	DESIGN-BUILD Contracts	39100	AMD	03/27/2015	2015-4/23
R916-4	Construction Manager/General Contractor Contracts	39183	EXT	03/10/2015	2015-7/81
R916-4	Construction Manager/General Contractor Contracts	39101	AMD	03/27/2015	2015-4/26
R916-4	Construction Manager/General Contractor Contracts	39506	5YR	07/09/2015	2015-15/34
R916-6	Drug and Alcohol Testing in State Construction Contracts	39458	5YR	06/22/2015	2015-14/144
R916-6	Drug and Alcohol Testing in State Construction Contracts	39455	NSC	07/13/2015	Not Printed
<u>Operations, Maintenance</u>					
R918-7	Highway Sponsorship Programs	39004	NEW	02/20/2015	2015-1/42
R918-7	Highway Sponsorship Programs	39150	AMD	04/23/2015	2015-6/36
<u>Operations, Traffic and Safety</u>					
R920-1	Utah Manual on Uniform Traffic Control Devices	39481	AMD	08/24/2015	2015-14/108
R920-2	Rural Conventional Road Definition	39495	NEW	08/24/2015	2015-14/109
R920-4	Special Road Use or Event	39095	EMR	01/29/2015	2015-4/33
R920-8	Flashing Light Usage on Highway Construction or Maintenance Vehicles	39433	NEW	08/07/2015	2015-13/54
<u>Preconstruction</u>					
R930-8	Utility Relocations Required by Highway Projects	39297	NEW	08/24/2015	2015-10/93
R930-8	Utility Relocations Required by Highway Projects	39297	CPR	08/24/2015	2015-14/135
<u>Program Development</u>					
R926-8	Guidelines for Partnering with Local Governments	39504	5YR	07/07/2015	2015-15/35
R926-8	Guidelines for Partnering with Local Governments	39505	NSC	07/30/2015	Not Printed
R926-13	Designated Scenic Byways	39448	5YR	06/16/2015	2015-14/144
R926-14	Utah Scenic Byway Program Administration; Scenic Byways Designation, De-designation, and Segmentation Processes	39449	5YR	06/16/2015	2015-14/145
WORKFORCE SERVICES					
<u>Administration</u>					
R982-402-8	Eligible HEAT Household	39441	AMD	08/11/2015	2015-13/56
R982-700	Employment Opportunities Website	38938	NEW	01/29/2015	2014-23/44
<u>Employment Development</u>					
R986-100-113	A Client Must Inform the Department of All Material Changes	39261	AMD	07/01/2015	2015-8/27
R986-200	Family Employment Program	39439	AMD	09/01/2015	2015-13/57
R986-700	Child Care Assistance	39098	AMD	05/01/2015	2015-4/28
R986-700	Child Care Assistance	39395	AMD	09/01/2015	2015-11/159
R986-700	Child Care Assistance	39496	AMD	09/01/2015	2015-14/110
R986-700-719	Job Search Child Care (JS CC)	38953	AMD	02/01/2015	2014-23/45
R986-700-775	High Quality School Readiness Grant Program	38939	AMD	01/29/2015	2014-23/46
<u>Housing and Community Development</u>					
R990-8	Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance	39085	AMD	03/10/2015	2015-3/58
<u>Unemployment Insurance</u>					
R994-204	Covered Employment	39239	5YR	03/25/2015	2015-8/40
R994-205	Exempt Employment	39240	5YR	03/25/2015	2015-8/41

R994-206	Agricultural Labor	39241	5YR	03/25/2015	2015-8/41
R994-207	Unemployment	39577	5YR	08/13/2015	2015-17/107
R994-304	Special Provisions Regarding Transfers of Unemployment Experience and Assigning Rates	39242	5YR	03/25/2015	2015-8/42
R994-312-103	Confidentiality of Records	39440	AMD	08/11/2015	2015-13/59

## RULES INDEX - BY KEYWORD (SUBJECT)

### ABBREVIATIONS

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>abortion</u> Health, Health Care Financing, Coverage and Reimbursement Policy	39341	R414-1B	AMD	07/01/2015	2015-10/32
<u>abrasive blasting</u> Environmental Quality, Air Quality	39116 39119	R307-206 R307-306	5YR 5YR	02/05/2015 02/05/2015	2015-5/105 2015-5/107
<u>abusive conduct</u> Human Resource Management, Administration	39323	R477-16	NEW	07/01/2015	2015-10/67
<u>acceptable documents</u> Public Safety, Driver License	39182	R708-41	5YR	03/10/2015	2015-7/79
<u>access</u> Environmental Quality, Drinking Water	39194	R309-545	5YR	03/13/2015	2015-7/70
<u>accessibility guidelines</u> Technology Services, Administration	39427	R895-14	NEW	08/07/2015	2015-13/52
<u>accidents</u> Natural Resources, Parks and Recreation	39090	R651-223	5YR	01/23/2015	2015-4/38
<u>accountants</u> Commerce, Occupational and Professional Licensing	39055	R156-26a-501	AMD	04/02/2015	2015-3/7
<u>accreditation</u> Education, Administration	39485 39490	R277-410 R277-410	5YR AMD	07/01/2015 08/26/2015	2015-14/140 2015-14/43
<u>acupuncture</u> Commerce, Occupational and Professional Licensing	39343	R156-72-102	AMD	07/09/2015	2015-11/28
<u>adjudicative proceedings</u> Commerce, Administration	39144 39034	R151-4-109 R151-14-3	AMD AMD	04/10/2015 02/24/2015	2015-5/9 2015-2/49
Environmental Quality, Drinking Water	39199	R309-115	5YR	03/13/2015	2015-7/59
Environmental Quality, Environmental Response and Remediation	39146	R311-500	5YR	02/18/2015	2015-6/45
Environmental Quality, Radiation Control	38770	R313-17-4	AMD	02/17/2015	2014-17/95

RULES INDEX

	38770	R313-17-4	CPR	02/17/2015	2014-24/40
Public Safety, Driver License	39236	R708-14	AMD	05/26/2015	2015-8/17
School and Institutional Trust Fund Board of Trustees, Administration	39143	R849-1	NEW	04/15/2015	2015-5/92
<u>administrative penalties</u>					
Natural Resources, Water Rights	39153	R655-14	5YR	02/24/2015	2015-6/47
<u>administrative procedures</u>					
Agriculture and Food, Administration	39633	R51-1	EXD	09/01/2015	Not Printed
Agriculture and Food, Animal Industry	39602	R58-15	5YR	08/13/2015	2015-17/97
Commerce, Administration	39144	R151-4-109	AMD	04/10/2015	2015-5/9
Environmental Quality, Air Quality	39109	R307-103	5YR	02/05/2015	2015-5/101
Environmental Quality, Drinking Water	39196	R309-100	5YR	03/13/2015	2015-7/57
	39206	R309-300	5YR	03/13/2015	2015-7/63
Environmental Quality, Radiation Control	38770	R313-17-4	AMD	02/17/2015	2014-17/95
	38770	R313-17-4	CPR	02/17/2015	2014-24/40
Human Resource Management, Administration	39316	R477-3-1	AMD	07/01/2015	2015-10/47
	39322	R477-15	AMD	07/01/2015	2015-10/65
	39323	R477-16	NEW	07/01/2015	2015-10/67
Human Services, Administration, Administrative Hearings	39521	R497-100	5YR	07/20/2015	2015-16/82
Labor Commission, Adjudication	39380	R602-2-4	AMD	07/08/2015	2015-11/117
Natural Resources, Forestry, Fire and State Lands	39314	R652-70	AMD	07/06/2015	2015-10/88
Natural Resources, Parks and Recreation	39139	R651-101	5YR	02/12/2015	2015-5/112
Public Safety, Driver License	39072	R708-7	AMD	03/10/2015	2015-3/55
School and Institutional Trust Lands, Administration	39430	R850-1-200	AMD	08/11/2015	2015-13/46
	39250	R850-21	5YR	04/01/2015	2015-8/37
	39251	R850-22	5YR	04/01/2015	2015-8/37
	39254	R850-25	5YR	04/01/2015	2015-8/39
	39255	R850-26	5YR	04/01/2015	2015-8/39
	39256	R850-27	5YR	04/01/2015	2015-8/40
	39429	R850-50	AMD	08/11/2015	2015-13/48
	39295	R850-90	NSC	05/11/2015	Not Printed
<u>administrative proceedings</u>					
Commerce, Real Estate	38971	R162-2e-401	AMD	01/28/2015	2014-24/26
Environmental Quality, Air Quality	39109	R307-103	5YR	02/05/2015	2015-5/101
Environmental Quality, Drinking Water	39199	R309-115	5YR	03/13/2015	2015-7/59
Environmental Quality, Environmental Response and Remediation	39146	R311-500	5YR	02/18/2015	2015-6/45
<u>administrative responsibility</u>					
Human Resource Management, Administration	39315	R477-2	AMD	07/01/2015	2015-10/44
<u>advertising</u>					
Commerce, Consumer Protection	39282	R152-39	5YR	04/15/2015	2015-9/83
<u>air pollution</u>					
Environmental Quality, Air Quality	39109	R307-103	5YR	02/05/2015	2015-5/101
	39167	R307-110-17	AMD	06/04/2015	2015-7/14
	39166	R307-110-28	AMD	06/04/2015	2015-7/15
	38998	R307-120	AMD	03/05/2015	2015-1/17
	39110	R307-165	5YR	02/05/2015	2015-5/102
	39111	R307-201	5YR	02/05/2015	2015-5/103
	39113	R307-202	5YR	02/05/2015	2015-5/103
	39112	R307-203	5YR	02/05/2015	2015-5/104
	39115	R307-205	5YR	02/05/2015	2015-5/105
	39116	R307-206	5YR	02/05/2015	2015-5/105
	39168	R307-210	AMD	06/04/2015	2015-7/17
	39169	R307-214	AMD	06/04/2015	2015-7/19
	38842	R307-302	AMD	02/04/2015	2014-19/44
	38842	R307-302	CPR	02/04/2015	2015-1/48
	39349	R307-302	5YR	05/06/2015	2015-11/185
	39118	R307-305	5YR	02/05/2015	2015-5/107
	39119	R307-306	5YR	02/05/2015	2015-5/107
	39120	R307-307	5YR	02/05/2015	2015-5/108

	39121	R307-309	5YR	02/05/2015	2015-5/108
	39122	R307-310	5YR	02/05/2015	2015-5/109
	38997	R307-311	NEW	03/05/2015	2015-1/22
	38901	R307-401-19	AMD	02/05/2015	2014-21/16
<u>air quality</u>					
Environmental Quality, Air Quality	39114	R307-204	5YR	02/05/2015	2015-5/104
<u>air travel</u>					
Administrative Services, Finance	39301	R25-7	AMD	06/22/2015	2015-10/6
	39160	R25-25-7	AMD	04/21/2015	2015-6/10
<u>alcohol</u>					
Education, Administration	39387	R277-205	NEW	07/08/2015	2015-11/52
<u>alcoholic beverages</u>					
Alcoholic Beverage Control, Administration	39156	R81-1-3	AMD	04/28/2015	2015-6/16
	39158	R81-1-6	AMD	04/28/2015	2015-6/18
	39329	R81-1-26	AMD	06/24/2015	2015-10/17
	39154	R81-2-1	AMD	04/28/2015	2015-6/22
	39476	R81-2-8	AMD	08/25/2015	2015-14/13
	39330	R81-2-9	AMD	06/24/2015	2015-10/20
	39417	R81-3-1	AMD	07/28/2015	2015-12/12
	39155	R81-3-5	AMD	04/28/2015	2015-6/23
	39418	R81-3-14	AMD	07/28/2015	2015-12/14
	39331	R81-3-19	AMD	06/24/2015	2015-10/21
	39059	R81-4E	5YR	01/08/2015	2015-3/69
<u>allocation</u>					
Governor, Economic Development	39263	R357-8	NEW	07/08/2015	2015-9/53
<u>alternative energy</u>					
Governor, Economic Development	39533	R357-9	NSC	08/17/2015	Not Printed
<u>alternative onsite wastewater systems</u>					
Environmental Quality, Water Quality	39106	R317-4	5YR	02/03/2015	2015-5/111
<u>animal protection</u>					
Natural Resources, Wildlife Resources	39217	R657-3	AMD	05/08/2015	2015-7/29
<u>appeals</u>					
Education, Administration	39385	R277-203	NEW	07/08/2015	2015-11/47
Professional Practices Advisory Commission, Administration	39392	R686-103	REP	07/08/2015	2015-11/149
School and Institutional Trust Fund Board of Trustees, Administration	39143	R849-1	NEW	04/15/2015	2015-5/92
<u>application procedures</u>					
Commerce, Real Estate	39575	R162-2a	5YR	08/13/2015	2015-17/100
	39576	R162-2a	NSC	08/28/2015	Not Printed
<u>appraisal management company</u>					
Commerce, Real Estate	39291	R162-2e	5YR	04/17/2015	2015-10/102
	38971	R162-2e-401	AMD	01/28/2015	2014-24/26
<u>approval orders</u>					
Environmental Quality, Air Quality	38901	R307-401-19	AMD	02/05/2015	2014-21/16
<u>aquaculture</u>					
Agriculture and Food, Animal Industry	39074	R58-17	5YR	01/13/2015	2015-3/68
Natural Resources, Wildlife Resources	39069	R657-59	AMD	03/16/2015	2015-3/50
<u>architects</u>					
Administrative Services, Facilities Construction and Management	39061	R23-2	REP	03/16/2015	2015-3/4

RULES INDEX

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armored car company

Commerce, Occupational and Professional Licensing 39294 R156-63b AMD 06/22/2015 2015-10/24  
 39369 R156-63b AMD 07/23/2015 2015-11/25

armored car security officers

Commerce, Occupational and Professional Licensing 39294 R156-63b AMD 06/22/2015 2015-10/24  
 39369 R156-63b AMD 07/23/2015 2015-11/25

arrears

Human Services, Recovery Services 39262 R527-254 NEW 06/09/2015 2015-9/74

art

Capitol Preservation Board (State), Administration 39266 R131-9 EXD 04/08/2015 2015-9/87

arts

Education, Administration 39578 R277-444 5YR 08/13/2015 2015-17/101

arts program

Education, Administration 39376 R277-490 AMD 07/08/2015 2015-11/72

assessment

Education, Administration 39340 R277-404 AMD 06/23/2015 2015-10/28

assignments

Education, Administration 39371 R277-520 5YR 05/15/2015 2015-11/185  
 39379 R277-520 AMD 07/08/2015 2015-11/80

attorney general

Attorney General, Administration 39032 R105-1 AMD 03/26/2015 2015-2/34  
 39099 R105-1 AMD 03/26/2015 2015-4/4  
 39363 R105-1 EMR 05/12/2015 2015-11/171  
 39364 R105-1 AMD 07/13/2015 2015-11/13  
 39445 R105-3 NEW 08/10/2015 2015-13/17

audiology

Health, Health Care Financing, Coverage and Reimbursement Policy 39516 R414-59 5YR 07/16/2015 2015-16/81

automobiles

Commerce, Administration 39034 R151-14-3 AMD 02/24/2015 2015-2/49

backflow assembly tester

Environmental Quality, Drinking Water 39207 R309-305 5YR 03/13/2015 2015-7/63

background check

Education, Administration 39386 R277-204 NEW 07/08/2015 2015-11/50  
 39387 R277-205 NEW 07/08/2015 2015-11/52

background checks

Education, Administration 39388 R277-206 NEW 07/08/2015 2015-11/53

background review

Education, Administration 39386 R277-204 NEW 07/08/2015 2015-11/50

background screening

Health, Family Health and Preparedness, Licensing 38954 R432-35 AMD 01/27/2015 2014-23/23

background screenings

Health, Family Health and Preparedness, Child Care Licensing 39465 R430-6 AMD 08/31/2015 2015-14/93

bail bond recovery licenses

Public Safety, Criminal Investigations and Technical Services, Criminal Identification 39057 R722-310 5YR 01/07/2015 2015-3/73

beam limitation

Environmental Quality, Radiation Control 39016 R313-28-31 AMD 03/24/2015 2015-2/85

<u>bear</u>						
Natural Resources, Wildlife Resources	39063	R657-33	AMD	03/16/2015	2015-3/31	
<u>beekeeping</u>						
Agriculture and Food, Plant Industry	39237	R68-1	5YR	03/24/2015	2015-8/33	
	39612	R68-1	5YR	08/24/2015	Not Printed	
<u>beneficial use</u>						
Natural Resources, Water Rights	39152	R655-16	5YR	02/24/2015	2015-6/47	
<u>bicycles</u>						
Transportation, Operations, Traffic and Safety	39095	R920-4	EMR	01/29/2015	2015-4/33	
<u>big game seasons</u>						
Natural Resources, Wildlife Resources	38996	R657-5	AMD	02/09/2015	2015-1/26	
	39062	R657-5	AMD	03/16/2015	2015-3/30	
	38995	R657-43	AMD	02/09/2015	2015-1/33	
<u>birds</u>						
Natural Resources, Wildlife Resources	39431	R657-6	5YR	06/08/2015	2015-13/63	
	39435	R657-9	AMD	08/07/2015	2015-13/29	
	39162	R657-15	5YR	03/03/2015	2015-7/75	
<u>bituminous-asphaltic sands</u>						
School and Institutional Trust Lands, Administration	39251	R850-22	5YR	04/01/2015	2015-8/37	
<u>Board of Education</u>						
Education, Administration	39488	R277-99	NEW	08/26/2015	2015-14/40	
<u>boating</u>						
Natural Resources, Parks and Recreation	39006	R651-207	AMD	02/11/2015	2015-1/25	
	38970	R651-214	AMD	01/22/2015	2014-24/34	
	39090	R651-223	5YR	01/23/2015	2015-4/38	
<u>breaks</u>						
Human Resource Management, Administration	39320	R477-8-3	AMD	07/01/2015	2015-10/64	
<u>broad scope</u>						
Environmental Quality, Radiation Control	39279	R313-22	AMD	08/26/2015	2015-9/40	
	39279	R313-22	CPR	08/26/2015	2015-14/124	
<u>budgeting</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39484	R414-304	AMD	09/01/2015	2015-14/77	
<u>bulls</u>						
Agriculture and Food, Animal Industry	39086	R58-21	5YR	01/21/2015	2015-4/37	
<u>buyer beware list</u>						
Commerce, Consumer Protection	39273	R152-1	AMD	06/08/2015	2015-9/5	
<u>byproduct materials</u>						
Environmental Quality, Radiation Control	39149	R313-24-1	NSC	03/06/2015	Not Printed	
<u>camp resort</u>						
Commerce, Real Estate	39292	R162-57a	5YR	04/21/2015	2015-10/103	
<u>Canine Body Armor Restricted Account</u>						
Public Safety, Peace Officer Standards and Training	38983	R728-506	NEW	01/26/2015	2014-24/36	
<u>capacity development</u>						
Environmental Quality, Drinking Water	39212	R309-800	5YR	03/13/2015	2015-7/73	
<u>capital facilities</u>						
Heritage and Arts, Arts and Museums	39096	R451-3	EXD	01/28/2015	2015-4/41	
Heritage and Arts, Library	39097	R458-3	EXD	01/28/2015	2015-4/41	

RULES INDEX

---

<u>capital investments</u>						
Governor, Economic Development	39532	R357-7	NSC	08/17/2015	Not Printed	
<u>capital punishment</u>						
Pardons (Board Of), Administration	39547	R671-205	NSC	08/17/2015	Not Printed	
<u>case management</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39087	R414-6	REP	03/24/2015	2015-4/18	
<u>cash management</u>						
Money Management Council, Administration	39347	R628-15	EXD	05/06/2015	2015-11/191	
	39348	R628-15	EMR	05/06/2015	2015-11/180	
	39396	R628-15	NEW	07/13/2015	2015-11/126	
<u>cattle</u>						
Agriculture and Food, Animal Industry	39086	R58-21	5YR	01/21/2015	2015-4/37	
<u>certificate of registration</u>						
Natural Resources, Wildlife Resources	39434	R657-65	AMD	08/07/2015	2015-13/33	
<u>certification</u>						
Education, Rehabilitation	38930	R280-203	AMD	01/02/2015	2014-22/22	
Labor Commission, Boiler and Elevator Safety	39296	R616-3-3	AMD	06/22/2015	2015-10/86	
<u>certified foster care</u>						
Human Services, Administration, Administrative Services, Licensing	39358	R501-12	EMR	05/12/2015	2015-11/178	
<u>certified local inspector</u>						
Human Services, Administration, Administrative Services, Licensing	39333	R501-4	REP	06/29/2015	2015-10/76	
<u>certified nurse midwife</u>						
Commerce, Occupational and Professional Licensing	39176	R156-44a-609	AMD	05/11/2015	2015-7/2	
<u>change orders</u>						
Administrative Services, Purchasing and General Services	38977	R33-12	AMD	01/28/2015	2014-24/9	
<u>character education</u>						
Education, Administration	39338	R277-475	5YR	05/01/2015	2015-10/105	
	39288	R277-475	AMD	06/08/2015	2015-9/16	
<u>chemical testing</u>						
Agriculture and Food, Chemistry Laboratory	39611	R63-1	5YR	08/24/2015	Not Printed	
<u>child abuse</u>						
Human Services, Child and Family Services	39536	R512-203	5YR	07/22/2015	2015-16/83	
	39409	R512-300	AMD	07/22/2015	2015-12/20	
<u>child care</u>						
Health, Child Care Center Licensing Committee	39129	R381-70	NEW	05/01/2015	2015-5/25	
	39128	R381-100	NEW	05/01/2015	2015-5/36	
Health, Family Health and Preparedness, Child Care Licensing	39126	R430-70	REP	05/01/2015	2015-5/66	
	39125	R430-100	REP	05/01/2015	2015-5/76	
Workforce Services, Employment Development	39098	R986-700	AMD	05/01/2015	2015-4/28	
	39395	R986-700	AMD	09/01/2015	2015-11/159	
	39496	R986-700	AMD	09/01/2015	2015-14/110	
	38953	R986-700-719	AMD	02/01/2015	2014-23/45	
	38939	R986-700-775	AMD	01/29/2015	2014-23/46	
<u>child care centers</u>						
Health, Child Care Center Licensing Committee	39129	R381-70	NEW	05/01/2015	2015-5/25	
	39128	R381-100	NEW	05/01/2015	2015-5/36	

Health, Family Health and Preparedness, Child Care Licensing	39126	R430-70	REP	05/01/2015	2015-5/66
	39125	R430-100	REP	05/01/2015	2015-5/76
<u>child care facilities</u>					
Health, Child Care Center Licensing Committee	39130	R381-60	NEW	05/01/2015	2015-5/16
	39129	R381-70	NEW	05/01/2015	2015-5/25
	39128	R381-100	NEW	05/01/2015	2015-5/36
Health, Family Health and Preparedness, Child Care Licensing	39465	R430-6	AMD	08/31/2015	2015-14/93
	39127	R430-60	REP	05/01/2015	2015-5/56
	39126	R430-70	REP	05/01/2015	2015-5/66
	39125	R430-100	REP	05/01/2015	2015-5/76
<u>child support</u>					
Human Services, Administration	39500	R495-883	5YR	07/06/2015	2015-15/33
Human Services, Recovery Services	39262	R527-254	NEW	06/09/2015	2015-9/74
<u>child welfare</u>					
Human Services, Child and Family Services	39284	R512-1	AMD	06/15/2015	2015-9/71
	39535	R512-11	5YR	07/22/2015	2015-16/83
	39536	R512-203	5YR	07/22/2015	2015-16/83
	39409	R512-300	AMD	07/22/2015	2015-12/20
<u>children's health benefits</u>					
Health, Children's Health Insurance Program	39102	R382-10	AMD	04/01/2015	2015-4/15
<u>cinders</u>					
School and Institutional Trust Lands, Administration	39252	R850-23	5YR	04/01/2015	2015-8/38
<u>citizenship</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39483	R414-302-8	AMD	09/01/2015	2015-14/76
<u>civic education</u>					
Education, Administration	39338	R277-475	5YR	05/01/2015	2015-10/105
	39288	R277-475	AMD	06/08/2015	2015-9/16
<u>claims</u>					
Health, Center for Health Data, Health Care Statistics	39247	R428-15	NSC	04/07/2015	Not Printed
<u>coal</u>					
School and Institutional Trust Lands, Administration	39255	R850-26	5YR	04/01/2015	2015-8/39
<u>coal mines</u>					
Labor Commission, Boiler and Elevator Safety	39138	R616-4	5YR	02/12/2015	2015-5/112
<u>comments</u>					
Environmental Quality, Radiation Control	38770	R313-17-4	AMD	02/17/2015	2014-17/95
	38770	R313-17-4	CPR	02/17/2015	2014-24/40
<u>commercialization</u>					
Governor, Economic Development	38944	R357-11	NEW	03/23/2015	2014-23/14
	39534	R357-11	NSC	08/17/2015	Not Printed
<u>committees</u>					
Education, Administration	39079	R277-468	NEW	03/10/2015	2015-3/14
<u>communicable diseases</u>					
Corrections, Administration	39541	R251-102	5YR	07/23/2015	2015-16/79
<u>complaints</u>					
Education, Administration	39079	R277-468	NEW	03/10/2015	2015-3/14
Human Services, Child Protection Ombudsman (Office of)	39478	R515-1	5YR	06/30/2015	2015-14/143

RULES INDEX

compliance determinations

Environmental Quality, Drinking Water	39201	R309-205	5YR	03/13/2015	2015-7/60
	39202	R309-210	5YR	03/13/2015	2015-7/61
	39203	R309-215	5YR	03/13/2015	2015-7/61

concealed firearm permit instructors

Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39359	R722-300	5YR	05/12/2015	2015-11/188
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concealed firearm permits

Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39359	R722-300	5YR	05/12/2015	2015-11/188
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conduct

Administrative Services, Purchasing and General Services	39470	R33-16	AMD	08/21/2015	2015-14/9
	38978	R33-16-401	AMD	01/28/2015	2014-24/12
Commerce, Real Estate	39291	R162-2e	5YR	04/17/2015	2015-10/102
	38971	R162-2e-401	AMD	01/28/2015	2014-24/26
Education, Administration	39383	R277-201	NEW	07/08/2015	2015-11/37
Professional Practices Advisory Commission, Administration	39389	R686-100	REP	07/08/2015	2015-11/134
	39221	R686-100-7	AMD	05/08/2015	2015-7/42

confidential information

Public Service Commission, Administration	39234	R746-100-3	AMD	05/27/2015	2015-8/19
	39235	R746-100-11	AMD	05/27/2015	2015-8/21

confidentiality

Education, Administration	38956	R277-487	AMD	01/07/2015	2014-23/6
	39375	R277-487	AMD	07/08/2015	2015-11/67
Judicial Performance Evaluation Commission, Administration	39268	R597-2	5YR	04/13/2015	2015-9/85

confidentiality of information

Human Resource Management, Administration	39315	R477-2	AMD	07/01/2015	2015-10/44
Workforce Services, Unemployment Insurance	39440	R994-312-103	AMD	08/11/2015	2015-13/59

conflict

Human Services, Administration	39469	R495-890	5YR	06/29/2015	2015-14/142
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conflict of interest

Human Resource Management, Administration	39321	R477-9-4	NSC	05/11/2015	Not Printed
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conflicts of interest

Judicial Performance Evaluation Commission, Administration	39268	R597-2	5YR	04/13/2015	2015-9/85
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connections

Environmental Quality, Drinking Water	39195	R309-550	5YR	03/13/2015	2015-7/70
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consent

Health, Disease Control and Prevention, Epidemiology	39108	R386-800	5YR	02/05/2015	2015-5/111
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conservation

Natural Resources, Wildlife Resources	39162	R657-15	5YR	03/03/2015	2015-7/75
School and Institutional Trust Lands, Administration	39309	R850-150	NEW	06/22/2015	2015-10/92

conservation permits

Natural Resources, Wildlife Resources	39065	R657-41	AMD	03/16/2015	2015-3/40
	39362	R657-41	AMD	07/09/2015	2015-11/129

construction

Transportation, Operations, Construction	39100	R916-3	AMD	03/27/2015	2015-4/23
	39183	R916-4	EXT	03/10/2015	2015-7/81
	39101	R916-4	AMD	03/27/2015	2015-4/26

Transportation, Operations, Traffic and Safety	39506 39433	R916-4 R920-8	5YR NEW	07/09/2015 08/07/2015	2015-15/34 2015-13/54
<u>consumer confidence report</u> Environmental Quality, Drinking Water	39205	R309-225	5YR	03/13/2015	2015-7/62
<u>consumer protection</u> Commerce, Consumer Protection	39281 39273 39282	R152-1 R152-1 R152-39	5YR AMD 5YR	04/15/2015 06/08/2015 04/15/2015	2015-9/83 2015-9/5 2015-9/83
<u>contamination</u> Environmental Quality, Radiation Control	39082	R313-15-1208	AMD	03/17/2015	2015-3/21
<u>continuances</u> Pardons (Board Of), Administration	39544	R671-204	EMR	07/27/2015	2015-16/77
<u>continuing professional education</u> Commerce, Occupational and Professional Licensing	39055	R156-26a-501	AMD	04/02/2015	2015-3/7
<u>contract requirements</u> Environmental Quality, Administration	39135	R305-5	5YR	02/09/2015	2015-5/101
<u>contractors</u> Administrative Services, Facilities Construction and Management Capitol Preservation Board (State), Administration Transportation, Operations, Construction	39482 39502 39458 39455	R23-7 R131-15 R916-6 R916-6	5YR 5YR 5YR NSC	06/30/2015 07/06/2015 06/22/2015 07/13/2015	2015-14/139 2015-15/32 2015-14/144 Not Printed
<u>contracts</u> Administrative Services, Facilities Construction and Management	39033	R23-1	R&R	03/03/2015	2015-2/4
Administrative Services, Purchasing and General Services	39482 38977	R23-7 R33-12	5YR AMD	06/30/2015 01/28/2015	2015-14/139 2014-24/9
Capitol Preservation Board (State), Administration Transportation, Operations, Construction	39502 39100 39183 39101 39506 39458 39455	R131-15 R916-3 R916-4 R916-4 R916-4 R916-6 R916-6	5YR AMD EXT AMD 5YR 5YR NSC	07/06/2015 03/27/2015 03/10/2015 03/27/2015 07/09/2015 06/22/2015 07/13/2015	2015-15/32 2015-4/23 2015-7/81 2015-4/26 2015-15/34 2015-14/144 Not Printed
<u>controlled substance database</u> Commerce, Occupational and Professional Licensing	39020	R156-37f-102	AMD	02/24/2015	2015-2/84
<u>controlled substances</u> Commerce, Occupational and Professional Licensing Tax Commission, Collections	39015 39565	R156-37 R867-2B	AMD 5YR	02/24/2015 08/06/2015	2015-2/80 2015-17/106
<u>controversies</u> Administrative Services, Purchasing and General Services	39470 38978	R33-16 R33-16-401	AMD AMD	08/21/2015 01/28/2015	2015-14/9 2014-24/12
<u>corrections</u> Corrections, Administration	39541 39539 39540 39060 39610 39498	R251-102 R251-109 R251-301 R251-303 R251-303 R251-709	5YR 5YR 5YR 5YR 5YR 5YR	07/23/2015 07/23/2015 07/23/2015 01/08/2015 08/24/2015 07/02/2015	2015-16/79 2015-16/80 2015-16/80 2015-3/70 Not Printed 2015-15/32
<u>corrective action</u> Education, Administration	39335 39285	R277-114 R277-114	5YR R&R	05/01/2015 06/08/2015	2015-10/104 2015-9/10

RULES INDEX

---

<u>costs</u>						
Administrative Services, Purchasing and General Services	38977	R33-12	AMD	01/28/2015	2014-24/9	
<u>counties</u>						
Auditor, Administration	39136	R123-6	AMD	04/08/2015	2015-5/8	
<u>coverage groups</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39413	R414-303-6	AMD	08/01/2015	2015-12/15	
	39165	R414-303-8	AMD	05/08/2015	2015-7/26	
<u>CPB</u>						
Capitol Preservation Board (State), Administration	39266	R131-9	EXD	04/08/2015	2015-9/87	
<u>credit enhancements</u>						
Environmental Quality, Drinking Water	39210	R309-700	5YR	03/13/2015	2015-7/72	
<u>credit for time served</u>						
Pardons (Board Of), Administration	39420	R671-205	AMD	08/11/2015	2015-13/43	
<u>cross connection control</u>						
Environmental Quality, Drinking Water	39207	R309-305	5YR	03/13/2015	2015-7/63	
<u>curricula</u>						
Education, Administration	39578	R277-444	5YR	08/13/2015	2015-17/101	
	39338	R277-475	5YR	05/01/2015	2015-10/105	
	39288	R277-475	AMD	06/08/2015	2015-9/16	
	39487	R277-700	5YR	07/01/2015	2015-14/141	
<u>curriculum</u>						
Education, Administration	39079	R277-468	NEW	03/10/2015	2015-3/14	
<u>curriculum materials</u>						
Education, Administration	39077	R277-111	5YR	01/15/2015	2015-3/71	
	39078	R277-111	AMD	03/10/2015	2015-3/13	
<u>custody requirements</u>						
Commerce, Securities	39104	R164-2	5YR	02/02/2015	2015-4/37	
<u>damages</u>						
Natural Resources, Wildlife Resources	39559	R657-24	5YR	08/03/2015	2015-17/105	
<u>data</u>						
Health, Center for Health Data, Health Care Statistics	39247	R428-15	NSC	04/07/2015	Not Printed	
Insurance, Administration	39103	R590-271	NEW	06/22/2015	2015-4/19	
	39103	R590-271	CPR	06/22/2015	2015-10/98	
<u>data reporting</u>						
Insurance, Administration	39103	R590-271	NEW	06/22/2015	2015-4/19	
	39103	R590-271	CPR	06/22/2015	2015-10/98	
<u>DCFS</u>						
Human Services, Child Protection Ombudsman (Office of)	39478	R515-1	5YR	06/30/2015	2015-14/143	
<u>decommissioning</u>						
Environmental Quality, Radiation Control	39279	R313-22	AMD	08/26/2015	2015-9/40	
	39279	R313-22	CPR	08/26/2015	2015-14/124	
<u>definitions</u>						
Administrative Services, Purchasing and General Services	38974	R33-1-1	AMD	01/28/2015	2014-24/4	
Education, Administration	39488	R277-99	NEW	08/26/2015	2015-14/40	
	39382	R277-200	NEW	07/08/2015	2015-11/33	
Environmental Quality, Drinking Water	39198	R309-110	5YR	03/13/2015	2015-7/59	

Human Resource Management, Administration	39324	R477-1	AMD	07/01/2015	2015-10/39
School and Institutional Trust Lands, Administration	39430	R850-1-200	AMD	08/11/2015	2015-13/46
<u>demonstration</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	38984	R414-310-7	AMD	02/01/2015	2014-24/32
<u>dental</u>					
Environmental Quality, Radiation Control	39016	R313-28-31	AMD	03/24/2015	2015-2/85
<u>depredation</u>					
Natural Resources, Wildlife Resources	38949	R657-69	AMD	01/08/2015	2014-23/39
<u>digital media</u>					
Governor, Economic Development	39530	R357-5	NSC	08/17/2015	Not Printed
<u>direct filtration</u>					
Environmental Quality, Drinking Water	39191	R309-530	5YR	03/13/2015	2015-7/68
<u>disability</u>					
Public Safety, Driver License	39043	R708-51	NEW	02/25/2015	2015-2/97
<u>disabled persons</u>					
Human Services, Administration	39325	R495-878	R&R	06/22/2015	2015-10/68
	39480	R495-878	AMD	08/25/2015	2015-14/101
<u>disciplinary actions</u>					
Education, Administration	39387	R277-205	NEW	07/08/2015	2015-11/52
	39388	R277-206	NEW	07/08/2015	2015-11/53
Professional Practices Advisory Commission, Administration	39393	R686-104	REP	07/08/2015	2015-11/152
	39394	R686-105	REP	07/08/2015	2015-11/153
<u>disclosure</u>					
Pardons (Board Of), Administration	39107	R671-303-1	AMD	04/07/2015	2015-5/90
<u>discrimination</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	39245	R606-6	5YR	03/30/2015	2015-8/36
<u>disease control</u>					
Agriculture and Food, Animal Industry	39423	R58-1	AMD	08/12/2015	2015-13/7
	39086	R58-21	5YR	01/21/2015	2015-4/37
<u>disinfection monitoring</u>					
Environmental Quality, Drinking Water	39203	R309-215	5YR	03/13/2015	2015-7/61
<u>distribution system monitoring</u>					
Environmental Quality, Drinking Water	39202	R309-210	5YR	03/13/2015	2015-7/61
<u>domestic violence</u>					
Human Services, Child and Family Services	39284	R512-1	AMD	06/15/2015	2015-9/71
	39409	R512-300	AMD	07/22/2015	2015-12/20
<u>drain field</u>					
Environmental Quality, Water Quality	39106	R317-4	5YR	02/03/2015	2015-5/111
<u>drinking water</u>					
Environmental Quality, Drinking Water	39196	R309-100	5YR	03/13/2015	2015-7/57
	39197	R309-105	5YR	03/13/2015	2015-7/58
	39198	R309-110	5YR	03/13/2015	2015-7/59
	39199	R309-115	5YR	03/13/2015	2015-7/59
	39200	R309-200	5YR	03/13/2015	2015-7/60
	39201	R309-205	5YR	03/13/2015	2015-7/60
	39202	R309-210	5YR	03/13/2015	2015-7/61
	39203	R309-215	5YR	03/13/2015	2015-7/61
	39204	R309-220	5YR	03/13/2015	2015-7/62

RULES INDEX

	39205	R309-225	5YR	03/13/2015	2015-7/62
	39206	R309-300	5YR	03/13/2015	2015-7/63
	39207	R309-305	5YR	03/13/2015	2015-7/63
	39208	R309-400	5YR	03/13/2015	2015-7/64
	39209	R309-405	5YR	03/13/2015	2015-7/64
	39184	R309-500	5YR	03/13/2015	2015-7/65
	39076	R309-500	AMD	07/15/2015	2015-3/16
	39076	R309-500	CPR	07/15/2015	2015-11/166
	39185	R309-505	5YR	03/13/2015	2015-7/65
	39186	R309-510	5YR	03/13/2015	2015-7/66
	39399	R309-510	AMD	07/15/2015	2015-11/92
	39187	R309-511	5YR	03/13/2015	2015-7/66
	39188	R309-515	5YR	03/13/2015	2015-7/67
	39189	R309-520	5YR	03/13/2015	2015-7/67
	39190	R309-525	5YR	03/13/2015	2015-7/68
	39191	R309-530	5YR	03/13/2015	2015-7/68
	39192	R309-535	5YR	03/13/2015	2015-7/69
	39193	R309-540	5YR	03/13/2015	2015-7/69
	39194	R309-545	5YR	03/13/2015	2015-7/70
	39195	R309-550	5YR	03/13/2015	2015-7/70
	39213	R309-600	5YR	03/13/2015	2015-7/71
	39214	R309-605	5YR	03/13/2015	2015-7/71
	39212	R309-800	5YR	03/13/2015	2015-7/73
<u>driver license</u>					
Public Safety, Driver License	39178	R708-36	5YR	03/10/2015	2015-7/77
<u>driver training</u>					
Public Safety, Driver License	39180	R708-37	5YR	03/10/2015	2015-7/78
<u>driving simulators</u>					
Public Safety, Driver License	39181	R708-40	5YR	03/10/2015	2015-7/78
<u>drug and alcohol testing</u>					
Administrative Services, Facilities Construction and Management	39482	R23-7	5YR	06/30/2015	2015-14/139
Capitol Preservation Board (State), Administration	39502	R131-15	5YR	07/06/2015	2015-15/32
Transportation, Operations, Construction	39458	R916-6	5YR	06/22/2015	2015-14/144
	39455	R916-6	NSC	07/13/2015	Not Printed
<u>drug offenses</u>					
Education, Administration	39388	R277-206	NEW	07/08/2015	2015-11/53
<u>drug stamps</u>					
Tax Commission, Collections	39565	R867-2B	5YR	08/06/2015	2015-17/106
<u>dual employment</u>					
Human Resource Management, Administration	39320	R477-8-3	AMD	07/01/2015	2015-10/64
<u>e-mail</u>					
Commerce, Consumer Protection	39282	R152-39	5YR	04/15/2015	2015-9/83
<u>economic development</u>					
Governor, Economic Development	39094	R357-3	R&R	04/13/2015	2015-4/12
	39528	R357-3	NSC	08/17/2015	Not Printed
	39530	R357-5	NSC	08/17/2015	Not Printed
	39531	R357-6	NSC	08/17/2015	Not Printed
	39532	R357-7	NSC	08/17/2015	Not Printed
	39533	R357-9	NSC	08/17/2015	Not Printed
<u>economic opportunity</u>					
Governor, Economic Development	39526	R357-1	NSC	08/17/2015	Not Printed
<u>EDTIF</u>					
Governor, Economic Development	39094	R357-3	R&R	04/13/2015	2015-4/12

<u>education finance</u>					
Education, Administration	39374	R277-419	AMD	07/08/2015	2015-11/58
	39080	R277-419-9	EMR	01/15/2015	2015-3/63
<u>educational administration</u>					
Education, Administration	39218	R277-116-1	AMD	05/08/2015	2015-7/7
<u>educator license</u>					
Education, Administration	39385	R277-203	NEW	07/08/2015	2015-11/47
	39386	R277-204	NEW	07/08/2015	2015-11/50
Professional Practices Advisory Commission, Administration	39392	R686-103	REP	07/08/2015	2015-11/149
<u>educator license renewal</u>					
Education, Administration	39486	R277-500	5YR	07/01/2015	2015-14/141
	39491	R277-500	AMD	08/26/2015	2015-14/46
<u>educator licensing</u>					
Education, Administration	39378	R277-502	AMD	07/08/2015	2015-11/75
<u>educators</u>					
Education, Administration	39382	R277-200	NEW	07/08/2015	2015-11/33
	39384	R277-202	NEW	07/08/2015	2015-11/41
	39387	R277-205	NEW	07/08/2015	2015-11/52
	39388	R277-206	NEW	07/08/2015	2015-11/53
	39582	R277-498	5YR	08/13/2015	2015-17/103
	39290	R277-517-5	AMD	06/08/2015	2015-9/19
	39371	R277-520	5YR	05/15/2015	2015-11/185
	39379	R277-520	AMD	07/08/2015	2015-11/80
Professional Practices Advisory Commission, Administration	39393	R686-104	REP	07/08/2015	2015-11/152
	39394	R686-105	REP	07/08/2015	2015-11/153
<u>effective date</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39414	R414-306-2	AMD	08/01/2015	2015-12/16
<u>efficiency</u>					
Governor, Energy Development (Office of)	38931	R362-3	AMD	01/07/2015	2014-22/24
<u>elderly</u>					
Human Services, Aging and Adult Services	39272	R510-100	AMD	06/30/2015	2015-9/62
	39269	R510-400	AMD	06/30/2015	2015-9/64
<u>elevators</u>					
Labor Commission, Boiler and Elevator Safety	39296	R616-3-3	AMD	06/22/2015	2015-10/86
<u>eligibility</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39310	R414-307	AMD	07/01/2015	2015-10/33
	39145	R414-309	5YR	02/18/2015	2015-6/45
Human Services, Child and Family Services	39284	R512-1	AMD	06/15/2015	2015-9/71
<u>emergency medical services</u>					
Health, Family Health and Preparedness, Emergency Medical Services	39467	R426-2	AMD	08/21/2015	2015-14/82
	39265	R426-8	AMD	06/08/2015	2015-9/55
	39468	R426-9	AMD	08/21/2015	2015-14/87
<u>emergency procurement</u>					
Administrative Services, Purchasing and General Services	39328	R33-8	AMD	06/23/2015	2015-10/15
<u>emission testing</u>					
Environmental Quality, Air Quality	39110	R307-165	5YR	02/05/2015	2015-5/102

RULES INDEX

---

<u>employee benefit plans</u>						
Human Resource Management, Administration	39318	R477-6	AMD	07/01/2015	2015-10/51	
<u>employment</u>						
Human Resource Management, Administration	39317	R477-4	AMD	07/01/2015	2015-10/48	
<u>employment support procedures</u>						
Workforce Services, Employment Development	39261	R986-100-113	AMD	07/01/2015	2015-8/27	
<u>employment tests</u>						
Workforce Services, Unemployment Insurance	39239	R994-204	5YR	03/25/2015	2015-8/40	
	39240	R994-205	5YR	03/25/2015	2015-8/41	
	39241	R994-206	5YR	03/25/2015	2015-8/41	
<u>endangered species</u>						
School and Institutional Trust Lands, Administration	39309	R850-150	NEW	06/22/2015	2015-10/92	
<u>endowed universities</u>						
Education, Administration	39376	R277-490	AMD	07/08/2015	2015-11/72	
<u>energy</u>						
Governor, Energy Development (Office of)	38931	R362-3	AMD	01/07/2015	2014-22/24	
<u>energy assistance</u>						
Workforce Services, Administration	39441	R982-402-8	AMD	08/11/2015	2015-13/56	
<u>enforcement</u>						
Agriculture and Food, Animal Industry	39602	R58-15	5YR	08/13/2015	2015-17/97	
Commerce, Real Estate	39249	R162-2c	5YR	03/31/2015	2015-8/33	
	38999	R162-2c-201	AMD	02/10/2015	2015-1/8	
Natural Resources, Water Rights	39153	R655-14	5YR	02/24/2015	2015-6/47	
<u>engineers</u>						
Administrative Services, Facilities Construction and Management	39061	R23-2	REP	03/16/2015	2015-3/4	
<u>enrollment</u>						
Education, Administration	39372	R277-417	NEW	07/08/2015	2015-11/55	
	39373	R277-418	NEW	07/08/2015	2015-11/57	
<u>enterprise zones</u>						
Tax Commission, Auditing	39426	R865-9I-37	NSC	06/24/2015	Not Printed	
<u>environmental analysis</u>						
Environmental Quality, Radiation Control	39149	R313-24-1	NSC	03/06/2015	Not Printed	
	39275	R313-24-4	AMD	06/16/2015	2015-9/49	
<u>environmental health</u>						
Environmental Quality, Drinking Water	39213	R309-600	5YR	03/13/2015	2015-7/71	
	39214	R309-605	5YR	03/13/2015	2015-7/71	
<u>environmental health scientists</u>						
Commerce, Occupational and Professional Licensing	39306	R156-20a	5YR	04/27/2015	2015-10/101	
	39351	R156-20a	AMD	07/09/2015	2015-11/20	
<u>environmental health scientists-in-training</u>						
Commerce, Occupational and Professional Licensing	39306	R156-20a	5YR	04/27/2015	2015-10/101	
	39351	R156-20a	AMD	07/09/2015	2015-11/20	
<u>environmental protection</u>						
Environmental Quality, Drinking Water	39196	R309-100	5YR	03/13/2015	2015-7/57	
	39206	R309-300	5YR	03/13/2015	2015-7/63	
	39208	R309-400	5YR	03/13/2015	2015-7/64	
	39209	R309-405	5YR	03/13/2015	2015-7/64	
<u>equipment</u>						
Environmental Quality, Air Quality	38998	R307-120	AMD	03/05/2015	2015-1/17	

<u>evaluation cycles</u>					
Judicial Performance Evaluation Commission, Administration	39244	R597-3-2	AMD	05/27/2015	2015-8/13
	39243	R597-3-3	AMD	05/27/2015	2015-8/15
<u>evidence-based prevention</u>					
Human Services, Substance Abuse and Mental Health	38917	R523-8	NEW	01/06/2015	2014-22/33
<u>evidence-based prevention workgroup</u>					
Human Services, Substance Abuse and Mental Health	38917	R523-8	NEW	01/06/2015	2014-22/33
<u>exceptions to procurement requirements</u>					
Administrative Services, Purchasing and General Services	39328	R33-8	AMD	06/23/2015	2015-10/15
<u>exemptions</u>					
Environmental Quality, Radiation Control	38907	R313-19	AMD	02/17/2015	2014-21/18
	39280	R313-19-13	AMD	08/26/2015	2015-9/27
	39280	R313-19-13	CPR	08/26/2015	2015-14/114
<u>expert witnesses</u>					
Attorney General, Administration	39032	R105-1	AMD	03/26/2015	2015-2/34
	39099	R105-1	AMD	03/26/2015	2015-4/4
	39363	R105-1	EMR	05/12/2015	2015-11/171
	39364	R105-1	AMD	07/13/2015	2015-11/13
<u>eyeglasses</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39357	R414-53	AMD	07/16/2015	2015-11/111
<u>facilities use</u>					
Capitol Preservation Board (State), Administration	39025	R131-2	AMD	02/24/2015	2015-2/41
<u>fair employment practices</u>					
Human Resource Management, Administration	39315	R477-2	AMD	07/01/2015	2015-10/44
	39317	R477-4	AMD	07/01/2015	2015-10/48
<u>family employment program</u>					
Workforce Services, Employment Development	39439	R986-200	AMD	09/01/2015	2015-13/57
<u>fatality review</u>					
Human Services, Administration	39326	R495-808	5YR	04/30/2015	2015-10/106
<u>federal lands</u>					
Governor, Economic Development	38945	R357-12	NEW	03/20/2015	2014-23/17
<u>federal shutdown</u>					
Governor, Economic Development	38945	R357-12	NEW	03/20/2015	2014-23/17
<u>feed contamination</u>					
Agriculture and Food, Plant Industry	39471	R68-2	5YR	06/29/2015	2015-14/139
<u>fees</u>					
Financial Institutions, Nondepository Lenders	39442	R343-10	NEW	08/12/2015	2015-13/22
	39503	R343-10	NSC	08/17/2015	Not Printed
<u>films</u>					
Transportation, Operations, Traffic and Safety	39095	R920-4	EMR	01/29/2015	2015-4/33
<u>filtration</u>					
Environmental Quality, Drinking Water	39190	R309-525	5YR	03/13/2015	2015-7/68
<u>finance</u>					
Administrative Services, Finance	39360	R25-10	AMD	07/08/2015	2015-11/4

RULES INDEX

---

<u>financial aid</u>						
Regents (Board Of), Administration	39023	R765-611	NEW	02/25/2015	2015-2/101	
<u>financial assistance</u>						
Environmental Quality, Drinking Water	39211	R309-705	5YR	03/13/2015	2015-7/72	
<u>financial disclosures</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39484	R414-304	AMD	09/01/2015	2015-14/77	
<u>financial institutions</u>						
Financial Institutions, Administration	39370	R331-14	REP	07/08/2015	2015-11/104	
<u>fingerprint background check</u>						
Education, Administration	39486	R277-500	5YR	07/01/2015	2015-14/141	
	39491	R277-500	AMD	08/26/2015	2015-14/46	
<u>fingerprinting</u>						
Environmental Quality, Radiation Control	38908	R313-37	NEW	06/29/2015	2014-21/21	
	38908	R313-37	CPR	06/29/2015	2015-5/98	
<u>fire authority</u>						
Environmental Quality, Air Quality	39113	R307-202	5YR	02/05/2015	2015-5/103	
<u>firearm background check information</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39091	R722-380	NEW	03/24/2015	2015-4/22	
	39411	R722-380	AMD	07/22/2015	2015-12/31	
<u>firearm denials</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39091	R722-380	NEW	03/24/2015	2015-4/22	
	39411	R722-380	AMD	07/22/2015	2015-12/31	
<u>firearm purchases</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39091	R722-380	NEW	03/24/2015	2015-4/22	
	39411	R722-380	AMD	07/22/2015	2015-12/31	
<u>firearm releases</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39091	R722-380	NEW	03/24/2015	2015-4/22	
	39411	R722-380	AMD	07/22/2015	2015-12/31	
<u>firearm safety</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39019	R722-370	NEW	02/24/2015	2015-2/100	
<u>fireplaces</u>						
Environmental Quality, Air Quality	39117	R307-207	5YR	02/05/2015	2015-5/106	
	38842	R307-302	AMD	02/04/2015	2014-19/44	
	38842	R307-302	CPR	02/04/2015	2015-1/48	
	39349	R307-302	5YR	05/06/2015	2015-11/185	
<u>fiscal emergency</u>						
Governor, Economic Development	38945	R357-12	NEW	03/20/2015	2014-23/17	
<u>fish</u>						
Natural Resources, Wildlife Resources	39069	R657-59	AMD	03/16/2015	2015-3/50	
<u>flashing lights</u>						
Transportation, Operations, Traffic and Safety	39433	R920-8	NEW	08/07/2015	2015-13/54	
<u>flocculation</u>						
Environmental Quality, Drinking Water	39190	R309-525	5YR	03/13/2015	2015-7/68	

<u>food inspections</u>						
Agriculture and Food, Animal Industry	39073	R58-11	5YR	01/13/2015	2015-3/67	
	39573	R58-12	5YR	08/12/2015	2015-17/97	
	39614	R58-13	EXD	08/25/2015	Not Printed	
	39616	R58-13	EMR	08/25/2015	Not Printed	
Agriculture and Food, Regulatory Services	39561	R70-610	5YR	08/05/2015	2015-17/98	
	39560	R70-620	5YR	08/05/2015	2015-17/98	
<u>former foster care youth</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39413	R414-303-6	AMD	08/01/2015	2015-12/15	
	39165	R414-303-8	AMD	05/08/2015	2015-7/26	
<u>foster care</u>						
Human Services, Administration	39500	R495-883	5YR	07/06/2015	2015-15/33	
Human Services, Administration, Administrative Services, Licensing	39358	R501-12	EMR	05/12/2015	2015-11/178	
<u>franchises</u>						
Commerce, Administration	39034	R151-14-3	AMD	02/24/2015	2015-2/49	
Tax Commission, Auditing	39425	R865-6F-28	NSC	06/24/2015	Not Printed	
<u>fuel</u>						
Tax Commission, Auditing	39437	R865-4D-21	AMD	08/27/2015	2015-13/50	
<u>fuel composition</u>						
Environmental Quality, Air Quality	39112	R307-203	5YR	02/05/2015	2015-5/104	
<u>fuel oil</u>						
Environmental Quality, Air Quality	39112	R307-203	5YR	02/05/2015	2015-5/104	
<u>fugitive dust</u>						
Environmental Quality, Air Quality	39121	R307-309	5YR	02/05/2015	2015-5/108	
<u>fugitive emissions</u>						
Environmental Quality, Air Quality	39115	R307-205	5YR	02/05/2015	2015-5/105	
<u>funding</u>						
Environmental Quality, Drinking Water	39212	R309-800	5YR	03/13/2015	2015-7/73	
<u>funding formula</u>						
Human Services, Aging and Adult Services	39272	R510-100	AMD	06/30/2015	2015-9/62	
<u>furbearers</u>						
Natural Resources, Wildlife Resources	39509	R657-11	5YR	07/13/2015	2015-15/34	
<u>game laws</u>						
Natural Resources, Wildlife Resources	38996	R657-5	AMD	02/09/2015	2015-1/26	
	39062	R657-5	AMD	03/16/2015	2015-3/30	
	39431	R657-6	5YR	06/08/2015	2015-13/63	
	39509	R657-11	5YR	07/13/2015	2015-15/34	
	39215	R657-19	AMD	05/08/2015	2015-7/33	
	39063	R657-33	AMD	03/16/2015	2015-3/31	
	39071	R657-68	AMD	03/16/2015	2015-3/54	
	39216	R657-70	NEW	05/08/2015	2015-7/36	
	39436	R657-70	AMD	08/07/2015	2015-13/36	
<u>general license</u>						
Environmental Quality, Radiation Control	39277	R313-12-3	AMD	06/16/2015	2015-9/21	
<u>general licenses</u>						
Environmental Quality, Radiation Control	39278	R313-21-22	AMD	08/26/2015	2015-9/34	
	39278	R313-21-22	CPR	08/26/2015	2015-14/118	
<u>general procurement provisions</u>						
Administrative Services, Purchasing and General Services	38974	R33-1-1	AMD	01/28/2015	2014-24/4	

RULES INDEX

	39327	R33-4	AMD	06/23/2015	2015-10/11
	39472	R33-4	AMD	08/21/2015	2015-14/6
	39523	R33-4	NSC	08/24/2015	Not Printed
	39271	R33-26	AMD	06/10/2015	2015-9/4
	39042	R33-26-202	AMD	03/31/2015	2015-2/33
	39454	R33-26-202	AMD	08/21/2015	2015-14/11
<u>generating equipment</u>					
Public Service Commission, Administration	39311	R746-312	5YR	04/29/2015	2015-10/107
<u>geothermal steam</u>					
School and Institutional Trust Lands, Administration	39256	R850-27	5YR	04/01/2015	2015-8/40
<u>government documents</u>					
Administrative Services, Records Committee	39400	R35-1	AMD	07/31/2015	2015-11/7
	39401	R35-2	AMD	07/31/2015	2015-11/9
	39402	R35-4	AMD	07/31/2015	2015-11/10
	39403	R35-5	AMD	07/31/2015	2015-11/11
	39404	R35-6	AMD	07/31/2015	2015-11/12
<u>government ethics</u>					
Human Resource Management, Administration	39321	R477-9-4	NSC	05/11/2015	Not Printed
<u>government hearings</u>					
Commerce, Administration	39144	R151-4-109	AMD	04/10/2015	2015-5/9
Pardons (Board Of), Administration	39547	R671-205	NSC	08/17/2015	Not Printed
	39137	R671-305-1	AMD	04/07/2015	2015-5/91
Public Service Commission, Administration	39234	R746-100-3	AMD	05/27/2015	2015-8/19
	39235	R746-100-11	AMD	05/27/2015	2015-8/21
<u>government purchasing</u>					
Administrative Services, Purchasing and General Services	38974	R33-1-1	AMD	01/28/2015	2014-24/4
	39327	R33-4	AMD	06/23/2015	2015-10/11
	39472	R33-4	AMD	08/21/2015	2015-14/6
	39523	R33-4	NSC	08/24/2015	Not Printed
	38975	R33-6-101	AMD	01/28/2015	2014-24/5
	39366	R33-6-109	AMD	07/09/2015	2015-11/5
	38976	R33-7	AMD	01/28/2015	2014-24/6
	39513	R33-7	NSC	07/30/2015	Not Printed
	39365	R33-7-702	AMD	07/09/2015	2015-11/6
	39432	R33-7-702	AMD	08/07/2015	2015-13/6
	39328	R33-8	AMD	06/23/2015	2015-10/15
	39470	R33-16	AMD	08/21/2015	2015-14/9
	38978	R33-16-401	AMD	01/28/2015	2014-24/12
	39271	R33-26	AMD	06/10/2015	2015-9/4
	39042	R33-26-202	AMD	03/31/2015	2015-2/33
	39454	R33-26-202	AMD	08/21/2015	2015-14/11
<u>grading system</u>					
Education, Administration	39007	R277-497	AMD	02/09/2015	2015-1/11
	39581	R277-497	5YR	08/13/2015	2015-17/103
<u>graduation requirements</u>					
Education, Administration	39494	R277-700	AMD	08/26/2015	2015-14/59
<u>grant applications</u>					
Heritage and Arts, Arts and Museums	39096	R451-3	EXD	01/28/2015	2015-4/41
Heritage and Arts, Library	39097	R458-3	EXD	01/28/2015	2015-4/41
<u>grant prioritizations</u>					
Heritage and Arts, Arts and Museums	39096	R451-3	EXD	01/28/2015	2015-4/41
Heritage and Arts, Library	39097	R458-3	EXD	01/28/2015	2015-4/41
<u>grants</u>					
Education, Administration	39376	R277-490	AMD	07/08/2015	2015-11/72
	39582	R277-498	5YR	08/13/2015	2015-17/103

Heritage and Arts, Arts and Museums	39096	R451-3	EXD	01/28/2015	2015-4/41
Heritage and Arts, Library	39097	R458-3	EXD	01/28/2015	2015-4/41
Workforce Services, Housing and Community Development	39085	R990-8	AMD	03/10/2015	2015-3/58
<u>gravel</u>					
School and Institutional Trust Lands, Administration	39252	R850-23	5YR	04/01/2015	2015-8/38
<u>greenhouse gases</u>					
Environmental Quality, Air Quality	38901	R307-401-19	AMD	02/05/2015	2014-21/16
<u>grievance procedures</u>					
Human Services, Administration	39480	R495-878	AMD	08/25/2015	2015-14/101
<u>grievance procedures</u>					
Human Services, Administration	39325	R495-878	R&R	06/22/2015	2015-10/68
<u>grievances</u>					
Human Resource Management, Administration	39316	R477-3-1	AMD	07/01/2015	2015-10/47
<u>guardianship</u>					
Human Services, Child and Family Services	39537	R512-308	5YR	07/22/2015	2015-16/84
<u>gun locks</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39019	R722-370	NEW	02/24/2015	2015-2/100
<u>halfway houses</u>					
Corrections, Administration	39540	R251-301	5YR	07/23/2015	2015-16/80
	39060	R251-303	5YR	01/08/2015	2015-3/70
	39610	R251-303	5YR	08/24/2015	Not Printed
<u>hardship grants</u>					
Environmental Quality, Drinking Water	39210	R309-700	5YR	03/13/2015	2015-7/72
<u>Hatch Act</u>					
Human Resource Management, Administration	39321	R477-9-4	NSC	05/11/2015	Not Printed
<u>hazardous air pollutant</u>					
Environmental Quality, Air Quality	39169	R307-214	AMD	06/04/2015	2015-7/19
<u>hazardous waste</u>					
Environmental Quality, Solid and Hazardous Waste	39302	R315-15-1	NSC	05/11/2015	Not Printed
	39303	R315-15-3	NSC	05/06/2015	Not Printed
	39304	R315-15-5	NSC	05/11/2015	Not Printed
	39307	R315-15-6	NSC	05/11/2015	Not Printed
	39308	R315-15-13	NSC	05/11/2015	Not Printed
<u>health</u>					
Health, Center for Health Data, Health Care Statistics	39405	R428-2	AMD	07/30/2015	2015-11/112
<u>health care facilities</u>					
Health, Family Health and Preparedness, Licensing	39464	R432-2	AMD	08/21/2015	2015-14/97
	38982	R432-2-6	AMD	02/06/2015	2014-24/33
	38954	R432-35	AMD	01/27/2015	2014-23/23
	39232	R432-725	AMD	06/02/2015	2015-7/27
<u>health care professionals</u>					
Public Safety, Driver License	39072	R708-7	AMD	03/10/2015	2015-3/55
<u>health effects</u>					
Environmental Quality, Drinking Water	39204	R309-220	5YR	03/13/2015	2015-7/62
<u>health insurance</u>					
Environmental Quality, Administration	39135	R305-5	5YR	02/09/2015	2015-5/101
Insurance, Administration	39398	R590-199	5YR	05/15/2015	2015-11/187

RULES INDEX

<u>health planning</u>						
Health, Center for Health Data, Health Care Statistics	39405	R428-2	AMD	07/30/2015	2015-11/112	
<u>health policy</u>						
Health, Center for Health Data, Health Care Statistics	39405	R428-2	AMD	07/30/2015	2015-11/112	
<u>hearing aids</u>						
Commerce, Occupational and Professional Licensing	39428	R156-46a-502d	AMD	08/17/2015	2015-13/21	
Health, Family Health and Preparedness, Children with Special Health Care Needs	39451	R398-3	AMD	08/21/2015	2015-14/68	
<u>hearing impaired</u>						
Public Service Commission, Administration	39568	R746-510	5YR	08/11/2015	2015-17/105	
<u>hearing instrument intern</u>						
Commerce, Occupational and Professional Licensing	39428	R156-46a-502d	AMD	08/17/2015	2015-13/21	
<u>hearing instrument specialist</u>						
Commerce, Occupational and Professional Licensing	39428	R156-46a-502d	AMD	08/17/2015	2015-13/21	
<u>hearings</u>						
Education, Administration	39383	R277-201	NEW	07/08/2015	2015-11/37	
	39384	R277-202	NEW	07/08/2015	2015-11/41	
Environmental Quality, Air Quality	39109	R307-103	5YR	02/05/2015	2015-5/101	
Environmental Quality, Drinking Water	39199	R309-115	5YR	03/13/2015	2015-7/59	
Environmental Quality, Radiation Control	38770	R313-17-4	AMD	02/17/2015	2014-17/95	
	38770	R313-17-4	CPR	02/17/2015	2014-24/40	
Labor Commission, Adjudication	39380	R602-2-4	AMD	07/08/2015	2015-11/117	
Pardons (Board Of), Administration	39093	R671-201	AMD	03/24/2015	2015-4/20	
	39544	R671-204	EMR	07/27/2015	2015-16/77	
Professional Practices Advisory Commission, Administration	39389	R686-100	REP	07/08/2015	2015-11/134	
	39221	R686-100-7	AMD	05/08/2015	2015-7/42	
	39390	R686-101	REP	07/08/2015	2015-11/139	
	39222	R686-101-14	AMD	05/08/2015	2015-7/43	
	39391	R686-102	REP	07/08/2015	2015-11/146	
School and Institutional Trust Fund Board of Trustees, Administration	39143	R849-1	NEW	04/15/2015	2015-5/92	
<u>HEAT</u>						
Workforce Services, Administration	39441	R982-402-8	AMD	08/11/2015	2015-13/56	
<u>hemp</u>						
Agriculture and Food, Plant Industry	39148	R68-22	NEW	04/22/2015	2015-6/14	
<u>high quality ground water</u>						
Environmental Quality, Drinking Water	39185	R309-505	5YR	03/13/2015	2015-7/65	
<u>higher education</u>						
Regents (Board Of), Administration	39010	R765-571	NEW	04/28/2015	2015-1/39	
	39157	R765-609	5YR	02/25/2015	2015-6/48	
	39023	R765-611	NEW	02/25/2015	2015-2/101	
	39605	R765-649	5YR	08/18/2015	Not Printed	
<u>highways</u>						
Transportation, Operations, Construction	39100	R916-3	AMD	03/27/2015	2015-4/23	
	39183	R916-4	EXT	03/10/2015	2015-7/81	
	39101	R916-4	AMD	03/27/2015	2015-4/26	
	39506	R916-4	5YR	07/09/2015	2015-15/34	
Transportation, Operations, Traffic and Safety	39433	R920-8	NEW	08/07/2015	2015-13/54	
Transportation, Program Development	39504	R926-8	5YR	07/07/2015	2015-15/35	
	39505	R926-8	NSC	07/30/2015	Not Printed	
	39448	R926-13	5YR	06/16/2015	2015-14/144	
	39449	R926-14	5YR	06/16/2015	2015-14/145	
<u>hiring practices</u>						
Human Resource Management, Administration	39317	R477-4	AMD	07/01/2015	2015-10/48	

<u>historic preservation</u>					
Tax Commission, Auditing	39425	R865-6F-28	NSC	06/24/2015	Not Printed
	39426	R865-9I-37	NSC	06/24/2015	Not Printed
<u>holidays</u>					
Human Resource Management, Administration	39319	R477-7	AMD	07/01/2015	2015-10/56
<u>home care services</u>					
Human Services, Aging and Adult Services	39269	R510-400	AMD	06/30/2015	2015-9/64
<u>Honoring Heroes Restricted Account</u>					
Public Safety, Administration	39549	R698-6	5YR	07/29/2015	2015-16/84
<u>hospitals</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39341	R414-1B	AMD	07/01/2015	2015-10/32
<u>hostile work environment</u>					
Human Resource Management, Administration	39322	R477-15	AMD	07/01/2015	2015-10/65
	39323	R477-16	NEW	07/01/2015	2015-10/67
<u>hourly child care centers</u>					
Health, Child Care Center Licensing Committee	39130	R381-60	NEW	05/01/2015	2015-5/16
Health, Family Health and Preparedness, Child Care Licensing	39127	R430-60	REP	05/01/2015	2015-5/56
<u>human services</u>					
Human Services, Administration, Administrative Services, Licensing	39334	R501-1	AMD	07/01/2015	2015-10/72
	39333	R501-4	REP	06/29/2015	2015-10/76
	39358	R501-12	EMR	05/12/2015	2015-11/178
	39258	R501-19	5YR	04/01/2015	2015-8/34
	39259	R501-20	5YR	04/01/2015	2015-8/35
	39260	R501-21	5YR	04/01/2015	2015-8/35
	39257	R501-22	5YR	04/01/2015	2015-8/36
<u>hunter education</u>					
Natural Resources, Wildlife Resources	39071	R657-68	AMD	03/16/2015	2015-3/54
<u>hunting</u>					
Natural Resources, Wildlife Resources	39064	R657-38	AMD	03/16/2015	2015-3/39
<u>hunting guides</u>					
Commerce, Occupational and Professional Licensing	39350	R156-79	AMD	07/09/2015	2015-11/29
<u>hydraulic modeling</u>					
Environmental Quality, Drinking Water	39187	R309-511	5YR	03/13/2015	2015-7/66
<u>hydropneumatic systems</u>					
Environmental Quality, Drinking Water	39193	R309-540	5YR	03/13/2015	2015-7/69
<u>identification card</u>					
Public Safety, Driver License	39182	R708-41	5YR	03/10/2015	2015-7/79
<u>illegal drug operation</u>					
Health, Disease Control and Prevention, Environmental Services	39159	R392-600	EXD	02/26/2015	2015-6/49
<u>illegal drug operations</u>					
Health, Disease Control and Prevention, Environmental Services	39161	R392-600	NEW	05/01/2015	2015-6/27
<u>immunization data reporting</u>					
Health, Disease Control and Prevention, Epidemiology	39108	R386-800	5YR	02/05/2015	2015-5/111

RULES INDEX

---

<u>immunizations</u>					
Health, Disease Control and Prevention, Immunization	39171	R396-100	NSC	03/24/2015	Not Printed
<u>implements of husbandry</u>					
Transportation, Motor Carrier	39172	R909-1	EMR	03/06/2015	2015-7/53
	39479	R909-1	AMD	08/24/2015	2015-14/106
<u>import requirements</u>					
Agriculture and Food, Animal Industry	39423	R58-1	AMD	08/12/2015	2015-13/7
<u>import restrictions</u>					
Natural Resources, Wildlife Resources	39217	R657-3	AMD	05/08/2015	2015-7/29
<u>impound fee reimbursement</u>					
Public Safety, Driver License	39003	R708-50	NEW	02/09/2015	2015-1/38
<u>improper attempts to influence</u>					
Judicial Performance Evaluation Commission, Administration	39268	R597-2	5YR	04/13/2015	2015-9/85
<u>incentives</u>					
Education, Administration	39372	R277-417	NEW	07/08/2015	2015-11/55
<u>income</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39484	R414-304	AMD	09/01/2015	2015-14/77
<u>income tax</u>					
Tax Commission, Auditing	39426	R865-91-37	NSC	06/24/2015	Not Printed
<u>independent contractor</u>					
Workforce Services, Unemployment Insurance	39239	R994-204	5YR	03/25/2015	2015-8/40
<u>individual home booster pumps</u>					
Environmental Quality, Drinking Water	39193	R309-540	5YR	03/13/2015	2015-7/69
<u>industry</u>					
Environmental Quality, Radiation Control	39017	R313-35	AMD	05/22/2015	2015-2/89
	39017	R313-35	CPR	05/22/2015	2015-8/30
	39276	R313-36-3	AMD	06/16/2015	2015-9/52
<u>information technology for users with disabilities</u>					
Technology Services, Administration	39427	R895-14	NEW	08/07/2015	2015-13/52
<u>injury</u>					
Health, Disease Control and Prevention, Epidemiology	39170	R386-703	AMD	05/15/2015	2015-7/24
<u>inmate transportation</u>					
Corrections, Administration	39498	R251-709	5YR	07/02/2015	2015-15/32
<u>inmates</u>					
Pardons (Board Of), Administration	39093	R671-201	AMD	03/24/2015	2015-4/20
	39107	R671-303-1	AMD	04/07/2015	2015-5/90
<u>innovation</u>					
Governor, Economic Development	38944	R357-11	NEW	03/23/2015	2014-23/14
	39534	R357-11	NSC	08/17/2015	Not Printed
<u>inspections</u>					
Agriculture and Food, Animal Industry	39424	R58-22	AMD	08/12/2015	2015-13/15
Agriculture and Food, Regulatory Services	39562	R70-910	5YR	08/05/2015	2015-17/99
	39563	R70-950	5YR	08/05/2015	2015-17/99
<u>Institutional Review Board</u>					
Human Services, Administration	39270	R495-820	NEW	06/18/2015	2015-9/57

<u>insurance</u>					
Human Resource Management, Administration	39318	R477-6	AMD	07/01/2015	2015-10/51
Insurance, Administration	39147	R590-140	5YR	02/18/2015	2015-6/46
	39443	R590-162-3	AMD	08/26/2015	2015-13/26
	39030	R590-173	NSC	01/15/2015	Not Printed
	39103	R590-271	NEW	06/22/2015	2015-4/19
	39103	R590-271	CPR	06/22/2015	2015-10/98
Natural Resources, Parks and Recreation	39140	R651-409	5YR	02/12/2015	2015-5/113
<u>insurance companies</u>					
Insurance, Administration	39444	R590-198-5	AMD	08/26/2015	2015-13/27
	39444	R590-198-5	CPR	08/26/2015	2015-14/133
<u>insurance continuing education</u>					
Insurance, Administration	38934	R590-142	AMD	01/12/2015	2014-23/25
<u>insurance internet portal</u>					
Insurance, Administration	39175	R590-256	5YR	03/10/2015	2015-7/75
<u>insurance law</u>					
Insurance, Administration	39029	R590-130-7	NSC	01/15/2015	Not Printed
	39174	R590-164	5YR	03/10/2015	2015-7/74
	39038	R590-194	NSC	01/15/2015	Not Printed
<u>insurance licensing requirements</u>					
Insurance, Administration	38935	R590-244	AMD	01/12/2015	2014-23/31
<u>interconnection</u>					
Public Service Commission, Administration	39311	R746-312	5YR	04/29/2015	2015-10/107
<u>interest buy-downs</u>					
Environmental Quality, Drinking Water	39210	R309-700	5YR	03/13/2015	2015-7/72
<u>internal operating procedures</u>					
Judicial Performance Evaluation Commission, Administration	39268	R597-2	5YR	04/13/2015	2015-9/85
<u>internet facilitators</u>					
Commerce, Occupational and Professional Licensing	39298	R156-83	5YR	04/23/2015	2015-10/102
<u>interpreters</u>					
Education, Rehabilitation	38930	R280-203	AMD	01/02/2015	2014-22/22
Public Service Commission, Administration	39568	R746-510	5YR	08/11/2015	2015-17/105
<u>investigations</u>					
Human Services, Administration	39469	R495-890	5YR	06/29/2015	2015-14/142
Human Services, Child Protection Ombudsman (Office of)	39478	R515-1	5YR	06/30/2015	2015-14/143
<u>investment advisers</u>					
Commerce, Securities	39104	R164-2	5YR	02/02/2015	2015-4/37
Money Management Council, Administration	39347	R628-15	EXD	05/06/2015	2015-11/191
	39348	R628-15	EMR	05/06/2015	2015-11/180
	39396	R628-15	NEW	07/13/2015	2015-11/126
<u>iron and manganese control</u>					
Environmental Quality, Drinking Water	39192	R309-535	5YR	03/13/2015	2015-7/69
<u>irradiators</u>					
Environmental Quality, Radiation Control	39047	R313-34	AMD	05/05/2015	2015-2/87
<u>IT planning</u>					
Technology Services, Administration	39026	R895-6	AMD	05/05/2015	2015-2/104

RULES INDEX

---

<u>jail reimbursement</u>						
Governor, Criminal and Juvenile Justice (State Commission on)	39053	R356-1	EXT	01/02/2015	2015-3/75	
	39344	R356-1	EXD	05/05/2015	2015-11/191	
<u>job creation</u>						
Governor, Economic Development	39526	R357-1	NSC	08/17/2015	Not Printed	
<u>job descriptions</u>						
Human Resource Management, Administration	39316	R477-3-1	AMD	07/01/2015	2015-10/47	
<u>jobs</u>						
Governor, Economic Development	39094	R357-3	R&R	04/13/2015	2015-4/12	
	39528	R357-3	NSC	08/17/2015	Not Printed	
<u>judges</u>						
Governor, Criminal and Juvenile Justice (State Commission on)	39466	R356-101	5YR	06/26/2015	2015-14/142	
Judicial Performance Evaluation Commission, Administration	39244	R597-3-2	AMD	05/27/2015	2015-8/13	
	39243	R597-3-3	AMD	05/27/2015	2015-8/15	
<u>Judicial Conduct Commission</u>						
Judicial Conduct Commission, Administration	39048	R595-1	5YR	01/02/2015	2015-3/71	
	39049	R595-2	5YR	01/02/2015	2015-3/72	
	39050	R595-3	5YR	01/02/2015	2015-3/72	
	39051	R595-4	5YR	01/02/2015	2015-3/73	
<u>judicial nominating commissions</u>						
Governor, Criminal and Juvenile Justice (State Commission on)	39466	R356-101	5YR	06/26/2015	2015-14/142	
<u>judicial performance evaluations</u>						
Judicial Performance Evaluation Commission, Administration	39244	R597-3-2	AMD	05/27/2015	2015-8/13	
	39243	R597-3-3	AMD	05/27/2015	2015-8/15	
<u>land exchange</u>						
School and Institutional Trust Lands, Administration	39295	R850-90	NSC	05/11/2015	Not Printed	
<u>land managers</u>						
Environmental Quality, Air Quality	39114	R307-204	5YR	02/05/2015	2015-5/104	
<u>landowner permits</u>						
Natural Resources, Wildlife Resources	38995	R657-43	AMD	02/09/2015	2015-1/33	
<u>lead-based paint</u>						
Environmental Quality, Air Quality	39123	R307-841	5YR	02/05/2015	2015-5/109	
	39124	R307-842	5YR	02/05/2015	2015-5/110	
<u>lead-based paint abatement</u>						
Environmental Quality, Air Quality	39124	R307-842	5YR	02/05/2015	2015-5/110	
<u>lead-based paint renovation</u>						
Environmental Quality, Air Quality	39123	R307-841	5YR	02/05/2015	2015-5/109	
<u>lease operations</u>						
School and Institutional Trust Lands, Administration	39253	R850-24	5YR	04/01/2015	2015-8/38	
<u>lease provisions</u>						
School and Institutional Trust Lands, Administration	39250	R850-21	5YR	04/01/2015	2015-8/37	
	39251	R850-22	5YR	04/01/2015	2015-8/37	
	39254	R850-25	5YR	04/01/2015	2015-8/39	
	39255	R850-26	5YR	04/01/2015	2015-8/39	
	39256	R850-27	5YR	04/01/2015	2015-8/40	

<u>leave benefits</u>						
Human Resource Management, Administration	39319	R477-7	AMD	07/01/2015	2015-10/56	
<u>liability</u>						
Natural Resources, Parks and Recreation	39140	R651-409	5YR	02/12/2015	2015-5/113	
<u>license</u>						
Environmental Quality, Radiation Control	39280	R313-19-13	AMD	08/26/2015	2015-9/27	
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39410	R722-330	AMD	07/22/2015	2015-12/27	
<u>license certificate</u>						
Public Safety, Driver License	39182	R708-41	5YR	03/10/2015	2015-7/79	
<u>license reinstatement</u>						
Education, Administration	39385	R277-203	NEW	07/08/2015	2015-11/47	
<u>licenses</u>						
Education, Administration	39371	R277-520	5YR	05/15/2015	2015-11/185	
	39379	R277-520	AMD	07/08/2015	2015-11/80	
Environmental Quality, Radiation Control	38907	R313-19	AMD	02/17/2015	2014-21/18	
	39280	R313-19-13	CPR	08/26/2015	2015-14/114	
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39058	R722-330	5YR	01/07/2015	2015-3/74	
<u>licensing</u>						
Commerce, Occupational and Professional Licensing	39056	R156-17b	5YR	01/05/2015	2015-3/69	
	39018	R156-17b	AMD	02/24/2015	2015-2/51	
	39306	R156-20a	5YR	04/27/2015	2015-10/101	
	39351	R156-20a	AMD	07/09/2015	2015-11/20	
	39092	R156-24b-302b	AMD	03/24/2015	2015-4/9	
	39055	R156-26a-501	AMD	04/02/2015	2015-3/7	
	39233	R156-28-304	AMD	05/27/2015	2015-8/6	
	39132	R156-31b	AMD	04/07/2015	2015-5/10	
	38981	R156-31b-202	AMD	01/22/2015	2014-24/13	
	38980	R156-31b-609	AMD	01/22/2015	2014-24/14	
	39015	R156-37	AMD	02/24/2015	2015-2/80	
	39020	R156-37f-102	AMD	02/24/2015	2015-2/84	
	39176	R156-44a-609	AMD	05/11/2015	2015-7/2	
	39428	R156-46a-502d	AMD	08/17/2015	2015-13/21	
	38915	R156-47b	AMD	04/21/2015	2014-22/16	
	38915	R156-47b	CPR	04/21/2015	2015-6/42	
	39238	R156-47b-302a	AMD	05/28/2015	2015-8/7	
	38979	R156-60a	AMD	01/22/2015	2014-24/15	
	38964	R156-60d	AMD	01/22/2015	2014-24/17	
	38957	R156-61	AMD	06/15/2015	2014-24/19	
	38957	R156-61	CPR	06/15/2015	2015-9/80	
	39293	R156-63a	AMD	06/22/2015	2015-10/22	
	39368	R156-63a	AMD	07/23/2015	2015-11/22	
	39294	R156-63b	AMD	06/22/2015	2015-10/24	
	39369	R156-63b	AMD	07/23/2015	2015-11/25	
	39177	R156-70a-302	AMD	05/27/2015	2015-7/3	
	39151	R156-71-202	AMD	04/21/2015	2015-6/25	
	39343	R156-72-102	AMD	07/09/2015	2015-11/28	
	39350	R156-79	AMD	07/09/2015	2015-11/29	
	39298	R156-83	5YR	04/23/2015	2015-10/102	
Commerce, Real Estate	39249	R162-2c	5YR	03/31/2015	2015-8/33	
	38999	R162-2c-201	AMD	02/10/2015	2015-1/8	
Environmental Quality, Radiation Control	39276	R313-36-3	AMD	06/16/2015	2015-9/52	
Human Services, Administration, Administrative Services, Licensing	39334	R501-1	AMD	07/01/2015	2015-10/72	
	39333	R501-4	REP	06/29/2015	2015-10/76	
	39358	R501-12	EMR	05/12/2015	2015-11/178	
	39258	R501-19	5YR	04/01/2015	2015-8/34	
	39259	R501-20	5YR	04/01/2015	2015-8/35	
	39260	R501-21	5YR	04/01/2015	2015-8/35	
	39257	R501-22	5YR	04/01/2015	2015-8/36	

RULES INDEX

---

<u>licensure</u> Professional Practices Advisory Commission, Administration	39391	R686-102	REP	07/08/2015	2015-11/146
<u>life insurance filings</u> Insurance, Administration	39031	R590-226-14	NSC	01/15/2015	Not Printed
<u>life sciences</u> Governor, Economic Development	39531	R357-6	NSC	08/17/2015	Not Printed
<u>lifeline rates</u> Public Service Commission, Administration	38936	R746-341-5	AMD	01/07/2015	2014-23/43
<u>limited-term license certificate</u> Public Safety, Driver License	39182	R708-41	5YR	03/10/2015	2015-7/79
<u>litigation support</u> Attorney General, Administration	39032 39099 39363 39364	R105-1 R105-1 R105-1 R105-1	AMD AMD EMR AMD	03/26/2015 03/26/2015 05/12/2015 07/13/2015	2015-2/34 2015-4/4 2015-11/171 2015-11/13
<u>livestock</u> Agriculture and Food, Animal Industry	39075	R58-7	5YR	01/13/2015	2015-3/67
	39073	R58-11	5YR	01/13/2015	2015-3/67
Natural Resources, Wildlife Resources	39559	R657-24	5YR	08/03/2015	2015-17/105
<u>loan origination</u> Commerce, Real Estate	39249 38999	R162-2c R162-2c-201	5YR AMD	03/31/2015 02/10/2015	2015-8/33 2015-1/8
<u>loans</u> Environmental Quality, Drinking Water	39210 39211	R309-700 R309-705	5YR 5YR	03/13/2015 03/13/2015	2015-7/72 2015-7/72
<u>lobbyist registration</u> Lieutenant Governor, Elections	39457	R623-1-4	AMD	08/24/2015	2015-14/103
<u>lobbyists</u> Lieutenant Governor, Elections	39457	R623-1-4	AMD	08/24/2015	2015-14/103
<u>local governments</u> Transportation, Program Development	39504 39505	R926-8 R926-8	5YR NSC	07/07/2015 07/30/2015	2015-15/35 Not Printed
<u>local health departments</u> Health, Administration	39173	R380-40	5YR	03/06/2015	2015-7/74
<u>long-term care alternatives</u> Human Services, Aging and Adult Services	39269	R510-400	AMD	06/30/2015	2015-9/64
<u>long-term care ombudsman</u> Human Services, Aging and Adult Services	39272	R510-100	AMD	06/30/2015	2015-9/62
<u>low quality ground water</u> Environmental Quality, Drinking Water	39185	R309-505	5YR	03/13/2015	2015-7/65
<u>MACT</u> Environmental Quality, Air Quality	39169	R307-214	AMD	06/04/2015	2015-7/19
<u>MAGI-based</u> Health, Health Care Financing, Coverage and Reimbursement Policy	39413 39165	R414-303-6 R414-303-8	AMD AMD	08/01/2015 05/08/2015	2015-12/15 2015-7/26

<u>maintenance</u>					
Transportation, Operations, Maintenance	39004	R918-7	NEW	02/20/2015	2015-1/42
	39150	R918-7	AMD	04/23/2015	2015-6/36
Transportation, Operations, Traffic and Safety	39433	R920-8	NEW	08/07/2015	2015-13/54
<u>mammography</u>					
Environmental Quality, Radiation Control	39016	R313-28-31	AMD	03/24/2015	2015-2/85
<u>massage apprentice</u>					
Commerce, Occupational and Professional Licensing	38915	R156-47b	AMD	04/21/2015	2014-22/16
	38915	R156-47b	CPR	04/21/2015	2015-6/42
	39238	R156-47b-302a	AMD	05/28/2015	2015-8/7
<u>massage therapist</u>					
Commerce, Occupational and Professional Licensing	38915	R156-47b	AMD	04/21/2015	2014-22/16
	38915	R156-47b	CPR	04/21/2015	2015-6/42
	39238	R156-47b-302a	AMD	05/28/2015	2015-8/7
<u>massage therapy</u>					
Commerce, Occupational and Professional Licensing	38915	R156-47b	AMD	04/21/2015	2014-22/16
	38915	R156-47b	CPR	04/21/2015	2015-6/42
	39238	R156-47b-302a	AMD	05/28/2015	2015-8/7
<u>match requirements</u>					
Human Services, Administration	39361	R495-861	AMD	07/16/2015	2015-11/116
<u>material permits</u>					
School and Institutional Trust Lands, Administration	39253	R850-24	5YR	04/01/2015	2015-8/38
<u>math teaching training</u>					
Education, Administration	39582	R277-498	5YR	08/13/2015	2015-17/103
<u>measures</u>					
Agriculture and Food, Regulatory Services	39563	R70-950	5YR	08/05/2015	2015-17/99
<u>meat inspections</u>					
Agriculture and Food, Animal Industry	39616	R58-13	EMR	08/25/2015	Not Printed
<u>Medicaid</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39040	R414-1-5	AMD	03/02/2015	2015-2/90
	39248	R414-1-5	AMD	06/01/2015	2015-8/8
	39341	R414-1B	AMD	07/01/2015	2015-10/32
	39087	R414-6	REP	03/24/2015	2015-4/18
	38952	R414-11	AMD	01/13/2015	2014-23/22
	39142	R414-14A	AMD	04/07/2015	2015-5/53
	39005	R414-19A	AMD	02/18/2015	2015-1/24
	39264	R414-19A	5YR	04/07/2015	2015-9/84
	39377	R414-33D	5YR	05/15/2015	2015-11/186
	39131	R414-38	AMD	04/07/2015	2015-5/54
	39515	R414-40	5YR	07/16/2015	2015-16/81
	39356	R414-52	AMD	07/16/2015	2015-11/110
	39357	R414-53	AMD	07/16/2015	2015-11/111
	39516	R414-59	5YR	07/16/2015	2015-16/81
	39483	R414-302-8	AMD	09/01/2015	2015-14/76
	39145	R414-309	5YR	02/18/2015	2015-6/45
	38984	R414-310-7	AMD	02/01/2015	2014-24/32
	39299	R414-401-3	AMD	07/01/2015	2015-10/37
	39517	R414-506	5YR	07/16/2015	2015-16/82
	39332	R414-507	NEW	07/01/2015	2015-10/38
<u>medical records</u>					
Corrections, Administration	39541	R251-102	5YR	07/23/2015	2015-16/79
<u>medical transportation</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39414	R414-306-2	AMD	08/01/2015	2015-12/16

RULES INDEX

---

<u>medical use advisory committee</u>						
Environmental Quality, Radiation Control	39283	R313-27	NEW	07/09/2015	2015-9/51	
<u>medical use of radiation</u>						
Environmental Quality, Radiation Control	39283	R313-27	NEW	07/09/2015	2015-9/51	
<u>membrane technology</u>						
Environmental Quality, Drinking Water	39191	R309-530	5YR	03/13/2015	2015-7/68	
<u>mental health</u>						
Corrections, Administration	39539	R251-109	5YR	07/23/2015	2015-16/80	
<u>meth lab contractor certification</u>						
Environmental Quality, Environmental Response and Remediation	39146	R311-500	5YR	02/18/2015	2015-6/45	
<u>methamphetamine decontamination</u>						
Health, Disease Control and Prevention, Environmental Services	39159	R392-600	EXD	02/26/2015	2015-6/49	
	39161	R392-600	NEW	05/01/2015	2015-6/27	
<u>midwifery</u>						
Commerce, Occupational and Professional Licensing	39176	R156-44a-609	AMD	05/11/2015	2015-7/2	
<u>migratory birds</u>						
Natural Resources, Wildlife Resources	39435	R657-9	AMD	08/07/2015	2015-13/29	
<u>mineral classification</u>						
School and Institutional Trust Lands, Administration	39254	R850-25	5YR	04/01/2015	2015-8/39	
<u>mineral leases</u>						
School and Institutional Trust Lands, Administration	39253	R850-24	5YR	04/01/2015	2015-8/38	
<u>mineral resources</u>						
School and Institutional Trust Lands, Administration	39253	R850-24	5YR	04/01/2015	2015-8/38	
<u>minimum sizing</u>						
Environmental Quality, Drinking Water	39186	R309-510	5YR	03/13/2015	2015-7/66	
	39399	R309-510	AMD	07/15/2015	2015-11/92	
<u>mining</u>						
Environmental Quality, Air Quality	39115	R307-205	5YR	02/05/2015	2015-5/105	
<u>minors</u>						
Commerce, Consumer Protection	39282	R152-39	5YR	04/15/2015	2015-9/83	
<u>miscellaneous treatment</u>						
Environmental Quality, Drinking Water	39192	R309-535	5YR	03/13/2015	2015-7/69	
<u>mobility vehicle permits</u>						
Public Safety, Driver License	39043	R708-51	NEW	02/25/2015	2015-2/97	
<u>mobility vehicles</u>						
Public Safety, Driver License	39043	R708-51	NEW	02/25/2015	2015-2/97	
<u>monitoring</u>						
Environmental Quality, Radiation Control	39275	R313-24-4	AMD	06/16/2015	2015-9/49	
<u>motion picture</u>						
Governor, Economic Development	39530	R357-5	NSC	08/17/2015	Not Printed	
<u>motor vehicle record</u>						
Public Safety, Driver License	39178	R708-36	5YR	03/10/2015	2015-7/77	
<u>motor vehicles</u>						
Commerce, Administration	39034	R151-14-3	AMD	02/24/2015	2015-2/49	

<u>multiple stage bidding</u>						
Administrative Services, Purchasing and General Services	38975	R33-6-101	AMD	01/28/2015	2014-24/5	
	39366	R33-6-109	AMD	07/09/2015	2015-11/5	
<u>municipalities</u>						
Governor, Energy Development (Office of)	38931	R362-3	AMD	01/07/2015	2014-22/24	
<u>mutual funds</u>						
Commerce, Securities	38926	R164-15-2	AMD	03/10/2015	2014-22/20	
<u>naturopathic physician</u>						
Commerce, Occupational and Professional Licensing	39151	R156-71-202	AMD	04/21/2015	2015-6/25	
<u>naturopaths</u>						
Commerce, Occupational and Professional Licensing	39151	R156-71-202	AMD	04/21/2015	2015-6/25	
<u>NESHAP</u>						
Environmental Quality, Air Quality	39169	R307-214	AMD	06/04/2015	2015-7/19	
<u>new market tax credit</u>						
Governor, Economic Development	39346	R357-10	NEW	07/08/2015	2015-11/105	
<u>new source review</u>						
Environmental Quality, Air Quality	39168	R307-210	AMD	06/04/2015	2015-7/17	
<u>new state revenue</u>						
Governor, Economic Development	39530	R357-5	NSC	08/17/2015	Not Printed	
	39531	R357-6	NSC	08/17/2015	Not Printed	
<u>newborn screening</u>						
Health, Family Health and Preparedness, Children with Special Health Care Needs	39054	R398-1	AMD	06/01/2015	2015-3/26	
<u>noncompliance</u>						
Education, Administration	39335	R277-114	5YR	05/01/2015	2015-10/104	
	39285	R277-114	R&R	06/08/2015	2015-9/10	
<u>nonpublic schools</u>						
Education, Administration	39485	R277-410	5YR	07/01/2015	2015-14/140	
	39490	R277-410	AMD	08/26/2015	2015-14/43	
<u>nontraditional learning programs</u>						
Education, Administration	39373	R277-418	NEW	07/08/2015	2015-11/57	
<u>notification</u>						
Corrections, Administration	39608	R251-110	5YR	08/21/2015	Not Printed	
<u>notification requirements</u>						
Commerce, Real Estate	39572	R162-2f	5YR	08/12/2015	2015-17/101	
	38972	R162-2f-206	AMD	01/21/2015	2014-24/28	
	39305	R162-2f-401j	AMD	06/22/2015	2015-10/25	
<u>nurseries (agriculture)</u>						
Agriculture and Food, Plant Industry	39548	R68-6	5YR	07/29/2015	2015-16/79	
<u>nurses</u>						
Commerce, Occupational and Professional Licensing	39132	R156-31b	AMD	04/07/2015	2015-5/10	
	38981	R156-31b-202	AMD	01/22/2015	2014-24/13	
	38980	R156-31b-609	AMD	01/22/2015	2014-24/14	
<u>nursing facility</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39299	R414-401-3	AMD	07/01/2015	2015-10/37	

RULES INDEX

---

<u>offender employment</u>						
Corrections, Administration	39540	R251-301	5YR	07/23/2015	2015-16/80	
<u>OHV education standards</u>						
Natural Resources, Parks and Recreation	39088	R651-412	5YR	01/22/2015	2015-4/38	
<u>oil and gas law</u>						
Natural Resources, Oil, Gas and Mining; Oil and Gas	39028	R649-3	AMD	02/26/2015	2015-2/95	
<u>oil gas and hydrocarbons</u>						
School and Institutional Trust Lands, Administration	39250	R850-21	5YR	04/01/2015	2015-8/37	
<u>oil shale</u>						
School and Institutional Trust Lands, Administration	39251	R850-22	5YR	04/01/2015	2015-8/37	
<u>ombudsman</u>						
Human Services, Child Protection Ombudsman (Office of)	39478	R515-1	5YR	06/30/2015	2015-14/143	
<u>online prescribing</u>						
Commerce, Occupational and Professional Licensing	39298	R156-83	5YR	04/23/2015	2015-10/102	
<u>onsite wastewater systems</u>						
Environmental Quality, Water Quality	39106	R317-4	5YR	02/03/2015	2015-5/111	
<u>open burning</u>						
Environmental Quality, Air Quality	39113	R307-202	5YR	02/05/2015	2015-5/103	
<u>opening and closing dates</u>						
Workforce Services, Administration	39441	R982-402-8	AMD	08/11/2015	2015-13/56	
<u>operation and maintenance</u>						
Environmental Quality, Drinking Water	39189	R309-520	5YR	03/13/2015	2015-7/67	
<u>operation and maintenance requirements</u>						
Environmental Quality, Drinking Water	39184	R309-500	5YR	03/13/2015	2015-7/65	
	39076	R309-500	AMD	07/15/2015	2015-3/16	
	39076	R309-500	CPR	07/15/2015	2015-11/166	
<u>operational requirements</u>						
Commerce, Real Estate	39572	R162-2f	5YR	08/12/2015	2015-17/101	
	38972	R162-2f-206	AMD	01/21/2015	2014-24/28	
	39305	R162-2f-401j	AMD	06/22/2015	2015-10/25	
<u>operations</u>						
School and Institutional Trust Lands, Administration	39250	R850-21	5YR	04/01/2015	2015-8/37	
<u>operator certification</u>						
Environmental Quality, Water Quality	39105	R317-10-8	AMD	04/29/2015	2015-4/10	
<u>optometry</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39356	R414-52	AMD	07/16/2015	2015-11/110	
<u>organ transplants</u>						
Health, Family Health and Preparedness, Children with Special Health Care Needs	39133	R398-30	NEW	04/20/2015	2015-5/49	
Health, Health Care Financing, Coverage and Reimbursement Policy	39134	R414-10B	REP	04/20/2015	2015-5/51	
<u>out of school time child care programs</u>						
Health, Child Care Center Licensing Committee	39129	R381-70	NEW	05/01/2015	2015-5/25	
Health, Family Health and Preparedness, Child Care Licensing	39126	R430-70	REP	05/01/2015	2015-5/66	
<u>out-of-home care</u>						
Human Services, Child and Family Services	39537	R512-308	5YR	07/22/2015	2015-16/84	

<u>outfitters</u>						
Commerce, Occupational and Professional Licensing	39350	R156-79	AMD	07/09/2015	2015-11/29	
<u>outpatient treatment programs</u>						
Human Services, Administration, Administrative Services, Licensing	39260	R501-21	5YR	04/01/2015	2015-8/35	
<u>outside counsel</u>						
Attorney General, Administration	39032	R105-1	AMD	03/26/2015	2015-2/34	
	39099	R105-1	AMD	03/26/2015	2015-4/4	
	39363	R105-1	EMR	05/12/2015	2015-11/171	
	39364	R105-1	AMD	07/13/2015	2015-11/13	
<u>overflow and drains</u>						
Environmental Quality, Drinking Water	39194	R309-545	5YR	03/13/2015	2015-7/70	
<u>overtime</u>						
Human Resource Management, Administration	39320	R477-8-3	AMD	07/01/2015	2015-10/64	
<u>ozone</u>						
Environmental Quality, Air Quality	39167	R307-110-17	AMD	06/04/2015	2015-7/14	
	39166	R307-110-28	AMD	06/04/2015	2015-7/15	
<u>paint</u>						
Environmental Quality, Air Quality	39123	R307-841	5YR	02/05/2015	2015-5/109	
	39124	R307-842	5YR	02/05/2015	2015-5/110	
<u>parades</u>						
Transportation, Operations, Traffic and Safety	39095	R920-4	EMR	01/29/2015	2015-4/33	
<u>parent/guardian</u>						
Education, Administration	39079	R277-468	NEW	03/10/2015	2015-3/14	
<u>parking facilities</u>						
Regents (Board Of), University of Utah, Commuter Services	39224	R810-1	AMD	05/19/2015	2015-7/44	
	39225	R810-2	AMD	05/19/2015	2015-7/46	
	39226	R810-5	AMD	05/19/2015	2015-7/47	
	39227	R810-6	AMD	05/19/2015	2015-7/48	
	39228	R810-8	AMD	05/19/2015	2015-7/49	
	39229	R810-9	AMD	05/19/2015	2015-7/50	
	39230	R810-10	AMD	05/19/2015	2015-7/50	
	39231	R810-11	AMD	05/19/2015	2015-7/51	
<u>Parkinson's disease</u>						
Health, Disease Control and Prevention, Health Promotion	39052	R384-300	NEW	03/12/2015	2015-3/24	
<u>parks</u>						
Natural Resources, Parks and Recreation	39140	R651-409	5YR	02/12/2015	2015-5/113	
	39088	R651-412	5YR	01/22/2015	2015-4/38	
	39497	R651-602	AMD	08/28/2015	2015-14/105	
	39089	R651-634	5YR	01/22/2015	2015-4/39	
	39141	R651-635	5YR	02/12/2015	2015-5/113	
<u>parole</u>						
Pardons (Board Of), Administration	39093	R671-201	AMD	03/24/2015	2015-4/20	
	39544	R671-204	EMR	07/27/2015	2015-16/77	
	39420	R671-205	AMD	08/11/2015	2015-13/43	
	39547	R671-205	NSC	08/17/2015	Not Printed	
	39107	R671-303-1	AMD	04/07/2015	2015-5/90	
<u>particulate</u>						
Environmental Quality, Air Quality	39120	R307-307	5YR	02/05/2015	2015-5/108	

RULES INDEX

---

<u>particulate matter</u>						
Environmental Quality, Air Quality	39118	R307-305	5YR	02/05/2015	2015-5/107	
<u>partnering</u>						
Transportation, Program Development	39504	R926-8	5YR	07/07/2015	2015-15/35	
	39505	R926-8	NSC	07/30/2015	Not Printed	
<u>past-due support</u>						
Human Services, Recovery Services	39262	R527-254	NEW	06/09/2015	2015-9/74	
<u>patriotic education</u>						
Education, Administration	39338	R277-475	5YR	05/01/2015	2015-10/105	
	39288	R277-475	AMD	06/08/2015	2015-9/16	
<u>payers</u>						
Health, Center for Health Data, Health Care Statistics	39247	R428-15	NSC	04/07/2015	Not Printed	
<u>pedestrians</u>						
Transportation, Operations, Traffic and Safety	39481	R920-1	AMD	08/24/2015	2015-14/108	
<u>peer review</u>						
Commerce, Occupational and Professional Licensing	39055	R156-26a-501	AMD	04/02/2015	2015-3/7	
<u>penalties</u>						
Environmental Quality, Drinking Water	39208	R309-400	5YR	03/13/2015	2015-7/64	
	39209	R309-405	5YR	03/13/2015	2015-7/64	
<u>per diem allowances</u>						
Administrative Services, Finance	39301	R25-7	AMD	06/22/2015	2015-10/6	
	39160	R25-25-7	AMD	04/21/2015	2015-6/10	
<u>performance standards</u>						
Health, Administration	39173	R380-40	5YR	03/06/2015	2015-7/74	
<u>permit provisions</u>						
School and Institutional Trust Lands, Administration	39252	R850-23	5YR	04/01/2015	2015-8/38	
<u>permit terms</u>						
School and Institutional Trust Lands, Administration	39254	R850-25	5YR	04/01/2015	2015-8/39	
<u>permits</u>						
Environmental Quality, Air Quality	38901	R307-401-19	AMD	02/05/2015	2014-21/16	
Environmental Quality, Drinking Water	39184	R309-500	5YR	03/13/2015	2015-7/65	
	39076	R309-500	AMD	07/15/2015	2015-3/16	
	39076	R309-500	CPR	07/15/2015	2015-11/166	
Natural Resources, Forestry, Fire and State Lands	39314	R652-70	AMD	07/06/2015	2015-10/88	
Natural Resources, Wildlife Resources	39066	R657-42	AMD	03/16/2015	2015-3/42	
	39068	R657-57	AMD	03/16/2015	2015-3/48	
	39070	R657-62	AMD	03/16/2015	2015-3/52	
<u>personnel files</u>						
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	39245	R606-6	5YR	03/30/2015	2015-8/36	
<u>personnel management</u>						
Human Resource Management, Administration	39324	R477-1	AMD	07/01/2015	2015-10/39	
	39318	R477-6	AMD	07/01/2015	2015-10/51	
	39321	R477-9-4	NSC	05/11/2015	Not Printed	
<u>pharmacies</u>						
Commerce, Occupational and Professional Licensing	39056	R156-17b	5YR	01/05/2015	2015-3/69	
	39018	R156-17b	AMD	02/24/2015	2015-2/51	
<u>pharmacists</u>						
Commerce, Occupational and Professional Licensing	39056	R156-17b	5YR	01/05/2015	2015-3/69	
	39018	R156-17b	AMD	02/24/2015	2015-2/51	

<u>physical therapist assistants</u>						
Commerce, Occupational and Professional Licensing	39092	R156-24b-302b	AMD	03/24/2015	2015-4/9	
<u>physical therapists</u>						
Commerce, Occupational and Professional Licensing	39092	R156-24b-302b	AMD	03/24/2015	2015-4/9	
<u>physical therapy</u>						
Commerce, Occupational and Professional Licensing	39092	R156-24b-302b	AMD	03/24/2015	2015-4/9	
<u>physician assistants</u>						
Commerce, Occupational and Professional Licensing	39177	R156-70a-302	AMD	05/27/2015	2015-7/3	
<u>physicians</u>						
Health, Family Health and Preparedness, Primary Care and Rural Health	39342	R434-100	5YR	05/04/2015	2015-11/187	
Health, Health Care Financing, Coverage and Reimbursement Policy	39341	R414-1B	AMD	07/01/2015	2015-10/32	
Public Safety, Driver License	39072	R708-7	AMD	03/10/2015	2015-3/55	
<u>plan of operations</u>						
School and Institutional Trust Lands, Administration	39255	R850-26	5YR	04/01/2015	2015-8/39	
	39256	R850-27	5YR	04/01/2015	2015-8/40	
<u>plan review</u>						
Environmental Quality, Drinking Water	39184	R309-500	5YR	03/13/2015	2015-7/65	
	39076	R309-500	AMD	07/15/2015	2015-3/16	
	39076	R309-500	CPR	07/15/2015	2015-11/166	
<u>plant diseases</u>						
Agriculture and Food, Plant Industry	39507	R68-10	5YR	07/10/2015	2015-15/31	
	39408	R68-12	5YR	05/21/2015	2015-12/33	
<u>plants</u>						
School and Institutional Trust Lands, Administration	39309	R850-150	NEW	06/22/2015	2015-10/92	
<u>PM10</u>						
Environmental Quality, Air Quality	39167	R307-110-17	AMD	06/04/2015	2015-7/14	
	39166	R307-110-28	AMD	06/04/2015	2015-7/15	
	39111	R307-201	5YR	02/05/2015	2015-5/103	
	39116	R307-206	5YR	02/05/2015	2015-5/105	
	39118	R307-305	5YR	02/05/2015	2015-5/107	
	39119	R307-306	5YR	02/05/2015	2015-5/107	
	39122	R307-310	5YR	02/05/2015	2015-5/109	
	38997	R307-311	NEW	03/05/2015	2015-1/22	
<u>PM2.5</u>						
Environmental Quality, Air Quality	39167	R307-110-17	AMD	06/04/2015	2015-7/14	
	39166	R307-110-28	AMD	06/04/2015	2015-7/15	
	39118	R307-305	5YR	02/05/2015	2015-5/107	
<u>policy</u>						
Capitol Preservation Board (State), Administration	39266	R131-9	EXD	04/08/2015	2015-9/87	
<u>position classifications</u>						
Human Resource Management, Administration	39316	R477-3-1	AMD	07/01/2015	2015-10/47	
<u>poultry</u>						
Agriculture and Food, Animal Industry	39073	R58-11	5YR	01/13/2015	2015-3/67	
<u>precedent</u>						
Commerce, Securities	39300	R164-32	NEW	06/22/2015	2015-10/26	
<u>presumptive eligibility</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39413	R414-303-6	AMD	08/01/2015	2015-12/15	
	39165	R414-303-8	AMD	05/08/2015	2015-7/26	

RULES INDEX

---

<u>primary care</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38984	R414-310-7	AMD	02/01/2015	2014-24/32	
<u>primary disinfectants</u>						
Environmental Quality, Drinking Water	39189	R309-520	5YR	03/13/2015	2015-7/67	
<u>prison release</u>						
Pardons (Board Of), Administration	39420	R671-205	AMD	08/11/2015	2015-13/43	
	39547	R671-205	NSC	08/17/2015	Not Printed	
<u>prisons</u>						
Corrections, Administration	39498	R251-709	5YR	07/02/2015	2015-15/32	
<u>privacy</u>						
Public Safety, Driver License	39178	R708-36	5YR	03/10/2015	2015-7/77	
<u>private activity bonds</u>						
Governor, Economic Development	39263	R357-8	NEW	07/08/2015	2015-9/53	
<u>private investigators</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39058	R722-330	5YR	01/07/2015	2015-3/74	
	39410	R722-330	AMD	07/22/2015	2015-12/27	
<u>private investigators licenses</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	38947	R722-330	AMD	01/07/2015	2014-23/40	
<u>Private Proposal Program</u>						
Governor, Economic Development	39529	R357-4	NSC	08/17/2015	Not Printed	
<u>private security officers</u>						
Commerce, Occupational and Professional Licensing	39293	R156-63a	AMD	06/22/2015	2015-10/22	
	39368	R156-63a	AMD	07/23/2015	2015-11/22	
<u>procurement</u>						
Administrative Services, Facilities Construction and Management	39033	R23-1	R&R	03/03/2015	2015-2/4	
	39061	R23-2	REP	03/16/2015	2015-3/4	
Governor, Economic Development	39529	R357-4	NSC	08/17/2015	Not Printed	
Regents (Board Of), Administration	39010	R765-571	NEW	04/28/2015	2015-1/39	
<u>procurement rules</u>						
Administrative Services, Purchasing and General Services	39271	R33-26	AMD	06/10/2015	2015-9/4	
	39042	R33-26-202	AMD	03/31/2015	2015-2/33	
	39454	R33-26-202	AMD	08/21/2015	2015-14/11	
<u>professional</u>						
Education, Administration	39290	R277-517-5	AMD	06/08/2015	2015-9/19	
<u>professional competency</u>						
Education, Administration	39378	R277-502	AMD	07/08/2015	2015-11/75	
<u>professional conduct</u>						
Commerce, Real Estate	39292	R162-57a	5YR	04/21/2015	2015-10/103	
<u>professional education</u>						
Education, Administration	39008	R277-504	AMD	02/09/2015	2015-1/13	
	39219	R277-504	AMD	05/08/2015	2015-7/8	
<u>professional learning</u>						
Education, Administration	39486	R277-500	5YR	07/01/2015	2015-14/141	
	39491	R277-500	AMD	08/26/2015	2015-14/46	

<u>professional practices</u>						
Education, Administration	39382	R277-200	NEW	07/08/2015	2015-11/33	
<u>program</u>						
Capitol Preservation Board (State), Administration	39266	R131-9	EXD	04/08/2015	2015-9/87	
<u>program benefits</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39414	R414-306-2	AMD	08/01/2015	2015-12/16	
<u>programs</u>						
Education, Administration	39335	R277-114	5YR	05/01/2015	2015-10/104	
	39285	R277-114	R&R	06/08/2015	2015-9/10	
<u>property tax</u>						
Auditor, Administration	39136	R123-6	AMD	04/08/2015	2015-5/8	
<u>protests</u>						
Administrative Services, Purchasing and General Services	39470	R33-16	AMD	08/21/2015	2015-14/9	
	38978	R33-16-401	AMD	01/28/2015	2014-24/12	
<u>psychologists</u>						
Commerce, Occupational and Professional Licensing	38957	R156-61	AMD	06/15/2015	2014-24/19	
	38957	R156-61	CPR	06/15/2015	2015-9/80	
<u>public buildings</u>						
Administrative Services, Facilities Construction and Management	39033	R23-1	R&R	03/03/2015	2015-2/4	
Capitol Preservation Board (State), Administration	39025	R131-2	AMD	02/24/2015	2015-2/41	
<u>public information</u>						
Human Resource Management, Administration	39315	R477-2	AMD	07/01/2015	2015-10/44	
<u>public investments</u>						
Money Management Council, Administration	39347	R628-15	EXD	05/06/2015	2015-11/191	
	39348	R628-15	EMR	05/06/2015	2015-11/180	
	39396	R628-15	NEW	07/13/2015	2015-11/126	
<u>public notification</u>						
Environmental Quality, Drinking Water	39204	R309-220	5YR	03/13/2015	2015-7/62	
<u>public schools</u>						
Education, Administration	39485	R277-410	5YR	07/01/2015	2015-14/140	
	39490	R277-410	AMD	08/26/2015	2015-14/43	
	39376	R277-490	AMD	07/08/2015	2015-11/72	
<u>public utilities</u>						
Public Service Commission, Administration	39234	R746-100-3	AMD	05/27/2015	2015-8/19	
	39235	R746-100-11	AMD	05/27/2015	2015-8/21	
	39246	R746-200-7	AMD	05/27/2015	2015-8/22	
	39311	R746-312	5YR	04/29/2015	2015-10/107	
	39367	R746-360	AMD	07/08/2015	2015-11/155	
<u>pumps</u>						
Environmental Quality, Drinking Water	39193	R309-540	5YR	03/13/2015	2015-7/69	
<u>pupil accounting</u>						
Education, Administration	39374	R277-419	AMD	07/08/2015	2015-11/58	
<u>purchasing</u>						
Governor, Economic Development	39529	R357-4	NSC	08/17/2015	Not Printed	
<u>quality control</u>						
Agriculture and Food, Regulatory Services	39223	R70-101	5YR	03/16/2015	2015-7/57	
	39407	R70-101	R&R	07/22/2015	2015-12/6	

RULES INDEX

---

<u>quality standards</u>						
Environmental Quality, Drinking Water	39200	R309-200	5YR	03/13/2015	2015-7/60	
<u>quarantines</u>						
Agriculture and Food, Animal Industry	39422	R58-2	AMD	08/12/2015	2015-13/14	
<u>rabbits</u>						
Natural Resources, Wildlife Resources	39431	R657-6	5YR	06/08/2015	2015-13/63	
<u>races</u>						
Transportation, Operations, Traffic and Safety	39095	R920-4	EMR	01/29/2015	2015-4/33	
<u>radiation</u>						
Environmental Quality, Radiation Control	39047	R313-34	AMD	05/05/2015	2015-2/87	
<u>radiation safety</u>						
Environmental Quality, Radiation Control	39047	R313-34	AMD	05/05/2015	2015-2/87	
<u>radioactive material</u>						
Environmental Quality, Radiation Control	39277	R313-12-3	AMD	06/16/2015	2015-9/21	
	39274	R313-19-34	AMD	06/16/2015	2015-9/32	
	39276	R313-36-3	AMD	06/16/2015	2015-9/52	
	38908	R313-37	NEW	06/29/2015	2014-21/21	
	38908	R313-37	CPR	06/29/2015	2015-5/98	
<u>radioactive material license</u>						
Environmental Quality, Radiation Control	39274	R313-19-34	AMD	06/16/2015	2015-9/32	
<u>radioactive materials</u>						
Environmental Quality, Radiation Control	39082	R313-15-1208	AMD	03/17/2015	2015-3/21	
	39278	R313-21-22	AMD	08/26/2015	2015-9/34	
	39278	R313-21-22	CPR	08/26/2015	2015-14/118	
	39279	R313-22	AMD	08/26/2015	2015-9/40	
	39279	R313-22	CPR	08/26/2015	2015-14/124	
	39083	R313-38-3	AMD	03/17/2015	2015-3/22	
<u>range management</u>						
School and Institutional Trust Lands, Administration	39429	R850-50	AMD	08/11/2015	2015-13/48	
<u>real estate business</u>						
Commerce, Real Estate	39572	R162-2f	5YR	08/12/2015	2015-17/101	
	38972	R162-2f-206	AMD	01/21/2015	2014-24/28	
	39305	R162-2f-401j	AMD	06/22/2015	2015-10/25	
<u>reciprocity</u>						
Environmental Quality, Radiation Control	38907	R313-19	AMD	02/17/2015	2014-21/18	
	39280	R313-19-13	AMD	08/26/2015	2015-9/27	
	39280	R313-19-13	CPR	08/26/2015	2015-14/114	
<u>records</u>						
Education, Administration	38956	R277-487	AMD	01/07/2015	2014-23/6	
	39375	R277-487	AMD	07/08/2015	2015-11/67	
Pardons (Board Of), Administration	39107	R671-303-1	AMD	04/07/2015	2015-5/90	
<u>records appeal hearings</u>						
Administrative Services, Records Committee	39400	R35-1	AMD	07/31/2015	2015-11/7	
	39401	R35-2	AMD	07/31/2015	2015-11/9	
	39402	R35-4	AMD	07/31/2015	2015-11/10	
	39403	R35-5	AMD	07/31/2015	2015-11/11	
	39404	R35-6	AMD	07/31/2015	2015-11/12	
<u>recreation</u>						
Natural Resources, Wildlife Resources	39064	R657-38	AMD	03/16/2015	2015-3/39	
<u>redeemable coupon program</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39019	R722-370	NEW	02/24/2015	2015-2/100	

<u>regionalization</u>					
Environmental Quality, Drinking Water	39212	R309-800	5YR	03/13/2015	2015-7/73
<u>registration</u>					
Commerce, Real Estate	39291	R162-2e	5YR	04/17/2015	2015-10/102
	38971	R162-2e-401	AMD	01/28/2015	2014-24/26
	39292	R162-57a	5YR	04/21/2015	2015-10/103
<u>registry</u>					
Health, Disease Control and Prevention, Health Promotion	39052	R384-300	NEW	03/12/2015	2015-3/24
<u>regulated contaminants</u>					
Environmental Quality, Drinking Water	39200	R309-200	5YR	03/13/2015	2015-7/60
<u>rehabilitation</u>					
Education, Rehabilitation	39220	R280-200	AMD	05/08/2015	2015-7/13
<u>reinstatement</u>					
Professional Practices Advisory Commission, Administration	39391	R686-102	REP	07/08/2015	2015-11/146
<u>renewable energy facilities</u>					
Public Service Commission, Administration	39311	R746-312	5YR	04/29/2015	2015-10/107
<u>renewals</u>					
Environmental Quality, Water Quality	39105	R317-10-8	AMD	04/29/2015	2015-4/10
<u>reporting</u>					
Health, Family Health and Preparedness, Emergency Medical Services	39468	R426-9	AMD	08/21/2015	2015-14/87
<u>reporting requirements and procedures</u>					
Health, Disease Control and Prevention, Health Promotion	39052	R384-300	NEW	03/12/2015	2015-3/24
<u>reports</u>					
Education, Administration	39384	R277-202	NEW	07/08/2015	2015-11/41
Professional Practices Advisory Commission, Administration	39390	R686-101	REP	07/08/2015	2015-11/139
	39222	R686-101-14	AMD	05/08/2015	2015-7/43
<u>request for proposals</u>					
Administrative Services, Purchasing and General Services	38976	R33-7	AMD	01/28/2015	2014-24/6
	39513	R33-7	NSC	07/30/2015	Not Printed
	39365	R33-7-702	AMD	07/09/2015	2015-11/6
	39432	R33-7-702	AMD	08/07/2015	2015-13/6
<u>research</u>					
Agriculture and Food, Plant Industry	39148	R68-22	NEW	04/22/2015	2015-6/14
Human Services, Administration	39270	R495-820	NEW	06/18/2015	2015-9/57
<u>residency requirements</u>					
Workforce Services, Administration	39441	R982-402-8	AMD	08/11/2015	2015-13/56
<u>residential</u>					
Environmental Quality, Air Quality	39117	R307-207	5YR	02/05/2015	2015-5/106
<u>residential mortgage</u>					
Commerce, Real Estate	39249	R162-2c	5YR	03/31/2015	2015-8/33
	38999	R162-2c-201	AMD	02/10/2015	2015-1/8
<u>resorts</u>					
Alcoholic Beverage Control, Administration	39059	R81-4E	5YR	01/08/2015	2015-3/69

RULES INDEX

---

rest areas

Transportation, Operations, Maintenance	39004	R918-7	NEW	02/20/2015	2015-1/42
	39150	R918-7	AMD	04/23/2015	2015-6/36

reverse auction

Administrative Services, Purchasing and General Services	38975	R33-6-101	AMD	01/28/2015	2014-24/5
	39366	R33-6-109	AMD	07/09/2015	2015-11/5

revocation procedures

Environmental Quality, Environmental Response and Remediation	39146	R311-500	5YR	02/18/2015	2015-6/45
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right-of-way

Transportation, Preconstruction	39297	R930-8	NEW	08/24/2015	2015-10/93
	39297	R930-8	CPR	08/24/2015	2015-14/135

roads

Environmental Quality, Air Quality	39120	R307-307	5YR	02/05/2015	2015-5/108
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rules

Education, Administration	39488	R277-99	NEW	08/26/2015	2015-14/40
Public Service Commission, Administration	39246	R746-200-7	AMD	05/27/2015	2015-8/22

rules and procedures

Health, Disease Control and Prevention, Epidemiology	39170	R386-703	AMD	05/15/2015	2015-7/24
Health, Disease Control and Prevention, Immunization	39171	R396-100	NSC	03/24/2015	Not Printed
Human Resource Management, Administration	39324	R477-1	AMD	07/01/2015	2015-10/39
Public Service Commission, Administration	39234	R746-100-3	AMD	05/27/2015	2015-8/19
	39235	R746-100-11	AMD	05/27/2015	2015-8/21
	38936	R746-341-5	AMD	01/07/2015	2014-23/43

rural business

Governor, Economic Development	39527	R357-2	NSC	08/17/2015	Not Printed
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rural conventional roads

Transportation, Operations, Traffic and Safety	39495	R920-2	NEW	08/24/2015	2015-14/109
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rural economic development

Governor, Economic Development	39526	R357-1	NSC	08/17/2015	Not Printed
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Rural Fast Track Program

Governor, Economic Development	39526	R357-1	NSC	08/17/2015	Not Printed
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safety

Environmental Quality, Radiation Control	39082	R313-15-1208	AMD	03/17/2015	2015-3/21
Labor Commission, Boiler and Elevator Safety	39296	R616-3-3	AMD	06/22/2015	2015-10/86
	39138	R616-4	5YR	02/12/2015	2015-5/112
Labor Commission, Occupational Safety and Health	39381	R614-1-7	AMD	07/08/2015	2015-11/119

sand

School and Institutional Trust Lands, Administration	39252	R850-23	5YR	04/01/2015	2015-8/38
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sanitarian

Commerce, Occupational and Professional Licensing	39306	R156-20a	5YR	04/27/2015	2015-10/101
	39351	R156-20a	AMD	07/09/2015	2015-11/20

scenic byways

Transportation, Program Development	39448	R926-13	5YR	06/16/2015	2015-14/144
	39449	R926-14	5YR	06/16/2015	2015-14/145

scholarships

Education, Administration	39583	R277-602	5YR	08/13/2015	2015-17/104
Regents (Board Of), Administration	39157	R765-609	5YR	02/25/2015	2015-6/48

<u>school community councils</u>					
Education, Administration	39580	R277-491	5YR	08/13/2015	2015-17/102
<u>school employees</u>					
Education, Administration	39492	R277-516	AMD	08/26/2015	2015-14/51
	39289	R277-516-3	AMD	06/08/2015	2015-9/18
<u>school enrollment</u>					
Education, Administration	39374	R277-419	AMD	07/08/2015	2015-11/58
	39080	R277-419-9	EMR	01/15/2015	2015-3/63
<u>school personnel</u>					
Education, Administration	39462	R277-107	5YR	06/25/2015	2015-14/140
	39489	R277-107	AMD	08/26/2015	2015-14/41
<u>school reports</u>					
Education, Administration	39007	R277-497	AMD	02/09/2015	2015-1/11
	39581	R277-497	5YR	08/13/2015	2015-17/103
<u>school zones</u>					
Transportation, Operations, Traffic and Safety	39481	R920-1	AMD	08/24/2015	2015-14/108
<u>schools</u>					
Education, Administration	39337	R277-474	5YR	05/01/2015	2015-10/105
	39287	R277-474	AMD	06/08/2015	2015-9/13
	39579	R277-477	5YR	08/13/2015	2015-17/102
Governor, Energy Development (Office of)	38931	R362-3	AMD	01/07/2015	2014-22/24
<u>science</u>					
Education, Administration	39578	R277-444	5YR	08/13/2015	2015-17/101
<u>SDWA</u>					
Environmental Quality, Drinking Water	39211	R309-705	5YR	03/13/2015	2015-7/72
<u>sealed bidding</u>					
Administrative Services, Purchasing and General Services	38975	R33-6-101	AMD	01/28/2015	2014-24/5
	39366	R33-6-109	AMD	07/09/2015	2015-11/5
<u>secondary disinfectants</u>					
Environmental Quality, Drinking Water	39189	R309-520	5YR	03/13/2015	2015-7/67
<u>secondary education</u>					
Regents (Board Of), Administration	39157	R765-609	5YR	02/25/2015	2015-6/48
<u>securities</u>					
Commerce, Securities	39104	R164-2	5YR	02/02/2015	2015-4/37
	38926	R164-15-2	AMD	03/10/2015	2014-22/20
<u>securities regulation</u>					
Commerce, Securities	39104	R164-2	5YR	02/02/2015	2015-4/37
	38926	R164-15-2	AMD	03/10/2015	2014-22/20
	39300	R164-32	NEW	06/22/2015	2015-10/26
Money Management Council, Administration	39347	R628-15	EXD	05/06/2015	2015-11/191
	39396	R628-15	NEW	07/13/2015	2015-11/126
<u>securities regulations</u>					
Money Management Council, Administration	39348	R628-15	EMR	05/06/2015	2015-11/180
<u>security</u>					
Environmental Quality, Radiation Control	38908	R313-37	NEW	06/29/2015	2014-21/21
	38908	R313-37	CPR	06/29/2015	2015-5/98
<u>security guards</u>					
Commerce, Occupational and Professional Licensing	39293	R156-63a	AMD	06/22/2015	2015-10/22
	39368	R156-63a	AMD	07/23/2015	2015-11/22
	39294	R156-63b	AMD	06/22/2015	2015-10/24

RULES INDEX

---

	39369	R156-63b	AMD	07/23/2015	2015-11/25
<u>security measures</u>					
Corrections, Administration	39498	R251-709	5YR	07/02/2015	2015-15/32
<u>sedimentation</u>					
Environmental Quality, Drinking Water	39190	R309-525	5YR	03/13/2015	2015-7/68
<u>seizure of property</u>					
Tax Commission, Collections	39565	R867-2B	5YR	08/06/2015	2015-17/106
<u>self reporting</u>					
Education, Administration	39492	R277-516	AMD	08/26/2015	2015-14/51
	39289	R277-516-3	AMD	06/08/2015	2015-9/18
<u>septic tanks</u>					
Environmental Quality, Water Quality	39106	R317-4	5YR	02/03/2015	2015-5/111
<u>settlements</u>					
Labor Commission, Adjudication	39380	R602-2-4	AMD	07/08/2015	2015-11/117
<u>sex crimes</u>					
Corrections, Administration	39608	R251-110	5YR	08/21/2015	Not Printed
<u>sex education</u>					
Education, Administration	39337	R277-474	5YR	05/01/2015	2015-10/105
	39287	R277-474	AMD	06/08/2015	2015-9/13
<u>sex offender treatment</u>					
Corrections, Administration	39539	R251-109	5YR	07/23/2015	2015-16/80
<u>sharing</u>					
Education, Administration	39077	R277-111	5YR	01/15/2015	2015-3/71
	39078	R277-111	AMD	03/10/2015	2015-3/13
<u>skills tests</u>					
Public Safety, Driver License	39180	R708-37	5YR	03/10/2015	2015-7/78
<u>slaughter</u>					
Agriculture and Food, Animal Industry	39073	R58-11	5YR	01/13/2015	2015-3/67
<u>slow sand filtration</u>					
Environmental Quality, Drinking Water	39191	R309-530	5YR	03/13/2015	2015-7/68
<u>small business</u>					
Governor, Economic Development	38944	R357-11	NEW	03/23/2015	2014-23/14
	39534	R357-11	NSC	08/17/2015	Not Printed
<u>Small Business Jobs Act</u>					
Governor, Economic Development	39346	R357-10	NEW	07/08/2015	2015-11/105
<u>small game</u>					
Natural Resources, Wildlife Resources	39163	R657-21	5YR	03/03/2015	2015-7/76
<u>small purchases</u>					
Administrative Services, Purchasing and General Services	39327	R33-4	AMD	06/23/2015	2015-10/11
	39472	R33-4	AMD	08/21/2015	2015-14/6
	39523	R33-4	NSC	08/24/2015	Not Printed
<u>smoke</u>					
Environmental Quality, Air Quality	39114	R307-204	5YR	02/05/2015	2015-5/104
<u>social services</u>					
Human Services, Administration	39361	R495-861	AMD	07/16/2015	2015-11/116
Human Services, Administration, Administrative Hearings	39521	R497-100	5YR	07/20/2015	2015-16/82

Human Services, Child and Family Services	39284 39409	R512-1 R512-300	AMD AMD	06/15/2015 07/22/2015	2015-9/71 2015-12/20
<u>social workers</u>					
Commerce, Occupational and Professional Licensing	38979	R156-60a	AMD	01/22/2015	2014-24/15
<u>solid fuel burning</u>					
Environmental Quality, Air Quality	39117 38842 38842 39349	R307-207 R307-302 R307-302 R307-302	5YR AMD CPR 5YR	02/05/2015 02/04/2015 02/04/2015 05/06/2015	2015-5/106 2014-19/44 2015-1/48 2015-11/185
<u>source development</u>					
Environmental Quality, Drinking Water	39188	R309-515	5YR	03/13/2015	2015-7/67
<u>source maintenance</u>					
Environmental Quality, Drinking Water	39188	R309-515	5YR	03/13/2015	2015-7/67
<u>source materials</u>					
Environmental Quality, Radiation Control	39278 39278	R313-21-22 R313-21-22	AMD CPR	08/26/2015 08/26/2015	2015-9/34 2015-14/118
<u>source monitoring</u>					
Environmental Quality, Drinking Water	39201	R309-205	5YR	03/13/2015	2015-7/60
<u>sovereign lands</u>					
Natural Resources, Forestry, Fire and State Lands	39314	R652-70	AMD	07/06/2015	2015-10/88
<u>space</u>					
Capitol Preservation Board (State), Administration	39501	R131-6	5YR	07/06/2015	2015-15/31
<u>special fuel</u>					
Tax Commission, Auditing	39437	R865-4D-21	AMD	08/27/2015	2015-13/50
<u>special income group</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39310	R414-307	AMD	07/01/2015	2015-10/33
<u>special needs students</u>					
Education, Administration	39583	R277-602	5YR	08/13/2015	2015-17/104
<u>specific licenses</u>					
Environmental Quality, Radiation Control	39279 39279	R313-22 R313-22	AMD CPR	08/26/2015 08/26/2015	2015-9/40 2015-14/124
<u>specifications</u>					
Administrative Services, Purchasing and General Services	39327 39472 39523	R33-4 R33-4 R33-4	AMD AMD NSC	06/23/2015 08/21/2015 08/24/2015	2015-10/11 2015-14/6 Not Printed
<u>speech impaired</u>					
Public Service Commission, Administration	39568	R746-510	5YR	08/11/2015	2015-17/105
<u>sponsorships</u>					
Transportation, Operations, Maintenance	39004 39150	R918-7 R918-7	NEW AMD	02/20/2015 04/23/2015	2015-1/42 2015-6/36
<u>sportsmen</u>					
Natural Resources, Wildlife Resources	39065 39362	R657-41 R657-41	AMD AMD	03/16/2015 07/09/2015	2015-3/40 2015-11/129
<u>stabilization</u>					
Environmental Quality, Drinking Water	39192	R309-535	5YR	03/13/2015	2015-7/69
<u>standard procurement process</u>					
Administrative Services, Purchasing and General	38976	R33-7	AMD	01/28/2015	2014-24/6

RULES INDEX

---

Services	39513	R33-7	NSC	07/30/2015	Not Printed
	39365	R33-7-702	AMD	07/09/2015	2015-11/6
	39432	R33-7-702	AMD	08/07/2015	2015-13/6
<u>standards</u>					
Education, Administration	39290	R277-517-5	AMD	06/08/2015	2015-9/19
	39494	R277-700	AMD	08/26/2015	2015-14/59
<u>state employees</u>					
Administrative Services, Finance	39301	R25-7	AMD	06/22/2015	2015-10/6
	39360	R25-10	AMD	07/08/2015	2015-11/4
	39160	R25-25-7	AMD	04/21/2015	2015-6/10
<u>state parole inmates</u>					
Governor, Criminal and Juvenile Justice (State Commission on)	39053	R356-1	EXT	01/02/2015	2015-3/75
	39344	R356-1	EXD	05/05/2015	2015-11/191
<u>state probationary inmates</u>					
Governor, Criminal and Juvenile Justice (State Commission on)	39053	R356-1	EXT	01/02/2015	2015-3/75
	39344	R356-1	EXD	05/05/2015	2015-11/191
<u>state records committee</u>					
Administrative Services, Records Committee	39400	R35-1	AMD	07/31/2015	2015-11/7
	39401	R35-2	AMD	07/31/2015	2015-11/9
	39402	R35-4	AMD	07/31/2015	2015-11/10
	39403	R35-5	AMD	07/31/2015	2015-11/11
	39404	R35-6	AMD	07/31/2015	2015-11/12
<u>state residency</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39483	R414-302-8	AMD	09/01/2015	2015-14/76
<u>state surplus property</u>					
Administrative Services, Purchasing and General Services	39084	R33-26	NSC	01/28/2015	Not Printed
	39271	R33-26	AMD	06/10/2015	2015-9/4
	39042	R33-26-202	AMD	03/31/2015	2015-2/33
	39454	R33-26-202	AMD	08/21/2015	2015-14/11
<u>statewide registry</u>					
Human Services, Substance Abuse and Mental Health	38917	R523-8	NEW	01/06/2015	2014-22/33
<u>stationary sources</u>					
Environmental Quality, Air Quality	39168	R307-210	AMD	06/04/2015	2015-7/17
<u>statutory interpretation</u>					
Commerce, Securities	39300	R164-32	NEW	06/22/2015	2015-10/26
<u>storage</u>					
Capitol Preservation Board (State), Administration	39501	R131-6	5YR	07/06/2015	2015-15/31
<u>storage tanks</u>					
Environmental Quality, Drinking Water	39194	R309-545	5YR	03/13/2015	2015-7/70
<u>stoves</u>					
Environmental Quality, Air Quality	38842	R307-302	AMD	02/04/2015	2014-19/44
	38842	R307-302	CPR	02/04/2015	2015-1/48
	39349	R307-302	5YR	05/06/2015	2015-11/185
<u>student</u>					
Education, Administration	39372	R277-417	NEW	07/08/2015	2015-11/55
	39373	R277-418	NEW	07/08/2015	2015-11/57

<u>student achievement</u>						
Education, Administration	39340	R277-404	AMD	06/23/2015	2015-10/28	
<u>student loans</u>						
Regents (Board Of), Administration	39605	R765-649	5YR	08/18/2015	Not Printed	
<u>students</u>						
Education, Administration	38956	R277-487	AMD	01/07/2015	2014-23/6	
	39375	R277-487	AMD	07/08/2015	2015-11/67	
<u>subcontractors</u>						
Transportation, Operations, Construction	39458	R916-6	5YR	06/22/2015	2015-14/144	
	39455	R916-6	NSC	07/13/2015	Not Printed	
<u>substance use disorder counselors</u>						
Commerce, Occupational and Professional Licensing	38964	R156-60d	AMD	01/22/2015	2014-24/17	
<u>subsurface tracer studies</u>						
Environmental Quality, Radiation Control	39083	R313-38-3	AMD	03/17/2015	2015-3/22	
<u>supplemental water rights</u>						
Natural Resources, Water Rights	39152	R655-16	5YR	02/24/2015	2015-6/47	
<u>supplies</u>						
Education, Administration	39336	R277-459	5YR	05/01/2015	2015-10/104	
	39286	R277-459	AMD	06/08/2015	2015-9/12	
<u>surface water treatment</u>						
Environmental Quality, Drinking Water	39185	R309-505	5YR	03/13/2015	2015-7/65	
<u>surface water treatment plant monitoring</u>						
Environmental Quality, Drinking Water	39203	R309-215	5YR	03/13/2015	2015-7/61	
<u>surveys</u>						
Environmental Quality, Radiation Control	39047	R313-34	AMD	05/05/2015	2015-2/87	
	39017	R313-35	AMD	05/22/2015	2015-2/89	
	39017	R313-35	CPR	05/22/2015	2015-8/30	
	39276	R313-36-3	AMD	06/16/2015	2015-9/52	
	39083	R313-38-3	AMD	03/17/2015	2015-3/22	
Judicial Performance Evaluation Commission, Administration	39244	R597-3-2	AMD	05/27/2015	2015-8/13	
	39243	R597-3-3	AMD	05/27/2015	2015-8/15	
<u>tailings</u>						
Environmental Quality, Air Quality	39115	R307-205	5YR	02/05/2015	2015-5/105	
Environmental Quality, Radiation Control	39149	R313-24-1	NSC	03/06/2015	Not Printed	
	39275	R313-24-4	AMD	06/16/2015	2015-9/49	
<u>tax credit</u>						
Governor, Economic Development	39094	R357-3	R&R	04/13/2015	2015-4/12	
	39528	R357-3	NSC	08/17/2015	Not Printed	
	39346	R357-10	NEW	07/08/2015	2015-11/105	
<u>tax credits</u>						
Governor, Economic Development	39527	R357-2	NSC	08/17/2015	Not Printed	
	39533	R357-9	NSC	08/17/2015	Not Printed	
<u>tax exemptions</u>						
Environmental Quality, Air Quality	38998	R307-120	AMD	03/05/2015	2015-1/17	
<u>tax returns</u>						
Tax Commission, Auditing	39426	R865-9I-37	NSC	06/24/2015	Not Printed	
<u>taxation</u>						
Tax Commission, Auditing	39437	R865-4D-21	AMD	08/27/2015	2015-13/50	
	39425	R865-6F-28	NSC	06/24/2015	Not Printed	

RULES INDEX

---

	39438	R865-20T-10	AMD	08/27/2015	2015-13/51
	39564	R865-21U	5YR	08/06/2015	2015-17/106
Tax Commission, Collections	39565	R867-2B	5YR	08/06/2015	2015-17/106
<u>teacher licensing</u>					
Education, Administration	39383	R277-201	NEW	07/08/2015	2015-11/37
	39008	R277-504	AMD	02/09/2015	2015-1/13
	39219	R277-504	AMD	05/08/2015	2015-7/8
Professional Practices Advisory Commission, Administration	39389	R686-100	REP	07/08/2015	2015-11/134
	39221	R686-100-7	AMD	05/08/2015	2015-7/42
<u>teachers</u>					
Education, Administration	39336	R277-459	5YR	05/01/2015	2015-10/104
	39286	R277-459	AMD	06/08/2015	2015-9/12
<u>technology</u>					
Governor, Economic Development	38944	R357-11	NEW	03/23/2015	2014-23/14
	39534	R357-11	NSC	08/17/2015	Not Printed
<u>telecommunications</u>					
Public Service Commission, Administration	38936	R746-341-5	AMD	01/07/2015	2014-23/43
	39367	R746-360	AMD	07/08/2015	2015-11/155
<u>telecommuting</u>					
Human Resource Management, Administration	39320	R477-8-3	AMD	07/01/2015	2015-10/64
<u>telephones</u>					
Public Service Commission, Administration	38936	R746-341-5	AMD	01/07/2015	2014-23/43
<u>terms and conditions</u>					
Administrative Services, Purchasing and General Services	38977	R33-12	AMD	01/28/2015	2014-24/9
<u>third party liability</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39483	R414-302-8	AMD	09/01/2015	2015-14/76
<u>timeshare</u>					
Commerce, Real Estate	39292	R162-57a	5YR	04/21/2015	2015-10/103
<u>title insurance</u>					
Insurance, Title and Escrow Commission	39412	R592-6	AMD	08/11/2015	2015-12/23
<u>title lenders</u>					
Financial Institutions, Nondepository Lenders	39442	R343-10	NEW	08/12/2015	2015-13/22
	39503	R343-10	NSC	08/17/2015	Not Printed
<u>tobacco products</u>					
Tax Commission, Auditing	39438	R865-20T-10	AMD	08/27/2015	2015-13/51
<u>tourist-oriented directional signs</u>					
Transportation, Operations, Traffic and Safety	39495	R920-2	NEW	08/24/2015	2015-14/109
<u>traffic control</u>					
Transportation, Operations, Traffic and Safety	39481	R920-1	AMD	08/24/2015	2015-14/108
<u>traffic signs</u>					
Transportation, Operations, Traffic and Safety	39481	R920-1	AMD	08/24/2015	2015-14/108
<u>training</u>					
Corrections, Administration	39540	R251-301	5YR	07/23/2015	2015-16/80
Public Service Commission, Administration	39568	R746-510	5YR	08/11/2015	2015-17/105
<u>transmission and distribution pipelines</u>					
Environmental Quality, Drinking Water	39195	R309-550	5YR	03/13/2015	2015-7/70

<u>transparency</u>					
Administrative Services, Finance	39360	R25-10	AMD	07/08/2015	2015-11/4
Health, Center for Health Data, Health Care Statistics	39247	R428-15	NSC	04/07/2015	Not Printed
<u>transportation</u>					
Administrative Services, Finance	39301	R25-7	AMD	06/22/2015	2015-10/6
	39160	R25-25-7	AMD	04/21/2015	2015-6/10
Environmental Quality, Radiation Control	38907	R313-19	AMD	02/17/2015	2014-21/18
	39280	R313-19-13	AMD	08/26/2015	2015-9/27
	39280	R313-19-13	CPR	08/26/2015	2015-14/114
	38908	R313-37	NEW	06/29/2015	2014-21/21
	38908	R313-37	CPR	06/29/2015	2015-5/98
Transportation, Operations, Construction	39183	R916-4	EXT	03/10/2015	2015-7/81
	39101	R916-4	AMD	03/27/2015	2015-4/26
	39506	R916-4	5YR	07/09/2015	2015-15/34
Transportation, Program Development	39504	R926-8	5YR	07/07/2015	2015-15/35
	39505	R926-8	NSC	07/30/2015	Not Printed
	39448	R926-13	5YR	06/16/2015	2015-14/144
	39449	R926-14	5YR	06/16/2015	2015-14/145
<u>transportation conformity</u>					
Environmental Quality, Air Quality	39122	R307-310	5YR	02/05/2015	2015-5/109
	38997	R307-311	NEW	03/05/2015	2015-1/22
<u>transportation safety</u>					
Transportation, Motor Carrier	39172	R909-1	EMR	03/06/2015	2015-7/53
	39479	R909-1	AMD	08/24/2015	2015-14/106
<u>trauma</u>					
Health, Family Health and Preparedness, Emergency Medical Services	39468	R426-9	AMD	08/21/2015	2015-14/87
<u>trauma center designation</u>					
Health, Family Health and Preparedness, Emergency Medical Services	39468	R426-9	AMD	08/21/2015	2015-14/87
<u>traveler services</u>					
Transportation, Operations, Maintenance	39004	R918-7	NEW	02/20/2015	2015-1/42
	39150	R918-7	AMD	04/23/2015	2015-6/36
<u>treatment providers</u>					
Corrections, Administration	39539	R251-109	5YR	07/23/2015	2015-16/80
<u>Trichomoniasis</u>					
Agriculture and Food, Animal Industry	39086	R58-21	5YR	01/21/2015	2015-4/37
<u>trucking industries</u>					
Tax Commission, Auditing	39425	R865-6F-28	NSC	06/24/2015	Not Printed
<u>trucks</u>					
Transportation, Motor Carrier	39172	R909-1	EMR	03/06/2015	2015-7/53
	39479	R909-1	AMD	08/24/2015	2015-14/106
<u>trust account records</u>					
Commerce, Real Estate	39572	R162-2f	5YR	08/12/2015	2015-17/101
	38972	R162-2f-206	AMD	01/21/2015	2014-24/28
	39305	R162-2f-401j	AMD	06/22/2015	2015-10/25
<u>trust lands funds</u>					
Education, Administration	39579	R277-477	5YR	08/13/2015	2015-17/102
<u>turkey</u>					
Natural Resources, Wildlife Resources	38949	R657-69	AMD	01/08/2015	2014-23/39
<u>unassignable</u>					
Capitol Preservation Board (State), Administration	39501	R131-6	5YR	07/06/2015	2015-15/31

RULES INDEX

---

<u>underserved</u>						
Health, Family Health and Preparedness, Primary Care and Rural Health	39342	R434-100	5YR	05/04/2015	2015-11/187	
<u>unemployed workers</u>						
Workforce Services, Unemployment Insurance	39577	R994-207	5YR	08/13/2015	2015-17/107	
<u>unemployment compensation</u>						
Workforce Services, Unemployment Insurance	39239	R994-204	5YR	03/25/2015	2015-8/40	
	39240	R994-205	5YR	03/25/2015	2015-8/41	
	39241	R994-206	5YR	03/25/2015	2015-8/41	
	39577	R994-207	5YR	08/13/2015	2015-17/107	
	39440	R994-312-103	AMD	08/11/2015	2015-13/59	
<u>unemployment experience rating</u>						
Workforce Services, Unemployment Insurance	39242	R994-304	5YR	03/25/2015	2015-8/42	
<u>unincorporated county</u>						
Transportation, Operations, Traffic and Safety	39495	R920-2	NEW	08/24/2015	2015-14/109	
<u>uninsured motorist database</u>						
Public Safety, Driver License	39179	R708-32	5YR	03/10/2015	2015-7/77	
<u>universal service fund</u>						
Public Service Commission, Administration	39367	R746-360	AMD	07/08/2015	2015-11/155	
<u>uranium mills</u>						
Environmental Quality, Radiation Control	39149	R313-24-1	NSC	03/06/2015	Not Printed	
	39275	R313-24-4	AMD	06/16/2015	2015-9/49	
<u>urbanized areas</u>						
Transportation, Operations, Traffic and Safety	39495	R920-2	NEW	08/24/2015	2015-14/109	
<u>use tax</u>						
Tax Commission, Auditing	39564	R865-21U	5YR	08/06/2015	2015-17/106	
<u>used oil</u>						
Environmental Quality, Solid and Hazardous Waste	39302	R315-15-1	NSC	05/11/2015	Not Printed	
	39303	R315-15-3	NSC	05/06/2015	Not Printed	
	39304	R315-15-5	NSC	05/11/2015	Not Printed	
	39307	R315-15-6	NSC	05/11/2015	Not Printed	
	39308	R315-15-13	NSC	05/11/2015	Not Printed	
<u>Utah 911 Committee</u>						
Public Safety, Criminal Investigations and Technical Services, 911 Committee (Utah)	39022	R720-1	AMD	05/06/2015	2015-2/98	
<u>Utah Housing Opportunity Restricted Account</u>						
Commerce, Real Estate	39575	R162-2a	5YR	08/13/2015	2015-17/100	
	39576	R162-2a	NSC	08/28/2015	Not Printed	
<u>Utah procurement rules</u>						
Administrative Services, Purchasing and General Services	38974	R33-1-1	AMD	01/28/2015	2014-24/4	
<u>Utah Public Financial Website</u>						
Administrative Services, Finance	39360	R25-10	AMD	07/08/2015	2015-11/4	
<u>utilities</u>						
Transportation, Preconstruction	39297	R930-8	NEW	08/24/2015	2015-10/93	
	39297	R930-8	CPR	08/24/2015	2015-14/135	
<u>utility accommodation</u>						
Transportation, Preconstruction	39297	R930-8	NEW	08/24/2015	2015-10/93	
<u>utility accommodation</u>						
Transportation, Preconstruction	39297	R930-8	CPR	08/24/2015	2015-14/135	

<u>utility facilities</u>					
Transportation, Preconstruction	39297	R930-8	NEW	08/24/2015	2015-10/93
	39297	R930-8	CPR	08/24/2015	2015-14/135
<u>utility service shutoff</u>					
Public Service Commission, Administration	39246	R746-200-7	AMD	05/27/2015	2015-8/22
<u>vacations</u>					
Human Resource Management, Administration	39319	R477-7	AMD	07/01/2015	2015-10/56
<u>very low birth weight infant</u>					
Health, Family Health and Preparedness, Maternal and Child Health	38802	R433-1	NEW	02/12/2015	2014-18/20
	38802	R433-1	CPR	02/12/2015	2015-1/50
<u>very low birth weight infant reporting</u>					
Health, Family Health and Preparedness, Maternal and Child Health	38802	R433-1	NEW	02/12/2015	2014-18/20
	38802	R433-1	CPR	02/12/2015	2015-1/50
<u>very low birth weight infant treatment capability</u>					
Health, Family Health and Preparedness, Maternal and Child Health	38802	R433-1	NEW	02/12/2015	2014-18/20
	38802	R433-1	CPR	02/12/2015	2015-1/50
<u>veterans benefits</u>					
Regents (Board Of), Administration	39023	R765-611	NEW	02/25/2015	2015-2/101
<u>veterinarian</u>					
Commerce, Occupational and Professional Licensing	39233	R156-28-304	AMD	05/27/2015	2015-8/6
<u>veterinarians</u>					
Environmental Quality, Radiation Control	39017	R313-35	AMD	05/22/2015	2015-2/89
	39017	R313-35	CPR	05/22/2015	2015-8/30
<u>veterinary medicine</u>					
Commerce, Occupational and Professional Licensing	39233	R156-28-304	AMD	05/27/2015	2015-8/6
<u>victim compensation</u>					
Crime Victim Reparations, Administration	39463	R270-1-22	AMD	08/21/2015	2015-14/38
<u>victims of crimes</u>					
Crime Victim Reparations, Administration	39463	R270-1-22	AMD	08/21/2015	2015-14/38
<u>vocational education</u>					
Education, Rehabilitation	39220	R280-200	AMD	05/08/2015	2015-7/13
<u>volume cap</u>					
Governor, Economic Development	39263	R357-8	NEW	07/08/2015	2015-9/53
<u>wages</u>					
Human Resource Management, Administration	39318	R477-6	AMD	07/01/2015	2015-10/51
<u>waivers</u>					
Health, Family Health and Preparedness, Primary Care and Rural Health	39342	R434-100	5YR	05/04/2015	2015-11/187
Health, Health Care Financing, Coverage and Reimbursement Policy	39310	R414-307	AMD	07/01/2015	2015-10/33
<u>waste disposal</u>					
Environmental Quality, Radiation Control	39082	R313-15-1208	AMD	03/17/2015	2015-3/21
<u>wastewater treatment</u>					
Environmental Quality, Water Quality	39105	R317-10-8	AMD	04/29/2015	2015-4/10
<u>water conservation</u>					

RULES INDEX

Environmental Quality, Drinking Water	39186 39399	R309-510 R309-510	5YR AMD	03/13/2015 07/15/2015	2015-7/66 2015-11/92
<u>water hauling</u> Environmental Quality, Drinking Water	39195	R309-550	5YR	03/13/2015	2015-7/70
<u>water pollution</u> Environmental Quality, Water Quality	39105	R317-10-8	AMD	04/29/2015	2015-4/10
<u>water quality</u> Environmental Quality, Drinking Water	39205	R309-225	5YR	03/13/2015	2015-7/62
<u>water rights</u> Natural Resources, Water Rights	39153 39152	R655-14 R655-16	5YR 5YR	02/24/2015 02/24/2015	2015-6/47 2015-6/47
<u>water system rating</u> Environmental Quality, Drinking Water	39208	R309-400	5YR	03/13/2015	2015-7/64
<u>waterfowl</u> Natural Resources, Wildlife Resources	39435	R657-9	AMD	08/07/2015	2015-13/29
<u>watershed management</u> Environmental Quality, Drinking Water	39197	R309-105	5YR	03/13/2015	2015-7/58
<u>web accessibility</u> Technology Services, Administration	39427	R895-14	NEW	08/07/2015	2015-13/52
<u>website</u> Workforce Services, Administration	38938	R982-700	NEW	01/29/2015	2014-23/44
<u>weights</u> Agriculture and Food, Regulatory Services	39563	R70-950	5YR	08/05/2015	2015-17/99
<u>weights and measures</u> Agriculture and Food, Regulatory Services	39562	R70-910	5YR	08/05/2015	2015-17/99
<u>well logging</u> Environmental Quality, Radiation Control	39083	R313-38-3	AMD	03/17/2015	2015-3/22
<u>white collar crime registry</u> Attorney General, Administration	39445	R105-3	NEW	08/10/2015	2015-13/17
<u>wilderness</u> Natural Resources, Forestry, Fire and State Lands	38942	R652-160	NEW	01/27/2015	2014-23/36
<u>wildland fires</u> Environmental Quality, Air Quality	39114	R307-204	5YR	02/05/2015	2015-5/104
<u>wildlife</u> Natural Resources, Wildlife Resources	39217 38996 39062 39431 39435 39509 39162 39215 39163 39559 39063 39064 39065 39362 39066 38995 39067	R657-3 R657-5 R657-5 R657-6 R657-9 R657-11 R657-15 R657-19 R657-21 R657-24 R657-33 R657-38 R657-41 R657-41 R657-42 R657-43 R657-55	AMD AMD AMD 5YR AMD 5YR 5YR AMD AMD 5YR AMD AMD AMD AMD AMD AMD AMD AMD	05/08/2015 02/09/2015 03/16/2015 06/08/2015 08/07/2015 07/13/2015 03/03/2015 05/08/2015 03/03/2015 08/03/2015 03/16/2015 03/16/2015 03/16/2015 07/09/2015 03/16/2015 02/09/2015 03/16/2015	2015-7/29 2015-1/26 2015-3/30 2015-13/63 2015-13/29 2015-15/34 2015-7/75 2015-7/33 2015-7/76 2015-17/105 2015-3/31 2015-3/39 2015-3/40 2015-11/129 2015-3/42 2015-1/33 2015-3/43

	39345	R657-55	5YR	05/05/2015	2015-11/188
	39068	R657-57	AMD	03/16/2015	2015-3/48
	39069	R657-59	AMD	03/16/2015	2015-3/50
	39070	R657-62	AMD	03/16/2015	2015-3/52
	39434	R657-65	AMD	08/07/2015	2015-13/33
	39071	R657-68	AMD	03/16/2015	2015-3/54
	38949	R657-69	AMD	01/08/2015	2014-23/39
	39216	R657-70	NEW	05/08/2015	2015-7/36
	39436	R657-70	AMD	08/07/2015	2015-13/36
<u>wildlife conservation</u>					
Natural Resources, Wildlife Resources	39064	R657-38	AMD	03/16/2015	2015-3/39
<u>wildlife law</u>					
Natural Resources, Wildlife Resources	39509	R657-11	5YR	07/13/2015	2015-15/34
	39163	R657-21	5YR	03/03/2015	2015-7/76
<u>wildlife management</u>					
Natural Resources, Wildlife Resources	39162	R657-15	5YR	03/03/2015	2015-7/75
<u>wildlife permits</u>					
Natural Resources, Wildlife Resources	39065	R657-41	AMD	03/16/2015	2015-3/40
	39362	R657-41	AMD	07/09/2015	2015-11/129
	39067	R657-55	AMD	03/16/2015	2015-3/43
	39345	R657-55	5YR	05/05/2015	2015-11/188
<u>workers' compensation</u>					
Labor Commission, Adjudication	39380	R602-2-4	AMD	07/08/2015	2015-11/117
<u>workers' compensation insurance</u>					
Insurance, Administration	39313	R590-231	5YR	04/29/2015	2015-10/106
<u>x-rays</u>					
Environmental Quality, Radiation Control	39016	R313-28-31	AMD	03/24/2015	2015-2/85
	39017	R313-35	AMD	05/22/2015	2015-2/89
	39017	R313-35	CPR	05/22/2015	2015-8/30
<u>youth corrections</u>					
Human Services, Administration	39500	R495-883	5YR	07/06/2015	2015-15/33
<u>zoological animals</u>					
Natural Resources, Wildlife Resources	39217	R657-3	AMD	05/08/2015	2015-7/29