

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Kenneth A. Hansen, Director
Nancy L. Lancaster, Editor

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SPECIAL NOTICES

NATURAL RESOURCES WILDLIFE RESOURCES

PUBLIC NOTICE OF AMENDMENT TO THE 2003 TURKEY ADDENDUM ESTABLISHED BY THE WILDLIFE BOARD FOR TAKING UPLAND GAME

Under authority of Sections 23-14-18 and 23-14-19 of the Utah Wildlife Resources Code, we, the Wildlife Board hereby amend the 2003 Turkey Addendum to correct season dates as follows:

Juab (A), 04/19/2003 - 05/01/2003, Hunt Numbers 131, 531

Utah County North (A), 04/19/2003 - 05/01/2003, Hunt Numbers 156, 556

Utah County South (A), 04/19/2003 - 05/01/2003, Hunt Numbers 159, 559

All other provisions of the 2003 Turkey Addendum to the Upland Game Proclamation for taking upland game for 2003 remain in full force and effect.

Adopted by the Utah Wildlife Board on the 3rd day of April 2003.

UTAH WILDLIFE BOARD
DIVISION OF WILDLIFE RESOURCES
By: Max Morgan, M.D.
Chairman of the Wildlife Board

By: Kevin Conway
Board Secretary/Director
Subscribed and sworn to before me this 3rd day of April 2003

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between April 2, 2003, 12:00 a.m., and April 15, 2003, 11:59 p.m. are included in this, the May 1, 2003, 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 (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [~~example~~]). Rules being repealed are completely struck out. A row of dots in the text (.) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will 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 June 2, 2003. The agency may accept comment beyond this date and will list 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 to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through August 29, 2003, 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 31 days 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 filing lapses and the agency must start the process over.

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 *Utah Code* Section 63-46a-4 (2001); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

**Commerce, Occupational and
Professional Licensing
R156-3a
Architect Licensing Act Rules**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26174

FILED: 04/15/2003, 13:22

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and the Utah Architect Licensing Board need to make changes to reorganize the Architect IDP (Intern Development Program) Committee to improve operational efficiency and effectiveness and to update the edition of the National Council of Architectural Registration Boards (NCARB) Rules of Conduct.

SUMMARY OF THE RULE OR CHANGE: In Section R156-3a-201: changes are made to reorganize the Architect IDP Committee with five members representing the following: one State IDP Coordinator, one Education Coordinator, two Intern IDP Coordinators, and one member of the Utah Architects Licensing Board. In Section R156-3a-501: Updates the NCARB Rules of Conduct to the August 2002 edition.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-3a-101, and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Deletes July 2000 edition of the NCARB Rules of Conduct, and adds the August 2002 edition of the NCARB Rules of Conduct

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Division will incur a minimal cost of approximately \$50 to reprint this rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget. No costs are associated with the IDP Committee since it is a peer advisory committee and its members serve voluntarily without compensation.

❖ **LOCAL GOVERNMENTS:** Proposed amendments do not apply to local governments.

❖ **OTHER PERSONS:** The Division anticipates no costs or savings to licensed architects or applicants for licensure as an architect in Utah as a result of these proposed amendments. There is no cost to obtain the updated edition of the NCARB Rules of Conduct as the publication is available at no cost on the NCARB website (www.ncarb.org). The reorganization of the IDP Committee is projected to improve operational efficiency and effectiveness by streamlining government with respect to the state IDP program. Since there are no costs or savings associated with these proposed amendments, an aggregate amount is not available.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division anticipates no costs to licensed architects or applicants for licensure as an architect in Utah as a result of these proposed amendments. There is no cost to obtain the updated edition of the NCARB Rules of Conduct as the publication is available at no cost on the NCARB website (www.ncarb.org).

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing changes the organization of the Intern Development Program Committee and adopts the updated version of the NCARB Rules of Conduct. These amendments do not appear to create any perceivable fiscal impact to businesses. Ted Boyer, Executive Director

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:

Douglas Vilnius at the above address, by phone at 801-530-6621, by FAX at 801-530-6511, or by Internet E-mail at dvilnius@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-3a. Architect Licensing Act Rules.**

R156-3a-201. Advisory Peer Committee Created - Membership - Duties.

(1) There is created in accordance with Subsection 58-1-203(~~6~~1)(f), the IDP Committee as an advisory peer committee to the Architect Licensing Board consisting of ~~six~~five members as follows:

(a) one State IDP Coordinator~~three members representing the Utah Society of the American Institute of Architects ("AIA"), of which one member to be designated as the IDP State Coordinator~~];

(b) one Education Coordinator~~faculty member from the University of Utah representing the University of Utah Graduate School of Architecture~~];

(c) two Intern IDP Coordinators~~one student from the University of Utah who is currently enrolled in the University of Utah Graduate School of Architecture~~]; and

(d) one member of the Utah Architects Licensing Board~~one IDP intern from the State of Utah~~].

(2) The committee shall be appointed and serve in accordance with Section R156-1-205.

(3) The duties and responsibilities of the committee shall include assisting the board in its duties, functions, and responsibilities defined in Subsection 58-1-202(~~§1~~)(c) as follows:

- (a) promote an awareness of IDP by holding meetings and seminars on IDP;
- (b) establish a network of sponsors and advisors for IDP interns;
- (c) encourage firms to support IDP;
- (d) act as a resource to respond to questions on IDP received from advisors, sponsors, and interns; and
- (e) report to the board as directed.

R156-3a-501. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) submitting an incomplete final plan, specification, report, or set of construction plans to:
 - (a) a client, when the licensee represents, or could reasonably expect the client to consider, the plan, specification, report, or set of construction plans to be complete and final; or
 - (b) a building official for the purpose of obtaining a building permit;
 - (2) failing as a principal to exercise reasonable charge;
 - (3) failing as a supervisor to exercise supervision of an employee, subordinate, associate or drafter; or
 - (4) failing to conform to the generally accepted and recognized standards and ethics of the profession including those established in the ~~July 2000~~ August 2002 edition of the NCARB "Rules of Conduct", which is hereby incorporated by reference.

KEY: architects, licensing

~~May 3, 2001~~ 2003

Notice of Continuation June 11, 2001

58-3a-101

58-1-106(1)(a)

58-1-202(1)(a)

▼ ————— ▼

**Commerce, Occupational and
Professional Licensing
R156-28
Veterinary Practice Act Rules**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 26150

FILED: 04/03/2003, 08:55

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and the Utah Veterinary Licensing Board need to make a change to the rule to provide another evaluator of licensure track for foreign-trained veterinarians.

SUMMARY OF THE RULE OR CHANGE: In Section R156-28-102: definitions for "AAVSB" (American Association of Veterinary State Boards), "AVMA" (American Veterinary Medical Association) and "PAVE" (Program for the Assessment of Veterinary Education Equivalence) have been added. In

Sections R156-28-302a and R156-28-302b: added in both sections that the PAVE certification would also be accepted for foreign education veterinarians, in addition to the ECFVG (AVMA Educational Commission for Foreign Veterinary Graduates) certification. The Utah Veterinary Licensing Board and the AAVSB believes a national foreign graduate program in veterinary medicine should be independent of any professional association, which the PAVE certification program is.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-28-1, and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: The Division will incur minimal costs, less than \$100, to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.
- ❖ LOCAL GOVERNMENTS: Proposed rule does not apply to local governments.
- ❖ OTHER PERSONS: There will be no additional costs or savings to foreign-trained veterinarians as they will continue to meet current requirements for licensure. The proposed amendments merely offer an alternative track to qualify for a veterinarian license in Utah. The Division is unable to predict how many foreign-trained veterinarians may apply for licensure in the future.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no additional costs or savings to foreign-trained veterinarians as they will continue to meet current requirements for licensure. The proposed amendments merely offer an alternative track to qualify for a veterinarian license in Utah.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There appears to be no measurable fiscal impact to businesses from this rule change. The amendment adds an alternative track for licensure of those educated in a foreign veterinary school, and as a result, could be a positive fiscal impact to foreign educated applicants. However, it is impossible to foresee the amount of the fiscal impact at this time. Ted Boyer, Executive Director

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:

Daniel T. Jones at the above address, by phone at 801-530-6767, by FAX at 801-530-6511, or by Internet E-mail at dantjones@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.

R156-28. Veterinary Practice Act Rules.

R156-28-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 28, as used in Title 58, Chapters 1 and 28 or these rules:

(1) "AAVSB", as used in these rules, means the American Association of Veterinary State Boards.

(2) "AVMA", as used in these rules, means the American Veterinary Medical Association.

(3) "Direct supervision" means the supervising licensed veterinarian shall be present at the point and time at which professional services are being provided by the student or unlicensed person being supervised.

(~~2~~)4 "In association with licensed veterinarians" as used in Subsection 58-28-8(6) means providing consultation, performing a special procedure, or providing special expertise for a specialized case in the same facility as the Utah licensed veterinarian who requested the professional services.

(~~3~~)5 "Indirect supervision" means the supervising licensed veterinarian shall be available for immediate voice contact by telephone, radio, or other means and shall provide daily face-to-face consultation and review of cases at the veterinary facility for the veterinary intern or unlicensed person being supervised.

(~~4~~)6 "NAVLE", as used in these rules, means the North American Veterinary Licensing Examination.

(~~5~~)7 "NBEC", as used in these rules, means the National Board Examination Committee of the American Veterinary Medical Association.

(8) "PAVE", as used in these rules, means Program for the Assessment of Veterinary Education Equivalence.

(~~6~~)9 "Practice of veterinary medicine, surgery, and dentistry" means those acts and practices defined in Subsection 58-28-2(4) and includes the implantation of any electronic device for the purpose of establishing or maintaining positive identification of animals.

(~~7~~)10 "Qualified continuing education" means continuing education that meets the standards set forth in Section R156-28-304.

(~~8~~)11 "RACE", as used in these rules, means the Registry of Approved Continuing Education.

(~~9~~)12 "Supervision" as used in Subsection 58-28-8(2) means direct supervision.

(~~10~~)13 "Unprofessional conduct" as defined in Title 58, Chapters 1 and 28, is further defined in accordance with Subsection 58-1-203(5) in Section R156-28-502.

(~~11~~)14 "Veterinarian-client-patient relationship" means that the veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal and the need for medical treatment, and the client who is the owner or other caretaker has agreed to follow the instruction of the veterinarian. In addition, there is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal, or by medically appropriate and timely visits to the premises where the

animal is kept. In addition, the practicing veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy.

R156-28-302a. Qualifications for Licensure - Education Requirements.

In accordance with Subsections 58-1-203(2) and 58-1-301(3), the education requirements for licensure in Subsection 58-28-4(3) are defined, clarified, or established as follows.

(1) Each applicant must have graduated from a veterinary college which held current accreditation by the Council on Education of the American Veterinary Medical Association (AVMA) at the time of his graduation as evidenced by an official transcript documenting the degree earned and the date of graduation or a notarized diploma.

(2) Each applicant who has received his veterinary education in a foreign veterinary school shall demonstrate educational equivalency of his foreign veterinary school with an accredited domestic veterinary school by submitting a Certificate of Competence issued by the AVMA Educational Commission for Foreign Veterinary Graduates (ECFVG) or the AAVSB Program for Assessment of Veterinary Education Equivalence (PAVE) Certificate.

R156-28-302b. Qualifications for Licensure - Experience Requirements.

In accordance with Subsections 58-1-203(2) and 58-1-301(3), the experience requirements for licensure in Subsection 58-28-4(4) are defined, clarified, or established as follows.

(1) Each applicant for licensure as a veterinarian shall complete an approved internship which includes a minimum of 1000 hours of supervised veterinary practice to be earned in not less than six consecutive months and not more than 12 consecutive months. Successful completion of an approved internship shall be documented and submitted to the division in a form provided by the division.

(2) Each veterinary intern shall have a valid Utah veterinary internship license before beginning his 1000 hour internship.

(3) An applicant for a veterinary internship license must make application to the division on a form provided by the division.

(4) A veterinary intern shall practice under the indirect supervision of the licensed Utah veterinarian approved by the division in consultation with the board or a licensed Utah veterinarian designated by the supervising veterinarian. The veterinary intern must reapply to the division for any change of supervising veterinarian.

(5) The 1000 hour internship shall not begin before the applicant has graduated from an AVMA accredited veterinary college, passed the Utah Veterinary Law and Rules Examination and obtained his Utah internship license.

(6) If the applicant is a graduate of a foreign college of veterinary medicine, he must document ECFVG or PAVE certification or acceptance to take the ECFVG or PAVE examination and meet with the board before obtaining a Utah internship license and beginning his 1000 hour internship.

(7) Evidence of a completed internship shall be documented by the supervising veterinarian and the veterinary intern to the division at the time application is made for Utah licensure as a veterinarian on a form provided by the division.

KEY: veterinary medicine, licensing
~~[March 8, 2001]~~2003
 Notice of Continuation April 15, 2002
 58-1-106(1)(a)
 58-1-202(1)(a)
 58-28-1



**Commerce, Occupational and
 Professional Licensing
 R156-55a
 Utah Construction Trades Licensing Act
 Rules**

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 26175
 FILED: 04/15/2003, 13:25

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and Construction Services Commission are proposing amendments to incorporate into the rule changes made in Title 58, Chapter 55, as a result of H.B. 48 passed during the 2003 legislative session. H.B. 48 mandates that compliance agencies that issue building permits to sole owners report those issuance to the Division of Occupational and Professional Licensing. The Division also needed to clarify that the only plumbers exempted from natural gas technician certification are Utah licensed Journeyman and Residential Journeyman plumbers. (DAR NOTE: H.B. 48 is found at UT L 2003 Ch 104, and will be effective on May 5, 2003.)

SUMMARY OF THE RULE OR CHANGE: Added Section R156-55a-305 regarding compliance agency reporting of sole owner building permits issued. The new section provides what information is to be provided to the Division within 30 days of the building permit issuance date and how that information is to be provided to the Division. In Subsection R156-55a-308b(5), added that the residential journeyman plumber exam is considered an equivalent examination. In Subsection R156-55a-308b(7)(b), added that a "licensed" journeyman or "residential journeyman" plumber is exempt from natural gas technician certification.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-55-101, and Subsections 58-1-106(1)(a), 58-1-202(1)(a), 58-55-308(1) and 58-55-102(35)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Division does not anticipate any costs associated with the proposed amendments. The increased workload from the compliance agency reporting will be absorbed by existing personnel in the Division. Since all Division rules are available on the Division's website or through the Division's contract testing agency, there will be no

need for the Division to reprint this rule once the proposed amendments are made effective, thus resulting in a minimal savings of approximately \$100 to the Division.

❖ **LOCAL GOVERNMENTS:** Compliance agencies will incur some minimal costs to comply with the new statute and rule requirements. Compliance agencies will need to fax, email or mail a copy of building permits issued to the Division. Depending on the reporting process used by each compliance agency, costs will vary from almost zero for emailed information, to a few cents for faxing, or the costs of copying, envelopes and postage for mailed reports. The information being required by the Division is the same as the information typically required from an applicant for a building permit. The Division is unable to determine an aggregate cost amount since the costs can vary greatly depending on what method each compliance agency uses to provide the information to the Division and how many building permits are issued to sole owners of property.

❖ **OTHER PERSONS:** The Division does not anticipate any costs or savings to other persons. Mostly only compliance agencies will be affected by the change in statute and these proposed amendments.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance agencies will incur some minimal costs to comply with the new statute and rule requirements. Compliance agencies will need to fax, email or mail a copy of building permits issued to the Division. Depending on the reporting process used by each compliance agency, costs will vary from almost zero for emailed information, to a few cents for faxing, or the costs of copying, envelopes and postage for mailed reports.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Other than general clarification language, this rule change adds a substantive provision to implement the compliance agency reporting requirement established by H.B. 48, which was passed in the 2003 Legislative Session. Thus, there is no fiscal impact to businesses beyond that which resulted from the passage of H.B. 48. Ted Boyer, Executive Director

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:

Craig Cottle at the above address, by phone at 801-530-6375, by FAX at 801-530-6511, or by Internet E-mail at ccottle@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-55a. Utah Construction Trades Licensing Act Rules.
R156-55a-305. Compliance Agency Reporting of Sole Owner
Building Permits Issued.**

In accordance with Subsection 58-55-305(2), all compliance agencies that issue building permits to sole owners of property must submit information concerning each building permit issued in their jurisdiction within 30 days of the issuance, with the building permit number, date issued, name, address and phone number of the issuing compliance agency, sole owner's full name, home address, phone number, and subdivision and lot number of the building site, to a fax number, email address or written mailing address designated by the division.

R156-55a-308b. Natural Gas Technician Certification.

(1) In accordance with Subsection 58-55-308(1), the scope of practice defined in Subsection 58-55-308(2)(a) requiring certification is further defined as the installation, modifications, repair or replacement of the gas piping, combustion air vents, exhaust venting system or derating of gas input for altitude of a residential or commercial gas appliance.

(2) An approved training program shall include the following course content:

- (a) general gas appliance installation codes;
- (b) venting requirements;
- (c) combustion air requirements;
- (d) gas line sizing codes;
- (e) gas line approved materials requirements;
- (f) gas line installation codes; and
- (g) methods of derating gas appliances for elevation.

(3) In accordance with Subsection 58-55-308(2)(c)(i), the following programs are approved to provide natural gas technician training, and to issue certificates or documentation of exemption from certification:

- (a) Federal Bureau of Apprenticeship Training;
- (b) Utah college apprenticeship program; and
- (c) Trade union apprenticeship program.

(4) In accordance with Subsection 58-55-308(2)(e), the approved programs set forth in paragraphs (2)(b) and (2)(c) herein shall require program participants to pass the Rocky Mountain Gas Association Gas Appliance Installers Certification Exam or approved equivalent exams established or adopted by a training program, with a minimum passing score of 80%.

(5) In accordance with Subsection 58-55-308(2)(e), a person who has not completed an approved training program, but has passed the Rocky Mountain Gas Association Gas Exam or approved equivalent exam established or adopted by an approved training program, with a minimum passing score of 80%, or the Utah licensed Journeyman or Residential Journeyman Plumber Exam, with a minimum passing score of 70%, shall be exempt from the certification requirement set forth in Subsection 58-55-308(2)(c)(i).

(6) Content of certificates of completion. An approved program shall issue a certificate, including a wallet certificate, to persons who successfully complete their training program containing the following information:

- (a) name of the program provider;
- (b) name of the approved program;

- (c) name of the certificate holder;
- (d) the date the certification was completed; and
- (e) signature of an authorized representative of the program provider.

(7) Documentation of exemption from ~~[registration]~~certification. The following shall constitute documentation of exemption from certification:

- (a) certification of completion of training issued by the Federal Bureau of Apprenticeship Training;
- (b) current Utah licensed [J]Journeyman or Residential Journeyman plumber license; or
- (c) certification from the Rocky Mountain Gas Association or approved equivalent exam which shall include the following:
 - (i) name of the association, school, union, or other organization who administered the exam;
 - (ii) name of the person who passed the exam;
 - (iii) name of the exam;
 - (iv) the date the exam was passed; and
 - (v) signature of an authorized representative of the test administrator.

(8) Each person engaged in the scope of practice defined in Subsection 58-55-308(2)(a) and as further defined in Subsection (1) herein, shall carry in their possession documentation of certification or exemption.

KEY: contractors, occupational licensing, licensing

~~July 16, 2002~~2003

Notice of Continuation January 15, 2002

58-1-106(1)(a)

58-1-202(1)(a)

58-55-101

58-55-308(1)

58-55-102(3)(4)(5)



Commerce, Occupational and
Professional Licensing
R156-56
Utah Uniform Building Standard Act
Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26154

FILED: 04/03/2003, 09:11

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and Uniform Building Code Commission are proposing changes to: 1) change references from ICBO (International Conference of Building Officials) to ICC (International Code Council). ICBO has merged into ICC and codes are now published by ICC rather than ICBO; 2) make several technical amendments; and 3) implement the semi-annual proposed changes to building codes that have been approved by the Uniform Building Code Commission after review by the appropriate subcommittee.

SUMMARY OF THE RULE OR CHANGE: In Section R156-56-102: deleted definition of "permanently affixed to real property". In Section R156-56-302: deleted some transitional provisions regarding building inspectors that no longer apply. In Subsection R156-56-302(2)(c)(i), changes were made to reflect that state administered examinations upon which prior licenses were granted or upon which new limited inspector licenses may be granted shall be considered as current certification until March 1, 2004. Changes were also made to reflect the name change from ICBO to ICC. ICBO was merged into the ICC. In Section R156-56-701: changes were made to reflect the name change from ICBO to ICC. In Section R156-56-704: changes to the International Building Code in Section R156-56-704 include the following: in Section 310.1., this change allows boarding houses accommodating 10 persons or fewer to be classified as R-3 which will allow them to build to less restrictive requirements. In Section 1607.1., this is a technical amendment changing the requirement for the ability to hold live loads on decks. In Section 1608.1., this is a technical amendment to correct elevations in the table for Park City and to note that actual elevations may vary from table. In Section 1805.21., this amendment relaxes the footing requirements for certain freestanding buildings of less than 1,000 square feet. In Section 2902.1, the amendment to this section provides that if an owner places diaper changing stations in the ladies restroom, the owner must put an equal number of stations in the men's restroom. Changes to the International Building Code in Section R156-56-705 which only apply to certain local jurisdictions include the following: the Park City amendment was changed to also apply to the Park City Fire District, which was inadvertently left out of prior amendment. Park City and Park City Fire District: this change allows wood roof in certain applications which was not allowed by previous code amendment. In Section R156-56-707: changes to the International Plumbing Code include the following changes: Section 202 is a technical amendment defining S-traps; Section 305.5 is a technical amendment which changes how pipes passing through footings or foundation are protected from structural settling; Section 403.1 provides that if an owner places diaper changing stations in the ladies restroom, the owner must put an equal number of stations in the men's restroom; Section 406.3 allows gravity discharge clothes washers to be directly connected to the drainage system; Section 406.4 is a technical amendment regarding the requirements for safe pans for clothes washers; Section 412.5 is a technical amendment regarding floor drain requirements; Section 417.5.2 is a technical amendment regarding the requirements for shower liners; Section 424.5 clarifies that water heater temperature settings cannot be used to temper water. Water kept at warm temperature is a dangerous health condition allowing disease growth. When tempered water is required, it must be obtained by mixing hot water and cold water; Section 502.4 is a technical amendment regarding gas fired water heaters, which coordinates the requirement with the International Fuel Gas Code; Section 504.6.2 is a technical amendment regarding relief valve discharge piping; Section 608.15.4.2 clarifies the plumbing requirements for urinals. Some plumbers have not been following the manufacturers requirements and plumbing requirements. This section makes it clear what is required; Sections 608.16.4,

608.16.4.1, and 608.16.4.1 delete prior amendments regarding connections to automatic fire sprinklers system which is therefore going to the requirements under the published building code with the exception of clarifying the use of chemical additives. This change is the result of a compromise that has been worked on by the State Fire Marshall, the Health Department, Water Quality Department, and the fire sprinkler contractors; and Section 1002.4.1 is a technical amendment which deletes a prior amendment regarding emergency floor drains, thereby returning this section to the published code. In Section R156-56-709: changes to the IFGC are as follows: Section 401.9 clarifies that gas meter locations must be protected from falling snow from roofs or similar types of damage. In Section R156-56-710: changes to the IECC include the following: Section 504.7 prohibits heat traps in water heaters unless a means of thermal expansion is allowed. Heat traps are an energy saving device; however, certain types of heat traps are very dangerous if installed in a manner which does not allow for the expansion of water caused by the heat. If the expansion is now allowed, the expansion could crush critical parts of the water heater, which is damaged could cause carbon monoxide to be released into the living area of a home. In Section R156-56-711: changes to the International Residential Code include the following: in Section R202, a definition for S-trap is added; Section R301.4 is a technical amendment changing the requirement for the ability to hold live loads on decks; in Section R403.1.4, an amendment relaxes the footing requirements for certain freestanding buildings of less than 1,000 square feet; Section P2801.7 deletes seismic bracing of water heaters in certain areas of the state which have low seismic risks; and Section G2411.9 clarifies that gas meter locations must be protected from falling snow from roofs or similar types of damage. In Section R156-56-712: changes to the International Residential Code which only apply to certain local jurisdictions include the following: the Park City amendment was changed to also apply to the Park City Fire District, which was inadvertently left out of prior amendment. (DAR NOTE: The four filings affecting Rule R156-56 are: an amendment to Section R156-56-704 under DAR No. 26151; an amendment to Section R156-56-707 under DAR No. 26152; an amendment to Rule R156-56 under DAR No. 26153; and an amendment to Rule R156-56 under DAR No. 26154 all in this issue.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-56-1, and Subsections 58-1-106(1)(a), 58-1-202(1)(a), 58-56-4(2), and 58-56-6(2)(a)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be no cost to the Division of Occupational and Professional Licensing to print this rule once all proposed amendments are made effective as this rule is no longer printed by the Division, but the rule is available on the Division's website. There is no direct effect of these amendments on the state budget. However, there may be an indirect effect on the state budget, if the state were involved in construction projects which are subject to the particular code amendments. Overall the proposed amendments do not appear to add substantially to costs of construction. Many of the amendments will allow savings. See the costs or savings

impact itemized below for the estimated item by item impact to owners of building projects.

❖ **LOCAL GOVERNMENTS:** There is no direct effect of these amendments on local governments. However, there may be an indirect effect on local governments, if the local government was involved in construction projects which are subject to the particular code amendments. Overall the proposed amendments do not appear to add substantially to costs of construction. Many of the amendments will allow savings. See the costs or savings impact itemized below for the estimated item by item impact to owners of building projects.

❖ **OTHER PERSONS:** It is impossible to estimate the impact on either individuals or aggregate impact, because the cost may vary depending on the type of project involved. Overall, the proposed amendments do not appear to add substantially to costs of construction. Many of the amendments will allow savings. The estimated item-by-item impact to owners of building projects is estimated as follows: 1) under Sections R156-56-302 and R156-56-701, Name change of ICBO to ICC--No impact; 2) changes to the International Building Code in Section R156-56-704: Section 310.1., boarding houses requirements, substantial cost savings in complying to new requirements. Could vary from several hundred to a few thousand dollars per project. Section 1607.1., live loads on decks, in many cases there would be no additional costs. In large decks cost could increase by \$0.20 per square foot of deck. Section 1608.1., correct elevations, no impact. Section 1805.21., footing requirements for small freestanding buildings, saving could vary from \$0 up to as much as \$1,000 for a freestanding garage. Section 2902.1, diaper changing stations are not required in any building, therefore, this change does result in a mandatory cost to any owner to include the diaper changing facilities in a men's restroom, as well as a ladies restroom. The Division is unable to determine an exact cost as it may vary greatly from project to project; 3) changes to the International Building Code in Section R156-56-705 which only apply to certain local jurisdictions include the following: Park City and Park City Fire District: change allowing a wood roof in certain applications. This allows certain business owners to choose another option which may provide a certain look however the cost of the option may in fact cost more to owners. Impact for required code is none while optional changes which are costs to be incurred at the discretion of the owner may be substantial; 4) changes to the International Plumbing Code in Section R156-56-707 include the following: Section 202 defining S-traps--no impact. In Section 305.5, pipes passing through footings or foundation, savings vary from no impact up to a potential savings of \$20 for each time a pipe passes through a foundation. In Section 403.1, diaper changing stations are not required in any building. Therefore, this change does result in a mandatory cost to any owner to include the diaper changing facilities in a men's restroom as well as a ladies restroom. The Division is unable to determine an exact cost as it may vary greatly from project to project. In Section 406.3, clothes washers directly connection to the drainage system, there are no additional costs or savings. This simply allows another option for drainage. In Section 406.4, safe pans for clothes washers, no impact on installation costs but cost savings of repairing failures could be substantial. In Section 412.5, floor drain

requirements, no impact. In Section 417.5.2, shower liners, no impact or minor additional costs. In Section 424.5, clarifying water heater temperature, the additional cost to mix water would be minimal. In Section 502.4, coordinate requirements for water heaters with the International Fuel Gas Code, no impact. In Section 504.6.2, relief valve discharge piping, no impact. In Section 608.15.4.2, plumbing requirements for urinals, no additional cost. This is already required but is simply clarified. In Sections 608.16.4, 608.16.4.1, and 608.16.4.1, connections to automatic fire sprinklers system and use of chemical additives, impact unknown. It has been argued both ways, that this alternative is both less costly or more costly than the current requirements. In Section 1002.4.1, emergency floor drains, no impact; 5) changes to the IFGC in Section R156-56-709 include the following: Section 401.9 clarifies gas meter locations. Damages to meters have been caused when protection is not provided. There will be some minor addition costs that cannot be determined, but costs are likely offset in the long term with savings prevented repairing damages to meters; 6) changes to the IECC in Section R156-56-710 include the following: in Section 504.7, prohibits heat traps in water heaters, there is no cost or savings from this requirement; 7) changes to the International Residential Code in Section R156-56-711 include the following: Section R301.4, live loads on decks, in many cases, there would be no additional costs. In large decks, cost could increase by \$0.20 per square foot of deck. In Section R403.1.4, footing requirements for small freestanding buildings, saving could vary from \$0 up to as much as \$1,000 for a freestanding garage. In Section P2801.7, deletes seismic bracing of water heaters. Savings by deleting this requirement is about \$50 per home affected. This change only applies to a very limited part of the state; and 8) changes to the International Residential Code in Section R156-56-712, which only apply to certain local jurisdictions, include the following: the Park City amendment is changed to also apply to the Park City Fire District, which was inadvertently left out of prior amendment, no impact. Section G2411.9 clarifies gas meter locations. Damages to meters have been caused when protection is not provided. There will be some minor addition costs that cannot be determined, but costs are likely offset in the long term with savings prevented repairing damages to meters.

COMPLIANCE COSTS FOR AFFECTED PERSONS: See "Other persons" above for an estimated item by item impact to owners of building projects.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In addition to nonsubstantive reference corrections, the proposed amendments contain substantive changes including: allowing boarding houses that accommodate 10 or fewer residents to comply with less restrictive requirements; relaxing the frost protection required for footings in building of less than 1,000 square feet; allowing wood roofs in certain applications; requiring safe pan installation for clothes washers; deletion of prior amendments regarding connections to automatic fire sprinkler systems and use of chemical additives; and adding footing requirements for small freestanding buildings. The fiscal impact to businesses is undeterminable and dependent upon the number of projects

at issue. The amendments as a whole do not create a substantial negative fiscal impact to the construction industry, and some of the amendments are in fact a cost savings, such as less restrictive requirements for small boarding houses and the exemption from footing frost protection for smaller freestanding buildings. In addition, some amendments may result in savings to the owner of the buildings, such as the installation of safe pans for clothes washers, which should reduce costs of repairs, thereby more than offsetting the cost of the safe pans. Ted Boyer, Executive Director

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:

Dan S. Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dsjones@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/15/2003 at 9:00 AM, State Office Building, Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.

R156-56. Utah Uniform Building Standard Act Rules.

R156-56-102. Definitions.

In addition to the definitions in Title 58, Chapters 1, 55 and 56, as used in Title 58, Chapter 56 or these rules:

(1) "Building permit" means, for the purpose of determining the building permit surcharge under Subsection 58-56-9(4), a warrant, license or authorization to build or construct a building or structure or any part thereof.

(2) "Building permit fee" means, for the purpose of determining the building permit surcharge under Subsection 58-56-9(4), fees assessed by an agency of the state or political subdivision of the state for the issuance of permits for construction, alteration, remodeling, and repair and installation including building, electrical, mechanical and plumbing components.

(3) "Employed by a local regulator, state regulator or compliance agency" means, with respect to Subsection 58-56-9(1), the hiring of services of a qualified inspector whether by an employer/employee relationship, an independent contractor relationship, a fee-for-service relationship or any other lawful arrangement under which the regulating agency purchases the services of a qualified inspector.

(4) "Inspector" means a person employed by a local regulator, state regulator or compliance agency for the purpose of inspecting building, electrical, plumbing or mechanical construction, alteration, remodeling, repair or installation in accordance with the codes adopted under these rules and taking appropriate action based upon the findings made during inspection.

(5) ~~["Permanently affixed to real property" means a manufactured home or mobile home which has complied with all of the provisions of Section 59-2-602 at the date possession of the manufactured home or mobile home is changed from the dealer to the purchaser.~~

~~(6)]~~"Refuses to establish a method of appeal" means with respect to Subsection 58-56-8(3), that a compliance agency does not in fact adopt a formal written method of appealing uniform building standard matters in accordance with generally recognized standards of due process; or, that the compliance agency does not convene an appeals board and render a decision in the matter within ninety days from the date on which the appeal is properly filed with the compliance agency.

(7) ~~(6)~~ "Uniform Building Standards" means the codes identified in Section R156-56-701 and as amended under these rules.

(8) ~~(7)~~ "Unprofessional conduct" as defined in Title 58, Chapter 1 is further defined, in accordance with Subsection 58-1-203(5), in Section R156-56-502.

R156-56-302. Licensure of Inspectors.

In accordance with Subsection 58-56-9(1), the licensee classifications, scope of work, qualifications for licensure, and application for license are established as follows:

(1) License Classifications. Each inspector employed by a local regulator, state regulator, compliance agency, or private agency providing inspection services to a regulator or compliance agency, shall qualify for licensure and be licensed by the division in one of the following classifications:

- (a) Combination Inspector; or
- (b) Limited Inspector.

(2) Scope of Work. The scope of work permitted under each inspector classification is as follows:

- (a) Combination Inspector.

(i) Inspect the components of any building, structure or work for which a standard is provided in the specific edition of the codes adopted under these rules or amendments to these codes as included in these rules.

(ii) Determine whether the construction, alteration, remodeling, repair or installation of all components of any building, structure or work is in compliance with the adopted codes.

(iii) After determination of compliance or noncompliance with the adopted codes take appropriate action as is provided in the aforesaid codes.

- (b) Limited Inspector.

(i) A Limited Inspector may only conduct activities under Subsections (ii), (iii) or (iv) for which the Limited Inspector has maintained current certificates under the adopted codes as provided under Subsections R156-56-302(3)(b) and R156-56-302(2)(c)(ii).

(ii) Subject to the limitations of Subsection (i), inspect the components of any building, structure or work for which a standard is provided in the specific edition of the codes adopted under these rules or amendments to these codes as included in these rules.

(iii) Subject to the limitations under Subsection (i), determine whether the construction, alteration, remodeling, repair or

installation of components of any building, structure or work is in compliance with the adopted codes.

(iv) Subject to the limitations under Subsection (i), after determination of compliance or noncompliance with the adopted codes, take appropriate action as is provided in the adopted codes.

(c) Transitional Provisions.

~~(i) [A license issued to an inspector trainee which license is active at the time of this rule change shall remain effective throughout the term of the original license and shall have authority as specified under the prior rules in effect on July 1, 1999. Thereafter, all persons must qualify for licensure under these rules.~~

~~(ii) An inspector granted a license as a Building Inspector I, Electrical Inspector I, Plumbing Inspector I, Mechanical Inspector I, Combination Inspector II Limited Commercial Combination, Combination Inspector III, Building Inspector III, Electrical Inspector III, Plumbing Inspector III or Mechanical Inspector III under the prior rules, which license is active at the time of this rule change, shall be issued a replacement license as a Limited Inspector.~~

~~(iii) The state administered examinations upon which prior licenses were granted or upon which new limited inspector licenses may be granted shall be considered as current certification until [two years after a national organization offers certification as a residential building inspector, residential electrical inspector, residential plumbing inspector or residential mechanical inspector for codes adopted under these rules. After the state administered examinations are no longer considered current certification.] March 1, 2004. Thereafter, licenses may not be granted or renewed unless the person has obtained current certificates issued by a national organization.~~

(3) Qualifications for Licensure. The qualifications for licensure for each inspector classification are as follows:

(a) Combination Inspector.

Has passed the examination for and maintained as current the following national certifications for codes adopted under these rules:

(i) the "Building Inspector Certification" issued by the International ~~[Conference of Building Officials]~~ Code Council;

(ii) the "Electrical Inspector Certification" issued by the International ~~[Conference of Building Officials]~~ Code Council or the "General Electrical Certification" issued by the International Association of Electrical Inspectors;

(iii) the "Plumbing Inspector Certification" issued by the International ~~[Conference of Building Officials]~~ Code Council, International Code Council or the International Association of Plumbing and Mechanical Officials or the "Commercial Plumbing Inspector Certification" issued by the International Code Council or International Association of Plumbing and Mechanical Officials;

(iv) the "Mechanical Inspector Certification" issued by the International ~~[Conference of Building Officials]~~ Code Council or the "Commercial Mechanical Inspector Certification" issued by the International Association of Plumbing and Mechanical Officials.

(b) Limited Inspector.

Has passed the examination for and maintained as current one or more of the following national certifications for codes adopted under these rules:

(i) the "Building Inspector Certification" issued by the International ~~[Conference of Building Officials]~~ Code Council;

(ii) the "Electrical Inspector Certification" issued by the International ~~[Conference of Building Officials]~~ Code Council or the "General Electrical Certification" issued by the International Association of Electrical Inspectors;

(iii) the "Plumbing Inspector Certification" issued by the International ~~[Conference of Building Officials]~~ Code Council,

International Code Council or the International Association of Plumbing and Mechanical Officials or the "Commercial Plumbing Inspector Certification" issued by the International Code Council or International Association of Plumbing and Mechanical Officials;

(iv) the "Mechanical Inspector Certification" issued by the International ~~[Conference of Building Officials]~~ Code Council or the "Commercial Mechanical Inspector Certification" issued by the International Association of Plumbing and Mechanical Officials;

(v) the "Combination Dwelling Inspector Certification" issued by the International ~~[Conference of Building Officials]~~ Code Council;

(vi) the "Limited Commercial Combination Certification" issued by the International ~~[Conference of Building Officials]~~ Code Council;

(vii) the "Residential Building Inspector Certification" issued by the International ~~[Conference of Building Officials]~~ Code Council;

(viii) the "Residential Electrical Inspector Certification" issued by the International ~~[Conference of Building Officials]~~ Code Council;

(ix) the "Residential Plumbing Inspector Certification" issued by the International ~~[Conference of Building Officials]~~ Code Council; or

(x) the "Residential Mechanical Inspector Certification" issued by the International ~~[Conference of Building Officials]~~ Code Council.

(4) Application for License.

(a) An applicant for licensure shall:

(i) submit an application in a form prescribed by the division; and

(ii) pay a fee determined by the department pursuant to Section 63-38-3.2.

R156-56-701. Specific Editions of Uniform Building Standards.

(1) In accordance with Subsection 58-56-4(3), and subject to the limitations contained in Subsection (6), (7), and (8), the following codes are hereby incorporated by reference and adopted as 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 2000 edition of the International Building Code (IBC) as modified by Chapter 11 and Chapter 16 of the 2001 edition of the Supplement to the International Building Code, promulgated by the International Code Council, and amendments adopted under these rules together with standards incorporated into the IBC by reference, including but not limited to, the 2000 edition of the International Energy Conservation Code (IECC) promulgated by the International Code Council and the 2000 edition of the International Residential Code (IRC) promulgated by the International Code Council shall become effective on January 1, 2002;

(b) the 2002 edition of the National Electrical Code (NEC) promulgated by the National Fire Protection Association, to become effective January 1, 2003;

(c) the 2000 edition of the International Plumbing Code (IPC) promulgated by the International Code Council and amendments adopted under these rules in Section R156-56-707 shall become effective on January 1, 2001;

(d) the 2000 edition of the International Mechanical Code (IMC) together with all applicable standards set forth in the 2000 International Fuel Gas Code (IFGC) (formerly included as part of

the IMC) and amendments adopted under these rules in Section R156-56-708 shall become effective on January 1, 2002;

(e) subject to the provisions of Subsection (4), the Federal Manufactured Housing Construction and Safety Standards Act (HUD Code) as promulgated by the Department of Housing and Urban Development and published in the Federal Register as set forth in 24 CFR parts 3280 and 3282 as revised April 1, 1990; and

(f) subject to the provisions of Subsection (4), the 1994 edition of NCSBCS A225.1 Manufactured Home Installations promulgated by the National Conference of States on Building Codes and Standards (NCSBCS).

(2) In accordance with Subsection 58-56-4(4), and subject to the limitations contained in Subsection 58-56-4(5), the following codes are hereby incorporated by reference and approved for use and adoption by a compliance agency as the construction standards which may be applied to existing buildings in the regulation of building alteration, remodeling, repair, removal and rehabilitation in the state:

(a) the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings (UCADB) promulgated by the International [~~Conference of Building Officials~~]Code Council;

(b) the 1997 edition of the Uniform Code for Building Conservation (UCBC) promulgated by the International [~~Conference of Building Officials~~]Code Council;

(c) Guidelines for the Seismic Retrofit of Existing Buildings (GSREB) promulgated by the International [~~Conference of Building Officials~~]Code Council;

(d) Guidelines for the Rehabilitation of Existing Buildings (GREB) promulgated by the International [~~Conference of Building Officials~~]Code Council.

(3) Amendments adopted by rule to prior editions of the Uniform Building Standards shall remain in effect until specifically amended or repealed.

(4) The manufacturer, dealer or homeowner shall be permitted to design for unusual installation of a manufactured home not provided for in the manufacturer's standard installation instruction or NCSBCS/ANSI 225.1, Manufactured Home Installations, provided the design is approved in writing by a professional engineer or architect licensed in Utah. Guidelines for Manufactured Housing Installation as promulgated by the International [~~Conference of Building Officials~~]Code Council may be used as a reference guide.

(5) Pursuant to the Federal Manufactured Home Construction and Safety Standards Section 604(d), a manufactured home may be installed in the state of Utah which does not meet the local snow load requirements as specified in Subsection R156-56-704; however all such homes which fail to meet the standards of Subsection R156-56-704 shall have a protective structure built over the home which meets the International Building Code and the snow load requirements under Subsection R156-56-704.

(6) To the extent that the building codes adopted under Subsection (1) establish local administrative functions or establish a method of appeal which pursuant to Section 58-56-8 are designated to be established by the compliance agency, such provisions are not included in the codes adopted hereunder but authority over such provisions are reserved to the compliance agency to establish such provisions.

(7) To the extent that the building codes adopted under Subsection (1) establish provisions, standards or references to other codes which by state statutes are designated to be established or administered by other state agencies or local city, town or county

jurisdictions, such provisions are not included in the codes adopted herein but authority over such provisions are reserved to the agency or local government having authority over such provisions. Provisions excluded under this Subsection include but are not limited to:

(a) the International Property Maintenance Code;

(b) the International Private Sewage Disposal Code, authority over which would be reserved to the Department of Health and the Department of Environmental Quality;

(c) the International Fire Code which pursuant to Section 58-3-7 authority is reserved to the Utah Fire Prevention Board; and

(d) day care provisions which are in conflict with the Child Care Licensing Act, authority over which is designated to the Utah Department of Health.

(8) To the extent that the codes adopted under Subsection (1) establish provisions that exceed the authority granted to the Division, under the Utah Uniform Building Standards Act, to adopt codes or amendments to such codes by rulemaking procedures, such provisions, to the extent such authority is exceeded, are not included in the codes adopted.

R156-56-704. Statewide Amendments to the IBC.

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

(1) All references to the International Electrical Code are deleted and replaced with the National Electrical Code adopted under Subsection R156-56-701(1)(b).

(2) Section 101.4.1 is deleted and replaced with the following:
101.4.1 Electrical. The provisions of the National Electrical Code (NEC) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(3) In Section 202, the following definition is added:

ASSISTED LIVING FACILITY. See Section 308.1.1.

(4) Section 302.3.3 is deleted and replaced with the following:
302.3.3 Separated uses. Each portion of the building shall be individually classified as to use and shall be considered separated from other occupancies when completely separated from adjacent areas by fire barrier walls or horizontal assemblies or both having a fire-resistance rating determined in accordance with this sections.

302.3.3.1 All occupancies. Each fire area shall be separated from other occupancies in other fire areas in accordance with Table 302.3.3 based on the occupancy in the fire areas, and shall comply with the height limitations based on the use of that space and the type of construction classification. In each story the building area shall be such that the sum or the ratios of the floor area of each use divided by the allowable area for each use shall not exceed 1.

Exceptions for R-3 and U Groups:

1. The private garage shall be separated from the residence and its attic area by means of materials approved for one-hour fire resistive construction applied to the garage side. Door openings between the garage and the residence shall be equipped with either solid wood doors not less than 1 3/8 inches (35 mm) thick or doors in compliance with Section 714.2.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

2. Ducts in the private garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gage (.48 mm) sheet steel and shall have no openings into the garage.

3. A separation is not required between a Group R-3 and Group U carport provided the carport is entirely open on two or more sides and there are not enclosed spaces above.

Where the building is equipped throughout with an automatic sprinkler system, the fire resistance ratings in Table 302.3.3 shall be reduced by one hour but not to less than one hour and to not less than that required for floor construction according to the type of construction. The one hour reduction shall not apply to fire area separations when H-1, H-2, H-3, or I-2 occupancies are included in the areas being separated.

Table 302.3.3 is deleted and replaced with:

Table 302.3.3, entitled "Required Separation of Occupancies", dated January 1, 2002, published by the Department of Commerce, Division of Occupational and Professional Licensing is hereby adopted and incorporated by reference. Table 302.3.3 identifies what type of separation of occupancies requirements are mandated in various types of property use classifications.

(5) A new Section 302.4 is added as follows:

302.4 Spaces used for different purposes. A room or space that is intended to be occupied at different times for different purposes shall comply with all requirements that are applicable to each of the purposes for which the room or space will be occupied.

(6) Section 305.2 is deleted and replaced with the following:

305.2 Day care. The building or structure, or portion thereof, for educational, supervision, child day care centers, or personal care services of more than four children shall be classified as a Group E occupancy. See Section 419 for special requirements for Group E child day care centers.

Exception: Areas used for child day care purposes with a Residential Certificate, Family License or Family Group License may be located in a Group R-2 or R-3 occupancy as provided in Section 310.1 and as applicable in Section 101.2.

Child day care centers providing care for more than 100 children 2 1/2 years or less of age shall be classified as Group I-4.

(7) In Section 308 the following definitions are added:

308.1.1 Definitions. 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 1 ASSISTED LIVING FACILITY. A residential facility 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.

TYPE 2 ASSISTED LIVING FACILITY. A residential facility 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.

(8) Section 308.2 is deleted and replaced with the following:

308.2 Group I-1. This occupancy shall include a building or part thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following: residential board and care facilities, type 1 assisted living facilities, half-way houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers and convalescent facilities. A

facility such as the above with five or fewer persons shall be classified as a Group R-3. A facility such as above, housing at least six and not more than 16 persons, shall be classified as a Group R-4.

(9) Section 308.3 is deleted and replaced with the following:

308.3 Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than three persons who are not capable of self-preservation. This group shall include, but not be limited to the following: hospitals, nursing homes (both intermediate care facilities and skilled nursing facilities), mental hospitals, detoxification facilities, ambulatory surgical centers with two or more operating rooms where care is less than 24 hours and type 2 assisted living facilities. Type 2 assisted living facilities with five or fewer persons shall be classified as a Group R-4. Type 2 assisted living facilities as defined in 308.1.1 with at least six and not more than sixteen residents shall be classified as a Group I-1 facility.

(10) Section 308.3.1 is deleted and replaced with the following:

308.3.1 Child care facility. A child care facility that provides care on a 24 hour basis to more than four children 2 1/2 years of age or less shall be classified as Group I-2.

(11) Section 308.5 is deleted and replaced with the following:

308.5 Group I-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with four or fewer persons shall be classified as an R-3. Places of worship during religious functions and Group E child day care centers are not included.

(12) Section 308.5.2 is deleted and replaced with the following:

308.5.2 Child care facility. A facility that provides supervision and personal care on less than a 24 hour basis for more than 100 children 2 1/2 years of age or less shall be classified as Group I-4.

(13) Section 310.1 is deleted and replaced with the following:

310.1 Residential Group "R". Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classed as an Institutional Group I. Residential occupancies shall include the following:

R-1 Residential occupancies where the occupants are primarily transient in nature (less than 30 days) including: Boarding Houses (transient), Hotels (transient), and Motels (transient).

Exception: Boarding houses accommodating 10 persons or less shall be classified as a Residential Group R-3.

R-2 Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including: Apartment Houses, Boarding houses (not transient), Convents, Dormitories, Fraternities and Sororities, Monasteries, Vacation timeshare properties, Hotels (non transient), and Motels (non transient).

Exception: Boarding houses accommodating 10 persons or less shall be classified as a Residential Group R-3.

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units, as applicable in Section 101.2, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Adult and child care facilities that are within a single family home are permitted to comply with the International Residential Code in accordance with Section 101.2. Areas used for

day care purposes may be located in a Residential Group, R-3 occupancy provided the building substantially complies with the requirements for a dwelling unit and under all of the following conditions:

1. Compliance with the 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 State Department of Health, as enacted under the authority of the Utah Child Care Licensing Act, UCA, Sections 26-39-101 through 26-39-110, and in any of the following categories:

a. Utah Administrative Code, R430-50, Residential Certificate Child Care Standards.

b. Utah Administrative Code, R430-90, Licensed Family Child Care.

3. Compliance with all zoning regulations of the local regulator.

R-4 Residential occupancies shall include buildings arranged for occupancy as Residential Care/Assisted Living Facilities including more than five but not more than 16 occupants, excluding staff.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except as otherwise provided for in this code or shall comply with the International Residential Code in accordance with Section 101.2.

(14) A new section 310.4 is added as follows:

310.4 Floor-level exit signs. Where exit signs are required by section 1003.2.10.1, additional approved exit signs that are internally or externally illuminated, photoluminescent or self-luminous, shall be provided in all corridors serving guest rooms of R-1 occupancies. The bottom of such signs shall not be less than 6 inches (152 mm) nor more than 8 inches (203 mm) above the floor level and shall indicate the path of exit travel. For exit and exit access doors, the sign shall be on the door or adjacent to the door with the closest edge of the sign with 8 inches (203 mm) of the door frame.

(15) In section 403.10.1.1 the exception is deleted.

(16) A new Section 403.9.1 is added as follows:

403.9.1 Elevator lobby. Elevators on all floors shall open into elevator lobbies that are separated from the remainder of the building, including corridors and other means of egress by smoke partitions complying with Section 710. Elevator lobbies shall have at least one means of egress complying with Chapter 10 and other provisions within the code. Elevator lobbies separated from a fire resistance rated corridor shall have walls of not less than one-hour fire resistance rating and openings shall conform to Section 714.

Exceptions:

1. Separations are not required from a street floor elevator lobby.

2. In atria complying with the provisions of Section 404 elevator lobbies are not required.

(17) A new section 419 is added as follows:

Section 419 Group E Child Day Care Centers. Group E child day care centers shall comply with Section 419.

419.1 Location at grade. Group E child day care centers shall be located at the level of exit discharge.

Exception: 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.

419.2 Egress. All Group E child day care spaces with an occupant load of 10 or more 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 1009.

(18) Section 706.3.5 is deleted and replaced with the following:

706.3.5 Separation of mixed occupancies. Where the provisions of Section 302.3.3 are applicable, the fire barrier separating mixed occupancies shall have a fire-resistance rating of not less than that indicated in Section 302.3.3 based on the occupancies being separated.

(19) A new Section 706.3.6 is added as follows:

706.3.6. Single occupancy fire areas. The fire barrier separating a single occupancy into different fire areas shall have a fire resistance rating of not less than that indicated in Table 706.3.6.

TABLE 706.3.6
FIRE-RESISTANCE RATING REQUIREMENTS
FOR FIRE BARRIER ASSEMBLIES BETWEEN
FIRE AREAS

OCCUPANCY GROUP	FIRE-RESISTANCE RATING (IN HOURS)
H-1, H-2	4
F-1, H-3, S-1	3
A, B, E, F-2, H-4, H-5, I M, R, S-2	2
U	1

(20) In Section 707.14.1 Exception 4 is deleted and replaced with the following:

4. See Section 403.9.1 for high rise buildings.

(21) Section 710.3 is deleted and replaced with the following:

710.3 Fire-resistance rating. The fire-resistance rating of floor and roof assemblies shall not be less than that required by the building type of construction. Where the floor assembly separates mixed occupancies, the assembly shall have a fire-resistance rating of not less than that required in Section 302.3.3 based on the occupancies being separated. Where the floor assembly separates a single occupancy into different fire areas, the assembly shall have a fire-resistance rating of not less than that required by Section 706.3.6. Floor assemblies separating dwelling units or guestrooms shall be a minimum of 1-hour fire-resistance-rated construction.

Exception: Dwelling unit and guestroom separations in buildings of Type IIB, IIIB and VB construction shall have fire-resistance ratings of not less than 1/2 hour in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

(22) In Section 902, the definition for record drawings is deleted and replaced with the following:

RECORD DRAWINGS. Drawings ("as built") that document all aspects of a fire protection system as installed.

(23) Section 903.2.5 is deleted and replaced with the following:

903.2.5 Group I. An automatic sprinkler system shall be provided throughout buildings with Group I fire areas. Listed quick response or residential sprinkler heads shall be installed in patient or resident sleeping areas.

(24) Section 903.2.9 Group R-4 is deleted and replaced with the following:

An automatic sprinkler system shall be provided throughout all buildings with Group R-4 fire areas that contain more than eight occupants.

Exception:

1. An automatic sprinkler system installed in accordance with Section 903.3.1.2 or Section 903.3.1.3. shall be allowed in Group R-4 facilities.

2. Buildings 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.

(25) Section 905.5.3 is deleted and replaced with the following:

905.5.3 Class II system 1-inch hose. A minimum 1-inch (25.4 mm) hose shall be permitted to be used for hose stations in light-hazard occupancies where investigated and listed for this service and where approved by the code official.

(26) In Section 1002, the definition for exit discharge is deleted and replaced with the following:

EXIT DISCHARGE. That portion of a means of egress system between the termination of an exit and a public way or safe dispersal area.

(27) In Section 1003.2.12.1 the exception is deleted and replaced with the following:

Exceptions:

1. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, guards whose top rail serves as a handrail shall have a height not less than 34 inches (864 mm) and not more than 38 inches (965 mm) measured vertically from the leading edge of the stair tread nosing.

2. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in section 101.2, guards shall form a protective barrier not less than 36 inches (914 mm).

(28) Section 1003.2.12.2 is deleted and replaced with the following:

1003.2.12.2 Opening limitations. Open guards shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 34 inches (864 mm). From a height of 34 inches (864 mm) to 42 inches (1067 mm) above the adjacent walking surface, a sphere 8 inches (203 mm) in diameter shall not pass. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.

Exceptions:

1. The triangular openings formed by the riser, tread and bottom rail at the open side of a stairway shall be of a maximum size such that a sphere of 6 inches (152 mm) in diameter cannot pass through the opening.

2. At elevated walking surfaces for access to and use of electrical, mechanical, or plumbing systems or equipment, guards shall have balusters or be of solid materials such that a sphere with a diameter of 21 inches (533 mm) cannot pass through any opening.

3. In occupancies in Group I-3, F, H or S, balusters, horizontal intermediate rails or other construction shall not permit a sphere with a diameter of 21 inches (533 mm) to pass through any opening.

4. In assembly seating areas, guards at the end of aisles where they terminate at a fascia of boxes, balconies, and galleries shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of

26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, a sphere 8 inches (203 mm) in diameter shall not pass.

(29) Section 1003.3.3.3, Exception #5 is deleted and replaced with the following:

5. In occupancies in Group R-3, as applicable in Section 101.2, within dwelling units in occupancies in Group R-2, 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, the maximum riser height shall be 8 inches (203 mm) and the minimum tread depth shall be 9 inches (229 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).

(30) Section 1003.3.3.11 Exemption #4 is deleted and replaced with the following:

4. 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.

(31) Section 1003.3.3.11.3 is amended to include the following exception at the end of the section:

Exception. Non-circular handrails serving an individual unit in a Group R-1, Group R-2 or Group R-3 occupancy shall be permitted to have a maximum cross sectional dimension of 3.25 inches (83 mm) measured 2 inches (51 mm) down from the top of the crown. Such handrail is required to have an indentation on both sides between 0.625 inch (16 mm) and 1.5 inches (38 mm) down from the top or crown of the cross section. The indentation shall be a minimum of 0.25 inch (6 mm) deep on each side and shall be at least 0.5 (13 mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

(32) In Section 1004.3.2.5 Exception 2 is deleted.

(33) New Sections 1006.2.3, 1006.2.3.1 and 1006.2.3.2 are added as follows:

1006.2.3 Safe dispersal areas. Where approved by the code official, the exit discharge is permitted to lead to a safe dispersal area on the same property as the structure being discharged. The proximity and size of such safe dispersal area shall be based on such factors as the occupant load served, the mobility of occupants, the type of construction of the building, the fire protection systems installed in the building, the height of the building and the degree of hazard of the occupancy. In any case, the entire safe dispersal area shall be located not less than 50 feet (15 420 mm) from the structure served.

1006.2.3.1 School ground fences and gates. School grounds shall be permitted to be fenced and gates therein equipped with locks, provided safe dispersal areas are located between the school and fence with the entire dispersal area no less than 50 feet (15 420mm) from school buildings. Safe dispersal area capacity shall be determined by providing a minimum of 3 square feet (0.28 m²) of net clear area per occupant.

1006.2.3.2 Reviewing stands, grandstands and bleachers. Safe dispersal areas serving reviewing stands, grandstands and bleachers shall accommodate a number of persons equal to the total capacity of the stand or building served. Safe dispersal area capacity shall be determined by providing a minimum of 3 square feet (0.28 m²) of net clear area per occupant.

(34) Section 1109.7 of Chapter 11 in the 2001 Supplement to the International Building Code is deleted and replaced with the following:

Section 1109.7 Lifts. Platform (wheelchair) lifts shall not be a part of a required accessible route in new construction. Platform (wheelchair) lifts shall be installed in accordance with ASME A18.1.

Exceptions: Platform (wheelchair) lifts are permitted for:

1. An accessible route to a performing area and speaker's platforms in occupancies in Group A.
2. An accessible route to wheelchair spaces required to comply with the wheelchair space dispersion and line-of-sight requirements of Section 1108.2.2.
3. An accessible route to spaces that are not open to the general public with an occupant load of not more than five.
4. An accessible route within a dwelling or sleeping unit.
5. An accessible route to wheelchair seating spaces located in outdoor dining terraces in A-5 occupancies where the means of egress from the dining terrace to a public way is open to the outdoors.
6. An accessible route to raised judges' benches, clerks' stations, jury boxes, witness stands and other raised or depressed areas in a court.
7. An accessible route where existing exterior site constraints make use of a ramp or elevator infeasible.
8. Wheelchair access where an accessible route is not required per the exceptions to Section 1104.4 and/or Section 1107.4.

All platform (wheelchair) lifts shall be capable of independent operation without a key.

Standby power shall be provided for platform lifts permitted to serve as part of the accessible means of egress.

(35) Section 1207.2 is deleted and replaced with the following:

1207.2 Minimum ceiling heights. Occupiable spaces, habitable spaces and corridors shall have a ceiling height of not less than 7 feet 6 inches (2286 mm). Rooms in one- and two-family dwellings, bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall be permitted to have a ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not more than 4 feet (1219 mm) on center or projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms without habitable spaces in one- and two-family dwellings having a ceiling height of not less than 6 feet 8 inches (2033mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the finished ceiling shall not be included in any computation of the minimum area thereof.
4. Mezzanines constructed in accordance with Section 505.1.

(36) Section 1207.3 is deleted and replaced with the following:

1207.3 Room area. Every dwelling unit shall have at least one room that shall have not less than 120 square feet (11.2 m²) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5 m²).

Exception: Every kitchen in a one- and two-family dwelling shall have not less than 50 square feet (4.64 m²) of gross floor area.

(37) Section 1207.4 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) of floor area. An additional 100 square feet (9.3 m) of floor area shall be provided for each occupant of such unit in excess of two.

(38) Section 1604.5, footnote "c" is added to Table 1604.5 Classification of Buildings and Other Structures for Importance Factors:

c. For determining "W" per sections 1616.4.1, 1617.4.1, 1617.5.1, or 1618.4, the Snow Factor I, may be taken as 1.0.

(39) In Section 1605.2.1, the formula shown as "f₂ = 0.2 for other roof configurations" is deleted and replaced with the following:

f₂ = 0.20 + .025(A-5) for other configurations where roof snow load exceeds 30 psf

f₂ = 0 for roof snow loads of 30 psf (1.44kN/m²) or less.

Where A = Elevation above sea level at the location of the structure (ft/1000).

(40) In Section 1605.3.1 and section 1605.3.2, Exception number 2 in each section is deleted and replaced with the following:

Flat roof snow loads of 30 pounds per square foot (1.44 kNm²) or less need not be combined with seismic loads. Where flat roofs exceed 30 pounds per square foot (1.44 kNm²), the snow loads may be reduced in accordance with the following in load combinations including both snow and seismic loads.

$$W_s = (0.20 + 0.025(A-5))P_f$$

Where

W_s = Weight of snow to be included, psf

A = Elevation above sea level at the location of the structure (ft/1000)

P_f = Design roof snow load, psf

(41) In Table 1607.1 number 6 is deleted and replaced with the following:

Occupancy or Use	TABLE 1607.1 NUMBER 6	
	Uniform (psf)	Concentrated (lbs)
6. Decks, except residential	Same as occupancy served ^b	
6.1 Residential decks	60 psf	

(42) In Table 1607.1 number 27 is deleted and replaced with the following:

Occupancy or Use	TABLE 1607.1 NUMBER 27	
	Uniform (psf)	Concentrated (lbs)
27. Residential		
Group R-3 as applicable in Section 101.2		-
Uninhabitable attics without storage	10 ¹	
Uninhabitable attics with storage	20	
Habitable attics and sleeping areas	30	
All other areas except balconies and decks	40	
Hotels and multifamily dwellings		
Private rooms	40	
Public rooms and corridors serving them 100		

(4[2]3) In Notes to Table 1607.1, Note i is added as follows:

i. This live load need not be considered as acting simultaneously with other live loads imposed upon the ceiling framing or its supporting structure.

(4[3]4) Section 1608.1 is deleted and replaced with the following:

Except as modified in section 1608.1.1, design snow loads shall be determined in accordance with Section 7 of ASCE 7, but the

design roof load shall not be less than that determined by Section 1607.

(4[4]5) Section 7.4.5 of Section 7 of ASCE 7 referred to 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 $2p_f$ 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.

(4[5]6) Section 1608.1.1 is added as follows:

1608.1.1 Utah Snow Loads. 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: $P_g = (P_o^2 + S^2(A-A_o)^2)^{0.5}$ 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. 1608.1.1(a)

S = Change in ground snow load with elevation (psf/100 ft.)

From Table No. 1608.1.1(a)

A = Elevation above sea level at the site (ft./1000)

A_o = Base ground snow elevation from Table 1608.1.1(a) (ft./1000)

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. A record of such action together with the substantiating data shall be provided to the division for a permanent record.

The building official may also directly adopt roof snow loads in accordance with Table 1608.1.1(b), provided the site is no more than 100 ft. higher than the listed elevation.

Where the minimum roof live load in accordance with section 1607.11 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.

(4[6]7) Table 1608.1.1(a) and Table 1608.1.1(b) are added as follows:

TABLE NO. 1608.1.1(a)
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	P_o	S	A_o
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. 1608.1.1(b)
RECOMMENDED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS

		Roof Snow Load (PSF)	Ground Snow Load (PSF)
Beaver County			
Beaver	5920 ft.	43	62
Box Elder County			
Brigham City	4300 ft.	30	43
Tremonton	4290 ft.	30	43
Cache County			
Logan	4530 ft.	35	50
Smithfield	4595 ft.	35	50
Carbon County			
Price	5550 ft.	30	43
Daggett County			
Manila	5377 ft.	30	43
Davis County			
Bountiful	4300 ft.	30	43
Farmington	4270 ft.	30	43
Layton	4400 ft.	30	43
Fruit Heights	4500 ft.	40	57
Duchesne County			
Duchesne	5510 ft.	30	43
Roosevelt	5104 ft.	30	43
Emery County			
Castledale	5660 ft.	30	43
Green River	4070 ft.	25	36
Garfield County			
Panguitch	6600 ft.	30	43
Grand County			
Moab	3965 ft.	25	36
Iron County			
Cedar City	5831 ft.	30	43
Juab County			
Nephi	5130 ft.	30	43
Kane County			
Kanab	5000 ft.	25	36
Millard County			
Millard	5000 ft.	30	43
Delta	4623 ft.	30	43
Morgan County			
Morgan	5064 ft.	40	57
Piute County			
Piute	5996 ft.	30	43
Rich County			
Woodruff	6315 ft.	40	57
Salt Lake County			
Murray	4325 ft.	30	43
Salt Lake City	4300 ft.	30	43
Sandy	4500 ft.	30	43
West Jordan	4375 ft.	30	43
West Valley	4250 ft.	30	43
San Juan County			
Blanding	6200 ft.	30	43
Monticello	6820 ft.	35	50
Sanpete County			
Fairview	6750 ft.	35	50
Mt. Pleasant	5900 ft.	30	43
Manti	5740 ft.	30	43
Ephraim	5540 ft.	30	43
Gunnison	5145 ft.	30	43

Sevier County			
Salina	5130 ft.	30	43
Richfield	5270 ft.	30	43
Summit County			
Coalville	5600 ft.	60	86
Kamas	6500 ft.	70	100
Park City	6400 ft.	85	121
Park City	6800 ft.	100	142
Park City	8400 ft.	162	231
Summit Park	7200 ft.	90	128
Tooele County			
Tooele	5100 ft.	30	43
Uintah County			
Vernal	5280 ft.	30	43
Utah County			
American Fork	4500 ft.	30	43
Orem	4650 ft.	30	43
Pleasant Grove	5000 ft.	30	43
Provo	5000 ft.	30	43
Spanish Fork	4720 ft.	30	43
Wasatch County			
Heber	5630 ft.	60	86
Washington County			
Central	5209 ft.	25	36
Dameron	4550 ft.	25	36
Leeds	3460 ft.	20	29
Rockville	3700 ft.	25	36
Santa Clara	2850 ft.	15 (1)	21
St. George	2750 ft.	15 (1)	21
Wayne County			
Loa	7080 ft.	30	43
Hanksville	4308 ft.	25	36
Weber County			
North Ogden	4500 ft.	40	57
Ogden	4350 ft.	30	43

NOTES

(1) The IBC requires a minimum live load - See 1607.11.2.

(2) 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.

(4[7]8) 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 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.

(4[8]9) Section 1614.2 is deleted and replaced with the following:

1614.2 Change in Occupancy. When a change of occupancy results in a structure being reclassified to a higher Seismic Use Group, 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. This is not required if the design occupant load increase is less than 25 persons and the Seismic Use Group does not change.

2. Specific detailing provisions required for a new structure are not required to be met where it can be shown an equivalent level of performance and seismic safety contemplated for a new structure is obtained. Such analysis shall consider the regularity, overstrength,

redundancy and ductility of the structure within the context of the specific detailing provided. Alternatively, the building official may allow the structure to be upgraded in accordance with the latest edition of the "Guidelines for Seismic Rehabilitation of Existing Buildings" or another nationally recognized standard for retrofit of existing buildings.

([49]50) In Section 1616.4.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads of 30 psf or less need not be included. Where the roof snow load exceeds 30 psf, the snow load shall be included, but may be adjusted in accordance with the following formula: $W_s = (0.20 + 0.025(A-5))P_f$

WHERE:

W_s = Weight of snow to be included in seismic calculation;

A = Elevation above sea level at the location of the structure (ft/1000)

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.

(5[0]1) In Section 1617.2.2, the fourth definition of r_{maxi} is deleted and replaced with the following:

=For shear walls, r_{maxi} shall be taken as the maximum value of the product of the shear in the wall or wall pier and $10/1_w$ ($3.3/1_w$ for SI), divided by the story shear, where 1_w is the length of the wall or wall pier in feet (m). The ratio $10/1_w$ need not be taken greater than 1.0 for buildings of light frame construction.

(5[4]2) In Section 1617.4.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(5[2]3) In Section 1617.5.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(5[3]4) In Section 1618.4, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(5[4]5) Section 1805.5 is deleted and replaced with the following:

1805.5 Foundation walls. Concrete and masonry foundation walls shall be designed in accordance with Chapter 19 or 21. Foundation walls that are laterally supported at the top and bottom and within the parameters of Tables 1805.5(1) through 1805.5(4) are permitted to be designed and constructed in accordance with Sections 1805.5.1 through 1805.5.4 and 1805.5.8 through 1805.5.8.2. Concrete foundation walls may also be constructed in accordance with Section 1805.5.9.

(56) Section 1805.2.1 is deleted and replaced with the following:

Sections 1805.2.1 Frost protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

(1) Extending below the frost line of the locality;

(2) Constructed in accordance with ASCE-32; and

(3) Erected on solid rock.

Exception: Freestanding buildings meeting all of the following conditions shall not be required to be protected:

1. Classified in Importance Category IV, in accordance with Table 1604.5, or Occupancy Group U:

- 2. Area of 1,000 square feet (93m²) or less;
- 3. Eave height of 10 feet (3048 mm) or less;
- 4. Constructed of light-wood-framed construction.

Footings shall not bear on frozen soil unless such frozen condition is of a permanent character.

(5[5]7) New Sections 1805.5.8, 1805.5.8.1 1805.5.8.2 and 1805.5.9 are added as follows:

1805.5.8 Seismic requirements. Tables 1805.5(1) through 1805.5(4) shall be subject to the following limitations based on the seismic design category assigned to the structure as defined in Section 1616.

1805.5.8.1 Seismic requirements for concrete foundation walls. Concrete foundation walls constructed using Tables 1805.5(1) through 1805.5(4) shall be subject to the following:

- 1. Seismic Design Category A and B. Provide two No. 5 bars around window and door openings. Such bars shall extend at least 24 inches (610 mm) beyond the corners of the openings.
- 2. Seismic Design Category C. Tables shall not be used except as permitted for plain concrete members in Section 1910.4.
- 3. Seismic Design Categories D, E and F. Tables shall not be used except as allowed for plain concrete members in ACI 318, Section 22.10.

1805.5.8.2 Seismic requirements for masonry foundation walls. Masonry foundation walls constructed using Tables 1805.5(1) through 1805.5(4) shall be subject to the following:

- 1. Seismic Design Category A and B. No additional seismic requirements.
- 2. Seismic Design Category C. The requirements of Section 2106.4 shall apply.
- 3. Seismic Design Category D. The requirements of Section 2106.5 shall apply.
- 4. Seismic Design Categories E and F. The requirements of Section 2106.6 shall apply.

1805.5.9 Empirical 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 1805.5.9.

(5[6]8) Table 1805.5.9 is added as follows:

Table 1805.5.9, entitled "Empirical Foundation Walls, dated September 1, 2002, published by the Department of Commerce, Division of Occupational and Professional Licensing is hereby adopted and incorporated by reference. Table 1805.5.9 identifies foundation requirements for empirical walls.

(5[7]9) Table 2305.3.3 is deleted and replaced with the following:

TABLE 2305.3.3
MAXIMUM SHEAR WALL ASPECT RATIOS

TYPE	MAXIMUM HEIGHT-WIDTH RATIO
Wood structural panels or particleboard, nailed edges	For wind: 3 1/2:1 For seismic: 2:1a
Diagonal sheathing, single Fiberboard	2:1 1 1/2:1

a. For design to resist seismic forces, shear wall aspect ratios greater than 2:1, but not exceeding 3 1/2:1, are permitted provided the allowable shear capacities in Table 2306.4.1 are multiplied by 2w/h.

([58]60) A new section 2306.1.4 is added as follows:

2306.1.4 The allowable stress increase of 1.15 for snow load, shown in Table 2.3.2, Load Duration Factors, C_d, of the National Design Specifications, shall not be utilized at elevations above 5,000 feet (1524 M).

([59]61) Section 2308.6 is deleted and replaced with the following:

2308.6 Foundation plates or sills. Foundations and footings shall be as specified in Chapter 18. Foundation plates or sills resting on concrete or masonry foundations shall comply with Section 2304.3.1 and shall be bolted or anchored by one of the following:

1. Foundation plates or sill shall be bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors. Bolts shall be embedded at least 7 inches (178 mm) into concrete or masonry, and spaced not more than 6 feet (1829 mm) apart. There shall be a minimum of two bolts or anchor straps per piece with one bolt or anchor strap located not more than 12 inches (305 mm) or less than 4 inches (102 mm) from each end of each piece.

2. Foundation plates or sills shall be bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors. Bolts shall be 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.

(62) In Section 2902.1, the title for Table 2902.1 is deleted and replaced with the following and footnote g is added as follows:

TABLE 2902.1
MINIMUM NUMBER OF PLUMBING FACILITIES**^g
(see Sections 403.2 and 403.3)

FOOTNOTE: g. When provided, in public toilet facilities there shall be an equal number of diaper changing facilities in male toilet rooms and female toilet rooms.

(6[0]3) A new section 2902.1.1 is added as follows:

2902.1.1 Unisex toilets and bath fixtures. Fixtures located within unisex toilet and bathing rooms complying with section 2902 are permitted to be included in determining the minimum number of fixtures for assembly and mercantile occupancies.

(6[+]4) Section 3006.5 Shunt Trip, the following exception is added:

Exception: Hydraulic elevators and roped hydraulic elevators with a rise of 50 feet or less.

(6[2]5) In Section 3104.2, a second exception is added as follows:

2. For the purposes of calculating the number of Type B units required by Chapter 11, structurally connected buildings and buildings with multiple wings shall be considered one structure.

(6[3]6) A new section 3402.5 is added as follows:

3402.5 Parapets and other appendages. Building constructed prior to 1975 with parapet walls, cornices, spires, towers, tanks, signs, statuary and other appendages shall have such appendages evaluated by a licensed engineer to determine resistance to design loads specified in this code when said building is undergoing reroofing, or alteration of or repair to said feature.

EXCEPTION: Group R-3 an U occupancies.

Original Plans and/or structural calculations may be utilized to demonstrate that the parapet or appendages are structurally adequate. When found to be deficient because of design or deteriorated condition, the engineer shall prepare specific recommendations to anchor, brace, reinforce or remove the deficient feature.

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. If the required parapet height exceeds this maximum height, a bracing system designed using the coefficients specified in Table 1621.2 shall support the top of the parapet. When positive diaphragm connections are absent, tension roof anchors shall be added. Approved alternative methods of equivalent strength will be considered when accompanied by engineer sealed drawings, details and calculations.

(6[4]7) Section 3408.1 is deleted and replaced with the following:

3408.1 Scope: The provision of sections 3408.2 through 3408.5 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.

Exceptions:

1. When maintenance, additions or alteration occur, Type B dwelling units required by section 1107.5.4 are not required to be provided in existing buildings and facilities.

2. When a change of occupancy in a building or portion of a building results in multiple dwelling units as determined in section 1107.5.4, not less than 20 percent of the dwelling units shall be Type B dwelling units. These dwelling units may be located on any floor of the building provided with an accessible route. Two percent, but not less than one, of the dwelling units shall be Type A dwelling units.

(6[5]8) Referenced standards number 1557-91 under ASTM in chapter 35 is deleted and replaced with the following:

TABLE		
Standard Number	Title	Code Section
D1557-91 E01	Laboratory Compaction Characteristics of soil using Modified Effort	1508.15.2 K1.1.2, K1.7.5

(6[6]9) A new appendix K, Grading, is added as follows:

APPENDIX K - GRADING

K1.1 GENERAL

K1.1.1 Scope. The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this chapter and the soils report, the soils report shall govern.

K1.1.2 Standards. The following standards of quality shall apply:

1. ASTM D1557-91 E01, Test Method for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lb/ft).

K1.2 DEFINITIONS

K1.2.1 Definitions. For the purposes of this appendix chapter, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings.

BENCH. A relatively level step excavated into earth material on which fill is to be placed.

COMPACTION. The densification of a fill by mechanical means.

CUT. See Excavation.

DOWN DRAIN. A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility.

EROSION. The wearing away of the ground surface as a result of the movement of wind, water or ice.

EXCAVATION. The removal of earth material by artificial means, also referred to as a cut.

FILL. Deposition of earth materials by artificial means.

GRADE. The vertical location of the ground surface.

GRADE, EXISTING. The grade prior to grading.

GRADE, FINISHED. The grade of the site at the conclusion of all grading efforts.

GRADING. An excavation or fill or combination thereof.

KEY. A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

SLOPE. An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

TERRACE. A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

K1.3 PERMITS REQUIRED

K1.3.1 Permits required. Except as exempted in Section K1.3.2, no grading shall be performed without first having obtained a permit therefor from the building official. A grading permit does not include the construction of retaining walls or other structures.

K1.3.2 Exemptions. A grading permit shall not be required for the following:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.

2. Excavation for construction of a structure permitted under this code.

3. Cemetery graves.

4. Refuse disposal sites controlled by other regulations.

5. Excavations for wells, or trenches for utilities.

6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.

7. Exploratory excavations performed under the direction of a registered design professional for the sole purpose of preparing a soils report.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. The listed exemptions shall not apply to areas located in a floodway or floodplain regulated under Appendix G.

K1.4 PERMIT APPLICATION AND SUBMITTALS

K1.4.1 Submittal requirements. In addition to the provisions of Section 105.3, the applicant shall state the estimated quantities of excavation and fill.

K1.4.2 Site plan requirements. In addition to the provisions of Section 106, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

K1.4.3 Soils report. A soils report prepared by registered design professionals shall be provided which shall identify the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for any structures or embankments required to accomplish the proposed grading; and, where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

Exception: A soils report is not required where the building official determines that the nature of the work applied for is such that a report is not necessary.

K1.4.4 Liquefaction study. For sites with mapped maximum considered earthquake spectral response accelerations at short period (S_s) greater than 0.5g as determined by Section 1615, a study of the liquefaction potential of the site shall be provided, and the recommendations incorporated in the plans.

Exception: A liquefaction study is not required where the building official determines from established local data that the liquefaction potential is low.

K1.5 INSPECTIONS

K1.5.1 General. Inspections shall be governed by Section 109 of this code.

K1.5.2 Special inspections. The special inspection requirements of Section 1704.7 shall apply to work performed under a grading permit where required by the building official.

K1.6 EXCAVATIONS

K1.6.1 Maximum slope. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 2 horizontal to 1 vertical (50%) unless the applicant furnishes a soils report justifying a steeper slope.

Exceptions:

1. A cut surface may be at a slope of 1.5 horizontal to 1 vertical (67%) provided that all the following are met:

- (a) it is not intended to support structures or surcharges;
- (b) it is adequately protected against erosion;
- (c) it is no more than 8 feet (2438 mm) in height; and
- (d) it is approved by the building official.

2. A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100%)

K1.7 FILLS

K1.7.1 General. Unless otherwise recommended in the soils report, fills shall conform to provisions of this section.

K1.7.2 Surface preparation. The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.

K1.7.3 Benching. Where existing grade is at a slope steeper than 5 horizontal to 1 vertical (20%) and the depth of the fill exceeds five feet (1524 mm) benching shall be provided in accordance with Figure K1.7.3 dated July 1, 2001, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference. A key shall be provided which is at least 10 feet (3048 mm) in width and two feet (610 mm) in depth.

K1.7.4 Fill material. Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305mm) in any dimension shall be included in fills.

K1.7.5 Compaction. All fill material shall be compacted to 90% of maximum density as determined by ASTM D1557,

Modified Proctor, in lifts not exceeding 12 inches (305 mm) in depth.

K1.7.6 Maximum slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 2 horizontal to 1 vertical (50%) shall be justified by soils reports or engineering data.

K1.8 SETBACKS

K1.8.1 General. Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure K1.8.1, dated July 1, 2001, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference, unless substantiating data is submitted justifying reduced setbacks.

K1.8.2 Top of slope. The setback at the top of a cut slope shall not be less than that shown in Figure K1.8.1, or than is required to accommodate any required interceptor drains, whichever is greater.

K1.8.3 Slope protection. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the building official, shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure K1.8.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.

K1.9 DRAINAGE AND TERRACING

K1.9.1 General. Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with the requirements of this section.

Exception: Drainage facilities and terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33%).

K1.9.2 Terraces. Terraces at least six feet (1829 mm) in width shall be established at not more than 30-foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris. Suitable access shall be provided to allow for cleaning and maintenance.

Where more than two terraces are required, one terrace, located at approximately mid-height, shall be at least 12 feet (3658 mm) in width.

Swales or ditches shall be provided on terraces. They shall have a minimum gradient of 20 horizontal to 1 vertical (5%) and shall be paved with concrete not less than three inches (76 mm) in thickness, or with other materials suitable to the application. They shall have a minimum depth of 12 inches (305 mm) and a minimum width of five feet (1524 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1256 m²) (projected) without discharging into a down drain.

K1.9.3 Interceptor drains. Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet, measured horizontally. They shall have a minimum depth of one foot (305 mm) and a minimum width of three feet (915 mm). The slope shall be approved by the building official, but shall not be less than 50 horizontal to 1 vertical (2%). The drain shall be paved with concrete not less than three inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the building official.

K1.9.4 Drainage across property lines. Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices.

K1.10 EROSION CONTROL

K1.10.1 General. The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting.

Exception: Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials.

Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.

K1.10.2 Other devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

R156-56-705. Local Amendments to the IBC.

The following are adopted as amendments to the IBC to be applicable to the following jurisdictions:

(1) City of Farmington:

Section 903.2.16 is adopted as follows:

903.2.16 Group R, Division 3 Occupancies. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13-D, 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) City of North Salt Lake

Section 903.2.16 is adopted as follows:

903.2.16 Group R, Division 3 Occupancies. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13-D, 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.

(3) Park City Corporation and Park City Fire District:

Section 903.2 is deleted and replaced with the following:

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.

In [Section]Table 1505.1, the following is added as footnotes d and e:

d. Wood roof covering assemblies are [is-]prohibited in R-3 occupancies in areas with a combined rating of more than 11 using Tables 1505.1.1 and 1505.1.2 [the following tables] 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

PROHIBITION/EXEMPTION TABLE

<u>RATING</u>	<u>WOOD ROOF PROHIBITION</u>
<u>less than or equal to 11</u>	<u>wood roofs are allowed</u>
<u>greater than or equal to 12</u>	<u>wood roofs are prohibited</u>

TABLE 1505.1.2
PROHIBITION/ALLOWANCE OF WOOD ROOFING

<u>Rating</u>	<u>R-3 Occupancy</u>	<u>All Other Occupancies</u>
<u>less than or equal to 11</u>	<u>wood roof covering assemblies per Table 1505.1 are allowed</u>	<u>wood roof covering assemblies per Table 1505.1 are allowed</u>
<u>greater than or equal to 12</u>	<u>wood roof covering is prohibited</u>	<u>wood roof covering assemblies with a Class A rating are allowed</u>

Appendix C is adopted.

R156-56-707. Statewide Amendments to the IPC.

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

- (1) In Section 202, the definition for "Backflow Backpressure, Low Head" is deleted in its entirety.
- (2) In Section 202, the definition for "Backsiphonage" is deleted and replaced with the following:

Backsiphonage. The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

(3) In 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 Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

(4) In 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").

(5) In Section 202, the following definition is added:

Heat Exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

(6) In 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 Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

(7) In Section 202, the following definition is added:

S-Trap. A trap having its weir installed above the inlet of the vent connection.

([7]8) In Section 202, the following definition is added:

Trap Arm. That portion of a fixture drain between a trap weir and the vent fitting.

([8]9) In Section 202, the definition for "Water Heater" is deleted and replaced with the following:

Water Heater. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use external to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

([9]10) Section 304.3 Meter Boxes is deleted.

([9]11) Section 304.4 is deleted and replaced with the following:

304.4 Opening of Pipes. In or on the exterior habitable envelop of structures where openings have been made in walls, floors, or ceilings for the passage of pipes, the annular space between the opening and the pipe shall not exceed 1/2 inch (12.7 mm). Openings exceeding 1/2 inch (12.7 mm) shall be closed and protected by the installation of approved metal collars that are securely fastened to the adjoining structure.

([+2] Section 305.8 is deleted and replaced with the following:

305.8 Protection against physical damage. In concealed locations where piping, other than cast-iron or galvanized steel, is installed through holes or notches in studs, joists, rafters or similar members less than 1 1/2 inches (38 mm) from the nearest edge of the member, the pipe shall be protected by shield plates. Protective

shield plates shall be minimum of 1/16 inch-thick (1.6 mm) steel, shall cover the area of the pipe where the member is notched or bored, and shall be at least the thickness of the framing member penetrated.

(13) Section 305.5 is deleted and replaced with the following:

305.5 Pipes through or under footings or foundation walls. Any pipe that passes under or through a footing or through a foundation wall shall be protected against structural settlement.

([2]4) Section 305.10 is added as follows:

Section 305.10 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

([3]5) Section 311.1 is deleted.

([4]6) Section 312.9 is deleted in its entirety and replaced with the following:

312.9 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested 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, and the spring loaded check valve assembly described in Section 608.16.4.

(17) In Section 403.1, the title for Table 403.1 is deleted and replaced with the following title and footnote g is added as follows:

TABLE 403.1
MINIMUM NUMBER OF PLUMBING FACILITIES^{a, g}
(see Sections 403.2 and 403.3)

FOOTNOTE: g. When provided, in public toilet facilities there shall be an equal number of diaper changing facilities in male toilet rooms and female toilet rooms.

([5]8) A new section 403.7 is added as follows:

403.7 Hand sink location. Hand sinks in commercial food establishments shall be located accessible to food preparation areas, food service areas, dishwashing areas, and toilet rooms in accordance with Rule R392-100, Utah Administrative Code. Hand sinks in child care facilities shall be installed in accordance with R430-100-21, Utah Administrative Code.

(19) In Section 406.3, an exception is added as follows:

Exception: Gravity discharge clothes washers, when properly trapped and vented, shall be allowed to be directly connected to the drainage system or indirectly discharge into a properly sized catch basin, trench drain, or other approved indirect waste receptor installed for the purpose of receiving such waste.

(20) A new section 406.4 is added as follows:

406.4 Automatic clothes washer metal safe pans. Metal safe pans, when installed under automatic clothes washers, shall only be allowed to receive the unintended discharge from a leaking appliance, valve, supply hose, or overflowing waste water from the clothes washer standpipe. Clothes washer metal safe pans shall not be used as indirect waste receptors to receive the discharge of waste water from any other equipment, appliance, appurtenance, drain pipe, etc. Each safe pan shall be provided with an approved trap seal primer, conforming to ASSE 1018 or 1044 or a deep seal trap. The

sides of the safe pan shall be no less than 1 1/2" high and shall be soldered at the joints to provide a water tight seal.

406.4.1 Safe pan outlet. The safe pan shall be no less than 1 1/2" in diameter and shall be located in a visible and accessible location to facilitate cleaning and maintenance. The outlet shall be flush with the surface of the pan so as not to allow water retention within the pan.

~~(146)21~~ Section 412.1 is deleted and replaced with the following:

412.1 Approval. Floor drains shall be made of ABS, PVC, cast-iron, stainless steel, brass, or other approved materials that are listed for the use.

~~(147)22~~ Section 412.5 is added as follows:

412.5 Public toilet rooms. All public toilet rooms shall be equipped with at least one floor drain ~~of the following:~~

- 1. one floor drain with a wall mounted hose bibb;
- 2. one floor drain with a deep seal trap; or
- 3. at least one emergency floor drain with trap primer].

~~(23)~~ Section 417.5.2 is deleted and replaced with the following:

417.5.2 Shower lining. Floors under show compartments, except where prefabricated receptors have been provided, shall be lined and made water tight utilizing material complying with Sections 417.5.2.1 through 417.5.2.4. Such liners shall turn up on all sides at least three inches (76.2 mm) above the finished threshold level. Liners shall be recessed and fastened to an approved backing so as not to occupy the space required for wall covering, and shall not be nailed or perforated at any point less than two inches (50.8 mm) above finished threshold. Liners shall be pitched one-fourth unit vertical in 12 units horizontal (2-percent slope) and shall be sloped towards the fixture drains and be securely fastened to the waste outlet at the seepage entrance, making a watertight joint between the liner and the outlet.

~~(148)24~~ Section 418.1 is deleted and replaced with the following:

418.1 Approval. Sinks shall conform to ANSI Z124.6, ASME A112.19.1, ASME A112.19.2, ASME A112.19.3, ASME A112.19.4, ASME A112.19.9, CSA B45.1, CSA B45.2, CSA B45.3, CSA B45.4 or NSF 2.

~~(25) Section 424.5 (in the fourth printing) is deleted and replaced with the following:~~

424.5 Shower Valves. Shower and tub-shower combination valves shall be balanced pressure, thermostatic or combination balanced-pressure/thermostatic valves that conform to the requirements of ASSE 1016 or CSA B125. Multiple (gang) showers supplied with a single tempered water supply pipe shall have the water supply for such showers controlled by an approved master thermostatic mixing valve. Shower and tub-shower combination valves and master thermostatic mixing valves required by this section shall be equipped with a means to limit the maximum setting of the valve to 120 degrees F (49 degrees C), which shall be field adjusted in accordance with the manufacturer's instructions. The water heater thermostat shall not be used as a water tempering device to meet this requirement.

~~(149)26 [Section 502.4 is deleted in its entirety.] The exception to Section 502.4 is deleted and replaced with the following:~~

Exceptions: The exceptions are specified in exceptions 1 to 5 listed in the IFGC Section 303.3.

~~(2[0]7)~~ Section 502.6 is deleted and replaced with the following:

502.6 Water Heater Seismic Bracing. Water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

~~(2[+]8)~~ Section 504.6.2 is deleted and replaced with the following:

504.6.2 Material. Relief valve discharge piping shall be of those materials listed in ~~[Section]Table 605.5~~ and meet the requirements for Section 605.5 or shall be tested, rated and approved for such use in accordance with ASME A112.4.1. Piping from safety pan drains shall meet the requirements of Section 804.1 and be constructed ~~[be]~~ of those materials listed in ~~Section 702[Table 605.5 and Table 701.4].~~

~~(2[2]9)~~ Section 504.7.1 is amended as follows:

The measurement of "3/4 inch" in the last sentence of the paragraph is replaced with the measurement "1 1/2 inch".

~~(23)30~~ Section 504.7.2 is deleted and replaced with the following:

504.7.2 Pan drain termination. The pan drain shall extend full-size and terminate over a suitably located indirect waste receptor, floor drain or extend to the exterior of the building and terminate not less than 6 inches (152 mm) and not more than 24 inches (610 mm) above the adjacent ground surface. When permitted by the administrative authority, 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.

~~(24)31~~ A new 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.

~~(25)32~~ 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 Sections 73-3-1, 73-3-3, and 73-3-25, Utah Code Ann. (1953), as amended, 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. The source shall supply sufficient quantity of water to comply with the requirements of this chapter.

~~(26)33~~ Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1 are deleted in their entirety.

~~(27)34~~ Section 604.4.1 is added as follows:

604.4.1 Metering faucets. Self closing or metering faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

~~(28)35~~ Section 606.2 is deleted and replaced with the following:

606.2 Location of shutoff valves. Shutoff valves shall be installed in the following locations:

- 1. On the fixture supply to each plumbing fixture.

Exceptions:

A. bath tubs and showers.

B. in individual guest rooms that are provided with unit shutoff valves in hotels, motels, boarding houses and similar occupancies.

2. On the water supply pipe to each appliance or mechanical equipment.

(~~29~~36) 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.

(3[0]7) 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 20 psi.

(3[+]8) In Section 608.1, the following sentence is added at the end of the paragraph:

Connection without an air gap between potable water piping and sewer-connected waste shall not exist under any condition.

(3[2]9) Table 608.1 is deleted and replaced with the following:

TABLE 608.1
General Methods of Protection

Assembly (applicable standard)	Degree of Hazard	Application	Installation Criteria
Air Gap (ASME A112.1.2)	High or Low	Backsiphonage	See Table 608.15.1
Reduced Pressure Principle Backflow Preventer (AWWA C511, USC-FCCCHR, ASSE 1013 CSA CNA/CSA-B64.4) and Reduced Pressure Detector Assembly (ASSE 1047, USC-FCCCHR)	High or Low	Backpressure or Backsiphonage 1/2" - 16"	a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor. b. RP assemblies shall NOT be installed in a pit. c. The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents. d. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation.
Double Check Backflow Prevention Assembly (AWWA C510, USC-FCCCHR, ASSE 1015) Double Check Detector Assembly Backflow Preventer (ASSE 1048, USC-FCCCHR)	Low	Backpressure or Backsiphonage 1/2" - 16"	a. 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. b. Shall be installed in a horizontal position unless listed or approved for vertical installation.

Pressure Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR)

High or Low

Backsiphonage
1/2" - 2"

- 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. Shall not be installed below ground or in a vault or pit.
- d. Shall be installed in a vertical position only.

Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR)

High or Low

Backsiphonage
1/4" - 2"

- 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. Shall not be installed below ground or in a vault or pit.
- d. Shall be installed in a vertical position only.

Atmospheric Vacuum Breaker (ASSE 1001, USC-FCCCHR, CSA CAN/CSA-B64.1.1)

High or Low

Backsiphonage

- a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.
- b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time.
- c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use.
- d. Shall be installed on the discharge (downstream) side of any valves.
- e. The AVB shall be installed in a vertical position only.

General Installation Criteria

The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair, and/or

maintenance and to insure the safety of the backflow technician.

Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed.

The body of the assembly shall not be closer than 12 inches to any wall, ceiling or incumbrance, and shall be accessible for testing, repair and/or maintenance.

In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official.

Assemblies shall be maintained as an intact assembly.

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.

([34]41) In Section 608.3.1, the following sentence is added at the end of the paragraph:

All piping and hoses shall be installed below the atmospheric vacuum breaker.

([35]42) Section 608.7 is deleted in its entirety.

([36]43) In Section 608.8, the following sentence is added at the end of the paragraph:

In addition each nonpotable water outlet shall be labeled with the words "CAUTION: UNSAFE WATER, DO NOT DRINK".

([37]44) In Section 608.11, the following sentence is added at the end of the paragraph:

The coating shall conform to NSF Standard 61 and application of the coating shall comply with the manufacturers instructions.

([38]45) 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 CAS CAN/CAS-B64.3. These devices shall be permitted to be installed on residential boilers only where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged.

([39]46) Section 608.13.4 is deleted in its entirety.

(4[0]7) Section 608.15.3 is deleted and replaced with the following:

608.15.3 Protection by a backflow preventer with intermediate atmospheric vent. Opening and outlets to residential boilers only shall be protected by a backflow preventer with an intermediate atmospheric vent.

(4[4]8) 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. 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. The critical level of the pressure vacuum breaker shall be set a minimum of 12 inches (304 mm) above the flood level rim of the fixture or device. Ball cocks shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors. 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.

(4[2]9) ~~In Section 608.15.4.2 is deleted and replaced with the following: [the following is added at the end of the paragraph:~~

~~— In climates where freezing temperatures occur, a listed, self-draining frost proof hose bibb with an integral backflow preventer shall be used.]~~

608.15.4.2 Hose connections. Sillcocks, hose bibbs, wall hydrants and other openings with a hose connection shall be protected by an atmospheric-type or pressure-type vacuum breaker or a permanently attached hose connection vacuum breaker. Add-on-type 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.

([33]40) Table 608.1.1 is added as follows:

TABLE 608.1.1
Specialty Backflow Devices for low hazard use only

Device	Degree of Hazard	Application	Applicable Standard
Antisiphon-type Water Closet Flush Tank Ball Cock	Low	Backsiphonage	ASSE 1002 CSA CAN/ CSA-B125
Dual check valve Backflow Preventer	Low	Backsiphonage or Backpressure 1/4" - 1"	ASSE 1024
Backflow Preventer with Intermediate Atmospheric Vent	Low Residential Boiler	Backsiphonage or Backpressure 1/4" - 3/4"	ASSE 1012 CSA CAN/ CSA-B64.3
Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type	Low	Backsiphonage or Backpressure 1/4" - 3/8"	ASSE 1032
Hose-connection Vacuum Breaker	Low	Backsiphonage 1/2", 3/4", 1"	ASSE 1011 CSA CAN/ CSA-B64.2
Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type	Low	Backsiphonage 3/4", 1"	ASSE 1019 CSA CAN/ CSA-B64.2.2
Laboratory Faucet Backflow Preventer	Low	Backsiphonage	ASSE 1035 CSA CAN/ CSA-B64.7
Hose Connection Backflow Preventer	Low	Backsiphonage 1/2" - 1"	ASSE 1052

~~(43)50~~ Section 608.16.1 is deleted and replaced with the following:

608.16.1 Beverage dispensers. Potable water supply to carbonators shall be protected by a vented dual check valve meeting ASSE Standard 1022 and installed according to the requirements of this chapter.

~~(44)51~~ In Section 608.16.2, the first sentence of the paragraph is deleted and replaced as follows:

608.16.2 The potable water supply to the residential boiler shall be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA CAN/CSA B64.3.

~~(45)52~~ 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. Utilize 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.

~~[(46) Section 608.16.4 is deleted and replaced with the following:~~

~~Section 608.16.4 Connections to automatic fire sprinkler systems and standpipe systems. The potable water supply to automatic fire sprinkler and standpipe systems shall be protected against backflow by an alarm check valve and spring loaded check valve assembly as shown on the diagram entitled "Riser Detail", dated July 1, 1999, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference.~~

~~EXCEPTIONS:~~

~~1. When systems are installed as a portion of the water distribution system in accordance with the requirements of this code and are not provided with a fire department connection, isolation of the water supply system shall not be required.~~

~~2. Isolation of the water distribution system is not required for deluge, preaction or dry pipe systems.~~

~~3. When the sprinkler supply line is less than four inches in diameter and a resilient seated spring loaded single check valve, approved and testable for back flow prevention is not available, then an alternate, approved for fire sprinkler system use, spring loaded check valve is allowed.~~

~~(47) Section 608.16.4.1 is deleted and replaced with the following:~~

~~Section 608.16.4.1 Additives or nonpotable source. Where systems contain chemical additives or antifreeze, or where systems are connected to a nonpotable secondary water supply, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer. Where chemical additives or antifreeze are added to only a portion of an automatic fire sprinkler~~

~~or standpipe system, the reduced pressure principle backflow preventer shall be permitted to be located so as to isolate that portion of the system.~~

~~Exception:~~

~~1. For systems that use antifreeze only consisting of strictly pure glycerine (C.P. or U.S.P. 96.5 percent grade) or propylene glycol, equipment specified in Section 608.16.4 shall be used.~~

~~(48) Section 608.16.4.2 is added as follows:~~

~~Section 608.16.4.2 Testing Procedures. The testing procedures are as follows:~~

~~1. The check valves are to be tested by a currently certified Class II Backflow Technician in accordance with Rule R309-302 available from the Department of Environmental Quality.~~

~~2. All other mechanical devices attached to or part of a class I or class II fire sprinkler system shall be tested by a licensed fire sprinkler contractor.]~~

~~(53) In Section 608.16.4.1, add the following exception:~~

~~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.~~

~~(49)54~~ Section 608.16.6 is deleted and replaced with the following:

608.16.6 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double check valve backflow preventer or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

~~(5)9]5~~ 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.

~~(5+)6~~ 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, Section 608.13.2 or Section 608.13.8.

~~(5[2]7~~ Section 608.16.9 is deleted and replaced with the following:

608.16.9 Dental pump equipment or water syringe. Where dental pumping equipment or water syringes connects 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.

~~(5[3]8~~ Section 608.16.10 is added as follows:

608.16.10 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.

~~(5[4]9~~ Section 608.17 is deleted in its entirety.

~~(55)~~60) Section 701.2 is deleted and replaced with the following:

701.2 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 within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann., (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317-5501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

~~(56)~~61) Section 802.1.1 is deleted and replaced with the following:

802.1.1 Food handling. Equipment and fixtures utilized for the storage, preparation and handling of food shall discharge through an indirect waste pipe by means of an air gap.

Exception: This requirement shall not apply to dishwashing machines and dishwashing sinks. If used for dishwashing and food preparation, a minimum of one compartment of the dishwashing sink shall be drained through an indirect waste pipe by means of an air gap or an air break.

~~(57)~~62) Section 802.3 is amended as follows:

The term "waste receptors" in the last sentence of the paragraph is replaced with the term "floor sinks".

~~(58)~~63) Section 802.3.2 is deleted in its entirety and replaced with the following:

802.3.2 Open hub waste receptors. Waste receptors for clear water waste shall be permitted in the form of a hub or pipe extending not more than 1/2 inch above a water impervious floor and are not required to have a strainer.

~~(59)~~64) Section 803.2 is deleted and replaced with the following:

803.2 Neutralizing device required for corrosive wastes. Corrosive liquids, spent acids or other harmful chemicals that destroy or injure a drain, sewer, soil or waste pipe, or create noxious or toxic fumes or interfere with sewage treatment processes, shall not be discharged into the plumbing system without being thoroughly diluted, neutralized or treated by passing through an approved dilution or neutralizing device. Such devices shall be provided with a sufficient supply of diluting water or neutralizing medium as to make the contents non-injurious before discharge into the drainage system. The nature of the corrosive or harmful waste and the method of its treatment or dilution shall be approved prior to installation.

~~(60)~~5) Section 904.1 is deleted and replaced with the following:

904.1 Roof extensions. All open vent pipes that extend through a roof shall be terminated at least 12 inches (304.8 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extension shall be run at least 7 feet (2134 mm) above the roof.

~~(61)~~6) In Section 904.6, 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.

~~(62)~~7) In Section 905.4, 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 in accordance with Sections 702.2, 905.2 and 905.3 and provided with a wall clean out.

~~(63)~~8) Section 1002.2 is deleted and replaced with the following:

1002.2 Design of traps. Fixture traps shall be self-scouring. Fixture traps shall not have interior partitions, except where such traps are integral with the fixture or where such traps are constructed of an approved material that is resistant to corrosion and degradation. Slip joints shall be made with an approved elastomeric gasket and shall only be installed on the trap inlet, trap outlet and within the trap seal. One slip joint fitting shall be allowed to be installed downstream of the trap.

~~(64)~~9) Section 1002.8 is deleted and replaced with the following:

1002.8 Recess for trap connection. A recess provided for connection of the underground trap, such as one serving a bathtub in slab-type construction, shall have sides and a bottom of corrosion-resistant, insect- and vermin-proof construction. The annular space between the pipe and the penetration shall not exceed 1/2 inch (12.7 mm).

~~—(65) Section 1002.4.1 is added as follows:~~

~~1002.4.1 Emergency floor drains. Each emergency floor drain shall be installed with a trap seal primer. Trap seal primer shall conform to ASSE 1018 or ASSE 1044.~~

~~(66)~~70) Section 1003.3.5 is added as follows:

1003.3.5 Grease trap restriction. Unless specifically required or permitted by the code official, no food waste grinder or dishwasher shall be connected to or discharge into any grease trap.

~~(67)~~71) 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.

~~(68)~~72) Section 1108 is deleted in its entirety.

~~(69)~~73) Section 1204 is amended to read:

1204 Fuel gas piping systems. All fuel gas piping systems shall be sized, installed, tested and placed in operation in accordance with the requirements of the International Mechanical Code.

~~(70)~~74) Section 1205 is amended to read:

Section 1205 CNG GAS-DISPENSING SYSTEMS

1205.1 Dispenser protection. The gas dispenser shall have an emergency switch to shut off the power to the dispenser. An approved backflow device that prevents the reverse flow of gas shall be installed on the gas supply pipe or in the gas dispenser.

1205.2 Ventilation. Gas-dispensing systems installed inside the structure shall be ventilated by mechanical means in accordance with the 1998 International Mechanical Code.

1205.3 Compressed natural gas vehicular fuel systems. Compressed natural gas (CNG) fuel-dispensing systems for CNG-fueled vehicles shall be designed and installed in accordance with NFPA 52 and the fire code as adopted by the State Fire Marshal.

~~(71)~~5) Chapter 14, Referenced Standards, is amended as follows:

NSF - Standard Reference Number 61-99 - The following referenced in code section number is added: 608.11

The following reference standard is added:

TABLE

USC- Foundation for Cross-Connection Table 608.1
 FCCCHR Control and Hydraulic Research
 9th University of Southern California
 Edition Kaprielian Hall 300
 Manual Los Angeles CA 90089-2531
 of Cross
 Connection
 Control

(7[2]6) Appendix C of the IPC, Gray Water Recycling Systems, shall not be adopted by any jurisdiction until approved by the Department of Health and the Department of Environmental Quality.

R156-56-709. Statewide Amendments to the IFGC.

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

(1) Chapter 3, Section 306.5 Appliances on roofs or elevated structures is amended by adding the following exception at the end of the paragraph:

Exception: R-3 occupancies.

(2) Chapter 3, Section 306.6 Guards is amended by adding the following exception at the end of the paragraph:

Exception: R-3 occupancy.

(3) Chapter 4, Section 401 General, a new section 401.9 is added as follows:

401.9 Meter location. Gas meters shall be located so as to be protected from physical damage, including ice and snow falling from roofs.

([3]4) Chapter 5, Section 503.10.13 Inspection is amended as follows:

503.10.13 Inspection. The entire length of a single wall vent connector shall be provided with ready access for inspection, cleaning, and replacement.

([4]5) Chapter 5, Section 504.3.5 is deleted and replaced with the following:

504.3.5 Common vertical vent offset. Where the common vertical vent is offset as shown in Figure B-12, the maximum common vent capacity listed in the common venting tables shall be reduced by 5% per fitting for all offsets of 45 degrees or less and 10% per fitting for all offsets greater than 45 degrees. The total horizontal length of the common vent offsets (L_M) shall not exceed 1 1/2 feet for each inch (18 mm per mm) of common vent diameter (D).

R156-56-710. Statewide Amendments to the IECC.

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

(1) In Section 504.7, the following exception is added:

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.

(2) Section 801.2 is deleted and replaced with the following:
 801.2 Application. The requirements in Section 802, 803, 804, and 805 shall each be satisfied on an individual basis. Where one or more of these sections is not satisfied, compliance with that section shall be demonstrated in accordance with the applicable provisions of ANSI/ASHRAE/IESNA Standard 90.1-1999 Energy Standard for Buildings Except Low-Rise Residential Buildings.

([2]3) Chapter 9 Reference Standards, ASHRAE, Item 4 is deleted and replaced with the following:

ANSI/ASHRAE/IESNA - Energy Standard for Buildings Except Low Rise Residential Buildings 503.1, 701.101.2, 802.1 and 802.2.

R156-56-711. Statewide Amendments to the IRC.

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

(1) All amendments to the IBC under Section R156-56-704, local amendments under Section R156-56-705, the NEC under Section R156-56-706, the IPC under Section R156-56-707, the IMC under Section R156-56-708, the IFGC under Section R156-56-709 and the IECC under Section R156-56-710 which may be applied to detached one and two family dwellings and multiple single family dwellings shall be applicable to the corresponding provisions of the IRC. All references to the International Electrical Code are deleted and replaced with the National Electrical Code adopted under Section R156-56-701(1)(b). Should there be any conflicts between the NEC and the IRC, the NEC shall prevail.

(2) In Section R202, the definition of "Backsiphonage" is deleted and replaced with the following:

BACKSIPHONAGE: The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

(3) In 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 Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

(4) In 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").

(5) In Section R202 the following definition is added:

HEAT exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

(6) In [s]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 Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

(7) In Section R202, the following definition is added:

S-Trap. A trap having it's weir installed above the inlet of the vent connection.

([7]8) In Section R202 the definition of "Water Heater" is deleted and replaced with the following:

WATER HEATER. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use externally to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and

all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

(~~8~~9) Section R301.4 is deleted and replaced with the following:

R301.4 Live Load. The minimum uniformly distributed live load shall be as provided in Table R301.4.

TABLE R301.4
MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS
(in pounds per square foot)

USE	LIVE LOAD
Exterior balconies	60
Decks (f)	40 60
Fire escapes	40
Passenger vehicle garages (a)	50(a)
Attics without storage (b), (e), (g)	10
Attics with storage (b), (e)	20
Rooms other than sleeping rooms	40
Sleeping rooms	30
Stairs	40(c)
Guardrails and handrails (d)	200

For SI: 1 pound per square foot = 0.0479kN/m², 1 square inch = 645 mm², 1 pound = 4.45N.

(a) Elevated garage floors shall be capable of supporting a 2,000-pound load applied over a 20-square-inch area.

(b) No storage with roof slope not over 3 units in 12 units.

(c) Individual stair treads shall be designed for the uniformly distributed live load or a 300-pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.

(d) A single concentrated load applied in any direction at any point along the top.

(e) Attics constructed with wood trusses shall be designated in accordance with Section R802.10.1.

(f) See Section R502.2.1 for decks attached to exterior walls.

(g) This live load need not be considered as acting simultaneously with other live loads imposed upon the ceiling framing or its supporting structure.

(~~9~~10) Section R304.3 is deleted and replaced with the following:

R304.3 Minimum dimensions. Habitable rooms shall not be less than 7 feet (2134 mm) in any horizontal dimension.

Exception: Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

(~~10~~11) Section R309.2 is deleted and replaced with the following:

R309.2 Separation required. The garage shall be separated from the residence and its attic area by installation of materials approved for one-hour fire-resistive construction applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by installation of materials approved for one-hour fire-resistive construction.

(~~11~~12) Section R312.1.2 is deleted and replaced with the following:

R312.1.2 Landings at doors. There shall be a floor or landing on each side of each exterior door.

Exception: At the exterior side of all non required exit doors. The floor or landing at a door shall not be more than 1.5 inches (38 mm) lower than the top of the threshold.

Exception: The landing of an exterior doorway shall not be more than 8 inches (197 mm) below the top of the threshold,

provided that the door, other than an exterior storm or screen door, does not swing over the landing.

(~~12~~13) Section R314.2 is deleted and replaced with the following:

R314.2 ~~Treads~~ Treads and risers. The maximum riser height shall be 8 inches (203 mm) and the minimum tread depth shall be 9 inches (229 mm). The riser height shall be measured vertically between leading edges of the adjacent treads. 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 walking surface of treads and landings of a stairway shall be sloped no steeper than one unit vertical in 48 units horizontal (2-percent slope). The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

R314.2.1 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 (19.1 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 shall not exceed the smallest nosing projection by more than 3/8 inches (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 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.

(~~13~~14) Section R315.1 is deleted and replaced with the following:

R315.1 Handrails. Handrails shall be provided on at least one side of stairways consisting of four or more risers. Handrails shall have a minimum height of 34 inches (864 mm) and a maximum height of 38 inches (965 mm) measured vertically from the nosing of the treads. All required handrails shall be continuous the full length of the stairs from a point directly above the top riser to a point directly above the lowest riser of the stairway. The ends of the handrail shall be returned into a wall or shall terminate in newel post or safety terminals. A minimum clear space of 1 1/2 inches (38 mm) shall be provided between the wall and the handrail.

Exceptions:

1. Handrails shall be permitted to be interrupted by a newel post at a turn.

2. The use of a volute, turnout or starting easing shall be allowed over the lowest tread.

(1~~4~~5) Section R315.2 is deleted and replaced with the following:

R315.2 Handrail grip size. The handgrip portion of handrails shall have a circular cross section of 1 1/4 inches (32mm) minimum to 2 5/8 inches (67mm) maximum. Edges shall have a minimum radius of 1/8 inch (3.2mm).

Exception: Non-circular handrails shall be permitted to have a maximum cross sectional dimension of 3.25 inches (83mm) measured 2 inches (51 mm) down from the top of the crown. Such handrail is required to have an indentation on both sides between 0.625 inch (16mm) and 1.5 inches (38mm) down from the top or

crown of the cross section. The indentation shall be a minimum of 0.25 inch (6mm) deep on each side and shall be at least 0.5 inch (13 mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

(1[5]6) In Section 321.3.2 Exception 1.1 is deleted and replaced with the following:

1.1 By a horizontal distance of not less than the width of a stud space regardless of stud spacing, or

(17) Section R403.1.4 is deleted and replaced with the following:

R403.1.4 Minimum depth. All exterior footings shall be placed at least 12 inches (305 mm) below the undisturbed ground. Where applicable, the depth of footings shall also conform to Section R403.1.4.1.

R403.1.4.1 Frost Protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extended below the frost line specified in Table R301.2(1);
2. Constructed in accordance with Section R403.3;
3. Constructed in accordance with ASCE 32-01; and
4. Erected on solid rock.

Exceptions:

1. Freestanding accessory structures, not intended for human occupancy, with an area of 1,000 square feet (93m²) or less, of wood framed construction, with an eave height of 10 feet (3080 mm) or less shall not be required to be protected.

2. Decks not supported by a dwelling need not be provided with footings that extend below frost line.

Footings shall not bear on frozen soil unless such frozen condition is of a permanent character.

(1[6]7) Section R403.1.6.1 is deleted and replaced with the following:

R403.1.6.1 Foundation anchorage in Seismic Design Categories D₁ and D₂. In addition to the requirements of Section R403.1.6, the following requirements shall apply to light-wood frame structures in Seismic Design Categories D₁ and D₂. Anchor bolts shall be located within 12 inches (305 mm) from the ends of each plate section at interior bearing walls, interior braced wall lines and at all exterior walls. Plate washers a minimum of 2 inches by 2 inches by 3/16 inch (51 mm by 4.8 mm) thick shall be used on each bolt.

Exceptions:

a. 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.

b. When anchor bolt spacing does not exceed 32 inches (816 mm) apart, a properly sized round washer may be used.

The maximum anchor bolt spacing shall be 4 feet (1219 mm) for two-story structures.

(1[7]8) Section R703.6 is deleted and replaced with the following:

R703.6 Exterior plaster.

R703.6.1 Lath. All lath and lath attachments shall be of corrosion-resistant materials. Expanded metal or woven wire lath shall be attached with 1 1/2 inch-long (38 mm), 11 gage nails having 7/16 inch (11.1 mm) head, or 7/8-inch-long (22.2 mm), 16 gage staples, spaced at no more than 6 inches (152 mm), or as otherwise approved.

R703.6.2 Weather-resistant barriers. Weather-resistant barriers shall be installed as required in Section R703.2 and, where applied over wood-based sheathing, shall include a weather-resistive vapor permeable barrier with a performance at least equivalent to two layers of Grade D paper.

R703.6.3 Plaster. Plastering with portland cement plaster shall be not less than three coats when applied over metal lath or wire lath and shall be not less than two coats when applied over masonry, concrete or gypsum backing. If the plaster surface is completely covered by veneer or other facing material or is completed concealed, plaster application need be only two coats, provided the total thickness is as set forth in Table R702.1(1). On wood-frame construction with an on-grade floor slab system, exterior plaster shall be applied in such a manner as to cover, but not extend below, lath, paper and screed.

The proportion of aggregate to cementitious materials shall be as set forth in Table R702.1(3).

(1[8]9) In Section R703.7 Stone and masonry veneer, general the following exceptions are added:

Exceptions:

3. For detached one- or two-family dwellings with a maximum nominal thickness of 4 inches (102 mm) of exterior masonry veneer with a backing of wood frame located in Seismic Design Category D₁, the masonry veneer shall not exceed 20 feet (6096 mm) in height above a noncombustible foundation, with an additional 8 feet (2438 mm) permitted for gabled ends, or 30 feet (9144 mm) in height with an additional 8 feet (2438 mm) permitted for gabled ends where the lower 10 feet (3048 mm) has a backing of concrete or masonry wall, provided the following criteria are met:

(a) Braced wall panels shall be constructed with a minimum of 7/16 inch (11.1 mm) thick sheathing fastened with 8d common nails at 4 inches (102 mm) on center on panel edges and at 12 inches (305 mm) on center on intermediate supports.

(b) The bracing of the top story shall be located at each end and at least every 25 feet (7620 mm) on center but not less than 45% of the braced wall line. The bracing of the first story shall be as provided in Table R602.10.3.

(c) Hold down connectors shall be provided at the ends of braced walls for the second floor to first floor wall assembly with an allowable design of 2100 lbs (952.5 kg). Hold down connectors shall be provided at the ends of each wall segment of the braced walls for the first floor to foundation assembly with an allowable design of 3700 lbs. (1678 kg). In all cases, the hold down connector force shall be transferred to the foundation.

(d) Cripple walls shall not be permitted.

4. For detached one- and two-family dwellings with a maximum actual thickness of 3 inches (76 mm) of exterior masonry veneer with a backing of wood frame located in Seismic Design Category D₂, the masonry veneer shall not exceed 20 feet (6096 mm) in height above a noncombustible foundation, with an additional 8 feet (2438 mm) permitted for gabled ends, or 30 feet (9144 mm) in height with an additional 8 feet (2438 mm) permitted for gabled ends where the lower 10 feet (3048 mm) has a backing of concrete on masonry wall, provided the following criteria are met:

(a) Braced wall panels shall be constructed with a minimum of 7/16 inch (11.1 mm) thick sheathing fastened with 8d common nails at 4 inches (102 mm) on center on panel edges and at 12 inches (305 mm) on center on intermediate supports.

(b) The bracing of the top story shall be located at each end and at least every 25 feet (7620 mm) on center but not less than 55%

of the braced wall line. The bracing of the first story shall be as provided in Table R602.10.3.

(c) Hold down connectors shall be provided at the ends of braced walls for the second floor to first floor wall assembly with an allowable design of 2300 lbs (1043 kg). Hold down connectors shall be provided at the ends of each wall segment of the braced walls for the first floor to foundation assembly with an allowable design of 3900 lbs. (1769 kg). In all cases, the hold down connector force shall be transferred to the foundation.

(d) Cripple walls shall not be permitted.

(~~19~~20) Section P2602.2 is added as follows:

P2602.2 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 Sections 73-3-1 and 73-3-25, Utah Code Ann. (1953), as amended, 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[~~0~~1]) Section P2602.3 is added as follows:

P2602.3 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 within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann. (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317-5501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

(2[~~4~~2]) Section P2603.2.1 is deleted and replaced with the following:

P2603.2.1 Protection against physical damage. In concealed locations where piping, other than cast-iron or galvanized steel, is installed through holes or notches in studs, joists, rafters, or similar members less than 1 1/2 inch (38 mm) from the nearest edge of the member, the pipe shall be protected by shield plates. Protective shield plates shall be a minimum of 1/16 inch-thick (1.6 mm) steel, shall cover the area of the pipe where the member is notched or bored, and shall be at least the thickness of the framing member penetrated.

(2[~~2~~3]) Section P2710.1 is deleted and replaced with the following:

P2710.1 Finished. Shower walls shall be finished in accordance with Section R307.2.

(2[~~3~~4]) Section P2801.[~~2~~7] is added as follows:

P2801.[~~2~~7] Water heater seismic bracing. In Seismic Design Categories C, D₁ and D₂, water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

(2[~~4~~5]) 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 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, and the spring loaded check valve assembly described in amended Section 608.16.4 of the International Plumbing Code.

(2[~~5~~6]) Section P2903.9.3 is deleted and replaced with the following:

P2903.9.3 Valve requirements. Valves serving individual fixtures, appliances, risers, and branches shall be provided with access. An individual shutoff valve shall be required on the water supply pipe to each water closet, lavatory, kitchen sink, and appliance.

(2[~~6~~7]) Section P3003.2.1 is added as follows:

Section P3003.2.1 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

(2[~~7~~8]) In 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.

(2[~~8~~9]) In 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.

(~~29~~30) Chapter 43, Referenced Standards, is amended as follows:

The following reference standard is added:

TABLE

USC- FCCCHR 9th 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	Section P2902
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(31) A new Section G2411.9 is added as follows:

G2411.9 Meter location. Gas meters shall be located so as to be protected from physical damage, including ice and snow falling from roofs.

R156-56-712. Local Amendments to the IRC.

The following are adopted as amendments to the IRC to be applicable to the following jurisdictions:

(1) City of Farmington:

Sections R328.1 and R328.2 are added as follows:

R328.1 When required. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13-D, 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).

R328.2 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 13-D.

(2) Morgan City Corp:

Section R105.2 Work Exempt From Permit, the following is added:

10. Structures intended to house farm animals, or for the storage of feed associated with said farm animals when all the following criteria is met:

- a. The parcel of property involved is zoned for the keeping of farm animals or has grand fathered 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 1000 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.

(3) Morgan County:

Section R105.2 Work Exempt From Permit, the following is added:

10. Structures intended to house farm animals, or for the storage of feed associated with said farm animals when all the following criteria is met:

- a. The parcel of property involved is zoned for the keeping of farm animals or has grand fathered 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 1000 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.

(4) City of North Salt Lake:

Sections R328.1 and R328.2 are added as follows:

R328.1 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.

R328.2 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 13-D.

(5) Park City Corporation and Park City Fire District:

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

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

Appendix K is adopted.

KEY: contractors, building codes, building inspection, licensing
~~January 1, 2003~~

Notice of Continuation May 16, 2002

58-1-106(1)(a)

58-1-202(1)(a)

58-56-1

58-56-4(2)

58-56-6(2)(a)



Commerce, Occupational and
Professional Licensing
R156-56
Utah Uniform Building Standard Act
Rules

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE No.: 26153

FILED: 04/03/2003, 09:08

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and Uniform Building Code Commission are proposing changes regarding the flashing requirements to prevent moisture from entering structures. Due to the potential controversy regarding these changes, this rule change is being made as a separate filing so as not to affect the larger main proposed rule filing.

SUMMARY OF THE RULE OR CHANGE: Under Section R156-56-704 which is the Statewide Amendments to the IBC: added amendments affecting Section 109 and Section 1405.3. Under Section R156-56-711 which is the Statewide Amendments to the IRC: added amendments affecting Section 109 and Section R703.8. The proposed amendments impose additional requirements to flashings to prevent moisture from entering structures. Proponents of this requirement state the failure to moist proof may result in costly deterioration to structures including black mold. Proponents claim if damage occurs cost to repair could be up to \$100,000.

NOTE: Paragraph numbering will be corrected via a nonsubstantive rule filing once the Division and Uniform Building Code Commission have determined which rule amendment filings should be made effective as there are four rule filings all affecting the same rule. (DAR NOTE: The four filings affecting Rule R156-56 are: an amendment to Section R156-56-704 under DAR No. 26151; an amendment to Section R156-56-707 under DAR No. 26152; an amendment to Rule R156-56 under DAR No. 26153; and an amendment to Rule R156-56 under DAR No. 26154 all in this issue.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-56-1, and Subsections 58-1-106(1)(a), 58-1-202(1)(a), 58-56-4(2) and 58-56-6(2)(a)

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** There will be no cost to the Division of Occupational and Professional Licensing to print this rule once all proposed amendments are made effective as this rule is no longer printed by the Division, but the rule is available on the Division's website. The Division is unable to determine if these proposed amendments will affect the state budget. The proposed changes would primarily affect homeowners, but the changes may also apply to other buildings which may be built with state funds.

❖**LOCAL GOVERNMENTS:** The Division is unable to determine if these proposed amendments will affect local government budgets. The proposed changes would primarily affect homeowners, but the changes may also apply to other buildings which may be built with local government funds. The cost to administer additional inspections that may be required could be up to \$50 per home. This cost may or may not be passed on to the homeowner by the local jurisdiction.

❖**OTHER PERSONS:** To homeowners: the cost of additional flashing could be up to an additional \$1,000 on a home. However, this cost to the homeowner may be offset by savings of repairing damages which proponents of the

proposed amendment claim could be up to \$100,000. To other building owners: the Division is unable to determine if these proposed amendments will affect other building owners.

The proposed changes would primarily affect homeowners, but the changes may also apply to other buildings. The aggregate costs or savings of the proposed amendments are impossible to determine except on a project-by-project basis.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To homeowners: the cost of additional flashing could be up to an additional \$1,000 on a home. However, this cost to the homeowner may be offset by savings of repairing damages which proponents of the proposed amendment claim could be up to \$100,000. To other building owners: the Division is unable to determine if these proposed amendments will affect other building owners. The proposed changes would primarily affect homeowners, but the changes may also apply to other buildings.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of this rule filing is to amend the International Building Code (IBC) and the International Residential Code (IRC) by adding a requirement for inspections of flashing and weatherproofing that would prevent moisture from entering structures. This amendment could create a business fiscal impact of \$1,000 per home or structure and would thereby be a negative fiscal impact to the construction industry and to buyers of homes and businesses.

However, these costs might be outweighed by the damages incurred and the cost of repairs if moisture enters structures through lack of proper weatherproofing, which could amount to \$100,000 per structure. Ted Boyer, Executive Director

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:

Dan S. Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dsjones@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/15/2003 at 9:00 AM, State Office Building, Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-704. Statewide Amendments to the IBC.**

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

(1) All references to the International Electrical Code are deleted and replaced with the National Electrical Code adopted under Subsection R156-56-701(1)(b).

(2) Section 101.4.1 is deleted and replaced with the following:

101.4.1 Electrical. The provisions of the National Electrical Code (NEC) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(3) In Section 109, a new section is added as follows:

109.3.5 Weather-resistive barrier and flashing. After all framing, firestopping, draftstopping, and bracing are in place; and after the plumbing, mechanical, and electrical rough inspections are approved; and before brick veneer, masonry, lath, or stucco is installed on the exterior of a structure, an inspection shall be made of the weather-resistive barrier as required by Section 1403.2 and flashing as required by Section 1405.3 to prevent water from entering the weather-resistant exterior wall envelope.

The remaining sections will be renumbered as follows:

109.3.6 Lath or gypsum board inspection

109.3.7 Fire-resistant penetrations

109.3.8 Energy efficiency inspections

109.3.9 Other inspections

109.3.10 Special inspections

109.3.11 Final inspection.

(3) In Section 202, the following definition is added:

ASSISTED LIVING FACILITY. See Section 308.1.1.

(4) Section 302.3.3 is deleted and replaced with the following:

302.3.3 Separated uses. Each portion of the building shall be individually classified as to use and shall be considered separated from other occupancies when completely separated from adjacent areas by fire barrier walls or horizontal assemblies or both having a fire-resistance rating determined in accordance with this sections.

302.3.3.1 All occupancies. Each fire area shall be separated from other occupancies in other fire areas in accordance with Table 302.3.3 based on the occupancy in the fire areas, and shall comply with the height limitations based on the use of that space and the type of construction classification. In each story the building area shall be such that the sum or the ratios of the floor area of each use divided by the allowable area for each use shall not exceed 1.

Exceptions for R-3 and U Groups:

1. The private garage shall be separated from the residence and its attic area by means of materials approved for one-hour fire resistive construction applied to the garage side. Door openings between the garage and the residence shall be equipped with either solid wood doors not less than 1 3/8 inches (35 mm) thick or doors in compliance with Section 714.2.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

2. Ducts in the private garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gage (.48 mm) sheet steel and shall have no openings into the garage.

3. A separation is not required between a Group R-3 and Group U carport provided the carport is entirely open on two or more sides and there are not enclosed spaces above.

Where the building is equipped throughout with an automatic sprinkler system, the fire resistance ratings in Table 302.3.3 shall be reduced by one hour but not to less than one hour and to not less than that required for floor construction according to the type of construction. The one hour reduction shall not apply to fire area separations when H-1, H-2, H-3, or I-2 occupancies are included in the areas being separated.

Table 302.3.3 is deleted and replaced with:

Table 302.3.3, entitled "Required Separation of Occupancies", dated January 1, 2002, published by the Department of Commerce, Division of Occupational and Professional Licensing is hereby adopted and incorporated by reference. Table 302.3.3 identifies what type of separation of occupancies requirements are mandated in various types of property use classifications.

(5) A new Section 302.4 is added as follows:

302.4 Spaces used for different purposes. A room or space that is intended to be occupied at different times for different purposes shall comply with all requirements that are applicable to each of the purposes for which the room or space will be occupied.

(6) Section 305.2 is deleted and replaced with the following:

305.2 Day care. The building or structure, or portion thereof, for educational, supervision, child day care centers, or personal care services of more than four children shall be classified as a Group E occupancy. See Section 419 for special requirements for Group E child day care centers.

Exception: Areas used for child day care purposes with a Residential Certificate, Family License or Family Group License may be located in a Group R-2 or R-3 occupancy as provided in Section 310.1 and as applicable in Section 101.2.

Child day care centers providing care for more than 100 children 2 1/2 years or less of age shall be classified as Group I-4.

(7) In Section 308 the following definitions are added:

308.1.1 Definitions. 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 1 ASSISTED LIVING FACILITY. A residential facility 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.

TYPE 2 ASSISTED LIVING FACILITY. A residential facility 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.

(8) Section 308.2 is deleted and replaced with the following:

308.2 Group I-1. This occupancy shall include a building or part thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following: residential board and care facilities, type 1 assisted living facilities, half-way houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers and convalescent facilities. A facility such as the above with five or fewer persons shall be classified as a Group R-3. A facility such as above, housing at least six and not more than 16 persons, shall be classified as a Group R-4.

(9) Section 308.3 is deleted and replaced with the following:

308.3 Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than three persons who are not capable of self-preservation. This group shall include, but not be limited to the following: hospitals, nursing homes (both intermediate care facilities and skilled nursing facilities), mental hospitals, detoxification facilities, ambulatory surgical centers with two or more operating rooms where care is less than 24 hours and type 2 assisted living facilities. Type 2 assisted living facilities with five or fewer persons shall be classified as a Group R-4. Type 2 assisted living facilities as defined in 308.1.1 with at least six and not more than sixteen residents shall be classified as a Group I-1 facility.

(10) Section 308.3.1 is deleted and replaced with the following:

308.3.1 Child care facility. A child care facility that provides care on a 24 hour basis to more than four children 2 1/2 years of age or less shall be classified as Group I-2.

(11) Section 308.5 is deleted and replaced with the following:

308.5 Group I-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with four or fewer persons shall be classified as an R-3. Places of worship during religious functions and Group E child day care centers are not included.

(12) Section 308.5.2 is deleted and replaced with the following:

308.5.2 Child care facility. A facility that provides supervision and personal care on less than a 24 hour basis for more than 100 children 2 1/2 years of age or less shall be classified as Group I-4.

(13) Section 310.1 is deleted and replaced with the following:

310.1 Residential Group "R". Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classed as an Institutional Group I. Residential occupancies shall include the following:

R-1 Residential occupancies where the occupants are primarily transient in nature (less than 30 days) including: Boarding Houses (transient), Hotels (transient), and Motels (transient).

R-2 Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including: Apartment Houses, Boarding houses (not transient), Convents, Dormitories, Fraternities and Sororities, Monasteries, Vacation timeshare properties, Hotels (non transient), and Motels (non transient).

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units, as applicable in Section 101.2, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Adult and child care facilities that are within a single family home are permitted to comply with the International Residential Code in accordance with Section 101.2. Areas used for day care purposes may be located in a Residential Group, R-3 occupancy provided the building substantially complies with the requirements for a dwelling unit and under all of the following conditions:

1. Compliance with the 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 State Department of Health, as enacted under the authority of the Utah Child Care Licensing Act, UCA, Sections 26-39-101 through 26-39-110, and in any of the following categories:

a. Utah Administrative Code, R430-50, Residential Certificate Child Care Standards.

b. Utah Administrative Code, R430-90, Licensed Family Child Care.

3. Compliance with all zoning regulations of the local regulator.

R-4 Residential occupancies shall include buildings arranged for occupancy as Residential Care/Assisted Living Facilities including more than five but not more than 16 occupants, excluding staff.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except as otherwise provided for in this code or shall comply with the International Residential Code in accordance with Section 101.2.

(14) A new section 310.4 is added as follows:

310.4 Floor-level exit signs. Where exit signs are required by section 1003.2.10.1, additional approved exit signs that are internally or externally illuminated, photoluminescent or self-luminous, shall be provided in all corridors serving guest rooms of R-1 occupancies. The bottom of such signs shall not be less than 6 inches (152 mm) nor more than 8 inches (203 mm) above the floor level and shall indicate the path of exit travel. For exit and exit access doors, the sign shall be on the door or adjacent to the door with the closest edge of the sign with 8 inches (203 mm) of the door frame.

(15) In section 403.10.1.1 the exception is deleted.

(16) A new Section 403.9.1 is added as follows:

403.9.1 Elevator lobby. Elevators on all floors shall open into elevator lobbies that are separated from the remainder of the building, including corridors and other means of egress by smoke partitions complying with Section 710. Elevator lobbies shall have at least one means of egress complying with Chapter 10 and other provisions within the code. Elevator lobbies separated from a fire resistance rated corridor shall have walls of not less than one-hour fire resistance rating and openings shall conform to Section 714.

Exceptions:

1. Separations are not required from a street floor elevator lobby.

2. In atria complying with the provisions of Section 404 elevator lobbies are not required.

(17) A new section 419 is added as follows:

Section 419 Group E Child Day Care Centers. Group E child day care centers shall comply with Section 419.

419.1 Location at grade. Group E child day care centers shall be located at the level of exit discharge.

Exception: 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.

419.2 Egress. All Group E child day care spaces with an occupant load of 10 or more 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 1009.

(18) Section 706.3.5 is deleted and replaced with the following:

706.3.5 Separation of mixed occupancies. Where the provisions of Section 302.3.3 are applicable, the fire barrier separating mixed

occupancies shall have a fire-resistance rating of not less than that indicated in Section 302.3.3 based on the occupancies being separated.

(19) A new Section 706.3.6 is added as follows:

706.3.6. Single occupancy fire areas. The fire barrier separating a single occupancy into different fire areas shall have a fire resistance rating of not less than that indicated in Table 706.3.6.

TABLE 706.3.6
FIRE-RESISTANCE RATING REQUIREMENTS
FOR FIRE BARRIER ASSEMBLIES BETWEEN
FIRE AREAS

OCCUPANCY GROUP	FIRE-RESISTANCE RATING (IN HOURS)
H-1, H-2	4
F-1, H-3, S-1	3
A, B, E, F-2, H-4, H-5, I M, R, S-2	2
U	1

(20) In Section 707.14.1 Exception 4 is deleted and replaced with the following:

4. See Section 403.9.1 for high rise buildings.

(21) Section 710.3 is deleted and replaced with the following:
710.3 Fire-resistance rating. The fire-resistance rating of floor and roof assemblies shall not be less than that required by the building type of construction. Where the floor assembly separates mixed occupancies, the assembly shall have a fire-resistance rating of not less than that required in Section 302.3.3 based on the occupancies being separated. Where the floor assembly separates a single occupancy into different fire areas, the assembly shall have a fire-resistance rating of not less than that required by Section 706.3.6. Floor assemblies separating dwelling units or guestrooms shall be a minimum of 1-hour fire-resistance-rated construction.

Exception: Dwelling unit and guestroom separations in buildings of Type IIB, IIIB and VB construction shall have fire-resistance ratings of not less than 1/2 hour in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

(22) In Section 902, the definition for record drawings is deleted and replaced with the following:

RECORD DRAWINGS. Drawings ("as built") that document all aspects of a fire protection system as installed.

(23) Section 903.2.5 is deleted and replaced with the following:

903.2.5 Group I. An automatic sprinkler system shall be provided throughout buildings with Group I fire areas. Listed quick response or residential sprinkler heads shall be installed in patient or resident sleeping areas.

(24) Section 903.2.9 Group R-4 is deleted and replaced with the following:

An automatic sprinkler system shall be provided throughout all buildings with Group R-4 fire areas that contain more than eight occupants.

Exception:

1. An automatic sprinkler system installed in accordance with Section 903.3.1.2 or Section 903.3.1.3. shall be allowed in Group R-4 facilities.

2. Buildings 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.

(25) Section 905.5.3 is deleted and replaced with the following:

905.5.3 Class II system 1-inch hose. A minimum 1-inch (25.4 mm) hose shall be permitted to be used for hose stations in light-hazard occupancies where investigated and listed for this service and where approved by the code official.

(26) In Section 1002, the definition for exit discharge is deleted and replaced with the following:

EXIT DISCHARGE. That portion of a means of egress system between the termination of an exit and a public way or safe dispersal area.

(27) In Section 1003.2.12.1 the exception is deleted and replaced with the following:

Exceptions:

1. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, guards whose top rail serves as a handrail shall have a height not less than 34 inches (864 mm) and not more than 38 inches (965 mm) measured vertically from the leading edge of the stair tread nosing.

2. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in section 101.2, guards shall form a protective barrier not less than 36 inches (914 mm).

(28) Section 1003.2.12.2 is deleted and replaced with the following:

1003.2.12.2 Opening limitations. Open guards shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 34 inches (864 mm). From a height of 34 inches (864 mm) to 42 inches (1067 mm) above the adjacent walking surface, a sphere 8 inches (203 mm) in diameter shall not pass. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.

Exceptions:

1. The triangular openings formed by the riser, tread and bottom rail at the open side of a stairway shall be of a maximum size such that a sphere of 6 inches (152 mm) in diameter cannot pass through the opening.

2. At elevated walking surfaces for access to and use of electrical, mechanical, or plumbing systems or equipment, guards shall have balusters or be of solid materials such that a sphere with a diameter of 21 inches (533 mm) cannot pass through any opening.

3. In occupancies in Group I-3, F, H or S, balusters, horizontal intermediate rails or other construction shall not permit a sphere with a diameter of 21 inches (533 mm) to pass through any opening.

4. In assembly seating areas, guards at the end of aisles where they terminate at a fascia of boxes, balconies, and galleries shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, a sphere 8 inches (203 mm) in diameter shall not pass.

(29) Section 1003.3.3.3, Exception #5 is deleted and replaced with the following:

5. In occupancies in Group R-3, as applicable in Section 101.2, within dwelling units in occupancies in Group R-2, 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, the

maximum riser height shall be 8 inches (203 mm) and the minimum tread depth shall be 9 inches (229 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).

(30) Section 1003.3.3.11 Exemption #4 is deleted and replaced with the following:

4. 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.

(31) Section 1003.3.3.11.3 is amended to include the following exception at the end of the section:

Exception. Non-circular handrails serving an individual unit in a Group R-1, Group R-2 or Group R-3 occupancy shall be permitted to have a maximum cross sectional dimension of 3.25 inches (83 mm) measured 2 inches (51 mm) down from the top of the crown. Such handrail is required to have an indentation on both sides between 0.625 inch (16 mm) and 1.5 inches (38 mm) down from the top or crown of the cross section. The indentation shall be a minimum of 0.25 inch (6 mm) deep on each side and shall be at least 0.5 (13 mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

(32) In Section 1004.3.2.5 Exception 2 is deleted.

(33) New Sections 1006.2.3, 1006.2.3.1 and 1006.2.3.2 are added as follows:

1006.2.3 Safe dispersal areas. Where approved by the code official, the exit discharge is permitted to lead to a safe dispersal area on the same property as the structure being discharged. The proximity and size of such safe dispersal area shall be based on such factors as the occupant load served, the mobility of occupants, the type of construction of the building, the fire protection systems installed in the building, the height of the building and the degree of hazard of the occupancy. In any case, the entire safe dispersal area shall be located not less than 50 feet (15 420 mm) from the structure served.

1006.2.3.1 School ground fences and gates. School grounds shall be permitted to be fenced and gates therein equipped with locks, provided safe dispersal areas are located between the school and fence with the entire dispersal area no less than 50 feet (15 420mm) from school buildings. Safe dispersal area capacity shall be determined by providing a minimum of 3 square feet (0.28 m²) of net clear area per occupant.

1006.2.3.2 Reviewing stands, grandstands and bleachers. Safe dispersal areas serving reviewing stands, grandstands and bleachers shall accommodate a number of persons equal to the total capacity of the stand or building served. Safe dispersal area capacity shall be determined by providing a minimum of 3 square feet (0.28 m²) of net clear area per occupant.

(34) Section 1109.7 of Chapter 11 in the 2001 Supplement to the International Building Code is deleted and replaced with the following:

Section 1109.7 Lifts. Platform (wheelchair) lifts shall not be a part of a required accessible route in new construction. Platform (wheelchair) lifts shall be installed in accordance with ASME A18.1.

Exceptions: Platform (wheelchair) lifts are permitted for:

1. An accessible route to a performing area and speaker's platforms in occupancies in Group A.

2. An accessible route to wheelchair spaces required to comply with the wheelchair space dispersion and line-of-sight requirements of Section 1108.2.2.

3. An accessible route to spaces that are not open to the general public with an occupant load of not more than five.

4. An accessible route within a dwelling or sleeping unit.

5. An accessible route to wheelchair seating spaces located in outdoor dining terraces in A-5 occupancies where the means of egress from the dining terrace to a public way is open to the outdoors.

6. An accessible route to raised judges' benches, clerks' stations, jury boxes, witness stands and other raised or depressed areas in a court.

7. An accessible route where existing exterior site constraints make use of a ramp or elevator infeasible.

8. Wheelchair access where an accessible route is not required per the exceptions to Section 1104.4 and/or Section 1107.4.

All platform (wheelchair) lifts shall be capable of independent operation without a key.

Standby power shall be provided for platform lifts permitted to serve as part of the accessible means of egress.

(35) Section 1207.2 is deleted and replaced with the following:

1207.2 Minimum ceiling heights. Occupiable spaces, habitable spaces and corridors shall have a ceiling height of not less than 7 feet 6 inches (2286 mm). Rooms in one- and two-family dwellings, bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall be permitted to have a ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not more than 4 feet (1219 mm) on center or projecting not more than 6 inches (152 mm) below the required ceiling height.

2. Basement rooms without habitable spaces in one- and two-family dwellings having a ceiling height of not less than 6 feet 8 inches (2033mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

3. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the finished ceiling shall not be included in any computation of the minimum area thereof.

4. Mezzanines constructed in accordance with Section 505.1.

(36) Section 1207.3 is deleted and replaced with the following:

1207.3 Room area. Every dwelling unit shall have at least one room that shall have not less than 120 square feet (11.2 m²) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5 m²).

Exception: Every kitchen in a one- and two-family dwelling shall have not less than 50 square feet (4.64 m²) of gross floor area.

(37) Section 1207.4 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) of floor area. An additional 100 square feet (9.3 m) of floor area shall be provided for each occupant of such unit in excess of two.

(38) Section 1405.3 is deleted and replaced with the following:

1405.3 Flashing. Flashing shall be installed in such a manner as to prevent moisture from entering the top and sides of exterior window and door openings. Flashing shall be installed in such a manner as to prevent moisture from entering at the intersection of chimneys or other masonry construction with frame or stucco walls.

with projecting flanges on both sides under stucco copings; under and at the ends of masonry, wood or metal copings and sills, continuously above projecting wood trim; at the intersection of exterior walls and porches and decks; at wall and roof intersections with the step-flashing methods; at built-in gutters; and at the intersection of foundation to stucco, masonry, siding, or brick veneer with an approved corrosive-resistance flashing with a 1/2" drip leg extending past exterior side of the foundation.

(38) Section 1604.5, footnote "c" is added to Table 1604.5 Classification of Buildings and Other Structures for Importance Factors:

c. For determining "W" per sections 1616.4.1, 1617.4.1, 1617.5.1, or 1618.4, the Snow Factor I, may be taken as 1.0.

(39) In Section 1605.2.1, the formula shown as " $f_2 = 0.2$ for other roof configurations" is 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/m²) or less.

Where A = Elevation above sea level at the location of the structure (ft/1000).

(40) In Section 1605.3.1 and section 1605.3.2, Exception number 2 in each section is deleted and replaced with the following:

Flat roof snow loads of 30 pounds per square foot (1.44 kNm²) or less need not be combined with seismic loads. Where flat roofs exceed 30 pounds per square foot (1.44 kNm²), the snow loads may be reduced in accordance with the following in load combinations including both snow and seismic loads.

$$W_s = (0.20 + 0.025(A-5))P_f$$

Where

W_s = Weight of snow to be included, psf

A = Elevation above sea level at the location of the structure (ft/1000)

P_f = Design roof snow load, psf

(41) In Table 1607.1 number 27 is deleted and replaced with the following:

TABLE 1607.1 NUMBER 27

Occupancy or Use	Uniform (psf)	Concentrated (lbs)
27. Residential		
Group R-3 as applicable in Section 101.2		-
Uninhabitable attics without storage	10'	
Uninhabitable attics with storage	20	
Habitable attics and sleeping areas	30	
All other areas except balconies and decks	40	
Hotels and multifamily dwellings		
Private rooms	40	
Public rooms and corridors serving them	100	

(42) In Notes to Table 1607.1, Note i is added as follows:

i. This live load need not be considered as acting simultaneously with other live loads imposed upon the ceiling framing or its supporting structure.

(43) Section 1608.1 is deleted and replaced with the following:

Except as modified in section 1608.1.1, design snow loads shall be determined in accordance with Section 7 of ASCE 7, but the design roof load shall not be less than that determined by Section 1607.

(44) Section 7.4.5 of Section 7 of ASCE 7 referred to 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 $2P_f$ 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.

(45) Section 1608.1.1 is added as follows:

1608.1.1 Utah Snow Loads. 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: $P_g = (P_o^2 + S^2(A-A_o)^2)^{0.5}$ 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. 1608.1.1(a)

S = Change in ground snow load with elevation (psf/100 ft.)

From Table No. 1608.1.1(a)

A = Elevation above sea level at the site (ft./1000)

A_o = Base ground snow elevation from Table 1608.1.1(a) (ft./1000)

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. A record of such action together with the substantiating data shall be provided to the division for a permanent record.

The building official may also directly adopt roof snow loads in accordance with Table 1608.1.1(b), provided the site is no more than 100 ft. higher than the listed elevation.

Where the minimum roof live load in accordance with section 1607.11 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.

(46) Table 1608.1.1(a) and Table 1608.1.1(b) are added as follows:

TABLE NO. 1608.1.1(a)
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	P_o	S	A_o
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. 1608.1.1(b)
RECOMMENDED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS

		Roof Snow Load (PSF)	Ground Snow Load (PSF)
Beaver County			
Beaver	5920 ft.	43	62
Box Elder County			
Brigham City	4300 ft.	30	43
Tremonton	4290 ft.	30	43
Cache County			
Logan	4530 ft.	35	50
Smithfield	4595 ft.	35	50
Carbon County			
Price	5550 ft.	30	43
Daggett County			
Manila	5377 ft.	30	43
Davis County			
Bountiful	4300 ft.	30	43
Farmington	4270 ft.	30	43
Layton	4400 ft.	30	43
Fruit Heights	4500 ft.	40	57
Duchesne County			
Duchesne	5510 ft.	30	43
Roosevelt	5104 ft.	30	43
Emery County			
Castledale	5660 ft.	30	43
Green River	4070 ft.	25	36
Garfield County			
Panguitch	6600 ft.	30	43
Grand County			
Moab	3965 ft.	25	36
Iron County			
Cedar City	5831 ft.	30	43
Juab County			
Nephi	5130 ft.	30	43
Kane County			
Kanab	5000 ft.	25	36
Millard County			
Millard	5000 ft.	30	43
Delta	4623 ft.	30	43
Morgan County			
Morgan	5064 ft.	40	57
Piute County			
Piute	5996 ft.	30	43
Rich County			
Woodruff	6315 ft.	40	57
Salt Lake County			
Murray	4325 ft.	30	43
Salt Lake City	4300 ft.	30	43
Sandy	4500 ft.	30	43
West Jordan	4375 ft.	30	43
West Valley	4250 ft.	30	43
San Juan County			
Blanding	6200 ft.	30	43
Monticello	6820 ft.	35	50
Sanpete County			
Fairview	6750 ft.	35	50
Mt. Pleasant	5900 ft.	30	43
Manti	5740 ft.	30	43
Ephraim	5540 ft.	30	43
Gunnison	5145 ft.	30	43
Sevier County			
Salina	5130 ft.	30	43
Richfield	5270 ft.	30	43
Summit County			
Coalville	5600 ft.	60	86
Kamas	6500 ft.	70	100
Park City	6400 ft.	85	121
Summit Park	7200 ft.	90	128

Tooele County			
Tooele	5100 ft.	30	43
Uintah County			
Vernal	5280 ft.	30	43
Utah County			
American Fork	4500 ft.	30	43
Orem	4650 ft.	30	43
Pleasant Grove	5000 ft.	30	43
Provo	5000 ft.	30	43
Spanish Fork	4720 ft.	30	43
Wasatch County			
Heber	5630 ft.	60	86
Washington County			
Central	5209 ft.	25	36
Dameron	4550 ft.	25	36
Leeds	3460 ft.	20	29
Rockville	3700 ft.	25	36
Santa Clara	2850 ft.	15 (1)	21
St. George	2750 ft.	15 (1)	21
Wayne County			
Loa	7080 ft.	30	43
Hanksville	4308 ft.	25	36
Weber County			
North Ogden	4500 ft.	40	57
Ogden	4350 ft.	30	43

NOTES

(1) The IBC requires a minimum live load - See 1607.11.2.

(47) 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 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.

(48) Section 1614.2 is deleted and replaced with the following:
1614.2 Change in Occupancy. When a change of occupancy results in a structure being reclassified to a higher Seismic Use Group, 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. This is not required if the design occupant load increase is less than 25 persons and the Seismic Use Group does not change.
2. Specific detailing provisions required for a new structure are not required to be met where it can be shown an equivalent level of performance and seismic safety contemplated for a new structure is obtained. Such analysis shall consider the regularity, overstrength, redundancy and ductility of the structure within the context of the specific detailing provided. Alternatively, the building official may allow the structure to be upgraded in accordance with the latest edition of the "Guidelines for Seismic Rehabilitation of Existing Buildings" or another nationally recognized standard for retrofit of existing buildings.

(49) In Section 1616.4.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads of 30 psf or less need not be included. Where the roof snow load exceeds 30 psf, the snow load shall be

included, but may be adjusted in accordance with the following formula: $W_s = (0.20 + 0.025(A-5))P_f$

WHERE:

W_s = Weight of snow to be included in seismic calculation;

A = Elevation above sea level at the location of the structure (ft/1000)

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.

(50) In Section 1617.2.2, the fourth definition of r_{maxi} is deleted and replaced with the following:

=For shear walls, r_{maxi} shall be taken as the maximum value of the product of the shear in the wall or wall pier and $10/l_w$ (3.3/ l_w for SI), divided by the story shear, where l_w is the length of the wall or wall pier in feet (m). The ratio $10/l_w$ need not be taken greater than 1.0 for buildings of light frame construction.

(51) In Section 1617.4.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(52) In Section 1617.5.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(53) In Section 1618.4, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(54) Section 1805.5 is deleted and replaced with the following:

1805.5 Foundation walls. Concrete and masonry foundation walls shall be designed in accordance with Chapter 19 or 21. Foundation walls that are laterally supported at the top and bottom and within the parameters of Tables 1805.5(1) through 1805.5(4) are permitted to be designed and constructed in accordance with Sections 1805.5.1 through 1805.5.4 and 1805.5.8 through 1805.5.8.2. Concrete foundation walls may also be constructed in accordance with Section 1805.5.9.

(55) New Sections 1805.5.8, 1805.5.8.1 1805.5.8.2 and 1805.5.9 are added as follows:

1805.5.8 Seismic requirements. Tables 1805.5(1) through 1805.5(4) shall be subject to the following limitations based on the seismic design category assigned to the structure as defined in Section 1616.

1805.5.8.1 Seismic requirements for concrete foundation walls.

Concrete foundation walls constructed using Tables 1805.5(1) through 1805.5(4) shall be subject to the following:

1. Seismic Design Category A and B. Provide two No. 5 bars around window and door openings. Such bars shall extend at least 24 inches (610 mm) beyond the corners of the openings.

2. Seismic Design Category C. Tables shall not be used except as permitted for plain concrete members in Section 1910.4.

3. Seismic Design Categories D, E and F. Tables shall not be used except as allowed for plain concrete members in ACI 318, Section 22.10.

1805.5.8.2 Seismic requirements for masonry foundation walls. Masonry foundation walls constructed using Tables 1805.5(1) through 1805.5(4) shall be subject to the following:

1. Seismic Design Category A and B. No additional seismic requirements.

2. Seismic Design Category C. The requirements of Section 2106.4 shall apply.

3. Seismic Design Category D. The requirements of Section 2106.5 shall apply.

4. Seismic Design Categories E and F. The requirements of Section 2106.6 shall apply.

1805.5.9 Empirical 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 1805.5.9.

(56) Table 1805.5.9 is added as follows:

Table 1805.5.9, entitled "Empirical Foundation Walls, dated September 1, 2002, published by the Department of Commerce, Division of Occupational and Professional Licensing is hereby adopted and incorporated by reference. Table 1805.5.9 identifies foundation requirements for empirical walls.

(57) Table 2305.3.3 is deleted and replaced with the following:

TABLE 2305.3.3
MAXIMUM SHEAR WALL ASPECT RATIOS

TYPE	MAXIMUM HEIGHT-WIDTH RATIO
Wood structural panels or particleboard, nailed edges	For wind: 3 1/2:1 For seismic: 2:1
Diagonal sheathing, single Fiberboard	2:1 1 1/2:1

a. For design to resist seismic forces, shear wall aspect ratios greater than 2:1, but not exceeding 3 1/2:1, are permitted provided the allowable shear capacities in Table 2306.4.1 are multiplied by $2w/h$.

(58) A new section 2306.1.4 is added as follows:

2306.1.4 The allowable stress increase of 1.15 for snow load, shown in Table 2.3.2, Load Duration Factors, C_d , of the National Design Specifications, shall not be utilized at elevations above 5,000 feet (1524 M).

(59) Section 2308.6 is deleted and replaced with the following:

2308.6 Foundation plates or sills. Foundations and footings shall be as specified in Chapter 18. Foundation plates or sills resting on concrete or masonry foundations shall comply with Section 2304.3.1 and shall be bolted or anchored by one of the following:

1. Foundation plates or sill shall be bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors. Bolts shall be embedded at least 7 inches (178 mm) into concrete or masonry, and spaced not more than 6 feet (1829 mm) apart. There shall be a minimum of two bolts or anchor straps per piece with one bolt or anchor strap located not more than 12 inches (305 mm) or less than 4 inches (102 mm) from each end of each piece.

2. Foundation plates or sills shall be bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors. Bolts shall be 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.

(60) A new section 2902.1.1 is added as follows:
 2902.1.1 Unisex toilets and bath fixtures. Fixtures located within unisex toilet and bathing rooms complying with section 2902 are permitted to be included in determining the minimum number of fixtures for assembly and mercantile occupancies.

(61) Section 3006.5 Shunt Trip, the following exception is added:

Exception: Hydraulic elevators and roped hydraulic elevators with a rise of 50 feet or less.

(62) In Section 3104.2, a second exception is added as follows:

2. For the purposes of calculating the number of Type B units required by Chapter 11, structurally connected buildings and buildings with multiple wings shall be considered one structure.

(63) A new section 3402.5 is added as follows:

3402.5 Parapets and other appendages. Building constructed prior to 1975 with parapet walls, cornices, spires, towers, tanks, signs, statuary and other appendages shall have such appendages evaluated by a licensed engineer to determine resistance to design loads specified in this code when said building is undergoing reroofing, or alteration of or repair to said feature.

EXCEPTION: Group R-3 an U occupancies.

Original Plans and/or structural calculations may be utilized to demonstrate that the parapet or appendages are structurally adequate. When found to be deficient because of design or deteriorated condition, the engineer shall prepare specific recommendations to anchor, brace, reinforce or remove the deficient feature.

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. If the required parapet height exceeds this maximum height, a bracing system designed using the coefficients specified in Table 1621.2 shall support the top of the parapet. When positive diaphragm connections are absent, tension roof anchors shall be added. Approved alternative methods of equivalent strength will be considered when accompanied by engineer sealed drawings, details and calculations.

(64) Section 3408.1 is deleted and replaced with the following:

3408.1 Scope: The provision of sections 3408.2 through 3408.5 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.

Exceptions:

1. When maintenance, additions or alteration occur, Type B dwelling units required by section 1107.5.4 are not required to be provided in existing buildings and facilities.

2. When a change of occupancy in a building or portion of a building results in multiple dwelling units as determined in section 1107.5.4, not less than 20 percent of the dwelling units shall be Type B dwelling units. These dwelling units may be located on any floor of the building provided with an accessible route. Two percent, but not less than one, of the dwelling units shall be Type A dwelling units.

(65) Referenced standards number 1557-91 under ASTM in chapter 35 is deleted and replaced with the following:

TABLE

Standard Number	Title	Code Section
D1557-91 E01	Laboratory Compaction Characteristics of soil using Modified Effort	1508.15.2 K1.1.2, K1.7.5

(66) A new appendix K, Grading, is added as follows:
 APPENDIX K - GRADING

K1.1 GENERAL

K1.1.1 Scope. The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this chapter and the soils report, the soils report shall govern.

K1.1.2 Standards. The following standards of quality shall apply:

1. ASTM D1557-91 E01, Test Method for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lb/ft).

K1.2 DEFINITIONS

K1.2.1 Definitions. For the purposes of this appendix chapter, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings.

BENCH. A relatively level step excavated into earth material on which fill is to be placed.

COMPACTION. The densification of a fill by mechanical means.

CUT. See Excavation.

DOWN DRAIN. A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility.

EROSION. The wearing away of the ground surface as a result of the movement of wind, water or ice.

EXCAVATION. The removal of earth material by artificial means, also referred to as a cut.

FILL. Deposition of earth materials by artificial means.

GRADE. The vertical location of the ground surface.

GRADE, EXISTING. The grade prior to grading.

GRADE, FINISHED. The grade of the site at the conclusion of all grading efforts.

GRADING. An excavation or fill or combination thereof.

KEY. A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

SLOPE. An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

TERRACE. A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

K1.3 PERMITS REQUIRED

K1.3.1 Permits required. Except as exempted in Section K1.3.2, no grading shall be performed without first having obtained a permit therefor from the building official. A grading permit does not include the construction of retaining walls or other structures.

K1.3.2 Exemptions. A grading permit shall not be required for the following:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.

2. Excavation for construction of a structure permitted under this code.

3. Cemetery graves.

4. Refuse disposal sites controlled by other regulations.

5. Excavations for wells, or trenches for utilities.

6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.

7. Exploratory excavations performed under the direction of a registered design professional for the sole purpose of preparing a soils report.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. The listed exemptions shall not apply to areas located in a floodway or floodplain regulated under Appendix G.

K1.4 PERMIT APPLICATION AND SUBMITTALS

K1.4.1 Submittal requirements. In addition to the provisions of Section 105.3, the applicant shall state the estimated quantities of excavation and fill.

K1.4.2 Site plan requirements. In addition to the provisions of Section 106, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

K1.4.3 Soils report. A soils report prepared by registered design professionals shall be provided which shall identify the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for any structures or embankments required to accomplish the proposed grading; and, where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

Exception: A soils report is not required where the building official determines that the nature of the work applied for is such that a report is not necessary.

K1.4.4 Liquefaction study. For sites with mapped maximum considered earthquake spectral response accelerations at short period (S_s) greater than 0.5g as determined by Section 1615, a study of the liquefaction potential of the site shall be provided, and the recommendations incorporated in the plans.

Exception: A liquefaction study is not required where the building official determines from established local data that the liquefaction potential is low.

K1.5 INSPECTIONS

K1.5.1 General. Inspections shall be governed by Section 109 of this code.

K1.5.2 Special inspections. The special inspection requirements of Section 1704.7 shall apply to work performed under a grading permit where required by the building official.

K1.6 EXCAVATIONS

K1.6.1 Maximum slope. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 2 horizontal to 1 vertical (50%) unless the applicant furnishes a soils report justifying a steeper slope.

Exceptions:

1. A cut surface may be at a slope of 1.5 horizontal to 1 vertical (67%) provided that all the following are met:

- (a) it is not intended to support structures or surcharges;
- (b) it is adequately protected against erosion;
- (c) it is no more than 8 feet (2438 mm) in height; and
- (d) it is approved by the building official.

2. A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100%)

K1.7 FILLS

K1.7.1 General. Unless otherwise recommended in the soils report, fills shall conform to provisions of this section.

K1.7.2 Surface preparation. The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.

K1.7.3 Benching. Where existing grade is at a slope steeper than 5 horizontal to 1 vertical (20%) and the depth of the fill exceeds five feet (1524 mm) benching shall be provided in accordance with Figure K1.7.3 dated July 1, 2001, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference. A key shall be provided which is at least 10 feet (3048 mm) in width and two feet (610 mm) in depth.

K1.7.4 Fill material. Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305mm) in any dimension shall be included in fills.

K1.7.5 Compaction. All fill material shall be compacted to 90% of maximum density as determined by ASTM D1557, Modified Proctor, in lifts not exceeding 12 inches (305 mm) in depth.

K1.7.6 Maximum slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 2 horizontal to 1 vertical (50%) shall be justified by soils reports or engineering data.

K1.8 SETBACKS

K1.8.1 General. Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure K1.8.1, dated July 1, 2001, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference, unless substantiating data is submitted justifying reduced setbacks.

K1.8.2 Top of slope. The setback at the top of a cut slope shall not be less than that shown in Figure K1.8.1, or than is required to accommodate any required interceptor drains, whichever is greater.

K1.8.3 Slope protection. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the building official, shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure K1.8.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.

K1.9 DRAINAGE AND TERRACING

K1.9.1 General. Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with the requirements of this section.

Exception: Drainage facilities and terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33%).

K1.9.2 Terraces. Terraces at least six feet (1829 mm) in width shall be established at not more than 30-foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris. Suitable access shall be provided to allow for cleaning and maintenance.

Where more than two terraces are required, one terrace, located at approximately mid-height, shall be at least 12 feet (3658 mm) in width.

Swales or ditches shall be provided on terraces. They shall have a minimum gradient of 20 horizontal to 1 vertical (5%) and shall be paved with concrete not less than three inches (76 mm) in thickness, or with other materials suitable to the application. They shall have a minimum depth of 12 inches (305 mm) and a minimum width of five feet (1524 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1256 m²) (projected) without discharging into a down drain.

K1.9.3 Interceptor drains. Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet, measured horizontally. They shall have a minimum depth of one foot (305 mm) and a minimum width of three feet (915 mm). The slope shall be approved by the building official, but shall not be less than 50 horizontal to 1 vertical (2%). The drain shall be paved with concrete not less than three inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the building official.

K1.9.4 Drainage across property lines. Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices.

K1.10 EROSION CONTROL

K1.10.1 General. The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting.

Exception: Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials.

Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.

K1.10.2 Other devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

R156-56-711. Statewide Amendments to the IRC.

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

(1) All amendments to the IBC under Section R156-56-704, local amendments under Section R156-56-705, the NEC under Section R156-56-706, the IPC under Section R156-56-707, the IMC under Section R156-56-708, the IFGC under Section R156-56-709 and the IECC under Section R156-56-710 which may be applied to detached one and two family dwellings and multiple single family dwellings shall be applicable to the corresponding provisions of the IRC. All references to the International Electrical Code are deleted and replaced with the National Electrical Code adopted under Section R156-56-701(1)(b). Should there be any conflicts between the NEC and the IRC, the NEC shall prevail.

(2) In Section 109, a new section is added as follows:

R109.1.5 Weather-resistive barrier and flashing inspections. After the roof, masonry, all framing, firestopping, draftstopping and bracing are in place; and after the plumbing, mechanical and electrical rough inspections are approved; and before brick veneer, masonry or stucco is installed on the exterior of a structure, an inspection shall be made of the weather-resistive barrier as required by Section R703.1 and flashings as required by Section R703.8 to

prevent water from entering the weather-resistant exterior wall envelope.

The remaining sections are renumbered as follows:

R109.1.6 Other inspections

R109.1.6.1 Fire-resistance-rated construction inspection

R109.1.7 Final inspection.

(2) In Section R202, the definition of "Backsiphonage" is deleted and replaced with the following:

BACKSIPHONAGE: The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

(3) In 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 Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

(4) In 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").

(5) In Section R202 the following definition is added:

HEAT exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

(6) In 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 Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

(7) In Section R202 the definition of "Water Heater" is deleted and replaced with the following:

WATER HEATER. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use externally to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

(8) Section R301.4 is deleted and replaced with the following:

R301.4 Live Load. The minimum uniformly distributed live load shall be as provided in Table R301.4.

TABLE R301.4
MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS
(in pounds per square foot)

USE	LIVE LOAD
Exterior balconies	60
Decks (f)	40
Fire escapes	40
Passenger vehicle garages (a)	50(a)
Attics without storage (b), (e), (g)	10
Attics with storage (b), (e)	20
Rooms other than sleeping rooms	40

Sleeping rooms	30
Stairs	40(c)
Guardrails and handrails (d)	200

For SI: 1 pound per square foot = 0.0479kN/m², 1 square inch = 645 mm² 1 pound = 4.45N.

(a) Elevated garage floors shall be capable of supporting a 2,000-pound load applied over a 20-square-inch area.

(b) No storage with roof slope not over 3 units in 12 units.

(c) Individual stair treads shall be designed for the uniformly distributed live load or a 300-pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.

(d) A single concentrated load applied in any direction at any point along the top.

(e) Attics constructed with wood trusses shall be designated in accordance with Section R802.10.1.

(f) See Section R502.2.1 for decks attached to exterior walls.

(g) This live load need not be considered as acting simultaneously with other live loads imposed upon the ceiling framing or its supporting structure.

(9) Section R304.3 is deleted and replaced with the following:
R304.3 Minimum dimensions. Habitable rooms shall not be less than 7 feet (2134 mm) in any horizontal dimension.

Exception: Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

(10) Section R309.2 is deleted and replaced with the following:

R309.2 Separation required. The garage shall be separated from the residence and its attic area by installation of materials approved for one-hour fire-resistive construction applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by installation of materials approved for one-hour fire-resistive construction.

(11) Section R312.1.2 is deleted and replaced with the following:

R312.1.2 Landings at doors. There shall be a floor or landing on each side of each exterior door.

Exception: At the exterior side of all non required exit doors. The floor or landing at a door shall not be more than 1.5 inches (38 mm) lower than the top of the threshold.

Exception: The landing of an exterior doorway shall not be more than 8 inches (197 mm) below the top of the threshold, provided that the door, other than an exterior storm or screen door, does not swing over the landing.

(12) Section R314.2 is deleted and replaced with the following:

R314.2 ~~Treads~~ Treads and risers. The maximum riser height shall be 8 inches (203 mm) and the minimum tread depth shall be 9 inches (229 mm). The riser height shall be measured vertically between leading edges of the adjacent treads. 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 walking surface of treads and landings of a stairway shall be sloped no steeper than one unit vertical in 48 units horizontal (2-percent slope). The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

R314.2.1 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 (19.1 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 shall not exceed the smallest nosing projection by more than 3/8 inches (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 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.

(13) Section R315.1 is deleted and replaced with the following:

R315.1 Handrails. Handrails shall be provided on at least one side of stairways consisting of four or more risers. Handrails shall have a minimum height of 34 inches (864 mm) and a maximum height of 38 inches (965 mm) measured vertically from the nosing of the treads. All required handrails shall be continuous the full length of the stairs from a point directly above the top riser to a point directly above the lowest riser of the stairway. The ends of the handrail shall be returned into a wall or shall terminate in newel post or safety terminals. A minimum clear space of 1 1/2 inches (38 mm) shall be provided between the wall and the handrail.

Exceptions:

1. Handrails shall be permitted to be interrupted by a newel post at a turn.

2. The use of a volute, turnout or starting easing shall be allowed over the lowest tread.

(14) Section R315.2 is deleted and replaced with the following:

R315.2 Handrail grip size. The handgrip portion of handrails shall have a circular cross section of 1 1/4 inches (32mm) minimum to 2 5/8 inches (67mm) maximum. Edges shall have a minimum radius of 1/8 inch (3.2mm).

Exception: Non-circular handrails shall be permitted to have a maximum cross sectional dimension of 3.25 inches (83mm) measured 2 inches (51 mm) down from the top of the crown. Such handrail is required to have an indentation on both sides between 0.625 inch (16mm) and 1.5 inches (38mm) down from the top or crown of the cross section. The indentation shall be a minimum of 0.25 inch (6mm) deep on each side and shall be at least 0.5 inch (13 mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

(15) In Section 321.3.2 Exception 1.1 is deleted and replaced with the following:

1.1 By a horizontal distance of not less than the width of a stud space regardless of stud spacing, or

(16) Section R403.1.6.1 is deleted and replaced with the following:

R403.1.6.1 Foundation anchorage in Seismic Design Categories D₁ and D₂. In addition to the requirements of Section R403.1.6, the following requirements shall apply to light-wood frame structures in Seismic Design Categories D₁ and D₂. Anchor bolts shall be located within 12 inches (305 mm) from the ends of each plate section at interior bearing walls, interior braced wall lines and at all exterior walls. Plate washers a minimum of 2 inches by 2 inches by 3/16 inch (51 mm by 4.8 mm) thick shall be used on each bolt.

Exceptions:

a. 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.

b. When anchor bolt spacing does not exceed 32 inches (816 mm) apart, a properly sized round washer may be used.

The maximum anchor bolt spacing shall be 4 feet (1219 mm) for two-story structures.

(17) Section R703.6 is deleted and replaced with the following:

R703.6 Exterior plaster.

R703.6.1 Lath. All lath and lath attachments shall be of corrosion-resistant materials. Expanded metal or woven wire lath shall be attached with 1 1/2 inch-long (38 mm), 11 gage nails having 7/16 inch (11.1 mm) head, or 7/8-inch-long (22.2 mm), 16 gage staples, spaced at no more than 6 inches (152 mm), or as otherwise approved.

R703.6.2 Weather-resistant barriers. Weather-resistant barriers shall be installed as required in Section R703.2 and, where applied over wood-based sheathing, shall include a weather-resistive vapor permeable barrier with a performance at least equivalent to two layers of Grade D paper.

R703.6.3 Plaster. Plastering with portland cement plaster shall be not less than three coats when applied over metal lath or wire lath and shall be not less than two coats when applied over masonry, concrete or gypsum backing. If the plaster surface is completely covered by veneer or other facing material or is completed concealed, plaster application need be only two coats, provided the total thickness is as set forth in Table R702.1(1). On wood-frame construction with an on-grade floor slab system, exterior plaster shall be applied in such a manner as to cover, but not extend below, lath, paper and screed.

The proportion of aggregate to cementitious materials shall be as set forth in Table R702.1(3).

(18) In Section R703.7 Stone and masonry veneer, general the following exceptions are added:

Exceptions:

3. For detached one- or two-family dwellings with a maximum nominal thickness of 4 inches (102 mm) of exterior masonry veneer with a backing of wood frame located in Seismic Design Category D₁, the masonry veneer shall not exceed 20 feet (6096 mm) in height above a noncombustible foundation, with an additional 8 feet (2438 mm) permitted for gabled ends, or 30 feet (9144 mm) in height with an additional 8 feet (2438 mm) permitted for gabled ends where the lower 10 feet (3048 mm) has a backing of concrete or masonry wall, provided the following criteria are met:

(a) Braced wall panels shall be constructed with a minimum of 7/16 inch (11.1 mm) thick sheathing fastened with 8d common nails at 4 inches (102 mm) on center on panel edges and at 12 inches (305 mm) on center on intermediate supports.

(b) The bracing of the top story shall be located at each end and at least every 25 feet (7620 mm) on center but not less than 45% of the braced wall line. The bracing of the first story shall be as provided in Table R602.10.3.

(c) Hold down connectors shall be provided at the ends of braced walls for the second floor to first floor wall assembly with an allowable design of 2100 lbs (952.5 kg). Hold down connectors shall be provided at the ends of each wall segment of the braced walls for the first floor to foundation assembly with an allowable design of 3700 lbs. (1678 kg). In all cases, the hold down connector force shall be transferred to the foundation.

(d) Cripple walls shall not be permitted.

4. For detached one- and two-family dwellings with a maximum actual thickness of 3 inches (76 mm) of exterior masonry veneer with a backing of wood frame located in Seismic Design Category D₂, the masonry veneer shall not exceed 20 feet (6096 mm) in height above a noncombustible foundation, with an additional 8 feet (2438 mm) permitted for gabled ends, or 30 feet (9144 mm) in height with an additional 8 feet (2438 mm) permitted for gabled ends where the lower 10 feet (3048 mm) has a backing of concrete on masonry wall, provided the following criteria are met:

(a) Braced wall panels shall be constructed with a minimum of 7/16 inch (11.1 mm) thick sheathing fastened with 8d common nails at 4 inches (102 mm) on center on panel edges and at 12 inches (305 mm) on center on intermediate supports.

(b) The bracing of the top story shall be located at each end and at least every 25 feet (7620 mm) on center but not less than 55% of the braced wall line. The bracing of the first story shall be as provided in Table R602.10.3.

(c) Hold down connectors shall be provided at the ends of braced walls for the second floor to first floor wall assembly with an allowable design of 2300 lbs (1043 kg). Hold down connectors shall be provided at the ends of each wall segment of the braced walls for the first floor to foundation assembly with an allowable design of 3900 lbs. (1769 kg). In all cases, the hold down connector force shall be transferred to the foundation.

(d) Cripple walls shall not be permitted.

(19) In Section R703.8, number 8 is added as follows:

8. At the intersection of foundation to stucco, masonry, siding, or brick veneer with an approved corrosive-resistance flashing with a 1/2" drip leg extending past exterior side of the foundation.

(19) Section P2602.2 is added as follows:

P2602.2 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 Sections 73-3-1 and 73-3-25, Utah Code Ann. (1953), as amended, 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.

(20) Section P2602.3 is added as follows:

P2602.3 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 within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann. (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317-5501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

(21) Section P2603.2.1 is deleted and replaced with the following:

P2603.2.1 Protection against physical damage. In concealed locations where piping, other than cast-iron or galvanized steel, is installed through holes or notches in studs, joists, rafters, or similar members less than 1 1/2 inch (38 mm) from the nearest edge of the member, the pipe shall be protected by shield plates. Protective shield plates shall be a minimum of 1/16 inch-thick (1.6 mm) steel, shall cover the area of the pipe where the member is notched or bored, and shall be at least the thickness of the framing member penetrated.

(22) Section P2710.1 is deleted and replaced with the following:

P2710.1 Finished. Shower walls shall be finished in accordance with Section R307.2.

(23) Section P2801.2 is added as follows:

P2801.2 Water heater seismic bracing. Water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

(24) 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 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, and the spring loaded check valve assembly described in amended Section 608.16.4 of the International Plumbing Code.

(25) Section P2903.9.3 is deleted and replaced with the following:

P2903.9.3 Valve requirements. Valves serving individual fixtures, appliances, risers, and branches shall be provided with access. An individual shutoff valve shall be required on the water supply pipe to each water closet, lavatory, kitchen sink, and appliance.

(26) Section P3003.2.1 is added as follows:

Section P3003.2.1 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

(27) In 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.

(28) In 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.

(29) Chapter 43, Referenced Standards, is amended as follows:

The following reference standard is added:

TABLE

USC- FCCCHR 9th 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	Section P2902
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KEY: contractors, building codes, building inspection, licensing
January 1, 2003
Notice of Continuation May 16, 2002
58-1-106(1)(a)
58-1-202(1)(a)

58-56-1
58-56-4(2)
58-56-6(2)(a)



**Commerce, Occupational and
Professional Licensing
R156-56-704
Statewide Amendments to the IBC**

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE No.: 26151
 FILED: 04/03/2003, 08:58

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and Uniform Building Code Commission are proposing changes regarding the requirement to prevent accumulation of water, ice, or snow at walking surfaces near entries to buildings. Due to the potential controversy regarding these changes, this rule change is being made as a separate filing so as not to affect the larger main proposed rule filing.

SUMMARY OF THE RULE OR CHANGE: Under Section R156-56-704 which is the Statewide Amendments to the IBC: added amendments affecting Sections 1003.3.3.5.2, 1003.3.4.6.2, 1004.3.3. and 1005.2.4. The proposed amendments change the wording of "prevent" to "minimize". Proponents of this amendment state it is impossible to prevent snow or ice accumulation unless the walking surfaces are heated to melt the snow. That alternative would use a lot of energy and may not comply with the energy conservation code. Section 1005.2.4 is worded to clearly address sliding snow coming off of roofs. The building should be designed so that the potential of snow sliding off of roofs, particularly on metal roofs will be minimized. NOTE: Paragraph numbering will be corrected via a nonsubstantive rule filing once the Division and Uniform Building Code Commission have determined which rule amendment filings should be made effective as there are four rule filings all affecting the same rule. (DAR NOTE: The four filings affecting Rule R156-56 are: an amendment to Section R156-56-704 under DAR No. 26151; an amendment to Section R156-56-707 under DAR No. 26152; an amendment to Rule R156-56 under DAR No. 26153; and an amendment to Rule R156-56 under DAR No. 26154 all in this issue.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-56-1, and Subsections 58-1-106(1)(a), 58-1-202(1)(a), 58-56-4(2), and 58-56-6(2)(a)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There will be no cost to the Division of Occupational and Professional Licensing to print this rule once all proposed amendments are made effective as this rule is no longer printed by the Division, but the rule is available on the Division's website. It has been impossible to determine if these proposed amendments will add costs or save costs to

most construction. Most buildings would be designed to prevent this type of problem. On existing buildings, owners have had to install snow guards after construction was completed to prevent snow from sliding off the roof because it became apparent that a particular design was dangerous.

❖LOCAL GOVERNMENTS: It has been impossible to determine if these proposed amendments will add costs or save costs to most construction. Most buildings would be designed to prevent this type of problem. On existing buildings, owners have had to install snow guards after construction was completed to prevent snow from sliding off the roof because it became apparent that a particular design was dangerous.

❖OTHER PERSONS: It has been impossible to determine if these proposed amendments will add costs or save costs to most construction. Most buildings would be designed to prevent this type of problem. On existing buildings, owners have had to install snow guards after construction was completed to prevent snow from sliding off the roof because it became apparent that a particular design was dangerous. The aggregate costs or savings of these proposed amendments are impossible to determine except on a project-by-project basis.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It has been impossible to determine if these proposed amendments will add costs or save costs to most construction. Most buildings would be designed to prevent this type of problem. On existing buildings, owners have had to install snow guards after construction was completed to prevent snow from sliding off the roof because it became apparent that a particular design was dangerous.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed rule change modifies certain International Building Code provisions to prevent water accumulation at exits and to minimize the snow sliding off from roofs of buildings. At this time, it is unclear what fiscal impact there will be to the construction industry and to business in general. Ted Boyer, Executive Director

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:

Dan S. Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dsjones@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/15/2003 at 9:00 AM, State Office Building, Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-704. Statewide Amendments to the IBC.**

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

(1) All references to the International Electrical Code are deleted and replaced with the National Electrical Code adopted under Subsection R156-56-701(1)(b).

(2) Section 101.4.1 is deleted and replaced with the following:
101.4.1 Electrical. The provisions of the National Electrical Code (NEC) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(3) In Section 202, the following definition is added:
ASSISTED LIVING FACILITY. See Section 308.1.1.

(4) Section 302.3.3 is deleted and replaced with the following:
302.3.3 Separated uses. Each portion of the building shall be individually classified as to use and shall be considered separated from other occupancies when completely separated from adjacent areas by fire barrier walls or horizontal assemblies or both having a fire-resistance rating determined in accordance with this sections.

302.3.3.1 All occupancies. Each fire area shall be separated from other occupancies in other fire areas in accordance with Table 302.3.3 based on the occupancy in the fire areas, and shall comply with the height limitations based on the use of that space and the type of construction classification. In each story the building area shall be such that the sum or the ratios of the floor area of each use divided by the allowable area for each use shall not exceed 1.

Exceptions for R-3 and U Groups:

1. The private garage shall be separated from the residence and its attic area by means of materials approved for one-hour fire resistive construction applied to the garage side. Door openings between the garage and the residence shall be equipped with either solid wood doors not less than 1 3/8 inches (35 mm) thick or doors in compliance with Section 714.2.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

2. Ducts in the private garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gage (.48 mm) sheet steel and shall have no openings into the garage.

3. A separation is not required between a Group R-3 and Group U carport provided the carport is entirely open on two or more sides and there are not enclosed spaces above.

Where the building is equipped throughout with an automatic sprinkler system, the fire resistance ratings in Table 302.3.3 shall be reduced by one hour but not to less than one hour and to not less than that required for floor construction according to the type of construction. The one hour reduction shall not apply to fire area separations when H-1, H-2, H-3, or I-2 occupancies are included in the areas being separated.

Table 302.3.3 is deleted and replaced with:

Table 302.3.3, entitled "Required Separation of Occupancies", dated January 1, 2002, published by the Department of Commerce, Division of Occupational and Professional Licensing is hereby

adopted and incorporated by reference. Table 302.3.3 identifies what type of separation of occupancies requirements are mandated in various types of property use classifications.

(5) A new Section 302.4 is added as follows:

302.4 Spaces used for different purposes. A room or space that is intended to be occupied at different times for different purposes shall comply with all requirements that are applicable to each of the purposes for which the room or space will be occupied.

(6) Section 305.2 is deleted and replaced with the following:

305.2 Day care. The building or structure, or portion thereof, for educational, supervision, child day care centers, or personal care services of more than four children shall be classified as a Group E occupancy. See Section 419 for special requirements for Group E child day care centers.

Exception: Areas used for child day care purposes with a Residential Certificate, Family License or Family Group License may be located in a Group R-2 or R-3 occupancy as provided in Section 310.1 and as applicable in Section 101.2.

Child day care centers providing care for more than 100 children 2 1/2 years or less of age shall be classified as Group I-4.

(7) In Section 308 the following definitions are added:

308.1.1 Definitions. 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 1 ASSISTED LIVING FACILITY. A residential facility 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.

TYPE 2 ASSISTED LIVING FACILITY. A residential facility 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.

(8) Section 308.2 is deleted and replaced with the following:

308.2 Group I-1. This occupancy shall include a building or part thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following: residential board and care facilities, type 1 assisted living facilities, half-way houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers and convalescent facilities. A facility such as the above with five or fewer persons shall be classified as a Group R-3. A facility such as above, housing at least six and not more than 16 persons, shall be classified as a Group R-4.

(9) Section 308.3 is deleted and replaced with the following:

308.3 Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than three persons who are not capable of self-preservation. This group shall include, but not be limited to the following: hospitals, nursing homes (both intermediate care facilities and skilled nursing facilities), mental hospitals, detoxification facilities, ambulatory surgical centers with two or more operating rooms where care is less than 24 hours and type 2 assisted living facilities. Type 2 assisted living facilities with five or fewer persons shall be classified as a Group R-4. Type 2 assisted

living facilities as defined in 308.1.1 with at least six and not more than sixteen residents shall be classified as a Group I-1 facility.

(10) Section 308.3.1 is deleted and replaced with the following:

308.3.1 Child care facility. A child care facility that provides care on a 24 hour basis to more than four children 2 1/2 years of age or less shall be classified as Group I-2.

(11) Section 308.5 is deleted and replaced with the following:

308.5 Group I-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with four or fewer persons shall be classified as an R-3. Places of worship during religious functions and Group E child day care centers are not included.

(12) Section 308.5.2 is deleted and replaced with the following:

308.5.2 Child care facility. A facility that provides supervision and personal care on less than a 24 hour basis for more than 100 children 2 1/2 years of age or less shall be classified as Group I-4.

(13) Section 310.1 is deleted and replaced with the following:

310.1 Residential Group "R". Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classed as an Institutional Group I. Residential occupancies shall include the following:

R-1 Residential occupancies where the occupants are primarily transient in nature (less than 30 days) including: Boarding Houses (transient), Hotels (transient), and Motels (transient).

R-2 Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including: Apartment Houses, Boarding houses (not transient), Convents, Dormitories, Fraternities and Sororities, Monasteries, Vacation timeshare properties, Hotels (non transient), and Motels (non transient).

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units, as applicable in Section 101.2, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Adult and child care facilities that are within a single family home are permitted to comply with the International Residential Code in accordance with Section 101.2. Areas used for day care purposes may be located in a Residential Group, R-3 occupancy provided the building substantially complies with the requirements for a dwelling unit and under all of the following conditions:

1. Compliance with the 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 State Department of Health, as enacted under the authority of the Utah Child Care Licensing Act, UCA, Sections 26-39-101 through 26-39-110, and in any of the following categories:

a. Utah Administrative Code, R430-50, Residential Certificate Child Care Standards.

b. Utah Administrative Code, R430-90, Licensed Family Child Care.

3. Compliance with all zoning regulations of the local regulator.

R-4 Residential occupancies shall include buildings arranged for occupancy as Residential Care/Assisted Living Facilities

including more than five but not more than 16 occupants, excluding staff.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except as otherwise provided for in this code or shall comply with the International Residential Code in accordance with Section 101.2.

(14) A new section 310.4 is added as follows:

310.4 Floor-level exit signs. Where exit signs are required by section 1003.2.10.1, additional approved exit signs that are internally or externally illuminated, photoluminescent or self-luminous, shall be provided in all corridors serving guest rooms of R-1 occupancies. The bottom of such signs shall not be less than 6 inches (152 mm) nor more than 8 inches (203 mm) above the floor level and shall indicate the path of exit travel. For exit and exit access doors, the sign shall be on the door or adjacent to the door with the closest edge of the sign with 8 inches (203 mm) of the door frame.

(15) In section 403.10.1.1 the exception is deleted.

(16) A new Section 403.9.1 is added as follows:

403.9.1 Elevator lobby. Elevators on all floors shall open into elevator lobbies that are separated from the remainder of the building, including corridors and other means of egress by smoke partitions complying with Section 710. Elevator lobbies shall have at least one means of egress complying with Chapter 10 and other provisions within the code. Elevator lobbies separated from a fire resistance rated corridor shall have walls of not less than one-hour fire resistance rating and openings shall conform to Section 714.

Exceptions:

1. Separations are not required from a street floor elevator lobby.

2. In atria complying with the provisions of Section 404 elevator lobbies are not required.

(17) A new section 419 is added as follows:

Section 419 Group E Child Day Care Centers. Group E child day care centers shall comply with Section 419.

419.1 Location at grade. Group E child day care centers shall be located at the level of exit discharge.

Exception: 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.

419.2 Egress. All Group E child day care spaces with an occupant load of 10 or more 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 1009.

(18) Section 706.3.5 is deleted and replaced with the following:

706.3.5 Separation of mixed occupancies. Where the provisions of Section 302.3.3 are applicable, the fire barrier separating mixed occupancies shall have a fire-resistance rating of not less than that indicated in Section 302.3.3 based on the occupancies being separated.

(19) A new Section 706.3.6 is added as follows:

706.3.6. Single occupancy fire areas. The fire barrier separating a single occupancy into different fire areas shall have a fire resistance rating of not less than that indicated in Table 706.3.6.

TABLE 706.3.6
FIRE-RESISTANCE RATING REQUIREMENTS
FOR FIRE BARRIER ASSEMBLIES BETWEEN
FIRE AREAS

OCCUPANCY GROUP	FIRE-RESISTANCE RATING (IN HOURS)
H-1, H-2	4
F-1, H-3, S-1	3
A, B, E, F-2, H-4, H-5, I M, R, S-2	2
U	1

(20) In Section 707.14.1 Exception 4 is deleted and replaced with the following:

4. See Section 403.9.1 for high rise buildings.

(21) Section 710.3 is deleted and replaced with the following:
710.3 Fire-resistance rating. The fire-resistance rating of floor and roof assemblies shall not be less than that required by the building type of construction. Where the floor assembly separates mixed occupancies, the assembly shall have a fire-resistance rating of not less than that required in Section 302.3.3 based on the occupancies being separated. Where the floor assembly separates a single occupancy into different fire areas, the assembly shall have a fire-resistance rating of not less than that required by Section 706.3.6. Floor assemblies separating dwelling units or guestrooms shall be a minimum of 1-hour fire-resistance-rated construction.

Exception: Dwelling unit and guestroom separations in buildings of Type IIB, IIIB and VB construction shall have fire-resistance ratings of not less than 1/2 hour in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

(22) In Section 902, the definition for record drawings is deleted and replaced with the following:

RECORD DRAWINGS. Drawings ("as built") that document all aspects of a fire protection system as installed.

(23) Section 903.2.5 is deleted and replaced with the following:

903.2.5 Group I. An automatic sprinkler system shall be provided throughout buildings with Group I fire areas. Listed quick response or residential sprinkler heads shall be installed in patient or resident sleeping areas.

(24) Section 903.2.9 Group R-4 is deleted and replaced with the following:

An automatic sprinkler system shall be provided throughout all buildings with Group R-4 fire areas that contain more than eight occupants.

Exception:

1. An automatic sprinkler system installed in accordance with Section 903.3.1.2 or Section 903.3.1.3. shall be allowed in Group R-4 facilities.

2. Buildings 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.

(25) Section 905.5.3 is deleted and replaced with the following:

905.5.3 Class II system 1-inch hose. A minimum 1-inch (25.4 mm) hose shall be permitted to be used for hose stations in light-hazard occupancies where investigated and listed for this service and where approved by the code official.

(26) In Section 1002, the definition for exit discharge is deleted and replaced with the following:

EXIT DISCHARGE. That portion of a means of egress system between the termination of an exit and a public way or safe dispersal area.

(27) In Section 1003.2.12.1 the exception is deleted and replaced with the following:

Exceptions:

1. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, guards whose top rail serves as a handrail shall have a height not less than 34 inches (864 mm) and not more than 38 inches (965 mm) measured vertically from the leading edge of the stair tread nosing.

2. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in section 101.2, guards shall form a protective barrier not less than 36 inches (914 mm).

(28) Section 1003.2.12.2 is deleted and replaced with the following:

1003.2.12.2 Opening limitations. Open guards shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 34 inches (864 mm). From a height of 34 inches (864 mm) to 42 inches (1067 mm) above the adjacent walking surface, a sphere 8 inches (203 mm) in diameter shall not pass. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.

Exceptions:

1. The triangular openings formed by the riser, tread and bottom rail at the open side of a stairway shall be of a maximum size such that a sphere of 6 inches (152 mm) in diameter cannot pass through the opening.

2. At elevated walking surfaces for access to and use of electrical, mechanical, or plumbing systems or equipment, guards shall have balusters or be of solid materials such that a sphere with a diameter of 21 inches (533 mm) cannot pass through any opening.

3. In occupancies in Group I-3, F, H or S, balusters, horizontal intermediate rails or other construction shall not permit a sphere with a diameter of 21 inches (533 mm) to pass through any opening.

4. In assembly seating areas, guards at the end of aisles where they terminate at a fascia of boxes, balconies, and galleries shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, a sphere 8 inches (203 mm) in diameter shall not pass.

(29) Section 1003.3.3.3, Exception #5 is deleted and replaced with the following:

5. In occupancies in Group R-3, as applicable in Section 101.2, within dwelling units in occupancies in Group R-2, 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, the maximum riser height shall be 8 inches (203 mm) and the minimum tread depth shall be 9 inches (229 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).

(30) Section 1003.3.3.5.2 Outdoor Conditions is deleted in its entirety.

(30) Section 1003.3.3.11 Exemption #4 is deleted and replaced with the following:

4. 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.

(31) Section 1003.3.3.11.3 is amended to include the following exception at the end of the section:

Exception. Non-circular handrails serving an individual unit in a Group R-1, Group R-2 or Group R-3 occupancy shall be permitted to have a maximum cross sectional dimension of 3.25 inches (83 mm) measured 2 inches (51 mm) down from the top of the crown. Such handrail is required to have an indentation on both sides between 0.625 inch (16 mm) and 1.5 inches (38 mm) down from the top or crown of the cross section. The indentation shall be a minimum of 0.25 inch (6 mm) deep on each side and shall be at least 0.5 (13 mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

(31) Section 1003.3.4.6.2 Outdoor Conditions is deleted in its entirety.

(32) Section 1004.3.3 is deleted and replaced with the following:

Section 1004.3.3 Egress Balconies. Balconies used for egress purposes shall conform to the same requirements as corridors for width, headroom, dead ends and projections.

(32) In Section 1004.3.2.5 Exception 2 is deleted.

(33) A new Section 1005.2.4 is added as follows:

Section 1005.2.4 Outdoor Conditions. Exits and approaches to exits shall be designed to minimize the accumulation of water on walking surfaces. Exits shall be designed to minimize the accumulation of sliding snow from roofs.

Exception: Group U that are accessory to an occupancy in Group R-3.

(33) New Sections 1006.2.3, 1006.2.3.1 and 1006.2.3.2 are added as follows:

1006.2.3 Safe dispersal areas. Where approved by the code official, the exit discharge is permitted to lead to a safe dispersal area on the same property as the structure being discharged. The proximity and size of such safe dispersal area shall be based on such factors as the occupant load served, the mobility of occupants, the type of construction of the building, the fire protection systems installed in the building, the height of the building and the degree of hazard of the occupancy. In any case, the entire safe dispersal area shall be located not less than 50 feet (15 420 mm) from the structure served.

1006.2.3.1 School ground fences and gates. School grounds shall be permitted to be fenced and gates therein equipped with locks, provided safe dispersal areas are located between the school and fence with the entire dispersal area no less than 50 feet (15 420mm) from school buildings. Safe dispersal area capacity shall be determined by providing a minimum of 3 square feet (0.28 m²) of net clear area per occupant.

1006.2.3.2 Reviewing stands, grandstands and bleachers. Safe dispersal areas serving reviewing stands, grandstands and bleachers shall accommodate a number of persons equal to the total capacity of the stand or building served. Safe dispersal area capacity shall be

determined by providing a minimum of 3 square feet (0.28 m²) of net clear area per occupant.

(34) Section 1109.7 of Chapter 11 in the 2001 Supplement to the International Building Code is deleted and replaced with the following:

Section 1109.7 Lifts. Platform (wheelchair) lifts shall not be a part of a required accessible route in new construction. Platform (wheelchair) lifts shall be installed in accordance with ASME A18.1.

Exceptions: Platform (wheelchair) lifts are permitted for:

1. An accessible route to a performing area and speaker's platforms in occupancies in Group A.

2. An accessible route to wheelchair spaces required to comply with the wheelchair space dispersion and line-of-sight requirements of Section 1108.2.2.

3. An accessible route to spaces that are not open to the general public with an occupant load of not more than five.

4. An accessible route within a dwelling or sleeping unit.

5. An accessible route to wheelchair seating spaces located in outdoor dining terraces in A-5 occupancies where the means of egress from the dining terrace to a public way is open to the outdoors.

6. An accessible route to raised judges' benches, clerks' stations, jury boxes, witness stands and other raised or depressed areas in a court.

7. An accessible route where existing exterior site constraints make use of a ramp or elevator infeasible.

8. Wheelchair access where an accessible route is not required per the exceptions to Section 1104.4 and/or Section 1107.4.

All platform (wheelchair) lifts shall be capable of independent operation without a key.

Standby power shall be provided for platform lifts permitted to serve as part of the accessible means of egress.

(35) Section 1207.2 is deleted and replaced with the following:

1207.2 Minimum ceiling heights. Occupiable spaces, habitable spaces and corridors shall have a ceiling height of not less than 7 feet 6 inches (2286 mm). Rooms in one- and two-family dwellings, bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall be permitted to have a ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not more than 4 feet (1219 mm) on center or projecting not more than 6 inches (152 mm) below the required ceiling height.

2. Basement rooms without habitable spaces in one- and two-family dwellings having a ceiling height of not less than 6 feet 8 inches (2033mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

3. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the finished ceiling shall not be included in any computation of the minimum area thereof.

4. Mezzanines constructed in accordance with Section 505.1.

(36) Section 1207.3 is deleted and replaced with the following:

1207.3 Room area. Every dwelling unit shall have at least one room that shall have not less than 120 square feet (11.2 m²) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5 m²).

Exception: Every kitchen in a one- and two-family dwelling shall have not less than 50 square feet (4.64 m²) of gross floor area.

(37) Section 1207.4 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) of floor area. An additional 100 square feet (9.3 m) of floor area shall be provided for each occupant of such unit in excess of two.

(38) Section 1604.5, footnote "c" is added to Table 1604.5 Classification of Buildings and Other Structures for Importance Factors:

c. For determining "W" per sections 1616.4.1, 1617.4.1, 1617.5.1, or 1618.4, the Snow Factor I, may be taken as 1.0.

(39) In Section 1605.2.1, the formula shown as " $f_2 = 0.2$ for other roof configurations" is 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/m²) or less.

Where A = Elevation above sea level at the location of the structure (ft/1000).

(40) In Section 1605.3.1 and section 1605.3.2, Exception number 2 in each section is deleted and replaced with the following:

Flat roof snow loads of 30 pounds per square foot (1.44 kNm²) or less need not be combined with seismic loads. Where flat roofs exceed 30 pounds per square foot (1.44 kNm²), the snow loads may be reduced in accordance with the following in load combinations including both snow and seismic loads.

$$W_s = (0.20 + 0.025(A-5))P_f$$

Where

W_s = Weight of snow to be included, psf

A = Elevation above sea level at the location of the structure (ft/1000)

P_f = Design roof snow load, psf

(41) In Table 1607.1 number 27 is deleted and replaced with the following:

Occupancy or Use	TABLE 1607.1 NUMBER 27	
	Uniform (psf)	Concentrated (lbs)
27. Residential		
Group R-3 as applicable in Section 101.2		-
Uninhabitable attics without storage	10'	
Uninhabitable attics with storage	20	
Habitable attics and sleeping areas	30	
All other areas except balconies and decks	40	
Hotels and multifamily dwellings		
Private rooms	40	
Public rooms and corridors serving them	100	

(42) In Notes to Table 1607.1, Note i is added as follows:

i. This live load need not be considered as acting simultaneously with other live loads imposed upon the ceiling framing or its supporting structure.

(43) Section 1608.1 is deleted and replaced with the following:

Except as modified in section 1608.1.1, design snow loads shall be determined in accordance with Section 7 of ASCE 7, but the design roof load shall not be less than that determined by Section 1607.

(44) Section 7.4.5 of Section 7 of ASCE 7 referred to 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 $2p_f$ 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.

(45) Section 1608.1.1 is added as follows:

1608.1.1 Utah Snow Loads. 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: $P_g = (P_o^2 + S^2(A-A_o)^2)^{0.5}$ 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. 1608.1.1(a)

S = Change in ground snow load with elevation (psf/100 ft.)

From Table No. 1608.1.1(a)

A = Elevation above sea level at the site (ft./1000)

A_o = Base ground snow elevation from Table 1608.1.1(a) (ft./1000)

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. A record of such action together with the substantiating data shall be provided to the division for a permanent record.

The building official may also directly adopt roof snow loads in accordance with Table 1608.1.1(b), provided the site is no more than 100 ft. higher than the listed elevation.

Where the minimum roof live load in accordance with section 1607.11 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.

(46) Table 1608.1.1(a) and Table 1608.1.1(b) are added as follows:

TABLE NO. 1608.1.1(a)
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	P_o	S	A_o
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. 1608.1.1(b)
RECOMMENDED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS

		Roof Snow Load (PSF)	Ground Snow Load (PSF)
Beaver County			
Beaver	5920 ft.	43	62
Box Elder County			
Brigham City	4300 ft.	30	43
Tremonton	4290 ft.	30	43
Cache County			
Logan	4530 ft.	35	50
Smithfield	4595 ft.	35	50
Carbon County			
Price	5550 ft.	30	43
Daggett County			
Manila	5377 ft.	30	43
Davis County			
Bountiful	4300 ft.	30	43
Farmington	4270 ft.	30	43
Layton	4400 ft.	30	43
Fruit Heights	4500 ft.	40	57
Duchesne County			
Duchesne	5510 ft.	30	43
Roosevelt	5104 ft.	30	43
Emery County			
Castledale	5660 ft.	30	43
Green River	4070 ft.	25	36
Garfield County			
Panguitch	6600 ft.	30	43
Grand County			
Moab	3965 ft.	25	36
Iron County			
Cedar City	5831 ft.	30	43
Juab County			
Nephi	5130 ft.	30	43
Kane County			
Kanab	5000 ft.	25	36
Millard County			
Millard	5000 ft.	30	43
Delta	4623 ft.	30	43
Morgan County			
Morgan	5064 ft.	40	57
Piute County			
Piute	5996 ft.	30	43
Rich County			
Woodruff	6315 ft.	40	57
Salt Lake County			
Murray	4325 ft.	30	43
Salt Lake City	4300 ft.	30	43
Sandy	4500 ft.	30	43
West Jordan	4375 ft.	30	43
West Valley	4250 ft.	30	43
San Juan County			
Blanding	6200 ft.	30	43
Monticello	6820 ft.	35	50
Sanpete County			
Fairview	6750 ft.	35	50
Mt. Pleasant	5900 ft.	30	43
Manti	5740 ft.	30	43
Ephraim	5540 ft.	30	43
Gunnison	5145 ft.	30	43
Sevier County			
Salina	5130 ft.	30	43
Richfield	5270 ft.	30	43
Summit County			
Coalville	5600 ft.	60	86
Kamas	6500 ft.	70	100
Park City	6400 ft.	85	121
Summit Park	7200 ft.	90	128
Tooele County			
Tooele	5100 ft.	30	43

Uintah County			
Vernal	5280 ft.	30	43
Utah County			
American Fork	4500 ft.	30	43
Orem	4650 ft.	30	43
Pleasant Grove	5000 ft.	30	43
Provo	5000 ft.	30	43
Spanish Fork	4720 ft.	30	43
Wasatch County			
Heber	5630 ft.	60	86
Washington County			
Central	5209 ft.	25	36
Dameron	4550 ft.	25	36
Leeds	3460 ft.	20	29
Rockville	3700 ft.	25	36
Santa Clara	2850 ft.	15 (1)	21
St. George	2750 ft.	15 (1)	21
Wayne County			
Loa	7080 ft.	30	43
Hanksville	4308 ft.	25	36
Weber County			
North Ogden	4500 ft.	40	57
Ogden	4350 ft.	30	43

NOTES

(1) The IBC requires a minimum live load - See 1607.11.2.

(47) 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 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.

(48) Section 1614.2 is deleted and replaced with the following:

1614.2 Change in Occupancy. When a change of occupancy results in a structure being reclassified to a higher Seismic Use Group, 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. This is not required if the design occupant load increase is less than 25 persons and the Seismic Use Group does not change.

2. Specific detailing provisions required for a new structure are not required to be met where it can be shown an equivalent level of performance and seismic safety contemplated for a new structure is obtained. Such analysis shall consider the regularity, overstrength, redundancy and ductility of the structure within the context of the specific detailing provided. Alternatively, the building official may allow the structure to be upgraded in accordance with the latest edition of the "Guidelines for Seismic Rehabilitation of Existing Buildings" or another nationally recognized standard for retrofit of existing buildings.

(49) In Section 1616.4.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads of 30 psf or less need not be included. Where the roof snow load exceeds 30 psf, the snow load shall be included, but may be adjusted in accordance with the following formula: $W_s = (0.20 + 0.025(A-5))P_f$

WHERE:

W_s = Weight of snow to be included in seismic calculation;

A = Elevation above sea level at the location of the structure (ft/1000)

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.

(50) In Section 1617.2.2, the fourth definition of r_{maxi} is deleted and replaced with the following:

=For shear walls, r_{maxi} shall be taken as the maximum value of the product of the shear in the wall or wall pier and $10/l_w$ ($3.3/1_w$ for SI), divided by the story shear, where l_w is the length of the wall or wall pier in feet (m). The ratio $10/l_w$ need not be taken greater than 1.0 for buildings of light frame construction.

(51) In Section 1617.4.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(52) In Section 1617.5.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(53) In Section 1618.4, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(54) Section 1805.5 is deleted and replaced with the following:

1805.5 Foundation walls. Concrete and masonry foundation walls shall be designed in accordance with Chapter 19 or 21. Foundation walls that are laterally supported at the top and bottom and within the parameters of Tables 1805.5(1) through 1805.5(4) are permitted to be designed and constructed in accordance with Sections 1805.5.1 through 1805.5.4 and 1805.5.8 through 1805.5.8.2. Concrete foundation walls may also be constructed in accordance with Section 1805.5.9.

(55) New Sections 1805.5.8, 1805.5.8.1 1805.5.8.2 and 1805.5.9 are added as follows:

1805.5.8 Seismic requirements. Tables 1805.5(1) through 1805.5(4) shall be subject to the following limitations based on the seismic design category assigned to the structure as defined in Section 1616.

1805.5.8.1 Seismic requirements for concrete foundation walls. Concrete foundation walls constructed using Tables 1805.5(1) through 1805.5(4) shall be subject to the following:

1. Seismic Design Category A and B. Provide two No. 5 bars around window and door openings. Such bars shall extend at least 24 inches (610 mm) beyond the corners of the openings.

2. Seismic Design Category C. Tables shall not be used except as permitted for plain concrete members in Section 1910.4.

3. Seismic Design Categories D, E and F. Tables shall not be used except as allowed for plain concrete members in ACI 318, Section 22.10.

1805.5.8.2 Seismic requirements for masonry foundation walls. Masonry foundation walls constructed using Tables 1805.5(1) through 1805.5(4) shall be subject to the following:

1. Seismic Design Category A and B. No additional seismic requirements.

2. Seismic Design Category C. The requirements of Section 2106.4 shall apply.

3. Seismic Design Category D. The requirements of Section 2106.5 shall apply.

4. Seismic Design Categories E and F. The requirements of Section 2106.6 shall apply.

1805.5.9 Empirical 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 1805.5.9.

(56) Table 1805.5.9 is added as follows:

Table 1805.5.9, entitled "Empirical Foundation Walls, dated September 1, 2002, published by the Department of Commerce, Division of Occupational and Professional Licensing is hereby adopted and incorporated by reference. Table 1805.5.9 identifies foundation requirements for empirical walls.

(57) Table 2305.3.3 is deleted and replaced with the following:

TABLE 2305.3.3
MAXIMUM SHEAR WALL ASPECT RATIOS

TYPE	MAXIMUM HEIGHT-WIDTH RATIO
Wood structural panels or particleboard, nailed edges	For wind: 3 1/2:1 For seismic: 2:1a
Diagonal sheathing, single Fiberboard	2:1 1 1/2:1

a. For design to resist seismic forces, shear wall aspect ratios greater than 2:1, but not exceeding 3 1/2:1, are permitted provided the allowable shear capacities in Table 2306.4.1 are multiplied by 2w/h.

(58) A new section 2306.1.4 is added as follows:

2306.1.4 The allowable stress increase of 1.15 for snow load, shown in Table 2.3.2, Load Duration Factors, C_d , of the National Design Specifications, shall not be utilized at elevations above 5,000 feet (1524 M).

(59) Section 2308.6 is deleted and replaced with the following:

2308.6 Foundation plates or sills. Foundations and footings shall be as specified in Chapter 18. Foundation plates or sills resting on concrete or masonry foundations shall comply with Section 2304.3.1 and shall be bolted or anchored by one of the following:

1. Foundation plates or sill shall be bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors. Bolts shall be embedded at least 7 inches (178 mm) into concrete or masonry, and spaced not more than 6 feet (1829 mm) apart. There shall be a minimum of two bolts or anchor straps per piece with one bolt or anchor strap located not more than 12 inches (305 mm) or less than 4 inches (102 mm) from each end of each piece.

2. Foundation plates or sills shall be bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors. Bolts shall be 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.

(60) A new section 2902.1.1 is added as follows:

2902.1.1 Unisex toilets and bath fixtures. Fixtures located within unisex toilet and bathing rooms complying with section 2902 are permitted to be included in determining the minimum number of fixtures for assembly and mercantile occupancies.

(61) Section 3006.5 Shunt Trip, the following exception is added:

Exception: Hydraulic elevators and roped hydraulic elevators with a rise of 50 feet or less.

(62) In Section 3104.2, a second exception is added as follows:

2. For the purposes of calculating the number of Type B units required by Chapter 11, structurally connected buildings and buildings with multiple wings shall be considered one structure.

(63) A new section 3402.5 is added as follows:

3402.5 Parapets and other appendages. Building constructed prior to 1975 with parapet walls, cornices, spires, towers, tanks, signs, statuary and other appendages shall have such appendages evaluated by a licensed engineer to determine resistance to design loads specified in this code when said building is undergoing reroofing, or alteration of or repair to said feature.

EXCEPTION: Group R-3 an U occupancies.

Original Plans and/or structural calculations may be utilized to demonstrate that the parapet or appendages are structurally adequate.

When found to be deficient because of design or deteriorated condition, the engineer shall prepare specific recommendations to anchor, brace, reinforce or remove the deficient feature.

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. If the required parapet height exceeds this maximum height, a bracing system designed using the coefficients specified in Table 1621.2 shall support the top of the parapet. When positive diaphragm connections are absent, tension roof anchors shall be added. Approved alternative methods of equivalent strength will be considered when accompanied by engineer sealed drawings, details and calculations.

(64) Section 3408.1 is deleted and replaced with the following:

3408.1 Scope: The provision of sections 3408.2 through 3408.5 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.

Exceptions:

1. When maintenance, additions or alteration occur, Type B dwelling units required by section 1107.5.4 are not required to be provided in existing buildings and facilities.

2. When a change of occupancy in a building or portion of a building results in multiple dwelling units as determined in section 1107.5.4, not less than 20 percent of the dwelling units shall be Type B dwelling units. These dwelling units may be located on any floor of the building provided with an accessible route. Two percent, but not less than one, of the dwelling units shall be Type A dwelling units.

(65) Referenced standards number 1557-91 under ASTM in chapter 35 is deleted and replaced with the following:

Standard Number	Title	Code Section
D1557-91 E01	Laboratory Compaction Characteristics of soil using Modified Effort	1508.15.2 K1.1.2, K1.7.5

(66) A new appendix K, Grading, is added as follows:

APPENDIX K - GRADING

K1.1 GENERAL

K1.1.1 Scope. The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this chapter and the soils report, the soils report shall govern.

K1.1.2 Standards. The following standards of quality shall apply:

1. ASTM D1557-91 E01, Test Method for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lb/ft).

K1.2 DEFINITIONS

K1.2.1 Definitions. For the purposes of this appendix chapter, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings.

BENCH. A relatively level step excavated into earth material on which fill is to be placed.

COMPACTION. The densification of a fill by mechanical means.

CUT. See Excavation.

DOWN DRAIN. A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility.

EROSION. The wearing away of the ground surface as a result of the movement of wind, water or ice.

EXCAVATION. The removal of earth material by artificial means, also referred to as a cut.

FILL. Deposition of earth materials by artificial means.

GRADE. The vertical location of the ground surface.

GRADE, EXISTING. The grade prior to grading.

GRADE, FINISHED. The grade of the site at the conclusion of all grading efforts.

GRADING. An excavation or fill or combination thereof.

KEY. A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

SLOPE. An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

TERRACE. A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

K1.3 PERMITS REQUIRED

K1.3.1 Permits required. Except as exempted in Section K1.3.2, no grading shall be performed without first having obtained a permit therefor from the building official. A grading permit does not include the construction of retaining walls or other structures.

K1.3.2 Exemptions. A grading permit shall not be required for the following:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.

2. Excavation for construction of a structure permitted under this code.

3. Cemetery graves.

4. Refuse disposal sites controlled by other regulations.

5. Excavations for wells, or trenches for utilities.

6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.

7. Exploratory excavations performed under the direction of a registered design professional for the sole purpose of preparing a soils report.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. The listed exemptions shall not apply to areas located in a floodway or floodplain regulated under Appendix G.

K1.4 PERMIT APPLICATION AND SUBMITTALS

K1.4.1 Submittal requirements. In addition to the provisions of Section 105.3, the applicant shall state the estimated quantities of excavation and fill.

K1.4.2 Site plan requirements. In addition to the provisions of Section 106, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

K1.4.3 Soils report. A soils report prepared by registered design professionals shall be provided which shall identify the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for any structures or embankments required to accomplish the proposed grading; and, where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

Exception: A soils report is not required where the building official determines that the nature of the work applied for is such that a report is not necessary.

K1.4.4 Liquefaction study. For sites with mapped maximum considered earthquake spectral response accelerations at short period (S_s) greater than 0.5g as determined by Section 1615, a study of the liquefaction potential of the site shall be provided, and the recommendations incorporated in the plans.

Exception: A liquefaction study is not required where the building official determines from established local data that the liquefaction potential is low.

K1.5 INSPECTIONS

K1.5.1 General. Inspections shall be governed by Section 109 of this code.

K1.5.2 Special inspections. The special inspection requirements of Section 1704.7 shall apply to work performed under a grading permit where required by the building official.

K1.6 EXCAVATIONS

K1.6.1 Maximum slope. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 2 horizontal to 1 vertical (50%) unless the applicant furnishes a soils report justifying a steeper slope.

Exceptions:

1. A cut surface may be at a slope of 1.5 horizontal to 1 vertical (67%) provided that all the following are met:

(a) it is not intended to support structures or surcharges;

(b) it is adequately protected against erosion;

(c) it is no more than 8 feet (2438 mm) in height; and

(d) it is approved by the building official.

2. A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100%)

K1.7 FILLS

K1.7.1 General. Unless otherwise recommended in the soils report, fills shall conform to provisions of this section.

K1.7.2 Surface preparation. The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.

K1.7.3 Benching. Where existing grade is at a slope steeper than 5 horizontal to 1 vertical (20%) and the depth of the fill exceeds five feet (1524 mm) benching shall be provided in accordance with Figure K1.7.3 dated July 1, 2001, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference. A key shall be provided which is at least 10 feet (3048 mm) in width and two feet (610 mm) in depth.

K1.7.4 Fill material. Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305mm) in any dimension shall be included in fills.

K1.7.5 Compaction. All fill material shall be compacted to 90% of maximum density as determined by ASTM D1557, Modified Proctor, in lifts not exceeding 12 inches (305 mm) in depth.

K1.7.6 Maximum slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 2 horizontal to 1 vertical (50%) shall be justified by soils reports or engineering data.

K1.8 SETBACKS

K1.8.1 General. Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure K1.8.1, dated July 1, 2001, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference. unless substantiating data is submitted justifying reduced setbacks.

K1.8.2 Top of slope. The setback at the top of a cut slope shall not be less than that shown in Figure K1.8.1, or than is required to accommodate any required interceptor drains, whichever is greater.

K1.8.3 Slope protection. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the building official, shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure K1.8.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.

K1.9 DRAINAGE AND TERRACING

K1.9.1 General. Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with the requirements of this section.

Exception: Drainage facilities and terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33%).

K1.9.2 Terraces. Terraces at least six feet (1829 mm) in width shall be established at not more than 30-foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris. Suitable access shall be provided to allow for cleaning and maintenance.

Where more than two terraces are required, one terrace, located at approximately mid-height, shall be at least 12 feet (3658 mm) in width.

Swales or ditches shall be provided on terraces. They shall

have a minimum gradient of 20 horizontal to 1 vertical (5%) and shall be paved with concrete not less than three inches (76 mm) in thickness, or with other materials suitable to the application. They shall have a minimum depth of 12 inches (305 mm) and a minimum width of five feet (1524 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1256 m²) (projected) without discharging into a down drain.

K1.9.3 Interceptor drains. Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet, measured horizontally. They shall have a minimum depth of one foot (305 mm) and a minimum width of three feet (915 mm). The slope shall be approved by the building official, but shall not be less than 50 horizontal to 1 vertical (2%). The drain shall be paved with concrete not less than three inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the building official.

K1.9.4 Drainage across property lines. Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices.

K1.10 EROSION CONTROL

K1.10.1 General. The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting.

Exception: Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials.

Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.

K1.10.2 Other devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

KEY: contractors, building codes, building inspection, licensing
[January 1, 2003]

Notice of Continuation May 16, 2002

58-1-106(1)(a)

58-1-202(1)(a)

58-56-1

58-56-4(2)

58-56-6(2)(a)



Commerce, Occupational and
Professional Licensing
R156-56-707
Statewide Amendments to the IPC

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26152

FILED: 04/03/2003, 09:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and Uniform Building Code Commission are proposing changes regarding eliminating the anchoring requirements of certain drain pipes. Due to the potential controversy regarding these changes, this rule change is being made as a separate filing so as not to affect the larger main proposed rule filing.

SUMMARY OF THE RULE OR CHANGE: Under Section R156-56-707 which is the Statewide Amendments to the IPC: added amendments affecting Sections 308.7 and 308.7.1. The proposed amendments eliminate the requirement for anchoring certain pipes. Proponents of this requirement state this requirement is not necessary. **NOTE:** Paragraph numbering will be corrected via a nonsubstantive rule filing once the Division and Uniform Building Code Commission have determined which rule amendment filings should be made effective as there are four rule filings all affecting the same rule. (DAR NOTE: The four filings affecting Rule R156-56 are: an amendment to Section R156-56-704 under DAR No. 26151; an amendment to Section R156-56-707 under DAR No. 26152; an amendment to Rule R156-56 under DAR No. 26153; and an amendment to Rule R156-56 under DAR No. 26154 all in this issue.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-56-1, and Subsections 58-1-106(1)(a), 58-1-202(1)(a), 58-56-4(2), and 58-56-6(2)(a)

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** There will be no cost to the Division of Occupational and Professional Licensing to print this rule once all proposed amendments are made effective as this rule is no longer printed by the Division, but the rule is available on the Division's website. The Division anticipates by eliminating the anchoring requirement that there would be a savings of approximately \$15 per fitting. The number of fittings is variable depending on the project. The savings to the state budget as a result of this proposed amendment would depend on the projects in which the state may be involved.

❖**LOCAL GOVERNMENTS:** The Division anticipates by eliminating the anchoring requirement that there would be a savings of approximately \$15 per fitting. The number of fittings is variable depending on the project. The savings to local governments as a result of this proposed amendment would depend on the projects in which the local governments may be involved.

❖**OTHER PERSONS:** The Division anticipates by eliminating the anchoring requirement that there would be a savings of approximately \$15 per fitting. The number of fittings is variable depending on the project. The savings to owners of building projects as a result of this proposed amendment would depend on the projects in which they may be involved. The aggregate savings of this amendment is impossible to determine except on a project-by-project basis.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division anticipates by eliminating the anchoring requirement that there would be a savings of approximately \$15 per fitting. The number of fittings is variable depending on the project. The savings to owners of building projects as a result of this

proposed amendment would depend on the projects in which they may be involved.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of this rule change is to make amendments to the International Plumbing Code, by eliminating the anchoring and restraining requirements for certain drain pipes. There is an estimated \$15 savings per fitting; the number of fittings depends on the project. Thus, there will be a positive fiscal impact to the construction business. Proponents of this amendment claim that there will be no cost to homeowners from eliminating the anchor requirements, as the joints for pipes no longer required to be anchored are strong and would probably last longer than the pipes themselves. The Uniform Building Code Commission will take comments on this rule filing at the public hearing and determine whether the amendment is appropriate. Ted Boyer, Executive Director

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:

Dan S. Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dsjones@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/15/2003 at 9:00 AM, State Office Building, Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-707. Statewide Amendments to the IPC.**

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

(1) In Section 202, the definition for "Backflow Backpressure, Low Head" is deleted in its entirety.

(2) In Section 202, the definition for "Backsiphonage" is deleted and replaced with the following:

Backsiphonage. The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

(3) In 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 Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

(4) In 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").

(5) In Section 202, the following definition is added:

Heat Exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

(6) In 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 Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

(7) In Section 202, the following definition is added:

Trap Arm. That portion of a fixture drain between a trap weir and the vent fitting.

(8) In Section 202, the definition for "Water Heater" is deleted and replaced with the following:

Water Heater. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use external to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

(9) Section 304.3 Meter Boxes is deleted.

(10) Section 304.4 is deleted and replaced with the following:

304.4 Opening of Pipes. In or on the exterior habitable envelop of structures where openings have been made in walls, floors, or ceilings for the passage of pipes, the annular space between the opening and the pipe shall not exceed 1/2 inch (12.7 mm). Openings exceeding 1/2 inch (12.7 mm) shall be closed and protected by the installation of approved metal collars that are securely fastened to the adjoining structure.

(11) Section 305.8 is deleted and replaced with the following:

305.8 Protection against physical damage. In concealed locations where piping, other than cast-iron or galvanized steel, is installed through holes or notches in studs, joists, rafters or similar members less than 1 1/2 inches (38 mm) from the nearest edge of the member, the pipe shall be protected by shield plates. Protective shield plates shall be minimum of 1/16 inch-thick (1.6 mm) steel, shall cover the area of the pipe where the member is notched or bored, and shall be at least the thickness of the framing member penetrated.

(12) Section 305.10 is added as follows:

Section 305.10 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

(13) Sections 308.7 and 308.7.1 are deleted and replaced with the following:

308.7 Anchorage. All draining piping except ABS, PVC, CPVC, PP or any other approved piping material having solvent weld or heat fused joints shall be anchored and restrained to prevent axial movement.

308.7.1 Location. Restraints specified by an engineer and approved by the code official shall be provided for pipe sizes greater than 4 inches (102 mm), having changes in direction greater than 45 degrees and at all changes in diameter greater than two pipe sizes.

(13) Section 311.1 is deleted.

(14) Section 312.9 is deleted in its entirety and replaced with the following:

312.9 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested 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, and the spring loaded check valve assembly described in Section 608.16.4.

(15) A new section 403.7 is added as follows:

403.7 Hand sink location. Hand sinks in commercial food establishments shall be located accessible to food preparation areas, food service areas, dishwashing areas, and toilet rooms in accordance with Rule R392-100, Utah Administrative Code. Hand sinks in child care facilities shall be installed in accordance with R430-100-21, Utah Administrative Code.

(16) Section 412.1 is deleted and replaced with the following:

412.1 Approval. Floor drains shall be made of ABS, PVC, cast-iron, stainless steel, brass, or other approved materials that are listed for the use.

(17) Section 412.5 is added as follows:

412.5 Public toilet rooms. All public toilet rooms shall be equipped with at least one of the following:

1. one floor drain with a wall mounted hose bibb;
2. one floor drain with a deep seal trap; or
3. at least one emergency floor drain with trap primer.

(18) Section 418.1 is deleted and replaced with the following:

418.1 Approval. Sinks shall conform to ANSI Z124.6, ASME A112.19.1, ASME A112.19.2, ASME A112.19.3, ASME A112.19.4, ASME A112.19.9, CSA B45.1, CSA B45.2, CSA B45.3, CSA B45.4 or NSF 2.

(19) Section 502.4 is deleted in its entirety.

(20) Section 502.6 is deleted and replaced with the following:

502.6 Water Heater Seismic Bracing. Water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

(21) Section 504.6.2 is deleted and replaced with the following:

504.6.2 Material. Relief valve discharge piping shall be of those materials listed in Section 605.5 or shall be tested, rated and approved for such use in accordance with ASME A112.4.1. Piping from safety pan drains shall be of those material listed in Table 605.5 and Table 701.1.

(22) Section 504.7.1 is amended as follows:

The measurement of "3/4 inch" in the last sentence of the paragraph is replaced with the measurement "1 1/2 inch".

(23) Section 504.7.2 is deleted and replaced with the following:

504.7.2 Pan drain termination. The pan drain shall extend full-size and terminate over a suitably located indirect waste receptor, floor drain or extend to the exterior of the building and terminate not less than 6 inches (152 mm) and not more than 24 inches (610 mm) above the adjacent ground surface. When permitted by the administrative authority, 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.

(24) A new 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.

(25) 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 Sections 73-3-1, 73-3-3, and 73-3-25, Utah Code Ann. (1953), as amended, 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. The source shall supply sufficient quantity of water to comply with the requirements of this chapter.

(26) Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1 are deleted in their entirety.

(27) Section 604.4.1 is added as follows:

604.4.1 Metering faucets. Self closing or metering faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

(28) Section 606.2 is deleted and replaced with the following:

606.2 Location of shutoff valves. Shutoff valves shall be installed in the following locations:

1. On the fixture supply to each plumbing fixture.

Exceptions:

A. bath tubs and showers.

B. in individual guest rooms that are provided with unit shutoff valves in hotels, motels, boarding houses and similar occupancies.

2. On the water supply pipe to each appliance or mechanical equipment.

(29) 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.

(30) 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 20 psi.

(31) In Section 608.1, the following sentence is added at the end of the paragraph:

Connection without an air gap between potable water piping and sewer-connected waste shall not exist under any condition.

(32) Table 608.1 is deleted and replaced with the following:

Assembly (applicable standard)	Degree of Hazard	Application	Installation Criteria
Air Gap (ASME A112.1.2)	High or Low	Backsiphonage	See Table 608.15.1
Reduced Pressure Principle Backflow Preventer (AWWA C511, USC-FCCCHR, ASSE 1013 CSA CNA/CSA-B64.4) and Reduced Pressure Detector Assembly (ASSE 1047, USC-FCCCHR)	High or Low	Backpressure or Backsiphonage 1/2" - 16"	<ol style="list-style-type: none"> a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor. b. RP assemblies shall NOT be installed in a pit. c. The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents. d. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation.
Double Check Backflow Prevention Assembly (AWWA C510, USC-FCCCHR, ASSE 1015) Double Check Detector Assembly Backflow Preventer (ASSE 1048, USC-FCCCHR)	Low	Backpressure or Backsiphonage 1/2" - 16"	<ol style="list-style-type: none"> a. 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. b. Shall be installed in a horizontal position unless listed or approved for vertical installation.
Pressure Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR)	High or Low	Backsiphonage 1/2" - 2"	<ol style="list-style-type: none"> 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. Shall not be installed below ground or in a vault or pit. d. Shall be installed in a vertical position only.
Spill Resistant	High or Low	Backsiphonage 1/4" - 2"	<ol style="list-style-type: none"> a. Shall not be installed in an

Vacuum Breaker (ASSE 1056, USC-FCCCHR)

- 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. Shall not be installed below ground or in a vault or pit.
- d. Shall be installed in a vertical position only.

freezing by a means acceptable to the code official.

Assemblies shall be maintained as an intact assembly.

Atmospheric High or Vacuum Breaker (ASSE 1001 USC-FCCCHR, CSA CAN/CSA-B64.1.1)

Backsiphonage

- a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.
- b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time.
- c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use.
- d. Shall be installed on the discharge (downstream) side of any valves.
- e. The AVB shall be installed in a vertical position only.

General Installation Criteria

The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to insure the safety of the backflow technician.
Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed.
The body of the assembly shall not be closer than 12 inches to any wall, ceiling or incumbrance, and shall be accessible for testing, repair and/or maintenance.

In cold climates, assemblies shall be protected from

(33) Table 608.1.1 is added as follows:

TABLE 608.1.1
Specialty Backflow Devices for low hazard use only

Device	Degree of Hazard	Application	Applicable Standard
Antisiphon-type Water Closet Flush Tank Ball Cock	Low	Backsiphonage	ASSE 1002 CSA CAN/CSA-B125
Dual check valve Backflow Preventer	Low	Backsiphonage or Backpressure	ASSE 1024 1/4" - 1"
Backflow Preventer with Intermediate Atmospheric Vent	Low Residential Boiler	Backsiphonage or Backpressure	ASSE 1012 CSA CAN/CSA-B64.3 1/4" - 3/4"
Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type	Low	Backsiphonage or Backpressure	ASSE 1032 1/4" - 3/8"
Hose-connection Vacuum Breaker	Low	Backsiphonage	ASSE 1011 1/2", 3/4", 1" CSA CAN/CSA-B64.2
Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type	Low	Backsiphonage	ASSE 1019 3/4", 1" CSA CAN/CSA-B64.2.2
Laboratory Faucet Backflow Preventer	Low	Backsiphonage	ASSE 1035 CSA CAN/CSA-B64.7
Hose Connection Backflow Preventer	Low	Backsiphonage	ASSE 1052 1/2" - 1"

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.

(34) In Section 608.3.1, the following sentence is added at the end of the paragraph:

All piping and hoses shall be installed below the atmospheric vacuum breaker.

(35) Section 608.7 is deleted in its entirety.

(36) In Section 608.8, the following sentence is added at the end of the paragraph:

In addition each nonpotable water outlet shall be labeled with the words "CAUTION: UNSAFE WATER, DO NOT DRINK".

(37) In Section 608.11, the following sentence is added at the end of the paragraph:

The coating shall conform to NSF Standard 61 and application of the coating shall comply with the manufacturers instructions.

(38) 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 CAS CAN/CAS-B64.3. These devices shall be permitted to be installed on residential boilers only where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged.

(39) Section 608.13.4 is deleted in its entirety.

(40) Section 608.15.3 is deleted and replaced with the following:

608.15.3 Protection by a backflow preventer with intermediate atmospheric vent. Opening and outlets to residential boilers only shall be protected by a backflow preventer with an intermediate atmospheric vent.

(41) 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. 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. The critical level of the pressure vacuum breaker shall be set a minimum of 12 inches (304 mm) above the flood level rim of the fixture or device. Ball cocks shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors. 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.

(42) In Section 608.15.4.2, the following is added at the end of the paragraph:

In climates where freezing temperatures occur, a listed, self-draining frost proof hose bibb with an integral backflow preventer shall be used.

(43) Section 608.16.1 is deleted and replaced with the following:

608.16.1 Beverage dispensers. Potable water supply to carbonators shall be protected by a vented dual check valve meeting ASSE Standard 1022 and installed according to the requirements of this chapter.

(44) In Section 608.16.2, the first sentence of the paragraph is deleted and replaced as follows:

608.16.2 The potable water supply to the residential boiler shall be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA CAN/CSA B64.3.

(45) 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. Utilize 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.

(46) Section 608.16.4 is deleted and replaced with the following:

Section 608.16.4 Connections to automatic fire sprinkler systems and standpipe systems. The potable water supply to automatic fire sprinkler and standpipe systems shall be protected against backflow by an alarm check valve and spring loaded check valve assembly as shown on the diagram entitled "Riser Detail", dated July 1, 1999, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference.

EXCEPTIONS:

1. When systems are installed as a portion of the water distribution system in accordance with the requirements of this code and are not provided with a fire department connection, isolation of the water supply system shall not be required.

2. Isolation of the water distribution system is not required for deluge, preaction or dry pipe systems.

3. When the sprinkler supply line is less than four inches in diameter and a resilient seated spring loaded single check valve, approved and testable for back flow prevention is not available, then an alternate, approved for fire sprinkler system use, spring loaded check valve is allowed.

(47) Section 608.16.4.1 is deleted and replaced with the following:

Section 608.16.4.1 Additives or nonpotable source. Where systems contain chemical additives or antifreeze, or where systems are connected to a nonpotable secondary water supply, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer. Where chemical additives or antifreeze are added to only a portion of an automatic fire sprinkler or standpipe system, the reduced pressure principle backflow preventer shall be permitted to be located so as to isolate that portion of the system.

Exception:

1. For systems that use antifreeze only consisting of strictly pure glycerine (C.P. or U.S.P. 96.5 percent grade) or propylene glycol, equipment specified in Section 608.16.4 shall be used.

(48) Section 608.16.4.2 is added as follows:

Section 608.16.4.2 Testing Procedures. The testing procedures are as follows:

1. The check valves are to be tested by a currently certified Class II Backflow Technician in accordance with Rule R309-302 available from the Department of Environmental Quality.

2. All other mechanical devices attached to or part of a class I or class II fire sprinkler system shall be tested by a licensed fire sprinkler contractor.

(49) Section 608.16.6 is deleted and replaced with the following:

608.16.6 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double check valve backflow preventer or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

(50) 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.

(51) 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, Section 608.13.2 or Section 608.13.8.

(52) Section 608.16.9 is deleted and replaced with the following:

608.16.9 Dental pump equipment or water syringe. Where dental pumping equipment or water syringes connects 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.

(53) Section 608.16.10 is added as follows:

608.16.10 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.

(54) Section 608.17 is deleted in its entirety.

(55) Section 701.2 is deleted and replaced with the following:

701.2 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 within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann., (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317-5501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

(56) Section 802.1.1 is deleted and replaced with the following:

802.1.1 Food handling. Equipment and fixtures utilized for the storage, preparation and handling of food shall discharge through an indirect waste pipe by means of an air gap.

Exception: This requirement shall not apply to dishwashing machines and dishwashing sinks. If used for dishwashing and food preparation, a minimum of one compartment of the dishwashing sink shall be drained through an indirect waste pipe by means of an air gap or an air break.

(57) Section 802.3 is amended as follows:

The term "waste receptors" in the last sentence of the paragraph is replaced with the term "floor sinks".

(58) Section 802.3.2 is deleted in its entirety and replaced with the following:

802.3.2 Open hub waste receptors. Waste receptors for clear water waste shall be permitted in the form of a hub or pipe extending not more than 1/2 inch above a water impervious floor and are not required to have a strainer.

(59) Section 803.2 is deleted and replaced with the following:

803.2 Neutralizing device required for corrosive wastes. Corrosive liquids, spent acids or other harmful chemicals that destroy or injure a drain, sewer, soil or waste pipe, or create noxious or toxic fumes or interfere with sewage treatment processes, shall not be discharged into the plumbing system without being thoroughly diluted, neutralized or treated by passing through an approved dilution or neutralizing device. Such devices shall be provided with a sufficient supply of diluting water or neutralizing

medium as to make the contents non-injurious before discharge into the drainage system. The nature of the corrosive or harmful waste and the method of its treatment or dilution shall be approved prior to installation.

(60) Section 904.1 is deleted and replaced with the following:

904.1 Roof extensions. All open vent pipes that extend through a roof shall be terminated at least 12 inches (304.8 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extension shall be run at least 7 feet (2134 mm) above the roof.

(61) In Section 904.6, 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.

(62) In Section 905.4, 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 in accordance with Sections 702.2, 905.2 and 905.3 and provided with a wall clean out.

(63) Section 1002.2 is deleted and replaced with the following:

1002.2 Design of traps. Fixture traps shall be self-scouring. Fixture traps shall not have interior partitions, except where such traps are integral with the fixture or where such traps are constructed of an approved material that is resistant to corrosion and degradation. Slip joints shall be made with an approved elastomeric gasket and shall only be installed on the trap inlet, trap outlet and within the trap seal. One slip joint fitting shall be allowed to be installed downstream of the trap.

(64) Section 1002.8 is deleted and replaced with the following:

1002.8 Recess for trap connection. A recess provided for connection of the underground trap, such as one serving a bathtub in slab-type construction, shall have sides and a bottom of corrosion-resistant, insect- and vermin-proof construction. The annular space between the pipe and the penetration shall not exceed 1/2 inch (12.7 mm).

(65) Section 1002.4.1 is added as follows:

1002.4.1 Emergency floor drains. Each emergency floor drain shall be installed with a trap seal primer. Trap seal primer shall conform to ASSE 1018 or ASSE 1044.

(66) Section 1003.3.5 is added as follows:

1003.3.5 Grease trap restriction. Unless specifically required or permitted by the code official, no food waste grinder or dishwasher shall be connected to or discharge into any grease trap.

(67) 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.

(68) Section 1108 is deleted in its entirety.

(69) Section 1204 is amended to read:

1204 Fuel gas piping systems. All fuel gas piping systems shall be sized, installed, tested and placed in operation in accordance with the requirements of the International Mechanical Code.

(70) Section 1205 is amended to read:

Section 1205 CNG GAS-DISPENSING SYSTEMS

1205.1 Dispenser protection. The gas dispenser shall have an emergency switch to shut off the power to the dispenser. An approved backflow device that prevents the reverse flow of gas shall be installed on the gas supply pipe or in the gas dispenser.

1205.2 Ventilation. Gas-dispensing systems installed inside the structure shall be ventilated by mechanical means in accordance with the 1998 International Mechanical Code.

1205.3 Compressed natural gas vehicular fuel systems. Compressed natural gas (CNG) fuel-dispensing systems for CNG-fueled vehicles shall be designed and installed in accordance with NFPA 52 and the fire code as adopted by the State Fire Marshal.

(71) Chapter 14, Referenced Standards, is amended as follows: NSF - Standard Reference Number 61-99 - The following referenced in code section number is added: 608.11
The following reference standard is added:

TABLE

USC- Foundation for Cross-Connection	Table 608.1
FCCCHR Control and Hydraulic Research	
9th University of Southern California	
Edition Kaprielian Hall 300	
Manual Los Angeles CA 90089-2531	
of Cross	
Connection	
Control	

(72) Appendix C of the IPC, Gray Water Recycling Systems, shall not be adopted by any jurisdiction until approved by the Department of Health and the Department of Environmental Quality.

KEY: contractors, building codes, building inspection, licensing
~~January 1, 2003~~
Notice of Continuation May 16, 2002
58-1-106(1)(a)
58-1-202(1)(a)
58-56-1
58-56-4(2)
58-56-6(2)(a)



Environmental Quality, Drinking Water
R309-405
Compliance and Enforcement:
Administrative Penalty

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26171
FILED: 04/15/2003, 10:36

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule change is to clarify the fining authority of the Drinking Water Board and to incorporate comments received during public hearings on the proposed changes held in January 2003.

SUMMARY OF THE RULE OR CHANGE: The amendments make the rule more specific in the assessment and calculation of settlement amounts.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104; and the Safe Drinking Water Act (amended Aug. 6, 1996), Title XIV, Section 1419

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: No impact--The rule change clarifies the fining authority of the Drinking Water Board.
- ❖ LOCAL GOVERNMENTS: No impact--The rule change clarifies the fining authority of the Drinking Water Board.
- ❖ OTHER PERSONS: No impact--The rule change clarifies the fining authority of the Drinking Water Board.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will not change as a result of this rule change. The amendment only clarifies the fining authority of the Drinking Water Board.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department of Environmental Quality agrees with the comments listed under the Cost or Savings statements and the Compliance costs for affected persons above. The State is required to have administrative penalty authority in order to maintain primacy. Dianne R. Nielson, PhD., Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
DRINKING WATER
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ken Bousfield or Patti Fauver at the above address, by phone at 801-536-4207 or 801-536-4196, by FAX at 801-536-4211 or 801-536-4211, or by Internet E-mail at kbousfield@utah.gov or pfauver@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: Kevin Brown, Director

R309. Environmental Quality, Drinking Water.
R309-405. Compliance and Enforcement: Administrative Penalty.
R309-405-4. Assessment of a Penalty and Calculation of Settlement Amounts.

(1) Where the Executive Secretary determines that a penalty may be appropriate, the Executive Secretary shall propose a penalty amount by sending a notice of agency action, under Title 63, chapter 46b of the Administrative Procedures Act, to the public water system. The notice of agency action shall provide that the public water system may submit comments and/or information on the proposed penalty to the Executive Secretary within 30 days. The criteria the Executive Secretary will use in establishing a proposed penalty amount shall be as follows:

(a) Major Violations: ~~[\$3,000 to \$5,000]~~ [\$600 to \$1000 per day for each day of violation]. This category includes violations

with high potential for impact on drinking water users, major deviations from the requirements of the rules or Safe Drinking Water Act, intentional fraud, falsification of data, violations which result in a public water system being considered by the Environmental Protection Agency to be: "Significant Non-Compliers" (SNC), or violations that may have a substantial adverse effect on the regulatory program. ~~[This category also includes violations which result in an accumulation of 400 or more Improvement Priority System (IPS) points based on Section R309-150, the Water System Rating Criteria.]~~ Specific violations that are subject to a major violation category include but are not limited to the following:

(i) Violations subject to \$1000 per day penalty:

(A) Any violation defined by R309-220-5 which would trigger a Tier 1 public notification.

(B) Not having any elements of a source protection plan as required in R309-600 for ground water sources and R309-605 for surface water sources.

(C) Failure to respond to an Administrative Order issued by the Drinking Water Board.

(D) Introduction by the water system of a source water that has not been evaluated and approved for use as a public drinking water source under R309-204.

(E) Construction or use of an interconnection to another public water system which has not been reviewed and approved in accordance with R309-550-9.

(F) Having over 20 IPS points (Improvement Priority System points based on R309-150, the Water System Rating Criteria) specifically for operating pressures below 20 psi as required by R309-105-9.

(G) Having 50 IPS points specifically for an inadequate well seal as required in R309-204.

(H) Having over 50 IPS points (not including the deficiencies in (F) and (G) above) specifically assessed in the physical facility section of an IPS report.

(I) Use of a surface water source without proper filtration treatment in accordance with R309-525 or 530.

(J) Exceeding the rated water treatment plant capacity as determined by review under R309-525 or 530.

(K) Insufficient disinfection contact time as evaluated under R309-215-7.

(ii) Violations subject to \$800 per day penalty:

(A) Not having any of the required components of a cross connection control program in place as required by R309-105-12.

(B) Any violation of the turbidity requirements outlined in R309-215-9(4)(b)(iii - iv) for individual filter turbidities using consecutive readings taken 15 minutes apart.

(b)(2) Moderate Violations: ~~[\$2,000 to \$3,000]~~ \$400 to \$600 per day for each day of violation. This category includes violations with a moderate potential for impact on drinking water users, moderate deviations from the requirements of the rules or Safe Drinking Water Act with some requirements implemented as intended, or violations that may have a significant notable adverse effect on the regulatory program. ~~[This category also includes violations which result in an accumulation of 300 or more IPS points based on Section R309-150, the Water System Rating Criteria.]~~ Specific violations that are subject to a moderate violation category include but are not limited to the following:

(i) Violations subject to \$600 penalty:

(A) Any violation defined by R309-220-6 which would trigger a Tier 2 public notification.

(B) Having a disapproved status on a source protection plan (R309-600 and 605) for a period longer than 90 days.

(C) Installation or use of disinfection equipment that has not been evaluated and approved for use under R309-520.

(D) Having measured turbidity spikes of greater than 0.5 or 1.0 NTU in two consecutive fifteen minute readings as defined in R309-215-9(4)(b)(i) or (ii) respectively.

(E) Insufficient source capacity, storage capacity, or delivery capacity as established by review of the system design under R309-500 through 550.

(F) Not complying with plan approval requirements as set forth in R309-500. The term infrastructure includes but is not limited to the disinfection process, surface water treatment process, and physical facilities such as water treatment plants, storage reservoirs, sources and distribution piping.

(c)(3) Minor Violations: Up to ~~[\$2,000]~~ \$400 per day for each day of violation. This category includes violations with a minor potential for impact on drinking water users, slight deviations from the rules or Act with most of the requirements implemented, or violations that may have a minor adverse effect on the regulatory program. ~~[This category also includes violations which result in an accumulation of 200 or more IPS points based on Section R309-150, the Water System Rating Criteria.]~~ Specific violations that are subject to a minor violation category include but are not limited to the following:

(i) Violations subject to \$400 per day penalty:

(A) Any violation defined by R309-220-7 which would trigger a Tier 3 public notification or a violation of the monitoring requirements of R309-204-4(5), except for turbidity monitoring for surface water treatment facilities and violations termed as minor monitoring as outlined in R309-150-3 (minor bacteriological routine monitoring violation, minor bacteriological repeat monitoring violation and minor chemical monitoring violation).

(B) Failure to upgrade a Preliminary Evaluation Report for a source protection plan as required in R309-600 and 605.

(C) Failure to update a source protection plan as required in R309-600 and 605.

(D) Construction or use of a storage reservoir that has not been evaluated for use under R309-545.

(ii) Violations subject to \$200 per day penalty:

(A) Lacking individual components of a cross connection control program as required by R309-105-12.

(B) Not having a certified operator on staff as required in R309-300-5(10) after 1 year or 4 operator certification exam cycles.

(C) Any minor monitoring violation as defined by R309-150-3 (minor bacteriological routine monitoring violation, minor bacteriological repeat monitoring violation and minor chemical monitoring violation).

(D) Any violation of the turbidity requirements outlined in R309-215-9(4)(b)(i-ii) for individual filter turbidities using consecutive readings taken 15 minutes apart.

(2) The Executive Secretary will assess the penalty, if any, after reviewing information submitted by the public water system. The public water system may appeal the assessment of the penalty to the Board by requesting a formal hearing under R309-115 and the Utah Administrative Procedures Act within 30 days of the date of assessment of the penalty.

R309-405-7. Penalty Policy for Civil Proceedings

Pursuant to Utah Code Annotated Section 19-4-109(2)(b), any person who willfully violates any rule or order made or issued

pursuant to the Utah Safe Drinking Water Act, Utah Code Annotated Section 19-4-101 et seq., is subject to a civil penalty of not more than \$5000 per day for each day of violation. The Board and Executive Secretary shall apply the provisions of R309-405-4, 5, and 6 in pursuing or resolving willful violations except that the penalty range per day for each day of violation for major violations shall be \$3000 to \$5,000, for moderate violations shall be \$2000 to \$3000, and for minor violations shall be up to \$2000.

KEY: drinking water, environmental protection, administrative procedures, penalties
~~April 17, 2000~~ June 15, 2003
 19-4-104
 63-46b-4



Environmental Quality, Drinking Water **R309-700** Financial Assistance: State Drinking Water Project Revolving Loan Program

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE No.: 26172
 FILED: 04/15/2003, 11:09

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Add application and initiation procedure for planning grants, as well as adding criteria to receive a planning grant and make minor changes in section numbering to allow the insertion of the above.

SUMMARY OF THE RULE OR CHANGE: Add Subsection R309-700-4(5) wherein the application and initiation procedures are outlined for planning grants. Add Section R309-700-6 outlining the criteria for planning grants and limits for such.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104, and Title 73, Chapter 10c

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** None--Since the proposed amendments simply outline conditions under which applicants may be eligible to receive grant money to perform planning for future drinking water projects and such financial assistance is from a revolving fund separate from the general fund of the State there is no cost to the State Budget.

❖ **LOCAL GOVERNMENTS:** Little to None--Some community planning studies that previously would not have been considered for grant money may now be considered eligible for such.

❖ **OTHER PERSONS:** None--There is no increase or reduction in the impact these changes will have on persons performing engineering work or financial consulting for loan applicants.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Some loan applicants may receive financial assistance for planning purposes without need to repay as a result of the changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The department agrees that the proposed changes to this rule will have no detrimental impact on water systems applying for or receiving financial assistance, nor will it impact any of the affiliated businesses such as engineering firms, escrow agents, bond counselors, or financial advisors which provide services to the applicants.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
 DRINKING WATER
 150 N 1950 W
 SALT LAKE CITY UT 84116-3085, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Michael Georgeson or Bill Birkes at the above address, by phone at 801-536-4197 or 801-536-4201, by FAX at 801-536-4211 or 801-536-4211, or by Internet E-mail at mgeorgeson@utah.gov or bbirkes@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: Kevin Brown, Director

**R309. Environmental Quality, Drinking Water.
 R309-700. Financial Assistance: State Drinking Water Project Revolving Loan.**

R309-700-3. Definitions and Eligibility.

Title 73, Chapter 10c, subsection 4(2)(a) limits eligibility for financial assistance under this section to political subdivisions.

Definitions for terms used in this rule are given in R309-110. Definitions for terms specific to this rule are given below.

"Board" means the Drinking water Board.

"Drinking Water Project" means any work or facility necessary or desirable to provide water for human consumption and other domestic uses. Its scope includes collection, treatment, storage, and distribution facilities.

"Project Costs" include the cost of acquiring and constructing any project including, without limitation: the cost of acquisition and construction of any facility or any modification, improvement, or extension of such facility; any cost incident to the acquisition of any necessary project, easement or right of way, except property condemnation cost, which are not eligible costs; engineering or architectural fees, legal fees, fiscal agents' and financial advisors' fees; any cost incurred for any preliminary planning to determine the economic and engineering feasibility of a proposed project; costs of economic investigations and studies, surveys, preparation of designs, plans, working drawings, specifications and the inspection and supervision of the construction of any facility; Hardship Grant

Assessments and interest accruing on loans made under this program during acquisition and construction of the project; and any other cost incurred by the Board or the Department of Environmental Quality, in connection with the issuance of obligation to evidence any loan made to it under the law.

"Drinking Water Project Obligation" means any bond, note or other obligation issued to finance all or part of the cost of acquiring, constructing, expanding, upgrading or improving a drinking water project, including, but not limited to, preliminary planning, studies, surveys, engineering or architectural fees, and preparation of plans and specifications.

"Credit Enhancement Agreement" means any agreement entered into between the Board, on behalf of the State, and an eligible water system for the purpose of providing methods and assistance to eligible water systems to improve the security for and marketability of drinking water project obligations.

"Eligible Water System" means any community drinking water system which is owned by a political subdivision of the State.

"Interest Buy-Down Agreement" means any agreement entered into between the Board, on behalf of the State, and an eligible water system, for the purpose of reducing the cost of financing incurred by an eligible water system on bonds issued by the subdivision for project costs.

"Financial Assistance" means a project loan, credit enhancement agreement, interest buy-down agreement, or technical assistance.

"Interest" means an assessment applied to loan recipients. The assessment shall be calculated as a percentage of principal.

"Emergency" means an unexpected, serious occurrence ~~or~~ situation requiring urgent or immediate action. With regard to a water system this would be a situation resulting from the failure of equipment or other infrastructure, or contamination of the water supply, which threatens the health and / or safety of the public / water users.

"Technical Assistance" means financial assistance provided for a feasibility study or master plan, to identify and / or correct system deficiencies, to help a water system overcome other technical problems. The system receiving said technical assistance may or may not be required to repay the funds received. If repayment is required, the Board will establish the terms of repayment.

R309-700-4. Application and Project Initiation Procedures.

The following procedures must normally be followed to obtain financial assistance from the Board:

(1) It is the responsibility of the applicant to obtain the necessary financial, legal and engineering counsel to prepare an effective and appropriate financial assistance agreement, including cost effectiveness evaluations of financing methods and alternatives, for consideration by the Board.

(2) A completed application form, project engineering report as appropriate, and financial capability assessment are submitted to the Board. Comments from the local health department and/or district engineer shall accompany the application. Comments from other interested parties such as an association of governments will also be accepted.

(3) The staff prepares an engineering and financial feasibility report on the project for presentation to the Board.

(4) The Board "Authorizes" financial assistance for the project on the basis of the feasibility report prepared by the staff, designates whether a loan, credit enhancement agreement, interest buy-down agreement, hardship grant or any combination thereof, is to be

entered into, and approves the project schedule (see R309-700-13[42]). The Board shall authorize a hardship grant only if it determines that other financing alternatives are unavailable or unreasonably expensive to the applicant. If the applicant seeks financial assistance in the form of a loan of amounts in the security account established pursuant to Chapter 10c, Title 73 "Utah Code", which loan is intended to provide direct financing of projects costs, then the Board shall authorize such loan only if it determines that credit enhancement agreements, interest buy-down agreements and other financing alternatives are unavailable or unreasonably expensive to the applicant or that a loan represents the financing alternative most economically advantageous to the state and the applicant; provided, that for purposes of this paragraph and for purposes of Section 73-10c-4(2), Utah Code, the term "loan" shall not include loans issued in connection with interest buy-down agreements as described in R309-700-11[40](2) or in connection with any other interest buy-down arrangement.

(5) Planning Grant - The applicant must submit an application provided by the Division and attach a scope of work, cost estimates, and a draft contract for planning services.

~~(6)(5)~~ Planning ~~[Advance]~~Loan - The applicant requesting a Planning ~~[Advance]~~Loan must ~~[attend a preapplication meeting,~~ complete an application for a Planning ~~[Advance]~~Loan, prepare a plan of study, satisfactorily demonstrate procurement of planning services, and prepare a draft contract for planning services including financial evaluations.

~~(7)(6)~~ Design ~~[Advance]~~Grant or Loan - The applicant requesting a Design ~~[Advance]~~Grant or Loan must have completed an engineering plan which meets program requirements.

~~(8)(7)~~ The project applicant must demonstrate public support for the project.

~~(9)(8)~~ For financial assistance mechanisms when the applicant's bond is purchased by the Board, the project applicant's bond documentation, including an opinion from legal counsel experienced in bond matters that the drinking water project obligation is a valid and binding obligation of the applicant (see R309-700-14[43](3)), must be submitted to the Assistant Attorney General for preliminary approval and the applicant shall publish a Notice of Intent to issue bonds in a newspaper of general circulation pursuant to the Utah Code, Section 11-14-21. For financial assistance mechanisms when the applicant's bond is not purchased by the Board, the applicant shall submit a true and correct copy of an opinion from legal counsel experienced in bond matters that the drinking water project obligation is a valid and binding obligation of the applicant.

~~(10)(9)~~ Hardship Grant - The Board executes a grant agreement setting forth the terms and conditions of the grant.

~~(11)(40)~~ The Board issues a Plan Approval for plans and specifications and concurs in bid advertisement.

~~(12)(44)~~ If a project is designated to be financed by a loan or an interest buy-down agreement as described in R309-700-11[40](2), from the Board, to cover any part of project costs an account supervised by the applicant and the Board will be established by the applicant to assure that loan funds are used only for qualified project costs. If financial assistance for the project is provided by the Board in the form of a credit enhancement or interest buy-down agreement as described in R309-700-11[40](1) all project funds will be maintained in a separate account and a quarterly report of project expenditures will be provided to the Board.

(13)(12) For a revenue bond a User Charge Ordinance must be submitted to the Board for review and approval to insure adequate provisions for debt retirement and/or operation and maintenance. For a general obligation bond, a User Charge Ordinance must be submitted to the Board for review and approval to insure the system will have adequate resources to provide acceptable service.

(14)(13) A plan of operation, for the project after construction is complete, including adequate staffing with an operator, certified at the appropriate level in accordance with R309-300(301) in responsible charge, training, and start up procedures to assure efficient operation and maintenance of the facilities, must be submitted by the applicant and approved by the Board.

(15)(14) The applicant's contract with its engineer must be submitted to the Board for review to determine that there will be adequate engineering involvement, including project supervision and inspection, to successfully complete the project.

(16)(15) The applicant's attorney must provide an opinion to the Board regarding legal incorporation of the applicant, valid legal title to rights-of-way and the project site, and adequacy of bidding and contract documents.

(17)(16) A position fidelity bond must be provided for the treasurer or other local staff handling the repayment funds and revenues produced by the applicant's system.

(18)(17) CREDIT ENHANCEMENT AGREEMENT AND INTEREST BUY-DOWN AGREEMENT ONLY - The Board issues the credit enhancement agreement or interest buy-down agreement setting forth the terms and conditions of the security or other forms of assistance provided by the agreement and notifies the applicant to sell the bonds (See R309-700-10(9) and -11(10)).

(19)(18) CREDIT ENHANCEMENT AGREEMENT AND INTEREST BUY-DOWN AGREEMENT ONLY - The applicant sells the bonds on the open market and notifies the Board of the terms of sale. If a credit enhancement agreement is being utilized, the bonds sold on the open market shall contain the legend required by Section 73-10c-6(3)(d), Utah Code. If an interest buy-down agreement is being utilized, the bonds sold on the open market shall bear a legend which makes reference to the interest buy-down agreement and states that such agreement does not constitute a pledge of or charge against the general revenues, credit or taxing powers of the state and that the holder of any such bond may look only to the applicant and the funds and revenues pledged by the applicant for the payment of interest and principal on the bonds.

(20)(19) The applicant opens bids for the project.

(21)(20) LOAN ONLY - The Board gives final approval to purchase the bonds and execute the loan contract (see R309-700-4(24(23))).

(22)(21) LOAN ONLY - The final closing of the loan is conducted.

(23)(22) A preconstruction conference shall be held.

(24)(23) The applicant issues a written notice to proceed to the contractor.

(25)(24) The applicant must have in place a Water Management and Conservation Plan.

R309-700-5. Loan, Credit Enhancement, Interest Buy-Down, and Hardship Grant Consideration Policy.

(1) Board Priority Determination. In determining the priority for financial assistance the Board shall consider:

(a) The ability of the applicant to obtain funds for the drinking water project from other sources or to finance such project from its own resources;

(b) The ability of the applicant to repay the loan or other project obligations;

(c) Whether a good faith effort to secure all or part of the services needed from the private sector through privatization has been made; and

(d) Whether the drinking water project:

(i) meets a critical local or state need;

(ii) is cost effective;

(iii) will protect against present or potential hazards;

(iv) is needed to comply with the minimum standards of the Federal Safe Drinking Water Act, 42 USC, 300f, et. seq. or similar or successor statute;

(v) is needed to comply with the minimum standards of the Utah Safe Drinking Water Act, Title 19, Chapter 4 or similar or successor statute.

(vi) is needed as a result of an Emergency.

(e) The overall financial impact of the proposed project on the citizens of the community, including direct and overlapping indebtedness, tax levies, user charges, impact or connection fees, special assessments, etc., resulting from the proposed project, and anticipated operation and maintenance costs versus the median income of the community;

(f) Consistency with other funding source commitments which may have been obtained for the project;

(g) The point total from an evaluation of the criteria listed in Table 1;

TABLE 1

NEED FOR PROJECT	POINTS
1. PUBLIC HEALTH AND WELFARE (SELECT ONE)	
A. There is evidence that waterborne illnesses have occurred	15
B. There are reports of illnesses which may be waterborne	10
C. No reports of waterborne illness, but high potential for such exists	5
D. No reports of possible waterborne illness and low potential for such exists	0
2. WATER QUALITY RECORD (SELECT ONE)	
A. Primary Maximum Contaminant Level (MCL) violation more than 6 times in preceding 12 months	15
B. In the past 12 months violated a primary MCL 4 to 6 times	12
C. In the past 12 months violated a primary MCL 2 to 3 times or exceeded the Secondary Drinking Water Standards by double	9
D. In the past 12 months violated MCL 1 time	6
E. Violation of the Secondary Drinking Water Standards	5
F. Does not meet all applicable MCL goals	3
G. Meets all MCLs and MCL goals	0
3. VERIFICATION OF POTENTIAL SHORTCOMINGS (SELECT ONE)	
A. Has had sanitary survey within the last year	5
B. Has had sanitary survey within the last five years	3
C. Has not had sanitary survey within last five years	0

4. GENERAL CONDITIONS OF EXISTING FACILITIES (SELECT ALL THOSE WHICH ARE TRUE AND PROJECT WILL REMEDY)	
A. The necessary water treatment facilities do not exist, not functioning, functioning but do not meet the requirements of the Utah Public Drinking Water Rules (UPDWR)	10
B. Sources are not developed or protected according to UPDWR	10
C. Source capacity is not adequate to meet current demands and system occasionally goes dry or suffers from low pressures	10
D. Significant areas within distribution system have inadequate fire protection	8
E. Existing storage tanks leak excessively or are structurally flawed	5
F. Pipe leak repair rate is greater than 4 leaks per 100 connections per year	2
G. Existing facilities are generally sound and meeting existing needs	0
5. ABILITY TO MEET FUTURE DEMANDS (Select One)	
A. Facilities have inadequate capacity and cannot reliably meet current demands	10
B. Facilities will become inadequate within the next three years	5
C. Facilities will become inadequate within the next five to ten years	3
6. OVERALL URGENCY (Select One)	
A. System is generally out of water. There is no fire protection or water for flushing toilets	10
B. System delivers water which cannot be rendered safe by boiling	10
C. System delivers water which can be rendered safe by boiling	8
D. System is occasionally out of water	5
E. Situation should be corrected, but is not urgent	0
TOTAL POSSIBLE POINTS FOR NEED FOR PROJECT	100

(h) Other criteria that the Board may deem appropriate.

(2) Drinking Water Board Financial Assistance Determination.

The amount and type of financial assistance offered will be based on the following considerations:

(a) An evaluation based upon the criteria in Tables 2 and 3 of the applicant's financial condition, the project's impact on the community, and the applicant's commitment to operating a responsible water system.

The interest rate to be charged by the Board for its financial assistance will be computed using the number of points assigned to the project from Table 2 to reduce, in a manner determined by Board resolution from time to time, the most recent market yields for "A" rated, tax exempt, 20 year municipal revenue bonds. The interest rate so calculated will be assigned to the financial assistance. This interest rate may be further reduced, in a manner determined by Board resolution from time to time, by the ratio of the number of points assigned to the applicant's water system from Table 3 to the total points available.

For hardship grant consideration, exclusive of planning and design grants or loans described in Sections R309-700-6, 7 and 8[advances for planning and design], the estimated annual cost of drinking water service for the average residential user should exceed 1.75% of the median adjusted gross household income from the most recent available State Tax Commission records. The Board will also consider the applicant's level of contribution to the project.

TABLE 2	
FINANCIAL CONSIDERATIONS	
	POINTS
1. COST EFFECTIVENESS RATIO (SELECT ONE)	
A. Project cost \$0 to \$500 per benefitting connection	15
B. \$501 to \$1,500	12
C. \$1,501 to \$2,000	9
D. \$2,001 to \$3,000	6
E. \$3,001 to \$5,000	3
F. \$5,001 to \$10,000	1
G. Over \$10,000	0
2. PRIVATE SECTOR OR OTHER FUNDING, BUT NOT OWN CONTRIBUTION (SELECT ONE)	
A. A reasonable search for it has been made without success	10
B. Will provide greater than 50% of project cost	10
C. Will provide 25 to 49% of project cost	8
D. Will provide 10 to 24% of project cost	5
E. Will provide 1 to 9% of project cost	3
F. Has not been investigated	0
3. CURRENT LOCAL MEDIAN ADJUSTED GROSS INCOME (AGI) (SELECT ONE)	
A. Less than 70% of State Median AGI	15
B. 71 to 90% of State Median AGI	12
C. 91 to 115% of State Median AGI	9
D. 116 to 135% of State Median AGI	6
E. 136 to 160% of State Median AGI	3
F. Greater than 161% of State Median AGI	0
4. APPLICANT'S COMMITMENT TO PROJECT	
4A. PROJECT FUNDING CONTRIBUTED BY APPLICANT (SELECT ONE)	
a. Greater than 25% of project funds	15
b. 10 to 25% of project funds	12
c. 5 to 9% of project funds	9
d. 2 to 4% of project funds	6
e. Less than 2% of project funds	0
4B. RESIDENTS ARE WILLING TO (AND IT IS CONFIRMED BY RESIDENTS) INCREASE WATER BILL BY (SELECT ONE)	
a. Greater than \$10.00 per month per connection	15
b. \$5.01 to \$10.00 per month per connection	11
c. \$2.51 to \$5.00 per month per connection	7
d. \$1.00 to \$2.50 per month per connection	3
e. Less than \$1.00 per month per connection	0
5. ABILITY TO REPAY LOAN	
5A. WATER BILL (INCLUDING TAXES) AFTER PROJECT IS BUILT RELATIVE TO LOCAL MEDIAN ADJUSTED GROSS INCOME (SELECT ONE)	
a. Greater than 2.50% of local median AGI	15
b. 2.01 to 2.50% of local median AGI	11
c. 1.51 to 2.00% of local median AGI	7
d. 1.01 to 1.50% of local median AGI	3
e. 0 to 1.00% of local median AGI	0
5B. TOTAL DEBT LOAD (PRINCIPAL ONLY) OF APPLICANT AFTER PROJECT IS CONSTRUCTED (INCLUDING WATER AND SEWER DEBT, LIGHTING DEBT, SCHOOL DEBT, ETC.) (SELECT ONE)	
a. Greater than 12% of fair market value	15
b. 8.1 to 12% of fair market value	12
c. 4.1 to 8.0% of fair market value	9
d. 2.1 to 4.0% of fair market value	6
e. 1.0 to 2.0% of fair market value	3
f. Less than 1% of fair market value	0
TOTAL POSSIBLE POINTS FOR FINANCIAL NEED	100

TABLE 3
SPECIAL INCENTIVES

	POINTS
1. Applicant has secured adequate protection zones for all existing drinking water sources	5
2. Applicant has developed a master plan to guide water system growth in the next 20 years	5
3. Applicant has an established replacement fund	5
4. Project will create a new regionalization plan or maintain integrity of existing regionalization plan if regionalization is possible in the judgement of the Board. If not, the points will not be assigned and the total possible points will be 35.	5
5. Applicant has established a backflow prevention program	5
6. Applicant has established a rate structure to encourage water conservation	5
7. Project is necessary because of unforeseen circumstances	5
8. Applicant has a written emergency response plan	5
TOTAL POSSIBLE POINTS FOR SPECIAL INCENTIVES	40

(b) Optimizing return on the security account while still allowing the project to proceed.

- (c) Local political and economic conditions.
- (d) Cost effectiveness evaluation of financing alternatives.
- (e) Availability of funds in the security account.
- (f) Environmental need.
- (g) Other criteria the Board may deem appropriate.

R309-700-6. Planning Grant.

(1) A Planning Grant can only be made to a political subdivision with a population less than 10,000 people which demonstrates an urgent need to evaluate its drinking water system's technical, financial and managerial capacity, meet the Hardship Grant Criteria and lacks the financial means to accomplish such an evaluation. A Planning Grant will be limited to \$10,000 or the estimated cost of the planning effort, whichever is less unless otherwise approved by the Board.

(2) The applicant must demonstrate that all funds necessary to complete project planning will be available prior to commencing the planning effort. The Planning Grant will be deposited with these other funds into a supervised escrow account at the time the grant agreement between the applicant and the Board is executed.

(3) Failure on the part of the recipient of a Planning Grant to implement the findings of the plan may prejudice any future applications for drinking water project funding.

(4) The recipient of a Planning Grant must first receive written approval for any cost increases or changes to the scope of work.

(5) The Planning Grant recipient must provide a copy of the planning project results to the Division. The planning effort shall conform to rules R309.

R309-700-7[6]. Planning Advance.

(1) A Planning ~~[advance]~~Loan can only be made to a political subdivision which demonstrates a financial hardship which prevents the completion of project planning.

(2) A Planning ~~[Advance]~~Loan is made to a political subdivision with the intent to provide interim financial assistance for project planning until the long-term project financing can be

secured. ~~[Once the long-term project financing has been secured, the]~~The Planning ~~[Advance]~~Loan must be ~~[expeditiously]~~repaid to the Board unless the payment obligation is waived by the Board.

(3) The applicant must demonstrate that all funds necessary to complete project planning will be available prior to commencing the planning effort. The Planning ~~[Advance]~~Loan will be deposited with these other funds into a supervised escrow account at the time the ~~[grant]~~loan agreement between the applicant and the Board is executed.

~~—(4) Failure on the part of the recipient of a Planning Advance to implement the construction project may authorize the Board to seek repayment of the Advance on such terms and conditions as it may determine.]~~

~~(4)[(5)]~~ The recipient of a Planning ~~[Advance]~~Loan must first receive written approval for any cost increases or changes to the scope of work.

R309-700-8[7]. Design ~~[Advance]~~Grant or Loan.

(1) A Design ~~[Advance]~~Grant or Loan can only be made to a political subdivision which demonstrates a financial hardship which prevents the completion of project design. For purposes of this Section R309-700-8, project design means engineering plans and specifications, construction contracts, and associated work.

(2) A Design ~~[Advance]~~Grant or Loan is made to a political subdivision with the intent to provide interim financial assistance for the completion of the project design until the long-term project financing can be secured. ~~[Once the long-term project financing has been secured, the]~~The ~~[Project-]~~Design ~~[Advance]~~Grant or Loan must be ~~[expeditiously]~~repaid to the Board unless the payment obligation is waived by the Board.

(3) The applicant must demonstrate that all funds necessary to complete the project design will be available prior to commencing the design effort. The Design ~~[Advance]~~Grant or Loan will be deposited with these other funds into a supervised escrow account at the time the grant or loan agreement between the applicant and the Board is executed.

~~—(4) Failure on the part of the recipient of a Design Advance to implement the construction project may authorize the Board to seek repayment of the Advance on such terms and conditions as it may determine.]~~

~~(4)[(5)]~~ The recipient of a Design ~~[Advance]~~Grant or Loan must first receive written approval for any cost increases or changes to the scope of work.

R309-700-9[8]. Technical Assistance.

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R309-700-10[9]. Credit Enhancement Agreements.

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R309-700-11[10]. Interest Buy-Down Agreements.

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R309-700-12[11]. Loans.

.....

R309-700-13[12]. Project Authorization (Reference R309-700-4(4)).

.....

R309-700-14[13]. Financial Evaluations.

(1) The Board considers it a proper function to assist and give direction to project applicants in obtaining funding from such State, Federal or private financing sources as may be available to achieve the most effective utilization of resources in meeting the needs of the State. This may also include joint financing arrangements with several funding agencies to complete a total project.

(2) Hardship Grants will be evidenced by a grant agreement.

(3) In providing any form of financial assistance in the form of a loan, the Board may purchase bonds of the applicant only if the bonds are accompanied by a legal opinion of recognized municipal bond counsel to the effect that the bonds are legal and binding under applicable Utah law (including, if applicable, the Utah Municipal Bond Act). For bonds of \$150,000 or less the Board will not require this opinion.

(a) In providing any form of financial assistance in the form of a loan, the Board may purchase either a taxable or non-taxable bonds; provided that it shall be the general preference of the Board to purchase bonds issued by the applicant only if the bonds are tax exempt and are accompanied by a legal opinion of recognized municipal bond counsel to the effect that interest on the bonds is exempt from federal income taxation. Such an opinion must be obtained by the applicant in the following situations:

(i) Bonds which are issued to finance a project which will also be financed in part at any time by the proceeds of other bonds which are exempt from federal income taxation.

(ii) Bonds which are not subject to the arbitrage rebate provisions of Section 148 of the Internal Revenue Code of 1986 (or successor provision of similar intent), including, without limitation, bonds covered by the "small governmental units" exemption contained in Section 148(f)(4)(c) of the Internal Revenue Code of 1986 (or any successor provision of similar intent) and bonds which are not subject to arbitrage rebate because the gross proceeds from the loan will be completely expended within six months after the issuance of such bonds.

(b) In any other situations, the Board may purchase taxable bonds if it determines, after evaluating all relevant circumstances including the applicant's ability to pay, that the purchase of the taxable bonds is in the best interests of the State and applicant.

(c) If more than 25 percent of the project is to serve industry, bond counsel must evaluate the loan to ensure the tax exempt status of the loan fund.

(d) Revenue bonds purchased by the Board shall be secured by a pledge of water system revenues, and it is the general policy of the Board that the pledge of water revenues for the payment of debt service (principal and/or interest) on a particular revenue bond be on a parity with the pledge of those water revenues as security for the debt service payments on all other bonds or other forms of indebtedness which are secured by the water revenues.

(4) The Board will consider the financial feasibility and cost effectiveness evaluation of the project in detail. The financial capability assessment must be completed as a basis for the review. The Board will generally use these reports to determine whether a project will be Authorized to receive a loan, credit enhancement agreement, interest buy-down agreement, or hardship grant (Reference R309-700-10, -11 and -12[8, 9 and 10]). If a project is Authorized to receive a loan, the Board will establish the portion of the construction cost to be included in the loan and will set the terms for the loan. The Board will require the applicants to repay the loan as rapidly as is reasonably consistent with the financial capability of the applicant. It is the Board's intent to avoid repayment schedules which would exceed the design life of the project facilities.

(5) Normal engineering and investigation costs incurred by the Department of Environmental Quality or Board during preliminary project investigation and prior to Board Authorization will not become a charge to the applicant if the project is found infeasible, denied by the Board, or if the applicant withdraws the Application prior to the Board's Authorization. If the credit enhancement agreement or interest buy-down agreement does not involve a loan of funds from the Board, then administrative costs will not be charged to the project. However, if the project is Authorized to receive a loan or grant of funds from the Board, all costs from the beginning of the project will be charged to the project and paid by the applicant as a part of the total project cost. If the applicant decides not to build the project after the Board has Authorized the project, all costs accruing after the Authorization will be reimbursed by the applicant to the Board.

(6) The Board shall determine the date on which the scheduled payments of principal and interest will be made. In fixing this date, all possible contingencies shall be considered, and the Board may allow the system user one year of actual use of the project facilities before the first repayment is required.

(7) The applicant shall furnish the Board with acceptable evidence that the applicant is capable of paying its share of the construction costs during the construction period.

(8) LOANS AND INTEREST BUY-DOWN AGREEMENTS ONLY - The Board may require, as part of the loan or interest buy-down agreement, that any local funds which are to be used in financing the project be committed to construction prior to or concurrent with the committal of State funds.

(9) The Board will not forgive the applicant of any payment after the payment is due.

(10) The Board will require a debt service reserve account be established by the applicant at or before the loan is closed. Deposits to that account shall be made at least annually in the amount of one-tenth of the annual payment on the bond(s) purchased by the Board and shall continue until the total amount in the debt service reserve fund is equal to the annual payment. The debt service reserve account shall be continued until the bond is retired. Annual reports/statements will be required. Failure to maintain the reserve account will constitute a technical default on the bond(s) and may result in penalties being assessed. Annual reports/statements will be required.

(11) The Board will require a capital facilities replacement reserve account be established at or before the loan is closed. Deposits to that account shall be made at least annually in the amount of five percent (5%) of the applicant's annual drinking water system budget, including depreciation, unless otherwise specified by the Board at the time of loan authorization, until the loan is repaid. This fund shall not serve as security for the payment of principal or interest on the loan. The applicant shall adopt such resolutions as necessary to limit the use of the fund to construct capital facilities for its water system and to notify the Board prior to making any disbursements from the fund so the Board can confirm that any expenditure is for an acceptable purpose. The applicant will not need the consent of the Board prior to making any expenditure from the fund. Failure to maintain the reserve account will constitute a technical default on the bond(s) and may result in penalties being assessed. Annual reports/statements will be required.

(12) If the Board is to purchase a revenue bond, the Board will require that the applicant's water rates be established such that sufficient net revenue will be raised to provide at least 125% (or

such other amount as the Board may determine) of the total annual debt service.

R309-700-15[14]. Committal of Funds and Approval of Agreements.

.....

R309-700-16[15]. Construction.

.....

KEY: loans, interest buy-downs, credit enhancements, hardship grants

[November 15, 2002]2003

Notice of Continuation September 16, 2002

19-4-104

73-10c



Health, Administration

R380-250

HIPAA Privacy Rule Implementation

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 26162

FILED: 04/14/2003, 12:50

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Implements provisions required by the federal Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, 45 CFR Part 164, subpart E, dealing with the treatment of certain individually identifiable health information held by the Utah Department of Health (UDOH).

SUMMARY OF THE RULE OR CHANGE: The HIPAA Privacy Rule requires that covered programs implement administrative safeguards and policies to protect the rights of individuals to access and control access to their protected health information. This rule adopts those requirements for UDOH programs covered by the HIPAA Privacy Rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Standards for Privacy of Individually Identifiable Health Information found in 45 CFR Part 160, and 45 CFR Part 164, subparts A and E; and Section 26-1-5

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Implementation of the federal HIPAA privacy rule will have a significant fiscal impact on the Utah Department of Health. Costs are predicted to exceed those experienced with the Y2K phenomenon. This federal mandate is unfunded, so UDOH has no choice but to implement these requirements within existing budgets. This rulemaking should streamline and simplify, to the extent possible, compliance with the federal mandate.

❖LOCAL GOVERNMENTS: Implementation of the federal HIPAA privacy rule will have a significant fiscal impact on local governments. Costs are predicted to exceed those

experienced with the Y2K phenomenon. This federal mandate is unfunded. This rule will clearly communicate to other parties, including local governments, how the UDOH will implement certain requirements, which should assist local governments in their efforts to comply.

❖OTHER PERSONS: Implementation of the federal HIPAA privacy rule will have a significant fiscal impact on covered health care providers, plans and clearinghouses. Costs are predicted to exceed those experienced with the Y2K phenomenon. This federal mandate is unfunded. This rule will clearly communicate to other parties how the UDOH will implement certain requirements, which should assist those parties with their efforts to comply.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule clearly outlines the policies of the UDOH on HIPAA Privacy Rule implementation standards. Those persons seeking to exercise their rights under the HIPAA Privacy Rule will have clear guidance on the process they should follow to exercise those rights. The only compliance cost is to require that some of those rights be exercised in writing. The overall cost to persons should be minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Implementation of the federal HIPAA privacy rule will have a significant fiscal impact on all covered health care providers, plans and clearinghouses. Costs are predicted to exceed those experienced with the Y2K phenomenon. This federal mandate is unfunded. This rule will clearly communicate to other parties how the UDOH will implement certain requirements, which should assist those parties with their efforts to comply. UDOH has attempted to streamline and simplify the cost of compliance by offering free training to government agencies throughout state and local government. This rule supports those efforts and should have an overall positive impact of businesses. Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HEALTH
ADMINISTRATION
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:

Doug Springmeyer at the above address, by phone at 801-538-6971, by FAX at 801-538-6306, or by Internet E-mail at dspringm@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: Rod L. Betit, Executive Director



R380. Health, Administration.**R380-250. HIPAA Privacy Rule Implementation.****R380-250-1. Authority and Purpose.**

(1) This rule implements provisions required by 45 CFR Part 164, subpart E, dealing with the treatment of certain individually identifiable health information held by the Department of Health.

(2) This rule is authorized by Utah Code Sections 26-1-5 and 26-1-17.

R380-250-2. Definitions.

As used in this rule:

(1) "Covered program" means the smallest agency or program unit within the Department responsible for carrying out a covered function as that term is used in 45 CFR 164.501.

(2) "HIPAA Privacy Rule" means the Standards for Privacy of Individually Identifiable Health Information found in 45 CFR Part 160 and Subparts A and E of Part 164.

(3) "Individual" means a natural person. In the case of an individual without legal capacity or a deceased person, the personal representative of the individual.

R380-250-3. General Compliance.

(1) This rule applies only to those functions of the Department that are covered functions as that term is used in 45 CFR Part 164.

(2) Covered programs shall comply with the privacy requirements of 45 CFR Part 164, Subpart E in dealing with individually identifiable health information and the subjects of that information.

R380-250-4. Changes to Rule.

The Department reserves the right to alter this rule and its notices of privacy practices required by the HIPAA Privacy Rule.

R380-250-5. Sanctions, Retaliation.

(1) An employee of a covered program may be disciplined for failure to comply with the HIPAA Privacy Rule requirements found in 45 CFR Part 164, Subpart E. Discipline may include termination and civil or criminal prosecution.

(2) An employee of a covered program may not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against any person for exercising any right established by the HIPAA Privacy Rule or for opposing in good faith any act or practice made unlawful by the HIPAA Privacy Rule.

R380-250-6. Waiver of Rights Prohibited.

A covered program may not require individuals to waive their rights under 45 CFR 160.306 or 45 CFR Part 164, Subpart E as a condition of the provision of treatment, payment, health plan enrollment, or eligibility for benefits.

R380-250-7. Complaints.

(1) An individual may seek a review of a covered program's policies and procedures or its compliance with such policies and procedures through informal contact with the covered program.

(2) An individual may file a formal complaint concerning a covered program's policies and procedures implementing 45 CFR Part 164, Subpart E or its compliance with such policies and procedures or the requirements of 45 CFR Part 164, Subpart E by filing with the Office of the Executive Director of the Department a request for program action meeting the requirements of the Utah Administrative Procedures Act.

R380-250-8. Right to Request Privacy Protection.

(1) An individual may request restrictions on use and disclosure of protected health information as permitted in 45 CFR 164.522 by submitting a written request to the designated privacy officer for the covered program.

(2) The decision whether to grant the request, documentation of any restrictions, alternate communication methods, and conditions on providing confidential communications shall be in accordance with 45 CFR 164.522.

R380-250-9. Individual Access to Protected Health Information.

(1) An individual may request access to protected health information as permitted in 45 CFR 164.524 by submitting a written request to the designated privacy officer for the covered program.

(2) The right to access, decision whether to grant access, review of denials, timeliness of responses, form of access, time and manner of access, documentation and other required responses shall be in accordance with 45 CFR 164.524.

R380-250-10. Amendment of Protected Health Information.

(1) An individual may request amendment to protected health information about that individual that the individual believes is incorrect as permitted in 45 CFR 164.526 by submitting a written request to the designated privacy officer for the covered program.

(2) The decision whether to grant the request, the time frames for action by the covered program, amendment of the record, requirements for denial, and acting on notices of amendment from third parties shall be in accordance with 45 CFR 164.526.

R380-250-11. Accounting for Disclosures.

(1) An individual may request an accounting of disclosures of protected health information as permitted in 45 CFR 164.528 by submitting a written request to the designated privacy officer for the covered program.

(2) The content of the accounting and the provision of the accounting, shall be in accordance with 45 CFR 164.528.

KEY: HIPAA, privacy**2003****26-1-5****26-1-17**

Health, Health Systems Improvement,
Emergency Medical Services

R426-16-2

Maximum Ambulance Transportation
Rates and Charges

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26163

FILED: 04/14/2003, 18:24

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Gold Cross Ambulance petitioned the Department to approve a surcharge for the maximum charge for ambulance calls in Juab, Salt

Lake, Uintah, and Utah County. The Utah Department of Health by statute sets the maximum allowable charge for ambulance calls throughout the state. The current rate reflected revenue from private health maintenance organizations that contracted with the Utah Department of Health to serve Medicaid recipients. These contracts were terminated due to budget constraints. Reimbursement for Medicaid recipients served is now based on the Medicaid standard fee schedule, which will result in a projected loss of over \$1,000,000 in revenue for Gold Cross. Department audits have reviewed financial documents supplied by Gold Cross. This information was shared with the Emergency Medical Services Committee. The Committee voted to support this rule change and to approve the surcharge.

SUMMARY OF THE RULE OR CHANGE: Allow a surcharge to be added by private ambulance services operating in Juab, Salt Lake, Uintah, and Utah County. The surcharge is \$66.48 per transport.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-8a-105

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** The Utah Department of Health can handle the added audit requirements imposed by this rule within current appropriations. State agencies that sponsor health plans will pay a share of the projected \$1,190,922. The exact amount that state agencies will pay is impossible to predict.

❖**LOCAL GOVERNMENTS:** Local governments that sponsor health plans will pay a share of the projected \$1,190,922. The exact amount that state agencies will pay is impossible to predict.

❖**OTHER PERSONS:** Private health plans and individuals are projected to bear the biggest share of the projected \$1,190,922. The exact amount that individuals will pay is impossible to predict.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is a cost of \$1,190,922 to persons who are transported by an ambulance service that is allowed to charge the surcharge as verified by the Utah Department of Health auditors.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Utah Department of Health looks forward to public comment regarding this surcharge. Auditors have verified that Gold Cross reports costs that could justify the surcharge. Emergency medical services are a core public service which must remain financially viable. Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HEALTH
HEALTH SYSTEMS IMPROVEMENT,
EMERGENCY MEDICAL SERVICES
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:

Paul Patrick at the above address, by phone at 801-538-6291, by FAX at 801-538-6808, or by Internet E-mail at paulpatrick@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/21/2003 at 4:00 PM, Utah Department of Health, Cannon Health Building, Room 125, 288 North 1460 West, Salt Lake City, Utah.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: Rod L. Betit, Executive Director

R426. Health, Health Systems Improvement, Emergency Medical Services.

R426-16. Emergency Medical Services Maximum Ambulance Transportation Rates and Charges.

R426-16-2. Maximum Ambulance Transportation Rates and Charges.

(1) Licensed services operating under R426-3 shall not charge more than the maximum rates described in this rule. In addition, the net income of licensed services, including subsidies of any type, shall not exceed the net income limit set by this rule.

(a) The net income limit shall be the greater of eight percent of gross revenue or 14 percent return on average assets.

(b) Licensed Services may change rates at their discretion after notifying the Department, provided that the rates do not exceed the maximums specified in this rule.

(2) The initial regulated rates established in this rule shall be adjusted annually on July 1, based on an annual review of the most recent 12 month percentage change in price levels from the following sources: U.S. Bureau of Labor Statistics Occupational Employment and Wage Data, the National Consumer Pricing Index (CPI), the State of Utah Governor's Office of Planning and Budget economic report; the U.S. Bureau of Labor Statistics seasonally adjusted CPI for Urban Consumers transportation and medical care categories, and the U.S. Bureau of Labor Statistics seasonally adjusted CPI for Urban Wage Earners and Clerical Workers transportation and medical categories. The adjustment shall be made effective and published by order of the Department prior to June 1 of each year and become effective July 1, of each year. As of the beginning of fiscal year 2000, all licensed services will collect financial data as delineated by the department to be submitted as detailed under R426-8-2(10). This data shall then be used as the basis for the annual rate adjustment beginning July 1, 2001.

(3) Base Rates

(a) Basic ambulance - \$235.68 per transport.

(b) Intermediate ambulance - \$279.88 per transport.

(c) Paramedic Ambulance Transfer Service inter-facility transports, and Paramedic Ambulance transports that provide basic life support - \$353.54 per transport.

(d) Paramedic ambulance transports that, under physician medical direction, provide basic or intermediate ambulance transports that have paramedics on-board to continue advanced life

support initiated by a paramedic rescue service - Basic ambulance service - \$424.24 per transport, Intermediate ambulance service - \$468.44 per transport. Any ambulance service that interfaces with a paramedic rescue service must have an interlocal or equivalent agreement in place, dealing with reimbursing the paramedic agency for services provided up to the maximum of \$147.31 per transport.

(4) \$10.32 per mile or fraction thereof. In all cases mileage shall be computed from the point of pickup to the point of delivery.

(5) Surcharges -

(a) A surcharge of \$23.38 per transport may be assessed for emergency responses.

(b) A surcharge of \$23.38 per transport may be assessed for ambulance service between the hours of 8:00 p.m. and 8:00 a.m.

(c) Where the ambulance is required to travel for ten miles or more on unpaved roads, a surcharge of \$19.48 per transport may be assessed.

(d) Private ambulance services operating in Juab, Salt Lake, Uintah and Utah County may assess a surcharge of \$66.48 per transport to recover for a temporary escalation of costs.

(6) Special Provisions -

(a) If more than one patient is transported from the same point of origin to the same point of delivery in the same ambulance, the charges to be assessed to each individual will be determined as follows:

(i) Each patient will be assessed the transportation rate.

(ii) The emergency surcharge, night surcharge and mileage rate will be computed as specified, the sum to be divided equally between the total number of patients.

(b) A round trip may be billed as two one-way trips.

(c) An ambulance shall provide 15 minutes of time at no charge at both point of pickup and point of delivery, and may charge \$12.99 per quarter hour or fraction thereof thereafter. On round trips, 30 minutes at no charge will be allowed from the time the ambulance reaches the point of delivery until starting the return trip. At the expiration of the 30 minutes, the ambulance service may charge \$12.99 per quarter hour or fraction thereof thereafter.

(7) Where an ambulance is summoned to a medical emergency by a dispatch agency, but does not transport, a charge of \$194.88 may be assessed.

(8) Supplies shall be priced fairly and competitively with similar products in the local area.

(9) Uncontrollable Cost Escalation -

(a) In the event of a temporary escalation of costs, an ambulance service may petition the EMS Committee for permission to make a temporary service-specific surcharge. The petition shall specify the amount of the proposed surcharge, the reason for the surcharge, and provide sufficient financial data to clearly demonstrate the need for the proposed surcharge. Since this is intended to only provide temporary relief, the petition shall also include a recommended time limit.

(b) The petition shall be submitted to the Department, which shall within 30 days, notify the ambulance service of the date and time of the next EMS Committee meeting and the disposition of the petition. Prior to the EMS Committee meeting, the Department shall evaluate the petition for reasonableness and prepare a written response for consideration by the EMS Committee. The EMS Committee may reject, modify or adopt the proposed surcharge as a proposed rule and direct the Department to submit a notice of rule change to the Division of Administrative Rules in accordance with the Rulemaking Act. The public comment period shall include a public hearing.

(10) The licensed service shall file with the Department within five months of the end of each licensed service's fiscal year, an operating report in accordance with the instructions, guidelines and review criteria specified in the EMS Committee's "Department of Health Uniform Licensed Service Fiscal Reporting Guide". The Department shall provide a summary of operating reports received during the previous state fiscal year to the EMS Committee in the October quarterly meeting, beginning 2001.

(11) Fiscal audits

(a) Upon receipt of licensed service fiscal reports, the Department shall review them for compliance to standards established in the "Department of Health Uniform Licensed Service Fiscal Reporting Guide." The Department, or its representative, may audit licensed services to verify the information given in the report.

(b) Where the Department determines that the audited service is not in compliance with this rule, the Department shall proceed in accordance with Section 26-8a-504.

KEY: emergency medical services
~~[October 4, 1999]~~2003
 26-8a

Health, Epidemiology and Laboratory Services, Laboratory Improvement

R444-14

Rule for the Certification of Environmental Laboratories

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26144

FILED: 04/02/2003, 13:56

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment will incorporate the major technical parts of the National Environmental Laboratory Accreditation Conference (NELAC) standards into the state rule. With the incorporation, all incompatibilities between the state rule and national standards are eliminated and the state program remains eligible to be a National Environmental Laboratory Accreditation Program (NELAP) accrediting authority.

SUMMARY OF THE RULE OR CHANGE: This amendment will incorporate the latest NELAC standards (2001) by reference. With this amendment, the major technical parts of the national standard become part of the State rule. Large parts of the existing rule are thereafter unnecessary and are being eliminated.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 26-1-30(2)(m)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 136, 141, 142, and 261 (July 1992-2002); and National Environmental Laboratory Conference Standards (May 2001)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This amendment does not change the substantive requirements or the process for certification. Therefore, no impact on the state budget is predicted.

❖LOCAL GOVERNMENTS: This amendment does not change the substantive requirements or the process for certification. Therefore, no impact on local governments that operate labs is predicted

❖OTHER PERSONS: This amendment does not change the substantive requirements or the process for certification. Therefore, no impact on private parties that operate labs is predicted.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost will not change with the incorporation of the national standards.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: For Utah to maintain primacy under United States Environmental Protection Agency rules (especially for drinking water) there must exist a laboratory certification program within the state. This rule is the foundation of the certification program. The NELAP has recognized the Utah certification program as an accrediting authority. To continue as a recognized accrediting authority, this rule must be revised to incorporate changes to the NELAC standards. The NELAC standards take the industry to the next level of quality by focusing on the quality system that operates in the laboratory. The uniform standard ensures the consistency in the quality of results submitted to the Department of Environmental Quality for regulatory purposes. No adverse fiscal impact is predicted for business. Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HEALTH
EPIDEMIOLOGY AND LABORATORY SERVICES,
LABORATORY IMPROVEMENT
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:

David Mendenhall at the above address, by phone at 801-584-8470, by FAX at 801-584-8501, or by Internet E-mail at davidmendenhall@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: Rod L. Betit, Executive Director

R444. Health, Epidemiology and Laboratory Services, Laboratory Improvement.**R444-14. Rule for the Certification of Environmental Laboratories.****R444-14-1. Introduction.**

(1) This rule is authorized by Utah Code Section 26-1-30(2)(m).

(2) This rule applies to laboratories that analyze samples for compliance with Federal Safe Drinking Water Act, Federal Clean Water Act, and the Federal Resource Conservation and Recovery Act.

(3) A laboratory that analyzes samples for compliance with rules established by the Utah Department of Environmental Quality that require that the analysis be conducted by a certified laboratory, must become certified under this rule and comply with its provisions.

(4) A laboratory that, under subcontract with another laboratory, analyzes samples for compliance with rules established by the Utah Department of Environmental Quality that require that the analysis be conducted by a certified laboratory, must become certified under this rule and comply with its provisions.

(5) A laboratory certified under this rule to analyze samples for compliance with rules established by the Utah Department of Environmental Quality that require that the analysis be conducted by a certified laboratory must also obtain approval under this rule for each ~~method used to analyze each analyte~~ analyte analyzed by a specific method.

R444-14-2. Definitions.

(1) ~~["Accuracy" means the degree of agreement between an observed value and an accepted reference value.~~

~~—(2)—~~ "Analyte" means the substance or thing for which a sample is analyzed to determine its presence or quantity.

(2~~3~~) "Approved" means the determination by the department that a certified laboratory may analyze for an analyte ~~or interdependent analyte group~~ under this rule.

~~—(4) "Assessment" means the process of inspecting, testing and documenting findings for purposes of certification or to determine compliance with this rule.~~

~~—(5) "Batch" means a group of analytical samples of the same matrix processed together, including extraction, digestion, concentration and the application of the analytic method, using the same process, personnel, and lot(s) of reagents.~~

~~—(6) "Certification officer" means a representative of the department who conducts assessments. This representative may be a third party contractor who conducts assessments and acts under the authority of the department.~~

(3~~7~~) "Clean Water Act" means U.S. Public Law 92-500, as amended, governing water pollution control programs.

~~—(8) "Contamination" means the effect caused by the introduction of the target analyte from an outside source into the test system.~~

~~—(9) "Deny" means to totally or partially refuse to certify a laboratory.~~

(4~~10~~) "Department" means the Utah Department of Health.

~~—(11) "Equipment blank" means sample that is known not to contain the target analyte and that is used to check the cleanliness of sampling devices, collected in a sample container from a clean sample collection device and returned to the laboratory as a sample.~~

~~—(12) "Field blank" means a sample that is known not to contain the target analyte and that is used to check for analytical artifacts or~~

contamination introduced by sampling and analytical procedures, carried to the sampling site, exposed to sampling conditions and returned to the laboratory and treated as an environmental sample.

— (13) "Holding time" means the maximum time that a sample may be held prior to preparation or analysis.

— (14) "Interdependent analyte group" means a group of analytes, as determined by the department, for which the ability to correctly identify and quantify a single analyte in the group indicates the ability to correctly identify and quantify other analytes in the group.

— (15) "Initial demonstration of analytical capability" means the procedure described in the method 40 CFR Part 136, Appendix A, used to determine a laboratory's accuracy and precision in applying an analytical method.

— (16) "Instrument blank" means a sample that is known not to contain the target analyte, processed through the instrumental steps of the measurement process used to determine the absence of instrument contamination for the determinative method.

— (17) "Interference" means the effect on the final result caused by the sample matrix.

— (18) "Key personnel" means the technical director, and laboratory quality assurance officer, all of whom meet the qualification requirements of this rule.

— (19) "Matrix" means a surrounding substance within which something originates, develops, or is contained, such as: drinking water, saline/estuarine water, aqueous substance other than drinking water or saline/estuarine water, non aqueous liquid, biological tissue, solids, soils, chemical waste, and air.

— (20) "Matrix spike" means a sample prepared to determine the effect of the matrix on a method's recovery efficiency by adding a known amount of the target analyte to a specified amount of matrix sample for which an independent estimate of the target analyte concentration is available.

— (21) "Method detection limit" means the minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is greater than, zero as determined from analysis of a sample containing the analyte in a given matrix as described in 40 CFR Part 136, Appendix B, 1 July 1995 edition.

— (22) "Precision" means the degree to which a set of observations or measurements of the same property, usually obtained under similar conditions, conform to themselves. Precision is usually expressed as standard deviation, variance or range, in either absolute or relative terms.

— (23) "Preservation" means the temperature control or the addition of a substance to maintain the chemical or biological integrity of the target analyte.

— (24) "Proficiency testing audit" means the event, including the receiving, analyzing, and reporting of results from a set of samples that a proficiency testing provider sends to a laboratory, for the laboratory to comply with the proficiency testing requirements of this rule.

— (25) "Proficiency testing program" means a program that meets the National Environmental Laboratory Accreditation Conference (NELAC) proficiency testing standards and that is provided by a National Environmental Laboratory Accreditation Program (NELAP) authorized proficiency testing provider or a program that is provided by the EPA as part of its WS and WP audits.]

— ([26]5) "Revoke" means to withdraw a certified laboratory's certification or the approval for a certified laboratory to perform one or more specified methods.

— (6[27]) "Resource Conservation and Recovery Act" means U.S. Public Law 94-580, as amended, governing solid and hazardous waste programs.

— ([28]7) "Safe Drinking Water Act" means U.S. Public Law 93-523 94-580, as amended, governing drinking water programs. [

— (29) "Selectivity" means the capability of a method or instrument to respond to the target analyte in the presence of other substances or things.

— (30) "Sensitivity" means the capability of a method or instrument to discriminate between measurement responses representing different levels of a target analyte.

— (31) "Standard operating procedures (SOPs)" means a written document which details the steps of an operation, analysis or action whose techniques and procedures are thoroughly prescribed and is accepted as the procedure for performing certain routine or repetitive tasks.

— (32) "Surrogate" means a substance which is unlikely to be found in the environment and which has properties that mimic the target analyte and that is added to a sample to check for quality control.

— (33) "Suspend" means to temporarily remove a laboratory's certification or the approval for a certified laboratory to perform one or more specified methods for a defined period not to exceed six months.

— (34) "Target analyte" means the analyte that a test is designed to detect or quantify.

— (35) "Technical employee" means a designated individual who performs the analytical method and associated techniques.

— (36) "Trip blank" means a sample known not to contain the target analyte that is carried to the sampling site and transported to the laboratory for analysis without having been exposed to sampling procedures.]

R444-14-3. Laboratory Certification.

(1) A laboratory is the organization and facilities established for testing samples.

(2) A laboratory that conducts tests that are required by Department of Environmental Quality rules to be conducted by a certified laboratory must be certified under this rule.

(3) To become certified, to renew certification, or to become recertified under this rule, a laboratory must adhere to the requirements found in Chapter 4, "Accreditation Process", of the National Environmental Laboratory Accreditation Conference Standards approved May 2001, which are incorporated by reference. [:

— (a) submit a completed application to the Division of Epidemiology and Laboratory Services, Bureau of Laboratory Improvement, on forms provided by the department; the application shall include:

— (i) the legal name of the laboratory;

— (ii) the name of the laboratory owner;

— (iii) the laboratory mailing address;

— (iv) the full address of location of the laboratory;

— (v) the laboratory hours of operation;

— (vi) a description of qualifications of key personnel and technical employees;

—(vii) the name and day time phone number of the laboratory director;

—(viii) the name and day time phone number of the quality assurance officer;

—(ix) the name and day time phone number of the laboratory contact person;

—(x) an indication of class of laboratory for which the laboratory is applying for certification under this rule; and

—(xi) the laboratory's quality assurance plan and documentation of the laboratory's implementation and adherence to the quality assurance plan.

—(b) be enrolled in a proficiency testing program;

—(c) apply for approval to analyze at least one analyte or interdependent analyte group by a method the department may approve under this rule; and

—(d) pay all fees prior to the department's processing of the application.

—(e) submit a statement of assurance of compliance signed and dated by the laboratory owner, director, and quality assurance officer, which shall include:

—(i) an acknowledgment that the applicant understands that, once certified, the laboratory must continually comply with this rule and shall be subject to the penalties provided in this rule for failure to maintain compliance;

—(ii) an acknowledgment that the department may make unannounced assessments and that a refusal to allow entry by the department's representatives is grounds for denial or revocation of certification;

—(iii) a statement that the applicant laboratory will perform all proficiency testing audits according to the accepted method and in accordance with department requirements; and

—(iv) a statement that there is no misrepresentation in the information provided in the application.

—(4) Upon satisfaction of the requirements of subsection (4):

—(a) the department shall conduct an on-site assessment at a date and time agreed to by the laboratory director to determine whether the laboratory complies with the minimum requirements of this rule and that the laboratory can produce valid results;

—(b) the department shall provide the laboratory director a written report of the department's findings from the on-site assessment; and

—(c) if the department determines that the laboratory does not meet the requirements for certification, the laboratory shall develop and submit a plan of correction acceptable to the department.

—(5) The department shall issue a final decision and letter upon a satisfactory on-site assessment or within 30 days of acceptance of the plan or portions of a plan of correction. The letter shall state whether the laboratory is certified or not certified. It shall also state the approval status of the analyte or interdependent analyte group for which the laboratory applied for approval. The department may certify a laboratory for up to one year.

—(6) A certification expires at the expiration date listed on the certificate, unless otherwise revoked. To avoid a lapse in certification, a laboratory must submit a completed application for renewal and the required fees for certification at least three months prior to the expiration of the certificate.]

[R444-14-4. Method Approval.

—(1) An applicant laboratory must request approval to analyze for an analyte or interdependent analyte group as part of its application for certification or renewal of certification. Approval to

analyze for an analyte or interdependent analyte group upon application for certification or renewal of certification may be granted only after an on-site assessment. The applicant laboratory shall submit:

—(a) documentation that it has the necessary equipment and trained technical employees to perform the tests;

—(b) documentation that the laboratory has passed two proficiency testing audits for the analyte in question in a proficiency testing program;

—(c) its standard operating procedure for the method used to analyze for the analyte in question;

—(d) documentation of its initial demonstration of analytical capability; and

—(e) documentation establishing the laboratory's method detection limit for the analyte.

—(2) At a time other than at application for certification or renewal of certification, a certified laboratory may request approval to analyze for an additional analyte or interdependent analyte group by submitting a written request together with the documentation required in subsection (1).

—(3) If the department is satisfied from its assessment that the applicant laboratory can produce valid results, it shall grant approval for the analyte or interdependent analyte group by a specific method.

—(4) The department shall not grant approval to a laboratory that does not certify under this rule.

R444-14-5. Change in Name or Ownership.

—(1) A certified laboratory that changes its name, business organizational status, or ownership must report the change in writing to the department within 30 days of the change.

—(2) A certified laboratory that assumes a new business organizational status or ownership must maintain all the records required under this rule that the certified laboratory was required to maintain prior to the change in status or ownership.

R444-14-6. Access and Sample Testing.

—(1) Applicants and certified laboratories shall allow department representatives access to the laboratory facility and records during laboratory operating hours to determine initial or continued compliance with this rule.

—(2) The department may submit samples to applicant and certified laboratories in a manner that the applicant or certified laboratory is unaware of the expected values of the analytes in the samples.

R444-14-7. Quality Assurance.

—(1) A certified laboratory must develop and implement a quality assurance program that is an integrated system of activities involving planning, quality control, quality assessment, reporting and quality improvement to ensure that its services meet its standards of quality with its stated level of confidence.

—(2) The quality assurance program must meet the type and volume of testing activities the certified laboratory undertakes. The quality assurance program must include a quality assurance plan and the documentation of the quality assurance activities.

—(3) As part of its quality assurance program, each certified laboratory must develop and adhere to a quality assurance plan. The quality assurance plan must be a written document and may incorporate other documents by reference. All technical employees must have easy access to the quality assurance plan. The certified

laboratory must include and address the following essential items in the quality assurance plan:

- (a) General quality control procedures;
 - (b) Frequency of proficiency testing;
 - (c) Proficiency testing audit handling;
 - (d) Reporting of proficiency testing results;
 - (e) Evaluation of staff competency;
 - (f) Staff training;
 - (g) Equipment operation and calibration;
 - (h) Analytical methods and SOPs;
 - (i) Physical facility factors that may affect quality;
 - (j) Sample acceptance policies and sample receipt policies;
 - (k) Sample tracking;
 - (l) Record keeping, quality assurance review of data, and reporting of results;
 - (m) Corrective action policy and procedures;
 - (n) Definitions of terms;
 - (o) Frequency and procedure of quality reviews and the content of reports to the director; and
 - (p) Frequency, procedure, and documentation of preventive maintenance.
- (4) As part of the quality assurance program, the certified laboratory must document and retain records demonstrating compliance with its quality assurance program.

R444-14-8. Personnel Requirements and Responsibilities.

- (1) A certified laboratory must:
 - (a) have a laboratory director who meets the qualification requirements of this section;
 - (b) have a laboratory quality assurance officer who meets the qualification requirements of this section, who may also serve as the laboratory director;
 - (c) specify and document the responsibility, authority, and interrelation of all personnel who manage, perform or verify work affecting the quality of testing;
 - (d) have sufficient technical employees with the educational background and training necessary to perform all tests which the certified laboratory is approved to perform;
 - (e) adequately supervise its technical employees to assure quality test results;
 - (f) have a job description for all key personnel and technical employees;
 - (g) maintain documentation of the qualifications of all key personnel;
 - (h) maintain a record of training for all key personnel and technical employees; and
 - (i) document and clearly describe the lines of responsibility of all key personnel and technical employees.
- (2) The technical director is responsible for the administrative oversight and overall operation of the certified laboratory and must:
 - (a) define minimum qualifications, experience, and skills necessary for all technical employees;
 - (b) ensure and document through an annual competency check that each technical employee demonstrates initial and ongoing proficiency for the tests performed by the technical employee; and
 - (c) supervise the quality assurance officer and ensure the production and quality of all results reported by the certified laboratory.
- (3) An individual may be the technical director of one certified laboratory.

— (4) A technical director of a laboratory must have a bachelor's degree in the biological, chemical, or physical sciences, plus two years work experience in a certified laboratory or in a laboratory that the prospective technical director demonstrates to the department as one that substantially meets equivalent quality standards for a certified laboratory.

- (5) The technical director is responsible for the day-to-day operation of the certified laboratory and:
 - (a) must supervise all technical employees of the certified laboratory;
 - (b) must assure that all samples are accepted in accordance with the requirement of this rule; and
 - (c) is responsible for the production and quality of all data reported by the certified laboratory.
- (6) A quality assurance officer must:
 - (a) have documented training or experience in quality assurance procedures and be knowledgeable in the quality assurance requirements of this rule;
 - (b) have a knowledge of the approved methods the certified laboratory uses in order to allow him to verify that the certified laboratory is following the approved methods;
 - (c) not analyze samples as part of the regular analyses performed by the certified laboratory;
 - (d) have direct access to the highest level of management at which decisions are taken on laboratory policy and resources, and to the technical director;
 - (e) serve as the focal point for quality assurance and oversee and review quality control data;
 - (f) objectively evaluate data and objectively perform assessments;
 - (g) oversee all aspects of sample handling, testing, report collation and distribution with the purpose of the production of high quality results; and
 - (h) conduct or oversee and be responsible for an annual review of the entire technical operation of the certified laboratory.
- (7) One individual may be the quality assurance officer of up to three certified laboratories.

R444-14-9. Physical Facilities.

- (1) A certified laboratory must occupy physical facilities that have suitable space, energy sources, lighting, heating and ventilation to allow for proper performance of the testing.
- (2) A certified laboratory must maintain the physical facilities to permit the production of quality results. The certified laboratory must assure that contamination is unlikely, and must control variables that might adversely affect test results, such as: temperature; humidity; electrical power; vibration; electromagnetic fields; dust; direct sunlight; ventilation; and lighting.
- (3) A certified laboratory must make available to technical employees an unencumbered work area to ensure that adequate working conditions are available for the tests.
- (4) A certified laboratory must:
 - (a) control access to the laboratory;
 - (b) separate incompatible tests, analyses, procedures, materials, and the like; and
 - (c) have separate sample receipt, sample storage, chemical storage, waste storage, and data handling and storage areas.

R444-14-10. Equipment and Reference Materials.

- (1) A certified laboratory must have on-site all equipment and apparatus, reagents, reference materials, and glassware necessary for

the tests it performs. All equipment used to analyze samples must be in good working order.

— (2) A certified laboratory must have SOPs on the use, operation, and maintenance of all equipment necessary for the analyses it performs.

— (3) A certified laboratory must document and retain a record of the maintenance of its equipment. The documentation must include:

- (a) name of item;
- (b) manufacturer name;
- (c) model and serial number;
- (d) manufacturer's instructions;
- (e) date received;
- (f) date placed in service;
- (g) current physical location;
- (h) date and description of each maintenance activity; and
- (i) date and description of each repair.

— (4) In preparing or verifying all standard curves, a certified laboratory must use reference materials of documented high purity and traceability. The certified laboratory must document and retain a record of the origin, purity, traceability of all reference materials. The record must include the date the reference material was received, the date the reference material was opened, and the expiration date of the reference material.

— (5) A certified laboratory must use water that is free from constituents that could potentially interfere with the sample preparation or testing. The certified laboratory must monitor and document and retain a record of the quality of the laboratory water used in testing.

— (6) For water used in microbiological methods, a certified laboratory must analyze and document its laboratory water annually for bactericidal properties. For water used in microbiological testing, a certified laboratory must also analyze its laboratory water monthly and document the results for pH, chlorine residual, standard plate count, and conductivity, and the certified laboratory must also analyze the water annually and document the results for trace metals.

— (7) A certified laboratory must use no less than analytical grade reagents. The certified laboratory must document and retain a record of the origin and purity of all reagents. The record must include the date of receipt of the reagent, the date the reagent was opened, and the expiration date of the reagent.]

R444-14-4[11]. Analytical Methods.

(1) [A certified laboratory must have and maintain an in-house methods manual and SOPs. The methods manual and any associated reference works must be readily available to all technical employees.

— (a) For each approved analyte or interdependent analyte group, the method used by the certified laboratory must be described in the methods manual. The method description or separate SOP must address the following:

- (i) analyte name;
- (ii) applicable matrix or matrices;
- (iii) method detection limit;
- (iv) scope and application;
- (v) summary of the method;
- (vi) any change to the approved method;
- (vii) definitions;
- (viii) interferences;
- (ix) safety;
- (x) equipment and supplies;
- (xi) reagents and calibration standards;
- (xii) sample collection, preservation, shipment and storage;

- (xiii) quality control;
- (xiv) calibration, validation and standardization procedures;
- (xv) data analysis and calculations;
- (xvi) method performance;
- (xvii) pollution prevention;
- (xviii) data review and acceptance criteria for QC measures;
- (xix) waste management;
- (xx) method identifier and references; and
- (xxi) any tables, diagrams, flowcharts and validation data.

— (2) [The department may only approve a certified laboratory to analyze an analyte [or interdependent analyte group] by specific method. The department may [only] approve a certified laboratory for an analyte [or interdependent analyte group] using methods described in the July 1, 1992 through 2002, [1993, 1994, 1995, 1996, 1997, 1998 and 1999] editions of 40 CFR Parts 141, 142, and 143 (Safe Drinking Water Act); 40 CFR Parts 136 and 503.8 (Clean Water Act); 40 CFR Parts 260 and 261 (Resource Conservation and Recovery Act).

(2[3]) In analyzing a sample for compliance with the Safe Drinking Water Act, the Clean Water Act, or the Resource Conservation and Recovery Act, a certified laboratory must follow the method that it reports on its final report to have used.]

— (4) The department may approve a single method for analysis of an interdependent analyte group.]

[R444-14-12. Sample Management and Documentation.

— (1) A certified laboratory must develop, document and implement a sample acceptance policy that clearly outlines the certified laboratory's sample acceptance requirements. The certified laboratory must make the sample acceptance policy readily available to all employees who accept samples and available to personnel who collect samples in the field. The sample acceptance policy must include that:

- (a) the person submitting the sample must provide full documentation with the sample, which must include:
 - (i) sample identification;
 - (ii) the location, date, and time of collection;
 - (iii) collector's name; preservative added;
 - (iv) matrix; and
 - (v) any special remarks concerning the sample;
- (b) each sample or group of samples must include trip blanks, field blanks, equipment blanks, duplicates or other field submitted quality control measures as required by the method;
- (c) each sample must be labeled with unique, durable, and indelible identification;
- (d) each sample must show evidence of proper preservation and use of sample containers allowed by the test method; and
- (e) each sample must be of adequate volume for the requested testing.

— (2) A certified laboratory must develop, document and implement procedures that clearly outline the process to receive samples.

— (3) A certified laboratory must check samples upon receipt for thermal and prior to analysis for chemical preservation as required by the method.

— (a) The certified laboratory must document the results of preservation checks.

— (b) For each sample that does not meet the preservation requirements of the test method, the certified laboratory must flag it upon receipt and continually throughout all phases of the analysis.

~~—(4) A certified laboratory must properly store samples in containers and at temperatures specified by the method. The certified laboratory must document storage temperatures.~~

~~—(5) A certified laboratory must develop and implement procedures to ensure and document that all samples and subsamples are analyzed within holding times.~~

~~—(6) A certified laboratory must develop and implement a chronological log to document the receipt of each sample. The certified laboratory must record the following in the log:~~

~~—(a) date of receipt at the laboratory;~~

~~—(b) date the sample was collected;~~

~~—(c) unique laboratory identification code required in R444-14-12(7)(a);~~

~~—(d) field identification code if supplied by the submitter;~~

~~—(e) requested analysis, including method number, if applicable;~~

~~and~~

~~—(f) comments documenting sample rejection.~~

~~—(7) A certified laboratory must uniquely identify all samples and all subsamples.~~

~~—(a) The certified laboratory must assign and document a unique identification code to each sample container received in the laboratory and attach a durable label with the unique identification code to the sample container.~~

~~—(b) The certified laboratory must establish and document a link from subsamples back to the original sample.~~

~~—(c) The certified laboratory shall treat all samples from public water supplies as routine compliance samples, except those samples for which the request clearly indicates that the samples are submitted as repeat or noncompliance samples.~~

~~—(8) Each certified laboratory must have a record keeping system that allows historical reconstruction of all laboratory activities that produce analytical data.~~

~~—(a) The certified laboratory must document, either in hard copy or machine readable format, all original raw data for each sample and subsample for the testing performed on each sample and subsample.~~

~~—(b) The certified laboratory must associate the raw data from the test with a laboratory sample identification number, the date of analysis, instrument used, method used, actual calculations, and the technical employee's initials or signature.~~

~~—(c) The certified laboratory must document which procedures, methods, laboratory forms, policies, equipment, personnel were used to produce the result for each test.~~

~~—(9) A certified laboratory must retain all correspondence and notes from conversations concerning the final disposition of samples that the certified laboratory has rejected and must document any decision to proceed with the analysis of compromised samples which were improperly sampled, or were received with insufficient documentation, were improperly preserved, were received in the wrong containers, or were received beyond the holding time.~~

~~—(10) The certified laboratory must produce a final report of its analysis.~~

~~—(a) The final report must document the method used to produce each result. If the certified laboratory deviated from the test method used in producing the result, the method description on the final report must indicate that the method was modified. The certified laboratory must describe on the final report any abnormal condition of the sample, deviation from holding time, or preservation requirements that in the judgement of the certified laboratory might affect the result. The certified laboratory must produce the final report in such a way that the information required by this subsection~~

~~is unambiguous, is inseparable from the final result, and that clearly defines the nature and substance of the variation.~~

~~—(b) The certified laboratory must make a final report in a single identifiable document. It shall accurately, clearly, unambiguously, and objectively give the results in a manner that is understandable to the client. The basic information in the final report must include the following:~~

~~—(i) report title with the name, address and phone number of the certified laboratory;~~

~~—(ii) the name of client or project, and the client identification number;~~

~~—(iii) description and laboratory identification code of the sample;~~

~~—(iv) the dates of sample collection, sample receipt, sample preparation, and sample analysis;~~

~~—(v) the time of either sample preparation or analysis or both if the required holding time for either activity is 48 hours or less;~~

~~—(vi) a method identifier for each method, including methods for preparation steps, used to produce the test result;~~

~~—(vii) the MDL or minimum reporting limit for the test result;~~

~~—(viii) the test result;~~

~~—(ix) a description of any quality control failures and deviations from the accepted method or methods;~~

~~—(x) the signature and title of the individuals who accept responsibility for the content of the report;~~

~~—(xi) date of issue; and~~

~~—(xii) a clear identification of any result generated by a laboratory other than the laboratory producing the report, with the name and address of the subcontracted laboratory.~~

~~—(c) The certified laboratory must support by supplementary documentation any correction, addition or deletion from an original final report after it has been issued. Any correction, addition or deletion must clearly identify its purpose, and must meet all reporting requirements of this rule.~~

~~—(d) If authorized by the public water system, the certified laboratory must also report the results of routine compliance drinking water samples from the public water system to the Department of Environmental Quality, Division of Drinking Water. Reports to the Department of Environmental Quality, Division of Drinking Water may be filed electronically or by other means acceptable to Department of Environmental Quality, Division of Drinking Water.~~

~~—(11) If a certified laboratory offers that it can document chain of custody in its testing to meet legal and evidentiary standards, the certified laboratory must establish procedures to establish and document chain of custody sufficient to meet legal and evidentiary standards.~~

~~—(12) A certified laboratory must retain for five years all documentation required by this rule.~~

~~—(a) If the certified laboratory retains in a machine readable format any documentation required by this rule, the certified laboratory must maintain it in a protected form that either prohibits or clearly indicates any deletion or alteration to the documentation.~~

~~—(b) All documentation required by this rule must be available to the department.]~~

R444-14-~~5~~[13]. Proficiency Testing.

For a certified laboratory to become approved and to maintain approval for an analyte[~~or an interdependent analyte group~~] by a specific method, the certified laboratory must, at its own expense, meet the proficiency testing requirements of this rule. A certified

laboratory must adhere to the requirements found in Chapter 2, "Proficiency Testing", of the National Environmental Laboratory Accreditation Conference Standards approved May 2001, which are incorporated by reference.]

—(1) The certified laboratory must enroll and participate in a proficiency testing program for each analyte or interdependent analyte group. For each analyte or interdependent analyte group for which proficiency testing is not available, the certified laboratory must establish, maintain, and document the accuracy and reliability of its procedures through a system of internal quality management.

—(a) The certified laboratory must participate in more than one proficiency testing program if necessary to be evaluated to obtain or maintain approval to analyze an analyte or interdependent analyte group.

—(b) The certified laboratory must, prior to obtaining approval, notify the department of the authorized proficiency testing program or programs in which it has enrolled for each analyte or interdependent analyte group.

—(2) The certified laboratory must follow the proficiency testing provider's instructions for preparing the proficiency testing sample and must analyze the proficiency testing sample as if it were a client sample.

—(a) The certified laboratory must notify the department before the certified laboratory changes enrollment in an authorized proficiency testing program.

—(b) The certified laboratory must direct the proficiency testing provider to send, either in hard copy or electronically, a copy of each evaluation of the certified laboratory's proficiency testing audit results to the department. The certified laboratory must allow the proficiency testing provider to release all information necessary for the department to assess the certified laboratory's compliance with this rule.

—(c) The following are strictly prohibited:

—(i) performing multiple analyses (replicates, duplicates) which are not normally performed in the course of analysis of routine samples;

—(ii) averaging the results of multiple analyses for reporting when not specifically required by the method; or

—(iii) permitting anyone other than bona fide laboratory employees who perform the analyses on a day-to-day basis for the certified laboratory to participate in the generation of data or reporting of results.

—(3) In each calendar year, the certified laboratory must complete at least two separate proficiency testing audits for each analyte or interdependent analyte group.

—(4) The certified laboratory may not:

—(a) discuss the results of a proficiency testing audit with any other laboratory until after the deadline for receipt of results by the proficiency testing provider;

—(b) if the certified laboratory has multiple testing sites or separate locations, discuss the results of a proficiency testing audit across sites or locations until after the deadline for receipt of results by the proficiency testing provider;

—(c) send proficiency testing samples or portions of samples to another laboratory to be tested; or

—(d) knowingly receive a proficiency testing sample from another laboratory for analysis and fail to notify the department of the receipt of the other laboratory's sample within five business days of discovery.

—(5) The certified laboratory must maintain a copy of all proficiency testing records, including analytical worksheets. The

proficiency testing records must include a copy of the authorized proficiency testing provider report forms used by the laboratory to record proficiency testing results.

—(a) The director of the certified laboratory must sign and retain an attestation statement stating that the certified laboratory followed the proficiency testing provider's instructions for preparing the proficiency testing sample and analyzed the proficiency testing sample as if it were a client sample.

—(b) The certified laboratory must analyze and report the results of the proficiency testing test by the deadline set by the proficiency testing provider.

—(6) Upon receipt of the evaluation of the results from the proficiency testing provider, the department shall assign a grade for each analyte where:

—(a) "Acceptable" equals 100;

—(b) "Not acceptable" equals zero; and

—(c) "Nonparticipation" equals zero.

—(7) The certified laboratory must receive a grade of 100 for any single analyte to pass a proficiency testing audit for that analyte. The certified laboratory must receive an average grade of 80 for any interdependent analyte group to pass a proficiency testing audit for the interdependent analyte group.

—(a) If the proficiency testing evaluation is to obtain or maintain approval for an interdependent analyte group by a single method, the grade for the interdependent analyte group is the average of the grades for the individual analytes in the evaluation of the results from the proficiency testing provider.

—(b) If the proficiency testing evaluation is of multiple concentrations of a single analyte, the department shall average the grades for individual concentrations and assign the average as the grade for the analyte.

—(8) If the certified laboratory fails a proficiency testing audit, it must submit a corrective action plan to the department.]

R444-14-6[14]. Quality System.

(1) A certified laboratory must adhere to the requirements found in Chapter 5, Quality Systems, of the National Environmental Laboratory Accreditation Conference Standards approved May 2001[July 1999], which are incorporated by reference.

[R444-14-15. Corrective Action Procedure.

—(1) A certified laboratory must develop written SOPs that govern its response to quality control results that are outside acceptance ranges that the certified laboratory has established to meet the requirements of the method or this rule. The SOPs must address the following:

—(a) identification of anticipated problems and the anticipated or recommended corrective action to correct or eliminate the problem and future occurrences of the problem; and

—(b) requirements for written records that document both anticipated and unanticipated problems, the corrective measures taken, and the final outcome of the corrective action.

—(2) A certified laboratory must have written policy and procedures for the resolution of complaints it receives about the laboratory's activities. The certified laboratory must document and maintain records of complaints and of the actions taken by the laboratory in response to each complaint.

—(3) A certified laboratory must document a response to each deficiency noted on the department written report of the department's findings from an on-site assessment.

~~—(4) A certified laboratory must have written policy and procedures to identify the cause and resolve the cause for a failed proficiency testing audit. The certified laboratory must document and maintain records of its actions taken to resolve the cause for the failure.~~

R444-14-16. Denial, Suspension and Revocation.

~~—(1) The department may suspend the certificate of a certified laboratory for an approved analyte or interdependent analyte group if the certified laboratory fails two of three of its most recent proficiency testing audits required by section R444-14-13. The department may remove the suspension of a certified laboratory for an analyte or an interdependent analyte group if the certified laboratory passes the next two proficiency testing audits required by section R444-14-13.~~

~~—(2) The department shall revoke approval for an analyte or an interdependent analyte group if the approval for the analyte or the interdependent analyte group is under department suspension and if the certified laboratory fails a proficiency testing audit required by section R444-14-13.~~

~~—(3) If a certified laboratory fails to submit a corrective action plan to the department within thirty days of the department's sending a notice of failure of a proficiency testing audit required by section R444-14-13, the department shall revoke the approval for the analyte or interdependent analyte group.~~

~~—(4) If the department has revoked a certified laboratory's approval for an analyte or interdependent analyte group because of failure of a proficiency testing audit in three of the last four proficiency testing audits required under section R444-14-13, the certified laboratory may seek approval, but not prior to 6 months from the revocation of approval. The certified laboratory may seek this approval by:~~

~~—(a) requesting approval in writing for the analyte or interdependent analyte group; and~~

~~—(b) passing two proficiency testing audits under section R444-14-13.~~

~~—(5) The department may revoke approval for an analyte or interdependent analyte group if a certified laboratory does not adhere to the approved method or to the quality system requirements of this rule.~~

~~—(6) The department may deny certification if the applicant laboratory:~~

~~—(a) fails to meet the personnel qualifications for key personnel, including the education, training and experience requirements as required by the department;~~

~~—(b) refuses the certification officer entry to the laboratory for any on-site assessment;~~

~~—(c) refuses the certification officer access to the laboratory records for any assessment; or~~

~~—(d) fails to correct deficiencies identified in a prior on-site assessment.~~

~~—(7) If the department denies certification because the applicant laboratory submitted an unacceptable corrective action plan, the applicant laboratory may submit only one additional corrective action plan to remedy the deficiencies. If the department determines that the corrective action plan is insufficient to correct the deficiencies, the applicant laboratory must wait six months before again applying for certification.~~

~~—(8) The department may suspend a certified laboratory if the certified laboratory fails to notify the department within 30 calendar days of changes in key personnel or laboratory location.~~

~~—(9) The department may revoke a certified laboratory's certification for a minimum of one year if it:~~

~~—(a) submits a proficiency testing sample to another laboratory for analysis;~~

~~—(b) submits proficiency testing sample results generated by another laboratory as its own;~~

~~—(c) receives a proficiency testing sample from another applicant or certified laboratory for analysis and fails to notify the department of the receipt of other certified laboratory's sample within five business days of discovery;~~

~~—(d) falsifies data on any report or is involved in any other deceptive practice;~~

~~—(e) misrepresents any material fact pertinent to receiving certification; or~~

~~—(f) fails to correct deficiencies from an on-site assessment by the date agreed to in the corrective action plan.~~

~~—(10) The department may revoke a certified laboratory's certification if it:~~

~~—(a) refuses the certification officer entry to the certified laboratory for an on-site assessment;~~

~~—(b) permits persons other than its employees to perform or report results of analyses governed by this rule;~~

~~—(c) does not meet the personnel requirements and responsibilities under R444-14-8; or~~

~~—(11) The department shall revoke a certified laboratory's certification if it fails to pay its annual certification or approval fee within 90 calendar days of invoice. The department may revoke a certified laboratory's certification if it fails to pay any approval fee within 90 calendar days of invoice. A laboratory whose certification has been revoked for failure to pay certification or approval fees may not reapply for certification until it pays past due fees.~~

~~—(12) The Department may suspend the laboratory's certification if the department finds the public interest, safety, or welfare requires emergency action.]~~

R444-14-[4]7. Recognition of NELAP Accreditation.

The department may certify a laboratory that is NELAP-accredited. A laboratory seeking certification because of its NELAP accreditation must provide evidence of its accreditation and apply for certification on that basis. A laboratory certified on the basis of NELAP accreditation must obtain approval from the department for each analyte [or interdependent analyte group] and meet the approval requirements of this rule.

R444-14-[4]8. Penalties.

A laboratory violates this rule and is subject to the penalties provided in Title 26, Chapter 23, including administrative and civil penalties of up to \$5,000.00 for each offense, criminal sanctions of a class B misdemeanor on the first offense and a class A misdemeanor on the second offense, and criminal penalties of up to \$5,000.00 for each offense if it:

(1) without being certified under this rule, holds itself out as one capable of testing samples for compliance with Federal Safe Drinking Water Act, Federal Clean Water Act, Federal Resource Conservation and Recovery Act; or

(2) without being approved to analyze for the analyte [or interdependent analyte group], analyzes samples for the analyte [or interdependent analyte group] for compliance with rules established by the Utah Department of Environmental Quality that require that the analysis be conducted by a certified laboratory.

KEY: laboratories

~~[March 1, 2000]~~2003

Notice of Continuation June 13, 2002

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Insurance, Administration

R590-192

Unfair Health and Disability Claims Settlement Practices Rule

NOTICE OF PROPOSED RULE

(Amendment)

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FILED: 04/11/2003, 08:49

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose for the rule changes is to become compliant with federal claims regulations. These changes will speed up the claims process.

SUMMARY OF THE RULE OR CHANGE: The rule now regulates all accident and health, as well as, income replacement insurance claims. Section R590-192-4 adds federal claims definitions. Section R590-192-5 updates the requirements of what "sufficient information" is. The new Section R590-192-8 sets notification requirements for insurers to their insureds. The new Section R590-192-9 outlines standards for processing claims. The new Section R590-192-10 outlines standards for processing income replacement claims. The new Section R590-192-11 requires insurers to provide substantive responses to the department. Section R590-192-12 confirms the legal interest rate provisions in the rule to the requirements in Utah's Title 15. In addition, insurers are required to follow the prompt payment requirements in Section 31A-26-301.6. Section R590-192-14 has been added to allow compliance time for insurers affected by these rule changes.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-1-301, 31A-2-201, 31A-2-204, 31A-2-308, 31A-21-312, and 31A-26-303

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** The state budget will not be affected by these changes. There will be a small increase in workload as a result of the filings required but not enough to require the hiring of part-time help nor will fees be required with the filings.

❖**LOCAL GOVERNMENTS:** This rule will not affect local government. It deals with the relationship between health and accident insurers and those filing a claim against one of their insured's policies.

❖**OTHER PERSONS:** Insurers are already following the requirements of this rule except possibly in the area of income replacement claims. Insurers not already in compliance will need to make changes to forms and file them with the department. There would be no cost for the filing but would

be some minor costs to redo the forms, print, and mail them. These changes should have no fiscal impact on insureds and would probably not be passed on to their consumers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Insurers are already following the requirements of this rule except possibly in the area of income replacement claims. Insurers not already in compliance will need to make changes to forms and file them with the department. There would be no cost for the filing but would be some minor costs to redo the forms, print, and mail them. These changes should have no fiscal impact on insureds and would probably not be passed on to their consumers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Insurers not already following the requirements of this rule will be required to make some changes in their forms which will need to be filed with the department. This would just be considered a cost of doing business and would not require additional help or a filing fee. This rule will speed up the claim payment process of health insurance companies when dealing with income replacement claims.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

**INSURANCE
ADMINISTRATION**
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:

Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/28/2003 at 9:00 AM, State Office Building (behind the Capitol), Room 1112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-192. Unfair ~~Health and Disability~~ Accident and Health Income Replacement Claims Settlement Practices Rule.
R590-192-1. Authority.

This rule is promulgated pursuant to Subsections 31A-2-201(1) and 31A-2-201(3)(a) in which the commissioner is empowered to administer and enforce this title and to make rules to implement the provisions of this title. Further authority to provide for timely settlement of claims is provided by Subsection 31A-26-301(1). Matters

relating to proof and notice of loss are promulgated pursuant to Section 31A-26-301 and Subsection 31A-21-312(5). Authority to promulgate rules defining unfair claims settlement practices or acts is provided in Subsection 31A-26-303(4). The authority to require a timely, accurate, and complete response to the [insurance] department is provided by [Section] Subsection [31A-2-204] 31A-2-202(4) and (6).

R590-192-2. Purpose.

This rule sets forth minimum standards for the investigation and disposition of ~~[health and disability claims]~~ accident and health insurance claims, which include income replacement claims, arising under policies or certificates issued ~~[to residents of]~~ in the State of Utah. These standards include fair and rapid settlement of claims, protection of claimants under insurance policies from unfair claims settlement practices, and the promotion of the professional competence of those engaged in processing of claims. The various provisions of this rule are intended to define procedures and practices which constitute unfair claim practices and responses to the department. This rule is regulatory in nature and is not intended to create a private right of action.

R590-192-3. ~~[Definitions]~~ Applicability and Scope.

(1) This rule applies to all accident and health insurance policies, as defined by Section 31A-1-301 covering individual and group accident and health plans issued or renewed after January 1, 2003.

(2) This rule incorporates by reference the Department of Labor, Pension and Welfare Benefits Administration Rules and Regulations for Administration and Enforcement: Claims Procedure, 29 CFR 2560.503-1, excluding 2560.503-1(a).

R590-192-4. Definitions.

For the purpose of this rule the commissioner adopts the definitions as set forth in Section 31A-1-301, 29 CFR 2560.503-1(m), and the following:

(1) "Adverse benefit determination" means any of the following: a denial, reduction, or termination of, or a failure to provide or make payment, in whole or in part, for a benefit, including any such denial, reduction, termination, or failure to provide or make payment that is based on a determination of a participant's or beneficiary's eligibility to participate in a plan, and including, with respect to group health plans, a denial, reduction, or termination of or failure to provide or make payment, in whole or in part, for a benefit resulting from the application of any utilization review, as well as a failure to cover an item or service for which benefits are otherwise experimental or investigational or not medically necessary or appropriate.

~~(1)~~(2) "Beneficiary" means the party entitled to receive the proceeds or benefits occurring under the policy.

~~(2)~~(3) "Claim File" means any record either in its original form or as recorded by any process which can accurately and reliably reproduce the original material regarding the claim, its investigation, adjustment and settlement.

~~(3)~~(4) "Claim Representative" means any individual, corporation, association, organization, partnership, or other legal entity authorized to represent an insurer with respect to a claim, whether or not licensed within the State of Utah to do so.

~~(4)~~(5) "Claimant" means an insured, the beneficiary or legal representative of the insured, including a member of the insured's immediate family designated by the insured, making a claim under a policy.

(6) "Concurrent care decision" means an insurer has approved an ongoing course of treatment to be provided over a period of time or number of treatments.

~~(5)~~(7) "Days" means calendar days.

~~(6)~~(8) "Documentation" ~~[includes all communication records, transactions, notes, work papers, claim forms, bills and explanation of benefits forms relative to the claim, the claim investigation, the claim adjustment and the claim settlement.]~~ means a document, record, or other information that is considered "relevant" to a claimant's claim because such document, record, or other information:

(a) was relied upon in making the benefit determination;

(b) was submitted, considered, or generated in the course of making the benefit determination, without regard to whether such document, record, or other information was relied upon in making the benefit determination; and

(c) in the case of an insurer providing income replacement benefits, constitutes a statement of policy or guidance with respect to the insurer concerning the denied treatment option or benefit for the claimant's diagnosis, without regard to whether such advice or statement was relied upon in making the benefit determination.

~~(7)~~(9) "General business practice" means a pattern of conduct.

~~(8)~~(10) "Investigation" means all activities of an insurer directly or indirectly related to the determination of liabilities under coverages afforded by an insurance policy ~~[or insurance contract].~~

(11) "Medical necessity" means:

(a) health care services or product that a prudent health care professional would provide to a patient for the purpose of preventing, diagnosing or treating an illness, injury, disease or its symptoms in a manner that is:

(i) in accordance with generally accepted standards of medical practice in the United States;

(ii) clinically appropriate in terms of type, frequency, extent, site, and duration;

(iii) not primarily for the convenience of the patient, physician, or other health care provider; and

(iv) covered under the contract; and

(b) when a medical question-of-fact exists, medical necessity shall include the most appropriate available supply or level of service for the individual in question, considering potential benefits and harms to the individual, and known to be effective.

(i) For interventions not yet in widespread use, the effectiveness shall be based on scientific evidence.

(ii) For established interventions, the effectiveness shall be based on:

(A) scientific evidence;

(B) professional standards; and

(C) expert opinion.

~~(9)~~(12) "Notice of Loss" means that notice which is in accordance with policy provisions and insurer practices. Such notice shall include any notification, whether in writing or other means, which reasonably apprizes the insurer of the existence of or facts relating to a claim.

(13) "Pre-service claim" means any claim for a benefit under an accident and health policy or income replacement policy with respect to which the terms of the plan condition receipt of the benefit, in whole or in part, on approval of the benefit in advance of obtaining medical care.

(14) "Post-service claim" means any claim for a benefit that is not a pre-service claim or urgent care claim.

(15) "Scientific evidence" means:

(a) scientific studies published in or accepted for publication by medical journals that meet nationally recognized requirements for scientific manuscripts and that submit most of their published articles for review by experts who are not part of the editorial staff; or

(b) findings, studies or research conducted by or under the auspices of federal government agencies and nationally recognized federal research institutes.

(c) Scientific evidence shall not include published peer-reviewed literature sponsored to a significant extent by a pharmaceutical manufacturing company or medical device manufacturer or a single study without other supportable studies.

(16) "Urgent care claim" means any claim for medical care or treatment with respect to which the application of the time periods for making non-urgent care determination:

(a) could seriously jeopardize the life or health of the claimant or the ability of the claimant to regain maximum function; or

(b) in the opinion of a physician with knowledge of the claimant's medical condition, would subject the claimant to severe pain that cannot be adequately managed without the care or treatment that is the subject of the claim.

R590-192-[4]5. File and Record Documentation.

Each insurer's claim files ~~[for policies or certificates]~~ are subject to examination by the commissioner ~~[of insurance]~~ or by his~~[the commissioner's]~~ duly appointed designees. To aid in such examination:

(1) Sufficient detailed documentation shall be contained in each claim file in order to reconstruct the benefit determination, and the calculation of the claim settlement for each claim.

(2) Each document within the claim file shall be noted as to date received, date processed and notification date.

~~[(4)](3)~~ The insurer shall maintain claim data that are accessible and retrievable for examination. An insurer shall be able to provide:

(a) the claim number;

(b) copy of ~~[the policy]~~ all applicable forms;

(c) date of loss;

(d) date of claim receipt;

(e) date of benefit determination;

~~[(4)](f)~~ date of settlement of the claim; and

~~[(e)](g)~~ type of settlement:

(i) payment, including the amount paid;

(ii) settled without payment;

(iii) denied, ~~[or~~

~~(iv) closed without settlement.~~

~~(2) Adequate detailed documentation shall be contained in each claim file in order to reconstruct the adjustment and settlement of each claim.~~

~~(3) Each document within the claim file shall be noted as to date received, date processed and/or date mailed.~~

R590-192-[5]6. Misrepresentation of Policy Provisions: Prohibited Acts Applicable to All Insurers.

(1) An insurer, ~~or [and]~~ the insurer's representative, shall fully disclose to a claimant the benefits, and/or limitations and exclusions of an insurance policy ~~[or insurance contract]~~ which relates to the diagnoses and services relating to the particular claim being presented.

(2) An insurer, ~~or [and]~~ the insurer's representative, must disclose to a claimant, provisions of an insurance policy ~~[or insurance contract]~~ when receiving inquiries regarding such coverage.

R590-192-[6]7. Notice of Loss.

(1) Notice of loss to an insurer, if required, shall be considered timely if made according to the terms of the policy, subject to the definitions and provisions of this rule.

(2) Notice of loss may be given to the insurer or its representative unless the insurer clearly directs otherwise by means of policy

provisions or a separate written notice mailed or delivered to the insured.

(3) Subject to policy provisions, a requirement of any notice of loss may be waived by any authorized representative of the insurer.

(4) The general practice of the insurer when accepting a notice of loss or notice of claim shall be consistent for all policyholders in accordance with the terms of the policy.

R590-192-8. Notification.

(1) The insurer shall provide notification to the claimant which includes:

(a) the specific reason or reasons for the benefit determination, adverse or not;

(b) reference to the specific plan provisions on which the benefit determination is based;

(c) a description of any additional material or information necessary for the claimant to perfect the claim and an explanation of why such material or information is necessary; and

(d) a description of the insurer's review procedures and the time limits applicable to such procedures, including a statement of the claimant's right to bring civil action.

(2) An insurer and the insurer's representative, in the case of a failure by a claimant or an authorized representative of a claimant to follow the individual or group health plan's procedures for filing a pre-service claim, shall notify the claimant or representative, of the failure and provide the proper procedures to be followed in filing a claim for benefits. This notification shall be provided to the claimant or authorized representative, as appropriate, as soon as possible, but not later than five days or 24 hours for a claim involving urgent care, following the failure. Notification may be oral, unless written notification is requested by the claimant or authorized representative.

(3) Income replacement adverse benefit determinations must:

(a) if an internal rule, guideline, protocol, or other criterion was relied upon in making the adverse determination, provide either the specific rule, guideline, protocol, or other similar criterion; or a statement that such a rule, guideline, protocol, or other similar criterion was relied upon in making the adverse determination and that a copy of such rule, guideline, protocol, or other criterion will be provided free of charge to the claimant upon request; or

(b) if the adverse benefit determination is based on a medical necessity or experimental treatment or similar exclusion or limit, provide either an explanation of the scientific or clinical judgment for the determination, applying the terms of the plan to the claimant's medical circumstances, or a statement that such explanation will be provided free of charge upon request.

(4) Urgent care adverse benefit determination must:

(a) provide written or electronic notification to the claimant no later than three days after the oral notification; and

(b) provide a description of the expedited review process applicable to such claims.

R590-192-[7]9. Minimum Standards for Claim Benefit Determination and Settlement [Claim Handling Processes and Communications].

~~[(1) Every insurer, upon receiving notice of loss shall, within 15 days of the notification, provide necessary claim forms, instructions, and reasonable assistance so the claimant can properly comply with company requirements for filing a claim.~~

~~[(2) Upon receipt of any written notice of loss documentation required, within 30 days the insurer shall:~~

~~— (a) provide written acknowledgment of the receipt of the notice of loss;~~

~~— (b) request any necessary additional information from the claimant;~~

~~— (c) commence any necessary investigation of the claim, including requesting additional information from other parties having documentation or information relating to the claim.~~

~~— (3) The insurer shall complete investigation of a claim within 30 days after receipt of completed notice of loss documentation from the claimant, unless such investigation cannot reasonably be completed within such time. It shall be the burden of the insurer to establish, by adequate records, that the investigation could not be completed within 30 days of its receipt of notice of loss. If the investigation cannot be completed within 30 days the insurer shall send to the claimant a written explanation for the delay and shall continue to so communicate at least every 30 days until the claim is settled, denied or closed without settlement.~~

~~— (4) Within 15 days of completion of the investigation, the insurer will accomplish either:~~

~~— (a) written denial of the claim with a complete explanation to the claimant; or~~

~~— (b) mailing of the claim settlement with a written explanation of the benefits.~~

~~— (5) If recalculation/re-visitation of a claim becomes necessary, subsequent to either denial or settlement, the insurer shall comply with the initial time requirement as outlined in Section 3 of this section.~~

~~— (6) If negotiations are continuing for settlement of a claim with a claimant, notice of expiration of statute of limitations or contract time limit shall be given to the claimant at least 60 days before the date on which such time limit may expire.~~

~~— (7) Notice of loss requirements may not be unreasonable and should consider all of the circumstances surrounding a given claim.~~

~~— (8) Closing a claim without settlement requires a complete explanation to the claimant specifying the reason for the closure of the claim in accordance with policy provisions. Closing a claim without settlement shall not commence until 120 days after the original request for additional information. If an insurer closes a claim without settlement, the claimant must be advised that the claim will be reopened provided the requested information is received by the insurer within the policy provisions for filing a claim.~~

~~— (9) Every insurer, upon receipt of an inquiry from the Insurance Department regarding a claim, shall furnish the Department with a substantive response to the inquiry within the appropriate number of days indicated by such inquiry. If it is determined by the insurer that they are unable to respond in the time frame requested, the insurer may contact the department to request an extension.~~

~~— (10) The insurer shall acknowledge and substantively respond within 15 days to any written communication from the claimant relating to a pending claim.]~~

(1) All benefit determination time limits begin once the insurer receives a claim, without regard to whether all necessary information was filed with the original claim. If the insurer requires an extension due to the claimant's failure to submit necessary information, the time for making a decision is tolled from the date that notice of what is required is sent to the claimant until the date that the claimant provides the necessary information, or 48 hours after the end of the period afforded the claimant to provide the specified additional information.

(2) Urgent Care Claims:

(a) In a case of urgent care, an insurer shall notify the claimant of the insurer's benefit decision, adverse or not, as soon as possible, taking

into account the medical exigencies of the situation, but no later than 72 hours after the receipt of the claim.

(b) it is the insurer's duty to determine whether a claim is urgent based on the information provided by the claimant or authorized representative. However, if the claimant does not provide sufficient information for the plan to make a decision, the plan must notify the claimant as soon as possible, but not later than 24 hours after receipt of the claim, of the specific information that is required. The claimant shall be given reasonable time, but not less than 48 hours, to provide that information.

(c) The insurer must notify the claimant of the insurer's decision as soon as possible but not later than 48 hours after the earlier of the plan's receipt of the requested information or the end of the time given to the claimant to provide the information.

(3) Concurrent Care Decision:

(a) Reduction or termination of concurrent care:

(i) Any reduction in the course of treatment is considered an adverse benefit determination.

(ii) The insurer must give the consumer notice, with sufficient time to appeal that adverse benefit determination and sufficient time to receive a decision of the appeal before any reduction or termination of care occurs.

(b) Extension of concurrent care:

(i) A claimant may request an extension of treatment beyond what has already been approved.

(ii) If the request for an extension is made at least 24 hours before the end of the approved treatment, the insurer must notify the claimant of the insurer's decision as soon as possible but no later than 24 hours after receipt of the claim.

(iii) If the request for extension does not involve urgent care, the insurer must notify the claimant of the insurer's benefit decision using the response times for a post-service claim.

(4) Pre-Service Benefit Determination:

(a) An insurer must notify the claimant of the insurer's benefit decision within 15 days of receipt of the request for care.

(b) If the insurer is unable to make a decision within that time due to circumstances beyond the insurer's control, such as late receipt of medical records, it must notify the claimant before expiration of the original 15 days that it intends to extend the time and then the insurer may take as long as 15 additional days to reach a decision.

(c) If the extension is due to failure of the claimant to submit necessary information, the extension notice of delay must give specific information about what the claimant has to provide and the claimant must be given at least 45 days to submit the requested information.

(d) once the pre-service claim determination has been made and the medical care rendered, the actual claim filed for payment will be processed according to the time requirements of a post-service claim.

(5) Post-Service Claims:

(a) An insurer must notify the claimant of the insurer's benefit decision within 30 days of receipt of the request for claim.

(b) If the insurer is unable to make a decision within that time due to circumstances beyond the insurer's control, such as late receipt of medical records, it must notify the claimant before expiration of the original 30 days that it intends to extend the time and then the insurer may take as long as 15 additional days to reach a decision.

(c) If the extension is due to failure of the claimant to submit necessary information, the extension notice of delay must give specific information about what the claimant has to provide and the claimant must be given at least 45 days to submit the requested information.

R590-192-10. Minimum Standards for Income Replacement Benefit Determination and Settlement.

In the case of a claim for income replacement benefits, the insurer shall notify the claimant, of the insurer's adverse benefit determination within a reasonable period of time, but not later than 45 days after receipt of the claim by the insurer.

(1) This period may be extended by the insurer for up to 30 days, provided that the insurer determines that such an extension is necessary due to matters beyond the control of the insurer and notifies the claimant, prior to the expiration of the initial 45-day period, of the circumstances requiring the extension of time and the date by which the insurer expects to render a decision.

(2) If, prior to the end of the first 30-day extension period, the insurer determines that, due to matters beyond the control of the insurer, a decision cannot be rendered within that extension period, the period for making the determination may be extended for up to an additional 30 days, provided the insurer notifies the claimant prior to the expiration of the first 30-day extension period, of the circumstances requiring the extension and the date at which the insurer expects to render a decision.

(3) Each notice of extension shall specifically explain the standards on which entitlement to a benefit is based, the unresolved issues that prevent a decision on the claim, and the additional information needed to resolve those issues, and the claimant shall be afforded at least 45 days within which to provide the specified information.

R590-192-11. Minimum Standards for Responses to the Department.

(1) Every insurer, upon receipt of an inquiry from the department regarding a claim, shall furnish the department with a substantive response to the inquiry within the appropriate number of days indicated by such inquiry. If it is determined by the insurer that they are unable to respond in the time frame requested, the insurer may contact the department to request an extension.

(2) The insurer shall acknowledge and substantively respond within 15 days to any written communication from the claimant relating to a pending claim.

R590-192-[8]12. Unfair Methods, Deceptive Acts and Practices Defined.

The commissioner, pursuant to Subsection 31A-26-303(4), hereby ~~find~~ finds the following acts, or the failure to perform required acts, to be misleading, deceptive, unfairly discriminatory or overreaching in the settlement of claims[-];

(1) denying or threatening the denial of the payment of claims or rescinding, canceling or threatening the rescission or cancellation of coverage under a policy for any reason which is not clearly described in the policy as a reason for such denial, cancellation or rescission;

(2) failing to provide the insured or beneficiary with a written explanation of the evidence of any investigation or file materials giving rise to the denial of a claim based on misrepresentation or fraud on an insurance application, when such alleged misrepresentation is the basis for the denial;

(3) compensation by an insurer of its employees, agents or contractors of any amounts which are based on savings to the insurer as a result of denying or reducing the payment of claims, unless compensation relates to the discovery of billing or processing errors[-];

(4) failing to deliver a copy of standards for prompt investigation of claims to the ~~Insurance Department~~ department when requested to do so;

(5) refusing to settle claims without conducting a reasonable and complete investigation;

(6) denying a claim or making a claim payment to the insured or beneficiary not accompanied by a statement or explanation of benefits setting forth the exclusion or benefit under which the denial or payment is being made and how the payment amount was calculated;

(7) failing to make payment of a claim following notice of loss when liability is reasonably clear under one coverage in order to influence settlements under other portions of the insurance policy coverage or under other policies of insurance;

(8) advising a claimant not to obtain the services of an attorney or other advocate or suggesting that the claimant will receive less money if an attorney is used to pursue or advise on the merits of a claim;

(9) misleading a claimant as to the applicable statute of limitations;

(10) deducting from a loss or claims payment made under one policy those premiums owed by the insured on another policy, unless the insured consents to such arrangement;

(11) failing to settle a claim on the basis that responsibility for payment of the claim should be assumed by others, except as may otherwise be provided by policy provisions;

(12) issuing a check or draft in partial settlement of a loss or a claim under a specified coverage when such check or draft contains language which purports to release the insurer or its insured from total liability;

(13) refusing to provide a written reason for the denial of a claim upon demand of the claimant;

(14) refusing to pay reasonably incurred expenses to the claimant when such expenses resulted from a delay, as prohibited by this rule, in the claim settlement; ~~and~~

(15) ~~Failing~~ failing to pay interest at the legal rate[-] in Title 15; ~~as provided in Title 15, upon amounts that are due and unpaid within 45 days of completion of investigation.~~

(a) upon amounts that are due and unpaid within 20 days of completion of investigation;

(b) to a health care provider on amounts that are due and unpaid after the time limits allowed under 31A-26-301.6 ; and

(16) failing to provide a claimant with an explanation of benefits.

R590-192-[9]13. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, such invalidity may 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.

R590-192-14. Enforcement Date.

The commissioner will begin enforcing the revised provisions of this rule 45 days from the rule's effective date.

KEY: insurance law
~~August 27, 1999~~ 2003

31A-1-301

31A-2-201

31A-2-204

31A-2-308

31A-21-312]

~~31A-26-301~~

31A-26-303



Insurance, Administration
R590-223
 Rule to Recognize the 2001 CSO
 Mortality Table for Use in Determining
 Minimum Reserve Liabilities and
 Nonforfeiture Benefits

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE No.: 26158

FILED: 04/09/2003, 10:10

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to recognize and prescribe the use of the 2001 Commissioner's Standard Ordinary (CSO) Mortality Table as a minimum standard.

SUMMARY OF THE RULE OR CHANGE: The rule permits insurance companies to use the 2001 CSO Mortality Table for valuation and nonforfeiture purposes for policies issued after July 1, 2003, and mandates the use of the table after January 1, 2009. The rule sets conditions for the use of the table.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-17-402 and 31A-22-408

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** This should have no impact on the state's budget. The department does not anticipate any changes in personnel as a result of these changes.

❖ **LOCAL GOVERNMENTS:** The provisions of this rule will not affect local government. They deal only with how life insurance companies rate their life insurance policies.

❖ **OTHER PERSONS:** Those insurance companies that elect to use the 2001 CSO Mortality Table will have some administrative costs associated with implementation, but will be allowed to hold lower reserves decreasing its cost of doing business. The public will benefit from lower insurance rates.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Those insurance companies that elect to use the 2001 CSO Mortality Table will have some administrative costs associated with implementation, but will be allowed to hold lower reserves decreasing its cost of doing business. The public will benefit from lower insurance rates.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses purchasing the insurance products affected by the rule should see a savings in their premium costs. Those insurance companies that elect to use the 2001 CSO Mortality Table will have some administrative costs associated with implementation, but will be allowed to hold lower reserves decreasing its cost of doing business.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

INSURANCE
 ADMINISTRATION
 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:

Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

R590-223. Rule to Recognize the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits.

R590-223-1. Authority.

This rule is promulgated by the insurance commissioner pursuant to Subsections 31A-2-201(3), 31A-17-402(1) and 31A-22-408(11).

R590-223-2. Purpose.

The purpose of this rule is to recognize, permit and prescribe the use of the 2001 Commissioners Standard Ordinary (CSO) Mortality Table in accordance with Sections 31A-17-504, 31A-22-408 and R590-198-5.

R590-223-3. Definitions.

A. "2001 CSO Mortality Table" means mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. The 2001 CSO Mortality Table is included in the Proceedings of the NAIC, 2nd Quarter 2002. Unless the context indicates otherwise, the "2001 CSO Mortality Table" includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables.

B. "2001 CSO Mortality Table (F)" means mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table.

C. "2001 CSO Mortality Table (M)" means mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table.

D. "Composite mortality tables" means mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers.

E. "Smoker and nonsmoker mortality tables" means mortality tables with separate rates of mortality for smokers and nonsmokers.

F. The tables identified in Subsections R590-223-3.A through E are hereby incorporated by reference within this rule and are available for public inspection at the Insurance Department during normal business hours.

R590-223-4. 2001 CSO Mortality Table.

A. At the election of the company for any one or more specified plans of insurance and subject to the conditions stated in this rule, the 2001 CSO Mortality Table may be used as the minimum standard for policies issued on or after July 1, 2003 and before the date specified in Subsection R590-223-4.B to which Subsections 31A-17-504(1)(c), 31A-22-408(6)(d)(viii)(VI), R590-198-5.A and R590-198-5.B are applicable. If the company elects to use the 2001 CSO Mortality Table, it shall do so for both valuation and nonforfeiture purposes.

B. Subject to the conditions stated in this rule, the 2001 CSO Mortality Table shall be used in determining minimum standards for policies issued on and after January 1, 2009, to which Subsections 31A-17-504(1)(c), 31A-22-408(6)(d)(viii)(VI), R590-198-5.A and R590-198-5.B are applicable.

R590-223-5. Conditions.

A. For each plan of insurance with separate rates for smokers and nonsmokers an insurer may use:

(1) composite mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits;

(2) smoker and nonsmoker mortality tables to determine the valuation net premiums and additional minimum reserves, if any, required by Section 31A-17-511 and use composite mortality tables to determine the basic minimum reserves, minimum cash surrender values and amounts of paid-up nonforfeiture benefits; or

(3) smoker and nonsmoker mortality to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits.

B. For plans of insurance without separate rates for smokers and nonsmokers, the composite mortality tables shall be used.

C. For the purpose of determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits, the 2001 CSO Mortality Table may, at the option of the company for each plan of insurance, be used in its ultimate or select and ultimate form, subject to the restrictions of Section R590-223-6 and Valuation of Life Insurance Policies Rule R590-198 relative to use of the select and ultimate form.

D. When the 2001 CSO Mortality Table is the minimum reserve standard for any plan for a company, the actuarial opinion in the annual statement filed with the commissioner shall be based on an asset adequacy analysis in conformance with the requirements of Section R590-162-8. The commissioner may exempt a company from this requirement if it only does business in this state and in no other state.

R590-223-6. Applicability of the 2001 CSO Mortality Table to Rule R590-198.

A. The 2001 CSO Mortality Table may be used in applying R590-198 in the following manner, subject to the transition dates for use of the 2001 CSO Mortality Table in Section R590-223-4:

(1) Subsection R590-198-3.A.(2)(b): The net level reserve premium is based on the ultimate mortality rates in the 2001 CSO Mortality Table.

(2) Subsection R590-198-4.B: All calculations are made using the 2001 CSO Mortality Table, and, if elected, the optional minimum mortality standard for deficiency reserves stipulated in Subsection R590-223-6.A.(4). The value of " q_{x+k+t} " is the valuation mortality rate for deficiency reserves in policy year $k+t$, but using the unmodified select mortality rates if modified select mortality rates are used in the computation of deficiency reserves.

(3) Subsection R590-198-5.A: The 2001 CSO Mortality Table is the minimum standard for basic reserves.

(4) Subsection R590-198-5.B: The 2001 CSO Mortality Table is the minimum standard for deficiency reserves. If select mortality rates are used, they may be multiplied by X percent for durations in the first segment, subject to the conditions specified in Subsections R590-198-5.B.(3)(a) through (i). In demonstrating compliance with those conditions, the demonstrations may not combine the results of tests that utilize the 1980 CSO Mortality Table with those tests that utilize the 2001 CSO Mortality Table, unless the combination is explicitly required by rule or necessary to be in compliance with relevant Actuarial Standards of Practice.

(5) Subsection R590-198-6.C: The valuation mortality table used in determining the tabular cost of insurance shall be the ultimate mortality rates in the 2001 CSO Mortality Table.

(6) Subsection R590-198-6.E.(4): The calculations specified in Subsection R590-198-6.E shall use the ultimate mortality rates in the 2001 CSO Mortality Table.

(7) Subsection R590-198-6.F.(4): The calculations specified in Subsection R590-198-6.F shall use the ultimate mortality rates in the 2001 CSO Mortality Table.

(8) Subsection R590-198-6.G.(2): The calculations specified in Subsection R590-198-6.G shall use the ultimate mortality rates in the 2001 CSO Mortality Table.

(9) Subsection R590-198-7.A.(1)(b): The one-year valuation premium shall be calculated using the ultimate mortality rates in the 2001 CSO Mortality Table.

B. Nothing in this section shall be construed to expand the applicability of R590-198 to include life insurance policies exempted under Subsection R590-198-3.A.

R590-223-7. Gender-Blended Tables.

A. For any ordinary life insurance policy delivered or issued for delivery in this state on and after July 1, 2003, that utilizes the same premium rates and charges for male and female lives or is issued in circumstances where applicable law does not permit distinctions on the basis of gender, a mortality table that is a blend of the 2001 CSO Mortality Table (M) and the 2001 CSO Mortality Table (F) may, at the option of the company for each plan of insurance, be substituted for the 2001 CSO Mortality Table for use in determining minimum cash surrender values and amounts of paid-up nonforfeiture benefits. No change in minimum valuation standards is implied by this Section of the rule.

B. The company may choose from among the blended tables developed by the American Academy of Actuaries CSO Task Force and adopted by the NAIC in December 2002

C. It shall not, in and of itself, be a violation of Subsection 31A-23-302(3) for an insurer to issue the same kind of policy of life insurance on both a sex-distinct and sex-neutral basis.

R590-223-8. Separability.

If any provision of this rule or its application to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of the provision to other persons or circumstances shall not be affected.

KEY: insurance reserves and nonforfeitures

2003

31A-2-201

31A-17-402

31A-22-408

▼ ————— ▼

**Labor Commission, Occupational
Safety and Health
R614-1-4
Incorporation of Federal Standards**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 26149

FILED: 04/02/2003, 15:32

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In order to maintain its status as a State Plan State "as effective as Federal OSHA" Utah is incorporating 67 FR 242, Tuesday, December 17, 2002, Pages 77165 to and including 77170, "Occupational Injury and Illness Recording Requirements"; Final Rule.

SUMMARY OF THE RULE OR CHANGE: This proposed rule adopts an identical federal OSHA rule delaying the effective date of three provisions of the Occupational Injury and Illness Recording and Reporting Requirements rule published January 19, 2001 (66 FR 5916-6135). The provisions being delayed: define "musculoskeletal disorder (MSD)" and require employers to check the MSD column on the OSHA Log if an employee experiences a work-related musculoskeletal disorder, state that MSDs are not considered privacy concern cases, and require employers to enter a check in the hearing loss column of the OSHA 300 Log for cases involving occupational hearing loss. The effective date of these provisions is delayed from January 1, 2003, until January 1, 2004. OSHA will implement the hearing loss column requirements on January 1, 2004, and will continue to evaluate the MSD provisions over the next year.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-6-202; and 29 CFR 1926 and 29 CFR 1910

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 67 FR 242, Tuesday, December 17,

2002, Pages 77165 to and including 77170, "Occupational Injury and Illness Recording Requirements"; Final Rule

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The proposed rule delays the enforcement of a previously adopted rule. There should be no cost or savings to the state budget.

❖LOCAL GOVERNMENTS: The proposed rule delays the enforcement of a previously adopted rule. There should be no cost or savings to local government.

❖OTHER PERSONS: The proposed rule delays the enforcement of a previously adopted rule. There should be no cost or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: For the time-being, the proposed rule delays implementation of certain reporting requirements. This should result in a small, temporary cost savings for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes incorporated by this rule are temporary in nature, but are nonetheless required to maintain Utah's status as having an occupational safety program "as effective as" federal OSHA. The fiscal impact of this rule should be negligible; but will tend to reduce costs to businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

LABOR COMMISSION
OCCUPATIONAL SAFETY AND HEALTH
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:

William Adams at the above address, by phone at 801-530-6897, by FAX at 801-530-7606, or by Internet E-mail at wadams@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: R Lee Ellertson, Commissioner

**R614. Labor Commission, Occupational Safety and Health.
R614-1. General Provisions.**

R614-1-4. Incorporation of Federal Standards.

A. General Industry Standards.

1. Sections 29 CFR 1910.21 to 1910.999 and 1910.1000 through the end of part 1910 of the July 1, 2002, edition are incorporated by reference.

2. 29 CFR 1908, July 1, 2001, is incorporated by reference.

3. 29 CFR 1904, July 1, 2001, is incorporated by reference.

4. FR Vol. 67, No. 126, Monday, July 1, 2002, Pages 44037 to and including 44048, "29 CFR Part 1904 Occupational Injury and Illness Recording and Reporting Requirements; Final Rule" is incorporated by reference.

5. FR Vol. 67, No. 216, Thursday, November 7, 2002, Pages 67949 to and including 67965, "Exit Routes, Emergency Action Plans, and Fire Protection Plans; Final Rule" is incorporated by reference.

6. FR Vol. 67, No. 242, Tuesday, December 17, 2002, Pages 77165 to and including 77170, "Occupational Injury and Illness Recording Requirements; Final Rule" is incorporated by reference.

B. Construction Standards.

1. Section 29 CFR 1926.20 through the end of part 1926, of the July 1, 2002, edition is incorporated by reference.

2. FR Vol. 67, No. 177, Thursday, September 12, 2002, Pages 57722 to and including 57736, "Safety Standards for Signs, Signals, and Barricades; Final Rule" is incorporated by reference.

KEY: safety

[December 17, 2002]2003

Notice of Continuation November 25, 2002

34A-6



Labor Commission, Safety

R616-2-3

Safety Codes and Rules for Boilers and Pressure Vessels

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26148

FILED: 04/02/2003, 15:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule change is to adopt the yearly Addenda for the National Board Inspection Code (NB-23)

SUMMARY OF THE RULE OR CHANGE: The 2002 addenda to the 2001 National Board Inspection Code to be adopted by reference, makes minor technical changes to the National Board Inspection Code.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-7-101

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: National Board Inspection Code (NB-23)(2001) 2002 Addenda issued December 31, 2002

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be no cost or savings to the state budget. The Safety Division has previously purchased the Code (NB-23), which includes the cost of the annual addenda. The provisions of the addenda do not require any additional expense for administration or enforcement. As to the impact of the addenda on the state's cost to own or

operate boilers/pressure vessels, such impact should be minimal.

❖LOCAL GOVERNMENTS: As to the impact of the addenda on local government, such impact should be minimal, as the provisions in the addenda have already been incorporated into the manufacturing of boilers and pressure vessels. Local governments are not required to purchase the code books.

❖OTHER PERSONS: As to the impact of the addenda on other persons, such impact should be minimal, as the provisions in the addenda have already been incorporated into the manufacturing of boilers and pressure vessels. Other persons are not required to purchase the code books.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This addenda will not increase compliance costs for affected persons, i.e., manufacturers or owner/operators of boilers and pressure vessels. The additional compliance requirements imposed by the addenda are already followed by most affected persons as part of existing practices.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The primary purpose of the yearly addenda is to refine and clarify existing standards. Any changes imposed by the addenda have, for the most part, already been incorporated in the practices of the boiler and pressure vessel industry. Consequently, the Commission does not expect the addenda to impose any fiscal burden on business.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

LABOR COMMISSION
SAFETY
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:

Pete Hackford at the above address, by phone at 801-530-7605, by FAX at 801-530-6390, or by Internet E-mail at phackford@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: R Lee Ellertson, Commissioner

R616. Labor Commission, Safety.

R616-2. Boiler and Pressure Vessel Rules.

R616-2-3. Safety Codes and Rules for Boilers and Pressure Vessels.

The following safety codes and rules shall apply to all boilers and pressure vessels in Utah, except those exempted pursuant to Section 34A-7-101, and are incorporated herein by this reference in this rule.

- A. ASME Boiler and Pressure Vessel Code (2001).
1. Section I Rules for Construction of Power Boilers published July 1, 2001 and 2002 Addenda published July 1, 2002.
 2. Section IV Rules for Construction of Heating Boilers published July 1, 2001 and 2002 Addenda published July 1, 2002.
 3. Section VIII Rules for Construction of Pressure Vessels published July 1, 2001 and 2002 Addenda published July 1, 2002.
- B. Power Piping ASME B31.1 (2001), issued December 10, 2001.
- C. Controls and Safety Devices for Automatically Fired Boilers ASME CSD-1-1998; the ASME CSD-1a-1999 addenda, issued March 10, 2000; and the ASME CSD-1b (2001) addenda, issued November 30, 2001.
- D. National Board Inspection Code ANSI/NB-23 (2001) issued August 2001; ~~and the (2001) addenda, issued December 31, 2001;~~ and the (2002) addenda, issued December 31, 2002.
- E. Standard for the Prevention of Furnace Explosions/Implosions in Single Burner Boilers, NFPA 8501 (1997).
- F. Standard for the Prevention of Furnace Explosions/Implosions in Multiple Burner Boilers, NFPA 8502 (1995).
- G. Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations NB-132 Rev. 4.
- H. Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair and Alteration API 510 (1997); the 1998 Addenda, published December 1998, and Addendum 2, published December 2000.

KEY: boilers, certification, safety
~~December 17, 2002~~ 2003
 Notice of Continuation January 10, 2002
 34A-7-101 et seq.

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Natural Resources, Parks and Recreation

R651-611-2

Day Use Entrance Fees

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 26170
 FILED: 04/15/2003, 10:28

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The division has recently acquired a new park area called Sand Hollow near Quail Creek State Park in St. George, Utah. In order for this park to operate as part of the park system, fees must be charged to offset expenses for operation and maintenance of the facilities. This rule amendment will add Sand Hollow State Park to our park system. The Day Use Entrance fee will be \$5 per vehicle (up to eight people); and Camping will be \$8 per night. Both fees were approved by the Utah State Parks Board at their April 3-4, 2003 meeting.

SUMMARY OF THE RULE OR CHANGE: Utah State Parks has added a new park (Sand Hollow State Park); and to offset expenses for maintaining and operating this park, fees were established by the Board at their April 3-4, 2003 meeting.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(8)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: It is estimated that Sand Hollow State Park will bring \$5,000 in revenue to the State each year from the camping fee, and collect an estimated \$16,500 in day use fees.

❖LOCAL GOVERNMENTS: There will be no effect on local government budgets as this applies only to the State system.

❖OTHER PERSONS: Recreators who utilize the facilities at Sand Hollow for either day use or camping will pay the fees that have been added to the Fee Schedule for those services. Cost to them cannot be estimated, as it depends on visitation.

This will be more clear after they have been in operation a year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Recreators will be required to pay \$5 for day use facilities at Sand Hollow and campers will be required to pay \$8 per night for camping privileges.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be a positive fiscal impact on local businesses. A study by Southern Utah University estimated that there will be a short-run increase in income of roughly \$3,400,000 and the creation of 78 new jobs in Washington County as a result of the creation of Sand Hollow State Park. Long-run positive impacts are likely to be even higher. These positive impacts are likely to offset any minor, negative impacts resulting from fee charges.

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:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-538-7378, or by Internet E-mail at deeguess@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: Dave Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.

R651-611. Fee Schedule.

R651-611-2. Day Use Entrance Fees.

Permits the use of all day activity areas in a state park. These fees do not include overnight camping facilities or special use fees.

A. Annual Permits

1. \$70.00 Multiple Park Permit (good for all parks)

2. Snow Canyon Specialty Permits

a. \$15.00 Family Pedestrian Permit

b. \$5.00 Commuter Permit

3. Duplicate Annual Permits may be purchased if originals are lost, destroyed, or stolen, upon payment of a \$10.00 fee and the submittal of a signed affidavit to the Division office. Only one duplicate is allowed.

B. Special Fun Tag - Available free to Utah residents, 62 years and older or disabled, as defined by Special Fun Tag permit affidavit.

C. Daily Permit - Allows access to a specific state park on the date of purchase.

1. \$9.00 per private motor vehicle or \$4.00 per person for pedestrians or bicycles for the following parks:

TABLE 1

Deer Creek Utah Lake	Jordanelle Willard Bay
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2. \$7.00 per private motor vehicle or \$4.00 per person for pedestrians or bicycles for the following parks:

TABLE 2

Dead Horse Point East Canyon Rockport

3. \$6.00 per private motor vehicle or \$3.00 per person for pedestrians or bicycles for the following parks:

TABLE 3

Bear Lake Scofield	Quail Creek Yuba
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4. \$5.00 per private motor vehicle or \$3.00 per person for pedestrians or bicycles for the following parks:

TABLE 4

Antelope Island Mountain	Coral Pink	Wasatch
Escalante	Goblin Valley	
Green River	Gunlock	
Huntington	Hyrum	
Kodachrome	Lost Creek	
Millsite	Minersville	
Otter Creek	Palisade	
Pineview	<u>Sand Hollow</u>	
Snow Canyon	Piute	
Steinaker	Starvation	

5. \$1.00 per person or \$5.00 per family (up to eight (8) individuals). For the following parks:

TABLE 5

Anasazi	Camp Floyd
Edge of the Cedars	Fort Buenaventura
Fremont	Iron Mission
Territorial	Utah Field House

6. \$2.00 per person for commercial groups or vehicles with nine

(9) or more occupants.

D. Group Site Day Use Fee - Advance reservation only. \$2.00 per person, age six (6) and over, for sites with basic facilities. Minimum \$50.00 fee established for each facility.

E. Educational Groups - No charge for group visits by Utah public or parochial schools with advance notice to park. When special arrangements or interpretive talks are provided, a fee of \$.50 per person may be charged at the park manager's discretion.

F. Heritage Park Pass: \$20.00 permits up to five (5) visits to any Heritage Park during the calendar year of issue for up to eight (8) people per private motor vehicle.

G. Antelope Island Wildlife Management Program: A \$1.00 fee will be added to the entrance fee at Antelope Island. This additional fee will be used by the Division to fund the Wildlife Management Program on the Island.

KEY: parks, fees

[March 31], 2003

**Notice of Continuation August 7, 2001
63-11-17(2)**



**Natural Resources, Wildlife Resources
R657-3
Collection, Importation, Transportation,
and Possession of Zoological Animals**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 26166

FILED: 04/15/2003, 08:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended to delete amphibians and reptiles as species covered in Rule R657-3 for collection, importation, transportation and possession of zoological animals. Provisions for the collection, importation, transportation and possession of amphibians and reptiles are provided in proposed Rule R657-53. These amendments were adopted by the Utah Wildlife Board on April 2, 2003, and agreed to by the Reptile and Amphibian Negotiation Association (RANA). (DAR NOTE: The proposed new rule of R657-53 is under DAR No. 26168 in this issue.)

SUMMARY OF THE RULE OR CHANGE: The following sections and provisions are being deleted from Rule R657-3: Section R657-3-21, Classification and Specific Rules for Amphibians; R657-3-26, Classification and Specific Rules for Reptiles; and R657-3-34, Propagation of Reptiles. Other provisions are being amended for consistency and clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 50 CFR 23.23, 2002 ed.

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: These amendments delete amphibians and reptiles as species covered in Rule R657-3 for collection, importation, transportation and possession of zoological animals. Provisions for the collection, importation, transportation and possession of amphibians and reptiles are provided in proposed Rule R657-53. The Division of Wildlife Resources (DWR) determines that there is no cost or savings impact to DWR's budget or the state budget.

❖LOCAL GOVERNMENTS: None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖OTHER PERSONS: These amendments delete amphibians and reptiles as species covered in Rule R657-3 for collection, importation, transportation and possession of zoological animals. Provisions for the collection, importation, transportation and possession of amphibians and reptiles are provided in proposed Rule R657-53. The amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These amendments delete amphibians and reptiles as species covered in Rule R657-3 for collection, importation, transportation and possession of zoological animals. Provisions for the collection, importation, transportation and possession of amphibians and reptiles are provided in proposed Rule R657-53. DWR determines that there are no additional compliance costs associated with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at debbiesundell@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: Kevin Conway, Director

R657. Natural Resources, Wildlife Resources.**R657-3. Collection, Importation, Transportation, and Possession of Zoological Animals.****R657-3-1. Purpose and Authority.**

(1) Under Title 23, Wildlife Resources Code of Utah and in accordance with a memorandum of understanding with the Department of Agriculture and Food, Department of Health, and the Division of Wildlife Resources, this rule governs the collection, importation, exportation, transportation, and possession of zoological animals and their parts.

(2) Nothing in this rule shall be construed as superseding the provisions set forth in Title 23, Wildlife Resources Code of Utah. Any provision of this rule setting forth a criminal violation that overlaps a section of that title is provided in this rule only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

(3) In addition to this rule, the Wildlife Board may allow the collection, importation, transportation, and possession of species of zoological animals under specific circumstances as provided in Rules R657-4 through R657-6, R657-9 through R657-11, R657-13, R657-14, R657-16, R657-19, R657-20 through R657-22, R657-33, R657-37, R657-40[~~and~~], R657-46 and R657-53. Where a more specific provision has been adopted, that provision shall control.

(4) Holding raccoons and coyotes in captivity is governed by the Department of Agriculture and Food under Section 4-23-11 and Rule R58-14. The importation of coyotes and raccoons into Utah is governed by the Wildlife Board and is prohibited under this rule.

(5) This rule does not apply to division employees acting within the scope of their assigned duties.

R657-3-4. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2 and Subsection (2) through Subsection [(31)](29).

(2) "Aquaculture" means the controlled cultivation of aquatic animals.

(3)(a) "Aquaculture facility" means any tank, canal, raceway, pond, off-stream reservoir, or other structure used for aquaculture. "Aquaculture facility" does not include any public aquaculture facility or fee fishing facility.

(b) Structures that are separated by more than 1/2 mile, or structures that drain to or are modified to drain to, different drainages, are considered separate aquaculture facilities regardless of ownership.

(4) "Aquatic animal" means a member of any species of fish, mollusk, or crustacean, [~~or amphibian,~~] including their gametes.

(5) "Captive-bred" means any privately owned zoological animal, which is born inside of and has spent its entire life in captivity and is the offspring of privately owned zoological animals that are born inside of and have spent their entire life in captivity.

(6) "Certificate of veterinary inspection" means an official health authorization issued by an accredited veterinarian required for the importation of zoological animals, as provided in Rule R58-1.

(7) "CFR" means the Code of Federal Regulations.

(8) "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

(a) Appendix I of CITES protects threatened species from all international commercial trade; and

(b) Appendix II of CITES regulates trade in species not threatened with extinction, but which may become threatened if trade goes unregulated.

(c) CITES appendices are published periodically by the CITES Secretariat and reprinted by the U.S. Fish and Wildlife Service in 50 CFR 23.23, [2000]2002, ed., which is incorporated herein by reference.

(9) "Collect" means to take, catch, capture, salvage, or kill any zoological animal within Utah.

(10) "Commercial use" means any activity through which a person in possession of a zoological animal:

(a) receives any consideration for that zoological animal or for a use of that zoological animal, including nuisance control and roadkill removal; or

(b) expects to recover all or any part of the cost of keeping the zoological animal through selling, bartering, trading, exchanging, breeding, or other use, including displaying the zoological animal for entertainment, advertisement, or business promotion.

(11) "Controlled species" means a species or subspecies of zoological animal that ~~may be~~ if taken from ~~or escape~~ the wild, introduced into the wild, or held in captivity, ~~without~~ poses a possible significant detrimental ~~impacts~~ impact to wild populations, the environment, or human health or safety, and for which a certificate of registration is required.

(12) ~~"Den" means any place where reptiles congregate.~~

~~(13)~~ "Educational use" means the possession and use of a zoological animal for conducting educational activities concerning wildlife and wildlife-related activities.

~~(14)~~(13) "Entry permit number" means a number issued by the state veterinarian's office to a veterinarian signing a certificate of veterinary inspection. The entry permit number must be written on the certificate of veterinary inspection before the importation of the zoological animal. The entry permit is valid only for 30 days after its issuance.

~~(15)~~(14) "Export" means to move or cause to move any zoological animal from Utah by any means.

~~(16)~~(15) "Fee fishing facility" means a body of water used for holding or rearing fish to provide fishing for a fee or for pecuniary consideration or advantage.

~~(17)~~(16) "Import" means to bring or cause a zoological animal to be brought into Utah by any means.

~~(18)~~(17) "Native species" means any species or subspecies of zoological animal that historically occurred in Utah and has not been introduced by humans or migrated into Utah as a result of human activity.

~~(19)~~(18) "Naturalized species" means any species or subspecies of zoological animal that is not native to Utah but has established a wild, self-sustaining population in Utah.

~~(20)~~(19) "Noncontrolled species" means a species or subspecies of zoological animal that if taken from the wild, introduced into the wild, or held in captivity, poses no detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration is not required, unless otherwise specified.

~~(21)(a)~~(20)(a) "Nonnative species" means a species or subspecies of zoological animal that is not native to Utah.

(b) "Nonnative species" does not include domestic animals or naturalized species of zoological animals.

~~(22)(a)~~(21)(a) "Ornamental fish" means fish that are raised or kept for their beauty rather than use, or that arouse interest for their uncommon or exotic characteristics, including tropical fish, goldfish, and koi.

(b) "Ornamental fish" does not include any species listed as prohibited or controlled in Sections R657-3-~~24~~23.

~~(23)~~(22) "Personal use" means the possession and use of a zoological animal for a hobby or for its intrinsic pleasure and where no consideration for the possession or use of the animal is received by selling, bartering, trading, exchanging, breeding, or any other use.

~~(24)~~(23) "Possession" means to physically retain or to exercise dominion or control over a zoological animal.

~~(25)~~(24) "Prohibited species" means a species or subspecies of zoological animal that if taken from the wild, introduced into the wild, or held in captivity, poses a significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration shall only be issued in accordance with Sections R657-3-20(1)(b) or R657-3-~~39~~36.

~~(26)~~(25) "Public aquaculture facility" means a tank, canal, raceway, pond, off-stream reservoir, or other structure used for aquaculture by the division, U.S. Fish and Wildlife Service, a school, or an institution of higher education.

~~(27)~~ "Transport" means to move or cause to move any zoological animal within Utah by any means.

~~(28)~~ "Turtle" means all animals commonly known as turtles, tortoises and terrapins, and all other animals of the order Testudinata, class Reptilia.

~~(29)~~(26) "Scientific use" means the possession and use of a zoological animal for conducting scientific research that is directly or indirectly beneficial to wildlife or the general public.

~~(27)~~ "Transport" means to move or cause to move any zoological animal within Utah by any means.

~~(28)~~(~~30~~) "Wildlife Registration Office" means the division office in Salt Lake City responsible for processing applications and issuing certificates of registration.

~~(31)(a)~~(29)(a) "Zoological animal" means:

(i) native, naturalized, and nonnative species of animals, occurring in the wild, captured from the wild, or born or raised in captivity;

(ii) hybrids of any native, naturalized, or nonnative species or subspecies of animals; and

(iii) viable embryos or gametes of any native, naturalized, or nonnative species or subspecies of animals.

~~(A)~~(b) "Zoological animal" does not include species listed as domestic in Subsection R657-3-2, or amphibians or reptiles as defined in Rule R657-53.

R657-3-5. Liability.

(1)(a) Any person who accepts a certificate of registration assumes all liability and responsibility for the collection, importation, transportation, and possession of the authorized zoological animal and for ~~conducting~~ any other activity authorized by ~~the issuance of~~ the certificate of registration.

(b) To the extent provided under the Utah Governmental Immunity Act, the division, Department of Agriculture and Food, and Department of Health shall not be liable in any civil action for:

(i) any injury, disease, or damage caused by or to any animal, person, or property as a result of any activity authorized under this rule or a certificate of registration; or

(ii) the issuance, denial, suspension, or revocation of or by the failure or refusal to issue, deny, suspend, or revoke any certificate of registration or similar authorization.

(2) It is the responsibility of any person who obtains a certificate of registration to read ~~and~~, understand and comply with this rule and ~~to comply with all~~ all other applicable federal, state, county, city, or other municipality laws, regulations, and ordinances

governing zoological animals [~~in addition to the provisions of this rule~~].

R657-3-6. Animal Welfare.

(1) Any zoological animal held in possession under the authority of a certificate of registration shall be maintained under humane and healthy conditions, including the humane handling, care, confinement, transportation, and feeding, as provided in:

(a) 9 CFR Section 3 Subpart F, [~~2000~~2002 ed., which is adopted and incorporated by reference;

(b) Section 76-9-301; and

(c) Section 7 CFR 2.17, 2.51, and 371.2(g), [~~2000~~2002 ed., which are incorporated by reference.

(2) A person commits cruelty to animals under this section if that person intentionally, knowingly, or with criminal negligence, as defined in Section 76-2-103:

(a) tortures or seriously overworks an animal; or

(b) fails to provide necessary food, care, or shelter for any animal in that person's custody.

(3) Adequate measures must be taken for the protection of the public when handling, confining, or transporting any zoological animal.

R657-3-7. Nuisance Birds -- Nuisance Porcupine, Striped Skunk, and Squirrel.

(1)(a) A person is not required to obtain a certificate of registration or a federal permit to kill American Crows or Black-billed Magpies when found committing, or about to commit, depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance, provided:

(i) none of the birds killed pursuant to this section, nor their plumage, are sold or offered for sale; and

(ii) any person killing American Crows or Black-billed Magpies shall:

(A) allow any federal warden or conservation officer unrestricted access over the premises where American Crows or Black-billed Magpies are killed; and

(B) furnish any information concerning the control operations to the division or federal official upon request.

(b) A person may kill American Crows or Black-billed Magpies by any means, excluding bait, explosives or poison, and only on or over the threatened area.

(c) American Crows and Black-billed Magpies killed pursuant to this section shall be collected immediately and must be disposed of at a landfill that accepts wildlife carcasses or must be buried or incinerated.

(d) This subsection incorporates Section 50 CFR 21.42 and 21.43, [~~2000~~2002 ed., by reference.

(2)(a) A person may capture, transport, and kill or release a nuisance porcupine, striped skunk, or squirrel without obtaining a certificate of registration.

(b) A nuisance porcupine, striped skunk, or squirrel may be released only as follows:

(i) within 48 hours of capture;

(ii) within the county in which it was captured; and

(iii) in a location where it does not pose a risk to human health or safety, or create other conflict with humans, agriculture, or other animals.

R657-3-11. Certificate of Registration Required.

(1)(a) A person shall obtain a certificate of registration before collecting, importing, transporting, or possessing any species of zoological animal or its parts classified as prohibited or controlled, except as otherwise provided by the Wildlife Board or rules of the Wildlife Board as provided in Subsection R657-3-1(3).

(b) A certificate of registration is not required:

(i) to collect, import, transport, or possess any species or subspecies of zoological animal classified as noncontrolled [~~except as provided in Subsections R657-3-21(3) and R657-3-26(5)(a)~~]; or

(ii) to export any species or subspecies of zoological animal from Utah, provided that the zoological animal is held in legal possession.

(c) Applications for zoological animals classified as prohibited [~~are~~shall not be accepted by the division without providing written justification [~~as to why~~describing how the applicant's proposed collection, importation, or possession of the zoological animal meets the criteria provided in Subsections R657-3-20(1)(b) or R657-3-18(4)(b).

(2)(a) Certificates of registration are not transferable and expire December 31 of the year issued, except as otherwise designated on the certificate of registration.

(b) If the holder of a certificate of registration is a representative of an institution, organization, business, or agency, the certificate of registration shall end upon the representative's discontinuation of association with that entity.

(c) Certificates of registration do not provide the holder with any rights of succession and any certificate of registration issued to a business or organization shall be void upon the termination of the business or organization or upon bankruptcy or transfer.

(3)(a) The issuance of a certificate of registration automatically incorporates within its terms the conditions and requirements of this rule specifically governing the activity for which the certificate of registration is issued.

(b) Any person accepting a certificate of registration under this rule acknowledges the necessity for close regulation and monitoring by the division.

(4) A single certificate of registration may authorize more than one activity.

(5)(a) In addition to this rule, the division may impose specific requirements on the holder of the certificate of registration necessary for the safe and humane handling and care of the zoological animal involved, including requirements for veterinary care, cage or holding pen sizes and standards, feeding requirements, social grouping requirements, and other requirements considered necessary by the division for the health and welfare of the zoological animal or the public.

(b) The authorizations on the face of the certificate of registration setting forth specific times, dates, places, methods of take, numbers and species of zoological animals, location of activity, authorization for certain circumscribed transactions, or other designated conditions are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.

(6)(a) Upon or before the expiration date of a certificate of registration, the holder [~~may~~must apply for a new certificate of registration to continue the activity.

(b) The division shall use the criteria provided in Section R657-3-14 in determining whether to issue the new certificate of registration.

(c) If an application is not made by the expiration date, live or dead zoological animals held in possession under the expired certificate of registration shall be considered unlawfully held and may be seized by the division.

(d) If an application for a new certificate of registration is submitted before the expiration date, the existing certificate of registration shall remain valid while the application is pending.

(7) Failure to submit timely, accurate, or valid reports as required under Section R657-3-16 and the certificate of registration may disqualify a person from obtaining a new certificate of registration.

(8) A certificate of registration may be revoked as provided in Section 23-19-9 and Rule R657-26.

R657-3-13. Retroactive Effect on Possession.

A person lawfully possessing a zoological animal prior to the effective date of ~~[this rule]~~ any species reclassification may receive a certificate of registration from the division for the continued possession of that ~~[individual]~~ zoological animal where the animal's species classification has changed hereunder from noncontrolled to controlled or prohibited, or from controlled to prohibited. The certificate of registration shall be obtained ~~[by December 31, 2002]~~ within six months of the reclassification, or possession of the zoological animal thereafter shall be unlawful.

R657-3-14. Issuance Criteria.

(1) The following factors shall be considered before the division may issue a certificate of registration:

- (a) the health, welfare, and safety of the public;
- (b) the health, welfare, safety, and genetic integrity of wildlife, domestic livestock, poultry, and other animals;
- (c) ecological and environmental impacts;
- (d) the suitability of the applicant's holding facilities;
- (e) the experience of the applicant for the activity requested;

and

- (f) ecological or environmental impact on other states.

(2) In addition to the criteria provided in Subsection (1), the division shall use the following criteria for the issuance of a certificate of registration for a scientific use of a zoological animal;

- (a) the validity of the objectives and design;
- (b) the likelihood the project will fulfill the stated objectives;
- (c) the applicant's qualifications to conduct the research, including the requisite education or experience;
- (d) the adequacy of the applicant's resources to conduct the study; and

(e) whether the scientific use is in the best interest of the zoological animal, wildlife management, education, or the advancement of science without unnecessarily duplicating previously documented scientific research.

(3) In addition to the criteria provided in Subsection (1), the division may use the following criteria for the issuance of a certificate of registration for an educational use of a zoological animal:

- (a) the objectives and structure of the educational program; and
- (b) whether the applicant has written approval from the appropriate official if the activity is conducted in a school or other educational facility.

(4) The division may deny issuing a certificate of registration to any applicant, if ~~[the applicant has:]~~

~~(a)~~ (a) the applicant has violated any provision of Title 23, Utah Wildlife Resources Code, Administrative Code R657, a

certificate of registration, an order of the Wildlife Board or any other law that when considered with the functions and responsibilities of collecting, importing, possessing or propagating a zoological animal bears a reasonable relationship to the applicant's ability to safely and responsibly carry out such activities;

(b) the applicant has previously been issued a certificate of registration and failed to submit any report or information required by this rule, the division, or the Wildlife Board; ~~[-or]~~

(c) the applicant misrepresented or failed to disclose material information required in connection with the application; or

(d) holding the zoological animal at the proposed location violates federal, state, or local laws.

(5) The collection or importation and subsequent possession of a zoological animal shall be granted only upon a clear demonstration that the criteria established in this section have been met by the applicant.

(6) The division, in making a determination under this section, may use any information available that is relevant to the issuance of the certificate of registration, including independent inquiry or investigation to verify information or substantiate the qualifications asserted by the applicant.

(7) If an application is denied, the division shall provide the applicant with written notice of the reasons for denial.

(8) An appeal of the denial of an application may be made as provided in Section R657-3-~~[40]~~37.

R657-3-15. Amendment to Certificate of Registration.

(1)(a) If material circumstances ~~[have changed]~~ change, requiring a modification of the terms of the certificate of registration, the holder may request an amendment by submitting written justification and supporting information.

(b) The division may amend the certificate of registration or deny the request based on the criteria for initial applications provided in Section R657-3-14, and, if the request for an amendment is denied, shall provide the applicant with written notice of the reasons for denial.

(c) The division may charge a fee for amending the certificate of registration.

(d) An appeal of a request for an amendment may be made as provided in Section R657-3-~~[40]~~37.

(2) The division reserves the right to amend any certificate of registration for good cause upon notification to the holder and written findings of necessity.

(3)(a) Each holder of a certificate of registration shall notify the division within 30 days of any change in mailing address.

(b) Zoological animals or activities authorized by a certificate of registration may not be held at any location not specified on the certificate of registration without prior written permission from the division.

R657-3-16. Records and Reports.

(1)(a) From the date of ~~[the]~~ issuance of the certificate of registration, the holder shall maintain complete and accurate records of any taking, possession, transportation, propagation, sale, purchase, barter, or importation pursuant to this rule or the certificate of registration.

(b) Records must be kept current and shall include the names, phone numbers, and addresses of persons with whom any zoological animal has been sold, bartered, or otherwise transferred or received, and the dates of the transactions.

(c) The records required under this section must be maintained for two years from the expiration date of the certificate of registration.

(2) Reports of activity must be submitted to the Wildlife Registration Office as specified on the certificate of registration.

(3) Failure to submit the appropriate records and reports may result in revocation or denial of a certificate of registration.

R657-3-17. Collection, Importation or Possession for Personal Use.

(1) A person may collect, import or possess live or dead zoological animals or their parts for a personal use only as follows:

(a) Certificates of registration are not issued for the collection, importation or possession of any live or dead zoological animals or their parts classified as prohibited.

(b) A certificate of registration is required for collecting, importing or possessing any live or dead zoological animals or their parts classified as controlled, except as otherwise provided by the Wildlife Board.

(c) A certificate of registration is not required for collecting, importing or possessing live or dead zoological animals or their parts classified as noncontrolled~~[-, except as provided in Subsections R657-3-21(3) and R657-3-26(5)(a)].~~

(2) Notwithstanding Subsection (1), a person may import or possess any dead zoological animal or its parts, except as provided in Section R657-3-8, for a personal use without obtaining a certificate of registration, provided the animal was legally taken, is held in legal possession, and a valid license, permit, tag, certificate of registration, bill of sale, or invoice is available for inspection upon request.

R657-3-18. Collection, Importation or Possession of a Live Zoological Animal for a Commercial Use.

(1)(a) Pursuant to Sections 23-13-13 and 23-20-3, a person may not collect or possess a live zoological animal for a commercial use or commercial venture for pecuniary gain, unless otherwise provided in the rules and proclamations of the Wildlife Board, a certificate of registration or a memorandum of understanding with the division.

(b) Use of brine shrimp for culturing ornamental fish is not a commercial use if the brine shrimp eggs are not sold, bartered, or traded and no more than 200 pounds are collected annually.

(2)(a) A person may import or possess a live zoological animal classified as non-controlled for a commercial use or a commercial venture, except native or naturalized species of zoological animals may not be sold or traded unless they originate from a captive-bred population.

~~(b)~~ Complete and accurate records for native or naturalized species must be maintained and available for inspection for two years from the date of transaction, documenting the date, name, phone number, and address of the person from whom the zoological animal has been obtained.

(3)(a) A person may not import or possess a live zoological animal classified as controlled for a commercial use or commercial venture, without first obtaining a certificate of registration.

(b) A certificate of registration will not be issued to sell or trade a native or naturalized species of zoological animal unless it originates from a captive-bred population.

(c) It is unlawful to transfer a live zoological animal classified as controlled to a person who does not have a certificate of registration to possess the zoological animal.

(d) Complete and accurate records must be maintained and available for inspection for two years from the date of transaction, documenting the date, name, phone number, and address of the person from whom the zoological animal has been obtained.

(e) Complete and accurate records must be maintained and available for inspection for two years from the date of transfer, documenting the date, name, address and certificate of registration number of the person receiving the zoological animal.

(4)(a) A certificate of registration will not be issued for importing or possessing a live zoological animal classified as prohibited for a commercial use or commercial venture, except as provided in Subsection (b).

(b) The division may issue a certificate of registration to a zoo, circus, amusement park, aviary, or film company to import or possess live species of zoological animals classified as prohibited if, in the opinion of the division, the importation for a commercial use is beneficial to wildlife or significantly benefits the general public without material detriment to wildlife.

(c) The division's authority to issue a certificate of registration to a zoo, circus, amusement park, or aviary under this Subsection is restricted to those facilities that keep the prohibited species of zoological animals in a park, building, cage, enclosure or other structure for the primary purpose of public exhibition or viewing.

~~(5) [It is unlawful to sell or trade any turtle, including tortoises, less than 4" in carapace length.]~~

~~(6)~~ An entry permit, and a certificate of veterinary inspection are required by the Department of Agriculture to import a live zoological animal classified as noncontrolled, controlled or prohibited.

R657-3-19. Collection, Importation or Possession of Dead Zoological Animals or Their Parts for a Commercial Use.

(1) Pursuant to Sections 23-13-13 and 23-20-3, a person may not collect, import or possess any dead zoological animal or its parts for a commercial use or commercial venture for pecuniary gain, unless otherwise provided in the rules and proclamations of the Wildlife Board, or a memorandum of understanding with the division.

(2) The restrictions in Subsection (1) do not apply to the following:

(a) the commercial use of a dead coyote, jackrabbit, muskrat, raccoon, or its parts;

(b) a business entity that has obtained a certificate of registration from the division to conduct nuisance wildlife control or carcass removal is allowed; and

(c) dead zoological animals sold or traded for educational use.

R657-3-20. Collection, Importation or Possession for Scientific or Educational Use.

A person may collect, import or possess live or dead zoological animals or their parts for a scientific or educational use only as follows:

(1)(a) Certificates of registration are not issued for collecting, importing or possessing live or dead zoological animals classified as prohibited, except as provided in Subsection (b).

(b) The division may issue a certificate of registration to a university, college, governmental agency, bona fide nonprofit institution, or a person involved in wildlife research to collect, import or possess live or dead zoological animals classified as prohibited if, in the opinion of the division, the scientific or educational use is beneficial to wildlife or significantly benefits the

general public without material detriment to wildlife.

(2) A person shall obtain a certificate of registration before collecting, importing or possessing live or dead zoological animals or their parts classified as controlled.

(3) A certificate of registration is not required to collect, import or possess live or dead zoological animals classified as noncontrolled[, except as provided in Subsections R657-3-21(3) and R657-3-26(5)(a)].

[R657-3-21. Classification and Specific Rules for Amphibians.

— (1) Amphibians are classified as follows:

— (a) Bullfrog, Ranidae Family (*Rana catesbeiana*) is prohibited for collection, importation and possession, except as provided in Subsection (5);

— (b) Clawed frog, Pipidae Family (*Xenopus*) (All species) is prohibited for collection, importation and possession;

— (c) Columbia spotted frog, Ranidae Family (*Rana luteiventris*) is prohibited for collection, importation and possession;

— (d) Green frog, Ranidae Family (*Rana clamitans*) is prohibited for collection, importation and possession, except as provided in Subsection (5);

— (e) Northern leopard frog, Ranidae Family (*Rana pipiens*) is controlled for collection, importation and possession;

— (f) Pacific chorus frog, Ranidae Family (*Pseudacris regilla*) is controlled for collection, importation and possession;

— (g) Relict leopard frog, Ranidae Family (*Rana onca*) is prohibited for collection, importation and possession;

— (h) Yavapai leopard frog, Ranidae Family (*Rana yavapaiensis*) is prohibited for collection, importation and possession;

— (i) Tiger salamander, Ambystomatidae Family (*Ambystoma tigrinum*) is controlled for importation, and noncontrolled for collection and possession as provided in Subsection (4);

— (j) Giant (Marine) toad, Bufonidae Family (*Bufo marinus*) is prohibited for collection, importation and possession;

— (k) Southwestern toad, Bufonidae Family (*Bufo microscaphus*) is controlled for collection, importation and possession; and

— (l) Western toad, Bufonidae Family (*Bufo boreas*) is prohibited for collection, importation and possession.

— (2) All species and subspecies of amphibians not listed in Subsection (1) are classified as noncontrolled for collection, importation and possession, except as provided in Subsection (3).

— (3) A person must obtain a certificate of registration to collect four or more amphibians of each species classified as noncontrolled within a calendar year, except as provided in Subsection (4) and (5).

— (4) A person may collect or possess for personal use up to 50 Tiger salamanders (*Ambystoma tigrinum*) without a certificate of registration.

— (5) A person may collect or possess any number of Bullfrogs (*Rana catesbeiana*) or Green frogs (*Rana clamitans*) without a certificate of registration provided they are either killed or released immediately upon removing them from the water. A person may not transport a live bullfrog or green frog from the water from which it was collected without first obtaining a certificate of registration.

R657-3-22|R657-3-21. Classification and Specific Rules for Birds.

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R657-3-[23]22. Classification and Specific Rules for Invertebrates.

.....

R657-3-[24]23. Classification and Specific Rules for Fish.

.....

R657-3-[25]24. Classification and Specific Rules for Mammals.

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[R657-3-26. Classification and Specific Rules for Reptiles.

— (1) Reptiles are classified as follows:

— (a) Crocodiles are classified as follows:

— (i) Alligators and caimans, Alligatoridae Family (All species) are prohibited for collection, importation and possession;

— (ii) Crocodiles, Crocodylidae Family (All species) are prohibited for collection, importation and possession;

— (iii) Garial, Gavialidae Family (*Vavialis gangeticus*) is prohibited for collection, importation and possession;

— (b) Lizards are classified as follows:

— (i) Beaded lizard, Helodermatidae Family, *Heloderma horridum* is prohibited for collection, importation, and possession;

— (ii) Chuckwalla, Iguanidae Family (*Sauromalus*) (All species) are prohibited for collection, and controlled for importation and possession;

— (iii) Desert iguana, Iguanidae Family (*Dipsosaurus dorsalis*) is prohibited for collection, and controlled for importation and possession;

— (iv) Gila monster, Helodermatidae Family (*Heloderma suspectum*) is prohibited for collection, importation and possession;

— (v) Many lined skink, Scincidae Family (*Eumeces multivirgatus gaigeae*) is controlled for collection, importation and possession;

— (vi) Night lizard, Xantusiidae Family (*Xantusia vigilis*) is controlled for collection, importation and possession;

— (vii) Plateau striped whiptail, Teiidae Family (*Cnemidophorus velox*) is controlled for collection, importation and possession;

— (viii) Side blotched lizard, Phrynosomatidae Family (*Uta stansburiana*) is noncontrolled collection, importation and possession, except as provided in Section R657-3-26(5);

— (ix) Utah banded Gecko, Gekkonidae Family (*Coleonyx variegatus utahensis*) is controlled for collection, importation and possession;

— (x) Mojave zebra-tailed lizard, Phrynosomatidae Family (*Callisaurus draconoides rhodostictus*) is controlled for collection, importation and possession;

— (c) Snakes are classified as follows:

— (i) Bird Snake, Colubridae Family (*Thelotornis*) (All species) are prohibited for collection, importation and possession;

— (ii) Boomsnang, Colubridae Family (*Dispholidus typus*) is prohibited for collection, importation and possession;

— (iii) Burrowing asps, Atractaspidae Family (All species) are prohibited for collection, importation and possession;

— (iv) California kingsnake (black and white banded form), Colubridae Family (*Lampropeltis getula californica*) is controlled for collection, importation and possession;

— (v) Desert glossy snake, Colubridae Family (*Arizona elegans eburnata*) is controlled for collection, importation and possession;

— (vi) Great Plains rat snake, Colubridae Family (*Elaphe guttata emoryi*) is controlled for collection, importation and possession;

— (vii) Keelback, Colubridae Family (*Rhabdophis*) (All species) are prohibited for collection, importation and possession;

— (viii) Mojave patch-nosed snake, Colubridae Family (*Salvadora hexalepis mojavensis*) is controlled for collection, importation and possession;

~~— (ix) Painted desert glossy snake, Colubridae Family (Arizona elegans philipi) is controlled for collection, importation and possession;~~

~~— (x) Pit vipers, Viperidae Family (All species, except Crotalus viridis) are prohibited for collection, importation and possession;~~

~~— (xi) Proteroglyphous snakes, Australian spp., cobras, coral snakes, kraits, and their allies, Elapidae Family (All species) are prohibited for collection, importation and possession;~~

~~— (xii) Sonoran lyre snake, Colubridae Family (Trimorphodon biscutatus lambda) are prohibited for collection, importation and possession;~~

~~— (xiii) Southwestern black-headed snake, Colubridae Family (Tantilla hobartsmithi) is controlled for collection, importation and possession;~~

~~— (xiv) Utah blind snake, Leptotyphlopidae Family (Leptotyphlops humilis utahensis) is controlled for collection, importation and possession;~~

~~— (xv) Utah milk snake, Colubridae Family (Lampropeltis triangulum taylori) is prohibited for collection, importation and possession;~~

~~— (xvi) Utah mountain kingsnake, Colubridae Family (Lampropeltis pyromelana infralabialis) is prohibited for collection, importation and possession;~~

~~— (xvii) Western rattlesnake, Viperidae Family (Crotalus viridis) is controlled for collection, prohibited for importation, and controlled for possession;~~

~~— (xviii) Western smooth green snake, Colubridae Family (Liochlorophis vernalis blanchardi) is controlled for collection, importation and possession;~~

~~— (xix) Western terrestrial garter snake, Colubridae Family (Thamnophis elegans) is noncontrolled for collection, importation and possession, except as provided in Section R657-3-26(5);~~

~~— (d) Turtles are classified as follows:~~

~~— (i) Desert tortoise, Testudinidae Family (Gopherus agassizii) is prohibited for collection and importation, and controlled for possession;~~

~~— (ii) Snapping turtle, Chelydridae Family (Chelydra serpentina) is prohibited for collection, importation and possession, except as provided in Section R657-3-26(6);~~

~~— (iii) Spiny softshell, Trionychidae Family (Apalone spinifera) is prohibited for collection, importation and possession, except as provided in Section R657-3-26(6).~~

~~— (2) All species and subspecies of reptiles not listed in Subsection (1) are classified as noncontrolled for collection, importation and possession, except as provided in Subsection (5).~~

~~— (3) A person may not:~~

~~— (a) disturb the den of any reptile or kill, capture, or harass any reptile within 100 yards of a reptile den without first obtaining a certificate of registration from the division; or~~

~~— (b) indiscriminately kill any reptile.~~

~~— (4)(a) Western rattlesnakes, Crotalus viridis, may be killed without a certificate of registration only for reasons of human safety.~~

~~— (b) The carcass of a Western rattlesnake killed pursuant to Subsection (a) may be retained for personal use only.~~

~~— (5)(a) A person must obtain a certificate of registration to collect four or more reptiles of each species classified as noncontrolled within a calendar year, except as provided in Subsection (5)(b) and Subsection (6).~~

~~— (b) A person may collect and possess any number of side-banded lizards, Uta stansburiana, and western terrestrial garter,~~

~~Thamnophis elegans, snakes without obtaining a certificate of registration.~~

~~— (6) A person may collect or possess any number of snapping turtles, Chelydra serpentina, or spiny softshell, Apalone spinifera, turtles without a certificate of registration provide they are either killed or released immediately upon removing them from the water. A person may not transport a live snapping turtle or spiny softshell turtle from the water from which it was collected without first obtaining a certificate of registration.~~

~~— (7) For purposes of this section, "white" means white and other non-yellow shades of white.~~

~~R657-3-27~~R657-3-25. Importation of Zoological Animals into Utah.

.....

~~R657-3-28~~26. Transporting Live Zoological Animals Through Utah.

.....

~~R657-3-29~~27. Importing Zoological Animals into Utah for Processing.

.....

~~R657-3-30~~28. Transfer of Possession.

.....

~~R657-3-31~~29. Propagation.

(1) A person may propagate zoological animals classified as noncontrolled for possession.

(2) A person may propagate zoological animals classified as controlled for possession only after obtaining a certificate of registration from the division, or as otherwise authorized in Sections ~~R657-3-32~~30, ~~R657-3-33~~R657-3-34~~31~~, and ~~R657-3-35~~32.

(3) A person may not propagate zoological animals classified as prohibited for possession, except as authorized in Sections ~~R657-3-32~~30, ~~R657-3-33~~31 and ~~R657-3-34 and R657-3-35~~32.

~~R657-3-32~~30. Propagation of Raptors.

(1) A person may propagate raptors only as provided in this section and Section 50 CFR 21.30, [~~2000~~]2002, ed., which is incorporated by reference. All applicants for captive breeding permits must become familiar with this rule and the applicable federal regulations.

(2) A person must apply for a federal raptor propagation permit and a certificate of registration from the division to propagate raptors.

(3) If the applicant requests authority to use raptors taken from the wild, the regional director of the U.S. Fish and Wildlife Service in consultation with the avian program coordinator must determine the following:

- (a) whether issuance of the permit would have significant effect on any wild population of raptors;
- (b) whether suitable captive stock is available; and
- (c) whether wild stock is needed to enhance the genetic variability of captive stock.

(4) Raptors may not be taken from the wild for captive breeding, except as provided in Subsection (3).

(5) A person must obtain authorization from the division before importing raptor semen into Utah or importing captive-raised

raptors for sale. The authorization shall be noted on the certificate of registration.

(6) A person may sell a captive-bred raptor properly marked with a band approved by the U.S. Fish and Wildlife Service or issued by the U.S. Fish and Wildlife Service to a raptor breeder who has a valid federal and state license or to state and federally licensed general or master class falconer.

(7) A permittee may not purchase, sell or barter any raptor eggs, any raptors taken from the wild, any raptor semen collected from the wild, or any raptors hatched from eggs taken from the wild.

(8) Each captive bred raptor brought into Utah must be accompanied by a valid certificate of veterinary inspection issued by an accredited veterinarian from the state of origin.

(9) A permittee may use raptors held in possession for propagation in the sport of falconry only if such use is designated on both the propagation permit and the permittee's falconry permit.

(10) Raptors used for falconry on temporary loan to a breeding project, with the division's authorization and accompanied by a Form 3-186A, Migratory Bird Acquisition and Disposition Report, provided by the U.S. Fish and Wildlife Service, must be included in the loaning falconer's bird number limitation as permitted in the license class designation.

(11)(a) Hybridization with the female of a species which is endangered or threatened is prohibited.

(b) Interspecific hybridization between species is authorized only if each raptor produced is either imprinted on humans or surgically sterilized.

(i) "Imprinted on humans" means hand-raised in isolation from the sight of other raptors from two weeks of age until it is fully feathered.

(c) Documentation of imprinting on humans required under Subsection (b) must be provided by the propagator.

(12) Raptors considered unsuitable for release to the wild from rehabilitation projects, and certified as not releasable by a licensed veterinarian, may be placed in a captive breeding project upon written request from an authorized breeder and with concurrence of the U.S. Fish and Wildlife Service and the division.

(13) A copy of the propagator's annual report of activities required by the U.S. Fish and Wildlife Service must be sent to the division as specified on the certificate of registration.

R657-3-[33]31. Propagation of Bobcat, Lynx, and Marten.

.....

~~**[R657-3-34. Propagation of Reptiles.**~~

~~—(1) A person may propagate the following species of snakes only after obtaining a certificate of registration:~~

~~—(a) California kingsnake (*Lampropeltis getula californiae*) (banded form);~~

~~—(b) Great Plains rat snake (*Elaphe guttata emoryi*); and~~

~~—(c) Mojave patch-nosed snake (*Salvadora hexalepis mojavensis*).~~

~~—(2)(a) The division may issue a total of six certificates of registration for captive breeding.~~

~~—(b) Certificates of registration for the propagation of reptiles are issued on a one per household basis annually.~~

~~—(c) Application forms are available from the Wildlife Registration Office and must be submitted during the month of January.~~

~~—(d) If more applications are received than the number of available certificates of registration, a public drawing will be held on~~

~~the second Friday in February to determine successful applicants.~~

~~—(3) Certificates of registration may be issued to an applicant who:~~

~~—(a) is a resident of Utah;~~

~~—(b) presents written documentation showing at least five years of experience in reptile husbandry and at least three years of experience in the captive propagation of reptiles;~~

~~—(c) is able to demonstrate the ability to provide and maintain suitable, disease-free facilities to humanely hold and maintain reptiles in good condition;~~

~~—(d) is able to demonstrate the ability to prevent commingling with other reptiles not collected under the authority of a certificate of registration;~~

~~—(e) has not been convicted of any wildlife violation involving reptiles within the past five years; and~~

~~—(f) presents documentation to the division showing that captive breeding is allowed in the county or other political subdivision in which the applicant resides.~~

~~—(4) The disposition of any reptile held in possession under the authority of a certificate of registration and its progeny and descendants born in captivity remain property of the state of Utah and shall be determined by the division in accordance with the needs for public health, welfare, and safety, and impacts on wildlife.~~

~~**R657-3-35**~~**R657-3-32. Propagation of Caribou, Fallow Deer, Musk-ox, and Reindeer.**

.....

~~**R657-3-[36-]33. Violations.**~~

.....

~~**R657-3-[37-]34. Certification Review Committee.**~~

(1) The division shall establish a Certification Review Committee which shall be responsible for:

(a) reviewing:

(i) petitions to reclassify species and subspecies of zoological animals;

(ii) appeals of certificates of registration; and

(iii) requests for variances to this rule; and

(b) making recommendations to the Wildlife Board.

(2) The committee shall consist of the following individuals:

(a) the director or the director's designee who shall represent the director's office and shall act as chair of the committee;

(b) the chief of the Aquatic Section;

(c) the chief of the Wildlife Section;

(d) the chief of the Public Services Section;

(e) the state veterinarian or his designee; and

(f) a person designated by the Department of Health.

(3) The division shall require a fee for the submission of a request provided in Section R657-3-[38]35 and R657-3-[39]36.

~~**R657-3-[38]35. Request for Species Reclassification.**~~

.....

~~**R657-3-[39]36. Request for Variance.**~~

.....

~~**R657-3-[40]37. Appeal of Certificate of Registration Denial.**~~

(1) A person may appeal the division's denial of a certificate of registration by submitting an appeal request to the Certification Review Committee.

(2) The request must be made within 30 days after the date of the denial.

(3) The request shall include:

- (a) the name, address, and phone number of the petitioner;
- (b) the date the request was mailed;
- (c) the species or subspecies of zoological animals and the activity for which the application was made; and
- (d) supporting facts and other evidence applicable to resolving the issue.

(4) The committee shall review the request within a reasonable time after it is received.

(5) Upon reviewing the application and the reasons for its denial, the committee may:

- (a) overturn the denial and approve the application; or
- (b) uphold the denial.

(6) The committee may overturn a denial if the denial was:

- (a) based on insufficient information;
- (b) inconsistent with prior action of the division or the Wildlife Board;

(c) arbitrary or capricious; or

(d) contrary to law.

(7)(a) Within a reasonable time after making its decision, the committee shall mail a notice to the petitioner specifying the reasons for its decision.

(b) The notice shall include information that a person may seek Wildlife Board review of that decision.

(8)(a) If the committee upholds the denial, the petitioner may seek Wildlife Board review of the decision by submitting a request for Wildlife Board review within 30 days after its issuance.

(b) The request must include the information provided in Subsection (3).

(9)(a) Upon receiving a request for Wildlife Board review, the Wildlife Board shall, within a reasonable time, hold a hearing to consider the request.

(b) The Wildlife Board may:

- (i) overturn the denial and approve the application; or
- (ii) uphold the denial.

(c) The Wildlife Board shall provide the petitioner with a written decision within a reasonable time after making its decision.

(10) An appeal contesting initial division determination of eligibility for a certificate of registration shall be considered a request for agency action as provided in Subsection 63-46b-3(3) and Rule R657-2.

KEY: wildlife, animal protection, import restrictions, zoological animals

~~April 16, 2002~~ 2003

Notice of Continuation April 16, 2001

23-14-18

23-14-19

23-20-3

23-13-14

63-30-1 et seq.



Natural Resources, Wildlife Resources

R657-5-70

Chronic Wasting Disease - Infected Animals

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26165

FILED: 04/15/2003, 08:02

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council meetings and the Wildlife Board meeting conducted for taking public input and reviewing the impacts of chronic wasting disease (CWD) found in deer and elk in Utah.

SUMMARY OF THE RULE OR CHANGE: Section R657-5-70 is being added to provide provisions for a person who legally takes a deer or elk, which is later confirmed to be infected with CWD to: a) retain the entire carcass of the animal; b) retain parts of the animal, and surrender remaining parts to the Division of Wildlife Resources (DWR) for proper disposal; or c) surrender all portions of the animal to DWR and receive a duplicate permit.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** This amendment provides provisions for a person who legally takes a deer or elk, which is later confirmed to be infected with CWD to: a) retain the entire carcass of the animal; b) retain parts of the animal, and surrender remaining parts to DWR for proper disposal; or c) surrender all portions of the animal to DWR and receive a duplicate permit. DWR may incur some costs associated with issuing duplicate permits and disposing of carcasses. However, the costs should be minimal and may depend on the number of deer or elk diagnosed with CWD. Otherwise, the Division determines that this amendment does not create a cost or savings impact to the state budget or DWR's budget.

❖ **LOCAL GOVERNMENTS:** None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖ **OTHER PERSONS:** This amendment provides provisions for a person who legally takes a deer or elk, which is later confirmed to be infected with CWD to: a) retain the entire carcass of the animal; b) retain parts of the animal, and surrender remaining parts to DWR for proper disposal; or c) surrender all portions of the animal to DWR and receive a duplicate permit. The Division determines that this amendment does not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment provides provisions for a person who legally takes a deer or elk, which is later confirmed to be infected with CWD to: a) retain the entire carcass of the animal; b) retain parts of the animal, and surrender remaining parts to DWR for proper disposal; or c) surrender all portions of the animal to DWR and receive a duplicate permit. DWR determines that there are no additional compliance costs associated with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create an impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at debbiesundell@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: Kevin Conway, Director

R657. Natural Resources, Wildlife Resources.

R657-5. Taking Big Game.

R657-5-70. Chronic Wasting Disease - Infected Animals.

(1) Any person who under the authority of a permit issued by the division legally takes a deer or elk that is later confirmed to be infected with Chronic Wasting Disease may:

- (a) retain the entire carcass of the animal;
- (b) retain any parts of the carcass, including antlers, and surrender the remainder to the division for proper disposal; or
- (c) surrender all portions of the carcass in their actual or constructive possession, including antlers, to the division and receive a free duplicate permit the following year for the same hunt.

(2) The duplicate permit issued pursuant to Subsection (1)(c) shall be for the same species, sex, weapon type, unit, region, and otherwise subject to all the restrictions and conditions imposed on the original permit, except season dates for the permit shall follow the proclamation of the Wildlife Board for taking big game published in the year the duplicate permit is valid.

**KEY: wildlife, game laws, big game seasons[~~±~~]
[~~January 15,~~] 2003
Notice of Continuation November 30, 2000**

23-14-18
23-14-19
23-16-5
23-16-6



Natural Resources, Wildlife Resources

R657-26-8

Wildlife Board Review - Procedure

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 26169

FILED: 04/15/2003, 08:05

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council meetings and the Wildlife Board meeting conducted for taking public input and reviewing the procedures for Wildlife Board Review of the suspension of the privilege of applying for, purchasing and exercising the benefits conferred by a license, permit, or certificate of registration.

SUMMARY OF THE RULE OR CHANGE: Subsection R657-26-8(6) is being amended to allow the Wildlife Board to amend suspension periods. Subsection R657-26-8(7) is being amended to provide that the Wildlife Board chair may vote in an adjudicative proceeding decision as it relates to Rule R657-26, and any Wildlife Board decision shall be supported by a majority of the voting members present.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 23-19-9(15)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: This amendment allows the Wildlife Board to amend suspension periods, and clarifies that the Wildlife Board chair may vote in an adjudicative proceeding decision as it relates to Rule R657-26. The Division of Wildlife Resources (DWR) determines that this rule will not create any cost or savings impact to the state budget or DWR's budget.
- ❖LOCAL GOVERNMENTS: None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.
- ❖OTHER PERSONS: No impact--These amendments do not impose any requirements on persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment allows the Wildlife Board to amend suspension periods, and clarifies that the Wildlife Board chair may vote in an adjudicative proceeding decision as it relates to Rule R657-26. Therefore, this rule does not impose any cost requirements or burdens on persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at debbiesundell@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: Kevin Conway, Director

R657. Natural Resources, Wildlife Resources.

R657-26. Adjudicative Proceedings for a License, Permit, or Certificate of Registration.

R657-26-8. Wildlife Board Review - Procedure.

(1)(a) A person may file an appeal of a presiding officer's decision with the Wildlife Board.

(b) The appeal must be in writing and the respondent shall send a copy of the appeal by mail to the chair of the Wildlife Board and each of the parties.

(2) The appeal must be filed within 30 days after the issuance of the presiding officer's decision and order.

(3) The appeal shall:

(a) be signed by the respondent or the respondent's legal counsel;

(b) state the grounds for appeal and the relief requested; and

(c) state the date upon which it was mailed.

(4)(a) Within 15 days after the mailing date of the appeal, any party may file a written response with the Wildlife Board.

(b) A copy of the response shall be sent by mail to the chair of the Wildlife Board and each of the parties.

(5) The Wildlife Board ~~shall~~ may hold a de novo formal hearing in accordance with the provisions of Section 63-46b-6 through Section 63-46b-10. The Wildlife Board may convert the hearing to an informal hearing anytime before a final order is issued if:

(a) conversion of the proceeding is in the public interest; and
(b) conversion of the proceeding does not unfairly prejudice the rights of any party.

(6) At the conclusion of the hearing, the Wildlife Board may:

(a) affirm the decision;

(b) vacate or remand the decision; ~~or~~

(c) amend the type of suspension ordered by the presiding officer; or

(d) amend the suspension period.

(7) The Wildlife Board ~~[shall not amend or alter the suspension periods imposed in accordance with Section 23-19-9(4), where the statutory elements prerequisite to imposing the suspension periods are satisfied.]~~ chair may vote in an adjudicative proceedings decision, and any Wildlife Board decision shall be supported by a majority of the voting members present.

(8)(a) If the Wildlife Board takes any action to vacate or remand the decision or amend the type of suspension, the chair of the Wildlife Board shall, within a reasonable time, issue a written order on review.

(b) The order on review shall be signed by the chair of the Wildlife Board and mailed to each party.

(c) The order on review shall contain:

(i) a designation of the statute permitting review;

(ii) a statement of the issues reviewed;

(iii) findings of fact as to each of the issues reviewed;

(iv) conclusions of law as to each of the issues reviewed;

(v) whether the decision of the presiding officer is to be affirmed, reversed, modified, and whether all or any portion of the adjudicative proceeding is to be remanded;

(vi) a notice of any right of further administrative reconsideration or judicial review; and

(vii) the time limits applicable to any appeal or review.

KEY: wildlife, suspensions~~[#]~~, violations~~[#]~~

~~[October 17, 2001]~~ **2003**

Notice of Continuation August 30, 2001

23-13-2

23-14-1

23-14-19

23-19-9

23-20-14

63-46b-13

63-46b-5



Natural Resources, Wildlife Resources
R657-39-3
Memberships -- Terms of Office

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26164

FILED: 04/15/2003, 08:01

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council meetings and the Wildlife Board meeting conducted for taking public input and reviewing the Division of Wildlife Resources (DWR) Regional Advisory Council program.

SUMMARY OF THE RULE OR CHANGE: This rule is being amended to provide exceptions to a regional advisory council member serving more than two terms: 1) members representing Native Americans may serve unlimited terms; 2) members filling a vacancy for two years or fewer will not be credited with serving a term; and 3) members who have served two terms

may serve additional terms after four years absence from membership. Other changes are made for consistency.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 23-14-2.6(7) and Section 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: These amendments provide exceptions and clarification to a regional advisory council member serving more than two terms. Therefore, DWR determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget.

❖LOCAL GOVERNMENTS: None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖OTHER PERSONS: These amendments provide exceptions and clarification to a regional advisory council member serving more than two terms. Therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These amendments provide exceptions and clarification to a regional advisory council member serving more than two terms. DWR determines that there are no additional compliance costs associated with these amendments.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at debbiesundell@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: Kevin Conway, Director

R657. Natural Resources, Wildlife Resources.

R657-39. Regional Advisory Councils.

R657-39-3. Memberships -- Terms of Office.

(1)(a) There are created five regional advisory councils which shall consist of at least 12 members and not more than 15 members

each from the wildlife region whose boundaries are established for administrative purposes by the division.

(b) Regional advisory councils shall be established as follows:

(i) two members who represent agriculture;

(ii) two members who represent sportsman;

(iii) two members who represent nonconsumptive wildlife;

(iv) one member who ~~is a~~ represents locally elected public ~~official~~ officials;

(v) one member ~~from~~ who represents the U.S. Forest Service;

(vi) one member ~~from~~ who represents the Bureau of Land Management;

(vii) one member who represents Native ~~American Indians~~ Americans where appropriate; and

(viii) two members of the public at large who represent the interests of the region.

(c) The executive director of the Department of Natural Resources, in consultation with the director of the Division of Wildlife Resources, shall appoint additional members to the councils, up to a total of 15 per region, if deemed necessary to provide adequate representation of local interests and needs.

(d) Members of the councils shall serve a term of four years, except ~~that~~ members may be appointed for a term of two years to ensure that the terms of office are staggered.

(e) Members may serve no more than two terms, except:

(i) members representing Native Americans may serve unlimited terms;

(ii) members filling a vacancy under Subsection (3) for two years or less will not be credited with having served a term; and

(iii) members who have served two terms may be eligible to serve an additional two terms after four years absence from regional advisory council membership.[-]

(f) Members' terms expire on July 1 of the final year in the appointed term.

(2) The executive director of the Department of Natural Resources, in consultation with the director of the Division of Wildlife Resources, may remove members of the councils from office for cause, but may not do so without a public hearing if requested by the member.

(3) If a vacancy occurs, the executive director of the Department of Natural Resources, in consultation with the director of the Division of Wildlife Resources, shall appoint a replacement to serve the remainder of the term from a list of nominees submitted by the respective interest group, agency, or the public at large.

(4)(a) Each council shall appoint:

(i) a chair to conduct meetings and present council recommendations to the Wildlife Board; and

(ii) a vice chair to conduct meetings in the absence of the chair.

(b) The chair and vice chair shall serve for a two year term of office.

(5) Regional supervisors of the division shall serve as executive secretary to the councils and shall provide administrative support.

(6) Each new member shall attend an orientation course provided by the division to assist them in the performance of the duties of their office.

(7) Any member who fails to attend two consecutive, previously scheduled meetings without contacting the chair shall be considered to have resigned and shall be replaced as provided in this section.

KEY: terms of office, public meetings, regional advisory councils^[±]
~~April 3, 2001~~ 2003
 Notice of Continuation February 15, 2001
 23-14-2.6(7)
 23-14-19



Natural Resources, Wildlife Resources

R657-53

Amphibian and Reptile Collection, Importation, Transportation, and Possession

NOTICE OF PROPOSED RULE

(New Rule)
 DAR FILE NO.: 26168
 FILED: 04/15/2003, 08:04

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being proposed to provide procedures, standards, and requirements for the collection, importation, transportation, and possession of amphibians and reptiles; and replaces those provisions which are being eliminated under Rule R657-3. This rule was adopted by the Utah Wildlife Board on April 2, 2003, and agreed to by the Reptile and Amphibian Negotiation Association (RANA). (DAR NOTE: The amendment to R657-3 is under DAR No. 26166 in this issue.)

SUMMARY OF THE RULE OR CHANGE: This rule provides the procedures, standards, and requirements for the collection, importation, transportation, and possession of amphibians and reptiles, and replaces those provisions which are being eliminated under Rule R657-3. In addition, provisions of this rule are being changed to: 1) clarify that wild caught amphibians and reptiles remain the property of the state and that the state will not assert ownership interest in lawfully possessed, captive-bred individual species but will retain jurisdiction to regulate such species; 2) define "amphibian," "captive-bred," "legally obtained," and "reptile;" 3) clarify that a Certificate of Registration (COR) is not required to export any species or subspecies of amphibian or reptile from Utah, provided the amphibian or reptile is held in legal possession and importation into the destination state is lawful; 4) provide that the COR expires as designated on the COR, and that upon the death of the COR holder, a legally obtained and possessed amphibian or reptile may pass to a successor, and a COR will be issued to the successor unless the amphibian or reptile poses a detrimental impact to community safety or the successor is unqualified to handle the amphibian or reptile; 5) clarify that required records must be maintained for five years from the expiration date of the COR, a transaction date, or a transfer date; 6) provide that it is unlawful to transfer a live amphibian or reptile classified as controlled for possession to a person who does not have a COR, except if the amphibian or reptile is captive-bred, the transferee is not domiciled in Utah, the transferee is exporting the amphibian or

reptile out of Utah, and the transferee follows the transport provisions provided in Section R657-53-20; 7) update scientific and common names of amphibians and reptiles; 8) add the Northern sagebrush lizard as noncontrolled for collection, importation and possession, except as otherwise provided in the rule; 9) include all species in the Snapping turtle family as prohibited for collection, importation and possession, except as otherwise provided in the rule; 10) change classification of the Plateau striped whiptail and the Mojave patch nosed snake to noncontrolled, except as otherwise provided in the rule; 11) change the classification of the California kingsnake to controlled for collection, and noncontrolled for importation and possession; 12) change the classification of the Sonoran lyre snake to controlled for collection, importation and possession; 13) clarify that in a calendar year, a person may collect and possess for personal use 25 common side-blotched lizards, 25 northern sagebrush lizards, and 25 terrestrial gartersnakes, without obtaining a certificate of registration; 14) clarify that a person may import any amphibian or reptile native to Utah that is classified as controlled or noncontrolled for importation, which has been legally obtained from outside the state of Utah; 15) provide provisions for the propagation of reptiles, including: a) elimination of the limitation on the species that may be propagated and the number of CORs that may be issued; b) the progeny of legally obtained amphibians or reptiles are the property of the holder; and c) captive-bred amphibians and reptiles must be marked with a Passive Integrated Transponder (PIT) tag; and 16) make other changes for consistency and clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** This rule provides the procedures, standards, and requirements for the collection, importation, transportation and possession of amphibians and reptiles, and replaces those provisions which are being eliminated under Rule R657-3. The Division of Wildlife Resources (DWR) determines that by removing the provisions regarding amphibians and reptiles from Rule R657-3 and incorporating those provisions into a new rule does not create a cost or savings impact to the state budget or DWR's budget. However, DWR may incur a minimal cost for administering the PIT tag requirement because DWR will provide the PIT tags and mark the captive-bred amphibians and reptiles.

❖**LOCAL GOVERNMENTS:** None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖**OTHER PERSONS:** This rule provides the procedures, standards, and requirements for the collection, importation, transportation, and possession of amphibians and reptiles, and replaces those provisions which are being eliminated under Rule R657-3. DWR determines that by removing the provisions regarding amphibians and reptiles from Rule R657-3 and incorporating those provisions into a new rule does not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule provides the procedures, standards, and requirements for the collection, importation, transportation, and possession of amphibians and reptiles, and replaces those provisions which are being eliminated under Rule R657-3. DWR determines that by removing the provisions regarding amphibians and reptiles from Rule R657-3 and incorporating those provisions into a new rule does not create an additional compliance cost to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule provides the procedures, standards, and requirements for the collection, importation, transportation, and possession of amphibians and reptiles, and replaces those provisions which are being eliminated under Rule R657-3. DWR determines that by removing the provisions regarding amphibians and reptiles from Rule R657-3 and incorporating those provisions into a new rule, recommended by the RANA members, and incorporating those provisions into this new rule does not create an impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at debbiesundell@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: Kevin Conway, Director

R657. Natural Resources, Wildlife Resources.
R657-53. Amphibian and Reptile Collection, Importation, Transportation and Possession.

R657-53-1. Purpose and Authority.

(1) Under Title 23, Wildlife Resources Code of Utah, this rule governs the collection, importation, exportation, transportation, and possession of amphibians and reptiles.

(2) Nothing in this rule shall be construed as superseding the provisions set forth in Title 23, Wildlife Resources Code of Utah. Any provision of this rule setting forth a criminal violation that overlaps a section of that title is provided in this rule only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

(3) In addition to this rule, additional regulation is provided in R657-40. Where a more specific provision has been adopted, that provision shall control.

(4) Amphibians and reptiles lawfully collected in Utah and thereafter possessed remain the property of the state for the life of the animal pursuant to Section 23-13-3. The state does not assert ownership interest in lawfully possessed, captive-bred amphibians and reptiles, but does retain jurisdiction to regulate the importation, exportation, possession, propagation and use of such animals pursuant to Title 23 of the Utah Code and this rule.

(5) This rule does not apply to division employees acting within the scope of their assigned duties.

R657-53-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2 and Subsection (2) through Subsection (25).

(2) "Amphibian" means animals from the Class of Amphibia, including hybrid species or subspecies of amphibians and viable embryos or gametes of species or subspecies of amphibians.

(3) "Captive-bred" means any legally obtained amphibian or reptile, which is born inside of and has spent its entire life in captivity, and is the offspring of legally obtained progenitors.

(4) "Certificate of veterinary inspection" means an official health authorization issued by an accredited veterinarian required for the importation of an amphibian or reptile, as provided in Rule R58-1.

(5) "Collect" means to take, catch, capture, salvage, or kill any free roaming amphibian or reptile within Utah.

(6) "Commercial use" means any activity through which a person in possession of an amphibian or reptile:

(a) receives any consideration for the amphibian or reptile or for a use of the amphibian or reptile, including nuisance control; or

(b) expects to recover all or any part of the cost of keeping the amphibian or reptile through selling, bartering, trading, exchanging, breeding, or other use, including displaying the amphibian or reptile for entertainment, advertisement, or business promotion.

(7) "Controlled species" means a species or subspecies of amphibian or reptile that if taken from the wild, introduced into the wild, or held in captivity, poses a possible significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration is required.

(8) "Den" means any place where reptiles congregate.

(9) "Educational use" means the possession and use of an amphibian or reptile for conducting educational activities concerning wildlife and wildlife-related activities.

(10) "Entry permit number" means a number issued by the state veterinarian's office to a veterinarian signing a certificate of veterinary inspection authorizing the importation of an amphibian or reptile into Utah.

(11) "Export" means to move or cause to move any amphibian or reptile from Utah by any means.

(12) "Import" means to bring or cause an amphibian or reptile to be brought into Utah by any means.

(13) "Legally obtained" means to acquire through collection, trade, barter, propagation or purchase with supporting written documentation, such as applicable certificate of registration, collection permit, license, or sales receipt in accordance with applicable laws. Documentation must include the date of the transaction; the name, address and phone number of the person or organization relinquishing the animal; the name, address and phone number of the person or organization obtaining the animal; the scientific name of the animal acquired; and a description of the animal.

(14) "Native species" means any species or subspecies of amphibian or reptile that historically occurred in Utah and has not been introduced by humans or migrated into Utah as a result of human activity.

(15) "Naturalized species" means any species or subspecies of amphibian or reptile that is not native to Utah but has established a wild, self-sustaining population in Utah.

(16) "Noncontrolled species" means a species or subspecies of amphibian or reptile that if taken from the wild, introduced into the wild, or held in captivity, poses no significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration is not required, unless otherwise specified.

(17) "Nonnative species" means a species or subspecies of amphibian or reptile that is not native to Utah and has not established a wild, self-sustaining population in Utah.

(18) "Personal use" means the possession and use of an amphibian or reptile for a hobby or for its intrinsic pleasure and where no consideration for the possession or use of the animal is received by selling, bartering, trading, exchanging, breeding, or any other use.

(19) "Possession" means to physically retain or to exercise dominion or control over an amphibian or reptile.

(20) "Prohibited species" means a species or subspecies of amphibian or reptile that if taken from the wild, introduced into the wild, or held in captivity, poses a significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration shall only be issued in accordance with Sections R657-53-14(1)(b) or R657-53-27.

(21) "Reptile" means animals from the Class of Reptilia, including hybrid species or subspecies of reptiles and viable embryos or gametes of species or subspecies of reptiles.

(22) "Scientific use" means the possession and use of an amphibian or reptile for conducting bona fide scientific research that is directly or indirectly beneficial to wildlife or the general public.

(23) "Transport" means to be moved or cause to be moved, any amphibian or reptile within Utah by any means.

(24) "Turtle" means all animals commonly known as turtles, tortoises and terrapins, and all other animals of the Order Testudinata, Class Reptilia.

(25) "Wildlife Registration Office" means the division office in Salt Lake City responsible for processing applications and issuing certificates of registration.

R657-53-3. Liability.

(1)(a) Any person who accepts a certificate of registration assumes all liability and responsibility for the collection, importation, transportation, and possession of the authorized amphibian or reptile and for any other activity authorized by the certificate of registration.

(b) To the extent provided under the Utah Governmental Immunity Act, the division shall not be liable in any civil action for:

(i) any injury, disease, or damage caused by or to any animal, person, or property as a result of any activity authorized under this rule or a certificate of registration; or

(ii) the issuance, denial, suspension, or revocation of or by the failure or refusal to issue, deny, suspend, or revoke any certificate of registration or similar authorization.

(2) It is the responsibility of any person who obtains a certificate of registration to read, understand and comply with this rule and all other applicable federal, state, county, city, or other

municipality laws, regulations, and ordinances governing amphibians or reptiles.

R657-53-4. Animal Welfare.

(1) Any amphibian or reptile held in possession under the authority of a certificate of registration shall be maintained under humane and healthy conditions, including humane handling, care, confinement, transportation, and feeding of the amphibian or reptile.

(2) Adequate measures must be taken for the protection of the public when handling, confining, or transporting any amphibian or reptile.

R657-53-5. Collection, Importation, and Possession of Threatened and Endangered Species.

Any amphibian or reptile which has been listed by the U.S. Fish and Wildlife Service as endangered or threatened pursuant to the federal Endangered Species Act is prohibited from collection, possession, and importation into Utah without first obtaining a certificate of registration from the division and a federal permit from the U.S. Fish and Wildlife Service.

R657-53-6. Release of an Amphibian or Reptile to the Wild -- Capture or Disposal of Escaped Wildlife.

(1) Pursuant to Section 23-13-14, a person may not release from captivity any amphibian or reptile without first obtaining authorization from the division.

(2)(a) Any peace officer, division representative, or authorized animal control officer may seize or dispose of any live amphibian or reptile that escapes from captivity.

(b) The division may retain custody of any recaptured amphibian or reptile until the costs of recapture or care have been paid by its owner or keeper.

R657-53-7. Inspection of Documentation.

A conservation officer or any other peace officer may require any person engaged in activities covered by this rule to exhibit any documentation related to activities covered by this rule, including certificates of registration, permits, certificates of veterinary inspection, certification, bills of sale, or proof of ownership or legal possession.

R657-53-8. Certificate of Registration Required.

(1)(a) A person shall obtain a certificate of registration before collecting, importing, transporting, or possessing any amphibian or reptile or their parts classified as prohibited or controlled, except as otherwise provided by the Wildlife Board or rules of the Wildlife Board.

(b) A certificate of registration is not required:

(i) to collect, import, transport, or possess any amphibian or reptile classified as noncontrolled, except as provided in Subsections R657-53-18(3) and R657-53-19(5)(a); or

(ii) to export any species or subspecies of amphibian or reptile from Utah, provided that the amphibian or reptile is held in legal possession and importation into the destination state is lawful.

(c) An application for an amphibian or reptile classified as prohibited shall not be accepted by the division without providing written justification describing how the applicant's proposed collection, importation, or possession of the amphibian or reptile meets the criteria provided in Subsections R657-53-14(1)(b), R657-53-16(4)(b) or R657-53-27.

(2)(a) Certificates of registration expire as designated on the certificate of registration.

(b) Certificates of registration are not transferable except as provided in Subsection (c) or as otherwise designated on the certificate of registration.

(c) Upon the death of a certificate of registration holder, a legally obtained and possessed amphibian or reptile may pass to a successor, and a certificate of registration will be issued to the successor unless the amphibian or reptile poses a detrimental impact to community safety or the successor is unqualified to handle the amphibian or reptile.

(d) If the holder of a certificate of registration is a representative of an institution, organization, business, or agency, the certificate of registration shall end upon the representative's discontinuation of association with that entity.

(e) Certificates of registration do not provide the holder with any rights of succession and any certificate of registration issued to a business or organization shall be void upon the termination of the business or organization or upon bankruptcy or transfer.

(3) The issuance of a certificate of registration automatically incorporates within its terms the conditions and requirements of this rule specifically governing the activity for which the certificate of registration is issued.

(4) In addition to this rule, the division may impose specific requirements on the holder of the certificate of registration necessary for the safe and humane handling and care of the amphibian or reptile.

(5)(a) Upon or before the expiration date of a certificate of registration, the holder must renew an existing or apply for a new certificate of registration to continue the activity.

(b) The division shall use the criteria provided in Section R657-53-11 in determining whether to issue a certificate of registration.

(c) If an application is not made by the expiration date, a live or dead amphibian or reptile held in possession under the expired certificate of registration shall be considered unlawfully held.

(d) If an application for a new certificate of registration is submitted before the expiration date, the existing certificate of registration shall remain valid while the application is pending.

(6) Failure to submit timely, accurate, or valid reports as required under this rule or the certificate of registration may disqualify a person from obtaining a new certificate of registration.

(7) A certificate of registration may be suspended as provided in Section 23-19-9 and Rule R657-26.

R657-53-9. Application Procedures -- Fees.

(1)(a) Applications for certificates of registration are available from, and must be submitted to, the Wildlife Registration Office in Salt Lake City or any regional division office.

(b) The application may require up to 45 days for review and processing.

(c) Applications that are incomplete, completed incorrectly, or submitted without the appropriate fee or other required information may be returned to the applicant.

(2)(a) Legal tender in the correct amount must accompany the application.

(b) The certificate of registration fee includes a nonrefundable handling fee.

(c) Fees may be waived for wildlife rehabilitation, educational or scientific activities, or for state or federal agencies upon request

if, in the opinion of the division, the activity is significantly beneficial to the division, wildlife, or wildlife management.

R657-53-10. Retroactive Effect on Possession.

(1) A person lawfully possessing an amphibian or reptile prior to the effective date of any species reclassification may receive a certificate of registration from the division for the continued possession of that amphibian or reptile where the amphibian or reptile's classification has changed hereunder from noncontrolled to controlled or prohibited, or from controlled to prohibited.

(2) The certificate of registration shall be obtained within six months of the reclassification, or possession of the amphibian or reptile thereafter shall be unlawful.

R657-53-11. Issuance Criteria.

(1) The following factors shall be considered before the division may issue a certificate of registration:

(a) the health, welfare, and safety of the public;

(b) the health, welfare, safety, and genetic integrity of wildlife and other animals; and

(c) ecological and environmental impacts.

(2) In addition to the criteria provided in Subsection (1), the division shall use the following criteria for the issuance of a certificate of registration for a scientific use of an amphibian or reptile:

(a) the validity of the objectives and design;

(b) the likelihood the project will fulfill the stated objectives;

(c) the applicant's qualifications to conduct the research, including the requisite education or experience;

(d) the adequacy of the applicant's resources to conduct the study; and

(e) whether the scientific use is in the best interest of the amphibian or reptile, wildlife management, education, or the advancement of science without unnecessarily duplicating previously documented scientific research.

(3) In addition to the criteria provided in Subsection (1), the division may use the following criteria for the issuance of a certificate of registration for an educational use of an amphibian or reptile:

(a) the objectives and structure of the educational program; and

(b) whether the applicant has written approval from the appropriate official if the activity is conducted in a school or other educational facility.

(4) The division may deny issuing or reissuing a certificate of registration to any applicant, if:

(a) the applicant has violated any provision of Title 23, Utah Wildlife Resources Code, Administrative Code R657, a certificate of registration, an order of the Wildlife Board or any other law that, when considered with the functions and responsibilities of collecting, importing, possessing or propagating an amphibian or reptile, bears a reasonable relationship to the applicant's ability to safely and responsibly carry out such activities;

(b) the applicant has previously been issued a certificate of registration and failed to submit any report or information required by this rule, the division, or the Wildlife Board; or

(c) the applicant misrepresented or failed to disclose material information required in connection with the application.

(d) The division may deny issuing or renewing a certificate of registration to an applicant where holding the amphibian or reptile at the proposed location violates federal, state or local laws.

(5) If an application is denied, the division shall provide the applicant with written notice of the reasons for denial.

(6) An appeal of the denial of an application may be made as provided in Section R657-53-28.

R657-53-12. Amendment to Certificate of Registration.

(1)(a) If material circumstances change, requiring a modification of the terms of the certificate of registration, the holder may request an amendment by submitting written justification and supporting information.

(b) The division may amend the certificate of registration or deny the request based on the criteria for initial applications provided in Section R657-53-11, and, if the request for an amendment is denied, shall provide the applicant with written notice of the reasons for denial.

(c) The division may charge a fee for amending the certificate of registration.

(d) An appeal of a request for an amendment may be made as provided in Section R657-53-28.

(2) The division reserves the right to amend any certificate of registration for good cause upon notification to the holder and written findings of necessity.

(3)(a) Each holder of a certificate of registration shall notify the division within 30 days of any change in mailing address.

(b) An amphibian or reptile or activities authorized by a certificate of registration may not be held at any location not specified on the certificate of registration without prior written permission from the division.

R657-53-13. Records and Reports.

(1)(a) From the date of issuance of the certificate of registration, the holder shall maintain complete and accurate records of any taking, possession, transportation, propagation, sale, purchase, barter, or importation pursuant to this rule or the certificate of registration.

(b) Records must be kept current and shall include the names, phone numbers, and addresses of persons with whom any amphibian or reptile has been sold, bartered, or otherwise transferred or received, and the dates of the transactions.

(c) The records required under this section must be maintained for five years from the expiration date of the certificate of registration.

(2) Reports of activity must be submitted to the Wildlife Registration Office as specified on the certificate of registration.

R657-53-14. Collection of a Live or Dead Amphibian or Reptile for Personal, Scientific, or Educational Use.

(1) A person may collect a live or dead amphibian or reptile or their parts for a personal, scientific or educational use only as provided in Subsection (a) or (b).

(a) Certificates of registration are not issued for the collection of any live or dead amphibian or reptile or their parts classified as prohibited for collection, except as provided in Subsection (b) and R657-53-27.

(b) The division may issue a certificate of registration to a university, college, governmental agency, bona fide nonprofit institution, or a person involved in wildlife research to collect a live or dead amphibian or reptile classified as prohibited for collection if, in the opinion of the division, the scientific or educational use is beneficial to wildlife or significantly benefits the general public without material detriment to wildlife.

(2) A certificate of registration is required for collecting any live or dead amphibian or reptile or their parts classified as controlled for collection, except as otherwise provided by the Wildlife Board.

(3) A certificate of registration is not required for collecting a live or dead amphibian or reptile or their parts classified as noncontrolled for collection, except as provided in Subsections R657-53-18(3) and (4) and R657-53-19(5).

R657-53-15. Importation or Possession of a Live or Dead Amphibian or Reptile for Personal, Scientific, or Educational Use.

(1) A person may import or possess a live or dead amphibian or reptile or their parts for a personal, scientific or educational use only as provided in Subsections (a) or (b).

(a) Certificates of registration are not issued for the importation of any live or dead amphibian or reptile or their parts classified as prohibited for importation or for the possession of any live or dead amphibian or reptile or their parts classified as prohibited for possession, except as provided in Subsection (b) and R657-53-27.

(b) The division may issue a certificate of registration to a university, college, governmental agency, bona fide nonprofit institution, or a person involved in wildlife research to import a live or dead amphibian or reptile classified as prohibited for importation or to possess a live or dead amphibian or reptile classified as prohibited for possession if, in the opinion of the division, the scientific or educational use is beneficial to wildlife or significantly benefits the general public without material detriment to wildlife.

(2) A certificate of registration is required for importing any live or dead amphibian or reptile or their parts classified as controlled for importation or for possessing any live or dead amphibian or reptile or their parts classified as controlled for possession, except as otherwise provided by the Wildlife Board.

(3) A certificate of registration is not required for importing a live or dead amphibian or reptile or their parts classified as noncontrolled for importation or for possessing a live or dead amphibian or reptile or their parts classified as noncontrolled for possession, except as provided in Subsections R657-53-18(3) and (4) and R657-53-19(5).

(4) Notwithstanding Subsection (1) or (2), a person may import or possess any dead amphibian or reptile or its parts classified as prohibited or controlled, except as provided in Section R657-53-5, for a personal use without obtaining a certificate of registration, provided the animal was legally taken, is held in legal possession, and a valid license, permit, tag, certificate of registration, bill of sale, or invoice is available for inspection upon request.

R657-53-16. Collection, Importation or Possession of a Live Amphibian or Reptile for a Commercial Use.

(1) Pursuant to Sections 23-13-13 and 23-20-3, a person may not collect or possess a live amphibian or reptile for a commercial use or commercial venture for pecuniary gain, unless otherwise provided in this rule or a certificate of registration.

(2)(a) A person may import a live amphibian or reptile classified as non-controlled for importation or may possess a live amphibian or reptile classified as non-controlled for possession, for a commercial use or a commercial venture, except as provided in Subsection (b)

(b) A native or naturalized species of amphibian or reptile may not be sold or traded unless it originated from a captive-bred population.

(c) Complete and accurate records for native or naturalized species must be maintained and available for inspection for five years from the date of the transaction, documenting the date, and the name, address, and telephone number of the person from whom the amphibian or reptile has been obtained.

(d) Complete and accurate records must be maintained and available for inspection for five years from the date of the transfer, documenting the date, and the name, address and certificate of registration number of the person receiving the amphibian or reptile.

(3)(a) A person may not import a live amphibian or reptile classified as controlled for importation or may not possess a live amphibian or reptile classified as controlled for possession for a commercial use or commercial venture without first obtaining a certificate of registration.

(b) A certificate of registration will not be issued to sell or trade a native or naturalized species of amphibian or reptile unless it originates from a captive-bred population.

(c) It is unlawful to transfer a live amphibian or reptile classified as controlled for possession to a person who does not have a certificate of registration to possess the amphibian or reptile, except as follows:

- (i) the amphibian or reptile is captive-bred;
- (ii) the transferee is not domiciled in Utah;
- (iii) the transferee is exporting the amphibian or reptile out of Utah; and
- (iv) the transferee follows the transport provisions in Section R657-53-20.

(d) Complete and accurate records must be maintained by the buyer and the seller for five years from the date of the transaction or transfer, documenting the date, and the name, address, and telephone number of the person from whom the amphibian or reptile has been obtained and the person receiving the amphibian or reptile.

(e) The records indicated in Subsection (d) must be made available for inspection upon request of the division.

(4)(a) A certificate of registration will not be issued for importing a live amphibian or reptile, classified as prohibited for importation, or for possessing a live amphibian or reptile, classified as prohibited for possession, for a commercial use or commercial venture, except as provided in Subsection (b) or R657-53-27.

(b) The division may issue a certificate of registration to a zoo, circus, amusement park, aviary, or film company to import or possess a live amphibian or reptile classified as prohibited for importation or possession if, in the opinion of the division, the importation or possession for a commercial use is beneficial to wildlife or significantly benefits the general public without material detriment to wildlife.

(c) The division's authority to issue a certificate of registration to a zoo, circus, amusement park, or aviary under this Subsection is restricted to those facilities that keep the prohibited amphibian or reptile in a park, building, cage, enclosure or other structure for the primary purpose of public exhibition or viewing.

(5) It is unlawful to sell or trade any turtle, including tortoises, less than 4" in carapace length.

R657-53-17. Collection, Importation or Possession of a Dead Amphibian or Reptile or Their Parts for a Commercial Use.

(1) Pursuant to Sections 23-13-13 and 23-20-3, a person may not collect, import or possess any dead amphibian or reptile or its

parts for a commercial use or commercial venture for pecuniary gain, unless otherwise provided in the rules and proclamations of the Wildlife Board, or a memorandum of understanding with the division.

(2) The restrictions in Subsection (1) do not apply to a dead amphibian or reptile sold or traded for educational use.

R657-53-18. Classification and Specific Rules for Amphibians.

(1) Amphibians are classified as follows:

(a) American bullfrog, Ranidae Family (Rana catesbeiana) is prohibited for collection, importation and possession, except as provided in Subsection (5);

(b) Clawed frog, Pipidae Family (Xenopus) (All species) is prohibited for collection, importation and possession;

(c) Columbia spotted frog, Ranidae Family (Rana luteiventris) is prohibited for collection, importation and possession;

(d) Green frog, Ranidae Family (Rana clamitans) is prohibited for collection, importation and possession, except as provided in Subsection (5);

(e) Lowland leopard frog, Ranidae Family (Rana yavapaiensis) is prohibited for collection, importation and possession;

(f) Northern leopard frog, Ranidae Family (Rana pipiens) is controlled for collection, importation and possession;

(g) Pacific treefrog, Hylidae Family (Pseudacris regilla or Hyla regilla) is controlled for collection, importation and possession;

(h) Relict leopard frog, Ranidae Family (Rana onca) is prohibited for collection, importation and possession;

(i) Tiger salamander, Ambystomatidae Family (Ambystoma tigrinum) is controlled for importation, and noncontrolled for collection and possession as provided in Subsection (4);

(j) Arizona toad, Bufonidae Family (Bufo microscaphus) is controlled for collection, importation and possession;

(k) Cane (marine) toad, Bufonidae Family (Bufo marinus) is prohibited for collection, importation and possession; and

(l) Western toad, Bufonidae Family (Bufo boreas) is prohibited for collection, importation and possession.

(2) All species and subspecies of amphibians not listed in Subsection (1) are classified as noncontrolled for collection, importation and possession, except as provided in Subsection (3).

(3) A person must obtain a certificate of registration to collect four or more amphibians of each species classified as noncontrolled within a calendar year, except as provided in Subsection (4) and (5).

(4) A person may collect or possess for personal use up to 50 Tiger salamanders (Ambystoma tigrinum) without a certificate of registration.

(5) A person may collect or possess any number of American bullfrogs (Rana catesbeiana) or Green frogs (Rana clamitans) without a certificate of registration provided they are either killed or released immediately upon removing them from the water. A person may not transport a live bullfrog or green frog from the water from which it was collected without first obtaining a certificate of registration.

R657-53-19. Classification and Specific Rules for Reptiles.

(1) Reptiles are classified as follows:

(a) Crocodiles are classified as follows:

(i) Alligators and caimans, Alligatoridae Family (All species) are prohibited for collection, importation and possession;

(ii) Crocodiles, Crocodylidae Family (All species) are prohibited for collection, importation and possession; and

(iii) Gharial, Gavialidae Family (*Vavialis gangeticus*) is prohibited for collection, importation and possession.

(b) Lizards are classified as follows:

(i) Beaded lizard, Helodermatidae Family, (*Heloderma horridum*) is prohibited for collection, importation, and possession;

(ii) Chuckwalla, Iguanidae Family (*Sauromalus*) (All species) is prohibited for collection, and controlled for importation and possession;

(iii) Common side-blotched lizard, Phrynosomatidae Family (*Uta stansburiana*) is noncontrolled for collection, importation and possession, except as provided in Subsection (5);

(iv) Desert iguana, Iguanidae Family (*Dipsosaurus dorsalis*) is prohibited for collection, and controlled for importation and possession;

(v) Desert night lizard, Xantusiidae Family (*Xantusia vigilis*) is controlled for collection, importation and possession;

(vi) Gila monster, Helodermatidae Family (*Heloderma suspectum*) is prohibited for collection, importation and possession;

(vii) Northern sagebrush lizard, Phrynosomatidae Family (*Sceloporus graciosus graciosus*) is noncontrolled for collection, importation and possession, except as provided in Subsection (5);

(viii) Utah banded gecko, Gekkonidae Family (*Coleonyx variegatus utahensis*) is controlled for collection, importation and possession;

(ix) Variable (many-lined) skink, Scincidae Family (*Eumeces multivirgatus epipleurotus*) is controlled for collection, importation and possession; and

(x) Western zebra-tailed lizard, Phrynosomatidae Family (*Callisaurus draconoides rhodostictus*) is controlled for collection, importation and possession.

(c) Snakes are classified as follows:

(i) Bird Snake, Colubridae Family (*Thelotornis*) (All species) are prohibited for collection, importation and possession;

(ii) Boomslang, Colubridae Family (*Dispholidus typus*) is prohibited for collection, importation and possession;

(iii) Burrowing asps, Atractaspidae Family (All species) are prohibited for collection, importation and possession;

(iv) California kingsnake (black and white banded-form), Colubridae Family (*Lampropeltis getula californiae*) is controlled for collection, and noncontrolled for importation and possession;

(v) Desert glossy snake, Colubridae Family (*Arizona elegans eburnata*) is controlled for collection, importation and possession;

(vi) Great Plains ratsnake, Colubridae Family (*Elaphe guttata emoryi*) is controlled for collection, importation and possession;

(vii) Keelback, Colubridae Family (*Rhabdophis*) (All species) are prohibited for collection, importation and possession;

(viii) Painted desert glossy snake, Colubridae Family (*Arizona elegans philipi*) is controlled for collection, importation and possession;

(ix) Pit vipers, Viperidae Family (All species, except *Crotalus viridis*) are prohibited for collection, importation and possession;

(x) Proteroglyphous snakes, Australian spp., cobras, coral snakes, kraits, and their allies, Elapidae Family (All species) are prohibited for collection, importation and possession;

(xi) Smith's (southwestern) black-headed snake, Colubridae Family (*Tantilla hobartsmithi*) is controlled for collection, importation and possession;

(xii) Smooth greensnake, Colubridae Family (*Opheodrys vernalis*) is controlled for collection, importation and possession;

(xiii) Sonoran lyresnake, Colubridae Family (*Trimorphodon biscutatus lambda*) is controlled for collection, importation and possession;

(xiv) Terrestrial gartersnake, Colubridae Family (*Thamnophis elegans*) is noncontrolled for collection, importation and possession, except as provided in Subsection (5);

(xv) Utah milksnake, Colubridae Family (*Lampropeltis triangulum taylori*) is prohibited for collection, importation and possession;

(xvi) Utah mountain kingsnake, Colubridae Family (*Lampropeltis pyromelana infralabialis*) is prohibited for collection, importation and possession;

(xvii) Utah threadsnake (blindsnake), Leptotyphlopidae Family (*Leptotyphlops humilis utahensis*) is controlled for collection, importation and possession; and

(xviii) Western rattlesnake, Viperidae Family (*Crotalus viridis*) is controlled for collection, prohibited for importation, and controlled for possession, as provided in Subsection (4).

(d) Turtles are classified as follows:

(i) Desert tortoise, Testudinidae Family (*Gopherus agassizii*) is prohibited for collection and importation, and controlled for possession;

(ii) Snapping turtle, Chelydridae Family (All species) is prohibited for collection, importation and possession, except as provided in Subsection (6); and

(iii) Spiny softshell, Trionychidae Family (*Apalone spinifera*) is prohibited for collection, importation and possession, except as provided in Subsection (6).

(2) All species and subspecies of reptiles not listed in Subsection (1) are classified as noncontrolled for collection, importation and possession, except as provided in Subsection (5).

(3) A person may not:

(a) knowingly disturb the den of any reptile or kill, capture, or harass any reptile within 100 yards of a reptile den without first obtaining a certificate of registration from the division; or

(b) indiscriminately kill any reptile.

(4)(a) Western rattlesnakes, *Crotalus viridis*, may be killed without a certificate of registration only for reasons of human safety.

(b) The carcass of a Western rattlesnake killed pursuant to Subsection (a) may be retained for personal use only.

(5)(a) A person must obtain a certificate of registration to collect four or more reptiles of each species classified as noncontrolled within a calendar year, except as provided in Subsection (5)(b) and Subsection (6).

(b) In a calendar year, a person may collect and possess for personal 25 common side-blotched lizards (*Uta stansburiana*), 25 northern sagebrush lizards (*Sceloporus graciosus graciosus*), and 25 terrestrial gartersnakes (*Thamnophis elegans*), without obtaining a certificate of registration.

(6) A person may collect or possess any number of snapping turtles, *Chelydra serpentina*, or spiny softshell, *Apalone spinifera*, turtles without a certificate of registration provide they are either killed or released immediately upon removing them from the water. A person may not transport a live snapping turtle or spiny softshell turtle from the water from which it was collected without first obtaining a certificate of registration.

(7) For purposes of this section, "white" means white and other non-yellow shades of white.

R657-53-20. Transporting a Live Amphibian or Reptile Through Utah.

(1) Any controlled or prohibited amphibian or reptile may be transported through Utah without a certificate of registration if:

(a) the amphibian or reptile remains in Utah no more than 72 hours; and

(b) the amphibian or reptile is not sold, transferred, exhibited, displayed, or used for a commercial venture while in Utah.

(2) Proof of legal possession must accompany the amphibian or reptile.

(3) If delays in transportation arise, an extension of the 72 hours may be requested by contacting the Wildlife Registration Office in Salt Lake City.

R657-53-21. Importation of an Amphibian or Reptile into Utah.

(1) A person may import any amphibian or reptile native to Utah that is classified as controlled or noncontrolled for importation, which has been legally obtained from outside the state of Utah.

(2) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number before any amphibian or reptile may be imported into Utah.

R657-53-22. Transfer of Possession.

(1) Any person who lawfully possesses an amphibian or reptile classified as prohibited or controlled may transfer possession of that amphibian or reptile only to a person who has first applied for and obtained a certificate of registration for that amphibian or reptile from the division, except as provided in Section R657-53-8(2)(c).

(2) The division may issue a certificate of registration granting the transfer and possession of that amphibian or reptile only if the applicant meets the issuance criteria provided in Section R657-53-11.

R657-53-23. Propagation of Amphibians or Reptiles.

(1) A person may propagate amphibians or reptiles that are legally obtained only as provided in Subsection (a) through (c).

(a) Certificates of registration are not issued for the propagation of any amphibian or reptile classified as prohibited for collection, importation or possession except as provided in R657-53-27.

(b) A certificate of registration is required for propagating any amphibian or reptile classified as controlled for collection, importation or possession, except as otherwise provided by the Wildlife Board.

(c)(i) A certificate of registration is required for propagating native or naturalized amphibians or reptiles classified as noncontrolled for collection, importation, or possession.

(ii) A certificate of registration is not required for propagating nonnative amphibians or reptiles classified as noncontrolled for collection, importation or possession.

(2) Certificates of registration may be issued to an applicant who:

(a) is a resident of Utah;

(b) agrees to provide and maintain suitable, disease-free facilities and to humanely hold and maintain amphibians or reptiles in good condition;

(c) has not been judicially or administratively found guilty of violating the provisions of this rule; and

(d) has not been convicted of, pleaded no contest to, or entered into a plea in abeyance to any criminal offense that bears a

reasonable relationship to the applicant's ability to safely and responsibly collect, import, transport or possess amphibians or reptiles.

(3) Legally obtained amphibians or reptiles and their progeny and descendants born in captivity, which are held in possession under the authority of a certificate of registration, remain property of the holder, but are subject to regulation by the division in accordance with the needs for public health, welfare, and safety, and impacts on wildlife.

(4)(a) A captive-bred amphibian or reptile classified as prohibited or controlled for collection, importation or possession shall be marked for identification by a division representative.

(b) Passive Integrated Transponders (PIT) tags shall be provided by the division.

(c) PIT tags shall be inserted into amphibians or reptiles that meet or exceed the minimum size at which the PIT tag can be safely inserted into the amphibian or reptile.

(d) A photograph may be used for identification, if photography is a viable option for identification, of a captive-bred amphibian or reptile under the minimum size at which the PIT tag can be safely inserted into the amphibian or reptile until the amphibian or reptile meets or exceeds the minimum size at which the PIT tag can be safely inserted into the amphibian or reptile, at which time the division shall insert a PIT tag.

(e) Accommodations for PIT tag insertion must be made with a division representative prior to PIT tag insertion.

R657-53-24. Violations.

(1) Any violation of this rule is a class C misdemeanor, as provided in Section 23-13-11.

(2) Nothing in this rule shall be construed to supersede any provision of Title 23, Wildlife Resources Code of Utah which establishes a penalty greater than a class C misdemeanor. Any provision of this rule which overlaps a provision of that title is intended only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

R657-53-25. Certification Review Committee.

(1) The division shall establish a Certification Review Committee which shall be responsible for:

(a) reviewing:

(i) petitions to reclassify species and subspecies of amphibians or reptiles;

(ii) appeals of certificates of registration; and

(iii) requests for variances to this rule; and

(b) making recommendations to the Wildlife Board.

(2) The committee shall consist of the following individuals:

(a) the director or the director's designee who shall represent the director's office and shall act as chair of the committee;

(b) the chief of the Aquatic Section;

(c) the chief of the Wildlife Section;

(d) the chief of the Public Services Section;

(e) the state veterinarian or his designee; and

(f) a person designated by the Department of Health.

(3) The division shall require a fee for the submission of a request provided in Section R657-53-26 and R657-53-27.

R657-53-26. Request for Species Reclassification.

(1) A person may make a request to change the classification of a species or subspecies of amphibian or reptile provided in this rule.

(2) A request for reclassification must be made to the Certification Review Committee by submitting an application for reclassification.

(3)(a) The application shall include:

- (i) the petitioner's name, address, and phone number;
- (ii) the species or subspecies for which the application is made;
- (iii) the name of all interested parties known by the petitioner;
- (iv) the current classification of the species or subspecies;
- (v) a statement of the facts and reasons forming the basis for the reclassification; and
- (vi) copies of scientific literature or other evidence supporting the change in classification.

(b) In addition to the information required under Subsection (a), the petitioner must provide any information requested by the committee necessary to formulate a recommendation to the Wildlife Board.

(4)(a) The committee shall, within a reasonable time, consider the request for reclassification and shall submit its recommendation to the Wildlife Board.

(b) The committee shall send a copy of its recommendation to the petitioner and other interested parties specified on the application.

(5)(a) At the next available Wildlife Board meeting the Wildlife Board shall:

- (i) consider the committee recommendation; and
- (ii) any information provided by the petitioner or other interested parties.

(b) The Wildlife Board shall approve or deny the request for reclassification based on the issuance criteria provided in Section R657-53-11(1).

(6) A change in species classification shall be made in accordance with Title 63, Chapter 46a, Administrative Rulemaking Act.

(7) A request for species reclassification shall be considered a request for agency action as provided in Subsection 63-46b-3(3) and Rule R657-2.

R657-53-27. Request for Variance.

(1) A person may make a request for a variance to this rule for the collection, importation, propagation, or possession of an amphibian or reptile classified as prohibited under this rule by submitting a request for variance to the Certification Review Committee.

(2)(a) A request for variance shall include the following:

- (i) the name, address, and phone number of the person making the request;
- (ii) the species or subspecies of the amphibian or reptile and associated activities for which the request is made; and
- (iii) a statement of the facts and reasons forming the basis for the variance.

(b) In addition to the information required under Subsection (a), the person making the request must provide any information requested by the committee necessary to formulate a recommendation to the Wildlife Board.

(3) The committee shall, within a reasonable time, consider the request and shall submit its recommendation to the Wildlife Board.

(4) At the next available Wildlife Board meeting the Wildlife Board shall:

- (a) consider the committee recommendation; and
- (b) any information provided by the person making the request.

(5)(a) The Wildlife Board shall approve or deny the request based on the issuance criteria provided in Section R657-53-11.

(b) If the request applies to a broad class of persons and not to unique circumstances of the applicant, the Wildlife Board shall consider changing the species classification before issuing a variance to this rule.

(6)(a) If the request is approved, the Wildlife Board may impose any restrictions on the person making the request considered necessary for that person to maintain the standards upon which the variance is made.

(b) Any restrictions imposed on the person making the request shall be included in writing on the certificate of registration which shall be signed by the person making the request before its issuance.

(7) A request for variance shall be considered a request for agency action as provided in Subsection 63-46b-3(3) and Rule R657-2.

R657-53-28. Appeal of Certificate of Registration Denial.

(1) A person may appeal the division's denial of a certificate of registration by submitting an appeal request to the Certification Review Committee.

(2) The request must be made within 30 days after the date of the denial.

(3) The request shall include:

- (a) the name, address, and phone number of the petitioner;
- (b) the date the request was mailed;
- (c) the species or subspecies of the amphibian or reptile and the activity for which the application was made; and
- (d) supporting facts and other evidence applicable to resolving the issue.

(4) The committee shall review the request within a reasonable time after it is received.

(5) Upon reviewing the application and the reasons for its denial, the committee may:

- (a) overturn the denial and approve the application; or
- (b) uphold the denial.
- (6) The committee may overturn a denial if the denial was:
 - (a) based on insufficient information;
 - (b) inconsistent with prior action of the division or the Wildlife Board;
 - (c) arbitrary or capricious; or
 - (d) contrary to law.

(7)(a) Within a reasonable time after making its decision, the committee shall mail a notice to the petitioner specifying the reasons for its decision.

(b) The notice shall include information that a person may seek Wildlife Board review of that decision.

(8)(a) If the committee upholds the denial, the petitioner may seek Wildlife Board review of the decision by submitting a request for Wildlife Board review within 30 days after its issuance.

(b) The request must include the information provided in Subsection (3).

(9)(a) Upon receiving a request for Wildlife Board review, the Wildlife Board shall, within a reasonable time, hold a hearing to consider the request.

- (b) The Wildlife Board may:
 - (i) overturn the denial and approve the application; or
 - (ii) uphold the denial.
- (c) The Wildlife Board shall provide the petitioner with a written decision within a reasonable time after making its decision.

(10) An appeal contesting initial division determination of eligibility for a certificate of registration shall be considered a request for agency action as provided in Subsection 63-46b-3(3) and Rule R657-2.

KEY: wildlife, import restrictions, amphibians, reptiles
2003

23-14-18

23-14-19

23-20-3

23-13-14



Regents (Board Of), Administration **R765-606**

Utah Leveraging Educational Assistance Partnership Program

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 26156

FILED: 04/03/2003, 12:13

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This new rule provides for the Leveraging Educational Assistance Partnership (LEAP) Program and incorporates by reference Federal statutes and regulations governing this program which awards grants to eligible students attending public or private non-profit institutions of higher education or public postsecondary vocational institutions.

SUMMARY OF THE RULE OR CHANGE: This rule designates the Utah State Board of Regents as the state agency for the LEAP program in Utah, with administration assigned to the Utah Higher Education Assistance Authority (UHEAA).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-B-7-103; Higher Education Act of 1965, as amended (20 USC 1088 through 1099); and 34 CFR 600, 668, and 692

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: State appropriated funds are matched by Federal funds for the LEAP program to provide eligible students with grants to achieve their educational goals. The amount of funding varies each year. Direct aggregate anticipated cost or savings to the state budget is unknown.

❖LOCAL GOVERNMENTS: There will be no anticipated cost or savings for local government, since no local government funds are involved in this program.

❖OTHER PERSONS: There will be no anticipated costs or savings to other persons due to this new rule adopting the Federal LEAP program in Utah, since funds for other persons are not involved in this Federal program change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no added compliance costs for agencies, institutions, or students

participating in the Federal LEAP program in Utah, since funds for persons are not involved in this Federal program change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have no fiscal impact on businesses, since there will be no business expenses involved in the Federal LEAP program in Utah.

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:

Don A. Carpenter at the above address, by phone at 801-321-7110, by FAX at 801-321-7199, or by Internet E-mail at dcarpenter@utahsbr.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: Cecelia H. Foxley, Commissioner

R765. Regents (Board of), Administration.

R765-606. Utah Leveraging Educational Assistance Partnership Program.

R765-606-1. Purpose.

To provide for the Leveraging Educational Assistance Partnership Program and incorporate by reference Federal statutes and regulations governing this program which awards grants to eligible students attending public or private non-profit institutions of higher education or public postsecondary vocational institutions.

R765-606-2. References.

2.1. Utah Code Section 53B-7-103 (Board Designated State Educational Agent for Federal Contracts and Aid).

2.2. Higher Education Act of 1965, as amended (i.e. U.S. Code Title 20, Chapter 28, Subchapter IV, Part F).

2.3. 34 CFR Parts 600, 668 and 692.

2.4. Education Department General Administration Regulations (EDGAR).

R765-606-3. Definitions.

3.1. "Academic Year" - A period as determined by the educational institution in accordance with U.S. Code Title 20, Chapter 28, Subchapter IV, Part F, Section 1088 to :

3.1.1. require a minimum of 30 weeks of instructional time in which a full-time student is expected to complete at least:

3.1.1.1. 24 semester or 24 trimester or 36 quarter hours at an institution that measures program length in credit hours, or

3.1.1.2. 900 clock hours at an institution that measures program length in clock hours.

3.2. "Award Year" - As defined in 34 CFR Part 600.2, namely, the period of time from July 1 of one year through June 30 of the following year.

3.3. "Decentralized Program" - A program which delegates certain functions and sub-allocates LEAP funds to participating institutions for approved awards to LEAP recipients which have been selected by the participating institutions.

3.4. "Full-time Student" - As defined in 34 CFR Part 692.4c, namely, a student carrying a full-time academic workload - other than by correspondence - as measured by both of the following: 1) Coursework or other required activities, as determined by the institution that the student attends or by the State. 2) Tuition and fees normally charged for full-time study by that institution.

3.5. "Full-time Equivalent Students" - A measure of annual instructional output calculated according to the following formulas:

3.5.1. For institutions that measure program length in quarter credit hours, the total number of undergraduate instructional credit hours attributed to the institution's fiscal year divided by 45, plus the total number of graduate instructional credit hours attributed to the institution's fiscal year divided by 30.

3.5.2. For institutions that measure program length in semester credit hours, the total number of undergraduate instructional credit hours attributed to the institutions fiscal year divided by 30, plus the total number of graduate instructional credit hours attributed to the institution's fiscal year divided by 20.

3.5.3. For institutions that measure program length in clock hours, the total number of instructional clock hours attributed to the institution's fiscal year divided by 792.

3.6. "Institution of Higher Education" - As defined in Section 481a of the Higher Education Act of 1965 as amended and 34 CFR Part 600.4.

3.7. "LEAP" - Leveraging Educational Assistance Partnership.

3.8. "Non-Profit" - As defined in 34 CFR Part 77.1 of EDGAR.

3.9. "Participating Institution" - A public or private non-profit institution of higher education or postsecondary vocational institution which has entered into a participation agreement with the UHEAA.

3.10. "Postsecondary Vocational Institution" - As defined in 34 CFR Part 600.6.

3.11. "SLEAP" - Special Leveraging Educational Assistance Partnership

3.12. "Substantial Financial Need" - The difference computed to equal or exceed \$200 for an entire academic year between a student's cost of education (including tuition and fees; books and supplies; living expenses such as room and board, personal, miscellaneous, and transportation) and the student's sum of that student's expected family contribution and other student aid to be received.

R765-606-4. Policy.

Part I - Program Administration

4.1 State Board of Regents - The Utah State Board of Regents is the designated state agency for the LEAP program in the state of Utah. The responsibility for administration of the LEAP program has been assigned to the Utah Higher Education Assistance Authority (UHEAA). The Utah LEAP program is administered as a decentralized program.

4.2. Institutional Administration - The President of each institution shall be responsible for the administration of the LEAP program at the institutional level in compliance with Federal and state regulations. The institutional administration of the program may be delegated to the financial aid director or other appropriate institutional officers.

4.3. Fiscal Control and Fund Accounting - UHEAA shall provide fiscal control and fund accounting services for awards made under the program.

4.4. Governing Statutes and Regulations - UHEAA incorporates by reference the following Federal statutes and regulations:

4.4.1. The Higher Education Act of 1965, as amended (i.e. U.S. Code Title 20, Chapter 28, Subchapter IV, Part F);

4.4.2. Final Regulations of the U.S. Department of Education (i.e., 34 CFR Parts 600, 668, and 692); and

4.4.3. Education Department General Administration Regulations (EDGAR)

4.5. State Agency Rules - UHEAA establishes, from time to time, agency rules governing the operation of the Utah LEAP Program in accordance with Federal requirements as referenced in 4.4.1, 4.4.2 and 4.4.3.

4.6. Statutes and Regulations Available - A copy of all Federal and state rules, regulations and statutes directly affecting the Utah LEAP Program can be obtained from UHEAA at the Board of Regents Building, The Gateway, 60 South 400 West, Salt Lake City, Utah 84101-1284.

Part II - Transfer of LEAP Federal Funds

4.7. Transfer of LEAP federal Funds - UHEAA shall:

4.7.1. have a separate account number assigned from the Office of the State Director of Finance for Federal LEAP funds.

4.7.2. ensure that the custodian of Federal funds is the State Treasurer, Utah State Capitol, Salt Lake City.

4.7.3. make disbursements of Federal funds through the State Disbursing Office, Finance Department, Utah State Capitol, Salt Lake City, Utah.

4.7.4. have the receiving and approving officer for Federal funds be the Administrator of the Utah LEAP Program, a UHEAA staff member.

Part III - Allocation of all Federal and State LEAP funds

4.8. Matching of Federal LEAP funds - The state matching funds for the LEAP program are appropriated by the Utah State Legislature to the State Board of Regents for the Utah LEAP program. The Federal funds shall be matched:

4.8.1. at a program level; and

4.8.2. at a level of at least fifty percent state funds to fifty percent Federal funds; and

4.8.3. at a level not less than the average annual aggregate expenditures for the preceding three fiscal years or the average annual expenditure per full-time equivalent student for such years.

4.9. Allocation of Federal and State LEAP Funds - UHEAA shall allocate Federal and state LEAP funds by using a formula based on the number of Utah resident, full-time equivalent students enrolled at each participating institution during the most recently completed fiscal year. The allocation of funds to a participating institution shall be in the same proportion to the total funds available to all Utah institutions as the number of resident, full-time equivalent students at the participating institution is to the total number of resident, full-time equivalent students at all participating institutions.

4.10 Inability of an Institution to Use the Full Allocation - When an institution indicates the inability to use its total allocation of LEAP Program funds in compliance with the guidelines during an award year, UHEAA may reallocate such excess funds to other eligible institutions within the state or provide for the Federal funds to be reallocated to other states through the U.S. Secretary of Education, as provided in the Federal regulations.

4.11. Disbursements - LEAP funds shall be disbursed by UHEAA on an as needed basis or just prior to the start of a new term. For institutions on a semester system this will be twice a year, for institutions on a quarter system this will be three times a year, for institutions operating on an open enrollment system this will be a minimum of three times a year.

4.12. Participation Agreement - The LEAP funds will be released to an institution upon receipt of a Participation Agreement signed by the President of the institution which certifies that the institution will follow all requirements of the program including the following:

4.12.1. The institution will maintain a separate account for Federal and state LEAP funds under this program.

4.12.2. LEAP funds allocated to institutions will be used only for direct financial assistance to students qualifying under the program.

4.12.3. LEAP funds allocated by UHEAA to support this program will not be transferred by the institution to other student aid programs.

4.12.4. LEAP funds not used by an institution will be returned to UHEAA within 30 days of the institution's determination that the funds will not be used and in no case later than 30 days before the end of the award year.

4.12.5. LEAP funds will not be disbursed to the student prior to the time the student completes registration.

4.12.6. The institution will maintain, on a current basis, adequate records sufficient to demonstrate that the program has been administered in accordance with the program requirements, to file a year-end report, to provide the Department of Education and UHEAA access to all records pertinent to the grant program, and provide student rosters to UHEAA upon request.

Part IV - Student Participation

4.13. President or Designee's Responsibilities - The President of each institution or the President's designee, as the institutional administrator shall:

4.13.1. accept applications for Utah LEAP program funds consistent with institutional policy as it relates to applications, and the provisions of the Act and regulations.

4.13.2. determine the student's eligibility for participation in the program on the basis of an annually documented substantial financial need, using the congressional methodology of needs analysis. If eligible applicants exceed available funding levels, awards will start with the most needy students who meet all other application requirements.

4.13.3. ensure that no student shall be excluded from participation in this program on the basis of sex, race, color, age, religion, handicap, national origin, marital status or other constitutionally or legally impermissible grounds.

4.14. Student Eligibility - To be eligible for a grant from the Utah LEAP Program, a student must:

4.14.1. be a Utah Resident as defined in the Utah code 53B-8-102.

4.14.2. be an eligible student as defined in Section 484 of the Higher Education Act of 1965, as amended, and 34 CFR Part 668.7.

Part V - LEAP Annual Limits

4.15. Maximum Annual Limit - A student may receive an LEAP award up to \$2,500 for each award year for which the student is eligible for an LEAP award.

4.15.1. The maximum total grant under this program to any full-time student shall be \$2,500 in any academic year.

4.15.2. Summer school awards are to be part of the student's \$2,500 maximum.

4.15.3. LEAP awards shall be committed and disbursed before the end of the award year.

4.16. Estimated Cost of Attendance - In no case may the amount of the LEAP award exceed the student's estimated cost of attendance for the award period for which the grant is intended, less the sum of that student's expected family contribution and other student aid to be received.

4.17. Less than Full-time Students - At the discretion of the Financial Aid Officer, grant funds may be awarded to less than full-time students. Aid awarded to less than full-time students shall not exceed that proportion of \$2,500 which the less than full-time student's academic work load bears to a full academic work load.

Part VI - Record Retention and Reporting

4.18. Record Retention and Reporting - The President of each institution or the President's designee, as the institutional administrator shall:

4.18.1. maintain adequate records to show the utilization of the LEAP program.

4.18.2. submit such reports and information as may be required by the U.S. Department of Education, UHEAA, or the Utah State Board of Regents in connection with the administration of the program.

4.19. Records to be Maintained - In accordance with 34 CFR Part 692.21, UHEAA requires a participating institution to retain complete and accurate records of each LEAP awarded, including the following:

4.19.1. The Federal student aid application;

4.19.2. A record of each disbursement of grant proceeds; and

4.19.3. Any additional records that are necessary to document the accuracy of reports submitted to UHEAA, the Utah State Board of Regents, or the U.S. Department of Education.

4.20. Records Retention - An institution shall retain the records required for each LEAP award for at least five years after the award is disbursed. The U.S. Secretary of Education, or the Administrator of the Utah LEAP program, may, in particular cases, require the retention of records beyond the three-year minimum period.

4.21. Records Organization - The records must be organized in such a way as to permit ready identification of the current status of each grant. The records specified in subsections 4.19.1 through 4.19.3 of this policy may be stored on microfilm or computer format.

4.22. Records Retention Violations - In the event the institution violates the record retention policy as outlined above, the administrator of the Utah LEAP program, may take such corrective action as is deemed necessary.

Part VII - SLEAP Program

4.23. Special Leveraging Educational Assistance Partnership (SLEAP) Program - SLEAP assists States in providing grants, scholarships, and community service work-study assistance to eligible students who attend institutions of higher education and demonstrate financial need.

4.24. Related Regulations and Definitions - The LEAP regulations and definitions listed above also apply to the SLEAP Program.

4.25. Program Requirements for the State - To receive SLEAP Program funds for any fiscal year, Utah must:

4.25.1. Participate in the LEAP Program;

4.25.2. Meet the requirements in 34 CFR Part 692.60; and

4.25.3. Have a program that satisfies the requirements in 34 CFR Part 692.21(a), (b), (d), (e), (f), (g), (j), and (k).

4.26. Student Eligibility Requirements - To receive assistance under the SLEAP Program, a student must meet the eligibility requirements of the LEAP Program above.

4.27. Requirements to Receive a SLEAP Allotment - To receive an allotment under the SLEAP Program, UHEAA will:

4.27.1. Submit an application in accordance with the provisions in 34 CFR Part 692.20;

4.27.2. Identify the activities in 4.28 for which it plans to use the SLEAP Federal and non-Federal funds;

4.27.3. Ensure that the non-Federal funds used as matching funds represent dollars that are in excess of the total dollars that the State of Utah spent for need-based grants, scholarships, and work-study assistance for fiscal year 1999, including the State funds reported as part of its LEAP Program;

4.27.4. Provide an assurance that for the fiscal year prior to the fiscal year for which Utah is requesting Federal funds, the amount the State expended from non-Federal sources per student, or the aggregate amount the State expended, for all the authorized activities in 34 CFR Part 692.71 will be no less than the amount the State expended from non-Federal sources per student, or in the aggregate, for those activities for the second fiscal year prior to the fiscal year for which the State is requesting Federal funds; and

4.27.5. Ensure that the Federal share will not exceed one-third of the total funds expended under the SLEAP Program.

4.28. Permitted Activities - Utah may use the funds it receives under the SLEAP Program for one or more of the following activities:

4.28.1. Supplement LEAP grant awards to eligible students who demonstrate financial need by:

(a) Increasing the LEAP grant award amounts for students; or

(b) Increasing the number of students receiving LEAP grant awards.

4.28.2. Supplement LEAP community service work-study awards to eligible students who demonstrate financial need by:

(a) Increasing the LEAP community service work-study award amounts for students; or

(b) Increasing the number of students receiving LEAP community service work-study awards.

4.28.3. Award scholarships to eligible students who demonstrate financial need and who:

(a) Demonstrate merit or academic achievement; or

(b) Wish to enter a program of study leading to a career in:

(i) Information technology;

(ii) Mathematics, computer science, or engineering;

(iii) Teaching; or

(iv) Other fields determined by Utah to be critical to the State's workforce needs.

4.29. Administrative Costs - Utah may not use any of the funds it receives under the SLEAP Program to pay any administrative costs.

4.30. Community Service Work-Study Program - When administering its community service work-study program, Utah

must follow the provisions in 34 CFR Part 692.30, other than the provisions of paragraph (a)(1) of that section.

KEY: higher education assistance, LEAP, SLEAP 2003 53B-7-103

▼ ————— ▼

Regents (Board Of), Administration **R765-660** Utah State Student Incentive Grant Program

NOTICE OF PROPOSED RULE (Repeal)

DAR FILE No.: 26155
FILED: 04/03/2003, 11:53

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Repeal of this rule will change the State Student Incentive Grant (SSIG) Program to the Utah Leveraging Educational Assistance Partnership (LEAP) Program (see new Rule R765-606) and incorporate by reference changes in Federal statutes and regulations governing this program, which awards grants to eligible students attending public or private non-profit institutions of higher education or public postsecondary vocational institutions. (DAR NOTE: The proposed new rule of R765-606 is under DAR No. 26156 in this issue.)

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53B-7-103; Higher Education Act of 1975, as amended (20 USC 1088 through 1099); and 34 CFR 600, 668, and 692

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This rule change would have no impact on the state budget, since there are no state costs involved in this change in Federal programs.

❖LOCAL GOVERNMENTS: This rule change would have no impact on local government, since no local government funds are involved in this change in Federal programs.

❖OTHER PERSONS: No other persons would be impacted by this rule change, since there are no costs to other persons involved in this change in Federal programs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be no new compliance costs for persons affected by this rule change, since this change in Federal programs has no compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There would be no fiscal impact on businesses because of this rule change, since

businesses will have no costs or savings due to this change in Federal programs.

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:

Don A. Carpenter at the above address, by phone at 801-321-7110, by FAX at 801-321-7199, or by Internet E-mail at dcarpenter@utahsbr.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: Cecelia H. Foxley, Commissioner

R765. Regents (Board of), Administration.

~~R765-660. Utah State Student Incentive Grant Program.~~

~~R765-660-1. Purpose.~~

~~To provide for the State Student Incentive Grant Program and incorporate by reference Federal statutes and regulations governing this program which awards grants to eligible students attending public or private non-profit institutions of higher education or public postsecondary vocational institutions.~~

~~R765-660-2. References.~~

- ~~2.1. 53B-7-103, Utah Code Annotated 1953.~~
- ~~2.2. Higher Education Act of 1965, as amended.~~
- ~~2.3. 34 CFR Parts 600, 668 and 692.~~
- ~~2.4. Education Department General Administration Regulations (EDGAR).~~

~~R765-660-3. Definitions.~~

- ~~3.1. "Academic Year"—Beginning July 1, 1993, "Academic Year" as determined by the educational institution in accordance with Section 481d of the Higher Education Act of 1965 as amended shall be:~~
 - ~~3.1.1. a period requiring a minimum of 30 weeks of instructional time in which a full-time student is expected to complete at least:~~
 - ~~3.1.1.1. 24 semester or 24 trimester or 36 quarter hours at an institution that measures program length in credit hours, or~~
 - ~~3.1.1.2. 900 clock hours at an institution that measures program length in clock hours.~~
 - ~~3.2. "Award Year"—As defined in 34 CFR Part 668.2, namely, the period of time from July 1 of one year through June 30 of the following year.~~
 - ~~3.3. "Decentralized Program"—A program which delegates certain functions and sub-allocates SSIG funds to participating~~

~~institutions for approved awards to SSIG recipients which have been selected by the participating institutions.~~

~~3.4. "Full-time Student"—As defined in 34 CFR Part 692.4b, namely, a student carrying a full-time academic workload—other than by correspondence—as measured by both of the following: 1) Course work or other required activities, as determined by the institution that the student attends or by the State. 2) Tuition and fees normally charged for full-time study by that institution.~~

~~3.5. "Full-time Equivalent Students"—A measure of annual instructional output calculated according to the following formulas:~~

~~3.5.1. For institutions that measure program length in quarter credit hours, the total number of undergraduate instructional credit hours attributed to the institution's fiscal year divided by 45, plus the total number of graduate instructional credit hours attributed to the institution's fiscal year divided by 30.~~

~~3.5.2. For institutions that measure program length in semester credit hours, the total number of undergraduate instructional credit hours attributed to the institutions fiscal year divided by 30, plus the total number of graduate instructional credit hours attributed to the institution's fiscal year divided by 20.~~

~~3.5.3. For institutions that measure program length in clock hours, the total number of instructional clock hours attributed to the institution's fiscal year divided by 792.~~

~~3.6. "Institution of Higher Education"—As defined in Section 481a of the Higher Education Act of 1965 as amended and 34 CFR Part 600.4.~~

~~3.7. "Non-Profit"—As defined in 34 CFR Part 77.1 of EDGAR.~~

~~3.8. "Participating Institution"—A public or private non-profit institution of higher education or postsecondary vocational institution which has entered into a participation agreement with the Office of the Utah Commissioner of Higher Education (Commissioner's Office).~~

~~3.9. "Postsecondary Vocational Institution"—As defined in 34 CFR Part 600.6.~~

~~3.10. "SSIG"—State Student Incentive Grant.~~

~~3.11. "Substantial Financial Need"—The difference between a student's cost of education (including tuition and fees; books and supplies; living expenses such as room and board, personal, miscellaneous, and transportation) and the sum of that student's expected family contribution and other student aid to be received. The difference thus computed must equal or exceed \$200 for the student to be considered for SSIG funds. (The \$200 threshold is calculated based on an entire academic year. Adjustments will be allowed for partial academic year attendance.) If eligible applicants exceed available funding levels, awards will start with the most needy students who meet all other application requirements.~~

~~R765-660-4. Policy.~~

~~4.1. State Board of Regents~~

~~The Utah State Board of Regents is the designated state agency for the SSIG program in the state of Utah. The responsibility for administration of the SSIG is assigned to the Utah Commissioner of Higher Education or the Commissioner's designee. The Utah SSIG program is administered as a decentralized program.~~

~~4.2. Institutional Administration~~

~~The President of each institution shall be responsible for the administration of the SSIG program at the institutional level in compliance with Federal and state regulations. The institutional administration of the program may be delegated to the financial aid director or other appropriate institutional officers.~~

— 4.3. Fiscal Control and Fund Accounting

— The Commissioner's office shall provide fiscal control and fund accounting services for awards made under the program.

— 4.4. Governing Statutes and Regulations

— The Utah State Board of Regents incorporates by reference the following Federal statutes and regulations:

— 4.4.1. The Higher Education Act of 1965, as amended;

— 4.4.2. Final Regulations of the U.S. Department of Education (i.e., 34 CFR Parts 600, 668, and 692); and

— 4.4.3. Education Department General Administration Regulations (EDGAR)

— 4.5. State Agency Rules

— The State Board of Regents establishes, from time to time, agency rules governing the operation of the Utah SSIG Program in accordance with Federal requirements as referenced in 4.4.1, 4.4.2 and 4.4.3.

— 4.6. Statutes and Regulations Available

— A copy of all Federal and state rules, regulations and statutes directly affecting the Utah SSIG Program can be obtained from the Office of the Commissioner of Higher Education at 3 Triad Center, Suite 550, Salt Lake City, Utah 84180.

— 4.7. Transfer of SSIG federal Funds

— The Board, as the designated state agency for the SSIG program in the state of Utah, shall:

— 4.7.1. have a separate account number assigned from the Office of the State Director of Finance for Federal SSIG funds.

— 4.7.2. ensure that the custodian of Federal funds is the State Treasurer, Utah State Capitol, Salt Lake City.

— 4.7.3. make disbursements of Federal funds through the State Disbursing Office, Finance Department, Utah State Capitol, Salt Lake City, Utah.

— 4.7.4. have the receiving and approving officer for Federal funds be the Administrator of Utah SSIG Program, a staff member of the Board of Regents.

— 4.8. Matching of Federal SSIG funds

— The state matching funds for the SSIG program are appropriated by the Utah State Legislature to the State Board of Regents for the Utah SSIG program. The Federal funds shall be matched:

— 4.8.1. at a program level; and

— 4.8.2. at a level of at least fifty percent state funds to fifty percent Federal funds; and

— 4.8.3. at a level not less than the average annual aggregate expenditures for the preceding three fiscal years or the average annual expenditure per full time equivalent student for such years.

— 4.9. Allocation of Federal and State SSIG funds

— The Commissioner's Office shall allocate Federal and state SSIG funds by using a formula based on the number of Utah resident, full time equivalent students enrolled at each participating institution during the most recently completed fiscal year. The allocation of funds to a participating institution shall be in the same proportion to the total funds available to all Utah institutions as the number of resident, full time equivalent students at the participating institution is to the total number of resident, full time equivalent students at all participating institutions.

— 4.10. Inability of an institution to use the full allocation

— When an institution indicates the inability to use its total allocation of SSIG Program funds in compliance with the guidelines during an award year, the Commissioner or the Commissioner's designee may reallocate such excess funds to other eligible institutions within the state or provide for the Federal funds to be

reallocated to other states through the U.S. Secretary of Education, as provided in the Federal regulations.

— 4.11. Disbursements

— SSIG funds shall be disbursed from the Commissioner's office on an as needed basis or just prior to the start of a new term. For institutions on a semester system this will be twice a year, for institutions on a quarter system this will be three times a year, for institutions operating on an open enrollment system this will be a minimum of three times a year.

— 4.12. Participation Agreement

— The SSIG funds will be released to an institution upon receipt of a Participation Agreement signed by the President of the institution which certifies that the institution will follow all requirements of the program including the following:

— 4.12.1. The institution will maintain a separate account for Federal and state funds under this program.

— 4.12.2. SSIG funds allocated to institutions will be used only for direct financial assistance to students qualifying under the program.

— 4.12.3. SSIG funds allocated by the Utah Commissioner of Higher Education to support this program will not be transferred by the institution to other student aid programs.

— 4.12.4. SSIG funds not used by an institution will be returned to the Commissioner's Office within 30 days of the institution's determination that the funds will not be used and in no case later than 30 days before the end of the award year.

— 4.12.5. SSIG funds will not be disbursed to the student prior to the time the student completes registration.

— 4.12.6. The institution will maintain, on a current basis, adequate records sufficient to demonstrate that the program has been administered in accordance with the program requirements, to file a year end report, to provide the Department of Education and the Commissioner's Office access to all records pertinent to the grant program, and provide student rosters to the Commissioner's Office upon request.

— 4.13. President or designee's responsibilities

— The President of each institution or the President's designee, as the institutional administrator shall:

— 4.13.1. accept applications for Utah SSIG program funds consistent with institutional policy as it relates to applications, and the provisions of the Act and regulations.

— 4.13.2. determine the student's eligibility for participation in the program on the basis of an annually documented substantial financial need, using the congressional methodology of needs analysis.

— 4.13.3. ensure that no student shall be excluded from participation in this program on the basis of sex, race, color, age, religion, handicap, national origin, marital status or other constitutionally or legally impermissible grounds.

— 4.14. Student eligibility

— To be eligible for a grant from the Utah SSIG Program, a student must:

— 4.14.1. be a Utah Resident as defined in the Utah code 53B-8-102.

— 4.14.2. be an eligible student as defined in Section 484 of the Higher Education Act of 1965 as amended and 34 CFR Part 668.7.

— 4.15. Maximum annual limit

— A student may receive an SSIG award up to \$2,500 for each award year for which the student is eligible for an SSIG award.

— 4.15.1. The maximum total grant under this program to any full time student shall be \$2,500 in any academic year.

— 4.15.2. Summer school awards are to be part of the student's \$2,500 maximum.

— 4.15.3. SSIG awards shall be committed and disbursed before the end of the award year.

— 4.16. Estimated cost of attendance

— In no case may the amount of the SSIG award exceed the student's estimated cost of attendance for the award period for which the grant is intended, less the sum of that student's expected family contribution and other student aid to be received.

— 4.17. Less than full-time students

— At the discretion of the Financial Aid Officer, grant funds may be awarded to less than full-time students. Aid awarded to less than full-time students shall not exceed that proportion of \$2,500 which the less than full-time student's academic work load bears to a full academic work load.

— 4.18. Record Retention and Reporting

— The President of each institution or the President's designee, as the institutional administrator shall:

— 4.18.1. maintain adequate records to show the utilization of the SSIG program;

— 4.18.2. submit such reports and information as may be required by the U.S. Department of Education or the Utah State Board of Regents in connection with the administration of the program;

— 4.19. Records to be maintained

— In accordance with 34 CFR Part 692.21, the Utah State Board of Regents requires a participating institution to retain complete and accurate records of each SSIG awarded, including the following:

— 4.19.1. The Federal student aid application;

— 4.19.2. A copy of the award letter sent to the student;

— 4.19.3. A record of each disbursement of grant proceeds; and

— 4.19.4. Any additional records that are necessary to document the accuracy of reports submitted to the Utah State Board of Regents or the U.S. Department of Education.

— 4.20. Records retention

— An institution shall retain the records required for each SSIG award for at least five years after the award is disbursed. The U.S. Secretary of Education, or the Administrator of the Utah SSIG program, may, in particular cases, require the retention of records beyond the five year minimum period.

— 4.21. Records organization

— The records must be organized in such a way as to permit ready identification of the current status of each grant. The records specified in subsections 4.19.1 through 4.19.4 of this policy may be stored on microfilm or computer format.

— 4.22. Records retention violations

— In the event the institution violates the record retention policy as outlined above, the administrator of the Utah SSIG program, may take such corrective action as is deemed necessary.

**KEY: higher education, financial aid[±]
1993**

**Notice of Continuation April 1, 2003
53B-7-103]**



School and Institutional Trust Lands, Administration **R850-3** Applicant Qualifications, Application Forms, and Application Processing

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26176

FILED: 04/15/2003, 17:04

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment allows for the inclusion of modified grazing permits in the application processing guidelines.

SUMMARY OF THE RULE OR CHANGE: The rule is being amended to add modified grazing permit applications to be processed by the agency.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53C-1-302(1)(a)(ii) and Section 53C-2-404

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The only anticipated potential income to the state would be from application and other fees that might come to the agency as a result of adding modified grazing permits to the list of surface-related land uses.

❖ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government as they generally do not engage in grazing-related activities with the agency.

❖ **OTHER PERSONS:** The only anticipated cost to other persons would be the application fees and related permit costs which are already established, were they to choose to pursue a modified grazing permit with the agency.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Any compliance costs for affected persons would be the currently established application fees and permit-related costs for anyone wanting to obtain a modified grazing permit with the agency.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no anticipated fiscal impact on businesses as a result of this rule change. Anyone wishing to exercise their right to apply for a modified grazing permit would be governed by the agency's existing fees and permit-related costs.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

SCHOOL AND INSTITUTIONAL TRUST LANDS
ADMINISTRATION
Room 500
675 E 500 S
SALT LAKE CITY UT 84102-2818, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kim S. Christy at the above address, by phone at 801-538-5183, by FAX at 801-355-0922, or by Internet E-mail at kimchristy@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: Kevin S. Carter, Director

R850. School and Institutional Trust Lands, Administration.**R850-3. Applicant Qualifications, Application Forms, and Application Processing.****R850-3-400. Application Processing.**

Within 15 days from receipt of an application for a Special Use Lease, Easement, Sale, Exchange, Modified Grazing Permit, or Materials Permit, the Trust Lands Administration shall conduct an initial evaluation of the application. Trust Lands Administration may refuse the application if it determines, in its sole discretion, that:

- (1) activities with higher priorities would be adversely impacted by processing the application;
- (2) an existing or planned application or activity on the parcel would be adversely impacted by processing the application;
- (3) an agency-initiated activity would be adversely impacted by processing the application; or
- (4) proceeding with the proposal would not be in the best interests of the trust land beneficiaries.

No fees shall be collected from the applicant prior to the above-referenced evaluation. If the Trust Lands Administration chooses to refuse the application, it shall notify the applicant in writing. If the Trust Lands Administration chooses to accept the application, it shall inform the applicant of any further information, material, deposits and fees which may be required in order to accept the application and commence processing. Failure to provide the requested items by the deadline established by the Trust Lands Administration may result in the application being rejected. A determination refusing an application shall not be subject to administrative review.

KEY: administrative procedures, residency requirements

~~July 2, 1996~~ **June 3, 2003**

Notice of Continuation June 27, 2002

53C-1-302(1)(a)(ii)

53C-2-404

▼ ————— ▼

**School and Institutional Trust Lands,
Administration
R850-50
Range Management**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26177

FILED: 04/15/2003, 17:06

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The amendments to the rule provide formalized direction for the issuance and management of modified grazing permits for uses which do not lend themselves to traditional grazing permits or long-term agricultural leases. The amendments also allow the agency to protect stockwatering rights from forfeiture due to non-use.

SUMMARY OF THE RULE OR CHANGE: The Agency recognizes that there are instances where the proposed use of trust lands is grazing related, but more intensive than livestock grazing alone, and when improvements are primarily temporary in nature. The amendments to this rule specify the terms and conditions under which Modified Grazing Permits may be issued by the Agency. The amendments also provide that grazing permit applicants will be evaluated as to their ability to maintain water rights. Grazing permittees will be required to provide the beneficial use necessary to protect appurtenant stockwatering rights from forfeiture, to the extent allowed under the permit.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 53C-1-302(1)(a)(ii) and 53C-2-201(1)(a), and Section 53C-5-102

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** It is anticipated that 10 permittees will qualify for modified grazing permits. Estimated additional revenues derived from application fees and permit income will be approximately \$6,000. The amendments pertaining to protection of stockwatering rights simply offer an additional criteria for the agency to evaluate applicant and permittee qualifications. Consequently, there are no anticipated costs or savings to the state.

❖**LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local governments, as they are not involved in the review or issuance of grazing or modified grazing permits.

❖**OTHER PERSONS:** It is anticipated that 10 permittees will qualify for modified grazing permits. Estimated additional revenues derived from application fees and permit income will be approximately \$6,000. The requirement of maintaining stockwatering rights is only subject to the terms and conditions of the grazing permit with respect to season of use and stocking rates. Therefore, no additional costs or savings to other persons (grazing permittees) are anticipated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It is anticipated that 10 permittees will qualify for modified grazing permits. Estimated additional revenues derived from application fees and permit income will be approximately \$6,000. The requirement of maintaining stockwatering rights is only subject to the terms and conditions of the grazing permit with respect to season of use and stocking rates. Therefore, no additional costs or savings to affected persons are anticipated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: It is not anticipated that this rule change will have any fiscal impact on livestock enterprises associated with the agency's permitting processes. Typically, these are enterprises which already do business with this agency and these rule changes provide a better delineation of the parameters governing their land uses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

SCHOOL AND INSTITUTIONAL TRUST LANDS
ADMINISTRATION
Room 500
675 E 500 S
SALT LAKE CITY UT 84102-2818, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kim S. Christy at the above address, by phone at 801-538-5183, by FAX at 801-355-0922, or by Internet E-mail at kimchristy@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: Kevin S. Carter, Director

R850. School and Institutional Trust Lands, Administration.

R850-50. Range Management.

R850-50-150. Planning.

1. Pursuant to Section 53C-2-201(1)(a), the issuance of grazing permits within this category of activity carries no planning obligations by the agency beyond existing rule-based analysis and approval processes.

2. Range improvement projects authorized pursuant to this section carry the following planning obligations beyond existing rule-based analysis and approval processes:

(a) To the extent required by the Memorandum of Understanding between the State Planning Coordinator and the School and Institutional Trust Lands Administration, submit the proposal for review by the Resource Development Coordinating Committee (RDCC); and

(b) Evaluation of and response to comments received through the RDCC process.

3. Applications for modified grazing permits which do not involve surface disturbing activities are governed by paragraph 1, above. Applications for modified grazing permits which involve surface disturbing activities are subject to the planning obligations set forth in paragraph 2, above.

R850-50-400. Permit Approval Process.

Applications shall be accepted on lands available for permitting under R850-50-300 or upon termination of an existing permit as follows:

1. On trust lands that are available for grazing, but are not subject to an existing permit, applications may be solicited through

advertising or any other method the agency determines is appropriate, including notification of adjacent landowners and other permittees in an allotment.

2. On trust lands subject to an expiring grazing permit, competing applications shall be accepted from April 1 to April 30, or the next working day if either of these days is a weekend or holiday, of the year in which the permit terminates.

3. If no competing applications are received, the person holding the expiring grazing permit shall have the right to renew the permit by submitting a completed application along with the first year's rent and other applicable fees.

4. Persons desiring to submit a competing application shall do so on forms acceptable to the agency. Forms may be acquired at the offices listed in R850-6-200(2)(b). Applications shall include payment in the amount of the non-refundable application fee, and the one-time bonus bid. Bids shall be refunded to unsuccessful applicants. Upon establishment of the yearly rental rate, the successful applicant shall be required to submit the first year's rental and other required fees.

5. Applications shall be evaluated by the agency and shall be accepted only if the agency determines that the applicant's grazing activity shall not create unmanageable problems of trespass, range and resource management, or access.

(a) For purposes of this evaluation adjoining permittees and lessees, adjoining property owners, or adjoining federal permittees shall be considered acceptable as competing applicants unless specific problems are clearly demonstrated.

(b) Applicants not meeting the requirements in (a) above, whose uses would not unreasonably conflict with the uses of other permittees of trust lands in the area, shall nevertheless be accepted if the size of the grazing area, the access to the grazing area, and other factors demonstrate that the applicant is able to utilize the area without adverse impact on the range resources, adjoining lands, or beneficiaries of affected trust lands.

(c) For purposes of evaluating an applicant's acceptability for a grazing permit, the agency may consider the applicant's ability to maintain any water rights appurtenant to the lands described in the application.

6. An existing permittee shall have a preference right to permit the property provided he agrees to pay an amount equal to the highest competing application.

R850-50-1300. Rights Reserved to the Agency.

In all grazing permits the agency shall expressly reserve the right to:

1. issue special use leases, timber sales, materials permits, easements, rights-of-entry and any other interest in the trust land.

2. issue permits for the harvesting of seed from plants on the trust land. If loss of use occurs from harvesting activities, a credit for the amount of loss shall be made to the following year's assessment.

3. enter upon and inspect the trust land or to allow scientific studies upon trust land at any reasonable time.

4. allow the public the right to use the trust land for purposes and periods of time permitted by policy and rules. However, nothing in these rules purports to authorize trespass on private land to reach trust land.

5. require that all water rights on trust land be filed in the name of the trust and to require express written approval prior to the conveyance of water off trust land.

6. require a permittee, when an agency-owned water right is associated with the grazing permit, to ensure that the water right, to the extent allowed under the permit, is maintained in compliance with state law.

[6]7. close roads for the purpose of range or road protection, or other administrative purposes.

[7]8. dispose of the property without compensation to the permittee, subject to R850-50-1100(7).

[8]9. terminate a grazing permit in order to facilitate higher and better uses of trust lands.

R850-50-1600. Modified Grazing Permit.

1. At the discretion of the director, the agency may issue modified grazing permits in instances where the proposed use is grazing related but is more intensive than livestock grazing alone and when improvements, if any, are primarily temporary in nature. Such uses may include, but are not limited to, uses authorized under R850-30-300(1)(d), camps, corrals, feed yards, irrigated livestock pastures, or other related uses.

2. Modified grazing permits may be approved pursuant to the following process:

(a) Applications for modified grazing permits shall be submitted pursuant to R850-3.

(b) Applications, if accepted, shall be accompanied with an application fee equal to the application fee for special use leases.

(c) Applications shall be evaluated pursuant to R850-3-400 and R850-50-400.

3. Modified grazing permits shall be subject to the following terms and conditions:

(a) The term of a modified grazing permit shall be no longer than 15 years and contain terms, conditions, and provisions the agency, in its discretion, deems necessary to protect the interest of the trust beneficiaries.

(b) A modified grazing permit is subject to cancellation pursuant to R850-50-600(4).

(c) Annual rental for a modified grazing permit shall be based on the fair market value of the permitted property. Fair market value of the permitted property and annual rental rates shall be determined by the agency pursuant to R850-30-400. Periodic rental reviews may be completed pursuant to R850-30-400(4).

(d) Upon cancellation of the modified grazing permit:

i) the permittee shall be allowed 90 days to remove approved temporary range improvements; and

ii) at the discretion of the director, the agency may reimburse the permittee for approved permanent range improvements pursuant to R850-50-1100; or

iii) the permittee shall be allowed 90 days to remove approved permanent range improvements.

(e) Prior to the issuance of a modified grazing permit, or for good cause shown at any time during the term of the modified grazing permit, the applicant or permittee, as the case may be, may be required to post with the agency a bond in the form and amount as may be determined by the agency to assure compliance with all terms and conditions of the permit. Any bond posted pursuant to this rule is subject to R850-30-800(2) through (4).

KEY: administrative procedures, range management

~~November 1, 2002~~ June 3, 2003

Notice of Continuation June 27, 2002

53C-1-302(1)(a)(ii)

53C-2-201(1)(a)

53C-5-102



End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public 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.

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 (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [example]). A row of dots in the text (· · · · ·) indicates that unaffected text was removed to conserve space. If a CHANGE IN PROPOSED RULE is too long to print, the Division of Administrative Rules will 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.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends June 2, 2003. At its option, the agency may hold public hearings.

From the end of the waiting period through August 29, 2003, the 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 this issue of the *Utah State Bulletin*. 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, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by *Utah Code* Section 63-46a-6 (2001); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page.

Insurance, Administration
R590-219
Credit Scoring

NOTICE OF CHANGE IN PROPOSED RULE

DAR File No.: 25958
 Filed: 04/07/2003, 10:17

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes to this rule are a direct response to the comments received at the first hearing on this rule and the written comments received.

SUMMARY OF THE RULE OR CHANGE: Aside from clarification and corrections to grammar and formatting, the following major changes are being made to the rule: in Section R590-219-3, the definition of "Significant Factors" is being deleted; the definition of "Initial Underwriting" is being expanded; in Subsections R590-219-4(1), (2), and (3) are redundant to what is already in the federal Fair Credit Act and so these subsections are being eliminated; in Section R590-219-5 the reference to "primary reason" is being eliminated since it was taken out of the original legislation; and Subsection R590-219-5(3) expands the parameters for insurers when rating private passenger auto insurance when applying a premium discount.

(DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the February 1, 2003, issue of the Utah State Bulletin, on page 23. 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 amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-22-320

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** These changes are not going to increase or decrease the department's workload or its need to hire or let employees go. Neither will the changes change the flow of money into the General Fund.

❖ **LOCAL GOVERNMENTS:** This rule deals with the contract between the insurer and the consumer and will not affect local government.

❖ **OTHER PERSONS:** The change in Subsection R590-219-4(3) that limits the requirement for insurers to re-examine a persons credit history only in the case it has been changed will save them money over checking it every time there is a request. The change in Subsection R590-219-3(1)(a)(v) broadens the scope of individual in a family that the insurer would include in their underwriting requirements as they determine whether or not to accept a risk for coverage. This would essentially increase the person's chance of being denied coverage.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The change in Subsection R590-219-4(3) that limits the requirement for insurers to re-examine a persons credit history only in the case it has been changed will save them money over checking it every time there is a request. The change in Subsection R590-219-3(1)(a)(v) broadens the scope of individual in a family that the insurer would include in their underwriting requirements as they determine whether or not to accept a risk for coverage. This would essentially increase the person's chance of being denied coverage.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The department is out ahead of other states in the regulation of credit scoring and as a result it is hard to know just what kind of fiscal impact this rule will have on insurers doing business in Utah.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

**INSURANCE
 ADMINISTRATION**
 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:

Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 06/02/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

5/20/2003 at 9:00 AM, State Office Building (behind the Capitol), Rm 3110, Salt Lake City

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2003

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

R590-219. Credit Scoring.

R590-219-1. Authority.

This rule is promulgated pursuant to Subsection 31A-2-201(3)(a) in which the commissioner may make rules to implement the provisions of this title. Also, specific authority is provided in Subsection 31A-22-320(3) to enforce the provisions of Section 31A-22-320.

R590-219-2. Scope and Purpose.

This rule sets forth minimum standards for all property and casualty insurers doing private passenger automobile business in Utah that use credit history or an insurance score as part of their underwriting criteria or rating plans.

R590-219-3. Definitions.

In addition to the definitions in Section 31A-1-301 and 31A-22-320, the following definition shall apply for the purposes of this rule:

~~[(1) "Significant factor" means an important element of the consumer's credit history or insurance score. Significant factors include:~~

- ~~— (a) bankruptcies, judgments and liens;~~
- ~~— (b) delinquent accounts;~~
- ~~— (c) accounts in collection;~~
- ~~— (d) payment history outstanding debt;~~
- ~~— (e) length of credit history; and~~
- ~~— (f) number of credit accounts.]~~

~~[(2)](a) "Initial underwriting" shall include:~~

- ~~(i) deciding whether or not to issue a policy to the consumer;~~
- ~~(ii) the amount and terms of the coverage;~~
- ~~(iii) the duration of the policy; ~~[and]~~~~
- ~~(iv) the rates or fees charged~~[-]; and~~~~

~~(v) those additional drivers related to the named insured or spouse by blood, marriage, adoption, or guardianship who were emancipated prior to becoming an additional driver in the named insured's household.~~

(b) "Initial underwriting" shall not include additional vehicles or drivers added to the household of a current auto insurance policyholder of the insurer, provided:

(i) the additional vehicle is owned by the named insured, spouse or persons related to the named insured by blood, marriage, adoption, or guardianship that are residents of the named insured's household;

(ii) the additional driver is related to the named insured or spouse by blood, marriage, adoption, or guardianship and is a resident of the named insured's household, including those who usually make their home in the same household but temporarily live elsewhere~~[-; or]~~.

(iii) a divorced spouse or child where an insurer has a record of the driving history from an existing policy.

~~[(3)](2) "Adverse action" shall have the same meaning as defined in the Fair Credit Reporting Act, 15 U.S.C. sec.1681 et seq. An adverse action includes the following:~~

(a) cancellation, denial or non-renewal of insurance coverage;

(b) charging a higher premium than would have been offered if the credit history or credit score had been more favorable, whether the charge is by:

(i) application of a rating rule;

(ii) assignment to a rating category within a single insurer, into which insureds with substantially like ~~[insuring]~~ risk or exposure factors and expense elements are placed for purposes of determining rate or premium, that does not have the lowest available rates;

(iii) placement with an affiliate insurer that does not offer the lowest rates available to the consumer within the affiliate group of insurers; or

(iv) a reduction or an adverse or unfavorable change in the terms of coverage or amount of insurance owing to a consumer's credit history or insurance score.

(c) A reduction or an adverse or unfavorable change in the terms of coverage occurs when:

(i) coverage provided to the consumer is not as broad in scope as coverage requested by the consumer but available to other insureds of the insurer or any affiliate; or

(ii) the consumer is not eligible for benefits such as dividends that are available through affiliate insurers.

R590-219-4. Insurer's Obligation If Credit Information Is Used.

~~[(1) An insurer must notify an applicant or insured of the significant factors that influenced the insurer's adverse action decision. If more than four significant factors influenced the insurer's decision, only the four most significant factors need be disclosed to the applicant.~~

~~— [(2) In order to meet the requirements of subsection (1) of this section, an insurer must explain the significant factors in clear and simple language. The use of generalized terms such as "poor credit history", "poor credit rating", or "poor insurance score" does not meet the explanation requirements of this subsection. Standardized credit explanations provided by consumer reporting agencies or other third party vendors are deemed to comply with this section.~~

~~— [(3) An insurer may choose to tell an applicant or insured which factors positively affect an applicant's or insured's credit history or insurance score.]~~

~~[(4)](1) An insurer must comply with all notification requirements of the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq. If any adverse action is taken, the insurance company must provide to the applicant or insured:~~

(a) the identity, telephone number, and address of any consumer-reporting agency from which a credit report was obtained;

(b) notification of the applicant's or insured's right to receive a free copy of their credit report from the consumer reporting agency for a period of 60 days from the date of application; and

(c) notification of the applicant's or insured's right to lodge a dispute with the consumer-reporting agency and have erroneous information corrected in accordance with the Fair Credit Reporting Act.

~~[(5)](2) After an adverse action is taken, if it is later determined that the initial information in the credit report was incorrect, the insurance company, at the request of the applicant or insured, shall underwrite or rate the policy again using the correct information. If the insurer determines that the insured has overpaid premium, the insurer shall refund to the insured the amount of overpayment calculated back to the shorter of either the last 12 months of coverage or the actual policy period.~~

~~[(6)](3) An insurer shall establish procedures that allow consumers or their insurance producers to request that a person's credit history or score ~~[is]~~ be re-examined if a correction has been made to the consumer's credit report.~~

~~[(7)](4) An insurer shall refrain from penalizing consumers on new and renewal policies issued on or after the effective date of this rule based on identity theft; credit inquiries not initiated by the consumer; insurance-related inquiries; medical related collection accounts, if the information can be identified on a credit report; and multiple lender inquiries, if captured on a credit report as being from the home mortgage industry and made within a 30 day period, unless only one inquiry is considered.~~

R590-219-5. Prohibited Uses of Credit Information.

Insurers may not use credit information:

(1) to cancel or non-renew any private passenger auto insurance policy that has been in effect for 60 days or more;

(2) ~~[as the primary reason to decline or refuse to issue a new personal auto insurance policy]~~ for initial underwriting, unless risk related factors, other than credit information, are considered;

(3) to determine rates as part of a filed rating plan for private passenger auto insurance, except to provide a premium discount or similar reduction in rates and, when an insurer issues a new or renewal policy on or after the effective date of this rule with a

discount based on credit, that discount shall not be removed or reduced based on credit information only;

(4) to cancel or non-renew an existing private passenger auto insurance policy which has been in effect for 60 days or more, nor decline or refuse to issue a new policy or coverage for an additional vehicle owned by the named insured or persons related to the named insured by blood, marriage, adoption, or guardianship who are residents of the named insured's household; or

(5) to cancel or non-renew an existing private passenger auto insurance policy which has been in effect for 60 days or more when adding a newly licensed driver who is related to the named insured by blood marriage, adoption, or guardianship, and continues to be a resident of the named insured's household.

R590-219-6. Offer of Placement.

An offer of placement with an affiliated insurance company is not considered a cancellation, non-renewal, declination, or refusal to issue a policy.

R590-219-7. Enforcement Date.

The commissioner will begin enforcing the provisions of this rule 45 days from the rule's effective date.

R590-219-8. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, such 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: insurance, credit scoring

2003

31A-2-201

31A-22-320



End of the Notices of Changes in Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a 120-DAY (EMERGENCY) RULE when it finds that the 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 (*Utah Code* Subsection 63-46a-7(1) (2001)).

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. A row of dots in the text (. . . .) indicates that unaffected text was removed to conserve space.

A 120-DAY RULE is effective at the moment the Division of Administrative Rules receives the filing, 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 120-DAY RULES are effective immediately, the law does not require a public comment period. However, when an agency files a 120-DAY RULE, it usually files a PROPOSED RULE at the same time, to make the requirements permanent. Comment may be made on the proposed rule. Emergency or 120-DAY RULES are governed by *Utah Code* Section 63-46a-7 (2001); and *Utah Administrative Code* Section R15-4-8.

Health, Administration

R380-250

HIPAA Privacy Rule Implementation

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE No.: 26161
FILED: 04/14/2003, 12:37

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule implements provisions required by the federal Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, 45 CFR Part 164, subpart E, dealing with the treatment of certain individually identifiable health information held by the Utah Department of Health (UDOH).

SUMMARY OF THE RULE OR CHANGE: The HIPAA Privacy Rule requires that covered programs implement administrative safeguards and policies to protect the rights of individuals to access and control access to their protected health information. This rule adopts those requirements for UDOH programs covered by the HIPAA Privacy Rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Standards for Privacy of Individually Identifiable Health Information found in 45 CFR Part 160 and 45 CFR Part 164, subparts A and E; and Section 26-1-5

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** Implementation of the federal HIPAA privacy rule will have a significant fiscal impact on the Utah Department of Health. Costs are predicted to exceed those experienced with the Y2K phenomenon. This federal mandate is unfunded, so UDOH has no choice but to implement these requirements within existing budgets. This

rulemaking should streamline and simplify, to the extent possible, compliance with the federal mandate.

❖ **LOCAL GOVERNMENTS:** Implementation of the federal HIPAA privacy rule will have a significant fiscal impact on local governments. Costs are predicted to exceed those experienced with the Y2K phenomenon. This federal mandate is unfunded. This rule will clearly communicate to other parties, including local governments, how the UDOH will implement certain requirements, which should assist local governments in their efforts to comply.

❖ **OTHER PERSONS:** Implementation of the federal HIPAA privacy rule will have a significant fiscal impact on covered health care providers, plans and clearinghouses. Costs are predicted to exceed those experienced with the Y2K phenomenon. This federal mandate is un-funded. This rule will clearly communicate to other parties how the UDOH will implement certain requirements, which should assist those parties with their efforts to comply.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule clearly outlines the policies of the UDOH on HIPAA Privacy Rule implementation standards. Those persons seeking to exercise their rights under the HIPAA Privacy Rule will have clear guidance on the process they should follow to exercise those rights. The only compliance cost is to require that some of those rights be exercised in writing. The overall cost to persons should be minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Implementation of the federal HIPAA privacy rule will have a significant fiscal impact on all covered health care providers, plans and clearinghouses. Costs are predicted to exceed those experienced with the Y2K phenomenon. This federal mandate is un-funded. This rule will clearly communicate to other parties how the UDOH will implement certain requirements, which should assist those parties with their efforts to comply. UDOH has attempted to

streamline and simplify the cost of compliance by offering free training to government agencies throughout state and local government. This rule supports those efforts and should have an overall positive impact of businesses. Rod L. Betit

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

The enforcement deadline is April 14, 2003. Adoption of this emergency rule is necessary to comply with that deadline.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HEALTH
ADMINISTRATION
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:

Doug Springmeyer at the above address, by phone at 801-538-6971, by FAX at 801-538-6306, or by Internet E-mail at dspringm@utah.gov

THIS RULE IS EFFECTIVE ON: 04/14/2003

AUTHORIZED BY: Rod L. Betit, Executive Director

R380. Health, Administration.

R380-250. HIPAA Privacy Rule Implementation.

R380-250-1. Authority and Purpose.

(1) This rule implements provisions required by 45 CFR Part 164, subpart E, dealing with the treatment of certain individually identifiable health information held by the Department of Health.

(2) This rule is authorized by Utah Code Sections 26-1-5 and 26-1-17.

R380-250-2. Definitions.

As used in this rule:

(1) "Covered program" means the smallest agency or program unit within the Department responsible for carrying out a covered function as that term is used in 45 CFR 164.501.

(2) "HIPAA Privacy Rule" means the Standards for Privacy of Individually Identifiable Health Information found in 45 CFR Part 160 and Subparts A and E of Part 164.

(3) "Individual" means a natural person. In the case of a individual without legal capacity or a deceased person, the personal representative of the individual.

R380-250-3. General Compliance.

(1) This rule applies only to those functions of the Department that are covered functions as that term is used in 45 CFR Part 164.

(2) Covered programs shall comply with the privacy requirements of 45 CFR Part 164, Subpart E in dealing with individually identifiable health information and the subjects of that information.

R380-250-4. Changes to Rule.

The Department reserves the right to alter this rule and its notices of privacy practices required by the HIPAA Privacy Rule.

R380-250-5. Sanctions, Retaliation.

(1) An employee of a covered program may be disciplined for failure to comply with the HIPAA Privacy Rule requirements found in 45 CFR Part 164, Subpart E. Discipline may include termination and civil or criminal prosecution.

(2) An employee of a covered program may not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against any person for exercising any right established by the HIPAA Privacy Rule or for opposing in good faith any act or practice made unlawful by the HIPAA Privacy Rule.

R380-250-6. Waiver of Rights Prohibited.

A covered program may not require individuals to waive their rights under 45 CFR 160.306 or 45 CFR Part 164, Subpart E as a condition of the provision of treatment, payment, health plan enrollment, or eligibility for benefits.

R380-250-7. Complaints.

(1) An individual may seek a review of a covered program's policies and procedures or its compliance with such policies and procedures through informal contact with the covered program.

(2) An individual may file a formal complaint concerning a covered program's policies and procedures implementing 45 CFR Part 164, Subpart E or its compliance with such policies and procedures or the requirements of 45 CFR Part 164, Subpart E by filing with the Office of the Executive Director of the Department a request for program action meeting the requirements of the Utah Administrative Procedures Act.

R380-250-8. Right to Request Privacy Protection.

(1) An individual may request restrictions on use and disclosure of protected health information as permitted in 45 CFR 164.522 by submitting a written request to the designated privacy officer for the covered program.

(2) The decision whether to grant the request, documentation of any restrictions, alternate communication methods, and conditions on providing confidential communications shall be in accordance with 45 CFR 164.522.

R380-250-9. Individual Access to Protected Health Information.

(1) An individual may request access to protected health information as permitted in 45 CFR 164.524 by submitting a written request to the designated privacy officer for the covered program.

(2) The right to access, decision whether to grant access, review of denials, timeliness of responses, form of access, time and manner of access, documentation and other required responses shall be in accordance with 45 CFR 164.524.

R380-250-10. Amendment of Protected Health Information.

(1) An individual may request amendment to protected health information about that individual that the individual believes is incorrect as permitted in 45 CFR 164.526 by submitting a written request to the designated privacy officer for the covered program.

(2) The decision whether to grant the request, the time frames for action by the covered program, amendment of the record, requirements for denial, and acting on notices of amendment from third parties shall be in accordance with 45 CFR 164.526.

R380-250-11. Accounting for Disclosures.

(1) An individual may request an accounting of disclosures of protected health information as permitted in 45 CFR 164.528 by submitting a written request to the designated privacy officer for the covered program.

(2) The content of the accounting and the provision of the accounting, shall be in accordance with 45 CFR 164.528.

KEY: HIPAA, privacy**April 14, 2003****26-1-5****26-1-17**

▼ ————— ▼

Human Services, Administration

R495-881

HIPAA Privacy Rule Implementation

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE No.: 26160

FILED: 04/14/2003, 10:20

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule implements provisions required by the Federal Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, 45 CFR Part 164, subpart E, dealing with the treatment of certain individually identifiable health insurance information held by the Department of Human Services (DHS).

SUMMARY OF THE RULE OR CHANGE: The federal rule requires that covered entities implement administrative safeguards and policies to protect the rights of individuals to access and control access to their protected health information. This rule adopts those requirements for DHS programs covered by this rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-1-5 and 26-1-17; and 45 CFR Part 160, and 45 CFR Part 164, Subparts A and E

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** Implementation of this rule will have fiscal impact on DHS. These requirements are not federally funded and DHS will implement these requirements within existing budgets.

❖ **LOCAL GOVERNMENTS:** Local governments who are covered entities will have costs for initial and ongoing compliance with HIPAA.

❖ **OTHER PERSONS:** The department may charge a minimal cost-based fee for copies of protected health information.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The department may charge a minimal cost-based fee for copies of protected health information.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be businesses (hospitals, health care providers, etc.) who will have to comply

with HIPAA who will experience a fiscal impact. The Department has no way of estimating what that fiscal impact may be.

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

The HIPAA of 1997 requires covered entities to comply with regulations by April 14, 2003, or be subject to civil and criminal penalties.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HUMAN SERVICES
ADMINISTRATION
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Vanessa Thompson at the above address, by phone at 801-538-9877, by FAX at 801-538-4016, or by Internet E-mail at vthompson@utah.gov

THIS RULE IS EFFECTIVE ON: 04/14/2003

AUTHORIZED BY: Robin Arnold-Williams, Executive Director

R495. Human Services, Administration.**R495-881. HIPAA Privacy Rule Implementation.****R495-881-1. Authority and Purpose.**

(1) This rule implements provisions required by 45 CFR Part 164, subpart E, dealing with the treatment of certain individually identifiable health information held by the Department of Human Services.

(2) This rule is authorized by Utah Code Sections 26-1-5 and 26-1-17.

R495-881-2. Definitions.**As used in this rule:**

(1) "Covered entity" means a program within the Department responsible for carrying out a covered function as that term is used in 45 CFR 164.501.

(2) "HIPAA" means the federal Health Insurance Portability and Accountability Act of 1997 and its implementing regulations.

(3) "Individual" means a natural person. In the case of a individual without legal capacity or a deceased person, the personal representative of the individual.

R495-881-3. General Compliance.

(1) This rule applies only to those functions of the Department that are covered functions as that term is used in 45 CFR Part 164.

(2) Covered entities shall comply with the privacy requirements of 45 CFR Part 164, Subpart E in dealing with individually identifiable health information and the subjects of that information.

R495-881-4. Changes to Rule.

The Department reserves the right to alter this rule and its notices of privacy practices required by HIPAA.

R495-881-5. Sanctions, Retaliation.

(1) An employee of a covered entity may be disciplined for failure to comply with the HIPAA requirements found in 45 CFR Part 164, Subpart E. Discipline may include termination and civil or criminal prosecution.

(2) An employee of a covered entity may not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against any person for exercising any right established by HIPAA or for opposing in good faith any act or practice made unlawful by HIPAA.

R495-881-6. Waiver of Rights Prohibited.

A covered entity may not require individuals to waive their rights under 45 CFR 160.306 or 45 CFR Part 164, Subpart E as a condition of the provision of treatment, payment, health plan enrollment, or eligibility for benefits.

R495-881-7. Complaints.

(1) An individual may seek a review of a covered entity's policies and procedures or its compliance with such policies and procedures through informal contact with the covered entity.

(2) An individual may file a formal complaint concerning a covered entity's policies and procedures implementing 45 CFR Part 164, Subpart E or its compliance with such policies and procedures or the requirements of 45 CFR Part 164, Subpart E by filing a complaint with the Office of the Executive Director of the Department requesting an agency action meeting the requirements of the Utah Administrative Procedures Act or with the Office of Civil Rights, U.S. Department of Health and Human Services.

R495-881-8. Right to Request Privacy Protection.

(1) An individual may request restrictions on use and disclosure of protected health information as permitted in 45 CFR 164.522 by submitting a written request to the designated privacy officer for the covered entity.

(2) The decision whether to grant the request, documentation of any restrictions, alternate communication methods, and conditions on providing confidential communications shall be in accordance with 45 CFR 164.522.

R495-881-9. Individual Access to Protected Health Information.

(1) An individual may request access to protected health information as permitted in 45 CFR 164.524 by submitting a written request to the designated privacy officer for the covered entity.

(2) The right to access, decision whether to grant access, review of denials, timeliness of responses, form of access, time and manner of access, documentation and other required responses shall be in accordance with 45 CFR 164.524.

R495-881-10. Amendment of Protected Health Information.

(1) An individual may request amendment to protected health information about that individual that the individual believes is incorrect as permitted in 45 CFR 164.526 by submitting a written request to the designated privacy officer for the covered entity.

(2) The decision whether to grant the request, the time frames for action by the covered entity, amendment of the record, requirements for denial, and acting on notices of amendment from third parties shall be in accordance with 45 CFR 164.526.

R495-881-11. Accounting for Disclosures.

(1) An individual may request an accounting of disclosures of protected health information as permitted in 45 CFR 164.528 by submitting a written request to the designated privacy officer for the covered entity.

(2) The content of the accounting and the provision of the accounting, shall be in accordance with 45 CFR 164.528.

KEY: HIPAA, privacy, records**April 14, 2003****26-1-5****26-1-17**

End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1998).

Education, Administration

R277-469

Instructional Materials Commission Operating Procedures

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 26157
FILED: 04/04/2003, 10:32

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: Subsection 53A-1-401(3) allows the State Board of Education to make rules in accordance with its responsibilities, and Sections 53A-14-101 through 53A-14-106 direct the State Board of Education to appoint an Instructional Materials Commission to evaluate instructional materials for recommendation by the State Board of Education.

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 written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law requires the State Board of Education to appoint an Instructional Materials Commission to evaluate instructional materials for recommendation by the State Board of Education; a rule is necessary to establish clear operating procedures for the Instructional Materials Commission and so this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

EFFECTIVE: 04/04/2003



Natural Resources, Parks and Recreation

R651-227

Boating Safety Course Fees

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 26173
FILED: 04/15/2003, 12:08

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: Utah Code Annotated, Subsection 78-18-15(7)(a) states, "The division may collect a fee not to exceed \$12 from each person who takes the division's boating safety course to help defray the cost of the boating safety course."

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 written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to continue to offset expenses for education materials/certificates issued and time spent giving this important boating safety course to those who operate boats on waters within the State of Utah.

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:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-538-7378, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Mary Tullius, Deputy Director

EFFECTIVE: 04/15/2003



Natural Resources, Wildlife Resources

R657-3

Collection, Importation, Transportation and Possession of Zoological Animals

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 26167
FILED: 04/15/2003, 08:04

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: Under Sections 23-14-18 and 23-14-19, the Wildlife Board is authorized to govern the collection, importation, exportation, transportation, and possession of zoological animals and their parts. This governing protects the health, welfare and safety of the public, domestic animals, wild animals, and Utah's ecological systems.

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 Division of Wildlife Resources (DWR) and the Wildlife Board have received written comments that are generally supportive of the rule, with the exception of comments received opposing specific species classifications. DWR and the Wildlife Board have

received several verbal comments during public meetings, both in support and opposition to Rule R657-3. Verbal comment received during the last five-year review specifically regarded: 1) removing references to the Department of Agriculture and the Department of Health; 2) clarifying animal welfare requirements; 3) recommending that captive-bred animals be considered private property and that those animals may go to qualified heirs of the deceased person; 4) allowing for the collection of the Utah mountain kingsnake and the Utah milksnake; 5) further review and reconsideration of 17 native amphibian and reptile species classifications; 6) allowing a six-month period to obtain a Certificate of Registration (COR) if the classification of a species changes from noncontrolled to controlled or prohibited; and 7) reducing the restrictions on which species may be propagated and the number of CORs available for propagation. DWR has proposed to the Regional Advisory Councils and the Wildlife Board to remove the procedures, standards, and requirements for the collection, importation, transportation, and possession of amphibians and reptiles from Rule R657-3 and incorporate those provisions into a new rule due to the recommendations of the of the Reptile and Amphibian Negotiation Association (RANA), and the Administrative Rules Review Committee. Both written and verbal comments received opposing the rule are resolved using existing policies and procedures or the issue is placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the review process for taking public input. The public is welcome to view the Regional Advisory Council minutes, Wildlife Board minutes, and the administrative record for this rule at the Division of Wildlife Resources.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: First, Rule R657-3 provides the procedures, standards, and requirements for the collection, importation, exportation, transportation, and possession of zoological animals and their parts. Second, this rule provides the standards and procedures for the classification of zoological animals and their parts for the collection, importation, or possession of those zoological animals and their parts. And finally, this rule is provides the standards in evaluating applications for a Certificate of Registration (COR) that involve the collection, importation or possession of zoological animals. The provisions adopted in this rule are effective in governing these activities. Continuation of this rule is necessary for continued success of this program.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at debbiesundell@utah.gov

AUTHORIZED BY: Kevin Conway, Director

EFFECTIVE: 04/15/2003



Public Service Commission,
Administration
R746-331

Exemption of Mutually Owned Water
Companies from Commission
Regulation

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 26142
FILED: 04/02/2003, 13:37

**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 54-4-1 authorizes the Public Service Commission to supervise and regulate utilities, and Section 54-2-1 defines water corporation and water system. This rule establishes the Commission's guidelines for exemption from Commission jurisdiction and the procedure used for that determination.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments to this rule since it was enacted.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary that this rule be continued because it contains the guidelines for exemption from Commission jurisdiction and the procedure used for that determination.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

PUBLIC SERVICE COMMISSION
ADMINISTRATION
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:
Barbara Stroud at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at bstroud@utah.gov

AUTHORIZED BY: Barbara Stroud, Paralegal

EFFECTIVE: 04/02/2003



Public Service Commission,
Administration
R746-332

Depreciation Rates for Water Utilities

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 26143
FILED: 04/02/2003, 13:46

**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 54-4-24 gives the Public Service Commission the authority to require a utility to conform its depreciation accounts to the rates ascertained, determined, and fixed by the Commission.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments to this rule since the last five-year review in 1998.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to remain in effect to provide plant service life guidelines for those water utilities that cannot afford to perform depreciation studies on their own plant.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

PUBLIC SERVICE COMMISSION
ADMINISTRATION
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:
Barbara Stroud at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at bstroud@utah.gov

AUTHORIZED BY: Barbara Stroud, Paralegal

EFFECTIVE: 04/02/2003



Public Service Commission,
Administration
R746-342

Rule on One-Way Paging

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 26145

FILED: 04/02/2003, 13:57

**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: Subsection 63-46a-5(3) requires rulemaking when an agency issues a written interpretation of a state or federal legal mandate. This rule determines whether one-way paging is a utility service under Utah law and thus whether subject to Public Service Commission regulation.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments to this rule since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary that this rule be continued for the Commission to continue to comply with the Utah Supreme Court decision in *Williams v. Public Service Commission of Utah*, 720 P.2d 773 (Utah 1986).

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

PUBLIC SERVICE COMMISSION
ADMINISTRATION
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:
Barbara Stroud at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at bstroud@utah.gov

AUTHORIZED BY: Barbara Stroud, Paralegal

EFFECTIVE: 04/02/2003



Public Service Commission,
Administration
R746-402

Rules Governing Reports of Accidents
by Electric, Gas, Telephone, and Water
Utilities

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 26146

FILED: 04/02/2003, 14:05

**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 54-4-1 authorizes the Public Service Commission (PSC) to supervise and regulate utilities, and Section 54-4-14 authorizes the PSC to require utilities to perform specific acts intended to promote and safeguard the health and safety of employees, customers, and the public.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments to this rule since the last five-year review in 1998.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary that this rule be continued because accidents of major importance may have an impact on rates.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

PUBLIC SERVICE COMMISSION
ADMINISTRATION
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:
Barbara Stroud at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at bstroud@utah.gov

AUTHORIZED BY: Barbara Stroud, Paralegal

EFFECTIVE: 04/02/2003



Public Service Commission,
Administration
R746-405

Rules Governing the Filing of Tariffs for
Gas, Electric, Telephone, Water and
Heat Utilities

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 26147
FILED: 04/02/2003, 14:11

**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 54-4-1 authorizes the Public Service Commission to supervise and regulate utilities, and Section 54-3-2 requires the establishment of rules for the process, format, construction, and content of utility tariffs.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments to this rule since the last five-year review in 1998.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary that this rule be continued because it contains the process, format, construction, and content guidelines utility companies need when filing tariffs.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

PUBLIC SERVICE COMMISSION
ADMINISTRATION
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:

Barbara Stroud at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at bstroud@utah.gov

AUTHORIZED BY: Barbara Stroud, Paralegal

EFFECTIVE: 04/02/2003



Regents (Board Of), Administration
R765-555
Providing Facilities, Goods and
Services in Competition with Private
Enterprise

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 26141
FILED: 04/02/2003, 08:48

**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 establishes policy and guidelines on public colleges and universities providing facilities, goods and services in competition with the private sector per Utah Code Subsection 53B-7-101(9).

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 written comments have been received from interested persons since the last five-year review of this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Institutions continue to be expected to provide their campus communities with services necessary for the education of students or for the performance of basic research in accordance with their approved missions so this rule should be continued. No comments have been received in opposition to this rule.

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:

Don A. Carpenter at the above address, by phone at 801-321-7110, by FAX at 801-321-7199, or by Internet E-mail at dcarpenter@utahsbr.edu

AUTHORIZED BY: Cecelia H. Foxley, Commissioner

EFFECTIVE: 04/02/2003



NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment

CPR = Change in Proposed Rule

NEW = New Rule

R&R = Repeal and Reenact

REP = Repeal

No. 25976 (AMD): R414-52. Optometry Services.

Published: February 1, 2003

Effective: April 9, 2003

No. 25972 (AMD): R414-53. Eyeglasses Services.

Published: February 1, 2003

Effective: April 7, 2003

Commerce

Occupational and Professional Licensing

No. 25763 (AMD): R156-22. Professional Engineers and Professional Land Surveyors Licensing Act Rules.

Published: January 1, 2003

Effective: April 3, 2003

No. 26009 (AMD): R414-60. Medicaid Policy for Pharmacy Copayment Procedures.

Published: February 15, 2003

Effective: April 7, 2003

No. 25763 (CPR): R156-22. Professional Engineers and Professional Land Surveyors Licensing Act Rules.

Published: March 1, 2003

Effective: April 3, 2003

No. 25898 (AMD): R414-63. Medicaid Policy for Pharmacy Reimbursement.

Published: January 15, 2003

Effective: April 7, 2003

Human Services

Aging and Adult Services

No. 25557 (CPR): R510-401. Utah Caregiver Support Program.

Published: March 1, 2003

Effective: April 16, 2003

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 26008 (AMD): R414-10. Physician Services.

Published: February 15, 2003

Effective: April 7, 2003

Natural Resources

Wildlife Resources

No. 26056 (AMD): R657-33-6. Firearms and Archery Permits.

Published: March 15, 2003

Effective: April 15, 2003

No. 25973 (AMD): R414-21. Physical Therapy.

Published: February 1, 2003

Effective: April 7, 2003

End of the Notices of Rule Effective Dates Section

RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

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, 2003, including notices of effective date received through April 15, 2003, the effective dates of which are no later than May 1, 2003. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *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).

DAR NOTE: The index may contain inaccurate page number references. Also the index is incomplete in the sense that index entries for Changes in Proposed Rules (CPRs) are not preceded by entries for their parent Proposed Rules. These difficulties with the index are related to a new software package used by the Division to create the *Bulletin* and related publications; we hope to have them resolved as soon as possible. *Bulletin* issue information and effective date information presented in the index are, to the best of our knowledge, complete and accurate. If you have any questions regarding the index and the information it contains, please contact Nancy Lancaster (801 538-3218), Mike Broschinsky (801 538-3003), or Kenneth A. Hansen (801 538-3777).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.utah.gov/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Administrative Services					
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ABBREVIATIONS

AMD = Amendment
 CPR = Change in proposed rule
 EMR = Emergency rule (120 day)
 NEW = New rule
 5YR = Five-Year Review
 EXD = Expired
 NSC = Nonsubstantive rule change
 REP = Repeal
 R&R = Repeal and reenact
 * = Text too long to print in *Bulletin*, or repealed text not printed in *Bulletin*

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