

# UTAH STATE BULLETIN

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

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63-46a-10, *Utah Code Annotated* 1953.

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, 4120 State Office Building, Salt Lake City, Utah 84114, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.utah.gov/>

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)*. The *Digest* is available by E-mail or over the Internet. Visit <http://www.rules.utah.gov/publicat/digest.htm> for additional information.

Division of Administrative Rules, Salt Lake City 84114

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## EDITOR'S NOTES

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### NOTICE OF EXPIRATION OF RULE R652-140

Because a Five-Year Notice of Review and Statement of Continuation was not filed by the deadline for Rule R652-140, the rule has expired as of 01/23/2007 and was removed from the *Utah Administrative Code*. Because of filing deadlines, the formal notice will be published in the February 15, 2007, issue of the Bulletin.

*Any questions may be directed to: Nancy L. Lancaster, Publications Editor, Division of Administrative Rules, PO Box 141007, Salt Lake City UT 84114-1007; Phone: (801) 538-3218; FAX: (801) 538-1773; or E-mail: nllancaster@utah.gov.*

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### LEGISLATION AFFECTING ADMINISTRATIVE RULEMAKING

As of January 29, 2007, the following bills have been filed that affect administrative rules generally.

H.B. 64. Impact of Administrative Rules on Small Businesses. Rep. S. Clark.

Rep. S. Clark is sponsoring "Impact of Administrative Rules on Small Businesses." As introduced, this bill is identical to S.B. 157 (2006) and H.B. 209 (2005) as amended. The bill defines small business (employing fewer than 50 persons) and requires that agencies report anticipated cost or savings to small businesses and business in general as part of the rule analysis.

At the Division of Administrative Rules' request, Rep. Clark moved an amendment with two changes on the House floor. The first, affecting line 122, replaced "other persons" in existing language with "persons other than small businesses, businesses, and local governments". This is intended to clarify that agencies do not have to address these areas twice on the rule analysis form.

The second change added an effective date to the bill of July 1, 2007. This is intended to give the Division some additional time in implementing the provisions of the bill.

Additionally, Rep. R. Becker made a floor amendment to change line 121 removing "business in general" from the items on which agencies needed to comment separately. The amendment passed.

The bill passed the House and is now in the Senate for consideration. More information about H.B. 64 is available at: <http://www.le.state.ut.us/~2007/htmdoc/hbillhtm/hb0064.htm>.

H.B. 327 State Agency Timely Adoption of Administrative Rules. Rep. D. Clark.

This bill amends Section 63-46a-4 of the Utah Administrative Rulemaking Act. It requires an agency to file an administrative rule mandated by legislation within 180 days of the legislation's effective date. If the agency does not file the rule with the Division of Administrative Rules within 180 days, the agency is required to appear before the Legislature's Administrative Rules Review Committee (ARRC) and provide a reason for the delay. More information about H.B. 327 is available at: <http://www.le.state.ut.us/~2007/htmdoc/hbillhtm/hb0327.htm>.

S.B. 32. Filings of Administrative Rules, Orders, and Regulations. Sen. H. Stephenson.

This bill, an Administrative Rules Review Committee bill, amends Section 63-5a-7 changing the location at which an order, rule, or regulation must be filed for those documents to have effect during an emergency. The current law requires that these documents be filed with the Division of Archives. The bill changes the filing venue to the Division of Administrative Rules. This bill makes Section 63-5a-7 consistent with changes made to the Utah Administrative Rulemaking Act in 1987. The Division of Administrative Rules requested this bill after consultation with the Department of Public Safety. More information about S.B. 32 is available at: <http://www.le.state.ut.us/~2007/htmdoc/sbillhtm/sb0032.htm>.

## EDITOR'S NOTES

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S.B. 122. Administrative Rules Reauthorization. Sen. H. Stephenson.

S.B. 122 is the Administrative Rules Review Committee's annual bill required by Section 63-46a-11.5. The bill, as introduced, reauthorizes all administrative rules. More information about S.B. 122 is available at: <http://www.le.state.ut.us/~2007/htmdoc/sbillhtm/sb0122.htm>.

S.B. 138. Administrative Rule Criminal Penalty Amendments. Sen. H. Stephenson.

The "Administrative Rule Criminal Penalty Amendments" bill is substantially similar to Substitute H.B. 317 (2006). The bill amends sections throughout the Utah Code that currently prescribe a criminal penalty for the violation of a rule. The bill affects the following sections: Sections 4-38-7, 9-4-612, 32A-12-104, 40-6-12, 40-8-9, 41-3-210, 41-3-701, 41-3-702, 41-6a-1115, 51-7-22.4, 53-7-226, 59-14-212, 63C-9-301, 65A-3-1, 76-10-1233, and 76-10-1234. More information about S.B. 138 is available at: <http://www.le.state.ut.us/~2007/htmdoc/sbillhtm/sb0138.htm>.

*Questions about these bills may be directed to Ken Hansen (801-538-3777).*

**End of the Editor's Notes Section**

## NOTICES OF PROPOSED RULES

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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 January 3, 2007, 12:00 a.m., and January 16, 2007, 11:59 p.m. are included in this, the February 1, 2007, 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 between paragraphs (. . . . .) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not printed. 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 March 5, 2007. 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 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 June 1, 2007, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE 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 Section 63-46a-4; and Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

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**The Proposed Rules Begin on the Following Page.**

Commerce, Consumer Protection  
**R152-20-2**  
 Definitions

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 29412

FILED: 01/12/2007, 15:33

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During its five-year review of the New Motor Vehicle Warranties Rule, the Division determined it was necessary to clarify Section R152-20-2. The proposed amendment adds references to the statute which contains the language the definition seeks to clarify.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment adds a reference to the statute which contains the language the definition seeks to clarify.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 63-46a-3, 13-2-5, and 13-20-1

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: This rule change adds clarifying language; therefore there are no anticipated costs or savings to the state budget.
- ❖ LOCAL GOVERNMENTS: This rule change adds clarifying language; therefore there are no anticipated costs or savings to local governments.
- ❖ OTHER PERSONS: This rule change adds clarifying language; therefore there are no anticipated costs or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change adds clarifying language; therefore there are no compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact to businesses is anticipated as a result of this rule filing which contains clarifying amendments. Francine Giani, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

COMMERCE  
 CONSUMER PROTECTION  
 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:

Thomas Copeland at the above address, by phone at 801-530-6601, by FAX at 801-530-6001, or by Internet E-mail at [tcopeland@utah.gov](mailto:tcopeland@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 03/05/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 03/12/2007

AUTHORIZED BY: Kevin V Olsen, Director

**R152. Commerce, Consumer Protection.**  
**R152-20. New Motor Vehicle Warranties.**  
**R152-20-2. Definitions.**

A. For purposes of determining whether a nonconformity has been subject to repair the required number of times, an "attempt" to repair, as used in Section 13-20-4 or 13-20-5, means that the vehicle is or has been presented to the manufacturer or its agent for the same nonconformity.

B. "Collateral charges" as used in Section 13-20-4 includes, but is not limited to:

1. Sales taxes
2. Document preparation fees
3. The cost of additional warranties or extended warranties, if included in the purchase price

C. "Comparable new motor vehicle" as used in Section 13-20-4 means:

1. A motor vehicle that is determined by the division to be identical to, or reasonably equivalent to, the nonconforming vehicle had it conformed to all applicable express warranties. A comparable new motor vehicle includes any service contracts, contract options, and factory or dealer installed options that were originally included in the sale of the nonconforming vehicle; or

2. A vehicle with an equivalent retail value including any service contracts, and factory or dealer installed options that were originally included with the nonconforming vehicle, if the consumer consents to a different make or model.

D. "New motor vehicle" as used in Section 13-20-4 means a motor vehicle which has never been titled or registered and has been driven fewer than 7,500 miles.

E. "Nonconforming vehicle" as used in Section 13-20-4 means a motor vehicle that does not meet all express warranties provided in the sales agreement or contract.

F. "Purchase price" as used in Section 13-20-4 means the actual amount paid for the vehicle. "Purchase price" includes taxes, licensing fees, and additional warranty fees, but does not include collateral charges.

G. "Reasonable allowance" as used in Section 13-20-4 for mileage means the dollar value based on the prescribed deduction per mile. The cap on a reasonable allowance shall be calculated as the purchase price divided by 100,000, but shall not in any case be less than ten (10) cents per mile nor more than twenty-one (21) cents per mile. The consumer shall not be liable for mileage on the vehicle at the time of delivery, nor for mileage during the time the vehicle was being repaired.

**KEY: automobiles, automobile repair, consumer protection, motor vehicles**

**Date of Enactment or Last Substantive Amendment: ~~1994~~2007**

**Notice of Continuation: June 3, 2002**

**Authorizing, and Implemented or Interpreted Law: 63-46a-3; 13-2-5; 13-20-1**

◆ ————— ◆

## Commerce, Consumer Protection **R152-42** Uniform Debt-Management Services Act Rules

### NOTICE OF PROPOSED RULE (New Rule)

DAR FILE No.: 29413  
FILED: 01/12/2007, 15:37

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** During the 2006 General Session, the Utah State Legislature passed S.B. 79, enacting the Uniform Debt-Management Services Act, which becomes effective on 07/01/2007. It is necessary for the Division of Consumer Protection to enact this rule to administer the Uniform Debt-Management Services Act. (DAR NOTE: S.B. 79 (2006) is found at Chapter 154, Laws of Utah 2006, and will be effective 07/01/2007.)

**SUMMARY OF THE RULE OR CHANGE:** This rule is necessary for the administration of the Uniform Debt-Management Services Act, Title 13, Chapter 42. The rule sets out the requirements of initial and renewal applications for registration as a provider of debt-management services. The rule establishes the procedure for how providers of debt-management services who are licensed to provide debt-management services in another state may submit that license and registration in this state, rather than the application form required by the Uniform Debt-Management Services Act. The rule sets out how to comply with the accreditation and certification requirements established by the Uniform Debt-Management Services Act. The rule also establishes 2007 as a base year for determining certain dollar amounts set out in the Act.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsections 13-42-102(9)(c), 13-42-112(2), 13-42-132(3), and 13-42-132(6)

**ANTICIPATED COST OR SAVINGS TO:**

- ❖ **THE STATE BUDGET:** The rule presents no anticipated costs or savings to the state budget other than those anticipated by S.B. 79 (2006).
- ❖ **LOCAL GOVERNMENTS:** This rule has no impact on local governments because local governments neither regulate debt-management services nor provide those services; therefore, there are no anticipated costs or savings to local governments.
- ❖ **OTHER PERSONS:** Providers of debt-management services will face certain costs in complying with the provisions of the Uniform Debt-Management Services Act and this rule. These

costs include costs associated with obtaining the surety bond or substitute, cost associated with obtaining the insurance required by the Uniform Debt-Management Services Act, and costs associated with complying with the accreditation and certification requirements set out in the Act.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Providers of debt-management services will face certain costs in complying with the provisions of the Uniform Debt-Management Services Act and this rule. These costs include costs associated with obtaining the surety bond or substitute, cost associated with obtaining the insurance required by the Uniform Debt-Management Services Act, and costs associated with complying with the accreditation and certification requirements set out in the Act.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** No fiscal impact to businesses is anticipated as a result of this rule filing beyond those already anticipated by passage of S.B. 79 (2006). Francine Giani, Executive Director

**THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:**

COMMERCE  
CONSUMER PROTECTION  
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:**  
Thomas Copeland at the above address, by phone at 801-530-6601, by FAX at 801-530-6001, or by Internet E-mail at [tcopeland@utah.gov](mailto:tcopeland@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 03/05/2007.**

**THIS RULE MAY BECOME EFFECTIVE ON: 03/12/2007**

**AUTHORIZED BY: Kevin V Olsen, Director**

**R152. Commerce, Consumer Protection.**  
**R152-42. Uniform Debt-Management Services Act Rules.**  
**R152-42-1. Authority, Purpose and Definitions.**

These rules are promulgated under Utah Code Section 13-42-102(9)(c), 13-42-112(2), 13-42-132(3), and 13-42-132(6) to facilitate the orderly administration of the Uniform Debt-Management Services Act, Utah Code Title 13, Chapter 42.

**R152-42-2. Application for Registration.**

In addition to the requirements contained in Sections 13-42-105 and 13-42-106, applicants shall submit to the division with their initial application a copy of the applicant's articles of incorporation or other organizational documentation showing the applicant's current legal status.

**R152-42-3. Registration in Another State.**

(1) If a provider holds a license or certificate of registration authorizing it to provide debt-management services in another state, the provider may submit a copy of that license or certificate and the application for that license or certificate, instead of an application in the form prescribed by the Uniform Debt-Management Services Act, Utah Code Title 13, Chapter 42, provided that the license or certificate was issued by one of the following states:

(a) Rhode Island, pursuant to Rhode Island General Laws, Title 19, Chapter 14.8;

(b) Delaware, pursuant to Delaware Code Annotated, Title 6, Chapter 24A; or

(c) any state approved by the Division by rule.

(2) To qualify under this rule, the provider must meet all the requirements of Utah Code Section 13-42-112, including filing a surety bond or substitute in accordance with Utah Code Section 13-42-113 or 13-42-114 that is solely payable or available to this state and to individuals who reside in this state.

**R152-42-4. Independent Accrediting Organizations.**

In order to comply with requirements of Utah Code Section 13-42-106(8) a provider must:

(1) be a member of the National Foundation for Credit Counseling;

(2) be a member of the Association of Independent Consumer Credit Counseling Agencies;

(3) be accredited by the Council on Accreditation;

(4) be certified meeting the International Organization for Standardization 9001:2000 standards; or

(5) be accredited by an accrediting body approved by the Division by rule.

**R152-42-5. Certification of Counselors.**

In order to comply with the requirements of Utah Code Section 13-42-106(9), a provider must:

(1) be a member of the National Foundation for Credit Counseling;

(2) be a member of the Association of Independent Consumer Credit Counseling Agencies;

(3) be approved by the United States Trustees to provide credit counseling pursuant to 11 U.S.C. 111; or

(4) show that each provider's credit counselors are certified by one of the following organizations:

(a) the Association of Financial Counseling and Planning Education;

(b) the National Association of Certified Credit Counselors; or

(c) any other organization approved by the Division by rule.

**R152-42-6. Adoption of Base Year.**

Pursuant to Utah Code Section 13-42-132(6), the Division adopts a base year of 2007.

**KEY: debt-management, consumer protection**

**Date of Enactment or Last Substantive Amendment: 2007**

**Authorizing, and Implemented or Interpreted Law: 13-42-102(9)(c); 13-42-112(2); 13-42-132(3); 13-42-132(6)**

◆ ————— ◆

## Commerce, Occupational and Professional Licensing **R156-9-302a** Qualifications for Licensure - Examination Requirements

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 29391

FILED: 01/04/2007, 09:45

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The Division has been evaluating the need for each profession's law/rule examination and has determined that the law/rule examinations for applicants for licensure as either a funeral service director, funeral service apprentice, or preneed funeral arrangement sales agent can be deleted with no negative impact on the profession.

**SUMMARY OF THE RULE OR CHANGE:** In Section R156-9-302a, this amendment deletes the reference to the Utah law and rules and ethics examination for funeral service.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 58-9-504 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 of approximately \$75 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 amendments do not apply to local governments; therefore, no costs or savings are anticipated. Proposed amendments only apply to applicants for licensure as either a funeral service director, funeral service apprentice, or preneed funeral arrangement sales agent.

❖ **OTHER PERSONS:** The proposed amendments only apply to applicants for licensure as either a funeral service director, funeral service apprentice, or preneed funeral arrangement sales agent. Those applicants for licensure will see a savings of \$65 (funeral service director/funeral apprentice) or \$60 (preneed funeral arrangement sales agent) in that they will no longer be required to take the Utah law and rules and ethics examination. The Division estimates approximately 24 new funeral service directors/funeral apprentices are licensed on a yearly basis, thus resulting in an aggregate savings of \$1,560.

The Division estimates approximately 27 new preneed funeral arrangement sales agents are licensed on a yearly basis, thus resulting in an aggregate savings of \$1,620. It should be noted however that any testing agency which the Division has contracted with to give the law/rule examination will see a decrease in the examination fees noted above.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments only apply to applicants for licensure as either a funeral service director, funeral apprentice, or preneed funeral arrangement sales agent. Those applicants for licensure will see a savings of \$65 (funeral service director/funeral apprentice) or \$60 (preneed funeral arrangement sales agent) in that they will no longer be required to take the Utah law and rules and ethics examination. It should be noted however that any testing agency which the Division has contracted with to give the law/rule examination will see a decrease in the examination fees noted above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The regulated industry will experience a cost-savings as a result of the elimination of the Utah Law and Rule examination. No further fiscal impact to businesses is anticipated. Francine A. Giani, 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:

Noel Taxin at the above address, by phone at 801-530-6621, by FAX at 801-530-6511, or by Internet E-mail at [ntaxin@utah.gov](mailto:ntaxin@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 03/05/2007

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 2/15/2007 at 9:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 475 (fourth floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 03/13/2007

AUTHORIZED BY: F. David Stanley, Director

**R156. Commerce, Occupational and Professional Licensing.**  
**R156-9. Funeral Service Licensing Act Rules.**  
**R156-9-302a. Qualifications for Licensure - Examination Requirements.**

In accordance with Subsections 58-1-203(7) and 58-1-301(3), the qualifications for licensure in Subsections 58-9-302(1)(g), 58-9-302(2)(e), 58-9-302(5)(e) and 58-9-306(2)(d) and (e) are defined, clarified, or established as follows:

(1) An applicant for licensure as a funeral service director shall be required to pass the funeral service examination of the Conference of Funeral Service Examining Board. The examination may be taken while the individual is enrolled in an approved funeral service school. [

~~—(2) All applicants for licensure as a funeral service director, funeral service apprentice and preneed funeral arrangement sales agent shall be required to pass the Utah law and rules and ethics examination.]~~

**KEY: funeral industries, licensing, funeral services, preneed**  
**Date of Enactment or Last Substantive Amendment:**  
~~[September 4, 2003]~~2007

**Notice of Continuation: October 31, 2006**

**Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-9-504**

◆ ————— ◆  
**Commerce, Occupational and  
Professional Licensing**

**R156-56**

**Utah Uniform Building Standard Act  
Rules**

**NOTICE OF PROPOSED RULE**

(Amendment)  
DAR FILE No.: 29393  
FILED: 01/08/2007, 10:16

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the Division's recent codes update cycle in 2006, the 1994 American National Standards Institute (ANSI) 225.1, Manufactured Home Installations Standard, was replaced by the 2005 National Fire Protection Association (NFPA) 225 Model Manufactured Home Installation Standard; and the 2006 International Residential Code Appendix E Manufactured Home Installation Standard. The current installation standard fails to address requirements for mobile homes that were manufactured prior to 1976. These standards were included in Annex E of the 1994 ANSI 225.1 standard which is no longer published. These proposed amendments are adopting the text of Annex E of the 1994 ANSI 225.1 standard that is no longer published. Although the proposed amendments only apply to mobile homes manufactured prior to 1976, they are still needed because these mobile homes can be relocated or rehabilitated. If such a relocation or rehabilitation is implemented, the minimum health and safety requirements of these amendments need to be provided for in such manufactured/mobile homes. The proposed amendments are not needed for manufactured homes built after 1976 because those homes would have been manufactured to meet minimum standards under federal laws that became effective in 1976. Those federal standards included these minimum safety standards.

SUMMARY OF THE RULE OR CHANGE: In Section R156-56-701, amendments are proposed to update manufactured/mobile home safety standards. Section R156-56-714 is being added to provide installation and safety requirements for mobile homes built prior to 06/15/1976.

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: The Division anticipates no costs or savings associated with this rule amendment to the state budget. The proposed amendments do not enact any requirements that are applicable to state facilities.

❖ LOCAL GOVERNMENTS: The Division anticipates no costs or savings associated with this rule amendment to local governments. The proposed amendments do not enact any requirements that are applicable to local governments.

❖ OTHER PERSONS: Costs relating to these proposed amendments to manufactured/mobile home owners would depend upon the condition of the manufactured/mobile home being relocated or rehabilitated. It is impossible for the Division to estimate the cost of implementation of these requirements. It is quite likely that owners of existing mobile homes that are subject to these requirements may have already voluntarily provided for many of the minimum life safety requirements included in the amendments. It is also impossible to determine the number of such mobile homes that will be relocated or rehabilitated. However, it is critical to assure that these types of homes meet minimum safety requirements. The cost of implementation is certainly justified in light of the potential for serious injury or death that could result from failure to meet these minimum safety requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Costs relating to these proposed amendments to manufactured/mobile home owners would depend upon the condition of the manufactured/mobile home being relocated or rehabilitated. It is impossible for the Division to estimate the cost of implementation of these requirements. It is quite likely that owners of existing mobile homes that are subject to these requirements may have already voluntarily provided for many of the minimum life safety requirements included in the amendments. It is also impossible to determine the number of such mobile homes that will be relocated or rehabilitated. However, it is critical to assure that these types of homes meet minimum safety requirements. The cost of implementation is certainly justified in light of the potential for serious injury or death that could result from failure to meet these minimum safety requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In addition to technical clarifying amendments, this rule filing replaces the minimum safety standards for mobile homes built prior to 1976 which had been inadvertently removed in a recent rule revision that adopted the current editions of national codes. Because the safety standards have always been part of the Uniform Building Standard Act Rules and because the other amendments are for clarification purposes, no fiscal impact to businesses is anticipated from this rule filing. Francine A. Gian, 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 dansjones@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 03/05/2007

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 2/06/2007 at 1:00 PM, Heber Wells Bldg, 160 E 300 S, Conference Room 475 (fourth floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 03/13/2007

AUTHORIZED BY: F. David Stanley, Director

**R156. Commerce, Occupational and Professional Licensing.  
R156-56. Utah Uniform Building Standard Act Rules.  
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, which codes together with any amendments specified under these rules, are 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 2006 edition of the International Building Code (IBC), including Appendix J promulgated by the International Code Council shall become effective on January 1, 2007;

(b) the 2005 edition of the National Electrical Code (NEC) promulgated by the National Fire Protection Association, to become effective January 1, 2006;

(c) the 2006 edition of the International Plumbing Code (IPC) promulgated by the International Code Council shall become effective on January 1, 2007;

(d) the 2006 edition of the International Mechanical Code (IMC) promulgated by the International Code Council shall become effective on January 1, 2007;

(e) the 2006 edition of the International Residential Code (IRC) promulgated by the International Code Council shall become effective on January 1, 2007;

(f) the 2006 edition of the International Energy Conservation Code (IECC) promulgated by the International Code Council shall become effective on January 1, 2007;

(g) the 2006 edition of the International Fuel Gas Code (IFGC) promulgated by the International Code Council shall become effective on January 1, 2007;

(h) 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;

(i) subject to the provisions of Subsection (4), Appendix E of the 2006 edition of the International Residential Code promulgated by the International Code Council shall become effective on January 1, 2007; and

(j) subject to the provisions of Subsection (4), the 2005 edition of the NFPA 225 Model Manufactured Home Installation Standard promulgated by the National Fire Protection Association shall become effective January 1, 2007.

(2) In accordance with Subsection 58-56-4(4), and subject to the limitations contained in Subsection 58-56-4(5), the following codes or standards 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, seismic evaluation and rehabilitation in the state:

(a) the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings (UCADB) promulgated by the International Code Council;

(b) the 2006 edition of the International Existing Building Code (IEBC), including its appendix chapters, promulgated by the International Code Council;

(c) ASCE 31-03, Seismic Evaluation of Existing Buildings, promulgated by the American Society of Civil Engineers;

(d) Pre-standard and Commentary for the Seismic Rehabilitation of Buildings (FEMA 356) published by the Federal Emergency Management Agency (November 2000).

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

(4) In accordance with Subsection 58-56-4(2), the following ~~is~~ are hereby adopted as the installation standard for manufactured housing for new installations or for existing manufactured or mobile homes which are subject to relocation, building alteration, remodeling or rehabilitation in the state:

(a) The manufacturer's installation instruction for the model being installed shall be the primary standard.~~;~~

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

~~((b)i)~~ Appendix E of the 2006 edition of the International Residential Code as promulgated by the International Code Council Appendix E for installations defined in Section AE101~~is adopted as the installation standard for manufactured housing as defined in Section AE101]; or~~

~~((e)ii)~~ If an installation is beyond the scope of the 2006 edition of the International Residential Code Appendix E as defined in Section AE101, [as provided in Subsection R156-56-701(4)(b),] then the 2005 edition of the NFPA 225 Model Manufactured Home Installation Standard promulgated by the National Fire Protection Association~~shall apply as the adopted installation standard];~~

~~((d)c)~~ 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 Appendix E of the 2006 edition of the International Residential Code, or the 2005 edition of the NFPA 225, provided the design is approved in writing by a professional engineer or architect licensed in Utah.~~;~~~~and]~~

(d) For mobile homes built prior to June 15, 1976, the home shall also comply with the additional installation and safety requirements specified in Section R156-56-714.

~~[(e) Guidelines for Manufactured Housing Installation as promulgated by the International 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 53-7-106 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.

**R156-56-714. Installation and Safety Requirements for Mobile Homes Built Prior to June 15, 1976.**

(1) Mobile homes built prior to June 15, 1976 which are subject to relocation, building alteration, remodeling or rehabilitation shall comply with the following:

(a) Exits and egress windows

(i) Egress windows. The home has at least one egress window in each bedroom, or a window that meets the minimum specifications of the U.S. Department of Housing and Urban Development's (HUD) Manufactured Homes Construction and Safety Standards (MHCSS) program as set forth in 24 C.F.R. Parts

3280, 3283 and 3283, MHCSS 3280.106 and 3280.404 for manufactured homes. These standards require the window to be at least 22 inches in the horizontal or vertical position in its least dimension and at least five square feet in area. The bottom of the window opening shall be no more than 36 inches above the floor, and the locks and latches and any window screen or storm window devices that need to be operated to permit exiting shall not be located more than 54 inches above the finished floor.

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

(b) Flame spread

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

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

(c) Smoke detectors

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

(ii) Switches and electrical connections. Smoke detectors shall have no switches in the circuit to the detector between the over-current protection device protecting the branch circuit and the

detector. The detector shall be attached to an electrical outlet box and connected by a permanent wiring method to a general electrical circuit. The detector shall not be placed on the same branch circuit or any circuit protected by a ground-fault circuit interrupter.

(d) Solid-fuel-burning stoves/fireplaces

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

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

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

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

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

(e) Electrical wiring systems

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

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

(f) Replacement furnaces and water heaters

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

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

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

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

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

**KEY: contractors, building codes, building inspection, licensing**  
**Date of Enactment or Last Substantive Amendment: ~~January 4,~~ 2007**

**Notice of Continuation: May 16, 2002**

**Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-56-1; 58-56-4(2); 58-56-6(2)(a); 58-56-18**



**Health, Health Systems Improvement,  
 Emergency Medical Services  
 R426-16  
 Emergency Medical Services Maximum  
 Ambulance Transportation Rates and  
 Charges**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 29392

FILED: 01/04/2007, 13:48

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 221, 2006 Legislative Session, requires the Bureau of Emergency Medical Services (EMS) to clarify current language in this rule and redefine nontransportation rates. Additional changes address the issue of fluctuating fuel costs through a fuel fluctuation surcharge, and to update the stated rate, charges, and fees to reflect the current amounts previously established according to statute and rule by Department order. (DAR NOTE: H.B. 221 is found at Chapter 221, Laws of Utah 2006, and was effective 05/01/2006.)

SUMMARY OF THE RULE OR CHANGE: The amendments provide that an ambulance service may not charge a transport fee if the patient is not transported. The dollar amount of the rates, charges, and fees have been updated to reflect the current rates as established by prior order. A fuel fluctuation surcharge has been added with provisions governing when the rate becomes effective or is discontinued. The term "Non Transport" has been changed to "Treat and Release". A

definition of the new term and establishment of the rate and allowable charges have been added. The rule title has been changed to more accurately reflect the contents of the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8a

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The changes to this rule do not affect the state budget. There are no new state costs or requirements created by the changes. There will be no costs or savings generated by these changes because the state does not pay or collect any of the fees that are adjusted by this rule.

❖ LOCAL GOVERNMENTS: The changes to this rule will have minimal impact on local governments. The only new costs created by the changes would be the cost of generating new billing forms or changes in billing software language. There are no decreases in fees and rates that have not been offset by surcharges and other rate inclusions. There will be no savings generated by these changes.

❖ OTHER PERSONS: The changes to this rule will have minimal impact on other persons. The only new costs created by the changes would be the cost of generating new billing forms or changes in billing software language. There are no new costs created by the changes. There are no decreases in fees and rates that have not been offset by surcharges and other rate inclusions. There will be no savings generated by these changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Bureau estimates that the compliance costs will be minimal and limited to language changes to billing forms or software programs. There are no new costs created by the changes. There are no decreases in fees and rates that have not been offset by surcharges and other rate inclusions. There will be no savings generated by these changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Although upon initial reading of the changes proposed in this rule, it would be easy to mistakenly assume that significant increases to ambulance rates are being authorized, in reality the rule is just being updated to reflect the annual increases authorized by Subsection R426-16-2(2). A new provision is being added to recognize the recent experience with significant fluctuations in the cost of fuel. If recent moderating trends in fuel costs reverse, this could impact users of ambulance services, but will protect regulated businesses from being unable to recover the cost of these increases in fuel costs. This rule change should be positive for business. David N. Sundwall, MD, Executive Director

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 03/05/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 03/12/2007

AUTHORIZED BY: David N. Sundwall, 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~~15 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.

(c) An agency may not charge a transportation fee for patients who are not transported.

(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, a]~~ 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 ~~[a]~~ Ambulance - ~~[\$235.68]~~400.40 per transport.

(b) Intermediate ~~[a]~~ Ambulance - ~~[\$279.88]~~475.40 per transport.

(c) Paramedic Ambulance ~~[Transfer Service inter facility transports, and Paramedic Ambulance transports that provide basic life support]-~~ ~~[\$353.54]~~600.50 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.](i) A basic ambulance licensee may charge a base rate of \$720.65 per transport and an intermediate ambulance licensee may charge a base rate of \$795.70 per transport if:~~

~~\_\_\_\_\_ (A) a dispatch agency dispatches a paramedic licensee to treat the individual;~~

~~\_\_\_\_\_ (B) the paramedic licensee has initiated advanced life support;~~

~~\_\_\_\_\_ (C) on-line medical control directs that a paramedic remain with the patient during transport; and~~

~~\_\_\_\_\_ (D) the ambulance provider pays \$210.95 to the paramedic licensee.~~

~~\_\_\_\_\_ (ii) An ~~[y]~~ 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]~~210.95 per transport.~~

(4) Mileage Rates

~~\_\_\_\_\_ (a) ~~[\$140.32]~~31.40 per mile or fraction thereof. ~~[In all cases mileage shall be computed from the point of pickup to the point of delivery.]~~~~

~~\_\_\_\_\_ (b) In all cases mileage shall be computed from the point of pickup to the point of delivery.~~

~~\_\_\_\_\_ (c) A fuel fluctuation surcharge of \$0.25 per mile may be added when fuel prices are more than \$0.31 per gallon above the price of record, as established by the Department, on the immediately prior July 1 of each year. The Department will notify all agencies when this surcharge is available.~~

(5) Surcharges -

(a) A surcharge of ~~[\$23.38]~~39.75 ~~[per transport]~~ may be assessed ~~[for emergency responses]~~ if the response requires the use of emergency lights and siren.

(b) A surcharge of ~~[\$23.38]~~39.75 ~~[per transport]~~ may be assessed for ambulance service between the hours of 8:00 p.m. and 8:00 a.m.

(c) ~~[Where]~~ If the ambulance is required to travel for ten miles or more on unpaved roads, a surcharge of ~~[\$19.48]~~1.50 per mile ~~[per transport]~~ may be assessed.

(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]~~22.05 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]~~22.05 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.]~~ Treat and Release Rate -

(a) An ambulance licensee may charge a treat and release fee of \$200.00 if:

(i) a dispatch agency dispatches the ambulance to provide emergency care to an individual;

~~(ii) the ambulance personnel assesses or treats the individual;~~  
~~(iii) the individual does not refuse service; and~~  
~~(iv) the ambulance does not transport the individual.~~  
 (b) ~~An ambulance licensee may charge for supplies and assess surcharges as provided R426-16-2(5) and R426-16-2(8).~~

(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.

#### ~~R426-16-3. Paramedic Fees and Charges.~~

~~A resource hospital may recover the cost, through the patient billing process for supplies and drugs administered by the Paramedic to patients, if the supplies or drugs were subsequently replaced by the hospital as outlined in the Emergency Medical Services Operational Standards.~~

#### ~~R426-16-4. Penalty for Violation of Rule.~~

Any person who violates any provision of this rule may be assessed a penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6.

**KEY: emergency medical services**

**Date of Enactment or Last Substantive Amendment: ~~October 4, 1999~~ 2007**

**Notice of Continuation: October 1, 2004**

**Authorizing, and Implemented or Interpreted Law: 26-8a**



## Insurance, Administration **R590-239** Exemption of Student Health Centers From Insurance Code

### NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 29419

FILED: 01/16/2007, 12:07

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this proposed new rule is to exempt student health centers established by institutions of higher education from regulation under the Utah Insurance Code.

**SUMMARY OF THE RULE OR CHANGE:** This rule exempts student health centers established by institutions of higher education from regulation under the Utah Insurance Code if they meet the exemption requirements set by the rule. In addition, the rule sets forth the facts and findings leading to the promulgation of the rule.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Sections 31A-1-103 and 31A-2-201

**ANTICIPATED COST OR SAVINGS TO:**

❖ **THE STATE BUDGET:** Student health centers will not be required to make any filings with or pay any fees to the department, therefore, they will have no impact on the work or revenue of the department or general fund.

❖ **LOCAL GOVERNMENTS:** This rule will have no effect on local governments since it relates only to the department's authority over those who are under their regulatory control selling insurance.

❖ **OTHER PERSONS:** This rule will have no impact on student health centers. After careful review by the department, it was determined that these centers were limited health plans, which are normally regulated by the department. However, in this case, the department determined they should be excluded from regulation since there is no indication the centers were ever intended to be regulated under the insurance code.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** This rule will have no impact on student health centers. After careful review by the department, it was determined that these centers were limited health plans, which are normally regulated by the department. However, in this case, the department

determined they should be excluded from regulation since there is no indication the centers were ever intended to be regulated under the insurance code.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have no fiscal impact on Utah businesses. D. Kent Michie, Commissioner

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](mailto: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 03/05/2007

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 3/01/2007 at 2:00 AM, State Office Building (behind the Capitol), Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 03/12/2007

AUTHORIZED BY: Jilene Whitby, Information Specialist

## **R590. Insurance, Administration.**

### **R590-239. Exemption of Student Health Centers From Insurance Code.**

#### **R590-239-1. Authority.**

This rule is promulgated and adopted pursuant to Subsection 31A-1-103(3)(d) and Section 31A-2-201.

#### **R590-239-2. Purpose and Scope.**

(1) The purpose of this rule is to exempt student health centers established by institutions of higher education from regulation under the Utah Insurance Code.

(2) Health insurance from an insurer made available by an institution to its students is not exempt from provisions of the Utah Insurance Code under this rule, even if use of the institution's student health center is an integral part of the health care coverage under the insurer's policy.

#### **R590-239-3. Definitions.**

(1) All definitions in Section 31A-1-301 are incorporated by reference.

(2) "Board" means the State Board of Regents established in Section 53B-1-103.

(3) "Eligible recipient" means:

(a) an eligible student;

(b) a spouse of an eligible student;

(c) a child of, dependent of, or child placed for adoption with, an eligible student;

(d) the institution's officers, faculty, and employees; or

(e) upon application by the institution or the institution's student health center, other persons approved by written order of the commissioner.

(4) "Eligible student" is as defined by each institution, but shall, at a minimum, require that the student be enrolled with the institution.

(5) "Health care provider" means a person who provides health care services.

(6) "Health care services" means "health care," as defined in Section 31A-1-301.

(7) "Institution" means an institution of higher education or postsecondary educational institute that consists of the following:

(a) an institution described in Section 53B-1-102; or

(b) an institution of high education that has been accredited by the Northwest Commission on Colleges and Universities.

(8) "Student health center" means a facility that is operated to provide health care services to eligible recipients:

(a) by that institution or pursuant to contract with that institution;

(b) that employs health care providers, or contracts with health care providers, which may make referrals to other health care providers;

(c) is funded, at least in part, by payment from one of the following sources, which payment grants access to the student health center during the period of time for which the eligible student is registered:

(i) a fee assessed to and paid by each eligible student at registration, which; or

(ii) the tuition paid by the eligible student;

(d) may accept insurance payments, or assist users in completing claims forms for insurance claims; and

(e) may require eligible recipients to pay;

(i) an additional fee for each time the student health center is visited;

(ii) an additional fee for specialty services;

(iii) an additional fee for medical equipment; or

(iv) an additional fee for medication received at the student health center.

(9) "Utah Insurance Code" means Title 31A, Utah Code Annotated.

#### **R590-239-4. Supporting Facts.**

(1) Many institutions of higher education establish student health centers to provide for limited health care needs to eligible recipients. A student health center arranges for health care services to be provided by employing health care providers at the student health center, or by contracting with health care providers to provide health care services at the student health center or other facilities, which are usually located in close proximity to the institution's campus. The student health center may also contract with specialists to come to the student health center on a periodic basis, or to provide services off-campus when the student health center provides a referral to that specialist.

(2) The operation of the student health center is paid at least in part either out of funds generated by the tuition of eligible students or from a fee for that express purpose that each eligible student is required to pay at the beginning of the quarter, semester, or school year, usually at the same time tuition and other fees are required to

be paid. In return, the eligible student has the right to receive these limited health care services at the student health center during the ensuing quarter, semester, or school year. Eligible students usually pay a nominal fee each time they use the facility.

(3) The student health center does not provide all services required of a health maintenance organizations under the definition of "basic health care services," but does enter into arrangements with at least some of the persons listed in the definition of a limited health plan to provide health care services to the institution's eligible recipients, 31A-8-101. Therefore, while a student health center is not within the definition of a health maintenance organization, it does come within the definition of limited health plan. As such, unless exempted by statute or administrative rule, a student health center is subject to regulation under the Insurance Code.

(4) Institutions have an interest in providing their eligible students with basic preventive and remedial health care in order to reduce the possibility that progress toward a degree will be impeded by unattended medical needs. In addition, institutions have an interest in mitigating the potential economic hardships placed on health care providers directly, and the public in general, from the institutions' eligible students receiving medical services and then not being able to pay for those services.

(5) To meet these basic medical needs of their students, and reduce any potential negative impact on local health care providers and the public, many institutions have established student health centers. Other than perhaps treating a visitor on campus occasionally on an emergency basis, student health centers provide health care services only to eligible students at institutions, and, in some cases, to other eligible recipients. Providing health care services or arranging for health care services for students is not the primary purpose of institutions of higher education; it is only incidental to the institutions' primary purpose, which is to educate those that matriculate with the institution. Student health centers are not established to enable the institutions of higher education to make a profit from providing health care services at the student health center.

(6) An institution is either a state institution under the direct control of, and supervised by, the Board, or it must be accredited by a regional accreditation organization. In order to be accredited, an institution must meet strict accounting standards, and be able to demonstrate it is financially solid. An institution must therefore comply with the strict accounting and financial requirements of the Board, or of a regional accrediting entity, which would include the need to reflect on the financial statements of the institution the liability for any risks the institution assumes, or costs the institutions may incur, for its student health center. Any shortfall in providing health care services at the student health center would become the obligation of the institution. The institution can and must protect itself from financial shortfalls that could cause the providers to be left unpaid, and the students without health care services at the student health center; the institution does this by fixing the institution's liability either by employing the health care providers, or by contracting with health care providers for a fixed fee for the number of hours the health care provider is at the student health center, regardless of the number of patients/students the health care provider might see during that time. Since only limited health care services are provided at the student health center, there is little or no likelihood the institution will need to cover expenses such as major surgery, or extended hospital stays.

#### **R590-239-5. Rule and Findings.**

(1) Unless exempted from regulation by statute or by this rule, a student health center is a limited health plan, as defined in Chapter 8 of the Utah Insurance Code, and must comply with the provisions of the Utah Insurance Code.

(2) Health insurance made available to an institution's students through an insurer is not exempt from provisions of the Utah Insurance Code under this rule, even if:

(i) use of the institution's student health center is an integral part of the health care coverage offered to the institution's students; or

(ii) the health insurance offered to the institution's students requires initial treatment for any illness or injury be at the institution's student health center.

(3) Pursuant to Subsection 31A-1-103(3)(d)(i), the commissioner finds that student health centers established by institutions do not require regulation for the protection of the interests of the residents of this state and that student health centers are exempt from regulation under the Utah Insurance Code.

#### **R590-239-6. Enforcement Date.**

The commissioner will begin enforcing this rule 45 days from the rule's effective date.

#### **R590-239-7. Severability.**

If any provision of this rule or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of such provision to other persons or circumstances shall not be affected thereby.

#### **KEY: health insurance exemption**

**Date of Enactment or Last Substantive Amendment: 2007**

**Authorizing, and Implemented or Interpreted Law: 31A-1-103; 31A-2-201**



## Insurance, Administration **R590-240** Exemption of Student Health Programs From Insurance Code

### NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 29420

FILED: 01/16/2007, 12:11

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this proposed new rule is to exempt student health programs established by institutions of higher education from regulation under the Utah Insurance Code.

SUMMARY OF THE RULE OR CHANGE: This rule exempts student health programs established by institutions of higher education from regulation under the Utah Insurance Code, if

they meet the exemption requirements set by the rule. In addition, the rule sets forth the facts and findings leading to the writing of the rule, and the procedures for obtaining an exemption from the insurance code.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-1-103 and 31A-2-201

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The rule will require the student health programs to make filings with the department that will require the department to review. Because there is only one of these programs in the state at this time, this will not create enough work to require hiring an additional person. There are no filing costs.

❖ LOCAL GOVERNMENTS: This rule will have no effect on local governments since it relates only to the department's authority over those who are under their regulatory control selling insurance.

❖ OTHER PERSONS: If this rule goes into effect health programs will be required to file copies of their advertising material, policies, applications, etc. There will be no filing fee. Consumers of these products will not be affected.

COMPLIANCE COSTS FOR AFFECTED PERSONS: If this rule goes into effect health programs will be required to file copies of their advertising material, policies, applications, etc. There will be no filing fee. Consumers of these products will not be affected.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have no fiscal impact on Utah Businesses. D. Kent Michie, Commissioner

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](mailto: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 03/05/2007

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 3/01/2007 at 3:00 PM, State Office Building (behind the Capitol), Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 03/12/2007

AUTHORIZED BY: Jilene Whitby, Information Specialist

## **R590. Insurance, Administration.**

### **R590-240. Exemption of Student Health Programs From Insurance Code.**

#### **R590-240-1. Authority.**

This rule is promulgated and adopted pursuant to Subsection 31A-1-103(3)(d) and Section 31A-2-201.

#### **R590-240-2. Purpose and Scope.**

(1) The purpose of this rule is to exempt student health programs established by institutions of higher education from regulation under the Utah Insurance Code.

(2) Health insurance from an insurer made available by an institution to its students is not exempt from provisions of the Utah Insurance Code under this rule, even if:

(i) the insurer's policy is integrated into the overall student health program offered by the institution to its students; or

(ii) use of the institution's student health center is an integral, or mandatory, part of health care coverage under the insurer's policy.

#### **R590-240-3. Definitions.**

(1) All definitions in Section 31A-1-301 are incorporated by reference.

(2) "Board" means the State Board of Regents established in Section 53B-1-103.

(3) "Eligible member" means:

(a) an eligible student;

(b) a spouse of an eligible student; or

(c) a child of, dependent of, or child placed for adoption with, an eligible student.

(4) "Eligible recipient" means:

(a) an eligible member;

(b) the institution's officers, faculty, and employees; or

(c) upon application by the institution or the institution's student health center, other persons approved by written order of the commissioner.

(5) "Eligible student" is as defined by each institution, but shall, at a minimum, require that the student be enrolled with the institution.

(6) "Health care provider" means a person who provides health care services.

(7) "Health care services" means "health care" as defined in Section 31A-1-301.

(8) "Institution" means an institution of higher education or postsecondary educational institute that consists of the following:

(a) an institution described in Section 53B-1-102; or

(b) an institution of higher education that has been accredited by the Northwest Commission on Colleges and Universities.

(9) "Student health center" means a facility that is operated to provide health care services to eligible recipients:

(a) by that institution or pursuant to contract with that institution;

(b) that employs health care providers, or contracts with health care providers, which may make referrals to other health care providers;

(c) is funded, at least in part, by payment from one of the following sources, which payment grants access to the student health center during the period of time for which the eligible student is registered:

(i) a fee assessed to and paid by each eligible student at registration, which ; or

(ii) the tuition paid by the eligible student;  
(d) may accept insurance payments, or assist users in completing claims forms for insurance claims; and  
(e) may require eligible recipients to pay;  
(i) an additional fee for each time the student health center is visited;  
(ii) an additional fee for specialty services;  
(iii) an additional fee for medical equipment; or  
(iv) an additional fee for medication received at the student health center.

(10)(a) "Student health program" means a plan organized, established, or adopted, by an institution to provide or arrange for health care services for eligible members.

(b) A "student health program" may include providing:  
(i) coverage for limited health care services;  
(ii) coverage for health care services on an emergency basis; or  
(iii) coverage for health care services by out-of-area health care providers under the following situations:

(A) on an emergency basis, where a prudent layperson would expect the absence of immediate medical attention to result in placing the eligible member's health in serious jeopardy, serious impairment to bodily functions or serious dysfunction of any bodily organ or part;

(B) during periods when the individual is not enrolled in any classes at the institution, but is still matriculated with the institution. Such periods may include time between semesters or quarters, traditional breaks for the summer, or time away from the institution while attending another higher education institution under a plan approved by the institution; and

(C) during periods when the individual is enrolled in classes at the institution, but is not living within commuting distance of the institution, such as while participating in an internship program.

(11)(a) "Supplemental health care services" means health care services provided by the student health program in addition to those available at a student health center.

(b) "Supplemental health care services" includes health care services provided by contract between:

(i) the institution, and  
(ii) any of the following or any combination of the following:  
(A) a healthcare provider;  
(B) a clinic or other association of health care providers;  
(C) a network plan; or  
(D) an insurer authorized to provide health insurance.

(12) "Utah Insurance Code" means Title 31A, Utah Code Annotated.

#### **R590-240-4. Supporting Facts.**

(1) Student health programs are offered only to eligible members at institutions. These institutions have an interest in providing affordable health care coverage to their students in order to enable the students to receive limited health care to ensure that progress toward a degree is not impeded by unattended medical needs. In some instances, student health programs may also be offered to the spouses of students and other dependents of students, as well.

(2) Student health programs are not established to enable the institutions to make a profit from providing health care coverage. Providing or arranging for health care services for students is not the primary purpose of institutions; it is only incidental to the institutions' primary purpose, which is to educate those that matriculate with the institution. In addition, the economic impact on

health care providers directly, and the public indirectly, from students receiving medical services and then not being able to pay for those services, is mitigated by providing students at institutions with access to affordable health care coverage through student health programs.

(3) An institution is either a state institution under the direct control of, and supervised by, the Board, or it must be accredited by the Northwest Commission on Colleges and Universities. In order to be accredited, an institution must meet strict accounting standards, and be able to demonstrate it is financially solid. An institution must therefore comply with the strict accounting and financial requirements of the Board or the Northwest Commission on Colleges and Universities, which would include the need to reflect on the financial statements of the institution any liability for risks the institution assumes, or costs the institutions may incur, for its student health program. Any shortfall in providing health care services at the student health center would become the obligation of the institution.

#### **R590-240-5. Exemption Requirements.**

A student health program may be exempted from the provisions of the Utah Insurance Code if it meets all of the requirements of this Section 5, applies for exemption under Section 6, and the exemption is granted.

(1) A student health program must be:  
(a) established by an institution;  
(b)(i) owned by an institution; or  
(ii) owned by the trustees of a trust established by an institution; and  
(c) operated by:  
(i) an institution; or  
(ii) the institution's authorized agent or affiliate.

(2) The primary purpose of the institution must be higher education, and not the providing of a student health program.

(3) The student health program or the institution or both must provide adequate assets to secure payment of all risks of the student health program by:

(a) placing, into a trust account dedicated for the payment of eligible member health care service claims, assets in an amount and type that would be required under Chapter 17 of the Utah Insurance Code;

(b) under such terms and conditions as the commissioner determines by written order, pledging, or obtaining a pledge of, assets dedicated for the payment of eligible member health care service claims in an amount and type that would be required under Chapter 17 of the Utah Insurance Code;

(c) under such terms and conditions as the commissioner determines by written order, obtaining performance guarantees or payment guarantees or both from third parties, in an amount and type that would be required under Chapter 17 of the Utah Insurance Code; or

(d) using a combination of Subsections 5(3)(a), 5(3)(b) and 5(3)(c).

(4) The student health program may not be offered to or enroll anyone other than an eligible member.

(5) The student health program must have a comprehensive legal structure that demonstrates that:

(a) the assets described in Subsection 5(3) will be administered in a fiduciary manner to assure that assets are available to provide eligible health care services and to provide payments to health care

providers, as outlined in any contracts between the student health program and health care providers;

(b) the student health program will be administered by an experienced administrator; and

(c) the student health program shall be administered according to contracts between:

(i)(A)(I) the student health program; or

(II) the institution; or

(III) both the student health program and the institution; and

(B) the enrollees; and

(ii)(A)(I) the student health program; or

(II) the institution; or

(III) both the student health program and the institution; and

(B) health care providers.

(6) Except for emergency health care services, or out-of-area or out-of-country health care providers, health care services for those enrolled in the student health program must be provided:

(a) at a student health center; or

(b) pursuant to a contract with health care service providers, by which those health care providers will provide health care services upon a referral from the student health center.

(7) Any supplemental health care services provided by the student health program must:

(a) be obtained from an insurer authorized to provide health insurance;

(b) be backed by assets under the conditions set forth in Subsection 5(3); or

(c) use a combination of Subsections 5(7)(a) and 5(7)(b).

(8) The student health program must provide review procedures substantially similar, and materially equal, to those presently in effect for insurers, health maintenance organizations, and limited health programs.

(9) The student health program or the institution or both must submit all policies, contracts, booklets, advertising, and any presentations relating to the solicitation of the student health program to the department before they are placed into use.

(10) The student health program or the institution or both must state in a prominent and appropriate place in all policies, contracts, booklets, explanatory material, advertising or other promotional material, and any presentations relating to solicitations of the student health program, that the student health program is not insurance, and the student health program has been exempted from regulation under the Utah Insurance Code, and must cite the date, docket number, and title of the docket by which the exemption was granted.

(11) The student health program must reduce any applicable preexisting condition provisions for any individual covered by the student health program by the amount of previous creditable coverage.

(12) The student health program must provide a certificate of creditable coverage upon request by an individual who was covered by the student health program.

#### **R590-240-6. Procedure for Obtaining Exemption.**

(1) An institution desiring to have its student health program exempted from the provisions of the Utah Insurance Code shall file with the Utah Insurance Department an application in a form prescribed by the commissioner for an order exempting the student health program, and shall provide verifiable documentation in support of its application, including documentation to support the

exemption requirements in Section 5 have been met. The application must provide assurance the institution has sufficient assets placed in trust, or otherwise pledged or guaranteed under Section 3, under conditions acceptable to the commissioner, to meet any liability the institution may have for its student health program.

(2) The commissioner may require the following:

(a) additional evidence or information, to be provided by the institution;

(b) an examination of the student health program by the department, the costs of which shall be borne by the institution; or

(c) a hearing on the application.

(3) Upon finding that the student health program complies with the provisions of this rule, the commissioner may issue an order exempting the student health program from the provisions of the Utah Insurance Code. The commissioner may place any restrictions or conditions upon the exemption the commissioner believes to be necessary to protect the interests of the residents of this state.

(4) A student health program is not exempt from the Utah Insurance Code unless the commissioner has issued a written order explicitly stating the student health program is exempt from the Utah Insurance Code.

(5) The department shall retain continuing jurisdiction over the institution's student health program to assure compliance with the terms and conditions in Section 5, including any changes in the law or the facts upon which the exemption is granted.

#### **R590-240-7. Rule and Findings.**

(1) A student health program is an insurer as defined in Section 31A-1-301, and must comply with the requirements of the Utah Insurance Code unless it is exempted from regulation by statute or by this rule.

(2) Pursuant to Subsection 31A-1-103(3)(d)(i), the commissioner finds that a student health program which operates in accordance with the provisions of Section 5, and obtains an order of exemption under Section 6, does not require regulation for the protection of the interests of the residents of this state, and that such student health program is exempt from regulation under the Utah Insurance Code.

(3) If the institution assumes any risk of the student health program, the institution must:

(i) apply for authority to conduct the business of an insurer, or

(ii) apply to the commissioner for an exemption under this rule.

(4) Health insurance from an insurer made available by an institution to its eligible members is not exempt from the Utah Insurance Code under this rule, even if the health insurance from a health insurer is integrated into the overall student health program offered by the institution, or use of the institution's student health center is an integral or required part of the health care coverage under the insurer's policy.

#### **R590-240-8. Enforcement Date.**

The commissioner will begin enforcing this rule 45 days from the rule's effective date.

#### **R590-240-9. Severability.**

If any provision of this rule or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of such provision to other persons or circumstances shall not be affected thereby.

**KEY: health insurance exemption****Date of Enactment or Last Substantive Amendment: 2007****Authorizing, and Implemented or Interpreted Law: 31A-1-103; 31A-2-201**

Natural Resources, Wildlife Resources  
**R657-20**  
 Falconry

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 29401

FILED: 01/11/2007, 10:29

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted regularly for taking public input and reviewing the Division of Wildlife's rule pursuant to falconry.

SUMMARY OF THE RULE OR CHANGE: The proposed revisions to this rule: 1) add definitions of "meet" and "take"; 2) provide clarification and consistency with the use of scientific and common names of raptors; 3) provide clarification for completion of required forms; 4) provide clarification on the requirements for banding of raptors used in falconry; 5) provide clarification and consistency on the use of pen-reared birds for meets, trials, and training; and 6) make other technical/clerical corrections for consistency and clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-17-7

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 50 CFR 21, 2000 ed.

## ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The amendments clarify the rules that regulate the possession and use of raptors for falconry. Therefore, the Division of Wildlife Resources (DWR) determines that these amendments will not create any cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with existing budget.

❖ LOCAL GOVERNMENTS: Since the amendments clarify the rules that regulate the possession and use of raptors for falconry, 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 clarify the rules that regulate the possession and use of raptors for falconry. Therefore, this rule does not impose any additional financial requirements on persons, nor generate a cost or saving impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments are for clarification, thus DWR determined that there were 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. Michael R. Styler, Executive Director

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:

Robin Thomas at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at robinthomas@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 03/05/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 03/12/2007

AUTHORIZED BY: James F Karpowitz, Director

**R657. Natural Resources, Wildlife Resources.  
 R657-20. Falconry.**

**R657-20-2. Possession of Raptors.**

(1) Possession of any raptor, raptor egg, shell fragment, semen, or any raptor part without a federal falconry permit and a valid Falconry Certificate of Registration, license or Form 3-186A is prima facie evidence that the raptor, raptor egg, shell fragment, semen, or raptor part was illegally taken and is illegally held in possession.

(2) The only species of raptor that may be possessed, transported, or used for falconry are:

(a) raptors of the subfamily Accipitrinae, other than the Bald Eagle[, ~~Haliaeetus leucocephalus~~](Haliaeetus leucocephalus);

(b) raptors of the subfamily Falconinae; and

(c) Great Horned Owl[, ~~Bubo virginianus~~](Bubo virginianus) and captive-bred Eurasian Eagle-owl[, ~~Bubo bubo~~](Bubo bubo) of the family Strigidae.

**R657-20-3. Definitions.**

(1) Terms used in this rule are defined in Section 23-13-2 and Rule R657-6.

(2) In addition:

(a) "Bird Banding Laboratory band" means a permanent, numbered, silver, aluminum band.

(b) "Eyas" means a young raptor not yet capable of sustained flight such as a nestling or fledgling.

(c) "Falconry" means the sport of taking quarry by means of a trained raptor.

(d) "Form 3-186A" means the Migratory Bird Acquisition and Disposition Report form.

(e) "Imping" means to graft feathers to repair damage or to increase flying capacity.

(f) "Marker or band" means a numbered band issued by the Service which, when affixed to a raptor's leg, identifies an individual raptor.

(g) "Meet" means an organized falconry event where protected wildlife may be taken.

~~(h)~~ "Passage bird" means a first-year raptor capable of sustained flight.

~~(i)~~ "Quarry" means any live animal.

~~(j)~~ "Raptor" means a bird of the families Accipitridae, Falconidae, Tytonidae, or Strigidae.

~~(k)~~ "Service" means the U.S. Fish and Wildlife Service.

~~(l)~~ "State Forms" means annual reports and completed Raptor Capture permits.

~~(m)~~ "Take" means to:

(i) hunt, pursue, harass, catch, capture, possess, angle, seine, trap or kill any

protected wildlife; or

(ii) attempt any action referred to in Subsection (i).

~~(n)~~ "Trial" means an organized falconry event where only ~~nonprotected wildlife, European Starlings, coyote, field mouse, gopher, ground squirrel, jackrabbit, muskrat, raccoon, European Starling~~ (Sturnella neglecta), House ~~Sparrows~~ Sparrow (Passer domesticus), or Rock ~~Doves/feral pigeons~~ Pigeon/feral pigeon (Columba livia) may be taken.

#### **R657-20-4. Federal Requirements.**

(1) A federal falconry permit is required before any person may take, possess, transport, sell, purchase, barter, or offer to sell, purchase, or barter raptors for falconry purposes.

(2) Applications for a federal falconry permit~~Any person engaging in falconry must complete a federal application form in accordance with 50 CFR 21.28.~~

~~(3) Applications~~ may be obtained from, and submitted to the U.S. Fish and Wildlife Service, Migratory Bird Permit Office, P.O. Box 25486, Denver Federal Center (60154), Denver, CO. 80225-0486.

~~(4)(a)~~(3)(a) A federal falconry permit issued or renewed under 50 CFR 21.28 expires on the date designated on the face of the permit unless amended or revoked, but the term of permit shall not exceed three years from the date of issuance or renewal.

(b) Applicants for renewal of a federal falconry permit must submit a written application at least 30 days prior to the expiration date of the permit.

#### **R657-20-6. Apprentice Class Falconer.**

(1) An apprentice class falconer shall be:

(a) 14 years of age or older; and

(b) sponsored by a general or master class falconer for the first two years of apprenticeship.

(2) An apprentice obtaining their first Falconry Certificate of Registration must answer correctly at least 80 percent of the questions on a supervised examination provided and administered by the division, relating to basic biology, care and handling of raptors, literature, laws, rules, regulations, and other appropriate subject matter.

(3) If necessary, the examination may be taken again after a 14 calendar-day waiting period.

(4) A person may not take the falconry exam earlier than two months before that person's 14th birthday.

(5) The sponsor shall provide advice for facilities and equipment construction, trapping the first season, training the raptor, and all other activities that will promote adequate care and good health for the raptor and safety for the apprentice. A sponsor may not have more than three apprentices at one time.

(6) In the event sponsorship is terminated, the holder of an apprentice Falconry Certificate of Registration must obtain a new sponsor within 30 calendar days of termination.

(7) The division must be notified in writing concerning the change in sponsor. The sponsor's name, state, Falconry Certificate of Registration and federal falconry permit number must be included in the notification.

(8) An apprentice may not:

(a) possess more than one raptor for falconry; and

(b) obtain more than one raptor for replacement during any 12-month period from the date of the first capture.

(9) An apprentice may possess only an American Kestrel (Falco sparverius) or a Red-tailed Hawk (Buteo jamaicensis), which must be taken from the wild as a passage bird by the apprentice during the passage season.

(10) Re-examination and facilities inspection will be required of any applicant who has not held a Falconry Certificate of Registration or license for two consecutive years.

(11)(a) Requests for class upgrades must be submitted to the division in writing.

(b) Failure to comply with the rules and regulations of the Wildlife Board may result in the denial of an upgrade.

#### **R657-20-8. Master Class Falconer.**

(1) A master class falconer shall:

(a) show proof of having a valid general class Falconry Certificate of Registration for at least 60 months; and

(b) have at least five years experience caring for, training, or hunting with raptors at the general class level or its equivalent.

(i) For purposes of this section, "five years of experience" means at least four months caring for, training, or hunting with raptors in each of five different 12-month periods.

(2) Verification of the five-year experience requires the appropriate federal Form 3-186A and state forms indicating experience caring for raptors.

(3) A master class falconer may not:

(a) possess more than three raptors for falconry;

(b) obtain more than two raptors taken from the wild for replacement birds during any 12-month period from the date of first capture; or

(c) take from the wild:

(i) more than one raptor listed as threatened in 50 CFR 17, in any 12-month period, as part of the three bird limitation, and then only in accordance with 50 CFR 17; or

(ii) any species listed as endangered in 50 CFR 17, but may transport or possess such species in accordance with 50 CFR 17.

(4) A master class falconer may not take from the wild, transport, or possess a Golden Eagle for falconry purposes unless authorized in writing under 50 CFR 22.24.

(5) A master class falconer may possess one Golden Eagle [~~Aquila chrysaetos~~] for falconry purposes pursuant to 50 CFR 22.24, Eagle Permits, and as provided in Subsections (i) through (ii).

(i) The registrant may not obtain or possess more than one Golden Eagle during a 12-month period; and

(ii) the ~~[golden eagle]~~Golden Eagle held by the registrant shall be included in the three-bird limitation of the master class falconer in accordance with 50 CFR 17.

#### **R657-20-12. Equipment.**

The following items shall be in the possession of the applicant before a federal falconry permit or Falconry Certificate of Registration may be obtained:

(1)(a) At least one pair of ~~[Alymeri]~~Alymeri jesses or similar type constructed of pliable, high quality leather or suitable synthetic material to be used when any raptor is flown free.

(b) Traditional one-piece jesses may be used on raptors when not being flown.

(2) At least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design.

(3) At least one suitable container, two to six inches deep and wider than the length of the raptor, for drinking and bathing for each raptor.

(4) At least one weathering area perch of an acceptable design for each raptor.

(5) A reliable scale or balance suitable for weighing the raptor held and graduated to increments of not more than one-half ounce.

#### **R657-20-13. Federal Form 3-186A.**

A falconer may not take, purchase, receive, or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor unless the falconer completes a federal Form 3-186A ~~[and submits the blue copy to the division and the remaining copies to the Service].~~ The blue (State) copy of each completed Form 3-186 should be sent to the division within five calendar days of the transaction; the white copies (USFWS-Original and USFWS Copy) should be sent to the Service within five calendar days of the transaction; the falconer should keep the pink (Permittee) copy.

#### **R657-20-21. Release to the Wild.**

Prior to releasing any raptor to the wild:

(1) the ~~[raptor band]~~falconry shall be removed by a division representative; and

(2) a numbered aluminum Bird Banding Laboratory band shall be attached to the raptor by a division representative. Banding is by appointment only.

#### **R657-20-27. Capture Permits.**

(1) A person must possess a valid Falconry Certificate of Registration and federal falconry permit prior to obtaining a Raptor Capture Permit.

(2)(a) Prior to capturing or attempting to capture any raptor a falconer must obtain a Raptor Capture Permit from a division office.

(b) The Raptor Capture Permit, federal falconry permit and Falconry Certificate of Registration must be in possession while pursuing, capturing or attempting to capture a raptor.

(3) An apprentice class Raptor Capture Permit is valid for the passage season capture of:

(a) one American Kestrel; or

(b) one passage Red-tailed Hawk.

(4) A general or master class Raptor Capture Permit is valid for one eyas or one passage raptor listed in Subsection (10) or (11), respectively in accordance with the restrictions and limitations of this rule.

(5) Raptor Capture permits are non-transferable and non-assignable and can only be used by the person specified on the

permit. Raptor Capture permits are valid only for the season specified on the permit.

(6)(a) Nonresidents wishing to purchase a Raptor Capture Permit and not participating in the sport of falconry in the state are not required to purchase a Utah Falconry Certificate of Registration or license.

(b) However, nonresidents must show proof of a valid federal falconry permit and falconry license issued by their state of residency.

(7) Falconers shall not retain and transport more than one captured raptor per capture permit.

(8) Any person who captures a raptor must have it banded in accordance with Section R657-20-31.

(9) Capture of eyas raptors is allowed only for the following species:

(a) Northern Harrier~~[-Circus cyaneus]~~ (Circus cyaneus);

(b) Sharp-shinned Hawk~~[-Accipiter striatus]~~ (Accipiter striatus);

(c) Cooper's Hawk~~[-Accipiter cooperi]~~ (Accipiter cooperii);

(d) Northern Goshawk~~[-Accipiter gentilis]~~ (Accipiter gentilis);

(e) Swainson's Hawk~~[-Buteo swainsoni]~~ (Buteo swainsoni);

(f) Red-tailed Hawk~~[-Buteo jamaicensis]~~ (Buteo jamaicensis);

(g) Ferruginous Hawk~~[-Buteo regalis]~~ (Buteo regalis);

(h) Golden Eagle~~[-Aquila chrysaetos]~~;

(i) American Kestrel~~[-Falco sparverius]~~;

(j) Peregrine Falcon~~[-Falco peregrinus]~~ (Falco peregrinus);

(k) Prairie Falcon~~[-Falco mexicanus]~~ (Falco mexicanus); and

(l) Great Horned Owl~~[-Bubo virginianus]~~;

(10) Capture of passage raptors is allowed only for the following species:

(a) Northern Harrier~~[-Circus cyaneus]~~;

(b) Sharp-shinned Hawk~~[-Accipiter striatus]~~;

(c) Cooper's Hawk~~[-Accipiter cooperi]~~;

(d) Northern Goshawk~~[-Accipiter gentilis]~~;

(e) Harris's Hawk~~[-Parabuteo unicinctus]~~ (Parabuteo unicinctus);

(f) Swainson's Hawk~~[-Buteo swainsoni]~~;

(g) Red-tailed Hawk~~[-Buteo jamaicensis]~~;

(h) Ferruginous Hawk~~[-Buteo regalis]~~;

(i) Rough-legged Hawk~~[-Buteo lagopus]~~;

(j) Golden Eagle~~[-Aquila chrysaetos]~~;

(k) American Kestrel~~[-Falco sparverius]~~;

(l) Merlin~~[-Falco columbarius]~~ (Falco columbarius);

(m) Gyrfalcon~~[-Falco rusticolus]~~ (Falco rusticolus);

(n) Prairie Falcon~~[-Falco mexicanus]~~; and

(o) Great Horned Owl~~[-Bubo virginianus]~~.

#### **R657-20-28. Legal Birds.**

(1)(a) Eyasses may be taken from the wild only by general and master class falconers as provided in Subsections (a) through (d).

(b) Eyasses, except Great Horned Owls and Peregrine Falcons, may be taken from May 13, unless May 13 is a Sunday, in which case the season shall begin the following day through July 15 and during the third weekend in July.

(c) Great Horned Owl eyasses may be taken from the wild during the first two Saturdays of April and from May 13, unless May 13 is a Sunday, in which case the season shall begin the following day through July 15 and during the third weekend in July.

(d) Peregrine Falcon eyasses may be taken in accordance with R657-20-29(4).

(e) No more than two eyasses may be taken by the same falconer.

(2) An eyas may not be taken from a nest containing only a single eyas.

(3) One or more eyasses must be left in a nest from which any eyas has been removed.

(4) Passage raptors may be taken from the wild only from:

(a) September 1 through October 31 on weekends and legal holidays, unless September 1 is a Sunday, in which case the season shall begin the following weekend or legal holiday; and

(b) November 1, unless November 1 is a Sunday, in which case the season shall begin the following day through January 31.

~~[(3)]~~(5) Only American Kestrels and Great Horned Owls may be taken when over one year of age.

~~[(4) An eyas may not be taken from a nest containing only a single eyas.~~

~~—(5) One or more eyasses must be left in a nest from which any eyas has been removed.~~

—(6) The date of capture, sex of raptor, and the location of the capture must be recorded precisely, to within 100 meters, on the Raptor Capture Permit. Precise nest locations will be held for use by the division and not made available to the public.

(7)(a) The division falconry coordinator shall determine on an annual basis the number of capture permits issued for the taking of eyas raptors listed on Utah's current sensitive species list.

(b) Notice of any limitations on the number of eyas capture permits for sensitive raptors shall be made by February 7 of each year.

(c) Application procedures for taking sensitive raptor species limited by the falconry coordinator are provided in Section R657-20-41.

#### **R657-20-29. Resident - Legal Birds by Class Designation.**

(1)(a) An apprentice class falconer may possess only one American Kestrel or one Red-tailed Hawk in accordance with Section R657-20-6, Apprentice Class Falconer.

(b) Only first-year Red-tailed Hawks may be taken, while first-year or older American Kestrels may be taken.

(c) Eyasses may not be taken.

(2) A general class falconer may not possess more than two raptors and may not obtain more than two raptors taken from the wild for replacement birds during a 12-month period.

(3) A master class falconer may not possess more than three raptors and may not obtain more than two raptors taken from the wild for replacement birds during a 12-month period, except Golden Eagles.

(4) A resident general or master class falconer may apply each year to take one eyas Peregrine Falcon [~~Falco peregrinus~~] from the wild on the first two Saturdays of May and from May 13, unless May 13 is a Sunday, in which case the season will begin the following day through June 30.

(5)(a) Any resident general or master class falconer may apply each year to take one passage Peregrine Falcon from the wild from:

(i) September 1 through October 31 on weekends and legal holidays, unless September 1 is a Sunday, in which case the season shall begin the following weekend or legal holiday; and

(ii) November 1, unless November 1 is a Sunday, in which case the season will begin the following day through November 30.

(b) Any captured Peregrine Falcon banded with a numbered aluminum Bird Banding Laboratory band (numbered aluminum) must be released immediately.

(c) The band number, date of trapping, and precise location, within 100 meters, of the banded falcon must be reported to the falconry coordinator as soon as possible.

(d) Passage take of Peregrine Falcons will not be allowed unless approved by the Service.

(e) Application procedures for taking eyas or passage Peregrine Falcons are provided in Section R657-20-41.

(6)(a) The number of resident permits issued annually for the taking of eyas Peregrine Falcons may not exceed 10; and

(b) take is limited to Beaver, Iron, Washington, Piute, Wayne, Garfield, Kane, and San Juan counties and the area south of Interstate 70 in Grand, Emery and Sevier counties.

(c) In addition to following the requirements provided in Section R657-20-28(4) through R657-20-28(6), a falconer taking or attempting to take an eyas Peregrine Falcon must abide by the following:

(i) an eyas may not be removed from its nests prior to 10 days of age;

(ii) nests may not be entered when young are 28 days or more of age;

(iii) recently fledged young may be trapped within 100 meters of the nest;

(iv) three plucked breast feathers from any captured eyas must be presented to the division within five business days of capture.

(7) The number of resident and nonresident permits issued annually for the take of passage Peregrine Falcons may not exceed that number set by the Service.

#### **R657-20-30. Nonresident- Legal Birds by Class Designation.**

(1)(a) A nonresident general or master class falconer may apply each year to take one eyas from the wild pursuant to R657-20-28.

(b) Any nonresident general or master class falconer may apply each year to take one passage bird from the wild pursuant to R657-20-28.

(2) Application procedures for taking an eyas are provided in Section R657-20-41.

(4) The number of nonresident permits issued annually may not exceed the following:

(a) Sharp-shinned Hawk [~~Accipiter striatus~~] 10;

(b) Cooper's Hawk [~~Accipiter cooperi~~] 20;

(c) Northern Goshawk [~~Accipiter gentilis~~] 5;

(d) Red-tailed Hawk [~~Buteo jamaicensis~~] 20;

(e) American Kestrel [~~Falco sparverius~~] 20;

(f) Merlin [~~Falco columbarius~~] 10, passage take only;

(g) Gyrfalcon [~~Falco rusticolus~~] 5, passage take only;

(h) Prairie Falcon [~~Falco mexicanus~~] 20; and

(i) Great Horned Owl [~~Bubo virginianus~~] 20;

(j) Peregrine Falcon [~~Falco peregrinus~~] 1, eyas only, in accordance with restrictions set forth in R657-20-29(4), R657-20-29(8)(b) and R657-20-29(8)(c).

(5) Nonresidents may not take any other species.

#### **R657-20-31. Banding Raptors.**

(1)(a) A falconer who has captured a raptor from the wild must notify the division by telephone within two business days to receive a federal falconry band.

(b) Upon notification, the division shall issue a federal falconry band number to the falconer and mail the federal falconry band to the falconer.

(2) Upon receiving the federal falconry band, the falconer must attach the band to the raptor's leg.

(3) Within five business days of notifying the division of the capture, the falconer must submit:

(a) a completed Raptor Capture permit, with the precise location of capture within 100 meters; and

(b) the blue copy of the federal Form 3-186A.

(4) A falconer may remove the rear tab on a band and may smooth any imperfect surface, provided the integrity of the band and numbering are not affected.

(5)(a) A person may not remove, transfer, alter, counterfeit, or deface a ~~raptor band~~ falconry, except a band that is causing damage to a raptor may be removed only if the band is affecting the health or safety of the raptor.

(b) The raptor must be presented to a division representative and a replacement band placed on the raptor's other leg. Banding is by appointment only.

(c) The detached band must be surrendered to the division at the time of re-banding.

(6) The division must be notified of any raptor acquired or brought into the state on a permanent basis without a band. The raptor must be presented to a division representative for banding.

#### **R657-20-~~32~~32A. Recovery and Capture of Banded Raptors - Federal Falconry Band.**

(1) An escaped raptor banded with a federal falconry band may be recovered at any time.

(2) Notification of recovery must be made to a division representative followed ~~with~~ by a written notice within five business days.

#### **R657-20-32B. Recovery and Capture of Banded Raptors - Bird Banding Laboratory Band.**

~~(3)~~ The division requires notification of the capture date and precise location, within 100 meters, of any raptor marked with a numbered aluminum Bird Banding Laboratory band.

#### **R657-20-34. Use of ~~Propagated~~ Pen-Reared Game Birds for Meets ~~and~~, Trials and Training.**

A person may hold a meet or trial or may train a raptor using legally ~~propagated and~~ acquired pen-reared game birds under the following provisions:

(1) ~~The promoter of a meet or trial or a person training a raptor~~ Any person using pen-reared game birds must have an invoice or bill of sale in ~~his~~ their possession showing lawful ~~possession of the game birds~~ personal possession or ownership of such birds.

~~(2) Each~~ (2) Pen-reared game birds may be held in possession no longer than 60 days unless the person possessing the pen-reared game birds first obtains a private aviculture Certificate of Registration as provided in Rule R657-4.

(3)(a) Each pen-reared game bird must be marked [before release with a band purchased from the division. A band] with an aluminum leg band or other permanent marking before being released, except as provided in Subsection (d).

(b) Aluminum leg bands may be purchased at any division office.

(c) The aluminum leg band or other permanent marking must remain attached to [each game bird until the game bird is consumed.

~~A person may not use the same band on more than one game bird.] the pen-reared game bird.~~

~~(3) Once a released game bird escapes the raptor it is considered wild and may not again be pursued, except during the open season for that species.] (d) Each pen-reared game bird used on a commercial hunting area may be released without marking.~~

~~(4) Pen-reared game birds used for a meet or trial may be released only on the property specified and only during the dates approved for the falconry meet or trial.~~

~~(5) After release at a meet or trial, pen-reared game birds may be taken:~~

~~(a) by the person who released the pen-reared game birds, or by any person participating in the meet or trial; and~~

~~(b) only during the approved dates of the meet or trial.~~

~~(6) Pen-reared game birds used in a meet or trial become the property of the state of Utah and may not be taken, except during legal hunting seasons as specified in the [applicable] Upland Game or Waterfowl proclamations of the Wildlife Board if:~~

~~(a) the birds leave the property where the meet or trial is held; or~~

~~(b) the birds have not been retrieved by the end of the meet or trial.~~

~~(7) Pen-reared game birds used for training raptors that are not recovered on the day of the training or pen-reared game birds that escape become property of the state of Utah and may not be recaptured or taken, except during legal hunting seasons as specified in the Upland Game and Waterfowl proclamations of the Wildlife Board.[-~~

~~(4) A person may not possess a live game bird for more than 60 calendar days without first obtaining an Aviculture Certificate of Registration.]~~

#### **R657-20-36. Seasons and Bag and Possession Limits.**

(1) The hunting of:

(a) upland game shall be done in accordance with the rule and proclamation of the Wildlife Board for taking upland game species.

(b) waterfowl, Wilson's snipe, and coot shall be done in accordance with the rule and proclamation of the Wildlife Board for taking those species.

(c) Mourning Dove and Band-tailed Pigeon shall be done in accordance with the rules and proclamations of the Wildlife Board for those species.

(2) Bag and possession limits do not apply to coyote, field mouse, gopher, ground squirrel, jackrabbit, muskrat, raccoon, European Starling, House Sparrow, and rock ~~dove/feral] pigeon/feral pigeon.~~

(3) Nothing in this rule shall be construed to allow the intentional taking of protected wildlife in violation of federal or state laws, rules, regulations, or proclamations.

**KEY: wildlife, birds, falconry**

**Date of Enactment or Last Substantive Amendment: [April 16, 2002] 2007**

**Notice of Continuation: January 10, 2007**

**Authorizing, and Implemented or Interpreted Law: 23-17-7; 50 CFR 21**

◆ ————— ◆

Natural Resources, Wildlife Resources  
**R657-33**  
 Taking Bear

**NOTICE OF PROPOSED RULE**  
 (Amendment)

DAR FILE No.: 29402  
 FILED: 01/11/2007, 12:18

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife's rule regarding taking bear.

SUMMARY OF THE RULE OR CHANGE: The proposed revisions to this rule: 1) explain that details on how permits for pursuing bear are provided in the bear proclamation; 2) clarify that green pelts may not be purchased or sold; 3) clarify that requests to withdraw or amend applications must in writing and actually be received by certain dates; 4) simplify rule text regarding duplicate licenses and permits by referring to Rule R657-42; and 5) make technical corrections.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The amendments clarify the rule that regulate the procedures and requirements for obtaining bear permits and taking bear. Therefore, the Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget.

❖ LOCAL GOVERNMENTS: Since the amendments clarify the rule that regulates the procedures and requirements for obtaining bear permits and taking bear, this filing does not create any direct cost or savings impact to local governments because they are not directly affected by the amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.

❖ OTHER PERSONS: These amendments simply clarify the rule that regulates the procedures and requirements for obtaining bear permits and taking bear. Therefore, this rule does not impose any additional financial requirements on persons, nor generate a cost or saving impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments are for clarification, thus DWR determined that there were 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. Michael R. Styler, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES  
 WILDLIFE RESOURCES  
 1594 W NORTH TEMPLE  
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DIRECT QUESTIONS REGARDING THIS RULE TO:

Robin Thomas at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at robinthomas@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 03/05/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 03/12/2007

AUTHORIZED BY: James F Karpowitz, Director

**R657. Natural Resources, Wildlife Resources.**

**R657-33. Taking Bear.**

**R657-33-2. Definitions.**

- (1) Terms used in this rule are defined in Section 23-13-2.
- (2) In addition:
  - (a) "Bait" means any lure containing animal, mineral or plant materials.
  - (b) "Baiting" means the placing, exposing, depositing, distributing or scattering of bait to lure, attract or entice bear on or over any area.
  - (c) "Bear" means *Ursus americanus*, commonly known as black bear.
  - (d) "Canned hunt" means that a bear is treed, cornered, held at bay or its ability to escape is otherwise restricted for the purpose of allowing a person who was not a member of the initial hunting party to arrive and take the bear.
  - (e) "Cub" means a bear less than one year of age.
  - (f) "Evidence of sex" means the teats, and sex organs of a bear, including a penis, scrotum or vulva.
  - (g) "Green pelt" means the untanned hide or skin of a bear.
  - (h) "Limited entry hunt" means any hunt listed in the hunt table, published in the proclamation of the Wildlife Board for taking bear, which is identified as a limited entry hunt and does not include pursuit only.
  - (i) "Limited entry permit" means any permit obtained for a limited entry hunt by any means, including conservation permits and sportsman permits.
  - (j) "Pursue" means to chase, tree, corner or hold a bear at bay.
  - (k)(i) "Valid application" means:
    - (A) it is for a species ~~that~~ for which the applicant is eligible to possess a permit;
    - (B) there is a hunt for that species regardless of estimated permit numbers; and
    - (C) there is sufficient information on the application to process the application, including personal information, hunt information, and sufficient payment.

(ii) Applications missing any of the items in Subsection (i) may still be considered valid if the application is timely corrected through the application correction process.

(l) "Waiting period" means a specified period of time that a person who has obtained a bear permit must wait before applying for any other bear permit.

#### **R657-33-3. Permits for Taking Bear.**

(1)(a) To take a bear, a person must first obtain a valid limited entry bear permit for a specified hunt unit as provided in the proclamation of the Wildlife Board for taking bear.

(b) To pursue bear, a person must first obtain a valid bear pursuit permit ~~[from a division office]~~.

(2) Any limited entry bear permit purchased after the season opens is not valid until seven days after the date of purchase.

(3) Residents and nonresidents may apply for limited entry bear permits and purchase bear pursuit permits.

#### **R657-33-4. ~~[Purchase of License or Permit by Mail]~~ Permits for Pursuing Bear.**

~~[(1) A person may purchase]~~ (1) To pursue bear, a person must obtain a bear pursuit permit ~~[by mail by sending the following information to a division office: full name, complete mailing address, phone number, date of birth, weight, height, sex, color of hair and eyes, driver's license number (if available), proof of hunter education certification and fee.]~~ as provided in the proclamation of the Wildlife Board for taking bear.

~~[(2)(a) Personal checks, business checks, cashier's check or money orders will be accepted.~~

~~—(b) Personal and business checks drawn on an out-of-state will not be accepted.~~

~~—(c) Checks must be made payable to the Utah Division of Wildlife Resources.]~~ (2) Residents and nonresidents may purchase bear pursuit permits.

#### **R657-33-8. State Parks.**

(1) Hunting of any wildlife is prohibited within the boundaries of all state park areas except those designated by the Division of Parks and Recreation in Section R651-~~[603-5]~~614.

(2) Hunting with a rifle, handgun or muzzleloader in park areas designated open is prohibited within one mile of all area park facilities, including buildings, camp or picnic sites, overlooks, golf courses, boat ramps and developed beaches.

(3) Hunting with shotguns and archery tackle is prohibited within one quarter mile of the above stated areas.

#### **R657-33-21. Purchasing or Selling.**

(1) Legally obtained tanned bear hides may be purchased or sold.

(2) A person may not purchase, sell, offer for sale or barter a green pelt, gall bladder, tooth, claw, paw or skull of any bear.

#### **R657-33-23. Livestock Depredation.**

(1) If a bear is harassing, chasing, disturbing, harming, attacking or killing livestock, or has committed such an act within the past 72 hours:

(a) in depredation cases, the livestock owner, an immediate family member or an employee of the owner on a regular payroll, and not hired specifically to take bear, may kill the bear;

(b) a landowner or livestock owner may notify the division of the depredation or human health and safety concerns, which shall

authorize a local hunter to take the offending bear or notify a Wildlife Services specialist, supervised by the USDA Wildlife Program; or

(c) the livestock owner may notify a Wildlife Services specialist of the depredation who may take the depredating bear.

(2) Depredating bear may be taken at any time by a Wildlife Services specialist while acting in the performance of the person's assigned duties and in accordance with procedures approved by the division.

(3) A depredating bear may be taken by those persons authorized in Subsection (1)(a) with:

(a) any weapon authorized for taking bear; or

(b) with the use of snares only with written authorization from the director of the ~~[Division]~~division and subject to all the conditions and restrictions set out in the written authorization.

(i) The option in Subsection (3)(b) may only be authorized in the case of a chronic depredation situation where numerous livestock have been killed by a depredating bear and must be verified by Wildlife Services or ~~[Division]~~division personnel.

(4)(a) Any bear taken pursuant to this section must be delivered to a division office or employee within 72 hours.

(b) A bear that is killed in accordance with Subsection (1)(a) shall remain the property of the state, except the division may sell a bear damage permit to a person who has killed a depredating bear if that person wishes to maintain possession of the bear.

(c) A person may acquire only one bear annually.

(5)(a) Hunters interested in taking depredating bear as provided in Subsection (1)(b) may contact the division.

(b) Hunters will be contacted by the division to take depredating bear as needed.

#### **R657-33-25. Taking Bear.**

(1)~~[A person may take only]~~(a) A person who has obtained a limited entry bear permit may use any legal weapon to take one bear during the season and ~~[from the limited entry area]~~within the hunt unit(s) specified on the permit.

(b) A person who has obtained a limited entry bear archery permit may use only archery tackle to take on bear during the season and within the hunt units(s) specified on the permit.

(2)(a) A person may not take or pursue a female bear with cubs.

(b) Any bear, except a cub or a sow accompanied by cubs, may be taken during the prescribed seasons.

(3) Limited entry permits may be obtained by following the application procedures provided in this rule and the proclamation of the Wildlife Board for taking and pursuing bear.

(4)(a) A mandatory orientation course is required for hunters who draw a permit to hunt black bear.

(b) Permits for bear hunts will be distributed to successful applicants upon completion of the orientation course.

(5) Season dates, closed areas and limited entry permit areas are published in the proclamation of the Wildlife Board for taking and pursuing bear.

#### **R657-33-26. Bear Pursuit.**

(1) Bear may be pursued only by persons who have obtained a bear pursuit permit. The bear pursuit permit does not allow a person to kill a bear.

(2) Pursuit permits may be obtained at ~~[Division]~~division offices~~[and]~~, through ~~[participating online]~~the Internet and at license agents.

- (3) A person may not:
- take or pursue a female bear with cubs;
  - repeatedly pursue, chase, tree, corner or hold at bay the same bear during the same day; or
  - possess a firearm or any device that could be used to kill a bear while pursuing bear.
- (i) The weapon restrictions set forth in Subsection (c) do not apply to a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing or attempting to utilize the concealed weapon to injure or kill bear.
- (4) If eligible, a person who has obtained a bear pursuit permit may also obtain a limited entry bear permit.
- (5) When dogs are used to take a bear and there is not an open pursuit season, the owner and handler of the dogs must have a valid pursuit permit and be accompanied by a licensed hunter as provided in Section R657-33-12.
- (6) Season dates, closed areas and bear pursuit permit areas are published in the proclamation of the Wildlife Board for taking and pursuing bear.

#### **R657-33-27. General Application Information.**

- (1) A person may not apply for or obtain more than one bear permit within the same calendar year, except as provided in Subsection R657-33-~~27(2)~~26(4).
- (2) Limited entry bear permits are valid only for the hunt unit and for the specified season designated on the permit.

#### **R657-33-29. Application Procedure.**

- (1) Applications are available from license agents and division offices.
- (2)(a) Group applications are not accepted. A person may not apply more than once annually.
- (b) Applicants may select up to three hunt unit choices when applying for limited entry bear permits. Hunt unit choices must be listed in order of preference.
- (c) Applicants must specify on the application whether they want a limited entry bear permit or a limited entry bear archery permit.
- (i) The application may be rejected if the applicant does not specify either a limited entry bear permit or limited entry bear archery permit.
- (ii) Any person obtaining a limited entry bear archery permit must also obtain a certificate of registration if intending to use bait as provided in Section R657-33-14.
- (3)(a) Applications must be ~~mailed~~submitted by the means and date prescribed provided in the proclamation of the Wildlife Board for taking ~~and pursuing~~ bear. Applications filled out incorrectly ~~[or received later than the date prescribed in the bear proclamation]~~ may be rejected.
- (b) If an error is found on an application, the applicant may be contacted for correction.
- (c) The opportunity to correct an error is not guaranteed.
- (4)~~(a) Late applications received by the date published in the proclamation of the Wildlife Board for taking bear will not be considered in the drawing, but will be processed for the purpose of entering data into the division's draw database to provide:~~
- ~~future preprinted applications;~~
  - ~~notification by mail of late application and other draw opportunities; or~~

- ~~(iii) re-evaluation of division or third-party errors.~~
- ~~(b) The handling fee will be used to process the late application. Any permit fees submitted with the application will be refunded.~~
- ~~(e) Late applications received after the date published in the proclamation of the Wildlife Board for taking bear, will not be processed and will be returned.~~
- ~~(5) Any person who applies for a hunt that occurs on private land is responsible for obtaining written permission from the landowner to access the property. To avoid disappointment and wasting the permit and fee if access is not obtained, hunters should get permission before applying. The division does not guarantee access and does not have the names of landowners where hunts occur.~~
- ~~(6)(5) Only a resident may apply for or obtain a resident permit and only a nonresident may apply for or obtain a nonresident permit, except as provided in Section R657-33-32(6)(b).~~
- ~~(7)(6) To apply for a resident permit, a person must establish residency at the time of purchase.~~
- ~~(8)(7) The posting date of the drawing shall be considered the purchase date of a permit.~~

#### **R657-33-31. Drawings and Remaining Permits.**

- (1) If permits remain after all choices have been evaluated separately for residents and nonresidents, a second evaluation will be done allowing cross-over usage of remaining resident and nonresident permit quotas.
- (2) Applicants will be notified by mail or e-mail of draw results by the date published in the proclamation of the Wildlife Board for taking and pursuing bear. The drawing results will be posted on the ~~[Division's Internet address]~~division's Web site.
- (3) Permits remaining after the drawing will be sold on a first-come, first-served basis beginning and ending on the dates provided in the proclamation of the Wildlife Board for taking and pursuing bear. These permits may be purchased by either residents or nonresidents.
- (4) Waiting periods do not apply to the purchase of remaining permits. However, waiting periods are incurred as a result of purchasing remaining permits.
- (5)(a) A person may withdraw their application for the bear drawing ~~[by requesting such in writing]~~provided a written request for such is received by the date published in the proclamation of the Wildlife Board for taking and pursuing bear.
- (b) The applicant must send their notarized signature with a statement requesting that their application be withdrawn to the address published in the proclamation of the Wildlife Board for taking bear.
- (6)(a) An applicant may amend their application for the limited entry bear permit drawing ~~[by requesting such in writing]~~provided a written request for such is received by the initial application deadline.
- (b) The applicant must send their notarized signature with a statement requesting that their application be amended to the address published in the proclamation of the Wildlife Board for taking bear.
- (c) The applicant must identify in their statement the requested amendment to their application.
- (d) If the application is amended, and that amendment results in an error, the division reserves the right to reject the entire application.
- (8) Handling fees will not be refunded.

**R657-33-32. Bonus Points.**

- (1) A bonus point is awarded for:
- a valid unsuccessful application in the drawing; or
  - a valid application when applying for a bonus point in the bear drawing.
- (2)(a) A person may apply for one bear bonus point each year, except a person may not apply in the drawing for both a limited entry bear permit and a bear bonus point in the same year.
- (b) A person may not apply for a bonus point if that person is ineligible to apply for a permit.
- (c) Group applications will not be accepted when applying for bonus points.
- (3)(a) Each applicant receives a random drawing number for:
- the current valid limited entry bear application; and
  - each bonus point accrued.
- (b) The applicant will retain the lowest random number for the drawing.
- (4)(a) Fifty percent of the permits for each hunt unit will be reserved for applicants with bonus points.
- (b) Based on the applicant's first choice, the reserved permits will be designated by a random drawing number to eligible applicants with the greatest number of bonus points.
- (c) If reserved permits remain, the reserved permits will be designated by random number to eligible applicants with the next greatest number of bonus points.
- (d) The procedure in Subsection (c) will continue until all reserved permits have been issued or no applications for that hunt unit remain.
- (e) Any reserved permits remaining and any applicants who were not selected for reserved permits will be returned to the drawing.
- (5) Bonus points are forfeited if a person obtains a limited entry bear permit except as provided in Subsection (6).
- (6) Bonus points are not forfeited if a person is successful in obtaining a Conservation Permit.
- (7) Bonus points are not transferable.
- (8)(a) Bonus points are tracked using Social Security numbers or ~~Division~~ division-issued hunter identification numbers.
- (b) The ~~Division~~ division shall retain paper copies of applications for three years prior to the current bear drawing for the purpose of researching bonus point records.
- (c) The ~~Division~~ division shall retain electronic copies of applications from 1996 to the current bear drawing for the purpose of researching bonus point records.
- (d) Any requests for researching an applicant's bonus point records must be requested within the time frames provided in Subsection (b) and (c).
- (e) Any bonus points on the ~~Division's~~ division's records shall not be researched beyond the time frames provided in Subsection (b) and (c).
- (f) The ~~Division~~ division may eliminate any bonus points earned that are obtained by fraud or misrepresentation.

**R657-33-33. Refunds.**

- (1) ~~Unsuccessful applicants, who applied in the drawing and who applied with a check or money order, will receive a refund in April.~~
- ~~(2)~~ (2) Unsuccessful applicants~~[,]~~ who applied with a credit or debit card~~[,]~~ will not be charged for a permit.
- ~~(3)~~ (2) The handling fees are nonrefundable.

**R657-33-34. Duplicate License and Permit.**

~~[(4)]~~ Whenever any unexpired license, permit, tag or certificate of registration is destroyed, lost or stolen, a person may obtain a duplicate in accordance with R657-42 ~~[from a division office, for five dollars or half of the price of the original license, or permit, whichever is less.~~

~~— (2) The division may waive the fee for a duplicate unexpired license, permit, tag or certificate of registration provided the person did not receive the original license, permit, tag or certificate of registration.]~~

**KEY: wildlife, bear, game laws**

**Date of Enactment or Last Substantive Change: ~~[March 6, 2006]~~ 2007**

**Notice of Continuation: December 31, 2002**

**Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-13-2**

◆ ————— ◆

## Public Safety, Fire Marshal R710-2

### Rules Pursuant to the Utah Fireworks Act

#### NOTICE OF PROPOSED RULE

(Amendment)  
DAR FILE NO.: 29422  
FILED: 01/16/2007, 21:14

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The Utah Fire Prevention Board met on 01/09/2007 in a regularly scheduled Board meeting and voted unanimously to make two amendments to the rule by updating the adopted fire code and changing the minimum age to be involved as a display or special effects pyrotechnics operator.

**SUMMARY OF THE RULE OR CHANGE:** The proposed rule amendments to Rule R710-2 are as follows: 1) in Subsection R710-2-1(1.1), the Board proposes to update the currently adopted International Fire Code from the 2003 edition to the 2006 edition; and 2) in Subsection R710-2-7(7.15), the Board proposes to change the age to secure an importer, wholesaler, display, or special effects operator license from 18 years of age to 21 years of age to be consistent with the currently adopted national standards and the Utah pyrotechnics industry's desires.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 53-7-204

**THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL:** International Fire Code, 2006 edition, as published by the International Code Council

## ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There would be a cost of approximately \$60 to purchase the newly adopted 2006 edition of the International Fire Code. The aggregate anticipated cost would be approximately \$4,000 to purchase enough of the fire codes for state use.

❖ **LOCAL GOVERNMENTS:** There would be a cost of approximately \$60 to purchase the newly adopted 2006 edition of the International Fire Code. The aggregate anticipated cost would be impossible to determine due to the unknown number of fire codes to be purchased by each local government agency and the number of local government agencies that would purchase the fire code.

❖ **OTHER PERSONS:** There would be no aggregate cost or savings to other persons because this update of the fire code as an incorporated reference does not normally effect those outside of government. However, for those who wish to purchase the 2006 edition of the International Fire Code, there will be a cost of \$60.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There would be an approximate cost of \$60 to purchase the 2006 edition of the International Fire Code.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There is no fiscal impact on businesses for the enactment of these proposed rule changes. Scott T. Duncan, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

PUBLIC SAFETY  
FIRE MARSHAL  
Room 302  
5272 S COLLEGE DR  
MURRAY UT 84123-2611, or  
at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

Brent Halladay at the above address, by phone at 801-284-6352, by FAX at 801-284-6351, or by Internet E-mail at [bhallada@utah.gov](mailto:bhallada@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 03/05/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 03/12/2007

AUTHORIZED BY: Ron L. Morris, Utah State Fire Marshal

**R710. Public Safety, Fire Marshal.****R710-2. Rules Pursuant to the Utah Fireworks Act.****R710-2-1. Adoption.**

Pursuant to Title 53, Chapter 7, Section 204, Utah Code Annotated 1953, the Utah Fire Prevention Board adopts rules establishing minimum safety standards for retail storage, handling, and sale of class C common state approved explosives; minimum requirements for placement and discharge of display fireworks; and

requirements for importer, wholesaler, display or special effects operator licenses.

There is further adopted as part of these rules the following codes which are incorporated by reference:

1.1 International Fire Code (IFC), [~~2003~~2006 edition, as published by the International Code Council, Inc. (ICC), except as amended by provisions listed in R710-2-9, et seq.

1.2 National Fire Protection Association (NFPA), Standard 1123, Code for Fireworks Display, 2006 edition, as published by the National Fire Protection Association, except as amended by provisions listed in R710-2-9, et seq.

1.3 National Fire Protection Association (NFPA), Standard 1126, Standard for the Use of Pyrotechnics Before a Proximate Audience, 2006 edition, as published by the National Fire Protection Association, except as amended by provisions listed in R710-2-9, et seq.

1.4 Copies of the above codes are on file in the Office of Administrative Rules and the State Fire Marshal's Office.

**R710-2-7. Importer, Wholesaler, Display or Special Effects Operator Licenses.**

7.1 Application for a importer, wholesaler, display or special effects operator license shall be made in writing on forms provided by the SFM.

7.2 Application for a license shall be signed by the applicant. If the application is made by a partnership, it shall be signed by all partners. If the application is made by a corporation or association, it shall be signed by a principal officer.

7.3 Original licenses shall be valid from the date of issuance through December 31st of the year in which issued. Licenses issued on or after October 1st, will be valid through December 31st of the following year.

7.4 Application for renewal of license shall be made before January 1st of each year. Application for renewal shall be made in writing on forms provided by the SFM.

7.5 The SFM may refuse to renew any license pursuant to Section 8 of these rules. The applicant, upon such refusal, shall also have those rights as are granted by Section 8 of these rules.

7.6 Every licensee shall notify the SFM, in writing, within thirty (30) days, of any change of his address or location.

7.7 No licensee shall conduct his licensed business under a name other than the name which appears on his license.

7.8 No license shall be issued to any person as licensee who is under eighteen (18) years of age.

7.9 The holder of any license shall submit such license for inspection upon request of the SFM, his duly authorized deputies, or any authorized enforcement official.

7.10 Every person who wishes to secure a display or special effects operator original license shall demonstrate proof of competence by:

7.10.1 Successfully passing a closed book written examination and obtaining a minimum grade of seventy percent (70%).

7.10.2 Submit written verification with the application of having completed a display or special effects operators safety class or demonstrate previous experience acceptable to the SFM.

7.10.3 Submit written verification with the application that the applicant has worked with a licensed display or special effects operator for at least three shows or demonstrate previous experience acceptable to the SFM.

7.11 The written examination stated in Section 7.10(a) shall be valid for five years from the date of the examination.

7.12 At the end of the five year period the licensed display or special effects operator shall take a re-examination. The re-examination shall be open book and sent to the license holder at least 60 days before the renewal date. The re-examination shall focus on the changes in the last 5 years to the adopted standards. The license holder is responsible to complete the re-examination and return it to the Division in time to renew and also comply with the requirements listed in Section 7.13.

7.13 After the issuance of the original license, and each year thereafter, the display or special effects operator shall complete a minimum of one fireworks performance annually or attend an operator safety class annually or work with another licensed display or special effects operator with a show annually to demonstrate proof of competence.

7.14 When the license has expired for more than one year, an application shall be made for an original license and the initial requirements shall be completed as required in Section 7.10 of these rules.

7.15 Every person who wishes to secure an importer, wholesaler, display or special effects operators license shall be at least ~~18~~21 years of age.

7.16 Every licensed display or special effects operator shall complete the Pyrotechnician's After Action Report for Fireworks Display form within ten (10) working days after the conclusion of any display or special effects show and send it to the State Fire Marshal.

**KEY: fireworks**

**Date of Enactment or Last Substantive Amendment:** ~~September 7, 2006~~ **March 12, 2007**

**Notice of Continuation:** June 11, 2002

**Authorizing, and Implemented or Interpreted Law:** 53-7-204



**Public Safety, Fire Marshal**  
**R710-6**  
**Liquefied Petroleum Gas Rules**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 29423

FILED: 01/16/2007, 22:23

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The Utah Liquefied Petroleum Gas Board met on 01/12/2007 in a regularly scheduled Board meeting and voted unanimously to amend Rule R710-6 to update the 2003 International Fire Code to the 2006 edition, make corrective changes to current fire code amendments, and sequential changes.

**SUMMARY OF THE RULE OR CHANGE:** The proposed rule amendments to Rule R710-6 are as follows: 1) in Subsection R710-6-1(1.4), the Board proposes to update the currently used 2003 edition of the International Fire Code to the 2006 edition; 2) in Subsections R710-6-8(8.5.2) through (8.5.4), the Board proposes to make modifications to the current amendments to make them correct with the new edition of the

fire code; and 3) some sequential changes are made for clarity.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 53-7-305

**THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL:** International Fire Code, 2006 edition, as published by the International Code Council

**ANTICIPATED COST OR SAVINGS TO:**

❖ **THE STATE BUDGET:** There would be a cost of approximately \$60 to purchase the newly adopted 2006 edition of the International Fire Code. The aggregate anticipated cost would be approximately \$500 for those on the Board and staff to have a copy of the new edition.

❖ **LOCAL GOVERNMENTS:** There would be an approximate cost of \$60 to purchase the newly adopted fire code. The aggregate anticipated cost is impossible to determine because there is an unknown number of copies to be purchased by each local government agency and an unknown number of local government agencies that would purchase the standard.

❖ **OTHER PERSONS:** There would be no aggregate anticipated cost or savings to other persons because those in the liquefied petroleum Gas industry do not use the International Fire Code. It is normally not used outside of government. However, for those who wish to purchase the 2006 edition of the International Fire Code, there will be a cost of \$60.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There would be an approximate cost of \$60 to purchase the 2006 edition of the International Fire Code.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There is no fiscal impact on businesses for the enactment of these proposed rule changes.  
Scott T. Duncan, Commissioner

**THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:**

PUBLIC SAFETY  
FIRE MARSHAL  
Room 302  
5272 S COLLEGE DR  
MURRAY UT 84123-2611, or  
at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

Brent Halladay at the above address, by phone at 801-284-6352, by FAX at 801-284-6351, or by Internet E-mail at [bhallada@utah.gov](mailto:bhallada@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 03/05/2007.**

**THIS RULE MAY BECOME EFFECTIVE ON: 03/12/2007**

**AUTHORIZED BY: Ron L. Morris, Utah State Fire Marshal**

**R710. Public Safety, Fire Marshal.****R710-6. Liquefied Petroleum Gas Rules.****R710-6-1. Adoption, Title, Purpose and Scope.**

Pursuant to Title 53, Chapter 7, Section 305, Utah State Code Annotated 1953, the Liquefied Petroleum Gas (LPG) Board adopts minimum rules to provide regulation to those who distribute, transfer, dispense or install LP Gas and/or its appliances in the State of Utah.

There is adopted as part of these rules the following codes which are incorporated by reference:

1.1 National Fire Protection Association (NFPA), Standard 58, LP Gas Code, 2004 edition, except as amended by provisions listed in R710-6-8, et seq.

1.2 National Fire Protection Association (NFPA), Standard 54, National Fuel Gas Code, 2006 edition, except as amended by provisions listed in R710-6-8, et seq.

1.3 National Fire Protection Association (NFPA), Standard 1192, Standard on Recreational Vehicles, 2005 Edition, except as amended by provisions listed in R710-6-8, et seq.

1.4 International Fire Code (IFC), Chapter 38, ~~[2003]~~2006 edition, as published by the International Code Council, Inc. (ICC), except as amended by provisions listed in R710-6-8, et seq.

1.5 A copy of the above codes are on file with the Division of Administrative Rules, and the State Fire Marshal's Office. The definitions contained in the afore referenced codes shall also pertain to these rules.

## 1.6 Title.

These rules shall be known as "Rules Governing LPG Operations in the State of Utah" and may be cited as such, and will be hereinafter referred to as "these rules".

## 1.7 Validity.

If any article, section, subsection, sentence, clause, or phrase, of these rules is, for any reason, held to be unconstitutional, contrary to statute, or exceeding the authority of the LPG Board such decision shall not affect the validity of the remaining portion of these rules.

## 1.8 Conflicts.

In the event where separate requirements pertain to the same situation in the same code, or between different codes or standards as adopted, the more restrictive requirement shall govern, as determined by the enforcing authority.

**R710-6-4. LP Gas Certificates.**

## 4.1 Application.

Application for an LPG certificate shall be made in writing to the Division. The application shall be signed by the applicant.

## 4.2 Examination.

Every person who performs any act or acts within the scope of a license issued under these rules, shall pass an initial examination in accordance with the provisions of this article.

## 4.3 Types of Initial Examinations:

## 4.3.1 Carburetion

## 4.3.2 Dispenser

## 4.3.3 HVAC/Plumber

## 4.3.4 Recreational Vehicle Service

## 4.3.5 Serviceman

## 4.3.6 Transportation and Delivery

## 4.4 Initial Examinations.

4.4.1 The initial examination shall include an open book written test of the applicant's knowledge of the work to be performed by the

applicant. The written examination questions shall be taken from the adopted statute, administrative rules, NFPA 54, and NFPA 58.

4.4.2 The initial examination shall also include a practical or actual demonstration of some selected aspects of the job to be performed by the applicant.

4.4.3 To successfully complete the written and practical initial examinations, the applicant must obtain a minimum grade of seventy percent (70%) in each portion of the examination taken. Each portion of the examination will be graded separately. Failure of any one portion of the examination will not delete the entire test.

4.4.4 Examinations may be given at various field locations as deemed necessary by the Division. Appointments for field examinations are required.

4.4.5 As required in Sections 4.2 and 4.3 of these rules, those applicants that have successfully completed the requirements of the Certified Employee Training Program (CETP), as written by the National Propane Gas Association, and that corresponds to the work to be performed by the applicant, shall have the requirement for initial examination waived, after appropriate documentation is provided to the Division by the applicant.

4.4.6 As required in Sections 4.2 and 4.3 of these rules, those applicants that have successfully completed the requirements in Code of Federal Regulations (CFR) 49, Parts 172.700, 172.704, 177.800 and 177.816, that corresponds to the work to be performed by the applicant, shall have the requirement for initial examination waived, after appropriate documentation is provided to the Division by the applicant.

## 4.5 Original and Renewal Date.

Original LPG certificates shall be valid for one year from the date of issuance. Thereafter, each LPG certificate shall be renewed annually and renewals thereof shall be valid from for one year from issuance.

## 4.6 Renewal Date.

Application for renewal shall be made on forms provided by the Division.

## 4.7 Re-examination.

Every holder of a valid LPG Certificate shall take a re-examination every five years from the date of original certificate issuance, to comply with the provisions of Section 4.3 of these rules as follows:

4.7.1 The re-examination to comply with the provisions of Section 4.3 of these rules shall consist of an open book examination, to be mailed to the certificate holder at least 60 days before the renewal date.

4.7.2 The open book re-examination will consist of questions that focus on changes in the last five years to NFPA 54, NFPA 58, the statute, or the adopted administrative rules. The re-examination may also consist of questions that focus on practices of concern as noted by the Board or Division.

4.7.3 The certificate holder is responsible to complete the re-examination and return it to the Division in sufficient time to renew.

4.7.4 The certificate holder is responsible to return to the Division with the re-examination the correct renewal fees to complete that certificate renewal.

4.7.5 As required in Section 4.7 of these rules, those applicants that have successfully completed the requirements in Code of Federal Regulations (CFR) 49, Parts 172.700, 172.704, 177.800 and 177.816, that corresponds to the work to be performed by the applicant, shall have the requirement for re-examination waived, after appropriate documentation is provided to the Division by the applicant.

#### 4.8 Refusal to Renew.

The Division may refuse to renew any LPG certificate in the same manner and for any reason that is authorized pursuant to ~~[Article 5] Section 5.2 of these rules.~~

#### 4.9 Inspection.

The holder of a LPG certificate shall submit such certificate for inspection, upon request of the Division or the enforcing authority.

#### 4.10 Type.

4.10.1 Every LPG certificate shall indicate the type of act or acts to be performed and for which the applicant has qualified.

4.10.2 Any person holding a valid LPG certificate shall not be authorized to perform any act unless he is a licensee or is employed by a licensed concern.

4.10.3 It is the responsibility of the LPG certificate holder to insure that the concern they are employed by is licensed under this act.

#### 4.11 Change of Address.

Any change in home address of any holder of a valid LPG certificate shall be reported by the registered person to the Division within thirty (30) days of such change.

#### 4.12 Duplicate.

A duplicate LPG certificate may be issued by the Division to replace any previously issued certificate which has been lost or destroyed upon the submission of a written statement to the Division from the certified person. Such statement shall attest to the certificate having been lost or destroyed. If the original is found, it shall be surrendered to the Division within 15 days.

#### 4.13 Contents of Certificate of Registration.

Every LPG certificate issued shall contain the following information:

4.13.1 The name and address of the applicant.

4.13.2 The physical description of applicant.

4.13.3 The signature of the LP Gas Board Chairman.

4.13.4 The date of issuance.

4.13.5 The expiration date.

4.13.6 Type of service the person is qualified to perform.

4.13.7 Have printed on the card the following: "This certificate is for identification only, and shall not be used for recommendation or advertising".

#### 4.14 Minimum Age.

No LPG certificate shall be issued to any person who is under sixteen (16) years of age.

#### 4.15 Restrictive Use.

4.15.1 No LPG certificate shall constitute authorization for any person to enforce any provisions of these rules.

4.15.2 A LPG certificate may be used for identification purposes only as long as such certificate remains valid and while the holder is employed by a licensed concern.

4.15.3 Regardless of the acts for which the applicant has qualified, the performance of only those acts authorized under the licensed concern employing such applicant shall be permissible.

4.15.4 Regardless of the acts authorized to be performed by a licensed concern, only those acts for which the applicant for a LPG certificate has qualified shall be permissible by such applicant.

#### 4.16 Right to Contest.

4.16.1 Every person who takes an examination for a LPG certificate shall have the right to contest the validity of individual questions of such examination.

4.16.2 Every contention as to the validity of individual questions of an examination that cannot be reasonably resolved, shall be made in writing to the Division within 48 hours after taking said examination. Contentions shall state the reason for the objection.

4.16.3 The decision as to the action to be taken on the submitted contention shall be by the Board, and such decision shall be final.

4.16.4 The decision made by the Board, and the action taken, shall be reflected in all future examinations, but shall not affect the grades established in any past examination.

#### 4.17 Non-Transferable.

LPG Certificates shall not be transferable to another individual. Individual LPG certificates shall be carried by the person to whom issued.

#### 4.18 New Employees.

New employees of a licensed concern may perform the various acts while under the direct supervision of persons holding a valid LPG certificate for a period not to exceed 45 days from the initial date of employment. By the end of such period, new employees shall have taken and passed the required examination. In the event the employee fails the examination, re-examination shall be taken within 30 days. The employee shall remain under the direct supervision of an employee holding a valid LPG certificate, until certified.

#### 4.19 Certificate Identification.

Every LPG certificate shall be identified by a number, delineated as PE-(number). Such number shall not be transferred from one person to another.

### **R710-6-8. Amendments and Additions.**

The following amendments and additions are hereby adopted by the Board:

8.1 All LP Gas facilities that are located in a public place shall be inspected by a certified LP Gas serviceman every five (5) years for leaks in all buried piping as follows:

8.1.1 All buried piping shall be pressure tested and inspected for leaks as set forth in NFPA Standard 54, Sections 4.1.1 through 4.3.4.

8.1.2 If a leak is detected and repaired, the buried piping shall again be pressure tested for leaks.

8.1.3 The certified LP Gas serviceman shall keep a written record of the inspection and all corrections made to the buried piping located in a public place.

8.1.4 The inspection records shall be available to be inspected on a regular basis by the Division.

8.2 Whenever the Division is required to complete more than two inspections to receive compliance on an LP Gas System, container, apparatus, appliance, appurtenance, tank or tank trailer, or any pertinent equipment for the storage, transportation or dispensation of LP Gas, the Division shall charge to the owner for each additional inspection, the re-inspection fee as stated in R710-6-6.1(e).

8.3 All LP Gas containers of more than 5000 water gallons shall be inspected at least biannually for compliance with the adopted statute and rules. The following containers are exempt from this requirement:

8.3.1 Those excluded from the act in UCA, Section 53-7-303.

8.3.2 Containers under federal control.

8.3.3 Containers under the control of the U.S. Department of Transportation and used for transportation of LP Gas.

8.3.4 Containers located at private residences.

8.4 Those using self-serve key or card services shall be trained in safe filling practices by the licensed dealer providing the services. A letter shall be sent to the Division by the licensed dealer stating that those using the self-serve key or card service have been trained.

#### 8.5 IFC Amendments:

8.5.1 IFC, Chapter 38, Section 3801.2 Permits. On line 2 after the word "105.7" add "and the adopted LPG rules".

8.5.2 IFC, Chapter 38, Section 3803.1 [~~General. After the word "Code" on line 2 insert ", NFPA 54,"~~ is deleted and rewritten as follows:

General. LP Gas equipment shall be installed in accordance with NFPA 54, NFPA 58, the adopted LP Gas Administrative Rules, and the International Fuel Gas Code, except as otherwise provided in this chapter.

8.5.3 IFC, Chapter 38, Section 3809.12 [Location of storage outside of buildings. On line three replace the number "20" with the number "10".] is deleted and rewritten as follows: In Table 3809.12, Doorway or opening to a building with two or more means of egress, with regard to quantities 720 or less and 721-2,500, the currently stated "5" is deleted and replaced with "10".

8.5.4 IFC, Chapter 38, Section 3809.14 is amended as follows: Delete "20" from line three and replace it with "10".

8.6 NFPA, Standard 58 Amendments:

8.6.1 NFPA, Standard 58, Section 5.2.1.1 is amended to add the following section: (c) All new, used or existing containers of 5000 water gallons or less, installed in the State of Utah or relocated within the State of Utah shall meet the requirements listed in ASME, Boiler and Pressure Vessel Code, "Rules for the Construction of Unfired Pressure Vessels". All new, used or existing containers of more than 5000 water gallons, installed in the State of Utah or relocated within the State of Utah shall meet the requirements listed in ASME, Boiler and Pressure Vessel Code, "Rules for the Construction of Unfired Pressure Vessels", Section VIII, and shall either be registered by the National Board of Boiler and Pressure Vessel Inspectors or the Manufacturer's Data Report for Pressure Vessels, Form U-1A, be provided.

8.6.2 NFPA, Standard 58, Section 5.2.1.1 is amended to add the following section: (d) If an existing container is relocated within the State of Utah, and depending upon the container size, does not bear the required ASME construction code and/or National Board Stamping, the new owner may submit to the Division a request for "Special Classification Permit". Material specifications and calculations of the container shall be submitted to the Division by the new owner. Also, the new owner shall insure that a review of the proposed container be completed by a registered professional engineer experienced in pressure vessel container design and construction, and the new owner submit that report to the Division. The Division will approve or disapprove the proposed container. Approval by the Division shall be obtained before the container is set or filled with LP Gas.

8.6.3 NFPA, Standard 58, Section 5.2.1.5 is amended to add the following section:

~~(A)~~ (A) Repairs and alterations shall only be made by those holding a National Board "R" Certificate of Authorization commonly known as an R Stamp.

~~8.6.4 NFPA, Standard 58, Section 6.6.3 is amended to add the following section: 6.6.3.9 Skid mounted ASME horizontal containers greater than 2000 water gallons, with non fireproofed steel mounted attached supports, resting on concrete, pavement, gravel or firm packed earth, may be mounted on the attached supports to a maximum of 12 inches from the top of the skid to the bottom of the container.~~

8.6.[5]4 NFPA Standard 58, Sections 5.8.3.2(3)(a) and (b) are deleted and rewritten as follows:

Type K copper tubing without joints below grade may be used in exterior LP Gas piping systems only.

8.6.[6]5 NFPA, Standard 58, Section 6.6.1.2 is amended to add the following: When guard posts are installed they shall be installed meeting the following requirements:

8.6.[6]5.1 Constructed of steel not less than four inches in diameter and filled with concrete.

8.6.[6]5.2 Set with spacing not more than four feet apart.

8.6.[6]5.3 Buried three feet in the ground in concrete not less than 15 inches in diameter.

8.6.[6]5.4 Set with the tops of the posts not less than three feet above the ground.

8.6.6 NFPA, Standard 58, Section 6.6.3 is amended to add the following section: 6.6.3.9 Skid mounted ASME horizontal containers greater than 2000 water gallons, with non-fireproofed steel mounted attached supports, resting on concrete, pavement, gravel or firm packed earth, may be mounted on the attached supports to a maximum of 12 inches from the top of the skid to the bottom of the container.

8.6.7 NFPA, Standard 58, Section 6.6.6 is amended to add the following: (M) All metallic equipment and components that are buried or mounded shall have cathodic protection installed to protect the metal.

8.6.7.1 Sacrificial anodes shall be installed as required by the size of the container. If more than one sacrificial anode is required they shall be evenly distributed around the container.

8.6.7.2 Sacrificial anodes shall be connected to the container or piping as recommended by the manufacturer or using accepted engineering practices.

8.6.7.3 Sacrificial anodes shall be placed as near the bottom of the container as possible and approximately two feet away from the container.

8.6.8 NFPA, Standard 58, Section 8.4.1.1(1) is amended as follows: On line one remove "5ft (1.5m)" and replace it with "10 ft (3m)".

**KEY: liquefied petroleum gas**

**Date of Enactment or Last Substantive Amendment: ~~November 8, 2006~~ March 12, 2007**

**Notice of Continuation: March 30, 2006**

**Authorizing, and Implemented or Interpreted Law: 53-7-305**

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## Public Safety, Fire Marshal R710-9 Rules Pursuant to the Utah Fire Prevention Law

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 29421

FILED: 01/16/2007, 21:14

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board met on 01/09/2007 in a regularly scheduled Board meeting and voted unanimously to make a number of amendments to the currently adopted rule for the purpose of updating four adopted standards that are incorporated by reference, set fire, and life safety requirements for parking garages, and adopting the requirement for installation of carbon monoxide (CO) detectors in habitable dwellings.

SUMMARY OF THE RULE OR CHANGE: The proposed rule amendments to Rule R710-9 are as follows: 1) in Subsection R710-9-1(1.5), the Board proposes to update four National Fire Protection Association (NFPA) standards that are incorporated by reference to the most recent edition; 2) in

Subsections R710-9-6(6.6.10) and (6.6.11), the Board proposes to adopt certain specific requirements for parking garages that would require the application of fire appliances when access is denied; and 3) in Subsections R710-9-6(6.6.19) through (6.6.22), the Board proposes to establish requirements for the installation of CO detectors in each habitable level on newly constructed dwellings.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: National Fire Protection Association, NFPA 10, Standard for Portable Fire Extinguishers, 2007 edition; National Fire Protection Association, NFPA 13, Standard for Installation of Sprinkler Systems, 2007 edition; National Fire Protection Association, NFPA 13D, Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, 2007 edition; and National Fire Protection Association, NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height, 2007 edition

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There would be an aggregate anticipated cost to the state budget of approximately \$2,000 to purchase the needed standards that are incorporated by reference for those employees that would need copies of these references to complete their job.

❖ LOCAL GOVERNMENTS: There would be an aggregate anticipated cost of approximately \$155 to purchase the newly updated standards. It is impossible to determine the total aggregate cost of purchasing these standards due to the unknown number of NFPA manuals needed at each local government agency, and the total number of local government agencies that would purchase these manuals.

❖ OTHER PERSONS: There would be a cost of \$155 per set of newly adopted codes; as high as \$50,000 for an automatic fire sprinkler system or standpipe system in parking garages if access cannot be provided; and \$35 for each CO detector. It is impossible to determine an aggregate cost due to the unknown number of codes that would be purchased, parking garages to be built, the size of the garage, installation of standpipes in lieu of the sprinkler systems, and the unknown number of CO detectors that would be purchased and installed.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost for the purchasing of all the updated standards that are incorporated by reference is approximately \$155. The compliance cost for the installation of automatic fire sprinkler systems or standpipe systems in the event access cannot be provided to the fire department could be as high as \$50,000 depending on the size of the parking garage and the requirements that had to be provided. The compliance cost for the installation of CO detectors would be approximately \$35 per detector and one as a minimum would be required per habitable dwelling.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact for the purchasing of the newly updated standards is necessary by the industry so they are fully aware of the new requirements. The fiscal impact on the installation of either an automatic fire sprinkler system or standpipes if access is not provided for the fire service to a parking garage on fire is a public safety matter that has needed a satisfactory conclusion for an extended period of time. The fiscal impact on businesses for the cost of a CO Detector is minimal for the safety that is received from its use. Scott T. Duncan, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

PUBLIC SAFETY  
FIRE MARSHAL  
Room 302  
5272 S COLLEGE DR  
MURRAY UT 84123-2611, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Brent Halladay at the above address, by phone at 801-284-6352, by FAX at 801-284-6351, or by Internet E-mail at [bhallada@utah.gov](mailto:bhallada@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 03/05/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 03/12/2007

AUTHORIZED BY: Ron L. Morris, Utah State Fire Marshal

**R710. Public Safety, Fire Marshal.**

**R710-9. Rules Pursuant to the Utah Fire Prevention Law.**

**R710-9-1. Title, Authority, and Adoption of Codes.**

1.1 These rules shall be known as the "Rules Pursuant to the Utah Fire Prevention Law", and may be cited as such, and will be hereafter referred to as "these rules".

1.2 These rules are promulgated in accordance with Title 53, Chapter 7, Section 204, Utah Code Annotated 1953, as amended.

1.3 These rules are adopted by the Utah Fire Prevention Board to provide minimum rules for safeguarding life and property from the hazards of fire and explosion, for board meeting conduct, procedures to amend incorporated references, establishing amendments and additions to the adopted codes, establishing board subcommittees, enforcement of the rules of the State Fire Marshal, and deputizing Special Deputy State Fire Marshals.

1.4 There is adopted as part of these rules the following code which is incorporated by reference:

1.4.1 International Fire Code (IFC), 2006 edition, excluding appendices, as promulgated by the International Code Council, Inc., except as amended by provisions listed in R710-9-6, et seq.

1.5 There is further adopted as part of these rules the following codes which are also incorporated by reference and supercede the adopted standards listed in the International Fire Code, 2006 edition, Chapter 45, Referenced Standards, as follows:

1.5.1 National Fire Protection Association (NFPA), NFPA 10, Standard for Portable Fire Extinguishers, [2002]2007 edition, except as amended by provisions listed in R710-9-6, et seq.

1.5.2 National Fire Protection Association (NFPA), NFPA 13, Standard for Installation of Sprinkler Systems, [2002]2007 edition, except as amended by provisions listed in R710-9-6, et seq.

1.5.3 National Fire Protection Association (NFPA), NFPA 13D, Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, [2002]2007 edition, except as amended by provisions listed in R710-9-6, et seq.

1.5.4 National Fire Protection Association (NFPA), NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height, [2002]2007 edition, except as amended by provisions listed in R710-9-6, et seq.

1.5.5 National Fire Protection Association (NFPA), NFPA 70, National Electric Code, 2005 edition, as adopted by the Uniform Building Standards Act, Title 58. Chapter 56, Section 4, Utah Code Annotated 1953 and the Utah Administrative Code R156-56-701. Wherever there is a section, figure or table in the International Fire Code (IFC) that references "ICC Electrical Code", that reference shall be replaced with "National Electric Code".

1.5.6 National Fire Protection Association (NFPA), NFPA 72, National Fire Alarm Code, 2002 edition, except as amended in provisions listed in R710-9-6, et seq.

1.5.7 National Fire Protection Association (NFPA), NFPA 101, Life Safety Code, 2006 edition, except as amended in provisions listed in R710-9-6, et seq. Wherever there is a section, figure or table in NFPA 101 that references "NFPA 5000 - Building Construction and Safety Code", that reference shall be replaced with the "International Building Code".

1.5.8 National Fire Protection Association (NFPA), NFPA 160, Standard for Flame Effects Before an Audience, 2001 edition, except as amended by provisions listed in R710-9-6, et seq.

1.6 National Fire Protection Association (NFPA), NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2004 edition, except as amended by provisions listed in R710-9-6, et seq.

#### **R710-9-6. Amendments and Additions.**

The following amendments and additions are hereby adopted by the Board for application statewide:

##### **6.1 International Fire Code - Administration**

6.1.1 IFC, Chapter 1, Section 105.6.16 is amended to add the following section: 11. The owner of an underground tank that is out of service for longer than one year, shall receive a Temporary Closure Notice from the Department of Environmental Quality and a copy shall be given to the AHJ.

6.1.2 IFC, Chapter 1, Section 109.2 is amended as follows: On line three after the words "is in violation of this code," add the following "or other pertinent laws or ordinances".

##### **6.2 International Fire Code - Definitions**

6.2.1 IFC, Chapter 2, Section 202, Educational Group E, Day care is amended as follows: On line three delete the word "five" and replace it with the word "four".

6.2.2 IFC, Chapter 2, Section 202, Institutional Group I, Group I-1 is amended to add the following: On line ten add "Type 1" in front of the words "Assisted living facilities".

6.2.3 IFC, Chapter 2 Section 202, Institutional Group I, Group I-2 is amended as follows: On line four delete the word "five" and replace it with the word "three". On line eleven after the words

"Detoxification facilities" delete the rest of the section, and add the following: "Ambulatory surgical centers with two or more operating rooms where care is less than 24 hours, outpatient medical care facilities for ambulatory patients (accommodating more than five such patients in each tenant space) which may render the patient incapable of unassisted self-preservation, 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 with at least six and not more than 16 residents shall be classified as a Group I-1 facility.

6.2.4 IFC, Chapter 2, Section 202, Institutional Group I, Group I-4, day care facilities, Child care facility is amended as follows: On line three delete the word "five" and replace it with the word "four". Also on line two of the Exception delete the word "five" and replace it with the word "four".

6.2.5 IFC, Chapter 2, Section 202 General Definitions, Occupancy Classification, Residential Group R-1 is amended to add the following: Exception: Boarding houses accommodating 10 persons or less shall be classified as Residential Group R-3.

6.2.6 IFC, Chapter 2, Section 202 General Definitions, Occupancy Classification, Residential Group R-2 is amended to add the following: Exception: Boarding houses accommodating 10 persons or less shall be classified as Residential Group R-3.

##### **6.3 International Fire Code - General Precautions Against Fire**

6.3.1 IFC, Chapter 3, Section 304.1.2 is amended as follows: Delete the current line six and add the following in it's place: "the Utah Administrative Code, R652-122-200, Minimum Standards for Wildland Fire Ordinance."

6.3.2 IFC, Chapter 3, Section 311.1.1 is amended as follows: On line ten delete the words "International Property Maintenance Code and the" from this section.

6.3.3 IFC, Chapter 3, Section 311.5 is amended as follows: On line two delete the word "shall" and replace it with the word "may".

6.3.4 IFC, Chapter 3, Section 315.2.1 is amended to add the following: Exception: Where storage is not directly below the sprinkler heads, storage is allowed to be placed to the ceiling on wall mounted shelves that are protected by fire sprinkler heads in occupancies meeting classification as light or ordinary hazard.

##### **6.4 International Fire Code - Emergency Planning and Preparedness**

6.4.1 IFC, Chapter 4, Section 404.2(7) is amended as follows: After the word "buildings" add "to include sororities and fraternity houses".

##### **6.5 International Fire Code - Building Services and Systems**

6.5.1 IFC, Chapter 6, Section 607.3 is deleted and rewritten as follows: Firefighter service keys shall be kept in a "Supra - Stor-a-key" elevator key box or similar box with corresponding key system that is adjacent to the elevator for immediate use by the fire department. The key box shall contain one key for each elevator, one key for lobby control, and any other keys necessary for emergency service.

6.5.2 IFC, Chapter 6, Section 609.1 is amended to add the following: On line three after the word "Code" add the words "and NFPA 96".

##### **6.6 International Fire Code - Fire Protection Systems**

6.6.1 IFC, Chapter 9, Section 901.2 is amended to add the following: The code official has the authority to request record drawings ("as built") to verify any modifications to the previously approved construction documents.

6.6.2 IFC, Chapter 9, Section 902.1 Definitions, RECORD DRAWINGS is deleted and rewritten as follows: Drawings ("as

builds") that document all aspects of a fire protection system as installed.

6.6.3 IFC, Chapter 9, Section 901.6 is amended to add the following: The owner or administrator of each building shall insure the inspection and testing of water based fire protection systems as required in Rule R710-5, Automatic Fire Sprinkler System Inspecting and Testing.

6.6.4 IFC, Chapter 9, Section 903.2.1.2 is amended to add the following subsection: 4. An automatic fire sprinkler system shall be provided throughout Group A-2 occupancies where indoor pyrotechnics are used.

6.6.5 IFC, Chapter 9, Section 903.2.3(2) is deleted and rewritten as follows: Where a Group F-1 fire area is located more than three stories above the lowest level of fire department vehicle access; or

6.6.6 IFC, Chapter 9, Section 903.2.6(2) is deleted and rewritten as follows: Where a Group M fire area is located more than three stories above the lowest level of fire department vehicle access; or

6.6.7 IFC, Chapter 9, Section 903.2.7 Group R, is amended to add the following: Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) constructed in accordance with the International Residential Code for one- and two-family dwellings.

6.6.8 IFC, Chapter 9, Section 903.2.7 is amended to add the following: Exception: Group R-4 fire areas not more than 4500 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.

6.6.9 IFC, Chapter 9, Section 903.2.8(2) is deleted and rewritten as follows: A Group S-1 fire area is located more than three stories above the lowest level of fire department vehicle access; or

6.6.10 IFC, Chapter 9, Section 903.2.9 is deleted and rewritten as follows: Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as parking garages in accordance with Section 406.4 or where located beneath other groups.

6.6.10.1 Exception 1: Parking garages of less than 5,000 square feet (464m<sup>2</sup>) located beneath Group R-3 occupancies.

6.6.10.2 Exception 2: Open parking garages not located beneath other groups if one of the following conditions are met:

6.6.10.2.1 a. Access is provided for fire fighting operations to within 150 feet (45 720mm) of all portions of the parking garage as measured from the approved fire department vehicle access, or

6.6.10.2.2 b. Class I standpipes are installed throughout the parking garage.

6.6.11 IFC, Chapter 9, Section 903.2.9.1 is deleted and rewritten as follows: Commercial parking garages. An automatic sprinkler system shall be provided throughout buildings used for storage of commercial trucks or buses.

6.6.[40]12 IFC, Chapter 9, Section 903.3.5 is amended by adding the following at the end of the section: The potable water supply to automatic fire sprinkler systems and standpipe systems shall be protected against backflow in accordance with the International Plumbing Code as amended in the Utah Administrative Code, R156-56-707, Utah Uniform Building Standard Act Rules.

6.6.[44]13 IFC, Chapter 9, Section 903.6 is amended to add the following subsection: 903.6.2 Group A-2 occupancies. An automatic fire sprinkler system shall be provided throughout existing Group A-2 occupancies where indoor pyrotechnics are used.

6.6.[42]14 IFC, Chapter 9, Section 904.11 is deleted and rewritten as follows: Commercial Cooking Systems. The automatic fire extinguishing system for commercial cooking systems shall be of a type recognized for protection of commercial cooking equipment and exhaust systems. Pre-engineered automatic extinguishing systems shall be tested in accordance with UL300 and listed and labeled for the intended application. The system shall be installed in accordance with this code, its listing and the manufacturer's installation instructions. The Exception in Section 904.11 is not deleted and shall remain as currently written in the IFC.

6.6.[43]15 IFC, Chapter 9, Sections 904.11.3 and 904.11.3.1 is deleted and rewritten as follows:

6.6.[43]15.1 Existing automatic fire extinguishing systems used for commercial cooking that use dry chemical is prohibited and shall be removed from service.

6.6.[43]15.2 Existing wet chemical fire extinguishing systems used for commercial cooking that are not UL300 listed and labeled are prohibited and shall be either removed or upgraded to a UL300 listed and labeled system.

6.6.[44]16 IFC, Chapter 9, Section 904.11.4 is amended to add the following subsection: 904.11.4.2. Existing automatic fire sprinkler systems protecting commercial cooking equipment, hood, and exhaust systems that generate appreciable depth of cooking oils shall be replaced with a UL300 system that is listed and labeled for the intended application.

6.6.[45]17 IFC, Chapter 9 Section 904.11.6.4 is amended to add the following: Automatic fire extinguishing systems located in occupancies where usage is limited and less than six consecutive months, may be serviced annually if the annual service is conducted immediately before the period of usage, and approval is received from the AHJ.

6.6.[46]18 IFC, Chapter 9, Section 905.11 is deleted.

6.6.19 IFC, Chapter 9, Section 907.2.10.1.4 is created as follows: Carbon monoxide alarms. Carbon monoxide alarms shall be installed on each habitable level of a dwelling unit or sleeping unit in Groups R-2, R-3, R-4, and I-1 equipped with fuel burning appliances.

6.6.20 IFC, Chapter 9, Section 907.2.10.2 is amended as follows: On line two, line five, and line one of the Exception, the word "smoke" is deleted.

6.6.21 IFC, Chapter 9, Section 907.2.10.3 is amended as follows: On line two and line five, the word "smoke" is deleted. On line nine after the word "closed", add the following sentence: "Approved combination smoke and carbon monoxide detectors shall be permitted."

6.6.22 IFC Chapter 9, Section 907.2.10.4 is amended as follows: On line five after "NFPA 72" add "and NFPA 720, as applicable".

6.6.[47]23 IFC, Chapter 9, Section 907.3 is deleted and rewritten as follows: An approved automatic fire detection system shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances and equipment shall be approved. The automatic fire detectors shall be smoke detectors, except an approved alternative type of detector shall be installed in spaces such as boiler rooms where, during normal operation, products of combustion are present in sufficient quantity to actuate a smoke detector.

6.6.[48]24 IFC, Chapter 9, Sections 907.3.1, 907.3.1.1, 907.3.1.2, 907.3.1.3, 907.3.1.4, 907.3.1.5, 907.3.1.6, 907.3.1.7, and 907.3.1.8 are deleted.

6.6.~~[19]~~25 IFC, Chapter 9, Section 907.3.2 is amended to add the following: On line three after the word "occupancies" add "and detached one- and two-family dwellings and multiple single-family dwellings (townhouses)".

6.6.~~[20]~~26 IFC, Chapter 9, Section 907.3.2.3 is amended to add the following: On line one after the word "occupancies" add "and detached one- and two-family dwellings and multiple single-family dwellings (townhouses)".

6.6.~~[24]~~27 IFC, Chapter 9, Section 907.20.5 is amended to add the following sentences: Increases in nuisance alarms shall require the fire alarm system to be tested for sensitivity. Fire alarm systems that continue after sensitivity testing with unwarranted nuisance alarms shall be replaced as directed by the AHJ.

#### 6.7 International Fire Code - Means of Egress

6.7.1 IFC, Chapter 10, Section 1008.1.8.3 is amended to add the following:

6.7.1.1 5. Doors in Group I-1 and I-2 occupancies, where the clinical needs of the patients require specialized security measures for their safety, approved access controlled egress may be installed when all the following are met:

6.7.1.1.1 5.1 The controlled egress doors shall unlock upon activation of the automatic fire sprinkler system or the automatic fire detection system.

6.7.1.1.2 5.2 The facility staff can unlock the controlled egress doors by either sensor or keypad.

6.7.1.1.3 5.3 The controlled egress doors shall unlock upon loss of power.

6.7.1.1.4 5.4 The secure area or unit with controlled egress doors shall be located at the level of exit discharge in Type V construction.

6.7.1.2 6. Doors in Group I-1 and I-2 occupancies, where the clinical needs of the patients require approved, listed delayed egress locks, they shall be installed on doors as allowed in IFC, Section 1008.1.8.6. The secure area or unit with delayed egress locks shall be located at the level of exit discharge in Type V construction.

6.7.2 IFC, Chapter 10, Section 1009.3 is amended as follows: On line five of Exception 4 delete "7.75" and replace it with "8". On line seven of Exception 4 delete "10" and replace it with "9".

6.7.3 IFC, Chapter 10, Section 1009.10, is amended to add the following exception: 6. 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.

6.7.4 IFC, Chapter 10, Section 1012.3 is amended to add the following: Exception: Non-circular handrails serving an individual unit in a Group R-1, Group R-2 or Group R-3 occupancy with a perimeter greater than 6 1/4 inches (160mm) shall provide a graspable finger recess area on both sides of the profile. The finger recess shall begin within a distance of 3/4 inch (19mm) measured vertically from the tallest portion of the profile and achieve a depth of at least 5/16 inch (8mm) within 7/8 inch (22mm) below the widest portion of the profile. This required depth shall continue for at least 3/8 inch (10mm) to a level that is not less than 1 3/4 inches (45mm) below the tallest portion of the profile. The minimum width of the handrail above the recess shall be 1 1/4 inches (32mm) to a maximum of 2 3/4 inches (70mm). Edges shall have a minimum radius of 0.01 inch (0.25mm).

6.7.5 IFC, Chapter 10, Section 1013.2 is amended to add the following exception: 3. 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 (914mm).

6.7.6 IFC, Chapter 10, Section 1015.2.2 is amended to add the following sentence at the end of the section: Additional exits or exit access doorways shall be arranged a reasonable distance apart so that if one becomes blocked, the others will be available.

6.7.7 IFC, Chapter 10, Section 1028.2 is amended to add the following: On line six after the word "fire" add the words "and building".

#### 6.8 International Fire Code - Explosives and Fireworks

6.8.1 IFC, Chapter 33, Section 3301.1.3, Exception 4 is amended to add the following sentence: The use of fireworks for display and retail sales is allowed as set forth in UCA 53-7-220 and UCA 11-3-1.

#### 6.9 International Fire Code - Flammable and Combustible Liquids

6.9.1 IFC, Chapter 34, Section 3401.4 is amended to add the following at the end of the section: The owner of an underground tank that is out of service for longer than one year, shall receive a Temporary Closure Notice from the Department of Environmental Quality and a copy shall be given to the AHJ.

6.9.2 IFC, Chapter 34, Section 3406.1 is amended to add the following special operation: 8. Sites approved by the AHJ.

6.9.3 IFC, Chapter 34, Section 3406.2 is amended to add the following: On line five after the words "borrow pits" add the words "and sites approved by the AHJ".

#### 6.10 International Fire Code - Liquefied Petroleum Gas

6.10.1 IFC, Chapter 38, Section 3809.12, is amended as follows: In Table 3809.12, Doorway or opening to a building with two or more means of egress, with regard to quantities 720 or less and 721 - 2,500, the currently stated "5" is deleted and replaced with "10".

6.10.2 IFC, Chapter 38, Section 3809.14 is amended as follows: Delete 20 from line three and replace it with 10.]

#### ~~6.11 National Fire Protection Association~~

~~6.11.1 NFPA, Standard 10, Section 6.2.1 is amended to add the following sentence: The use of a supervised listed electronic monitoring system shall be permitted to satisfy the 30 day fire extinguisher interval inspection requirement.~~

~~6.11.2 NFPA, Standard 10, Section 6.3.1 is amended to add the following: Fire extinguishers that are connected to a supervised listed electronic monitoring system are allowed to have the maintenance intervals extended to 3 years.]~~

#### **KEY: fire prevention, law**

**Date of Enactment or Last Substantive Amendment:** ~~January 9, 2007~~ **March 12, 2007**

**Notice of Continuation:** June 12, 2002

**Authorizing, and Implemented or Interpreted Law:** 53-7-204



Workforce Services, Employment  
Development  
**R986-200-215**  
Family Employment Program Two  
Parent Household (FEPTP)

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 29414

FILED: 01/12/2007, 16:03

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to better serve the legal refugee population.

SUMMARY OF THE RULE OR CHANGE: Two-parent refugee families are often not job ready when they apply for assistance. The priority participation requirements currently in the rule are not realistic for this population. This change will allow the Department to set realistic participation requirements which will help refugees become job ready.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 35A-1-104(4) and 35A-3-302(5)(b)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: This is a federally-funded program so there are no costs or savings to the state budget. Payment may be made out of the federally-mandated maintenance of effort allotment.
- ❖ LOCAL GOVERNMENTS: This is a federally-funded program so there are no costs or savings to local government.
- ❖ OTHER PERSONS: There are no costs or savings to any other persons as there are no fees associated with this program and it is federally funded.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings to any affected persons as there are no fees associated with this program and it is federally funded.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no compliance costs associated with this change. There are no fees associated with this change. There will be no cost to anyone to comply with these changes. There will be no fiscal impact on any business. Tani Downing, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

WORKFORCE SERVICES  
EMPLOYMENT DEVELOPMENT  
140 E 300 S  
SALT LAKE CITY UT 84111-2333, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@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 03/05/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 03/13/2007

AUTHORIZED BY: Tani Downing, Executive Director

**R986. Employment Development.****R986-200. Family Employment Program.****R986-200-215. Family Employment Program Two Parent Household (FEPTP).**

(1) FEPTP is for households otherwise eligible for FEP but with two able-bodied parents in the household.

(2) Families may only participate in this program for seven months out of any 13-month period. Months of participation count toward the 36-month time limit in Sections 35A-3-306 and R986-200-217.

(3) Both parents must participate in eligible activities for a combined total of 60 hours per week, as defined in the employment plan. At least 50 of those hours must be in priority activities. A list of approved priority and eligible activities is available at each employment center. Parents in a FEPTP household who are refugees are not restricted to those activities on the approved priority or eligible activities list for the first three months of FEPTP eligibility but the parents are still required to participate for a combined total of 60 hours per week.

(4) Both parents are required to participate every week as defined in the employment plan, unless the parent can establish reasonable cause for not participating. Reasonable cause is defined in rule R986-200-212(8),

(5) Payment is made twice per month and only after proof of participation. Payment is based on the number of hours of participation by both parents. The amount of assistance is equal to the FEP payment for the household size prorated based on the number of hours which the parents participated up to a maximum of 60 hours of participation per week. In no event can the financial assistance payment per month for a FEPTP household be more than for the same size household participating in FEP.

(6) If it is determined by the employment counselor that either one of the parents has failed to participate to the maximum extent possible assistance for the entire household unit will terminate immediately.

(7) Because payment is made after performance, advance notice is not required to terminate or reduce assistance payments for households participating in FEPTP. However, if the client requests a hearing within ten days of the termination, payment of financial assistance based on participation of both parents in eligible activities can continue during the hearing process as provided in R986-100-134.

(8) The parents must meet all other requirements of FEP including but not limited to, income and asset limits, cooperation with ORS if there are legally responsible persons outside of the household assistance unit, signing a participation agreement and employment plan and applying for all other assistance or benefits to which they might be entitled.

**KEY: family employment program**

**Date of Enactment or Last Substantive Amendment:**  
~~November 1, 2006~~ 2007

**Notice of Continuation: September 14, 2005**

**Authorizing, and Implemented or Interpreted Law: 35A-3-301 et seq.**

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## NOTICES OF CHANGES IN PROPOSED RULES

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After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive 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 between paragraphs (· · · · ·) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a CHANGE IN PROPOSED RULE is too long to print, the Division of Administrative Rules 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 March 5, 2007. At its option, the agency may hold public hearings.

From the end of the waiting period through June 1, 2007, 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.

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**The Changes in Proposed Rules Begin on the Following Page.**

Environmental Quality, Air Quality  
**R307-101-2**  
 Definitions

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR File No.: 29000  
 Filed: 01/12/2007, 15:08

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to clarify, based on public comments, the definition of maintenance area in Section R307-101-2. This change in proposed rule (CPR) is part of revisions to rules related to the ozone maintenance plan (see separate filings in this issue.) (DAR NOTE: The other CPR filings are under: Section R307-110-13 (DAR No. 29001); and Rules R307-320 (DAR No. 29002); R307-325 (DAR No. 29003); R307-326 (DAR No. 29006); R307-327 (DAR No. 29004); R307-340 (DAR No. 29009); and R307-343 (DAR No. 29012) in this issue.)

SUMMARY OF THE RULE OR CHANGE: In response to public comment, Utah Air Quality Board added "all of" to Subsection R307-101-2(d).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Because these revisions do not create any new requirements, no change in costs is expected to the state budget.
- ❖ LOCAL GOVERNMENTS: Because these revisions do not create any new requirements, no change in costs is expected for local governments.
- ❖ OTHER PERSONS: Because these revisions do not create any new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because these revisions do not create any new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because these revisions do not create new requirements, no change to costs is expected for businesses. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY  
 AIR QUALITY  
 150 N 1950 W  
 SALT LAKE CITY UT 84116-3085, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 03/06/2007

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

**R307. Environmental Quality, Air Quality.**

**R307-101. General Requirements.**

**R307-101-2. Definitions.**

Except where specified in individual rules, definitions in R307-101-2 are applicable to all rules adopted by the Air Quality Board.

.....

"Maintenance Area" means an area that is subject to the provisions of a maintenance plan that is included in the Utah state implementation plan, and that has been redesignated by EPA from nonattainment to attainment of any National Ambient Air Quality Standard.

(a) The following areas are considered maintenance areas for ozone:

- (i) Salt Lake County, effective August 18, 1997; and
- (ii) Davis County, effective August 18, 1997.

(b) The following areas are considered maintenance areas for carbon monoxide:

- (i) Salt Lake City, effective March 22, 1999;
- (ii) Ogden City, effective May 8, 2001; and
- (iii) Provo City, effective January 3, 2006.

(c) The following areas are considered maintenance areas for PM10:

- (i) Salt Lake County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005; and
- (ii) Utah County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005; and
- (iii) Ogden City, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005.

(d) The following area is considered a maintenance area for sulfur dioxide: all of Salt Lake County and the eastern portion of Tooele County above 5600 feet, effective on the date that EPA approves the maintenance plan that was adopted by the Board on January 5, 2005.

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**KEY: air pollution, definitions**

**Date of Enactment or Last Substantive Amendment: [2006]2007**

**Notice of Continuation: June 16, 2006**

**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)**

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**Environmental Quality, Air Quality**  
**R307-110-13**  
**Section IX, Control Measures for Area**  
**and Point Sources, Part D, Ozone**

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR File No.: 29001  
 Filed: 01/12/2007, 15:09

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this change is to clarify, based on public comments, certain provisions in the ozone 8-hour maintenance plan of the state implementation plan, which is incorporated by reference in Section R307-110-13. This change in proposed rule (CPR) is part of revisions to rules related to the ozone maintenance plan (see separate filings in this issue.) (DAR NOTE: The other CPR filings are under: Section R307-101-2 (DAR No. 29000); and Rules R307-320 (DAR No. 29002); R307-325 (DAR No. 29003); R307-326 (DAR No. 29006); R307-327 (DAR No. 29004); R307-340 (DAR No. 29009); and R307-343 (DAR No. 29012) in this issue.)

**SUMMARY OF THE RULE OR CHANGE:** The changes include small corrections to the volatile organic compound (VOC) emissions in Table 1 and Figure 3, expand documentation of the source of emission inventories, and correct the VOC projection date from 2018 to 2014 in Figures 3 and 5. In addition, there is additional documentation of determination of reasonably available control technology (RACT) for VOCs and nitrogen oxides at Hill Air Force Base, PacifiCorp's Gadsby Power Plant in Salt Lake City, and the power plant operated by Kennecott Utah Copper. The State's commitment to inventory future emissions of nitrogen oxides and VOCs is changed from "periodically" to "every 3 years." Finally, the text is clarified to indicate that the plan will remain in place until amended or repealed, and that contingency measures can be triggered by a violation of the health standard even after 2014. The proposed maintenance plan is available at: [http://www.airquality.utah.gov/Public-Interest/Current-issues/ozone\\_maintenance/index.htm](http://www.airquality.utah.gov/Public-Interest/Current-issues/ozone_maintenance/index.htm)

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 19-2-104(3)(e)

**THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL:** State Implementation Plan Section IX, Control Measures for Area and Point Sources, Part D, Ozone Maintenance Provisions for Salt Lake and Davis Counties, January 3, 2007

**ANTICIPATED COST OR SAVINGS TO:**

- ❖ **THE STATE BUDGET:** Because these revisions do not create any new requirements, no change in costs is expected to the state budget.
- ❖ **LOCAL GOVERNMENTS:** Because these revisions do not create any new requirements, no change in costs is expected for local governments.

❖ **OTHER PERSONS:** Because these revisions do not create any new requirements, no change in costs is expected for other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Because these revisions do not create any new requirements, no change in costs is expected for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Because these revisions do not create new requirements, no change to costs is expected for businesses. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

**ENVIRONMENTAL QUALITY**  
**AIR QUALITY**  
 150 N 1950 W  
 SALT LAKE CITY UT 84116-3085, or  
 at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at [MCARLILE@utah.gov](mailto:MCARLILE@utah.gov)

**THIS RULE MAY BECOME EFFECTIVE ON:** 03/06/2007

**AUTHORIZED BY:** M. Cheryl Heying, Planning Branch Manager

**R307. Environmental Quality, Air Quality.**  
**R307-110. General Requirements: State Implementation Plan.**  
**R307-110-13. Section IX, Control Measures for Area and Point Sources, Part D, Ozone.**

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part D, Ozone, as most recently amended by the Utah Air Quality Board on ~~December 6, 2006~~ January 3, 2007, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**KEY:** air pollution, PM10, PM2.5, ozone

**Date of Enactment or Last Substantive Amendment:** ~~2006~~ 2007

**Notice of Continuation:** June 16, 2006

**Authorizing, and Implemented or Interpreted Law:** 19-2-104(3)(e)



**Environmental Quality, Air Quality**  
**R307-320**  
**Ozone Maintenance Areas and Ogden**  
**City: Employer-Based Trip Reduction**  
**Program**

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR File No.: 29002  
 Filed: 01/12/2007, 15:10

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to replace, based on public comments, the reference of Salt Lake and Davis Counties in Section R307-320-4 by the term "ozone maintenance area." This change in proposed rule (CPR) is part of revisions to rules related to the ozone maintenance plan (see separate filings in this issue.) (DAR NOTE: The other CPR filings are under: Sections R307-101-2 (DAR No. 29000) and R307-110-13 (DAR No. 29001); and Rules R307-325 (DAR No. 29003); R307-326 (DAR No. 29006); R307-327 (DAR No. 29004); R307-340 (DAR No. 29009); and R307-343 (DAR No. 29012) in this issue.)

SUMMARY OF THE RULE OR CHANGE: In response to public comments, the Utah Air Quality Board is replacing the reference to Salt Lake and Davis Counties by the term "ozone maintenance area" in Section R307-320-4.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(h)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Because this revision does not create any new requirements, no change in costs is expected to the state budget.
- ❖ LOCAL GOVERNMENTS: Because this revision does not create any new requirements, no change in costs is expected for local governments.
- ❖ OTHER PERSONS: Because this revision does not create any new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this revision does not create any new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because this revision does not create new requirements, no change to costs is expected for businesses. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY  
AIR QUALITY  
150 N 1950 W  
SALT LAKE CITY UT 84116-3085, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at [MCARLILE@utah.gov](mailto:MCARLILE@utah.gov)

THIS RULE MAY BECOME EFFECTIVE ON: 03/06/2007

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

**R307. Environmental Quality, Air Quality.****R307-320. Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program.**

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**R307-320-4. Employer Requirements.**

- (1) Each employer shall assign an employee trip reduction coordinator within 30 days after the effective date of R307-320.
- (2) Each employer shall determine the drive-alone rate per work site on an annual basis for a typical Monday through Friday work week during the peak travel period. The drive-alone rate can be determined by one of the following methods in (a), (b) or (c) below.
  - (a) Information from an annual employee survey.
    - (i) The employer must use a standardized survey approved by the executive secretary. The survey shall ask the travel distance from the employee's home to the work site, what frequency and mode of transportation the employee used to get to work, and how often the employee participates in a telecommuting program or compressed work week schedule.
    - (ii) The employer shall administer the survey and shall capture, at a minimum, 75% of the employee population arriving at the work site during the peak travel period.
  - (b) Verifiable information, less than one year old of the submittal due date, from employer records including:
    - (i) employee work schedules;
    - (ii) employee participation in telecommuting schedules;
    - (iii) employee participation of mass transit;
    - (iv) employee participation in rideshare arrangements; and
    - (v) employee participation in non-vehicular transit.
  - (c) Another method of the employer's choosing, with written approval from the executive secretary.
- (3) Each employer shall design and submit to the executive secretary an approvable trip reduction plan for each work site to meet the target drive-alone rate as specified by the target drive-alone rate schedule in R307-320-3.
  - (a) An employer may combine more than one work site in a trip reduction plan submittal.
    - (i) The target drive-alone rate for a multi-work site submission shall be a weighted average of the drive-alone rates for the individual work sites.
    - (ii) The employer may combine a trip reduction plan for any work site within the same county.
  - (b) The trip reduction plan submittal shall adhere to the following schedule:
    - (i) Submittal of a trip reduction plan shall be annually on or before the anniversary of the initial due date.
    - (ii) For employers within ~~[Salt Lake and Davis Counties]~~ ozone maintenance areas:
      - (A) The trip reduction plan must be submitted for approval within 90 days after the employer has been notified.
      - (B) If the employer has not been notified, then the trip reduction plan must be submitted no later than 360 days after the effective date of this rule.
  - (c) Materials and information submitted to the executive secretary shall include:
    - (i) A letter of commitment to fully implement an approved trip reduction plan signed by an authorized employee at the work site.
    - (ii) The name and signature of the employee transportation coordinator;

(iii) The drive-alone rate for the work site;  
 (iv) General work site information including name and address of organization; general layout of buildings and parking areas; location of major streets; location of nearby mass transit stops; number of total employees; number of employees arriving at the work site during peak travel periods; current and planned incentives, disincentives, and facilities available encouraging alternatives to single-occupant vehicle commuting; the type of activities conducted at the work site; and the time spent by the employee transportation coordinator in complying with the plan.

(d) A trip reduction plan designed to meet the target drive-alone rate schedule may include but is not limited to employer involvement in the following:

- (i) Subsidized bus passes;
- (ii) Rideshare matching programs;
- (iii) Vanpool leasing programs;
- (iv) Telecommuting programs;
- (v) Compressed work week schedule programs and flexible work schedule programs;
- (vi) Work site parking fee programs;
- (vii) Preferential parking for rideshare participants;
- (viii) Transportation for business related activities;
- (ix) A guaranteed ride home program;
- (x) On-site facility improvements;
- (xi) Soliciting feedback from employees;
- (xii) On-site daycare facilities;
- (xiii) Coordination with local transit authorities for improved mass transit service and information on mass transit programs; and
- (xiv) Recognition and rewards for employee participation.

(e) An approvable plan shall contain all the information required in R307-320-4. The executive secretary ~~shall~~ will approve or request revision of the trip reduction plan within 60 days of the plan submittal.

(4) Each employer shall implement a trip reduction plan approved by the executive secretary.

(5) Each employer shall inform employees of the trip reduction plan and options available to them for participation.

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**KEY: air pollution, motor vehicles, trip reduction**  
**Date of Enactment or Last Substantive Amendment: [2006]2007**  
**Notice of Continuation: July 7, 2005**  
**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(h)**



**Environmental Quality, Air Quality**  
**R307-325**  
**Ozone Nonattainment and Maintenance**  
**Areas: General Requirements**

**NOTICE OF CHANGE IN PROPOSED RULE**  
 DAR File No.: 29003  
 Filed: 01/12/2007, 15:11

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this change is to clarify language in Rule R307-325 in response to public comments. This change in proposed rule (CPR) is part of revisions to rules related to the ozone maintenance plan (see separate filings in this issue.) (DAR NOTE: The other CPR filings are under: Sections R307-101-2 (DAR No. 29000) and R307-110-13 (DAR No. 29001); and Rules R307-320 (DAR No. 29002); R307-326 (DAR No. 29006); R307-327 (DAR No. 29004); R307-340 (DAR No. 29009); and R307-343 (DAR No. 29012) in this issue.)

**SUMMARY OF THE RULE OR CHANGE:** The following changes are made to clarify Rule R307-325 in response to public comments: 1) in Section R307-325-1, language added to clarify the purpose statement of Rule R307-325; 2) also in Section R307-325-1, the word "and" is changed to "or"; 3) in Section R307-325-3, the change replaces "which would result in evaporation in excess of that which would result from the application of control technology that is reasonably available considering technological and economic feasibility." with "that would result in greater evaporation of VOCs than would have if reasonably available control technology (RACT) had been applied."; and 4) also in Section R307-325-3, the change adds the acronym of VOCs.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 19-2-104(1)(a)

**ANTICIPATED COST OR SAVINGS TO:**

- ❖ **THE STATE BUDGET:** Because these revisions do not create any new requirements, no change in costs is expected to the state budget.
- ❖ **LOCAL GOVERNMENTS:** Because these revisions do not create any new requirements, no change in costs is expected for local governments.
- ❖ **OTHER PERSONS:** Because these revisions do not create any new requirements, no change in costs is expected for other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Because these revisions do not create any new requirements, no change in costs is expected for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Because these revisions do not create new requirements, no change to costs is expected for businesses. Dianne R. Nielson, Executive Director

**THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:**

ENVIRONMENTAL QUALITY  
 AIR QUALITY  
 150 N 1950 W  
 SALT LAKE CITY UT 84116-3085, or  
 at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 03/06/2007

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

**R307. Environmental Quality, Air Quality.****R307-325. Ozone Nonattainment and Maintenance Areas: General Requirements.****R307-325-1. Purpose.**

The purpose of R307-325 is to [E]establish general requirements for control of volatile organic compounds (VOCs) in any nonattainment [~~and~~]or maintenance area[s].

**R307-325-2. Applicability.**

R307-325 applies to all sources located in any nonattainment or maintenance area for ozone.

**R307-325-3. Definition and General Requirement.**

No person shall allow or cause volatile organic compounds (VOCs) to be spilled, discarded, stored in open containers, or handled in any other manner that would result in greater evaporation of VOCs than would have if reasonably available control technology (RACT) had been applied. [~~which would result in evaporation in excess of that which would result from the application of control technology that is reasonably available considering technological and economic feasibility.~~]

**R307-325-4. Compliance Schedule.**

All sources within any newly designated nonattainment area for ozone shall be in compliance with this rule within 180 days of the effective date of designation to nonattainment.

**KEY: air pollution, emission controls, ozone, RACT**

Date of Enactment or Last Substantive Amendment: ~~[2006]~~2007

Notice of Continuation: August 1, 2003

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)



## Environmental Quality, Air Quality

# R307-326

## Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Refineries

### NOTICE OF CHANGE IN PROPOSED RULE

DAR File No.: 29006  
Filed: 01/12/2007, 15:13

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to add, based on public comments, the word "petroleum" before the word "refinery" everywhere it occurs in Sections R307-326-1 and R307-326-2. In addition, the Board replaced the term volatile organic compound with "VOC" throughout Rule R307-326. This change in proposed rule (CPR) is part of revisions to rules related to the ozone maintenance plan (see separate filings in this issue.) (DAR NOTE: The other CPR filings are under: Sections R307-101-2 (DAR No. 29000) and R307-110-13 (DAR No. 29001); and Rules R307-320 (DAR No. 29002); R307-325 (DAR No. 29003); R307-327 (DAR No. 29004); R307-340 (DAR No. 29009); and R307-343 (DAR No. 29012) in this issue.)

SUMMARY OF THE RULE OR CHANGE: In response to public comment, the Utah Air Quality Board added the word "petroleum" before the word "refinery" everywhere it occurs in Sections R307-326-1 and R307-326-2. In addition, the Board replaced the term volatile organic compound with "VOC" throughout Rule R307-326.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

## ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Because these revisions do not create any new requirements, no change in costs is expected to the state budget.
- ❖ LOCAL GOVERNMENTS: Because these revisions do not create any new requirements, no change in costs is expected for local governments.
- ❖ OTHER PERSONS: Because these revisions do not create any new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because these revisions do not create any new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because these revisions do not create new requirements, no change to costs is expected for businesses. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY  
AIR QUALITY  
150 N 1950 W  
SALT LAKE CITY UT 84116-3085, or  
at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 03/06/2007

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

### **R307. Environmental Quality, Air Quality.**

#### **R307-326. Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries.**

##### **R307-326-1. Purpose.**

The purpose of R307-326 is to establish Reasonably Available Control Technology (RACT), as required by section 182(2)(A) of the Clean Air Act, for the control of hydrocarbon emissions from petroleum refineries that are located in ozone nonattainment and maintenance areas. The rule is based on federal control technique guidance documents.

##### **R307-326-2. Applicability.**

R307-326 applies to the owner or operator of any petroleum refinery located in any ozone nonattainment or maintenance area.

##### **R307-326-3. Definitions.**

The following additional definitions apply to R307-326.

"Accumulator" means the reservoir of a condensing unit receiving the condensate from the condenser.

"Condenser" means any device that removes condensable vapors by a reduction in the temperature of captured gases.

"Control System" means any number of control devices, including condensers, that are designed and operated to reduce the quantity of [~~volatile organic compounds~~]VOCs emitted to the atmosphere.

"Hot Well" means the reservoir of a condensing unit receiving the warm condensate consisting primarily of water from the condenser.

"Petroleum Refinery Complex" means any source or installation engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products through distillation of petroleum or through redistillation, cracking, rearrangement, or reforming of unfinished petroleum derivatives.

"Process Drain" means any drain used in a refinery complex on equipment that processes or transfers a [~~volatile organic compound~~]VOC or a mixture of [~~volatile organic compounds~~]VOCs.

"Process Unit Turnaround" means the procedure of shutting a refinery unit down after a run to do necessary maintenance and repair work and putting the unit back in operation.

"Vacuum Producing System" means any reciprocating, rotary, or centrifugal blower or compressor, or any jet ejector or device that takes suction from a pressure below atmospheric and discharges against atmospheric pressure.

##### **R307-326-4. Vacuum Producing Systems.**

The emission of noncondensable [~~volatile organic compounds~~]VOCs from the condensers, hot wells, or accumulators of vacuum producing systems shall be controlled by:

- (1) piping the noncondensable vapors to a firebox or incinerator, or
- (2) compressing the vapors and adding them to the refinery fuel gas, or
- (3) other equally effective means provided the design and effectiveness of such means are documented[;] and submitted to[;] and approved by the executive secretary.

##### **R307-326-5. Wastewater (Oil/Water) Systems.**

Any wastewater separator handling [~~volatile organic compounds~~]VOCs shall be equipped with:

- (1) covers and seals approved by the executive secretary on all separators and forebays,
- (2) lids or seals on all openings in covers, separators, and forebays. Such lids or seals shall be in the closed position at all times except when in actual use.

##### **R307-326-6. Process Unit Turnaround.**

The owner or operator of a petroleum refinery shall insure that a minimum of VOCs are emitted to the atmosphere during process unit turnarounds. The owner or operator shall develop and submit to the executive secretary for approval a procedure for minimizing VOC emissions during turnarounds. A[s]t a minimum the procedure shall provide for:

- (1) venting of the process unit or vessel during depressurization and purging to a vapor recovery system, flare or firebox, and
- (2) preventing discharge to the atmosphere of emissions of [~~volatile organic compounds~~]VOCs from a process unit or vessel until its internal pressure is 136 kPa (19.7 psia) or less; or
- (3) an equally effective system provided the design and effectiveness of such system are documented and submitted to and approved by the executive secretary.
- (4) keeping records of the following items:
  - (a) every date that each process unit or vessel is shut down;
  - (b) the approximate vessel VOC concentration when the VOCs were first discharged to the atmosphere; and
  - (c) the approximate total quantity of VOCs emitted to the atmosphere.
- (5) maintaining records. The records required in (4) above shall be kept for at least two years and shall be made available for review by the executive secretary or the executive secretary's representative.

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##### **R307-326-9. Monitoring of Leaks from Petroleum Refinery Equipment.**

(1) The owner or operator of a petroleum refinery complex shall develop and conduct a VOC monitoring program and shall follow the recording, reporting, and operating requirements consistent with R307-326-9. The monitoring program shall be submitted 30 days prior to start up of the petroleum refinery complex or as determined necessary by the executive secretary.

(2) Any affected component within a petroleum refinery complex found to be leaking shall be repaired and retested as soon as practicable, but not later than fifteen (15) days after the leak is detected. A leaking component is defined as one that has a [~~VOC~~]concentration of VOCs exceeding 10,000 parts per million by volume (ppmv) when tested by a VOC detection instrument at the leak source in the manner described in 40 CFR 60, Appendix A, Reference Method 21, using methane or hexane as the calibration gas. Components not subject to New Source Performance Standards Subpart GGG shall use methane or hexane as calibration gas, provided a relative response factor for each individual instrument is determined for the calibration gas used. Those leaks that cannot be repaired until the unit is shut down for turnaround shall be identified with a tag and recorded as per (6) below and shall be reported as per (7) below. The executive secretary, in coordination with the refinery owner or operator, may require early unit turnaround based on the number and severity of tagged leaks awaiting turnaround.

(3) Monitoring Requirements.

(a) In order to ensure that all existing VOC leaks are identified and that new VOC leaks are located as soon as practicable, the refinery owner or operator shall perform necessary monitoring using visual observations when specified or the method described in 40 CFR 60, Appendix A, Reference Method 21, as follows:

- (i) Monitor at least one time per year (annually) all pump seals, valves in liquid service, and process drains;
- (ii) Monitor four times per year (quarterly) all compressor seals, valves in gaseous service, and pressure relief valves in gaseous service;
- (iii) Monitor visually 52 times per year (weekly) all pump seals;
- (iv) Monitor within 24 hours (with a portable VOC detection device) or repair within 15 days any pump seal from which liquids are observed dripping;
- (v) Monitor any relief valve within 24 hours after it has been vented to the atmosphere;
- (vi) Monitor immediately after repair any component that was found leaking;
- (vii) For all other valves considered "unsafe-to-monitor" or inaccessible during an annual inspection, the owner or operator shall document to the executive secretary the number of valves considered "unsafe-to-monitor" or inaccessible, the dangers involved or reasons for inaccessibility, the location of these valves, and the procedures that the owner or operator shall follow to ensure that the valves do not leak. The documentation for each calendar year shall be submitted for approval to the executive secretary 15 days after the last day of each calendar year. At a minimum, the inaccessible valves shall be monitored at least once per year (annually).

(b) For the purpose of R307-326, gaseous service for pipeline valves and pressure relief valves is defined as the VOCs being gaseous at conditions that prevail in the components during normal operations. Pipeline valves and pressure relief valves in gaseous service and other components subject to leaks shall be noted or marked so that their location within the refinery complex is obvious to the refinery operator performing the monitoring and to the State of Utah, Division of Air Quality.

(4) Exemptions. The following are exempt from the monitoring requirements of (3) above:

- (a) Pressure relief devices that are connected to an operating flare header, firebox, or vapor recovery devices, storage tank valves, and valves that are not externally regulated;
- (b) Refinery equipment containing a stream composition less than 10 percent by weight VOCs; and
- (c) Refinery equipment containing natural gas supplied by a public utility as defined by the Utah Public Service Commission.

(5) Alternate Monitoring Methods and Requirements.

(a) If at any time after two complete liquid service inspections and five complete gaseous service inspections, the owner or operator of a petroleum refinery can demonstrate that modifications to (3) above are in order, he may apply in writing to the Air Quality Board for a variance from the requirements of (3) above.

(b) This submittal shall include data that have been developed to justify the modification to (3) above. As a minimum, the submittal should contain the following information:

- (i) the name and address of the company;
- (ii) the name and telephone number of the responsible company representative;
- (iii) a description of the proposed alternate monitoring procedures; and
- (iv) a description of the proposed alternate operational or equipment controls.

(6) Recording Requirements. Identified leaks shall be noted and affixed with a readily visible and weatherproof tag bearing the identification of the leak and the date the leak was detected. The tag shall remain in place until the leaking component is repaired. The presence of the leak shall also be noted in a log maintained by the operator or owner of the refinery. The log shall contain, at a minimum, the name of the process unit where the component is located, the type of component, the tag number, the date the leak is detected, the date repaired, and the date and instrument reading when the recheck of the component is made. The log should also indicate those leaks that cannot be repaired until turnaround, and summarize the total number of components found leaking. The operator or owner of the refinery complex shall retain the leak detection log for two years after the leak has been repaired and shall make the log available to the executive secretary upon request.

(7) Reporting Requirements. The operator or owner of a petroleum refinery complex shall submit a report to the executive secretary by the 15th day of January, April, July, and October of each year listing the total number of components inspected, all leaks that have been located during the previous 3 calendar months but not repaired within 15 days, all leaking components awaiting unit turnaround and the total number of components found leaking. In addition, the refinery operator or owner shall submit a signed statement with each report that all monitoring has been performed as stipulated in R307-326-9.

(8) Additional Requirements. Any time a valve, with the exception of safety pressure relief valves, is located at the end of a pipe or line containing VOCs, the end of the line shall be sealed with one of the following: a second valve, a blind flange, a plug or a cap. This sealing device shall only be removed when the line is in use for sampling.

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**KEY: air pollution, refinery, gasoline, ozone**  
**Date of Enactment or Last Substantive Amendment: [2006]2007**  
**Notice of Continuation: August 1, 2003**  
**Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104(1)(a)**

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**Environmental Quality, Air Quality**  
**R307-327**  
**Ozone Nonattainment and Maintenance**  
**Areas: Petroleum Liquid Storage**

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR File No.: 29004  
 Filed: 01/12/2007, 15:14

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this change is to add, based on public comments, the word "petroleum" before the word "refinery" everywhere it occurs in Sections R307-327-1 and R307-327-2. This change in proposed rule (CPR) is part of revisions to rules related to the ozone maintenance plan (see separate filings in this issue.) (DAR NOTE: The other CPR filings are under:

Sections R307-101-2 (DAR No. 29000) and R307-110-13 (DAR No. 29001); and Rules R307-320 (DAR No. 29002); R307-325 (DAR No. 29003); R307-326 (DAR No. 29006); R307-340 (DAR No. 29009); and R307-343 (DAR No. 29012) in this issue.)

**SUMMARY OF THE RULE OR CHANGE:** In response to public comment, the Utah Air Quality Board added the word "petroleum" before the word "refinery" everywhere it occurs in Sections R307-327-1 and R307-327-2.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 19-2-104(1)(a)

**ANTICIPATED COST OR SAVINGS TO:**

- ❖ **THE STATE BUDGET:** Because these revisions do not create any new requirements, no change in costs is expected to the state budget.
- ❖ **LOCAL GOVERNMENTS:** Because these revisions do not create any new requirements, no change in costs is expected for local governments.
- ❖ **OTHER PERSONS:** Because these revisions do not create any new requirements, no change in costs is expected for other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Because these revisions do not create any new requirements, no change in costs is expected for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Because these revisions do not create new requirements, no change to costs is expected for businesses. Dianne R. Nielson, Executive Director

**THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:**

ENVIRONMENTAL QUALITY  
 AIR QUALITY  
 150 N 1950 W  
 SALT LAKE CITY UT 84116-3085, or  
 at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at [MCARLILE@utah.gov](mailto:MCARLILE@utah.gov)

**THIS RULE MAY BECOME EFFECTIVE ON:** 03/06/2007

**AUTHORIZED BY:** M. Cheryl Heying, Planning Branch Manager

**R307. Environmental Quality, Air Quality.  
 R307-327. Ozone Nonattainment and Maintenance Areas:  
 Petroleum Liquid Storage.  
 R307-327-1. Purpose.**

The purpose of R307-327 is to establish Reasonably Available Control Technology (RACT), as required by section 182(2)(A) of the Clean Air Act, for petroleum refineries and petroleum liquid storage facilities that are located in any ozone nonattainment or maintenance

area. The rule is based on federal control technique guidance documents.

**R307-327-2. Applicability.**

R307-327 applies to the owner or operator of any petroleum refinery or petroleum liquid storage facility located in any ozone nonattainment or maintenance area.

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**KEY:** air pollution, petroleum, gasoline, ozone

**Date of Enactment or Last Substantive Amendment:** ~~2006~~2007

**Notice of Continuation:** August 1, 2003

**Authorizing, and Implemented or Interpreted Law:** 19-2-104(1)(a)



Environmental Quality, Air Quality  
**R307-340**  
 Ozone Nonattainment and Maintenance  
 Areas: Surface Coating Processes

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR File No.: 29009

Filed: 01/12/2007, 15:15

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this change is to replace, based on public comments the term volatile organic compound with "VOC" throughout Rule R307-340. In addition, the Board made other minor grammatical correction throughout Rule R307-340. This change in proposed rule (CPR) is part of revisions to rules related to the ozone maintenance plan (see separate filings in this issue.) (DAR NOTE: The other CPR filings are under: Sections R307-101-2 (DAR No. 29000) and R307-110-13 (DAR No. 29001); and Rules R307-320 (DAR No. 29002); R307-325 (DAR No. 29003); R307-326 (DAR No. 29006); R307-327 (DAR No. 29004); and R307-343 (DAR No. 29012) in this issue.)

**SUMMARY OF THE RULE OR CHANGE:** In response to public comment, the Utah Air Quality Board replaced the term volatile organic compound with "VOC" throughout Rule R307-340. In addition, the Board made other minor grammatical correction throughout Rule R307-340.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 19-2-104(1)(a)

**ANTICIPATED COST OR SAVINGS TO:**

- ❖ **THE STATE BUDGET:** Because these revisions do not create any new requirements, no change in costs is expected to the state budget.
- ❖ **LOCAL GOVERNMENTS:** Because these revisions do not create any new requirements, no change in costs is expected for local governments.

❖ OTHER PERSONS: Because these revisions do not create any new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because these revisions do not create any new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because these revisions do not create new requirements, no change to costs is expected for businesses. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY  
AIR QUALITY  
150 N 1950 W  
SALT LAKE CITY UT 84116-3085, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 03/06/2007

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

### **R307. Environmental Quality, Air Quality.**

#### **R307-340. Ozone Nonattainment and Maintenance Areas: Surface Coating Processes.**

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#### **R307-340-4. General Provisions for Volatile Organic Compounds.**

(1) Fugitive emissions. Control techniques and work practices are to be implemented at all times to reduce volatile organic compound (VOC) emissions from fugitive type sources. Control techniques and work practices include:

- (a) tight fitting covers for open tanks;
- (b) covered containers for solvent wiping cloths;
- (c) collection hoods for areas where solvent is used for cleanup;

and

- (d) proper disposal of dirty cleanup solvent.
- (2) Record keeping and reporting.

(a) The owner or operator of any source subject to R307-340 shall maintain:

- (i) Records detailing all malfunctions affecting control equipment;
- (ii) Records of all testing conducted under R307-340-15;
- (iii) Records of all monitoring conducted under R307-340-15;

and

(iv) Records of the daily use of all paints, stains, lacquers, solvents, and other materials that may be a source of VOC emissions.

(v) The recording format shall, at a minimum, follow the guidance in EPA-340/1-88-003, "Recordkeeping Guidance Document for Surface Coating Operations and the Graphic Arts Industry", or the

most recent EPA guidance, and shall contain all information necessary to determine compliance with emissions limits on a daily basis.

(b) The owner or operator shall:

(i) Install; operate; and maintain process or control equipment, or both; monitoring instruments or procedures; as necessary to comply with (2)(a) above; and

(ii) Maintain, in writing, data or reports, or both, relating to monitoring instruments or procedures to document, upon review, the compliance status of the VOC emission source or control equipment.

(c) Copies of all records and reports required by (2)(a) and (b) above shall be retained by the owner or operator for a minimum of two years after the date on which the record was made, and shall be made available to the executive secretary or representative upon verbal or written request.

(d) If add-on control equipment is used, in addition to the requirements of R307-340-15(5), the following information, as determined applicable for each source by the executive secretary, shall be monitored and recorded daily in order to assure continuous compliance. The substitution of continuous recordings of system operation for daily recordings may be allowed by the executive secretary. The required information pertains to the following systems:

(i) capture systems: fan power use, duct flow, and duct pressure.

(ii) carbon absorbers systems: bed temperature, bed vacuum pressure, pressure at the vacuum pump, accumulated time of operation, concentration of VOCs in the outlet gas, and solvent recovery.

(iii) refrigeration systems: compressor discharge and suction pressures, condenser fluid temperature, and solvent recovery.

(iv) incinerator systems: exhaust gas temperature, temperature rise across a catalytic incinerator bed, flame temperature, and accumulated time of incineration.

(3) Malfunctions, Breakdowns, and Upsets. The owner or operator of a surface coating installation shall maintain a record of malfunctions, breakdowns, and upsets that result in excess VOC emissions. The record shall be kept for a calendar year and shall be submitted to the executive secretary by April 1 of the following year.

(4) Disposal of waste solvents. Waste solvents or waste materials that contain solvents shall be disposed of by recycling, reclaiming or by incineration in an incinerator approved to process hazardous materials or by an alternate means approved by the executive secretary.

(5) Compliance Calculation Procedures.

(a) Compliance with R307-340 shall be determined on a daily basis. Sources may request approval for longer times for compliance determination from the executive secretary.

(b) Compliance calculation procedures shall follow the guidance of "Procedures for Certifying Quantity of [~~Volatile Organic Compounds~~] VOCs Emitted by Paint, Ink, and other Coatings," EPA-450/3-84-019, or the most recent EPA guidance. Sources that use add-on controls, or an approved alternative strategy instead of low solvent technology to meet the applicable emission limit, shall meet the equivalent VOCs emission limit on the basis of solids applied (lbs. VOCs/gallon solids applied, or lbs. VOCs/lb. solids applied, for graphic arts sources).

#### **R307-340-5. Paper Coating.**

(1) R307-340-5 applies to roll, knife rotogravure coaters and drying ovens of paper coating operations.

(2) No owner or operator of a paper coating operation subject to R307-340-5 may cause, allow or permit the discharge into the atmosphere of any VOC in excess of 0.35 kilograms per liter of coating (2.9 pounds per gallon), excluding water and solvents exempt from the

definition of ~~[volatile organic compounds]~~VOC, delivered to the coating application from a paper coating operation.

(3) Equivalency calculations for coatings should be performed in units of lbs. VOCs/gallon of solid rather than lbs. VOC/gallon of coating when determining compliance. The equivalent emission limit is 4.8 lbs. VOC/gallon of solid.

(4) The emission limit specified above shall be achieved by:

(a) The application of a low solvent technology coating; or  
 (b) Incineration, provided that a minimum of 90 percent of non-methane ~~[volatile organic compounds]~~VOCs (VOCs measured as total combustible carbon) that enter the incinerator are oxidized to carbon dioxide and water; or

(c) Through carbon adsorption provided that there is a minimum of 90% reduction efficiency of captured VOC emissions.

(5) The design, operation, and efficiency of any capture system used in conjunction with (4) above shall be certified in writing by the owner or operator and approved by the executive secretary.

#### **R307-340-6. Fabric and Vinyl Coating.**

(1) R307-340-6 applies to roll, knife or rotogravure coaters and drying ovens of fabric and vinyl coating operations.

(2) No owner or operator of a fabric or vinyl coating line subject to this section may cause, allow or permit the discharge into the atmosphere of any ~~[volatile organic compounds]~~VOCs in excess of:

(a) 0.35 kilograms per liter of coating (2.9 pounds per gallon), excluding water and solvents exempt from the definition of ~~[volatile organic compound]~~VOC, delivered to the coating applicator from a fabric coating line; or

(b) 0.45 kilograms per liter of coating (3.8 pounds per gallon), excluding water and solvents exempt from the definition of ~~[volatile organic compound]~~VOC, delivered to the coating applicator from a vinyl coating line.

(3) Equivalency calculations for coatings shall be performed in units of lbs. VOCs/gallon[s] of solids rather than lbs. VOCs/gallon of coating when determining compliance. The equivalent emission limits shall be 4.8 lbs VOCs/gallon solids for fabric coating, and 7.9 lbs VOCs/gallon for vinyl coating.

(4) Organosol and plastisol coatings shall not be used to bubble emissions from vinyl printing and topcoating.

(5) The emission limitations specified above shall be achieved by:

(a) The application of a low solvent content coating technology; or

(b) Incineration, provided that a minimum of 90 percent of the non-methane ~~[volatile organic compounds]~~VOCs (VOCs measured as total combustible carbon) that enter the incinerator are oxidized to carbon dioxide and water; or

(c) Through carbon adsorption provided that there is a minimum of 90 percent reduction efficiency of captured VOC emissions.

(6) The design, operation, and efficiency of any capture system used in conjunction with (5) above shall be certified in writing by the owner or operator and approved by the executive secretary.

#### **R307-340-7. Metal Furniture Coating VOC Emissions.**

(1) R307-340-7 applies to the application areas, flash-off areas, and ovens of metal furniture coating lines involved in prime and top-coat or single coat operations.

(2) No owner or operator of a metal furniture coating line subject to this section may cause, allow or permit the discharge into the atmosphere of any ~~[volatile organic compound]~~VOC in excess of 0.3 kilograms per liter of coating (3.0 pounds per gallon) excluding water and solvents exempt from the definition of ~~[volatile organic~~

~~compound]~~VOC, delivered to the coating applicator from prime and topcoat or single coat operations.

(3) Equivalency calculations for coatings shall be performed in units of lbs. VOCs/gallon of solid rather than lbs. VOCs/gallon of coating when determining compliance. The equivalent emission limit is 5.1 lbs. VOCs/gallon solids.

(4) The emission limitation specified above shall be achieved by:

(a) The application of low solvent technology; or  
 (b) Incineration, provided that a minimum of 90 percent of the non-methane ~~[volatile organic compounds]~~VOCs (VOCs measured as total combustible carbon) that enter the incinerator are oxidized to carbon dioxide and water; or

(c) using water-borne electrodeposition; or

(d) using water-borne spray, dip or flowcoat; or

(e) using powder; or

(f) using higher solids spray; or

(g) carbon adsorption.

(5) The design, operation, and efficiency of any capture system used in conjunction with (4) above shall be certified in writing by the owner or operator and approved by the executive secretary.

#### **R307-340-8. Large Appliance Surface Coating VOC Emissions.**

(1) R307-340-8 applies to application areas flash-off areas and ovens of large appliance coating lines involved in prime, single or top coating operations.

(2) No owner or operator of a large appliance coating line subject to this section may cause, allow or permit the discharge to the atmosphere of any ~~[volatile organic compounds]~~VOCs in excess of 0.34 kilograms per liter of coating (2.8 pounds per gallon), excluding water and solvents exempt from the definition of ~~[volatile organic compound]~~VOC, delivered to the coating applicator from prime, single, or top-coat coating operations.

(3) Equivalency calculations for coatings shall be performed in units of lbs. VOCs/gallon of solid rather than lbs. VOCs/gallon of coating when determining compliance. The equivalent emission limit is 4.5 lbs. VOCs/gallon solids.

(4) The emission limitations specified above shall be achieved by:

(a) The application of low solvent content technology; or

(b) Incineration provided 90 percent of the non-methane ~~[volatile organic compounds]~~VOCs (VOCs measured as total combustible carbon) that enter the incinerator are oxidized to carbon dioxide and water; or

(c) using water-borne electrodeposition; or

(d) using water-borne spray, dip or flowcoat; or

(e) using powder; or

(f) using higher solids spray; or

(g) carbon adsorption.

(5) The design, operation, and efficiency or any capture system used in conjunction with (4) above shall be certified in writing by the owner or operator.

#### **R307-340-9. Magnet Wire Coating VOC Emissions.**

(1) R307-340-9 applies to ovens of magnet wire coating operations.

(2) No owner or operator of a magnet wire coating oven subject to this section may cause, allow or permit discharge into the atmosphere of any ~~[volatile organic compounds]~~VOCs in excess of 0.20 kilograms per liter of coating (1.7 pounds per gallon), excluding water and solvents exempt from the definition of ~~[volatile organic compound]~~VOC, delivered to the coating applicator from magnet wire coating operations.

(3) Equivalency calculations for coatings shall be performed in units of lbs. VOCs/gallon of solid rather than lbs. VOCs/gallon of coating when determining compliance. The equivalent emission limit is 2.2 lbs. VOCs/gallon solids.

(4) The emission limitations specified above shall be achieved by:

(a) The application of low solvent content coating technology; or  
 (b) Incineration, provided that a minimum of 90 percent of the non-methane [~~volatile organic compounds~~]VOCs (VOCs measured as total combustible carbon) that enter the incinerator are oxidized to carbon dioxide and water; or

(5) The design, operation, and efficiency of any capture system used in conjunction with (4)(b) above shall be certified in writing by the owner or operator and approved by the executive secretary.

#### **R307-340-10. Flat Wood Coating.**

(1) R307-340-10 applies to the application areas of flat wood coating operations involved in but not limited to, filler, sealer, groove coat, primer, stain, basecoat, inks, and topcoat operations.

(2) No owner or operator of an interior printed hardwood, plywood, and particle board coating operation may cause, allow or permit discharge to the atmosphere of any [~~organic volatile compound~~]VOCs in excess of a weighted average VOC content of 0.20 kilograms per liter of coating (1.7 pounds per gallon), excluding water and solvents exempt from the definition of [~~volatile organic compound~~]VOC, delivered to a coating applicator from, but not limited to, filler, sealer, groove coat, primer, stain, basecoat, ink and topcoat operation.

(3) No owner or operator of a natural finish hardwood plywood coating operation may cause, allow or permit discharge to the atmosphere any [~~organic volatile compound~~]VOCs in excess of a weighted average VOC content of 0.40 kilograms per liter of coating (3.3 pounds per gallon) excluding water and solvents exempt from the definition of [~~volatile organic compound~~]VOC, delivered to a coating applicator from, but not limited to, filler, sealer, groove coat, primer, stain basecoat, ink and topcoat operations.

(4) No owner or operator of a Class II hardwood panel finish operation may cause, allow, or permit discharge to the atmosphere of any [~~organic volatile compound~~]VOCs in excess of a weighted average VOC content of 0.34 kilograms per liter of coating (2.8 pounds per gallon), excluding water and solvents exempt from the definition of [~~volatile organic compound~~]VOC, delivered to a coating applicator from, but not limited to, filler, sealer, groove coat, primer, stain, basecoat, ink, and topcoat operations.

(5) The emission limitations specified above shall be achieved by:

(a) The application of low solvent technology; or  
 (b) The application of water-borne coating technology; or  
 (c) The application of ultraviolet-curable coating technology; or  
 (6) This regulation does not apply to the manufacture of exterior siding, tile board, or particle board used as a furniture component.

(7) Equivalency calculations for coatings shall be performed in units of lbs. VOCs/gallon[s] of solid rather than lbs. VOCs/gallon[s] of coating when determining compliance. The equivalent emission limit for interior printed hardwood, plywood, and particle board coating is 2.2 lbs. VOCs/gallon solids. The equivalent emission limit for natural finish hardwood plywood coating shall be 6.0 lbs. VOCs/gallon solids. The equivalent emission limit for Class II hardwood panel finish operations is 4.5 lbs. VOCs/gallon solids.

#### **R307-340-11. Miscellaneous Metal Parts and Products VOC Emissions.**

(1) R307-340-11 applies to the application areas, flash-off areas air and forced air dryers, and ovens used in the surface coating of miscellaneous metal parts and products:

(2) Applicable Industries:

(a) Large farm machinery (harvesting, fertilizing, planting, tractors, combines, etc.)

(b) Small farm machinery (lawn and garden tractors, lawn mowers, rototillers, etc.)

(c) Small appliance (fans, mixers, blenders, crock pots, vacuum cleaners, etc.)

(d) Commercial machinery (computers, typewriters, calculators, vending machines, etc.)

(e) Industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.)

(f) Fabricated metal products (metal covered doors, frames, trailer frames, etc.)

(g) Any other industrial category that coats metal parts or products under the standard Industrial Classification Code of major group 33 (primary metal industries), major group 34 (fabricated metal products), major group 35 (nonelectric machinery), major group 36 (electrical machinery), major group 37 (transportation equipment) major group 38 (miscellaneous instruments), and major group 39 (miscellaneous manufacturing industries).

(h) This regulation does not apply to:

(i) the surface coating of automobiles and light-duty trucks,

(ii) flat metal sheets and strips in the form of rolls or coils,

(iii) exterior of airplanes,

(iv) automobile refinishing,

(v) exterior of marine vessels,

(vi) customized top coating of automobiles and trucks if production is less than 35 vehicles per day,

(vii) a source whose potential VOC emissions are less than 10 tons/year. Potential emissions are based upon design capacity (or maximum production), and 8760 hours/year, before add-on controls. The potential emission level is determined on a plant-wide basis, summing all individual emission sources within the miscellaneous metal parts and products category.

(3) No owner or operator of a facility engaged in the surface coating of miscellaneous metal parts and products may cause, allow or permit discharge to the atmosphere of any [~~volatile organic compounds~~]VOCs in excess of:

(a) 0.52 kilograms per liter (4.3 pounds per gallon) of coating, excluding water and solvents exempt from the definition of [~~volatile organic compound~~]VOC, delivered to a coating applicator that applies clear coating;

(b) 0.42 kilograms per liter (3.5 pounds per gallon) of coating, excluding water and solvents exempt from the definition of [~~volatile organic compound~~]VOC, delivered to a coating applicator in a coating application system that utilizes air or forced warm air at temperatures up to 90 degrees C (194 degrees F);

(c) 0.42 kilograms per liter (3.5 pounds per gallon) of coating, excluding water and solvents exempt from the definition of [~~volatile organic compound~~]VOC, delivered to a coating applicator that applies extreme performance coatings;

(d) 0.36 kilograms per liter (3.0 pounds per gallon) of coating, excluding water and solvents exempt from the definition of ~~[volatile organic compound]~~VOC, delivered to a coating applicator for all other coating and coating application systems.

(4) Equivalency calculations for coatings shall be performed in units of lbs. VOCs/gallon of solid rather than lbs. VOCs/gallon of coating when determining compliance. The equivalent emission limit for air dried items is 6.7 lbs. VOCs/gallon solids. The equivalent emission limit for clear-coated items is 10.3 lbs. VOCs/gallon solids. The equivalent emission limit for extreme performance coatings is 6.7 lbs. VOCs/gallon solids. The equivalent emission limit for other coatings and systems is 5.1 lbs. VOCs/gallon solids.

(5) If more than one emission limitation indicated in this section applies to a specific coating, then the least stringent emission limitation shall apply. All ~~[volatile organic compound]~~VOC emissions from solvent washing involved in a coating process shall be considered in the emission limitations set forth in R307-340-11(3), unless the solvent is directed into containers that prevent evaporation into the atmosphere.

(6) The emission limitations set forth in (3) above shall be achieved by:

(a) The application of low solvent technology; or

(b) An incineration system that oxidizes a minimum of 90 percent of the non-methane ~~[volatile organic compounds]~~VOCs (VOCs measure[s]d as total combustible carbon) to carbon dioxide and water.

(7) The design, operation, and efficiency of any capture system used in conjunction with (6)(b) above shall be certified in writing by the owner or operator and approved by the executive secretary.

#### **R307-340-12. Graphic Arts.**

(1) R307-340-12 applies to: packaging and publication rotogravure; packaging and publication flexographic; and specialty printing operations employing solvents containing ink and having plant-wide potential emissions of ~~[volatile organic compounds]~~(VOCs) equal to or greater than 90 megagrams/yr (100 tons/yr). Potential emissions shall be calculated based on uncontrolled emissions operating at design capacity or at maximum production for 8760 hours/year. (Solvent shall include that used for dilution of ink and for equipment cleaning.) Machines that have both coating units (application of a uniform layer of material across the entire width of a web) and printing units (formation of words, designs and pictures) shall be considered as performing a printing operation. This rule does not apply to offset lithography or letter press printing that do not use ~~[volatile organic compounds]~~VOCs.

(2) No owner or operator of a packaging and publication rotogravure; packaging and publication flexographic, and specialty printing operations employing solvent containing ink may operate, cause, or allow or permit the operation of a facility unless:

(a) The volatile fraction of ink, as it is applied to the substrate, contains 25.0 percent by volume or less of organic solvent and 75.0 percent by volume or more of water; or

(b) The ink as it applies to the substrate, less water, contains 60.0 percent by volume or more nonvolatile material; or

(c) The owner or operator installs and operates;

(i) A carbon adsorption system that reduces the volatile organic emissions from the capture system by a minimum of 90.0 percent by weight; or

(ii) An incineration system that oxidizes a minimum of 90.0 percent of the non-methane ~~[volatile organic compounds]~~(VOCs measured as total combustible carbon) to carbon dioxide and water.

(3) A capture system must be used in conjunction with the emission control systems indicated in this section. The design and

operation of a capture system must be consistent with good engineering practices and shall be required to provide for an overall reduction in ~~[volatile organic compound]~~VOC emissions of at least:

(a) 75.0 percent where a publication rotogravure process is employed;

(b) 65.0 percent where a packaging rotogravure process is employed; or

(c) 60.0 percent where a flexographic printing process is employed.

#### **R307-340-13. Exemptions.**

The requirements of R307-340-3 through 10 shall not apply to the following:

(1) sources whose emissions of ~~[volatile organic compounds]~~VOCs are not more than 6.8 kilograms (15 pounds) in any 24 hour period, nor more than 1.4 kilograms (3 pounds) in any one (1) hour provided the emission rates are certified. These cutoffs apply to the emissions level on a plant-wide basis, and are determined by summing emissions from all coating operations within the same regulated category;

(2) sources used exclusively for chemical or physical analysis or determination of product quality and commercial acceptance provided;

(a) the operation of the source is not an integral part of the production process; and

(b) the emissions from the source do not exceed 363 kilograms (800 pounds) in any one calendar month. These cutoffs apply to the emissions level on a plant-wide basis, and are determined by summing emissions from all coating operations within the same regulated category.

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#### **R307-340-15. Testing and Monitoring.**

(1) Upon request by the executive secretary, the owner or operator of a ~~[volatile organic compound]~~VOC source required to comply with R307-340 shall demonstrate compliance by the method of this section or an alternative method approved by the executive secretary.

(2) Test procedures to determine compliance with R307-340 must be approved by the executive secretary and must utilize one of the following methods or an alternative method approved by the executive secretary or equivalent method.

(a) For surface coatings: EPA Reference Method 24 of 40 CFR Part 60

(b) For add-on control equipment: EPA Reference Methods 1 through 4, 18 and 25, of the 40 CFR Part 60;

(c) EPA 340/1-86-016 "A Guide for Surface Coating Calculations;" and

(d) EPA 450/3-84-019 "Procedures for Certifying Quantity of ~~[Volatile organic Compounds]~~VOCs Emitted by Paint, Ink and Other Coatings."

(3) All tests shall be made by, or under the direction of, a person qualified by training or experience, or both, in the field of air pollution testing. The executive secretary will evaluate test data submitted.

(4) A person proposing to conduct a ~~[volatile organic compound]~~VOC emissions test shall notify the executive secretary of the intent to test not less than 30 days before the proposed initiation of the test. The notification shall contain the information required by, and be in a format approved by, the executive secretary.

(5) If add-on control equipment is used, continuous monitors of the following parameters shall be installed, periodically calibrated, and operated at all times that the associated control equipment is operating:

- (a) Exhaust gas temperatures of all incinerators;
- (b) Temperature rise across a catalytic incinerator bed;
- (c) Breakthrough of VOCs on a carbon adsorption unit; and
- (d) Any other continuous monitoring or recording device required by the executive secretary.

(6) The executive secretary may accept, instead of the testing required in R307-340-15, a certification by the manufacturer of the composition of the coatings if supported by actual batch formulation records. The owner or operator of a VOC source required to comply with R307-340 must obtain certification from the coating manufacturers that the test methods used for determination of the VOC content meet the requirements specified in (2) above. The owner or operator shall make this certification readily available to the Division of Air Quality to allow the results to be used in the daily compliance calculations specified in R307-340-4(5).

(7) The performance of add-on control equipment shall be demonstrated with the required test methods of (2) above at equipment start up and after any major modification to the control equipment. Baseline operating parameters shall be established during the satisfactory (i.e. in-compliance) operation of the control equipment, including operation during all anticipated ranges of process throughput.

During subsequent process operation, the owner or operator shall maintain the operating conditions of the add-on controls as close to these baseline conditions as possible. If serious operational problems with an add-on control system are indicated by the daily monitoring required by R307-340-4(2)(d), (such problems may be indicated by changes from baseline conditions), repeat performance tests shall be performed by the owner or operator, and may be required by the executive secretary, as necessary.

(8) To determine compliance with the applicable standards in R307-340, samples shall be taken from the coating as freshly delivered to the reservoir of the coating applicator. All VOC emissions from solvent washing involved in a coating process shall be considered in determining compliance with an emission limit, unless the source owner or operator documents that the VOCs from solvent washing are collected and disposed of in a manner that prevents their evaporation into the atmosphere.

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**KEY: air pollution, emission controls, surface coating, ozone**  
**Date of Enactment or Last Substantive Amendment: ~~2006~~2007**  
**Notice of Continuation: August 5, 2003**  
**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)**



**Environmental Quality, Air Quality**  
**R307-343**  
**Ozone Nonattainment and Maintenance**  
**Areas: Emissions Standards for Wood**  
**Furniture Manufacturing Operations**

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR File No.: 29012  
 Filed: 01/12/2007, 15:17

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this change is to make changes throughout Rule R307-343 in response to public comments. This change in proposed rule (CPR) is part of revisions to rules related to the ozone maintenance plan (see separate filings in this issue.) (DAR NOTE: The other CPR filings are under: Sections R307-101-2 (DAR No. 29000) and R307-110-13 (DAR No. 29001); and Rules R307-320 (DAR No. 29002); R307-325 (DAR No. 29003); R307-326 (DAR No. 29006); R307-327 (DAR No. 29004); and R307-340 (DAR No. 29009) in this issue.)

**SUMMARY OF THE RULE OR CHANGE:** The following changes are made in response to public comments: 1) in Section R307-343-1, the change adds the word "any" before ozone nonattainment or maintenance area; 2) the change deletes language in Subsection R307-343-9(1) and adds language to Subsection R307-343-6(4)(c), which outlines the requirements of a compliance certification; 3) in Subsection R307-343-9(1), the change replaces "The owner or operator of an affected source using a control system to fulfill the requirements R307-343 is subject to R307-214-2(1) in which the reporting requirements of 40 CFR Part 63, subpart A are incorporated by reference" with "The owner or operator of any new source subject to R307-343 that complies using the procedures established in R307-343-6(2)(a) shall submit an initial compliance report within 60 days of initial startup. The owner or operator of a new source subject to R307-343 that complies using the procedures established in R307-343-6(2)(b) shall submit an initial compliance report within 180 days of initial startup. Each initial compliance report shall include the items required by R307-343-6(3)."; and 4) the change deletes Subsection R307-343-10(2), as the initial compliance status report addressed in R307-343-10(2)(b) is now addressed in Subsection R307-343-9(1). In addition, the Board replaced the term volatile organic compound with "VOC" throughout Rule R307-343. Additional technical and grammatical corrections were made throughout Rule R307-343. Cross references within Sections R307-343-6 and R307-343-8 were also corrected.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsections 19-2-104(1)(a) and 19-2-104(3)(e)

**ANTICIPATED COST OR SAVINGS TO:**

- ❖ **THE STATE BUDGET:** Because these revisions do not create any new requirements, no change in costs is expected to the state budget.
- ❖ **LOCAL GOVERNMENTS:** Because these revisions do not create any new requirements, no change in costs is expected for local governments.
- ❖ **OTHER PERSONS:** Because these revisions do not create any new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because these revisions do not create any new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because these revisions do not create new requirements, no change to costs is expected for businesses. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY  
AIR QUALITY  
150 N 1950 W  
SALT LAKE CITY UT 84116-3085, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 03/06/2007

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

### **R307. Environmental Quality, Air Quality.**

#### **R307-343. Ozone Nonattainment and Maintenance Areas: Emissions Standards for Wood Furniture Manufacturing Operations.**

##### **R307-343-1. Purpose.**

(4)—]The purpose of R307-343 is to limit volatile organic compound emissions from wood furniture manufacturing sources located in any ozone nonattainment or maintenance area[s].

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##### **R307-343-3. Definitions.**

The following additional definitions apply to R307-343:

"Affected Source" means a wood furniture manufacturing source that meets the criteria in R307-343-2.

"Alternate Method" means any method of sampling and analyzing for an air pollutant that is not a reference or equivalent method but that has been demonstrated to the executive secretary's satisfaction to, in specific cases, produce results adequate for a determination of compliance.

"As Applied" means the volatile organic compound and solids content of the finishing material that is actually used for coating the substrate. It includes the contribution of materials used for in-house dilution of the finishing material.

"Basecoat" means a coat of colored material, usually opaque, that is applied before graining inks, glazing coats, or other opaque finishing materials, and is usually topcoated for protection.

"Capture Device" means a hood, enclosed room, floor sweep, or other means of collecting solvent emissions or other pollutants into a duct so that the pollutant can be directed to a pollution control device such as an incinerator or carbon adsorber.

"Capture Efficiency" means the fraction of all organic vapors generated by a process that is directed to a control device.

"Certified Product Data Sheet (CPDS)" means documentation furnished by a coating supplier or an outside laboratory that provides the volatile organic compound content by percent weight, the solids content by percent weight, and the density of a finishing material, strippable booth coating, or solvent, measured using EPA Method 24 or an equivalent or alternate method, or formulation data if the coating meets the criteria specified in R307-343-7(1). The purpose of the CPDS is to assist the affected source in demonstrating compliance with the emission limitations presented in Subsection R307-343-4.

"Cleaning Operations" means operations in which organic solvent is used to remove coating materials from equipment used in wood furniture manufacturing operations.

"Coating" means a protective, decorative, or functional material applied in a thin layer to a surface. Such materials may include paints, topcoats, varnishes, sealers, stains, washcoats, basecoats, inks, and temporary protective coatings.

"Compliant Coating" means a finishing material or strippable booth coating that meets the emission limits specified in R307-343-4(1).

"Continuous Coater" means a finishing system that continuously applies finishing materials onto furniture parts moving along a conveyor system. Finishing materials that are not transferred to the part are recycled to the finishing material reservoir. Several types of application methods can be used with a continuous coater including spraying, curtain coating, roll coating, dip coating, and flow coating.

"Continuous Compliance" means that the affected source meets the emission limitations and other requirements of R307-343 at all times and fulfills all monitoring and recordkeeping provisions of R307-343 in order to demonstrate compliance.

"Control Device" means any equipment that reduces the quantity of a pollutant that is emitted to the air. The device may destroy or secure the pollutant for subsequent recovery. Control devices include, but are not limited to, incinerators, carbon adsorbers, and condensers.

"Control Device Efficiency" means the ratio of the pollution released by a control device and the pollution introduced to the control device, expressed as a fraction.

"Control System" means the combination of capture and control devices used to reduce emissions to the atmosphere.

"Conventional Air Spray" means a spray coating method in which the coating is atomized by mixing it with compressed air at an air pressure greater than 10 pounds per square inch (gauge) at the point of atomization. Airless, air assisted airless spray technologies, and electrostatic spray technology are not considered conventional air spray.

"Day" means a period of 24 consecutive hours beginning at midnight local time, or beginning at a time consistent with a source's operating schedule.

"Emission" means the direct or indirect release or discharge of volatile organic compound into the ambient air.

"Equipment Leak" means emissions of volatile organic compounds from pumps, valves, flanges, or other equipment used to transfer or apply finishing materials or organic solvents.

"Equivalent Method" means any method of sampling and analyzing for an air pollutant that has been demonstrated to the executive secretary's satisfaction to have a consistent and quantitatively known relationship to the reference method under specific conditions.

"Finishing Application Station" means the part of a finishing operation where the finishing material is applied, such as a spray booth.

"Finishing Material" means a coating used in the wood furniture industry, including basecoats, stains, washcoats, sealers, and topcoats.

"Finishing Operation" means those activities in which a finishing material is applied to a substrate and is subsequently air-dried, cured in an oven, or cured by radiation.

"Incidental ~~[w]Wood [f]Furniture [m]Manufacturer~~" means a major source as defined in 40 CFR 63.2 that is primarily engaged in the manufacture of products other than wood furniture or wood furniture components and that uses no more than 100 gallons per month of finishing material in the manufacture of wood furniture or wood furniture components.

"Incinerator" means an enclosed combustion device that thermally oxidizes volatile organic compounds to carbon monoxide and carbon dioxide. This term does not include devices that burn municipal or hazardous waste material.

.....

**R307-343-5. Work Practice Standards.**

(1) Work Practice Implementation Plan.

~~(a)~~ Each owner or operator of an affected source subject to R307-343 shall prepare and maintain a written work practice implementation plan that defines environmentally desirable work practices for each wood furniture manufacturing operation and addresses each of the topics specified in R307-343-5(2) through (10). The owner or operator of the affected source shall comply with each provision of the work practice implementation plan. The written work practice implementation plan shall be available for inspection by the executive secretary, upon request. If the executive secretary determines that the work practice implementation plan does not adequately address each of the topics specified in (2) through (10) below or that the plan does not include sufficient mechanisms for ensuring that the work practice standards are being implemented, the executive secretary may require the affected source to modify the plan.

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**R307-343-6. Compliance Procedures and Monitoring Requirements.**

(1) Methodology. Terms and equations required in the calculation of compliance are found in Appendix B, "Control of Organic Compound Emissions from Wood Furniture Manufacturing Operations." EPA-453/R-96-007, April 1996. The terms found in B.3(b) on pages B-10 and B-11, Equation 3 on page B-18, Equations 4, 5, 6, and 7 on pages B-26 and B-27 are hereby adopted and incorporated by reference. Copies are available at the Division of Air Quality, the Division of Administrative Rules and most state depository libraries.

.....

(4) Continuous Compliance Demonstrations.

(a) Each owner or operator of an affected source subject to the provisions of R307-343-4 that comply using the procedures established in R307-343-6(2)(a) shall demonstrate continuous compliance by using compliant materials, maintaining records that demonstrate the materials are compliant, and submitting a compliance certification with the semiannual report required by R307-343-9~~(3)~~(2).

(i) The compliance certification shall state that compliant sealers, topcoats and strippable booth coatings have been used during the semiannual reporting period, or should otherwise identify the days of noncompliance and the reasons for noncompliance.

(ii) The compliance certification shall be signed by a responsible official.

(b) Each owner or operator of an affected source subject to the provisions of R307-343-4 that comply using the procedures established in R307-343-6(2)(a) and applies sealers or topcoats using continuous coaters shall demonstrate continuous compliance by following the procedures in (i) or (ii) below.

(i) Use compliant materials, as determined by the volatile organic compound content of the finishing material in the reservoir and the volatile organic compound content as calculated from records, and submit a compliance certification with the semiannual report required by R307-343-9~~(3)~~(2).

(A) The compliance certification shall state that compliant sealers and topcoats have been used during the semiannual reporting period, or should otherwise identify the days of noncompliance and the reasons for noncompliance.

(B) The compliance certification shall be signed by a responsible official.

(ii) Use compliant materials, as determined by the volatile organic compound content of the finishing material in the reservoir, maintaining a viscosity of the finishing material in the reservoir that is no less than the viscosity of the initial finishing material by monitoring the viscosity with a viscosity meter or by testing the viscosity of the initial finishing material and retesting the material in the reservoir each time solvent is added, maintaining records of solvent additions, and submitting a compliance certification with the semiannual report required by R307-343-9~~(3)~~(2).

(A) The compliance certification shall state that compliant sealers and topcoats, as determined by the volatile organic compound content of the finishing material in the reservoir, have been used during the semiannual reporting period. Additionally, the certification shall state that the viscosity of the finishing material in the reservoir has not been less than the viscosity of the initial finishing material, that is, the material that is initially mixed and placed in the reservoir, during the semiannual reporting period.

(B) The compliance certification shall be signed by a responsible official.

(C) An affected source is in violation of the standard when a sample of the finishing material as applied exceeds the applicable limit established in R307-343-4(1)(a), (b), or (c), as determined using EPA Method 24 or an alternate or equivalent method, or the viscosity of the finishing material in the reservoir is less than the viscosity of the initial finishing material.

(c) Each owner or operator of an affected source subject to the provisions of R307-343-4 that complies using a control system, capture device or control device shall demonstrate continuous compliance by installing, calibrating, maintaining, and operating the appropriate monitoring equipment according to manufacturer's specifications.

(i) Where a capture or control device is used, a device to monitor the site-specific operating parameter established in accordance with R307-343-6(3)(c)(i) is required.

(ii) Where an incinerator is used, a temperature monitoring device equipped with a continuous recorder is required.

(A) Where a thermal incinerator is used, a temperature monitoring device shall be installed in the firebox or in the ductwork immediately downstream of the firebox in a position before any substantial heat exchange occurs.

(B) Where a catalytic incinerator equipped with a fixed catalyst bed is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.

(C) Where a catalytic incinerator equipped with a fluidized catalyst bed is used, a temperature monitoring device shall be installed in the gas stream immediately before the bed. In addition, a pressure monitoring device shall be installed to determine the pressure drop across the catalyst bed. The pressure drop shall be measured monthly at a constant flow rate.

(iii) Where a carbon adsorber is used, one of the following monitoring devices shall be used:

(A) An integrating regeneration stream flow monitoring device having an accuracy of plus or minus 10 percent, capable of recording the total regeneration stream mass flow for each regeneration cycle; and a carbon bed temperature monitoring device having an accuracy of plus or minus one percent of the temperature being monitored expressed in degrees Celsius, or plus or minus 0.5 C, whichever is greater, capable of recording the carbon bed temperature after each regeneration and within fifteen minutes of completing any cooling cycle;

(B) An organic monitoring device, equipped with a continuous recorder, to indicate the concentration level of organic compounds exiting the carbon adsorber; or

(C) Any other monitoring device that has been approved by the executive secretary as allowed under (vi) below.

(iv) Each owner or operator of an affected source shall not operate the capture or control device at a daily average value greater than or less than the operating parameter value, as defined in the plan required by R307-343-6(3)(c)(i). The daily average value shall be calculated as the average of all values for a monitored parameter recorded during the operating day.

(v) Each owner or operator of an affected source that complies through the use of a catalytic incinerator equipped with a fluidized catalyst bed shall maintain a constant pressure drop, measured monthly, across the catalyst bed.

(vi) An owner or operator using a control device not listed in R307-343-6(3)(c) shall submit to the executive secretary a description of the device, test data verifying the performance of the device, and appropriate operating parameter values that will be monitored to demonstrate continuous compliance with the standard. Use of this device to demonstrate compliance is subject to the executive secretary's approval.

(vii) The owner or operator shall submit a compliance certification with the semiannual report required by R307-343-9(3).

(A) The compliance certification shall state that, during the semiannual reporting period, the monitoring plan has been followed and the operating requirements included in the monitoring plan have been met. If the plan has not been followed, or the operating requirements have not been met, the compliance certification shall identify the dates of noncompliance and the reasons for noncompliance.

(B) The compliance certification shall be signed by a responsible official.

(d) Each owner or operator of an affected source subject to the work practice standards in R307-343-5 shall demonstrate continuous compliance by following the work practice implementation plan and submitting a compliance certification with the semiannual report required by R307-343-9(~~3~~)(2).

(i) The compliance certification shall state that the work practice implementation plan was followed, or should otherwise identify the periods of noncompliance with the work practice standards.

(ii) The compliance certification shall be signed by a responsible official.

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#### **R307-343-8. Recordkeeping Requirements.**

(1) The owner or operator of an affected source subject to the emission limits in R307-343-4 shall maintain records of the following:

(a) A certified product data sheet for each finishing material and strippable booth coating subject to the emission limits in R307-343-4;

(b) The volatile organic compound content, kilograms of volatile organic compound per kilogram of solids, as applied, of each finishing material and strippable booth coating subject to the emission limits in R307-343-4, and copies of data sheets documenting how the as applied values were determined.

(2) The owner or operator of an affected source following the compliance procedures of R307-343-6(4)(b) shall maintain the records required by (1) above and records of solvent and finishing material additions to the continuous coater reservoir and viscosity measurements.

(3) The owner or operator of an affected source following the compliance method of R307-343-6(2)(b) shall maintain the following records:

(a) Copies of the calculations to demonstrate that the control system achieves emission control equivalent to the requirements of R307-343-4(1)(a) or (b), as well as the data that are necessary to support the calculation of the emission limit in Equation 3 and the calculation of overall control efficiency in Equation 6;

(b) Records of the daily average value of each continuously monitored parameter for each operating day. If all recorded values for a monitored parameter are within the range established during the initial performance test, the owner or operator may record that all values were within the range rather than calculating and recording an average for that day; and

(c) Records of the pressure drop across the catalyst bed for sources complying with the emission limitations using a catalytic incinerator with a fluidized catalyst bed.

(4) The owner or operator of an affected source subject to the work practice standards in R307-343-5 shall maintain onsite the work practice implementation plan and all records associated with fulfilling the requirements of that plan, including:

(a) Records demonstrating that the operator training program is in place;

(b) Records maintained in accordance with the inspection and maintenance plan;

(c) Records associated with the cleaning solvent accounting system;

(d) Records associated with the limitation on the use of conventional air spray guns showing total finishing material usage and the percentage of finishing materials applied with conventional air spray guns for each semiannual reporting period;

(e) Records showing the volatile organic compound content of compounds used for cleaning booth components, except for solvent used to clean conveyors, continuous coaters and their enclosures, or metal filters; and

(f) Copies of logs and other documentation to demonstrate that the other provisions of the work practice implementation plan are followed.

(5) In addition to the records required by R307-343-8(1) of this section, the owner or operator of an affected source that complies using the provisions of R307-343-6(2)(a) or R307-343-5 shall maintain a copy of the compliance certifications submitted in accordance with R307-343-9(~~3~~)(2) for each semiannual period following the compliance date.

(6) The owner or operator of an affected source shall maintain a copy of all other information submitted with the initial status report required by R307-343-9~~(2)~~(1) and the semiannual reports required by R307-343-9~~(3)~~(2).

(7) The owner or operator of an affected source shall maintain all records for a minimum of five years.

**R307-343-9. Reporting Requirements.**

(1) ~~[The owner or operator of an affected source using a control system to fulfill the requirements R307-343 is subject to R307-214-2(1) in which the reporting requirements of 40 CFR Part 63, subpart A are incorporated by reference.]~~ The owner or operator of any new source subject to R307-343 that complies using the procedures established in R307-343-6(2)(a) shall submit an initial compliance report within 60 days of initial startup. The owner or operator of a new source subject to R307-343 that complies using the procedures established in R307-343-6(2)(b) shall submit an initial compliance report within 180 days of initial startup. Each initial compliance report shall include the items required by R307-343-6(3).

(2) The owner or operator of an affected source subject to R307-343 and demonstrating compliance in accordance with R307-343-6(2)(a) or (b) shall submit a semiannual report covering the previous six months of wood furniture manufacturing operations.

(a) Reports shall be submitted on January 2 and July 2 each year.

(b) Each semiannual report shall include the information required by R307-343-6(4), a statement of whether the affected source was in compliance or noncompliance. If the affected source was not in compliance, the measures taken to bring the affected source into compliance shall be reported.

**R307-343-10. Compliance Schedule.**

~~[(+)]~~ All sources within any newly designated nonattainment area for ozone shall be in compliance with this rule within 180 days of the effective date of designation to nonattainment.

~~(2) New Sources shall submit the following compliance documentation within 60 days of initial startup:~~

~~(a) Workplace practice implementation plan as required in R307-343-5(1)(a); and~~

~~(b) Initial compliance documentation as required in R307-343-6(3).]~~

**KEY: air pollution, ozone, wood furniture, coatings**

**Date of Enactment or Last Substantive Amendment: ~~2006~~2007**

**Notice of Continuation: June 8, 2004**

**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a); 19-2-104(3)(e)**

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**End of the Notices of Changes in Proposed Rules Section**

# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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Within five years of an administrative rule's original enactment or last five-year review, the 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).

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## Agriculture and Food, Administration **R51-2** Administration Procedures for Informal Proceedings Before the Utah Department of Agriculture and Food

### FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 29405  
FILED: 01/11/2007, 15:48

### 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 and governs the administrative proceedings before the Utah Department of Agriculture and Food, as required by Sections 63-46b-5 and 4-1-3.5.

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 written comments 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 governs all adjudicative proceedings commencing on or after 01/01/1988. There have been no adverse comments regarding the rule during the past five years. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

AGRICULTURE AND FOOD  
ADMINISTRATION  
350 N REDWOOD RD  
SALT LAKE CITY UT 84116-3034, or  
at the Division of Administrative Rules.

### DIRECT QUESTIONS REGARDING THIS RULE TO:

Kathleen Mathews or Kyle Stephens at the above address, by phone at 801-538-7103 or 801-538-7102, by FAX at 801-538-7126 or 801-538-7126, or by Internet E-mail at kmathews@utah.gov or kylestephens@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 01/11/2007



## Commerce, Occupational and Professional Licensing **R156-54**

## Radiology Technologist and Radiology Practical Technician Licensing Act Rules

### FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 29396  
FILED: 01/09/2007, 08:42

### 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: Title 58, Chapter 54, provides for the licensure of radiology technologists and radiology practical technicians. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-54-3(3) provides that the Radiology Technologist Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the division director. This rule was enacted to clarify the provisions of Title 58, Chapter 54, with respect to radiology technologists and radiology practical technicians.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was last reviewed in April 2002, the Division has received no written comments with respect to this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 54, with respect to radiology technologists and radiology practical technicians. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements.

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:  
Clyde Ormond at the above address, by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at [cormond@utah.gov](mailto:cormond@utah.gov)

AUTHORIZED BY: F. David Stanley, Director

EFFECTIVE: 01/09/2007



**Commerce, Occupational and  
Professional Licensing  
R156-71  
Naturopathic Physician Practice Act  
Rules**

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE NO.: 29394  
FILED: 01/08/2007, 10:19

**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: Title 58, Chapter 71, provides for the licensure of naturopathic physicians. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-71-201(3)(a) provides that the Naturopathic Physicians Licensing Board's duties and responsibilities shall be in

accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the division director. This rule was enacted to clarify the provisions of Title 58, Chapter 71, with respect to naturopathic physicians.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since this rule was last reviewed in February 2002, the Division has received no written comments.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 71, with respect to naturopathic physicians. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements.

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](mailto:dantjones@utah.gov)

AUTHORIZED BY: F. David Stanley, Director

EFFECTIVE: 01/08/2007



**Commerce, Occupational and  
Professional Licensing  
R156-72  
Acupuncture Licensing Act Rules**

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE NO.: 29395  
FILED: 01/09/2007, 08:40

**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: Title 58, Chapter 72, provides for the licensure of acupuncturists. Subsection 58-1-

106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-72-201(3) provides that the Acupuncture Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the division director. This rule was enacted to clarify the provisions of Title 58, Chapter 72, with respect to acupuncturists.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was last reviewed in April 2002, the Division has received no written comments with respect to this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 72, with respect to acupuncturists. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements.

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:  
 Noel Taxin at the above address, by phone at 801-530-6621, by FAX at 801-530-6511, or by Internet E-mail at ntaxin@utah.gov

AUTHORIZED BY: F. David Stanley, Director

EFFECTIVE: 01/09/2007



**Commerce, Occupational and  
 Professional Licensing**  
**R156-75**  
**Genetic Counselor Licensing Act Rules**

**FIVE YEAR NOTICE OF REVIEW AND  
 STATEMENT OF CONTINUATION**  
 DAR FILE No.: 29397  
 FILED: 01/09/2007, 08:44

**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: Title 58, Chapter 75, provides for the licensure of genetic counselors. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-75-201(3) provides that the Genetic Counselors Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the division director. This rule was enacted to clarify the provisions of Title 58, Chapter 75, with respect to genetic counselors.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was originally enacted in April 2002, the Division has received no written comments with respect to this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 75, with respect to genetic counselors. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements.

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

AUTHORIZED BY: F. David Stanley, Director

EFFECTIVE: 01/09/2007



**Human Services, Child and Family  
 Services**  
**R512-10**  
**Youth Advocate Program**

**FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR File No.: 29387  
 FILED: 01/03/2007, 10:47

**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 62A-4a-106 authorizes Child and Family Services to provide protective services to minors. This rule establishes the program for delivering those services.

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: No comments have been received in opposition to this rule. This rule is in the best interest of our clients because it details the services offered in the Youth Advocate Program, specific conditions for approval for placement in the program, requirements of the Youth Advocate Worker, and revocation of the Youth Advocate Agreement. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 HUMAN SERVICES  
 CHILD AND FAMILY SERVICES  
 Room 225  
 120 N 200 W  
 SALT LAKE CITY UT 84103-1500, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 Carol Miller at the above address, by phone at 801-538-4451, by FAX at 801-538-3993, or by Internet E-mail at CAROLMILLER@utah.gov

AUTHORIZED BY: Richard Anderson, Director

EFFECTIVE: 01/03/2007



**Human Services, Child and Family Services**

**R512-43**

**Adoption Assistance**

**FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR File No.: 29388  
 FILED: 01/03/2007, 10:54

**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: Sections 62A-4a-106 and 62A-4a-901 through 62A-4a-907 authorize Child and Family Services to provide adoption services and assistance to eligible adoptive families.

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: No comments have been received in opposition to this rule. It is in the best interest of our clients to have this rule because it details our adoption assistance program including the general requirements, reimbursement of nonrecurring adoption expenses, monthly subsidy qualifications, and other requirements of the adoption assistance program that affects our clients. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 HUMAN SERVICES  
 CHILD AND FAMILY SERVICES  
 Room 225  
 120 N 200 W  
 SALT LAKE CITY UT 84103-1500, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 Carol Miller at the above address, by phone at 801-538-4451, by FAX at 801-538-3993, or by Internet E-mail at CAROLMILLER@utah.gov

AUTHORIZED BY: Richard Anderson, Director

EFFECTIVE: 01/03/2007



**Human Services, Child and Family Services**

**R512-60**

**Children's Trust Account**

**FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR File No.: 29390  
 FILED: 01/03/2007, 11:06

**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:** Sections 62A-4a-305 and 62A-4a-309 through 62A-4a-311 authorize Child and Family Services to provide child abuse and neglect prevention and treatment programs with the use of the Children's Trust Account. This rule establishes the program for delivering these services.

**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:** No comments have been received in opposition to this rule. It is in the best interest of our clients to have this rule because it describes how the Children's Trust Account shall be administered by the Child Abuse Advisory Council. Therefore, this rule should be continued.

**THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:**

HUMAN SERVICES  
CHILD AND FAMILY SERVICES  
Room 225  
120 N 200 W  
SALT LAKE CITY UT 84103-1500, or  
at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

Carol Miller at the above address, by phone at 801-538-4451, by FAX at 801-538-3993, or by Internet E-mail at CAROLMILLER@utah.gov

**AUTHORIZED BY:** Richard Anderson, Director

**EFFECTIVE:** 01/03/2007

## Human Services, Recovery Services

### **R527-5**

#### Release of Information

#### **FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR File No.: 29415  
FILED: 01/16/2007, 09:29

#### **NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

**CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE:** This rule is enacted under the statutory provisions of Title 63, Chapter 2, the Government Records Access and Management Act (GRAMA) and under Section 62A-11-107. In general, these provisions allow agencies to adopt rules as may be necessary to carry out

duties. Specifically, GRAMA (Section 63-2-904) grants rulemaking authority to governmental entities to "specify at which level the requirements specified in this chapter shall be undertaken" and Section 62A-11-107 grants rulemaking authority to the Office of Recovery Services (ORS).

**SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE:** Comments were received 12/28/2001. Comment 1: in Subsection R527-5-6 2(j), the commenter was concerned that the proposed language would provide a large loophole for obligors who do not pay child support and questioned what would be involved to classify information as "safeguarded" with ORS. Comment 2: in Subsection R527-5-9(4), the commenter requested clarification on the phrase "other state child support agency," particularly whether support agencies in local jurisdictions would be included.

**REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY:** This rule is necessary to help promote the public's right to easy and reasonable access to government records, and this rule clarifies procedures concerning specific types of information particular to the mission of ORS. Therefore, this rule should be continued. In response to Comment 1: ORS strives to balance the need to aid those families involved in domestic violence situations while, at the same time, not allowing individuals to request safeguarding for reasons other than those related to domestic violence. To achieve this balance, when a case opens, all parties are notified that they have the right to request that their information is safeguarded and of the procedures to follow (which include providing documentation to substantiate the domestic violence concerns). In response to Comment 2: The intent was to allow ORS to share state tax information with another state's IV-D agency that is collecting support at the request of ORS. Responses were sent to the commenter on 01/03/2002. No follow-up comments or concerns were received.

**THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:**

HUMAN SERVICES  
RECOVERY SERVICES  
515 E 100 S  
SALT LAKE CITY UT 84102-4211, or  
at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

Liesa Corbridge at the above address, by phone at 801-536-8986, by FAX at 801-536-8833, or by Internet E-mail at lcorbri2@utah.gov

**AUTHORIZED BY:** Mark Brasher, Director

**EFFECTIVE:** 01/16/2007

Human Services, Recovery Services  
**R527-34**  
 Non-IV-A Services

**FIVE YEAR NOTICE OF REVIEW AND  
 STATEMENT OF CONTINUATION**

DAR FILE NO.: 29416  
 FILED: 01/16/2007, 09:41

**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 Section 62A-11-107, the Office of Recovery Services (ORS) is authorized to adopt rules that are necessary to carry out the provisions of Title 62A, Chapter 11. Provisions found in Section 62A-11-104 require ORS to provide child support services to those who are legally entitled to receive those services and require ORS to collect money due the agency which could help offset state expenditures. This rule summarizes the services available to recipients of Non-IV-A child support services (individuals not receiving cash assistance who are otherwise eligible for child support services). It also provides information about the services that have associated fees and clarifies who is responsible for paying those costs.

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 should be continued because Section 62A-11-104 is still in effect which gives ORS the responsibility to carry out the provisions in Title 62A, Chapter 11, that deal with providing child support services and collecting money to offset state expenditures. In addition, this rule incorporates 45 CFR 302.33 by reference, which is still in effect. This federal regulation addresses the costs a state may elect to recover for providing Non-IV-A services, and it is still necessary to specify the fees that ORS has elected to charge, or not charge, for child support services.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HUMAN SERVICES  
 RECOVERY SERVICES  
 515 E 100 S  
 SALT LAKE CITY UT 84102-4211, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 Liesa Corbridge at the above address, by phone at 801-536-8986, by FAX at 801-536-8833, or by Internet E-mail at lcorbri2@utah.gov

AUTHORIZED BY: Mark Brasher, Director

EFFECTIVE: 01/16/2007

Human Services, Recovery Services  
**R527-35**  
 Non-IV-A Fee Schedule

**FIVE YEAR NOTICE OF REVIEW AND  
 STATEMENT OF CONTINUATION**

DAR FILE NO.: 29417  
 FILED: 01/16/2007, 09:45

**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 Section 62A-11-107, the Office of Recovery Services (ORS) is authorized to adopt rules that are necessary to carry out the provisions of Title 62A, Chapter 11. Provisions found in Section 62A-11-104 require ORS to collect money due the agency which could help offset state expenditures. This rule provides the schedule of fees that ORS may charge recipients of child support services who are not receiving financial assistance or Medicaid.

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 should be continued because Section 62A-11-104 is still in effect which gives ORS the responsibility to carry out the provisions in Title 62A, Chapter 11, that deal with providing child support services and collecting money to offset state expenditures. In addition, this rule incorporates 45 CFR 302.33 by reference, which is still in effect and addresses the costs a state may elect to recover for providing Non-IV-A services. It is necessary to continue this rule because the fees listed in it are not specified in the federal regulations or in the authorizing state statute.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HUMAN SERVICES  
 RECOVERY SERVICES  
 515 E 100 S  
 SALT LAKE CITY UT 84102-4211, or  
 at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

Liesa Corbridge at the above address, by phone at 801-536-8986, by FAX at 801-536-8833, or by Internet E-mail at lcorbri2@utah.gov

AUTHORIZED BY: Mark Brasher, Director

EFFECTIVE: 01/16/2007

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## Human Services, Recovery Services R527-201 Medical Support Services

### FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 29418  
FILED: 01/16/2007, 09:53

### 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 Section 62A-11-107, the Office of Recovery Services (ORS) is authorized to adopt rules that are necessary to carry out the provisions of Title 62A, Chapter 11. Sections 62A-11-326, 62A-11-326.1, 62A-11-326.2, 62A-11-326.3, and 78-45-7.15 contain provisions requiring ORS to establish and enforce medical support orders. In addition, these statutes require that parents provide verification of insurance coverage and notification of medical expenses to the other party, and deal with the issues of responsibility for premium payment and child support credit for medical expenses paid. This rule incorporates by reference 45 CFR 303.30, 303.31, and 303.32 which outline the basic mandates for state IV-D agencies to establish, modify, and enforce orders requiring obligated parents to obtain and maintain medical insurance coverage for their children. This rule provides details on how ORS carries out the medical support duties outlined in these statutes.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One comment was received during the last five-year review. The commenter was interested in adding a requirement to this rule for ORS to provide an application for Children's Health Insurance Program (CHIP) services if neither party has insurance available through an employer.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued because federal regulations 45 CFR 303.30, 303.31, and 303.32, as well as, state statutes found in Sections 62A-11-326, 62A-11-326.1, 62A-11-326.2, 62A-11-326.3, and 78-45-7.15 are still in effect. This rule provides necessary details on how ORS carries out the medical support

duties outlined in these statutes. It defines the agency's limits in providing medical support services, reiterates the condition under which medical support services are provided to non-TANF (Temporary Assistance for Needy Families) Medicaid recipients, explains how medical support orders are secured by the agency, details enforcement remedies, and addresses the issue of the medical support obligation of parents who are receiving or have received Medicaid. In response to the comment received: The CHIP program is administered by the Department of Health. An agreement to provide information to clients in behalf of another department can be handled without the formality of rulemaking, and in fact, at the time this comment was received, ORS did provide CHIP information to parents for the Department of Health. This information was provided to the commenter on 09/10/2001, and no follow-up comments or concerns were received.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HUMAN SERVICES  
RECOVERY SERVICES  
515 E 100 S  
SALT LAKE CITY UT 84102-4211, or  
at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

Liesa Corbridge at the above address, by phone at 801-536-8986, by FAX at 801-536-8833, or by Internet E-mail at lcorbri2@utah.gov

AUTHORIZED BY: Mark Brasher, Director

EFFECTIVE: 01/16/2007

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## Insurance, Administration R590-103 Security Deposits

### FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 29406  
FILED: 01/11/2007, 16:00

### 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 31A-2-201(3) authorizes the commissioner to write rules to implement Title 31A of the Utah Code. Subsection 31A-2-206(17) authorizes the commissioner to write rules to implement the provisions of this section dealing with the receipt and handling of deposits and the type of securities that may be qualified in the deposits.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not

received any written comments regarding this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule requires insurance companies to deposit a certain amount of money into an account to take care of claims in case they go out of business.

The deposit helps pay for claims, which are also covered, in part, by a guaranty association, which most companies are associated with. However, the most important use of the money in these deposits is to help cover administrative costs of a liquidation. The rule provides guidelines that help secure that the deposits are federally secured and the financial institution is holding the required amount. Without these safeguards, it would be very difficult to be sure that the funds are actually deposited, as required by the law. Therefore, this rule should be continued.

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](mailto:jwhitby@utah.gov)

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 01/11/2007



Insurance, Administration  
**R590-121**  
Rate Modification Plan Rule

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE NO.: 29403  
FILED: 01/11/2007, 14:43

**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 31A-2-201(3) gives the commissioner the right to write rules to implement the provisions of Title 31A. Section 31A-2-203 authorizes the commissioner to make rules pertaining to the financial condition and market regulation surveillance systems. Section 31A-2-204 deals with the conduct of an examination of an insurer by the department, what is contained in the order,

accessing licensees records, compliance to the examiner's requests, resolving the issue of inadequate records, and the preparation and the issuance and distribution of the report. Section 31A-2-205 sets standards for setting the cost of the examination of an insurer and how and when it is to be paid. Sections 31A-19a-201 and 31A-19a-202 set rating standards and methods, as well as filing requirements. Section 31A-19a-203 requires a rule to set procedures for submitting rate filing electronically. Section 31A-23a-302 requires companies to report new and terminated designations and provide the name of a person to act in their behalf.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received written notice regarding this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule gives guidance to licensees on how they can develop alternative ratings plans. The rule establishes criteria that must be applied to all policies written outside of a standard rating structure. This rule establishes guidelines that lessen the possibility of unfair rating. Therefore, this rule should be continued.

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](mailto:jwhitby@utah.gov)

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 01/11/2007



Insurance, Administration  
**R590-126**  
Accident and Health Insurance  
Standards

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE NO.: 29404  
FILED: 01/11/2007, 14:50

**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 31A-2-201(3)(a) authorizes rules to implement the Insurance Code. Sections 31A-2-202 and 31A-23a-412 authorize the commissioner to request reports, conduct examinations, and inspect records of any licensee. Subsection 31A-22-605(4) requires the commissioner to adopt rules to establish standards for disclosure in the sale of, and benefits to be provided by individual and franchise accident and health policies. Section 31A-22-623 authorizes the commissioner to establish by rule minimum standards of coverage for dietary products for inborn metabolic errors. Section 31A-22-626 authorizes the commissioner to establish by rule minimum standards of coverage for diabetes for accident and health insurance. Subsection 31A-23a-402(8) authorizes the commissioner to define by rule acts and practices that are unfair and unreasonable. Subsection 31A-26-301(1) authorizes the commissioner to set standards for timely payment of claims.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has received a written comment from industry asking that the rule clarify "obesity" as an exclusion and that the requirement for creditable coverage be removed. The department was in the process of making these changes when a bill was filed with the 2007 Legislature that would make "obesity" a normally covered illness under a health policy. As a result, the department has decided to wait until after the session and the status of this bill is determined before going forward.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Products in the individual market require closer regulation since there is not an employer entity who can bargain for an equitable contract on behalf of the individual. The rule sets forth benefits to be offered for certain products, yet still allows products with lesser benefits to be offered if marketed as "limited benefits." This assists individuals to asses what type of product is being offered. Therefore, this rule should be continued.

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](mailto:jwhitby@utah.gov)

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 01/11/2007



**Insurance, Administration  
 R590-133  
 Variable Contracts**

**FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 29411  
 FILED: 01/12/2007, 14:07

**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 31A-2-201(3) gives the commissioner the authority to write rules to implement the provisions of the insurance code, Title 31A. Subsection 31A-5-217.5(6) gives specific rulemaking authority to regulate the issuance and sale of variable contracts as required in Section 31A-5-217.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any written comments within the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule provides guidance to both insurers and producers selling variable life insurance products so that compliance with the insurance code can be maintained. The rule provides consumers protection by requiring disclosure and annual reports for the product purchased. Therefore, this rule should be continued.

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](mailto:jwhitby@utah.gov)

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 01/12/2007



Insurance, Administration  
**R590-176**  
 Health Benefit Plan Enrollment

**FIVE YEAR NOTICE OF REVIEW AND  
 STATEMENT OF CONTINUATION**

DAR FILE No.: 29400  
 FILED: 01/11/2007, 07:29

**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 31A-2-201(3) authorizes the commissioner to write rules to implement the insurance code, Title 31A. The rule provides enrollment standards as required by Section 31A-30-108 for carriers who provide health benefit plan coverage to individuals and small employers as stated in Section 31A-30-104. Subsection 31A-2-202(2) allows the commissioner to prescribe forms for the collection of information by the department. The rule requires the insurer to file a certificate with the department with information about the individuals covered, the qualifying conditions and uninsurable count at the end of an enrollment.

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 were received regarding this rule during the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule provides clarification for Title 31A, Chapter 30, with regard to the federal Health Insurance Portability and Accountability Act (HIPAA) and HIPUtah. It gives parameters where an insurer may be waived from requirements of Chapter 30 and what constitutes meeting the enrollment cap. It also addresses general requirements to ensure all carriers are treating applicants fairly. Therefore, this rule should be continued.

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](mailto:jwhitby@utah.gov)

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 01/11/2007

Insurance, Administration  
**R590-181**  
 Yankee Bond Rule

**FIVE YEAR NOTICE OF REVIEW AND  
 STATEMENT OF CONTINUATION**

DAR FILE No.: 29407  
 FILED: 01/11/2007, 16:28

**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 31A-18-105(13) permits the commissioner to specify an investment, besides those listed in this section, that insurers can invest in. The rule allows them to invest in Yankee Bonds.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any written comments regarding this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Due to the fact that some insurers are investing in Yankee Bonds, this rule is needed to provide guidelines making sure the quality of the bond is high and does not take up a major share of the investment portfolio. Without the rule, insurers would not be able to invest in them at all. Therefore, this rule should be continued.

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](mailto:jwhitby@utah.gov)

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 01/11/2007

Insurance, Administration  
**R590-182**  
 Risk Based Capital Instructions

**FIVE YEAR NOTICE OF REVIEW AND  
 STATEMENT OF CONTINUATION**

DAR FILE No.: 29410  
 FILED: 01/12/2007, 12:57

**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: Section 31A-2-201 allows the commissioner to write rules to implement the insurance code, Title 31A. The more specific rulemaking authority is in Subsection 31A-17-601(7), which gives the commissioner the right to adopt risk based capital (RBC) instructions to be used by licensed insurers and filed annually with the department.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has received no written comment regarding this rule within the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule provides reference to the RBC instructions and establishes their authority under Utah law. The RBC reports and instructions are important to ensure that Utah insurance companies report on the same basis as companies from other states. Without this uniformity, cost to companies and to the State would increase significantly, which will also increase costs to Utah policyholders. Therefore, this rule should be continued.

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](mailto:jwhitby@utah.gov)

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 01/12/2007



Natural Resources, Wildlife Resources  
**R657-20**  
 Falconry

**FIVE YEAR NOTICE OF REVIEW AND  
 STATEMENT OF CONTINUATION**

DAR FILE No.: 29398  
 FILED: 01/10/2007, 18:20

**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 Section 23-17-7 and in accordance with 50 CFR 21, 2000 ed., which is incorporated by reference into Rule R657-20, the Wildlife Board is authorized and required to provide rules to regulate the possession and use of raptors for falconry.

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 were received during or since the last five-year review of Rule R657-20.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R657-20 provides the requirements, procedures, and standards for possessing and using raptors for falconry. The provisions adopted in this rule are effective in providing the requirements, procedures, and standards for managing the falconry program. 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:  
 Robin Thomas at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at [robinthomas@utah.gov](mailto:robinthomas@utah.gov)

AUTHORIZED BY: James F Karpowitz, Director

EFFECTIVE: 01/10/2007



School and Institutional Trust Lands,  
 Administration  
**R850-90**  
 Land Exchanges

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE No.: 29408  
FILED: 01/12/2007, 09:02

**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 53C-2-302(1)(a)(ii) gives general direction for the Director of the agency to make rules for the day-to-day administration of the agency. Subsection 53C-4-101(1) specifically instructs the Director to promulgate rules laying out the criteria for the exchange of trust lands.

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 regarding this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule outlines the necessary steps to be followed both by the general public and the agency in making application and processing an exchange. In the absence of this rule, there would be no consistent and orderly manner in which to process and complete an exchange. Therefore, this rule should be continued.

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

AUTHORIZED BY: Kevin S. Carter, Director

EFFECTIVE: 01/12/2007



School and Institutional Trust Lands,  
Administration  
**R850-120**  
Beneficiary Use of Institutional Trust  
Lands.

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE No.: 29409  
FILED: 01/12/2007, 09:03

**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 53C-1-302(1)(a)(ii) gives general directions for the Director of the agency to make rules for the day-to-day administration of the agency. Subsection 53C-4-101(1) specifically instructs the Director to promulgate rules laying out the criteria for the sale, lease, or other disposition of trust lands. Also, Section 8 of the Utah Enabling Act, ch. 138, 28 Stat. 107 (1894), specifically provides that lands granted for the University of Utah and Utah State University (Agricultural College) are for the benefit and use of the respective beneficiaries.

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 concerning this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule gives direction for trust land beneficiaries to follow in order to apply for noncompensated use of lands held in trust for them. In the absence of this rule, the agency would be forced to respond to beneficiary requests using the same standards that apply to members of the general public; in violation of the conditions of the grants as spelled out in the Enabling Act. Therefore, this rule should be continued.

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

AUTHORIZED BY: Kevin S. Carter, Director

EFFECTIVE: 01/12/2007



**End of the Five-Year Notices of Review and Statements of Continuation Section**

# 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*. Statute permits an agency to make a rule effective "on any date specified by the agency that is no fewer than seven calendar days after the close of the public comment period . . . , nor more than 120 days after the publication date." Subsection 63-46a-4(9).

## Abbreviations

AMD = Amendment  
CPR = Change in Proposed Rule  
NEW = New Rule  
R&R = Repeal and Reenact  
REP = Repeal

## Administrative Services

### Records Committee

No. 29081 (AMD): R35-2-2. Declining Requests for Hearings.  
Published: October 15, 2006  
Effective: January 5, 2007

## Commerce

### Occupational and Professional Licensing

No. 29013 (AMD): R156-11a. Cosmetologist/Barber, Esthetician, Electrologist and Nail Technician Licensing Act Rules.  
Published: October 1, 2006  
Effective: January 11, 2007

No. 29013 (CPR): R156-11a. Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act Rules.  
Published: December 1, 2006  
Effective: January 11, 2007

## Crime Victim Reparations

### Administration

No. 29220 (AMD): R270-1-26. Victim Services.  
Published: December 1, 2006  
Effective: January 10, 2007

## Environmental Quality

### Air Quality

No. 29005 (AMD): R307-328. Davis, Salt Lake, Utah, and Weber Counties and Ozone Nonattainment Areas: Gasoline Transfer and Storage.  
Published: October 1, 2006  
Effective: January 16, 2007

No. 29007 (REP): R307-332. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Stage II Vapor Recovery Systems.  
Published: October 1, 2006  
Effective: January 16, 2007

No. 29008 (AMD): R307-335. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Degreasing and Solvent Cleaning Operations.  
Published: October 1, 2006  
Effective: January 16, 2007

No. 29010 (AMD): R307-341. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Cutback Asphalt.  
Published: October 1, 2006  
Effective: January 16, 2007

No. 29011 (AMD): R307-342. Davis, Salt Lake, Utah, and Weber Counties and Ozone Nonattainment Areas: Qualification of Contractors and Test Procedures for Vapor Recovery Systems for Gasoline Delivery Tanks.  
Published: October 1, 2006  
Effective: January 16, 2007

## Financial Institutions

### Nondepository Lenders

No. 29225 (NEW): R343-1. Rule Governing Form of Disclosures For Title Lenders, Who Are Under the Jurisdiction of the Department of Financial Institutions.  
Published: December 1, 2006  
Effective: January 9, 2007

## Money Management Council

### Administration

No. 29222 (NEW): R628-17. Limitations on Commercial Paper and Corporate Notes.  
Published: December 1, 2006  
Effective: January 9, 2007

## Natural Resources

### Forestry, Fire and State Lands

No. 29170 (AMD): R652-122-300. Minimum Standards for Wildland Fire Training.  
Published: November 15, 2006  
Effective: January 3, 2007

### Wildlife Resources

No. 29201 (AMD): R657-41-2. Definitions.  
Published: December 1, 2006  
Effective: January 9, 2007

## NOTICES OF RULE EFFECTIVE DATES

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### Public Safety

#### Fire Marshal

No. 29235 (AMD): R710-3. Assisted Living Facilities.  
Published: December 1, 2006  
Effective: January 9, 2007

No. 29233 (AMD): R710-4. Buildings Under the  
Jurisdiction of the State Fire Prevention Board.  
Published: December 1, 2006  
Effective: January 9, 2007

No. 29234 (AMD): R710-8. Day Care Rules.  
Published: December 1, 2006  
Effective: January 9, 2007

No. 29232 (AMD): R710-9. Rules Pursuant to the Utah  
Fire Prevention Law.  
Published: December 1, 2006  
Effective: January 9, 2007

#### Peace Officer Standards and Training

No. 29196 (AMD): R728-205-1. Authority.  
Published: December 1, 2006  
Effective: January 20, 2007

No. 29147 (AMD): R728-401-3. Procedures for Course  
Validation.  
Published: November 15, 2006  
Effective: January 20, 2007

No. 29176 (AMD): R728-402. Application Procedures to  
Attend a Basic Peace Officer Training Program.  
Published: November 15, 2006  
Effective: January 20, 2007

### Tax Commission

#### Property Tax

No. 29223 (AMD): R884-24P-19. Appraiser Designation  
Program Pursuant to Utah Code Ann. Sections 59-2-701  
and 59-2-702.  
Published: December 1, 2006  
Effective: January 12, 2007

### Transportation

#### Administration

No. 29182 (AMD): R907-66. Administration,  
Architecture/Engineering Services Procurement,  
Consultant Services -- Eligibility of Costs for  
Reimbursement -- Bonuses or Incentive Compensation.  
Published: November 15, 2006  
Effective: January 3, 2007

#### Operations, Construction

No. 29183 (AMD): R916-1. Advertising and Awarding  
Construction Contracts.  
Published: November 15, 2006  
Effective: January 3, 2007

No. 29184 (AMD): R916-2-3. Prequalification Policy.  
Published: November 15, 2006  
Effective: January 3, 2007

**End of the Notices of Rule Effective Dates Section**

## 2007 RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

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The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2007, including notices of effective date received through January 16, 2007, the effective dates of which are no later than February 1, 2007. 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. 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/>).

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### 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	5YR = Five-Year Review
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b>Administrative Services</b>					
<u>Finance</u>					
R25-14	Payment of Attorneys Fees in Death Penalty Cases	29424	5YR	01/17/2007	Not Printed
<u>Records Committee</u>					
R35-2-2	Declining Requests for Hearings	29081	AMD	01/05/2007	2006-20/2
<b>Agriculture and Food</b>					
<u>Administration</u>					
R51-2	Administration Procedures for Informal Proceedings Before the Utah Department of Agriculture and Food	29405	5YR	01/11/2007	2007-3/56
<u>Plant Industry</u>					
R68-19	Compliance Procedures.	29453	5YR	01/29/2007	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b>Commerce</b>					
<u>Consumer Protection</u>					
R152-23	Utah Health Spa Services	29238	AMD	01/23/2007	2006-24/3
<u>Occupational and Professional Licensing</u>					
R156-11a	Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act Rules	29013	CPR	01/11/2007	2006-23/87
R156-11a	Cosmetologist/Barber, Esthetician, Electrologist and Nail Technician Licensing Act Rules	29013	AMD	01/11/2007	2006-19/5
R156-54	Radiology Technologist and Radiology Practical Technician Licensing Act Rules	29396	5YR	01/09/2007	2007-3/56
R156-56	Utah Uniform Building Standard Act Rules	29122	AMD	01/01/2007	2006-21/33
R156-56	Utah Uniform Building Standard Act Rules	29357	NSC	01/01/2007	Not Printed
R156-56	Utah Uniform Building Standard Act Rules	29120	AMD	01/01/2007	2006-21/5
R156-56-711	Statewide Amendments to the IRC	29075	AMD	01/01/2007	2006-20/13
R156-71	Naturopathic Physician Practice Act Rules	29394	5YR	01/08/2007	2007-3/57
R156-72	Acupuncture Licensing Act Rules	29395	5YR	01/09/2007	2007-3/58
R156-75	Genetic Counselor Licensing Act Rules	29397	5YR	01/09/2007	2007-3/58
<u>Real Estate</u>					
R162-9	Continuing Education	29224	AMD	01/17/2007	2006-23/3
R162-202	Initial Application	29237	AMD	01/24/2007	2006-24/4
<b>Crime Victim Reparations</b>					
<u>Administration</u>					
R270-1-26	Victim Services	29220	AMD	01/10/2007	2006-23/6
<b>Education</b>					
<u>Administration</u>					
R277-511	Highly Qualified Teacher Grants	29305	NEW	01/23/2007	2006-24/7
R277-512	Online Licensure	29306	NEW	01/23/2007	2006-24/9
<b>Environmental Quality</b>					
<u>Air Quality</u>					
R307-328	Davis, Salt Lake, Utah, and Weber Counties and Ozone Nonattainment Areas: Gasoline Transfer and Storage	29005	AMD	01/16/2007	2006-19/43
R307-328-1	Purpose	29150	NSC	01/16/2007	Not Printed
R307-332	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Stage II Vapor Recovery Systems	29007	REP	01/16/2007	2006-19/46
R307-335	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Degreasing and Solvent Cleaning Operations	29008	AMD	01/16/2007	2006-19/49
R307-341	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Cutback Asphalt	29010	AMD	01/16/2007	2006-19/59
R307-342	Davis, Salt Lake, Utah, and Weber Counties and Ozone Nonattainment Areas: Qualification of Contractors and Test Procedures for Vapor Recovery Systems for Gasoline Delivery Tanks	29011	AMD	01/16/2007	2006-19/60
<u>Drinking Water</u>					
R309-105-9	Minimum Water Pressure	29036	AMD	01/01/2007	2006-19/68

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b><u>Solid and Hazardous Waste</u></b>					
R315-301	Solid Waste Authority, Definitions, and General Requirements	29202	AMD	02/01/2007	2006-23/17
R315-302	Solid Waste Facility Location Standards, General Facility Requirements, and Closure Requirements	29203	AMD	02/01/2007	2006-23/22
R315-303	Landfilling Standards	29204	AMD	02/01/2007	2006-23/28
R315-304	Industrial Solid Waste Landfill Requirements	29205	AMD	02/01/2007	2006-23/33
R315-305-4	General Requirements	29206	AMD	02/01/2007	2006-23/35
R315-306-2	Requirements for Large Incinerators	29207	AMD	02/01/2007	2006-23/37
R315-308	Ground Water Monitoring Requirements	29208	AMD	02/01/2007	2006-23/38
R315-309	Financial Assurance	29209	AMD	02/01/2007	2006-23/43
R315-310	Permit Requirements for Solid Waste Facilities	29210	AMD	02/01/2007	2006-23/46
R315-311	Permit Approval For Solid Waste Disposal, Waste Tire Storage, Energy Recovery, And Incinerator Facilities	29211	AMD	02/01/2007	2006-23/50
R315-312	Recycling and Composting Facility Standards	29212	AMD	02/01/2007	2006-23/52
R315-313-2	Transfer Station Standards	29213	AMD	02/01/2007	2006-23/54
R315-314-3	Facility Standards for Piles Used for Storage and Treatment	29214	AMD	02/01/2007	2006-23/56
R315-316	Infectious Waste Requirements	29215	AMD	02/01/2007	2006-23/58
R315-317	Other Processes, Variances, and Violations	29216	AMD	02/01/2007	2006-23/60
R315-318-1	General Requirements	29217	AMD	02/01/2007	2006-23/61
R315-320	Waste Tire Transporter and Recycler Requirements	29218	AMD	02/01/2007	2006-23/62
<b><u>Water Quality</u></b>					
R317-1-2	General Requirements	29186	AMD	01/19/2007	2006-22/21
R317-1-7	TMDLs	29098	AMD	01/19/2007	2006-20/54
R317-6	Ground Water Quality Protection	29294	AMD	01/23/2007	2006-24/23
R317-6-6	Implementation	29185	AMD	01/19/2007	2006-22/23
R317-11	Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Percolation and Soil Tests for Underground Wastewater Disposal Systems	29296	AMD	01/26/2007	2006-24/26
<b>Financial Institutions</b>					
<b><u>Credit Unions</u></b>					
R337-10	Rule Designating Applicable Federal Law for Credit Unions Subject to the Jurisdiction of the Department of Financial Institutions	29173	NEW	01/22/2007	2006-22/25
R337-10	Rule Designating Applicable Federal Law for Credit Unions Subject to the Jurisdiction of the Department of Financial Institutions	29352	NSC	01/22/2007	Not Printed
<b><u>Nondepository Lenders</u></b>					
R343-1	Rule Governing Form of Disclosures For Title Lenders, Who Are Under the Jurisdiction of the Department of Financial Institutions	29225	NEW	01/09/2007	2006-23/65
<b>Health</b>					
<b><u>Health Care Financing, Coverage and Reimbursement Policy</u></b>					
R414-4A	Outpatient Hospital Services: Payment of Triage Fee	29441	5YR	01/26/2007	Not Printed
R414-7C	Alternative Remedies for Nursing Facilities	29442	5YR	01/26/2007	Not Printed
R414-10	Physician Services	29435	5YR	01/26/2007	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R414-510	Intermediate Care Facility for Individuals with Mental Retardation Transition Program	29197	NEW	01/17/2007	2006-23/66
<b>Human Services</b>					
<u>Child and Family Services</u>					
R512-10	Youth Advocate Program	29387	5YR	01/03/2007	2007-3/59
R512-43	Adoption Assistance	29388	5YR	01/03/2007	2007-3/59
R512-60	Children's Trust Account	29390	5YR	01/03/2007	2007-3/60
<u>Recovery Services</u>					
R527-5	Release of Information	29415	5YR	01/16/2007	2007-3/60
R527-34	Non-IV-A Services	29416	5YR	01/16/2007	2007-3/61
R527-35	Non-IV-A Fee Schedule	29417	5YR	01/16/2007	2007-3/61
R527-201	Medical Support Services	29418	5YR	01/16/2007	2007-3/62
<b>Insurance</b>					
<u>Administration</u>					
R590-70	Insurance Holding Companies	29451	5YR	01/29/2007	Not Printed
R590-95	Rule to Permit the Same Minimum Nonforfeiture Standards for Men and Women Insureds Under the 1980 CSO and 1980 CET Mortality Tables.	29447	5YR	01/27/2007	Not Printed
R590-99	Delay or Failure to Record Documents and the Insuring of Properties with the False Appearance of Unmarketability as Unfair Title Insurance Practices	29446	5YR	01/27/2007	Not Printed
R590-102	Insurance Department Fee Payment Rule	29443	5YR	01/26/2007	Not Printed
R590-103	Security Deposits	29406	5YR	01/11/2007	2007-3/63
R590-114	Letters of Credit	29452	5YR	01/29/2007	Not Printed
R590-121	Rate Modification Plan Rule	29403	5YR	01/11/2007	2007-3/63
R590-123	Additions and Deletions of Designees by Organizations	29445	5YR	01/27/2007	Not Printed
R590-126	Accident and Health Insurance Standards	29404	5YR	01/11/2007	2007-3/64
R590-133	Variable Contracts	29411	5YR	01/12/2007	2007-3/65
R590-142	Continuing Education Rule	29444	5YR	01/26/2007	Not Printed
R590-143	Life and Health Reinsurance Agreements	29450	5YR	01/29/2007	Not Printed
R590-147	Annual and Quarterly Statement Filing Instructions	29449	5YR	01/29/2007	Not Printed
R590-150	Commissioner's Acceptance of Examination Reports	29454	5YR	01/29/2007	Not Printed
R590-176	Health Benefit Plan Enrollment	29400	5YR	01/11/2007	2007-3/65
R590-181	Yankee Bond Rule	29407	5YR	01/11/2007	2007-3/66
R590-182	Risk Based Capital Instructions	29410	5YR	01/12/2007	2007-3/66
R590-220	Submission of Accident and Health Insurance Filings	28767	CPR	01/22/2007	2006-24/44
R590-220	Submission of Accident and Health Insurance Filings	28767	AMD	01/22/2007	2006-12/27
R590-225-6	Filing Submission Requirements	29290	AMD	01/22/2007	2006-24/32
<b>Labor Commission</b>					
<u>Industrial Accidents</u>					
R612-4-2	Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund	29124	AMD	01/01/2007	2006-21/49
<u>Occupational Safety and Health</u>					
R614-1-4	Incorporation of Federal Standards	29282	AMD	01/23/2007	2006-24/33

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b>Money Management Council</b>					
<u>Administration</u>					
R628-17	Limitations on Commercial Paper and Corporate Notes	29222	NEW	01/09/2007	2006-23/68
<b>Natural Resources</b>					
<u>Parks and Recreation</u>					
R651-634-1	User Permits and Fees	29163	AMD	01/02/2007	2006-22/39
<u>Forestry, Fire and State Lands</u>					
R652-122-300	Minimum Standards for Wildland Fire Training	29170	AMD	01/03/2007	2006-22/40
R652-140	Utah Forest Practices Act (EXPIRED RULE)	29433	NSC	01/23/2007	Not Printed
<u>Wildlife Resources</u>					
R657-20	Falconry	29398	5YR	01/10/2007	2007-3/67
R657-41-2	Definitions	29201	AMD	01/09/2007	2006-23/69
<b>Public Safety</b>					
<u>Administration</u>					
R698-1	Public Petitions for Declaratory Orders	29384	5YR	01/02/2007	2007-2/118
R698-2	Government Records Access and Management Act Rule	29385	5YR	01/02/2007	2007-2/119
R698-3	Americans With Disabilities Act (ADA) Complaint Procedure	29386	5YR	01/02/2007	2007-2/119
<u>Fire Marshal</u>					
R710-3	Assisted Living Facilities	29235	AMD	01/09/2007	2006-23/70
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	29233	AMD	01/09/2007	2006-23/72
R710-8	Day Care Rules	29234	AMD	01/09/2007	2006-23/76
R710-9	Rules Pursuant to the Utah Fire Prevention Law	29232	AMD	01/09/2007	2006-23/78
<u>Peace Officer Standards and Training</u>					
R728-205-1	Authority	29196	AMD	01/20/2007	2006-23/83
R728-205-1	Authority	29374	NSC	01/20/2007	Not Printed
R728-401-3	Procedures for Course Validation	29147	AMD	01/20/2007	2006-22/45
R728-402	Application Procedures to Attend a Basic Peace Officer Training Program	29176	AMD	01/20/2007	2006-22/47
<b>Public Service Commission</b>					
<u>Administration</u>					
R746-348	Interconnection	29428	5YR	01/22/2007	Not Printed
<b>School and Institutional Trust Lands</b>					
<u>Administration</u>					
R850-90	Land Exchanges	29408	5YR	01/12/2007	2007-3/67
R850-120	Beneficiary Use of Institutional Trust Lands.	29409	5YR	01/12/2007	2007-3/68
<b>Tax Commission</b>					
<u>Property Tax</u>					
R884-24P-19	Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702	29223	AMD	01/12/2007	2006-23/83

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b>Transportation</b>					
<u>Administration</u>					
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R912-76	Single Tire Configuration	29426	5YR	01/19/2007	Not Printed
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R916-2-3	Prequalification Policy	29184	AMD	01/03/2007	2006-22/53

## RULES INDEX - BY KEYWORD (SUBJECT)

### ABBREVIATIONS

AMD = Amendment  
 CPR = Change in proposed rule  
 EMR = Emergency rule (120 day)  
 NEW = New rule  
 EXD = Expired

NSC = Nonsubstantive rule change  
 REP = Repeal  
 R&R = Repeal and reenact  
 5YR = Five-Year Review

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<u>acupuncture</u>					
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<u>administrative procedures</u>					
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	29408	R850-90	5YR	01/12/2007	2007-3/67
	29409	R850-120	5YR	01/12/2007	2007-3/68
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	29007	R307-332	REP	01/16/2007	2006-19/46
	29008	R307-335	AMD	01/16/2007	2006-19/49
	29010	R307-341	AMD	01/16/2007	2006-19/59

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Environmental Quality, Air Quality	29010	R307-341	AMD	01/16/2007	2006-19/59
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Public Safety, Fire Marshal	29235	R710-3	AMD	01/09/2007	2006-23/70
<b><u>attorneys</u></b>					
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<b><u>basic application procedures</u></b>					
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	29184	R916-2-3	AMD	01/03/2007	2006-22/53
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	29122	R156-56	AMD	01/01/2007	2006-21/33
	29357	R156-56	NSC	01/01/2007	Not Printed
	29075	R156-56-711	AMD	01/01/2007	2006-20/13
<b><u>building inspection</u></b>					
Commerce, Occupational and Professional Licensing	29120	R156-56	AMD	01/01/2007	2006-21/5
	29357	R156-56	NSC	01/01/2007	Not Printed
	29122	R156-56	AMD	01/01/2007	2006-21/33
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	29416	R527-34	5YR	01/16/2007	2007-3/61
	29417	R527-35	5YR	01/16/2007	2007-3/61
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<b><u>child welfare</u></b> Human Services, Child and Family Services	29387	R512-10	5YR	01/03/2007	2007-3/59
	29388	R512-43	5YR	01/03/2007	2007-3/59
	29390	R512-60	5YR	01/03/2007	2007-3/60
<b><u>children's trust account</u></b> Human Services, Child and Family Services	29390	R512-60	5YR	01/03/2007	2007-3/60
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<b><u>confidentiality</u></b> Human Services, Recovery Services	29415	R527-5	5YR	01/16/2007	2007-3/60
<b><u>consumer protection</u></b> Commerce, Consumer Protection	29238	R152-23	AMD	01/23/2007	2006-24/3
<b><u>contractors</u></b> Commerce, Occupational and Professional Licensing	29120	R156-56	AMD	01/01/2007	2006-21/5
	29122	R156-56	AMD	01/01/2007	2006-21/33
	29357	R156-56	NSC	01/01/2007	Not Printed
	29075	R156-56-711	AMD	01/01/2007	2006-20/13
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Transportation, Operations, Construction	29183	R916-1	AMD	01/03/2007	2006-22/52
	29184	R916-2-3	AMD	01/03/2007	2006-22/53
<b><u>cooperative agreement</u></b> Natural Resources, Forestry, Fire and State Lands	29170	R652-122-300	AMD	01/03/2007	2006-22/40
<b><u>cosmetologists/barbers</u></b> Commerce, Occupational and Professional Licensing	29013	R156-11a	AMD	01/11/2007	2006-19/5
	29013	R156-11a	CPR	01/11/2007	2006-23/87
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<b><u>effluent standards</u></b> Environmental Quality, Water Quality	29186	R317-1-2	AMD	01/19/2007	2006-22/21
	29098	R317-1-7	AMD	01/19/2007	2006-20/54
<b><u>electrologists</u></b> Commerce, Occupational and Professional Licensing	29013	R156-11a	AMD	01/11/2007	2006-19/5
	29013	R156-11a	CPR	01/11/2007	2006-23/87
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<b><u>estheticians</u></b> Commerce, Occupational and Professional Licensing	29013	R156-11a	AMD	01/11/2007	2006-19/5
	29013	R156-11a	CPR	01/11/2007	2006-23/87
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	29173	R337-10	NEW	01/22/2007	2006-22/25
Financial Institutions, Nondepository Lenders	29225	R343-1	NEW	01/09/2007	2006-23/65
<b><u>fire prevention</u></b> Public Safety, Fire Marshal	29233	R710-4	AMD	01/09/2007	2006-23/72
	29234	R710-8	AMD	01/09/2007	2006-23/76
	29232	R710-9	AMD	01/09/2007	2006-23/78
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<b><u>gasoline transport</u></b> Environmental Quality, Air Quality	29005	R307-328	AMD	01/16/2007	2006-19/43
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	29011	R307-342	AMD	01/16/2007	2006-19/60
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<b><u>ground water</u></b> Environmental Quality, Water Quality	29294	R317-6	AMD	01/23/2007	2006-24/23
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<b><u>health insurance filings</u></b> Insurance, Administration	28767	R590-220	CPR	01/22/2007	2006-24/44
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	29098	R317-1-7	AMD	01/19/2007	2006-20/54
<b><u>insurance</u></b> Insurance, Administration	29443	R590-102	5YR	01/26/2007	Not Printed
	29406	R590-103	5YR	01/11/2007	2007-3/63
	29452	R590-114	5YR	01/29/2007	Not Printed
	29449	R590-147	5YR	01/29/2007	Not Printed
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	29403	R590-121	5YR	01/11/2007	2007-3/63
	29445	R590-123	5YR	01/27/2007	Not Printed
	29411	R590-133	5YR	01/12/2007	2007-3/65
	29444	R590-142	5YR	01/26/2007	Not Printed
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	29176	R728-402	AMD	01/20/2007	2006-22/47
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	29122	R156-56	AMD	01/01/2007	2006-21/33
	29075	R156-56-711	AMD	01/01/2007	2006-20/13
	29394	R156-71	5YR	01/08/2007	2007-3/57
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	29397	R156-75	5YR	01/09/2007	2007-3/58
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<b><u>occupational licensing</u></b>					
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Education, Administration	29306	R277-512	NEW	01/23/2007	2006-24/9
<b><u>ozone</u></b>					
Environmental Quality, Air Quality	29005	R307-328	AMD	01/16/2007	2006-19/43
	29150	R307-328-1	NSC	01/16/2007	Not Printed
	29007	R307-332	REP	01/16/2007	2006-19/46
	29008	R307-335	AMD	01/16/2007	2006-19/49
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Public Safety, Peace Officer Standards and Training	29147	R728-401-3	AMD	01/20/2007	2006-22/45
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<b><u>radiology technologists</u></b> Commerce, Occupational and Professional Licensing	29396	R156-54	5YR	01/09/2007	2007-3/56
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The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2006, through January 1, 2007. 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: 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/>).

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**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	5YR = Five-Year Review
EXD = Expired	

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**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	5YR = Five-Year Review
EXD = Expired	

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 28660 R651-801 NSC 05/10/2006 Not Printed  
 28646 R651-802 5YR 04/18/2006 2006-10/100  
 28661 R651-802 NSC 05/10/2006 Not Printed

**WATER SKIING**

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 28826 R651-224 AMD 08/22/2006 2006-14/24

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 28945 R657-9-7 AMD 10/24/2006 2006-18/26

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 29036 R309-105-9 AMD 01/01/2007 2006-19/68

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Governor; Planning and Budget, Chief Information Officer 28791 R365-5 NSC 06/22/2006 Not Printed  
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 Technology Services; Administration 29308 R895-8 5YR 12/04/2006 2007-1/56

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Transportation; Motor Carrier, Ports of Entry 28703 R912-8 NEW 06/22/2006 2006-10/78

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 28379 R657-5 AMD 01/18/2006 2005-24/11  
 28718 R657-5 AMD 07/11/2006 2006-11/78  
 28881 R657-5-37B NSC 07/27/2006 Not Printed  
 28801 R657-6-21 AMD 08/08/2006 2006-13/28  
 28938 R657-9 5YR 08/21/2006 2006-18/62  
 28945 R657-9-7 AMD 10/24/2006 2006-18/26  
 28940 R657-10 5YR 08/21/2006 2006-18/63  
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 28303 R657-13 AMD 01/18/2006 2005-22/41  
 29115 R657-13 AMD 12/12/2006 2006-21/52  
 28382 R657-17 AMD 01/18/2006 2005-24/17

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	29160	R657-22-18	AMD	12/22/2006	2006-22/41
	28377	R657-23	AMD	01/18/2006	2005-24/19
	28455	R657-24	AMD	03/06/2006	2006-3/24
	28796	R657-24	AMD	08/08/2006	2006-13/29
	28939	R657-26	5YR	08/21/2006	2006-18/63
	28942	R657-26	AMD	10/24/2006	2006-18/32
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	28371	R657-38	AMD	01/18/2006	2005-24/22
	28456	R657-40	5YR	01/10/2006	2006-3/40
	28798	R657-41	AMD	08/08/2006	2006-13/30
	28376	R657-42	AMD	01/18/2006	2005-24/27
	29113	R657-52-3	AMD	12/12/2006	2006-21/55
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<b><u>WILDLIFE PERMITS</u></b>					
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	28729	R612-2-5	AMD	07/11/2006	2006-11/74
	28458	R612-4	5YR	01/12/2006	2006-3/39
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<b><u>WORKING TOWARD EMPLOYMENT</u></b>					
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	28931	R313-16	AMD	10/20/2006	2006-17/26
	29106	R313-28	5YR	10/05/2006	2006-21/82
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<b><u>ZOOLOGICAL ANIMALS</u></b>					
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