

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed March 02, 2017, 12:00 a.m. through March 15, 2017, 11:59 p.m.

Number 2017-7
April 01, 2017

Nancy L. Lancaster, Managing Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah state government. The Office of Administrative Rules, part of the Department of Administrative Services, produces the *Bulletin* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Bulletin* is the official version. The PDF version of this issue is available at <http://www.rules.utah.gov/publicat/bulletin.htm>. Any discrepancy between the PDF version and other versions will be resolved in favor of the PDF version.

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-538-3003. Additional rulemaking information and electronic versions of all administrative rule publications are available at <http://www.rules.utah.gov/>.

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <http://www.rules.utah.gov/publicat/digest.htm> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.

I. Utah. Office of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

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SPECIAL NOTICES

Environmental Quality Air Quality

Notice of Intent to Allow Filings No. 41300 (Rule R307-335) and No. 41320 (Rule R307-304) to Lapse

On February 1, 2017, the Utah Air Quality Board proposed amendments to Rule R307-335, Degreasing and Solvent Cleaning Operations (Filing No. 41300), that were published in the March 1, 2017, issue of the Utah State Bulletin (2017-5, pg. 21). The Board also proposed new Rule R307-304, Industrial Solvent Use (Filing No. 41320), also published in the March 1, 2017, Bulletin (2017-5, pg. 19). The amendments to Rule R307-335 were proposed to remove provisions regulating solvent cleaning. This was done so that a new Rule R307-304 that deals exclusively with regulating emissions from solvents used during solvent cleaning could be proposed.

No further considerations are being done and these filings will be allowed to lapse and not be made effective. They will likely both be proposed again at a future Board meeting. An additional comment period will be held to address any future proposal.

For questions, contact Ryan Stephens by phone at 801-536-4419 or email at rstephens@utah.gov

Health Health Care Financing, Coverage and Reimbursement Policy Annual Rebasing Update

The Division of Medicaid and Health Financing (DMHF) is updating its Medicaid State Plan through the following State Plan Amendments (SPAs):

SPA 17-0005-UT Reimbursement for Home Health Services;
SPA 17-0006-UT Reimbursement for Physician and Anesthesia Services;
SPA 17-0007-UT Reimbursement for Optometry Services;
SPA 17-0008-UT Reimbursement for Speech Pathology Services;
SPA 17-0009-UT Reimbursement for Audiology Services;
SPA 17-0010-UT Reimbursement for Chiropractic Services;
SPA 17-0011-UT Reimbursement for Eyeglasses Services;
SPA 17-0012-UT Reimbursement for Clinic Services;
SPA 17-0013-UT Reimbursement for Physical Therapy and Occupational Therapy;
SPA 17-0014-UT Reimbursement for Rehabilitative Mental Health Services; and
SPA 17-0016-UT Reimbursement for Dental Services and Dentures.

Based on the existing State Plan requirement to annually rebase pricing of physician codes, these amendments update the State Plan by changing the effective date of the pricing to July 1, 2017.

DMHF anticipates these changes to be budget neutral.

The proposed changes are pending Centers for Medicare and Medicaid Services approval.

A copy of the changes may be obtained from Craig Devashrayee (801-538-6641), or by writing the Technical Writing Unit, Utah Department of Health, P.O. Box 143102, Salt Lake City, UT 84114-3102. Comments are welcome at the same address. Copies of the changes are also available at local county health department offices.

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between March 02, 2017, 12:00 a.m., and March 15, 2017, 11:59 p.m. are included in this, the April 01, 2017, issue of the *Utah State Bulletin*.

In this publication, each **PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **PROPOSED RULE** is usually printed. New rules or additions made to existing rules are underlined (example). Deletions made to existing rules are struck out with brackets surrounding them ([~~example~~]). Rules being repealed are completely struck out. A row of dots in the text between paragraphs (.) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not usually printed. If a **PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of each rule that is too long to print is available from the filing agency or from the Office 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 May 1, 2017. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through July 30, 2017, the agency may notify the Office 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 Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE OF A CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

The public, interest groups, and governmental agencies are invited to review and comment on **PROPOSED RULES**. *Comment may be directed to the contact person identified on the **RULE ANALYSIS** for each rule.*

PROPOSED RULES are governed by Section 63G-3-301, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5a, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page

**Commerce, Occupational and
Professional Licensing
R156-38b
State Construction Registry Rule**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41349

FILED: 03/07/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After a formal review, the Division is proposing this filing to update the State Construction Registry Rule to accord with changes made by H.B. 42, Construction Liens Amendments, during the 2014 General Session, and to make several formatting changes for clarification and correction.

SUMMARY OF THE RULE OR CHANGE: Subsection R156-38b-301(4)(b) is revised to correct a statutory citation. Sections R156-38b-505, R156-38b-506, and R156-38b-507 are corrected, respectively, to Sections R156-38b-503, R156-38b-504, and R156-38b-505 to allow for sequential numbering in the rule. Section R156-38b-509 which addresses withdrawal of filings, and Subsection R156-38b-702(c), which references a withdrawn filing, are deleted in their entirety. These deletions are required based on amendments made to Section 38-1a-501 by H.B. 42 (2014), which eliminated the filing "withdraw" function on the State Construction Registry.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 38-1a-101 and Section 38-1b-101

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The Division will incur minimal costs of approximately \$75 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.
- ◆ **LOCAL GOVERNMENTS:** None of the proposed amendments apply to local government, so no impact on local government is anticipated by the Division.
- ◆ **SMALL BUSINESSES:** No fiscal impact to small business is anticipated related to these changes. The amended language only makes formatting changes and adds clarification to practices that are already taking place in the industry.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No fiscal impact to other persons is anticipated related to these changes. The amended language only makes formatting changes and adds clarification to practices that are already taking place in the industry.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs for affected persons is anticipated related to these changes. The amended language only makes formatting changes and adds clarification to practices that are already taking place in the industry.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule amendment updates the State Construction Registry Rule to comply with changes made by H.B. 42 (2014), and to make several formatting changes for clarification. Section R156-38b-509 and Subsection R156-38b-702(c) are deleted in their entirety. These deletions are required based upon amendments made to Section 38-1a-501 by H.B. 42 (2014). That amendment eliminated the filing "withdrawal" function on the State Construction Registry. No fiscal impact to small business will result from these rule changes.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Tracy Naff by phone at 801-530-6225, by FAX at 801-530-6511, or by Internet E-mail at tnaff@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2017

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2017

AUTHORIZED BY: Mark Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-38b. State Construction Registry Rule.
R156-38b-301. Duties, Functions, and Responsibilities of the Designated Agent.**

In accordance with Subsections 38-1a-202(2) and (4) through (7), the duties, functions, and responsibilities of the designated agent include:

- (1) designing, developing, hosting, operating, and maintaining the SCR;
- (2) providing training, marketing, and technical support for the SCR;
- (3) performing other duties, functions, and responsibilities provided by statute, rule, or contract; and
- (4) obtaining and maintaining insurance coverage as follows:

(a) general liability insurance, which at a minimum shall be the amount established for the designated agent's master contract with the State of Utah; and

(b) errors and omissions insurance as required by Subsection ~~[38-1-30(5)]~~ 38-1a-202(5), which may be satisfied by the designated agent's current policy that insures its parent company and all subsidiaries in the amount of \$5 Million.

R156-38b-[505]503. Alternate Filings.

(1) Alternate Means of Filing. The alternate means of filing are those established by Subsection 38-1a-201(1)(e)(ii), including U.S. Mail and telefax. Private commercial courier is established as an additional alternate means of receipt by the designated agent, but not dispatch from the designated agent.

(2) Content Requirements. The content requirements for alternate means filings shall be the same as for electronic filings as set forth for Notices in Title 38, Chapters 1a and 1b or this rule.

(3) Format Requirements. Alternate means filings shall be submitted in a standard format adopted by the Division in collaboration with the designated agent. Filings not submitted in the standard format, in the sole judgment of the designated agent, shall be rejected and dispatched to the submitter. The filing fee shall be retained by the designated agent as a processing fee for rejecting and dispatching the filing. An additional filing fee shall be due upon resubmission.

(4) Methodology.

(a) U.S. Mail. An alternate means filing by U.S. Mail shall be submitted to the designated agent's mailing address by any method of U.S. Mail.

(b) Express Mail. An alternate means filing by commercial private courier shall be submitted to the designated agent's mailing address by any commercially available method of express mail.

(c) Telefax. An alternate means filing by telefax shall be submitted to the designated agent's toll-free unique SCR fax number.

(5) Processing Requirements.

(a) Transaction Receipt. The designated agent shall confirm a successful alternate method filing and fee payment receipt by sending a transaction receipt as specified in Section R156-38b-602.

(b) Creation of Electronic Image. The designated agent shall create and maintain an electronic image of alternate method filings that are accepted into the SCR. Once an electronic image has been created and the accepted alternate method filing has been entered into the SCR, the original version of the accepted alternate method filing may be destroyed. The electronic image shall remain accessible for audit purposes.

(6) Data Entry Standards.

(a) In accordance with Subsection 38-1a-202(6), the designated agent shall meet or exceed the following data entry standards for alternate means filings:

(i) a primary operator shall manually input information filed by alternate means;

(ii) a secondary operator shall independently input the construction project permit number and original contractor name;

(iii) the designated agent shall automatically compare all entries from the primary and secondary operators for consistency;

(iv) following the above procedures, the designated agent shall visually inspect at least 5% of all notices created by alternate means filing; and

(v) these standards are to be met prior to Internet publication.

R156-38b-[506]504. Dates of Filings.

The official filing date of a particular filing shall be determined as follows:

(1) In the case of an electronic filing, it shall be the date the designated agent accepts a filing input by the person making the filing and makes available a payment receipt to the person making the filing.

(2) In the case of an alternate means filing, it shall be the date upon which the designated agent received a filing that was ultimately accepted into the SCR including content requirements and payment.

R156-38b-[507]505. Status of and Process for Filings Not Accepted by the Designated Agent.

(1) A filing that is not accepted by the designated agent shall not be considered to be filed.

(2) The designated agent shall electronically indicate to a person whose electronic filing is not accepted that the filing is not accepted and the reason or reasons why it is not accepted. The designated agent shall allow the person making the electronic filing to attempt to correct any defects, if possible.

(3) The designated agent shall notify a person whose alternate means filing is not accepted that the filing is not accepted and the reason or reasons why it is not accepted. The designated agent shall allow the person making the alternate means filing to correct the defect or defects.

(4) A fee payment received with a filing submitted by alternate means that is not accepted shall be retained by the designated agent as the processing fee for handling the incomplete filing.

(5) For auditing purposes, the designated agent shall maintain a record of all processing fees received with filings submitted by alternate means that are not accepted.

[R156-38b-509. Withdrawal of Filings:

~~(1) In accordance with Subsections 38-1a-307(3) and 38-1a-501(5), the designated agent shall, upon request of a person who filed an accepted notice filing allow the person to designate the filing as withdrawn.~~

~~(2) Notification of a filing withdrawal shall be provided to the same persons as required for the original successful filing.~~

~~(3) A withdrawn filing shall indicate that the filing is no longer given effect.~~

~~(4) A withdrawn filing may not be restored, but must be filed as a new filing in accordance with Sections 38-1a-401, 38-1a-501, or 38-1a-506.]~~

R156-38b-702. Archiving Requirements.

(1) In accordance with Subsection 38-1a-202(4)(a), the designated agent shall archive the SCR computer data files semi-annually for auditing purposes.

(2) In accordance with Subsection 38-1a-202(4)(c), filings shall be archived as follows:

(a) one year after the day on which a notice of completion is accepted into the SCR; or

(b) if no notice of completion is filed, two years after the last filing activity for a project; or

~~(c) one year after the day on which a filing is withdrawn under Subsection 38-1a-307(3) or 38-1a-501(5)].~~

(3) For purposes of this section, "archive" means to preserve an original or a copy of computer data files and filings separate from the active SCR.

(4) The designated agent shall maintain a transaction log of archived filings and make it available to the Division upon request for auditing purposes.

KEY: electronic preliminary lien filing, notice of commencement, preliminary notice, notice of completion

Date of Enactment or Last Substantive Amendment: ~~December 10, 2012~~ 2017

Notice of Continuation: December 16, 2014

Authorizing, and Implemented or Interpreted Law: 38-1a-101; 38-1b-101

Commerce, Occupational and Professional Licensing

R156-55a

Utah Construction Trades Licensing Act Rule

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41348

FILED: 03/07/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule filing is to make technical name changes and to modify continuing education requirements as approved by the Construction Services Commission and the Division.

SUMMARY OF THE RULE OR CHANGE: In Subsections R156-55a-301(2) and R156-55a-302b(5), the proposed amendment is a technical change of name for the National Radon Proficiency Program from NEHA-NRPP to AARST-NRPP. The entity has changed the name of the certificate it issues. In Subsection R156-55a-303b(1)(a), the proposed amendment adds construction business practices to the list of courses that qualify as core continuing education. New Section R156-55a-303b(2)(i) allows live continuing education courses to be taught by live broadcast so long as the instructor and student can see and hear each other.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-55-101 and Subsection 58-1-106(1)

(a) and Subsection 58-1-202(1)(a) and Subsection 58-55-102(39)(a) and Subsection 58-55-308(1)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The Division will incur minimal costs of approximately \$75 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

◆ **LOCAL GOVERNMENTS:** The proposed amendments apply only to licensed contractors. None of these amendments will affect local government; therefore, there is no cost or savings impact to local government.

◆ **SMALL BUSINESSES:** Subsections R156-55a-301(2) and R156-55a-302b(5) include a technical change of name, which will not impact small business. Changes to Subsection R156-55a-303b(1) add construction business practices to the list of courses that qualify as core continuing education which is not anticipated to impact small business, except for indirect savings that may be experienced by some small business licensees who improve their business practices. The amount of savings cannot be estimated by the Division as it will vary depending on circumstances. The new Subsection R156-55a-303b(2)(i) allows live broadcast to count as live in-class attendance for continuing education credit, which will save some small business licensees the cost of traveling to a central location to obtain their required continuing education hours. This will be especially beneficial to small business licensees in remote, rural locations. The amount of savings cannot be estimated by the Division as it will vary depending on circumstances.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Subsections R156-55a-301(2) and R156-55a-302b(5) include a technical change of name, which will not impact other persons. Changes to Subsection R156-55a-303b(1) add construction business practices to the list of courses that qualify as core continuing education which is not anticipated to impact other persons, except for indirect savings that may be experienced by some licensees who improve their business practices. The amount of savings cannot be estimated by the Division as it will vary depending on circumstances. New Subsection 303b(2)(i) allows live broadcast to count as live in-class attendance for continuing education credit, which will save some licensees the cost of traveling to a central location to obtain their required continuing education hours. This will be especially beneficial to licensees in remote, rural locations. The amount of savings cannot be estimated by the Division as it will vary depending on circumstances.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None of the proposed amendments are anticipated to have compliance costs for affected persons because the proposed amendments simply make technical changes and expand options for continuing education courses.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These rule amendments make technical name changes and

modify continuing education requirements as approved by the Construction Services Commission. The amendments to Subsections R156-55a-301(2) and R156-55a-302b(5) change the designation of NEHA to AARST in seven separate locations in the rule. The amendment to Subsection R156-55a-303b(1)(a) adds "construction business practices" to the list of courses that qualify as core continuing education courses. The amendment to Subsection R156-55a-303b(2)(i) allows continuing education courses to be taught by live broadcast, so long as the instructor and student can see and hear each other. The change to the first subsections has no fiscal impact. The last two changes will result in cost savings to small business. However, the amount of savings cannot be estimated, as it will vary depending on circumstances.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Chris Rogers by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at crogers@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2017

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

♦ 04/26/2017 09:15 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 474, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2017

AUTHORIZED BY: Mark Steinagel, Director

R156. Commerce, Occupational and Professional Licensing.

R156-55a. Utah Construction Trades Licensing Act Rule.

R156-55a-301. License Classifications - Scope of Practice.

(1) In accordance with Subsection 58-55-301(2), the classifications of licensure are listed and described in this section. The construction trades or specialty contractor classifications listed are those determined to significantly impact the public health, safety, and welfare. A person who is engaged in work which is included in the items listed in Subsections R156-55a-301(4) and (5) is exempt from licensure in accordance with Subsection 58-55-305(1)(i).

(2) Licenses shall be issued in the following primary classifications and subclassifications:

E100 - General Engineering Contractor. A General Engineering contractor is a contractor licensed to perform work as defined in Subsection 58-55-102(22).

B100 - General Building Contractor. A General Building contractor is a contractor licensed to perform work as defined in Subsection 58-55-102(21) and pursuant to Subsection 58-55-102(21)(b) is clarified as follows:

(a) The General Building Contractor scope of practice does not include activities described in this Subsection under specialty classification S202 - Solar Photovoltaic Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the North American Board of Certified Energy Practitioners.

(b) The General Building Contractor scope of practice does not include activities described in this Subsection under specialty classification S354-Radon Mitigation Contractor unless

(i) the work is performed under the immediate supervision of an employee who holds a current certificate issued by the National Radon Safety Board (NRSB) or the National Radon Proficiency Program (~~NEHA~~AARST-NRPP); or

(ii) the work is limited to installation of passive radon gas controls on new construction in accordance with Appendix F of the International Residential Code.

B200 - Modular Unit Installation Contractor. Set up or installation of modular units as defined in Subsection 15A-1-302(8) and constructed in accordance with Section 15A-1-304. The scope of the work permitted under this classification includes construction of the permanent or temporary foundations, placement of the modular unit on a permanent or temporary foundation, securing the units together if required and securing the modular units to the foundations. Work excluded from this classification includes installation of factory built housing and connection of required utilities.

R100 - Residential and Small Commercial Contractor. A Residential and Small Commercial contractor is a contractor licensed to perform work as defined in Subsection 58-55-102(32) and pursuant to Subsection 58-55-102(32) is clarified as follows:

(a) The Residential and Small Commercial Contractor scope of practice does not include activities described in this Subsection under specialty classification S202 - Solar Photovoltaic Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the North American Board of Certified Energy Practitioners.

(b) The Residential and Small Commercial Contractor scope of practice does not include activities described in this Subsection under specialty classification S354-Radon Mitigation Contractor unless:

(i) the work is performed under the immediate supervision of an employee who holds a current certificate issued by the National Radon Safety Board (NRSB) or the National Radon Proficiency Program (~~NEHA~~AARST-NRPP); or

(ii) the work is limited to installation of passive radon gas controls on new construction in accordance with Appendix F of the International Residential Code.

R101 - Residential and Small Commercial Non Structural Remodeling and Repair. Remodeling and repair to any existing structure built for support, shelter and enclosure of persons, animals, chattels or movable property of any kind with the restriction that no change is made to the bearing portions of the existing structure, including footings, foundation and weight bearing walls; and the entire project is less than \$50,000 in total cost.

R200 - Factory Built Housing Contractor. Disconnection, setup, installation or removal of manufactured housing on a temporary or permanent basis. The scope of the work permitted under this classification includes placement of the manufactured housing on a permanent or temporary foundation, securing the units together if required, securing the manufactured housing to the foundation, and connection of the utilities from the near proximity, such as a meter, to the manufactured housing unit and construction of foundations of less than four feet six inches in height. Work excluded from this classification includes site preparation or finishing, excavation of the ground in the area where a foundation is to be constructed, back filling and grading around the foundation, construction of foundations of more than four feet six inches in height and construction of utility services from the utility source to and including the meter or meters if required or if not required to the near proximity of the manufactured housing unit from which they are connected to the unit.

I101 - General Engineering Trades Instruction Facility. A General Engineering Trades Instruction Facility is a construction trades instruction facility authorized to teach the construction trades and is subject to the scope of practice defined in Subsection 58-55-102(22).

I102 - General Building Trades Instruction Facility. A General Building Trades Instruction Facility is a construction trades instruction facility authorized to teach the construction trades and is subject to the scope of practice defined in Subsections 58-55-102(21) or 58-55-102(32).

I103 - Electrical Trades Instruction Facility. An Electrical Trades Instruction Facility is a construction trades instruction facility authorized to teach the electrical trades and subject to the scope of practice defined in Subsection R156-55a-301(S200).

I104 - Plumbing Trades Instruction Facility. A Plumbing Trades Instruction Facility is a construction trades instruction facility authorized to teach the plumbing trades and subject to the scope of practice defined in Subsection R156-55a-301(S210).

I105 - Mechanical Trades Instruction Facility. A Mechanical Trades Instruction Facility is a construction trades instruction facility authorized to teach the mechanical trades and subject to the scope of practice defined in Subsection R156-55a-301(S350).

S200 - General Electrical Contractor. Fabrication, construction, and/or installation of generators, transformers, conduits, raceways, panels, switch gear, electrical wires, fixtures, appliances, or apparatus which utilizes electrical energy. The General Electrical Contractor scope of practice does not include activities described in this Subsection under specialty classification S354-Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the National Radon Safety Board (NRSB) or the National Radon Proficiency Program ([~~NEHA~~]AARST-NRPP).

S201 - Residential Electrical Contractor. Fabrication, construction, and/or installation of services, disconnecting means, grounding devices, panels, conductors, load centers, lighting and plug circuits, appliances and fixtures in any residential unit, normally requiring non-metallic sheathed cable, including multiple units up to and including a four-plex, but excluding any work generally recognized in the industry as commercial or industrial.

S202 - Solar Photovoltaic Contractor. Fabrication, construction, installation, and replacement of photovoltaic cell panels and related components. Wiring, connections and wire methods as governed in the National Electrical Code and Subsection R156-55b-102(1) shall only be performed by an S200 General Electrical Contractor or S201 Residential Electrical Contractor. This classification is not required to install stand alone solar systems that do not tie into premises wiring or into the electrical utility, such as signage or street or parking lighting.

A contractor who obtained this classification of licensure between January 1, 2009 and April 25, 2011 and who holds an active license may, in addition to the above, perform the following activities as part of the scope of practice under this subsection: fabrication, construction, installation, and repair of photovoltaic cell panels and related components including battery storage systems, distribution panels, switch gear, electrical wires, inverters, and other electrical apparatus for solar photovoltaic systems. Work excluded from this classification includes work on any alternating current system or system component.

S210 - General Plumbing Contractor. Fabrication and/or installation of material and fixtures to create and maintain sanitary conditions in buildings, by providing a permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, and provision of a safe and adequate supply of gases for lighting, heating, and industrial purposes. Work permitted under this classification shall include the furnishing of materials, fixtures and labor to extend service from a building out to the main water, sewer or gas pipeline. The General Plumbing Contractor scope of practice does not include activities described in this Subsection under specialty classification S354-Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the National Radon Safety Board (NRSB) or the National Radon Proficiency Program ([~~NEHA~~]AARST-NRPP).

S211 - Boiler Installation Contractor. Fabrication and/or installation of fire-tube and water-tube power boilers and hot water heating boilers, including all fittings and piping, valves, gauges, pumps, radiators, converters, fuel oil tanks, fuel lines, chimney flues, heat insulation and all other devices, apparatus, and equipment related thereto in a closed system not connected to the culinary water system. Notwithstanding the foregoing, where water delivery for the closed system is connected to the culinary water system and separated from the culinary water system by a backflow prevention device, a contractor licensed under this subsection may connect the closed system to the backflow prevention device, which must be installed by an actively licensed plumber.

S212 - Irrigation Sprinkling Contractor. Layout, fabrication, and/or installation of water distribution system for artificial watering or irrigation.

S213 - Industrial Piping Contractor. Fabrication and/or installation of pipes and piping for the conveyance or transmission of steam, gases, chemicals, and other substances including excavating, trenching, and back-filling related to such work. This classification includes the above work for geo thermal systems.

S214 - Water Conditioning Equipment Contractor. Fabrication and/or installation of water conditioning equipment and

only such pipe and fittings as are necessary for connecting the water conditioning equipment to the water supply system within the premises.

S215 - Solar Thermal Systems Contractor. Construction, repair and/or installation of solar thermal systems up to the system shut off valve or where the system interfaces with any other plumbing system.

S216 - Residential Sewer Connection and Septic Tank Contractor. Construction of residential sewer lines including connection to the public sewer line, and excavation and grading related thereto. Excavation, installation and grading of residential septic tanks and their drainage.

S217 - Residential Plumbing Contractor. Fabrication and/or installation of material and fixtures to create and maintain sanitary conditions in residential building, including multiple units up to and including a four-plex by providing a permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, and provision of a safe and adequate supply of gases for lighting and heating purposes. Work permitted under this classification shall include the furnishing of materials, fixtures and labor to extend service from a residential building out to the main water, sewer or gas pipeline. Excluded is any new construction and service work generally recognized in the industry as commercial or industrial.

S220 - Carpentry Contractor. Fabrication for structural and finish purposes in a structure or building using wood, wood products, metal studs, vinyl materials, or other wood/plastic/metal composites as is by custom and usage accepted in the building industry as carpentry. Incidental work includes the installation of tub liners and wall systems.

S221 - Cabinet, Millwork and Countertop Installation Contractor. On-site construction and/or installation of milled wood products or countertops.

S222 - Overhead and Garage Door Contractor. The installation of overhead and garage doors and door openers.

S230 - Siding Contractor. Fabrication, construction, and/or installation of siding.

S231 - Raingutter Installation Contractor. On-site fabrication and/or installation of raingutters and drains, roof flashings, gravel stops and metal ridges.

S240 - Glass and Glazing Contractor. Fabrication, construction, installation, and/or removal of all types and sizes of glass, mirrors, substitutes for glass, glass-holding members, frames, hardware, and other incidental related work.

S250 - Insulation Contractor. Installation of any insulating media in buildings and structures for the sole purpose of temperature control, sound control or fireproofing, but shall not include mechanical insulation of pipes, ducts or conduits.

S260 - General Concrete Contractor. Fabrication, construction, mixing, batching, and/or installation of concrete and related concrete products along with the placing and setting of screeds for pavement for flatwork, the construction of forms, placing and erection of steel bars for reinforcing and application of plaster and other cement-related products.

S261 - Concrete Form Setting and Shoring Contractor. Fabrication, construction, and/or installation of forms and shoring

material; but, does not include the placement of concrete, finishing of concrete or embedded items such as metal reinforcement bars or mesh.

S262 - Gunnite and Pressure Grouting Contractor. Installation of a concrete product either injected or sprayed under pressure.

S263 - Cementitious Coating Systems Resurfacing and Sealing Contractor. Fabrication, construction, mixing, batching and installation of cementitious coating systems or sealants limited to the resurfacing or sealing of existing surfaces, including the preparation or patching of the surface to be covered or sealed.

S270 - General Drywall and Plastering Contractor. Fabrication, construction, and installation of drywall, gypsum, wallboard panels and assemblies. Preparation of drywall or plaster surfaces for suitable painting or finishing. Application to surfaces of coatings made of plaster, including the preparation of the surface and the provision of a base. This does not include applying stucco to lathe, plaster and other surfaces. Exempted is the plastering of foundations.

S272 - Ceiling Grid Systems, Ceiling Tile and Panel Systems Contractor. Fabrication and/or installation of wood, mineral, fiber, and other types of ceiling tile and panels and the grid systems required for placement.

S273 - Light-weight Metal and Non-bearing Wall Partitions Contractor. Fabrication and/or installation of light-weight metal and other non-bearing wall partitions.

S280 - General Roofing Contractor. Application and/or installation of asphalt, pitch, tar, felt, flax, shakes, shingles, roof tile, slate, and any other material or materials, or any combination of any thereof which use and custom has established as usable for, or which are now used as, water-proof, weatherproof, or watertight seal or membranes for roofs and surfaces; and roof conversion. Incidental work includes the installation of roof clamp ring to the roof drain.

S290 - General Masonry Contractor. Construction by cutting, and/or laying of all of the following brick, block, or forms: architectural, industrial, and refractory brick, all brick substitutes, clay and concrete blocks, terra-cotta, thin set or structural quarry tile, glazed structural tile, gypsum tile, glass block, clay tile, copings, natural stone, plastic refractories, and castables and any incidental works, including the installation of shower pans, as required in construction of the masonry work.

S291 - Stone Masonry Contractor. Construction using natural or artificial stone, either rough or cut and dressed, laid at random, with or without mortar. Incidental work includes the installation of shower pans.

S292 - Terrazzo Contractor. Construction by fabrication, grinding, and polishing of terrazzo by the setting of chips of marble, stone, or other material in an irregular pattern with the use of cement, polyester, epoxy or other common binders. Incidental work includes the installation of shower pans.

S293 - Marble, Tile and Ceramic Contractor. Preparation, fabrication, construction, and installation of artificial marble, burned clay tile, ceramic, encaustic, falence, quarry, semi-vitreous, and other tile, excluding hollow or structural partition tile. Incidental work includes the installation of shower pans.

S294 - Cultured Marble Contractor. Preparation, fabrication and installation of slab and sheet manmade synthetic

products including cultured marble, onyx, granite, onice, corian, and corian type products. Incidental work includes the installation of shower pans.

S300 - General Painting Contractor. Preparation of surface and/or the application of all paints, varnishes, shellacs, stains, waxes and other coatings or pigments.

S310 - Excavation and Grading Contractor. Moving of the earth's surface or placing earthen materials on the earth's surface, by use of hand or power machinery and tools, including explosives, in any operation of cut, fill, excavation, grading, trenching, backfilling, or combination thereof as they are generally practiced in the construction trade.

S320 - Steel Erection Contractor. Construction by fabrication, placing, and tying or welding of steel reinforcing bars or erecting structural steel shapes, plates of any profile, perimeter or cross-section that are used to reinforce concrete or as structural members, including riveting, welding, and rigging.

S321 - Steel Reinforcing Contractor. Fabricating, placing, tying, or mechanically welding of reinforcing bars of any profile that are used to reinforce concrete buildings or structures.

S322 - Metal Building Erection Contractor. Erection of pre-fabricated metal structures including concrete foundation and footings, grading, and surface preparation.

S323 - Structural Stud Erection Contractor. Fabrication and installation of metal structural studs and bearing walls.

S330 - Landscaping Contractor.

(a) grading and preparing land for architectural, horticultural, or decorative treatment;

(b) arrangement, and planting of gardens, lawns, shrubs, vines, bushes, trees, or other decorative vegetation;

(c) construction of small decorative pools, tanks, fountains, hothouses, greenhouses, fences, walks, garden lighting of 50 volts or less, or sprinkler systems;

(d) construction of retaining walls except retaining walls which are intended to hold vehicles, structures, equipment or other non natural fill materials within the area located within a 45 degree angle from the base of the retaining wall to the level of where the additional weight bearing vehicles, structures, equipment or other non natural fill materials are located; or

(e) patio areas except that:

(i) no decking designed to support humans or structures shall be included; and

(ii) no concrete work designed to support structures to be placed upon the patio shall be included.

(f) This classification does not include running electrical or gas lines to any appliance.

S340 - Sheet Metal Contractor. Layout, fabrication, and installation of air handling and ventilating systems. All architectural sheet metal such as cornices, marquees, metal soffits, gutters, flashings, and skylights and skydomes including both plastic and fiberglass.

S350 - HVAC Contractor. Fabrication and installation of complete warm air heating and air conditioning systems, and complete ventilating systems. The HVAC Contractor scope of practice does not include activities described in this Subsection under specialty classification S354-Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the National

Radon Safety Board (NRSB) or the National Radon Proficiency Program ([~~NEHA~~]AARST-NRPP).

S351 - Refrigerated Air Conditioning Contractor. Fabrication and installation of air conditioning ventilating systems to control air temperatures below 50 degrees.

S352 - Evaporative Cooling Contractor. Fabrication and installation of devices, machinery, and units to cool the air temperature employing evaporation of liquid.

S353 - Warm Air Heating Contractor. Layout, fabrication, and installation of such sheet metal, gas piping, and furnace equipment as necessary for a complete warm air heating and ventilating system.

S354 - Radon Mitigation Contractor. Layout, fabrication, and installation of a radon mitigation system. This classification does not include work on heat recovery ventilation or makeup air components which must be performed by an HVAC Contractor and does not include electrical wiring which must be performed by an Electrical Contractor. Work performed under this classification shall be performed under the immediate supervision of an employee who holds a current certificate issued by the National Radon Safety Board (NRSB) or the National Radon Proficiency Program ([~~NEHA~~]AARST-NRPP).

S360 - Refrigeration Contractor. Construction and/or installation of refrigeration equipment including, but not limited to, built-in refrigerators, refrigerated rooms, insulated refrigerated spaces and equipment related thereto; but, the scope of permitted work does not include the installation of gas fuel or electric power services other than connection of electrical devices to a junction box provided for that device and electrical control circuitry not exceeding 50 volts.

S370 - Fire Suppression Systems Contractor. Layout, fabrication, and installation of fire protection systems using water, steam, gas, or chemicals. When a potable sanitary water supply system is used as the source of supply, connection to the water system must be accomplished by a licensed plumbing contractor. Excluded from this classification are persons engaged in the installation of fire suppression systems in hoods above cooking appliances.

S380 - Swimming Pool and Spa Contractor. On-site fabrication, construction and installation of swimming pools, prefabricated pools, spas, and tubs.

S390 - Sewer and Waste Water Pipeline Contractor. Construction of sewer lines, sewage disposal and sewage drain facilities including excavation and grading with respect thereto, and the construction of sewage disposal plants and appurtenances thereto.

S400 - Asphalt Paving Contractor. Construction of asphalt highways, roadways, driveways, parking lots or other asphalt surfaces, which will include but will not be limited to, asphalt overlay, chip seal, fog seal and rejuvenation, micro surfacing, plant mix sealcoat, slurry seal, and the removal of asphalt surfaces by milling. Also included is the excavation, grading, compacting and laying of fill or base-related thereto. Also included in painting on asphalt surfaces including striping, directional and other types of symbols or words.

S410 - Pipeline and Conduit Contractor. Fabrication, construction, and installation of pipes, conduit or cables for the conveyance and transmission from one station to another of such

products as water, steam, gases, chemicals, slurries, data or communications. Included are the excavation, cabling, horizontal boring, grading, and backfilling necessary for construction of the system.

S420 - General Fencing, Ornamental Iron and Guardrail Contractor. Fabrication, construction, and installation of fences, guardrails, handrails, and barriers.

S421 - Residential Fencing Contractor. Fabrication and installation of residential fencing up to and including a height of six feet.

S430 - Metal Firebox and Fuel Burning Stove Installer. Fabrication, construction, and installation of metal fireboxes, fireplaces, and wood or coal-burning stoves, including the installation of venting and exhaust systems, provided the individual performing the installation is RMGA certified.

S440 - Sign Installation Contractor. Installation of signs and graphic displays which require installation permits or permission as issued by state or local governmental jurisdictions. Signs and graphic displays shall include signs of all types, both lighted and unlighted, permanent highway marker signs, illuminated awnings, electronic message centers, sculptures or graphic representations including logos and trademarks intended to identify or advertise the user or his product, building trim or lighting with neon or decorative fixtures, or any other animated, moving or stationary device used for advertising or identification purposes. Signs and graphic displays must be fabricated, installed and erected in accordance with professionally engineered specifications and wiring in accordance with the National Electrical Code.

S441 - Non Electrical Outdoor Advertising Sign Contractor. Installation of signs and graphic displays which require installation permits or permission as issued by state and local governmental jurisdictions. Signs and graphics shall include outdoor advertising signs which do not have electrical lighting or other electrical requirements, and in accordance with professionally engineered specifications.

S450 - Mechanical Insulation Contractor. Fabrication, application and installation of insulation materials to pipes, ducts and conduits.

S460 - Wrecking and Demolition Contractor. The raising, cribbing, underpinning, moving, and removal of building and structures.

S470 - Petroleum Systems Contractor. Installation of above and below ground petroleum and petro-chemical storage tanks, piping, dispensing equipment, monitoring equipment and associated petroleum and petro-chemical equipment including excavation, backfilling, concrete and asphalt.

S480 - Piers and Foundations Contractor. The excavation, drilling, compacting, pumping, sealing and other work necessary to construct, alter or repair piers, piles, footings and foundations placed in the earth's subsurface to prevent structural settling and to provide an adequate capacity to sustain or transmit the structural load to the soil or rock below.

S490 - Wood Flooring Contractor. Installation of wood flooring including prefinished and unfinished material, sanding, staining and finishing of new and existing wood flooring. Underlayments, non-structural subfloors and other incidental related work.

S491 - Laminate Floor Installation Contractor. Installation of laminate floors including underlayments, non-structural subfloors and other incidental related work, but does not include the installation of sold wood flooring.

S500 - Sports and Athletic Courts, Running Tracks, and Playground Installation Contractor. Installation of sports and athletic courts including but not limited to tennis courts, racquetball courts, handball courts, basketball courts, running tracks, playgrounds, or any combination. Includes nonstructural floor subsurfaces, nonstructural wall surfaces, perimeter walls and perimeter fencing. Includes the installation and attachment of equipment such as poles, basketball standards or other equipment.

S510 - Elevator Contractor. Erecting, constructing, installing, altering, servicing, repairing or maintaining an elevator.

S600 - General Stucco Contractor. Applying stucco to lathe, plaster and other surfaces.

S700 - Specialty License Contractor.

(a) A specialty license is a license that confines the scope of the allowable contracting work to a specialized area of construction which the Division grants on a case-by-case basis.

(b) When applying for a specialty license, an applicant, if requested, shall submit to the Division the following:

(i) a detailed statement of the type and scope of contracting work that the applicant proposes to perform; and

(ii) any brochures, catalogs, photographs, diagrams, or other material to further clarify the scope of the work that the applicant proposes to perform.

(c) A contractor issued a specialty license shall confine the contractor's activities to the field and scope of operations as outlined by the Division.

(3) The scope of practice for the following primary classifications includes the scope of practice stated in the descriptions for the following subclassifications:

TABLE I

Primary Classification	Included subclassifications
S200	S201, S202
S210	S211, S212, S213, S214, S215, S216, S217
S220	S221, S222
S230	S231
S260	S261, S262, S263
S270	S272, S273
S290	S291, S292, S293, S294
S320	S321, S322, S323
S350	S351, S352, S353, S354
S420	S421
S440	S441
S490	S491

(4) The following activities are determined to not significantly impact the public health, safety and welfare and therefore do not require a contractors license:

- (a) sandblasting;
- (b) pumping services;
- (c) tree stump or tree removal;
- (d) installation within a building of communication cables including phone and cable television;
- (e) installation of low voltage electrical as described in R156-55b-102(1);

(f) construction of utility sheds, gazebos or other similar items which are personal property and not attached;

(g) building and window washing, including power washing;

(h) central vacuum systems installation;

(i) concrete cutting;

(j) interior decorating;

(k) wall paper hanging;

(l) drapery and blind installation;

(m) welding on personal property which is not attached;

(n) chimney sweepers other than repairing masonry;

(o) carpet and vinyl floor installation;

(p) artificial turf installation;

(q) general cleanup of a construction site which does not include demolition or excavation; and

(r) work that would otherwise be limited to individuals holding the S260, S261, S262, S263, S290, S310, S330, S380, S420, S421 and S500 specialty classifications if the work is within the \$1,000 or \$3,000 labor and material limit as specified in the handyman exemption in Subsection 58-55-305(1)(h).

(5) The following activities are those determined to not significantly impact the public health, safety and welfare beyond the regulations by other agencies and therefore do not require a contractors license:

(a) lead removal regulated by the Department of Environmental Quality;

(b) asbestos removal regulated by the Department of Environmental Quality; and

(c) fire alarm installation regulated by the Fire Marshal.

R156-55a-302b. Qualifications for Licensure - Experience Requirements.

In accordance with Subsection 58-55-302(1)(e)(ii), the minimum experience requirements are established as follows:

(1) Requirements for all license classifications:

(a) Unless otherwise provided in this rule, two years of experience shall be lawfully performed within the 10-year period preceding the date of application under the general supervision of a contractor, and shall be subject to the following:

(i) If the experience was completed in Utah, it shall be:

(A) completed while a W-2 employee of a licensed contractor; or

(B) completed while working as an owner of a licensed contractor, which has for all periods of experience claimed, employed a qualifier who performed the duties and served in the capacities specified in Subsection 58-55-304(4) and in Subsection R156-55a-304.

(ii) If the experience was completed outside of the state of Utah, it shall be:

(A) completed in compliance with the laws of the jurisdiction in which the experience is completed; and

(B) completed with supervision that is substantially equivalent to the supervision that is required in Utah.

(iii) Experience may be determined to be substantially equivalent if lawfully obtained in a setting which has supervision of qualified persons and an equivalent scope of work, such as performing construction activities in the military where licensure is not required.

(b) One year of work experience means 2000 hours.

(c) No more than 2000 hours of experience during any 12 month period may be claimed.

(d) Except as described in Subsection (2)b, experience obtained under the supervision of a construction trades instructor as a part of an educational program is not qualifying experience for a contractors license.

(e) If the applicant's qualifying experience is outdated but has previously been approved in the state of Utah, a passing score on the trade examination and the laws and rules examination obtained within the one-year period preceding the date of application will requalify the applicant's experience.

(2) Requirements for E100 General Engineering, B100 General Building, R100 Residential and Small Commercial Building license classifications:

(a) One of the required two years of experience shall be in a supervisory or managerial position.

(b) A person holding a [~~four-year~~]four-year bachelors degree or a [~~two-year~~]two-year associates degree in Construction Management may have one year of experience credited towards the supervisory or managerial experience requirement.

(c) A person holding a Utah professional engineer license may be credited with satisfying one year toward the supervisory or managerial experience required for E100 contractor license.

(3) Requirements for I101 General Engineering Trades Instruction Facility, I102 General Building Trades Instruction Facility, I103 Electrical Trades Instruction Facility, I104 Plumbing Trades Instruction Facility, I105 Mechanical Trades Instruction Facility license classifications:

An applicant for construction trades instruction facility license shall have the same experience that is required for the license classifications for the construction trade they will instruct.

(4) Requirements for S202 Solar Photovoltaic Contractor. In addition to the requirements of Subsection (1), an applicant shall hold a current certificate by the North American Board of Certified Energy Practitioners.

(5) Requirements for S354 Radon Mitigation Contractor. In addition to the requirements of Subsection (1), an applicant shall hold a current certificate issued by the National Radon Safety Board (NRSB) or the National Radon Proficiency Program ([~~NEHA~~]AARST-NRPP). Experience completed prior to the effective date of this rule does not need to be performed under the supervision of a licensed contractor. Experience completed after the effective date of this rule must be performed under the supervision of a licensed contractor who has authority to practice radon mitigation.

R156-55a-303b. Continuing Education - Standards.

(1) Required Hours. Pursuant to Subsection 58-55-302.5, each licensee shall complete a total of six hours of continuing education during each two year license term. A minimum of three hours shall be core education. The remaining three hours are to be professional education. Additional core education hours beyond the required amount may be substituted for professional education hours. A minimum of three hours shall consist of live in-class attendance. The remaining three hours may consist of courses provided through distance learning.

(a) "Core continuing education" is defined as construction codes, construction laws, job site safety, OSHA 10 or OSHA 30 safety training, governmental regulations pertaining to

the construction trades and employee verification and payment practices, finance, ~~and~~ bookkeeping, and construction business practices.

(b) "Professional continuing education" is defined as substantive subjects dealing with the practice of the construction trades, including land development, land use, planning and zoning, energy conservation, professional development, arbitration practices, estimating, marketing techniques, servicing clients, personal and property protection for the licensee and the licensee's clients and similar topics.

(c) The following course subject matter is not acceptable as core education or professional education hours: mechanical office and business skills, such as typing, speed reading, memory improvement and report writing; physical well-being or personal development, such as personal and business motivation, stress management, time management, dress for success, or similar subjects; presentations by a supplier or a supplier representative to promote a particular product or line of products; and meetings held in conjunction with the general business of the licensee or employer.

(d) The Division may defer or waive the continuing education requirements as provided in Section R156-1-308d.

(2) A continuing education course shall meet the following standards:

(a) Time. Each hour of continuing education course credit shall consist of 50 minutes of education in the form of seminars, lectures, conferences, training sessions or distance learning modules. The remaining ten minutes is to allow for breaks.

(b) Provider. The course provider shall be among those specified in Subsection 58-55-302.5(2).

(c) Content. The content of the course shall be relevant to the practice of the construction trades and consistent with the laws and rules of this state.

(d) Objectives. The learning objectives of the course shall be reasonably and clearly stated.

(e) Teaching Methods. The course shall be presented in a competent, well organized and sequential manner consistent with the stated purpose and objective of the program.

(f) Faculty. The course shall be prepared and presented by individuals who are qualified by education, training and experience.

(g) Distance learning. A course that is provided through Internet or home study may be recognized for continuing education if the course verifies registration and participation in the course by means of a test demonstrating that the participant has learned the material presented. Test questions shall be randomized for each participant. A home study course shall include no fewer than five variations of the final examination, distributed randomly to participants. Home study courses, including the five exam variations, shall be submitted in their entirety to the Division for review. Providers shall track the following:

(i) the amount of time each student has spent in the course;

(ii) what activities the student did or did not access; and

(iii) all of the student's test scores.

(h) Documentation. The course provider shall have a competent method of registration of individuals who actually completed the course, shall maintain records of attendance that are available for review by the Division and shall provide individuals

completing the course a certificate that contains the following information:

(i) the date of the course;

(ii) the name of the course provider;

(iii) the name of the instructor;

(iv) the course title;

(v) the hours of continuing education credit and type of credit (core or professional);

(vi) the attendee's name; and

(v) the signature of the course provider.

(i) Live Broadcast. A course provided through live broadcast may be recognized for live in-class continuing education credit if the student and the instructor are able to see and hear each other.

(3) On a random basis, the Division may assign monitors at no charge to attend a course for the purpose of evaluating the course and the instructor.

(4) Each licensee shall maintain adequate documentation as proof of compliance with this section, such as certificates of completion, course handouts and materials. The licensee shall retain this proof for a period of three years from the end of the renewal period for which the continuing education is due. Each licensee shall assure that the course provider has submitted the verification of attendance to the continuing education registry on behalf of the licensee as specified in Subsection (8). Alternatively, the licensee may submit the course for approval and pay any course approval fees and attendance recording fees.

(5) Licensees who lecture in continuing education courses meeting these requirements shall receive two hours of continuing education for each hour spent lecturing. However, no lecturing or teaching credit is available for participation in a panel discussion.

(6) The continuing education requirement for electricians, plumbers and elevator mechanics as established in Subsections 58-55-302.7, if offered by a provider specified in Subsection 58-55-302.5(2), shall satisfy the continuing education requirement for contractors as established in Subsection 58-55-302.5 and implemented herein. The contractor licensee shall assure that the course provider has submitted the verification of the electrician's, plumber's or elevator mechanic's attendance on behalf of the licensee to the continuing education registry as specified in Subsection (8).

(7) A course provider shall submit continuing education courses to the continuing education registry and shall submit verification of attendance and completion on behalf of licensees attending and completing the program directly to the continuing education registry in the format required by the continuing education registry.

(8) The Division shall review continuing education courses which have been submitted through the continuing education registry and approve only those courses which meet the standards set forth under this Section.

(9) As provided in Section 58-1-401 and Subsections 58-55-302.5(2) and 58-55-302.7(4)(a), the Division may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public reprimand to, or otherwise act upon the approval of any course or provider, if the course or provider fails to meet any of the requirements of this section or the provider has engaged in unlawful or unprofessional conduct.

(10) Continuing Education Registry.

(a) The Division shall designate an entity to act as the Continuing Education Registry under this rule.

(b) The Continuing Education Registry, in consultation with the Division and the Commission, shall:

(i) through its internet site electronically receive applications from continuing education course providers and shall submit the application for course approval to the Division for review and approval of only those programs that meet the standards set forth under this Section;

(ii) publish on their website listings of continuing education programs that have been approved by the Division, and which meet the standards for continuing education credit under this rule;

(iii) maintain accurate records of qualified continuing education approved;

(iv) maintain accurate records of verification of attendance and completion, by individual licensee, which the licensee may review for compliance with this rule; and

(v) make records of approved continuing education programs and attendance and completion available for audit by representatives of the Division.

(c) Fees. A continuing education registry may charge a reasonable fee to continuing education providers or licensees for services provided for review and approval of continuing education programs.

KEY: contractors, occupational licensing, licensing

Date of Enactment or Last Substantive Amendment: [~~June 21, 2016~~2017]

Notice of Continuation: August 4, 2016

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-55-101; 58-55-308(1)(a); 58-55-102(39)(a)

**Commerce, Occupational and
Professional Licensing
R156-76-501
Administrative Penalties - Unlawful
Conduct**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41346

FILED: 03/06/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division is filing this rule change to make a typographical correction for proper comprehension and execution of the rule as it relates to citations being issued for third offenses.

SUMMARY OF THE RULE OR CHANGE: Subsection R156-76-501(6) should state that citations shall not be issued for third offenses, except in extraordinary circumstances.

However, the word "not" was inadvertently omitted. Accordingly, this filing adds the word "not" back into the rule for proper comprehension and execution.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-76-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The Division will incur minimal costs of approximately \$75 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

◆ **LOCAL GOVERNMENTS:** The proposed amendment applies only to licensed professional geologists and persons who may engage in unlicensed practice as a professional geologist. As a result, the proposed amendments do not apply to local governments.

◆ **SMALL BUSINESSES:** The proposed amendment applies only to licensed professional geologists and persons who may engage in unlicensed practice as a professional geologist. This typographical correction is expected to have a negligible impact, if any, on small business as it will only require small formatting changes to existing media. These will vary from business to business, so any cost cannot be estimated by the Division.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendment applies only to licensed professional geologists and persons who may engage in unlicensed practice as a professional geologist. The amendment is not expected to have any impact on such persons as this formatting change is a typographical correction that brings the rule into compliance with existing practice.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendment applies only to licensed professional geologists and persons who may engage in unlicensed practice as a professional geologist. The amendment is not expected to have any impact on such persons as this formatting change is a typographical correction that brings the rule into compliance with existing practice.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:

This rule change merely constitutes the correction of a minor typographical error in the rule. Subsection R156-76-501(6) should state that citations shall not be issued for third offenses, except in extraordinary circumstances. However, the word "not" was inadvertently omitted. This rule amendment inserts the word "not" into the proper place in the rule. No fiscal impact to small business will result from this rule change.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Steve Duncombe by phone at 801-530-6235, by FAX at 801-530-6511, or by Internet E-mail at sduncombe@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2017

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2017

AUTHORIZED BY: Mark Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.
 R156-76. Professional Geologist Licensing Act Rule.**

R156-76-501. Administrative Penalties - Unlawful Conduct.

In accordance with Sections 58-76-501 and 58-76-502 and Subsections 58-1-501(1)(a) through (d), unless otherwise ordered by the presiding officer, the following fine schedule shall apply.

(1) Engaging in unlicensed practice or using any title that would cause a reasonable person to believe the user of the title is licensed under this chapter.

First Offense: \$800

Second Offense: \$1,600

(2) Engaging in, or representing oneself as engaged in the practice of geology as a corporation, proprietorship, partnership, or limited liability company unless exempted from licensure.

First Offense: \$800

Second Offense: \$1,600

(3) Impersonating another licensee or engaging in practice under this chapter using a false or assumed name, unless permitted by law.

First Offense: \$1,000

Second Offense: \$2,000

(4) Knowingly employing any person to practice under this chapter who is not licensed to do so.

First Offense: \$1,000

Second Offense: \$2,000

(5) Knowingly permitted any person to use his license except as permitted by law.

First Offense: \$1,000

Second Offense: \$2,000

(6) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor. If a citation is issued for a third offense, the fine is double the second offense amount, with a maximum amount not to exceed the maximum fine allowed under Subsection 58-76-502(1) (i).

(7) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.

(8) An investigative supervisor may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.

(9) In all cases the presiding officer shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine amount based upon the evidence reviewed.

KEY: licensing, professional geologists, geology

Date of Enactment or Last Substantive Amendment:
~~[November 7, 2016]~~2017

Notice of Continuation: February 2, 2017

Authorizing, and Implemented or Interpreted Law: 58-1-106(1) (a); 58-1-202(1)(a); 58-76-101

Commerce, Real Estate
R162-2f
 Real Estate Licensing and Practices
 Rules

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 41350

FILED: 03/07/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the proposed rule amendment is to accomplish the following: 1) add Section R162-2f-202d to clarify the procedure for designating a sales agent as a property management sales agent, to clarify when a property management sales agent may simultaneously provide both property management services and real estate sales services, and to clarify when and how the property management sales agent designation is to be removed; and 2) amend Section R162-2f-207 to clarify one means of notification a broker may use to notify an associate broker or sales agent when the broker terminates affiliation with the associate broker or sales agent.

SUMMARY OF THE RULE OR CHANGE: New Section R162-2f-202d allows an associate broker or a sales agent (licensee) affiliated with a dual broker through a property management company to simultaneously provide both property management services and real estate sales services when the licensee has been designated as a property management sales agent by the dual broker with whom the licensee is affiliated. The designation requires the licensee to pay a designation fee to the division. A designated licensee may simultaneously provide both types of services but only through the property management company and the real estate sales services overseen by the dual broker. If a designated licensee later determines to affiliate with a

principal broker who is not a dual broker or with a dual broker who does not approve of the property management sales agent designation, the licensee shall pay an additional fee to the division to remove the designation. In Section R162-2f-207, the amendment allows a principal broker to notify an associate broker or sales agent (licensee) who is unavailable to sign or electronically affirm a change form that the broker has terminated the broker's affiliation with the licensee by sending the licensee an email through the Real Estate Licensing and Management System (RELMS). When notifying the licensee by an email through RELMS, the termination of affiliation is effective 10 days after the date that the email was sent.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 61-2f-103 and Section 61-2f-206

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The division has the staff and budget in place to administer this proposed amendment. Staff time spent documenting and recording the designation will be offset by the one-time designation fee. It is not expected that the proposed amendment will have a significant effect on those resources or result in any additional cost or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** Local governments are not required to comply with or enforce the Real Estate Licensing and Practices rules. No fiscal impact to local government is expected from the proposed amendment.

◆ **SMALL BUSINESSES:** The proposed amendment does not create new obligations for small businesses nor does it increase the cost associated with any existing obligation. No fiscal impact to small business is expected from the proposed amendment.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendment does not create new obligations for persons other than small businesses, businesses, or local government entities nor does it increase the cost associated with any existing obligation. No fiscal impact to persons other than small businesses, businesses, or local government entities is expected from the proposed amendment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed rule amendment will allow a real estate sales agent who is affiliated with a dual broker through a property management company to be compensated for real estate sales services in addition to compensation received for property management services. There will be a one-time designation fee required of the sales agent. The amount of the fee has not been established but is expected to be \$50 or less.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purposes of the new Section R162-2f-202d are to clarify the procedure for designating a sales agent as a property management sales agent, to clarify when a property

management sales agent may simultaneously provide both property management services and real estate sales services, and to clarify when and how the property management sales agent designation is to be removed. The purpose of the amendment to Section R162-2f-201 is to clarify an additional means of notification that a broker may use to notify an associate broker or sales agent when the broker terminates affiliation with the associate broker or sales agent. No fiscal impact to small business will result from these rule changes.

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

COMMERCE
REAL ESTATE
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Justin Barney by phone at 801-530-6603, or by Internet E-mail at justinbarney@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2017

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2017

AUTHORIZED BY: Jonathan Stewart, Director

R162. Commerce, Real Estate.

R162-2f. Real Estate Licensing and Practices Rules.

R162-2f-202d. Property Management Sales Agent Licensing Fees and Procedures.

(1) A sales agent affiliated with a dual broker through a property management company may act as a property management sales agent if:

(a) the dual broker designates the sales agent as a property management sales agent, and

(b) the sales agent pays to the division the property management sales agent designation fee.

(2) A property management sales agent may simultaneously provide both property management services and real estate sales services under the supervision of the dual broker if the property management sales agent:

(a) provides property management services only through the property management company overseen by the dual broker, and

(b) provides real estate sales services only through the real estate brokerage overseen by the dual broker.

(3) Before a property management sales agent may affiliate with another principal broker who is not a dual broker or with a dual broker who does not approve of the property management sales agent designation, the property management sales agent shall pay the additional fee to remove the property management sales agent designation.

R162-2f-207. Reporting a Change of Information.

(1) Individual notification requirements.

(a) An individual licensed as a sales agent, associate broker, or principal broker shall report the following to the division:

(i) change in licensee's name; and

(ii) change in licensee's business, home, e-mail, or mailing address.

(b) In addition to complying with this Subsection (1)(a):

(i) an individual licensed as a sales agent or associate broker shall report to the division a change in affiliation with a principal broker; and

(ii) an individual licensed as a principal broker shall report to the division:

(A) termination of a sales agent, associate broker, or branch broker, if the change is not reported pursuant to this Subsection (1)(b)(i);

(B) change in assignment of branch broker; and

(C) termination of the principal broker's affiliation with an entity.

(2) Entity notification requirements. A registered entity shall report the following to the division:

(a) change in entity's name;

(b) change in entity's affiliation with a principal broker;

(c) change in corporate structure;

(d) dissolution of corporation; and

(e) change of location where brokerage records are kept.

(3) Notification procedures.

(a) Name. To report a change in name, a person shall submit to the division a paper change form and:

(i) if the person is an individual, attach to it official documentation such as a:

(A) marriage certificate;

(B) divorce decree;

(C) court order; or

(D) driver license; and

(ii) if the person is an entity:

(A) obtain prior approval from the division of the new entity name; and

(B) attach to the change form proof that the new name as approved by the division pursuant to this Subsection (3)(a)(ii)(A) is registered with, and approved by, the Division of Corporations.

(b) Address. To report a change in address, a person shall enter the change into RELMS.

(c) Affiliation.

(i) To terminate an affiliation between an individual and a principal broker, a person shall submit a change form through RELMS to inactivate or transfer the individual's license; and

(A)(I) obtain the electronic affirmation of the other party to the terminated affiliation; or

(II) comply with this Subsection (4); and

(B) if a sales agent, associate broker, or branch broker simultaneously establishes an affiliation with a new principal broker, obtain the electronic affirmation of the new principal broker on a change form.

(ii) To terminate an affiliation between a principal broker and an entity:

(A) the principal broker shall submit a paper change form to the division to inactivate or transfer the principal broker's license; and

(B) if the entity does not simultaneously affiliate with a new principal broker, the entity shall:

(I) cease operations;

(II) submit to the division a paper company/branch change form to inactivate the entity registration;

(III) submit change forms through RELMS to inactivate the license of any licensee affiliated with the entity;

(IV) advise the division as to the location where records will be stored;

(V) notify each listing and management client that the entity is no longer in business and that the client may enter into a new listing or management agreement with a different brokerage;

(VI) notify each party and cooperating broker to any existing contracts; and

(VII) retain money held in trust under the control of a signer on the trust account, or an administrator or executor, until all parties to each transaction agree in writing to the disposition or until a court of competent jurisdiction issues an order relative to the disposition.

(iii) Branch broker. To change an assignment of branch broker, a principal broker shall submit a paper change form to the division.

(d) Corporate structure.

(i) To report a change in corporate structure of a registered entity, the affiliated principal broker shall:

(A) if the change does not involve a new business license, or a new registration with the Utah Division of Corporations and Commercial Code, submit a letter to the division, fully explaining the change; and

(B) if the change involves a new business license or a new registration with the Utah Division of Corporations and Commercial Code for a purpose other than a company name change, obtain a new registration.

(ii) To report the dissolution of an entity registered with the division, a person shall comply with this Subsection (3)(c)(ii) (B).

(e) Brokerage records. To report a change in the location where brokerage records are kept, the principal broker of the registered entity shall submit to the division a letter on brokerage letterhead.

(4) Unavailability of individual. If an individual is unavailable to sign or electronically affirm a change form, the person responsible to report the change may do so by:

(a) sending a letter by certified mail to the last known address of the individual to notify that individual of the change; and

~~(i)~~ as applicable:

~~(A)~~ entering the certified mail reference number into the appropriate field on the electronic change form; or

~~(B)~~ providing to the division a copy of the certified mail receipt; ~~or~~[-]

~~(b) sending an email to notify the individual.~~

~~(5) The termination of affiliation by sending an email is effective 10 days after the date that the email was sent.~~

~~(6)~~ Fees. The division may require a notification submitted pursuant to this subsection to be accompanied by a nonrefundable change fee.

~~(7)~~ Deadlines.

(a) A change in affiliation shall be reported to the division before the change is made.

(b) A change in branch manager shall be reported to the division at the time the change is made.

(c) Any other change shall be reported to the division within ten business days of the change taking effect.

(d) As to a change that requires submission of a paper form or document, if the deadline specified in this Section R162-2f-207 falls on a day when the division is closed for business, the deadline shall be extended to the next business day.

~~(7)~~(8) Effective date. A change reported in compliance with this Section R162-2f-207 becomes effective with the division the day on which the properly executed change form is received by the division.

KEY: real estate business, operational requirements, trust account records, notification requirements

Date of Enactment or Last Substantive Amendment: ~~December 22, 2016~~2017

Notice of Continuation: August 12, 2015

Authorizing, and Implemented or Interpreted Law: 61-2f-103(1); 61-2f-105; 61-2f-203(1)(e); 61-2f-206(3); 61-2f-206(4)(a); 61-2f-306; 61-2f-307

Education, Administration R277-211-6 Proposed Consent to Discipline

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 41363
FILED: 03/15/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section R277-211-6 is amended to provide a new requirement in a proposed consent to discipline.

SUMMARY OF THE RULE OR CHANGE: The amendments to Section R277-211-6 provide a new requirement that a proposed consent to discipline includes a statement informing a respondent that information regarding the proposed letter of reprimand, suspension, or revocation may be included in an online licensing database available for public access.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-1-401 and Section 53A-6-306

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** A new requirement to provide a statement is added to the rule, which likely will not result in a cost or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** An additional requirement to provide a statement is added to the rule, which likely will not result in a cost or savings to local government.

◆ **SMALL BUSINESSES:** An additional requirement to provide a statement is added to the rule, which likely will not result in a cost or savings to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** An additional requirement to provide a statement is added to the rule, which likely will not result in a cost or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: An additional requirement to provide a statement is added to the rule, which likely will not result in any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: To the best of my knowledge, there should be no fiscal impact on businesses resulting from the amendments to this rule.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/02/2017

THIS RULE MAY BECOME EFFECTIVE ON: 05/09/2017

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

R277. Education, Administration.

R277-211. Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions.

R277-211-6. Proposed Consent to Discipline.

(1) At any time after UPPAC has made an initial recommendation, a respondent may accept UPPAC's initial recommendation, rather than request a hearing, by entering into a proposed consent to discipline.

(2) By entering into a proposed consent to discipline, a respondent waives the respondent's right to a hearing to contest the recommended disposition, contingent on final approval by the Board.

(3) At a minimum, the Executive Secretary shall include the following in a proposed consent to discipline:

(a) a summary of the facts, the allegations, the presumption described in Rule R277-215, mitigating or aggravating factors described in Rule R277-215, and the evidence relied upon by UPPAC in its recommendation;

(b) a statement that the respondent admits the facts recited in the proposed consent to discipline as true for purposes of the Board administrative action;

(c) a statement that the respondent:

(i) waives the respondent's right to a hearing to contest the allegations that gave rise to the investigation; and

(ii) agrees to limitations on the respondent's license or surrenders the respondent's license rather than contest the allegations;

(d) a statement that the respondent agrees to the terms of the proposed consent to discipline and other provisions applicable to the case, such as remediation, counseling, restitution, rehabilitation, and other conditions, if any, under which the respondent may request a reinstatement hearing or a removal of the letter of reprimand or termination of probation;

(e) if for suspension or revocation of a license, a statement that the respondent:

(i) may not seek or provide professional services in a public school in the state;

(ii) may not seek to obtain or use an educator license in the state; or

(iii) may not work or volunteer in a public K-12 setting in any capacity without express authorization from the UPPAC Executive Secretary, unless or until the respondent:

(A) first obtains a valid educator license or authorization from the Board to obtain such a license; or

(B) satisfies other provisions provided in the proposed consent to discipline;

(f) a statement that the action and the proposed consent to discipline shall be reported to other states through the NASDTEC Educator Information Clearinghouse and any attempt to present to any other state a valid Utah license shall result in further licensing action in Utah;

(g) a statement that respondent waives the respondent's right to contest the facts stated in the proposed consent to discipline at a subsequent reinstatement hearing, if any;

(h) a statement that all records related to the proposed consent to discipline shall remain permanently in the UPPAC case file;

(i) a statement reflecting the proposed consent to discipline classification under Title 63G, Chapter 2, Government Records Access and Management Act;

(j) a statement that information regarding the proposed letter of reprimand, suspension, or revocation may be included in an online licensing database that is available for public access in accordance with R277-512.

([j]k) a statement that a violation of the terms of an approved consent to discipline may result in additional disciplinary action and may affect the reinstatement process; and

([k]l) a statement that the educator understands that the Board is not bound by UPPAC's recommendation or the negotiated proposed stipulated agreement unless the Board approves the proposed consent to discipline.

(4)(a) The Executive Secretary shall forward a proposed consent to discipline to the Board for approval.

(b) If the Board does not approve a proposed consent to discipline, the Board may:

(i)(A) remand the case to UPPAC and may include issues that need to be addressed;

(B) offer respondent the opportunity for a hearing; or

(C) provide alternative terms and disposition to the Executive Secretary, that would be satisfactory to the Board to be submitted to the educator for consideration;

(ii) direct the Executive Secretary to issue a disciplinary letter or dismiss the matter; or

(iii) take other appropriate action consistent with due process and R277-215.

(5) If the respondent accepts a consent to discipline with alternative terms and disposition proposed by the Board, the consent to discipline, as modified, is a final Board administrative action without further Board consideration.

(6) If the terms approved by the Board are rejected by the respondent, the proceedings shall continue from the point under these procedures at which the agreement was negotiated, as if the stipulated agreement had not been submitted.

(7) If the Board remands to UPPAC to provide respondent the opportunity for a hearing under Subsection (4)(b)(i) (B), the Executive Secretary shall:

(a) notify the parties of the decision;

(b) direct a UPPAC attorney to issue a complaint; and

(c) direct the proceedings as if the proposed consent to discipline had not been submitted.

(8) If the Board approves a proposed consent to discipline, the approval is a final Board administrative action and the Executive Secretary shall:

(a) notify the parties of the decision;

(b) update CACTUS to reflect the action;

(c) report the action to the NASDTEC Educator Information Clearinghouse if the agreement results in:

(i) a revocation;

(ii) a suspension;

(iii) probation; or

(iv) a letter of reprimand;

(d) direct the appropriate penalties to begin; and

(e) notify the LEAs throughout the state.

KEY: teacher licensing, conduct, hearings

Date of Enactment or Last Substantive Amendment:
[February 7, 2017]

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-6-306; 53A-1-401

Education, Administration R277-483 Persistently Dangerous Schools

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 41364

FILED: 03/15/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-483 was originally enacted to comply with the requirements of the No Child Left Behind Act, which was superseded by the Every Student Succeeds Act, making the requirements of Rule R277-483 outdated.

SUMMARY OF THE RULE OR CHANGE: Rule R277-483 is repealed in its entirety because it is outdated.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-1-401

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: Rule R277-483 is repealed because of outdated requirements, which will likely will not result in a cost or savings to the state budget.
- ◆ LOCAL GOVERNMENTS: Rule R277-483 is repealed because of outdated requirements, which likely will not result in a cost or savings to local government.
- ◆ SMALL BUSINESSES: Rule R277-483 is repealed because of outdated requirements, which likely will not result in a cost or savings to small businesses.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Rule R277-483 is repealed because of outdated requirements, which likely will not result in a cost or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Rule R277-483 is repealed because of outdated requirements, which likely will not result in any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: To the best of my knowledge, there should be no fiscal impact on businesses resulting from the amendments to this rule.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/02/2017

THIS RULE MAY BECOME EFFECTIVE ON: 05/09/2017

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

R277. Education, Administration.**~~[R277-483. Persistently Dangerous Schools.~~****~~R277-483-1. Definitions.~~**

~~A. "Adequate yearly progress" means a specific level of student achievement has been met by an individual school consistent with the requirements of the federal No Child Left Behind (NCLB) Act.~~

~~B. "Board" means the Utah State Board of Education.~~

~~C. "Charged" means the accusation of a crime by a formal complaint, information, or indictment.~~

~~D. "Days" for purposes of this rule mean school days, unless otherwise specified.~~

~~E. "Expelled" for purposes of this rule means a denial of school services at the student's school of residence for at least 60 consecutive school days. Expulsion differs from suspension in that a suspension is a less drastic method of discipline and generally continues for a shorter period than expulsion. A student shall be expelled by the local school board consistent with Section 53A-11-903.~~

~~F. "Federal gun-free schools violation" means any violation involving a firearm as defined under U.S.C., Title 18, Section 921.~~

~~G. "Homebound/hospitalized services" means services provided by a school district to a student that include the following:~~

~~(1) a minimum of two instructional contact hours per week;~~

~~(2) documentation of that contact;~~

~~(3) justification of the services which may include specific injuries, surgery, illness, other disabilities, pregnancy, or a district determination that a student should receive home instruction and supervision for a designated period of time. The expected period of absence must be estimated.~~

~~H. "Parent" for purposes of this rule, means the custodial parent, court-appointed legal guardian, or district-appointed guardian.~~

~~I. "Persistently dangerous school" means a public K-12 school with any combination of grades and that meets the following criteria: The school has at least three percent of the student body, as determined by the October 1 count, that has been expelled, as defined by this rule, in each of three consecutive school years for:~~

~~(1) violent criminal offenses, as defined in this rule, that occurred on school property or at school sponsored activities; or~~

~~(2) federal gun free school violations.~~

~~J. "USOE" means the Utah State Office of Education.~~

~~K. "Victim" for purposes of this rule means the student who is the object of a violent criminal offense that occurs on the property of the school the student attends.~~

~~L. "Violent criminal offense" means actual or attempted criminal homicide under Section 76-5-201, rape under Section 76-5-402 through 76-5-402.3, aggravated sexual assault under 76-5-405, forcible sexual abuse under 76-5-404, aggravated sexual abuse of a child under 76-5-404.1, aggravated assault under 76-5-103 and robbery under 76-6-301. The offense shall be reported to law enforcement and charged as indicated to qualify for purposes of~~

this rule. The list of violent criminal offenses identified in this definition shall be maintained by the USOE and be readily available to the U.S. Department of Education.

R277-483-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and Title IX, Part E, Subpart 2, Section 9532, Unsafe School Choice Options, which requires a state receiving funds under this Act to establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary or secondary school, or who becomes a victim of a violent criminal offense while in or on the grounds of a public elementary or secondary school that the student attends, be allowed to attend a safe public elementary or secondary school within the school district, including a public charter school.

B. The purpose of this rule is to comply with federal law and to provide for student transfers, consistent with state law and local board policies, if students are residents of schools designated as persistently dangerous or victims of violent criminal offenses identified in R277-483-1L.

R277-483-3. Persistently Dangerous School Data Collection.

A. The USOE shall provide consistent definitions and forms for collection of data necessary to make designations under this rule.

B. The USOE shall use data to count violent criminal offenses, identified in R277-483-1L, collected annually in the Safe Schools Incident Report, received by the USOE by June 15 annually, and required by the Elementary and Secondary Education Act, Section 4122.

R277-483-4. Identification of Persistently Dangerous Schools.

A. A school that reports data showing three percent or more of its studentbody has been expelled for violent criminal offenses, as defined under R277-483-1H and federal gun-free schools violations, as defined under R277-483-1E, shall be required to provide data to the USOE for the previous two school years documenting the number and type of student expulsions. If the documentation shows that more than three percent of the school's studentbody for both years in question was expelled for offenses designated in R277-483-1E or R277-483-1H or both, the school shall be designated a persistently dangerous school for the upcoming school year under this rule.

B. Following review of data collected under R277-483-3 and application of the criteria of this rule, the USOE shall recommend to the Board a list of persistently dangerous schools no later than July 1 of each school year.

C. The Board shall review the list of recommended persistently dangerous schools. The board shall designate persistently dangerous schools at a regular open Board meeting in July or August of each year.

D. A school, working with the local board, shall be removed by the Board from the list on an annual basis if:

(1) the school provides evidence and information to the Board's satisfaction that proves that the school no longer meets the qualifying criteria of this rule and

(2) the school presents evidence to the Board of regular and consistent training of students, staff, and community about school safety, harassment, bullying, and problem solving.

R277-483-5. Parental Notification.

If a school is designated by the Board as persistently dangerous, parents of all students attending the school shall be notified by the local board of available transfer schools in a reasonable manner by no later than August 15 of the school year of designation.

R277-483-6. Students' Right to Transfer to and Continued Attendance.

A. Parents receiving notification of persistently dangerous school status may choose to transfer and shall indicate desire to transfer and school of preference to the local board within 30 calendar days of the date of the notification letter. Schools or local school boards shall provide by written policy a window of at least 30 school days for student transfers. Students shall be assigned to a non-dangerous school within 30 days of written parent request for transfer.

B. Parents of students moving into a persistently dangerous school community following the transfer window shall be notified immediately of the school's persistently dangerous status and shall have 30 calendar days following registration to request transfer from the local board and indicate school preference. The local board shall have 30 calendar days to assign a school. Parents shall make a decision within 10 days following notification to accept the school assignment as offered by the local board or have their children remain in the resident school.

C. The local board shall designate available transfer schools within the district. The local board shall develop criteria for transfer schools and shall not designate other persistently dangerous schools or schools that failed to make adequate yearly progress (Section 1111 of the NCLB Act 1116 NCLB) as transfer schools.

D. Students attending alternative schools that have been designated as persistently dangerous shall be offered choices consistent with district policies for alternative school placement. If a local board determines that the only appropriate placement for a student is an alternative school, the local board shall offer homebound/hospitalized services, under R277-419, or other home or non-school-based programs as an option to the alternative school.

E. Students who have been disciplined for any of the violations identified in this rule forfeit the right to transfer from a persistently dangerous school.

F. Students shall be eligible to participate in all extracurricular activities immediately in their new schools of residence if they transfer consistent with this rule.

G. A student shall have a right to continued attendance at a school selected under this rule or a local board may require, by local board policy, a student to return to the student's resident school upon change of school safety designation, under R277-483-5.

R277-483-7. Student Victims of School Safety Offenses.

A. Students who are victims of a violent criminal offense, as defined in R277-483-1J, and their parent(s)/guardian(s), shall receive notice of available non-dangerous schools in the district as soon as reasonably possible after the school's or district's official notification of the incident by law enforcement.

~~B. The local board shall make available a school within 15 days of parental notification or arrange for homebound/hospitalized services, under R277-419, within 15 days of parental notification. The transfer shall not result in loss of credit or reduction in grade of the victimized student as long as the parent and student cooperate fully in the transfer process.~~

~~**R277-483-8. Corrective Action.**~~

~~A. The Board may assist local boards to develop corrective action plans for schools designated as persistently dangerous.~~

~~B. Corrective action plans shall include such training as improving communication among schools, parents, local law enforcement; training about harassment and bullying for both school personnel and students; activities that address and increase student social competency; improved student supervision; and consistent enforcement of school discipline plans.~~

~~C. Local boards shall provide annual assurance to the Board that corrective action plans have been implemented in all designated persistently dangerous schools.~~

~~**R277-483-9. Complaint and Appeal Procedure.**~~

~~A. A designated standing committee of the Board shall be the appeals committee for schools designated as persistently dangerous.~~

~~(1) The designated standing committee of the Board shall establish procedures for the appeal process.~~

~~(2) Annually, the USOE shall notify local boards of proposed designation of persistently dangerous schools prior to presenting the list to the Board.~~

~~(3) The designated standing committee of the Board shall provide an opportunity to the local board to appeal the proposed designation. The Board shall receive the designated standing committee's designations prior to a final decision by the Board. Local boards may only appeal based on evidence of incomplete or inaccurate data.~~

~~B. Parent appeal process of decisions made by local boards under this rule:~~

~~(1) A local board shall develop a procedure or use an existing appeals procedure to address appeals of decisions made under this rule.~~

~~(2) A parent shall attempt to resolve a complaint involving the application of this rule at the school level, where the parent shall receive, upon request, a copy of this rule and the local board's policy for handling parental complaints.~~

~~(3) If a parent is not satisfied, the parent shall attempt to resolve the complaint with the local board or its designee.~~

~~**R277-483-10. Miscellaneous Provisions.**~~

~~A. The Board shall maintain a record of the data collected and used to identify persistently dangerous schools and other appropriate records in order to demonstrate compliance with the law.~~

~~B. School districts have no responsibility for transportation of students under this rule.~~

~~**KEY: expelled, persistently dangerous schools, school choice**~~

~~**Date of Enactment or Last Substantive Amendment: June 7, 2012**~~

~~**Notice of Continuation: April 8, 2013**~~

~~**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); Title IX, Part E, Subpart 2, Section 9532]**~~

Education, Administration
R277-612
Foreign Exchange Students

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41365

FILED: 03/15/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-612 is amended to provide technical and conforming changes consistent with the Utah Administrative Rulemaking Act and the Rulewriting Manual for Utah.

SUMMARY OF THE RULE OR CHANGE: Changes to the rule include renumbering, replacing outdated terminology, and various other technical changes.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-1-401 and Subsection 53A-2-206(2)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** Technical and conforming changes are made to the rule, which likely will not result in a cost or savings to the state budget.

♦ **LOCAL GOVERNMENTS:** Technical and conforming changes are made to the rule, which likely will not result in a cost or savings to local government.

♦ **SMALL BUSINESSES:** Technical and conforming changes are made to the rule, which likely will not result in a cost or savings to small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Technical and conforming changes are made to the rule, which likely will not result in a cost or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Technical and conforming changes are made to the rule, which likely will not result in any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: To the best of my knowledge, there should be no fiscal impact on businesses resulting from the amendments to this rule.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/02/2017

THIS RULE MAY BECOME EFFECTIVE ON: 05/09/2017

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

R277. Education, Administration.
R277-612. Foreign Exchange Students.
R277-612-[2]1. Authority and Purpose.

[A-](1) This rule is authorized by:
(a) Utah Constitution Article X, Section 3, which vests general control and supervision [of]over public education in the Board[-];
(b) Subsection 53A-2-206(2), which directs the Board to make rules to administer the cap on the number of foreign exchange students for purposes of apportioning state monies for the students[-]; and
(c) Section 53A-1-401[(-3)], which allows the Board to [adopt rules in accordance with its responsibilities]make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
[B-](2) The purpose of this rule is to:
(a) administer the cap on the number of foreign exchange students that may be counted by school districts and charter schools for state funding[-. An additional purpose of the rule is to -]; and
(b) provide guidance to school districts and charter schools in working with exchange student agencies and accepting foreign exchange students to provide for safety and fairness to the exchange students and Utah public school students.

R277-612-[1]2. Definitions.
[-----] A. "Board" means the Utah State Board of Education.
[B-](1) "Foreign exchange student" means a student sponsored by an agency approved by [the district's local school board or charter schools]an LEA governing board, subject to the limitations of Subsection 53A-2-206(2).
[-----] C. "USOE" means the Utah State Office of Education.

R277-612-3. Foreign Exchange Student Cap.
[A-](1) The Superintendent shall allocate funds to an LEA[School districts and charter schools shall be compensated] from a specific legislative appropriation designated annually to pay

the costs of educating foreign exchange students who meet all criteria of the law.

[B-](2) School districts and charter schools are encouraged to enroll foreign exchange students and report those enrollment numbers annually to the [USOE]Superintendent in the October 1 Superintendents' Report.

[C-](3) School districts and charter schools shall include in their report to the [USOE]Superintendent only foreign exchange students that satisfy all requirements of 53A-2-206(6) and [school district/charter school]LEA policies.

(4) [School districts/charter schools] An LEA may enroll foreign exchange students who do not qualify for state monies and;

(a) pay the costs of [those]the student[s] with other [school district/charter school]LEA funds; or

(b) charge the student[s] tuition.

[-----] D. Notwithstanding the provisions of Section 53A-2-206(2) and R277-612-3, the provisions of Section 53A-2-206(8) shall apply.]

(5) Nothing in this section shall prevent an LEA from enrolling a foreign exchange student in accordance with Subsection 53A-2-206(8).

R277-612-4. [School District]LEA Policy for Working with Foreign Exchange Student Agencies and Protecting [Foreign Exchange Students and Utah]Students.

[A-](1) [School districts and charter schools]An LEA that enrolls foreign exchange students shall have a policy that [satisfies]includes:

(a) adherence to the requirements of Subsection 53A-2-206(6); and

(b) [in addition to other]provisions which create a safe environment for foreign exchange students and school district/charter school students.

[B-](2) Prior to accepting students through a foreign exchange student agency, [E]each [school district/charter school]LEA shall, prior to accepting students through the foreign exchange student agency, require and maintain[from each foreign exchange student entity from which the district/charter school accepts students,] a sworn affidavit of compliance.

(3) A sworn affidavit of compliance shall include confirmation that the agency[-has complied with all applicable policies of the local board of education or the charter school including the following]:

([1]a) [agency has]is in [complied]compliance with all applicable policies of the [local board of education/charter school]LEA governing board;

([2]b) has completed a household study, including a background check consistent with Section 53A-3-410, of all adult residents[-has been completed] of each household where foreign exchange students will reside;

(c) has reviewed the information revealed through the background checks required by Subsection (b) with an appropriate LEA official;[-and the information has been reviewed and concerns satisfied by an appropriate school district employee;]

([3]d) has completed a background study to assure[s] that the exchange student will receive proper care and supervision in a safe environment;

([iv]e) has provided host parents [have received]with training appropriate to their positions, including information about

enhanced criminal penalties under Subsection 76-5-406(10) for persons who are in a position of special trust;

~~(4)f~~ will send a representative ~~[of the exchange student agency shall]~~ to visit each student's place of residence at least monthly during the student's stay in Utah;

~~(5)g~~ ~~[the agency]~~ will cooperate with school and other public authorities to ensure that no exchange student becomes an unreasonable burden upon the public schools or other public agencies;

~~(6)h~~ will give each exchange student ~~[will be given, in the exchange student's native language,]~~ names and telephone numbers of agency representatives and others who could be called at any time if a serious problem occurs, in the exchange student's native language; and

~~(7)i~~ will provide alternate placements ~~[are readily available]~~ so that no student is required to remain in a household if conditions appear to exist which unreasonably endanger the student's welfare.

~~C~~(4) ~~[Each school district/charter school]~~ An LEA that accepts foreign exchange students shall provide each approved foreign exchange student agency with a list of names and telephone numbers of individuals not associated with the agency who could be called by an exchange student in the event of a serious problem.

~~D~~(5) ~~[The]~~ A foreign exchange student agency shall ~~[make]~~ provide a copy of ~~[the]~~ a list in the student's native language provided by ~~[the school district/charter school]~~ an LEA in accordance with Subsection (4) to each foreign exchange student ~~[in the student's native language]~~.

KEY: foreign exchange students, enrollment

Date of Enactment or Last Substantive Amendment: ~~[August 9, 2010]~~ 2017

Notice of Continuation: March 14, 2017

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-2-206(2); 53A-1-401(3)

Education, Administration R277-615

Standards and Procedures for Student Searches

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41366

FILED: 03/15/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-615 is amended to provide technical and conforming changes consistent with the Utah Administrative Rulemaking Act and the Rulewriting Manual for Utah.

SUMMARY OF THE RULE OR CHANGE: Changes to the rule include renumbering, replacing outdated terminology, and making various other technical changes.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-1-401 and Section 53A-11-1305

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: Technical and conforming changes are made to the rule, which likely will not result in a cost or savings to the state budget.

♦ LOCAL GOVERNMENTS: Technical and conforming changes are made to the rule, which likely will not result in a cost or savings to local government.

♦ SMALL BUSINESSES: Technical and conforming changes are made to the rule, which likely will not result in a cost or savings to small businesses.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Technical and conforming changes are made to the rule, which likely will not result in a cost or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Technical and conforming changes are made to the rule, which likely will not result in any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: To the best of my knowledge, there should be no fiscal impact on businesses resulting from the amendments to this rule.

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

EDUCATION

ADMINISTRATION

250 E 500 S

SALT LAKE CITY, UT 84111-3272

or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/02/2017

THIS RULE MAY BECOME EFFECTIVE ON: 05/09/2017

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

R277. Education, Administration.**R277-615. Standards and Procedures for Student Searches.****R277-615-~~2~~1. Authority and Purpose.**

~~[A-](1)~~ This rule is authorized by:

~~(a)~~ Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board~~[-];~~~~[by]~~

~~(b)~~ Section 53A-11-1305, ~~[that]which~~ directs the Board and LEAs to adopt rules to protect students against unreasonable and excessive intrusion of personal rights; ~~[and privacy on school property or at school-sponsored activities,]~~~~and~~~~[-by]~~

~~(c)~~ Section 53A-1-401~~(3)~~, which allows the Board to ~~[adopt rules in accordance with its responsibilities]~~make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

~~[B-](2)~~ The purpose of this rule is to direct LEAs to adopt ~~[rules or]~~ policies ~~[or both]~~ to protect student rights with procedures and provisions that balance students' rights and privacy with the responsibility of school officials for the safety and protection of students and adults while on school property or at school-sponsored events.

R277-615-~~1~~2. Definitions.

~~[A-]~~ A. "Board" means the Utah State Board of Education.

~~[B-](1)~~ "Controlled substance[s]" ~~[means substances identified under]~~ has the same meaning as provided in Section[s] 58-37-2~~[-]~~, 58-37a-3 and 58-37b-2.

~~[C-](2)(a)~~ "Law enforcement authorities" means officers working under the direct supervision and in the employment of police or law enforcement, as opposed to under the supervision of an LEA~~[public education agency]~~.

~~(b)~~ Law enforcement authorities have received police officer training and are acting in that capacity.

~~[D-](3)~~ "LEA," ~~[means a local education agency, including local school boards/public school districts, charter schools, and]~~ for purposes of this rule, includes the Utah Schools for the Deaf and the Blind.

~~[E-]~~ E. "Reasonable suspicion" means a particularized and objective basis, supported by objective and articulable facts leading the searcher to believe that there is a moderate chance of finding evidence of wrongdoing. Reasonableness considers the totality of the circumstances including such factors as the scope and manner of the intrusion, the justification for the search, the nature of the infraction, the place where the search is conducted, the student's age, history and school record, the prevalence and seriousness of the problem in the school, the exigency requiring the search without delay, the reliability of the information used as a justification for the search, and the school official's prior experience with the student. The search shall be reasonable both in inception of the search and the scope of the search.

~~[F-]~~ F. "School official" means a school superintendent, associate superintendent, school district specialist, school principal or assistant principal or charter school employee who is a director, principal, headmaster, or assistant administrator.

~~[G-](4)~~ "Weapon" means any item capable of causing death or serious bodily injury or a facsimile or representation of the item.

R277-615-3. ~~[Board]~~Superintendent Responsibilities.

~~[A-](1)~~ The ~~[Board]~~Superintendent shall provide consistent definitions for LEAs to include in search and seizure policies.

~~[B-](2)~~ The ~~[Board]~~Superintendent shall develop a model search and seizure policy as guidance for LEAs.

~~[C-](3)~~ The ~~[Board]~~Superintendent shall ~~[include]~~require an assurance ~~[for]from~~ LEAs in the Utah Consolidated Report regarding the student search policy required under Section 53A-11-1305~~[- in the Utah Consolidated Report, beginning with the 2012-13 school year].~~

R277-615-4. LEA Responsibilities.

~~[A-](1)~~ An LEA[s] shall develop a policy for searching students for controlled substances and weapons~~[as required under Utah law and for weapons before June 30, 2012].~~

~~[B-](2)~~ An LEA[s] shall include appropriate interested parties in the development of student search policies, including:

~~(a)~~ parents~~[-];~~

~~(b)~~ school employees~~[-];~~ and

~~(c)~~ licensed school employees.

~~[C-](3)~~ An LEA ~~[policies]~~policy developed pursuant to Subsection (1) shall ensure protection of individual student rights against excessive and unreasonable intrusion.

~~[D-](4)~~ An LEA[s] shall make policies available ~~[to parents]~~electronically and in ~~[materials provided]~~and in printed form to parents and students upon enrollment~~[as soon as reasonably possible following adoption of policies].~~

~~[E-](5)~~ An LEA[s] shall provide adequate training to appropriate classes of employees for fair and consistent implementation of student search policies.

KEY: students, searches

Date of Enactment or Last Substantive Amendment: ~~[April 10, 2012]~~**2017**

Notice of Continuation: March 14, 2017

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-11-1305; 53A-1-401~~(3)~~

Environmental Quality, Air Quality
R307-101-3
 Version of Code of Federal Regulations
 Incorporated by Reference

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41355

FILED: 03/14/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended so that Utah Air Quality rules are up-to-date and consistent with federal regulations.

SUMMARY OF THE RULE OR CHANGE: This rule change updates the version of the Code of Federal Regulations (CFR) that is incorporated by reference throughout the Utah Air Quality rules. There was only one substantive change to any specific section of the CFR incorporated by this rule. The one change was to remove the recordkeeping and inventory requirements relating to tertiary butyl acetate (TBAC). A summary of every federal rule that is being incorporated by Section R307-101-3 can be found at <http://www.deq.utah.gov/boards/airquality>.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

MATERIALS INCORPORATED BY REFERENCE:

- ◆ Updates 40 CFR, published by U.S. Government Printing Office, 07/01/2016

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This rule updates the version of the CFR that is incorporated into the Utah Air Quality rules. None of the changes incorporated into the state rules will have an impact on the state budget because they are already federal law.
- ◆ **LOCAL GOVERNMENTS:** This rule updates the version of the CFR that is incorporated into the Utah Air Quality rules. None of the changes incorporated into the state rules will have an impact on local government because they are already federal law.
- ◆ **SMALL BUSINESSES:** This rule updates the version of the CFR that is incorporated into the Utah Air Quality rules. None of the changes incorporated into the state rules will have an impact on small businesses because they are already federal law.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule updates the version of the CFR that is incorporated into the Utah Air Quality rules. None of the changes incorporated into the state rules will have an impact on persons other than small businesses, businesses, or local government entities because the changes are already included in federal law that must be complied with.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs for affected persons because any changes are already federal law that must be complied with.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Section R307-101-3 will not have a fiscal impact on Utah businesses. The changes in federal law will have to be complied with by Utah businesses regardless of whether the state incorporates them into its Air Quality rules. By incorporating the federal rules into state law, it makes the rules enforceable on a state level. It does not create additional requirements for businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at rstephens@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2017

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2017

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-101. General Requirements.

R307-101-3. Version of Code of Federal Regulations Incorporated by Reference.

Except as specifically identified in an individual rule, the version of the Code of Federal Regulations (CFR) incorporated throughout R307 is dated July 1, 201[~~5~~]6.

KEY: air pollution, definitions

Date of Enactment or Last Substantive Amendment: [~~August 4, 2016~~]2017

Notice of Continuation: May 8, 2014

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

Environmental Quality, Air Quality

R307-210

Stationary Sources

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41356

FILED: 03/14/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended so that Utah Air Quality rules are up-to-date and consistent with federal regulations.

SUMMARY OF THE RULE OR CHANGE: This rule change updates the version of the Code of Federal Regulations (CFR) that is incorporated by reference throughout the Utah Air Quality rules. The rules that are being incorporated by reference include rules dealing with the new source performance standards (NSPS) required by the Clean Air Act. These changes include new standards for carbon dioxide (CO₂) emissions from fossil fuel-fired electric generating units (EGUs). The changes also incorporate new standards for phosphoric acid manufacturing, which include numeric emission limits for previously unregulated fluoride emissions from calciners; work practice standards for hydrogen fluoride emissions; the removal of startup, shutdown, and malfunction exemptions; and revised recordkeeping requirements. These changes, along with other minor changes, are described in more detail at <http://www.deq.utah.gov/boards/airquality>.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

MATERIALS INCORPORATED BY REFERENCE:

- ◆ Updates 40 CFR, published by U.S. Government Printing Office, 07/01/2016

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This rule updates the version of the CFR that is incorporated into the Utah Air Quality rules. None of the changes incorporated into the state rules will have an impact on the state budget because they are already federal law.
- ◆ **LOCAL GOVERNMENTS:** This rule updates the version of the CFR that is incorporated into the Utah Air Quality rules. None of the changes incorporated into the state rules will have an impact on local government because they are already federal law.
- ◆ **SMALL BUSINESSES:** This rule updates the version of the CFR that is incorporated into the Utah Air Quality rules. None of the changes incorporated into the state rules will have an impact on small businesses because they are already federal law.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule updates the version of the CFR that is incorporated into the Utah Air Quality rules. None of the changes incorporated into the state rules will have an impact on persons other than small businesses, businesses, or local government entities because the changes are already federal law that must be complied with.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs for affected persons because any changes are already federal law that must be complied with.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Rule R307-210 will not have a fiscal impact on Utah

businesses. Utah businesses will already have to comply with federal law, despite any changes made to the state rule. By incorporating the federal rules into state law, the rules become enforceable at the state level. It does not create additional requirements for businesses.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at rstephens@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2017

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2017

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-210. [~~Stationary Sources~~Standards of Performance for New Stationary Sources.

R307-210-1. Standards of Performance for New Stationary Sources[~~(NSPS)~~.

The provisions of 40 Code of Federal Regulations (CFR) Part 60, effective on July 1, 201[5]6, except for Subparts Cb, Cc, Cd, Ce, BBBB, DDDD, and HHHH, are incorporated by reference into these rules with the exception that references in 40 CFR to "Administrator" shall mean "director" unless by federal law the authority referenced is specific to the Administrator and cannot be delegated.

KEY: air pollution, stationary sources, new source review

Date of Enactment or Last Substantive Amendment: [~~August 4, 2016~~2017

Notice of Continuation: May 12, 2016

Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(q); 19-2-108

Environmental Quality, Air Quality

R307-214

National Emission Standards for
Hazardous Air Pollutants

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41357

FILED: 03/14/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended so that Utah Air Quality rules are up-to-date and consistent with federal regulations.

SUMMARY OF THE RULE OR CHANGE: This rule change updates the version of the Code of Federal Regulations (CFR) that is incorporated by reference in Rule R307-214. The updated CFR changes are mostly minor changes that have no direct impact on Utah. The changes that do have an impact on Utah relate to different sources of hazardous air pollutants. These changes include new emissions standards; recordkeeping requirements; limitations on startup, shutdown, and malfunction operations; and new monitoring standards for HCl. A description of all of the changes to the federal rules can be found in the March Board packet: <http://www.deq.utah.gov/boards/airquality/meetings.htm>.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

MATERIALS INCORPORATED BY REFERENCE:

- ◆ Updates 40 CFR, published by U.S. Government Printing Office, 07/01/2016

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This rule updates the version of the CFR that is incorporated into the Utah Air Quality rules. None of the changes incorporated into the state rules will have an impact on the state budget because they are already federal law.
- ◆ **LOCAL GOVERNMENTS:** This rule updates the version of the CFR that is incorporated into the Utah Air Quality rules. None of the changes incorporated into the state rules will have an impact on local government because they are already federal law.
- ◆ **SMALL BUSINESSES:** This rule updates the version of the CFR that is incorporated into the Utah Air Quality rules. None of the changes incorporated into the state rules will have an impact on small businesses because they are already federal law.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule updates the version of the CFR that is incorporated into the Utah Air Quality Rules. None of the changes incorporated into the state rules will have an impact on persons other than small businesses, businesses, or local government entities because the changes are already federal law.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs for affected persons because any changes are already federal law that must be complied with.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Rule R307-214 will not have a fiscal impact on Utah businesses. Utah businesses will already have to comply with federal law, despite any changes made to the state rule. By incorporating the federal rules into state law, the rules become enforceable at the state level. It does not create additional requirements for businesses.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at rstephens@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2017

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2017

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.**R307-214. National Emission Standards for Hazardous Air Pollutants.****R307-214-1. Pollutants Subject to Part 61.**

The provisions of Title 40 of the Code of Federal Regulations (40 CFR) Part 61, National Emission Standards for Hazardous Air Pollutants, effective as of July 1, 201[5]6, are incorporated into these rules by reference. For pollutant emission standards delegated to the State, references in 40 CFR Part 61 to "the Administrator" shall refer to the director.

R307-214-2. Sources Subject to Part 63.

The provisions listed below of 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories, effective as of July 1, 201[5]6, are incorporated into these rules by reference. References in 40 CFR Part 63 to "the Administrator" shall refer to the director, unless by federal law the authority is specific to the Administrator and cannot be delegated.

- (1) 40 CFR Part 63, Subpart A, General Provisions.
- (2) 40 CFR Part 63, Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance with 42 U.S.C. 7412(g) and (j).
- (3) 40 CFR Part 63, Subpart F, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.
- (4) 40 CFR Part 63, Subpart G, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic

Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.

(5) 40 CFR Part 63, Subpart H, National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.

(6) 40 CFR Part 63, Subpart I, National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.

(7) 40 CFR Part 63, Subpart J, National Emission Standards for Polyvinyl Chloride and Copolymers Production.

(8) 40 CFR Part 63, Subpart L, National Emission Standards for Coke Oven Batteries.

(9) 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.

(10) 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

(11) 40 CFR Part 63, Subpart O, National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations.

(12) 40 CFR Part 63, Subpart Q, National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.

(13) 40 CFR Part 63, Subpart R, National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).

(14) 40 CFR Part 63, Subpart T, National Emission Standards for Halogenated Solvent Cleaning.

(15) 40 CFR Part 63, Subpart U, National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.

(16) 40 CFR Part 63, Subpart AA, National Emission Standards for Hazardous Air Pollutants for Phosphoric Acid Manufacturing.

(17) 40 CFR Part 63, Subpart BB, National Emission Standards for Hazardous Air Pollutants for Phosphate Fertilizer Production.

(18) 40 CFR Part 63, Subpart CC, National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.

(19) 40 CFR Part 63, Subpart DD, National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.

(20) 40 CFR Part 63, Subpart EE, National Emission Standards for Magnetic Tape Manufacturing Operations.

(21) 40 CFR Part 63, Subpart GG, National Emission Standards for Aerospace Manufacturing and Rework Facilities.

(22) 40 CFR Part 63, Subpart HH, National Emission Standards for Hazardous Air Pollutants for Oil and Natural Gas Production.

(23) 40 CFR Part 63, Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations.

(24) 40 CFR Part 63, Subpart KK, National Emission Standards for the Printing and Publishing Industry.

(25) 40 CFR Part 63, Subpart MM, National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills.

(26) 40 CFR Part 63, Subpart OO, National Emission Standards for Tanks - Level 1.

(27) 40 CFR Part 63, Subpart PP, National Emission Standards for Containers.

(28) 40 CFR Part 63, Subpart QQ, National Emission Standards for Surface Impoundments.

(29) 40 CFR Part 63, Subpart RR, National Emission Standards for Individual Drain Systems.

(30) 40 CFR Part 63, Subpart SS, National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process (Generic MACT).

(31) 40 CFR Part 63, Subpart TT, National Emission Standards for Equipment Leaks- Control Level 1 (Generic MACT).

(32) 40 CFR Part 63, Subpart UU, National Emission Standards for Equipment Leaks-Control Level 2 Standards (Generic MACT).

(33) 40 CFR Part 63, Subpart VV, National Emission Standards for Oil-Water Separators and Organic-Water Separators.

(34) 40 CFR Part 63, Subpart WW, National Emission Standards for Storage Vessels (Tanks)-Control Level 2 (Generic MACT).

(35) 40 CFR Part 63, Subpart XX, National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.

(36) 40 CFR Part 63, Subpart YY, National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic MACT.

(37) 40 CFR Part 63, Subpart CCC, National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants.

(38) 40 CFR Part 63, Subpart DDD, National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.

(39) 40 CFR Part 63, Subpart EEE, National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.

(40) 40 CFR Part 63, Subpart GGG, National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production.

(41) 40 CFR Part 63, Subpart HHH, National Emission Standards for Hazardous Air Pollutants for Natural Gas Transmission and Storage.

(42) 40 CFR Part 63, Subpart III, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.

(43) 40 CFR Part 63, Subpart JJJ, National Emission Standards for Hazardous Air Pollutants for Group IV Polymers and Resins.

(44) 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants for Portland Cement Manufacturing Industry.

(45) 40 CFR Part 63, Subpart MMM, National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.

(46) 40 CFR Part 63, Subpart NNN, National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.

- (47) 40 CFR Part 63, Subpart OOO, National Emission Standards for Hazardous Air Pollutants for Amino/Phenolic Resins Production (Resin III).
- (48) 40 CFR Part 63, Subpart PPP, National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production.
- (49) 40 CFR Part 63, Subpart QQQ, National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelters.
- (50) 40 CFR Part 63, Subpart RRR, National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.
- (51) 40 CFR Part 63, Subpart TTT, National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.
- (52) 40 CFR Part 63, Subpart UUU, National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.
- (53) 40 CFR Part 63, Subpart VVV, National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.
- (54) 40 CFR Part 63, Subpart AAAA, National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills.
- (55) 40 CFR Part 63, Subpart CCCC, National Emission Standards for Manufacturing of Nutritional Yeast.
- (56) 40 CFR Part 63, Subpart DDDD, National Emission Standards for Hazardous Air Pollutants for Plywood and Composite Wood Products.
- (57) 40 CFR Part 63, Subpart EEEE, National Emission Standards for Hazardous Air Pollutants for Organic Liquids Distribution (non-gasoline).
- (58) 40 CFR Part 63, Subpart FFFF, National Emission Standards for Hazardous Air Pollutants for Miscellaneous Organic Chemical Manufacturing.
- (59) 40 CFR Part 63, Subpart GGGG, National Emission Standards for Vegetable Oil Production; Solvent Extraction.
- (60) 40 CFR Part 63, Subpart HHHH, National Emission Standards for Wet-Formed Fiberglass Mat Production.
- (61) 40 CFR Part 63, Subpart IIII, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Automobiles and Light-Duty Trucks.
- (62) 40 CFR Part 63, Subpart JJJJ, National Emission Standards for Hazardous Air Pollutants for Paper and Other Web Surface Coating Operations.
- (63) 40 CFR Part 63, Subpart KKKK, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Metal Cans.
- (64) 40 CFR Part 63, Subpart MMMM, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.
- (65) 40 CFR Part 63, Subpart NNNN, National Emission Standards for Large Appliances Surface Coating Operations.
- (66) 40 CFR Part 63, Subpart OOOO, National Emission Standards for Hazardous Air Pollutants for Fabric Printing, Coating and Dyeing Surface Coating Operations.
- (67) 40 CFR Part 63, Subpart PPPP, National Emissions Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.
- (68) 40 CFR Part 63, Subpart QQQQ, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Wood Building Products.
- (69) 40 CFR Part 63, Subpart RRRR, National Emission Standards for Hazardous Air Pollutants for Metal Furniture Surface Coating Operations.
- (70) 40 CFR Part 63, Subpart SSSS, National Emission Standards for Metal Coil Surface Coating Operations.
- (71) 40 CFR Part 63, Subpart TTTT, National Emission Standards for Leather Tanning and Finishing Operations.
- (72) 40 CFR Part 63, Subpart UUUU, National Emission Standards for Cellulose Product Manufacturing.
- (73) 40 CFR Part 63, Subpart VVVV, National Emission Standards for Boat Manufacturing.
- (74) 40 CFR Part 63, Subpart WWWW, National Emissions Standards for Hazardous Air Pollutants for Reinforced Plastic Composites Production.
- (75) 40 CFR Part 63, Subpart XXXX, National Emission Standards for Tire Manufacturing.
- (76) 40 CFR Part 63, Subpart YYYYY, National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.
- (77) 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.
- (78) 40 CFR Part 63, Subpart AAAAA, National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.
- (79) 40 CFR Part 63, Subpart BBBBB, National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.
- (80) 40 CFR Part 63, Subpart CCCCC, National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.
- (81) 40 CFR Part 63, Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters.
- (82) 40 CFR Part 63, Subpart EEEEE, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.
- (83) 40 CFR Part 63, Subpart FFFFF, National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing.
- (84) 40 CFR Part 63, Subpart GGGGG, National Emission Standards for Hazardous Air Pollutants for Site Remediation.
- (85) 40 CFR Part 63, Subpart HHHHH, National Emission Standards for Hazardous Air Pollutants for Miscellaneous Coating Manufacturing.
- (86) 40 CFR Part 63, Subpart IIIII, National Emission Standards for Hazardous Air Pollutants for Mercury Emissions from Mercury Cell Chlor-Alkali Plants.
- (87) 40 CFR Part 63, Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.
- (88) 40 CFR Part 63, Subpart KKKKK, National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.

(89) 40 CFR Part 63, Subpart LLLLLL, National Emission Standards for Hazardous Air Pollutants for Asphalt Processing and Asphalt Roofing Manufacturing.

(90) 40 CFR Part 63, Subpart MMMMMM, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Fabrication Operations.

(91) 40 CFR Part 63, Subpart NNNNNN, National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production.

(92) 40 CFR Part 63, Subpart PTTTTT, National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands.

(93) 40 CFR Part 63, Subpart QQQQQQ, National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.

(94) 40 CFR Part 63, Subpart RRRRRR, National Emission Standards for Hazardous Air Pollutants for Taconite Iron Ore Processing.

(95) 40 CFR Part 63, Subpart SSSSSS, National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.

(96) 40 CFR Part 63, Subpart TTTTTT, National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining.

(97) 40 CFR Part 63, Subpart UUUUUU, National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility Steam Generating Units.

(98) 40 CFR Part 63, Subpart VVVVVV, National Emission Standards for Hospital Ethylene Oxide Sterilizers.

(99) 40 CFR Part 63, Subpart WYYYYY, National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities.

(100) 40 CFR Part 63, Subpart ZZZZZZ, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.

(101) 40 CFR Part 63 Subpart BBBBBB National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities

(102) 40 CFR Part 63 Subpart CCCCCC National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

(103) 40 CFR Part 63, Subpart DDDDDD, National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.

(104) 40 CFR Part 63, Subpart EEEEEEE, National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources.

(105) 40 CFR Part 63, Subpart FFFFFFF, National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources.

(106) 40 CFR Part 63, Subpart GGGGGG, National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources--Zinc, Cadmium, and Beryllium.

(107) 40 CFR Part 63, Subpart JJJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

(108) 40 CFR Part 63, Subpart LLLLLL, National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.

(109) 40 CFR Part 63, Subpart MMMMMM, National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources.

(110) 40 CFR Part 63, Subpart NNNNNN, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds.

(111) 40 CFR Part 63, Subpart OOOOOO, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.

(112) 40 CFR Part 63, Subpart PTTTTT, National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources.

(113) 40 CFR Part 63, Subpart QQQQQQ, National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.

(114) 40 CFR Part 63, Subpart RRRRRR, National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.

(115) 40 CFR Part 63, Subpart SSSSSS, National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources.

(116) 40 CFR Part 63, Subpart VVVVVV, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources.

(117) 40 CFR Part 63, Subpart TTTTTT, National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources.

(118) 40 CFR Part 63, Subpart WWWWWW, National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.

(119) 40 CFR Part 63, Subpart XXXXXX, National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

(120) 40 CFR Part 63, Subpart YYYYYY, National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities.

(121) 40 CFR Part 63, Subpart ZZZZZZ, National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.

(122) 40 CFR Part 63, Subpart AAAAAAA, National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing.

(123) 40 CFR Part 63, Subpart BBBBBBBB, National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry.

(124) 40 CFR Part 63, Subpart CCCCCC, National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing.

(125) 40 CFR Part 63, Subpart DDDDDDD, National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.

(126) 40 CFR Part 63, Subpart EEEEEEE, National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category.

KEY: air pollution, hazardous air pollutant, MACT, NESHAP
Date of Enactment or Last Substantive Amendment: [~~August 4, 2016~~2017]

Notice of Continuation: November 8, 2012

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)
 (a)

Public Safety, Administration
R698-9
Utah Law Enforcement Memorial
Support Restricted Account

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 41369

FILED: 03/15/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Passage of H.B. 167 during the 2016 General Session requires that the Commissioner of the Department of Public Safety make rules providing procedures for an organization to apply to receive funds from the Utah Law Enforcement Memorial Support Restricted Account under Section 53-1-120. The account is funded through a support special group license plate on a voluntary basis as specified in Section 41-1a-422. In addition, funding may be provided through private contributions or donations or grants from public or private entities.

SUMMARY OF THE RULE OR CHANGE: This rule establishes procedures for a charitable organization to apply to receive funds from the Utah Law Enforcement Memorial Support Restricted Account to be used to support the operation and maintenance of the Utah Law Enforcement Memorial.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53-1-120(7)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget because the rule establishes the procedures for a charitable organization to receive funds from the Utah Law Enforcement Memorial Support Restricted Account.

♦ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government because the rule establishes the procedures for a charitable organization to receive funds from the Utah Law Enforcement Memorial Support Restricted Account.

♦ **SMALL BUSINESSES:** There is no anticipated cost or savings to the small businesses because the rule establishes the procedures for a charitable organization to receive funds

from the Utah Law Enforcement Memorial Support Restricted Account.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities because the rule establishes the procedures for a charitable organization to receive funds from the Utah Law Enforcement Memorial Support Restricted Account.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no anticipated compliance cost to persons because the rule establishes the procedures for a charitable organization to receive funds from the Utah Law Enforcement Memorial Support Restricted Account.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed the rule and find that the enactment of this rule will not have a fiscal impact on businesses.

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

PUBLIC SAFETY
 ADMINISTRATION
 CALVIN L RAMPTON COMPLEX
 4501 S 2700 W
 FIRST FLOOR
 SALT LAKE CITY, UT 84119-5994
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Kim Gibb by phone at 801-556-8198, by FAX at 801-964-4482, or by Internet E-mail at kgibb@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2017

THIS RULE MAY BECOME EFFECTIVE ON: 07/30/2017

AUTHORIZED BY: Keith Squires, Commissioner

R698. Public Safety, Administration.

R698-9. Utah Law Enforcement Memorial Support Restricted Account.

R698-9-1. Purpose.

The purpose of this rule is to establish procedures by which an organization may apply to the department to receive funds under Section 53-1-120.

R698-9-2. Authority.

This rule is authorized by Section 53-1-120(7) which provides that the commissioner shall make rules regarding the procedures for an organization to apply to receive funds from the account.

R698-9-3. Definitions.

(1) The terms used in this rule are defined in Section 53-1-102.

(2) In addition:

(a) "awarded funds" means the funds appropriated by the department from the account;

(b) "restricted funds" means the funds appropriated to the department from the account;

(c) "the account" means the Utah Law Enforcement Memorial Support Restricted Account; and

R698-9-4. Application Process.

(1) An organizations that wishes to receive awarded funds must submit an application to the commissioner.

(2) The application must contain the following:

(a) verification that the organization is a charitable organization that qualifies for tax exempt status under Internal Revenue Code Section 501(c)(3);

(b) a statement indicating that a primary part of the organization's mission is to support the operation and maintenance of the Utah Law Enforcement Memorial;

(c) a detailed description of how the organization intends to spend the awarded funds to support the operation and maintenance of the Utah Law Enforcement Memorial; and

(d) documentation of how the organization spent any awarded funds that were previously appropriated to the organization.

(3)(a) All applications must be submitted before July 1 in order to be eligible for awarded funds from the current fiscal year.

(b) If no applications are received by July 1, applications submitted after July 1 will be reviewed and considered on a case by case basis.

R698-9-5. Distributions and Prioritization of Awards.

(1) The commissioner shall review any applications that have been submitted and determine which organization will receive awarded funds based upon the following criteria:

(a) which organization's intended use of the awarded funds will have the broadest application or meet the greatest need; and

(b) whether the organization used previously awarded funds in the manner for which they originally sought the funds.

(2) The commissioner shall distribute all restricted funds in the account each year to one or more qualified organizations.

KEY: Utah Law Enforcement Memorial Support Restricted Account

Date of Enactment or Last Substantive Amendment: 2017

Authorizing, and Implemented or Interpreted Law: 53-1-120(7)

**Public Safety, Emergency Management
R704-3
Local Government Emergency
Response Loan Program**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41358

FILED: 03/15/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment renumbers the rule to correct mistakes made in the original filing. Subsection R704-3-9(3) is removed due to the fact that the agency was advised by the Division of Finance that they would not declare the full amount of the loan due without prior notice of default.

SUMMARY OF THE RULE OR CHANGE: Renumbers the rule to correct mistakes made in original filing. Removes Subsection R704-3-9(3).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-2a-607 and Section 53-2a-608 and Section 53-2a-609

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There will not be an anticipated cost or savings to the state budget because the changes made to the rule are to correct numbering errors, and remove Subsection R704-3-9(3).

◆ LOCAL GOVERNMENTS: There will not be an anticipated cost or savings to the local government because the changes made to the rule are to correct numbering errors, and remove Subsection R704-3-9(3).

◆ SMALL BUSINESSES: There will not be an anticipated cost or savings to small businesses because the changes made to the rule are to correct numbering errors, and remove Subsection R704-3-9(3).

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There will not be an anticipated cost or savings to persons other than small businesses, businesses, or local government entities because the changes made to the rule are to correct numbering errors, and remove Subsection R704-3-9(3).

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will not be an anticipated compliance cost for persons because the changes made to the rule are to correct numbering errors, and remove Subsection R704-3-9(3).

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed the amendment and found that this rule change will not have a fiscal impact on businesses.

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

PUBLIC SAFETY
EMERGENCY MANAGEMENT
ROOM 1110 STATE OFFICE BUILDING
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Kim Gibb by phone at 801-556-8198, by FAX at 801-964-4482, or by Internet E-mail at kgibb@utah.gov
- ◆ Tara Behunin by phone at 801-538-3426, by FAX at 801-538-3770, or by Internet E-mail at tarabehunin@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2017

THIS RULE MAY BECOME EFFECTIVE ON: 07/30/2017

AUTHORIZED BY: Kris Hamlet, Director

R704. Public Safety, Emergency Management.**R704-3. Local Government Emergency Response Loan Program.****R704-3-1. Authority.**

This rule is authorized by Section 53-2a-609.

R704-3-2. Purpose.

The purpose of this rule is to establish criteria, procedures, and requirements for the administration of the Local Government Emergency Response Loan Fund described in Section 53-2a-607.

R70[+]4-3-3. Definitions.

(1) Terms used in this rule are defined in Sections 53-2a-102, 53-2a-203, and 53-2a-602.

(2) In addition to the terms referenced in Subsection R70[+]4-3-3(1):

(a) "fund" means the Local Government Emergency Response Loan Fund;

(b) "loan" means a loan provided by the Division from the Local Government Emergency Response Loan Fund to an eligible local government entity for costs incurred for providing emergency disaster services as defined in Section 53-2a-602.

R70[+]4-3-4. Application.

(1) A local government entity wishing to apply for a loan from the fund shall submit to the Division:

(a) an application on a form approved by the Division;

(b) documentation that establishes a local disaster declaration for which the loan is being requested;

(c) documentation certified by the entity's chief financial officer stating that the entity has:

(i) established a local government disaster fund; and

(ii) deposited a minimum average of 5% of total estimated revenues into a local government disaster fund established in accordance with Section 53-2a-605 for at least five fiscal years previous to the date the disaster is declared; and

(d) documentation that establishes costs incurred by the local government entity for disaster recovery and supports the dollar amount of the loan being requested.

R70[+]4-3-5. Eligibility Review.

(1) The Division shall determine if the applicant:

(a) has fulfilled the application requirements in Section R701-3-4; and

(b) meets the eligibility criteria in Sections 53-2a-607 and 53-2a-608.

R70[+]4-3-6. Prioritization of Awards for Loan Applications.

(1) In accordance with Subsection 53-2a-609(2), the Division will consider the following criteria in prioritizing and awarding loans:

(a) the total account balance available in the fund;

(b) the severity or scale of the disaster or emergency that has been declared;

(c) the severity of the impact to local government entities that have submitted loan applications; and

(d) other sources of funding that might be available to the local government entity for the purpose of disaster recovery; and

(e) the likelihood the loan amount will be paid repaid in accordance with Section 53-2a-608 based on the local government entity's bond rating.

R70[+]4-3-7. Making Loans.

(1) Loan funds shall be obligated after all documents to secure a loan are complete, processed, approved, and appropriately signed by the applicant and the director.

(2) Disbursement of loan proceeds to the borrower will take place within 10 business days of the closing date of the loan.

R70[+]4-3-8. Servicing the Loans, Loan Repayment and Late Penalties.

(1) Loans will be serviced by the Division of Finance.

(2) Loan repayment schedules are outlined in Section 53-2a-608.

(3) The initial installment payment is due on a date established by the Division.

(4) Subsequent installment payments are due on the tenth day of each month.

(5) Loan payments may be made in advance or the remaining principal balance of the loan may be paid in full at any time without penalty.

(6) Penalties for late loan payments shall be:

(a) ten percent of the payment due;

(b) assessed and payable on payments received by the Division more than 15 days after the due date;

(c) assessed only once per scheduled payment; and

(d) noticed to the borrower with the amounts of penalty and the total payment due.

(7) Payments shall be considered received the day of the U.S. Postal Service post mark date or receipted date for payments delivered to the Division by methods other than the U.S. Postal Service.

(8) If a loan payment check is returned due to insufficient funds, a service charge in the amount allowed by law shall be added to the payment amount due.

(9) Notice of loans paid in full shall be sent after all penalties, interest, and principal have been paid.

R70[+]4-3-9. Recovering on Defaulted Loans.

(1) Loans may be considered in default when two consecutive payments are past due by 30 days or more.

(2) If the loan is determined to be in default under Subsection R70[4]4-3-9(1), the Division or the Division of Finance may declare the full amount of the defaulted loan, penalty and interest immediately due.

~~[(3) The Division or Division of Finance need not give notice of default prior to declaring the full amount due and payable.~~

(4)(3) The borrower shall be liable for attorney's fees and collection costs for defaulted loans, whether incurred before or after court action.

KEY: disaster recovery loans, local government disaster loans
Date of Enactment or Last Substantive Amendment: [January 12], 2017
Authorizing, and Implemented or Interpreted Law: 53-2a-607; 53-2a-608; 53-2a-609

Public Safety, Highway Patrol
R714-162
Equipment Standards for Heavy
Vehicle, Trailer and Bus Safety
Inspections

NOTICE OF PROPOSED RULE

(Repeal and Reenact)
 DAR FILE NO.: 41359
 FILED: 03/15/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After H.B. 298 passed in the 2012 General Session, safety inspection rules have been reviewed. The purpose for the changes to this rule is to ensure that it complies with Federal Motor Carrier Safety Regulations (FMCSR) Appendix G to Subchapter B of Chapter III - Minimum Periodic Inspection Standards. This enables a Utah heavy truck safety inspection to count as a federal periodic inspection for a commercial vehicle.

SUMMARY OF THE RULE OR CHANGE: In Rule R714-162, the catchline has been changed from "Equipment Standards for Heavy Truck, Trailer and Bus Safety Inspections" to "Equipment Standards for Heavy Motor Vehicle, Trailer and Bus Safety Inspections". In Section R714-162-1, the statutory reference to Subsection 41-6a-1601(2) has been added as one of the references giving authorization to the rule. In Section R714-162-2, the term "heavy motor vehicle" replaces "heavy truck". The reference to Section 53-8-204 has been added. In Section R714-162-3, the catchline has been changed from "Inspection Procedures" to "Definitions". It states that terms used in this rule are found in Sections 41-1a-102 and 41-6a-102, and 49 CFR 571, et seq. Ten definitions have been added, including a new definition for the "acute area" of a windshield. This definition is taken from the Federal Motor Carrier Safety Regulations, Appendix G to Subchapter B of Chapter III-Minimum Periodic Inspection

Standards. In Section R714-162-4, the catchline has been changed from "Equipment Requirements" to "Incorporation of Federal Motor Vehicle Safety Standards." Also, this section now incorporates by reference 49 CFR Parts 393, 396, and 396 Appendix, which include a standard that the stroke be measured with the engine off and a reservoir pressure of 80 to 90 psi instead of 90 to 100 psi. It states, "This rule incorporates by reference the standards found in 49 CFR Parts 393, 396, and 396 Appendix G as the minimum standards a motor vehicle must meet to pass a safety inspection under this rule." In Section R714-162-5, the catchline has been changed from "Registration" to "Applicability of Rule." In Section R714-162-6, the catchline has been changed from "Tires and Wheels" to "Inspection Procedures." In Section R714-162-7, the catchline has been changed from "Steering Alignment and Suspension" to "Registration." In Section R714-162-8, the catchline has been changed from "Coupling Devices" to "Tires and Wheels." Tires on axles other than the steering axle can be rejected if the tire has a boot, blowout patch, or other ply repairs that are substandard and not identified by a triangular label in the immediate vicinity. A rim or ring can now be rejected if it is improperly sealed. Wheel nuts, studs, or clamps can be rejected if they are cracked, stripped or otherwise ineffective. In Section R714-162-9, the catchline has been changed from "Brakes" to "Steering Alignment and Suspension." Excessive play in the steering wheel on vehicles with power steering must be checked with the engine running. The reject criteria for steering wheel lash 19- and 21-inch steering wheels have been added. Missing spokes on a steering wheel is now a reject. Measuring with hand pressure only was added to the rejection criteria for measuring motion between any linkage member and its attachment point of more than 1/8 inch. It is a reject if one or more leaves are displaced in a manner that could result in contact with a tire, rim, brake drum, or frame. The information about lateral axle displacement after a turn has been removed. It is not a reject when there is a loose bushing in the torque or track rods. It is a reject if wheel bearing free play or kingpin looseness exceeds OEM specifications. In Section R714-162-10, the catchline has been changed from "Electrical Systems" to "Coupling Devices." The inspection of saddle mounts has been added along with conditions for rejection. In Section R714-162-11, the catchline has been changed from "Lighting System" to "Brakes." A check to ensure the vehicle is in installed with the required brakes has been added. The sentence requiring replacement of a brake ling or pad that has been contaminated has been removed. It is still a reject and would have to be replaced. Measurements on brake lining cracks have been added. It is a reject if a crack exceeds 1-1/2 inches in length, has a crack or void that exceeds 1/16 inch observable from the edge of the lining. The information about brake chambers utilizing long stroke push rods being allowed a greater maximum stroke at which brakes should be readjusted has been removed. If a rotor has an external crack or any crack that opens upon brake actuation, it is now a reject. Thermoplastic nylon brake hose wording has been removed and now indicates that if there is a color difference between the cover and inner tube, it is a

reject. The indication of a correct new pressure fitting being allowed to a brake hose has been removed. This would be acceptable, but doesn't need to be in the rule. Low pressure warning device reject criteria has been changed to include a reject if the device does not operate at 55 psi and below or 1/2 the governor cutout pressure, whichever is less. A cracked mounting bracket, brace, or adapter on a tractor protection valve or device on a power unit is now a reject. Fluid lines that are leaking, restricted, crimped, cracked or broken are no longer identified as being only hoses or tubes. In Section R714-162-12, the catchline has been changed from "Exhaust System" to "Electrical System." The example of a bungee cord as a temporary repair for battery securement has been removed. In Section R714-162-13, the catchline has been changed from "Fuel System" to "Lighting System." The statement that all original equipment lights must be operational has been removed. The requirement that, "Fog driving lights or Auxiliary Headlight(s) OEM are not white or yellow in color, or are not properly aimed to four (4) inches or less left to right and four (4) inches or less up to down or do not operate on a separate switch," has been changed. It is now a reject if "fog driving lights are not white or yellow in color or are not properly aimed or do not operate on a separate switch." It is a reject if back up lights on trailers (if present) are not white or are on when the vehicle is moving forward. It is now a reject if any required light, reflector, or retro reflective sheeting is not present, does not light properly, is not the proper height, is not the proper color, or is not in the proper location as listed in Part 393 of the Federal Motor Carrier Safety Regulations. In Section R714-162-14, the catchline has been changed from "Vehicle Interior" to "Exhaust System." It is a reject if there is any exhaust leaking at a point forward of or directly below the driver or sleeper compartment. It is a reject if the exhaust system is located where it will burn, char, or damage any electrical wiring, the fuel supply, or any combustible part of the motor vehicle. Drain holes installed by the manufacturer on an exhaust system are not a reject. It is a reject if any element of the exhaust system is not securely fastened or is secured in a manner that is likely to fail, such as securing the tail pipe with rope. It is a reject if a tailpipe is severely bent or broken. The following notice has been removed: "On some larger vehicles such as school buses, the extremely long piping system requires the use of flexible "slip" joints to allow for expansion and contraction. These are designed not to leak when warm." In Section R714-162-15, the catchline has been changed from "Vehicle Exterior" to "Fuel System." The admonition that an ASME container should be visually inspected each time it is filled has been removed. Inspectors are not necessarily the ones that fill the containers. Wording that states that a tank installed in the bed of a truck must be protected with a shield over the top and down any exposed sides has been removed. The requirement that a tank be shielded to protect it covers this. Information about a CNG fuel container being inspected after a motor vehicle accident or fire and at least every 36 months or 36,000 miles has been removed. This is the responsibility of the CNG tank inspector or owner. The safety inspector verifies the inspection for a

certified CNG tank inspector has been done. The warning about a safety inspector doing maintenance or altering an alternative fuel system has been removed. In Section R714-162-16, the catchline has been changed from "Windows and Glazing" to "Vehicle Interior." Loose or sagging frame components are now a reject. Any condition, including loading, that causes the body or frame to be in contact with a tire or any part of the wheel assemblies is now a reject. Adjustable axle assemblies or sliding sub-frames with locking pins missing or not engaged are now a reject. Information that all vehicles are required to have a working odometer in order to be registered in Utah has been removed. In Section R714-162-17, the catchline has been changed from "Safe Loading" to "Vehicle Exterior." The reject criteria for engine or transmission sagging to the point where you hear the mount bottom out has been changed to the engine or transmission is sagging to the point where the mount bottoms out. In Section R714-162-18, the catchline has been changed from "School Bus" to "Windows and Glazing." The reject criteria for a damaged windshield has been changed to reflect FMCSA standards. As noted above, the definition of the acute area of a windshield has also changed to reflect FMCSA standards. It is a reject if a crack intersects with another crack within the acute area; if there is any damage within the acute area that cannot be covered by a disc 3/4 inch in diameter, or if there is any damage in the acute area that is within three inches of any other damage in the acute area. The information regarding Federal Motor Carrier Safety Regulations no allowing front left and right side windows to be tinted darker than 70% has been removed. This is still a regulation and a reject if violated. In Section R714-162-19, the catchline is "Safe Loading." Rails, support frames, tiedown bolsters, locking pins, clevises, clamps, and hooks listed as container securement devices on intermodal equipment have been removed. The reject criteria now refers simply to container securement devices on intermodal equipment. If a vehicle does not have a front-end structure or equivalent device as required, to protect against shifting cargo, it is now a reject. In Section R714-162-20, the catchline is "School Bus". The old rule stated that an aisle that does not have the required clearance is a reject. That has been changed so that an aisle that is not clear of obstructions is a reject.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 41-6a-1601 and Section 53-8-204 and Section 53-8-205

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There may be an anticipated cost to the state budget. Additional employees, equipment, or resources for the Utah Highway Patrol Safety Inspection program are not needed to implement this rule. Some of the changes to this rule may require state-owned vehicles to be repaired because of a rejected component, which may incur an expense. Any training time needed for inspectors employed by state government to familiarize themselves with the changes to this rule may incur an expense. Any purchase of equipment needed to conduct inspections consistent with

changes to this rule may incur an expense for state government entities that inspect these types of vehicles. The cost would be based on the type of repair needed.

◆ LOCAL GOVERNMENTS: There may be an anticipated cost to local government. Some of the changes to this rule may require local government owned vehicles to be repaired because of a rejected component, which may incur an expense. Any training time needed for inspectors employed by local governments to familiarize themselves with the changes to this rule may incur an expense. Any purchase of equipment needed to conduct inspections consistent with changes to this rule may incur an expense for local governments that inspect these types of vehicles. The cost would be based on the type of repair needed.

◆ SMALL BUSINESSES: The change in the windshield damage standard may affect businesses that repair or replace windshields. Overall, the standard allows for more damage to a windshield before it is rejected. This change may decrease the number of windshields replaced by businesses engaged in auto glass repair/replacement industry. Any training time needed by employees of small businesses to familiarize themselves with the changes to this rule may incur an expense. Any purchase of equipment needed to conduct inspections consistent with changes to this rule may incur an expense for small businesses. In addition, any small business that owns a heavy truck, trailer, or bus that fails a safety inspection may incur a cost to repair the vehicle in order to register and operate the vehicle legally. The cost would be based on the type of repair needed.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Some of the changes to this rule may require a vehicle owner to eventually repair the rejected item. For example, if wheel bearing free play is beyond OEM specifications, the condition will need to be repaired before the vehicle can receive a passing safety inspection. The cost would be based on the type of repair needed.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The cost to comply with a rejected safety inspection item will depend on what was rejected.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this amendment and find that the rule change could affect businesses that own a heavy truck, trailer, or bus that fail a safety inspection and is required to be repaired before the vehicle may be registered and operated. The cost would be dependent on the type of repair necessary for passage of the vehicle inspection.

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

PUBLIC SAFETY
HIGHWAY PATROL
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY, UT 84119-5994

or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Greg Willmore by phone at 801-965-4889, or by Internet E-mail at gwillmor@utah.gov

◆ Kim Gibb by phone at 801-556-8198, by FAX at 801-964-4482, or by Internet E-mail at kgibb@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2017

THIS RULE MAY BECOME EFFECTIVE ON: 07/30/2017

AUTHORIZED BY: Steven Winward, Captain

R714. Public Safety, Highway Patrol.

[R714-162. Equipment Standards for Heavy Truck, Trailer and Bus Safety Inspections:

R714-162-1. Authority:

— This rule is authorized by Subsection 53-8-204(5).

R714-162-2. Purpose:

— The purpose of this rule is to set minimum equipment standards governing heavy truck, trailer and bus safety inspections in accordance with U.C.A. 41-6a-1601(2)(a).

R714-162-3. Inspection Procedures:

A. Initiating the inspection:

— (1) Request registration paperwork. (Vehicles may be inspected without registration paperwork.)

— (2) Verify vehicle identification number (VIN).

— (3) Write the date of inspection on the inspection affidavit.

— (4) Write owner and vehicle information on inspection affidavit.

— (5) Vehicle mileage must be recorded.

— (6) Inspectors must write their inspector number in the appropriate box. (Does not apply to on-line inspections.)

— (7) Inspectors may not sign the affidavit until the vehicle passes the vehicle inspection process.

— (8) Remove old inspection sticker.

B. Inspect Vehicle Interior:

— (1) Inspect for impaired visibility through windshield.

— (2) Inspect for adequate visibility from required mirrors.

— (3) Inspect seatbelts for proper operation.

— (4) Inspect for looseness in steering.

— (5) Inspect for play in brake pedal.

— (6) Inspect emergency brake for proper operation.

— (7) Inspect horn. (Horn must be audible at 200 feet.)

— (8) Inspect windshield wiper/washer operations.

— (9) Inspect heater/defroster operation.

C. Inspect Vehicle Exterior:

— (1) Inspect high and low beam headlights.

— (2) Inspect headlights for proper aim.

— (3) Inspect parking lights, tail lights, signal lights, brake lights, marker lights and reflectors.

- ~~_____ (4) Inspect for the proper color of lights.~~
- ~~_____ (5) Inspect tires for proper inflation, wear and damage.~~
- ~~_____ (6) Inspect body, fenders, door, hood latches and bumpers.~~
- ~~_____ (7) Inspect for broken glass.~~
- ~~_____ (8) Inspect window tinting. Measure light transmittance on front side windows and windshield.~~
- ~~_____ D. Inspect Under Hood:~~
 - ~~_____ (1) Inspect belts.~~
 - ~~_____ (2) Inspect hoses.~~
 - ~~_____ (3) Inspect power steering pump.~~
 - ~~_____ (4) Inspect wiring.~~
 - ~~_____ (5) Inspect exhaust manifold.~~
 - ~~_____ (6) Inspect master cylinder.~~
 - ~~_____ (7) Inspect for fuel leaks.~~
 - ~~_____ (8) Inspect air compressor.~~
- ~~_____ E. Inspect Suspension and Underearriage:~~
 - ~~_____ (1) Inspect wheel bearings.~~
 - ~~_____ (2) Inspect ball joints.~~
 - ~~_____ (3) Inspect tie rod ends.~~
 - ~~_____ (4) Inspect idler arms.~~
 - ~~_____ (5) Inspect shock absorbers.~~
 - ~~_____ (6) Inspect springs.~~
 - ~~_____ (7) Inspect exhaust system.~~
 - ~~_____ (8) Inspect floor pans.~~
 - ~~_____ (9) Inspect fuel system lines.~~
- ~~_____ F. Inspect Wheels and Brakes:~~
 - ~~_____ (1) Inspect for loose or missing lug nuts.~~
 - ~~_____ (2) Inspect for cracked wheels.~~
 - ~~_____ (3) Inspect pads and/or shoes.~~
 - ~~_____ (4) Inspect rotors and/or drums.~~
 - ~~_____ (5) Record brake measurements on the inspection certificate.~~
 - ~~_____ (6) Inspect for fluid leaks.~~
 - ~~_____ (7) Inspect brake hoses.~~
- ~~_____ G. Completing the Inspection:~~
 - ~~_____ (1) Inspector must sign the affidavit.~~
 - ~~_____ (2) Apply new sticker to inspected vehicle.~~

R714-162-4. Equipment Requirements.

- ~~_____ A. Tractor/Trailer/Bus Requirements:~~
 - ~~_____ (1) Hoist.~~
 - ~~_____ (2) Light Meter (2 piece approved by division)~~
 - ~~_____ (3) Hand tools (wrenches, screwdrivers, ratchets, etc.)~~
 - ~~_____ (4) Dial Indicator for measuring ball joint and suspension component tolerances.~~
 - ~~_____ (5) Tire Tread Depth Gauge.~~
 - ~~_____ (6) Current Safety Inspection Manual. A current safety inspection manual (This requirement may be met by a hard copy or a downloaded copy to a file on the station's computer from the Safety Inspection website). (Accessing the manual through the website does not meet this requirement).~~
 - ~~_____ (7) Tire Pressure Gauge.~~
 - ~~_____ (8) King Pin Gauge.~~
 - ~~_____ (9) Fifth Wheel Jaw Tester.~~
 - ~~_____ (10) Measuring Tape.~~
 - ~~_____ (11) Current School Bus Standards and Inspection Manual. (Only required if inspecting school buses.)~~
- ~~_____ B. Brake Gauges:~~

- ~~_____ (1) Bonded.~~
- ~~_____ (2) Riveted.~~
- ~~_____ (3) Disc Pad.~~
- ~~_____ (4) Rotor.~~
- ~~_____ (5) Large Drum.~~
- ~~_____ C. Tools can be purchased from any company that manufacturers these types of tools.~~

R714-162-5. Registration.

- ~~_____ A. Agreement Among Papers:~~
 - ~~_____ (1) Check vehicle registration certificate, identification number on vehicle, license plates and vehicle description for agreement. Record the manufacturer's VIN and license plate number on the safety inspection affidavit.~~
 - ~~_____ (a) Advise when:~~
 - ~~_____ (i) Paperwork disagreements are accidental or clerical in nature.~~
 - ~~_____ (b) Reject when:~~
 - ~~_____ (i) Registration certificate, identification number, license plate or vehicle description is not in agreement.~~
 - ~~_____ (ii) Vehicle Identification Number is missing or obscured.~~
 - ~~_____ (c) Verification of VIN is required on all inspections.~~
- ~~_____ B. Plate Mounting:~~
 - ~~_____ (1) If a vehicle is registered, inspect the license plate(s) to see that they are securely mounted and are clearly visible.~~
 - ~~_____ (a) Advise when:~~
 - ~~_____ (i) Plates are not securely fastened, obscured or cannot be clearly identified.~~
 - ~~_____ (ii) Plates have tinted or colored covers.~~
 - ~~_____ (iii) License plates must be visible from 100 feet.~~
 - ~~_____ (iv) Utah Apportioned plates are issued only one license plate. Truck tractors should mount the apportioned plate on the front. Trucks without trailers should mount the apportioned plate on the rear.~~

R714-162-6. Tires and Wheels.

- ~~_____ A. Rear Wheel Mudguards:~~
 - ~~_____ (1) Check vehicle for proper mudguard protection. Mudguards, flaps, or splash aprons shall be at least as wide as the tires they are protecting, be directly in line with the tires, and maintain a ground clearance of not more than 50% of the diameter of a rear axle wheel, under any conditions.~~
 - ~~_____ (a) Reject when:~~
 - ~~_____ (i) Tire tread is not fully covered by body, trailer or fender.~~
 - ~~_____ (ii) Rear tires do not have the top 50% of the tire covered by mudflaps.~~
 - ~~_____ (iii) Rear mud flaps are not as wide as the tire.~~
 - ~~_____ (b) Wheel covers, mudguards, flaps or splash aprons are not required if the motor vehicle, trailer, or semi-trailer is designed and constructed so that it meets the above requirements.~~
- ~~_____ B. Front Steering Axle Tires:~~
 - ~~_____ (1) Check tire tread depth.~~
 - ~~_____ (a) Reject when:~~
 - ~~_____ (i) Tread depth is less than 4/32 inch on steering axle tires when measured in any two adjacent major tread grooves at three equally spaced intervals around the circumference of the tire. (Do not measure on a tread wear bar.)~~
 - ~~_____ (2) Check tire condition and inflation.~~

_____ (a) Reject when:

_____ (i) Tire is cut or otherwise damaged exposing body ply or belt material through the tread or sidewall.

_____ (ii) Tire has any tread or sidewall separation.

_____ (iii) Tire is labeled for other than highway use or displaying other markings which would exclude use on a steering axle.

_____ (iv) Tire is a tube-type radial tire without radial tube stem markings. These markings include a red band around the tube stem, the word "radial" embossed in metal stems, or the word "radial" molded in rubber stems.

_____ (v) There is mixing of bias and radial tires on the same axle.

_____ (vi) Tire flap protrudes through valve slot in rim and touches stem.

_____ (vii) There are re-grooved tires on the steering axles.

_____ (viii) Tire has a boot, blowout patch or other ply repair.

_____ (ix) Weight carried exceeds tire load limit. This includes overloaded tire resulting from low air pressure.

_____ (x) Tire is flat or has noticeable leak (e.g., can be heard or felt), or are inflated to less than half (50%) of the vehicle manufacturer's recommended tire pressure.

_____ (xi) Any bus equipped with re-capped or re-treaded tire(s).

_____ (xii) So mounted or inflated that it comes in contact with any part of the vehicle.

_____ (viii) Tire is over inflated.

_____ (ix) Tire is worn to the extent secondary rubber is exposed in the tread or sidewall area.

_____ C. All other tires.

_____ (1) Check tire tread depth.

_____ (a) Reject when:

_____ (i) Tread depth is less than 2/32 when measured in any two adjacent major tread grooves at three equally spaced intervals around the circumference of the tire. Do not measure on a tread wear bar.

_____ (2) Check tire condition and inflation.

_____ (a) Reject when:

_____ (i) Weight carried exceeds tire load limit. This includes overloaded tire resulting from low air pressure.

_____ (ii) Tire is flat or has noticeable leak (e.g., can be heard or felt), or are inflated to less than half (50%) of the vehicle manufacturer's recommended tire pressure.

_____ (iii) Tire is cut or otherwise damaged exposing body ply or belt material through the tread or sidewall.

_____ (iv) Has any tread or sidewall separation.

_____ (v) So mounted or inflated that it comes in contact with any part of the vehicle. (This includes a tire that contacts its mate.)

_____ (vi) Tire is labeled for other than highway use or displaying other markings which would exclude use.

_____ (vii) Tire is worn to the extent secondary rubber is exposed in the tread or sidewall area.

_____ D. Dual Tires:

_____ (1) Check for mismatching of tire construction (i.e. radial and bias), sizes, and wear on any set of duals.

_____ (a) Reject when:

_____ (i) Tire diameter of one of the duals is not within 1/4 inch of the other on 8.25-20 and smaller, or 1/2 inch on 9.00-20 and larger.

_____ (ii) Duals are found to be in contact with any part of vehicle body or adjacent tire.

_____ E. Tire Size:

_____ (1) Check for proper tire width, size and load rating.

_____ (a) Reject when:

_____ (i) Tire width is beyond the outside of the vehicle body.

_____ (ii) Tire is not of the proper size and load rating per axle as determined by OEM specifications.

_____ F. Valve Stems:

_____ (1) Check valve stems for damage or cracks.

_____ (a) Reject when:

_____ (i) Valve stem is cracked, damaged or shows evidence of wear because of misalignment.

_____ G. Rims, Rings, Nuts, Clamps, Studs, and Wheels:

_____ (1) Check rims:

_____ (a) Reject when:

_____ (i) Rims and rings are mismatched.

_____ (ii) Rings show evidence of slippage, rust, or damage.

_____ (iii) Rims or rings are bent, sprung, cracked or otherwise damaged.

_____ (iv) There is slippage on Louisville or Dayton type wheels.

_____ (v) Wheel nuts have improper thread engagement.

_____ (vi) Wheel nuts, studs or clamps are loose, broken, damaged, missing or mismatched.

_____ (vii) Wheel rings, disc, spoke or rim type wheels show any evidence of having been repaired or re-welded.

_____ (viii) Stud holes are out of round or elongated.

_____ (ix) There are cracks between the hand holes or the stud holes in the disc.

_____ (x) Wheel casting is cracked or there is evidence of wear in the clamping area.

_____ (2) Check wheel welds.

_____ (a) Reject when:

_____ (i) Any cracks in welds attaching disc wheel disc to rim.

_____ (ii) Any crack in welds attaching tubeless demountable rim to adapter.

_____ (iii) Any welded repair on any aluminum wheel(s).

_____ (iv) Any welded repair other than disc to rim attachment on steel disc wheel(s) mounted on the steering axle.

R714-162-7. Steering Alignment and Suspension.

_____ A. Steering Wheel Lash (Free Play)

_____ (1) Check steering wheel for excessive play.

_____ (a) Reject when:

_____ (i) Steering wheel lash on a sixteen-inch diameter steering wheel exceeds two inches for manual steering or four and one-half inches for power steering.

_____ (ii) Steering wheel lash on a eighteen-inch diameter steering wheel exceeds two and one-quarter inches for manual steering or four and three-quarter inches for power steering.

_____ (iii) Steering wheel lash on a twenty-inch diameter steering wheel exceeds two and one-half inches for manual steering or five and one-quarter inches for power steering.

_____ (iv) Steering wheel lash on a twenty-two-inch diameter steering wheel exceeds two and three-quarter inches for manual steering or five and three-quarter inches for power steering.

_____ B. Steering Column:

_____ (1) Check steering column for proper functioning. Check flexible coupling in steering column (if the vehicle is so equipped) for misalignment and tightness of adjusting screw or nut.

_____ (2) Check for absence or looseness of U-bolt(s) or positioning parts.

_____ (3) Check for worn, faulty or welded repairs of universal joint(s).

_____ (4) Check for loose or improperly secured steering wheel.

_____ (a) Reject when:

_____ (i) Flexible coupling is obviously misaligned.

_____ (ii) Clamp bolt (nut) is loose or missing.

_____ (iii) There is separation of the shear capsule from bracket and general "looseness" of wheel and column, or if wheel and column can be moved as a unit.

_____ (iv) Adjustable steering wheel or tilt steering cannot be secured in a safe operating position, or if there is 3/4 inch or more of movement at the center of the steering wheel when locked in the operating position.

_____ (v) There is any absence or looseness of U-bolt(s) or positioning part(s).

_____ (vi) There are worn, faulty or welded repairs to universal joint(s).

_____ (vii) Steering wheel is not properly secured.

_____ (viii) Steering wheel has any cracks.

_____ C. Size.

_____ (1) Check size of steering wheel.

_____ (a) Reject when:

_____ (i) Steering wheel is less than 13 inches in outside diameter or is not a full circular construction.

_____ D. Front Axle Beam.

_____ (1) Check front axle beam for defects, cracks and welded repairs.

_____ (a) Reject when:

_____ (i) Kingpins are worn and show excessive movement.

_____ (ii) There are cracks, welds or any bends.

_____ (iii) Positioning parts are loose. (U-bolts, spring hangers, etc.)

_____ E. Steering Gear Box.

_____ (1) Check steering gear box for proper functioning, including loose or missing mounting bolts and any cracks in gearbox or mounting brackets.

_____ (a) Reject when:

_____ (i) Any bolt is loose or missing at the frame or mounting brackets.

_____ (ii) There are cracks in the gear box or mounting brackets.

_____ (iii) Fasteners are missing.

_____ F. Pitman Arm.

_____ (1) Check pitman arm.

_____ (a) Reject when:

_____ (i) There is any looseness of the pitman arm on the steering gear output shaft.

_____ (ii) There are any welded repairs.

_____ G. Power Steering.

_____ (1) Check the auxiliary power assist cylinder for looseness.

_____ (2) Check power steering belts for proper condition and tension.

_____ (3) Inspect power steering system including gear, hoses, hose connections, cylinders, valves, pump and pump mounting for condition, rubbing and leaks.

_____ (4) Inspect power steering reservoir for fluid level below OEM specifications.

_____ (a) Reject when:

_____ (i) Auxiliary power assist cylinder is loose.

_____ (ii) Belts are frayed or cracked and tension is not maintained.

_____ (iii) Hoses or hose connections have been rubbed by moving parts or are leaking.

_____ (iv) Cylinders, valves or pump show evidence of leakage.

_____ (v) Pump mounting parts are loose or broken.

_____ (vi) Power steering system is inoperative.

_____ (vii) Power steering fluid level is below OEM specifications.

_____ H. Ball and Socket Joints.

_____ (1) Check for any movement under the steering load of a stud nut.

_____ (2) Check for any motion, other than rotational, between any linkage member and its attachment point of more than 1/8 inch.

_____ (a) Reject when:

_____ (i) There is any movement under steering load of a stud nut.

_____ (ii) There is any motion, other than rotational, between any linkage member and its attachment point of more than 1/8 inch.

_____ I. Tie Rods and Drag links.

_____ (1) Check tie rods and drag links for loose clamp(s) or clamp bolt(s).

_____ (2) Check for loose or missing nuts on tie rods, pitman arm, drag link, steering arm or tie rod arm.

_____ (a) Advise when:

_____ (i) Tie rod grease seals are cut, torn, or otherwise damaged to the extent that lubricant will not be retained.

_____ (b) Reject when:

_____ (i) There are loose or missing clamps or bolt(s).

_____ (ii) There are worn tie rod ends.

_____ (iii) There are loose or missing nuts on tie rods, pitman arm, drag link, steering arm or tie rod arm.

_____ (iv) Any looseness is detected in any threaded joint.

_____ J. Steering System.

_____ (1) Check for any modifications or other condition that may interfere with free movement of any steering component.

_____ (a) Reject when:

_____ (i) Any modification or other condition interferes with free movement of any steering component.

_____ K. Steering Linkage, Kingpin, Springs.

_____ (1) Linkage Play- Too much free play causes wheel shimmy, erratic brake action and steering control problems. Make sure that any looseness detected is not wheel bearing free play by applying service brakes during the inspection.

_____ (2) Trucks with "I" beam, twin "I" beam, or tube type front axle- Hoist truck under axle, grasp front and rear of tire and attempt to shake assembly right and left to determine linkage looseness. Then grasp top and bottom of tire and attempt to rock in and out to determine kingpin looseness. Record movement at front and rear edge and top and bottom edge of tire. A bar for leverage may be used for heavy wheels. If the inspector uses the leverage of

a pry bar to exert pressure, he can easily force an apparent ball joint movement and get a false reading.

~~L. Leaf Spring Suspensions:~~

~~(1) Check for cracks, broken, loose, missing or sagging suspension springs. Inspect spring shackles, spring center bolts, U-bolts, clips and other attaching parts.~~

~~(2) Check for any U-bolts, spring hangers, or other axle positioning parts that are cracked, broken, loose or missing.~~

~~(a) Reject when:~~

~~(i) Springs are cracked, broken, loose, missing, separated or sagging.~~

~~(ii) Spring attaching parts are cracked, broken, loosely connected, missing, worn, or sagging.~~

~~(iii) Improper spring size and rating are utilized which do not meet or exceed OEM specifications.~~

~~(iv) U-bolts, spring hangers, or other axle positioning parts are cracked, broken, loose or missing.~~

~~(b) After a turn, lateral axle displacement is normal with some suspensions. Forward or rearward operation in a straight line should cause the axle to return to alignment.~~

~~M. All Other Suspension:~~

~~(1) Check shock absorbers.~~

~~(2) Check for broken coil springs.~~

~~(3) Check for broken torsion bar spring in a torsion bar suspension.~~

~~(4) Check for deflated air suspension, i.e., system failure, leaks.~~

~~(a) Reject when:~~

~~(i) Rubber bushings are destroyed or missing.~~

~~(ii) Mounting are loose, broken or missing.~~

~~(iii) Shock absorbers are missing or disconnected.~~

~~(iv) Shock absorbers are leaking.~~

~~(v) Coil springs are broken or missing.~~

~~(vi) Torsion bar spring is broken.~~

~~(vii) Air suspension is deflated, indicating a system failure.~~

~~(viii) Any component that is the improper size or rating or that is leaking, cracked, misaligned or broken.~~

~~N. Torque, Radius or Tracking Components:~~

~~(1) Check all torque, radius and tracking components for proper operation.~~

~~(a) Reject when:~~

~~(i) Any part of a torque, radius or tracking component assembly or any part used for attaching the same to the vehicle frame or axle is cracked, loose, broken or missing.~~

~~O. Wheel Tracking:~~

~~(1) Check wheel tracking with the front wheels in a straight-ahead position, measure the distance between the center of the front wheels to the center of the rear wheels. Compare the dimensions on the right side against the dimensions on the left side.~~

~~(a) Reject when:~~

~~(i) The dimensions between wheel centers on one side differ from the dimensions on the other side by more than one (1) inch.~~

R714-162-8. Coupling Devices:

~~A. Fifth Wheel:~~

~~(1) Check the mounting to frame.~~

~~(a) Reject when:~~

~~(i) Any fasteners are missing or ineffective.~~

~~(ii) Any movement between mounting components is detected.~~

~~(iii) Any mounting angle iron is cracked or broken.~~

~~(2) Check mounting plates and pivot brackets:~~

~~(a) Reject when:~~

~~(i) Any fasteners are missing or ineffective.~~

~~(ii) Any cracks in welds or parent metal are detected.~~

~~(iii) More than 3/8 inch horizontal movement between pivot bracket pin and bracket exists.~~

~~(iv) Pivot bracket pin missing or not secured.~~

~~(3) Check sliders:~~

~~(a) Reject when:~~

~~(i) Any latching fasteners are missing or ineffective.~~

~~(ii) Any fore or aft stops are missing or are not securely attached.~~

~~(iii) Movement more than 3/8 inch between slider bracket and slider base exists.~~

~~(iv) Any slider component is cracked in parent metal or weld.~~

~~(4) Lower coupler:~~

~~(a) Reject when:~~

~~(i) Horizontal movement between the upper and lower fifth wheel halves exceed 1/2 inch.~~

~~(ii) Operating handle not in closed or locked position.~~

~~(iii) Kingpin not properly engaged.~~

~~(iv) Separation between upper and lower coupler allows light to show through from side to side.~~

~~(v) Cracks are detected in the fifth wheel plate. Exceptions: Cracks in the fifth wheel approach ramps and any easting shrinkage cracks in the ribs of the body of a cast fifth wheel are allowed.~~

~~(vi) Locking mechanism parts are missing, broken, or deformed to the extent the kingpin is not securely held.~~

~~B. Pintle Hooks:~~

~~(1) Mounting to frame:~~

~~(a) Reject when:~~

~~(i) There are any missing or ineffective fasteners. A fastener is not considered missing if there is an empty hole in the device but no corresponding hole in the frame or vice versa.~~

~~(ii) Mounting surface cracks extend from point of attachment.~~

~~(iii) Pintle hook is loosely mounted.~~

~~(iv) Frame cross member providing pintle hook attachment is cracked.~~

~~(v) Cracks are discovered anywhere in pintle hook assembly.~~

~~(vi) Any welded repairs have been made to the pintle hook.~~

~~(vii) Any part of the horn section has been reduced by more than 20%.~~

~~C. Drawbar/Tow-Bar Eye:~~

~~(1) Check the drawbar/tow-bar eye for proper mounting.~~

~~(a) Reject when:~~

~~(i) Any cracks in attachment welds are discovered.~~

~~(ii) Any missing or ineffective fasteners are discovered.~~

~~(iii) Any cracks are discovered.~~

~~(iv) Any part of the eye is reduced by more than 20%.~~

~~D. Drawbar/Tow-Bar Tongue:~~

~~(1) Slider (power or manual). Check drawbar/tow-bar tongue for proper operation.~~

~~(a) Reject when:~~

~~(i) Latching mechanism is ineffective or disconnected.~~

~~(ii) Stops are missing or ineffective.~~

~~(iii) There is movement of more than 1/4 inch between slider and housing.~~

~~(iv) Leaks are discovered including: air, hydraulic cylinders, hoses, or chambers (other than normal oil weeping around hydraulic seals).~~

~~(2) Integrity. Check for cracks and movement of 1/4 inch between slider and housing.~~

~~(a) Reject when:~~

~~(i) Any cracks are discovered.~~

~~(ii) There is movement of 1/4 inch or more between sub-frame and drawbar at point of attachment.~~

~~E. Safety Devices.~~

~~(1) Check for missing safety devices, chains, metal wire rope, etc.~~

~~(2) Check for safety devices that are unattached or incapable of secure attachment.~~

~~(3) Check for worn chains and hooks.~~

~~(4) Check for kinked or broken cable strands and improper clamps or clamping.~~

~~(a) Reject when:~~

~~(i) Safety devices are missing.~~

~~(ii) Safety devices are unattached.~~

~~(iii) Safety devices are incapable of secure attachment.~~

~~(iv) Chains and hooks are worn to the extent of a measurable reduction in link cross section.~~

~~(v) Improper repairs are evident including welding, wire, small bolts, rope and tape.~~

~~(vi) Cable has kinked or broken cable strands.~~

~~(vii) Cable has improper clamps or clamping.~~

R714-162-9. Brakes.

~~A. Check Brake System on all vehicles.~~

~~(1) Check the service brakes for proper operation and for missing brakes when required. Check for broken, missing or loose components, brake lining air leaks in brake chambers, brake readjustment limits, mismatch across steering axle of air chamber sizes and slack adjuster length.~~

~~(2) For wedge brakes, movement on the scribe mark on the lining shall not exceed 1/16 inch.~~

~~(a) Reject when:~~

~~(i) There is absence of any braking action, on any axle required to have brakes upon application of the service brakes (such as missing brakes or brake shoe(s), failing to move upon application of a wedge, S-cam, cam or disc brake).~~

~~(ii) There are missing or broken mechanical components including: shoes, linings, pads, springs, anchor pins, spiders, cam rollers, push rods and air chamber mounting bolts.~~

~~(iii) Brake linings are contaminated with oil, grease, or brake fluid. Once a brake lining or pad has been contaminated, replacement is required.~~

~~(iv) Brake linings are broken, cracked or pads are not firmly attached to the shoe.~~

~~(v) There are loose brake components including air chambers, spiders, and cam shaft support brackets.~~

~~(vi) There are audible air leaks at brake chamber. Example- ruptured diaphragm, loose chamber clamp, etc.~~

~~(vii) Brakes are beyond adjustment limits on charts in Federal Motor Carrier Safety Regulations. Stroke shall be measured with engine off and reservoir pressure of 90 to 100 PSI with brakes fully applied. Brake chambers utilizing long stroke push rods are allowed a greater maximum stroke at which brakes should be readjusted.~~

~~(viii) Both steering and non-steering axles. Brake lining has a thickness less than 1/4 inch at the shoe center for air drum brakes, 1/16 inch or less at the shoe center for hydraulic and electric drum brakes, and less than 1/8 inch for air disc brakes.~~

~~(ix) Mismatch across any power unit steering axle of air chamber sizes or slack adjuster length.~~

~~B. Parking Brake System.~~

~~(1) Check parking brake system.~~

~~(a) Reject when:~~

~~(i) No brakes on the vehicle or combination are applied upon actuation of the parking brake control, including driveline hand controlled parking brakes.~~

~~C. Brake Drum and Rotors.~~

~~(1) Check brake drums and brake rotors for damage, wear and contamination.~~

~~(a) Reject when:~~

~~(i) Brake drum has any crack that opens upon brake application. Do not confuse short hairline heat cracks with flexural cracks.~~

~~(ii) Any portion of the brake drum or rotor is missing or in danger of falling away.~~

~~(iii) There are fluids contaminating the friction surface of either brake drum or rotor.~~

~~(iv) The inside diameter of drum measures more than discard diameter stamped on the drum. For unmarked drums refer to OEM specifications.~~

~~(v) Thickness of disc is less than the minimum thickness stamped on the disc.~~

~~D. Brake Hoses.~~

~~(1) Check brake hoses for any damage, for bulges or swelling, audible leaks and proper fittings.~~

~~(a) Reject when:~~

~~(i) Brake hoses have any damage extending through outer reinforcement ply. Rubber impregnated fabric cover is not reinforcement ply. Thermoplastic nylon may have braid reinforcement or color difference between cover and inner tube. Exposure of second color is cause for rejection.~~

~~(ii) Bulges or swelling is evident when air pressure is applied.~~

~~(iii) Any audible air leaks are present.~~

~~(iv) Two brake hoses are improperly joined. Example: a splice made by sliding the hose ends over a piece of tubing and clamping the hose to the tube. A correct new pressure fitting is allowed.~~

~~(v) Air hoses are cracked, broken or crimped.~~

~~E. Brake Tubing.~~

~~(1) Check brake tubing for any damage, leaks and general condition.~~

~~(a) Reject when:~~

~~(i) Any audible air leaks are present.~~

~~(ii) Brake tubing is cracked, damaged by heat, broken or crimped.~~

~~F. Low Pressure Warning Device.~~

~~(1) Check Low Pressure Warning Device.~~

~~(a) Reject when:~~

~~(i) Device is missing, inoperative, or does not operate at 55 PSI and below. Vehicles manufactured after March 1, 1975 must have a visual warning device.~~

~~G. Tractor Protection Valve/Device.~~

~~(1) Check tractor protection valve/device on power unit.~~

~~(a) Reject when:~~

~~(i) The tractor protection valve/device is inoperative or missing.~~

~~H. Air Brakes/Compressor.~~

~~(1) Check for proper operation and condition.~~

~~(a) Reject when:~~

~~(i) Compressor drive belts are in a condition of impending or probable failure.~~

~~(ii) Compressor mounting bolts are loose.~~

~~(iii) Pulley is cracked, broken, or loose.~~

~~(iv) Mounting brackets, braces, and adapters are loose, broken or missing.~~

~~I. Electric Brakes and Breakaway Braking Device.~~

~~(1) Check electric brakes and breakaway braking device.~~

~~(a) Reject when:~~

~~(i) There is absence of braking action on any wheel required to have brakes.~~

~~(ii) Breakaway braking device is missing or inoperable.~~

~~J. Hydraulic Brakes, including power assist over hydraulic, engine drive hydraulic booster and dual hydraulic circuits.~~

~~(1) Check hydraulic brakes, including power assists and dual hydraulic circuits for proper operation.~~

~~(a) Reject when:~~

~~(i) Master cylinder is below the add line or less than 3/4 full.~~

~~(ii) There is no pedal reserve when engine is running except by pumping pedal.~~

~~(iii) Power assist unit fails to operate.~~

~~(iv) Brake hoses are seeping or swelling under application of pressure.~~

~~(v) Check valve is missing or inoperative.~~

~~(vi) Hydraulic fluid is observed leaking from the brake system.~~

~~(vii) Hydraulic hoses are abraded (chafed) through outer cover to fabric layer.~~

~~(viii) Fluid lines (hoses or tubes) or connections are leaking, restricted, crimped, cracked or broken.~~

~~(ix) Brake failure or low fluid warning light is on and/or inoperative.~~

~~K. Vacuum Braking Systems.~~

~~(1) Check Vacuum Braking System for proper operation.~~

~~(a) Reject when:~~

~~(i) There is insufficient vacuum reserve to permit one full brake application after engine is shut off.~~

~~(ii) Vacuum hoses or lines are leaking, restricted, abraded (chafed) through outer cover to cord ply, crimped, cracked, broken or has collapse of vacuum hoses when vacuum is applied.~~

~~(iii) Low vacuum warning device is missing or inoperative.~~

~~L. Wheel Seals.~~

~~(1) Check for leaking wheel seals.~~

~~(a) Reject when:~~

~~(i) Wheel seals are leaking.~~

R714-162-10. Electrical Systems.

~~A. Horn.~~

~~(1) Check the horn to make sure that it is securely fastened and works properly.~~

~~(a) Reject when:~~

~~(i) Horn is not securely fastened.~~

~~(ii) Horn does not function properly and must be audible under normal conditions at a distance of not less than 200 feet.~~

~~B. Electrical.~~

~~(1) All switches should function properly.~~

~~(a) Advise when:~~

~~(i) Any original equipment switch fails to function as designed.~~

~~C. Electrical Wiring.~~

~~(1) Check all wiring to make sure it is not chafed, bare or contacting sharp objects.~~

~~(a) Reject when:~~

~~(i) Wiring insulation is chafed, rubbed bare, or shows any evidence of burning or short-circuiting.~~

~~D. Electrical Connections.~~

~~(1) All connectors should be tight and secure.~~

~~(a) Advise when:~~

~~(i) Connections are not tight and secure or connections are corroded.~~

~~E. Automatic/Manual Transmission Starting Switch.~~

~~(1) Check the neutral starting switch to determine the starter operates only with the gear selector in "P" or "N". A manual transmission, when originally equipped with a neutral safety switch, must only start with the clutch depressed.~~

~~(a) Reject when:~~

~~(i) Automatic or manual transmission safety starting switch is inoperative.~~

~~F. Battery Securement.~~

~~(1) Check for battery securement.~~

~~(a) Reject when:~~

~~(i) Battery is not properly secured. It shall not be secured by a temporary repair, ie: bungee cord.~~

R714-162-11. Lighting System.

~~A. All Original Equipment Lights Must be Operational.~~

~~(1) Check all lights for secure mounting, proper location, and correct color.~~

~~(a) Reject when:~~

~~(i) Lights are missing, not secured, or emitting light of improper color.~~

~~(ii) Lights are in wrong position, not operating and in the case of headlights and auxiliary lights~~

~~(iii) Headlights are not white in color, or are not properly aimed, or do not have upper and lower beams or do not measure between 22 inches and 54 inches in height when measured from the ground to the center of the low-beam headlamp.~~

— (iv) Fog driving lights or Auxiliary Headlight(s) OEM are not white or yellow in color, or are not properly aimed to four (4) inches or less left to right and four (4) inches or less up to down or do not operate on a separate switch.

— (v) Tail lights/Stop lights are not red in color, or there is not one on each side at the rear of the vehicle, or are not mounted between 15 inches to 72 inches in height when measured from the ground to the center of the bulb.

— (vi) Turn Signal Lights are not on each side of vehicle front and rear, or are not yellow or amber on the front of the vehicle, or are not red, yellow or amber on the rear of the vehicle, or switch is not capable of operation by driver or does not remain on without assistance when activated.

— (vii) Instrument Panel does not light up whenever headlights or taillights are activated, or high beam indicator does not indicated when high beam lights are on, or turn signal indicator(s) do not indicated when turn signals are in operation.

— (viii) Back-up lights are not required on trailers but if present

— (ix) Any required Clearance light, Marker Light, or Reflector is not present, or does not light properly, is not the proper height, color or in the proper location as listed in the lighting chart of the safety inspection manual. No light colors other than those described on the chart are permitted.

R714-162-12. Exhaust System.

A. Exhaust System.

— (1) Check the exhaust system to determine if there is leaking at a point forward of, or directly below the driver/sleeper compartment.

— (2) Check the bus exhaust system to determine if there is any leaking or improper discharging.

— (a) Reject when:

— (i) Gasoline powered leak at a location in excess of six (6) inches forward of the rearmost part of the bus.

— (ii) Other than gasoline powered leak at a location in excess of fifteen (15) inches forward of the rearmost part of the bus.

— (iii) Other than gasoline powered, any leak forward of a door or window designed to be opened. Exceptions: Emergency exits.

— (3) Check the exhaust system for correct location to determine that the system will not burn, char, or damage any electrical wiring, the fuel supply or any combustible part of the motor vehicle.

— (a) Reject when:

— (i) Vehicle has no muffler.

— (ii) There are loose or leaking joints.

— (iii) There are leaks of any kind on any part of the system, including at a point forward of or directly below the driver/sleeper compartment.

— (iv) Tailpipe is pinched.

— (v) Any elements of exhaust system are not securely fastened.

— (vi) There is a muffler cutout or similar device.

— (vii) Exhaust stacks are so located that an individual may be burned upon entering or leaving the vehicle at a location likely to cause damage to any electrical wiring, the fuel supply or any combustible part of the motor vehicle.

— (viii) Any part of the exhaust system passes through the occupant compartment.

— (ix) Tail pipes do not extend to or beyond the rear of the cab or passenger area.

— (x) Tail pipe must extend to outer periphery of motor homes, vans, etc.

— (xi) On some larger vehicles such as school buses, the extremely long piping system requires the use of flexible "slip" joints to allow for expansion and contraction. These are designed not to leak when warm.

R714-162-13. Fuel System.

A. Diesel/Gasoline

— (1) Check the fuel tank, fuel tank support straps, filler tube (rubber, plastic, metal), tube clamps, fuel tank vent hoses or tubes, filler housing drain, overflow tube, fuel filler.

— (a) Reject when:

— (i) There is fuel leakage at any point or there are escaping gases detected in the system.

— (ii) The fuel tank filler cap is missing.

— (iii) Any part of the system is not securely fastened or supported.

— (iv) Has physical damage to any fuel system component.

— (v) Crossover line is not protected and drops more than two (2) inches below fuel tanks.

B. Liquid Propane Gas (NFPA-58)

— (1) Check the fuel tank, fuel tank support straps, filler tube (rubber, plastic, metal), tube clamps, fuel tank vent hoses or tubes, filler housing drain, overflow tube, fuel filler cap and conversion kit installations.

— (a) Reject when:

— (i) There is fuel leakage at any point or there are escaping gases detected in the system. The mere presence of a propane odor (Ethyl Mercaptan) does not necessarily mean that a leak exists. An inspection utilizing the soap test with antifreeze must be utilized. Leaks are commonly found in the vaporizer, fuel lines, or fuel line connections.

— (ii) The fuel tank filler cap is missing. (This is the cap over the fueling receptacle, not the door to the receptacle.)

— (iii) Any part of the system is not securely fastened, supported or the tank valve is not shielded. Fuel containers shall be installed to prevent their jarring loose, and slipping or rotating. The piping system shall be designed, installed, supported, and secured in such a manner as to minimize damage due to expansion, contraction, vibration, strains and wear. Container valves, appurtenances, and connections shall be protected to prevent damage due to accidental contacts with stationary objects or from stones, mud, or ice and from damage due to an overturn or similar vehicular accident. This must be done by locating the container so that parts of the vehicle furnish the necessary protection, or by the use of a fitting guard furnished by the manufacturer of the container, or by other means to provide equivalent protection.

— (iv) Has physical damage to any fuel system component.

Containers cannot have excessive denting, bulging, gouging, or corrosion and the fuel lines cannot have any corrosion. Welding is only permitted on saddle plates, lugs, pads or brackets that are attached to the container by the container manufacturer. Some surface rust on the tank is permitted, so long as the tank paint coating is in good condition to prevent corrosion.

(v) There is any installation hazard present which may cause a potential hazard during a collision. Containers shall be located to minimize the possibility of damage to the container and its fittings. They shall not be mounted directly on roofs or ahead of the front axle or beyond the rear bumper of a vehicle. No part of a container or its appurtenances shall protrude beyond the sides or top of the vehicle. Containers located less than 18 inches from the exhaust system, the transmission, or a heat-producing component of the internal combustion engine shall be shielded by a vehicle frame member or by a noncombustible baffle with an air space on both sides of the frame member or baffle. For tanks that are installed inside a passenger compartment, they shall be installed in an enclosure that is securely mounted to the vehicle, such as a trunk which is gastight with respect to the passenger compartment and vented to the outside of the vehicle. Manual shutoff valves shall be designed to provide positive closure under service conditions and shall be equipped with an internal excess flow check valve designed to close automatically at the rated flows of vapor. The manual shutoff valve when put in the closed position shall stop all flow to and from the container and should be readily accessible without the use of tools, or other equipment. A check valve will not meet this requirement.

(vi) Vehicle does not have a weather-resistant, diamond-shaped label located on the right rear of the vehicle, identifying the vehicle as 'PROPANE' fueled vehicle.

(vii) A propane fuel tank does not have a data plate (saddle plate) present or is not legible. Any aftermarket data plates welded on the tank are not permitted. ASME (American Society of Mechanical Engineers) containers are installed permanently to vehicles and are not subject to the DOT inspection requirements. The container should be visually inspected each time it is filled. All containers fabricated to earlier editions of regulations, rules, or codes listed in NFPA 5.2.1.1 and of the Interstate Commerce Commission (ICC) Rules for Construction of Unified Pressure Vessels, prior to April 1, 1967, shall be permitted to continue to be used in accordance with Section 1.4. Containers that have been involved in a fire and show no distortion shall be re-qualified by a manufacturer of that type of cylinder or by a repair facility approved by DOT, before being used or reinstalled. Welding is only permitted on saddle plates, lugs, pads or brackets that are attached to the container by the container manufacturer.

C. Natural Gas (NFPA-52)

(1) Check the fuel tank, fuel tank support straps, filler tube (rubber, plastic, metal), tube clamps, fuel tank vent hoses or tubes, filler housing drain, overflow tube, fuel filler cap and conversion kit installations:

(a) Reject when:

(i) There is fuel leakage at any point or escaping gases are detected in the system. (Odor will be present.)

(ii) The fuel tank filler cap/cover is missing.

(iii) Any part of the system is not securely fastened, supported or shielded to prevent damage from the road hazards, slippage, loosening or rotations. Make sure that the fuel tank is not exposed or unprotected. Tanks that are installed under a vehicle may not be mounted ahead of the front axle or behind the point of attachment of the rear bumper. Tanks shall be protected from physical damage using the vehicle structure, valve protectors or a

suitable plastic or metal shield. A tank that is installed in the bed of a truck must be protected with a shield over the top and down any exposed sides. Shields shall be installed in a manner that prevents direct contact between the shield and the fuel tank. The shield shall also prevent the trapping of solid materials or liquids between the shield and tank that could damage the container or its coating.

(iv) There is any physical damage to a fuel system component.

(v) There is any installation hazard present which may cause a potential hazard during a collision. Fuel tanks shall be permitted to be located within, below, or above the driver or passenger compartment, provided all connections to the container(s) are external to, or sealed and vented from, these compartments. All tanks that are installed in the passenger compartment shall be vented to the outside of the vehicle with a boot or heavy plastic bag and shall not exit into a wheel well. Every tank and fuel line shall be mounted and braced away from the exhaust system and supported to minimize vibration and to protect against damage, corrosion, or breakage. No part of the fuel tank or its appurtenances shall protrude beyond the sides or top of any vehicle where the tanks can be struck or punctured.

(vi) Vehicle is not labeled in accordance with National Fire Protection Association Pamphlet 52. Each CNG vehicle shall be identified with a weather-resistant, diamond-shaped label located on an exterior vertical surface or near-vertical surface on the lower right rear of the vehicle (e.g., on the trunk lid of a vehicle so equipped, but not on the bumper of any vehicle) inboard from any other markings. The label shall be a minimum of 4.72 inches long by 3.27 inches high. Where a manual valve is used the valve location shall be accessible and indicated with the words "MANUAL SHUTOFF VALVE". A vehicle equipped with a CNG fuel system shall bear a label readily visible and located in the engine compartment with identification as a CNG-fueled vehicle, system service pressure, installer's name or company, container retest date(s) or expiration date and the total container water volume in gallons. There shall also be a label located at the fueling connection receptacle with identification as a CNG-fueled vehicle, system working pressure and container retest date(s) or expiration date. If both labels are located in one of the above areas, the labels shall be permitted to be combined into a single label.

(vii) A CNG fuel container is not current on its certification in accordance with FMVSS. Each CNG fuel container shall be permanently labeled and should be visually inspected after a motor vehicle accident or fire and at least every 36 months or 36,000 miles, whichever comes first, for damage and deterioration. Disassembly of the tanks protective shield is not required to verify the label on the tank; it is the vehicle owner's responsibility to provide the necessary documentation for a current CNG tank inspection. The documentation must list the vehicle make, VIN (Vehicle Identification Number) or license plate number and CNG tank certification number. LPG and LNG leaks may accumulate at ground level. Use extreme caution when around these systems. At no time shall an inspector attempt to conduct maintenance or alterations to any alternative fuel system, unless that inspector is currently certified and trained in alternative fuel conversion installations. Working around these systems is extremely dangerous and requires extensive training.

R714-162-14. Vehicle Interior.~~A. Seats and Seat Belts.~~

~~(1) Check seats for proper operation of the adjusting mechanism and to see that the seats are securely anchored to the floor.~~

~~(a) Reject when:~~

- ~~(i) Seats are not securely anchored to floor.~~
- ~~(ii) Seat adjusting mechanism slips out of set position.~~
- ~~(iii) Seat back is broken or disconnected from seat base so that it will not support a person's full weight.~~
- ~~(iv) Seat belts per OEM specifications are missing or ineffective.~~

~~(v) Seat belts are cut, torn, frayed, or otherwise damaged.~~

~~B. Floor Pan:~~

~~(1) Check floor pan in both occupant compartments and sleeper berths for rusted-out areas or holes which could permit entry of exhaust gases or which would not support occupants adequately.~~

~~(a) Reject when:~~

~~(i) Floor pan front or rear is rusted through sufficiently to cause a hazard to an occupant, or so that exhaust gases could enter the occupant area of the vehicle.~~

~~C. Frame:~~

~~(1) Check the frame (Repairs must meet OEM Specifications and FMCSA Regulation 396.17):~~

~~(a) Reject when:~~

- ~~(i) There are any broken, rusted through, or cracked frame components.~~
- ~~(ii) Frame has been cut or portions of frame have been removed affecting the strength or integrity of the frame.~~

~~(2) Check the frame for any loose, broken or missing fasteners including fasteners attaching functional components such as engine, transmission, steering gear, suspension, body parts and fifth wheel:~~

~~(a) Reject when:~~

~~(i) Frame has evidence of loose, broken or missing fasteners including fasteners attaching functional components such as engine, transmission, steering gear, suspension, body parts and fifth wheel.~~

~~D. Windshield Wipers:~~

~~(1) Check wipers for proper operation, for damaged, torn or hardened rubber elements of blades and metal parts of wiper blades or arms:~~

~~(a) Reject when:~~

~~(i) Either wiper fails to function properly. If vehicle was originally equipped with two windshield wipers, both must function properly.~~

~~(ii) Wiper blade(s) smear or streak windshield.~~

~~(iii) Wiper blade(s) show signs of physical breakdown of rubber wiping element~~

~~(iv) Parts of the wiper blades or arms are missing or damaged.~~

~~E. Windshield Washer System:~~

~~(1) Check for proper operation of hand or foot control and that an effective amount of fluid is delivered to the outside of the windshield:~~

~~(a) Reject when:~~

~~(i) System fails to function properly, i.e. fluid reservoir unable to hold fluid, cracked or broken hoses.~~

~~F. Windshield Defroster:~~

~~(1) Check the defroster for proper operation:~~

~~(a) Reject when:~~

~~(i) Defroster fan fails to function as designed.~~

~~G. Speedometer/Odometer:~~

~~(1) Check vehicle to be sure that it is equipped with the properly functioning speedometer and odometer. Although not a cause to reject, all vehicles are required to have a working odometer in order to be registered in the state of Utah.~~

~~(a) Advise when:~~

~~(i) Speedometer or odometer is not functional or is disconnected.~~

R714-162-15. Vehicle Exterior:~~A. Protruding Metal/Parts and Accessories:~~

~~(1) Check for torn metal parts, moldings, etc. that may protrude from vehicle:~~

~~(a) Reject when:~~

~~(i) Metal, molding or other loose or dislocated parts protrude from the surface of the vehicle causing a safety hazard.~~

~~(2) Check parts and accessories for proper securement.~~

~~(a) Reject when:~~

~~(i) Parts or accessories are not properly secured.~~

~~B. Bumpers:~~

~~(1) Check for condition and presence of front and rear bumpers.~~

~~(a) Reject when:~~

~~(i) Front bumper is missing, misplaced, loosely attached, broken or torn so that a portion is protruding creating a hazard.~~

~~(ii) Rear end protection (rear impact guards) is missing.~~

~~C. Fenders:~~

~~(1) Check front fenders:~~

~~(a) Reject when:~~

~~(i) Any fender has been removed or altered to such extent that it does not cover the entire width of the tire and wheel.~~

~~D. Doors:~~

~~(1) Check door latches, locks, hinges, and handles for proper operation, improper adjustment and broken or missing components. All doors must open and close tightly:~~

~~(a) Reject when:~~

~~(i) Doors are broken or hinges are sagging so that the door cannot be tightly closed.~~

~~(ii) Doors do not open properly or close tightly.~~

~~(iii) Door parts are missing, broken or sagging to the extent that the door cannot be opened and closed properly.~~

~~E. Hood/Latch:~~

~~(1) Check hood and hood latch for proper operation:~~

~~(a) Reject when:~~

~~(i) Hood is missing or hood latch does not securely hold hood in its proper fully closed position or the secondary safety catch does not function properly.~~

~~(ii) Latch release mechanism or its parts are broken, missing or badly adjusted so that the hood cannot be opened and closed properly.~~

~~F. Exterior Rearview Mirror(s):~~

~~(1) Check mirrors:~~

~~(a) Reject when:~~

~~(i) Right or left exterior mirror is loose or missing.~~

~~(ii) Mirror is difficult to adjust or will not maintain a set adjustment.~~

~~(iii) Mirror(s) extend beyond vehicle width limit (102-inches). Allowance should be made for truck tractors inspected without a trailer attached and the extra width the mirrors extend to provide rearward visibility around the trailer.~~

~~(iv) Mirror is cracked, has sharp edges, or is pitted or clouded to the extent that rear vision is obscured.~~

~~G. Motor Mounts/Transmission Mounts.~~

~~(1) Check all mount components.~~

~~(a) Advise when:~~

~~(i) Heat cracks are present.~~

~~(b) Reject when:~~

~~(i) Mount bolts or nuts are broken, loose or missing.~~

~~(ii) Rubber cushion is separated from the metal plate of the mount.~~

~~(iii) There is a split through the rubber cushion.~~

~~(iv) Engine or transmission is sagging to the point where you hear the mount bottom out or engine misalignment to the point of drive train component compromise.~~

~~(v) Fluid filled mounts are leaking (Leakage must be verified from the mount).~~

R714-162-16. Windows and Glazing.

~~A. Windshield.~~

~~(1) Windshield is required in all commercial vehicles and must have the marking AS-1, AS-10, or AS-14. Check windshield for unauthorized tinting, signs, posters or other non-transparent materials.~~

~~(a) Reject when:~~

~~(i) There is outright breakage (Glass shattered either on the inside or outside surface or glass is broken leaving sharp or jagged edges).~~

~~(ii) There are sandpits or discoloration which interferes with the driver's vision.~~

~~(iii) Windshield is missing.~~

~~(iv) Damage or repair in the acute area that is larger than one inch.~~

~~(v) Any intersecting cracks in the sweep of wiper blade on driver's side.~~

~~B. Vehicle Glazing.~~

~~(1) Check all glass for unauthorized materials or conditions that obscure driver's vision. All other glass in the vehicle must have an AS approval marking. Federal Motor Carrier Safety Regulations do not allow the front left and right side windows to be glazed/tinted darker than 70% light transmittance.~~

~~(a) Reject when:~~

~~(i) Any tint or other non-transparent material has been added to the windshield below the horizontal line four (4) inches from the top of the windshield and allows less than 70% light transmittance below AS-1 mark on upper corner of windshield.~~

~~(ii) Any tint is present and allows less than 70% light transmittance, or other non-transparent material has been added to the windows to the immediate left or right of the driver's seat.~~

~~(iii) Any windows are covered by or treated with a material which presents a metallic or mirrored appearance when viewed from the outside of the vehicle.~~

~~C. Left and Right Front Windows.~~

~~(1) Check operation of window at driver's left side. Window must open readily even though the vehicle has approved turn signals.~~

~~(a) Reject when:~~

~~(i) Driver's window cannot be opened to permit arm signals.~~

~~(ii) Driver's door glass is broken, shattered or jagged.~~

R714-162-17. Safe Loading.

~~A. Safe Loading~~

~~(1) Check load securement.~~

~~(a) REJECT when:~~

~~(i) Part(s) of a vehicle or condition of loading such that the spare tire or any part of the load or dunnage can fall onto the roadway.~~

~~(ii) Container securement devices on intermodal equipment. All devices used to secure an intermodal container to a chassis, including rails or support frames, tiedown bolsters, locking pins, clevises, clamps and hooks that are cracked, broken loose or missing.~~

R714-162-18. School Bus.

~~A. School Bus Loading Lights.~~

~~(1) Check front and rear loading lights for proper operation and condition.~~

~~(a) Advise when:~~

~~(i) Any lens is cracked or broken.~~

~~(b) Reject when:~~

~~(i) Amber or red loading light on the front or rear fails to operate.~~

~~(2) Check stop arm(s) for proper operation.~~

~~(a) Advise when:~~

~~(i) There is air leak from bellows.~~

~~(b) Reject when:~~

~~(i) Stop arm fails to extend or retract.~~

~~(ii) More than 50% of the stop arm lights are inoperative.~~

~~B. School Bus Exterior Cross View Mirror.~~

~~(1) From the driver's position, visually inspect the convex cross view mirror for a clear view of the front bumper and area in front of the bus. Inspect for stable mounting, cracks and sharp edges~~

~~(a) Reject when:~~

~~(i) Exterior cross view mirror is missing.~~

~~(ii) Mirror will not maintain a set position.~~

~~(iii) Mirror is cracked, broken, has sharp edges, is pitted or clouded to the extent vision is obscured.~~

~~C. Emergency Exits.~~

~~(1) Check emergency exit windows for proper operation.~~

~~(a) Advise when:~~

~~(i) Emergency exit window warning device does not operate, if equipped.~~

~~(b) Reject when:~~

~~(i) Emergency exit window does not open freely or completely.~~

~~(ii) Emergency exit window is obstructed.~~

~~(2) Check emergency exit doors for proper operation.~~

~~(a) Reject when:~~

~~(i) Emergency exit door warning device does not operate, if equipped.~~

~~(ii) Emergency exit door does not open freely or completely.~~

~~(iii) Emergency exit door is obstructed (Includes when retractable seat bottom does not automatically retract and stay in the retracted position).~~

~~(iv) Any emergency exit door that is equipped with a padlock or similar non-OEM locking device. (Excludes vehicles equipped with an interlock system.)~~

~~D. Tires.~~

~~(1) Check tire load rating.~~

~~(a) Reject when:~~

~~(i) Tire load rating is less than the required tire load rating on bus data plate.~~

~~E. Body Interior.~~

~~(1) Check the fire extinguisher, aisle clearance, handrails and seat/barriers.~~

~~(a) Reject when:~~

~~(i) The fire extinguisher has been discharged or is missing.~~

~~(ii) The aisle does not have the required clearance and/or the center aisle strip is missing or not secured.~~

~~(iii) The left side handrail is missing or it has a portion of that handrail that is completely unattached from its securement position, or if it does not meet or exceed the OEM specifications.~~

~~(iv) Any seat cushion or seat assembly (frame) that is completely unattached from the structure that secures it.~~

~~(v) Any seat/barrier material so defective that it compromises the integrity of occupant protection and compartmentalization.~~

~~(vi) Driver's seat fails to adjust or hold proper adjustment.~~

~~(vii) Any part of the driver's safety restraint assembly is missing, not properly installed or so defective as to prevent proper securement.~~

~~(2) Check step well, floors and panels.~~

~~(a) Reject when:~~

~~(i) Any part of the step well or support structure is damaged.~~

~~(ii) Any step well condition that would present a tripping hazard.~~

~~(iii) Floor pan or inner panels having excessive perforated areas or openings sufficient to cause a hazard to an occupant.~~

~~(iv) Any panel (ceiling, side, wheel well, etc.) protruding, having sharp edges, or not secured, that may cause injuries.~~

~~F. Body Exterior.~~

~~(1) Check body exterior.~~

~~(a) Reject when:~~

~~(i) Any school bus body part that is loose, torn, dislocated or protruding from the surface of the bus, creating a hazard.~~

~~(ii) School bus is any color other than school bus yellow.]~~

R714-162. Equipment Standards for Heavy Motor Vehicle, Trailer and Bus Safety Inspections.

R714-162-1. Authority.

This rule is authorized by Subsections 53-8-204(5) and 41-6a-1601(2).

R714-162-2. Purpose.

The purpose of this rule is to set minimum equipment standards governing heavy motor vehicle, trailer, and bus safety inspections in accordance with Sections 53-8-204 and 41-6a-1601.

R714-162-3. Definitions

(1) Terms used in this rule are found in Sections 41-1a-102, 41-6a-102, and 49 C.F.R. 571, et seq.

(2) In addition:

(a) "acute area" means the area extending upward from the height of the top of the steering wheel, excluding a 2 inch border at the top of the windshield, and a 1 inch border at each side of the windshield or windshield panel;

(b) "CNG" means compressed natural gas;

(c) "heavy motor vehicle" means any vehicle with a gross vehicle weight rating of 26,001 pounds or more, machine, tractor, trailer, or semi-trailer, propelled or drawn by mechanized power that transports passengers or property, or any combination thereof;

(d) "division" means the Vehicle Safety Inspection section of the Utah Highway Patrol;

(e) "fuel system" means the fuel tank, the fuel pump, and the necessary piping to carry the tank to the carburetor or injection system;

(f) "inspector" means a person employed by a station licensed to conduct safety inspections;

(g) "online inspection certificate" means an inspection certificate created electronically through the Vehicle Safety Inspection System;

(h) "online inspection program" means the web-based inspection program used to record safety inspections;

(i) "OEM" means original equipment manufacturer; and

(j) "paper inspection certificate" means an inspection certificate created by paper form.

R714-162-4. Incorporation of Federal Motor Vehicle Safety Standards.

This rule incorporates by reference the standards found in 49 CFR Parts 393, 396, and 396 Appendix G as the minimum standards a motor vehicle must meet to pass a safety inspection under this rule.

R714-162-5. Applicability of Rule.

This rule applies to all heavy motor vehicles, trailers, and buses.

R714-162-6. Inspection Procedures.

(1) The inspector shall complete the following tasks prior to inspecting the vehicle:

(a) collect appropriate registration paperwork;

(i) a vehicle may be inspected without registration paperwork;

(b) verify the Vehicle Identification Number;

(c) record the owner's full name and vehicle information;

(d) record the vehicle mileage;

(e) remove the old inspection sticker; and

(f) enter the inspection date and inspector number if using a paper inspection certificate.

(2) The inspector shall examine the vehicle's interior by completing the following tasks:

(a) inspect the windshield;

(b) inspect the required mirrors for adequate visibility;

(c) inspect the seatbelts for proper operation;

(d) inspect the steering system;

(e) inspect for play in the brake pedal;

(f) inspect the emergency brake for proper operation;
(g) inspect the horn;
(h) inspect the windshield wiper and washer; and
(i) inspect heater and defroster.
(3) The inspector shall examine the vehicle's exterior by completing the following tasks:
(a) inspect high and low beam headlights;
(b) inspect headlights for proper aim;
(c) inspect parking lights, tail lights, signal lights, brake lights, marker lights, and reflectors;
(d) inspect the light for proper color;
(e) inspect the tires for proper inflation, wear, and damage;
(f) inspect the body, fenders, door, hood latches, and bumpers;
(g) inspect for broken glass; and
(h) inspect the window tinting by measuring the light transmittance on the front side windows and windshield.
(4) The inspector shall examine items under the vehicle's hood by completing the following tasks:
(a) inspect belts;
(b) inspect hoses;
(c) inspect power steering pump;
(d) inspect wiring;
(e) inspect the exhaust manifold;
(f) inspect the master cylinder;
(g) inspect for fuel leaks; and
(h) inspect the air compressor.
(5) The inspector shall examine the vehicle's suspension and undercarriage by completing the following tasks:
(a) inspect wheel bearings;
(b) inspect ball joints;
(c) inspect tie rod ends;
(d) inspect idler arms;
(e) inspect shock absorbers;
(f) inspect springs;
(g) inspect the exhaust system;
(h) inspect floor pans; and
(i) inspect fuel system lines.
(6) The inspector shall examine the braking system by completing the following tasks:
(a) inspect for loose or missing lug nuts;
(b) inspect for cracked wheels;
(c) inspect pads or shoes;
(d) inspect rotors or drums;
(e) record the brake measurements on the safety inspection sticker report;
(f) inspect for fluid leaks; and
(g) inspect brake hoses.
(7) If the vehicle passes inspection, the inspector shall:
(a) sign the sticker report; and
(b) apply the new sticker to the inspected vehicle.

R714-162-7. Registration.

(1) When reviewing the vehicle registration papers, the inspector shall:
(a) check the vehicle registration certificate, vehicle identification number, license plates, and vehicle description for agreement;

(b) enter the manufacturer's vehicle identification number and license plate number into the online program or record on the safety inspection certificate if not using the online program;
(c) advise the owner when paperwork disagreements are accidental or clerical in nature; and
(d) issue a rejection inspection certificate when:
(i) the registration certificate, vehicle identification number, license plate, and vehicle description are not in agreement; or
(ii) the vehicle identification number is missing or obscured.
(e) Verify the vehicle identification number on the registration or other documents with the number on the vehicle.
(2) The inspector shall examine the vehicle's license plates and comply with the following requirements:
(a) if the vehicle is registered, verify the license plates are securely mounted and clearly visible;
(b) check to ensure the Utah Apportioned plate is properly mounted; and
(c) advise the owner when a license plate is not securely fastened, is obscured, or cannot be clearly identified.

R714-162-8. Tires and Wheels.

(1) When examining the tire and wheels of a vehicle, the inspector shall:
(a) check the vehicle for proper mudguard protection, which must be at least as wide as the tire it is protecting, be directly in line with the tire, and maintain a ground clearance of not more than 50% of the diameter of a rear axle wheel under any conditions; and
(i) issue a rejection inspection certificate when:
(A) tire tread is not fully covered by the body, trailer, or fender;
(B) rear tires do not have the top 50% of the tire covered by mudflaps; or
(C) rear mud flaps are not as wide as the tire;
(ii) Wheel covers, mudguards, flaps, or splash aprons are not required if the motor vehicle, trailer, or semi-trailer is designed and constructed to meet the requirements in Subsection R714-162-8(1)(a).
(b) check for proper tire width, size, and load rating; and
(i) issue a rejection inspection certificate when:
(A) a tire's width is beyond the outside of the vehicle body; or
(B) a tire is not of proper size and load rating per axle as determined by OEM specifications;
(c) check valve stems for damage or cracks; and
(i) issue a rejection inspection certificate when:
(A) a valve stem is cracked, damaged, or shows evidence of wear because of misalignment;
(d) check the rims; and
(i) issue a rejection inspection certificate when:
(A) rims and rings are mismatched;
(B) a ring shows evidence of slippage, rust, or damage;
(C) a rim or ring is bent, sprung, cracked, improperly sealed, or otherwise damaged;
(D) there is slippage on Louisville or Dayton type wheels;

_____ (E) wheel nuts, studs, or clamps are loose, broken, damaged, missing, mismatched, cracked, stripped, have improper thread engagement, or otherwise ineffective;

_____ (F) wheel rings, disc, spoke, or rim type wheels show any evidence of having been repaired or re-welded;

_____ (G) stud holes are out of round or elongated;

_____ (H) there are cracks between the hand holes or the stud holes in the disc; or

_____ (I) wheel casting is cracked or there is evidence of wear in the clamping area; and

_____ (e) check the wheel welds; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) there are any cracks in welds attaching wheel disc to rim;

_____ (B) there are any cracks in welds attaching tubeless demountable rim to the adapter;

_____ (C) there are any welded repairs on any aluminum wheels; or

_____ (D) there are any welded repairs other than disc to rim attachment on steel disc wheels mounted on the steering axle.

_____ (2) When examining the front steering axle tires of a vehicle, the inspector shall:

_____ (a) check tire tread depth, which may not be measured on the tread wear bar; and

_____ (i) issue a rejection inspection certificate when tread depth is less than 4/32 inch on steering axle tires when measured in any two adjacent major tread grooves at three equally spaced intervals around the circumference of the tire; and

_____ (b) check tire condition and inflation; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) a tire is cut or otherwise damaged, exposing body ply or belt material through the tread or sidewall;

_____ (B) a tire has any tread or sidewall separation;

_____ (C) a tire is labeled for other than highway use or displaying other markings that would exclude use on a steering axle;

_____ (D) a tire is a tube-type radial tire without radial tube stem markings, which include a red band around the tube stem, the word "radial" embossed in metal stems, or the word "radial" molded in rubber stems;

_____ (E) there is mixing of bias and radial tires on the same axle;

_____ (F) a tire flap protrudes through the valve slot in rim and touches the stem;

_____ (G) There are re-grooved tires on the steering axle;

_____ (H) a tire has a boot, blowout patch, or other ply repairs;

_____ (I) the weight carried exceeds the tire load limit, including an overloaded tire resulting from low air pressure;

_____ (J) a tire is flat, has noticeable leak, or is inflated to less than 50% of the vehicle manufacturer's recommended tire pressure;

_____ (K) a tire is mounted or inflated so that it comes in contact with any part of the vehicle;

_____ (L) a tire is over inflated;

_____ (M) a tire is worn to the extent secondary rubber is exposed in the tread or sidewall area; or

_____ (N) if the vehicle is a bus and is equipped with a re-capped or re-treaded tire.

_____ (3) When examining tires other than the front steering axle tires of a vehicle, the inspector shall:

_____ (a) check the tire tread depth, which may not be measured on the tread wear bar; and

_____ (i) issue a rejection inspection certificate when tread depth is less than 2/32 inch in any two adjacent major tread grooves at three equally spaced intervals around the circumference of the tire; and

_____ (b) check the tire condition and inflation; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) the weight carried exceeds the tire load limit, including an overloaded tire resulting from low air pressure;

_____ (B) a tire is flat, has noticeable leak, or is inflated to less than 50% of the vehicle manufacturer's recommended tire pressure;

_____ (C) a tire is cut or otherwise damaged, exposing body ply or belt material through the tread or sidewall;

_____ (D) a tire has any tread or sidewall separation;

_____ (E) a tire is mounted or inflated so that it comes in contact with any part of the vehicle, including a tire that contacts its mate;

_____ (F) a tire is labeled for other than highway use or displays other markings that would exclude its use; or

_____ (G) a tire is worn to the extent secondary rubber is exposed in the tread or sidewall area.

_____ (4) When examining the dual tires of a vehicle, if equipped, the inspector shall:

_____ (a) check for mismatching of tire construction, such as radial and bias, sizes, and wear on any set of duals; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) the tire diameter of one of the duals is not within 1/4 inch of the other on 8.25-20 and smaller, or 1/2 inch on 9.00-20 and larger;

_____ (B) the dual tires are in contact with any part of vehicle body or adjacent tire; or

_____ (C) a tire has a boot, blowout patch, or other ply repairs that are sub-standard and not identified by a triangular label in the immediate vicinity.

R714-162-9. Steering Alignment and Suspension.

_____ (1) When examining the steering system of a vehicle, the inspector shall:

_____ (a) check the steering wheel for excessive play, which must be checked with the engine running on vehicles with power steering; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) steering wheel lash on a 16 inch diameter steering wheel exceeds 2 inches for manual steering or 4-1/2 inches for power steering;

_____ (B) the steering wheel lash on an 18 inch diameter steering wheel exceeds 2-1/4 inches for manual steering or 4-3/4 inches for power steering;

_____ (C) the steering wheel lash on a 19 inch diameter steering wheel exceeds 2-3/8 inches for manual steering or 5 inches for power steering;

_____ (D) the steering wheel lash on a 20 inch diameter steering wheel exceeds 2-1/2 inches for manual steering or 5-1/4 inches for power steering;

_____ (E) the Steering wheel lash on a 21 inch diameter steering wheel exceeds 2-5/8 inches for manual steering or 5-1/2 inches for power steering; or

(F) the steering wheel lash on a 22 inch diameter steering wheel exceeds 2-3/4 inches for manual steering or 5-3/4 inches for power steering;

(b)(i) check:

(A) the steering column for proper functioning;

(B) flexible coupling in the steering column, if equipped, for misalignment and tightness of the adjusting screw or nut;

(C) for absence or looseness of U-bolts or positioning parts;

(D) for worn, faulty, or welded repairs of universal joints; and

(E) for a loose or improperly secured steering wheel; and

(ii) Issue a rejection inspection certificate when:

(A) flexible coupling is obviously misaligned;

(B) a clamp bolt or nut is loose or missing;

(C) there is separation of the shear capsule from bracket and general looseness of wheel and column, or if the wheel and column can be moved as a unit;

(D) an adjustable steering wheel or tilt steering cannot be secured in a safe operating position, or if there is 3/4 inch or more movement at the center of the steering wheel when locked in the operating position;

(E) there is any absence or looseness of a U-bolt or positioning part;

(F) there are worn, faulty, or welded repairs to universal joints; or

(G) the steering wheel is not properly secured, is cracked, or has spokes missing;

(c) check the size of steering wheel; and

(i) issue a rejection inspection certificate when the steering wheel is less than 13 inches in outside diameter or is not a full circular construction;

(d) check the front axle beam for defects, cracks, and welded repairs; and

(i) issue a rejection inspection certificate when:

(A) a kingpin is worn and shows excessive movement;

(B) there are cracks, welds, or any bends; or

(C) a positioning part is loose such as a U-bolt or spring hanger;

(e) check the steering gear box for proper functioning;

and

(i) issue a rejection inspection certificate when:

(A) a bolt is loose or missing at the frame or mounting brackets;

(B) there are cracks in the gear box or mounting brackets;

or

(C) fasteners are missing;

(f) check the pitman arm; and

(i) issue a rejection inspection certificate when:

(A) there is any looseness of the pitman arm on the steering gear output shaft; or

(B) there are any welded repairs;

(g)(i) check:

(A) the auxiliary power assist cylinder for looseness, if the vehicle is equipped with power steering;

(B) the power steering belts for proper condition and tension, if the vehicle is equipped with power steering;

(C) the power steering system, including gear, hoses, hose connections, cylinders, valves, pump, and pump mounting for

condition, rubbing, and leaks, if the vehicle is equipped with power steering; and

(D) the power steering reservoir for fluid level below OEM specifications, if the vehicle is equipped with power steering; and

(ii) issue a rejection inspection certificate when:

(A) the auxiliary power assist cylinder is loose;

(B) a power steering belt is frayed or cracked and tension is not maintained;

(C) a Hose or hose connection has been rubbed by moving parts or is leaking;

(D) any cylinder, valve, or pump shows evidence of leakage;

(E) a pump mounting part is loose or broken;

(F) the power steering system is inoperative, if the vehicle is equipped with power steering; or

(G) the power steering fluid level is below OEM specifications;

(h)(i) check ball and socket joints for any:

(A) movement under the steering load of a stud nut; or

(B) motion, other than rotational, between any linkage member and its attachment point of more than 1/8 inch; and

(ii) issue a rejection inspection certificate when there is any:

(A) movement under steering load of a stud nut; or

(B) motion, other than rotational, between any linkage member and its attachment point of more than 1/8 inch measured with hand pressure only;

(i)(i) check:

(A) tie rods and drag links for a loose clamp or clamp bolt; and

(B) for loose or missing nuts on tie rods, pitman arm, drag link, steering arm, or tie rod arm; and

(ii) advise the owner when:

(A) tie rod grease seals are cut, torn, or otherwise damaged to the extent that lubricant will not be retained; and

(iii) issue a rejection inspection certificate when:

(A) there is a loose or missing clamp or bolt;

(B) there are worn tie rod ends;

(C) there are loose or missing nuts on tie rods, pitman arm, drag link, steering arm or tie rod arm; or

(D) looseness is detected in a threaded joint;

(j) check for any modifications or other condition that may interfere with free movement of any steering component; and

(i) issue a rejection inspection certificate when:

(A) any modification or other condition interferes with free movement of any steering component; and

(k) check the steering linkage, kingpin, and springs and ensure that any looseness detected is not wheel bearing free play by applying service brakes during the inspection; and

(i) issue a rejection inspection certificate when:

(A) wheel bearing free play exceeds OEM specifications; or

(B) kingpin looseness exceeds OEM specifications.

(2) When examining a vehicle's leaf spring suspensions, the inspector shall:

(a) check:

(i) for cracked, broken, loose, missing, or sagging suspension springs;

_____ (ii) spring shackles, spring center bolts, U-bolts, clips, and other attaching parts; and

_____ (iii) for any U-bolts, spring hangers, or other axle positioning parts that are cracked, broken, loose, or missing; and

_____ (b) issue a rejection inspection certificate when:

_____ (i) springs are cracked, broken, loose, missing, separated, or sagging;

_____ (ii) spring attaching parts are cracked, broken, loosely connected, missing, worn, or sagging;

_____ (iii) one or more leaves are displaced in a manner that could result in contact with a tire, rim, brake drum, or frame;

_____ (iv) an improper spring size and rating is utilized and does not meet or exceed OEM specifications; or

_____ (v) U-bolts, spring hangers, or other axle positioning parts are cracked, broken, loose, or missing resulting.

_____ (3) When examining all other suspension mechanisms of the vehicle, the inspector shall:

_____ (a) check:

_____ (i) shock absorbers;

_____ (ii) coil springs;

_____ (iii) torsion bar spring in a torsion bar suspension; and

_____ (iv) air suspension; and

_____ (d) issue a rejection inspection certificate when:

_____ (i) rubber bushings are destroyed or missing;

_____ (ii) a mounting is loose, broken, or missing;

_____ (iii) shock absorbers are missing or disconnected;

_____ (iv) shock absorbers are leaking;

_____ (v) coil springs are broken or missing;

_____ (vi) torsion bar spring is broken;

_____ (vii) air suspension is deflated, indicating a system failure;

_____ (viii) any component is the improper size or rating; or

_____ (ix) any component is leaking, cracked, misaligned or broken.

_____ (4) When examining the following items related to the vehicle's torque, radius, and tracking components, the inspector shall:

_____ (a) check all torque, radius, and tracking components for proper operation; and

_____ (b) issue a rejection inspection certificate when any part of a torque, radius, or tracking component assembly, or any part used for attaching the same to the vehicle frame or axle is cracked, loose, broken, or missing, except when it is a loose bushing in the torque or track rods.

_____ (5) When examining a vehicle's wheel tracking, the inspector shall:

_____ (a) check wheel tracking with the front wheels in a straight-ahead position, measure the distance between the center of the front wheels to the center of the rear wheels, and compare the dimensions on the right side against the dimensions on the left side; and

_____ (b) issue a rejection inspection certificate when the dimensions between wheel centers on one side differ from the dimensions on the other side by more than one inch.

R714-162-10. Coupling Devices.

_____ (1) When examining a fifth wheel coupling device, the inspector shall:

_____ (a) check the mounting to frame; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) a fastener is missing or ineffective;

_____ (B) any movement between mounting components is detected; or

_____ (C) a mounting angle iron is cracked or broken;

_____ (b) check mounting plates and pivot brackets; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) a fastener is missing or ineffective;

_____ (B) any cracks in welds or parent metal are detected;

_____ (C) more than 3/8 inch horizontal movement between the pivot bracket pin and bracket exists; or

_____ (D) a pivot bracket pin is missing or not secured;

_____ (c) check sliders; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) a latching fastener is missing or ineffective;

_____ (B) a fore or aft stop is missing or is not securely attached;

_____ (C) there is any movement more than 3/8 inch between the slider bracket and slider base; or

_____ (D) a slider component is cracked in the parent metal or weld;

_____ (d) check the lower coupler; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) horizontal movement between the upper and lower fifth wheel halves exceeds 1/2 inch;

_____ (B) the operating handle is not in a closed or locked position;

_____ (C) the kingpin is not properly engaged;

_____ (D) separation between upper and lower coupler allows light to show through from side to side;

_____ (E) a crack is detected in the fifth wheel plate, unless it is a crack in the fifth wheel approach ramps or a casting shrinkage crack in the ribs of the body of a cast fifth wheel; or

_____ (F) a locking mechanism part is missing, broken, or deformed to the extent the kingpin is not securely held.

_____ (2) When examining a pintle hooks coupling device, the inspector shall:

_____ (a) check the pintle hooks for proper mounting to the frame; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) there is a missing or ineffective fastener, except a fastener is not considered missing if there is an empty hole in the device but no corresponding hole in the frame or vice versa;

_____ (B) a mounting surface crack extends from point of attachment;

_____ (C) a pintle hook is loosely mounted;

_____ (D) the frame cross member providing the pintle hook attachment is cracked;

_____ (E) a crack is discovered anywhere in the pintle hook assembly;

_____ (F) any welded repairs have been made to the pintle hook;

_____ (G) any part of the horn section has been reduced by more than 20%; or

_____ (H) the pintle hook latch is not secure.

_____ (3) When examining a drawbar or tow-bar eye coupling device, the inspector shall:

_____ (a) check the drawbar or tow-bar eye for proper mounting; and

(i) issue a rejection inspection certificate when:
(A) a crack in an attachment weld is present;
(B) a missing or ineffective fastener is present;
(C) a crack is present; or
(D) any part of the eye is reduced by more than 20%.
(4) When examining a drawbar or tow-bar tongue coupling device, the inspector shall:
(a) check the drawbar or tow-bar tongue on a power or manual slider for proper operation; and
(i) issue a rejection inspection certificate when:
(A) the latching mechanism is ineffective or disconnected;
(B) a stop is missing or ineffective;
(C) there is movement of more than 1/4 inch between the slider and housing; or
(D) there is a leak, other than normal oil weeping around the hydraulic seals, including air, hydraulic cylinders, hoses, or chambers; and
(b) check for cracks and movement of 1/4 inch between the slider and housing; and
(i) issue a rejection inspection certificate when:
(A) a crack is discovered; or
(B) there is movement of 1/4 inch or more between sub-frame and drawbar at point of attachment.
(5) When examining all coupling safety devices, the inspector shall:
(a) check for:
(i) missing safety devices such as chains, metal wire, and rope;
(ii) safety devices that are unattached or incapable of secure attachment;
(iii) worn chains and hooks; and
(iv) kinked or broken cable strands and improper clamps or clamping;
(b) issue a rejection inspection certificate when:
(i) a safety device is missing;
(ii) a safety device is unattached;
(iii) a safety device is incapable of secure attachment;
(iv) a chain and hook are worn to the extent of a measurable reduction in link cross section;
(v) improper repairs are evident such as welding, wire, small bolts, rope, or tape;
(vi) a cable is kinked or has broken cable strands; or
(vii) a cable has improper clamps or clamping; and
(c) check the saddle-mounts for the method of attachment; and
(i) issue a rejection inspection certificate when:
(A) a fastener is missing or ineffective;
(B) a mounting is loose;
(C) a stress or load bearing member is cracked or broken;
or
(D) horizontal movement between upper and lower saddle-mounts exceeds 1/4 inch.

R714-162-11. Brakes.

(1) When examining the brake system of a vehicle, the inspector shall:
(a) check to ensure that the vehicle is installed with the required brakes;

(b) check the service brakes for proper operation;
(c) check for broken, missing, or loose components, brake lining air leaks in the brake chambers, brake readjustment limits, mismatch across the steering axle of air chamber sizes, and slack adjuster length;
(d) check wedge brakes for movement on the scribe that exceeds 1/16 inch; and
(e) issue a rejection inspection certificate when:
(i) there is absence of any braking action on any axle required to have brakes upon application of the service brakes such as missing brakes or brake shoes, failing to move upon application of a wedge, S-cam, cam, or disc brake;
(ii) there are missing or broken mechanical components such as shoes, linings, pads, springs, anchor pins, spiders, cam rollers, push rods, or air chamber mounting bolts;
(iii) a brake lining is contaminated with oil, grease, or brake fluid;
(iv) a brake lining is broken, has a crack that exceeds 1-1/2 inch in length, has a crack or void that exceeds 1/16 inch observable from the edge of the lining, or a pad or lining is not firmly attached to the shoe;
(v) there are loose brake components such as air chambers, spiders, and cam shaft support brackets;
(vi) there is an audible air leak at the brake chamber, including a ruptured diaphragm or loose chamber clamp;
(vii) a brake is beyond adjustment limits listed in tables or instructions in the Federal Motor Carrier Safety Regulations;
(viii) a brake lining has a thickness less than 1/4 inch at the shoe center for air drum brakes, 1/16 inch or less at the shoe center for hydraulic and electric drum brakes, and less than 1/8 inch for air disc brakes on either the steering or non-steering axles; or
(ix) there is a mismatch across any power unit steering axle of air chamber sizes or slack adjuster length;
(e) check the parking brake system; and
(i) issue a rejection inspection certificate when the brakes on the vehicle or combination are not applied upon actuation of the parking brake control, including the driveline hand controlled parking brakes;
(f) check brake drums and brake rotors for damage, wear, and contamination; and
(i) issue a rejection inspection certificate when:
(A) any portion of the brake drum or rotor has any external crack or has any crack that opens upon brake application, except for short hairline heat check cracks;
(B) any portion of the brake drum or rotor is missing or is in danger of falling away;
(C) there are fluids contaminating the friction surface of either the brake drum or rotor;
(D) the inside diameter of the drum measures more than the discard diameter stamped on the drum or more than OEM specifications if drum is unmarked; or
(E) the thickness of a disc is less than the minimum thickness stamped on the disc.
(f) check the brake hoses for any damage, bulges or swelling, audible leaks, and proper fittings; and
(i) issue a rejection inspection certificate when:
(A) a brake hose has any damage extending through the outer reinforcement ply;

_____ (B) there is color difference between cover and inner tube;

_____ (C) bulges or swelling are evident when air pressure is applied;

_____ (D) there are any audible air leaks;

_____ (E) two brake hoses are improperly joined, such as a splice made by sliding the hose ends over a piece of tubing and clamping the hose to the tube; or

_____ (F) an air hose is cracked, broken or crimped;

_____ (g) check brake tubing for any damage, leaks, and general condition; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) there are any audible air leaks; or

_____ (B) any brake tubing is cracked, damaged by heat, broken, or crimped;

_____ (h) check the low pressure warning device; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) the low pressure warning device is missing, inoperative, does not operate at 55 PSI and below or 1/2 the governor cutout pressure, whichever is less, on a vehicle manufactured after March 1, 1975; or

_____ (B) the vehicle does not have a visual warning device, if manufactured after March 1, 1975;

_____ (i) check the tractor protection valve or device on the power unit; and

_____ (i) issue a rejection inspection certificate when the tractor protection valve or device is inoperative or missing.;

_____ (j) check air brakes and compressor for proper operation and condition; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) compressor drive belts are in a condition of impending or probable failure;

_____ (B) compressor mounting bolts are loose;

_____ (C) pulley is cracked, broken, or loose; or

_____ (D) a mounting bracket, brace, or adapter is loose, cracked, broken, or missing;

_____ (k) check electric brakes and breakaway braking device; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) there is absence of braking action on any wheel required to have brakes; or

_____ (B) breakaway braking device is missing or inoperable;

_____ (l) check hydraulic brakes, including power assist over hydraulic, engine drive hydraulic booster and dual hydraulic circuits for proper operation; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) The master cylinder is below the add line or less than 3/4 full;

_____ (B) there is no pedal reserve when the engine is running except by pumping the pedal;

_____ (C) the power assist unit fails to operate;

_____ (D) a brake hose is seeping or swelling under application of pressure;

_____ (E) the check valve is missing or inoperative;

_____ (F) hydraulic fluid is observed leaking from the brake system;

_____ (G) a hydraulic hose is abraded (chafed) through the outer cover to the fabric layer;

_____ (H) fluid lines or connections are leaking, restricted, crimped, cracked, or broken; or

_____ (I) brake failure or low fluid warning light is on or inoperative;

_____ (m) check the Vacuum Braking System for proper operation.

_____ (i) issue a rejection inspection certificate when:

_____ (A) there is insufficient vacuum reserve to permit one full brake application after the engine is shut off;

_____ (B) a vacuum hose or line is leaking, restricted, abraded (chafed) through the outer cover to the cord ply, crimped, cracked, broken, or collapsed when vacuum is applied; or

_____ (C) the low-vacuum warning device is missing or inoperative; and

_____ (n) check for leaking wheel seals; and

_____ (i) issue a rejection inspection certificate when a wheel seal is leaking.

R714-162-12. Electrical System.

_____ (I) When examining the electrical system of a vehicle, the inspector shall:

_____ (a) check the horn to ensure it is securely fastened and works properly; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) the horn is not securely fastened; or

_____ (B) the horn does not function properly and is not audible under normal conditions at a distance of at least 200 feet;

_____ (b) check to ensure all switches function properly; and

_____ (i) advise the owner when any original equipment switch fails to function as designed;

_____ (c) check all wiring to make sure it is not chafed, bare, or contacting sharp objects; and

_____ (i) issue a rejection inspection certificate when wiring insulation is chafed, rubbed bare, or shows any evidence of burning or short-circuiting;

_____ (d) check to ensure all electrical connectors are tight and secure; and

_____ (i) advise the owner when connections are not tight and secure or connections are corroded;

_____ (e) check:

_____ (i) the neutral starting switch on an automatic transmission to determine whether the starter operates only with the gear selector in "P" or "N"; or

_____ (ii) a manual transmission, if originally equipped with a neutral safety switch, to determine if the vehicle only starts with the clutch depressed; and

_____ (iii) issue a rejection inspection certificate when the automatic or manual transmission safety starting switch is inoperative; and

_____ (f) check for battery securement; and

_____ (i) issue a rejection inspection certificate when the battery is not properly secured, or a temporary repair is present.

R714-162-13. Lighting System.

_____ (I) When examining the lighting system of a vehicle, the inspector shall:

_____ (a) check all lights for secure mounting, proper location, and correct color; and

(i) issue a rejection inspection certificate when:
(A) a light is missing, not secured, or emitting light of improper color;
(B) a light is in wrong position or not operating;
(C) a headlight is not the color white, not properly aimed, lacks upper and lower beams, or does not measure between 22 inches and 54 inches in height when measured from the ground to the center of the low-beam headlamp;
(D) fog driving lights are not white or yellow in color or are not properly aimed or do not operate on a separate switch;
(E) a tail light or stop light is not the color red, is not present on each side at the rear of the vehicle, or is not mounted between 15 inches to 72 inches in height when measured from the ground to the center of the bulb;
(F) a turn signal light is not on each side of the vehicle front and rear, is not the color yellow or amber on the front of the vehicle, is not the color red, yellow, or amber on the rear of the vehicle, or the signal switch is not capable of operation by the driver or does not remain on without assistance when activated;
(G) the instrument panel does not illuminate whenever headlights or taillights are activated, the high beam indicator does not indicate when high beam lights are on, or a turn signal indicator does not indicate when turn signals are in operation;
(H) the back-up lights on trailers, when present, are not white or are on when the vehicle is moving forward; or
(I) any required light, reflector, or retro reflective sheeting is not present, does not light properly, is not the proper height, is not the proper color, or is not in the proper location as listed in Part 393 of the Federal Motor Carrier Safety Regulations.

R714-162-14. Exhaust System.

(1) When examining the exhaust system of a vehicle, the inspector shall:
(a) check the exhaust system to determine if there is any leaking at a point forward of or directly below the driver or sleeper compartment; and
(i) issue a rejection inspection certificate when there is any leaking at a point forward of or directly below the driver or sleeper compartment;
(b) check the bus exhaust system to determine if there is any improper leaking or discharging; and
(i) issue a rejection inspection certificate when:
(A) there is a leak or discharge at any location in excess of six inches forward of the rearmost part of the bus, if the bus is gasoline powered;
(B) there is a leak or discharge at any location in excess of 15 inches forward of the rearmost part of the bus, if the bus is powered by anything other than gasoline; or
(C) there is any leak or discharge forward of a door or window designed to be opened, except for emergency exits, if the vehicle is powered by anything other than gasoline;
(c) check the exhaust system for the correct location; and
(i) issue a rejection inspection certificate when:
(A) the system will burn, char, or damage any electrical wiring, the fuel supply, or any combustible part of the motor vehicle;
(B) the vehicle has no muffler;
(C) there are loose or leaking joints;

(D) there are leaks, excluding drain holes installed by the manufacturer, of any kind on any part of the system;
(E) the tailpipe is pinched;
(F) any element of exhaust system is not securely fastened or is secured in a manner that is likely to fail, such as securing the tail pipe with rope;
(G) the vehicle is installed with a muffler cutout or similar device;
(H) exhaust stacks are located in a position in which an individual may be burned upon entering or leaving the vehicle, or in a location likely to cause damage to any electrical wiring, fuel supply, or any combustible part of the motor vehicle;
(I) any part of the exhaust system passes through the occupant compartment;
(J) a tail pipe does not extend to or beyond the rear of the cab or passenger area or is severely bent or broken; or
(K) a tail pipe does not extend to outer periphery of a motor home or van.

R714-162-15. Fuel System.

(1) If the fuel system uses diesel or gasoline, the inspector shall:
(a) check the fuel tank, fuel tank support straps, filler tube, tube clamps, fuel tank vent hoses or tubes, filler housing drain, overflow tube, and fuel filler; and
(i) issue a rejection inspection certificate when:
(A) there is fuel leakage at any point or there are escaping gases detected in the system;
(B) the fuel tank filler cap is missing;
(C) any part of the system is not securely fastened or supported;
(D) there is physical damage to any fuel system component; or
(E) the crossover line is not protected and drops more than two inches below fuel tanks.
(2) If the fuel system uses liquid propane gas, the inspector shall:
(a) check the fuel tank, fuel tank support straps, filler tube, tube clamps, fuel tank vent hoses or tubes, filler housing drain, overflow tube, fuel filler cap, and conversion kit installations;
(b) check for leaks by using the soap test with antifreeze;
(c) check that the fuel container is installed in a way to prevent it from jarring loose, slipping, or rotating;
(d) check that containers are located to minimize the possibility of damage to the container and its fittings;
(e) check that containers located less than 18 inches from the exhaust system, the transmission, or a heat-producing component of the internal combustion engine are shielded by a vehicle frame member or by a noncombustible baffle with an air space on both sides of the frame member or baffle;
(f) check that the piping system is installed, supported, and secured in such a manner as to minimize damage due to expansion, contraction, vibration, strains, and wear. Protection to the piping system may be achieved by parts of the vehicle furnishing the necessary protection, a fitting guard furnished by the manufacturer of the container, or by other means to provide equivalent protection;

(g) check that container valves, appurtenances, and connections are protected to prevent damage from accidental contact with stationary objects or from stones, mud, ice, and from damage from the vehicle's overturn or similar accident;

(h) for a tank installed inside a passenger compartment, check that it is installed in an enclosure that is securely mounted to the vehicle, such as a trunk which is gas-tight with respect to the passenger compartment and is vented to the outside of the vehicle; and

(i) check that manual shutoff valves provide positive closure under service conditions, are equipped with an internal excess-flow check valve designed to close automatically at the rated flows of vapor, stop all flow to and from the container when put in the closed position, and are readily accessible without the use of tools or other equipment. A check valve will not meet this requirement; and

(j) issue a rejection inspection certificate when:

(i) there is fuel leakage at any point or there are escaping gases detected in the system;

(ii) the fuel tank filler cap is missing, which is the cap over the fueling receptacle, not the door to the receptacle;

(iii) any part of the system is not securely fastened, supported, or the tank valve is not shielded;

(iv) there is physical damage, such as excessive denting, corrosion, bulging, or gouging to any fuel system component;

(v) the fuel lines have any corrosion;

(vi) welding is present, with the exception of being on saddle plates, lugs, pads or brackets that are attached to the container by the container manufacturer;

(vii) excessive surface rust on the tank or tank paint coating is in poor condition;

(viii) there is any installation hazard present that may cause a potential hazard during a collision;

(ix) a container is mounted directly on roofs or ahead of the front axle or beyond the rear bumper of a vehicle;

(x) a container or its appurtenance protrudes beyond the sides or top of the vehicle;

(xi) the vehicle does not have a weather-resistant, diamond shaped label located on the right rear of the vehicle identifying the vehicle as a "PROPANE" fueled vehicle;

(xii) a data plate, or saddle plate, is not present or is not legible on a propane tank;

(xiii) any aftermarket data plates are welded on the tank;

or

(xiv) a check valve is used for a manual shutoff valve.

(3) American Society of Mechanical Engineers, or ASME containers are installed permanently to vehicles and are not subject to the DOT inspection requirements.

(4) All liquefied propane gas containers fabricated to earlier editions of regulations, rules, or codes listed in NFPA 5.2.1.1 and of the Interstate Commerce Commission Rules for Construction of Unified Pressure Vessels, prior to April 1, 1967, shall be permitted to continue to be used in accordance with Section 1.4 of NFPA.

(5) Containers that have been involved in a fire and show no distortion shall be re-qualified by a manufacturer of that type of cylinder or by a repair facility approved by DOT, before being used or reinstalled.

(6) When inspecting a fuel system that uses either CNG or liquefied natural gas, the inspector shall:

(a) check the fuel tank, fuel tank support straps, filler tube, tube clamps, fuel tank vent hoses or tubes, filler housing drain, overflow tube, fuel filler cap, and conversion kit installations;

(b) check the tank to verify it is protected from physical damage using the vehicle structure, valve protectors or a suitable plastic or metal shield;

(c) check that fuel tank shields do not have direct contact with fuel tanks and prevent trapping of materials that could damage the tanks or its coatings;

(d) for fuel tanks installed above, below, or within the passenger compartment, check to verify connections are external or sealed and vented from the compartment.

(e) for fuel tanks installed within the passenger compartment, check to verify tanks are vented to the outside of the vehicle with a boot or heavy plastic bag and shall not exit into a wheel well;

(f) check tanks and fuel lines to verify mounting and bracing is away from the exhaust system and supported to minimize vibration and to protect against damage, corrosion, or breakage.

(g) check for identification with a weather-resistant, diamond-shaped label located on an exterior vertical surface or near-vertical surface on the lower right rear of the vehicle, excluding the bumper, inboard from any other markings;

(i) the label shall be a minimum of 4.72 inches long by 3.27 inches high;

(h) check that when a manual valve is used, the valve location is accessible, indicated with the words "MANUAL SHUTOFF VALVE";

(i) check that the vehicle bears in the engine compartment a label readily visible identification as a CNG-fueled vehicle, system service pressure, installer's name or company, container retest dates or expiration date, and the total container water volume in gallons;

(j) check for a label located at the fueling connection receptacle with identification as a CNG-fueled vehicle, system working pressure, and container retest dates or expiration date;

(k) check that CNG fuel containers are permanently labeled;

(i) disassembly of the tanks protective shield is not required to verify the label on the tank;

(ii) it is the vehicle owner's responsibility to provide documentation for a current CNG tank Inspection from a CNG certified inspector; and

(iii) the documentation must identify the vehicle and list the CNG tank certification number; and

(l) visually inspect CNG fuel containers for damage and deterioration; and

(m) issue a rejection inspection certificate when:

(i) there is fuel leakage at any point or escaping gases are detected in the system, odor will be present;

(ii) the fuel tank filler cap or cover is missing;

(iii) any part of the system is not securely fastened, supported, or shielded to prevent damage from road hazards, slippage, loosening, or rotations;

(iv) fuel tank is exposed or unprotected;

(v) tanks that are installed under a vehicle are mounted ahead of the front axle or behind the point of attachment of the rear bumper;

(vi) there is any physical damage to a fuel system component;

(vii) there is any installation hazard present that may cause a potential hazard during a collision;

(viii) any part of the fuel tank or its appurtenances protrudes beyond the sides or top of any vehicle where the tanks can be struck or punctured;

(ix) the vehicle is not labeled as described in Subsection C of this section or in accordance with National Fire Protection Association Pamphlet 52; or

(x) a CNG fuel container is not current with its certification in accordance with Federal Motor Vehicle Safety Standards.

R714-162-16. Vehicle Interior.

(1) When examining the interior of a vehicle, the inspector shall:

(a) check seats for proper operation of the adjusting mechanism and ensure the seats are securely anchored to the floor; and

(i) issue a rejection inspection certificate when:

(A) seats are not securely anchored to the floor;

(B) a seat adjusting mechanism slips out of set position;

(C) a seat back is broken or disconnected from the seat base so that it will not support a person's full weight;

(D) a seat belt, per OEM specifications, is missing or ineffective; or

(E) a seat belt is cut, torn, frayed, or otherwise damaged.

(b) check the floor pan in both occupant compartments and sleeper berths for rusted-out areas or holes that could permit entry of exhaust gases or would not support occupants adequately; and

(i) issue a rejection inspection certificate when the front or rear of the floor pan is rusted through sufficiently to cause a hazard to an occupant or that exhaust gases could enter the occupant area of the vehicle;

(c) check the frame and ensure that any repairs meet OEM Specifications and FMCSA Regulation 396.17; and

(i) issue a rejection inspection certificate when:

(A) there are any broken, rusted through, cracked, loose, or sagging frame components; or

(B) the frame has been cut or portions of the frame have been removed, affecting the strength or integrity of the frame;

(C) there is any condition, including loading, that causes the body or frame to be in contact with a tire or any part of the wheel assemblies; or

(D) adjustable axle assemblies, or sliding sub-frames, with locking pins are missing or not engaged;

(d) check the frame for any loose, broken, or missing fasteners, including fasteners that attach functional components such as the engine, transmission, steering gear, suspension, body parts and fifth wheel; and

(i) issue a rejection inspection certificate when the frame has evidence of loose, broken, or missing fasteners, including fasteners that attach functional components such as the engine, transmission, steering gear, suspension, body parts and fifth wheel.;

(e) check windshield wipers for proper operation and for damaged, torn, or hardened rubber elements and metal parts of wiper blades or arms; and

(i) issue a rejection inspection certificate when:

(A) a wiper fails to function properly;

(B) a wiper blade smears or streaks the windshield;

(C) a wiper blade shows signs of physical breakdown of the rubber wiping element; or

(D) a part of the wiper blade or arm is missing or damaged;

(f) check the windshield washer system for proper operation of hand or foot control and that an effective amount of fluid is delivered to the outside of the windshield; and

(i) issue a rejection inspection certificate when the windshield washer system fails to function properly, such as cracked hoses, broken hoses, or if the fluid reservoir is unable to hold fluid;

(g) check the defroster for proper operation; and

(i) issue a rejection inspection certificate when the defroster fan fails to function as designed; and

(h) check the vehicle to ensure that it is equipped with a properly functioning speedometer and odometer; and

(i) advise the owner when the speedometer or odometer is not functional or is disconnected.

R714-162-17. Vehicle Exterior.

(1) When examining the exterior of a vehicle, the inspector shall:

(a) check the exterior for torn metal parts, moldings, or any body parts that may protrude from the vehicle; and

(i) issue a rejection inspection certificate when metal, molding, or other loose or dislocated parts protrude from the surface of the vehicle causing a safety hazard;

(b) check parts and accessories for proper securement; and

(i) issue a rejection inspection certificate when parts or accessories are not properly secured;

(c) check the condition of front and rear bumpers; and

(i) issue a rejection inspection certificate when:

(A) the front bumper is missing, misplaced, loosely attached, broken, or torn so that a portion is protruding creating a hazard; or

(B) rear impact guards are missing;

(d) check front fenders; and

(i) issue a rejection inspection certificate when any fender has been removed or altered to such extent that it does not cover the entire width of the tire and wheel;

(e) check door latches, locks, hinges, and handles for proper operation, improper adjustment, and broken or missing components; and

(i) issue a rejection inspection certificate when:

(A) a door is broken or hinges are sagging so that the door cannot be tightly closed;

(B) a door does not open properly or close tightly; or

(C) any door part is missing, broken, or sagging to the extent that the door cannot be opened and closed properly;

(f) check the hood and hood latch for proper operation; and

(i) issue a rejection inspection certificate when:

_____ (A) the hood is missing, the hood latch does not securely hold the hood in its proper fully closed position, or the secondary safety catch does not function properly; or

_____ (B) the latch release mechanism or its parts are broken, missing, or badly adjusted so that the hood cannot be opened and closed properly;

_____ (g) check the exterior rearview mirrors; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) the right or left exterior mirror is loose or missing;

_____ (B) a mirror is difficult to adjust or cannot maintain a set adjustment;

_____ (C) a mirror extends beyond the vehicle width limit of 102 inches;

_____ (i) allowance should be made for truck tractors inspected without a trailer attached when the extra width the mirrors extend are to provide rearward visibility around the trailer; and

_____ (D) a mirror is cracked, has sharp edges, or is pitted or clouded to the extent that rear vision is obscured; and

_____ (h) check all motor and transmission mount components; and

_____ (i) advise the owner when any heat cracks are present; and

_____ (ii) issue a rejection inspection certificate when:

_____ (A) a mount bolt or nut is broken, loose, or missing;

_____ (B) the rubber cushion is separated from the metal plate of the mount;

_____ (C) there is a split through the rubber cushion;

_____ (D) the engine or transmission is sagging to the point where the mount bottoms out or engine misalignment to the point of drive train component compromise; or

_____ (E) fluid filled mounts are leaking, which are verified from the mount.

R714-162-18. Windows and Glazing.

_____ (1) When examining the windshield of a vehicle, the inspector shall:

_____ (a) check the windshield for unauthorized tinting, signs, posters, or other non-transparent materials;

_____ (b) check the windshield for appropriate AS certification; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) there is outright breakage, which includes shattered glass either on the inside or outside surface, or any glass is broken, leaving sharp or jagged edges;

_____ (B) there are sandpits or discoloration that interferes with the driver's vision;

_____ (C) the windshield is missing;

_____ (D) any crack intersects with another crack within the acute area;

_____ (E) there is any damage within the acute area that cannot be covered by a disc 3/4 inch in diameter;

_____ (F) there is any damage in the acute area that is within three inches of any other damage in the acute area; or

_____ (G) the windshield does not have a marking of AS-1, AS-10, or AS-14.

_____ (2) When examining the windows of a vehicle, the inspector shall:

_____ (a) check all glass for unauthorized materials or conditions that obscure the driver's vision;

_____ (b) check all vehicle glass for proper AS approval marking;

_____ (c) issue a rejection inspection certificate when:

_____ (i) any tint or other non-transparent material has been added to the windshield below the horizontal line four inches from the top of the windshield and allows less than 70% light transmittance below the AS-1 mark on the upper corner of windshield;

_____ (ii) any tint is present and allows less than 70% light transmittance, or other non-transparent material has been added to the windows to the immediate left or right of the driver's seat; or

_____ (iii) any windows are covered by or treated with a material that presents a metallic or mirrored appearance when viewed from the outside of the vehicle;

_____ (d) check the operation of the driver-side window; and

_____ (e) issue a rejection inspection certificate when:

_____ (i) the driver-side window cannot be readily opened to permit arm signals; or

_____ (ii) the driver-side window is broken, shattered, or jagged.

R714-162-19. Safe Loading.

_____ (1) When examining the loading equipment of a vehicle, the inspector shall:

_____ (a) check the load securement; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) any part of a vehicle or condition of loading is not properly secured such that the spare tire or any part of the load or dunnage can fall onto the roadway;

_____ (B) container securement devices on intermodal equipment is cracked, broken, loose, or missing; or

_____ (C) the vehicle does not have a front-end structure or equivalent device as required, to protect against shifting cargo.

R714-162-20. School Bus.

_____ (1) When examining a school bus, the inspector shall:

_____ (a) check the front and rear loading lights for proper operation and condition; and

_____ (i) advise the owner when any lens is cracked or broken; and

_____ (ii) issue a rejection inspection certificate when any amber or red loading light on the front or rear fail to operate;

_____ (b) check each stop arm for proper operation; and

_____ (i) advise the owner when there is an air leak from the bellows; and

_____ (ii) issue a rejection inspection certificate when:

_____ (A) the stop arm fails to extend or retract; or

_____ (B) more than 50% of the stop arm lights are inoperative;

_____ (c) visually check the convex cross view mirror for a clear view of the front bumper and area in front of the bus from the driver's position, and inspect for stable mounting, cracks, and sharp edges; and

_____ (i) issue a rejection inspection certificate when:

_____ (A) the exterior cross view mirror is missing;

_____ (B) the mirror will not maintain a set position; or

_____ (C) the mirror is cracked, broken, has sharp edges, is pitted or clouded to the extent vision is obscured;

_____ (d) check emergency exit windows for proper operation;

_____ and

(i) advise the owner when the emergency exit window warning device does not operate, if equipped; and

(ii) issue a rejection inspection certificate when:

(A) an emergency exit window does not open freely or completely; or

(B) an emergency exit window is obstructed;

(e) check emergency exit doors for proper operation; and

(i) issue a rejection inspection certificate when:

(A) the emergency exit door warning device does not operate, if equipped;

(B) the emergency exit door does not open freely or completely;

(C) the emergency exit door is obstructed, including when the retractable seat bottom does not automatically retract and stay in the retracted position; or

(D) any emergency exit door is equipped with a padlock or non-OEM locking device, not including an interlock system;

(f) check tire load rating; and

(i) issue a rejection inspection certificate when the tire load rating is less than the required tire load rating on bus data plate;

(g) check the fire extinguisher, aisle clearance, handrails and seat or barriers; and

(i) issue a rejection inspection certificate when:

(A) the fire extinguisher has been discharged or is missing;

(B) the aisle is not clear of obstructions or the center aisle strip is missing or not secured;

(C) the left side handrail is missing, has a portion of the handrail that is completely unattached from its securement position, or if it does not meet OEM specifications;

(D) any seat cushion or seat assembly is completely unattached from the structure that secures it;

(E) any seat or barrier material is defective so that it compromises the integrity of occupant protection and compartmentalization;

(F) the driver's seat fails to adjust or hold proper adjustment; or

(G) any part of the driver's safety restraint assembly is missing, not properly installed, or is so defective as to prevent proper securement;

(h) check the step well, floors, and panels; and

(i) issue a rejection inspection certificate when:

(A) any part of the step well or support structure is damaged;

(B) there is a step well condition that would present a tripping hazard;

(C) the floor pan or inner panels have excessive perforated areas or openings sufficient to cause a hazard to an occupant; or

(D) any panel, such as ceiling, side, or wheel well, protrudes, has sharp edges, or is not secured, to the point that may cause injuries; and

(i) check body exterior; and

(i) issue a rejection inspection certificate when:

(A) any school bus body part is loose, torn, dislocated, or protruding from the surface of the bus and creates a hazard; or

(B) a school bus is any color other than school-bus yellow.

KEY: motor vehicle safety, safety inspection manual

Date of Enactment or Last Substantive Amendment: [February 8, 2011]2017

Notice of Continuation: June 2, 2016

Authorizing, and Implemented or Interpreted Law: 53-8-204; 53-8-205; 41-6a-1601

**Public Service Commission,
Administration
R746-200-7
Termination of Service**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41337

FILED: 03/02/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this proposed amendment is to update the rule to allow utilities to send the initial required notice of termination by electronic mail to those customers who have opted into the utilities' paperless electronic billing system.

SUMMARY OF THE RULE OR CHANGE: Presently, Section R746-200-7 requires utilities to send initial termination notices by first class mail or personal delivery, including notices to those customers who have expressed a preference for and opted into a paperless electronic billing program. The amendment allows the initial notice to be sent electronically to customers who participate in paperless billing. The rule will continue to require notice 48 hours before termination and that notice will not be eligible for electronic delivery.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-4-1 and Section 54-4-7 and Section 54-7-25 and Section 54-7-9

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The proposed rule changes should not result in any costs to the state because the state does not bear the cost of sending termination notices, but the rule change is expected to result in cost savings to utilities that offer paperless billing.

♦ **LOCAL GOVERNMENTS:** The rule applies to utilities in Utah. Local governments operating utilities are already expected to operate pursuant prudent and customary industry standards. No anticipated costs are expected.

♦ **SMALL BUSINESSES:** The rule applies to operators of utilities, and no impact on small business is anticipated.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The rule applies to utilities in Utah, and no effects on persons other than utilities are anticipated.

COMPLIANCE COSTS FOR AFFECTED PERSONS:
Compliance costs for affected persons are not expected; the amendment is expected to result in cost savings for utilities that offer paperless billing.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:
The proposed rule change should not result in any additional costs on utilities or any other business. To the extent the amendment has any impact on utilities' costs, it is anticipated the change will result in cost savings.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Michael Hammer by phone at 801-530-6729, or by Internet E-mail at michaelhammer@utah.gov
♦ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2017

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2017

AUTHORIZED BY: Michael Hammer, Administrative Law Judge

R746. Public Service Commission, Administration.
R746-200. Residential Utility Service Rules for Electric, Gas, Water, and Sewer Utilities.
R746-200-7. Termination of Service.

- A. Definitions. As used in this section (R746-200-7):
1. "Licensed medical provider" means a medical provider:
 - a. who holds a current and active medical license under Utah Code Title 58; and
 - b. whose scope of practice authorizes the medical provider to diagnose the condition described by the medical provider under this rule.
 2. "Life-supporting equipment" means life-supporting medical equipment:
 - a. with normal operation that requires continuation of public utility service; and
 - b. used by an individual who would require immediate assistance from medical personnel to sustain life if the life supporting equipment ceased normal operations.
 3. "Life-supporting equipment statement" means a written statement:
 - a. signed by the licensed medical provider for the account holder or resident who utilizes life-supporting equipment; and
 - b. including:
 - i. a description of the medical need of the account holder or resident who utilizes life-supporting equipment;
 - ii. the account holder's name and address;
 - iii. name of resident using life-supporting equipment and relationship to account holder, if different than account holder;
 - iv. the health infirmity and expected duration;
 - v. identification of the life-support equipment that requires the utility's service;
 - vi. a determination by the licensed medical provider that immediate assistance from medical personnel to sustain life would be required if the life supporting equipment ceased normal operations; and
 - vii. the name and contact information of the licensed medical provider for the resident who utilizes life-supporting equipment,
4. "Serious illness or infirmity statement" means a written statement:
 - a. signed by a licensed medical provider;
 - b. written on:
 - i. a form obtained from the public utility; or
 - ii. the licensed medical provider's letterhead stationary;
 - c. legibly describing:
 - i. a diagnosed medical condition under which termination of utility service will injure the person's health or aggravate the person's illness; and
 - ii. the anticipated duration of the diagnosed medical condition.

- B. Delinquent Account --
1. A residential utility service bill that has remained unpaid beyond the statement due date is a delinquent account.
 2. When an account is a delinquent account, a public utility, before termination of service, shall issue a written late notice to inform the account holder of the delinquent status. A late notice or reminder notice must include the following information:
 - a. A statement that the account is a delinquent account and should be paid promptly;
 - b. A statement that the account holder should communicate with the public utility's collection department, by calling the company, if the account holder has a question concerning the account;
 - c. A statement of the delinquent account balance, using a term such as "delinquent account balance."
 3. When the account holder responds to a late notice or reminder notice the public utility's collections personnel shall investigate disputed issues and shall try to resolve the issues by negotiation. During this investigation and negotiation no other action shall be taken to disconnect the residential utility service if the account holder pays the undisputed portion of the account subject to the utility's right to terminate utility service pursuant to R746-200-7(F), Termination of Service Without Notice.
 4. A copy of the "Statement of Customer Rights and Responsibilities" referred to in Subsection R746-200-1(G) of these rules shall be issued to the account holder with the first notice of impending service disconnection.
- C. Reasons for Termination of Service --

1. Residential utility service may be terminated for the following reasons:

- a. Nonpayment of a delinquent account;
- b. Nonpayment of a deposit when required;
- c. Failure to comply with the terms of a deferred payment agreement or Commission order;
- d. Unauthorized use of, or diversion of, residential utility service or tampering with wires, pipes, meters, or other equipment;
- e. Subterfuge or deliberately furnishing false information;

or

- f. Failure to provide access to meter during the regular route visit to the premises following proper notification and opportunity to make arrangements in accordance with R746-200-4(B), Estimated Billing, Subsection (2).

2. The following shall be insufficient grounds for termination of service:

- a. A delinquent account, accrued before a divorce or separate maintenance action in the courts, in the name of a former spouse, cannot be the basis for termination of the current account holder's service;

- b. Cohabitation of a current account holder with a delinquent account holder whose utility service was previously terminated for non-payment, unless the current and delinquent account holders also cohabited while the delinquent account holder received the utility's service, whether the service was received at the current account holder's present address or another address;

- c. When the delinquent account balance is less than \$25.00, unless no payment has been made for two months;

- d. Failure to pay an amount in bona fide dispute before the Commission;

- e. Payment delinquency for third party services billed by the regulated utility company, unless prior approval is obtained from the Commission.

D. Restrictions upon Termination of Service -- Medical Reasons --

1. Serious Illness or Infirmity. If a public utility receives a serious illness or infirmity statement:

- a. the public utility shall continue or restore residential utility service for the period set forth in the statement or one month, whichever is less;

- b. the public utility is not required to provide the continuation or restoration described in R746-200-7.D.1.a. more than two times to an individual customer or residence during the same calendar year; and

- c. the account holder is liable for the cost of residential utility service during the period of continued or restored service.

2. Life-Supporting Equipment.

- a. After receiving a life-supporting equipment statement, the public utility:

- i. shall mark and identify applicable meter boxes where the life-supporting equipment is used;

- ii. may not terminate service to the residence unless the public utility has complied with this Subsection (R746-200-7.D.2); and

- iii. may request annual verification from the licensed medical provider of the life-supporting equipment.

- b. A public utility may terminate service on an account where the public utility has received a life-supporting equipment statement and the related medical provider verification, if:

- i. the account is in default;

- ii. the public utility has:

- AA. followed R746-200-5 on offering a deferred payment agreement; or

- BB. if R746-200-5 does not apply, allowed the customer one month to enter into a deferred payment agreement that may last up to 12 months;

- iii. after complying with R746-200-7.D.2.b.ii, the public utility has provided to the customer a written notice of proposed termination of service that:

- AA. clearly and plainly informs the customer of the customer's rights under R746-200-7.D.2 and of the customer's right to an expedited complaint hearing under R746-200-8.E.; and

- BB. complies with R746-200-7.G.1;

- iv. the public utility has provided to the customer a 48 hour notice of termination of utility service that complies with R746-200-7.G.2; and

- v. the public utility has complied with all other applicable provisions of R746-200-7.

- c. The account holder is liable for the cost of residential utility service during the period of service, including throughout all proceedings related to life-supporting equipment.

- E. Payments from the Home Energy Assistance Target (HEAT) Program -- Suppliers may not discontinue utility service to a low-income household for at least 30 days after receiving utility payment or verification of utility payment from the HEAT Program on behalf of the low-income household.

- F. Termination of Service Without Notice -- Any provision contained in these rules notwithstanding, a public utility may terminate residential utility service without notice when, in its judgment, a clear emergency or serious health or safety hazard exists for so long as the conditions exist, or when there is unauthorized use or diversion of residential utility service or tampering with wires, pipes, meters, or other equipment owned by the utility. The utility shall immediately try to notify the customer of the termination of service and the reasons therefor.

- G. Notice of Proposed Termination of Service --

- 1. At least 10 calendar days before a proposed termination of residential utility service, or at least 30 calendar days before a proposed termination if the residential utility service customer has provided to the public utility a life-supporting equipment statement, a public utility shall give written notice of disconnection for nonpayment to the account holder. The 10-day or 30-day time period is computed from the date the notice is postmarked or the date it is electronically sent to customers eligible for electronic delivery. The notice shall be given by first class mail or delivery to the premises unless the customer has voluntarily enrolled in a paperless electronic billing program in which case the notice may be sent by electronic mail. The notice ~~and~~ shall contain a summary of the following information:

- a. a Statement of Customer Rights and Responsibilities under existing state law and Commission rules;

- b. the Commission-approved policy on termination of service for that utility;

- c. the availability of deferred payment agreements and sources of possible financial assistance including but not limited to state and federal energy assistance programs;

d. informal and formal procedures to dispute bills and to appeal adverse decisions, including the Commission's address, website, and telephone number;

e. specific steps, printed in a conspicuous fashion, that may be taken by the consumer to avoid termination of service;

f. the date on which payment arrangements must be made to avoid termination of service; and

g. subject to the provision of Subsection R746-200-1(E), Customer Information, a conspicuous statement, in Spanish, that the notice is a termination of service notice and that the utility has a Spanish edition of its customer information pamphlet and whether it has personnel available during regular business hours to communicate with Spanish-speaking customers.

2. At least 48 hours before termination of service is scheduled, the utility shall make good faith efforts to notify the account holder or an adult member of the household, by mail, by telephone or by a personal visit to the residence. If personal notification has not been made either directly by the utility or by the customer in response to a mailed notice, the utility shall leave a written termination of service notice at the residence. Personal notification, such as a visit to the residence or telephone conversation with the customer, is required only during the winter months, October 1 through March 31. Other months of the year, the mailed 48-hour notice can be the final notice before the termination of service.

If termination of service is not accomplished within 15 business days following the 48-hour notice, the utility company will follow the same procedures for another 48-hour notice.

3.a.i. A public utility that issues a 30-day notice of termination of service to a customer who has provided the public utility with a life-supporting equipment statement shall provide to the Division an electronic copy of the notice at or before the time the public utility issues the notice to the customer.

ii. Within two business days after receiving the electronic notice described in this Subsection (G)(3)(a)(i), the Division shall provide a letter to the account holder by regular mail:

AA. informing the account holder that the public utility has issued a notice of termination;

BB. noting the method and deadline by which the account holder may request an expedited hearing from the Commission; and

CC. directing the account holder to contact the public utility for additional information.

b. A public utility shall send duplicate copies of 10-day or 30-day termination of service notices to a third party designated by the account holder and shall make reasonable efforts to personally contact the third party designated by the account holder before termination of service occurs, if the third party resides within its service area. A utility shall inform its account holders of the third-party notification procedure at the time of application for service and at least once each year.

4. In rental property situations where the tenant is not the account holder and that fact is known to the utility, the utility shall post a notice of proposed termination of service on the premises in a conspicuous place and shall make reasonable efforts to give actual notice to the occupants by personal visits or other appropriate means at least five calendar days before the proposed termination of service. The posted notice shall contain the information listed in Subsection R746-200-7(G)(1). This notice provision applies to

residential premises when the account holder has requested termination of service or the account holder has a delinquent bill. If nonpayment is the basis for the termination of service, the utility shall also advise the tenants that they may continue to receive utility service for an additional 30 days by paying the charges due for the 30-day period just past.

H. Termination of Service -- Upon expiration of the notice of proposed termination of service, the public utility may terminate residential utility service. Except for service diversion or for safety considerations, utility service shall not be disconnected between Thursday at 4:00 p.m. and Monday at 9:00 a.m. or on legal holidays recognized by Utah, or other times the utility's business offices are not open for business. Service may be disconnected only between the hours of 9:00 a.m. and 4:00 p.m.

I. Customer-Requested Termination of Service --

1. A customer shall advise a public utility at least three days in advance of the day on which the customer wants service disconnected to the customer's residence. The public utility shall disconnect the service within four working days of the requested disconnect date. The customer shall not be liable for the services rendered to or at the address or location after the four days, unless access to the meter has been delayed by the customer.

2. A customer who is not an occupant at the residence for which termination of service is requested shall advise the public utility at least 10 days in advance of the day on which the customer wants service disconnected and sign an affidavit that the customer is not requesting termination of service as a means of evicting the customer's tenants. Alternatively, the customer may sign an affidavit that there are no occupants at the residence for which termination of service is requested and thereupon the disconnection may occur within four days of the requested disconnection date.

J. Restrictions Upon Termination of Service Practices -- A public utility shall not use termination of service practices other than those set forth in these rules. A utility shall have the right to use or pursue legal methods to ensure collections of obligations due it.

K. Policy Statement Regarding Elderly and Disabled -- The state recognizes that the elderly and disabled may be seriously affected by termination of utility service. In addition, the risk of inappropriate termination of service may be greater for the elderly and disabled due to communication barriers that may exist by reason of age or infirmity. Therefore, this section is specifically intended to prevent inappropriate terminations of service which may be hazardous to these individuals. In particular, Subsection R746-200-7(G), requiring adequate notice of impending terminations of service, including notification to third parties upon the request of the account holder, Subsection R746-200-7(D)(1), restricting termination of service when the termination of service will cause or aggravate a serious illness or infirmity of a person living in the residence, and Subsection R746-200-7(D)(2), restricting terminations of service to residences when life-supporting equipment is in use, are intended to meet the special needs of elderly and disabled persons, as well as those of the public in general.

L. Load Limiter as a Substitute for Termination of Service, Electric Utilities --

1. An electric utility may, but only with the customer's consent, install a load limiter as an alternative to terminating electric service for non-payment of a delinquent account or for

failure to comply with the terms of a deferred payment agreement or Commission order. Conditions precedent to the termination of electric service must be met before the installation of a load limiter.

2. Disputes about the level of load limitation are subject to the informal review procedure of Subsection R746-200-8.

3. Electric utilities shall submit load limiter policies and procedures to the Commission for their review before the implementation and use of those policies.

KEY: public utilities, rules, utility service shutoff

Date of Enactment or Last Substantive Amendment: [~~August 8, 2016~~2017]

Notice of Continuation: November 28, 2012

Authorizing, and Implemented or Interpreted Law: 54-4-1; 54-4-7; 54-7-9; 54-7-25

**Veterans' and Military Affairs,
Administration
R978-1
Rule Governing Veterans' Affairs**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41351

FILED: 03/08/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed to eliminate reference no longer needed, to clarify language, to delineate relationships in military affairs, and to allow board meetings to include electronic participation.

SUMMARY OF THE RULE OR CHANGE: References to "stand down" are eliminated. The nursing home bid process is placed under state purchasing rules. Private burial fees in the Veterans cemetery are tied to the Federal Veterans Affairs burial reimbursement rate adjusted annually. The Veterans Voice publication and other communications can be electronic. Additional state benefits for veterans are listed. The department's role in military affairs is expanded. Board appointments and meeting requirements are clarified, and boards are allowed to have members participate electronically.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 71-8-2

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There may be very minor cost savings for board members' travel reimbursements if they participate electronically. No other cost impact is anticipated because of these changes.

♦ **LOCAL GOVERNMENTS:** There is no impact because local governments do not fall under the purview of the rule.

♦ **SMALL BUSINESSES:** There is no impact to small business. The amendments outline benefits to veterans and meeting requirements for boards; they do not affect small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendments outline benefits to veterans that the department will assist in obtaining; they do not impose any requirements on veterans.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments outline benefits to veterans that the department will assist in obtaining; they do not impose any requirements on veterans. Changes to board meeting participation (allowing electronic participation) has no compliance cost.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed and analyzed the rule carefully to assess potential fiscal impacts to businesses and have concluded that there are no readily identifiable fiscal impacts.

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

VETERANS' AND MILITARY AFFAIRS
ADMINISTRATION

ROOM 202

550 FOOTHILL BLVD

SALT LAKE CITY, UT 84113

or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Gary Harter by phone at 801-326-2372, or by Internet E-mail at gharter@utah.gov

♦ W. Todd Hansen by phone at 801-584-1914, by FAX at 801-584-1916, or by Internet E-mail at wthansen@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2017

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2017

AUTHORIZED BY: Gary Harter, Executive Director

R978. Veterans' and Military Affairs, Administration.

R978-1. Rule Governing Veterans' Affairs.

R978-1-1. Authority.

(1) This rule is established pursuant to Section 71-8-2 which established the Department of Veterans' and Military Affairs. This rule is made pursuant to Title 63G, Chapter 3 of the Utah Administrative Rulemaking Act.

R978-1-2. Purpose.

(1) The purpose of this rule is to define the functions and mission of the Department of Veterans' and Military Affairs under Sections 71-8-1 through 71-11-10 and 38 CFR.

R978-1-3. Definitions.

(1) Terms used in this rule are defined in Sections 71-8-1, 71-10-1, and 71-11-2.

(2) Additional terms are defined as follows:

(a) "Homeless veteran" means a qualified veteran who is currently experiencing an episode of homelessness without a stable, regular indoor place of residence.

(b) "Nursing Home" means a State licensed facility accommodating persons who require skilled nursing care and related medical services.

~~(c) ["Stand down" is a term derived from the Vietnam war meaning a place of safe refuge from operations where soldiers can get clean clothes, warm food, basic medical and dental care, hygiene services and camaraderie. It is here applied to the provision of these services for homeless veterans.~~

~~(d)~~ "State Officer" means the State official authorized to oversee the operations of [the] a State veterans nursing home.

(e) "Widow" means the unmarried spouse of a deceased veteran of either sex.

R978-1-4. Nursing Homes.

(1) The department shall administer the various state veterans' nursing homes in accordance with Title 71, Chapter 11, Utah Veterans' Nursing Home Act.

(2) Each nursing home shall have a State Officer who shall act as the department's liaison to carry out the requirements of this act.

(3) Each home shall enforce admission requirements in accordance with Section 71-11-6 as established by the department.

(4) Each home shall comply with 38 CFR 51, "Per Diem for Nursing Home Care of Veterans" for per diem payments, per diem payments for veterans with service connected disabilities, payments for drugs and medicines for certain veterans, and nursing home standards.

(5) The department may contract with reputable nursing home management firms for the day-to-day operation of the nursing homes as provided in 38 CFR 51.210. Selection shall be by a competitive bid process under State Purchasing rules with criteria established by the department. The department shall establish the duration for the management contracts and other contractual terms and conditions in the best interests of the residents.

(6) Notwithstanding the authority of the management firm to employ and direct all nursing home employees, the State Officer shall be an employee of the department and shall be independent of the management firm. The State Officer shall oversee the operations of the state nursing home.

R978-1-5. Cemetery and Memorial Park.

(1) The department shall administer the state veterans' cemetery and memorial park in accordance with Section 71-7-3.

(2) Fees charged for burial expenses shall be posted at the cemetery office and on the department website. Fees charges for other funeral expenses, including headstone replacement, shall be posted at the cemetery office and on the department website.

(3) Private burial fees shall be equivalent to the annually determined federal burial reimbursement rate.

R978-1-6. Homeless Veterans.

(1) The department shall coordinate with local, state and federal programs providing short and long term housing for homeless veterans in the state as provided in Subsection 71-8-3 (1) (d).

~~[(2) The department shall direct a stand down for homeless veterans to assist in their temporal, physical and mental needs at least annually.]~~

R978-1-7. Education Programs.

(1) The department shall administer the State Approving Agency (SAA) for Veterans Education as directed in Subsection 71-8-3(1)(e).

(2) The SAA shall perform all duties necessary for the inspection, approval and supervision of educational programs offered by qualified educational institutions, training establishments, and tests for licensing and certification in accordance with the standards and provisions of 38 U.S.C. 30, 32, 33, 35, and 36, and 10 U.S.C. 1606 and 1607.

(3) The SSA shall provide in-depth technical assistance and outreach liaison with all related organizations, agencies, individuals and activities to help veterans and other eligible persons achieve their educational and vocational goals.

(4) The SSA shall reach out to eligible persons and inform them of their benefits through the GI Bill, which will assist veterans in making the most informed decision toward their vocational and educational goals.

(5) The SSA shall perform other duties and functions as determined by the U.S. Department of Veteran Affairs via annual contract for SSA services.

R978-1-8. State Benefits.

(1) The department shall assist veterans, their widows and dependents in procurement of all rights and benefits which may accrue to them by reason of military service to the United States in accordance with Section 71-9-1. Specifically, the department shall disseminate information on benefits to veterans and interested parties via:

- (a) community outreach
- (b) fairs, exhibits and community events
- (c) the Utah Veterans Voice [~~newspaper~~] publication and other appropriate print and electronic media
- (d) the department's public website (<http://veterans.utah.gov>)
- (e) cooperative activities with other veterans organizations

(2) Specific state benefits that the department shall assist veterans and their dependents in securing include:

- (a) Disabled Veteran Property Tax Abatement
- (b) Purple Heart Tuition Waiver
- (c) Purple Heart Fee Exemption
- (d) Scott B Lundell Tuition Waiver for military members' surviving dependents
- (e) Honorary high school diplomas
- (f) Veteran's license plates
- (g) Free use of armories
- (h) Fishing license privileges

- (i) Special fun tags
- (j) America the Beautiful pass
- (k) Trax/bus reduced fare cards
- (l) Veterans Upward Bound
- (m) Utah Veterans with Disabilities Honors Pass
- (n) Veterans assistance registry
- (o) Resident tuition for state colleges and universities
- (~~m~~p) Such other state benefits to veterans as may be established by statute

R978-1-9. Federal Benefits.

(1) The department cannot administer any federal veterans benefit programs, but it shall provide information and assistance to veterans, their widows and dependents in understanding and navigating the rules of federal veterans' benefits. These federal benefits include:

- (a) [v]Veterans compensation and pensions
- (b) Dependency and indemnity compensation (DIC) payments
- (c) Disability compensation
- (d) Home loan guarantee program
- (e) [Post 9-11]G.I. Bill
- (2) The department may contract with other military service organizations to assist veterans, their spouses, widows and dependents in securing their rights, benefits, and employment preferences as provided in Section 71-9-1.

R978-1-10. Tracking Veteran Employees.

(1) The department shall coordinate with the Utah State Department of Human Resource Management (DHRM) to maintain current counts of the number of veterans employed by the State of Utah in each department, as provided in Subsection 71-8-3 (5). The department shall encourage state agencies and departments to properly record veteran status for all employees.

(2) A count of veterans in state government shall be updated and kept on file at least twice per year.

R978-1-11. Record of Veterans.

(1) The department shall create and maintain a record of veterans in Utah as provided in Subsection 71-8-3 (6).

(2) The department shall maintain a searchable self-registration for Utah veterans on the department website.

(3) The department shall work with the Utah Department of Information Technology, the Department of Workforce Services, and the Utah Drivers License Division to develop a searchable, digital database of Utah veterans.

(4) The department shall secure paper and digital copies of veterans' form DD-214 to assist in creating a database of verified veterans from Utah and to assist Utah veterans in securing all available benefits.

(5) The department shall contract, as appropriate, for technical assistance in creating and maintaining veterans' databases.

R978-1-12. Military Affairs.

(1) The department shall develop and maintain cooperative relationships with military-related organizations and with leaders of military installations in Utah in accordance with 71-8-3 including but not limited to:

- (a) Camp Williams
- (b) Dugway Proving Ground
- (c) Hill Air Force Base including Ogden Air Logistics Complex
- (d) Tooele Army Depot
- (e) Utah Test and Training Range
- (2) The department shall develop and maintain cooperative relationships with Utah's congressional delegation and military staffers and shall cooperate on military issues, challenges and opportunities that arise in Utah.

R978-1-13. Boards.

(1) The department provides support and participates in several boards in order to accomplish its mission. These boards include, but are not limited to:

- (a) Veterans Advisory Council
- (b) George E. Wahlen Ogden Veterans Home Advisory Board
- (c) William E. Christoffersen Salt Lake Veterans Home Advisory Board
- (d) Mervyn S. Bennion Central Utah Veterans Home Advisory Board
- (e) Southern Utah Veterans Home Advisory Board
- (f) Utah Veterans Cemetery and Memorial Park Advisory Board
- (g) Other boards as may be created

(2) Board members are appointed in accordance with statute:

(a) The Governor appoints members of the Veterans Advisory Council with input from the department executive director.

(b) The executive director appoints members of the remaining boards with input from the state officers of the nursing homes and the cemetery manager.

(3) Boards meet at a minimum of quarterly with agenda and minutes maintained and posted as required by statute.

(a) Board members may participate in required meetings either in person or by electronic means to include, but not limited to: telephone, internet or mobile device.

(b) If a board member does participate via telephonic communication, the board member will be on speaker phone. The speaker phone will be amplified so that the other board members and all other persons present in the board meeting will be able to hear all participants.

(c) All those participating either in person or by electronic means will count for quorum requirements and voting on issues, as appropriate.

KEY: veterans' and military affairs

Date of Enactment or Last Substantive Amendment:
~~[December 10, 2011]~~2017

Authorizing, and Implemented or Interpreted Law: 71-8-2

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends May 1, 2017.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (example). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (.) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through July 30, 2017, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

Environmental Quality, Air Quality
R307-841
 Residential Property and Child-Occupied Facility Renovation

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 41100
 FILED: 03/14/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change is being proposed in response to EPA comments. The rule has been changed to ensure that the rule is at least as protective as the federal regulations.

SUMMARY OF THE RULE OR CHANGE: A sentence found in Subsection R307-841-8(1)(e) that attempted to provide a year-long grace period for re-certification has been removed. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the January 1, 2017, issue of the Utah State Bulletin, on page 50. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(i)

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: This change will result in no costs or savings to the state. It does not create any additional duty for the state. It merely ensures that the state rule matches already existing federal requirements.
- ◆ LOCAL GOVERNMENTS: This change will result in no costs or savings to local governments. It does not create any additional duty for local governments. It merely ensures that the state rule matches already existing federal requirements.
- ◆ SMALL BUSINESSES: This change will result in no costs or savings to small businesses. It does not create any additional duty for small businesses. It merely ensures that the state rule matches already existing federal requirements.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This change will result in no costs or savings to "other persons." It does not create any additional duty for persons other than small businesses, businesses, or local government entities. It merely ensures that the state rule matches already existing federal requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change will not result in any compliance costs for affected

persons because it is merely aligning the state rule with already existing federal requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change will not have a fiscal impact on businesses because it is merely aligning the state rule with already existing federal requirements.

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

ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at rstephens@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 05/01/2017

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-841. Residential Property and Child-Occupied Facility Renovation.

R307-841-1. Purpose.

This rule implements 40 CFR 745, regulations developed under Sections 402 and 406 of the Toxic Substances Control Act (15 U.S.C. 2682 and 2686) and applies to all renovations performed for compensation in target housing and child-occupied facilities. The purpose of this rule is to ensure the following:

- (1) Owners and occupants of target housing and child-occupied facilities receive information on lead-based paint hazards before these renovations begin; and
- (2) Individuals performing renovations regulated in accordance with R307-841-3 are properly trained; renovators and firms performing these renovations are certified; and the work practices in R307-841-5 are followed during these renovations.

R307-841-7. Firm Certification.

- (1) Initial certification.
 - (a) Firms that perform renovations for compensation must apply to the director for certification to perform renovations or dust sampling. To apply, a firm must submit to the director a completed "Lead-Based Paint Certification Application for Firms," signed by an authorized agent of the firm, and pay the correct amount of fees.
 - (b) After the director receives a firm's application, the director will take one of the following actions within 90 days of the date the application is received:
 - (i) The director will approve a firm's application if the director determines that it is complete and that the environmental

compliance history of the firm, its principals, or its key employees does not show an unwillingness or inability to maintain compliance with environmental statutes or regulations. An application is complete if it contains all of the information requested on the form and includes at least the correct amount of fees. When the director approves a firm's application, the director will issue the firm a certificate with an expiration date not more than 5 years from the date the application is approved;

(ii) The director will request a firm to supplement its application if the director determines that the application is incomplete. If the director requests a firm to supplement its application, the firm must submit the requested information or pay the additional fees within 30 days of the date of the request; and

(iii) The director will not approve a firm's application if the firm does not supplement its application in accordance with paragraph (1)(b)(ii) of this section or if the director determines that the environmental compliance history of the firm, its principals, or its key employees demonstrates an unwillingness or inability to maintain compliance with environmental statutes or regulations. The director will send the firm a letter giving the reason for not approving the application. The director will not refund the application fees. A firm may reapply for certification at any time by filing a new, complete application that includes the correct amount of fees.

(2) Re-certification. To maintain its certification, a firm must be re-certified by the director.

(a) Timely and complete application. To be re-certified, a firm must submit a complete application for re-certification. A complete application for re-certification includes a completed "Lead-Based Paint Certification Application for Firms" which contains all of the information requested by the form and is signed by an authorized agent of the firm, noting on the form that it is submitted as a re-certification. A complete application must also include the correct amount of fees.

(i) An application for re-certification is timely if it is postmarked 90 days or more before the date the firm's current certification expires. If the firm's application is complete and timely, the firm's current certification will remain in effect until its expiration date or until the director has made a final decision to approve or disapprove the re-certification application, whichever is later.

(ii) If the firm submits a complete re-certification application less than 90 days before its current certification expires, and the director does not approve the application before the expiration date, the firm's current certification will expire and the firm will not be able to conduct renovations until the director approves its re-certification application.

(iii) If the firm fails to obtain re-certification before the firm's current certification expires, the firm must not perform renovations or dust sampling until it is certified anew pursuant to paragraph (1), of this section.

(b) Director's action on an application. After the director receives a firm's application for re-certification, the director will review the application and take one of the following actions within 90 days of receipt:

(i) The director will approve a firm's application if the director determines that it is timely and complete and that the environmental compliance history of the firm, its principals, or its key employees does not show an unwillingness or inability to

maintain compliance with environmental statutes or regulations. When the director approves a firm's application for re-certification, the director will issue the firm a new certificate with an expiration date not more than 5 years from the date that the firm's current certification expires.

(ii) The director will request a firm to supplement its application if the director determines that the application is incomplete.

(iii) The director will not approve a firm's application if it is not received or is not complete as of the date that the firm's current certification expires, or if the director determines that the environmental compliance history of the firm, its principals, or its key employees demonstrates an unwillingness or inability to maintain compliance with environmental statutes or regulations. The director will send the firm a letter giving the reason for not approving the application. The director will not refund the application fees. A firm may reapply for certification at any time by filing a new application and paying the correct amount of fees.

(3) Amendment of certification. A firm must amend its certification within 90 days of the date a change occurs to information included in the firm's most recent application. If the firm fails to amend its certification within 90 days of the date the change occurs, the firm may not perform renovations or dust sampling until its certification is amended.

(a) To amend a certification, a firm must submit a completed "Lead-Based Paint Certification Application for Firms," signed by an authorized agent of the firm, noting on the form that it is submitted as an amendment and indicating the information that has changed. The firm must also pay at least the correct amount of fees.

(b) If additional information is needed to process the amendment, or the firm did not pay the correct amount of fees, the director will request the firm to submit the necessary information or fees. The firm's certification is not amended until the firm complies with the request.

(c) Amending a certification does not affect the certification expiration date.

(4) Firm responsibilities. Firms performing renovations must ensure that:

(a) All individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator in accordance with R307-841-8;

(b) A certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator responsibilities identified in R307-841-8;

(c) All renovations performed by the firm are performed in accordance with the work practice standards in R307-841-5;

(d) The pre-renovation education requirements of R307-841-4 have been performed; and

(e) The recordkeeping requirements of R307-841-6 are met.

R307-841-8. Renovator Certification and Dust Sampling Technician Certification.

(1) Renovator certification and dust sampling technician certification.

(a) To become a certified renovator or certified dust sampling technician, an individual must successfully complete an initial lead-based paint renovator or dust-sampling technician

course accredited by the director under R307-842-1, the EPA under 40 CFR 745.225, or a state or tribal program that has been authorized by EPA pursuant to subpart Q of 40 CFR 745.

(b) Individuals who have successfully completed an accredited abatement worker or supervisor course, or individuals who successfully completed a director, EPA, HUD, or EPA/HUD model renovation training course before October 4, 2011, but no later than the training course expiration date found on that training certificate, may take an accredited refresher renovator training course that includes hands-on training in lieu of the initial renovator training course to become a certified renovator.

(c) Individuals who have successfully completed an accredited lead-based paint inspector or risk assessor course before October 4, 2011, but no later than the training course expiration date found on that training certificate, may take an accredited refresher dust sampling technician course in lieu of the initial training to become a certified dust sampling technician. Individuals who are currently certified as lead-based paint inspectors or risk assessors may act as certified dust sampling technicians without further training.

(d) To maintain renovator certification or dust sampling technician certification, an individual must complete a renovator or dust sampling technician refresher course accredited by the director under R307-842-1, the EPA under 40 CFR 745.225, or by a state or tribal program that is authorized under subpart Q of 40 CFR 745 within 5 years of the date the individual completed the initial course described in paragraph (1)(a) of this section. If the individual does not complete a refresher course within this time, the individual must re-take the initial course to become certified again. Individuals who complete a renovator course accredited by the director under R307-842-1, the EPA or an EPA authorized program on or before March 31, 2010, must complete a renovator refresher course accredited by the director under R307-842-1, the EPA or an EPA authorized program on or before March 31, 2016, to maintain renovator certification. Individuals who completed a renovator course accredited by the director under R307-842-1, the EPA or an EPA authorized program between April 1, 2010 and March 31, 2011, will have one year added to their original 5-year training certificate expiration date. Individuals who take a renovator refresher course that does not include hands-on training will have a training course certificate expiration date 3 years from the date they complete the training. Individuals who take a refresher training course that includes hands-on training will have a training course certificate expiration date 5 years from the date they complete the training. Individuals who take the renovator refresher course without hands-on training must, for their next renovator refresher course, take a course that includes hands-on training.

(e) An individual shall be re-certified as a renovator or a dust sampling technician if the individual successfully completes the appropriate lead-based paint accredited refresher training course and submits a valid copy of the appropriate refresher course completion certificate. ~~[If more than 5 years but less than 6 years have passed since certification or re-certification for an individual that completed an initial or a refresher training course with a course test and hands-on assessment, or if more than 3 years but less than 4 years have passed since a renovator re-certification course is completed through an e-learning refresher course, then the~~

~~individual may apply for re-certification. Lead-based paint renovators and dust sampling technicians are not required to take a director exam to become re-certified.]~~ During the time period when the individual is not certified by the director, that individual cannot perform any regulated work activities that requires individual certification.

(2) Renovator responsibilities. Certified renovators are responsible for ensuring compliance with R307-841-5 at all renovations to which they are assigned. A certified renovator:

(a) Must perform all of the tasks described in R307-841-5(2) and must either perform or direct workers who perform all of the tasks described in R307-841-5(1);

(b) Must provide training to workers on the work practices required by R307-841-5(1) that they will be using in performing their assigned tasks;

(c) Must be physically present at the work site when the signs required by R307-841-5(1)(a) are posted, while the work area containment required by R307-841-5(1)(b) is being established, and while the work area cleaning required by R307-841-5(1)(e) is performed;

(d) Must regularly direct work being performed by other individuals to ensure that the work practices required by R307-841-5(1) are being followed, including maintaining the integrity of the containment barriers and ensuring that dust or debris does not spread beyond the work area;

(e) Must be available, either on-site or by telephone, at all times that renovations are being conducted;

(f) When requested by the party contracting for renovation services, must use an acceptable test kit to determine whether components to be affected by the renovation contain lead-based paint;

(g) Must have with them at the work site their current Utah Lead-Based Paint Renovator certification card; and

(h) Must prepare the records required by R307-841-6(2)(a)(ii), (iii), and (f).

(3) Dust sampling technician responsibilities. When performing optional dust clearance sampling under R307-841-5(3), a certified dust sampling technician:

(a) Must collect dust samples in accordance with R307-842-3(5)(h), must send the collected samples to a laboratory recognized by EPA under TSCA Section 405(b), and must compare the results to the clearance levels in accordance with R307-842-3(5)(h); and

(b) Must have with them at the work site their current Utah Lead-Based Paint Dust Sampling Technician certification card.

KEY: paint, lead-based paint, lead-based paint renovation

Date of Enactment or Last Substantive Amendment: 2017

Notice of Continuation: February 5, 2015

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)

(i)

Environmental Quality, Air Quality

R307-842

Lead-Based Paint Activities

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 41101
 FILED: 03/14/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change is being proposed in response to EPA comments. The purpose of the change is to ensure that the state rule is at least as protective as the federal regulations.

SUMMARY OF THE RULE OR CHANGE: The rule change takes out language that stated that lead-based paint workers and project designers were not required to take a director exam to become re-certified. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the January 1, 2017, issue of the Utah State Bulletin, on page 53. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(i)

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: This change will result in no costs or savings to the state budget. It does not create any additional duty for the state. It merely ensures that the state rule matches already existing federal requirements.
- ◆ LOCAL GOVERNMENTS: This change will result in no costs or savings to local governments. It does not create any additional duty for local governments. It merely ensures that the state rule matches already existing federal requirements.
- ◆ SMALL BUSINESSES: This change will result in no costs or savings to small businesses. It does not create any additional duty for small businesses. It merely ensures that the state rule matches already existing federal requirements.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This change will result in no costs or savings to "other persons." It does not create any additional duty for persons other than small businesses, businesses, or local government entities. It merely ensures that the state rule matches already existing federal requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change will not result in any compliance costs for affected persons because it is merely aligning the state rule with already existing federal requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change will not have a fiscal impact on businesses because it is merely aligning the state rule with already existing federal requirements.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at rstephens@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 05/01/2017

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-842. Lead-Based Paint Activities.
R307-842-1. Accreditation of Training Programs: Target Housing and Child-Occupied Facilities.

- (1) Scope.
 - (a) A training program may seek accreditation to offer courses in any of the following disciplines: inspector, risk assessor, supervisor, project designer, abatement worker, renovator, and dust sampling technician. A training program may also seek accreditation to offer refresher courses for each of the above listed disciplines. Training courses taught in Utah must be accredited by the director. All e-learning renovator refresher courses ~~accredited by the director or are~~ originating from companies based in Utah must also be accredited by the director.
 - (b) Training programs may apply to the director for accreditation of their lead-based paint activities courses or refresher courses pursuant to this section. Training programs may apply to the director for accreditation of their renovator or dust sampling technician courses or refresher courses pursuant to this section.
 - (c) A training program must not provide, offer, or claim to provide director-accredited lead-based paint activities courses without applying for and receiving accreditation from the director as required under paragraph (2) of this section. A training program must not provide, offer, or claim to provide director-accredited renovator or dust sampling technician courses without applying for and receiving accreditation from the director as required under paragraph (2) of this section.
 - (d) Accredited training programs, training program managers, and principal instructors must comply with all of the requirements of this section including approved terms of the application and all the requirements and limitations specified in any accreditation documents issued to training programs.
- (2) Application process. The following are procedures a training program must follow to receive director accreditation to offer lead-based paint activities courses, renovator courses, or dust sampling technician courses:
 - (a) A training program seeking accreditation shall submit a written application to the director containing the following information:
 - (i) The training program's name, address, and telephone number;

(ii) A list of courses for which it is applying for accreditation. For the purposes of this section, courses taught in different languages and electronic learning courses are considered different courses, and each must independently meet the accreditation requirements;

(iii) The name and documentation of the qualifications of the training program manager;

(iv) The name(s) and documentation of qualifications of any principal instructor(s); and

(v) A statement signed by the training program manager certifying that the training program meets the requirements established in paragraph (3) of this section. If a training program uses EPA-recommended model training materials, the training program manager shall include a statement certifying that, as well; or

(vi) If a training program does not use EPA-recommended model training materials, its application for accreditation shall also include:

(A) A copy of the student and instructor manuals, or other materials to be used for each course;

(B) A copy of the course agenda for each course; and

(C) When applying for accreditation of a course in a language other than English, a signed statement from a qualified, independent translator that they had compared the course to the English language version and found the translation to be accurate;

(vii) All training programs shall include in their application for accreditation the following:

(A) A description of the facilities and equipment to be used for lecture and hands-on training;

(B) A copy of the course test blueprint for each course;

(C) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course; and

(D) A copy of the quality control plan as described in paragraph (3)(i) of this section.

(b) If a training program meets the requirements in paragraph (3) of this section, then the director shall approve the application for accreditation no more than 180 days after receiving a complete application from the training program. In the case of approval, a certificate of accreditation shall be sent to the applicant. In the case of disapproval, a letter describing the reasons for disapproval shall be sent to the applicant. Prior to disapproval, the director may, at its discretion, work with the applicant to address inadequacies in the application for accreditation. The director may also request additional materials retained by the training program under paragraph (8) of this section. If a training program's application is disapproved, the program may reapply for accreditation at any time.

(c) A training program may apply for accreditation to offer initial courses or refresher courses in as many disciplines as it chooses. A training program may seek accreditation for additional courses at any time as long as the program can demonstrate that it meets the requirements of this section.

(d) A training program applying for accreditation must submit the appropriate fees in accordance with the current Department of Environmental Quality Fee Schedule.

(3) Requirements for the accreditation of training programs. A training program accredited by the director to offer

lead-based paint activities courses, renovator courses, or dust sampling technician courses must meet the following requirements:

(a) The training program shall employ a training manager who has:

(i) At least 2 years of experience, education, or training in teaching workers or adults; or

(ii) A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration or program management or a related field; or

(iii) Two years of experience in managing a training program specializing in environmental hazards; and

(iv) Demonstrated experience, education, or training in the construction industry including: lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

(b) The training manager shall designate a qualified principal instructor for each course who has:

(i) Demonstrated experience, education, or training in teaching workers or adults; and

(ii) Successfully completed at least 16 hours of any director-accredited, EPA-accredited, or EPA-authorized state or tribal-accredited lead-specific training for instructors of lead-based paint activities courses or 8 hours of any director-accredited, EPA-accredited or EPA-authorized state or tribal-accredited lead-specific training for instructors of renovator or dust sampling technician courses; and

(iii) Demonstrated experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

(c) The principal instructor shall be responsible for the organization of the course, course delivery, and oversight of the teaching of all course material. The training manager may designate guest instructors as needed for a portion of the course to provide instruction specific to the lecture, hands-on activities, or work practice components of a course. However, the principal instructor is primarily responsible for teaching the course materials and must be present to provide instruction (or oversight of portions of the course taught by guest instructors) for the course for which he or she has been designated the principal instructor.

(d) The following documents shall be recognized by the director as evidence that training managers and principal instructors have the education, work experience, training requirements or demonstrated experience, specifically listed in paragraphs (3)(a) and (3)(b) of this section. This documentation must be submitted with the accreditation application and retained by the training program as required by the recordkeeping requirements contained in paragraph (8) of this section. Those documents include the following:

(i) Official academic transcripts or diploma as evidence of meeting the education requirements;

(ii) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements; and

(iii) Certificates from train-the-trainer courses and lead-specific training courses, as evidence of meeting the training requirements.

(e) The training program shall ensure the availability of, and provide adequate facilities for, the delivery of the lecture,

course test, hands-on training, and assessment activities. This includes providing training equipment that reflects current work practices and maintaining or updating the equipment and facilities as needed.

(f) To become accredited in the following disciplines, the training program shall provide initial training courses that meet the following training requirements:

(i) The initial inspector course shall last a minimum of 24 training hours, with a minimum of 8 hours devoted to hands-on training activities. The minimum curriculum requirements for the initial inspector course are contained in paragraph (4)(a) of this section;

(ii) The initial risk assessor course shall last a minimum of 16 training hours, with a minimum of 4 hours devoted to hands-on training activities. The minimum curriculum requirements for the initial risk assessor course are contained in paragraph (4)(b) of this section;

(iii) The initial supervisor course shall last a minimum of 32 training hours, with a minimum of 8 hours devoted to hands-on training activities. The minimum curriculum requirements for the initial supervisor course are contained in paragraph (4)(c) of this section;

(iv) The initial project designer course shall last a minimum of 8 training hours. The minimum curriculum requirements for the initial project designer course are contained in paragraph (4)(d) of this section;

(v) The initial abatement worker course shall last a minimum of 16 training hours, with a minimum of 8 hours devoted to hands-on training activities. The minimum curriculum requirements for the initial abatement worker course are contained in paragraph (4)(e) of this section;

(vi) The initial renovator course must last a minimum of 8 training hours, with a minimum of 2 hours devoted to hands-on training activities. The minimum curriculum requirements for the initial renovator course are contained in paragraph (4)(f) of this section; and

(vii) The initial dust sampling technician course must last a minimum of 8 training hours, with a minimum of 2 hours devoted to hands-on training activities. The minimum curriculum requirements for the initial dust sampling technician course are contained in paragraph (4)(g) of this section.

(viii) Electronic learning and other alternative course delivery methods are permitted for the classroom portion of renovator, dust sampling technician, or lead-based paint activities courses but not the hands-on portion of these courses, or for final course tests or proficiency tests described in paragraph (3)(g) of this section. Electronic learning courses must comply with the following requirements:

(A) A unique identifier must be assigned to each student for them to use to launch and re-launch the course;

(B) The training provider must track each student's course log-ins, launches, progress, and completion, and maintain these records in accordance with paragraph (8) of this section;

(C) The course must include periodic knowledge checks equivalent to the number and content of the knowledge checks contained in EPA's model course, but at least 16 over the entire course. The knowledge checks must be successfully completed before the student can go on to the next module;

(D) There must be a test of at least 20 questions at the end of the electronic learning portion of the course, of which 80% must be answered correctly by the student for successful completion of the electronic learning portion of the course. The test must be designed so that students do not receive feedback on their test answers until after they have completed and submitted the test; and

(E) Each student must be able to save or print a copy of an electronic learning course completion certificate. The electronic certificate must not be susceptible to easy editing.

(g) For each course offered, the training program shall conduct either a course test at the completion of the course, and if applicable, a hands-on skills assessment, or in the alternative, a proficiency test for that discipline. Each student must successfully complete the hands-on skills assessment and receive a passing score on the course test to pass any course, or successfully complete a proficiency test.

(i) The training manager is responsible for maintaining the validity and integrity of the hands-on skills assessment or proficiency test to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course topics contained in paragraph (4) of this section;

(ii) The training manager is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics; and

(iii) The course test shall be developed in accordance with the test blueprint submitted with the training accreditation application.

(h) The training program shall issue unique course completion certificates to each individual who passes the training course. The course completion certificate shall include:

(i) The name, a unique identification number, and address of the individual;

(ii) The name of the particular course that the individual completed;

(iii) Dates of course completion/test passage;

(iv) For initial inspector, risk assessor, project designer, supervisor, or abatement worker course completion certificates, the expiration date of interim certification, which is 6 months from the date of course completion;

(v) The name, address, and telephone number of the training program;

(vi) The language in which the course was taught;

(vii) For renovator and dust sampling technician course completion certificates, a photograph of the individual. The photograph must be an accurate and recognizable image of the individual. As reproduced on the certificate, the photograph must not be smaller than 1 square inch; and

(viii) For renovator, dust sampling technician, or lead-based paint activities course completion certificates, the expiration date of the training certificate.

(i) The training manager shall develop and implement a quality control plan. The plan shall be used to maintain and improve the quality of the training program over time. This plan shall contain at least the following elements:

(i) Procedures for periodic revision of training materials and the course test to reflect innovations in the field; and

(ii) Procedures for the training manager's annual review of principal instructor competency.

(j) Courses offered by the training program must teach the work practice standards contained in R307-841-5 or R307-842-3, as applicable, in such a manner that trainees are provided with the knowledge needed to perform the renovations or lead-based paint activities they will be responsible for conducting.

(k) The training manager shall be responsible for ensuring that the training program complies at all times with all of the requirements in this section.

(l) The training manager shall allow the director or the director's authorized representative to audit the training program to verify the contents of the application for accreditation as described in paragraph (2) of this section.

(m) The training manager must provide notification of renovator, dust sampling technician, or lead-based paint activities courses offered.

(i) The training manager must provide the director with notification of all renovator, dust sampling technician, or lead-based paint activities courses offered except for any renovator course without hands-on training delivered via electronic learning. The original notification must be received by the director at least 7 business days prior to the start date of any renovator, dust sampling technician, or lead-based paint activities course;

(ii) The training manager must provide the director updated notification when renovator, dust sampling technician, or lead-based paint activities courses will begin on a date other than the start date specified in the original notification, as follows:

(A) For renovator, dust sampling technician, or lead-based paint activities courses beginning prior to the start date provided to the director, an updated notification must be received by the director at least 7 business days before the new start date; and

(B) For renovator, dust sampling technician, or lead-based paint activities courses beginning after the start date provided to the director, an updated notification must be received by the director at least 2 business days before the start date provided to the director;

(iii) The training manager must update the director of any change in location of renovator, dust sampling technician, or lead-based paint activities courses at least 7 business days prior to the start date provided to the director;

(iv) The training manager must update the director regarding any course cancellations, or any other change to the original notification. Updated notifications must be received by the director at least 2 business days prior to the start date provided to the director;

(v) Each notification, including updates, must include the following:

(A) Notification type (original, update, or cancellation);

(B) Training program name, address, and telephone number;

(C) Course discipline, type (initial/refresher), and the language in which instruction will be given;

(D) Date(s) and time(s) of training;

(E) Training location(s) telephone number, and address;

(F) Principal instructor's name; and

(G) Training manager's name and signature;

(vi) Notification must be accomplished using any of the following methods: Written notification, or electronically using the Utah Division of Air Quality electronic notification system. Written

notification of renovator, dust sampling technician, or lead-based paint activities course schedules can be accomplished by using either the sample form titled "Renovator, Dust Sampling Technician, or Lead-Based Paint Activities Training Course Notification Form" or a similar form containing the information required in paragraph (3)(m)(v) of this section. All written notifications must be delivered to the director by United States Postal Service, fax, commercial delivery service, hand delivery, or by email. Instructions and sample forms can be obtained from the Utah Division of Air Quality Lead-Based Paint Program web site;

(vii) Renovator, dust sampling technician, or lead-based paint activities courses must not begin on a date, or at a location other than that specified in the original notification unless an updated notification identifying a new start date or location is submitted, in which case the course must begin on the new start date and/or location specified in the updated notification; and

(viii) No training program shall provide renovator, dust sampling technician, or lead-based paint activities courses without first notifying the director of such activities in accordance with the requirements of this paragraph.

(n) The training manager must provide notification following completion of renovator, dust sampling technician, or lead-based paint activities courses.

(i) The training manager must provide the director notification after the completion of any renovator, dust sampling technician, or lead-based paint activities course. This notification must be received by the director no later than 10 business days following course completion. Notifications for any e-learning renovator refresher course that does not include hands-on training must be submitted via written notification or electronically using the Utah Division of Air Quality electronic notification system no later than the 10th day of the month and include all students trained in the previous month. Written notification for any e-learning renovator refresher course, can be accomplished by using either the sample form titled "Renovator, Dust Sampling Technician, or Lead-Based Paint Activities Training Course Notification Form" or a similar form containing the information required in paragraph (3)(n) (ii) of this section. All written notifications must be delivered to the director by United States Postal Service, fax, commercial delivery service, hand delivery, or by email. Instructions and sample forms can be obtained from the Utah Division of Air Quality Lead-Based Paint Program web site;

(ii) The notification must include the following:

(A) Training program name, address, and telephone number;

(B) Course discipline and type (initial/refresher);

(C) Date(s) of training;

(D) The following information for each student who took the course:

(I) Name,

(II) Address,

(III) Date of birth,

(IV) Course completion certificate number,

(V) Course test score,

(VI) For renovator or dust sampling technician courses, a digital photograph of the student, and

(VII) For renovator refresher courses, the expiration date of the training certificate;

(E) Training manager's name and signature; and
 (F) Utah Division of Air Quality Lead-Based Paint Program training verification statement.

(iii) Notification must be accomplished using any of the following methods: Written notification, or electronically using the Utah Division of Air Quality electronic notification system. Written notification following renovator, dust sampling technician, or lead-based paint activities training courses can be accomplished by using either the sample form titled "Renovator, Dust Sampling Technician, or Lead-Based Paint Activities Training Course Notification Form" or a similar form containing the information required in paragraph (3)(n)(ii) of this section. All written notifications must be delivered to the director by United States Postal Service, fax, commercial delivery service, hand delivery, or by email. Instructions and sample forms can be obtained from the Utah Division of Air Quality Lead-Based Paint Program web site.

(4) Minimum training curriculum requirements. A training program accredited by the director to offer lead-based paint courses in the specific disciplines listed in paragraph (4) must ensure that its courses of study include, at a minimum, the following course topics.

(a) Inspector. Instruction in the topics described in paragraphs (4)(a)(iv), (v), (vi), and (vii) of this section must be included in the hands-on portion of the course.

- (i) Role and responsibilities of an inspector;
- (ii) Background information on lead and its adverse health effects;
- (iii) Background information on federal, state, and local regulations and guidance that pertains to lead-based paint and lead-based paint activities;
- (iv) Lead-based paint inspection methods, including selection of rooms and components for sampling or testing;
- (v) Paint, dust, and soil sampling methodologies;
- (vi) Clearance standards and testing, including random sampling;
- (vii) Preparation of the final inspection report; and
- (viii) Recordkeeping.

(b) Risk assessor. Instruction in the topics described in paragraphs (4)(b)(iv), (vi), and (vii) of this section must be included in the hands-on portion of the course.

- (i) Role and responsibilities of a risk assessor;
- (ii) Collection of background information to perform a risk assessment;
- (iii) Sources of environmental lead contamination such as paint, surface dust and soil, water, air, packaging, and food;
- (iv) Visual inspection for the purposes of identifying potential sources of lead-based paint hazards;
- (v) Lead hazard screen protocol;
- (vi) Sampling for other sources of lead exposure;
- (vii) Interpretation of lead-based paint and other lead sampling results, including all applicable federal or state guidance or regulations pertaining to lead-based paint hazards;
- (viii) Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards; and
- (ix) Preparation of a final risk assessment report.

(c) Supervisor. Instruction in the topics described in paragraphs (4)(c)(v), (vii), (viii), (ix), and (x) of this section must be included in the hands-on portion of the course.

- (i) Role and responsibilities of a supervisor;
- (ii) Background information on lead and its adverse health effects;
- (iii) Background information on federal, state, and local regulations and guidance that pertain to lead-based paint abatement;
- (iv) Liability and insurance issues relating to lead-based paint abatement;
- (v) Risk assessment and inspection report interpretation;
- (vi) Development and implementation of an occupant protection plan and abatement report;
- (vii) Lead-based paint hazard recognition and control;
- (viii) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices;
- (ix) Interior dust abatement/cleanup or lead-based paint hazard control and reduction methods;
- (x) Soil and exterior dust abatement or lead-based paint hazard control and reduction methods;
- (xi) Clearance standards and testing;
- (xii) Cleanup and waste disposal; and
- (xiii) Recordkeeping.

(d) Project designer.

- (i) Role and responsibilities of a project designer;
- (ii) Development and implementation of an occupant protection plan for large-scale abatement projects;
- (iii) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices for large-scale abatement projects;
- (iv) Interior dust abatement/cleanup or lead hazard control and reduction methods for large-scale abatement projects;
- (v) Clearance standards and testing for large scale abatement projects; and
- (vi) Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement projects.

(e) Abatement worker. Instruction in the topics described in paragraphs (4)(e)(iv), (v), (vi), and (vii) of this section must be included in the hands-on portion of the course.

- (i) Role and responsibilities of an abatement worker;
- (ii) Background information on lead and its adverse health effects;
- (iii) Background information on federal, state, and local regulations and guidance that pertain to lead-based paint abatement;
- (iv) Lead-based paint hazard recognition and control;
- (v) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices;
- (vi) Interior dust abatement methods/cleanup or lead-based paint hazard reduction; and
- (vii) Soil and exterior dust abatement methods or lead-based paint hazard reduction.

(f) Renovator. Instruction in the topics described in paragraphs (4)(f)(iv), (vi), (vii), and (viii) of this section must be included in the hands-on portion of the course.

- (i) Role and responsibility of a renovator;
- (ii) Background information on lead and its adverse health effects;
- (iii) Background information on EPA, HUD, OSHA, and other federal, state, and local regulations and guidance that pertains to lead-based paint and renovation activities;

(iv) Procedures for using acceptable test kits to determine whether paint is lead-based paint;

(v) Procedures for collecting a paint chip sample and sending it to a laboratory recognized by EPA under section 405(b) of TSCA;

(vi) Renovation methods to minimize the creation of dust and lead-based paint hazards;

(vii) Interior and exterior containment and cleanup methods;

(viii) Methods to ensure that the renovation has been properly completed, including cleaning verification, and clearance testing;

(ix) Waste handling and disposal;

(x) Providing on-the-job training to other workers; and

(xi) Record preparation.

(g) Dust sampling technician. Instruction in the topics described in paragraphs (4)(g)(iv) and (vi) of this section must be included in the hands-on portion of the course.

(i) Role and responsibility of a dust sampling technician;

(ii) Background information on lead and its adverse health effects;

(iii) Background information on federal, state, and local regulations and guidance that pertains to lead-based paint and renovation activities;

(iv) Dust sampling methodologies;

(v) Clearance standards and testing; and

(vi) Report preparation.

(5) Requirements for the accreditation of refresher training programs. A training program may seek accreditation to offer refresher training courses in any of the following disciplines: Inspector, risk assessor, supervisor, project designer, abatement worker, renovator, and dust sampling technician. A training program accredited by the director to offer refresher training must meet the following minimum requirements:

(a) Each refresher course shall review the curriculum topics of the full-length courses listed under paragraph (4) of this section, as appropriate. In addition, to become accredited to offer refresher training courses, training programs shall ensure that their courses of study include, at a minimum, the following:

(i) An overview of current safety practices relating to lead-based paint in general, as well as specific information pertaining to the appropriate discipline;

(ii) Current laws and regulations relating to lead-based paint in general, as well as specific information pertaining to the appropriate discipline; and

(iii) Current technologies relating to lead-based paint in general, as well as specific information pertaining to the appropriate discipline;

(b) Refresher courses for inspector, risk assessor, supervisor, and abatement worker must last a minimum of 8 training hours. Refresher courses for project designer, renovator, and dust sampling technician must last a minimum of 4 training hours. Refresher courses for all disciplines except renovator and project designer must include a hands-on component. Renovators must take a refresher course that includes hands-on training at least every other re-certification;

(c) Except for e-learning renovator refresher courses and project designer courses, for all other courses offered, the training program shall conduct a hands-on assessment. With the exception of

project designer courses, the training program shall conduct a course test at the completion of the course. Renovators must take a refresher course that includes hands-on training at least every other re-certification;

(d) A training program may apply for accreditation of a refresher course concurrently with its application for accreditation of the corresponding initial training course as described in paragraph (2) of this section. If so, the director shall use the approval procedure described in paragraph (2) of this section. In addition, the minimum requirements contained in paragraphs (3)(a) through (3)(e), (3)(f)(viii), and (3)(g) through (3)(n), and (5)(a) through (5)(c) of this section shall also apply; and

(e) A training program seeking accreditation to offer refresher training courses only shall submit a written application to the director containing the following information:

(i) The refresher training program's name, address, and telephone number;

(ii) A list of courses for which it is applying for accreditation;

(iii) The name and documentation of the qualifications of the training program manager;

(iv) The name(s) and documentation of the qualifications of the principal instructor(s);

(v) A statement signed by the training program manager certifying that the refresher training program meets the minimum requirements established in paragraph (3) of this section, except for the requirements in paragraph (3)(f) of this section. If a training program uses EPA-developed model training materials, the training manager shall include a statement certifying that, as well;

(vi) If the refresher training course materials are not based on EPA-developed model training materials, the training program's application for accreditation shall include:

(A) A copy of the student and instructor manuals to be used for each course; and

(B) A copy of the course agenda for each course;

(vii) All refresher training programs shall include in their application for accreditation the following:

(A) A description of the facilities and equipment to be used for lecture and hands-on training;

(B) A copy of the course test blueprint for each course;

(C) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course (if applicable); and

(D) A copy of the quality control plan as described in paragraph (3)(i) of this section;

(viii) The requirements in paragraphs (3)(a) through (3)(e), (3)(f)(viii) and (3)(g) through (3)(n) of this section apply to refresher training providers; and

(ix) If a refresher training program meets the requirements listed in this paragraph, then the director shall approve the application for accreditation no more than 180 days after receiving a complete application from the refresher training program. In the case of approval, a certificate of accreditation shall be sent to the applicant. In the case of disapproval, a letter describing the reasons for disapproval shall be sent to the applicant. Prior to disapproval, the director may, at the director's discretion, work with the applicant to address inadequacies in the application for accreditation. The director may also request additional materials retained by the refresher training program under paragraph (8) of

this section. If a refresher training program's application is disapproved, the program may reapply for accreditation at any time.

(6) Re-accreditation of training programs.

(a) Unless re-accredited, a training program's accreditation, including refresher training accreditation, shall expire 4 years after the date of issuance. If a training program meets the requirements of this section, the training program shall be re-accredited.

(b) A training program seeking re-accreditation shall submit an application to the director no later than 180 days before its accreditation expires. If a training program does not submit its application for re-accreditation by that date, the director cannot guarantee that the program will be re-accredited before the end of the accreditation period.

(c) The training program's application for re-accreditation shall contain:

(i) The training program's name, address, and telephone number;

(ii) A list of courses for which it is applying for re-accreditation;

(iii) The name and qualifications of the training program manager;

(iv) The name(s) and qualifications of the principal instructor(s);

(v) A description of any changes to the training facility, equipment or course materials since its last application was approved that adversely affects the students' ability to learn;

(vi) A statement signed by the program manager stating:

(A) That the training program complies at all times with all requirements in paragraphs (3) and (5) of this section, as applicable; and

(B) The recordkeeping and reporting requirements of paragraph (8) of this section shall be followed; and

(vii) A payment of appropriate fees in accordance with the current Department of Environmental Quality Fee Schedule.

(d) Upon request, the training program shall allow the director or the director's authorized representative to audit the training program to verify the contents of the application for re-accreditation as described in paragraph (6)(c) of this section.

(7) Suspension, revocation, and modification of accredited training programs.

(a) The director may, after notice and an opportunity, for hearing, suspend, revoke, or modify training program accreditation, including refresher training accreditation, if a training program, training manager, or other person with supervisory authority over the training program has:

(i) Misrepresented the contents of a training course to the director and/or the student population;

(ii) Failed to submit required information or notifications in a timely manner;

(iii) Failed to maintain required records;

(iv) Falsified accreditation records, instructor qualifications, or other accreditation-related information or documentation;

(v) Failed to comply with the training standards and requirements in this section;

(vi) Failed to comply with federal, state, or local lead-based paint statutes or regulations; or

(vii) Made false or misleading statements to the director in its application for accreditation or re-accreditation which the director relied upon in approving the application.

(b) In addition to an administrative or judicial finding of violation, execution of a consent agreement in settlement of an enforcement action constitutes, for purposes of this section, evidence of a failure to comply with relevant statutes or regulations.

(8) Training program recordkeeping requirements.

(a) Accredited training programs shall maintain, and make available to the director or the director's authorized representative, upon request, the following records:

(i) All documents specified in paragraph (3)(d) of this section that demonstrate the qualifications listed in paragraphs (3) (a) and (3)(b) of this section of the training manager and principal instructors;

(ii) Current curriculum/course materials and documents reflecting any changes made to these materials;

(iii) The course test blueprint;

(iv) Information regarding how the hands-on assessment is conducted including, but not limited to:

(A) Who conducts the assessment;

(B) How the skills are graded;

(C) What facilities are used; and

(D) The pass/fail rate;

(v) The quality control plan as described in paragraph (3) (i) of this section;

(vi) Results of the students' hands-on skills assessments and course tests, and a record of each student's course completion certificate;

(vii) Any other material not listed in paragraphs (8)(a)(i) through (8)(a)(vi) of this section that was submitted to the director as part of the program's application for accreditation.

(viii) For renovator refresher and dust sampling technician refresher courses, a copy of each trainee's prior course completion certificate showing that each trainee was eligible to take the refresher course; and

(ix) For course modules delivered in an electronic format, a record of each student's log-ins, launches, progress, and completion, and a copy of the electronic learning completion certificate for each student.

(b) The training program must retain records pertaining to renovator, dust sampling technician and lead-based paint activities courses at the address specified on the training program accreditation application (or as modified in accordance with paragraph (8)(c) of this section) for the following minimum periods:

(i) Records pertaining to lead-based paint activities courses must be retained for a minimum of 3 years and 6 months;

(ii) Records pertaining to renovator or dust sampling technician courses offered must be retained for a minimum of 5 years and 6 months.

(c) The training program shall notify the director in writing within 30 days of changing the address specified on its training program accreditation application or transferring the records from that address.

(9) Amendment of accreditation.

(a) A training program must amend its accreditation within 90 days of the date a change occurs to information included in the program's most recent application. If the training program

fails to amend its accreditation within 90 days of the date the change occurs, the program may not provide renovator, dust sampling technician, or lead-based paint activities training until its accreditation is amended.

(b) To amend an accreditation, a training program must submit a completed Division of Air Quality Lead-Based Paint Application for Course Accreditation, signed by an authorized agent of the training provider, noting on the form that it is submitted as an amendment and indicating the information that has changed.

(c) Training managers, principal instructors, permanent training locations. If the amendment includes a new training program manager, any new or additional principal instructor(s), or any new permanent training location(s), the training provider is not permitted to provide training under the new training manager or offer courses taught by any new principal instructor(s) or at the new training location(s) until the director either approves the amendment or 30 days have elapsed, whichever occurs earlier. Except:

(i) If the amendment includes a new training program manager or new or additional principal instructor that was identified in a training provider accreditation application that the director has already approved under this section, the training provider may begin to provide training under the new training manager or offer courses taught by the new principal instructor on an interim basis as soon as the provider submits the amendment to the director. The training provider may continue to provide training under the new training manager or offer courses taught by the new principal instructor if the director approves the amendment or if the director does not disapprove the amendment within 30 days.

(ii) If the amendment includes a new permanent training location, the training provider may begin to provide training at the new permanent training location on an interim basis as soon as the provider submits the amendment to the director. The training provider may continue to provide training at the new permanent training location if the director approves the amendment or if the director does not disapprove the amendment within 30 days.

R307-842-2. Certification of Individuals and Firms Engaged in Lead-Based Paint Activities: Target Housing and Child-Occupied Facilities.

(1) Certification of individuals.

(a) Individuals seeking certification by the director to engage in lead-based paint activities must either:

(i) Submit to the director an application demonstrating that they meet the requirements established in paragraphs (2) or (3) of this section for the particular discipline for which certification is sought; or

(ii) Submit to the director an application with a copy of a valid lead-based paint activities certification (or equivalent) from the EPA or a state or tribal program that has been authorized by EPA pursuant to subpart Q of 40 CFR 745; or

(iii) For supervisor, inspector, and/or risk assessor certification, submit to the director an application with a copy of a valid lead-based paint training certificate from an EPA-accredited, or EPA-authorized state or tribal-accredited lead-specific training in the appropriate discipline and pass the certification exam in the appropriate discipline offered by the director.

(b) Following the submission of an application demonstrating that all the requirements of this section have been met, the director shall certify an applicant as an inspector, risk

assessor, supervisor, project designer, or abatement worker, as appropriate.

(c) Upon receiving director certification, individuals conducting lead-based paint activities shall comply with the work practice standards for performing the appropriate lead-based paint activities as established in R307-842-3.

(d) It shall be a violation of state administrative rules for an individual to conduct any of the lead-based paint activities described in R307-842-3 if that individual has not been certified by the director pursuant to this section to do so.

(e) Individuals applying for certification must submit the appropriate fees in accordance with the current Department of Environmental Quality Fee Schedule.

(2) Inspector, risk assessor or supervisor.

(a) To become certified by the director as an inspector, risk assessor, or supervisor, pursuant to paragraph (1)(a)(i) of this section, an individual must:

(i) Successfully complete an accredited initial training course in the appropriate discipline and receive a course completion certificate from an accredited training program;

(ii) Pass the certification exam in the appropriate discipline offered by the director; and

(iii) Meet or exceed the following experience and/or education requirements:

(A) Inspectors. No additional experience and/or education requirements;

(B) Risk assessors.

(I) Successful completion of an accredited initial training course for inspectors; and

(II) Bachelor's degree and 1 year of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction), or an Associates degree and 2 years experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or

(III) Certification as an industrial hygienist, professional engineer, registered architect and/or certification in a related engineering/health/environmental field (e.g., safety professional, environmental scientist); or

(IV) A high school diploma (or equivalent), and at least 3 years of experience in a related field (e.g., lead, asbestos, environmental remediation work or construction);

(C) Supervisor.

(I) One year of experience as a certified lead-based paint abatement worker; or

(II) At least 2 years of experience in a related field (e.g., lead, asbestos, or environmental remediation work) or in the building trades.

(b) The following documents shall be recognized by the director as evidence of meeting the requirements listed in (2)(b)(iii) of this paragraph:

(i) Official academic transcripts or diploma, as evidence of meeting the education requirements;

(ii) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements; and

(iii) Course completion certificates from lead-specific or other related training courses, issued by accredited training programs, as evidence of meeting the training requirements.

(c) In order to take the certification examination for a particular discipline an individual must:

(i) Successfully complete an accredited initial training course in the appropriate discipline and receive a course completion certificate from an accredited training program; and

(ii) Meet or exceed the education and/or experience requirements in paragraph (2)(a)(iii) of this section.

(d) The initial training course completion certificate shall serve as interim certification for an individual until the next available opportunity to take the certification exam. Such interim certification shall expire 6 months after issuance.

(e) After passing the appropriate certification exam and submitting an application demonstrating that he/she meets the appropriate training, education, and/or experience prerequisites described in paragraph (2)(a) of this section, an individual shall be issued a certificate by the director. To maintain certification, an individual must be re-certified as described in paragraph (4) of this section.

(f) An individual may take the certification exam no more than three times within 6 months of receiving an initial training course completion certificate.

(g) If an individual does not pass the certification exam and receive a certificate within 6 months of receiving his/her initial training course completion certificate, the individual must retake the appropriate initial training course from an accredited training program before reapplying for certification from the director.

(3) Abatement worker and project designer.

(a) To become certified by the director as an abatement worker or project designer, pursuant to paragraph (1)(a)(i) of this section, an individual must:

(i) Successfully complete an accredited initial training course in the appropriate discipline and receive a course completion certificate from an accredited training program; and

(ii) Meet or exceed the following additional experience and/or education requirements:

(A) Abatement workers. No additional experience and/or education requirements; and

(B) Project designers.

(I) Successful completion of an accredited initial training course for supervisors;

(II) Bachelor's degree in engineering, architecture, or a related profession, and 1 year of experience in building construction and design or a related field; or

(III) Four years of experience in building construction and design or a related field.

(b) The following documents shall be recognized by the director as evidence of meeting the requirements listed in this paragraph:

(i) Official academic transcripts or diploma, as evidence of meeting the education requirements;

(ii) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements; and

(iii) Course completion certificates from lead-specific or other related training courses, issued by accredited training programs, as evidence of meeting the training requirements.

(c) The initial training course completion certificate shall serve as an interim certification until certification from the director

is received, but shall be valid for no more than 6 months from the date of completion.

(d) After successfully completing the appropriate initial training courses and meeting any other qualifications described in paragraph (3)(a) of this section, an individual shall be issued a certificate from the director. To maintain certification, an individual must be re-certified as described in paragraph (4) of this section.

(4) Re-certification.

(a) To maintain certification in a particular discipline, a certified individual shall apply to and be re-certified by the director in that discipline by the director either:

(i) Every 3 years if the individual completed a training course with a course test and hands-on assessment; or

(ii) Every 5 years if the individual completed a training course with a proficiency test.

(b) An individual shall be re-certified if the individual successfully completes the appropriate accredited refresher training course and submits a valid copy of the appropriate refresher training course completion certificate. ~~For the supervisor, inspector, or risk assessor disciplines, [H]if more than 3 years but less than 4 years have passed since certification or re-certification for an individual that completed an initial or a refresher training course with a course test and hands-on assessment, or if more than 5 years but less than 6 years have passed since certification or re-certification for an individual that completed an initial or a refresher training course with a proficiency test~~ ~~[for the supervisor, inspector, and/or risk assessor disciplines], then the individual must also pass the certification exam in the appropriate discipline offered by the director. [Lead-based paint workers and project designers are not required to take a director exam to become re-certified.]~~ During the time period when the individual is not certified by the director, that individual cannot perform any regulated work activities that requires individual certification.

(c) Individuals applying for re-certification must submit the appropriate fees in accordance with the current Department of Environmental Quality Fee Schedule.

(5) Certification of firms.

(a) All firms which perform or offer to perform any of the lead-based paint activities or renovations described in R307-842-3 shall be certified by the director.

(b) A firm seeking certification shall submit to the director a letter attesting that the firm shall only employ appropriately certified employees to conduct lead-based paint activities, and that the firm and its employees shall follow the work practice standards in R307-842-3 for conducting lead-based paint activities.

(c) From the date of receiving the firm's letter requesting certification, the director shall have 90 days to approve or disapprove the firm's request for certification. Within that time, the director shall respond with either a certificate of approval or a letter describing the reasons for disapproval.

(d) The firm shall maintain all records pursuant to the requirements in R307-842-3.

(e) Firms may apply to the director for certification to engage in lead-based paint activities pursuant to this section.

(f) Firms applying for certification or re-certification must submit the appropriate fees in accordance with the current Department of Environmental Quality Fee Schedule.

(6) Suspension, revocation, and modification of certifications of individuals engaged in lead-based paint activities.

(a) The director may, after notice and opportunity for hearing, suspend, revoke, or modify an individual's certification if an individual has:

(i) Obtained training documentation through fraudulent means;

(ii) Gained admission to and completed an accredited training program through misrepresentation of admission requirements;

(iii) Obtained certification through misrepresentation of certification requirements or related documents dealing with education, training, professional registration, or experience;

(iv) Performed work requiring certification at a job site without having proof of certification;

(v) Permitted the duplication or use of the individual's own certificate by another;

(vi) Performed work for which certification is required, but for which appropriate certification has not been received;

(vii) Failed to comply with the appropriate work practice standards for lead-based paint activities at R307-842-3; or

(viii) Failed to comply with federal, state, or local lead-based paint statutes or regulations.

(b) In addition to an administrative or judicial finding of violation, for purposes of this section only, execution of a consent agreement in settlement of an enforcement action constitutes evidence of a failure to comply with relevant statutes or regulations.

(7) Suspension, revocation, and modification of certifications of firms engaged in lead-based paint activities.

(a) The director may, after notice and opportunity for hearing, suspend, revoke, or modify a firm's certification if a firm has:

(i) Performed work requiring certification at a job site with individuals who are not certified;

(ii) Failed to comply with the work practice standards established in R307-842-3;

(iii) Misrepresented facts in its letter of application for certification to the director;

(iv) Failed to maintain required records; or

(v) Failed to comply with federal, state, or local lead-based paint statutes or regulations.

(b) In addition to an administrative or judicial finding of violation, for purposes of this section only, execution of a consent agreement in settlement of an enforcement action constitutes evidence of a failure to comply with relevant statutes or regulations.

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KEY: paint, lead-based paint, lead-based paint abatement
Date of Enactment or Last Substantive Amendment: 2017
Notice of Continuation: February 5, 2015
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)
(i)

End of the Notices of Changes in Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at <http://www.rules.utah.gov/publicat/code.htm>. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

Agriculture and Food, Regulatory Services **R70-530** Food Protection

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 41344
FILED: 03/06/2017

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is promulgated under Section 4-5-17, which allows the department to make and adopt rules that conform to the regulations adopted under the Federal Food Drug and Cosmetic Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received by the department since the last five-year review of the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule adopts the Food Code which is issued by the Food and Drug Administration to protect the food supply in a retail environment. It contains the regulation on how food is to be handled and prepared. Additionally it contains the standards for cleanliness and sanitation for the facility as well as the workers. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
AGRICULTURE AND FOOD
REGULATORY SERVICES
350 N REDWOOD RD
SALT LAKE CITY, UT 84116-3034
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at kmathews@utah.gov
- ◆ Scott Ericson by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at sericson@utah.gov
- ◆ Travis Waller by phone at 801-538-7150, by FAX at 801-538-7124, or by Internet E-mail at twaller@utah.gov

AUTHORIZED BY: LuAnn Adams, Commissioner

EFFECTIVE: 03/06/2017

Corrections, Administration **R251-106** Media Relations

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 41338
FILED: 03/02/2017

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 63G-2-201(12) and

Sections 63G-3-201, 64-13-10, 63G-2-204, and 77-19-11 of the Utah Code require governmental entities to determine when a need exists for safeguarding information for the news media.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of this rule is to define the Utah Department of Corrections' (UDC) policy under which persons representing the news media shall be allowed access to correctional institutions, inmates, and other supervised offenders. It is also intended to define UDC actions when a need exists for the safeguarding of information. Therefore, this rule should be continued.

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

CORRECTIONS
ADMINISTRATION
14717 S MINUTEMAN DR
DRAPER, UT 84020-9549
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Lucy Ramirez by phone at 801-545-5616, or by Internet E-mail at lramirez@utah.gov

AUTHORIZED BY: Rollin Cook, Executive Director

EFFECTIVE: 03/02/2017

Education, Administration
R277-479
Charter School Special Education
Student Funding Formula

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 41360
FILED: 03/15/2017

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-402(1) allows the Utah State Board of Education (Board) to make rules regarding services to persons with a disability; Section 53A-

15-301 directs the Board to make rules that provide standards and procedures for serving students with disabilities; and Section 53A-1-401 allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

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 comment has been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R277-479 continues to be necessary because it establishes standards and procedures for charter school special education student funding. Therefore, the rule should be continued.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

EFFECTIVE: 03/15/2017

Education, Administration
R277-612
Foreign Exchange Students

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 41361
FILED: 03/15/2017

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-2-206(2) directs the Utah State Board of Education (Board) to make rules to administer the cap on the number of foreign exchange students for purposes of apportioning state monies for the

students; and Section 53A-1-401 allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

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 comment has been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R277-612 continues to be necessary because it provides standards and procedures for foreign exchange students to be counted for state funding and for protecting foreign exchange students. Therefore, the rule should be continued.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

EFFECTIVE: 03/15/2017

unreasonable and excessive intrusion of personal rights; and Section 53A-1-401 allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

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 comment has been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R277-615 continues to be necessary because it provides standards and procedures for LEAs to use when adopting policies on student searches. Therefore, the rule should be continued.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

EFFECTIVE: 03/15/2017

Education, Administration
R277-615
Standards and Procedures for Student Searches

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 41362
FILED: 03/15/2017

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 53A-11-1305 directs the Utah State Board of Education (Board) and local education agencies (LEAs) to adopt rules to protect students against

Health, Disease Control and Prevention, Environmental Services
R392-502
Hotel, Motel, and Resort Sanitation

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 41367
FILED: 03/15/2017

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: Rule R392-502 is authorized under Section 26-1-5 and Subsections 26-1-30(23)(e) and 26-15-2(11). Section 26-1-5 gives the department rulemaking

authority to carry out the provisions of Title 26. Subsection 26-15-2(11) authorizes the Department to adopt rules and enforce minimum sanitary standards for the operation and maintenance of hotels and motels. Subsection 26-1-30(23) (e) establishes powers and duties of the Department to adopt rules and enforce minimum sanitary standards for the operation and maintenance of hotels.

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 sought comments from the local health departments in Utah, as well as the Utah Hotel and Lodging Association. No comments were received in opposition to a continuation of Rule R392-502. A few individuals from the local health departments provided comments to propose a revision of select regulatory requirements as summarized as follows: Summit County Health Department said the rule should specify laundry wash water temperature and duration; and require hotel managers to notify the local health department when there is a disruption in public water availability. Southwest Utah Health Department said to include requirements in the rule for proper pest control practices once a pest infestation has been identified. Central Utah Public Health Department said to make reference to the Utah Indoor Clean Air Act regarding smoking in public areas and non-smoking rooms and include a provision for the local health department to request building construction plans/drawings to ensure compliance with the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of Rule R392-502 is recommended by the Department. This rule is required by statute and establishes a minimum set of sanitation, maintenance, and operation standards that a hotel, motel, or resort can meet to protect the health and safety of patrons, to control infestations of insects and rodents, and to ensure that rooms and bedding are maintained in a clean and sanitary condition.

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

HEALTH
DISEASE CONTROL AND PREVENTION,
ENVIRONMENTAL SERVICES
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Chris Nelson by phone at 801-538-6739, or by Internet E-mail at chrisonelson@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 03/15/2017

Health, Disease Control and Prevention, Environmental Services **R392-510** Utah Indoor Clean Air Act

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 41368

FILED: 03/15/2017

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: Rule R392-510 is authorized under Section 26-1-5, Subsection 26-1-30(4), and Section 26-15-12. Section 26-1-5 gives the department rulemaking authority to carry out the provisions of Title 26. Subsection 26-1-30(4) charges the department to create rules to protect the public health or to prevent disease and illness. Section 26-15-12 requires the department to adopt rules necessary and reasonable to implement the provisions of Title 26, Chapter 38, Utah Indoor Clean Air Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received in favor or in opposition to Rule R392-510.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: A report in 2006 by the U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand tobacco smoke and that the implementation of smoke-free laws is the most effective way to reduce this exposure to the public (see Reference 1). Research shows that the effective implementation of smoke-free regulations improves the health of workers and individuals. It has been found that among workers smoke-free laws reduce respiratory disease symptoms (see Reference 2) and that among the general population these laws: decrease the morbidity rates of those with heart disease (see Reference 2); decrease the incidence of heart attacks and stroke (see Reference 3); decrease respiratory disease; and reduce hospital admissions (see Reference 4). Many of these health benefits are seen shortly after the smoke-free regulations are put into place (see References 1 through 5). The more comprehensive the smoke-free law the greater the decrease in negative health events (see Reference 4). The American

Lung Association has rated the Utah Indoor Clean Air Regulation as an "A" grade because of breadth of places that are included in the law; all places of public access (see Reference 7). The exemptions to the indoor clean air regulation are few and set to expire. Though allowed legally, Salt Lake City has closed the smoking rooms at the international airport and the allowance of hookah bars and e-cigarette sampling is set to sunset in 2017. Though there is still room for improvement the Utah indoor clean air regulations should be considered a model smoke-free policy. The rule that is a part of the Utah Indoor clean air regulation is: 1) required by statute and 2) strengthens the statute. Section 26-15-12 states that the department of health "...shall adopt rules necessary and reasonable to implement the provisions of Title 26, Chapter 38, Utah Indoor Clean Air Act." Rule R392-510 is the health department's fulfillment of its legal obligation. Rule R392-510 adds to the statute by providing details on what the legal requirements are of those who have responsibility over places of public access. This includes proper signage, enforcement, protection for claimants, and specific cases where the law does and does not apply. The Utah Department of Health recommends the continuation of Rule R392-510. Not only is the department obligated by law to implement such a rule, Rule R392-510 is a model policy that protects the health of Utahns and its visitors from secondhand tobacco smoke. REFERENCE 1: Office on Smoking and Health (US). The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. Atlanta (GA): Centers for Disease Control and Prevention (US); 2006 -- <https://www.ncbi.nlm.nih.gov/books/NBK44324/>. REFERENCE 2: International Agency for Research on Cancer (IARC). IARC Handbooks of Cancer Prevention, Tobacco Control, Vol. 13: Evaluating the Effectiveness of Smoke-Free Policies; 2009 -- <http://www.iarc.fr/en/publications/pdfs-online/prev/handbook13/handbook13-0.pdf>. REFERENCE 3: Institute of Medicine. Secondhand Smoke Exposure and Cardiovascular Effects: Making Sense of the Evidence. Washington: The National Academies Press, 2010 -- <https://www.nap.edu/catalog/12649/secondhand-smoke-exposure-and-cardiovascular-effects-making-sense-of-the>. REFERENCE 4: Tan CE, Glantz SA. Association Between Smoke-Free Legislation and Hospitalizations for Cardiac, Cerebrovascular, and Respiratory Diseases: A Meta-Analysis. *Circulation* 2012; 126:2177–83. REFERENCE 5: Hahn EJ. Smoke-free Legislation: A Review of Health and Economic Outcomes Research. *American Journal of Preventive Medicine* 2010; 39(6S1):S66–S76. REFERENCE 6: Goodman PG, Haw S, Kabir Z, Clancy L. Are There Health Benefits Associated With Comprehensive Smoke-Free Laws? *International Journal of Public Health* 2009; 54:367–78. REFERENCE 7: American Lung Association. State of Tobacco Control 2016; Utah. 2016 -- <http://www.lung.org/our-initiatives/tobacco/reports-resources/sotc/#smokefree-air>

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

HEALTH
DISEASE CONTROL AND PREVENTION,
ENVIRONMENTAL SERVICES
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Chris Nelson by phone at 801-538-6739, or by Internet E-mail at chrisnelson@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 03/15/2017

Heritage and Arts, History R455-1 Adjudicative Proceedings

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 41341

FILED: 03/02/2017

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 in compliance with the Utah Administrative Procedures Act, Section 63G-4-102 et seq., and applies only to actions which are governed by the Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule provides procedures for any person aggrieved by a decision by the Division of State History to petition the Board of State History for the submission, review, and disposition of petitions for agency declaratory orders on the applicability of statutes, rules, and orders governing or issued by the agency. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HERITAGE AND ARTS
 HISTORY
 300 RIO GRANDE ST
 SALT LAKE CITY, UT 84101-1182
 or at the Office of Administrative Rules.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HERITAGE AND ARTS
 HISTORY
 300 RIO GRANDE ST
 SALT LAKE CITY, UT 84101-1182
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Alysia Aldrich by phone at 801-245-7226, by FAX at 801-533-3503, or by Internet E-mail at aaldrich@utah.gov

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Alysia Aldrich by phone at 801-245-7226, by FAX at 801-533-3503, or by Internet E-mail at aaldrich@utah.gov

AUTHORIZED BY: Jill Love, Executive Director

AUTHORIZED BY: Jill Love, Executive Director

EFFECTIVE: 03/02/2017

EFFECTIVE: 03/02/2017

**Heritage and Arts, History
 R455-12**

**Computerized Record of Cemeteries,
 Burial Locations and Plots, and
 Granting Matching Funds**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 41342
 FILED: 03/02/2017

**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: In accordance with Subsection 9-8-203(3)(c), the agency should provide grants to assist cemeteries, computerize their records, and develop a centralized database of names, dates of death, burial locations, and other information. This database will include data on individuals interred in cemeteries and burial locations where a previous record exists regarding the burial.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Subsection 9-8-203(3)(c) is still a requirement. Dozens of cemeteries annually apply for matching grants to computerize their records. Therefore, this rule should be continued.

**Insurance, Administration
 R590-262**

**Health Data Authority Health Insurance
 Claims Reporting**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 41345
 FILED: 03/06/2017

**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-22-614.5(3)(a) authorizes the commissioner to coordinate the administrative rules adopted under Section 31A-22-614.5 with the administrative rules adopted by the Department of Health under Section 26-1-37.

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 received written comments regarding this rule during a previous amendment process in the wake of the Supreme Court's decision in Gobeille v. Liberty Mutual Insurance Co. The comments were received during the normal rule exposure period and were favorable to the department's proposed changes.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule allows insurance claim and medical data to be collected by the Utah Department of Health that

will be shared with and utilized by the Clinical Health Information Index (CHIE) and the state's All-Claims Database. This data is helpful in identifying trends in health care costs, developing shopping tools, informing health care providers of ongoing health care needs, and assisting with numerous research projects both locally and nationally. 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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at sgooch@utah.gov

AUTHORIZED BY: Steve Gooch, Information Specialist

EFFECTIVE: 03/06/2017

**Natural Resources, Parks and
Recreation
R651-410**

Off-Highway Vehicle Safety Equipment

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 41347
FILED: 03/07/2017

**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 compliments Subsection 41-22-10.7(1)(d), Vehicle Equipment Requirements, which states that the State Parks Board may designate sand dune areas that are required to have a safety flag. In addition, the Board has been granted rulemaking authority under Section 63G-3-201 as well as Section 79-4-3.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Over the last five years, no written comments either supporting and/or opposing this rule have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it requires a specific piece of safety equipment for any off-highway vehicle (OHV) that is operated within identified riding areas of three specific sand dunes within Utah. This rule has assisted in reducing accidents and injuries associated with off-highway vehicle operation in these three specific sand dune areas.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 03/07/2017

**Natural Resources, Wildlife Resources
R657-27
License Agent Procedures**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 41353
FILED: 03/13/2017

**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 23-19-15, this rule provides the application procedures, standards, and requirements for wildlife license agents.

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 supporting or opposing Rule R657-27 were received since 04/02/2012 when the rule was last reviewed.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R657-27 provides the application procedures, standards, and requirements for wildlife license agents. The Division of Wildlife Resources (DWR) oversees 300+ license agents. This rule is required to keep consistency among the agents and to ensure they are following Wildlife guidelines with the issuance of hunting licenses and permits. 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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Staci Coons by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

AUTHORIZED BY: Gregory Sheehan, Director

EFFECTIVE: 03/13/2017

opposing Rule R657-50 were received since 04/04/2007 when the rule was implemented.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R657-50 provides the Division of Wildlife Resources (DWR) with a guideline for identifying and correcting errors that are made through out the division programs. This rule provides standards and criteria for resolving errors. Continuation of this rule is necessary for continued success of the division.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Staci Coons by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

AUTHORIZED BY: Gregory Sheehan, Director

EFFECTIVE: 03/13/2017

Natural Resources, Wildlife Resources
R657-50
Error Remedy

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 41352
 FILED: 03/13/2017

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Sections 23-14-19, 23-19-1, and 23-19-38, this rule is established to provide guidelines for identifying and resolving errors resulting in the: 1) rejection of a wildlife document application; 2) denial of a wildlife document; and 3) incorrect issuance of a wildlife document. This rule provides standards and procedures in the identification and resolution of division errors, third party errors, and petitioner errors.

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 supporting or

Public Safety, Fire Marshal
R710-8
Day Care Rules

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 41343
 FILED: 03/06/2017

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: Pursuant to Section 53-7-204, the legislature adopted the 2015 International Fire Code (IFC) as the Utah State Fire Code. Under this adoption, the Utah Fire Prevention Board adopts minimum standards for the prevention of fire and for the protection of life and property against fire and panic in any day care facility or children's home.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received during the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Not only does the State Fire Code allow for the protection of day care facilities, it also is in harmony with the Day Care Rules of the Utah State Health Department which also has rules pertaining to the protection of life and related issues at daycare facilities (see Health rules under Title R381). It is critical that these two sets of rules are compatible as specific amendments are adopted in statute for the fire code to be compatible with the health code. Therefore, this rule should be continued.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Kim Gibb by phone at 801-556-8198, by FAX at 801-964-4482, or by Internet E-mail at kgibb@utah.gov
- ◆ Ted Black by phone at 801-284-6352, or by Internet E-mail at tblack@utah.gov

AUTHORIZED BY: Coy Porter, State Fire Marshal

EFFECTIVE: 03/06/2017

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Abbreviations

AMD = Amendment

CPR = Change in Proposed Rule

NEW = New Rule

R&R = Repeal & Reenact

REP = Repeal

Administrative Services

Finance

No. 41147 (AMD): R25-7. Travel-Related Reimbursements for State Employees

Published: 02/01/2017

Effective: 03/10/2017

Agriculture and Food

Horse Racing Commission (Utah)

No. 41102 (AMD): R52-7. Horse Racing

Published: 01/01/2017

Effective: 03/06/2017

Commerce

Occupational and Professional Licensing

No. 41169 (AMD): R156-46b-202. Informal Adjudicative

Proceedings

Published: 02/01/2017

Effective: 03/13/2017

Crime Victim Reparations

Administration

No. 41142 (AMD): R270-1-20. Medical Awards

Published: 02/01/2017

Effective: 03/10/2017

Education

Administration

No. 41188 (AMD): R277-417. Prohibiting LEAs and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation

Published: 02/01/2017

Effective: 03/14/2017

No. 41189 (AMD): R277-507-3. Endorsement Requirements

Published: 02/01/2017

Effective: 03/14/2017

No. 41190 (AMD): R277-702. Procedures for the Utah High School Completion Diploma

Published: 02/01/2017

Effective: 03/14/2017

No. 41191 (NEW): R277-717. High School Course Grading Requirements

Published: 02/01/2017

Effective: 03/14/2017

No. 41192 (NEW): R277-801. Services for Students with Sensory Impairments

Published: 02/01/2017

Effective: 03/14/2017

Environmental Quality

Air Quality

No. 41099 (AMD): R307-125. Clean Air Retrofit, Replacement, and Off-Road Technology Program

Published: 01/01/2017

Effective: 03/03/2017

Drinking Water

No. 40769 (AMD): R309-535-5. Fluoridation

Published: 10/01/2016

Effective: 03/07/2017

No. 40769 (CPR): R309-535-5. Fluoridation

Published: 12/15/2016

Effective: 03/07/2017

Governor

Criminal and Juvenile Justice (State Commission on)

No. 41182 (NEW): R356-3. Electronic Meetings

Published: 02/01/2017

Effective: 03/13/2017

NOTICES OF RULE EFFECTIVE DATES

Insurance

Administration

No. 41172 (AMD): R590-262. Health Data Authority Health Insurance Claims Reporting
Published: 02/01/2017
Effective: 03/10/2017

Natural Resources

Parks and Recreation

No. 41154 (AMD): R651-215-8. River Throw Bag in Lieu of Type IV PFD
Published: 02/01/2017
Effective: 03/10/2017

Wildlife Resources

No. 41153 (AMD): R657-9. Taking Waterfowl, Wilson's Snipe and Coot
Published: 02/01/2017
Effective: 03/13/2017

No. 41149 (REP): R657-16. Aquaculture and Fish Stocking
Published: 02/01/2017
Effective: 03/13/2017

No. 41148 (AMD): R657-38. Dedicated Hunter Program
Published: 02/01/2017
Effective: 03/13/2017

No. 41150 (AMD): R657-59. Private Fish Ponds
Published: 02/01/2017
Effective: 03/13/2017

No. 41151 (AMD): R657-60. Aquatic Invasive Species Interdiction
Published: 02/01/2017
Effective: 03/13/2017

No. 41152 (AMD): R657-62. Drawing Application Procedures
Published: 02/01/2017
Effective: 03/13/2017

Navajo Trust Fund

Trustees

No. 40892 (AMD): R661-3. Utah Navajo Trust Fund Residency Policy
Published: 11/15/2016
Effective: 03/14/2017

No. 40893 (AMD): R661-6. Utah Navajo Trust Fund Higher Education Financial Assistance and Scholarship Program
Published: 11/15/2016
Effective: 03/14/2017

Public Service Commission

Administration

No. 41116 (NEW): R746-1. Public Service Commission Administrative Procedures Act Rule
Published: 01/15/2017
Effective: 03/06/2017

No. 41115 (REP): R746-100. Practice and Procedures Governing Formal Hearings
Published: 01/15/2017
Effective: 03/06/2017

Regents (Board of)

Administration

No. 40915 (REP): R765-606. Utah Leveraging Educational Assistance Partnership Program
Published: 11/15/2016
Effective: 03/14/2017

Workforce Services

Employment Development

No. 41171 (AMD): R986-700-706. Provider Rights and Responsibilities
Published: 02/01/2017
Effective: 04/01/2017

End of the Notices of Rule Effective Dates Section

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BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)**

The Rules Index is a cumulative index that reflects all effective changes to Utah's administrative rules. The current Index lists changes made effective from January 2, 2017 through March 15, 2017. The Rules Index is published in the Utah State Bulletin and in the annual Utah Administrative Rules Index of Changes. Nonsubstantive changes, while not published in the Bulletin, do become part of the Utah Administrative Code (Code) and are included in this Index, as well as 120-Day (Emergency) rules that do not become part of the Code. The rules are indexed by Agency (Code Number) and Keyword (Subject).

Questions regarding the index and the information it contains should be addressed to the Office of Administrative Rules (801-538-3003).

A copy of the **RULES INDEX** is available for public inspection at the Office of Administrative Rules (5110 State Office Building, Salt Lake City, UT), or may be viewed online at the Office's web site (<http://www.rules.utah.gov/>).

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ABBREVIATIONS

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
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R708-14	Adjudicative Proceedings for Driver License Actions Involving Alcohol and Drugs	41130	5YR	01/08/2017	2017-3/103
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ABBREVIATIONS

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

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Health, Family Health and Preparedness, Emergency Medical Services	41029	R426-9	AMD	02/01/2017	2016-24/30	
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Education, Administration	41009	R277-531	AMD	01/10/2017	2016-23/43	
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Navajo Trust Fund, Trustees	40892	R661-3	AMD	03/14/2017	2016-22/90	
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Health, Disease Control and Prevention, Environmental Services	41367	R392-502	5YR	03/15/2017	Not Printed	
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Public Service Commission, Administration	41264	R746-440	5YR	01/31/2017	2017-4/89	
<u>restitution</u>						
Pardons (Board Of), Administration	41121	R671-403	5YR	01/05/2017	2017-3/101	
<u>retirement</u>						
Human Resource Management, Administration	41283	R477-12	EXT	02/02/2017	2017-5/77	
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Health, Disease Control and Prevention, Epidemiology	41038	R386-702	AMD	01/27/2017	2016-24/12	
Human Resource Management, Administration	41270	R477-1	EXT	02/02/2017	2017-5/75	
	41284	R477-13	EXT	02/02/2017	2017-5/77	
Natural Resources, Wildlife Resources	41353	R657-27	5YR	03/13/2017	Not Printed	
Public Safety, Driver License	41203	R708-2	5YR	01/20/2017	2017-4/86	
Public Service Commission, Administration	41115	R746-100	REP	03/06/2017	2017-2/33	
	41031	R746-341	AMD	03/06/2017	2016-24/40	
<u>rules procedures</u>						
Insurance, Administration	41215	R590-116	5YR	01/26/2017	2017-4/76	
	41216	R590-117	5YR	01/26/2017	2017-4/77	
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Environmental Quality, Waste Management and Radiation Control, Radiation	41177	R313-15	5YR	01/17/2017	2017-3/88	
<u>San Juan County</u>						
Navajo Trust Fund, Trustees	40892	R661-3	AMD	03/14/2017	2016-22/90	
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Transportation, Program Development	41329	R926-15-5	NSC	03/14/2017	Not Printed	

<u>scenic byways</u>						
Transportation, Program Development	41053	R926-13-4	AMD	02/07/2017	2017-1/95	
	41329	R926-15-5	NSC	03/14/2017	Not Printed	
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Education, Administration	41092	R277-526	AMD	02/07/2017	2017-1/39	
	41093	R277-602	AMD	02/07/2017	2017-1/41	
Navajo Trust Fund, Trustees	40893	R661-6	AMD	03/14/2017	2016-22/92	
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Education, Administration	41073	R277-113	AMD	02/07/2017	2017-1/16	
<u>schools</u>						
Environmental Quality, Air Quality	41228	R307-135	5YR	01/27/2017	2017-4/62	
Public Safety, Driver License	41203	R708-2	5YR	01/20/2017	2017-4/86	
<u>screenings</u>						
Human Services, Administration	41114	R495-885	AMD	02/23/2017	2017-2/23	
<u>seal</u>						
Education, Administration	41004	R277-499	NEW	01/10/2017	2016-23/30	
<u>searches</u>						
Education, Administration	41362	R277-615	5YR	03/15/2017	Not Printed	
<u>securities</u>						
Commerce, Securities	41293	R164-101	5YR	02/07/2017	2017-5/63	
<u>securities fraud reporting program</u>						
Commerce, Securities	41293	R164-101	5YR	02/07/2017	2017-5/63	
<u>securities regulation</u>						
Commerce, Securities	41293	R164-101	5YR	02/07/2017	2017-5/63	
<u>security</u>						
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<u>sensory impairments</u>						
Education, Administration	41192	R277-801	NEW	03/14/2017	2017-3/20	
<u>sentences</u>						
Pardons (Board Of), Administration	41250	R671-311	5YR	01/30/2017	2017-4/83	
	41081	R671-311-3	AMD	02/15/2017	2017-1/83	
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Education, Administration	41192	R277-801	NEW	03/14/2017	2017-3/20	
<u>slaughter</u>						
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<u>SLEAP</u>						
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Administrative Services, Purchasing and General Services	41292	R33-4-101b	NSC	03/06/2017	Not Printed	
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	40773	R307-302	CPR	02/01/2017	2017-1/102	
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Environmental Quality, Air Quality	41219	R307-341	5YR	01/27/2017	2017-4/67	
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Education, Administration	41076	R277-752	NEW	02/07/2017	2017-1/45	
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Education, Administration	41093	R277-602	AMD	02/07/2017	2017-1/41	
<u>specifications</u>						
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Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health	40901	R388-803	REP	02/01/2017	2016-22/59	
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	41190	R277-702	AMD	03/14/2017	2017-3/15	

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	41191	R277-717	NEW	03/14/2017	2017-3/18
	41192	R277-801	NEW	03/14/2017	2017-3/20
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	41181	R313-34	5YR	01/17/2017	2017-3/90
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	40893	R661-6	AMD	03/14/2017	2016-22/92
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Education, Administration	41004	R277-499	NEW	01/10/2017	2016-23/30
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