UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed October 2, 2001, 12:00 a.m. through October 15, 2001, 11:59 p.m.

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Kenneth A. Hansen, Director
Nancy L. Lancaster, Editor

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

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: http://www.rules.state.ut.us/

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

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EDITOR'S NOTES

INCORRECT TITLE DESIGNATED FOR PROPOSED AMENDMENT TO TAX COMMISSION RULE PUBLISHED IN THE OCTOBER 15, 2001, ISSUE OF THE UTAH STATE BULLETIN

The Division of Administrative Rules has identified an error in October 15, 2001, issue of the *Utah State Bulletin* and the *Utah State Digest*. The Tax Commission filed a proposed rule amending Section R865-4D-6 (Filing No. 24085, appearing on *Bulletin* pages 46 and 47). However, when the information was entered at Tax Commission, it was incorrectly designated as being filed by Tax Commission, Administration (Title R861), rather than Tax Commission, Auditing (Title R865). Therefore, in the *Bulletin* Table of Contents, and on page 46, as well as in the *Digest*, it appears that Tax Commission filed an amendment to Section R861-4D-6, which does not exist. The text of the rule published in the *Bulletin* correctly indicates that it is Section R865-4D-6 being amended.

If you have additional questions about this issue, please contact Ken Hansen, Director, Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007, Phone 801-538-3777, Fax 801-538-1773, E-mail khansen@utah.gov.

NOTICE OF PUBLICATION ERROR AFFECTING THE 120-DAY (EMERGENCY) RULE PUBLISHED IN THE OCTOBER 15, 2001, ISSUE OF THE UTAH STATE BULLETIN

The Division of Administrative Rules discovered a programming error that affected the 120-DAY (EMERGENCY) RULE published in the October 15, 2001, issue of the *Utah State Bulletin*. For this rule, the reason for the emergency rule was omitted and a "T" appeared in its place. The correct information appears below.

HUMAN SERVICES
ADMINISTRATION, ADMINISTRATIVE SERVICES, LICENSING
No. 24072: R501-12. Foster Care Rules.
PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To clarify Subsection R501-12-8(E) on firearm safety. A questionnaire was mailed to all foster care providers for input on firearm safety. After receiving the responses from foster care providers, discussion with the Licensing Board, and presentation to Legislative Administrative Rules Committee, firearm safety was re-written to clarify precautions for foster care providers.
SUMMARY OF THE RULE OR CHANGE: Firearm safety was re-written to clarify what is securely locked, ways to render a firearm inoperable, and storing ammunition and firearms separately.
EMERGENCY RULE REASON AND JUSTIFICATION: Regular rulemaking procedures would cause an imminent peril to public health, safety, or welfare. Rule change needed to clarify gun safety in foster homes.
PUBLISHED: October 15, 2001

The Division regrets any inconvenience this error may have caused.

If you have additional questions about this issue, please contact Ken Hansen, Director, Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007, Phone 801-538-3777, Fax 801-538-1773, E-mail khansen@utah.gov.
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NOTICE OF PUBLICATION ERRORS AFFECTING CHANGES IN PROPOSED RULES PUBLISHED IN THE OCTOBER 1, 2001, AND OCTOBER 15, 2001, ISSUES OF THE UTAH STATE BULLETIN

The Division of Administrative Rules discovered an error that affected CHANGES IN PROPOSED RULES published in the October 1 and October 15, 2001, issues of the *Utah State Bulletin* and *Utah State Digest*. For these rules, the summary information was omitted and information describing the purpose was published twice. The following rules were affected.

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING

No. 23593: R156-67. Utah Medical Practice Act Rules.
SUMMARY OF THE RULE OR CHANGE: The definitions of "disruptive behavior" and "patient surrogate" are being deleted from Section R156-67-102. The unprofessional conduct definitions of "engaging in sexual contact with a patient surrogate . . ." and "engaging in disruptive behavior in the practice of medicine" are being deleted from Section R156-67-502. (DAR Note: This is the second change in proposed rule (CPR) for R156-67. The original amendment upon which the first CPR was based was published in the April 15, 2001, issue of the Utah State Bulletin, on page 41. The first CPR upon which this second CPR is based was published in the August 15, 2001, issue of the Utah State Bulletin, on page 37. You must view the proposed amendment, the first CPR, and the second CPR together to understand all of the changes that will be enforceable should the agency make this rule effective.)
PUBLISHED: October 1, 2001

ENVIRONMENTAL QUALITY
AIR QUALITY
No. 23835: R307-220-4. Section III, Small Municipal Waste Combustion Units.
SUMMARY OF THE RULE OR CHANGE: The changes in the Plan are as follows: On page 1, lines 12 - 14, specify precisely that the combustion units covered by the federal rule are those that combust 35 - 250 tons per day of municipal waste, and that began construction on or before August 30, 1999. On page 2, line 8, delete the term "Administrator" from the definitions, as the term is not used in the Plan; it has been replaced by "Executive Secretary". On page 11, line 9, revise the sentence to clarify that employees are to be trained within 6 months of the unit's startup date and before their activities affect the operation of the unit. On page 17, lines 9 - 10, revise to ensure that this subsection is consistent with other references to compliance dates within the Plan. On page 39, lines 11 - 13, change compliance dates for Wasatch Energy Systems to be consistent with the current Approval Order and with Section III, Compliance, in the Plan. Wasatch Energy Systems is required to complete onsite construction of its new emissions control equipment by January 6, 2002, and must achieve final compliance by October 6, 2002. (DAR Note: This change in proposed rule has been filed to make additional changes to an amendment that was published in the July 1, 2001 issue of the Utah State Bulletin, on page 17. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)
PUBLISHED: October 15, 2001

ENVIRONMENTAL QUALITY
WATER QUALITY
No. 23780: R317-8-4. Permit Conditions.
SUMMARY OF THE RULE OR CHANGE: The proposed change replaces the word "intentional" in the definition of "bypass" at R317-8-4.1(13)(a)1. The word was proposed for deletion in the original rule amendment, but is being reinstated based on our assessment of public comments received on this issue. (DAR Note: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the June 1, 2001, issue of the Utah State Bulletin, on page 47. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)
PUBLISHED: October 15, 2001

The Division regrets any inconvenience these errors may have caused.

If you have additional questions about this issue, please contact Ken Hansen, Director, Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007, Phone 801-538-3777, Fax 801-538-1773, E-mail khansen@utah.gov.

End of the Editor's Notes Section

SPECIAL NOTICES

ADMINISTRATIVE SERVICES
ADMINISTRATIVE RULES

PUBLIC WORKSHOP "THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT"

Do you . . .

*need to follow changes in federal programs?
*research how federal regulations affect you or your business?
*want to know how you can use the Internet to speed up your federal regulation research and reduce your research costs?

Plan now to attend a FREE public workshop entitled "The FEDERAL REGISTER: What it Is and How to Use It." On Wednesday, November 7, 2001, the Office of the Federal Register will offer a public workshop on the use of the FEDERAL REGISTER. The workshop is hosted by the Utah Division of Administrative Rules and will be held in the State Office Building Auditorium on Capitol Hill in Salt Lake City, Utah. It will begin at 9:00 a.m. and run approximately three hours. The workshop is free and open to the public, but registration is required.

This workshop is open to anyone who is interested in the process by which Federal agencies promulgate regulations, or to persons who use the FEDERAL REGISTER (FR) or CODE OF FEDERAL REGULATIONS (CFR). It will be presented by staff from the Office of the Federal Register, National Archives and Records Administration. The topics include:

*the regulatory process, the role of the public, and the relationship between the FR and the CFR;
*how to obtain up-to-date regulatory information from the FR and the CFR;
*a "Guided Tour" of a typical issue of the FR and a volume of the CFR;
*an introduction to FR and CFR finding aids, and on-line resources for research in the FR system; and
*a demonstration of the e-CFR, the new on-line, electronic version of the 206 printed volumes of the CFR that is revised daily to reflect CFR amendments published in the daily FR.

When: Wednesday, November 7, 2001, 9:00 a.m. to approximately noon. Please arrive at least 15 minutes early to allow time to clear building security.

Where: Auditorium (1st Floor), State Office Building (just north of the State Capitol Building), Capitol Hill, Salt Lake City, UT. Enter at the south door on the ground level.

Registration: Contact Sophia Manousakis at 801-538-3764 or at *smanousa@das.state.ut.us*. Registration is required because of limited seating and for security purposes. Please provide a name and a phone number at which you can be reached. Those needing special accommodation (including auxiliary communicative aids and services) must notify the Division when making their reservations (at least three working days prior to the workshop).

Cost: Free, but a reservation is required

Visit *http://www.nara.gov/fedreg/* for additional information about the Office of the Federal Register and its publications. Visit *http://www.rules.state.ut.us/* for additional information about the Utah Division of Administrative Rules and its publications.

COMMUNITY AND ECONOMIC DEVELOPMENT
COMMUNITY DEVELOPMENT, LIBRARY

PUBLIC NOTICE OF AVAILABLE UTAH STATE PUBLICATIONS

The Utah State Library Division has made available Utah State Publications List No. 01-21, dated October 12, 2001 (http://www.state.lib.ut.us/01-21.html). For a copy of the complete list, contact the Utah State Library Division at: 1950 West 250 North, Suite A, Salt Lake City, UT 84116-7901; phone: (801) 715-6777; or the Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007; phone: (801) 538-3218; FAX: (801) 538-1773; or view it on the World Wide Web at the address above.

P R O C L A M A T I O N

GOVERNOR'S PROCLAMATION: CALLING THE FIFTY-FOURTH LEGISLATURE INTO A FIFTH EXTRAORDINARY SESSION (SENATE ONLY)

WHEREAS, since the close of the 2001 General Session of the 54th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, MICHAEL O. LEAVITT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Senate only of the 54th Legislature of the State of Utah into a Fifth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 24th day of October, 2001, at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2001 General Session of the 54th Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 9th day of October, 2001.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

OLENE S. WALKER
Lieutenant Governor

End of the Special Notices Section

NOTICES OF
PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between October 2, 2001, 12:00 a.m., and October 15, 2001, 11:59 p.m. are included in this, the November 1, 2001, issue of the *Utah State Bulletin*.

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

Following the RULE ANALYSIS, the text of the PROPOSED RULE is usually printed. New rules or additions made to existing rules are underlined (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [~~example~~]). Rules being repealed are completely struck out. A row of dots in the text (· · · · · ·) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of each rule that is too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least December 3, 2001. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through March 1, 2002, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

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

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

The Proposed Rules Begin on the Following Page.

Alcoholic Beverage Control, Administration
R81-1-8
Advertising

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24115
FILED: 10/15/2001, 13:46

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Deleting Section R81-1-8 in its entirety because its substantive provisions are now found in R81-1-17. Its deletion is necessary to avoid duplicaton and confusion.
(DAR Note: The amendment to R81-1-17 is found under DAR No. 24112 in this Bulletin.)

SUMMARY OF THE RULE OR CHANGE: Delete Section R81-1-8 in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 32A-4-106, 32A-4-206, 32A-7-106, 32A-12-401, 32A-12-603, and 32A-12-606

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None--Provisions of this section are covered in Section R81-1-17.
❖LOCAL GOVERNMENTS: None--Provisions of this section are covered in Section R81-1-17.
❖OTHER PERSONS: None--Provisions of this section are covered in Section R81-1-17.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Provisions of this section are covered in Section R81-1-17.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--Provisions of this section are covered in Section R81-1-17.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY UT 84104-1630, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Sharon Mackay or Earl Dorius at the above address, by phone at 801-977-6801 or 801-977-6807, by FAX at 801-977-6889 or 801-977-6889, or by Internet E-mail at abcmain.smackay@state.ut.us or edorius.abcmain@state.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Ken Wynn, Director

R81. Alcoholic Beverage Control, Administration.
R81-1. Scope of Definitions, and General Provisions.
[~~**R81-1-8. Advertising.**~~
~~(1) Preamble. The alcoholic beverage industry has often proclaimed its sense of responsibility for judicious handling of its products. Accordingly, the commission urges the industry to avoid any description of a situation that leads the reader or viewer to believe that the enjoyment of that situation is dependent upon the consumption of alcoholic beverages.~~
~~(2) General Provisions.~~
~~(a) Utah statutes and rules of the commission govern the regulation of advertising of alcoholic beverages sold within the state, except where the regulation of interstate electronic media advertising is preempted by federal law. The Federal Alcohol Administration Act, 27 U.S.C. 205(e) and (f), and federal regulations, Subchapter A, Parts 4, 5, 6, and 7, of the Bureau of Alcohol, Tobacco and Firearms, United States Department of the Treasury, as set forth in 27 CFR 4,5,6, and 7, (1993 Edition) are adopted and incorporated by reference to regulate the labeling and advertising of alcoholic beverages sold within this state, except where the provisions of the federal statute and regulations may be contrary to or inconsistent with the provisions of Utah statutes, or rules of the commission.~~
~~(b) No advertisement or promotional scheme involving alcoholic beverages which is primarily or especially appealing to minors is permitted. No advertisement or promotional scheme involving alcoholic beverages shall be placed with or appear in any school, college or university newspaper.~~
~~(c) No advertisement or promotional scheme involving alcoholic beverages that encourages over-consumption or intoxication such as "all you can drink for $...", or "happy hour" is allowed.~~
~~(d) No statements, pictures or illustrations advertising alcoholic beverages are allowed which include:~~
~~(i) persons with children and alcoholic beverages;~~
~~(ii) childhood figures or characters such as Santa Claus, or the Easter Bunny;~~
~~(iii) any reference to price, except:~~
~~(A) on displays in taverns and private clubs, if not visible to persons off-premises;~~
~~(B) on point-of-sale displays, other than light devices, in retail establishments that sell beer for off-premise consumption, if not visible to persons off-premises;~~
~~(C) on menus and menu boards in retail establishments that sell beer for on-premise consumption; and~~
~~(D) on displays at the site of a temporary special event for which a single event liquor permit has been obtained from the commission or a temporary special event beer permit has been obtained from a local authority, to inform attendees of the location where alcoholic beverages are being dispensed.~~
~~(iv) drinking scenes; or~~
~~(v) overt promotion of the consumption of alcoholic products. Permission of the commission shall not be necessary for any advertisement otherwise complying with this rule.~~]

KEY: alcoholic beverages
[~~October 2, 2000~~]2001
Notice of Continuation January 10, 1997
32A-1-107
32A-1-119(5)(c)
32A-3-103(1)(a)
32A-4-103(1)(a)
32A-4-203(1)(a)
32A-5-103(3)(c)
32A-6-103(2)(a)
32A-7- 103(2)(a)
32A-8-103(1)(a)
32A-9-103(1)(a)
32A-10-203(1)(a)
32A-11-103(1)(a)

Alcoholic Beverage Control, Administration
R81-1-17
Advertising

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24112
FILED: 10/15/2001, 13:45

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: On May 13, 1996, the United States Supreme Court ruling in 44 Liquormart, Inc. v. Rhode Island, 517 U.S. 484 (1996), held that a Rhode Island statute banning off-premises advertisement of liquor prices was a violation of the First Amendment right to freedom of commercial speech. The Supreme Court also vacated and remanded the case of Anheuser-Busch, Inc. v. Schmoke, 63 F3d 1305 (4th Cir. 1995), cert. granted, judgment vacated, 116 S. Ct. 1821 (1996) (Anheuser-Busch I) to the Fourth Circuit Court of Appeals for further consideration in light of its ruling in 44 Liquormart, Inc. The Fourth Circuit Court had previously upheld restrictions against alcohol advertising on billboards in Anheuser-Busch I.

In response to the Supreme Court's ruling in 44 Liquormart, and after having reviewed the Fourth Circuit Court's decision in Anheuser-Busch I, the Utah Alcohol Beverage Control Commission immediately commenced the rulemaking process to promulgate a new section of Rule R81-1 which would interpret applicable Utah statutes and rules relating to alcohol advertising. That section became effective on an emergency basis on September 20, 1996, and was made permanent on January 1, 1997, as R81-1-17.

Meanwhile, on July 2, 1996, Utah Licensed Beverage Association et al. v. Michael Leavitt et al., Civil No. 96-CV-581 S (hereafter ULBA), was filed in the United States District Court, District of Utah, Central Division, naming the governor, attorney general, and the commission as defendants. The plaintiffs sought to declare many of Utah's statutes and rules regulating alcoholic beverage advertising unconstitutional. On August 22, 1996, the plaintiffs moved for a preliminary injunction to prohibit enforcement of the statutes and rules during the pendency of the case. On September 24, 1996, plaintiffs filed a motion for summary judgment to have the statutes and rules declared unconstitutional. On September 27, 1996, the state filed a motion to dismiss plaintiffs' claims as to beer advertising on the basis that there was no case or controversy with respect to any of the laws concerning the advertising of beer as opposed to liquor products. The motion was based upon the enactment of Section R81-1-17 which suspended the operation of certain statutes and rules as they applied to beer advertising, and authorized beer advertising under new guidelines.

In November of 1996, the Fourth Circuit Court of Appeals reaffirmed its prior ruling in Anheuser-Busch I, and again upheld certain governmental restrictions on alcoholic beverage outdoor advertising (see Anheuser-Busch, Inc. v. Schmoke, 101 F3d 325 (4th Cir. 1996), cert. denied 117 S. Ct. 1569 (1997) (Anheuser-Busch II)). The United States Supreme Court subsequently denied certiorari in that case.

On February 28, 2000, the federal district court in ULBA granted the state's motion to dismiss, and denied the plaintiffs' motions for a preliminary injunction and for summary judgment. The plaintiffs appealed the denial of the preliminary injunction while the remainder of the case remained pending in the district court.

On June 28, 2001, the United States Supreme Court issued its decision in Lorillard Tobacco Co. v. Reilly, 121 S. Ct. 2404 (June 28, 2001), holding that certain outdoor and point-of-sale tobacco advertising restrictions promulgated by the attorney general of Massachusetts violated the First Amendment right to freedom of commercial speech. The Lorillard case further explained the Supreme Court's current standard and clarified the Court's position with respect to commercial speech issues.

On July 24, 2001, the Tenth Circuit Court of Appeals in Utah Licensed Beverage Association v. Michael Leavitt, 256 F.3d 1061 (10TH Cir. 2001), relying in part on the 44 Liquormart, Inc. and the Lorrilard Tobacco Co. cases, overturned the district court's denial of a preliminary injunction and directed the district judge to issue a preliminary injunction enjoining the State of Utah from enforcing the provisions of Subsections 32A-12-401(2) and 32A-12-401(4).

Based on these developments, the commission is immediately amending Section R81-1-17 to apply the law as announced by the Supreme Court in Lorillard and in the Tenth Circuit Court's July 24, 2001, decision to Utah statutes and rules affecting the advertising of alcoholic beverages. This rule is promulgated to interpret said statutes and rules in a manner to preserve their constitutionality, and to identify such statutes and rules that the state will not enforce.

SUMMARY OF THE RULE OR CHANGE: Modifies restrictions on alcoholic beverage advertising.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 32A-4-106, 32A-4-206, 32A-7-106, 32A-12-401, 32A-12-603, and 32A-12-606

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None--The state of Utah does not engage in the advertising of alcoholic beverages, nor will they begin advertising as a result of this amendment.
❖LOCAL GOVERNMENTS: None--Local governments are not involved in the sale of alcoholic beverages.
❖OTHER PERSONS: None--Though the amended section gives licensees more latitude in the advertising of alcoholic beverages, they are not required to do so.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--There is no legal requirement that licensees change their practices regarding the advetising of alcoholic beverages from what was previously permitted. The amended section does, however, allow them to do so under certain limited restrictions.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amended section gives licensees more latitude in advertising the availability of the alcoholic beverages they sell. This may or may not increase their revenues.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY UT 84104-1630, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Sharon Mackay or Earl Dorius at the above address, by phone at 801-977-6801 or 801-977-6807, by FAX at 801-977-6889 or 801-977-6889, or by Internet E-mail at abcmain.smackay@state.ut.us or edorius.abcmain@state.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Ken Wynn, Director

R81. Alcoholic Beverage Control, Administration.
R81-1. Scope of Definitions, and General Provisions.
R81-1-17. Advertising.

(1) Purpose.

(a) [~~Pursuant to actions taken on May 13, 1996, wherein the United States Supreme Court issued its ruling in 44 Liquormart, Inc. v. Rhode Island, 64 U.S.L.W. 4313 (1996), holding that a statute banning off-premises advertisement of liquor prices was a violation of the First Amendment right to freedom of commercial speech, and whereas on July 2, 1996, Utah Licensed Beverage Association v. Michael Leavitt et al, Civil No. 96-CV-581-S, was filed in the United States District Court, District of Utah, Central Division, naming the governor, attorney general, and the commission as defendants, and whereas plaintiffs seek to declare many of Utah's statutes and rules regulating alcoholic beverage advertising unconstitutional, this rule is promulgated to interpret currently applicable laws in a manner to preserve their constitutionality, and to identify such laws that the state will not enforce.~~]Recognizing the rulings of the United States Supreme Court in 44 Liquormart, Inc. v. Rhode Island, 517 U.S. 484 (1996), and Lorillard Tobacco Co. v. Reilly, 121 S. Ct. 2404 (2001), and the Tenth Circuit Court of Appeals in Utah Licensed Beverage Association v. Leavitt, 256 F3d 1061 (10th Cir. 2001), this rule interprets Utah statutes and rules relating to the advertising of alcoholic beverages in a manner to preserve their constitutionality, and to identify such statutes and rules that the state will not enforce.

(b) No provision of this rule shall be construed as a concession that any current law or rule is unconstitutional. All statutes shall remain in full force and effect unless expressly suspended by this rule. To the extent any statute or rule is inconsistent with this rule, this rule shall govern.

(2) Definitions.

(a) For purposes of this rule, "advertisement" or "advertising" includes any written or verbal statement, illustration, or depiction which is calculated to induce alcoholic beverage sales, whether it appears in a newspaper, magazine, trade booklet, menu, wine card, leaflet, circular, mailer, book insert, catalog, promotional material, sales pamphlet, or any written, printed, graphic, or other matter accompanying the container, representations made on cases, billboard, sign, or other public display, public transit card, other periodical literature, publication or in a radio or television broadcast, or in any other media; except that such term shall not include:

[~~(a)~~](i) labels on products; or

[~~(b)~~](ii) any editorial or other reading material (i.e., news release) in any periodical or publication or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any alcoholic beverage industry member or retailer, and which is not written by or at the direction of the industry member or retailer.

(b) For purposes of this rule, "minor" or "minors" shall mean persons under the age of 21 years.

(3) Authority. This rule is enacted under the authority of Sections 63-46a-3, 32A-1-107, and 32A-12-401(2)(f) and (5).

[~~(3)~~](4) Application.

(a) This rule shall govern the regulation of advertising of alcoholic beverages sold within the state, except where the regulation of interstate electronic media advertising is preempted by federal law. This rule incorporates by reference the Federal Alcohol Administration Act, 27 U.S.C. 205(f), and Subchapter A, Parts 4, 5, 6 and 7 of the regulations of the Bureau of Alcohol, Tobacco and Firearms, United States Department of the Treasury in 27 CFR 4, 5, 6 and 7 (1993 Edition). These provisions shall regulate the labeling and advertising of alcoholic beverages sold within this state, except where federal statutes and regulations are found to be contrary to or inconsistent with the provisions of the statutes and rules of this state.

(b) 27 CFR Section 7.50 provides that federal laws apply only to the extent that the laws of a state impose similar requirements with respect to advertisements of malt beverages manufactured and sold or otherwise disposed of in the state. This rule, therefore, adopts and incorporates by reference federal laws, previously referenced in subparagraph (a), relating to the advertising of malt beverage products.

[~~(4)~~](5) Current statutes and rules restricting the advertising, display, or display of price lists of liquor products, as defined in [~~32A-1-105(24)~~]32A-1-105(23), [~~or liquor services, by retailers of~~

~~such products including the department, state stores, package agencies, restaurants, airport lounges, private clubs, special use permittees, and single event permittees, or by manufacturers, suppliers, importers, wholesalers, or any of their affiliates, subsidiaries, officers, directors, agents, employees, or representatives of such products, are applicable and enforceable except as otherwise provided in this rule.~~]by the department, state stores, or type 1, 2 or 3 package agencies as defined in R81-3-1, are applicable and enforceable.[

~~(5) By this rule, the statutory provisions of Sections 32A-4-106(21)(a) and (b), 32A-7-106(2)(m), 32A-12-401, and rule provisions of the Utah Administrative Code listed in R81-1-8, R81-4A-12 and R81-7-2, to the extent they restrict the advertising of beer, as defined in 32A-1-105(4), by manufacturers, wholesalers, or retailers of such products are suspended. Instead, all advertising of beer shall comply with the advertising requirements listed in Section (10) of this rule.~~]

(6) By this rule, the statutory provisions of Sections 32A-4-106(5)(d), 32A-4-106(21)(a) and (b), 32A-4-206(5)(c), 32A-6-105(7), 32A-7-106(2)(m), 32A-12-401(2)(a) through (e), (3) and (4), to the extent they restrict the advertising of liquor, as defined in 32A-1-105(23), and beer, as defined in 32A-1-105(4), by manufacturers, wholesalers, permittees, licensed retailers of such products, and type 4 and 5 package agencies as defined in R81-3-1, are suspended. Instead, all advertising of liquor and beer by these entities shall comply with the advertising requirements listed in Section (10) of this rule.

[~~(6)~~](7) Current statutes and rules restricting private club public solicitation or public advertising calculated to increase club membership are applicable and enforceable.[

~~(7) (a) All trade practice restrictions provided by Section 32A-12-603 regulating things of value that liquor, wine and heavy beer industry members, as that term is defined in 32A-12-601, may provide to liquor, wine and heavy beer retailers are applicable and enforceable.~~

~~(b) All trade practice restrictions provided by Section 32A-12-603 regulating things of value that beer industry members may provide to beer retailers are applicable and enforceable, with the following amendments:~~

~~(i) any on-premise beer retailer may be provided, receive and use things of value from beer industry members to the same extent authorized for any tavern licensee;~~

~~(ii) a restaurant liquor licensee may be provided, receive and use things of value from beer industry members to the same extent authorized for any beer licensee or permittee; and~~

~~(iii) product displays, inside signs, and retailer advertising specialties relating to beer products may be displayed to the extent authorized by this rule and federal law (see 27 CFR 6.84), to include being visible on and off the beer retailer's premise.~~]

(8) All trade practice restrictions provided by Section 32A-12-603 regulating things of value that liquor and beer industry members, as defined in 32A-12-601, may provide to liquor and beer retailers are applicable and enforceable with the following amendments:

(i) any on-premise beer retailer may be provided, receive and use things of value from beer industry members to the same extent authorized for any tavern licensee;

(ii) a restaurant liquor licensee may be provided, receive and use things of value from beer industry members to the same extent authorized for any beer licensee or permittee; and

(iii) product displays, inside signs, and consumer and retailer advertising specialties relating to liquor and beer products may be provided and displayed in compliance with the advertising guidelines of Section (10) to the extent authorized by this rule and federal law (see 27 CFR 6.84), to include being visible on and off the retailer's premise.

[~~(8) All provisions of Section 32A-12-606 relating to unlawful acts involving consumers are applicable and enforceable.~~

~~(9) Rule R81-1-8 (e) and (f), and R81-7-2 are repealed.~~]

(9) Sections 32A-12-606(1), (2), and (3) relating to unlawful acts involving consumers are applicable and enforceable. Section 32A-12-606(4) which establishes guidelines for alcoholic beverage industry members or retailers to sponsor or underwrite athletic, theatrical, scholastic, artistic, or scientific events is applicable and enforceable with the following amendments:

(a) the guidelines for any alcoholic beverage advertising associated with the event are those listed in Section (10) of this rule;

(b) industry members or retailers are not precluded from sponsoring a theatrical, artistic, or scientific event that involves the display of drinking scenes; and

(c) industry members or retailers may not sponsor an event that takes place on the premises of a school, college, university, or other educational institution.

(10) Advertising Requirements. Any advertising or advertisement authorized by this rule:

(a) May not violate any federal laws referenced in Subparagraph (4);

(b) May not contain any statement, design, device, or representation that is false or misleading;

(c) May not contain any statement, design, device, or representation [~~which~~]that is obscene or indecent;

(d) May not refer to, portray or imply illegal conduct [~~or~~], illegal activity, abusive or violent relationships or situations, or anti-social behavior, except in the context of public service advertisements or announcements to educate and inform people of the dangers, hazards and risks associated with irresponsible drinking or drinking by persons under the age of 21 years;

(e) May not encourage over-consumption or intoxication, promote the intoxicating effects of alcohol consumption, or overtly promote increased consumption of alcoholic products;

(f) May not advertise any promotional scheme such as "happy hour" or "all you can drink for $...".

(g) May not encourage or condone drunk driving;

(h) May not depict the act of drinking;

(i) May not promote or encourage the sale to or use of alcohol by [~~persons under the age of 21 years (minors)~~]minors;

(j) May not be directed or appeal primarily to minors by:

(i) using any symbol, language, music, gesture, cartoon character, or childhood figure such as Santa Claus that primarily appeals to minors;

(ii) employing any entertainment figure or group that appeals primarily to minors;

(iii) placing advertising in magazines, newspapers, television programs, radio programs, or other media where most of the audience is reasonably expected to be minors, or placing advertising on the comic pages of magazines, newspapers, or other publications;

(iv) placing advertising in any school, college or university magazine, newspaper, program, television program, radio program, or other media, or sponsoring any school, college or university activity;

(v) using models or actors in the advertising that are or reasonably appear to be minors;

(vi) advertising at an event where most of the audience is reasonably expected to be minors; or

(vii) using alcoholic beverage identification, including logos, trademarks, or names on clothing, toys, games or game equipment, or other materials intended for use primarily by minors.

(k) May not portray use of alcohol by a person while that person is engaged in, or is immediately about to engage in, any activity that requires a high degree of alertness or physical coordination;

[~~(k)~~](l) May not contain claims or representations that individuals [~~cannot~~]can obtain social, professional, educational, athletic, or financial success or status [~~without~~]as a result of alcoholic beverage consumption, or claim or represent that individuals [~~cannot~~]can solve social, personal, or physical problems [~~without~~]as a result of such consumption;

[~~(l)~~](m) May not offer alcoholic beverages to the general public without charge;

[~~(m)~~](n) May not require the purchase, sale, or consumption of an alcoholic beverage in order to participate in any promotion, program, or other activity; and

[~~(n)~~](o) May provide information regarding product availability and price, and factual information regarding product qualities, but may not imply by use of appealing characters or life-enhancing images that consumption of the product will benefit the consumer's health, physical prowess, sexual prowess, athletic ability, social welfare, or capacity to enjoy life's activities.

(11) Violations. Any violation of this rule may result in the imposition of any administrative penalties authorized by 32A-1-119(5), (6) and (7), and [~~any criminal penalties authorized by the Utah Alcoholic Beverage Control Act~~]may result in the imposition of the criminal penalty of a class B misdemeanor pursuant to 32A-12-104.

KEY: alcoholic beverages
[~~October 2, 2000~~]2001
Notice of Continuation January 10, 1997
32A-1-107
32A-1-119(5)(c)
32A-3-103(1)(a)
32A-4-103(1)(a)
32A-4-203(1)(a)
32A-5-103(3)(c)
32A-6-103(2)(a)
32A-7-103(2)(a)
32A-8-103(1)(a)
32A-9-103(1)(a)
32A-10-203(1)(a)
32A-11-103(1)(a)

▼ ▼

Alcoholic Beverage Control, Administration
R81-3-9
Advertising

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24113
FILED: 10/15/2001, 13:46

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This section is being amended to comply with a preliminary injunction issued by the United States District Court, District of Utah, Central Division on August 8, 2001. That injunction prohibits enforcement of certain statutes and rules regulating alcoholic beverage advertising on the grounds they violate the First Amendment of the United States Constitution. The preliminary injunction enjoined Subsections 32A-12-401(2) and 32A-12-401(4).

SUMMARY OF THE RULE OR CHANGE: Modifies section regulating advertising in package agencies.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 32A-3-106 and 32A-12-401

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None--Package agencies are operated by private persons under contract with the Department of Alcoholic Beverage Control. The agent assumes the operational costs for running the agency.
❖LOCAL GOVERNMENTS: None--Local governments do not license package agencies.
❖OTHER PERSONS: None--The contracted agent assumes the costs of running the business. The agent is under no mandate to advertise the availability of alcoholic beverages.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--There is no legal requirement that package agents engage in advertising of alcoholic beverages.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amended section gives more latitude in advertising the availabiliy of alcoholic beverages in Type 4 and 5 agencies. It does not significantly change the rules for the others.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY UT 84104-1630, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Earl Dorius or Sharon Mackay at the above address, by phone at 801-977-6807 or 801-977-6801, by FAX at 801-977-6889 or 801-977-6889, or by Internet E-mail at edorius.abcmain@state.ut.us or abcmain.smackay@state.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Ken Wynn, Director

R81. Alcoholic Beverage Control, Administration.
R81-3. Package Agencies.
R81-3-9. [~~Advertising~~]Promotion and Listing of Products.

[~~The advertising or promotion of liquor products within package agencies is prohibited.~~]An operator or employee of a type 1, 2 or 3 package agency, as defined in R81-3-1, may not promote a particular brand or type of liquor product while on duty at the package agency. An operator or employee may inform [~~the~~]a customer as to the characteristics of a particular brand or type of liquor, provided the information is linked to a comparison with other brands or types.

[~~For informational purposes, type~~]Type 4 package agencies, as defined in R81-3-1, may provide a list of the code number, brand, size, and price of each item it carries for sale to the tenants or occupants of the specific leased, rented, or licensed rooms within the facility.

KEY: alcoholic beverages
[~~October 2, 2000~~]2001
Notice of Continuation January 10, 1997
32A-1-107

▼ ▼

Alcoholic Beverage Control, Administration
R81-4A-12
Menus; Price Lists

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24114
FILED: 10/15/2001, 13:46

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This section is being amended to comply with a preliminary injunction issued by the United States District Court, District of Utah, Central Division on August 8, 2001. That injunction prohibits enforcement of certain statutes and rules regulating alcoholic beverage advertising on the grounds they violate the First Amendment of the United States Constitution. The preliminary injunction enjoined Subsections 32A-12-401(2) and 32A-12-401(4).

SUMMARY OF THE RULE OR CHANGE: Modifies section regulating what restaurant liquor licensees may print on menus and price lists.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 32A-4-106, 32A-4-206, and 32A-12-401

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None--The state is not involved in the printing costs of menus or price lists in restaurants.
❖LOCAL GOVERNMENTS: None--Local governments do not regulate menus and price lists in restaurants.
❖OTHER PERSONS: None--Though the section offers licensees more latitude in how they manage their menus and price lists, they are under no mandate to change from what they are currently doing.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--There is no legal requirement that licenesees change their practices regarding the advertising of alcoholic beverges from what was previously permitted. The amended section does, however, allow them to do so under certain limited restrictions.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amended section gives licensees more latitude in advertising the availability of the alcoholic beverages they sell. This may or may not increase their revenues.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY UT 84104-1630, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Earl Dorius or Sharon Mackay at the above address, by phone at 801-977-6807 or 801-977-6801, by FAX at 801-977-6889 or 801-977-6889, or by Internet E-mail at edorius.abcmain@state.ut.us or abcmain.smackay@state.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Ken Wynn, Director

R81. Alcoholic Beverage Control, Administration.
R81-4A. Restaurants.
R81-4A-12. Menus; Price Lists.

[~~Licensees must have available separate food and alcoholic beverage menus. Alcoholic beverage menus may be provided to the patron only if the patron requests an alcoholic beverage menu or otherwise inquires about the availability of alcoholic beverages.~~

~~(1) Contents of Food Menu. No liquor, wine, or heavy beer may be listed or otherwise referred to on any pages of the food menu. However the food menu may include reference to any light beer, service charges, chilling fees, or other charges or fees made in connection with the sale, service, or consumption of liquor, packaged wine or heavy beer.~~

~~(2)~~](1) Contents of Alcoholic Beverage Menu.

(a) Each licensee shall have readily available for its patrons a printed alcoholic beverage price list, or menu containing current prices of all mixed drinks, wine, beer, and heavy beer. This list shall include any charges for the service of packaged wines or heavy beer.

(b) Any printed menu, master beverage price list or other printed list is sufficient as long as the prices are current and it meets the requirements of this rule.

(c) Customers shall be notified of the price charged for any packaged wine or heavy beer and any service charges for the supply of glasses, chilling, or wine service.

(d) A licensee or his employee may not misrepresent the price of any alcoholic beverage that is sold or offered for sale on the licensed premises.

KEY: alcoholic beverages
[~~1994~~]2001
Notice of Continuation January 10, 1997
32A-1-107

Commerce, Occupational and Professional Licensing
R156-22
Professional Engineers and Professional Land Surveyors Licensing Act Rules

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24110
FILED: 10/15/2001, 09:13

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needs to update the name of the recognized credentials review service.

SUMMARY OF THE RULE OR CHANGE: In Sections R156-56-102 and R156-56-201, the reference to "NCEES Foreign Evaluations Department" is deleted and replaced with the new program name "Engineering Credentials Evaluation International."

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-22-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The Division will incur minimal costs, less than $50, to reprint the rule once these proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.
❖LOCAL GOVERNMENTS: Proposed rule does not apply to local governments.
❖OTHER PERSONS: There will be no change in cost to professional engineer, professional structural engineer, and professional land surveyor applicants as the credential evaluation costs will remain the same. Only the name of the credentials evaluation service is changing.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no change in cost to professional engineer, professional structural engineer and professional land surveyor applicants as the credential evaluation costs will remain the same. Only the name of the credentials evaluation service is changing.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change simply identifies the program that performs the evaluation of credentials for applicants with foreign education. This rule change should have no fiscal impact on businesses. Ted Boyer, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Laura Poe at the above address, by phone at 801-530-6789, by FAX at 801-530-6511, or by Internet E-mail at lpoe@br.state.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-22. Professional Engineers and Professional Land Surveyors Licensing Act Rules.
R156-22-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 22, as used in Title 58, Chapters 1 and 22, or these rules:

(1) "Complete and final" as used in Section 58-22-603 means "complete construction plans" as defined in Subsection 58-22-102(3).

(2) "Direct supervision" as used in Subsection 58-22-102(10) means "supervision" as defined in Subsection 58-22-102(16).

(3) "Employee, subordinate, associate, or drafter of a licensee" as used in Subsections 58-22-102(16), 58-22-603(1)(b) and these rules means one or more individuals not licensed under this chapter, who are working for, with, or providing professional engineering, professional structural engineering, or professional land surveying services directly to and under the supervision of a person licensed under this chapter.

(4) "Engineering surveys" as used in Subsection 58-22-102(9) include all survey activities required to support the sound conception, planning, design, construction, maintenance, and

operation of engineered projects, but exclude the surveying of real property for the establishment of land boundaries, rights-of-way, easements, alignment of streets, and the dependent or independent surveys or resurveys of the public land survey system.

(5) "Recognized jurisdiction" as used in Subsection 58-22-302(4)(d)(i), for licensure by endorsement, means any state, district or territory of the United States, or any foreign country who issues licenses for professional engineers, professional structural engineers, or professional land surveyors, and whose licensure requirements include:

(a) Professional Engineer.

(i) a bachelors or post graduate degree in engineering or equivalent education as determined by the [~~NCEES Foreign Evaluations Department~~]Engineering Credentials Evaluation International and four years of full time engineering experience under supervision of one or more licensed engineers; or eight years of full time engineering experience under supervision of one or more licensed professional engineers; and

(ii) passing the NCEES Principles and Practice of Engineering Examination or passing a professional engineering examination that is substantially equivalent to the NCEES Principles and Practice of Engineering Examination.

(b) Professional Structural Engineer.

(i) a bachelors or post graduate degree in engineering or equivalent education as determined by the [~~NCEES Foreign Evaluations Department~~]Engineering Credentials Evaluation International and four years of full time engineering experience under supervision of one or more licensed engineers; or eight years of full time engineering experience under supervision of one or more licensed professional engineers;

(ii) passing the NCEES Principles and Practice of Engineering Examination - Civil or passing a professional engineering examination that is substantially equivalent to the NCEES Principles and Practice of Engineering Examination - Civil;

(iii) passing the NCEES Structural I and II Examination or passing a professional engineering examination that is substantially equivalent to the NCEES Structural I and II Examination; and

(iv) three years of licensed experience in professional structural engineering.

(c) Professional Land Surveyor.

(i) a two or four year degree in land surveying or equivalent education as determined by the [~~NCEES Foreign Evaluations Department~~]Engineering Credentials Evaluation International and four years of full time land surveying experience under supervision of one or more licensed professional land surveyors; or eight years of full time land surveying experience under supervision of one or more licensed professional land surveyors; and

(ii) passing the NCEES Principles and Practice of Land Surveying Examination or passing a professional land surveying examination that is substantially equivalent to the NCEES Principles and Practice of Land Surveying Examination.

(6) "Responsible charge" by a principal as used in Subsections 58-22-102(7) and 58-22-305(7)(a) means that the licensee is assigned to and is personally accountable for the production of specified professional engineering, professional structural engineering or professional land surveying projects within an organization.

(7) "TAC/ABET" means Technology Accreditation Commission/Accreditation Board for Engineering and Technology.

(8) "Under the direction of the licensee" as used in Subsection 58-22-102(16), as part of the definition of "supervision of an employee, subordinate, associate, or drafter of a licensee", means that the unlicensed employee, subordinate, associate, or drafter of a person licensed under this chapter engages in the practice of professional engineering, professional structural engineering, or professional land surveying only on work initiated by a person licensed under this chapter, and only under the administration, charge, control, command, authority, oversight, guidance, jurisdiction, regulation, management, and authorization of a person licensed under this chapter.

(9) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 22, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-22-601.

R156-22-201. Engineering Program Criteria.

In accordance with Subsections 58-22-302(1)(d) and 58-22-302(2)(d), the engineering program criteria is established as one of the following:

(1) The bachelors or post graduate engineering program shall be accredited by EAC/ABET or the Canadian Engineering Accrediting Board (CEAB).

(2) The post graduate engineering degree, when not accredited by EAC/ABET or CEAB, shall be earned from an institution which offers a bachelors or masters degree in an engineering program accredited by EAC/ABET or CEAB in the same specific engineering discipline as the earned post graduate degree.

(3) If the degree was earned in a foreign country, the engineering curriculum shall be determined to be equivalent to a EAC/ABET accredited program by the [~~NCEES Foreign Evaluations Department~~]Engineering Credentials Evaluation International. Only deficiencies in course work in the humanities, social sciences and liberal arts noted by the [~~NCEES Foreign Evaluations Department~~]credentials evaluation may be satisfied by successfully completing the deficiencies in course work at a recognized college or university approved by the division in collaboration with the board.

KEY: engineers, surveyors, professional land surveyors[*], professional engineers[*]
[~~May 17,~~]2001
Notice of Continuation January 27, 1998
58-22-101
58-1-106(1)
58-1-202(1)

Commerce, Occupational and Professional Licensing

R156-56

Utah Uniform Building Standard Act Rules

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24086
FILED: 10/02/2001, 13:18

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This is a second installment of updates to building codes resulting from changes from Uniform Building Codes to International Building Codes. The state has been using the Uniform Building Code (UBC) for a number of years. The 1997 UBC will be the last UBC ever published. The International Conference of Building Officials (ICBO) was the entity which published the UBC. Two other entities, Southern Building Code Congress International (Inc.) (SBCCI) and Building Officials and Code Adminstrators (International, Inc.) (BOCA), also published regional code publications in other areas in the United States. These three code entities combined to form the International Codes Council. These combined entities now publish the International Building Code (IBC) which is the successor to all three codes published by these three code entities. The 2000 edition of the IBC is the first code being published by this combined group. The merger of these three codes is intended to help the codes used throughout the nation to be more uniform. As a general rule, the best provisions of each code were carried over into the new international codes. As a part of the combination of codes, it was found that each code had parts that were more restrictive or limited than the other codes. As a general rule, but not always, usually the less restrictive provision was carried over to the new code. These proposed amendments have been reviewed and approved by the Uniform Building Code Commission and their advisory committees. Some of the proposed changes are already being proposed at the national level to correct problems with the first publication of the IBC and will be included in the next update of the IBC. Some of the proposed changes carry forward existing requirements under the UBC to comparable portions of the IBC. In these cases, the Uniform Building Code Commission has found that the requirements in Utah should not be changed to the new code. After further study, some of these provisions may be included at a later date.

SUMMARY OF THE RULE OR CHANGE: The first change in Section R156-56-302 simply deletes references to specified codes and instead refers to codes adopted under this rule. This clarifies the code reference and reduces the number of places where the name of the code has to be changed should there be a change of codes in the future. The remaining changes in Section R156-56-302 delete references to outdated tests offered under the prior code. Comparable tests will be offered by ICBO under the new code. Section R156-56-701 deletes references to codes that will be outdated when these code amendments go into effect. Sections R156-56-704 to R156-56-712 are all amendments to the new codes that the Uniform Building Code Commission have reviewed and determined are advisable for implementation of the new codes.

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

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Deletes the 1997 edition of the UBC; deletes the 1998 ICC edition of the IMC; and adds Table 302.3.3, Required Separation of Occupancies, dated January 1, 2002

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Division will incur minimal costs, approximately $100, to reprint the rule once these proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

It is impossible for the Division to determine the net effect on the state budget because the changes are dependant on the construction that is being done by the state and the particular changes in construction standards that may apply to such construction. While certain provisions may cost more and other provisions may cost less than the existing code requirements, it is anticipated that as a whole the requirements will be less restrictive than existing codes and therefore should result in a savings to the state in its building projects.

There is no difference in cost of administration of this code by the Division other than the fact that new code books have been purchased. This, however, is a normal state expense because code books are normally updated every three years even if there has not been a change in code publishing entities. These proposed amendments should not affect state government budget other than as it may apply to new buildings that the state government may be constructing which as stated above should result in a net savings to the state.

❖LOCAL GOVERNMENTS: These changes should not affect local government budgets other than as it may apply to new buildings that the local government may be constructing. It is impossible for the Division to determine if any of the changes would affect such buildings; however, it is anticipated that as a whole the requirements will be less restrictive than existing codes and therefore should result in a savings to the local government in its building projects. It is not anticipated that the administration cost to the local governments would be more than under the existing building codes other than the requirements to purchase updated code books and education of building inspectors on the new codes. Since new codes are updated every three years even without a change in code publishing entities, these are normal operating expenses of the local government entities. The only difference is that there will be a temporary added burden for the inspectors to get up to speed on the new codes. Since much of this training is subsidized by the training budget coming out of the training funds assessed upon building permits, it is anticipated that the overall costs to the local jurisdictions should be minimal.

❖OTHER PERSONS: Due to the inability of the Division to determine how many projects would be affected, an aggregate impact is impossible to determine. However, it is anticipated that as a whole the requirements will be less restrictive than existing codes and therefore should result in a savings to private building projects.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Due to the inability of the Division to determine the specific projects that would be affected and the net effect, the net impact is impossible to determine. However, it is anticipated that as a whole the requirements will be less restrictive than existing codes and therefore should result in a savings to private building projects.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed the proposed

rule changes that relate to the merger of the UBC into the IBC together with the proposed amendments needed to transition to the new code. These changes are the implementation of several years' work both at the national level and the state level and are intended to reflect the best code provisions available from the merger of the three prior national codes into one international code as may need to be modified in the state of Utah to reflect orderly transition into the new code or taking into account specific building needs in the state of Utah.

While certain provisions of the proposed new code and amendments may cost more and some provisions may cost less in building construction, it is widely anticipated that as a whole the new code and related amendments will be less restrictive than the predecessor code and amendments and therefore will have a beneficial financial impact to persons affected by the new code requirements. However, the specific amount of this impact cannot be determined until buildings are actually built under the new code requirements and there are no guarantees that any project will actually come out costing less. There may well be some projects which cost more and others that cost less.

Upon reviewing the procedures used to arrive at the new code provisions, the conclusion that the new code appears to be a substantial improvement over the prior codes seems to be persuasive. After implementation of the new code, deficiencies in the new code may be identified, at which time further rule changes may be necessary to appropriately balance the protection to the public and the costs of construction. Ted Boyer, Executive Director

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan S Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dsjones@br.state.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 11/15/2001 at 9:00 AM, State Office Building, Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-302. Licensure of Inspectors.

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

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

(a) Combination Inspector; or

(b) Limited Inspector.

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

(a) Combination Inspector.

(i) I[~~n accordance with the IBC, NEC, IPC, and IMC, i~~]nspect the components of any building, structure or work for which a standard is provided in the specific edition of the [~~aforesaid~~]codes adopted under these rules or amendments to these codes as included in these rules.

(ii) Determine whether the construction, alteration, remodeling, repair or installation of all components of any building, structure or work is in compliance with the adopted [~~IBC, NEC, IPC, and IMC~~]codes.

(iii) After determination of compliance or noncompliance with the [~~IBC, IPC, NEC and IMC,~~]adopted codes take appropriate action as is provided in the aforesaid codes.

(b) Limited Inspector.

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

(ii) Subject to the limitations of Subsection (i), [~~in accordance with the UBC, NEC, IPC, or IMC, ~~]inspect the components of any building, structure or work for which a standard is provided in the specific edition of the [~~aforesaid~~]codes adopted under these rules or amendments to these codes as included in these rules.

(iii) Subject to the limitations under Subsection (i), determine whether the construction, alteration, remodeling, repair or installation of components of any building, structure or work is in compliance with the adopted [~~IBC, NEC, IPC, or IMC~~]codes.

(iv) Subject to the limitations under Subsection (i), after determination of compliance or noncompliance with the [~~IBC, IPC, NEC or IMC~~]adopted codes, take appropriate action as is provided in the [~~aforesaid~~]adopted codes.

(c) Transitional Provisions.

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

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

(iii) The state administered examinations upon which prior licenses were granted or upon which new limited inspector licenses may be granted shall be considered as current certification until two years after a national organization offers certification as a residential

building inspector, residential electrical inspector, residential plumbing inspector or residential mechanical inspector for codes adopted under these rules. After the state administered examinations are no longer considered current certification, licenses may not be granted or renewed unless the person has obtained current certificates issued by a national organization.

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

(a) Combination Inspector.

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

(i) the "Building Inspector Certification" issued by the International Conference of Building Officials;

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

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

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

(b) Limited Inspector.

Has passed the examination for and maintained as current one or more of the following national certifications for codes adopted under these rules[~~, or state administered examinations, if offered~~]:

(i) the "Building Inspector Certification" issued by the International Conference of Building Officials;

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

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

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

(v) the "Combination Dwelling Inspector Certification" issued by the International Conference of Building Officials;

(vi) the "Limited Commercial Combination Certification" issued by the International Conference of Building Officials;

(vii) the "Residential Building Inspector Certification" issued by the International Conference of Building Officials[~~, or the "Residential Building Inspector Examination" prepared and administered under the direction of the Division~~];

(viii) the "Residential Electrical Inspector Certification" issued by the International Conference of Building Officials[~~, or the "Residential Electrical Examination" prepared and administered under the direction of the Division~~];

(ix) the "Residential Plumbing Inspector Certification" issued by the International Conference of Building Officials[~~, or the "Residential Plumbing Inspector Examination" prepared and administered under the direction of the Division~~]; or

(x) the "Residential Mechanical Inspector Certification" issued by the International Conference of Building Officials[~~, or the "Residential Mechanical Inspector Examination" prepared and administered under the direction of the Division~~].

(4) Application for License.

(a) An applicant for licensure shall:

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

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

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

(1) In accordance with Subsection 58-56-4(3), and subject to the limitations contained in Subsection (5), (6), and (7), the following codes are hereby incorporated by reference and adopted as the construction standards to be applied to building construction, alteration, remodeling and repair and in the regulation of building construction, alteration, remodeling and repair in the state:

(a) the [~~1997 edition of the Uniform Building Code (UBC) promulgated by the International Conference of Building Officials (ICBO) and amendments adopted under prior rules issued on January 1, 2001, and amendments under these rules under Subsection R156-56-709(1) shall remain effective until January 1, 2002. The~~]2000 edition of the International Building Code (IBC) as modified by Chapter 11 of the 2001 edition of the Supplement to the International Building Code, promulgated by the International Code Council, and amendments adopted under these rules together with standards incorporated into the IBC by reference, including but not limited to, the 2000 edition of the International Energy Conservation Code (IECC) promulgated by the International Code Council and the 2000 edition of the International Residential Code (IRC) promulgated by the International Code Council shall become effective on January 1, 2002;

(b) the 1999 edition of the National Electrical Code (NEC) promulgated by the National Fire Protection Association, to become effective January 1, 2000;

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

(d) the [~~1998 ICC edition of the International Mechanical Code (IMC), as published and promulgated by the International Code Council (ICC) and amendments adopted under Section R156-56-708 under prior rules issued on July 1, 2000 shall remain effective until December 31, 2001. The~~]2000 edition of the International Mechanical Code (IMC) together with all applicable standards set forth in the 2000 International Fuel Gas Code (IFGC) (formerly included as part of the IMC) and amendments adopted under these rules in Section R156-56-708 shall become effective on January 1, 2002;

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

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

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

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

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

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

(6) To the extent that the building codes adopted under Subsection (1) establish provisions, standards or references to other codes which by state statutes are designated to be established or administered by other state agencies or local city, town or county jurisdictions, such provisions are not included in the codes adopted herein but authority over such provisions are reserved to the agency or local government having authority over such provisions. Provisions excluded under this Subsection include but are not limited to:

(a) the International Property Maintenance Code;

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

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

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

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

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

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

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

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

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

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

ASSISTED LIVING FACILITY. See Section 308.1.1.

[~~(3) In Section 302.3, exception number 2 is deleted and replaced with the following:~~

~~2. The private garage shall be separated from the residence and its attic area by means of materials approved for one-hour fire resistive construction applied to the garage side. Door openings between the garage and the residence shall be equipped with either solid wood doors not less than 1 3/8 inches (35 mm) thick, solid or honeycomb core steel doors not less than 1 3/8 inches (35 mm) thick or doors in compliance with Section 714.2.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.~~

~~(4) Section 305.2 is deleted and replaced with the following:~~

~~305.2 Day care. The use of a building or structure, or portion thereof, for the educational, supervision or personal care services for more than four children older than 2 1/2 years of age, shall be classified as a Group E occupancy.~~

~~Exception: Areas used for day care purposes may be located in a Group R-3 occupancy as provided in Section 310.1and as applicable in Section 101.2.~~

~~(5) Section 308.5.2 is deleted and replaced with the following:~~

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

~~Exception: Areas used for day care purposes may be located in a Group R-3 occupancy as provided in Section 310.1 and as applicable in Section 101.2.~~

~~(6) In Section 310.1 the R-3 section is deleted and replaced with the following:~~

~~R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2 or I and where buildings do not contain more than two dwelling units, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.~~

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

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

~~2. Use is approved by the State Department of Health, as enacted under the authority of the Utah Child Care Licensing Act, UCA, Sections 26-39-101 through 26-39-110, and in any of the following categories:~~

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

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

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

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

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

302.3.3.1 All occupancies. Each fire area shall be separated from other occupancies in other fire areas in accordance with Table

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

Exceptions for R-3 and U Groups:

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

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

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

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

Table 302.3.3 per G14-01, entitled "Required Separation of Occupancies", dated January 1, 2002, published by the Department of Commerce, Division of Occupational and Professional Licensing is hereby adopted and incorporated by reference. Table 302.3.3 identifies what type of separation of occupancies requirements are mandated in various types of property use classifications.

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

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

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

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

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

308.1.1 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

TYPE 1 ASSISTED LIVING FACILITY. A residential facility that provides a protected living arrangement for ambulatory, non-restrained persons who are capable of achieving mobility sufficient to exit the facility without the assistance of another person.

TYPE 2 ASSISTED LIVING FACILITY. A residential facility that provides an array of coordinated supportive personal and health care services to residents who meet the definition of semi-independent.

SEMI-INDEPENDENT. A person who is:

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

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

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

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

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

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

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

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

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

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

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

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

(12) In Section 310.1 the R-3 section is deleted and replaced with the following:

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

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

2. Use is approved by the State Department of Health, as enacted under the authority of the Utah Child Care Licensing Act,

UCA, Sections 26-39-101 through 26-39-110, and in any of the following categories:

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

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

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

([~~7~~]13) A new section 310.4 is added as follows:

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

([~~8~~]14) In section 403.10.1.1 the exception is deleted.

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

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

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

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

419.2 Egress. All Group E child day care spaces with an occupant load of 10 or more shall have a second means of egress. If the second means of egress is not an exit door leading directly to the exterior, the room shall have an emergency escape and rescue window complying with Section 1009.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

An automatic sprinkler system shall be provided throughout buildings with Group R-4 fire areas that contain more than eight occupants. Listed quick response or residential sprinkler heads shall be installed in patient or resident sleeping areas.

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

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

([~~10~~]23) In section 1002, the definition for exit discharge is deleted and replaced with the following:

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

(24) In section 1003.2.12.1 the exception is deleted and replaced with the following:

Exceptions:

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

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

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

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

Exceptions:

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

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

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

4. In assembly seating areas, guards at the end of aisles where they terminate at a fascia of boxes, balconies, and galleries shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, a sphere 8 inches (203 mm) in diameter shall not pass.

([~~11~~]26) Section 1003.3.3.11.3 is amended to include the following exception at the end of the section:

Exception. Non-circular handrails serving an individual unit in a Group R-1, Group R-2 or Group R-3 occupancy shall be permitted to have a maximum cross sectional dimension of 3.28 inches (83 mm) measured 2 inches (51 mm) down from the top of the crown. Such handrail is required to have an indention on both sides between 0.625 inch (16 mm) and 1.5 inches (38 mm) down from the top or crown of the cross section. The indentation shall be a minimum of 0.25 inch (6 mm) deep on each side and shall be at least 0.5 (13 mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

(27) In Section 1004.3.2.5 Exception 2 is deleted.

[~~(12) The definition for EXIT DISCHARGE in section 1002 is deleted and replaced with the following:~~

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

([~~13~~]28) New sections 1006.2.3, 1006.2.3.1 and 1006.2.3.2 are added as follows:

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

1006.2.3.1 School ground fences and gates. School grounds shall be permitted to be fenced and gates therein equipped with locks, provided safe dispersal areas are located between the school and fence with the entire dispersal area no less than 50 feet (15 420mm) from school buildings. Safe dispersal area capacity shall be determined by providing a minimum of 3 square feet (0.28 m^2) of net clear area per occupant.

1006.2.3.2 Reviewing stands, grandstands and bleachers. Safe dispersal areas serving reviewing stands, grandstands and bleachers shall accommodate a number of persons equal to the total capacity of the stand or building served. Safe dispersal area capacity shall be determined by providing a minimum of 3 square feet (0.28 m^2) of net clear area per occupant.

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

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

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not more than 4 feet (1219 mm) on center or projecting not more than 6 inches (152 mm) below the required ceiling height.

2. Basement rooms without habitable spaces in one- and two-family dwellings having a ceiling height of not less than 6 feet 8 inches (2033mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

3. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the finished ceiling shall not be included in any computation of the minimum area thereof.

4. Mezzanines constructed in accordance with Section 505.1.

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

1207.3 Room area. Every dwelling unit shall have at least one room that shall have not less than 120 square feet (11.2 m^2) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5 $m^{2)}$.

Exception: Every kitchen in a one- and two-family dwelling shall have not less than 50 square feet 4.64 m^2) of gross floor area.

([~~14~~]31) Section 1207.4 subparagraph 1 is deleted and replaced with the following:

1. The unit shall have a living room of not less than 165 square feet (15.3 m) of floor area. An additional 100 square feet (9.3 m) of floor area shall be provided for each occupant of such unit in excess of two.

([~~15~~]32) In Section 1605.2.1, the formula shown as $f_2 = 0.2$ for other roof configurations" is deleted and replaced with the following:

$f_2 = 0.20 + .025(A-5)$ for other configurations where roof snow load exceeds 30 psf

$f_2 = 0$ for roof snow loads of 30 psf (1.44kN/m^2) or less.

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

([~~16~~]33) In Section 1605.3.1 and section 1605.3.2, Exception number 2 in each section is deleted and replaced with the following:

Falt roof snow loads of 30 pounds per square foot (1.44 kNm^2) or less need not be combined with seismic loads. Where flat roofs exceed 30 pounds per square foot (1.44 kNm^2), the snow loads may be reduced in accordance with the following in load combinations including both snow and seismic loads.

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

Where

W_s = Weight of snow to be included, psf

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

P_f = Design roof snow load, psf

([~~17~~]34) Section 1608.1 is deleted and replaced with the following:

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

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

([~~18~~]35) Section 1608.1.1 is added as follows:

1608.1.1 Utah Snow Loads. The ground snow load, P_g, to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula: $P_g = (P_o^2 + S^2(A-A_o)^2)^{0.5}$ for A greater than A_o, and $P_g = P_o$ for A less than or equal to A_o.

WHERE

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

P_o = Base ground snow load (psf) from Table No. 1608.1.1(a)

S = Change in ground snow load with elevation (psf/100 ft.) From Table No. 1608.1.1(a)

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

A_o = Base ground snow elevation from Table 1608.1.1(a)

The building official may round the roof snow load to the nearest 5 psf. The ground snow load, P_g, may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments. A record of such action together with the substantiating data shall be provided to the division for a permanent record.

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

Where the minimum roof live load in accordance with section 1607.11 is greater than the design roof snow load, such roof live load shall be used for design, however, it shall not be reduced to a load lower than the design roof snow load. Drifting need not be considered for roof snow loads less than 20 psf.

([~~19~~]36) Table 1608.1.1(a) and Table 1608.1.1(b) are added as follows:

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

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

TABLE NO. 1608.1.1(b)
RECOMMENDED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS

		Roof Snow Load (PSF)	Ground Snow Load (PSF)
Beaver County			
Beaver	5920 ft.	43	62
Box Elder County			
Brigham City	4300 ft.	30	43
Tremonton	4290 ft.	30	43
Cache County			
Logan	4530 ft.	35	50
Smithfield	4595 ft.	35	50
Carbon County			
Price	5550 ft.	30	43
Daggett County			
Manila	5377 ft.	30	43
Davis County			
Bountiful	4300 ft.	30	43
Farmington	4270 ft.	30	43
Layton	4400 ft.	30	43
Fruit Heights	4500 ft.	40	57
Duchesne County			
Duchesne	5510 ft.	30	43
Roosevelt	5104 ft.	30	43
Emery County			
Castledale	5660 ft.	30	43
Green River	4070 ft.	25	36
Garfield County			
Panguitch	6600 ft.	30	43
Grand County			
Moab	3965 ft.	25	36
Iron County			
Cedar City	5831 ft.	30	43
Juab County			
Nephi	5130 ft.	30	43
Kane County			
Kanab	5000 ft.	25	36
Millard County			
Millard	5000 ft.	30	43
Delta	4623 ft.	30	43
Morgan County			
Morgan	5064 ft.	40	57
Piute County			
Piute	5996 ft.	30	43
Rich County			
Woodruff	6315 ft.	40	57
Salt Lake County			
Murray	4325 ft.	30	43
Salt Lake City	4300 ft.	30	43
Sandy	4500 ft.	30	43
West Jordan	4375 ft.	30	43
West Valley	4250 ft.	30	43
San Juan County			
Blanding	6200 ft.	30	43
Monticello	6820 ft.	35	50
Sanpete County			
Fairview	6750 ft.	35	50
Mt. Pleasant	5900 ft.	30	43
Manti	5740 ft.	30	43
Ephraim	5540 ft.	30	43
Gunnison	5145 ft.	30	43
Sevier County			
Salina	5130 ft.	30	43
Richfield	5270 ft.	30	43
Summit County			
Coalville	5600 ft.	60	86
Kamas	6500 ft.	70	100
Park City	6400 ft.	85	121
Summit Park	7200 ft.	90	128
Tooele County			
Tooele	5100 ft.	30	43
Uintah County			
Vernal	5280 ft.	30	43
Utah County			
American Fork	4500 ft.	30	43

Orem	4650 ft.	30	43
Pleasant Grove	5000 ft.	30	43
Provo	5000 ft.	30	43
Spanish Fork	4720 ft.	30	43
Wasatch County			
Heber	5630 ft.	60	86
Washington County			
Central	5209 ft.	25	36
Dameron	4550 ft.	25	36
Leeds	3460 ft.	20	29
Rockville	3700 ft.	25	36
Santa Clara	2850 ft.	15 (1)	21
St. George	2750 ft.	15 (1)	21
Wayne County			
Loa	7080 ft.	30	43
Hanksville	4308 ft.	25	36
Weber County			
North Ogden	4500 ft.	40	57
Ogden	4350 ft.	30	43

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

([~~20~~]37) Section 1608.2 is deleted and replaced with the following:

1608.2 Ground Snow Loads. The ground snow loads to be used in determining the design snow loads for roofs in states other than Utah are given in Figure 1608.2 for the contiguous United[~~,~~] States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated CS in figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within the CS areas shall be approved. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official.

([~~21~~]38]) Section 1614.2 is deleted and replaced with the following:

1614.2 Change in Occupancy. When a change of occupancy results in a structure being reclassified to a higher Seismic Use Group, or when such change of occupancy results in a design occupant load increase of 100% pr more, the structure shall conform to the seismic requirements for a new structure.

Exceptions:

1. This is not required if the design occupant load increase is less than 25 persons and the Seismic Use Group does not change.

2. Specific detailing provisions required for a new structure are not required to be met where it can be shown an equivalent level of performance and seismic safety contemplated for a new structure is obtained. Such analysis shall consider the regularity, overstrength, redundancy and ductility of the structure within the contest of the specific detailing provided. Alternatively, the building official may allow the structure to be upgraded in accordance with the latest edition of the "Guidelines for Seismic Rehabilitation of Existing Buildings" or another nationally recognized standard for retrofit of existing buildings.

([~~22~~]39) In Section 1616.4.1, Definition of W, Item 4 is deleted and replaced with the following:

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

WHERE:

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

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

P_f = Design roof snow load, psf

For the purposes of this section, snow load shall be assumed uniform on the roof footprint without including the effects of drift or sliding.

([~~23~~]40) In Section 1617.2.2, the fourth definition of r_{maxi} is deleted and replaced with the following:

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

([~~24~~]41) In Section 1617.4.1, Definition of W, Item 4 is deleted and replaced with the following:

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

([~~25~~]42) In Section 1617.5.1, Definition of W, Item 4 is deleted and replaced with the following:

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

([~~26~~]43) In Section 1618.4, Definition of W, Item 4 is deleted and replaced with the following:

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

([~~27~~]44) Section 1805.5 is deleted and replaced with the following:

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

([~~28~~]45) New sections 1805.5.8, 1805.5.8.1 1805.5.8.2 and 1805.5.9 are added as follows:

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

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

1. Seismic Design Category A and B. Provide two No. 5 bars around window and door openings. Such bars shall extend at least 24 inches (610 mm) beyond the corners of the openings.

2. Seismic Design Category C. Tables shall not be used except as permitted for plain concrete members in Section 1910.4.

3. Seismic Design Categories D, E and F. Tables shall not be used except as allowed for plain concrete members in ACI 318, Section 22.10.

1805.5.1.2. Seismic requirements for masonry foundation walls. Masonry foundation walls constructed using Tables 1805.5(1) through 1805.5(4) shall be subject to the following:

1. Seismic Design Category A and B. No additional seismic requirements.

2. Seismic Design Category C. The requirements of Section 2106.4 shall apply.

3. Seismic Design Category D. The requirements of Section 2106.5 shall apply.

4. Seismic Design Categories E and F. The requirements of Section 2106.6 shall apply.

1805.5.9 Empirical foundation design. Group R, Division 3 Occupancies three stories or less in height, and Group U Occupancies, which are constructed in accordance with Section 2308, or with other methods employing repetitive wood-frame construction or repetitive cold-formed steel structural member construction, shall be permitted to have concrete foundations constructed in accordance with Table 1805.5.9.

([~~29~~]46) Table 1805.5.9 is added as follows:

TABLE 1805.5.9
Empirical Foundation Walls (1,8)

Max. Height	2' (610 mm)	4' (1219 mm)	6' (1829 mm)	8' (2438 mm)	9' (2743 mm)	Over 9' (2743 mm)
Top Edge Support	None	None	Floor or roof dia-phragm(6)	Same as 6'	Same as 6'	Engi-neering required
Minimum Thickness	6"	6"	8"	8"	8"	Same as above
Vertical Steel(2)	Note (5)	#4 @ 32"	#4 @ 24"	#4 @ 24"	#4 @ 16"	Same as above
Horizontal Steel(3)	2-#4 Bars	4-#4 Bars	5-#4 Bars	6-#4 Bars	7-#4 Bars	Same as above
Steel at Openings(4)	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	Same as above
Max. Lintel Length	2' (610mm)	3' (914mm)	6' (1829mm)	6' (1829mm)	6' (1829mm)	Same as above
Min. Lintel Depth	2" for each ft. of opening width; Min. 6"	Same as 2'	Same as 2'	Same as 2'	Same as 2'	Same as above

Notes:

(1) Based on 3,000 psi (20.6 Mpa) concrete and 60,000 psi (414 Mpa) reinforcing steel.

(2) To be placed in the center of the wall, and extend from the footing to within three inches (76 mm) of the top of the wall; dowels of #4 bars to match vertical steel placement shall be provided in the footing, extending 24 inches (610 mm) into the foundation wall.

(3) One bar shall be located in the top four inches (102 mm), one bar in the bottom four inches (102 mm) and the other bars equally spaced between. Such bar placement satisfies the requirements of Section 1805.9. Corner reinforcing shall be provided so as to lap 24 inches (610 mm).

(4) Bars shall be placed within two inches (51 mm) of the openings and extend 24 inches (610 mm) beyond the edge of the opening; vertical bars may terminate three inches (76 mm) from the top of the concrete.

(5) Dowels of #4 bar at 32 inches on center shall be provided in the footing, extending 18 inches (457 mm) into the foundation wall.

(6) Diaphragm shall conform to the requirements of Section 2308.

(7) Footing shall be a minimum of nine inches thick by 20 inches wide.

(8) Soil backfill shall be soil classification types GW, GP, SW, or PS, per Table 1610.1. Soil shall be [~~be~~]submerged or saturated in groundwater.

([~~30~~]47) A new section 2902.1.1 is added as follows:

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

([~~31~~]48) A new section 2306.1.4 is added as follows:

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

(49) Section 2308.6 is deleted and replaced with the following:

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

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

2. Foundation plates or sills shall be bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors. Bolts shall be embedded at least 7 inches (178 mm) into concrete or masonry, and spaced not more than 32 inches (816 mm) apart. There shall be a minimum of two bolts or anchor straps per piece located not less than 4 inches (102 mm) from each end of each piece.

A properly sized nut and washer shall be tightened on each bolt to the plate.

([~~32~~]50) A new section 3402.5 is added as follows:

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

EXCEPTION: Group R-3 an U occupancies.

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

The maximum height of an unreinforced masonry parapet above the level of the diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times the thickness of the parapet wall. The parapet height may be a maximum of two and one-half times its thickness in other than Seismic Design Categories D, E, or F. If the required parapet height exceeds this maximum height, a bracing system designed using the coefficients specified in Table 1621.2 shall support the top of the parapet. When positive diaphragm connections are absent, tension roof anchors shall be added. Approved alternative methods of equivalent strength will be considered when accompanied by engineer sealed drawings, details and calculations.

([~~33~~]51) Section 3408.1 is deleted and replaced with the

following:

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

Exceptions:

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

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

([~~34~~]52) Referenced standards number 1557-91 under ASTM in chapter 35 is deleted and replaced with the following:

TABLE

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

([~~35~~]53) A new appendix K, Grading, is added as follows:

APPENDIX K - GRADING

K1.1 GENERAL

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

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

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

K1.2 DEFINITIONS

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

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

COMPACTION. The densification of a fill by mechanical means.

CUT. See Excavation.

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

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

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

FILL. Deposition of earth materials by artificial means.

GRADE. The vertical location of the ground surface.

GRADE, EXISTING. The grade prior to grading.

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

GRADING. An excavation or fill or combination thereof.

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

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

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

K1.3 PERMITS REQUIRED

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

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

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

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

3. Cemetery graves.

4. Refuse disposal sites controlled by other regulations.

5. Excavations for wells, or trenches for utilities.

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

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

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

K1.4 PERMIT APPLICATION AND SUBMITTALS

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

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

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

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

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

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

K1.5 INSPECTIONS

K.1.5.1 General. Inspections shall be governed by Section 109 of this code.

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

K1.6 EXCAVATIONS

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

Exceptions:

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

(a) it is not intended to support structures or surcharges;

(b) it is adequately protected against erosion;

(c) it is no more than 8 feet (2438 mm) in height; and

(d) it is approved by the building official.

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

K1.7 FILLS

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

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

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

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

K1.7.5 Compaction. All fill material shall be compacted to 90% of maximum density as determined by ASTM D1557, Modified Proctor, in lifts not exceeding 12 inches (305 mm) in depth.

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

K1.8 SETBACKS

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

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

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

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

K1.9 DRAINAGE AND TERRACING

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

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

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

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

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

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1256 m^2) (projected) without discharging into a down drain.

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

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

K1.10 EROSION CONTROL

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

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

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

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

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

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

(1) City of Farmington:

Section 903.2.16 is adopted as follows:

903.2.16 Group R, Division 3 Occupancies. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13-D, when any of the following conditions are present:

1. The structure is over two stories high, as defined by the building code;

2. The nearest point of structure is more than 150 feet from the public way;

3. The total floor area of all stories is over 5,000 square feet (excluding from the calculation the area of the basement and/or garage); or

4. The structure is located on a street constructed after March 1, 2000 that has a gradient over 12% and, during fire department response, access to the structure will be gained by using such street. (If the access is intended to be from a direction where the steep gradient is not used, as determined by the Chief, this criteria shall not apply).

Such sprinkler system shall be installed in basements, but need not be installed in garages, under eves or in enclosed attic spaces, unless required by the Chief.

(2) City of North Salt Lake

Section 903.2.16 is adopted as follows:

903.2.16 Group R, Division 3 Occupancies. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13-D, when the following condition is present:

1. The structure is over 6,200 square feet.

Such sprinkler system shall be installed in basements, but need not be installed in garages, under eves, or in enclosed attic spaces, unless required by the fire chief.

([~~2~~]3) Park City Corporation:

Section 903.2 is deleted and replaced with the following:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the location described in this section.

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

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

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

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

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

All existing building within the Historic District Commercial Business zone.

In Section 1505.1, the following is added as footnote d:

d. Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE
WILDFIRE HAZARD SEVERITY SCALE

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

PROHIBITION/EXEMPTION TABLE

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

Appendix C is adopted.

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

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

(1) In Section 202, the definition for "Backflow Backpressure, Low Head" is deleted in its entirety.

(2) In Section 202, the definition for "Backsiphonage" is deleted and replaced with the following:

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

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

Certified Backflow Preventer Assembly Tester. A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

(4) In Section 202, the definition for "Cross Connection" is deleted and replaced with the following:

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

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

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

(6) In Section 202, the definition for "Potable Water" is deleted and replaced with the following:

Potable Water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

(7) In Section 202, the definition for "Water Heater" is deleted and replaced with the following:

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

(8) Section 305.10 is added as follows:

Section 305.10 Improper Connections. No drain, waste, or vent

piping shall be drilled and tapped for the purpose of making connections.

(9) Section 312.9 is deleted in its entirety and replaced with the following:

312.9 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly, and the spring loaded check valve assembly described in Section 608.16.4.

[~~(10) Section 403.1 is deleted and replaced with the following:~~

~~403.1 Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number shown in the International Building Code.~~

~~(11) Table 403.1 is deleted in its entirety.~~

~~(12) Section 403.2 is deleted and replaced with the following:~~

~~403.2 Hand sink location. Hand sinks in commercial food establishments shall be located accessible to food preparation areas, food service areas, dishwashing areas, and toilet rooms in accordance with Rule R392-100, Utah Administrative Code. Hand sinks in child care facilities shall be installed in accordance with R430-100-21, Utah Administrative Code.~~

~~(13) Sections 403.4, 403.5 and 403.6 are deleted in their entirety.~~]

(10) A new section 403.7 is added as follows:

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

([~~14~~]11) Section 412.5 is added as follows:

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

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

([~~15~~]12) Section 418.1 is deleted and replaced with the following:

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

([~~16~~]13) Section 502.4 is deleted in its entirety.

([~~17~~]14) Section 502.6 is deleted and replaced with the following:

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

([~~18~~]15) Section 504.6.2 is deleted and replaced with the following:

504.6.2 Material. Relief valve discharge piping shall be of those materials listed in Section 605.5 or shall be tested, rated and approved for such use in accordance with ASME A112.4.1. Piping from safety pan drains shall be of those material listed in Table 605.5 and Table 701.1.

([~~19~~]16) Section 504.7.1 is amended as follows:

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

[~~(20) Section 602.3 is deleted and replaced with the following:~~

~~602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-3-1 and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction. The source shall supply sufficient quantity of water to comply with the requirements of this chapter.~~]

(17) Section 602.3 is deleted and replaced with the following:

602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-3-1, 73-3-3, and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction. The source shall supply sufficient quantity of water to comply with the requirements of this chapter.

([~~21~~]18) Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1 are deleted in their entirety.

([~~22~~]19) Section 604.4.1 is added as follows:

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

([~~23~~]20) Section 606.2 is deleted and replaced with the following:

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

1. On the fixture supply to each plumbing fixture.

Exceptions:

A. bath tubs and showers.

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

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

([~~24~~]21) Section 606.5 is deleted and replaced with the following:

606.5 Water pressure booster systems. Water pressure booster systems shall be provided as required by Section 606.5.1 through 606.5.11.

([~~25~~]22) Section 606.5.11 is added as follows:

606.5.11 Prohibited installation. In no case shall a booster pump be allowed that will lower the pressure in the public main to less than 20 psi.

([~~26~~]23) In Section 608.1, the following sentence is added at the end of the paragraph:

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

([~~27~~]24) Table 608.1 is deleted and replaced with the following:

TABLE 608.1
General Methods of Protection

Assembly (applicable standard)	Degree of Hazard	Application	Installation Criteria
Air Gap (ASME A112.1.2)	High or Low	Backsiphonage	See Table 608.15.1
Reduced Pressure Principle Backflow Preventer (AWWA C511, USC-FCCCHR, ASSE 1013 CSA CNA/CSA-B64.4) and Reduced Pressure Detector Assembly (ASSE 1047, USC-FCCCHR)	High or Low	Backpressure or Backsiphonage 1/2" - 16"	a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor. b. RP assemblies shall NOT be installed in a pit. c. The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents. d. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation.
Double Check Backflow Prevention Assembly (AWWA C510, USC-FCCCHR, ASSE 1015) Double Check Detector Assembly Backflow Preventer (ASSE 1048, USC-FCCCHR)	Low	Backpressure or Backsiphonage 1/2" - 16"	a. If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance. b. Shall be installed in a horizontal position unless listed or approved for vertical installation.
Pressure Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR)	High or Low	Backsiphonage 1/2" - 2"	a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use. c. Shall not be installed below ground or in a vault or pit. d. Shall be installed in a vertical position only.
Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR)	High or Low	Backsiphonage 1/4" - 2"	a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use. c. Shall not be installed below ground or in a vault or pit. d. Shall be installed in a vertical position only.
Atmospheric Vacuum Breaker (ASSE 1001 USC-FCCCHR, CSA CAN/CSA-B64.1.1	High or Low	Backsiphonage	a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time. c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use. d. Shall be installed on the discharge (downstream) side of any valves. e. The AVB shall be installed in a vertical position only.
General Installation Criteria			The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to insure the safety of the backflow technician. Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed. The body of the assembly shall not be closer than 12 inches to any wall, ceiling or incumbrance, and shall be accessible for testing, repair and/or maintenance. In cold climates, assemblies shall be

			protected from freezing by a means acceptable to the code official. Assemblies shall be maintained as an intact assembly.

([~~28~~]25) Table 608.1.1 is added as follows:

TABLE 608.1.1
Specialty Backflow Devices for low hazard use only

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

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

([~~29~~]26) In Section 608.3.1, the following sentence is added at the end of the paragraph:

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

([~~30~~]27) Section 608.7 is deleted in its entirety.

([~~31~~]28) In Section 608.8, the following sentence is added at the end of the paragraph:

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

([~~32~~]29) In Section 608.11, the following sentence is added at the end of the paragraph:

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

([~~33~~]30) Section 608.13.3 is deleted and replaced with the following:

608.13.3 Backflow preventer with intermediate atmospheric vent. Backflow preventers with intermediate atmospheric vents shall conform to ASSE 1012 or CAS CAN/CAS-B64.3. These devices shall be permitted to be installed on residential boilers only where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged.

([~~34~~]31) Section 608.13.4 is deleted in its entirety.

(~~35~~)32 Section 608.15.3 is deleted and replaced with the following:

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

([~~36~~]33) Section 608.15.4 is deleted and replaced with the following:

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

([~~37~~]34) In Section 608.15.4.2, the following is added at the end of the paragraph:

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

([~~38~~]35) Section 608.16.1 is deleted and replaced with the following:

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

([~~39~~]36) In Section 608.16.2, the first sentence of the paragraph is deleted and replaced as follows:

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

([~~40~~]37) Section 608.16.3 is deleted and replaced with the following:

608.16.3 Heat exchangers. Heat exchangers shall be separated from potable water by double-wall construction. An air gap open to the atmosphere shall be provided between the two walls.

Exceptions:

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

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

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

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

2. Steam systems that comply with paragraph 1 above.

3. Approved listed electrical drinking water coolers.

([~~41~~]38) Section 608.16.4 is deleted and replaced with the following:

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

EXCEPTIONS:

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

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

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

([~~42~~]39) Section 608.16.4.1 is deleted and replaced with the following:

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

Exception:

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

([~~43~~]40) Section 608.16.4.2 is added as follows:

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

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

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

(4[~~4~~]1) Section 608.16.6 is deleted and replaced with the following:

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

(4[~~5~~]2) Section 608.16.7 is deleted and replaced with the following:

608.16.7 Chemical dispensers. Where chemical dispensers connect to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

(4[~~6~~]3) Section 608.16.8 is deleted and replaced with the following:

608.16.8 Portable cleaning equipment. Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2 or Section 608.13.8.

(4[~~7~~]4) Section 608.16.9 is deleted and replaced with the following:

608.16.9 Dental pump equipment or water syringe. Where dental pumping equipment or water syringes connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

(4[~~8~~]5) Section 608.16.10 is added as follows:

608.16.10 Automatic and coin operated car washes. The water supply to an automatic or coin operated car wash shall be protected in accordance with Section 608.13.1 or Section 608.13.2.

(4[~~9~~]6) Section 608.17 is deleted in its entirety.

([~~50~~]47) Section 701.2 is deleted and replaced with the following:

701.2 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where the sewer is within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann., (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317-5501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.[

~~(51) Section 802.1.1 is deleted and replaced with the following:~~

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

(48) Section 802.1.1 is deleted and replaced with the following:

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

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

([~~52~~]49) Section 802.3 is amended as follows:

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

(5[~~3~~]0) Section 802.3.2 is deleted in its entirety and replaced with the following:

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

(5[~~4~~]1) In Section 904.6, the following sentence is added at the end of the paragraph:

Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.

(5[~~5~~]2) In Section 905.4, the following sentence is added at the end of the paragraph:

Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink installations when installed in accordance with Sections 702.2, 905.2 and 905.3 and provided with a wall clean out.

(5[~~6~~]3) Section 1002.4.1 is added as follows:

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

(5[~~7~~]4) Section 1003.3.5 is added as follows:

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

(5[~~8~~]5) Section 1104.2 is deleted and replaced with the following:

1104.2 Combining storm and sanitary drainage prohibited. The combining of sanitary and storm drainage systems is prohibited.

(5[~~9~~]6) Section 1108 is deleted in its entirety.

([~~60~~]57) Section 1204 is added as follows:

1204 Fuel gas piping systems. All fuel gas piping systems shall be sized, installed, tested and placed in operation in accordance with the requirements of the 1998 International Mechanical Code.

([~~61~~]58) Section 1205 is added as follows:

Section 1205 CNG GAS-DISPENSING SYSTEMS

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

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

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

([~~62~~]59) Chapter 14, Referenced Standards, is amended as follows:

NSF - Standard Reference Number 61-[~~95~~]99 - The following referenced in code section number is added: 608.11

The following reference standard is added:

TABLE

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

([~~63~~]60) Appendix C of the IPC, Gray Water Recycling Systems, shall not be adopted by any jurisdiction until approved by the Department of Health and the Department of Environmental Quality.

R156-56-708. Statewide Amendments to the IMC.

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

(1) Chapter 3, Section 304.8 is amended by adding the following exception at the end of the paragraph:

Exception: R-3 occupancy.

(2) Chapter 3, Section 304.9 is amended by adding the following exception at the end of the paragraph:

Exception: R-3 occupancy.

([~~2~~]3) Chapter 3, Section 306.5 is amended by adding the following exception at the end of the paragraph:

Exception: R-3 occupancy.

([~~3~~]4) Chapter 3, Section 306.6 is amended by adding the following exception at the end of the paragraph:

Exception: Evaporative coolers serving R-3 occupancy.

([~~4~~]5) Chapter 6, Section 603.8.1 is added as follows:

Section 603.8.1 Residential round ducts. Crimp joints for residential round ducts shall have a contact lap of at least 1 1/2 inches (38 mm) and shall be mechanically fastened by means of at least three sheet metal screws equally spaced around the joint, or an equivalent fastening method.

[~~**R156-56-709. Amendments to the UBC.**~~

~~(1) Statewide Amendments. The following are adopted as amendments to the UBC to be applicable statewide:~~

~~(a) The preamble to Standard 9-1 is deleted and replaced with the following:~~

~~This standard is based upon the National Fire Protection Association Standard for the Installation of Sprinkler Systems, NFPA 13-1999.~~

~~(2) The following are adopted as amendments to the UBC to be applicable to the following jurisdictions:~~

~~(a) City of North Salt Lake:~~

~~In Section 904.2.2, the introductory paragraph is deleted and replaced as with the following:~~

~~All occupancies except for Group R, Division 3, Type V-N Construction having less than 6200 square feet or other types of construction under Group R Division 3 having less than 7200 square feet or Group U occupancies, an automatic sprinkler system shall be installed:~~]

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

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

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

Exception: R-3 occupancies.

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

Exception: R-3 occupancy.

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

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

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

504.3.5 Common vertical vent offset. Where the common vertical vent is offset as shown in Figure B-12, the maximum common vent capacity listed in the common venting tables shall be

reduced by 5% per fitting for all offsets of 45 degrees or less and 10% per fitting for all offsets greater than 45 degrees. The total horizontal length of the common vent offsets (L_M) shall not exceed 1 1/2 feet for each inch (18 mm per mm) of common vent diameter (D).

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

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

(1) Section 801.2 is deleted and replaced with the following:

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

(2) Chapter 9 Reverence Standards, ASHRAE, Item 4 is deleted and replaced with the following:

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

R156-56-[~~710~~]711. Statewide Amendments to the IRC.

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

(1) All amendments to the IBC under [~~s~~]Section R156-56-704, the NEC under Section R156-56-708, the IFGC under Section R156-56-709 and the IECC under Section R156-56-710 which may be applied to detached one and two family dwellings and multiple single family dwellings shall be applicable to the corresponding provisions of the IRC.

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

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

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

CERTIFIED BACKFLOW PREVENTER ASSEMBLY TESTER: A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

(4) In Section R202 the definition of "Cross Connection" is deleted and replaced with the following:

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

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

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

(6) In section R202 the definition of "Potable Water" is deleted and replaced with the following:

POTABLE WATER. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

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

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

(8) Section R304.3 is deleted and replaced with the following:

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

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

(9) Section R309.2 is deleted and replaced with the following:

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

(10) Section R315.2 is deleted and replaced with the following:

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

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

(11) In Section 321.3.2 Exception 1.1 is deleted and replaced with the following:

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

(12) Section R403.1.6.1 is deleted and replaced with the following:

R403.1.6.1 Foundation anchorage in Seismic Design Categories $D_1$and D_2. In addition to the requirements of Section R403.1.6, the following requirements shall apply to light-wood frame structures in Seismic Design Categories $D_1$and D_2. Anchor bolts shall be located within 12 inches (305 mm) from the ends of each plate section at interior bearing walls, interior braced wall lines and at all exterior walls. Plate washers a minimum of 2 inches by 2 inches by 3/16 inch (51 mm by 4.8 mm) thick shall be used on each bolt.

Exceptions:

a. When anchor bolt spacing does not exceed 32 inches (816 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls, interior braced wall lines and at all exterior walls.

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

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

(13) In Section R703.7 Stone and masonry veneer, general the following exceptions are added:

Exceptions:

3. For detached one- or two-family dwellings with a maximum nominal thickness of 4 inches (102 mm) of exterior masonry veneer with a backing of wood frame located in Seismic Design Category D_1, the masonry veneer shall not exceed 20 feet (6096 mm) in height above a noncombustible foundation, with an additional 8 feet (2438 mm) permitted for gabled ends, or 30 feet (9144 mm) in height with an additional 8 feet (2438 mm) permitted for gabled ends where the lower 10 feet (3048 mm) has a backing of concrete or masonry wall, provided the following criteria are met:

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

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

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

(d) Cripple walls shall not be permitted.

4. For detached one- and two-family dwellings with a maximum actual thickness of 3 inches (76 mm) of exterior masonry veneer with a backing of wood frame located in Seismic Design Category D_2, the masonry veneer shall not exceed 20 feet (6096 mm) in height above a noncombustible foundation, with an additional 8 feet (2438 mm) permitted for gabled ends, or 30 feet (9144 mm) in height with an additional 8 feet (2438 mm) permitted for gabled ends where the lower 10 feet (3048 mm)has a backing of concrete on masonry wall, provided the following criteria are met:

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

(b) The bracing of the top story shall be located at each end and at least every 25 feet (7620 mm) on center but not less than 55% of the braced wall line. The bracing of the first story shall be as provided in Table R602.10.3.

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

(d) Cripple walls shall not be permitted.

(14) Section P2602.2 is added as follows:

P2602.2 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-3-1 and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction.

(15) Section P2602.3 is added as follows:

P2602.3 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where the sewer is within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann, (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317-5501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

(16) Section P2801.2 is added as follows:

P2801.2 Water heater seismic bracing. Water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

(17) Section P2902.1.1 is added as follows:

P2902.1.1 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly, and the spring loaded check valve assembly described in amended Section 608.16.4 of the International Plumbing Code.

(18) Section P2903.9.3 is deleted and replaced with the following:

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

(19) Section P3003.2.1 is added as follows:

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

(20) In Section P3103.6, the following sentence is added at the end of the paragraph:

Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.

(21) In Section P3104.4, the following sentence is added at the end of the paragraph:

Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink installations when installed below grade in accordance with Chapter 30, and Sections P3104.2 and P3104.3. A wall cleanout shall be provided in the vertical vent.

(22) Chapter 43, Referenced Standards, is amended as follows:

The following reference standard is added:

TABLE

USC-FCCCHR 9th Edition Manual of Cross Connection Control	Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531	Section P2902

R156-56-[~~711~~]712. Local Amendments to the IRC.

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

(1) City of Farmington:

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

R328.1 When required. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13-D, when any of the following conditions are present:

1. the structure is over two stories high, as defined by the building code;

2. the nearest point of structure is more than 150 feet from the public way;

3. the total floor area of all stories is over 5,000 square feet (excluding from the calculation the area of the basement and/or garage); or

4. the structure is located on a street constructed after March 1, 2000 that has a gradient over 12% and, during fire department response, access to the structure will be gained by using such street. (If the access is intended to be from a direction where the steep gradient is not used, as determined by the Chief, this criteria shall not apply).

R328.2 Installation requirements and standards. Such sprinkler system shall be installed in basements, but need not be installed in garages, under eves or in enclosed attic spaces, unless required by the Chief. Such system shall be installed in accordance with NFPA 13-D.

(2) City of North Salt Lake:

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

R328.1 When Required. An automatic sprinkler system shall be installed throughout every dwelling when the following condition is present:

1. The structure is over 6,200 square feet.

R328.2 Installation requirements and standards. Such sprinkler system shall be installed in basements, but need not be installed in garages, under eves, or in enclosed attic spaces, unless required by the fire chief. Such system shall be installed in accordance with NFPA 13-D.

([~~2~~]3) Park City Corporation:

Section R905.7 is deleted and replaced with the following:

R905.7 Wood shingles. The installation of wood shingles shall comply with the provisions of this section.

Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE
WILDFIRE HAZARD SEVERITY SCALE

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

PROHIBITION/EXEMPTION TABLE

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

Section R905.8 is deleted and replaced with the following:

R905.8 Wood Shakes. The installation of wood shakes shall comply with the provisions of this section. Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE
WILDFIRE HAZARD SEVERITY SCALE

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

PROHIBITION/EXEMPTION TABLE

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

Appendix K is adopted.

KEY: contractors, building codes, building inspection, licensing [~~July 1,~~]2001
Notice of Continuation June 3, 1997
58-1-106(1)
58-1-202(1)
58-56-1
58-56-4(2)
58-56-6(2)(a)

Commerce, Occupational and Professional Licensing

R156-56-708

Statewide Amendments to the IMC

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24087
FILED: 10/02/2001, 13:19

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This proposed amendment is being made to the International Mechanical Code (IMC) regarding the requirements for flexible connectors to ducts. This is an update that is required due to an error in the IMC which provided the maximum length should be 14 feet rather than 14 inches. The Uniform Building Code Commission has approved the amendment. However, parties objecting to the amendment have stated they do not believe there is an error and have represented they will present additional material at the public hearing. Accordingly, the Division is publishing this rule amendment as a separate filing so that if this amendment is ultimately not recommended to be adopted after the public hearing and comment, it would

not delay the implementation of other amendments that are necessary to implement the International Building Codes.

SUMMARY OF THE RULE OR CHANGE: Amendments are made to Subsection R156-56-708(5) (Section 603.5.2.1) to correct a technical error in the IMC to reflect the correct requirement for length of certain flexible connectors.

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

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The Division's costs that will be incurred to reprint the rule once proposed amendments are made effective is covered in the rule filing affecting R156-56 which is being filed simultaneously with this rule filing. There should be no cost to affected parties to correct this error because they should not have been able to install the duct under the language in the code and since this error was caught before the code was first effective with the error. (DAR Note: The proposed amendment to R156-56 is under DAR No. 24086 in this Bulletin.)
❖LOCAL GOVERNMENTS: There should be no cost to affected parties to correct this error because they should not have been able to install the duct under the language in the code and since this error was caught before the code was first effective with the error.
❖OTHER PERSONS: There should be no cost to affected parties to correct this error because they should not have been able to install the duct under the language in the code and since this error was caught before the code was first effective with the error.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division anticipates no compliance costs are associated with this rule filing because they should not have been able to install the duct under the language in the code and since this error was caught before the code was first effective with the error.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This proposed amendment is a technical correction to what appears to be an error in publishing the code. Therefore, it should have no impact on affected persons. The correct standard is reflected in other documents relating to the standards referred to in the code and therefore the conflict in the code needs to be eliminated. Ted Boyer, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dan S Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dsjones@br.state.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 11/15/2001 at 9:00 AM, State Office Building, Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-708. Statewide Amendments to the IMC.

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

(1) Chapter 3, Section 304.8 is amended by adding the following exception at the end of the paragraph:

Exception: R-3 occupancy.

(2) Chapter 3, Section 306.5 is amended by adding the following exception at the end of the paragraph:

Exception: R-3 occupancy.

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

Exception: Evaporative coolers serving R-3 occupancy.

(4) Chapter 6, Section 603.8.1 is added as follows:

Section 603.8.1 Residential round ducts. Crimp joints for residential round ducts shall have a contact lap of at least 1 1/2 inches (38 mm) and shall be mechanically fastened by means of at least three sheet metal screws equally spaced around the joint, or an equivalent fastening method.

(5) Section 603.5.2.1 is deleted and replaced with the following:

603.5.2.1 Connector length. Flexible air connectors shall be limited in length to 14 inches (4.27 m).

KEY: contractors, building codes, building inspection, licensing
[~~July 1,~~]2001
Notice of Continuation June 3, 1997
58-1-106(1)
58-1-202(1)
58-56-1
58-56-4(2)
58-56-6(2)(a)

▼ ▼

Commerce, Occupational and Professional Licensing

R156-56-710

(Changed to R156-56-711)

Statewide Amendments to the IRC

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24088
FILED: 10/02/2001, 13:20

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This proposed amendment to the International Residential Code (IRC) provides for a six-month delay in implementation of Section R314.2 of the IRC which increases the maximum riser height and reduces the minimum tread depth for stairs. This has been a very controversial item at the national level when the International Codes were promulgated. The parties encouraging adoption of this amendment represent the more restrictive requirement in the code adds substantial extra cost to the smaller affordable housing often used by first time home buyers. The opponents to the changes object to the change because falls on stairs is one of the leading causes of accidents in the home and the less restrictive requirements would increase the potential for falls. The Uniform Building Code Commission approved this amendment but recommended that this be handled as a separate filing so that in the event this amendment is not recommended for adoption after the public hearing and comment, it would not delay the implementation of other amendments that are necessary to implement the International Building Codes.

SUMMARY OF THE RULE OR CHANGE: This section number is being changed from R156-56-710 to R156-56-711. Added amendments to Subsection R156-56-710(2) (Section R314.2 of the IRC) to change the stair dimensions to be less restrictive for six months longer until July 1, 2002.

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

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Division's costs that will be incurred to reprint the rule once proposed amendments are made effective is covered in the rule filing affecting R156-56 which is being filed simultaneously with this rule filing. There should be no effect on the state budget because this amendment would only affect stair dimensions in residences. Nonresidential stair dimensions are not being changed. (DAR Note: The proposed amendment to R156-56 is under DAR No. 24086 in this Bulletin.)

❖LOCAL GOVERNMENTS: There should be no effect on local governments because this amendment would only affect stair dimensions in residences. Nonresidential stair dimensions are not being changed.

❖OTHER PERSONS: This proposed amendment would allow for savings in small home construction since not as much area would be needed to allow for the stairway; accordingly, the house could be built smaller. The advocates of this change state the average savings per home could be as much as $2,632. The opponents of the change state these savings are vastly overstated but acknowledge some savings would be available. It is impossible to determine aggregate impact because this would depend on the number of smaller homes built which cannot be determined. Normally larger homes would have no savings or additional costs resulting from this amendment. It should be noted that the potential savings identified above will only last until July 1, 2002 at which time this proposed amendment to the IRC will expire.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs are associated with this rule filing. The Division only anticipates savings in small home construction since not as much area would be needed to allow for the stairway; accordingly, the house could be built smaller. The advocates of this change state the average savings per home could be as much as $2,632. The opponents of the change state these savings are vastly overstated but acknowledge some savings would be available. It is impossible to determine aggregate impact because this would depend on the number of smaller homes built which cannot be determined. Normally larger homes would have no savings or additional costs resulting from this amendment. It should be noted that the potential savings identified above will only last until July 1, 2002 at which time this proposed amendment to the IRC will expire.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed the proposed rule changes that relate to the merger of the Uniform Building Code into the International Building Code together with the proposed amendments needed to transition to the new code. These changes are the implementation of several years' work both at the national level and the state level and are intended to reflect the best code provisions available from the merger of the three prior national codes into one international code as may need to be modified in the state of Utah to reflect orderly transition into the new code or taking into account specific building needs in the state of Utah. While certain provisions of the proposed new code and amendments may cost more and some provisions may cost less in building construction, it is widely anticipated that as a whole the new code and related amendments will be less restrictive than the predecessor code and amendments and therefore will have a beneficial financial impact to persons affected by the new code requirements. However, the specific amount of this impact cannot be determined until buildings are actually built under the new code requirements and there are no guarantees that any project will actually come out costing less. There may well be some projects which cost more and others that cost less. Upon reviewing the procedures used to arrive at the new code provisions, the conclusion that the new code appears to be a substantial improvement over the prior codes seems to be persuasive. After implementation of the new code, deficiencies in the new code may be identified, at which time further rule changes may be necessary to appropriately balance the protection to the public and the costs of construction. This amendment is designed to delay the implementation of one provision in the new codes that has been controversial and that is more restrictive than the existing code in the state of Utah. Additional stair riser height and tread depth may have a substantial impact on the safety of a person using steps. Falls on steps is one of the most prevalent areas where accidents occur in the home. It is impossible to directly correlate and compare the higher costs

to make stairs more safe with savings in medical costs relative to falls on stairs. There is little doubt that increasing these stair requirements will increase the costs of building smaller homes. There is also little doubt that decreasing the incidence of falls on stairs would reduce the medical costs to affected persons. However the actual expected costs to implement these increased requirements or the potential to reduce falls has been a hotly debated item.
After review of the stairway requirements that have been adopted under the IBC, it appears these groups have adequately considered the balance between safety and cost when they recommend increasing the riser height and tread depth requirements. It also appears to be a reasonable transition to allow for additional time to implement this specific change. Ted Boyer, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dan S Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dsjones@br.state.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 11/15/2001 at 9:00 AM, State Office Building, Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-[~~710~~]711. Statewide Amendments to the IRC.

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

(1) All amendments to the IBC under section R156-56-704 which may be applied to detached one and two family dwellings and multiple single family dwellings shall be applicable to the corresponding provisions of the IRC.

(2) Section R314.2, until July 1, 2002, is deleted and replaced with the following:

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

R314.2.1 Profile. The radius of curvature at the leading edge of the tread shall be no greater than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19.1 mm) but not more than 1 1/4 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed shall not exceed the smallest nosing projection by more than 3/8 inches (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exceptions.

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

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

(3) After July 1, 2002, the provisions of Section R314.2 apply as originally published in the IRC without amendment.

KEY: contractors, building codes, building inspection, licensing [~~July 1,~~]2001
Notice of Continuation June 3, 1997
58-1-106(1)
58-1-202(1)
58-56-1
58-56-4(2)
58-56-6(2)(a)

▼ ▼

Education, Administration
R277-444
Distribution of Funds to Arts and Sciences Organizations

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24121
FILED: 10/15/2001, 17:11

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide for a request for proposal (RFP) process once every four years for arts/science organizations that have previously received line item funding from the Legislature.

SUMMARY OF THE RULE OR CHANGE: The amendments provide for an RFP process once every four years for arts/science organizations that have previously received line item funding from the Legislature.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: There are no anticipated cost or savings to State budget. The changes only provide for a different process by which arts/science organizations receive state funding.
❖LOCAL GOVERNMENTS: There are no anticipated cost or savings to local government. The changes only provide for a different process by which arts/science organizations receive state funding.
❖OTHER PERSONS: There may be minimal costs to arts/science organizations in responding to an RFP once every four years to receive state funding.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There may be minimal compliance costs to arts/science organizations in responding to an RFP once every four years to receive state funding.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses. Steven O. Laing

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

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R277. Education, Administration.
R277-444. Distribution of Funds to Arts and Sciences Organizations.
R277-444-1. Definitions.

A. "Arts organization" means a non-profit organization that provides artistic (dance, music, drama, art) services, performances or instruction to the Utah community.

B. "Science organization" means a non-profit organization that provides science-related services, performances or instruction to the Utah community.

C. "Non-profit organization" means an organization no part of the income of which is distributable to its members, directors or officers; a corporation organized for other than profit-making purposes.

D. "USOE" means the Utah State Office of Education.

E. "Core Curriculum" means minimum academic standards provided through courses as established by the Board which shall be mastered by all students K-12 as a requisite for graduation from Utah's secondary schools.

F. "Hands-on activities" means activities that include active involvement of students with presenters, ideally with materials provided by the organization.

G. "Board" means the Utah State Board of Education.

H. "Request for proposal (RFP)" means a competitive application process used to identify programs that best meet requirements established by the Board.

R277-444-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public school system under the Board and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide criteria for the distribution of funds appropriated by the Utah Legislature to enhance the Core Curriculum through school visits by professional arts and science groups in the community.

R277-444-3. Eligibility of Organizations.

A. Only non-profit organizations are eligible. Individuals are not eligible. Evidence of non-profit status shall be provided if requested by USOE staff.

B. Only organizations that have existed for at least three years with proven or demonstrated excellence in their discipline are eligible for funding. Evidence of excellence may be based upon:

(1) a peer review;

(2) proven fiscal responsibility; or

(3) receipt of national grant awards (e.g. National Endowment for the Arts, National Endowment for the Humanities, National Science Foundation)

C. Organizations shall receive funding only if they have the demonstrated ability to share their discipline(s) creatively and effectively in educational settings.

D. First consideration shall be given to Utah-based organizations.

E. [~~For fiscal year 1999-2000, $50,000 of the funding provided under the 1999 Annual Appropriations Act, Item 258, shall be awarded to arts coordinating booking organizations selected by the request for proposal process.~~

~~F. Beginning in fiscal year 2000-2001, a~~]All scientists, artists, or entities hired/sponsored for services in the schools, directly or indirectly through coordinating organizations, [~~shall be~~]are subject to the same review and approval process.

R277-444-4. Applications and Funding.

A. Applications shall be provided by the USOE.

B. Organizations shall submit applications to the USOE Fine Arts and Science Specialists who shall make final funding recommendations to the USOE Finance Committee by September 30 of the school year in which the money is available.

C. Organizations may submit plans based on a one, two or three year cycle as determined between the applicant and the USOE.

D. Organizations may reapply for funding when the terms of their applications have concluded.

E. [~~For fiscal year 1999-2000, arts/sciences organizations selected for funding may charge an appropriate fee for services to recipient schools or organizations~~]Line item organizations in this program may not apply for the RFP funding portion.

R277-444-5. Accountability.

A. Organizations may be visited by USOE staff prior to funding or at school presentations during the funding cycle to evaluate the effectiveness and preparation of the organization.

B. Organizations that receive arts/science funding shall submit an annual evaluation report by September 1 of the fiscal year in which the award was made.

C. The year-end report shall include:

(1) a budget expenditure report and income source report using a form provided by the USOE;

(2) a narrative description of all services provided by the organization;

(3) copies of any and all materials developed, as requested;

(4) record of the dates and places of all services rendered, the number of instruction/performance hours per district, number of artist hours provided, and the number of students and teachers served; and

(5) examples of individual and overall program impact on school science or art programs or curricula.

(6) a report and accounting of fees charged, if any, to recipient schools, districts, or organizations.

D. The USOE may require additional evaluation or audit procedures from the grant recipient to demonstrate use of funds consistent with the law and Board rules.

E. Every four years, beginning in July 1998, all line item organizations shall reapply under the USOE RFP process to reestablish their line item status for funding consistent with funds received the previous year.

R277-444-6. Variations or Waivers.

A. No deviations from the approved and funded proposal shall be permitted without prior approval from the appropriate USOE specialist or his designee.

B. The USOE may require requests for variations to be submitted in writing.

C. The nature and justification for any deviation or variation from the approved proposal shall be reported in the year-end report.

D. Any variation shall be consistent with law and the purposes of this rule.

KEY: arts, science, curricula
[~~November 2, 1999~~]2001
Notice of Continuation October 13, 2000
Art X Sec 3
53A-1-401(3)

▼ ▼

Education, Administration
R277-466
Modified Centennial Schools Program

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 24127
FILED: 10/15/2001, 17:13

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is repealed because the law was repealed.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There are no anticipated cost or savings to state budget because there is no longer state funding for designated centennial schools.

❖LOCAL GOVERNMENTS: There are no anticipated cost or savings to local government because there is no longer state funding for designated centennial schools.

❖OTHER PERSONS: There are no anticipated cost or savings to other persons because there is no longer state funding for designated centennial schools.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons because there is no longer state funding for designated centennial schools.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses. Steven O. Laing

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

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R277. Education, Administration.
[**~~R277-466. Modified Centennial Schools Program.~~**
~~R277-466-1. Definitions.~~

A. "Board" means the Utah State Board of Education.

B. "USOE" means the Utah State Office of Education.

C. "Centennial school" means a Utah public school selected to participate in the program authorized under Sections 53A-1a-301 through 53A-1a-304.

D. "Centennial cluster" means two or more public schools in which the schools have a feeder school relationship, such as an elementary school that feeds into a middle, junior high or high school. At least one of the schools in the cluster shall be, or shall have been, an eligible centennial school which is in its third year or has completed its third year of funding. For funding purposes, individual schools within a cluster shall count separately. For selection purposes, a cluster shall be considered as one school.

E. "Utah Strategic Planning Act for Educational Excellence" means Sections 53A-1a-101 through 53A-1a-304, an act resulting from the "Utah State Public Education Strategic Plan" (Strategic Plan) a written plan for improving public education in Utah as adopted by the Utah Legislature in January, 1992. Copies of the Strategic Plan and the Strategic Planning Act are available in the Office of the State Superintendent of Public Instruction.

F. "School directors" means the group of individuals empowered by a school district delegation document to implement a centennial school program at a public elementary or secondary school. The school directors may, at the school's discretion, be the same group authorized as a community council under Section 53A-1a-108.

G. "Community council" means a decision-making body consisting of teachers, classified employees, the school principal or the principal's designee, parents or guardians of the applicant centennial school's students. This body functions at the school site to help develop and maintain the school characteristics identified in Section 53A-1a-104. For purposes of this program, "community council" is the same as "school directors."

H. "School delegation document" means a document adopted by the local board in consultation with local school directors under Sections 53A-1a-301 and 53A-1a-303.5(6) providing how modified centennial schools program funds shall be distributed.

R277-466-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which gives general control and supervision of the public school system to the Board, by Section 53A-1-401(1)(b) which directs the Board to establish rules and minimum standards for school programs, and by Section 53A-1a-303.5 which provides for the designation of ten schools as "Modified Centennial Schools" by the Board.

B. The purpose of this rule is to clarify eligibility criteria, provide procedures for the selection of schools, and to specify the distribution of money to school districts for allocation to those schools designated as modified centennial schools based on a competitive application and selection process.

R277-466-3. Eligible Applicants.

A. All public schools that have completed three years or are in their third year as centennial schools are eligible applicants for selection under the modified centennial schools program as outlined in 53A-1a-303.5.

B. Noncentennial schools are eligible as part of a centennial cluster as defined.

R277-466-4. Application Process.

A. The USOE shall notify schools of the application process for modified centennial school designation and funding.

B. The USOE shall provide eligible schools with appropriate forms to complete the application process.

C. An eligible school shall complete a written, annual application and submit it to the USOE consistent with the deadlines established by the USOE.

D. The application shall include:

(1) assurances that all of the centennial school qualification requirements in Section 53A-1a-302 shall be maintained by eligible centennial schools, or established by noncentennial schools, during the first year of modified centennial school status.

(2) specific actions to be taken to bring the school directors/community council into compliance with the conditions set forth in the modified centennial school program, Section 53A-1a-303(4)(a) through (4)(g) including the following:

(a) The school directors shall consist of the school principal, an equal number of individuals employed at the school and parents or guardians of students attending the school who are not also employed at the school. The school directors may also appoint any additional non-voting community members as the board deems appropriate.

(b) Each employee director shall be elected by a majority vote of the employees at the school and shall serve a two-year term.

(c) Each parent or guardian director shall be elected at an election held at the school by a majority vote of those voting at the election and shall serve a two-year term. The election process and the distribution of ballots shall encourage broad community participation. This may include mailing ballots to homes of students within the school boundaries.

(d) Each parent or guardian of students attending the school may vote at the election held under Subsection (c) above.

(e) Written notice of the elections held under Subsections (b) and (c) above shall be given at least 30 days prior to the elections.

(f) Employee and parent/guardian directors may serve up to three successive terms.

(g) Initial terms shall be staggered so that no more than 50 percent of the directors stand for election in any one year.

(3) an outline of specific, measurable student performance goals and outlined annual evaluation criteria for these goals.

(4) a statement of requested waivers of local or state Board rules or policies allowed under and consistent with 53A-1a-303.5(5).

(5) an assurance regarding management of the monies consistent with 53A-1a-303.5(6)(a) through (c).

R277-466-5. Selection Process.

A. The USOE staff, in concert with other educational organizations, shall select an application review committee representative of major organizations within the education community including teachers, parents, administrators, and business partners.

B. The review committee shall read and review all applications for modified centennial school status and funding.

C. The review committee shall make recommendations to the Board relative to the designation and funding of up to ten modified centennial schools per year.

(1) Preference shall be given to those centennial schools that have completed three years of successful implementation.

~~(2) Preference shall be given to those applicant schools documenting significant and extensive parent/guardian and school staff support, as determined by the review committee.~~

~~(3) Preference shall be given to applicant schools providing evidence of prior and continuing commitment from the local school board toward school autonomy.~~

~~(4) Preference shall be given to schools in districts which demonstrate cooperation and flexibility in fiscal procedures consistent with the law, rules and the intent of the modified centennial schools appropriation.~~

~~(5) Preference shall be given to applicant schools clearly articulating attainable, measurable student performance goals. Applicant schools shall also identify instruments that will provide evidence of attainment of those goals.~~

~~D. The Board shall select the modified centennial schools following review of the committee's recommendations.~~

~~E. The USOE staff shall notify applicant schools of the decisions of the Board.~~

~~R277-466-6. Distribution of Modified Centennial Schools Funds.~~

~~A. Funds shall be distributed to schools through school districts consistent with Section 53A-1a-303(4)(b) through (d).~~

~~B. Under 53A-1a-303(4)(c), modified centennial school funding is nonlapsing so long as the school maintains the centennial school designation.~~

~~C. School districts shall receive centennial school funding monthly on behalf of qualifying schools.~~

~~D. School districts shall transfer approved funding directly to the designated schools consistent with 53A-1a-303.5(6)(a).~~

~~E. Centennial school funds shall supplement, not supplant, funds for specific and approved purposes.~~

~~F. Centennial school funds shall be monitored by the district consistent with district procurement and accounting policies.~~

~~R277-466-7. Miscellaneous Provisions.~~

~~A. Schools within centennial clusters may use their allocations jointly, consistent with purposes stated in their applications.~~

~~B. Modified centennial schools shall submit annual financial and narrative reports in the format and within the deadlines established by the USOE.~~

~~C. All actions of school directors shall be consistent with the provisions of the Utah Open and Public Meetings Act, Section 52-4-1 through 52-4-10.~~

~~D. The Board shall monitor schools receiving modified centennial school funding consistent with 53A-1a-303.5(7), law and Board rules.~~

~~KEY: public education, modified centennial schools*~~
~~September 4, 1996~~
~~Notice of Continuation September 4, 2001~~
~~Art X Sec 3~~
~~53A-1-401(1)(b)~~
~~53A-1a-301 through 53A-1a-304~~
~~53A-1a-101~~
~~53A-1a-108~~
~~53A-1a-303.5(7)~~]

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Education, Administration
R277-473
Testing Procedures

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24122
FILED: 10/15/2001, 17:11

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to require school districts to develop policies and procedures to ensure that educators have clear information regarding the administration of standardized tests and receive training on standardized test protocol.

SUMMARY OF THE RULE OR CHANGE: The amendments require school district policies regarding standardized test administration, training for licensed educators, and clear standards for educators in preparing students and monitoring standardized tests.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-603(3)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: H.B. 3, Minimum School Program Act Amendments, 2001 General Session, funded school districts for limited training days for test administration. These amendments require no additional costs to the state for school districts if that time and funding is efficiently spent.
(DAR Note: H.B. 3 can be found at 2001 Utah Laws 335, and was effective July 1, 2001.)
❖LOCAL GOVERNMENTS: The amendments to this rule require no additional costs for school districts for training or preparation beyond the funding provided by the state for professional inservice days.
❖OTHER PERSONS: The amendments require no costs (and provide for no savings) to enities other than the state or school districts.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for this rule fall to the state and school districts. That funding was previously appropriated by the state Legislature. There are no additional foreseeable costs for individuals.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses. Steven O. Laing

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

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R277. Education, Administration.
R277-473. Testing Procedures.
R277-473-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "CRT (Criterion Reference Test)" means a test to measure performance against a specific standard. The meaning of the scores is not tied to the performance of other students.

C. "DCS" means the USOE District Computer Services Section.

D. "Last day of school" means the last day classes are held in each school district.

E. "NRT (Norm-reference test)" means a test where the scores are based on comparisons with a nationally representative group of students in the same grade. The meaning of the scores is tied specifically to student performance relative to the performance of the students in the norm group under very specific testing conditions.

F. "Secure test materials" means consumable and nonconsumable test booklets, directions for administering the assessments, kindergarten assessment answer sheets, scoring keys and rubrics.

G. "Standardized tests" means tests required under Utah state law.

H. "USOE" means the Utah State Office of Education.

R277-473-2. 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-1-603(3) which directs the Board to adopt rules for the conduct and administration of the testing programs and Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide specific standards and procedures by which school districts shall handle and administer standardized tests.

R277-473-3. Time Periods for Administering and Returning Materials.

A. School districts shall require that all schools within the school district administer CRTs within a continuous three week period beginning three weeks before the last day of the year or course.

B. School districts shall require that all schools within the school district administer NRTs within the time period specified by the publisher of the test.

C. School districts shall submit all answer sheets for the CRT and NRT tests to DCS for scanning and scoring as follows:

(1) For CRTs, school districts with fewer than 15,000 students shall return answer sheets no later than one week after testing is completed.

(2) For CRTs, school districts with 15,000 or more students shall return answer sheets no later than two weeks after testing is completed.

(3) For NRTs, school districts shall return answer sheets no later than one week after the last day of the testing time period specified by the publisher of the test.

R277-473-4. Security of Testing Materials.

A. The USOE shall maintain a record of all of the secure test materials sent to the school districts.

B. Each school district shall ensure that test materials are secured in an area where only authorized personnel have access. Individual educators shall not retain test materials beyond the time period allowed for test administration.

C. Individual schools within a school district shall secure test materials within three working days of the completion of testing.

D. The USOE may periodically audit school districts to ensure that test materials are properly accounted for and secured.

E. School district employees and school personnel may not copy or in any way reproduce secure test materials without the express permission of the specific test publisher, including the USOE.

R277-473-5. Format for Electronic Submission of Data.

A. DCS shall communicate regularly with school districts regarding required formats for electronic submission of any required data.

B. School districts shall ensure that any computer software for maintaining school district data is, or can be made, compatible with DCS requirements and shall report data as required by the USOE.

R277-473-6. Format for Submission of Answer Sheets and Other Materials.

A. The USOE shall provide a checklist to each school district with directions detailing the format in which answer documents are to be collected, reviewed, and returned to the USOE.

B. Each school district shall verify that all the requirements of the testing checklist have been met.

C. CRT data may be submitted in batches in cooperation with the assigned DCS data technician.

R277-473-7. Timing for Return of Results to School Districts.

A. Scanning and scoring shall occur in the order data is received from the school districts.

B. Each school district, in cooperation with the USOE, shall check results and verify their accuracy with DCS.

C. Districts shall not release data until authorized to do so by the USOE.

R277-473-8. Standardized Testing Rules and In-service Training Requirement.

A. It is the responsibility of all educators to take all reasonable steps to ensure that standardized tests reflect the ability, knowledge, aptitude, or basic skills of each individual student taking standardized tests.

B. School districts shall develop policies and procedures consistent with the law and Board rules for standardized test administration and make them available and provide training to all teachers and administrators.

C. At least twice each school year, school districts shall provide in-service training for all teachers, administrators, and standardized test administrators concerning guidelines and procedures for standardized test administration, including teacher responsibility for test security and proper professional practices, R686-103-6(I).

D. All teachers and test administrators shall conduct test preparation, test administration, and the return of all secure test materials in strict accordance with the procedures and guidelines specified in test administration manuals, school district rules and policies, Board rules, and state application of federal requirements for funding.

E. Teachers, administrators, and school personnel shall not:

(1) provide students directly or indirectly with specific questions, answers, or the subject matter of any specific item in any standardized test prior to test administration;

(2) copy, print, or make any facsimile of testing material prior to test administration without express permission of the specific test publisher, including USOE, and school district administration;

(3) change, alter, or amend any student answer sheet or any other standardized test materials at any time in such a way as to alter the student's intended response;

(4) use any prior form of any standardized test (including pilot test materials) in test preparation without express permission of the specific test publisher, including USOE, and school district administration;

(5) violate any specific test administration procedure or guideline specified in the test administration manual, or violate any state or school district standardized testing policy or procedure;

(6) knowingly and intentionally do anything that would inappropriately affect the security, validity, or reliability of standardized test scores of any individual student, class, or school;

F. Violation of any of these rules may subject licensed educators to possible disciplinary action under Rules of Professional Practices and Conduct for Utah Educators, R686-103-6(I).

KEY: educational testing
[~~May 16, 2000~~]2001
Art X Sec 3
53A-1-603(3)
53A-1-401(3)

▼ ▼

Education, Administration
R277-474
School Instruction and Human Sexuality

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24123
FILED: 10/15/2001, 17:11

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide local school boards discretion in adopting human sexuality education instructional materials in accordance with the law and to provide for distribution of teen pregnancy prevention funds to schools districts.

SUMMARY OF THE RULE OR CHANGE: The amendment to this rule provides for a new section on local board adoption of human sexuality education instructional materials and for a new section on teen pregnancy prevention fund distribution.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-13-101(1)(c)(ii)(B)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There are no anticipated cost or savings to state budget because state funds will be distributed to school districts and school districts may use state-approved materials or select other materials--both of which would be purchased.

❖LOCAL GOVERNMENTS: Costs to school districts should be comparable whether districts purchase state-approved materials or district-selected materials. Perhaps because of the state's ability to negotiate costs for greater quantities of materials, districts may pay somewhat higher costs for district-selected materials.

❖OTHER PERSONS: There are no anticipated cost or savings to other persons; materials will be purchased with state-appropriated funds.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons; individual school districts will be responsible for the materials they select.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses. Steven O. Laing

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

R277. Education, Administration.
R277-474. School Instruction and Human Sexuality.
R277-474-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "Curriculum materials review committee (committee)" means a committee formed at the district or school level, as determined by the local board of education, that includes parents, health professionals, school health educators, and administrators, with at least as many parents as school employees. The membership of the committee shall be appointed and reviewed annually by August 1 of each year by the local board, shall meet on a regular basis as determined by the membership, shall select its own officers and shall be subject to Sections 52-4-1 through 52-4-10.

C. "Family Educational Rights and Privacy Act" is a state statute, Sections 53A-13-301 and 53A-13-302, that protects the privacy of students, their parents, and their families, and supports parental involvement in the public education of their children.

D. "Human sexuality instruction or instructional programs" means any course, unit, class, activity or presentation that provides instruction or information to students about sexual abstinence, human reproduction, reproductive anatomy, physiology, pregnancy, marriage, childbirth, parenthood, contraception, or HIV/AIDS and other sexually transmitted diseases. While these topics are most likely discussed in such courses as health education, health occupations, human biology, physiology, parenting, adult roles, psychology, sociology, child development, and biology, this rule applies to any course or class in which these topics are the focus of discussion.

E. "Inservice" means training in which Utah educators may participate to renew a license, receive information or training in a specific subject area, teach in another subject area or teach at another grade level.

[~~H~~]F. "[~~State Textbook~~]Instructional Materials Commission" means an advisory commission authorized under Section 53A-14-101.

[~~F~~]G. "Medically accurate" means verified or supported by a body of research conducted in compliance with scientific methods and published in journals that have received peer-review, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the [~~Centers for Disease Control and Prevention~~]American Medical Association.

[~~G~~]H. "Parental notification form" means a form developed by the USOE and used exclusively by Utah public school districts or Utah public schools for parental notification of subject matter identified in this rule. Students may not participate in human sexuality instruction or instructional programs as identified in R277-474-1D without prior affirmative parent/guardian response on file. The form:

(1) shall explain a parent's right to review proposed curriculum materials in a timely manner;

(2) shall request the parent's permission to instruct the parent's student in identified course material related to human sexuality;

(3) shall allow the parent to exempt the parent's student from attendance for class period(s) while identified course material related to human sexuality is presented and discussed;

(4) shall be specific enough to give parents fair notice of topics to be covered;

(5) shall include a brief explanation of the topics and materials to be presented and provide a time, place and contact person for review of the identified curricular materials;

(6) shall be on file with affirmative parent/guardian response for each student prior to the student's participation in discussion of issues protected under Section 53A-13-101; and

(7) shall be maintained at the school for a reasonable period of time.

I. "Utah educator" means an individual such as an administrator, teacher, counselor, teacher's assistant, or coach, who is employed by a unit of the Utah public education system and who provides teaching or counseling to students.

J. "Utah Professional Practices Advisory Commission (Commission)" means a Commission authorized under 53A-6-301 and designated to review allegations against educators and recommend action against educators' licenses to the Board.

K. "USOE" means the Utah State Office of Education.

R277-474-2. 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-13-101(1)(c)(ii)(B) which directs the Board to develop a rule to allow local boards to adopt human sexuality education materials or programs under Board rules, Section 53A-17a-121 which directs the Board to distribute pregnancy prevention funds to districts, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purposes of this rule [~~is~~]are:

(1) to provide requirements for the Board, school districts and individual educators consistent with legislative intent and the Board Resolution of March 14, 2000 which addresses instruction about and materials used in discussing human sexuality in the public schools;

(2) to provide a process for local boards to approve human sexuality instructional materials; and

(3) to distribute teenage pregnancy prevention funds to school districts consistent with the law.

R277-474-3. General Provisions.

A. The following may not be taught in Utah public school courses through the use of instructional materials or live instruction:

(1) the intricacies of intercourse, sexual stimulation or erotic behavior;

(2) the advocacy of homosexuality;

(3) the advocacy or encouragement of the use of contraceptive methods or devices; or

(4) the advocacy of sexual activity outside of marriage.

B. Educators are responsible to teach the values and information identified under Section 53A-13-101(4).

C. Utah educators shall follow all provisions of state law including parent/guardian notification and prior written parental consent requirements under Sections 76-7-322 and 76-7-323 in teaching any aspect of human sexuality.

D. Course materials and instruction shall be free from religious, racial, ethnic, and gender bias.

R277-474-4. State Board of Education Responsibilities.

The Board shall:

A. develop and provide inservice programs and assistance with training for educators on law and rules specific to human sexuality instruction and related issues.

B. develop and provide a parental notification form and timelines for use by school districts.

C. establish a review process for human sexuality instructional materials and programs using the [~~State Textbook~~]Instructional Materials Commission and requiring final Board approval of the [~~State Textbook~~]Instructional Materials Commission's recommendations prior to use of those materials and programs in the public schools.

D. approve only medically accurate human sexuality instruction programs.

E. receive and track parent and community complaints and comments received from school districts related to human sexuality instructional materials and programs.

R277-474-5. School District Responsibilities.

A. Annually each school district shall require all newly hired or newly assigned Utah educators with responsibility for any aspect of human sexuality instruction to attend a state-sponsored inservice outlining the human sexuality curriculum and the criteria for human sexuality instruction in any courses offered in the public education system.

B. Each school district shall provide training consistent with R277-474-5A at least once during every three years of employment for Utah educators.

C. Local school boards shall form curriculum materials review committees (committee) at the district or school level as follows:

(1) The committee shall be organized consistent with R277-474-1B.

(2) Each committee shall designate a chair and procedures.

(3) The committee shall review and approve all guest speakers and guest presenters and their respective materials relating to human sexuality instruction in any course prior to their presentations.

(4) The committee shall not authorize the use of any human sexuality instructional program not previously approved by the Board or approved consistent with R277-474-6.

(5) The district superintendent shall report educators who willfully violate the provisions of this rule to the Commission for investigation and possible discipline.

(6) The district shall use the common parental notification form and comply with timelines approved by the Board.

(7) Each district shall develop a logging and tracking system of parental and community complaints and comments resulting from student participation in human sexuality instruction, to include the disposition of the complaints, and provide that information to the USOE upon request.

D. If a student is exempted from course material required by the Board-approved Core Curriculum, the parent shall take responsibility, in cooperation with the teacher and the school, for the student learning the required course material consistent with Sections 53A-13-101.2(1), (2) and (3).

R277-474-6. Local Board Adoption of Human Sexuality Education Instructional Materials.

A. A local board may adopt instructional materials under Section 53A-13-101(1)(c)(iii).

B. Materials that are adopted shall comply with the criteria of Section 53A-13-101(1)(c)(iii) and:

(1) shall be medically accurate as defined in R277-474-1G.

(2) shall be approved by a majority vote of the local board members present at a public meeting of the board.

(3) shall be available for reasonable review opportunities to residents of the district prior to consideration for adoption.

C. The local board shall comply with the reporting requirement of Section 53A-13-101(1)(c)(iii)(D). The report to the Board shall include:

(1) a copy of the human sexuality instructional materials not approved by the Instructional Materials Commission that the local board seeks to adopt;

(2) documentation of the materials' adoption in a public board meeting;

(3) documentation that the materials or program meets the medically accurate criteria of R277-474-6B;

(4) documentation of the recommendation of the materials by the committee; and

(5) a statement of the local board's rationale for selecting materials not approved by the Instructional Materials Commission.

D. The local board's adoption process for human sexuality instructional materials shall include a process for annual review of the board's decision. This decision may be appealed by a designated number or percentage of district patrons as defined by the local board.

R277-474-[~~6~~]7. Utah Educator Responsibilities.

A. Utah educators shall participate in training provided under R277-474-5A.

B. Utah educators shall use the common parental notification form and timelines approved by the Board.

C. Utah educators shall individually record parent and community complaints, comments, and the educators' responses regarding human sexuality instructional programs.

D. Utah educators may respond to spontaneous student questions for the purposes of providing accurate data or correcting inaccurate or misleading information or comments made by students in class regarding human sexuality.

R277-474-8. Teenage Pregnancy Prevention Fund Distribution and Reporting Requirements.

A. School districts shall complete a written application for pregnancy prevention funding and submit the application to the USOE Health Education Specialist.

B. The application shall:

(1) include the name of the school district and contact person;

(2) describe curriculum and materials selected;

(3) describe specifically how the program meets parental involvement criteria under Section 53A-17a-121(3)(b);

(4) summarize previous research findings that demonstrate the selected program or program components has been effective at increasing or improving knowledge, attitude, behaviors and behavioral intentions that promote abstinence from sexual activity prior to marriage and fidelity after marriage.

(5) include school district or county specific pregnancy data;

(6) include a process for review of teaching materials, multi-media materials, textbooks, and curriculum materials to be used in the program for medical accuracy and potential positive impact, by the committee;

(7) certify that all selected materials comply with Section 76-7-321 through Section 76-7-325 and Board Adopted Instructional Materials List available from the USOE Instructional Materials Specialist, or were approved through a local board adoption process consistent with R277-474-6.

C. Funds shall be awarded to school districts as follows:

(1) based on submission of a completed application to the USOE;

(2) using a formula which takes into account the enrollment of students in grades seven and ten on October 1 of the year previous to the one in which participation is sought who are enrolled in a health education course that teaches a curriculum of teenage pregnancy prevention as compared to the total number of students enrolled in such programs in school districts throughout the state;

(3) providing a minimum base of $10,000 to all school districts that submit completed applications.

D. Districts shall prepare and submit a year-end report that:

(1) details how funds were expended during the program period;

(2) identifies any program funds not obligated or expended;

(3) includes a request to carry forward any program funds not expended or obligated during the approved program period with a plan for expenditure of remaining program funds for USOE approval;

(4) provides for an internal or external evaluation or audit of the program if requested by the USOE.

KEY: schools, sex education, pregnancy prevention*
{~~December 2, 2000~~]2001
Art X Sec 3
53A-13-101(1)(c)(ii)(B)
53A-1-401(3)

▼ ▼

Education, Administration
R277-606
Interschool Competitive Sports in High School

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 24128
FILED: 10/15/2001, 17:13

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is repealed because several provisions of this rule will be incorporated into R277-517 and R277-605. Other provisions have become unnecessary.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There are no anticipated cost or savings to state budget for the provisions incorporated into other rules because they address requirements for student athletics and coaches.

❖LOCAL GOVERNMENTS: There are no anticipated cost or savings to local government for the provisions incorporated into other rules because they address requirements for student athletics and coaches.

❖OTHER PERSONS: There are no anticipated cost or savings to other persons for the provisions incorporated into other rules because this rule is about coaching standards and athletic opportunities and not about funding.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons because this rule is about coaching standards and athletic opportunities and not about funding.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses. Steven O. Laing

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

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R277. Education, Administration.
[~~R277-606. Interschool Competitive Sports in High School.~~
~~R277-606-1. Authority and Purpose.~~

~~A. This rule is authorized by Article X, Section 3 of the Utah Constitution which vests general control and supervision of public education in the Utah State Board of Education, Section 53A-1-401(3), U.C.A. 1953, which allows the Utah State Board of Education to adopt rules in accordance with its responsibilities, and Section 53A-1-402(1)(b), U.C.A. 1953, which directs the Utah State Board of Education to adopt rules regarding access to programs.~~

~~B. The purpose of this rule is to specify rules governing high school intercompetitive sports so as to ensure that competitive sports are a positive aspect of school activities.~~

~~R277-606-2. Standards.~~

~~A. The Utah High School Association by-laws, policies, regulations, and interpretations dealing with high school sports programs shall be strictly adhered to with every effort to live both the letter and the spirit of the by-laws, policies, regulations, and interpretations.~~

~~B. (1) Coaches and other designated school leaders must diligently supervise their players at all times while on school-sponsored activities. This includes supervision on the field, court, or other playing sites, in locker rooms, in seating areas, in eating establishments, in lodging facilities, and while traveling.~~

~~(2) A coach or other designated school leader shall not exemplify negative role modeling by participating in the use of alcoholic beverages, tobacco, controlled substances, or promiscuous sexual relationships while on school-sponsored activities.~~

~~C. (1) Required or voluntary participation in summer or other off-season sports clinics, workshops, and leagues shall not be used as criteria for team membership or for the opportunity to try out for team membership.~~

~~(2) A summer workshop or clinic conducted by a school for any sport or activity must be limited to ten days within a two-week period. A clinic or workshop session conducted for less than a full day is considered a full day session.~~

~~(3) Athletic classes conducted for specific school teams may not be scheduled throughout the regular school day. First and last period athletic assignments may not preclude a coach from teaching a full load of classes during the school day.~~

~~**KEY: extracurricular activities**~~
~~**1987**~~
~~**Notice of Continuation January 14, 1998**~~
~~**Art X Sec 3**~~
~~**53A-1-401(3)**~~
~~**53A-1-402(1)(b)**~~]

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Education, Administration
R277-750
Education Programs for Students with Disabilities

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24124
FILED: 10/15/2001, 17:12

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The amendment to the rule provides a list of appendices to the State Board of Education Special Education rules.

SUMMARY OF THE RULE OR CHANGE: The amendment to the rule provides a list of appendices to the State Board of Education Special Education rules.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-402(1)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: There are no anticipated costs or savings to state budget; the amendment provides additional information about state and federal law.
❖LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government; the amendment provides additional information about state and federal law.
❖OTHER PERSONS: There are no anticipated costs or savings to other persons; the amendment provides additional information about state and federal law.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons; the amendment provides additional information about state and federal law. Compliance with these laws has been mandatory. They are now merely included as part of the State Board of Education Special Education rules.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses. Steven O. Laing

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

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R277. Education, Administration.
R277-750. Education Programs for Students with Disabilities.
R277-750-1. Definitions.
"Board" means the Utah State Board of Education.

R277-750-2. 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-1-402(1) which directs the Board to adopt rules regarding programs for students with disabilities, Section 53A-15-301 which directs the Board to set standards for state funds appropriated for students with disabilities and Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.
B. The purpose of this rule is to specify standards and procedures for special education programs.

R277-750-3. Standards and Procedures.

A. As its rules for programs for students with disabilities, the Board adopts and hereby incorporates by reference:

Education of the Handicapped Act, 20 U.S.C., Chapter 33, Section 1401 et seq. as amended by Public Law 102-119; and

B. The Board shall act in accordance with:

(1) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. 794, incorporated by reference in R277-112;

(2) The State Board of Education R277-750, "State Board of Education Special Education Rules," [~~August~~]June, 2000 including the following appendices:

(a) Appendix A, Utah Specialist Education Law (UCA 53A-15-301-305),

(b) Appendix B, State Licensor Endorsements: Special Education, School Psychologist, School Social Workers, and Paraeducator qualifications Standards,

(c) Appendix C, Elementary and Secondary Program of Studies and High School Graduation Requirements,

(d) Appendix D, Coordination Council for Persons with Disabilities,

(e) Appendix E, Vocational Rehabilitation Services,

(f) Appendix F, Selection of Least Restrictive Behavioral Interventions for Use with Students with Disabilities, June, 2001; and

(3) Utah State Federal Application, as amended, for fiscal years 1993-1995, June 1992, under Part B of the Individuals with Disabilities Education Act, (20 U.S.C., Chapter 33, Section 1412) as amended by Public Law 102-119.

C. Students with disabilities shall be entitled to dual enrollment consistent with Section 53A-11-102.5 and R277-438.

KEY: special education
[~~August 1, 2000~~]2001
Notice of Continuation September 12, 1997
Art X Sec 3
53A-1-402(1)
53A-17a-111
53A-15-301
53A-1-401(3)

Education, Administration
R277-752
Teenage Pregnancy Prevention Funding

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 24129
FILED: 10/15/2001, 17:14

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is repealed because necessary provisions were amended into R277-474. Other provisions were unnecessarily prescriptive. (DAR Note: The proposed amendment to R277-474 is under DAR No. 24123 in this Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: There are no anticipated cost or savings to state budget because the necessary provisions for funding have been incorporated into R277-474.
❖LOCAL GOVERNMENTS: There are no anticipated cost or savings to local government because the necessary provisions for funding have been incorporated into R277-474.
❖OTHER PERSONS: There are no anticipated cost or savings to other persons because the necessary provisions for funding have been incorporated into R277-474.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons because the necessary provisions for funding have been incorporated into R277-474.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses. Steven O. Laing

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
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DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

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R277. Education, Administration.
[~~R277-752. Teenage Pregnancy Prevention Funding.~~
~~R277-752-1. Definitions.~~
~~A. "Application funds" means the annual legislative appropriation distributed annually to school districts by application.~~
~~B. "Board" means the Utah State Board of Education.~~
~~C. "Core Curriculum" means minimum academic standards provided through courses as established by the Board which shall be mastered by all students K-12 as a requisite for graduation from Utah's secondary schools.~~
~~D. "Health educator" means an employee of the school district who has a college major or minor or a teaching endorsement in~~

~~health education whose job assignment includes providing health education instruction to students.~~

~~E. "Health professional" means a person who has education and professional experience in a health related field sufficient to determine the medical accuracy of curricular materials. Such individuals may include doctors, nurses, properly endorsed health educators and nurse midwives.~~

~~F. "Minimum base" means an initial $10,000 payment from the appropriation for teenage pregnancy prevention made to each school district that completes the application process.~~

~~G. "Pregnancy data" means the rate of pregnancy among 15-19 year old females in a district or county. Pregnancy data submitted shall include the most recent data available from local departments of health or district specific data on dropouts or enrollment in teen parent programs, or both.~~

~~H. "Research" means a controlled evaluation of the program or program component conducted according to professionally accepted protocol including random assignment of participants to treatment and comparison conditions.~~

~~I. "Similar population" means a population of K-12 students from throughout the United States whose composition is approximately the same in terms of age, gender mix and socio-economic status.~~

~~J. "Small school district" means a school district which does not generate the minimum base.~~

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

~~R277-752-2. Authority and Purpose.~~

~~A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board, by Section 53A-17a-121(3) which requires funds appropriated for students at risk to be distributed according to standards set by the Board, by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and by Section 63-75-4 which creates the State Council for At-Risk Children and Youth.~~

~~B. The purpose of this rule is to clarify criteria and procedures for distributing funds for teenage pregnancy prevention programs.~~

~~R277-752-3. Application Process.~~

~~A. School districts shall complete a written application for pregnancy prevention funding and submit the application to the USOE Director of Curriculum.~~

~~B. The application shall:~~

~~(1) include the name of the school district and contact person;~~

~~(2) describe curriculum and materials selected;~~

~~(3) describe specifically how the program meets parental involvement criteria under Section 53A-17a-121(3)(b);~~

~~(4) summarize previous RESEARCH findings that demonstrate the program selected has been effective at increasing or improving knowledge, attitude, behaviors and behavioral intentions that promote abstinence from sexual activity prior to marriage among a demographically similar population;~~

~~(5) include evidence of lower pregnancy rates among students participating in the program versus students not participating in the program;~~

~~(6) include school district or county specific pregnancy data;~~

~~(7) identify by name and position a review committee to include health professionals, health educators and a district administrator or his designee;~~

~~(8) include a process for review of all teaching materials, handouts, media materials, textbooks, curriculum materials, and course outlines to be used in the program for medical accuracy and potential positive impact by the local review committee;~~

~~(9) certify that all selected materials comply with Section 76-7-321 through Section 76-7-325 and Board-Adopted Instructional Materials List, April 1 of each year available from the USOE Instructional Materials Specialist.~~

~~(10) include a description of which Core Curriculum objectives are met by the program;~~

~~(11) include a process for seeking approval of the Board and of the local board of all teaching materials, handouts, media materials, textbooks, curriculum materials, course outlines and evaluation instruments used in programs and activities funded with this money.~~

~~R277-752-4. Distribution of Funds and Reporting Requirements.~~

~~A. Funds shall be awarded to school districts:~~

~~(1) based on submission of a completed application to the USOE;~~

~~(2) using a formula which takes into account the enrollment of students in grades seven and ten on October 1 of the year previous to the one in which participation is sought who are enrolled in a health education course that teaches a curriculum of teenage pregnancy prevention as compared to the total number of students enrolled in such programs in school districts throughout the state;~~

~~(3) providing a minimum base of $10,000 to all school districts that submit completed applications.~~

~~B. Districts shall prepare and submit a year-end report that:~~

~~(1) details how funds were expended during the program period;~~

~~(2) identifies any program funds not obligated or expended;~~

~~(3) includes a request to carry forward any program funds not expended or obligated during the approved program period with a plan for expenditure of remaining program funds for USOE approval.~~

~~KEY: curriculum, students at risk~~
~~October 16, 1995~~
~~Notice of Continuation October 13, 2000~~
~~Art X Sec 3~~
~~53A-17a-121(3)~~
~~53A-1-401(3)~~
~~63-75-4~~
~~76-7-321 through 76-7-325~~]

▼ ▼

Education, Administration

R277-911

Secondary Applied Technology Education

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24125
FILED: 10/15/2001, 17:12

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to reflect changes resulting from the Applied Technology Center (ATC) governance change and to provide for distribution of funds for comprehensive guidance, technology, life and careers, and work-based learning programs.

SUMMARY OF THE RULE OR CHANGE: The amendments make terminology changes consistent with recent legislation, H.B. 1003, Applied Technology Education Governance, 2001 First Special Session, and provide for distribution of funds for comprehensive guidance, technology, life and careers, and work-based learning programs consistent with specific statutes and rules.
(DAR Note: H.B. 1003 can be found at 2001 Utah Laws 5 (1st Spec. Sess.) and was effective September 1, 2001.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-15-202

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: There are no anticipated cost or savings to the state budget due to these amendments. The changes related to ATC governance are nonsubstantive and the funds for the other programs have been appropriated by the State to the State Office of Education for distribution to school districts.
❖LOCAL GOVERNMENTS: There are no anticipated cost or savings to school districts; funds must be spent consistent with statutes and rules.
❖OTHER PERSONS: There are no anticipated cost or savings to other persons. Funds may only be spent by school districts consistent with statutes and rules; individuals will not have access to the funds.

COMPLIANCE COSTS FOR AFFECTED PERSONS: If school districts spend funds for comprehensive guidance, technology, life and careers or work-based learning programs they must do so consistent with the law and Board rules.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses. Steven O. Laing

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

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R277. Education, Administration.
R277-911. Secondary Applied Technology Education.
R277-911-1. Definitions.

A. "ADM" means average daily membership.

B. "Applied technology education (ATE)" means organized educational programs or competencies which directly or indirectly prepare persons for employment, or for additional preparation leading to employment, in occupations where other than a baccalaureate or advanced degree is required for entry. These occupational categories include agriculture; business; family and consumer sciences; health science and technology; marketing; trade, technical and industrial education; and technology education. This definition includes integrated and applied academic programs or competencies.

C. "Approved program" means a program approved by the Board that meets or exceeds the state program standards or outcomes for ATE programs.

D. "Board" means the Utah State Board of Education[~~ and Utah State Board for Applied Technology Education~~].

E. "Bureau of Apprenticeship and Training" means a branch office for apprenticeship administered by the Department of Labor and located in Salt Lake City.

F. "CIP code" means the Classification of Instructional Programs, a federal curriculum listing.

G. "Comprehensive counseling and guidance program" means the organization of resources to meet the priority needs of students through four delivery system components as outlined in R277-462.

H. "Course" means an individual applied technology class that outlines competencies and may require one or two periods for up to one year. Courses may be completed by demonstrated competencies or by course completion.

I. "Employment and further training verification" means a verification of the district job placements or further training claimed for additional compensation. The date used to verify the placement shall be a minimum of thirty (30) days after placement and may occur up to April 1 of the year following graduation.

J. "Entry-level" means a set of tasks identified and validated by workers and employers in an occupation as those of a beginner in the field. In most occupations, entry-level skills are a limited subset of the total set of tasks performed by an experienced worker in the occupation. Competent performance of entry-level tasks enhances employability and initial productivity.

K. "Extended year program" means ATE programs no longer than 12 weeks in duration, offered during the summer recess, and supported by extended-year or other ATE funds.

L. "Placement" means a student who completes the ATE program and is employed as a direct result of training, is employed in a position which requires competencies gained in the program, or is placed in continued and related training that is directly related to the occupational title associated with the federal Classification of Instructional Programs (CIP). In all cases, the placement shall be directed by a Student Educational/Occupational Plan (SEOP).

M. "Program" means a combination of applied technology courses that provides the competencies for specific job placement or

continued related training and is outlined in the SEOP using all high school courses appropriately available.

N. "Program completion" means the student completion of a sequence of approved courses, work-based learning experiences, or other prescribed learning experiences as determined by the student's Student Educational/Occupational Plan (SEOP).

O. "Regional Consortium" means the districts, applied technology centers, colleges and universities within the nine regions that approve ATE programs.

P. "Registered Apprenticeship" means a training program that includes on-the-job training in a specific occupation combined with related classroom training and has approval of the Bureau of Apprenticeship and Training.

Q. "Related training" means a course or program directly related to an occupation that is compatible with apprenticeship training and is taught in a classroom and approved by the Bureau of Apprenticeship and Training.

R. "Scope and Sequence" means the organization of all applied technology courses and related academic courses into programs within the high school curriculum that lead to specific job placement.

S. "SEOP" means student educational/occupational plan.

T. "Skills Certification" means a verification of competent task performance. Verification of the skills standard is provided by an approved state or national program certification process.

U. "Tech Prep" means a planned applied technology/academic continuum of courses within an applied technology field beginning in the 9th grade and continuing with post secondary training which culminates in an associate degree, apprenticeship, or certificate of completion.

V. "USOE" means the Utah State Office of Education.

W. "WPU" means weighted pupil unit. The basic unit used to calculate the amount of state funds for which a school district is eligible.

X. "Work-based Learning" means a program in which a student is trained by employment or other activity at a work site, either at place of business, a home, or a farm, supplemented by needed classroom instruction or teacher assistance.

R277-911-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public education system in the Board,[~~ by Section 53A-15-201 which designates the Utah State Board of Education as the Board for Applied Technology Education,~~] by Section 53A-15-202 which allows the Board to establish minimum standards for applied technology education programs [~~and perform duties required by law~~]in the public education system, and Sections 53A-17a-113 and 114 which direct the Board to distribute specific amounts and percentages for specific applied technology programs and facilitate administration of various programs.

B. This rule establishes standards and procedures for entities seeking to qualify for funds administered by the Board for applied technology education programs in the public education system.

R277-911-3. ATE Program Approval.

A. Program Planning: ATE Programs are based on verified training needs of the area and provide students with the competencies necessary to progress in occupations for which an occupational potential exists. Programs are supported by a data base, including:

(1) local, regional, state, and federal manpower projections;

(2) student occupational/interest surveys;

(3) regional job profile;

(4) advisory committee input; and

(5) follow-up evaluation and reports.

B. Program Administration: District applied technology directors shall meet the requirements specified in Subsections 9(A), (B) and (C).

C. Learning Resources: Within available resources, instructional materials, including textbooks, reference materials, and media, shall reflect current technology, processes, and information for the ATE programs being taught.

D. Student Services:

(1) Applied technology guidance, counseling, and Board approved testing shall be provided for students enrolled in ATE programs.

(2) A written plan for placement services shall be developed with the assistance of local advisory committees, business and industry and Job Service.

(3) An SEOP shall be developed for all students. The plan shall include:

(a) a student's educational/occupational plans (grades 7-12) including job placement when appropriate;

(b) all Board graduation requirements;

(c) evidence of parent, student, and school representative involvement annually;

(d) attainment of approved workplace skill competencies;

(e) identification of an ATE post-secondary goal and an approved sequence of academic and ATE courses.

E. Instruction: Curricula and instruction shall be directly related to business and industry validated competencies. Successful completion of competencies shall be verified by a valid skills certification process. Instruction in proper and safe use of any equipment required for skills certification shall be provided within the approved program.

F. Equipment and Facilities: Equipment and facilities, consistent with the validated competencies identified in the instruction standard, shall be provided and maintained in a manner that meets safety requirements and applicable state and federal laws.

G. Instructional Staff: Counselors and instructional staff shall hold valid Utah teaching certificates with endorsements appropriate for the programs they teach. These may be obtained through an institutional recommendation or through occupational and educational experience verified by the USOE certification process as outlined in R277-502. ATE program instructors shall keep technical and professional skills current through business/industry involvements in order to ensure that students are provided accurate state-of-the-art information.

H. Equal Educational Opportunity: ATE programs are conducted in agreement with the Board policies and state and federal laws and regulations on access that prohibit discrimination on the basis of race, creed, color, national origin, religion, age, sex, and disability.

I.(1) Applied technology advisory council: An active advisory council shall be established to review all ATE programs annually. The council may serve several districts or a region. The council reviews the program offerings, quality of programs, and equipment needs.

(2) Program advisory committee: Each state funded approved occupational ATE program shall be supported at the district/regional level by a program advisory committee made up of individuals who

are working in the occupational area. Basic exploratory programs are to have an advisory committee.

J. Applied technology student organizations: Districts are encouraged to make this training available through nationally-chartered applied technology student leadership organizations in each program area.

K. Program and instruction evaluation: Each district, with oversight by local advisory committee members, shall make an annual evaluation of its own ATE program using Board standards.

R277-911-4. Disbursement of Funds--General Standards.

A. To be eligible for state ATE program funds, a district shall expend for ATE programs an amount equivalent to the regular WPU for students in approved ATE programs, grades nine through twelve, based on prior year ADM, times the current year WPU value, less an amount for indirect costs as computed by the State School Finance Unit.

B. State ATE program funds may be used only for approved ATE programs. When applied technology courses are integrated with other courses, the state applied technology program specialist and the state curriculum program specialist shall perform an analysis of the proposed course. Added-cost funding will be generated based on the proportion of approved applied technology content within the integrated course as recommended by the applied technology specialist.

C. A district is only eligible for added cost, extended year, placement, program completion and skills certification compensation, and state applied technology set-aside funds if the district is operating a Board-approved ATE program or a strategic plan program approved by the Board.

R277-911-5. Disbursement of Funds--Added Cost Funds.

A. Weighted pupil units are allocated for the added instructional costs of approved ATE programs operated or contracted by school districts. Programs and courses provided through applied technology centers do not qualify for added cost funds as outlined in R277-904.

B. All approved ATE programs shall receive funds determined by hours of membership for each program except as provided by R277-462 and R277-916.

C. Allocations are computed using grades nine through twelve ADM in approved programs for the previous year with a growth factor applied to districts experiencing growth of one percent or greater in grades nine through twelve except as provided by R277-462 and R277-916.

D. Added cost funds shall be used to cover the added ATE program instructional costs of district programs and to obtain training for students whose ATE goals can be better achieved in programs outside the regular high school program. A district may contract with applied technology centers, skills centers, applied technology schools, or other agencies and organizations for such services. Contracts shall be approved by the Board to be eligible for funding.

E. An approved ATE program in a secondary school shall be eligible for added cost funds if:

(1) enrollment is proportionate to employment opportunities in the occupation as determined by local and state job and employment statistics;

(2) enrollment demand exceeds an accessible applied technology center capacity;

(3) a cost-benefit analysis indicates that the cost of equipping and conducting the program is no greater than that of the accessible applied technology center; and

(4) special approval is obtained for ATE programs requiring high cost, state-of-the-art equipment. Approval is predicated on Subsection R277-911-5E(3) and the ATE Regional Plan.

R277-911-6. Disbursement of Funds--Set Aside Funds.

A. Set aside funds are used to pay for equipment costs needed to initiate new programs and for high priority programs as determined by labor market information.

B. Only school districts are eligible for these funds. Each district is eligible for a minimum amount of these funds.

C. Applicants for funds may submit proposals as individual districts or as regional groups. All proposals shall show evidence of coordination within a service delivery area. A regional group shall include recommended priorities for funding in its proposal.

R277-911-7. Disbursement of Funds--Placement, Program Completion, and Skill Certification.

Districts that can demonstrate student placement, program completion, and skill certification or both may receive additional compensation.

A. Placement and Program Completion Compensation:

(1) To be eligible for student placement or program completion compensation or both, a school district shall certify that an ATE student:

(a) has a verified and recorded ATE goal and corresponding CIP code;

(b) has a current SEOP on file; and

(c) has been placed on a job, placed in further education, or has completed an approved occupational program directly related to the student's SEOP.

B. Skills Certification Compensation:

(1) To be eligible for skills certification compensation, a district shall show its student completer has demonstrated mastery of standards, as established by the Board. An authorized test administrator shall verify student mastery of the skill standards.

(2) Skills certification compensation is available only if an approved skills certification process is developed for the program.

R277-911-8. Disbursement of Funds--Applied Technology Education Student Leadership Organization Funds.

A. Participating local educational agencies sponsoring secondary applied technology student leadership organizations are eligible for a portion of the funds set aside for applied technology student leadership organizations. The funds are distributed on a prorated basis determined by the proportion of the local educational agency's membership in the organization to that of the state's total membership in the organization. Districts with no student organization membership do not receive an allocation.

B. Qualifying applied technology leadership organizations shall be nationally chartered and include: VICA (Vocational Industrial Clubs of America), DECA (Distributive Education Clubs of America), FFA (Future Farmers of America), HOSA (Health Occupation Students of America), FBLA (Future Business Leaders of America), FHA/HERO (Future Homemakers of America/Home Economics Related Occupations), and ITEA/TSA (International Technology Education Association/Technology Students Association).

C. Districts shall pay prorated applied technology student leadership costs as follows:

(1) the applied technology leadership organizations' coordinating council establishes a student organization budget by March 30 for the following fiscal year;

(2) districts are advised of the percentage to be set aside up to one percent of the applied technology add-on funds and the district assessment based on the previous year's membership data by May 30 of each year.

D. Funds allocated under these provisions shall be used first to pay the district's portion of statewide administrative costs. The remaining amounts shall be available for training, competition, transportation and administrative costs.

R277-911-9. Disbursement of Funds--School District WPUs.

A. Twenty (20) WPUs are allocated to each school district, or 25 WPUs may be allocated to each district that consolidates applied technology administrative services with one or more other districts conducting approved programs. To qualify for the 20 WPUs per district, the district Applied Technology Education Director shall:

(1) hold a current or be in the process of completing requirements for Utah Administrative/Supervisory Certification specified in R277-505;

(2)(a) have an endorsement in at least one applied technology area listed in R277-518, Vocational-Technical Certificates, and have four years of experience as a full-time applied technology educator; or

(b) complete a prescribed in-service program provided by the USOE within a period of two years following local board appointment as a district Applied Technology Education Director.

B. To qualify for 25 WPUs under multidistrict administration, districts shall employ a full-time multidistrict ATE director.

C. In addition to the WPUs appropriated to school districts qualifying according to the above criteria, each approved high school (those schools supported by the State Minimum School Funds as high schools) may qualify for funding according to the following criteria:

(1) Ten (10) WPUs are allocated to each high school that:

(a) conducts approved programs in a minimum of two ATE areas e.g. agriculture; business; family and consumer sciences; health science and technology; marketing; trade, technical and industrial education; and technology education.

(b) conducts a minimum of six different state-approved CIP coded courses. Consolidated courses in small schools may count as more than one course as approved by the appropriate state applied technology specialist(s);

(2) Fifteen (15) WPUs are allocated to each high school that:

(a) conducts approved programs in a minimum of three ATE areas;

(b) conducts a minimum of nine different state-approved CIP coded courses. Consolidated courses in small schools may count as more than one course as approved by the appropriate state applied technology specialist(s);

(c) has at least one approved ATE student leadership organization;

(3) Twenty (20) WPUs are allocated to each high school that:

(a) conducts approved programs in a minimum of four ATE areas,

(b) conducts a minimum of twelve different state-approved CIP coded courses. Consolidated courses in small schools may count more than one course as approved by the appropriate state applied technology specialist(s),

(c) has at least two approved ATE student leadership organizations;

(4) Twenty-five (25) WPUs are allocated to each high school that:

(a) conducts approved programs in a minimum of five ATE areas,

(b) conducts a minimum of fifteen different state-approved CIP coded courses. Consolidated courses in small schools may count more than one course as approved by the appropriate state applied technology specialist(s),

(c) has at least three approved ATE student leadership organizations.

D. Also, a maximum of one approved alternative high school, as outlined in R277-730, per district may qualify. Districts sharing an alternative school share receive a prorated share.

E. Programs and courses provided through district technical centers, ATCs, and colleges shall not receive funding under this section.

R277-911-10. Disbursement of Funds--District Technical Centers.

A. Forty WPUs may be computed for each district operating an approved district applied technology center. To qualify under the approved district technical center provision, the district shall:

(1) provide at least one facility other than an existing high school as a designated district technical center;

(2) employ a full-time applied technology education administrator for the center, as outlined in R277-911-9A;

(3) enroll a minimum of 400 students in the district technical center;

(4) eliminate unwarranted duplication of courses offered in existing high schools;

(5) centralize high-cost programs;

(6) conduct approved programs in a minimum of five ATE areas;

(7) conduct a minimum of fifteen different state-approved CIP coded courses.

B. Districts within an applied technology center region may only qualify for funds under this section if the Board, upon written request, finds that special circumstances exist and funding is warranted.

C. Districts may cooperate with ATCs to operate approved applied technology programs at the district technical center. When this is the case, the district shall be reimbursed a prorated share of the (40) WPUs based on the ratio of ATC programs compared to the total ADM generated at the center.

R277-911-11. Disbursement of Funds--Summer Applied Technology Agriculture Programs.

A. To receive state summer applied technology agriculture program funds, a district shall submit to the USOE, on forms provided by the USOE, an application for approval of the district's program. Applications shall be received prior to the annual due date specified by the USOE each year. Notification of approval of the district's program shall be made within ten calendar days of receiving the application.

B. A teacher of a summer applied technology agriculture program shall:

(1) hold a valid Utah teaching certificate, with an endorsement in agriculture, as outlined in R277-911-3G;

(2) develop a calendar of activities which shall be approved by district administration and reviewed by the state specialist for applied technology agricultural education;

(3) work a minimum of eight hours a day in the summer applied technology agriculture program. Exceptions shall be reflected in the calendar of activities and be approved by the district administration;

(4) not engage in other employment, including self-employment, which conflicts with the teacher's performance in the summer applied technology agriculture program;

(5) develop and file a weekly schedule and a monthly report outlining accomplishments related to the calendar of activities with the school principal, district applied technology education director, and the state specialist for agricultural education; and

(6) visit the participating students a minimum of two times during the summer program with a minimum average of four on-site visits to students.

C. College interns may be approved to conduct summer applied technology agriculture programs by application and receiving prior written approval from the state specialist for applied technology agricultural education.

D. Students enrolled in the summer applied technology agriculture program shall:

(1) have on file in the teacher's and district office a student educational/occupational plan (SEOP) goal related to agriculture;

(2) in conjunction with the student's parent or employer and the teacher, develop an individual plan of activities, including a supervised occupational experience program;

(3) have completed the eighth grade; and

(4) have not have graduated from high school.

E. The USOE applied technology agricultural education specialist collects data from the program and staff of each district to ensure compliance with approved standards. A final program report, on forms provided by the USOE, shall be submitted to the USOE Division of School Finance on the annual due date specified.

F. A maximum of seven WPUs are allocated to each district conducting an approved program for a minimum of 35 students lasting nine weeks. A district may receive WPU credit for no more than nine weeks or 35 students.

G. Districts operating programs with fewer than 35 students per teacher or for fewer than nine weeks shall receive a prorated share of the seven WPUs allowed.

R277-911-12. Disbursement of Funds - Comprehensive Guidance; Technology, Life, and Careers, and Work-Based Learning Programs.

A. The board shall distribute funds to school districts consistent with Section 53A-17a-113(2)(3)(4) and (6).

B. Districts shall spend funds distributed for comprehensive guidance consistent with Section 53A-1a-106(2)(b) and R277-462 which explain the purpose and criteria for student education plans (SEP) and student educational occupational plans (SEOP).

C. Districts may spend funds allocated under this section to fund work-based learning programs consistent with Section 53A-17a-113(1)(c), other criteria of the Section and R277-915.

D. Districts may spend funds allocated under this section to fund technology, life, and careers programs consistent with Section 53A-17a-113 and R277-916.

KEY: technical education, applied technology education*
[~~June 5,~~]2001
Notice of Continuation September 12, 1997
Art X Sec 3
[~~53A-15-201~~]
53A-15-202
53A-17a-113 through 115

▼ ▼

Education, Administration
R277-914
Applied Technology Education (ATE) Leadership

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 24126
FILED: 10/15/2001, 17:12

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to direct ATE leadership organizations to be fiscally accountable to the State Board of Education through the ATE Advisory Board of Directors and to provide procedures and supervision toward that end.

SUMMARY OF THE RULE OR CHANGE: The rule provides for ATE leadership organizations advisory boards and for fiscal oversight of leadership organizations by the State Office of Education.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-15-202(1)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: There are no anticipated cost or savings to state budget because one percent of the ATE add-on fund is currently designated to be used for the management and operation of ATE leadership organizations at the state and local level.
❖LOCAL GOVERNMENTS: There are no anticipated cost or savings to local government because one percent of the ATE add-on fund is currently designated to be used for the management and operation of ATE leadership organizations at the state and local level.
❖OTHER PERSONS: There are no anticipated cost or savings to other persons because one percent of the ATE add-on fund is currently designated to be used for the management and operation of ATE leadership organizations at the state and local level.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons because one percent of the ATE add-on fund is currently designated to be used for the management and operation of ATE leadership organizations at the state and local level.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses. Steven O. Laing

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

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R277. Education, Administration.
R277-914. Applied Technology Education (ATE) Leadership.
R277-914-1. Definitions.

A. "Board" means the Utah State Board of Education and Utah State Board for Applied Technology Education.

B. "USOE" means the Utah State Office of Education.

C. "Applied Technology Education Advisory Board of Directors" means the designated ATE Advisory Board of Directors for the eleven leadership organizations in the state.

D. "Applied technology education (ATE)" means organized educational programs or competencies which directly or indirectly prepare persons for employment, or for additional preparation leading to employment, in occupations where other than a baccalaureate or advanced degree is required for entry. These occupational categories include agriculture; business; family and consumer sciences; health science and technology; marketing; trade, technical and industrial education; and technology education. This definition includes integrated and applied academic programs or competencies.

E. "ATE leadership organization" means a designated ATE leadership organization placing emphasis on leadership and skill development that is an integral part of the ATE curriculum at the secondary/postsecondary levels of instruction. Organizations have local, state and national affiliation and are designated in state ATE and national vocational education legislation.

F. "State advisor" means the executive designated by USOE ATE staff to direct an ATE leadership organization statewide.

G. "Program specialist" means an ATE specialist that has been assigned to work with a particular curriculum area. Examples are agriculture, business education, trade, industrial and technical.

H. "One percent (1%) fiscal accounts" means one percent (1%) of the ATE add-on fund designated to be used for the management and operation of ATE Leadership Organizations at the state and local level. The funds used to manage the eleven leadership organizations at the state level are dispersed by the designated state fiscal agent for ATE Leadership Organizations through separate accounts for salaries, operating expenses and national conference travel.

R277-914-2. Authority and Purpose.

A. This rule is authorized by Section 53A-15-202(1) which directs the Board to establish minimum standards for applied technology programs in the public education system; Section 53A-15-202(3) which directs the Board to cooperate with federal and state governments to administer programs which promote and maintain applied technology education, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to direct ATE leadership organizations to be fiscally accountable to the Board through the ATE Advisory Board of Directors and to provide procedures and supervision toward that end.

R277-914-3. Leadership Organization Advisory Boards.

A. Each leadership organization designated by the USOE Associate Superintendent for ATE shall establish an advisory board of not less than three members, one of which must be the USOE program specialist.

B. Each leadership organization shall develop and follow organization by-laws.

C. Organization advisory boards shall have fiscal oversight for the organization.

D. Each advisory board shall conduct an annual performance evaluation of the work performed by the respective leadership organization advisor.

R277-914-4. Fiscal Oversight of Leadership Organizations.

A. The state advisory boards shall act consistent with fiscal procedures provided by the USOE Associate Superintendent for ATE or his designee.

B. Each leadership organization advisory board shall submit all required financial records for auditing on a schedule established by the Associate Superintendent for ATE.

C. Individual leadership organization financial records shall be submitted for auditing whenever there is a change in the state leadership organization advisor, if requested by the Associate Superintendent for ATE.

D. The Associate Superintendent for ATE shall designate a school district or institution to act as the fiscal agent for the ATE leadership organization fiscal accounts.

E. The Associate Superintendent or his designee shall work with the designated fiscal agent to provide oversight and accounting procedures for the ATE leadership organization fiscal accounts.

KEY: secondary education, applied technology education*
2001
53A-15-202(1)
53A-15-202 (3)
53A-1-401(3)

Environmental Quality, Radiation Control
R313-16
General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24108
FILED: 10/12/2001, 09:29

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rulemaking fulfills requirements of Section 19-3-104. A change in this statute was made through enactment of H.B. 356. The purpose of the rule is to authorize independent qualified experts to conduct inspections at facilities with registered X-ray equipment. The amendment also establishes qualifications and certification procedures for independent experts who may conduct the inspections. (DAR Note: H.B. 356 is found at 2001 Utah Laws 311, and was effective April 30, 2001.)

SUMMARY OF THE RULE OR CHANGE: This rulemaking adds a definition for qualified expert to Section R313-16-215 and it identifies the education or training requirements to qualify as an independent expert. Requirements for completion of an application for a registration certificate are described as well as provisions for issuance, expiration, renewal, and revocation of a registration certificate.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-3-104(8) and Section 19-3-108

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: There are minimal additional costs to the State to review applications from independent qualified experts and to issue a registration certificate. These costs will likely be about $25 per applicant. There may be five applicants the first year then one or two applicants each year thereafter.
❖LOCAL GOVERNMENTS: This rule does not apply to local government, so there is no fiscal impact to local government.
❖OTHER PERSONS: The Board does not anticipate any savings to other persons. Applicants will experience a cost to calibrate radiation survey equipment. The costs are variable and dependant upon the type of equipment and the vendor who provides the calibration service. Consequently this cost is unknown. Standards of practice are such that independent qualified experts should use calibrated radiation survey instruments, so this will not be a new cost for many qualified experts to incur.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Board does not anticipate any savings or additional costs to other persons. Applicants will pay a nominal cost to calibrate radiation survey equipment. The costs are dependant upon the type of radiation survey equipment and the vendor providing the calibration service. Consequently, this cost is unknown. Standards of practice are such that independent qualified experts should use calibrated radiation survey instruments, so calibration expenses will not be a new cost for many qualified experts to incur.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: It is anticipated that the fiscal impact this rule may have on independent qualified experts will be minimal.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Craig Jones at the above address, by phone at 801-536-4264, by FAX at 801-533-4097, or by Internet E-mail at cjones@deq.state.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/14/2001

AUTHORIZED BY: William Sinclair, Director

R313. Environmental Quality, Radiation Control.
R313-16. General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines.
R313-16-200. Purpose and Authority.

(1) The purpose of this rule is to prescribe requirements governing the installation, registration, inspection, and use of sources of electronically produced ionizing radiation. This rule provides for the registration of individuals providing inspection services to a facility where one or more radiation machines are installed or located.

(2) The rules set forth herein are adopted pursuant to the provisions of [~~Section~~]Subsections 19-3-104(3)and 19-3-104(8)(a).

R313-16-215. Definitions.

"Qualified expert" means an individual having the knowledge and training to measure regulatory parameters on radiation machines, to evaluate radiation safety programs, to evaluate radiation levels, and to give advice on radiation protection needs while conducting inspections of radiation machine facilities registered with the Department. Qualified experts are not considered employees or representatives of the Division of Radiation Control or the State.

"Sorting Center" means a facility in which radiation machines are in storage until they are shipped out of state.

"Storage" means a condition in which a radiation machine is not being used for an extended period of time, and has been made inoperable.

R313-16-220. Exemptions.

(1) Electronic equipment that produces radiation incidental to its operation for other purposes is exempt from the registration and notification requirements of Rule R313-16, providing the dose equivalent rate averaged over an area of ten square centimeters does not exceed 0.5 mrem (5.0 uSv) per hour at five centimeters from accessible surfaces of the equipment.

(2) Radiation machines while in transit are exempt from the requirements of Section R313-16-230. See Section R313-16-250 for other applicable requirements.

(3) Television receivers are exempt from the requirements of Rule R313-16.

(4) Radiation machines while in the possession of a manufacturer, assembler, or a sorting center are exempt from the requirements of Section R313-16-230.

(5) Radiation machines owned by an agency of the Federal Government are exempt from the requirements of Rule R313-16.

R313-16-225. Responsibility for Radiation Safety Program.

(1) The registrant shall be ultimately responsible for radiation safety, but may designate another person to implement the radiation safety program. When, in the Executive Secretary's opinion, neither the registrant nor the registrant's designee is sufficiently qualified to insure safe use of the machine; the Executive Secretary may order the registrant to designate another individual who has adequate qualifications.

(2) The registrant or the registrant's designee shall:

(a) develop a detailed program of radiation safety that assures compliance with the applicable requirements of these rules, including Section R313-15-101;

(b) have instructions given concerning radiation hazards and radiation safety practices to individuals who may be occupationally exposed;

(c) have surveys made and other procedures carried out as required by these rules; and

(d) keep a copy of all reports, records, and written policies and procedures required by these rules.

R313-16-230. Registration of Radiation Machines.

(1) Ionizing radiation producing machines not exempted by Section R313-16-220 shall be registered with the [~~Department~~]Executive Secretary.

(2) Registration renewal shall be required annually. The registration interval is July 1 through June 30 of the following year. The annual registration anniversary date shall be July 1. Renewal application will be considered late and late fees may be assessed if not received by the last day of August.

(3) Registration for the facility is achieved when the Executive Secretary receives the following:

(a) a current and complete application form DRC-10 for registration of radiation machines; and

(b) annual registration fees.

(4) Registration for the current fiscal year shall be acknowledged by the Executive Secretary through receipts for the remittance of the registration fee.

R313-16-231. Additional Requirements for the Issuance of a Registration for Particle Accelerators Excluding Therapeutic Radiation Machines (See Rule R313-30).

(1) In addition to the requirements of Section R313-16-230, a registrant who proposes to use a particle accelerator shall submit an application to the Executive Secretary containing the following:

(a) information demonstrating that the applicant, by reason of training and experience, is qualified to use the accelerator in question for the purpose requested in a manner that will minimize danger to public health and safety or the environment;

(b) a discussion which demonstrates that the applicant's equipment, facilities, and operating and emergency procedures are adequate to protect health and minimize danger to public health and safety or the environment;

(c) the name and qualifications of the individual, appointed by the applicant, to serve as radiation safety officer pursuant to Section R313-35-140;

(d) a description of the applicant's or the staff's experience in the use of particle accelerators and radiation safety training; and

(e) a description of the radiation safety training the applicant will provide to particle accelerator operators.

(2) Registrants who possess and use a particle accelerator that has been registered with the Department prior to January 1, 1999 shall submit a registration application that contains the information in Subsections R313-16-231(1)(a) through (e). The application shall be submitted by July 1, 1999.

R313-16-233. Notification of Intent to Provide Servicing and Services.

(1) Persons engaged in the business of installing or offering to install radiation machines or engaged in the business of furnishing or offering to furnish radiation machine servicing or services in this State shall notify the Executive Secretary of the intent to provide these services within 30 days following the effective date of this rule or, thereafter, prior to furnishing or offering to furnish these services.

(2) The notification shall specify:

(a) that the applicable requirements of these rules have been read and understood;

(b) the services which will be provided;

(c) the training and experience that qualify for the discharge of the services; and

(d) the type of measurement instrument to be used, frequency of calibration, and source of calibration.

(3) For the purpose of Section R313-16-233, services may include but shall not be limited to:

(a) installation or servicing of radiation machines and associated radiation machine components; and

(b) calibration of radiation machines or radiation measurement instruments or devices[~~; and~~].

[~~(c) consultations or surveys for radiation protection or health physics (See Section R313-16-400).~~

] (4) Individuals shall not perform the services listed in Subsection R313-16-233(3) unless they are specifically stated for that individual on the notification of intent required in Subsection R313-16-233(1) and the complete information required by Subsection R313-16-233(2) has been received by the Executive Secretary.

R313-16-235. Designation of Registrant.

The owner or lessee of a radiation machine is the registrant. The registrant shall be responsible for penalties imposed under the Executive Secretary's escalated enforcement authority, see Rule R313-14.

R313-16-240. Reciprocal Recognition of Registration or License.

Radiation machines from jurisdictions other than the State of Utah may be operated in this state for a period of less than 30 days providing that the requirements of Section R313-16-280 have been met and providing they are properly registered or licensed with the State Agency having jurisdiction over the office directing the activities of the individuals operating the radiation machines. Radiation machines operating under reciprocity may be inspected pursuant to Section R313-16-290.

R313-16-250. Report of Changes.

The registrant shall send written notification within 14 working days to the Executive Secretary when:

(1) there are changes in location or ownership of a radiation machine;

(2) radiation machines are retired from service;

(3) radiation machines are put in storage or returned to service from storage; or

(4) modifications in facility or equipment are made that might reasonably be expected to effect compliance under the terms of these rules.

R313-16-260. Approval Not Implied.

Registration does not constitute approval of activities performed under the registration and no person shall state or imply that activities under the registration have been approved by the Executive Secretary.

R313-16-270. Transferor, Assembler, or Installer Obligation.

(1) Persons who sell, lease, transfer, lend, dispose, assemble, or install a radiation machine in this state shall notify the Executive Secretary within 14 working days of the following:

(a) the name and address of the person who received the machine and also the name and address of the new registrant of the machine if not the same;

(b) the manufacturer, model, and serial number of the master control of the radiation machine and the number of x-ray tubes transferred; and

(c) the date of transfer of the radiation machine.

(2) Radiation machine equipment or accessories shall not be installed if the equipment will not meet the requirements of these rules when installation is completed.

(3) Reporting Compliance. Assemblers who install one or more components into a radiation machine system or subsystem, shall certify that the equipment meets the standards of these rules. A copy of this certification shall be transmitted to the purchaser and to the Executive Secretary within 14 working days following the completion of the installation.

(4) Certification can be accomplished by providing the following in conjunction with the information required by Section R313-16-250 and Subsection R313-16-270(1):

(a) the full name and address of the assembler and the date of assembly or installation;

(b) a statement as to whether the equipment is a replacement for other equipment, in addition to other equipment, or new equipment in a new facility;

(c) an affirmation that the applicable rules have been met;

(d) a statement of the type and intended use of the radiation machine system or subsystem, for example "radiographic-stationary general purpose x-ray;" and

(e) a list of the components which were assembled or installed into the radiation machine system or subsystem, identifying the components by type, manufacturer, model number, and serial number.

R313-16-275. Obligation of Equipment Registrant or Recipient of New Equipment.

The registrant of a radiation machine shall not allow the equipment to be put into operation until it has been determined that the facility in which it is installed meets the shielding and design requirements of Rule R313-28; see Sections R313-28-32, R313-28-200 and R313-28-450.

R313-16-280. Out-of-State Radiation Machines.

(1) Whenever a radiation machine is to be brought into the state, for either temporary or extended use, the person proposing to bring the machine into the state shall give written notice to the Executive Secretary at least three working days before the machine is to be used in the state. The notice shall include the type of radiation machine; the manufacturer model and serial number of the master control; the nature, duration, and scope of use; and the exact location where the radiation machine is to be used. If, for a specific case, the three working-day period would impose an undue hardship, the person may, upon application to the Executive Secretary, obtain permission to proceed sooner.

(2) In addition, the out-of-state person shall:

(a) comply with the applicable portions of these rules;

(b) supply the Executive Secretary other information as the Executive Secretary requests.

R313-16-290. Inspection of Radiation Machines and Facilities.

(1) Registrants shall assure that radiation machines registered pursuant to Section R313-16-230 are compliant with these rules. Radiation machines, facilities, and radiation safety programs are subject to inspection to assure compliance with these rules[~~, to assist in improving radiographic imaging~~] and to assist in lowering radiation exposure to as low as reasonably achievable levels, see Section R313-15-101. Inspections may be performed by representatives of the Executive Secretary or by independent qualified experts.[~~During an inspection of a facility, representatives of the Executive Secretary may, as a part of the inspection, accept work, performed by a person who meets the qualifications in R313-16-400, that demonstrates compliance with these rules.~~]

(2) Inspections may, at the Executive Secretary's discretion, be done after the installation of equipment, or after a change in the facility or equipment which might cause a significant change in radiation output or hazards. Inspections may be completed in accordance with the schedule as defined in Table I.

TABLE I

FACILITY TYPE	MAXIMUM TIME BETWEEN INSPECTIONS
Hospital or Radiation Therapy Facility	one year
Medical Facility using Fluoroscopic or Computed Tomography (CT) Units	one year

Medical Facility Using General	
Radiographic Devices	two years
Chiropractic	two years
Dental	five years
Podiatry	five years
Veterinary	five years
Industrial Facility with High	
or Very High Radiation	
Areas Accessible to Individuals	one year
Industrial Facility Using Cabinet	
X-Ray Units or Units Designed	
for Other Industrial Purposes	five years
Other	one to five years

(3) The registrant, in a timely manner, shall pay the appropriate inspection fee after completion of the inspection.

(4) Ionizing radiation producing machines which have been officially placed in storage are exempt from inspection fees but are subject to visual verification of their status by representatives of the Executive Secretary.

R313-16-291. Inspection Services.

Registrants shall only utilize qualified experts who have been registered by the Executive Secretary in accordance with Section R313-16-293. Registrants may also utilize inspectors from the Division of Radiation Control in lieu of registered qualified experts.

R313-16-292. Minimum Qualifications for Registration of Inspection Services.

A qualified expert who is engaged in the business of furnishing or offering to furnish inspection services at facilities shall meet the training and experience criteria developed by the Department. At a minimum, the training and experience shall include:

(1) Bachelor's degree in health physics, chemistry, biology, physical or environmental science plus one year full-time paid professional related experience, such as performing radiation safety evaluations in a hospital.

(a) An advanced degree in a related field may be substituted for one year of required experience; or

(2) Five years full-time paid professional, directly related work experience.

R313-16-293. Application for Registration of Inspection Services.

(1) Each qualified expert who is providing or offering to provide inspection services at facilities registered with the Executive Secretary shall complete an application for registration on a form prescribed by the Executive Secretary and shall submit all information required by the Executive Secretary as indicated on the form. A qualified expert must complete the registration process prior to providing services.

(2) Individuals applying for registration under Section R313-16-293 shall personally sign and submit to the Executive Secretary an attestation statement:

(a) that they have read and understand the requirements of these rules; and

(b) that they will document inspection items defined by the Executive Secretary on a form prescribed by the Executive Secretary; and

(c) that they will follow guidelines for the evaluation of x-ray equipment defined by the Executive Secretary; and

(d) that, except for those facilities where a registered qualified expert is a full-time employee, they will limit inspections to facilities with which they have no direct conflict of interest; and

(e) that radiation exposure measurements and peak tube potential measurements will be made with instruments which have been calibrated biennially by the manufacturer of the instrument or by a calibration laboratory accredited in x-ray calibration procedures by the American Association of Physicians in Medicine, American Association for Laboratory Accreditation, Conference of Radiation Control Program Directors, Health Physics Society or the National Voluntary Laboratory Accreditation Program; and

(f) that the calibration of radiation exposure measuring and peak tube potential measuring instruments used to evaluate compliance of x-ray systems with the requirements of these rules will include at least secondary level traceability to a National Institute of Standards and Technology, or similar international agency, transfer standard instrument or transfer standard source; and

(g) that they will make available to representatives of the Executive Secretary documents concerning the calibration of any radiation exposure measuring or peak tube potential measuring instrument used to evaluate compliance of x-ray systems; and

(h) that they or the registrant will submit to the Executive Secretary, within 30 calendar days after completion of an inspection, a written report of compliance or noncompliance; and

(i) that reports of items of noncompliance will include:

(i) the name of the facility inspected, and

(ii) the date of the inspection, and

(iii) the manufacturer, model number, and serial number or Utah identification number of the control unit for the radiation machine, and

(iv) the requirements of the rule where compliance was not achieved, and

(v) the manner in which the facility or radiation machine failed to meet the requirements, and

(vi) a signed commitment from the registrant of the radiation machine facility that the problem will be fixed within 30 days of the date the written report of noncompliance is submitted to the Executive Secretary; and

(vii) that all reports of compliance or noncompliance will contain a statement signed by the qualified expert acknowledging under penalties of law that all information contained in the report is truthful, accurate, and complete; and

(viii) that they acknowledge that they are subject to the provisions of Section R313-16-300.

R313-16-294. Issuance of Registration Certificate for Inspection Services.

Upon a determination that an applicant meets the requirements of these rules, the Executive Secretary shall issue a registration certificate for inspection services.

R313-16-295. Expiration of Registration Certificates for Inspection Services.

A registration certificate for inspection services shall expire at the end of the day on the date stated therein.

R313-16-296. Renewal of Registration Certificate for Inspection Services.

(1) Qualified experts shall file an application for renewal of a registration certificate for inspection services 30 days in advance of the registration certificate expiration date and in accordance with Section R313-16-293.

(2) Applicants shall document that they performed a minimum of two inspections in Utah under these rules each year the previous registration certificate was in effect.

R313-16-297. Revocation of Registration Certificate for Inspection Services.

A registration certificate for inspection services may be revoked by the Executive Secretary for any matter of deliberate misconduct pursuant to Section R313-16-300 or for misfeasance, malfeasance or nonfeasance.

R313-13-16-300. Deliberate Misconduct.

(1) Any registrant, applicant for registration, employee of a registrant or applicant; or any contractor, including a supplier or consultant, subcontractor, employee of a contractor or subcontractor of any registrant or applicant for registration, who knowingly provides to any registrant, applicant, contractor, or subcontractor, any components, equipment, materials, or other goods or services that relate to a registrant's, or applicant's activities in these rules, may not:

(a) Engage in deliberate misconduct that causes or would have caused, if not detected, a registrant or applicant to be in violation of any rule or order; or any term, condition, or limitation of any registration issued by the Executive Secretary; or

(b) Deliberately submit to the Executive Secretary, a registrant, an applicant, or a registrant's or applicant's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the Executive Secretary.

(2) A person who violates Subsections R313-16-300(1)(a) or (b) may be subject to enforcement action in accordance with Rule R313-14.

(3) For the purposes of Subsection R313-16-300(1)(a), deliberate misconduct by a person means an intentional act or omission that the person knows:

(a) Would cause a registrant or applicant to be in violation of any rule or order; or any term, condition, or limitation, of any registration issued by the Executive Secretary; or

(b) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order, or policy of a registrant, applicant, contractor, or subcontractor.

~~**[R313-16-400. Qualifications an Individual May Have to Perform Radiation Safety Inspections for a Registrant.**~~

~~The following are representative, but not exclusive, lists of the qualifications of those individuals who may have sufficient experience or training to perform radiation safety inspections for a registrant. These individuals shall submit a statement of their training and experience to the Executive Secretary.~~

~~(1) Radiation therapy:~~

~~(a) Certified by the American Board of Radiology (A.B.R.) in radiation therapy;~~

~~(b) Certified by the American Board of Medical Physics in radiation therapy;~~

~~(c) Ph.D. plus two years of clinical therapy experience;~~

~~(d) M.S. plus three years of clinical therapy experience; or~~

~~(e) B.S. plus five years of clinical therapy experience.~~

~~(2) Radiation therapy safety and leakage survey only:~~

~~(a) Certified by the American Board of Health Physics (A.B.H.P.); or~~

~~(b) Eligible for admission to A.B.H.P. certification test.~~

~~(3) Diagnostic x-ray:~~

~~(a) Certified by the A.B.R. in diagnostic radiology (physics);~~

~~(b) Certified by the American Board of Medical Physics in radiation therapy;~~

~~(c) A.B.H.P. comprehensive certification;~~

~~(d) Ph.D. plus one year clinical experience or two years general experience;~~

~~(e) M.S. plus one year clinical experience or two years general experience;~~

~~(f) B.S. plus two years clinical experience or four years general experience;~~

~~(g) Eligible for admission to A.B.R. certification test, M.S. plus two years experience; or~~

~~(h) Eligible for admission to A.B.H.P. certification test:~~

~~(i) B.S. plus five years health physics, preferably in diagnostic x-ray surveys experience;~~

~~(ii) M.S. in physical sciences plus four years health physics, preferably in diagnostic x-ray surveys experience;~~

~~(iii) M.S. in health physics or medical physics plus 3-1/2 years health physics, preferably in diagnostic x-ray surveys experience;~~

~~(iv) Ph.D. in physical sciences plus 3-1/2 years health physics, preferably in diagnostic x-ray surveys experience; or~~

~~(v) Ph.D. in health physics or medical physics plus three years health physics, preferably in diagnostic x-ray surveys experience.~~

~~]~~

KEY: x-ray, inspection

[~~March 10, 2000~~]2001

Notice of Continuation July 23, 2001

19-3-104

Environmental Quality, Radiation Control

R313-28-31

General and Administrative Requirements

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24109

FILED: 10/12/2001, 09:36

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being changed to clarify a requirement involving the use of mechanical holding devices. Various devices are sometimes used to support a patient or X-ray film during a radiation exposure.

SUMMARY OF THE RULE OR CHANGE: The rule is being changed so that written procedures must contain a list of individual projections where mechanical holding devices can be used instead of a list of projections where holding devices cannot be utilized.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-3-104 and 19-3-108

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: There is no anticipated cost or savings to the State budget as this clarification to the rule does not have a fiscal impact on the State budget.
❖LOCAL GOVERNMENTS: There will not be a cost or savings to local government as local government is not affected by this rulemaking.
❖OTHER PERSONS: There may be an insignificant cost savings for affected persons. This is because any list of procedures where mechanical holding devices can be utilized is inherently smaller than any list of procedures where mechanical holding devices cannot be used.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There may be an insignificant cost savings for affected persons. This is because any list of procedures where mechanical holding devices can be utilized is inherently smaller than any list of procedures where mechanical holding devices cannot be used.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact of this rule may allow registrants to realize small savings as they develop written radiation safety procedures.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Craig Jones at the above address, by phone at 801-536-4264, by FAX at 801-533-4097, or by Internet E-mail at cjones@deq.state.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/14/2001

AUTHORIZED BY: William Sinclair, Director

R313. Environmental Quality, Radiation Control.
R313-28. Use of X-Rays in the Healing Arts.
R313-28-31. General and Administrative Requirements.

(1) Persons shall not make, sell, lease, transfer, lend, or install x-ray equipment or the accessories used in connection with x-ray equipment unless the accessories and equipment, when properly placed in operation and properly used, will meet the applicable requirements of these rules.

(2) The registrant shall be responsible for directing the operation of the x-ray machines which are under the registrant's administrative control. The registrant or registrant's agent shall assure that the requirements of R313-28-31(2)(a) through R313-28-31(2)(i) are met in the operation of the x-ray machines.

(a) An x-ray machine which does not meet the provisions of these rules shall not be operated for diagnostic purposes, when directed by the Executive Secretary.

(b) Individuals who will be operating the x-ray equipment shall be instructed in the registrant's written radiation safety program and be qualified in the safe use of the equipment. Required operator qualifications are listed in R313-28-350.

(c) The registrant of a facility shall create and make available to x-ray operators written safety procedures, including patient holding and restrictions of the operating technique required for the safe operation of the x-ray systems. Individuals who operate x-ray systems shall be responsible for complying with these rules.

(d) Except for individuals who cannot be moved out of the room and the patient being examined, only the staff and ancillary personnel or other individuals needed for the medical procedure or training shall be present in the room during the radiographic exposure and shall be positioned as follows:

(i) individuals other than the patient shall be positioned so that no part of the body will be struck by the useful beam unless protected by not less than 0.5 mm lead equivalent material;

(ii) the x-ray operator, other staff, ancillary personnel and other individuals needed for the medical procedure shall be protected from primary beam scatter by protective aprons or barriers unless it can be shown that by virtue of distances employed, EXPOSURE levels are reduced to the limits specified in R313-15-201; and

(iii) patients who are not being examined and cannot be removed from the room shall be protected from the primary beam scatter by whole body protective barriers of not less than 0.25 mm lead equivalent material or shall be so positioned that the nearest portion of the body is at least two meters from both the tube head and nearest edge of the image receptor.

(e) For patients who have not passed reproductive age, gonad shielding of not less than 0.5 mm lead equivalent material shall be used during radiographic procedures in which the gonads are in the useful beam, except for cases in which this would interfere with the diagnostic procedure.

(f) Individuals shall not be exposed to the useful beam except for healing arts purposes unless the exposure has been authorized by a licensed practitioner of the healing arts. Deliberate exposures for the following purposes are prohibited:

(i) exposure of an individual for training, demonstration or other non-healing arts purposes; and

(ii) exposure of an individual for the purpose of healing arts screening except as authorized by R313-28-31(2)(i).

(g) When a patient or film must be provided with auxiliary support during a radiation exposure:

(i) mechanical holding devices shall be used when the technique permits. The written procedures, required by R313-28-31(2)(c), shall list individual projections where mechanical holding devices can[~~not~~] be utilized;

(ii) written safety procedures, as required by R313-28-31(2)(c), shall indicate the requirements for selecting an individual to hold patients or films and the procedure that individual shall follow;

(iii) the individual holding patients or films during radiographic examinations shall be instructed in personal radiation safety and protected as required by R313-28-31(2)(d)(i);

(iv) Individuals shall not be used routinely to hold film or patients;

(v) In those cases where the patient must hold the film, except during intraoral examinations, portions of the body other than the area of clinical interest struck by the useful beam shall be protected by not less than 0.5 mm lead equivalent material; and

(vi) Facilities shall have protective aprons and gloves available in sufficient numbers to provide protection to personnel who are involved with x-ray operations and who are otherwise not shielded.

(h) Personnel monitoring. Individuals who are associated with the operation of an x-ray system are subject to the applicable requirements of R313-15.

(i) Healing arts screening. Persons proposing to conduct a healing arts screening program shall not initiate the program without prior approval of the Executive Secretary or in the case of a research program, by an Investigational Review Board which has been approved by the United States Food and Drug Administration. When requesting approval, that person shall submit the information outlined in R313-28-400. If information submitted becomes invalid or outdated, the Executive Secretary shall be notified immediately.

(3) Maintenance of records and information. The registrant shall maintain at least the following information for each x-ray machine:

(a) model numbers of major components;

(b) record of surveys or calculations to demonstrate compliance with R313-15-302, calibration, maintenance and modifications performed on the x-ray machine; and

(c) a shielding design report for the x-ray suite which states assumed values for workload and use factors and includes a drawing of surrounding areas showing assumed values for occupancy factors.

(4) X-ray records. Facilities shall maintain an x-ray record containing the patient's name, the types of examinations, and the dates the examinations were performed. When the patient or film must be provided with human auxiliary support, the name of the human holder shall be recorded. The registrant shall retain these records for three years after the record is made.

(5) Portable or mobile equipment shall be used only for examinations where it is impractical to transfer the patient to a stationary radiographic installation.

(6) Procedures and auxiliary equipment designed to minimize patient and personnel exposure commensurate with the needed diagnostic information shall be utilized.

(a) The speed of the screen and film combinations used shall be the fastest speed consistent with the diagnostic objective of the examinations. Film cassettes without intensifying screens shall not be used for routine diagnostic radiological imaging, with the exception of standard film packets for intra-oral use in dental radiography. If the requirements of R313-28-31(6)(a) cannot be met, an exemption may be requested pursuant to R313-12-55.

(b) The radiation exposure to the patient shall be the minimum exposure required to produce images of good diagnostic quality.

(c) X-ray systems, other than fluoroscopic, computed tomography, dental or veterinary units, shall not be utilized in procedures where the source to patient distance is less than 30 centimeters.

KEY: dental, x-ray, mammography, beam limitation
[~~December 8, 2000~~]2001 19-3-104
Notice of Continuation May 1, 1997

▼ ▼

Insurance, Administration
R590-148
Long-Term Care Insurance Rule

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24091
FILED: 10/05/2001, 10:56

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being updated to comply with the National Association of Insurance Commissioners' long-term care regulation as approved in their national meetings by regulator and insurance industry representatives.

SUMMARY OF THE RULE OR CHANGE: The changes to this rule provide new definitions; allow electronic commerce; strengthen lapse issues; and provide standards for benefit triggers, required disclosures, filing requirements, reporting requirements, minimum standards, loss ratio and rate increase standards for rate stability; provide suitability requirements, nonforfeiture requirements, explanation for misrepresentation, and a modified outline of coverage format.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-22-1404

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No additional people will be required to keep up with the additional work load created by these changes. Insurers selling long-term care insurance will be required to refile policy forms and rates to comply with the rule at a cost of $20 per filing. There are about 55 companies selling long-term care insurance in Utah. If all had one rate and one form to re-file, the department would receive a total of $2,200 in filing fees.

❖LOCAL GOVERNMENTS: This rule will not affect local government. The rule is regulated by a state government agency to which fees are paid by licensees.

❖OTHER PERSONS: As a result of the changes made to this rule, insurers selling long-term care coverage will need to change some of their policy forms and then re-file them with the department at a cost of $20 per filing. There are about 55 companies selling long-term care insurance in Utah. In addition, actuarial costs may increase due to rate justification requirements now in the rule. Some of these increased costs may be passed on to the consumer in the form of a higher initial rate.

COMPLIANCE COSTS FOR AFFECTED PERSONS: As a result of the changes made to this rule, insurers selling long-term care coverage will need to change some of their policy forms and then re-file them with the department at a cost of $20 per filing. There are about 55 companies selling long-term care insurance in Utah. In addition, actuarial costs may increase due to rate justification requirements now in the rule. Some of these increased costs may be passed on to the consumer in the form of a higher initial rate.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Since most employers do not include long-term care coverage in their benefit package, the fiscal impact on Utah businesses will be insignificant.

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

INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@insurance.state.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 11/08/2001 at 10:00 AM, State Office Building (behind the Capitol), Auditorium, 450 N Main, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-148. Long-Term Care Insurance Rule.
R590-148-1. Purpose.

The purpose of this rule is to implement standards for full and fair disclosure of the manner, content, and required disclosures for long-term care insurance to promote the public interest, to promote the availability of long-term care insurance coverage, to protect applicants for long-term care insurance, as defined, from unfair or deceptive sales enrollment practices, to facilitate public understanding and comparison of long-term care insurance coverages, and to facilitate flexibility and innovation in the development of long-term care insurance.

R590-148-2. Authority.

This rule is issued pursuant to the authority vested in the commissioner under Sections 31A-2-201 and 31A-22-1404.

R590-148-3. Applicability and Scope.

Except as otherwise specifically provided, this rule applies to all long-term care insurance policies delivered or issued for delivery in this state on or after January 1, 1993, by insurers; fraternal benefit societies; nonprofit health, hospital and medical service corporations; prepaid health plans; health maintenance organizations and all similar organizations.

Additionally, this regulation is intended to apply to policies having indemnity benefits that are triggered by activities of daily living and sold as disability income insurance, if:

1. The benefits of the disability income policy are dependent upon or vary in amount based on the receipt of long-term care services;

2. The disability income policy is advertised, marketed or offered as insurance for long-term care services; or

3. Benefits under the policy may commence after the policyholder has reached Social Security's normal retirement age unless benefits are designed to replace lost income or pay for specific expenses other than long-term care services.

R590-148-4. [~~Definitions.~~]Incorporation by Reference.

The following tables and appendices are hereby incorporated by reference within this rule and are available for public inspection at the Insurance Department during normal business hours. These tables and appendices were adopted by the National Association of Insurance Commissioners' Long-Term Care Insurance Model Regulation #641, as approved April 2000.

(1) Table I, Notice to Applicant Regarding Replacement of Individual Accident and Sickness or Long-Term Care Insurance.

(2) Table II, Notice to Applicant Regarding Replacement of Accident and Sickness or Long-Term Care Insurance.

(3) Table III, Triggers for a Substantial Premium Increase.

(4) Table IV, Long-Term Care Insurance Outline of Coverage.

(5) Appendix A, Rescission Reporting Form.

(6) Appendix B, Personal Worksheet: Long-Term Care Insurance Personal Worksheet.

(7) Appendix C, Disclosure Form: Things You Should Know Before You Buy Long-Term Care Insurance.

(8) Appendix D, Response Letter: Long-Term Care Insurance Suitability Letter.

(9) Appendix E, Claims Denial Reporting Form Long-Term Care Insurance.

(10) Appendix F, Worksheet Potential Rate Increase Disclosure Form.

R590-148-5. Definitions.

(1) For the purpose of this rule, the terms "long-term care insurance," "group long-term care insurance," "commissioner," "applicant," "policy" and "certificate" shall have the meanings set forth in Sections 31A-1-301 and 31A-22-1402.

(2) In addition, the following definitions apply:

(a)(i) "Exceptional increase" means only those increases filed by an insurer as exceptional for which the Commissioner determines the need for the premium rate increase is justified:

(A) due to changes in laws and regulations applicable to long-term care coverage in this state; or

(B) due to increased and unexpected utilization that affects the majority of insurers of similar products;

(ii) except as provided in Section R590-148-21, exceptional increases are subject to the same requirements as other premium rate schedule increases;

(iii) the commissioner may request review by an independent actuary or a professional actuarial body of the basis for a request that an increase be considered an exceptional increase; and

(iv) the commissioner, in determining that the necessary basis for an exceptional increase exists, shall also determine any potential offsets to higher claims costs.

(b) "Incidental" as used in Subsection R590-148-21(10), means that the value of the long-term care benefits provided is less than 10% of the total value of the benefits provided over the life of the policy. These values shall be measured as of the date of issue.

(c) "Qualified actuary" means a member in good standing of the American Academy of Actuaries.

(d) "Similar policy forms" means all of the long-term care insurance policies and certificates issued by an insurer in the same long-term care benefit classification as the policy form being considered. Certificates of groups are not considered similar to certificates or policies otherwise issue as long-term care insurance, but are similar to other comparable certificates with the same long-term care benefit classifications. For purposes of determining similar policy forms, long-term care benefit classifications are defined as follows:

(i) institutional long-term care benefits only;

(ii) non-institutional long-term care benefits only; or

(iii) comprehensive long-term care benefits.

R590-148-6[~~R590-148-5~~]. Policy Definitions.

(1) No long-term care insurance policy delivered or issued for delivery in this state may use the terms set forth below, unless the terms are defined in the policy and the definitions [~~satisfy the following requirements:~~]comport in large measure with the following:

[~~A.~~](a) "Activities of daily living" means at least bathing, continence, dressing, eating, toileting and transferring.

(b) "Acute condition" means that the individual is medically unstable. Such an individual requires frequent monitoring by medical professionals, such as physicians and registered nurses, in order to maintain the individual's health status.

[~~B. "Home health care" means services provided by a home health agency.~~](c) "Adult day care" means a program for six or more individuals, of social and health-related services provided during the day in a community group setting for the purpose of supporting frail, impaired elderly or disabled adults who can benefit from care in a group setting outside the home.

[~~C.~~](d) "Bathing" means washing oneself by sponge bath; or in either a tub or shower, including the task of getting into or out of the tub or shower.

(e) "Cognitive impairment" means a deficiency in a person's short or long-term memory, orientation as to person, place and time, deductive or abstract reasoning, or judgment as it relates to safety awareness.

(f) "Continence" means the ability to maintain control of bowel and bladder function; or, when unable to maintain control of bowel or bladder function, the ability to perform associated personal hygiene, including caring for catheter or colostomy bag.

(g) "Dressing" means putting on and taking off all items of clothing and any necessary braces, fasteners or artificial limbs.

(h) "Eating" means feeding oneself by getting food into the body from a receptacle, such as a plate, cup or table, or by a feeding tube or intravenously.

(i) "Hands-on assistance" means physical assistance, minimal, moderate or maximal, without which the individual would not be able to perform the activity of daily living.

(j) "Home health care services" means medical and nonmedical services, provided to ill, disabled or infirm persons in their residences. Such services may include homemaker services, assistance with activities of daily living and respite care services.

(k) "Medicare" means the "Health Insurance for the Aged Act," Title XVIII of the Social Security Amendments of 1965, as then constituted or later amended.

[~~D.~~](l) "Mental or nervous disorder" may not be defined more restrictively than a definition including neurosis, psychoneurosis, psychopathy, psychosis, or any other mental or emotional disease or disorder which does not have a demonstrable organic cause.

[~~E.~~](m) "Personal care" means the provision of hands-on services to assist an individual with activities of daily living, for example bathing, eating, dressing, transferring and toileting.

[~~F.~~](n) "Skilled nursing care," "intermediate care," "personal care," "home care," and other services shall be defined in relation to the level of skill required, the nature of the care and the setting in which care must be delivered.

(o) "Toileting" means getting to and from the toilet, getting on and off the toilet; and performing associated personal hygiene.

(p) "Transferring" means moving into or out of a bed, chair or wheelchair.

(q)[~~G.~~] All providers of services, including but not limited to "skilled nursing facility," "extended care facility," "intermediate care facility," "convalescent nursing home," "personal care facility," and "home care agency" shall be defined in relation to the services and facilities required to be available and the licensure or degree status of those providing or supervising the services. The definition may require that the provider be appropriately licensed or certified.

R590-148-[~~6~~]7. Policy Practices and Provisions.

[~~A.~~](1)(a) Renewability. The terms "guaranteed renewable" and "noncancellable" may not be used in any individual long-term care insurance policy without further explanatory language in accordance with the disclosure requirements of Section [~~7~~]R590-148-9. of this rule.

[~~(1)~~](i) No policy issued to an individual may contain renewal provisions other than "guaranteed renewable" or "noncancellable."

(ii)[~~(2)~~] The term "guaranteed renewable" may be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums and when the insurer has no unilateral right to make any change in any provision of the policy or rider while the insurance is in force, and cannot decline to renew, except that rates may be revised by the insurer on a class basis.

[~~(3)~~](iii) The term "noncancellable" may be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums during which period the insurer has no right to unilaterally make any change in any provision of the insurance or in the premium rate.

(iv) The term "level premium" may only be used when the insurer does not have the right to change the premium.

(v) In addition to the other requirements of this subsection, a qualified long-term care insurance contract shall be guaranteed renewable, within the meaning of Section 7702B(b)(1)(C) of the Internal Revenue Code of 1986, as amended.

(2)(a)[~~B.~~] Limitations and Exclusions. No policy may be delivered or issued for delivery in this state as long-term care insurance if the policy limits or excludes coverage by type of illness, treatment, medical condition or accident, except as follows:

[~~(1)~~](i) preexisting conditions or diseases;

[~~(2)~~](ii) mental or nervous disorders; however, this may not permit exclusion or limitation of benefits on the basis of Alzheimer's Disease, or any other mental or nervous disorder of organic origin;

[~~(3)~~](iii) alcoholism and drug addiction;[~~ or~~

~~(4)~~]

(iv) illness, treatment or medical condition arising out of:

(A)[~~(a)~~] war or act of war, whether declared or undeclared;

[~~(b)~~](B) participation in a felony, riot or insurrection;

[~~(c)~~](C) service in the armed forces or auxiliary units;

[~~(d)~~](D) suicide, sane or insane, attempted suicide or intentionally self-inflicted injury; or

[~~(e)~~](E) aviation for non-fare-paying passengers[~~.~~];

[~~(5) Treatment~~](v) treatment provided in a government facility, unless otherwise required by law, services for which benefits are paid under Medicare or other governmental program, except Medicaid, any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law, services provided by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance[~~.~~];

[~~(6) Benefits~~](vi) benefits provided for a level of care cannot be conditioned on a requirement that the care be in a facility licensed for higher levels of care[~~.~~];

[~~(7) This Subsection B~~](vii) expenses for services or items available or paid under another long-term care insurance or health insurance policy; or

(viii) in the case of a qualified long-term care insurance contract, expenses for services or items to the extent that the expenses are reimbursable under Title XVIII of the Social Security Act or would be so reimbursable but for the application of a deductible or coinsurance amount.

(b) This Subsection R590-148-7(2) is not intended to prohibit exclusions and limitations by type of provider or territorial limitations.

[~~C.~~](3) Extension of Benefits. Termination of long-term care insurance shall be without prejudice to any benefits payable for institutionalization if the institutionalization began while the long-term care insurance was in force and continues without interruption after termination. The extension of benefits beyond the period the long-term care insurance was in force may be limited to the duration of the benefit period, if any, or to payment of the maximum benefits and may be subject to any policy waiting period, and all other applicable provisions of the policy.

[~~D.~~](4)(a) Continuation or Conversion.

[~~(1)~~](i) Group long-term care insurance issued in this state on or after the effective date of this section shall provide covered individuals with a basis for continuation or conversion of coverage.

[~~(2)~~](ii) For the purposes of this section, "a basis for continuation of coverage" means a policy provision which maintains coverage under the existing group policy when the coverage would otherwise terminate and which is subject only to the continued timely payment of premium when due. Group policies which restrict provision of benefits and services to, or contain incentives to use certain providers, facilities, or both, may provide continuation benefits which are substantially equivalent to the benefits of the existing group policy. The commissioner shall make a determination as to the substantial equivalency of benefits, and in doing so, shall take into consideration the differences between managed care and non-managed care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity.

[~~(3)~~](iii) For the purposes of this section, "a basis for conversion of coverage" means a policy provision that an individual whose coverage under the group policy would otherwise terminate or has been terminated for any reason, including discontinuance of the group policy in its entirety or with respect to an insured class, and who has been continuously insured under the group policy, and any group policy which it replaced, for at least six months immediately prior to termination, shall be entitled to the issuance of a converted policy by the insurer under whose group policy the individual is covered, without evidence of insurability.

[~~(4)~~](iv) For the purposes of this section, "converted policy" means an individual policy of long-term care insurance providing benefits identical to or benefits determined by the commissioner to be substantially equivalent to or in excess of those provided under the group policy from which conversion is made. Where the group policy from which conversion is made restricts provision of benefits and services to, or contains incentives to use certain providers, facilities, or both, the commissioner, in making a determination as to the substantial equivalency of benefits, shall take into consideration the differences between managed care and non-managed care plans, including[~~, but not limited to,~~] provider system arrangements, service availability, benefit levels and administrative complexity.

[~~(5)~~](v) Written application for the converted policy shall be made and the first premium due, if any, shall be paid as directed by the insurer not later than 31 days after termination of coverage under the group policy. The converted policy shall be issued effective on the day following the termination of coverage under the group policy, and shall be renewable annually.

[~~(6)~~](vi) Unless the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy from which conversion is made. Where the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy replaced.

[~~(7)~~](vii) Continuation of coverage or issuance of a converted policy shall be mandatory, except where:

[~~(a)~~](A) termination of group coverage resulted from an individual's failure to make any required payment of premium or contribution when due; or

[~~(b)~~](B) the terminating coverage is replaced not later than 31 days after termination, by group coverage effective on the day following the termination of coverage:

[~~(i)~~](I) providing benefits identical to or benefits determined by the commissioner to be substantially equivalent to or in excess of those provided by the terminating coverage; and

[~~(ii)~~](II) the premium for which is calculated in a manner consistent with the requirements of [~~Paragraph (6) of this section.~~] Subsection R590-148-7(4)(f).

[~~(8)~~](viii) Notwithstanding any other provision of this section, a converted policy issued to an individual who at the time of conversion is covered by another long-term care insurance policy which provides benefits on the basis of incurred expenses, may contain a provision which results in a reduction of benefits payable if the benefits provided under the additional coverage, together with the full benefits provided by the converted policy, would result in payment of more than 100% of incurred expenses. This provision shall only be included in the converted policy if the converted policy also provides for a premium decrease or refund which reflects the reduction in benefits payable.

[~~(9)~~](ix) The converted policy may provide that the benefits payable under the converted policy, together with the benefits payable under the group policy from which conversion is made, may not exceed those that would have been payable had the individual's coverage under the group policy remained in force and effect.

[~~(10)~~](x) Notwithstanding any other provision of this section, any insured individual whose eligibility for group long-term care coverage is based upon the individual's relationship to another person, shall be entitled to continuation of coverage under the group

policy upon termination of the qualifying relationship by death or dissolution of marriage.

[~~(11)~~](xi) For the purposes of this section[~~:~~], a "Managed-Care Plan" is a health care or assisted living arrangement designed to coordinate patient care or control costs through utilization review, case management or use of specific provider networks.

[~~E.~~](5)(a) Discontinuance and Replacement.

If a group long-term care policy is replaced by another group long-term care policy issued to the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the previous group policy on its date of termination. Coverage provided or offered to individuals by the insurer and premiums charged to persons under the new group policy:

[~~(1)~~](i) may not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced; and

[~~(2)~~](ii) may not vary or otherwise depend on the individual's health or disability status, claim experience or use of long-term care services.

[~~F.~~](6)(a) The premiums charged to an insured for long-term care insurance may not increase due to either:

[~~(1)~~](i) the increasing age of the insured at ages beyond 65; or

[~~(2)~~](ii) the duration the insured has been covered under the policy.

(b) The purchase of additional coverage shall not be considered a premium rate increase, but for purposes of the calculation required under Section 26, the portion of the premium attributable to the additional coverage shall be added to and considered part of the initial annual premium.

(c) A reduction in benefits shall not be considered a premium change, but for purpose of the calculation required under Section 26, the initial annual premium shall be based on the reduced benefits.

[~~G. Third party notices:~~](7)(a) Electronic Enrollment for Group Policies:

[~~(1) Notice before cancellation~~](i) In the case of a group policy, any requirement that a signature of an insured be obtained by an agent or insurer shall be deemed satisfied if:

(A) the consent is obtained by telephonic or electronic enrollment by the group policyholder or insurer. A verification of enrollment information shall be provided to the enrollee;

(B) the telephonic or electronic enrollment provides necessary and reasonable safeguards to assure the accuracy, retention and prompt retrieval of records; and

(C) the telephonic or electronic enrollment provides necessary and reasonable safeguards to assure the confidentiality of individually identifiable information and "privileged information" as defined by the Utah Government Records Access and Management Act, Section 63-2-101, is maintained.

(b) The insurer shall make available, upon request of the commissioner, records that will demonstrate the insurer's ability to confirm enrollment and coverage amounts.

R590-148-8. Unintentional Lapse.

Each insurer offering long-term care insurance shall, as a protection against unintentional lapse, comply with the following:

(1)(a) Notice before lapse or termination. No individual long-term care policy or certificate [~~may~~]shall be issued until the insurer has received from the [~~insured~~]applicant either[~~:~~] a written designation of at least one person, in addition to the [~~insured~~]applicant, who is to receive notice of [~~cancellation~~]lapse or termination of the policy or certificate for nonpayment of premium[~~;~~], or a written waiver dated and signed by the [~~insured~~]applicant electing not to designate additional persons to receive notice. The [~~insured~~]applicant has the right to designate at least one person who is to receive the notice of [~~cancellation~~]termination, in addition to the insured. Designation [~~may~~]shall not constitute acceptance of any liability on the third party for services provided to the insured. The form used for the written designation must provide space clearly designated for listing at least one person. The designation shall include [~~the person's~~]each person's full name and home address.[

~~——~~] In the case of an [~~individual~~]applicant who elects not to designate an additional [~~persons~~]person, the waiver shall state: "Protection against unintended lapse.[~~" "~~]I understand that I have the right to designate at least one person other than myself to receive notice of [~~cancellation~~]lapse or termination of this long-term care insurance policy for nonpayment of premium. I understand that notice [~~to my designee~~] will not be given until 30 days after a premium is due and unpaid. I elect NOT to designate [~~any~~]a person to receive [~~such~~]this notice."

The insurer shall notify the insured of the right to change this written designation, no less often than once every two years.

(b) When the policyholder or certificateholder pays premium for a long-term care insurance policy or certificate through a payroll or pension deduction plan, the requirements contained in Subsection R590-148-8.(1)(a) need not be met until 60 days after the policyholder or certificateholder is no longer on such a payment plan. The application or enrollment form for such policies or certificates shall clearly indicate the payment plan selected by the applicant.

(c) Lapse or termination[~~(2) Cancellation~~] for nonpayment of premium. No individual long-term care policy or certificate [~~be canceled~~]shall lapse or be terminated for nonpayment of premium unless the insurer, at least [~~10~~]30 days before the effective date of the [~~cancellation~~]lapse or termination, has given notice to the [~~person(s)~~]insured and to those persons designated pursuant to Subsection [~~G(1) of this section~~]R590-148-8.(1)(a), at the address provided by the insured for purposes of receiving notice of [~~cancellation~~]lapse or termination. Notice shall be given by first class United States mail, postage prepaid; and notice may not be given until 30 days after a premium is due and unpaid. Notice shall be deemed to have been given as of five days after the date of mailing.

[~~H.~~](2) Reinstatement. In addition to the [~~requirements~~]requirement in Subsection [~~G of this section~~]R590-148-8.(a), a long-term care insurance policy or certificate shall include a provision [~~which~~]that provides for reinstatement of coverage[~~,~~] in the event of lapse if the insurer is provided proof [~~of cognitive impairment~~]that the policyholder or certificateholder was cognitively impaired or had a loss of functional capacity before the grace period contained in the policy expired. This option shall be available [~~for a period of no less than~~]to the insured if requested within five months after termination and shall allow for the collection of past due premium, where appropriate. The standard of proof of cognitive impairment or loss of functional capacity shall not be more stringent than the benefit eligibility criteria on cognitive impairment or the loss of functional capacity contained in the policy and certificate.

R590-148-[~~7~~]9. Required Disclosure Provisions.

(1) Renewability.

(a)[~~A. Renewability.~~] Individual long-term care insurance

policies shall contain a renewability provision. This provision shall be appropriately captioned, shall appear on the first page of the policy, and shall clearly state the duration, where limited, of renewability and the duration of the term of coverage for which the policy is issued and for which it may be renewed. This provision may not apply to policies which do not contain a renewability provision, and under which the right to non-renew is reserved solely to the policyholder.

(b) A long-term care insurance policy or certificate, other than one where the insurer does not have the right to change the premium, shall include a statement that premium rates may change.

(2)[~~B.~~] Riders and Endorsements. Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured under an individual long-term care insurance policy, all riders or endorsements added to an individual long-term care insurance policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the individual insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, except if the increased benefits or coverage are required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, this premium charge shall be set forth in the policy, rider or endorsement.

[~~C.~~](3) Payment of Benefits. A long-term care insurance policy or certificate that provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import shall include a definition of these terms and an explanation of the terms in its accompanying outline of coverage.

[~~D.~~](4) Limitations. If a long-term care insurance policy or certificate contains any limitations with respect to preexisting conditions, the limitations shall appear as a separate paragraph of the policy or certificate and shall be labeled as "Preexisting Condition Limitations."

[~~E.~~](5) Other Limitations or Conditions on Eligibility for Benefits. A long-term care insurance policy or certificate containing any limitations or conditions for eligibility other than those prohibited in Section 31A-22-1407 shall set forth a description of these limitations or conditions, including any required number of days of confinement, in a separate paragraph of the policy or certificate and shall label the paragraph "Limitations or Conditions on Eligibility for Benefits."

[~~F.~~](6) Disclosure of Tax Consequences. With regard to life insurance policies which provide an accelerated benefit for long-term care, a disclosure statement is required at the time of application for the policy or rider and at the time the accelerated benefit payment request is submitted that receipt of these accelerated benefits may be taxable, and that assistance should be sought from a personal tax advisor. The disclosure statement shall be prominently displayed on the first page of the policy or rider and any other related documents. This subsection shall not apply to qualified long-term care insurance contracts.

(7) Benefit Triggers. Activities of daily living and cognitive impairment may be used to measure an insured's need for long-term care and shall be described in the policy or certificate in a separate paragraph and shall be labeled "Eligibility for the Payment of Benefits." Any additional benefit triggers shall also be explained in this paragraph. If these triggers differ for different benefits, explanation of the trigger shall accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too shall be specified.

(8) A qualified long-term care insurance contract shall include a disclosure statement in the policy and in the outline of coverage as contained in Subsection R590-148-30(5) that the policy is intended to be a qualified long-term care insurance contract under Section 7702B(b) of the Internal revenue Code of 1986, as amended.

(9) A nonqualified long-term care insurance contract shall include a disclosure statement in the policy and in the outline of coverage as contained in Subsection R590-148-30(5) that the policy is not intended to be a long-term care insurance contract.

R590-148-10. Required Disclosure of Rating Practices to Consumer.

(1) This section shall apply as follows:

(a) Except as provided in Subsection R590-148-10(1)(b), this section applies to any long-term care policy or certificate issued in this state on or after March 1, 2002.

(b) For certificates issued on or after the effective date of this amended regulation under a group long-term care insurance policy, which policy was in force at the time this amended regulation became effective, the provisions of this section shall apply on the policy anniversary following July 1, 2002.

(2) Other than policies for which no applicable premium rate or rate schedule increases can be made, insurers shall provide all of the information listed in this subsection to the applicant at the time of application or enrollment, unless the method of application does not allow for delivery at that time. In such a case, an insurer shall provide all of the information listed in this section to the applicant no later than at the time of delivery of the policy or certificate.

(a) A statement that the policy may be subject to rate increases in the future;

(b) an explanation of potential future premium rate revisions, and the policyholder's or certificateholder's option in the event of a premium rate revision;

(c) the premium rate or rate schedules applicable to the applicant that will be in effect until a request is made for an increase;

(d) a general explanation for applying premium rate or rate schedule adjustments that shall include:

(i) a description of when premium rate or rate schedule adjustments will be effective, e.g., next anniversary date, next billing date, etc.; and

(ii) the right to a revised premium rate or rate schedule as provided in Subsection R590-148-10(2)(b) if the premium rate or rate schedule is changed.

(e)(i) Information regarding each premium rate increase on this policy form or similar policy forms over the past ten years for this state or any other state that, at a minimum, identifies:

(A) the policy forms for which premium rates have been increased;

(B) the calendar years when the form was available for purchase; and

(C) the amount or percent of each increase. The percentage may be expressed as a percentage of the premium rate prior to the increase, and may also be expressed as minimum and maximum percentages if the rate increase is variable by rating characteristics.

(ii) The insurer may, in a fair manner, provide additional explanatory information related to the rate increases.

(iii) An insurer shall have the right to exclude from the disclosure premium rate increases that only apply to blocks of

business acquired from other nonaffiliated insurers or the long-term care policies acquired from other nonaffiliated insurers when those increases occurred prior to the acquisition.

(iv) If an acquiring insurer files for a rate increase on a long-term care policy form acquired from nonaffiliated insurers or a block of policy forms acquired from nonaffiliated insurers on or before the later of the effective date of this section or the end of a 24-month period following the acquisition of the block or policies, the acquiring insurer may exclude that rate increase from the disclosure. However, the nonaffiliated selling company shall include the disclosure of that rate increase in accordance with Subsection R590-148-10.(2)(e)(i).

(v) If the acquiring insurer in Subsection R590-148-10.(2)(e)(iv) above files for a subsequent rate increase, even within the 24-month period, on the same policy form acquired from nonaffiliated insurers or block of policy forms acquired from nonaffiliated insurers referenced in Subsection R590-148-10.(2)(e)(iv), the acquiring insurer shall make all disclosures required by Subsection R590-148-10.(2)(e), including disclosure of the earlier rate increase referenced in Subsection R590-148-10.(2)(e)(iv).

(3) An applicant shall sign an acknowledgment at the time of application, unless the method of application does not allow for signature at that time, that the insurer made the disclosure required under Subsections R590-148-10.(2)(a) and (e). If due to the method of application the applicant cannot sign an acknowledgment at the time of application, the applicant shall sign no later than at the time of delivery of the policy or certificate.

(4) An insurer shall use the forms in Appendix B, Personal Worksheet, and Appendix F, Potential Rate Increase Disclosure Form, to comply with the requirements of Subsections R590-148-10.(1) and (2) of this section.

(5) An insurer shall provide notice of an upcoming premium rate schedule increase to all policyholders or certificateholders, if applicable, at least 45 days prior to the implementation of the premium rate schedule increase by the insurer. The notice shall include the information required by Subsection R590-148-10.(2) when the rate increase is implemented.

R590-148-11. Initial Filing Requirements.

(1) This section applies to any long-term care policy issued in this state on or after March 1, 2002.

(2) An insurer shall provide the information listed in this subsection to the commissioner 30 days prior to making a long-term care insurance form available for sale:

(a) a copy of the disclosure documents required in Section R590-148-10; and

(b) an actuarial certification consisting of at least the following:

(i) a statement that the initial premium rate schedule is sufficient to cover anticipated costs under moderately adverse experience and that the premium rate schedule is reasonably expected to be sustainable over the life of the form with no future premium increases anticipated;

(ii) a statement that the policy design and coverage provided have been reviewed and taken into consideration;

(iii) a statement that the underwriting and claims adjudication processes have been reviewed and taken into consideration;

(iv) a complete description of the basis for contract reserves that are anticipated to be held under the form, to include:

(A) sufficient detail or sample calculations provided so as to have a complete depiction of the reserve amounts to be held;

(B) a statement that the assumptions used for reserves contain reasonable margins for adverse experience;

(C) a statement that the net valuation premium for renewal years does not increase, except for attained-age rating where permitted; and

(D) a statement that the difference between the gross premium and the net valuation premium for renewal years is sufficient to cover expected renewal expenses; or if such a statement cannot be made, a complete description of the situations where this does not occur;

(I) an aggregate distribution of anticipated issues may be used as long as the underlying gross premiums maintain a reasonably consistent relationship; and

(II) if the gross premiums for certain age groups appear to be inconsistent with this requirement, the commissioner may request a demonstration under Subsection R590-148-11(3) based on a standard age distribution;

(v)(A) A statement that the premium rate schedule is not less than the premium rate schedule for existing similar policy forms also available from the insurer except for reasonable differences attributable to benefits; or

(B) A comparison of the premium schedules for similar policy forms that are currently available from the insurer with an explanation of the differences.

(3)(a) The commissioner may request an actuarial demonstration that benefits are reasonable in relation to premiums. The actuarial demonstration shall include either premium and claim experience on similar policy forms, adjusted for any premium or benefit differences, relevant and credible data from other studies, or both.

(b) In the event the commissioner asks for additional information under this provision, the period in Subsection R590-148-11.(1) does not include the period during which the insurer is preparing the requested information.

R590-148-[8]12. Prohibition Against Post-Claims Underwriting.

[A.](1) All applications for long-term care insurance policies or certificates except those which are guaranteed issue shall contain clear and unambiguous questions designed to ascertain the health condition of the applicant.

[~~B. (1)~~](2)(a) If an application for long-term care insurance contains a question which asks whether the applicant has had medication prescribed by a physician, it must also ask the applicant to list the medication that has been prescribed.

[~~(2)~~](b) If the medications listed in the application were known by the insurer, or should have been known at the time of application, to be directly related to a medical condition for which coverage would otherwise be denied, then the policy or certificate may not be rescinded for that condition.

[~~C.~~](3) Except for policies or certificates which are guaranteed issue:

[~~(1)~~](a) The following language shall be set out conspicuously and in close conjunction with the applicant's signature block on an application for a long-term care insurance policy or certificate:

Caution: If your answers on this application are incorrect or untrue, (company) may have the right to deny benefits or rescind your policy.

[~~(2)~~](b) the following language, or language substantially similar to the following, shall be set out conspicuously on the long-term care insurance policy or certificate at the time of delivery:

Caution: The issuance of this long-term care insurance (policy)

(certificate) was based upon your responses to the questions on your application. A copy of your (application) (enrollment form) (is enclosed) (was retained by you when you applied). If your answers are incorrect or untrue, the company has the right to deny benefits or rescind your policy. The best time to clear up any questions is now, before a claim arises! If, for any reason, any of your answers are incorrect, contact the company at this address: (insert address)

[~~(3)~~](c) prior to issuance of a long-term care policy or certificate to an applicant age 80 or older, the insurer shall obtain one of the following:

[~~(a)~~](i) a report of a physical examination;

[~~(b)~~](ii) an assessment of functional capacity;

[~~(c)~~](iii) an attending physician's statement; or

[~~(d)~~](iv) copies of medical records.

[~~D.~~](4) A copy of the completed application or enrollment form, whichever is applicable, shall be delivered to the insured no later than at the time of delivery of the policy or certificate unless it was retained by the applicant at the time of application.

[~~E.~~](5) Every insurer or other entity selling or issuing long-term care insurance benefits shall maintain a record of all policy or certificate rescissions, both state and countrywide, except those which the insured voluntarily effectuated and shall annually furnish this information to the [~~Insurance Commissioner~~]insurance commissioner in the format currently prescribed by the National Association of Insurance Commissioners.

R590-148-[~~9~~]13. Minimum Standards for Home Health Care Benefits in Long-Term Care Insurance Policies.

[~~A.~~](1) A long-term care insurance policy or certificate may not, if it provides benefits for home health care services, limit or exclude benefits:

[~~(1)~~](a) by requiring that the insured/claimant would need care in a skilled nursing facility if home health care services were not provided;

(b) by requiring that the insured or claimant first or simultaneously receive nursing or therapeutic services, or both, in a home, community or institutional setting before home health care services are covered;

(c)[~~(2)~~] by limiting eligible services to services provided by registered nurses or licensed practical nurses;

[~~(3)~~](d) by requiring that a nurse or therapist provide services covered by the policy that can be provided by a home health aide, or other licensed or certified home care worker acting within the scope of the aid or worker's licensure or certification;

(e) by excluding coverage for personal care services provided by a home health aide;

(f) by requiring that the provision of home health care services be at a level of certification or licensure greater than that required for the eligible service;

(g)[~~(4)~~] by requiring that the insured/claimant have an acute condition before home health care services are covered;[~~ or~~]

[~~(5)~~](h) by limiting benefits to services provided by Medicare-certified agencies or providers; or

(i) by excluding coverage for adult day care services.

(2)[~~B.~~] Home health care coverage may be applied to the [~~nonhome~~]non-home health care benefits provided in the policy or certificate when determining maximum coverage under the terms of the policy or certificate.

[~~C.~~](3) A long-term care insurance policy or certificate, if it provides for home health or community care services, shall provide home health or community care coverage that is a dollar amount equivalent to at least one-half of one year's coverage available for nursing home benefits under the policy or certificate, at the time covered home health or community care services are being received. This requirement may not apply to policies or certificates issued to residents of continuing care retirement communities.

R590-148-[~~10~~]14. Requirement to Offer Inflation Protection.

[~~A.~~](1) No insurer may offer a long-term care insurance policy unless the insurer also offers to the policyholder in addition to any other inflation protection the option to purchase a policy that provides for benefit levels to increase with benefit maximums or reasonable durations which are meaningful to account for reasonably anticipated increases in the costs of long-term care services covered by the policy. Insurers must offer to each policyholder, at the time of purchase, the option to purchase a policy with an inflation protection feature no less favorable than one of the following:

[~~(1)~~](a) increases benefit levels annually in a manner so that the increases are compounded annually at a rate not less than 5%;

[~~(2)~~](b) guarantees the insured individual the right to periodically increase benefit levels without providing evidence of insurability or health status so long as the option for the previous period has not been declined. The amount of the additional benefit may be no less than the difference between the existing policy benefit and that benefit compounded annually at a rate of at least 5% for the period beginning with the purchase of the existing benefit and extending until the year in which the offer is made; or

[~~(3)~~](c) covers a specified percentage of actual or reasonable charges and does not include a maximum specified indemnity amount or limit.

[~~B.~~](2) Where the policy is issued to a group, except a continuing care retirement community center, the required offer in Subsection [~~A~~]R590-148-14.(1) above shall be made to the group policyholder and to each proposed certificate-holder.

[~~C.~~](3) The offer in Subsection [~~A~~]R590-148-14.(1) above may not be required of life insurance policies or riders containing accelerated long-term care benefits.

[~~D.~~](4) Insurers shall include the following information in or with the outline of coverage:

[~~(1) A~~](a) a graphic comparison of the benefit levels of a policy that increases benefits over the policy period with a policy that does not increase benefits. The graphic comparison shall show benefit levels over at least a 20 year period[~~.~~];

[~~(2) Any~~](b) any expected premium increases or additional premiums to pay for automatic or optional benefit increases. An insurer may use a reasonable hypothetical, or a graphic demonstration, for the purposes of this disclosure.

[~~E.~~](4) Inflation protection benefit increases under a policy which contains this benefit shall continue without regard to an insured's age, claim status or claim history, or the length of time the person has been insured under the policy.

[~~F.~~](5) An offer of inflation protection which provides for automatic benefit increases shall include an offer of a premium which the insurer expects to remain constant. The offer shall disclose in a conspicuous manner that the premium may change in the future unless the premium is guaranteed to remain constant.

[~~G. (1)~~](6)(a) Inflation protection as provided in Subsection [~~A(1) of this section~~]R590-148-14.(1)(a) shall be included in a long-term care insurance policy unless an insurer obtains a rejection of inflation protection signed by the policyholder as required in this subsection. The rejection may be either in the application or on a separate form.

[~~(2)~~](b) The rejection shall be considered a part of the application and shall state:
I have reviewed the outline of coverage and the graphs that compare the benefits and premiums of this policy with and without inflation protection. Specifically, I have reviewed Plans (indicate), and I reject inflation protection.

R590-148-[~~11~~]15. Requirements for Application Forms and Replacement Coverage.

[~~A.~~](1) Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another long-term care insurance policy or certificate in force or whether a long-term care policy or certificate is intended to replace any other accident and sickness or long-term care policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and agent, except where the coverage is sold without an agent, containing these questions may be used. With regard to a replacement policy issued to a group, other than employee and labor union groups, the following questions may be modified only the extent necessary to elicit information about health or long-term care insurance policies other than the group policy being replaced; provided, however, that the certificate-holder has been notified of the replacement.

[~~(1)~~](a) Do you have another long-term care insurance policy or certificate in force, including health care service contract, health maintenance organization contract?

[~~(2)~~](b) Did you have another long-term care insurance policy or certificate in force during the last [~~twelve (12)~~]12 months?

[~~(a)~~](i) If so, with which company?

[~~(b)~~](ii) If that policy lapsed, when did it lapse?

[~~(3)~~](c) Are you covered by Medicaid?

[~~(4)~~](d) Do you intend to replace any of your medical or health insurance coverage with this policy/certificate?

[~~B.~~](2) Agents shall list any other health insurance policies they have sold to the applicant.

[~~(1)~~](a) List policies sold which are still in force.

[~~(2)~~](b) List policies sold in the past [~~5~~]five years which are no longer in force.

[~~C.~~](3) Solicitations Other than Direct Response. Upon determining that a sale will involve replacement, an insurer; other than an insurer using direct response solicitation methods, or its agent; shall furnish the applicant, prior to issuance or delivery of the individual long-term care insurance policy, a notice regarding replacement of accident and sickness or long-term care coverage. One copy of this notice shall be retained by the applicant and an additional copy signed by the applicant shall be retained by the insurer. The required notice shall be provided in the following manner:

~~[TABLE I~~

~~NOTICE TO APPLICANT REGARDING REPLACEMENT~~
~~OF INDIVIDUAL ACCIDENT AND SICKNESS OR LONG-TERM CARE INSURANCE~~

~~(Insurance company's name and address)~~

~~SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.~~

~~According to (your application) (information you have furnished), you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with an individual long-term care insurance policy to be issued by (company name) Insurance Company. Your new policy provides 30 days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.~~
~~You should review this new coverage carefully, comparing it with all accident and sickness or long-term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this long-term care coverage is a wise decision.~~

~~STATEMENT TO APPLICANT BY AGENT (BROKER OR OTHER REPRESENTATIVE):~~
~~(Use additional sheets, as necessary.)~~
~~I have reviewed your current medical or health insurance coverage. I believe the replacement of insurance involved in this transaction materially improves your position. My conclusion has taken into account the following considerations, which I call to your attention:~~
~~1. Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.~~
~~2. State law provides that your replacement policy or certificate may not contain new preexisting conditions or probationary periods. The insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.~~
~~3. If you are replacing existing long-term care insurance coverage, you may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.~~
~~4. If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before your sign it, reread it carefully to be certain that all information has been properly recorded.~~

~~(Signature of Agent, Broker or Other Representative)~~

~~(Typed Name and Address of Agent or Broker)~~

~~The above "Notice to Applicant" was delivered to me on:~~

~~(Date)~~

~~(Applicant's Signature)~~

~~]~~ [~~D.~~](4) Direct Response Solicitations. Insurers using direct response solicitation methods shall deliver a notice regarding replacement of accident and sickness or long-term care coverage to the applicant upon issuance of the policy. The required notice shall be provided in the [~~following manner:~~]manner detailed in Table I, Notice to Applicant Regarding Replacement of Individual Accident and Sickness or Long-Term Care Insurance, and Table II, Notice to Applicant Regarding Replacement of Accident and Sickness or Long-Term Care Insurance.

~~[TABLE II~~

~~NOTICE TO APPLICANT REGARDING REPLACEMENT~~
~~OF ACCIDENT AND SICKNESS OR LONG-TERM CARE INSURANCE~~

~~(Insurance company's name and address)~~

~~SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.~~

~~According to (your application) (information you have furnished), you intend to lapse or otherwise terminate existing accident and sickness or long term care insurance and replace it with the long term care~~

~~insurance policy delivered herewith issued by (company name) Insurance Company. Your new policy provides thirty (30) days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.~~

~~You should review this new coverage carefully, comparing it with all accident and sickness or long term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this long-term care coverage is a wise decision.~~

~~1. Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.~~

~~2. State law provides that your replacement policy or certificate may not contain new preexisting conditions or probationary periods. Your insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.~~

~~3. If you are replacing existing long term care insurance coverage, you may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.~~

~~4. (To be included only if the application is attached to the policy.) If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, read the copy of the application attached to your new policy and be sure that all questions are answered fully and correctly. Omissions or misstatements in the application could cause an otherwise valid claim to be denied. Carefully check the application and write to (company name and address) within 30 days if any information is not correct and complete, or if any past medical history has been left out of the application.~~

~~(Company Name)~~

] [~~E.~~](5) Where replacement is intended, the replacing insurer shall notify, in writing, the existing insurer of the proposed replacement. The existing policy shall be identified by the insurer, name of the insured and policy number or address including zip code. The notice shall be made within five working days from the date the application is received by the insurer or the date the policy is issued, whichever is sooner.

(6) Life Insurance policies that accelerate benefits for long-term care shall comply with this section if the policy being replaced is a long-term care insurance policy. If the policy being replaced is a life insurance policy, the insurer shall comply with the replacement requirements of Rule R590-93, Replacement of Life Insurance and Annuities. If a life insurance policy that accelerates benefits for long-term care is replaced by another such policy, the replacing insurer shall comply with both the long-term care and the life insurance replacement requirements.

R590-148-[~~12~~]16. Utah Insurance Department Reporting Requirements.

[~~A.~~](1) Every insurer shall maintain records for each agent of that agent's amount of replacement sales as a percent of the agent's total annual sales and the amount of lapses of long-term care insurance policies sold by the agent as a percent of the agent's total annual sales.

[~~B.~~](2) Each insurer shall report annually, by June 30, the 10% of its agents with the greatest percentages of lapses and replacements as measured by Subsection [~~A~~]R590-148-16.(1) above.

(3)[~~C.~~] Reported replacement and lapse rates do not alone constitute a violation of insurance laws or necessarily imply wrongdoing. The reports are for the purpose of reviewing more closely agent activities regarding the sale of long-term care insurance.

[~~D.~~](4) Every insurer shall report annually by June 30 the number of lapsed policies as a percent of its total annual sales and as a percent of its total number of policies in force as of the end of the preceding calendar year.

[~~E.~~](5) Every insurer shall report annually by June 30 the number of replacement policies sold as a percent of its total annual sales and as a percent of its total number of policies in force as of the preceding calendar year.

[~~F. For purposes of this section, "policy" shall mean only~~](6) Every insurer shall report annually by June 30, for qualified long-term care insurance [~~and~~]contracts, the number of claims denied for each class of business, expressed as a percentage of claims denied. The report used by the issuer shall contain, at a minimum, the information in the format contained in Appendix E, Claims Denial Reporting Form Long-Term Care Insurance, in not less than 12 point type.

(7) For purposes of this section:

(a) "policy" shall mean only long-term care insurance;

(b) Subject to Subsection R590-148-16.(7)(c), "claim" means a request for payment of benefits under an in force policy regardless of whether the benefit claimed is covered under the policy or any terms or conditions of the policy have been met;

(c) "denied" means that the insurer refuses to pay a claim for any reason other than for claims not paid for failure to meet the waiting period or because of an applicable preexisting condition; and

(d) "report" means on a statewide basis.

(8) Reports required under this section shall be filed with the commissioner.

R590-148-17. Licensing.

A producer is not authorized to sell, solicit or negotiate with respect to long-term care insurance except as authorized by Chapter 23 of Title 31A.

R590-148-[~~13~~]18. Discretionary Powers of Commissioner.

The commissioner may upon written request and after an administrative hearing, issue an order to modify or suspend a specific provision or provisions of this rule with respect to a specific long-term care insurance policy or certificate upon a written finding that:

[~~A.~~](1) the modification or suspension would be in the best interest of the [~~insureds;~~]insured; and

[~~B.~~](2) the purposes to be achieved could not be effectively or efficiently achieved without the modification or suspension; and

[~~C.~~](3) one of the following occur:

[~~(1)~~](a) the modification or suspension is necessary to the development of an innovative and reasonable approach for insuring long-term care;

[~~(2)~~](b) the policy or certificate is to be issued to residents of a life care or continuing care retirement community or some other residential community for the elderly and the modification or suspension is reasonably related to the special needs or nature of the community; or

[~~(3)~~](c) the modification or suspension is necessary to permit long-term care insurance to be sold as part of, or in conjunction with, another insurance product.

R590-148-[~~14~~]19. Reserve Standards.

[~~A.~~](1) When long-term care benefits are provided through the acceleration of benefits under group or individual life policies or riders to these policies, policy reserves for these benefits shall be determined in accordance with Subsection 31A-17-504(7). Claim reserves must also be established when the policy or rider is in claim status.

Reserves for policies and riders subject to this subsection should be based on the multiple decrement model utilizing all relevant decrements except for voluntary termination rates. Single decrement approximations are acceptable if the calculation produces essentially similar reserves, if the reserve is clearly more conservative, or if the reserve is immaterial. The calculations may take into account the reduction in life insurance benefits due to the payment of long-term care benefits. However, in no event may the reserves for the long-term care benefit and the life insurance benefit be less than the reserves for the life insurance benefit assuming no long-term care benefit.

In the development and calculation of reserves for policies and riders subject to this subsection, due regard shall be given to the applicable policy provisions, marketing methods, administrative procedures and all other considerations which have an impact on projected claim costs, including, but not limited to, the following:

[~~(1)~~](a) definition of insured events;
[~~(2)~~](b) covered long-term care facilities;
[~~(3)~~](c) existence of home convalescence care coverage;
[~~(4)~~](d) definition of facilities;
[~~(5)~~](e) existence or absence of barriers to eligibility;
[~~(6)~~](f) premium waiver provision;
[~~(7)~~](g) renewability;
[~~(8)~~](h) ability to raise premiums;
[~~(9)~~](i) marketing method;
[~~(10)~~](j) underwriting procedures;
[~~(11)~~](k) claims adjustment procedures;
[~~(12)~~](l) waiting period;
[~~(13)~~](m) maximum benefit;
[~~(14)~~](n) availability of eligible facilities;
[~~(15)~~](o) margins in claim costs;
[~~(16)~~](p) optional nature of benefit;
[~~(17)~~](q) delay in eligibility for benefit;
[~~(18)~~](r) inflation protection provisions; and
[~~(19)~~](s) guaranteed insurability option.

Any applicable valuation morbidity table shall be certified as appropriate as a statutory valuation table by a member of the American Academy of Actuaries.

[~~B.~~](2) When long-term care benefits are provided other than as in Subsection [~~A~~]R590-148-19.(1) above, reserves shall be determined in accordance with 31A-17-402(2)(b).

R590-148-[~~15~~]20. Loss Ratio.

(1) This section shall apply to all long-term care insurance policies or certificates except those covered in Sections R590-148-11. and R590-148-21.

(2)(a) Benefits under individual long-term care insurance policies shall be deemed reasonable in relation to premiums provided the expected loss ratio is at least 60%, calculated in a manner which provides for adequate reserving of the long-term care insurance risk.

(b) In evaluating the expected loss ratio, due consideration shall be given to all relevant factors, including:

[~~A.~~](i) statistical credibility of incurred claims experience and earned premiums;
[~~B.~~](ii) the period for which rates are computed to provide coverage;
[~~C.~~](iii) experienced and projected trends;
[~~D.~~](iv) concentration of experience within early policy duration;
[~~E.~~](v) expected claim fluctuation;
[~~F.~~](vi) experience refunds, adjustments or dividends;
[~~G.~~](vii) renewability features;
[~~H.~~](viii) all appropriate expense factors;
[~~I.~~](ix) interest;
[~~J.~~](x) experimental nature of the coverage;
[~~K.~~](xi) policy reserves;
[~~L.~~](xii) mix of business by risk classification; and
[~~M.~~](xiii) product features such as long elimination periods, high deductibles and high maximum limits.

(3)(a)Subsection R590-148-20.(2) shall not apply to life insurance policies that accelerate benefits for long-term care.

(b) A life insurance policy that funds long-term care benefits entirely by accelerating the death benefit is considered to provide reasonable benefits in relation to premiums paid, if the policy complies with all of the following provisions:

(i) the interest credited internally to determine cash value accumulations, including long-term care, if any, are guaranteed not to be less than the minimum guaranteed interest rate for cash value accumulations without long-term care set forth in the policy;

(ii) the portion of the policy that provides life insurance benefits meets the nonforfeiture requirements of Section 31A-22-408;

(iii) the policy meets the disclosure requirements of Sections 31A-22-1409(7) and (8) and 31A-22-1410;

(iv) any policy illustration that meets the applicable requirements R590-177; and

(v) an actuarial memorandum is filed with the insurance department that includes:

(A) a description of the basis on which long-term care rates were determined;

(B) a description of the basis for the reserves;

(C) a summary of the type of policy, benefits, renewability, general marketing method, and limits on ages of issuance;

(D) a description and a table of each actuarial assumption used. For expenses, an insurer must include percent of premium dollars per policy and dollars per unit of benefits, if any;

(E) a description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives;

(F) the estimated average annual premium per policy and the average issue age;

(G) a statement as to whether underwriting is performed at the time of application. The statement shall indicate whether underwriting is used and, if used, the statement shall include a description of the type or types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs; and

(H) a description of the effect of the long-term care policy provision on the required premiums, nonforfeiture values and reserves on the underlying life insurance policy, both for active lives and those in long-term care claim status.

R590-148-21. Premium Rate Schedule Increases.

(1) This section shall apply as follows:

(a) except as provided in Subsection R590-148-21.(1)(b), this section applies to any long-term care policy or certificate issued in this state on or after March 1, 2002.

(b) for certificates issued on or after the effective date of this amended regulation under a group long-term care insurance policy, which policy was in force at the time this amended regulation became effective, the provisions of this section shall apply on the policy anniversary following July 1, 2002.

(2) An insurer shall provide notice of a pending premium rate schedule increase, including an exceptional increase, to the commissioner at least 30 days prior to the notice to the policyholders and shall include:

(a) information required by Section R590-148-9;

(b) certification by a qualified actuary that:

(i) if the requested premium rate schedule increase is implemented and the underlying assumptions, which reflect moderately adverse conditions, are realized, no further premium rate schedule increases are anticipated;

(ii) the premium rate filing is in compliance with the provisions of this section;

(c) a actuarial memorandum justifying the rate schedule change request that includes:

(i) lifetime projections of earned premiums and incurred claims based on the filed premium rate schedule increase; and the method and assumptions used in determining the projected values, including reflection of any assumptions that deviate from those used for pricing other forms currently available for sale:

(A) annual values for the five years preceding and the three years following the valuation date shall be provided separately;

(B) the projections shall include the development of the lifetime loss ratio, unless the rate increase is an exceptional increase;

(C) the projections shall demonstrate compliance with Subsection R590-148-21.(3); and

(D) for exceptional increases:

(I) the projected experience should be limited to the increases in claims expenses attributable to the approved reasons for the exceptional increase; and

(II) in the event the commissioner determines as provided in Section R590-148-5.(2)(a)(iv) that offsets may exist, the insurer shall use appropriate net projected experience;

(ii) disclosure of how reserves have been incorporated in this rate increase whenever the rate increase will trigger contingent benefit upon lapse;

(iii) disclosure of the analysis performed to determine why a rate adjustment is necessary, which pricing assumptions were not realized and why, and what other actions taken by the company have been relied on by the actuary;

(iv) a statement that policy design, underwriting and claims adjudication practices have been taken into consideration; and

(v) in the event that it is necessary to maintain consistent premium rates for new certificates and certificates receiving a rate increase, the insurer will need to file composite rates reflecting projections of new certificates;

(d) a statement that renewal premium rate schedules are not greater than new business premium rate schedules except for differences attributable to benefits, unless sufficient justification is provided to the commissioner; and

(e) sufficient information for review of the premium rate schedule increase by the commissioner.

(3) All premium rate schedule increases shall be determined in accordance with the following requirements:

(a) exceptional increases shall provide that 70% of the present value of projected additional premiums from the exceptional increase will be returned to policyholders in benefits;

(b) premium rate schedule increases shall be calculated such that the sum of the accumulated value of incurred claims, without the inclusion of active life reserves, and the present value of future projected incurred claims, without the inclusion of active life reserves, will not be less than the sum of the following:

(i) the accumulated value of the initial earned premium times 58%;

(ii) 85% percent of the accumulated value of prior premium rate schedule increases on an earned basis;

(iii) the present value of future projected initial earned premiums times 58%; and

(iv) 85% percent of the present value of future projected premiums not in Subsection R590-148-21.(3)(b)(iii) on an earned basis;

(c) in the event that a policy form has both exceptional and other increases, the values in Subsections R590-148-21.(3)(b)(ii) and (iv) will also include 70% for exceptional rate increase amounts; and

(d) all present and accumulated values used to determine rate increases shall use the maximum valuation interest rate for contract reserves which is the maximum rate permitted by law in the valuation of whole life insurance issued on the same date as the health insurance contract.

(4) For each rate increase that is implemented, the insurer shall file for review by the commissioner updated projections, as defined in Subsection R590-148-21.(2)(c)(i), annually for the next three years and include a comparison of actual results to projected values. The commissioner may extend the period to greater than three years if actual results are not consistent with projected values from prior projections. For group insurance policies that meet the conditions in Subsection R590-148-21.(11), the projections required by this subsection shall be provided to the policyholder in lieu of filing with the commissioner.

(5) If any premium rate in the revised premium rate schedule is greater than 200% of the comparable rate in the initial premium schedule, lifetime projections, as defined in Subsection R590-148-21.(2)(c)(i), shall be filed for review by the commissioner every five years following the end of the required period in Subsection R590-148-21.(4). For group insurance policies that meet the conditions in Subsection R590-148-21.(11), the projections required by this subsection shall be provided to the policyholder in lieu of filing with the commissioner.

(6)(a) If the commissioner has determined that the actual experience following a rate increase does not adequately match the projected experience and that the current projections under moderately adverse conditions demonstrate that incurred claims will not exceed proportions of premiums specified in Subsection R590-148-20(3), the commissioner may require the insurer to implement any of the following:

(i) premium rate schedule adjustments; or

(ii) other measures to reduce the difference between the projected and actual experience.

(b) In determining whether the actual experience adequately matches the projected experience, consideration should be given to Subsection R590-148-21.(2)(c)(v), if applicable.

(7) If the majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse, the insurer shall file:

(a) a plan, subject to commissioner approval, for improved administration or claims processing designed to eliminate the potential for further deterioration of the policy form requiring further premium rate schedule increases, or both, or to demonstrate that appropriate administration and claims processing have been implemented or are in effect; otherwise the commissioner may impose the condition in Subsection R590-148-21.(8); and

(b) the original anticipated lifetime loss ratio, and the premium rate schedule increase that would have been calculated according to Subsection R590-148-21.(3) had the greater of the original anticipated lifetime loss ratio or 58% been used in the calculations described in Subsection R590-148-21.(3)(a)(i) and (iii).

(8) (a) For a rate increase filing that meets the following criteria, the commissioner shall review, for all policies included in the filing, the projected lapse rates and past lapse rates during the 12 months following each increase to determine if significant adverse lapsation has occurred or is anticipated:

(i) the rate increase is not the first rate increase requested for the specific policy form or forms;

(ii) the rate increase is not an exceptional increase; and

(iii) the majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse.

(b) In the event significant adverse lapsation has occurred, is anticipated in the filing or is evidenced in the actual results as presented in the updated projections provided by the insurer following the requested rate increase, the commissioner may determine that a rate spiral exists. Following the determination that a rate spiral exists, the commissioner may require the insurer to offer, without underwriting, to all in force insureds subject to the rate increase the option to replace existing coverage with one or more reasonably comparable products being offered by the insurer or its affiliates.

(i) The offer shall:

(A) be subject to the approval of the commissioner;

(B) be based on actuarially sound principles, but not be based on attained age; and

(C) provide that maximum benefits under any new policy accepted by an insured shall be reduced by comparable benefits already paid under the existing policy.

(ii) The insurer shall maintain the experience of all the replacement insureds separate from the experience of insureds originally issued the policy forms. In the event of a request for a rate increase on the policy form, the rate increase shall be limited to the lesser of:

(A) the maximum rate increase determined based on the combined experience; and

(B) the maximum rate increase determined based only on the experience of the insureds originally issued the form plus 10%.

(9) If the commissioner determines that the insurer has exhibited a persistent practice of filing inadequate initial premium rates for long-term care insurance, the commissioner may, in addition to the provisions of Subsection R590-148-21.(8), prohibit the insurer from either of the following:

(a) filing and marketing comparable coverage for a period of up to five years; or

(b) offering all other similar coverages and limiting marketing of new applications to the products subject to recent premium rate schedule increases.

(10) Subsections R590-148-21.(1) through (9) shall not apply to policies for which the long-term care benefits provided by the policy are incidental, as defined in Subsection R590-148-5.(2), if the policy complies with all of the following provisions:

(a) the interest credited internally to determine cash value accumulations, including long-term care, if any, are guaranteed not to be less than the minimum guaranteed interest rate for cash value accumulations without long-term care set forth in the policy;

(b) the portion of the policy that provides insurance benefits other than long-term care coverage meets the nonforfeiture requirements as applicable in any of the following:

(i) Section 31A-22-408; and

(ii) Section 31A-22-409;

(c) the policy meets the disclosure requirements of Subsections 31A-22-1409(7) and (8) and 31A-22-1410;

(d) the portion of the policy that provides insurance benefits other than long-term care coverage meets the requirements as applicable in the following:

(i) policy illustrations as required by R590-177; and

(ii) disclosure requirements in R590-133;

(e) an actuarial memorandum is filed with the insurance department that includes:

(i) a description of the basis on which the long-term care rates were determined;

(ii) a description of the basis for the reserves;

(iii) a summary of the type of policy, benefits, renewability, general marketing method, and limits on ages of issuance;

(iv) a description and a table of each actuarial assumption used. For expenses, an insurer must include percent of premium dollars per policy and dollars per unit of benefits, if any;

(v) a description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives;

(vi) the estimated average annual premium per policy and the average issue age;

(vii) a statement as to whether underwriting is performed at the time of application. The statement shall indicate whether underwriting is used and, if used, the statement shall include a description of the type or types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs; and

(viii) a description of the effect of the long-term care policy provision on the required premiums, nonforfeiture values and reserves on the underlying insurance policy, both for active lives and those in long-term care claim status.

(11) Subsections R590-148-21.(6) and (8) shall not apply to group insurance policies where:

(a) the policies insure 250 or more persons and the policyholder has 5,000 or more eligible employees of a single employer; or

(b) the policyholder, and not the certificateholders, pays a material portion of the premium, which shall not be less than 20% of the total premium for the group in the calendar year prior to the year a rate increase is filed.

R590-148-22. Filing Requirements.

Prior to an insurer or similar organization offering group long-term care insurance to a resident of this state pursuant to

Section 31A-22-1403, it shall file with the commissioner evidence that the group policy or certificate thereunder has been approved by a state having statutory or regulatory long-term care insurance requirements substantially similar to those adopted in this state.

R590-148-[~~16~~]23. Filing Requirements for Advertising.

(1) Every insurer, health care service plan or other entity providing long-term care insurance or benefits in Utah shall provide a copy of any long-term care insurance advertisement intended for use in Utah whether through written, radio or television medium to the [~~Commissioner of Insurance~~]insurance commissioner of this state. In addition, all advertisements shall be retained by the insurer, health care service plan or other entity for at least three years from the date the advertisement was first used.

(2) The commissioner may exempt from these requirements any advertising form or material when, in the commissioner's opinion, this requirement may not be reasonably applied.

R590-148-[~~17~~]24. Standards for Marketing.

[~~A.~~](1) Every insurer, health care service plan or other entity marketing long-term care insurance coverage in this state, directly or through its producers, shall:

[~~(1) Establish~~](a) establish marketing procedures to assure that any comparison of policies by its agents or other producers will be fair and accurate[~~.~~];

[~~(2) Establish~~](b) establish marketing procedures to assure excessive insurance is not sold or issued[~~.~~];

[~~(3) Display~~](c) display prominently by type, stamp or other appropriate means, on the first page of the outline of coverage and policy the following:

"Notice to buyer: This policy may not cover all of the costs associated with long-term care incurred by the buyer during the period of coverage. The buyer is advised to review carefully all policy limitations."

(d) provide copies of the disclosure forms required in Subsection R590-148-10.(3) to the applicant. See Appendix B, Long-Term Care Insurance Personal Worksheet, and Appendix F, Potential Rate Increase Disclosure Form;

(e) inquire[~~(4) Inquire~~] and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for long-term care insurance already has accident and sickness or long-term care insurance and the types and amounts of this insurance, except that in the case of qualified long-term care insurance contracts, an inquiry into whether a prospective applicant or enrollee for long-term care insurance has accident and sickness insurance is not required.

[~~(5) Every~~](f) every insurer or entity marketing long-term care insurance shall establish auditable procedures for verifying compliance with this Subsection R590-148-24.(1);[~~A.~~]

[~~(6) If~~](g) if the state in which the policy or certificate is to be delivered or issued for delivery has a senior insurance [~~counselling~~]counseling program approved by the commissioner, the insurer shall, at solicitation, provide written notice to the prospective policyholder and certificate-holder that the program is available and the name, address and telephone number of the program[~~.~~];

[~~B.~~](h) for long-term care health insurance policies and certificates, use the terms "noncancellable" or "level premium" only when the policy or certificate conforms to Subsections R590-148-7.(1)(a)(iii) and (iv);

(i) provide an explanation of contingent benefit upon lapse provided for in Subsection R590-148-28.(4)(c);

(2) In addition to the practices prohibited in [~~Section 31A-23-301, et seq.~~]Part 3, Chapter 23 of Title 31A, the following acts and practices are prohibited:

[~~(1)~~](a) Twisting. Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on or convert any insurance policy or to take out a policy of insurance with another insurer.

[~~(2)~~](b) High pressure tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.

[~~(3)~~](c) Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

(d) Misrepresentation. Misrepresenting a material fact in selling or offering to sell a long-term care insurance policy.

(3) (a) With respect to the obligations set forth in this subsection, the primary responsibility of any professional, trade or occupational association when endorsing long-term care insurance shall be educate its members concerning long-term care issues in general so that its members can make informed decisions. Associations shall provide objective information regarding long-term care insurance policies or certificates endorsed by such associations to ensure that members of such associations receive a balanced and complete explanation of the features in the policies or certificates that are being endorsed.

(b) The insurer shall file with the insurance department the following material:

(i) the policy and certificate;

(ii) a corresponding outline of coverage; and

(iii) all advertisements requested by the insurance department.

(c) The association shall disclose in any long-term care insurance solicitation:

(i) the specific nature and amount of the compensation arrangements, including all fees, commissions, administrative fees and other forms of financial support, that the association receives from endorsement of the policy or certificate to its members; and

(ii) a brief description of the process under which the policies and the insurer issuing the policies were selected.

(d) If the association and the insurer have interlocking directorates or trustee arrangements, the association shall disclose that fact to its members.

(e) The board of directors of associations or endorsing long-term care insurance policies or certificates shall review and approve the insurance policies as well as the compensation arrangements made with the insurer.

(f) The association shall also:

(i) at the time of the association's decision to endorse, engage the services of a person with expertise in long-term care insurance not affiliated with the insurer to conduct an examination of the policies, including benefits, features, and rates and update the examination thereafter in the event of material change;

(ii)(A) actively monitor the marketing efforts of the insurer and its agents; and

(B) review and approve all marketing materials or other insurance communications used to promote sales or sent to members regarding the policies or certificates.

(iii) Subsections R590-148-24.(3)(f)(i) and (ii) shall not apply to qualified long-term care insurance contracts.

(g) No group long-term care insurance policy or certificate may be issue to an association unless the insurer files with the state insurance department the information required in this subsection.

(h) The insurer shall not issue a long-term care insurance policy or certificate to an association or continue to market such a policy or certificate unless the insurer certifies annually that the association has compiled with the requirements set forth in this subsection.

(i) Failure to comply with the filing and certification requirements of this sections constitutes an unfair trade practice in violation of Section 13-5-1, et seq.

R590-148-[~~18~~]25. Appropriateness of Recommended Purchase.

In recommending the purchase or replacement of any long-term care insurance policy or certificate an agent shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement.

R590-148-26. Suitability.

(1) This section shall not apply to life insurance policies that accelerate benefits for long-term care.

(2) Every insurer, health care service plan or other entity marketing long-term care insurance, the "issuer," shall:

(a) develop and use suitability standards to determine whether the purchase or replacement of long-term care insurance is appropriate for the needs of the applicant;

(b) train its agents in the use of its suitability standards; and

(c) maintain a copy of its suitability standards and make them available for inspection upon request by the commissioner.

(3)(a) To determine whether the applicant meets the standards developed by the issuer, the agent and issuer shall develop procedures that take the following into consideration:

(i) the ability to pay for the proposed coverage and other pertinent financial information related to the purchase of the coverage;

(ii) the applicant's goals or needs with respect to long-term care and the advantages and disadvantages of insurance to meet these goals or needs; and

(iii) the values, benefits and costs of the applicant's existing insurance, if any, when compared to the values, benefits and costs of the recommended purchase or replacement.

(b) The issuer, and where an agent is involved, the agent shall make reasonable efforts to obtain the information set out in Subsection R590-148-26.(3)(a) above. The efforts shall include presentation to the applicant, at or prior to application, the "Long-Term Care Insurance Personal Worksheet." The personal worksheet used by the issuer shall contain, at a minimum, the information in the format contained in Appendix B, in not less than 12 point type. The issuer may request the applicant to provide additional information to comply with its suitability standards. A copy of the issuer's personal worksheet shall be filed with the commissioner.

(c) A completed personal worksheet shall be returned to the issuer prior to the issuer's consideration of the applicant for coverage, except the personal worksheet need not be returned for sales of employer group long-term care insurance to employees and their spouses.

(d) The sale or dissemination outside the company or agency by the issuer or agent of information obtained through the personal worksheet in Appendix B is prohibited.

(4) The issuer shall use the suitability standards it has developed pursuant to this section in determining whether issuing long-term care insurance coverage to an applicant is appropriate.

(5) Agents shall use the suitability standards developed by the issuer in marketing long-term care insurance.

(6) At the same time as the personal worksheet is provided to the applicant, the disclosure form entitled "Things You Should Know Before You Buy Long-Term Care Insurance" shall be provided. The form shall be in the format contained in Appendix C in not less than 12 point type.

(7) If the issuer determines that the applicant does not meet its financial suitability standards, or if the applicant has declined to provide the information, the issuer may reject the application. In the alternative, the issuer shall send the applicant a letter similar to Appendix D, Long-Term Care Insurance Suitability Letter. However, if the applicant has declined to provide financial information, the issuer may use some other method to verify the applicant's intent. Either the applicant's returned letter or a record of the alternative method of verification shall be made part of the applicant's file.

(8) The issuer shall report annually to the commissioner the total number of applications received from residents of this state, the number of those who declined to provide information on the personal worksheet, the number of applicants who did not meet the suitability standards, and the number of those who chose to confirm after receiving a suitability letter.

R590-148-[~~19~~]27. Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates.

If a long-term care insurance policy or certificate replaces another long-term care policy or certificate, the replacing insurer shall waive any time periods applicable to preexisting conditions and probationary periods in the new long-term care policy for similar benefits to the extent that similar exclusions have been satisfied under the original policy.

R590-148-[~~20.~~]28. Nonforfeiture Benefit Requirements.

(1) This section does not apply to life insurance policies or riders containing accelerated long-term care benefits.

(2) To comply with the requirement to offer a nonforfeiture benefit pursuant to the provisions of Section 31A-22-1412:

(a) a policy or certificate offered with nonforfeiture benefits shall have coverage elements, eligibility, benefit triggers and benefit length that are the same as coverage to be issued without nonforfeiture benefits. The nonforfeiture benefit included in the offer shall be the benefit described in Subsection R590-148-28.(5); and

(b) the offer shall be in writing if the nonforfeiture benefit is not otherwise described in the Outline of Coverage or other materials given to the prospective policyholder.

(3) If the offer required to be made under Section 31A-22-1412(1)(c) is rejected, the insurer shall provide the contingent benefit upon lapse described in this section.

(4)(a) After rejection of the offer required under Section 31A-22-1412(1)(c), for individual and group policies without nonforfeiture benefits issued after the effective date of this section, the insurer shall provide a contingent benefit upon lapse.

(b) In the event a group policyholder elects to make the nonforfeiture benefit an option to the certificateholder, a certificate shall provide either the nonforfeiture benefit or the contingent benefit upon lapse.

(c) The contingent benefit on lapse shall be triggered every time an insurer increases the premium rates to a level which results in a cumulative increase of the annual premium equal to or exceeding the percentage of the insured's initial annual premium set forth in Table III, Triggers for a Substantial Premium Increase, based on the insured's issue age, and the policy or certificate lapses within 120 days of the due date of the premium so increased. Unless otherwise required, policyholders shall be notified at least 30 days prior to the due date of the premium reflecting the rate increase.

(d) On or before the effective date of a substantial premium increase as defined in Subsection R590-148-28.(4)(c) above, the insurer shall:

(i) offer to reduce policy benefits provided by the current coverage without the requirement of additional underwriting so that required premium payments are not increased;

(ii) offer to convert the coverage to a paid-up status with a shortened benefit period in accordance with the terms of Subsection R590-148-28.(5). This option may be elected at any time during the 120-day period referenced in Subsection R590-148-28.(4)(c); and

(iii) notify the policyholder or certificateholder that a default or lapse at any time during the 120-day period referenced in Subsection R590-148-28.(4)(c) shall be deemed to be the election of the offer to convert in Subsection R590-148-28.(4)(d)(ii) above.

(5) Benefits continued as nonforfeiture benefits, including contingent benefits upon lapse, are described in this subsection:

(a) For purposes of this subsection, attained age rating is defined as a schedule of premiums starting from the issue date which increases with age at least 1% per year prior to age 50, and at least 3% per year beyond age 50.

(b) For purposes of this subsection, the nonforfeiture benefit shall be of a shortened benefit period providing paid-up long-term care insurance coverage after lapse. The same benefits, amounts and frequency in effect at the time of lapse but not increased thereafter, will be payable for a qualifying claim, but the lifetime maximum dollars or days of benefits shall be determined as specified in Subsection R590-148-28.(5)(c).

(c) The standard nonforfeiture credit will be equal to 100% of the sum of all premiums paid, including the premiums paid prior to any changes in benefits. The insurer may offer additional shortened benefit period options, as long as the benefits for each duration equal or exceed the standard nonforfeiture credit for that duration. However, the minimum nonforfeiture credit shall not be less than 30 times the daily nursing home benefit at the time of lapse. In either event, the calculation of the nonforfeiture credit is subject to the limitation of Subsection R590-148-28.(6).

(d)(i) The nonforfeiture benefit shall begin not later than the end of the third year following the policy or certificate issue date. The contingent benefit upon lapse shall be effective during the first three years as well as thereafter.

(ii) Notwithstanding Subsection R590-148-28.(5)(d)(i), for a policy or certificate with attained age rating, the nonforfeiture benefit shall begin on the earlier of:

(A) the end of the tenth year following the policy or certificate issue date; or

(B) the end of the second year following the date the policy or certificate is no longer subject to attained age rating.

(e) Nonforfeiture credits may be used for all care and services qualifying for benefits under the terms of the policy or certificate, up to the limits specified in the policy or certificate.

(6) All benefits paid by the insurer while the policy or certificate is in premium paying status and in the paid up status will not exceed the maximum benefits which would payable if the policy or certificate had remained in premium paying status.

(7) There shall be no difference in the minimum nonforfeiture benefits as required under this section for group and individual policies.

(8) The requirements set forth in this subsection shall become effective 12 months after adoption of Section R590-148-28. and shall apply as follows:

(a) Except as provided in Subsection R590-148-28.(8)(b), the provisions of this section apply to any long-term care policy issued in this state on or after the effective date of this amended regulation.

(b) For certificates issued on or after the effective date of this section, under a group long-term care insurance policy, which policy was in force at the time this amended regulation became effective, the provisions of this section shall not apply.

(9) Premiums charged for a policy or certificate containing nonforfeiture benefits or a contingent benefit on lapse shall be subject to the loss ratio requirements of Section R590-148-20 treating the policy as a whole.

(10) To determine whether contingent nonforfeiture upon lapse provisions are triggered under Subsection R590-148-28.(4)(c), a replacing insurer that purchased or otherwise assumed a block or blocks of long-term care insurance policies from another insurer shall calculate the percentage increase based on the initial annual premium paid by the insured when the policy was first purchased from the original insurer.

(11) A nonforfeiture benefit for qualified long-term care insurance contracts that are level premium contracts shall be offered that meets the following requirements:

(a) the nonforfeiture provision shall be appropriately captioned;

(b) the nonforfeiture provision shall provide a benefit available in the event of a default in the payment of any premiums and shall state that the amount of the benefit may be adjusted subsequent to being initially granted only as necessary to reflect changes in claims, persistency and interest as reflected in changes in rates for premium paying contracts approved by the commissioner for the same contract form; and

(c) the nonforfeiture provision shall provide at least one of the following:

(i) reduced paid-up insurance;

(ii) extended term insurance;

(iii) shortened benefit period; or

(iv) other similar offerings approved by the commissioner.

R590-148-29. Standards for benefit Triggers.

(1) A long-term care insurance policy shall condition the payment of benefits on a determination of the insured's ability to perform activities of daily living and on cognitive impairment. Eligibility for the payment of benefits shall not be more restrictive than requiring either a deficiency in the ability to perform not more than 3 of the activities of daily living or the presence of cognitive impairment.

(2)(a) Activities of daily living shall include at least the following as defined in Section R590-148-6 and in the policy:

(i) bathing;

(ii) continence;

(iii) dressing;
(iv) eating;
(v) toileting; and
(vi) transferring;
(b) Insurers may use activities of daily living to trigger covered benefits in addition to those contained in Subsection R590-148-29.(2)(a) as long as they are defined in the policy.
(3) An insurer may use additional provisions for the determination of when benefits are payable under a policy or certificate; however the provisions shall not restrict, and are not in lieu of, the requirements contained in Subsections R590-148-29.(1) and (2).
(4) For purposes of this section the determination of a deficiency shall not be more restrictive than:
(a) requiring the hands-on assistance of another person to perform the prescribed activities of daily living; or
(b) if the deficiency is due to the presence of a cognitive impairment, supervision or verbal cuing by another person is needed in order to protect the insured or others.
(5) Assessments of activities of daily living and cognitive impairment shall be performed by licensed or certified professionals, such as physicians, nurses or social workers.
(6) Long-term care insurance policies shall include a clear description of the process for appealing and resolving benefit determinations.
(7) The requirements set forth in this section shall be effective July 1, 2002 and shall apply as follows:
(a) Except as provided in Subsection R590-148-29.(7)(b), the provisions of this section apply to a long-term care policy issued in this state on or after the effective date of the amended regulation.
(b) For certificates issued on or after the effective date of this section, under a group long-term care insurance policy that was in force at the time this amended regulation became effective, the provisions of this section shall not apply.

R590-148-30. Additional Standards for benefit Triggers for Qualified Long-Term care Insurance Contracts.

(1) For purposes of this section the following definitions apply:
(a) "Qualified long-term care services" means services that meet the requirements of Section 7702(c)(1) of the Internal Revenue Code of 1986, as amended, as follows: necessary diagnostic, preventive, therapeutic, curative, treatment, mitigation and rehabilitative services, and maintenance or personal care services which are required by a chronically ill individual, and are provided pursuant to a plan of care prescribed by a licensed health care practitioner.
(b)(i) "Chronically ill individual" has the meaning prescribed for this term by section 7702B(c)(2) of the Internal Revenue Code of 1986, as amended. Under this provision, a chronically ill individual means any individual who has been certified by a licensed health care practitioner as:
(A) Being unable to perform, without substantial assistance from another individual, at least two activities of daily living for a period of at least 90 days due to a loss of functional capacity; or
(B) Requiring substantial supervision to protect the individual from threats to health and safety due to severe cognitive impairment.
(ii) The term "chronically ill individual" shall not include an individual otherwise meeting these requirements unless within the preceding 12-month period a licensed health care practitioner has certified that the individual meets these requirements.
(c) "Licensed health care practitioner" means a physician, as defined in Section 1861(r)(1) of the Social Security Act, a registered professional nurse, licensed social worker or other individual who meets requirements prescribed by the Secretary of the Treasury.
(d) "Maintenance or personal care services" means any care the primary purpose of which is the provision of needed assistance with any of the disabilities as a result of which the individual is a chronically ill individual, including the protection from threats to health and safety due to severe cognitive impairment.
(2) A qualified long term care insurance contract shall pay only for qualified long term care services received by a chronically ill individual provided pursuant to a plan of care prescribed by a licensed health care practitioner.
(3) A qualified long-term care insurance contract shall condition the payment of benefits on a determination of the insured's inability to perform activities of daily living for an expected period of at least 90 days due to a loss of functional capacity or to severe cognitive impairment.
(4) Certifications regarding activities of daily living and cognitive impairment required pursuant to Subsection R590-148-29.(3) shall be performed by the following licensed or certified professionals: physicians, registered professional nurses, licensed social workers, or other individuals who meet requirements prescribed by the Secretary of the Treasury.
(5) Certifications required pursuant to Subsection R590-148-29(3) may be performed by a licensed health care professional at the direction of the carrier as is reasonably necessary with respect to a specific claim, except that when a licensed health care practitioner has certified that an insured is unable to perform activities of daily living for an expected period of at least 90 days due to a loss of functional capacity and the insured is in claim status, the certification may not be rescinded and additional certifications may not be performed until after the expiration of the 90-day period.
(6) Qualified long-term care insurance contracts shall include a clear description of the process for appealing and resolving disputes with respect to benefit determinations.

R590-148-31. Standard Format Outline of Coverage.

This section of the rule implements, interprets and prescribes a standard format of an outline of coverage for the provisions in Subsection 31A-22-1409(2).

[~~A.~~](1) The outline of coverage shall be a free-standing document, using no smaller than ten point type.

[~~B.~~](2) The outline of coverage may contain no material of an advertising nature.

[~~C.~~](3) Text which is capitalized or underscored in the standard format outline of coverage may be emphasized by other means which provide prominence equivalent to capitalization or underscoring.

[~~D.~~](4) Use of the text and sequence of text of the standard format outline of coverage is mandatory, unless otherwise specifically indicated.

[~~E. Format for outline of coverage:~~

~~TABLE III~~

~~(COMPANY NAME)~~

~~(ADDRESS - CITY AND STATE)~~

~~(TELEPHONE NUMBER)~~

~~LONG-TERM CARE INSURANCE~~

~~OUTLINE OF COVERAGE~~

~~(Policy Number or Group Master Policy and Certificate Number)~~

~~(Except for policies or certificates which are guaranteed issue, the following caution statement, or language substantially similar, must appear as follows in the outline of coverage.)~~

~~Caution: The issuance of this long term care insurance (policy) (certificate) is based upon your responses to the questions on your application. A copy of your (application) (enrollment form) (is enclosed) (was retained by you when you applied). If your answers are incorrect or untrue, the company has the right to deny benefits or rescind your policy. The best time to clear up any questions is now, before a claim arises! If, for any reason, any of your answers are incorrect, contact the company at this address: (insert address)~~

~~1. This policy is (an individual policy of insurance)(a group policy) which was issued in the (indicate jurisdiction in which group policy was issued).~~

~~2. PURPOSE OF OUTLINE OF COVERAGE. This outline of coverage provides a very brief description of the important features of the policy. You should compare this outline of coverage to outlines of coverage for other policies available to you. This is not an insurance contract, but only a summary of coverage. Only the individual or group policy contains governing contractual provisions. This means that the policy or group policy sets forth in detail the rights and obligations of both you and the insurance company. Therefore, if you purchase this coverage, or any other coverage, it is important that you READ YOUR POLICY (OR CERTIFICATE) CAREFULLY!~~

~~3. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE RETURNED AND PREMIUM REFUNDED.~~

~~(a) (Provide a brief description of the right to return "free look" provision of the policy.)~~

~~(b) (Include a statement that the policy either does or does not contain provisions providing for a refund or partial refund of premium upon the death of an insured or surrender of the policy or certificate. If the policy contains such provisions, include a description of them.)~~

~~4. THIS IS NOT MEDICARE SUPPLEMENT COVERAGE. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the insurance company.~~

~~(a) (For agents) Neither (insert company name) nor its agents represent Medicare, the federal government or any state government.~~

~~(b) (For direct response) (insert company name) is not representing Medicare, the federal government or any state government.~~

~~5. LONG TERM CARE COVERAGE. Policies of this category are designed to provide coverage for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital, such as in a nursing home, in the community or in the home.~~

~~This policy provides coverage in the form of a fixed dollar indemnity benefit for covered long term care expenses, subject to policy (limitations) (waiting periods) and (coinsurance) requirements. (Modify this paragraph if the policy is not an indemnity policy.)~~

~~6. BENEFITS PROVIDED BY THIS POLICY.~~

~~(a) (Covered services, related deductible(s), waiting periods, elimination periods and benefit maximums.)~~

~~(b) (Institutional benefits, by skill level.)~~

~~(c) (Non institutional benefits, by skill level.)~~

~~(Any benefit screens must be explained in this section. If these screens differ for different benefits, explanation of the screen should accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too must be specified. If activities of daily living (ADLs) are used to measure an insured's need for long term care, then these qualifying criteria or screens must be explained.)~~

~~7. LIMITATIONS AND EXCLUSIONS.~~

~~(Describe:~~

~~(a) Preexisting conditions;~~

~~(b) Non-eligible facilities/provider;~~

~~(c) Non-eligible levels of care (e.g., unlicensed providers, care or treatment provided by a family member, etc.);~~

~~(d) Exclusions/exceptions;~~

~~(e) Limitations.)~~

~~(This section should provide a brief specific description of any policy provisions which limit, exclude, restrict, reduce, delay, or in any other manner operate to qualify payment of the benefits described in (6) above.)~~

~~THIS POLICY MAY NOT COVER ALL THE EXPENSES ASSOCIATED WITH YOUR LONG-TERM CARE NEEDS.~~

~~8. RELATIONSHIP OF COST OF CARE AND BENEFITS. Because the costs of long-term care services will likely increase over time, you should consider whether and how the benefits of this plan may be adjusted. (As applicable, indicate the following:~~

~~(a) That the benefit level will not increase over time;~~

~~(b) Any automatic benefit adjustment provisions;~~

~~(c) Whether the insured will be guaranteed the option to buy additional benefits and the basis upon which benefits will be increased over time if not by a specified amount or percentage;~~

~~(d) If there is such a guarantee, include whether additional underwriting or health screening will be required, the frequency and amounts of the upgrade options, and any significant restrictions or limitations;~~

~~(e) And finally, describe whether there will be any additional premium charge imposed, and how that is to be calculated.)~~

~~9. TERMS UNDER WHICH THE POLICY (OR CERTIFICATE) MAY BE CONTINUED IN FORCE OR DISCONTINUED.~~

~~(a) Describe the policy renewability provisions;~~

~~(b) For group coverage, specifically describe continuation/conversion provisions applicable to the certificate and group policy;~~

~~(c) Describe waiver of premium provisions or state that there are not such provisions;~~

~~(d) State whether or not the company has a right to change premium, and if the right exists, describe clearly and concisely each circumstance under which premium may change.)~~

~~10. ALZHEIMER'S DISEASE AND OTHER ORGANIC BRAIN DISORDERS.~~

~~(State that the policy provides coverage for insureds clinically diagnosed as having Alzheimer's disease or related degenerative and dementing illnesses. Specifically describe each benefit screen or other policy provision which provides preconditions to the availability of policy benefits for the insured.)~~

~~11. PREMIUM.~~

~~(a) State the total annual premium for the policy;~~

~~(b) If the premium varies with an applicant's choice among benefit options, indicate the portion of annual premium which corresponds to each benefit option.)~~

~~12. ADDITIONAL FEATURES.~~

~~(a) Indicate if medical underwriting is used;~~

~~(b) Describe other important features.)~~

] (5) The format for outline of coverage can be found in Table IV, Long-Term Care Insurance Outline of Coverage.

[~~R590-148-21~~]R590-148-32. Requirement to Deliver Shopper's Guide.

[~~A.~~](1) A long-term care insurance shopper's guide in the format developed by the National Association of Insurance Commissioners, or a guide developed or approved by the commissioner, shall be provided to all prospective applicants of a long-term care insurance policy or certificate.

[~~(1)~~](a) In the case of agent solicitations, an agent must deliver the shopper's guide prior to the presentation of an application or enrollment form.

[~~(2)~~](b) In the case of direct response solicitations, the shopper's guide must be presented in conjunction with any application or enrollment form.

[~~B.~~](2) Life insurance policies or riders containing accelerated long-term care benefits are not required to furnish the above-referenced guide, but shall furnish the policy summary required under Subsection 31A-22-[~~1409(7)~~]1409(8).

R590-148-[~~22.~~]33. Penalties.

In addition to any other penalties provided by the laws of this state any insurer and any agent found to have violated any requirement of this state relating to the rule of long-term care insurance or the marketing of this insurance shall be subject to a fine of up to three times the amount of any commissions paid for each

policy involved in the violation or up to $10,000, whichever is greater.

R590-148-34. Enforcement Date.

The commissioner will begin enforcing the revised provision of this rule 30 days from the rule's effective date. Non-revised provisions are enforceable as of the effective date.

R590-148-35. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, such invalidity may not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this and the provisions of this rule are declared to be severable.

KEY: insurance
[~~1994~~]2001
31A-2-201
31A-22-1404
Notice of Continuation September 12, 1997

Public Safety, Driver License
R708-34
Medical Waivers for Intrastate Commercial Driving Privileges

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24111
FILED: 10/15/2001, 10:01

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule needs to be changed in order to allow commercial driver license applicants to carry a medical waiver card when driving a commercial vehicle intrastate. This change will make it more convenient for intrastate commercial drivers to verify they have met the medical requirements to drive a commercial vehicle.

SUMMARY OF THE RULE OR CHANGE: In order to drive a commercial motor vehicle interstate, a driver must always have a medical waiver card in his possession as per federal regulations. On the other hand, individuals who are only allowed to drive commercial vehicles within the State of Utah were not required to carry a medical waiver card. Because law enforcement officials were confused between knowing when a person should and should not have a medical waiver card, it became necessary to amend the rule and require all intrastate drivers to carry a medical waiver card.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-46a-3(2) and Section 53-3-303.5

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: It will cost the state $75 to provide 1,000 medical cards per year.
❖LOCAL GOVERNMENTS: Local government is not impacted by this change because they are not involved in issuing commercial driver licenses.
❖OTHER PERSONS: There will be no additional costs to individuals who need to have a medical waiver card to drive intrastate.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no additional costs to individuals who need to have a medical waiver card to drive intrastate.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no cost to businesses because of this rule change.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SAFETY
DRIVER LICENSE
4501 S 2700 W 3RD FL
SALT LAKE CITY UT 84119-5595, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Vinn Roos at the above address, by phone at 801-965-4456, by FAX at 801-964-4482, or by Internet E-mail at vroos@dps.state.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Judy Hamaker Mann, Director

R708. Public Safety, Driver License.
R708-34. Medical Waivers for Intrastate Commercial Driving Privileges.
R708-34-1. Purpose.

A person who desires to obtain an interstate commercial driver license must meet the minimum federal fitness standards dealing with physical, mental, and emotional health set forth in Part 391 of the Federal Motor Carrier Safety Regulations. As authorized by Section 53-3-303.5, compliance with those standards can be waived for a person who (a) desires to obtain commercial driving privileges for intrastate driving only, and (b) meets minimum state fitness standards. This rule sets forth the procedure whereby a person may apply for a waiver, and also for the Driver License Division to respond to waiver requests.

R708-34-2. Authority.

This rule is authorized by Subsection 63-46a-3(2) and Section 53-3-303.5.

R708-34-3. Definitions.

(1) "Board" means the Driver License Medical Advisory Board.

(2) "Commercial driving privileges" means the privilege given to any licensed operator of a motor vehicle who must be in compliance with Federal Fitness Standards for the purpose of transporting commerce in vehicles with a gross vehicle weight of at least 10,000 to 26,000 pounds or over, with or without a commercial driver license.

(3) "Department" means the Utah Department of Public Safety.

(4) "Division" means the Driver License Division.

(5) "Fitness standards" means standards set forth by the board for determining the physical, mental and emotional capabilities appropriate for issuance of intrastate commercial driver licenses.

(6) "Waiver" means approval granted by the division allowing a driver to drive commercial vehicles intrastate even though the driver does not meet the minimum federal fitness standards to drive commercial vehicles interstate.

(7) "Medical Waiver Card" means a card issued by the Driver License Division to verify the driver has met minimum state fitness standards to qualify for intrastate commercial driving privileges.

R708-34-4. Requesting a Waiver.

Drivers desiring an intrastate commercial driving privilege waiver shall:

(a) request a waiver application from the Driver License Division, Medical Waiver Program Coordinator, P.O. Box 30560, Salt Lake City, UT 84130-0560;

(b) submit to the division for approval a waiver application with a current Functional Ability Evaluation Medical Certificate Report and Certificate of Visual Examination, as required, and a non-refundable check or money order payable to the Utah Department of Public Safety for the waiver processing fee;

(c) take a letter received from the division granting the waiver to any commercial driver license office and apply for an intrastate commercial driving privilege with appropriate endorsements and/or restrictions; and

(d) pay applicable waiver fees, and when necessary, take appropriate written and skills tests to obtain the desired driving privilege.

R708-34-5. Obligation of Drivers Possessing Waivers.

Drivers possessing waivers must comply with division instructions requesting periodic updated medical information including submission of a Functional Ability Evaluation Medical Report, a Certificate of Visual Examination, and a non-refundable check or money order payable to the Department. Non-compliance with division instructions may result in the denial of commercial driving privileges.

R708-34-6. Driver License Medical Advisory Board Responsibilities.

The board shall:

(a) establish fitness standards for issuing intrastate commercial driver licenses under Title 53, Chapter 3, Part 4, Uniform Commercial Driver License Act; and

(b) review waiver applications when necessary and make recommendations to the division director.

R708-34-7. Driver License Division Responsibilities.

(1) The division shall provide information and guidance to waiver applicants and shall process all waiver applications.

(2) The division shall coordinate with and provide information to the board concerning waiver applications and shall issue a letter approving or disapproving a waiver after consideration of the board's recommendation.

(3) The division shall issue a medical waiver card which the applicant must carry while driving intrastate.

R708-34-8. Adjudicative Proceedings.

(1) In accordance with Subsection 63-46b-4(1) all adjudicative proceedings herein shall be conducted informally.

(2) A driver whose waiver application is denied, or whose waiver application is granted with restrictions that are unacceptable to the driver, may make a request for administrative review in accordance with Subsection 53-3-303(10) and for judicial review in accordance with Subsection 53-3-303(11).

KEY: intrastate driver license waivers
[~~May 16,~~] 2001
63-46a-3(2)
53-3-303.5

Regents (Board Of), Administration

R765-608

Utah Engineering and Computer Science Loan Forgiveness Program

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24130
FILED: 10/15/2001, 17:15

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change adds details on the administration of the Utah Engineering and Computer Science Loan Forgiveness Program.

SUMMARY OF THE RULE OR CHANGE: Qualifying institutions (as previously defined in the rule) will designate an individual to administer the program, establish selection criteria for nominees, and establish appeal procedures for their institution.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 53B, Chapter 6; and Pub. L. No. 102-325 (Higher Education Act)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Cost of discretionary annual appropriations to fund the program. Section 53B-6-105.7 authorizes but does not require annual appropriations to fund the forgiveness of student loans. No specific amount is specified.

❖LOCAL GOVERNMENTS: No responsibilities assigned, or charges made, to local government entities.

❖OTHER PERSONS: Utah Higher Education Assistance Authority will expend currently budgeted resources to administer the program.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Colleges and universities will experience minor costs in certifying applicants, within currently budgeted resources.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on Utah businesses. They might experience some benefit in recruiting technical personnel.

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

REGENTS (BOARD OF)
ADMINISTRATION
Room 550 3 TRIAD CENTER
355 W NORTH TEMPLE
SALT LAKE CITY UT 84180-1205, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cathryn Judd at the above address, by phone at 801-321-7249, by FAX at 801-321-7299, or by Internet E-mail at cjudd@utahsbr.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Chalmers Gail Norris, Associate Commissioner for Student Financial Aid

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R765. Regents (Board of), Administration.
R765-608. Utah Engineering and Computer Science Loan Forgiveness Program.
R765-608-1. Purpose.

To provide Utah Higher Education Assistance Authority ("UHEAA") policy and procedures for implementing the Utah Engineering and Computer Science Loan Forgiveness Program ("UECLP" or "program"), UCA 53B-6, Section 105.7, enacted in S.B. 61 by the 2001 General Session of the Utah Legislature.

R765-608-2. References.

2.1. Utah Code. Title 53B, Utah System of Higher Education, Chapter 6, Section 105-7.

2.2. State Board of Regents Policy R610, Board of Directors of the Utah Higher Education Assistance Authority

R765-608-3. Effective Date.

These policies and procedures are effective September 1, 2001.

R765-608-4. Policy.

4.1. Program Description - UECLP is a student loan forgiveness program authorized as part of the higher education Engineering and Computer Science Initiative established with an effective date of July 1, 2001. UCA 53B, Section 105.7 provides for establishment of the program "to recruit and train engineering, computer science, and related technology students to assist in providing for and advancing the intellectual and economic welfare of the state," and authorizes the State Board of Regents to provide by rule for the overall administration of the program, consistent with the general student loan provisions in Title 53B and policy guidelines contained in the Section.

4.2. Program Administration - The Board of Regents has delegated to the UHEAA Board of Directors the authority to govern UECLP on behalf of the Board of Regents. The program is administered by the Associate Commissioner for Student Financial Aid as Executive Director of UHEAA, reporting to the Commissioner of Higher Education.

4.3. Program Design - The program utilizes UHEAA-guaranteed Federal Family Education Loan Program (FFELP) Stafford Student Loans and Federal Perkins Student Loans as the vehicle for providing UECLP loan forgiveness. A students enrolled at a Qualifying Institution in a Qualifying Program applies to UHEAA, with an endorsement from the dean of the school or college in which enrolled, for a Certificate for Student Loan Forgiveness which guarantees that upon completion of the requirements for loan forgiveness the Recipient will receive a direct credit for reduction of the outstanding principal balance(s) of the Recipient's outstanding Stafford or Perkins Student Loan(s). The student applies for and receives the Stafford and/or Perkins Student Loans through regular application and award procedures. Upon completion of the Qualifying Program, and Qualifying Employment, the Recipient submits an Application for Student Loan Forgiveness to UHEAA, UHEAA verifies the Recipient's qualification and the loan forgiveness amount for which the Recipient qualifies, and promptly processes the payment of outstanding principal on the Recipient's student loan(s). If the remaining principal balance on the Recipient's student loans is less than the forgiveness amount for which the Recipient qualifies, UHEAA will pay any amount above the outstanding balance directly to the Recipient, up to the amount of Stafford or Perkins Student Loan principal actually borrowed by the Recipient while enrolled in the Qualifying Program. The loan forgiveness amount for which the Recipient qualifies will include the amount of Tuition and Fees, as defined in section 4.4.9, which is applicable to the academic year for which the Application for Student Loan Forgiveness is submitted, plus the portion of the Recipient's loan interest accrued or paid which is applicable to the principal amount to be paid on the Recipient's behalf.

4.4. Definitions -

4.4.1. Qualifying Institution - A college or university of the Utah System of Higher Education (USHE) which offers one or more Qualifying Programs.

4.4.2. Qualifying Program - An accredited engineering, computer science, or related technology baccalaureate degree program.

4.4.2.1. Related technology baccalaureate degree programs shall be limited to those certified by the Commissioner of Higher Education, in accordance with such criteria as may be established pursuant to UCA 53-B-6-105.

4.4.3. Eligible Student - A student who is enrolled on a full-time basis in a Qualifying Institution in a Qualifying Program, in good standing, and maintaining satisfactory academic progress as defined by the institution.

4.4.4. Recipient - A person who applies for and receives a UECLP Certificate for Student Loan Forgiveness from UHEAA.

4.4.5. Certificate for Student Loan Forgiveness - A certificate issued by UHEAA to an Eligible Student, which guarantees forgiveness of student loan principal plus related loan interest paid by the Recipient, up to the amount of Tuition and Fees paid for a

specified number of years of enrollment in a Qualifying Program for up to a specified number of years of Qualifying Employment.

4.4.6. Stafford Student Loan - A FFELP Stafford student loan, either subsidized or unsubsidized, guaranteed by UHEAA.

4.4.6.1. A subsidized Stafford Student Loan is certified by the student's institution on the basis of financial need, and qualifies for payment of interest by the U.S. Secretary of Education on the student's behalf while the student is enrolled at least half-time and during a six-month grace period after the student graduates or ceases to be enrolled at least half-time.

4.4.6.2. An unsubsidized Stafford Student Loan is certified by the student's institution either as needed in addition to the full subsidized loan amount, or for a student who does not qualify on the basis of financial need. The recipient of an unsubsidized Stafford Student Loan is responsible for payment of interest accruing from the date of disbursement of the loan, but may choose to have the interest deferred until the loan enters repayment (at the end of the grace period), at which time the interest is capitalized and added to the outstanding principal. The interest on an unsubsidized Stafford Student Loan is at the same favorable rates as determined annually according to statute for a subsidized Stafford Student Loan.

4.4.6.3. A student is required to file a Free Application for Federal Student Aid (FAFSA) to establish eligibility for either a subsidized or an unsubsidized Stafford Student Loan, but is entitled without limitation to receive the loan, up to statutorily-specified loan amounts, if eligible.

4.4.7. Perkins Student Loan - A Federal Perkins student loan awarded by the student's institution. Availability of Perkins Student Loans is limited, based on available funds, but a Perkins Student Loan may carry a more favorable interest rate than a Stafford Student Loan. Interest is not charged on a Perkins Student Loan [~~also is paid on behalf of the borrower~~] while the borrower is enrolled at least half time and during the applicable grace period thereafter. A student is required to file a FAFSA to establish eligibility for a Perkins Student Loan, but might not receive the loan even if eligible, due to limited availability.

4.4.8. Year of Qualifying Employment - Full-time employment within Utah, for a full 12-month period, in a position requiring the baccalaureate degree, in engineering or in the field of computer science or in a related technology field. Provided, however, that, if a Recipient's Qualifying Employment is as a public school teacher or USHE faculty member, the annual school year or academic year contract length shall qualify as a Year of Qualifying Employment.

4.4.8.1. For purposes of this definition, employment in the fields of engineering or computer science or in a related technology field must reasonably be demonstrated to utilize skills and knowledge required for an applicable Qualifying Program.

4.4.9. Tuition and Fees - Tuition and general fees applicable to the Qualifying Program, for the institution in which the recipient is enrolled, for a full-time-equivalent (FTE) student, as defined in annual tuition and fee schedules approved by the State Board of Regents.

4.5. Application for a Certificate for Student Loan Forgiveness - An Eligible Student may apply for a Certificate for Student Loan Forgiveness at any time during an academic year in which enrolled in a Qualifying Program. The application may be for the year in which currently enrolled and subsequent years, except that it may not include years prior to the academic year during which the application is submitted and the total number of years covered by the application may not exceed five.

4.5.1 The application shall include a declaration of intent to complete the Qualified Program in which enrolled, or an equivalent Qualifying Program, and to work within Utah in Qualifying Employment for a period of four years after graduation.

4.6. Application for Student Loan Forgiveness - A Recipient may apply for forgiveness of the amount of one year of Tuition and Fees paid, as a reduction in outstanding loan principal or as a direct payment as provided for in 4.3, after each completed Year of Qualifying Employment covered by the Certificate for Loan Forgiveness, subject to the following limitation:

4.6.1. The Certificate for Student Loan Forgiveness shall provide that its guarantee, and the Recipient's eligibility to submit an Application for Student Loan Forgiveness, shall expire at the end of the 72nd month (six years) after the Recipient's date of graduation with the baccalaureate degree. Provided, however, that a period of full-time enrollment in a graduate degree program related to the Recipient's Qualifying Program shall not be counted as part of the 72 months following the Recipient's graduation with the baccalaureate degree.

4.7. Eligibility for UHEAA Borrower Benefits - Regardless of whether or not the Recipient qualifies for and receives forgiveness of any part of the principal on a Stafford Student Loan, the Recipient will remain eligible for all forbearances, deferments, and other statutory privileges under the FFELP, and also shall remain eligible for all applicable principal reductions and interest rate reductions under UHEAA's borrower benefit programs. A Recipient who does qualify for and receive forgiveness of principal on a Stafford Student Loan under UECLP also shall remain eligible for all applicable principal reductions and interest rate reductions under UHEAA's borrower benefit programs.

4.8 Limited Availability and Allocation Principles - Funding for UECLP is dependent on annual legislative appropriations, and the ability to underwrite Certificates for Student Loan Forgiveness is limited. The Program Administrator shall establish an application and award calendar annually after the amount available for new awards is determined. Selection criteria established as part of the annual calendar shall include an initial tentative allocation by Qualifying Institutions proportionate to the number of engineering and computer science baccalaureate degrees awarded by each institution in the most recent academic year for which information is available, except that a minimum amount of $10,000 or five percent of the amount available, whichever is the lesser, shall be established for each Qualifying Institution. The President of each Qualifying Institution electing to participate in the program shall designate an individual to administer the program for the institution, and an alternate to administer the program in the absence of the designated administrator. Each institution shall establish criteria for the selection of nominees each academic year, in priority order from persons submitting an Application for Certificate for Student Loan forgiveness, and provision for an independent internal appeal of adverse decisions by the institution's program administrator. The institution's program administrator shall submit a copy of its selection criteria and appeal procedure for acceptance by UHEAA. Selection of Recipients from applicants certified by a Qualifying Institution [~~may~~] shall take into account the priority order of nominations from the institution, the institution's allocation for awards from available funds, and reasonable actuarial projections regarding the percentage of recipients of certificates who will qualify for and receive the payments of principal and interest guaranteed by certificates awarded [~~recommendations from an official designated by the president of the institution or may be on~~

~~the basis of the order of receipt of the applications for Certificates for Student Loan Forgiveness~~].

KEY: higher education, student loans*
2001
53B-6

▼ ▼

Regents (Board Of), Administration
R765-610
Utah Higher Education Assistance Authority Federal Family Education Loan Program, PLUS, SLS and Loan Consolidation Programs

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24131
FILED: 10/15/2001, 17:15

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Update the Common Manual, Unified Student Loan Policy, to the 2001 edition.

SUMMARY OF THE RULE OR CHANGE: Updates to Chapter 2, "About the FFELP"; Chapter 3, "Lender Participation"; Chapter 4, "School Participation";
Chapter 5, "Borrower Eligibility and Loan Certification"; Chapter 6, "Guarantee, Disbursement, and Delivery"; Chapter 7, "Loan Servicing"; Chapter 8, "Delinquency, Default and Claims"; Chapter 9, "Consolidation Loans"; and Appendix A, Appendix F, Appendix H, and Appendix G as outlined in the "Summary of Policy Changes" included with the updated manual.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53B-12-101(6); and Pub. L. No. 102-325 (Higher Education Act)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Common Manual, Unified Student Loan Policy, 2001

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None--There are no appropriated state funds involved in student loan programs. There are no procedural changes or increase in workload due to this change.
❖LOCAL GOVERNMENTS: None--Local governments are not involved in student loan programs. There are no procedural changes or increase in workload due to this change.
❖OTHER PERSONS: There may be indeterminate cost savings due to simplification of student loan policies. There are no procedural changes or increase in workload due to this change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Updated rule does not add any new compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Common Manual policies updated and incorporated by this rule merely reflect Federal regulations regarding student loan programs.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
REGENTS (BOARD OF)
ADMINISTRATION
Room 550 3 TRIAD CENTER
355 W NORTH TEMPLE
SALT LAKE CITY UT 84180-1205, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cathryn Judd at the above address, by phone at 801-321-7249, by FAX at 801-321-7299, or by Internet E-mail at cjudd@utahsbr.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Chalmers Gail Norris, Associate Commissioner for Student Financial Aid

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R765. Regents (Board of), Administration.
R765-610. Utah Higher Education Assistance Authority Federal Family Education Loan Program, PLUS, SLS and Loan Consolidation Programs.
R765-610-1. Purpose.
To incorporate by reference all statutes, regulations and rules governing the Federal Family Education Loan Program, PLUS, SLS and Loan Consolidation programs.

R765-610-2. References.
2.1 Utah Code. Title 53B, Utah System of Higher Education, Chapter 12.
2.2 U.S. Congress, Title IV of the Higher Education Act of 1965, as amended.
2.3 U.S. Department of Education. Code of Federal Regulations, 34 CFR Parts 600, 668 and 682.
2.4 "Common Manual, Unified Student Loan Policy" published by Common Manual Guarantors, [~~2000~~] 2001.

R765-610-3. Definitions.
3.1 "UHEAA" means Utah Higher Education Assistance Authority.
3.2 "SLS" means Federal Supplemental Loans for Students Program.
3.3 "PLUS" means Federal PLUS Program.
3.4 "FFELP" means the Federal Family Education Loan Program. This consists of the Federal Subsidized Stafford Loan Program, the Federal Unsubsidized Stafford Loan Program, the

Federal PLUS Program, the Federal Supplemental Loans for Students Program (SLS), and the Federal Loan Consolidation Program.

R765-610-4. Incorporation by Reference.

4.1 UHEAA, as the designated guarantor for the FFELP in the state of Utah, hereby incorporates by reference the following documents:

4.1.1 Title IV of the U.S. Higher Education Act of 1965, as amended.

4.1.2 U.S. Department of Education 34 CFR Parts 600, 668, and 682.

4.1.3 "Common Manual, Unified Student Loan Policy", published by Common Manual Guarantors, 2000.

R765-610-5. Policy.

5.1 Any action taken by UHEAA in accordance with UHEAA policies shall be performed by the Executive Director of UHEAA, or the Executive Director's designee.

5.2 UHEAA shall establish, from time to time, additional policies governing the operation of FFELP in accordance with requirements as referenced in 4.1.1, 4.1.2 and 4.1.3 of this rule. Such policies will be filed as rules in the Utah Administrative Code in accordance with the Administrative Rulemaking Act of this state as found in Title 63, Chapter 46a of the Utah Code.

5.3 Students and parents who are eligible for loans contemplated by this rule, and who wish to apply, shall be expected to comply with these rules. A copy of all federal statutes and regulations, and state rules, directly affecting FFELP, and a copy of the "Common Manual, Unified Student Loan Policy", are available for public inspection, or can be obtained from UHEAA's offices at 355 West North Temple, 3 Triad Center, Suite 550, Salt Lake City, Utah 84180.

KEY: higher education, student loans*
September 15, 2000
Notice of Continuation July 15, 1997
53B-12-101(6)

Regents (Board Of), Administration
R765-612
Lender Participation

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24132
FILED: 10/15/2001, 17:15

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To add information regarding a participating lender's authorization to make loans guaranteed by the Utah Higher Education Assistance Authority (UHEAA) to students attending a school which has an affiliation with a school located in Utah.

SUMMARY OF THE RULE OR CHANGE: Participating lenders may make loans guaranteed by UHEAA to any eligible borrower who attends a school which is located in Utah or has an affiliation (as defined in the rule) with a school located in Utah.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53B-12-101(6), and Pub. L. No. 102-325 (Higher Education Act)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None--There are no appropriated state funds involved in student loan programs.
❖LOCAL GOVERNMENTS: None--Local governments are not involved in student loan programs.
❖OTHER PERSONS: None--This change expands lender ability to make student loans and may increase lender revenue.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This change expands lender ability to make student loans and may increase lender revenue.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The definition clarification made by this rule does not result in any new requirements for lenders.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
REGENTS (BOARD OF)
ADMINISTRATION
Room 550 3 TRIAD CENTER
355 W NORTH TEMPLE
SALT LAKE CITY UT 84180-1205, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cathryn Judd at the above address, by phone at 801-321-7249, by FAX at 801-321-7299, or by Internet E-mail at cjudd@utahsbr.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Chalmers Gail Norris, Associate Commissioner for Student Financial Aid

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R765. Regents (Board of), Administration.
R765-612. Lender Participation.
R765-612-1. Purpose.

To establish the lender eligibility requirements for participation as an originating lender in the UHEAA loan program.

R765-612-2. References.

2.1 Utah Code Annotated Title 53B, Chapter 12.

2.2 Higher Education Act of 1965, as amended.

R765-612-3. Definitions.

3.1 Originating Lender. A lending institution which originates Federal Stafford, PLUS, SLS or Consolidation Loans.

3.2 Located in Utah [~~Office~~]. With respect to this rule, a lender is located in Utah if the lender has an office in Utah [~~an office is a location which is operated by a subsidiary of a bank chartered within the Sate of Utah or in a state other than Utah~~] where the lender's full range of products and services is [~~are~~] available to the lender's customers for routine business transactions. An office [~~location~~] established for the sole purpose of collecting student loan applications [~~does not constitute an office~~] is not sufficient to qualify a lender as being located in Utah.

3.3 Headquartered. With respect to this rule, the state in which a lender or entity is headquartered is determined by the location of its [~~the Lender's~~] primary administrative center.

3.4 Affiliation. With respect to this rule, an affiliation exists between schools if a school is under common control with another school and the controlling entity is headquartered in Utah.

R765-612-4. Policy.

4.1 To participate as an originating lender in the UHEAA loan program, a lender must:

4.1.1 be located [~~have an office~~] in Utah;

4.1.2 be an eligible lender as defined by the Higher Education Act of 1965, as amended;

4.1.3 obtain a six-digit lender identification number issued by the U.S. Department of Education; and

4.1.4 execute an "Agreement to Guarantee Loans" with UHEAA.

4.2 A lender which meets the requirements of 4.1 [~~eligible for participation in the UHEAA loan program~~] may make loans guaranteed by UHEAA to any eligible borrower who:

4.2.1 [~~Any eligible borrower who applies through an originating lender that meets the requirements of 4.1 and is headquartered in Utah; or~~]attends a school which is located in Utah or has an affiliation with a school located in Utah;or

4.2.2 is a [~~A~~] Utah resident, [~~a non-Utah resident attending an institution located in Utah,~~] or a non-Utah resident who has previously received a loan guaranteed by UHEAA [~~who applies through an originating lender that meets the requirements of 4.1 and is headquartered in a State other than Utah~~].

4.3 A lender which meets the requirements of 4.1 and is headquartered in Utah may make loans guaranteed by UHEAA to any eligible borrower.

4.[~~3~~]4 A lender which participates in the UHEAA loan program is considered pre-approved. [~~A pre-approved lender is not required to complete a borrower's loan application and promissory note.~~]

4.[~~4~~]5 By disbursing the loan, the lender acknowledges its approval of the loan.

4.[~~5~~]6 A guarantee issued by UHEAA may be cancelled by the lender, if the lender does not grant approval of the loan.

4.7 If the lender violates or fails to comply with the provisions of this policy or the Higher Education Act of 1965, as amended, the lender will be liable for any penalties, claims, actions and expenses relating to the violation. In addition, the lender may be subject to limitation, suspension or termination under the Higher Education Act of 1965, as amended.

KEY: higher education, student loans*
October 26, 1998
Notice of Continuation July 15, 1997
53B-12-101(6)

▼ ▼

Tax Commission, Property Tax
R884-24P-33
2002 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24120
FILED: 10/15/2001, 17:06

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-301 requires the county assessor to assess all property located within the county. Subsection 59-2-210(3) authorizes the Tax Commission to promulgate rules that aid county officials in the peformance of any duties relating to the assessment and equalization of property within the county.

SUMMARY OF THE RULE OR CHANGE: Proposed amendment places into rule current practice for valuing property purchased used; and provides a residual taxable value of $1,000 for motor homes.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-301

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Language placing current practice into rule has no impact on budgets. Language providing a residual taxable value for motor homes will not have a measurable impact to state or local budgets or costs of administration because of the limited numer of individuals impacted and the minimal tax increase as a result of the amendment.

❖LOCAL GOVERNMENTS: Language placing current practice into rule has no impact on budgets. Language providing a residual taxable value for motor homes will not have a measurable impact to state or local budgets or costs of administration because of the limited numer of individuals impacted and the minimal tax increase as a result of the amendment.

❖OTHER PERSONS: Given the high cost of motor homes the potential for any impact on motor home owners is extremely limited and very rare. The only potential impact is to owners of very old motor homes which are still in service. In these very rare instances, the value of an older motor home may increase from $800 or $900 to the new residual of $1,000. For these few owners, this increase may represent as much as $3 per motor home. Amendments to place current practice into rule have no impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Given the high cost of motor homes the potential for any impact on motor home owners is extremely limited and very rare. The only potential impact is to owners of very old motor homes which are still in service. In these very rare instances, the value of an older motor home may increase from $800 or $900 to the new residual of $1,000. For these few owners, this increase may represent as much as $3 per motor home. Amendments to place current practice into rule have no impact.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The likelihood of any individual being impacted by the addition of the residual is remote and, at most, minimal in amount.

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

TAX COMMISSION
PROPERTY TAX
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@tax.state.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.
R884-24P. Property Tax.
R884-24P-33. 2002 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301.

A. Definitions.

1. "Acquisition cost" means all costs required to put an item into service, including purchase price, freight and shipping costs; installation, engineering, erection or assembly costs; and excise and sales taxes.

a) Indirect costs such as debugging, licensing fees and permits, insurance or security are not included in the acquisition cost.

b) Acquisition cost may correspond to the cost new for new property, or cost used for used property.

2. "Actual cost" includes the value of components necessary to complete the vehicle, such as tanks, mixers, special containers, passenger compartments, special axles, installation, engineering, erection, or assembly costs.

a) Actual cost does not include sales or excise taxes, maintenance contracts, registration and license fees, dealer charges, tire tax, freight, or shipping costs.

3. "Cost new" means the actual cost of the property when purchased new.

a) Except as otherwise provided in this rule, the Tax Commission and assessors shall rely on the following sources to determine cost new:

[~~a~~](1) documented actual cost of the new or used vehicle; or

[~~b~~](2) recognized publications that provide a method for approximating cost new for new or used vehicles.

b) For the following property purchased used, the taxing authority may determine cost new by dividing the property's actual cost by the percent good factor for that class:

(1) class 6 heavy and medium duty trucks;
(2) class 9 off-highway vehicles;
(3) class 11 street motorcycles;
(4) class 13 heavy equipment;
(5) class 14 motor homes;
(6) class 17 boats;
(7) class 18 travel trailers/truck campers;
(8) class 21 commercial and utility trailers;
(9) class 23 aircraft subject to the aircraft uniform fee and not listed in the aircraft bluebook price digest; and
(10) class 26 personal watercraft.

4. "Percent good" means an estimate of value, expressed as a percentage, based on a property's acquisition cost or cost new, adjusted for depreciation and appreciation of all kinds.

a) The percent good factor is applied against the acquisition cost or the cost new to derive taxable value for the property.

b) Percent good schedules are derived from an analysis of the Internal Revenue Service Class Life, the Marshall and Swift Cost index, other data sources or research, and vehicle valuation guides such as NADA.

B. Each year the Property Tax Division shall update and publish percent good schedules for use in computing personal property valuation.

1. Proposed schedules shall be transmitted to county assessors and interested parties for comment before adoption.

2. A public comment period will be scheduled each year and a public hearing will be scheduled if requested by ten or more interested parties or at the discretion of the Commission.

3. County assessors may deviate from the schedules when warranted by specific conditions affecting an item of personal property. When a deviation will affect an entire class or type of personal property, a written report, substantiating the changes with verifiable data, must be presented to the Commission. Alternative schedules may not be used without prior written approval of the Commission.

C. Other taxable personal property that is not included in the listed classes includes:

1. Supplies on hand as of January 1 at 12:00 noon, including office supplies, shipping supplies, maintenance supplies, replacement parts, lubricating oils, fuel and consumable items not held for sale in the ordinary course of business. Supplies are assessed at total cost, including freight-in.

2. Equipment leased or rented from inventory is subject to ad valorem tax. Refer to the appropriate property class schedule to determine taxable value.

3. Property held for rent or lease is taxable, and is not exempt as inventory. For entities primarily engaged in rent-to-own, inventory on hand at January 1 is exempt and property out on rent-to-own contracts is taxable.

D. Personal property valuation schedules may not be appealed to, or amended by, county boards of equalization.

E. All taxable personal property is classified by expected economic life as follows:

1. Class 1 - Short Life Property. Property in this class has a typical life of more than one year and less than four years. It is fungible in that it is difficult to determine the age of an item retired from service.

a) Examples of property in the class include:

(1) barricades/warning signs;
(2) library materials;
(3) patterns, jigs and dies;
(4) pots, pans, and utensils;
(5) canned computer software;
(6) hotel linen;
(7) wood and pallets;
(8) video tapes, compact discs, and DVDs; and
(9) uniforms.

b) With the exception of video tapes, compact discs, and DVDs, taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

c) A licensee of canned computer software shall use one of the following substitutes for acquisition cost of canned computer software if no acquisition cost for the canned computer software is stated:

(1) retail price of the canned computer software;

(2) if a retail price is unavailable, and the license is a nonrenewable single year license agreement, the total sum of expected payments during that 12-month period; or

(3) if the licensing agreement is a renewable agreement or is a multiple year agreement, the present value of all expected licensing fees paid pursuant to the agreement.

d) Video tapes, compact discs, and DVDs are valued at $15.00 per tape or disc for the first year and $3.00 per tape or disc thereafter.

TABLE 1

Year of Acquisition	Percent Good of Acquisition Cost
01	70%
00	40%
99 and prior	10%

2. Class 2 - Computer Integrated Machinery.

a) Machinery shall be classified as computer integrated machinery if all of the following conditions are met:

(1) The equipment is sold as a single unit. If the invoice breaks out the computer separately from the machine, the computer must be valued as Class 12 property and the machine as Class 8 property.

(2) The machine cannot operate without the computer and the computer cannot perform functions outside the machine.

(3) The machine can perform multiple functions and is controlled by a programmable central processing unit.

(4) The total cost of the machine and computer combined is depreciated as a unit for income tax purposes.

(5) The capabilities of the machine cannot be expanded by substituting a more complex computer for the original.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 2

Year of Acquisition	Percent Good of Acquisition Cost
01	87%
00	72%
99	60%
98	51%
97	44%
96	35%
95	26%
94 and prior	17%

3. Class 3 - Short Life Trade Fixtures. Property in this class generally consists of electronic types of equipment and includes property subject to rapid functional and economic obsolescence or severe wear and tear.

a) Examples of property in this class include:

(1) office machines;
(2) alarm systems;
(3) shopping carts;
(4) ATM machines;
(5) small equipment rentals;
(6) rent-to-own merchandise;
(7) telephone equipment and systems;
(8) music systems;
(9) vending machines;
(10) video game machines; and
(11) cash registers and point of sale equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 3

Year of Acquisition	Percent Good of Acquisition Cost
01	83%
00	67%
99	51%
98	34%
97 and prior	17%

4. Class 5 - Long Life Trade Fixtures. Class 5 property is subject to functional obsolescence in the form of style changes.

a) Examples of property in this class include:

(1) furniture;
(2) bars and sinks:
(3) booths, tables and chairs;
(4) beauty and barber shop fixtures;
(5) cabinets and shelves;
(6) displays, cases and racks;
(7) office furniture;
(8) theater seats;
(9) water slides; and
(10) signs, mechanical and electrical.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 5

Year of Acquisition	Percent Good of Acquisition Cost
01	90%
00	81%
99	72%
98	62%

97	52%
96	42%
95	33%
94	22%
93 and prior	12%

5. Class 6 - Heavy and Medium Duty Trucks.

a) Examples of property in this class include:

(1) heavy duty trucks; and

(2) medium duty trucks.

b) Taxable value is calculated by applying the percent good factor against the cost new.

c) Cost new of vehicles in this class is defined as follows:

(1) the documented actual cost of the vehicle for new vehicles; or

(2) 75 percent of the manufacturer's suggested retail price[~~; or~~

~~(3) for vehicles purchased used, the taxing authority may determine cost new by dividing the vehicle's actual cost by the percent good factor~~].

d) For state assessed vehicles, cost new shall include the value of attached equipment.

e) The 2002 percent good applies to 2002 models purchased in 2001.

f) Trucks weighing two tons or more have a residual taxable value of $1,750.

TABLE 6

Model Year	Percent Good of Cost New
02	90%
01	68%
00	63%
99	58%
98	53%
97	48%
96	44%
95	39%
94	34%
93	29%
92	24%
91	19%
90	14%
89 and prior	10%

6. Class 7 - Medical and Dental Equipment. Class 7 property is subject to a high degree of technological development by the health industry.

a) Examples of property in this class include:

(1) medical and dental equipment and instruments;

(2) exam tables and chairs;

(3) high-tech hospital equipment;

(4) microscopes; and

(5) optical equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 7

Year of Acquisition	Percent Good of Acquisition Cost
01	91%
00	84%
99	77%
98	68%
97	61%
96	53%
95	45%
94	37%
93	29%
92	19%
91 and prior	10%

7. Class 8 - Machinery and Equipment. Property in this class is subject to considerable functional and economic obsolescence created by competition as technologically advanced and more efficient equipment becomes available.

a) Examples of property in this class include:

(1) manufacturing machinery;

(2) amusement rides;

(3) bakery equipment;

(4) distillery equipment;

(5) refrigeration equipment;

(6) laundry and dry cleaning equipment;

(7) machine shop equipment;

(8) processing equipment;

(9) auto service and repair equipment;

(10) mining equipment;

(11) ski lift machinery;

(12) printing equipment;

(13) bottling or cannery equipment; and

(14) packaging equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 8

Year of Acquisition	Percent Good of Acquisition Cost
01	91%
00	84%
99	77%
98	68%
97	61%
96	53%
95	45%
94	37%
93	29%
92	19%
91 and prior	10%

8. Class 9 - Off-Highway Vehicles.

a) Examples of property in this class include:

(1) dirt and trail motorcycles;

(2) all terrain vehicles;

(3) golf carts; and

(4) snowmobiles.

b) Taxable value is calculated by applying the percent good factor against the cost new.

c) The 2002 percent good applies to 2002 models purchased in 2001.

d) Off-Highway Vehicles have a residual taxable value of $500.

TABLE 9

Model Year	Percent Good of Cost New
02	90%
01	59%
00	56%
99	53%
98	49%

97	46%
96	42%
95	39%
94	36%
93	32%
92	29%
91	25%
90	22%
89 and prior	19%

9. Class 10 - Railroad Cars. The Class 10 schedule was developed to value the property of railroad car companies. Functional and economic obsolescence is recognized in the developing technology of the shipping industry. Heavy wear and tear is also a factor in valuing this class of property.

a) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 10

Year of Acquisition	Percent Good of Acquisition Cost
01	93%
00	88%
99	82%
98	75%
97	69%
96	63%
95	58%
94	52%
93	46%
92	39%
91	31%
90	24%
89	16%
88 and prior	9%

10. Class 11 - Street Motorcycles.

a) Examples of property in this class include:

(1) street motorcycles;

(2) scooters; and

(3) mopeds.

b) Taxable value is calculated by applying the percent good factor against the cost new.

c) The 2002 percent good applies to 2002 models purchased in 2001.

d) Street motorcycles have a residual taxable value of $500.

TABLE 11

Model Year	Percent Good of Cost New
02	90%
01	63%
00	61%
99	59%
98	57%
97	54%
96	52%
95	50%
94	48%
93	46%
92	44%
91	42%
90	40%
89	37%
88	35%
87	33%
86	31%
85 and prior	29%

11. Class 12 - Computer Hardware.

a) Examples of property in this class include:

(1) data processing equipment;

(2) personal computers;

(3) main frame computers;

(4) computer equipment peripherals; and

(5) cad/cam systems.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 12

Year of Acquisition	Percent Good of Acquisition Cost
01	85%
00	58%
99	37%
98	24%
97	15%
96 and prior	9%

12. Class 13 - Heavy Equipment.

a) Examples of property in this class include:

(1) construction equipment;

(2) excavation equipment;

(3) loaders;

(4) batch plants;

(5) snow cats; and

(6) pavement sweepers.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

c) 2002 model equipment purchased in 2001 is valued at 100 percent of acquisition cost.

TABLE 13

Year of Acquisition	Percent Good of Acquisition Cost
01	64%
00	61%
99	57%
98	54%
97	50%
96	47%
95	43%
94	40%
93	36%
92	33%
91	30%
90	26%
89	23%
88 and prior	19%

13. Class 14 - Motor Homes.

a) Taxable value is calculated by applying the percent good against the cost new.

b) The 2002 percent good applies to 2002 models purchased in 2001.

c) Motor homes have a residual taxable value of $1,000.

TABLE 14

Model Year	Percent Good of Cost New
02	90%
01	67%

00	64%
99	61%
98	58%
97	55%
96	52%
95	49%
94	46%
93	43%
92	40%
91	37%
90	34%
89	31%
88	27%
87	24%
86 and prior	21%

14. Class 15 - Semiconductor Manufacturing Equipment. Class 15 applies only to equipment used in the production of semiconductor products.

a) Examples of property in this class include:

(1) crystal growing equipment;

(2) die assembly equipment;

(3) wire bonding equipment;

(4) encapsulation equipment;

(5) semiconductor test equipment;

(6) clean room equipment;

(7) chemical and gas systems related to semiconductor manufacturing;

(8) deionized water systems;

(9) electrical systems; and

(10) photo mask and wafer manufacturing dedicated to semiconductor production.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 15

Year of Acquisition	Percent Good of Acquisition Cost
01	74%
00	54%
99	38%
98	24%
97 and prior	10%

15. Class 16 - Long-Life Property. Class 16 property has a long physical life with little obsolescence.

a) Examples of property in this class include:

(1) billboards;

(2) sign towers;

(3) radio towers;

(4) ski lift and tram towers;

(5) non-farm grain elevators; and

(6) bulk storage tanks.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 16

Year of Acquisition	Percent Good of Acquisition Cost
01	95%
00	91%
99	87%
98	82%
97	78%
96	74%
95	70%
94	67%
93	63%
92	58%
91	53%
90	48%
89	43%
88	39%
87	34%
86	27%
85	21%
84	14%
83 and prior	7%

16. Class 17 - Boats.

a) Examples of property in this class include:

(1) boats; and

(2) boat motors.

b) Taxable value is calculated by applying the percent good factor against the cost new of the property.

c) The Tax Commission and assessors shall rely on the following sources to determine cost new for property in this class:

(1) the following publications or valuation methods:

(a) the manufacturer's suggested retail price listed in the ABOS Marine Blue Book;

(b) for property not listed in the ABOS Marine Blue Book but listed in the NADA Marine Appraisal Guide, the NADA average value for the property divided by the percent good factor; or

(c) for property not listed in the ABOS Marine Blue Book or the NADA Appraisal Guide:

i) the manufacturer's suggested retail price for comparable property; or

ii) the cost new established for that property by a documented valuation source; or

(2) the documented actual cost of new or used property in this class.

d) The 2002 percent good applies to 2002 models purchased in 2001.

e) Boats have a residual taxable value of $500.

TABLE 17

Model Year	Percent Good of Cost New
02	90%
01	69%
00	67%
99	65%
98	63%
97	60%
96	58%
95	56%
94	54%
93	51%
92	49%
91	47%
90	45%
89	42%
88	40%
87	38%
86	36%
85	33%
84	31%
83	29%
82 and prior	27%

17. Class 18 - Travel Trailers/Truck Campers.

a) Examples of property in this class include:

(1) travel trailers;

(2) truck campers; and
(3) tent trailers.

b) Taxable value is calculated by applying the percent good factor against the cost new.

c) The 2002 percent good applies to 2002 models purchased in 2001.

d) Trailers and truck campers have a residual taxable value of $500.

TABLE 18

Model Year	Percent Good of Cost New
02	90%
01	66%
00	63%
99	60%
98	57%
97	54%
96	51%
95	48%
94	46%
93	43%
92	40%
91	37%
90	34%
89	31%
88	28%
87	25%
86 and prior	22%

18. Class 20 - Petroleum and Natural Gas Exploration and Production Equipment. Class 20 property is subject to significant functional and economic obsolescence due to the volatile nature of the petroleum industry.

a) Examples of property in this class include:
(1) oil and gas exploration equipment;
(2) distillation equipment;
(3) wellhead assemblies;
(4) holding and storage facilities;
(5) drill rigs;
(6) reinjection equipment;
(7) metering devices;
(8) cracking equipment;
(9) well-site generators, transformers, and power lines;
(10) equipment sheds;
(11) pumps;
(12) radio telemetry units; and
(13) support and control equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 20

Year of Acquisition	Percent Good of Acquisition Cost
01	92%
00	87%
99	80%
98	73%
97	67%
96	61%
95	55%
94	48%
93	41%
92	33%
91	25%
90	17%
89 and prior	9%

19. Class 21 - Commercial and Utility Trailers.

a) Examples of property in this class include:
(1) commercial trailers;
(2) utility trailers;
(3) cargo utility trailers;
(4) boat trailers;
(5) converter gears;
(6) horse and stock trailers; and
(7) all trailers not included in Class 18.

b) Taxable value is calculated by applying the percent good factor against the cost new of the property. For state assessed vehicles, cost new shall include the value of attached equipment.

c) The 2002 percent good applies to 2002 models purchased in 2001.

d) Commercial and utility trailers have a residual taxable value of $500.

TABLE 21

Model Year	Percent Good of Cost New
02	95%
01	53%
00	51%
99	49%
98	46%
97	44%
96	42%
95	39%
94	37%
93	35%
92	33%
91	30%
90	28%
89	26%
88	23%
87	21%
86 and prior	19%

20. Class 22 - Passenger Cars, Light Trucks/Utility Vehicles, and Vans.

a) Class 22 vehicles fall within four subcategories: domestic passenger cars, foreign passenger cars, light trucks, including utility vehicles, and vans.

b) Because Section 59-2-405.1 subjects Class 22 property to an age-based uniform fee, a percent good schedule is not necessary for this class.

21. Class 23 - Aircraft Subject to the Aircraft Uniform Fee and Not Listed in the Aircraft Bluebook Price Digest.

a) Examples of property in this class include:
(1) kit-built aircraft;
(2) experimental aircraft;
(3) gliders;
(4) hot air balloons; and
(5) any other aircraft requiring FAA registration.

b) Aircraft subject to the aircraft uniform fee, but not listed in the Aircraft Bluebook Price Digest, are valued by applying the percent good factor against the acquisition cost of the aircraft.

c) Aircraft requiring Federal Aviation Agency registration and kept in Utah must be registered with the Motor Vehicle Division of the Tax Commission.

TABLE 23

Year of Acquisition	Percent Good of Acquisition Cost
01	75%
00	71%
99	67%
98	63%
97	59%
96	55%
95	51%
94	47%
93	43%
92	39%
91	35%
90 and prior	31%

22. Class 24 - Leasehold Improvements.

a) This class includes leasehold improvements to real property installed by a tenant. The Class 24 schedule is to be used only with leasehold improvements that are assessed to the lessee of the real property pursuant to Tax Commission rule R884-24P-32. Leasehold improvements include:

(1) walls and partitions;
(2) plumbing and roughed-in fixtures;
(3) floor coverings other than carpet;
(4) store fronts;
(5) decoration;
(6) wiring;
(7) suspended or acoustical ceilings;
(8) heating and cooling systems; and
(9) iron or millwork trim.

b) Taxable value is calculated by applying the percent good factor against the cost of acquisition, including installation.

c) The Class 3 schedule is used to value short life leasehold improvements.

TABLE 24

Year of Installation	Percent of Installation Cost
01	94%
00	88%
99	82%
98	77%
97	71%
96	65%
95	59%
94	54%
93	48%
92	42%
91	36%
90 and prior	30%

23. Class 25 - Aircraft Parts Manufacturing Tools and Dies. Property in this class is generally subject to rapid physical, functional, and economic obsolescence due to rapid technological and economic shifts in the airline parts manufacturing industry. Heavy wear and tear is also a factor in valuing this class of property.

a) Examples of property in this class include:

(1) aircraft parts manufacturing jigs and dies;
(2) aircraft parts manufacturing molds;
(3) aircraft parts manufacturing patterns;
(4) aircraft parts manufacturing taps and gauges;
(5) aircraft parts manufacturing test equipment; and
(6) aircraft parts manufacturing fixtures.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 25

Year of Acquisition	Percent Good of Acquisition Cost
01	83%
00	68%
99	52%
98	35%
97	19%
96 and prior	4%

24. Class 26 - Personal Watercraft.

a) Examples of property in this class include:

(1) motorized personal watercraft; and
(2) jet skis.

b) Taxable value is calculated by applying the percent good factor against the cost new.

c) The 2002 percent good applies to 2002 models purchased in 2001.

d) Personal watercraft have a residual taxable value of $500.

TABLE 26

Model Year	Percent Good of Cost New
02	90%
01	63%
00	59%
99	55%
98	51%
97	48%
96	44%
95	40%
94	36%
93	32%
92	28%
91	24%
90	20%
89 and prior	17%

25. Class 27 - Electrical Power Generating Equipment and Fixtures

a) Examples of property in this class include:

(1) electrical power generators; and
(2) control equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 27

Year of Acquisition	Percent Good of Acquisition Cost
01	97%
00	95%
99	92%
98	90%
97	87%
96	84%
95	82%
94	79%
93	77%
92	74%
91	71%
90	69%
89	66%
88	64%

87	61%
86	58%
85	56%
84	53%
83	51%
82	48%
81	45%
80	43%
79	40%
78	38%
77	35%
76	32%
75	30%
74	27%
73	25%
72	22%
71	19%
70	17%
69	14%
68	12%
67 and prior	9%

F. The provisions of this rule shall be implemented and become binding on taxpayers beginning January 1, 2002.

KEY: taxation, personal property, property tax, appraisal
[~~May 14,~~]2001
59-2-301

Tax Commission, Property Tax
R884-24P-53
2001 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24118
FILED: 10/15/2001, 15:18

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-515 authorizes the State Tax Commission to promulgate rules regarding Part 5, "Farmland Assessment Act" of Chapter 2, "Property Tax Act." Section 59-2-514 authorizes the State Tax Commission to receive farmland valuation recommendations from the State Farmland Evaluation Advisory Committee for implementation in Section R884-24P-53.

SUMMARY OF THE RULE OR CHANGE: This rule amendment annually updates the agricultural-use values to be applied by county assessors to land that qualifies for valuation and assessment under the Farmland Assessment Act. The values are recommended to the Commission by the State Farmland Evaluation Advisory Committee which meets under the authority of Section 59-2-514.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-515

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The amount of savings or cost to state government is undetermined. The state receives tax revenue for assessing and collecting and for the uniform school fund based on increased or decreased property valuation, including property assessed under the Farmland Assessment Act (greenbelt). Agricultural land valuation (taxable value) changes have been recommended by land classification and by county. This year, 119 class/county valuations will increase, 67 will decrease, and 154 will remain unchanged. No total cost or savings could be calculated without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 2002, and a listing of property no longer qualifying which is removed from greenbelt during 2002. However, it is estimated that the overall change is minimal due to this amendment.
❖LOCAL GOVERNMENTS: The amount of savings or cost to local government is undetermined. Local governmental entities receive tax revenue based on increased or decreased property valuation, including property on "greenbelt." Property valuation changes have been recommended by class and by county. This year, 119 class/county valuations will increase, 67 will decrease, and 154 will remain unchanged. No total cost or savings could be calculated without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 2002, and a listing of property no longer qualifying which is removed from greenbelt during 2002. However, it is estimated that the overall change is minimal due to this amendment.
County assessor offices statewide will be required to input the new value indicators into their computer systems to be applied against the acreage for individuals' properties. This input process is easily done and represents no significant cost in time or money to assessors' offices.
❖OTHER PERSONS: Each property owner with property eligible for assessment under the Farmland Assessment Act may see a change in value, depending on property class and situs county. This year, 119 such value indicators will increase, 67 will decrease, and 154 will not change. The affect on the property owner will be an increase, decrease, or no change depending on the mix of property types and situs. No aggregate compliance cost can be determined without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 2002, and a listing of property no longer qualifying which is removed from greenbelt during 2002. In addition, the compliance cost will further be altered by changes to local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Each property owner with property eligible for assessment under the Farmland Assessment Act may see a change in value, depending on property class and situs county. This year, 119 such value indicators will increase, 67 will decrease, and 154 will not change. The affect on the property owner will be an increase, decrease, or no change depending on the mix of property types and situs. No aggregate compliance cost can

be determined without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 2002, and a listing of property no longer qualifying which is removed from greenbelt during 2002. In addition, the compliance cost will further be altered by changes to local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact to businesses will vary depending on the county and the property classification. The impact is estimated to be minimal.

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

TAX COMMISSION
PROPERTY TAX
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@tax.state.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.
R884-24P. Property Tax.
R884-24P-53. [~~2001~~]2002 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515.

A. Each year the Property Tax Division shall update and publish schedules to determine the taxable value for land subject to the Farmland Assessment Act on a per acre basis.

1. The schedules shall be based on the productivity of the various types of agricultural land as determined through crop budgets and net rents.

2. Proposed schedules shall be transmitted by the Property Tax Division to county assessors for comment before adoption.

3. County assessors may not deviate from the schedules.

4. Not all types of agricultural land exist in every county. If no taxable value is shown for a particular county in one of the tables, that classification of agricultural land does not exist in that county.

B. All property defined as farmland pursuant to Section 59-2-501 shall be assessed on a per acre basis as follows:

1. Irrigated farmland shall be assessed under the following classifications.

a) Irrigated I. The following counties shall assess Irrigated I property based upon the per acre values listed below:

TABLE 1
Irrigated I

1)	Box Elder	[~~725~~]750
2)	Cache	600
3)	Carbon	[~~550~~]525
4)	Davis	[~~725~~]750
5)	Emery	[~~475~~]500
6)	Iron	[~~725~~]750
7)	Kane	450
8)	Millard	[~~700~~]750
9)	Salt Lake	[~~590~~]625
10)	Utah	[~~650~~]675
11)	Washington	625
12)	Weber	[~~725~~]700

b) Irrigated II. The following counties shall assess Irrigated II property based upon the per acre values listed below:

TABLE 2
Irrigated II

1)	Box Elder	[~~625~~]650
2)	Cache	500
3)	Carbon	[~~450~~]425
4)	Davis	[~~625~~]650
5)	Duchesne	[~~475~~]500
6)	Emery	[~~375~~]400
7)	Grand	[~~350~~]375
8)	Iron	[~~625~~]650
9)	Juab	425
10)	Kane	350
11)	Millard	[~~600~~]650
12)	Salt Lake	[~~490~~]525
13)	Sanpete	[~~475~~]550
14)	Sevier	[~~550~~]600
15)	Summit	[~~500~~]475
16)	Tooele	[~~475~~]425
17)	Utah	[~~550~~]575
18)	Wasatch	475
19)	Washington	525
20)	Weber	[~~625~~]600

c) Irrigated III. The following counties shall assess Irrigated III property based upon the per acre values listed below:

TABLE 3
Irrigated III

1)	Beaver	[~~475~~]525
2)	Box Elder	[~~475~~]500
3)	Cache	350
4)	Carbon	[~~300~~]275
5)	Davis	[~~475~~]500
6)	Duchesne	[~~325~~]350
7)	Emery	[~~225~~]250
8)	Garfield	190
9)	Grand	[~~200~~]225
10)	Iron	[~~475~~]500
11)	Juab	275
12)	Kane	200
13)	Millard	[~~450~~]500
14)	Morgan	[~~360~~]350
15)	Piute	[~~325~~]350
16)	Rich	[~~275~~]250
17)	Salt Lake	[~~340~~]375
18)	San Juan	190
19)	Sanpete	[~~325~~]400
20)	Sevier	[~~400~~]450
21)	Summit	[~~350~~]325
22)	Tooele	[~~325~~]275
23)	Uintah	350
24)	Utah	[~~400~~]425
25)	Wasatch	325
26)	Washington	375

27)	Wayne	[~~300~~]350
28)	Weber	[~~475~~]450

d) Irrigated IV. The following counties shall assess Irrigated IV property based upon the per acre values listed below:

TABLE 4
Irrigated IV

1)	Beaver	[~~375~~]425
2)	Box Elder	[~~375~~]400
3)	Cache	250
4)	Carbon	[~~200~~]175
5)	Daggett	[~~235~~]250
6)	Davis	[~~375~~]400
7)	Duchesne	[~~225~~]250
8)	Emery	[~~125~~]150
9)	Garfield	90
10)	Grand	[~~100~~]125
11)	Iron	[~~375~~]400
12)	Juab	175
13)	Kane	100
14)	Millard	[~~350~~]400
15)	Morgan	[~~260~~]250
16)	Piute	[~~225~~]250
17)	Rich	[~~175~~]150
18)	Salt Lake	[~~240~~]275
19)	San Juan	90
20)	Sanpete	[~~225~~]300
21)	Sevier	[~~300~~]350
22)	Summit	[~~250~~]225
23)	Tooele	[~~225~~]175
24)	Uintah	250
25)	Utah	[~~300~~]325
26)	Wasatch	225
27)	Washington	275
28)	Wayne	[~~200~~]250
29)	Weber	[~~375~~]350

2. Fruit orchards shall be assessed per acre based upon the following schedule:

TABLE 5
Fruit Orchards

a)	Box Elder	[~~600~~]610
b)	Davis	[~~600~~]610
c)	Utah	[~~560~~]570
d)	Washington	750
e)	Weber	[~~600~~]610
f)	All other counties	[~~575~~]580

3. Meadow IV property shall be assessed per acre based upon the following schedule:

TABLE 6
Meadow IV

1)	Beaver	[~~180~~]200
2)	Box Elder	[~~180~~]190
3)	Cache	[~~210~~]215
4)	Carbon	[~~120~~]125
5)	Daggett	[~~160~~]165
6)	Davis	[~~230~~]235
7)	Duchesne	[~~140~~]150
8)	Emery	[~~100~~]105
9)	Garfield	100
10)	Grand	[~~100~~]105
11)	Iron	[~~185~~]190
12)	Juab	[~~125~~]130
13)	Kane	90
14)	Millard	[~~160~~]165
15)	Morgan	[~~155~~]160
16)	Piute	[~~150~~]155
17)	Rich	[~~120~~]125
18)	Salt Lake	[~~175~~]180
19)	Sanpete	[~~175~~]180
20)	Sevier	190
21)	Summit	[~~180~~]185
22)	Tooele	[~~175~~]170
23)	Uintah	[~~165~~]170
24)	Utah	195
25)	Wasatch	[~~180~~]185
26)	Washington	195
27)	Wayne	[~~130~~]150
28)	Weber	[~~235~~]240

4. Dry land shall be classified as one of the following two categories and shall be assessed on a per acre basis as follows:

a) Dry III. The following counties shall assess Dry III property based upon the per acre values listed below:

TABLE 7
Dry III

1)	Beaver	[~~50~~]45
2)	Box Elder	[~~70~~]65
3)	Cache	[~~75~~]70
4)	Carbon	[~~50~~]45
5)	Davis	[~~70~~]60
6)	Duchesne	[~~50~~]45
7)	Garfield	[~~50~~]45
8)	Grand	[~~50~~]45
9)	Iron	[~~50~~]45
10)	Juab	[~~60~~]55
11)	Kane	[~~50~~]45
12)	Millard	[~~75~~]65
13)	Morgan	[~~80~~]65
14)	Rich	[~~60~~]50
15)	Salt Lake	[~~50~~]45
16)	San Juan	[~~45~~]40
17)	Sanpete	[~~50~~]45
18)	Summit	[~~50~~]45
19)	Tooele	[~~50~~]45
20)	Uintah	[~~45~~]40
21)	Utah	[~~45~~]40
[~~22) Wasatch~~		~~50~~
] [~~23)~~]22)	Washington	[~~50~~]45
[~~24)~~]23)	Weber	[~~65~~]60

b) Dry IV. The following counties shall assess Dry IV property based upon the per acre values listed below:

TABLE 8
Dry IV

1)	Beaver	[~~15~~]10
2)	Box Elder	[~~35~~]30
3)	Cache	[~~40~~]35
4)	Carbon	[~~15~~]10
5)	Davis	[~~35~~]25
6)	Duchesne	[~~15~~]10
7)	Garfield	[~~15~~]10
8)	Grand	[~~15~~]10
9)	Iron	[~~15~~]10
10)	Juab	[~~25~~]20
11)	Kane	[~~15~~]10
12)	Millard	[~~40~~]30
13)	Morgan	[~~45~~]30
14)	Rich	[~~25~~]15
15)	Salt Lake	[~~15~~]10
16)	San Juan	[~~10~~] 5
17)	Sanpete	[~~15~~]10
18)	Summit	[~~15~~]10
19)	Tooele	[~~15~~]10
20)	Uintah	[~~10~~] 5
21)	Utah	[~~10~~] 5

[~~22) Wasatch~~		~~15~~
~~[23)]~~22)	Washington	[~~15~~]10
~~[24)]~~23)	Weber	[~~30~~]25

5. Grazing land shall be classified as one of the following four categories and shall be assessed on a per acre basis as follows:

TABLE 9
Grazing Land

a) Graze I		
1)	All Counties	[~~50~~]55
b) Graze II		
2)	All Counties	15
c) Graze III		
3)	All Counties	10
d) Graze IV		
4)	All Counties	5

6. Land classified as nonproductive shall be assessed as follows on a per acre basis:

TABLE 10
Nonproductive Land

a) Nonproductive Land		
1)	All Counties	5

KEY: taxation, personal property, property tax, appraisal [~~August 2,~~]2001
Notice of Continuation May 8, 1997
59-2-501 through 59-2-515

Transportation, Motor Carrier
R909-16
Overall Motor Carrier Safety Standing

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 24116
FILED: 10/15/2001, 15:01

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is meant to clarify the policy of the Utah Department of Transportation (UDOT) regarding a commercial motor carrier's overall compliance standing. A commercial motor carrier's overall standing, if less than satisfactory, can jeopardize or prohibit the company from obtaining or bidding for a state contract and obtaining or retaining permit privileges.

SUMMARY OF THE RULE OR CHANGE: The rule establishes procedures and guidelines in obtaining an overall company safety standing from UDOT and to prohibit motor carriers receiving an unsatisfactory standing from obtaining, holding, or working on state contracts, obtaining or retaining permitted privileges.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 72-9-303, 72-9-701, and 72-9-702

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Anticipated savings to UDOT and other state agencies awarding contracts to commercial motor carriers who are in compliance with State and Federal Motor Carrier Safety Regulations. Carriers who are not in compliance are likely to cost the project money while vehicles are being repaired. Also, carriers who are awarded bids who have a less than satisfactory standing with the Motor Carrier Division run the risk of being removed from a project, thus causing delay and greater expense. By hiring commercial carriers that can demonstrate compliance with safety regulations, the division can eliminate unforeseen and additional costs associated with poor-quality carriers. The cost to run the program will be minimal, being absorbed into the division's current budget.

❖LOCAL GOVERNMENTS: There will be no costs to local governments since they do not run motor carriers. However, there may be some savings for the same reasons as listed above.

❖OTHER PERSONS: There should be no additional cost to complying with federal regulations because motor carriers are already required to adhere to those regulations by federal law. There may be costs to appeal division findings, which, at this time, are impossible to quantify because the UDOT does not know if there will be any appeals or how much a carrier would spend on them.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It is not anticipated that there will be any compliance costs since the motor carriers are already required to meet federal regulations by federal law. This rule only establishes how the state motor carrier division is going to enforce those federal regulations. A motor carrier's amount of costs, if any, will depend on its degree of compliance with these regulations.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on business.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TRANSPORTATION
MOTOR CARRIER
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
James Beadles at the above address, by phone at 801-965-4168, by FAX at 801-965-4796, or by Internet E-mail at jbeadles@dot.state.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: John R Njord, Executive Director

R909. Transportation, Motor Carrier.
R909-16. Overall Motor Carrier Safety Standing.
R909-16-1. Purpose.

To establish procedures and guidelines in obtaining an overall company safety standing from the Department and to prohibit motor carriers receiving an "unsatisfactory" standing from obtaining, holding, or working on state contracts; obtaining or retaining permitting privileges.

R909-16-2 Definitions.

In addition to definitions found in CFR Title 49 Parts 350 - 399, the following definitions are provided:

(1) "Commercial Motor Vehicle" means any self-propelled or towed motor vehicle used on a highway in interstate or intrastate commerce to transport passengers or property when the vehicle

(a) Has a gross vehicle weight rating or gross combination with of 10,001 pounds;

(b) Is designed or used to transport more than 15 passengers, including the driver;

(c) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under the Federal Hazardous Material Regulations.

(2) "Compliance Review" means an on-site examination of motor carrier operations, such as driver's hours of service, maintenance and inspection, driver qualification, controlled substance and alcohol testing, commercial driver's license requirements, financial responsibility, accidents, hazardous materials, and other safety and transportation records to determine whether a motor carrier meets a safety fitness standard. If applicable, compliance with the commercial/economic regulations is reviewed also. A CR is intended to provide information to evaluate the safety performance and regulatory compliance of a company's operation.

(3) "Motor Carrier" means a company operating commercially within the state. The term includes a motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories.

(4) "Safety Rating" means a system by which a motor carrier's safety management controls are measured to determine compliance with the Federal Motor Carrier Safety Regulations, Title 49 Parts 350-399 and the Hazardous Material Regulations, Title 49, Parts 107-181 as determined through a State/Federal Compliance Review.

(5) "Safety Standing" means a system by which a motor carrier's overall safety fitness is determined by the Department. An overall company safety fitness is determined through an assessment of a company's compliance in the areas of permit conditions, accident rates and severity, number and severity of vehicle violations, and out-of-service rate.

R909-16-3. Obtaining a "Satisfactory" Standing.

A motor carrier shall receive a "satisfactory" standing from the Department if the company has an overall company safety fitness of "satisfactory." To meet this requirement, a motor carrier must meet the following conditions:

(1) Received a "satisfactory"rating from a State/Federal Compliance Review within the last 12 months prior to the request of standing;

(2) Maintained conditions set forth in the Utah Regulations for Legal and Permitted Vehicles;

(3) Does not have a recordable accident rate higher than the national average as defined by 49 CFR Appx. B to Part 385.

(4) The company vehicle out-of-service rate for the previous 12 months must be below the national average as defined by the Federal Motor Carrier Safety Administration;

(5) If the company hauls hazardous materials, compliance must be met as outlined in the Hazardous Materials Regulations, 49 CFR Part 171 - 180.

(6) Meet compliance with all federal, state, and local laws governing the operation of commercial motor carriers.

R909-16-4. Determination of a company's overall "Unsatisfactory" Standing.

A company may receive an overall company "unsatisfactory" standing by the Department if any the conditions outlined in R909-16-3 are not met.

R909-16-5. Assignment of a "Provisional" Standing.

The Department may issue a "provisional" standing to a motor carrier for which there is insufficient data to determine compliance with the Safety Standard and/or one which has not received a safety "rating" in accordance with the Federal Motor Carrier Safety Regulations, Title 49 Part 385.

R909-16-6. Notification of Safety Standing.

Notice of an "unsatisfactory" standing will be made to the motor carrier by the Department in writing within 30 days of determination.

R909-16-7. Motor Carriers receiving an "Unsatisfactory" Standing.

Motor carriers receiving an "unsatisfactory" standing are prohibited from:

(1) Bidding on State Contracts;
(2) Obtaining State Contracts;
(3) Retaining State Contracts;
(4) Obtaining permits from the Motor Carrier Division, or
(5) Retaining permits issued by the Motor Carrier Division.

R909-16-7. Cease and Desist Order - Registration Sanctions.

The Department may issue cease and desist orders to any motor carrier that fails or neglects to comply with State and Federal Motor Carrier Safety Regulations or any part of this rule as authorized by Section 72-9-303.

R909-16-8. Penalties and Fines.

Any motor carrier that fails or neglects to comply with State or Federal Motor Carrier Safety Regulations or any part of this rule is subject to a civil penalty as authorized by Section 72-9-701 and 72-9-703.

R909-16-9. Motor Carriers delinquent in paying civil penalties; prohibition on transportation.

A motor carrier that has failed to pay civil penalties imposed by the Department, or has failed to abide by a payment plan, may be prohibited from operating commercial motor vehicles in intrastate or interstate commerce as authorized by 72-9-303.

R909-16-10. Change to standing based upon corrective actions.

(1) A motor carrier that has taken action to correct the deficiencies that resulted in an "unsatisfactory" standing may request a review at any time.

(2) The request must be made in writing and sent or faxed to: Motor Carrier Division, 4501 South 2700 West, Box 14820, Salt Lake City, Utah 84114-8240, Phone: (801) 965-4243, Fax: (801) 965-4211.

(3) The motor carrier must base this request upon evidence that it has taken corrective actions and that it operations currently meet the safety conditions as outlined in R909-3. The request must include a written description of corrective actions taken, and other documentation the carrier wishes the Department to consider.

(4) The Department will make a final determination in writing within 30 days after the request has been made based upon the documentation the motor carrier submits, and any additional relevant information.

(5) The Department will perform reviews of requests made by motor carriers within 45 days of the request.

R909-16-11. Rights of Carriers to Appeal "Unsatisfactory" Standing.

(1) A motor Carrier may appeal the Department's assessment of an "unsatisfactory" standing. The motor carrier must make a "petition to review" standing in writing. The petition must state why the proposed standing is believed to be in error and list all factual and procedural issues disputed. The petition may be accompanied by any information or documents the motor carrier is relying upon as the basis for it's petition.

(2) The Department may request the petitioner to submit additional data and attend an Informal Rearing to discuss the standing. Failure to provide the information requested or to attend the Informal Review may result in dismissal of the petition.

(3) A motor carrier must make a request for a "petition to review" within 45 days of the date of the "unsatisfactory" standing was issued.

(4) The Department will notify the motor carrier in writing of its decision following the Administrative Review or Informal Review. The Department will complete its review within 15 days after the Administrative Review or Informal Review date.

(5) If after the Administrative Review or Informal Review, an agreement acceptable to the Division is not reached, a formal Notice of Agency Action will be entered against the carrier.

KEY: safety standing, truck
2001
72-9-303
72-9-701
72-9-702

▼ ▼

Transportation, Motor Carrier
R909-17
Appeal Process for Utah Commercial Vehicle Safety Alliance Inspections

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 24117
FILED: 10/15/2001, 15:12

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule establishes a procedure for motor carriers to contest violations cited on roadside inspections that are conducted by Utah Highway Patrol or the Motor Carrier Division.

SUMMARY OF THE RULE OR CHANGE: The rule outlines procedures for motor carriers to request the removal of a violation cited on a roadside inspection.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-9-301

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: Based on evaluation of appeals in similar division activities and in those of states of similar size, there should be no increased costs to these appeals.
❖LOCAL GOVERNMENTS: No additional cost since the rule does not apply to local governments.
❖OTHER PERSONS: Costs to carriers would be minimal and would depend on the extent to which the carrier pursued the appeal. It is, therefore, impossible to quantify what the costs would be, if any.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no direct cost to filing an administrative appeal, i.e., no filing fee. So the cost would depend on the extent to which the carrier pursued the appeal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on business.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TRANSPORTATION
MOTOR CARRIER
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
James Beadles at the above address, by phone at 801-965-4168, by FAX at 801-965-4796, or by Internet E-mail at jbeadles@dot.state.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: John R Njord, Executive Director

R909. Transportation, Motor Carrier.
R909-17. Appeal Process for Utah Commercial Vehicle Safety Alliance Inspections.
R909-17-1. Purpose.

Under Utah Code 72-9-301 the Department in cooperation with the Department of Public Safety, Utah Highway Patrol Division are charged with ensuring commercial motor vehicles obey the Federal Motor Carrier Safety Regulations and Hazardous Material Regulations contained in Title 49, Code of Federal Regulations. This rule establishes a procedure for motor carriers to contest violations cited on roadside inspections conducted by the Utah Highway Patrol or Motor Carrier Division Personnel.

R909-17-1-2 Definitions.

In addition to the definitions found in CFR Title 49 Parts 350 - 399, the following definitions are provided:

(1) "Division" means the Motor Carrier Safety Division

(2) "Department" means the Utah Department of Transportation

(3) "Administrative Review" means a proceeding in which a review board consisting of three members appointed by the Department in conjunction with the Transportation Commission evaluate the findings from the Division and comments from the motor carrier.

R909-17- 3. Request for Review.

(1) A motor carrier may request the removal of a violation or the designation of the violation being an out-of-service item, cited on a CVSA Inspection. The request must be made in writing to: Deputy Administrator, Motor Carrier Division, 4501 South 2700 West, Box 148240, Salt Lake City, UT 84114-8240.

(2) This request must be accompanied with a list of factual and procedural issues that are in dispute and any information or documentation that supports such request. Documentation or statements from mechanics or vehicle manufactures may accompany the request.

(3) Upon receipt of such a request the Deputy Administrator shall evaluate the inspection, statements from the Inspector/Investigator which conducted the inspection, statements from the motor carrier and any evidence or statements that support its argument. carrier.

(4) The Deputy Administrator shall notify the motor carrier in writing of the decision within thirty (30) days of receipt of a request for review.

(5) The motor carrier will be notified in writing of the decision.

R909-17-4. Motor Carrier Rights to Appeal.

(1) If upon notification of the Deputy Administrator's decision, the motor carrier wishes to appeal the decision, written notification must be made to the Motor Carrier Administrator within thirty (30) days of being notified. The request must be sent or faxed to: Administrator, Motor Carrier Division, 4501 South 2700 West, Box 148240, Salt Lake City, Utah 84123, Phone: (801) 965-4781, Fax: (801) 965-4211.

(2) The request must state why the motor carrier feels the decision is not accurate, how they believe the inspector/investigator was in error at the time of the inspection, and provide documentation to support their claim.

(3) An Administrative Review will be held with the Motor Carrier Administrator, and a panel designated by the Administrator. The motor carrier may be asked to submit additional data and attend an Informal Review to discuss the cites being contested.

(4) If the motor carrier does not provide the information requested, or does not attend the Informal Review, the Division may dismiss its request for review.

(5) The Division will notify the motor carrier in writing of its decision within 45 days of the Administrative Review or Informal Review .

(6) The decision constitutes final agency action.

KEY: appeal, inspection
2001
72-9-301

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Transportation, Motor Carrier
R909-19
Safety Regulations for Two Truck Operations-Tow Truck Requirements for Equipment, Operations, and Certification

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 24119
FILED: 10/15/2001, 15:37

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment changes fee structure and adds a definition for clarification.

SUMMARY OF THE RULE OR CHANGE: Changes to this rule clarify the certification and training requirements deadline. The change extends the time during which all tow truck motor carriers, equipment, and drivers will be considered certified. In addition, due to numerous comments regarding the $45 maximum fee set for nonconsent impoundment, that fee has been updated to reflect consistency with rates imposed on public nonconsent tows and surrounding states. The previous proposed new rule, made effective on October 2, 2001, inadvertently used language that was confusing, referring to a restriction device. The language used could be construed to read that the device could not be used at all, which was not the intent. Therefore, that language has been removed.
DAR Note: The proposed new rule of R909-19 was published in the September 1, 2001, issue of the Utah State Bulletin under DAR No. 23993.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-9-603

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: No anticipated costs or savings. The amendment makes no changes that have a fiscal impact on the state.

❖LOCAL GOVERNMENTS: This rule does not apply to local governments.
❖OTHER PERSONS: This rule amendment would allow tow truck carriers to increase their non-consent impoundment from private parking lots from $45 to a maximum of $110 or $150 for special functions.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no additional compliance costs due to this rule amendment as the amendment does not increase the workload of any affected person.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on business.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TRANSPORTATION
MOTOR CARRIER
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
James Beadles at the above address, by phone at 801-965-4168, by FAX at 801-965-4796, or by Internet E-mail at jbeadles@dot.state.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: John R Njord, Executive Director

R909. Transportation, Motor Carrier.
R909-19. Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification.
R909-19-1. Authority.

This rule is enacted under the authority of Sections 72-9-601, 72-9-601, 72-9-602, 72-9-603, 72-9-604, 53-1-106, 41-6-102, Utah Code.

R909-19-2. Applicability.

(1) All tow trucks motor carriers and employees must comply and observe all rules, regulations, traffic laws and guidelines as prescribed by State Law and 49 CFR Part 350 - 399, hereby incorporated by reference in accordance with Sections 41-6-101, 41-6-102, 41-6-104, 72-9-301, 72-9-303, 72-601, 72-9-602, 72-9-603, 72-9-604, 72-9-701, 72-9-702, 72-9-703, and 72-9-703, Utah Code.

(2) Until the certification program is established all Tow Truck Motor Carriers, equipment and driver's will be deemed certified until [~~November 15, 2001~~]January 2, 2002. After [~~November 15, 2001~~]January 2, 2002, all Tow Truck Motor Carriers, equipment and drivers will need to receive training and certification as outlined in the Utah Regulations for Towing Operation and Certification Manual.

R909-19-3. Definitions.

(1) "Abandoned Vehicle" means a vehicle that is left unattended on a highway for a period in excess of 48 hours; or on any public or private property for a period in excess of seven days without express or implied consent or the owner or person in lawful possession or control of the property.

(2) "Consent Tow" means tow truck service that was ordered by a peace officer, or a person acting on behalf of a law enforcement agency, or a highway authority, as defined in Section 72-1-102, after performing any tow truck service that is done at the vehicle, vessel, or outboard motor owner's knowledge.

(3) "Division" means the Motor Carrier Division

(4) "Department" means the Utah Department of Transportation.

(5) "Driveaway-Towaway Operation" means any operation in which a motor vehicle constitutes the commodity being transported.

(6) "Gross combination weight rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value specified by the manufacturer, GVCR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

(7) "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single motor vehicle.

(8) "Non Consent Tow " means:

(a) tow truck service as ordered by a peace officer, or a person acting on behalf of a law enforcement agency, or a highway authority as defined in Section 72-1-102, or

(b) any tow truck service performed without the vehicle, vessel, or outboard motor owner's knowledge or permission, and may include tow truck services that are performed on private property.

(9) "Non Consent Private Impoundment" means towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle from private property.

([~~9~~]10) "Non-Consent Police Generated Tow" means tow truck service that was ordered by a peace officer, or a person acting on behalf of a law enforcement agency, or a highway authority, as defined in Section 72-1-102, after performing a tow truck service that is performed without the vehicle, vessel, or outboard motor owner's knowledge or permission.

([~~10~~]11) "Personal Property" means articles associated with a person, as property having more or less intimate relation to person, Including clothing, tools, home/family/vocation items, etc. Items that are considered to be the original manufactured equipment, and/or attached property to the vehicle, including tires, rims, vehicle-stereos, speakers, or CD changers are not considered personal property and will remain in the vehicle.

([~~11~~]12) "Rollback/Auto Carrier " means a vehicle constructed, designed, altered, or equipped primarily for the purpose of removing damaged, disabled, abandoned, seized, or impounded vehicles from the highway or other place by means of a tilt bed or roll-back deck.

([~~12~~]13) "Tow Truck" means a motor vehicle constructed, designed, altered, or equipped primarily for the purpose of towing or removing damages, disabled, abandoned, seized, or impounded vehicles from highway or other place my means of a crane, hoist,

tow bar, tow line, dolly tilt bed, or other similar means of vehicle transfer without its own power or control.

([~~13~~]14) "Tow Truck Certification" means a program to authorize and approve tow truck motor carrier owners and operators, and is the process by which the Department, acting under Section 72-9-602, Utah Code, shall verify compliance with the State and Federal Motor Carriers Safety Regulations, including terms and conditions as outlined in the Utah Regulations for Towing Operation and Certification Manual. This process includes certification for tow truck motor carriers, tow truck owners, drivers, and related equipment. Certificates will be issued for the following categories:

(a) "Basic Certification" means training applicable to standard tow truck motor carrier operations where the towed vehicle weighs 10,000 lbs or less as outlined in the Utah Regulations for Towing Operation and Certification Manual.

(b) "Commercial Certification" means training applicable to tow truck motor carrier operations where the towed vehicle weighs 10,001 lbs or more as outlined in the Utah Regulations for Towing Operation and Certification Manual.

(c) "Hazardous Material Certification" means training applicable to tow truck motor carrier operations where the towed vehicle is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F.

(d) " Hazardous Material Certification - Cargo Tank Special Endorsement" means special endorsement training applicable to towing operations limited to the recovery of cargo tanks. Cargo Tank Special Endorsements training and certification requirements are outlined specifically in the Utah Regulations for Towing Operation and Certification Manual.

([~~14~~]15) "Tow Truck Motor Carrier" means a for-hire tow truck motor carrier or a private tow truck motor carrier, and includes a tow truck motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of equipment and/or accessories.

([~~15~~]16) "Tow Truck Service" means the transportation upon the public streets and highways of the State of damaged, disabled, or abandoned vehicles together with personal effects and/or cargo. The terms wrecker service, tow car service, and garage tow truck service are synonymous and shall be considered as "tow truck service."

(a) "Class A Tow Truck" means a tow truck, rollback/auto carrier with a minimum manufacturer's GVWR of 10,000 lbs.

(b) "Class B - Light Duty Tow Truck" means a tow truck with a minimum manufacturer's GVWR equal to 10,001 lbs or less than 18,000 lbs.

(c) "Class C - Medium Duty Tow Truck" means a tow truck with a minimum manufacturer's GVWR equal to 18,001 lbs or less than 26,001 lbs.

(d) "Class D - Heavy Duty Tow Truck" means a tow truck with a minimum manufacturer's GVWR of 26,001 lbs or greater.

([~~16~~]17) "Tow Truck Motor-Carrier Steering Committee" means a committee established by the Administrator of the Motor Carrier Division and will include enforcement personnel, industry representatives and, Transportation Commissioner(s) or other persons as deemed necessary.

R909-19-4. Duties - Enforcement - Compliance Audits, Inspections and Right of Entry.

The Department shall administer and in cooperation with the Department of Public Safety, Utah Highway Patrol Division as specified under Section 53-8-105, Utah Code, shall administer and enforce state and federal laws related to the operation of tow truck motor carriers within the state. In addition, a tow truck motor carrier shall submit its lands, property, buildings, equipment for inspection and examination and shall submit its accounts, books, records, or other documents for inspection and copying to verify compliance as authorized by Section 72-9-301.

R909-19-5. Insurance.

All tow trucks will be required to carry at least $750,000 of insurance minimum liability plus the MCS-90 endorsement for environmental restoration as required in 49 CFR Part 387 - Minimum Levels of Financial Responsibility for Motor Carriers. Evidence of required insurance will be maintained at the principal place of business and made available to the Department and/or investigator upon request and prior to tow truck carrier certification as outlined in the Utah Regulations for Towing Operation and Certification Manual.

R909-19-6. Penalties and Fines.

Any tow truck motor carrier that fails or neglects to comply with State or Federal Motor Carrier Safety Regulations or any part of this rule or conditions set forth in the Utah Regulations for Towing Operation and Certification Manual or order by the Department is subject to a civil penalty as authorized by Section 72-9-701, and 72-9-703 and may be acceptable as sufficient cause for the Department to revoke tow truck motor carrier, driver, and/or vehicle certification.

R909-19-7. Cease and Desist Orders - Registration Sanctions.

(1) The Department may issue a cease and desist order to any tow truck motor carrier that fails or neglects to comply with State and Federal Motor Carrier Safety Regulations or any part of this rule or conditions set forth in the Utah Regulations for Towing Operation and Certification Manual or order by the Department as authorized by Section 72-9-303.

(2) The Department shall notify the Motor Vehicle Division of the State Tax Commission upon having reasonable grounds to believe that a tow truck motor carrier is in violation of this rule as authorized by Section 72-9-303(2).

R909-19-8. Towing Notice Requirements.

(1) A tow truck motor carrier after performing a tow truck service, that was not ordered by a peace officer, or a person acting on behalf of a law enforcement agency or a highway authority, as defined in R909-19-3, without the vehicle, vessel, or outboard motor owner's knowledge shall immediately upon arriving at the place of storage or impound of the vehicle contact by radio or phone, the law enforcement agency having jurisdiction over the area where the vehicle, vessel, or outboard motor was picked up and notify the agency as per requirements set forth in 72-9-603(1).

Pursuant to the requirement to "immediately" ... "contact the law enforcement agency having jurisdiction" as required by Section 72-9-603, Utah Code, a tow-truck motor-carrier operator shall:

(a) Report the removal immediately upon arriving at the place of storage or impound of the vehicle, if removal was completed during posted office hours.

(b) Report the removal within 2 hours of the next business day if the removal occurred after normal posted office hours.

(c) For purposes of Section 72-9-603, the "contact" to the law enforcement agency shall be considered accomplished if made as per Section R909-19-9.

(d) If this reporting is not completed within the time frame, the Tow Truck Motor Carrier or Operator will not be allowed to collect any fees or begin charging storage fees as authorized under Section 72-9-603. Notification and reporting requirements will be completed in electronic form (website) as identified in the Utah Regulations for Towing Operation and Certification Manual.

(2) Any Tow Truck Motor Carrier or its agents who violates notification requirements as outlined or uses a restriction devise or means of disabling the vehicle may be assessed civil penalties determined by the Department as authorized under Section 72-9-603.

R909-19-9. Requirement for Tow Truck Motor Carriers to input required information for Government and Public Notification.

All Tow Truck Motor Carriers must follow notification procedures as required by 72-9-603 and input required information in electronic form (website) as identified in the Utah Regulations for Towing Operation & Certification Manual.

R909-19-10. Certification.

(1) The Department shall inspect, investigate/audit, and certify tow truck motor carriers, tow trucks, and tow truck drivers at least every two years to ensure compliance as required by Sections 41-6-102.5, 41-6-102.7, Utah Code, and 49 CFR Parts 350 - 399, 170-180 where applicable.

(2) The Department will charge a biennial fee as authorized by Section 72-9-602(1) to cover costs associated with the inspection, investigation/compliance review, and certification.

R909-19-11. Certification Fees.

Each separate Tow Truck Motor Carrier is responsible for the cost of vehicle inspections, compliance audits and certification as authorized by this rule. Cost-estimates associated with vehicle inspections, investigation/compliance review and certification are outlined in the Utah Regulations for Towing Operation and Certification Manual.

R909-19-12. Certification from a Qualified Training Facility.

(1) The Department will accept training or equivalent certification from a qualified professional training facility that meets minimum requirements as outlined in the Utah Regulations for Towing Operation and Certification Manual. Training segments that meet minimum requirements can be applied toward a tow truck motor carrier certification, vehicle certification, or driver certification as outlined in the Utah Regulations for Towing Operation and Certification Manual.

(2) The Department will only accept training or equivalent certification from a qualified professional training facility as identified in the Utah Regulations for Towing Operation and Certification Manual within the first year of the implementation of the program. After such time, all Tow Truck Motor Carriers operating within the state must be certified as outlined by the Utah Regulations for Towing Operation and Certification Manual.

R909-19-13. Maximum Towing Rates. Public Non-Consent Tows.

(1) $110 per hour for the use of Class A and B Tow Truck Service;

(a) An additional 15% per hour may be charged if the towed vehicle is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F and the tow truck operator is hazardous material certified as outlined in the Utah Regulations for Towing Operations and Certification Manual.

(2) $200 per hour for the use of a Class C Tow Truck Service;

(a) An additional 15% per hour may be charged if the towed vehicle is used in the transport transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F and the tow truck operator is hazardous material certified as outlined in the Utah Regulations for Towing Operations and Certification Manual.

(3) $250 per hour for the use of a Class D Tow Truck Service

(a) An additional 15% per hour may be charged if the towed vehicle is used in the transport transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F and the tow truck operator is hazardous material certified as outlined in the Utah Regulations for Towing Operations and Certification Manual.

(4) $400 per hour for the use of any tow truck service in the recovery of a hazardous material cargo tank vehicles of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F and the tow truck operator is hazardous material certified as outlined in the Utah Regulations for Towing Operations and Certification Manual.

[~~(5) $45 Maximum rate for non-consent impoundment of vehicles towed from private property/parking lots.~~

]

R909-19-14. Maximum Private Non-Consent Impoundment Rates.

(1) Tow Truck Motor Carriers and/or Private Impound Yards may charge up to $110 maximum rate for private impoundment of vehicles.

(2) Tow Truck Motor Carriers and/or Private Impound Yards may apply for a Special Function Permit that allows a maximum rate of up to $150 during special functions as defined in the Utah Regulations for Towing Operations & Certification Manual.

(3) Applications must be submitted two weeks prior to the event and approved by the Motor Carrier Division.

(a) Applications can be obtained by calling the Motor Carrier Division at (801) 965-4951.

(4) The $150 rate can only be charged during approved time frames for special functions.

(5) Any Tow Truck Motor Carrier or Private Impound Yard charging more than maximum approved rates will be assessed civil penalties determined by the Department as authorized under Section 72-9-603.

R909-19-[~~14~~]15. Maximum Storage Rates. Public/Private Non-Consent Tows.

(1) $15 Maximum per day, per unit, for outside storage of cars, pickups, and smaller vehicles;

(2) $20 Maximum per day, per unit may be charged for inside storage of cars; pickups and smaller vehicles only at the owner's request.

(3) $35 Maximum per day, per unit for outside storage of semi tractors or trailers;

(4) $70 Maximum per day, per unit may be charged for inside storage of semi tractors or trailers only at the owner's request.

(5) $100 Maximum per day, per unit for outside storage of vehicles used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F.

(6) $150 Maximum per day, per unit may be charged for inside storage of vehicles used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F, only at the owner's request.

R909-19-[~~15~~]16. Towing and Storage Rates. Public Consent Tows.

Towing rates for public consent tows are the responsibility of the consumer and the tow truck motor carrier as contracted for services rendered and are not regulated by the Department.

R909-19-[~~16~~]17. Rates and Storage Posting Requirements.

Pursuant to Section 72-9-603(6), a tow truck motor carrier or impound yard shall clearly and conspicuously post and disclose all its current non-consent fees and rates for towing and storage of a vehicle.

R909-19-[~~17~~]18. Federal Motor Carrier Safety Requirements.

All tow truck motor carriers that meet the definition of a commercial motor carrier shall comply with all State and Federal Motor Carrier Safety Regulations as outlined in the Utah Regulations for Towing Operations and Certification Manual.

R909-19-[~~18~~]19. Consumer Protection Information.

Pursuant to Section 72-9-602, the Department shall make consumer protection information available to the public that may use a tow truck motor carrier. To obtain such information, the public can call the Motor Carrier Division at (801) 965-4261.

R909-19-[~~19~~]20. Establishment of Tow Truck Steering Committee and Work Group.

(1) The Administrator for the Motor Carrier Division will establish a Tow Truck Steering Committee and Work Group to provide advisory information and input.

(2) The Work Group will meet on a quarterly basis or as needed to review policies and procedures.

R909-19-[~~20~~]21. Annual Review of Rates, Fees and Certification Process.

(1) The Tow Truck Steering Committee will meet on the 1st Tuesday in August on an annual basis to review rates, fees, tow truck motor carrier procedures and the certification process as outline in the Utah Regulations for Towing Operations and Certification Manual.

(2) An annual report will be issued by the committee and will be made available at the department's main office, and on the [~~i~~]Internet.

KEY: safety regulation, truck, towing, certification
[~~October 2, ~~]2001
41-6-101
41-6-102
41-6-104
53-1-106
53-8-105
63-38-3.2
72-9-601
72-9-602
72-9-603
72-9-604
72-9-301
72-9-303
72-9-701
72-9-702
72-9-703

End of the Notices of Proposed Rules Section

NOTICES OF
CHANGES IN PROPOSED RULES

After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

As with a PROPOSED RULE, a CHANGE IN PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the CHANGE IN PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [~~example~~]). A row of dots in the text (. . . . .) indicates that unaffected text was removed to conserve space. If a CHANGE IN PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends December 3, 2001. At its option, the agency may hold public hearings.

From the end of the waiting period through March 1, 2002, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by *Utah Code* Section 63-46a-6 (2001); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page.

Commerce, Occupational and Professional Licensing
R156-63
Security Personnel Licensing Act Rules

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 24019
Filed: 10/15/2001, 09:12

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Following a public hearing held on September 20, 2001, the Division determined that a paragraph which was being deleted with respect to uniforms needs to be added back into the rule. The prior proposed rule change (DAR File No. 24019), which was published in the September 15, 2001, issue of the Utah State Bulletin, removed Subsection R156-63-605(2) with respect to uniforms worn by armed and unarmed private security officers. This paragraph has created a problem for the security companies over the years since public law enforcement has so many different uniforms. However, after reviewing this issue further with law enforcement, the Division has determined that additional discussions concerning this issue are needed before making any change to or deletion of Subsection R156-63-605(2). Therefore, this proposed amendment adds Subsection R156-63-605(2) back into Section R156-63-605 with respect to uniforms worn by armed or unarmed private security officers until an agreement between law enforcement and contract security companies can be negotiated.

SUMMARY OF THE RULE OR CHANGE: In Section R156-63-605, Subsection R156-63-605(2) regarding uniforms worn by armed and unarmed private security officers is being added back into the rule. (DAR Note: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the September 15, 2001, issue of the Utah State Bulletin, on page 7. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-63-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Division will incur no additional costs beyond those identified in the prior proposed rule amendment filing with respect to costs to reprint the rule once all proposed amendments are made effective.

❖LOCAL GOVERNMENTS: Proposed rule does not apply to local governments.

❖OTHER PERSONS: In the prior proposed rule amendment filing, the Division anticipated that contract security companies may experience a slight savings with respect to uniforms being worn as a result of Subsection R156-56-603(2) being deleted. However, since the Division is now reinstating that subsection into the rule, no savings should be realized. The Division also does not anticipate any additional costs beyond their current existing costs to the contract security companies by reinstating Subsection R156-63-605(2).

COMPLIANCE COSTS FOR AFFECTED PERSONS: In the prior proposed rule amendment filing, the Division anticipated that contract security companies may experience a slight savings with respect to uniforms being worn as a result of Subsection R156-63-605(2) being deleted. However, since the Division is now reinstating that subsection into the rule, no savings should be realized. The Division also does not anticipate any additional costs beyond their current existing costs to the contract security companies by reinstating Subsection R156-63-605(2).

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change replaces language regarding uniforms that was deleted in a prior rule change pending further input from the law enforcement community. This rule change should have no fiscal impact on businesses. Ted Boyer, Executive Director.

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Clyde Ormond at the above address, by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at cormond@br.state.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/03/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2001

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-63. Security Personnel Licensing Act Rules.
R156-63-605. Operating Standards - Uniforms.

(1) All unarmed and armed private security officers while on duty shall wear the uniform of their contract security company employer unless assigned to work undercover.

(2) Uniforms worn by armed or unarmed private security officers shall be easily distinguished from the uniform of any public law enforcement agency.

KEY: licensing, security guards
2001
Notice of Continuation September 28, 2000 58-1-202(1)
58-1-106(1)
58-63-101

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 responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1998).

Attorney General, Administration
R105-1
Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 24092
FILED: 10/05/2001, 16:41

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THOESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is adopted pursuant to authority granted by the Chief Procurement Officer of the Division of Purchasing of the Department of Administrative Services under Utah Code Ann. Section 63-56-10, and pursuant to Section 67-5-5 and the Utah Procurement Code (Title 63, Chapter 56) and the applicable sections thereof, viz., Sections 63-56-1, -2, -4, -5, -16, -17, -18, -19, -20.5, -21, -22, -23, -24, -25, -26, -27, -28, -29, -30, -32, -33, -34, -40, -41, -45, -46, -47, -48, -49, and -50. The foregoing provisions allow the Attorney General's Office to select and procure the services of outside counsel, expert witnesses, and other litigation support services.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The use of outside counsel and related support services is critical for providing specialized legal services to state agencies. Some areas of the law are so specialized that attorneys working in those fields can earn much more in the private sector than the state is willing to pay. Consequently, it is difficult to maintain this expertise in-house. Patent attorneys and bond counsel, for example, are periodically hired under the authority of this rule when an agency requires such services.

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

ATTORNEY GENERAL
ADMINISTRATION
Room 236 STATE CAPITOL
350 N STATE ST
SALT LAKE CITY UT 84114-1103, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Mark E. Burns at the above address, by phone at 801-366-0188, by FAX at 801-366-0352, or by Internet E-mail at mburns@utah.gov

AUTHORIZED BY: Ray Hintze, Chief Civil Deputy

EFFECTIVE: 10/05/2001

Community and Economic Development, Business and Economic Development
R184-1
Community and Economic Development Project Fund Application Procedures

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 24099
FILED: 10/10/2001, 15:03

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THOESE PROVISIONS

AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Section 9-2-1504. It prescribes application procedures to be followed in seeking funds from the Community and Economic Development Project Fund created by Section 9-2-1501, et seq.

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 CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Project Fund provides financial assistance in the form of grants and loans to local governments, regional or statewide nonprofit economic development organizations, or qualified small businesses for the enhancement of economic growth and job creation in Utah. The rule is necessary to continued administration of the Project Fund and, thus, is essential to the state's continued economic development activities. During our review, it has become apparent that, due to changes to underlying legislation, amendments to the rule may be necessary. It is anticipated that such changes will be made in the near future.

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

COMMUNITY AND ECONOMIC DEVELOPMENT
BUSINESS AND ECONOMIC DEVELOPMENT
Room 500
324 S STATE ST
SALT LAKE CITY UT 84111-2388, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Earl Maeser at the above address, by phone at 801-538-8828, by FAX at 801-538-8889, or by Internet E-mail at emaeser@dced.state.ut.us

AUTHORIZED BY: David Winder, Executive Director

EFFECTIVE: 10/10/2001

Environmental Quality, Radiation Control

R313-19

Requirements of General Applicability to Licensing of Radioactive Material

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 24094
FILED: 10/10/2001, 14:31

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THOESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-1-106(1) created the Radiation Control Board within the Department of Environmental Quality. Subsection 19-3-104(3) provided that the Board may make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard and to meet the requirements of federal law relating to radiation control.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This was not a controversial rule. Review by the Division of Radiation Control recommends continuation of this rule. No other comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule because it prescribes requirements governing the licensing of radioactive material. The rule identifies certain concentrations or quantities of radioactive material which are exempt from licensing. The rule also establishes the conditions for safe transportation of radioactive material, provides for reciprocal recognition of out-of-state licenses, and identifies the terms and conditions of licenses.

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

ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Susan Giddings at the above address, by phone at 801-536-4259, by FAX at 801-533-4097, or by Internet E-mail at sgidding@deq.state.ut.us

AUTHORIZED BY: William Sinclair, Director

EFFECTIVE: 10/10/2001

Environmental Quality, Radiation Control

R313-22

Specific Licenses

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 24095
FILED: 10/10/2001, 14:39

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THOESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-1-106(1) created the Radiation Control Board within the Department of Environmental Quality. Subsection 19-3-104(3) provided that the Board may make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard and to meet the requirements of federal law relating to radiation control.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This was not a controversial rule. Review by the Division of Radiation Control recommends continuation of this rule. No other comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule because it establishes the requirements for the issuance of "specific licenses" for control of radioactive material. The rule prescribes procedures for filling an application, assuring financial surety for decommissioning facilities where radioactive materials are used, and requirements for "specific licenses" of broad scope. The requirements for issuance of "specific licenses" help ensure protection of public health and safety or property.

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

ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Susan Giddings at the above address, by phone at 801-536-4259, by FAX at 801-533-4097, or by Internet E-mail at sgidding@deq.state.ut.us

AUTHORIZED BY: William Sinclair, Director

EFFECTIVE: 10/10/2001

Environmental Quality, Radiation Control
R313-25
License Requirements for Land Disposal of Radioactive Waste - General Provisions

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 24093
FILED: 10/10/2001, 14:16

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THOESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-1-106(1) created the Radiation Control Board within the Department of Environmental Quality. Subsection 19-3-104(3) provided that the Board may make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard and to meet the requirements of federal law relating to radiation control.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This was not a controversial rule. Review by the Division of Radiation Control recommends continuation of this rule. No other comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule because of the presence of an active disposal facility in the State of Utah. The licensed facility will likely be in use for at least 10 years or more and this rule ensures that public health, public safety, and the environment are protected.

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

ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Susan Giddings at the above address, by phone at 801-536-4259, by FAX at 801-533-4097, or by Internet E-mail at sgidding@deq.state.ut.us

AUTHORIZED BY: William Sinclair, Director

EFFECTIVE: 10/10/2001

Environmental Quality, Radiation Control
R313-28
Use of X-rays in the Healing Arts

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 24096
FILED: 10/10/2001, 14:48

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THOESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-1-106(1) created the Radiation Control Board within the Department of Environmental Quality. Subsection 19-3-104(3) provided that the Board may make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard and to meet the requirements of federal law relating to radiation control.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This was not a controversial rule. Review by the Division of Radiation Control recommends continuation of this rule. A written comment was received from a hospital on November 28, 2000, related to the proposed rule change to Section R313-28-20 definition of "operator." The hospital representative requested that the "operator" of diagnostic X-ray equipment definition be specifically defined. The hospital representative's comment was brought before the Radiation Control Board. The issue related to the training of physicians of other specialities was considered by the Board when the proposed rule was first proposed. The action taken by the Radiation Control Board was to approve the proposed rule changes, as written, and to establish an effective date of December 8, 2000.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule because it prescribes the requirements for the use of X-rays in the healing arts. The rule establishes X-ray machine parameters for limiting the size of X-ray beam, controlling radiation exposure, maintaining accuracy and linearity, and performance of mammography X-ray systems.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Susan Giddings at the above address, by phone at 801-536-4259, by FAX at 801-533-4097, or by Internet E-mail at sgidding@deq.state.ut.us

AUTHORIZED BY: William Sinclair, Director

EFFECTIVE: 10/10/2001

Environmental Quality, Radiation Control
R313-32
Medical Use of Radioactive Material

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 24097
FILED: 10/10/2001, 14:54

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THOESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-1-106(1) created the Radiation Control Board within the Department of Environmental Quality. Subsection 19-3-104(3) provided that the Board may make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard and to meet the requirements of federal law relating to radiation control.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This was not a controversial rule. Review by the Division of Radiation Control recommends continuation of this rule. No other comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule because it establishes the requirements for the medical use of radiation and radioactive material. The rule provides for protection of the public health and safety by controlling the internal or external administration of radioactive material to human beings. The rule also establishes training requirements for individuals who are authorized to use radioactive material in the practice of medicine.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Susan Giddings at the above address, by phone at 801-536-4259, by FAX at 801-533-4097, or by Internet E-mail at sgidding@deq.state.ut.us

AUTHORIZED BY: William Sinclair, Director

EFFECTIVE: 10/10/2001

Environmental Quality, Radiation Control
R313-36
Special Requirements for Industrial Radiographic Operations

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 24098
FILED: 10/10/2001, 15:02

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THOESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-1-106(1) created the Radiation Control Board within the Department of Environmental Quality. Subsection 19-3-104(3) provided that the Board may make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard and to meet the requirements of federal law relating to radiation control.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This was not a controversial rule. Review by the Division of Radiation Control recommends continuation of this rule. No other comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule because it establishes the radiation safety requirements for persons who use radioactive material to examine the macroscopic structure of materials. The rule establishes the training criteria a person must meet to utilize a radiographic exposure device in the industrial setting. The rule is also needed to meet the requirements of federal law relating to radiation control.

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

ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Susan Giddings at the above address, by phone at 801-536-4259, by FAX at 801-533-4097, or by Internet E-mail at sgidding@deq.state.ut.us

AUTHORIZED BY: William Sinclair, Director

EFFECTIVE: 10/10/2001

Environmental Quality, Radiation Control
R313-70
Payments, Categories and Types of Fees

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 24100
FILED: 10/10/2001, 15:09

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THOESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-1-106(1) created the Radiation Control Board within the Department of Environmental Quality. Subsection 19-3-104(3) provided that the Board may make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard and to meet the requirements of federal law relating to radiation control.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This was not a controversial rule. Review by the Division of Radiation Control recommends continuation of this rule. No other comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule because it establishes the requirements for payment of fees for the registration or licensing of sources of radiation. The rule identifies registration or license categories and the types of fees the Agency has established pursuant to the Legislative Appropriations Act.

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

ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Susan Giddings at the above address, by phone at 801-536-4259, by FAX at 801-533-4097, or by Internet E-mail at sgidding@deq.state.ut.us

AUTHORIZED BY: William Sinclair, Director

EFFECTIVE: 10/10/2001

Environmental Quality, Solid and Hazardous Waste
R315-12
Administrative Procedures

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 24089
FILED: 10/05/2001, 10:14

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THOESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 63-46b-1 requires a rule for all state agencies that determine legal interests of persons including all actions related to an authority, right, or license and the judicial review of all such actions.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: During the last five years, the Division has received one set of written comments concerning R315-12. These comments support the rule but suggest several stylistic and clarification changes.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Currently, the Division is reviewing the comments received concerning R315-12. The rule is necessary for the Division of Solid and Hazardous Waste to set forth administrative procedures for persons seeking administrative review of an agency action on orders, notices of violation, and other administrative decisions.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
SOLID AND HAZARDOUS WASTE
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Susan Toronto at the above address, by phone at 801-538-6776, by FAX at 801-538-6715, or by Internet E-mail at storonto@deq.state.ut.us

AUTHORIZED BY: Dennis Downs, Director

EFFECTIVE: 10/05/2001

Environmental Quality, Solid and Hazardous Waste
R315-13
Land Disposal Restrictions

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 24090
FILED: 10/05/2001, 10:44

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THOESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 19-6-105 requires that minimum standards be established for protection of human health and the environment, for the storage, collection, transport, recovery, treatment, and disposal of solid waste. RCRA (Resource Conservation and Recovery Act) Section 3006 requires that authorized State programs be "equivalent" to the Federal program.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary for Utah to maintain its equivalency with corresponding Environmental Protectin Agency (EPA) regulations and to provide restriction standards for land disposal of applicable hazardous wastes in Utah.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
SOLID AND HAZARDOUS WASTE
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Susan Toronto at the above address, by phone at 801-538-6776, by FAX at 801-538-6715, or by Internet E-mail at storonto@deq.state.ut.us

AUTHORIZED BY: Dennis Downs, Director

EFFECTIVE: 10/05/2001

Governor, Administration
R355-2
Complaint Procedure for Americans With Disabilities Act (ADA)

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 24101
FILED: 10/10/2001, 15:35

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THOESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is promulgated pursuant to Section 67-19-32 of the Personnel Management Act, and in accordance with Title II of The Americans With Disabilities Act of 42 USC 12201, which require that no qualified individual with a disability be excluded from participation in or be denied benefits of services, programs, or activities of a state agency, or be subjected to discrimination by a department.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from interested persons.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The federal act, 42 USC 12201, is still in effect, and requires that this agency set a procedure in place for the handling of complaints pursuant to that act.

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

GOVERNOR
ADMINISTRATION
Room 210 STATE CAPITOL
350 N STATE ST
SALT LAKE CITY UT 84114-1103, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kent Bishop at the above address, by phone at 801-538-1564, by FAX at 801-538-1547, or by Internet E-mail at kbishop@gov.state.ut.us

AUTHORIZED BY: Gary Doxey, General Counsel to Governor

EFFECTIVE: 10/10/2001

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations
AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Health
Administration
No. 23842 (NEW): R380-200. Patient Safety Sentinel Event Reporting.
Published: July 1, 2001
Effective: October 15, 2001

No. 23843 (NEW): R380-210. Health Care Facility Patient Safety Program.
Published: July 1, 2001
Effective: October 15, 2001

Environmental Quality
Air Quality
No. 23758 (CPR): R307-110-34. Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County.
Published: September 1, 2001
Effective: October 2, 2001

Insurance
Administration
No. 23985 (NEW): R590-210. Privacy of Consumer Information Exemption for Manufacturer Warranties and Service Contracts.
Published: September 1, 2001
Effective: October 12, 2001

Public Service Commission
Administration
No. 23916 (AMD): R746-360-9. One-Time Distributions From the Fund.
Published: August 1, 2001
Effective: October 15, 2001

Transportation
Motor Carrier
No. 23993 (NEW): R909-19. Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification.
Published: September 1, 2001
Effective: October 2, 2001

End of the Notices of Rule Effective Dates Section

RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 3, 2001, including notices of effective date received through October 15, 2001, the effective dates of which are no later than November 1, 2001. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

DAR NOTE: Because of space constraints, the Keyword Index is not included in this *Bulletin*.

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (http://www.rules.state.ut.us/).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
5YR = Five-Year Review
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
* = Text too long to print in *Bulletin*, or repealed text not printed in *Bulletin*

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
Debt Collection					
R21-3	Debt Collection Through Administrative Offset	23682	NSC	05/01/2001	Not Printed
Facilities Construction and Management					
R23-1	Procurement of Construction	23870	AMD	08/15/2001	2001-14/5
R23-2	Procurement of Architect-Engineer Services	23952	AMD	09/15/2001	2001-16/4
R23-6	Value Engineering and Life Cycle Costing of State Owned Facilities Rules and Regulations	23697	NSC	05/01/2001	Not Printed
Finance					
R25-7	Travel-Related Reimbursements for State Employees	23699	AMD	07/01/2001	2001-10/5
R25-14	Payment of Attorneys Fees in Death Penalty Cases	23366	AMD	01/22/2001	2000-24/5
Fleet Operations					
R27-2	Fleet Operations Adjudicative Proceedings	23522	5YR	02/08/2001	2001-5/39
R27-7	Safety and Loss Prevention of State Vehicles	23345	NEW	01/31/2001	2000-24/6

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Fleet Operations, Surplus Property					
R28-2	Surplus Firearms	23523	5YR	02/08/2001	2001-5/39
Information Technology Services					
R29-1	Division of Information Technology Services Adjudicative Proceedings	23944	5YR	07/26/2001	2001-16/48
AGRICULTURE AND FOOD					
Administration					
R51-1	Public Petitions for Declaratory Rulings	23584	5YR	03/30/2001	2001-8/83
R51-2-11	Appearance and Representation	23928	NSC	08/01/2001	Not Printed
R51-3	Government Records Access and Management Act	23958	5YR	07/31/2001	2001-16/48
R51-4	ADA Complaint Procedure	23959	5YR	07/31/2001	2001-16/49
Animal Industry					
R58-2	Diseases, Inspections and Quarantines	23557	NSC	04/01/2001	Not Printed
R58-10	Meat and Poultry Inspection	23306	AMD	01/03/2001	2000-23/9
R58-11	Slaughter of Livestock	23585	5YR	03/30/2001	2001-8/83
R58-12	Record Keeping and Carcass Identification at Meat Exempt (Custom Cut) Establishments	23586	5YR	03/30/2001	2001-8/84
R58-13	Custom Exempt Slaughter	23587	5YR	03/30/2001	2001-8/84
R58-15	Collection of Annual Fees for the Wildlife Damage Prevention Act	23588	5YR	03/30/2001	2001-8/85
R58-16	Swine Garbage Feeding	23589	5YR	03/30/2001	2001-8/85
R58-17	Aquaculture and Aquatic Animal Health	23534	AMD	04/17/2001	2001-6/34
Chemistry Laboratory					
R63-1	Fee Schedule	23404	5YR	01/10/2001	2001-3/94
Marketing and Conservation					
R65-1	Utah Apple Marketing Order	23543	5YR	03/06/2001	2001-7/45
R65-3	Utah Turkey Marketing Order	23544	5YR	03/06/2001	2001-7/45
R65-4	Utah Egg Marketing Order	23545	5YR	03/06/2001	2001-7/46
R65-8	Management of the Junior Livestock Show Appropriation	24003	5YR	08/24/2001	2001-18/56
Plant Industry					
R68-1	Utah Bee Inspection Act Governing Inspection of Bees	23434	5YR	01/16/2001	2001-3/94
R68-2	Utah Commercial Feed Act Governing Feed	23435	5YR	01/16/2001	2001-3/95
R68-4	Standardization, Marketing, and Phytosanitary Inspection of Fresh Fruits, Vegetables, and Other Plant and Plant Products	23960	5YR	07/31/2001	2001-16/49
R68-6	Utah Nursery Act	23436	5YR	01/16/2001	2001-3/95
R68-7	Utah Pesticide Control Act	23973	5YR	08/07/2001	2001-17/46
R68-8	Utah Seed Law	23961	5YR	07/31/2001	2001-16/50

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R68-10	Quarantine Pertaining to the European Corn Borer	23437	5YR	01/16/2001	2001-3/96
R68-12	Quarantine Pertaining to Mint Wilt	23438	5YR	01/16/2001	2001-3/96
R68-18	Quarantine Pertaining to Karnal Bunt	24004	5YR	08/24/2001	2001-18/56
Regulatory Services					
R70-101	Bedding, Upholstered Furniture and Quilted Clothing	23541	5YR	03/06/2001	2001-7/46
R70-101	Bedding, Upholstered Furniture and Quilted Clothing	23542	AMD	05/02/2001	2001-7/6
R70-101-14	Rules and Regulations for Filling Material	23653	NSC	06/01/2001	Not Printed
R70-330	Raw Milk for Retail	24005	5YR	08/24/2001	2001-18/57
R70-370	Butter	24006	5YR	08/24/2001	2001-18/57
R70-380	Grade A Condensed and Dry Milk Products and Condensed and Dry Whey	24007	5YR	08/24/2001	2001-18/58
R70-410	Grading and Inspection of Shell Eggs With Standard Grade and Weight Classes	24046	5YR	09/12/2001	2001-19/43
R70-420	Chickens	23428	REP	03/06/2001	2001-3/5
R70-430	Turkeys	23429	REP	03/06/2001	2001-3/6
R70-610	Uniform Retail Wheat Standards of Identity	23430	5YR	01/16/2001	2001-3/96
R70-610	Uniform Retail Wheat Standards and Identity	23431	NSC	02/01/2001	Not Printed
R70-620	Enrichment of Flour and Cereal Products	23432	5YR	01/16/2001	2001-3/97
R70-620	Enrichment of Flour and Cereal Products	23433	AMD	03/06/2001	2001-3/7
R70-910	Voluntary Registration of Servicemen and Service Agencies for Commercial Weighing and Measuring Devices	23728	5YR	05/03/2001	2001-11/116
R70-950	Uniform National Type Evaluation	23729	5YR	05/03/2001	2001-11/116
ALCOHOLIC BEVERAGE CONTROL					
Administration					
R81-1	Scope of Definitions, and General Provisions	23981	EMR	08/09/2001	2001-17/39
R81-3-9	Advertising	23983	EMR	08/09/2001	2001-17/43
R81-4A-12	Menus; Price Lists	23982	EMR	08/09/2001	2001-17/44
R81-4B	Airport Lounges	23591	5YR	04/02/2001	2001-8/85
R81-4B	Airport Lounges	23603	NSC	05/01/2001	Not Printed
R81-10	On Premise Beer Retailer	23592	5YR	04/02/2001	2001-8/86
R81-10	On-Premise Beer Retailer	23604	NSC	05/01/2001	Not Printed
ATTORNEY GENERAL					
Administration					
R105-1	Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services	24092	5YR	10/05/2001	2001-21/108
CAPITOL PRESERVATION BOARD (STATE)					
Administration					
R131-4	Procurement of Construction	23578	NEW	05/16/2001	2001-8/7

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
CAREER SERVICE REVIEW BOARD					
Administration					
R137-1	Grievance Procedure Rules	23979	5YR	08/08/2001	2001-17/46
COMMERCE					
Administration					
R151-46b	Department of Commerce Administrative Procedures Act Rules	23537	5YR	02/28/2001	2001-6/49
R151-46b	Department of Commerce Administrative Procedures Act Rules	23945	5YR	07/27/2001	2001-16/50
Consumer Protection					
R152-1	Utah Division of Consumer Protection: "Buyer Beware List"	23457	5YR	01/29/2001	2001-4/61
R152-1	Utah Division of Consumer Protection: "Buyer Beware List"	23789	AMD	07/30/2001	2001-12/7
R152-7 (Changed to R152-23)	Utah Health Spa Services	23791	AMD	07/30/2001	2001-12/12
R152-15	Business Opportunity Disclosure Act Rules	23792	AMD	07/30/2001	2001-12/14
R152-16	Motor Fuel Marketing Act Rules	23793	REP	07/30/2001	2001-12/15
R152-22	Charitable Solicitations Act	23794	AMD	07/30/2001	2001-12/17
R152-26	Telephone Fraud Prevention Act	23795	AMD	07/30/2001	2001-12/19
Corporations and Commercial Code					
R154-2	Utah Uniform Commercial Code, Revised Article 9 Rules	23672	NEW	07/26/2001	2001-9/3
R154-2	Utah Uniform Commercial Code, Revised Article 9 Rules	23858	NSC	08/01/2001	Not Printed
R154-10	Utah Digital Signature Act Rules	23595	AMD	05/18/2001	2001-8/15
Occupational and Professional Licensing					
R156-1-308a	Renewal Dates	23798	AMD	07/17/2001	2001-12/22
R156-1-308c	Renewal of Licensure Procedures	23909	AMD	09/04/2001	2001-15/4
R156-1-308d	Denial of Renewal of Licensure-Classification of proceedings-Conditional Renewal During Pendency of Adjudicative Proceedings, Audit or Investigation	23295	AMD	01/04/2001	2000-23/9
R156-3a	Architect Licensing Act Rules	23550	AMD	05/03/2001	2001-7/9
R156-3a	Architect Licensing Act Rules	23730	NSC	06/01/2001	Not Printed
R156-3a	Architect Licensing Act Rules	23837	5YR	06/11/2001	2001-13/85
R156-5a	Podiatric Physician Licensing Act Rules	23797	AMD	07/17/2001	2001-12/24
R156-9a	Uniform Athlete Agents Act Rules	23796	NEW	07/17/2001	2001-12/25
R156-11a	Cosmetologist/Barber Licensing Act Rules	23260	AMD	see CPR	2000-22/5
R156-11a	Cosmetologist/Barber Licensing Act Rules	23260	CPR	03/06/2001	2001-3/79
R156-11a	Cosmetologist/Barber Licensing Act Rules	23954	AMD	09/17/2001	2001-16/11
R156-16a	Optometry Practice Act Rules	23566	AMD	05/17/2001	2001-8/16
R156-17a	Pharmacy Practice Act Rules	23695	5YR	04/26/2001	2001-10/89

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	23517	AMD	see CPR	2001-5/4
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	23517	CPR	05/17/2001	2001-8/81
R156-24a	Physical Therapist Practice Act Rules	23678	AMD	see CPR	2001-10/9
R156-24a	Physical Therapist Practice Act Rules	23678	CPR	08/16/2001	2001-14/46
R156-26a	Certified Public Accountant Licensing Act Rules	23296	AMD	01/04/2001	2000-23/11
R156-28	Veterinary Practice Act Rules	23309	AMD	see CPR	2000-23/15
R156-28	Veterinary Practice Act Rules	23309	CPR	03/08/2001	2001-3/80
R156-31b	Nurse Practice Act Rules	23631	AMD	see CPR	2001-9/10
R156-31b	Nurse Practice Act Rules	23631	CPR	09/04/2001	2001-15/40
R156-37-502	Unprofessional Conduct	23401	NSC	02/01/2001	Not Printed
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	23799	AMD	07/17/2001	2001-12/26
R156-38-401	Requirements for a Letter of Credit and/or Evidence of a Cash Deposit as Alternate Security for Mechanics? Lien	23953	AMD	09/17/2001	2001-16/23
R156-44a	Nurse Midwife Practice Act Rules	23734	AMD	07/05/2001	2001-11/3
R156-46a-308	Quality Assurance Program	23735	AMD	07/05/2001	2001-11/4
R156-46b	Division Utah Administrative Procedures Act Rules	23839	5YR	06/11/2001	2001-13/85
R156-47b	Massage Therapy Practice Act Rules	23535	5YR	02/26/2001	2001-6/49
R156-47b	Massage Therapy Practice Act Rules	23539	AMD	see CPR	2001-6/42
R156-47b	Massage Therapy Practice Act Rules	23539	CPR	08/16/2001	2001-14/47
R156-50	Private Probation Provider Licensing Act Rules	23696	5YR	04/26/2001	2001-10/90
R156-54-302b	Examination Requirements - Radiology Practical Technician	23518	AMD	04/03/2001	2001-5/7
R156-54-302b	Examination Requirements - Radiology Practical Technician	23602	NSC	05/01/2001	Not Printed
R156-55b	Electricians Licensing Rules	23374	AMD	04/30/2001	2001-1/4
R156-55c-102	Definitions	23375	AMD	04/30/2001	2001-1/5
R156-55c-302c	Qualification for Licensure - Training and Instruction Requirements	23885	AMD	09/04/2001	2001-15/5
R156-55d-603	Operating Standards - Alarm Installer	23524	AMD	04/03/2001	2001-5/8
R156-56	Utah Uniform Building Standard Act Rules	23577	AMD	07/01/2001	2001-8/18
R156-56-704	Statewide Amendments to the IBC	23788	NSC	06/26/2001	Not Printed
R156-59-102	Definitions	23883	NSC	07/30/2001	Not Printed
R156-60b	Marriage and Family Therapist Licensing Act Rules	23620	AMD	06/01/2001	2001-9/13
R156-60c	Professional Counselor Licensing Act Rules	23679	AMD	06/19/2001	2001-10/11
R156-60d	Substance Abuse Counselor Act Rules	23838	5YR	06/11/2001	2001-13/86
R156-61	Psychologist Licensing Act Rules	23632	AMD	06/01/2001	2001-9/16
R156-66 (Changed to R151-33)	Utah Professional Boxing Regulation Act Rules	23859	EMR	07/01/2001	2001-14/54
R156-67	Utah Medical Practice Act Rules	23925	5YR	07/19/2001	2001-16/51
R156-68-305	Quality Review Program	23736	AMD	07/05/2001	2001-11/5
R156-69	Dentist and Dental Hygienist Practice Act Rules	23141	AMD	see CPR	2000-19/10
R156-69	Dentist and Dental Hygienist Practice Act Rules	23141	CPR	02/15/2001	2001-2/17
R156-69	Dentist and Dental Hygienist Practice Act Rules	23878	5YR	07/05/2001	2001-15/47

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-69-305	Continuous Quality Improvement Program	23737	AMD	07/05/2001	2001-11/6
R156-71	Naturopathic Physician Practice Act Rules	23738	AMD	07/05/2001	2001-11/7
R156-73	Chiropractic Physician Practice Act Rules	23390	AMD	02/15/2001	2001-2/2
R156-73	Chiropractic Physician Practice Act Rules	23743	AMD	07/05/2001	2001-11/8
R156-73	Chiropractic Physician Practice Act Rules	23879	5YR	07/05/2001	2001-15/48
Real Estate					
R162-102	Application Procedures	23321	AMD	02/07/2001	2000-23/17
R162-209	Administrative Proceedings	23526	NEW	04/13/2001	2001-5/9
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R184-1	Community and Economic Development Project Fund Application Procedures	24099	5YR	10/10/2001	2001-21/108
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R199-8	Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance	23321	AMD	01/23/2001	2000-21/3
R199-9	Policy Concerning Enforceability and Taxability of Bonds Purchased	23575	NSC	04/01/2001	Not Printed
R199-10	Procedures in Case of Inability to Formulate Contract for Alleviation of Impact	23576	NSC	04/01/2001	Not Printed
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R202-201	Energy Assistance: General Provisions	23686	NSC	05/01/2001	Not Printed
R202-202	Energy Assistance Programs Standards	23687	NSC	05/01/2001	Not Printed
R202-203	Energy Assistance Income Standards, Income Eligibility, and Payment Determination	23688	NSC	05/01/2001	Not Printed
R202-204	Energy Assistance: Asset Standards	23689	NSC	05/01/2001	Not Printed
R202-205	Energy Assistance: Program Benefits	23690	NSC	05/01/2001	Not Printed
R202-206	Energy Assistance: Eligibility Determination	23691	NSC	05/01/2001	Not Printed
R202-207	Energy Assistance: Records and Benefit Management	23692	NSC	05/01/2001	Not Printed
R202-208	Energy Assistance: Special State Programs	23693	NSC	05/01/2001	Not Printed
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R203-1	Utah Clean Fuels Grant and Loan Program	23377	AMD	see CPR	2001-1/6
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R212-3	Memberships, Sales, Gifts, Bequests, Endowments	24073	5YR	09/26/2001	2001-20/65
R212-4	Archaeological and Paleontological Permits	23606	NSC	05/01/2001	Not Printed
R212-4	Archaeological and Paleontological Permits	24074	5YR	09/26/2001	2001-20/65
R212-6	State Register for Historic Resources and Archaeological Sites	24075	5YR	09/26/2001	2001-20/66
R212-7	Cultural Resource Management	24076	5YR	09/26/2001	2001-20/67
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R223-2	Public Library Online Access for Eligibility to Receive Public Funds	23519	NSC	02/23/2001	Not Printed
R223-2	Public Library Online Access for Eligibility to Receive Public Funds	23694	AMD	09/07/2001	2001-10/14
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R230-1	Native American Grave Protection and Repatriation	23476	5YR	02/01/2001	2001-4/61
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R251-101	Corrections Advisory Council Bylaws	23966	5YR	08/01/2001	2001-16/51
R251-102	Release of Communicable Disease Information	23313	AMD	01/04/2001	2000-23/18
R251-102	Release of Communicable Disease Information	23511	5YR	02/05/2001	2001-5/40
R251-104	Declaratory Orders	23967	5YR	08/01/2001	2001-16/52
R251-109	Sex Offender Treatment Providers	23568	5YR	03/27/2001	2001-8/86
R251-110	Sex Offender Notification	23570	5YR	03/27/2001	2001-8/87
R251-110	Sex Offender Notification	23571	AMD	08/09/2001	2001-8/43
R251-301	Employment, Education or Vocational Training for Community Correctional Center Residents	23512	5YR	02/05/2001	2001-5/40
R251-301	Employment, Educational or Vocational Training for Community Center residents	23400	AMD	03/13/2001	2001-3/8
R251-702	Inmate Communication: Telephones	23968	5YR	08/01/2001	2001-16/52
R251-708	Perimeter Patrol	23901	5YR	07/12/2001	2001-15/48
R251-709	Transportation of Inmates	23570	5YR	03/27/2001	2001-8/87
R251-709	Transportation of Inmates	23540	AMD	05/15/2001	2001-7/12
R251-711	Admission and Intake	23902	5YR	07/12/2001	2001-15/49
R251-712	Release	23903	5YR	07/12/2001	2001-15/49
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R270-1	Award and Reparations Standards	23527	AMD	04/03/2001	2001-5/11
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R277-415	Strategic Planning Programs	23747	5YR	05/14/2001	2001-11/117
R277-415	Strategic Planning Programs	23963	REP	09/20/2001	2001-16/24
R277-432	Twenty Percent Funding for Class Size Reduction	24040	5YR	09/04/2001	2001-19/43
R277-451	The State School Building Program	23850	AMD	08/01/2001	2001-13/4
R277-456	Funding Regional Service Centers	23851	REP	08/01/2001	2001-13/6
R277-466	Modified Centennial Schools Program	24041	5YR	09/04/2001	2001-19/44
R277-469	Textbook Commission Operating Procedures	23426	AMD	03/06/2001	2001-3/9
R277-470	Distribution of Funds for Charter Schools	23852	AMD	08/01/2001	2001-13/6
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R277-480	Advanced Readers at Risk	23964	NEW	09/20/2001	2001-16/25
R277-513	Dual Certification	23748	5YR	05/14/2001	2001-11/117
R277-514	Board Procedures: Sanctions for Educator Misconduct	23546	NSC	04/01/2001	Not Printed
R277-517	Athletic Coaching Endorsements	23749	5YR	05/14/2001	2001-11/118
R277-526	Career Ladders in Education	23855	AMD	08/01/2001	2001-13/13
R277-709	Education Programs Serving Youth in Custody	23670	AMD	06/05/2001	2001-9/19
R277-717	Math, Engineering, Science Achievement (MESA)	23856	NEW	08/01/2001	2001-13/16
R277-911	Secondary Applied Technology Education	23671	AMD	06/05/2001	2001-9/21
R277-914	Applied Technology Education (ATE) Leadership	23920	EXD	07/16/2001	2001-16/61
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R307-101-2	Definitions	23759	AMD	07/12/2001	2001-11/10
R307-103-1	Scope of Rule	23442	NSC	02/01/2001	Not Printed
R307-103-2	Initial Proceedings	23407	AMD	04/12/2001	2001-3/13
R307-110-12	Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide	23918	AMD	09/10/2001	2001-15/6
R307-110-31	Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability	23756	AMD	08/02/2001	2001-11/18
R307-110-33	Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County	23757	AMD	08/02/2001	2001-11/19
R307-110-34	Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County	23758	AMD	see CPR	2001-11/20
R307-110-34	Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County	23758	CPR	10/02/2001	2001-17/36
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R307-204	Emissions Standards: Smoke Management	23139	CPR	03/06/2001	2001-3/81
R307-210	Stationary Sources	23987	5YR	08/15/2001	2001-17/47
R307-223	Emission Standards: Existing Small Municipal Waste Combustion Units	23836	NEW	09/10/2001	2001-13/18
R307-301-3	Average Oxygen Content Standard	23919	AMD	09/10/2001	2001-15/7
R307-405-1	Definitions	23760	AMD	07/12/2001	2001-11/21
R307-501	Emergency Rule: Power Generators	23781	EMR	05/15/2001	2001-11/114
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R309-101	General Administration of Drinking Water Program	23662	5YR	04/16/2001	2001-9/140
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R309-115	Administrative Procedures	23755	NEW	08/24/2001	2001-11/23
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R309-203 (Changed to R309-510)	Facility Design and Operation: Minimum Sizing Requirements	23657	AMD	08/15/2001	2001-9/29
R309-206 (Changed to R309-525)	Facility Design and Operation: Conventional Surface Water Treatment	23658	AMD	08/15/2001	2001-9/32
R309-207 (Changed to R309-530)	Facility Design and Operation: Alternative Surface Water Treatment Methods	23659	AMD	08/15/2001	2001-9/43
R309-208 (Changed to R309-535)	Facility Design and Operation: Miscellaneous Treatment Methods	23394	AMD	05/01/2001	2001-2/3
R309-209 (Changed to R309-540)	Facility Design and Operation: Pump Stations	23660	AMD	08/15/2001	2001-9/46
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R309-605	Source Protection: Drinking Water Source Protection for Surface Water Sources	23845	AMD	08/27/2001	2001-13/20
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R313-12	General Provisions	23667	AMD	06/07/2001	2001-9/54
R313-12	General Provisions	23932	5YR	07/23/2001	2001-16/53
R313-12	General Provisions	23826	AMD	09/14/2001	2001-13/27
R313-14	Violations and Escalated Enforcement	23668	AMD	06/07/2001	2001-9/55
R313-14	Violations and Escalated Enforcement	23933	5YR	07/23/2001	2001-16/53
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R313-16	General Requirements Applicable to the installation, Registration, Inspection and Use of Radiation Machines	23934	5YR	07/23/2001	2001-16/54
R313-17	Administration Procedures	23935	5YR	07/23/2001	2001-16/54
R313-18	Notices, Instructions and Reports to Workers by Licensees or Registrants--Inspections	23936	5YR	07/23/2001	2001-16/55
R313-19	Requirements of General Applicability to Licensing of Radioactive Material	23312	AMD	01/26/2001	2000-23/19
R313-19	Requirements of General Applicability to Licensing of Radioactive Material	24094	5YR	10/10/2001	2001-21/109
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R313-22	Specific Licenses	24095	5YR	10/10/2001	2001-21/109
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R313-26	Generator Site Access Permit Requirements for Accessing Utah Radioactive Waste Disposal Facilities	23669	NEW	06/08/2001	2001-9/59
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R313-32	Medical Use of Radioactive Material	24097	5YR	10/10/2001	2001-21/111
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R313-36	Special Requirements for Industrial Radiographic Operations	23552	AMD	05/11/2001	2001-7/13
R313-36	Special Requirements for Industrial Radiographic Operations	24098	5YR	10/10/2001	2001-21/112
R313-38	Radiation Safety Requirements for Wireline Service Operation and Subsurface Tracer Studies	23831	R&R	09/14/2001	2001-13/48
R313-70	Payments, Categories and Types of Fees	24100	5YR	10/10/2001	2001-21/112
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R315-1	Utah Hazardous Waste Definitions and References	23409	AMD	04/20/2001	2001-3/14
R315-2	General Requirements - Identification and Listing of Hazardous Waste	23410	AMD	04/20/2001	2001-3/16
R315-2	General Requirements - Identification and Listing of Hazardous Waste	23763	AMD	see CPR	2001-11/27
R315-2	General Requirements - Identification and Listing of Hazardous Waste	23763	CPR	09/04/2001	2001-15/42
R315-2-2	Definitions of Solid Waste	23521	AMD	06/15/2001	2001-5/15
R315-3	Application and Permit Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	23411	AMD	see CPR	2001-3/22
R315-3	Application and Permit Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	23411	CPR	06/15/2001	2001-9/130
R315-3	Application and permit Procedures for hazardous Waste Treatment, Storage, and Disposal Facilities	23947	NSC	08/01/2001	Not Printed
R315-3-1	Application and Permit Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	23764	AMD	07/20/2001	2001-11/29
R315-5-3	Pre-Transport Requirements	23412	AMD	04/20/2001	2001-3/30
R315-7	Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	23413	AMD	see CPR	2001-3/31
R315-7	Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	23413	CPR	06/15/2001	2001-9/131
R315-8	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	23414	AMD	see CPR	2001-3/36
R315-8	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	23414	CPR	06/15/2001	2001-9/133
R315-12	Administrative Procedures	24089	5YR	10/05/2001	2001-21/113
R315-13	Land Disposal Restrictions	24090	5YR	10/05/2001	2001-21/113
R315-13-1	Land Disposal Restrictions	23415	AMD	04/20/2001	2001-3/40
R315-14-7	Hazardous Waste Burned in Boilers and Industrial Furnaces	23416	AMD	04/20/2001	2001-3/41
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R315-101	Cleanup Action and Risk-Based Closure Standards	23554	AMD	see CPR	2001-7/15
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R315-101-7	Public Participation	23419	AMD	see CPR	2001-3/51
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R315-302	Solid Waste Facility Location Standards, General Facility Requirements, and Closure Requirements	23639	AMD	07/01/2001	2001-9/64
R315-303-3	Standards for Design	23640	AMD	07/01/2001	2001-9/68
R315-304-5	Industrial Landfill Requirements	23641	AMD	07/01/2001	2001-9/71
R315-304-5	Industrial Landfill Requirements	23871	NSC	07/30/2001	Not Printed
R315-305	Class IV Landfill Requirements	23642	AMD	07/01/2001	2001-9/72
R315-305-5	Requirements for Operation	23872	NSC	07/30/2001	Not Printed
R315-306	Energy Recovery and Incinerator Standards	23643	AMD	07/01/2001	2001-9/74
R315-307-1	Applicability	23644	AMD	07/01/2001	2001-9/76
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R315-309-2	General Requirements	23646	AMD	07/01/2001	2001-9/80
R315-310	Permit Requirements for Solid Waste Facilities	23647	AMD	07/01/2001	2001-9/81
R315-310-2	Procedures for Permits	23874	NSC	07/30/2001	Not Printed
R315-312	Recycling and Composting Facility Standards	23648	AMD	07/01/2001	2001-9/85
R315-312-4	Requirements for Use on Land of Sewage Sludge, Woodwaste, and other Organic Sludge	23875	NSC	07/30/2001	Not Printed
R315-313	Transfer Stations and Drop Box Facilities	23649	AMD	07/01/2001	2001-9/86
R315-314-3	Requirements for a Waste Tire Storage Facility	23650	AMD	07/01/2001	2001-9/87
R315-314-3	Requirements for a Waste Tire Storage Facility	23882	NSC	07/30/2001	Not Printed
R315-315-8	Petroleum Contaminated Soils	22858	AMD	see CPR (First)	2000-11/18
R315-315-8	Petroleum Contaminated Soils	22858	CPR (First)	see CPR (Second)	2000-17/67
R315-315-8	Petroleum Contaminated Soils	22858	CPR (Second)	01/05/2001	2000-23/58
R315-316	Infectious Waste Requirements	23651	AMD	07/01/2001	2001-9/89
R315-320	Waste Tire Transporter and Recycler Requirements	23652	AMD	07/01/2001	2001-9/91
R315-320-7	Reimbursement for the Removal of an Abandoned Tire Pile or a Tire Pile at a Landfill Owned by a Governmental Entity	23876	NSC	07/30/2001	Not Printed
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R317-1	Definitions and General Requirements	23766	AMD	08/24/2001	2001-11/32
R317-1-3	Requirements for Waste Discharges	23164	AMD	see CPR	2000-19/25
R317-1-3	Requirements for Waste Discharges	23164	CPR	01/23/2001	2000-24/74
R317-1-6	Disposal of Domestic Wastewater Treatment Works Sludge	23599	AMD	08/13/2001	2001-8/44
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R317-7	Underground Injection Control (UIC) Program	23162	CPR	01/23/2001	2000-24/75
R317-8	Utah Pollutant Discharge Elimination System (UPDES)	23161	AMD	see CPR	2000-19/40
R317-8	Utah Pollutant Discharge Elimination System (UPDES)	23161	CPR	01/23/2001	2000-24/78
R317-100	Utah State Project Priority System and List for the Utah Wastewater Project Assistance Program	23785	AMD	08/24/2001	2001-12/31
R317-101	Utah Wastewater Project Assistance Program	23786	AMD	08/24/2001	2001-12/33
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R317-550-7	Disposal of Wastes at Approved Locations	23600	AMD	see CPR	2001-8/45
R317-550-7	Disposal of Wastes at Approved Locations	23600	CPR	08/29/2001	2001-14/49
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R325-1	Utah State Fair Competitive Exhibitor Rules	23890	5YR	07/12/2001	2001-15/50
R325-2	Utah State Fair Commercial Exhibitor Rules	23891	5YR	07/12/2001	2001-15/50
R325-3	Utah State Fair Patron Rules	23892	5YR	07/12/2001	2001-15/51
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R325-5	Interim Renters Rule (Other Than Utah State Fair)	23894	5YR	07/12/2001	2001-15/52
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R355-2	Complaint Procedure for Americans With Disabilities Act (ADA)	24101	5YR	10/10/2001	2001-21/114
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R380-200	Patient Safety Sentinel Event Reporting	23842	NEW	10/15/2001	2001-13/56
R380-210	Health Care Facility Patient Safety Program	23843	NEW	10/15/2001	2001-13/59
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R382-10	Eligibility	23458	AMD	04/04/2001	2001-4/6
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R388-804	Special Measures for the Control of Tuberculosis	23303	AMD	02/02/2001	2000-23/29
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R396-100	Immunization Rule for Students	23762	R&R	07/19/2001	2001-11/52
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R398-1	Newborn Screening	23834	AMD	08/07/2001	2001-13/61
R398-2	Newborn Hearing Screening	23860	AMD	09/01/2001	2001-14/29
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R414-61	Home and Community Based Waivers	23823	AMD	08/09/2001	2001-13/63
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R414-63	Medicaid Policy for Pharmacy Reimbursement	23551	AMD	05/07/2001	2001-7/17
R414-303	Coverage Groups	23396	EMR	01/03/2001	2001-3/87
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R414-304	Income and Budgeting	23397	EMR	01/03/2001	2001-3/89
R414-304	Income and Budgeting	23421	AMD	03/13/2001	2001-3/56
R414-304	Income and Budgeting	23753	AMD	07/06/2001	2001-11/62
R414-304	Income and Budgeting	23922	AMD	09/26/2001	2001-16/26
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R414-306	Program Benefits	23459	AMD	04/04/2001	2001-4/11
R414-306	Program Benefits	23943	EMR	08/01/2001	2001-16/46
R414-309	Utah Medical Assistance Program (UMAP)	23349	AMD	01/17/2001	2000-24/24
R414-309	Utah Medical Assistance Program (UMAP)	23700	EMR	05/01/2001	2001-10/82
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R414-310	Demonstration Programs	23452	REP	04/02/2001	2001-4/13
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R420-1	Utah Medical Assistance Program	23351	AMD	01/23/2001	2000-24/28
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R426-2	Air Medical Services Rules	23344	AMD	01/23/2001	2000-24/32
R426-6	Emergency Medical Services Grants Program Rules	23185	AMD	01/17/2001	2000-20/27
R426-7	Emergency Medical Services Prehospital Data System Rules	23186	NEW	01/30/2001	2000-20/29
R426-8	Emergency Medical Services Per Capita Grants Program Rules	23202	NEW	01/30/2001	2000-21/14
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R430-6	Background Screening	23450	R&R	04/17/2001	2001-4/15
R430-100	Child Care Center	23451	AMD	04/17/2001	2001-4/20
R430-100	Child Care Center	23811	AMD	07/31/2001	2001-12/48
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R432-1	General Health Care Facility Rules	23477	NSC	04/01/2001	Not Printed
R432-1-3	Definitions	23784	AMD	08/07/2001	2001-12/51
R432-2	General Licensing Provisions	23478	NSC	04/01/2001	Not Printed
R432-3	General Health Care Facility Rules Inspection and Enforcement	23479	NSC	04/01/2001	Not Printed
R432-4	General Construction	23480	NSC	04/01/2001	Not Printed
R432-5	Nursing Facility Construction	23481	NSC	04/01/2001	Not Printed
R432-6	Assisted Living Facility General Construction	23482	NSC	04/01/2001	Not Printed
R432-7	Specialty Hospital - Psychiatric Hospital Construction	23483	NSC	04/01/2001	Not Printed
R432-8	Specialty Hospital - Chemical Dependency/Substance Abuse Construction	23484	NSC	04/01/2001	Not Printed
R432-9	Specialty Hospital - Rehabilitation Construction Rule	23485	NSC	04/01/2001	Not Printed
R432-10	Specialty Hospital - Chronic Disease Construction Rule	23486	NSC	04/01/2001	Not Printed
R432-11	Orthopedic Hospital Construction	23487	NSC	04/01/2001	Not Printed
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R432-13	Freestanding Ambulatory Surgical Center Construction Rule	23489	NSC	04/01/2001	Not Printed
R432-14	Birthing Center Construction Rule	23490	NSC	04/01/2001	Not Printed
R432-16	Hospice Inpatient Facility Construction	23491	NSC	04/01/2001	Not Printed
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R432-104	Specialty Hospital - Chronic Disease	23498	NSC	04/01/2001	Not Printed
R432-105	Specialty Hospital - Orthopedic	23499	NSC	04/01/2001	Not Printed
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R432-106	Specialty Hospital-Critical Access	23292	NEW	01/23/2001	2000-23/31
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R432-151	Mental Disease Facility	23501	NSC	04/01/2001	Not Printed
R432-152	Mental Retardation Facility	23502	NSC	04/01/2001	Not Printed
R432-200	Small Health Care Facility (Four to Sixteen Beds)	23503	NSC	04/01/2001	Not Printed
R432-201	Mental Retardation Facility: Supplement "A" to the Small Health Care Facility Rule	23504	NSC	04/01/2001	Not Printed
R432-270	Assisted Living Facilities	23380	AMD	03/30/2001	2001-1/10
R432-270	Assisted Living Facilities	23505	NSC	04/01/2001	Not Printed
R432-300	Small Health Care Facility - Type N	23506	NSC	04/01/2001	Not Printed
R432-500	Freestanding Ambulatory Surgical Center Rules	23567	NSC	04/01/2001	Not Printed
R432-500	Freestanding Ambulatory Surgical Center Rules	23564	AMD	08/13/2001	2001-8/63
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R432-600	Abortion Clinic Rule	23508	NSC	04/01/2001	Not Printed
R432-650	End Stage Renal Disease Facility Rules	23562	NSC	04/01/2001	Not Printed
R432-700	Home Health Agency Rule	23509	NSC	04/01/2001	Not Printed
R432-750	Hospice Rule	23510	NSC	04/01/2001	Not Printed
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R436-5	New Birth Certificates After Legitimation, Court Determination of Paternity, or Adoption	24014	5YR	08/28/2001	2001-18/58
R436-11	Local Registrars	23681	NSC	05/01/2001	Not Printed
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R590-144	Commercial Aviation Insurance Exemption From Rate and Form Filing	23583	NSC	05/01/2001	Not Printed
R590-146	Medicare Supplement Insurance Minimum Standards	23598	AMD	05/23/2001	2001-8/65
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R590-175	Basic Health Care Plan Rule	23369	CPR (First)	see CPR (Second)	2001-9/35
R590-175	Basic Health Care Plan Rule	23369	CPR (Second)	08/23/2001	2001-14/50
R590-177	Life Insurance Illustrations Rule	23713	5YR	04/30/2001	2001-10/91
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R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	23580	AMD	05/16/2001	2001-8/77
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R710-6	Liquefied Petroleum Gas Rules	23995	EMR	09/04/2001	2001-18/53
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R724-7 (Changed to R722-320	Undercover Identification	23447	NSC	02/01/2001	Not Printed
R724-9 (Changed to R722-330)	Licensing of Private Investigations	23448	NSC	02/01/2001	Not Printed
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R728-205	Council Resolution of Public Safety Retirement Eligibility	23627	NSC	05/01/2001	Not Printed
R728-404	Basic Training Basic Academy Rules	23628	NSC	05/01/2001	Not Printed
R728-409	Refusal, Suspension or Revocation of Peace Officer Certification	23629	NSC	05/01/2001	Not Printed
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R746-200	Residential Utility Service Rules for Electric, Gas, Water and Sewer Utilities	23353	AMD	02/15/2001	2000-24/66
R746-240	Telecommunication Service Rules	23354	AMD	02/15/2001	2000-24/67
R746-340	Service Quality for Telecommunications Corporations	23328	AMD	see CPR	2000-23/49
R746-340	Service Quality for Telecommunications Corporations	23328	CPR	03/27/2001	2001-4/56
R746-341	Lifeline Rule	23376	AMD	03/01/2001	2001-1/30
R746-347	Extended Area Service (EAS)	23844	REP	08/01/2001	2001-13/73
R746-352	Price Cap Regulation	23232	NEW	see CPR (First)	2000-21/26
R746-352	Price Cap Regulation	23232	CPR (First)	see CPR (Second)	2001-5/32
R746-352	Price Cap Regulation	23232	CPR (Second)	06/15/2001	2001-7/38
R746-360	Universal Public Telecommunications Service Support Fund	23271	AMD	02/15/2001	2000-22/45
R746-360-4	Application of Fund Surcharges to Customer Billings	23886	AMD	09/01/2001	2001-15/28
R746-360-9	One-Time Distributions From the Fund	23916	AMD	10/15/2001	2001-15/29
R746-409	Pipeline Safety	23705	AMD	06/28/2001	2001-10/42

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REGENTS (Board of)					
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R765-608	Utah Engineering and Computer Science Loan Forgiveness Program	23907	NEW	09/01/2001	2001-15/31
R765-649	Utah Higher Education Assistance Authority (UHEAA) Privacy Policy	23596	NEW	05/16/2001	2001-8/78
R765-649	Utah Higher Education Assistance Authority (UHEAA) Privacy Policy	23782	AMD	07/17/2001	2001-12/71
SCHOOL AND INSTITUTIONAL TRUST LANDS					
Administration					
R850-50-400	Permit Approval Process	23558	AMD	05/02/2001	2001-7/22
R850-140	Development Property	24053	5YR	09/14/2001	2001-19/45
TAX COMMISSION					
Administration					
R861-1A-9	Tax Commission as Board of Equalization Pursuant to Utah Code Ann. Sections 59-2-212, 59-2-1004, and 59-2-1006	23846	AMD	08/02/2001	2001-13/75
R861-1A-17	Definition of Return Pursuant to Utah Code Ann. Sections 59-1-210 and 59-1-403	23717	AMD	07/04/2001	2001-10/44
R861-1A-36	Signatures Defined Pursuant to Utah Code Ann. Sections 41-1a-209, 59-10-512, and 59-12-107	23403	AMD	04/11/2001	2001-3/76
Auditing					
R865-6F-1	Corporation Franchise Privilege - Right to do Business - Nature of Liability and How Terminated Pursuant to Utah Code Ann. Sections 16-10a-1501 through 16-10a-1522	23555	NSC	04/01/2001	Not Printed
R865-6F-15	Installment Basis of Reporting Income in Year of Termination Pursuant to Utah Code Ann. Section 59-7-119	23556	NSC	04/01/2001	Not Printed
R865-9I-14	Requirements of Withholding Pursuant to Utah Code Ann. Sections 59-10-401, 59-10-402, and 59-10-403	23910	AMD	09/05/2001	2001-15/33
R865-19S-4	Collection of Tax Pursuant to Utah Code Ann. Section 59-12-107	23714	AMD	09/05/2001	2001-10/45
R865-19S-85	Sales and Use Tax Exemptions for New or Expanding Operations and Normal Operating Replacements Pursuant to Utah Code Ann. Section 59-12-104	23716	AMD	07/04/2001	2001-10/46
R865-19S-90	Telephone Service Defined Pursuant to Utah Code Ann. Section 59-12-103	23911	AMD	09/05/2001	2001-15/34
R865-19S-98	Sales to Nonresidents of Vehicles, Off-highway Vehicles, and Boats Required to be Registered, and Sales to Nonresidents of Boat Trailers and Outboard Motors Pursuant to Utah Code Ann. Section 59-12-104	23912	AMD	09/05/2001	2001-15/35
R865-19S-106	Tourism Marketing Performance Fund Pursuant to Utah Code Ann. Section 9-2-1702 and 9-2-1703	23913	AMD	09/05/2001	2001-15/37
R865-21U	Use Tax	23572	5YR	03/27/2001	2001-8/88

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R865-21U-6	Liability of Purchasers and Receipt for Payment to Retailers Pursuant to Utah Code Ann. Section 59-12-107	23553	NSC	04/01/2001	Not Printed
Collections					
R867-2B	Delinquent Tax Collection	23574	5YR	03/27/2001	2001-8/89
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R873-22M-35	Reissuance of Personalized License Plates Pursuant to Utah Code Ann. Sections 41-1a-413 and 41-1a-1211	23718	AMD	07/04/2001	2001-10/48
Property Tax					
R884-24P-49	Calculating the Utah Apportioned Value of a Rail Car Fleet Pursuant to Utah Code Ann. Section 59-2-201	23475	AMD	04/11/2001	2001-4/42
R884-24P-62	Valuation of State Assessed Utility and Transportation Properties Pursuant to Utah Code Ann. Section 59-2-201	23395	AMD	05/14/2001	2001-2/11
R884-24P-65	Proportional Assessment of Transitory Personal Property Pursuant to Utah Code Ann. Section 59-2-402	23316	AMD	02/20/2001	2000-23/54
R884-24P-66	Appeal to County Board of Equalization Pursuant to Utah Code Ann. Section 59-2-1004	23847	AMD	08/02/2001	2001-13/77
TRANSPORTATION					
Administration					
R907-3-1	Additional Requirements: Policy	23633	NSC	05/01/2001	Not Printed
R907-40	External Relations	23634	NSC	05/01/2001	Not Printed
R907-63-1	Authority and Purpose	23623	NSC	05/01/2001	Not Printed
Motor Carrier					
R909-1	Safety Regulations for Motor Carriers	23460	AMD	03/20/2001	2001-4/44
R909-1	Safety Regulations for Motor Carriers	23573	NSC	04/01/2001	Not Printed
R909-1	Safety Regulations for Motor Carriers	23590	NSC	05/01/2001	Not Printed
R909-4	Safety Regulations for Tow Truck (Wrecker) Operations-Tow Truck Requirements, Equipment and Operations	23565	NSC	04/01/2001	Not Printed
R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification	23993	NEW	10/02/2001	2001-17/30
R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	23461	AMD	03/20/2001	2001-4/45
R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	23857	AMD	08/15/2001	2001-14/43
Motor Carrier, Ports of Entry					
R912-8	Minimum Tire, Axle and Suspension Ratings for Heavy Vehicles and the Use of Retractable or Variable Load Suspension Axles in Utah	23698	5YR	04/27/2001	2001-10/91

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R912-16	Special Mobile Equipment	23625	NSC	05/01/2001	Not Printed
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R916-2	Prequalification of Contractors	23608	NSC	05/01/2001	Not Printed
R916-3	DESIGN-BUILD Contracts	23609	NSC	05/01/2001	Not Printed
R916-3	DESIGN-BUILD Contracts	23750	5YR	05/14/2001	2001-11/119
Operations, Maintenance					
R918-3	Snow Removal	23379	AMD	02/15/2001	2001-1/32
Operations, Traffic and Safety					
R920-2	Traffic Control Systems for Railroad-Highway Grade Crossing	23635	NSC	05/01/2001	Not Printed
R920-3	Manual of Uniform Traffic Control Devices, Part IV	23636	NSC	05/01/2001	Not Printed
R920-6	Snow Tire and Chain Requirements	23610	NSC	05/01/2001	Not Printed
R920-7	Public Safety Program Signing	23611	NSC	05/01/2001	Not Printed
Program Development					
R926-2	Evaluation of Proposed Additions to the State Highway System	23612	NSC	05/01/2001	Not Printed
R926-3	Class B and Class C Road Funds	23613	NSC	05/01/2001	Not Printed
R926-5	State Park Access Highways Improvement Program	23614	NSC	05/01/2001	Not Printed
R926-6	Transportation Corridor Preservation Revolving Loan Fund	23311	AMD	01/03/2001	2000-23/55
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R930-1	Installation of New Mailboxes and Correction of Nonconforming Mailboxes	23615	NSC	05/01/2001	Not Printed
R930-2	Public Hearings	23616	NSC	05/01/2001	Not Printed
R930-3	Highway Noise Abatement	23617	NSC	05/01/2001	Not Printed
R930-5	Establishment and Regulation of At-Grade Railroad Crossings	23618	NSC	05/01/2001	Not Printed
R930-6	Rules for the Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of-Way	23198	AMD	01/19/2001	2000-21/43
R930-6	Rules for the Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of-Way	23443	NSC	02/12/2001	Not Printed
Preconstruction, Right-of-Way Acquisition					
R933-1	Right-of-Way Acquisition	23637	NSC	05/01/2001	Not Printed
R933-2	Control of Outdoor Advertising Signs	23942	NSC	08/01/2001	Not Printed
R933-2-15	Special Permits for Olympic Pageants	23622	AMD	07/09/2001	2001-9/128
R933-3	Relocation of Modification of Existing Authorized Access Openings or Granting New Access Openings on Limited Access Highways	23619	NSC	05/01/2001	Not Printed
R933-4	Bus Shelters	23536	AMD	04/18/2001	2001-6/45

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WORKFORCE SERVICES					
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R986-200	Family Employment Program	23721	AMD	07/01/2001	2001-10/49
R986-600	Workforce Investment Act	23722	NEW	07/01/2001	2001-10/50
R986-601	Authority and Definitions and Programs Authorized under JTPA	23723	REP	07/01/2001	2001-10/57
R986-602	General Administrative Provisions	23724	REP	07/01/2001	2001-10/67
R986-603	Participant Data System Procedures	23725	REP	07/01/2001	2001-10/75
R986-700	Child Care Assistance	23726	AMD	07/01/2001	2001-10/77
R986-700-705	Eligible Providers and Provider Settings	23969	NSC	08/01/2001	Not Printed
R986-700-713	Amount of CC Payment	23970	AMD	09/20/2001	2001-16/34
R986-900-902	Options and Waivers	23474	AMD	03/20/2001	2001-4/47
R986-900-902	Options and Waivers	23727	AMD	07/01/2001	2001-10/79
Workforce Information and Payment Services					
R994-302	Payment by Employer	23744	5YR	05/11/2001	2001-11/119
R994-308	Bond or Security Requirement	23745	5YR	05/11/2001	2001-11/120
R994-403-102a	Filing a New Claim	23824	AMD	08/09/2001	2001-13/78
R994-406-304	Appeal Time Limitation for Decisions Which are Mailed	23525	AMD	04/05/2001	2001-5/28