

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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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/>

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# SPECIAL NOTICES

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## Agriculture and Food

### Utah Soil Conservation Commission 2002 Meeting Schedule

Public Notice is hereby given of the 2002 calendar year meeting schedule for the Utah Soil Conservation Commission, hereafter called "Commission," a public agency created pursuant to Title 4, Chapter 18, Utah Code. This Commission is a policy making body helping to bring about sensible development and wise conservation of Utah's soil and water resource on private lands. To accomplish this the Commission assists Utah's 38 local soil conservation districts to fulfill their purposes; administering the Agriculture Resource Development Loan program; and, facilitates the coordination of state and federal conservation partnership government agencies and groups who may influence these programs.

Five meetings for 2002 are planned as follows:

1. January 30 (Wednesday) at 1:30 - 4:30 p.m. in Salt Lake City
2. March 11 (Monday) at 2:00 - 5:00 p.m. in St George\*
3. June 5 (Wednesday) at 1:00 - 4:00 p.m. in Heber City\*
4. September 23 (Monday) at 1:00 - 5:00 p.m. in Vernal\*  
(Possible joint meeting with the Utah Water Quality Board.)
5. November 6 (Wednesday) at 2:00 - 5:00 p.m. in Provo\*

\* The place for meetings out of Salt Lake City will be determined by the Commission staff and a notice will be published two weeks prior.

Meetings are held either in the Main Conference Room of the Utah Department of Agriculture and Food (UDAF), 350 North Redwood Road, Salt Lake City, or at such other place as the Commission shall designate prior to any such meeting. Additionally, meetings for the briefing of members of the Commission may be held at such place and location as the Commission shall designate prior to any such meeting.

*Commission contact: K. N. "Jake" Jacobson, Administrative Officer with the UDAF, PO Box 146500, 350 North Redwood Road, Salt Lake City, Utah 84116-6500; phone: (801) 538-7171; FAX: (801) 538-4940; or E-mail at: [jjacobso.agmain@state.ut.us/](mailto:jjacobso.agmain@state.ut.us/).*

*In compliance with the Americans with Disabilities Act (ADA), individuals needing special accommodations (including auxiliary communicative aids and services) during any of these meetings should notify UDAF's ADA Coordinator, Renee Matsuura, at the above UDAF address, phone: (801) 538-7110 (TDD: (801) 538-7100) at least three working days prior to the meeting.*

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## 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. 02-02, dated January 18, 2002 (<http://library.utah.gov/02-02.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.

**Notices of Proposed Rules Begin on the Following Page**



## NOTICES OF PROPOSED RULES

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A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between January 16, 2002, 12:00 a.m., and February 1, 2002, 11:59 p.m. are included in this, the February 15, 2002, 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 March 18, 2002. 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 June 15, 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.

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

Administrative Services, Fleet Operations
R27-5
Fleet Tracking

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 24444
FILED: 02/01/2002, 13:17

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To monitor the utilization and maintenance of state vehicles.

SUMMARY OF THE RULE OR CHANGE: Provides information on which vehicle types and vehicle services must be tracked in the Division's fleet tracking program.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63A-9-402(1)(b)

ANTICIPATED COST OR SAVINGS TO:

- THE STATE BUDGET: None--This program is being managed under current budget.
LOCAL GOVERNMENTS: None--This rule does not cover local government.
OTHER PERSONS: There are no cost involved because there is no charge to use the system or for any training needed to operate the program.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost involved because there is no charge to use the system or for any training needed to operate the program.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This is an in-house fleet tracking program designed to gather information needed to maintain a large fleet.

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

ADMINISTRATIVE SERVICES
FLEET OPERATIONS
Room 4120 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:
Alison Taylor at the above address, by phone at 801-538-3306, by FAX at 801-538-1773, or by Internet E-mail at ataylor@fo.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 03/18/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 03/19/2002

AUTHORIZED BY: Steve Saltzgiver, Director

R27. Administrative Services, Fleet Operations.

R27-5. Fleet Tracking.

R27-5-1. Authority.

(1) This rule is established pursuant to Subsection 63A-9-401(1)(b), which requires the Division of Fleet Operations (DFO) to establish one or more fleet automation and information systems for state vehicles.

(2) The purpose of this section is to insure that state vehicles and miscellaneous equipment under the ownership or control of all state agencies are accounted for and properly inventoried.

R27-5-2. Items Tracked in the Fleet Information System.

(1) All "State Vehicles," as defined in Subsection 63A-9-101(7) shall be tracked in DFO's fleet information system.

(2) For the purpose of managing the state fleet, DFO makes a definitional distinction between the following categories of state vehicles:

(a) "Light Duty Vehicle" as defined in R27-1-2(24);

(b) "Heavy Duty Vehicle" as defined in R27-1-2(23);

(c) "Non-road vehicle," as defined in R27-1-2(30);

(d) "Unique Motorized Equipment," as defined in R27-1-2(41).

(3) "Miscellaneous Equipment," as defined in R27-1-2(25), may be tracked in DFO's fleet information system.

(4) Each agency shall be responsible for entering and maintaining accurate data about each motor vehicle that it owns, operates, or otherwise controls, into DFO's fleet information system.

(5) The division shall provide each agency with program access, software updates, licensing fee requirements, system reports, LAN coordination, user manuals, help-desk access, and user training necessary to maintain and operate the divisions' fleet information system to track state vehicles.

(6) The costs associated with tracking state vehicles shall be a component of the MIS rate.

KEY: state fleet information system

2002

63a-9-402(1)(b)

Administrative Services, Fleet Operations
R27-6
Fuel Dispensing Program

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 24445

FILED: 02/01/2002, 13:20

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To establish procedures related to the purchasing of fuel or other

necessary vehicle fluids through the State Fuel Dispensing Network.

SUMMARY OF THE RULE OR CHANGE: Information is provided on all areas of the Fuel Dispensing Network including: fuel purchases, membership in the Network, and Under Ground Storage Tanks.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 63A-9-401(1)(c)(vi), 63A-9-401(1)(e), and 63A-2-201.1(a)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--This program is being managed under current budget.

❖LOCAL GOVERNMENTS: None--All costs are included in the fuel purchase price when purchasing fuel at State-managed sites.

❖OTHER PERSONS: None--All costs are included in the fuel purchase price when purchasing fuel at State-managed sites.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--All costs are included in the fuel purchase price when purchasing fuel at State-managed sites.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This is an in-house fuel dispensing program designed to provide fuel tracking services for government fleets. This rule will have no fiscal impact on local or national business.

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

ADMINISTRATIVE SERVICES  
FLEET OPERATIONS  
Room 4120 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:

Alison Taylor at the above address, by phone at 801-538-3306, by FAX at 801-538-1773, or by Internet E-mail at ataylor@fo.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 03/18/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 03/19/2002

AUTHORIZED BY: Steve Saltzgeber, Director

## **R27. Administrative Services, Fleet Operations.**

### **R27-6. Fuel Dispensing Program.**

#### **R27-6-1. Authority.**

This rule is established pursuant to subsections 63A-9-401(1)(c)(vi), 63A-9-401(1)(e), and 63A-2-201.1(a) which require the Department of Administrative Services, Division of Fleet Operations (DFO) to make rules establishing requirements for fuel

management programs, and to create and administer a fuel dispensing services program.

#### **R27-6-2. Participation.**

(1) Pursuant to Subsection 63A-9-401(2)(a)(1), each state agency and each institution of higher education shall subscribe to the fuel dispensing services provided by the division.

(2) Pursuant to Subsection 63A-9-401(2)(a)(ii), state agencies may not provide or subscribe to any other fuel dispensing services, systems, or products other than those provided by DFO.

(3) Counties, municipalities, school districts, special districts and federal agencies may subscribe to fuel dispensing services provided by DFO.

#### **R27-6-3. State Fuel Network.**

(1) The state fuel network consists of all fuel sites owned, leased or under the control of the DFO; all agencies except institutions of higher education; all counties, municipalities, school districts, and special districts that subscribe to the services provided by DFO; and all privately owned fuel sites that participate in the Utah Fuel Card program.

#### **R27-6-4. Cost Recovery.**

(1) DFO shall establish, for each fiscal year, fuel rates designed to recover the costs associated with the purchase of fuels and overhead costs associated with running the state fuel dispensing network.

#### **R27-6-5. Authority to Issue a State of Utah Fuel Card.**

(1) Except when delegated pursuant to the provisions of R27-6-6, the authority to issue State of Utah Fuel Cards (fuel card) and assign Personal Identification Numbers (PIN) resides exclusively with DFO.

(2) In the event that a fuel card is either lost or stolen, the operator shall, immediately report the loss or theft of the fuel card to DFO.

#### **R27-6-6. Delegation of Authority to Issue Fuel Cards and Assign PINS.**

(1) The director of the Division of Fleet Operations, with the approval of the Executive Director of the Department of Administrative Services, may delegate the authority to issue fuel cards and assign PINs to other state agencies and institutions by contract or other means authorized by law, if,

(a) the state agency or institution has requested the authority; and

(b) in the judgment of the director, the state agency or institution has the necessary resources and skills to perform the delegated responsibilities.

(2) The delegation shall contain the following:

(a) a precise definition of each function to be delegated;

(b) a clear description of the standards to be met in performing each function delegated, including but not limited to,

(i) a provision that the vehicles for which the fuel cards are being issued, and to which the PINs are being assigned, are or will be capital only lease vehicles; and

(ii) a provision that the vehicle for which the fuel card is being issued, and to which the PIN is being assigned, is allocated or assigned to the agency issuing both the fuel card and the PIN; and

(iii) a provision that the vehicles for which the fuel cards are being issued, and to which the PINs are being assigned, are in DFO's fleet information system.

(c) a provision for periodic administrative audits by either DFO or the Department of Administrative Services; and

(d) a date on which the agreement shall terminate if the agreement has not been previously terminated or renewed.

(3) An agency given the authority to issue fuel cards and assign PINs shall not issue fuel cards for vehicles not in DFO's fleet information system.

(4) An agreement to delegate functions to a state agency or institution may be terminated by DFO if the results of administrative audits conducted by either DFO or the Department of Administrative Services reveal a lack of compliance with the terms of the agreement by the state agency or institution.

(5) In the event that a fuel card, issued by an agency other than DFO is either lost or stolen, the operator shall immediately report the loss or theft of the fuel card to the issuing agency.

#### **R27-6-7. Authorized Use of a State of Utah Fuel Card.**

(1) The following procedures shall be followed when purchasing fuel from either a state run or a participating commercial public fueling site:

(a) Verify that the vendor is a participant in the State Fuel Network Program; and

(b) Follow the procedures that apply to the particular site and enter the correct information when prompted in order to purchase fuel.

(2) Except as provided in paragraph 3 of this section, the fuel card shall only be used to purchase:

(a) Fuel; and

(b) Fluids, car washes and minor miscellaneous items for state vehicles whose value, taken together, shall not exceed the monthly monetary limits determined by DFO.

#### **R27-6-8. Reimbursements.**

(1) Reimbursements for the use of the operator's personal funds in order to purchase fuel and/or other services shall be granted:

(a) when the operator has verified that the vendor is a participant in the State Fuel Network Program and at the time when fuel was being purchased, there was a problem with either the PIN or card reader that could not be repaired prior to purchase; or

(b) when the operator purchases from a vendor that is not a participant in the State Fuel Network and there is no participating vendor in the immediate vicinity of the non-participating vendor.

(c) at the discretion of the fuel network manager when circumstances indicate that the use of personal funds was necessary.

#### **R27-6-9. Fuel Purchases.**

(1) For all fuel sites for which DFO purchases fuel:

(a) The authority to purchase bulk fuel resides exclusively with DFO.

(b) All fuel stored at, or contained in, fuel sites for which DFO purchases fuel shall be the property of the State of Utah, DFO.

#### **R27-6-10. Fuel Site Maintenance.**

(1) All fuel sites in the state fuel network for which DFO purchases fuel shall be managed by the DFO. All fuel sites for which DFO does not purchase fuel shall be managed by the agency,

subscribing county, municipality, school district, or special district that has ownership, possession, or control of the site.

(2) Except for privately owned, leased or controlled fuel sites, maintenance at all other fuel sites in the State Fuel Network, shall be performed only by personnel of the DFO and/or their authorized agents.

(3) Only DFO personnel and/or authorized agents shall be authorized to disconnect power or communication from any fueling equipment, including, but not limited to, tanks and monitoring equipment.

(4) Personnel of agencies, subscribing counties, municipalities, school districts and special districts at fuel sites shall not perform, or give authorization to perform, any site maintenance.

(c) Personnel of agencies, subscribing counties, municipalities, school districts and special districts at fuel sites shall report any maintenance concerns to the DFO.

(d) Personnel of agencies, subscribing counties, municipalities, school districts and special districts at fuel sites shall provide DFO, its employees and/or authorized agents, 24-hour access to fuel sites for any maintenance or service needs.

(4) In the event that a fuel site operated by an agency, subscribing county, municipality, school district or special district is not part of the Utah Fuel card system, it shall be the responsibility of the fuel site personnel to keep records of all following information for entry into the fleet information system:

(a) Correct odometer reading;

(b) Operators' PIN;

(c) Vehicle number or license plate number;

(d) Other information as required by DFO.

#### **R27-6-11. Underground Fuel Storage Tanks.**

(1) DFO shall be responsible for coordinating the installation of state owned underground storage tanks and the upgrading, retrofitting, repair or removal of existing underground storage tanks located on or about property, easements or rights of way owned, leased or otherwise controlled by agencies.

(2) DFO shall be responsible for paying for all operations related to the installation, upgrading, retrofitting, repair or removal of underground fuel storage tanks listed in its Underground Storage Tank Inventory.

(3) The costs associated with all operations related to the installation, repair or removal of Underground Fuel Storage Tanks that are not contained in DFO Underground Storage Tank Inventory shall be the responsibility of the agency having ownership, possession or control of the site in which the storage tank is found.

(4) All agency fuel site personnel shall provide DFO, its employees and/or authorized agents, 24-hour access to fuel sites for any storage tank maintenance or service needs.

#### **R27-6-12. Abuse and Neglect of Fueling Equipment.**

Damage to fuel equipment that results from the abuse or neglect of an operator shall be the responsibility of the agency employing the operator at the time of the incident.

#### **R27-6-13. Delegation of Authority to Manage and Maintain Fuel Storage Tanks.**

(1) The director of the Division of Fleet Operations, with the approval of the Executive Director of the Department of Administrative Services, may delegate the authority to manage and maintain fuel storage tanks holding fuel that is not for use in motor

vehicles, to other agencies or institution, by contract or other means authorized by law, if:

(a) the state agency or institution has requested the authority; and

(b) in the judgment of the director, the state agency or institution has the necessary resources and skills to perform the delegated responsibilities.

(2) The delegation shall contain the following:

(a) a precise definition of each function to be delegated;

(b) a clear description of the standards to be met in performing each function delegated; and

(c) a provision for periodic administrative audits by either DFO or the Department of Administrative Services; and

(d) a date on which the agreement shall terminate if the agreement has not been previously terminated or renewed.

(3) An agreement to delegate functions to a state agency or institution may be terminated by DFO if the results of administrative audits conducted by either DFO or the Department of Administrative Services reveal a lack of compliance with the terms of the agreement by the state agency or institution.

**KEY: fuel dispensing**

**2002**

**63A-9-401(1)(c)(vi)**

**63A-9-401(1)(e)**

**63A-2-201.1(a)**

▼ ————— ▼

## Administrative Services, Fleet Operations

### R27-8

## State Vehicle Maintenance Program

### NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 24446

FILED: 02/01/2002, 13:22

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To provide procedures for requesting and repair services for State vehicles.

SUMMARY OF THE RULE OR CHANGE: Information is provided on all areas of vehicle maintenance and repairs, obtaining approval for the service, as well as information on choosing a vendor in accordance with fleet standards.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 63A-9-401(1)(c)(i) and 63A-9-401(1)(c)(iv)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--This program is being managed under current budget.

❖ LOCAL GOVERNMENTS: None--This rule does not impact local government.

❖ OTHER PERSONS: None--This rule does not impact persons other than State employees.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule does not impact persons other than State employees.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have no fiscal impact on local or national business. It is an in-house vehicle maintenance and utilization program.

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

ADMINISTRATIVE SERVICES

FLEET OPERATIONS

Room 4120 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:

Alison Taylor at the above address, by phone at 801-538-3306, by FAX at 801-538-1773, or by Internet E-mail at ataylor@fo.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 03/18/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 03/19/2002

AUTHORIZED BY: Steve Saltzgjver, Director

### **R27. Administrative Services, Fleet Operations.**

#### **R27-8. State Vehicle Maintenance Program.**

##### **R27-8-1. Authority.**

This rule is established pursuant to Subsections 63A-9-401(1)(c)(i) and (iv), which require the Department of Administrative Services, Division of Fleet Operations (DFO) to establish rules governing maintenance operations for state vehicles, and preventative maintenance programs.

Unless specifically exempted in writing by DFO, agencies shall comply with the preventive maintenance and repair provisions of this rule.

##### **R27-8-2. Preventive Maintenance.**

(1) Preventive maintenance (PM) shall be performed in accordance with the schedule set forth in the Preventive Maintenance Program Coupon Book that accompanies each full service lease vehicle. The Preventive Maintenance Program Coupon Book is located in the glove compartment of each full service lease vehicle.

(2) The driver or agency shall take the vehicle to a vendor that participates in the vendor's service network. In the event that a driver needs to locate a service facility, the vendor will direct the driver to the nearest service facility that participates in the vendor's service network.

(3) Agencies leasing state vehicles are responsible for complying with annual safety and emission inspections required by state law.

(a) Inspection compliance certificates shall be forwarded to the DFO offices for vehicle registration.

(4) When taking a state vehicle in for preventive maintenance, the drivers shall present the Preventive Maintenance Coupon Book to the vendor.

**R27-8-4. Repairs.**

(1) In the event a state vehicle is in need of repair(s), the driver shall contact the vendor prior to having any services performed. A toll free telephone number is listed on the front cover of the Driver Operating Manual and the Program Information Booklet.

(a) The driver of the vehicle shall provide the vehicle number and odometer reading to the vendor.

(b) In the event that a driver needs to locate a service facility, the vendor will direct the driver to the nearest service facility that participates in the vendor's service network.

(c) In the event that the vehicle is already in a service facility, the driver shall direct the shop to contact the vendor. Authorization to perform the required repairs shall be given by the vendor.

(2) When taking a state-owned vehicle in for repair(s), the driver shall identify the vehicle as belonging to DFO, and not the division or department to which the vehicles are leased.

**R27-8-5. Agency Maintained Repair Shop Parts Inventory.**

(1) Agencies with capital only lease vehicles may, at their own expense maintain and operate maintenance and repair facilities to care for leased vehicles.

(2) All maintenance and repair shop personnel working on capital only lease vehicles shall be trained in the use of DFO's fleet information system, specifically the work-order ticket module of the system.

(3) All maintenance and repairs performed on capital only lease vehicles shall be entered into the fleet information system work-order module within 24 hours of the completion of the work.

(4) All maintenance and repairs performed or done on full service leased vehicles shall require prior approval from the vendor for preventive maintenance and repair services. The agency maintenance and repair facility shall bill the vendor for services rendered.

(5) Agency maintenance and repair facilities shall comply with all state and federal law, state and federal rules and regulations governing motor vehicle maintenance and repair facilities.

**KEY: vehicle maintenance, repair, vendor approval**  
**2002**

**63A-9-401(1)(c)(i)**

**63A-9-401(1)(c)(iv)**



Commerce, Administration

**R151-33**

Utah Athletic Commission Act Rules

**NOTICE OF PROPOSED RULE**

(Repeal and Reenact)

DAR FILE No.: 24452

FILED: 02/01/2002, 17:07

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Athletic Commission Act Rule is repealed and reenacted to

accomplish the following goals: 1) to comply with S.B. 2006 of the 2001 Second Special Session; 2) to add provisions required by statute; 3) to add or amend boxing provisions in accordance with national boxing standards; and 4) to re-organize, clarify, correct, and simplify the rule. (DAR NOTE: S.B. 2006 is found under 2001 Utah Laws 009 (2nd Spec. Sess.) and was effective 12/01/2001.)

SUMMARY OF THE RULE OR CHANGE: Substantive Changes: 1) renamed the Commission in honor of the late Senator Pete Suazo and removed professional wrestling from the jurisdiction of the Commission in accordance with S.B. 2006; 2) added provisions regarding renewal procedures, adjudicative proceedings before the Commission, and complimentary tickets, as required by Utah Code Annotated, Sections 13-33-302 and 13-33-304, and Subsection 13-33-202(2); 3) in accordance with national boxing standards, amended boxing weight classes; amended the provision regarding ring dimensions and construction; added provisions regarding weight of boxing gloves and use of soft contact lenses; added "biting" to the list of boxing fouls; added provision giving contestants 20 seconds to re-enter the ring after accidentally falling through the ropes; added provision requiring a timekeeper to track and record the amount of time that a contestant remains down on the canvas; deleted a 14-day resting requirement for a boxing contestant who competes in a 15-round bout; deleted two unnecessary scoring provisions, since judges score each round and submit their score sheets to the referee; clarified provisions regarding length of rounds for female boxing contests; and deleted requirement for license number on a boxing contestant's identification card; 4) reduced bond requirement for all boxing contests to \$10,000 regardless of the amount of the contest purse; and 5) removed provisions duplicative of the Act, including provision prohibiting ultimate fighting, and provision about impounding purses. Nonsubstantive Changes: 1) re-organized the rule such that requirements common to all forms of unarmed combat are clearly separated from those applicable to a specific form of unarmed combat, and such that related requirements or concepts are together; 2) removed the term "professional contestant" and replaced it with "contestant" as used and defined in the Act; 3) corrected improper references to laws and rules, and removed references to the Division of Occupational and Professional Licensing, since that Division no longer regulates the boxing profession; and 4) simplified and clarified the language, and corrected identified spelling and grammatical errors.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 63, Chapter 46b; Title 13, Chapter 33, including Sections 13-33-302, 13-33-202, and 13-33-304; and 2001 Utah Laws 009 (2nd Spec. Sess.)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Commission will incur additional employee time and costs related to renewal procedures and adjudicative proceedings before the Commission. However, these costs will be covered by existing budget.

❖ LOCAL GOVERNMENTS: No impact is anticipated, because local government is not involved in the regulation or enforcement of the boxing industry.

❖ OTHER PERSONS: Promoters of boxing contests could see a reduction in the amount of the required bond for contests. The rule previously required the greater of \$10,000 or the amount of the contest purse. The new rule requires a \$10,000 bond for all contests. The savings to promoters is difficult to determine, and is dependent on the number of boxing contests held in Utah and the amount of the purse for such contests.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These rules do not add any costs to licensees, but individual promoters of boxing contests could potentially save money due to the reduced bond requirement (see also "other persons" above). The amount of the savings is undeterminable, and is dependent on the number of contests held in Utah and the amount of the purse for such contests.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There appears to be no fiscal impact to businesses as a result of this rule change, which repeals and reenacts the Utah Athletic Commission Act Rule to comply with S.B. 2006 of the 2001 Second Special Session; adds provisions for adjudicative proceedings, renewal procedures, and complimentary tickets, as required by the Utah Professional Athletic Commission Act; adds or amends boxing provisions in accordance with national boxing standards; and re-organizes, clarifies, corrects and simplifies the rule.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Masuda Medcalf at the above address, by phone at 801-530-7663, by FAX at 801-530-6001, or by Internet E-mail at mmedcalf@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 03/18/2002

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 3/05/2002 at 1:00 PM, Heber M. Wells Building, 160 E 300 S, Room 4B, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 03/19/2002

AUTHORIZED BY: Klare Bachman, Deputy Director

### **R151. Commerce, Administration.**

#### **~~R151-33. Utah Athletic Commission Act Rules.~~**

##### **~~R151-33-101. Title.~~**

~~These rules are known as the "Utah Professional Athletic Commission Act Rules."~~

##### **~~R151-33-102. Definitions.~~**

~~In addition to the definitions in Title 13, Chapter 33, and Section 102, UCA, the following definitions are adopted for the purpose of these rules:~~

~~(1) "Boxing" means the sport of attack and defense using the fist, covered by an approved boxing glove.~~

~~(2) "Designated commission member" means a member of the commission designated as the supervisor for a contest and responsible for the conduct of a contest, as assisted by other commission members, division personnel and others, as necessary and requested by the designated commission member.~~

~~(3) "Drug" means a controlled substance, as defined in Title 58, Chapter 37, Utah Controlled Substances Act, or alcohol.~~

~~(4) "Mandatory count of eight" means a required count of eight that is given by the referee of a contest to a professional contestant who has been knocked down.~~

~~(5) "Nominal value" means a retail value of less than \$500.00.~~

~~(6) "Unprofessional conduct," is as defined in Section 13-33-102 (21)(a-f) of UCA. It is further defined in R151-33-304.~~

##### **~~R151-33-201. Authority—Purpose.~~**

~~These rules are adopted by the Commission under the authority of Section 13-33-201(2), UCA, to enable the Commission to administer Title 13, Chapter 33, UCA.~~

##### **~~R151-33-301. Qualifications for Licensure.~~**

~~(1) In accordance with Section 13-33-301(1) and (2), UCA, a license is required for a person to act as or to represent that the person is a promoter, manager, contestant, second, referee, or judge.~~

~~(2) A licensed manager shall not hold a license as a referee or judge.~~

~~(3) A promoter shall not be licensed as a referee, judge or professional contestant.~~

##### **~~R151-33-302. Renewal Cycle—Procedure.~~**

~~(1) In accordance with Subsection 13-33-302(1)(a), the renewal date for the two-year renewal cycle applicable to licensees under Title 13, Chapter 33 is established by rule in Section R151-33-302.~~

~~(2) Renewal procedures shall be in accordance with Section R151-33-302.~~

##### **~~R151-33-303. Immediate License Suspension.~~**

~~(1) In accordance with Subsection 13-33-303(6), UCA, the designated commission member may issue an order immediately suspending the license of a professional contestant upon a finding that the professional contestant presents an immediate and significant danger to the professional contestant, other professional contestants, or the public.~~

~~(2) The suspension shall be at such time and for such period as the division and commission believe is necessary to protect the health, safety, and welfare of the professional contestant, other professional contestants, or the public.~~

~~(3) A professional contestant whose license is immediately suspended may, within 30 days, challenge the suspension by submitting a written request for a hearing. The division shall convene the hearing~~

as soon as is reasonably practical but not later than 20 days from the receipt of a written request, unless the division and the party requesting the hearing agree to conduct the hearing at a later date.

—(4) The hearing shall be conducted as a formal adjudicative proceeding in accordance with the provisions of the Title 63, Chapter 46b, Utah Administrative Procedures Act, and department or division rules enacted thereunder.

—(5) The presiding officers for the proceeding shall be as set forth in Section 58-1-109.

—(6) Within a reasonable time after the hearing, the director shall issue an order in accordance with the requirements of Section 63-46b-10. The order of the director shall be considered final agency action with respect to the immediate license suspension and shall be subject to agency review in accordance with Section R151-46b-12.

#### **R151-33-304. Unprofessional Conduct.**

— "Unprofessional conduct" includes:

—(1) as a promoter, failing to promptly inform the division or the commission of all matters relating to the contest;

—(2) as a promoter, substituting a professional contestant in the 24 hours immediately preceding the scheduled contest without approval of the division;

—(3) violating the rules for conduct of contests set forth in R151-33-305 through R151-33-342;

—(4) testing positive for drugs or alcohol in a random body fluid screen before or after participation in any contest;

—(5) testing HIV positive;

—(6) failing or refusing to comply with a valid order of a representative of the division; and

—(7) signing a contract between a promoter and a professional contestant that is secret and that contradicts the terms of the contract or contracts which are filed with the division.

#### **R151-33-305. Professional Boxing Weights and Classes.**

—(1) Boxing weights and classes are established as follows:

—(a) Junior Flyweight: not over 108 lbs. or 48.988 kgs.

—(b) Flyweight: not over 112 lbs. or 50.802 kgs.

—(c) Bantamweight: not over 118 lbs. or 53.524 kgs.

—(d) Jr. Featherweight: not over 122 lbs. or 55.338 kgs.

—(e) Featherweight: not over 126 lbs. or 57.153 kgs.

—(f) Jr. Lightweight: not over 130 lbs. or 58.967 kgs.

—(g) Lightweight: not over 135 lbs. or 61.235 kgs.

—(h) Jr. Welterweight: not over 140 lbs. or 63.503 kgs.

—(i) Welterweight: not over 147 lbs. or 66.678 kgs.

—(j) Jr. Middleweight: not over 154 lbs. or 69.853 kgs.

—(k) Middleweight: not over 160 lbs. or 72.574 kgs.

—(l) Supermiddleweight: not over 168 lbs. or 76.204 kgs.

—(m) Lt. Heavyweight: not over 175 lbs. or 79.378 kgs.

—(n) Cruiserweight: not over 190 lbs. or 86.18 kgs.

—(o) Heavyweight: over 190 lbs. or 86.18 kgs.

—(2) A professional contestant shall not fight another professional contestant who is outside of the professional contestant's weight classification unless prior approval is given by the division.

—(3) The division shall not allow a contest in which the professional contestants are not fairly matched. In determining if professional contestants are fairly matched, the division shall consider all of the following factors with respect to the professional contestant:

—(a) the win-loss record of the professional contestants;

—(b) the weight differential;

—(c) the caliber of opponents;

—(d) each professional contestant's number of fights; and

—(e) previous suspensions or disciplinary actions.

#### **R151-33-306. Weighing In.**

—(1) Not less than six nor more than 24 hours before the start of a contest, the designated commission member shall weigh in each professional contestant in the presence of other professional contestants.

—(2) Professional contestants shall be licensed at the time they are weighed in.

—(3) Only those professional contestants who have been previously approved for the contest shall be permitted to weigh in.

—(4) A professional contestant who has contracted to box in a given weight class shall not be permitted to compete if he or she exceeds that weight class at the weigh in, unless the contract provides for the opposing professional contestant to agree to the weight differential. If the weigh in is held the day before the contest and if the opposing professional contestant does not agree or the contract does not provide for a weight exception, the professional contestant may have two hours to attempt to lose not more than three pounds in order to be reweighed.

#### **R151-33-307. Number of Rounds in a Bout.**

—(1) A contest bout shall consist of not less than four scheduled rounds. Three minutes of boxing shall constitute a round. There shall be a rest period of one minute between the rounds.

—(2) A promoter shall contract with a sufficient number of professional contestants to provide a program consisting of at least 30, and not more than 56, scheduled rounds of boxing, unless otherwise approved by the division.

#### **R151-33-308. Ring Dimensions and Construction.**

—(1) The ring shall be square and be not less than 16 feet nor more than 24 feet on a side measured within the ropes. The ring floor shall extend not less than 18 inches beyond the ropes. There shall be padding over the ring post if the ring posts are nearer than 18 inches to the ring ropes.

—(2) The ring floor shall be padded with not less than a 5/8 of an inch base of ensolite or material with similar or superior shock absorbing and deceleration characteristics which is capable of reducing initial impact and which is approved by the division. The padding shall be placed on one inch of ecotex building board or the equivalent. The padding shall extend beyond the ring ropes and over the edge of the platform and shall be covered with canvas, duck, or a similar material, but not plastic material, that is tightly stretched and laced securely in place under the apron. The corners of the ring shall be padded.

—(3) Ring posts shall be not less than three, nor more than four inches, in diameter extending from the floor to a height of 58 inches above the floor of the ring. The ropes shall be connected to posts with the extension not shorter than 18 inches.

—(4) The ring shall be not more than four feet high. Steps shall be provided for the use of professional contestants.

—(5) The ring shall not have less than four ropes which can be tightened and which are not less than one inch in diameter. The ropes shall be evenly spaced, securely tied halfway between the ring posts, and wrapped in a soft material.

#### **R151-33-309. Gloves.**

—(1) A professional contestant's gloves shall be examined before a contest by the referee and the designated commission member. If gloves are found to be broken or unclean or if the padding is found to be misplaced or lumpy, they shall be changed before the contest begins.



—(2) A promoter shall be required to have on hand an extra set of gloves which are to be used if a professional contestant's gloves are broken or damaged during the course of a contest.

—(3) Gloves for a main event may be put on in the ring after the referee has inspected the bandaged hands of both professional contestants.

—(4) During a contest, male professional contestants shall wear gloves weighing not less than eight ounces each. Female professional contestants' gloves may be changed at the discretion of the designated commission member. The model and style of the gloves shall be approved before the contest by the designated commission member.

—(5) The laces shall be tied on the outside of the back of the wrist of the gloves and shall be secured. The tips of the laces shall be removed.

#### **R151-33-310. Bandage Specification.**

—(1) Except as agreed to by the managers of the professional contestants opposing each other in a contest, a professional contestant's bandage for each hand shall consist of soft gauze not more than 20 yards long and not more than two inches wide. The gauze shall be held in place by not more than eight feet of medical tape per hand.

—(2) Bandages shall be adjusted in the dressing room under the supervision of a designated commission member.

—(3) The use of water or any other substance other than medical tape on the bandages is prohibited.

#### **R151-33-311. Mouthpieces.**

—A round shall not begin until the professional contestant's protective mouthpiece is in place. If, during a round, the mouthpiece falls out of the professional contestant's mouth, the referee shall, as soon as practicable, stop the bout and escort the professional contestant to his corner. The mouthpiece shall be rinsed out and replaced in the professional contestant's mouth and the contest shall continue. If the referee determines that the mouthpiece was intentionally spat out by the professional contestant, the referee may direct the judges to deduct points from the professional contestant's score for the round.

#### **R151-33-312. Professional Contestant Use or Administration of any Substance.**

—(1) The use or administration of drugs, stimulants, or non-prescription preparations by or to a professional contestant during a contest is prohibited, except as provided in this rule.

—(2) The giving of substances other than water to a professional contestant during the course of the contest is prohibited.

—(3) The discretionary use of petroleum jelly may be allowed around the eyes; however, the use of petroleum jelly, grease, or any other substance on the arms, legs, and body is prohibited.

—(4) The discretionary use of coagulants, adrenalin 1/1000, avetine, and thrombin, as approved by the division, may be allowed between rounds to stop the bleeding of minor cuts and lacerations sustained by a professional contestant. The use of monsel solution, silver nitrate, "new skin", flex collodion, or substances having an iron base is prohibited, and the use of such substances by a professional contestant is cause for immediate disqualification.

—(5) The ringside physician shall monitor the use and application of any foreign substances administered to a professional contestant before or during a contest and shall confiscate any suspicious foreign substance for possible laboratory analysis, the results of which shall be forwarded to the division.

#### **R151-33-313. Ringside Equipment.**

—(1) Each promoter shall provide all of the following:

—(a) a sufficient number of buckets for use by the professional contestants;

—(b) stools for use by the seconds;

—(c) rubber gloves for use by the referees, seconds, ringside physicians, and division representatives;

—(d) containers for professional contestants to spit in;

—(e) a stretcher which is to be kept under the ring near the physician;

—(f) a portable resuscitator with oxygen;

—(g) an ambulance with attendants on site at all times when professional contestants are boxing. Arrangements shall be made for a replacement ambulance if the first ambulance is required to transport a professional contestant for medical treatment. The location of the ambulance and the arrangements for the substitute ambulance service shall be communicated to the physician;

—(h) seats at ringside for the assigned officials. The physician shall be seated near the steps into the ring;

—(i) seats at ringside for the designated commission member;

—(j) scales for weigh ins, which the division shall require to be certified;

—(k) a gong;

—(l) a public address system;

—(m) a separate dressing room for each sex, if professional contestants of both sexes are participating;

—(n) a separate room for physical examinations;

—(o) a separate dressing room shall be provided for officials, unless the physical arrangements of the contest site make an additional dressing room impossible;

—(p) adequate security personnel; and

—(q) sufficient bout sheets for ring officials and the designated commission member.

—(2) A promoter shall only hold contests in premises that conform to the laws, ordinances, and regulations regulating the city, town, or village where the bouts are situated.

—(3) Restrooms shall not be used as dressing rooms and for physical examinations and weigh ins.

#### **R151-33-314. Boxing Officials.**

—(1) The officials for each contest shall consist of not less than the following:

—(a) one referee;

—(b) three judges;

—(c) one timekeeper; and

—(d) one physician licensed in good standing in Utah.

—(2) A licensed referee, judge, or timekeeper shall not officiate at a contest that is not conducted under the authority or supervision of the designated commission member.

—(3) A referee or judge shall not participate or accept an assignment to officiate when that assignment may tend to impair the referee's or judge's independence of judgement or action in the performance of the referee's or judge's duties.

—(4) A judge shall be seated midway between the ring posts of the ring, but not on the same side as another judge, and shall have an unimpaired view of the ring.

—(5) A referee shall not be assigned to officiate more than 32 scheduled rounds in one day, except when substituting for another referee who is incapacitated.

—(6) A referee shall not wear jewelry that might cause injury to the professional contestants. Glasses, if worn, shall be protective athletic

glasses or goggles with plastic lenses and a secure elastic band around the back of the head.

—(7) Referees, seconds working in the corners, the designated commission member, and physicians may wear rubber gloves in the performance of their duties.

—(8) No official shall be under the influence of alcohol or controlled substances while performing their duties.

#### **R151-33-315. Contact During Contests.**

—(1) Beginning one minute before the first round begins, only the referee, professional contestants, and the chief second may be in the ring. The referee shall clear the ring of all other individuals.

—(2) Once a contest has begun, only referees, professional contestants, seconds, judges, division representatives, physicians, the announcer and the announcer's assistants shall be allowed in the ring.

—(3) The referee may order that the ring and technical area be cleared at any time either before, during or after a contest of any individual not authorized to be present in those areas.

—(4) The referee, on his own initiative, or at the request of the designated commission member, may stop a bout at any time if individuals refuse to clear the ring and technical area, dispute a decision by an official, or seek to encourage spectators to object to a decision either verbally, physically, or by engaging in disruptive conduct. If the individual involved in disruptive conduct or encouraging disruptive conduct is the manager or second of a professional contestant, the referee may order points deducted from that professional contestant's score or disqualify the professional contestant. If the conduct occurred after the decision was announced, the division may change the decision, declare no contest, or pursue disciplinary action against any licensed individual involved in the disruptive conduct.

#### **R151-33-316. Referees.**

—(1) The chief official of a contest shall be the referee. The referee shall decide all questions arising in the ring during a contest which are not specifically addressed in these rules.

—(2) The referee shall, before each contest begins, determine the name and location of the physician assigned to officiate at the contest and each professional contestant's chief second.

—(3) At the beginning of each contest, the referee shall summon the professional contestants and their chief seconds together for final instructions. After receiving the instructions, the professional contestants shall shake hands and retire to their respective corners. The professional contestants shall not shake hands again until the beginning of the last round.

—(4) Where difficulties arise concerning language, the referee shall make sure that the professional contestant understands the final instructions through an interpreter and shall use suitable gestures and signs during the contest.

—(5) Except for the professional contestants, the referee, and the physician when summoned by the referee, a person shall not enter the ring, including the apron of the ring, during the progress of a round.

—(6) If a professional contestant's manager or second steps into the ring or onto the apron of the ring during a round, the fight shall be halted and the referee may eject the manager or second from the ringside working area. If the manager or second steps into the ring or onto the apron a second time during the contest, the fight may be stopped and the decision awarded to the professional contestant's opponent due to disqualification.

—(7) A referee shall inspect a professional contestant's body to determine whether a foreign substance has been applied.

—(8) A referee shall not touch a professional contestant except on the failure of one or both professional contestants to obey the break command.

#### **R151-33-317. Stalling or Faking.**

—(1) A referee shall warn a professional contestant if the referee believes the professional contestant is stalling or faking. If after proper warning, the referee determines the professional contestant is continuing to stall or pull his punches, the referee shall stop the bout at the end of the round.

—(2) A referee may consult the judges as to whether or not the professional contestant is stalling or faking and shall abide by a majority decision of the judges.

—(3) If it is determined that either or both professional contestants are stalling or faking, or if the professional contestant refuses to fight, the contest shall be terminated and announced as no contest.

—(4) A professional contestant who falls down without being struck shall be immediately examined by a physician. After conferring with the physician, the referee may disqualify the professional contestant.

#### **R151-33-318. Injuries and Cuts.**

—(1) When an injury or cut is produced by a fair blow and because of the severity of the blow the contest cannot continue, the injured professional contestant shall be declared the loser by technical knockout.

—(2) If a professional contestant intentionally fouls his opponent and an injury or cut is produced, and due to the severity of the injury the professional contestant cannot continue, the professional contestant who commits the foul shall be declared the loser by disqualification.

—(3) If a professional contestant receives an intentional butt or foul and the contest can continue, the referee shall penalize the professional contestant who commits the foul by deducting points based upon the severity of the offense. The referee shall notify the judges that the injury or cut has been produced by an intentional unfair blow so that if in the subsequent rounds the same injury or cut becomes so severe that the contest has to be suspended, the decision will be awarded as follows:

—(a) a technical draw if the injured professional contestant is behind on points or even on a majority of scorecards; and

—(b) a technical decision to the injured professional contestant if the injured professional contestant is ahead on points on a majority of the scorecards.

—(4) If a professional contestant injures himself trying to foul his opponent, the referee shall not take any action in his favor, and the injury shall be considered as produced by a fair blow from his opponent.

—(5) If a professional contestant is accidentally butted in a bout and can continue, the referee shall stop the action to inform the judges and acknowledge the butt. If in subsequent rounds, as a result of legal blows, the accidental butt injury worsens, the referee shall stop the bout and declare a technical decision with the winner being the professional contestant who is ahead on points on a majority of the scorecards. If a professional contestant is accidentally butted in a bout and an injury or cut is produced and due to the severity of the injury or cut the professional contestant cannot continue, the referee shall rule as follows:

—(a) if the injury occurs in half or less of the scheduled rounds, call the bout a technical draw; or

—(b) if the injury occurs after half the scheduled rounds, declare that the winner is the professional contestant who has a lead in points on a majority of the scorecards before the round of injury.

—(6) If in the opinion of the referee, a professional contestant has suffered a dangerous cut or injury, or other physical or mental condition, the referee may stop the bout temporarily to summon the physician. If the physician recommends that the contest should not continue, then the referee shall order the contest to be terminated.

—(7) A fight shall not be terminated because of a low blow. The referee may give a professional contestant not more than five minutes if the referee believes a foul has been committed. Each professional contestant shall be instructed to return to their respective corner by the referee. The professional contestants may sit on a stool and have their mouthpiece removed. After removing their professional contestant's mouthpiece, the seconds must return to their seats. The seconds may not coach, administer water, or in any other way attend to their professional contestant, except to replace the mouthpiece when the round is ready to resume.

—(8) If a professional contestant is knocked down or given a standing mandatory count of eight or a combination of either occurs three times in one round, the contest shall be stopped and a technical knockout shall be awarded to the opponent. The physician shall immediately enter the ring and examine the losing professional contestant.

—(9) A physician shall immediately examine and administer aid to a professional contestant who is knocked out or injured.

—(10) When a professional contestant is knocked out or rendered in an incapacitated condition, the referee or second shall not handle the professional contestant, except for the removal of a mouthpiece, unless directed by the physician to do so.

—(11) A professional contestant shall not refuse to be examined by a physician.

—(12) A professional contestant who has been knocked out shall not leave the site of the contest until one hour has elapsed from the time of the examination or until released by the physician.

—(13) A physician shall file a written report with the division on each professional contestant who has been knocked out or injured.

#### **R151-33-319. Knockouts.**

—(1) A professional contestant who is knocked down shall take a minimum mandatory count for eight.

—(2) If a professional contestant is dazed by a blow and, in the referee's opinion, is unable to defend himself, the referee shall give a standing mandatory count of eight or stop the contest. If on the count of eight the professional contestant, in the referee's opinion, is unable to continue, the referee may count him out on his feet or stop the contest on the count of eight.

—(3) In the event of a knockdown, the timekeeper shall immediately start the count loud enough to be heard by the referee, who, after waving the opponent to the farthest neutral corner, shall pick up the count from the timekeeper and proceed from there. The referee shall stop the count if the opponent fails to remain in the corner. The count shall be resumed when the opponent has returned to the corner.

—(4) The timekeeper shall signal the count to the referee.

—(5) If the professional contestant taking the count is still down when the referee calls the count of ten, the referee shall wave both arms to indicate that the professional contestant has been knocked out. The referee shall summon the physician and shall then raise the opponent's hand as the winner. The referee's count is the official count.

—(6) If at the end of a round a professional contestant is down and the referee is in the process of counting, the gong indicating the end of the round shall not be sounded. The gong shall only be sounded when the referee gives the command to box indicating the continuation of the bout.

—(7) In the final round, the timekeeper's gong shall terminate the fight.

—(8) A technical knockout decision shall be awarded to the opponent if a professional contestant is unable or refuses to continue when the gong sounds to begin the next round. The decision shall be awarded in the round started by the gong.

—(9) The referee and timekeeper shall resume their count at the point it was suspended if a professional contestant arises before the count of ten is reached and falls down again immediately without being struck.

—(10) If both professional contestants go down at the same time, counting will be continued as long as one of them is still down or until the referee or the ringside physician determines that one or both of the professional contestants needs immediate medical attention. If both professional contestants remain down until the count of ten, the bout will be stopped and the decision will be scored as a double knockout.

#### **R151-33-320. Professional Contestant Outside the Ring Ropes.**

—(1) A professional contestant who has been knocked, wrestled, pushed, or has fallen through the ropes during a contest shall not be helped back into the ring, nor shall he be hindered in any way by anyone when trying to reenter the ring.

—(2) When one professional contestant has fallen through the ropes, the other professional contestant shall retire to the farthest neutral corner and stay there until ordered to continue the contest by the referee.

—(3) The referee shall determine if the professional contestant has fallen through the ropes as a result of a legal blow or otherwise. In the event the referee determines the professional contestant fell through the ropes as a result of a legal blow, he shall warn the professional contestant that the professional contestant must immediately return to the ring. If the professional contestant fails to immediately return to the ring following the warning by the referee, the referee shall begin the count which shall be loud enough to be heard by the professional contestant.

—(4) If the professional contestant enters the ring before the count of ten, the contest shall be resumed.

—(5) If the professional contestant fails to enter the ring before the count of ten, the professional contestant shall be considered knocked out.

#### **R151-33-321. Scoring.**

—(1) Officials who score a contest shall use the 10-point must system.

—(2) For the purpose of this rule, the "10-point must system" means the winner of each round received ten points as determined by clean hitting, effective aggressiveness, defense, and ring generalship. The loser of the round shall receive less than ten points. If the round is even, each professional contestant shall receive not less than ten points. No fraction of points may be given.

—(3) Officials who score the contest shall mark their cards in ink or in indelible pencil at the end of each round.

—(4) Officials who score the contest shall sign their scorecards.

—(5) At the conclusion of each contest, the judges shall total the points for each professional contestant and indicate the winner by writing the winner's name at the designated area on the card and circling the same name where it appears on the top of the card.

—(6) When a contest is scored on the individual score sheets for each round, the referee shall, at the end of each round, collect the score sheet for the round from each judge and shall give the score sheets to the designated commission member for computation.

—(7) Referees and judges shall be discreet at all times and shall not discuss their decisions with anyone during a contest.

—(8) A decision that is rendered at the termination of a boxing contest shall not be changed without a hearing, unless it is determined that the computation of the scorecards of the referee and judges shows a clerical or mathematical error giving the decision to the wrong professional contestant. If such an error is found, the decision may be changed by the division.

—(9) The referee shall collect the score sheets from the judges and give them to the designated commission member for review. After the sheets have been reviewed, the referee shall collect them and give them to the announcer, who shall announce the decision to the spectators.

—(10) After a contest, the scorecards shall be collected by the designated commission member and shall be maintained by the division.

—(11) If a referee becomes incapacitated and is unable to complete the scoring of a boxing contest, a time out shall be called and the other referee who is assigned to the contest shall assume the duties of the referee.

—(12) If a judge becomes incapacitated and is unable to complete the scoring of a contest, a time out shall be called and an alternate licensed judge shall immediately be assigned to score the contest from the point at which he assumed the duties of a judge. If the incapacity of a judge is not noticed during a round, the referee shall score that round and the substitute judge shall score all subsequent rounds.

#### **R151-33-322. Fouls.**

—(1) A referee may disqualify or penalize a professional contestant by deducting one or more points from a round for the following fouls:

- (a) holding an opponent or deliberately maintaining a clinch;
- (b) hitting with the head, shoulder, elbow, wrist, inside or butt of the hand, or the knee.
- (c) hitting or gouging with an open glove;
- (d) wrestling, spinning or roughing at the ropes;
- (e) causing an opponent to fall through the ropes by means other than a legal blow;
- (f) gripping at the ropes when avoiding or throwing punches;
- (g) intentionally striking at a part of the body that is over the kidneys;
- (h) using a rabbit punch or hitting an opponent at the base of the opponent's skull;
- (i) hitting on the break or after the gong has sounded;
- (j) hitting an opponent who is down or rising after being down;
- (k) hitting below the belt line;
- (l) holding an opponent with one hand and hitting with the other;
- (m) purposely going down without being hit or to avoid a blow;
- (n) using abusive language in the ring;
- (o) unsportsmanlike conduct on the part of the professional contestant or a second whether before, during, or after a round;
- (p) intentionally spitting out a mouthpiece; or
- (q) any backhand blow.

#### **R151-33-323. Penalties for Fouling.**

—(1) A referee who penalizes a professional contestant pursuant to these rules shall notify the judges at the time of the infraction to deduct one or more points from their scorecards.

—(2) A professional contestant committing a deliberate foul, in addition to the deduction of one or more points, may be subject to disciplinary action by the division.

—(3) A judge shall not deduct points unless instructed to do so by the referee.

—(4) The designated commission member shall file a complaint with the division against a professional contestant disqualified on a foul. The division shall withhold the purse until the complaint is resolved.

#### **R151-33-324. Physical Examination.**

—(1) Not less than eight hours before a contest, each professional contestant shall be given a medical examination by a physician who is appointed by the designated commission member. The examination shall include a detailed medical history and a physical examination of all of the following:

- (a) eyes;
- (b) teeth;
- (c) jaw;
- (d) neck;
- (e) chest;
- (f) ears;
- (g) nose;
- (h) throat;
- (i) skin;
- (j) scalp;
- (k) head;
- (l) abdomen;
- (m) cardiopulmonary status;
- (n) neurological, musculature, and skeletal systems;
- (o) pelvis; and
- (p) the presence of controlled substances in the body.

—(2) If upon examination a professional contestant is determined to be unfit for competition, the professional contestant shall be prohibited from competing and the division shall be notified.

—(3) The physician shall certify, in writing, those professional contestants who are in good physical condition to compete.

—(4) Before a bout a female professional contestant shall provide the ringside physician with the results of a pregnancy test performed on the professional contestant within the previous 14 days. If the results of the pregnancy test are positive, the professional contestant shall be prohibited from competing and the division shall be notified.

—(5) A contest shall not begin until a physician and an attended ambulance are present. The physician shall not leave until the decision in the final contest has been announced and all injured professional contestants have been attended to.

—(6) The physician shall sit near the steps into the ring and the contest shall not begin until the physician is seated. The physician shall remain at that location for the entire fight.

#### **R151-33-325. Timekeepers.**

—(1) A timekeeper shall indicate the beginning and end of each round by the gong.

—(2) A timekeeper shall possess a whistle and a stopwatch.

—(3) Ten seconds before the beginning of each round, the timekeeper shall warn the professional contestants' seconds of the time by blowing a whistle.

—(4) If a contest terminates before the scheduled limit of rounds, the timekeeper shall inform the announcer of the exact duration of the contest.

#### **R151-33-326. Announcer.**

—(1) At the beginning of a contest, the announcer shall announce that the bouts are under the auspices of the division.

—(2) The announcer shall announce the names of the referee, judges, and timekeepers when the competitions are about to begin and also changes made in officials as the contest progresses.

—(3) The announcer shall announce the names of all professional contestants, their weight, professional record, their city and state of residence, and country of origin if not a citizen.

#### **R151-33-327. Seconds.**

—(1) A professional contestant shall not have more than four seconds, one of whom shall be designated as the chief second. The chief second shall be responsible for the conduct in the corner during the course of a contest. During the rest period, one second shall be allowed inside the ring, two seconds shall be allowed on the apron and one second shall be allowed on the floor.

—(2) A professional contestant's chief second shall not coach the professional contestant during a round, the second shall remain seated during the round.

—(3) A second shall not spray or throw water on a professional contestant during a round.

—(4) A professional contestant's corner shall not heckle or in any manner annoy the opponent of the professional contestant or the referee or throw any object into the ring.

—(5) A second shall not enter the ring until the timekeeper has indicated the end of a round.

—(6) A second shall leave the ring at the timekeeper's whistle and shall clear the ring platform of all obstructions at the sound of the gong indicating the beginning of a round. Articles shall not be placed on the ring floor until the round has ended or the contest has terminated.

—(7) A referee may eject a second from a ring corner for violations of the provisions of Subsections R151-33-316(6) and R151-33-315(4) of these rules and may have the judges deduct points from a professional contestants's corner.

—(8) A second may indicate to the referee that the second's professional contestant cannot continue and that the contest should be stopped. Only verbal notification or hand signals may be used; the throwing of a towel into the ring does not indicate the defeat of the second's professional contestant.

—(9) A second shall not administer alcoholic beverages, narcotics, or stimulants to a professional contestant, pour excessive water on the body of a professional contestant, or place ice in the trunks or protective cup of a professional contestant during the progress of a contest.

#### **R151-33-328. Identification—Photo Identification Cards.**

—(1) Each professional contestant shall provide two pieces of identification to the designated commission member before participation in a fight. One of the pieces of identification shall be a recent photo identification card issued or accepted by the division at the time the professional contestant receives his original license.

—(2) The photo identification card shall contain the following information:

- (a) the professional contestant's license number;
- (b) the professional contestant's name and address;
- (c) the professional contestant's social security number;
- (d) the personal identification number assigned to the professional contestant by a boxing registry;
- (e) a photograph of the professional contestant; and
- (f) the professional contestant's height and weight.

—(3) The division shall honor similar photo identification cards from other jurisdictions.

—(4) Unless otherwise approved by division, a professional contestant will not be allowed to compete if his photo identification card is incomplete or if the professional contestant fails to present the photo identification card to the designated commission member prior to the bout.

#### **R151-33-329. Dress for Professional Contestants.**

—(1) Professional contestants shall be required to wear the following:

—(a) trunks that are belted at the professional contestant's waistline. For the purposes of this subsection, the waistline shall be defined as an imaginary horizontal line drawn through the navel to the top of the hips. Trunks shall not have any buckles or other ornaments on them that might injure a professional contestant or referee;

—(b) a foul proof protector for male professional contestants and a pelvic area protector and breast protector for female professional contestants;

—(c) shoes that are made of soft material without spikes, cleats, or heels;

—(d) a fitted mouthpiece; and

—(e) gloves meeting the requirements specified in Section R156-66-604e.

—(2) In addition to the clothing required pursuant to Subsection R156-66-604y(1), a female professional contestant shall wear a body shirt or blouse without buttons, buckles, or ornaments.

—(3) A professional contestant's hair shall be cut or secured so as not to interfere with the professional contestant's vision.

—(4) A professional contestant shall not wear corrective lenses into the ring.

#### **R151-33-330. Failure to Compete.**

—(1) A professional contestant's manager shall immediately notify the division if the professional contestant is unable to compete due to illness or injury in a contest for which the professional contestant has contracted to appear. A physician may be selected as approved by the division to examine the professional contestant.

#### **R151-33-331. Procedure After Knockouts or Sustained Damaging Head Blows.**

—(1) A professional contestant who has lost by a technical knockout shall not fight again for a period of 30 calendar days or until the professional contestant has submitted to a medical examination. The division may require such physical exams as necessary.

—(2) A ringside physician shall examine a professional contestant who has been knocked out in a contest or a professional contestant whose fight has been stopped by the referee because the professional contestant received hard blows to the head that made him defenseless or incapable of continuing immediately after the knockout or stoppage. The ringside physician may order post fight neurological examinations, which may include computerized axial tomography (CAT) scans or magnetic resonance imaging (MRI) to be performed on the professional contestant immediately after the professional contestant leaves the location of the contest. Post fight neurological examination results shall be forwarded to the division by the ringside physician as soon as possible.

—(3) A report that records the amount of punishment a fighter absorbed shall be submitted to the division by the ringside physician within 24 hours of the end of the fight.

—(4) A ringside physician may require any professional contestant, who has sustained a severe injury or knockout in a bout, to be thoroughly examined by a physician within 24 hours of the bout. The

physician shall submit his findings to the division. Upon the physician's recommendation, the division may prohibit the professional contestant from boxing until the professional contestant is fully recovered and may extend any such suspension imposed.

(5) All medical reports that are submitted to the division relative to a physical examination or the condition of a professional contestant shall be confidential and shall be open for examination only by the division, the commission and the licensed professional contestant upon the professional contestant's request to examine the records or upon the order of a court of competent jurisdiction.

(6) A professional contestant who has been knocked out or who received excessive hard blows to the head that made him defenseless or incapable of continuing shall not be permitted to take part in competitive or noncompetitive boxing for a period of not less than 60 days. Noncompetitive boxing shall include any contact training in the gymnasium. It shall be the responsibility of the professional contestant's manager and seconds to assure that the professional contestant complies with the provisions of this rule. Violation of this rule shall result in the indefinite suspension of the professional contestant and the professional contestant's manager or second.

(7) Before resuming boxing after any period of rest prescribed in Subsection R151-33-331(4), a professional contestant shall, following a neurological examination, be certified by a physician as fit to take part in competitive boxing. A professional contestant who fails to secure an examination prior to resuming boxing shall be automatically suspended until the results of the examination have been received by the division and the professional contestant is certified by a physician as fit to compete.

(8) A professional contestant who has lost six consecutive fights shall be prohibited from boxing again until the division in collaboration with the commission has reviewed the results of the six fights or the professional contestant has submitted to a medical examination by a physician.

(9) A professional contestant who has had cardiac surgery shall not be issued a license unless he is certified as fit to compete by a cardiovascular surgeon.

(10) A professional contestant who has suffered a detached retina shall be automatically suspended and shall not be reinstated until the professional contestant has submitted to a medical examination by an ophthalmologist and the division has reviewed the results of the examination.

(11) A female professional contestant with breast implants shall also be denied a license.

(12) A professional contestant who is prohibited from boxing in other states or jurisdictions due to medical reasons shall be prohibited from boxing in accordance with these rules. In considering prohibiting a professional contestant from boxing, the professional contestant's entire professional record shall be considered regardless of the state or country in which the professional contestant's fights occurred.

(13) A professional contestant or the professional contestant's manager shall report any change in a professional contestant's medical condition which may affect the professional contestant's ability to fight safely. The division may, at any time, require current medical information on any professional contestant.

**R151-33-332. Waiting Period.**

(1) The number of days which shall elapse before a professional contestant who has competed anywhere in a bout may participate in another bout shall be as follows:

Length of Bout (In scheduled Rounds)	Required Interval (In Days)
4	3
5-9	5
10-12	7
13-15	14

**R151-33-333. Managers.**

(1) A manager shall not sign a contract for the appearance of a professional contestant if the manager does not have the professional contestant under contract.

**R151-33-334. Promoters Responsibility in Arranging Contests—Restrictions.**

(1) The promoter shall be held responsible for a contest in which one of the professional contestants is disproportionately outclassed.

(2) All officials shall be identified in the application for licensure as a contest promoter and shall be subject to division approval. Approval shall be based upon appropriate licensure if required and no evidence of a conflict of interest or previous inappropriate conduct as an official.

(3) A promoter shall file with the division an application to hold a contest not less than 30 days before the date of the proposed contest, or not less than seven days for televised contests, before the date of the proposed contest. The application shall include the date, time and place of the contest and information concerning the on-site emergency facilities, personnel, and transportation.

(4) Prior to the scheduled time of the contest, the promoter shall have available for inspection the completed physical facilities which will be used directly or indirectly for the contest. The facilities will be inspected in the presence of the promoter or his authorized representative by the designated commission member and all deficiencies cited upon inspection shall be corrected before the contest.

(5) Within one hour after completion of the contest, the promoter, in the presence of the designated commission member, shall pay to each professional contestant, referee, judge, and the attending physician all amounts due and payable under the terms and conditions of contract terms or agreements between the promoter and other parties. Such payment shall be made in cash unless otherwise stated in the contract or if such payment will exceed \$9,000.

(6) A promoter shall be responsible for verifying the identity, ring record, and suspensions of each professional contestant. A promoter shall be held responsible for the accuracy of the names and records of each of the participating professional contestants in all publicity or promotional material.

(7) A professional contestant shall use his own legal name to sign a contract. However, a professional contestant who is licensed under another name may sign the contract using his licensed name if the professional contestant's legal name appears in the body of the contract as the name under which the professional contestant is legally known.

(8) All contracts shall be between a promoter and a professional contestant. There shall not be a contract between the promoter and a manager. However, a contract may be signed by a professional contestant's manager on behalf of the professional contestant. If a professional contestant does not have a licensed manager, the professional contestant shall sign the contract.

(9) The contract that is filed with the division shall embody all of the agreements between the parties.

(10) The contract between a promoter and a professional contestant shall be for the use of the professional contestant's skills in a contest and shall not require the professional contestant to sell tickets in order to be paid for his services.

—(11) The promoter of the contest, at the time of the contest weigh in, shall provide evidence of health insurance pursuant to Public Law 104272, "The Professional Boxing Safety Act of 1996."

**R151-33-335. HIV and Drug Tests.**

—In accordance with Subsection 13-33-405, UCA, the following shall apply to drug testing:

—(1) At the request of the division, the designated commission member or the ringside physician, a professional contestant or assigned official shall submit to a test of body fluids to determine the presence of drugs. The promoter shall be responsible for any costs of testing.

—(2) A laboratory test that results in a finding of the presence of a drug or the refusal of a professional contestant or assigned official to submit to the test shall be grounds for a suspension of the professional contestant's or assigned official's license as provided for by the division.

—(3) If the test results in a finding of the presence of a drug or if the professional contestant or assigned official is unable to provide a sample of body fluids for such a test, the division may take one or more of the following actions:

—(a) immediately suspend the professional contestant's or assigned official's license in accordance with Section R151-33-303(6);

—(b) stop the contest in accordance with Section R151-33-330(6); or

—(c) initiate other appropriate licensure action in accordance with the provisions of Subsection 13-33-301.

—(4) A professional contestant who is disciplined pursuant to the provisions of these rules and who was the winner of a contest shall be disqualified and the decision of the contest shall be changed to "no contest".

**R151-33-336. Stopping a Contest.**

—In accordance with Subsection 13-33-102(14)(b), UCA, authority for stopping a contest is defined, clarified or established as follows:

—(1) The referee may stop a contest to ensure the integrity of a contest or to protect the health, safety, and welfare of a professional contestant or the public for any one or more of the following reasons:

—(a) injuries or cuts of a professional contestant, in accordance with R151-73-318, or other physical or mental conditions consistent with the procedures outlined in R151-33-318;

—(b) one-sided nature of the contest;

—(c) refusal or inability of a professional contestant to reasonably compete; and

—(d) refusal or inability of a professional contestant to comply with the rules of the contest.

—(2) If a referee stops a contest, the referee shall disqualify the professional contestant, where appropriate, and recommend to the designated commission member that the purse of that professional contestant be withheld pending an impoundment decision in accordance with Section 13-33-504, UCA.

—(3) The designated commission member may stop a contest at any stage in the contest when there is a significant question with respect to the contest, the professional contestant, or any other licensee associated with the contest, and determine whether the purse should be impounded pursuant to Section 13-34-504, UCA.

**R151-33-337. Tough Man Contests.**

—Except as provided in Section R151-33-328, the provisions of R151-33, the Utah Professional Athletic Commission Act Rules, including provisions for stopping contests and impounding purses, apply to a tough man contest.

**R151-33-338. Limitations on Tough Man Contests.**

—Limitation on participation in a tough man contest shall include the following:

—(1) A tough man contest must begin and end within a period of 48 hours.

—(2) All matches in a tough man match must be scheduled for no more than three rounds of boxing. A round must be one minute in duration.

—(3) A tough man contestant shall wear 16-oz. boxing gloves, training headgear, a mouthpiece and a large abdominal groin protector during each match.

—(4) A tough man contestant may participate in more than one match in a tough man contest, but a tough man contestant shall not box more than a total of 12 rounds in a tough man contest.

—(5) The promoter of the tough man contest shall be required to supply at the time of the weigh in of the tough man contestants, a physical examination on each tough man contestant, conducted by a physician no more than 60 days prior to the tough man contest in a form provided by the division certifying that the tough man contestant is free from any physical or mental condition that indicates the tough man contestant should not engage in activity as a tough man contestant.

—(6) The promoter of the tough man contest shall be required to supply at the time of the weight in of the tough man contestants, a HIV test pursuant to Subsections R151-33-339(1), (2), and (3) for each tough man contestant.

—(7) Other limitations may be imposed by the Division in collaboration with the Utah Boxing Commission in advance of a tough man contest.

**R151-33-339. HIV Testing.**

—In accordance with 13-33-405, UCA, provisions under which professional contestants shall produce evidence of a clear HIV test as a condition of participation in a contest are established as follows:

—(1) All professional contestants and tough man contestants shall provide evidence in the form of a competent laboratory examination certificate verifying that the professional contestant is HIV negative at the time of the weigh in.

—(2) The examination certificate shall certify that the test results were completed within 60 days prior to the contest.

—(3) Any professional contestant and tough man contestant whose HIV test is positive shall be prohibited from participating in a contest as a professional contestant or tough man contestant.

**R151-33-340. Ultimate Fighting Prohibition.**

—In accordance with Subsections 13-33-402, UCA, and 13-33-402(2)(b), the license of any licensee who publicizes, promotes, conducts, or engages in an ultimate fighting match is subject to revocation.

**R151-33-341. Withholding of a Purse.**

—The provisions set forth in 13-33-504, UCA, shall govern the conditions under which there shall be a withholding of the purpose, and the procedures to be followed in the event that the purse is withheld.

**R151-33-342. Permit, Fee, and Bond Prerequisite to Holding Contest or Promotion.**

—Before a licensed promoter may hold a contest or single contest as part of a single promotion, his application must be accompanied by a fee determined by the department under 63-38-32. Before the permit is granted, the applicant shall post a surety bond with the commission in an amount equal to the actual purse or \$10,000, whichever is greater.

**R151-33-401. Martial Arts Contests and Exhibitions.**

- ~~— (1) All full-contact martial arts are forms of unarmed combat.~~
- ~~— (2) The provisions pertaining to licenses, fees, dates of programs and disciplinary action in the laws and regulations of unarmed combat apply to contests or exhibitions of such martial arts.~~
- ~~— (3) A contest or exhibition of a martial art must be conducted pursuant to the official rules for the particular art. The sponsoring organization or promoter must file a copy of the official rules with the commission before it will approve the holding of the contest or exhibition.~~
- ~~— (4) The commission will not allow a martial arts contest or exhibition to be held if the rules submitted to it are inconsistent, in any way, with the Utah Professional Athletic Commission Act (UCA 13-33) or with the rules adopted by the commission for the administration of that act (R151-33).~~

**R151-33-402. Wrestling Contests and Exhibitions.**

- ~~— (1) The provisions pertaining to licenses, fees, dates of programs and disciplinary action in the laws and regulations of unarmed combat apply to contests or exhibitions of wrestling.~~
- ~~— (2) A contest or exhibition of wrestling must be conducted pursuant to the official rule of the particular sport. The sponsoring organization or promoter must file a copy of the official rules with the commission before it will approve the holding of the contest or exhibition.~~
- ~~— (3) The commission will not allow a wrestling contest or exhibition to be held if the rules submitted to it are inconsistent, in any way, with the Utah Professional Athletic Commission Act (UCA 13-33) or with the rules adopted by the commission for the administration of that act (R151-33).~~

**R151-33-403. Toughman Contests.**

- ~~— (1) The provisions pertaining to licenses, fees, dates of programs and disciplinary action in the laws and regulations of unarmed combat apply to Toughman contests.~~
- ~~— (2) Toughman contests must be conducted pursuant to the official rule of the particular sport. The sponsoring organization or promoter must file a copy of the official rules with the commission before it will approve the holding of the Toughman contest.~~
- ~~— (3) The commission will not allow a Toughman contest to be held if the rules submitted to it are inconsistent, in any way, with the Utah Professional Athletic Commission Act (UCA 13-33) or with the rules adopted by the commission for the administration of that act (R151-33).~~

**R151-33-404. Ultimate Fighting Contests Prohibited.**

- ~~— (1) In accordance with Subsection 13-33-402(1) and 13-33-402(2)(b), the license of any licensee who publicizes, promotes, conducts, or engages in an ultimate fighting match shall be subject to revocation.]~~

**R151-33. Pete Suazo Utah Athletic Commission Act Rule.****R151-33-101. Title.**

This Rule is known as the "Pete Suazo Utah Athletic Commission Act Rule."

**R151-33-102. Definitions.**

In addition to the definitions in Title 13, Chapter 33, the following definitions are adopted for the purpose of this Rule:

- (1) "Boxing" means the sport of attack and defense using the fist, covered by an approved boxing glove.
- (2) "Designated Commission member" means a member of the Commission designated as supervisor for a contest and responsible

for the conduct of a contest, as assisted by other Commission members, Commission personnel, and others, as necessary and requested by the designated Commission member.

(3) "Drug" means a controlled substance, as defined in Title 58, Chapter 37, Utah Controlled Substances Act, or alcohol.

(4) "Elimination Tournament" means a contest involving unarmed combat in which contestants compete in a series of matches until not more than one contestant remains in any weight category.

(5) "Mandatory count of eight" means a required count of eight that is given by the referee of a boxing contest to a contestant who has been knocked down.

(6) "Nominal Value" means a retail value of less than \$500.

(7) "Unprofessional conduct" is as defined in Subsection 13-33-102(21), and is defined further to include the following:

(a) as a promoter, failing to promptly inform the Commission of all matters relating to the contest;

(b) as a promoter, substituting a contestant in the 24 hours immediately preceding the scheduled contest without approval of the Commission;

(c) violating the rules for conduct of contests;

(d) testing positive for drugs or alcohol in a random body fluid screen before or after participation in any contest;

(e) testing positive for HIV;

(f) failing or refusing to comply with a valid order of the Commission or a representative of the Commission; and

(g) for a promoter and a contestant, entering into a secret contract that contradicts the terms of the contract(s) filed with the Commission.

**R151-33-201. Authority - Purpose.**

The Commission adopts this Rule under the authority of Subsection 13-33-202(2), to enable the Commission to administer Title 13, Chapter 33, of the Utah Code.

**R151-33-202. Scope and Organization.**

Pursuant to Title 13, Chapter 33, general provisions codified in Sections R151-33-101 through R151-33-512 apply to all contests or exhibitions of "unarmed combat," as that term is defined in Subsection 13-33-102(19). The provisions of Sections R151-33-601 through R151-33-623 shall apply only to contests of boxing, as defined in Subsection R151-33-102(1). The provisions of Sections R151-33-701 through R151-33-702 shall apply only to elimination tournaments, as defined in R151-33-102(4). The provisions of Section R151-33-801 shall apply only to martial arts contest and exhibitions.

**R151-33-301. Qualifications for Licensure.**

(1) In accordance with Section 13-33-301, a license is required for a person to act as or to represent that the person is a promoter, manager, contestant, second, referee, or judge.

(2) A licensed manager shall not hold a license as a referee or judge.

(3) A promoter shall not hold a license as a referee, judge, or contestant.

**R151-33-302. Renewal Cycle - Procedure.**

(1) In accordance with the authority granted in Section 13-33-302, the renewal date for licenses issued by the Commission shall be December 31<sup>st</sup> of even-numbered years.



(2) Expiration of licensure due to failure to renew in accordance with this Section is not an adjudicative proceeding under Title 63, Chapter 46b, Administrative Procedures Act.

(3)(a) The Commission shall notify each licensee that the licensee's license is due for renewal and that unless an application for renewal is received by the Commission by the expiration date shown on the license, together with the appropriate renewal fee and documentation showing completion of or compliance with renewal qualifications, the license will not be renewed.

(b) The application procedures and requirements specified in Section 13-33-301 apply to renewals.

(4)(a) A renewed license shall be issued to applicants who submit a complete application, unless it is apparent to the Commission that the applicant no longer meets the qualifications for continued licensure.

(b) The Commission may evaluate or verify documentation showing completion of or compliance with renewal requirements. If necessary, the Commission may complete its evaluation or verification subsequent to renewal and, if appropriate, pursue action to suspend or revoke the license of a licensee who no longer meets the qualifications for continued licensure.

(5) Any license that is not renewed may be reinstated at any time within two years after nonrenewal upon submission of an application for reinstatement, payment of the renewal fee together with the reinstatement fee determined by the Department under Section 63-38-3.2, and upon submission of documentation showing completion of or compliance with renewal qualifications.

(6) If not reinstated within two years, the holder may obtain a license only if he meets the requirements for a new license.

#### **R151-33-401. Designation of Adjudicative Proceedings.**

(1) Formal Adjudicative Proceedings. The following proceedings before the Commission are designated as formal adjudicative proceedings:

(a) any license revocation, suspension, or immediate suspension; and

(b) the withholding of a purse by the Commission pursuant to Subsection 13-33-504(3).

(2) Informal Adjudicative Proceedings.

(a) The following proceedings initiated by a request for agency action are designated as informal adjudicative proceedings:

(i) applications for initial licensure;

(ii) applications for renewal of a license;

(iii) applications for reinstatement of a license; and

(iv) protests against the results of a match.

(b) The following proceedings initiated by a notice of agency action are designated as informal adjudicative proceedings:

(i) the restriction or probation of a license;

(ii) a public or private reprimand against a licensee; and

(iii) any proceedings conducted subsequent to the issuance of a cease and desist order.

(3) Any other adjudicative proceeding before the Commission not specifically listed in Subsections (1) and (2) above, is designated as an informal adjudicative proceeding.

#### **R151-33-402. Adjudicative Proceedings in General.**

(1) The procedures for formal adjudicative proceedings are set forth in Sections 63-46b-6 through 63-46b-10; the Department of Commerce Administrative Procedures Act Rule, R151-46b; and this Rule.

(2) The procedures for informal adjudicative proceedings are set forth in Section 63-46b-5; Rule R151-46b; and this Rule.

(3) The Commission shall act as the presiding officers in all adjudicative proceedings. The Commission shall appoint one Commission member to act as presiding officer for questions of law and the remaining Commission members shall act as presiding officers for questions of fact.

(4) A majority vote of the Commission members acting as presiding officers for questions of fact shall constitute the Commission's decision. In the event of a tie vote, the Commission member acting as presiding officer for questions of law shall cast the deciding vote.

(5) Orders of the Commission shall be issued in accordance with Section 63-46b-10 for formal adjudicative proceedings, and Subsection 63-46b-5(1) for informal adjudicative proceedings, and shall be signed by the Director or, in his or her absence, by the Chairman of the Commission.

#### **R151-33-403. Additional Procedures for Immediate License Suspension.**

(1) In accordance with Subsection 13-33-303(6), the designated Commission member may issue an order immediately suspending the license of a contestant upon a finding that the contestant presents an immediate and significant danger to the contestant, other contestants, or the public.

(2) The suspension shall be at such time and for such period as the Commission believes is necessary to protect the health, safety, and welfare of the contestant, other contestants, or the public.

(3) A contestant whose license has been immediately suspended may, within 30 days after the decision of the designated Commission member, challenge the suspension by submitting a written request for a hearing. The Commission shall convene the hearing as soon as is reasonably practical but not later than 20 days from the receipt of the written request, unless the Commission and the party requesting the hearing agree to conduct the hearing at a later date.

#### **R151-33-404. Evidentiary Hearings in Informal Adjudicative Proceedings.**

(1) A request for an evidentiary hearing in an informal adjudicative proceeding shall be submitted in writing no later than 20 days following the issuance of the Commission's notice of agency action if the proceeding was initiated by the Commission, or together with the request for agency action, if the proceeding was not initiated by the Commission, in accordance with the requirements set forth in the Utah Administrative Procedures Act, Title 63, Chapter 46b.

(2) Unless otherwise agreed upon by the parties, no evidentiary hearing shall be held in an informal adjudicative proceeding unless timely notice of the hearing has been served upon the parties as required by Subsection 63-46b-5(1)(d). Timely notice means service of a Notice of Hearing upon all parties no later than ten days prior to any scheduled evidentiary hearing.

(3) Parties shall be permitted to testify, present evidence, and comment on the issues at an evidentiary hearing in an informal adjudicative proceeding.

#### **R151-33-405. Reconsideration and Judicial Review.**

Agency review is not available as to any order or decision entered by the Commission. However, any person aggrieved by an adverse determination by the Commission may either seek

reconsideration of the order pursuant to Section 63-46b-13 of the Utah Administrative Procedures Act or seek judicial review of the order pursuant to Sections 63-46b-14 through 63-46b-17.

**R151-33-501. Promoter's Responsibility in Arranging Contests-Permit Fee, Bond, Restrictions.**

(1) Before a licensed promoter may hold a contest or single contest as part of a single promotion, the promoter shall file with the Commission an application for a permit to hold the contest not less than 15 days before the date of the proposed contest, or not less than seven days for televised contests.

(2) The application shall include the date, time, and place of the contest as well as information concerning the on-site emergency facilities, personnel, and transportation.

(3) The permit application must be accompanied by a contest registration fee determined by the Department under Section 63-38-32.

(4) Before a permit to hold a contest is granted, the promoter shall post a surety bond with the Commission in the amount of \$10,000.

(5) Prior to the scheduled time of the contest, the promoter shall have available for inspection the completed physical facilities which will be used directly or indirectly for the contest. The designated Commission member shall inspect the facilities in the presence of the promoter or the promoter's authorized representative, and all deficiencies cited upon inspection shall be corrected before the contest.

(6) A promoter shall be responsible for verifying the identity, ring record, and suspensions of each contestant. A promoter shall be held responsible for the accuracy of the names and records of each of the participating contestants in all publicity or promotional material.

(7) A promoter shall be held responsible for a contest in which one of the contestants is disproportionately outclassed.

(8) Before a contest begins, the promoter shall give the designated Commission member the money for payment of contestants, referees, judges, and the attending physician. The designated Commission member shall pay each contestant, referee, judge, and physician in the presence of one witness.

(9) At the time of a boxing contest weigh-in, the promoter of a contest shall provide evidence of health insurance pursuant to Public Law 104272, "The Professional Boxing Safety Act of 1996."

**R151-33-502. Ringside Equipment.**

(1) Each promoter shall provide all of the following:

(a) a sufficient number of buckets for use by the contestants;

(b) stools for use by the seconds;

(c) rubber gloves for use by the referees, seconds, ringside physicians, and Commission representatives;

(d) a stretcher, which shall be available near the ring and near the ringside physician;

(e) a portable resuscitator with oxygen;

(f) an ambulance with attendants on site at all times when contestants are competing. Arrangements shall be made for a replacement ambulance if the first ambulance is required to transport a contestant for medical treatment. The location of the ambulance and the arrangements for the substitute ambulance service shall be communicated to the physician;

(g) seats at ringside for the assigned officials;

(h) seats at ringside for the designated Commission member;

(i) scales for weigh-ins, which the Commission shall require to be certified;

(j) a gong;

(k) a public address system;

(l) a separate dressing room for each sex, if contestants of both sexes are participating;

(m) a separate room for physical examinations;

(n) a separate dressing room shall be provided for officials, unless the physical arrangements of the contest site make an additional dressing room impossible;

(o) adequate security personnel; and

(p) sufficient bout sheets for ring officials and the designated Commission member.

(2) A promoter shall only hold contests in facilities that conform to the laws, ordinances, and regulations regulating the city, town, or village where the bouts are situated.

(3) Restrooms shall not be used as dressing rooms and for physical examinations and weigh-ins.

**R151-33-503. Contracts.**

(1) Pursuant to Section 13-33-503, a copy of the contract between a promoter and a contestant shall be filed with the Commission before a contest begins. The contract that is filed with the Commission shall embody all agreements between the parties.

(2) A contestant's manager may sign a contract on behalf of the contestant. If a contestant does not have a licensed manager, the contestant shall sign the contract.

(3) A contestant shall use his own legal name to sign a contract. However, a contestant who is licensed under another name may sign the contract using his licensed name if the contestant's legal name appears in the body of the contract as the name under which the contestant is legally known.

(4) The contract between a promoter and a contestant shall be for the use of the contestant's skills in a contest and shall not require the contestant to sell tickets in order to be paid for his services.

**R151-33-504. Complimentary Tickets.**

(1) Limitation on issuance, calculation of price, and service charge for payment to contestant working on percentage basis.

(a) A promoter may not issue complimentary tickets for more than 4 percent of the seats in the house without the Commission's written authorization. The Commission shall not consider complimentary tickets which it authorizes under this Section to constitute part of the total gross receipts from admission fees for the purposes of calculating the license fee prescribed in Subsection 13-33-304(1).

(b) If complimentary tickets are issued for more than 4 percent of the seats in the house, each contestant who is working on a percentage basis shall be paid a percentage of the normal price of all complimentary tickets in excess of 4 percent of the seats in the house, unless the contract between the contestant and the promoter provides otherwise and stipulates the number of complimentary tickets which will be issued. In addition, if a service fee is charged for complimentary tickets, the contestant is entitled to be paid a percentage of that service fee, less any deduction for federal taxes and fees.

(c) Pursuant to Subsection 13-33-304(3)(a) a promoter shall file, within 10 days after the contest, a report indicating how many complimentary tickets the promoter issued and the value of those tickets.

(2) Complimentary ticket and tickets at reduced rate, persons entitled or allowed to receive such tickets, duties of promoter, disciplinary action, fees and taxes.

(a) Each promoter shall provide tickets without charge to the following persons who shall not be liable for the payment of any fees for those tickets:

- (i) the Commission members, Director and representatives;
- (ii) principals and seconds who are engaged in a contest or exhibition which is part of the program of unarmed combat; and
- (iii) holders of lifetime passes issued by the Commission.

(b) Each promoter may provide tickets without charge or at a reduced rate to the following persons who shall be liable for payment of applicable fees on the reduced amount paid, unless the person is a journalist, police officer or fireman as provided in this Subsection:

(i) Any of the promoter's employees, and if the promoter is a corporation, to a director or officer who is regularly employed or engaged in promoting programs of unarmed combat, regardless of whether the director or officer's duties require admission to the particular program and regardless of whether the director or officer is on duty at the time of that program;

(ii) Employees of the Commission;

(iii) A journalist who is performing a journalist's duties; and

(iv) A fireman or police officer that is performing the duties of a fireman or police officer.

(c) Each promoter shall perform the following duties in relation to the issuance of complimentary tickets or those issued at a reduced price:

(i) Each ticket issued to a journalist shall be clearly marked "PRESS." No more tickets may be issued to journalists than will permit comfortable seating in the press area;

(ii) Seating at the press tables or in the press area must be limited to journalists who are actually covering the contest or exhibition and to other persons designated by the Commission;

(iii) A list of passes issued to journalists shall be submitted to the Commission prior to the contest or exhibition;

(iv) Only one ticket may be sold at a reduced price to any manager, second, contestant or other person licensed by the Commission;

(v) Any credential issued by the promoter which allows an admission to the program without a ticket, shall be approved in advance by a member of the Commission or the Director. Request for the issuance of such credentials shall be made at least 5 hours before the first contest or exhibition of the program.

(d) Admission of any person who does not hold a ticket or who is not specifically exempted pursuant to this Section is grounds for suspension or revocation of the promoter's license or for the assessment of a penalty.

(e) The Commission shall collect all fees and taxes due on any ticket that is not specifically exempt pursuant to this Section, and for any person who is admitted without a ticket in violation of this Section.

(3) Reservation of area for use by Commission. For every program of unarmed combat, the promoter of the program shall reserve seats at ringside for use by the designated Commission member and Commission representatives.

#### **R151-33-505. Physical Examination - Physician.**

(1) Not less than eight hours before a contest, each contestant shall be given a medical examination by a physician who is appointed by the designated Commission member. The examination

shall include a detailed medical history and a physical examination of all of the following:

- (a) eyes;
- (b) teeth;
- (c) jaw;
- (d) neck;
- (e) chest;
- (f) ears;
- (g) nose;
- (h) throat;
- (i) skin;
- (j) scalp;
- (k) head;
- (l) abdomen;
- (m) cardiopulmonary status;
- (n) neurological, musculature, and skeletal systems;
- (o) pelvis; and
- (p) the presence of controlled substances in the body.

(2) If after the examination the physician determines that a contestant is unfit for competition, the physician shall notify the Commission of this determination, and the Commission shall prohibit the contestant from competing.

(3) The physician shall provide a written certification of those contestants who are in good physical condition to compete.

(4) Before a bout, a female contestant shall provide the ringside physician with the results of a pregnancy test performed on the contestant within the previous 14 days. If the results of the pregnancy test are positive, the physician shall notify the Commission, and the Commission shall prohibit the contestant from competing.

(5) A female contestant with breast implants shall be denied a license.

(6) A contestant who has had cardiac surgery shall not be issued a license unless he is certified as fit to compete by a cardiovascular surgeon.

(7) A contest shall not begin until a physician and an attended ambulance are present. The physician shall not leave until the decision in the final contest has been announced and all injured contestants have been attended to.

(8) The contest shall not begin until the physician is seated at ringside. The physician shall remain at that location for the entire fight, unless it is necessary for the physician to attend to a contestant.

#### **R151-33-506. Drug Tests.**

In accordance with Section 13-33-405, the following shall apply to drug testing:

(1) At the request of the Commission, the designated Commission member, or the ringside physician, a contestant or assigned official shall submit to a test of body fluids to determine the presence of drugs. The promoter shall be responsible for any costs of testing.

(2) If the test results in a finding of the presence of a drug or if the contestant or assigned official is unable or unwilling to provide a sample of body fluids for such a test, the Commission may take one or more of the following actions:

(a) immediately suspend the contestant's or assigned official's license in accordance with Section R151-33-403;

(b) stop the contest in accordance with Subsection 13-33-404(2);

(c) initiate other appropriate licensure action in accordance with Section 13-33-303; or

(d) withhold the contestant's purse in accordance with Subsection 13-33-405(2).

(3) A contestant who is disciplined pursuant to the provisions of this Rule and who was the winner of a contest shall be disqualified and the decision of the contest shall be changed to "no contest."

**R151-33-507. HIV Testing.**

In accordance with Section 13-33-405, contestants shall produce evidence of a clear test for HIV as a condition to participation in a contest as follows:

(1) All contestants shall provide evidence in the form of a competent laboratory examination certificate verifying that the contestant is HIV negative at the time of the weigh-in.

(2) The examination certificate shall certify that the HIV test was completed within 60 days prior to the contest.

(3) Any contestant whose HIV test is positive shall be prohibited from participating in a contest.

**R151-33-508. Contestant Use or Administration of Any Substance.**

(1) The use or administration of drugs, stimulants, or non-prescription preparations by or to a contestant during a contest is prohibited, except as provided by this Rule.

(2) The giving of substances other than water to a contestant during the course of the contest is prohibited.

(3) The discretionary use of petroleum jelly may be allowed, as determined by the referee.

(4) The discretionary use of coagulants, adrenalin 1/1000, avetine, and thrombin, as approved by the Commission, may be allowed between rounds to stop the bleeding of minor cuts and lacerations sustained by a contestant. The use of monsel solution, silver nitrate, "new skin," flex collodion, or substances having an iron base is prohibited, and the use of any such substance by a contestant is cause for immediate disqualification.

(5) The ringside physician shall monitor the use and application of any foreign substances administered to a contestant before or during a contest and shall confiscate any suspicious foreign substance for possible laboratory analysis, the results of which shall be forwarded to the Commission.

**R151-33-509. Weighing-In.**

(1) Unless otherwise approved by the Commission for a specific contest, the weigh-in shall occur not less than six nor more than 24 hours before the start of a contest. The designated Commission member or authorized Commission representative(s), shall weigh-in each contestant in the presence of other contestants.

(2) Contestants shall be licensed at the time they are weighed-in.

(3) Only those contestants who have been previously approved for the contest shall be permitted to weigh-in.

**R151-33-510. Announcer.**

(1) At the beginning of a contest, the announcer shall announce that the contest is under the auspices of the Commission.

(2) The announcer shall announce the names of the referee, judges, and timekeeper when the competitions are about to begin, and shall also announce the changes made in officials as the contest progresses.

(3) The announcer shall announce the names of all contestants, their weight, professional record, their city and state of residence, and country of origin if not a citizen.

**R151-33-511. Timekeepers.**

(1) A timekeeper shall indicate the beginning and end of each round by the gong.

(2) A timekeeper shall possess a whistle and a stopwatch.

(3) Ten seconds before the beginning of each round, the timekeeper shall warn the contestants of the time by blowing a whistle.

(4) If a contest terminates before the scheduled limit of rounds, the timekeeper shall inform the announcer of the exact duration of the contest.

(5) The timekeeper shall keep track of and record the exact amount of time that any contestant remains on the canvas.

**R151-33-512. Stopping a Contest.**

In accordance with Subsections 13-33-404(2) and 13-33-102(14)(b), authority for stopping a contest is defined, clarified or established as follows.

(1) The referee may stop a contest to ensure the integrity of a contest or to protect the health, safety, or welfare of a contestant or the public for any one or more of the following reasons:

(a) injuries, cuts, or other physical or mental conditions that would endanger the health, safety, or welfare of a contestant if the contestant were to continue with the competition.

(b) one-sided nature of the contest;

(c) refusal or inability of a contestant to reasonably compete; and

(d) refusal or inability of a contestant to comply with the rules of the contest.

(2) If a referee stops a contest, the referee shall disqualify the contestant, where appropriate, and recommend to the designated Commission member that the purse of that professional contestant be withheld pending an impoundment decision in accordance with Section 13-33-504.

(3) The designated Commission member may stop a contest at any stage in the contest when there is a significant question with respect to the contest, the contestant, or any other licensee associated with the contest, and determine whether the purse should be withheld pursuant to Section 13-33-504.

**R151-33-601. Boxing - Contest Weights and Classes.**

(1) Boxing weights and classes are established as follows:

(a) Strawweight: up to 105 lbs. (47.627 kgs.)

(b) Light-Flyweight: over 105 to 108 lbs. (47.627 to 48.988 kgs.)

(c) Flyweight: over 108 to 112 lbs. (48.988 to 50.802 kgs.)

(d) Super Flyweight: over 112 to 115 lbs. (50.802 to 52.163 kgs.)

(e) Bantamweight: over 115 to 118 lbs. (52.163 to 53.524 kgs.)

(f) Super Bantamweight: over 118 to 122 lbs. (53.524 to 55.338 kgs.)

(g) Featherweight: over 122 to 126 lbs. (55.338 to 57.153 kgs.)

(h) Super Featherweight: over 126 to 130 lbs. (57.153 to 58.967 kgs.)

(i) Lightweight: over 130 to 135 lbs. (58.967 to 61.235 kgs.)

(j) Super Lightweight: over 135 to 140 lbs. (61.235 to 63.503 kgs.)

(k) Welterweight: over 140 to 147 lbs. (63.503 to 66.678 kgs.)

(l) Super Welterweight: over 147 to 154 lbs. (66.678 to 69.853 kgs.)

(m) Middleweight: over 154 to 160 lbs. (69.853 to 72.574 kgs.)

(n) Super Middleweight: over 160 to 168 lbs. (72.574 to 76.204 kgs.)

(o) Light-heavyweight: over 168 to 175 lbs. (76.204 to 79.378 kgs.)

(p) Cruiserweight: over 175 to 195 lbs. (79.378 to 88.451 kgs.)

(q) Heavyweight: all over 195 lbs. (88.451 kgs.)

(2) A contestant shall not fight another contestant who is outside of the contestant's weight classification unless prior approval is given by the Commission.

(3) A contestant who has contracted to box in a given weight class shall not be permitted to compete if he or she exceeds that weight class at the weigh-in, unless the contract provides for the opposing contestant to agree to the weight differential. If the weigh-in is held the day before the contest and if the opposing contestant does not agree or the contract does not provide for a weight exception, the contestant may have two hours to attempt to lose not more than three pounds in order to be reweighed.

(4) The Commission shall not allow a contest in which the contestants are not fairly matched. In determining if contestants are fairly matched, the Commission shall consider all of the following factors with respect to the contestant:

- (a) the win-loss record of the contestants;
- (b) the weight differential;
- (c) the caliber of opponents;
- (d) each contestant's number of fights; and
- (e) previous suspensions or disciplinary actions.

#### **R151-33-602. Boxing - Number of Rounds in a Bout.**

(1) A contest bout shall consist of not less than four and not more than twelve scheduled rounds. Three minutes of boxing shall constitute a round for men's boxing, and two minutes shall constitute a round for women's boxing. There shall be a rest period of one minute between the rounds.

(2) A promoter shall contract with a sufficient number of contestants to provide a program consisting of at least 30 and not more than 56 scheduled rounds of boxing, unless otherwise approved by the Commission.

#### **R151-33-603. Boxing - Ring Dimensions and Construction.**

(1) The ring shall be square, and the sides shall not be less than 16 feet nor more than 22 feet. The ring floor shall extend not less than 18 inches beyond the ropes. The ring floor shall be padded with a base not less than 5/8 of an inch of ensolite or another similar closed-cell foam. The padding shall extend beyond the ring ropes and over the edge of the platform, and shall be covered with canvas, duck, or a similar material that is tightly stretched and laced securely in place.

(2) The ring floor platform shall not be more than four feet above the floor of the building, and shall have two sets of suitable stairs for the use of contestants, with an extra set of suitable stairs to be used for any other activities that may occur between rounds. Ring posts shall be made of metal and shall be not less than three nor more than four inches in diameter, extending a minimum of 58 inches above the ring floor. Ring posts shall be at least 18 inches away from the ropes.

(3) The ring shall not have less than four ring ropes which can be tightened and which are not less than one inch in diameter. The ring ropes shall be wrapped in a soft material. The turnbuckles shall

be covered with a protective padding. The ring ropes shall have two spacer ties on each side of the ring to secure the ring ropes. The lower ring rope shall be 18 inches above the ring floor. The ring shall have corner pads in each corner.

#### **R151-33-604. Boxing - Gloves.**

(1) A boxing contestant's gloves shall be examined before a contest by the referee and the designated Commission member. If gloves are found to be broken or unclean or if the padding is found to be misplaced or lumpy, they shall be changed before the contest begins.

(2) A promoter shall be required to have on hand an extra set of gloves that are to be used if a contestant's gloves are broken or damaged during the course of a contest.

(3) Gloves for a main event may be put on in the ring after the referee has inspected the bandaged hands of both contestants.

(4) During a contest, male contestants shall wear gloves weighing not less than eight ounces each if the contestant weighs 154 lbs. (69.853 kgs.) or less. Contestants who weigh more than 154 lbs. (69.853 kgs.) shall wear gloves weighing ten ounces each. Female contestants' gloves shall be ten-ounce gloves. The designated Commission member shall have complete discretion to approve or deny the model and style of the gloves before the contest.

(5) The laces shall be tied on the outside of the back of the wrist of the gloves and shall be secured. The tips of the laces shall be removed.

#### **R151-33-605. Boxing - Bandage Specification.**

(1) Except as agreed to by the managers of the contestants opposing each other in a contest, a contestant's bandage for each hand shall consist of soft gauze not more than 20 yards long and not more than two inches wide. The gauze shall be held in place by not more than eight feet of adhesive tape not more than one and one-half inches wide.

(2) Bandages shall be adjusted in the dressing room under the supervision of the designated Commission member.

(3) The use of water or any other substance other than medical tape on the bandages is prohibited.

#### **R151-33-606. Boxing - Mouthpieces.**

A round shall not begin until the contestant's form-fitted protective mouthpiece is in place. If, during a round, the mouthpiece falls out of the contestant's mouth, the referee shall, as soon as practicable, stop the bout and escort the contestant to his corner. The mouthpiece shall be rinsed out and replaced in the contestant's mouth and the contest shall continue. If the referee determines that the contestant intentionally spit the mouthpiece out, the referee may direct the judges to deduct points from the contestant's score for the round.

#### **R151-33-607. Boxing - Contest Officials.**

(1) The officials for each boxing contest shall consist of not less than the following:

- (a) one referee;
- (b) three judges;
- (c) one timekeeper; and
- (d) one physician licensed in good standing in Utah.

(2) A licensed referee, judge, or timekeeper shall not officiate at a contest that is not conducted under the authority or supervision of the designated Commission member.

(3) A referee or judge shall not participate or accept an assignment to officiate when that assignment may tend to impair the referee's or judge's independence of judgment or action in the performance of the referee's or judge's duties.

(4) A judge shall be seated midway between the ring posts of the ring, but not on the same side as another judge, and shall have an unimpaired view of the ring.

(5) A referee shall not be assigned to officiate more than 32 scheduled rounds in one day, except when substituting for another referee who is incapacitated.

(6) A referee shall not wear jewelry that might cause injury to the contestants. Glasses, if worn, shall be protective athletic glasses or goggles with plastic lenses and a secure elastic band around the back of the head.

(7) Referees, seconds working in the corners, the designated Commission member, and physicians may wear rubber gloves in the performance of their duties.

(8) No official shall be under the influence of alcohol or controlled substances while performing the official's duties.

#### **R151-33-608. Boxing - Contact During Contests.**

(1) Beginning one minute before the first round begins, only the referee, boxing contestants, and the chief second may be in the ring. The referee shall clear the ring of all other individuals.

(2) Once a contest has begun, only the referee, contestants, seconds, judges, Commission representatives, physician, the announcer and the announcer's assistants shall be allowed in the ring.

(3) At any time before, during or after a contest, the referee may order that the ring and technical area be cleared of any individual not authorized to be present in those areas.

(4) The referee, on his own initiative, or at the request of the designated Commission member, may stop a bout at any time if individuals refuse to clear the ring and technical area, dispute a decision by an official, or seek to encourage spectators to object to a decision either verbally, physically, or by engaging in disruptive conduct. If the individual involved in disruptive conduct or encouraging disruptive conduct is the manager or second of a contestant, the referee may disqualify the contestant or order the deduction of points from that contestant's score. If the conduct occurred after the decision was announced, the Commission may change the decision, declare no contest, or pursue disciplinary action against any licensed individual involved in the disruptive conduct.

#### **R151-33-609. Boxing - Referees.**

(1) The chief official of a boxing contest shall be the referee. The referee shall decide all questions arising in the ring during a contest that are not specifically addressed in this Rule.

(2) The referee shall, before each contest begins, determine the name and location of the physician assigned to officiate at the contest and each contestant's chief second.

(3) At the beginning of each contest, the referee shall summon the contestants and their chief seconds together for final instructions. After receiving the instructions, the contestants shall shake hands and retire to their respective corners.

(4) Where difficulties arise concerning language, the referee shall make sure that the contestant understands the final instructions through an interpreter and shall use suitable gestures and signs during the contest.

(5) No individual other than the contestants, the referee, and the physician when summoned by the referee, may enter the ring or the apron of the ring during the progress of a round.

(6) If a contestant's manager or second steps into the ring or onto the apron of the ring during a round, the fight shall be halted and the referee may eject the manager or second from the ringside working area. If the manager or second steps into the ring or onto the apron a second time during the contest, the fight may be stopped and the decision may be awarded to the contestant's opponent due to disqualification.

(7) A referee shall inspect a contestant's body to determine whether a foreign substance has been applied.

#### **R151-33-610. Boxing - Stalling or Faking.**

(1) A referee shall warn a contestant if the referee believes the contestant is stalling or faking. If after proper warning, the referee determines the contestant is continuing to stall or pull his punches, the referee shall stop the bout at the end of the round.

(2) A referee may consult the judges as to whether or not the contestant is stalling or faking and shall abide by a majority decision of the judges.

(3) If the referee determines that either or both contestants are stalling or faking, or if a contestant refuses to fight, the referee shall terminate the contest and announce a no contest.

(4) A contestant who, in the opinion of the referee, intentionally falls down without being struck shall be immediately examined by a physician. After conferring with the physician, the referee may disqualify the contestant.

#### **R151-33-611. Boxing - Injuries and Cuts.**

(1) When an injury or cut is produced by a fair blow and because of the severity of the blow the contest cannot continue, the injured boxing contestant shall be declared the loser by technical knockout.

(2) If a contestant intentionally fouls his opponent and an injury or cut is produced, and due to the severity of the injury the contestant cannot continue, the contestant who commits the foul shall be declared the loser by disqualification.

(3) If a contestant receives an intentional butt or foul and the contest can continue, the referee shall penalize the contestant who commits the foul by deducting two points. The referee shall notify the judges that the injury or cut has been produced by an intentional unfair blow so that if in the subsequent rounds the same injury or cut becomes so severe that the contest has to be suspended, the decision will be awarded as follows:

(a) a technical draw if the injured contestant is behind on points or even on a majority of scorecards; and

(b) a technical decision to the injured contestant if the injured contestant is ahead on points on a majority of the scorecards.

(4) If a contestant injures himself trying to foul his opponent, the referee shall not take any action in his favor, and the injury shall be considered as produced by a fair blow from his opponent.

(5) If a contestant is fouled accidentally during a contest and can continue, the referee shall stop the action to inform the judges and acknowledge the accidental foul. If in subsequent rounds, as a result of legal blows, the accidental foul injury worsens and the contestant cannot continue, the referee shall stop the contest and declare a technical decision with the winner being the contestant who is ahead on points on a majority of the scorecards. The judges shall score partial rounds. If a contestant is accidentally fouled in a

contest and due to the severity of the injury the contestant cannot continue, the referee shall rule as follows:

(a) if the injury occurs before the completion of four rounds, declare the contest a technical draw; or

(b) if the injury occurs after the completion of four rounds, declare that the winner is the contestant who has a lead in points on a majority of the scorecards before the round of injury. The judges shall score partial rounds.

(6) If in the opinion of the referee, a contestant has suffered a dangerous cut or injury, or other physical or mental condition, the referee may stop the bout temporarily to summon the physician. If the physician recommends that the contest should not continue, the referee shall order the contest to be terminated.

(7) A fight shall not be terminated because of a low blow. The referee may give a contestant not more than five minutes if the referee believes a foul has been committed. Each contestant shall be instructed to return to his or her respective corner by the referee. The contestants may sit in their respective corners with their mouthpiece removed. After removing their contestant's mouthpiece, the seconds must return to their seats. The seconds may not coach, administer water, or in any other way attend to their contestant, except to replace the mouthpiece when the round is ready to resume.

(8) If a contestant is knocked down or given a standing mandatory count of eight or a combination of either occurs three times in one round, the contest shall be stopped and a technical knockout shall be awarded to the opponent. The physician shall immediately enter the ring and examine the losing contestant.

(9) A physician shall immediately examine and administer aid to a contestant who is knocked out or injured.

(10) When a contestant is knocked out or rendered incapacitated, the referee or second shall not handle the contestant, except for the removal of a mouthpiece, unless directed by the physician to do so.

(11) A contestant shall not refuse to be examined by a physician.

(12) A contestant who has been knocked out shall not leave the site of the contest until one hour has elapsed from the time of the examination or until released by the physician.

(13) A physician shall file a written report with the Commission on each contestant who has been knocked out or injured.

#### **R151-33-612. Boxing - Knockouts.**

(1) A boxing contestant who is knocked down shall take a minimum mandatory count of eight.

(2) If a boxing contestant is dazed by a blow and, in the referee's opinion, is unable to defend himself, the referee shall give a standing mandatory count of eight or stop the contest. If on the count of eight the boxing contestant, in the referee's opinion, is unable to continue, the referee may count him out on his feet or stop the contest on the count of eight.

(3) In the event of a knockdown, the timekeeper shall immediately start the count loud enough to be heard by the referee, who, after waving the opponent to the farthest neutral corner, shall pick up the count from the timekeeper and proceed from there. The referee shall stop the count if the opponent fails to remain in the corner. The count shall be resumed when the opponent has returned to the corner.

(4) The timekeeper shall signal the count to the referee.

(5) If the boxing contestant taking the count is still down when the referee calls the count of ten, the referee shall wave both arms to

indicate that the boxing contestant has been knocked out. The referee shall summon the physician and shall then raise the opponent's hand as the winner. The referee's count is the official count.

(6) If at the end of a round a boxing contestant is down and the referee is in the process of counting, the gong indicating the end of the round shall not be sounded. The gong shall only be sounded when the referee gives the command to box indicating the continuation of the bout.

(7) In the final round, the timekeeper's gong shall terminate the fight.

(8) A technical knockout decision shall be awarded to the opponent if a boxing contestant is unable or refuses to continue when the gong sounds to begin the next round. The decision shall be awarded in the round started by the gong.

(9) The referee and timekeeper shall resume their count at the point it was suspended if a boxing contestant arises before the count of ten is reached and falls down again immediately without being struck.

(10) If both boxing contestants go down at the same time, counting will be continued as long as one of them is still down or until the referee or the ringside physician determines that one or both of the boxing contestants needs immediate medical attention. If both boxing contestants remain down until the count of ten, the bout will be stopped and the decision will be scored as a double knockout.

#### **R151-33-613. Boxing - Procedure After Knockout or Contestant Sustaining Damaging Head Blows.**

(1) A boxing contestant who has lost by a technical knockout shall not fight again for a period of 30 calendar days or until the contestant has submitted to a medical examination. The Commission may require such physical exams as necessary.

(2) A ringside physician shall examine a boxing contestant who has been knocked out in a contest or a contestant whose fight has been stopped by the referee because the contestant received hard blows to the head that made him defenseless or incapable of continuing immediately after the knockout or stoppage. The ringside physician may order post-fight neurological examinations, which may include computerized axial tomography (CAT) scans or magnetic resonance imaging (MRI) to be performed on the contestant immediately after the contestant leaves the location of the contest. Post-fight neurological examination results shall be forwarded to the Commission by the ringside physician as soon as possible.

(3) A report that records the amount of punishment a fighter absorbed shall be submitted to the Commission by the ringside physician within 24 hours of the end of the fight.

(4) A ringside physician may require any boxing contestant who has sustained a severe injury or knockout in a bout to be thoroughly examined by a physician within 24 hours of the bout. The physician shall submit his findings to the Commission. Upon the physician's recommendation, the Commission may prohibit the contestant from boxing until the contestant is fully recovered and may extend any such suspension imposed.

(5) All medical reports that are submitted to the Commission relative to a physical examination or the condition of a boxing contestant shall be confidential and shall be open for examination only by the Commission and the licensed contestant upon the contestant's request to examine the records or upon the order of a court of competent jurisdiction.

(6) A boxing contestant who has been knocked out or who received excessive hard blows to the head that made him defenseless or incapable of continuing shall not be permitted to take part in competitive or noncompetitive boxing for a period of not less than 60 days. Noncompetitive boxing shall include any contact training in the gymnasium. It shall be the responsibility of the boxing contestant's manager and seconds to assure that the contestant complies with the provisions of this Rule. Violation of this Rule could result in the indefinite suspension of the contestant and the contestant's manager or second.

(7) A contestant may not resume boxing after any period of rest prescribed in Subsections R151-33-613(1) and (6), unless following a neurological examination, a physician certifies the contestant as fit to take part in competitive boxing. A boxing contestant who fails to secure an examination prior to resuming boxing shall be automatically suspended until the results of the examination have been received by the Commission and the contestant is certified by a physician as fit to compete.

(8) A boxing contestant who has lost six consecutive fights shall be prohibited from boxing again until the Commission has reviewed the results of the six fights or the contestant has submitted to a medical examination by a physician.

(9) A boxing contestant who has suffered a detached retina shall be automatically suspended and shall not be reinstated until the contestant has submitted to a medical examination by an ophthalmologist and the Commission has reviewed the results of the examination.

(10) A boxing contestant who is prohibited from boxing in other states or jurisdictions due to medical reasons shall be prohibited from boxing in accordance with this Rule. The Commission shall consider the boxing contestant's entire professional record regardless of the state or country in which the contestant's fights occurred.

(11) A boxing contestant or the contestant's manager shall report any change in the contestant's medical condition which may affect the contestant's ability to fight safely. The Commission may, at any time, require current medical information on any contestant.

**R151-33-614. Boxing - Waiting Periods.**

(1) The number of days that shall elapse before a boxing contestant who has competed anywhere in a bout may participate in another bout shall be as follows:

TABLE

<u>Length of Bout (In scheduled Rounds)</u>	<u>Required Interval (In Days)</u>
<u>4</u>	<u>3</u>
<u>5-9</u>	<u>5</u>
<u>10-12</u>	<u>7</u>

**R151-33-615. Boxing - Fouls.**

(1) A referee may disqualify or penalize a boxing contestant by deducting one or more points from a round for the following fouls:

(a) holding an opponent or deliberately maintaining a clinch;  
(b) hitting with the head, shoulder, elbow, wrist, inside or butt of the hand, or the knee.

(c) hitting or gouging with an open glove;

(d) wrestling, spinning or roughing at the ropes;

(e) causing an opponent to fall through the ropes by means other than a legal blow;

(f) gripping at the ropes when avoiding or throwing punches;

(g) intentionally striking at a part of the body that is over the kidneys;

(h) using a rabbit punch or hitting an opponent at the base of the opponent's skull;

(i) hitting on the break or after the gong has sounded;

(j) hitting an opponent who is down or rising after being down;

(k) hitting below the belt line;

(l) holding an opponent with one hand and hitting with the other;

(m) purposely going down without being hit or to avoid a blow;

(n) using abusive language in the ring;

(o) un-sportsmanlike conduct on the part of the boxing contestant or a second whether before, during, or after a round;

(p) intentionally spitting out a mouthpiece;

(q) any backhand blow; or

(r) biting.

**R151-33-616. Boxing - Penalties for Fouling.**

(1) A referee who penalizes a boxing contestant pursuant to this Rule shall notify the judges at the time of the infraction to deduct one or more points from their scorecards.

(2) A boxing contestant committing a deliberate foul, in addition to the deduction of one or more points, may be subject to disciplinary action by the Commission.

(3) A judge shall not deduct points unless instructed to do so by the referee.

(4) The designated Commission member shall file a complaint with the Commission against a boxing contestant disqualified on a foul. The Commission shall withhold the purse until the complaint is resolved.

**R151-33-617. Boxing - Contestant Outside the Ring Ropes.**

(1) A boxing contestant who has been knocked, wrestled, pushed, or has fallen through the ropes during a contest shall not be helped back into the ring, nor shall the contestant be hindered in any way by anyone when trying to reenter the ring.

(2) When one boxing contestant has fallen through the ropes, the other contestant shall retire to the farthest neutral corner and stay there until ordered to continue the contest by the referee.

(3) The referee shall determine if the boxing contestant has fallen through the ropes as a result of a legal blow or otherwise. If the referee determines that the boxing contestant fell through the ropes as a result of a legal blow, he shall warn the contestant that the contestant must immediately return to the ring. If the contestant fails to immediately return to the ring following the warning by the referee, the referee shall begin the count that shall be loud enough to be heard by the contestant.

(4) If the boxing contestant enters the ring before the count of ten, the contest shall be resumed.

(5) If the boxing contestant fails to enter the ring before the count of ten, the contestant shall be considered knocked out.

(6) When a contestant has accidentally slipped or fallen through the ropes, the contestant shall have 20 seconds to return to the ring.

**R151-33-618. Boxing - Scoring.**

(1) Officials who score a boxing contest shall use the 10-point must system.

(2) For the purpose of this Rule, the "10-point must system" means the winner of each round received ten points as determined



by clean hitting, effective aggressiveness, defense, and ring generalship. The loser of the round shall receive less than ten points. If the round is even, each boxing contestant shall receive not less than ten points. No fraction of points may be given.

(3) Officials who score the contest shall mark their cards in ink or in indelible pencil at the end of each round.

(4) Officials who score the contest shall sign their scorecards.

(5) When a contest is scored on the individual score sheets for each round, the referee shall, at the end of each round, collect the score sheet for the round from each judge and shall give the score sheets to the designated Commission member for computation.

(6) Referees and judges shall be discreet at all times and shall not discuss their decisions with anyone during a contest.

(7) A decision that is rendered at the termination of a boxing contest shall not be changed without a hearing, unless it is determined that the computation of the scorecards of the referee and judges shows a clerical or mathematical error giving the decision to the wrong contestant. If such an error is found, the Commission may change the decision.

(8) After a contest, the scorecards collected by the designated Commission member shall be maintained by the Commission.

(9) If a referee becomes incapacitated, a time-out shall be called and the other referee who is assigned to the contest shall assume the duties of the referee.

(10) If a judge becomes incapacitated and is unable to complete the scoring of a contest, a time-out shall be called and an alternate licensed judge shall immediately be assigned to score the contest from the point at which he assumed the duties of a judge. If the incapacity of a judge is not noticed during a round, the referee shall score that round and the substitute judge shall score all subsequent rounds.

#### **R151-33-619. Boxing - Seconds.**

(1) A boxing contestant shall not have more than four seconds, one of whom shall be designated as the chief second. The chief second shall be responsible for the conduct in the corner during the course of a contest. During the rest period, one second shall be allowed inside the ring, two seconds shall be allowed on the apron and one second shall be allowed on the floor.

(2) All seconds shall remain seated during the round.

(3) A second shall not spray or throw water on a boxing contestant during a round.

(4) A boxing contestant's corner shall not heckle or in any manner annoy the contestant's opponent or the referee, or throw any object into the ring.

(5) A second shall not enter the ring until the timekeeper has indicated the end of a round.

(6) A second shall leave the ring at the timekeeper's whistle and shall clear the ring platform of all obstructions at the sound of the gong indicating the beginning of a round. Articles shall not be placed on the ring floor until the round has ended or the contest has terminated.

(7) A referee may eject a second from a ring corner for violations of the provisions of Subsections R151-33-609(6) and R151-33-608(4) of this Rule (stepping into the ring and disruptive behavior) and may have the judges deduct points from a contestant's corner.

(8) A second may indicate to the referee that the second's boxing contestant cannot continue and that the contest should be stopped. Only verbal notification or hand signals may be used; the

throwing of a towel into the ring does not indicate the defeat of the second's boxing contestant.

(9) A second shall not administer alcoholic beverages, narcotics, or stimulants to a contestant, pour excessive water on the body of a contestant, or place ice in the trunks or protective cup of a contestant during the progress of a contest.

#### **R151-33-620. Boxing - Managers.**

A manager shall not sign a contract for the appearance of a boxing contestant if the manager does not have the boxing contestant under contract.

#### **R151-33-621. Boxing. Identification - Photo Identification Cards.**

(1) Each boxing contestant shall provide two pieces of identification to the designated Commission member before participation in a fight. One of the pieces of identification shall be a recent photo identification card issued or accepted by the Commission at the time the boxing contestant receives his original license.

(2) The photo identification card shall contain the following information:

(a) the contestant's name and address;

(b) the contestant's social security number;

(c) the personal identification number assigned to the contestant by a boxing registry;

(d) a photograph of the boxing contestant; and

(e) the contestant's height and weight.

(3) The Commission shall honor similar photo identification cards from other jurisdictions.

(4) Unless otherwise approved by the Commission, a boxing contestant will not be allowed to compete if his or her photo identification card is incomplete or if the boxing contestant fails to present the photo identification card to the designated Commission member prior to the bout.

#### **R151-33-622. Boxing - Dress for Contestants.**

(1) Boxing contestants shall be required to wear the following:

(a) trunks that are belted at the contestant's waistline. For the purposes of this Subsection, the waistline shall be defined as an imaginary horizontal line drawn through the navel to the top of the hips. Trunks shall not have any buckles or other ornaments on them that might injure a boxing contestant or referee;

(b) a foul-proof protector for male boxing contestants and a pelvic area protector and breast protector for female boxing contestants;

(c) shoes that are made of soft material without spikes, cleats, or heels;

(d) a fitted mouthpiece; and

(e) gloves meeting the requirements specified in Section R151-33-604.

(2) In addition to the clothing required pursuant to Subsections R151-33-622(1)(a) through (e), a female boxing contestant shall wear a body shirt or blouse without buttons, buckles, or ornaments.

(3) A boxing contestant's hair shall be cut or secured so as not to interfere with the contestant's vision.

(4) A boxing contestant shall not wear corrective lenses other than soft contact lenses into the ring. A bout shall not be interrupted for the purposes of replacing or searching for a soft contact lens.

**R151-33-623. Boxing - Failure to Compete.**

A boxing contestant's manager shall immediately notify the Commission if the contestant is unable to compete in a contest due to illness or injury. A physician may be selected as approved by the Commission to examine the contestant.

**R151-33-701. Elimination Tournaments.**

(1) In general. The provisions of Title 13, Chapter 33, and Rule R151-33 apply to elimination tournaments, including provisions pertaining to licenses, fees, stopping contests, impounding purses, testing requirements for contestants, and adjudicative proceedings. For purposes of identification, an elimination tournament contestant shall provide any form of identification that contains a photograph of the contestant, such as a state driver's license, passport, or student identification card.

(2) Official rules of the sport. Upon requesting the Commission's approval of an elimination tournament in this State, the sponsoring organization or promoter of an elimination tournament may submit the official rules for the particular sport to the Commission and request the Commission to apply the official rules in the contest.

(3) The Commission shall not approve the official rules of the particular sport and shall not allow the contest to be held if the official rules are inconsistent, in any way, with the purpose of the Pete Suazo Utah Athletic Commission Act, Title 13, Chapter 33, or with the Rule adopted by the Commission for the administration of that Act, Rule R151-33.

**R151-33-702. Restrictions on Elimination Tournaments.**

Elimination tournaments shall comply with the following restrictions:

(1) An elimination tournament must begin and end within a period of 48 hours.

(2) All matches shall be scheduled for no more than three rounds. A round must be one minute in duration.

(3) A contestant shall wear 16 oz. boxing gloves, training headgear, a mouthpiece and a large abdominal groin protector during each match.

(4) A contestant may participate in more than one match, but a contestant shall not compete more than a total of 12 rounds.

(5) The promoter of the elimination tournament shall be required to supply at the time of the weigh-in of contestants, a physical examination on each contestant, conducted by a physician not more than 60 days prior to the elimination tournament in a form provided by the Commission, certifying that the contestant is free from any physical or mental condition that indicates the contestant should not engage in activity as a contestant.

(6) The promoter of the elimination tournament shall be required to supply at the time of the weigh-in of the contestants HIV test results for each contestant pursuant to Subsection R151-33-507 of this Rule and Subsection 13-33-405(1).

(7) The Commission may impose additional restrictions in advance of an elimination tournament.

**R151-33-801. Martial Arts Contests and Exhibitions.**

(1) In general. All full-contact martial arts are forms of unarmed combat. Therefore, the provisions of Title 13, Chapter 33, and Rule R151-33 apply to contests or exhibitions of such martial arts, including provisions pertaining to licenses, fees, stopping contests, impounding purses, testing requirements for contestants, and adjudicative proceedings. For purposes of identification, a

contestant in a martial arts contest or exhibition shall provide any form of identification that contains a photograph of the contestant, such as a state driver's license, passport, or student identification card.

(2) Official rules of the art. Upon requesting the Commission's approval of a contest or exhibition of a martial art in this State, the sponsoring organization or promoter may submit the official rules for the particular art to the Commission and request the Commission to apply the official rules in the contest or exhibition.

(3) The Commission shall not approve the official rules of the particular art and shall not allow the contest or exhibition to be held if the official rules are inconsistent, in any way, with the purpose of the Pete Suazo Utah Athletic Commission Act, Title 13, Chapter 33, or with the Rule adopted by the Commission for the administration of that Act, Rule R151-33.

**KEY: licensing, boxing[±], contests[±]**

**[November 1, 2001]2002  
13-33-101 through 13-33-506**

▼ ————— ▼

## Corrections, Administration R251-704 North Gate

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 24430

FILED: 01/22/2002, 14:04

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to include changes in position titles of those signing clearances, increase the number of entry points for contract professionals, and more flexibility in identification surrendered upon entry to the prison. The rule changes provide notice to construction workers and contractors regarding their access onto prison property.

SUMMARY OF THE RULE OR CHANGE: Special clearances for entry to the prison for deliveries made other than designated times must be signed by the Security Deputy Warden/designee. Contract professional staff may now also use Wasatch or Uinta administration building sallyports for access to the Special Services Dormitory. Official identification may be used in place of a driver's license for entry to the North Gate. Eliminated the requirement for a vendor without picture ID to have a prison escort with him at all times while he is inside the secure perimeter. Construction workers and contractors are required to provide name, legal address, social security number, driver's license number, and date of birth to the appropriate prison personnel at least 72 hours prior to access onto prison property.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 64-13-14

## ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: These amendments require no additional costs and provide no savings to the state budget because the changes merely clarify existing requirements.
- ❖ LOCAL GOVERNMENTS: These amendments require no additional costs and provide no savings to the local budget because they are not directly affected by the amendment.
- ❖ OTHER PERSONS: These amendments require no additional costs and provide no savings to other persons because the changes merely clarify existing requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These amendments require no compliance costs to affected persons because the changes merely clarify existing requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These amendments have no fiscal impact on businesses.

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

CORRECTIONS  
ADMINISTRATION  
14717 S MINUTEMAN DR  
DRAPER UT 84020-9549, or  
at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

Ginny L Duncan at the above address, by phone at 801-545-5722, by FAX at 801-545-5523, or by Internet E-mail at [guncan@udc.state.ut.us](mailto:guncan@udc.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 03/18/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 03/19/2002

AUTHORIZED BY: Michael P. Chabries, Executive Director

**R251. Corrections, Administration.****R251-704. North Gate.****R251-704-1. Authority and Purpose.**

A. This rule is authorized by Section 64-13-14, which allows the Department to adopt standards and rules in accordance with its responsibilities.

B. The purpose of this chapter is to provide the Department's policy, procedures and requirements for the North Gate of the South Point Complex of the Prison.

**R251-704-2. Definitions.**

1. "ID" means identification.
2. "SSD" means Special Services Dormitory.

**R251-704-3. Standards and Procedures.**

It is the policy of the Department that:

A. access through the North Gate shall be restricted to authorized persons at authorized times to control contraband,

prevent the escape of inmates and to otherwise further the legitimate security interests of the USP;

B. regulations shall be enacted to control access through the North Gate, particularly as that access involves persons who are not members of the USP staff;

C. vehicles accessing the North Gate shall be thoroughly searched to prevent the flow of contraband, prevent the possibility of escape and to otherwise further the legitimate security interests of the USP;

D. vehicles wishing to exit the North Gate which are loaded in such a manner which prohibits the North Gate officer from giving it a thorough shake down shall:

1. be accompanied by a corrections officer who witnessed the loading of the vehicle and verifies, by signing the North Gate Vehicle Security Warrant Form, that the security of the vehicle was maintained during loading to prevent escape; and

2. be detained at the North Gate until all inmates are counted.

E. vendor access through the North Gate may be allowed from 0700 to 1500 hours Monday through Friday;

F. deliveries at other than designated times shall require a special clearance signed by the [~~South Point~~]Security Deputy Warden/designee, [~~or the Support Services Bureau Director/designee.~~]

G. the garbage truck:

1. should be allowed access to through the North Gate Monday, Wednesday and Friday beginning at approximately 0400; and

2. shall have an [e]Enforcement [e]Officer escort while inside the secure perimeter;

H. access for contractors and construction workers should be granted between 0700 and 1700 hours, unless an emergency exists that would prevent access;

I. non-prison staff (i.e., contract professional staff including psychologists, vocational rehabilitation personnel, attorneys, legal services providers, etc.), including all volunteers shall not ordinarily be allowed access through the North Gate, but shall be required to use the Oquirrh, Wasatch, or Uinta administration building sallyport for access to the SSD;

J. vendors shall be required to surrender their driver's license, or official identification to the North Gate officer while inside the compound (any exception shall be cleared through the [enforcement shift supervisor]Watch Commander);

[~~K. any vendor not having a picture ID shall have a prison escort with him at all times while he is inside the secure perimeter.~~]

[~~L~~]K. construction workers and contractors shall provide [clearance lists to the North Gate post]name, legal address, social security number, driver's license number, date of birth to the appropriate prison personnel at least 72 hours prior to access onto prison property;

[M]L. [persons]prior to exiting through the North Gate, all persons shall be identified[and authorization verified];

[~~N~~]M. all persons are subject to a search of their person, property and vehicle as a condition of entry onto prison property;

N. the North Gate officer shall search all vehicles to ensure that no unauthorized passengers or contraband items are allowed access through the North Gate; and

O. vehicle operators and passengers shall [not remain in]exit the vehicle during a vehicle search[and].

[~~P. civilians are subject to search prior to entry through the North Gate.~~]

KEY: correctional institutions, security measures  
[September 1, 1997]2002  
Notice of Continuation June 10, 1997  
64-13-14

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 03/18/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 03/19/2002

AUTHORIZED BY: Carol Lear, Coordinator School Law and  
Legislation

Education, Administration  
**R277-470**

Distribution of Funds for Charter  
Schools

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 24448

FILED: 02/01/2002, 15:32

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The  
amendments to this rule add several significant definitions;  
update the charter school approval timeline; differentiate  
among charter schools according to the chartering entity; and  
provide funding for charter school students consistent with the  
law.

SUMMARY OF THE RULE OR CHANGE: The amendments provide  
additional definitions; provide for various chartering entities,  
and provide for funding to charter school students consistent  
with the law.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS  
RULE: Subsection 53A-1a-513(1)(b)(i)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated cost or savings to  
state budget. Funds have been appropriated to cover the  
costs of students leaving boundary schools to attend charter  
schools.

❖ LOCAL GOVERNMENTS: There are no anticipated cost or  
savings to local government. Any increased cost or savings to  
school districts are a result of the enabling law, not the  
amended rule.

❖ OTHER PERSONS: There are no cost or savings to other  
persons. Any increased cost or savings to other persons are  
a result of the enabling law, not the amended rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Individuals' costs  
regarding charter schools are not affected by the amendments  
to this rule.

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

**R277. Education, Administration.**

**R277-470. [Distribution of Funds for] Charter Schools.**

**R277-470-1. Definitions.**

A. "ADM" means average daily membership.

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

C. "Charter schools" means schools approved acknowledged  
as charter schools by local boards of education under Section 53A-  
1a-515 and this rule or by the Board under Section 53A-1a-505.  
Charter schools may:

(1) be created and sponsored by a local board, be recognized as  
a district school, cooperate in providing student services with the  
local board, and receive state and federal funding through the local  
board; or

(2) have a charter granted by a local board and receive state  
and federal funding directly from the Board; or

(3) have a charter granted by the Board and receive state and  
federal funding directly from the Board.

D. "Charter school application" means the official chartering  
document that establishes the relationship between the charter  
school and the chartering board consistent with R277-470-4.

E. "Founding member" means an individual who has had a  
significant role in the development of the charter school application.

F. "Local education agency (LEA)" means a local board of  
education, combination of school districts, other legally constituted  
local school authority having administrative control and direction of  
free public education within the state, or other entities as designated  
by the Board, and includes any entity with state-wide responsibility  
for directly operating and maintaining facilities for providing free  
public education.

[D]G. "On-going funds" means funds that are appropriated  
annually with the expectation that the funds will continue to be  
appropriated annually.

[E]H. "One-time funds" means funds that are appropriated  
with the expectation that they may not be appropriated in subsequent  
years.

[F]I. "USOE" means the Utah State Office of Education.

[G]J. "Weighted Pupil Unit (WPU)" means the unit of measure  
that is computed in accordance with the Minimum School Program  
Act for the purpose of distributing revenue on a uniform basis for  
each pupil.

**R277-470-2. Authority and Purpose.**

A. This rule is authorized under Utah Constitution, Article X, Section 3 which vests general control and supervision over public education in the Board, Section 53A-1a-513(1)(b)(i) which directs the Board to adopt rules to provide a funding formula to pay school districts for charter school students, Section 53A-1a-513(2)(a) which directs the Board to adopt rules relating to the transportation of students to and from charter schools, Section 53A-1a-502 which directs the Board to provide a timeline allowing prospective charter schools to seek sponsorship first from local boards and then from the Board, ~~and~~ Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and 20 U.S.C., Section 8063(3) which directs the Board to submit specific information before charter schools are eligible to receive federal funds.

B. The purpose of this rule is to establish procedures for authorizing and funding charter schools, to establish a timeline for the application process, and to establish a timeline for remedying charter school deficiencies and remediation procedures.

**R277-470-3. Charter School Approval Timeline.**

A. Applicants desiring to be recognized as charter schools under Section 53A-1a-502 et seq. shall first apply to the local school board in which the charter school will be located for approval.

B. ~~[For the 2001-2002 school year, p]~~Prospective charter schools shall apply in writing to the local school board before ~~[July 1]~~March 1.

C. Upon receiving a completed application from a prospective charter school, a local board shall have 45 calendar days to provide written acceptance or rejection of the charter school application. A prospective charter school may submit a revised application consistent with Section 53A-1a-515(5)(b) and (c).

D. If a local board rejects a prospective charter school, the prospective charter school may make written application to the Board ~~[between July 1 and August 15]~~by April 16.

E. The Board shall accept or reject the charter school application in writing as soon as possible after receipt of the application, but no later than ~~[September 15]~~the Board's regularly scheduled June meeting.

F. Local boards and the Board may take additional time to work with a prospective charter school to help the school meet outlined criteria and allow the school to begin operating in ~~[the 2001-2002 or 2002-2003]~~a subsequent school year.

~~[— G. The timeline for prospective charter schools for the 2002-2003 school year shall vary from the 2001-2002 timelines as follows:~~

~~— (1) Prospective charter schools may submit applications to a local board until April 1, 2002.~~

~~— (2) A local board shall have 45 calendar days to provide written acceptance or rejection.~~

~~— (3) If rejected, prospective charter schools may apply to the Board before May 15.~~

~~— (4) The Board shall respond as soon as possible but no later than July 15.~~

] G. It is the intent of the Board that charter schools seek the support of local boards in the chartering process.

**R277-470-4. Applications.**

A. The charter school application form shall be approved and provided by the Board.

B. The charter school application shall designate the type of charter granted and the anticipated LEA status of the charter school.

C. A charter school application shall include the following:

(1) a description of the criteria or contributions or both used by the applicants to designate parents as founding members and a certified list of founding members;

(2) a description of the methods the applicants shall use to comply with its obligations as an LEA;

(3) a description of the methods the applicants shall use to notify all eligible students that the charter school is open for enrollment;

(a) A charter school shall provide notice that the school is open for enrollment to parents of potential students for a minimum of 45 days from the date the charter is granted by the Board or for a minimum of 45 days before the first day the school opens for classes. Schools chartered by the Board on September 7, 2001 shall provide notice to parents of open enrollment by January 15, 2002.

(b) The charter school shall provide for written notice of rejection or acceptance of a student's application within 30 days after the notice period closes.

(4) All other information required under 20 U.S.C., Section 8063(3), Section 53A-1a-508(3), and the application, complete with Assurances, submitted to the Board.

**R277-470-[4]5. Funding Through WPUs.**

A. State funding for Board sponsored charter school students shall be paid by the USOE ~~[to charter schools]~~directly.

B. School districts shall distribute to local board sponsored charter schools, upon request and verification of data, the WPU and other state funds for each eligible charter school student.

**R277-470-[5]6. Federal Funds.**

If the ~~[school district receives funding and the]~~charter school provides requisite services, then the charter school shall receive proportional funds for eligible students, upon application to the ~~[district]~~Board, for the following programs:

(1) Individuals with Disabilities Act (students with IEP's only);

(2) Title I - Basic Grant (free and reduced lunch eligible students);

(3) Title II - Professional Development (total students and disadvantaged students);

(4) Impact Aid (students who qualify);

(5) Title VI (total number of students);

(6) Safe and Drug Free Schools (students who qualify);

(7) Bilingual Education - Subpart I (based on the number of students receiving services);

(8) School Dropout Demonstration Act; and

(9) Goals 2000.

**R277-470-[6]7. Start Up Funds.**

The Board may allocate start-up funds to eligible charter schools from monies appropriated by the Legislature or received from the federal government for that purpose.

**R277-470-[7]8. Residency for Funding Purposes.**

A. For purposes of state and federal funding, a charter school student is considered a resident of the district in which the charter school is located if the school was chartered by a local board. Schools chartered by the Board shall receive WPU funds directly from the Board.

B. The local per student portion is allocated as follows:

(1) For students who are residents of the district and attend schools chartered by the district, the district shall pay the local per student portion to the school.

(~~4~~<sup>2</sup>) Funds shall be paid by the Board to supplement the local per student portion to both district-chartered and Board-chartered schools to the extent of funds available.

(~~2~~<sup>3</sup>) For students who are NOT residents of the district and attend a district-chartered school, the student's resident district shall pay 1/2 of the local per student portion; the state shall pay the remaining 1/2 of the local district per student portion to the charter school.

(~~3~~<sup>4</sup>) For students who enroll in Board-chartered schools, the student's resident district shall pay 1/2 of the local per student portion to the charter school; the state shall pay the remaining 1/2 of the local per student portion directly to the charter school.

C. The amount paid by the USOE under this section shall be consistent with Section 53A-2-210 and R277-437 as follows:

(1) Each charter school shall on October 1 provide a list of students and their district(s) of residence to the USOE as part of the charter school's fall enrollment report.

(2) The 1/2 of the previous year's resident district expenditure per student shall determine the current fiscal year's state match of local expenditures.

(3) If the total state funding appropriated is less than the amount determined in subsection (2), the amount shall be paid on a percentage of the amount that was determined for each charter school.

#### **R277-470-~~8~~<sup>9</sup>. Ongoing Funds.**

A. Ongoing funds shall be distributed to charter schools based on data submitted by the charter schools. Data shall include names of students, addresses, resident districts, grades, birth dates, immunization data, and special program applications, as necessary. The Board shall distribute these funds consistent with distribution policies to school districts.

B. Distributions for September and October shall be made to charter schools based on data submitted to the Board five school days after the beginning of the school year, as determined by the approved charter. If school begins later than September, the distribution for the first two months will be based on data submitted for the first five days of school.

C. Charter schools that provide verification of appropriate professional staff as defined under Section 53A-1a-512(3) by November 14 shall receive designated professional staff funding.

D. The remaining distributions shall be made based on enrollment data as of the charter school's first school day of the preceding month.

E. Charter schools shall receive their annual entitlement in 12 payments.

F. Monthly payments shall be adjusted entitling the charter school to the appropriate percentage of its eligible funding for the school year, based on projected ADM for the year.

G. Necessary final calculations and adjustments shall be made by June 30 of each year.

#### **R277-470-~~9~~<sup>10</sup>. Funding for Transportation.**

A. Charter schools are not eligible for to-and-from school transportation funds.

B. A charter school transporting students is subject to Utah law under Section 41-6-115.

C. A school district may provide transportation for charter school students on a space-available basis on approved routes.

(1) Districts may not incur increased costs or displace eligible students to transport charter school students.

(2) A charter school student shall board and leave the bus only at existing designated stops on approved bus routes or at identified destination schools.

(3) A charter school student shall board and leave the bus at the same stop each day.

#### **R277-470-1~~0~~<sup>1</sup>. Remediation Procedures and Timelines.**

A. The local board or the Board under which a school is chartered shall review a school's compliance with its charter and applicable state law and district policies.

B. Following the review process, the chartering board shall:

(1) provide written notice within 20 school days of the review to the charter school of operational inconsistencies with the school's charter or of evidence of noncompliance with state law, rules or district policies.

(2) allow the charter school 20 school days following notice of inconsistencies or violations to present documentation of an action plan to remedy the identified inconsistencies or violations.

C. If the same problem is identified in a second review, the school shall be notified that unless evidence of compliance is presented within 10 school days, the school shall be placed on probation until the next scheduled review.

D. If the problem exists at the next review, the charter school shall receive written notification that its charter will not be renewed for the next semester or school year, whichever is possible considering the need to reassign students and employees.

E. The chartering board shall provide whatever resources or assistance are possible to assist the charter school in remedying deficiencies and successfully serving students.

**KEY: education, charter schools[~~\*~~]**

~~[August 1, 2001]~~<sup>[1]</sup>

**Art X, Sec 3**

**53A-1a-513(1)(b)(i)**

**53A-1a-513(2)(a)**

**53A-1a-502**

**53A-1-401(3)**



## Health, Epidemiology and Laboratory Services, Epidemiology

# R386-710

## Early Warning Reporting

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24435

FILED: 01/24/2002, 11:31

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Clarify when reporting is required under this rule, remove an incorrect reference to an illicit drug-related episode being a reportable

event, remove the penalty language that was inadvertently included, and set a standard for record retention.

**SUMMARY OF THE RULE OR CHANGE:** Section R385-710-3 is modified to clarify that reporting is only required when a credible threat is identified. Reporting will be from the fewest number of centers possible and the centers will be consulted in deciding which centers should be asked to report. Section R386-710-4 is amended to remove the reference to an illicit drug-related episode. Section R386-719-6 is amended to clarify the scope of the investigation and the record retention policy for the data collected under this rule.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Sections 26-1-30 and 26-6-3

**ANTICIPATED COST OR SAVINGS TO:**

❖ **THE STATE BUDGET:** Analyzing the data that would be gathered by this rule in the event of a credible threat of a serious epidemic or act of bioterrorism will be expensive and very time consuming. Grants from various sources will be sought to defray that cost as much as possible. The cost will be met within existing appropriations to the Department, if necessary, to carry out this core public health function and protect the public. The cost could easily exceed \$2,000 per day during the course of a threat.

❖ **LOCAL GOVERNMENTS:** Analyzing the data that would be gathered by this rule in the event of a credible threat of a serious epidemic or act of bioterrorism will be expensive and very time consuming. Grants from various sources will be sought to defray that cost as much as possible. The cost will be met within existing appropriations to the local health departments, if necessary, and the local health department has the resources. Otherwise the burden will shift to the state health department to carry out this core public health function and protect the public. The cost could easily exceed \$2,000 per day during the course of a threat.

❖ **OTHER PERSONS:** Emergency centers have the option of opening their records to health department personnel rather than setting up a manual or electronic system of reporting. Many emergency centers have or are developing systems to make reports electronically and will incur minimal additional cost in the event of a threat. The designation of which centers to report will be largely voluntary and fall on those centers that want to undertake this activity. In the event of a very widespread event with a clear and substantial risk to human life, some centers may be required to report. The cost to those facilities of allowing a health department representative to examine records should not exceed \$500 per day.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The cost for designated emergency centers could be up to \$1,000 each if they voluntarily choose to report electronically or negligible if they allow public health to gather the data.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** As we promised in the original filing of this rule, we have revisited the cost of this rule and made several changes to minimize those costs. This rule will allow state and local health department personnel to work cooperatively with designated health care providers to gather

data to quickly detect any unusual disease occurrences that would suggest a naturally occurring or intentionally-caused disease outbreak. Regulated entities should be able to comply within available resources. Rod L. Betit (DAR NOTE: The original proposed new rule was published in the December 15, 2001, issue of the Utah State Bulletin, under DAR No. 24297, and is effective as of January 15, 2002.)

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

HEALTH  
EPIDEMIOLOGY AND LABORATORY SERVICES,  
EPIDEMIOLOGY  
CANNON HEALTH BLDG  
288 N 1460 W  
SALT LAKE CITY UT 84116-3231, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Robert Rolfs at the above address, by phone at 801-538-6386, by FAX at 801-538-6694, or by Internet E-mail at rrolfs@doh.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 03/18/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 03/19/2002

AUTHORIZED BY: Rod Betit, Executive Director

**R386. Health, Epidemiology and Laboratory Services, Epidemiology.**

**R386-710. Early Warning Reporting.**

**R386-710-1. Purpose and Authority.**

This rule establishes a reporting and review system to identify diseases and injurious exposures that are of uncertain origin, including terrorist attacks. It is authorized by Sections 26-1-30, 26-6-3.

**R386-710-2. Definitions.**

As used in this rule:

(1) "emergency center" means:

(a) a health care facility licensed under the provisions of Title 26, Chapter 21, Utah Code, that operates an emergency department; or

(b) a clinic that provides emergency or urgent health care to an average of 20 or more persons daily.

(2) "encounter" means an instance of an individual presenting at the emergency center who satisfies the criteria in section R386-710-4.

(3) "diagnostic information" means an emergency center's record of individuals who present for emergency or urgent treatment, including the reason for the visit, chief complaint, presenting diagnosis, and final diagnosis.

**R386-710-3. Reporting Encounters.**

~~[(1) An emergency center operating within the state shall report the preceding day's encounters to the Department by:~~

~~(a) allowing Department representatives or agents to review its diagnostic information to identify encounters; or  
(b) reviewing its diagnostic information and reporting all encounters by 9:00 a.m. the following day.~~

~~(2) The emergency center may remove all identifying patient information from its report, except information sufficient to allow the emergency center to identify the individual to conduct further investigation pursuant to section R386-710-6.](1) Reporting pursuant to this rule shall only be required when the Department, with the concurrence of the executive director, finds that there is a credible threat tied to an identified risk of a serious epidemic or threat of bioterrorism.~~

~~(2) If reporting is required pursuant to a finding under subsection (1), the Department shall, in consultation with the parties that may be required to report, designate the fewest number of emergency centers as is practicable to obtain the necessary data to respond to the threat.~~

~~(3) An emergency center operating within the state, if designated by the Department, shall report the preceding day's encounters to the Department by:~~

~~(a) allowing Department representatives or agents, including local health department representatives, to review its diagnostic information to identify encounters; or~~

~~b) reviewing its diagnostic information and reporting all encounters by 9:00 a.m. the following day, or~~

~~(c) by other arrangement agreed upon with the Department or appropriate local health department.~~

~~(4) The emergency center may remove all identifying patient information from its report, except information sufficient to allow the emergency center to identify the individual to conduct further investigation pursuant to section R386-710-6.~~

#### **R386-710-4. Encounter Criteria.**

Encounter criteria that requires a report are diagnostic information that indicates the presence of one of the following syndromes:

- (1) respiratory infection with fever;
- (2) bloody diarrhea;
- (3) gastroenteritis (diarrhea or vomiting) without blood;
- (4) febrile illness with rash;
- (5) meningitis, encephalitis, or unexplained acute encephalopathy or delirium;
- (6) suspected acute viral hepatitis;
- ~~(7) illicit drug-related episode;~~
- ~~(7)(8) sepsis or unexplained shock;~~
- ~~(8)(9) unexplained death with history of fever;~~
- ~~(9)(10) botulism-like syndrome;~~
- ~~(10)(11) lymphadenitis with fever; and~~
- ~~(11)(12) other criteria that the Department has reasonably determined to be indicative of disease outbreaks or injurious exposures of uncertain origin.~~

#### **R386-710-5. Report Contents.**

The emergency center's report shall include the following information for each encounter:

- (1) facility name;
- (2) patient identifier that allows linkage with patient record for follow-up investigation if needed;
- (3) date of visit;
- (4) time of visit;
- (5) patient's age

- (6) patient's sex
- (7) patient's zip code for patient's residence;
- (8) syndrome that was detected;
- (9) diagnostic information and, if available at the time of the report~~[if transmitted electronically]~~, diagnostic codes assigned to the visit; and
- (10) whether the patient was admitted to a hospital.

#### **R386-710-6. Epidemiological Review.**

(1) For each encounter, an emergency center shall allow a Department representative or agent, including local health department representatives, to review the emergency center's medical record on the patient to assess whether the patient's illness may indicate a public health threat.

(2) The Department or local health department may conduct an investigation, including contacting the individual patient who was subject of the report of a syndrome, when the occurrence of that syndrome or of an unusual number of such syndromes warrants such investigation to protect the public's health.

(3) The Department or local health department, if it collects identifying health information on an individual who is the subject of such a report, will destroy that identifying information when it has determined that the occurrence did not represent a condition reportable under other authority or was not a threat to the public health requiring further investigation.

#### **[R386-710-7. Penalties.**

~~Pursuant to Section 26-23-6, any person that violates any provision of this rule may be assessed an administrative civil money penalty not to exceed \$2,500 upon an administrative finding of a first violation and up to \$5,000 for a subsequent similar violation within two years. A person may also be subject to penalties imposed by a civil or criminal court, which may not exceed \$5,000 or a class B misdemeanor for the first violation and or a class A misdemeanor for any subsequent similar violation within two years.~~

**KEY: disease reporting**

~~January 15, 2002~~

~~26-1-30~~

~~26-6-3~~



## Public Safety, Peace Officer Standards and Training **R728-404-5** Special Regulations

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24436

FILED: 01/29/2002, 16:54

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection R728-404-5(D) may be inconsistent with a recent opinion of the Attorney General (01-002). (DAR NOTE: The Attorney General's Opinion, 01-002, was published in the January 1, 2002, issue of the Utah State Bulletin, 2002-1, p. 1.)



SUMMARY OF THE RULE OR CHANGE: Delete Subsection R728-404-5(D).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 53-6-105, 53-6-106, and 53-6-107

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Does not affect the state budget. Peace Officer Standards and Training (POST) receives their budget from the Special Service Fund. Providing lockers for weapons will be a minimal one time expense to POST. Making this change would not require any changes to POST's budget.

❖ LOCAL GOVERNMENTS: Does not affect local government. POST does not get any budget or funding from local government. Employees of local government would not be charged for storing their weapons in lockers while in a secured POST facility.

❖ OTHER PERSONS: Does not affect any other persons. Individuals will not be charged for storing their weapons in lockers while in a secured POST facility.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No one will be charged for storing their weapons in lockers while in a secured POST facility.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Will have no effect on businesses.

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

PUBLIC SAFETY  
PEACE OFFICER STANDARDS AND TRAINING  
4525 S 2700 W  
SALT LAKE CITY UT 84114-1775, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Bonnie Braegger or Kenneth R. Wallentine at the above address, by phone at 801-965-4099 or 801-957-8531, by FAX at 801-965-4619 or 801-965-4519, or by Internet E-mail at bbraegge@dps.state.ut.us or kwallent@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 03/18/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 03/19/2002

AUTHORIZED BY: Sidney P. Groll, Director

**R728. Public Safety, Peace Officer Standards and Training.  
R728-404. Basic Training Basic Academy Rules.  
R728-404-5. Special Regulations.**

**A. Alcohol and Gambling.**

No student will consume alcohol in any form during the course of the training day. The training day shall be interpreted to mean two hours prior to the first class of the day until the completion of the last class of the day. In circumstances where classes end at 5:00

p.m. and there is scheduled evening or night classes, the last class of the day means the last night class.

1. No alcoholic beverages of any kind shall be brought onto or consumed on the Academy site unless it's part of the training schedule.

2. Gambling will not be permitted at any time or place on the Academy site.

3. Persons found to be in violation of Section D will be suspended or dismissed from the Academy.

**B. Dress Code.**

Students are required to wear their individual department uniform beginning the first day of class. Because almost all training requires the wearing of the department uniform it is recommended that students have at least two clean uniforms available at all times.

The following dress code will be mandatory for self-sponsored students.

1. Male. Light blue long or short sleeve shirt, navy blue slacks, navy blue tie, and conservative dress shoes.

2. Female. Light blue long or short sleeve blouse, navy blue tie, navy blue dress slacks or skirt, and conservative dress shoes.

The official Academy patch will be worn on both sleeves of the self-sponsored uniform.

3. Only authorized Academy gym clothing will be worn during physical fitness training and arrest control techniques. No radio/tape head sets will be allowed during physical training classes. Hard soled shoes will not be worn on the gym floor.

**4. Practical Problems.**

The training supervisor may allow students to wear appropriate civilian clothing for designated training.

a. Appropriate civilian clothing includes: blue jeans, slacks, t-shirts, sweaters, hats, coats, jackets and athletic shoes.

b. Inappropriate civilian clothing includes: cutoffs, shorts, halter tops, tank tops or any other item the training supervisor deems inappropriate.

The uniform requirement is intended to help encourage basic students to look and act in a more professional manner. Any staff member at any time can instruct a student to change a uniform or any apparel when in the opinion of the staff member it does not meet the intent of the dress code.

**C. Grooming.**

All students will be expected to maintain proper grooming habits at all times. Clothing will be clean and well cared for. Shoes will be shined. Male students will be clean shaven every day. Beards will not be allowed. Hair must be clean and neat. Male students will have hair trimmed so that it does not hang over the center portion of the shirt collar when the student is standing straight.

~~**D. Firearms.**~~

~~1. Any firearm brought into the Academy by a resident student must be surrendered for storage in the weapons vault. Unload all such weapons prior to entering the building. No weapons are allowed in student dormitory rooms under any condition.~~

~~2. The firearm may be retrieved at the conclusion of the course or prior to departure on the weekends. Routinely checking the weapon out at the end of each training day will not be possible.~~

~~3. Weapons may be checked out for use on the range, for weekends, or as directed by the training staff.~~

~~4. Any discharge of a weapon on the Academy property, unless a part of the training experience, will result in immediate suspension from the Academy pending an investigation.~~

~~**E.]D. Conduct.**~~

1. All students will be expected to conduct themselves in an adult and professional manner at all times.

2. No loud, abusive, or obscene language will be permitted unless necessary in a practical exercise.

F. All students shall realize that while at the Academy they will be directly supervised by their training supervisor and the Academy staff. Therefore, all decisions relative to their training status will be made by the training supervisor and approved, where necessary, through the chain of command.

**KEY: law enforcement officers, basic academy rules[±]**

~~April 15, 1998~~ 2002

Notice of Continuation October 6, 1997

53-6-105

53-6-106

53-6-107

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## Public Safety, Peace Officer Standards and Training **R728-408** POST Academy and the Emergency Vehicle Operations Range Are Secure Facilities

### NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 24443

FILED: 02/01/2002, 12:39

#### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To promote public safety within Peace Officer Standards and Training (POST) facilities.

SUMMARY OF THE RULE OR CHANGE: This rule is to establish the POST Academy and the Emergency Vehicle Operations (EVO) Range as secure facilities.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 53-13-103, 53-13-106, and 76-8-311

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Does not affect the state budget. POST receives their budget from the Special Service Fund. Providing lockers for weapons will be a minimal one time expense to POST. Making this change would not require any changes to POST's budget.

❖ LOCAL GOVERNMENTS: Does not affect local government. POST does not get any budget or funding from local government. Employees of local government would not be charged for storing their weapons in lockers while in a secured POST facility.

❖ OTHER PERSONS: Does not affect any other persons. Individuals will not be charged for storing their weapons in lockers while in a secured PSOT facility.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No one will be charged for storing their weapons in lockers while in a secured POST facility.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None impact on businesses.

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

PUBLIC SAFETY  
PEACE OFFICER STANDARDS AND TRAINING  
4525 S 2700 W  
SALT LAKE CITY UT 84114-1775, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Bonnie Braegger or Kenneth R. Wallentine at the above address, by phone at 801-965-4099 or 801-957-8531, by FAX at 801-965-4619 or 801-965-4519, or by Internet E-mail at bbraegger@dps.state.ut.us or kwallent@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 03/18/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 03/19/2002

AUTHORIZED BY: Sidney P. Groll, Director

**R728. Public Safety, Peace Officer Standards and Training.**  
**R728-408. POST Academy and the Emergency Vehicle Operations Range are Secure Facilities.**

**R728-408-1. Authority.**

The authority for this rule is authorized under UCA Section 76-8-311.1(1)(c)(2).

**R728-408-2. Purpose.**

To provide for public safety within the training facilities of Peace Officer Standards and Training, and regulate the possession of firearms at the POST Academy and Emergency Vehicle Operations Range.

**R728-408-3. Declaration.**

The POST Academy and Emergency Vehicle Operations Range are declared as secure facilities pursuant to UCA Section 76-8-311.1(1)(c)(2).

**R728-408-4. Possession of Firearms.**

No firearms may be brought into the POST Academy and Emergency Vehicle Operations Range. Lockers shall be provided at the main office of the POST Academy and the Instructors Office at the Emergency Vehicle Operations Range. Any person carrying a firearm must surrender the firearm and secure it in a POST-provided locker upon entering the POST Academy and Emergency Vehicle Operations Range.

**R728-408-5. Applicability of Rule.**

This rule shall not apply to law enforcement officers and federal officers as defined by UCA Sections 53-13-103(1)(b), 53-13-106(1)(a).

**KEY: firearms, emergency vehicle operations range, secure facilities, law enforcement officers**

**2002**

**76-8-311**

**53-13-103**

**53-13-106**



Public Safety, Peace Officer Standards  
and Training  
**R728-505-6**  
Special Regulations

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 24440

FILED: 02/01/2002, 09:55

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection R728-505-6(D) may be inconsistent with a recent opinion of the Attorney General (01-002). (DAR NOTE: The Attorney General's Opinion, 01-002, was published in the January 1, 2002, issue of the Utah State Bulletin, 2002-1, p. 1.)

SUMMARY OF THE RULE OR CHANGE: Delete Subsection R728-505-6(D).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 53-6-105, 53-6-106, and 53-6-107

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Does not affect the state budget. Peace Officer Standards and Training (POST) receives their budget from the Special Service Fund. Providing lockers for weapons will be a minimal one time expense to POST. Making this change would not require any changes to POST's budget.

❖ LOCAL GOVERNMENTS: Does not affect local government. POST does not get any budget or funding from local government. Employees of local government would not be charged for storing their weapons in lockers while in a secured POST facility.

❖ OTHER PERSONS: Does not affect any other persons. Individuals will not be charged for storing their weapons in lockers while in a secured POST facility.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No one will be charged for storing their weapons in lockers while in a secured POST facility.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Does not effect businesses.

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

PUBLIC SAFETY  
PEACE OFFICER STANDARDS AND TRAINING  
4525 S 2700 W  
SALT LAKE CITY UT 84114-1775, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Bonnie Braegger or Kenneth R. Wallentine at the above address, by phone at 801-965-4099 or 801-957-8531, by FAX at 801-965-4619 or 801-965-4519, or by Internet E-mail at bbraegge@dps.state.ut.us or kwallent@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 03/18/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 03/19/2002

AUTHORIZED BY: Sidney P. Groll, Director

**R728. Public Safety, Peace Officer Standards and Training.**

**R728-505. Service Dog Program Rules.**

**R728-505-6. Special Regulations.**

A. Alcohol and Gambling.

No student shall consume alcohol in any form during the course of the training day. The training day shall be interpreted to mean two hours prior to the first class of the day until the completion of the last class of the day. In circumstances where classes end at 5:00 p.m. and there is scheduled evening or night classes, the last class of the day means the last night class.

1. No alcoholic beverages of any kind shall be brought onto or consumed on the Academy site unless it's part of the training schedule.

2. Gambling shall not be permitted at any time or place on the Academy site.

3. Persons found to be in violation of R728-505-6 shall be dismissed from the Academy.

B. Dress Code.

Students shall maintain a professional appearance at all times. Accordingly, the following dress code shall be adhered to.

1. Classroom.

Students shall wear neat, unsoiled clothing when training in a classroom. Uniforms are suitable but not mandatory.

2. Field.

Students shall wear neat, unsoiled clothing when training in the field. Uniforms are suitable but not mandatory.

3. Demonstrations.

Occasionally, a public demonstration of the Service Dog Training Program occurs. Students shall wear uniforms or official clothing so as to present the optimal professional image.

4. Physical Training.

Physical training shall be administered according to the approved curriculum.

5. Practical Problems.

The training supervisor may allow students to wear appropriate civilian clothing for designated training.

C. Grooming.

All students shall be expected to maintain proper grooming habits at all times. Clothing shall be clean and well cared for. Hair must be clean and neat.

~~D. Firearms.~~

~~1. Any firearm brought into the Academy by a resident student may be surrendered for storage in the weapons vault. Unload all such weapons prior to entering the building. No weapons are allowed in student dormitory rooms under any condition. Weapons may be secured in vehicles if done so such that the weapon is not visible to passers by.~~

~~2. A firearm may be retrieved from the weapons vault at the conclusion of the course or prior to departure on the weekends. Routinely checking the weapon out at the end of each training day shall not be possible.~~

~~3. Weapons may be checked out for use on the range, for weekends, or as directed by the training staff.~~

~~4. Any discharge of a weapon on the Academy property, unless a part of the training experience, shall result in immediate suspension from the Academy pending an investigation.~~

~~E.]D. Conduct.~~

1. All students shall be expected to conduct themselves in a professional manner at all times.

2. No loud, abusive, or obscene language shall be permitted unless necessary in a practical exercise.

F. All students shall realize that while at the Academy they shall be directly supervised by their training supervisor and the Academy staff. Therefore, all decisions relative to their training status shall be made by the Service Dog Training Supervisor and approved, where necessary, through the chain of command.

**KEY: police dog training rules[±], K-9 training[±]  
~~June 2, 1998~~2002  
 53-6-105  
 53-6-106  
 53-6-107**



**Workforce Services, Workforce  
 Information and Payment Services  
 R994-307-101  
 Relief of Charges to Contributing  
 Employers**

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE NO.: 24413  
 FILED: 01/18/2002, 14:02

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection R994-405-102(3) permits an allowance of unemployment insurance benefits when a claimant has quit new work because the work is unsuitable. Even though the wages and conditions of the new work are consistent with applicable laws and industry standards, the work may be unsuitable when compared to the claimant's prior work history and personal circumstances. The purpose of this amendment is to state that an employer can be relieved of tax liability charges when

a claimant has quit new work that is unsuitable when compared to the claimant's prior work history and personal circumstances and not due to some fault of the employer.

SUMMARY OF THE RULE OR CHANGE: An employer can be relieved of charges when a claimant has quit new work because the work is unsuitable when compared to the claimant's prior work history and personal circumstances and not due to some fault of the employer.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-4-303

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be no incremental costs or savings associated with this amendment because the amendment will bring the rule in line with the policy the agency has followed for the past several years.

❖LOCAL GOVERNMENTS: There will be no incremental costs or savings associated with this amendment due to the reasons stated above.

❖OTHER PERSONS: There will be no incremental costs or savings associated with this amendment due to the reasons stated above.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no incremental costs or savings associated with this amendment due to the reasons stated above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed rule should have no added fiscal impact on businesses.

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

WORKFORCE SERVICES  
 WORKFORCE INFORMATION AND PAYMENT  
 SERVICES  
 140 E 300 S  
 SALT LAKE CITY UT 84111-2333, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton.wsadmpo@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 03/20/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 04/01/2002

AUTHORIZED BY: Robert C. Gross, Executive Director

**R994. Workforce Services, Workforce Information and Payment Services.****R994-307. Social Costs -- Relief of Charges.****R994-307-101. Relief of Charges to Contributing Employers.**

(1) Under the following circumstances a written request is required for relief of charges:

(a) Separation Issues.

(i) Relief may be granted based only on the circumstance which caused the claim to be filed or a separation which occurred prior to the initial filing of the claim. If there is more than one reason for separation from the same employer, charges or relief of charges will be based on the reason for the last separation occurring prior to the effective date of the claim. Separations occurring after the initial filing of a claim do not result in relief of charges on that claim, but may be the basis for relief of charges on a subsequent claim.

(A) The claimant voluntarily left work for that employer due to circumstances which would have resulted in a denial of benefits under Subsection 35A-4-405(1) of the Act.

(B) The separation from that employer would have resulted in an allowance of benefits made under the provisions of "equity and good conscience" under circumstances not caused or aggravated by the employer. For example: If the claimant quit because of a personal circumstance which was not the result of this employment the employer would be relieved of charges. However, if the quit was precipitated by a reduction in the claimant's hours of work, even though the change in working conditions was necessitated by economic conditions, the employer would NOT be relieved of charges.

(C) The claimant quit that employer for health reasons which were beyond reasonable control of the employer. Although the job may have caused or aggravated the health problems, the employer is eligible for relief if it was in compliance with industry safety standards.

(D) The claimant quit work for that employer not because of adverse working conditions, but solely due to a personal decision to accept work with another employer.

(E) The claimant quit work from that employer for personally compelling circumstances not within the employer's power to control or prevent.

(F) The claimant quit new work from that employer after a short trial period, and through no fault of the employer the new work was unsuitable as defined in Subsections 35-4-405(3)(c), (d), and (e).

~~(G)(F)~~ The claimant was discharged from that employer for circumstances which would have resulted in a denial of benefits under Section 35A-4-405(2) of the Act.

~~(H)(G)~~ The claimant was discharged for nonperformance due to medical reasons. The employer is eligible for relief:

(I) only if the employer complied with industry health and safety standards, and

(II) the non-performance was due to a chronic medical condition, and

(III) the medical circumstances are expected to continue. The medical problems may be attributed to the worker or to a dependent. A series of unrelated absences attributed to medical problems do not qualify as chronic without medical verification that the conditions will probably continue to cause absences.

~~(I)(H)~~ The claimant continued to work for an acquiring employer when a portion of the business assets was sold or

transferred to another business entity. For the purpose of this rule, employees are not considered assets and there must be an actual sale or transfer of business assets. Because the selling employer lost control of the employees to the acquiring employer, the selling employer may be eligible for relief of charges. Such relief may be sought by a timely written request following the claimant's subsequent claim for benefits. "Continued to work for the acquiring employer" means the claimant began work as soon as work was available with the acquiring employer.

(b) Non-Separation Issues.

(i) The claimant's customary hours of work with the concurrent employer, even though not necessarily constant have not been reduced either during the base period or prior to the filing of the claim below the least number of hours worked during the base period. For this circumstance to exist, the claimant must have worked for two or more employers during the base period of his claim, and when separated from one of the employers, he continues to work less than full-time for the other employer. Only the part-time employer can be relieved of benefit costs under the provisions of this section.

(ii) The employer was previously charged for the same wages which are being used a second time to establish a new claim. For example, as the result of a change in the method of computing the base period, or overlapping base periods due to the effective date of the claim.

(iii) The claimant did not work for the employer during the base period.

(iv) The Department incorrectly used wages which were or should have been correctly reported by the employer in determining the claimant's weekly benefit amount or maximum benefit amount.

(c) The Department may, on its own motion, grant relief of charges without a written request if in the Department representative's discretion there is sufficient information in the record to justify relief.

(2) Under the following circumstances a written request is NOT required for relief of charges:

(a) All employers shall be relieved of benefit costs:

(i) resulting from the state's share of extended benefit payments;

(ii) which, during the same fiscal year, have been designated by the Department as benefit overpayments;

(iii) resulting from combined wage claims that are charged to Utah employers, which are insufficient when separately considered for a monetary claim under Utah law but have been transferred to a paying state;

(iv) resulting from payments made after December 31, 1985 to claimants who have been given commission approval to attend school. Relief is granted only for those benefit costs during the period of commission approval.

(b) An employer shall be relieved of benefit costs if the employer has terminated coverage.

**KEY: unemployment compensation, rates**

~~June 17, 1996~~ 2002

Notice of Continuation June 12, 1998

35A-4-303



**Notices of Changes in Proposed Rules Begin on the Following Page**

## NOTICES OF CHANGES IN PROPOSED RULES

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After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

As with a PROPOSED RULE, a CHANGE IN PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the CHANGE IN PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [~~example~~]). A row of dots in the text (· · · · ·) 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 March 18, 2002. At its option, the agency may hold public hearings.

From the end of the waiting period through June 15, 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.

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

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

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR File No.: 24151  
Filed: 01/31/2002, 14:09

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Following further discussions held between the Division and representatives from schools that are licensed as contractors, additional changes need to be made in the rule regarding the operating standards for those schools.

SUMMARY OF THE RULE OR CHANGE: In Section R156-55a-301: the word "data" is being added to classification S410-Pipeline and Conduit Contractor. In Section R156-55a-302b: two minor wording changes are made in Subsection R156-55a-302b(4). In Section R156-55a-308, the numbering of the section is corrected and changes are made to the section to require that each employee that works as an instructor for a school licensed as a construction trades instructor shall have on their person a school photo ID card with the trade they are authorized to teach printed on the card. Also, if the employee is instructing in the plumbing or electrical trades, the employee shall also carry on their person their Utah electrical or plumbing license. DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the November 15, 2001, issue of the Utah State Bulletin, on page 51. 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 58-55-101; and Subsections 58-1-106(1), 58-1-202(1), 58-55-308(1), 58-55-301(1), and 58-55-102(22)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: No additional costs will be incurred by the Division as a result of these additional proposed amendments beyond those costs already identified in the original rule filing.
- ❖ LOCAL GOVERNMENTS: Proposed rule does not apply to local governments.
- ❖ OTHER PERSONS: The schools or colleges who are licensed as contractors should not incur any additional expense with the requirement of a photo ID card since almost all of the employees already have photo ID cards and the school or college will just add what the employee is authorized to teach on the ID card.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division does not anticipate any additional costs will be incurred as a result of these additional proposed amendments.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: A business fiscal impact comment was previously prepared for the proposed changes to R156-55a. The additional changes to the proposed rule have clarified some language, and changed the requirement for posting instructors names and professions at a construction trades school to photo identification cards for the instructors. These minimal changes do not appear to create any additional fiscal impact to businesses. Ted Boyer, Executive Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Craig Cottle at the above address, by phone at 801-530-6375, by FAX at 801-530-6511, or by Internet E-mail at ccottle@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 03/18/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 03/19/2002

AUTHORIZED BY: J. Craig Jackson, Director

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

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

(1) In accordance with Subsection 58-55-301(2), the classifications of licensure are listed and described in this section. The construction trades or specialty contractor classifications listed are those determined to significantly impact the public health, safety, and welfare. A person who is practicing a construction trade or specialty contractor classification which is not listed is exempt from licensure in accordance with Subsection 58-55-305(9).

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

E100 - General Engineering Contractor. A General Engineering contractor is a contractor licensed to perform work as defined in Subsection 58-55-102(16).

B100 - General Building Contractor. A General Building contractor is a contractor licensed to perform work as defined in Subsection 58-55-102(15).

R100 - Residential and Small Commercial Contractor. A Residential and Small Commercial contractor is a contractor licensed to perform work as defined in Subsection 58-55-102(25).



R101 - Residential and Small Commercial Non Structural Remodeling and Repair. Remodeling and repair to any existing structure built for support, shelter and enclosure of persons, animals, chattels or movable property of any kind with the restriction that no change is made to the bearing portions of the existing structure, including footings, foundation and weight bearing walls; and the entire project is less than \$25,000 in total cost.

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

I101 - General Engineering Trades Instructor. A General Engineering Trades Instructor is a construction trades instructor authorized to teach the construction trades and is subject to the scope of practice defined in Subsection 58-55-102(16).

I102 - General Building Trades Instructor. A General Building Trades Instructor is a construction trades instructor authorized to teach the construction trades and is subject to the scope of practice defined in Subsection 58-55-102(15).

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

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

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

S200 - General Electrical Contractor. Fabrication, construction, and/or installation of generators, transformers, conduits, raceways, panels, switch gear, electrical wires, fixtures, appliances, or apparatus which utilizes electrical energy.

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

S210 - General Plumbing Contractor. Fabrication and/or installation of material and fixtures to create and maintain sanitary conditions in buildings, by providing a permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life

and the occupation of such premises, and provision of a safe and adequate supply of gases for lighting, heating, and industrial purposes. Work permitted under this classification shall include the furnishing of materials, fixtures and labor to extend service from a building out to the main water, sewer or gas pipeline.

S211 - Boiler Installation Contractor. Fabrication and/or installation of fire-tube and water-tube power boilers and hot water heating boilers, including all fittings and piping, valves, gauges, pumps, radiators, converters, fuel oil tanks, fuel lines, chimney flues, heat insulation and all other devices, apparatus, and equipment related thereto.

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

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

S214 - Water Conditioning Equipment Contractor. Fabrication and/or installation of water conditioning equipment and only such pipe and fittings as are necessary for connecting the water conditioning equipment to the water supply system within the premises.

S215 - Solar Energy Systems Contractor. Fabrication and/or installation of solar energy systems.

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

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

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

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

S230 - Metal and Vinyl Siding Contractor. Fabrication, construction, and/or installation of wood, aluminum, steel or vinyl sidings.

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

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

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

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

S261 - Concrete Form Setting and Shoring Contractor. Fabrication, construction, and/or installation of forms and shoring material; but, does not include the placement of concrete, finishing of concrete or embedded items such as metal reinforcement bars or mesh.

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

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

S270 - General Drywall, Stucco and Plastering Contractor. Fabrication, construction, and/or installation of drywall, gypsum, wallboard panels and assemblies. Preparation of drywall, stucco or plaster surfaces for suitable painting or finishing. Installation of light-weight metal, non-bearing wall partitions, ceiling grid systems, and ceiling tile or panel systems.

S271 - Plastering and Stucco Contractor. Application to surfaces of coatings made of stucco or plaster, including the preparation of the surface and the provision of a base. Exempted is the plastering of foundations.

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

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

S274 - Drywall Contractor. Fabrication, construction and installation of drywall, gypsum, wallboard panels and assemblies. Preparation of surfaces for suitable painting or finishing. Installation of lightweight metal, non-bearing wall partitions.

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

S281 - Single Ply and Specialty Coating Contractor. Application of solutions of rubber, latex, or other materials or single-ply material to surfaces to prevent, hold, keep, and stop water, other liquids, derivatives, compounds, and solids from penetrating and passing such materials thereby gaining access to material or space beyond such waterproofing.

S282 - Build-up Roofing Contractor. Application of solutions of rubber, latex, asphalt, pitch, tar, or other materials in conjunction with the application of layers, felt, or other material to a roof or other surface.

S283 - Shingle and Shake Roofing Contractor. Application of shingles and shakes made of wood or any other material.

S284 - Tile Roofing Contractor. Application or installation of tile roofs including under layment material and sealing and reinforcement of weight bearing roof structures for the purpose of supporting the weight of the tile.

S285 - Metal Roofing Contractor. On-site fabrication and/or application of metal roofing materials.

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

S291 - Stone Masonry Contractor. Construction using natural or artificial stone, either rough or cut and dressed, laid at random, with or without mortar.

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

S293 - Marble, Tile and Ceramic Contractor. Preparation, fabrication, construction, and installation of artificial marble, burned clay tile, ceramic, encaustic, falcence, quarry, semi-vitreous, and other tile, excluding hollow or structural partition tile.

S294 - Cultured Marble Contractor. Preparation, fabrication and installation of slab and sheet manmade synthetic products including cultured marble, onyx, granite, onice, corian and corian type products.

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

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

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

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

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

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

S330 - Landscaping Contractor. Grading and preparing land for architectural, horticultural, and the decorative treatment, arrangement, and planting of gardens, lawns, shrubs, vines, bushes, trees, and other decorative vegetation. Construction of pools, tanks, fountains, hot and green houses, retaining walls, patio areas when they are an incidental part of the prime contract, fences, walks, garden lighting of 50 volts or less, and sprinkler systems.

S340 - Sheet Metal Contractor. Layout, fabrication, and installation of air handling and ventilating systems. All architectural sheet metal such as cornices, marquees, metal soffits, gutters,

flashings, and skylights and skydomes including both plastic and fiberglass.

S350 - HVAC Contractor. Fabrication and installation of complete warm air heating and air conditioning systems, and complete ventilating systems.

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

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

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

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

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

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

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

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

S410 - Pipeline and Conduit Contractor. Fabrication, construction, and installation of pipes, conduit or cables for the conveyance and transmission from one station to another of such products as water, steam, gases, chemicals, slurries, data or communications. Included are the excavation, cabling, horizontal boring, grading, and backfilling necessary for construction of the system.

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

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

S430 - Metal Firebox and Fuel Burning Stove Installer. Fabrication, construction, and installation of metal fireboxes, fireplaces, and wood or coal-burning stoves.

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

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

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

S460 - Wrecking and Demolition Contractor. The raising, cribbing, underpinning, moving, and removal of building and structures so that alterations, additions, repairs, and new sub-structures may be built.

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

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

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

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

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

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

In accordance with Subsection 58-55-302(1)(e)(ii), the minimum experience requirement for each applicant or applicant's qualifier is established as follows:

(1) An applicant for contractor classification E100 General Engineering, B100 General Building, R100 Residential and Small

Commercial Building shall have within the past 10 years a minimum of four years full-time related experience as an employee of a licensed or exempt contractor, two years of which shall be in a supervisory or managerial position under the direct supervision of a licensed or exempt E100, B100 or R100 contractor, or its substantial equivalent if from another state. The supervisory experience shall be in the classification for which application is being made, or its substantial equivalent, or have been a qualifier for a licensed contractor under any construction classification for a minimum of four years. A person holding a four year bachelors degree or a two year associates degree in Construction Management may have one year supervisory or managerial experience credited towards the experience requirement.

(2) An applicant for contractor classifications S280 General Roofing, S290 General Masonry, S320 Steel Erection, S350 Heating, Ventilating and Air Conditioning, S360 Refrigeration and S370 Fire Suppression Systems shall have within the past 10 years a minimum of four years of full-time related experience as an employee of a licensed or exempt contractor.

(3) An applicant for contractor classifications not listed in Subsections (1) and (2) above shall have within the past 10 years a minimum of two years of full-time related experience as an employee of a licensed or exempt contractor.

(4) An applicant for construction trades instructor classifications shall have the same experience as required for the appropriate contractor, electrician, or plumber classification or classifications for the construction trade or trades they are instructing. Experience ~~[as]~~under a construction trades instructor classification is not qualifying experience for a contractors license.

**R156~~[5]~~-55a-308. Operating Standards for Schools or Colleges Licensed as Contractors.**

(1) Each school licensed as a B100 General Building Contractor or a R100 Residential and Small Commercial Contractor

or both shall obtain all required building permits for homes built for resale to the public as part of an educational training program.

(2) Each employee that works as an instructor for a school licensed as a construction trades instructor shall:

(a) have on their person a school photo ID card with the trade they are authorized to teach printed on the card~~[post with the building permit at each building project a notarized list, signed by an authorized signer on school letterhead, of all teachers who will be working with students on that project and the trade they will be instructing];~~ and

(b) if instructing in the plumbing or electrical trades, they shall also carry on their person their ~~[include in the posting the teacher's~~ Utah journeyman or residential journeyman plumber license ~~[number]~~ or Utah journeyman, residential journeyman, master, or residential master electrician license~~[number by their names]~~.

(3) Each school licensed as a construction trades instructor shall not allow any teacher or student to work on any portion of the project subcontracted to a licensed contractor unless the teacher or student are lawful employees of the subcontractor.

**KEY: contractors, occupational licensing, licensing ~~[2004]~~2002**

**Notice of Continuation March 3, 1997**

**58-1-106(1)**

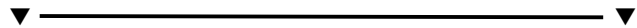
**58-1-202(1)**

**58-55-101**

**58-55-308(1)**

**58-55-301(1)**

**58-55-102(22)**



**End of the Notices of Changes in Proposed Rules Section**

# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1998).

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## Corrections, Administration **R251-704** North Gate

### FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24431  
FILED: 01/23/2002, 11:16

### NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 64-13-14 provides for the security of correctional facilities. The statute directs the Department to maintain and operate secure correctional facilities for the incarceration of offenders.

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: This rule is necessary to inform the public regarding certain security requirements that shall be enforced on prison property.

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

CORRECTIONS  
ADMINISTRATION  
14717 S MINUTEMAN DR  
DRAPER UT 84020-9549, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ginny L Duncan at the above address, by phone at 801-545-5722, by FAX at 801-545-5523, or by Internet E-mail at [glduncan@udc.state.ut.us](mailto:glduncan@udc.state.ut.us)

AUTHORIZED BY: Michael P. Chabries, Executive Director

EFFECTIVE: 01/23/2002



## Human Services, Recovery Services **R527-5** Release of Information

### FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24404  
FILED: 01/16/2002, 13:27

### NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is enacted under the statutory provisions of Title 63, Chapter 2, the Government Records Access and Management Act (GRAMA) and Section 62A-11-107. In general, these provisions allow agencies to adopt rules as may be necessary to carry out duties. Specifically, GRAMA provides agencies with rulemaking authority.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There were no comments supporting or opposing the rule. We did receive one comment asking for clarification regarding some of the provisions. We clarified those issues with the commenter and did not receive any follow-up questions or concerns.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to help promote the public's right to easy and reasonable access to government records.

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

HUMAN SERVICES  
RECOVERY SERVICES  
515 E 100 S  
SALT LAKE CITY UT 84102-4211, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Joyce Allred at the above address, by phone at 801-536-8948, by FAX at 801-536-8509, or by Internet E-mail at [jallred@hs.state.ut.us](mailto:jallred@hs.state.ut.us)

AUTHORIZED BY: Emma Chacon, Director

EFFECTIVE: 01/16/2002

## Human Services, Recovery Services

### **R527-34**

#### Non-IV-A Services

##### **FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 24433  
FILED: 01/24/2002, 10:52

##### **NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Section 62A-11-107, the Office of Recovery Services (ORS) is authorized to adopt rules that are necessary to carry out the provisions of Title 62A, Chapter 11. One of the provisions in that chapter requires ORS to provide child support services to those who are legally entitled to receive those services. Another provision requires ORS to collect money due the agency which could help offset state expenditures. This rule summarizes the services available to recipients of Non-IV-A child support services (individuals not receiving cash assistance who are otherwise eligible for child support services), and provides information about the services that have associated fees and who is responsible for paying those costs.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued because Section 62A-11-107 is still in effect which gives ORS the responsibility to carry out the provisions in Title 62A, Chapter 11 that deal with providing child support services and collecting money to offset state expenditures. Another reason for continuing the rule is that it incorporates 45

CFR 302.33 by reference, which is also still in effect. This federal regulation addresses the costs a state may elect to recover for providing Non-IV-A child support services, and it is still necessary to specify the fees ORS has elected to charge, or not charge, for child support services.

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

HUMAN SERVICES  
RECOVERY SERVICES  
515 E 100 S  
SALT LAKE CITY UT 84102-4211, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Wayne Braithwaite at the above address, by phone at 801-536-8986, by FAX at 801-536-8509, or by Internet E-mail at [wbraithw@hs.state.ut.us](mailto:wbraithw@hs.state.ut.us)

AUTHORIZED BY: Emma Chacon, Director

EFFECTIVE: 01/24/2002

## Human Services, Recovery Services

### **R527-35**

#### Non-AFDC Fee Schedule

##### **FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 24432  
FILED: 01/24/2002, 10:41

##### **NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Section 62A-11-107, the Office of Recovery Services (ORS) is authorized to adopt rules that are necessary to carry out the provisions of Title 62A, Chapter 11. One of the provisions in that chapter requires ORS to collect money due the agency which could help offset state expenditures. This rule provides the schedule of fees that ORS may charge recipients of child support services who are not receiving financial assistance or Medicaid.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Section 62A-11-107, which provides statutory authority for this rule, and federal regulations at 45 CFR 302.33 which generally address the costs a state may elect to recover for providing Non-IV-A child support services, are still in effect. It is necessary to continue

this rule because the fees listed in it are not specified in the federal regulations or in the authorizing statute.

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

HUMAN SERVICES  
RECOVERY SERVICES  
515 E 100 S  
SALT LAKE CITY UT 84102-4211, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Wayne Braithwaite at the above address, by phone at 801-536-8986, by FAX at 801-536-8509, or by Internet E-mail at [wbraithw@hs.state.ut.us](mailto:wbraithw@hs.state.ut.us)

AUTHORIZED BY: Emma Chacon, Director

EFFECTIVE: 01/24/2002



## Human Services, Recovery Services **R527-201** Medical Support Services

### FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24438  
FILED: 01/30/2002, 15:08

#### NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by federal regulations, 45 CFR 303.30 and 303.31, which outline the basic mandate that state IV-D agencies obtain key identifying information needed to secure medical support and take action in appropriate cases to establish, modify, and enforce orders requiring obligated parents to obtain and maintain medical insurance coverage for their children. These regulations also require the IV-D agency to inform persons receiving temporary assistance for needy families (TANF) and non-TANF that medical support services are available to them as well. Sections 62A-11-326.1, 326.2, 326.3, and 78-45-7.15 also cover the agency's responsibility to secure and enforce a medical support order but also address the need for rules in determining liability for uninsured medical expenses. In addition, they require that parents provide verification of insurance coverage and notification of medical expenses to the other party, and deal with the issues of responsibility for premium payment and child support credit for medical expenses paid. This rule serves to clarify and provide the necessary (or required) detail that these statutes call for. Specifically, it defines the agency's limits in providing medical support services; reiterates in simplified language the condition under which medical support services are provided to non-TANF Medicaid recipients referred to in 42 CFR

433.145 and 147; explains how medical support orders are secured by the agency; details enforcement remedies; and addresses the issue of the medical support obligation of parents who are receiving or have received Medicaid.

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: Federal Regulations, 45 CFR 303.30, 303.31, and 303.32, and Utah State Law, Sections 62A-11-326.1, 326.2, 326.3, and 78-45-7.15 are still in effect. This rule provides the necessary framework for carrying out a program which ensures that parents are obligated under order to pay the cost of medical support for their dependent children who are in needy circumstances. It provides for health insurance coverage, judgments for specified medical costs, and assignment of responsibility for the uninsured medical expenses of dependent children, all of which help reduce the financial burden on taxpayers for the medical support of needy children and should be continued.

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

HUMAN SERVICES  
RECOVERY SERVICES  
515 E 100 S  
SALT LAKE CITY UT 84102-4211, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

LeAnn Wilber at the above address, by phone at 801-536-8950, by FAX at 801-536-8509, or by Internet E-mail at [lwilber@hs.state.ut.us](mailto:lwilber@hs.state.ut.us)

AUTHORIZED BY: Emma Chacon, Director

EFFECTIVE: 01/30/2002



## Insurance, Administration **R590-126** Individual and Franchise Disability Insurance, Minimum Standards

### FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24442  
FILED: 02/01/2002, 12:34

#### NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 31A-2-201 gives the commissioner general rulemaking authority to accomplish the

task of regulating Title 31A. Sections 31A-2-202 and 31A-23-312 pertain to the general duties of the commissioner, allowing him to prescribe forms for reports and specifies who will execute and certify them. The rule describes what can and cannot be put into an individual policy form and any other forms associated with it. Sections 31A-21-101 and 31A-21-201 relate to the filing of forms which is referred to in Section R590-126-8 of the rule dealing with the Outline of Coverage. Section 31A-22-605 requires the commissioner to adopt rules to establish minimum standards for disclosure which is what Section R590-126-6 does. Section 31A-23-302 governs unfair marketing practices which is in large part the purpose of the rule as stated in Sections R590-126-2 and R590-126-6, "to prohibit provisions which may be misleading or confusing." Section 31A-26-301 governs claims payment practices as specified in Sections R590-126-2, -3, -7, and -9 of the rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received by the department regarding this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule outlines the minimum requirements that must be contained in an individual health insurance policy, as well as the standards to be met by the outline of coverage and renewal requirements. The rule guarantees a certain limit of coverage for all who purchase these type of policies and by requiring certain information be found in the outline of coverage, and the chances for misrepresentation are greatly reduced.

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](mailto:jwhitby@insurance.state.ut.us)

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 02/01/2002



**Insurance, Administration**  
**R590-176**  
**Small Employer Open Enrollment Rule**

**FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 24441  
 FILED: 02/01/2002, 10:56

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 31A-2-201 gives the commissioner general rulemaking authority to accomplish the task of regulating Title 31A. Section 31A-2-202 pertains to the general duties of the commissioner, allowing him to prescribe forms for reports and specifies who will execute and certify them. The rule sets requirements for the handling of enrollment forms, solvency waivers and certification forms specifically in Sections R590-176-7, -8, -11, and -12. Subsection 31A-30-106(1)(k) gives the commissioner the authority to implement the provisions of Chapter 30, the purpose of which is to provide increased access to health insurance for small groups and a fair rating and renewal practice. The rule makes it possible for all those hired by an employer and insured by an insurance company, to receive health insurance regardless of their health status or any other status other than employment.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any comments regarding this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is critical to making sure that all individuals in a small employer group receive a fair and equitable chance to obtain health insurance. It disallows insurers or employers from cutting out those employees with poor health or other issues that may otherwise eliminate them from the group.

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](mailto:jwhitby@insurance.state.ut.us)

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 02/01/2002





Insurance, Administration  
**R590-181**  
 Yankee Bond Rule

**FIVE YEAR NOTICE OF REVIEW AND  
 STATEMENT OF CONTINUATION**

DAR FILE No.: 24447  
 FILED: 02/01/2002, 14:48

**NOTICE OF REVIEW AND  
 STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 31A-18-105(13) allows the commissioner to, by rule, authorize an insurance company to put their money in classes of investments other than just those listed in Section 31A-18-105. The rule allows insurers to also invest in "Yankee Bonds" as described in the rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: In the past five years the department has received no comments regarding this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Because "Yankee Bonds" are not listed as an approved investment class in Section 31A-18-105, it is necessary that the department do it by rule. The rule strictly defines the type and grade of yankee bonds an insurer may invest in. These restrictions help insurers remain solvent so they can continue to pay the claims of their insureds and do business.

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

INSURANCE  
 ADMINISTRATION  
 Room 3110 STATE OFFICE BLDG  
 450 N MAIN ST  
 SALT LAKE CITY UT 84114-1201, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at [jwhitby@insurance.state.ut.us](mailto:jwhitby@insurance.state.ut.us)

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 02/01/2002



Natural Resources, Geological Survey  
**R638-1**  
 Acceptance and Maintenance of  
 Confidential Information

**FIVE YEAR NOTICE OF REVIEW AND  
 STATEMENT OF CONTINUATION**

DAR FILE No.: 24402  
 FILED: 01/16/2002, 08:02

**NOTICE OF REVIEW AND  
 STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-73-6(2) enables the Utah Geological Survey (UGS) to have access to confidential information which it otherwise could not acquire, or which is beyond the financial capability of the Survey to acquire. This geologic information is given to or purchased by the Survey with the stipulation from the information source that the information be held confidential.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Utah Geological Survey has received no written comments on this rule since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The UGS will continue this rule, as the agency continues to receive confidential geologic information (for example, from private energy-exploration companies) that is useful to studies performed by the UGS. The information sources still require that we keep this information confidential. Discontinuation of the rule would not allow the UGS to collect and maintain these data for the benefit of the UGS and State of Utah. During internal review of this rule, the UGS discovered a nonsubstantive change that needed to be made and has filed to correct it.

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

NATURAL RESOURCES  
 GEOLOGICAL SURVEY  
 Room 3110  
 1594 W NORTH TEMPLE  
 SALT LAKE CITY UT 84116-3154, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kimm Harty at the above address, by phone at 801-537-3313, by FAX at 801-537-3400, or by Internet E-mail at [kharty.n rugs@state.ut.us](mailto:kharty.n rugs@state.ut.us)

AUTHORIZED BY: Rick Allis, Director

EFFECTIVE: 01/16/2002

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**Public Service Commission,  
Administration  
R746-348  
Interconnection**

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR File No.: 24437  
FILED: 01/30/2002, 14:08

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 54-8b-2.2(2) authorizes the commission to adopt rules which implement the competitive provision of facilities-based intraLATA toll and local exchange services and address those issues the commission determines are essential to provide intraLATA toll and local and exchange services and necessary to protect the public interest, including the interconnection with essential facilities and the purchase and sale of essential services of telecommunications corporations authorized to provide public telecommunications services in the same or overlapping service territories on a nondiscriminatory and reasonably unbundled basis. Other authorizing statutes are Sections 54-4-1, 54-4-8, and 54-4-12. Also, 47 USC Sections 224, 251, 252, 256, 271(c), and 702.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments during the last five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary in order to implement the competitive provision of facilities-based intraLATA toll and local exchange services and address those issues the commission determines are essential to provide intraLATA toll and local and exchange services and necessary to protect the public interest, including the interconnection with essential facilities and the purchase and sale of essential services of telecommunications corporations authorized to provide public telecommunications services in the same or overlapping service territories on a nondiscriminatory and reasonably unbundled basis.

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

PUBLIC SERVICE COMMISSION  
ADMINISTRATION  
HEBER M WELLS BLDG  
160 E 300 S  
SALT LAKE CITY UT 84111-2316, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Barbara Stroud at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at [bstroud.pupsc@state.ut.us](mailto:bstroud.pupsc@state.ut.us)

AUTHORIZED BY: Barbara Stroud, Paralegal

EFFECTIVE: 01/30/2002

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**Transportation, Administration  
R907-1  
Administrative Procedures**

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR File No.: 24439  
FILED: 01/30/2002, 18:06

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is issued pursuant to Utah Code Ann. Section 63-46b-1, et seq., which requires each department to create administrative procedures.

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 since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Part of this particular version of the rule is going to be removed as of February 2, 2002, and be replaced with another version that has been submitted to DAR and will also be effective February 2, 2002. (DAR NOTE: The removal of Sections R907-1-0 through R907-1-5 of Rule R907-1 was published in the January 1, 2002, issue of the Utah State Bulletin under DAR No. 24312. The proposed new sections of R907-1-1 through R907-1-6 were also published in the January 1, 2002, issue of the Bulletin under DAR No. 24313. Both were made effective February 2, 2002.)

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

TRANSPORTATION  
ADMINISTRATION  
CALVIN L RAMPTON COMPLEX  
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

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/30/2002

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

TRANSPORTATION  
ADMINISTRATION  
CALVIN L RAMPTON COMPLEX  
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

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 02/01/2002

## Transportation, Administration **R907-60**

Handling of Publications Prepared by  
the Utah Department of Transportation  
Either for Sale or Free Copy

### **FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 24449  
FILED: 02/01/2002, 16:43

### **NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 63-2-102 of the Government Access and Records Act outlines the legislature's intent that citizens have access to unrestricted public records; Section 63-46a-3 of the Utah Administrative Rulemaking Act requires agencies to make copies of their administrative rules available to the public.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: 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: Because there have been no comments against the rule, the Department believes it is best to keep it to advise people of the possibility of obtaining its publications.

## Transportation, Administration **R907-62**

Americans with Disabilities Act

### **FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 24450  
FILED: 02/01/2002, 16:49

### **NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Federal law at 28 CFR 35.107 requires that each covered entity set forth procedures on dealing with ADA-based grievances and claims.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received during the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is required and has not been the subject of complaint; therefore, it should be retained for now.

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

TRANSPORTATION  
ADMINISTRATION  
CALVIN L RAMPTON COMPLEX  
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](mailto:jbeadles@dot.state.ut.us)

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 02/01/2002



Transportation, Administration  
**R907-63**  
Structure Repair and Loss Recovery  
Procedure

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE NO.: 24451  
FILED: 02/01/2002, 16:52

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This provision is authorized by the department's rulemaking authority in Utah Code Ann. Section 72-2-201, and also under Subsection 63-46a-3(2). It provides a way to repair bridges and other structures before litigation is commenced.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments about the functioning of this rule since its inception.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule has worked well in allowing the department to facilitate the quick repair of structures and should be continued.

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

TRANSPORTATION  
ADMINISTRATION  
CALVIN L RAMPTON COMPLEX  
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](mailto:jbeadles@dot.state.ut.us)

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 02/01/2002



Transportation, Operations,  
Construction  
**R916-1**  
Advertising or Awarding of Construction  
Contracts

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE NO.: 24414  
FILED: 01/18/2002, 15:38

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-56-13(3) gives the Department of Transportation authority to hire individuals to do construction work on road and highway projects. Section 72-1-201 gives general rulemaking power to carry out its statutory duties.

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 over the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule provides a clear and logical methodology for the selection of contractors.

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

TRANSPORTATION  
OPERATIONS, CONSTRUCTION  
CALVIN L RAMPTON COMPLEX  
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](mailto:jbeadles@dot.state.ut.us)

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/18/2002



Transportation, Operations,  
Construction  
**R916-2**  
Prequalification of Contractors

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE No.: 24415  
FILED: 01/18/2002, 15:42

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-56-13(3) gives UDOT authority to hire private contractors to do work on state highways and projects and to make rules in general.

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 rule has worked well for UDOT during the past five years and it is anticipated that this will continue.

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

TRANSPORTATION  
OPERATIONS, CONSTRUCTION  
CALVIN L RAMPTON COMPLEX  
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](mailto:jbeadles@dot.state.ut.us)

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/18/2002

Transportation, Operations,  
Construction  
**R916-3**  
DESIGN-BUILD Contracts

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE No.: 24416  
FILED: 01/18/2002, 15:47

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 63-56-36.1 specifically gives the Department of Transportation authority to have road done through a design-build process.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments about the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: UDOT intends to continue doing projects in a design-build manner and, therefore, it is necessary to have a rule to implement the statute.

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

TRANSPORTATION  
OPERATIONS, CONSTRUCTION  
CALVIN L RAMPTON COMPLEX  
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](mailto:jbeadles@dot.state.ut.us)

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/18/2002



Transportation, Program Development  
**R926-2**  
Evaluation Of Proposed Additions to  
the State Highway System

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE No.: 24417  
FILED: 01/21/2002, 17:59

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Utah Code Ann. Section 72-

4-102.5 requires issuance of rules to establish criteria, pursuant to statutory guides, for which roads qualify as state highways.

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 pertinent to this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is still required by statute and should be continued.

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

TRANSPORTATION  
PROGRAM DEVELOPMENT  
CALVIN L RAMPTON COMPLEX  
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

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/21/2002

▼ ————— ▼

**Transportation, Program Development**  
**R926-3**  
**Class B and Class C Road Funds**

**FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**  
DAR FILE No.: 24418  
FILED: 01/21/2002, 18:04

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under federal and state law, the department controls the disbursement of these road funds, which go to county and city governments. The department's general rulemaking power, Utah Code Ann. Section 72-1-201, is necessary to sort out the circumstances in which these funds may be distributed.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received during the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Because the rule has worked to allow disbursement of funds and there have been no complaints about it, this rule should be continued.

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

TRANSPORTATION  
PROGRAM DEVELOPMENT  
CALVIN L RAMPTON COMPLEX  
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

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/21/2002

▼ ————— ▼

**Transportation, Program Development**  
**R926-5**  
**State Park Access Highways Improvement Program**

**FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**  
DAR FILE No.: 24419  
FILED: 01/21/2002, 18:08

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The department has jurisdiction over this type of highway. Using the department's general rulemaking authority in Section 72-1-201 allows for the proper development of the improvement 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: There have been no comments received during the last five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule has worked well and should be continued.

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

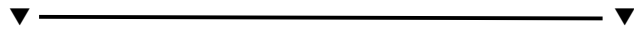
TRANSPORTATION  
PROGRAM DEVELOPMENT  
CALVIN L RAMPTON COMPLEX  
4501 S 2700 W  
SALT LAKE CITY UT 84119-5998, or  
at the Division of Administrative Rules.

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](mailto:jbeadles@dot.state.ut.us)

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/21/2002



Transportation, Program Development  
**R926-6**  
Transportation Corridor Preservation  
Revolving Loan Fund

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE No.: 24420  
FILED: 01/21/2002, 18:12

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Utah Code Ann. Section 72-5-406 requires rulemaking to develop this 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: The rule as currently written is not the same as it was five years ago. There were some amendments to it approximately four months ago. The amendment was designed to allow for better representation of certain groups on the committee. (DAR NOTE: The amendment to R926-6 was published in the October 15, 2001, Utah State Bulletin under DAR No. 24082 and was effective as of November 20, 2001.)

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: As recently amended, the rule takes care of the concerns of those who sent in comments and should be continued.

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

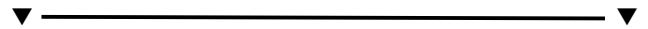
TRANSPORTATION  
PROGRAM DEVELOPMENT  
CALVIN L RAMPTON COMPLEX  
4501 S 2700 W  
SALT LAKE CITY UT 84119-5998, or  
at the Division of Administrative Rules.

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](mailto:jbeadles@dot.state.ut.us)

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/21/2002



Transportation, Preconstruction  
**R930-1**  
Installation of New Mailboxes and  
Correction of Nonconforming Mailboxes

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE No.: 24421  
FILED: 01/22/2002, 11:56

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: UDOT implements this rule under authority of Section 72-7-102 to regulate state highways and rights-of-way. The mailboxes at issue would be placed within that right-of-way.

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 rule should continue to give members of the public fair notice of regulation of new or nonconforming mailboxes on state right-of-way.

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

TRANSPORTATION  
PRECONSTRUCTION  
CALVIN L RAMPTON COMPLEX

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](mailto:jbeadles@dot.state.ut.us)

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/22/2002

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## Transportation, Preconstruction R930-2 Public Hearings

### FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24422  
FILED: 01/22/2002, 11:59

### NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 72-1-201 grants the Department of Transportation authority to make rules for the administration of the department. This rule is enacted under that authority to implement public hearing requirements.

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 about this provision.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: A rule is needed to inform members of the public of hearings, other than administrative procedure hearings, that the department uses to determine the projects in which it may participate. This rule has worked out well in the past.

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

TRANSPORTATION  
PRECONSTRUCTION  
CALVIN L RAMPTON COMPLEX  
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](mailto:jbeadles@dot.state.ut.us)

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/22/2002

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## Transportation, Preconstruction R930-3 Highway Noise Abatement

### FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24423  
FILED: 01/22/2002, 12:05

### NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Utah Code Ann. Section 72-6-112 requires that the department issue rules regarding noise abatement measures and guidelines.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been comments received about the issue over the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule will soon be amended, but in order to comply strictly with the rulemaking act, it is being continued for now.

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

TRANSPORTATION  
PRECONSTRUCTION  
CALVIN L RAMPTON COMPLEX  
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](mailto:jbeadles@dot.state.ut.us)

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/22/2002

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Transportation, Preconstruction  
**R930-5**  
Establishment and Regulation of At-Grade Railroad Crossings

**FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 24424  
FILED: 01/22/2002, 12:10

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 54-4-14 along with 23 CFR 646 and Section 72-1-201 give UDOT authority to issue rules regarding construction of railroad crossings that intersect with UDOT highways.

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 rule is required by law and has received no negative comments.

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

TRANSPORTATION  
PRECONSTRUCTION  
CALVIN L RAMPTON COMPLEX  
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](mailto:jbeadles@dot.state.ut.us)

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/22/2002



Transportation, Preconstruction  
**R930-6**  
Rules for the Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of-Way

**FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 24425  
FILED: 01/22/2002, 12:15

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Utah Code Ann. Section 72-6-116 allows the department to use rulemaking to issue rules for the "installation, construction, maintenance, repair, renewal, system upgrade, and relocation of all utilities."

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 regarding the rule since its recent amendment last year.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule has recently been amended and, during that amendment process, was reviewed by utilities and the Federal Highway Administration. It should be continued. (DAR NOTE: The amendment to R930-6 was published in the November 1, 2002, issue of the Utah State Bulletin under DAR No. 23198 and was effective as of January 19, 2001.)

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

TRANSPORTATION  
PRECONSTRUCTION  
CALVIN L RAMPTON COMPLEX  
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](mailto:jbeadles@dot.state.ut.us)

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/22/2002



Transportation, Preconstruction, Right-of-Way Acquisition  
**R933-1**  
Right of Way Acquisition

**FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 24426  
FILED: 01/22/2002, 12:29

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Utah Code Ann. Sections 72-7-506 and 72-7-507 require the department to issue rules congruent with federal and state advertising laws.

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 received about the rules during the last five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Since there have been no complaints about this rule, it should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 TRANSPORTATION  
 PRECONSTRUCTION, RIGHT-OF-WAY ACQUISITION  
 CALVIN L RAMPTON COMPLEX  
 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

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/22/2002



**Transportation, Preconstruction, Right-of-Way Acquisition  
 R933-2  
 Control of Outdoor Advertising Signs**

**FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**  
 DAR FILE No.: 24427  
 FILED: 01/22/2002, 12:33

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Utah Code Ann. Sections 72-7-506 and 72-7-507 requires Transportation to create rules that are congruent with federal and state laws on advertising.

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 received about the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: A rule is required and this rule should be continued inasmuch as it has not been the source of complaint.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 TRANSPORTATION  
 PRECONSTRUCTION, RIGHT-OF-WAY ACQUISITION  
 CALVIN L RAMPTON COMPLEX  
 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

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/22/2002



**Transportation, Preconstruction, Right-of-Way Acquisition  
 R933-3  
 Relocation or Modification of Existing Authorized Access Openings or Granting New Access Openings on Limited Access Highways**

**FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**  
 DAR FILE No.: 24428  
 FILED: 01/22/2002, 12:38

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Utah Code Ann. Section 72-6-117 allows Transportation to govern the manner in which individuals can obtain access authority on limited-access highways. The rulemaking act is used to give the public notice of those guidelines.

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 department maintains the need to inform the public of its guidelines for access management on limited access highways and, therefore, the rule should remain in place.

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

TRANSPORTATION  
PRECONSTRUCTION, RIGHT-OF-WAY ACQUISITION  
CALVIN L RAMPTON COMPLEX  
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

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/22/2002



Transportation, Preconstruction, Right-of-Way Acquisition  
**R933-4**  
Bus Shelters and Bus Benches

**FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 24429  
FILED: 01/22/2002, 12:42

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Sections 72-7-102 through 72-7-104 require the regulation of outdoor advertising all along the right-of-way of a road that has received federal aid. This rule was implemented to govern those circumstances in which advertising on benches and shelters along those routes takes place.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The rule is fairly new and has received no comment.

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 required to allow for the department's statutory mandate to regulate outdoor advertising on rights-of-way.

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

TRANSPORTATION  
PRECONSTRUCTION, RIGHT-OF-WAY ACQUISITION  
CALVIN L RAMPTON COMPLEX  
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

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/22/2002



**End of the Five-Year Notices of Review and Statements of Continuation Section**

**Notices of Rule Effective Dates Begin on the Following Page**

## NOTICES OF RULE EFFECTIVE DATES

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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.

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### Abbreviations

AMD = Amendment  
CPR = Change in Proposed Rule  
NEW = New Rule  
R&R = Repeal and Reenact  
REP = Repeal

### Administrative Services

No. 24187 (R&R): R27-1. Definitions.  
Published: November 15, 2001  
Effective: January 23, 2002

No. 24186 (R&R): R27-3. Vehicle Use Standards.  
Published: November 15, 2001  
Effective: January 23, 2002

### Corrections

No. 24274 (AMD): R251-111. Government Records Access and Management.  
Published: December 15, 2001  
Effective: January 28, 2002

### Environmental Quality

No. 23986 (CPR): R317-6. Ground Water Quality Protection.  
Published: December 15, 2001  
Effective: January 22, 2002

### Health

No. 24314 (AMD): R414-2A. Inpatient Hospital Services.  
Published: January 1, 2002  
Effective: February 1, 2002

### Insurance

No. 24292 (AMD): R590-208. Uniform Application for Certificates of Authority.  
Published: December 15, 2001  
Effective: January 24, 2002

### Natural Resources

No. 24251 (NEW): R652-140. Utah Forest Practices Act.  
Published: December 1, 2001  
Effective: January 22, 2002

No. 24238 (AMD): R653-2. Financial Assistance from the Board of Water Resources.  
Published: December 1, 2001  
Effective: January 16, 2002

### Transportation

No. 24312 (AMD): R907-1. Administrative Procedures.  
Published: January 1, 2002  
Effective: February 2, 2002

No. 24313 (AMD): R907-1. Appeal of Departmental Actions.  
Published: January 1, 2002  
Effective: February 2, 2002

No. 24287 (AMD): R909-19. Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification.  
Published: December 15, 2001  
Effective: January 18, 2002

### Workforce Services

No. 24240 (AMD): R986-100. Employment Support Programs.  
Published: December 1, 2001  
Effective: February 1, 2002

No. 24241 (AMD): R986-200. Family Employment Program.  
Published: December 1, 2001  
Effective: February 1, 2002

No. 24239 (AMD): R986-400. General Assistance and Working Toward Employment.  
Published: December 1, 2001  
Effective: February 1, 2002

No. 24248 (AMD): R986-700. Child Care Assistance.  
Published: December 1, 2001  
Effective: February 1, 2002

No. 24250 (AMD): R986-900. Food Stamps.  
Published: December 1, 2001  
Effective: February 1, 2002

**Rules Index Begins on the Following Page**

**RULES INDEX  
BY AGENCY (CODE NUMBER)  
AND  
BY KEYWORD (SUBJECT)**

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The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2002, including notices of effective date received through February 1, 2002, the effective dates of which are no later than February 15, 2002. 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 publication constraints, neither Index will appear in this issue of the *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/>).

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