

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Nancy L. Lancaster, Editor

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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, 4120 State Office Building, Salt Lake City, Utah 84114, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.utah.gov/>

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Division of Administrative Rules, Salt Lake City 84114

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SPECIAL NOTICES

Governor's Executive Order 2004-0001: Creating the Quality Growth Communities Program

EXECUTIVE ORDER

Creating the Quality Growth Communities Program

WHEREAS, the Quality Growth Act of 1999 created the Quality Growth Commission to advise the Legislature and local entities on growth management issues and on identifying principles of growth that help achieve the highest possible quality of growth;

WHEREAS, the Quality Growth Commission has identified Principles of Quality Growth in response to that charge;

WHEREAS, the state supports the Principles of Quality Growth and encourages implementation of such principles at the state and local levels;

WHEREAS, the Quality Growth Commission is willing, able, and desirous of helping to implement the Principles of Quality Growth in state and local government planning and has agreed to be responsible to develop and implement a process for certification of qualifying local entities as "Quality Growth Communities";

WHEREAS, the Quality Growth Communities program has been approved and endorsed by the Utah League of Cities and Towns, the Utah Association of Counties, the Association of Special Districts of Utah, the Utah Homebuilders Association, and the Utah Association of Realtors;

WHEREAS, to become certified as a Quality Growth Community a community must demonstrate that it is implementing the Principles of Quality Growth through adherence to criteria established by the Quality Growth Commission;

WHEREAS, it important that the polices and resources of the state be aligned with, and supportive of, the Principles of Quality Growth;

NOW THEREFORE, I, Olene S. Walker, Governor of the State of Utah, by virtue of the authority vested in me by the laws and Constitution of the State of Utah, do hereby order the following:

1. There is established the Quality Growth Communities Program, under the direction of the Quality Growth Commission. Participation in the Quality Growth Communities Program by local entities is voluntary.
2. Each local entity in this state that implements the Principles of Quality Growth in local planning and complies with the criteria set by the Quality Growth Commission may be certified as a "Quality Growth Community" or, in the case of a local entity that provides services, but would not be considered a community (such as a service district), may be certified as a "Quality Growth Service Provider".
3. The Quality Growth Commission shall:
 - a. Coordinate with state agencies to implement the Quality Growth Communities Program.
 - b. Develop criteria to be met, application forms to be used, and an equitable process for certifying Quality Growth Communities and Quality Growth Service Providers and submit the same to the Governor's Office for final approval before implementation.
 - c. After receiving final approval, implement the process and certify local entities that meet the criteria; and
 - d. Report annually to the governor and legislature on the progress of the program.
4. State agencies shall:
 - a. Within existing law, funding sources and resources, work with the Quality Growth Commission to identify incentives and other benefits that can be used to support, encourage and reward participation in the Quality Growth Communities Program.

SPECIAL NOTICES

b. Establish a process for Quality Growth Communities and Quality Growth Service Providers to access these incentives and benefits.

- c. Integrate, to the degree practicable, Principles of Quality Growth in state strategies and programs; and
- d. Coordinate with the Quality Growth Commission for implementation of the Quality Growth Communities Program.

5. The Quality Growth Commission and the Governor's Rural Partnership Board shall work together to integrate the 21st Century Communities Program with the Quality Growth Communities criteria. Pending that integration or until October 31, 2004, whichever comes first, rural communities may meet the criteria for certification as a Quality Growth Community through the 21st Century Communities Program.

6. The Quality Growth Communities Program shall be implemented on the following time line:

a. The Quality Growth Commission shall prepare the certification criteria, application forms and process by January 30, 2004.

b. The following state departments, which have identified programs that can provide access to state funding and benefits for Quality Growth Communities, shall coordinate with the Quality Growth Commission to implement pilot programs by June 30, 2004:

- i. Department of Community and Economic Development
- ii. Department of Environmental Quality
- iii. Department of Natural Resources
- iv. Department of Transportation.

c. All other state departments shall either (i) comply with this Executive Order by December 1, 2004 or (ii) notify the Quality Growth Commission in writing by that date that the department does not have any funds or benefits that apply to Quality Growth Communities.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 21st day of January, 2004.

(State Seal)

OLENE S. WALKER
Governor

ATTEST:

GAYLE F. MCKEACHNIE
Lieutenant Governor

2004/0001

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between January 1, 2004, 12:00 a.m., and January 15, 2004, 11:59 p.m. are included in this, the February 1, 2004, 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 2, 2004. 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 May 31, 2004, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

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

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

The Proposed Rules Begin on the Following Page.

Agriculture and Food, Animal Industry
R58-21
 Trichomoniasis

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE No.: 26891
 FILED: 01/13/2004, 16:16

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes being made to this rule have been requested by the beef industry.

SUMMARY OF THE RULE OR CHANGE: The changes in this rule clarify the testing requirements for the prevention of Trichomoniasis and establish the fines for noncompliance.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 4-31-21

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** There is no anticipated cost to the state. The cost would be to the owner of the cattle for the testing for Trichomoniasis and for noncompliance to this rule.
- ❖ **LOCAL GOVERNMENTS:** This amendment does not affect local governments; therefore, there is no impact to local government.
- ❖ **OTHER PERSONS:** The cost to the owner would be the cost established by the veterinarian for the inspection of the cattle for trichomoniasis.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The noncompliance cost for untested bulls could be \$200 per head and for untested bulls that have been exposed to female cattle could be \$500 per head.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The cost to the owner would be the amount established by the veterinarian for the inspection of the disease.

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

AGRICULTURE AND FOOD
 ANIMAL INDUSTRY
 350 N REDWOOD RD
 SALT LAKE CITY UT 84116-3087, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Marolyn Leetham or Earl Rogers at the above address, by phone at 801-538-7114 or 801-538-7162, by FAX at 801-538-7126 or 801-538-7169, or by Internet E-mail at mleetham@utah.gov or erogers@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 03/02/2004.

THIS RULE MAY BECOME EFFECTIVE ON: 03/03/2004

AUTHORIZED BY: Cary G. Peterson, Commissioner

R58. Agriculture and Food, Animal Industry.

R58-21. Trichomoniasis.

R58-21-1. Authority.

Promulgated under authority of Section 4-31-21.

R58-21-2. Definitions.

Total Confinement Operation - means a dry lot feeding operation where none of the sexually active animals are allowed access to pasture, or to mingle with other cattle outside the confines of the premise.

Commuter Cattle - means cattle traveling across state lines for grazing purposes while utilizing a Commuter Permit Agreement approved by both the respective State Veterinarians, or cattle traveling on a Certificate of Veterinary Inspection where there is no change of ownership.

Official Test - means one where the sample is collected by an accredited veterinarian approved by the department and which is received by the lab within 24 hours of collection. The sample should be transported on acceptable media and maintained at 65 to 90 degrees Fahrenheit. Test samples not meeting this criteria will be discarded and a new sample collected. Acceptable media shall be Diamond Media, or the In Pouch method, or other department approved transport media. The inoculated media shall be incubated at 37 degrees centigrade and monitored for growth at 24 hour intervals for 96 hours. An Official State of Utah Trichomoniasis Test Tag or similar official tag from another state shall be placed in the right ear of any bull so tested.

Qualified Feedlot - means a feedlot approved by the Utah Department of Agriculture and Food to handle INTRASTATE heifers, cows, or bulls which originate from Utah herds. These animals shall be confined to a dry lot area which is used to upgrade or finish feeding animals going only to slaughter.

Positive Herd - means any herd or group of cattle owned by one or more persons which shares common grazing or feeding operations and in which one or more animals has been diagnosed to be infected with trichomoniasis within the last 12 months.

Department - means the Utah Department of Agriculture and Food.

Brand - means a 2 X 3 hot iron single character lazy V applied to the left of the tail of a bull, signifying that the bull is infected with the venereal disease, Trichomoniasis.

Exposed to female cattle - means freedom from restraint such that breeding is a possible activity.

Feeder Bulls - means bulls not exposed to female cattle and kept in total confinement operations for the purpose of feeding and eventual slaughter.

R58-21-3. Trichomoniasis - Rules - Prevention and Control.

All bulls nine months of age and older, entering Utah, must be tested for Trichomoniasis by an accredited veterinarian within 30 days prior to entry into Utah. Exceptions include: 1) bulls going directly to slaughter or to a qualified feedlot, 2) feeder bulls kept in total confinement operations, 3) rodeo bulls for the purpose of exhibition, and 4) bulls attending livestock shows for the purpose of exhibition, only to be returned to the state of origin. Rodeo and exhibition bulls with access to grazing, or exposed to female cattle, or being offered for

sale are required to be tested prior to entry. Any Certificate of Veterinary Inspection issued for bulls covered under this rule shall bear the statement, Trichomoniasis has not been diagnosed in the herd of origin within the last 12 months, except that, bulls from herds that have tested positive for trichomoniasis within the previous 12 months are required to have three negative tests, no less than one week apart, prior to entry into Utah.

All bulls nine months of age and older residing in Utah, and all commuter bulls must be tested with an official test for trichomoniasis annually, between October 1 and ~~September 30~~ May 31 of the following year, ~~and with an official test~~ prior to exposure to female cattle. After May 31, owners of untested bulls may be fined \$200 per head. Owners of untested bulls that have been exposed to female cattle may be fined up to \$500 per head regardless of the time of year. Testing shall be performed by an accredited veterinarian who has been certified to perform testing for trichomoniasis. All bulls from positive herds are required to have three negative tests, no less ~~than~~ one week apart, prior to exposure to female cattle. Exceptions include bulls going to slaughter or to a qualified feedlot, dairy bulls in total confinement operations, and feeder bulls in total confinement operations which are not exposed to female cattle.

All bulls nine months of age and older being offered for sale for reproductive purposes in the state of Utah must be tested for Trichomoniasis with an official test within 30 days prior to sale and shall bear a current official Trichomoniasis test tag. Bulls that have had contact with female cattle subsequent to testing must be re-tested prior to sale.

It shall be the responsibility of the owner or his agent to declare, on the auction drive-in slip, the Trichomoniasis status of a bull being offered for sale at a livestock auction. Untested bulls (i.e. bulls without a current Trichomoniasis test tag), including dairy bulls, may be sold for slaughter only, or for direct movement to a Qualified Feedlot or Total Confinement Operation.

Any bull over nine months of age which is found estray and commingles with another producer's female cattle may be required to be tested (or re-tested) for trichomoniasis. The owner of the offending bull shall bear all costs for the official test.

All Utah bulls, which are tested, shall be tagged in the right ear with a current Official State of Utah Trichomoniasis test tag by the accredited veterinarian performing the test. Official tags shall be only those as are authorized by the department and approved by the State Veterinarian office. The color of the approved tag shall be changed yearly. Bulls entering the State of Utah under the provisions of this rule may be tagged upon arrival by an accredited veterinarian upon receipt of the Trichomoniasis test charts from the testing veterinarian. Bulls which bear a current Trichomoniasis test tag from another state which has an official Trichomoniasis testing program will be acceptable to the State of Utah.

All bulls testing positive for Trichomoniasis must be reported immediately to: 1) the owner, and 2) the State Veterinarian, by the veterinarian performing the test. The owner shall be required to notify the administrators of the common grazing allotment and any neighboring (contiguous) cattlemen within ten days following such notification by his veterinarian or laboratory.

All bulls which test positive to Trichomoniasis must be sent by direct movement within 14 days, to: 1) slaughter at an approved slaughter facility, or 2) to a Qualified Feedlot for finish feeding and slaughter, or 3) to an approved auction market for sale to one of the above facilities. Such bulls must move only when accompanied by a VS 1-27 Form issued by the testing veterinarian or other regulatory official. Positive bulls entering a Qualified ~~Feedlot~~, or Approved

Auction Market shall be identified with a lazy V brand on the left side of the tail, indicating that the bull is infected with the venereal disease, Trichomoniasis.

A bull is considered positive if Trichomonas organisms are identified when cultured by the examining veterinarian or laboratory. An owner may have the option to request submission of the positive sample to an approved reference laboratory for confirmation by Polymerase Chain Reaction (PCR). As prerequisites to exercising this option, the bull must be 16 months of age or younger and the sample must arrive at the laboratory within 48 hours of being found positive. A sample determined by PCR not to be T. foetus will be considered negative. A sample found to be inconclusive will be considered positive. A bull determined to be negative for T. foetus by PCR must be subsequently tested negative by culture prior to being offered for sale and no sooner than one month after the PCR.

Any person who fails to satisfy the requirements of this rule or who knowingly sells animals infected with Trichomoniasis, other than to slaughter, without declaring their disease status shall be subject to citation and fines as prescribed by the department or may be called to appear before an administrative proceeding by the department.

KEY: disease control
[August 2, 2000]2004
4-31-21



Commerce, Occupational and Professional Licensing **R156-63** Security Personnel Licensing Act Rules

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 26888
FILED: 01/13/2004, 13:14

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and the Security Services Licensing Board are proposing amendments to further define and clarify the basic education and training program and basic firearms training program requirements, to add two unprofessional conduct definitions, clarify the markings on security uniforms and vehicles, and add a section regarding notifying the Division of criminal conduct by a security officer.

SUMMARY OF THE RULE OR CHANGE: In Section R156-63-102, added definitions for "approved basic firearms education and training program" and "soft uniform"; and renumbered the remaining subsection. In Section R156-63-302b, updated referenced section numbers. In Section R156-63-304, changed the firearms continuing education and training for armed private security officers from not less than eight hours each calendar year to requiring a minimum of four hours every six months. In Section R156-63-502, added as unprofessional conduct: utilizing a vehicle with an emergency lighting system which violates the requirements of Section 41-6-140 of the Utah Motor Vehicle Code; and failure of the contract security

company or an armed or unarmed private security officer to report a criminal offense pursuant to Section R156-63-613. In Section R156-63-602, updated referenced section numbers. In Section R156-63-603, added that this section also applies to unarmed private security officers and added that a student shall pass the final examination given with a minimum score of 80%. Also in Section R156-63-603, created a new Section R156-63-604 which defines the content of approved basic firearms training program for armed private security officers. Most of the wording from this newly created section existed in Subsection R156-63-603(2). A few additions were made to the existing wording regarding the basic firearms training program for armed private security officers. The old Section R156-63-604 regarding content of approved basic education and training program for unarmed private security officers was deleted in its entirety since its content is being combined into Section R156-63-603. In Section R156-63-605, additions were made with respect to uniform requirements. Contract security companies shall have until July 1, 2005, to ensure that all uniforms comply with the new requirements of Section R156-63-605. In Section R156-63-610, amendments are also made with respect to markings on security vehicles. Contract security companies shall have six months from the effective date of the rule amendments to ensure that all vehicles comply with the new requirements of Section R156-63-610. Added a new Section R156-63-613 which will require a security officer if they are arrested, either on or off duty, for a criminal offense above the level of a Class C misdemeanor to notify the contract security company they work for within 72 hours. The contract security company must then notify the Division, in writing, within 72 hours of the notification by the licensee, of the criminal offense.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-63-101; and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

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

❖ LOCAL GOVERNMENTS: Proposed amendments do not apply to local governments, therefore there is no cost to local government.

❖ OTHER PERSONS: The proposed amendments regarding security uniforms will impact contract security companies by slightly increasing the cost of the uniform. It is estimated that compliance costs will be about \$3.25 per uniform or about an average of \$500 per contract security company. The amount per contract security company may be more or less than the \$500 since it depends of the number of security guards employed by the company, which varies from company to company. Contract security companies may also see an increase in costs as a result of the amendments affecting security vehicles. The costs to put the word "security" on a vehicle would range from \$24 to \$30 per vehicle if the wording does not already exist on vehicles used by the contract security company. Costs would also vary depending on the number of vehicles a contract security company has. Currently 28 licensed contract security companies use the

term "security" in their name, so the proposed rule amendment will potentially only affect 33 of the 61 licensed contract security companies.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments regarding security uniforms will impact contract security companies by slightly increasing the cost of the uniform. It is estimated that compliance costs will be about \$3.25 per uniform or about an average of \$500 per contract security company. The amount per contract security company may be more or less than the \$500 since it depends of the number of security guards employed by the company, which varies from company to company. Contract security companies may also see an increase in costs as a result of the amendments affecting security vehicles. The costs to put the word "security" on a vehicle would range from \$24 to \$30 per vehicle if the wording does not already exist on vehicles used by the contract security company. Costs would also vary depending on the number of vehicles a contract security company has. Currently 28 licensed contract security companies use the term "security" in their name, so the proposed rule amendment will potentially only affect 33 of the 61 licensed contract security companies.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Generally, this rule change includes amendments that are intended to clarify the training program requirements for licensees and the markings on security uniforms and security vehicles. No fiscal impact to businesses other than the regulated industry can be foreseen from this rule filing. Each contract security company could experience up to \$500 in costs for new markings on security uniforms. Some contract security companies might also experience an average of \$27 per vehicle to add the word "security" to their vehicles. Klarice A. Bachman, Executive Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Clyde Ormond at the above address, by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at cormond@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 03/02/2004

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 2/04/2004 at 1:00 PM, 160 East 300 South, Conference Room 4B (Fourth Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 03/03/2004

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-63. Security Personnel Licensing Act Rules.
R156-63-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 63, as used in Title 58, Chapters 1 and 63 or these rules:

(1) "Approved basic education and training programs" as used in these rules means basic education and training that meets the standards set forth in Sections R156-63-602~~;~~ and R156-63-603 ~~and R156-63-604~~ and that is approved by the division.

(2) "Approved basic firearms education and training program", as used in these rules means basic firearms education and training that meets the standards set forth in Section R156-63-604 and that is approved by the Division.

(~~2~~3) "Authorized emergency vehicle" is as defined in Subsection 41-6-1(3).

(~~3~~4) "Contract security company" includes:

(a) a peace officer who engages in providing security or guard services when acting in a capacity other than as an employee of the law enforcement agency by whom he is employed, or for other than the regular salary, whether at regular pay or overtime pay, from the law enforcement agency by whom he is employed; but does not include:

(b) a company which hires as employees, individuals to provide security or guard services for the purpose of protecting tangible personal property, real property, or the life and well being of personnel employed by, or animals owned by or under the responsibility of the that company, as long as the security or guard services provided by the company do not benefit any person other than the employing company.

(~~4~~5) "Employee" means an individual providing services in the security guard industry for compensation when the amount of compensation is based directly upon the security guard services provided and upon which the employer is required under law to withhold federal and state taxes, and for whom the employer is required under law to provide worker's compensation insurance coverage and pay unemployment insurance.

(~~5~~6) "Immediate supervision" means the supervisor is available for immediate voice communication and can be available for in-person consultation within a reasonable period of time with an on-the-job trainee.

(~~6~~7) "Officer" as used in Subsections 58-63-201(1)(a) and R156-63-302a(1)(b) means a manager, director, or administrator of a contract security company.

(~~7~~8) "Practical experience" means experience as an unarmed or armed private security officer obtained under the immediate supervision of a supervisor who has been assigned to train and develop the unarmed or armed private security officer.

(~~8~~9) "Qualified continuing education" as used in these rules means continuing education that meets the standards set forth in Subsection R156-63-304.

(~~9~~10) "Qualifying agent" means an individual who is an officer, director, partner, proprietor or manager of a contract security company who exercises material authority in the conduct of the contract security company's business by making substantive technical and administrative decisions relating to the work performed for which a license is required under this chapter and who

is not involved in any other employment or activity which conflicts with his duties and responsibilities to ensure the licensee's performance of work regulated under this chapter does not jeopardize the public health, safety, and welfare.

(11) "Soft uniform" means a business suit or a polo-type shirt with appropriate slacks. The coat or shirt has an embroidered badge or contract security company logo that clips on to or is placed over the front pocket.

(~~10~~12) "Supervised on-the-job training" means training of an armed or unarmed private security officer under the immediate supervision of a licensed private security officer who has been assigned to train and develop the on-the-job trainee.

(~~11~~13) "Unprofessional conduct," as defined in Title 58, Chapters 1 and 63, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-63-502.

R156-63-302b. Qualifications for Licensure - Basic Education and Training Requirements.

In accordance with Subsections 58-1-203(2) and 58-1-301(3), the basic education and training requirements for licensure in Section 58-63-302 are defined, clarified, or established as follows:

(1) each applicant for licensure as an armed private security officer shall successfully complete a basic education and training program approved by the division, the content of which is set forth in Section R156-63-603 ~~and R156-63-604~~; and

(2) each applicant for licensure as an unarmed private security officer shall successfully complete a basic education and training program approved by the division, the content of which is set forth in Section R156-63-~~604~~603.

R156-63-304. Continuing Education for Armed and Unarmed Private Security Officers as a Condition of Renewal.

(1) In accordance with Subsections 58-1-203(1)(g) and 58-1-308(3)(b), there is created a continuing education requirement as a condition of renewal or reinstatement of licenses issued under Title 58, Chapter 63 in the classifications of armed private security officer and unarmed private security officer.

(2) Qualified continuing education for armed private security officers and unarmed private security officers shall consist of not less than 16 hours of formal classroom education or practical experience every two years.

(3) Continuing firearms education and training for armed private security officers shall consist of ~~[not less than eight hours during each calendar year]~~ a minimum of four hours of firearms training every six months. Firearms education and training shall comply with the provisions of Public Law 103-54, the Armored Car Industry Reciprocity Act of 1993.

(4) If a renewal period is shortened or lengthened to effect a change of renewal cycle, the continuing education hours required for that renewal period shall be increased or decreased accordingly as a pro rata amount of the requirements of a two-year period.

(5) Continuing education to qualify under the provisions of Subsection (2) shall include:

- (a) company operational procedures manual;
- (b) applicable state laws and rules;
- (c) legal powers and limitations of private security officers;
- (d) observation and reporting techniques;
- (e) ethics; and
- (f) emergency techniques.

R156-63-502. Unprofessional Conduct.

"Unprofessional conduct" includes the following:

(1) making any statement that would reasonably cause another person to believe that a private security officer functions as a law enforcement officer or other official of this state or any of its political subdivisions or any agency of the federal government;

(2) employment of an unarmed or armed private security officer by a contract security company, as an on-the-job trainee pursuant to Section R156-63-307, who has been convicted of a felony or a misdemeanor crime of moral turpitude;

(3) employment of an unarmed or armed private security officer by a contract security company who fails to meet the requirements of Section R156-63-307; and

(4) a judgment on, or a judicial or prosecutorial agreement concerning a felony, or a misdemeanor involving moral turpitude, entered against an individual by a federal, state or local court, regardless of whether the court has made a finding of guilt, accepted a plea of guilty or nolo contendere by an individual, or an individual has entered into participation in a first offender, deferred adjudication or other program or arrangement where judgment of conviction is withheld.

(5) utilizing a vehicle whose markings, lighting, or signal devices imply that the vehicle is an authorized emergency vehicle as defined in Subsection 41-6-1(3) and Section 41-6-1.5 and in Title R722, Chapter 340;

(6) utilizing a vehicle with an emergency lighting system which violates the requirements of Section 41-6-140 of the Utah Motor Vehicle Code;

(~~6~~) wearing a uniform, insignia, or badge that would lead a reasonable person to believe that the unarmed or armed private security officer is connected with a federal, state, or municipal law enforcement agency;

(~~7~~) incompetence or negligence by an unarmed private security officer, an armed private security officer or by a contract security company that results in injury to a person or that creates an unreasonable risk that a person may be harmed;

(~~8~~) failure by the contract security company or its officers, directors, partners, proprietors or responsible management personnel to adequately supervise employees to the extent that the public health and safety are at risk;~~and~~

(~~9~~) failing to immediately notify the division of the cancellation of the contract security company's insurance policy

(11) failure of the contract security company or an armed or unarmed private security officer to report a criminal offense pursuant to Section R156-63-613.

R156-63-602. Operating Standards - Approved Basic Education and Training Program for Armed and Unarmed Private Security Officers.

To be designated by the division as an approved basic education and training program for armed private security officers and unarmed private security officers, the following standards shall be met.

(1) There shall be a written education and training manual which includes performance objectives.

(2) The program for armed private security officers shall provide content as established in Sections R156-63-603 and R156-63-604 of these rules.

(3) The program for unarmed private security officers shall provide content as established in Section R156-63-~~604~~603 of these rules.

(4) All instructors providing the basic classroom instruction shall have at least three years of training and experience reasonably related to providing of security guard services.

(5) All instructors providing firearms training shall have the following qualifications:

(a) current Peace Officers Standards and Training firearms instructors certification; or

(b) current certification as a firearms instructor by the National Rifle Association, a Utah law enforcement agency, a Federal law enforcement agency, a branch of the United States military, or other qualification or certification found by the director to be equivalent.

(6) All approved basic education and training programs shall maintain training records on each individual trained including the dates of attendance at training, a copy of the instruction given, and the location of the training. These records shall be maintained in the files of the education and training program for at least three years.

(7) In the event an approved provider of basic education and training ceases to engage in business, the provider shall establish a method approved by the division by which the records of the education and training shall continue to be available for a period of at least three years after the education and training is provided.

R156-63-603. Operating Standards - Content of Approved Basic Education and Training Program for Armed and Unarmed Private Security Officers.

An approved basic education and training program for armed and unarmed private security officers shall have the following components:

(1) at least eight hours of basic classroom instruction to include the following:

(a) the nature and role of private security, including the limits of, scope of authority and the civil liability of a private security officer and the private security officer's role in today's society;

(b) state laws and rules applicable to private security;

(c) legal responsibilities of private security, including constitutional law, search and seizure and other such topics;

(d) situational response evaluations, including protecting and securing crime or accident scenes, notification of intern and external agencies, and controlling information;

(e) ethics;

(f) use of force, emphasizing the de-escalation of force and alternatives to using force;

(g) report writing, including taking witness statements, log maintenance, the control of information, taking field notes, report preparation and basic writing skills;

(h) ~~armed~~patrol techniques, including mobile vs. fixed post, accident prevention, responding to calls and alarms, security breeches, and monitoring potential safety hazards;

(i) police and community relations, including fundamental duties and personal appearance of security officers;

(j) sexual harassment in the work place; and

(k) a final examination which competently examines the student in the subjects included in the approved program of education and training and which the student passes with a minimum score of 80%.

R156-63-604. Operating Standards - Content of Approved Basic Firearms Training Program for Armed Private Security Officers.

An approved basic firearms training program for armed private security officers shall have the following components:

(~~2~~1) at least six hours of classroom firearms instruction to include the following:

- (a) the ~~[weapon]~~firearm and its ammunition;
- (b) ~~[the use of factory loaded ammunition only];~~
- ~~—(e)—~~the care and cleaning of the weapon;
- ~~—(d)c)~~ ~~[cleaning equipment options;~~
- ~~—(e)~~ barrel and cylinder maintenance;
- ~~—(f)—~~no alterations of firing mechanism;
- (~~g~~d) ~~[weapons]~~firearm inspection review procedures;
- (~~h~~e) firearm safety on duty;
- (~~i~~f) firearm safety at home;
- (~~j~~g) firearm safety on range;
- (~~k~~h) legal and ethical restraints on [weapon]firearms use;
~~—(l) legal restraints on weapon use;~~
~~—(i) explanation and discussion of target environment;~~
~~—(j) stop failure drills;~~
~~—(k) explanation and discussion of stance, draw stroke, cover and concealment and other firearm fundamentals;~~
~~—(l) armed patrol techniques;~~
- (m) use of deadly force under Utah law and the provisions of Title 76, Chapter 2, Part 4 and a discussion of 18 CFR 44 Section 922;
- (n) the instruction that armed private security officers shall not fire their weapon unless there is an eminent threat to life and at no time will the weapon be drawn as a threat or means to force compliance with any verbal directive not involving eminent threat to life; and

(~~3~~2) at least six hours of firearms range instruction [~~on the range—~~]to include the following:

- (a) basic firearms fundamentals and marksmanship~~[demonstration of appropriate techniques of shooting];~~
- (b) demonstration and explanation of the difference between ~~[flash sight and —]~~sight picture, sight alignment and trigger control; and
- (c) a recognized practical pistol course on which the applicant achieves a minimum score of 80% using regular and low light conditions.

~~[R156-63-604. Operating Standards — Content of Approved Basic Education and Training Program for Unarmed Private Security Officers.~~

~~— An approved basic education and training program for unarmed private security officers shall have the following components:~~

- ~~—(1) at least eight hours of basic classroom instruction to include the following:~~
 - ~~—(a) the nature and role of private security, including the limits of, scope of authority and the civil liability of a private security officer and the private security officer's role in today's society;~~
 - ~~—(b) state laws and rules applicable to private security;~~
 - ~~—(c) legal responsibilities of private security, including constitutional law, search and seizure and other such topics;~~
 - ~~—(d) situational response evaluations, including protecting and securing crime or accident scenes, notification of internal and external agencies, and controlling information;~~
 - ~~—(e) ethics;~~
 - ~~—(f) use of force, emphasizing the de-escalation of force and alternatives to using force;~~
 - ~~—(g) report writing, including taking witness statements, log maintenance, the control of information, taking field notes, report preparation and basic writing skills;~~

~~—(h) patrol techniques, including mobile vs. fixed post, accident prevention, responding to calls and alarms, security breeches, monitoring potential safety hazards;~~

~~—(i) police and community relations, including fundamental duties and personal appearance of security officers;~~

~~—(j) sexual harassment in the work place;~~

~~—(k) a final examination which competently examines the student in the subjects included in the approved program of education and training.~~

]

R156-63-605. Operating Standards - Uniform[s]Requirements.

(1) All unarmed and armed private security officers while on duty shall wear the uniform of their contract security company employer unless assigned to work undercover.

(2) ~~[Uniforms worn by armed or unarmed private security officers shall be marked with the name of the company or the words "Contract Security", "Security Officer", or "Security", visibly displayed on the uniform or jacket in a manner making the uniform easily distinguishable from the uniform of any public law enforcement agency.]~~Each armed and unarmed private security officer wearing a soft uniform unless assigned to an undercover status shall at a minimum display on the outermost garment of the uniform the name of the contract security company under whom the armed and unarmed private security officer is employed, and the word "Security", "Contract Security", or "Security Officer".

(3) The name of the contract security company and the word "Security" shall be of a size, style, shape, design and type which is clearly visible by a reasonable person under normal conditions.

(4) Each armed and unarmed private security officer wearing a regular uniform shall display on the outermost garment of the uniform in a style, shape, design and type which is clearly visible by a reasonable person under normal conditions identification which contains:

(a) the name or logo of the contract security company under whom the armed or unarmed private security officer is employed; and

(b) the word "Security", "Contract Security", or "Security Officer".

(5) Contract security companies shall have until July 1, 2005 to ensure that all uniforms comply with the requirements of this section. Thereafter, all uniforms, soft and regular, must meet all requirements established in this section.

R156-63-610. Operating Standards - Vehicles.

(1) No contract security company or its personnel shall utilize a vehicle whose markings, lighting, or signal devices imply that the vehicle is an authorized emergency vehicle pursuant to Subsection 41-6-1(3).

(2) The ~~[company name]~~word "Security", either alone or in conjunction with the ~~[word "Security"]~~company name, shall appear on each side and the rear of the company vehicle in letters no less than ~~[2.5]~~4 inches in height and in a color contrasting with the color of the contract security company vehicle~~[readable from a reasonable distance].~~

(3) Contract security companies shall have six months from the effective date of this rule to ensure that all vehicles comply with the requirements of this section.

(4) Subsection R156-63-610(2) does not apply to armored cars as defined in the Armored Car Industry Reciprocity Act of 1993.

R156-63-613. Operating Standards - Standards of Conduct.

All armed and unarmed private security officers licensed pursuant to Title 58, Chapter 63 if arrested, charged, or indicted for a criminal offense above the level of a Class C misdemeanor, shall within 72 hours notify the contract security company they are employed with of the criminal offense. The contract security company shall notify the Division of the criminal offense within 72 hours of notification by the licensee, in writing, including name, name of the arresting agency, the agency case number and the nature of the criminal offense.

KEY: licensing, security guards, private security officers
~~[August 18, 2003]~~2004

Notice of Continuation September 28, 2000

58-1-106(1)(a)

58-1-202(1)(a)

58-63-101

▼ ————— ▼

Education, Administration

R277-700

The Elementary and Secondary School Core Curriculum

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26902

FILED: 01/15/2004, 17:30

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to revise several middle and high school Core Curriculum requirements.

SUMMARY OF THE RULE OR CHANGE: Amendments to the rule include changes in middle and high school Core Curriculum requirements, a provision that credit for courses or course mastery may be awarded at the discretion of the school district, and the addition of financial literacy as a required course.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 53A-1-402(1)(b) and (c)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There are no known cost or savings to state budget. There may be costs to add the financial literacy requirement to the Core Curriculum but the requirement was part of S.B. 154, 2003 General Session, and the specific cost of the program is included within the significant cost of the implementation of S.B. 154. (DAR NOTE: S.B. 154 is found at UT L 2003 Ch 315, and was effective May 5, 2003.)

❖ **LOCAL GOVERNMENTS:** There are no known cost or savings to school districts. There may be costs to add the financial literacy requirement to the Core Curriculum but the requirement was part of S.B. 154, 2003 General Session, and the specific cost of the program is included within the significant cost of the implementation of S.B. 154.

❖ **OTHER PERSONS:** There are no anticipated cost or savings to other persons. The implementation of any changes in the Core Curriculum will be borne by the state or school districts with appropriated funds.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The implementation of any changes in the Core Curriculum will be borne by the state or school districts with appropriated funds.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses. Steven O. Laing

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

EDUCATION

ADMINISTRATION

250 E 500 S

SALT LAKE CITY UT 84111-3272, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM ON 03/02/2004.

THIS RULE MAY BECOME EFFECTIVE ON: 03/03/2004

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

R277. Education, Administration.

R277-700. The Elementary and Secondary School Core Curriculum.

R277-700-3. Core Curriculum Standards and Objectives.

A. The Board establishes minimum course description standards and objectives for each course in the required general core, which is commonly referred to as the Core Curriculum.

B. Course descriptions for required and elective courses shall be developed cooperatively by school districts and the USOE with opportunity for public and parental participation in the development process.

C. The descriptions shall contain mastery criteria for the courses, and shall stress mastery of the course material and Core objectives and standards rather than completion of predetermined time allotments for courses.

D. Implementation of the Core Curriculum and student assessment procedures are the responsibility of local boards of education consistent with state law.

E. This rule shall apply to students in the 200[5]7-200[6]8 graduating class.

R277-700-4. Elementary Education Requirements.

A. The Board shall establish a Core Curriculum for elementary schools, grades K-6.

B. Elementary School Education Core Curriculum Content Area Requirements:

- (1) Grades K-2:
 - (a) Reading/Language Arts;
 - (b) Mathematics;
 - (c) Integrated Curriculum.
- (2) Grades 3-6:
 - (a) Reading/Language Arts;
 - (b) Mathematics;
 - (c) Science;
 - (d) Social Studies;
 - (e) Arts:
 - (i) Visual Arts;
 - (ii) Music;
 - (iii) Dance;
 - (iv) Theatre.
 - (f) Health Education;
 - (g) Physical Education;
 - (h) Educational Technology;
 - (i) Library Media.

C. It is the responsibility of the local boards of education to provide access to the Core Curriculum to all students.

D. Student mastery of the general Core Curriculum is the responsibility of local boards of education.

E. Informal assessment should occur on a regular basis to ensure continual student progress.

F. Board-approved CRT's shall be used to assess student mastery of the following:

- (1) reading;
- (2) language arts;
- (3) mathematics;
- (4) science in elementary grades 4-6; and
- (5) effectiveness of written expression in grade 6.

G. Norm-referenced tests shall be given to all elementary students in grades 3 and 5.

H. Provision for remediation for all elementary students who do not achieve mastery is the responsibility of local boards of education.

R277-700-5. Middle School Education Requirements.

A. The Board shall establish a Core Curriculum for middle school education.

B. Students in grades 7-8 shall earn a minimum of 12 units of credit to be properly prepared for instruction in grades 9-12.

C. Local boards may require additional units of credit.

D. Grades 7-8 Core Curriculum Requirements and units of credit:

- (1) General Core (10.5 units of credit):
 - (a) Language Arts (2.0 units of credit);
 - (b) Mathematics (2.0 units of credit);
 - (c) Science (1.5 units of credit);
 - (d) Social Studies (1.5 units of credit);
 - (e) The Arts (1.0 units of credit):
 - (i) Visual Arts;
 - (ii) Music;
 - (iii) Dance;
 - (iv) Theatre.
 - (f) Physical Education (1.0 units of credit);

- (g) Health Education (0.5 units of credit);
- (h) Applied Technology Education Technology, Life, and Careers (1.0 units of credit);
- (i) Educational Technology (credit optional);
- (j) Library Media (integrated into subject areas).

E. Board-approved CRT's shall be used to assess student mastery of the following:

- (1) reading;
- (2) language arts;
- (3) mathematics; and
- (4) science in grades 7 and 8; ~~and~~
- ~~(5) effectiveness of written expression~~.

F. Norm-referenced tests shall be given to all middle school students in grade 8.

R277-700-6. High School Requirements.

A. The Board shall establish a Core Curriculum for students in grades 9-12.

B. Students in grades 9-12 shall earn a minimum of ~~[24]~~15 units of credit.

C. ~~Local boards may require additional units of credit.~~

~~D.]~~Grades 9-12 Core Curriculum ~~requirements and required units of credit~~ as specified:

- (1) Language Arts (3.0 units of credit);
- (2) Mathematics (2.0 units of credit):
 - (a) minimally, Elementary Algebra or Applied Mathematics I; and
 - (b) ~~[g]~~Geometry or Applied Mathematics II; or
 - (c) any Advanced Mathematics courses in sequence beyond (a) and (b);
 - (d) high school mathematics credit may not be earned for courses in sequence below (a).
- (3) Science (2.0 units of credit from two of the four science areas):
 - (a) ~~[e]~~Earth Systems ~~[s]~~Science (1.0 units of credit);
 - (b) ~~[b]~~Biological ~~[s]~~Science (1.0 units of credit);
 - (c) ~~[e]~~Chemistry (1.0 units of credit);
 - (d) ~~[p]~~Physics (1.0 units of credit).
- (4) Social Studies (~~[3-0]~~2.5 units of credit):
 - (a) Geography for Life (0.5 units of credit);
 - (b) World Civilizations (0.5 units of credit);
 - (c) U.S. ~~[h]~~History (1.0 units of credit);
 - (d) U.S. Government and Citizenship (0.5 units of credit);
 - ~~(e) elective social studies class (0.5 units of credit).~~

(5) The Arts (1.5 units of credit from any of the following performance areas):

- (a) ~~[v]~~Visual ~~[a]~~Arts;
- (b) ~~[m]~~Music;
- (c) ~~[d]~~Dance;
- (d) ~~[t]~~Theatre;
- (6) ~~Health education (0.5 units of credit);~~
- ~~(7)]~~Physical and Health ~~[e]~~Education (~~[1-5]~~2.0 units of credit):
 - (a) Health (0.5 units of credit);
 - (~~[a]~~b) ~~[p]~~Participation ~~[s]~~Skills (0.5 units of credit);
 - (~~[b]~~c) Fitness for Life (0.5 units of credit);
 - (~~[e]~~d) ~~[i]~~Individualized ~~[l]~~Lifetime ~~[a]~~Activities (0.5 units of credit) or team sport/athletic participation (maximum of 0.5 units of credit with school approval).
 - (8) Applied ~~[t]~~Technology ~~[e]~~Education (1.0 units of credit):
 - (a) ~~[a]~~Agriculture;
 - (b) ~~[b]~~Business;

- (c) [f]Family and [e]Consumer [s]Sciences;
- (d) [h]Health [s]Science and [t]Technology;
- (e) [i]Information [t]Technology;
- (f) [m]Marketing;
- (g) [t]Technology [e]Education;
- (h) [t]Trade and [t]Technical [e]Education.
- (9) Educational [t]Technology:
- (a) [e]Computer Technology (0.5 units of credit for the class by this specific name only); or

(b) successful completion of state-approved competency examination ~~[(no credit, but satisfies the Core requirement)]~~ [(credit may be awarded at the discretion of the school or school district)].

(10) General Financial Literacy (0.5 units of credit).

~~(1[0]1) Library [m]Media [s]Skills (integrated into the curriculum; subject areas).~~

(1[+2]) Board-approved CRT's shall be used to assess student mastery of the following subjects:

- (a) reading;
- (b) language arts through grade 11;
- (c) mathematics as defined under R277-700-6D(2);
- (d) science as defined under R277-700-6D(3); and
- (e) effectiveness of written expression in grade 9.

D. Local boards shall offer students at least 24 units of credit in grades 9-12.

(1) If a local board requires students to register for more than 24 units in grades 9-12, one-third of those credits above 24 shall be in one or more of the academic areas of math, language arts, world languages, science, or social studies, as determined by the local board.

(2) Local boards may exceed state requirements.

E. Students shall participate in the Utah Basic Skills Competency Test, as defined under R277-700-10.

F. Students with disabilities served by special education programs may have changes made to graduation requirements through individual IEPs to meet unique educational needs. A student's IEP shall document the nature and extent of modifications, substitutions or exemptions made to accommodate a student with disabilities.

R277-700-7. Student Mastery and Assessment of Core Curriculum Standards and Objectives.

A. Student mastery of the Core Curriculum at all levels is the responsibility of local boards of education.

B. Provisions for remediation of secondary students who do not achieve mastery is the responsibility of local boards of education under Section 53A-13-104.

C. Students who are found to be deficient in basic skills through U-PASS shall receive remedial assistance according to provisions of Section 53A-1-606(1).

D. If parents object to portions of courses or courses in their entirety under provisions of law (Section 53A-13-101.2) and rule (R277-105), students and parents shall be responsible for the mastery of Core objectives to the satisfaction of the school prior to promotion to the next course or grade level.

E. Students with Disabilities:

(1) All students with disabilities served by special education programs shall demonstrate mastery of the Core Curriculum.

(2) If a student's disabling condition precludes the successful demonstration of mastery, the student's IEP team, on a case-by-case basis, may provide accommodations for or modify the mastery demonstration to accommodate the student's disability.

F. Students may demonstrate competency to satisfy course requirements consistent with R277-705-3.

G. All Utah public school students shall participate in state-mandated assessments, as required by law.

KEY: curricula

~~[March 5, 2002]2004~~

Notice of Continuation January 14, 2003

Art X Sec 3

53A-1-402(1)(b)

53A-1-402.6

53A-1-401(3)



Environmental Quality, Air Quality **R307-110-12** Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 26896

FILED: 01/15/2004, 10:47

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to demonstrate that carbon monoxide levels will not exceed the federal health standard in the next 10 years and request that Provo be redesignated from nonattainment to attainment for carbon monoxide (see separate filings on Rule R307-301 and Section R307-110-34 in this issue). (DAR NOTE: The amendment to Rule R307-301 is under DAR No. 26897 and the amendment to Section R307-110-34 is under DAR No. 26899 in this issue.)

SUMMARY OF THE RULE OR CHANGE: In Section R307-110-12, the date of adoption by the Air Quality Board to reflect the latest amendments to the State Implementation Plan (SIP) for Carbon Monoxide is amended. In the SIP, replace the existing IX.C.6 with the new Plan demonstrating attainment with the health standard for carbon monoxide in Provo and showing that Provo will remain in attainment for carbon monoxide through 2015. The demonstration shows that, due to tighter federal emission standards for vehicles, attainment can be demonstrated without use of oxygenated gasoline in the wintertime, and that vehicles six years old and newer can have their emissions tested every other year instead of annually.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(2)(e); and 42 U.S.C. 7545(m)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Eliminating the use of oxygenated gasoline in Utah County will not save the Division of Air Quality any money, but will allow one compliance inspector to be diverted to other inspections.

❖ LOCAL GOVERNMENTS: This change will not save money for Utah County, but will allow elected officials to devote time to matters other than responding to complaints about oxygenated gasoline.

❖ OTHER PERSONS: All gasoline sold in Utah County between November 1 and the end of the following February has been required to contain an oxygenate to reduce the carbon monoxide emitted by vehicle engines. Oxygenation generally adds about \$0.01 - \$0.02 per gallon to the price at the pump, and other factors also affect cost differences from place to place. Thus, a consumer who buys 20 gallons of gas in Utah County each week will save \$0.20 - \$0.40 per week, or approximately \$3.40 - \$6.80 over the 17-week winter season. In addition, older small engines such as snowmobiles that have not been tuned to use oxygenated gasoline may not run as well on oxygenated gasoline as they do on non-oxygenated fuel, though any savings are not quantifiable.

COMPLIANCE COSTS FOR AFFECTED PERSONS: All gasoline sold in Utah County between November 1 and the end of the following February has been required to contain an oxygenate to reduce the carbon monoxide emitted by vehicle engines. Oxygenation generally adds about \$0.01 - \$0.02 per gallon to the price at the pump, and other factors also affect cost differences from place to place. Thus, a consumer who buys 20 gallons of gas in Utah County each week will save \$0.20 - \$0.40 per week, or approximately \$3.40 - \$6.80 over the 17-week winter season. In addition, older small engines such as snowmobiles that have not been tuned to use oxygenated gasoline may not run as well on oxygenated gasoline as they do on non-oxygenated fuel, though any savings are not quantifiable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: More stringent federal emission controls on vehicles have reduced emissions of carbon monoxide to the point that computer modeling can demonstrate that Utah County will comply with carbon monoxide standards through 2015 without the use of oxygenated gasoline. This will reduce the inconvenience for gasoline dispensers of changing from gasoline to oxyfuel and back each winter, and will provide small savings to businesses buying gasoline in Utah County.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at janmiller@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 03/02/2004

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 2/19/2004 at 7:00 PM, Utah County Administration Bldg, Room 2300, 100 E Center Street, Provo UT.

THIS RULE MAY BECOME EFFECTIVE ON: 04/07/2004

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-110. General Requirements: State Implementation Plan. R307-110-12. Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide, as most recently amended by the Utah Air Quality Board on [~~January 7, 1998~~ April 7, 2004, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, small business assistance program, particulate matter, ozone
~~[December 31, 2003]~~2004
Notice of Continuation March 27, 2002
19-2-104(3)(e)



Environmental Quality, Air Quality
R307-110-31
Section X, Vehicle Inspection and
Maintenance Program, Part A, General
Requirements

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26898

FILED: 01/15/2004, 11:08

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the amendments are to incorporate the changes in Section 41-6-163.7 into the State Implementation Plan (SIP) X.A, which is incorporated by reference under Section R307-110-31.

SUMMARY OF THE RULE OR CHANGE: In Section R307-110-31, the amendment changes the date of last adoption by the Air Quality Board to April 7, 2004. In the State Implementation Plan (SIP) X.A, which is incorporated by reference under Section R307-110-31, add a paragraph to specify that vehicles six years old and newer must be inspected only every other year, as per changes in Section 41-5-163.7. Also, changes the title of the first table in X.A to reflect that Salt Lake and Davis Counties are now attainment areas for ozone,

changes the title of the second table to reflect that Ogden and Salt Lake City are now attainment areas for carbon monoxide, and Provo is expected to be redesignated to attainment shortly. The third table is updated by adding year 2000 census information for Ogden, Provo, and Salt Lake City. The fourth table is deleted because it is no longer needed. Computer projections indicate that the health standards for air pollutants will be met in all counties even with less frequent testing of newer vehicles.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(2)(e)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The vehicle inspection and maintenance programs are supervised by Weber, Davis, Salt Lake, and Utah Counties, not the state; this change does not affect the state budget.

❖ LOCAL GOVERNMENTS: This change will not affect the budgets of Weber, Davis, Salt Lake, and Utah Counties, because the costs to administer the inspection and maintenance programs are covered by the Counties' share of the fees paid by vehicle owners.

❖ OTHER PERSONS: Of the total 240,000 vehicles registered in Utah County, approximately 100,000 vehicles are six years old or newer. At \$25 per inspection every other year, the total savings for vehicle owners would be a maximum of \$1,250,000 annually (\$25 x 1/2 x 100,000). On the other hand, that is also the maximum amount of revenue that inspection stations will lose each year, if their prices remain unchanged.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Owners of vehicles that are six years old or newer and are registered in Utah County will save the cost of vehicle emissions inspection every other year. The maximum cost for inspections is \$25 per year, but inspections stations offer various discounts. Thus it is impossible to determine exactly how much each owner will save but the maximum savings per vehicle would be \$75 over a 6-year period.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses in Utah County that own vehicles six years old and newer will be able to save a maximum of \$75 per vehicle for inspecting every other year instead of annually. Inspection stations will lose approximately \$1,250,000 every year, if their prices remain unchanged.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

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INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 2/19/2004 at 7:00 PM, Utah County Administration Bldg, Room 2300, 100 E Center Street, Provo UT.

THIS RULE MAY BECOME EFFECTIVE ON: 04/07/2004

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-110. General Requirements: State Implementation Plan.
R307-110-31. Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability, as most recently amended by the Utah Air Quality Board on [~~August 1, 2004~~]April 7, 2004, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, small business assistance program, particulate matter, ozone
~~December 31, 2003~~2004
Notice of Continuation March 27, 2002
19-2-104(3)(e)

▼ ————— ▼

Environmental Quality, Air Quality
R307-110-34
Section X, Vehicle Inspection and
Maintenance Program, Part D, Utah
County

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26899

FILED: 01/15/2004, 11:22

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the amendments is to incorporate the changes in Section 41-6-163.7 into the State Implementation Plan, X.D, which is incorporated by reference under Section R307-110-34.

SUMMARY OF THE RULE OR CHANGE: This amendment to Section R307-110-34 changes the date of last adoption by the Air Quality Board to April 7, 2004. In the State Implementation Plan X.D, which is incorporated by reference under Section R307-110-34, adds language to specify that vehicles six years old and newer must be inspected only every other year, as per changes in Section 41-5-163.7. Also, Table X.D.1 is deleted because the performance standards for Utah County are included in the appendices for X.D, and the text and the appendices to Part D are updated to indicate that the County has adopted updated equipment used in testing vehicles. The references to enhanced I/M are deleted because EPA has found that Utah's County's program is equivalent to enhanced I/M. Computer projections indicate that the health standards for air pollutants will be met in all counties even with less frequent testing of newer vehicles.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(2)(e)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** The vehicle inspection and maintenance program is supervised by Utah County, not the state; this change does not affect the state budget.
- ❖ **LOCAL GOVERNMENTS:** This change will not affect the budget of Utah County, because the costs to administer the inspection and maintenance programs are covered by the County's share of the fees paid by vehicle owners.
- ❖ **OTHER PERSONS:** Of the total 240,000 vehicles registered in Utah County, approximately 100,000 vehicles are 6 years old or newer. At \$25 per inspection every other year, the total savings for vehicle owners would be a maximum of \$1,250,000 annually (\$25 x 1/2 x 100,000). On the other hand, that is also the maximum amount of revenue that inspection stations will lose each year, if their prices remain unchanged.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Owners of vehicles that are six years old or newer and are registered in Utah County will save the cost of vehicle emissions inspection every other year. The maximum cost for inspections is \$25 per year, but inspections stations offer various discounts. Thus it is impossible to determine exactly how much each owner will save but the maximum savings per vehicle would be \$75 over a 6-year period.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses in Utah County that own vehicles 6 years old and newer will be able to save a maximum of \$75 per vehicle for inspecting every other year instead of annually. Inspection stations will lose approximately \$1,250,000 every year, if their prices remain unchanged.

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150 N 1950 W
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INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 2/19/2004 at 7:00 PM, Utah County Administration Bldg, Room 2300, 100 E Center Street, Provo UT.

THIS RULE MAY BECOME EFFECTIVE ON: 04/07/2004

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-110. General Requirements: State Implementation Plan.
R307-110-34. Section X, Vehicle Inspection and Maintenance Program,, Part D, Utah County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County, as most recently amended by the Utah Air Quality Board on [~~August 1, 2004~~] April 7, 2004, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, small business assistance program, particulate matter, ozone
~~December 31, 2003~~ 2004
Notice of Continuation March 27, 2002
19-2-104(3)(e)

▼ ————— ▼

Environmental Quality, Air Quality
R307-301
Utah and Weber Counties: Oxygenated
Gasoline Program.

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 26897
FILED: 01/15/2004, 10:58

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to delete the requirement that all gasoline sold in Utah County November 1 through the end of February each year be oxygenated to reduce vehicle emissions of carbon monoxide. Rule R307-301 will remain in place in case the carbon monoxide health standard is violated in Provo or Ogden; if that happens, the oxygenated gasoline program would be reinstated based on the trigger measures in State Implementation Plan (SIP) Subparts IX.C.6.f or IX.C.8.h. See separate filing on Section R307-110-12 for details of the Plan. (DAR NOTE: The amendment to Section R307-110-12 is under DAR No. 26896 is this issue.)

SUMMARY OF THE RULE OR CHANGE: In Section R307-301-1, delete the definition of "Destination," and, in the definitions of "Trigger Date," add language to refer to the triggering mechanism for any future use of oxyfuel as a contingency measure in Utah County. In Section R307-301-2, delete the trigger date of November 1, 1992, for Utah County. In Section R307-301-8, replace references to "destination" with the requirement that the destination of gasoline be reported if oxygenated fuel is being delivered in Utah or Weber Counties (see separate filings on R307-110-12 and R307-110-34). (DAR NOTE: The amendment to Rule R307-110-12 is under DAR No. 26896 and the amendment to Section R307-110-34 is under DAR No. 26899 is this issue.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(2)(e); and 42 U.S.C. 7545(m)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** Eliminating the use of oxygenated gasoline in Utah County will not save the Division of Air Quality any money, but will allow one compliance inspector to be diverted to other inspections.

❖ **LOCAL GOVERNMENTS:** This change will not save money for Utah County, but will allow elected officials to devote time to matters other than responding to complaints about oxygenated gasoline.

❖ **OTHER PERSONS:** All gasoline sold in Utah County between November 1 and the end of the following February has been required to contain an oxygenate to reduce the carbon monoxide emitted by vehicle engines. Oxygenation generally adds about \$0.01 - \$0.02 per gallon to the price at the pump, and other factors also affect cost differences from place to place. Thus, a consumer who buys 20 gallons of gas in Utah County each week will save \$0.20 - \$0.40 per week, or approximately \$3.40 - \$6.80 over the 17-week winter season. In addition, older small engines such as snowmobiles that have not been tuned to use oxygenated gasoline may not run as well on oxygenated gasoline as they do on non-oxygenated fuel, though any savings are not quantifiable.

COMPLIANCE COSTS FOR AFFECTED PERSONS: All gasoline sold in Utah County between November 1 and the end of the following February has been required to contain an oxygenate to reduce the carbon monoxide emitted by vehicle engines. Oxygenation generally adds about \$0.01 - \$0.02 per gallon to the price at the pump, and other factors also affect cost differences from place to place. Thus, a consumer who buys

20 gallons of gas in Utah County each week will save \$0.20 - \$0.40 per week, or approximately \$3.40 - \$6.80 over the 17-week winter season. In addition, older small engines such as snowmobiles that have not been tuned to use oxygenated gasoline may not run as well on oxygenated gasoline as they do on non-oxygenated fuel, though any savings are not quantifiable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: More stringent federal motor vehicle emission controls have reduced emissions of carbon monoxide to the point that computer modeling can demonstrate that Utah County will comply with carbon monoxide standards through 2015 without the use of oxygenated gasoline. This will reduce the inconvenience for gasoline dispensers of changing from gasoline to oxyfuel and back each winter, and will provide small savings to businesses buying gasoline in Utah County.

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150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

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INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 2/19/2004 at 7:00 PM, Utah County Administration Bldg, Room 2300, 100 E Center Street, Provo UT.

THIS RULE MAY BECOME EFFECTIVE ON: 04/07/2004

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-301. Utah and Weber Counties: Oxygenated Gasoline Program As a Contingency Measure.
R307-301-1. Definitions.

The following additional definitions apply to R307-301.

"Averaging period" is the control period and means the period of time over which all gasoline sold or dispensed for use in a control area by any control area responsible party or blender control area responsible party must comply with the average oxygen content standard.

"Blender control area responsible party (blender CAR)" means a person who owns oxygenated gasoline which is sold or dispensed from a control area oxygenate blending installation.

"Blending Allowance" means the amount of oxygen a gasoline blend is allowed above its upper oxygen content limit. Any gasoline

blended under the provisions of 42 U.S.C. 7545(f)(1) addressing substantially similar fuels are permitted a blending allowance of 0.2% oxygen by weight. Blending allowances are not given to gasoline blends granted a waiver by the Administrator under 42 U.S.C. 7545(f)(4).

"Carrier" means any person who transports, stores or causes the transportation or storage of gasoline at any point in the gasoline distribution network, without taking title to or otherwise having ownership of the gasoline, and without altering the quality or quantity of the gasoline.

"Control area" means a geographic area in which only gasoline under the oxygenated gasoline program may be sold or dispensed during the control period.

"Control area oxygenate blending installation" means any installation or truck at which oxygenate is added to gasoline or gasoline blendstock which is intended for use in any control area, and at which the quality or quantity of the gasoline or gasoline blendstock is not otherwise altered, except through the addition of deposit-control additives.

"Control area responsible party (CAR)" means a person who owns oxygenated gasoline which is sold or dispensed from a control area terminal.

"Control area terminal" means either a terminal which is capable of receiving gasoline in bulk, i.e., by pipeline, marine vessel or barge, or a terminal at which gasoline is altered either in quantity or quality, excluding the addition of deposit control additives, or both. Gasoline which is intended for use in any control area is sold or dispensed into trucks at these control area terminals.

"Control period" means November 1 through the last day of February, during which time only oxygenated gasoline may be sold and dispensed in any control area.]

~~"Destination" means:~~

~~(1) for all control periods prior to the trigger date:~~

~~(a) the Provo-Orem Metropolitan Statistical Area (MSA), all of Utah County or~~

~~(b) anywhere except Utah County; and~~

~~(2) for all control periods subsequent to the trigger date:~~

~~(a) Utah County, the Provo-Orem Metropolitan Statistical Area,~~

~~(b) Weber County, or~~

~~(c) anywhere except Utah County and Weber County.]~~

"Distributor" means any person who transports or stores or causes the transportation or storage of gasoline at any point between any gasoline refiner's installation and any retail outlet or wholesale purchaser-consumer's installation. A distributor is a blender CAR if the distributor alters the oxygen content of gasoline intended for use in any control area through the addition of one or more oxygenates, or lowers its oxygen content below the minimum oxygen content specified in R307-301-6.

"Gasoline" means any fuel sold for use in motor vehicles and motor vehicle engines, and commonly or commercially known or sold as gasoline.

"Gasoline blendstock" means a hydrocarbon material which by itself does not meet specifications for finished gasoline, but which can be blended with other components, including oxygenates, to produce a blended gasoline fully meeting the American Society for Testing and Materials (ASTM) or state specifications.

"Non-oxygenated gasoline" means any gasoline which does not meet the definition of oxygenated gasoline.

"Oxygen content of gasoline blends" means percentage of oxygen by weight contained in a gasoline blend, based upon the percent by volume of each type of oxygenate contained in the gasoline blend, excluding denaturants and other non-oxygen-containing compounds. All measurements shall be adjusted to 60 degrees Fahrenheit.

"Oxygenate" means any substance, which when added to gasoline, increases the amount of oxygen in that gasoline blend. Lawful use of any combination of these substances requires that they be substantially similar as provided for under 42 U.S.C. 7545(f)(1), or be permitted under a waiver granted by the Administrator of the Environmental Protection Agency under the authority of 42 U.S.C. 7545(f)(4).

"Oxygenate blender" means a person who owns, leases, operates, controls, or supervises a control area oxygenate blending installation.

"Oxygenated gasoline" means any gasoline which contains at least 2.0% oxygen by weight, or 2.6% oxygen by weight if the average oxygen content standard is 3.1%, that was produced through the addition of one or more oxygenates to a gasoline and has been included in the oxygenated gasoline program accounting by a control area responsible party or blender control area responsible party and which is intended to be sold or dispensed for use in any control area. Notwithstanding the foregoing, if the Board determines that the requirement of 2.0% oxygen by weight, or 2.6% oxygen by weight if the average oxygen content standard is 3.1%, will prevent or interfere with attainment of the PM₁₀ National Ambient Air Quality Standard and the State requests and is granted a waiver from the Administrator of the Environmental Protection Agency under 42 U.S.C. 7545, the waiver amount granted by the Administrator of the Environmental Protection Agency shall apply. Oxygenated gasoline containing lead is required to conform to the same waiver conditions or substantially similar ruling as unleaded gasoline as described in the definition of oxygenate.

"Refiner" means any person who owns, leases, operates, controls, or supervises a refinery which produces gasoline for use in a control area during the applicable control period.

"Refinery" means a plant at which gasoline is produced.

"Reseller" means any person who purchases gasoline and resells or transfers it to a retailer or a wholesale purchaser-consumer.

"Retail outlet" means any establishment at which gasoline is sold or offered for sale to the ultimate consumer for use in motor vehicles.

"Retailer" means any person who owns, leases, operates, controls, or supervises a retail outlet.

"Terminal" means an installation at which gasoline is sold, or dispensed into trucks for transportation to retail outlets or wholesale purchaser-consumer installations.

"Trigger date" means the date on which is triggered the Contingency Action Level specified in Section IX.C.8.h or IX.C.6.e of the state implementation plan.

"Wholesale purchaser-consumer" means any organization that:

(1) is an ultimate consumer of gasoline;

(2) purchases or obtains gasoline from a supplier for use in motor vehicles; and

(3) receives delivery of that product into a storage tank of at least 550-gallon capacity substantially under the control of that organization.

"Working day" means Monday through Friday, excluding observed federal and Utah state holidays.

R307-301-2. Applicability and Control Period Start Dates.

(1) Unless waived under authority of 42 U.S.C. 7545(m)(3) by the Administrator of the Environmental Protection Agency, R307-301 is applicable in Utah and Weber Counties.

(2) The first control period for areas for which R307-301 is applicable begins on November 1 following the trigger date for the county in which it has been triggered[-

~~—(a) November 1, 1992, for the entire Provo-Orem Metropolitan Statistical Area which includes all of Utah County; and~~

~~—(b) November 1 following the trigger date for Weber County].~~

R307-301-8. Recordkeeping.

(1) Records. All parties in the gasoline distribution network, as described below, shall maintain records containing compliance information enumerated or described below. These records shall be retained by the regulated parties for a period of two years after the end of each control period for which the information is required.

(a) Refiners. Refiners shall, for each separate quantity of gasoline produced or imported for use in a control area during a control period, maintain records containing the following information:

(i) results of the tests utilized to determine the types of oxygenates and percent by volume;

(ii) percent oxygenate content by volume of each oxygenate;

(iii) oxygen content by weight percent;

(iv) purity of each oxygenate;

(v) total volume of gasoline; and

(vi) the name and address of the party to whom each separate quantity of oxygenated gasoline was sold or transferred.

(b) Control area terminal operators. Persons who own, lease, operate or control gasoline terminals which serve control areas, or any truck- or terminal-lessee who subleases any portion of a leased tank or terminal to other persons, shall maintain a copy of the transfer document for each batch or truckload of gasoline received, purchased, sold or dispensed, and shall maintain records containing the following information:

(i) the owner of each batch of gasoline handled by each regulated installation if known, or the storage customer of record;

(ii) volume of each batch or truckload of gasoline going into or out of the terminal;

(iii) for all batches or truckloads of gasoline leaving the terminal, the RWOC of the batch or truckload;

(iv) for each oxygenate, the type of oxygenate, purity if available, and percent oxygenate by volume;

(v) oxygen content by weight percent of all batches or truckloads received at the terminal;

(vi) destination~~[-as defined in R307-301-1,] county~~ of each tank truck sale or batch of gasoline as declared by the purchaser of the gasoline, if the destination is within Utah or Weber County;

(vii) the name and address of the party to whom the gasoline was sold or transferred and the date of the sale or transfer, and

(viii) the results of the tests for oxygenates, if performed, of each sale or transfer, and who performed the tests.

(c) CARs and blender CARs. Each CAR must maintain records containing the information listed in (b) above. Each CAR and blender CAR must maintain a copy of the transfer document for each shipment of gasoline received, purchased, sold or dispensed, as well as the records containing the following information:

(i) CAR or blender CAR identification number;

(ii) the name and address of the person from whom each shipment of gasoline was received, and the date when it was received;

(iii) data on each shipment of gasoline received, including:

(A) the volume of each shipment;

(B) type of oxygenate or oxygenates, and percentage by volume; and

(C) oxygen content by weight percent;

(iv) the volume of each receipt of bulk oxygenates;

(v) the name and address of the parties from whom bulk oxygenate was received;

(vi) the date and ~~[destination, as defined in R307-301-1,] destination county~~ of each sale of gasoline, if the destination is within Utah or Weber County;

(vii) data on each shipment of gasoline sold or dispensed including:

(A) the volume of each shipment;

(B) type of each oxygenate, and percent by volume for each oxygenate, and

(C) oxygen content by weight percent;

(viii) documentation of the results of all tests done regarding the oxygen content of gasoline;

(ix) the names, addresses and CAR or blender CAR identification numbers of the parties to whom any gasoline was sold or dispensed, and the dates of these transactions; and

(x) in the case of CARs or blender CARs that elect to comply with the average oxygen content standard specified in R307-301-3 by means of the compliance option specified in R307-301-5(2) must also maintain records containing the following information:

(A) records supporting and demonstrating compliance with the averaging standard specified in R307-301-3; and

(B) for any credits bought, sold, traded, or transferred, the dates of the transactions, the names, addresses and CAR or blender CAR identification numbers of the CARs and blender CARs involved in the individual transactions, and the amount of credits transferred. Any credits transferred must be accompanied by a demonstration of how those credits were calculated. Adequate documentation that both parties have agreed to all credit transfers within 30 working days, as defined in R307-301-1, following the close of the averaging period must be included.

(d) Retailers and wholesale purchaser-consumers within a control area must maintain the following records:

(i) the names, addresses and CAR, blender CAR, carrier, distributor, or reseller identification numbers of the parties from whom all shipments of gasoline were purchased or received, and the dates when they were received and for each shipment of gasoline bought, sold or transported:

(A) the transfer document as specified in R307-301-8(3) and

(B) a copy of each contract for delivery of oxygenated gasoline and

(ii) data on every shipment of gasoline bought, sold or transported, including:

(A) volume of each shipment;

(B) for each oxygenate, the type, percent by volume and purity (if available);

(C) oxygen content by weight percent; and

(D) destination~~[-as defined in R307-301-1,] county~~ of each sale or shipment of gasoline, if the destination is within Utah or Weber County; and

(iii) the name and telephone number of the person responsible for maintaining the records and the address where the records are located, if the location of the records is different from the station or outlet location.

(e) Carriers, distributors, resellers, terminal operators, and oxygenate blenders must keep a copy of the transfer document for each truckload or shipment of gasoline received, obtained, purchased, sold or dispensed.

KEY: air pollution control, motor vehicles, gasoline, petroleum
~~September 10, 2001~~2004
Notice of Continuation March 27, 2002
19-2-101
19-2-104



Environmental Quality, Water Quality **R317-8** Utah Pollutant Discharge Elimination System (UPDES)

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 26903

FILED: 01/15/2004, 18:52

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendments are required to maintain state primacy for administering the UPDES program. If Utah does not obtain and maintain primacy to enforce UPDES rules at least equivalent to the federal rules, then the Environmental Protection Agency will enforce the federal rules using direct implementation procedures. In promulgating the proposed amendments, the Water Quality Board made the determination that the permitting of Concentrated Animal Feeding Operations (CAFOs) is best administered at the state level and should be continued. Parts of Rule R317-8 must be changed to incorporate revised federal rules for CAFOs. 40 CFR 122.23 and 412 are incorporated by reference, while other smaller changes to 40 CFR for CAFOs have been written directly into Rule R317-8.

SUMMARY OF THE RULE OR CHANGE: The entire text of Subsection R317-8-3(3.6) is deleted. It is replaced by new federal language from 40 CFR 122.21 adapted to conform to Utah rule references and terminology. New language from 40 CFR 122.28 is inserted into Subsection R317-8-2(2.5) clarifying application requirements for general permits. Section R317-8-10 incorporates 40 CFR 122.23 and 412 by reference. New language from 40 CFR 122.42 is inserted into Subsection R317-8-4(4.1) with changes for rule references, terminology, and current program requirements. Subsection R317-8-6(6.5) is amended by adding language for public notices required in 40 CFR 122.23.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 122.23, and 40 CFR 412

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: No anticipated cost or savings. The proposed amendments will be addressed sufficiently using existing resources.
- ❖ LOCAL GOVERNMENTS: No anticipated cost or savings. The proposed amendments do not affect local governments.
- ❖ OTHER PERSONS: No significant cost or savings to other persons are anticipated. All entities affected by this rule are already covered by similar permit requirements. Any minor increased costs associated with reporting and record keeping in the proposed rule should be offset by relaxation of other existing permit conditions.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No significant cost or savings to other persons are anticipated. All entities affected by this rule are already covered by similar permit requirements. Any minor increased costs associated with reporting and record keeping in the proposed rule should be offset by relaxation of other existing permit conditions.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impacts are anticipated since the proposed rule mirrors permit requirements already in place for the affected businesses.

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

ENVIRONMENTAL QUALITY
 WATER QUALITY
 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:

Dave Wham at the above address, by phone at 801-538-6052, by FAX at 801-538-6016, or by Internet E-mail at dwham@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 03/02/2004.

THIS RULE MAY BECOME EFFECTIVE ON: 03/15/2004

AUTHORIZED BY: Don Ostler, Director

R317. Environmental Quality, Water Quality.
R317-8. Utah Pollutant Discharge Elimination System (UPDES).
R317-8-1. General Provisions and Definitions.

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1.10 INCORPORATION OF FEDERAL REGULATIONS BY REFERENCE. The State adopts the following Federal standards and procedures, effective as of December 8, 1999 unless otherwise noted, which are incorporated by reference:

(1) 40 CFR 129 (Toxic Effluent Standards) with the following exceptions:

(a) Substitute "UPDES" for all federal regulation references to "NPDES".

(b) Substitute "Executive Secretary" for all federal regulation references to "State Director".

(c) Substitute "R317-8-4.4, R317-8-6, and R317-8-7" for all federal regulation references to "40 CFR Parts 124 and 125".

(2) 40 CFR 133 (Secondary Treatment Regulation) with the following exceptions:

(a) 40 CFR 133.102 for which R317-1-3.2 is substituted.

(b) 40 CFR 133.105.

(c) Substitute "UPDES" or "Utah Pollutant Discharge Elimination System" for all federal regulation references for "NPDES" or "National Pollutant Discharge Elimination System", respectively.

(d) Substitute "Executive Secretary" for all federal regulation references to "State Director" in 40 CFR 133.103.

(3) 40 CFR 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants)

(4) 40 CFR 403.6 (National Pretreatment Standards and Categorical Standards) with the following exception:

(a) Substitute "Executive Secretary" for all federal regulation references to "Director".

(5) 40 CFR 403.7 (Removal Credits)

(6) 40 CFR 403.13 (Variances from Categorical Pretreatment Standards for Fundamentally Different Factors)

(7) 40 CFR 403.15 (Net/Gross Calculation)

(8) 40 CFR Parts 405 through ~~474~~411

(9) 40 CFR Part 412, effective as of February 12, 2003, with the following changes:

(a) Substitute "Executive Secretary" for all federal regulation references to "Director".

(b) Substitute "UPDES" for all federal regulation references to "NPDES".

(c) Substitute "Comprehensive Nutrient Management Plan" for all federal regulation references to "nutrient management plan".

(d) In 412.37(b), replace the reference 122.21(i)(1) with R317-8-3.6(2); and 122.42(e)(1)(ix) with R317-8-4.1(15)(d)1.i.

(e) In 412.37(c), replace the reference 122.42(e)(1)(ix) with R317-8-4.1(15)(d)1.i.

(10) 40 CFR Parts 413 through 471

~~[(9)](11)~~ 40 CFR 503 (Standards for the Use or Disposal of Sewage Sludge), effective as of the date that responsibility for implementation of the federal Sludge Management Program is delegated to the State except as provided in R317-1-6.4, with the following changes:

(a) Substitute "Executive Secretary" for all federal regulation references to "Director".

~~[(10)](12)~~ 40 CFR 122.30

~~[(11)](13)~~ 40 CFR 122.32

(a) In 122.32(a)(2), replace the reference 122.26(f) with R317-8-3.9(5).

~~[(12)](14)~~ 40 CFR 122.33

(a) In 122.33(b)(2)(i), replace the reference 122.21(f) with R317-8-3.1(6).

(b) In 122.33(b)(2)(i), replace the reference 122.21(f)(7) with R317-8-3.1(6)(g).

(c) In 122.33(b)(2)(ii), replace the reference 122.26(d)(1) and (2) with R317-8-3.9(3)(a) and (b)

(d) In 122.33(b)(3), replace the reference 122.26 with R317-8.

(e) In 122.33(b)(3), replace the reference 122.26(d)(1)(iii) and (iv); and (d)(2)(iv) with R317-8-3.9(3)(a)3 and 4; and (3)(b)4.

~~[(13)](15)~~ 40 CFR 122.34

(a) In 122.34(a), replace the reference 122.26(d) with R317-8-3.9(3).

(b) In 122.34(b)(3)(i), replace the reference 122.26(d)(2) with R317-8-3.9(3)(b).

(c) In 122.34(b)(4)(i), replace the reference 122.26(b)(15)(i) with R317-8-3.9(6)(e)1.

(d) In 122.34(f), replace the references 122.41 through 122.49 with R317-8-4.1 through R317-8-5.4.

(e) In 122.34(g)(2), replace the reference 122.7 with R317-8-3.3.

~~[(14)](16)~~ 40 CFR 122.35

(a) In 122.35, replace the reference 122 with R317-8.

~~[(15)](17)~~ 40 CFR 122.36

~~[(16)](18)~~ For the references R317-8-1.10~~[(11), (12), (13), (14), (15), (16), and (17)]~~, make the following substitutions:

(a) "The Executive Secretary of the Water Quality Board" for the "NPDES permitting authority"

(b) "UPDES" for "NPDES"

(19) 40 CFR 122.23, effective as of February 12, 2003, with the following changes:

(a) Substitute "Executive Secretary" for all federal regulation references to "Director".

(b) Substitute "UPDES" for all federal regulation references to "NPDES".

(c) In 122.23(d)(3), replace the reference 122.21 with R317-8-3.1; and 122.28 with R317-8-2.5.

(d) In 122.23(e), replace the reference 122.42 (e)(1)(vi)-(ix) with R317-8-4.1(15)(d)1.f-i.

(e) In 122.23(f)(2), replace the reference 122.21(f) with R317-8-3.1(6); and 122.21(i)(1)(i)-(ix) with R317-8-3.6(2)(a)-(i).

(f) In 122.23(h), replace the reference 122.21(g) with R317-8-3.1(4).

R317-8-2. Scope and Applicability.

2.1 APPLICABILITY OF THE UPDES REQUIREMENTS. The UPDES program requires permits for the discharge of pollutants from any point source into waters of the State. The program also applies to owners or operators of any treatment works treating domestic sewage, whether or not the treatment works is otherwise required to obtain a UPDES permit in accordance with R317-8-8. Prior to promulgation of State rules for sewage sludge use and disposal, the Executive Secretary shall impose interim conditions in permits issued for publicly owned treatment works or take such other measures as the Executive Secretary deems appropriate to protect public health and the environment from any adverse affects which may occur from toxic pollutants in sewage sludge.

(1) Specific inclusions. The following are examples of specific categories of point sources requiring UPDES permits for discharges. These terms are further defined in R317-8-3.5 through R317-8-8.10.

(a) Concentrated animal feeding operations;

(b) Concentrated aquatic animal production facilities;

(c) Discharges into aquaculture projects;

(d) Storm water discharges; and

(e) Silvicultural point sources.

(2) Specific exclusions. The following discharges do not require UPDES permits:

(a) Any discharge of sewage from vessels, effluent from properly functioning marine engines, laundry, shower, and galley sink wastes, or any other discharge incidental to the normal operation of a vessel. This exclusion does not apply to rubbish, trash, garbage, or other such materials discharged overboard; nor to other discharges when the vessel is operating in a capacity other than as a means of transportation such as when used as an energy or mining facility, a storage facility or a seafood processing facility, or when secured to storage facility or a seafood processing facility, or when secured in waters of the state for the purpose of mineral or oil exploration or development.

(b) Discharges of dredged or fill material into waters of the State which are regulated under Section 404 of CWA.

(c) The introduction of sewage, industrial wastes, or other pollutants into publicly owned treatment works by indirect dischargers. Plans or agreements to switch to this method of disposal in the future do not relieve dischargers of the obligation to have and comply with permits until all discharges of pollutants to waters of the State are eliminated. This exclusion does not apply to the introduction of pollutants to privately owned treatment works or to other discharges through pipes, sewers, or other conveyances owned by the State, a municipality, or other party not leading to treatment works.

(d) Any discharge in compliance with the instructions of an on-scene coordinator pursuant to 40 CFR 300 (The National Oil and Hazardous Substances Pollution Contingency Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances).

(e) Any introduction of pollutants from non-point source agricultural and silvicultural activities, including storm water runoff from orchards, cultivated crops, pastures, rangelands, and forest lands, but not discharges from concentrated animal feeding operations as defined in [R317-8-3-6]40 CFR 122.23, discharges from concentrated aquatic animal production facilities as defined in R317-8-3.7, discharges to aquaculture projects as defined in R317-8-3.8, and discharges from silvicultural point sources as defined in R317-8-3.10.

(f) Return flows from irrigated agriculture.

(g) Discharges into a privately owned treatment works, except as the Executive Secretary may otherwise require under R317-8-4.2(12).

(h) Authorizations by permit or by rule which are prepared to assure that underground injection will not endanger drinking water supplies, and which are issued under the state's Underground Injection Control program; and underground injections and disposal wells which are permitted by the Utah Water Quality Board pursuant to Part VII of the Utah Wastewater Disposal Regulations or the Board of Oil, Gas and Mining, Class II.

(i) Discharges which are not regulated by the U.S. EPA under Section 402 of the Clean Water Act.

(3) Requirements for permits on a case-by-case basis.

(a) Various sections of R317-8 allow the Executive Secretary to determine, on a case-by-case basis, that certain concentrated animal feeding operations, concentrated aquatic animal production facilities, separate storm sewers and certain other facilities covered by general permits that do not generally require an individual permit may be required to obtain an individual permit because of their contributions to water pollution.

(b) Whenever the Executive Secretary decides that an individual permit is required as specified in R317-8-2.1(3)(a), the Executive Secretary shall notify the discharger in writing of that decision and the reasons for it, and shall send an application form with the notice. The discharger shall apply for a permit within 60 days of receipt of notice, unless permission for a later date is granted by the Executive Secretary.

The question whether the determination was proper will remain open for consideration during the public comment period and in any subsequent adjudicative proceeding.

(c) Prior to a case-by-case determination that an individual permit is required for a storm water discharge, the Executive Secretary may require the discharger to submit a permit application or other information regarding the discharge. In requiring such information, the Executive Secretary shall notify the discharger in writing and shall send an application form with the notice. The discharger must apply for a permit within 60 days of notice, unless permission for a later date is granted by the Executive Secretary. The question whether the determination was proper will remain open for consideration during the public comment period and in any subsequent adjudicative proceeding.

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2.5 GENERAL PERMITS

(1) Coverage. The Executive Secretary may issue a general permit in accordance with the following:

(a) Area. The general permit will be written to cover a category of discharges or sludge use or disposal practices or facilities described in the permit under paragraph (b) of this subsection, except those covered by individual permits, within a geographic area. The area will correspond to existing geographic or political boundaries, such as:

1. Designated planning areas under Sections 208 and 303 of CWA;

2. City, county, or state political boundaries;

3. State highway systems;

4. Standard metropolitan statistical areas as defined by the U.S. Office of Management and Budget;

5. Urbanized areas as designated by the U.S. Bureau of the Census, consistent with the U.S. Office of Management and Budget;

6. Any other appropriate division or combination of boundaries as determined by the Executive Secretary.

(b) Sources. The general permit will be written to regulate, within the area described in R317-8-2.5(a), either;

1. Storm water point sources; or

2. A category of point sources other than storm water point sources, or a category of treatment works, treating domestic sewage, if the sources or treatment works treating domestic sewage all:

a. Involve the same or substantially similar types of operations;

b. Discharge the same types of wastes or engage in the same types of sludge use or disposal practices.

c. Require the same effluent limitations, operating conditions, or standards for sludge use or disposal;

d. Require the same or similar monitoring; and

e. In the opinion of the Executive Secretary, are more appropriately controlled under a general permit than under individual permits.

(2) Administration.

(a) General permits may be issued, modified, revoked and reissued, or terminated in accordance with applicable requirements of R317-8-6.

(b) Authorization to discharge, or authorization to engage in sludge use and disposal practices.

1. Except as provided in paragraphs (2)(b)5. and (2)(b)6. of this section, discharges (or treatment works treating domestic sewage) seeking coverage under a general permit shall submit to the Executive Secretary a written notice of intent to be covered by the general permit.

A discharger (or treatment works treating domestic sewage) who fails to submit a notice of intent in accordance with the terms of the permit is

not authorized to discharge, (or in the case of sludge use or disposal practice), under the terms of the general permit unless the general permit, in accordance with paragraph (2)(b)5. of this section, contains a provision that a notice of intent is not required or the Executive Secretary notifies a discharger (or treatment works treating domestic sewage) that it is covered by a general permit in accordance with paragraph (2)(b)6. of this section. A complete and timely, notice of intent (NOI), to be covered in accordance with general permit requirements, fulfills the requirements for permit applications for purposes of R-317-8-3.

2. The contents of the notice of intent shall be specified in the general permit and shall require the submission of information necessary for adequate program implementation, including at a minimum, the legal name and address of the owner or operator, the facility name and address, type of facility of discharges, and the receiving stream(s). General permits for storm water discharges associated with industrial activity from inactive mining, inactive oil and gas operations, or inactive landfill occurring on Federal lands where an operator cannot be identified may contain alternative notice of intent requirements. Notices of intent for coverage under a general permit for concentrated animal feeding operations must include the information specified in R317-8-3.6(2), including a topographic map. All notices of intent shall be signed in accordance with R317-8-3.3.

3. General permits shall specify the deadlines for submitting notices of intent to be covered and the date(s) when a discharger is authorized to discharge under the permit;

4. General permits shall specify whether a discharger (or treatment works treating domestic sewage) that has submitted a complete and timely notice of intent to be covered in accordance with the general permit and that is eligible for coverage under the permit, is authorized to discharge, (or in the case of a sludge disposal permit, to engage in a sludge use for disposal practice), in accordance with the permit either upon receipt of the notice of intent by the Executive Secretary, after a waiting period specified in the general permit, on a date specified in the general permit, or upon receipt of notification of inclusion by the Executive Secretary. Coverage may be terminated or revoked in accordance with paragraph (2)(c) of this section.

5. Discharges other than discharges from publicly owned treatment works, combined sewer overflows, municipal separate storm sewer systems, primary industrial facilities, and storm water discharges associated with industrial activity, may, at the discretion of the Executive Secretary, be authorized to discharge under a general permit without submitting a notice of intent where the Executive Secretary finds that a notice of intent requirement would be inappropriate. In making such a finding, the Executive Secretary shall consider: the type of discharge; the potential for toxic and conventional pollutants in the discharges; the expected volume of the discharges covered by the permit; and the estimated number of discharges to be covered by the permit. The Executive Secretary shall provide in the public notice of the general permit the reasons for not requiring a notice of intent.

6. The Executive Secretary may notify a discharger (or treatment works treating domestic sewage) that it is covered by a general permit, even if the discharger (or treatment works treating domestic sewage) has not submitted a notice of intent to be covered. A discharger (or treatment works treating domestic sewage) so notified may request an individual permit under paragraph R317-8-2.5(2)(c).

(c) Requiring an individual permit.

1. The Executive Secretary may require any person authorized by a general permit to apply for and obtain an individual UPDES permit. Any interested person may petition the Executive Secretary to take

action under R317-8-2.4. Cases where an individual UPDES permit may be required include the following:

a. The discharge(s) is a significant contributor of pollutants. In making this determination, the Executive Secretary may consider the following factors:

- i. The location of the discharge with respect to waters of the State;
- ii. The size of the discharge;
- iii. The quantity and nature of the pollutants discharged to waters of the State; and
- iv. Other relevant factors;

b. The discharger or treatment works treating domestic sewage is not in compliance with the conditions of the general UPDES permit;

c. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source or treatment works treating domestic sewage;

d. Effluent limitation guidelines are promulgated for point sources covered by the general UPDES permit;

e. A Utah Water Quality Management Plan containing requirements applicable to such point sources is approved;

f. Standards for sewage sludge use or disposal have been promulgated for the sludge use and disposal practices covered by the general UPDES permit; or

2. Any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit. The owner or operator shall submit an application under R317-8-3.1 to the Executive Secretary with reasons supporting the request. The request shall be submitted no later than ninety (90) days after the notice by the Executive Secretary in accordance with R317-8-6.5. If the reasons cited by the owner or operator are adequate to support the request, the Executive Secretary may issue an individual permit.

3. When an individual UPDES permit is issued to an owner or operator otherwise subject to a general UPDES permit, the applicability of the general permit to the individual UPDES permittee is automatically terminated on the effective date of the individual permit.

4. A source excluded from a general permit solely because he already has an individual permit may request that the individual permit be revoked. The permittee shall then request to be covered by the general permit. Upon revocation of the individual permit, the general permit shall apply to the source.

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R317-8-3. Application Requirements.

3.1 APPLYING FOR A UPDES PERMIT

(1) Application requirements

(a) Any person who is required to have a permit, including new applicants and permittees with expiring permits shall complete, sign, and submit an application to the Executive Secretary as described in this regulation and R317-8-2 Scope and Applicability. On the date of UPDES program approval by EPA, all persons permitted or authorized under NPDES shall be deemed to hold a UPDES permit, including those expired permits which EPA has continued in effect according to 40 CFR 122.6. For the purpose of this section the Executive Secretary will accept the information required under R317-8-3.5 for existing facilities, which has been submitted to EPA as part of a NPDES renewal. The applicant may be requested to update any information which is not current.

(b) Any person who (1) discharges or proposes to discharge pollutants and (2) owns or operates a sludge-only facility and does not have an effective permit, shall submit a complete application to the

Executive Secretary in accordance with this section and R317-8-6. A complete application shall include a BMP program, if necessary, under R317-8-4.2(10). The following are exceptions to the application requirements:

1. Persons covered by general permits under R317-8-4.2(10);
2. Discharges excluded under R317-8-2.1(2);
3. Users of a privately owned treatment works unless the Executive Secretary requires otherwise under R317-8-4.2(12).

(2) Time to apply. Any person proposing a new discharge shall submit an application at least 180 days before the date on which the discharge is to commence, unless permission for a later date has been granted by the Executive Secretary. Facilities proposing a new discharge of storm water associated with industrial activity shall submit an application 180 days before that facility commences industrial activity which may result in a discharge of storm water associated with that industrial activity. Facilities described under R317-8-3.9(6)11 shall submit applications at least 90 days before the date on which construction is to commence. Different submittal dates may be required under the terms of applicable general permits. Persons proposing a new discharge are encouraged to submit their applications well in advance of the 90 or 180 day requirements to avoid delay. See also R317-8-3.2 and R317-8-3.9(2)1.g. and 2.

(3) Who Applies. When a facility or activity is owned by one (1) person but is operated by another person, it is the operator's duty to obtain a permit.

(4) Duty to reapply.

(a) Any POTW with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Executive Secretary. The Executive Secretary shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

(b) All other permittees with currently effective permits shall submit a new application 180 days before the existing permit expires, except that:

1. The Executive Secretary may grant permission to submit an application later than the deadline for submission otherwise applicable, but no later than the permit expiration date; and

2. The Executive Secretary may grant permission to submit the information required by R317-8-3.5(7), (9) and (10) after the permit expiration date.

(c) All applicants for permits, other than POTWs, new sources, and sludge-only facilities must complete EPA Forms 1 and either 2B or 2C or 2F or equivalent State forms as directed by the Executive Secretary to apply under R317-8-3. Forms may be obtained from the Executive Secretary. In addition to any other applicable requirements in this section, all POTWs and other treatment works treating domestic sewage, including sludge-only facilities, must submit with their applications the information listed at 40 CFR 501.15(a)(2) within the time frames established in R317-8-3.1(7)(a) and (b).

(d) Continuation of expiring permits. The conditions of an expired permit continue in force until the effective date of a new permit if:

1. The permittee has submitted a timely application under subsection (2) of this section which is a complete application for a new permit; and

2. The Executive Secretary, through no fault of the permittee, does not issue a new permit with an effective date under R317-8-6.11 on or before the expiration date of the previous permit.

3. Effect Permits continued under this paragraph remain fully effective and enforceable until the effective date of a new permit.

4. Enforcement. When the permittee is not in compliance with the conditions of the expiring or expired permit the Executive Secretary may choose to do any or all of the following:

- a. Initiate enforcement action based upon the permit which has been continued;

- b. Issue a notice of intent to deny the new permit under R317-8-6.3(2);

- c. Issue a new permit under R317-8-6 with appropriate conditions; or

- d. Take other actions authorized by the UPDES regulations.

(5) Completeness. The Executive Secretary will not issue a UPDES permit before receiving a complete application for a permit except for UPDES General Permits. A permit application is complete when the Executive Secretary receives an application form with any supplemental information which is completed to his or her satisfaction.

(6) Information requirements. All applicants for UPDES permits shall provide the following information to the Executive Secretary, using the application form provided by the Executive Secretary.

- (a) The activities being conducted which require the applicant to obtain UPDES permit.

- (b) Name, mailing address, and location of the facility for which the application is submitted.

- (c) From one (1) to four (4) SIC codes which best reflect the principal products or services provided by the facility.

- (d) The operators name, address, telephone number, ownership status, and status as to Federal, State, private, public, or other entity.

- (e) Whether the facility is located on Indian lands.

- (f) A listing of all other relevant environmental permits, or construction approvals issued by the Executive Secretary or other state or federal permits.

- (g) A topographic map, or other map if a topographic map is unavailable, extending one (1) mile beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area.

- (h) A brief description of the nature of the business.

- (i) Additional information may also be required of new sources, new dischargers and major facilities to determine any significant adverse environmental effects of the discharge pursuant to new source regulations promulgated by the Executive Secretary.

(7) Permits Under Section 19-5-107 of the Utah Water Quality Act.

- (a) POTWs with currently effective UPDES permits shall submit the application information required by R317-8-3.1(4)(c) with the next application submitted in accordance with R317-8-3.1(4) of this section or within 120 days after promulgation of a standard for sewage sludge use or disposal applicable to the POTW's sludge use or disposal practice(s), whichever occurs first.

- (b) Any other existing treatment works treating domestic sewage not covered in R317-8-3.1(7)(a) shall submit an application to the Executive Secretary within 120 days after promulgation of a standard for sewage sludge use or disposal applicable to its sludge use or disposal practice(s) or upon request of the Executive Secretary prior to the promulgation of an applicable standard for sewage sludge use or disposal if the Executive Secretary determines that a permit is necessary to protect to public health and the environment from any potential adverse effects that may occur from toxic pollutants in sewage sludge.

(c) Any treatment works treating domestic sewage that commences operations after promulgation of an applicable standard for sewage sludge use or disposal shall submit an application to the Executive Secretary at least 180 days prior to the date proposed for commencing operations.

(8) Recordkeeping. Except for information required by R317-8-3.1(7)(c) which shall be retained for a period of at least five years from the date the application is signed or longer as required by the Executive Secretary, applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under this regulation for a period of at least three (3) years from the date the application is signed.

(9) Service of process. Every applicant and permittee shall provide the Executive Secretary an address for receipt of any legal paper for service of process. The last address provided to the Executive Secretary pursuant to this provision shall be the address at which the Executive Secretary may tender any legal notice, including but not limited to service of process in connection with any enforcement action. Service, whether by bond or by mail, shall be complete upon tender of the notice, process or order and shall not be deemed incomplete because of refusal to accept or if the addressee is not found.

(10) Application Forms. The State will use EPA-developed NPDES application forms or State equivalents in administering the UPDES program.

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3.6 CONCENTRATED ANIMAL FEEDING OPERATIONS

(1) Permit required. ~~[Concentrated animal feeding operations are point sources subject to the UPDES permit program.]~~ All concentrated animal feeding operations have a duty to seek coverage under a UPDES permit, as described in 40 CFR 122.23(d).

(2) Application requirements for new and existing concentrated animal feeding operations. New and existing concentrated animal feeding operations (defined in 40 CFR 122.23) shall provide the following information to the Executive Secretary, using the application form provided by the Executive Secretary:

- (a) The name of the owner or operator;
- (b) The facility location and mailing addresses;
- (c) Latitude and longitude of the production area (entrance to production area);
- (d) A topographic map of the geographic area in which the CAFO is located showing the specific location of the production area;
- (e) Specific information about the number and type of animals, whether in open confinement or housed under roof (beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, ducks, turkeys, other);
- (f) The type of containment and storage (anaerobic lagoon, roofed storage shed, storage ponds, underfloor pits, above ground storage tanks, below ground storage tanks, concrete pad, impervious soil pad, other) and total capacity for manure, litter, and process wastewater storage(tons/gallons);
- (g) The total number of acres under control of the applicant available for land application of manure, litter, or process wastewater;
- (h) Estimated amounts of manure, litter, and process wastewater generated per year (tons/gallons);
- (i) Estimated amounts of manure, litter and process wastewater transferred to other persons per year (tons/gallons); and
- (j) For CAFOs that seek permit coverage after December 31, 2006, certification that a Comprehensive Nutrient Management Plan

(CNMP) has been completed and will be implemented upon the date of permit coverage.

(3) Technical standards for nutrient management. UPDES permits issued to concentrated animal feeding operations shall contain technical standards for nutrient management as outlined in 40 CFR 412.4. The technical standards for nutrient management shall conform with the standards contained in the Utah Natural Resources Conservation Service Conservation Practice Standard Code 590 Nutrient Management.

[(2) Definitions:

—(a) "Animal feeding operation" means a lot or facility, other than an aquatic animal production facility, where the following conditions are met:

— 1. Animals, other than aquatic animals, have been, are or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period; and

— 2. Crops, vegetation forage growth, or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility; or

— 3. Two (2) or more animal feeding operations under common ownership if they adjoin each other or if they use a common area or system for the disposal of wastes and meet the conditions of a(1) and (2) above.

— b. "Concentrated animal feeding operation" means an "animal feeding operation" which meets the criteria in this Section or which the Executive Secretary designates under subsection (3) of this section.

—(c) "Animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4 plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

—(d) "Manmade" means constructed by man and used for the purpose of transporting wastes.

—(3) Case-by-Case designation of concentrated animal feeding operations:

—(a) The Executive Secretary may designate any animal feeding operation as a concentrated animal feeding operation upon determining that it is a significant contributor of pollution to the waters of the State. In making this designation the Executive Secretary shall consider the following factors:

— 1. The size of the animal feeding operation and the amount of wastes reaching waters of the State;

— 2. The location of the animal feeding operation relative to waters of the State;

— 3. The means of conveyance of animal wastes and process waste waters into waters of the State;

— 4. The slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal wastes and process wastewaters into waters of the State; and

— 5. Other relevant factors.

—(b) No animal feeding operation with less than the numbers of animals set forth in R317-8-3.6(5)(a) or (b) will be designated as a concentrated animal feeding operation unless:

— 1. Pollutants are discharged into waters of the state through a manmade ditch, flushing system, or other similar manmade device; or

— 2. Pollutants are discharged directly into the waters of the State which originate outside of the facility and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operations.

~~—(e) A permit application will not be required from a concentrated animal feeding operation designated under this section until the Executive Secretary or authorized representative has conducted an on-site inspection of the operation and determined that the operation could and should be regulated under the UPDES permit program.~~

~~—(4) Information required. New and existing concentrated animal feeding operations shall provide the following information to the Executive Secretary, using the application form provided:~~

~~—(a) The type and number of animals in open confinement and housed under roof.~~

~~—(b) The number of acres used for confinement feeding.~~

~~—(c) The design basis for the runoff diversion and control system, if one exists, including the number of acres of contributing drainage, the storage capacity, and the design safety factor.~~

~~—(5) Criteria for determining a concentrated animal feeding operation. An animal feeding operation is a concentrated animal feeding operation for purposes of this regulation if either of the following criteria are met.~~

~~—(a) Criteria of number only. The facility meets the criteria if more than the numbers of animals specified in any of the following categories are confined:~~

- ~~— 1. 1,000 slaughter and feeder cattle,~~
- ~~— 2. 700 mature dairy cattle, whether milked or dry cows,~~
- ~~— 3. 2,500 swine each weighing over 25 kilograms, (approximately 55 pounds),~~
- ~~— 4. 500 horses,~~
- ~~— 5. 10,000 sheep or lambs,~~
- ~~— 6. 55,000 turkeys,~~
- ~~— 7. 100,000 laying hens or broilers, if the facility has continuous over flow watering,~~
- ~~— 8. 30,000 laying hens or broilers, if the facility has a liquid manure handling system,~~
- ~~— 9. 5,000 ducks, or~~
- ~~— 10. 1,000 animal units.~~

~~—(b) Criteria of number and condition of the discharge. The facility meets the criteria if more than the following number and types of animals are confined:~~

- ~~— 1. 300 slaughter or feeder cattle,~~
- ~~— 2. 200 mature dairy cattle, whether milked or dry cows,~~
- ~~— 3. 750 swine, each weighing over 25 kilograms (approximately 55 pounds),~~
- ~~— 4. 150 horses,~~
- ~~— 5. 3,000 sheep or lambs,~~
- ~~— 6. 16,500 turkeys,~~
- ~~— 7. 30,000 laying hens or broilers, if the facility has continuous overflow watering,~~
- ~~— 8. 9,000 laying hens or broilers, if the facility has a liquid manure handling system,~~
- ~~— 9. 1,500 ducks, or~~
- ~~— 10. 300 animal units; and~~
- ~~— 11. Either one of the following conditions are met:~~

~~— Pollutants are discharged into waters of the state through a manmade ditch, flushing system or other similar manmade device; or~~

~~— Pollutants are discharged directly into waters of the State which originate outside of and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation.~~

~~—(6) Special provision. No animal feeding operation is a concentrated animal feeding operation as defined in R317-8-3.6(5)(a) and (b) if such animal feeding operation discharges only in the event of a twenty five (25) year, twenty four (24) hour storm event.]~~

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R317-8-4. Permit Conditions.

4.1 CONDITIONS APPLICABLE TO ALL UPDES PERMITS.

The following conditions apply to all UPDES permits. Additional conditions applicable to UPDES permits are in R317-8-4.1(15). All conditions applicable shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations must be given in the permit. In addition to conditions required in all UPDES permits, the Executive Secretary will establish conditions as required on a case-by-case basis under R317-8-4.2 and R317-8-5.

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(14) Occurrence of an Upset.

(a) Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) Effect of an Upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of R317-8-4.1(14)(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, if final administrative action subject to judicial review.

(c) Conditions Necessary for a Demonstration of Upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:

- 1. An upset occurred and that the permittee can identify the specific cause(s) of the upset;
- 2. The permitted facility was at the time being properly operated; and
- 3. The permittee submitted notice of the upset as required in R317-8-4.1(12)(f) (twenty-four hour notice).
- 4. The permittee complied with any remedial measures required under R317-8-4.1(4).

(d) Burden of Proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

(15) Additional Conditions Applicable to Specified Categories of UPDES Permits. The following conditions, in addition to others set forth in these regulations apply to all UPDES permits within the categories specified below:

(a) Existing Manufacturing, Commercial, Mining, and Silvicultural Dischargers. In addition to the reporting requirements under R317-8-4.1(12),(13), and (14), any existing manufacturing, commercial, mining, and silvicultural discharger shall notify the Executive Secretary as soon as it knows or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- a. One hundred micrograms per liter (100 ug/l);
- b. Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4 dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

c. Five times the maximum concentration value reported for that pollutant in the permit application in accordance with R317-8-3.5(7) or (10).

d. The level established by the Executive Secretary in accordance with R317-8-4.2(6).

2. That any activity has occurred or will occur which would result in any discharge on a non-routine or infrequent basis of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

a. Five hundred micrograms per liter (500 ug/l).

b. One milligram per liter (1 mg/l) for antimony.

c. Ten times the maximum concentration value reported for that pollutant in the permit application in accordance with R317-8-3.5(9).

d. The level established by the Executive Secretary in accordance with R317-8-4.2(6).

(b) POTWs. POTWs shall provide adequate notice to the Executive Secretary of the following:

1. Any new introduction of pollutants into that POTW from an indirect discharger which would be subject to the UPDES regulations if it were directly discharging those pollutants; and

2. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

3. For purposes of this paragraph, adequate notice shall include information on the quality and quantity of effluent introduced into the POTW; and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

(c) Municipal separate storm sewer systems. The operator of a large or medium municipal separate storm sewer system or a municipal separate storm sewer that has been determined by the Executive Secretary under R317-8-3.9(1)(a)5 of this part must submit an annual report by the anniversary of the date of the issuance of the permit for such system. The report shall include:

1. The status of implementing the components of the storm water management program that are established as permit conditions;

2. Proposed changes to the storm water management programs that are established as permit conditions. Such proposed changes shall be consistent with R317-8-3.9(3)(b)3; and

3. Revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application under R317-8-3.9(3)(b)4 and 3.9(3)(b)5;

4. A summary of data, including monitoring data, that is accumulated throughout the reporting year;

5. Annual expenditures and budget for year following each annual report;

6. A summary describing the number and nature of enforcement actions, inspections, and public education programs;

7. Identification of water quality improvements or degradation.

(d) Concentrated animal feeding operations (CAFOs). Any permit issued to a CAFO must include:

1. Requirements to develop and implement a Comprehensive Nutrient Management Plan (CNMP). At a minimum, a CNMP must include best management practices and procedures necessary to implement applicable effluent limitations and standards. Operations defined as CAFOs before (insert rule effective date here) and permitted prior to December 31, 2006 must have their CNMPs developed and implemented by December 31, 2006. CAFOs that seek to obtain coverage under a permit after December 31, 2006 and all operations defined as CAFOs after (insert rule effective date here) must have a CNMP developed and implemented upon the date of permit coverage. The CNMP must, to the extent applicable:

a. Ensure adequate storage of manure, litter, and process wastewater, including procedures to ensure proper operation and maintenance of the storage facilities;

b. Ensure proper management of mortalities (i.e., dead animals) to ensure that they are not disposed of in a liquid manure, storm water, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities;

c. Ensure that clean water is diverted, as appropriate, from the production area;

d. Prevent direct contact of confined animals with waters of the United States;

e. Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants;

f. Identify appropriate site specific conservation practices to be implemented, including as appropriate buffers or equivalent practices, to control runoff of pollutants to waters of the United States;

g. Identify protocols for appropriate testing of manure, litter, process wastewater, and soil;

h. Establish protocols to land apply manure, litter or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater;

i. Identify specific records that will be maintained to document the implementation and management of the minimum elements described in paragraphs (d)(1)a. through (d)(1)h. of this section; and

j. Include documentation that the CNMP was prepared or approved by a certified nutrient management planner.

2. Recordkeeping requirements.

a. The permittee must create, maintain for five years, and make available to the Director, upon request, the following records:

(i) All applicable records identified pursuant paragraph (d)(1)i. of this section;

(ii) In addition, all CAFOs subject to 40 CFR part 412 must comply with record keeping requirements as specified in 40 CFR 412.37(b) and (c) and 40 CFR 412.47(b) and (c).

b. A copy of the CAFO's site-specific CNMP must be maintained on site and made available to the Director upon request.

3. Requirements relating to transfer of manure or process wastewater to other persons. Prior to transferring manure, litter or process wastewater to other persons, Large CAFOs must provide the recipient of the manure, litter or process wastewater with the most current nutrient analysis. The analysis provided must be consistent with the requirements of 40 CFR part 412. Large CAFOs must retain for five years records of the date, recipient name and address, and approximate amount of manure, litter or process wastewater transferred to another person.

4. Annual reporting requirements for CAFOs. The permittee must submit an annual report to the Director. The annual report must include:

a. The number and type of animals, whether in open confinement or housed under roof (beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, ducks, turkeys, other);

b. Estimated amount of total manure, litter and process wastewater generated by the CAFO in the previous 12 months (tons/gallons);

c. Estimated amount of total manure, litter and process wastewater transferred to other person by the CAFO in the previous 12 months (tons/ gallons);

- d. Total number of acres for land application covered by the CNMP developed in accordance with paragraph (d)(1) of this section;
- e. Total number of acres under control of the CAFO that were used for land application of manure, litter and process wastewater in the previous 12 months;
- f. Summary of all manure, litter and process wastewater discharges from the production area that have occurred in the previous 12 months, including date, time, and approximate volume; and
- g. A statement that the current version of the CAFO's CNMP was developed or approved by a certified nutrient management planner.

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KEY: water pollution, discharge permits
~~January 30, 2003~~2004
 Notice of Continuation October 17, 2002
 19-5
 19-5-104
 40 CFR 503



Public Safety, Driver License
R708-2
Commercial Driver Training Schools

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE No.: 26894
 FILED: 01/14/2004, 15:21

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The propose of this rule change is to clarify the formula specified in Subsection R708-2-6(g) pertaining to surety bond requirements. The new language will allow the division to enter into an agreement with commercial driver training schools to lower the surety bond amount required, but also ensure that all enrolled students are protected from loss if the school licenses are revoked and the school is unable to provide services paid for by the students. The agreement would limit the number of students a school may enroll in order to stay within the specified bond amounts. Without this change, some schools will not be able to continue functioning leaving the schools and the students without a recourse. In addition, since the emergency rule change, some minor changes have been made in an effort to clarify definitions and intent and correct clerical errors. (DAR NOTE: The corresponding 120-day (emergency) rule is found under DAR No. 26775 in the December 1, 2003, issue of the Bulletin, and was effective November 5, 2003. The 120 day-limit for the emergency rule expires on March 5, 2004.)

SUMMARY OF THE RULE OR CHANGE: The amendment allows the division to enter into an agreement that will enable the school to obtain a lesser surety bond amount by limiting the number of students that the school may enroll monthly. The proposed language also clarifies that a testing-only school that is authorized to conduct behind-the-wheel training is also required to maintain a surety bond and that a school that does

not charge tuition for the driver education course is not required to maintain a surety bond. Some individuals who want to start a smaller driver training school cannot because of the existing requirement. The proposed rule changes also clarify that the permanent record book must be updated upon course completion for each student. Clarification was also made regarding change of address and officers which will require that notification be made to the division regarding employees in addition to officers and directors as already required. In addition to the changes that correspond with the emergency rule, changes have been made to omit the requirement for outside mirrors of the driver education vehicle to be positioned for use by the instructor; define the rate for which credit will be given for observation time during teacher demonstrations; allow for a short review period of prior materials covered during a classroom session; define license or permit requirements of student while engaging in behind the wheel training; provide for schools to allow instruction by experts, such as police officers, who are not certified as instructors with division approval; define form completion requirements for the completion slip and the medical screening; and require that the course type be included in the permanent record book and the student record book.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-3-505

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: The proposed changes made to this rule will not result in any additional responsibilities to the state and will not have any costs associated.
- ❖ LOCAL GOVERNMENTS: There is no cost or savings to local governments because they are not involved in regulating commercial driver training schools.
- ❖ OTHER PERSONS: There are no additional costs to the commercial driver training schools because of these changes. The proposed changes will actually allow a savings for some schools due to the fact that they will be authorized to purchase a surety bond for a lesser amount. Commercial driver training schools will be able to make money because of the rule changes that will allow them to continue to provide services and charge a fee.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no additional costs to individuals because of the rule changes. The rule changes will allow an individual to make an income by starting a small commercial driver training school. The proposed changes will actually allow a savings for some individuals due to the fact that they will be authorized to purchase a surety bond for a lesser amount.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on business because of this rule change.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 PUBLIC SAFETY
 DRIVER LICENSE
 CALVIN L RAMPTON COMPLEX
 4501 S 2700 W 3RD FL

SALT LAKE CITY UT 84119-5595, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Vinn Roos at the above address, by phone at 801-965-4456,
by FAX at 801-964-4482, or by Internet E-mail at
vroos@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 03/02/2004.

THIS RULE MAY BECOME EFFECTIVE ON: 03/03/2004

AUTHORIZED BY: Judy Hamaker Mann, Director

R708. Public Safety, Driver License.

R708-2. Commercial Driver Training Schools.

R708-2-3. Definitions.

(1) "Behind-the-wheel instruction" means instruction a student receives while driving a commercial driver training vehicle.

(2) "Branch office" means an approved location where the business of the driver training school is conducted other than the principal place of business.

(3) "Business plan" means a plan that contains written acknowledgment of expectations, as outlined by this rule and a detailed explanation of how these expectations will be accomplished.

(4) "Classroom instruction" means that part of the driver training course which takes place in a classroom and which utilizes effective teaching methods such as lecture, discussion, and audio-visual aids.

(5) "Commercial driver training school" or "school" means a business enterprise conducted by an individual, association, partnership, or corporation for the education and training of persons, either practically or theoretically, or both, to drive motor vehicles, including motorcycles, and to prepare an applicant for an examination given by the state for a license or learner permit, and charging a consideration or tuition for those services.

(6) "Commercial driver training vehicle" means a motor vehicle equipped with a second functioning foot brake and inside ~~and outside~~ mirrors which are positioned for use by the instructor for the purpose of observing rearward.

(7) "Commissioner" means the Commissioner of the Department of Public Safety.

(8) "Corporation" means a business incorporated under the laws of a state or other jurisdiction.

(9) "Department" means the Department of Public Safety.

(10) "Division" means the Driver License Division.

(11) "Driver training" means behind-the-wheel instruction, extended learning, observation time, and classroom instruction provided by a driver training school for the purpose of teaching students to safely operate motor vehicles.

(12) "Extended learning course" means a home-study course in driver education offered by a school and approved and operated under the direction of an institution of higher learning. The division must also approve the course.

(13) "Fraudulent practices" means any misrepresentation on the part of a licensee or any partner, officer, agent, or employee of a

licensee tending to induce another to part with something of value or to surrender a legal right.

(14) "Higher education" means a university or college currently accredited by an appropriate accreditation agency recognized by the U.S. Dept. of Education and the Utah State Board of Regents.

(15) "Instructor" means any person, whether acting for himself as operator of a commercial driver training school or for any school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of persons learning to drive motor vehicles, including motorcycles, or preparing to take an examination for a license or learner permit.

(16) "Instructor demonstration" means a demonstration of the operation of a motor vehicle performed by the instructor, which may be included as a part of the required six clock hours of observation time for a student for which credit is designated as hour for hour.

(17) "Observation time" means the time a student is riding in the commercial driver training vehicle to observe the driver instructor, other student drivers, and other road users.

(18) "Operator" means any person who is certified as an instructor, has met requirements for operator status as outlined in this rule, is authorized or certified to operate or manage a driver training school, and who may supervise the work of any other instructor.

(19) "Partnership" means an association of two or more persons who co-own and operate a commercial driver training school or testing only school.

(20) "Permanent record book" means a permanently bound book with pages consecutively numbered, setting forth the name, address, date of birth, enrollment date, and completion date of every person receiving lessons, lectures, tutoring, instruction of any kind or any other services relating to instruction in the operation of motor vehicles. A computerized file that is printed and permanently bound at the end of the calendar year will be accepted as a permanent record book upon approval by the division.

(21) "Probation" means action taken by the department which includes a period of close supervision as determined by the division.

(22) "Reinstatement" means the process for an instructor, operator, commercial driver training school or testing only school to re-license following revocation.

(23) "Revocation" means the removal of certification of an instructor license, operator license, commercial driver training school or testing only school for a period of six months.

(24) "Student record book" means a book or other record showing the name, date of birth for each student, and also the date, type, time, and duration of all lessons, lectures, tutoring, instructions or other services relating to instruction in the operation of motor vehicles. It will also contain the names of the instructors giving such lessons or instructions and identification of the vehicle in which any behind-the-wheel instruction is given.

(25) "Testing only school" means a school that has been designated by the division as a commercial testing only school, employs instructors who are certified in accordance with R708-37, and engages only in testing students for the purpose of obtaining a driver license. A testing only school may conduct behind-the-wheel and/or observation instruction upon approval by the division. A testing only school may not engage in education or training of persons, either practically or theoretically, or both, to drive motor vehicles, except when counseling the driver following a test in reference to errors made during the administration of the test or when conducting behind-the-wheel or observation instruction as

approved by the division. A tester may not test an individual who has completed any behind-the-wheel or observation instruction through the school with which the tester is employed.

R708-2-6. Application for a Commercial Driver Training School License or a Testing Only School License.

(1) Application for an original or renewal commercial driver training school license or a testing only school license must be made on forms provided by the division, signed by the applicant, and notarized. In the case of a partnership, the application must be signed by all partners. In the case of a corporation, the application must be signed by an officer of the corporation. Applications must be submitted at least 30 days prior to licensing. An appointment should be made when the application is filed to have the school inspected by a division representative.

(2) Every application must be accompanied by the following supplementary documents:

(a) in the case of a corporation, a certified copy of a certificate of incorporation;

(b) samples of all forms and receipts to be used by the school;

(c) a schedule of fees for all services to be performed by the school;

(d) a fingerprint record for each applicant, partner or corporate officers. A Bureau of Criminal Identification check will be done by the division on all applicants, partners, and corporate officers. Fingerprints may be taken by any law enforcement agency. The division may require renewal applicants to submit new fingerprint records;

(e) a certificate of insurance for each vehicle used for driver training or testing purposes;

(f) a copy of all tests and criteria which the school requires in order for a student to satisfactorily complete the driver training course all of which are subject to approval of the division; including copies of translations; and

(g) evidence that a surety bond has been obtained by the school. The amount of the surety bond will be determined by the division with the use of a formula that incorporates the number of students that the school is capable of instructing over a period of three months based on its facility, equipment, personnel, and the tuition that would be collected from each student, with a minimum requirement of \$10,000.00 coverage and a maximum requirement of \$60,000.00 coverage. If, at any time, there is a change in the number of instructors, the number of vehicles, or the size of the classroom facility, the required surety bond amount will be reevaluated by the division and adjusted accordingly. Cancellation of the surety bond is grounds for revocation, probation, or refusal to issue or renew the school license. A school designated by the department as a testing only school will not be required to obtain a surety bond unless it has been authorized by the division to conduct behind-the-wheel training. A school may enter into an agreement with the division that will outline a method for determining the amount of the required surety bond in lieu of the formula specified in this section. Noncompliance with the terms of the agreement may result in the revocation of school, operator, and or instructor licenses issued by the division for use by the school or its employees. A school that does not charge tuition for driver education is not required to maintain a surety bond.

(3) The division may require that a credit check be performed for each applicant. Based on the results of the credit check, the division may deny certification.

R708-2-9. Additional Requirements for Commercial Driver Training School Instructors.

(1) In addition to obtaining a license, a commercial driver training school instructor must:

(a) have a valid Utah driver license;

(b) be at least twenty one years of age;

(c) have at least three years of driving experience in the United States, Canada, or a country with which the state of Utah has established a license reciprocity agreement;

(d) have a driving record free of conviction for a moving violation or chargeable accident resulting in suspension or revocation of the driver license for the two year period immediately prior to application and during employment and be checked to determine if there is an unsatisfactory driving record in any state;

(e) be in acceptable physical condition as required by Section [§]10 of this rule;

(f) complete specialized professional preparation in driver safety education consisting of not less than 21 quarter hours, or 14 semester hours of credit as approved by the division. Of the 21 quarter hours or 14 semester hours, one class must be in teaching methodology and another class must include basic driver training instruction or organization and administration of driver training instruction;

(g) pass a written test given by the division. The test may cover commercial driver training school rules, traffic laws, safe driving practices, motor vehicle operation, teaching methods and techniques, statutes pertaining to commercial driver training schools, business ethics, office procedures and record keeping, financial responsibility, no fault insurance, procedures involved in suspension or revocation of an individual's driving privilege, material contained in the "Utah Driver Handbook", and traffic safety education programs;

(h) pass a practical driving test;

(i) pass the same standard eye test that is given to applicants who apply for a Utah operator or commercial driver license; and

(j) submit a fingerprint record for a criminal history record check.

(2) Instructors shall be sponsored by a commercial driver training school which shall be responsible for controlling and supervising the actions of the instructors. No school may knowingly employ any person as an instructor or in any other capacity if such person has been convicted of a felony or any crime involving moral turpitude.

(3) The instructor's license must be in the possession of the instructor at all times while providing behind-the-wheel or classroom instruction.

R708-2-12. Classroom and Behind-The-Wheel Instruction.

(1) Classroom instruction for students shall meet or exceed 18 clock hours and shall be conducted in not less than nine separate class sessions on nine separate days of two hours per class. Classroom curriculum may not be repeated in any of the nine sessions provided to a student except in the form of a review of materials covered in a previous classroom session. The time frame allotted for review is not to exceed 10 minutes per classroom session. Not more than five of the classroom hours may be devoted to showing slides or films. Classroom instruction shall cover the following areas:

(a) attitudes and physical characteristics of drivers;

(b) driving laws with special emphasis on Utah law;

- (c) driving in urban, suburban, and rural areas;
- (d) driving on freeways;
- (e) maintenance of the motor vehicle;
- (f) affect of drugs and alcohol on driving;
- (g) motorcycles, bicycles, trucks, and pedestrian's in traffic;
- (h) driving skills;
- (i) affect of the motor vehicle on modern life;
- (j) Utah's motor vehicle laws regarding financial responsibility and no fault insurance, and a driver's responsibility when involved in an accident; and
- (k) suspension or revocation of a driver license.

(2) Behind-the-wheel instruction shall include a minimum of six clock hours of instruction in a dual-control vehicle with a licensed instructor. Each student will be limited to a maximum of two hours of behind-the-wheel instruction per day. An instructor may not conduct more than 10 hours of behind-the-wheel instruction within a period of 24 hours and must have at least eight consecutive hours of off-duty time between each ten hour shift. The front seat of the vehicle shall be occupied by the instructor and no more than one student. Under no circumstances shall there be more than five individuals in the vehicle.

(a) Behind-the-wheel instruction shall include student practice in using vehicle controls to start, shift gears, make right and left turns, stop, backup, and park. This instruction shall begin under relatively simple conditions and progress until the student has acquired reasonable skill in operating the vehicle under varying traffic conditions.

(b) Students shall receive experience in driving on urban streets, open highways, or freeways. Behind-the-wheel instruction shall include the experience of driving under variable conditions which may be used by the instructor at different times of the day and year. Special emphasis should be given to teaching students to show courtesy to other drivers and pedestrians.

(c) Students shall receive a minimum of six clock hours of observation time. This instruction may include instructor demonstrations, for which hour for hour credit will be given, and may not exceed two hours per day. Students observing from the rear seat, as well as the student driver, should benefit from time in the vehicle. The instructor's role is not merely to provide driving experience for the student behind-the-wheel, but to make the vehicle a practical classroom on wheels where all students may learn about the problems which face a driver and the appropriate solution to such problems.

(d) Behind-the-wheel instruction may not be conducted for a student unless the division has issued an instruction permit for the student and the instruction permit issued for the student is in the vehicle at the time the instruction is conducted, unless the student is in possession of a valid Utah driver license, a learner permit or temporary permit issued by the division, or a valid out of state or out of country driver license.

(3) All classroom and behind-the-wheel instruction will be conducted by an individual who is licensed as a commercial driver training school instructor as specified in this rule.

(a) It is a violation of this rule to conduct classroom or behind-the-wheel instruction or to allow another individual to conduct classroom or behind-the-wheel instruction without an instructor's license unless a school has obtained prior approval from the division for classroom instruction to be provided by experts, such as a police officer, on a limited basis.

(4) Instructors shall screen students for visual acuity and physical or emotional conditions which may compromise public

safety before allowing students to participate in behind-the-wheel instruction. Screening may not be performed over the telephone. An employee of the school who is not certified as an instructor may not perform medical or visual screening unless approved by the division in writing. Screening results shall be maintained on a form approved by the division.

(a) Students must have 20/40 visual acuity or better in one eye and a visual field of 90 degrees. Students with less than the required visual acuity and/or visual field shall be referred to a licensed medical practitioner for further consideration.

(b) Students must answer all questions on a health questionnaire approved by the Driver License Medical Advisory Board and sign a statement of affirmation of truth. Students indicating a physical or emotional condition on the questionnaire shall be referred to a licensed medical practitioner for further consideration. Health questionnaires shall be provided by the division.

(5) Commercial driver training schools shall provide each student a copy of the current Utah Driver Handbook. The handbook shall not be used as the sole text of the course, but as an essential aid when Utah traffic laws are studied. Handbooks may be obtained by the schools from the division.

R708-2-13. Monthly Reports.

(1) Each commercial driver training school shall submit a monthly report of the number of students completing both classroom and behind-the-wheel instruction.

(2) Monthly reports shall be submitted on forms supplied by the division and must be received by the division no later than the 15th day of each month.

(3) Failure to submit monthly reports within the prescribed time is grounds for ~~the or~~ revocation of the school's license.

(4) Monthly reports may be submitted electronically with division approval.

R708-2-15. Instruction Permits.

(1) A commercial driver training school must obtain from the division an instruction permit for each student enrolled in the school for the purpose of meeting licensing requirements as set forth in Section 53-3-204 (1). An instruction permit provides proof that the student is enrolled in a driver training course and is licensed to receive behind-the-wheel instruction with a licensed instructor. Instruction permits shall be retained by the instructor and shall be available in the vehicle at all times while the student is driving. Information shall be included on the instruction permit in a manner specified by the division.

(a) It is the responsibility of the school to ensure that the instruction permit application contains the correct name[-] and date of birth[-, and address] of the student, by means of a birth certificate or other official form of identification.

(b) Application for an instruction permit must be typed or printed in ink. Duplicate instruction permits may not be issued unless the student's name and date of birth are the same as those on the original application.

(c) Instruction permits shall not be issued for persons under the age of 15 years and nine months.

(d) All unused instruction permits issued between January 1 and September 30 of each year shall be returned to the division prior to December 31 of that year. Unused permits issued during October, November, and December shall be submitted with the unused permits of the following year.

(2) Upon completion of the requirements of the driver training course, the commercial driver training school shall release to the student a form consisting of an instruction permit, a certificate of training which must be signed by the student, and a certificate of completion which must be signed by the instructor and the school owner.

(3) The student shall present the certificate of completion to the division when the student makes application for a driver license.

(4) Duplicate certificates of completion may be obtained for \$5.

(5) Following notice of intent to take agency action, suspension of issuance of instruction permits to a school or instructor may occur whenever the division has reason to believe that a school or instructor is in non-compliance with this rule.

(6) After notice of intent to take agency action is sent to a school, and after allowing sufficient time for the school to have received the notice, the division will no longer issue instruction permits to the school.

(7) Suspension of issuance of instruction permits will remain in effect until such times as the school, operator or instructor is in compliance with requirements as stipulated in the notice of intent to take agency action and reinstatement of the school license, instructor license, and /or operator license has occurred. The subject of intended action may request a hearing regarding the agency's intent to take action. If a hearing is requested, suspension of issuance of instruction permits will remain in effect pending the outcome of the hearing.

(8) After a school has received notice from the division of intent for agency action to occur, it is a violation of this rule for the school to allow students to enroll in a driver training course at the school or to accept money from students for whom the school will be unable to obtain an instruction permit or for whom the school will be unable to provide a completion slip if the school license is revoked or refused renewal or reinstatement following a hearing as requested by the school.

(9) In the event that a school license is revoked or refused renewal, all incomplete instruction permits shall be returned to the division.

R708-2-21. Records.

(1) Every commercial driver training school shall maintain the following records:

(a) A permanent record book, defined as: a permanently bound book, with pages consecutively numbered, setting forth the name, address, date of birth, enrollment date, course type, and completion date of every person receiving lessons, lectures, tutoring, instruction of any kind or any other services relating to instruction in the operation of motor vehicles. The permanent record book must be updated upon both enrollment and course completion of each student. The division must approve the format of the permanent record book.

(b) A student record book, defined as: a book or other record showing the name, ~~and~~ date of birth, and course type for each student; and the date, type, time of day, and duration of all lessons, lectures, tutoring, instructions or other services relating to instruction in the operation of motor vehicles. It will also contain the names of the instructors giving such lessons or instructions and identification of the vehicle in which any behind-the-wheel instruction is given. The student record book must be updated within 24 hours of the time that instruction is conducted for each

student. The division must approve the format of the student record book.

(c) Computerized files may be substituted for the permanently bound book and student record book if the format to be used has been approved by the division. It is a violation of this rule to maintain computerized files that have not been approved by the division.

(d) Each school shall maintain accurate, up to date records. Failure to do so is a violation of this rule.

(2) The division shall review the records of all schools at least annually and may observe the instruction given both in the classroom and behind the wheel. The division shall have the right to review the operation of the schools whenever the division deems it necessary to insure compliance with this rule.

(3) The loss, mutilation or destruction of any records which a school is required to maintain, must be immediately reported by the school to the division by affidavit stating:

(a) The date such records were lost, mutilated or destroyed; and

(b) The circumstances involving such loss, mutilation or destruction.

(4) All records must be retained by the schools for three years, with the exception of the permanently bound book or computerized file there of, which is to be kept permanently, during which time they shall be subject to inspection by the division during reasonable business hours. In the event that the school closes permanently, the permanent record book will be submitted by the school to the division.

(5) When deemed necessary by the division, the school records will be removed from the school location for the purpose of conducting an audit.

(a) When records are removed from the school location, a receipt will be provided to the school operator which will include the name of the school, location of the school, date of removal of records from the school location, information that specifies all records removed from the school location, the signature of the school operator, and the signature of a division representative.

(b) Upon return of the school records, the receipt will be updated to reflect the date that the records were returned to the school, the signature of the school operator, and the signature of the division designate returning the records.

(c) Records will be held by the division for the minimum amount of time necessary so that an audit can occur without creating an unnecessary hardship or inconvenience to the school.

(d) All records, including computerized records, must be provided to the division when requested for the purpose of an audit or review of the school's records. Failure to provide all records as requested by the division is a violation of this rule. In the event that a hearing occurs subsequent to an audit, records not provided by the school at the time of the audit may not be considered as evidence during the hearing.

R708-2-23. Change of Address and Officers.

(1) The commercial driver training school or testing only school shall immediately notify the division in writing if there is a change in the residence or business address of any individual owner, partner, officer or employee of the school.

(2) The commercial driver training school or testing only school shall immediately notify the division in writing of any change in officers, ~~or~~ directors or employees, and shall provide the same

information that would be required on an original application by the corporation.

(3) Failure to notify the division of a change of address, or of a change in the officers, directors, employees or controlling stockholders of any corporation, or change in the members of a partnership, may be considered grounds for the revocation of the school license.

KEY: driver education, schools, rules and procedures
~~August 18, 2003~~ **2004**
Notice of Continuation November 25, 2002
53-3-505

▼ ————— ▼

Public Safety, Fire Marshal R710-5 Automatic Fire Sprinkler System Inspecting and Testing

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 26900
 FILED: 01/15/2004, 13:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board met in a regularly scheduled Board meeting and proposed that Rule R710-5 be amended. The purpose of the amendment was to further refine a newly enacted rule to allow that the rule would better serve the needs of the citizens of the State of Utah, fire safety practices, and the industry effected by this rule.

SUMMARY OF THE RULE OR CHANGE: The Utah Fire Prevention Board met on January 13, 2004, and proposed by motion that the following amendments to Rule R710-5 be made as follows: 1) in Section R710-5-1, the majority of the previously adopted incorporated references are proposed to be deleted from the rule; 2) in Section R710-5-2, one definition is added and three definitions are proposed to be removed. The definitions to be removed are currently defined in NFPA, Standard 25, and do not need to be redefined in the rule itself; 3) in Section R710-5-3, the Board proposes to place in the rule four technician levels and define the requirements of each technician level to attain a Certificate of Registration in that level. The requirements to satisfactorily complete the testing requirements for each level are proposed to be amended. There is also the proposed amendment to allow new employees to have 60 days working with a duly qualified person to complete the manipulative skill levels before taking the written examinations; 4) in Section R710-5-4, the Board proposes to change the tri-color service tags to an approved service tag of any color except red or a red service tag to indicate system failure. The Board also proposes to amend the procedure used to remove a red tag from a failed system; 5) in Section R710-5-6, the Board proposes to amend the

adjudicative proceedings section to better define offenses that would cause the suspension or revocation of a Certificate of Registration; and 6) in Section R710-5-8, the Board proposes to increase the fee for re-examination from \$15 to \$20.

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

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There would be an aggregate anticipated savings to state government of approximately \$300 to enact this rule. The removal of nine incorporated references would save the state from the expense of purchasing copies of those references.

❖ **LOCAL GOVERNMENTS:** There is no aggregate anticipated cost or savings to local government because this rule amendment does not effect local government.

❖ **OTHER PERSONS:** There is an aggregate anticipated savings of approximately \$300 to other persons who would not be required to purchase those incorporated references that are proposed to be deleted from the rule. There would be an aggregate anticipated cost of an additional \$5 to take a re-examination. The total aggregate anticipated cost to other persons is impossible to conclude due to the unknown number of persons who would fail the original examination and have to retest.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only compliance cost would be to individuals who would be required to pay an additional \$5 to retake a failed certification examination.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The only fiscal impact to businesses would be the additional \$5 fee charged to retake a failed examination.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Brent Halladay at the above address, by phone at 801-284-6352, by FAX at 801-284-6351, or by Internet E-mail at bhallada@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 03/02/2004.

THIS RULE MAY BECOME EFFECTIVE ON: 03/03/2004

AUTHORIZED BY: Gary A. Wise, State Fire Marshal

R710. Public Safety, Fire Marshal.**R710-5. Automatic Fire Sprinkler System Inspecting and Testing.****R710-5-1. Adoption, Title, Purpose, and Prohibitions.**

Pursuant to Section 53-7-204, Utah Code Annotated 1953, the Utah Fire Prevention Board adopts minimum rules to provide regulation to those who inspect and test Automatic Fire Sprinkler Systems.

There is adopted as part of these rules the following code[s] which are incorporated by reference:

~~[1.1 National Fire Protection Association (NFPA), Standard 11A, Standard for Medium and High Expansion Foam, 1999 edition, except as amended by provisions listed in R710-5-6, et seq.~~

~~1.2 National Fire Protection Association (NFPA), Standard 13, Standard for the Installation of Sprinkler Systems, 2002 edition, except as amended by provisions listed in R710-5-6, et seq.~~

~~1.3 National Fire Protection Association (NFPA), Standard 13R, Standard for the Installation of Sprinkler Systems Residential Occupancies up to and Including Four Stories in Height, 2002 edition, except as amended by provisions listed in R710-5-6, et seq.~~

~~1.4 National Fire Protection Association (NFPA), Standard 14, Standard for the Installation of Standpipe, Private Hydrant, and Hose Systems, 2000 edition, except as amended by provisions listed in R710-5-6, et seq.~~

~~1.5 National Fire Protection Association (NFPA), Standard 15, Standard for Water Spray Fixed Systems for Fire Protection, 2001 edition, except as amended by provisions listed in R710-5-6, et seq.~~

~~1.6 National Fire Protection Association (NFPA), Standard 16, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems, 2003 edition, except as amended by provisions listed in R710-5-6, et seq.~~

~~1.7 National Fire Protection Association (NFPA), Standard 20, Standard for the Installation of Stationary Pumps for Fire Protection, 1999 edition, except as amended by provisions listed in R710-5-6, et seq.~~

~~1.8 National Fire Protection Association (NFPA), Standard 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances, 2002 edition, except as amended by provisions listed in R710-5-6, et seq.~~

~~[1.9] National Fire Protection Association (NFPA), Standard 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, 2002 edition, except as amended by provisions listed in R710-5-6, et seq.~~

~~[1.10 National Fire Protection Association (NFPA), Standard 72, National Fire Alarm Code, 2002 edition, except as amended by provisions listed in R710-5-6, et seq.~~

~~[1.11] A copy of the above-mentioned standard is on file in the Office of Administrative Rules and the State Fire Marshal's Office.~~

R710-5-2. Definitions.

2.1 "Annual" means a period of one year or 365 calendar days.

2.2 "Authority Having Jurisdiction (AHJ)" means the State Fire Marshal, his duly authorized deputies, or the local fire enforcement authority.

2.3 "Board" means Utah Fire Prevention Board.

2.4 "Certificates of Registration" means a written document issued by the SFM to any person for the purpose of granting permission to such person to perform any act or acts for which authorization is required.

~~[2.5 "Fire Pumps" means single or multistage horizontal or vertical shaft design powered by either electric or diesel.~~

~~2.6 "NFPA" means National Fire Protection Association.~~

~~2.7 "NICET" means National Institute for Certification in Engineering Technologies.~~

~~2.8 "SFM" means State Fire Marshal or authorized deputy.~~

~~[2.8 "Special Hazard Systems" means Preaction Sprinkler System, Deluge Sprinkler System, Combined Dry Pipe Preaction Sprinkler System, Foam-Water Sprinkler System, and Water Spray Fixed System.~~

~~2.9 "Standpipes" means wet, dry or combination standpipes, private hydrants, and hose systems.~~

~~[2.10] "UCA" means Utah State Code Annotated 1953 as amended.~~

~~2.11 "Wet and Dry Systems" means Wet Pipe Sprinkler System, Dry Pipe Sprinkler System, and Antifreeze Sprinkler System.]~~

R710-5-3. Certificates of Registration.

3.1 Required Certificates of Registration.

No person shall engage in the inspecting and testing of automatic fire sprinkler systems without first receiving a certificate of registration issued by the SFM. The following groups are exempted from the requirements of this part:

3.1.1 The AHJ that is performing the initial installation acceptance testing of the automatic fire sprinkler system or ongoing inspections to verify compliance with the adopted NFPA standards and these rules.

3.1.2 The building owner or designee that performs additional periodic inspections beyond the annual inspection required in Section 6.2 of these rules, to satisfy requirements set by company policy, insurance, or risk management. ~~[The person performing these additional inspections shall have developed competence through training and experience.]~~

3.2 Application.

3.2.1 Application for a certificate of registration to inspect and test automatic fire sprinkler systems shall be made in writing to the SFM on forms provided the SFM. The applicant shall sign the application. The SFM or his deputies may request picture identification of the applicant for a certificate of registration.

3.2.2 The applicant shall indicate on the application which of the four technician levels the applicant will apply for:

3.2.2.1 Technician I

3.2.2.2 Technician II

3.2.2.3 Technician III

3.2.2.4 Master Technician

3.2.2.3 The application for a certificate of registration shall be accompanied with proof of public liability insurance from the certificate holder or employing concern. A public liability insurance carrier showing coverage of at least \$100,000 for each incident, and \$300,000 in total coverage shall issue the public liability insurance. The certificate of registration holder shall notify the SFM within 30 days after the public liability insurance coverage required is not longer in effect for any reason.

3.3 Technician Examination.

The SFM shall require all applicants for a certificate of registration as a technician to ~~[take and pass a written examination to determine the applicant's knowledge to inspect and test automatic fire sprinkler systems. The SFM or his deputies may request picture identification of the applicant for a certificate of registration.]~~

~~3.4 Types of Initial Examinations:~~~~3.4.1 Wet and Dry Systems~~~~3.4.2 Special Hazard Systems~~~~3.4.3 Standpipes~~~~3.4.4 Fire Pumps~~~~3.5 Initial Examinations~~

~~3.5.1 The initial examinations shall include an open book written test of the applicant's knowledge of the work to be performed by the applicant. The examinations may be taken from the adopted NFPA standards, the statute, and the administrative rules.]complete the following:~~

~~3.3.1 Technician I shall pass a written examination on wet pipe sprinkler systems, antifreeze sprinkler systems, and standpipes, and complete the manipulative skills task book.~~

~~3.3.2 Technician II shall pass all the requirements listed for Technician I; pass a written examination on dry pipe sprinkler systems, deluge sprinkler systems, preaction sprinkler systems, combined dry pipe-preaction systems, fire pumps, and water storage tanks, and complete the manipulative skills task book.~~

~~3.3.3 Technician III shall pass all the requirements listed for Technician I and II; pass a written examination on water spray fixed systems, foam-water sprinkler systems, and foam-water spray systems, and complete the manipulative skills task book.~~

~~3.3.4 Master Technician shall have successfully completed and be certified as NICET III in Inspection and Testing of Water-based Systems, and complete the manipulative skills task book.~~

~~3.5.2]4 To successfully complete the written [initial] examination the applicant must obtain a minimum of seventy percent (70%) in each examination [given]taken. [Each examination will be graded separately.]To successfully complete the manipulative skills task book, all required skill tasks shall be signed as completed by a person duly qualified or certified in that skill.~~

~~3.5.3]5 As required in 3.3[and 3.4], those applicants that have successfully completed the requirements of NICET II or NICET III, in Inspection and Testing of Water-based Systems, [as written by the National Institute for Certification in Engineering Technologies,]and that corresponds to the work to be performed by the applicant, shall have the requirement for initial written examination waived, after appropriate documentation is provided to the SFM by the applicant.~~

3.6 Issuance.

Following receipt of the properly completed application, compliance with Section 3.3[the provisions] of these rules, [and the successful completion of the required examination or NICET certification,]the SFM shall issue a certificate of registration.

3.7 Original and Renewal Valid Date.

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

3.8 Renewal Date.

Application for renewal shall be made as directed by the SFM.

3.9 Re-examination.

Every holder of a valid certificate of registration shall take a re-examination every three years, from date of original certificate, to comply with the provisions of Section 3.3 of these rules as follows:

3.9.1 The re-examination to comply with the provisions of Section 3.3 of these rules shall consist of an open book examination for each level of certification, to be mailed to the certificate holder at least 60 days before the renewal date.

3.9.2 The re-examination will consist of questions that focus on changes in the last three years to the adopted NFPA standards, the statute, and the adopted administrative rules. The re-examination may also consist of questions that focus on practices of concern as noted by the Board or the SFM.

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

3.9.4 The certificate holder is responsible to return to the SFM the correct renewal fees to complete that certificate renewal.

3.10 Refusal to Renew.

The SFM may refuse to renew any certificate of registration in the same manner and for any reason that he is authorized, pursuant to Section 7, to deny an original certificate of registration. The applicant shall, upon such refusal, have the same rights as are granted by Section 7 of these rules to an applicant for an original certificate of registration, which has been denied by the SFM.

3.11 Inspection.

The holder of a certificate of registration shall submit such certificate for inspection, upon request of the AHJ.

3.12 Type.

Every certificate of registration shall indicate the type of act or acts to be performed and for which the applicant has qualified as follows:

3.12.1 [Class A]Technician I: A person who is engaged in the inspection and testing of wet pipe sprinkler systems, antifreeze sprinkler systems, [dry pipe, antifreeze, preaction, deluge, combined dry pipe preaction, foam water, and water spray fire sprinkler systems]and standpipes.[The person is also engaged in the inspection and testing of standpipes and fire pumps.]

3.12.2 [Class B]Technician II: A person who is engaged in the inspection and testing of [wet pipe, dry pipe, and antifreeze fire sprinkler systems]dry pipe sprinkler systems, deluge sprinkler systems, preaction sprinkler systems, combined dry pipe-preaction systems, fire pumps and water storage tanks.

3.12.3 [Class C]Technician III: A person who is engaged in the inspection and testing of [preaction, deluge, combined dry pipe preaction,]foam-water sprinkler systems, foam-water spray systems, and water spray fixed[fire sprinkler] systems.

3.12.4 [Class D]Master Technician: A person who [is engaged in the inspection and testing of standpipes]has obtained NICET III certification in Inspection and Testing of Water-based Systems.[

~~3.12.5 Class E: A person who is engaged in the inspection and testing of fire pumps.]~~

3.13 Change of Address.

Any change in home address of any holder of a valid certificate of registration shall be reported in writing, by the registered person to the SFM within 30 days of such change.

3.14 Duplicate.

A duplicate certificate of registration may be issued by the SFM to replace any previously issued certificate, which has been lost or destroyed.

3.15 Minimum Age.

No certificate of registration shall be issued to any person who is under 18 years of age.

3.16 Restrictive Use.

3.16.1 A certificate of registration may be used for identification purposes only as long as such certificate remains valid.

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

3.17 Right to Contest.

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

3.17.2 Every contention as to the validity of individual questions of an examination shall be made within 48 hours after taking said examination.

3.17.3 The decision as to the action to be taken on the submitted contention shall be made by the SFM, and such decision shall be final.

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

3.18 Non-Transferable.

Certificates of Registration shall not be transferable. The person to whom issued shall carry individual certificates of registration.

3.19 Certificate of Registration Identification.

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

3.20 New Employees

New or existing employees desiring to attain a Certificate of Registration may perform the various acts required while under the constant direct supervision of a person holding a valid certificate of registration for a period not to exceed 60 days from the initial date of employment or beginning service in the field.

R710-5-4. Service Tags.

4.1 Size and Color.

4.1.1 Tags shall be not more than five and one-half inches (5-1/2") in height, nor less than four and one-half inches (4-1/2") in height, and not more than three inches (3") in width, nor less than two and one-half inches (2-1/2") in width.

4.1.2 Tags ~~shall~~ may be produced in ~~[three colors as follows:]~~ any color except red or a variation of red.

~~4.1.2.1 Green to indicate the system meets the adopted NFPA standards and the requirements of these rules.~~

~~4.1.2.2 Yellow to indicate that only part of the system has been inspected and the inspected part meets the adopted NFPA standards and the requirements of these rules.]~~

4.1.2.3 ~~[Red]~~ A red tag shall be used to indicate the system fails to ~~[fully comply with the adopted]~~ ensure a reasonable degree of protection for life and property from fire through inspecting and testing of automatic fire sprinkler systems as required in NFPA, ~~[s]~~ Standard ~~[s]~~ 25, and the requirements of these rules. After placing the red tag on the system, the certified person shall notify the AHJ and provide the AHJ with a written copy of the noted deficiencies.

4.2 Placement of Tag.

The service tag shall be attached at the sprinkler riser for each system inspected or at other locations as needed to show compliance. The service tag shall be attached to the riser in such a position as to be conveniently inspected by the AHJ.

4.3 Tag Information.

4.3.1 Service tags shall bear the following information:

4.3.1.1 Provisions of Section 4.7.

4.3.1.2 Approved Seal of Registration of the SFM.

4.3.1.3 Certificate of registration "AFS" number of individual who performed or supervised the service or services performed.

4.3.1.4 Signature of individual whose certificate of registration number appears on the tag.

4.3.1.5 Concern's name.

4.3.1.6 Concern's address.

4.3.1.7 Type of service performed.

4.3.1.8 Type of system serviced.

4.3.1.9 Date service is performed.

4.3.2 The above information shall appear on one side of the service tag. All other desired printing or information shall be placed on the reverse side of the tag.

4.4 Legibility.

4.4.1 The certificate of registration number required in Section 4.3.1.3, and the signature required in Section 4.3.1.4, shall be printed or written distinctly.

4.4.2 All information pertaining to date and type of service shall be indicated on the card by perforations in the appropriate space provided. Each perforation shall clearly indicate the desired information.

4.5 Format.

ILLUSTRATION ON FILE IN STATE FIRE MARSHAL'S OFFICE

4.6 New Tag.

A new service tag shall be attached to a system each time a service is performed.

4.7 Tag Wording.

The following wording shall be placed at the top or reinforced ring end of every tag: "DO NOT REMOVE, BY ORDER OF THE STATE FIRE MARSHAL".

4.8 Removal.

4.8.1 No person or persons shall remove a service tag except when further service is performed.

4.8.2 No person shall deface, modify, or alter any service tag that is required to be attached to the system.

4.8.3 A red tag can only be removed by written authority from the AHJ.

4.9 Tag Dates

Service tags may be printed for any number of years not to exceed eight years.

R710-5-5. Seal of Registration.

5.1 Description.

The official seal of registration of the SFM shall consist of the following:

5.1.1 The image of the State of Utah shall be in the center with an outer ring stating, "Utah State Fire Marshal".

5.1.1.1 The top portion of the outer ring shall have the wording "Utah State".

5.1.1.2 The bottom portion of the outer ring shall have the wording "Fire Marshal".

5.1.2 Appending below the bottom portion and in a centered position, shall be a box provided for the displaying of the certification number assigned to the person.

5.2 Use of Seal.

No person shall produce, reproduce, or use this seal in any manner or for any purpose except as herein provided.

5.3 Permissive Use.

Certificate holders or concerns shall use the Seal of Registration on every service tag.

5.4 Cease Use Order.

No person or concern shall continue the use of the Seal of Registration in any manner or for any purpose after receipt of a notice in writing from the SFM to that effect, or upon the suspension or revocation of the certificate of registration.

5.5 Legibility.

Every reproduction of the Seal of Registration and every letter and number placed thereon, shall be of sufficient size to render such seal, letter, and number distinct and clearly legible.

R710-5-6. Amendments and Additions.

6.1 Service.

At the time of service, all servicing shall be done in accordance with the adopted NFPA standard[s], adopted statutes, and these rules.

6.2 Frequency

Automatic fire sprinkler systems, standpipes, and fire pumps shall be inspected annually by a person holding a certificate of registration as required in Section 3.1 of these rules.

6.3 One of the two forms listed in NFPA, Standard 25, Annex B, B.1, or a similar equivalent approved by the SFM shall be used as the accepted forms for testing and inspecting fire sprinkler systems.

R710-5-7. Adjudicative Proceedings.

7.1 All adjudicative proceedings performed by the agency shall proceed informally as authorized by UCA, Sections 63-46b-4 and 63-46b-5.

7.2 The issuance, renewal, or continued validity of a certificate of registration may be denied, suspended, or revoked, if the SFM finds that the applicant or the person ~~commits~~ has committed any of the following violations:

7.2.1 The ~~applicant or person~~ [or applicant] is not the real person in interest.

7.2.2 The applicant or person provides [M] material misrepresentation or false statements [in] on the application.

7.2.3 The applicant or person [Refusal] refuses to allow inspection by the SFM, or his duly authorized deputies.

7.2.4 The ~~applicant or person~~ [or applicant] for a certificate of registration does not have the proper equipment to conduct the operations for which application is made.

7.2.5 The ~~applicant or person~~ [or applicant] for a certificate of registration does not possess the qualifications of skill or competence to conduct the operations for which application is made, as evidenced by failure to pass the examination pursuant to Section 3.3 of these rules.

7.2.6 The ~~applicant or person~~ [or applicant] refuses to take the examination required by Section 3.3 of these rules.

7.2.7 The ~~applicant or person~~ fails to pay the certification of registration, examination or other required fees as required in Section 8 of these rules.

~~[7.2.8 The person or applicant has been convicted of any of the following:~~

~~— 7.2.8.1 a violation of the provisions of these rules;~~

~~— 7.2.8.2 a crime of violence or theft; or~~

~~— 7.2.8.3 a crime that would indicate that the person or applicant would create a danger to public safety by performing their functions and duties.~~

~~— 7.2.9 The certified person does not maintain adequate equipment or knowledge to conduct operations as required in the adopted NFPA standards, statute, and rules.~~

~~— 7.2.10 The person or applicant is involved in conduct which could be considered criminal, although such conduct did not result in the filing of criminal charges against the person, but where the evidence shows that the criminal act did occur, that the person committed the act, and that the burden by a preponderance of~~

~~evidence could be established.~~ 7.2.8 The applicant or person has been convicted of one or more federal, state or local laws.

7.2.9 The applicant or person has been convicted of a violation of the adopted rules or been found by a Board administrative proceeding to have violated the adopted rules.

7.2.10 Any offense or finding of unlawful conduct, or there is or may be, a threat to the public's health or safety if the applicant or person were granted a certificate of registration.

7.2.11 There are other factors upon which a reasonable and prudent person would rely to determine the suitability of the applicant or person to safely and competently engage in the practice of servicing fire sprinkler system equipment.

7.3 A person whose certificate of registration is suspended or revoked by the SFM shall have an opportunity for a hearing before the Board if requested by that person within 20 days after receiving notice.

7.4 All adjudicative proceedings, other than criminal prosecution, taken by the SFM to enforce the Utah Fire Prevention and Safety Act, and these rules, shall commence in accordance with UCA, Section 63-46b-3.

7.5 The Board shall act as the hearing authority, and shall convene after timely notice to all parties involved. The Board shall be the final authority on the suspension or revocation of a certificate of registration.

7.6 The Board shall direct the SFM to issue a signed order to the parties involved giving the decision of the Board within a reasonable time of the hearing pursuant to UCA, Section 63-46b-5(i).

7.7 Reconsideration of the Board decision may be requested in writing within 20 days of the date of the decision pursuant to UCA, Section 63-46b-13.

7.8 After a period of three years from the date of revocation, the Board shall review the submitted written application of a person whose certificate of registration has been revoked. After timely notice to all parties involved, the Board shall convene to review the revoked persons application, and that person shall be allowed to present themselves and their case before the Board. After the hearing, the Board shall direct the SFM to allow the person to complete the certification process or shall direct that the revocation be continued.

7.9 Judicial review of all final Board actions resulting from informal adjudicative proceedings shall be conducted pursuant to UCA, Section 63-46b-15.

R710-1-8. Fees.

8.1 Fee Schedule.

8.1.1 Certificates of Registration (new and renewals):

8.1.1.1 Certificate of registration - \$30.00

8.1.1.2 Duplicate - \$30.00

8.1.2 Examinations:

8.1.2.1 Initial examination - \$20.00

8.1.2.2 Re-examination - ~~[\$15.00]~~ 20.00

8.1.2.3 Three-year examination - \$20.00

8.2 Payment of Fees.

The required fee shall accompany the application for certificate of registration. Certificate of registration fees will be refunded if the application is denied.

8.3 Late Renewal Fees.

8.3.1 Any certificate of registration not renewed on or before the original date of issuance will be subject to an additional fee equal to 10% of the required fee.

8.3.2 When a certificate of registration has expired for more than one year, an application shall be made for an original certificate as if the application was being made for the first time.

KEY: automatic fire sprinklers
~~September 3, 2003~~ March 3, 2004
 53-7-204



Transportation, Preconstruction, Right-of-Way Acquisition

R933-2-3

Definitions

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE No.: 26893
 FILED: 01/14/2004, 13:49

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule amendment is designed to make the definitions comply with federal law.

SUMMARY OF THE RULE OR CHANGE: The amendment clarifies the definition of acceleration-deceleration lane, adds a definition for feeder system, and deletes the definition for "out-of-standard." (DAR NOTE: A corresponding 120-day (emergency) rule that is effective as of January 14, 2004, is under DAR No. 26892 in this issue.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-2-501; and 23 CFR 750.707

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** The state does not anticipate any cost increase or savings to the state from this change because it does not require any different activity on the part of the state than the state currently does.
- ❖ **LOCAL GOVERNMENTS:** The rule does not apply to local governments; therefore, there are no costs or savings that accrue to them.
- ❖ **OTHER PERSONS:** No costs or savings are anticipated to result from the rule amendment because it does not require any person to undertake any activity or change the responsibilities they currently have.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be no compliance costs because the rule change does not require anyone to do anything differently than they are doing now. Since no one is required to undertake any new activity, there should be no increase in costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because there are no costs as a result of the rule change, there is no fiscal impact.

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@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 03/16/2004.

THIS RULE MAY BECOME EFFECTIVE ON: 03/17/2004

AUTHORIZED BY: John R. Njord, Executive Director

R933. Transportation, Preconstruction, Right-of-Way Acquisition.
R933-2. Control of Outdoor Advertising Signs.
R933-2-3. Definitions.

All references in these Rules to Title 72, Chapter 7, Part 5, are to those sections of the Utah Code known as the Utah Outdoor Advertising Act. In addition to the definitions in that part, the following definitions are supplied:

(1) "Abandoned Sign" means any controlled sign, the sign facing of which has been partially obliterated, has been painted out, has remained blank or has obsolete advertising matter for a continuous period of 12 months or more.

(2) "Acceleration and deceleration lanes" means speed change lanes created for the purpose of enabling a vehicle to increase or decrease its speed to merge into, or out of, traffic on the main-traveled way. As used in the Act, an acceleration or deceleration lane begins and ends at a point no closer than 500 feet from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way. On-ramps and off-ramps are part of the interchange and shall not be considered an acceleration or deceleration lane under the Act or these rules.

(3) "Act" means the Utah Outdoor Advertising Act.

(4) "Advertising" means any message, whether in words, symbols, pictures or any combination thereof, painted or otherwise applied to the face of an outdoor advertising structure, which message is designed, intended, or used to advertise or inform, and which message is visible from any place on the main travel-way of the interstate or primary highway system.

(5) "Areas zoned for the primary purpose of outdoor advertising" as used in the Act is defined to include areas in which the primary activity is outdoor advertising.

(6) "Commercial or industrial zone" as defined in of the Act is further defined to mean, with regard to those areas outside the boundaries of urbanized counties and outside the boundaries of cities and towns referred to in that subsection, those areas not within 8,420 feet of an interstate highway exit-ramp or entrance-ramp as

measured from the nearest point of the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way that are reserved for business, commerce, or trade under enabling state legislation or comprehensive local zoning ordinances or regulations, and are actually used for commercial or industrial purposes, including the land along both sides of a controlled highway for 600 feet immediately abutting the area of use, measurements under this subsection being made from the outer edge of regularly used buildings, parking lots, gate-houses, entrance gates, or storage or processing areas.

(7) "Conforming Sign" means an off-premise sign maintained in a location that conforms to the size, lighting, spacing, zoning and usage requirements as provided by law and these rules.

(8) "Controlled Sign" means any off-premise sign that is designed, intended, or used to advertise or inform any part of the advertising or informative contents of which is visible from any place on the main traveled way of any interstate or federal-aid primary highway in this State.

(9) "Destroyed Sign" means a sign damaged by natural elements wherein the costs of re-erection exceeds 30% of the depreciated value of the sign as established by departmental appraisal methods.

(10) "Feeder systems" are secondary roads that bring traffic to the main-traveled way.

~~(40)~~(11) "Freeway" means a divided highway for through traffic with full control access.

~~(44)~~(12) "Grandfather Status" refers to any off-premise controlled sign erected in zoned or unzoned commercial or industrial areas, prior to May 9, 1967, even if the sign does not comply with the size, lighting, or spacing of the Act and these Rules. Signs only, and not sign sites, may qualify for Grandfather Status.

~~(42)~~(13) "H-1" means highway service zone as defined in the Act.

~~(43)~~(14) "Lease or Consent" means any written agreement by which possession of land, or permission to use land for the purpose of erecting or maintaining a sign, or both, is granted by the owner to another person for a specified period of time.

~~(44)~~(15) "Legal copy" means the advertising copy on the sign that occupies at least 50% of the sign size.

~~(45)~~(16) "Nonconforming Sign" means a sign that was lawfully erected, but that does not conform to State law or rules passed or made at a later date or that later fails to comply with State legislation or rules because of changed conditions. The term "illegally erected" or "illegally maintained" is not synonymous with the term, "nonconforming sign", nor is a sign with "grandfather" status synonymous with the term, "nonconforming sign."

~~(46)~~(17) "Off-Premise Sign" means also, in supplement to the definition stated in the Act, an outdoor advertising sign that advertises an activity, service or product and that is located on premises other than the premises at which activity or service occurs or product is sold or manufactured.

~~(47)~~(18) "On-Premise Sign", in supplement to the definition stated in the Act, does not include a sign that advertises a product or service that is only incidental to the principal activity or that brings rental income to the property owner or occupant. [

~~(18) "Out of Standard" means any sign that fails to meet the standards and criteria set forth in the Utah Federal Agreement of January 18, 1968 as referenced in the Utah Outdoor Advertising Controls and Rules, current edition, or more restrictive statutes or rules passed after as to size, height, lighting, or spacing.]~~

(19) "Parkland" means any publicly owned land that is designed or used as a public park, recreation area, wildlife or waterfowl refuge, or historical site.

(20) "Property" as used in the definition of "On-Premise Sign" includes those areas from which the general public is serviced and which are directly connected with and are involved in assembling, manufacturing, servicing, repairing, or storing of products used in the business activity. This property does not include the site of any auxiliary facilities that are not essential to and customarily used in the conduct of business, nor does it include property not contiguous to the property on which the sign is situated.

(21) "Sale or Lease Sign" means any sign situated on the subject property that advertises that the property is for "sale" or "lease". This sign may not advertise any product or service unrelated to the business of selling or leasing the land upon which it is located, nor may it advertise a projected use of the land or a financing service available or being utilized in its development.

(22) "Scenic Area" as used in the Act includes a scenic byway.

(23) "Transient or Temporary Activity" means any industrial or commercial activity, not otherwise herein excluded, that does not have a prior continuous history for a period of six months.

(24) "Un-zoned Area" in supplement to the definition stated in the Act, means an area in which no zoning is in effect. It does not include areas within comprehensive zoning or master plans adopted by local zoning authorities.

(25) "V-Type Sign" means any sign, the center pole of which is nearest the traveled portion of the highway and is a common pole to the two sign faces, or when a common pole is not used, a sign with the sign faces no further than 36 inches apart at the angle of the sign closest to the traveled portion of the highway, and the structure poles at the point nearest the traveled portion of the highway no further apart than 48 inches. Existing V-type signs now controlled and permitted are excluded from this definition.

(26) "Visible" means capable of being seen whether or not readable, without visual aid, by a person of normal visual acuity.

KEY: signs

~~May 21, 2002~~2004

Notice of Continuation January 22, 2002

Title 72, Chapter 7, Part 5



NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a 120-DAY (EMERGENCY) RULE when it finds that the regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (*Utah Code* Subsection 63-46a-7(1) (2001)).

As with a PROPOSED RULE, a 120-DAY RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the 120-DAY RULE including the name of a contact person, justification for filing a 120-DAY RULE, anticipated cost impact of the rule, and legal cross-references. A row of dots in the text (· · · · ·) indicates that unaffected text was removed to conserve space.

A 120-DAY RULE is effective at the moment the Division of Administrative Rules receives the filing, or on a later date designated by the agency. A 120-DAY RULE is effective for 120 days or until it is superseded by a permanent rule.

Because 120-DAY RULES are effective immediately, the law does not require a public comment period. However, when an agency files a 120-DAY RULE, it usually files a PROPOSED RULE at the same time, to make the requirements permanent. Comment may be made on the proposed rule. Emergency or 120-DAY RULES are governed by *Utah Code* Section 63-46a-7 (2001); and *Utah Administrative Code* Section R15-4-8.

Transportation, Preconstruction, Right- of-Way Acquisition **R933-2-3** Definitions

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 26892
FILED: 01/14/2004, 13:38

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section R933-2-3 is the definitional section of the rule regarding the regulation of outdoor advertising. The amendment to the section is designed to take care of a conflict with federal law.

SUMMARY OF THE RULE OR CHANGE: The rule change adds a clarification to the definition of acceleration-deceleration lanes, a definition of feeder system, and deletes the definition of "out-of-standard." (DAR NOTE: A corresponding proposed amendment is under DAR No. 26893 in this issue.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-7-501; and 23 CFR 750.707

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: The state does not anticipate any cost or savings to the state from this change because it does not require any different activity on the part of the state than the state currently does now.
- ❖ LOCAL GOVERNMENTS: The rule does not apply to local governments, so no cost or savings to them is anticipated.

❖ OTHER PERSONS: None of the changes to the rule require any cost, or provide for any savings, to other persons. The changes do not require any persons to undertake any activities that they are not now carrying out, so there is no change in cost or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be no compliance costs because the rule change does not require anyone to do anything. Since no one is required to undertake any activity different than what they now undertake, there should be no increase in costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on business.

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

The Utah-Federal agreement does not allow for "out-of-standard" signs.

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@utah.gov

THIS RULE IS EFFECTIVE ON: 01/14/2004

AUTHORIZED BY: John R. Njord, Executive Director

**R933. Transportation, Preconstruction, Right-of-Way Acquisition.
R933-2. Control of Outdoor Advertising Signs.**

R933-2-3. Definitions.

All references in these Rules to Title 72, Chapter 7, Part 5, are to those sections of the Utah Code known as the Utah Outdoor Advertising Act. In addition to the definitions in that part, the following definitions are supplied:

(1) "Abandoned Sign" means any controlled sign, the sign facing of which has been partially obliterated, has been painted out, has remained blank or has obsolete advertising matter for a continuous period of 12 months or more.

(2) "Acceleration and deceleration lanes" means speed change lanes created for the purpose of enabling a vehicle to increase or decrease its speed to merge into, or out of, traffic on the main-traveled way. As used in the Act, an acceleration or deceleration lane begins and ends at a point no closer than 500 feet from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way. On-ramps and off-ramps are part of the interchange and shall not be considered an acceleration or deceleration lane under the Act or these rules.

(3) "Act" means the Utah Outdoor Advertising Act.

(4) "Advertising" means any message, whether in words, symbols, pictures or any combination thereof, painted or otherwise applied to the face of an outdoor advertising structure, which message is designed, intended, or used to advertise or inform, and which message is visible from any place on the main travel-way of the interstate or primary highway system.

(5) "Areas zoned for the primary purpose of outdoor advertising" as used in the Act is defined to include areas in which the primary activity is outdoor advertising.

(6) "Commercial or industrial zone" as defined in of the Act is further defined to mean, with regard to those areas outside the boundaries of urbanized counties and outside the boundaries of cities and towns referred to in that subsection, those areas not within 8,420 feet of an interstate highway exit-ramp or entrance-ramp as measured from the nearest point of the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way that are reserved for business, commerce, or trade under enabling state legislation or comprehensive local zoning ordinances or regulations, and are actually used for commercial or industrial purposes, including the land along both sides of a controlled highway for 600 feet immediately abutting the area of use, measurements under this subsection being made from the outer edge of regularly used buildings, parking lots, gate-houses, entrance gates, or storage or processing areas.

(7) "Conforming Sign" means an off-premise sign maintained in a location that conforms to the size, lighting, spacing, zoning and usage requirements as provided by law and these rules.

(8) "Controlled Sign" means any off-premise sign that is designed, intended, or used to advertise or inform any part of the advertising or informative contents of which is visible from any place on the main traveled way of any interstate or federal-aid primary highway in this State.

(9) "Destroyed Sign" means a sign damaged by natural elements wherein the costs of re-erection exceeds 30% of the

depreciated value of the sign as established by departmental appraisal methods.

(10) "Feeder systems" are secondary roads that bring traffic to the main-traveled way.

~~(11)~~(11) "Freeway" means a divided highway for through traffic with full control access.

~~(12)~~(12) "Grandfather Status" refers to any off-premise controlled sign erected in zoned or unzoned commercial or industrial areas, prior to May 9, 1967, even if the sign does not comply with the size, lighting, or spacing of the Act and these Rules. Signs only, and not sign sites, may qualify for Grandfather Status.

~~(13)~~(13) "H-1" means highway service zone as defined in the Act.

~~(14)~~(14) "Lease or Consent" means any written agreement by which possession of land, or permission to use land for the purpose of erecting or maintaining a sign, or both, is granted by the owner to another person for a specified period of time.

~~(15)~~(15) "Legal copy" means the advertising copy on the sign that occupies at least 50% of the sign size.

~~(16)~~(16) "Nonconforming Sign" means a sign that was lawfully erected, but that does not conform to State law or rules passed or made at a later date or that later fails to comply with State legislation or rules because of changed conditions. The term "illegally erected" or "illegally maintained" is not synonymous with the term, "nonconforming sign", nor is a sign with "grandfather" status synonymous with the term, "nonconforming sign."

~~(17)~~(17) "Off-Premise Sign" means also, in supplement to the definition stated in the Act, an outdoor advertising sign that advertises an activity, service or product and that is located on premises other than the premises at which activity or service occurs or product is sold or manufactured.

~~(18)~~(18) "On-Premise Sign", in supplement to the definition stated in the Act, does not include a sign that advertises a product or service that is only incidental to the principal activity or that brings rental income to the property owner or occupant. [

~~(19)~~ "Out of Standard" means any sign that fails to meet the standards and criteria set forth in the Utah Federal Agreement of January 18, 1968 as referenced in the Utah Outdoor Advertising Controls and Rules, current edition, or more restrictive statutes or rules passed after as to size, height, lighting, or spacing.]

(19) "Parkland" means any publicly owned land that is designed or used as a public park, recreation area, wildlife or waterfowl refuge, or historical site.

(20) "Property" as used in the definition of "On-Premise Sign" includes those areas from which the general public is serviced and which are directly connected with and are involved in assembling, manufacturing, servicing, repairing, or storing of products used in the business activity. This property does not include the site of any auxiliary facilities that are not essential to and customarily used in the conduct of business, nor does it include property not contiguous to the property on which the sign is situated.

(21) "Sale or Lease Sign" means any sign situated on the subject property that advertises that the property is for "sale" or "lease". This sign may not advertise any product or service unrelated to the business of selling or leasing the land upon which it is located, nor may it advertise a projected use of the land or a financing service available or being utilized in its development.

(22) "Scenic Area" as used in the Act includes a scenic byway.

(23) "Transient or Temporary Activity" means any industrial or commercial activity, not otherwise herein excluded, that does not have a prior continuous history for a period of six months.

(24) "Un-zoned Area" in supplement to the definition stated in the Act, means an area in which no zoning is in effect. It does not include areas within comprehensive zoning or master plans adopted by local zoning authorities.

(25) "V-Type Sign" means any sign, the center pole of which is nearest the traveled portion of the highway and is a common pole to the two sign faces, or when a common pole is not used, a sign with the sign faces no further than 36 inches apart at the angle of the sign closest to the traveled portion of the highway, and the structure poles at the point nearest the traveled portion of the highway no

further apart than 48 inches. Existing V-type signs now controlled and permitted are excluded from this definition.

(26) "Visible" means capable of being seen whether or not readable, without visual aid, by a person of normal visual acuity.

KEY: signs

January 14, 2004

Notice of Continuation January 22, 2002

Title 72, Chapter 7, Part 5



End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1998).

Commerce, Real Estate **R162-105** Scope of Authority

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 26890
FILED: 01/13/2004, 16:12

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: Subsection 61-2b-6(1)(l) authorizes the Division, with the concurrence of the Utah Appraiser Licensing and Certification Board to make rules for the administration of the licensing chapter. In addition, the Board is authorized by Subsection 61-2b-8(1)(a) to determine the experience requirements for appraisers licensed under the chapter.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Comments received since the last five-year review indicate that persons who would like to become appraisers believe that the rules on what trainees may do should be liberalized in order to encourage licensed and certified appraisers to hire more trainees, the ultimate goal being to make it easier for beginners to gain the experience that is necessary in order to obtain an entry level license.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to have rules regulating how beginners may gain the experience that is necessary for them to become licensed appraisers, therefore this rule should be continued. The Board and the Division agree with the comments received that these rules need to be liberalized, however, and are in the process of adopting liberalized rules.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Shelley Wismer at the above address, by phone at 801-530-6761, by FAX at 801-530-6749, or by Internet E-mail at swismer@utah.gov

AUTHORIZED BY: Dexter Bell, Director

EFFECTIVE: 01/13/2004



Education, Administration **R277-437** Student Enrollment Options

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 26871
FILED: 01/05/2004, 14:41

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: Section 53A-2-207 requires the State Board of Education to adopt rules for student enrollment options.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law continues to require the State Board of Education to have rules for student enrollment options, therefore this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

EFFECTIVE: 01/05/2004

Education, Administration
R277-735

Standards and Procedures for
Corrections Education Programs
Serving Inmates of the Utah
Department of Corrections

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 26870
FILED: 01/05/2004, 14:38

**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 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities, and Section 53A-1-403.5 makes the State Board of Education responsible for the education of inmates in the custody of the Department of Corrections.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law continues to make the State Board of Education responsible for the education of

persons in the custody of the Department of Corrections, therefore this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

EFFECTIVE: 01/05/2004

Education, Rehabilitation
R280-201
USOR ADA Complaint Procedure

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 26872
FILED: 01/05/2004, 14:41

**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: Subsection 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities. This rule provides ADA complaint procedures consistent with Title II of the Americans with Disabilities Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule provides for complaint procedures consistent with Title II of the Americans with Disabilities Act, therefore this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

EFFECTIVE: 01/05/2004

Education, Rehabilitation
R280-202

USOR Procedures for Individuals with
the Most Severe Disabilities

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 26873
FILED: 01/05/2004, 14:42

**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 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities, and Pub. L. No. 102-569, Title VI-C, October 1992, directs state agencies to define for themselves individuals with the most severe disabilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Pub. L. No. 102-569, Title VI-C, October 1992, directs state agencies to define for themselves individuals with the most severe disabilities, therefore this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

EFFECTIVE: 01/05/2004

Health, Health Systems Improvement,
Licensing
R432-1
General Health Care Facility Rules

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 26868
FILED: 01/05/2004, 14:32

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 26, Chapter 21, creates the Health Facility Licensing and Inspection Act and Section 26-21-5 requires the Health Facility Committee to make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the licensing of health care facilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the last five-year review in December 1998, there have been two rule amendments. In 2001, the Davis Applied Technology Center requested that the certified nurse aide and certified home health aide be combined to reduce the number of testing and certifications for applicants. In August 2001, the Utah Hospital Association requested that the Health Facility Committee define "chronic non-compliance" as the repeat violations over the past four years versus the past four surveys. No written 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: Rule R432-1 defines the standard terms for all licensed health care facilities and agencies. Continuation of the rule is required to ensure that providers and consumers are consistent in the terminology they use when discussing health care services. The Health Facility Committee supports the continuation of the rule and will continue to review the rule as medical practice and standards of care change.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
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:

Debra Wynkoop at the above address, by phone at 801-538-6152, by FAX at 801-538-6325, or by Internet E-mail at debwynkoop@utah.gov

AUTHORIZED BY: Scott D. Williams, Executive Director

EFFECTIVE: 01/05/2004

▼ ————— ▼

Health, Health Systems Improvement, Licensing **R432-2** General Licensing Provisions

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 26876
FILED: 01/05/2004, 14:46

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 26, Chapter 21, creates the Health Facility Licensing and Inspection Act and Section 26-21-5 requires the Health Facility Committee to make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the licensing of health care facilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the last five-year review in January 11, 1999, the rule has been amended twice.

In 1999, the Health Facility Committee adopted language to require that variances be documented on the health facility license and that define that a request for variance includes how the agency or facility will protect the health and safety of patients. In 2002, the rule was amended to provide that a determination of substandard quality of care, immediate jeopardy, or a pattern of violations may result in the Department issuing a conditional license. No written 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: Rule R432-2 defines the standards that health care facilities agencies must follow in order to obtain a license. No person or governmental unit acting severally or jointly with any other person, or governmental unit shall establish, conduct or maintain a health facility in this state without first obtaining a license from the Department pursuant to Section 26-21-8. The rule needs to be continued to establish the process of obtaining a license to operate in the State of Utah. The Health Facility Committee supports the continuation of the rule and will continue to review the rule as medical practice and standards of care change.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
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:

Debra Wynkoop at the above address, by phone at 801-538-6152, by FAX at 801-538-6325, or by Internet E-mail at debwynkoop@utah.gov

AUTHORIZED BY: Scott D. Williams, Executive Director

EFFECTIVE: 01/05/2004

▼ ————— ▼

Health, Health Systems Improvement, Licensing **R432-3** General Health Care Facility Rules Inspection and Enforcement

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 26875
FILED: 01/05/2004, 14:42

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 26, Chapter 21, creates the Health Facility Licensing and Inspection Act and Section 26-21-5 requires the Health Facility Committee to make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the licensing of health care facilities. Section 26-21-6 requires that the Department enforce the rules and conduct inspections of health care facilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the last five-year review in 1999, the rule has been amended three times. In 1999, the rule was revised to correct the passive language and included a sanction that the Department may hire an approved facility monitor when a conditional license has been issued. A "pattern of harm" was sufficient reason to prohibit admissions to a facility. In 2000 and 2003, the Health Facility Committee has granted deemed status to the Accreditation Association for Ambulatory Health Care Inc, and Accreditation Commission for Health Care in lieu of an annual Department survey. No written 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: Rule R432-3 delineates the role and responsibility of the Department and Bureau of Licensing in the enforcement of rules and regulations pertaining to the health, safety, and welfare in all licensed and unlicensed health facilities and agencies regulated by Title 26, Chapter 21. This rule provides guidelines and criteria to ensure that sanctions are applied consistently and appropriately. The rule needs to be continued to establish the process of inspecting health care facilities and appropriate compliance with enforcement criteria. The Health Facility Committee supports the continuation of the rule and will continue to review the rule as medical practice and standards of care change.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
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:

Debra Wynkoop at the above address, by phone at 801-538-6152, by FAX at 801-538-6325, or by Internet E-mail at debwynkoop@utah.gov

AUTHORIZED BY: Scott D. Williams, Executive Director

EFFECTIVE: 01/05/2004



Health, Health Systems Improvement,
Licensing
R432-4
General Construction

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26869
FILED: 01/05/2004, 14:38

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: Title 26, Chapter 21, creates the Health Facility Licensing and Inspection Act and Section 26-21-5 requires the Health Facility Committee to make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the licensing of health care facilities. Section 26-21-5 includes that the Health Facility Committee

duties require the submission of architectural plans and specifications for any proposed new health care facility or renovation for the Department to review. Subsection 26-21-6(2)(b) authorizes the Department to review the architectural plans and specifications of proposed health care facilities or renovations of health care facilities to ensure that plans and specifications conform to rules established by the Committee.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the last five-year review in 1999, the rule has been amended once. In 2002, the rule was amended to adopt the latest changes in the International Building Code, International Fire Code, International Plumbing and Mechanical Code and the 2001 Guidelines for Design and Construction of Hospital and Health Care Facilities. No written 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: Rule R432-4 defines the architectural plans, construction and design specifications for General Hospitals, Specialty Hospitals, Ambulatory Surgical Center, Nursing Care Facilities, Inpatient Hospice facilities, Birthing Centers, and Small Health Care Facilities Level 1-111. The purpose of the rule is to promote the health and welfare of individuals receiving health care services by establishing construction and design criteria for new and renovated health care facilities. The Health Facility Committee supports the continuation of the rule and will continue to review the rule as medical practice and design standards change.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
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:

Debra Wynkoop at the above address, by phone at 801-538-6152, by FAX at 801-538-6325, or by Internet E-mail at debwynkoop@utah.gov

AUTHORIZED BY: Scott D. Williams, Executive Director

EFFECTIVE: 01/05/2004



Health, Health Systems Improvement,
Licensing
R432-5
Nursing Facility Construction

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**DAR FILE No.: 26877
FILED: 01/05/2004, 14:50**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 26, Chapter 21, creates the Health Facility Licensing and Inspection Act and Section 26-21-5 requires the Health Facility Committee to make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the licensing of health care facilities. Subsection 26-21-5(1) provides that the Health Facility Committee require the submission of architectural plans and specifications for any proposed new health care facility or renovation for the Department to review. Subsection 26-21-6(2)(b) authorizes the Department to review the architectural plans and specifications of proposed health care facilities or renovations of health care facilities to ensure that plans and specifications conform to rules established by the Committee.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the last five-year review in 1999, the rule has been amended twice. In November 1999, the Committee adopted the new elevator standards for construction. In 2002, the rule adopted the latest changes in the International Building Code, International Fire Code, International Plumbing and Mechanical Code and the 2001 Guidelines for Design and Construction of Hospital and Health Care Facilities. No written 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: Rule R432-5 defines the architectural plans, construction and design specifications for Nursing Care Facilities. The purpose of the rule is to promote the health and welfare of individuals receiving health care services by establishing construction and design criteria for new and renovated nursing care facilities. The Health Facility Committee supports the continuation of the rule and will continue to review the rule as medical practice and design standards change.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
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:
Debra Wynkoop at the above address, by phone at 801-538-6152, by FAX at 801-538-6325, or by Internet E-mail at debwynkoop@utah.gov

AUTHORIZED BY: Scott D. Williams, Executive Director

EFFECTIVE: 01/05/2004



Health, Health Systems Improvement, Licensing **R432-6** Assisted Living Facility General Construction

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**DAR FILE No.: 26886
FILED: 01/08/2004, 14:14**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 26, Chapter 21, creates the Health Facility Licensing and Inspection Act. Section 26-21-5 requires the Health Facility Committee to make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act for the licensing of health care facilities. Section 26-21-5 provides that the Health Facility Committee must require the submission of architectural plans and specifications for any proposed new health care facility or renovation to the Department for review. Subsection 26-21-6(2)(b) authorizes the Department to review the architectural plans and specifications of proposed health care facilities or renovations of health care facilities to ensure that plans and specifications conform to rules established by the Committee.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the last five-year review in 1999, the rule has been amended once. In 2002, the rule adopted the latest changes in the International Building Code, International Fire Code, International Plumbing and Mechanical Code and the 2001 Guidelines for Design and Construction of Hospital and Health Care Facilities. No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R432-6 defines the architectural plans, construction and design specifications for Assisted Living Facilities. The purpose of the rule is to promote the health and welfare of individuals receiving health care services by establishing construction and design criteria for new and renovated assisted living facilities. The Health Facility Committee supports the continuation of the rule and will continue to review the rule as medical practice and design standards change.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
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:

Debra Wynkoop at the above address, by phone at 801-538-6152, by FAX at 801-538-6325, or by Internet E-mail at debwynkoop@utah.gov

AUTHORIZED BY: Scott D. Williams, Executive Director

EFFECTIVE: 01/08/2004

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Human Services, Recovery Services **R527-210** Guidelines for Setting Child Support Awards

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26889
FILED: 01/13/2004, 13:31

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 62A-11-304.2, which deals with issuance or modification of an administrative order, applies generally to Rule R527-210, which gives specific instructions that apply to establishment of an administrative order. Section R527-210-1 is authorized under Section 78-45-7.11. The statute allows a reduction of child support during periods of extended parent-time that are ordered by the court or agreed upon in writing by the parties. The statute also specifies that any agreement between the parties for the reduction of child support during extended parent-time must be approved by the administrative agency if the child is a recipient of cash assistance. The rule makes it clear that the Office of Recovery Services will not reduce the support award when the order does not specifically provide for the extended parent-time reduction and the child is a recipient of cash assistance. Section R527-210-2 is authorized under Section 78-45-7.20, which allows an agency to establish administrative orders for current child support that require the obligee to provide the obligor an accounting of amounts that have been provided for the benefit of the child. The rule makes it clear that the Office of Recovery Services may include such a requirement in an administrative order at the time it is issued if the obligor has petitioned for it and does not owe any past-due child support.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: All of the statutes which authorize this rule are in effect and the rule provides essential direction for Office of Recovery Services personnel in dealing with the recurrent issues of reducing child support for extended parent-time and obligee responsibility for providing support payment accounting to the obligor, therefore this rule 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:

Liesa Corbridge at the above address, by phone at 801-536-8986, by FAX at 801-536-8833, or by Internet E-mail at lcorbri2@utah.gov

AUTHORIZED BY: Emma Chacon, Director

EFFECTIVE: 01/13/2004

▼ ————— ▼

Public Safety, Criminal Investigations and Technical Services, Criminal Identification **R722-900** Review and Challenge of Criminal Record

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26895
FILED: 01/15/2004, 09:24

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 53-10-108(8)(a) requires the Commissioner of Public Safety to establish procedures to allow an individual to review his criminal history record information. Subsection 53-10-108(8)(c) requires the Commissioner to establish procedures to allow an individual to challenge the completeness and accuracy of his criminal history record information as contained in the department's

computerized criminal history files. The purpose of this rule is to establish those 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 written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is needed so individuals can review their criminal history to make sure the information is accurate and complete, therefore this rule should be continued.

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

PUBLIC SAFETY
CRIMINAL INVESTIGATIONS AND
TECHNICAL SERVICES,
CRIMINAL IDENTIFICATION
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5994, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Nanette Rolfe at the above address, by phone at 801-965-4571, by FAX at (n/a), or by Internet E-mail at nrolfe@utah.gov

AUTHORIZED BY: Nanette Rolfe, Chief

EFFECTIVE: 01/15/2004



Public Service Commission,
Administration
R746-365
Intercarrier Service Quality

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR File No.: 26883
FILED: 01/06/2004, 13:29

**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: Section 54-4-1 gives the commission authority to regulate every public utility; Section 54-4-4 requires the commission to take action to set the rates to be charged by public utilities; Section 54-4-7 directs the commission to regulate the equipment and services and rules of public utilities in providing service; Section 54-4-12 requires the commission to establish connections and joint rates and division of costs between telephone companies; Section 54-

8b-2.2 requires the commission to establish rules to facilitate competitive provision of telecommunication services; and 47 U.S.C. Section 251 and 252 requires state commissions to set interconnection terms between telephone companies.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received since 1999.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued because it provides guidelines to ensure that telecommunications corporations will engineer, design, equip and provision an efficient public telecommunications network with attendant operational support systems and joint network planning processes.

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 or Sandy Mooy at the above address, by phone at 801-530-6714 or 801-530-6708, by FAX at 801-530-6796 or 801-530-6796, or by Internet E-mail at bstroud@utah.gov or smooy@utah.gov

AUTHORIZED BY: Barbara Stroud, Paralegal

EFFECTIVE: 01/06/2004



Transportation, Administration
R907-64
Longitudinal and Wireless Access to
Interstate Highway Rights-of-Way for
Installation of Telecommunications
Facilities

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR File No.: 26878
FILED: 01/05/2004, 15:28

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 72-7-108 requires the department to issue rules governing the manner in which

telecommunications providers can access state highway rights-of-way for their facilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The statute requiring the issuance of rules is still in place. The rule has been used in the last few years in instances when providers have wanted state access and have worked well, therefore this rule 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@utah.gov

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/05/2004

Transportation, Administration

R907-65

Compensation Schedule for Longitudinal Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26879
FILED: 01/05/2004, 15:32

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 72-7-108 requires the department to issue rules establishing the compensation that will be required of telecommunications providers who request access on interstate highway rights-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 written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The compensation schedule has worked well in the few instances in which access has been requested, therefore this rule 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@utah.gov

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/05/2004

Transportation, Motor Carrier **R909-3** Standards for Utah School Buses

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26880
FILED: 01/05/2004, 15:36

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 41-6-115 gives the department, in cooperation with the Department of Public Safety and the State Board of Education, authority and the responsibility to issues rules that set safety standards for school buses in Utah.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The department, in working

with other state agencies, has not seen any need to change the standards as they are currently written. If the rule did not exist, the department would be in violation of state statute and buses would be unsafe, therefore this rule should be continued.

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

TRANSPORTATION
 MOTOR CARRIER
 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@utah.gov

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/05/2004



Transportation, Motor Carrier, Ports of Entry

R912-14

Changes in Utah's Oversize/Overweight Permit Program - Semitrailer Exceeding 48 Feet Length

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 26881
 FILED: 01/05/2004, 16:21

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 72-7-402 requires the department to issue rules designating any routes where it is permissible to use semitrailers that exceed 48 feet but are less than 52 feet in length. This rule sets out that designation.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is still necessary to restrict operation of extra-long trailers to certain routes for safety reasons. The current designation correctly lists those restrictions, therefore this rule should be continued.

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

TRANSPORTATION
 MOTOR CARRIER, PORTS OF ENTRY
 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@utah.gov

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 01/05/2004



End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (*Utah Code* Section 63-46a-9 (1996)). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file an extension with the Division of Administrative Rules. The extension permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed extensions for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date. The five-year review extension is governed by *Utah Code* Subsection 63-46a-9(4) and (5) (1996).

Environmental Quality

Air Quality

No. 26887 (filed 01/13/2004 at 8:17 a.m.): R307-214. National Emission Standards for Hazardous Air Pollutants.

Enacted or Last Five-Year Review: 02/03/99 (No. 21844, 5YR, filed 02/03/99 at 4:10 p.m., published 03/01/99)

Extended Due Date: 06/02/2004

End of the Notices of Five-Year Review Extensions Section

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Commerce

Occupational and Professional Licensing
No. 26786 (AMD): R156-26a-303b. Renewal and Reinstatement Requirements - Continuing Professional Education (CPE).
Published: December 1, 2003
Effective: January 6, 2004

Securities

No. 26481 (CPR): R164-11-2. Hearings for Certain Exchanges of Securities.
Published: December 1, 2003
Effective: January 5, 2004

Education

Administration

No. 26828 (NEW): R277-486. Professional Staff Cost Program.
Published: December 15, 2003
Effective: January 15, 2004

No. 26827 (AMD): R277-502. Educator Licensing and Data Retention.
Published: December 15, 2003
Effective: January 15, 2004

No. 26830 (AMD): R277-720. Child Nutrition Programs.
Published: December 15, 2003
Effective: January 15, 2004

No. 26829 (NEW): R277-724. Criteria for Sponsors Recruiting Day Care Facilities in the Child and Adult Care Food Program.
Published: December 15, 2003
Effective: January 15, 2004

Environmental Quality

Water Quality

No. 26242 (CPR): R317-2. Standards of Quality for Waters of the State.
Published: September 15, 2003
Effective: January 6, 2004

Health

Children's Health Insurance Program
No. 26757 (AMD): R382-10. Eligibility.
Published: November 15, 2003
Effective: January 5, 2004

Health Care Financing, Coverage and Reimbursement Policy

No. 26798 (AMD): R414-52. Optometry Services.
Published: December 1, 2003
Effective: January 1, 2004

No. 26781 (AMD): R414-304. Income and Budgeting.
Published: December 1, 2003
Effective: January 1, 2004

Health Systems Improvement, Licensing

No. 26755 (AMD): R432-100-16. Emergency Care Services.
Published: November 15, 2003
Effective: January 9, 2004

Insurance

Administration

No. 26787 (AMD): R590-102. Insurance Department Fee Payment Rule.
Published: December 1, 2003
Effective: January 8, 2004

No. 26792 (AMD): R590-187. Assessment of Title Insurance Agencies and Title Insurers for Costs Related to Regulation of Title Insurance.
Published: December 1, 2003
Effective: January 8, 2004

Labor Commission

Adjudication

No. 26772 (AMD): R602-1. General Provisions.
Published: December 1, 2003
Effective: January 2, 2004

No. 26773 (AMD): R602-2-1. Pleadings and Discovery.
Published: December 1, 2003
Effective: January 2, 2004

Natural Resources

Parks and Recreation

No. 26776 (AMD): R651-611. Fee Schedule.
Published: December 1, 2003
Effective: January 6, 2004

NOTICES OF RULE EFFECTIVE DATES

Water Resources

No. 26779 (AMD): R653-2. Financial Assistance from the Board of Water Resources.
Published: December 1, 2003
Effective: January 7, 2004

No. 26784 (AMD): R653-5. Cloud Seeding.
Published: December 1, 2003
Effective: January 7, 2004

Wildlife Resources

No. 26659 (AMD): R657-13. Taking Fish and Crayfish.
Published: October 15, 2003
Effective: January 2, 2004

No. 26778 (AMD): R657-41. Conservation and Sportsman Permits.
Published: December 1, 2003
Effective: January 5, 2004

Public Safety

Fire Marshal

No. 26795 (AMD): R710-2. Rules Pursuant to the Utah Fireworks Act.
Published: December 1, 2003
Effective: January 2, 2004

No. 26793 (AMD): R710-4. Buildings Under the Jurisdiction of the State Fire Prevention Board.
Published: December 1, 2003
Effective: January 2, 2004

No. 26788 (AMD): R710-9. Rules Pursuant to the Utah Fire Prevention Law.
Published: December 1, 2003
Effective: January 2, 2004

Public Service Commission

Administration

No. 26780 (AMD): R746-200-6. Termination of Service.
Published: December 1, 2003
Effective: January 7, 2004

No. 26785 (NEW): R746-350. Application to Discontinue or Curtail Telecommunications Services.
Published: December 1, 2003
Effective: January 15, 2004

Transportation

No. 26720 (NEW): R907-67. Suspension of Contractors from Work on Department Projects -- Reasons.
Published: November 15, 2003
Effective: January 5, 2004

End of the Notices of Rule Effective Dates Section

RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 1, 2004, including notices of effective date received through January 15, 2004, the effective dates of which are no later than February 1, 2004. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

DAR NOTE: The index may contain inaccurate page number references. Also the index is incomplete in the sense that index entries for Changes in Proposed Rules (CPRs) are not preceded by entries for their parent Proposed Rules. These difficulties with the index are related to a new software package used by the Division to create the Bulletin and related publications; we hope to have them resolved as soon as possible. Bulletin issue information and effective date information presented in the index are, to the best of our knowledge, complete and accurate. If you have any questions regarding the index and the information it contains, please contact Nancy Lancaster (801 538-3218), Mike Broschinsky (801 538-3003), or Kenneth A. Hansen (801 538-3777).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.utah.gov/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Commerce					
<u>Occupational and Professional Licensing</u>					
R156-1-106	Division - Duties, Functions, and Responsibilities	26805	AMD	01/20/2004	2003-24/4
R156-5a	Podiatric Physician Licensing Act Rules	26917	5YR	01/27/2004	Not Printed
R156-26a-303b	Renewal and Reinstatement Requirements - Continuing Professional Education (CPE)	26786	AMD	01/06/2004	2003-23/7
R156-37c	Utah Controlled Substance Precursor Act Rules	26916	5YR	01/27/2004	Not Printed
R156-39a	Alternative Dispute Resolution Providers Certification Act Rules	26915	5YR	01/27/2004	Not Printed
R156-54-302b	Examination Requirements - Radiology Practical Technician	26580	CPR	01/20/2004	2003-24/70
R156-54-302b	Examination Requirements - Radiology Practical Technician	26580	AMD	01/20/2004	2003-18/4
R156-56	Utah Uniform Building Standard Act Rules	26693	AMD	01/01/2004	2003-21/7

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CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-56-707	Statewide Amendments to the IPC	26692	AMD	01/01/2004	2003-21/34
R156-76-102	Definitions	26777	AMD	01/20/2004	2003-23/14
<u>Real Estate</u>					
R162-105	Scope of Authority	26890	5YR	01/13/2004	2004-3/43
<u>Securities</u>					
R164-11-2	Hearings for Certain Exchanges of Securities	26481	CPR	01/05/2004	2003-23/83
R164-11-2	Hearings for Certain Exchanges of Securities	26481	AMD	01/05/2004	2003-15/17
Education					
<u>Administration</u>					
R277-437	Student Enrollment Options	26871	5YR	01/05/2004	2004-3/43
R277-486	Professional Staff Cost Program	26828	NEW	01/15/2004	2003-24/5
R277-502	Educator Licensing and Data Retention	26827	AMD	01/15/2004	2003-24/6
R277-720	Child Nutrition Programs	26830	AMD	01/15/2004	2003-24/10
R277-724	Criteria for Sponsors Recruiting Day Care Facilities in the Child and Adult Care Food Program	26829	NEW	01/15/2004	2003-24/11
R277-735	Standards and Procedures for Corrections Education Programs Serving Inmates of the Utah Department of Corrections	26870	5YR	01/05/2004	2004-3/44
<u>Rehabilitation</u>					
R280-201	USOR ADA Complaint Procedure	26872	5YR	01/05/2004	2004-3/44
R280-202	USOR Procedures for Individuals with the Most Severe Disabilities	26873	5YR	01/05/2004	2004-3/45
Environmental Quality					
<u>Drinking Water</u>					
R309-705	Financial Assistance: Federal Drinking Water Project Revolving Loan Program	26760	AMD	01/01/2004	2003-22/19
<u>Water Quality</u>					
R317-2	Standards of Quality for Waters of the State	26242	CPR	01/06/2004	2003-18/35
R317-2	Standards of Quality for Waters of the State	26242	AMD	01/06/2004	2003-10/27
Health					
<u>Children's Health Insurance Program</u>					
R382-10	Eligibility	26757	AMD	01/05/2004	2003-22/21
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-50	Dental, Oral and Maxillofacial Surgeons	26802	AMD	01/28/2004	2003-24/13
R414-51	Dental, Orthodontia	26782	AMD	01/28/2004	2003-23/25
R414-52	Optometry Services	26798	AMD	01/01/2004	2003-23/27
R414-53	Eyeglasses Services	26783	AMD	01/28/2004	2003-23/28
R414-54	Speech-Language Pathology Services	26803	AMD	01/28/2004	2003-24/14
R414-99	Chiropractic Services	26809	NEW	01/28/2004	2003-24/15
R414-304	Income and Budgeting	26781	AMD	01/01/2004	2003-23/29
<u>Health Systems Improvement, Emergency Medical Services</u>					
R426-13	Emergency Medical Services Provider Designations	26669	AMD	01/01/2004	2003-20/7
R426-14	Ambulance Service and Paramedic Service Licensure	26670	AMD	01/01/2004	2003-20/10
R426-15	Licensed and Designated Provider Operations	26671	AMD	01/01/2004	2003-20/14

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Health Systems Improvement, Licensing</u>					
R432-1	General Health Care Facility Rules	26868	5YR	01/05/2004	2004-3/45
R432-2	General Licensing Provisions	26876	5YR	01/05/2004	2004-3/46
R432-3	General Health Care Facility Rules Inspection and Enforcement	26875	5YR	01/05/2004	2004-3/46
R432-4	General Construction	26869	5YR	01/05/2004	2004-3/47
R432-5	Nursing Facility Construction	26877	5YR	01/05/2004	2004-3/48
R432-6	Assisted Living Facility General Construction	26886	5YR	01/08/2004	2004-3/48
R432-100-16	Emergency Care Services	26755	AMD	01/09/2004	2003-22/24
Human Services					
<u>Administration</u>					
R495-879	Parental Support for Children in Care	26822	AMD	01/26/2004	2003-24/27
<u>Recovery Services</u>					
R527-210	Guidelines for Setting Child Support Awards	26889	5YR	01/13/2004	2004-3/49
Insurance					
<u>Administration</u>					
R590-102	Insurance Department Fee Payment Rule	26787	AMD	01/08/2004	2003-23/39
R590-187	Assessment of Title Insurance Agencies and Title Insurers for Costs Related to Regulation of Title Insurance	26792	AMD	01/08/2004	2003-23/44
Labor Commission					
<u>Adjudication</u>					
R602-1	General Provisions	26772	AMD	01/02/2004	2003-23/46
R602-2-1	Pleadings and Discovery	26773	AMD	01/02/2004	2003-23/47
<u>Industrial Accidents</u>					
R612-4-2	Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund.	26697	AMD	01/01/2004	2003-21/64
<u>Safety</u>					
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	26674	AMD	01/01/2004	2003-20/25
Natural Resources					
<u>Parks and Recreation</u>					
R651-611	Fee Schedule	26776	AMD	01/06/2004	2003-23/52
<u>Water Resources</u>					
R653-2	Financial Assistance from the Board of Water Resources	26779	AMD	01/07/2004	2003-23/56
R653-5	Cloud Seeding	26784	AMD	01/07/2004	2003-23/59
<u>Wildlife Resources</u>					
R657-5	Taking Big Game	26817	AMD	01/21/2004	2003-24/46
R657-13	Taking Fish and Crayfish	26659	AMD	01/02/2004	2003-20/28
R657-17-4	General Deer Permits and Tags	26818	AMD	01/21/2004	2003-24/55
R657-38	Dedicated Hunter Program	26819	AMD	01/21/2004	2003-24/56
R657-41	Conservation and Sportsman Permits	26778	AMD	01/05/2004	2003-23/61
R657-42	Accepted Payment of Fees, Late Fees, Exchanges, Surrenders, Refunds and Reallocation of Licenses, Certificates of Registration and Permits	26820	AMD	01/21/2004	2003-24/61

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CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Public Safety					
<u>Driver License</u>					
R708-30	Motorcycle Rider Training Schools	26918	5YR	01/27/2004	Not Printed
<u>Fire Marshal</u>					
R710-2	Rules Pursuant to the Utah Fireworks Act	26795	AMD	01/02/2004	2003-23/65
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	26793	AMD	01/02/2004	2003-23/67
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	26920	EMR	01/28/2004	Not Printed
R710-6	Liquefied Petroleum Gas Rules	26801	AMD	01/15/2004	2003-24/63
R710-9	Rules Pursuant to the Utah Fire Prevention Law	26788	AMD	01/02/2004	2003-23/72
R710-9	Rules Pursuant to the Utah Fire Prevention Law	26919	EMR	01/28/2004	Not Printed
<u>Criminal Investigations and Technical Services, Criminal Identification</u>					
R722-900	Review and Challenge of Criminal Record	26895	5YR	01/15/2004	2004-3/50
Public Service Commission					
<u>Administration</u>					
R746-200-6	Termination of Service	26780	AMD	01/07/2004	2003-23/76
R746-350	Application to Discontinue or Curtail Telecommunications Services	26785	NEW	01/15/2004	2003-23/79
R746-365	Intercarrier Service Quality	26883	5YR	01/06/2004	2004-3/50
Regents (Board Of)					
<u>University of Utah, Administration</u>					
R805-1	Operating Regulations for Bicycles, Skateboards and Scooters	26914	5YR	01/27/2004	Not Printed
<u>University of Utah, Museum of Natural History (Utah)</u>					
R807-1	Curation of Collections from State Lands	26913	5YR	01/26/2004	Not Printed
Tax Commission					
<u>Property Tax</u>					
R884-24P-24	Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918 through 59-2-924	26910	NSC	01/27/2004	Not Printed
Transportation					
<u>Administration</u>					
R907-64	Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	26878	5YR	01/05/2004	2004-3/51
R907-65	Compensation Schedule for Longitudinal Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	26879	5YR	01/05/2004	2004-3/51
R907-67	Suspension of Contractors from Work on Department Projects -- Reasons	26720	NEW	01/05/2004	2003-22/50
<u>Motor Carrier</u>					
R909-3	Standards for Utah School Buses	26880	5YR	01/05/2004	2004-3/52
<u>Motor Carrier, Ports of Entry</u>					
R912-14	Changes in Utah's Oversize/Overweight Permit Program - Semitrailer Exceeding 48 Feet Length	26881	5YR	01/05/2004	2004-3/52
<u>Preconstruction, Right-of-Way Acquisition</u>					
R933-2-3	Definitions	26892	EMR	01/14/2004	2004-3/40

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Workforce Services					
<u>Employment Development</u>					
R986-100	Employment Support Programs	26705	AMD	01/01/2004	2003-21/75
R986-400	General Assistance and Working Toward Employment	26706	AMD	01/01/2004	2003-21/81
R986-700	Child Care Assistance	26707	AMD	01/01/2004	2003-21/83

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
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KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>accountants</u>					
Commerce, Occupational and Professional Licensing	26786	R156-26a-303b	AMD	01/06/2004	2003-23/7
<u>administrative procedures</u>					
Labor Commission, Adjudication	26772	R602-1	AMD	01/02/2004	2003-23/46
	26773	R602-2-1	AMD	01/02/2004	2003-23/47
<u>alternative dispute resolution</u>					
Commerce, Occupational and Professional Licensing	26915	R156-39a	5YR	01/27/2004	Not Printed
<u>appraisals</u>					
Tax Commission, Property Tax	26910	R884-24P-24	NSC	01/27/2004	Not Printed
<u>arbitration</u>					
Commerce, Occupational and Professional Licensing	26915	R156-39a	5YR	01/27/2004	Not Printed
<u>archaeological</u>					
Regents (Board Of), University of Utah, Museum of Natural History (Utah)	26913	R807-1	5YR	01/26/2004	Not Printed
<u>bicycles</u>					
Regents (Board Of), University of Utah, Administration	26914	R805-1	5YR	01/27/2004	Not Printed
<u>big game seasons</u>					
Natural Resources, Wildlife Resources	26817	R657-5	AMD	01/21/2004	2003-24/46
<u>boilers</u>					
Labor Commission, Safety	26674	R616-2-3	AMD	01/01/2004	2003-20/25

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