

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63G-3-402.

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Division of Administrative Rules, 4120 State Office Building, Salt Lake City, Utah 84114-1201, telephone 801-538-3764, FAX 801-359-0759. Additional rulemaking information, and electronic versions of all administrative rule publications are available at: <http://www.rules.utah.gov/>

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

Division of Administrative Rules, Salt Lake City 84114

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SPECIAL NOTICES

Health Health Care Financing, Coverage and Reimbursement Policy

Notice for March 2011 Medicaid Rate Changes

Effective March 1, 2011, Utah Medicaid will adjust its rates consistent with approved methodologies. Rate adjustments include new codes priced consistent with approved Medicaid methodologies, as well as potential adjustments to existing codes. All rate changes are posted to the web and can be viewed at: <http://health.utah.gov/medicaid/stplan/bcrp.htm>

End of the Special Notices Section

EXECUTIVE DOCUMENTS

As part of his or her constitutional duties, the Governor periodically issues **EXECUTIVE DOCUMENTS** comprised of Executive Orders, Proclamations, and Declarations. "Executive Orders" set policy for the Executive Branch; create boards and commissions; provide for the transfer of authority; or otherwise interpret, implement, or give administrative effect to a provision of the Constitution, state law or executive policy. "Proclamations" call special or extraordinary legislative sessions; designate classes of cities; publish states-of-emergency; promulgate other official formal public announcements or functions; or publicly avow or cause certain matters of state government to be made generally known. "Declarations" designate special days, weeks or other time periods; call attention to or recognize people, groups, organizations, functions, or similar actions having a public purpose; or invoke specific legislative purposes (such as the declaration of an agricultural disaster).

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Division of Administrative Rules for publication and distribution. All orders issued by the Governor not in conflict with existing laws have the full force and effect of law during a state of emergency when a copy of the order is filed with the Division of Administrative Rules. (See Section 63K-4-401).

Governor's Executive Order EO/001/2011: Declaring a State of Emergency due to Flooding and Runoff in Washington and Kane Counties

EXECUTIVE ORDER

Declaring a State of Emergency due to Flooding and Runoff in Washington and Kane Counties

WHEREAS, severe winter storms beginning on or about December 20, 2010, and continuing through December 24, 2010, have caused flooding and rapid runoff throughout Washington and Kane Counties;

WHEREAS, the flooding and runoff have disrupted transportation, and damaged homes, as well as public and private facilities;

WHEREAS, these conditions have required emergency response and debris cleanup, and have caused the evacuation of residents and the opening of emergency shelters; and

WHEREAS, damage caused by the severe winter storms in Washington and Kane Counties constitutes a disaster within the intent of the Disaster Response and Recovery Act under Utah Code Section 63K-4-203;

NOW THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, do hereby order that a "State of Emergency" exists due to the aforesaid flooding and runoff in Washington and Kane Counties and that such area is declared to be a disaster requiring aid, assistance, and relief available pursuant to the provisions of State statutes, and the State Emergency Operations Plan, which is hereby activated.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 19th day of January 2011.

(State Seal)

Gary R. Herbert
Governor, State of Utah

Attest:

Greg S Bell
Lieutenant Governor, State of Utah

EO/001/2011

End of the Executive Documents 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 15, 2011, 12:00 a.m., and February 01, 2011, 11:59 p.m. are included in this, the February 15, 2011 issue of the *Utah State Bulletin*.

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

Following the **RULE ANALYSIS**, the text of the **PROPOSED RULE** is usually printed. New rules or additions made to existing rules are underlined (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [~~example~~]). Rules being repealed are completely struck out. A row of dots in the text between paragraphs (.) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not printed. If a **PROPOSED RULE** is too long to print, the Division of Administrative Rules will include only the **RULE ANALYSIS**. A copy of each rule that is too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Bulletin* until at least March 17, 2011. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through June 15, 2011, the agency may notify the Division of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Division of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE OF a CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses and the agency must start the process over.

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

PROPOSED RULES are governed by Section 63G-3-301; 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

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

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34409

FILED: 02/01/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and the Professional Engineers and Professional Land Surveyors Licensing Board reviewed the rule and determined changes need to be made to add and clarify definitions, update examination references, update professional code of ethics document, delete unnecessary language, and make stylistic changes.

SUMMARY OF THE RULE OR CHANGE: The term "board" is capitalized throughout the rule. References to examinations throughout the rule are updated to be consistent with definitions added in Section R156-22-102. The terms "Subsection" and "Section" are added to references to statute and rule as necessary. In Section R156-22-102, definitions of five examinations are added, one examination name is updated and subsections are renumbered. The definition for "recognized jurisdiction" is amended to specify that the jurisdiction shall, at a minimum, have the license requirements established in Subsections R156-22-102(14)(a), (b), and (c) in place at the time the applicant submits a license application in Utah. In Section R156-22-302c, amendments remove Subsection R156-22-302c(4)(a)(i)(B) because dates referenced in it have now passed and the subsection is unnecessary. Other subsections which are no longer needed are being deleted and other stylistic changes have been made. In Section R156-22-302d, examination references are updated. In Subsection R156-22-304(1), the term "less" is replaced with "fewer". In Section R156-22-502, National Council of Examiners for Engineering and Surveying (NCEES) Rules of Professional Conduct are updated to the August 2010 edition.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-22-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Removes Model Rules of Professional Conduct, published by National Council of Examiners for Engineering and Surveying (NCEES), 1997
- ◆ Adds Rules of Professional Conduct, published by National Council of Examiners for Engineering and Surveying (NCEES), August 2010

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The Division will incur minimal costs of approximately \$50 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget. Also, by amending Section R156-60a-302c the Division avoids potential costs associated with responding to requests for agency review filed by applicants who may misinterpret the current rule language.

◆ **LOCAL GOVERNMENTS:** The proposed amendments only apply to licensed professional engineers, professional structural engineers, professional land surveyors, and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to local governments. Licensees may work in a small number of local governments; however, the proposed amendments would not directly affect local governments.

◆ **SMALL BUSINESSES:** The proposed amendments only apply to licensed professional engineers, professional structural engineers, professional land surveyors, and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to small businesses. Licensees and applicants for licensure may work in a small business; however, the proposed amendments would not directly affect the business.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendments only apply to licensed professional engineers, professional structural engineers, professional land surveyors, and applicants for licensure in those classifications. This rule filing makes minor amendments for purposes of clarification, updating, correction, and removal of unnecessary text. The Division has determined that the nature of the proposed amendments is such that none of the amendments have costs for licensed professional engineers, professional structural engineers, professional land surveyors, and applicants for licensure in those classifications.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments only apply to licensed professional engineers, professional structural engineers, professional land surveyors, and applicants for licensure in those classifications. This rule filing makes minor amendments for purposes of clarification, updating, correction, and removal of unnecessary text. The Division has determined that the

nature of the proposed amendments is such that none of the amendments have costs for licensed professional engineers, professional structural engineers and professional land surveyors and applicants for licensure in those classifications.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing clarifies and provides new definitions, removes language no longer necessary due to passage of time, amends outdated provisions, updates the examination provisions due to changes in the industry, and makes other technical changes. No fiscal impact to businesses is anticipated from these amendments.

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:

♦ Rich Oborn by phone at 801-530-6767, by FAX at 801-530-6511, or by Internet E-mail at roborn@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/17/2011

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

♦ 03/16/2011 09:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 474, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 03/24/2011

AUTHORIZED BY: Mark Steinagel, Director

R156. Commerce, Occupational and Professional Licensing.

R156-22. Professional Engineers and Professional Land Surveyors Licensing Act Rule.

R156-22-102. Definitions.

In addition to the definitions in Title 58, Chapters 1, 3a and 22, as used in Title 58, Chapters 1, 3a and 22, or this rule:

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

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

(3) "Employee, subordinate, associate, or drafter of a licensee", as used in Subsections 58-22-102(16), 58-22-603(1)(b) and this rule, means one or more individuals not licensed under this chapter, who are working for, with, or providing professional engineering, professional structural engineering, or professional

land surveying services directly to and under the supervision of a person licensed under this chapter.

(4) "Engineering surveys", as used in Subsection 58-22-102(9), include all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but exclude the surveying of real property for the establishment of land boundaries, rights-of-way, easements, alignment of streets, and the dependent or independent surveys or resurveys of the public land survey system.

(5) "Highly toxic materials", as used in Subsection 58-22-102(14)(a)(ii)(F), is hazardous materials as defined in Section 307 of the 2009 International Building Code and Section 2703 of the 2009 International Fire Code.

(6) "Incidental practice" means "architecture work as is incidental to the practice of engineering", as used in Subsection 58-22-102(9), and "engineering work as is incidental to the practice of architecture", as used in Subsection 58-3a-102(6), which:

(a) can be safely and competently performed by the licensee without jeopardizing the life, health, property and welfare of the public;

(b) is secondary and substantially less in scope and magnitude when compared to the work performed or to be performed by the licensee in the licensed profession;

(c) is work in which the licensee is fully responsible for the incidental practice performed as provided in Subsections 58-3a-603(1) or 58-22-603(1);

(d) is work that affects not greater than 49 occupant as determined in Section 1004 of the 2009 International Building Code;

(e) is work included on a project with a construction value not greater than 15 percent of the overall construction value for the project including all changes or additions to the contracted or agreed upon work; and

(f) shall not include work on a building or related structure in an occupancy category of III or IV as defined in 1604.5 of the 2009 International Building Code.

(7) "Maximum allowable quantities", as used in Subsection 58-22-102(14)(a)(ii)(F), is quantities of hazardous materials as set forth in Section 307 of the 2009 International Building Code, Tables 307.1(1) and 307.1(2), which when exceeded, would classify the building, structure or portion thereof as Group H-1, H-2, H-3, H-4 or H-5 hazardous use.

(8) "NCEES FE", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Fundamentals of Engineering Examination.

(9) "NCEES FS", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Fundamentals of Surveying Examination.

(10) "NCEES PE", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Principles and Practice of Engineering Examination.

(11) "NCEES PS", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Principles and Practice in Surveying Examination.

(12) "NCEES SE", as used throughout this rule, means the National Council of Examiners in Engineering and Surveying Structural Engineering Examination.

([8]13) "Professional structural engineering or the practice of structural engineering", as defined in Subsection 58-22-

102(14), is further defined to exclude the design and oversight of the construction and installation of highway, utility, or pedestrian bridges.

([9]14) "Recognized jurisdiction", as used in Subsection 58-22-302(4)(d)(i), for licensure by endorsement, means any state, district or territory of the United States, or any foreign country that issues licenses for professional engineers, professional structural engineers, or professional land surveyors, and whose licensure requirements, at the time the applicant submits a Utah license application, include:

(a) Professional Engineer.

(i) a bachelors or post graduate degree in engineering or equivalent education as determined by the NCEES Credentials Evaluations and four years of full time engineering experience under supervision of one or more licensed engineers; and

(ii) passing the NCEES [~~Principles and Practice of Engineering Examination~~-(PE)]examination.

(b) Professional Structural Engineer.

(i) a bachelors or post graduate degree in engineering or equivalent education as determined by the NCEES Credentials Evaluations and four years of full time engineering experience under supervision of one or more licensed engineers;

(ii) passing the NCEES [~~Structural I and II~~SE]examination; and

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

(c) Professional Land Surveyor.

(i) an associate or higher education degree in land surveying as set forth in Subsection R156-22-302b(2)(c) or equivalent education as determined by the NCEES Credentials Evaluations and four years of full time land surveying experience under supervision of one or more licensed professional land surveyors; and

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

([10]15) "Responsible charge" by a principal, as used in Subsection 58-22-102(7), means that the licensee is assigned to and is personally accountable for the production of specified professional engineering, professional structural engineering or professional land surveying projects within an organization.

([11]16) "TAC/ABET" means Technology Accreditation Commission/Accreditation Board for Engineering and Technology(ABET, Inc.).

([12]17) "Under the direction of the licensee", as used in Subsection 58-22-102(16), as part of the definition of "supervision of an employee, subordinate, associate, or drafter of a licensee", means that the unlicensed employee, subordinate, associate, or drafter of a person licensed under this chapter engages in the practice of professional engineering, professional structural engineering, or professional land surveying only on work initiated by a person licensed under this chapter, and only under the administration, charge, control, command, authority, oversight, guidance, jurisdiction, regulation, management, and authorization of a person licensed under this chapter.

([13]18) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 22, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-22-502.

R156-22-302c. Qualifications for Licensure - Experience Requirements.

(1) General Requirements. These general requirements apply to all applicants under this chapter and are in addition to the specific license requirements in Subsections (2), (3) and (4).

(a) 2,000 hours of work experience constitutes one year (12 months) of work experience.

(b) No more than 2,000 hours of work experience can be claimed in any 12 month period.

(c) Experience shall be progressive on projects that are of increasing quality and requiring greater responsibility.

(d) Only experience of an engineering, structural engineering or surveying nature, as appropriate for the specific license, is acceptable.

(e) Experience is not acceptable if it is obtained in violation of applicable statutes or rules.

(f) Unless otherwise provided in this Subsection (1)(g), experience shall be gained under the direct supervision of a person licensed in the profession for which the license application is submitted. Supervision of an intern by another intern is not permitted.

(g) Experience is also acceptable when obtained in a work setting where licensure is not required or is exempted from licensure requirements, including experience obtained in the armed services if:

(i) the experience is performed under the supervision of qualified persons and the applicant provides verifications of the credentials of the supervisor; and

(ii) the experience gained is equivalent to work performed by an intern obtaining experience under a licensed supervisor in a licensed or civilian setting, and the applicant provides verification of the nature of the experience.

(h) Proof of supervision. The supervisor shall provide to the applicant the certificate of qualifying experience in a sealed envelope with the supervisor's seal stamped across the seal flap of the envelope, which the applicant shall submit with the application for licensure.

(i) In the event the supervisor is unavailable or refuses to provide a certification of qualifying experience, the applicant shall submit a complete explanation of why the supervisor is unavailable and submit verification of the experience by alternative means acceptable to the [b]Board, which shall demonstrate that the work was profession-related work, competently performed, and sufficient accumulated experience for the applicant to be granted a license without jeopardy to the public health, safety or welfare.

(j) In addition to the supervisor's documentation, the applicant shall submit at least one verification of qualifying experience from a person licensed in the profession who has personal knowledge of the applicant's knowledge, ability and competence to practice in the profession applied for.

(k) Duties and responsibilities of a supervisor. The duties and responsibilities of a licensee under Subsection (1)(f) or other qualified person under Subsection (1)(g) include the following.

(i) A person may not serve as a supervisor for more than one firm.

(ii) A person who renders occasional, part time or consulting services to or for a firm may not serve as a supervisor.

(iii) The supervisor shall be in responsible charge of the projects assigned and is professionally responsible for the acts and practices of the supervisee.

(iv) The supervision shall be conducted in a setting in which the supervisor is independent from control by the supervisee and in which the ability of the supervisor to supervise and direct the practice of the supervisee is not compromised.

(v) The supervisor shall be available for advice, consultation and direction consistent with the standards and ethics of the profession.

(vi) The supervisor shall provide periodic review of the work assigned to the supervisee.

(vii) The supervisor shall monitor the performance of the supervisee for compliance with laws, standards and ethics applicable to the profession.

(viii) The supervisor shall provide supervision only to a supervisee who is an employee of a licensed professional or alternatively in a setting wherein both the supervisor and the supervisee are engaged in a work setting in which the work is exempt from licensure requirements.

(ix) The supervisor shall submit appropriate documentation to the Division with respect to all work completed by the supervisee during the period of supervised experience, including the supervisor's evaluation of the supervisee's competence to practice in the profession.

(x) The supervisor shall assure each supervisee has obtained the degree which is a prerequisite to the intern beginning to obtain qualifying experience.

(2) Experience Requirements - Professional Engineer.

(a) In accordance with Subsection 58-22-302(1)(e), an applicant for licensure as a professional engineer shall complete the following qualifying experience requirements:

(i) Submit verification of qualifying experience, obtained while under the supervision of one or more licensed professional engineers, which experience has been certified by the licensed professional who provided the supervision documenting completion of a minimum of four years of full time or equivalent part time qualifying experience in professional engineering approved by the Division in collaboration with the [b]Board in accordance with the following:

(A) The qualifying experience shall be obtained after meeting the education requirements.

(B) A maximum of three of the four years of qualifying experience may be approved by the [b]Board as follows:

(I) A maximum of three years of qualifying experience may be granted for teaching advanced engineering subjects in a college or university offering an engineering curriculum accredited by EAC/ABET.

(II) A maximum of three years of qualifying experience may be granted for conducting research in a college or university offering an engineering curriculum accredited by EAC/ABET provided the research is under the supervision of a licensed professional and is directly related to the practice of engineering, as long as such research has not been credited towards the education requirements. Therefore research which is included as part of the

classwork, thesis or dissertation or similar work is not acceptable as additional work experience.

(III) A maximum of one year of qualifying experience may be granted for completion of a masters degree in engineering provided that both the earned bachelors and masters degree in engineering meet the program criteria set forth in Subsection R156-22-302b(1).

(IV) A maximum of two years of qualifying experience may be granted for completion of a doctorate degree in engineering provided that both the earned bachelors or masters degree and doctorate degree in engineering meet the program criteria set forth in Subsection R156-22-302b(1).

(b) The performance or supervision of construction work as a contractor, foreman or superintendent is not qualifying experience for licensure as a professional engineer.

(c) Experience should include demonstration of, knowledge, application, and practical solutions using engineering mathematics, physical and applied science, properties of materials and the fundamental principles of engineering design.

(3) Experience Requirements - Professional Structural Engineer.

(a) In accordance with Subsection 58-22-302(2)(e), each applicant shall submit verification of three years of full time or equivalent part time professional structural engineering experience obtained while under the supervision of one or more licensed professional structural engineers, which experience is certified by the licensed structural engineer supervisor and is in addition to the qualifying experience required for licensure as a professional engineer.

(b) The qualifying experience shall be obtained after meeting the education requirements.

(c) Professional structural engineering experience shall include responsible charge of structural design in one or more of the following areas:

(i) structural design of any building or structure two stories and more, or 45 feet in height, located in a region of moderate or high seismic risk designed in accordance with current codes adopted pursuant to Section 58-56-4;

(ii) structural design for a major seismic retrofit/rehabilitation of an existing building or structure located in a region of moderate or high seismic risk; or

(iii) structural design of any other structure of comparable structural complexity.

(d) Professional structural engineering experience shall include structural design in all of the following areas:

(i) use of three of the following four materials as they relate to the design, rehabilitation or investigation of buildings or structures:

(A) steel;

(B) concrete;

(C) wood; or

(D) masonry;

(ii) selection of framing systems including the consideration of alternatives and the selection of an appropriate system for the interaction of structural components to support vertical and lateral loads;

(iii) selection of foundation systems including the consideration of alternatives and the selection of an appropriate type of foundation system to support the structure;

(iv) design and detailing for the transfer of forces between stories in multi-story buildings or structures;

(v) application of lateral design in the design of the buildings or structures in addition to any wind design requirements; and

(vi) application of the local, state and federal code requirements as they relate to design loads, materials, and detailing.

(4) Experience Requirements - Professional Land Surveyor.

(a) In accordance with Subsection[s] 58-22-302(3)(d), ~~[an]each~~ applicant for licensure as a professional land surveyor shall submit verification of four years of full time or equivalent part time qualifying experience in land surveying obtained under the supervision of one or more licensed professional land surveyors which experience may be obtained before, during or after completing the education requirements for licensure. The experience shall be certified by the licensed professional land surveyor supervisor. ~~[complete the following qualifying experience requirements:~~

~~—(i) Submit verification of qualifying experience obtained under the supervision of one or more licensed professional land surveyors who have provided supervision, which experience is certified by the licensed professional land surveyor supervisor and is in accordance with the following:~~

~~—(A) Applicants who have met the education requirements in Subsection 58-22-302(3)(d)(i) shall document four years of full time or equivalent part time qualifying experience in land surveying which experience may be obtained before, during or after completing the education requirements for licensure.~~

~~—(B) Prior to January 1, 2007, applicants who did not complete the education requirements in Subsection 58-22-302(3)(d)(i) shall have until December 31, 2009 to apply for licensure by documenting eight years of qualifying experience in land surveying.]~~

(b) The four years of qualifying experience ~~[required in R156-22-302c(4)(a)(i)(A) and four of the eight years required in R156-22-302c(4)(a)(i)(B)]~~ shall comply with the following:

(i) ~~[F]~~two years of experience should be specific to field surveying with actual "hands on" surveying, including all of the following:

- (A) operation of various instrumentation;
- (B) review and understanding of plan and plat data;
- (C) public land survey systems;
- (D) calculations;
- (E) traverse;
- (F) staking procedures;
- (G) field notes and manipulation of various forms of data encountered in horizontal and vertical studies; and

(ii) ~~[F]~~two years of experience should be specific to office surveying, including all of the following:

- (A) drafting (includes computer plots and layout);
- (B) reduction of notes and field survey data;
- (C) research of public records;
- (D) preparation and evaluation of legal descriptions; and
- (E) preparation of survey related drawings, plats and record of survey maps.]

~~—(c) The remaining qualifying experience required in R156-22-302c(4)(a)(i)(B) shall include any aspects of the practice~~

~~of land surveying under the supervision of a licensed professional land surveyor in accordance with Subsection 58-22-102(16).]~~

R156-22-302d. Qualifications for Licensure - Examination Requirements.

(1) Examination Requirements - Professional Engineer.

(a) In accordance with Subsection 58-22-302(1)(f), the examination requirements for licensure as a professional engineer are defined, clarified or established as the following:

(i) the NCEES ~~[Fundamentals of Engineering (FE)-E]~~FE examination with a passing score as established by the NCEES except that an applicant who has completed an undergraduate degree from an EAC/ABET accredited program and has completed a Ph.D. or doctorate in engineering from an institution that offers EAC/ABET undergraduate programs in the Ph.D. field of engineering is not required to ~~[take]~~pass the FE examination;

(ii) the NCEES ~~[Principles and Practice of Engineering (PE)-E]~~PE examination ~~[other than Structural II]~~or the NCEES SE examination with a passing score as established by the NCEES; and

(iii) pass all questions on the open book, take home Utah Law and Rules Examination, which is included as part of the license application form ~~[licensure forms]~~.

(b) If an applicant was approved by the ~~[Utah]~~Division of Occupational and Professional Licensing to take the examinations required for licensure as an engineer under prior Utah statutes and rules and did take and pass all examinations required under such prior rules, the prior examinations will be acceptable to qualify for reinstatement of licensure rather than the examinations specified under Subsection R156-22-302d(1)(a).

(c) Prior to submitting an application for pre-approval to sit for the NCEES PE examination, an applicant must have successfully completed three out of the four years of the qualifying experience requirements set forth in Subsection R156-22-302c(1) after having successfully completed the education requirements set forth in Subsection R156-22-302b(1).

(d) The admission criteria to sit for the NCEES FE examination is set forth in Section 58-22-306.

(2) Examination Requirements - Professional Structural Engineer.

(a) In accordance with Subsection 58-22-302(2)(f), the examination requirements for licensure as a professional structural engineer are ~~[defined, clarified, or]~~established as the following:

(i) the NCEES ~~[Fundamentals of Engineering Examination (FE)]~~FE examination with a passing score as established by the NCEES;

(ii) the NCEES ~~[Structural E]~~SE examination, and prior to April 2011, the NCEES Structural I and Structural II Examinations with a passing score as established by the NCEES; and

(iii) as part of the application for license, pass all questions on the open book, take home Utah Law and Rules Examination.

(b) Prior to submitting an application for pre-approval to sit for the NCEES Structural II examination, an applicant must have successfully completed two out of the three years of the experience requirements set forth in Subsection R156-22-302c(3).

(3) Examination Requirements - Professional Land Surveyor.

(a) In accordance with Subsection 58-22-302(3)(e), the examination requirements for licensure as a professional land surveyor are established as the following:

(i) the NCEES [~~Fundamentals of Surveying (FS)-E~~]FS examination with a passing score as established by the NCEES;

(ii) the NCEES [~~Principles and Practice of Surveying (PS)-E~~]PS examination with a passing score as established by the NCEES; and

(iii) the Utah Local Practice Examination with a passing score of at least 75. An applicant who fails the Utah Local Practice Examination may retake the examination as follows:

(A) no sooner than 30 days following any failure, up to three failures; and

(B) no sooner than six months following any failure thereafter.

(b) Prior to submitting an application for pre-approval to sit for the NCEES PS examination, an applicant must have successfully completed the education requirement set forth in Subsection R156-22-302b(2) and three out of the four years of the qualifying experience requirements set forth in Subsection R156-22-302c(4).

(4) Examination Requirements for Licensure by Endorsement.

In accordance with Subsection 58-22-302(4)(d)(ii), the examination requirements for licensure by endorsement are established as follows:

(a) Professional Engineer: An applicant for licensure as a professional engineer by endorsement shall comply with the examination requirements in Subsection R156-22-302d(1) except that the [b]Board may waive one or more of the following examinations under the following conditions:

(i) the NCEES FE [E]examination for an applicant who is a principal for five of the last seven years preceding the date of the license application and who was not required to pass the NCEES FE [E]examination for initial licensure from the recognized jurisdiction the applicant was originally licensed;

(ii) the NCEES PE [E]examination for an applicant who is a principal for five of the last seven years preceding the date of the license application, who has been licensed for 20 years preceding the date of the license application, and who was not required to pass the NCEES PE [E]examination for initial licensure from the recognized jurisdiction the applicant was originally licensed.

(b) Professional Structural Engineer: An applicant for licensure as a professional structural engineer by endorsement shall comply with the examination requirements in Subsection R156-22-302d(2) except that the [b]Board may waive the NCEES FE [E]examination for an applicant who is a principal for five of the last seven years preceding the date of the license application and who was not required to pass the NCEES FE [E]examination for initial licensure from the recognized jurisdiction the applicant was originally licensed.

(c) Professional Land Surveyor: An applicant for licensure as a professional land surveyor by endorsement shall comply with the examination requirements in Subsection R156-22-302d(3) except that the [b]Board may waive either the NCEES[(FS)-E]FS examination or the NCEES [(PS)-E]PS examination or both to an applicant who is a principal for five of the last seven years preceding the date of the license application and who was not

required to pass the NCEES[(FS)-E]FS examination or the[(PS)-E]NCEES PS examination for initial licensure from the recognized jurisdiction the applicant was originally licensed.

R156-22-304. Continuing Education for Professional Engineers, Professional Structural Engineers and Professional Land Surveyors.

In accordance with Subsection 58-22-303(2) and Section 58-22-304, the qualifying continuing professional education standards for professional engineers, professional structural engineers and professional land surveyors are established as follows:

(1) During each two year period ending on March 31 of each odd numbered year, a licensed professional engineer, professional structural engineer and professional land surveyor shall be required to complete not [~~less~~]fewer than 24 hours of qualified professional education directly related to the licensee's professional practice.

(2) The required number of hours of professional education for an individual who first becomes licensed during the two year period shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed.

(3) Qualified continuing professional education under this section shall:

(a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of a professional engineer, professional structural engineer, or professional land surveyor;

(b) be relevant to the licensee's professional practice;

(c) be presented in a competent, well organized and sequential manner consistent with the stated purpose and objective of the program;

(d) be prepared and presented by individuals who are qualified by education, training and experience; and

(e) have associated with it a competent method of registration of individuals who actually completed the professional education program and records of that registration and completion are available for review.

(4) Credit for qualified continuing professional education shall be recognized in accordance with the following:

(a) unlimited hours shall be recognized for professional education completed in blocks of time of not less than one hour in formally established classroom courses, seminars, or conferences;

(b) a maximum of 12 hours per two year period may be recognized for teaching in a college or university or for teaching qualified continuing professional education courses in the field of professional engineering, professional structural engineering or professional land surveying, provided it is the first time the material has been taught during the preceding 12 months;

(c) a maximum of four hours per two year period may be recognized for preparation of papers, articles, or books directly related to the practice of professional engineering, professional structural engineering or professional land surveying and submitted for publication; and

(d) a maximum of eight hours per two year period may be recognized at the rate of one hour for each hour served on committees or in leadership roles in any state, national or international organization for the development and improvement of

the profession of professional engineering, professional structural engineering or professional land surveying but no more than four of the eight hours may be obtained from such activity in any one organization;

(e) unlimited hours may be recognized for continuing education that is provided via Internet or through home study courses provided the course verifies registration and participation in the course by means of a test which demonstrates that the participant has learned the material presented.

(5) A licensee shall be responsible for maintaining records of completed qualified continuing professional education for a period of four years after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain information with respect to qualified continuing professional education to demonstrate it meets the requirements under this section.

(6) If a licensee exceeds the 24 hours of qualified continuing professional education during the two year period, the licensee may carry forward a maximum of 12 hours of qualified continuing professional education into the next two year period.

(7) Any licensee who fails to timely complete the continuing education required by this rule shall be required to complete double the number of hours missed to be eligible for renewal or reinstatement of licensure.

(8) Any applicant for reinstatement who was not in compliance with the continuing education requirement at the time of the expiration of licensure shall be required to complete 24 hours of continuing education complying with this rule within two years prior to the date of application for reinstatement of licensure.

(9) The Division may waive continuing education in accordance with Section R156-1-308d.

R156-22-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) submitting an incomplete final plan, specification, report or set of construction plans to:

(a) a client, when the licensee represents, or could reasonably expect the client to consider the plan, specification, report or set of construction plans to be complete and final; or

(b) to a building official for the purpose of obtaining a building permit;

(2) failing as a principal to exercise responsible charge;

(3) failing as a supervisor to exercise supervision of an employee, subordinate, associate or drafter; or

(4) failing to conform to the accepted and recognized standards and ethics of the profession including those stated in the "[~~Model~~]Rules of Professional Conduct", as published in the NCEES Model Rules, revised August 2010 [~~of the National Council of Examiners for Engineering and Surveying (NCEES), 1997~~], which is hereby incorporated by reference.

KEY: professional land surveyors, professional engineers, professional structural engineers

Date of Enactment or Last Substantive Amendment:
[November 29, 2010]2011

Notice of Continuation: November 15, 2007

Authorizing, and Implemented or Interpreted Law: 58-22-101; 58-1-106(1)(a); 58-1-202(1)(a)

Commerce, Occupational and Professional Licensing **R156-63a** Security Personnel Licensing Act Contract Security Rule

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34370

FILED: 01/20/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is to amend the rule by: 1) removing as a member of the Education Advisory Committee the representative from the Utah Peace Officer Standards and Training and adding a trainer who is a member of the Utah Peace Officers Association; 2) clarifying the qualification for licensure in Section R156-63a-302a; 3) establishing a new Section R156-63a-302g which defines the issuance of an interim permit to an armed or unarmed private security officer; 4) deleting Section R156-63a-307; 5) clarifying the requirements to become a training instructor in Section R156-63a-602; 6) clarifying the basic training and continuing education requirements for an unarmed and armed private security officer in Sections R156-63a-304 and R156-63a-603; and 7) clarifying the operating standards for contract security vehicles in Section R156-63a-610.

SUMMARY OF THE RULE OR CHANGE: In Section R156-63a-201, the Utah Peace Officers Standards and Training Division located within the Department of Public Safety have requested that it no longer be required to participate in the Contract Security Education Advisory Peer Committee. The proposed amendment adds an individual who is a trainer associated with the Utah Peace Officers Association. In Section R156-63a-302a, amendments require that a copy of a driver's license or identification card be issued by a state or territory of the United States or by the District of Columbia. The new Section R156-63a-302g is established to allow the Division to immediately issue an interim permit to an applicant who submits a complete application and meets additional criteria outlined in this new section. Subsection R156-63a-304(6) is added to clarify it is the responsibility of a licensee to maintain documentation showing compliance with continuing education requirements. Subsection R156-63a-304(7) is added requiring continuing education providers to provide course attendees who complete a course with a course completion certificate. Subsection R156-63a-304(8) is added to define the content requirements of the course completion certificate. Section R156-63a-307 is deleted in its entirety due to the creation of new Section R156-63a-302g. Subsection R156-63a-602(2) is amended to add the requirement of a four hour instructor training program to the

written education and training manual. Subsection R156-63a-602(5) is amended to clarify the minimum requirements to be an instructor and the training program criteria for a four hour instructor training program. In Section R156-63a-603, amendments are made in this section to require the 24 hours of basic training for an armed and unarmed private security officer be completed prior to an applicant applying for licensure and to further clarify the number of hours of training for each component of the basic training program. In Section R156-63a-610, amendments are made in this section to clarify the lighting systems allowed on a security vehicle, prohibit the display of a blue light, the use of a siren, the display of a star badge on a security vehicle, and placing any wording on a security vehicle that indicates or suggests that it is a law enforcement vehicle. The amendment is added allowing the use of a public address system or an air horn. Subsection R156-63a-610(4) is amended to include a requirement that the word "security" on a contract security vehicle is legible from a reasonable distance.

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

ANTICIPATED COST OR SAVINGS TO:

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

◆ **LOCAL GOVERNMENTS:** The proposed amendments only apply to licensed contract security companies, unarmed and armed private security officers, and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to local governments.

◆ **SMALL BUSINESSES:** The proposed amendments only apply to licensed contract security companies, unarmed and armed private security officers, and applicants for licensure in those classifications. The proposed amendments may affect some contract security company training programs and vehicle equipment by requiring minor modifications which will have an unknown cost.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendments only apply to licensed contract security companies, unarmed and armed private security officers, and applicants for licensure in those classifications. The proposed amendments may affect some contract security companies as they may need to replace the color of the lenses in vehicle light bars which will have an unknown cost. The proposed amendments may also affect some contract security companies as they may need to develop an instructor training program. However, these costs to that industry cannot be estimated since the Division is not aware of what contract security companies already have instructor training programs in place and what companies will need to develop a new instructor training program.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments only apply to licensed contract security companies, unarmed and armed private security officers, and applicants for licensure in those classifications. The proposed amendments may affect some contract security companies as they may need to replace the color of the lenses in vehicle light bars which will have an unknown cost. The proposed amendments may also affect some contract security companies as they may need to develop an instructor training program. However, these costs to that industry cannot be estimated since the Division is not aware of what contract security companies already have instructor training programs in place and what companies will need to develop a new instructor training program. There should be no additional cost to contract security companies or armed and unarmed private security officers because of the adjustment in the basic training program as the proposed amendments do not create a new training requirement but adjust the timing of the required hours of training.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing clarifies existing provisions. It also increases basic training requirements for armed and unarmed private security officers from eight hours to 24 hours prior to submitting an application for licensure, establishes the topics to be covered by each training program, establishes a four hour training requirement for trainers themselves, and makes other technical amendments. As indicated in the rule summary, licensees could experience costs due to the additional hours of training and the new requirement for instructor training. However, the costs of compliance could not be determined.

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 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 NO LATER THAN AT 5:00 PM ON 03/17/2011

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 02/15/2011 09:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 475 (fourth floor), Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 03/24/2011

AUTHORIZED BY: Mark Steinagel, Director

R156. Commerce, Occupational and Professional Licensing.

R156-63a. Security Personnel Licensing Act Contract Security Rule.

R156-63a-201. Advisory Peer Committee created - Membership - Duties.

(1) There is created in accordance with Subsection 58-1-203(1)(f), the Education Advisory Committee to the Security Services Licensing Board consisting of:

(a) one member who is an officer, director, manager or trainer of a contract security company;

(b) one member who is an officer, director, manager or trainer of an armored car company;

(c) one member who is an armored car security officer or a contract security officer;

(d) one member representing the general public; and

(e) one member who is a trainer associated with the ~~[Department of Public Safety, Peace Officer Standards and Training Division]~~ Utah Peace Officers Association.

(2) The Education Advisory Committee shall be appointed and serve in accordance with Section R156-1-205. The duties and responsibilities of the Education Advisory Committee shall include assisting the Division in collaboration with the Board in their duties, functions, and responsibilities regarding the acceptability of educational programs requesting approval from the Division and periodically reviewing all approved basic education and training programs and firearm training programs regarding current curriculum requirements.

(3) The Education Advisory Committee shall consider, when advising the Board of the acceptability of an educational program, the following:

(a) whether the educational program meets the basic education and training requirements of Sections R156-63a-603 and R156-63b-603; and

(b) whether the educational program meets the basic firearm training program requirements of Sections R156-63a-604 and R156-63b-604.

R156-63a-302a. Qualifications for Licensure - Application Requirements.

(1) An application for licensure as a contract security company shall be accompanied by:

(a) a certification of criminal record history for the applicant's qualifying agent issued by the Bureau of Criminal Identification, Utah Department of Public Safety, in accordance with the provisions of Subsection 53-10-108(1)(f)(ii);

(b) two fingerprint cards for the applicant's qualifying agent, and all of the applicant's officers, directors, shareholders owning more than 5% of the stock, partners, proprietors, and responsible management personnel;

(c) a fee established in accordance with Section 63J-1-504 equal to the cost of conducting a check of records of the Federal Bureau of Investigation, and Bureau of Criminal Identification, Utah Department of Public Safety, for each of the applicant's qualifying agent, officers, directors, shareholders owning

more than 5% of the stock, partners, proprietors, and responsible management personnel; and

(d) a copy of the driver license or ~~[Utah]~~ identification card issued by a state or territory of the United States or the District of Columbia to the applicant's qualifying agent, officers, directors, shareholders owning more than 5% of the stock, partners, proprietors, and responsible management personnel.

(2) An application for licensure as an armed or unarmed private security officer shall be accompanied by:

(a) a certification of criminal record history for the applicant issued by the Bureau of Criminal Identification, Utah Department of Public Safety, in accordance with the provisions of Subsection 53-10-108(1)(f)(ii);

(b) two fingerprint cards for the applicant;

(c) a fee established in accordance with Section 63J-1-504 equal to the cost of conducting a check of records of:

(i) the Federal Bureau of Investigation for the applicant;

and

(ii) the Bureau of Criminal Identification of the Utah Department of Public Safety; and

(d) a copy of the driver license or ~~[Utah]~~ identification card issued by a state or territory of the United States or the District of Columbia to the applicant.

(3) Applications for change in licensure classification from unarmed to armed private security officer shall only require the following additional documentation:

(a) the required firearms training pursuant to Section 58-63-604; and

(b) an additional criminal history background check pursuant to Section 58-63-302 and Subsections R156-63a-302a(2).

R156-63a-302g. Qualifications for Licensure - Immediate Issuance of an Interim Permit.

In accordance with Subsection 58-63-310, upon receipt of a complete application for licensure as an unarmed private security officer or as an armed private security officer, the Division may immediately issue an interim permit to the applicant if the applicant meets the following criteria:

(1) the applicant submits with the applicant's application an official criminal history report from the Bureau of Criminal Identification showing "No Criminal Record Found";

(2) the applicant has not answered "yes" to any question on the qualifying questionnaire section of the application; and

(3) the applicant has not had a license to practice an occupation or profession denied, revoked, suspended, restricted or placed on probation.

R156-63a-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) Armed and unarmed private security officers shall complete 16 hours of continuing education every two years consisting of formal classroom education [~~Such education shall include~~] that covers:

(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.

(3) In addition to the required 16 hours of continuing education, armed private security officers shall complete not less than 16 additional hours of continuing firearms education and training every two years. The continuing firearms education and training shall be completed in four-hour blocks every six months and shall not include any hours for the continuing education requirement in Subsection R156-63a-304(2). The continuing firearms education and training shall include as a minimum:

(a) live classroom instruction concerning the restrictions in the use of deadly force and firearms safety on duty, at home and on the range; and

(b) a recognized practical pistol recertification course on which the licensee achieves a minimum score of 80% using regular or low light conditions.

(4) An individual holding a current armed private security officer license in Utah who fails to complete the required four hours of continuing firearms education within the appropriate six month period will be required to complete one and one half times the number of continuing firearms education hours the licensee was deficient for the reporting period (this requirement is hereafter referred to as penalty hours). The penalty hours shall not be considered to satisfy in whole or in part any of the continuing firearms education hours required for subsequent renewal of the license.

(5) 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.

(6) Each licensee shall maintain documentation showing compliance with the requirements above.

(7) The continuing education course provider shall provide course attendees who complete the continuing education course with a course completion certificate.

(8) The certificate shall contain:

- (a) the name of the instructor;
- (b) the date the course was taken;
- (c) the location where the course was taken;
- (d) the title of the course;
- (e) the name of the course provider; and
- (f) the number of continuing education hours completed.

R156-63a-307. Exemptions from Licensure.

(1) In accordance with Subsection 58-1-307(1)(e), an applicant who has applied for licensure as an unarmed or armed private security officer is exempt from licensure and may engage in practice as an unarmed or armed private security officer in a supervised on-the-job training capacity, for a period of time not to exceed the earlier of 30 days or action by the Division upon the application.

(2) Upon receipt of an application for licensure as an unarmed private security officer or as an armed private security

officer, the Division may issue an on-the-job training letter to the applicant, if the applicant meets the following criteria:

(a) the applicant has not been licensed as an unarmed or as an armed private security officer in the state of Utah at least two years prior to applying for licensure;

(b) the applicant submits with his application an official criminal history report from the Bureau of Criminal Identification showing "No Criminal Record Found";

(c) the applicant has not answered "yes" to any question on the qualifying questionnaire section of the application;

(d) the applicant has not had a license to practice an occupation or profession denied, revoked, suspended, restricted or placed on probation; and

(e) the applicant has submitted all information required with the exception of the 16 hours of classroom or on-the-job education and training in accordance with Subsection R156-63a-603(2).

R156-63a-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.]applicant for program approval shall meet the following standards:

(1) The applicant [for program approval] shall pay a fee for the approval of the education program.

(2) [There shall be]The training method is documented in a written education and training manual which includes training performance objectives and a four hour instructor training program.

(3) The program curriculum for armed private security officers [shall provide]includes content as established in Sections R156-63a-603 and R156-63a-604.

(4) The program for unarmed private security officers [shall provide] includes content as established in Section R156-63a-603.

(5) An instructor is a person who directly facilitates learning through means of live in-class lecture, group participation, practical exercise, or other means, where there is a direct student-teacher relationship. 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.];

(a) have at least three years of supervisory experience reasonably related to providing contract security services; and

(b) have completed a four hour instructor training program which shall include the following criteria:

- (i) motivation and the learning process;
- (ii) teacher preparation and teaching methods;
- (iii) classroom management;
- (iv) testing; and
- (v) instructional evaluation.

(6) 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 Division, in collaboration with the Board, to be equivalent.

(7) 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.

(8) 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.

(9) Instructors, who present continuing education hours and are licensed armed or unarmed private security officers, shall receive credit for actual preparation time for up to two times the number of hours to which participants would be entitled. For example, for learning activities in which participants receive four continuing education hours, instructors may receive up to eight continuing education hours (four hours for preparation plus four hours for presentation).

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

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

(1) ~~a~~ at least ~~eight~~ 24 hours of basic classroom instruction ~~to include~~ including the following:

(a) ~~i~~ one hour covering the nature and role of private security, including:

(A) the limits of a private security officer's authority[;]

(B) the scope of authority of a private security officer; ~~and~~

(C) the civil liability of a private security officer; and

(D) the private security officer's role in today's society;

(b) ~~ii~~ three hours covering state laws and rules applicable to private security;

(c) ~~iii~~ three hours covering the legal responsibilities of private security, including:

(A) constitutional law[;]

(B) search and seizure; and

(C) other such topics;

(d) ~~iv~~ four hours of situational response evaluations, including:

(A) protecting and securing crime or accident scenes[;];

(B) ~~notification~~ notifying of internal and external agencies[;]; and

(C) controlling information;

(e) ~~v~~ one hour covering security ethics;

(f) ~~vi~~ three hours covering the use of force, emphasizing the de-escalation of force and alternatives to using force;

(g) ~~vii~~ two hours covering documentation and report writing, including:

(A) ~~taking~~ preparing witness statements[;];

(B) performing log maintenance[;];

(C) exercising ~~the~~ control of information[;];

(D) taking field notes[;];

(E) organizing information into a report ~~preparation~~; and

(F) performing basic writing ~~skills~~;

(h) ~~viii~~ four hours covering patrol techniques, including:

(A) mobile patrol ~~verses~~ fixed post[;];

(B) accident prevention[;];

(C) responding to calls and alarms[;];

(D) security breeches[;]; and

(E) monitoring potential safety hazards;

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

(j) ~~x~~ one hour covering sexual harassment in the work place; and

(k) ~~xi~~ a final examination which competently examines the student on the subjects included in the ~~eight~~ 24 hours of basic classroom instruction in the approved program of education and training, ~~and which the student passes with a minimum score of 80%; and~~

(2) A student may only successfully pass the examination under Subsection (xi) with a minimum score of 80%. ~~An additional 16 hours of basic education and training in the classroom, on-the-job or a combination thereof to include the following:~~

(a) two hours concerning the legal responsibilities of private security, including constitutional law, search and seizure and other such topics;

(b) two hours of situational response evaluations, including protecting and securing crime or accident scenes, notification of internal and external agencies, and controlling information;

(c) three hours covering the use of force, emphasizing the de-escalation of force and alternatives to using force;

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

(e) four hours of patrol techniques, including mobile vs. fixed post, accident prevention, responding to calls and alarms, security breeches, homeland security and monitoring potential safety hazards;

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

(g) one hour regarding sexual harassment in the work place; and

(h) a final examination approved by the Division, which competently examines the applicant on the subjects included in the additional 16 hour program of basic education and training and which the student passes with a minimum score of 80%.

R156-63a-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 41-6a-102(3). All contract security vehicles shall conform to the following requirements:~~

(a) green, amber, and white are the only colors that may be used in roof mounted light bars facing forward on a contract

security vehicle:

(b) green, amber, and red are the only colors that may be used in roof mounted light bars facing rearward on a contract security vehicle;

(c) light bars may only be operated on private property in which the company has a written contract;

(d) light bars may be operated on public highways only when personally directed to do so by a peace officer; and

(e) all contract security vehicles shall meet the requirements of Section 41-6a-1616.

(2) A contract security company or its personnel may not utilize a vehicle whose marking, lighting and signal devices:

(a) display any form of blue lighting;

(b) use a siren in any manner;

(c) display a star or star badge insignia; or

(d) employ any wording that suggests they are connected with law enforcement.

(3) A contract security company vehicle may have a public address system, an air horn, or both.

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

KEY: licensing, security guards, private security officers
Date of Enactment or Last Substantive Amendment:
[November 13, 2008]2011
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)
(a); 58-1-202(1)(a); 58-63-101

Governor, Economic Development
R357-5
Motion Picture Incentive Fund

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 34381

FILED: 01/25/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 63M-1-1804 requires a rule establishing the standards that a motion picture company must meet to qualify for the motion picture incentive fund.

SUMMARY OF THE RULE OR CHANGE: This new rule establishes standards that a motion picture company must meet to qualify for the motion picture incentive fund.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63M-1-1804

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This rule will not have any impact on cost or savings to the state. S.B. 14 from the 2009 General Session of the Utah Legislature states that enactment of this legislation could reduce the Education Fund by \$7,793,700 in FY 2010 and FY 2011. Any future credits are dependent upon Legislative authorization. (DAR NOTE: S.B. 14 (2009) is found at Chapter 135, Laws of Utah 2009, and was effective 05/12/2009.)

◆ **LOCAL GOVERNMENTS:** The Governor's Office of Economic Development (GOED) does not have jurisdiction over local governments. However, GOED does not anticipate any cost or savings to local governments.

◆ **SMALL BUSINESSES:** This rule outlines the criteria a company must follow in order to receive a financial incentive. If a company fulfills all their requirements, then it will most likely result in cost savings for that particular company.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule should not have financial impact on persons other than those involved in the film business or state government.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs associated with this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The motion picture incentive fund helps the State of Utah attract motion pictures and television series to Utah, which will make significant positive impacts to Utah's economy. The five-year cumulative impact from 2005 - 2010 was \$164,000,000 and created 4,474 jobs. That was the result of 51 total productions and 1,687 production days.

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

GOVERNOR
 ECONOMIC DEVELOPMENT
 324 S STATE
 5TH FLOOR
 SALT LAKE CITY, UT 84111
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Greg Hartley by phone at 801-538-8743, by FAX at 801-538-8888, or by Internet E-mail at ghartley@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/17/2011

THIS RULE MAY BECOME EFFECTIVE ON: 03/24/2011

AUTHORIZED BY: Spencer Eccles, Executive Director

R357. Governor, Economic Development.**R357-5. Motion Picture Incentive Fund.****R357-5-1. Authority.**

(1) Subsection 63M-1-1804 requires the office to make rules establishing the standards that a motion picture company must meet to qualify for a motion picture incentive under Part 18 of the Utah Code Annotated.

R357-5-2. Definitions.

1) Terms in these rules are used as defined in UCA 63M-1-1802.

R357-5-3. Conditions.

(1) A motion picture company may qualify for a motion picture incentive under Part 18 only if:

(a) the motion picture company is producing a production within the state that is:

(i) a television series; or

(ii) a made-for-television movie; or

(iii) a motion picture, including feature films and independent films; and

(b) the motion picture company has obtained financing and financing is in place for the production; and

(c) the economic impact of the production on the state represents new incremental economic activity in the state.

(2) The office may give preference to a production that:

(a) stimulates economic activity in rural areas of the state;
or

(b) has Utah content, such as recognizing that a production was made in the state or uses Utah as Utah in the production.

(3) The office, with advice from the board, may enter into an agreement with a motion picture company authorizing a motion picture incentive if the motion picture company meets the standards under subsection (1) and:

(a) the incentive does not exceed 20% of the dollars left in the state by the motion picture company; and

(b) a cash incentive does not exceed \$500,000 per production.

(4) A motion picture company is eligible for a motion picture incentive only if the office has entered into an agreement under subsection (3) with the motion picture company.

KEY: economic development, motion picture

Date of Enactment or Last Substantive Amendment: 2011

Authorizing, and Implemented or Interpreted Law: 63M-1-1804

Governor, Economic Development,
Pete Suazo Utah Athletic Commission

R359-1-301

Qualifications for Licensure

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34407

FILED: 01/31/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment requires unarmed combat matchmakers to be licensed and prohibits licensed contestants to be licensed as a referee or judge.

SUMMARY OF THE RULE OR CHANGE: If adopted, the proposed change will require unarmed combat matchmakers to be licensed and prohibit licensed contestants from being licensed as a referee or judge.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 63C, Chapter 11

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The requirement to license matchmakers does little to the commission's workload in processing the additional applications. The estimated number of matchmakers in the state is less than 20. The potential increase in annual commission revenue is estimated to be less than \$300.

♦ **LOCAL GOVERNMENTS:** Local government does not regulate unarmed combat. Consequently, there is no cost or savings impact to local government.

♦ **SMALL BUSINESSES:** Some promoters employ or use the services of an in-house matchmaker and may pay their annual license fee. If they do, the annual increase in cost will be \$25 for each matchmaker licensed.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Matchmakers who pay for their licenses will pay a \$25 annual license fee.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Matchmakers will pay a \$25 annual license fee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Matchmakers perform a critical role in scheduling and matching opponents in unarmed combat events to help ensure the bouts are competitive. Many commissions in the United States license matchmakers.

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

GOVERNOR
ECONOMIC DEVELOPMENT,
PETE SUAZO UTAH ATHLETIC COMMISSION
324 S STATE ST
STE 500
SALT LAKE CITY, UT 84111
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Bill Colbert by phone at 801-538-8876, by FAX at 801-538-8888, or by Internet E-mail at bcolbert@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/17/2011

THIS RULE MAY BECOME EFFECTIVE ON: 03/24/2011

AUTHORIZED BY: Bill Colbert, Director

R359. Governor, Economic Development, Pete Suazo Utah Athletic Commission.

R359-1. Pete Suazo Utah Athletic Commission Act Rule.

R359-1-301. Qualifications for Licensure.

(1) In accordance with Section 63C-11-308, a license is required for a person to act as or to represent that the person is a promoter, timekeeper, manager, contestant, second, matchmaker, referee, or judge.

(2) A licensed amateur MMA contestant shall not compete against a professional unarmed combat contestant, or receive a purse and/or other remuneration (other than for reimbursement for reasonable travel expenses, consistent with IRS guidelines).

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

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

KEY: licensing, boxing, unarmed combat, white-collar contests
Date of Enactment or Last Substantive Amendment:
~~December 22, 2010~~ 2011
Notice of Continuation: May 10, 2007
Authorizing, and Implemented or Interpreted Law: 63C-11-101 et seq.

Governor, Economic Development,
 Pete Suazo Utah Athletic Commission
R359-1-501
 Promoter's Responsibilities in
 Arranging a Contest

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 34366
 FILED: 01/15/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed change requires new promoters to deposit a \$10,000 cashier's check or bank draft with the Pete Suazo Utah Athletic Commission (PSUAC) to ensure the promoter has the financial resources and experience to conduct a successful event. The proposed rule change will also ensure the promoter is financially responsible if it permits any contestant purse deductions to pay commission license, ID, and other commission fees. Finally, the rule change prohibits any waivers on contestant medical and life insurance.

SUMMARY OF THE RULE OR CHANGE: The proposed change requires new promoters to deposit a \$10,000 cashier's check or bank draft with the Pete Suazo Utah Athletic Commission (PSUAC). The proposed rule change will also ensure the promoter is financially responsible if it permits any contestant purse deductions to pay commission license, ID, and other commission fees. Finally, the rule change prohibits any waivers on contestant medical and life insurance.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 63C, Chapter 11

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The requirement that promoters provide a cashier's check or bank draft with their event application does not impact the commission's workload in processing that application. Therefore, there are no costs or savings associated with this amendment.

♦ **LOCAL GOVERNMENTS:** The proposed rule change will not result in any anticipated cost or savings to the local government since local government does not regulate unarmed combat.

♦ **SMALL BUSINESSES:** The proposed rule change would require new promoters to deposit with the commission a \$10,000 cashier's check or bank draft for their first five events. This would help ensure a new promoter has the financial resources to conduct a successful event. However, unless the promoter defaults on its obligations, there will be no significant costs to comply with the proposed change. Also, promoters have been responsible to pay for any contestant purse deductions, but the new language clearly states this requirement to avoid any confusion.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed rule change will help ensure that new promoters have the means to meet their financial obligations in holding an unarmed combat event. It will primarily benefit other individuals and entities in the event the promoter defaults on these obligations.

COMPLIANCE COSTS FOR AFFECTED PERSONS: For a promoter who financially meets its obligations, the only additional cost would be any fees charged by a financial institution to issue a cashier's check or bank draft. This should be less than \$5 per event for the first five events.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The commission has had problems with a few new promoters meeting their financial obligations in conducting unarmed combat events. This has required the commission to draw on the promoter's bond to pay contestant purses, officials' fees, and commission fees which is a time-consuming and lengthy process. The proposed rule change should help ensure a new promoter has the financial resources and experience prior to conducting an unarmed combat event.

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

GOVERNOR
ECONOMIC DEVELOPMENT,
PETE SUAZO UTAH ATHLETIC COMMISSION
324 S STATE ST
STE 500
SALT LAKE CITY, UT 84111
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Bill Colbert by phone at 801-538-8876, by FAX at 801-538-8888, or by Internet E-mail at bcolbert@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/17/2011

THIS RULE MAY BECOME EFFECTIVE ON: 03/24/2011

AUTHORIZED BY: Bill Colbert, Director

R359. Governor, Economic Development, Pete Suazo Utah Athletic Commission.

R359-1. Pete Suazo Utah Athletic Commission Act Rule.

R359-1-501. Promoter's Responsibilities in Arranging a Contest.

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

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

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

(4) Before a permit to hold a contest is granted, the promoter shall post a surety bond with the Commission in the amount of \$10,000 or total sum of the contestant purses, officials' fees and estimated commission fees, whichever is greater. Promoters who have held less than 5 unarmed combat events in the state of Utah shall deposit an additional \$10,000 minimum Cashier's Check or Bank Draft with the commission no later than 7 days prior to the event or the event may be cancelled by the commission.

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

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

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

(8) Before a contest begins, the promoter shall give the designated Commission member the funds necessary for payment of contestants, referees, judges, timekeeper and the attending physician(s). The designated Commission member shall pay each contestant, referee, and judge in the presence of one witness. Payment for the attending physician(s) shall be made by the commission by the State of Utah.

(9) A promoter shall be not under the influence of alcohol or controlled substances during the contest and until all purses to the contestants and all applicable fees are paid to the commission, officials and ringside physician.

(10) The promoter shall be responsible for payment of any commission fee(s) deducted from a contestant's purse, if the fees are not collected directly from the contestant at the conclusion of the bout or if the contestant fails to compete in the event.

~~(11)~~ At the time of an unarmed combat contest weigh-in, the promoter of a contest shall provide primary insurance coverage for each uninsured contestant and secondary insurance for each insured contestant in the amount of \$10,000 for each licensed contestant to provide medical, surgical and hospital care for licensed contestants who are injured while engaged in a contest or exhibition:

(a) The term of the insurance coverage must not require the contestant to pay a deductible, for the medical, surgical or hospital care for injuries he sustains while engaged in a contest of exhibition.

(b) If a licensed contestant pays for the medical, surgical or hospital care, the insurance proceeds must be paid to the contestant or his beneficiaries as reimbursement for the payment.

(c) The promoter ~~should~~ shall also provide life insurance coverage of \$10,000 for each contestant in case of death.

(d) The required medical insurance and life insurance coverage can not be waived by the contestant or any other party.

~~(12)~~ In addition to the payment of any other fees and money due under this part, the promoter shall pay the following event fees:

(a)(i) \$200 for a contest or event occurring in a venue of fewer than 500 attendees;

(ii) \$300 for a contest or event occurring in a venue of at least 500 attendees but fewer than 1,000 attendees;

(iii) \$400 for a contest or event occurring in a venue of at least 1,000 attendees but fewer than 3,000 attendees;

(iv) \$600 for a contest or event occurring in a venue of at least 3,000 attendees but fewer than 5,000 attendees;

(v) \$1000 for a contest or event occurring in a venue of at least 5,000 attendees but fewer than 10,000 attendees; or

(vi) \$2000 for a contest or event occurring in a venue of at least 10,000 attendees; and

(b) 3% of the first \$500,000, and one percent of the next \$1,000,000, of the total gross receipts from the sale, lease, or other exploitation of broadcasting, television, and motion picture rights for any contest or exhibition thereof, without any deductions for commissions, brokerage fees, distribution fees, advertising, contestants' purses or any other expenses or charges, except in no case shall the fee be more than \$25,000.

(c) the applicable fees assessed by the Association of Boxing Commission designated official record keeper.

(d) the commission may exempt from the payment of all or part of the assessed fees under this section for a special contest or exhibition based on factors which include:

(i) a showcase event promoting a greater interest in contests in the state;

(ii) attraction of the optimum number of spectators;

(iii) costs of promoting and producing the contest or exhibition;

(iv) ticket pricing;

(v) committed promotions and advertising of the contest or exhibition;

(vi) rankings and quality of the contestants; and

(vii) committed television and other media coverage of the contest or exhibition.

(viii) contribution to a 501(c)(3) charitable organization.

KEY: licensing, boxing, unarmed combat, white-collar contests
Date of Enactment or Last Substantive Amendment:
[December 22, 2010]2011
Notice of Continuation: May 10, 2007
Authorizing, and Implemented or Interpreted Law: 63C-11-101 et seq.

**Governor, Economic Development,
 Pete Suazo Utah Athletic Commission**

R359-1-501

**Promoter's Responsibilities in
 Arranging a Contest**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34408

FILED: 01/31/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed rule change will require unarmed combat promoters to provide the commission with certified

copies of any contracts, agreements, or transfers of any Internet, broadcasting, television, and motion picture rights for any contest or exhibition within seven days of any such agreements. The commission may require a surety deposit be provided to the commission to ensure these requirements are met. The commission has had difficulty ensuring promoters meet their financial obligations under its existing rules for broadcasting, television, and motion picture rights. Receiving copies of these contracts will facilitate the process and verification of payments. The proposed rule adds Internet sales to the section.

SUMMARY OF THE RULE OR CHANGE: The proposed rule change will require unarmed combat promoters to provide the commission with certified copies of any contracts, agreements, or transfers of any Internet, broadcasting, television, and motion picture rights for any contest or exhibition within seven days of any such agreements. The commission may require a surety deposit be provided to the commission to ensure these requirements are met.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 63C, Chapter 11

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The requirement should facilitate the commission verifying and receiving the designated payments for Internet, broadcasting, television, and motion picture rights from unarmed combat promoters. The estimated annual increase in revenue is between \$1,000 and \$3,000.

◆ **LOCAL GOVERNMENTS:** Local government does not regulate unarmed combat. Consequently, this proposed rule will not result in any cost or savings to local government.

◆ **SMALL BUSINESSES:** Promoters will have to provide copies of their Internet, broadcasting, television, and motion picture rights to the commission. The cost of providing copies of these contracts is estimated to be less than \$50 per year. Unarmed combat promoters are already required to pay 3% of any of these revenues under existing rule.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Promoters who are individuals or partnerships will have to provide copies of their Internet, broadcasting, television, and motion picture rights to the commission. The cost of providing copies of these contracts is estimated to be less than \$50 per year. Unarmed combat promoters are already required to pay 3% of any of these revenues under existing rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The cost of providing copies of these contracts is estimated to be less than \$50 per year.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The commission has had difficulty verifying the revenue unarmed combat promoters receive from media sales. The proposed amendment will facilitate the process of ensuring

the commission receives the required revenue from these sales.

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

GOVERNOR
ECONOMIC DEVELOPMENT,
PETE SUAZO UTAH ATHLETIC COMMISSION
324 S STATE ST
STE 500
SALT LAKE CITY, UT 84111
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Bill Colbert by phone at 801-538-8876, by FAX at 801-538-8888, or by Internet E-mail at bcolbert@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/17/2011

THIS RULE MAY BECOME EFFECTIVE ON: 03/24/2011

AUTHORIZED BY: Bill Colbert, Director

R359. Governor, Economic Development, Pete Suazo Utah Athletic Commission.

R359-1. Pete Suazo Utah Athletic Commission Act Rule.

R359-1-501. Promoter's Responsibilities in Arranging a Contest.

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

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

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

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

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

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

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

(8) Before a contest begins, the promoter shall give the designated Commission member the funds necessary for payment of contestants, referees, judges, timekeeper and the attending physician(s). The designated Commission member shall pay each contestant, referee, and judge in the presence of one witness. Payment for the attending physician(s) shall be made by the commission by the State of Utah.

(9) A promoter shall be not under the influence of alcohol or controlled substances during the contest and until all purses to the contestants and all applicable fees are paid to the commission, officials and ringside physician.

(10) At the time of an unarmed combat contest weigh-in, the promoter of a contest shall provide primary insurance coverage for each uninsured contestant and secondary insurance for each insured contestant in the amount of \$10,000 for each licensed contestant to provide medical, surgical and hospital care for licensed contestants who are injured while engaged in a contest or exhibition:

(a) The term of the insurance coverage must not require the contestant to pay a deductible, for the medical, surgical or hospital care for injuries he sustains while engaged in a contest of exhibition.

(b) If a licensed contestant pays for the medical, surgical or hospital care, the insurance proceeds must be paid to the contestant or his beneficiaries as reimbursement for the payment.

(c) The promoter should provide life insurance coverage of \$10,000 for each contestant in case of death.

(11) In addition to the payment of any other fees and money due under this part, the promoter shall pay the following event fees:

(a)(i) \$200 for a contest or event occurring in a venue of fewer than 500 attendees;

(ii) \$300 for a contest or event occurring in a venue of at least 500 attendees but fewer than 1,000 attendees;

(iii) \$400 for a contest or event occurring in a venue of at least 1,000 attendees but fewer than 3,000 attendees;

(iv) \$600 for a contest or event occurring in a venue of at least 3,000 attendees but fewer than 5,000 attendees;

(v) \$1000 for a contest or event occurring in a venue of at least 5,000 attendees but fewer than 10,000 attendees; or

(vi) \$2000 for a contest or event occurring in a venue of at least 10,000 attendees; and

(b) 3% of the first \$500,000, and one percent of the next \$1,000,000, of the total gross receipts from the sale, lease, or other exploitation of internet, broadcasting, television, and motion picture rights for any contest or exhibition thereof, without any deductions for commissions, brokerage fees, distribution fees, advertising, contestants' purses or any other expenses or charges, except in no case shall the fee be more than \$25,000. The promoter shall notify and provide the commission with certified copies of any contracts, agreements or transfers of any internet, broadcasting, television, and motion picture rights for any contest or exhibition within seven days of any such agreements. The commission may require a surety deposit be provided to the commission to ensure these requirements are met.

(c) the applicable fees assessed by the Association of Boxing Commission designated official record keeper.

(d) the commission may exempt from the payment of all or part of the assessed fees under this section for a special contest or exhibition based on factors which include:

- (i) a showcase event promoting a greater interest in contests in the state;
- (ii) attraction of the optimum number of spectators;
- (iii) costs of promoting and producing the contest or exhibition;
- (iv) ticket pricing;
- (v) committed promotions and advertising of the contest or exhibition;
- (vi) rankings and quality of the contestants; and
- (vii) committed television and other media coverage of the contest or exhibition.
- (viii) contribution to a 501(c)(3) charitable organization.

KEY: licensing, boxing, unarmed combat, white-collar contests
Date of Enactment or Last Substantive Amendment:
~~December 22, 2010~~ 2011
Notice of Continuation: May 10, 2007
Authorizing, and Implemented or Interpreted Law: 63C-11-101 et seq.

**Natural Resources; Forestry, Fire and
 State Lands
 R652-122
 County Cooperative Agreements with
 State for Fire Protection**

NOTICE OF PROPOSED RULE
 (New Rule)
 DAR FILE NO.: 34394
 FILED: 01/31/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to reduce fire suppression costs and improve the safety and efficiency of responders to wildland and wildland/urban interface fires. Wildland fires in the urban interface are expensive; as much as ten times the cost of a similar fire in a remote area. A considerable force of ground and aerial resources must be deployed to manage these fires because of the values at risk. These fires are often difficult to control because no precautions have been taken to make homes/communities less susceptible to fire. These fires are particularly dangerous because firefighters are often forced to function outside the limits of their training and equipment. Wildland firefighters are not trained or equipped to fight structure fires and structure firefighters are often not equipped or trained to fight wildland fires.

SUMMARY OF THE RULE OR CHANGE: This rule establishes minimum standards for a wildland fire ordinance and minimum standards for wildland fire training and equipment.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 65A-8-203

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The proposed rule may provide potential savings from reduced fire suppression costs for the state budget. A cost figure cannot be provided since it is dependent on wildland fire events which cannot be predicated and available resources to provide suppression crews and equipment.
- ◆ **LOCAL GOVERNMENTS:** The proposed rule may provide potential savings from reduced fire suppression costs and possible cost of ordinance enforcement for local government. A cost figure cannot be provided since it is dependent on wildland fire events which cannot be predicated and the ordinances standards to be enforced may vary throughout the state.
- ◆ **SMALL BUSINESSES:** The proposed rule does not apply to small businesses since the burden of wildland fire suppression costs, standards for wildland fire ordinance costs and training, certification and equipment costs are absorbed by the local land management agency, generally the federal, state or local government.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed rule does not apply to persons other than small businesses, businesses, or local government entities since the burden of wildland fire suppression costs standards for wildland fire ordinance costs and training, certification and equipment costs are absorbed by the local land management agency, generally the federal, state or local government.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There may be possible cost to home owners to meet and maintain ordinance standard set forth by the local government. A cost figure cannot be calculated at this time because it is dependent on home building standards which may vary based on different locations around the state.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:
 I do not anticipate any fiscal impact on business.

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

NATURAL RESOURCES
 FORESTRY, FIRE AND STATE LANDS
 1594 W NORTH TEMPLE
 SUITE 3520
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jennifer Sullivan by phone at 801-538-5495, by FAX at 801-533-4111, or by Internet E-mail at jennifersullivan@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/17/2011

THIS RULE MAY BECOME EFFECTIVE ON: 03/24/2011

AUTHORIZED BY: Richard Buehler, Director

R652. Natural Resources, Forestry, Fire and State Lands.**R652-122. County Cooperative Agreements with State for Fire Protection.****R652-122-100. Authority.**

This rule implements subsection 65A-8-203(3)(a) and subsection 65A-8-203(3)(b) which require the division to establish minimum standards for a wildland fire ordinance and specify minimum standards for wildland fire training, certification and wildland fire suppression equipment. This rule is promulgated under general rulemaking authority of subsection 65A-1-4(2).

R652-122-200. Minimum Standards for Wildland Fire Ordinance.

(1) The division uses the International Urban Wildland Interface Code as a basis for establishing the minimum standards discussed in this document. A county ordinance that at least meets the minimum standards should be in place by September 2006.

(2) The Division incorporates by reference the 2003 International Code Council Urban-Wildland Interface Code as the minimum standard for wildland fire ordinance with these exceptions:

- (a) Section 101.1 Delete
- (b) Section 101.3 Delete "The extent of this regulation is intended to be tiered commensurate with the relative level of hazard present."
- (c) Section 101.3 Second paragraph, substitute "development and" for "unrestricted"
- (d) Section 101.4 Delete Exception
- (e) Section 101.5 In the Exception, delete "section 402.3"
- (f) Section 105.2 Delete "For buildings or structures erected for temporary uses, see Appendix A, Section A108.3, of this code"
- (g) Section 105.2 Add a number 15 to the list of activities that need a permit to read "Or other activities as determined by the code official"
- (h) Section 202 Delete "Critical Fire Weather, Ignition-Resistant Construction Class 1,2 and 3, Urban-Wildland Interface area"
- (i) Section 202 "See Critical Fire Weather" from Fire Weather definition
- (j) Section 202 Replace Fuel, Heavy definition with "Vegetation consisting of round wood 3 inches (76 mm) or larger in diameter. The amount of fuel (vegetation) would be 6 tons per acre or greater."

(k) Section 202 Replace Fuel, Light definition with "Vegetation consisting of herbaceous and round wood less than 1/4 inch (6.4 mm) in diameter. The amount of fuel (vegetation) would be 1/2 ton to 2 tons per acre."

(l) Section 202 Replace Fuel, Medium definition with "Vegetation consisting of round wood 1/4 to 3 inches (6.4mm to 76 mm) in diameter. The amount of fuel (vegetation) would be 2 to 6 tons per acre."

(m) Section 202 Add the term Legislative Body with the following definition: "The governing body of the political jurisdiction administering this code"

(n) Section 202 Add the term Brush, Tall with the following definition: "Arbor-like varieties of brush species and/or short varieties of broad-leaf trees that grow in compact groups or clumps. These groups or clumps reach heights of 4 to 20 feet. In Utah, this includes primary varieties of oak, maples, chokecherry, serviceberry and mahogany, but may also include other species."

(o) Section 202 Add the term Brush, Short with the following definition: "Low-growing species that reach heights of 1 to 3 feet. Sagebrush, snowberry, and rabbitbrush are some varieties"

(p) Section 202 Add the term Wildland Urban Interface with the following definition "The line, area or zone where structures or other human development (including critical infrastructure that if destroyed would result in hardship to communities) meet or intermingle with undeveloped wildland or vegetative fuel."

(q) Section 301 Delete

(r) Section 302.1 Replace with " The legislative body shall declare the urban-wildland interface areas within the jurisdiction. The urban wildland interface areas shall be based on the maps created through Section 302."

(s) Section 302.2 Replace with " In cooperation, the code official and the Division of Forestry, Fire and State Lands (FFSL) wildfire representative (per participating agreement between county and FFSL) will create or review Wildland Urban Interface area maps, to be recorded and filed with the clerk of the jurisdiction. These areas shall become effective immediately thereafter."

(t) Section 302.3 Add "and the FFSL wildfire representative" between "official" and "shall".

(u) Section 402.3 Delete

(v) Section 403.2 Delete Exception

(w) Section 403.3 Replace "typically used to respond to that location" to "to protect structures and wildlands"

(x) Section 403.7 Add "It will be up to the code official to ascertain the standard based on local fire equipment, grade not to exceed 12%"

(y) Section 404.1 Delete "or as required . . . with Section 402.1.2"

(z) Section 404.1 Delete Exception

(aa) Section 404.3 Delete "The draft site shall have emergency . . . with Section 402."

(bb) Section 404.5 Replace "as follows: determined" with "by the local jurisdiction. NFPA 1142 may be used as a reference."

(cc) Section 404.5.1 Delete entire section including Exception

(dd) Section 404.5.2 Delete entire section including Exception

(ee) Section 404.6 Replace with "The water system required by this code can only be considered conforming for purposes of determining the level of ignition-resistant construction (see Table 503.1)."

(ff) Section 404.8 Delete the words "and hydrants"

(gg) Section 404.9 After "... periodic tests as required by the code official." add the sentences "Code official shall establish a periodic testing schedule. Costs are to be covered by the water provider."

(hh) Section 404.9 After the last sentence, add "Mains and appurtenances shall be installed in accordance with NFPA 24. Water tanks for private fire protection shall be installed in accordance with NFPA 22. Costs are to be covered by the water provider."

(ii) Section 404.10.3 After "... dependent on electrical power" add "supplied by power grid" and after "... demands shall provide ..." add "functional"

(jj) Section 404.10.3 Replace "Exceptions" in its entirety with "When approved by the code official, a standby power supply is not required where the primary power service to the stationary water supply facility is underground or on-site generator."

(kk) Section 405 Before Section 405.1 Add "The purpose of the plan is to provide a basis to determine overall compliance with this code, for determination of Ignition Resistant Construction (IRC) (see Table 503.1) and for determining the need for alternative materials and methods."

(ll) Section 405.1 After "When required by a code official, a fire protection plan shall be prepared" add the words "and approved prior to the first building permit issuance or subdivision approval."

(mm) Chapter 5, Delete Table 502

(nn) Section 505.2 Replace "Class B roof covering" with "Class A roof covering"

(oo) Section 506.2 replace "Class C roof covering" with "Class A roof covering"

(pp) Section 602 Delete

(qq) Section 603.2 Replace "for the purpose of Table 503.1" with "for individual buildings or structures on a property"

(rr) Section 603.2 Replace "10 feet or to the property line" with "30 feet or to the property line"

(ss) Section 603.2 replace "along the grade" with "on a horizontal plane"

(tt) Section 603.2 replace "may be increased" with "may be modified"

(uu) Section 603.2 Delete "crowns of trees and structures"

(vv) Add new Section 603.3 titled "Community fuel modification zones" with the following text: Fuel modification zones to protect new communities shall be provided when required by the code official in accordance with Section 603 in order to reduce fuel loads adjacent to communities and structures.

(ww) Add new Section 603.3.1 titled "Land ownership" with the following text: Fuel modification zone land used to protect a community shall be under the control of an association or other common ownership instrument for the life of the community to be protected.

(xx) Add new Section 603.3.2 titled "Fuel modification zone plans" with the following text: Fuel modification zone plans shall be approved prior to fuel modification work and shall be

placed on a site grading plan shown in plan view. An elevation plan shall also be provided to indicate the length of the fuel modification zone on the slope. Fuel modification zone plans shall include, but not be limited to the following:

(i) Plan showing existing vegetation

(ii) Photographs showing natural conditions prior to work being performed

(iii) Grading plan showing location of proposed buildings and structures, and set backs from top of slope to all buildings or structures

(yy) Section 604.1 Add "annually, or as necessary" after "maintained"

(zz) Section 604.4 First sentence should read "Individual trees and/or small clumps of trees or brush crowns extending to within ..."

(aaa) Section 607 change "20 feet" to "30 feet"

(bbb) Chapter 7 Delete

(ccc) Appendix A is included as optional recommendations rather than mandatory

(ddd) Appendix B Last sentence changed to "Continuous maintenance of the clearance is required."

(eee) Appendix C Below title, add "This appendix is to be used to determine the fire hazard severity."

(fff) Appendix C-A1. Change to "One-lane road in, one-lane road out" and points change to 1, 10 and 15.

(ggg) Appendix C-A2. Points change to 1 and 5

(hhh) Appendix C-A3 Change to 3 entries: Road grade 5% or less, road grade 5-10% and road grade greater than 10%, with points at 1.5 and 10, respectively.

(iii) Appendix C-A4. Points are now 1, 5, 8 and 10

(jii) Appendix C-A5 Change to "Present but unapproved" for 3 points, and "not present" for 5 points

(kkk) Appendix C-B1. Fuel Types change to "Surface" and "Overstory". Surface has 4 categories -- Lawn/noncombustible, Grass/short brush, Scattered dead/down woody material, Abundant dead/down woody material; and the points are 1, 5, 10 and 15, respectively. Overstory has 4 categories -- Deciduous trees (except tall brush), Mixed deciduous trees and tall brush, Clumped/scattered conifers and/or tall brush, Contiguous conifer and/or tall brush; and the points are 3, 10, 15 and 20, respectively.

(lll) Appendix C-B2. The 3 categories are changed to "70% or more of lots completed", "30% to 70% of lots completed" and "Less than 30% of lots completed" and the points would be 1, 10 and 20, respectively.

(mmm) Appendix C-C Replace first category with "Located on flat, base of hill, or setback at crest of hill"; Replace second category with "On slope with 0-20% grade"; Replace third category with "On slope with 21-30% grade"; Replace fourth category with "On slope with 31% grade or greater"; Add fifth category that reads "At crest of hill with unmitigated vegetation below"; replace the points with 1, 5, 10, 15 and 20 for the five categories.

(nnn) Appendix C-E. Change the points to 1, 5, 10, 15 and 20.

(ooo) Appendix C-F. Drop down the second and third categories to third and fourth and insert new second category to read "Combustible siding/no deck"; The points for the four categories are 1, 5, 10 and 15.

(ppp) The new totals for "Moderate Hazard" are 50-75; "High Hazard" are 76-100; "Extreme Hazard" are 101+.

(qqq) Appendices D-H Delete

R652-122-300. Minimum Standards for Wildland Fire Training.

(1) These standards apply to fire departments representing those counties who have cooperative wildland fire protection agreements with the State of Utah or other fire departments which are contracted with the counties to provide fire protection on private wildland.

(2) All members of the fire department engaged in responding to private and state wildland fires within the county's jurisdiction will be certified by the Utah Fire Certification Council as Wildland Firefighter I. The standard must be obtained by June 1, 2007. For purposes of this rule, "engaged in private and state wildland fires"

(a) means firefighters who are directly involved in the suppression of a wildland fire; firefighters, on scene, who have supervisory responsibility or decision-making authority over those involved in the suppression of a wildland fire; or individuals who have fire suppression responsibilities within close proximity of the fire perimeter.

(b) does not mean a person used as a courier; driver of a vehicle not used for fire suppression; or a person used in a non-tactical, support or other peripheral function not in close proximity to a wildland fire.

(3) Fire Department personnel who supervise other firefighters on private and state wildland fires within the county's jurisdiction will be certified by the Utah Fire Certification Council as Wildland Firefighter II. This standard must be obtained June 1, 2014.

R652-122-400. Minimum Standards for Wildland Firefighting Equipment.

(1) The following standards are applicable to equipment used by fire departments representing those counties who have cooperative wildland fire protection agreements with the State of Utah. This includes county fire departments and other fire departments which are contracted with the counties to provide fire protection on private wildland. The Utah Division of Forestry, Fire and State Lands has determined that this standard be met by June 1, 2006.

(2) Engines and water tenders used on private wildland fires within the county's jurisdiction will meet the standard for the type of equipment plus appropriate hand tools and water handling equipment as determined by the National Wildfire Coordinating Group.

TABLE 1
Engines

Component	Type 1	Type 2	Type 3
Pump Rating (gpm)	1,000+ @ 150 psi	250+ @ 150 psi	150+ @ 250 psi
Tank Capacity (gal)	400+	400+	500+
Hose 2.5 inch	1,200 ft	1,000 ft	--
Hose 1.5 inch	400 ft	500 ft	500 ft
Hose 1 inch	--	--	500 ft
Ladders	48 ft	48 ft	--

Master Stream (gpm)	500	--	--
Personnel (minimum)	4	3	2

Component	Type 4	Type 5	Type 6
Pump Rating (gpm)	50 @ 100 psi	50 @ 100 psi	30 @ 100 psi
Tank Capacity (gal)	750+	400 - 750	150 - 400
Hose 2.5 inch	--	--	--
Hose 1.5 inch	300 ft	300 ft	300 ft
Hose 1 inch	300 ft	300 ft	300 ft
Ladders	--	--	--
Master Stream (gpm)	--	--	--
Personnel (minimum)	2	2	2

TABLE 2
Water Tenders

Component	Type 1	Type 2	Type 3
Tank Capacity (gal)	5,000+	2,500+	1,000+
Pump Capacity (gpm)	300+	200+	200+
Off Load Capacity (gpm)	300+	200+	200+
Max Refill Time (min)	30	20	15
Personnel			
tactical/nontactical	2/1	2/1	2/1

KEY: minimum standards, wildland urban interface, cooperative agreement

Date of Enactment or Last Substantive Amendment: 2011

Authorizing, and Implemented or Interpreted Law: 65A-8-203

Natural Resources, Wildlife Resources

R657-33

Taking Bear

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34367

FILED: 01/18/2011

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: The proposed revisions to the above listed rule: adds definition for "Accompany" for the purposes of bear pursuit and provides for an exception to the "accompany" requirement for dog owners pursuing bear on a restricted pursuit unit.

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

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** This amendment defines "Accompany" and outlines the exception to the "accompany" requirement for dog owners pursuing bear on a restricted pursuit unit. DWR determines that these amendments do not create a cost or savings impact to the state budget, since the changes will not increase workload and can be carried out with existing budget.

♦ **LOCAL GOVERNMENTS:** Since this amendment only defines the word "Accompany" and outlines the exception to the "accompany" requirement, this should have little to no effect on the local government. This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

♦ **SMALL BUSINESSES:** Since this amendment only defines the word "Accompany" and outlines the exception to the "accompany" requirement, this should have little to no effect on small businesses, therefore, DWR feels the amendments do not impose an additional requirement on small businesses, or generate a cost or savings impact to other persons if they choose to pursue on a restricted pursuit unit.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Since this amendment only defines the word "Accompany" and outlines the exception to the "accompany" requirement, this should have little to no effect on other persons, therefore, DWR feels the amendments do not impose an additional requirement on other persons, or generate a cost or savings impact to other persons if they choose to pursue on a restricted pursuit unit.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that these amendments do not create additional costs for sportsmen wishing to pursue bear in Utah.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

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

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Staci Coons by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/17/2011

THIS RULE MAY BECOME EFFECTIVE ON: 03/24/2011

AUTHORIZED BY: James Karpowitz, Director

R657. Natural Resources, Wildlife Resources.**R657-33. Taking Bear.****R657-33-1. Purpose and Authority.**

(1) Under authority of Sections 23-14-18 and 23-14-19, of the Utah Code, the Wildlife Board has established this rule for taking and pursuing bear.

(2) Specific dates, areas, number of permits, limits and other administrative details which may change annually are published in the proclamation of the Wildlife Board for taking and pursuing bear.

R657-33-2. Definitions.

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

(2) In addition:

(a) "Accompany" means at a distance within which visual contact and verbal communication are maintained without the assistance of any electronic device.

([a]b) "Bait" means any lure containing animal, mineral or plant materials.

([b]c) "Baiting" means the placing, exposing, depositing, distributing or scattering of bait to lure, attract or entice bear on or over any area.

([e]d) "Bear" means *Ursus americanus*, commonly known as black bear.

([d]e) "Canned hunt" means that a bear is treed, cornered, held at bay or its ability to escape is otherwise restricted for the purpose of allowing a person who was not a member of the initial hunting party to arrive and take the bear.

([e]f) "Compensation" means anything of economic value in excess of \$100 that is paid, loaned, granted, given, donated, or transferred to a dog handler for or in consideration of pursuing bear for any purpose.

([f]g) "Cub" means a bear less than one year of age.

([g]h) "Dog handler" means the person in the field that is responsible for transporting, releasing, tracking, controlling, managing, training, commanding and retrieving the dogs involved in the pursuit. The owner of the dogs is presumed the dog handler when the owner is in the field during pursuit.

([h]i) "Evidence of sex" means the teats, and sex organs of a bear, including a penis, scrotum or vulva.

([i]j) "Green pelt" means the untanned hide or skin of a bear.

([j]k) "Limited entry hunt" means any hunt listed in the hunt table, published in the proclamation of the Wildlife Board for taking bear, which is identified as a limited entry hunt and does not include pursuit only.

([k]l) "Limited entry permit" means any permit obtained for a limited entry hunt by any means, including conservation permits and sportsman permits.

([H]m) "Private lands" means any lands that are not public lands, excluding Indian trust lands.

([m]n) "Public lands" means any lands owned by the state, a political subdivision or independent entity of the state, or the

United States, excluding Indian trust lands, that are open to the public for purposes of engaging in pursuit.

([n]q) "Pursue" means to chase, tree, corner or hold a bear at bay with dogs.

([o]p) "Restricted pursuit unit" means a bear pursuit unit where pursuit is allowed only by a dog handler who:

(i) possesses a pursuit permit issued for that particular restricted pursuit unit;

(ii) possesses or is accompanied by a person who possesses a limited entry bear permit for the unit, and the pursuit occurs within the area and during the season established for the limited entry bear permit; or

(iii) is engaged in pursuit for compensation as provided in R657-33-26(2).

([p]q)(i) "Valid application" means:

(A) it is for a species for which the applicant is eligible to possess a permit;

(B) there is a hunt for that species regardless of estimated permit numbers; and

(C) there is sufficient information on the application to process the application, including personal information, hunt information, and sufficient payment.

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

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

([s]S) "Written permission" means written authorization from the owner or person in charge to enter upon private lands and must include:

(i) the name and signature of the owner or person in charge;

(ii) the address and phone number of the owner or person in charge;

(iii) the name of the dog handler given permission to enter the private lands;

(iv) a brief description of the pursuit activity authorized;

(v) the appropriate dates; and

(vi) a general description of the property.

R657-33-26. Bear Pursuit.

(1)(a) Except as provided in rule R657-33-3(b) and Subsection (2), bear may be pursued only by persons who have obtained a bear pursuit permit.

(b) The bear pursuit permit does not allow a person to:

(i) kill a bear; or

(ii) pursue bear for compensation.

(c) A person may pursue bear for compensation only as provided in Subsection (2).

(d) To obtain a bear pursuit permit, a person must possess a Utah hunting or combination license.

(2)(a) A person may pursue bear on public lands for compensation, provided the dog handler:

(i) receives compensation from a client or customer to pursue bear;

(ii) is a licensed hunting guide or outfitter under Title 58, Chapter 79 of the Utah Code and authorized to pursue bear;

(iii) possesses on his or her person the Utah hunting guide or outfitter license;

(iv) possesses on his or her person all permits and authorizations required by the applicable public lands managing authority to pursue bear for compensation; and

(v) is accompanied by the client or customer at all times during pursuit.

(b) A person may pursue bear on private lands for compensation, provided the dog handler:

(i) receives compensation from a client or customer to pursue bear;

(ii) is accompanied by the client or customer at all times during pursuit; and

(iii) possesses on his or her person written permission from all private landowners on whose property pursuit takes place.

(c) A person who is an employee or agent of the Division of Wildlife Services may pursue bear on public lands and private lands while acting within the scope of their employment.

(3) A pursuit permit is not required to pursue bear under Subsection (2).

(4)(a) A person pursuing bear for compensation under subsections (2)(a) and (2)(b) shall comply with all other requirements and restrictions in statute, rule and the proclamations of the Wildlife Board regulating the pursuit and take of bear.

(b) Any violation of, or failure to comply with the provisions of Title 23 of the Utah Code, this rule, or the proclamations of the Wildlife Board may be grounds for suspension of the privilege to pursue bear for compensation under this subsection, as determined by a division hearing officer.

(5) Except as provided in Subsection (6), a bear pursuit permit authorizes the holder to pursue bear with dogs on any unit open to pursuing bear during the seasons and under the conditions prescribed by the Wildlife Board in proclamation.

(6) The Wildlife Board may establish or designate in proclamation restricted pursuit units as determined necessary or convenient to better manage wildlife resources, including to protect wildlife, curtail over-utilization of resources, reduce conflict with other recreational activities, reduce conflict with private and public land activities, and protect wildlife habitat.

(a) Bear may not be pursued on a restricted pursuit unit unless the dog handler:

(i) possesses a pursuit permit issued for the particular restricted pursuit unit;

(ii) possesses or is accompanied by a person who possesses a limited entry bear permit for the unit, and the pursuit occurs within the area and during the season established for the limited entry bear permit; or

(iii) is engaged in pursuit for compensation as provided in Subsection (2), and pursuit occurs within the area and during the season established for the:

(A) paying client's limited entry bear permit; or

(B) restricted pursuit unit.

(b) A pursuit permit issued for a restricted pursuit unit authorizes the holder to pursue bear on:

(i) the particular restricted pursuit unit for which the permit is issued; and

(ii) any other bear pursuit unit not designated as a restricted pursuit unit.

(c) Notwithstanding Subsection (6)(a)(i), when two or more dog owners are in the field pursuing bear together with a single pack of eight dogs or less on a restricted pursuit unit, only one must possess a restricted pursuit unit permit, provided the dog owners accompany the person possessing the restricted pursuit unit permit at all times.

(i) A dog owner pursuing bear on a restricted pursuit unit may leave the pursuit permit holder to retrieve dogs that separate from the pack, provided the dog owner:

(A) takes reasonable steps to keep the pack together before and during pursuit;

(B) separates from the pursuit permit holder exclusively to retrieve stray dogs and does not attempt to actively pursue bear during the retrieval process; and

(C) immediately releases any bear incidentally treed or held at bay by the stray dogs.

(7) Pursuit permits may be obtained at division offices, through the Internet and at license agents.

(a) The Division may distribute pursuit permits for restricted pursuit units:

(i) through its offices, license agents, or online resources on a first-come, first-served basis; or

(ii) through a random drawing.

(8) A person may not:

(a) take or pursue a female bear with cubs;

(b) repeatedly pursue, chase, tree, corner or hold at bay the same bear during the same day;

(c) individually or in combination with another person, use more than eight dogs in the field to pursue a bear during the summer pursuit season as established by the Wildlife Board in proclamation; or

(d) possess a firearm or any device that could be used to kill a bear while pursuing bear.

(i) The weapon restrictions set forth in Subsection (d) do not apply to a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing or attempting to utilize the concealed weapon to injure or kill bear.

(9) If eligible, a person who has obtained a bear pursuit permit may also obtain a limited entry bear permit.

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

KEY: wildlife, bear, game laws

Date of Enactment or Last Substantive Change: [~~March 25, 2010~~]**2011**

Notice of Continuation: December 11, 2007

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

Natural Resources, Wildlife Resources R657-58 Fishing Contests and Clinics

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34379

FILED: 01/25/2011

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: This proposed amendment adds Panguitch Lake to the list of waters approved for tagged fish contests.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This amendment adds one water to the tagged fish contest. DWR determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with existing budget.

◆ **LOCAL GOVERNMENTS:** Since this amendment only adds a body of water to the tagged fish contest list, this should have little to no effect on the local government. This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** This amendment adds a body of water to the tagged fish contest list so it does not impose an additional financial requirement on persons participating in a fishing contest.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This amendment adds a body of water to the tagged fish contest list so it does not impose an additional financial requirement on persons participating in a fishing contest.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that these amendments do not create a cost or savings impact to individuals who sponsor or participate in fishing contests.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 NATURAL RESOURCES
 WILDLIFE RESOURCES
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Staci Coons by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/17/2011

THIS RULE MAY BECOME EFFECTIVE ON: 03/24/2011

AUTHORIZED BY: James Karpowitz, Director

R657. Natural Resources, Wildlife Resources.

R657-58. Fishing Contests and Clinics

R657-58-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19 of the Utah Code, the Wildlife Board has established this rule to provide the standards and procedures for fishing contests and events including:

- a) Type I fishing contests;
- b) Type II fishing contests;
- c) tagged fish contests; and
- d) fishing clinics.

(2) Any violation of, or failure to comply with, any provision of this rule or any specific requirements in a Certificate of Registration issued pursuant to this rule may be grounds for revocation or suspension of the Certificate of Registration, as determined by the division.

R657-58-6. Requirements for Tagged Fish Contests.

(1) A COR from the Division of Wildlife Resources is required to conduct any tagged fish contest, regardless of number of contestants or value of prizes or awards.

(2) All COR application for a tagged fish contest must be received by the division between December 1st and December 31st of the year prior to when the contest is to be held.

(3) If more than one application is received for a water in a year then a drawing will be held to select the applicant to receive the COR.

(4) Only one tagged fish contest per year may be held on any water approved for tagged fish contests.

(5) Tagged fish contests must have the start date and end date identified on the COR Application.

(6) Tagging of fish for tagged fish contests must be conducted only by division personnel, or by designated representatives working under the direct supervision of the division.

(7) Without prior authorization from the division, it is prohibited to:

- (a) tag, fin-clip or mark fish in any way, or
- (b) introduce tagged, fin-clipped or marked fish into a water.

(8) The organizer of a tagged fish contest will assume all responsibility for the contest and the purchase of tags and tagging equipment.

(9) Tagged fish contests are permitted only on the following waters and only for the fish species listed for those waters:

- (a) Big Sandwash (Duchesne County) for trout;
- (b) Deer Creek Reservoir (Wasatch County) for trout;
- (c) East Canyon Reservoir (Morgan County) for smallmouth bass;
- (d) Echo Reservoir (Summit County) for yellow perch, trout;
- (e) Flaming Gorge Reservoir (Daggett County) for burbot, lake trout;
- (f) Gunlock Reservoir (Washington County) for crappie, bass;
- (g) Hyrum Reservoir (Cache County) for yellow perch, trout;
- (h) Lake Powell (Garfield, Kane and San Juan counties) for striped bass;
- (i) Jordanelle Reservoir (Wasatch County) for yellow perch, trout, bass;
- (j) Moose Pond (Daggett County) for trout;
- (k) Millsite Reservoir (Emery County) for trout;
- (l) Otter Creek Reservoir (Piute County) for trout;
- (m) Palisade (Sanpete County) for trout;
- (n) Panquitch Lake (Garfield County) for rainbow trout;
- (o) Piute Reservoir (Piute County) for trout;
- (~~e~~)p Quail Creek Reservoir (Washington County) for trout, bass;
- (~~p~~)q Red Fleet Reservoir (Uintah County) for trout, bluegill;
- (~~q~~)r Rockport Reservoir (Summit County) for yellow perch, trout;
- (~~r~~)s Sand Hollow Reservoir (Washington County) for bluegill, bass;
- (~~s~~)t Scofield Reservoir (Carbon and Utah counties) for rainbow trout;
- (~~t~~)u Starvation Reservoir (Duchesne County) for walleye;
- (~~u~~)v Steinaker Reservoir (Uintah County) for trout, bluegill;
- (~~v~~)w Utah Lake (Utah County) for white bass, carp;
- (~~w~~)x Willard Bay (Box Elder County) for carp, hybrid striped bass; and
- (~~x~~)y Yuba Reservoir (Juab and Sanpete counties) for walleye.

KEY: fish, fishing, wildlife, wildlife law

Date of Enactment or Last Substantive Amendment: [January 3,] 2011

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-19-1; 23-22-3

Regents (Board of), University of Utah,
Administration
R805-2
Government Records Access and
Management Act Procedures

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34387

FILED: 01/26/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The main purpose of Rule R805-2 is to establish a straightforward process for the public to follow when making requests to access records held by the University that are subject to the Government Records Access and Management Act (GRAMA). Because much of the information in the current Rule R805-2 is now outdated, the University is updating the rule to ensure that requests are sent to the appropriate locations.

SUMMARY OF THE RULE OR CHANGE: The changes to Rule R805-2 describe how the public can make a proper request to access records held by the University of Utah ("University") that are subject to Utah's GRAMA. Many of the provisions in the current Rule R805-2, particularly those setting forth the titles and addresses of University officials to whom the public is directed to send written requests for records subject to GRAMA, are outdated and incorrect. Changes to Rule R805-2 correct these outdated provisions so that the University will be able to process record requests under GRAMA in a more smooth and efficient manner. Moreover, new additions to Rule R805-2 inform the public that access to certain types of records held by the University is governed by federal law (e.g., the Family Educational Rights and Privacy Act or the Health Insurance Portability and Accountability Act) and not GRAMA. Other provisions in the current Rule R805-2 that are not required by GRAMA are also eliminated under these proposed changes.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63G-3-201 and Subsection 63A-12-104(2) and Subsection 63G-2-204(2)(d)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The changes to Rule R805-2 should not result in any additional costs or savings to the state budget. Along with eliminating unnecessary provisions, the changes merely update information in the rule to ensure that proper record requests are sent to the appropriate locations.

♦ **LOCAL GOVERNMENTS:** The changes to Rule R805-2 should not result in any additional costs or savings to local governments. Along with eliminating unnecessary provisions, the changes merely update information in the rule to ensure that proper record requests are sent to the appropriate locations.

♦ **SMALL BUSINESSES:** The changes to Rule R805-2 should not result in any additional costs or savings to small businesses. Along with eliminating unnecessary provisions, the changes merely update information in the rule to ensure that proper record requests are sent to the appropriate locations.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The changes to Rule R805-2 should not result in any additional costs or savings to persons other than small businesses, businesses, or local governmental entities. Along with eliminating unnecessary provisions, the changes merely update information in the rule to ensure that proper record requests are sent to the appropriate locations.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change should not result in any compliance costs. The changes to Rule R805-2 simply remove unnecessary provisions and update the information relating to the process the public must follow when requesting access to records held by the University that are subject to GRAMA.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There should not be any fiscal impact on businesses as a result of these changes to Rule R805-2.

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

REGENTS (BOARD OF)
UNIVERSITY OF UTAH, ADMINISTRATION
ROOM 309 PARK BLDG
201 S PRESIDENTS CIR
SALT LAKE CITY, UT 84112-9009
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Robert Payne by phone at 801-585-7002, by FAX at 801-585-7007, or by Internet E-mail at robert.payne@legal.utah.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/17/2011

THIS RULE MAY BECOME EFFECTIVE ON: 03/24/2011

AUTHORIZED BY: Robert Payne, Associate General Counsel

**R805. Regents (Board of), University of Utah, Administration.
R805-2. Government Records Access and Management Act
Procedures.**

R805-2-1. Purpose.

The purpose of this rule is to establish procedures for the University of Utah in accordance with the Government Records Access and Management Act ("GRAMA").

R805-2-2. Authority.

This rule is authorized by Sections [63G-2-204(2)]63A-12-104(2), [63A-12-104(2)]63G-2-204(2)(d), and 63G-3-201 of the Utah Code.

R805-2-3. Allocation of Responsibility.

All [~~departments, institutes, offices, divisions, centers, schools, colleges, related functions and organizations~~]operating units of the University of Utah, e.g., departments, institutes, offices, divisions, centers, schools, and colleges, shall be considered as a single governmental entity for purposes of this rule.

[R805-2-4. University Records Officer Designated.

~~Pursuant to Section 63A-12-103, the University of Utah shall maintain the appointment of a Records Officer, Marriott Library, University of Utah, 84112.~~

[R805-2-~~5~~4. Requests for Access.

~~The University of Utah is a governmental entity of the State of Utah and is not an agency of the federal government. As such, the University of Utah is not subject to the federal Freedom of Information Act.~~

~~Access to student records held by the University of Utah is governed by the Family Educational Rights and Privacy Act and not GRAMA.~~

~~Access to records containing protected health information that are created or maintained by the University of Utah in its capacity as an entity covered by the Health Insurance Portability and Accountability Act ("HIPAA"), as amended, is governed by HIPAA and not GRAMA.~~

~~[Requests for access to records held by the University of Utah shall be made in writing.]A person requesting access to a record subject to GRAMA, and held by the University of Utah, must submit a written request that identifies the requested record with reasonable specificity.~~

~~The written request must also contain the name, mailing address, and, if available, the daytime telephone number of the person making the request. Such requests shall be directed as follows:~~

~~(1) Requests for personnel records [of University Hospital personnel] shall be sent to [:- Manager, Hospital Human Resources, Room 140, 421 Wakara Way, University of Utah, Salt Lake City, Utah 84112] the Office of the Chief Human Resources Officer.~~

~~(2) Requests [for personnel records of all other personnel] pertaining to financial records shall be sent to [:- Director, Personnel Administration, 101 Annex, University of Utah, Salt Lake~~

~~City, Utah 84112] the Office of the Vice President for Administrative Services.~~

~~(3) Requests pertaining to [financial records of the University] purchasing activities shall be sent to [:- Director, Finance 408 Park Building, University of Utah, Salt Lake City, Utah 84112] the Director of the University Purchasing Department.~~

~~(4) Requests pertaining to [student records] athletics shall be sent to [:- University Registrar, 250 N Student Services Building, University of Utah, Salt Lake City, Utah 84112] the Athletics Director.~~

~~(5) All other requests shall be sent to the office of the vice[-] president responsible for overseeing the [division] operating unit of the University of Utah in which the records are maintained. [The] A list of those [vice-presidents is as] officials follows.~~

~~(a). [Vice President, Budget and Planning, 201 Park Building, University of Utah, Salt Lake City, Utah 84112] Senior Vice President, Academic Affairs.~~

~~(b). [Vice President, Health Sciences, 211 Park Building, University of Utah, Salt Lake City, Utah 84112] Senior Vice President, Health Sciences.~~

~~(c). [Vice President, Academic Affairs, 205 Park Building, University of Utah, Salt Lake City, Utah 84112] Vice President, Administrative Services.~~

~~(d). [Vice President, Research, 210 Park Building, University of Utah, Salt Lake City, Utah 84112] Vice President, General Counsel.~~

~~(e). [Vice President, Student Affairs and Services, 208 Park Building, University of Utah, Salt Lake City, Utah 84112] Vice President, Government Relations.~~

~~(f). [Vice President, Development, 304 Park Building, University of Utah, Salt Lake City, Utah 84112] Chief Human Resources Officer.~~

~~(g). [Vice President, Administrative Services, 209 Park Building, University of Utah, Salt Lake City, Utah 84112] Vice President, Institutional Advancement.~~

~~(h). [Vice President, University Relations, 206 Park Building, University of Utah, Salt Lake City, Utah 84112] Vice President, Research.~~

~~(i). Vice President, Student Affairs and Services.~~

~~A person making a request should consult the University's Web site for current mailing addresses.~~

R805-2-~~6~~5. [Fees] Appeals from University Determinations.

~~[As provided by Section 63G-2-203, a fee schedule reflecting actual costs of duplication or compiling a record may be obtained from the Records Officer, 546 Marriott Library, University of Utah 84112] Appeals from University determinations under GRAMA shall be directed to the Records Officer, who has been designated by the University President to hear appeals pursuant to section 63G-2-401(9).~~

R805-2-~~7~~6. [Appeals of Access, Classification or Designation Determination] Fees.

~~[Appeals of access, classification or designation determinations shall be directed to the Records Officer, 546 Marriott Library, University of Utah 84112, who has been designated by the President to hear appeals on his behalf pursuant to Section 63G-2-401(9)] As allowed by GRAMA, the University of Utah charges fees in connection with its response to a records~~

request. A fee schedule may be obtained from the University
Records Officer.

~~[R805-2-8. Appeals of Denial of Request to Amend Record.~~

~~A denial of a request to amend a record may be appealed
to the Records Officer, who shall act as the presiding officer for
such appeals.~~

]KEY: higher education, GRAMA[*], records

**Date of Enactment or Last Substantive Amendment:
~~[1993]~~**2011****

Notice of Continuation: July 17, 2008

**Authorizing, Implemented, or Interpreted Law: 63G-2-204(2);
63A-12-104; 63G-3-201**

End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to 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 upon filing.

NOTICES are governed by Section 63G-3-305.

Agriculture and Food, Regulatory Services **R70-410**

Grading and Inspection of Shell Eggs with Standard Grade and Weight Classes

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 34378
FILED: 01/24/2011

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 4-4-1: The department shall establish grades and standards of quality, size, and weight governing the sale of eggs. Section 4-4-2: The department is authorized to make and enforce such rules that are necessary to administer this chapter. These two sections mandates that the department establish grades and standards. The best way to do this is through rulemaking.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to provide an even

playing field for Utah's egg producers, retailers, and consumers. Therefore, this rule should be continued.

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

AGRICULTURE AND FOOD
REGULATORY SERVICES
350 N REDWOOD RD
SALT LAKE CITY, UT 84116-3034
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at kmathews@utah.gov
- ◆ Kyle Stephens by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at kylestephens@utah.gov
- ◆ Richard Clark by phone at 801-538-7150, by FAX at 801-538-7126, or by Internet E-mail at richardwclark@utah.gov

AUTHORIZED BY: Leonard Blackham, Commissioner

EFFECTIVE: 01/24/2011

Commerce, Occupational and Professional Licensing **R156-3a** Architect Licensing Act Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 34396
FILED: 01/31/2011

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 58, Chapter 3a, provides for the licensure of architects. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-3a-201(3) provides that the Architects Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the Division Director. This rule was enacted to clarify the provisions of Title 58, Chapter 3a, with respect to architects.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since this rule was last reviewed in April 2006, the Division has received no written comments with respect to this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 3a, with respect to architects. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Rich Oborn by phone at 801-530-6767, by FAX at 801-530-6511, or by Internet E-mail at roborn@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 01/31/2011

Commerce, Occupational and
Professional Licensing
R156-46b
Division Utah Administrative
Procedures Act Rule

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 34397
FILED: 01/31/2011

**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 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 63G-4-102(6) provides that agencies may enact rules affecting or governing adjudicative proceedings.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since this rule was last reviewed in April 2006, the Division has received only one written comment with respect to this rule. A 06/18/2008 email was received from Hunter Finch in which he notified the Division of a statute citation error with respect to this rule. As a result of Mr. Finch's email, a nonsubstantive rule change was filed with the Division of Administrative Rules and the nonsubstantive change became effective on 10/01/2008.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule clarifies the provisions of Title 63G, Chapter 4, as it applied to the Division's adjudicative proceedings. Therefore, the rule should be continued.

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:
 ♦ W. Ray Walker by phone at 801-530-6256, by FAX at 801-530-6511, or by Internet E-mail at raywalker@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 01/31/2011

Commerce, Occupational and
 Professional Licensing
R156-60d

Substance Abuse Counselor Act Rule

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**

DAR FILE NO.: 34395

FILED: 01/31/2011

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 58, Chapter 60, Part 5, provides for the licensure of licensed substance abuse counselors, certified substance abuse counselors, certified substance abuse counselor interns, and certified substance abuse counselor externs. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-60-503(3) provides that the Substance Abuse Counselor Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the Division Director. This rule was enacted to clarify the provisions of Title 58, Chapter 60, Part 5, with respect to licensed substance abuse counselors, certified substance abuse counselors, certified substance abuse counselor interns, and certified substance abuse counselor externs.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since this rule was last reviewed in April 2006, the Division has received no written comments with respect to this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements

for licensure as allowed under statutory authority provided in Title 58, Chapter 60, Part 5, with respect to licensed substance abuse counselors, certified substance abuse counselors, certified substance abuse counselor interns, and certified substance abuse counselor externs. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Rich Oborn by phone at 801-530-6767, by FAX at 801-530-6511, or by Internet E-mail at roborn@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 01/31/2011

Human Services, Aging and Adult
 Services

R510-401

Utah Caregiver Support Program
 (UCSP)

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**

DAR FILE NO.: 34390

FILED: 01/26/2011

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The purpose of the program is to provide support services including information and assistance, counseling, support groups, respite, and other home and community-based services to family caregivers of frail older individuals. Section 62A-3-104 indicates that the Division of Aging and Adult Services is the only agency authorized to seek and distribute the funding for this program, and is to develop the methodology for determining to whom

and how much this funding is to be distributed. This rule lays out the distribution process and therefore is necessary for complying with the statute.

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 THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Caregiver Support Program is required as part of the Older Americans Act. Utah is required to maintain its current level of funding and commitment to the program under the federal act, and the rule is thus needed to continue with the program.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HUMAN SERVICES
 AGING AND ADULT SERVICES
 195 N 1950 W
 SALT LAKE CITY, UT 84116
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Nels Holmgren by phone at 801-538-3921, by FAX at 801-538-4395, or by Internet E-mail at nholmrgren@utah.gov

AUTHORIZED BY: Nels Holmgren, Director

EFFECTIVE: 01/26/2011

Division of Child and Family Services to establish procedures to accommodate the moral and religious beliefs, and culture, of the minors and families it serves.

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 THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule is necessary in order for the Division of Child and Family Services to accommodate the moral beliefs, religious beliefs, and culture of children and families served by Child and Family Services.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HUMAN SERVICES
 CHILD AND FAMILY SERVICES
 195 N 1950 W
 SALT LAKE CITY, UT 84116
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov
 ♦ Julene Jones by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjones@utah.gov

AUTHORIZED BY: Brent Platt, Director

EFFECTIVE: 01/18/2011

Human Services, Child and Family Services
R512-11
 Accommodation of Moral and Religious Beliefs and Culture

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 34368
 FILED: 01/18/2011

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 62A-4a-120 requires the

Human Services, Child and Family Services
R512-203
 Child Protective Services, Significant Risk Assessments

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 34369
 FILED: 01/18/2011

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE

OR REQUIRE THE RULE: Section 62A-4a-1002 requires the Division of Child and Family Services to promulgate a rule for making significant risk assessments.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule is necessary in order for the Division of Child and Family Services to complete a significant risk assessment to determine whether a juvenile is a significant risk to other children or the community.

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

HUMAN SERVICES
CHILD AND FAMILY SERVICES
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov
◆ Julene Jones by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjones@utah.gov

AUTHORIZED BY: Brent Platt, Director

EFFECTIVE: 01/18/2011

relating to various sections of the Boating Act. Some of these authorizing statutes include Section 73-18-4, and Subsections 73-18-8(1)(d) and 73-18-8(6). In creating these rules, it has been necessary to define some boating related terminology to clarify the meaning of the rules.

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 in support or opposition of this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The definitions rule is important for clarifying terms that are used throughout the boating rules. Without these definitions many of the rules would be difficult to enforce. Therefore, this rule should be continued.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Acting Operations Deputy Director

EFFECTIVE: 01/26/2011

Natural Resources, Parks and
Recreation
R651-201
Definitions

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 34382
FILED: 01/26/2011

**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: Board to promulgate rules

Natural Resources, Parks and
Recreation
R651-202

Boating Advisory Council

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 34383
FILED: 01/26/2011

**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: Statute authorizes the State Parks Board to appoint a Boating Advisory Council in Section 73-18-3.5. "The board may appoint an advisory council representing various boating interests to seek recommendations on state boating policies."

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 in support or opposition of this rule have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The nine member Boating Advisory Council is an important part of the Division of State Parks and Recreation's Boating Program. They represent Utah's boaters and give valuable input on boating-related issues. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 NATURAL RESOURCES
 PARKS AND RECREATION
 ROOM 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Acting Operations Deputy Director

EFFECTIVE: 01/26/2011

Natural Resources, Parks and
 Recreation
R651-203
 Waterway Marking System

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 34384
 FILED: 01/26/2011

**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: Statute authorizes the State Parks Board to promulgate rules creating a waterway marking system in Subsection 73-18-4(1)(a): "The board may promulgate rules: (a) creating a uniform waterway marking system which shall be obeyed by all vessel operators...."

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 in support or opposition of this rule have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule creates a uniform waterway marking system that is standard with US Coast Guard approved waterway markers. This assures that Utah is consistent with our neighboring states with which we share three major waterways: Bear Lake, Flaming Gorge, and Lake Powell. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 NATURAL RESOURCES
 PARKS AND RECREATION
 ROOM 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Acting Operations Deputy Director

EFFECTIVE: 01/26/2011

Natural Resources, Parks and
 Recreation
R651-204
 Regulating Waterway Markers

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 34385
FILED: 01/26/2011

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: Statute authorizes the State Parks Board to promulgate rules regulating waterway markers in Subsection 73-18-4(1)(b): "The board may promulgate rules: (b) regulating the placement of waterway markers and other permanent or anchored objects on the waters of this state...."

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 in support of opposition of this rule have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Waterway marker placement and security are important to the safe navigation of vessels. Waterway markers placed by non-approved agencies or private entities could cause confusion and accidents on our waterways. Placement of unmarked hazards by agencies or the public can cause accidents for unsuspecting boaters. Therefore, this rule should be continued.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Acting Operations Deputy Director

EFFECTIVE: 01/26/2011

Natural Resources, Parks and Recreation
R651-205
Zoned Waters

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 34386
FILED: 01/26/2011

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: Statute authorizes the State Parks Board to promulgate rules regulating to zoned waters in Subsection 73-18-4(1)(c): "The board may promulgate rules: (c) zoning certain waters of this state for the purpose of prohibiting the operation of vessels or motors for safety and health purposes only...."

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 in support or opposition of this rule have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Due to many issues, such as size of waterbody, restricted visibility, hazardous waters, and congested waterways, some areas have been zoned to protect public health and safety. Therefore, this rule should be continued.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Acting Operations Deputy Director

AUTHORIZED BY: Fred Hayes, Acting Operations Deputy Director

EFFECTIVE: 01/26/2011

EFFECTIVE: 01/26/2011

Natural Resources, Parks and Recreation
R651-207
Registration Fee

Natural Resources, Parks and Recreation
R651-208
Backing Plates

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 34388
FILED: 01/26/2011

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 34389
FILED: 01/26/2011

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

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: Statute authorizes the State Parks Board to set the boat registration fee in Subsection 73-18-7(2)(b): "The owner of the motorboat or sailboat shall sign the application and pay the fee set by the board in accordance with Section 63J-1-504."

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Statute authorizes the State Parks Board to make rules relating to decal display in Subsection 73-18-7(17)(a): "The board may designate the suffix to assigned numbers, and by following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules for: (a) the display of registration decals...."

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 in support or opposition of this rule have been received.

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 in support or opposition of this rule have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Statute requires a boat registration fee to be collected to help fund boating-related education, law enforcement, and facilities. Therefore, this rule should be continued.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Statute requires a boat to display registration decals and numbers on the hull of the vessel. There are many vessels made of material which does not readily adhere to the registration decal. This rule allows owners of such vessels to mount the decals on a backing plate which is to be mounted on the vessel. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Acting Operations Deputy Director

EFFECTIVE: 01/26/2011

**Natural Resources, Parks and
Recreation
R651-210
Change of Address**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 34391

FILED: 01/26/2011

**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: Statute authorizes the State Parks Board to make rules relating to boat owner's change of address in Subsection 73-18-7(13)(b): "The board may provide in its rules for: (i) the surrender of the registration card bearing the former address; and (ii) (A) the replacement of the card with a new registration card bearing the new address; or (B) the alteration of an existing registration card to show the owner's new address."

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 in support or opposition of this rule have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Boat owners who have had a change of address may not receive a revised boat registration card before going boating again. By allowing the owner to note his new address on the registration card, they can be compliant until they receive an updated registration card. Therefore, this rule should be continued.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116

1594 W NORTH TEMPLE

SALT LAKE CITY, UT 84116-3154

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Acting Operations Deputy Director

EFFECTIVE: 01/26/2011

**Natural Resources, Parks and
Recreation
R651-211
Assigned Numbers**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 34392

FILED: 01/26/2011

**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: Statute authorizes the State Parks Board to make rules relating to assigned numbers in Subsection 73-18-7(17): "The board may designate the suffix to assigned numbers...."

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 in support or opposition of this rule have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: For administrative and law enforcement purposes, it is beneficial to have certain types of vessels easily identified by the suffix of the bow number. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 NATURAL RESOURCES
 PARKS AND RECREATION
 ROOM 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Acting Operations Deputy Director

EFFECTIVE: 01/26/2011

decals on the hull of the vessel. This rule is necessary to detail how those decals shall be displayed consistently on each vessel's hull. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 NATURAL RESOURCES
 PARKS AND RECREATION
 ROOM 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Acting Operations Deputy Director

EFFECTIVE: 01/26/2011

**Natural Resources, Parks and Recreation
 R651-212**

Display of Yearly Registration Decals and Month of Expiration Decals

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 34393
 FILED: 01/26/2011

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: Statute authorizes the State Parks Board to make rules relating to decal display in Subsection 73-18-7(17)(a): "The board may designate the suffix to assigned numbers, and by following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules for: (a) the display of registration decals...."

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 in support or opposition of this rule have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Statute requires a boat to display registration

**Natural Resources, Parks and Recreation
 R651-611**

Fee Schedule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 34377
 FILED: 01/24/2011

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: Statute authorizes the State Parks Board to promulgate rules relating to collection of charges as follows: "2) The board shall adopt appropriate rules governing the collection of charges under Subsection 79-4-203(8)." Subsection 79-4-203(8) states: "The division may make charges for special services and use of facilities, the income from which is available for park and recreation purposes."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: As new facilities are made available or closed, new fees are added or removed. Every two years, all fees are reviewed and compared to surrounding states. If

the Utah State Parks Board approves fee increases, there is typically a period of public comment, during which time the Division receives questions and concerns, and responds appropriately. In most cases, local media outlets publish stories, which help notify the public about upcoming changes. Some of the concerns addressed were as follows: A man in St. George was concerned about day-use and additional fees at Snow Canyon and a couple of people from Davis County were concerned about fees at Antelope Island. A professional photographer wrote to complain about the special use permit fee he has to pay in order to photograph his customers on the island. The standards for the special use permit are outlined in Section R651-601-15. Special Use Permit with further clarification are in Section R651-608-1.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Utah State Parks and Recreation Fee Schedule provides the framework for which all fees are administered by our statewide agency. Therefore, this rule should be continued. As new facilities are made available or close, new fees are added or removed. Every two years, all fees are reviewed and compared to surrounding states. If the Utah State Parks Board approves fee increases, there is typically a period of public comment, during which time the agency receives questions and concerns, and respond appropriately. The Division responded to each individual that wrote in opposition to the fees and addressed their concerns. This is the Division of Utah State Park's policy. Most times the agency is in disagreement of a complaint, if the complaint is due to fee increases, because the fee is governed by statute. We always address individual concerns to the best of our ability.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Mary Tullius, Director

EFFECTIVE: 01/24/2011

Natural Resources; Forestry, Fire and State Lands **R652-123** Exemptions to Wildland Fire Suppression Fund

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 34376

FILED: 01/24/2011

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 65A-8-207(1) authorizes the Division of Forestry, Fire and State Lands to make rules to administer the Wildland Suppression Fund. Subsection 65A-8-205(2) (b) describes the conditions where by a county is not required to pay an assessment for an acre of real property.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Participating counties are assessed a fee to be part of the Wildland Suppression Fund based on the number of acres of unincorporated land within the county and the taxable value of real property on those lands. Not all unincorporated lands within a county are susceptible to wildland fire. Therefore, these areas can be exempted from being assessed a fee. This rule outlines procedures a county must follow in order to exempt an area from the Wildland Suppression Fund. It also defines the conditions an area must meet in order to qualify for an exemption. Therefore, this rule should be continued.

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

NATURAL RESOURCES
FORESTRY, FIRE AND STATE LANDS
1594 W NORTH TEMPLE
SUITE 3520
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jennifer Sullivan by phone at 801-538-5495, by FAX at 801-533-4111, or by Internet E-mail at jennifersullivan@utah.gov

AUTHORIZED BY: Richard Buehler, Director

EFFECTIVE: 01/24/2011

SALT LAKE CITY, UT 84119-5595

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Marge Dalton by phone at 801-965-4456, by FAX at 801-957-8502, or by Internet E-mail at modalton@utah.gov

AUTHORIZED BY: Nannette Rolfe, Director

EFFECTIVE: 01/31/2011

Public Safety, Driver License
R708-16
 Pedestrian Vehicle Rule

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**

DAR FILE NO.: 34398

FILED: 01/31/2011

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Section 41-6a-1011, which states at (2)(b): "Authority to operate a pedestrian vehicle on public highways or sidewalks shall be granted according to rules promulgated by the commissioner of public safety."

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 or concerns have been received by the agency.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The statute recognizes that there are cases where disabled or handicapped individuals have personal transportation needs. This rule establishes the parameters by which permission can be granted for the operation of very specific vehicles. This same permission can be suspended, revoked, or denied in the interest of public safety. The rule outlines the adjudicative proceedings associated with granting and removal of that. Therefore, this rule should be continued.

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

Public Safety, Driver License
R708-18

Regulatory and Administrative Fees

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**

DAR FILE NO.: 34399

FILED: 01/31/2011

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsection 53-3-104(2), Sections 53-3-105, 53-3-808, and 53-3-905, and Subsection 63-J-301(2). Subsection 53-3-1042(2) authorizes the division to examine each applicant according to the class of license applied for. Section 53-3-105 outlines the fees required for licensing purposes. Section 53-3-808 requires that a fee be paid when an individual applies for an ID card. Section 53-3-905 allocates \$5 from each vehicle registration fee paid and \$2.50 from each motorcycle endorsement fee paid to be deposited as dedicated credits in the Transportation Fund to be used by the division for the DLD motorcycle program. Subsection 63-J-301(2) outlines state auditor's responsibilities when discrepancies occur with funds.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule specifically defines record types and content that are released by the Driver License Division, and is still applicable. Therefore, this rule should be continued.

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.

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:
♦ Marge Dalton by phone at 801-965-4456, by FAX at 801-957-8502, or by Internet E-mail at modalton@utah.gov

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Marge Dalton by phone at 801-965-4456, by FAX at 801-957-8502, or by Internet E-mail at modalton@utah.gov

AUTHORIZED BY: Nannette Rolfe, Director

AUTHORIZED BY: Nannette Rolfe, Director

EFFECTIVE: 01/31/2011

EFFECTIVE: 01/31/2011

**Public Safety, Driver License
R708-19
Automobile No-Fault Self-Insurance**

**Public Safety, Driver License
R708-20
Motor Vehicle Accident Prevention
Course Standards**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 34400
FILED: 01/31/2011

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 34401
FILED: 01/31/2011

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Section 41-12a-201. The specific language from the code is as follows: "The department shall administer and enforce the provisions of this chapter and may adopt rules as necessary for its administration."

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 31A-19a-211(b)(i): "In accordance with Title 63G Chapter 3, Utah Administrative Rulemaking Act, the Department of Public Safety may make rules to establish and clarify standards pertaining to the curriculum and teaching methods of a course under this section."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received.

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 or concerns have been received by the agency.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is still used to authorize the process for an individual to establish self-insurance. Therefore, this rule should be continued.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: As a result of the authorizing code and in the manner prescribed by this rule, a reduction in insurance premiums can be attained by a driver who is over 55 and who completes an approved educational course. Therefore, this rule should be continued.

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

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:
 ♦ Marge Dalton by phone at 801-965-4456, by FAX at 801-957-8502, or by Internet E-mail at modalton@utah.gov

AUTHORIZED BY: Nannette Rolfe, Director

EFFECTIVE: 01/31/2011

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:
 ♦ Marge Dalton by phone at 801-965-4456, by FAX at 801-957-8502, or by Internet E-mail at modalton@utah.gov

AUTHORIZED BY: Nannette Rolfe, Director

EFFECTIVE: 01/31/2011

Public Safety, Driver License
R708-33
 Electric Assisted Bicycle Headgear

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 34402
 FILED: 01/31/2011

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: Based upon the review conducted by the Division, the Division has identified that the Section 41-6a-1505 in its current form provides sufficient guidance in the matter. Therefore, the rule has become redundant. Finding such, the Division will file a proposed repeal of this rule at a later date.

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 THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Division intends to file a proposed repeal of this rule at a later date but will continue the rule until that repeal is effective.

Public Safety, Driver License
R708-38
 Anatomical Gift

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 34403
 FILED: 01/31/2011

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 53-3-205(15)(a) requires that the indication of a person's intent to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act, shall be authenticated by the licensee in accordance with division rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R708-38 should be continued because the process to indicate the intent to make an anatomical gift is still required by state statute.

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:

◆ Marge Dalton by phone at 801-965-4456, by FAX at 801-957-8502, or by Internet E-mail at modalton@utah.gov

AUTHORIZED BY: Nannette Rolfe, Director

EFFECTIVE: 01/31/2011

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:

◆ Marge Dalton by phone at 801-965-4456, by FAX at 801-957-8502, or by Internet E-mail at modalton@utah.gov

AUTHORIZED BY: Nannette Rolfe, Director

EFFECTIVE: 01/20/2011

Public Safety, Driver License
R708-42
Driver Address Record

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 34371
FILED: 01/20/2011

**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 53-3-109(7)(f) provides that the division may make rules to designate the procedures, requirements, and formats for implementing the provisions of Subsection 53-3-109(1)(c)(ii).

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R708-42 should be continued because the process to disclose personal identifying information to an insurer, insurance support organization, or a self-insured entity, or its agents, employees, or contractors that issues any motor vehicle insurance for use in connection with claims investigation activities, antifraud activities, rating or underwriting for any person issued a license certificate is still required by state statute.

Public Safety, Driver License
R708-43
YES or NO Notification

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 34372
FILED: 01/20/2011

**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 53-3-109(7)(f) provides that the division may make rules to designate the procedures, requirements, and formats for disclosing personal identifying information to a depository institution under Subsection 53-3-109(1)(c)(iii).

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R708-43 should be continued because the process to disclose information on a driving record to a depository institution is still required by state statute.

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:
♦ Marge Dalton by phone at 801-965-4456, by FAX at 801-957-8502, or by Internet E-mail at modalton@utah.gov

AUTHORIZED BY: Nannette Rolfe, Director

EFFECTIVE: 01/20/2011

**Public Safety, Driver License
R708-44
Citation Monitoring Service**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 34374
FILED: 01/20/2011

**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 53-3-109(7)(g) provides that the division may make rules to designate the procedures, requirements, and formats for implementing the provisions of Subsection 53-3-109(3).

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R708-44 should be continued because the process to provide information to an insurer or designee of an insurer for purposes of assessing driving risk on the insurer's current motor vehicle insurance policyholders is still required by state statute.

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.

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AUTHORIZED BY: Nannette Rolfe, Director

EFFECTIVE: 01/20/2011

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their rules effective and enforceable after publication in the Utah State Bulletin. In the case of Proposed Rules or Changes in Proposed Rules with a designated comment period, the law permits an agency to file a notice of effective date any time after the close of comment plus seven days. In the case of Changes in Proposed Rules with no designated comment period, the law permits an agency to file a notice of effective date on any date including or after the thirtieth day after the rule's publication date. If an agency fails to file a Notice of Effective Date within 120 days from the publication of a Proposed Rule or a related Change in Proposed Rule the rule lapses and the agency must start the rulemaking process over.

Notices of Effective Date are governed by Subsection 63G-3-301(12), 63G-3-303, and Sections R15-4-5a and 5b.

Abbreviations

AMD = Amendment

CPR = Change in Proposed Rule

NEW = New Rule

R&R = Repeal & Reenact

REP = Repeal

Administrative Services

Fleet Operations

No. 34256 (AMD): R27-3. Vehicle Use Standards

Published: 12/15/2010

Effective: 01/25/2011

No. 34257 (AMD): R27-4-11. Capital Credit or Reservation of Vehicle Allocation for Surrendered Vehicles

Published: 12/15/2010

Effective: 01/25/2011

Environmental Quality

Drinking Water

No. 34112 (AMD): R309-100-4. General

Published: 10/15/2010

Effective: 02/03/2011

Financial Institutions

Administration

No. 34207 (NEW): R331-26. Ownership of Real Estate Other Than Property Used for Institution Business or Held as an Investment by Depository Institutions Subject to the Jurisdiction of the Department of Financial Institutions

Published: 11/15/2010

Effective: 02/01/2011

Banks

No. 34206 (REP): R333-11. Ownership by State-Chartered Banks of Real Estate Other Than Property Used for Bank Business or Held as an Investment

Published: 11/15/2010

Effective: 02/01/2011

Industrial Loan Corporations

No. 34205 (AMD): R339-6. Rule Clarifying Industrial Loan Corporation Investments

Published: 11/15/2010

Effective: 02/01/2011

Governor

Economic Development, Pete Suazo Utah Athletic Commission

No. 34278 (AMD): R359-1-506. Drug Tests

Published: 12/15/2010

Effective: 01/31/2011

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 34228 (AMD): R414-1. Utah Medicaid Program

Published: 12/01/2010

Effective: 01/19/2011

No. 34229 (AMD): R414-303-11. Prenatal and Newborn Medicaid

Published: 12/01/2010

Effective: 01/27/2011

Human Services

Administration, Administrative Services, Licensing

No. 34212 (AMD): R501-21. Outpatient Treatment Programs

Published: 11/15/2010

Effective: 01/24/2011

Insurance

Administration

No. 34236 (AMD): R590-152. Health Discount Programs and Value Added Benefit Rule

Published: 12/01/2010

Effective: 01/20/2011

NOTICES OF RULE EFFECTIVE DATES

Labor Commission

Occupational Safety and Health

No. 34260 (AMD): R614-1-4. Incorporation of Federal Standards

Published: 12/15/2010

Effective: 01/27/2011

Public Safety

Fire Marshal

No. 34247 (AMD): R710-2. Rules Pursuant to the Utah Fireworks Act

Published: 12/15/2010

Effective: 01/21/2011

Highway Patrol

No. 34255 (R&R): R714-600. Performance Standards for Tow-Truck Motor Carriers

Published: 12/15/2010

Effective: 01/24/2011

Public Service Commission

Administration

No. 34176 (AMD): R746-360-8. Calculation of Fund Distributions in Rate-of-Return Incumbent Telephone Corporation Territories

Published: 11/15/2010

Effective: 01/19/2011

School and Institutional Trust Lands

Administration

No. 34261 (AMD): R850-60. Cultural Resources

Published: 12/15/2010

Effective: 01/24/2011

Tax Commission

Auditing

No. 34268 (AMD): R865-19S-78. Charges for Labor and Repair Under an Extended Warranty Agreement Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104

Published: 12/15/2010

Effective: 01/27/2011

Workforce Services

Employment Development

No. 34277 (AMD): R986-600. Workforce Investment Act

Published: 12/15/2010

Effective: 01/26/2011

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 2, 2011 through February 01, 2011. The Rules Index is published in the Utah State Bulletin and in the annual Utah Administrative Rules Index of Changes. Nonsubstantive changes, while not published in the Bulletin, do become part of the Utah Administrative Code (Code) and are included in this Index, as well as 120-Day (Emergency) rules that do not become part of the Code. The rules are indexed by Agency (Code Number) and Keyword (Subject).

Questions regarding the index and the information it contains should be addressed to 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
ADMINISTRATIVE SERVICES					
<u>Fleet Operations</u>					
R27-3	Vehicle Use Standards	34256	AMD	01/25/2011	2010-24/6
R27-4-11	Capital Credit or Reservation of Vehicle Allocation for Surrendered Vehicles	34257	AMD	01/25/2011	2010-24/7
AGRICULTURE AND FOOD					
<u>Plant Industry</u>					
R68-8	Utah Seed Law	34345	5YR	01/05/2011	2011-3/55
<u>Regulatory Services</u>					
R70-410	Grading and Inspection of Shell Eggs with Standard Grade and Weight Classes	34378	5YR	01/24/2011	Not Printed
COMMERCE					
<u>Occupational and Professional Licensing</u>					
R156-3a	Architect Licensing Act Rule	34396	5YR	01/31/2011	Not Printed
R156-46b	Division Utah Administrative Procedures Act Rule	34397	5YR	01/31/2011	Not Printed
R156-50	Private Probation Provider Licensing Act Rules	34282	NSC	01/06/2011	Not Printed
R156-60d	Substance Abuse Counselor Act Rule	34395	5YR	01/31/2011	Not Printed
R156-63a-302f	Qualifications for Licensure - Good Moral Character - Disqualifying Convictions	34360	NSC	01/26/2011	Not Printed
R156-78B	Prelitigation Panel Review Rule	34215	AMD	01/10/2011	2010-23/4
R156-83-306	Drugs Approved for Online Prescribing, Dispensing, and Facilitation	34237	AMD	01/10/2011	2010-23/14
<u>Real Estate</u>					
R162-2a	Utah Housing Opportunity Restricted Account	34223	NEW	01/08/2011	2010-23/15
R162-2c-201	Licensing and Registration Procedures	34225	AMD	01/08/2011	2010-23/16
R162-2c-203	Utah-Specific Education Certification	34226	AMD	01/08/2011	2010-23/19
R162-2c-204	License Renewal	34227	AMD	01/08/2011	2010-23/23
R162-12	Utah Housing Opportunity Restricted Account	34224	REP	01/08/2011	2010-23/25
COMMUNITY AND CULTURE					
<u>Housing and Community Development</u>					
R199-8	Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance	34135	AMD	01/13/2011	2010-21/5
EDUCATION					
<u>Administration</u>					
R277-419	Pupil Accounting	34230	AMD	01/10/2011	2010-23/26
R277-733	Adult Education Programs	34231	AMD	01/10/2011	2010-23/31

R277-800-5	USDB or Student's District of Residence/Charter School as Designated LEA	34359	NSC	01/27/2011	Not Printed
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FINANCIAL INSTITUTIONS

Administration

R331-26	Ownership of Real Estate Other Than Property Used for Institution Business or Held as an Investment by Depository Institutions Subject to the Jurisdiction of the Department of Financial Institutions	34207	NEW	02/01/2011	2010-22/61
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Banks

R333-11	Ownership by State-Chartered Banks of Real Estate Other Than Property Used for Bank Business or Held as an Investment	34206	REP	02/01/2011	2010-22/63
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Industrial Loan Corporations

R339-6	Rule Clarifying Industrial Loan Corporation Investments	34205	AMD	02/01/2011	2010-22/65
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GOVERNOR

Economic Development, Pete Suazo Utah Athletic Commission

R359-1-506	Drug Tests	34278	AMD	01/31/2011	2010-24/42
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HEALTH

Health Care Financing, Coverage and Reimbursement Policy

R414-1	Utah Medicaid Program	34228	AMD	01/19/2011	2010-23/49
R414-303-11	Prenatal and Newborn Medicaid	34229	AMD	01/27/2011	2010-23/52

Health Systems Improvement, Emergency Medical Services

R426-7	Emergency Medical Services Prehospital Data System Rules	34358	5YR	01/12/2011	2011-3/55
R426-8	Emergency Medical Services Per Capita Grants Program Rules	34346	5YR	01/05/2011	2011-3/56

HUMAN SERVICES

Administration, Administrative Services, Licensing

R501-21	Outpatient Treatment Programs	34212	AMD	01/24/2011	2010-22/81
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Aging and Adult Services

R510-401	Utah Caregiver Support Program (UCSP)	34390	5YR	01/26/2011	Not Printed
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Child and Family Services

R512-1-6	Out-of-Home Care Services	34344	NSC	01/26/2011	Not Printed
R512-11	Accommodation of Moral and Religious Beliefs and Culture	34368	5YR	01/18/2011	Not Printed
R512-203	Child Protective Services, Significant Risk Assessments	34369	5YR	01/18/2011	Not Printed

INSURANCE

Administration

R590-93	Replacement of Life Insurance and Annuities	34026	AMD	01/10/2011	2010-18/59
R590-93	Replacement of Life Insurance and Annuities	34026	CPR	01/10/2011	2010-22/116
R590-133	Variable Contracts	34175	AMD	01/10/2011	2010-22/98
R590-152	Health Discount Programs and Value Added Benefit Rule	34236	AMD	01/20/2011	2010-23/57
R590-167-4	Establishment of Classes of Business	34169	AMD	01/10/2011	2010-22/100
R590-259	Dependent Coverage to Age 26	34276	NEW	01/25/2011	2010-24/51

RULES INDEX

LABOR COMMISSION

Industrial Accidents

R612-12-2 Designation as Informal Proceedings 34294 NSC 01/06/2011 Not Printed

Occupational Safety and Health

R614-1-4 Incorporation of Federal Standards 34260 AMD 01/27/2011 2010-24/54

MONEY MANAGEMENT COUNCIL

Administration

R628-11 Maximum Amount of Uninsured Public Funds 34208 AMD 01/12/2011 2010-22/102
 Allowed to Be Held by Any Qualified Depository

NATURAL RESOURCES

Forestry, Fire and State Lands

R652-123 Exemptions to Wildland Fire Suppression Fund 34376 5YR 01/24/2011 Not Printed

Parks and Recreation

R651-201 Definitions 34382 5YR 01/26/2011 Not Printed
 R651-202 Boating Advisory Council 34383 5YR 01/26/2011 Not Printed
 R651-203 Waterway Marking System 34384 5YR 01/26/2011 Not Printed
 R651-204 Regulating Waterway Markers 34385 5YR 01/26/2011 Not Printed
 R651-205 Zoned Waters 34386 5YR 01/26/2011 Not Printed
 R651-206 Carrying Passengers for Hire 34353 5YR 01/11/2011 2011-3/57
 R651-207 Registration Fee 34388 5YR 01/26/2011 Not Printed
 R651-208 Backing Plates 34389 5YR 01/26/2011 Not Printed
 R651-210 Change of Address 34391 5YR 01/26/2011 Not Printed
 R651-211 Assigned Numbers 34392 5YR 01/26/2011 Not Printed
 R651-212 Display of Yearly Registration Decals and
 Month of Expiration Decals 34393 5YR 01/26/2011 Not Printed
 R651-215 Personal Flotation Devices 34355 5YR 01/11/2011 2011-3/57
 R651-222 Muffling Requirements 34356 5YR 01/11/2011 2011-3/58
 R651-224 Towed Devices 34357 5YR 01/11/2011 2011-3/59
 R651-611 Fee Schedule 34377 5YR 01/24/2011 Not Printed

Wildlife Resources

R657-13 Taking Fish and Crayfish 34167 AMD 01/04/2011 2010-22/103
 R657-58 Fishing Contests and Clinics 34168 AMD 01/04/2011 2010-22/105

PUBLIC SAFETY

Criminal Investigations and Technical Services, Criminal Identification

R722-300-3 Definitions 34222 AMD 01/07/2011 2010-23/61

Driver License

R708-16 Pedestrian Vehicle Rule 34398 5YR 01/31/2011 Not Printed
 R708-18 Regulatory and Administrative Fees 34399 5YR 01/31/2011 Not Printed
 R708-19 Automobile No-Fault Self-Insurance 34400 5YR 01/31/2011 Not Printed
 R708-20 Motor Vehicle Accident Prevention Course
 Standards 34401 5YR 01/31/2011 Not Printed
 R708-33 Electric Assisted Bicycle Headgear 34402 5YR 01/31/2011 Not Printed
 R708-38 Anatomical Gift 34403 5YR 01/31/2011 Not Printed
 R708-42 Driver Address Record 34371 5YR 01/20/2011 Not Printed
 R708-43 YES or NO Notification 34372 5YR 01/20/2011 Not Printed
 R708-44 Citation Monitoring Service 34374 5YR 01/20/2011 Not Printed

Fire Marshal

R710-2 Rules Pursuant to the Utah Fireworks Act 34247 AMD 01/21/2011 2010-24/57
 R710-9 Rules Pursuant to the Utah Fire Prevention
 Law 34242 AMD 01/09/2011 2010-23/58

Highway Patrol

R714-600 Performance Standards for Tow-Truck Motor
 Carriers 34255 R&R 01/24/2011 2010-24/61

PUBLIC SERVICE COMMISSION

Administration

R746-360-8	Calculation of Fund Distributions in Rate-of-Return Incumbent Telephone Corporation Territories	34176	AMD	01/19/2011	2010-22/109
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SCHOOL AND INSTITUTIONAL TRUST LANDS

Administration

R850-10	Expedited Rulemaking	34289	NSC	01/06/2011	Not Printed
R850-60	Cultural Resources	34261	AMD	01/24/2011	2010-24/64
R850-60-100	Authorities	34328	NSC	01/18/2011	Not Printed

TAX COMMISSION

Auditing

R865-19S-78	Charges for Labor and Repair Under an Extended Warranty Agreement Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104	34268	AMD	01/27/2011	2010-24/68
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TRANSPORTATION

Operations, Traffic and Safety

R920-50	Ropeway Operation Safety Rules	34241	AMD	01/10/2011	2010-23/63
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WORKFORCE SERVICES

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R986-200-246	Transitional Cash Assistance	34239	AMD	01/13/2011	2010-23/70
R986-600	Workforce Investment Act	34277	AMD	01/26/2011	2010-24/69

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ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>accident prevention</u> Public Safety, Driver License	34401	R708-20	5YR	01/31/2011	Not Printed
<u>administrative procedures</u> Commerce, Occupational and Professional Licensing	34397	R156-46b	5YR	01/31/2011	Not Printed
Labor Commission, Industrial Accidents	34294	R612-12-2	NSC	01/06/2011	Not Printed
Natural Resources, Forestry, Fire and State Lands	34376	R652-123	5YR	01/24/2011	Not Printed
School and Institutional Trust Lands, Administration	34289	R850-10	NSC	01/06/2011	Not Printed
<u>adult education</u> Education, Administration	34231	R277-733	AMD	01/10/2011	2010-23/31
<u>affidavit of merit</u> Commerce, Occupational and Professional Licensing	34215	R156-78B	AMD	01/10/2011	2010-23/4

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	34026	R590-93	CPR	01/10/2011	2010-22/116	
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	34383	R651-202	5YR	01/26/2011	Not Printed	
	34384	R651-203	5YR	01/26/2011	Not Printed	
	34385	R651-204	5YR	01/26/2011	Not Printed	
	34386	R651-205	5YR	01/26/2011	Not Printed	
	34353	R651-206	5YR	01/11/2011	2011-3/57	
	34388	R651-207	5YR	01/26/2011	Not Printed	
	34389	R651-208	5YR	01/26/2011	Not Printed	
	34391	R651-210	5YR	01/26/2011	Not Printed	
	34392	R651-211	5YR	01/26/2011	Not Printed	
	34393	R651-212	5YR	01/26/2011	Not Printed	
	34355	R651-215	5YR	01/11/2011	2011-3/57	
	34356	R651-222	5YR	01/11/2011	2011-3/58	
	34357	R651-224	5YR	01/11/2011	2011-3/59	
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	34368	R512-11	5YR	01/18/2011	Not Printed	
	34369	R512-203	5YR	01/18/2011	Not Printed	
<u>citation monitoring service</u>						
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<u>concealed firearm permit</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	34222	R722-300-3	AMD	01/07/2011	2010-23/61	

<u>concealed firearm permit instructor</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	34222	R722-300-3	AMD	01/07/2011	2010-23/61	
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	34328	R850-60-100	NSC	01/18/2011	Not Printed	
<u>domestic violence</u>						
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<u>driver address record</u>						
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<u>driver education</u>						
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<u>driver license</u>						
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<u>electric assisted bicycle headgear</u>						
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	34346	R426-8	5YR	01/05/2011	2011-3/56	
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	34226	R162-2c-203	AMD	01/08/2011	2010-23/19	
	34227	R162-2c-204	AMD	01/08/2011	2010-23/23	
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<u>fees</u>						
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	34168	R657-58	AMD	01/04/2011	2010-22/105	
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	34168	R657-58	AMD	01/04/2011	2010-22/105	
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<u>food inspections</u>						
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<u>government hearings</u>						
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<u>health insurance</u>						
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<u>health insurance open enrollment</u>						
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<u>human services</u>						
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<u>independent foster care adolescent</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	34229	R414-303-11	AMD	01/27/2011	2010-23/52	
<u>inspections</u>						
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<u>licensing</u>						
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	34282	R156-50	NSC	01/06/2011	Not Printed	
	34395	R156-60d	5YR	01/31/2011	Not Printed	

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	34227	R162-2c-204	AMD	01/08/2011	2010-23/23
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	34226	R162-2c-203	AMD	01/08/2011	2010-23/19
	34227	R162-2c-204	AMD	01/08/2011	2010-23/23
<u>Medicaid</u>					
Health, Health Care Financing, Coverage and	34228	R414-1	AMD	01/19/2011	2010-23/49
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<u>medical malpractice</u>					
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<u>motorboat noise</u>					
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	34386	R651-205	5YR	01/26/2011	Not Printed
	34353	R651-206	5YR	01/11/2011	2011-3/57
	34355	R651-215	5YR	01/11/2011	2011-3/57
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	34226	R162-2c-203	AMD	01/08/2011	2010-23/19	
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