

UTAH STATE BULLETIN

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

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

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

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-957-7110. Additional rulemaking information and electronic versions of all administrative rule publications are available at <https://rules.utah.gov/>.

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

Office of Administrative Rules, Salt Lake City 84114

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NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between December 16, 2022, 12:00 a.m., and January 03, 2023, 11:59 p.m. are included in this, the January 15, 2023, issue of the *Utah State Bulletin*.

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

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

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Bulletin* until at least February 14, 2023. 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 May 15, 2023, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R25-21	Filing ID: 55179

Agency Information

1. Department:	Government Operations	
Agency:	Finance	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W, Floor 3	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 141031	
City, state and zip:	Salt Lake City, UT 84114	
Contact persons:		
Name:	Phone:	Email:
Janica Gines	801-957-7727	jmgines@utah.gov
Ally Branch	801-597-3523	abbranch@utah.gov
Todd Darrington	801-957-7742	tadarrington@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R25-21. Medical Cannabis Payment Provider Standards
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Further examination of payment providers resulted in the industry being more nuanced than originally understood. The broad scope of payment provider types meant that the rule needed to be amended to catch the scope of ways that payments can be made. Additionally, new standards and expectations from card brands resulted in some payment providers being out of compliance with the card brands but technically in compliance with the rule's request. The amendments made bring this rule and card brands into agreement and ensure that solutions approved by the Division of Finance (Division) can operate in compliance with card brands. Lastly, the Division noted that this rule did not have any caveats for payment providers who willingly or knowingly misrepresent their company and added in a section to capture the need to honest in the communication.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the

substantive differences between the repealed rule and the reenacted rule):

The changes are clarification for new contacts, and department names, as well as clarification on the available documentation that can be provided. The amendment also tightens restrictions to ensure solutions are compliant with card brands and honest in their representation.

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

There are not anticipated costs to state government because the change does not affect state government.

B) Local governments:

There are not anticipated costs to local governments because the change does not affect local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):

The relevant data is unavailable because affected small businesses will be able to choose among authorized payment providers and costs are unknown and may vary. Costs are not estimable. Products affected by this rule are optional for businesses affected. Marijuana-related businesses choosing a payment provider would have similar costs with or without this rule.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

The relevant data is unavailable because affected non-small businesses will be able to choose among authorized payment providers and costs are unknown and may vary. Costs are not estimable. Products affected by this rule are optional for businesses affected. Marijuana-related businesses choosing a payment provider would have similar costs with or without this rule.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

This proposed rule applies only to participating payment providers for Utah cannabis-related businesses. There are not anticipated direct costs or savings to other persons. Costs incurred by Utah cannabis-related businesses will likely be passed on to their customers (indirect costs). However, the costs are not estimable because the relevant data necessary to determine how the costs will be allocated to customers is not available. The Division also expect customers would have similar costs passed on them with or without this rule.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

The costs to payment providers cannot reasonably be estimated because the relevant data necessary to determine how the costs will be allocated to customers is not available. The cost to the payment providers would depend on the type of establishment and service each provider offers.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)**Regulatory Impact Table**

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Government Operations, Jenney Rees, has reviewed and approved this regulatory impact analysis.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Subsection		
26-61a-603(2)(a)		

Public Notice Information**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	02/14/2023
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9. This rule change MAY become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Jenney Rees, Executive Director	Date:	12/22/2022
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R25. Government Operations, Finance.**R25-21. Medical Cannabis Payment Provider Standards.****R25-21-1. Purpose and Authority.**

(1) Purpose. This rule establishes the functional, technical and other standards a payment provider must meet to be approved to conduct financial transactions for Utah cannabis-related businesses.

(2) Authority. This rule is enacted under the authority of Subsection 26-61a-603(2)(a).

R25-21-2. Definitions.

Terms used in this rule are defined in Section 26-61a-102. In addition:

(1) "Utah MRB" means any cannabis production establishment, medical cannabis pharmacy, or home delivery medical cannabis pharmacy licensed within the in accordance with the Utah Medical Cannabis Act.

(2) "Bank" means any federal or state chartered and regulated depository financial institution.

(3) "Bank of First Deposit" means the first bank that receives funds from Utah MRB related transactions.

(4) "Payment Provider" means a third-party company that assist a business in accepting funds or goods or services. The method of payment can include credit card, debit card, cash card, bank transfer, ACH, e-wallet, wire transfer, or any other known or unknown method.

(5) "Processor" means the business or mechanism that facilitates the transfer of funds from the consumer's financial institution to the Utah MRB's financial institution.

R25-21-3. Payment Provider Standards.

(1) Prerequisite to consideration of a payment provider under this rule, a Utah MRB must provide the Division of Finance and State Treasurer documentation associated with the payment provider in accordance with Subsection 26-61a-603(1).

(2) A payment provider must provide certification signed by an officer of the bank of first deposit acknowledging that the payment provider is facilitating cannabis-related transactions legal under Utah law on behalf of a Utah MRB.

(3) A payment provider must provide certification from the bank of first deposit that data transmitted to the bank is adequate and transparent for the following regulatory requirements:

(a) Certification as to Know Your Customer compliance pursuant to the Federal USA Patriot Act, Public Law 107-56.

(b) Certification as to due diligence pursuant to the Federal Department of Treasury, Financial Crimes Enforcement Network (FinCEN) guidance given in FIN-2014-G001, "BSA Expectations Regarding Marijuana-Related Businesses," Issued February 14, 2014[-]; and

(c) Certification as to compliance with Suspicious Activity Report (SAR) and Currency Transaction Report (CTR) filings pursuant to the Federal Bank Secrecy Act.

(4) A payment provider must provide certification and supporting documentation that Automated Clearing House (ACH) transactions are compliant with National Automated Clearing House Association Rules and Operating Guidelines.

(5) The Payment Card Industry Data Security Standards (PCI-DSS) comprise the security framework the Division of Finance will use to evaluate information security of payment provider solutions. A payment provider must provide PCI-DSS assessments, as applicable, including:

(a) PA-DSS certification for devices with a signature from a Payment Application Qualified Security Assessor (PA-QSA); and

(b) PCI-DSS Report on Compliance or Attestation of Compliance with a signature from a Qualified Security Assessor (QSA) or Internal Security Assessor (ISA).

(6) A payment provider facilitating cash transfers to a Utah MRB's Bank must:

(a) certify that the payment provider supplies detailed records of cash transfers to Utah MRBs and their respective banks;

(b) provide written policies and procedures that demonstrate that the payment provider adequately protects the safety of Utah MRB employees and the payment provider's drivers; and

(c) certify that the payment provider supplies data sufficient for Suspicious Activity Report for cash transfers to bank of first deposit.

(7) payment providers that use more than one processor must submit the required documentation and be compliant for all processors the Provider may utilize.

(8) payment providers must adhere to the standards and rules established by the governing entity for the funds transfer system.

(9) A payment provider will supply documentation, information, data, and a response to a written request for information that the Division of Finance perceives as necessary to ensure compliance.

R25-21-4. Approved Payment Providers.

(1) A payment provider must submit evidence of compliance with Section R25-21-3 to the Department of Government Operations, Division of Finance for consideration for approval and on an annual basis thereafter.

(2) A payment provider must notify the Division of Finance within 30 days of any changes in information reported for compliance to this rule. If required, time to cure non-compliance will be assigned by the Division of Finance upon notification.

(3) Failure to comply with ~~[Subsection R25-21-4(2)]~~ the standards of Rule R25-21 will result in automatic removal from the approved payment provider list.

(4) Any misrepresentation or incorrect information submitted by the Payment Provider either in the application for approval or other communication is grounds for termination of approval as a Payment Provider.

~~[(4)]~~(5) A payment provider that is removed from the approved payment provider list may appeal to the ~~[4]~~Director of the Division of Finance for reinstatement subject to Rule R25-2.

~~[(5)]~~(6) A list of approved payment providers is available at finance.utah.gov/cannabispaymentproviders.

KEY: marijuana, medical cannabis, payment provider

Date of Last Change: 2023~~[April 29, 2022]~~

Authorizing, and Implemented or Interpreted Law: 26-61a-603(2)(a)

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R27-1	Filing ID: 55168
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Agency Information

1. Department:	Government Operations	
Agency:	Fleet Operations	
Room number:	Third Floor	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 141117	
City, state and zip:	Salt Lake City, UT 84114-1117	
Contact persons:		
Name:	Phone:	Email:
Cory Weeks	801-957-7261	coryweeks@utah.gob

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R27-1. Definitions

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

While completing an annual rule review, the Division of Fleet Operations determined that some definitions needed a modification.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This rule clarifies the definition of employee at the request of the Department of Corrections. The changes also remove requirements that do not belong in definitions. Those statements have been moved to the appropriate rule under Title R27.

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

Because definitions were only modified without changing functionality, there are no anticipated costs or savings.

B) Local governments:

Because definitions were only modified without changing functionality, there are no anticipated costs or savings.

C) Small businesses ("small business" means a business employing 1-49 persons):

Because definitions were only modified without changing functionality, there are no anticipated costs or savings.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

Because definitions were only modified without changing functionality, there are no anticipated costs or savings.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

Because definitions were only modified without changing functionality, there are no anticipated costs or savings.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

Because definitions were only modified without changing functionality, there are no anticipated costs or savings.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

Total Fiscal Cost	\$0	\$0	\$0
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Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

Total Fiscal Benefits	\$0	\$0	\$0
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Net Fiscal Benefits	\$0	\$0	\$0
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H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Government Operations, Jenney Rees, has no comments and has reviewed and approved this regulatory impact analysis.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Subsection 63A-9-401(1)(d)		
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 02/14/2023

9. This rule change MAY become effective on: 02/21/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Cory Weeks, Director	Date:	12/19/2022
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R27. Government Operations, Fleet Operations.**R27-1. Definitions.****R27-1-1. Authority and Purpose.**

(1) This rule is established pursuant to Subsection 63A-9-401(1)(d), which requires the division to create rules governing procedures and policies used for managing the state's vehicle fleet.

R27-1-2. Definitions.

(1) The following terms are defined for use under Title R27.

(a) "Accident" means any mishap in which a state vehicle is involved, which results in harm or injury to persons, or damage to property, regardless of fault, total cost of treatments, or repairs.

(b) "Agency" has the same meaning as provided in Subsections 63A-9-101(1)(a), (b), and (c).

(c) "Alternative Fuel Vehicle (AFV)" means a vehicle designed and manufactured by an original equipment manufacturer to operate on one or more fuels other than traditional gasoline or diesel fuel. Examples of alternative fuels include electricity, bio[]diesel, compressed natural gas, propane, hydrogen, methanol, ethanol, and any other vehicle fuel source approved by the federal government's Department of Energy (DOE).

(d) "Authorized Driver" means any agency employee who has been identified as having the authority, within their scope of employment, to operate a state vehicle on the agency's behalf. An authorized driver shall hold a valid driver license and shall successfully complete the specific authorized driver training and other criteria required by the division, Risk Management, and the employing agency for the vehicle type that will be operated. An authorized driver may also be referred to as operator, driver, employee, or customer.

(e) "Authorized Passenger" means any state employee acting within the scope of their employment, or any other person or animal whose transport is either necessary for the performance of the authorized driver's or passenger's employment duties[] or has been pre-approved by the agency head to accompany an authorized driver or passenger.

(f) "Capital Lease Vehicle" means any vehicle with a lease designed to recover the vehicle cost. The division also charges rates for administrative costs. Maintenance, repair, and safety recalls costs

are the responsibility of the agency that leases the vehicle from the division. Capital leases are subject to division approval.

(g) "Citizen Complaint" means a complaint reported by a citizen to the division.

(h) "Commute Use" means use of a state vehicle by an employee driving between the employee's residence and the employee's assigned work location more than one calendar day per month. Commute use is subject to the Commuting Rule as outlined in 26 CFR 1.61-21.

(i) "Department" means the Department of Government Operations.

(j) "Division" means the Division of Fleet Operations.

(k) "Driver Eligibility Board" means the panel formed ~~for the purpose of~~ to determine[ing] an authorized driver's state vehicle driving privileges.

(l) "Emergency Vehicle" means a state vehicle which is primarily used for providing law enforcement and public safety services, including fire services or emergency medical services.

(m)(i) "Employee" includes:

(A) a governmental entity's officers, employees, servants, trustees, or commissioners;

(B) members of a governing body;

(C) members of a governmental entity's board;

(D) members of a governmental entity's commission;

(E) members of an advisory body, officers, and employees of a Children's Justice Center;

(F) student teachers holding a license issued by the State Board of Education;

(G) educational aides;

(H) students engaged in internships;

(I) volunteers as defined by Subsection 67-20-2(3); and

(J) tutors.

(ii) "Employee" includes the positions identified in Subsection (m)(i) whether or not the individual holding that position receives compensation.

(iii) "Employee" does not include an independent contractor.

(iv) "Employee" does not include an individual serving in a correctional program.

(n) "Expansion Vehicle" means an additional permanent vehicle requested by an agency. The purchase of an expansion vehicle requires legislative approval.

(o) "Feature" means any option or accessory that is available from the vehicle manufacturer.

(p) "Full[-]Service Lease" means a type of lease designed to recover vehicles costs. The division also charges rates to cover administrative costs, maintenance and repair costs, and other variable costs.

(q) "Heavy-duty Vehicle" means any motor vehicle having a gross vehicle weight rating (GVWR) greater than 26,001 pounds.

(r) "Light-duty Vehicle" means any motor vehicle having a GVWR of 10,000 pounds or less.

(s) "Medium-duty Vehicle" means any motor vehicle having a GVWR of 10,001 to 26,000 pounds.

(t) "Miscellaneous Equipment" means any equipment, enhancement, or accessory that is installed on or in a motor vehicle by persons other than the original vehicle manufacturer, and other non-fleet related equipment. Includes light bars, 800 MHz radios, transits, surveying equipment, traffic counters, semaphores, and diagnostic-related equipment. ~~—Miscellaneous equipment shall be tracked in the division's fleet information system.~~

(u) "Motor Pool" means a centrally located group of state vehicles that is made available to agencies for lease on a short-term basis.

(v)(i) "Motor Vehicle" has the same meaning as provided in Subsection 63A-9-101(7).

(w) "Motor Vehicle Review Committee (MVRC)" means the committee created under Section 63A-9-301.

(x) "Moving Violation" means a breach of traffic laws which occurs while the driver's vehicle is in motion.

(y) "Non-preventable Accident" means any occurrence involving a state vehicle which results in an accident in which everything that could have been reasonably done to prevent it was done and the accident still occurred. Non-preventable accidents shall include vandalism of state vehicles being used to conduct state business.

(z) "Non-road Vehicle" means a vehicle, regardless of GVWR, that is not licensed for on-road use. Non-road vehicles include vehicles used principally for construction, golf carts, airplanes, farm tractors, snowmobiles, forklifts, off-highway vehicles, and boats.

(aa) "Personal Use" means the use of a state vehicle to conduct an employee's personal affairs, not related to state business.

(bb) "Preventable Accident" means any occurrence involving a state vehicle, which results in property damage or personal injury, regardless of who was injured, what property was damaged, to what extent, or where it occurred, in which the authorized driver in question failed to do everything that could have reasonably been done to prevent it.

(i) Preventable accidents are not limited to collisions.

(ii) Preventable accidents include damage to the interior of the state vehicle due to improperly locked doors, smoke or burn damage caused by smoking in the vehicle, or lack of general care of the vehicle's interior.

(cc) "Preventive Maintenance (PM)" means vehicle services conducted at regular time intervals to deter mechanical breakdowns, including lube, oil, and filter changes.

(dd) "Replacement Cycle" means the criteria established by the division to determine when the replacement of a state vehicle is necessary.

(ee) "Replacement Vehicle" means a vehicle purchased to replace a state vehicle that has met replacement cycle criteria.

(ff) "SSFV" means a "Standard State Fleet Vehicle," which is the vehicle designated by the division as the default replacement vehicle for the state fleet.

(gg) "State Fuel Network" means the state program that provides an infrastructure for fueling state vehicles.

(hh) "State of Utah Fuel Card" means a purchase card assigned to a vehicle person or other motorized equipment by the State Fuel Network program, to be used when purchasing fuel. ~~Fluids and minor miscellaneous items that may also be purchased with the fuel card cannot exceed the monthly monetary limits placed on such purchases by the division unless otherwise authorized.~~

(ii) "State Vehicle" means each motor vehicle owned, operated, or in the possession of an agency, also to include any vehicle procured with state funds for state business such as a rental vehicle.

(jj) "Take-home Use" means use of a state vehicle by an employee driving a state vehicle between the employee's place of residence and the employee's assigned work location more than one calendar day per month. Take-home use is exempt from the Commuting Rule as outlined in 26 CFR 1.61-21.

(kk) "Variable Costs" means costs including, fuel, oil, tires, services, repairs, maintenance, and PM.

(ll) "Vehicle Identification Number (VIN)" means the number issued by the vehicle manufacturer to identify the vehicle in the event of a theft. This number can be found on the driver's side of the dashboard below the windshield.

(mm) "Vendor" means any third party~~[person]~~ offering sales or services for state vehicles, such as PM or repair services.

KEY: definitions

Date of Last Change: ~~[August 15, 2022]~~ 2023

Notice of Continuation: October 20, 2020

Authorizing, and Implemented or Interpreted Law: 63A-9-401

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R27-3	Filing ID: 55169
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Agency Information

1. Department:	Government Operations	
Agency:	Fleet Operations	
Room number:	Third Floor	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 141117	
City, state and zip:	Salt Lake City, UT 84114-1117	
Contact persons:		
Name:	Phone:	Email:
Cory Weeks	801-957-7261	coryweeks@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R27-3. Vehicle Use Standards

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This filing largely cleans up language and organization. The change to Section R27-3-6 enables the Division of Fleet Operations to reduce administrative burden on agency customers.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This filing clarifies this rule. It allows agencies applying to authorize taking home state vehicles to have an easier process for managing this information.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This change will have an inestimable savings to state agencies due to time and effort saved in completing training and tracking.

B) Local governments:

This rule does not impact local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule does not impact small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This rule does not impact non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule does not impact other persons.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

No compliance costs are anticipated.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Government Operations, Jenney Rees, has no comments and has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection 63A-9-401(1)(d)		
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 02/14/2023

9. This rule change MAY become effective on: 02/21/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Cory Weeks, Director	Date:	12/19/2022
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R27. Government Operations, Fleet Operations.**R27-3. Vehicle Use Standards.****R27-3-1. Authority and Purpose.**

(1) This rule is established pursuant to Subsection 63A-9-401(1)(d), which authorizes the division to establish the requirements for the use of state vehicles, including business and personal use practices, and commute standards.

(2) This rule defines the vehicle use standards for state employees while operating a state vehicle.

R27-3-2. Agency Contact.

(1) Each agency shall appoint and designate, in writing to the division, a main contact person from within the agency to act as a liaison between the division and the agency.

R27-3-3. Agency Authorization of Drivers.

(1) Agencies authorized to enter information into the division's fleet information system shall enter the agency's authorized driver information into the division's fleet information system, to include the following:

- (a) driver's name;
- (b) driver license number;
- (c) state that issued the driver license;
- (d) each Risk Management-approved driver training program taken;
- (e) date each driver training program was completed;
- (f) the type of vehicle used for each training program.

(2) Agencies without authorization to enter information into the division's fleet information system shall provide the information required in Subsection R27-3-3(1) to the division for entry into the division's fleet information system.

(3) Any employee whose fleet information system record does not have all ~~of~~ the information required in Subsection R27-3-3(1) shall be deemed unauthorized to drive state vehicles.

(4) To operate a state vehicle, authorized drivers whose names have been entered into the division's fleet information system shall have:

- (a) a valid driver license for the class of vehicle being operated; and
- (b) completed an approved driver training course as required by the Division of Risk Management for the class of vehicle being operated.

(5) Agencies shall develop and establish procedures to prevent driving for business by [ensure that] any employee that does not meet the qualifications of an authorized driver as defined in this rule. ~~[listed as an authorized driver is not allowed to operate a state vehicle when the employee:]~~

~~[(a) does not have a valid driver license for the class of vehicle being operated; or~~

~~[(b) has not completed all training programs required by either the division or the Division of Risk Management for the class of vehicle being operated.]~~

(6) The division shall conduct a Utah driver license verification check on a regular basis to verify the validity of the driver license of each authorized driver whose name appears in the division's fleet information system. The agency is responsible for

verifying the license of an authorized driver with a driver license issued outside of Utah.

(7) If an authorized driver is found not to have a valid driver license, the division shall notify the agency within three business days of the results of the driver license verification check.

(8) Any employee whose driver license has become invalid shall have their authorized state vehicle driving privileges immediately withdrawn.

(9) Any authorized driver who has an invalid driver license shall not have the authority to operate a state vehicle reinstated until the authorized driver provides proof to the division that their driver license is once again valid.

(10) Authorized drivers shall operate a state vehicle in accordance with the restrictions or limitations imposed upon their driver license.

(11) Agencies shall comply with the requirements set forth in Subsection R37-1-8(9).

(12) If an agency has only approved driving a non-road vehicle, the driver does not need to be an authorized driver under this rule.

R27-3-4. Authorized and Unauthorized Use of State Vehicles.

~~[(1) State vehicles shall only be used for official state business.]~~

~~[(4)1] Unless otherwise authorized by the agency head, the following are examples of the unauthorized use of a state vehicle:~~

~~(a) transporting family, friends, pets, associates, or other persons who are not state employees or are not serving the interests of the state;~~

~~(b) transporting hitchhikers;~~

~~(c) transporting acids, explosives, hazardous materials, flammable materials, [and] weapons, [and] or ammunition except as authorized by federal or state laws. Otherwise, the transport of the [above referenced] these items or materials is authorized when it is specifically related to employment duties;~~

~~(d) extending the length of time that the state vehicle is in the operator's possession beyond the time needed to complete the official purposes of the trip;~~

~~(e) operating a state vehicle for personal use [as defined in Subsection R27-1-2(37).] except [for approved personal uses] as set forth in in this rule; [Section R27-3-5 and-]~~

~~(f) except as [when] necessary for the performance of employment duties, the use of a state vehicle for activities such as shopping, participating in sporting events, hunting, or fishing, [or any activity that is not included in the employee's job description,] is not authorized; and~~

~~(f) using a state vehicle for personal convenience, such as when a personal vehicle is not operational.~~

~~[(5)2] Pursuant to Section R27-7-3, the unauthorized use of a state vehicle may result in the suspension or revocation of state driving privileges.~~

~~[(2)3] Except in cases where it is customary to travel out of state to perform an employee's regular employment duties and responsibilities, the use of a state vehicle outside of the state shall [require the approval of the authorized driver's agency head] be included in the description of out-of-state travel requests.~~

~~[(3)4] [The use of a s] State vehicle use for travel outside of the continental United States shall be included in the travel plan description and approval required for non-CONUS travel. [require the approval of the director of the employing department, the director of the division, the director of the Division of Risk Management and the governor's chief of staff. Approvals must be obtained at least 30 days~~

NOTICES OF PROPOSED RULES

~~prior to the departure date.]~~ The employing agency shall, ~~[prior to]~~ before the departure date, provide the division and the Division of Risk Management with proof that proper automotive insurance has been obtained. The employing agency shall be responsible for any damage to vehicles operated outside of the United States regardless of fault.

(5) Under no circumstances shall the total number of occupants exceed the maximum number of passengers recommended by the manufacturer or the Division of Risk Management.

R27-3-5. Personal Use Standards.

(1) ~~Except as described in this rule, [P]personal use of state vehicles requires statutory authorization [is not allowed without the direct authorization of the Legislature].~~

(2) An employee or representative of the state spending at least one night on approved travel to conduct state business may use a state vehicle in the general vicinity of the overnight lodging for the following approved activities:

(a) travel to and from restaurants and stores for meals, breaks, and personal needs;

(b) travel to and from grooming, medical, fitness, or laundry facilities; and

(c) travel to and from recreational activities, such as to theaters, parks, or to the home of friends or relatives, provided the employee or representative has received prior approval for such travel from their supervisor.

~~[Pursuant to Section R27-7-3, the unauthorized personal use of a state vehicle may result in the suspension or revocation of state driving privileges.]~~

R27-3-6. Application for Commute or Take-Home Use.

(1) Each petitioning agency shall be responsible for submitting names and applicable information to the division for authorized drivers granted commute or take-home privileges along with proof of the agency executive director's or designee's approval.

(2) The division shall enter the approved commute or take-home use request into the fleet information system and shall make the assigned identification number available to both the driver and the agency.

~~[(3) Approvals for commute or take-home use privileges shall expire at the end of the calendar year for which they were issued.]~~

~~[(4)]~~ Agencies are responsible for notifying the division when adjustments to approvals need to be made, including terminations and reassignments.

R27-3-7. Criteria for Commute or Take-Home Use Approval.

(1) An agency executive director or designee may approve commute or take-home use when one or more of the following conditions exist:

(a) ^[2]24-hour On-call Emergency.^[2] When the agency clearly demonstrates that the nature of a potential emergency is such that an increase in response time, if a commute or take-home use privilege is not authorized, could endanger a human life or cause significant property damage. Each driver ~~[is required to]~~ shall keep a complete list of call~~[-]~~outs. The authorized driver shall create and maintain a trip log beginning with the first trip of the day and ending with the last trip of the day for commute use vehicles. The trip log must contain at least the starting and ending points of the commute;

(b) Virtual Office. When the agency clearly demonstrates that an employee is required to work out of a vehicle a minimum of

80% of the time and the assigned vehicle is required to perform the critical duties assigned to the employee;

(c) Practicality. When the agency clearly demonstrates that it is more practical for the employee to go directly to an alternate work site rather than report to a specific office to pick up a state vehicle;

(d) Compensation Vehicle. When a vehicle is provided to appointed or elected government officials who are specifically allowed by law to have an assigned vehicle as part of their compensation package.

R27-3-8. Exemptions from IRS-Imputed Daily Fringe Benefits.

(1) Commute use is considered a taxable fringe benefit as outlined in 26 CFR 1.61-21. Approved commute use drivers shall be assessed the IRS-imputed daily fringe benefit rate while using a state vehicle for commute use. The division shall notify the Division of Finance of this authorization. The Division of Finance shall then enter the authorized driver's commute fringe benefit into the payroll system.

(2) Exemptions from the Commuting Rule for take-home use must be in accordance with 26 CFR 1.61-21 and must be approved by the employing agency. Any agency with an exemption to the Commuting Rule must maintain a file justifying the exemption and must be prepared to explain the agency's position in the case of an IRS audit.

R27-3-9. Enforcement of Commute, Take-Home, and Personal Use Standards.

(1) Agencies with drivers who have been granted commute, take-home, or personal use privileges shall establish internal policies to enforce the commute, take-home, and personal use standards established in this rule, in IRS internal revenue bulletins, and in 26 CFR 1.61-21. Agencies shall not adopt policies that are less stringent than the standards established in this rule.

(2) Agencies are responsible for keeping appropriate records, including call out and trip logs where applicable.

(3) Commute, take-home, or personal use that is unauthorized shall result in the suspension or revocation of the commute, take-home, or personal use privilege by the agency. Additional instances of unauthorized commute or take-home use may result in the suspension or revocation of the state driving privilege by the agency.

R27-3-10. Use Requirements for Monthly Lease Vehicles.

(1) Agencies that lease state vehicles from the division on a monthly basis shall:

(a) ensure that only authorized drivers operate the vehicles;

(b) report the correct odometer reading when refueling the vehicle. If an incorrect odometer reading is reported, agencies may be assessed a fee when ~~[ever]~~ the agency fails to correct the mileage within three business days of the agency's receipt of the notification that the incorrect mileage was reported. When circumstances indicate that there was an intentional falsification of the vehicle's actual odometer reading at the time of refueling, a fee may be assessed to the agency even if the agency corrected the error;

(c) return the vehicle to the division in good repair and in clean condition at the completion of the replacement cycle period or when the agency and the division have agreed to return the vehicle for replacement, reassignment, or reallocation;

(i) Agencies shall be assessed the total cost of the detailing fee for returned vehicles that need extensive cleaning; and

(ii) Agencies shall pay the insurance deductible associated with repairs made to a vehicle that has been damaged.

(d) return the vehicle unaltered and in conformance with the manufacturer's specifications with the exception of agencies whose jobs require altering of the vehicle. The agency and the division will come to a written agreement as to which alterations can be made to the division's vehicles;

(e) pay the applicable insurance deductible if a monthly lease vehicle in their possession or control is involved in an accident;

(f) not place advertising or bumper stickers on state vehicles without prior approval of the division.

(2) Section R27-4-9 shall govern agencies when requesting a monthly lease.

~~[(3) Under no circumstances shall the total number of occupants in a monthly lease full-size passenger van exceed the maximum number of occupants recommended by the manufacturer or the Division of Risk Management.]~~

R27-3-11. Use Requirements for Daily Motor Pool Vehicles.

(1) The division, at select locations, offers state vehicles for use on a daily basis at an approved daily rental rate. Authorized drivers renting a state vehicle offered through the daily pool shall:

(a) read and obey any instructions provided by the division, containing information regarding the use and rental of the vehicle;

(b) verify the current condition of the rental vehicle and notify the division of any current damages and any damages that occur during the rental period;

(c) report the correct odometer reading when refueling the vehicle at authorized refueling sites, and when the vehicle is returned. If an incorrect odometer reading is reported, agencies may be assessed a fee when ~~ever~~ the agency fails to correct the mileage within three business days of the agency's receipt of the notification that the incorrect mileage was reported. When circumstances indicate that there was an intentional falsification of the vehicle's actual odometer reading at the time of refueling, a fee may be assessed to the agency even if the agency corrected the error;

(d) return vehicles with a full tank of fuel and if the vehicle has a plug-in charge, begin the charge cycle. Agencies shall be assessed a fee for vehicles that are returned with less than a full tank of fuel;

(e) return rental vehicles in good repair and in clean condition;

(i) agencies shall be assessed a detailing fee for returned vehicles that need extensive cleaning; and

(ii) ~~notify the division if [agencies shall pay the insurance deductible associated with repairs made to] a vehicle [that] is damaged [when returned].~~

(f) call to extend the reservation if they need to keep rental vehicles longer than scheduled. Agencies shall be assessed a late fee, in addition to applicable daily rental fees, for vehicles that are not returned on time;

(g) use their best efforts to return rented vehicles during regular office hours. Agencies may be assessed a late fee equal to one day's rental for vehicles that are not returned on time;

(h) call the daily pool location, at least one hour before the scheduled pick-up time, to cancel the reservation. Agencies shall be assessed a fee for any unused reservation that has not been canceled;

(i) not place advertising or bumper stickers on state vehicles without prior approval from the division.

(2) The vehicle shall be inspected upon its return. The agency shall either be held responsible for any damages not

acknowledged ~~[prior to]~~ before rental, or any applicable insurance deductibles associated with any repairs to the vehicle.

(3) Agencies are responsible for paying applicable insurance deductibles when ~~ever~~ a vehicle operated by an authorized driver is involved in an accident.

(4) The division shall hold items left in daily rental vehicles for ten days. Items not retrieved within the ten-day period shall be turned over to the State Surplus Property Program for sale or disposal.

~~[R27-3-12. Lease criteria for Daily Motor Pool Sedans, Four-Wheel-Drive Sport Utility Vehicles (4x4 SUVs), Cargo Vans, Multi-Passenger Vans, and Alternative Fuel Vehicles.~~

~~[(1) The SSFV is a compact sedan, which shall be the vehicle type most commonly used when conducting state business.~~

~~[(2) Requests for vehicles other than a compact sedan may be honored in instances where the agency or driver is able to identify a specific need in accordance with Subsection R27-4-4(4).~~

~~[(a) Requests for a 4x4 SUV may be granted with written approval from an employee's supervisor; and~~

~~[(b) requests for full-size passenger vans may be granted if the driver is going to be transporting more than six authorized passengers. Under no circumstances shall the total number of occupants exceed the maximum number of passengers recommended by the manufacturer or the Division of Risk Management.~~

~~[(3) Cargo vans shall be used to transport cargo only. Passengers shall not be transported in the cargo area.~~

~~[(4) Alternative fuel shall be, when practical, the primary fuel used when driving a bi-fuel or dual-fuel state vehicle.]~~

~~R27-3-13. Alcohol and Drugs.~~

(1) While under the influence or with any detectable amount of alcohol, illegal drugs, or impairment from legal medication in their body, no authorized driver shall operate or be in actual physical control of a state vehicle.

(2) No operator of a state vehicle shall transport alcohol or illegal drugs of any type in a state vehicle unless they are:

(a) a law enforcement officer, as defined in Section 53-13-103, in the process of investigating criminal activities;

(b) an employee of the Department of Alcoholic Beverage Control conducting business within the guidelines of their daily operations; or

(c) an investigator for the Department of Commerce in the process of enforcing Title 58, Chapter 37, Utah Controlled Substances Act.

(3) Except as provided in Subsection R27-3-13(2), any authorized driver who uses a state vehicle for the transportation of alcohol or drugs may have their state driving privileges withdrawn, suspended, or revoked.

~~R27-3-14. Violations of Motor Vehicle Laws.~~

(1) Authorized drivers shall obey motor vehicle laws while operating a state vehicle.

~~[(2) Any authorized driver who, while operating a state vehicle, receives a citation for violating a motor vehicle law shall immediately report the receipt of the citation to their respective supervisor. Failure to report the receipt of a citation may result in the withdrawal, suspension, or revocation of state driving privileges.]~~

~~[(3) Any authorized driver who receives a citation for violating a motor vehicle law while operating a state vehicle shall attend an additional Risk Management approved mandatory defensive driver training program. Failure to attend the additional~~

NOTICES OF PROPOSED RULES

~~mandatory defensive driver training program shall result in the loss of state driving privileges.]~~

(4) Any authorized driver who receives a citation for a violation of motor vehicle laws shall be personally responsible for paying fines associated with citations. Failure to pay fines associated with citations for the violation of motor vehicle laws shall result in the loss of state driving privileges.

~~[(5) Any employee on the list of authorized drivers who is convicted of driving under the influence of alcohol or drugs (DUI), reckless driving, or any felony in which a motor vehicle is used, either on or off duty, and whether in the state vehicle or their personal vehicle, may have their state driving privileges withdrawn, suspended, or revoked.]~~

R27-3-~~14~~14. Seat Restraint Use.

(1) Authorized drivers and passengers in state vehicles shall wear seat belt restraints while in the vehicle.

(2) Children being transported in state vehicles shall be placed in proper safety restraints for their age and size as stated in Section 41-6a-1803.

~~R27-3-16. Driver Training.~~

~~(1) An authorized driver shall, prior to the use of a state vehicle, complete all training required by the Division of Risk Management, including the defensive driver training program offered through the Division of Risk Management or an approved equivalent.~~

~~(2) Each agency shall coordinate with the Division of Risk Management to provide specialty training for vehicles known to possess unique safety concerns.~~

~~(3) Each agency shall require that employees possess a valid driver license to operate a state vehicle, or their own vehicles, on state business as an essential function of the job.~~

~~(4) Agencies shall maintain a list of employees who have completed the training courses required by the division, the Division of Risk Management, and their respective agency.~~

~~(5) Employees operating state vehicles must have the correct license and any special endorsements required for the vehicle they are operating.]~~

R27-3-~~17~~15. Smoking in State Vehicles.

~~[(1) State vehicles are designated as "nonsmoking."]~~
Agencies shall be assessed fees for any damage and detailing costs incurred as a result of smoking in vehicles.

KEY: state vehicle use

Date of Last Change: ~~November 25, 2021~~ 2023

Notice of Continuation: October 20, 2020

Authorizing, and Implemented or Interpreted Law: 63A-9-401(1)(d)

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R27-4	Filing ID: 55170
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Agency Information

1. Department:	Government Operations
Agency:	Fleet Operations
Room number:	Third Floor

Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 141117	
City, state and zip:	Salt Lake City, UT 84114-1117	
Contact persons:		
Name:	Phone:	Email:
Cory Weeks	801-957-7261	coryweeks@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:

R27-4. Vehicle Replacement and Expansion of State Fleet

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The purpose of this filing is to simplify rules and reduce administrative burden on customers, and give the Division of Fleet Operations and its customers more flexibility in acquiring fleet vehicles.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

Simplifies complex rule requirements, removes requirements that have been cumbersome, and adds rules aimed to improve air quality.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

These changes will result in an inestimable savings to the state budget because agencies will have more flexibility to adjust to changing circumstances and will be better positioned to respond to the needs that arise in their programs.

B) Local governments:

This rule does not impact local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule does not impact small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This rule does not impact non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule does not impact other persons.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

No compliance costs are anticipated.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)**Regulatory Impact Table**

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Government Operations, Jenney Rees, has no comments and has reviewed and approved this regulatory impact analysis.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Subsection
63A-9-401(5)

Public Notice Information**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 02/14/2023

9. This rule change MAY become effective on: 02/21/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Cory Weeks, Director	Date:	12/19/2022
-------------------------------------------	-------------------------	--------------	------------

R27. Government Operations, Fleet Operations.**R27-4. Vehicle Replacement and Expansion of State Fleet.****R27-4-1. Authority and Purpose.**

~~[(4)]~~ This rule is established pursuant to Subsection 63A-9-401(5).

~~[(2)] All agencies exempted from the division's replacement program shall provide the division with a complete list of intended state vehicle purchases before placing the order with the vendor.~~

~~[(3)] The division shall work with each agency to coordinate vehicle purchases to ensure all applicable mandates are met.~~

~~[(4)] The division shall assist agencies, including agencies exempted from the division's replacement program, in their efforts to ensure that all vehicles in the possession, control, and ownership of agencies are entered into the fleet information system.~~

~~[(5)] Pursuant to Subsections 63J-1-410(8)(f)(ii),(iii), and (iv), vehicles acquired by agencies, or monies appropriated to agencies for vehicle purchases, may be transferred to the division and, when transferred, become part of the Fleet Internal Service Fund.]~~

R27-4-2. Fleet Standards.

~~Before purchasing replacement and legislatively approved expansion vehicles for each fiscal year, the division's staff shall, on the basis of input from user agencies, recommend to the division:~~

- ~~(a) an SSFV; and~~
- ~~(b) a standard replacement vehicle and the features and miscellaneous equipment to be included in said vehicle for each vehicle class in the fleet.~~

~~The division shall, after reviewing the recommendations made by the agency's staff, determine and establish, for each fiscal year:~~

- ~~(a) an SSFV;~~
- ~~(b) a standard replacement vehicle, along with included features and miscellaneous equipment for each vehicle class in the fleet;~~

~~The division shall establish lease rates designed to recover, in addition to overhead and variable costs, the capital cost of each state vehicle.~~

~~The division shall establish replacement cycles for state vehicles. The replacement cycles shall be based on vehicle time in service. Factors including a vehicle's intended use, agreements with an agency, and the intended miles per year may be used in determining the appropriate time in service. Vehicles may be replaced subject to negotiations with the agency, regardless of whether the time in service criterion is met.]~~

(1) The division shall ensure that the state can obtain optimal utilization of, and the greatest residual value for all state vehicles

(2) The division shall review agency motor vehicle utilization on an annual basis to identify state vehicles that, on the basis of the applicable replacement cycle, are either being under or over utilized.

(3) The division shall provide the results of the motor vehicle utilization review to each agency for use in agency efforts to ensure full utilization of all state vehicles.

(4) The division shall establish replacement cycles for state vehicles. The replacement cycles shall be based on vehicle time in service.

(a) Factors including a vehicle's intended use, agreements with an agency, and the intended miles per year may be used in determining the appropriate time in service.

(b) Vehicles may be replaced subject to negotiations with the agency, regardless of whether the time in service is met.

(5) If a vehicle is turned in for replacement as scheduled but did not reach mileage intended under the applicable replacement cycle, the division shall conduct a utilization review of that agency's fleet to ensure the vehicle is needed. The review may result in the vehicle being:

- (a) replaced with a new vehicle;
- (b) sold; or
- (c) repurposed within the division's fleet.

(6) Pursuant to Subsections 63J-I-410(8)(f)(ii), (iii), and (iv), vehicles acquired by agencies, or monies appropriated to agencies for vehicle purchases, may be transferred to the division and, when transferred, become part of the Fleet Internal Services Fund.

(7) An agency may transfer vehicles throughout its agency as needs change.

(8) Vehicles that are used exclusively in education for the purposes of teaching automotive technology or developing and

testing new automotive technologies are outside the scope of this rule.

(9) The SSFV is a compact sedan, which shall be the vehicle type most commonly used when conducting state business. When adequate infrastructure is available, the SSFV will be an AFV.

R27-4-3. Vehicle Acquisition Criteria.~~[Delegation of Division Duties.]~~

(1) All state vehicles shall, subject to budgetary or market constraints, be replaced in accordance with the established replacement cycle for that vehicle, unless the division and the leasing agency agree to other terms.

(2) Before purchasing expansion or replacement vehicles, the division shall provide each agency contact with a list identifying any underutilized vehicles within their fleet, all vehicles that are due for replacement, and the SSFV that will be purchased to take the place of each vehicle that is on the list as due for replacement.

(3) The division shall work with the agency to determine the appropriate vehicle to purchase.

(4) Agencies may request a non-SSFV only if one or more of the following justifications are cited:

- (a) passenger space;
- (b) type of items carried;
- (c) hauling or towing capacity;
- (d) police pursuit capacity;
- (e) off-road capacity;
- (f) 4x4 capacity;
- (g) emergency service capacity;
- (h) attached equipment capacity;
- (i) average driving range; or
- (j) other justifications as approved by the division director or designee.

(5) If a non-SSFV is replaced, it will be replaced with a non-SSFV matching the specification of the prior vehicle unless the agency requests a change.

(6) Agencies may petition the executive director of the department, or the executive director's designee, for a review if the division director or designee denies a request to replace a state vehicle with a non-SSFV.

(7) Where practical, an AFV will be purchased for use in the state fleet.

(a) The division is responsible for ensuring that the state fleet complies with federal AFV and Environmental Protection Agency (EPA) mandates.

(b) The division may require that a certain number of vehicles, regardless of the requesting agency, be alternative fuel vehicles to ensure compliance with these mandates.

(8) All agencies exempted from the division's replacement program shall provide the division with a complete list of intended state vehicle purchases before placing the order with the vendor.

(1) With the approval of the executive director of the department, the division may delegate state vehicle procurement and disposal functions to institutions of higher education by contract or other means authorized by law, provided that:

(a) the funding for the procurement of state vehicles that are subject to the agreement comes from funding sources other than state appropriations, or the vehicle is procured through the federal surplus property donation program;

(b) state vehicles acquired with funding from sources other than state appropriations or acquired through the federal surplus property donation program may be transferred to the division and,

when transferred, become part of the division's Internal Service Fund; and

~~(c) if the institution of higher education is unable to comply with (b), the institution warrants that it shall not use state appropriations to procure replacements without legislative approval.~~

~~(2) Agreements between the division and the institution of higher education shall, at a minimum, contain:~~

~~(a) a precise definition of each delegated duty or function;~~

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

~~(c) a provision for periodic administrative audits by either the division or the department;~~

~~(d) a representation by the institution of higher education that the procurement or disposal of state vehicles that are the subject matter of the agreement shall be coordinated with the division. The institution of higher education shall, at the request of the division, provide the division with a list of all conventional fuel and alternative fuel vehicles it anticipates to procure or dispose of in the coming year. Alternative fuel vehicles shall be purchased by the agency or institution of higher education, when necessary, to ensure state compliance with United States Department of Energy Alternative Fuel Vehicle (AFV) mandates;~~

~~(e) a representation by the institution of higher education that the purchase price is less than or equal to the state contract price for the make and model being purchased;~~

~~(f) a representation that the agreement is subject to Section 63J-1-410, Internal Service Funds—Governance and Review;~~

~~(g) a representation by the institution of higher education that it shall enter into the division's fleet information system all information that would be otherwise required for state vehicles owned, leased, operated or in the possession of the institution of higher education;~~

~~(h) a representation by the institution of higher education that it shall follow state surplus rules, policies and procedures regarding related parties, conflict of interest, vehicle pricing, retention, sales, and negotiations; and~~

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

~~(3) The division may terminate an agreement if the results of administrative audits conducted by either the division or the department reveal that the institution did not comply with the terms of the agreement.]~~

R27-4-4. Vehicle Replacement.

~~(1) All state vehicles shall, subject to budgetary constraints, be replaced in accordance with the established replacement cycle for that vehicle, unless the division and the leasing agency agree to other terms.~~

~~(2) Prior to purchasing replacement vehicles, the division shall provide each agency contact with a list identifying any underutilized vehicles within their fleet, all vehicles that are due for replacement, and the SSFV that will be purchased to take the place of each vehicle that is on the list as due for replacement.~~

~~(3) Agencies may request a non-SSFV only if one or more of the following justifications are cited:~~

~~(a) passenger space;~~

~~(b) type of items carried;~~

~~(c) hauling or towing capacity;~~

~~(d) police pursuit capacity;~~

~~(e) off-road capacity;~~

~~(f) 4x4 capacity;~~

~~(g) emergency service capacity;~~

~~(h) attached equipment capacity; or~~

~~(i) other justifications as approved by the division director or designee.~~

~~(4) Agencies may petition the executive director of the department, or the executive director's designee, for a review if the division director or designee denies a request to replace a state vehicle with a non-SSFV.]~~

~~([5]1) Agencies may request replacement of vehicles with a history of excessive repairs. A request to replace vehicles with a history of excessive repairs is subject to budgetary constraints and the approval of the division director or their designee.~~

~~([6]2) Agencies may petition the department's executive director, or the executive director's designee, for a review if the division director or their designee denies a request for the replacement of state vehicles with a history of excessive repairs.~~

~~([7]3) [If the vendor does not deliver the replacement vehicle to the agency, the agency shall have five working days to pick up the replacement vehicle from the division, after receiving official notification of its availability. If the vehicles involved are not exchanged within the five day period, a daily storage fee will be assessed and the agency will be charged the monthly lease fee for both vehicles.] The division and agency shall coordinate timely exchange of vehicles upon delivery of a new vehicle.~~

~~(8) The division is responsible for ensuring that the state fleet complies with federal AFV and Environmental Protection Agency (EPA) mandates. The division may require that a certain number of replacement vehicles, regardless of the requesting agency, be alternative fuel vehicles to ensure compliance with these mandates.]~~

~~(4) Agencies that have a need to keep an already replaced vehicles are to inform the division in writing of this need. The division shall offer a Memorandum of Understanding to the agency to allow the agency to continue to lease the already replaced vehicle for an agreed upon term, typically 18 months. When the term expires, the vehicle must be returned to the division for disposal.~~

~~(5)(a) If the requesting agency receives legislative approval for placing a do not replace vehicle on a replacement cycle, the requesting agency shall provide the division with proof of approval.~~

~~(b) In no event shall the division purchase a replacement for the do not replace vehicle if the requesting agency fails to provide funds necessary to cover the depreciation costs.~~

R27-4-5. Fleet Expansion.

~~(1) Any expansion of the state fleet requires legislative approval.~~

~~(2) Before seeking legislative approval, Agency must contact division to discuss available options.~~

~~([2]3) Agencies shall provide proof to the division of the requisite legislative approval and funding for any requests to purchase a vehicle which will expand the state fleet, or for any requests to place ["do not replace"] vehicles on a replacement cycle. An agency shall be deemed to have the requisite legislative approval for purchasing expansion vehicles or for placing ["do not replace"] vehicles on a replacement cycle only if these actions are explicitly authorized by the Legislature.[Executive Appropriations Committee]~~

~~([3]4) The following constitute acceptable proof of [4]Legislative approval of the requested expansion or placement of a ["do not replace"] vehicle on a replacement cycle:~~

~~(a) written communication with the agency confirming authorization and citing the specific line item in the appropriations bill providing said authorization;~~

NOTICES OF PROPOSED RULES

(b) written verification from the agency's analyst in the Governor's Office of Planning and Budget or the Legislative Fiscal Analyst indicating that the request for expansion was authorized by the [†]Legislature; or

(c) a motion passed by the executive appropriations committee indicating approval for vehicle expansion.

~~[(4) Prior to purchasing an expansion vehicle, the division shall provide each agency contact with the SSFV that will be purchased.~~

~~[(5) Agencies may request a non SSFV only if one or more of the following justifications are cited:~~

~~_____ (a) passenger space;~~

~~_____ (b) type of items carried;~~

~~_____ (c) hauling or towing capacity;~~

~~_____ (d) police pursuit capacity;~~

~~_____ (e) off road capacity;~~

~~_____ (f) 4x4 capacity;~~

~~_____ (g) emergency service capacity;~~

~~_____ (h) attached equipment capacity; or~~

~~_____ (i) other justifications as approved by the division director or their designee.~~

~~[(6) Agencies may petition the executive director of the department, or the executive director's designee, for a review in the event that the director of the division or their designee denies a request for the expansion vehicle to be a non SSFV.]~~

~~[(7)5] [The requesting agency shall provide proof to the division of legislative approval for purchasing an expansion vehicle.]When needed, the division shall provide copies of the proof to the [D]division of Finance to transfer funds from the requesting agency to the division.~~

~~[(8)(a) If the requesting agency receives legislative approval for placing a "do not replace" vehicle on a replacement cycle, the requesting agency shall;~~

~~_____ (i) provide the division with proof of approval and funding; and~~

~~_____ (ii) request the Division of Finance transfer funds to the division. The amount of transferred funds shall equal the depreciation the division would have collected for the number of months between the time that the "do not replace" vehicle was put into the service and the time that the requesting agency begins paying the applicable monthly lease rate for the replacement cycle chosen.~~

~~_____ (b) In no event shall the division purchase a replacement for the "do not replace" vehicle if the requesting agency fails to provide funds necessary to cover the depreciation costs in Subsection (8)(a)(ii).]~~

~~[(9)6] Upon purchase, the expansion vehicle shall be added to the state fleet and a replacement cycle shall be established.~~

~~[(10) The division is responsible for ensuring that the state fleet complies with federal AFV mandates. The division may require that a certain number of expansion vehicles, regardless of the requesting agency, be alternative fuel vehicles to ensure compliance with these mandates.]~~

R27-4-6. Vehicle Feature and Miscellaneous Equipment Upgrade.

(1) Any additional vehicle features or miscellaneous equipment added to [SSFVs]vehicle which increase the overall cost of the vehicle shall be deemed vehicle feature and miscellaneous equipment upgrades. A feature or miscellaneous equipment upgrade occurs when an agency requests:

(a) that a replacement vehicle have a non-standard feature. For example, when an agency requests that an otherwise standard

replacement vehicle have a diesel rather than a gasoline engine; ~~[and]or~~

(b) the installation of additional miscellaneous equipment is not installed by the vehicle manufacturer. For example, when an agency requests that light bars or water tanks be installed on an otherwise standard replacement vehicle.

(2) Requests for miscellaneous equipment upgrades shall be made in writing by the agency's assigned fleet contact and, shall~~[-~~

~~_____ (a)-] present reasons why the upgrades are necessary to meet the agency's needs.[+and]~~

~~[(b) be signed by the requesting agency's director or the appropriate budget or accounting officer.]~~

(3) All requests for miscellaneous equipment upgrades shall be subject to review and approval by the division director or their designee. The division director or their designee shall approve any vehicle feature or miscellaneous equipment upgrades upon determining that they are necessary and appropriate for meeting the agency's needs.

(4) Agencies may petition the executive director of the department, or the executive director's designee, for a review if the division director or their designee denies a request for a miscellaneous equipment upgrade.

(5) Miscellaneous equipment upgrades must be ~~[approved and]-~~paid for by the agency~~[- prior to purchasing a state vehicle]~~. A miscellaneous equipment upgrade fee shall be assessed to the agency, which will cover the total cost associated with providing the additional miscellaneous equipment. ~~[Upon approval of the division director, +]The agency may [agree to]-~~pay the fee in installments~~[-, provided the installment agreement does not delay the payment of the general debt] or upon purchase as agreed upon with the division.~~

(6) Agencies that agree to installment payments shall indemnify and make the division whole for any losses incurred from damage to or loss associated with the state vehicle or its miscellaneous equipment.

R27-4-7. Agency Installation of Miscellaneous Equipment.

(1) The division ~~[director, with the approval of the executive director of the department, -]may enter into a Memorandum of Understanding allowing agencies to install miscellaneous equipment on state vehicles if[-~~

~~_____ (a)-] the agency has the necessary resources and skills to perform the installations.[+and~~

~~_____ (b) the agency has received approval for installing miscellaneous equipment as required by Subsection R27-4-6(5).~~

~~[(2) Each Memorandum of Understanding for the installation of miscellaneous equipment shall, at a minimum, contain the following provisions:~~

~~_____ (a) monthly lease fees shall be charged to the agency from the date the agency receives the state vehicle;~~

~~_____ (b) the agency shall indemnify and hold the division harmless for any claims made by a third party related to the installation of miscellaneous equipment on state vehicles while the vehicle is in the agency's possession and control;~~

~~_____ (c) the agency shall indemnify the division for any damage to state vehicles resulting from installation or de-installation of miscellaneous equipment; and]~~

~~[(d)2] [†]The agency shall enter the following information regarding the miscellaneous equipment into the division's fleet information system, regardless of whether the item is held in inventory, currently installed on a vehicle, or sent to surplus:~~

~~(i) item description or nomenclature;~~

~~(ii) manufacturer of item;~~

- (iii) item identification information for ordering purposes;
- (iv) procurement source;
- (v) purchase price of item;
- (vi) expected life of item in years;
- (vii) warranty period;
- (viii) serial number;
- (ix) initial installation date;
- (x) current location of item;
- (xi) anticipated replacement date of item;
- (xii) actual replacement date of item;
- (xiii) date item was sent to surplus; and
- (xiv) SP-1 number;

~~[(e) a provision requiring the agency to obtain insurance from the Division of Risk Management in amounts sufficient to protect the agency from damage to, or loss of, miscellaneous equipment installed on state vehicles.]~~

~~[(f)3] Agencies shall indemnify the division for any damage to, or loss of, miscellaneous equipment installed on state vehicles;~~

~~[(g)4] [that t]The division shall provide training and support services for the fleet information system and charge agencies a Management Information System (MIS) fee to recover these costs.[- and]~~

~~[(h) a date on which the agreement shall terminate if the agreement has not been previously terminated or renewed.]~~

~~[(3) Agreements permitting agencies to install miscellaneous equipment on state vehicles may be terminated if the agency fails to comply with the terms of the agreement.]~~

[R27-4-8. Vehicle Class Differential Upgrade.

~~[(1) Requests for vehicles other than the SSFV established by the division that result in an increase in vehicle cost shall be deemed a vehicle class differential upgrade. A vehicle class differential upgrade occurs when, regardless of additional features or miscellaneous equipment:~~

~~[(a) the requested replacement vehicle, although within the same vehicle class as the vehicle being replaced, is not the standard replacement vehicle established by the division for that class; or~~

~~[(b) the agency requests that a vehicle be replaced with a more expensive vehicle belonging to another class. For example, when an agency requests to have a standard 1/2 ton truck replaced with a standard 3/4 ton truck, or to have a compact sedan replaced with a mid-size sedan.~~

~~[(2) Requests for vehicle class differential upgrades shall be made in writing and shall:~~

~~[(a) present reasons why the upgrades are necessary to meet the agency's needs; and~~

~~[(b) be signed by the requesting agency's director or the appropriate budget or accounting officer.~~

~~[(3) All requests for vehicle class differential upgrades shall be subject to review and approval by the division director or their designee. Vehicle class differential upgrades shall be approved only when:~~

~~[(a) the division director or their designee deems that the planned replacement vehicle is clearly inadequate or inappropriate for meeting the demands of changing operational needs; and~~

~~[(b) the division director or their designee deem that the requested vehicle upgrade is necessary and appropriate for meeting safety, environmental, or health or other special needs for drivers or passengers.~~

~~[(4) Agencies may petition the executive director of the department, or the executive director's designee, for a review if the~~

~~division director or their designee denies a request for a vehicle class differential upgrade.]~~

R27-4-[9]8. Cost Recovery.

(1) State vehicles shall be assessed rates designed to recover vehicle costs; a division administrative fee; MIS fee; and where applicable, the variable costs associated with each vehicle.

(2) The division shall calculate the vehicle payback[lease] and associated rates according to the vehicle's cost, the vehicle's expected service period, and any agreement made with the agency[the type of lease applicable].

~~[(3) The division shall review agency motor vehicle utilization on an annual basis to identify state vehicles that, on the basis of the applicable replacement cycle, are either being under or over utilized.~~

~~[(4) The division shall provide the results of the motor vehicle utilization review to each agency for use in agency efforts to ensure full utilization of all state vehicles.]~~

~~[(5)3] If a vehicle is turned in for replacement earlier than expected under the applicable replacement cycle;[- a rate containing a shorter replacement cycle period shall be implemented for the replacement vehicle.]~~

~~[(a) the division may require the agency to pay the remaining balance of the vehicle; and~~

~~[(b) a rate containing a shorter replacement cycle period may be implemented for the replacement vehicle.~~

~~[(6) If a vehicle is turned in for replacement as scheduled, but did not reach mileage intended under the applicable replacement cycle, the division shall conduct a utilization review of that agency's fleet to ensure the vehicle is needed. The review may result in the vehicle being:~~

~~[(a) replaced with a new vehicle;~~

~~[(b) sold; or~~

~~[(c) repurposed within the division's fleet.]~~

~~[(7)4] The division shall begin the monthly billing process when the agency receives notice in writing that the vehicle is ready for service.~~

~~[(8) Agencies that have a need to keep an already replaced vehicle are to inform the division in writing of this need. The division shall offer a Memorandum of Understanding to the agency to allow the agency to continue to lease the already replaced vehicle for an agreed upon term, typically up to 18 months. When the term expires, the vehicle must be returned to the division for disposal.]~~

R27-4-[10]9. Executive Vehicle Replacement.

(1) Executive vehicles are available only to employees who are assigned a vehicle as part of their compensation package, in accordance with state statute.

(2) ~~[Each fiscal year the division shall establish a standard executive vehicle purchase price.]~~Executives may select any vehicle that is reasonable, allowed within purchasing code and rule, and within the budget available from their agency.

(3) Executives may elect to replace their assigned vehicle at the beginning of each elected term or appointment period, or as deemed necessary for the personal safety and security of the elected or appointed official.

(4) ~~[When the executive leaves office, the]~~An executive vehicle shall be sold in accordance with State Surplus Property Program policies and procedures.

(5) The agency shall budget and pay for executive vehicles the same as other vehicles in their fleet.~~[Executives shall have the option of choosing a vehicle other than the standard executive~~

NOTICES OF PROPOSED RULES

vehicle, with the cost being based on the standard executive vehicle purchase price.

~~(a) The alternative vehicle selection should not exceed the standard executive vehicle purchase price parameter guidelines.~~

~~(b) If the agency chooses an alternative vehicle that exceeds the standard vehicle purchase price guidelines, the agency shall pay the difference in price between the vehicle requested and the standard executive vehicle purchase price.]~~

R27-4-~~14~~10. Capital Credit or Reservation of Vehicle Allocation for Surrendered Vehicles.

(1) If an agency voluntarily surrenders a vehicle to the division under the capitalization credit program, the agency shall receive a capital credit allowing the agency to retain authorization toward a replacement vehicle.

(2) If an agency voluntarily surrenders a vehicle to the division the division shall:

(a) hold the vehicle allocation open; and

(b) maintain the surrendering agency's capital credit for a period not to exceed the remainder of the fiscal year within which the surrender took place, plus an additional five fiscal years.

~~(3) [The surrendering agency's failure to request the return of the vehicle surrendered prior to the end of the period established in this section shall result in:]~~ If the surrendering agency does not use the credit within the timeframe established in Subsection (2)(b), the credit will be transferred to the Division for an additional five fiscal years. The division may use the credits to:

(a) ~~[removal of the surrendered vehicle or allotment from the state fleet;]~~ expand shared motor pools; or

(b) ~~[loss of the agency's capital credit; and]~~ reallocate an authorized vehicle count to another agency.

~~[(c) a reduction in state fleet size.]~~

(4) Before reallocation under Subsection (3)(b), the following requirement shall be met:

(a) the requesting agency shall undergo a utilization assessment lead by the Division; and

(b) the division shall report the reallocation to the Office of the Legislative Fiscal Analyst.

(5) Upon expiration of an unused credit transferred to the division under Subsection (3), the authorized count of vehicles in the state fleet shall be reduced.

~~[(4)]~~ (6) The division shall not hold vehicle allocations or provide capital credit to an agency when the vehicle that is being surrendered:

(a) has been identified for removal from the state fleet to comply with legislatively mandated reductions in state fleet size;

(b) is identified as a ["do not replace"] vehicle in the fleet information system;

(c) is a state vehicle not purchased by the division; or

(d) is a seasonal vehicle that has already been replaced.

~~[(5)]~~ (7) Any agency that fails to request the return of a voluntarily surrendered vehicle ~~[prior to]~~ before the end of the period set forth in this section must comply with the requirements of Section R27-4-5, Fleet Expansion, to obtain a vehicle to replace the one surrendered.

R27-4-~~12~~11. Inter-agency Vehicle Reassignment or Reallocation Guidelines.

~~[(1) The division shall ensure that the state is able to obtain optimal utilization of, and the greatest residual value for all state vehicles.~~

~~(2) The division shall, on an annual basis, conduct a review of state fleet motor vehicle utilization to determine whether the vehicles are being utilized in accordance with the mileage requirements contained in the applicable replacement cycles.~~

~~(3) The division shall provide the results of the utilization review to each agency for use in agency efforts to ensure optimal utilization of state vehicles in their possession or control.~~

~~(4) In conducting the review, the division shall collect the following information on each state fleet vehicle:~~

~~(a) year, make and model;~~

~~(b) VIN;~~

~~(c) actual miles traveled per month;~~

~~(d) as applicable, the authorized driver or program each vehicle is assigned to;~~

~~(e) location of the vehicle; and~~

~~(f) class code and replacement cycle.~~

~~(5) Agencies shall be responsible for verifying the information gathered by the division.~~

~~(6) The division shall compare actual vehicle utilization with the mileage requirements contained in the applicable replacement cycle. This comparison shall be used to identify vehicles that may be candidates for reassignment, reallocation, reclassification, or elimination.]~~

~~[(7)]~~ (1) The division may reassign, reallocate, or eliminate the replacement of vehicles that are chronically out of compliance with the applicable utilization standards when:

(a) intra-agency reassignment or reallocation of vehicles fails to bring vehicles into compliance with applicable replacement cycle mileage schedules within a replacement cycle; or

(b) a cost-benefit analysis on the time the vehicle is used does not warrant the vehicle to remain within the agency.

~~[(8)]~~ (2) If the division requires an agency to relinquish a vehicle due to a reassignment or reallocation, the agency may petition the executive director of the GOPB, or the executive director's designee, for a review. Vehicles that are the subject matter of petitions for review shall remain with the agency until ~~[such time as]~~ the executive director of the GOPB or the executive director's designee renders a decision on the matter.

KEY: fleet expansion, vehicle replacement

Date of Last Change: 2023[January 3, 2022]

Notice of Continuation: October 22, 2021

Authorizing, and Implemented or Interpreted Law: 63A-9-401(1)(a); 63A-9-401(1)(d)(v); 63A-9-401(1)(d)(ix); 63A-9-401(1)(d)(x); 63A-9-401(1)(d)(xi); 63A-9-401(1)(d)(xii); 63A-9-401(4)(ii)

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:

R27-5

Filing ID:
55171

Agency Information

1. Department:	Government Operations
Agency:	Fleet Operations
Room number:	Third Floor
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W

City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 141117	
City, state and zip:	Salt Lake City, UT 84114-1117	
Contact persons:		
Name:	Phone:	Email:
Cory Weeks	801-957-7261	coryweeks@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R27-5. Fleet Tracking
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The Division of Fleet Operations reviews its rules annually. The change in this rule was to improve the logical placement of the subsection.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
Moving a subsection from a different rule within Title R27. This change does not change the audience or compliance requirements for the audience. The change is only meant to improve the placement.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
Because this is just moving an existing subsection from another Title R27 rule, there is no impact to this rule change.
B) Local governments:
Because this is just moving an existing subsection from another Title R27 rule, there is no impact to this rule change.
C) Small businesses ("small business" means a business employing 1-49 persons):
Because this is just moving an existing subsection from another Title R27 rule, there is no impact to this rule change.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

Because this is just moving an existing subsection from another Title R27 rule, there is no impact to this rule change.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

Because this is just moving an existing subsection from another Title R27 rule, there is no impact to this rule change.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs associated with this change.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Government Operations, Jenney Rees, has no comments and has reviewed and approved this regulatory impact analysis.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Subsection 63A-9-401(1)(d)

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 02/14/2023

9. This rule change MAY become effective on: 02/21/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Cory Weeks, Director	Date:	12/19/2022
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R27. Government Operations, Fleet Operations.**R27-5. Fleet Tracking.****R27-5-1. Authority and Purpose.**

(1) This rule is established pursuant to Subsection 63A-9-401(1)(d).

(2) The purpose of this section is to ensure that all state vehicles and miscellaneous equipment are accounted for and properly inventoried. Proper management of this inventory supports the requirements in Subsection R27-5-1(1).

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

(1) All state vehicles shall be tracked in the division's fleet information system.

(2) Each vehicle in the fleet information system must be assigned a category according to definitions established in Section R27-1-2. A vehicle may be assigned one of the following categories of state vehicles:

- (a) "Light-duty Vehicle;"[§]
- (b) "Medium-duty Vehicle;"[§]
- (c) "Heavy-duty Vehicle;"[§] and
- (d) "Non-road Vehicle;"[§]

(3) Miscellaneous equipment shall be tracked in the division's fleet information system.

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

(5) The division shall provide each agency with program access, software updates, licensing fee requirements, system reports, local area network coordination, user manuals, help desk access, and any user training necessary to maintain and operate the division's fleet information system.

(6) The division shall assist agencies, including agencies exempted from the division's replacement program, in their efforts to ensure that all vehicles in the possession, control, and ownership of agencies are entered into the fleet information system.

KEY: state fleet information system

Date of Last Change: 2023[March 14, 2022]

Notice of Continuation: October 22, 2021

Authorizing, and Implemented or Interpreted Law: 63A-9-402(1)(b)

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R27-6	Filing ID: 55172
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Agency Information

1. Department:	Government Operations	
Agency:	Fleet Operations	
Room number:	Third Floor	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 141117	
City, state and zip:	Salt Lake City, UT 84114-1117	
Contact persons:		
Name:	Phone:	Email:
Cory Weeks	801-957-7261	coryweeks@utah.gov

Please address questions regarding information on this notice to the agency.

General Information**2. Rule or section catchline:**

R27-6. Fuel Dispensing Program

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The Division of Fleet Operations reviews its rules annually. These changes were made to conform to changes in process.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

Only minor changes simplifying language were made; no material changes.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

Because the changes were immaterial, no impact is expected for state budgets.

B) Local governments:

Because the changes were immaterial, no impact is expected for local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule does not impact small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This rule does not impact non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule does not impact other persons.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs associated with this change.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Government Operations, Jenney Rees, has no comments and has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection 63A-9-401(5)(a)		
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 02/14/2023

9. This rule change MAY become effective on: 02/21/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Cory Weeks, Director	Date:	12/19/2022
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R27. Government Operations, Fleet Operations.**R27-6. Fuel Dispensing Program.****R27-6-1. Authority and Purpose.**

~~[(1)]~~ This rule is established pursuant to Subsection 63A-9-401(5) which requires the division to make rules establishing requirements for fuel dispensing.

R27-6-2. State Fuel Network.

~~[(1)]~~ The State Fuel Network consists of:

~~[(a)]~~ 1) all fuel sites owned, leased, or under the control of the division;

~~[(b)]~~ 2) all state agencies including institutions of higher education;

~~[(c)]~~ 3) counties, municipalities, school districts, and special districts that subscribe to the services provided by the division; and

~~[(d)]~~ 4) privately owned fuel sites that participate in the State of Utah Fuel Card program.

~~R27-6-3. Cost Recovery.~~

~~[(1)] The division shall establish, for each fiscal year, fuel rates designed to recover the costs associated with the purchase of fuels, site maintenance, and other costs associated with running the state fuel dispensing network.~~

R27-6-4]3. Authority to Issue a State of Utah Fuel Card.

(1) Unless otherwise authorized by the division, the authority to issue State of Utah Fuel Cards and assign Personal Identification Numbers (PIN) resides exclusively with the division.

(2) Fuel cards associated with vehicles shall be documented in the fleet information system. Only one fuel card shall be issued to each vehicle. Use of the fuel cards ~~and PIN~~ are restricted to ~~fueling~~ the vehicles to which the fuel card was issued.

(3) Standard State Fuel Network Vehicle and Employee PIN worksheets provided by the division, shall be used when requesting fuel cards and PINs.

~~[(4)] Agencies may request a fuel card history report by emailing fuelrequests@utah.gov. If a fuel card is either lost or stolen, the authorized driver shall immediately report the loss or theft of the fuel card to the division.~~

(5) If a fuel card is expired, malfunctioned, lost, misused, or the vehicle is disposed of, the card shall be deleted from the fleet fuel card system and shall be identified as "expired" in the fleet information system. No modifications to the fuel card shall be allowed.

(6) Unless otherwise authorized by the division, only state fuel technicians have the authority to make changes to fuel card information and to delete fuel cards from the system.

~~[(7)] If a fuel card is either lost or stolen, the authorized driver shall immediately report the loss or theft of the fuel card to the division.~~

R27-6-5]4. Authorized Use of a State of Utah Fuel Card.

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

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

(b) follow the fueling site's procedures and enter the correct information when prompted to purchase fuel.

(2) Except as provided in Subsection R27-6-5(3), the fuel card shall only be used to purchase:

(a) fuel; and

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

(3) Agency requests for a fuel card for use by a supervisor for emergency purposes, or for use with small miscellaneous equipment shall be approved provided the agency:

(a) represents that they have a reconciliation or fuel transaction auditing processes in place for the review of miscellaneous transactions to prevent theft, abuse, and fraud relating to the use of the card; and

(b) cooperates with the division to ensure that fuel dispensed into a fleet vehicle using ~~fuel~~ cards not assigned to specific vehicles is properly documented in the fleet information system ~~through the use of a manual fuel ticket~~.

R27-6-6]5. Reimbursements.

~~[(1)]~~ Reimbursements for the use of the authorized driver's personal funds to purchase fuel or other services shall be granted at the discretion of the agency paying for the fuel.

R27-6-7]6. Meter Rejects.

(1) Drivers of state vehicles are required to enter the correct mileage, excluding tenths of miles, when using the fuel card assigned to the vehicle.

(2) If the driver makes an error in the mileage update, the driver or the agency's contact shall provide the division with a correct mileage update.

(3) Repeated or blatant reports of vehicle mileage may result in a charge to the agency ~~in accordance with the applicable rate schedule established in the annual State Agency Fees and Internal Service Fund Rate Authorization and Appropriations bill~~.

(4) Agency contacts shall, within three business days of the request, respond to a division request to investigate a meter reject. If the agency fails to respond or make arrangements for an extension of the time period in which to investigate the meter reject, the division may impose a charge upon the agency ~~in accordance with the applicable rate schedule established in the annual State Agency Fees and Internal Service Fund Rate Authorization and Appropriations bill~~.

R27-6-8]7. Bulk Fuel Purchases.

~~[(1)]~~ For sites for which the division purchases fuel:

(a) the authority to purchase bulk fuel resides exclusively with the division; and

(b) fuel that is stored at, or contained in, fuel sites for which the division purchases fuel shall be the division's property.

R27-6-9]8. Fuel Site Maintenance.

(1) The division shall manage fuel sites in the State Fuel Network for which the division purchases fuel. Fuel sites for which the division does not purchase fuel shall be managed by the agency, subscribing county, municipality, school district, or special district that has ownership, possession, or control of the site.

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

(3) Only the division and their authorized agents shall be authorized to disconnect power to or communication from any fueling equipment, including tanks and monitoring equipment.

(4) Agency personnel, subscribing counties, municipalities, school districts and special districts shall not perform, or give authorization to perform, any fuel site maintenance.

(5) Agency personnel, subscribing counties, municipalities, school districts, and special districts shall report any fuel site maintenance concerns to the division.

(6) Agency personnel, subscribing counties, municipalities, school districts, and special districts shall provide the division, and authorized agents 24-hour access to fuel sites for any maintenance or service needs.

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

- (a) a correct odometer reading;
- (b) the authorized driver's PIN;
- (c) VIN or license plate number; and
- (d) any other information as required by the division.

R27-6-[40]9. Abuse and Neglect of Fueling Equipment.

[4]—]Damage to fuel equipment that results from an authorized driver's abuse or neglect shall be the responsibility of the agency employing the authorized driver at the time of the incident.

KEY: fuel dispensing

Date of Last Change: 2023[March 14, 2022]

Notice of Continuation: October 22, 2021

Authorizing, and Implemented or Interpreted Law: 63A-9-401(1)(c)(vi); 63A-9-401(1)(e)

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R27-7	Filing ID: 55173
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Agency Information

1. Department:	Government Operations	
Agency:	Fleet Operations	
Room number:	Third Floor	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 141117	
City, state and zip:	Salt Lake City, UT 84114-1117	
Contact persons:		
Name:	Phone:	Email:
Cory Weeks	801-957-7261	coryweeks@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R27-7. Safety and Loss Prevention of State Vehicles

3. Reason for this change (Why is the agency submitting this filing?):

The Division of Fleet Operations (Division) reviews rules on an annual basis. In this review, several rules seemed to be out of place. Most the changes in this rule are simply a reorganization, having moved to or from other locations in Title R27. The Division also identified ways to reduce administrative burdens placed on its customers, in line with the rule review order made by Governor Cox.

4. Summary of this change (What does this filing do?):

The Division changed rules from an organizational standpoint. Some changes are designed simplify requirements for driver safety committees and add flexibility for how a driver safety committee applies penalties for improper driver behavior.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule change should result in an inestimable savings to state budgets due to the flexibility offered to agencies in how a driver safety committee operates and determines discipline to employees.

B) Local government:

This rule does not impact local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule does not impact small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This rule does not impact non-small businesses.

E) Persons other than small businesses, non-small businesses, or state or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency):**

This rule does not impact other persons.

F) Compliance costs for affected persons:

There are no compliance costs associated with this rule.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Government Operations, Jenney Rees, has no comments and has reviewed and approved this regulatory impact analysis.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Subsection 63A-9-401(d)(iii)		
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 02/14/2023

9. This rule change MAY become effective on: 02/21/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Cory Weeks, Director	Date:	12/19/2022
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R27. Government Operations, Fleet Operations.**R27-7. Safety and Loss Prevention of State Vehicles.****R27-7-1. Authority and Purpose.**

~~[(1)]~~ This rule is established pursuant to Subsection 63A-9-401(1)(d)(iii) which requires the division to make rules establishing requirements for fleet safety and loss prevention programs.

R27-7-2. Reporting Accidents and Violations of Motor Vehicle Laws.

(1) If an accident involving a state vehicle occurs, either the authorized driver of the vehicle or the employing agency shall notify the division, the Division of Risk Management, and the agency's management, within 24 hours.

~~(2) [Authorized drivers shall also follow Subsection R27-3-14(2) regarding reporting their own violations of motor vehicle laws.]~~ Any authorized driver who, while operating a state vehicle, receives a citation for violating a motor vehicle law shall immediately report the receipt of the citation to their respective supervisor. Failure to report the receipt of a citation may result in the withdrawal, suspension, or revocation of state driving privileges.

(3) The agency shall determine if an accident was preventable.

(a) A driver may appeal an agency determination to the Driver Safety Committee in writing within 30 days from the date the agency decision is issued.

R27-7-3. Driver Eligibility to Operate a State Vehicle.

(1) The authority to operate a state vehicle is subject to withdrawal, suspension, or revocation.

(2) Any employee on the list of authorized drivers who is convicted of driving under the influence of alcohol or drugs (DUI), reckless driving, or any felony in which a motor vehicle is used, either on or off duty, and whether in the state vehicle or their personal vehicle, may have their state driving privileges withdrawn, suspended, or revoked.

(3) Any authorized driver who receives a citation for violating a motor vehicle law while operating a state vehicle shall attend an additional Risk Management-approved mandatory defensive driver training program. Failure to attend the additional mandatory defensive driver training program shall result in the loss of state driving privileges.

([2]4) The authority to operate a state vehicle shall be automatically withdrawn, suspended, or revoked if an authorized driver's license is not in a valid status.

([3]5) The authority to operate a state vehicle shall, at a minimum, be withdrawn, suspended, or revoked for the period of denial, cancellation, disqualification, suspension, or revocation of the authorized driver's license.

([4]6) The authority to operate a state vehicle shall not be reinstated until the authorized driver provides proof that their driver license has been reinstated or the division verifies the license has been reinstated.

([5]7) The authority to operate a state vehicle may be suspended or revoked for up to three years by the Driver Safety Committee or the Driver Eligibility Board [for any of the following reasons:

(a) the authorized driver, while acting within the scope of employment, has been involved in three or more preventable accidents during a three-year period;

(b) the authorized driver has had three or more moving violations while driving a state vehicle within a 12-month period;

(c) the authorized driver has been convicted of any of the following:

(i) alcohol-related driving violations;

(ii) reckless, careless, or negligent driving, including excessive speed violations;

(iii) driving violations that have resulted in injury or death;

(iv) felony-related driving violations;

(v) hit and run violations;

(vi) impaired driving;

(vii) using a handheld wireless communication device while operating a state vehicle in violation of Subsection 41-6A-1716(2); or

(viii) any other driving violation determined by the Driver Safety Committee or the Driver Eligibility Board as posing a significant risk to the safety or loss prevention of state vehicles;

(d) an authorized driver uses a state vehicle in an unauthorized way or misuses, abuses or neglects a state vehicle as validated by the authorized driver's agency; or

(e) an authorized driver violates any major threshold as defined by the division in this rule or by the employing agency's policies.]

([6]8) The Driver Safety Committee or the Driver Eligibility Board may withdraw an authorized driver's authority to operate a state vehicle. The withdrawal of authority shall be in addition to agency-imposed disciplinary, corrective, or remedial action, except when the withdrawal of authority conflicts with an internal review and disciplinary process that is approved by the division and substantially meets the requirements outlined in rule.

([7]9) An authorized driver declared ineligible to operate a state vehicle by the Driver Safety Committee may appeal that determination to the Driver Eligibility Board. An appeal to the Driver Eligibility Board must be made in writing within 30 days from the date the Driver Safety Committee issues its decision.

R27-7-4. Driver Safety Committee.

(1) Each agency utilizing a state vehicle shall establish and maintain a Driver Safety Committee or an internal review and disciplinary process that is approved by the division and substantially meets the requirements outlined in rule.

(2) The purpose of the Driver Safety Committee is to increase the safe operation of state vehicles. ~~[The Driver Safety Committee shall review any accident involving state vehicles that are in the possession or under the control of an agency. The Driver Safety Committee also reviews the eligibility of a driver to operate a state vehicle based on Section R27-7-3.]~~

(3) The Driver Safety Committee shall have no less than three voting members. The members shall consist of, at a minimum, from a participating agency, a risk coordinator, a human resource representative, and a fleet manager. In the absence of the fleet manager the authorized driver's supervisor may fill the position~~[determine if the accident was preventable].~~

(4) Each agency's Driver Safety Committee shall meet regularly~~[monthly]~~, except in cases when there are no items to review.

(a) The items to review and act on are: [the preventability determination of any accidents and any major threshold violations committed in the previous month. The Driver Safety Committee shall report to the division its accident and major threshold determination and any actions taken.]

(i) any major threshold violations committee in the previous period;

(ii) driver appeals of preventable accident determinations;

(iii) the validity of citizen complaints; and

(iv) imposing driving suspensions under this rule.

(b) If meeting less than monthly, the regular schedule determined by the agency must be approved by the division.

(5) The agency shall report to the division its determination and any actions taken.

([5]6) The Driver Safety Committee has discretion in assessing penalties as guided by Section R27-7-5~~[Any major threshold violations will receive the minimum driver eligibility suspension as outlined in Subsection R27-7-5(6). A driver may appeal this accident determination to the Driver Eligibility Board pursuant to Subsection R27-7-3(7)].~~

([6]7) The Driver Eligibility Board may recommend disciplinary actions for authorized drivers to the agency when the Board is acting on behalf of the agency Driver Safety Committee.

([7]8) If an agency has fewer than five employees, the agency head may perform the duties of the Driver Safety Committee as outlined in rule. If the agency head is the driver to be reviewed, the review may be done by the Driver Eligibility Board. Appeals from the affected agency head will be heard by the executive director of the department, or the executive director's designee and shall follow the appeal process outlined in rule.

(9) State vehicle driving eligibility suspensions should begin within two weeks of the Driver Safety Committee meeting unless a differing timeline is outlined in rule.

R27-7-5. [Driver Safety Committee] Determination Standards.

~~[(1) The Driver Safety Committee shall have no less than three voting members. The members shall consist of, at a minimum, from a participating agency, a risk coordinator, a human resource representative, and a fleet manager. In the absence of the fleet manager the authorized driver's supervisor may fill the position.~~

~~(2) The Driver Safety Committee shall review:~~
~~(a) the initial accident preventability determination as outlined in Subsections R27-7-5(3) and (4);~~
~~(b) moving violations committed in the state vehicle;~~
~~(c) any moving violations outlined in Subsection R27-7-3(5)(e);~~
~~(d) the validity of citizen complaints; and~~
~~(e) any other major threshold violations.]~~

[(3)1] An accident shall be classified as preventable if any of the following factors are involved:

- (a) driving too fast for current road conditions;
- (b) failure to observe clearance;
- (c) failure to yield;
- (d) failure to properly lock the vehicle;
- (e) following too closely;
- (f) improper care of the vehicle;
- (g) improper backing;
- (h) improper parking;
- (i) improper turn or lane change;
- (j) reckless driving as defined in Section 41-6a-528;
- (k) unsafe driving practices, including:
 - (i) using electronic equipment or cellular phone while driving in violation of Subsection 41-6A-1716(2);
 - (ii) smoking while driving;
 - (iii) engaging in personal grooming;
 - (iv) initiating a U[+]turn; or
 - (v) driving with an animal loose in the vehicle.

[(4)2] An accident shall be classified as non-preventable when:

- (a) the state vehicle is struck while properly parked;
- (b) the state vehicle is vandalized while parked at an authorized location; or
- (c) if the state vehicle is an emergency vehicle and:
 - (i) at the time of the accident the authorized driver was in the line of duty and was operating the vehicle in accordance with their respective agency's applicable policies, guidelines, or regulations;
 - (ii) damage to the vehicle occurred during the chase or apprehension of people engaged in or potentially engaged in unlawful activities; or
 - (iii) damage to the vehicle occurred in the course of responding to an emergency to save or protect the lives, property, health, welfare, and safety of the public.

[(5)3] Major threshold violations committed by an authorized driver shall be determined as follows:

- (a) Preventable Accidents:
 - (i) preventable accidents may be considered major threshold violations if three preventable accidents as determined by the agency ~~Driver Safety Committee or the Driver Eligibility Board~~, are committed within a three-year period; or

(ii) any single preventable accident is committed and aggravating factors as defined in this rule are determined to be a factor ~~as determined by the Driver Safety Committee or Driver Eligibility Board utilizing the aggravating factors outlined in Subsection R27-7-5(9)].~~

- (b) Moving Violations:
 - (i) moving violations may be considered major threshold violations if three moving violations are committed in a state vehicle within a 12-month period ~~not specifically outlined in Subsection R27-7-3(5)(e)]~~; or

(ii) ~~[any moving violation is committed as outlined in Subsection R27-7-3(5)(e)]~~ the authorized driver has been convicted of any of the following:

- (i) alcohol-related driving violations;
- (ii) reckless, careless, or negligent driving, including excessive speed violations;
- (iii) driving violations that have resulted in injury or death;
- (iv) felony-related driving violations;
- (v) hit-and-run violations;
- (vi) impaired driving;
- (vii) using a handheld wireless communication device while operating a state vehicle in violation of Subsection 41-6A-1716(2).

(c) Validated Citizen Complaints: Validated citizen complaints may be considered a major threshold violation at the discretion of the Driver Safety Committee or Driver Eligibility Board utilizing the aggravating factors outlined in this rule ~~Subsection R27-7-5(9)].~~

(d) ~~Telematics Threshold Violations:~~
~~(i)]~~ Telematics threshold violations may be considered major threshold violations if:

~~(i)]~~ three telematics threshold violations are committed within a 12-month period; or

(ii) any single telematics threshold violation is committed and aggravating factors as defined in this rule are determined to be a factor ~~as determined by the Driver Safety Committee or Driver Eligibility Board utilizing the aggravating factors outlined in Subsection R27-7-5(9); or]~~

~~[(iii)]~~ Agencies collecting telematics data must track violations reported through telematics and review in the ~~[d)]~~ Driver's ~~[s)]~~ Safety ~~[e)]~~ Committee.

[(6)4] Major threshold violations committed by an authorized driver ~~[will] may~~ result ~~[at a minimum,]~~ in the following state vehicle driving privilege suspensions. Reducing or increasing the penalty may be considered due to other factors.

(a) First major threshold violation ~~[shall] may~~ receive a ~~[minimum]~~ driving suspension of two working days.

(b) The second major threshold violation committed within 12 months of the first major threshold violation ~~[shall] may~~ receive a ~~[minimum]~~ driving suspension of 14 calendar days. If the second major threshold violation does not occur within a 12-month period of the first, then it is at the discretion of the Driver Safety Committee as to whether it is considered the first or second major threshold violation. ~~[The Driver Safety Committee shall consider aggravating factors outlined in Section R27-7-5.]~~

(c) The third major threshold violation committed within 12 months of the second major threshold violation [shall] may receive a [minimum] driving suspension of 30 calendar days. If the third major threshold violation does not occur within a 12-month period of the second, then it is at the discretion of the Driver Safety Committee as to whether it will be considered the second or third major threshold violation. ~~[The aggravating factors outlined in Section R27-7-5 should be considered.]~~

(d) The [a] fourth major threshold violation committed within 12 months of the third major threshold violation [shall] may receive a [minimum] driving suspension of 60 calendar days. If the fourth major threshold violation does not occur within a 12-month period of the third, then it is at the discretion of the Driver Safety Committee as to whether it will be considered the third or fourth major threshold violation. ~~[The aggravating factors outlined in Subsection R27-7-5(9) should be considered.]~~

~~[(e)]~~ An agency may, at its discretion, impose penalties more strict than those outlined in this section.

~~[(f)]~~ An agency may, with approval from the Division, impose lesser penalties than those outlined in this section.

~~(7) The members of the Driver Safety Committee shall act on the following matters:~~

~~(a) classifying the preventability of an accident in accordance with the standards in rule and the facts surrounding the accident and as to whether an accident should be classified as a major threshold violation. The aggravating factors outlined in Subsection R27-7-5(9) should be considered; and~~

~~(b) any other item brought before the Driver Safety Committee and under its discretion, including imposing driving suspension longer than the minimums outlined in rule.~~

~~(8) The Driver Safety Committee may impose a driving suspension for a period less than what is in rule, but only after the recommended driving suspension period has been reviewed and approved by the Driver Eligibility Board before the suspension takes effect.~~

~~(9) The Driver Safety Committee shall recommend appropriate disciplinary action to the employing agency.]~~

~~[(10)5] The following aggravating factors are items the agency[Driver Safety Committee] shall consider when reviewing [the]whether a single accident should be considered a major threshold violation and the Driver Safety Committee when determining driver eligibility suspension to be imposed[or whether a single accident should be considered a major threshold violation]:~~

~~(a) the accident resulted in bodily harm;~~

~~(b) the accident had a high likelihood of causing bodily harm;~~

~~(c) the amount of damage caused by the accident;~~

~~(d) the accident had a high likelihood of causing damage;~~

~~(e) the accident damaged the reputation of the state or agency;~~

~~(f) the accident had a high likelihood of damaging the reputation of the state or agency; and~~

~~(g) the frequency of the accidents under consideration.~~

~~[(10)6] [State vehicle driving eligibility suspensions should begin within two weeks of the Driver Safety Committee meeting, unless a differing timeline is outlined in rule]If the agency becomes aware of unlawful driving behavior on personal time or in a personal vehicle, the Driver Safety Committee shall address those actions under this rule.~~

R27-7-6. Effects of [Driver Safety Committee]Accident Preventability Classification.

~~(1) If the [Driver Safety Committee]agency determines that an accident was preventable and not a major threshold violation, they [Driver Safety Committee]shall require the following:~~

~~(a) after the first preventable accident, the authorized driver shall attend a Division of Risk Management-approved driver safety program;~~

~~(b) after the second preventable accident, the authorized driver shall attend, at their own expense, a state-certified or nationally recognized defensive driving course and;~~

~~(c) after the third preventable accident within a three-year period, the authorized driver shall receive a major threshold violation and be subject to the standards of the Driver Safety Committee.~~

R27-7-7. Driver Eligibility Board.

~~(1) The Driver Eligibility Board shall have at least four voting members. Members of the Board shall include a representative from the division, the Division of Risk Management, the Division[epartment] of Human Resource Management and a representative of the authorized driver's agency. Each member of the~~

Board shall be assigned by the executive director of the department or designee.

~~(2) The Driver Eligibility Board shall meet within 30 calendar days of an appeal to the Driver Eligibility Board.~~

~~(3) The employing agency supervisor and the authorized driver being reviewed shall be notified of the Driver Eligibility Board's meeting place and the date and time of the meeting. Each authorized driver reviewed by the Driver Eligibility Board will be given the opportunity to speak to the Board and answer questions during the meeting if they choose to attend the Board meeting.~~

~~(4) The Driver Eligibility Board may uphold, modify, or overturn a Driver Safety Committee decision within the guidelines of this rule[or the Driver Safety Committee may suspend state vehicle driving privileges for up to three years, according to Section 27-7-3 and Subsections R27-7-5(6), (7)(b), and (10)].~~

KEY: accidents, incidents, tickets, Driver Safety Committee

Date of Last Change: [March 14, 2022]2023

Notice of Continuation: October 20, 2020

Authorizing, and Implemented or Interpreted Law: 63A-9-401(1)(d)(iii)

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R27-8	Filing ID: 55174
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Agency Information

1. Department:	Government Operations	
Agency:	Fleet Operations	
Room number:	Third Floor	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 141117	
City, state and zip:	Salt Lake City, UT 84114-1117	
Contact persons:		
Name:	Phone:	Email:
Cory Weeks	801-957-7261	coryweeks@utah.go

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R27-8. State Vehicle Maintenance Program

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The Division of Fleet Operations reviews rules annually and determined some changes that would clarify the intent of the rules.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

Only minor wording changes were made; no material changes.

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

Because changes included only minor wording changes, there is no impact to state budgets.

B) Local governments:

This rule does not impact local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule does not impact small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This rule does not impact non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

Because changes included only minor wording changes. This rule does not affect other persons.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

Because changes included only minor wording changes. This rule change does not affect compliance costs.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)**Regulatory Impact Table**

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Government Operations, Jenney Rees, has no comments and has reviewed and approved this regulatory impact analysis.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Subsection 63A-9-401(1)(d)(i)		
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Public Notice Information**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	02/14/2023
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9. This rule change MAY become effective on:	02/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Cory Weeks, Director	Date:	12/19/2022
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R27. Government Operations, Fleet Operations.**R27-8. State Vehicle Maintenance Program.****R27-8-1. Authority and Purpose.**

(1) This rule is established pursuant to Subsections 63A-9-401(1)(d)(i) and (iv), which require the ~~the~~ division to establish rules governing maintenance operations and PM programs for state vehicles.

(2) Unless specifically exempted in writing by the division, agencies shall comply with this rule.

R27-8-2. Preventive Maintenance.

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

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

(3) Agencies leasing state vehicles are responsible for complying with annual inspections.

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

(4) When taking a state vehicle ~~in~~ for PM, the authorized driver shall present the Preventive Maintenance Coupon Book to the vendor.

R27-8-4. Repairs.

(1) If a state vehicle is in need of repairs, either the authorized driver or the service facility shall contact the division before having any services performed. A toll-free telephone number is listed on the front cover of the Driver Operating Manual and the Program Information Booklet located in the glove compartment.

(2) The authorized driver or the service facility shall provide the VIN and the odometer reading to the division.

(3) If a driver needs to locate a service facility, the division will direct the driver to the nearest service facility that participates in the division's service network.

(4) If the vehicle is already in a service facility, the authorized driver shall direct the service facility to contact the division. Authorization to perform the required repairs shall be given by the division.

(5) When taking a state vehicle in for repairs, the authorized driver shall identify the vehicle as belonging to the division, and not to the agency or department to which the vehicles are leased.

R27-8-5. Agency-Maintained Repair Shop.

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

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

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

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

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

KEY: vehicle maintenance, repair, vendor approval

Date of Last Change: 2023~~March 14, 2022~~

Notice of Continuation: October 22, 2021

Authorizing, and Implemented or Interpreted Law: 63A-9-401(1)(d)(i); 63A-9-401(1)(d)(iv)

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R27-10	Filing ID:
		55175

Agency Information

1. Department:	Government Operations	
Agency:	Fleet Operations	
Room number:	Third Floor	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 141117	
City, state and zip:	Salt Lake City, UT 84114-1117	
Contact persons:		
Name:	Phone:	Email:
Cory Weeks	801-957-7261	coryweeks@utah.gob

Please address questions regarding information on this notice to the agency.

General Information**2. Rule or section catchline:**

R27-10. Identification Markings for State Motor Vehicles

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The Division of Fleet Operations (Division) annually reviews rules. In this rule review, changes were made that could reduce the administrative burden the Division places on its customers. Fleet had previously stopped enforcing this rule, due to its burden. After seeing no adverse effects from non-enforcement, this rule is being modified.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The Division removed a requirement that required certain authorizations.

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

Because the requirement being removed had not been enforced for some time, there is no anticipated savings to state budgets.

B) Local governments:

This rule does not impact local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule does not impact small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This rule does not impact non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule does not impact other persons.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs associated with this rule.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there

are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Government Operations, Jenney Rees, has no comments and has reviewed and approved this regulatory impact analysis.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Subsection 63A-9-601(1)(c)		
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Public Notice Information**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	02/14/2023
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9. This rule change MAY become effective on:	02/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Cory Weeks, Director	Date:	12/19/2022
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R27. Government Operations, Fleet Operations.**R27-10. Identification Markings for State Motor Vehicles.****R27-10-1. Authority and Purpose.**

(1) Pursuant to Subsection 63A-9-601(5), the division is responsible for ensuring that state vehicles for agencies are marked as required by Section 41-1a-407. If "EX" license plates are required, then the identification mark is also required.

(2) This rule is authorized by Subsection 63A-9-601(1)(c).

R27-10-2. Identification Markings.

(1) The standard identification mark shall be a likeness of the Great Seal of the state of Utah.

(a) Light-, Medium-, and Heavy-duty trucks, service vehicles, and off-road equipment shall be clearly marked, on each front door, with an eight-inch State Seal. At the option of the entity operating the state vehicle or equipment, the identification mark may include a banner not more than four inches high which may bear the agency's logo and the name of the department or division. All identification markings must be approved by the division before use.

(b) Non-law enforcement passenger vehicles shall be marked with a translucent identification sticker, four inches in diameter on the furthest rearward window in the lower-most rearward corner, on each side of the vehicle.

(2) Identification mark requirements are not intended to preclude other markings used to identify special purpose vehicles.

(3) Vehicles used for law enforcement purposes may, at the discretion of the operating agency, display a likeness of the Great Seal of the state of Utah in the center of a gold star for identification purposes. Other emergency response vehicles are not precluded from displaying additional appropriate markings. At the option of the agency, the State Seal may be placed on the front door above any molding and, where practicable, shall be at least four inches below the window. The optional banner portion of the identification mark shall be placed immediately below the State Seal.

(4) ~~It is the intent of these rules that these i~~ Identification markings shall clearly identify ~~the~~ vehicles or equipment as being the property of the state. Additional markings should be applied with discretion so as not to detract from that intent.

R27-10-3. License Plates.

(1) Every vehicle owned, operated, or leased for the exclusive use of the state shall bear a license plate displaying the letters "EX₂"[-]

(2) Plates issued to Utah Highway Patrol vehicles may bear the capital letters "UHP" a beehive logo, and the call number of the vehicle for which the plate is issued. In lieu of the identification mark described in this rule, the Utah Highway Patrol may use a substitute identification mark of its own specification.

R27-10-4. Exceptions.

(1) Neither the "EX" license plates nor the standard identification marks need be displayed on state vehicles if:

(a) the state vehicle is in the direct service of the Governor, Lieutenant Governor, Attorney General, State Auditor, or State Treasurer;

(b) the state vehicle is used in official investigative work where secrecy is essential;

(c) the state vehicle is provided to an official as part of a compensation package allowing unlimited personal use of that vehicle; or

(d) the personal security of the state vehicle's occupants would be jeopardized if the identification mark were in place.

~~(2) If a vehicle does not have EX plates, the agency must assist the division with annual registration requirements. [State vehicles which meet the criteria described in Subsection R27-10-4(1) may be excused from these rules to display the identification mark and "EX" license plates. Any exceptions shall be requested in writing from the Executive Director of the Department of Government Operations. Granted exceptions shall continue so long as the use of the state vehicle continues.~~

~~(3) Exceptions shall expire when state vehicles are replaced. New exceptions shall be requested when new state vehicles are placed in use.~~

~~(4) No state vehicle required to display "EX" license plates shall be exempt from displaying the standard identification mark.~~

([5]3) An agency marker that does not meet the specifications of Section R27-10-3 must be approved by the division.

KEY: motor vehicles

Date of Last Change: 2023[March 14, 2022]

Notice of Continuation: October 22, 2021

Authorizing, and Implemented or Interpreted Law: 41-1a-407; 63A-9-401; 63A-9-601(1)(c)

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R37-1	Filing ID:
		55178

Agency Information

1. Department:	Government Operations
Agency:	Risk Management
Building:	Taylorville State Office Building
Street address:	2315 South 2700 West, 3rd Floor
City, state and zip:	Taylorville, UT 84129
Mailing address:	PO Box 141321
City, state and zip:	Salt Lake City, UT 84114-1321

Contact persons:		
Name:	Phone:	Email:
Darin Dennis	801-520-0670	darindennis@utah.gov
Steven Hughes	801-707-2644	swhughes@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R37-1. Risk Management General Rules
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
These amendments were made to simplify the Division of Risk Management's rules, reduce obligations of the Risk Management Fund's covered entities, and reflect recent statutory changes regarding the creation of one or more captive insurance companies.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The amendments add clarifying definitions and descriptions; address implications for captive insurance companies that are created by the risk manager; simplify coverage and condition provisions; clarify risk control standards; and both simplify and eliminate requirements of covered entities.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
These amendments will result in savings to state agencies and institutions of higher education, inasmuch as they will no longer be required to complete an annual self-inspection survey. Moreover, state agencies will no longer receive a rate penalty for failure to complete the annual self-inspection survey.
B) Local governments:
These amendments will result in savings to school districts and charter schools, inasmuch as they will no longer be required to complete an annual self-inspection survey. Moreover, school districts and charter schools will no longer receive a rate penalty for failure to complete the annual self-inspection survey.

C) Small businesses ("small business" means a business employing 1-49 persons):

These amendments have no application to small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

These amendments have no application to non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

These amendments have no application to persons other than small businesses, non-small businesses, state government, or local government entities.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There will be no compliance costs for affected persons; rather, there will be a reduction of compliance costs for the participating entities of the State Risk Management Fund (state agencies, institutions of higher education, school districts, and charter schools) because they will no longer be required to complete an annual self-inspection survey to avoid a 10% premium penalty.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Government Operations, Jenney Rees, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 63A-4-101.5(b)		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	02/14/2023

9. This rule change MAY become effective on:	02/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Brian Nelson, Director	Date:	12/29/2022
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R37. Government Operations, Risk Management.**R37-1. Risk Management General Rules.****R37-1-1. Purpose.**

The purpose of this rule is to describe ~~establish the liability and property insurance coverage provided by~~ the Risk Management Fund, hereafter referred to as the "Fund," and prescribe the conditions, underwriting standards, and other rules that govern or control the use of ~~this~~ coverage provided or purchased by the Fund and any captive insurance company created by the risk manager.

R37-1-2. Authority.

This rule is established pursuant to Section 63A-4-101.5, which authorizes the ~~[State's R]~~ risk ~~[M]~~ manager ~~[to recommend rules to the Director of the Department of Government Operations who is authorized]~~ to enact rules.

R37-1-3. Definitions.

(1) "Captive" means a captive insurance company created by the risk manager under Title 31A, Chapter 37, Captive Insurance Companies Act.

(2) "Conditions" means specific policy requirements the violation of which will invalidate coverage.

~~[(2)]~~(3) "Coverage or coverage provision" means the type of protection provided against specific risks or losses.

~~[(3)]~~(4) "Covered Entity" means a state department or other state agency not within a state department, a state college or university, a public school district, a participating charter school, or other entity which is covered under the terms of a coverage document issued to it by the Risk Management Fund.

~~[(4)]~~(5) "Fund" means the Risk Management Fund created by Section 63A-4-201.

(6) "Risk manager" means the Director of the Division of Risk Management.

(7) "Underwriting Standard" or "Risk Control Standard" means an action or procedure which must be performed by a covered entity ~~[in order]~~ to reduce the risk of loss or to avoid imposition of coverage restrictions, deductibles, increased premiums, or loss of credits or dividends.

R37-1-4. Description of the Fund and its Activities.

(1) ~~The [Risk Management] Fund, hereafter referred to as the Fund,~~ is a self-insurance mechanism established by statute to handle losses to or claims against its covered entities. ~~[the state, its agencies, institutions of higher education, participating school districts, participating charter schools, and other entities, which are treated as state agencies when participating, all hereafter referred to as covered entities.]~~

(2) Although coverage through the Fund may be written in formats like ~~[or similar to]~~ insurance policies, the relationship between the Fund and covered entities is not that of insurer and insured.

(3) No special duties, rules of construction or other legal doctrines recognized by the courts or created by statute with respect to the relationship of an insurer to its insured shall apply to the Fund or entities covered by it, except those which are specifically required by Title 31A, Chapter 12, State Risk Management Fund, with respect to some coverage provided to school districts, or those that may be required for a captive under Title 31A, Chapter 37, Captive Insurance Companies Act.

(4) The duty to defend covered entity employees, as defined in Section 63G-7-902~~[63-30d-102]~~, or volunteers, as defined in Section 67-20-2, ~~[of covered entities]~~ extends only as far as the covered entities' duty to employees or volunteers under Title 63G, Chapter 7, [the ""] Governmental Immunity Act["] of Utah, and no special relationship of insurer to insured exists between the Fund and employees or volunteers of covered entities, unless otherwise required for a captive under Title 31A, Chapter 37, Captive Insurance Companies Act.

R37-1-5. Coverage~~[-Deductibles, Duties]~~ and Conditions.

(1) Coverage - Specific risks covered, properties covered, coverage limits, exclusions, deductibles, conditions and other ~~[coverage]~~provisions for coverage through the ~~[Risk Management]~~Fund, or through any captive, shall apply in accordance with the terms of annual coverage agreements or policies issued or procured by the Fund, or in accordance with any policies issued by a captive. ~~[to each covered entity. Subject to specific provisions of the coverage policies, the Fund provides the following coverage:]~~

~~[(1) Liability~~

~~(a) Risks Covered - General, automobile, personal injury, errors and omissions, malpractice and garage keepers' liability, and personal injury protection coverage applying to all premises, operations, approved contracts, products and completed operations; owned, non owned and hired automobiles, other than personal use automobiles; employees, volunteers, and students in the scope of employment or approved services to the public.~~

~~(b) Limits - Typically, the limits are the maximum liability calculated pursuant to Section 63G-7-604; lower or higher limits for other situations as indicated in coverage policies issued to each covered entity.~~

~~(c) Deductible - Deductibles apply to some specific property coverages and situations as noted in the coverage document, but there is no general deductible with regard to liability coverage.~~

~~[(d)](2) Conditions - The following conditions apply to [liability]each line of coverage[s] provided by the Fund or any captive:~~

~~[(i)](a) In the event of an occurrence, loss, personal injury, act, error, omission, incident, or any other situation likely to give rise to a claim covered by the Fund or any captive, each covered entity shall immediately provide written notice to the Fund or captive.~~

~~(i) Written notice shall include:~~

~~(A) [containing]-[particulars sufficient to identify the covered entity or covered persons]person;~~

~~(B) [and also]-reasonably obtainable information with respect to the time, place and circumstances thereof; and~~

~~(C) [-and] the names and addresses of [the]-potential claimants[-] and [of available]all known witnesses.[-, shall be given by or for the covered entity or person to the Fund or any of its authorized agents as soon as practicable.]~~

~~(ii) The covered entity shall promptly take all reasonable steps to prevent additional injury or damage arising out of the same or similar conditions.~~

~~(iii) A covered entity's failure to take preventive measures shall not constitute a breach of this condition unless the Fund has requested the covered entity, in writing, to undertake the preventive measures.~~

~~(iv) Costs incurred by a covered entity to implement preventive measures shall not be recoverable from the Fund or any captive.~~

~~[(ii)](b)(i) If claim is made or suit is brought against the covered entity or person, whether in court or through an administrative proceeding with the Utah Anti-discrimination Division, the Federal Equal Employment Opportunity Commission or similar body, the covered entity or person shall immediately forward to the Fund or captive a copy of [every]each demand, notice, summons or other process received by it or its representative.~~

~~(ii) Any covered person who is an employee or volunteer of the covered entity shall comply with [all provisions of]Sections 63G-7-902 [or]and 63G-7-903[-, or both] before the Fund or any captive shall have any duty to defend or pay any judgment against such covered person.~~

~~[(iii)](c) The covered entity or person shall:~~

~~(i) cooperate with the Fund or captive; and[-]~~

~~(ii) upon the Fund or captive's request[-];~~

~~(A) provide the [F]Fund or captive with requested information[-];~~

~~(B) assist in making settlements[-];~~

~~(C) assist in making rule 68 settlement offers of judgment per Utah Rules of Civil Procedure[-]; and]~~

~~(D) assist in the conduct of suits;[-and]~~

~~(E) assist in enforcing any right of contribution or indemnity against any person or organization who may be liable to the covered entity or person because of bodily injury or property damage with respect to which coverage is afforded by the Fund or captive;[-and the covered entity or person shall]~~

~~(F) attend hearings and trials; and~~

~~(G) assist in securing and providing evidence and obtaining the attendance of witnesses.~~

~~(d) The covered entity or person [shall]may not, except at its own cost[-];~~

~~(i) voluntarily make any payment[-];~~

~~(ii) assume any obligation; or~~

~~(iii) incur any expense other than for qualified first aid to others [at the time of the]-immediately following an injury or accident.~~

~~[(iv)](e)(i) In the event any employees or volunteers request[s] under the terms of Section 63G-7-902 that the covered entity defend [him]them relative to any action or claim which would be covered by the Fund or captive, the covered entity shall immediately forward the request to the Fund or captive, which[and the Fund] shall have the right to determine on behalf of the covered entity whether to:~~

~~(A) defend[-];~~

~~(B) defend under a reservation of rights[-]; or~~

~~(C) decline to defend.~~

~~[(v)](f) The covered entity or person shall share [with the Fund all]each record[s] requested by the Fund or captive, relative to any claim under [this]their coverage, to the fullest extent permitted by [the]Title 63G, Chapter 2, [Utah]-Government Records Access and Management Act[-(GRAMA)].[-If the covered entity falls under the provisions of Sections 63-2-701, 63-2-702 or 63-2-703, the covered entity shall adopt an ordinance or policy, or make rules which allow the sharing of records with the Fund to at least the extent permitted by GRAMA and shall share with the Fund all records requested relative to any claim under this coverage to the fullest extent permitted by the ordinance, policy or rule.~~

~~(vi) This coverage does not apply to any claim under the Americans With Disabilities Act, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, or similar laws based in whole or in part on the failure of any covered entity to provide a reasonable accommodation unless the covered entity has notified the Fund of its preliminary intention not to provide the requested accommodation, has allowed the Fund a reasonable opportunity to consult with the covered entity before the covered entity denies the requested accommodation, and the Fund agrees with the proposed denial.]~~

~~[(2)](3) Coverage Disputes and Subrogation -- The following [C]conditions are applicable to all lines of coverage[s] provided by the Fund and any captive:~~

~~(a) [In accordance with Subsection 63A-4-101(2)(b)(v), i)]In the event of any coverage dispute between the Fund or any captive and any covered entity or person, there shall be no right of~~

legal action against the Fund or any captive unless otherwise required by Title 31A, Chapter 37, Captive Insurance Companies Act.

(b) In the event of any payment under any coverage provided through the Fund or any captive[-];

(i) the Fund or captive shall be subrogated to all ~~of~~ the covered entity or person's rights of recovery ~~therefor~~ against any person or organization; ~~and~~[-]

(ii) the covered entity or person shall execute and deliver instruments and papers and do whatever else is necessary to secure these rights; ~~and~~[-]

(iii) ~~the~~ the covered entity or person ~~shall do nothing after the loss to~~ may not prejudice these rights.

R37-1-6. Premium Establishment.

In addition to other actuarially sound factors, the ~~r~~[R]isk ~~m~~[M]anager may use the following in determining the appropriate premiums for coverage provided to each covered entity:

(1) ~~Entity~~ ~~e~~Efforts at exposure management including completion of self-inspection surveys, employee training, agency attendance at Fund-sponsored seminars, agency risk control meetings, risk-related policy development and implementation, ~~etc~~[-].

(2) ~~Entity~~ ~~accidents~~ ~~e~~Claims and loss history.

(3) ~~Recent~~ ~~s~~State and federal statutes or court decisions affecting covered entities and operations.

(4) Number of employees in the entity and size of the entity's budget.

(5) Value, protection, exposures, and other characteristics of the entity's buildings and contents.

(6) Number, type, and value of entity vehicles.

(7) Characteristics and exposures of ~~Entity~~ operations and activities.

(8) Actuarial studies.

R37-1-7. Risk Control Standards.

In accordance with Subsection 63A-4-101(2)(b)(i), each covered entity shall comply with the following risk control standards:

(1)(a) Covered entities shall appoint an entity risk coordinator who shall report directly to the covered entity's director, school superintendent or university ~~or~~ college president, or to another individual who reports directly to the covered entity's director, school superintendent or college ~~or~~ university president.

(b) Subordinate risk coordinators or other individuals may be appointed at the division, school or lower levels of the organization as the entity deems appropriate.

(c) The day-to-day implementation or management of the entity's risk management duties may be assigned by the risk coordinator to subordinate individuals, committees, or groups as necessary for efficient operation and implementation.

(2) The covered entity risk coordinator shall be responsible for the following duties:

(a) ~~H~~identifying, evaluating and resolving risk exposures for the entity[-];

(b) ~~C~~coordinating with the Fund and any captive on the reporting and investigation of all claims or losses[-];

(c) ~~C~~coordinating with the Fund and any captive on all liability prevention and loss control and prevention activities[-];

(d) ~~E~~nsuring that the Fund and any captive is provided with all reasonable information necessary to compute premiums[-];

(e) ~~E~~nsuring that premium billings are processed and paid[-];

(f) ~~E~~nsuring that notification is made to the Fund and any captive on all incidents, issues or informal or administrative

claims, including claims originating at the EEOC ~~and~~ or UALD that may result in a formal claim against the Fund or any captive[-];

(g) ~~Internally~~supervising or managing all loss prevention activities[-]; ~~and~~

(h) ~~Normally~~chairing the entity Risk Control Committee and ensuring staff support to the Risk Control Committee.

(3) Each covered entity shall appoint a Risk Control Committee, hereinafter referred to as the committee.

(a) Each covered entity shall include on its committee those positions deemed necessary by the ~~r~~[R]isk ~~c~~[C]oordinator and/or the entity director, president, or superintendent to provide comprehensive review and risk management services to ~~all of~~ the ~~entities~~entity's operations.

(b) ~~It is recommended that t~~The following positions should be included on the committee:

~~(a)~~(i) ~~Entity~~ Risk ~~C~~oordinator[-];

~~(b)~~(ii) ~~The covered entity's m~~Maintenance director or manager[-]; ~~and/or~~

~~(iii)~~ facilities director or manager[-]; ~~where the entity owns or manages its own buildings or in the case where the building is leased the DFCM manager assigned to that building.~~

~~(c)~~(iv) ~~The covered entity's~~ Human ~~R~~esource ~~Personnel~~ director or manager[-];

~~(d)~~(v) ~~The covered entity's~~ Americans with Disabilities Act Coordinator[-]; ~~or other entity~~

~~(vi)~~ Civil Rights coordinator or director[-];

~~(e)~~(vi) ~~The covered entity's~~ Safety ~~D~~irector or manager[-];

~~(f)~~(vii) ~~The covered entity's~~ legal counsel; ~~and~~ ~~or attorney as an ex officio member.~~

~~(g)~~(viii) Staff from the Fund or any captive ~~who may attend the meetings in an ex officio capacity.~~

(c) The covered entity should also ~~may~~ appoint on either a permanent or ad hoc basis other individuals whose job duties or special expertise may be of use to the committee, and may include[-]. ~~These individuals may include the covered entity's~~

(i) internal auditor[-]; ~~the covered entity's~~

(ii) security director[-]; ~~the~~

(iii) transportation or motor pool director or manager[-];

(iv) a representative from the ~~entity's~~ finance and accounting section; and

(v) employee representatives.

(d) School districts may also ~~wish to~~ include ~~on the committee~~representatives from the district's athletic, vocational, science and other high-risk programs. ~~curriculum areas.~~

(e) ~~The Fund, u~~Upon request of the covered entity risk coordinator, the Fund or any captive will provide recommendations on the makeup of the committee.

(f) The committee shall be normally chaired by the covered entity's risk coordinator.

(g) The committee shall be responsible for oversight and supervision of the entity's risk coordination and management program and shall meet at least once each quarter. ~~In advance of the meeting, the committee shall publish an agenda of its meetings and shall forward a copy of the agenda to the Fund.~~ The entity or its committee may appoint other ad hoc or standing committees, or subcommittees to deal with specific issues and problems such as safety, risk control training, civil rights, accident review ~~etc~~[-].

(4) The duties of the committee shall include the following activities:

(a) ~~H~~identifying, evaluating and resolving entity risk exposures[-];

NOTICES OF PROPOSED RULES

(b) [R]reviewing the hazards and corrective actions identified during the annual Risk Management self-inspection survey and developing effective and timely plans to eliminate those hazards[-];

(c) [S]erving as a liaison between the Fund, any captive, and the entity at the discretion of the [R]risk c[O]ordinator[-];

(d) [R]reviewing inspection and other reports from the Fund and any captive and, where applicable, implementing the proposed recommendations[-];

(e) [R]reviewing and analyzing investigation reports and recommendations regarding all claims, accidents, worker[s] injuries or near accidents, and making recommendations to entity management [at appropriate levels on methods]for reducing accidents or claims[-];

~~(f)(f) [Where appropriate, the committee may recommend disciplinary and/or corrective action for employees who violate safety standards including but not limited to OSHA, health, hazardous materials, fire and entity-specific standards and/or other standards, policies or rules that result in claims, accidents, worker injuries, or near accidents. Any disciplinary or corrective action imposed shall be taken in accordance with the entity's rules[-];~~

~~(g)(g) receiving and reviewing recommendations from the entity's driver safety committee to reduce auto accidents and improve driver safety; [The committee, acting as the agency's Accident Review committee, shall review reports and recommendations from subcommittees and others regarding the driving and accident records of employees and may restrict employees from using entity vehicles or the employee's own vehicle on entity business-]~~

~~(h)(h) [D]eveloping policies related to risk reduction and accident prevention and [shall]recommending their adoption by entity management[-];~~

~~(i)(i) [C]onducting appropriate evaluations or audits of entity operations and developing findings and recommendations for resolution of identified problems or risk exposures[-];~~

~~(j)(j) [C]onducting an annual review or evaluation of the entity's risk reduction efforts and providing the Fund or any captive with a copy of this evaluation[-]; and~~

~~(k)(k) [P]erforming other related duties as assigned by the entity risk coordinator, by entity management, or as requested by the Fund or any captive.~~

R37-1-8. Underwriting Standards.

In accordance with Subsection 63A-4-101(2)(b)(i), covered entities shall comply with the following underwriting standards[-]

(1) [Covered entities shall a]Annually review, update, and submit a Statement of Values to the Fund before July 1st[-];

(2) [Furthermore, w]Within 90 days of acquisition, [covered entities shall-]report to the Fund or any captive the description and value of any after-acquired [personal-]property in excess of [\$20,000 and real property in excess of \$250]\$25,000,000. [If a covered entity fails to comply with this standard, the Fund may deny coverage with respect to any loss associated with a non-reported asset-]

~~(3)(3) Within 30 days of receipt, report each leased, donated, or other non-owned asset with a value in excess of \$500,000, and report collections of art or other valuables with an aggregate value in excess of \$500,000, located in a single location; [Covered entities shall accurately complete and annually submit the Risk Management Online Self-Inspection Survey before~~

~~June 1st, unless special exemption has been granted by the State Risk Manager.]~~

~~(3)(4) [Covered entities shall p]Provide each[all] volunteer[s] and employee[s] with training approved by the Fund on unlawful discrimination and harassment in the workplace and other civil rights and liability issues as required by the Fund[-];~~

~~(a) After initial training all covered entities shall provide updated or refresher training to all staff members every two [(2)]years[-];~~

~~(b) For state entities this training shall be coordinated[the Fund shall coordinate the required training] with the [Department]Division of Human Resource Management [as appropriate. This training]and shall be developed and provided by qualified individuals[-]; and~~

~~(c) Covered entities shall keep records of the training, including who provided the training, who attended the training and when they attended it.~~

~~(4)(5) Covered entities shall implement the following driver safety standards:~~

~~(a) conduct or facilitate[shall have conducted for them] driver's license verification checks on all new employees and volunteers who will operate entity vehicles or their own vehicles on entity business at time of employment[-];~~

~~(b) [Covered entities shall, at least-]annually[-] verify the status of the driver's license of all employees and volunteers who operate entity vehicles or their own vehicles on entity business[-];~~

~~(c) [(5) Covered entities shall-]establish procedures to ensure that any employee or volunteer who does not have a valid driver's license is not allowed to operate an entity vehicle or [his]their own vehicle on entity business[-];~~

~~(d) [(6) Covered entities shall-]develop procedures to ensure that records of driver's license checks [and the results of these checks shall be]are kept confidential[-];~~

~~(e) [(7) Covered entities shall-]include a requirement for maintenance of a valid and appropriate driver's license in all written job descriptions or other job analysis documents or individual performance plans where use of a vehicle is an essential function of the job; [-a requirement for maintenance of a valid and appropriate driver's license-]~~

~~(f) [(8) Covered entities shall-]require and document that all employees and volunteers who operate entity vehicles, or their own vehicles on entity business, complete a Fund-approved or Fund-provided driver safety program at the time of initial employment and [at least once-]every two years thereafter[-];~~

~~(g) [(9) Covered entities shall-]develop and enforce policies and procedures to deal with [problem drivers-]unsafe driving behavior and [other-]hazardous driving situations, including the following[-]. In addition to other appropriate provisions, these policies shall contain the following:-]~~

~~(i)(a) prohibit [E]mployees or volunteers who are involved in an at-fault accident[-, shall not be allowed to-] from operat[e]ing entity vehicles[-] or their own vehicles on entity business[-, beyond] for a reasonable time, not to exceed [thirty]30 days[-];~~

~~(ii) [During this time the-]require each at-fault employee or volunteer [must]to complete the Fund--approved driver safety program [in order to maintain]before restoring driving privileges[-]; [This training shall not take the place of any agency imposed discipline or corrective action-]~~

(iii) ensure ~~[(b)–E]~~ employees and volunteers who are required to operate entity vehicles or their own vehicles ~~[while–on]~~ entity business ~~[shall–operate [the–]those]~~ vehicles within the limits or restrictions of their individual licenses~~[-]; and~~

(iv) prohibit ~~[(c)–E]~~ employees and volunteers who are convicted of Driving under the Influence of Alcohol or Drugs~~[-]~~ or Reckless Driving~~[-, shall not be allowed to]~~ from operat~~[e]ing~~ entity vehicles or their own vehicles on entity business~~[-]~~ until their driving privileges are legally restored.

~~[(10) Covered entities shall develop return to work and temporary transitional duty procedures. Entities shall ensure that these procedures are in accordance with the requirements of the "Americans With Disabilities Act", as amended, and other applicable laws and rules. The procedures shall provide for the return of injured employees to work at the earliest appropriate date.]~~

(6) comply with Rule R27-7 if the covered entity is a state agencies or institution of higher education;

(7) if the covered entity is a school district or a charter school, establish and maintain a driver safety committee, composed of three or more employees, including the risk coordinator, to perform the following functions:

(a) evaluate, within 30 days of occurrence, each vehicle accident and traffic violation involving entity-owned vehicles or personal vehicles on entity business;

(b) provide reasonable notice to each employee or volunteer, whose accident or traffic violation will be evaluated, of the driver safety committee meeting and ensure the employee or volunteer can participate in person, via video conference, or by telephone;

(c) determine whether each accident was preventable;

(d) determine whether each traffic violation resulted from the employee's or volunteers' hazardous driving behavior;

(e) document the determination of the driver safety committee as to accident preventability and hazardous driving behavior;

(f) develop recommendations regarding driving privileges, remediation, and discipline;

(g) promptly report documented determinations and recommendations to entity management;

(h) promptly notify the employee or volunteer of findings regarding accident preventability and hazardous driving behavior; and

(i) maintain driver safety committee determinations, recommendations, and all reviewed records for a minimum of four years.

~~[(11)](8) [Covered entities shall]review the performance standards and job descriptions[or evaluation plan] of each employee and where appropriate add a standard requiring the use of required safety equipment, adherence to safety standards, or other liability and risk reduction requirements appropriate to the position and duties performed by the employee[-]; and~~

~~[(12)](9) [All new construction, remodels, additions to existing facilities shall–]comply with the adopted editions of the International Building Code, International Fire Code, and other applicable codes in all new construction, remodels, or additions to existing facilities;[-]~~

(10) ensure ~~[E]~~existing facilities known to be out of compliance at the time of construction with the adopted edition of the International Building Code, International Fire Code and all other applicable codes ~~[at the time of construction, shall be]are~~ brought up to compliance as a condition of insurability~~[-];~~

(11) covered entities that fail to comply with Subsections (9) and (10) will receive~~[otherwise]~~ an appropriate premium surcharge or coverage restriction ~~[may be instituted upon]after~~ reasonable notice and an opportunity to ~~[correct]cure~~ areas of noncompliance.

KEY: risk management

Date of Last Change: 2023[September 9, 2021]

Notice of Continuation: March 21, 2022

Authorizing, and Implemented or Interpreted Law: 63A-4-101 et seq.

NOTICE OF PROPOSED RULE

TYPE OF RULE: New

Rule or Section Number:	R307-315	Filing ID: 55176
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Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Ryan Bares		rbares@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R307-315. NOx Emission Controls for Natural Gas-Fired Boilers 2.0-5.0 MMBtu

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

On 10/07/2022, the EPA finalized the reclassification of the Northern Wasatch Front Nonattainment Area (NAA) from marginal to moderate status for the 2015 NAAQS 8-hour ozone concentration. The moderate classification means that the state of Utah must identify and implement reductions of ozone precursor emissions, including Volatile Organic Compounds (VOCs) and Oxides of Nitrogen (NO_x), in the designated NAA area as part of its State Implementation Plan (SIP) obligations under section 172(c)(2) of the Clean Air Act.

Rule R307-315 will reduce emissions of NO_x from industrial, commercial, and institutional natural gas-fired boilers in Salt Lake, Weber, Davis, Tooele, and Utah counties by requiring any new boiler, or burner installed on a boiler in these areas to be certified to emit no more than 9 parts per million by volume (ppmv) while operating. This rule does not require retrofits or replacements of existing boilers. This rule will help reduce emissions from existing boilers within the nonattainment and surrounding areas over time as the existing boiler stock is replaced with compliant boilers. Future emissions will also be curbed as the areas continue to grow by requiring new boiler installations to comply.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

Rule R307-315 will require a source operating a natural gas-fired boiler in an industrial, institutional or commercial setting in Salt Lake, Davis, Weber, Tooele, and Utah counties to install a unit certified to emit no more than 9 ppmv and retain the following records: a copy of the boilers emission rate specifications, the manufacturer's recommendations for proper operation and maintenance of the equipment, records showing proper operation and maintenance of equipment, and the manufacturer's certification for any burners replaced.

Public hearing information:

A hearing will be held on 02/15/2023 at 1:00 PM.

Video call link: <https://meet.google.com/urd-most-osq>
Or dial: (US) +1 321-586-1005
PIN: 770 476 792#

The scheduled hearing will be canceled if no request is received.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

The fiscal impact of this rule on state budgets is unknown. This rule will eventually impact all boilers between 2.0 and 5.0MMBtu in impacted counties, a portion of which are owned and operated by the state. This rule does not require retrofits to existing boilers, so the near-term impact of this rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life. A Division of Air Quality (DAQ) analysis identified 2,026 boilers in the 2.0- 5.0MMBtu range located in the impacted counties, but the proportion owned and operated by state government is not known. DAQ estimates a cost difference of approximately \$19,000 for replacing a 3.34MMBtu standard boiler with an Ultra-Low NO_x boiler rated at 9ppmv. However, the timing of replacements is

unknown and therefore, the fiscal impact cannot be accurately estimated.

B) Local governments:

The fiscal impact of this rule on local governments is unknown. This rule will eventually impact all boilers between 2.0 and 5.0 MMBtu in impacted counties, a portion of which are owned and operated by local governments. This rule does not require retrofits to existing boilers, so the near-term impact of this rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life. A DAQ analysis identified 2,026 boilers in the 2.0- 5.0MMBtu range located in the impacted counties, but the proportion owned and operated by local governments is not known. DAQ estimates a cost difference of approximately \$19,000 for replacing a 3.34MMBtu standard boiler with an Ultra-Low NO_x boiler rated at 9ppmv. However, the timing of replacements is unknown and therefore, the fiscal impact cannot be accurately estimated.

C) Small businesses ("small business" means a business employing 1-49 persons):

The fiscal impact of this rule on small business is unknown. This rule will eventually impact all boilers between 2.0 and 5.0MMBtu in impacted counties, a portion of which are owned and operated by small businesses. This rule does not require retrofits to existing boilers, so the near-term impact of this rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life. A DAQ analysis identified 2,026 boilers in the 2.0-5.0MMBtu range located in the impacted counties, but the proportion owned and operated by small businesses is not known. DAQ estimates a cost difference of approximately \$19,000 for replacing a 3.34MMBtu standard boiler with an Ultra-Low NO_x boiler rated at 9ppmv. However, the timing of replacements is unknown and therefore, the fiscal impact cannot be accurately estimated.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

The fiscal impact of this rule on non-small business is unknown. This rule will eventually impact all boilers between 2.0 and 5.0MMBtu in impacted counties, a portion of which are owned and operated by non-small businesses. This rule does not require retrofits to existing boilers, so the near-term impact of this rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life. A DAQ analysis identified 2,026 boilers in the 2.0-5.0MMBtu range located in the impacted counties, but the proportion owned and operated by non-small businesses is not known. DAQ estimates a cost difference of approximately \$19,000 for replacing a 3.34MMBtu standard boiler with an Ultra-Low NO_x boiler rated at 9ppmv. However, the timing of replacements is unknown and therefore, the fiscal impact cannot be accurately estimated.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

The fiscal impact of this rule on other persons is unknown. This rule will eventually impact all boilers between 2.0 and 5.0MMBtu in impacted counties, a portion of which are owned and operated persons other than small businesses, non-small businesses, state, or local governments. This rule does not require retrofits to existing boilers, so the near-term impact of the rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life. A DAQ analysis identified 2,026 boilers in the 2.0-5.0MMBtu range located in the impacted counties, but the proportion owned and operated by other persons is not known. DAQ estimates a cost difference of approximately \$19,000 for replacing a 3.34MMBtu standard boiler with an Ultra-Low NO_x boiler rated at 9ppmv. However, the timing of replacements is unknown and therefore, the fiscal impact cannot be accurately estimated.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

The cost of compliance with this rule is estimated as the total cost difference between a boiler rated at 30ppmv and a boiler rated at 9ppmv for the same design value. A staff analysis of comparable models with a design value of 3.34MMBtu found this difference to be \$19,000.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025

State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Kimberly D. Shelley, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 19-2-104		
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 02/15/2023

B) A public hearing (optional) will be held:

On:	At:	At:
02/15/2023	1:00 PM	See information in Box 4 above

9. This rule change MAY become effective on: 03/02/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	12/07/2022
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R307. Environmental Quality, Air Quality.

R307-315. NOx Emission Controls for Natural Gas-Fired Boilers 2.0-5.0 MMBtu.

R307-315-1. Purpose.

Rule R307-315 establishes maximum emission thresholds for the emissions of oxides of nitrogen (NOx) for new or modified natural gas-fired boilers with a total rated heat input of at least 2.0 million British Thermal Units per hour (MMBtu/hr) and not more than 5.0 MMBtu/hr.

R307-315-2. Applicability.

Rule R307-315 applies to each boiler that commences construction or modification after the compliance date defined in Section R307-315-6 that:

- (1) is fueled by natural gas;
- (2) has a total rated heat input greater than 2.0 MMBtu/hr and not more than 5.0 MMBtu/hr;
- (3) is operated in an industrial, institutional, or commercial setting;
- (4) is located in Salt Lake, Utah, Davis, Weber, or Tooele County; and
- (5) is not a temporary boiler.

R307-315-3. Definitions.

As used in this rule:

"Boiler" means boiler as defined in 40 CFR 63.11237, Subpart JJJJJ National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, which is incorporated by reference in Rule R307-210.

"Burner" means the functional component of a boiler that provides the heat input by combustion of a fossil fuel, with air or oxygen. Burners are available either as part of the boiler package from the manufacturer, as stand-alone products for custom installations, or as replacement products.

"Construction" means any physical change or change in the method of operation including fabrication, erection, installation, demolition, or modification of a source which would result in a change in actual emissions.

"Modification" means any planned change in a source which results in a potential increase of emission.

"Natural gas" means:

- (1) A naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is methane;
- (2) Liquefied petroleum gas, as defined by the American Society for Testing and Materials in ASTM D1835, Section 63.14;
- (3) A mixture of hydrocarbons that maintains a gaseous state at ISO conditions. For example, a temperature of 288 Kelvin, a relative humidity of 60%, and a pressure of 101.3 kilopascals. Additionally, natural gas must either be composed of at least 70% methane by volume or have a gross calorific value between 35 and 41 megajoules (MJ) per dry standard cubic meter (950 and 1,100 Btu per dry standard cubic foot); or
- (4) Propane or propane-derived synthetic natural gas. Propane means a colorless gas derived from petroleum and natural gas, with the molecular structure C₃H₈.

"Temporary boiler" means any gaseous or liquid fuel-fired steam generating unit that is designed to, and is capable of, being carried or moved from one location to another. A steam generating unit is not a temporary boiler if any one of the following conditions exists:

- (1) The equipment is attached to a foundation.

(2) The steam generating unit or a replacement remains at a location for more than 180 consecutive days. Any temporary boiler that replaces a temporary boiler at a location and performs the same or similar function will be included in calculating the consecutive time period.

(3) The equipment is located at a seasonal facility and operates during the full annual operating period of the seasonal facility, remains at the facility for at least two years, and operates at that facility for at least three months each year.

(4) The equipment is moved from one location to another in an attempt to circumvent the residence time requirements of this definition.

R307-315-4. Requirements.

- (1) A person that:
 - (a) commences construction, or modification of a boiler;
 - (b) replaces a burner in a boiler, or
 - (c) replaces 50% or more of the burners in a multi-burner boiler for a boiler meeting the requirements of Section R307-315-2 shall:

(2) Install a burner that is certified to meet a NOx emission rate of nine parts per million by volume (ppmv) or less at 3% volume stack gas oxygen on a dry basis averaged over a 24-hour period.

(3) An owner or operator of a boiler subject to Subsection R307-315-4(1) shall operate and maintain the boiler and boiler subsystems, including burner or burners, according to the manufacturer's instructions.

(4) A manufacturer of a boiler or boiler burner meeting the requirement of Subsection R307-315-4(2) shall certify the boiler or boiler burner as complying with the emission rate in Subsection R307-315-4(2).

(5) Manufacturer's operational specifications, records, and testing of any control system shall use the applicable EPA Reference Methods of 40 CFR Part 60, the most recent EPA test methods, or EPA-approved state methods, to determine the efficiency of the control device.

(6) The owner or operator must meet the applicable recordkeeping requirements for any control device.

R307-315-5. Recordkeeping.

(1) The owner or operator of any unit subject to Rule R307-315 shall:

- (a) Retain documentation of the unit's emission rate specifications;
- (b) Retain a copy of the manufacturer's recommendations for proper operation and maintenance of units covered by Rule R307-315;
- (c) Maintain records showing proper operation and maintenance of units covered by Rule R307-315 following manufacturer's recommendations; and
- (d) Retain a copy of the manufacturer's certification for any replacement burner.

(2) Operation and maintenance records shall be retained for five years and shall be made available to the director upon request.

R307-315-6. Compliance Schedule.

The compliance schedule for this rule shall begin on May 1, 2023.

KEY: air pollution, boiler, NOx, nitrogen oxides

Date of Last Change: 2023

Authorizing, and Implemented or Interpreted Law: 19-2-104

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Rule or Section Number:	R307-316	Filing ID: 55177

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Ryan Bares		rbares@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R307-316. NO _x Emission Controls for Natural Gas-Fired Boilers Greater Than 5.0 MMBtu
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
On 10/07/2022, EPA finalized the reclassification of the Northern Wasatch Front Nonattainment Area (NAA) from marginal to moderate status for the 2015 NAAQS 8-hour ozone concentration. The moderate classification means that the state of Utah must identify and implement reductions of ozone precursor emissions, including Volatile Organic Compounds (VOCs) and Oxides of Nitrogen (NO _x), in the designated NAA area as part of its State Implementation Plan (SIP) obligations under section 172(c)(2) of the Clean Air Act.
Rule R307-316 will reduce emissions of NO _x from industrial, commercial, and institutional natural gas-fired boilers in Salt Lake, Weber, Davis, Tooele, and Utah counties by requiring any new boiler, or burner installed on a boiler in these areas to be certified to emit no more than 9 parts per million by volume (ppmv) while operating. This rule does not require retrofits or replacements of existing boilers. This rule will help reduce emissions from existing boilers within the nonattainment and surrounding areas over time as the existing boiler stock is replaced with compliant boilers. Future emissions will also be curbed as the areas continue to grow by requiring new boiler installations to comply.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

Rule R307-316 will require a source operating a natural gas-fired boiler in an industrial, institutional, or commercial setting in Salt Lake, Davis, Weber, Tooele, and Utah counties to install a unit certified to emit no more than 9 ppmv and retain the following records: a copy of the boilers emission rate specifications, the manufacturer's recommendations for proper operation and maintenance of the equipment, records showing proper operation and maintenance of equipment, the manufacturer's certification for any burners replaced, records of any testing as required on boilers greater than 40 MMBtu, and a record of approval for any approved alternative method of control.

Public hearing information:

A hearing will be held on 02/15/2023 at 1:00 PM.

Video call link: <https://meet.google.com/urd-most-osq>

Or dial: (US) +1 321-586-1005

PIN: 770 476 792#

The scheduled hearing will be canceled if no request is received.

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

The fiscal impact of this rule on state budgets is unknown. This rule will eventually impact all boilers above 5 MMBtu in impacted counties, a portion of which are owned and operated by the state. This rule does not require retrofits to existing boilers, so the near-term impact of this rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life. A Division of Air Quality (DAQ) analysis identified 620 boilers greater than 5 MMBtu located in the impacted counties, but the proportion owned and operated by state government is not known. DAQ estimates a cost difference between \$13,000 and \$26,000 for a 6.7MMBtu standard boiler that is replaced with an Ultra-Low NO_x boiler rated at 9 ppmv. However, since the timing of replacement is unknown, the fiscal impact cannot be accurately estimated. For boilers over 40 MMBtu, verification of the required testing will occur as part of the regular compliance inspection process and will have no fiscal impact for DAQ or other state agency.

B) Local governments:

The fiscal impact of this rule on local governments is unknown. This rule will eventually impact all boilers above 5 MMBtu in impacted counties, a portion of which are owned and operated by local governments. This rule does

not require retrofits to existing boilers, so the near-term impact of this rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life. A DAQ analysis identified 620 boilers over 5 MMBtu located in the impacted counties, but the proportion owned and operated by local governments is not known. DAQ estimates a cost difference between \$13,000 and \$26,000 for a 6.7MMBtu standard boiler that is replaced with an Ultra-Low NO_x boiler rated at 9 ppmv. However, since the timing of replacement is unknown, the fiscal impact cannot be accurately estimated.

C) Small businesses ("small business" means a business employing 1-49 persons):

The fiscal impact of this rule on small business is unknown. This rule will eventually impact all boilers above 5 MMBtu in impacted counties, a portion of which are owned and operated by small businesses. This rule does not require retrofits to existing boilers, so the near-term impact of this rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life. A DAQ analysis identified 620 boilers over 5 MMBtu located in the impacted counties, but the proportion owned and operated by small businesses is not known. DAQ estimates a cost difference between \$13,000 and \$26,000 for a 6.7MMBtu standard boiler that is replaced with an Ultra-Low NO_x boiler rated at 9 ppmv. However, since the timing of replacement is unknown, the fiscal impact cannot be accurately estimated.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

The fiscal impact of this rule on non-small business is unknown. This rule will eventually impact all boilers above 5 MMBtu in impacted counties, a portion of which are owned and operated by non-small businesses. This rule does not require retrofits to existing boilers, so the near-term impact of this rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life. A DAQ analysis identified 620 boilers over 5 MMBtu located in the impacted counties, but the proportion owned and operated by non-small businesses is not known. DAQ estimates a cost difference between \$13,000 and \$26,000 for a 6.7MMBtu standard boiler that is replaced with an Ultra-Low NO_x boiler rated at 9 ppmv. However, since the timing of replacement is unknown, the fiscal impact cannot be accurately estimated.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

The fiscal impact of this rule on other persons is unknown. This rule will eventually impact all boilers above 5 MMBtu in impacted counties, a portion of which are owned and operated persons other than small businesses, non-small businesses, state, or local governments. This rule does not require retrofits to existing boilers, so the near-term

impact of the rule will be limited to new installations, burner replacements, and boilers reaching the end of their useful life. A DAQ analysis identified 620 boilers over 5 MMBtu located in the impacted counties, but the proportion owned and operated by other persons is not known. DAQ estimates a cost difference between \$13,000 and \$26,000 for a 6.7MMBtu standard boiler that is replaced with an Ultra-Low NO_x boiler rated at 9 ppmv. However, since the timing of replacement is unknown, the fiscal impact cannot be accurately estimated.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

The cost of compliance with this rule is estimated as the total cost difference between a boiler rated at 30 ppmv and a boiler rated at 9 ppmv for the same design value. A staff analysis of comparable models with a design value of 6.7MMBtu found this difference to be \$12,759.50. Larger boiler installations are expected to be greater, but proportionately similar to this estimate.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0

Net Benefits	Fiscal \$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Environmental Quality, Kimberly D. Shelley, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
Section 19-2-104

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)		
A) Comments will be accepted until:		02/15/2023
B) A public hearing (optional) will be held:		
On:	At:	At:
02/15/2023	1:00 PM	See information in Box 4 above

9. This rule change MAY become effective on:	03/02/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	12/07/2022
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R307. Environmental Quality, Air Quality.**R307-316. NO_x Emission Controls for Natural Gas-Fired Boilers Greater Than 5.0 MMBtu.****R307-316-1. Purpose.**

Rule R307-316 establishes maximum emission thresholds for the emissions of oxides of nitrogen (NO_x) for new or modified natural gas-fired boilers with a total rated heat input greater than 5.0 million British Thermal Units per hour (MMBtu/hr).

R307-316-2. Applicability.

Rule R307-316 applies to each boiler that commences construction or modification after the compliance date defined in Section R307-316-6 that:

- (1) is fueled by natural gas;
- (2) has a total rated heat input greater than 5.0 MMBtu/hr;
- (3) is operated in an industrial, institutional, or commercial setting;

- (4) is located in Salt Lake, Utah, Davis, Weber, or Tooele County; and
- (5) is not a temporary boiler.

R307-316-3. Definitions.

As used in this rule:

"Boiler" means boiler as defined in 40 CFR 63.11237, Subpart JJJJJ National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, which is incorporated by reference in Rule R307-210.

"Burner" means the functional component of a boiler that provides the heat input by combustion of a fossil fuel with air or oxygen. Burners are available either as part of the boiler package from the manufacturer, as stand-alone products for custom installations, or as replacement products.

"Construction" means any physical change or change in the method of operation including fabrication, erection, installation, demolition, or modification of a source which would result in a change in actual emissions.

"Modification" means any planned change in a source that results in a potential increase of emission.

"Natural gas" means:

(1) A naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface of which the principal constituent is methane;

(2) Liquefied petroleum gas, as defined by the American Society for Testing and Materials in ASTM D1835, Section 63.14;

(3) A mixture of hydrocarbons that maintains a gaseous state at ISO conditions. For example, a temperature of 288 Kelvin, a relative humidity of 60%, and a pressure of 101.3 kilopascals. Additionally, natural gas must either be composed of at least 70% methane by volume or have a gross calorific value between 35 and 41 megajoules (MJ) per dry standard cubic meter (950 and 1,100 Btu per dry standard cubic foot); or

(4) Propane or propane-derived synthetic natural gas. Propane means a colorless gas derived from petroleum and natural gas, with the molecular structure C₃H₈.

"Temporary boiler" means any gaseous or liquid fuel-fired steam generating unit that is designed to, and is capable of, being carried or moved from one location to another. A steam generating unit is not a temporary boiler if any one of the following conditions exists:

- (1) The equipment is attached to a foundation.
- (2) The steam generating unit or a replacement remains at a location for more than 180 consecutive days. Any temporary boiler that replaces a temporary boiler at a location and performs the same or similar function will be included in calculating the consecutive time period.
- (3) The equipment is located at a seasonal facility and operates during the full annual operating period of the seasonal facility, remains at the facility for at least two years, and operates at that facility for at least three months each year.
- (4) The equipment is moved from one location to another in an attempt to circumvent the residence time requirements of this definition.

R307-316-4. Requirements.

- (1) Except as provided in Subsection R307-316-4(8), a person that:
 - (a) commences construction, or modification of a boiler;
 - (b) replaces a burner in a boiler; or

NOTICES OF PROPOSED RULES

(c) replaces 50% or more of the burners in a multi-burner boiler for a boiler meeting the requirements of Section R307-316-2 shall:

(2) Install a burner that is certified to meet a NO_x emission rate of nine parts per million by volume (ppmv) or less at 3% volume stack gas oxygen on a dry basis averaged over a 24-hour period.

(3) An owner or operator of a boiler subject to Subsection R307-316-4(1) shall operate and maintain the boiler and boiler subsystems, including burner or burners, according to the manufacturer's instructions.

(4) A manufacturer of a boiler or boiler burner meeting the requirement of Subsection R307-316-4(2) shall certify the boiler or boiler burner as complying with the emission rate in Subsection R307-316-4(2).

(5) Boilers over 40 MMBtu/hr shall be tested for compliance with the emission limit in Subsection R307-316-4(2) no less than once every three years using EPA Reference Method 7E.

(6) Manufacturer's operational specifications, records, and testing of any control system shall use the applicable EPA Reference Methods of 40 CFR Part 60, the most recent EPA test methods, or EPA-approved state methods, to determine the efficiency of the control device.

(7) The owner or operator must meet the applicable recordkeeping requirements for any control device.

(8) Any person may apply to the director for approval of an alternate method of control. The application must include a demonstration that the proposed alternate produces an equal air quality benefit as required by Subsection R307-316-4(2) or the best achievable level of control available.

R307-316-5. Recordkeeping.

(1) The owner or operator of any unit subject to Rule R307-316 shall:

(a) Retain documentation of the unit's emission rate specifications;

(b) Retain a copy of the manufacturer's recommendations for proper operation and maintenance of units covered by Rule R307-316;

(c) Maintain records showing proper operation and maintenance of units covered by Rule R307-316 following manufacturer's recommendations;

(d) Retain a copy of the manufacturer's certification for any replacement burner;

(e) Retain records of any certification testing as required under Subsection R307-316-4(5); and

(f) Retain a record of approval of any alternative method of control as outlined in Subsection R307-316-4(8).

(2) Operation and maintenance records shall be retained for five years and shall be made available to the director upon request.

R307-316-6. Compliance Schedule.

The compliance schedule for this rule shall begin on May 1, 2023.

KEY: air pollution, boiler, NO_x, nitrogen oxides

Date of Last Change: 2023

Authorizing, and Implemented or Interpreted Law: 19-2-104

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number: **R590-102**

Filing ID:
55180

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room number:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R590-102. Insurance Department Fee Payment Rule

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This rule is being amended to clarify certain fees charged by the Department of Insurance (Department).

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The amendments clarify the total fee for a late assessment paid by a guaranteed asset protection provider, clarify that the annual health insurance actuarial review assessment is appropriated by the legislature, and remove a fee for accessing the Department's rate and form filing database because the database is freely available on the Department's website.

Public hearing information:

A hearing will be held on 01/17/2023 at 9:00 AM.

Virtual Meeting ID:

meet.google.com/cky-sfnf-yda

Phone: 443-892-2797

PIN: 585 732 559#

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

There is no anticipated cost or savings to the state budget. The late assessment fee is already being collected, the rate and form database fee is not being collected because the information is freely available on the Department's website, and the actuarial review change merely provides clarification.

B) Local governments:

There is no anticipated cost or savings to local governments. Local governments are not subject to these fees.

C) Small businesses ("small business" means a business employing 1-49 persons):

There is no anticipated cost or savings to small businesses. The late assessment fee is already being collected, the rate and form database fee is not being collected because the information is freely available on the Department's website, and the actuarial review change merely provides clarification.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There is no anticipated cost or savings to non-small businesses. The late assessment fee is already being collected, the rate and form database fee is not being collected because the information is freely available on the Department's website, and the actuarial review change merely provides clarification.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There is no anticipated cost or savings to any other persons. The late assessment fee is already being collected, the rate and form database fee is not being collected because the information is freely available on the Department's website, and the actuarial review change merely provides clarification.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for any affected persons. The late assessment fee is already being collected, the rate and form database fee is not being collected because the information is freely available on the Department's website, and the actuarial review change merely provides clarification.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 31A-2-201 | Section 31A-3-103 |

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

NOTICES OF PROPOSED RULES

A) Comments will be accepted until:		02/14/2023
B) A public hearing (optional) will be held:		
On:	At:	At:
01/17/2023	09:00 AM	See details above in Box 4

9. This rule change MAY become effective on:	02/21/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	12/23/2022
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R590. Insurance, Administration.

R590-102. Insurance Department Fee Payment Rule.

R590-102-1. Authority.

This rule is promulgated by the commissioner pursuant to Sections 31A-2-201 and 31A-3-103.

R590-102-2. Purpose and Scope.

- (1) The purpose of this rule is to:
 - (a) publish the schedule of fees approved by the legislature;
 - (b) establish fee deadlines; and
 - (c) disclose this information to licensees and the public.
- (2) This rule applies to:
 - (a) any person engaged in the business of insurance in Utah;
 - (b) any person holding an insurance license in Utah;
 - (c) any applicant for a license, registration, certificate, or other similar filing; and
 - (d) any person requesting any service provided by the department for which a fee is required.

R590-102-3. Definitions.

Terms used in this rule are defined in Sections 31A-1-301 and 63G-4-106. Additional terms are defined as follows:

- (1) "Captive insurance company" means the same as under Section 31A-37-102.
- (2) "Deadline" means the final date or time:
 - (a) imposed by:
 - (i) statute;
 - (ii) rule; or
 - (iii) order; and
 - (b) by which:
 - (i) a payment must be received by the department without incurring a penalty for late payment or non-payment; or
 - (ii) required information must be received by the department without incurring a penalty for late receipt or non-receipt.
- (3) "Fee" means an amount set by the commissioner, by statute, or by rule, and approved by the legislature for a license, registration, certificate, or other filing or service provided by the department.

(4) "Electronic payment" means a credit card or automated clearinghouse payment.

(5) "Other organization" includes a home warranty, joint underwriter, purchasing group, rate service organization, risk retention group, service contract provider, and health discount program.

(6) "Medicare prescription drug plan insurer" means an insurer that offers exclusively Medicare Part D coverage.

(7) "Received" means:

- (a) the date delivered to and stamped received by the department, if delivered in person;
- (b) the postmark date, if delivered by mail;
- (c) the delivery service's postmark date or pickup date, if delivered by a delivery service; or
- (d) the received date recorded on an item delivered, if delivered by:
 - (i) facsimile;
 - (ii) email; or
 - (iii) another electronic method; or
- (e) a date specified in:
 - (i) a statute;
 - (ii) a rule; or
 - (iii) an order.

R590-102-4. General Instructions.

(1) Due Date. A fee payable to the department not included in Sections R590-102-5 through R590-102-24 is due when service is requested or by the due date on the invoice.

(2) Payment.

(a) A processing fee will be added to a non-electronic payment if the department provides an electronic payment process.

(b) Check.

(i) A check shall be made payable to the Utah Insurance Department.

(ii) A person will be charged all fees associated with a dishonored check.

(iii) A dishonored check will not constitute payment of the fee for which the check was issued and any action taken based on the payment will be voided.

(iv) A late fee or penalty resulting from a voided check will apply until proper payment is received.

(c) Cash. The department is not responsible for a cash payment that is lost or misdelivered ~~[prior to]~~ before a receipt ~~[being]~~ is issued.

(d) Electronic Payment.

(i) An electronic payment may be used to pay any fee due to the department.

(ii) A person will be charged all fees associated with a dishonored electronic payment.

(iii) A dishonored electronic payment will not constitute payment of the fee for which the electronic payment was issued and any action taken based on the payment will be voided.

(iv) A late fee or penalty resulting from a voided electronic payment will apply until proper payment is received.

(3) Retaliation. The fees enumerated in this rule are not subject to retaliation under Section 31A-3-401 if other states or countries impose higher fees.

(4) Refund.

(a) A fee enumerated in this rule is non-refundable.

(b) An overpayment of a fee is refundable.

(c) A request for a refund of an overpayment shall be submitted in writing.

(5) A payment made in error to another agency or that is not deposited into the department's account will not constitute payment and any action taken based on the payment will be voided.

(6) An annual or biennial license fee, service fee, or assessment described in this rule is for services the department will provide during the year and is paid in advance of providing the services.

(7) An electronic commerce dedicated fee described in Section R590-102-23 may be added to the fees required by Sections R590-102-5 through R590-102-20.

R590-102-5. Admitted Insurer Fees.

- (1) Annual license fees for a certificate of authority:
 - (a) initial license application, due with license application -- \$1,000;
 - (b) renewal, due by the due date on the invoice -- \$300;
 - (c) late renewal, due for any renewal paid after the date on the invoice -- \$350; and
 - (d) reinstatement, due with application for reinstatement - - \$1,000.
- (2) Other license fees for a certificate of authority:
 - (a) amendment, due with request for amendment -- \$250;
 - (b)(i) Form A application for merger, acquisition, or change of control, due with filing -- \$2,000; and
 - (ii) expenses incurred for consultant services necessary to evaluate a Form A will be charged to the applicant and due by the due date on the invoice;
 - (c) redomestication filing, due with filing -- \$2,000; and
 - (d) application for organizational permit for a mutual insurer to solicit applications for qualifying insurance policies or subscriptions for mutual bonds or contribution notes, due with application -- \$1,000.
- (3) The annual license fee includes the following:
 - (a) filing annual statement and report of Utah business, due annually on March 1;
 - (b) filing holding company registration statement, Form B;
 - (c) filing application for material transactions between affiliated companies, Form D; and
 - (d) applications for:
 - (i) stock solicitation permit;
 - (ii) public offering filing;
 - (iii) SEC filing;
 - (iv) private placement offering; and
 - (v) individual license to solicit with the stock solicitation permit.
- (4) Annual service fee.
 - (a) The annual service fee is due by the due date on the invoice.
 - (b) A Medicare prescription drug plan insurer is exempted from payment of a service fee.
 - (c) The annual service fee is based on the Utah premium as shown in the insurer's prior year annual statement on file with the NAIC and the department.
 - (d) Fee schedule based on premium volume:
 - (i) \$0 premium volume - no service fee;
 - (ii) more than \$0 but less than \$1 million -- \$700;
 - (iii) \$1 million but less than \$3 million -- \$1,100;
 - (iv) \$3 million but less than \$6 million -- \$1,550;
 - (v) \$6 million but less than \$11 million -- \$2,100;
 - (vi) \$11 million but less than \$15 million -- \$2,750;
 - (vii) \$15 million but less than \$20 million -- \$3,500; and
 - (viii) \$20 million or more -- \$4,350.

- (e) The annual service fee includes the following services:
 - (i) filing of amendments to articles of incorporation, charter, or bylaws;
 - (ii) filing a power of attorney;
 - (iii) filing of registered agent;
 - (iv) affixing the commissioner's seal and certifying any paper;
 - (v) filing of authorization to appoint and remove agents;
 - (vi) initial filing of a producer's or agency's appointment with an insurer;
 - (vii) terminating a producer's or agency's appointment with an insurer;
 - (viii) report filing;
 - (ix) rate filing; and
 - (x) form filing.
- (5) Actual costs plus overhead expenses incurred during an examination of an insurer shall be paid by the examined insurer by the due date on the invoice.

R590-102-6. Foreign Surplus Lines Insurer and Reinsurer Fees.

- (1) Annual license fees:
 - (a) initial, due with application -- \$1,000;
 - (b) renewal, due by the due date on the invoice -- \$500;
 - (c) late renewal, due for any renewal payment paid after the due date on the invoice -- \$550; and
 - (d) reinstatement, due with application -- \$1,000.
- (2) The annual license fee includes the following services:
 - (a) filing a power of attorney; and
 - (b) filing of registered agent.

R590-102-7. Other Organization Fees.

- (1)(a) Annual license fees:
 - (i) initial, due with application -- \$250;
 - (ii) renewal, due by the due date on the invoice -- \$200;
 - (iii) late renewal, due for any renewal paid after the due date on the invoice -- \$250; and
 - (iv) reinstatement, due with application for reinstatement - - \$250.
- (b) The annual other organization initial or renewal fee includes the risk retention group annual statement filing, due annually on March 1.
- (2) Annual service fee, due by the due date on the invoice -- \$200.
 - (a) The annual service fee includes the following services:
 - (i) filing a power of attorney;
 - (ii) filing of registered agent;
 - (iii) rate filing;
 - (iv) form filing;
 - (v) report filing; and
 - (vi) service contract filing.

R590-102-8. Captive Insurance Company Fees.

- (1) Initial license application, due with license application -- \$200.
- (2) Actual costs incurred by the department during the initial license application review shall be paid by the captive insurance company by the due date on the invoice.
- (3) Annual license fees:
 - (a) initial, due by the due date on the invoice -- \$7,250;
 - (b) renewal, due by the due date on the invoice -- \$7,250;
 - (c) late renewal, due for any renewal paid after the due date on the invoice -- \$7,300; and

NOTICES OF PROPOSED RULES

(d) reinstatement, due with application for reinstatement -- \$7,300.

(4) Actual costs plus overhead expenses incurred during an examination of a captive insurance company shall be paid by the examined captive insurance company by the due date on the invoice.

R590-102-9. Captive Cell Fees.

(1) Initial license application, due with license application -- \$200.

(2) Actual costs incurred by the department during the initial license application review shall be paid by the captive insurance company by the due date on the invoice.

(3) Annual license fees:

(a) initial, without proration, due by the due date on the invoice -- \$1,000;

(b) renewal, due by the due date on the invoice -- \$1,000; and

(c) late renewal, due for any renewal paid after the due date on the invoice -- \$1,050.

R590-102-10. Life Settlement Provider Fees.

(1) Annual license fees:

(a) initial, due with application -- \$1,000;

(b) renewal, due by the due date on the invoice -- \$300;

(c) late renewal, due for any renewal paid after the due date on the invoice -- \$350; and

(d) reinstatement, due with reinstatement application -- \$1,000.

(2) Annual service fee, due by the due date on the invoice -- \$600.

(a) The annual service fee includes:

(i) rate filing;

(ii) form filing;

(iii) report filing; and

(iv) service contract filing.

(3) Actual costs plus overhead expenses incurred during an examination of a life settlement provider shall be paid by the examined life settlement provider by the due date on the invoice.

R590-102-11. Professional Employer Organization (PEO) Fees.

(1) Annual license fees:

(a) PEO not certified by an assurance organization:

(i) initial, due with application -- \$2,000;

(ii) renewal, due by the due date on the invoice -- \$2,000;

(iii) late renewal, due for any renewal paid after the due date on the invoice -- \$2,050; and

(iv) reinstatement, due with reinstatement application -- \$2,050.

(b) PEO certified by an assurance organization:

(i) initial, due with application -- \$2,000;

(ii) renewal, due by the due date on the invoice -- \$1,000;

(iii) late renewal, due for any renewal paid after the due date on the invoice -- \$1,050; and

(iv) reinstatement, due with reinstatement application -- \$1,050.

(c) PEO small operator:

(i) initial, due with application -- \$2,000;

(ii) renewal, due by the due date on the invoice -- \$1,000;

(iii) late renewal, due for any renewal paid after the due date on the invoice -- \$1,050; and

(iv) reinstatement, due with reinstatement application -- \$1,050.

R590-102-12. Individual Resident and Non-Resident License Fees, Other Than Individual Navigators.

(1) Biennial license fees:

(a) initial, due with application -- \$70;

(b) renewal, due with renewal application -- \$70; and

(c) reinstatement, due with application for reinstatement -- \$120.

(2) Biennial limited line license fees:

(a) initial, due with application -- \$45;

(b) renewal, due with renewal application -- \$45; and

(c) reinstatement, due with application for reinstatement -- \$95.

(3) Other fees:

(a) addition of producer classification or line of authority to individual producer license, due with request for additional classification or line of authority -- \$25; and

(b) title insurance product or service approval for dual licensed title licensee form filing, due with filing -- \$25.

(4) The biennial license fee includes the following services:

(a) issuing a letter of certification;

(b) issuing a letter of clearance;

(c) issuing a duplicate license; and

(d) individual continuing education services.

R590-102-13. Individual Navigator Fees.

(1) Annual license fees:

(a) initial, due with application -- \$35;

(b) renewal, due with renewal application -- \$35; and

(c) reinstatement, due with application for reinstatement -- \$60.

(2) The annual license fee includes the following services:

(a) issuing a letter of certification;

(b) issuing a letter of clearance;

(c) issuing a duplicate license; and

(d) individual continuing education services.

R590-102-14. Agency License Fees, Other Than Navigator or Bail Bond Agency.

(1) Biennial resident and non-resident agency and limited line agency license fees:

(a) initial, due with application -- \$75;

(b) renewal, due with renewal application -- \$75; and

(c) reinstatement, due with application for reinstatement -- \$125.

(2) Biennial resident title agency license fees:

(a) initial, due with application -- \$100;

(b) renewal, due with renewal application -- \$100; and

(c) reinstatement, due with application for reinstatement -- \$150.

(3) Addition of producer classification or line of authority to agency license, due with request for additional classification or line of authority -- \$25.

(4) The biennial license fee includes the following services:

(a) issuing a letter of certification;

(b) issuing a letter of clearance;

(c) issuing a duplicate license;

(d) initial filing of a producer's designation to an agency license;

(e) terminating a producer's designation to an agency license;

- (f) filing an amendment to an agency license; and
- (g) filing a power of attorney.

R590-102-15. Navigator Agency Fees.

- (1) Annual license fees:
 - (a) initial, due with application -- \$40;
 - (b) renewal, due with renewal application -- \$40; and
 - (c) reinstatement, due with application for reinstatement -- \$65.
- (2) The annual license fee includes the following services:
 - (a) issuing a letter of certification;
 - (b) issuing a letter of clearance;
 - (c) issuing a duplicate license;
 - (d) initial filing of a producer's designation to an agency license;
 - (e) terminating a producer's designation to an agency license;
 - (f) filing an amendment to an agency license; and
 - (g) filing a power of attorney.

R590-102-16. Bail Bond Agency Fees.

- (1) Annual license fees:
 - (a) initial, due with application -- \$250;
 - (b) renewal, due with renewal application -- \$250; and
 - (c) reinstatement, due with application for reinstatement -- \$300.
- (2) The annual license fee includes the following services:
 - (a) issuing a letter of certification;
 - (b) issuing a letter of clearance;
 - (c) issuing a duplicate license;
 - (d) initial filing of a producer's designation to an agency license;
 - (e) terminating a producer's designation to an agency license;
 - (f) filing an amendment to an agency license; and
 - (g) filing a power of attorney.

R590-102-17. Continuing Care Provider Fees.

- (1) Annual registration fee:
 - (a) initial, due with application -- \$6,900;
 - (b) renewal, due by the due date on the invoice -- \$6,900; and
 - (c) reinstatement, due with application for reinstatement -- \$6,950.
- (2) Annual disclosure statement fee:
 - (a) initial, due with application -- \$600; and
 - (b) renewal, due with annual renewal disclosure statement -- \$600.

R590-102-18. Pharmacy Benefit Manager Licensing Fees.

- (1) Annual license fee:
 - (a) initial, due with application -- \$1,000;
 - (b) renewal, due by the due date on the invoice -- \$1,000;
 - (c) late renewal, due for any renewal paid after the due date on the invoice -- \$1,050; and
 - (d) reinstatement, due with application for reinstatement -- \$1,000.

R590-102-19. Guaranteed Asset Protection Provider Fees.

- (1) Annual provider registration fee:
 - (a) initial, due with application -- \$1,000;

- (b) renewal, due by the due date on the invoice -- \$1,000; and
- (c) late renewal, due for any renewal paid after the due date on the invoice -- \$1,050.

- (2) Annual retail seller assessment:
 - (a) annual assessment, due by the due date on the invoice -- \$50; and
 - (b) late ~~[fee]~~assessment, due for a retail seller assessment ~~[fee]~~paid after the due date on the invoice -- ~~[\$50]~~100.

R590-102-20. Continuing Education Fees.

- (1) Annual license fee:
 - (a) initial, due with application -- \$250;
 - (b) renewal, due with renewal application -- \$250; and
 - (c) reinstatement, due with application for reinstatement -- \$300.
- (2) Continuing education course post-approval fee, due with request for approval -- \$5 per credit hour, minimum fee \$25.

R590-102-21. Non-Electronic Processing or Payment Fees.

- (1) Non-electronic filing processing fee, due with each non-electronic filing or by the due date on the invoice -- \$5.
- (2) Non-electronic paper application processing fee, due with each non-electronic paper application or by the due date on the invoice -- \$25.
- (3) Non-electronic payment processing fee, due with each non-electronic payment or by the due date on the invoice -- \$25.

R590-102-22. Dedicated Fees.

- The fees listed in this section are dedicated to specific uses.
- (1) Fraud assessment:
 - (a) annual assessment under Section 31A-31-108, due by the due date on the invoice -- per invoice; and
 - (b) late fee, due for a fraud assessment fee paid after the due date on the invoice -- \$50.
 - (2) Annual title insurance regulation assessment: annual assessment under Section 31A-23a-415 and Rule R592-10, due by the due date on the invoice -- per invoice.
 - (3) Annual Title Recovery, Education, and Research Fund assessment under Section 31A-41-202:
 - (a) individual title insurance producer:
 - (i) initial, due with application -- \$15; and
 - (ii) renewal, due with renewal application -- \$15;
 - (b) agency title insurance producer, due with the initial application -- \$1,000; and
 - (c) annual agency title insurance producer assessment based on annual written title insurance premium, due by the due date on the invoice:
 - (i) Band A, \$0 to \$1 million -- \$125;
 - (ii) Band B, more than \$1 million to \$10 million -- \$250;
 - (iii) Band C, more than \$10 million to \$20 million -- \$375; and
 - (iv) Band D, more than \$20 million -- \$500.
 - (4) Health insurance actuarial review assessment under Section 31A-30-115 as appropriated by the legislature, due by the due date on the invoice -- per invoice.
 - (5) Code book fee:
 - (a) code book, due at time of purchase or by the due date on the invoice -- \$57; and
 - (b) mailing fee, due at time of purchase or by the due date on the invoice -- \$3.

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(6) Fingerprint fees, due with application for individual license:

- (a) Bureau of Criminal Investigation (BCI) -- \$15; and
- (b) Federal Bureau of Investigation (FBI) -- \$13.25.

R590-102-23. Electronic Commerce Dedicated Fees.

(1) Electronic commerce, e-commerce, and internet technology services fee:

- (a) admitted insurer and surplus lines insurer, due with the initial, renewal, or reinstatement application -- \$75;
- (b) captive insurance company, due with the initial, renewal, or reinstatement application -- \$250;
- (c) other organization including professional employer organization, continuing care provider, pharmacy benefit manager, and life settlement provider, due with the initial, renewal, or reinstatement application -- \$50;
- (d) continuing education provider, due with the initial, renewal, or reinstatement application -- \$20;
- (e) agency, due with the initial, renewal, or reinstatement application -- \$10; and
- (f) individual, due with the initial, renewal, or reinstatement application -- \$5.

~~[(a)-(2) Database access fees:]~~

~~[(a)-(2) Database access fee for information accessed through an electronic portal set up for that purpose, due when the department's database is accessed to input or acquire data -- \$3 per transaction; and~~

~~(b) rate and form filing database access to an electronic public rate and form filing, due at time of service or by the due date on the invoice;~~

~~(i) a separate fee is assessed per line of insurance accessed, for example, accident and health, life and annuity, or property and casualty;~~

~~(ii) each line of insurance accessed is charged the following fees:~~

~~(A) a base fee, which entitles the user to up to 30 minutes of access, the assistance of staff during that time, and one DVD -- \$45; and~~

~~(B) each additional 30 minutes of access time or fraction thereof, including the assistance of staff during that time -- \$45; and~~

~~(iii) each additional DVD -- \$2].~~

R590-102-24. Other Fees.

- (1) Photocopy fee -- \$0.50 per page.
- (2) Complete annual statement copy fee -- \$40 per statement.
- (3) Accepting service of legal process -- \$10.
- (4) Production of information list:
 - (a) printed list, if the information is already in list format and only needs to be printed or reprinted -- \$1 per page; and
 - (b) electronic list compiled by accessing information stored in the department's database:
 - (i) a separate fee is assessed for each list compiled;
 - (ii) each list is assessed one or more of the following fees:
 - (A) a base fee, which entitles the requestor to up to 30 minutes of staff time to draft the information query, compile the information, prepare a CD, and prepare a CD for mailing to the requestor, due with request for information -- \$50; and
 - (B) each additional 30 minutes or fraction thereof to draft the information query, compile the information, prepare a CD, and prepare a CD for mailing to the requestor, due by the due date on the invoice -- \$50; and

(iii) additional CD, due by the due date on the invoice -- \$1.

(5) Returned check fee -- \$20.

(6) Workers compensation loss cost multiplier schedule -- \$5.

(7) Address correction fee, assessed when department researches and enters a new address for a licensee, due by the due date on the invoice -- \$35.

(8) Independent review organization initial application fee, due with application -- \$250.

(9) Withdrawal from writing a line of insurance or reducing total annual premium volume by 75% or more, due with plan of orderly withdrawal submission -- \$50,000.

(10) Removing an administrative disciplinary action from a state-controlled website available to the public, due with application -- \$185.

R590-102-25. Severability.

If any provision of this rule, R590-102, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

KEY: insurance fees

Date of Last Change: ~~2023~~ **June 21, 2022**

Notice of Continuation: ~~December 8, 2021~~

Authorizing, and Implemented or Interpreted Law: 31A-3-103

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:	R920-60	Filing ID: 55183
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Agency Information

1. Department:	Transportation	
Agency:	Operations, Traffic and Safety	
Room no.:	Administrative Suite, 1st Floor	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, Utah 84114-8455	
Contact person(s):		
Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov

James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R920-60. Amusement Ride Safety
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The Department of Transportation proposes these changes to Rule R920-60 to incorporate further regulations for zip lines and add Association for Challenge Course Technology (ACCT) specifications specifically involved with requirements for zip line inspections and operation. It is also being modified to address the process for inspecting attractions that have received a major modification. ASTM references are being updated to the most current versions F770, F2959, and F3054. Additionally, various unneeded definitions are being removed, and technical and grammar changes are made to comply with the Utah Rulewriting Manual.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
These proposed changes clarify definitions and delete unneeded definitions, clarify required information for amusement ride operators, establish the ACCT requirements for use with zip lines, updates ASTM specification references, and makes technical and grammar changes to comply with the Utah Rulewriting Manual.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
These proposed changes may cause a measurable fiscal impact on the state's budget because they adopt new standards by which inspectors will conduct amusement rides safety inspections. However, the director of the amusement ride safety committee is not able to project what this impact may be before the changes are in place and being followed by the inspectors.
B) Local governments:
These proposed changes may cause a measurable fiscal impact on local governments that operate amusement

rides because they adopt new standards by which inspectors will conduct amusement rides safety inspections. However, the director of the safety committee is not able to project what this impact may be before the changes are in place and being followed by the inspectors.

C) Small businesses ("small business" means a business employing 1-49 persons):

These proposed changes may cause a measurable fiscal impact on small businesses that operate amusement rides because they adopt new standards by which inspectors will conduct amusement rides safety inspections. However, the director of the amusement ride safety committee is not able to project what this impact may be before the changes are in place and being followed by the inspectors.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

These proposed changes may cause a measurable fiscal impact on non-small businesses that operate amusement rides because they adopt new standards by which inspectors will conduct amusement rides safety inspections. However, the director of the amusement ride safety committee is not able to project what this impact may be before the changes are in place and being followed by the inspectors.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

These proposed changes may cause a measurable fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities that run amusement rides because they adopt new standards by which inspectors will conduct amusement rides safety inspections. However, the director of the amusement ride safety committee is not able to project what this impact may be before the changes are in place and being followed by the inspectors.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

These proposed changes may result in compliance costs for affected persons because they adopt new standards by which inspectors will conduct amusement rides safety inspections. However, the director of the amusement ride safety committee is not able to project what these costs may be before the changes are in place and being followed by the inspectors.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in

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this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Transportation, Carlos M. Braceras, PE, has reviewed and approved this fiscal analysis.

Citation Information**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 72-16-203

Incorporations by Reference Information**7. Incorporations by Reference :****A) This rule adds, updates, or removes the following title of materials incorporated by references:**

Official Title of Materials Incorporated (from title page)	F770-22 Standard Practice for Ownership, Operation, Maintenance, and Inspection of Amusement Rides and Devices
-------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------

Publisher	ASTM International (ASTM)
Issue Date	June 1, 2022
Issue or Version	F770-22

B) This rule adds, updates, or removes the following title of materials incorporated by references:

Official Title of Materials Incorporated (from title page)	F2959-22 Standard Practice for Aerial Adventure Courses
Publisher	ASTM International (ASTM)
Issue Date	June 1, 2022
Issue or Version	F2959-22

C) This rule adds, updates, or removes the following title of materials incorporated by references:

Official Title of Materials Incorporated (from title page)	F3054-18 Standard Practice for Operations of Amusement Railway Rides, Devices, and Facilities
Publisher	ASTM International (ASTM)
Issue Date	March 1, 2018
Issue or Version	F3054-18

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 02/14/2023

9. This rule change MAY become effective on: 02/21/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	01/03/2023
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R920. Transportation, Operations, Traffic and Safety.**R920-60. Amusement Ride Safety.****R920-60-1. Purpose.**

This rule establishes standards for the inspection and operation of amusement rides operated in Utah in the interest and safety of the [general] public. This rule also provides a permitting process for amusement rides, a certification process for [Q]qualified

[S]safety [F]inspectors, and implementation of powers and duties of the Utah Amusement Ride Safety Committee and its director.

R920-60-2. Authority.

This rule is authorized by Section 72-16-203 to implement Title 72, Chapter 16, Amusement Ride Safety Act.

R920-60-3. Scope.

(1) This rule shall apply to all amusement rides operated in Utah and owned~~[F] or~~ operated by any individual, corporation, company, firm, partnership, association, or state or local government agency.

(2) This rule shall not apply to:

- (a) a coin-operated amusement ride that:
 - (i) is manually, mechanically, or electrically operated;
 - (ii) is customarily placed in a public location; and
 - (iii) does not typically require the supervision or services of an operator;

(b) playground equipment including swings, seesaws, stationary spring-mounted animal features, rider propelled merry-go-rounds, climbers, slides, swing sets, and physical fitness devices;

(c) a live animal ride or live animal show;

(d) a challenge, exercise, or obstacle course, including competitive events and participant propelled aerial adventure courses and ropes courses;

(e) a trampoline;

(f) an inflatable device;

(g) a water-based recreational attraction where complete or partial immersion is intended, including a water slide, wave pool, or water park;

(h) a race-kart designed for the sole purpose of racing on a track, street, or another area of competition, and not to be used by the ~~[general]~~public in an amusement facility setting;

(i) a skating rink, arcade, laser paintball game, bowling alley, miniature golf course, ball crawl, an item of exercise equipment, jet ski, paddleboat, airboat, hot air balloon whether tethered or untethered, batting cage, game, and sideshow;

(j) an amusement ride operated at a private event that is not open to the ~~[general]~~public and not subject to a separate admission charge or any amusement ride owned and operated by a non-profit organization ~~[which]~~that meets all the requirements in this rule and operates their amusement rides less than eight days in any calendar year;

(k) a passenger ropeway as defined in Section 72-11-102;

(l) a tractor ride and wagon ride; or

(m) a motion seat in a movie theater for which the manufacturer does not require a restraint.

R920-60-4. Definitions.

In addition to terms defined ~~[at]~~in Section 72-16-102, the following terms are defined as follows:

(1) "ACCT" means the Association for Challenge Course Technology.

~~[(4)](2)~~ "Aerial Adventure Course" means a patron participatory facility or facilities consisting of one or more elevated walkways, platforms, ~~[Z]zip [L]ines~~, nets, ropes, or other elements that require the use of fall hazard ~~[P]personal [S]safety [E]equipment~~ (PSE). Aerial ~~[A]adventure [C]ourses~~ are typically referred to as ropes courses, ~~[F]free [F]all [D]devices~~, and ~~[Z]zip [L]lines~~ in ~~[the regulation]~~this rule.

~~[(2)](3)~~ "AIMS International" means Amusement Industry Manufacturers and Suppliers International.

~~[(3)](4)~~ "Amusement Ride" means a device or combination of devices or elements that carries or conveys one or more riders along, around, or over a fixed or restricted route or course or allows the riders to steer or guide the device within an established area to give the riders amusement, pleasure, thrills, or excitement.

~~[(4)](5)~~ "Amusement Ride, Kiddie Ride" means an amusement ride designed primarily for children up to 12 years of age.

~~[(5)](6)~~ "Amusement Ride, Non-Kiddie Ride" means an amusement ride not defined as a ~~[K]kiddie [R]ride~~ amusement ride.

~~[(6)](7)~~ "Annual Permit" means the amusement ride operating permit issued for a ~~[P]permanent [A]amusement [R]ride~~ or a ~~[M]mobile [A]amusement [R]ride~~ and is issued by the director and is valid for a period of one year.

~~[(7)](8)~~ "Certificate of Inspection" means the documentation of an amusement ride ~~[I]inspection~~ conducted by a ~~[Q]qualified [S]safety [I]inspector~~.

~~[(8)](9)~~ "Climbing Wall" means an artificially constructed wall with holds for hands and feet used for climbing. Regulated climbing walls include climbing walls located in amusement settings and fixed or portable climbing walls for use by the general public as amusement rides and not for sport or fitness training.]

(9) "Concession Go-Karts" means a single-vehicle that is powered without connection to a common energy source, which is driver-controlled for acceleration, speed, braking, and steering, which operates within the containment system of a defined track, which simulates competitive motorsports, and which is used by the ~~[general]~~public. Concession go-karts typically operate at speeds of up to 25 miles per hour.

(10) "Director" means the director of the Amusement Ride Safety Committee, ~~[is]~~facilitated by the Utah Department of Transportation, or a designee thereof, which may include an employee of the ~~[D]department of [T]ransportation~~ or another person.

~~[(11)](12)~~ "Free-Fall Device" means a component of an Aerial Adventure Course used to control a patron's intentional descent from an elevated structure and engineered to allow the patron to experience a rapid initial drop while ensuring a controlled landing.

~~[(12)](13)~~ "Information Plate" means a manufacturer issued information plate, printed in English, which is permanently affixed to an amusement ride in a visible location and designed to remain legible for the expected life of an amusement ride. The plate shall include the following applicable items:

~~[(a)](14)~~ "Ride Serial Number" means a manufacturer issued unique identifying number or code affixed to the amusement ride in a permanent fashion.

~~[(b)](15)~~ "Ride Name and Manufacturer" means a manufacturer issued unique identifying ride name, including the manufacturer's name by city, state, and country.

~~[(c)](16)~~ "Ride Model Number" means a manufacturer issued unique identifying number or code assigned to each manufactured type of amusement ride having the same structural design or components.

~~[(d)](17)~~ "Date of Manufacture" means the date determined by the manufacturer that the given amusement ride met the required construction specifications.

~~[(e)](18)~~ "Ride Speed" means maximum and minimum revolutions per minute, feet per second, or miles per hour, as applicable.

~~[(f)](19)~~ "Direction of Travel" means when the proper direction of travel is essential to the amusement ride's design operation, the manufacturer shall designate the direction of travel, including a reference point for this designation.

~~(g) "Rider Capacity by Weight" means the maximum total rider weight per rider position.~~

~~(h) "Rider Capacity by Number" means the maximum total number of adult or child riders per rider position and per amusement ride.]~~

~~[(13)](11) "Inspection for Annual Permit" means a procedure to be conducted before applying for an [A]annual [P]permit, or at the time of a [M]major [M]modification, by a [Q]qualified [S]safety [H]inspector to determine whether an amusement ride complies with the standards under this rule.~~

~~[(14)](12) "Inspection, Daily" means a procedure to be performed and recorded by the owner-operator of an amusement ride, or the operator's designee on days the amusement ride will be operated for the [general]public that confirms the current operational safety of the amusement ride following this rule and the manufacturer's recommendations, as applicable.~~

~~[(15)](13) "Major Modification" means any change in either the structural or operational characteristics of the amusement ride that will alter its performance from that specified in the manufacturer's design criteria.~~

~~[(16)](14) "Mobile Amusement Ride" means an amusement ride that is:~~

~~(a) designed or adapted to be moved from one location to another;~~

~~(b) not fixed at a single location; and~~

~~(c) relocated at least once each calendar year.~~

~~[(17)](15) "Multi Ride Annual Permit" means the amusement ride operating permit issued for multiple rides at an amusement park that employs more than 1,000 individuals in a calendar year and is issued by the director and is valid for a period of one year.~~

~~[(18)](16) "NAARSO" means National Association of Amusement Ride Safety Officials.~~

~~[(19)](17) "Operator" means an individual who controls the starting, stopping, or speed of an amusement ride.~~

~~[(20)](18) "Owner-Operator" means an individual who has control over and responsibility for the maintenance, setup, and operation of an amusement ride.~~

~~[(21)](19) "Permanent Amusement Ride" means an amusement ride that is not a mobile amusement ride.~~

~~[(22)](20) "Qualified Safety Inspector[s] (QSI)" means an individual who holds a valid qualified Utah safety inspector certification.~~

~~[(23)](21) "Race-Karts" means go-karts designed for the sole purpose of racing on tracks, streets, or other areas of competition, and not to be used by the [general]public in an amusement facility setting.~~

~~[(24)](22) "Reportable Serious Injury" means an injury to a rider that:~~

~~(a) occurs when there is a failure or malfunction of an amusement ride; and~~

~~(b) results in death, dismemberment, permanent disfigurement, permanent loss of the use of a body organ, member, function or system, or a compound fracture.~~

~~[(25)](23) "Serious Injury" means an injury to a rider that:~~

~~(a) occurs when there is a failure or malfunction of an amusement ride; and~~

~~(b) requires immediate admission to a hospital and overnight hospitalization and observation by a licensed physician.~~

~~[(26)](24) "Service Proven" means, as defined in ASTM F2291-18, "an amusement ride or to an amusement ride of which units have been in service to the public for a minimum of five years and units~~

~~that have been in service have done so without any significant design-related failures or significant design-related safety issues that have not been mitigated."~~

~~[(27)](25) "Service Proven Practice" means as defined in ASTM F2291-18, "a policy or procedure used in association with an amusement ride or device, which (1) has been in service to the public for a minimum of five years, and (2) has done so without any significant safety-related issues that have not been mitigated."~~

~~[(28)](24) "Zip Line" means an aerial adventure course element over an open span consisting of an inclined wire or fiber rope on which a harnessed patron suspended from a pulley or trolley traverses with the primary force for propulsion being gravity[a concession, commercial amusement device where participants attached to a pulley traverse by gravity from one point to another by use of a cable or rope line suspended between support structures].~~

~~[(29)](25) "Zip Line Tour or Zip Line Course" means a guided aerial exploration or transit of a landscape employing a series of Zip Lines and platforms typically supported by human-made structures.]~~

R920-60-5. General Requirements for Amusement Rides.

(1) General Requirements for Amusement Ride Operation. Beginning on April 1, 2022, a person may not operate an amusement ride in the state that is open to the public until they meet the following general requirements:

(a) apply for and receive a valid permit to operate an amusement ride in the state;

(b) to apply for a permit, provide certification of an inspection completed following Section R920-60-8 for each inspection conducted by a [Q]qualified [S]safety [H]inspector;

(c) report serious injuries as required by statute and rule;

(d) not operate a mobile amusement ride after a [R]reportable [S]serious [H]injury until authorized by the director;

(e) maintain insurance on amusement rides as required by statute and rule; and

(f) conduct daily inspections and maintain documentation for daily inspections for one year.

(2) General [R]requirements for [Q]qualified [S]safety [H]inspectors:

(a) become certified by the director as a [Q]qualified [S]safety [H]inspector;

(b) as a [Q]qualified [S]safety [H]inspector, conduct inspections following this rule; and

(c) as a [Q]qualified [S]safety [H]inspectors, maintain insurance as required by this rule.

(3) The Amusement Ride Safety Committee incorporates by reference the following STM International standards:

(a) F770-22 Standard Practice for Ownership, Operation, Maintenance, and Inspection of Amusement Rides and Devices;

(b) F2959-22 Standard Practice for Aerial Adventure Courses; and

(c) F3054-18 Standard Practice for Operations of Amusement Railway Rides, Devices, and Facilities.

R920-60-6. Application for Annual Permit.

To obtain or renew an [A]annual [P]permit or [M]multi-[R]ride [A]annual [P]permit, the owner-operator shall submit an application to the director that contains the following information:

(1) Annual Permit for Mobile Amusement Ride. The owner-operator shall submit an application to the director that contains the following information and is in a form prescribed by the director:

(a) the owner-operator's name and address;

(b) a description of the mobile amusement ride, including the manufacturer's name, ~~the~~ serial number, and model number;

(c) each known location in the state where the owner-operator intends to operate the mobile amusement ride during the 12-month period for which the ~~A~~ annual ~~P~~ permit is valid;

(d) the name and contact information of the fair, show, landlord, or property owner for each location of operation;

(e) the dates on which the owner-operator intends to set up the mobile amusement ride at each location;

(f) the dates on which the owner-operator intends to operate the mobile amusement ride for use by the ~~general~~ public at each location listed;

(g) proof of compliance with insurance requirements as described in Subsection R920-60-6(6);

(h) a safety inspection certification in a form approved by the director, signed by a ~~Q~~ qualified ~~S~~ safety ~~H~~ inspector dated no more than 30 days before the day on which the owner-operator submits the application for an ~~A~~ annual ~~P~~ permit; and

(i) a fee established by the committee.

(2) Owner-operators of mobile amusement rides shall update the information described in Subsection R920-60-6(1)(c) if the owner-operator learns of a new location where the owner-operator intends to operate the mobile amusement ride. A mobile amusement ride ~~cannot~~ shall not be operated unless the owner-operator includes the location of the ride:

(a) in the owner-operator's application or renewal for an ~~A~~ annual ~~P~~ permit; or

(b) in an update that the owner-operator submits to the director at least 30 days before the day on which the owner-operator sets up the mobile amusement ride at the location.

(3) Annual Permit for Permanent Amusement Ride. The owner-operator shall submit an application to the director that contains the following and is in a form prescribed by the director:

(a) the owner-operator's name and address;

(b) a description of the permanent amusement ride, including the manufacturer's name, ~~the~~ serial number, and model number;

(c) the location in the state where the owner-operator will operate the permanent amusement ride;

(d) the first date on which the owner-operator intends to operate the permanent amusement ride for use by the ~~general~~ public;

(e) proof of compliance with insurance requirements as described in Subsection R920-60-6(6) Insurance;

(f) a safety inspection certification in a form approved by the director, signed by a ~~Q~~ qualified ~~S~~ safety ~~H~~ inspector dated no more than 30 days before the day on which the owner-operator applies for an ~~A~~ annual ~~P~~ permit; and

(g) a fee established by the committee.

(4) Multi Ride Annual Permit. For each amusement ride located at an amusement park that employs more than 1,000 individuals in a calendar year, the owner-operator shall submit an application to the director that contains the following and is in a form prescribed by the director:

(a) the amusement park's name and address;

(b) a list of each amusement ride located at the amusement park, including a description of each amusement ride;

(c) the first date on which the owner-operator intends to operate the permanent amusement ride for use by the ~~general~~ public;

(d) proof of compliance with insurance requirements as described in Subsection R920-60-6(6) -Insurance;

(e) safety inspection certification in a form approved by the director, signed by a ~~Q~~ qualified ~~S~~ safety ~~H~~ inspector dated no more than 30 days before the day on which the owner-operator submits the application for an ~~A~~ annual ~~P~~ permit; and

(f) a fee established by the committee.

(5) Permit Fees.

(a) Annual Permit:

(i) Kiddie Ride: \$100.00; or

(ii) Non-Kiddie Ride: \$100.00.

(b) Multi-Ride Annual Permit. For each amusement ride located at an amusement park that employs more than 1,000 individuals in a calendar year:

(i) Kiddie Ride: \$100.00; or

(ii) Non-Kiddie Ride: \$100.00.

(6) Insurance. Amusement ride owner-operators shall be covered by liability insurance in not less than ~~the~~ the following minimum amounts:

(a) Owner-operators with 1,000 employees or fewer:

(i) \$1,000,000 for bodily injury per occurrence;

(ii) \$250,000 for property damage per occurrence; and

(iii) \$3,000,000 annual aggregate limit.

(b) Owner-operators with more than 1,000 employees:

(i) \$5,000,000 for bodily injury per occurrence;

(ii) \$1,000,000 for property damage per occurrence; and

(iii) \$10,000,000 annual aggregate limit.

(c) An owner-operator or amusement park must maintain proof of insurance covering each amusement ride and make the documentation available to the director upon request.

(7) Issuance of Annual Permit. If the director provides written notice of deficiency in the application, the director will provide the ~~A~~ annual ~~P~~ permit or a written denial within a reasonable amount of time.

R920-60-7. Safety Inspection Certification.

(1) Daily ~~H~~ Inspection. Each day an amusement ride is to be operated for the ~~general~~ public, the owner-operator, or the owner-operator's designee, shall conduct a daily documented and signed pre-opening inspection, based upon provided instructions, to verify the proper operation of the amusement ride. Daily ~~P~~ pre-~~O~~ opening ~~H~~ inspections shall be consistent with the ~~H~~ inspection ~~P~~ program ~~R~~ requirements outlined in practices ASTM F770-~~19~~ 22 Sections 7.1 and 7.2, or the other applicable standards in ~~s~~ Section R920-60-9. A record of each daily inspection shall be maintained for at least one year after the day on which the inspection is performed.

(2) Inspection for Annual Permit Application. Each amusement ride intending to operate in the ~~S~~ state ~~must~~ be inspected by a qualified safety inspector ~~(QSI)~~ no more than 30 days ~~prior to~~ before the submittal of the application for an Annual Permit in the ~~S~~ state. Upon successfully completing the inspection, the ~~QSI~~ qualified safety inspector shall provide the owner-operator with a certificate of inspection in a form approved by the director for submission with the application for an ~~A~~ annual ~~P~~ permit.

R920-60-8. Qualified Safety Inspector Requirements.

(1) Certification Requirements. To obtain a qualified safety inspector certification from the director, the applicant shall submit an application and fee as established by the committee that must include the following information that demonstrates the applicant:

NOTICES OF PROPOSED RULES

(a) is a professional engineer, licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, or an engineer with a comparable license from another state as determined by the committee; and has at least three years of experience in the amusement ride industry, at least two of which include actual inspection of amusement rides for an owner-operator, manufacturer, government agency, amusement park, carnival, or insurer; or

(b) has at least three years of experience inspecting amusement rides for an owner-operator, manufacturer, government agency, amusement park, carnival, or insurer; and has obtained and maintains at least a current Level II NAARSO, ~~or~~ Level II AIMS, ~~[F]~~ international certification, or an ACCT Level II Professional Inspector, which shall only be accepted for zip line inspections; or

(c) has at least three years of experience inspecting amusement rides for an owner-operator, manufacturer, government agency, amusement park, carnival, or insurer; and is a member of and actively participates in an entity that develops standards applicable to the operation of amusement rides and:

(i) is employed by an amusement park that employs more than 1,000 individuals in a calendar year; or

(ii) the individual is an employee or authorized agent of an insurance company.

(2) The director may deny, suspend, or revoke a qualified safety inspector certification if an individual fails to satisfy a requirement of this rule.

(3) A [Q]qualified [S]safety [F]inspector shall pay the following Registration Fees:

(a) initial application fee: \$50.00; or

(b) renewal fee, every two years: \$40.00.

(4) A [Q]qualified [S]safety [F]inspector shall:

(a) maintain insurance in not less than the following minimum amounts:

(i) \$1,000,000 bodily injury;

(ii) \$250,000 property damage; and

(iii) \$2,000,000 aggregate; and

(b) maintain proof of insurance and make the documentation available to the director upon request.

(5) Certification Renewal. To obtain a renewal of a qualified safety inspector certification, a qualified safety inspector shall submit to the director a fee established by the committee and a renewal application that demonstrates that the qualified safety inspector:

(a) satisfies the requirements described in ~~[s]~~ Subsection 1 of this section; and

(b) during the previous two-year period, completed at least 12 hours of continuing education instruction provided by:

(i) a nationally recognized amusement industry organization;

(ii) a nationally recognized organization in a relevant technical field;

(iii) an owner-operator, through an owner-operator-run safety program approved by the committee; or

(iv) an amusement park that employs more than 1,000 individuals in a calendar year.

(6) Certification ~~[i]~~ Issuance. The director shall issue a ~~[Q]~~qualified ~~[S]~~safety ~~[F]~~inspector certification to each individual who submits an application or a renewal application in a form prescribed by the director and complies with the requirements of this section and any applicable rules and fees.

(7) Certification expiration. A qualified safety inspector certification expires two years after the day on which the director issues the qualified inspector certification.

(8) Suspension or Revocation of Certification. Notification of Suspension. The director shall notify a ~~[Q]~~qualified ~~[S]~~safety ~~[F]~~inspector of the suspension of a certification. The director may suspend the certification of a ~~[QSF]~~qualified safety inspector with intent to revoke for the following reasons:

(a) The ~~[QSF]~~qualified safety inspector has been convicted of or entered a plea of guilty or no contest to a crime related to the performance of amusement ride safety inspections in any court in the United States.

(b) The ~~[QSF]~~qualified safety inspector ~~[has admitted]~~ to conduct constituting a crime related to the performance of an amusement ride safety inspection.

(c) The ~~[QSF]~~qualified safety inspector has falsified information or submitted a deceptive or fraudulent statement or document connected with certification as a ~~[QSF]~~qualified safety inspector or inspection of an amusement ride.

(d) The ~~[QSF]~~qualified safety inspector has demonstrated willful wrongdoing that reflects a lack of integrity in certification as a ~~[QSF]~~qualified safety inspector or inspection of an amusement ride.

(e) The ~~[QSF]~~qualified safety inspector has been suspended as a ~~[QSF]~~qualified safety inspector in another state.

(f) The ~~[QSF]~~qualified safety inspector has performed previous or current work in an unsatisfactory manner as determined by the director.

(g) Failure of the ~~[QSF]~~qualified safety inspector to observe the owner or operator of an amusement ride facility's safety practices and policies.

(h) The director reasonably believes and finds that the public health, welfare, or safety requires suspension.

(9) The ~~[QSF]~~qualified safety inspector may not perform inspections of amusement rides during a suspension of their certification.

(10) Right to Appeal. Upon notification of suspension, the ~~[QSF]~~qualified safety inspector has 30 days to appeal to the director. The director will promptly schedule a hearing with the Amusement Ride Safety Committee to hear the appeal. The committee may choose to uphold the suspension and revoke the certificate or return the ~~[QSF]~~qualified safety inspector to good standing. The committee shall determine the length of the revocation and notify the ~~[QSF]~~qualified safety inspector in writing. If the ~~[QSF]~~qualified safety inspector chooses not to appeal within the stated time frame, the director may issue the certificate's written revocation.

R920-60-9. Amusement Ride Operating Requirements and Governing Standards.

(1) The operation of an amusement ride in the ~~[S]~~state shall comply with the following applicable sections of the ASTM F-24 standards:

(a) F770-~~[19]~~22 Standard Practice for the Ownership, Operation, Maintenance, and Inspection of Amusement Rides and Devices:

(i) Section 4. Owner~~[s]~~ Operator's Responsibility;

(ii) Section 5. Operations Program Requirements;

(iii) Section 6. Maintenance Program Requirements;

(iv) Section 7. Inspection Program Requirements; and

(v) Section 8. Training Program Requirements;

(b) F2007-18 Standard Practice for Design, Manufacture, and Operation of Concession Go-Karts and Facilities, Section 7. Concession Go-Kart Facility Operations;

(c) F2460-19 Standard Practice for Special Requirements for Bumper Boats:

- (i) Section 6. Ownership and Operation Requirements;
- (ii) Section 7. Operational Requirements; and
- (iii) Section 8. Maintenance Requirements;

(d) F2959-[49]22 Standard Practice for Aerial Adventure Courses, Section 5. Ownership, Operation, Maintenance, Inspection, and Training Requirements; and

(e) F3054-[49]18 Standard Practice for Operations of Amusement Railway Rides, Devices, and Facilities.

R920-60-10. Rider Responsibility.

Section 78B-4-507 governs rider responsibility.

R920-60-11. Reporting of Injuries.

(1) Reporting of Injuries. As defined in Section 72-16-102, every reportable serious injury must be reported to the director within eight hours after the owner-operator learns of the reportable serious injury. The report to the director must include the following information:

- (a) the owner-operator's name and contact information;
- (b) the location of the amusement ride ~~[at the time the]~~when reportable serious injury occurred;
- (c) a description of the amusement ride;
- (d) a description of the nature of the reportable serious injury; and
- (e) other information required by this rule.

(2) In addition to the report to the director required by Subsection ~~R920-60-11(1)~~, an owner-operator of a mobile amusement ride shall report each known reportable serious injury and serious injury to the fair, show, landlord, or owner of the property upon which the mobile amusement ride was located ~~[at the time the]~~when reportable serious injury or serious injury occurred.

(3) After a reportable serious injury, the owner-operator may not operate the mobile amusement ride until the owner-operator receives written authorization from the director.

R920-60-12. Modification of an Amusement Ride.

~~[Intentionally left blank.]~~

(1) The owner-operator shall inform the qualified safety inspector at the time of the inspection if an amusement ride has undergone a major modification.

(2) The qualified safety inspector shall indicate on the certificate of inspection if an amusement ride has undergone a major modification.

R920-60-13. Penalty for Violation.

(1) If an owner-operator or operator violates ~~[a provision of]~~ this rule concerning an amusement ride, the director may:

- (a) deny, suspend, or revoke, in whole or in part, the owner-operator's annual amusement ride permit or multi-ride permit for the amusement ride;
- (b) impose fines or administrative penalties per this rule; or
- (c) both.

(2) The director may file an action in district court to enjoin the operation of an amusement ride if the director finds an owner-operator has violated ~~[a provision of]~~ this rule.

(3) If the director finds an owner-operator has violated this rule, the director may issue a citation according to the following schedule, maximum by type of violation:

(a) Operating an amusement ride without a current permit, the director may issue a citation per violation, per amusement ride, per day of:

- (i) 1st Offense: \$500.00; or
- (ii) 2nd Offense: \$1,000.00.

(b) Owner-operator fails to notify the director of intent to operate within the state;

- (i) 1st Offense: \$500.00; or
- (ii) 2nd Offense: \$1,000.00.

(c) Operating an amusement ride without proper liability insurance, the director may issue a citation per violation, per amusement ride, per day of:

- (i) 1st Offense: \$500.00; or
- (ii) 2nd Offense: \$1,000.00.

(d) Operating an amusement ride without current safety inspection certification, the director may issue a citation per violation, per amusement ride, per day of:

- (i) 1st Offense: \$500.00; or
- (ii) 2nd Offense: \$1,000.00.

(e) Operating an amusement ride in violation of a cease-~~and-desist~~ order, the director may issue a citation per violation, per amusement ride, per day of:

- (i) 1st Offense: \$1,000.00; or
- (ii) 2nd Offense: \$2,500.00.

(f) Failing to report a reportable injury to the director within eight hours after the owner-operator learns of the reportable serious injury, the director may issue a citation per violation, per amusement ride, per day of:

- (i) 1st Offense: \$1,000.00; or
- (ii) 2nd Offense: \$1,500.00.

(g) Operating an amusement ride by an unqualified person, the director may issue a citation per violation, per amusement ride, per day of:

- (i) 1st Offense: \$500.00; or
- (ii) 2nd Offense: \$1,000.00.

(h) Failing to maintain records of an amusement ride following this rule:

- (i) 1st Offense: \$500.00; or
- (ii) 2nd Offense: \$1,000.00.

(i) Failing to report a serious physical injury to a fair, show, landlord, or property owner, the director may issue a citation per violation, per amusement ride, per day of:

- (i) 1st Offense: \$500.00; or
- (ii) 2nd Offense: \$750.00.

(j) Failing to update operation locations with the director before operating, the director may issue a citation per violation, per amusement ride, per day of:

- (i) 1st Offense: \$250.00; or
- (ii) 2nd Offense: \$500.00.

(k) Falsifying an application to the director:

- (i) 1st Offense: \$1,000.00; or
- (ii) 2nd Offense: \$1,500.00.

(l) Denying the director access to an amusement ride:

- (i) 1st Offense: \$1,000.00; or
- (ii) 2nd Offense: \$1,500.00.

(m) Other violations of Title 72, Chapter 16, Amusement Ride Safety Act or this rule not listed:

- (i) 1st Offense Warning; or
- (ii) 2nd Offense: \$250.00.

NOTICES OF PROPOSED RULES

(4) The director will not renew an annual permit if the owner-operator has unresolved outstanding violations or unpaid fines.

KEY: transportation safety, amusement ride, amusement ride permit, amusement ride penalty

Date of Last Change: 2023~~[March 19, 2021]~~

Authorizing, and Implemented or Interpreted Law: 72-16-203

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends February 14, 2023.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (example). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (.) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through May 15, 2023, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF CHANGE IN PROPOSED RULE		
Rule or Section Number:	R623-8	Filing ID: 55029
Date of Previous Publication:	12/15/2022	

Agency Information

1. Department:	Lieutenant Governor	
Agency:	Elections	
Room number:	220	
Street address:	350 N State Street	
City, state and zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 142325	
City, state and zip:	Salt Lake City, UT 84114	
Contact persons:		
Name:	Phone:	Email:
Ryan Cowley	801-538-1041	elections@utah.gov
Shelly Jackson	801-538-1041	elections@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R623-8. Ballot Chain of Custody
3. Reason for this change (Why is the agency submitting this filing?):
The statement requiring identification for election officials should only apply to those officials engaged in ballot collection. Under Section R623-8-4, General Duties, the sentence requiring an election official to be identifiable through the use of a badge, uniform, or other marking was moved to Section R623-8-5, Ballot Collection. This clarifies the original intent.
4. Summary of this change (What does this filing do?):
This filing limits the requirement of identification to election officials doing ballot collection only. (EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the December 15, 2022, issue of the Utah State Bulletin, on page 44. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the

CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:			
A) State budget:			
This change clarifies the original intention. There is no fiscal impact.			
B) Local government:			
This change clarifies the original intention. There is no fiscal impact.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
This change clarifies the original intention. There is no fiscal impact.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
This change clarifies the original intention. There is no fiscal impact.			
E) Persons other than small businesses, non-small businesses, or state or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
This change clarifies the original intention. There is no fiscal impact.			
F) Compliance costs for affected persons:			
This change clarifies the original intention. There is no fiscal impact.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Lieutenant Governor of the Governor's Office, Deidre M. Henderson, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 20A-3a-404		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	No Formal Comment Period

9. This rule change MAY become effective on:	02/14/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Ryan Cowley, Director	Date:	12/22/2022
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R623. Lieutenant Governor, Elections.**R623-8. Ballot Chain of Custody.****R623-8-1. Purpose.**

This rule establishes requirements and guidelines for an election official regarding ballot security, including the custody, documentation of custody, handling, processing, disposition, and tabulation of ballots.

R623-8-2. Authority.

This rule is authorized by Section 20A-3a-404 and enacted under the authority of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R623-8-3. Definitions.

In addition to the terms defined in Section 20A-1-102, the following definitions apply to this rule:

"Active ballot" means a ballot that is being processed for a current election.

"Chain of Custody" means the sequence of custody, control, and transfer of materials.

R623-8-4. General Duties.

~~[(1)]~~An election official shall be accompanied by at least one additional election official when active ballots are handled, collected, delivered to ballot processing centers, or processed.

~~[(2)] An election official shall be identifiable as an election official through the use of a badge, uniform, or other markings.~~

R623-8-5. Ballot Collection.

(1) An election official shall document the following information each time active ballots are collected:

- (a) names of any election official collecting ballots;
- (b) the name of the collection site, for example, drop box or post office;
- (c) date and time of the ballot collection;
- (d) the seal number used to secure the ballots; and
- (e) any damage to ballots, ballot box, and concerns, including unusual situations or irregularities.

(2) An election official shall document the following information each time active ballots are received by the ballot processing center:

- (a) the time and date active ballots are returned to the ballot processing center;
- (b) seal numbers when received at the ballot processing center; and
- (c) the recorded number of active ballots received at the ballot processing center.

(3) An election official shall be identifiable as an election official through the use of a badge, uniform, or other markings when engaging in ballot collection.

R623-8-6. Ballot Processing.-

(1) Active ballots shall be processed in a secure location where access is controlled by an election official.

(2) An election official shall ensure that active ballots in a processing center are secured or monitored.

(3) An election official shall ensure that active ballots are:

(a) divided into batches and separated from other active ballots through each step of the process; and

(b) clearly identified as to which stage of the process they are in.

(4) On each day that tabulation is performed, tabulated active ballots shall be reconciled by an election official at least once a day against:

(a) the statewide voter registration database; and

(b) the number of processed active ballots for that processing session.

(5) An election official shall ensure that each batch of active ballots is documented, noting the completion of each step according to Section R623-8-10.

(6) An election official shall ensure that the name of each watcher is documented, potentially via a sign in and out with the date and time.

(7) An election official shall provide clear and consistent instructions to watchers when checking in in accordance with Section 20A-3a-801.

(8) An election official shall ensure that counted and uncounted active ballots are clearly marked as such and are segregated from each other.

(9) An election official shall ensure that each replicated active ballot is documented in accordance with Subsection 20A-4-104(3).

(10) An election official shall document the following when adjudicating active ballots:

(a) the names of each election official adjudicating the active ballot; and

(b) a record of which active ballots the official adjudicated.

(11) Ballot processing centers may be monitored by cameras; if so, a retention policy shall be developed and implemented regarding the storage of camera footage.

(12) Ballot processing centers shall be viewable to the public, but accessible only to authorized personnel.

R623-8-7. Polling Place Ballots.

(1) An election official shall ensure that the number of voters checked in at a polling place shall be reconciled with the number of voted active ballots received at the polling place.

(2) At the polling place, an election official shall ensure that the following information is documented:

(a) the name of each election official receiving and delivering active ballots; and

(b) how many active ballots were received at the ballot processing center.

R623-8-8. Equipment.

(1) The county clerk, or a designee, shall document each election official that has access to each piece of equipment and the level of access maintained by each election official.

(2) An election official shall ensure the following:

(a) each piece of election equipment has a barcode or control number on an access point that can be tracked; and

(b) each barcode or control number is documented.

(3) An election official shall ensure that any election equipment maintenance is documented in accordance with Subsection 20A-5-902(2).

(4) An election official shall be present for any equipment maintenance.

R623-8-9. Certificate of Compliance.

A certificate of compliance shall be included with any election return in accordance with Subsection 20A-3a-404(2).

R623-8-10. Election Return Archiving.

(1) An election official shall ensure that archived material, including every ballot after an election, is stored and sealed in a receptacle and clearly labeled with the following information:

(a) a description of the contents;

(b) the name and date of the election; and

(c) the destruction date.

(2) Archived material shall include:

(a) any electronic or physical ballot images and back-ups; and

(b) any external storage medium used to collect ballot images or back-ups.

(3) Archived material containers shall be sealed and seal numbers, if used, shall be documented.

(4) Any access to archived material containers shall be documented.

(5) The storage area shall be secure and accessible only to authorized County Clerk staff and personnel.

(6) Chain of custody documentation shall be retained in accordance with Section 20A-4-202.

R623-8-11. Physical Areas.

The county clerk or designees shall ensure that any party who accesses the ballot processing center or server rooms shall be properly authorized to enter.

R623-8-12. Documenting Problems.

Any documentation required in this rule shall include any reporting problems or irregularities, and, if applicable shall include:

(1) details of any observed issues or problems;

(2) the date and time of when issues or problems occurred;

(3) any action taken in response to issues or problems; and

(4) any resolution to issues or problems.

KEY: elections, custody, Lieutenant Governor, ballots

Date of Last Change: 2023

Authorizing, and Implemented or Interpreted Law: 20A-3a-404

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.utah.gov. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R356-4	Filing ID: 50839
Effective Date:	01/03/2023	

Agency Information

1. Department:	Governor	
Agency:	Criminal and Juvenile Justice (State Commission on)	
Room number:	E330	
Building:	Senate Building (at State Capitol)	
Street address:	350 N State Street	
City, state and zip:	Salt Lake City, UT 84114	
Contact persons:		
Name:	Phone:	Email:
Kayley Richards	801-538-1050	ktrichards@utah.gov
Ken Matthews	801-538-1058	kmatthews@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R356-4. Juvenile Detention or Confinement in Adult Jails and Lockups

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

The purpose of this rule is to establish standards and certification procedures for the detention or confinement of juveniles in adult jails and lockups consistent with the requirements of Sections 62A-7-201 and 63M-7-204.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There are no written comments received about this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Failure to enact this rule would place the Criminal and Juvenile Justice (State Commission on) in violation of Sections 62A-7-201 and 63M-7-204. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tom Ross, Executive Director	Date:	01/04/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R414-27	Filing ID: 50968
Effective Date:	12/30/2022	

Agency Information

1. Department:	Health and Human Services	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 143102	
City, state and zip:	Salt Lake City, UT 84114-3102	
Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R414-27. Medicaid Enrollment Process for Nursing Care Facilities
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 26-18-3 requires the Department of Health and Human Services (Department) to implement the Medicaid program through administrative rules, and Section 26-18-503 authorizes the Department to grant Medicaid certification to new nursing care facility programs when there is a transfer of ownership.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department did not receive any written comments regarding this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The Department has determined that this rule is necessary because it governs the enrollment of nursing care facilities to receive Medicaid payments after a change of ownership, and outlines the duties of the transferor and transferee following the change. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/30/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R414-516	Filing ID: 54080
Effective Date:	12/30/2022	

Agency Information

1. Department:	Health and Human Services	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 143102	
City, state and zip:	Salt Lake City, UT 84114-3102	
Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R414-516. Nursing Facility Non-State Government-Owned Upper Payment Limit Quality Improvement Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 26B-1-213 grants the Department of Health and Human Services (Department) the power to adopt, amend, or rescind rules, while Section 26-18-3 requires the Department to implement the Medicaid program through administrative rules.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Department did not receive any written comments regarding this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The Department has determined that this rule is necessary because it sets forth provisions for non-state government-owned nursing facilities to improve the quality of life for their residents. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	12/30/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R590-157	Filing ID:	54320
Effective Date:	12/23/2022		

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room number:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R590-157. Surplus Lines Insurance Premium Tax and Stamping Fee
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 31A-3-303 requires the insurance commissioner to write rules to prescribe accounting and reporting forms and procedures to be used in calculating and paying the surplus lines premium tax. Section 31A-15-103 requires the insurance commissioner to write rules to specify the stamping fee amount and how it is to be collected.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Department of Insurance has received no written comments regarding this rule during the past five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule provides procedures and reporting forms to be used by insurers, brokers, and policyholders in calculating tax due. As a result of the regulation, all who charge the tax use the same calculation to determine the amount of the fee. It makes the payment uniform and fair. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	12/23/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R590-243	Filing ID:	54583
Effective Date:	12/23/2022		

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room number:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

General Information

2. Rule catchline:

R590-243. Commercial Motor Vehicle Insurance Coverage

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code. Section 31A-22-315 requires the Department of Insurance (Department) to write rules defining commercial motor vehicle insurance coverage.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Department has received no written comments regarding this rule during the past five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it defines commercial motor vehicle insurance coverage as it applies to motor vehicle insurance reporting. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	12/23/2022
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Agriculture and Food

Animal Industry

No. 54866 (Repeal and Reenact) R58-17: Aquatic Animal Health Rule

Published: 10/01/2022

Effective: 12/15/2022

No. 54868 (New Rule) R58-27: Aquaculture, Brokering, Aquatic Animal Processing, and Fee Fishing Licensing

Published: 10/01/2022

Effective: 12/15/2022

Plant Industry

No. 55031 (Amendment) R68-29: Quality Assurance Testing on Cannabis

Published: 12/01/2022

Effective: 01/10/2023

No. 54946 (Amendment) R68-33: Industrial Hemp Retailer Permit

Published: 10/15/2022

Effective: 12/15/2022

Regulatory Services

No. 54876 (Amendment) R70-350: Ice Cream and Frozen Dairy Foods Standards

Published: 10/01/2022

Effective: 12/15/2022

No. 54877 (Amendment) R70-360: Procedure for Obtaining a License to Test Milk for Payment

Published: 10/01/2022

Effective: 12/15/2022

Commerce

Consumer Protection

No. 55019 (Repeal and Reenact) R152-15: Business Opportunity Disclosure Act Rule

Published: 11/15/2022

Effective: 12/22/2022

No. 55018 (Repeal and Reenact) R152-26: Telephone Fraud Prevention Act Rule

Published: 11/15/2022

Effective: 12/22/2022

Professional Licensing

No. 55001 (Amendment) R156-17b: Pharmacy Practice Act Rule

Published: 11/15/2022

Effective: 01/05/2023

No. 55007 (Amendment) R156-37: Utah Controlled Substances Act Rule

Published: 11/15/2022

Effective: 01/05/2023

No. 55002 (Amendment) R156-55a: Utah Construction Trades Licensing Act Rule

Published: 11/15/2022

Effective: 01/03/2023

No. 55006 (Amendment) R156-60a: Social Worker Licensing Act Rule

Published: 11/15/2022

Effective: 01/03/2023

No. 55081 (Amendment) R156-60b: Marriage and Family Therapist Licensing Act Rule

Published: 12/01/2022

Effective: 01/10/2023

NOTICES OF RULE EFFECTIVE DATES

No. 55023 (New Rule) R156-70b: Anesthesiologist Assistant Practice Act Rule
Published: 11/15/2022
Effective: 01/05/2023

No. 55074 (New Rule) R156-88a: Dispensing Practice Rule
Published: 12/01/2022
Effective: 01/10/2023

Corrections

Administration

No. 54907 (Repeal) R251-704: North Gate
Published: 10/15/2022
Effective: 01/11/2023

Education

Administration

No. 55095 (Repeal) R277-412: State Capitol Visit Program
Published: 12/01/2022
Effective: 01/11/2023

No. 54992 (Amendment) R277-419: Pupil Accounting
Published: 11/15/2022
Effective: 12/22/2022

No. 55096 (Amendment) R277-471: School Construction Oversight, Inspections, Training and Reporting
Published: 12/01/2022
Effective: 01/11/2023

No. 55097 (Amendment) R277-479: Funding for Charter School Students With Disabilities on an IEP
Published: 12/01/2022
Effective: 01/11/2023

No. 54999 (New Rule) R277-630: Child Sex Abuse and Human Trafficking Prevention Training and Instruction
Published: 11/15/2022
Effective: 12/22/2022

No. 55098 (Amendment) R277-705: Secondary School Completion and Diplomas
Published: 12/01/2022
Effective: 01/11/2023

No. 55099 (Amendment) R277-750: Education Programs for Students with Disabilities
Published: 12/01/2022
Effective: 01/11/2023

No. 55000 (Repeal and Reenact) R277-911: Secondary Career and Technical Education
Published: 11/15/2022
Effective: 12/22/2022

No. 54995 (Amendment) R277-919: Regulatory Sandbox Innovation Schools
Published: 11/15/2022
Effective: 12/22/2022

No. 54996 (Amendment) R277-925: Effective Teachers in High Poverty Schools Incentive Program
Published: 11/15/2022
Effective: 12/22/2022

Environmental Quality

Water Quality

No. 54828 (Amendment) R317-1-7: TMDLs
Published: 09/15/2022
Effective: 12/15/2022

Government Operations

Facilities Construction and Management

No. 54830 (Repeal) R23-4: Suspension / Debarment
Published: 10/01/2022
Effective: 12/12/2022

No. 54834 (Repeal) R23-9: Cooperation with Local Government Planning
Published: 10/01/2022
Effective: 12/12/2022

No. 54998 (Repeal) R23-32: Rules of Procedure for Conduct of Utah State Building Board Meetings
Published: 11/15/2022
Effective: 12/22/2022

Finance

No. 54909 (New Rule) R25-25: Digital User Asset Service Provider and Agency Standards Rule
Published: 10/15/2022
Effective: 12/16/2022

Governor

Economic Opportunity

No. 54822 (Repeal) R357-28: Talent Ready Connections Program
Published: 09/15/2022
Effective: 12/21/2022

Health and Human Services

Administration (Health)

No. 54963 (Repeal) R380-400: Utah Medical Cannabis Act Rule
Published: 11/01/2022
Effective: 12/27/2022

No. 54964 (Repeal) R380-401: Electronic Verification System and Inventory Control System
Published: 11/01/2022
Effective: 12/27/2022

No. 54965 (Repeal) R380-402: Medical Cannabis Cards
Published: 11/01/2022
Effective: 12/27/2022

No. 54966 (Repeal) R380-403: Qualified Medical Providers
Published: 11/01/2022
Effective: 12/27/2022

No. 54967 (Repeal) R380-404: Dosing Parameters
Published: 11/01/2022
Effective: 12/27/2022

No. 54968 (Repeal) R380-405: Pharmacy Medical Providers
Published: 11/01/2022
Effective: 12/27/2022

No. 54905 (Repeal) R380-406: Medical Cannabis Pharmacy
Published: 11/01/2022
Effective: 12/27/2022

No. 54970 (Repeal) R380-409: State Central Patient Portal
Published: 11/01/2022
Effective: 12/27/2022

No. 54971 (Repeal) R380-410: Agreement With a Tribe
Published: 11/01/2022
Effective: 12/27/2022

No. 54972 (Repeal) R380-411: Administrative Hearing Procedures
Published: 11/01/2022
Effective: 12/27/2022

No. 54973 (Repeal) R380-412: Compassionate Use Board
Published: 11/01/2022
Effective: 12/27/2022

No. 54974 (Repeal) R380-413: Administrative Penalties
Published: 11/01/2022
Effective: 12/27/2022

Center for Medical Cannabis

No. 54952 (New Rule) R383-1: Definitions
Published: 11/01/2022
Effective: 12/27/2022

No. 54953 (New Rule) R383-2: Electronic Verification System and Inventory Control System
Published: 11/01/2022
Effective: 12/27/2022

No. 54954 (New Rule) R383-3: Medical Cannabis Cards
Published: 11/01/2022
Effective: 12/27/2022

No. 54955 (New Rule) R383-4: Qualified Medical Providers
Published: 11/01/2022
Effective: 12/27/2022

No. 54956 (New Rule) R383-5: Dosing Guidelines
Published: 11/01/2022
Effective: 12/27/2022

No. 54957 (New Rule) R383-6: Pharmacy Medical Providers
Published: 11/01/2022
Effective: 12/27/2022

No. 54906 (New Rule) R383-7: Medical Cannabis Pharmacy
Published: 11/01/2022
Effective: 12/27/2022

No. 54959 (New Rule) R383-10: State Central Patient Portal
Published: 11/01/2022
Effective: 12/27/2022

No. 54960 (New Rule) R383-11: Agreement With a Tribe
Published: 11/01/2022
Effective: 12/27/2022

No. 54975 (New Rule) R383-12: Administrative Hearing Procedures
Published: 11/01/2022
Effective: 12/27/2022

No. 54961 (New Rule) R383-13: Compassionate Use Board
Published: 11/01/2022
Effective: 12/27/2022

No. 54962 (New Rule) R383-14: Administrative Penalties
Published: 11/01/2022
Effective: 12/27/2022

Health Care Financing, Coverage and Reimbursement Policy
No. 54770 (Amendment) R414-305-9: Transfer of Resources for Institutional Medicaid and Home and Community Based Services Waivers
Published: 10/01/2022
Effective: 12/30/2022

Insurance

Administration

No. 55089 (Repeal and Reenact) R590-194: Coverage of Dietary Products for Inborn Errors of Amino Acid or Urea Cycle Metabolism
Published: 12/01/2022
Effective: 01/10/2023

No. 55045 (Amendment) R590-239: Exemption of Student Health Centers From Insurance Code
Published: 12/01/2022
Effective: 01/10/2023

No. 55090 (Repeal) R590-246: Professional Employer Organization (PEO) License Application Rule
Published: 12/01/2022
Effective: 01/10/2023

NOTICES OF RULE EFFECTIVE DATES

No. 55091 (Repeal and Reenact) R590-250: PEO Assurance Organization Designation
Published: 12/01/2022
Effective: 01/10/2023

No. 55092 (Amendment) R590-254: Annual Financial Reporting Rule
Published: 12/01/2022
Effective: 01/10/2023

No. 55046 (Amendment) R590-258: Email Address Requirement
Published: 12/01/2022
Effective: 01/10/2023

No. 55093 (Amendment) R590-265: Hazardous Financial Condition Rule
Published: 12/01/2022
Effective: 01/10/2023

No. 55047 (Amendment) R590-269: Individual Open Enrollment Period
Published: 12/01/2022
Effective: 01/10/2023

No. 55094 (Amendment) R590-272: Commission Compensation Reporting
Published: 12/01/2022
Effective: 01/10/2023

No. 55048 (Amendment) R590-276: Record Retention for Foreign Insurers, Alien Insurers, Commercially Domiciled Insurers, Foreign Title Insurers, and Foreign Fraternal
Published: 12/01/2022
Effective: 01/10/2023

No. 55049 (Amendment) R590-279: Rule Designating Fraud Division Offices as a Secured Area
Published: 12/01/2022
Effective: 01/10/2023

No. 55050 (Amendment) R590-280: Counting Short-Term Funds
Published: 12/01/2022
Effective: 01/10/2023

No. 55051 (Amendment) R590-282: Pharmacy Benefit Managers
Published: 12/01/2022
Effective: 01/10/2023

Labor Commission

Industrial Accidents

No. 55017 (Amendment) R612-300-4: General Method of Computing Medical Fees
Published: 11/15/2022
Effective: 12/27/2022

No. 55014 (Amendment) R612-400-5: Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund
Published: 11/15/2022
Effective: 12/27/2022

No. 55015 (Amendment) R612-400-4: Waivers
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Natural Resources

State Parks

No. 55084 (Amendment) R651-103: Electronic Meetings
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No. 55088 (Amendment) R651-601: Definitions as Used in These Rules
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No. 55085 (Amendment) R651-619: Possession of Alcoholic Beverages or Controlled Substances
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No. 55086 (Amendment) R651-629: Unattended Property
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No. 55087 (Amendment) R651-632: Enforcement
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Tax Commission

Administration

No. 54937 (Amendment) R861-1A-42: Waiver of Penalty and Interest for Reasonable Cause Pursuant to Utah Code Ann. Section 59-1-401
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No. 54939 (Amendment) R861-1A-43: Electronic Meetings Pursuant to Utah Code Ann. Section 52-4-207
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Auditing

No. 54935 (Amendment) R865-19S-92: Computer Software and Other Related Transactions Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-211
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NOTICES OF RULE EFFECTIVE DATES

Motor Vehicle Enforcement

No. 54941 (Amendment) R877-23V-24: Advisory Board
Procedures Pursuant to Utah Code Ann. Section 41-3-106
Published: 10/15/2022
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No. 54940 (Amendment) R884-24P-72: State Farmland
Evaluation Advisory Committee Procedures Pursuant to Utah
Code Ann. Section 59-2-514
Published: 10/15/2022
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Property Tax

No. 54938 (Amendment) R884-24P-53: 2022 Valuation
Guides for Valuation of Land Subject to the Farmland
Assessment Act Pursuant to Utah Code Ann. Section 59-2-
515
Published: 10/15/2022
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Transportation

Motor Carrier

No. 54997 (Amendment) R909-2: Utah Size and Weight
Rule
Published: 12/01/2022
Effective: 01/10/2023

End of the Notices of Rule Effective Dates Section

