

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
Filed January 03, 2026, 12:00 a.m. through January 15, 2026, 11:59 p.m.

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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

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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 January 03, 2026, 12:00 a.m., and January 15, 2026, 11:59 p.m. are included in this, the February 01, 2026, 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 March 03, 2026. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through June 02, 2026, 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.

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

NOTICE OF SUBSTANTIVE CHANGE		
<b>TYPE OF FILING:</b> Amendment		
Rule or section number:	R68-11	Filing ID: 57769

**Agency Information**

<b>1. Title catchline:</b>	Agriculture and Food, Plant Industry	
<b>Building:</b>	Taylorsville State Office Building, South Building, Floor 2	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state:</b>	Taylorsville, UT	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state, and zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	Ambermbrown@utah.gov
Camille Knudson	801-597-6010	CamilleK@utah.gov
Robert Hougaard	801-982-2305	Rhougaard@Utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R68-11. Quarantine Pertaining to Emerald Ash Borer
<b>4. Purpose of the new rule or reason for the change:</b>
The Department of Agriculture and Food (department) is amending this rule to enhance clarity, eliminate redundant language, and align this rule with the drafting standards in the Rulewriting Manual for Utah.
<b>5. Summary of the new rule or change:</b>
This amendment streamlines this rule through several key revisions: 1) the definitions section removes redundant terms; 2) the Requirements for Entry and Exemptions sections are rewritten to use a clearer, enumerated paragraph structure; 3) the Records section is clarified to identify the specific person responsible for providing source and disposition information; 4) the Handling of Violations section is standardized to align with other department quarantine rules; and finally 5) the Violations section is consolidated by eliminating legal jargon and redundant statutory citations.

**Fiscal Information**

<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
The proposed changes will not have an impact on the state's budget because they clarify existing procedures and remove redundant statutory references without changing requirements.
<b>B. Local governments:</b>
The proposed changes will not have an impact on local governments because they do not administer or participate in quarantines.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
The proposed changes will not have an impact on small businesses because the requirements are not changing.

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

The proposed changes will not have an impact on non-small businesses because the requirements are not changing.

**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 proposed changes will not have an impact on other persons because the requirements are not changing.

**F. Compliance costs for affected persons:**

The compliance costs are not changing.

**G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The Commissioner of the Department of Agriculture and Food, Kelly Pehrson, has reviewed and approved this regulatory impact analysis.

## Citation Information

**7. 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 4-2-103(1)(k)

Section 4-35-109

## Public Notice Information

**9. The public may submit written or oral comments to the agency identified in box 1.**

A. Comments will be accepted until:

03/03/2026

**10. This rule change MAY become effective on:**

03/10/2026

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:	Kelly Pehrson, Commissioner	Date:	01/15/2026
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## NOTICES OF PROPOSED RULES

### R68. Agriculture and Food, Plant Industry.

#### R68-11. Emerald Ash Borer Quarantine[-Pertaining to the Emerald Ash Borer].

##### R68-11-1. [Purpose and] Authority.

[1] Promulgated under authority of Subsection 4-2-103(1)(k) and Section 4-35-109 authorize this rule.

##### R68-11-2. Purpose.

([2]1) This rule establishes a quarantine pertaining to the Emerald Ash Borer, *Agrilus planipennis*.

(2) It sets the infested area, the articles regulated, and conditions governing shipments and issuance of certificates under which products may be shipped.

##### R68-11-[2]3. Definitions.

(1) "Area Under Quarantine" means the United States and Canada.

(2) "Ash" means any species of the genus *Fraxinus*.

(3) "Commissioner" means the commissioner of the Utah Department of Agriculture and Food or their designee.

(4) "Department" means the Utah Department of Agriculture and Food.

([§]3) "Emerald Ash Borer," means *Agrilus planipennis*, a beetle, family Buprestidae, which in the larval stage attacks and often kills ash trees, genus *Fraxinus*.

([§]4) "Person" means any individual, firm, association, partnership, corporation, government entity, or other legal entity.

([§]5) "Regulated Article" means any article on which the Emerald Ash Borer, *Agrilus planipennis*, in any stage of development, may be present, including:

(a) any ash trees, genus *Fraxinus*;

(b) any green waste of ash trees;

(c) ash firewood; or

(d) any other plant, plant part, article, or means of conveyance when it is determined by the Commissioner to present a hazard of spreading Emerald Ash Borer due to infestation or exposure to infestation by Emerald Ash Borer.

([§]6) "Business days" means days the department is open to the public.

##### R68-11-[3]4. Restrictions.

(1) [Under this rule, a] A person may not transport, offer, expose, or hold for sale a regulated article in Utah from an area under quarantine unless each requirement of Section R68-11-[4]5, Importation and Treatment, has been met.

(2) A[any] person [that]who transports or supplies a regulated article in Utah from an area under quarantine shall maintain records, certificates, receipts, and any other related documents for two years from the date of issuance.

##### R68-11-[4]5. Importation and Treatment.

(1) The department prohibits the entry into Utah of [Under this rule, e]ach regulated article from an area under quarantine[is prohibited entry into Utah] unless the department:

([4]a) grants an exemption [has been granted by the department that satisfies the requirements of]per Section R68-11-[6]7; and

([2]b) receives the required certification[ is provided to the department] from

(a) Certification shall be issued by [an authorized state agricultural official of the state of origin.

([b]2) The certificate shall include the:

([i]a) [the]name and address of the exporter;

([i]b) [the]name and address of the importer;

([i]c) [the]inspection and certificate date; and

([i]d) [the]signature of the authorized state agricultural officer.

([e]3) [Each certificate issued by t]The authorized state agricultural official of the state of origin shall certify that the regulated article has exclusively been grown, produced, stored, held, or handled in a state or county that has been granted an exemption under Section R68-11-[9]7.

([e]4) The certifying official shall [mail or email]submit a copy of the certificate to the Plant Industry Division[ ] of the Utah Department of Agriculture and Food[ ] via email[ ] at UDAF-Nursery@utah.gov.

([e]5) Before exporting regulated articles, [T]he exporter shall notify the department at least [give]ten business days [advance notice of regulated article shipment to the department] by email[ sent] to UDAF-Nursery@utah.gov.

([f]6) The importer shall notify the department upon arrival [of the regulated article imported under this rule] and shall hold the regulated article for inspection for two business days.

([g]7)(a) The department may inspect and either reject or release the regulated article within two business days of delivery.

(b) If the department does not inspect the shipment within two business days, the importer may release the regulated article[no longer needs to be held by the importer].

##### R68-11-[5]6. Records.

(1) A person who transports or supplies a regulated article shall include on [E]ach record, certificate, or other document [related to a regulated article that a person who transports or supplies the regulated article provides]provided to the department:[ shall include]

(a) information regarding the source of the regulated article; and

(b) the disposition of the regulated article.

(2) A person who sells regulated articles shall include information regarding the source and supplier of the regulated article on [E]each record, certificate, or other document [that a person who sells a regulated article provides]provided to the department[shall include information regarding the source and supplier of the regulated article].

(3) To enforce this rule, the department may:

- (a) inspect each record, certificate, document, inventory, and facility of a person [that]who transports, supplies, or sells a regulated article from an area under quarantine;
- (b) conduct an inspection at any time during reasonable business hours; and
- (c) [may]take samples of the regulated article[to enforce this rule].

#### **R68-11-[6]7. Exemptions.**

(1) The Emerald Ash Borer, *Agilus planipennis*, in any stage of development, is not exempt from this rule under any circumstances.

(2) Upon written request, [T]he Commissioner may [declare particular]exempt a regulated article[s] from an individual state[s], county[ies], or province[s] exempt from this rule if they request an exemption.

(3) An applicant for an [Requests for]exemption shall [be made]submit a written request to the department that[in writing and] shall:

- (a) certify that Emerald Ash Borer is not known to be present in their jurisdiction;
- (b) provide documents outlining their Emerald Ash Borer monitoring program;
- (c) agree to provide their Emerald Ash Borer trapping data to the department, including:

(i) how the trapping survey was carried out;

(ii) the number and location of traps;

(iii) results of the trapping survey; and

(iv) history of the Emerald Ash Borer trapping survey;

([e]d) certify that they will notify the department of any Emerald Ash Borer detections within their jurisdiction within 48 hours; and

([e]e) provide written justification explaining why regulated articles from their state, county, or province present a low risk for

Emerald Ash Borer introduction into Utah.

(4) The department shall:

(a) maintain a current and publicly available list of exempt states, counties, and provinces[-];

([S]b) [The department shall]respond in writing within ten business days of the request for exemption[-]; and

([e]c) issue an [E]exemption[s] are that is valid for a 12-month period.

([7]5) The department may at any time revoke an exemption due to a change in the risk assessment[-]

(8) The department] and shall notify the jurisdiction, in writing, identifying the reason for the revocation.

#### **R68-11-[7]8. [Enforcing Powers]Violations.**

(1) [Authorized agents of t]he department [shall refuse]may not admit[tanee] into Utah any regulated article from an area under quarantine that does not meet the [provisions]requirements of this rule.

(2) The department shall direct [Any]a shipment found [with]in Utah in violation of this rule [shall]to be:

(a) destroyed; or

(b) [be]returned to the exporter[-at once].

(3) The exporter or the exporter's authorized agent shall pay all incurred expenses.

#### **R68-11-[8]9. Violations and Penalties.**

(1) A person is in violation of this rule if the person:

(a) provides [ny]fraudulent [use of]or incorrect information to circumvent the enforcement of this rule; or[is a violation.]

([2]b) [Failure]fails to comply with a requirement of this rule[is a violation].

(3) Violators of this rule shall be subject to Section 4-2-304.

(4) The department shall be subject to the notice requirements of Section 4-2-302 with respect to any penalty assessed.]

([5]2) Each [ash tree]individual regulated article or [bulk sale shall be]shipment of regulated articles constitutes a separate violation[of this rule].

**KEY: plant diseases, Emerald Ash Borer, *Agilus planipennis*, Ash, *Fraxinus*, quarantine, regulated article, plant industry**

Date of Last Change: 2026[June 8, 2022]

Authorizing, and Implemented or Interpreted Law: 4-2-103(1)(k); 4-35-109

#### **NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Repeal and Reenact

**Rule or section number:**

**R68-18**

**Filing ID: 57768**

NOTICES OF PROPOSED RULES

Agency Information		
<b>1. Title catchline:</b>	Agriculture and Food, Plant Industry	
<b>Building:</b>	Taylorsville State Office Building, South Building, Floor 2	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state:</b>	Taylorsville, UT	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state, and zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	Ambermbrown@utah.gov
Camille Knudson	801-597-6010	CamilleK@utah.gov
Robert Hougaard	801-982-2305	Rhougaard@Utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

General Information

<b>2. Rule or section catchline:</b>
R68-18. Quarantine Pertaining to Karnal Bunt
<b>4. Purpose of the new rule or reason for the change:</b>
The Department of Agriculture and Food (department) is revising this rule to align the information with the current quarantine practices for this disease and to enhance clarity in this rule by removing redundant and irrelevant information.
To ensure consistent standards for articles shipped to Utah, the department is expanding the quarantine areas from specific counties to the entire states of Arizona, New Mexico, and Texas.
<b>5. Summary of the new rule or change:</b>
The department is filing this as a repeal and reenact to provide a streamlined version that aligns with current plant industry standards and the Rulewriting Manual for Utah standards.
Key changes include removing redundant information found in the definitions and restating the disease.
This filing replaces the county-specific quarantine designations in New Mexico (NM) and Texas (TX) with quarantines of the entire states of NM and TX to prevent the introduction of Karnal bunt into Utah.
Finally, the reenacted rule revises the majority of this rule, including the sections with entry requirements and the handling of regulated articles in the event of a violation, in a clear and active voice.

Fiscal Information

<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
The department does not anticipate a fiscal impact on the state's budget.
The department does not require wheat producers to register, and current reports from the county-specific areas indicate that Utah imports no or minimal wheat from the specific states listed in this rule.
At this time, the department will absorb any costs or savings associated with expanding the quarantine area to the entire states of NM and TX.
<b>B. Local governments:</b>
The proposed changes will not have an impact on local governments because local governments do not participate in or administer this quarantine.

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

This rule change results in no fiscal impact on small businesses.

Department data suggests that small businesses in Utah do not currently source regulated articles from the listed states.

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

The department anticipates no fiscal impact on non-small businesses. Most of the non-small businesses in Utah export wheat and are unlikely to import from the listed states.

**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 department anticipates no fiscal impact on other persons.

No persons currently move regulated articles from the quarantined areas into Utah.

**F. Compliance costs for affected persons:**

The compliance costs are not changing.

**G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The Commissioner of the Department of Agriculture and Food, Kelly Pehrson, has reviewed and approved this regulatory impact analysis.

## Citation Information

**7. 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 4-2-103(1)(k)

**Public Notice Information****9. The public may submit written or oral comments to the agency identified in box 1.****A. Comments will be accepted until:** 03/03/2026**10. This rule change MAY become effective on:** 03/10/2026

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**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner	<b>Date:</b>	01/15/2026
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**R68. Agriculture and Food, Plant Industry.****|R68-18. Quarantine Pertaining to Karnal Bunt.****R68-18-1. Purpose and Authority.**

(1) Promulgated under authority of Subsection 4-2-103(1)(k).

(2) Karnal bunt (*Tilletia indica* Mitra) is a serious fungal disease of wheat, durum wheat, and *Triticale*. It is not known to exist in Utah, exists in the described infested areas, and the restricted articles and commodities described are hosts or possible carriers of the disease.

(3) This rule establishes a quarantine, names the fungal disease against which the quarantine is established, names the infested area and the articles and commodities regulated, and specifies conditions governing disposition of violations.

**R68-18-2. Definitions.**

(1) "Commissioner" means the Commissioner of the Utah Department of Agriculture and Food or the commissioner's designee.

(2) "Department" means the Utah Department of Agriculture and Food.

**R68-18-3. Disease.**(1) Karnal bunt (*Tilletia indica* Mitra) in any living state of development.**R68-18-4. Areas Under Quarantine.**

(1) The following areas are under quarantine:

(a) the entire state of Arizona;

(b) the following counties in New Mexico:

(i) Doña Ana county;

(ii) Hidalgo county;

(iii) Luna county; and

(iv) Sierra county;

(c) the following counties in Texas:

(i) El Paso county; and

(ii) Hudspeth county.

(2) Any areas not mentioned in Subsection R68-18-4(1) and subsequently found to be infested are also under quarantine.

**R68-18-5. Articles and Commodities Under Quarantine.**(1) The disease Karnal bunt (*Tilletia indica* Mitra) in any living state of development.(2) Plants of the genus *Triticum* or any plant part hereof.

(3) Any mechanized farming equipment from the areas under quarantine used in the planting or harvesting of small grains.

(4) Any other plant, plant part, article, or means of conveyance when it is determined by the department to present a hazard spreading of Karnal bunt organisms.

**R68-18-6. Restrictions.**

(1) Any articles and commodities under quarantine are prohibited entry into Utah from any area under quarantine unless the article or commodity is from an uninfested areas of the states listed in Section R68-18-4, when accompanied by a certificate of origin stating the origin of the material and that the plant material originated from an area not known to be infested with Karnal bunt.

**R68-18-7. Disposition of Violations.**

(1) Any shipments or lots of quarantined articles or commodities listed in Section R68-18-5 arriving in Utah in violation of this order shall immediately be sent out of the state, destroyed, or treated by a method and in a manner as directed by the commissioner or the department.

(2) Treatment shall be performed at the expense of the owner, or owners, or their authorized agent.]

**R68-18. Karnal Bunt Quarantine.****R68-18-1. Authority.**

Subsection 4-2-103(1)(k) authorizes this rule.

**R68-18-2. Purpose.**

(1) This rule establishes a quarantine for Karnal bunt, *Tilletia indica* Mitra, a serious fungal disease of wheat, durum wheat, and Triticale.

(2) It is not known to exist in Utah, but it exists in the quarantined areas, and the regulated articles and commodities described are hosts or possible carriers of the disease.

**R68-18-3. Areas Under Quarantine.**

(1) The department quarantines the entire state of:

- (a) Arizona;
- (b) New Mexico; and
- (c) Texas.

(2) The department may quarantine any areas not listed in Subsection R68-18-3(1) that are subsequently found to be infested.

**R68-18-4. Regulated Articles and Commodities.**

The department quarantines the following articles and commodities:

- (1) Karnal bunt, *Tilletia indica* Mitra, in any state of development;
- (2) a plant or plant part of the genus *Triticum*;
- (3) mechanized farming equipment from a quarantined area used to plant or harvest small grains; or
- (4) any other plant, plant part, article, or means of conveyance, if the department determines it presents a hazard of spreading Karnal bunt.

**R68-18-5. Conditions of Entry.**

A person may not move a regulated article from a state listed in Section R68-18-3 into Utah unless a certificate of origin accompanies the article, which includes:

- (1) identifying the source of the article; and
- (2) confirming the article is free from Karnal bunt, *Tilletia indica* Mitra.

**R68-18-6. Handling of Violations.**

(1) If a regulated article arrives in Utah in violation of this rule, the department shall order the owner or the owner's agent to:

- (a) remove the article from the state;
- (b) destroy the article; or
- (c) treat the article by a method and in a manner as directed by the department.

(2) The owner or the owner's authorized agent shall pay the expense of any required treatment, removal, or destruction.

**KEY: plant disease, Karnal bunt, *Tilletia indica* Mitra, quarantine, states, conditions of entry, violations, disease prevention, wheat**

Date of Last Change: 2026|June 8, 2022|

Notice of Continuation: October 29, 2025

Authorizing, and Implemented or Interpreted Law: 4-2-[2]103(1)(k)

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Amendment

**Rule or section number:**

R277-304

**Filing ID:** 57761

**Agency Information**

<b>1. Title catchline:</b>	Education, Administration		
<b>Building:</b>	Board of Education		
<b>Street address:</b>	250 E 500 S		
<b>City, state:</b>	Salt Lake City, UT 84111		
<b>Mailing address:</b>	PO Box 144200		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov	
<b>Please address questions regarding information on this notice to the persons listed above.</b>			

<b>General Information</b>	
<b>2. Rule or section catchline:</b>	R277-304. Teacher Preparation Programs
<b>4. Purpose of the new rule or reason for the change:</b>	The rule amendments are necessary because the Elementary Content Competencies, including those incorporated by rule, are in need of revision to condense and simplify the teacher competencies.
<b>5. Summary of the new rule or change:</b>	The amendments specifically remove the Elementary Content Competencies in their current form from this rule. Currently, the implementation date for Section R277-304-5 is September 2026. The Utah State Board of Education will consider an updated set of content competencies at a later date.
<b>Fiscal Information</b>	
<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>	
<b>A. State budget:</b>	<p>This rule change is not expected to have fiscal impact on state government revenues or expenditures.</p> <p>The amendment removes the requirement for teacher preparation programs to adopt the <i>Elementary Content Competencies</i> by September 2026.</p> <p>By reverting to the existing content list in Subsection R277-304-5(1)(d), the rule maintains the status quo for program approval and oversight.</p> <p>This administrative adjustment avoids the potential administrative costs associated with implementing the specific competencies that are currently under revision, but creates no new costs or savings for the Utah State Board of Education or public universities.</p>
<b>B. Local governments:</b>	<p>This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.</p> <p>This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.</p> <p>This rule regulates teacher preparation programs (typically higher education institutions) rather than Local Education Agencies (LEAs).</p> <p>Removing the future requirement for specific competencies does not alter LEA operations or funding.</p>
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):	<p>This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.</p> <p>The affected entities are teacher preparation programs, which are generally large educational institutions not classified as small businesses.</p>
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):	<p>There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.</p>

**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 change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

This rule impacts private universities and other non-state teacher preparation programs by removing the mandate to align with the *Elementary Content Competencies* by September 2026.

This removes a future compliance obligation, allowing these programs to continue operating under the current standards listed in this rule.

While this avoids the potential cost of curriculum realignment associated with the removed competencies, it maintains the current operational baseline, resulting in no measurable incremental cost or savings.

**F. Compliance costs for affected persons:**

There are no compliance costs for affected persons.

This rule removes the future requirement to implement the *Elementary Content Competencies*. Teacher preparation programs will continue to follow the existing subject matter requirements, requiring no new action or expenditure.

**G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

**Regulatory Impact Summary Table**

<b>Fiscal Cost</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**7. 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:**

Article X, Section 3	Section 53E-3-401	Section 53E-6-201
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**Public Notice Information****9. The public may submit written or oral comments to the agency identified in box 1.****A. Comments will be accepted until:** 03/03/2026**10. This rule change MAY become effective on:** 03/10/2026

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**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	01/15/2026
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**R277. Education, Administration.****R277-304. Teacher Preparation Programs.****R277-304-1. Authority, Purpose, and Oversight Category.**

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Subsection 53E-6-201(3)(a), which directs the Board to make rules to establish the criteria for obtaining an educator license.

(2)(a) The purpose of this rule is to specify the standards which the Board expects of a teacher preparation institution before program approval in specified areas.

(b) The standards in this rule apply to the specific educational area and grade level for which the preparation program is designed.

(3) This Rule R277-304 is categorized as Category 4 as described in Rule R277-111.

**R277-304-2. Definitions.**

(1)(a) "Career and technical education" or "CTE" means organized educational programs or competencies which directly or indirectly prepare students for employment, or for additional preparation leading to employment, in occupations where entry requirements do not generally require a baccalaureate or advanced degree.

(b) CTE programs provide all students a continuous education system, driven by a student's college and career readiness plan, through competency-based instruction, culminating in essential life skills, certified occupational skills, and meaningful employment.

(2) "Clinical experience" means a structured opportunity in which a program candidate is mentored by a licensed educator and evaluated by a teacher leader, school administrator, or university preparation program faculty member, in order to develop and demonstrate competency in the skills and knowledge necessary to be an effective teacher, in a physical classroom, which may include experiences in a virtual classroom.

(3) "Competency" means evidence through demonstration in a higher education or prek-12 classroom setting of successful application of knowledge and skills.

(4) "Essential Elements" means the alternate academic achievement standards for students with significant cognitive disabilities, established by the Board in the Special Education Rules Manual, dated June 2023, incorporated by reference in Section R277-750-2.

(5) "Diverse student populations" means unique student groups as identified by:

(a) disability;

(b) academic learning needs; or

(c) linguistic needs.

(6)(a) "Multi-tiered system of supports" or "MTSS" means a framework for integrating assessment and intervention to maximize student achievement, reduce behavior problems, and increase long-term success.

(b) The combination of systematic implementation of increasingly intensive intervention, referred to as tiers, and carefully monitoring students' progress, distinguishes MTSS from typical prevention measures.

(c) Emphasis, in MTSS, is placed on ensuring interventions are implemented effectively.

(7) "Personalize" means to engage all students with high expectations for their learning goals and to empower each learner to take ownership of individual strengths, needs, and interests, while tailoring flexible supports to maximize student growth and competence.

(8) "Utah Core Standards" means the core standards established by the Board in Rule R277-700 for grades K-12 and the Core Standards for Early Learning, adopted June 2023.

**R277-304-3. Incorporation by Reference of Educator Preparation Program Competencies.**

(1) This rule incorporates by reference:

(a) the General Teacher Preparation Competencies dated June 2024;

(b) the Educator Preparation Program Competencies for Elementary Literacy dated May 2022;

(c) the Elementary Content Competencies dated January 2024;]

([d]c) the Standards for Special Education Educator Preparation Program Approval dated August 2024; and

([e]d) the Special Education Preparation Foundational Competencies dated March 2025.

(2) A copy of these documents is located at:

- (a) <https://schools.utah.gov/administrative/utah-state-teacher-licensure/teacher-preparation-programs/documents/teacher-preparation-programs>; and
- (b) the offices of the Utah State Board of Education.

**R277-304-4. General Teacher Preparation.**

Before approval by the Board, a teacher preparation program shall provide evidence that the program:

- (1) prepares candidates to meet the Utah Effective Teaching Standards in Rule R277-330;
- (2) prepares candidates to teach:
  - (a) the Utah Core Standards; and
  - (b) the Essential Elements, as appropriate to a candidate's prospective area of licensure as established by the Board;
- (3) includes school-based clinical experiences for a candidate to observe, practice skills, and reflect on teaching that:
  - (a) are significant in number, depth, breadth, and duration;
  - (b) are progressively more complex; and
  - (c) include working with all types of students;
- (4) for candidates who enroll in a preparation program before September 1, 2026, requires competency in:
  - (a) content and content specific pedagogy appropriate for the area of licensure;
  - (b) knowledge of the Educator Standards contained in Rule R277-217;
  - (c) designing, administering, and reviewing formative and summative assessments in a meaningful and ethical manner;
  - (d) improving student outcomes by:
    - (i) using student assessment data, both formative and summative;
    - (ii) analyzing instructional practices; and
    - (iii) making necessary adjustments to personalize learning;
    - (e) using strategies to promote active student engagement;
    - (f) systematically designing instruction toward a specific learning goal by:
      - (i) providing tier one and tier two instruction and intervention on the Utah core standards including the use of competency-based learning;
      - (ii) using a variety of evidence-based instructional strategies, including explicit instruction and scaffolded supports;
      - (iii) integrating technology to support and meaningfully supplement the learning of students;
      - (iv) designing developmentally appropriate and authentic learning experiences;
      - (v) developing higher order thinking and metacognitive skills; and
      - (vi) integrating cross-disciplinary skills, such as literacy and numeracy, into instruction;
      - (g) providing positive and constructive feedback to guide students' learning and behavior;
      - (h) establishing a consistent, organized, and respectful learning environment, including:
        - (i) positive behavior interventions and supports within a multi-tiered system of support;
        - (ii) classroom procedures and routines;
        - (iii) trauma-informed practices; and
        - (iv) accountability practices;
      - (i) knowledge and skills to assist in the identification of and instruction for students with disabilities in the general classroom, including:
        - (i) knowledge of the IDEA and Section 504 of the Rehabilitation Act;
        - (ii) knowledge of the role of non-special education teachers in the education of students with disabilities;
        - (iii) knowledge and skills in implementing least restrictive behavior interventions;
        - (iv) skills in implementing and assessing the results of interventions; and
        - (v) skills in the implementation of an educational program with accommodations, modifications, services, and supports established by an IEP or a 504 plan for students with disabilities in the general education classroom;
      - (j) knowledge and skills designed to meet the needs of diverse student populations in the general education classroom, including:
        - (i) allowing students alternative ways to demonstrate learning that are sensitive to student diversity;
        - (ii) creating an environment that is sensitive to multiple experiences and diversity;
        - (iii) designing, adapting, and delivering instruction to address each student's diverse learning strengths and needs; and
        - (iv) incorporating language development into planning, instruction, and intervention for students learning English, using their first language as an asset while supporting development of English proficiency; and
        - (k) effectively communicating and collaborating with parents, colleagues, and administration;
      - (5) for candidates who enroll in a preparation program on or after September 1, 2026, requires competence in the General Teacher Preparation Competencies:
        - (6) for a program candidate accepted on or after January 1, 2020, provides multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in one or more clinical experiences in collaboration with a licensed teacher over an extended period in each of the following competencies:
          - (a) implementing the planning and design, delivery, facilitation, assessment, evaluation, and reflection of a unit of instruction;
          - (b) revising instructional plans for future implementation or reteaching concepts as appropriate;
          - (c) implementing the accommodations, modifications, services, and supports as outlined in a student's IEP or 504 plan;
          - (d) evaluating student artifacts and assessments;
          - (e) establishing and maintaining classroom procedures and routines that include positive behavior interventions and supports;
          - (f) establishing and maintaining a positive learning climate;

## NOTICES OF PROPOSED RULES

- (g) reflecting on the teaching process and justifying instructional decisions;
- (h) participating in at least one IEP meeting or parental consultation regarding a student that the program candidate has instructed; and
- (i) consulting and collaborating with qualified personnel, such as a school counselor or school social worker, regarding the emotional well-being of students;
- (7) include consideration of a candidate's dispositions and suitability for teaching; and
- (8) include plans for candidate remediation and exit counseling, if appropriate.

### **R277-304-5. Early Childhood and Elementary Preparation Programs.**

(1) Before approval by the Board, a preparation program for early childhood education or elementary education shall demonstrate how the program requires candidate competency in:

- (a) the areas outlined in Section R277-304-3;
- (b) early childhood development and learning;
- (c) the Educator Preparation Program Competencies for Elementary Literacy;
- (d) [for candidates who enroll in a preparation program before September 1, 2026,] the appropriate content knowledge needed to teach:
  - (i) the science of literacy instruction including:
    - (A) phonemic awareness;
    - (B) phonics;
    - (C) fluency;
    - (D) vocabulary;
    - (E) comprehension; and
  - (ii) the science of mathematics instruction, including:
    - (A) quantitative reasoning;
    - (B) problem solving;
    - (C) representation;
    - (D) numeracy; and
    - (E) a balance of procedural and conceptual understanding;
  - (iii) physical and life science;
  - (iv) health and physical education;
  - (v) social studies; and
  - (vi) fine arts; or

[for candidates who enroll in a preparation program on or after September 1, 2026, the Elementary Content Competencies and the Educator Preparation Program Competencies for Early Literacy.]

([3]2) For a program candidate accepted after January 1, 2020, a preparation program for early childhood or elementary education shall provide multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:

- (a) all requirements outlined in Subsections R277-304-4(4) through (7);
- (b) demonstrating content-specific pedagogy in each of the areas outlined in Subsection R277-304-5(1);
- (c) diagnosing students struggling with reading and planning and implementing remediation for those students; and
- (d) diagnosing students struggling with mathematics and planning and implementing remediation for those students.

([4]3) An educator preparation program shall apply the standards in this Section R277-304-4 to the specific age group or grade level for which the preparation program is designed.

- (a) An early childhood education program shall focus primarily on early childhood development and learning in preschool through grade 3.
- (b) An elementary program shall include both early childhood development and learning and elementary content and pedagogy in kindergarten through grade 6.

### **R277-304-6. Secondary Preparation Programs.**

(1) Before approval by the Board, a secondary preparation program shall demonstrate that it requires competency in:

- (a) all content competencies established by the Superintendent for a professional educator license in at least one endorsement;
- (b) all areas outlined in Subsections R277-304-4(4) through (7);
- (c) including literacy and quantitative learning objectives in content-specific classes in alignment with the Utah Core Standards; and
- (d) planning instruction and assessment in content-specific teams and in cross-curricular teams.

(2) For a program candidate accepted after January 1, 2020, a secondary preparation program shall provide multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:

- (a) all requirements outlined in Subsections R277-304-4(4) through (7); and
- (b) ensuring student safety and learning in educational labs or shops and extra-curricular settings.

### **R277-304-7. Special Education and Preschool Special Education Programs.**

(1) Before approval by the Board, a special education or preschool special education preparation program shall demonstrate that:

- (a) the program is operated by or partnered with a Utah institution of higher education or the Board;
- (b) it requires competency in Board approved special education teacher preparation competencies in one or more of the following special education areas:
  - (i) Mild/Moderate Support Needs;
  - (ii) Complex Support Needs;
  - (iii) Deaf and Hard of Hearing;
  - (iv) Blind and Visually Impaired;
  - (v) Deafblind; or
  - (vi) Preschool Special Education (Birth-Age 5);
- (c) the program requires the passage of a Braille assessment approved by the Superintendent for a program in the Blind and Visually Impaired area;
  - (d) For a candidate enrolled in a special education preparation program before September 1, 2027 or enrolled in a preschool special education preparation program, the program requires competency in:
    - (i) all areas detailed in Subsections R277-304-4(4) through (7);
    - (ii) legal and ethical issues surrounding special education, including:
      - (A) the IDEA;
      - (B) the Special Education Rules Manual incorporated by reference in Section R277-750-2; and
      - (C) all other applicable statutes and Board rules;
    - (iii) working with other school personnel to implement and evaluate academic, behavioral, and developmental supports and interventions for students with disabilities within a multi-tiered system of supports as appropriate for the area of licensure;
    - (iv) training in and supervising the services and supports provided to students with disabilities by general education teachers, related service providers, and paraprofessionals; and
    - (v) providing specially designed instruction, including content-specific pedagogy, as per IEPs, to students with disabilities, including:
      - (A) the Utah Core Standards; and
      - (B) the Essential Elements as appropriate to a candidate's prospective area of licensure as established by the Board;
      - (C) skills in assessing and addressing the educational, developmental, and functional needs and progress of students with disabilities;
      - (D) skills in implementing and assessing the results of research and evidence-based interventions for students with disabilities; and
      - (E) skills in implementing an educational program with accommodations, modifications, services, and supports established by an IEP for students with disabilities.
  - (2) For a program candidate accepted after January 1, 2020, a special education or preschool special education preparation program shall require multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:
    - (a) all requirements outlined in Subsections R277-304-4(4) through (7);
    - (b) creating learning goals and objectives for a student with disabilities that are specific, measurable, time-bound, and aligned to identified student needs and the Utah Core Standards;
    - (c) designing or adapting learning environments for diverse student populations that encourage active participation in individual and group activities;
    - (d) monitoring school compliance with multiple student IEP and Section 504 plans;
    - (e) conducting a student IEP meeting under the supervision of a licensed special education teacher;
    - (f) using knowledge of measurement principles and practices to interpret assessment information in making instructional, eligibility, program, and placement decisions for students with disabilities, including those from culturally or linguistically diverse backgrounds;
    - (g) communicating with parents of students with disabilities to ensure they are informed regarding the progress of their student and their right to due process; and
    - (h) if the program is designed to prepare an individual for a special education license area, developing and implementing a secondary transition plan as it relates to post-secondary education and training, competitive employment, and independent living.
  - (3) For a program candidate accepted on or after September 1, 2027, a special education preparation program shall require demonstration of:
    - (a) the Special Education Preparation Foundational Competencies; and
    - (b) the competencies for at least one special education endorsement.

#### **R277-304-8. Deaf Education Preparation Programs.**

- (1) Before approval by the Board, a deaf education preparation program shall:
  - (a) be operated by or partnered with a Utah institution of higher education or the Board;
  - (b) be aligned with the National Association of State Directors of Special Education, Inc., Optimizing Outcomes for Students who are Deaf or Hard of Hearing, Educational Service Guidelines, Third Edition;
  - (c) be focused on one or more of the following areas:
    - (i) teaching students who are deaf or hard of hearing from birth to age five using both listening and spoken language strategies and American Sign Language;
    - (ii) teaching students who are deaf or hard of hearing with listening and spoken language strategies; or
    - (iii) teaching students who are deaf or hard of hearing with strategies that promote the development of American Sign Language and English literacy across the curriculum;
  - (d) require competency in:

## NOTICES OF PROPOSED RULES

- (i) the areas detailed in Subsections R277-304-4(4) through (7).
- (ii) legal and ethical issues surrounding special education, including:
  - (A) the IDEA;
  - (B) the Special Education Rules Manual incorporated by reference in Section R277-750-2; and
  - (C) all other applicable statutes and Board rules;
- (iii) addressing specific linguistic and cultural needs of deaf and hard of hearing students throughout the curriculum;
- (iv) skills for incorporating language into all aspects of the curriculum;
- (v) pedagogical skills unique to teaching reading, writing, mathematics, and other content areas to deaf and hard of hearing students;
- (vi) basic fluency in the use of American Sign Language;
- (vii) knowledge of the audiological and physiological components of audition;
- (viii) skills for teaching speech to deaf and hard of hearing students;
- (ix) the socio-cultural and psychological implications of hearing loss; and
- (x) assessing and addressing the educational needs and educational progress of deaf and hard of hearing students.

(2) For a program candidate accepted after January 1, 2020, a deaf or hard of hearing education preparation program shall require multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:

- (a) all requirements outlined in Subsections R277-304-4(4) through (7);
- (b) for a program focused on Subsection R277-304-8(1)(c)(i):
  - (i) assessing early childhood language development and assessment in American Sign Language and spoken English;
  - (ii) working with families with students who are deaf or hard of hearing while respecting a variety of communication modalities;
  - (iii) integrating language, speech, and listening into everyday activities;
  - (iv) sharing knowledge with families with students who are deaf or hard of hearing about the complexities of deaf culture, including norms and behaviors of the deaf community;
- (v) developing auditory perception in children and educating parents about developmental milestones for listening skills; and
- (vi) proficiency in American Sign Language as demonstrated by passing an assessment approved by the Superintendent;
- (c) for a program focused on Subsection R277-304-8(1)(c)(ii):
  - (i) developing auditory perception in children and strategies for developing listening and spoken language in deaf and hard of hearing students;
  - (ii) demonstrating understanding and expertise regarding early childhood spoken language development;
  - (iii) involving family members with students who are deaf or hard of hearing in learning and therapeutic activities;
  - (iv) integrating speech, listening, and spoken language in preschool and early elementary content areas; and
  - (v) integrating current listening technology, including troubleshooting such technology; and
- (d) for a program focused on Subsection R277-304-8(1)(c)(iii):
  - (i) integrating American Sign Language into instruction of core academic content for all school-age students;
  - (ii) enhancing bilingual literacy of students who are deaf or hard of hearing in both American Sign Language and English;
  - (iii) integrating respect and understanding of deaf culture into instruction;
  - (iv) demonstrating understanding and expertise regarding American Sign Language, language development; and
  - (v) proficiency in American Sign Language as demonstrated by passing an assessment approved by the Superintendent.

### **R277-304-9. Career and Technical Education Preparation Programs.**

(1) Before approval by the Board, a CTE teacher preparation program designed for individuals that do not hold a bachelor's degree or higher shall:

- (a) focus on one or more of the following areas:
  - (i) family and consumer sciences;
  - (ii) health sciences;
  - (iii) information technology;
  - (iv) skilled and technical sciences; or
  - (v) work-based learning;

(b) require that candidates have six years of documented, related occupational experiences within the 10 years before the program application in an approved CTE license area;

- (c) require competency in all areas detailed in Section R277-304-4;

(d) for a program candidate accepted after January 1, 2020, a CTE preparation program shall require multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in all requirements outlined in Section R277-304-4; and

(e) require candidates to hold the applicable license or certificate issued by the Utah State Department of Commerce, Division of Professional Licensing in any area where such licensure or certification exists.

(2) A program may count an associate's degree in a related area for up to two years of occupational experience to satisfy the requirement in Subsection R277-304-9(1)(b).

(3)(a) An approved program may request a waiver from the Superintendent of the occupational experience required for a candidate if the candidate has passed an approved competency examination in the respective field at or above the passing score established by the Superintendent.

(b) The Superintendent may grant a waiver under Subsection (3)(a) for up to five years from the date the candidate passed the examination.

**KEY:** teacher preparation, programs, educators

Date of Last Change: 2026 [May 8, 2025]

Notice of Continuation: March 15, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-6-201

NOTICE OF SUBSTANTIVE CHANGE		
<b>TYPE OF FILING:</b> Amendment		
Rule or section number:	R277-609	Filing ID: 57762

#### Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

Please address questions regarding information on this notice to the persons listed above.

#### General Information

2. Rule or section catchline:
R277-609. Standards for LEA Discipline Policy
4. Purpose of the new rule or reason for the change:
The rule amendments are necessary in order to update a definition.
5. Summary of the new rule or change:
The amendments update the definition for "Accountability Practices". The amendments specify that "Accountability Practices" may include behavior plans, restorative practices, and strategies to increase engagement.

#### Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
<b>A. State budget:</b>
This rule change is not expected to have fiscal impact on state government revenues or expenditures.
The amendments refine the definition of "Accountability Practices" to clarify that practices may include strategies to increase engagement, and update the definition of "Classroom Management" to remove the specific reference to "emotional (BSE)" skills.
These are technical and policy clarifications that utilize existing staff and resources for oversight and do not require additional state appropriations.
<b>B. Local governments:</b>
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

## NOTICES OF PROPOSED RULES

The changes to definitions, such as removing "emotional (BSE)" from classroom management skills and clarifying the scope of accountability practices, allow Local Education Agencies (LEAs) to align their discipline policies with updated terminology.

These definition updates do not mandate new programs or hiring, thus creating no incremental cost for LEAs.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.

This rule regulates LEA discipline policies and does not impose requirements on small businesses.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for 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 change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The rule changes are administrative in nature, refining definitions within school policy requirements, and do not impose financial obligations on individuals or other entities.

### **F. Compliance costs for affected persons:**

There are no compliance costs for affected persons.

The updates to this rule clarify existing definitions regarding school discipline.

There are no fees or new compliance burdens that would generate a cost for individuals.

### **G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

**Regulatory Impact Summary Table**

<b>Fiscal Cost</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H. Department head comments on fiscal impact and approval of regulatory impact analysis:</b>					
The State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.					

**Citation Information**

<b>7. 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:</b>					
Article X, Section 3		Subsection 53E-3-401(4)		Subsection 53E-3-501(1)(b)(v)	
Section 53E-3-509		Section 53G-8-202		Section 53G-8-702	
Section 53G-8-302					

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b>					
<b>A. Comments will be accepted until:</b>					03/03/2026

<b>10. This rule change MAY become effective on:</b>	03/10/2026
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**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	01/15/2026
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**R277. Education, Administration.****R277-609. Standards for LEA Discipline Policy.****R277-609-1. Authority, Purpose, and Oversight Category.**

- (1) This rule is authorized by:
  - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
  - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
  - (c) Subsection 53E-3-501(1)(b)(v), which requires the Board to establish rules concerning discipline and control;
  - (d) Section 53E-3-509, which requires the Board to adopt rules that require a local school board or governing board of a charter school to enact gang prevention and intervention policies for all schools within the board's jurisdiction;
  - (e) Section 53G-8-702, which requires the Board to adopt rules regarding training programs for school principals; and
  - (f) Section 53G-8-202, which directs local school boards and charter school governing boards to adopt conduct and discipline policies and directs the Board to develop model policies to assist local school boards and charter school governing boards.
- (2) The purpose of this rule is to outline requirements for an LEA's discipline policy and related plans.
- (3) This Rule R277-609 is categorized as Category 2 as described in Rule R277-111.

**R277-609-2. Definitions.**

- (1)(a) "Accountability Practice" means any evidence-based practice that increases academic outcomes, decreases behavior that disrupts the learning environment and holds students accountable for their actions by requiring them to take responsibility to repair harm and provide restitution when appropriate.
- (b) ~~[Some p]Practices may include [adapting instruction to increase engagement,] behavior plans, [and] restorative practices, and strategies to increase engagement.~~
- (2) "Classroom management" means the use of planned strategies that:
  - (a) establish an organized and successful learning environment;
  - (b) promote academic excellence;
  - (c) teach behavioral, ~~and~~ social, ~~and emotional (BSE)~~ skills to all students; and
  - (d) prevent a pattern of behavior that interferes substantially and materially with the instruction of other students in the classroom.
- (3) "Discipline" means school discipline and refers to the rules and evidence-based strategies applied in school to manage student behavior.
- (4) Discipline policy means one or more LEA policies that includes the provisions required by this Rule R277-609.
- (5) "Electronic cigarette product" has the same meaning as that term is defined in Section 76-10-101.
- (6) "Emergency safety intervention" or "ESI" means the same as described in Section R277-608-2.
- (7) "Evidence-based" means the same as defined in Section 53G-8-211.

## NOTICES OF PROPOSED RULES

- (8) "Expulsion" means a disciplinary removal from school for more than ten school days without an offer of alternative education service.
- (9) "Harassment and discrimination free learning" means a learning environment in which a student is treated fairly regardless of the student's characteristics including race, color, religion, sex, national origin, or disability and in which a student's ability to participate in or benefit from the services, activities, or opportunities offered is not limited or interfered with by conduct that is physically threatening, harmful, or humiliating.
- (10) "Incident" means the same as defined in Rule R277-613.
- (11) "Infraction" means the same as defined in Rule R277-613.
- (12) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.
- (13) "LEA Plan" means a data-driven written process or procedure that outlines the implementation of strategies that positively impact student behavior throughout the LEA.
- (14) "Positive behavior interventions and support" means an implementation framework for maximizing the selection and use of evidence-based prevention practices along a multi-tiered continuum that supports the academic, social, emotional, and behavioral competence of a student.
- (15) "Program" means an instructional or behavioral program including:
  - (a) contracted services offered by private providers under the direct supervision of public school staff;
  - (b) a program that receives public funding; or
  - (c) a program for which the Board has regulatory authority.
- (16) "Prohibited student behavior" for the purposes of this rule includes:
  - (a) the grounds for suspension or expulsion described in Section 53G-8-205 including disruption; and
  - (b) the conduct described in Subsection 53G-8-209(2)(b).
- (17) "Qualifying minor" means a school-age minor who:
  - (a) is at least nine years old; or
  - (b) turns nine years old at any time during the school year.
- (18) "Restorative justice program" means the same as that term is defined in Section 53G-8-211.
- (19) "Restorative practice" means to help minors take responsibility for and repair harmful behavior that occurs within the school community.
- (20) "School employee" means:
  - (a) a school teacher;
  - (b) a school staff member;
  - (c) a school administrator; or
  - (d) any other person employed, directly or indirectly, by an LEA.
- (21) "Suspension" means the same as defined in Section R277-100-2 and as described in Section 53G-8-206.

### **R277-609-3. Actions Required to Create or Update an LEA Discipline Policy.**

- (1) An LEA or school shall develop and implement a board-approved LEA policy for school discipline.
- (2) An LEA shall include administration, instruction and support staff, students, parents, community council, and other community members in policy development, training, and prevention implementation to create a community sense of participation, ownership, support, and responsibility.
- (3) An LEA shall include as part of the policy, a process for parental outreach and education regarding the policy and how it can provide a discrimination and harassment free environment, through strategies promoting positive engagement between staff, students, and parents.
- (4) An LEA may incorporate Rule R277-609 into one or more of its LEA policies, ensuring that all disciplinary practices are consistent with the requirements established in this rule.
- (5) An LEA shall develop uniform and equitable methods for a school level data-based evaluation of the efficiency and effectiveness of the policy on an annual basis.
- (6) An LEA shall publish a notice to parents and school employees of the discipline policy by reasonable means.

### **R277-609-4. School Conduct and Discipline Policy.**

- (1) An LEA discipline policy shall include:
  - (a) provisions consistent with:
    - (i) the requirements of Section 53G-8-210;
    - (ii) the requirements of Subsection 53E-7-207(5);
    - (iii) the requirements of Rule R277-750, including:
      - (A) procedural safeguards;
      - (B) child find;
      - (C) IEP development, review, and revision; and
      - (D) discipline procedures requirements; and
    - (iv) the child find provisions in Section 504 of the Rehabilitation Act of 1973.
  - (b) grounds for suspension and expulsion consistent with Section 53G-8-205;
  - (c) alternatives to suspension and expulsion consistent with Section 53G-8-207;

- (d) direction for schools to determine the range of prohibited behaviors and establish the continuum of administrative procedures that may be used by school personnel to address prohibited student behavior;
- (e) parent responsibilities as described in Section 53G-8-208.
- (f) federal legal requirements, including IDEA, Title IX, and the Americans with Disabilities Act;
- (g) identification, by position, of an individual designated to issue notices of prohibited student behavior as described in Section 53G-8-210;
- (h) identification of individuals who shall receive notices of prohibited student behavior as described in Section 53G-8-210;
- (i) the parent notification requirements in Section 53G-8-210; and
- (j) provide procedures for qualifying minors and their parents to participate in decisions regarding consequences for prohibited student behavior.
- (k) provide due process procedures for minors and parents to contest allegations and citations of prohibited student behavior.
- (2) An LEA discipline policy, shall include provisions that apply to the following specific incident and infractions types:
  - (a) the illicit use, possession, or distribution of:
    - (i) alcohol;
    - (ii) tobacco and nicotine products, including electronic cigarettes, as defined in Section 76-10-101; and
    - (iii) marijuana and controlled substances as defined in Section 58-37-2;
  - (b) specific conduct as described in Subsection 53G-8-209(2);
  - (c) provisions and procedures, consistent with requirements of Rule R277-613;
  - (d) gang prevention and intervention provisions in accordance with Subsection 53E-3-509(1);
  - (e) responses to defacement of school property consistent with Sections:
    - (i) 53G-8-212;
    - (ii) 76-6-101; and
    - (iii) 80-6-610.
  - (f) responses to attendance concerns as described in Rule R277-607; and
  - (g) serious offenses of sexual crimes as described in Sections:
    - (i) 53G-8-201;
    - (ii) 53G-8-203; and
    - (iii) 53G-8-213.
- (3) An LEA discipline policy shall also include direction on the following available supportive or emergency responses:
  - (a) strategies that align with the LRBI manual incorporated in this rule;
  - (b) the appropriate use of accountability practices;
  - (c) the use of emergency safety interventions as outlined in Section R277-608-3 for all students consistent with evidence-based practices and Rule R277-608;
  - (d) the use of SafeUT as described in Section 53G-8-203;
  - (e) threat assessment as described in Rule R277-400; and
  - (f) additional provisions that account for an individual LEA's or school's unique needs or circumstances, including:
    - (i) the role of law enforcement; and
    - (ii) emergency medical services.

**R277-609-5. LEA Responsibility to Implement Positive Behavior Interventions, Supports and Accountability Practices.**

- (1) An LEA shall implement positive behavior interventions, supports, and accountability practices as part of the LEA's continuum of behavior interventions strategies.
- (2) LEA plans shall use:
  - (i) written standards for student behavior expectations, including schoolwide and classroom management;
  - (ii) effective instructional practices for teaching student expectations;
  - (iii) systematic methods for reinforcing expected behaviors;
  - (iv) uniform and equitable methods for correcting student behavior; and
  - (v) procedures for re-teaching behavior expectations followed by effective, evidence-based interventions matched to student needs before suspension or court referral;
  - (vi) procedures for referral for a student with a qualifying offense to alternative school-related interventions as described in Section 53G-8-211.
- (3) An LEA shall provide an ongoing staff development program as described in Rule R277-608.

**R277-609-6. LEA Reporting.**

- (1) An LEA shall develop a consistent process to collect incident, infraction, and discipline data, including the number of days of student suspensions and expulsions.
- (2)(a) An LEA shall submit all required incident, infraction, and discipline data, including suspensions and expulsions consistent with Rule R277-484;
- (b) An LEA shall submit any yearly and comprehensive updates no later than June 30th of each year.

**R277-609-7. Incorporation by Reference of Least Restrictive Behavior Intervention Manual.**

- (1) This rule incorporates by reference the Least Restrictive Behavioral Intervention Manual May 2025 Edition.

## NOTICES OF PROPOSED RULES

(2) A copy of this document is located at:  
(a) <https://www.schools.utah.gov/administrative/utah-state-board-of-education/documents/utah-state-board-of-education>; and  
(b) the offices of the Utah State Board of Education.

### KEY: disciplinary actions, prohibited student behavior

Date of Last Change: 2026 | August 7, 2025

Notice of Continuation: September 13, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-501(1)(b)(v); 53E-3-509; 53G-8-202; 53G-8-702; 53G-8-302

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING:	Amendment	
Rule or section number:	R277-709	Filing ID: 57763

### Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

Please address questions regarding information on this notice to the persons listed above.

### General Information

2. Rule or section catchline:
R277-709. Education Programs Serving Youth in Care
4. Purpose of the new rule or reason for the change:
The rule amendments are needed to better align with existing processes in Youth in Care (YIC) operations and standards.
5. Summary of the new rule or change:
The amendments are primarily updating terminology, changing "secure lockup facilities" to "secure care facilities" and "observation and assessment units" to "shelters" in Section R277-709-9.
This rule also removes the requirement for the Utah State Board of Education (USBE) to make written General Education Development (GED) course descriptions available.

### Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures.
The amendments are primarily technical, such as updating terminology (e.g., changing "secure lockup facilities" to "secure care facilities" and "observation and assessment units" to "shelters" in Section R277-709-9).
This rule also removes the requirement for the Utah State Board of Education (USBE) to make written General Education Development (GED) course descriptions available, but this administrative adjustment does not alter funding levels or require new appropriations.

**B. Local governments:**

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

This rule updates operational standards for Local Education Agencies (LEAs) serving youth in care.

It clarifies that LEAs must make available course offerings for graduation or a GED and updates the terminology for members of local interagency councils.

These are procedural clarifications that align with current practice and do not impose new financial burdens or change the allocation of funds to LEAs.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.

This rule governs public education programs and interagency councils. While some LEAs may contract with private providers, the rule changes (terminology updates and clarifying course offerings) do not mandate new costs for these third-party providers.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for 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 change is not expected to have fiscal impact on revenues or expenditures for other persons other than small businesses, businesses, or local government entities.

This rule impacts the administration of education programs for youth in care and does not impose fees or costs on individuals or any other entities.

**F. Compliance costs for affected persons:**

There are no compliance costs for affected persons.

The amendments clarify existing administrative responsibilities for LEAs and state agencies but do not create new compliance costs for individuals or entities.

**G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0

## NOTICES OF PROPOSED RULES

Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### **H. Department head comments on fiscal impact and approval of regulatory impact analysis:**

The State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.

### **Citation Information**

**7. 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:**

Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53E-3-503(2)(b)
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### **Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.**

<b>A. Comments will be accepted until:</b>	03/03/2026
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**10. This rule change MAY become effective on:** 03/10/2026

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**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	01/15/2026
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### **R277. Education, Administration.**

#### **R277-709. Education Programs Serving Youth in Care.**

##### **R277-709-1. Authority, Purpose, and Oversight Category.**

(1) This rule is authorized by:

- (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;
- (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
- (c) Subsection 53E-3-503(2)(b) which requires the Board to adopt rules for the distribution of funds for the education of youth in care.

(2) The purpose of this rule is to specify operation standards, procedures, and distribution of funds for youth in care programs.

(3) This Rule R277-709 is categorized as Category 4 as described in Rule R277-111.

##### **R277-709-2. Definitions.**

- (1) "Accreditation" means the formal process for evaluation and approval from a regional accrediting body.
- (2) "Youth in [e]Care" or "YIC" means a person for whom the Board is responsible to provide educational services under Sections 53E-3-503 and 26B-5-325.

##### **R277-709-3. LEA Programs.**

- (1) An LEA shall submit an annual application and plan for approval by the Superintendent to receive funds and provide educational services for YIC.
- (2) The LEA's plan described in Subsection (1) shall include:
  - (a) a strategic plan outlining the key goals and strategies the program will achieve for YIC students;
  - (b) the respective responsibilities of the Board, LEAs, and other local service providers for education; and
  - (c) any third-party providers of educational services the LEA plans to utilize.
- (3) An LEA with an approved YIC program shall:
  - (a) assign each YIC student in a school-based program a mentor using an evidence-based mentoring program;
  - (b) admit a YIC student to classes within five school days following arrival at a new residential placement;
  - (c) flag the student as a YIC student in the LEA's student information system and obtain applicable forms from the Utah Department of Health and Human Services (DHHS) regarding the YIC designation of the student;
  - (d) maintain a system to record incident data including incident data described by Rule R277-912 and Section 53E-3-516;

(e) offer courses consistent with the Utah Core standards described in Rule R277-700;

~~(f) make available course offerings to a YIC student that include access to all classes required for graduation or a GED.~~

~~[~~(f)~~]~~(g)~~~~ ensure staff assigned to a YIC student be qualified and appropriate for the student's assignments in accordance with Board licensing rules;

~~[~~(g)~~]~~(h)~~~~ maintain accreditation as part of the LEA where the programs are located consistent with Rule R277-410;

~~[~~(h)~~]~~(i)~~~~ prioritize course content mastery rather than completion of predetermined seat time in a classroom; and

~~[~~(i)~~]~~(j)~~~~ coordinate educational services with non-custody programs to enable a YIC student to continue the student's education following discharge from custody.

~~[~~(j)~~]~~ The Superintendent shall make available written course descriptions for GED Test preparation for YIC students who consider pursuing GED Tests as an alternative to traditional Carnegie diploma courses.]

~~[~~(j)~~]~~(4)~~~~ An LEA shall provide an education program for a YIC student that:

(a) is in the least restrictive environment appropriate for the student's behavior and educational performance;

(b) conforms to the student's individualized education program (IEP) when the student qualifies for special education;

(c) adheres to the student's 504 plan, if applicable; and

(d) references existing administrative rule and its applicability where appropriate.

~~[~~(j)~~]~~(5)~~~~ An LEA may provide a YIC student a temporary schedule that can be modified to meet the YIC student's needs after an evaluation and planning process is complete.

~~[~~(j)~~]~~(6)~~~~ An LEA may not assign or allow a YIC student to remain in a restrictive environment, including separation from general education students and programs, due to:

(a) the student's custodial status;

(b) past behavior that does not put others at risk; or

(c) the inappropriate behavior of another student.

~~[~~(j)~~]~~(7)~~~~ If an LEA uses a secured facility, including a residential treatment center, to provide educational services to a YIC student, the LEA shall provide an educational and career transition advocate and transition services for the YIC student.

~~[~~(j)~~]~~(8)~~~~ An LEA shall maintain all grades, attendance records, and special education SCRAM records for a YIC student in the LEA's student information system in compliance with Rule R277-484, Data Standards.

~~[~~(j)~~]~~(9)~~~~ An LEA with a YIC program shall participate in regular compliance monitoring visits by the Superintendent.

~~[~~(j)~~]~~(10)~~~~ Following a student's release from or transfer to a new LEA's program, the sending LEA shall ensure all available school records are up to date and forward the school records to the receiving LEA consistent with Section 53G-6-604.

#### **R277-709-4. School Counseling.**

(1) An LEA shall ensure each YIC student has a written plan for college and career readiness as described in Section R277-462-5 including defining the student's academic achievement and known in-school and extra-school factors which may affect the student's school performance.

(2) An LEA with a YIC program shall develop the plans required under Section R277-462-5 in cooperation with appropriate representatives of other service agencies working with a YIC student, such as Division of Juvenile Justice and Youth Services, Division of Child and Family Services, and Department of Workforce Services.

(3) An LEA shall accept credit earned in a YIC program that is accredited at face value in Utah's public schools consistent with Section R277-410-9.

#### **R277-709-5. Special Education.**

(1) An LEA with a YIC program shall adhere to the IDEA and state special education rules for the LEA's YIC program.

(2) The IEP team shall review the postsecondary transition plan in connection with the development of the college and career readiness plan.

(3) An LEA with a student who is both a student with a disability and a YIC student may provide services to that student from the LEA's YIC program and shall provide services from the LEA's special education program if the student qualifies for special education.

(4) An LEA shall provide educational instruction as defined in Rule R277-750 to a YIC student who qualifies for special education services.

(5) An LEA shall ensure that custodial status alone is not used to qualify a YIC student as a student with a disability under laws regulating special education.

(6) The Superintendent shall monitor special education programs provided through YIC in conjunction with Utah Program Improvement Planning Systems (UPIPS) monitoring.

#### **R277-709-6. Program Fiscal and Accountability Procedures.**

(1) An LEA with an approved application and plan, and the Utah State Hospital, shall receive an allocation of state funds appropriated for YIC programs in accordance with Section 53E-3-503 and Section 26B-5-325.

(2) An LEA shall receive funding determined by a set of criteria including:

(a) the number of YIC students served by the LEA;

(b) the type of program required for a student;

(c) the setting for providing educational services; and

(d) the length of the YIC program.

## NOTICES OF PROPOSED RULES

- (3) An LEA with an approved YIC program shall expend funds approved solely for the purposes described in the LEA's approved plan.
- (4) An LEA with an approved program may use funds that provide incidental benefits for non YIC students if:
  - (a) the educational provider is performing a task related to specific needs of at least one YIC student outlined in the YIC student's education plan; and
  - (b) the task does not require additional time beyond what is required to address the specific needs of at least one YIC student outlined in the YIC student's education plan.
- (5) The Superintendent may retain no more than 5% of the total YIC annual legislative appropriation for administration, oversight, monitoring, and evaluation of YIC programs and their compliance with law and this rule.
- (6) Up to 3% of the 5% of administrative funds allowed under Subsection (5) may be withheld by the Superintendent and directed to students attending YIC programs for short periods of time or to new or beginning YIC programs or initiatives benefiting YIC students.
- (7) The Superintendent may only contract through an RFP process with an appropriate entity if the Superintendent determines that the LEA where the facility is located is unable or unwilling to provide adequate education services.
- (8) YIC students receiving education services by or through an LEA shall be considered students of that LEA.
- (9) Notwithstanding the procedures for determining an alternative district of residency in Rule R277-621, an LEA may not create an alternative district of residency for a student who has been placed in custody primarily in an attempt to receive services in a state funded YIC program.
- (10) An LEA may carry forward 10% of state YIC funds or educational contract funds for use in the next fiscal year with written approval of the Superintendent.
- (11) An LEA shall submit to the Superintendent a request to carry forward funds for approval by the deadline specified by the Superintendent.
- (12) If approved, an LEA shall detail carry forward amounts in a revised budget submitted to the Superintendent by the deadline specified by the Superintendent in the year requested.
- (13) The Superintendent shall consider carry forward funds in determining the LEA's allocation for the next fiscal year.
- (14) The Superintendent shall:
  - (a) annually assess carry forward fund balances more than 10%; and
  - (b) reallocate excess funds to YIC programs based on the criteria and procedures provided by this rule.
- (15) An LEA may make budget adjustments to the LEA's approved plan without approval from the Superintendent if the adjustments are below 10% of the LEA's approved plan.
- (16) An LEA shall seek approval by the Superintendent to make budget adjustments that are larger than 10% of the LEA's approved plan.

### **R277-709-7. Confidentiality.**

- (1) An LEA shall issue transcripts and diplomas prepared for a YIC student in the name of an existing accredited school and may not bear references to custodial status.
- (2) An LEA shall use reasonable methods to ensure that school officials obtain access to only those education records in which they have a legitimate educational interest.
  - (3) An LEA that does not use physical or technological access controls shall:
    - (a) ensure that the LEA's administrative policy for controlling access to education records is effective; and
    - (b) that the LEA remains in compliance with the legitimate educational interest requirement as described in Family Educational and Privacy Rights Act and 34 CFR Section 99.31.
  - (4) An interagency team, including an LEA, that oversees student education plans shall:
    - (a) have access to relevant records of the various agencies through each team member representatives of the participating agencies; and
    - (b) ensure the records and information obtained from the records remain the property of the supplying agency and may not be transferred or shared with other persons or agencies without the permission of the supplying agency, the student's parent, or the eligible student, as defined under the Family Educational and Privacy Rights Act 20 U.S.C. 1232g(d).

### **R277-709-8. Coordinating Council.**

The Board shall coordinate with DHHS to appoint a coordinating council in accordance with Subsection 53E-3-503[46](5)(a) to plan, coordinate, and recommend budget, policy, and program guidelines for the education and treatment of persons in the custody of the Division of Juvenile Justice and Youth Services and the Division of Child and Family Services.

### **R277-709-9. Local Interagency Councils.**

- (1) An LEA serving YIC students shall establish a local interagency council which shall be responsible for advising member agencies concerning coordination of YIC programs; and
  - (2) Members of council required under Subsection (1) shall include, if applicable to the LEA, the following:
    - (a) a representative of the Division of Child and Family Services;
    - (b) a representative of the Division of Juvenile Justice and Youth Services;
    - (c) directors of agencies located in an LEA such as detention centers, secure [lockup]care facilities, [observation and assessment units]shelters, day skill intervention programs, and the Utah State Hospital;
    - (d) a representative from contracted residential providers serving YIC in their LEA; and

- (e) a representative of the LEA.
- (3) A local interagency advisory council required under Subsection (1)(a) shall:
  - (a) adopt by-laws for its operation; and
  - (b) meet at least quarterly

**R277-709-10. Corrective Action.**

An LEA that does not comply with the requirements of this rule may be subject to a corrective action plan and potential reduction of funds or penalty in accordance with Rule R277-114.

**KEY:** students, education, juvenile courts

**Date of Last Change:** 2026[November 7, 2024]

**Notice of Continuation:** December 15, 2022

**Authorizing, and Implemented or Interpreted Law:** Art X Sec 3; 53E-3-401(4); 53E-3-503(2)(b)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING:	Amendment	
Rule or section number:	R277-726	Filing ID: 57764

**Agency Information**

<b>1. Title catchline:</b>	Education, Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 144200	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

<b>2. Rule or section catchline:</b>
R277-726. Statewide Online Education Program
<b>4. Purpose of the new rule or reason for the change:</b>
The rule amendments are necessary in order to clarify the Utah State Board of Education's (USBE's) responsibilities for "special populations". "Special population" is considered a "Small school", which means a public high school with a student population of less than 1,000 students and at least one student enrolled in grades 9-12.
<b>5. Summary of the new rule or change:</b>
The amendments update requirements specifically adds a section to this rule on Limited Appropriations for Home Schools and updates the title to Section 9 to reflect Limited Appropriations for Small Schools in order to distinguish the two funding sources.
Additionally, the "Tier Three" requirements for small schools is updated.

**Fiscal Information**

<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
This rule change is not expected to have fiscal impact on state government revenues or expenditures.

## NOTICES OF PROPOSED RULES

The amendments clarify the administration of "Limited Appropriations for Small Schools" and "Limited Appropriations for Home School Students."

These changes govern the distribution of funds already appropriated by the legislature for the Statewide Online Education Program (SOEP) and do not require any new state appropriations or change the total amount of state funding utilized.

### **B. Local governments:**

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

The amendment to Subsection R277-726-9(4)(c) expands the criteria for "Tier Three" schools to include those located in counties of the "third" class (in addition to fourth, fifth, and sixth). This change allows eligible small schools in third-class counties to qualify for a monthly offset of SOEP course fees, which is a savings for those specific Local Education Agencies (LEAs).

However, because the total funding for these offsets is subject to a fixed legislative appropriation (as stated in Subsection R277-726-9(5)), this change represents a potential shift in the distribution of existing funds among LEAs rather than an aggregate increase for LEAs.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.

This rule governs the distribution of state appropriations to LEAs and for home school students.

While some online course providers may be small businesses, the rule changes regarding funding eligibility for schools and home school students do not directly alter the revenue models or compliance costs for providers.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for 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 change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

The addition of Section R277-726-10, "Limited Appropriations for Home School Students," codifies USBE's responsibility to distribute appropriated funds for home school tuition.

This ensures continued access to funded online courses for home school students but does not add costs or savings for home school students outside what has already been appropriated by the Legislature.

### **F. Compliance costs for affected persons:**

There are no compliance costs for affected persons.

The amendments relate to internal agency fund distribution formulas and eligibility criteria for schools, creating no new administrative or financial burdens for individuals.

### **G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.

**Citation Information**

<b>7. 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:</b>		
Article X, Section 3	Section 53F-4-510	Section 53F-4-514
Section 53E-3-401		

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b>		
<b>A. Comments will be accepted until:</b>	03/03/2026	
<b>10. This rule change MAY become effective on:</b>		03/10/2026
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**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	01/15/2026
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**R277. Education, Administration.****R277-726. Statewide Online Education Program.****R277-726-1. Authority, Purpose, and Oversight Category.**

- (1) This rule is authorized by:
  - (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;
  - (b) Section 53F-4-502, which created the program to enable eligible students, through publicly funded online courses, to:
    - (i) earn college credit by July 1, 2025;
    - (ii) earn high school graduation credit; and
    - (iii) earn middle school credit;
  - (c) Section 53F-4-514, which requires the Board to make rules:
    - (i) providing for the administration of the applicable statewide assessments to students enrolled in online courses;
    - (ii) that establish a course credit acknowledgment form and procedures for completing and submitting the form to the Board; and
    - (iii) that establish protocols for an online course provider to obtain approval to become an authorized or certified online course provider; and

## NOTICES OF PROPOSED RULES

(d) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to:

- (a) define necessary terms;
- (b) provide and describe a program registration agreement; and
- (c) provide other requirements for an LEA, the Superintendent, a parent and a student, and an authorized online course provider for program implementation and accountability.

(3) This Rule R277-726 is categorized as Category 4 as described in Rule R277-111.

### **R277-726-2. Definitions.**

(1) "Active participation" means, for purposes of an initial funding distribution described in Section 53F-4-505, that during the 20 day period allowed for withdrawal at the beginning of a semester-length course, or a quarter length course when taken in isolation, a student has:

- (a) logged into the course one or more times;
- (b) submitted one or more grade assignments; and
- (c) not requested to withdraw.

(2) "Applicable statewide assessments" means:

- (a) the high school assessment described in Section 53E-4-304 and Subsection R277-404-2(7);
- (b) a standards assessment as defined in Section 53E-4-303; and
- (c) a Utah alternative assessment as defined in Rule R277-404.

(3) "Approved absence" means an absence permitted in accordance with Subsection 53G-6-803(5).

(4) "Authorized online provider" or "provider" means the same as the term is defined in Section 53F-4-501.

(5) "Certified online course provider" means the same as the term is defined in Section 53F-4-501.

(6) "Confirm" means that a provider certifies:

- (a) that a student has met the criteria outlined in Subsection (1) for active participation; and
- (b) that the provider acknowledges an obligation to the Board or a primary LEA for related accountability mandates associated with the student and the student's course of instruction.

(7) "Course completion" means that a student has completed a course with a passing grade and the provider has transmitted the course title, course code, grade, and credit to the primary LEA and the Superintendent.

(8) "Course Credit Acknowledgment" or "CCA" means an agreement and registration record that:

- (a) uses the Statewide Online Education Program application provided by the Superintendent; and
- (b) except as provided in Section 53F-4-508, is signed by the designee of the primary school, and the qualified provider.

(9) "Day of census" means the school day immediately following the expiration of the 20 school days allowed for a student to withdraw from an SOEP course.

(10) "Disciplinary withdrawal" means that:

- (a) a student was administratively withdrawn from an online course for disciplinary reasons; and
- (b) the student, counselor, and parents were notified.

(11) "Effective Date" means that, notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a delayed effective date that the Board is required to provide after the school year has ended for changes in administrative rule related to the Statewide Online Education Program, as described in Subsection 53F-4-514(1).

(12)(a) "Eligible student" means the same as the term is defined in Section 53F-4-501.

(b) A student up to the age of 19 in an adult education program may be an "eligible student" if the student re-enrolls in a public or private secondary school before the student's cohort's date of graduation.

(c) "Eligible student" does not include:

- (i) a student receiving a scholarship under Title 53F, Chapter 6, Part 4, Utah Fits All Scholarship Program;
- (ii) a student attending a private school; or
- (iii) a student participating in the Utah Private Course Choice Empowerment program under Section 53F-5-501.

(13) "Executed CCA" means a CCA that has been executed pursuant to Subsection 53F-4-508(3) resulting in the issuance of a notice of enrollment.

(14) "Fee" means the same as the term is defined in Rule R277-407.

(15) "High school" means the same as the term is defined in Section 53F-4-501.

(16) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(17) "Learner validated enrollment measures" means measures for establishing attendance and participation in online coursework, which shall include:

- (a) required periodic contact with a teacher of record through means applicable to an online environment, such as:
- (i) asynchronous discussion boards;
- (ii) emails; or
- (iii) scheduled synchronous meetings;

- (b) one or more mandatory measures chosen by a provider from the following:
- (i) a minimum frequency of student logins every five or ten days;
- (ii) student work submitted within required timeline for the student to provide completed assignments, coursework, or to have made progress toward academic goals;

- (iii) routinely completed student assignments demonstrating acceptable progress toward timely completion; or otherwise meeting established pacing guidelines; or
- (iv) additional measures selected for display in a dashboard communicating student progress to a counselor.
- (18) "Loss of eligibility" means that a change in circumstances caused a student to lose program eligibility, resulting in the student being administratively withdrawn from a course.
- (19) "Middle school" means the same as the term is defined in Section 53F-4-501.
- (20)(a) "Notice of enrollment" means a certification issued by the Superintendent indicating that a student:
  - (i) completed registration procedures;
  - (ii) was accepted to participate by a provider; and
  - (iii) received actual or statutory approval from a primary LEA, or the Superintendent, for a home school student.
- (b) A "notice of enrollment" enables a provider to initiate instruction based on:
  - (i) for a public school student, the primary LEA's acknowledgment of financial responsibility; or
  - (ii) for a home school student, the Superintendent's acknowledgment of financial responsibility.
- (21) "Online course" means the same as the term is defined in Section 53F-4-501 regardless of whether the student participates in the online course at home, at a school, at another location, or in any combination of these settings.
- (22) "Online course payment" means the amount of funds withheld from a student's primary LEA and disbursed, or otherwise paid to the designated provider following satisfaction of the requirements of the law, and as directed in Subsection 53F-4-507(2) and Section 53F-4-518.
- (23) "Participation" means that a student continues to satisfy learner validated enrollment measures following confirmation.
- (24) "Primary LEA" means:
  - (a) the LEA reporting the student to be in regular membership, and special education membership, if applicable; and
  - (b) the LEA in which an eligible student is enrolled.
- (25) "Primary school of enrollment" or "primary school" means:
  - (a) a student's school of record within a primary LEA;
  - (b) the school that maintains the student's cumulative file, enrollment information, individualized education program, and transcript for purposes of high school graduation;
  - (c) the school responsible for providing a student access to facilities, technology, internet, and other non-instructional amenities required by membership-related funding derived from the minimum school program, and other local, state, and federal funding streams; and
  - (d) the school responsible for oversight and implementation of the student's educational requirements under the Individuals with Disabilities Education Act.
- (26) "Resident school" means the district school within whose attendance boundaries the student's custodial parent or legal guardian resides.
- (27) "School" means the same as the term is defined in Rule R277-100.
- (28) "Section 504" means Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794.
- (29) "Standard of active participation" means:
  - (a) the established measures of student engagement, selected from a menu of Board-approved learner validated enrollment measures, used by an authorized online course provider to count a student in attendance and participation at least once every ten school days for a course consistent with Section R277-419-5;
  - (b) a written policy:
    - (i) articulating evidence of student participation contained in a learning management system and used by an authorized online course provider to qualify to receive payment as provided in Subsection 53F-4-505(4); and
    - (ii) used to monitor program outcomes and program financial compliance in accordance with Rule R277-114.
- (24) "Statewide Online Education Program" or "SOEP" or "program" means the Statewide Online Education Program created in Section 53F-4-502.
- (31) "Teacher of record" means the teacher who is assigned by a provider and to whom students are assigned for purposes of reporting and data submissions to the Superintendent in accordance with Section R277-484-3 and this rule.
- (32) "Underenrolled student" means a student with less than a full course load, as defined by the LEA, during the regular school day at the student's primary school.
- (33) "Unexcused absence" means an absence charged to a student when the student, without prior authorization, does not meet required participation criteria and fails to respond to outreach, resulting in administrative withdrawal from a course.
- (34) "USBE course code" means a code for a designated subject matter course assigned by the Superintendent.
- (35) "Withdrawal from online course" means that a student requests to withdraw from an online course as follows:
  - (a) within 20 school calendar days of the start date for a semester-length course, if the student enrolls on or before the start date;
  - (b) within 20 school calendar days of enrolling in a semester-length course, if the student enrolls after the start date; or
  - (c) within ten school calendar days after the start date or enrollment in a quarter-length course.

#### **R277-726-3. Course Credit Acknowledgment (CCA) Process.**

- (1) A student, a student's parent, a counselor, or a provider may initiate a CCA.
- (2)(a) A counselor designated by a student's primary school shall review the student's CCA to ensure consistency with:
  - (i) graduation requirements;
  - (ii) the student's plan for college and career readiness;
  - (iii) scheduling; and

## NOTICES OF PROPOSED RULES

(iv) requirements for course replacement under Rule R277-717.

(b) The primary school, the primary LEA and an online course provider shall respond to the CCA using forms and processes provided by the Superintendent within 24 business hours.

(3)(a) The primary school is not required to meet with the student or parent for approval of a course request.

(b) The primary school shall consider an online request to constitute a simultaneous request to drop a duplicated physical course in favor of the online course.

(4) Following the issuance of a notice of enrollment, the primary school may work with a student to request that an online course be dropped within the times outlined for withdrawal from a course in Subsection R277-726-2(35).

(5) If an eligible student has an IEP or Section 504 plan, the eligible student's primary LEA shall provide or facilitate enrollment by:

(a) forwarding a copy of the relevant portions of the eligible student's existing IEP or Section 504 accommodation plan to the authorized online course provider in accordance with federal law and regulations;

(b) ensuring the eligible student's IEP team and the authorized online course provider review a course enrollment for compliance with Subsection (1);

(c) coordinating additional IEP team reviews, as necessary, with the authorized online course provider to ensure appropriate services, supports and accommodations are in place for the eligible student; and

(d) ~~[ensuring]~~ considering the authorized online course provider ~~[is included]~~ in an eligible student's IEP revisions.

(6) Once a student's enrollment and active participation are confirmed, the Superintendent shall direct funds to the provider, consistent with Sections 53F-4-505 through 53F-4-507, and Section 53F-4-518.

### **R277-726-4. Eligible Student and Parent Rights and Responsibilities.**

(1)(a) An eligible student may register for program credits consistent with Section 53F-4-503 and this rule.

(b) Notwithstanding Subsection (1)(a), an eligible student in grades 6 through 8 may not register for Health I or Health II without written approval from a counselor at the student's primary school transmitted to an online provider before acceptance of a request for enrollment.

(2) An eligible student may exceed a full course load during a regular school year if:

(a) the student's plan for college and career readiness indicates that the student intends to complete high school graduation requirements and exit high school before the rest of the student's high school cohort; or

(b) the student's local school board or charter school governing board has a policy that allows students to enroll in additional courses.

(3) Only original credit may be funded through the program.

(4)(a) An eligible student is expected to complete courses in which the student enrolls in a timely manner consistent with Section 53F-4-505 and requirements for attendance and participation in accordance with Subsection R277-726-7(15) and Subsection R277-726-2(17).

(b) If a student changes the student's enrollment in the student's primary LEA or withdraws from an online course for any reason, it is the student's or student's parent's responsibility to notify the online course provider immediately.

(5) A student shall enroll in online courses, or declare an intention to enroll, during the school course registration period designated by the primary LEA or primary school for regular course registration, provided the student's LEA notifies students of the opportunity to enroll in the program as described in Section 53F-4-513.

(6)(a) A student may alter a course schedule by dropping a physical course and adding an online course in accordance with the primary school's same established deadline for dropping and adding physical courses.

(b) A student may enroll in a course outside of the primary school's established deadline for dropping and adding physical courses if the student is not seeking to alter a course schedule by dropping a physical course and adding an online course but is instead seeking to add courses above full-time-enrollment consistent with an approved plan for early graduation.

(7) Notwithstanding Subsection (5), an underenrolled student may enroll in an online course at any time during a calendar year.

(8)(a) An authorized online course provider shall reasonably accommodate a request of a student's parent to visit and observe any class the student attends, including allowing appropriate access to digital systems of course delivery, as required in Section 53G-6-803.

(b) An authorized online course provider shall reasonably accommodate and record an excused absence at the request of a student's parent as an "approved absence" as described in Subsection 53G-6-803(5) if:

(i) the parent submits a written statement at least one school day before the scheduled absence; and

(ii) the student agrees to make up coursework for school days missed for the scheduled absence in accordance with LEA policy.

### **R277-726-5. LEA Requirements and Responsibilities.**

(1) A primary school shall facilitate student enrollment with any eligible online provider selected by an eligible student consistent with course credit limits.

(2) An eligible student may only take six online credits per academic year unless:

(a) the primary school agrees that more credits better meets the academic needs of the student in accordance with Section 53F-4-502; or

(b) the Superintendent approves additional credits for the student.

(3) The sum of program and physical credits may not exceed full-time enrollment unless a plan for early graduation is reflected in a student's records.

(4) A primary school and a primary LEA shall use the CCA application, records, and processes provided by the Superintendent.

(5) In accordance with Subsection 53F-4-509(5), if a student enrolled in a program course intends to graduate early and exceeds a full course load during a regular school year, the student's primary LEA may mark the student as an early graduate and increase membership in accordance with Section R277-419-6, Section R277-700-6 and Rule R277-484 to account for credits in excess of full-time enrollment in the LEA's student information system.

(6) A primary school or primary LEA shall provide information about available online courses and programs:

- in registration materials;
- on the LEA's website; and
- on the school's website.

(7) A primary LEA may not require a student to participate in onsite or in-person courses to:

- access sports, facilities, or student honors; or
- meet special education service needs.

(8) To facilitate enrollment as required by Section 53F-4-513, a primary school or primary LEA shall provide the information required under Subsection (6) concurrent with the high school course registration period designated by the primary LEA for the upcoming school year.

(9) A primary school:

- shall include a student's online courses in the student's schedule and enrollment records;
- may increase membership to account for SOEP credits for students with documented early graduation plans; and
- upon course completion, shall include online course grades and credits on the student's transcript, including high school coursework completed before grade 9 using course title and core codes for purposes of high school graduation.

(10) A primary school shall determine fee waiver eligibility for participating public school students pursuant to Rule R277-407.

(11)(a) If a participating student qualifies for a fee waiver, the student's primary LEA or primary school shall provide the participating student access to an online course by:

- allowing a student access to necessary technology within the school building during the regular school day for the student to participate in an online course; or
- providing a participating student with the technology and Wi-Fi needed for the student to participate outside of the school building.

(b) If a participating student who qualifies for a fee waiver is a home school student, the online course provider shall provide the participating home school student access to the online course.

(13) Where participating students access program courses using LEA-owned and managed devices, the primary LEA shall configure devices so the participating students may form a separate user account or otherwise allow access to online course provider materials using credentials supplied by an online course provider.

(14)(a) During the regular school day, a primary school shall provide participating students access to facilities for the student to participate in an online course;

(b) A primary school may not restrict a participating student from leadership opportunities, sports, extracurricular and co-curricular activities, counseling, graduation, honors, activities, amenities, and other non-instructional services offered to students generally on the basis of the student's participation in SOEP courses or on the basis of relative levels of participation in physical courses versus program courses.

(15)(a) A primary LEA shall record course completions conferring high school credit in a student's record of credit and course completion for grade 9 to allow recognition toward grades 9-12, and high school graduation requirements.

(b) A primary LEA accepting credit toward high school requirements is not required to independently verify:

- early graduation status; or
- that high school courses taken through the program did not replace middle school courses for a student.

(16) When a student satisfactorily completes an online semester or quarter course:

- for high school credit, in accordance with the LEA's procedures, a designated counselor or registrar at the primary school shall forward records of grades and high school graduation credit, listing core codes for each completed course; or
- for a student participating in the program in grades 6 through 8, the primary LEA for grade 9 shall record grades and credit per Subsection (15) once the student completes grade 8.

(17) For participating high school seniors, a primary school shall inform students requiring SOEP credit for graduation of the course completion deadlines necessary to facilitate official transcript receipt before verification for graduation.

#### **R277-726-6. Superintendent Requirements and Responsibilities.**

(1) The Superintendent shall provide a website for the program, including information required under Section 53F-4-512 and other information as determined by the Superintendent.

(2) On or before January 31, 2026, the Superintendent shall create a centralized option, which shares the following information from the primary LEA's SIS with a selected provider for an enrolled student:

- transcripts;
- current IEP or Section 504 accommodation plan; and
- other necessary accommodations and services.

(3) The Superintendent shall direct a provider to administer the Utah standards and high school assessments, as applicable, consistent with Section 53F-4-514 and Rule R277-404.

(4)(a) The Superintendent shall prepare and make available applications and program agreements for authorized online course providers.

(b) The Superintendent shall review each application within a reasonable amount of time and may invite prospective providers for interviews or further discussions of qualifications to clarify outstanding issues.

(c) A provider authorized by the Superintendent by June 30 will begin service July 1 of the following year to allow preparation of fall or summer enrollment in the subsequent academic year.

(5)(a) With the exception of the requirements of Subsection 53F-5-514(2), the Superintendent may determine space availability standards and appropriate course load standards for online courses consistent with Subsection 53F-4-512(3)(g).

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- (b) Course load standards may differ based on subject matter.
- (6) Before approving a provider, consistent with Section 53F-4-504, the Superintendent shall:
  - (a) review Annual Financial Reports and state-administered test data to establish capacity of a program to serve an increased range of students while still meeting program requirements;
  - (b) disclose problematic findings to the applicant and the Board; and
  - (c) verify that a non-LEA prospective provider:
    - (i) has a student information system that is compatible with UTREx and USIMS;
    - (ii) is a 501(c)(3) non-profit entity;
    - (iii) demonstrates data security and privacy compliance capacity, consistent with FERPA, through submission of a report selected by the Superintendent or developed by the American International Society of Certified Public Accountants to evaluate data security controls and assess organizational safeguards in place to protect sensitive data;
    - (iv) provides a description of the applicant's academic service experience offering general insight into the entity's:
      - (A) familiarity with education broadly;
      - (B) competency in instruction;
      - (C) academic philosophy; and
    - (v) meets other requirements identified by the Superintendent to establish the capacity of the provider to act as an LEA for purposes of program participation.
  - (7) The Superintendent may restrict a provider from offering coursework if the Superintendent determines that the provider demonstrates repeated low performance on statewide assessments in English Language Arts, math, or science.
  - (8) The Superintendent shall withhold funds from a primary LEA and pay an online course provider consistent with Sections 53F-4-505 through 53F-4-507, and Section 53F-4-518.
  - (9) The Superintendent may refuse to provide funds if the Superintendent finds that information has been submitted fraudulently or in violation of the law or Board rule by any of the parties to a CCA.
  - (10) The Superintendent shall receive and investigate complaints, and impose sanctions, if appropriate, regarding course integrity, financial mismanagement, enrollment fraud or inaccuracy, or violations of the law or this rule specific to the requirements and provisions of the program.
  - (11) If a Superintendent or federal entity's investigation finds that a provider has violated the IDEA or Section 504 provisions for a student taking online courses, the provider shall compensate the student's primary LEA for costs related to compliance.
  - (12) The Superintendent may monitor an LEA or online course provider for compliance with any requirement of state or federal law or Board rule under the program.
  - (13) The Superintendent may withhold funds from a program provider for failure to comply with a reasonable request for records or information.
  - (14) The Superintendent shall withhold online course payment from a primary LEA and payments to a provider at the nearest monthly transfer of funds, subject to verification of information, in an amount consistent with, and when a provider qualifies to receive payment, under Subsections 53F-4-505(4), 53F-4-507(3)(b) and 53F-4-508(2)(b).
  - (15) The Superintendent shall pay a provider consistent with Minimum School Program funding transfer schedules.
  - (16) Upon request from a primary LEA, the Superintendent shall provide an itemized report, by student and course enrolled, showing deductions described in Subsection 53F-4-508(2).
  - (17)(a) The Superintendent may make decisions on questions or issues unresolved by Title 53F, Chapter 4, Part 5, Statewide Online Education Program or this rule on a case-by-case basis.
  - (b) The Superintendent shall report decisions described in Subsection (a) to the Board consistent with the purposes of the law and this rule.
  - (18) In accordance with Title 53E, Chapter 4, Academic Standards, Assessments, and Materials, the Superintendent shall establish criteria for an authorized online course provider to submit for approval of an online course that does not have an existing Board course code.
  - (19) The Superintendent may advise an eligible student regarding how an online course meets state graduation requirements.
  - (20) The Superintendent shall direct an eligible student to a counselor at the student's primary school for advice regarding:
    - (a) whether an online course meets LEA or school-specific graduation requirements; and
    - (b) all other counseling services.
  - (21) The Superintendent shall create a model cooperative agreement between a primary LEA and an authorized online course provider to be used when the primary LEA determines IEP services with costs are best provided by an authorized online course provider.
  - (22) The Superintendent shall organize and conduct annual mandatory training for relevant staff at a primary LEA that addresses program requirements, including:
    - (a) reporting requirements and methods;
    - (b) uses of resources and tools to ensure adequate monitoring of an eligible student's progress;
    - (c) federal and state requirements for accommodating enrollments that involve special education;
    - (d) appropriate circumstances and methodologies for reducing an eligible student's schedule; and
    - (e) other necessary components as determined by the Superintendent.
  - (23) The Superintendent shall create a communication dashboard for the program that includes:
    - (a) a counselor contact list that is accessible to an authorized online course provider; and
    - (b) progress monitoring fields containing:
      - (i) grades and progress;
      - (ii) flags for a student that is at risk of failing an online course; and

- (iii) other information as determined by the Superintendent.
- (24) The dashboard described in Subsection (23) shall be accessible to an eligible student's:
  - (a) primary LEA;
  - (b) school counselor;
  - (c) authorized online course provider; and
  - (d) parent.

**R277-726-7. Provider Requirements and Responsibilities.**

(1)(a) A provider shall administer the applicable statewide assessments to a participating home school student as directed by the Superintendent, including proctoring the applicable statewide assessments, consistent with Section 53F-4-510 and Rule R277-404.

(b) A provider is responsible for administrative and proctoring costs and planning for the applicable statewide assessments described in Subsection (1)(a).

(2) A provider shall:

(a) establish a procedure that a student or parent may complete online to excuse the student from statewide assessments as described in Subsection 53G-6-803(9); and

(b) record and maintain a choice to opt a student out of a statewide assessment in a manner prescribed by the Superintendent.

(3) A provider shall provide a parent or a student with email and telephone contacts for the provider during regular business hours to facilitate parent contact.

(4) A provider and any third party working with a provider shall satisfy Board requirements for:

(a) consistency with core standards as described in Sections 53F-4-514 and 53E-6-201;

(b) criminal background checks for employees consistent with Title 53G, Chapter 11, Part 4, Background Checks;

(c) documentation of student enrollment and participation consistent with a standard of active participation on record with the Superintendent; and

(d) compliance with:

(i) the IDEA;

(ii) Section 504; and

(iii) requirements for multilingual students.

(5) A provider shall receive payments for a student properly enrolled in the program from the Superintendent consistent with:

(a) Board procedures;

(b) Board timelines; and

(c) Sections 53F-4-505 through 53F-4-508, Section 53F-4-518, and Board rule.

(6)(a) A provider may charge a fee consistent with other secondary schools and in accordance with Title 53G, Chapter 7, Part 5, Student Fees, and Rule R277-407.

(b) If a provider intends to charge a fee of any kind, the provider:

(i) shall notify the primary school with whom the provider has the CCA of the purpose for fees and amounts of fees;

(ii) shall provide timely notice to a parent of required fees and fee waiver opportunities;

(iii) shall post fees on the provider website and disclose fees in course notes provided to the Superintendent as part of the provider's annual submission of course lists;

(iv) shall provide materials for a student who qualifies for fee waivers;

(v) shall satisfy the requirements of Rule R277-407, as applicable; and

(vi) shall provide fee waivers to a home school student who meets fee waiver eligibility at the provider's expense.

(7) A provider shall maintain a student's records and comply with the federal Family Educational Rights and Privacy Act, Title 53E, Chapter 9, Part 3, Student Data Protection, and Rule R277-487, including:

(a) protecting the confidentiality of a student's records and providing a parent and an eligible student access to records; and

(b) providing a parent or student timely documentation of and access to evidence and records of educational performance, including:

(i) test scores;

(ii) grades;

(iii) progress and performance measures; and

(iv) completion of credit.

(8) Except as otherwise provided in this rule, a provider shall, using processes and applications provided by the Superintendent within five business days following the 20 school day statutory period allowed for student withdrawal:

(a) confirm that a student is participating in a course; or

(b) record a student's lack of participation.

(9) Following confirmation of a student's active participation, a provider shall:

(a) routinely update SOEP enrolment and tracking system records and local records stored in the provider's SIS to reflect continuing student participation as determined by student credit accruals and to maintain parity across data storage and reporting tools;

(b) submit a student's credit and grade to the Superintendent by enrolling the student, per UTREx specifications, in an appropriately marked course with a start date within the provider's school calendar;

(c) provide for each included course:

(i) the core code;

(ii) a local section code;

(iii) teacher of record information; and

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(iv) as necessary, the unique title a provider utilizes to identify a course to a designated counselor or registrar at the primary school, and the student's parent; and

(d) complete the submissions required under Subsection (9)(c) and submit official transcripts of grade and credit for each .25, .5, or greater credit earned by a student by a secure means to the student's parent and the primary LEA by the earlier of:

- (i) 30 days after a student satisfactorily completes an online semester or quarter course; or
- (ii) by June 30 annually.

(10) A provider shall provide an official transcript to a student's parent and primary school:

- (a) no later than June 30 for students in grades 6-11; or
- (b) within the reasonably requested timeline of a primary school for a student in grade 12.

(11) A provider may not withhold a student's credits, grades, or transcripts from the student, parent, or the student's primary school for any reason.

(12)(a) If a provider suspends or expels a student from an online course for disciplinary reasons, the provider shall notify the student's primary LEA by placing the student on disciplinary withdrawal.

(b) A provider is responsible for due process procedures for student disciplinary actions in the provider's program.

(c)(i) A provider shall notify a student, parent, and a counselor at the student's primary school of if the provider intends to administratively withdraw the student, as a result of the student being inactive in a course for more than ten days.

(ii) If a student, parent, or counselor fails to request reinstatement following notification under Subsection (c)(i), the provider shall formally withdraw the student within five school days by changing the status of the course to administrative withdrawal, which will automatically notify the student, parent, and primary LEA of the action.

(13) If a student entitled to services under the IDEA is removed from an online course, the primary LEA shall work with the student and the student's parents to identify alternatives to provide a free and appropriate public education.

(14)(a) A provider shall provide to the Superintendent a list of course options using USBE-provided course codes.

(b) A provider shall update the provider's course offerings by March 1 annually.

(c) If a course may reference mature subject matter, a provider shall attach a disclaimer to the course description that states, "This course may contain mature content and may not be suitable for students of all ages."

(15) A provider shall serve a student on a first-come-first-served basis.

(16) A provider shall maintain and provide records and systems as part of a public online school or program, including:

- (a) financial and enrollment records;
- (b) information for accountability, program monitoring, and audit purposes;
- (c) timely documentation of student participation, enrollment, and educator credentials; and
- (d) records of services provided through third parties.

(17) A provider shall maintain the following for at least five calendar years after the student graduates:

- (a) test scores;
- (b) student grades;
- (c) completion of credit; and
- (d) other progress and performance measures.

(18)(a) A provider is responsible for complete and timely submissions of record changes to executed CCAs and submission of other reports and records as required by the Superintendent.

(b) A provider shall update CCAs to the nearest credit value earned by June 30 annually.

(c) A provider may only maintain an CCA open after June 30 if a student remains actively engaged in coursework, meeting the provider's standard of active participation.

(19) A provider shall inform a student and the student's parent of travel expectations to fulfill course requirements or participate in statewide assessments, before the start of the course.

(20)(a) An LEA may participate in the program as a provider by offering a school or program consistent with Rule R277-115 to a Utah student in grades 6-12 who is not a resident student of the LEA and a regularly-enrolled student of the LEA consistent with Sections 53F-4-501 and 53F-4-503.

(b) An LEA program created in accordance with Subsection (20)(a) for serving students in grades 9-12 online must partner with an accredited school and shall:

- (i) report grades and credit earned by a student to the Superintendent; and
- (ii) record educator assignments consistent with Rule R277-484.

(21) A program school or program shall:

- (a) be accredited consistent with Rule R277-410;
- (b) have a designated administrator who meets the requirements of Rule R277-309;
- (c) ensure that a student who qualifies for a fee waiver receives services offered by and through the public schools consistent with Section 53G-7-504 and Rule R277-407;
- (d) maintain student records consistent with:

- (i) the federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and 34 CFR Part 99;
- (ii) Rule R277-487;
- (iii) this rule; and

(e) shall offer course work:

- (i) aligned with Utah Core standards as described in Sections 53E-4-202, 53F-4-505, and 53F-4-514;
- (ii) in accordance with program requirements; and

- (iii) in accordance with Rules R277-700 and R277-404;
- (f) may not issue transcripts under the name of a third-party provider; and
- (g) shall record teaching assignments in CACTUS or USIMS by October 13 annually consistent with Rule R277-484 and Section R277-312-3.

(22) An LEA that offers an online program or school as a provider under the program:

- (a) shall employ only educators licensed in Utah as teachers;
- (b) may not employ an individual whose educator license has been suspended or revoked;
- (c) shall require employees to meet requirements of Title 53G, Chapter 11, Part 4, Background Checks, before offering services to a student;
- (d) may only employ teachers who meet the requirements of Section 53E-6-201, Section 53F-4-504, and Rule R277-309;
- (e) shall agree to administer and, before approval as an authorized online course provider, have the capacity to proctor, and carry out the applicable statewide assessments, consistent with Sections 53E-4-302, 53F-2-103, and Rule R277-404;
- (f) in accordance with Section R277-726-8, shall provide services to a student consistent with requirements of the IDEA, Section 504, and Title VI of the Civil Rights Act of 1964 for multilingual students;
- (g) shall submit CCAs to the Superintendent before the provider initiates instruction of a student; and
- (h) may not begin instruction until the Superintendent issues a notice of enrollment.

(23) A provider shall prominently post required information on the provider's website.

(24) A provider shall develop a written monitoring plan to supervise any third-party providing educational services to a student to ensure:

- (a) the third-party provider complies with:
- (i) federal law;
- (ii) state law; and
- (iii) Board rules;
- (b) the third-party provider understands that it is under an obligation to provide appropriate services to students;
- (c) the third-party provider provides the provider with access to curriculum for alignment and adjustment to ensure the curriculum is consistent with the Utah core standards in Rule R277-700 and a Board approved core code; and
- (d) compliance with the provider's administrative records retention schedule.

(25) A provider shall establish contractual and procedural safeguards with any third-party, through which the provider retains legal and procedural authority to open coursework to a participating student only upon issuance of a notice of enrollment by the Superintendent.

(26) A provider shall offer services as outlined in the Statewide Services Agreement, which may be updated or amended to reflect changes in law, rule, policy or recommended practice.

(27) A provider is not required to independently verify:

- (a) early graduation status; or
- (b) that high school courses taken through the Statewide Online Education Program did not replace Middle School courses.

(28) A provider shall adhere to program requirements, including:

- (a) ensuring that all assigned educators are appropriately licensed, endorsed, and aligned with course assignments before providing services to students;
- (b) complying with requirements applicable to an authorized online course provider described in this Rule R277-726, including the requirement to maintain a course completion rate of at least 80% based on the provider's year-end UTREx submission;
- (c) maintaining parity of no more than 5% discrepancy at all points in the school year between the Student Enrollment and Tracking System, "SEATS," or a relevant alternative local student information system, and UTREx; and
- (d) complying with timelines specified in law and rule regarding course acceptance, updating of data systems, and transcript submissions.

(29) If the Superintendent finds that an authorized online course provider is out of compliance with Subsection (28), the Superintendent shall provide the provider with a list of violations and a reasonable timeline for provider to correct the non-compliance.

(30) If an authorized online course provider fails to correct a violation identified under Subsection (29) within the time provided, the Superintendent may remove the provider from participation in the program.

(31) A provider may only offer a course designed for original credit through the program.

(32) A provider may not offer competency-based awards of credit without a student engaging in a course of digital, teacher-led instruction under the program.

(33) A provider may not grade a student on a pass-fail basis.

(34) If a student fails to complete a course of instruction following course confirmation, a provider shall issue a transcript reflecting a grade of Incomplete (I) or No Grade (NG).

(35) If a student completes a course of instruction but fails to earn a passing grade or refuses an offer to remediate, the provider shall issue the student a failing grade.

(36) A provider may not encourage a student to withdraw from a course.

#### **R277-726-8. Students with Disabilities and Other Unique Learning Needs.**

- (1) A primary school shall provide an online provider with an existing Section 504 plan for a student enrolling in the program.
- (2)(a) If a student without an existing Section 504 plan wishes to receive services under Section 504 of the Rehabilitation Act of 1973, the student shall make a request with either the student's primary school or a provider.

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- (b) Responsibility for ensuring a request is evaluated in accordance with federal law, Utah Code, and Board Rule resides with the student's primary school.
  - (c) If a student's request for services is initially directed to a provider, the provider shall immediately contact the 504 coordinator of the student's primary school.
  - (d) Under the direction of the primary school, the student's primary school and the provider shall jointly evaluate a student's request under Subsection (1)(a) and determine if the student is eligible for related aids, accommodations, and services under Section 504.
  - (e) The provider shall implement the Section 504 plan in accordance with Subsection (1)(d).
- (3) If a student with an existing Section 504 plan for related aids, accommodations, or services requests amendments related to an existing plan for related aids, accommodations, and services:
  - (a) the primary school and the provider shall jointly amend the Section 504 plan in accordance with Subsection (4); and
  - (b) the provider shall implement the Section 504 plan and provide related aids, accommodations, and services to the student in accordance with the student's Section 504 plan.
- (4) To prepare or amend a 504 plan for related aids, accommodations, and services, the committee evaluating the student shall:
  - (a) be drawn jointly from the student's primary school and the provider; and
  - (b) include persons knowledgeable about the student, the meaning of the evaluation data, and placement options available in a virtual environment.
- (5) If a student's request for services is initially directed to a provider and a good faith effort at cooperation with the student's primary school is unsuccessful, the provider may determine student eligibility and provide services.
- (6) If a home school student requests services under Section 504, a provider may determine student eligibility, prepare a 504 plan, and provide related aids, accommodations, and services.
  - (7) If a student participating in the program qualifies to receive services under the IDEA:
    - (a) the student's primary LEA of enrollment shall:
      - (i) forward a copy of an existing IEP or relevant sections to a provider within three school days of receiving a notice of enrollment;
      - (ii) working with a provider, review and determine implementation of the IEP for the student within a timeline consistent with IDEA requirements;
      - (iii) working with a provider revise the IEP with accommodations and services, appropriate for the courses selected by the student;
      - (iv) collaborate with a provider to develop digital options if the IEP team has determined that services are best provided in an online environment;
      - (v) provide the amended IEP to the provider within three school days; and
      - (vi) continue to claim the student in the primary LEA's membership; and
    - (b) the provider shall provide special education services and accommodations as required for the student to access the curriculum in accordance with the student's IEP.
  - (8) If a home school student requests an evaluation for eligibility to receive special education services:
    - (a) the home school student's LEA of residence shall:
      - (i) evaluate the student's eligibility for services under the IDEA;
      - (ii) if eligible, consider enrolling the student in the primary LEA, which will prepare an IEP for the student, with input from the provider, in accordance with the timelines required by the IDEA;
      - (iii) provide the IEP described in Subsection (ii) to the provider within three school days of completion of the student's IEP; and
      - (b) the provider shall provide special education services and accommodations to the student in accordance with the student's IEP described in Subsection (a)(i).
    - (9)(a) A provider shall administer a home language survey upon initial student registration.
    - (b) If a provider suspects that a student qualifies for alternative language services or other Title III services, the provider shall contact the Title III Coordinator at the student's primary LEA or primary school.
    - (c) If a student has an individual learning plan, the provider shall implement the plan provided by the student's primary LEA or primary school.
  - (10) For a student needing alternative language services, who does not have an individual learning plan:
    - (a) the primary LEA or primary school shall identify the need for alternative language services;
    - (b) the provider and the primary LEA or primary school shall develop an individual learning plan in cooperation with persons knowledgeable about the student, the meaning of the evaluation data, and the placement options available for the student in a virtual environment, which outlines a student's current level of ability, and identifies specific goals for future attainment, progress, and exit criteria; and
    - (c) the primary LEA or primary school shall administer a language instruction Educational Program in which a student learning English is placed for developing and attaining English proficiency.

### **R277-726-9. Limited Appropriations for Special PopulationsSmall Schools.**

- (1) "Small school" means, for purposes of this section, a public high school with a student population of less than 1,000 students and at least one student enrolled in grades 9-12.
- (2) The Superintendent shall incentivize SOEP use for small schools through funding available for the purpose based on the demonstrated inability of eligible schools to provide depth and range in:
  - (a) Career and Technical Education pathways;
  - (b) Advanced Placement and other advanced coursework;

(c) foundation, applied and advanced courses enabling students to move forward in technology-intensive paths requiring an educator with advanced license or endorsement areas; and established facilities and programs.

(3)(a) The Superintendent shall determine eligibility using end of year UTREx data from the prior year.

(b) The Superintendent shall determine funding and distributions, with annual adjustments, based on an assessment of demonstrated inability to provide needed courses due to:

- (i) insufficient student enrollment to justify full course selections;
- (ii) geographic isolation from qualified instructors;
- (iii) limited staff capacity to teach courses;
- (iv) financial constraints in hiring qualified educators; or
- (v) other similar factors limiting a school's ability to meet student needs in areas specified in this section.

(4) The Superintendent shall prioritize funding to eligible schools using the following funding tiers:

- (a) A Tier One school:
  - (i) is eligible for Title I funding in the current or previous school year;
  - (ii) is located within an area within National Center for Education Statistics locale code of 33 or higher;
  - (iii) is located within a school district in a county of the fourth, fifth, or sixth class as described in Section 17-50-501;
  - (iv) demonstrates a high average cost of providing educational services relative to larger school districts due to location factors;
  - (v) does not serve students online; and
  - (vi) is not a specialty, technical, or alternative school.
- (b) A Tier Two School:
  - (i) is located within an area within National Center for Education Statistics locale code of 33 or higher;
  - (ii) is located within a school district in a county of the fourth, fifth, or sixth class as described in Section 17-50-501;
  - (iii) demonstrates a high average cost of providing educational services relative to larger school districts due to location factors;
  - (iv) does not serve students online; and
  - (v) is not a specialty, technical, or alternative school.
- (c) A Tier Three School:
  - (i) is located within a school district in a county of the third, fourth, fifth, or sixth class as described in Section 17-50-501;
  - (ii) demonstrates a high average cost of providing educational services relative to larger school districts due to location factors;
  - (iii) does not serve students online; and
  - (iv) is not a specialty, technical, or alternative school.
- (d) A Tier Four School:
  - (i) is operated by the Utah Schools for the Deaf and the Blind.
  - (ii) is located within a school district in a county of the fourth, fifth, or sixth class as described in Section 17-50-501;
  - (iii) demonstrates a high average cost of providing educational services relative to larger school districts due to location factors;
  - (iv) does not serve students online; and
  - (v) is not a specialty, technical, or alternative school.
- (e) A Tier Five School:
  - (i) is located within an area within National Center for Education Statistics locale code of 33 or higher;
  - (ii) does not serve students online; and
  - (iii) is not a specialty, technical, or alternative school.
- (f) A Tier Six school is any small school that does not meet the criteria of Tiers One through Five.

(5)(a) Subject to legislative appropriations, a school designed as Tiers One, Two, or Three will receive a monthly offset to cover course fees deducted from the school's Minimum School Program allocation.

(b) After May 1 annually, if all obligations to schools under Subsection (5)(a) are met, a school designated as Tiers Four, Five, or Six may receive funds on a prorated basis, by tier, to cover course fees previously deducted from the school's Minimum School Program allocation.

**R277-726-10. Limited Appropriations for Home School Students.**

(1) The Superintendent shall allocate the annual appropriation for home school tuition, along with any carryover or unobligated funds.

(2) The Superintendent shall distribute funds appropriated to the Statewide Online Education Program to support home school students based on the needs of the eligible students.

**R277-726-[10]11. Other Information.**

(1) A primary school shall communicate with a provider, where necessary, to set reasonable timelines and standards and shall inform providers of timelines necessary for reporting grades and credit for graduating seniors.

(2) A provider shall adhere to timelines and standards described in Subsection (1) for student grades and enrollment in online courses for purposes of:

- (a) school awards and honors;
- (b) Utah High School Activities Association participation; and
- (c) high school graduation.

(3) If a student is at risk of academic failure or at risk of not graduating with the student's graduation cohort, a provider shall utilize automated notices or other means to:

- (a) inform counselors at the student's primary school that the student is at risk of academic or other failure; and

## NOTICES OF PROPOSED RULES

(b) before quarter 4 of an SOEP student's senior school year, or as soon as possible, inform counselors at the student's primary school that the senior student is at risk of failure.

### **R277-726-[44]12. Certified and Authorized Online Course Provider Application Approval, Program Requirements, and Fees.**

(1) An entity that does not otherwise meet criteria to be an authorized online course provider may become a certified online course provider as provided in this section.

(2) An entity shall submit an application on or before the annual deadline established by the Superintendent.

(3) The Superintendent shall review each application within a reasonable amount of time and may invite prospective providers for interviews.

(4) The Superintendent shall forward the application to the Board for approval.

(5) Once approved by the Board, an entity shall become a certified online course provider.

(6) A certified online course provider shall remit fees to the Superintendent for participation in the program as follows:

(a) 5% of revenue collected for the first \$200,000 received pursuant to Section 53F-4-505; and

(b) 1% of revenue collected after the first \$200,000 received pursuant to Sections 53F-4-505 and 53F-4-514.

### **R277-726-[42]13. Online Concurrent Enrollment.**

For a student enrolled in a concurrent enrollment course through an SOEP provider, to the extent there is a conflict between this rule and Title 53F, Chapter 4, Part 5, Statewide Online Education Program, and Title 53E, Chapter 10, Part 3, Concurrent Enrollment, the concurrent enrollment code provisions shall govern.

**KEY: statewide online education program**

**Date of Last Change: 2026[November 7, 2025]**

**Notice of Continuation: January 13, 2022**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-4-510; 53F-4-514; 53E-3-401**

### **NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Amendment

**Rule or section number:**

**R657-64**

**Filing ID: 57766**

#### **Agency Information**

<b>1. Title catchline:</b>	Natural Resources, Wildlife Resources	
<b>Building:</b>	DNR Complex	
<b>Street address:</b>	1594 W North Temple	
<b>City, state:</b>	Salt Lake City, UT 84416	
<b>Mailing address:</b>	PO Box 146301	
<b>City, state and zip:</b>	Salt Lake City, UT 84414-6301	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Staci Coons	801-450-3093	stacicoons@utah.gov

**Please address questions regarding information on this notice to the persons listed above.**

#### **General Information**

**2. Rule or section catchline:**

R657-64. Predator Control Incentives

**4. Purpose of the new rule or reason for the change:**

This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to taking Predator Control Incentives.

**5. Summary of the new rule or change:**

The proposed amendments to this rule add language that clarifies predator harvest locations are protected.

**Fiscal Information****6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A. State budget:**

The amendments to Rule R657-64 are administrative in nature, the DWR determines that these changes can be initiated within the current workload and resources of the DWR. Therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

The DWR already requires the submission of location data for this program so this will not create an increase in DWR workload or administrative costs.

**B. Local governments:**

Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

**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 proposed rule amendments will not directly impact persons who participate in the predator control program as nothing additional is required of them, it only protects the location data already required, therefore there is not a cost or savings impact to them.

**F. Compliance costs for affected persons:**

The DWR determines that this amendment may not create additional costs for those individuals wishing to participate in the predator control incentives program in Utah because it simply adds clarification to protect the harvest data that is provided, thus causing no additional cost or savings.

**G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)**Regulatory Impact Summary Table**

<b>Fiscal Cost</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

NOTICES OF PROPOSED RULES

<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H. Department head comments on fiscal impact and approval of regulatory impact analysis:</b>					
After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses. The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.					

**Citation Information**

<b>7. 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:</b>
Section 23A-11-402

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b>
<b>A. Comments will be accepted until:</b> 03/03/2026
<b>10. This rule change MAY become effective on:</b> 03/10/2026

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**

<b>Agency head or designee and title:</b>	Riley Peck, Director	<b>Date:</b>	01/15/2026
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**R657. Natural Resources, Wildlife Resources.**

**R657-64. Predator Control Incentives.**

**R657-64-1. Purpose and Authority.**

- (1) This rule is promulgated under authority of Section 23A-11-402 to establish procedures for:
  - (a) targeted predator control and general predator control programs administered by the division for the benefit of mule deer; and
  - (b) creation and distribution of educational and training materials related to mule deer protection.

**R657-64-6. Trap and Hunting Locations.**

(1) Program participants and contract vendors are required to provide GPS data documenting the precise location where each coyote is taken.

(2) [To the extent GPS data discloses the location of trap lines or hunting areas, and public disclosure of that data exposes the traps to the possibility of theft and damage or the hunting area to exploitation by others, the data may be] The GPS data is classified as "protected" under Subsection 63G-2-305(2) and restricted from public disclosure pursuant to Title 63G, Chapter 2, Government Records Access and Management Act[, provided the requirements of Subsection (3) are satisfied].

[ (3) Any person desiring to protect GPS data from public disclosure that locates trap lines or hunting areas must submit to the division a written claim of confidentiality explaining:

- (a) the financial and commercial harm reasonably expected to occur if the data is subject to public disclosure; and
- (b) why the person submitting the data has a greater interest in prohibiting access than the public in obtaining access.]

**KEY: wildlife, predators, game laws, wildlife laws**

**Date of Last Change:** 2026[March 11, 2025]

**Notice of Continuation:** June 13, 2022

**Authorizing, and Implemented or Interpreted Law:** 23A-11-401; 23A-11-402; 23A-1-204

**NOTICE OF SUBSTANTIVE CHANGE**

<b>TYPE OF FILING:</b> New		
<b>Rule or section number:</b> R657-74		<b>Filing ID:</b> 57767

**Agency Information**

<b>1. Title catchline:</b>	Natural Resources, Wildlife Resources
<b>Building:</b>	DNR Complex

<b>Street address:</b>	1594 W North Temple	
<b>City, state:</b>	Salt Lake City, UT 84416	
<b>Mailing address:</b>	PO Box 146301	
<b>City, state and zip:</b>	Salt Lake City, UT 84414-6301	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Staci Coons	801-450-3093	stacicoons@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

#### General Information

##### **2. Rule or section catchline:**

R657-74. Cooperative Agreements for Big Game or Turkey

##### **4. Purpose of the new rule or reason for the change:**

This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to Big Game and Turkey cooperative agreements.

##### **5. Summary of the new rule or change:**

The proposed new rule for Cooperative Agreements aims to establish a proactive, mutually beneficial framework for managing big game and turkey populations that utilize private cultivated lands. This approach is rooted in the recognition that achieving population objectives and enhancing wildlife health often depends on the quality and availability of forage on private property.

The core rationale is as follows:

- 1) Population Enhancement: The agreements are specifically designed to benefit below-objective big game or turkey populations by incentivizing landowners to manage their crops or livestock forage in a manner conducive to wildlife nutrition.
- 2) Improved Forage and Nutrition: Direct payments to landowners for forage or crops used by wildlife will increase forage availability and nutrition during critical periods, thereby supporting healthier, more productive herds and flocks.
- 3) Alternative to Depredation Programs: The agreement offers an alternative to the existing reactive depredation programs. By entering into an agreement, a landowner accepts the wildlife use in exchange for defined compensation and cooperation toward shared management goals, allowing the DWR to move away from costly, reactionary depredation responses. The agreement is in lieu of participation in depredation programs.
- 4) Meeting Management Goals: The agreements mandate that all participating lands must meet defined goals and objectives for wildlife management, ensuring that public funds are used effectively to achieve specific conservation outcomes.
- 5) Hunter Opportunity and Herd Management: By improving population health and ensuring adequate resources, the program can help reduce female harvest where necessary to promote growth, ultimately leading to sustained populations and an increase in hunter opportunities in the future.

#### Fiscal Information

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

###### **A. State budget:**

The enactment of Rule R657-74 is administrative in nature, the DWR determines that this new program can be initiated within the current workload and resources of the DWR. Therefore, the DWR does not believe that this new rule would create a cost or savings impact to the state budget or the DWR's budget since the program will not increase workload and can be carried out with existing budget.

The DWR already mitigates for landowner damage through a depredation program, so funds needed to support this new program will be included in the depredation budget. Therefore, this new rule will not create an increase in DWR workload or administrative costs.

###### **B. Local governments:**

Local governments are not directly or indirectly impacted by this new rule because this rule does not create a situation requiring services from local governments.

NOTICES OF PROPOSED RULES

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

This new rule will not directly impact small businesses because a service is not required of them.

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

This new rule will not directly impact non-small businesses because a service is not required of them.

**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 new rule will directly impact landowners who participate by entering into a cooperative agreement with the DWR for either big game species or turkey, the cost or savings impact will be negotiated in the agreement with each landowner and will be determined individually. Therefore, the cost or savings impact will vary depending on the number of landowners who join the program and the level of habitat and species on the property.

**F. Compliance costs for affected persons:**

The DWR determines that this new rule may create additional savings for those individuals wishing to participate and enter into a cooperative agreement with the DWR.

The total cost or savings impact will fluctuate depending on the number of landowners enrolled and the habitat and species located on the individual properties and therefore, it is not possible to estimate an exact cost or savings impact.

**G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses. The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

**Citation Information**

**7. 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 23A-2-401

**Public Notice Information****9. The public may submit written or oral comments to the agency identified in box 1.****A. Comments will be accepted until:** 03/03/2026**10. This rule change MAY become effective on:** 03/10/2026

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**

<b>Agency head or designee and title:</b>	Riley Peck, Director	<b>Date:</b>	01/15/2026
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**R657. Natural Resources, Wildlife Resources.****R657-74. Cooperative Agreements for Big Game or Turkey.****R657-74-1. Purpose and Authority.**

(1) Under authority of Section 23A-2-401, this rule defines:

(a) how the division may enter into cooperative agreements for big game or turkey use on "cleared and planted land";

(b) management objectives for cooperative agreements entered into under this rule; and

(c) the procedures, standards, requirements and limits for entering into cooperative agreements under this rule.

(2) The division may pay a private landowner with cleared and planted land through a cooperative agreement for big game or turkey use.

(a) The cooperative agreement may be made for up to six years.

(i) all cooperative agreements entered into under this rule shall be evaluated every three years at a minimum to determine if said agreement is still meeting the intended goals and objectives.

(ii) a cooperative agreement can be evaluated at any point during the agreement with a written request from either party to re-evaluate the agreement.

(b) The cooperative agreement is entered into in lieu of participation in the depredation program, described in Title 23A, Chapter 7, Cooperative Wildlife Management Units Act, and Rule R657-44, Big Game Depredation. The property subject to the cooperative agreement is excluded from any relief granted by those programs.

(3) The division may approve a cooperative agreement for big game or turkey use on cleared and planted land when, in the opinion of the division, such agreement:

(a)(i) will help big game or turkey populations that are below unit population objective; or

(ii) will help manage turkey populations; and

(b) a cooperative agreement will result in:

(i) increased forage availability and nutrition for big game or turkey populations.

(ii) a reduction of female harvest in the population; and

(iii) increased hunter opportunities.

**R657-74-2. Definitions.**

(1) Terms used in this rule are defined in Sections 23A-1-101, 23A-6-101, 23A-1-206, 23A-8-401, 23A-8-402, 23A-8-403, 23A-8-404, 23A-8-405 and Subsection 23A-2-201(4).

(2) "Cleared and planted land" means private land or privately leased state or federal land used to produce a cultivated crop for commercial gain and the cultivated crop is routinely irrigated or routinely mechanically or manually harvested or is crop residue that has forage value for livestock.

**KEY: wildlife, game laws, big game, turkey****Date of Last Change:** 2026**Authorizing, and Implemented or Interpreted Law:** 23A-2-401**NOTICE OF SUBSTANTIVE CHANGE**

<b>TYPE OF FILING:</b> Repeal	
<b>Rule or section number:</b>	R765-608

**Agency Information**

<b>1. Title catchline:</b>	Higher Education (Utah Board of), Administration
<b>Building:</b>	Utah Board of Higher Education Building, The Gateway
<b>Street address:</b>	60 S 400 W

## NOTICES OF PROPOSED RULES

<b>City, state:</b>	Salt Lake City, UT 84101	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

### General Information

#### **2. Rule or section catchline:**

R765-608. Utah Engineering and Computer Science Scholarship Program

#### **4. Purpose of the new rule or reason for the change:**

The purpose of this filing is to repeal administrative Rule R765-608.

The subject matter of this rule is being replaced by Rule R765-905 to align with the Utah Board of Higher Education policy number and update the policy requirements.

#### **5. Summary of the new rule or change:**

The purpose of this filing is to repeal administrative Rule R765-608 in its entirety.

This rule is being renumbered as Rule R765-905 and includes updated requirements.

### Fiscal Information

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

##### **A. State budget:**

This rule does not impose any fiscal impact on the state budget. It repeals Rule R765-608.

There is no fiscal impact from repealing this rule because the subject matter of this rule has been moved to a renumbered rule with amendments. The amendments add clarification to the scholarship requirements but do not change the fiscal impact.

##### **B. Local governments:**

This rule does not impose any fiscal impact on local governments. It repeals Rule R765-608.

There is no fiscal impact from repealing this rule because the subject matter of this rule has been moved to a renumbered rule with amendments. The amendments add clarification to the scholarship requirements but do not change the fiscal impact.

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

This rule does not impose any fiscal impact on small businesses. It repeals Rule R765-608.

There is no fiscal impact from repealing this rule because the subject matter of this rule has been moved to a renumbered rule with amendments. The amendments add clarification to the scholarship requirements but do not change the fiscal impact.

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

This rule does not impose any fiscal impact on non-small businesses. It repeals Rule R765-608.

There is no fiscal impact from repealing this rule because the subject matter of this rule has been moved to a renumbered rule with amendments. The amendments add clarification to the scholarship requirements but do not change the fiscal impact.

**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 impose any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities. It repeals Rule R765-608.

There is no fiscal impact from repealing this rule because the subject matter of this rule has been moved to a renumbered rule with amendments. The amendments add clarification to the scholarship requirements but do not change the fiscal impact.

**F. Compliance costs for affected persons:**

This rule does not impose any compliance costs for affected persons. It repeals Rule R765-608.

There is no fiscal impact from repealing this rule, the subject matter of this rule has been moved to a renumbered rule with amendments. The amendments add clarification to the scholarship requirements but do not change the fiscal impact.

**G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

The Utah Commissioner of Higher Education, Geoffrey Landward, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**7. 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 53H-1-602	Section 53H-1-603	
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**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.**

<b>A. Comments will be accepted until:</b>	03/03/2026
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**10. This rule change MAY become effective on:** 03/10/2026

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**

<b>Agency head or designee and title:</b>	Alison Adams, General Counsel and Designee	<b>Date:</b>	01/05/2026
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**R765. Higher Education (Utah Board of), Administration.****|R765-608. Utah Engineering and Computer Science Scholarship Program.****R765-608-1. Purpose.**

The purpose of this rule is to provide policy and procedures for administering the Utah Engineering and Computer Science Program.

**R765-608-2. Authority.**

This rule is authorized by Section 53B-6-105(a)(ii).

**R765-608-3. Definitions.**

- (1) "Board" means Utah Board of Higher Education.
- (2) "Eligible student" means a student who is enrolled on at least a half time basis in a qualifying institution in a qualifying program, in good standing, and maintaining satisfactory academic progress as defined by the institution.
- (3) "Qualifying institution" means a college or university of the Utah system of higher education which offers one or more qualifying programs.
- (4) "Qualifying program" means an accredited engineering, computer science, or related technology degree program. Related technology degree programs shall be limited to those certified by the Commissioner of Higher Education, in accordance with such criteria as may be established pursuant to Section 53B-6-105.
- (5) "Recipient" means a person who declares intent to complete a qualifying program and who receives a scholarship award.
- (6) "Technology Initiative Advisory Board" or the "Advisory Board" means the committee whose members are appointed by the heads of all three branches of government; the majority of members are appointed by the governor.
- (7) "UECSP" means the Utah Engineering and Computer Science Program.
- (8) "USHE" means the Utah system of higher education.

**R765-608-4. Policy.**

- (1) UECSP is a program authorized as part of the higher education Engineering and Computer Science Initiative established with an effective date of July 1, 2001.
- (2) Staff to the board shall administer the program including funding distribution. The Technology Initiative Advisory Board shall assist and make recommendations to the board.
- (3) The Technology Initiative Advisory Board shall make recommendations by June 1 of each year to the board on the allocation and distribution of monies from the program fund. These funds shall be used for degree programs in the areas of engineering, computer science, and related technology programs. The distribution of these funds to the institutions shall be based on a formula which shall be developed by the Technology Initiative Advisory Board based on the following components:
  - (a) the number of graduates from the previous year;
  - (b) the number and level of degrees offered; and
  - (c) the program length of the degree offered at each institution.
- (4) It is the intent of the program that recipients of the UECSP funding shall work in Utah, in a field requiring the use of their degree, after graduating from a qualifying program.
- (5) A scholarship may be cancelled at any time by the institution of attendance, if the student fails to make reasonable progress towards obtaining the degree or there appears to be a reasonable certainty that the student does not intend to work in the state upon graduation.

**R765-608-5. Funds.**

- (1) Scholarship funds shall be distributed annually to the institutions for disbursement to the awarded students.
- (2) Each institution shall report annually on the performance of the funds at the fiscal year's end. These reporting measures may include, but are not limited to the following:
  - (a) the number of awards given;
  - (b) the amount of the award;
  - (c) the recipients' completion of course work;
  - (d) the recipients' anticipated graduation date; and
  - (e) the program in which the recipient is enrolled.

**KEY: higher education, scholarships**

**Date of Last Change: November 26, 2021**

**Notice of Continuation: April 13, 2021**

**Authorizing, and Implemented or Interpreted Law: 53B-6**

## NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R909-2

Filing ID: 57758

## Agency Information

1. Title catchline:	Transportation, Motor Carrier	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact persons:		
Name:	Phone:	Email:
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Please address questions regarding information on this notice to the persons listed above.

## General Information

2. Rule or section catchline:

R909-2. Utah Size and Weight Rule

4. Purpose of the new rule or reason for the change:

The Department of Transportation (department) performed a five-year review of this rule and understood that this rule needed to be updated in several ways.

The department then updated this rule through the amendment process and it was effectuated on 10/08/2025.

After working with this amended rule, the department noticed some subsections of the rule containing typos or inaccurate technical information. This amendment is meant to address those typos and update that technical information.

5. Summary of the new rule or change:

This amendment:

- 1) corrects emergency vehicle weight limitations;
- 2) adjusts the measurements of load widths for holiday travel restrictions;
- 3) updates technical elements of the Load Dimensions Requiring Pilot and Police Escorts requirements in Table 3; and
- 4) corrects typos.

## Fiscal Information

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

A. State budget:

There are no aggregate anticipated cost or savings to the state budget because the purpose of this amendment is to make small clerical edits to the language of this rule and update technical requirements within this rule.

None of the processes or requirements set forth in this rule have changed in any meaningful way that would have an impact on the state budget.

**B. Local governments:**

There are no aggregate anticipated cost or savings to local governments because the purpose of this amendment is to make small clerical edits to the language of this rule and update technical requirements within this rule.

None of the processes or requirements set forth in this rule have changed in any meaningful way that would have an impact on local governments.

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

There are no aggregate anticipated cost or savings to small businesses because the purpose of this amendment is to make small clerical edits to the language of this rule and update technical requirements within this rule.

None of the processes or requirements set forth in this rule have changed in any meaningful way that would have an impact on small businesses.

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

There are no aggregate anticipated cost or savings to non-small businesses because the purpose of this amendment is to make small clerical edits to the language of this rule and update technical requirements within this rule.

None of the processes or requirements set forth in this rule have changed in any meaningful way that would have an impact on 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**):

There are no aggregate anticipated cost or savings to persons because the purpose of this amendment is to make small clerical edits to the language of this rule and update technical requirements within this rule.

None of the processes or requirements set forth in this rule have changed in any meaningful way that would have an impact on persons.

**F. Compliance costs for affected persons:**

There are no compliance costs for affected persons.

**G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

<b>Fiscal Cost</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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 regulatory impact analysis.

**Citation Information****7. 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 72-1-201	Section 72-7-406	Section 72-9-303
Section 41-1a-102	Section 41-1a-231	Section 41-1a-1206
Section 72-7-402	Section 72-7-404	Section 72-7-407
Section 72-9-301	Section 72-9-502	

**Public Notice Information****9. The public may submit written or oral comments to the agency identified in box 1.**

<b>A. Comments will be accepted until:</b>	03/03/2026
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<b>10. This rule change MAY become effective on:</b>	03/10/2026
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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**

<b>Agency head or designee and title:</b>	Carlos M. Braceras, PE, Executive Director	<b>Date:</b>	01/08/2026
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**R909. Transportation, Motor Carrier.****R909-2. Utah Size and Weight Rule.****R909-2-1. Purpose and Applicability.**

The purpose of this rule is to protect and preserve Utah's highway infrastructure, enhance safety, and facilitate commerce. Commercial motor vehicle operators and motor carriers engaged in the movement of over-dimensional and overweight vehicles and loads must comply with this rule.

**R909-2-2. Authority.**

This rule is enacted under the authority of Sections 41-1a-231, 41-1a-1206, 72-1-201, 72-7-402, 72-7-404, 72-7-406, 72-7-407, 72-9-301, and 72-9-502.

**R909-2-3. Definitions.**

- (1) "Appurtenance" has the same meaning as defined in 23 CFR Part 658, and Section 72-7-402.
- (2) "Articulated vehicle" means two or more vehicles that are connected by a joint that can pivot.
- (3) "Automobile transporter" means any vehicle combination designed and used for the transport of assembled highway vehicles, including truck camper units. An automobile transporter will not be prohibited from transporting cargo or general freight on a backhaul, so long as it complies with weight limitations for a truck tractor and semitrailer combination.
- (4) "Bridge formula" means the formula described in 23 U.S.C. 127(a)(2), incorporated by reference, and Section 72-7-404, which is a bridge protection formula used by federal and state governments to regulate the amount of weight that can be put on each of a vehicle's axles, or the number of axles, and the distance between the axles or group of axles must be to legally carry a given weight.
- (5) "Cargo or cargo carrying length" means the total length of a combination of trailers or loads measured from the foremost of the first trailer or load to the rearmost of the last trailer or load, including coupling devices.
- (6) "CSA" means the Compliance, Safety, Accountability program administered by the Federal Motor Carrier Safety Administration, where they work together with state partners and industry to further reduce commercial motor vehicle crashes, fatalities, and injuries on our nation's highways.
- (7) "Commercial vehicle" has the same meaning as defined in Section 72-9-102.
- (8) "Daylight" means one-half hour before sunrise and one-half hour after sunset.
- (9) "Department" means the Utah Department of Transportation.
- (10) "Divisible load" means a load that can reasonably be dismantled or disassembled and does not meet the definition of non-divisible as defined in this section.
- (11) "Division" means the Motor Carrier Division.
- (12) "Drawbar" means the connection between two vehicles, one of which is towing or drawing the other on a highway.

## NOTICES OF PROPOSED RULES

- (13) "Dromedary unit" means a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination.
- (14) "Emergency vehicle" means a vehicle designed to be used under emergency conditions: to transport personnel and equipment; and to support the suppression of fires and mitigation of other hazardous situations.
- (15) "Fixed axle" means an axle that is not steerable, self-steering, or retractable.
- (16) "Flagger" means a person who is trained to direct traffic using signs or flags to aid the over-dimensional load or vehicles in the safe movement along the highway as designated on the over-dimensional load permit.
- (17) "Freeway" means a divided highway facility with full control of access and two or more lanes for the exclusive use of through traffic in each direction. A freeway includes a highway that is part of the interstate system and SR-201 from I-80 to 7200 West.
- (18) "Full trailer" means a vehicle without motive power designed for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.
- (19) "High-risk motor carrier" means a motor carrier that is:
  - (a) above the threshold in the Crash or Fatigue or Unsafe BASIC that is greater than or equal to 85%, plus one other BASIC at or above the "all other" motor carrier threshold; or
  - (b) a motor carrier with any four or more BASICs at or above the "all other" motor carrier threshold.
- (20) "Highway" means any public road, street, alley, lane, court, place, viaduct, tunnel, culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned to the public, or made public in an action for the partition of real property, including the entire area within the right-of-way.
- (21) "Implement of husbandry" means every vehicle designed or adapted or used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.
- (22) "Incidental" means transportation that occurs occasionally or by chance but does not exceed a distance of 20 miles.
- (23) "Interstate system" means any highway designated as interstate.
- (24) "Laden" means carrying a load on a vehicle or combination of vehicles.
- (25) "Longer combination vehicle" or "LCV" means a combination of trucks, truck tractors, semitrailers, and, trailers<sup>[5]</sup> that exceed legal dimensions and operate on highways by permit for transporting divisible loads.
- (26) "Longer combination vehicle authority" means authorization given to a specific company to exceed standard permitted length allowances for vehicle configuration on pre-approved routes.
- (27) "Manufactured home" means a transportable factory-built housing unit constructed on or after June 15, 1976, in one or more sections, and designed to be used as a dwelling with or without a permanent foundation if connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.
- (28) "Manufactured mobile home" means a transportable factory-built housing unit built before June 15, 1976, in accordance with a state mobile home code<sup>[5]</sup> that existed before the Federal Manufactured Housing and Safety Standards Act.
- (29) "Motor carrier" has the same meaning as the phrase defined in Section 72-9-102.
- (30) "MVR" means motor vehicle record.
- (31) "MUTCD" means Manual on Uniform Traffic Control Devices.
- (32) "Multi-trip" means two or more daily trips or a minimum of ten weekly trips in the proximity of a port of entry.
- (33) "Natural gas vehicle" means the vehicle's engine is fueled primarily by natural gas.
- (34) "Non-divisible" means any load or vehicle exceeding applicable length, width, height, or weight limits which, if separated into smaller loads or vehicles, would:
  - (a) compromise the intended use of the load or vehicle, making it unable to perform the function for which it was intended;
  - (b) destroy the value of the load or vehicle; or
  - (c) requires more than eight work hours to dismantle using appropriate equipment. The applicant for a non-divisible load permit has the burden of proof as to the number of work hours required to dismantle the load.
- (35) "Non-divisible bridge table formula" means the formula  $1.47 \times 500 (LN / (N-1) + 12N + 36)$ , where variables L and N have the same meaning as described in 23 U.S.C. 127(a)(2) and Section 72-7-404.
- (36) "Out-of-service" means a condition where a motor vehicle, because of mechanical condition or loading, is considered imminently hazardous and likely to cause an accident or breakdown; or where a driver's violation renders a commercial vehicle operator unqualified to drive.
- (37) "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by a reach, or pole, or by being boomed or otherwise secured to the towing vehicle and is ordinarily used for transporting long or irregular shaped loads such as poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.
- (38) "Port of entry bypass permit" means a permit that allows a motor carrier to bypass a designated port of entry.
- (39) "Quad axle group" means a group of four consecutive fixed axles.
- (40) "Recreational vehicle" means a vehicle or vehicles that are driven solely as a family or personal conveyance for non-commercial purposes.
- (41) "Retractable axle" means an axle that can be mechanically raised and lowered by the driver of the vehicle, but which may not have its weight-bearing capacity mechanically regulated.
- (42) "Saddle mount" means a truck or tractor towing other vehicles with the front axle of each towed vehicle mounted on top of the frame of the preceding vehicle or vehicles.
- (43) "Secondary highway" means routes not designated as interstate or freeways. Two-lane, two-way highways are synonymous with secondary highways.

(44) "Semitrailer" means every vehicle without motive power designed for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and its load rests on or is carried by another vehicle.

(45) "Special event" means the movement of an over-dimensional load or vehicle.

(46) "Special mobile equipment" or "SME" means the same as that term is defined in Section 41-1a-102.

(47) "Special truck equipment" or "STE" means a vehicle by nature of design that cannot meet the non-divisible weight allowances, such as concrete pump trucks, well boring trucks, or cranes with a lift capacity of five or more tons.

(48) "Spread axle" means two single axles that exceed 96 inches apart.

(49) "Stinger-steered" means a truck tractor semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.

(50) "Tandem axle" means two axles spaced not less than 40 inches nor more than 96 inches apart and having at least one common point of weight suspension.

(51) "Tillerman or Steerman" means an individual who steers any axle of an articulated trailer.

(52) "Towaway trailer transporter combination" means a combination of vehicles consisting of a trailer transporter towing unit and two trailers or semitrailers as inventory that does not exceed a total weight of 26,000 pounds.

(53) "Trailer transporter towing unit" means a power unit that is not used to carry property if operating in a towaway trailer transporter combination.

(54) "Tridem axle" means any three consecutive axles whose extreme centers are not more than 144 inches apart, and are individually attached to or articulated from, or both, a common attachment to the vehicle, including a connecting mechanism designed to equalize the load between axles.

(55) "Triple trailer" means a tractor and three trailers of approximately equal length.

(56) "Truck" means any self-propelled motor vehicle, except a truck tractor, designed or used for the transportation of property, laden or un[-]laden.

(57) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load that is drawn.

(58) "Trunnion axle" means an axle configuration with two individual axles mounted in a transverse plane, with four tires on each axle.

(59) "Trunnion axle group" means two or more consecutive trunnion axles that are attached to the vehicle by a weight-equalizing suspension system and whose consecutive centers are more than 40 inches, but not more than 96 inches apart.

(60) "UCR" means Unified Carrier Registration.

(61) "Unladen" means a vehicle is not carrying a load.

(62) "Variable load suspension axle" or "VLS axle" means an axle that can be adjusted mechanically to various weight-bearing capacities and can also be mechanically raised and lowered.

(63) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks.

#### R909-2-4. Legal Size Vehicle Dimensions.

(1) Maximum legal vehicle dimensions, laden and un[-]laden, that may be operated without special permits on Utah highways:

- height: 14 feet;
- width: -eight feet six inches; and
- length: See Table 1 Legal Size Vehicle Dimensions.

TABLE 1 Legal Size Vehicle Dimensions		
Vehicle	Maximum Length	Comments
Truck tractor	45'	Measured from bumper to bumper.
Straight truck	45'	Measured from bumper to bumper.
Semitrailer	53'	Measured from bumper to bumper.
Full trailer	53'	Measured from bumper to bumper.

NOTICES OF PROPOSED RULES

Truck, tractor, and double trailer	61'	Measured from the front of the first trailer to the rear of the second trailer. Tractor is not included in <u>the</u> measurement.
Truck, tractor, and triple trailer	61'	Measured from the front of the first trailer to the rear of the third trailer. Tractor is not included in <u>the</u> measurement.
Truck and single trailer	65'	Measured from bumper to bumper.
Truck and two trailers	65'	Measured from bumper to bumper.
Non-commercial RV	65'	Measured from bumper to bumper.
Stringer steered	80'	Measured from bumper to bumper.
Dromedary plus trailer	65' *	Measured from bumper to bumper. A dromedary unit is considered a truck trailer configuration whether laden or unladen.
Saddle mount	97'	Measured from furthest extremities to the front and rear. Maximum of one power unit, three saddle mount vehicles, and one full mount.
Drawbar	15' **	Measured from box to box or frame to frame.
Front overhang	3' ***	Measured from the front of the power unit.
Rear overhang	6'	Measured from the rear of the bed or body of the vehicle.
<p>* The maximum length is 75' when a dromedary plus trailer is hauling Class 1 munitions on interstates, US highways, and reasonable access routes.</p> <p>** The 15' maximum length does not apply in the case of a connection between two vehicles transporting poles, pipe, machinery, or structural material that cannot be dismembered when transported upon a pole trailer.</p> <p>*** The maximum length is 4' when a stinger steer is in use.</p>		

**R909-2-5. Legal Weight Limitations.**

(1) Except as otherwise provided in this section, operating a vehicle that exceeds the maximum gross and axle weight limitations described in Table 2 is prohibited.

TABLE 2 Maximum Gross and Axle Weight Limitations	
Axes	Weight
Single Wheel	10,500 pounds
Single Axle	20,000 pounds

Tandem Axle	34,000 pounds
Tridem Axle	Must comply with the bridge formula
Gross Vehicle Weight	80,000 pounds

- (2) An overweight permit must be obtained to authorize any exception to the maximum weight limitations described in Table 2.
- (3) The weight limitation described in Table 2 does not apply to a covered heavy-duty tow and recovery vehicle.
- (4) Emergency vehicles may exceed the weight limits described in Table 2 with the following limitations:
  - (a) 24,000 pounds on a single steering axle;
  - (b) 33,500 pounds on a single-drive axle;
  - (c) 62,000 pounds on a tandem axle;
  - (d) 52,000 pounds on a tandem rear drive steer axle; and
  - (e) 8[2]6,000 pounds gross vehicle weight.
- (5) A vehicle fueled primarily by natural gas or powered primarily by electric battery power may exceed any vehicle weight limit, up to a maximum gross vehicle weight of 82,000 pounds, by any amount that is equal to the difference between:
  - (a)(i) the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; or
  - (ii) the weight of the vehicle attributable to the electric battery power system; and
  - (b) the weight of a comparable diesel tank and fueling system.

#### **R909-2-6. Tire Load Provisions.**

- (1) The load of a tire may not exceed the load rating as indicated by the manufacturer on the sidewall of the tire.
- (2) When determining the maximum tire load for an axle or axle group, the division shall base the calculation on the load rating of the lowest-rated tire in the relevant axle or axle group.
- (3) The division shall separately calculate the maximum tire load for each VLS axle.

#### **R909-2-7. Axle Provisions.**

- (1) No more than three fixed axles may be allowed in any truck and trailer combination.
- (2) Vehicles with variable load axles are limited as follows:
  - (a) retractable or variable load suspension axles installed after January 1990 must be self-steering provided however, variable load suspension axles that are within 60 inches of a drive axle or are within 60 inches of a trailer axle, need not be self-steering;
  - (b) no axle in a group with a retractable or VLS axle may exceed legal or bridge formula weight requirements, or the manufacturer's tire rating; and
  - (c) controls for raising or lowering retractable or VLS axles may be located in the cab of the power unit. The pressure regulator valve must be positioned outside of the cab and be inaccessible from the driver's compartment.
- (3)(a) A motor carrier carrying a non-divisible load may apply for an approved permit that provides an exemption from the [provisions of]this section.
- (b) When operating a vehicle or combination of vehicles equipped with VLS axles with a permit described under Subsection (3)(a), a motor carrier shall engage the VLS axles.

#### **R909-2-8. General Oversize or Overweight Provisions.**

- (1) Except when entering on Northbound I-15 at the St. George Port of Entry, Westbound I-80 at the Echo Port of Entry, and Eastbound I-80 at the Wendover Port of Entry, the appropriate permit must be obtained before operating within Utah.
- (2) Each oversized or overweight permit must be carried in the vehicle or combination vehicles and may be in paper or electronic format.
- (3) The conditions that must be met to obtain an oversized or overweight permit are:
  - (a) the motor carrier complies with the financial responsibility obligations;
  - (b) the vehicle or vehicles must be properly registered;
  - (c) the driver or drivers are properly licensed with appropriate endorsements;
  - (d) the motor carrier complies with the Federal Motor Carrier Safety Regulations;
  - (e) the motor carrier complies with the Hazardous Material Regulations; and
  - (f) the motor carrier complies with the Unified Carrier Registration<sub>1</sub> or UCR<sub>1</sub> as required.
- (4) Length limitations do not apply to vehicles or combinations of vehicles operated at night by a public utility if required for emergency repair of public service facilities or properties.
- (5) The applicant or permittee, as a condition for obtaining an oversized permit, must assume responsibility for crashes, including injury to any person or damage to public or private property caused by their operations.

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(6) The applicant or permittee must agree to indemnify and hold harmless the department from claims resulting directly or indirectly from the operation and transportation of vehicles or a combination of vehicles operating under an oversized or overweight permit.

### **R909-2-9. Transfer or Revision of Permits.**

- (1) The division may transfer permits from one vehicle to another up to two times per permit for a fee under the following conditions:
  - (a) annual and semi-annual permits may be transferred to another unit within a company;
  - (b) the customer has sold or purchased a vehicle;
  - (c) lease changes from one company to another by providing evidence of permit ownership; or
  - (d) the vehicle has become disabled.
- (2) If a permit is transferred, the division shall issue a transfer permit that has the same expiration date as the original permit.
- (3) The division may only revise the start date of a single-trip permit if:
  - (a) the revision is made before the original start date of the permit; and
  - (b) the need for the revision is due to:
    - (i) mechanical issues with the vehicle or combination of vehicles that is on the permit; or
    - (ii) a weather delay.
- (4) The division may not revise an expired permit.

### **R909-2-10. Permit Revocation, Suspension, and Confiscation.**

- (1) Violations of any permit that may result in the revocation, suspension, or confiscation of the permit include:
  - (a) speeding or driving faster than the posted speed limit or the speed indicated on the permit;
  - (b) lane travel;
  - (c) weather;
  - (d) load securement;
  - (e) violations of the Federal Motor Carrier Safety Regulations; and
  - (f) violations of the Hazardous Material Regulations.
- (2) Before a vehicle can be moved, it must be ~~made~~ legal, properly permitted, and the out-of-service violations corrected.
- (3) Patterns of non-compliance at a motor carrier level may result in the following actions:
  - (a) civil penalties;
  - (b) suspension or revocation of permit privileges; or
  - (c) an order to cease and desist operations.

### **R909-2-11. Weather Travel Restrictions.**

- (1) For divisible loads, no motor carrier may operate a longer combination vehicle LCV, a tractor-trailer combination more than 81 feet cargo carrying length, or a truck and two-trailer combination more than 92 feet measured bumper to bumper when the following conditions exist:
  - (a) wind more than 45 mph;
  - (b) any accumulation of snow and ice on the roadway; or
  - (c) visibility less than 1,000 feet.
- (2) For non-divisible loads, no motor carrier may operate an oversize vehicle or load more than 10 feet wide, 105 feet long, and 10 feet front or rear overhang when the following conditions exist:
  - (a) any accumulation of snow and ice on the roadway; or
  - (b) visibility is less than 1,000 feet.
- (3) The requirements of this section supersede any other conflicting provisions of this rule.

### **R909-2-12. Curfew Congestion Restrictions.**

- (1) Unless otherwise authorized, travel is prohibited for loads or vehicles more than 12 feet wide, 105 feet overall length, and 14 feet 6 inches in height, Monday through Friday between 6 a.m. and 9 a.m. and between 3:30 p.m. and 6 p.m. mountain time on the following highways:
  - (a) highways south of Perry Willard Interchange, I-15, Exit #357;
  - (b) highways in Weber, Davis, and Salt Lake Counties;
  - (c) highways in Utah County north of I-15, Exit [#]261;
  - (d) SR 68, North of milepost 16 in Utah County;
  - (e) I-80 East side of Salt Lake County Exit 140 to Exit 99 on the West side of Salt Lake County; and
  - (f) I-84 west of milepost 94.
- (2) The division may authorize exceptions to the curfew congestion restrictions based on emergency situations on a case-by-case basis.

### **R909-2-13. Holiday Travel Restrictions.**

- (1) Travel is prohibited for loads more than ~~10~~12 feet wide, 105 feet overall length, and 14 feet 6 inches in height during the following holidays:
  - (a) Christmas Day;
  - (b) New Year's Day;

- (c) Memorial Day;
- (d) Independence Day;
- (e) Labor Day; and
- (f) Thanksgiving Day.

(2) Holiday restrictions begin at 2 p.m. the day before the holiday and extend to sunrise the day after the holiday.

(3) Monday holidays and Monday observed holiday restrictions begin at 2 p.m. through midnight on the Friday before the holiday.

Normal travel may resume from sunrise on Saturday through Sunday at midnight. Monday holiday restriction continues at 12:01 a.m. on Monday and ends Tuesday at sunrise.

(4) The division may authorize exceptions to the holiday travel restriction based on emergency situations on a case-by-case basis.

(5) The division may prohibit the movement of oversized loads during days of anticipated high traffic volume, such as those that occur during other holidays, weather conditions, or special events.

**R909-2-14. Travel Provisions and Restrictions -- Escorts -- Lighting - Exceptions.**

(1)(a) As specified in Table 3 and this Subsection (1), a motor carrier shall be accompanied by a pilot or police escort.

(b) A motor carrier shall follow the most stringent requirement that applies in Table 3.

(c) The number of police escorts required is determined by the Utah Highway Patrol and is based on the area, time, difficulty of travel, and applicable state and local rules, laws, and ordinances.

(d) For an overhang greater than 20 feet, a motor carrier shall have a pilot escort vehicle positioned to the front for front overhangs and to the rear for rear overhangs.

(e) The division may require a motor carrier to have more pilot and police escorts than required by Table 3.

(f) A tow truck towing vehicles may travel outside daylight hours without a certified pilot escort if the total length is 120 feet or less and the total width is 10 feet or less.

(g) The escort requirements in this section apply only to non-divisible loads.

**[Table 3  
Requirements for Pilot and Police Escorts]**

<u>Daylight Hours on a Freeway</u>	<u>Daylight Hours on a Secondary Highway</u>	<u>Requirement</u>	<u>Non-Daylight Hours on a Freeway</u>	<u>Non-Daylight Hours on a Secondary Highway</u>
Greater than: 20' in width; or 200' in length; or 17'6" of height	Greater than: 17' in width; or 200' in length; or 17'6" of height	2 Pilot escorts and at least 218' in width or police escorts	Greater than: 218' in width or 175' in length or 17'6" of height	Greater than: 15' in width or 175' in length or 17'6" of height
Greater than: 16' in width 120' in length	Greater than: 14' in width; or 120' in length	2 pilot escorts	Greater than: 14' in width	Greater than: 12' in width; or 120' in length
Greater than: 14' in width; or 120' in length; or 16' of height; or 20' of overhang	Greater than: 14' in width; or 105' in length; or 16' of height; or 20' of overhang	1 pilot escort	Greater than: 12' in width; or 105' in length; or 16' of height; or 10' of overhang	

**Table 3  
Load Dimensions Requiring Pilot and Police Escorts**

<u>Daylight Hours on a Freeway</u>	<u>Daylight Hours on a Secondary Highway</u>	<u>Non-Daylight Hours on a Freeway</u>	<u>Non-Daylight Hours on a Secondary Highway</u>
Greater than: 14' in width; or 120' in length; or 20' of overhang	Greater than: 12' in width; or 105' in length; or 20' of overhang	<u>12' to 14' in width</u> <u>1 pilot escort</u>	<u>Up to 12' in width</u> <u>1 pilot escort</u>
1 pilot escort	1 pilot		
Greater than: 16' in width; or 16' of height	Greater than: 14' in width; or 120' in length; or 16' of height	Greater than: 14' in width; or 105' in length; or 14'6" of height; or	Greater than: 12' in width; or 105' in length; or 14'6" of height; or

<u>2 pilot escorts</u>	<u>2 pilot escorts</u>	<u>10' of overhang</u> <u>Not authorized during non-daylight hours</u>	<u>10' of overhang</u> <u>Not authorized during non-daylight hours</u>
<u>Greater than: 20' in width; or 175' in length; or 17'6" of height</u>	<u>Greater than: 17' in width; or 175' in length; or 17'6" of height</u>	<u>Greater than: 14' in width; or 105' in length; or 14'6" of height; or 10' of overhang</u> <u>Not authorized during non-daylight hours</u>	<u>Greater than: 12' in width; or 105' in length; or 14'6" of height; or 10' of overhang</u> <u>Not authorized during non-daylight hours</u>
<u>2 pilot escorts and at least 2 police escorts</u>	<u>2 pilot escorts and at least 2 police escorts</u>	<u>Greater than: 14' in width; or 105' in length; or 14'6" of height; or 10' of overhang</u> <u>Not authorized during non-daylight hours</u>	<u>Greater than: 12' in width; or 105' in length; or 14'6" of height; or 10' of overhang</u> <u>Not authorized during non-daylight hours</u>

(2) During non-daylight hours, motor carriers are required to have additional lighting as follows:

(a) any load must have marker lights indicating extreme width using amber lights on the front and side and red lights to the rear;

(b) loads exceeding 92' in overall length shall have lighting every 25 feet;

(c) front or rear overhang exceeding 20 feet from the front or rear bumper of a vehicle, or from the center of the closest axle in the absence of a bumper, must have a rotating or flashing beacon visible from a minimum of 500 feet, and must be displayed at a minimum height of four feet above ground;

(d) tow vehicle headlights must be operated on low beam, day or night, as an additional warning to traffic;

(e) front overhang of more than three feet shall be marked with a steady, amber marker light; and

(f) rear overhang exceeding four feet shall be marked with red clearance lights.

(3)(a) If the division determines that extenuating circumstances apply, the division may authorize exceptions to this section or require additional safety measures.

(b) Any exceptions authorized by the division shall be noted on the permit.

#### **R909-2-15. Oversized Divisible Load Provisions.**

(1) In accordance with Table 4, the division may issue an oversized permit for moving a divisible load with a vehicle or combination of vehicles exceeding the legal limits under the following conditions:

(a) the height of the vehicles or load does not exceed 14 feet 6 inches;

(b) the width of the vehicles or load does not exceed eight feet six inches;

(c) in multiple trailer combinations, a lighter trailer may not be placed in front of a heavier trailer when the weight difference is greater than 4,000 pounds; and

(d) drawbars exceeding 15 feet in length must:

(i) be marked with retro-reflective tape on half of the entire length of the drawbar on both the left and right sides of the drawbar;

(ii) have an amber light that is:

(A) visible from both the right and left sides of the drawbar;

(B) located near the center of the drawbar; and

(C) operational at any time.

(e) The division may not prohibit a towaway trailer transporter combination of less than 82 feet from traveling on the national network as defined by 23 C.F.R. 658.

TABLE 4 Permitted Dimensions for a Divisible Load	
Vehicle	Length
Truck Tractor	Not permittable
Straight Truck	Not permittable
Semi- <del>T</del> trailer	57'
Full Trailer	57'
Tractor Double Trailer	81'

Tractor Triple Trailer	81'
Truck and Trailer	88'
Truck and two trailers	92'
Non-commercial RV	88'
Stinger Steered	Not permittable
Dromedary plus trailer	Not permittable
Saddle mount	Not permittable
Draw Bar	>15'
Height	14'6"
Width	Not permittable
Front overhang	Not permittable
Rear overhang	Not permittable

#### **R909-2-16. Oversize Non-Divisible Load Provisions.**

(1) A permitted vehicle or combination of vehicles carrying a non-divisible load must comply with the following conditions:

- (a) vehicles and loads must be reduced to the minimum practical dimensions;
- (b) semi-annual and annual permits may be issued for dimensions up to, but not exceeding:
  - (i) 14 feet 6 inches in height;
  - (ii) 14 feet 6 inches in width; and
  - (iii) 105 feet in length.

(2) Exceptions may be granted by the division for annual permitted vehicles that carry loads exceeding the dimensions identified in this section.

(3) Bulldozer blades, loader buckets, or similar equipment exceeding 16 feet in width must be removed for transport and may be hauled on the same load with the machinery after removal.

(4) Loads or vehicles exceeding 17 feet in width on two-lane routes, 20 feet in width on interstates, or 17 feet 6 inches in height on public highways may be allowed under the following terms and conditions:

(a) the permittee must notify the division by submitting a permit application online[[7](#)] of the dimensions of the oversized vehicle or load and the proposed route to be used;

(b) the division will notify the department region or district permit official affected by the proposed route, and will obtain authorization for the move;

(c) the permittee must request authorization through the online system at least two business days in advance of the movement;

(d) a permit is not valid until the permittee has assumed the cost and responsibility to obtain utility company authorizations and clearances; and

(e) the permittee will assume all costs when a certified police escort or escorts are required.

(5) Tow trucks may purchase a semi-annual or annual non-divisible oversize permit up to 10 feet wide and 165 feet in length. Loads exceeding 10 feet wide[[7](#)] and 165 feet long shall purchase a single-trip permit.

#### **R909-2-17. Oversize Non-Divisible Load Signing and Flag Requirements.**

(1) Non-divisible oversize loads exceeding 10 feet in width, 14 feet 6 inches in height, or 105 feet in length must display an "OVERSIZE LOAD" sign[[7](#)] to warn the motoring public that extra-large vehicles are in operation. Signs must:

- (a) be 7 feet by 18 inches;
- (b) have a yellow background with 10-inch-high black letters that are painted with a 1 5/8 inches wide stroke to read: "OVERSIZE LOAD";
- (c) be impervious to moisture;
- (d) have front signs mounted on the front bumper or on top of the vehicle cab with letters presented toward the front of the vehicle;
- (e) have rear signs positioned at the rearmost part of the vehicle or load as feasible, ensuring in cases that the load does not obstruct the view of the sign;
- (f) if possible, have the bottom edge of the sign be positioned not more than 5 feet above the road surface;

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- (g) be mounted with adequate supporting anchorage, constructed, maintained, and displayed so that they are always clearly legible;
- (h) be covered, removed, or placed face down when the vehicle is not engaged in an oversized movement; and
- (i) oversized load signs are not required on LCVs.

(2)(a) When transporting a non-divisible load, a red or orange flag must be affixed on the extremities when:

- (i) a vehicle or load exceeds ten feet in width; or
- (ii) the overhang of a load exceeds three feet to the front or four feet to the rear of the bed or body of the vehicle while in operation.

(b)(i) Each flag must be completely clean and may not be torn, faded, or worn out.

(ii) Each flag must be fastened in a way that allows the flag to wave freely.

(iii) Flagging is not required on LCVs.

(3) Tow trucks that exceed 120 feet in length are required to:

- (a) display one sign on the rearmost end of a towed vehicle;
- (b) the sign must have a yellow background with 10-inch-high black letters that are painted with a 1 5/8 inches wide stroke to read: "IN-TOW LONG LOAD"; and
- (c) be 4 feet wide by 2 feet tall minimum.

### R909-2-18. Convoys.

- (1) The movement of more than one permitted vehicle is allowed, provided prior authorization is obtained from the division, with the following conditions:
  - (a) the number of permitted vehicles in the convoy must not exceed two;
  - (b) vehicles or loads may not exceed 12 feet wide or 150 feet overall length;
  - (c) distance between vehicles may not be less than 500 feet or more than 700 feet;
  - (d) distance between convoys must be a minimum of one mile;
  - (e) convoys must have a certified pilot escort in the front and rear with proper signs;
  - (f) police escorts or department personnel may be required;
  - (g) convoys must meet lighting requirements; and
  - (h) convoys are restricted to freeway and interstate systems.
- (2) The division may authorize exceptions to the convoy restrictions based on emergency situations on a case-by-case basis.

### R909-2-19. Trailers More Than 53 to 57 Feet in Length.

Trailers exceeding 53 feet but not to exceed 57 feet may acquire a single-trip, semi-annual, or annual permit.

### R909-2-20. Longer Combination Vehicles.

- (1) Motor Carriers operating longer combination vehicles must apply and be approved to operate on a freeway in this state.
- (2) The division may authorize a motor carrier to operate an LCV with cargo or cargo carrying length as provided in this section.
- (3)(a) The division may only permit an LCV for dimensions provided in Table 5.
- (b) An LCV may not be used to transport a non-divisible load with a width greater than 8 feet 6 inches or a height greater than 14 feet 6 inches.
- (4) An LCV is subject to any other travel conditions provided in this rule that apply to a cargo or cargo carrying length of more than 81 feet.
- (5) An LCV may not operate on secondary highways unless pre-approved by the division.

TABLE 5 Permitted Dimensions for LCV	
Vehicle	Length
Truck Tractor	Not permittable
Straight Truck	Not permittable
Semi Trailer	Not permittable
Full Trailer	Not permittable
Tractor Double Trailer	>81-95'
Tractor Triple Trailer	>81-95'
Truck and Trailer	>88-92'

Truck and two trailers	>88-95'
Non-commercial RV	Not permittable
Stinger Steered	Not permittable
Dromedary plus trailer	Not permittable
Saddle mount	Not permittable
Draw Bar	Not permittable
Height	Not permittable
Width	Not permittable
Front overhang	Not permittable
Rear overhang	Not permittable

#### **R909-2-21. Overweight Divisible Load Provisions.**

(1) The division may issue an overweight divisible load permit to a motor carrier for moving a vehicle or combination of vehicles and loads exceeding the legal limits if the requirements of this section are met.

(2) To be eligible for the permit described in Subsection (1):

- the vehicle or combination of vehicles must be properly registered for 78,001 to 80,000 pounds;
- the width of the vehicle or combination of vehicles may not exceed 8 feet 6 inches wide or 14 feet 6 inches high; and
- vehicles or a combination of vehicles with axles weighing more than 11,000 pounds must have at least four tires per axle unless the axle is a steering axle, a self-steering variable load suspension or retractable axle, or a wide-base single tire that is 14 inches wide or greater as indicated by the manufacturer rating on the sidewall of the tire.

(3) The combination unit shall conform to the bridge formula and the legal axle and gross vehicle weight limits.

(4) A divisible load permit may not be used to transport a non-divisible load except when the non-divisible load meets the divisible bridge formula and divisible size limits specified on the permit.

#### **R909-2-22. Overweight Non-Divisible Load Provisions.**

(1) The division may issue an overweight non-divisible load permit to a motor carrier for moving a vehicle or combination of vehicles and loads exceeding the legal limits if the requirements of this section are met.

(2) To be eligible for the permit described in Subsection (1):

- the vehicles and loads must be reduced to the minimum practical dimensions;
- the vehicle or combination of vehicles is properly registered for 78,001 to 80,000 pounds or the total gross weight of the vehicle; and
- the actual axle and gross weights of the vehicles and loads must comply with the non-divisible bridge formula.

(3) A permit for a non-divisible load may not be used to transport a divisible load.

(4) Vehicles with a gross vehicle weight of less than 125,000 may be permitted on a single-trip, semi-annual trip, or annual trip basis as described in Table 6:

TABLE 6 Single-Trip, Semi-Annual, Annual Permits for non-divisible loads allowed up to:	
Axes	Weight
Single axle	29,500 pounds
Tandem axle	50,000 pounds

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Tridem axle	Must comply with non-divisible bridge table formula
Trunnion Axle	Must comply with non-divisible bridge table formula
Gross weight	125,000 pounds

(5)(a) Tow trucks must be properly registered to purchase annual, semi-annual, or single-trip permits if they exceed legal weight limitations.

(b) The properly registered or permitted weight of the towed vehicle is not calculated in the tow truck towed vehicle's gross combined weight.

(c) Tow trucks must be properly registered and permitted for the weight of the tow truck and any additional weight placed upon it.

(d) If the towed weight is not properly registered or permitted, the towing vehicle will be responsible for the permitting and registration requirements of the towed vehicle.

(6)(a) Vehicles transporting milk products may exceed the gross weight limit of 80,000 pounds or the maximum weight allowed by the bridge formula. This requires an appropriate non-divisible permit issued by the department.

(b) Milk products being carried using multiple trailers will be required to abide by divisible requirements and will not get the non-divisible exception.

(7) Non-divisible loads exceeding 125,000 pounds gross weight or axle weights specified in Table 5 may only purchase single-trip permits.

(8) Nine-foot-wide axles are allowed 7.5% more weight than 8-foot-wide axles.

(9) Ten-foot-wide axles are allowed 15% more weight than 8-foot-wide axles.

(10) If using an axle equipped with eight tires, rather than four, add 10% to the weight authorized for an 8-foot-wide axle group.

(11) STE operations must have an STE profile sheet if the axle weight limitations specified in Table 5 are exceeded.

(12) Non-divisible loads registered for less than 78,001 pounds may be issued a non-divisible permit allowing non-divisible axle or axle group weights.

### R909-2-23. Mobile and Manufactured Homes.

(1) Mobile and manufactured homes exceeding 14 feet 6 inches to 16 feet in wall-to-wall width, transported on their own running gear, may be issued a single-trip permit under the following conditions:

(a) trailer axles must be equipped with operational brakes; and

(b) Trailer axles and suspensions may not exceed the manufacturer's capacity rating.

(2) The open sides of a mobile manufactured home must be covered by a rigid material of 0.5-millimeter plastic sheathing backed by a rigid grillwork not exceeding squares of four feet to prevent billowing and must fully enclose the open sides of the units in transit.

(3)(a) Rear-mounted stop and turn signal lights must be a minimum of six inches in diameter with a type 35 red reflector lens.

(b) The lens must be mounted not more than 18 inches from the outer edge of the unit and not less than 15 inches or more than 8 feet above the road surface.

(c) Houses, buildings, and structures not manufactured or built to be transported will not require tail, brake, or signal lights mounted on the structures, as a certified pilot and police escort vehicles provide sufficient warning of the intent to brake, turn, or stop.

(4) Two safety chains must be used, one on the right and left sides, but separate from the coupling mechanism connecting the tow vehicle and the mobile and manufactured home while in transit.

(5) Tow vehicles shall comply with the following minimum requirements:

(a) conventional or cab-forward configuration must have a minimum wheelbase of 120 inches;

(b) cab-over-engine tow vehicles must have a minimum wheelbase of 89 inches;

(c) have a minimum of four rear tires; and

(d) mirrors on each side of the tow vehicle must be arranged so that the driver can see the entire length of both sides of the towed unit.

(6)(a) A trailer used for mobile manufactured homes more than eight feet six inches wide, up to 12 feet wide, and equipped with one axle must have operational brakes.

(b) A minimum of two axles equipped with operative brake assemblies is required on each mobile manufactured home unit more than 12 feet wide.

### R909-2-24. Pilot Escort Requirements and Certification Program.

(1) Pilot escort driver requirements. Individuals who operate a pilot escort vehicle must meet the following requirements:

(a) must be a minimum of 18 years of age;

(b) must possess a valid driver's license for the state jurisdiction in which the driver resides;

(c) must obtain a certification card from an authorized, qualified certification program as outlined in this section, and shall have it in their possession while in pilot escort operations;

(d) within 30 days, pilot escort drivers must provide a current Motor Vehicle Record (MVR) certification to the qualified certification program at the time of the course;

- (e) no passengers under 16 years of age are allowed in pilot escort vehicles during the movement of oversized loads; and
- (f) a pilot escort driver may not perform as a tillerman or steerman while performing pilot escort operations.

(2) Driver certification process.

- (a) Drivers domiciled in Utah must complete a Utah pilot escort certification course authorized by the division. A list of authorized instructors may be obtained by contacting (801) 965-4892.
- (b) Pilot escort drivers domiciled outside of Utah may operate as a certified pilot escort driver with another state's certification credential, provided the course meets the minimum requirements outlined in the Pilot Escort Training Manual - Best Practices Guidelines as endorsed by the Specialized Carriers and Rigging Association, Federal Highway Administration, and the Commercial Vehicle Safety Alliance.
- (c)(i) The department may enter into a reciprocal agreement with other states, provided they can demonstrate that course materials are comprehensive and meet the minimum requirements outlined by the department.
  - (ii) A current listing of reciprocity states may be obtained by contacting the division at 801-965-4892.
  - (d)(i) The pilot escort driver's initial certification expires four years from the date issued, and it is the responsibility of the driver to maintain certification.
    - (ii) One additional four-year certification may be obtained through a mail-in or online re-certification process provided by a qualified pilot escort training entity.
  - (3) Suspensions and revocations.
    - (a) Pilot escort drivers may have their certification denied, suspended, or revoked by the division if it is determined that a disqualifying offense has occurred within the previous four years.
    - (b) Drivers convicted of serious traffic violations, such as excessive speed, reckless driving, and driving maneuvers reserved for emergency vehicles, and driving under the influence of alcohol or controlled substances, may have their certification denied, suspended, or revoked by the division.
    - (c) The division may suspend for first offenses for up to one year. Subsequent offenses may result in permanent revocation of driver certification.
    - (d)(i) If a driver is denied pilot escort driving privileges for reasons other than the conditions set forth in this rule, the individual may file an appeal.
      - (ii) The appeals will be handled by a steering committee created by the division.
      - (iii) The steering committee will have the powers granted to the deputy director in Section R907-1-3 for appeals from other division administrative actions. The steering committee's decision, if approved by the director of the division, will be considered a final agency order under Administrative Procedures in Rule R907-1.
  - (4) Pilot escort vehicle standards.
    - (a) Certification inspections are valid for up to one year.
    - (b) Pilot escort vehicles may be either a passenger vehicle or a two-axle truck with a 95-inch minimum wheelbase and a maximum gross vehicle weight of 12,000 lbs. and properly registered and licensed as required under Sections 41-1a-201 and 41-1a-401.
    - (c) Equipment must not reduce the visibility or mobility of the pilot escort vehicle while in operation.
    - (d) Trailers may not be towed at any time while in pilot escort operations.
    - (e)(i) Pilot escort vehicles must be equipped with a two-way radio capable of transmitting and receiving voice messages over a minimum distance of one-half mile.
      - (ii) Radio communications must be compatible with accompanying pilot escort vehicles, utility company vehicles, permitted vehicle operators, and police escorts, if necessary.
      - (iii) If operating with police escorts, a device that allows for two-way communication between police escort vehicles and pilot vehicles is required.
        - (f) Pilot escort vehicles may not carry a load.
        - (5) Pilot escort vehicle signing requirements. Sign requirements on pilot escort vehicles are as follows:
          - (a) pilot escort vehicles must display an "OVERSIZE LOAD" sign, which must be mounted on the top of the pilot escort vehicle;
          - (b) signs must be a minimum of 5 feet wide by 10 inches high visible surface space, with a solid yellow background and 8-inch-high by 1-inch-wide black letters, and solid means that, if viewed from the front or rear at a 90-degree angle, no light transmits through the sign;
          - (c) the sign for the front pilot escort vehicle must be displayed so it is always clearly legible and readable by oncoming traffic; and
          - (d) the rear pilot escort vehicle must display its sign, so it is readable by traffic overtaking from the rear and clearly legible.
        - (6) Pilot escort vehicle lighting requirements.
          - (a) A pilot escort vehicle must comply with one of the following lighting requirements:
            - (i) two amber flashing lights that are:
              - (A) AAMVA approved;
              - (B) mounted with one on each side of the required sign;
              - (C) a minimum of six inches in diameter;
              - (D) unobstructed and visible for 360 degrees;
              - (E) capable of 60 flashes per minute; and
              - (F) equipped with warning lights that illuminate during operation; or
            - (ii) an amber beacon or light bar that:
              - (A) is AAMVA approved;
              - (B) rotates, oscillates, or flashes;

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- (C) is unobstructed and visible for 360 degrees; and
- (D) is equipped with warning lights that illuminate during operation.
- (b) The division may approve the use of incandescent, strobe, or diode lights if the lights meet the criteria described in Subsection (6)(a).
- (7) Pilot escort vehicle equipment requirements.
  - (a) Pilot escort vehicles must be equipped with the following safety items:
    - (i) standard 18-inch or 24-inch red and white "STOP" and black and orange "SLOW" paddle signs, and for nighttime travel moves, signs must be reflective in accordance with MUTCD standards;
    - (ii) nine reflective triangles or 18-inch reflective orange traffic cones;
    - (iii) eight red-burning flares, glow sticks, or equivalent illumination devices approved by the division;
    - (vi) three orange 18-inch-high cones;
    - (v) a flashlight with a minimum 1 1/2-inch lens diameter, with extra batteries or charger, and an emergency type shake, or crank flashlight will not be allowed;
    - (vi) six-inch minimum length red or orange cone or traffic wand for use ~~if~~ in directing traffic;
    - (vii) an ANSI or OSHA-approved hardhat;
    - (viii)(A) for travel during daylight hours, a class two safety vest for ~~for~~ each individual involved in the pilot escort operations; or
    - (B) for travel outside daylight hours, a class three safety vest for each individual involved in the pilot escort operations;
    - (ix) a height-measuring pole made of a non-conductive, non-destructive, flexible, or frangible material, only required if escorting a vehicle or load exceeding 16 feet in height;
    - (x) a fire extinguisher;
    - (xi) a first aid kit that is clearly marked;
    - (xii) one spare "OVERSIZE LOAD" sign, 7 feet by 18 inches;
    - (xiii) one serviceable spare tire, tire jack, and lug wrench;
    - (xiv) a handheld two-way simplex radio or another compatible form of communication for operations outside pilot escort vehicles;

and

- (xv) vehicles must not have unauthorized equipment on the vehicle, such as that generally reserved for law enforcement personnel.
- (8) Police escort vehicle equipment and safety requirements.

- (a) Police escort vehicles must be equipped with the following safety items:

- (i) a device that allows for two-way communication between police escort vehicles and transport vehicles;
- (ii) emergency lighting visible for 360 degrees; and
- (iii) clear markings that indicate the vehicle is a police escort.

(b) Before participating in a police escort, each police officer must complete a Utah Law Enforcement Check List and Reporting Criteria Form and submit it to the division.

- (c) Police officers participating in a police escort shall:

- (i)(A) verify that a pilot escort vehicle has a current pilot escort inspection; or
- (B) perform an inspection of the pilot escort vehicle before load movement; and
- (ii) wear a police officer uniform.

- (9) Insurance for pilot escort vehicles.

(a) A driver must possess a current certificate of insurance or endorsement that indicates that the driver, or the driver's employer, has in effect not less than \$750,000 combined single limit coverage for bodily injury and property damage as a result of the operation of the escort vehicle, the escort vehicle operator, or both causing the bodily injury and property damage arising out of an act or omission by the pilot escort vehicle operator of the escort duties required by the regulations. The insurance or endorsement, as applicable, must always be maintained during the term of the pilot escort certification.

- (b) Pilot escort vehicles must have a minimum amount of \$750,000 liability. This is not a cumulative amount.

(10) Pre-trip planning and coordination requirements. A coordination and planning meeting must be held before load movement. The drivers carrying or pulling the oversized loads, the pilot escort vehicle drivers, law enforcement officers, department personnel, and public utility company representatives must attend as required. When police escorts are present, a Utah Law Enforcement Checklist and Reporting Criteria Form must be completed. This meeting must include discussion and coordination on the conduct of the move, including at least the following topics:

- (a) the person designated as being in charge, such as a department representative or a law enforcement officer;
- (b) documentation for authorized routing and permit conditions is distributed to the appropriate individuals involved in the move;
- (c) communication and signals coordination;
- (d) permitted dimensions will be verified with measurement of vehicle and load dimensions; and
- (e) copies of the permit and routing documents must be provided to parties involved with the permitted load movement.

(11) Permitted vehicle restrictions on certain highways. Certified pilot escort operators must refer to the highway restrictions specified in the secondary highway restrictions before load movements.

- (12) Flagging requirements.

(a) During the movement of an over-dimensional load or vehicle, the pilot escort driver, in the performance of the flagging duties required by this section, may control and direct traffic to stop, slow, or proceed in any situations where it is deemed necessary to protect the motoring public from the hazards associated with the movement of the over-dimensional load or vehicle. The pilot escort driver, acting as a flagger, may aid the over-dimensional load or vehicle in the safe movement along the highway designated on the over-dimensional load permit and must:

- (i) assume the proper flagger position outside the pilot escort vehicle, and as a minimum standard, have in use the necessary safety equipment as defined in 6E.1 of the MUTCD;
- (ii) use "STOP" and "SLOW" paddles or a 24-inch red or fluorescent orange or red square flag to indicate emergency situations, and other equipment as described in 6E.1 of the MUTCD; and
- (iii) comply with the flagging procedures and requirements as set forth in the MUTCD and the Utah Department of Transportation Flagger Training Handbook.

**R909-2-25. Requirements for Pilot Escort Qualified Training and Certification Programs.**

(1) Application process. Application to become a third-party pilot escort trainer or instructor must be made on a form furnished by the division, and must include the following:

- (a) name and address of entity;
- (b) list of instructors;
- (c) resumes of each instructor outlining related experience in the pilot escort, heavy haul, academia, or commercial vehicle enforcement fields;
- (d) a copy of the entity's business license;
- (e) sample of digital image certification card that will be issued to students upon completion of the course;
- (f) sample of the "Flagger" certification card that will be issued to students upon completion of the course;
- (g) procedural guidelines that outline security measures implemented to safeguard students' personal information; and
- (h) copies of the course curriculum and testing materials. Course materials will be reviewed and approved by the division to ensure that requirements are met.

(2) Course curriculum requirements. An extensive course curriculum description and information can be obtained by contacting the UDOT Motor Carrier Division Customer Service or Superload team at (801) 965-4892. Course curriculum to certify pilot escort drivers to operate in Utah must cover the following topics:

- (a) division rules governing oversize load movements;
- (b) pilot escort operations;
- (c) flagging maneuvers for over-dimensional loads;
- (d) oversized or overweight load movement, coordination, planning, and communication requirements and best practices;
- (e) pilot escort vehicle positioning and situational training;
- (f) rail grade crossing safety;
- (g) routing techniques, including pre-trip surveys; and
- (h) insurance coverage requirements and liability issues.

(3) Testing procedures. Testing materials must be submitted to the division for approval. Tests should be structured with a minimum of 40 questions per exam. A minimum of two different examinations must be submitted and used randomly during the instruction of the course, and structured as follows:

- (a) 12 Fill in the blank;
- (b) 12 Multiple choice;
- (c) 12 true and false questions;
- (d) one to six questions dealing with safety equipment;
- (e) one to four questions dealing with the duties of pilot escort drivers;
- (f) one to six questions dealing with the maintenance of equipment; and
- (g) one to six questions dealing with items that must be collected in a route survey.

(4) Grading of examinations.

- (a) An authorized trainer must provide an explanation to the division of how the test will be administered.
- (b) Students must pass with an 80% score to be certified.

(c) Students receiving less than an 80% score will be allowed to attend one additional class without additional cost, except for reimbursement of any additional materials and postage costs.

(d) If the division terminates a contract with an entity providing third-party pilot escort training, the entity shall provide to the division electronic documentation regarding students who completed the courses administered by the entity.

(5) Applicant Recertification Procedures.

- (a) An authorized trainer shall provide means through which an individual may be recertified either by mail or the internet.

(b) The authorized trainer shall submit written procedures documenting the process for the examination that will allow the applicant to recertify. The examination must not be a duplicate of the examination used during the initial certification process and should be constructed to educate the student on updates pertaining to pilot escort certification and legal requirements.

- (c) Recertification tests must be structured as outlined in [ef]this section.

(d) Applicants receiving less than an 80% score will be allowed to retake the certification exam one additional time at no additional cost except for reimbursement of any additional materials and postage costs.

(e) Students receiving less than an 80% score will be allowed to attend one additional class or certify by mail or online without additional cost, except for reimbursement of any additional materials and postage costs.

(6) Training costs.

(a) Costs associated with providing classroom instruction, materials, testing, and credentialing will be the responsibility of the authorized trainer.

## NOTICES OF PROPOSED RULES

(b) These costs may be passed on to the students for certification in the form of tuition determined by the authorized trainer based on the business model and expenses.

(c) Cost proposal and course fees must be submitted to the division for approval as part of the application process.

(7) Suspensions and revocations of pilot escort training entities.

(a) The division may suspend or revoke the authorization to provide services if the entity fails to meet conditions and requirements set forth in of this section.

(b)(i) If an entity has the authority to provide training services revoked or suspended, the entity may appeal the decision.

(ii) The appeals will be handled by a steering committee created by the division.

(iii) The steering committee will have the powers granted to the department's deputy director for appeals from other division administrative actions.

(iv) The steering committee's decision, if approved by the director of the division, will be considered a final agency order under the Utah Administrative Procedures Act.

(8) The division has the right to review:

(a) rates;

(b) fees;

(c) procedures; and

(d) the certification process is established by an authorized trainer when the division deems it necessary to ensure compliance with this rule.

(9) Record retention and data management requirements. Authorized trainers must maintain the following certification and recertification records for a period of eight years:

(a) student's name, address, and contact information;

(b) driver's license number, original MVR, and original proof of insurance information from insurance provider;

(c) copy of each student's written exam;

(d) digital copy of certification flagger card, including photo;

(e) training and expiration dates on students;

(f) recertification and expiration dates; and

(g) list of instructors, proctors, administrators, and a copy of their resumes, and the date of classroom instruction and re[-]certification dates, providing services.

(10)(a) Records may be scanned and kept electronically, provided the authorized trainer has the necessary data backup and retrieval procedures.

(b) The division has the right to review any records retained and may observe the instruction given both in the classroom and through the recertification process when the division deems it necessary to ensure compliance with this rule.

(c) The loss, mutilation, or destruction of any records which an authorized trainer is required to maintain[,] must be immediately reported by the authorized trainer by an affidavit stating the date these records were lost, mutilated, or destroyed, and the circumstances involving the loss, mutilation, or destruction.

(d) Records must be retained by the authorized trainer for eight years, except for the computerized file, which is to be kept permanently, during which time the authorized trainer will be subject to inspection by the division during reasonable business hours. If the authorized trainer goes out of business, the permanent record must be submitted by the entity to the division.

(e) It is the responsibility of the authorized trainer to provide a list of applicants [that]who have successfully recertified, along with the corresponding grade, to the division at the end of each quarter of each calendar year.

(f) Records, including computerized records, must be provided to the division if requested for an audit or review of the authorized trainer's records. Failure to provide records as requested by the division is a violation of this rule.

(g) Entities must maintain accurate, up-to-date records.

### **R909-2-26. Farmers, Implements of Husbandry and Agricultural Operations.**

(1) Vehicle combinations for hay truck operations may transport two rolls or bales of hay side by side if:

(a) the two rolls or bales are ten feet or less in combined width;

(b) the load is being transported with a valid non-divisible oversize permit;

(c) oversized vehicles or loads exceeding 8 feet 6 inches may not be transported on double trailers exceeding 61 feet in cargo or cargo carrying length;

(d) the load must meet other divisible load requirements in Section R909-2-21; and

(e) loads are properly secured.

(2) Implements of husbandry moved by a farmer, rancher, or their employees in connection with an agricultural operation must comply with:

(a) every farm tractor and towed farm equipment, towed or self-propelled implements of husbandry, designed for operation at speeds not more than 25 miles per hour, must always be equipped with a slow-moving vehicle emblem mounted on the rear; and

(b) every farm tractor and every self-propelled implement of husbandry manufactured or assembled after January 1970 shall be equipped with vehicular hazard warning lights visible from a distance not less than 1,000 feet to the front and rear in normal sunlight, which must be displayed when any vehicle is operated upon a highway.

### **R909-2-27. Snowplow Operations.**

(1) Blades more than eight feet six inches must be equipped with a yellow, rotating beacon warning light.

- (2) Snowplows with up to 12-foot-wide blades may operate without oversize permits, if they comply with:
  - (a) lights which provide adequate illumination if the blade is in either up or down position;
  - (b) signaling lights must not be obscured; and
  - (c) blades must be angled so that the minimum width is exposed to oncoming traffic during periods of travel between jobs.

**R909-2-28. Parade Floats.**

- (1) Parade floats are not required to obtain an overweight or oversized permit, but they must meet the following requirements:
  - (a) floats must have sufficient proof of insurance;
  - (b) floats must carry the necessary safety equipment for the safe operation of the vehicle during movement;
  - (c) the float driver must have a clear 360-degree visibility;
  - (d) movement to and from parades should be made only during daylight hours unless the vehicle is adequately lighted and there is minimal congestion; and
  - (e) floats more than 14 feet 6 inches in height, must be routed by the division.

**R909-2-29. Transportation of Utility Poles.**

- (1) Utility poles may be transported up to 120 feet in overall length, including overhangs, with a single-trip, semi-annual, or annual permit by the following:
  - (a) oversized load restrictions;
  - (b) pilot escort requirements;
  - (c) travel restrictions; and
  - (d) signing and lighting requirements.
- (2)(a) Permits are issued to the trailer transporting the poles using the trailer registration information.
- (b) Upon the company's request, the permit may be issued to the truck or truck tractor.
- (c) Utility poles exceeding 120 feet must purchase a single-trip, non-divisible oversize permit.

**R909-2-30. Special Mobile Equipment.**

- (1) Special mobile equipment or SME is defined in Section 41-1a-102 and refers to vehicles:
  - (a) not designed or used primarily for the transportation of persons or property;
  - (b) not designed to operate in traffic; and
  - (c) only incidentally operated or moved over the highways.
- (2) Special mobile equipment exempt from registration includes:
  - (a) farm tractors; and
  - (b) off-road motorized construction or maintenance equipment, including backhoes, bulldozers, compactors, graders, loaders, road rollers, tractors, trenchers, and ditch-digging apparatus.
- (3) Heavy equipment designed for off-highway uses, such as scrapers, loaders, off-highway cranes, and rock trucks, but not tracked vehicles, may be issued single-trip permits to operate under their own power, on approved routes other than interstate highways, as follows:
  - (a) the distance traveled may not generally exceed 20 miles;
  - (b) only daylight trips are authorized, and oversize restrictions apply;
  - (c) weights shall comply with the non-divisible bridge table formula;
  - (d) single axles equipped with single tires may not be authorized to exceed 40,000 pounds;
  - (e) a minimum of one pilot escort vehicle is required; and
  - (f) special mobile equipment shall be routed by the division before making a trip.
- (4)(a) Persons who operate or cause to operate an SME exempt from registration must submit a completed special mobile equipment affidavit to the division.
  - (b) To be deemed complete, an affidavit must be on the form provided by the division and the required fields filled in. Affidavits will be available at ports of entry. Affidavits must be turned in at [a]the port of entry.
  - (c) Special mobile equipment exempt from registration must carry a copy of the approved affidavit in the vehicle at all times.
  - (d) Vehicles that are not special mobile equipment must register with the Utah State Tax Commission before operating the vehicle on a public highway.
  - (e) Upon receipt of a denial of special mobile equipment, if the owner or operator wishes to appeal the decision of the division, a petition may be filed with the department[.] within 30 days.
  - (f) A response to an appeal from the department will be made in writing within 30 days.

**R909-2-31. Special Truck Equipment.**

- (1) The following vehicle configurations are considered special truck equipment:
  - (a) concrete pumper trucks;
  - (b) cranes or trucks performing crane service with a crane lift capacity of five tons or more; and
  - (c) well, boring trucks.
- (2)(a) Vehicles classified as special truck equipment may be issued an oversized or overweight permit if exceeding legal dimensions.
- (b) An approved profile sheet for special truck equipment must be carried in the vehicle with the permit if the axle limitations specified in Section R909-2-5 Table 2 or the actual bridge or gross weight are exceeded.
- (c) Must meet the requirements of a non-divisible load as defined in [of]this rule.

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(3) Vehicles classified as special truck equipment are eligible for a 50% registration fee reduction.

**R909-2-32. Port - of -Entry Bypass Permit Provisions.**

(1) A temporary bypass permit may be issued to accommodate the multi-trip highway transportation needs of motor carriers who meet the following criteria:

(a)(i) Motor carriers must meet the multi-trip definition to receive and maintain bypass privileges.

(ii) A motor carrier may receive an exception from this requirement on a case-by-case basis if the motor carrier can demonstrate that denial of a bypass permit will cause a hardship if the vehicle must be diverted to a port of entry.

(b)(i) The basis for qualification to participate in the bypass program is based in part on the carrier's safety history as shown in the Federal Motor Carrier Safety Administration's Safety Measurement System.

(ii) A motor carrier with a CSA basic score equal to or greater than the intervention thresholds noted in Table Seven for General, HM, and Passenger, plus one other BASIC at or above the motor carrier threshold, is not eligible to participate in the bypass program.

(iii) A motor carrier is not eligible for a bypass permit if the motor carrier meets the definition of a High-Risk Motor Carrier in Table Seven.

TABLE 7 High-risk Motor Carrier Criteria			
Basic	General	HM	Passenger
Unsafe Driving	65%	60%	50%
Fatigue Driving (HOS)	65%	60%	50%
Driver Fitness	80%	75%	65%
Controlled Substances and Alcohol	80%	75%	65%
Vehicle Maintenance	80%	75%	65%
Cargo-Related	80%	75%	65%
Crash Indicator	65%	60%	50%

(c) A motor carrier may become eligible for a bypass permit after a focused or comprehensive review indicates that the motor carrier is in compliance.

(d) As a condition of receiving a bypass permit, a motor carrier is subject to audits, safety assessments, and inspections as the division considers necessary to carry out state and federal law.

(e) Vehicles that obtain bypass privileges must have a weight ticket, from a scale certified by the Department of Agriculture, available for inspection by law enforcement. Scale tickets must be electronically printed and must specify the time, date, unit-specific information, and destination.

(2)(a) Bypass applications must be submitted to the division.

(b) Motor carriers must reapply annually for bypass privileges.

(c) Subcontractors operating under their authority must apply for bypass privileges independently.

(d) Motor carriers who lease vehicles from a subcontractor must ensure that the established bypass criterion is met to maintain privileges.

(e) Bypass permit privileges are valid from the approval date and expire at the end of the application year on December 31.

(f) Applications must show routing information, including point of origin, destination, and routine routes traveled.

- (3) Approved vehicles within a motor carrier's fleet will be issued a bypass decal, specific to each vehicle, and will receive a bypass certificate that must be carried in the vehicle.
- (4) Bypass privileges may be granted to motor carriers traversing multiple ports of entry within the same route.
- (5) Authorized bypass routes are allowed for the following Port of Entries:
  - (a) Daniels Port of Entry on SR 40 with empty vehicles, traveling eastbound only;
  - (b) Kanab Port of Entry on Highway 89 from Kanab's Main Street to the Kanab Port of Entry, while traveling on Hwy 389 between Las Vegas, Nevada, and Page, Arizona, and vehicles must clear the St. George Port of Entry;
  - (c) Perry Port of Entry may be bypassed and travel on Highway 89 between Brigham City and Ogden; and
  - (d) Monticello Port of Entry may be bypassed on US-191 with empty vehicles only.
- (6) Bypass privileges may be revoked or suspended should a motor carrier fail to meet the safety standards as set forth in the:
  - (a) Compliance, Safety, Accountability (CSA) program of the Federal Motor Carrier Safety Administration;
  - (b) Federal Motor Carrier Safety Regulations;
  - (c) size and weight limitations;
  - (d) bypass zone routes; and
  - (e) out-of-service criteria.
- (7)(a) If an application for a bypass permit is denied, the motor carrier may file an appeal.
- (b) The appeal will be handled by the division hearing officer.
- (8) The division, upon request, may notify local law enforcement agencies of those motor carriers meeting the criteria for bypass privileges.

**R909-2-33. Annual Review of Permit Regulations and Conditions.**

- (1) During a Motor Carrier Advisory Board meeting, the board will review permit conditions and regulations as needed.
- (2) Motor Carrier Advisory Board meetings provide a forum for interested parties to provide evidence to support or challenge regulation or permit condition modification.
- (3) Interested parties must notify the division of these issues by March 1st of each year to ensure placement on the agenda.

**KEY: permits, safety regulations, size and weight, trucks**

**Date of Last Change: 2026|October 8, 2025|**

**Notice of Continuation: April 30, 2024**

**Authorizing, and Implemented or Interpreted Law: 72-1-201; 72-7-406; 72-9-303; 41-1a-102; 41-1a-231; 41-1a-1206; 72-7-402; 72-7-404; 72-7-407; 72-9-301; 72-9-502**

**End of the Notices of Proposed Rules Section**

# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to 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](http://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.

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R70-330	Filing ID: 55403
Effective date:	01/08/2026	

## Agency Information

1. Title catchline:	Agriculture and Food, Regulatory Services	
Building:	Taylorsville State Office Buildings, South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state, and zip:	Salt Lake City, UT 84114-6500	
<b>Contact persons:</b>		
Name:	Phone:	Email:
Amber Brown	385-245-5222	Ambermbrown@Utah.gov
Camille Knudson	801-597-6010	CamilleK@Utah.gov
Travis Waller	801-982-2200	Twaller@Utah.gov

Please address questions regarding information on this notice to the persons listed above.

## General Information

2. Rule catchline:	R70-330. Raw Milk for Retail			
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>				
Section 4-3-201	This section authorizes the Department of Agriculture and Food (department) to make and enforce rules regarding the Utah Diary Act.			
<b>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:</b>				
The department has not received any public comments regarding the continuation of this rule over the last 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:**

The department has determined that Rule R70-330 is essential for maintaining the Raw Milk for Retail program, which provides a safety framework for the manufacture, distribution, and sale of raw milk in Utah. This rule establishes necessary standards for sanitation, testing, and storage to mitigate significant public health risks associated with raw dairy consumption. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner		
	<b>Date:</b>	01/08/2026	

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

<b>Rule number:</b>	R70-370	<b>Filing ID:</b> 55041
<b>Effective date:</b>	01/08/2026	

**Agency Information**

<b>1. Title catchline:</b>	Agriculture and Food, Regulatory Services		
<b>Building:</b>	Taylorsville State Office Buildings, South Bldg, Floor 2		
<b>Street address:</b>	4315 S 2700 W		
<b>City, state:</b>	Taylorsville, UT		
<b>Mailing address:</b>	PO Box 146500		
<b>City, state, and zip:</b>	Salt Lake City, UT 84114-6500		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Amber Brown	385-245-5222	Ambermbrown@Utah.gov	
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**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

<b>2. Rule catchline:</b>	R70-370. Butter					
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>						
Section 4-3-201 This section authorizes the Department of Agriculture and Food (department) to make and enforce rules regarding the Utah Dairy Act.						
<b>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:</b>						
The department has not received any public comments regarding this rule over the last five years.						
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>						
The department has determined that this rule is necessary to incorporate federal regulations that establish sanitation and processing requirements for butter. Therefore, this rule should be continued.						

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner		
	<b>Date:</b>	01/08/2026	

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

<b>Rule number:</b>	R70-380	<b>Filing ID:</b> 55034
<b>Effective date:</b>	01/08/2026	

**Agency Information**

<b>1. Title catchline:</b>	Agriculture and Food, Regulatory Services		
<b>Building:</b>	Taylorsville State Office Buildings, South Bldg, Floor 2		
<b>Street address:</b>	4315 S 2700 W		
<b>City, state:</b>	Taylorsville, UT		
<b>Mailing address:</b>	PO Box 146500		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500		

**Contact persons:**

Name:	Phone:	Email:
Amber Brown	385-245-5222	Ambermbrown@Utah.gov
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Travis Waller	801-982-2200	Twaller@Utah.gov

**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

<b>2. Rule catchline:</b>	R70-380. Grade A Condensed and Dry Milk Products and Condensed and Dry Whey		
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>			
Section 4-3-201	This section authorizes the Department of Agriculture and Food (department) to make and enforce rules regarding the Utah Dairy Act.		

**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 not received any public comments regarding this rule over the last 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:**

The department has determined that this rule is necessary to establish the definitions and penalties listed in the Grade "A" Pasteurized Milk Ordinance used for sanitary regulations for milk and milk products served on interstate carriers. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner		
	<b>Date:</b>	01/08/2026	

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

<b>Rule number:</b>	R156-67	<b>Filing ID:</b> 56871
<b>Effective date:</b>	01/07/2026	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

**Agency Information**

<b>1. Title catchline:</b>	Commerce, Professional Licensing	
<b>Building:</b>	Heber M Wells Building	
<b>Street address:</b>	160 E 300 W	
<b>City, state:</b>	Salt Lake City, UT 84111-2316	
<b>Mailing address:</b>	PO Box 146741	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6741	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Larry Marx	801-530-6628	lmarx@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>	R156-67. Utah Medical Practice Act Rule			
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>				
Title 58, Chapter 67	Provides for the licensure and regulations of physicians/surgeons.			
Subsection 58-1-106(1)(a)	Provides that the Division of Professional Licensing may adopt and enforce rules to administer Title 58.			
Subsection 58-1-202(1)(a)	<p>Provides that the Physician's licensing Board's duties, functions and responsibilities include recommending to the director appropriate rules.</p> <p>This rule was enacted to clarify the provisions of Title 58, Chapter 67, with respect to physicians/surgeons.</p>			
<b>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:</b>				
No comments have been received since the last five-year review of this rule.				
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>				
This rule is necessary as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 67. This rule also provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provide licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.				

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Deborah Blackburn, Assistant Director	<b>Date:</b>	01/06/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	R156-73	<b>Filing ID:</b> 50314
<b>Effective date:</b>	01/07/2026	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

<b>Agency Information</b>		
<b>1. Title catchline:</b>	Commerce, Professional Licensing	
<b>Building:</b>	Heber M Wells Building	
<b>Street address:</b>	160 E 300 W	
<b>City, state:</b>	Salt Lake City, UT 84111-2316	
<b>Mailing address:</b>	PO Box 146741	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6741	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Jim Garfield	801-530-6628	jgarfield@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

<b>General Information</b>	
<b>2. Rule catchline:</b> R156-73. Chiropractic Physician Practice Act Rule	
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Title 58, Chapter 73	Provides for the licensure and regulates Chiropractic Physicians.
Subsection 58-1-106(1)(a)	Provides that the Division of Professional Licensing may adopt and enforce rules to administer Title 58.
Subsection 58-1-202(1)(a)	Provides that the Chiropractic Physician Licensing Board's duties, functions and responsibilities include recommending to the director appropriate rules.  This rule was enacted to clarify the provisions of Title 58, Chapter 73, with respect to Chiropractic physicians.
<b>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:</b>	
No comments have been received since the last five-year review of this rule.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
This rule is necessary as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 73. This rule also provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provide licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.	

<b>Agency Authorization Information</b>			
<b>Agency head or designee and title:</b>	Deborah Blackburn, Assistant Director	<b>Date:</b>	01/06/2026

<b>NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION</b>		
<b>Rule number:</b>	R331-26	<b>Filing ID:</b> 50812
<b>Effective date:</b>	01/06/2026	

**Agency Information**

<b>1. Title catchline:</b>	Financial Institutions, Administration	
<b>Street address:</b>	324 S State St	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 146800	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6800	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Paul Allred	801-538-8855	pallred@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>	
R331-26. Ownership of Real Estate Other Than Property Used for Institution Business or Held as an Investment by Depository Institutions Subject to the Jurisdiction of the Department of Financial Institutions	
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Section 7-3-18	Authorizes banks to hold real estate for purposes other than conducting the bank's business.  This rule sets forth uniform regulatory standards for the safe and sound management of other real estate and applies to all banks chartered by the Department of Financial Institutions (department).
Section 7-8-13	Authorizes industrial banks to hold real estate for purposes other than conducting the industrial bank's business.  This rule sets forth uniform regulatory standards for the safe and sound management of other real estate and applies to all industrial banks chartered by the department.
Section 7-9-5	Authorizes credit unions to hold real estate for purposes other than conducting credit union's business.  This rule sets forth uniform regulatory standards for the safe and sound management of other real estate and applies to all credit unions chartered by the department.
<b>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:</b>	
No comments have been received since the last five-year review of this rule.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
The purpose of this rule is to protect the safety and soundness of state-chartered depository institutions by prescribing requirements and restrictions for the prudent management of real estate held for purposes other than conducting the depository institution's business. This rule sets forth uniform regulatory standards for the safe and sound management of other real estate by depository institutions under the jurisdiction of the department. Therefore, this rule should be continued.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Shaun Berrett, Commissioner	<b>Date:</b>	01/06/2026
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FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R590-259	Filing ID: 55810
Effective date:	01/07/2026	

**Agency Information**

1. Title catchline:	Insurance, Administration	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
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 persons listed above.		

**General Information**

2. Rule catchline:	R590-259. Dependent Coverage to Age 26			
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>				
Section 31A-2-201	Authorizes the insurance commissioner to write rules to implement Title 31A, the Insurance Code.			
Section 31A-2-212	Authorizes the insurance commissioner to require that insurers in Utah comply with the provisions of the Patient Protection and Affordable Care Act (PPACA) and the administrative rules adopted by the commissioner related to regulating health benefit plans.			
Section 31A-22-605	Authorizes the insurance commissioner to adopt rules relating to standards for coverage of dependents, among other matters.			
<b>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:</b>				
No comments have been received since the last five-year review of this rule.				
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>				
This rule must remain active because it provides clarification and guidance to help insurers comply with both PPACA and Utah's insurance laws. Therefore, this rule should be continued.				

**Agency Authorization Information**

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	01/07/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

Rule number:	R608-1	Filing ID: 51497
Effective date:	01/08/2026	

**Agency Information**

<b>1. Title catchline:</b>	Labor Commission, Antidiscrimination and Labor, Fair Housing		
<b>Building:</b>	Heber M Wells		
<b>Street address:</b>	160 E 300 S, 3rd Floor		
<b>City, state:</b>	Salt Lake City, UT 84111		
<b>Mailing address:</b>	PO Box 146600		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6600		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Bonnie LePage	801-530-6921	blepage@utah.gov	
Chris Hill	801-530-6113	chill@utah.gov	
<b>Please address questions regarding information on this notice to the persons listed above.</b>			

**General Information**

<b>2. Rule catchline:</b>	R608-1. Utah Fair Housing Rules					
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>						
Section 57-21-1 et seq.	This reference allows the Labor Commission (Commission) to adopt rules necessary to administer the Utah Fair Housing Act (Act).					
Section 63G-4-102 et seq.	This reference does not preclude the Commission from enacting a rule to govern the adjudicative procedures or from following this rule					
<b>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:</b>						
No written comments have been received during or since the last five-year review of this rule.						
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>						
This rule remains necessary in light of the Commission's continuing responsibility to administer Title 57, Chapter 21, and the statutory authority contained in Subsection 57-1-8(2)(a) to adopt rules necessary to implement the Act. Therefore, this rule should be continued.						
The Commission has received no comments opposing this rule or its continuation.						

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Jaceston R Maughan, Commissioner	<b>Date:</b>	01/08/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	R610-1	<b>Filing ID:</b> 51493
<b>Effective date:</b>	01/08/2026	

**Agency Information**

<b>1. Title catchline:</b>	Labor Commission, Antidiscrimination and Labor, Labor		
<b>Building:</b>	Heber M Wells		
<b>Street address:</b>	160 E 300 S, 3rd Floor		
<b>City, state:</b>	Salt Lake City, UT 84111		

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

<b>Mailing address:</b>	PO Box 146600	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6600	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Bonnie LePage	801-530-621	blepage@utah.gov
Chris Hill	801-530-6113	chill@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>	
R610-1. Minimum Wage, Clarify Tip Credit, and Enforcement	
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Section 34-40-105	This section allows the Labor Commission (Commission) to enact rules consistent with the Utah Minimum Wage Act (Act).
Section 34-23-101	This section allows the Commission to enact rules consistent with the Employment of Minors Act.
Section 34-28-1	This section allows the Commission to enact rules consistent with the Payment of Wages Act.
<b>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:</b>	
No written comments have been received during or since the last five-year review of this rule.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
This rule remains necessary in light of the Commission's continuing responsibility to administer Title 34, Chapter 40, the Act, and the statutory authority contained in Section 34-40-105 to adopt rules necessary to implement the Act. Therefore, this rule should be continued.	
The Commission has received no comments opposing this rule or its continuation.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Jaceson R Maughan, Commissioner	<b>Date:</b>	01/08/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	R610-2	<b>Filing ID:</b> 51495
<b>Effective date:</b>	01/08/2026	

**Agency Information**

<b>1. Title catchline:</b>	Labor Commission, Antidiscrimination and Labor, Labor
<b>Building:</b>	Heber M Wells
<b>Street address:</b>	160 E 300 S, 3rd Floor
<b>City, state:</b>	Salt Lake City, UT 84111
<b>Mailing address:</b>	PO Box 146600
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6600

<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Bonnie LePage	801-530-6921	blepage@utah.gov
Chris Hill	801-530-61136	chill@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R610-2. Employment of Minors
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>
Section 34-23-101 et seq. This reference allows the Labor Commission (Commission) to enact rules consistent with the Employment of Minors Act.
Section 34-28-1 et seq. This reference allows the Commission to enact rules consistent with the Payment of Wages Act.
Section 34-40-101 et seq. This reference allows the Commission to enact rules consistent with the Utah Minimum Wage Act.
<b>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:</b>
No written comments have been received during and since the last five-year review of this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule remains necessary in light of the Commission's continuing responsibility to administer Title 34, Chapter 23, Employment of Minors Act (Act), and the statutory authority contained in Subsection 34-23-104(2) to adopt rules necessary to implement the Act. Therefore, this rule should be continued.
The Commission has received no comments opposing this rule or its continuation.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Jason R Maughan, Commissioner	<b>Date:</b>	01/08/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	R610-3	<b>Filing ID:</b> 51496
<b>Effective date:</b>	01/08/2026	

**Agency Information**

<b>1. Title catchline:</b>	Labor Commission, Antidiscrimination and Labor, Labor	
<b>Building:</b>	Heber M Wells	
<b>Street address:</b>	160 E 300 S, 3rd Floor	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 146600	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6600	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Bonnie LePage	801-530-6921	blepage@utah.gov

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Chris Hill	801-530-6113	chill@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>	R610-3. Filing, Investigation, and Resolution of Wage Claims					
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>						
Section 34-23-101 et seq.	This reference allows the Labor Commission (Commission) to enact rules consistent with the Employment of Minors Act.					
Section 34-28-1 et seq.	This reference allows the Commission to enact rules consistent with the Payment of Wages Act.					
Section 34-40-101 et seq.	This reference allows the Commission to enact rules consistent with the Utah Minimum Wage Act.					
<b>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:</b>						
No written comments have been received during and since the last five-year review.						
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>						
This rule remains necessary in light of the Commission's continuing responsibility to administer Title 34, Chapter 28, Payment of Wages Act (Act), and the statutory authority contained in Subsections 34-28-9(1)(b) and 34-28-19(5) to adopt rules necessary to implement the Act. Therefore, this rule should be continued.						
The Commission has received no comments opposing this rule or its continuation.						

**Agency Authorization Information**

Agency head or designee and title:	Jason R Maughan, Commissioner	Date:	01/08/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

Rule number:	R652-8	Filing ID: 51693
Effective date:	01/07/2026	

**Agency Information**

1. Title catchline:	Natural Resources, Forestry, Fire and State Lands		
Building:	Department of Natural Resources Office Building		
Street address:	1594 W North Temple St		
City, state:	Salt Lake City, UT		
Mailing address:	1594 W North Temple St		
City, state and zip:	Salt Lake City, UT 84116		
Contact persons:			
Name:	Phone:	Email:	
Amos Frye	801-574-1186	afrye@utah.gov	
<b>Please address questions regarding information on this notice to the persons listed above.</b>			

**General Information**

<b>2. Rule catchline:</b> R652-8. Adjudicative Proceedings	
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Section 63G-4-202	Rule R652-8 implements the procedures of categorizing adjudicative proceedings conducted by the Division of Forestry, Fire and State Lands (division), authorized explicitly by this statute granting authority to agencies to make rules on how to categorize adjudicative proceedings.
Subsection 63G-4-102(5)	This reference requires the portions of this rule which allow for court review of adjudicative proceedings.
Section 63G-4-203	This rule implements the procedure for an agency to conduct informal adjudicative proceedings, which are laid out in this statute.
<b>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:</b> No comments have been received since the last five-year review of this rule.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b> This rule allows the division to conduct its daily business of permitting activities on sovereign lands. It gives the division procedures on how to make decisions and the level of review and public participation necessary for each type of proceeding. Therefore, this rule should be continued.	

**Agency Authorization Information**

Agency head or designee and title:	Jamie Barnes, Division Director	Date:	01/07/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

Rule number:	R652-9	Filing ID: 51687
Effective date:	01/08/2026	

**Agency Information**

1. Title catchline:	Natural Resources, Forestry, Fire and State Lands		
Building:	Department of Natural Resources Office Building		
Street address:	1594 W North Temple St		
City, state:	Salt Lake City, UT		
Mailing address:	1594 W North Temple St		
City, state and zip:	Salt Lake City, UT 84116		
Contact persons:			
Name:	Phone:	Email:	
Amos Frye	801-574-1186	afrye@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

**General Information**

<b>2. Rule catchline:</b> R652-9. Consistency Review
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FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Subsection 65A-1-4(2)	This rule establishes the procedure through which any party aggrieved by a Division of Forestry, Fire and State Lands (division) action directly determining the rights, obligations, or legal interests of specific persons may petition the executive director of the Department of Natural Resources (Department) to review the action for consistency with statutes, rules, and division policy pursuant to Subsection 65A-1-4(2).
<b>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:</b>	
No comments have been received since the last five-year review of this rule	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
This rule is statutorily required to allow aggrieved parties a procedure to appeal decisions of the division to the Department director. Therefore, this rule should be continued.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Jamie Barnes, Director	<b>Date:</b>	01/08/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	R652-41	<b>Filing ID:</b> 51696
<b>Effective date:</b>	01/07/2026	

**Agency Information**

<b>1. Title catchline:</b>	Natural Resources, Forestry, Fire and State Lands	
<b>Building:</b>	Department of Natural Resources Office Building	
<b>Street address:</b>	1594 W North Temple St	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	1594 W North Temple St	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amos Frye	801-574-1186	afrye@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>	R652-41. Rights of Entry	
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>		
Section 65A-7-1	<p>This section authorizes the Division of Forestry, Fire and State Lands (division) to establish criteria by rule for the sale, exchange, lease or other disposition or conveyance of sovereign lands including procedures for determining fair-market value of those lands.</p> <p>A right of entry is one type of encumbrance issue by the division authorized by this section. The rule provides the procedures governing the issuance of rights of entry.</p>	

**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:**

No comments have been received since the last five-year review of 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:**

This rule governs the procedures for one of the types of permits, the division issues for use of sovereign lands. This rule is necessary to allow these uses within the division's obligations under its role as fiduciary of the public trust. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Jamie Barnes, Director	<b>Date:</b>	01/07/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	R652-80	<b>Filing ID:</b> 51697
<b>Effective date:</b>	01/07/2026	

**Agency Information**

<b>1. Title catchline:</b>	Natural Resources, Forestry, Fire and State Lands		
<b>Building:</b>	Department of Natural Resources Office Building		
<b>Street address:</b>	1594 W North Temple St		
<b>City, state:</b>	Salt Lake City, UT		
<b>Mailing address:</b>	1594 W North Temple St		
<b>City, state and zip:</b>	Salt Lake City, UT 84116		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Amos Frye	801-574-1186	afrye@utah.gov	

**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

<b>2. Rule catchline:</b>	R652-80. Land Exchanges
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Section 65A-7-1	This section authorizes the Division of Forestry, Fire and State Lands to establish criteria by rule for the sale, exchange, lease or other disposition or conveyance of sovereign lands including procedures for determining fair-market value of those lands. A Land Exchange is one type of transaction conducted by the division authorized in this section. The rule provides the procedures governing the execution of a land exchange.
<b>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:</b>	
No comments have been received since the last five-year review of this rule	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

**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 governs the procedures for one of the types of transactions the division executes to manage state sovereign lands. This rule is necessary to allow for mutually beneficial land exchanges within the division's obligations under its role as fiduciary of the public trust. Therefore, this rule should be continued.

**Agency Authorization Information**

Agency head or designee and title:	Jamie Barnes, Director	Date:	01/07/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

Rule number:	R652-122	Filing ID: 56438
Effective date:	01/08/2026	

**Agency Information**

1. Title catchline:	Natural Resources, Forestry, Fire and State Lands	
Building:	Wildland Fire Operations Center	
Street address:	3522 S 700 W	
City, state:	South Salt Lake, UT	
Mailing address:	3522 S 700 W	
City, state and zip:	South Salt Lake, UT 84119	

**Contact persons:**

Name:	Phone:	Email:
Amos Frye	801-574-1186	afrye@utah.gov

**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

2. Rule catchline:	R652-122. Cooperative Agreements			
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>				
<p>Section 65A-8-203 This rule implements Subsection 65A-8-203(5)(b), which authorizes the Division of Forestry, Fire and State Lands (division) to make rules concerning cooperative agreements.</p> <p>Subsection 65A-8-203(4)(a) and Subsection 65A-8-203(3)(b), which require the division to establish minimum standards for a county wildland fire ordinance and to specify minimum standards for wildland fire training, certification, and wildland fire suppression equipment.</p> <p>Section 65A-8-203.1, which defines delegation of fire management authority.</p> <p>Section 65A-8-203.2, which concerns billing for costs of wildland fire suppression for counties or municipalities that do not have a cooperative agreement with the division.</p>				
<b>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:</b>	No comments have been received since the last five-year review of 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:**

This rule is statutorily required, and it creates the process by which the division interacts and manages its relationship with county and local firefighting agencies which assist the division in suppressing wildland fire. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Jamie Barnes, Director	<b>Date:</b>	01/07/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	R655-18	<b>Filing ID:</b> 53224
<b>Effective date:</b>	01/09/2026	

**Agency Information**

<b>1. Title catchline:</b>	Natural Resources, Water Rights	
<b>Building:</b>	Department of Natural Resources	
<b>Street address:</b>	1594 W North Temple, Suite 220	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 146300	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6300	

**Contact persons:**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Mark Stratford	801-244-1747	mstratford@utah.gov
Amie Wall	801-538-7370	amiewall@utah.gov
Eric Jones	801-842-3951	ericjones@utah.gov

**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

<b>2. Rule catchline:</b>	R655-18. Public Water Supplier 40 Year Water Requirement Plan Standards
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Subsection 73-1-4(2)(f)(iii)	This subsection directs the state engineer to make a rule establishing standards for a written plan by a public water supplier as evidence of the reasonable future water requirement of the public in the next 40 years within the public water supplier's service area.
Subsection 73-2-1(4)(h)	This subsection authorizes the state engineer to make a rule, in accordance with the Utah Administrative Rulemaking Act, for the written plans described in Subsection 73-1-4(2)(f).

**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:**

No comments have been received in the five years since this rule was enacted.

**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 Utah Division of Water Rights, led by the State Engineer, may extend the time for a public water supplier to file proof with the state engineer on an approved application that is more than 50 years after the application was approved only if the public water supplier is able to provide information in accordance with the criteria listed in Subsection 73-1-4(2)(f) of the Utah Code.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

This rule (R655-18) is the means by which the legislature has authorized the state engineer to establish standards for the presentation of such information. This rule is also needed for a public water supplier to provide evidence to the state engineer in support of an exemption from forfeiture due to nonuse. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Teresa Wilhelmsen, PE, Director / State Engineer	<b>Date:</b>	01/08/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	R657-63	<b>Filing ID:</b> 55787
<b>Effective date:</b>	01/05/2026	

**Agency Information**

<b>1. Title catchline:</b>	Natural Resources, Wildlife Resources		
<b>Building:</b>	DNR Complex		
<b>Street address:</b>	1594 W North Temple		
<b>City, state:</b>	Salt Lake City, UT 84416		
<b>Mailing address:</b>	PO Box 146301		
<b>City, state and zip:</b>	Salt Lake City, UT 84414-6301		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Staci Coons	801-450-3093	stacicoons@utah.gov	
<b>Please address questions regarding information on this notice to the persons listed above.</b>			

**General Information**

<b>2. Rule catchline:</b>	R657-63. Self Defense Against Wild Animals					
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>						
Section 23A-2-304	Authorizes the Wildlife Board to exercise the Wildlife Board's powers by making rules and issuing proclamations and orders.					
Section 23A-2-305	Authorizes the Wildlife Board to exercise the Wildlife Board's powers by making rules and issuing proclamations and orders for the protection, propagation, introduction, increase, control, harvest, management and conservation of protected wildlife in the state and provide for the use and development of protected wildlife for public recreation and food supply while maintaining a sustainable population of protected wildlife.  The Wildlife Board shall determine the circumstances, time, location, means, and the amounts and numbers of protected wildlife that may be taken.					
<b>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:</b>						
No written comments supporting or opposing Rule R657-63 were received since 2021, when this rule was last reviewed.						
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>						
Rule R657-63 provides the standards and procedures to define conditions and circumstances under which a person is legally justified in killing or seriously wounding a threatening or attacking wildlife animal. This rule is necessary for continued success of this program. Therefore, this rule should be continued.						

## FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

## Agency Authorization Information

Agency head or designee and title:	Riley Peck, DWR Director	Date:	01/05/2026
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## NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R698-8	Filing ID: 57088
Effective date:	01/07/2026	

## Agency Information

1. Title catchline:	Public Safety, Administration	
Building:	Calvin Rampton Building	
Street address:	4501 S 2700 W, 1st Floor	
City, state:	Salt Lake City, UT 84119-5994	
Mailing address:	PO Box 141775	
City, state and zip:	Salt Lake City, UT 84114-1775	

## Contact persons:

Name:	Phone:	Email:
Kim Gibb	801-965-4018	kgibb@utah.gov

Please address questions regarding information on this notice to the persons listed above.

## General Information

2. Rule catchline:	R698-8. Local Public Safety and Firefighter Surviving Spouse Trust Fund			
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>				
Section 53-17-301	Requires the commissioner of the Department of Public Safety to make rules to implement Title 53, Chapter 17, Public Safety Officer and Firefighter Line-of-Duty Death Act.			
<b>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:</b>				
No comments have been received since the last five-year review of this rule.				
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>				
This rule is required under Section 53-17-301, and is necessary to implement Title 53, Chapter 17, Public Safety Officer and Firefighter Line-of-Duty Act. Therefore, this rule should be continued.				

## Agency Authorization Information

Agency head or designee and title:	Beau Mason, Commissioner	Date:	01/07/2026
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## NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R722-930	Filing ID: 56876
Effective date:	01/07/2026	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

**Agency Information**

<b>1. Title catchline:</b>	Public Safety, Criminal Investigations and Technical Services, Criminal Identification	
<b>Building:</b>	Taylorsville State Office Building	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state:</b>	Taylorsville, UT 84129	
<b>Mailing address:</b>	4315 S 2700 W, Suite 1300	
<b>City, state and zip:</b>	Taylorsville, UT 84129	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kim Gibb	801-556-8198	kgibb@utah.gov
Marcus Yockey	801-718-5194	mryockey@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>	R722-930. Automatic Expungement			
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>				
Section 77-40a-104	Authorizes the Department of Public Safety to make rules to implement procedures for processing an automatic expungement.			
<b>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:</b>				
No comments have been received since the last five-year review of this rule.				
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>				
This rule is authorized under Section 77-40a-104 and is necessary to outline procedures for processing an automatic expungement. Therefore, this rule should be continued.				

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Marcus Yockey, BCI Division Director	<b>Date:</b>	01/07/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	R765-165	<b>Filing ID:</b> 57407
<b>Effective date:</b>	01/07/2026	

**Agency Information**

<b>1. Title catchline:</b>	Higher Education (Utah Board of), Administration	
<b>Building:</b>	Utah Board of Higher Education Building, The Gateway	
<b>Street address:</b>	60 S 400 W	
<b>City, state:</b>	Salt Lake City, UT 84101	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu

## FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>
R765-165. Concurrent Enrollment
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>
Section 53E-10-301 This section provides the definitions for concurrent enrollment in the public education system.
Section 53G-10-103 This section describes how sensitive material regulations apply to concurrent enrollment courses.
<b>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:</b>
No comments have been received since the last five-year review of this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
Rule R765-165 establishes the rules and procedures that govern Utah public higher education institutions when providing concurrent enrollment opportunities to Utah public education students. Therefore, this rule should be continued.

**Agency Authorization Information**

Agency head or designee and title:	Alison Adams, General Counsel	Date:	01/06/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

Rule number:	R765-571a	Filing ID: 57406
Effective date:	01/07/2026	

**Agency Information**

<b>1. Title catchline:</b>	Higher Education (Utah Board of), Administration	
<b>Building:</b>	Utah Board of Higher Education Building, The Gateway	
<b>Street address:</b>	60 S 400 W	
<b>City, state:</b>	Salt Lake City, UT 84101	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu

**Please address questions regarding information on this notice to the persons listed above.****General Information**

<b>2. Rule catchline:</b>
R765-571a. Procurement
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>
Section 63G-6a-103 This section provides the definitions for the general procurement provisions.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

	The Utah Board of Higher Education is subject to the general procurement provisions.
Section 63G-6a-107.7	This section provides that the rulemaking authority for a procurement unit, the Utah Board of Higher Education, shall make rules relating to the management and control of procurements and procurement procedures by the procurement unit.
<b>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:</b>	
No comments have been received since the last five-year review of this rule.	
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>	
Rule R765-571a governs the management and control of procurements and procurement procedures conducted by the Utah Board of Higher Education and provides requirements for institutions within the Utah System of Higher Education. This rule is required by Title 63G, Chapter 6a, of the Utah Procurement Code. Therefore, this rule should be continued.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Alison Adams, General Counsel	<b>Date:</b>	01/06/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	R920-60	<b>Filing ID:</b> 57324
<b>Effective date:</b>	01/08/2026	

**Agency Information**

<b>1. Title catchline:</b>	Transportation, Operations, Traffic and Safety	
<b>Building:</b>	Calvin Rampton	
<b>Street address:</b>	4501 S 2700 W	
<b>City, state:</b>	Taylorsville, UT	
<b>Mailing address:</b>	PO Box 148455	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-8455	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Leif Elder	801-580-8296	lelder@utah.gov
Marlene Galindo	801-965-4026	mgalindo1@utah.gov
James Godin	801-573-7181	jamesjgodin@agutah.gov
Lori Edwards	385-341-3414	loriedwards@agutah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule catchline:</b>	R920-60. Amusement Ride Safety			
<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>				
Section 72-16-203	This section vests general administrative rulemaking authority to the Department of Transportation (department).			
Section 72-16-304	This section vests rulemaking authority to the Amusement Ride Safety Committee to make rules adopting the relevant safety standards developed by the ASTM International Committee F24.			

**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:**

No comments have been received since the last five-year review of 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:**

Section 72-16-304 still authorizes the department to have this rule in place, and the department feels the rule is still justified. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Carlos M. Braceras, PE, Executive Director	<b>Date:</b>	01/08/2026
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**End of the Five-Year Notices of Review and Statements of Continuation Section**

## NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

**EXTENSIONS** are governed by Subsection 63G-3-305(6).

NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Rule number:	R512-44	Filing ID: 55629
New deadline date:	05/27/2026	

### Agency Information

1. Title catchline:	Health and Human Services, Child and Family Services	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Corey Blythe	801-891-9068	coblythe@utah.gov
Steven Sullivan	385-256-7094	ssulliva@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

### General Information

2. Rule catchline:
R512-44. Choose Life Adoption Support Restricted Account
3. Reason for requesting the extension:
The Division of Child and Family Services (division) is in the process of repealing this rule because the account to which this rule originally pertained no longer exists. However, this rule is set to expire before that repeal could complete the required public comment period and be made effective.  Therefore, the division is requesting an extension for the five-year review to allow this rule to be repealed in a transparent manner, with the opportunity for public comment, rather than through expiration.

### Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	01/15/2026
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## NOTICES OF RULE EFFECTIVE DATES

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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.

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### Agriculture and Food

#### Specialized Products

No. 57488 (Amendment) R66-2: Cannabis Processing

Published: 10/01/2025

Effective: 01/07/2026

No. 57488 (Change in Proposed Rule) R66-2: Cannabis Processing

Published: 12/01/2025

Effective: 01/07/2026

No. 57403 (Amendment) R66-5: Medical Cannabis Pharmacy

Published: 09/15/2025

Effective: 01/07/2026

No. 57403 (Change in Proposed Rule) R66-5: Medical Cannabis Pharmacy

Published: 12/01/2025

Effective: 01/07/2026

### Plant Industry

No. 57667 (Amendment) R68-1: Utah Bee Inspection Act Governing Inspection of Bees

Published: 12/01/2025

Effective: 01/07/2026

### Commerce

#### Professional Licensing

No. 57661 (Amendment) R156-55c: Plumber Licensing Act Rule

Published: 12/01/2025

Effective: 01/15/2026

### Education

#### Administration

No. 57677 (Amendment) R277-100: Definitions for Utah State Board of Education (Board) Rules

Published: 12/01/2025

Effective: 01/07/2026

No. 57678 (Amendment) R277-311: Specialized Endorsements

Published: 12/01/2025

Effective: 01/07/2026

## NOTICES OF RULE EFFECTIVE DATES

No. 57679 (Amendment) R277-325: Public Education Exit and Engagement Surveys

Published: 12/01/2025

Effective: 01/07/2026

No. 57680 (New Rule) R277-731: Catalyst Center Grant Program Policy

Published: 12/01/2025

Effective: 01/07/2026

### Environmental Quality

Waste Management and Radiation Control, Radiation

No. 57545 (Amendment) R313-24: Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements

Published: 11/01/2025

Effective: 01/12/2026

### Government Operations

Human Resource Management

No. 57692 (Amendment) R477-1: Definitions

Published: 12/15/2025

Effective: 01/21/2026

No. 57693 (Amendment) R477-7: Leave

Published: 12/15/2025

Effective: 01/21/2026

No. 57694 (Amendment) R477-8: Working Conditions

Published: 12/15/2025

Effective: 01/21/2026

### Governor

Economic Opportunity

No. 57684 (Repeal) R357-11: Utah Technology Innovation Funding Rule

Published: 12/01/2025

Effective: 01/13/2026

### Health and Human Services

Center for Medical Cannabis

No. 57616 (Amendment) R383-1: Definitions

Published: 11/15/2025

Effective: 01/26/2026

No. 57584 (Repeal and Reenact) R383-2: Electronic Verification System and Inventory Control System

Published: 11/15/2025

Effective: 01/26/2026

No. 57585 (Repeal) R383-3: Medical Cannabis Cards

Published: 11/15/2025

Effective: 01/26/2026

No. 57586 (Repeal) R383-4: Qualified Medical Providers and Qualified Medical Provider Proxies

Published: 11/15/2025

Effective: 01/26/2026

No. 57587 (Repeal and Reenact) R383-6: Pharmacy Medical Providers

Published: 11/15/2025

Effective: 01/26/2026

No. 57588 (Repeal) R383-10: State Central Patient Portal  
Published: 11/15/2025  
Effective: 01/26/2026

No. 57589 (Amendment) R383-13: Expedited Final Review of Compassionate Use Petitions  
Published: 11/15/2025  
Effective: 01/26/2026

No. 57640 (Amendment) R383-16: Targeted Marketing Requirements  
Published: 12/01/2025  
Effective: 01/26/2026

Population Health, Health Promotion and Prevention

No. 57583 (Amendment) R384-324: Tobacco Product, Electronic Cigarette Product, and Nicotine Product Retailer Permit Process  
Published: 11/15/2025  
Effective: 01/20/2026

No. 57581 (Amendment) R384-415: Requirements to Sell Electronic Cigarettes  
Published: 11/15/2025  
Effective: 01/20/2026

Population Health, Environmental Health

No. 57238 (Repeal and Reenact) R392-302: Public Pool Design, Construction, and Operation  
Published: 07/01/2025  
Effective: 01/26/2026

No. 57238 (Change in Proposed Rule) R392-302: Public Pool Design, Construction, and Operation  
Published: 11/15/2025  
Effective: 01/26/2026

Family Health, Children with Special Health Care Needs

No. 57641 (New Rule) R398-40: Diapering Supplies Fund  
Published: 12/01/2025  
Effective: 01/20/2026

Integrated Healthcare

No. 57653 (New Rule) R414-5: Doula Services  
Published: 12/01/2025  
Effective: 01/20/2026

No. 57652 (Amendment) R414-36: Rehabilitative Mental Health and Substance Use Disorder Services  
Published: 12/01/2025  
Effective: 01/20/2026

No. 57579 (Amendment) R414-60-5: Limitations  
Published: 11/15/2025  
Effective: 01/20/2026

Health Care Facility Licensing

No. 57645 (Amendment) R432-35: Background Check-Health Care Facility Licensing  
Published: 12/01/2025  
Effective: 01/20/2026

Human Services Program Licensing

No. 57646 (Amendment) R501-18: Recovery Residence Services  
Published: 12/01/2025  
Effective: 01/26/2026

No. 57647 (Amendment) R501-19: Residential Treatment Programs  
Published: 12/01/2025  
Effective: 01/26/2026

## NOTICES OF RULE EFFECTIVE DATES

No. 57648 (Amendment) R501-21: Outpatient Treatment Programs

Published: 12/01/2025

Effective: 01/26/2026

### Substance Use and Mental Health

No. 57654 (Amendment) R523-7: Designated Examiner, Case Manager Certification and Targeted Case Manager Certification

Published: 12/01/2025

Effective: 01/26/2026

No. 57642 (Repeal and Reenact) R523-10: Standards for Methadone Addiction Treatment Providers

Published: 12/01/2025

Effective: 01/26/2026

No. 57655 (Amendment) R523-12: On-Premise Alcohol Training and Education Seminar Rules of Administration

Published: 12/01/2025

Effective: 01/26/2026

No. 57582 (Repeal and Reenact) R523-17: Behavioral Health Crisis Response Systems Standards

Published: 11/15/2025

Effective: 01/26/2026

### Higher Education (Utah Board of

Administration

No. 57682 (New Rule) R765-263: Institutional Policy Review

Published: 12/01/2025

Effective: 01/14/2026

No. 57683 (Amendment) R765-616: Adult Learner Grant Program

Published: 12/01/2025

Effective: 01/14/2026

No. 57681 (Amendment) R765-627: First Responder Mental Health Services Grant

Published: 12/01/2025

Effective: 01/14/2026

### Insurance

Title and Escrow Commission

No. 57685 (Amendment) R592-6: Prohibited Unfair Methods of Competition

Published: 12/01/2025

Effective: 01/07/2026

### Lieutenant Governor

Elections

No. 57701 (Amendment) R623-4: Processing Partisan Candidate Nomination Petitions

Published: 12/15/2025

Effective: 01/21/2026

### Natural Resources

Forestry, Fire and State Lands

No. 57671 (Amendment) R652-20: Mineral Resources

Published: 12/01/2025

Effective: 01/07/2026

Pardons (Board of)

Administration

No. 57604 (Amendment) R671-315: Pardons

Published: 11/15/2025

Effective: 01/16/2026

No. 57606 (Amendment) R671-405: Parole Termination

Published: 11/15/2025

Effective: 01/16/2026

**End of the Notices of Rule Effective Dates Section**