

UTAH STATE BULLETIN

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

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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TABLE OF CONTENTS

EDITOR'S NOTES.....	1
INVALIDATION OF FILING ID 57853	1
EXECUTIVE DOCUMENTS	2
PROCLAMATION	
2026-09E	2
NOTICES OF PROPOSED RULES.....	3
GOVERNMENT OPERATIONS, RECORDS COMMITTEE	
R35-1. State Records Committee Hearing Procedures	4
R35-1a. State Records Committee Definitions	8
R35-2. Scheduling and Declining Hearings	10
R35-4. Compliance with State Records Committee Decisions and Orders.....	14
R35-5. Subpoenas Issued by the Records Committee	16
R35-6. Expedited Hearing	19
COUNTY RECORDER STANDARDS, ADMINISTRATION	
R255-30. County Recorder Standards Rule	21
EDUCATION, ADMINISTRATION	
R277-102. Adjudicative Proceedings	32
R277-309. Appropriate Licensing and Assignment of Teachers	36
HIGHER EDUCATION (UTAH BOARD OF), ADMINISTRATION	
R765-119. Utah Board of Higher Education Qualifications	41
R765-256. Student Disciplinary Processes	44
NOTICES OF 120-DAY (EMERGENCY) RULES	57
NATURAL RESOURCES, STATE PARKS	
R651-612. Veterans with Disabilities Honor Pass.....	57
FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION	60
AGRICULTURE AND FOOD, REGULATORY SERVICES	
R70-590. Utah Domesticated Game Slaughter and Processing.....	60
COMMERCE, PROFESSIONAL LICENSING	
R156-15A. State Construction Code Administration and Adoption of Approved State Construction Code Rule	61

EDUCATION, ADMINISTRATION

R277-102. Adjudicative Proceedings62

R277-309. Appropriate Licensing and Assignment of Teachers63

R277-601. Standards for Utah School Buses and Operations64

ENVIRONMENTAL QUALITY, WASTE MANAGEMENT AND RADIATION CONTROL, RADIATION

R313-12. General Provisions65

R313-14. Violations and Escalated Enforcement.....66

R313-16. General Requirements Applicable to the Installation,
Registration, Inspection, and Use of Radiation Machines67

R313-17. Administrative Procedures.....68

R313-18. Notices, Instructions and Reports to Workers by Licensees
or Registrants--Inspections70

R313-19. Requirements of General Applicability to Licensing of
Radioactive Material71

R313-22. Specific Licenses72

R313-25. License Requirements for Land Disposal of Radioactive
Waste - General Provisions73

R313-28. Use of X-Rays in the Healing Arts74

R313-32. Medical Use of Radioactive Material75

R313-36. Special Requirements for Industrial Radiographic Operations77

R313-70. Payments, Categories and Types of Fees78

INSURANCE, ADMINISTRATION

R590-208. Uniform Application for Certificates of Authority79

R590-235. Medicare Prescription Drug Plan.....80

TRANSPORTATION, MOTOR CARRIER

R909-19. Safety Regulations for Tow Truck Operations - Tow Truck
Requirements for Equipment, Operation, and Certification81

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS82

ENVIRONMENTAL QUALITY, AIR QUALITY

R307-124. General Requirements: Conversion to Alternative Fuel
Grant Program.....82

NOTICES OF FIVE-YEAR EXPIRATIONS.....83

HIGHER EDUCATION (UTAH BOARD OF), ADMINISTRATION

R765-608. Utah Engineering and Computer Science Scholarship
Program.....83

NOTICES OF LEGISLATIVE NONREAUTHORIZATION84

 COMMERCE, PROFESSIONAL LICENSING

 R156-28-302b. Qualifications for Licensure - Experience

 Requirements84

 R156-55d-302c. Qualifications for Licensure -- Experience

 Requirements -- Qualifying Agent86

 R156-55e-302a. Qualifications for Licensure - Experience and

 Education Requirements87

 R156-61-302b. Qualifications for Licensure - Experience

 Requirements88

 R156-61-302d. Qualifications for Designation as an Approved

 Psychologist Supervisor89

NOTICES OF RULE EFFECTIVE DATES91

EDITOR'S NOTES

Invalidation of Filing ID 57853

This is public notice that the proposed new rule filing for Rule R305-7, Extraordinary Enforcement Expenses, (ID 57853) published in the April 15, 2026, edition of the *Utah State Bulletin* has been invalidated.

After publication, it was discovered that a Rule R305-7, Administrative Procedures, currently exists and is effective in the *Utah Administrative Code*.

For questions contact Jazmine Lopez by email at jazminelopez@utah.gov

End of the Editor's Notes Section

EXECUTIVE DOCUMENTS

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

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Office of Administrative Rules for publication and distribution.

PROCLAMATION

WHEREAS, since the close of the 2026 General Session of the 66th Legislature of the state of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the state of Utah provides that the governor may, by proclamation, convene the Senate into Extraordinary Session; and

NOW, THEREFORE, I, Spencer J. Cox, governor of the state of Utah, by virtue of the authority vested in me by the Constitution and Laws of the state of Utah, do by this Proclamation call the Senate only of the 66th Legislature of the state of Utah into the Ninth Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 16th day of April 2026, at 4:00 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the state of Utah since the close of the 2026 General Session of the Legislature of the state of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the state of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 15th day of April 2026.

Spencer J. Cox
Governor

ATTEST:

Deidre M. Henderson
Lieutenant Governor

2026-09E

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a 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 April 02, 2026, 12:00 a.m., and April 15, 2026, 11:59 p.m. are included in this, the May 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 June 01, 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 August 31, 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.

The Proposed Rules Begin on the Following Page

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or section number:

R35-1

Filing ID: 57886

Agency Information

1. Title catchline:	Government Operations, Records Committee	
Street address:	346 S Rio Grande Street	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 141021	
City, state and zip:	Salt Lake City, UT 84114-1021	
Contact persons:		
Name:	Phone:	Email:
Kenneth Williams	801-531-3840	kenwilliams@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R35-1. State Records Committee Hearing Procedures	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	SB 277 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
SB 277 (passed in the 2025 General Session) repealed the Utah Code provisions creating the State Records Committee (committee).	
The duties of the committee were assigned to the newly created (by the same bill) Government Records Office (office). The office has adopted its own administrative rules under Title R20.	
Because the committee no longer exists, this rule is no longer necessary.	
5. Summary of the new rule or change:	
This filing repeals Rule R35-1 in its entirety.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to the state budget.
B. Local governments:	Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):	Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):	Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to non-small businesses.

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

Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities.

F. Compliance costs for affected persons:

Because this filing repeals a rule from a nonexistent office, 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					
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
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Executive Director of the Department of Government Operations, Marvin Dodge, 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 63G-2-502

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: 06/01/2026

10. This rule change MAY become effective on: 06/08/2026

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:	Kenneth Williams, Director and State Archivist	Date:	04/02/2026
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~~**[R35. Government Operations, Records Committee.**~~

~~**R35-1. State Records Committee Hearing Procedures.**~~

~~**R35-1-1. Scheduling Committee Meetings.**~~

- ~~_____ (1) The Executive Secretary shall respond in writing to the notice of appeal within seven business days.~~
- ~~_____ (2) Two weeks before the Committee meeting or appeal hearing, the Executive Secretary shall post a notice of the meeting on the Utah Public Notice Website.~~
- ~~_____ (3) The Executive Secretary sets the agenda for the meeting. If the Committee Chair determines necessary, the Executive Secretary may postpone appeals to the next available meeting.~~
- ~~_____ (4) With exception to disputed records that will be reviewed in camera during a hearing, a party to an appeal before the Committee, including any intervening or interested third party, shall submit to the Executive Secretary no later than five business days before the parties' scheduled hearing all evidence the party desires the Committee consider, including a statement of facts, reasons, and legal authority supporting the party's position, witness list, and exhibits. The Committee may not accept nor consider evidence or materials submitted later than five business days before the scheduled hearing date.~~
- ~~_____ (5)(a) Pursuant to Subsection 63G-2-401(5)(c) a party wishing to postpone an appeal shall notify the Committee via the Executive Secretary and the other party in writing with the reason for postponement.~~
- ~~_____ (b) If the petitioner wishes to withdraw the appeal, the petitioner shall notify the Committee via the Executive Secretary and the governmental entity in writing no later than five days before the scheduled hearing date.~~
- ~~_____ (c) The Committee Chair has the discretion to grant or deny a request to postpone a hearing based upon:~~
 - ~~_____ (i) the reasons given by in the request;~~
 - ~~_____ (ii) the timeliness of the request;~~
 - ~~_____ (iii) whether a party has previously requested and received a postponement;~~
 - ~~_____ (iv) whether the other party stipulated to the postponement; or~~
 - ~~_____ (v) any other factor determined to protect the equitable interests of the parties.~~
- ~~_____ (d) If the request to postpone is granted, the Chair shall instruct the Executive Secretary to schedule the appeal for a later hearing date pursuant to Subsection 63G-2-403(1)(a).~~
- ~~_____ (e) The Chair shall ordinarily deny a governmental entity's request to postpone the hearing unless the governmental entity has obtained the petitioner's prior consent to reschedule the hearing date or has provided a showing of good cause for the postponement.~~

~~**R35-1-2. Procedures for Appeal Hearings.**~~

- ~~_____ (1) The meeting shall be called to order by the Committee Chair.~~
- ~~_____ (2) The Committee Chair shall swear in the parties.~~
- ~~_____ (3) The Chair shall set the time limit for the parties to present their cases pursuant to Subsection 63G-2-403(8), but in no event may the Chair limit the parties' presentations to less than 5 minutes.~~
- ~~_____ (a) The petitioner's and governmental entity's cases may consist of testimony, argument, relevant evidence, and any relevant witnesses.~~
- ~~_____ (b) Witnesses providing testimony shall be sworn in by the Committee Chair.~~
- ~~_____ (c) Questioning of the witnesses and parties by Committee members is permitted.~~
- ~~_____ (4)(a) If the appeal involves proper classification of a record, the governmental entity must bring the disputed records to the hearing to allow the Committee to view records in camera if it deems an in camera inspection necessary pursuant to Subsection 63G-2-403(9).~~
- ~~_____ (b) If the records withheld are voluminous or the governmental entity contends they have not been identified with reasonable specificity, the governmental entity shall notify the Committee via the Executive Secretary at least seven days before the hearing and obtain approval from the Committee Chair to bring a representative sample of the potentially responsive records to the hearing, if it is possible to do so.~~
- ~~_____ (c) Records provided by the governmental entity for in camera review by the Committee remain in the custody of the governmental entity. Records for in camera review are retained by the Committee for only the period of in camera review and are returned to the governmental entity or destroyed, provided they are not the record copy, at the conclusion of the in camera review.~~
- ~~_____ (5) Third party presentations may be permitted. No later than five days before the hearing, the third party shall notify the Executive Secretary of their intent to present. Third party presentations will be presented before closing arguments.~~
- ~~_____ (6) Closing arguments may be presented by the petitioner and the governmental entity. Each party shall be allowed equal time to present a closing argument and make rebuttal statements.~~
- ~~_____ (7)(a) After the conclusion of the closing arguments, the Committee shall start deliberations. A Committee Member shall make a motion described in the list under Subsection R35-1-5(1). The Committee shall vote and make public the decision of the Committee during the hearing.~~
- ~~_____ (b) In the event of a tie vote, the Committee Chair shall ask if the Committee wishes to continue deliberation. If so, deliberation continues and another motion may be made. If a tie vote occurs a second time, the Chair shall withdraw their vote to break the tie.~~
- ~~_____ (8) At any time, the Committee may adjourn, reschedule, continue, or reopen a hearing on the motion of a member.~~
- ~~_____ (9) Except as expressly authorized by law, there shall be no communication between the parties and the members of the Committee concerning the subject matter of the appeal before the hearing or before the issuance of an Order. Any other oral or written communication from the parties to the members of the Committee, or from the members of the Committee to the parties, shall be directed to the Executive Secretary for transmittal.~~
- ~~_____ (10) The following provisions govern any meeting at which one or more members of the Committee or a party appears telephonically or electronically, pursuant to Section 52-4-207.~~

- _____ (a) The anchor location is the physical location from which the electronic meeting originates as indicated on the public notice.
- _____ (b) Public notices of the meeting shall show if one or more Committee members or parties may be participating electronically or telephonically. In addition, the notice shall specify the anchor location where the members of the Committee not participating electronically or telephonically will be meeting and where interested persons and the public may attend and monitor the open portions of the meeting.
- _____ (c) When notice is given of the possibility of a member of the Committee appearing electronically or telephonically, any member of the Committee may do so and shall be counted as present for purposes of a quorum and may fully participate and vote on any matter coming before the Committee. At the commencement of the meeting, or at such time as any member of the Committee initially appears electronically or telephonically, the Committee Chair shall identify for the record each of those who are appearing telephonically or electronically. When conducting a meeting with any Board members participating telephonically or electronically, the Committee Chair will take votes by roll call.
- _____ (11) If the Committee determines at any time before, or during a hearing, that a necessary third party must either be added as a party to the appeal or otherwise be present or testify, the Committee may vote to continue the hearing to a later date, if necessary, and compel the third party's attendance by way of a subpoena.
- _____ (12) Nothing in this section precludes the Committee Chair from taking appropriate measures necessary to maintain the order and integrity of the hearing.

R35-1-3. Burden of Proof.

- _____ (1)(a) In cases where the appeal concerns whether the governmental entity possesses or maintains the requested records, the governmental entity must show by a preponderance of the evidence that its search for the requested records was reasonable.
- _____ (b) Upon the governmental entity establishing by a preponderance of the evidence that its search was reasonable, the burden of proof shifts to the petitioner who must show by a preponderance of the evidence that the search efforts were not reasonable.
- _____ (2) In hearings concerning whether a person is a vexatious requester, the Committee shall examine the totality of the circumstances in determining that the person is a vexatious requester as outlined in Subsection 63G-2-209(9).

R35-1-4. Vexatious Requester Hearing Procedures.

- _____ (1) When hearing a petition to declare a person a vexatious requester, the Committee shall hold the hearing in accordance with Section R35-1-2.
- _____ (2) If at any time the Committee determines that the matter being heard involves issues outlined in Subsection 52-4-205(1), then the Committee may move to close the hearing to the public.

R35-1-5. Issuing the Committee Decision and Order.

- _____ (1) The Committee may issue the following Orders:
 - _____ (a) grant the petitioner's appeal in whole or in part;
 - _____ (b) deny the petitioner's appeal in whole or in part;
 - _____ (c) continue the hearing to a later date;
 - _____ (d) deny or allow a vexatious requester hearing;
 - _____ (e) declare a person a vexatious requester; or
 - _____ (f) require a governmental entity to make redactions in the record, remove redactions, or take other action necessary to carry out the Decision and Order.
 - _____ (g) default in favor of one party due to the lack of attendance of the other party.
- _____ (2) In its Orders, the Committee may, as needed to comply with Subsection 63G-2-403(12)(a), cite to and analyze legal authority not voiced in its deliberations as long as the cited authority supports the dispositive motion the Committee voted upon in the hearing.
- _____ (3)(a)(i) The Committee Chair or Chair pro tem shall sign the Decision and Order; and
- _____ (ii) the Executive Secretary shall distribute the Decision and Order within seven business days after the hearing.
- _____ (b) The Executive Secretary shall distribute copies of each Decision and Order to the petitioner, the governmental entity, and other interested parties. The Committee shall maintain the original Order.
- _____ (4) The Committee shall make a copy of the Decision and Order available for public access on the Utah State Archives website.
- _____ (5) Before either party appeals an Order pursuant to Section 63G-2-404, the Committee may withdraw its Order by delivering notice to the parties of the withdrawal. Upon the withdrawal, the Executive Secretary shall add the withdrawn Order to the agenda of the next regularly scheduled public Committee meeting.

R35-1-6. Committee Minutes.

- _____ (1) Purpose. Section 52-4-203 requires any public body to establish and implement procedures for the public body's approval of the written minutes of each meeting. This rule establishes procedures for the State Records Committee to approve the written minutes of each meeting.
- _____ (2) Authority. This rule is enacted under the authority of Sections 52-4-203, 63G-3-201, and 63A-12 Division of Archives and Records Service.
- _____ (3) Meetings of the Committee shall be recorded. The recording of the open meeting shall be made available to the public within three business days. Access to the audio recordings shall be provided by the Executive Secretary on the Utah Public Notice Website.
- _____ (4)(a) Approved written minutes shall be the official record of the meetings and appeal hearings and shall be maintained by the Executive Secretary.
- _____ (b) Written minutes shall be read by members before the next scheduled meeting, including electronic meetings.

NOTICES OF PROPOSED RULES

- ~~(c) Written minutes from meetings shall be made available no later than one week before the date of the next regularly scheduled Committee meeting.~~
- ~~(d) When minutes are complete but awaiting official approval, they are a public record and must be marked as "Draft."~~
- ~~(e) At the next meeting, at the direction of the Committee Chair, minutes shall be amended or approved with individual votes recorded in the minutes. The minutes shall be then marked as "Approved."~~
- ~~(f) When the minutes are "Approved" they will be noted in the printed and online versions. A copy of the approved minutes shall be made available for public access on the Utah Public Notice Website.~~

~~KEY: government documents, state records committee, records appeal hearings, vexatious requester hearings
 Date of Last Change: June 18, 2024
 Notice of Continuation: May 20, 2024
 Authorizing, and Implemented or Interpreted Law: 63G-2-401(5)(e); 63G-2-403(9); 63G-2-403(4)(a); 63G-2-201; 63A-12-101; 52-4-203]~~

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Repeal		
Rule or section number:	R35-1a	Filing ID: 57887

Agency Information

1. Title catchline:	Government Operations, Records Committee	
Street address:	346 S Rio Grande Street	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 141021	
City, state and zip:	Salt Lake City, UT 84114-1021	
Contact persons:		
Name:	Phone:	Email:
Kenneth Williams	801-531-3840	kenwilliams@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R35-1a. State Records Committee Definitions	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	SB 277 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
SB 277 (passed in the 2025 General Session) repealed the Utah Code provisions creating the State Records Committee (committee).	
The duties of the committee were assigned to the newly created (by the same bill) Government Records Office (office). The office has adopted its own administrative rules under Title R20.	
Because the committee no longer exists, this rule is no longer necessary.	
5. Summary of the new rule or change:	
This filing repeals Rule R35-1a in its entirety.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to the state budget.	

B. Local governments:

Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to local governments.

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

Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to small businesses.

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

Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to non-small businesses.

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

Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities.

F. Compliance costs for affected persons:

Because this filing repeals a rule from a nonexistent office, 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					
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
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Executive Director of the Department of Government Operations, Marvin Dodge, 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 63G-2-502		
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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:	06/01/2026

10. This rule change MAY become effective on:	06/08/2026
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:	Kenneth Williams, Director and State Archivist	Date:	04/02/2026
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~~R35. Government Operations, Records Committee.~~

~~R35-1a. State Records Committee Definitions.~~

~~R35-1a-1. Definitions.~~

- ~~In addition to terms defined in Section 63G-2-103 the following terms apply to this rule:~~
- ~~(a) "Committee" means the State Records Committee in accordance with Section 63G-2-501.~~
 - ~~(b) "Denial" means an act taken to restrict access to a government record in accordance with Section 63G-2-205 and Subsection 63G-2-403(4).~~
 - ~~(c) "Executive Secretary" means the individual appointed annually as required in Subsection 63G-2-502(3).~~
 - ~~(d) "Expedited Hearing" means a meeting by the Committee to review a designation of records by a government entity in a shorter time period than in accordance with Subsection 62G-2-209(3)(a)(ii) or Subsection 63G-2-403(4)(a).~~
 - ~~(e) "Hearing" means a meeting by the Committee to hear an appeal of a records decision by a government entity in accordance with Section 63G-2-403.~~
 - ~~(f) "Order" means the Decision and Order issued by the State Records Committee as provided by Subsection 63G-2-403(11).~~
 - ~~(g) "Subpoena" means a written Order requiring appearance before the State Records Committee to give testimony in accordance with Subsections 62G-2-209(7)(e) or 63G-2-403(10)(a).~~

~~KEY: state records committee, records appeal hearings, government documents, vexatious requester hearings~~

~~Date of Last Change: August 23, 2023~~

~~Notice of Continuation: May 20, 2024~~

~~Authorizing, and Implemented or Interpreted Law: 63G-2-502(2)(a)]~~

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal		
Rule or section number:	R35-2	Filing ID: 57888

Agency Information

1. Title catchline:	Government Operations, Records Committee	
Street address:	346 S Rio Grande Street	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 141021	
City, state and zip:	Salt Lake City, UT 84114-1021	
Contact persons:		
Name:	Phone:	Email:
Kenneth Williams	801-531-3840	kenwilliams@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R35-2. Scheduling and Declining Hearings	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.

If yes, any bill number and session:	SB 277 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
SB 277 (passed in the 2025 General Session) repealed the Utah Code provisions creating the State Records Committee (committee).	
The duties of the committee were assigned to the newly created (by the same bill) Government Records Office (office). The office has adopted its own administrative rules under Title R20.	
Because the committee no longer exists, this rule is no longer necessary.	
5. Summary of the new rule or change:	
This filing repeals Rule R35-2 in its entirety.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to the state budget.
B. Local governments:
Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities.
F. Compliance costs for affected persons:
Because this filing repeals a rule from a nonexistent office, 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					
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
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

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
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Executive Director of the Department of Government Operations, Marvin Dodge, 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 63G-2-502

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: 06/01/2026

10. This rule change MAY become effective on: 06/08/2026
 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:	Kenneth Williams, Director and State Archivist	Date:	04/02/2026
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~~**R35. Government Operations, Records Committee.**~~

~~**R35-2. Scheduling and Declining Hearings.**~~

~~**R35-2-1. Authority and Purpose.**~~

~~In accordance with Section 63G-2-502, Section 63G-2-209, and Subsection 63G-2-403(4), this rule establishes the procedure declining to schedule hearings by the Executive Secretary of the State Records Committee.~~

~~**R35-2-2. Scheduling and Declining Requests for Appeal Hearings.**~~

~~(1)(a) To decline a request for a hearing under Subsection 63G-2-403(4), the Executive Secretary shall consult with the Committee Chair.~~

~~(b) The Committee Chair must agree with the Executive Secretary's recommendation to decline to schedule a hearing. Such a decision shall consider the potential for a public interest claim as the petitioner may put forward under Subsection 63G-2-403(11)(b).~~

~~(c) The Executive Secretary's notice to the petitioner indicating that the Committee Chair declined the request for a hearing, as provided for in Subsection 63G-2-403(4)(b)(ii)(A), shall include a copy of the previous Order of the Committee holding that the records at issue are appropriately classified.~~

~~(2)(a) In any appeal to the Committee of a governmental entity's denial of access to records because the record is not maintained by the governmental entity, the petitioner shall provide sufficient evidence in the petitioner's statement of facts, reasons, and legal authority in support of the appeal, that the record was maintained by the governmental entity at one time, or that the governmental entity has concealed, or has not sufficiently or has improperly searched for the record.~~

~~(b) The Committee Chair shall determine whether or not the petitioner has provided sufficient evidence.~~

~~(c) If the Committee Chair determines that the petitioner provided sufficient evidence, the Chair shall direct the Executive Secretary to schedule a hearing.~~

~~(d) If the Committee Chair determines that the petitioner has not provided sufficient evidence, the Chair shall direct the Executive Secretary to not schedule a hearing and to inform the petitioner of the determination.~~

~~(e) Evidence that a governmental entity has disposed of the record according to retention schedules is sufficient basis for the Chair to direct the Executive Secretary to not schedule a hearing.~~

~~(3) To file an appeal, the petitioner must submit the following:~~

~~(a) a copy of the petitioner's initial records request, or a statement of the specific records requested if a copy is unavailable to the petitioner;~~

~~(b) a copy of any records appeals;~~

- ~~_____ (c) a copy of the final responses from the respondents containing their decisions regarding the records request and appeals; and~~
- ~~_____ (d) a statement of relief sought.~~
- ~~_____ (4)(a) If the petitioner fails to provide any of the documents under R35-2-2(3), the Executive Secretary shall notify the petitioner that until the proper information is submitted, a hearing cannot be scheduled.~~
- ~~_____ (b) Pursuant to Subsections 63G-2-403(2) and (4)(a), the petitioner must provide the missing information within seven days of receipt of the notice for the Executive Secretary to consider a notice of appeal filed.~~
- ~~_____ (5) Pursuant to Subsection 63G-2-403(1)(a), the Executive Secretary will not schedule an appeal not timely received.~~
- ~~_____ (6) Pursuant to Title 63G, Chapter 2, Part 7, Applicability to Political Subdivisions, the Judiciary, and the Legislature, and to Subsection 63G-2-402(1)(b), the Executive Secretary may not schedule an appeal pertaining to the Judiciary, Legislature, or to a political subdivision that has established a local appeals board that has not yet received and addressed the appeal, because it is not within the Committee's jurisdiction.~~
- ~~_____ (7) The Committee shall deny the request from a governmental entity to have an appeal dismissed due to lack of jurisdiction after a petitioner fails to serve notice of appeal to the governmental entity pursuant to Subsection 63G-2-403(3)(a).~~
- ~~_____ (8) The Executive Secretary shall report on appeals received at each regularly scheduled meeting of the Committee to provide a public record of the actions taken.~~
- ~~_____ (9)(a) If a Committee member has requested a discussion to reconsider the decision to decline or not schedule a hearing, the Committee may, after discussion and by a majority vote, choose to reverse the decision and hold a hearing.~~
- ~~_____ (b) The discussion of reconsideration is restricted to Committee members currently present, and it shall include only the following two questions:~~
 - ~~_____ (i) whether the records requested were covered by a previous Order of the Committee; and~~
 - ~~_____ (ii) whether the petitioner has, or is likely to, put forth a public interest claim.~~
- ~~_____ (c) If the Committee votes to hold a hearing, the Executive Secretary shall schedule it on the agenda of the next regularly scheduled Committee meeting.~~
- ~~_____ (10) The Executive Secretary shall compile and include in an annual report to the Committee a complete documented list of hearings held, withdrawn, and declined.~~
- ~~_____ (11)(a) A party may submit a brief statement of facts and arguments in support or against the requested relief that shall be no longer than 15 pages double spaced.~~
- ~~_____ (b) The format should adhere to the Utah Rules of Civil Procedure Rule 10(d).~~
- ~~_____ (c) Either party may request the Chair to allow a longer statement of facts.~~

R35-2-3. Scheduling and Declining Requests for Vexatious Requester Hearings.

- ~~_____ (1) To decline a request for a hearing under Section 63G-2-209, the Executive Secretary shall consult with the Chair.~~
- ~~_____ (a) The Committee Chair must agree with the Executive Secretary's recommendation to decline to schedule a hearing.~~
- ~~_____ (b) The Executive Secretary's notice to the petitioner and respondent shall include the reasons for the denial and notify the parties that the Committee will vote to accept or reject the recommendation to deny the petition without a hearing.~~
- ~~_____ (c) Upon notifying the parties of the denial, the Executive Secretary shall add an action item to the next meeting agenda when the Committee will vote to accept or reject the denial.~~
- ~~_____ (2) To request a hearing on whether an individual is a vexatious requester, the governmental entity must submit the following:~~
 - ~~_____ (a) the name, phone number, mailing address, and email address of the respondent;~~
 - ~~_____ (b) a description of the conduct that the governmental entity claims demonstrates that the respondent is a vexatious requester;~~
 - ~~_____ (c) a statement of the relief sought;~~
 - ~~_____ (d) a sworn or unsworn declaration; and~~
 - ~~_____ (e) verification that the governmental entity sent a copy of the petition to the respondent.~~
 - ~~_____ (f) If the governmental entity has not provided the information required in Subsection R35-2-3(2), the Executive Secretary shall notify the governmental entity that a hearing may not be scheduled until the proper information is submitted.~~

KEY: government documents, state records committee, records appeal hearings, vexatious requester hearings

Date of Last Change: April 22, 2024

Notice of Continuation: May 20, 2024

Authorizing, and Implemented or Interpreted Law: 63G-2-402(1)(b); 63G-2-403(1); 63G-2-403(2); 63G-2-403(3)(a); 63G-2-403(4); 63G-2-403(4)(b)(ii)(A); 63G-2-403(11)(b); 63G-2-502

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Repeal		
Rule or section number:	R35-4	Filing ID: 57889
Agency Information		
1. Title catchline:	Government Operations, Records Committee	
Street address:	346 S Rio Grande Street	

NOTICES OF PROPOSED RULES

City, state:	Salt Lake City, UT	
Mailing address:	PO Box 141021	
City, state and zip:	Salt Lake City, UT 84114-1021	
Contact persons:		
Name:	Phone:	Email:
Kenneth Williams	801-531-3840	kenwilliams@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R35-4. Compliance with State Records Committee Decisions and Orders	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	SB 277 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
SB 277 (passed in the 2025 General Session) repealed the Utah Code provisions creating the State Records Committee (committee).	
The duties of the committee were assigned to the newly created (by the same bill) Government Records Office (office). The office has adopted its own administrative rules under Title R20.	
Because the committee no longer exists, this rule is no longer necessary.	
5. Summary of the new rule or change:	
This filing repeals Rule R35-4 in its entirety.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to the state budget.	
B. Local governments:	
Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to local governments.	
C. Small businesses ("small business" means a business employing 1-49 persons):	
Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to small businesses.	
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):	
Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to non-small businesses.	
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):	
Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities.	
F. Compliance costs for affected persons:	
Because this filing repeals a rule from a nonexistent office, 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					
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
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Executive Director of the Department of Government Operations, Marvin Dodge, 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 63G-2-502		
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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:	06/01/2026
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10. This rule change MAY become effective on:	06/08/2026
--	------------

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:	Kenneth Williams, Director and State Archivist	Date:	04/02/2026
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~~**R35. Government Operations, Records Committee.**~~

~~**R35-4. Compliance with State Records Committee Decisions and Orders.**~~

~~**R35-4-1. Authority and Purpose.**~~

~~In accordance with Subsection 63G-2-403(15), this rule intends to establish the procedure for complying with an Order of the State Records Committee.~~

~~**R35-4-2. Notices of Compliance.**~~

~~(1) The Executive Secretary of the Committee shall send an Order of the Committee by mail to the petitioner and to the governmental entity ordered to produce records.~~

~~(2) Pursuant to Subsection 63G-2-403(15)(a), each governmental entity ordered by the Committee to produce records shall file with the Executive Secretary either a notice of compliance, or a copy of the appellant's notice of intent to appeal the Committee Order, no later than the 30th day following the date of the Committee Order.~~

NOTICES OF PROPOSED RULES

- ~~_____ (3) The notice of compliance shall contain a statement, signed by the head of the governmental entity, that the records ordered to be produced have been delivered to the petitioner, and shall state the method and date of delivery.~~
- ~~_____ (4) In the event a governmental entity fails to file a notice of compliance or a copy of the appellant's notice of intent to appeal the Committee Order within the time frame specified, the Committee shall send written notice of the entity's noncompliance to the governor.~~
- ~~_____ (5)(a) The Committee may also impose a civil penalty of up to \$500 for each day of continuing noncompliance, but only after holding a discussion of the matter at issue, and obtaining a majority vote at a regularly scheduled Committee meeting.~~
- ~~_____ (b) The non-complying governmental entity shall be heard at that meeting if the entity requests to comment, with discussion being limited specifically to reasons for the noncompliance.~~
- ~~_____ (c) Any civil penalty imposed shall be retroactive to the first date of noncompliance.~~

~~**KEY: government documents, state records committee, records appeal hearings, vexatious requester hearings**
Date of Last Change: August 23, 2023
Notice of Continuation: May 20, 2024
Authorizing, and Implemented or Interpreted Law: 63G-2-403(15)~~

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Repeal		
Rule or section number:	R35-5	Filing ID: 57890

Agency Information

1. Title catchline:	Government Operations, Records Committee	
Street address:	346 S Rio Grande Street	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 141021	
City, state and zip:	Salt Lake City, UT 84114-1021	
Contact persons:		
Name:	Phone:	Email:
Kenneth Williams	801-531-3840	kenwilliams@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:		
R35-5. Subpoenas Issued by the Records Committee		
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.	
If yes, any bill number and session:	SB 277 (2025 General Session)	
4. Purpose of the new rule or reason for the change:		
SB 277 (passed in the 2025 General Session) repealed the Utah Code provisions creating the State Records Committee (committee).		
The duties of the committee were assigned to the newly created (by the same bill) Government Records Office (office). The office has adopted its own administrative rules under Title R20.		
Because the committee no longer exists, this rule is no longer necessary.		
5. Summary of the new rule or change:		
This filing repeals Rule R35-5 in its entirety.		

Fiscal Information

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

A. State budget:

Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to the state budget.

B. Local governments:

Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to local governments.

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

Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to small businesses.

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

Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to non-small businesses.

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

Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities.

F. Compliance costs for affected persons:

Because this filing repeals a rule from a nonexistent office, 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					
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
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Executive Director of the Department of Government Operations, Marvin Dodge, 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 63G-2-502		
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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:	06/01/2026
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10. This rule change MAY become effective on:	06/08/2026
--	------------

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:	Kenneth Williams, Director and State Archivist	Date:	04/02/2026
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~~[R35. Government Operations, Records Committee.~~

~~R35-5. Subpoenas Issued by the Records Committee.~~

~~R35-5-1. Authority and Purpose.~~

~~_____ In accordance with Section 62G-2-209 and Subsection 63G-2-403(10), this rule intends to establish the procedures for issuing subpoenas by the State Records Committee.~~

~~R35-5-2. Subpoenas.~~

~~_____ (1) To initiate a request for a subpoena, a party shall file a written request with the Committee Chair at least 16 days prior to a hearing. The request shall describe the purpose for which the subpoena is sought, and state specifically why, given that hearsay is available before the Committee, the individual being subpoenaed must be present.~~

~~_____ (2) The Committee Chair shall review each subpoena request and grant or deny the request within three business days, based on the following considerations:~~

~~_____ (a) a weighing of the proposed witness's testimony as material and necessary; or~~

~~_____ (b) a weighing of the burden to the witness against the need to have the witness present.~~

~~_____ (3) If the Committee Chair grants the subpoena request, the requesting party may obtain a subpoena form, signed, but otherwise blank, from the Executive Secretary. The requesting party shall fill out the subpoena and have it served upon the proposed witness at least seven business days prior to a hearing.~~

~~_____ (4) A subpoenaed witness shall be entitled to witness fees and mileage reimbursement to be paid by the requesting party. Witnesses shall receive the same witness fees and mileage reimbursement allowed by law to witnesses in a state district court.~~

~~_____ (5) A subpoenaed witness may file a motion to quash the subpoena with the Executive Secretary at least one week before the hearing at which the witness has been ordered to be present, and shall simultaneously send a copy of that motion to the parties. Such motion shall include the reasons for quashing the subpoena, and shall be granted or denied by the Committee Chair based on the same considerations as outlined in Subsection R35-5-2(2). As part of the motion to quash, the witness must state whether a hearing on the motion is requested. If a hearing is requested, it shall be granted. All parties to the appeal have a right to be present at the hearing. The hearing must occur prior to the appeal hearing. The hearing may be in person or held electronically, as determined by the Committee Chair. A decision on the motion to quash shall be made prior to the appeal hearing.~~

~~_____ (6) If the Committee Chair denies the request for subpoena, the denial is final and unreviewable.~~

~~_____ (7) The Committee may issue a subpoena to compel production of necessary testimony or evidence in a vexatious requester hearing. While the subpoena is pending, the Executive Secretary shall add it to the agenda as a possible action item. If the subject of the subpoena fails to comply or disobeys the subpoena, the Committee may vote to file a motion with the district court.~~

~~KEY: government documents, state records committee, records appeal hearings, vexatious requester hearings~~

~~Date of Last Change: August 23, 2023~~

~~Notice of Continuation: May 20, 2024~~

~~Authorizing, and Implemented or Interpreted Law: 63G-2-502(2)(a), 63G-2-209(7)~~

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal		
Rule or section number:	R35-6	Filing ID: 57891

Agency Information

1. Title catchline:	Government Operations, Records Committee	
Street address:	346 S Rio Grande Street	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 141021	
City, state and zip:	Salt Lake City, UT 84114-1021	
Contact persons:		
Name:	Phone:	Email:
Kenneth Williams	801-531-3840	kenwilliams@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R35-6. Expedited Hearing	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	SB 277 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
SB 277 (passed in the 2025 General Session) repealed the Utah Code provisions creating the State Records Committee (committee).	
The duties of the committee were assigned to the newly created (by the same bill) Government Records Office (office). The office has adopted its own administrative rules under Title R20.	
Because the committee no longer exists, this rule is no longer necessary.	
5. Summary of the new rule or change:	
This filing repeals Rule R35-6 in its entirety.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to the state budget.	
B. Local governments:	
Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to local governments.	
C. Small businesses ("small business" means a business employing 1-49 persons):	
Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to small businesses.	
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):	
Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to non-small businesses.	
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):	
Because this filing repeals a rule from a nonexistent office, there is no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities.	

F. Compliance costs for affected persons:

Because this filing repeals a rule from a nonexistent office, 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

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
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Executive Director of the Department of Government Operations, Marvin Dodge, 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 63G-2-502

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: 06/01/2026

10. This rule change MAY become effective on: 06/08/2026

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:	Kenneth Williams, Director and State Archivist	Date:	04/02/2026
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~~**R35. Government Operations, Records Committee.**~~

~~**R35-6. Expedited Hearing.**~~

~~**R35-6-1. Authority and Purpose.**~~

~~_____ In accordance with Section 63G-2-209 and Subsection 63G-2-403(4)(a)(i), this rule establishes the procedure for requesting and scheduling an Expedited Hearing.~~

~~**R35-6-2. Requests for an Expedited Hearing.**~~

~~_____ (1) A party appealing to the Committee may request that a hearing be scheduled within ten business days of the date the notice of appeal is filed by making a written request to the Executive Secretary. A copy of this request shall also be mailed to the government entity.~~

- ~~_____ (2) A written request shall include the reasons the request is being made.~~
- ~~_____ (3) The Executive Secretary shall consult with the Committee Chair to decide whether an expedited hearing is warranted.~~
- ~~_____ (4) The standard for granting an expedited hearing is "good cause shown." The Committee Chair shall take into account the reason for the request, and balance that against the burden to the Committee and the governmental entity.~~

R35-6-3. Scheduling the Expedited Hearing.

- ~~_____ (1) If an expedited hearing is granted, the Executive Secretary shall poll the Committee to determine a date upon which a quorum can be obtained.~~
- ~~_____ (2) After settling on a date no sooner than seven days nor later than 16 days after the notice of appeal has been filed, the Executive Secretary shall contact the petitioner and governmental entity and schedule the hearing.~~
- ~~_____ (3) The government entity shall file its response to the appeal with the Executive Secretary, and mail a copy to the petitioner no later than five days prior to the scheduled hearing. The Executive Secretary shall make this response available to the Committee as soon as possible.~~
- ~~_____ (4) The Executive Secretary may schedule an expedited hearing at the next regularly scheduled meeting with the approval of the Committee Chair.~~

R35-6-4. Holding the Expedited Hearing.

~~_____ With the exception of the time frame for scheduling a hearing and providing responses, all other provisions governing hearings under the Government Records Access and Management Act (GRAMA) shall apply to expedited hearings.~~

~~**KEY: government documents, state records committee, records appeal hearings, vexatious requester hearings**~~

~~**Date of Last Change: October 15, 2023**~~

~~**Notice of Continuation: May 20, 2024**~~

~~**Authorizing, and Implemented or Interpreted Law: 63G-2-502(2)]**~~

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: New		
Rule or section number:	R255-30	Filing ID: 57898

Agency Information

1. Title catchline:	County Recorder Standards, Administration	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Larry Marx	801-560-6254	lmarx@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R255-30. County Recorder Standards Rule	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	SB 351 (2023 General Session)
4. Purpose of the new rule or reason for the change:	
The County Recorder Standards Board (Board) is filing this new rule in accordance with changes and statutory enactments made by SB 351 that passed in the 2023 General Session.	
5. Summary of the new rule or change:	
This filing enacts Rule R255-30, County Recorder Standards Rule, to establish statewide standards for county recorders.	

This rule also establishes an appeal authority to hear and decide appeals from a county recorder's application of the rules and requires county recorders to comply with the Board's rules and the county's appeal authority.

Fiscal Information

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

A. State budget:

The Board does not anticipate any fiscal impact to state budgets beyond those identified in the fiscal note which can be found at <https://le.utah.gov/~2023/bills/static/HB0351.html>.

B. Local governments:

The Board does not anticipate any fiscal impact to local governments beyond those identified in the fiscal note which can be found at <https://le.utah.gov/~2023/bills/static/HB0351.html>.

This rule provides county recorders with standards to help streamline recording procedures and ensure better recording consistency between the state's 29 counties.

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

The Board does not anticipate any fiscal impact to small businesses beyond those identified in the fiscal note which can be found at <https://le.utah.gov/~2023/bills/static/HB0351.html>.

This rule provides additional standards for filing with a county recorder's office and should make it easier for small businesses to correctly format a document presented to a county recorder's office.

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

The Board does not anticipate any fiscal impact to non-small businesses beyond those identified in the fiscal note which can be found at <https://le.utah.gov/~2023/bills/static/HB0351.html>.

This rule provides additional standards for filing with a county recorder's office and should make it easier for non-small businesses to correctly format a document presented to a county recorder's office.

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 Board does not anticipate any fiscal impact to other persons beyond those identified in the fiscal note which can be found at <https://le.utah.gov/~2023/bills/static/HB0351.html>.

This rule provides additional standards for filing with a county recorder's office and should make it easier for other persons to correctly format a document presented to a county recorder's office.

F. Compliance costs for affected persons:

The Board does not anticipate any fiscal impact to affected persons beyond those identified in the fiscal note which can be found at <https://le.utah.gov/~2023/bills/static/HB0351.html>.

This rule provides additional standards for filing with a county recorder's office and should make it easier for other persons to correctly format a document presented to a county recorder's office.

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
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Chair of the County Recorder Standards Board, Rashelle Hobbs, 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 63C-30-101	Section 63C-30-202	Section 17-71-301
Section 17-71-306		

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: 06/01/2026

B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

Date:	Time:	Place (physical address or URL):
05/21/2026	10:00 AM	Anchor Meeting Location: Heber M. Wells Building Room 402 160 E 300 S Salt Lake City, UT Google Meet joining info: Video call link: https://meet.google.com/opj-dawb-ses Or dial: (US) +1 442-321-0682 PIN: 227 164 972# More phone numbers: https://tel.meet/opj-dawb-ses?pin=3882387956232

10. This rule change MAY become effective on: 06/08/2026
 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:	Rashelle Hobbs, Board Chair	Date:	02/02/2026
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R255. County Recorder Standards, Administration.

R255-30. County Recorder Standards Rule.

R255-30-101. Purpose and Authority.

(1) This rule is known as the "County Recorder Standards Rule."

(2) This rule is adopted by the County Recorder Standards Board under the authority of Subsection 63C-30-202(1)(a).

(3) This rule is made pursuant to Section 63C-30-202, which gives authority to the County Recorder Standards Board to establish statewide standards for county recorders.

R255-30-102. Definitions.

Terms used in this rule are defined in Title 17, Chapter 71, County Recorder; Title 46, Chapter 1, Notaries Public Reform Act; Title 57, Chapter 1, Conveyances; and Title 63C, Chapter 30, County Recorder Standards Board. In addition:

(1) "A.k.a" is an abbreviation that means also known as.

(2) "Account number" as used in Subsection R255-30-102(29)(b) means a tracking number that may be used by an LRMS to identify a property but is not a TIN.

(3) "Affidavit of correction" as used in Section R255-30-501 means a signed document containing a sworn statement recorded to correct an error or inaccurate information in a prior document of record.

(4) "Blended notary method" as used in Section R255-30-308 means a notarized document that has both a wet signature and an electronic signature.

(5) "Clerical error" as used in Subsections (19), R255-30-310(5), and R255-30-501(1) means a mistake made in a document that changes its meaning including a typographical error or the unintentional addition or omission of a word, phrase, number, or symbol.

(6) "Completed Date" as used in Subsection R255-30-311(2) means the date posted in the county recorder's office used to show when all the information from the document has been entered and all the work on the document has been finished in the LRMS.

(7) "Entity" means an association, company, or a similar organization that has legal rights and responsibilities including conveying or accepting conveyance of property.

(8) "F.k.a." as used in Subsections R255-30-303(3), R255-30-401(2)(b)(ii), R255-30-402(3)(b)(i)(B), and R255-30-403(2)(b)(ii) is an abbreviation that means formerly known as.

(9) "Grantee" means an individual or entity to whom real estate is conveyed.

(10) "Grantor" means an individual or entity who conveys or transfers real estate.

(11) "Grantee line" means the portion of the document that contains the name of each grantee.

(12) "Grantor line" means the portion of the document that contains the name of each grantor.

(13) "Indexing Date" as used in Subsection R255-30-311(1) means the date posted in the county recorder's office used to show when the indexed information from the documents have been entered.

(14) "Instrument" is a type of document as defined in Subsections 17-71-601(2) and 57-1-1(2).

(15) "Jurat" is a notarial act that is defined in Subsection 46-1-2(12).

(16) "Language clarifying" as used in Sections R255-30-401, R255-30-402, and R255-30-403 means a word or phrase added to eliminate confusion, ambiguity, and to ensure that the intended meaning is understood.

(17) "LRMS" means the county's land records management system database.

(18) "Minor error" as used in Subsections (30)(c), R255-30-401(3)(a), R255-30-402(2)(a), and R255-30-501(3) means an error that may be corrected under Subsections 57-3-106(9) and (10).

(19)(a) "Omission" as used in Subsections (5), (30)(c), and R255-30-501(7)(a)(i) means a clerical error where a single word, letter, or number is missing in a document where the single word, letter, or number is obviously needed.

(b) "Omission" does not include the following:

(i) adding or removing a grantor or grantee name;

(ii) adding an additional description;

(iii) changing a description by adding a less and excepting parcel description; or

(iv) a missing parcel description in the original deed.

(20)(a) "Parcel division" as used in Subsection R255-30-307(1) means a parcel that is divided into two or more parcels.

(b) "Parcel division" may also be called a parcel split.

(21) "Parcel combination" means two or more parcels are combined into a new parcel.

(22) "Parcel number" is the same as a tax identification number or TIN under Subsection R255-30-102(29)(a).

(23) "Personal information" as used in Subsection R255-30-502(2) is as defined in Subsection 17-71-101(4).

(24)(a) "Parcel identification number" or "PIN" as used in Subsection R255-30-306(2) means a unique number used by the Property Records Industry Association (PRIA) to identify a specific property that may be referenced in property records.

(b) A "parcel identification number" or "PIN" may also be called:

(i) a parcel number as defined in Subsection R255-30-102(22);

(ii) an assessor's identification number (AIN);

(iii) an assessor's parcel number (APN); or

(iv) a tax identification number (TIN) as defined in Subsection R255-30-102(29)(a).

(25) "Record owner" means the individual, entity, or trust that has a recorded interest.

(26) "Remote online notarization" or "RON" as used in Section R255-30-308 means the process of remotely notarizing a document under Section 46-1-3.6.

(27) "Satisfactory evidence of identity" as used in Subsection R255-30-403(1)(b)(ii) is defined in Subsection 46-1-2(25).

(28) "Serial number" as used in Subsection R255-30-102(29)(a)(iii) is a tracking number that may also be the same as a TIN in the LRMS.

(29)(a) "Tax identification number," "tax ID number," or "TIN" means a unique number assigned by the recorder's office to designate a specific parcel of land and may also be called:

(i) an assessor's parcel number or APN;

(ii) a parcel number as defined in Subsection R255-30-102(22); or

(iii) a tax serial number.

(b) "Tax identification number" does not include an account number or tracking number that a LRMS automatically assigns.

(30) "Typographical error" or "typo" as used in Subsections R255-30-102(5) and R255-30-501(1) means:

(a) a mistake in printed or typed text such as a misspelled word;

(b) a mistake in printed matter resulting from a mechanical failure of some kind; or

(c) a minor error in transposition of letters in words of common knowledge or omissions of letters and numbers.

R255-30-301. Document Presented Shall Meet Recording Requirements.

If a document meets the requirements to be recorded by a county recorder, then the county recorder shall use the standards of this rule to index the document information in the LRMS.

R255-30-302. General Indexing Entry Procedures -- Format.

(1) A county recorder shall enter:

(a) information in uppercase letters;

(b) information exactly as it appears on the document subject to Subsection R255-30-302(2)(a);

(c) a special character in a name if the LRMS allows;

(d) an Arabic numeral or a Roman numeral exactly as it appears on the document subject to Subsection R255-30-302(2)(a);

(e) the trustee's name before the name of the trust;

(f) the grantee's address using the United States Postal Service's Postal Addressing Standards at www.usps.com; or

(g) the date of a trust in a MM/DD/YYYY format.

(2) If the name of a party is abbreviated in the document, the county recorder shall index:

(a) the party's name as abbreviated on the document; and

(b) the party's full name.

(3) A county recorder shall index the following information even if it is not on the document:

(a) a party's capacity title such as "trustee" or "personal representative"; or

(b) a generational suffix title such as "Sr" or "Jr".

(4) A county recorder shall remove punctuation and the space left by the punctuation except if:

(a) property is in the name of a company with a website top-level domain including ".com", ".org", or ".net"; or

(b) a party's name contains a hyphen or an apostrophe.

(5) When back indexing historical records, if the individual's name is abbreviated on the document, the county recorder shall compare the abbreviated name with the party's signature to determine the full name of the individual to index.

(6) A county recorder may not index the following titles:

(a) courtesy title such as "Ms." or "Dr.";

(b) honorary title such as "colonel" or "honorable"; or

(c) professional title such as "MD," "PhD", or "CPA".

R255-30-303. Indexing Last Name Prefixes and Compound Names.

(1) If a surname on a document contains two or more words, the county recorder shall index the surname as it appears on the document subject to Subsection R255-30-302(2)(a).

(2) A county recorder shall index a name with a generational suffix title in the following order:

(a) last name;

(b) first name;

(c) middle name or initial, if any; and

(d) generational suffix title.

(3) If the LRMS allows it, a county recorder shall index a party's a.k.a. or an f.k.a. into the LRMS and mark the name as an a.k.a. or an f.k.a.

R255-30-304. Indexing Other Names Not On Grantor Line, Grantee Line, or Trustor Line.

(1) A county recorder shall index the following names that are printed or typed on a document accepted for recording:

(a) under Subsection 17-71-302(1)(b), the name of each grantor who:

(i) is listed in the grantor line;

(ii) is listed in the grantor signature block; and

(iii) signs in the grantor signature block;

(b) under Subsection 17-71-302(1)(c), the name of each grantee who:

(i) is listed in the grantee line;

(ii) is listed in the grantee signature block if provided; and

NOTICES OF PROPOSED RULES

- (iii) signs in the grantee signature block if provided; and
- (c) the name of each trustor in a deed of trust who:
 - (i) is listed in the trustor line;
 - (ii) is listed in the trustor signature block; and
 - (iii) signs in the trustor signature block.
- (2) A county recorder may not index the name of an individual, entity, or trust if the name does not meet the requirements of Subsection R255-30-304(1)(a)(i), (1)(b)(i), or (1)(c)(i) even if that individual, entity, or trust has an interest in property listed in a document presented for recording.

R255-30-305. Indexing Misspelled or Unclear Names.

- (1) If a word is misspelled in the original document, the county recorder shall:
 - (a) index information exactly as it is printed or typed on the document; and
 - (b) if the LRMS allows it, include a note that the misspelling is in the original document such as:
 - (i) the word "sic" surrounded by brackets;
 - (ii) "the document was indexed as presented";
 - (iii) "a specific word is misspelled in the original document as presented"; or
 - (iv) "spelling index is as written on the document".
- (2) If the spelling of a word is unclear in the original document, the county recorder shall:
 - (a) include a note in the LRMS that the spelling is unclear in the original document; and
 - (b) index the correct name under Section R255-30-501.

R255-30-306. Tax Identification Number (TIN) on a Recorded Document.

- (1) Under Subsection 17-71-402(5)(b)(ii), a TIN may be placed:
 - (a) on the front of the document; or
 - (b) in a conspicuous place near the description such as in the margins of the document.
- (2) Where possible, the PIN shall be entered into the LRMS.
- (3) Where a document contains multiple properties with a legal description:
 - (a) the properties may be listed in sequential order;
 - (b) the applicable TIN for each description may be:
 - (i) listed in the document in the same sequential order as the descriptions are listed on the document; or
 - (ii) placed near the corresponding legal description in the document; and
 - (c) a range of TIN in the same sequential order may be used.

R255-30-307. Recording a Document -- Tax Identification Number (TIN) Change.

- (1) If a document presented for recording includes a new description that creates a parcel division or combines two or more parcels, the county recorder may:
 - (a) assign a new TIN to each new parcel;
 - (b) use a new TIN under Subsection R255-30-307(1)(a) when possible except under Subsection R255-30-307(2); and
 - (c) include additional wording to the TIN indicating a change to the parcel's size or shape as follows:
 - (i) if the document divides a parcel into two or more new parcels, language indicating that the new parcel was previously part of a specifically identified larger parcel such as "part of parcel X"; and
 - (ii) if the document combines two or more parcels, language specifying the TIN of each parcel being combined.
- (2) A county recorder may accept a document that contains the previous legal description of a parcel if the document was created before the TIN changed.

R255-30-308. Recording a Document -- Blended Notary Methods.

A county recorder may accept a document signed using blended notary if it meets the requirements of Section 46-1-3.6 and the following:

- (1) for a document with a wet ink signature and a RON signature:
 - (a) the document started as a paper copy;
 - (b) a wet ink signature was applied to the paper document;
 - (c) the paper document was properly notarized;
 - (d) the paper copy was then converted into an electronic form; and
 - (e) the electronic form has a RON signature and RON notary acknowledgment for each additional signature; or
- (2) for a document with a wet ink signature and a RON signature where counterparts were used:
 - (a) each paper copy counterpart has a wet signature and was properly notarized;
 - (b) each party signing electronically submits the party's RON signature and RON notarization;
 - (c) if there is more than one counterpart, the word "counterpart" is located at the top of the front page on the second and any subsequent counterpart;
 - (d) each of the signed counterpart signature documents match exactly; and
 - (e) each of the signed paper copy counterpart documents have been combined into one complete electronic document with each electronic RON counterpart.

R255-30-309. Real Property Held in Trust.

(1) A county recorder may accept a document presented for recording of real property conveyed to a person as trustee of a trust if the document meets the requirements of Subsection 75B-2-816(3).

(2) When recording a document that conveys real property to a person as trustee of a trust, a county recorder:

(a) shall enter the name of each trustee as record title holder; and

(b) for convenience, may show the name of the trust as owner in lieu of the name of the trustee or co-trustees on the county's:

(i) ownership plat records using the trust name only as a visual representation; and

(ii) tax role and index indicating 0% interest in the property.

(3) Under Section 75B-2-704 and subject to Section 75B-2-703, a county recorder may accept an affidavit to fill a vacancy of a trustee in a record title if:

(a) the trustee:

(i) vacated the trust; or

(ii) did not directly sign out of the trust;

(b) there is no appointment of successor; and

(c) the affidavit of vacancy includes the following:

(i) declaration of vacancy;

(ii) declaration of the fulfillment of the terms of the trust agreement;

(iii) full name of the trust;

(iv) full date of the trust;

(v) legal description of the real property affected;

(vi) name of trustee being removed from record title;

(vii) declaration of reason for vacating trusteeship;

(viii) declaration that the terms of trust agreement relating to vacancy have been satisfied and may cite the specific trust provision governing the vacancy;

(ix) if the vacancy occurred because the trustee has died, a copy of the trustee's death certificate or other government-issued document under Section 75-1-107; and

(x) an acknowledgement that the successor trustee has assumed their rights and responsibilities under the terms of the trust.

(4)(a) If a trust agreement specifically allows a trustee to be designated as a signatory to act independently from another co-trustee, a county recorder shall require an affidavit declaring the designation according to the terms of the trust.

(b) The affidavit declaring the designation shall include the following:

(i) a statement that:

(A) if the trust agreement allows a single trustee to sign independently from co-trustees, a single trustee may declare designation under the terms of the trust; or

(B) each co-trustee on record title designates and authorizes a specific trustee to sign independently;

(ii) full name of the trust;

(iii) full date of the trust;

(iv) legal description of the real property affected;

(v) name of the record title trustee who is designating their signatory authority; and

(vi)(A) of the designation of their authority to a signatory; and

(B) that the terms of the trust agreement regarding the designation have been satisfied and may include a reference to the specific trust provision governing the designation.

R255-30-310. Index Corrections.

(1) If the name of a party as typed or written on more than one location on a document does not exactly match the party's signature, the county recorder shall index each name variation.

(2) If an individual submits a document to correct an error in a recorded document, a county recorder shall:

(a) index the corrected information in the LRMS when possible;

(b) mark the incorrect information in the LRMS as erroneous; and

(c) maintain the correct information and the erroneous information in the LRMS.

(3) If the LRMS allows, a county recorder shall create an additional index entry in the LRMS to index the corrected information and add the following information in the private comments or notes section of the additional entry:

(a) the reason for the change;

(b) the date the change was made; and

(c) where the change was made.

(4) A county recorder shall create additional policies to ensure the index corrections in the LRMS become more consistent and accessible over time.

(5) If a county recorder discovers that information on a recorded document was erroneously entered into the LRMS through a clerical error, a county recorder shall:

(a) correct the clerical input error; and

(b) remove the erroneous information.

R255-30-311. Publicly Posting Dates for Recorded Documents.

A county recorder shall publicly post the following dates within a reasonable time after the document has been presented for recording:

- (1) the indexing date as defined in Subsection R255-30-102(13); and
- (2) the completed date as defined Subsection R255-30-102(6).

R255-30-401. Name Discrepancies -- Grantor As Individual -- Recording of Documents With Discrepancies Between Property Record Owner and the Grantor -- Signature Line -- Notary Acknowledgement or Jurat.

(1) A county recorder may accept a document presented for recording where:

(a)(i) the name of the record owner in the LRMS as the grantor is printed or typed exactly the same in the following sections of the document:

- (A) the grantor line;
- (B) the grantor signature block; and
- (C) the notary acknowledgement or jurat; or

(ii) a grantor executing the document has not signed exactly the way the grantor's name was printed or typed in the document; and

(b) a grantor's name as printed or typed by the notary on the notary acknowledgement or jurat does not exactly match the grantor's name as typed or printed in the document but substantially uses one of the following formats:

(i) "_____ (here insert grantor's name as typed or printed by notary) also known as (a.k.a.) _____ (here insert grantor's name exactly as printed or typed in the document)"; or

(ii) "_____ (here insert grantor's name as typed or printed by notary) a.k.a. _____ (here insert grantor's name exactly as printed or typed in the document)".

(2)(a) Where a grantor is an individual whose name on a document does not exactly match the name of the record holder due to a change in the grantor's name, then the county recorder may accept the document where the grantor section:

(i) exactly matches the current name of the grantor as printed or typed in the grantor signature block; and

(ii) includes:

- (A) the current name of the grantor signing;
- (B) language clarifying the record holder grantor had a name change; and
- (C) the grantor's former name.

(b) A grantor section that substantially uses one of the following formats shall satisfy the requirements of Subsection R255-30-401(2)(a)(ii):

(i) "_____ (here insert grantor's current name), grantor, formerly known as _____ (here insert grantor's former name)"; or

(ii) "_____ (here insert grantor's current name), grantor, f.k.a. _____ (here insert grantor's former name)".

(3)(a) Where a grantor is an individual whose name on a document does not exactly match the name of the record holder due to a minor error in a previous document, then the county recorder may accept the document where the grantor section:

(i) exactly matches the correct name of the grantor as printed or typed in the grantor signature block; and

(ii) includes:

- (A) the correct name of the grantor signing;
- (B) language clarifying that the record holder grantor acquired title under an erroneous name in a previous document; and
- (C) the erroneous name of the grantor in the previous document.

(b) A grantor section that substantially uses one of the following formats shall satisfy the requirements of Subsection R255-30-401(3)(a)(ii):

(i) "_____, (here insert grantor's correct name), grantor, who acquired title as _____ (here insert grantor's name as it erroneously appeared in the previous document)"; or

(ii) "_____, (here insert grantor's correct name), grantor, who erroneously acquired title as _____ (here insert grantor's name as it erroneously appeared in the previous document)".

R255-30-402. Name Discrepancies -- Grantor is Entity -- Recording of Documents With Discrepancies Between Property Record Owner and the Grantor -- Signature Line -- Notary Acknowledgement or Jurat.

(1) A county recorder may accept a document presented for recording where the name of the entity as record owner in the LRMS is printed or typed exactly the same in the following sections of the document:

- (a) the grantor line;
- (b) the grantor signature block that also includes:
 - (i) the name of the entity's authorized representative; and
 - (ii) the authorized representative's title within the entity; and
- (c) the notary acknowledgement or jurat.

(2)(a) Where a grantor is an entity whose name on a document does not exactly match the name of the record holder entity due to a minor error in a previous document, then the county recorder may accept the document where the grantor section:

(i) exactly matches the name of the correct grantor entity as printed or typed in the grantor signature block; and

(ii) includes:

- (A) the correct name of the grantor entity;
- (B) language clarifying the correct grantor entity acquired title under an erroneous name in a previous document; and
- (C) the erroneous name of the grantor entity on the previous document.

(b) A grantor entity section that substantially uses one of the following formats shall satisfy the requirements of Subsection R255-30-402(2)(a)(ii):

(i) "_____ (here insert grantor entity's correct name), grantor, that acquired title as _____ (here insert grantor entity's name as it erroneously appeared in the previous document)"; or

(ii) "_____ (here insert grantor entity's correct name), grantor, that erroneously acquired title as _____ (here insert grantor entity's name as it erroneously appeared in the previous document)".

(3)(a) Where the grantor is an entity whose name on a document does not exactly match the name of the record holder due to a name change, merger, acquisition, or conversion, the county recorder may accept the document where the grantor section:

(i) exactly matches the name of the grantor entity as printed or typed in the grantor signature block; and

(ii) includes:

(A) the current name of the grantor entity; and

(B) language clarifying that the current entity acquired title due to a name change, merger, acquisition, or conversion.

(b) A grantor entity section that substantially uses one of the following formats shall satisfy the requirements of Subsection R255-30-402(2)(a)(ii):

(i) for a name change:

(A) "_____ (here insert grantor entity's current name), grantor, formerly known as _____ (here insert grantor entity's record holder name)"; or

(B) "_____ (here insert grantor entity's current name), grantor, f.k.a. _____ (here insert grantor entity's record holder name)";

(ii) for a merger:

"_____ (here insert grantor entity's current name), grantor, by merger of _____ (here insert grantor entity's record holder name)";

(iii) for an acquisition:

"_____ (here insert grantor entity's current name), grantor, by acquisition of _____ (here insert grantor entity's record holder name)"; or

(iv) for a conversion:

"_____ (here insert grantor entity's current name), grantor, by conversion of _____ (here insert grantor entity's record holder name)".

R255-30-403. Name Discrepancies -- Grantor is Trust -- Recording of Documents With Discrepancies Between Property Record Owner and the Grantor -- Signature Line -- Notary Acknowledgement or Jurat.

(1) A county recorder may accept a document presented for recording where:

(a) the name of each trustee, the name of the trust, and the date of the trust exactly match in the following sections of the document:

(i) as record owner;

(ii) as trustee; and

(iii) in the notary acknowledgement or jurat; and

(b) meets one of the following requirements:

(i) the notary printed or typed the name of executing party trustee on the notary acknowledgement or jurat in a way that does not exactly match the party's name as printed or typed in the document but substantially uses one of the following formats:

(A) "_____ (here insert name of the executing party trustee as printed or typed by notary) also known as _____ (here insert name of executing party trustee exactly as printed or typed in the document), Trustee of the _____ (here insert name of trust) Trust, dated _____ (here insert trust's execution date)"; or

(B) "_____ (here insert name of the executing party trustee as printed or typed by notary) a.k.a. _____ (here insert name of executing party trustee exactly as printed or typed in the document), Trustee of the _____ (here insert name of trust) Trust, dated _____ (here insert trust's execution date)"; or

(ii) an executing party trustee has not signed exactly the way the party's name is printed or typed in the document if the party presents satisfactory evidence of identity.

(2)(a) Where the grantor is a trust and the name of a trustee does not exactly match the name of the trustee of record due to a change in the trustee's name, the county recorder may accept the document where the current or correct name of the trustee:

(i) exactly matches the name of the trustee as printed or typed in the grantor signature block; and

(ii) includes:

(A) language clarifying that the trustee of record had a name change; and

(B) the trustee's former name.

(b) A grantor section that is substantially written in one of the following formats shall satisfy the requirements of Subsection R255-30-403(2)(a)(ii):

(i) "_____ (here insert trustee's current name), formerly known as _____ (here insert trustee's former name), Trustee of the _____ (here insert trust name) Trust, dated _____ (here insert trust's execution date)"; or

(ii) "_____ (here insert trustee's current name), f.k.a. _____ (here insert trustee's former name), Trustee of the _____ (here insert trust name) Trust, dated _____ (here insert trust's execution date)".

(3)(a) Where the grantor is a trust and the name of a trustee does not exactly match the name of the trustee of record due to an error in the trustee's name in a previous document, the county recorder may accept the document where the current or correct name of the trustee:

(i) exactly matches the name of the trustee as printed or typed in the grantor signature block; and

(ii) includes:

(A) language clarifying that there was an error of the trustee's name in a previous document; and

NOTICES OF PROPOSED RULES

- _____ (B) the trustee's former name.
- (b) A grantor section that is substantially written in one of the following formats shall satisfy the requirements of Subsection R255-30-403(3)(a)(ii):
- (i) " _____ (here insert trustee's correct name), who acquired title as _____ (here insert trustee's erroneous name on the previous document), Trustee of the _____ (here insert trust name) Trust, dated _____ (here insert trust's execution date)"; or
- (ii) " _____ (here insert trustee's correct name), who erroneously acquired title as _____ (here insert trustee's erroneous name on the previous document), Trustee of the _____ (here insert trust name) Trust, dated _____ (here insert trust's execution date)".
- (4) Under Subsection 75B-2-814(3)(c), if the trust of record document is missing the date the trust was executed and the conveying document of record was recorded:
- (a) on or before May 11, 2010, then the county recorder may accept the document; or
- (b) after May 11, 2010, the county recorder shall reject the document and leave the grantor as the record owner on the document.
- (5)(a) Where the grantor is a trust, the document may include an additional date for an amendment or restatement in the grantor section, grantor signature block, or notary section of the document.
- (b) A document that substantially uses one of the following formats shall satisfy Subsection R255-30-403(5)(a):
- (i) where the trust has been amended:
- " _____ (here insert trustee's name) Trustee of the (here insert trust's name) Trust, dated _____ (here insert date of trust), amended (here insert date trust was amended)"; or
- (ii) where the trust has been restated:
- " _____ (here insert trustee's name) Trustee of the (here insert trust's name) Trust, dated _____ (here insert date of trust), restated (here insert date trust was restated)".

R255-30-501. Affidavit of Correction.

- (1) Under Subsections 57-3-106(9) and (10) and subject to Section 17-71-402, a county recorder shall accept an affidavit of correction submitted to correct minor typographical error or clerical error in a recorded document that meets the requirements of this section.
- (2) The affidavit of correction shall include a reference to:
- (a) the original recorded document; and
- (b) the original recorded document's recording information including:
- (i) the recording date; and
- (ii) one of the following:
- (A) book and page number; or
- (B) entry number.
- (3) A county recorder shall accept an affidavit to correct a minor error including an affidavit to correct:
- (a) a date of trust that is:
- (i) incorrect; or
- (ii) omitted;
- (b) an error between the name of a grantor and the name of the record owner where there is:
- (i) a misspelling of a name;
- (ii) a conflict with an initial; or
- (iii) another minor conflict;
- (c) an error in one of the following legal descriptions:
- (i) an amended subdivision was not indicated;
- (ii) a duplicate call in legal description;
- (iii) a conflict between an Arabic and a Roman numeral;
- (iv) a directional call, such as north, south, east, or west;
- (v) a bearing;
- (vi) a distance back to the point of beginning (POB); or
- (vii) subject to Subsection R255-30-501(4):
- (A) a lot;
- (B) a phase; or
- (C) a misspelling of a subdivision name except that it may not change the entire subdivision name;
- (d) a notary acknowledgement or jurat for a document that contains a minor error including:
- (i) an error in the notary date;
- (ii) a misspelling of a signer's name subject to Subsection 57-3-106(10); or
- (iii) a missing initial;
- (e) an error in section, township, or range where the remaining legal description matches the record legal description; or
- (f) an error in a call establishing the point of beginning where the remaining legal description matches the record legal description.
- (4)(a) A county recorder shall accept an affidavit to correct a legal description error in the name of the lot or phase, or a misspelling of the subdivision name where:
- (i) the intent is clear as to the correct legal description such as:
- (A) the correct lot number; and
- (B) the grantor did not own the lot that was described on the erroneous deed; and
- (ii) in addition to the requirements of Subsection R255-30-501(2), the affidavit contains:

- (A) the original description with the error; and
- (B) the correct description.
- (b) A county recorder shall abstract the affidavit of correction to each parcel description under Subsection R255-30-501(4)(a)(ii).
- (5) A county recorder may accept an affidavit to correct an error in a section, township, or range that has an error in a call establishing the point of beginning where:
 - (a) the remaining legal description matches the record legal description; and
 - (b) the intent is clear as to the correct legal description as evidenced by the following:
 - (i) the correct TIN was listed on the document; and
 - (ii) the grantor only owned the land described with the correct point of beginning.
- (6) A county recorder may accept an affidavit to correct an error in a point of beginning that has an error in a call establishing the point of beginning where:
 - (a) the remaining legal description matches the record legal description; and
 - (b) the intent is clear as to the correct legal description:
 - (i) the correct TIN was listed on the document; and
 - (ii) the grantor only owned the land described with the correct point of beginning.
- (7) Under Subsection 57-3-106(10), a county recorder may not accept an affidavit of correction to correct the following:
 - (a) the name of a grantee under Subsection 57-3-106(10)(a)(i) including:
 - (i) an error in the grantee's name including an omission of a trustee's name; or
 - (ii) grantee tenancy;
 - (b) the name of a grantor:
 - (i) for an error in the grantor's name including changing from:
 - (A) an individual to a trustee; or
 - (B) a trustee to an individual;
 - (ii) to change the grantor's entire name; or
 - (iii) to add a grantor name;
 - (c) the full name of a subdivision;
 - (d) wrong trust listed on document; or
 - (e) for a legal description:
 - (i) where at least two of the following are missing or omitted:
 - (A) section;
 - (B) township; or
 - (C) range;
 - (ii) where a call to arrive at point of beginning was omitted; or
 - (iii) where no point of beginning was established.

R255-30-502. Redaction of a Recorded Document.

- (1) After a document is recorded and is part of the official record, the county recorder may redact information in the document in accordance with this section.
- (2) Under Section 17-71-406, an individual may request that certain personal information be redacted or shielded from public view.

KEY: county recorder standards, county recorder standards board

Date of Last Change: 2026

Authorizing, and Implemented or Interpreted Law: 63C-30-101; 63C-30-202; 17-71-306; 17-71-301

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R277-102	Filing ID: 57894

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:
R277-102. Adjudicative Proceedings
4. Purpose of the new rule or reason for the change:
The rule amendments are needed to provide clarity to the process on who should be involved with appeals to the Utah State Board of Education (Board) and timelines for conducting the process.
5. Summary of the new rule or change:
The amendments add additional clarity to the definition of "Presiding officer". The amendments also clarify the requirements for adjudicative proceedings subject to the Utah Administrative Procedures Act (UAPA) as well as, the requirements for adjudicative proceedings not subject to UAPA.

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 to Rule R277-102 primarily formalize internal administrative procedures and clarify the roles of existing personnel during adjudicative proceedings. Specifically, the additions in Subsections R277-102-3(6) (screening for conflicts of interest) and R277-102-3(13) (prohibiting public discussion of recommendations until the Board meeting) are procedural shifts that do not require additional staff, new technology, or increased operational funding. The change in Subsection R277-102-4(3)(b)(ii) setting a 90-day deadline for a final administrative determination formalizes an existing expectation for timely reviews. Because these tasks are handled by current Board staff and Board members within their existing duties, there is no fiscal impact on the state budget.
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. This rule governs the Board's internal processes for adjudicative proceedings. While a Local Education Agency (LEA) may be a party to such a proceeding, the amendments do not impose new filing fees, mandatory reporting requirements, or additional compliance steps that would necessitate local expenditures. The clarification of timelines and conflict screening processes provides procedural clarity but does not shift any fiscal burden to local school districts or charter schools.
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 only impacts the Board and LEAs.

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 category includes individual educators or members of the public who may seek agency action. The changes to this rule are designed to ensure a fair and timely process (e.g., the 90-day window in Section R277-102-4 and conflict screening in Section R277-102-3). These are procedural protections that do not require the individual to incur new expenses.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

Compliance costs for an individual entity (such as a single educator or a specific person seeking review) remain unchanged.

The new language in Subsection R277-102-3(13) regarding public discussion of hearings applies to the presiding officer and panel members, not the affected persons.

The 90-day timeline for documentary review provides a standard for the Board's response rather than a cost for any 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					
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
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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:		
Utah Constitution, Article X, Section 3	Section 63G-4	Subsection 53E-3-401(4)

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:	06/01/2026
10. This rule change MAY become effective on:	06/08/2026
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:	Elisse Newey, Deputy Superintendent of Policy	Date:	04/15/2026
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R277. Education, Administration.

R277-102. Adjudicative Proceedings.

R277-102-1. Authority and Purpose.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests the general control and supervision of public education in the Board[7];
 - (b) Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its duties and responsibilities under the Utah Constitution and state law; and
 - (c) Subsection 63G-4-102(6) which allows agencies to make rules regarding adjudicative proceedings in matters subject to UAPA.
- (2) The purpose of this rule is:
 - (a) to specify how to conduct adjudicative proceedings in matters subject to UAPA;
 - (b) to provide for review of Board actions where no opportunity for administrative review is provided by law and where there is a compelling reason for administrative review to fully and fairly facilitate the Board's decision-making process; and
 - (c) to identify procedures the Board may apply when administrative review of a Board action is provided for by a law other than UAPA and the applicable law fails to identify procedures to be followed for the administrative review.
- (3) This rule does not apply to actions for which separate adjudicative procedures are specifically provided for in statute, rule, or negotiated agreement.
- (4) Nothing in this rule creates an independent basis for or requirement that the Board review a final Board action.

R277-102-2. Definitions.

- (1) "Agency head" means the Board Chair.
- (2) "Default" means the failure of a party to an administrative proceeding to meet the requirements or timelines of the proceeding.
- (3) "Person" has the same meaning as set forth in Subsection 63G-4-103(1)(g).
- (4)(a) "Presiding officer" has the same meaning as set forth in Subsection 63G-4-103(1)(h).
- (b) The Board chair may designate an attorney who works for the Board or an Assistant Attorney General assigned to the Board to act as a presiding officer.
- (5) "Utah Administrative Procedures Act" or "UAPA" means Title 63G, Chapter 4, Administrative Procedures Act.

R277-102-3. Adjudicative Proceedings Subject to UAPA.

- (1) The Board shall conduct all requests for agency action as informal adjudicative proceedings under UAPA unless another statute or rule specifically designates the proceedings as formal.
- (2) The presiding officer designated for a proceeding may convert an informal proceeding to a formal proceeding and vice versa as provided under Subsection 63G-4-202(3).
- (3) A person seeking review of a Board action shall:
 - (a) submit a signed request for agency action in writing to the Board's secretary, which includes the information identified in Subsection 63G-4-201(3)(a);
 - (b) mail a copy of the request to each person known to have a direct interest in the request; and
 - (c) if no timeline is provided, submit the request for agency action within 30 days of the action subject to review.
- (4) The agency head shall promptly review the request for agency action and shall notify the requesting party within 30 days in writing that:
 - (a) the request is granted and that the adjudicative proceeding is completed;
 - (b) the request requires further consideration, and an informal adjudicative proceeding will be conducted to review the matter; or
 - (c) the request requires further consideration and, if expressly required by law, a formal adjudicative proceeding will be conducted to review the matter.

(5) If the agency head determines a hearing will be held, whether formal or informal, the agency head:

(a) shall designate a presiding officer for the hearing; and

(b) may designate a hearing panel, consisting of the presiding officer and three Board members, to hear the evidence and make recommendations to the full Board.

(6) The agency head shall screen for conflicts of interest in making appointments under Subsection (5).

~~(6)7~~(a) The presiding officer shall:

(i) chair the proceeding and make rulings on motions and evidentiary issues; and

(ii) if no panel is appointed, shall make all findings of fact, conclusions of law, and recommendations to the Board based on a preponderance of the evidence.

(b) If the agency head designates a hearing panel, the Board members on the hearing panel shall make all findings of fact, conclusions of law, and recommendations to the Board based upon a preponderance of the evidence.

~~(7)8~~(a) The Superintendent shall make appropriate arrangements for an informal adjudicative proceeding including:

(i) determining the date of the hearing;

(ii) designating the hearing location and other necessary information; and

(iii) on a case by case basis, determine if an informal adjudicative proceeding may be held electronically.

(b) The Superintendent shall maintain a record of all aspects of an informal adjudicative proceeding.

(c) The Superintendent may delegate the hearing arrangements and procedures to the presiding officer.

~~(8)9~~(a) The presiding officer shall establish timelines for the hearing and shall determine if a hearing is open or closed to the public consistent with the law.

(b) If the agency head determines that adjudicative proceedings are required, the presiding officer shall conduct a hearing within 90 days of receiving the request for agency action, unless the parties stipulate to a longer time period or the presiding officer grants a motion for a longer time period for good cause.

~~(9)10~~(a) If the agency head determines the Board is legally required to provide a formal adjudicative proceeding or the presiding officer designates a proceeding as formal, the presiding officer shall conduct the proceedings in accordance with Sections 63G-4-204 through 63G-4-208.

(b) The presiding officer shall prescribe the means of discovery at the request of the parties to the extent necessary to allow all parties access to relevant evidence.

~~(10)11~~(a) For both informal and formal adjudicative proceedings, the presiding officer shall have discretion in managing and making procedural and evidentiary decisions throughout the hearing process.

(b) In ruling on matters raised by the parties, the presiding officer may consider, but is not bound by, the Utah Rules of Evidence and the Utah Rules of Civil Procedure.

~~(11)12~~(a) A presiding officer designated for a formal or informal adjudicative proceeding may recommend a default to the Board consistent with deadlines set by the presiding officer and ~~the provisions of~~ Section 63G-4-209.

(b) A party in default may seek to have a default set aside consistent with Subsection 63G-4-209(3) and deadlines set by the presiding officer.

(13) The presiding officer and members of the panel may not discuss the hearing publicly until the Board discusses the panel recommendation in Board meeting.

~~(12)14~~ The presiding officer shall submit a written hearing report formalizing the hearing recommendation, to the Board and the parties, including findings of fact, conclusions of law, and recommended action for all informal and formal adjudicative proceedings within 20 calendar days of the conclusion of the hearing.

~~(13)15~~ The Board shall consider the recommendation submitted under Subsection (~~12~~14) and within a reasonable time shall:

(a) approve the recommendation under Subsection (~~12~~14); or

(b) issue an alternate written determination and action based on the findings of fact made in the hearing report, if the Board disagrees with the proposed outcome in the hearing report.

~~(14)16~~ The Board's decision is the final administrative decision on the issue, subject to a request for reconsideration applying the procedures of Section 63G-4-302.

~~(15)17~~ The Superintendent shall respond to any request for reconsideration in accordance with Subsection 63G-4-302(3).

R277-102-4. Adjudicative Proceedings Not Subject to UAPA.

(1) A person seeking review of a Board action not covered by UAPA shall submit a written request for review of agency action to the secretary of the Board in the same manner provided in Subsection[s] R277-102-3(3).

(2) The agency head shall review the request for agency action in a timely manner and notify the requesting ~~the~~ party within 30 days in writing:

(a) if the request is insufficient or untimely, that the request for review is denied; or

(b) if the request is sufficient and timely, that the Board will review the matter and which method the Board will ~~employ~~ use to conduct the review and make a final determination.

(3)(a) If a hearing is not expressly required by law, the Board may review a request for agency action under this Section R277-102-4 through a documentary review, including consideration of written information submitted by each of the parties.

(b) If the Board conducts a documentary review:

(i) the agency head will establish deadlines for document submission; and

(ii) the full Board will consider all documents submitted and issue a final administrative determination ~~in writing in a timely manner~~ within 90 days of the request for agency action.

NOTICES OF PROPOSED RULES

(4) If a hearing is expressly provided for by law or the agency head determines the matter will best be determined by ~~means of~~ a hearing, the agency head shall provide for an informal adjudicative proceeding as outlined in Section R277-102-3, except that provisions for reconsideration do not apply under this Section R277-102-4.

(5) In a request under this Section R277-102-4, a party may be found in default by the Board consistent with deadlines set by the agency head or the presiding officer.

KEY: administrative procedures, rules and procedures

Date of Last Change: 2026[April 8, 2021]

Authorizing, and Implemented or Interpreted Law: 63G-4; 53E-3-401(4); Art X Sec 3

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R277-309	Filing ID: 57895

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:	
R277-309. Appropriate Licensing and Assignment of Teachers	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	HB 374 (2026 General Session)
4. Purpose of the new rule or reason for the change:	
The rule amendments are needed to clarify provisions regarding Local Education Agency (LEA) hiring practices and update requirements for licensed educators in public schools.	
Additional amendments are necessary due to the passage of HB 374 (2026).	
5. Summary of the new rule or change:	
The amendments specifically update the license areas of concentration, and endorsement requirements for educators working with pre-school aged students who have disabilities or are hard of hearing.	
In addition, the amendments update the provisions on licensure for speech language pathologists and audiologists, due to the passage of HB 374 (2026).	

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 to Rule R277-309 adjust the flexibility of educator assignments and clarify licensing requirements for specific roles (e.g., Career and Technical Education (CTE), social workers, and deaf education).

These changes are regulatory and do not require the Utah State Board of Education (USBE) to hire additional staff, develop new software, or increase its operating budget.

The monitoring of educator assignments is handled through existing data systems (Comprehensive Administration of Credentials for Teachers in Utah Schools or CACTUS) and current licensing staff. Therefore, there are no incremental costs or savings to the state budget.

B. Local governments:

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

The addition of Subsection R277-309-4(21) provides significant fiscal and operational flexibility to LEAs.

This "25% rule" allows an educator to teach a secondary class for which they do not hold an endorsement for up to one-fourth of their assignment, provided the LEA deems them qualified.

1. **Reduced Recruitment Costs:** LEAs may avoid the costs associated with recruiting and hiring adjunct or part-time teachers for "single-section" courses where a current staff member can now fill the gap.

2. **Special Education Efficiency:** The removal of Subsection R277-309-4(10)(b), which previously required special education teachers who were "teachers of record" for secondary math to hold a specific math endorsement, removes a barrier to staffing. LEAs can now utilize existing special education staff more efficiently without the cost of additional endorsement training or dual-certification stipends.

Because these savings depend on individual LEA staffing needs and vary by year, a specific dollar amount cannot be estimated; however, the impact is a net reduction in administrative and staffing hurdles.

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 licensing and assignment requirements for educators within the public K-12 system. Private entities and small businesses do not employ educators under these specific administrative rules. Therefore, there is no fiscal impact 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.

The primary affected class consists of individual educators.

1. **Professional Development Savings:** Educators who were previously required to obtain a specific secondary mathematics endorsement to teach special education students (under the now-stricken 10b) will save the costs of tuition, testing fees (Praxis), and time associated with obtaining that endorsement.

2. **Licensing Flexibility:** The update in Subsection R277-309-4(20) allows social workers, speech-language pathologists, and audiologists to work in an LEA with a Division of Professional Licensing (DOPL) license alone.

This removes the potential cost and burden of maintaining a separate USBE educator license area for those already licensed by the state professional division.

While these savings are beneficial to the individual, they are highly variable based on the individual's career path, making a specific aggregate dollar amount impossible to calculate.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

There are no new compliance costs introduced by these changes.

Conversely, the "25% rule" and the removal of the secondary math endorsement requirement for special education teachers reduce the compliance burden.

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
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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:

Utah Constitution, Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53E-6-201(2)(a)
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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:	06/01/2026
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10. This rule change MAY become effective on:	06/08/2026
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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

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	04/15/2026
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R277. Education, Administration.**R277-309. Appropriate Licensing and Assignment of Teachers.****R277-309-1. Authority and Purpose.**

- (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(2)(a), which authorizes the Board to rank, endorse, or classify licenses.
- (2) The purpose of this rule is to provide criteria for:
- (a) local school boards to employ educators in appropriate assignments;
 - (b) the Board to provide state funding to local school boards for appropriately qualified and assigned staff; and
 - (c) the Board and local school boards to satisfy the requirements of ESEA for local school boards to receive federal funds.

R277-309-2. Definitions.

- (1) "Co-teaching" means the instructional arrangement in which a general education teacher and a special education teacher deliver core instruction along with specialized instruction, as needed, to a diverse group of students in a single instructional space or class.
- (2) "Content specialist" means a licensed educator who provides instruction or specialized support for students and teachers in a school setting.
- (3) "Educator license" means an associate, professional, or LEA-specific license issued by the Superintendent under Rule R277-301.
- (4) "Elementary setting" means an instructional model where students typically have a single class with a single teacher primarily responsible for instruction in all core standards established in Rule R277-700.
- (5) "License areas of concentration" has the same meaning as described in Section R277-301-2, including elementary education, secondary education, special education, and career and technical education.
- (6) "License endorsement" or "endorsement" has the same meaning as described in Section R277-301-2, including special education mild[~~F~~] or moderate, special education severe disabilities, mathematics, English language arts, and dance.
- (7) "Secondary setting" means an instructional model where students typically rotate among classes taught by multiple teachers that are considered subject matter experts, primarily responsible for instruction in the core standards in an area as established by the Board in Rule R277-700.

R277-309-3. Required Licensing.

- (1) All teachers in public schools shall hold a current educator license along with appropriate license areas of concentration and endorsements that is not suspended or revoked by the Board under Section 53E-6-604.
- (2) An LEA shall receive assistance from the Superintendent to the extent of resources available to have all teachers hold a professional license, license area, and endorsement in all areas in which the teacher is assigned.
- (3) An LEA shall only hire a teacher who:
- (a) holds a current educator license; or
 - (b)(i) submitted an application for licensure to the Superintendent; and
 - (ii) is in the process of becoming fully licensed and endorsed within 60 days of assignment.
- (4) In accordance with Section 53E-3-401, if an LEA hires an educator without appropriate licensure, the Superintendent may recommend that the Board withhold the following until the LEA's educators are appropriately licensed:
- (a) LEA salary supplement funds under Section 53F-2-405 and Rule R277-110; and
 - (b) ~~Educator quality funds under Subsection 53F-2-305(2) and Rule R277-486.~~ teaching supplies and materials under Subsection 53F-2-527(2).

R277-309-4. Appropriate Licenses, License Areas of Concentration, and Endorsements.

- (1) An educator assigned to teach a class in kindergarten through grade 3 shall hold a current educator license with:
- (a) an early childhood license area of concentration;
 - (b) an elementary license area of concentration; or
 - (c) for an educator assigned to teach a class composed of deaf and hard of hearing students, a deaf education license area of concentration.
- (2) An educator assigned to teach a class in grade 4 through grade 8 in an elementary setting shall hold a current educator license with:
- (a) an elementary license area of concentration; or
 - (b) for an educator assigned to teach a class composed of deaf and hard of hearing students, a deaf education license area of concentration.
- (3) An elementary content specialist in Fine Arts or Physical Education shall hold a current educator license with an elementary or secondary license area of concentration with the appropriate K-12 endorsement.

NOTICES OF PROPOSED RULES

(4) An elementary content specialist in reading or English as a Second Language shall hold a current educator license with an elementary or secondary license area of concentration with the appropriate endorsement.

(5) An elementary content specialist in any content area not listed in Subsections (3) and (4) shall hold a current educator license with an elementary, secondary, special education, or deaf education license area of concentration.

(6) An educator assigned to teach a class in grade 6 in a secondary setting shall hold a current educator license with:

(a) an elementary license area of concentration;

(b) a secondary license area of concentration with the appropriate endorsement for all assigned courses; or

(c) for an educator assigned to teach a class composed of deaf and hard of hearing students, a deaf education license area of concentration.

(7) An educator assigned to teach a class in grade 7 or grade 8 in a secondary setting shall hold a current educator license with:

(a) an elementary or secondary license area of concentration with the appropriate endorsement for all assigned courses; or

(b) for an educator assigned to teach a career and technical education class, a secondary or a career and technical education license area of concentration with:

(i) the appropriate endorsement; or

(ii) at least three years of related occupational experience with the relevant career cluster; or

(b)c for an educator assigned to teach deaf and hard of hearing students, a deaf education license area of concentration with the appropriate endorsement for all assigned courses.

(8) An educator assigned to teach a class in grade 9 through grade 12 shall hold a current educator license with:

(a) a secondary or a career and technical education license area of concentration with the appropriate endorsement for all assigned courses;~~[or]~~

(b) for an educator assigned to teach a career and technical education class, a secondary or a career and technical education license area of concentration with:

(i) the appropriate endorsement; or

(ii) at least three years of related occupational experience with the relevant career cluster; or

(b)c for an educator assigned to teach deaf and hard of hearing students, a deaf education license area of concentration with the appropriate endorsement for all assigned courses.

(9) A general education teacher in a co-teaching setting shall hold:

(a) a current educator license;

(b) an appropriate license area of concentration; and

(c) an endorsement appropriate for the course.

(10)(a) An educator assigned to serve or teach a class of students with disabilities shall hold a current educator license with a special education license area of concentration and special education endorsement.~~[and~~

~~(b) If an educator is the teacher of record of secondary mathematics for students with disabilities, the educator shall also hold the appropriate endorsement for the course, unless in a co-teaching setting with a general educator who is properly licensed and endorsed.]~~

(e)b A special education teacher in a co-teaching setting shall hold a special education license area of concentration and special education endorsement.

(11) An educator assigned to serve preschool-aged students with disabilities shall hold a current educator license with a preschool special education license area of concentration and the appropriate endorsement.

(12) An educator assigned to serve preschool-aged students who are deaf and hard of hearing shall hold a current educator license with:

(a) a preschool special education license area of concentration and a deaf and hard of hearing endorsement; or

(b) a deaf education license area of concentration.

~~(12)13~~ An educator assigned to serve deaf and hard of hearing students shall hold:

(a) a current educator license with a special education license area of concentration and deaf and hard of hearing endorsement; or

(b) a deaf education license area of concentration.

~~(13)14~~ An educator assigned to provide student support services as defined in Rule R277-306 shall hold a current educator license with the appropriate support service license area of concentration.

~~(14)15~~ An educator assigned as a school-based or LEA-based specialist shall hold a current educator license with the appropriate license area of concentration and endorsement as defined by the LEA.

~~(15)16~~ An educator assigned as a principal or vice principal in a school district shall hold a current educator license and a school leadership license area of concentration.

~~(16)17~~ A special education director for a charter school shall hold a current educator license with a license area of concentration in one of the following areas consistent with Section 53G-5-407:

(a) special education;

(b) preschool special education;

(c) speech language pathologist; or

(d) school psychologist.

~~(17)18~~ An educator assigned in any other position that requires an educator license, as defined by the LEA, shall hold a current educator license with the appropriate license area of concentration and endorsement as defined by the district.

~~(18)19~~ An educator assigned in an administrative position in a charter school is exempt from Subsections (14) and (15) consistent with Section 53G-5-405.

(~~19~~20) Notwithstanding Subsection R277-309-3(1), an individual may hold a school social work, speech language pathologist, or audiologist assignment in an LEA [~~without a school social worker license area of concentration~~]with an appropriate license issued by the Division of Professional Licensing.

(21) Notwithstanding the requirements of Subsections (6) through (9), an educator may be assigned to teach a class in a secondary setting for which the educator does not hold the appropriate endorsement for up to 25% of the educator's total instructional assignment, if the educator:

(a) holds a current educator license with a professional license area of concentration in:

(i) deaf education;

(ii) secondary education; or

(iii) career and technical education;

(b) is not assigned to teach driver education; and

(c) is qualified to teach the course, as determined by the LEA.

KEY: educator, license, assignment

Date of Last Change: 2026~~[August 22, 2022]~~

Notice of Continuation: June 4, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-6-201(2)(a)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or section number:

R765-119

Filing ID: 57900

Agency Information

1. Title catchline:	Higher Education (Utah Board of), Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
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

2. Rule or section catchline:
R765-119. Utah Board of Higher Education Qualifications
4. Purpose of the new rule or reason for the change:
The purpose of this filing is to repeal Rule R765-119. On 03/26/2026, the Utah Board of Higher Education voted to repeal Rule R765-119 because the provisions of this rule exist in statute in Section 53H-1-205, making this rule unnecessary.
5. Summary of the new rule or change:
This filing repeals Rule R765-119 in its entirety based on action taken by the Utah Board of Higher Education on 03/26/2026, following a determination that this rule is no longer necessary.

Fiscal Information

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

A. State budget:

The repeal of Rule R765-119 will not have any fiscal impact on the state budget.

Because this rule concerns only the qualifications for appointment to the Utah Board of Higher Education and therefore, has no impact on the state budget, the repeal of this rule will likewise have no impact on the state budget.

B. Local governments:

The repeal of Rule R765-119 will not have any fiscal impact on local governments.

Because this rule concerns only the qualifications for appointment to the Utah Board of Higher Education and therefore, has no impact on local governments, the repeal of this rule will likewise have no impact on local governments.

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

The repeal of Rule R765-119 will not have any fiscal impact on small businesses.

Because this rule concerns only the qualifications for appointment to the Utah Board of Higher Education and therefore, has no impact on small businesses, the repeal of this rule will likewise have no impact on small businesses.

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

The repeal of Rule R765-119 will not have any fiscal impact on non-small businesses.

Because this rule concerns only the qualifications for appointment to the Utah Board of Higher Education and therefore, has no impact on non-small businesses, the repeal of this rule will likewise have no 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**):

The repeal of Rule R765-119 will not have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities.

Because this rule concerns only the qualifications for appointment to the Utah Board of Higher Education and therefore, has no impact on persons other than small businesses, non-small businesses, state, or local government entities, the repeal of this rule will likewise have no impact on persons other than small businesses, non-small businesses, state, or local government entities.

F. Compliance costs for affected persons:

The repeal of Rule R765-119 does not impose any compliance costs on affected persons as there is no fiscal impact from the repeal of this rule, and as the rule itself will be entirely removed from the Utah Administrative Code.

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
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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-1-205		
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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:	06/01/2026
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10. This rule change MAY become effective on:	06/08/2026
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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

Agency head or designee and title:	Alison Adams, board Secretary and Designee	Date:	04/14/2026
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R765. Higher Education (Utah Board of), Administration.
~~[R765-119. Utah Board of Higher Education Qualifications.~~

~~**R765-119-1. Purpose.**
 This rule establishes qualifications for appointment to the Utah Board of Higher Education.~~

~~**R765-119-2. Authority.**
 This rule is authorized by Section 53B-1-405.~~

~~**R765-119-3. Definitions.**
 "Board" means Utah Board of Higher Education.~~

~~**R765-119-4. Qualifications.**
 In accordance with Section 53B-1-405, the board shall be made up of members with collective expertise and knowledge in the areas of business, industry, technical education, general education, and advanced education and research in finance, accounting, auditing, law, facilities, real estate, educational delivery models, workforce development, economic development, K-12 education, higher education, educational quality assessments, and financial aid. The board shall also have members with collective experience working with underrepresented students, first-generation college students, and underserved communities. Additionally, the board shall include members who are first-generation college students or have been members of a board of trustees, or both.~~

~~**R765-119-5. Board Composition.**
 Nominees shall be sought from different areas of expertise and representative geography.~~

~~**R765-119-6. Time Commitment.**
 Preference may be given to individuals who, along with being well-qualified, are available to devote considerable time per month to board service.~~

~~**KEY: Utah Board of Higher Education, Membership, Qualifications**
Date of Last Change: July 24, 2025
Authorizing, and Implemented or Interpreted Law: 53B-1-405]~~

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R765-256	Filing ID: 57884

Agency Information

1. Title catchline:	Higher Education (Utah Board of), Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S. 400 W.	
City, state:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
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

2. Rule or section catchline:	
R765-256. Student Disciplinary Processes	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	SB 1001 (2025 Special Session)
4. Purpose of the new rule or reason for the change:	
This filing amends Rule R765-256 based on updated Utah System of Higher Education (USHE) institutional policies incorporated into this rule.	
The revisions make minor nonsubstantive updates to the provisions for student disciplinary proceedings and student organization disciplinary proceedings for clarity.	
The changes focus on updating the list of USHE institution policies incorporated in this rule to reflect any necessary changes made to those policies since the last amendment to Rule R765-256.	
5. Summary of the new rule or change:	
The amendments to Rule R765-256 update statutory citations based on SB 1001 (2025 Special Session) and make minor nonsubstantive changes to the language of this rule, specifically clarifying minor provisions related to student disciplinary proceedings and student organization disciplinary proceedings.	
The amendments focus on updating the titles and dates of certain institutional policies incorporated in this rule and incorporate other policies that relate to student disciplinary processes at institutions of higher education within the USHE.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
The amendments to Rule R765-256 will not have any fiscal impact on the state budget.	
There is no fiscal impact on the state budget because this rule relates only to student disciplinary processes within the USHE.	
This rule contains no provisions related to funding, appropriations, or budgets.	
The changes made to this rule relate primarily to ensuring correct incorporation of various institutions' policies related to student disciplinary processes and the incorporation of those documents will have no relation to, or impact on, the state budget.	

B. Local governments:

The amendments to Rule R765-256 will not have any fiscal impact on local governments.

There is no fiscal impact on local governments because this rule relates only to student disciplinary processes within the USHE.

This rule contains no provisions related to funding, appropriations, or budgets.

The changes made to this rule relate primarily to ensuring correct incorporation of various institutions' policies related to student disciplinary processes and the incorporation of those documents will have no relation to, or impact on, local governments.

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

The amendments to Rule R765-256 will not have any fiscal impact on small businesses.

There is no fiscal impact on small businesses because this rule relates only to student disciplinary processes within the USHE.

This rule contains no provisions related to funding, appropriations, or budgets.

The changes made to this rule relate primarily to ensuring correct incorporation of various institutions' policies related to student disciplinary processes and the incorporation of those documents will have no relation to, or impact on, small businesses.

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

The amendments to Rule R765-256 will not have any fiscal impact on non-small businesses.

There is no fiscal impact on non-small businesses because this rule relates only to student disciplinary processes within the USHE.

This rule contains no provisions related to funding, appropriations, or budgets.

The changes made to this rule relate primarily to ensuring correct incorporation of various institutions' policies related to student disciplinary processes and the incorporation of those documents will have no relation to, or 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**):

The amendments to Rule R765-256 will not have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities.

There is no fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because this rule relates only to student disciplinary processes within the USHE.

This rule contains no provisions related to funding, appropriations, or budgets.

The changes made to this rule relate primarily to ensuring correct incorporation of various institutions' policies related to student disciplinary processes and the incorporation of those documents will have no relation to, or impact on, persons other than small businesses, non-small businesses, state, or local government entities.

F. Compliance costs for affected persons:

The amendments to Rule R765-256 will not impose any compliance costs on affected persons.

There are no compliance costs because this rule provides procedures for administering student disciplinary proceedings and the changes made to the provisions of this rule, which mainly focus on updating the incorporation of institutional policies related to student disciplinary processes, do not create any such compliance costs.

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
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
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
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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-7-302		
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Incorporation by Reference Information

8. Incorporation by Reference:

A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Policy 533, Title IX and Protection from Sex Discrimination and Hazing
Publisher	Bridgerland Technical College
Issue Date	December 8, 2025

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Policy 535, Nondiscrimination, Equal Opportunity, and Free Expression
Publisher	Bridgerland Technical College
Issue Date	February 10, 2026

C. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Policy 608, Student Grievance
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Publisher	Bridgerland Technical College
Issue Date	June 24, 2024

D. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Policy 609, Student Conduct
Publisher	Bridgerland Technical College
Issue Date	June 23, 2025

E. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Policy 616, Academic Progress
Publisher	Bridgerland Technical College
Issue Date	July 2, 2025

F. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Interim University Policy 2101, Discrimination Based on Protected Characteristics
Publisher	Utah State University
Issue Date	February 27, 2026

G. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Student Code of Conduct, Article V, University Regulations Regarding Student Conduct
Publisher	Utah State University
Issue Date	April 10, 2009

H. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Student Code of Conduct, Article VIII, University Regulations Regarding Hearing Boards
Publisher	Utah State University
Issue Date	April 10, 2009

I. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Interim University Policy 2102: Title IX Sexual Misconduct in an Employment or Education Program or Activity
Publisher	Utah State University
Issue Date	February 6, 2026

NOTICES OF PROPOSED RULES

J. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Interim University Policy 2103: Non-Title IX Sexual Misconduct
Publisher	Utah State University
Issue Date	February 6, 2026

K. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	PPM 6-22, Student Code
Publisher	Weber State University
Issue Date	May 16, 2023

L. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	PPM 3-32, Discrimination, Harassment, and Sexual Misconduct (including Title IX)
Publisher	Weber State University
Issue Date	July 16, 2023

M. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Policy 6-400, Student Rights and Responsibilities
Publisher	University of Utah
Issue Date	August 7, 2024

N. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Policy 6-410, Student Academic Performance, Academic Conduct, and Professional and Ethical Conduct
Publisher	University of Utah
Issue Date	August 15, 2023

O. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Rule R1-012A, Non-Discrimination Rule
Publisher	University of Utah
Issue Date	February 9, 2026

P. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Rule R1-012B, Complaint Process Rule
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Publisher	University of Utah
Issue Date	February 13, 2025

Q. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Policy 162, Title IX Sexual Harassment
Publisher	Utah Valley University
Issue Date	October 9, 2025

R. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Policy 165, Discrimination and Harassment
Publisher	Utah Valley University
Issue Date	September 25, 2025

S. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Policy 541, Student Code of Conduct
Publisher	Utah Valley University
Issue Date	March 27, 2025

T. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Policy 548, Academic Rights and Responsibilities of Healthcare and Counseling Clinical Program Students
Publisher	Utah Valley University
Issue Date	March 20, 2025

U. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Policy 613, Undergraduate Academic Standards
Publisher	Utah Valley University
Issue Date	June 16, 2011

V. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Student Rights & Responsibilities
Publisher	Snow College
Issue Date	2025-2026 Edition

NOTICES OF PROPOSED RULES

W. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Policy 11.2, Student Conduct Code
Publisher	Southern Utah University
Issue Date	December 13, 2022

X. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Code of Student Rights and Responsibilities
Publisher	Salt Lake Community College
Issue Date	April 8, 2025

Y. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Student Code of Conduct and Discipline Policy and Procedures
Publisher	Davis Technical College
Issue Date	January 12, 2026

Z. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Student Grievance Policy and Procedures
Publisher	Davis Technical College
Issue Date	September 25, 2025

AA. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Student Disciplinary Rule
Publisher	Dixie Technical College
Issue Date	September 16, 2024

BB. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Student Grievance Policy and Procedure 600.608
Publisher	Mountainland Technical College
Issue Date	March 11, 2024

CC. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Policy 530.4, Student Rights and Code of Conduct
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Publisher	Ogden-Weber Technical College
Issue Date	December 4, 2025

DD. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Policy 530.13, Student Complaints and Grievances
Publisher	Ogden-Weber Technical College
Issue Date	October 23, 2025

EE. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Policy 530.5, Student Non-Discrimination
Publisher	Ogden-Weber Technical College
Issue Date	November 15, 2017

FF. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Policy 520.8, Title IX Sexual Harassment, Sexual Violence, and Related Conduct Violations
Publisher	Ogden-Weber Technical College
Issue Date	October 2, 2023

GG. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Student Code of Conduct Policy
Publisher	Southwest Technical College
Issue Date	September 11, 2025

HH. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Grievance Policy
Publisher	Southwest Technical College
Issue Date	May 2, 2024

II. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Student Due Process
Publisher	Southwest Technical College
Issue Date	July 21, 2020

JJ. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	Title IX Policy
Publisher	Southwest Technical College
Issue Date	January 15, 2026

KK. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	Student Code of Conduct and Discipline Policy
Publisher	Tooele Technical College
Issue Date	January 14, 2026

LL. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	Student Grievance Policy
Publisher	Tooele Technical College
Issue Date	January 14, 2026

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:	06/01/2026

10. This rule change MAY become effective on:	06/08/2026
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:	Alison Adams, Board Secretary and Designee	Date:	04/02/2026
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R765. Higher Education (Utah Board of), Administration.

R765-256. Student Disciplinary Processes.

R765-256-1. Purpose.

The purpose of this rule is to provide minimum standards of due process for the Utah System of Higher Education institutions' student and student organization disciplinary processes.

R765-256-2. Authority.

Section ~~[53B-27-302]~~53H-7-302 authorizes this rule.

R765-256-3. Definitions.

- (1) "Academic dishonesty" means an act of dishonesty relating to a student's academic work or performance.
- (2) "Accused student" means any student who is enrolled at any institution who has allegedly violated a policy or rule, or a relevant section of a policy or rule, that if violated may result in the student's suspension of ten calendar days or more or expulsion from the institution.
- (3) "Accused student organization" means any student organization, recognized by an institution, that has allegedly violated a policy or rule, or a relevant section of a policy or rule, that if violated may result in the student organization's suspension or removal of institutional recognition of the student organization.
- (4) "Evidence" means information that is inculpatory or exculpatory as the information relates to an accusation against an accused student or accused student organization, including a complaint statement, a third-party witness statement, electronically stored information, a written communication, a post to social media, or demonstrative evidence.

(5) "Full participation" means the opportunity in a student or student organization disciplinary proceeding to make opening and closing statements, examine and cross-examine a witness, introduce relevant evidence, and provide support, guidance, or advice to an accused student, accused student organization, or victim.

(6) "Institution" means an institution of higher education listed in Section 53[B]H-1-102.

(7) "Proceeding" means an adjudicatory hearing, including an appeal, in which evidence is presented to a hearing officer or a hearing panel to determine whether a policy or rule has been violated or is required by a policy or rule, or a relevant section of a policy or rule, that if violated may result in either:

(a) a student's suspension of ten calendar days or more or expulsion from the institution; or

(b) a student organization's suspension or removal of institutional recognition of the student organization.

(8) "Student disciplinary proceeding" means a proceeding initiated by an institution to determine whether an accused student has violated a policy or rule, or a relevant section of a policy or rule, that if violated may result in a student's suspension of ten calendar days or more or expulsion from the institution, except that this does not include a proceeding that solely involves a student's academic dishonesty.

(9) "Student organization" means a club or other organization that meets during noninstructional time, is recognized by the institution at which the organization meets and has a majority of its members who are current students at the institution.

(10) "Student organization disciplinary proceeding" means a proceeding initiated by an institution to determine whether an accused student organization has violated a rule or policy, or a relevant section of a policy or rule, that if violated may result in a student organization's suspension or removal or institutional recognition of the student organization, except that this does not include a proceeding that solely involves a student's academic dishonesty.

(11) "USHE" means Utah System of Higher Education.

(12) "Victim" means an individual whose rights are allegedly infringed or who is otherwise allegedly harmed by an accused student's or an accused student organization's violation of a policy or rule, or a relevant section of a policy or rule, that if violated may result in either:

(a) the student's suspension of ten calendar days or more or expulsion from the Institution; or

(b) the student organization's suspension or removal or institutional recognition of the student organization.

R765-256-4. General Provisions for Institution Responsibilities.

(1) Each institution shall:

(a) provide each student and student organization due process, as outlined in this rule;

(b) enact a policy to govern proceedings in which a student has a right to legal representation or a non-attorney advocate in accordance with this rule and state law and notify a student of their right to bring a cause of action in violation of Section ~~53B-27-607~~53H-7-707 to the Attorney General's Office; and

(c) train each adjudicator, hearing officer, and appellate hearing officer on relevant evidence and nonrelevant, probative evidence.

(2) The due process protections outlined in this rule do not apply to academic dishonesty allegations.

(3) In academic dishonesty matters, each institution shall establish a policy and procedure that gives each student notice of institutional action that may impact the student and an opportunity for the student to respond, in accordance with applicable law.

R765-256-5. Student Disciplinary Proceedings.

(1) Each institution shall establish a policy that provides the following minimum standards of due process for each matter where a proceeding is initiated by an institution to determine whether an accused student has violated a policy or rule, or a relevant section of a policy or rule, that if violated may result in the student's suspension of ten calendar days or more or expulsion from the institution, except that this does not include a proceeding that involves a student's academic dishonesty:

(a) The institution shall provide the accused student and victim written notice of the accused student's and victim's rights under this rule that includes:

(i) the accused student is entitled to a student disciplinary proceeding to contest the charges against the accused student; and

(ii) notice that the accused student is entitled to a presumption of innocence that will remain until either:

(A) the accused student acknowledges responsibility for the alleged violation; or

(B) the institution has established every element of the alleged violation at a student disciplinary proceeding.

(b) The institution shall communicate the notice by any written means that the institution routinely uses for official communications with individual students.

(c) The institution shall establish a policy and procedure to ensure that the institution provides written notice of the accused student's or victim's rights as soon as practicable but no later than seven days before the student disciplinary proceeding that pertains to the accused student or victim, unless exigent circumstances reasonably justify proceeding without providing such notice.

(d) The institution shall ensure that the accused student and victim have access to any material evidence that is in the institution's possession, including both inculpatory and exculpatory evidence, unless the material is subject to a legal privilege, no later than one week before the day the proceeding begins.

(e) The institution may not rely upon evidence that is the accused student's or victim's personal medical record, mental health record, therapy note, or journal in a proceeding unless the accused student or victim consents to the use of the evidence in the proceeding.

(f) Any evidence presented in a proceeding under this rule is confidential and may not be used as evidence in a subsequent proceeding nor used or disclosed~~[+]~~ to a third-party for any other purpose other than for the proceeding.

(g) The institution may not prohibit an accused student or victim from having an advisor and being represented, at the student's expense, by legal representation or a non-attorney advocate at a student disciplinary proceeding that pertains to the accused student or victim.

(h) The institution shall allow the accused student's or victim's advisor to have full participation in the student disciplinary proceeding.

NOTICES OF PROPOSED RULES

- (i) The institution shall allow for the following minimum standards for an accused student's or victim's advisors in a student disciplinary proceeding:
 - (A) the giving of opening and closing statements;
 - (B) the examination and cross-examination of witnesses;
 - (C) the introducing of relevant evidence; and
 - (D) the providing of support, guidance, or advice to an accused student or victim.
- (2) The institution may adopt a policy that requires an advisor to submit questions for an opposing party to the hearing officer.
- (3) Each institution may require the accused student and victim to provide advance notice that ~~they will have an~~ their advisor will attend the student disciplinary proceeding.
- (4) The Rules of Civil Procedure and the Rules of Evidence may not apply to student disciplinary proceedings.
- (5) Nothing in this rule shall be construed to provide for formal or informal discovery beyond the exchange of evidence described in this rule.
- (6) Each accused student and victim may waive any rights described in this rule.

R765-256-6. Student Organization Disciplinary Proceedings.

- (1) Each institution shall establish a policy that provides the following minimum standards of due process for each matter where a proceeding is initiated by the institution to determine whether the accused student organization has violated a policy or rule, or a relevant section of a policy or rule, that if violated results in the accused student organization's suspension or removal of institutional recognition of the student organization, except that this does not include a proceeding that solely involves a student organization's academic dishonesty:
 - (a) The institution shall provide the accused student organization and victim written notice of the accused student organization's and victim's rights under this rule that includes:
 - (i) notice that the accused student organization is entitled to a student organization disciplinary proceeding to contest the charges against the accused student organization; and
 - (ii) notice that the accused student organization is entitled to a presumption of innocence that remains until either:
 - (A) the accused student organization acknowledges responsibility for the alleged violation; or
 - (B) the institution has established every element of the alleged violation at a student organization disciplinary proceeding.
 - (b) The institution shall establish a policy and procedure to ensure that the institution provides written notice of the accused student organization or victim's rights as soon as practicable but no later than seven days before a student organization disciplinary proceeding that pertains to the accused student organization or victim, unless exigent circumstances reasonably justify proceeding without providing notice.
 - (c) The institution shall ensure that ~~an~~ an accused student organization and victim have access to all material evidence that is in the institution's possession, including both inculpatory and exculpatory evidence, unless the material is subject to a legal privilege, no later than one week before the day the proceeding begins.
 - (d) Any evidence presented in a proceeding under this policy is confidential and the institution may not use the evidence in a subsequent proceeding nor use or disclose it to a third-party for any other purpose other than for the proceeding.
 - (e) The institution may not prohibit the accused student organization or victim from having an advisor and being represented, at the accused student organization's or victim's expense, by legal representation or a non-attorney advocate at a student organization disciplinary proceeding that pertains to the accused student organization or victim.
 - (f) The institution shall allow the accused student organization or victim's advisor to have full participation in the student organization disciplinary proceeding.
 - (g) The institution shall allow for the following minimum standards for an accused student organization's or victim's advisors in a student organization disciplinary proceeding:
 - (i) the giving of opening and closing statements;
 - (ii) the examination and cross-examination of witnesses;
 - (iii) the introducing of relevant evidence; and
 - (iv) the providing of support, guidance, or advice to an accused student organization or victim.
 - (2) The institution may adopt a policy that requires the advisor to submit questions for an opposing party to the hearing officer.
 - (3) Each institution may require the accused student organization and victim to provide advance notice that ~~they will have an~~ their advisor will attend the student organization disciplinary proceeding.
 - (4) The Rules of Civil Procedure and the Rules of Evidence may not apply to ~~the~~ student disciplinary proceedings.
 - (5) Nothing in this rule shall be construed to provide for formal or informal discovery beyond the exchange of evidence described in this rule.
 - (6) Each accused student organization and victim may waive any rights described in this rule.

R765-256-7. Conflict of Interest.

- (1) Each institution shall conduct a student disciplinary proceeding or student organization disciplinary proceeding in an impartial manner free from conflicts of interests.
- (2) An individual may not serve as an investigator or institutional prosecutor and an advocate for an accused student, accused student organization, or victim in the same matter.
- (3) Except as provided in Section R765-256-7, each institution shall prohibit an individual employed by or otherwise representing an institution from acting as an adjudicator, hearing officer, or appellate hearing officer in a student disciplinary proceeding or student organization disciplinary proceeding if the individual has also served in one of the following roles in the same matter:
 - (a) an advocate or counselor for an alleged victim, accused student, or accused student organization;

- (b) an investigator;
- (c) an institutional prosecutor; or
- (d) an advisor to a person described in Subsection 765-256-7(3)(a), (3)(b), or (3)(c).

(4) Each institution may not prohibit an accused student or victim from having an advisor and being represented, at the student's expense, by legal representation or a non-attorney advocate at a student disciplinary proceeding that pertains to the accused student or victim.

(5) If an individual employed by the institution or otherwise representing the institution serves as an investigator and an institutional prosecutor for the alleged violation of a policy or rule, the institution shall advise an accused student, accused student organization, or victim before proceeding with the investigation.

(6) Each institution shall allow the accused student, accused student organization, or victim to raise objections to issues that could potentially compromise the impartiality of the proceeding, including any potential conflicts of interest in violation of this rule.

R765-256-8. Standard of Proof and Temporary Suspension.

(1) Each student and student organization is entitled to a presumption of innocence that remains until either the accused student or student organization acknowledges responsibility for the alleged violation or the institution has established every element of the alleged violation [~~or the institution has established every element of the alleged violation~~] at a student disciplinary proceeding or student organization proceeding by a preponderance of the evidence.

(2) Each institution may have a process for temporarily suspending a student or student organization before the final outcome of a student or student organization disciplinary proceeding if necessary to protect the campus community or prevent serious disruption of the academic process provided that the institution is required to conduct the adjudicatory process following the temporary suspension as expeditiously as possible.

R765-256-9. Institutional Right to Proceed Absent Accused Student, Victim, [~~or Student~~] or Accused Student Organization Participation.

(1) Each student may decline to participate in any proceeding.

(2) Each institution may proceed with the student or student organization disciplinary proceeding in a timely fashion without the accused student, accused student organization, or victim if they decline to participate.

(3) Each institution may set reasonable deadlines and move forward with processes regardless of whether the accused student, accused student organization, victim, or their respective advisor can meet those deadlines.

R765-256-10. Duty to Act in Good Faith.

(1) Each institution shall act in good faith to determine the applicability of this rule based on facts known at the time.

(2) If any institution later becomes aware of additional facts indicating this rule governs, institutions shall act in good faith to meet the requirements of this rule when those facts become known.

R765-256-11. Non-applicability to Law Enforcement Activities.

This rule may not govern campus law enforcement departments or law enforcement personnel or otherwise replace or amend criminal procedures that govern law enforcement activities.

R765-256-12. Incorporation of Institutions' Policies.

(1) Bridgerland Technical College's:

(a) Policy 533, Title IX and Protection from Sex Discrimination and Hazing, [~~June 26, 2023~~]December 8, 2025;

(b) Policy 535, Nondiscrimination, Equal Opportunity, and Free Expression, [~~June 24, 2024~~]February 10, 2026;

(c) Policy 608, Student Grievance, June 24, 2024;

(d) Policy 609, Student Conduct, [~~June 24, 2024~~]June 23, 2025;

(e) Policy 616, Academic Progress, [~~June 24, 2024~~]July 2, 2025;

(2) Utah State University's:

(a) [~~Policy 305~~]Interim University Policy 2101, Discrimination Based on Protected Characteristics, [~~February 10, 2023~~]February 27, 2026; [~~and~~]

(b) Student Code of Conduct, Article[s] V, University Regulations Regarding Student Conduct, April 10, 2009[~~& VIII, April 10, 2009~~];

(c) Student Code of Conduct, Article VIII, University Regulations Regarding Hearing Boards, April 10, 2009;

[~~(e)~~](d) Interim University Policy [~~339~~]2102: Title IX Sexual Misconduct in an Employment or Education Program or Activity, February [~~10, 2023~~]6, 2026;

[~~(d)~~](e) Interim University Policy [~~339A~~]2103: Non-Title IX Sexual Misconduct, February [~~10, 2023~~]6, 2026;

(3) Weber State University's:

(a) PPM 6-22, Student Code, May 16, 2023;

(b) PPM 3-32, Discrimination, Harassment, and Sexual Misconduct (including Title IX), July 16, 2023;

(4) University of Utah's:

(a) Policy 6-400, Student Rights and Responsibilities, August 7, 2024;

(b) Policy 6-410, Student Academic Performance, Academic Conduct, and Professional and Ethical Conduct Sections III.H through N and, as they relate[~~d~~] to professional misconduct, Sections III O through Q, August 15, 2023;

(c) University[~~s~~] Rule R1-012A, Non-[~~d~~]Discrimination Rule, February [~~13, 2025~~]9, 2026;

NOTICES OF PROPOSED RULES

- (d) University Rule R1-012B, Complaint Process Rule, February 13, 2025;
- (5) Utah Valley University's:
- (a) ~~Policy 162, Title IX Sexual [Misconduct]Harassment, [April 25, 2024]October 9, 2025;~~
- (b) ~~Policy 165, Discrimination[;] and Harassment[; and Affirmative Action], [April 25, 2024]September 25, 2025;~~
- (c) ~~Policy 541, Student Code of Conduct, [January 23]March 27, 2025;~~
- ~~(d) Policy 548, Academic Rights and Responsibilities of Healthcare and Counseling Clinical Program Students, March 20, 2025;~~
- ~~(e) Policy 613, Undergraduate Academic Standards, June 16, 2011;~~
- (6) Snow College's Student Rights and Responsibilities, ~~[May 31, 2019]2025-2026;~~
- (7) Southern Utah University's Policy 11.2, Student ~~Conduct Code[-of Conduct],~~ December 13, 2022;
- (8) Salt Lake Community College's Code of Student Rights and Responsibilities, ~~[February 28, 2023]April 8, 2025;~~
- (9) Davis Technical College's:
- (a) ~~[Davis Technical College-]Student Code of Conduct and Discipline Policy and Procedures, [September 22, 2022]January 12, 2026;~~
- (b) ~~[Davis Technical College-]Student Grievance Policy and Procedures, [May 16, 2024]September 25, 2025;~~
- (10) Dixie Technical College's Student Disciplinary Rule, ~~[May 16]September 16, 2024;~~
- (11) Mountainland Technical College's Student Grievance ~~Policy and Procedure~~ 600.608, March 11, 2024;
- (12) Ogden-Weber Technical College's:
- (a) ~~Policy 530.4, Student Rights and [Responsibilities, and-]Code of Conduct[-530.4-], [February 8, 2024]December 4, 2025;~~
- (b) ~~Policy 530.13, Student Complaints and Grievances, October 23, 2025;~~
- ~~(c) Policy 530.5, Student Non-Discrimination, November 15, 2017;~~
- ~~(d) Policy 520.8, Title IX Sexual Harassment, Sexual Violence, and Related Conduct Violations, October 2, 2023;~~
- (13) Southwest Technical College's:
- ~~[(14)](a) Student ~~Code of Conduct~~ Policy, [May 4, 2023]September 11, 2025;~~
- ~~[(a)](b) Grievance Policy, May 2, 2024;~~
- ~~[(b) Harassment, Nondiscrimination and Equal Opportunity, July 21, 2020;]~~
- (c) Student Due Process, July 21, 2020;~~[-and]~~
- ~~(d) Title IX Policy, January 15, 2026; and~~
- ~~[(15)](14) Tooele Technical College's:~~
- (a) Student Code of Conduct and Discipline ~~Policy~~, ~~[July 31, 2019]January 14, 2026;~~
- (b) Student Grievance[s] Policy, ~~[July 31, 2019]January 14, 2026; and~~
- ~~[(16) Uintah Basin Technical College's Administrative Rule R961, Student Due Process, July 22, 2019.]~~

KEY: education, student discipline

Date of Last Change: ~~[June 9, 2025]2026~~

Authorizing, and Implemented or Interpreted Law: ~~[53B-27-302,]53H-7-302~~

End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text (~~example~~). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (.) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or section Number:	R651-612	Filing ID: 57897
Effective date:	04/13/2026	

Agency Information

1. Title catchline:	Natural Resources, State Parks	
Building:	Natural Resources	
Street address:	1594 W North Temple, Suite #116	
City, state	Salt Lake City, UT 84116	
Mailing address:	PO Box 146001	
City, state and zip:	Salt Lake City, UT 84114-6001	
Contact persons:		
Name:	Phone:	Email:
Melanie Shepherd	801-538-7418	melaniemshepherd@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	R651-612. Veterans with Disabilities Honor Pass	
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4. Purpose of the new rule or reason for the change:	
This rule amendment is to change the honor pass to a lifetime pass rather than have the veteran with disabilities have to renew their honor pass each year.	
5. Summary of the new rule or change:	
This rule amendment makes it easier for the veteran with disabilities to get their honor pass.	
It will only have to be attained once in their lifetime rather than have to go through the process of attaining it each year. This will make is easier for both the veteran and the State Parks.	
6A. The agency finds that regular rulemaking would:	
<input type="checkbox"/>	cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/>	cause an imminent budget reduction because of budget restraints or federal requirements; or
<input checked="" type="checkbox"/>	place the agency in violation of federal or state law.
B. Specific reasons and justifications for this finding:	
Sections 79-4-207 and 79-4-1002 require the Division of State Parks (Division) to make rules for veteran access to state parks.	
Amendments in the 2025 General Session required the Division to make rules by 11/03/2025 to bring the Division rules into compliance with the statute as amended.	

Fiscal Information

7. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
This proposed rule amendment is expected to have a fiscal impact on state government expenditures by only having to issue a one-time lifetime pass to disabled veterans rather than an annual pass.	
The cost savings will be in the form of saved staff time, but no staff will be terminated because of this amendment.	
For this reason, the agency cannot estimate the impact of the savings.	
B. Local governments:	
This proposed rule amendment will have no fiscal impact on local governments' revenues or expenditures because this rule does not regulate local governments.	
C. Small businesses ("small business" means a business employing 1-49 persons):	
This proposed rule amendment will have no fiscal impact on small businesses' revenues or expenditures because this rule does not regulate small businesses.	
D. Persons other than small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):	
This proposed rule amendment could have a cost savings because disabled veterans will no longer need to appear at a state park to apply for their annual honor pass.	
However, this savings cannot be estimated because the financial burden varies for each person.	
E. Compliance costs for affected persons:	
This proposed rule amendment is not expected to have a fiscal impact on compliance costs for affected person's revenues or expenditures because participation in the program is optional and there is no application fee.	

F. Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved that there will be cost savings by issuing a lifetime pass rather than an annual pass for the impact analysis.

Citation Information

8. 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 79-4-102		
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Agency Authorization Information

Agency head or designee and title:	Scott Strong, Director	Date:	04/10/2026
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R651. Natural Resources, State Parks.

R651-612. Veterans with Disabilities Honor Pass.

R651-612-1. Authority.

This rule is established pursuant to Subsection 79-4-1002~~(+)~~.

R651-612-2. Definitions.

- (1) "Division" means the Division of State Parks.
- (2) "Veterans with Disabilities Honor Pass" means an admission pass issued by the Division that:
 - (a) is valid for admission to state park areas [until the end of the calendar year for which it is issued] for the lifetime of the qualified veteran to whom it is issued, or until they no longer meet the requirements described in Subsection R651-612-3(1);
 - (b) is valid for day-use admittance for the pass holder and ~~[up to seven]~~ guests arriving in the pass holder's same private vehicle;
 - (c) is not valid at This Is the Place Heritage Park;
 - (d) is not valid for charges or fees charged by Davis County for travel on the Antelope Island Causeway; and
 - (e) is not valid for special charges or fees within a park area.

R651-612-3. Veterans with Disabilities Honor Pass.

- (1) The Division shall, upon request, provide a Veterans with Disabilities Honor Pass to an honorably discharged veteran who:
 - (a) is a resident of the state; and
 - (b) has a current service-connected disability rating issued by the United States Veterans Benefits Administration.
- (2) An individual requesting a Veterans with Disabilities Honor Pass pursuant to Subsection (1) shall provide documentation to a pass provider that shows the individual:
 - (a) is an honorably discharged veteran;
 - (b) is a resident of the state; and
 - (c) has a current service-connected disability rating issued by the United States Veterans Benefits Administration.
- (3) Should the individual no longer meet the requirements outlined in Subsection R651-612-3(1), they are asked to destroy and dispose of the Honor Pass, or to return it to an approved Honor Pass distribution site.

R651-612-4. Free Daily Admission to State Park Areas for Disabled Utah Veterans.

- (1) The Division shall, upon request, grant free daily admission to a state park area to an honorably discharged veteran who:
 - (a) is a resident of the state; and
 - (b) has a current service-connected disability rating issued by the United States Veterans Benefits Administration.
- (2) An individual requesting free admission to a state park area pursuant to Subsection (1) shall provide documentation to state parks entrance station staff that shows the individual:
 - (a) is an honorably discharged veteran;
 - (b) is a resident of the state; and
 - (c) has a current service-connected disability rating issued by the United States Veterans Benefits Administration.

KEY: state parks, Parkspass, veterans

Date of Last Change: ~~April 13, 2026~~ ~~September 16, 2025~~

Notice of Continuation: July 7, 2021

Authorizing, and Implemented or Interpreted Law: 79-4-1002~~;~~ ~~79-4-304~~

End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.utah.gov. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

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

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R70-590	Filing ID: 53379
Effective date:	04/10/2026	

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	
Contact persons:		
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:	
R70-590. Utah Domesticated Game Slaughter and Processing	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 4-32a-208	This section mandates the Department of Agriculture and Food (department) to make rules regarding antemortem inspection, postmortem inspections, requirements for slaughter areas and facilities, personal cleanliness of individuals involved in domesticated game slaughter, skinning, hoisting, bleeding and evisceration of domesticated game, chronic wasting disease testing requirements, tags and tagging procedures to maintain carcass identification, procedure for transportation of domesticated game carcass and packaging and labeling of domesticated game products.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

	Also mandates that the department make rules that allow a farm custom slaughter license to slaughter and process domesticated game, and a facility to perform custom exempt processing, to perform slaughtered domesticated game.
Section 4-32a-208	This section allows the department to make rules regarding labeling a domesticated game carcass as slaughtered.

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 comments regarding this rule in 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 would like to keep this rule to fulfill the statutory mandates of Section 4-32a-208. This rule maintains essential standards for antemortem and postmortem inspections, Chronic Wasting Disease testing, and facility sanitation for domesticated game processing.

Although the department reports no recent public comments or active applicants, the rule ensures a legal framework remains in place for farm custom slaughter licensees and custom exempt facilities. During the interim, the department will review the program's necessity and will coordinate with legislators to determine if these requirements should remain in state statute.

Maintaining this rule preserves public health protections and regulatory continuity while the department evaluates the program's long-term viability. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	04/10/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R156-15A	Filing ID: 56788
Effective date:	04/13/2026	

Agency Information

1. Title catchline:	Commerce, Professional Licensing		
Building:	Heber M. Wells Building		
Street address:	160 E 300 S		
City, state:	Salt Lake City, UT 84111		
Mailing address:	PO Box 146741		
City, state and zip:	Salt Lake City, UT 84114-6741		
Contact persons:			
Name:	Phone:	Email:	
Matthew Johnson	801-503-6628	mmjohnson@utah.gov	

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

General Information

2. Rule catchline:
R156-15A. State Construction Code Administration and Adoption of Approved State Construction Code Rule

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 58-1-106(1)(a)	This reference is the general rulemaking authority for the Division of Professional Licensing (Division).
Subsection 58-1-202(1)(a)	This reference is the general rulemaking authority for the boards and commissions the Division oversees.
Subsection 15A-1-204(6)	This provision allows the Uniform Building Code Commission authority to pass rules relating to Title 15A.
Section 15A-1-205	This provision grants the Division rulemaking power of Title 15A.
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 continues to provide consistent state-wide regulation of the construction industries that ensures adequate uniformity across multiple jurisdictions. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Adam Watson, Assistant Division Director	Date:	04/13/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-102	Filing ID: 53316
Effective date:	04/02/2026	

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 catchline:	
R277-102. Adjudicative Proceedings	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Subsection 53E-3-401(4)	Allows the Board to adopt rules in accordance with its duties and responsibilities under the Utah Constitution and state law.
Subsection 63G-4-102(6)	Allows agencies to make rules regarding adjudicative proceedings in matters subject to the Utah Administrative Procedures Act (UAPA).

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There were no public comments received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to specify how to conduct adjudicative proceedings in matters subject to UAPA, to provide for review of Board actions where no opportunity for administrative review is provided by law and where there is a compelling reason for administrative review to fully and fairly facilitate the Board's decision-making process, and to identify procedures the Board may apply when administrative review of a Board action is provided for by a law other than UAPA and the applicable law fails to identify procedures to be followed for the administrative review. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	04/15/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-309	Filing ID: 54710
Effective date:	04/02/2026	

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 catchline:	
R277-309. Appropriate Licensing and Assignment of Teachers	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Subsection 53E-6-201(2)(a)	Authorizes the Board to rank, endorse, or classify licenses.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
There were no public comments received.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
This rule is necessary to provide criteria for local school boards to employ educators in appropriate assignments, the Board to provide state funding to local school boards for appropriately qualified and assigned staff, and the Board and local school boards to satisfy the requirements of the Elementary and Secondary Education Act (ESEA) (formerly No Child Left Behind) for local school boards to receive federal funds. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	04/15/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-601	Filing ID: 56372
Effective date:	04/02/2026	

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 catchline:	
R277-601. Standards for Utah School Buses and Operations	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-401(4)	Allows the Board to adopt rules in accordance with its responsibilities.
Subsection 53E-3-501(1)(d)	Directs the Board to adopt rules for state reimbursed bus routes, bus safety and operational requirements, and other transportation needs.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
There were no public comments received.	

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to specify standards for state student transportation funds, school buses, and school bus drivers utilized by school districts. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	04/15/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R313-12	Filing ID: 57041
Effective date:	04/06/2026	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	

Contact persons:		
Name:	Phone:	Email:
Brandon Davis	385-622-1873	bbdavis@utah.gov

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

General Information

2. Rule catchline:
R313-12. General Provisions

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 19-3-104	<p>This section allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government.</p> <p>This section also allows the Board to make rules as necessary regarding the possession, use, transfer, or delivery of source and byproduct material and the disposal of byproduct material.</p> <p>As part of the state primacy of the radiation control program, the definitions and other general provisions in Rule R313-12 have been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and has been determined to be compatible with the corresponding federal radiation protection regulations.</p>
Section 19-6-104	<p>This section allows the Board to hold a hearing that is not an adjudicative proceeding and appoint a hearing officer to conduct a hearing that is not an adjudicative proceeding and advise, consult, cooperate with, or provide technical assistance to another agency of the state or federal government, another state, an interstate agency, an affected group, an affected political subdivision, an affected industry, or other person.</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:

Since the last five-year review, there have been no comments from interested persons specifically supporting or opposing 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 necessary because it lays the foundation for establishing radiation safety and protection and, as an Agreement State, maintains the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Ted H. Sonnenburg, PE, LEHS, Division Director	Date:	03/06/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R313-14	Filing ID: 57042
Effective date:	04/06/2026	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Brandon Davis	385-622-1873	bbdavis@utah.gov
Spencer Wickham	385-499-4895	swickham@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R313-14. Violations and Escalated Enforcement	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-3-109	<p>This section states that a person who violates a provision of this part, a rule or order issued under the authority of this part, or the terms of a license, permit, or registration certificate issued under the authority of this part is subject to a civil penalty and allows the director to assess penalties and allows persons who violate provisions of the rules to appeal a penalty.</p> <p>This section requires the director to issue a notice of agency action and provides for persons to request an adjudicative proceeding.</p> <p>This section also provides directions to the Department of Environmental Quality regarding disposition of money collected from civil penalties.</p>
Section 19-3-111	This section allows the director to impound radioactive material that is posing an imminent threat or danger to the public health or safety.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

	It also allows the director to impound the radioactive material of a person who is in violation of Sections 19-3-104 through 19-3-113, any rules or orders or the terms of a license, permit, or registration.
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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:

Since the last five-year review, there have been no comments from interested persons specifically supporting or opposing 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 necessary because it establishes actions that may be taken for noncompliance with existing radiation control laws and rules and, as an Agreement State, maintains the appropriate regulatory compatibility with the NRC. This includes setting violation severity levels, enforcement sanctions, and assessment of civil penalties. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Ted H. Sonnenburg, PE, LEHS, Division Director	Date:	03/06/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R313-16	Filing ID: 57160
Effective date:	04/06/2026	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Brandon Davis	385-622-1873	bbdavis@utah.gov
Spencer Wickham	385-499-4895	swickham@utah.gov

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

General Information

2. Rule catchline:
R313-16. General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 19-3-104	<p>This section allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government.</p> <p>This section also allows the Division of Waste Management and Radiation Control (Division) to require registration or licensing of radiation sources that constitute a significant health hazard and require all sources of ionizing radiation to be registered or licensed and requires the Division to assess fees for registration, licensing and inspection of radiation sources.</p>
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FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

	Finally, this section allows the Board to make rules regarding the use of radiation sources and authorize by rule and establish qualifications for independent qualified experts to conduct inspections.
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:	
Since the last five-year review, there have been no comments from interested persons specifically supporting or opposing 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 necessary because it prescribes requirements governing the installation, registration, inspection, and use of sources of electronically produced ionizing radiation to protect human health and the environment.	
The prolific use of such machines is not only very common among the healing arts professions for critical diagnostic and therapeutic applications.	
They also provide key functions in veterinarian, academic, industrial, and other professional applications. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Ted H. Sonnenburg, PE, LEHS, Division Director	Date:	03/06/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R313-17	Filing ID: 56501
Effective date:	04/06/2026	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation		
Building:	Multi-Agency State Office Building (MASOB)		
Street address:	195 N 1950 W		
City, state:	Salt Lake City, UT		
Mailing address:	PO Box 144880		
City, state and zip:	Salt Lake City, UT 84114-4880		
Contact persons:			
Name:	Phone:	Email:	
Brandon Davis	385-622-1873	bbdavis@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:	
R313-17. Administrative Procedures	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 19-3-104(4)	This subsection mandates the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Section 19-1-301	<p>This section governs adjudicative proceedings and the actions that may be taken by the Department of Environmental Quality (Department) and its boards that are not special adjudicative proceedings as defined by Section 19-1-301.5.</p> <p>Rule R313-17 contains the rules adopted by the Board and as part of the state primacy of the radiation control program.</p> <p>Rule R313-17 has been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and has been determined to be compatible with the corresponding federal radiation protection regulations.</p>
Section 19-1-301.5	<p>This section governs special adjudicative proceedings and the actions that may be taken by the Department and its boards.</p> <p>Rule R313-17 contains the rules adopted by the Board and as part of the state primacy of the radiation control program.</p> <p>Rule R313-17 has been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and has been determined to be compatible with the corresponding federal radiation protection regulations.</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:

Since the last five-year review, the Division of Waste Management and Radiation Control (Division) has received comments related to Rule R313-17.

In June 2024, a member of the public submitted comments that the Division summarized into three general categories for this review.

The first category was related to a specific set of circumstances and if it would trigger the requirement that a licensing action be treated as a major license amendment which would trigger the environmental assessment process. The Division's response clarified that under the existing rule, a major license amendment is triggered by changes in engineering, construction, or process controls likely to significantly impact public health, safety, or the environment. The Division noted that such determinations are dependent on the specific technical details of an amendment request and are therefore evaluated on a case-by-case basis.

The second category of comments concerned the option in Subsection R313-17-2(5) to publish public notices either in a newspaper of general circulation in the area affected or on the Division's website. The member of the public recommended making both notification methods a requirement. The Division's response was that while this is a reasonable suggestion, the existing rule remains sufficient for current rulemaking as the Division utilizes both methods in practice to ensure broad transparency; however, the Division may consider formalizing this dual-notification requirement in future regulatory updates.

The third category involved a question regarding a specific uranium mill license that was determined to be out of scope for the R313-17 rulemaking. Division staff noted the comment but informed the member of the public that the concern would be addressed through separate communication, as it did not pertain to the regulatory language of this formal action.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it establishes the requirements for conducting public hearings for various radioactive materials licensing actions and for conducting adjudicative proceedings.

As an Agreement State, this rule is necessary for maintaining the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.

The comments received were not in opposition to the continuation of this rule.

Agency Authorization Information

Agency head or designee and title:	Ted H. Sonnenburg, PE, LEHS, Division Director	Date:	03/06/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R313-18	Filing ID: 50726
Effective date:	04/06/2026	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Brandon Davis	385-622-1873	bbdavis@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R313-18. Notices, Instructions and Reports to Workers by Licensees or Registrants--Inspections	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-6-107	<p>This section establishes the broad powers and duties of the Director of the Division of Waste Management and Radiation Control (Division). It grants the Director the specific authority to appoint employees or representatives to perform necessary functions, including the oversight of waste management facilities to ensure compliance with state environmental standards.</p> <p>Rule R313-18 has been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and has been determined to be compatible with the corresponding federal radiation protection regulations.</p>
Section 19-6-109	<p>This section provides the explicit right of entry and inspection for the Department of Environmental Quality. It authorizes the executive director or their designated representatives to enter at reasonable times any factory, plant, or other premises to inspect the facility and examine relevant records.</p>
Subsection 19-3-104(4)	<p>This subsection allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government.</p> <p>Rule R313-18 contains the rules adopted by the Board and as part of the state primacy of the radiation control program.</p> <p>Rule R313-18 has been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and has been determined to be compatible with the corresponding federal radiation protection regulations.</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 is necessary because it specifies the training and notification requirements by employers for workers that use radioactive materials.	

This rule also provides the basis for worker protection and safety requirements and inspections by the Division.

As an Agreement State, this rule is necessary for maintaining the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.

There have been no opposing comments to this rule since the last five-year review.

Agency Authorization Information

Agency head or designee and title:	Ted H. Sonnenburg, PE, LEHS, Division Director	Date:	03/06/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R313-19	Filing ID: 56174
Effective date:	04/06/2026	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Brandon Davis	385-622-1873	bbdavis@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R313-19. Requirements of General Applicability to Licensing of Radioactive Material	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-3-104	<p>Subsection 19-3-104(4) allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government.</p> <p>Rule R313-19 contains the rules adopted by the Board and as part of the state primacy of the radiation control program.</p> <p>Rule R313-19 has been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and has been determined to be compatible with the corresponding federal radiation protection regulations.</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 is necessary because it prescribes requirements governing the licensing of radioactive material.	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

This rule is also necessary to ensure that the state's rules are adequate to protect public health and safety.

This rule identifies certain concentrations or quantities of radioactive material, provides for reciprocal recognition of out-of-state licenses, and identifies terms and conditions of licenses.

As an Agreement State, this rule is necessary for maintaining the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.

There have been no opposing comments to this rule since the last five-year review.

Agency Authorization Information

Agency head or designee and title:	Ted H. Sonnenburg, PE, LEHS, Division Director	Date:	03/06/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R313-22	Filing ID: 56554
Effective date:	04/06/2026	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Brandon Davis	385-622-1873	bbdavis@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R313-22. Specific Licenses	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-3-104	<p>Subsection 19-3-104(4) allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government.</p> <p>Rule R313-22 contains the rules adopted by the Board and as part of the state primacy of the radiation control program.</p> <p>Rule R313-22 has been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and has been determined to be compatible with the corresponding federal radiation protection regulations.</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 is necessary because it prescribes requirements for the issuance of "specific licenses" for control of radioactive material.

This rule is also necessary to ensure that the state's rules are adequate to protect public health and safety.

This rule prescribes procedures for filing an application, assuring financial surety for decommissioning facilities where radioactive materials are used, and requirements for "specific licenses" of broad scope.

As an Agreement State, this rule is necessary for maintaining the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.

There have been no opposing comments to this rule since the last five-year review.

Agency Authorization Information

Agency head or designee and title:	Ted H. Sonnenburg, PE, LEHS, Division Director	Date:	03/06/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R313-25	Filing ID: 50725
Effective date:	04/06/2026	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Brandon Davis	385-622-1873	bbdavis@utah.gov

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

General Information

2. Rule catchline:	
R313-25. License Requirements for Land Disposal of Radioactive Waste - General Provisions	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-3-104	<p>This section allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government.</p> <p>Rule R313-25 contains the rules adopted by the Board and as part of the state primacy of the radiation control program.</p> <p>Rule R313-25 has been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and has been determined to be compatible with the corresponding federal radiation protection regulations.</p>

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Subsection 19-6-104(1)	<p>This subsection establishes the Board as the authority for state waste management planning and maintain primacy from the federal government. By granting the Board the power to oversee facility construction plans, mandate resource recovery, and provide final approval on significant enforcement settlements.</p> <p>Rule R313-25 has been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and has been determined to be compatible with the corresponding federal radiation protection regulations.</p>
Section 19-6-107	<p>This section allows the director to issue and enforce orders, enforce rules made by the Board, settle administrative or civil actions, employ full-time employees and authorize them to conduct inspections.</p>
<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:</p>	
<p>No comments have been received since the last five-year review of this rule.</p>	
<p>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</p>	
<p>This rule is necessary because it establishes the procedures, criteria, and terms and conditions upon which a license may be issued for the land disposal of radioactive wastes.</p> <p>It is also necessary because of the presence of an active low-level radioactive waste disposal facility in the State of Utah.</p> <p>As an Agreement State, this rule is necessary for maintaining the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.</p> <p>No comments have been received since the last five-year review of this rule.</p>	

Agency Authorization Information

Agency head or designee and title:	Ted H. Sonnenburg, PE, LEHS, Division Director	Date:	03/06/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R313-28	Filing ID: 57278
Effective date:	04/06/2026	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation		
Building:	MASOB		
Street address:	195 N 1950 W		
City, state:	Salt Lake City, UT		
Mailing address:	PO Box 144880		
City, state and zip:	Salt Lake City, UT 84114-4880		
Contact persons:			
Name:	Phone:	Email:	
Brandon Davis	385-622-1873	bbdavis@utah.gov	
<p>Please address questions regarding information on this notice to the persons listed above.</p>			

General Information

2. Rule catchline:
R313-28. Use of X-Rays in the Healing Arts

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-3-104	<p>This section allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government and allows the Board to make rules regarding the use of radiation sources.</p> <p>This section also allows the Board to make rules establishing certification procedures and qualifications for persons who survey mammography equipment and oversee quality assurance practices at mammography facilities.</p>
Section 19-6-107	<p>This section allows the director to issue and enforce orders, enforce rules made by the Board, settle administrative or civil actions, employ full-time employees and authorize them to conduct inspections.</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:	
<p>Since the last five-year review, there have been no comments from interested persons specifically supporting or opposing this rule.</p>	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
<p>This rule is necessary because it prescribes the requirement for the use of X-rays in the healing arts to protect human health.</p> <p>The rule establishes X-ray machine parameters such as limiting the size of the X-ray beam, controlling radiation exposure, maintaining accuracy and linearity, and defining performance of mammography X-ray systems. Therefore, this rule should be continued.</p>	

Agency Authorization Information

Agency head or designee and title:	Ted H. Sonnenburg, PE, LEHS, Division Director	Date:	03/06/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R313-32	Filing ID: 56555
Effective date:	04/06/2026	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation		
Building:	Multi-Agency State Office Building (MASOB)		
Street address:	195 N 1950 W		
City, state:	Salt Lake City, UT		
Mailing address:	PO Box 144880		
City, state and zip:	Salt Lake City, UT 84114-4880		

Contact persons:		
Name:	Phone:	Email:
Brandon Davis	385-622-1873	bbdavis@utah.gov

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

General Information

2. Rule catchline:
R313-32. Medical Use of Radioactive Material

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-6-107	This section allows the director to issue and enforce orders, enforce rules made by the Waste Management and Radiation Control Board (Board), settle administrative or civil actions, employ full-time employees and authorize them to conduct inspections.
Subsection 19-3-104(4)	<p>This subsection allows the Board to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government.</p> <p>Rule R313-32 contains the rules adopted by the Board and as part of the state primacy of the radiation control program.</p> <p>Rule R313-32 has been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and has been determined to be compatible with the corresponding federal radiation protection regulations.</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:	
<p>This rule is necessary because it establishes the requirements for medical use of radiation and radioactive material.</p> <p>This rule is also necessary to ensure that the state's rules are adequate to protect public health and safety, and to meet compatibility requirements of the U.S. Nuclear Regulatory Commission's program.</p> <p>This rule also provides protection of public health by regulating the internal and external administration of radioactive material to humans.</p> <p>This rule also establishes training requirements for individuals who are authorized to use radioactive material in the practice of medicine. Therefore, this rule should be continued.</p> <p>There have been no opposing comments to this rule since the last five-year review.</p>	

Agency Authorization Information

Agency head or designee and title:	Ted H. Sonnenburg, PE, LEHS, Division Director	Date:	03/06/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R313-36	Filing ID: 55063
Effective date:	04/06/2026	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation		
Building:	Multi-Agency State Office Building (MASOB)		
Street address:	195 N 1950 W		
City, state:	Salt Lake City, UT		
Mailing address:	PO Box 144880		
City, state and zip:	Salt Lake City, UT 84114-4880		
Contact persons:			
Name:	Phone:	Email:	
Brandon Davis	385-622-1873	bbdavis@utah.gov	

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

General Information

2. Rule catchline:

R313-36. Special Requirements for Industrial Radiographic Operations

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 19-3-104	<p>This section allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government.</p> <p>Rule R313-36 contains the rules adopted by the Board and as part of the state primacy of the radiation control program.</p> <p>Rule R313-36 has been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and has been determined to be compatible with the corresponding federal radiation protection regulations.</p>
Subsection 19-3-103.1(1)(a)	<p>This subsection allows the Board to make necessary rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.</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 is necessary because it establishes the radiation safety requirements for person who use radioactive material to examine the macroscopic structure of materials.

This rule is also necessary to ensure that the state's rules are adequate to protect public health and safety.

This rule establishes the training criteria a person must meet to utilize a radiographic exposure device in an industrial setting.

As an Agreement State, this rule is necessary for maintaining the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.

There have been no opposing comments to this rule since the last five-year review.

Agency Authorization Information

Agency head or designee and title:	Ted H. Sonnenburg, PE, LEHS, Division Director	Date:	03/06/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R313-70	Filing ID: 50729
Effective date:	04/06/2026	

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation
Building:	Multi-Agency State Office Building (MASOB)
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Brandon Davis	385-622-1873	bbdavis@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R313-70. Payments, Categories and Types of Fees	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 19-3-104(6)	This subsection requires the Division of Waste Management and Radiation Control (Division) to assess fees for registration, licensing, and inspection of radiation sources. It also requires the Division to comply with the requirements of Section 63J-1-504 in assessing fees for licensure and registration.
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 is necessary because it establishes the requirements for payment of fees for the registration or licensing of sources of radiation. This rule also identifies registration or license categories, the time period that a license is valid, and the type of fees the Division has established pursuant to Section 63J-1-504. Therefore, this rule should be continued. There have been no opposing comments to this rule since the last five-year review.	

Agency Authorization Information

Agency head or designee and title:	Ted H. Sonnenburg, PE, LEHS, Division Director	Date:	03/06/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R590-208	Filing ID: 54851
Effective date:	04/06/2026	

Agency Information

1. Title catchline:	Insurance, Administration
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W
City, state:	Taylorville, 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:	
R590-208. Uniform Application for Certificates of Authority	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 31A-2-201	Authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.
Section 31A-2-202	Authorizes the insurance commissioner to require financial reporting on forms provided by the National Association of Insurance Commissioners (NAIC).
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:	
<p>The purpose of the rule is to ensure that the Insurance Commissioner's requirement that insurers obtain a certificate of authority in Utah is consistent with requirements of other states by using forms provided by the NAIC.</p> <p>It is important that the Department of Insurance specify that insurers use the NAIC certificate of authority application to ensure uniform information from all insurers that apply.</p> <p>Using a uniform application makes it easier and less time consuming for insurers to apply for a certificate of authority from more than one state at a time. Therefore, this rule should be continued.</p>	

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	04/06/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R590-235	Filing ID: 54990
Effective date:	04/06/2026	

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:	
R590-235. Medicare Prescription Drug Plan	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 31A-2-201	Authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.
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:	
<p>The purpose of this rule is to establish licensing and regulatory requirements that a stand-alone prescription drug plan (PDP) must meet before selling Medicare Part D benefit plans.</p> <p>These standards are much the same for PDPs as they are for other insurers: they require the submission of quarterly and annual statements, compliance with capital and surplus limits that are set within the rule, and compliance with risk-based capital requirements that are set within the code.</p> <p>Linking these standards and requirements with the PDP allows the Department of Insurance to assess their financial stability, giving greater assurance to consumers about the PDP's ability to provide benefits within a policy. Therefore, this rule should be continued.</p>	

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	04/06/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R909-19	Filing ID: 56755
Effective date:	04/15/2026	

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

General Information

2. Rule catchline:	
R909-19. Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation, and Certification	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 72-9-602	This section requires the Department of Transportation (department) to make rules governing the inspection, investigation, and certification procedures under the Motor Carrier Safety 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:	
No comments have been reviewed 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:	
The statute still requires the department to have this rule in place. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Carlos M. Bracerias, PE, Executive Director	Date:	04/15/2026
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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:	R307-124	Filing ID: 50574
New deadline date:	12/08/2026	

Agency Information

1. Title catchline:	Environmental Quality, Air Quality	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R307-124. General Requirements: Conversion to Alternative Fuel Grant Program	
3. Reason for requesting the extension:		
The Division of Air Quality (Division) is requesting an extension of the five-year review deadline for Rule R307-124 because this rule will be repealed soon, but not before the current deadline.		
The Utah State Legislature passed HB 545 in the 2026 General Session which repeals the account which funded this program. This bill goes into effect on 07/01/2026.		
The Division would like to repeal this rule after the bill goes into effect and is requesting to extend the five-year review deadline to avoid expiration of this rule.		

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Division Director	Date:	04/15/2026
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End of the Notices of Five-Year Review Extensions Section

NOTICES OF FIVE-YEAR EXPIRATIONS

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). The Office of Administrative Rules (Office) is required to notify agencies of rules due for review at least 180 days prior to the anniversary date. 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 EXTENSION (EXTENSION)** with the Office. However, if the agency fails to file either the **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION** or the **EXTENSION** by the date provide by the Office, the rule expires.

Upon expiration of the rule, the Office files a **NOTICE OF FIVE-YEAR EXPIRATION (EXPIRATION)** to document the action. The Office is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule and it must follow regular rulemaking procedures to replace the rule if it is still needed.

The Office has filed **EXPIRATIONS** for each of the rules listed below which were not reviewed in accordance with Section 63G-3-305. These rules have expired and have been removed from the *Utah Administrative Code*.

The expiration of administrative rules for failure to comply with the five-year review requirement is governed by Subsection 63G-3-305(8).

NOTICE OF EXPIRED RULE		
Rule Number:	R765-608	Filing ID: 54117
Effective Date:	04/14/2026	

Agency Information

1. Title catchline:	Higher Education (Utah Board of), Administration	
Street address:	60 S 400 W	
City, state and zip:	Salt Lake City, UT 84101	
Contact person(s):		
Name:	Phone:	Email:
Nancy Lancaster	801-657-1644	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R765-608. Utah Engineering and Computer Science Scholarship Program
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline.
This rule has expired and will be removed from the Utah Administrative Code.

End of the Notices of Notices of Five-Year Expirations Section

NOTICES OF LEGISLATIVE NONREAUTHORIZATION

Section 63G-3-502 provides that "every agency rule that is in effect on February 28 of any calendar year expires on May 1 of that year unless it has been reauthorized by the Legislature." To do this, the Legislature's Rules Review and General Oversight Committee prepares omnibus legislation each year. As part of this legislation, the Legislature may elect not to reauthorize a rule or a part of a rule down to the complete paragraph level. When this occurs, the Office of Administrative Rules files a **NOTICE OF LEGISLATIVE NONREAUTHORIZATION** to document the Legislature's action and removes the rule or part of a rule from the *Utah Administrative Code*. The filings below show what the Legislature has elected not to reauthorize.

Legislative nonreauthorization of administrative rules is governed by Section 63G-3-502.

NOTICE OF LEGISLATIVE NONREAUTHORIZATION

Rule or section number:	R156-28-302b	Filing ID: 57922
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1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M. Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	Phone:	Email:
Nancy Lancaster (Office of Administrative Rules)	801-657-1644	rulesonline@utah.gov

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

3. General Information

A. Rule or section catchline:
R156-28-302b. Qualifications for Licensure - Experience Requirements
B. House or Senate Bill:
SB 47, Reauthorization of Administrative Rules, was passed in the 2026 General Session. This included the nonreauthorization of Subsections R156-28-302b(1)(b) and (c).
C. Action required by the bill:
Subsections R156-28-302b(1)(b) and (c) are removed from this rule.

4. Effective Date

Effective Date:	05/01/2026
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R156. Commerce, Professional Licensing.

R156-28. Veterinary Practice Act Rule.

R156-28-302b. Qualifications for Licensure - Experience Requirements.

Under Subsection 58-1-203(1), the experience requirements for licensure in Subsection 58-28-302(1) are defined, clarified, or established as follows:

(1)(a) Each applicant for licensure as a veterinarian shall complete 1,000 hours of experience while licensed as a veterinarian intern under the supervision of a licensed veterinarian.

~~(b) Experience shall be earned in not less than six months and completed within two years of the date of the application.~~

~~(c) Experience in the following settings may not fulfill this experience requirement:~~

~~(i) temporary employment experiences of less than eight weeks in duration;~~

~~(ii) part time experience of fewer than 20 hours per week; or~~

~~(iii) experience completed while employed as unlicensed assistive personnel.~~

(d) If the experience is completed in a jurisdiction outside of Utah that does not issue veterinarian, veterinarian intern, or comparable licenses, or completed in a setting that does not require licensure, the applicant shall demonstrate that the experience was:

(i) lawfully obtained;

(ii) obtained after the applicant met the education requirement in Subsection 58-28-302(1)(b);

(iii) supervised by a licensed veterinarian, or by a person who was exempted from licensure but possessed substantially equivalent qualifications; and

(iv) comparable to experience that would be obtained in a standard veterinarian practice setting in Utah.

(e) Supervision may be obtained by indirect supervision as defined in Section 58-28-102, if the supervisor supplements the indirect supervision with routine face to face contact as the supervisor considers appropriate in the supervisor's professional judgment.

(f) Each applicant shall demonstrate completion of the experience required by submitting a verification of experience signed by the applicant and by the applicant's supervisor on forms approved by the Division.

(g) If a supervisor is unavailable or refuses to provide a verification of experience, the applicant shall:

(i) submit a complete explanation of why the supervisor is unavailable; and

(ii) submit verification of the experience by alternative means acceptable to the Board, which shall demonstrate that the experience

was:

(A) profession-related work;

(B) competently performed; and

(C) sufficient accumulated experience for the applicant to be granted a license without jeopardy to the public health, safety, or welfare.

(2) Under Subsection 58-37-6(1)(a), a veterinary intern is not eligible to obtain a controlled substance license during the internship.

KEY: veterinary medicine, licensing, veterinarian

Date of Last Change: ~~October 12, 2023~~ May 1, 2026

Notice of Continuation: June 22, 2021

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-28-101

NOTICE OF LEGISLATIVE NONREAUTHORIZATION

Rule or section number:	R156-55d-302c	Filing ID: 57923
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1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M. Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	Phone:	Email:
Nancy Lancaster (Office of Administrative Rules)	801-657-1644	rulesonline@utah.gov

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

3. General Information

A. Rule or section catchline:	
R156-55d-302c. Qualifications for Licensure -- Experience Requirements -- Qualifying Agent	
B. House or Senate Bill:	
SB 47, Reauthorization of Administrative Rules, was passed in the 2026 General Session. This included the nonreauthorization of Subsection R156-55d-302c(5).	
C. Action required by the bill:	
Subsection R156-55d-302c(5) is removed from this rule.	

4. Effective Date

Effective Date:	05/01/2026
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R156. Commerce, Occupational and Professional Licensing.

R156-55d. Burglar Alarm Licensing Rule.

R156-55d-302c. Qualifications for Licensure -- Experience Requirements -- Qualifying Agent.

In accordance with Subsections 58-1-203(1) and 58-1-301(3) the experience requirements for an alarm company applicant's qualifying agent in Subsection 58-55-302(3)(k)(i) are established as follows:

(1) An applicant shall have within the past ten years:

(a) not less than 6,000 hours of experience in a lawfully operated alarm company business of which not less than 2,000 hours shall have been in a managerial, supervisory, or administrative position; or

(b) not less than 6,000 hours of experience in a lawfully operated alarm company business combined with not less than 2,000 hours of managerial, supervisory, or administrative experience in a lawfully operated construction company.

(2) All experience under Subsection (1) shall be as an employee or in accordance with 26 U.S.C. Section 3508 as a direct seller, and under the immediate supervision of the applicant's employer;

(3) All experience must be obtained while lawfully engaged as an alarm company agent and working for a lawfully operated burglar alarm company.

(4) A total of 2,000 hours of work experience constitutes one year (12 months) of work experience.

[~~(5) An applicant may claim no more than 2,000 hours of work experience in any 12 month period.~~

] (6) No credit shall be given for experience obtained illegally.

KEY: licensing, alarm company, burglar alarms

Date of Last Change: ~~March 24, 2016~~ **May 1, 2026**

Notice of Continuation: January 10, 2022

Authorizing, and Implemented or Interpreted Law: 58-55-101; 58-1-106(1)(a); 58-1-202(1)(a); 58-55-302(3)(k); 58-55-302(3)(l); 58-55-302(4); 58-55-308

NOTICE OF LEGISLATIVE NONREAUTHORIZATION

Rule or section number:	R156-55e-302a	Filing ID: 57924
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1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M. Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	Phone:	Email:
Nancy Lancaster (Office of Administrative Rules)	801-657-1644	rulesonline@utah.gov

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

3. General Information

A. Rule or section catchline:
R156-55e-302a. Qualifications for Licensure - Experience and Education Requirements
B. House or Senate Bill:
SB 47, Reauthorization of Administrative Rules, was passed in the 2026 General Session. This included the nonreauthorization of Subsection R156-55e-302a(1)(b).
C. Action required by the bill:
Subsection R156-55e-302a(1)(b) is removed from this rule.

4. Effective Date

Effective Date:	05/01/2026
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R156. Commerce, Occupational and Professional Licensing.

R156-55e. Elevator Mechanics Licensing Rule.

R156-55e-302a. Qualifications for Licensure - Experience and Education Requirements.

In accordance with Subsections 58-1-203(1)(b) and 58-1-301(3), the experience requirements in Subsections 58-55-302(1)(e)(iv)(C) and 58-55-302(3)(m)(i)(A) and (C) are further clarified and established below.

- (1)(a) The required three years of experience and education shall mean 6,000 hours of training.
- ~~_____] (b) An applicant may earn no more than 2,000 hours of training in any 12 month period.~~
- (c) The required training shall be within the past ten years from the date of application for licensure.
- (d) The required training shall be obtained as an employee working:
 - (i) under the immediate supervision of a licensed elevator contractor where licensure is required; or
 - (ii) under an employer meeting similar qualifications as those of a licensed elevator contractor where licensure is not required.
- (e) No credit shall be given for training obtained illegally.
- (2) The requirements of Subsection (1) may be met by completing a program resulting in the award of a certification from:
 - (a) the Canadian Elevator Industry Education Program;
 - (b) the National Association of Elevator Contractors Certified Elevator Technician Education Program;
 - (c) the National Elevator Industry Education Program; or
 - (d) any other program that meets the requirements of Subsection 58-55-302(3)(m)(i)(C) as determined by the Commission with the concurrence of the Division Director.

KEY: elevator mechanics, licensing

Date of Last Change: ~~April 22, 2019~~ May 1, 2026

Notice of Continuation: June 26, 2025

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-55-101; 58-55-308(1)(a); 58-55-302(3)(m)

NOTICE OF LEGISLATIVE NONREAUTHORIZATION

Rule or section number:	R156-61-302b	Filing ID: 57925
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1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M. Wells Building
Street address:	160 E 300 S

NOTICES OF LEGISLATIVE NONREAUTHORIZATION

City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	Phone:	Email:
Nancy Lancaster (Office of Administrative Rules)	801-657-1644	rulesonline@utah.gov

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

3. General Information

A. Rule or section catchline:
R156-61-302b. Qualifications for Licensure - Experience Requirements
B. House or Senate Bill:
SB 47, Reauthorization of Administrative Rules, was passed in the 2026 General Session. This included the nonreauthorization of Subsections R156-61-302b(1)(b) and (c).
C. Action required by the bill:
Subsections R156-61-302b(1)(b) and (c) are removed from this rule.

4. Effective Date

Effective Date:	05/01/2026
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R156. Commerce, Professional Licensing.

R156-61. Psychologist Licensing Act Rule.

R156-61-302b. Qualifications for Licensure - Experience Requirements.

(1)(a) To qualify for licensure as a psychologist under Subsection 58-61-304(1)(d) or as a psychologist also qualified to engage in mental health therapy under Subsections 58-61-304(1)(d) and (e), an applicant shall complete at least 4,000 hours of psychology training approved by the Division in collaboration with the Board.

~~_____ (b) The training in Subsection (1)(a) shall be completed:~~

~~_____ (i) in not more than four years following the awarding of the doctoral degree, unless the Division in collaboration with the Board approves an extension due to extenuating circumstances;~~

~~_____ (ii) while the applicant is enrolled in an approved doctoral program or licensed as a certified psychology resident;~~

~~_____ (iii) while the applicant is under the supervision of an approved psychologist supervisor under Section R156-61-302d; and~~

~~_____ (iv) as part of a supervised psychology training program as defined in Subsection R156-61-102(11) that does not exceed:~~

~~_____ (A) 40 hours per week for a full-time internship or postdoctoral position; or~~

~~_____ (B) 20 hours for a part-time internship or postdoctoral position; and~~

~~_____ (e) while the applicant is under a minimum of one hour of supervision for every 20 hours of predoctoral training and experience and one hour for every 40 hours of postdoctoral training and experience.~~

] (2) A supervised individual may not count toward the 4,000 hours of psychology doctoral clinical training under Subsection (1)(a) any hour completed under the supervision of an individual who is not an approved psychologist supervisor under Section R156-61-302d.

(3)(a) Under Subsection 58-61-301(1)(b), an individual engaged in a postdoctoral residency program of supervised clinical training shall be certified as a psychology resident.

(b) Under Subsection 58-1-307(1)(c) as referenced by Subsection 58-61-301(1)(b), and Subsection R156-61-102(9), an on-the-job training program is one that:

(i) includes only individuals who have completed all courses required for graduation in a doctoral degree that satisfies the licensure requirements under Title 58, Chapter 61, Psychologist Licensing Act and this rule;

(ii) starts immediately upon completion of all courses required for graduation;

(iii) ends no later than 60 days from the date it begins, or upon licensure, whichever is earlier;

(iv) may not be extended or used a second time;

(v) is completed while the individual is an employee of a public or private agency engaged in the practice of psychology; and

(vi) is supervised by an individual who:

(A) is licensed under Title 58, Chapter 61, Psychologist Licensing Act; and

(B) conducts supervision at least weekly in circumstances where the supervisor and the supervised individual are physically present in the same room at the same time.

(4) An applicant may accrue any portion of the 4,000 hours of psychology doctoral degree training and experience required in Subsection 58-61-304(1)(d) in a predoctoral program.

(5) An applicant for licensure as a psychologist who has started and completed all or part of the psychology or mental health therapy training requirements under Subsection (1)(a) outside the state, may receive credit for that training if the applicant provides satisfactory evidence to the Division that the training is equivalent to the requirements for training under Subsections 58-61-304(1)(d) and (e) and Subsection (1).

(6)(a) Under Subsection 58-61-304(1)(e), an applicant training under remote direct supervision shall have a signed, written remote supervision agreement with the psychologist supervisor that meets the requirements of this subsection.

(b) A remote supervision agreement shall require the supervisor to conduct remote direct supervision only through real-time electronic methods that allow both visual and audio interaction between the supervisor and the supervised individual, and shall contain at least the following:

- (i) provisions establishing the frequency, duration, reason for, and objectives of electronic meetings;
- (ii) a plan to ensure the supervisor has access to the supervised individual despite the physical distance between their offices;
- (iii) a plan to address potential conflicts between clinical recommendations of the supervisor and the representatives of the agency employing the supervised individual;
- (iv) a plan to inform the supervised individual's employer and clients or patients about the supervised individual's use of remote supervision;
- (v) a plan to comply with the supervisor's duties and responsibilities under Section R156-61-302e; and
- (vi) a plan for the supervisor to physically visit the location where the supervised individual practices on at least a quarterly basis, or at a lesser frequency as approved by the Division in collaboration with the Board.

(c)(i) Before training under remote direct supervision, the supervised individual shall:

(A) submit the remote supervision agreement to the Division to evaluate if the remote supervision agreement adequately protects the health, safety, and welfare of the public; and

(B) receive written approval of the remote supervision agreement from the Division.

(ii) A supervised individual may not count toward the real-time live direct supervision requirement under Subsection 58-61-304(1)(e) any hour of remote supervision completed before the Division grants written approval of the supervised individual's remote supervision agreement.

KEY: licensing, psychologists

Date of Last Change: ~~March 30, 2026~~ May 1, 2026

Notice of Continuation: September 7, 2023

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-61-101

NOTICE OF LEGISLATIVE NONREAUTHORIZATION		
Rule or section number:	R156-61-302d	Filing ID: 57926

1. Agency Information

Title catchline:	Commerce, Professional Licensing	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	

2. Contact Persons

Name:	Phone:	Email:
Nancy Lancaster (Office of Administrative Rules)	801-657-1644	rulesonline@utah.gov

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

3. General Information

A. Rule or section catchline:
R156-61-302d. Qualifications for Designation as an Approved Psychologist Supervisor

NOTICES OF LEGISLATIVE NONREAUTHORIZATION

B. House or Senate Bill:

SB 47, Reauthorization of Administrative Rules, was passed in the 2026 General Session.

This included the nonreauthorization of Section R156-61-302d.

C. Action required by the bill:

Section R156-61-302d is removed from this rule.

4. Effective Date

Effective Date:	05/01/2026
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R156. Commerce, Professional Licensing.

R156-61. Psychologist Licensing Act Rule.

~~**[R156-61-302d. Qualifications for Designation as an Approved Psychologist Supervisor.**~~

~~Under Subsection 58-61-304(1)(d) or (e), to be approved by the Division in collaboration with the Board as a psychologist supervisor of psychology training or mental health therapy training, an individual shall:~~

~~(1) be currently licensed in good standing as a psychologist in the jurisdiction in which the supervised training is being performed; and~~

~~(2) have practiced as a licensed psychologist for at least 4,000 hours in a period of not less than two years.~~

]

KEY: licensing, psychologists

Date of Last Change: ~~March 30, 2026~~ May 1, 2026

Notice of Continuation: September 7, 2023

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-61-101

End of the Notices of Legislative Nonreauthorization Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Agriculture and Food

Plant Industry

No. 57769 (Amendment) R68-11: Quarantine Pertaining to the Emerald Ash Borer

Published: 02/01/2026

Effective: 04/06/2026

No. 57771 (Repeal and Reenact) R68-14: Quarantine Pertaining to Spongy Moth - *Lymantria Dispar*

Published: 02/15/2026

Effective: 04/06/2026

No. 57768 (Repeal and Reenact) R68-18: Quarantine Pertaining to Karnal Bunt

Published: 02/01/2026

Effective: 04/06/2026

Commerce

Professional Licensing

No. 57827 (Amendment) R156-47b: Massage Therapy Practice Act Rule

Published: 03/15/2026

Effective: 04/27/2026

Education

Administration

No. 57795 (Amendment) R277-324: Paraprofessional/Paraeducator Programs, Assignments, and Qualifications

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No. 57796 (Amendment) R277-479: Funding for Charter School Students With Disabilities on an IEP

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No. 57797 (Amendment) R277-700: The Elementary and Secondary School General Core

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No. 57798 (Amendment) R277-717: High School Course Grading Requirements

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NOTICES OF RULE EFFECTIVE DATES

No. 57799 (Amendment) R277-929: State Council on Military Children
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Environmental Quality

Waste Management and Radiation Control, Waste Management
No. 57803 (Amendment) R315-101: Cleanup Action and Risk-Based Closure Standards
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Health and Human Services

Integrated Healthcare
No. 57824 (Amendment) R414-1-5: Incorporations by Reference
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Insurance

Title and Escrow Commission
No. 57806 (New Rule) R592-18: Construction Disbursement Transactions
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End of the Notices of Rule Effective Dates Section