UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed July 02, 2026, 12:00 a.m. through July 15, 2026, 11:59 p.m.

Number 2026-15
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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

Utah state bulletin.
Semimonthly.
1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.
I. Utah. Office of Administrative Rules.

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EDITOR'S NOTES

EDITOR'S NOTE

Incorrect Filing ID for Rule R532-2

On 07/15/2026, the Office of Administrative Rules received an email asking if there was a typographical error in the ID number for Rule R532-2.

In the Notices of Effective Dates published in the July 15, 2026, Bulletin on page 189, Rule R523-2 was shown as published in the April 1, 2026, Bulletin as ID 57857. This is correct.

However, Rule R523-2 was published as a Repeal and Reenact under ID 57587 in the April 1, 2026, Bulletin. This is incorrect. It should have been ID 57857.

Any questions should be directed to Nancy Lancaster, Managing Editor, at rulesonline@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.

EXECUTIVE ORDER
2026-05

Declaring a State of Emergency in Certain Counties Due to Wildfires and Flooding Related to Wildfires

WHEREAS, due to prolonged drought conditions, Utah has experienced an overwhelming fire season, with over 590 fires and almost 380,000 acres burned;

WHEREAS, the Cottonwood Fire in Beaver and Piute counties has consumed at least 97,464 acres;

WHEREAS, these and other wildfires throughout the state have caused tremendous harm to individuals and families, the loss of homes, damage to structures and critical infrastructure, and significant economic impacts due to loss of recreational access, canceled tourist reservations, reduced revenue for local businesses, and loss of grazing and other agricultural resources;

WHEREAS, fighting wildfires and protecting the public from risks of wildfires have placed immense burdens on firefighting and law enforcement personnel, local governments, and emergency managers;

WHEREAS, the wildfires and existing weather conditions in Beaver, Piute, and other counties require immediate suppression to mitigate the threat to human life, structures, homes, livestock, and existing drinking water supplies;

WHEREAS, during the 2026 fire season, Utah has had three Fire Management Assistance Grant (FMAG) declared fires burning simultaneously: the Cottonwood, Iron, and Cherry fires.

WHEREAS, the enduring marks left on our landscape by wildfires, such as burn scars, debris flows, and post-fire flooding, create significant issues after wildfires are contained, including burn scars from the Thompson Ridge (2023), Silver King (2024), and Monroe Canyon (2025) fires located in Beaver, Piute, and Sevier counties;

WHEREAS, 18 Utah counties have declared local emergencies for fire, flood, and drought conditions since April 2026;

WHEREAS, damaging flood events have recently impacted many communities throughout the state of Utah;

WHEREAS, the flooding has displaced residents, damaged homes and property, and disrupted lives;

WHEREAS, flooding in Beaver County has completely destroyed parts of State Route 153 in Beaver Canyon;

WHEREAS, flooding has deprived Marysvale, Junction, and Circleville in Piute County and Beaver City in Beaver County of access to culinary and agricultural water, has compromised the structural integrity of water systems and irrigation systems, and has threatened wells and water lines;

WHEREAS, flooding in Sevier County, including the town of Koosharem, has damaged homes and property and impacted water supplies;

WHEREAS, small county budgets, limited public works staffing, limited equipment, multiple simultaneous incidents, and extraordinary overtime costs have had a major impact on our rural communities;

WHEREAS, the potential for future and additional flooding in the burn scars or other areas impacted by fires in counties listed in this order still exists and is expected to continue for the remainder of the summer monsoon season;

WHEREAS, the costs arising from the fire and flood damage exceed local capability, state resources have already been heavily committed, and recovery costs may exceed available funding;

WHEREAS, declaring a state of emergency will facilitate the protection of persons and property from the impacts of wildfires, flooding, and potential flooding in the counties listed below and expedite the use of state resources, including Hazard Mitigation funding, as well as support requests for federal and interstate resources, if required;

WHEREAS, the declaration of emergency will also permit the state of Utah to request and receive mutual aid assistance from other states through the Emergency Management Assistance Compact, if required;

WHEREAS, Utah Code § 53-2a-204(1)(a) authorizes the governor to utilize all available resources of state government as reasonably necessary to cope with a state of emergency;

WHEREAS, these conditions meet the definition of a state of emergency described in the Disaster Response and Recovery Act, specifically in Utah Code § 53-2a-206(1); and

WHEREAS, Utah Code § 53-2a-206(1) authorizes the governor to declare a state of emergency by executive order;

NOW, THEREFORE, I, Spencer J. Cox, governor of the state of Utah, by the authority vested in me by the Constitution and laws of this state, hereby do the following:

1. **Declaration of Emergency**. I declare a state of emergency in Beaver, Piute, and Sevier counties due to the fires, flooding, and risks of flooding described in this Order.

2. **Emergency Operations Plan**. I activate the state Emergency Operations Plan for the duration of the state of emergency.

THIS ORDER is effective immediately and shall remain in effect for 30 days, unless the legislature extends the state of emergency.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done on this, the 22 day of July, 2026.

(State Seal)

Spencer J. Cox
Governor, State of Utah

ATTEST:

Deidre M. Henderson
Lieutenant Governor, State of Utah

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 July 02, 2026, 12:00 a.m., and July 15, 2026, 11:59 p.m. are included in this, the August 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 August 31, 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 December 01, 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	**Filing ID: 58107**
Rule or section number:	**R18-1**

1. Agency Information

Title catchline:	Government Operations, Data Privacy
Building:	Taylorsville State Office Building
Street address:	4315 S 2700 W
City, state:	Taylorsville, UT

2. Contact Persons

Name:	Phone:	Email:
Lana Taylor	801-834-3121	lanataylor@utah.gov

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

3. General Information

A. Rule or section catchline:

R18-1. Relief from Data Privacy Requirements

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

HB 450, passed in the 2026 General Session, removed the requirement that governmental entities apply to the Office of Data Privacy (Office) for permission to provide their own data privacy training in lieu of the data privacy training created by the Office.

Now governmental entities can decide on their own whether to use their own data privacy training or the data privacy training created by the Office. Whereas governmental entities no longer need to apply for a waiver there is no need to have a rule describing that process.

HB 450 (2026) also changed the requirements for the Office to grant an extension or exemption. The statute now describes the process with enough specificity that there is no longer a need for a rule describing the process.

C. Summary of the new rule or change:

This filing repeals the rule in its entirety.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 450 (2026 General Session)

5. Fiscal Information

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

A. State budget:

Repealing this rule will not result in any costs or savings to the state budget because this rule only eliminates processes that are no longer necessary.

B. Local governments:

Repealing this rule will not result in any costs or savings to local governments because this rule only eliminates processes that are no longer necessary.

C. Small businesses ("small business" means a business employing 1-49 persons)**:**
Repealing this rule will not result in any costs or savings to small businesses because this rule only eliminates processes for governmental entities that are no longer necessary.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
Repealing this rule will not result in any costs or savings to non-small businesses because this rule only eliminates processes for governmental entities that are no longer necessary.
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***)**:**
Repealing this rule will not result in any costs or savings to persons other than small businesses, non-small businesses, state, or local government entities because this rule only eliminates processes for governmental entities that are no longer necessary.
F. Compliance costs for affected persons:
There are no costs for affected persons because this rule only eliminates processes for governmental entities that are no longer necessary.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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**

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Government Operations, Marvin Dodge, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Subsection 63A-19-301(4)(l)	Subsection 63A-19-301(5)	

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	08/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	09/08/2026

13. Agency Authorization Information

Agency head or designee and title:	Marvin Dodge, Commissioner	**Date:**	06/30/2026

R18. Government Operations, Data Privacy.

[~~R18-1. Relief from Data Privacy Requirements.~~

~~R18-1-1. Authority.~~

~~This rule is authorized by Subsection 63A-19-301(4)(f).~~

~~R18-1-2. Purpose.~~

~~The purpose of this rule is to establish procedures for:~~

~~(1) a governmental entity to apply:~~

~~(a) for a limited extension of or exemption from complying with the data privacy requirements in Title 63A, Chapter 19, Part 4, the Governmental Data Privacy Act; or~~

~~(b) to substitute the governmental entity's data privacy training for the office's training;~~

~~(2) the office to grant or deny a governmental entity's application; and~~

~~(3) providing notice of the office's decision.~~

~~R18-1-3. Definitions.~~

~~(1) Terms used in this rule are defined in Section 63A-19-101.~~

~~(2) In addition, "office's training" means the data privacy training program created by the office pursuant to Section 63A-19-401.2.~~

~~R18-1-4. Extensions and Exemptions.~~

~~A governmental entity seeking a limited extension or exemption under Subsection 63A-3-301(5)(a)(i) shall submit a completed application form, created by the office, that includes:~~

~~(1) a description of the specific duty for which an extension or exemption is sought;~~

~~(2) the limited period for which an extension or exemption is sought;~~

~~(3) a citation to the statute that imposes the duty for which an extension or exemption is sought; and~~

~~(4) a detailed justification for the requested extension or exemption that describes how the governmental entity has mitigated any risks to individual's data privacy interests caused by the extension or exemption.~~

~~R18-1-5. Substitute Data Privacy Training.~~

~~(1) A governmental entity seeking to substitute the governmental entity's data privacy training for the office's training under Subsection 63A-3-301(5)(a)(ii) shall submit:~~

~~(a) a completed application form, created by the office; and~~

~~(b) a copy of the governmental entity's data privacy training.~~

~~(2) The office may allow a governmental entity to substitute the governmental entity's data privacy training for the office's training if the governmental entity's data privacy training contains the same information as the office's training, including information regarding:~~

~~(a) the data privacy requirements found in Title 63A, Chapter 19, Part 4, the Government Data Privacy Act and any other data privacy laws that may be applicable to the governmental entity;~~

~~(c) the relationship between data privacy and records management;~~

~~(d) the data privacy roles and responsibilities of governmental employees, including the duties of chief administrative officers and appointed records officers; and~~

~~(e) data privacy best practices.~~

~~R18-1-6. Office Approval or Denial.~~

~~(1)(a) If the office approves a request, the office shall provide a notice of approval to the governmental entity.~~

~~(b) A notice of approval for a limited extension or exemption, shall describe:~~

~~(i) the length of the extension or exemption; and~~

~~(ii) any specific terms and conditions.~~

~~(c) The office shall provide a notice of approval to the state privacy auditor and the governing board.~~

~~(2)(a) If the office denies a request, the office shall provide a notice of denial to the governmental entity.~~

~~(b) A notice of denial of a request to substitute the governmental entity's data privacy training shall describe the reasons why the request was denied.~~

~~**KEY: data privacy, extensions, exemptions, training**~~
~~**Date of Last Change: November 10, 2025**~~
~~**Authorizing, and Implemented or Interpreted Law: 63A-19-301(5)**~~**]**

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: New	**Filing ID: 58106**
Rule or section number:	**R18-2**

1. Agency Information

Title catchline:	Government Operations, Data Privacy
Building:	Taylorsville State Office Building
Street address:	4315 S 2700 W
City, state:	Taylorsville, UT

2. Contact Persons

Name:	**Phone:**	**Email:**
Lana Taylor	801-834-3121	lanataylor@utah.gov

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

3. General Information

A. Rule or section catchline:
R18-2. Utah Privacy Commission Meetings
B. Purpose of the new rule or reason for the change:
The purpose of this rule is to establish participation requirements for members of the Utah Privacy Commission.
C. Summary of the new rule or change:
This rule describes how members of the Utah Privacy Commission (Commission) must conduct Commission business and may participate in meetings electronically. This rule also describes how a member may be removed from the Commission if the member does not comply with these requirements.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 450 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule will not result in any costs or savings to the state budget because it only regulates how Commission members must conduct themselves in Commission meetings.

B. Local governments:
This rule will not result in any costs or savings to local governments because it only regulates how Commission members must conduct themselves in Commission meetings.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule will not result in any costs or savings for small businesses because it only regulates how Commission members must conduct themselves in Commission meetings.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This rule will not result in any costs or savings for non-small businesses because it only regulates how Commission members must conduct themselves in Commission meetings.
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 will not result in any costs or savings for any other persons because it only regulates how Commission members must conduct themselves in Commission meetings.
F. Compliance costs for affected persons:
This rule will not result in any compliance costs for affected persons because it only regulates how Commission members must conduct themselves in Commission meetings.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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**

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Government Operations, Marvin Dodge, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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 63A-19-203	Section 52-4-207	

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	08/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	09/08/2026

13. Agency Authorization Information

Agency head or designee and title:	Marvin Dodge, Commissioner	**Date:**	07/02/2026

R18. Government Operations, Utah Office of Data Privacy.

R18-2. Utah Privacy Commission Meetings.

R18-2-1. Authority.

This rule is authorized by Sections 63A-19-203 and 52-4-207.

R18-2-2. Purpose.

The purpose of this rule is to establish requirements for member participation in commission meetings.

R18-2-3. Definitions.

(1) Terms used in this rule are defined in Sections 63A-19-101 and 52-4-103.

(2) In addition, "member" means an individual appointed to the commission under Section 63A-19-203.

R18-2-4. Member Participation.

(1) A member shall:

(a) if participating in a meeting electronically, keep the camera on throughout the meeting unless the member:

(i) experiences technical difficulties that prevent the member's image from being displayed; or

(ii) notifies the chair that they are temporarily unavailable;

(b) attend one meeting in-person each year, unless excused by the chair;

(c) notify the chair before a meeting if the member cannot attend; and

(d) regularly attend and participate in scheduled meetings when assigned to:

(i) a subcommittee; or

(ii) perform other commission work; and

(e) when feasible, use an email account issued by a governmental entity when participating in commission matters.

(2) A member may not appoint a designee or proxy to attend a meeting on the member's behalf.

(3) A member who is required to refrain from participating in a matter as described in Subsection 63A-19-203(8):

(a) shall disclose the conflict when the matter is raised;

(b) shall refrain from voting on the matter; and

(c) may participate in a discussion of the matter to the same extent as a member of the public.

(4) The chair shall notify the official who appointed a member if the member:

(a) fails to comply with the requirements described in Subsection R18-2-4(1) without reasonable excuse;

(b) misses more than two commission or subcommittee meetings without advance notice, or more than four commission meetings regardless of advance notice, in any consecutive 12-month period; or

(c) ceases to meet the qualifications for appointment.

R18-2-5. Electronic Meetings.

(1) Individuals may participate in a commission meeting through the use of:

(a) an online medium that allows for audio and video interactions; or

(b) a telecommunications medium that allows for audio interactions.

(2) A member who appears electronically:

(a) shall be counted as present for purposes of determining a quorum; and

(b) may fully participate and vote on any matter before the commission.

(3) When an electronic meeting is scheduled, the public notice required by Section 52-4-202 shall describe:
(a) how an individual may participate in the meeting electronically; and
(b) the anchor location where an individual may attend, monitor, and participate in the meeting.
(4)(a) The anchor location for commission meetings, unless otherwise designated in the public notice, shall be the Utah Capitol Complex, Senate (East) Building, Room 220, 350 N. State Street, Salt Lake City, UT 84114.
(b) The commission may convene an entirely electronic meeting, without an anchor location, if the requirements in Subsection 52-4-207(5) are met.
(5) In an electronic meeting the chair shall:
(a) identity the members who are participating electronically, either at the commencement of the meeting or when a member initially appears; and
(b) confirm the votes of members who participate electronically.

KEY: privacy commission, participation, electronic meetings
Date of Last Change: 2026
Authorizing, and Implemented or Interpreted Law: 63A-19-203; 52-4-207

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58114**
Rule or section number:	**R414-1**

1. Agency Information

Title catchline:	Health and Human Services, Integrated Healthcare
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 143325
City, state and zip:	Salt Lake City, UT 84114-3325

2. Contact Persons

Name:	Phone:	Email:
Craig Devashrayee	801-915-4493	cdevashrayee@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov

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

3. General Information

A. Rule or section catchline:

R414-1. Utah Medicaid Program

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

Based on discussions within the Division of Integrated Healthcare (division), the purpose of this amendment is to implement, by rule, payment for Medicare crossover claims for the coordination of benefits and Medicare payment to third-party payors. Previously, these provisions have been implemented through the Medicaid State Plan, but the division determined it is appropriate to implement them through rule.

C. Summary of the new rule or change:

This amendment implements current provisions for Medicare crossover claims and Medicare payments to third-party payors.

This amendment adds a definition for "patient liability," an acronym for third-party liability, and a new section about reimbursement for claims with coordination of benefits.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The Department of Health and Human Services (department) does not expect a fiscal impact to the state budget, as the department currently implements these provisions through the Medicaid State Plan and will now implement them by rule.
B. Local governments:
The department does not expect a fiscal impact to local governments, as they neither fund nor provide services under the Medicaid program.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
The department does not expect a fiscal impact to small businesses, as the department currently implements these provisions through the Medicaid State Plan and will now implement them by rule.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
The department does not expect a fiscal impact to non-small businesses, as the department currently implements these provisions through the Medicaid State Plan and will now implement them by rule.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
Medicaid members and entities outside of government or business are not expected to see a fiscal impact, as the department currently implements these provisions through the Medicaid State Plan and will now implement them by rule.
F. Compliance costs for affected persons:
No affected persons, including a Medicaid member or single entity outside of government or business, are expected to see a fiscal impact, as the department currently implements these provisions through the Medicaid State Plan and will now implement them by rule.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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**

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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 26B-1-213	Section 26B-3-108	

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	8/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	09/08/2026

13. Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Commissioner	**Date:**	07/13/2026

R414. Health and Human Services, Integrated Healthcare.
R414-1. Utah Medicaid Program.
R414-1-2. Definitions.

The following definitions are used throughout the rules of the Division:

(1) "Act" means the federal Social Security Act.

(2) "Applicant" means any person who requests assistance under the medical programs available through the Division.

(3) "Categorically needy" means an aged, blind or disabled individual or family or child:

(a) who is otherwise eligible for Medicaid; and

(i) who meets the financial eligibility requirements for Temporary Assistance for Needy Families as in effect in the Medicaid State Plan; or

(ii) who meets the financial eligibility requirements for Supplemental Security Income (SSI) or an optional State supplement, or is considered under Subsection 1619(b) of the Social Security Act to be an SSI recipient; or

(iii) who is a pregnant woman whose household income does not exceed 133% of the federal poverty guideline; or

(iv) is under age six and whose household income does not exceed 133% of the federal poverty guideline; or

(v) who is a child under age one born to a woman who was receiving Medicaid on the date of the child's birth and the child remains with the mother; or

(vi) who is at least six years of age, but not yet 18 years of age, or is at least six years of age, but not yet 19 years of age and was born after September 30, 1983, and whose household income does not exceed 100% of the federal poverty guideline; or

(vii) who is aged or disabled and whose household income does not exceed 100% of the federal poverty guideline; or

(viii) who is a child for whom an adoption assistance agreement with the state is in effect.

(b) whose categorical eligibility is protected by statute.

(4) "Code of Federal Regulations" (CFR) means the publication by the Office of the Federal Register, specifically Title 42, used to govern the administration of the Medicaid Program.

(5) "Member" means a person the Division or its constituted agent has determined to be eligible for assistance under the Medicaid program.

(6) "CMS" means The Centers for Medicare and Medicaid Services, a federal agency within the United States (U.S.) Department of Health and Human Services. Programs for which CMS is responsible include Medicare, Medicaid, and the Children's Health Insurance Program.

(7) "Department" means the Department of Health and Human Services (DHHS).

(8) "Director" means the director of the Division.

(9) "Division" means the Division of Integrated Healthcare within the Department.

(10) "Emergency medical condition" means a medical condition showing acute symptoms of sufficient severity that the absence of immediate medical attention could reasonably be expected to result in:

(a) placing the patient's health in serious jeopardy;

(b) serious impairment to bodily functions;

(c) serious dysfunction of any bodily organ or part; or

(d) death.

(11) "Emergency service" means immediate medical attention and service performed to treat an emergency medical condition. Immediate medical attention is treatment given within 24 hours of the onset of symptoms or within 24 hours of diagnosis.

(12) "Emergency Services Only Program" means a health program designed to cover a specific range of emergency services.

(13) "Executive Director" means the executive director of the Department.

(14) "InterQual" means the McKesson Criteria for Inpatient Reviews, a comprehensive, clinically based, patient focused medical review criteria and system developed by McKesson Corporation.

(15) "Medicaid agency" means DHHS.

(16) "Medical assistance program" or "Medicaid program" means the state program for medical assistance for persons who are eligible under the state plan adopted pursuant to Title XIX of the federal Social Security Act; as implemented by Title 26B, Chapter 3, Health Care -- Administration and Assistance.

(17) "Medical or hospital assistance" means the service furnished or a payment made to or on behalf of a recipient under medical programs available through the Division.

(18) "Medically necessary service" means that:

(a) it is reasonably calculated to prevent, diagnose, or cure conditions in the recipient that endanger life, cause suffering or pain, cause physical deformity or malfunction, or threaten to cause a handicap; and

(b) there is no other equally effective course of treatment available or suitable for the recipient requesting the service that is more conservative or substantially less costly.

(19) "Medically needy" means an aged, blind, or disabled individual or family or child who is otherwise eligible for Medicaid, who is not categorically needy, and whose income and resources are within limits set under the Medicaid State Plan.

(20) "Medical standards," as applied in this rule, means that an individual may receive reasonable and necessary medical services up until the time a physician makes an official determination of death.

(21)(a) "Patient liability" means the total financial amount a patient is legally obligated to pay a healthcare provider out-of-pocket for medical services rendered after the patient's health insurance company has processed the claim and paid the health insurance company's covered portion.

(b) Patient liability may include a combination of copayment, deductible, or coinsurance.

(22) "Prior authorization" means the required approval for provision of a service that the provider must obtain from the Department before providing the service. Details for obtaining prior authorization are found in Section I of the Utah Medicaid Provider Manual.

(2[~~2~~]3) "Provider" means any person, individual or corporation, institution or organization that provides medical, behavioral or dental care services under the Medicaid program and who has entered into a written contract with the Medicaid program.

(2[~~3~~]4) "Recipient" means a person who has received medical or hospital assistance under the Medicaid program, or has had a premium paid to a managed care entity.

(2[~~4~~]5) "Undocumented alien" means an alien who is not recognized by Immigration and Naturalization Services as being lawfully present in the United States.

(2[~~5~~]6) "Utilization review" means the Department provides for review and evaluation of the utilization of inpatient Medicaid services provided in acute care general hospitals to patients entitled to benefits under the Medicaid plan.

(2[~~6~~]7) "Utilization Control" means the Department implements a statewide program of surveillance and utilization control that safeguards against unnecessary or inappropriate use of Medicaid services, safeguards against excess payments, and assesses the quality of services available under the plan. The program meets the requirements of 42 CFR, Part 456.

R414-1-32. Prior Authorization from Primary Payers First.

(1) Health care providers are encouraged to seek prior authorization, when necessary, from a health insurance entity that is the primary payer before seeking third-party liability (TPL) through Medicaid.

(2) A health insurance entity may not deny a claim submitted by the Office of Recovery Services, the Office of Inspector General of Medicaid Services, Medicaid, or an authorized contractor for an item or service based solely on a lack of prior authorization.

R414-1-33. Reimbursement for Claims with Coordination of Benefits.

(1) Except as otherwise noted in Attachment 4.19-B of the Utah Medicaid State Plan:

(a) Medicaid reimbursement is limited to patient liability for a claim with TPL; and

(b) Medicaid payment for a coordination of benefits claim is the lower of:

(i) the allowed Medicaid rate minus any TPL payment; or

(ii) patient liability.

(2) It is fraudulent for a Medicaid service provider to note patient liability based on Medicaid's reimbursement structure rather than the primary payor's reimbursement structure.

KEY: Medicaid
Date of Last Change: [~~May 1,~~]2026

Notice of Continuation: December 13, 2021
Authorizing, and Implemented or Interpreted Law: 26B-1-213; 26B-3-108; 26B-3-1004; 26B-8-132

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58113**
Rule or section number:	**R414-505-7**

1. Agency Information

Title catchline:	Health and Human Services, Integrated Healthcare
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 143325
City, state and zip:	Salt Lake City, UT 84114-3325

2. Contact Persons

Name:	**Phone:**	**Email:**
Craig Devashrayee	801-915-4493	cdevashrayee@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov

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

3. General Information

A. Rule or section catchline:
R414-505-7. Management Entity Updates
B. Purpose of the new rule or reason for the change:
Based on internal review of contracts, the Division of Integrated Healthcare (division) determined it necessary to make this rule change to specify a time frame for non-state government-owned entities (NSGEs) to notify the department of any change in management entity.
C. Summary of the new rule or change:
This amendment requires NSGEs to notify the Department of Health and Human Services (department) of any change to a new management entity within 30 days or face possible contractual penalties.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is no anticipated fiscal impact on the state budget as this change implements a new type of notification procedure requirement for NSGEs. As NSGEs are already required to make other types of notifications to the division, this new notification requirement is anticipated to fit within existing and established procedures. This change affects neither Medicaid services nor reimbursement to providers.
B. Local governments:
There is no anticipated fiscal impact on local governments, as they neither fund nor provide services under the Medicaid program.

C. Small businesses ("small business" means a business employing 1-49 persons)**:**
There is no anticipated fiscal impact on small businesses as this change implements a new type of notification procedure for NSGEs. As NSGEs are already required to make other types of notifications to the division, this new notification requirement is anticipated to fit within existing and established procedures. This change affects neither Medicaid services nor reimbursement to providers.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There is no anticipated fiscal impact on non-small businesses as this change implements a new type of notification procedure for NSGEs. As NSGEs are already required to make other types of notifications to the division, this new notification requirement is anticipated to fit within existing and established procedures. This change affects neither Medicaid services nor reimbursement to providers.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
There is no anticipated fiscal impact on other persons, including Medicaid members, nonprofits, and entities outside of government or business, as they do not provide these types of services.
F. Compliance costs for affected persons:
There is no anticipated compliance cost for affected persons, including the division, small businesses, and non-small businesses, as this change implements a new type of notification procedure for NSGEs. As NSGEs are already required to make other types of notifications to the division, this new notification requirement is anticipated to fit within existing and established procedures for affected persons. This change affects neither Medicaid services nor reimbursement to providers.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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	$0
Total Fiscal Cost	**$**	**$**	**$**	**$**	**$**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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 26B-1-213	Section 26B-3-108	

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	08/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	09/08/2026

13. Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Commissioner	**Date:**	07/10/2026

R414. Health and Human Services, Integrated Healthcare.
R414-505. Participation in the Nursing Facility Non-State Government-Owned Upper Payment Limit Program.
R414-505-7. Management Entity Updates.

(1) Within 30 days of any change in management entity, an NSGE shall provide notice to the department's Medicaid reimbursement unit manager through email at NF_Rates@utah.gov, regardless of whether the management agreement changes at that time.

(2) Failure to comply with the procedure described in Subsection (1) may result in contractual penalties.

KEY: Medicaid
Date of Last Change: [~~November 20, 2023~~]2026
Notice of Continuation: May 7, 2026
Authorizing, and Implemented or Interpreted Law: 26B-1-213; 26B-3-108

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58112**
Rule or section number:	**R501-14**

1. Agency Information

Title catchline:	Health and Human Services, Human Services Program Licensing
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 142003
City, state and zip:	Salt Lake City, UT 84114-2003

2. Contact Persons

Name:	**Phone:**	**Email:**
Kamille Sheikh	385-227-1290	kamillesheikh@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Jada Stelmach	801-230-4296	jstelmach3@utah.gov

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

3. General Information

A. Rule or section catchline:
R501-14. Human Services Program Background Checks
B. Purpose of the new rule or reason for the change:
The purpose of this filing is to update statutory citations in this rule overseen by the Office of Licensing (OL), within the Department of Health and Human Services (department), to comply with SB 119 from the 2025 General Session. Additionally, upon internal review, OL determined that additional changes to this rule are appropriate to provide clarity to readers.
C. Summary of the new rule or change:
This amendment updates statutory citations throughout this rule to reflect renumbering of statute from SB 119 in the 2025 General Session. It updates references from Section 78B-6-128 to 81-13-403 and Section 78B-6-131 to 81-13-203. This amendment also adds the definition "FBI Rap Back System" to the definitions section and updates the definitions for the terms "Direct Access Clearance System" and "determination." This amendment also updates language throughout this rule to differentiate between references to the "FBI Rap Back System" and "rap back system" to improve clarity and understanding of this rule for any human services program provider and the public. This amendment further clarifies the comprehensive review process and the reapplication timeline. Additionally, this amendment makes style and formatting changes to align with the Rulewriting Manual for Utah and other rules under the department.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 119 (2025 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This amendment is not anticipated to result in a cost or savings to the state budget as human services providers are already regulated by the OL and this amendment does not alter that process. This amendment updates statutory references, adds and updates terms for provider clarity, and makes nonsubstantive style and formatting changes. Any costs associated with the implementation of SB 119, passed in the 2025 General Session, have been captured in that bill's fiscal note, which can be viewed at https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/SB0119S01.fn.pdf.
B. Local governments:
This amendment is not anticipated to result in a fiscal impact on local governments' revenues or expenditures because human services providers are regulated by OL for health and safety standards and not by local governments. There will be no change in local business licensing or any other item with which local government is involved. The department also does not anticipate any fiscal impact on local governments as a result of the style and formatting changes, updated statutory references, additional clarifying language changes, or updates to terms used for provider clarity included in this amendment.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This amendment is not anticipated to result in a cost or savings for small businesses. Human services providers are already regulated by OL and this amendment does not alter that process.

This amendment is not anticipated to add to, modify, or remove any existing requirement or restriction for human service providers.

The department also does not anticipate any fiscal impact on small businesses as a result of the style and formatting changes, updated statutory references, additional clarifying language changes, or updates to terms for provider clarity included in this amendment.

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

This amendment is not anticipated to result in a cost or savings for non-small businesses. Human services providers are already regulated by OL and this amendment does not alter that process.

This amendment is not anticipated to add to, modify, or remove any existing requirement or restriction for human service providers.

The department also does not anticipate any fiscal impact on non-small businesses as a result of the style and formatting changes, updated statutory references, additional clarifying language changes, and addition of terms for provider clarity included in this amendment.

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 amendment is not anticipated to result in a cost or saving for persons other than small businesses, non-small businesses, state, or local governments entities.

This amendment is not anticipated to add to, modify, or remove any existing requirement or restriction for human service providers.

The department also does not anticipate any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities as a result of the style and formatting changes, updated statutory references, additional clarifying language changes, and addition of terms for provider clarity included in this amendment.

F. Compliance costs for affected persons:

Affected persons for this amendment would include OL, as the regulatory body for health and safety standards for human services providers, and human services providers regulated by OL, which are small businesses, non-small businesses, and other persons, including nonprofit entities.

There are no anticipated compliance costs for these affected persons because this amendment does not add to, modify, or remove any existing requirements or restrictions for these entities and this amendment does not alter the existing process for regulation.

The department also does not anticipate any compliance cost for affected persons as a result of the style and formatting changes, updated statutory references, additional clarifying language changes, and addition of terms for provider clarity included in this amendment.

Any costs associated with the implementation of SB 119 (2025) have been captured in that bill's fiscal note, which can be viewed at https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/SB0119S01.fn.pdf.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
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	FY2027	FY2028	FY2029	FY2030	FY2031
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**

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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 26B-2-120	Section 26B-2-121	Section 26B-2-122

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	08/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	09/08/2026

13. Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Commissioner	**Date:**	07/10/2026

R501. Health and Human Services, Human Services Program Licensing.
R501-14. Human Services Program Background Checks.
R501-14-1. Authority and Purpose.

(1) Sections 26B-2-120 through 26B-2-122 authorize this rule.

(2) This rule clarifies the standards for approving, denying, or revoking an applicant's background check.

R501-14-2. Definitions.

Terms used in this rule are defined in Sections 26B-2-101 and Rule R380-600. Additionally:

[~~(1) "Abuse" means the same as defined in Sections 26B-6-201 and 80-1-102 and may include severe abuse, severe neglect, and sexual abuse.~~
] ([~~2~~]1) "Applicant" means the same as defined in Section 26B-2-120 and includes anyone associated with a licensee, as defined in Section 26B-2-101, and any person whose identifying information is submitted to the Office of Background Processing (OBP) under Section[~~s~~] 26B-2-120, 26B-6-107, 26B-6-410, [~~78B-6-128~~]81-13-203, [~~and~~]or [~~78B-6-131~~]81-13-403.

(2) "Application" means the same as defined in Section 26B-2-120.

(3) "BCI" means the Bureau of Criminal Identification and is the designated state agency of the [~~Division of~~]Criminal Investigations and Technical Services Division, within the Department of Public Safety, [~~that is~~]responsible for maintaining criminal records.

[~~(4) "Child" means the same as defined in Section 26B-2-101.~~
~~(5) "Child placing" means the same as defined in Section 26B-2-101.~~
] ([~~6~~]4) "Clearance" means the determination level OBP is statutorily required to make, based on the provider the applicant is associated with in DACS.

([~~7~~]5) "Comprehensive review" means the same as [~~outlined~~]described in Subsection 26B-2-120(7)(a).
[~~(8) "Congregate care program" means the same as defined in Section 26B-2-101 and may be referred to as a youth residential program in rules under Title R501.~~
] ([~~9~~]6) "Criminal finding" means the same as defined in Section 26B-2-120.

([~~10~~]7) "DAAS statewide database" means the Division of Aging and Adult Services database created by Section 26B-6-210 to maintain reports of vulnerable adult abuse, neglect, or exploitation.

([~~11~~]8) "DACS" or "Direct Access Clearance System" means the online system used by the Division of Licensing and Background Checks (DLBC) for processing and [~~maintaining~~]monitoring background checks [~~information and determinations~~]for any applicant with direct access to a client in a human services program.

([~~12~~]9)(a) "Determination" means the listing of results of the OBP[~~'s statutorily-guided~~] review of criminal and non-criminal findings in DACS.

(b) OBP may determine an applicant is:

(i) eligible for conditional hire or conditional approval under conditions [~~outlined~~]described in Subsection R501-14-7(2);

(ii) eligible for hire or approval and may work unsupervised;

(iii) not eligible for hire and may not work; or

(iv) [~~supervised only~~]eligible for hire to work under direct supervision of another employee with an eligible department clearance while in the presence of a client or client record.

[~~(13) "Direct access" means the same as defined in Section 26B-2-101.~~
~~(14) "Direct service worker" means the same as defined in Section 26B-6-401.~~
~~(15) "Directly supervised" means the same as defined in Section 26B-2-101.~~] (10) "FBI Rap Back System" means the same as defined in Section 53-10-108.

([~~16~~]11) "Fingerprints" means an applicant's fingerprints as copied electronically through a fingerprint scanning device or on two ten-print fingerprint cards by a law enforcement agency, an agency approved by the BCI, or a provider representative.

[~~(17) "Foster home" means the same as defined in Section 26B-2-101.~~
~~(18) "Harm" means the same as defined in Subsection R380-600-2(17).~~
~~(19) "Human Services Program" means the same as defined in Section 26B-2-101.~~
~~(20) "Licensee" means the same as defined in Section 26B-2-101.~~
] ([~~21~~]12) "Licensing Information System" or "LIS" means the system created by and described in Section 80-2-1002[~~, as a sub-part of the Division of Child and Family Services' Management Information System (MIS) created by Section 80-2-1001~~].

(13) "Management Information System" or "MIS" means the system created by Section 80-2-1001.

[~~(22) "Neglect" means the same as defined in Sections 26B-6-201 and 80-1-102.~~
] ([~~23~~]14) "Non-criminal finding" means the same as defined in Section 26B-2-120.
[~~(24) "OBP" means the Office of Background Processing within the DLBC.~~
] ([~~25~~]15) "Personal identifying information" means the same as defined in Section 26B-2-120 and includes a government-issued photo identification or government-issued document identifying requested information.
[~~(26) "Program" means a human services program as defined in Section 26B-2-101.~~
~~(27) "Provider" means the same as defined in Section R380-600-2.~~
] ([~~28~~]16)[~~(a)~~] "Provider representative" means:

(a) [~~the~~]an individual[~~ or individuals~~] responsible, on the program's behalf, to:

(i) ensure information remains current in DACS for each applicant and program;

(ii) enter applications for each applicant;

(iii) initiate, maintain, and monitor background communications with OBP;

(iv) protect personal identifying information; and

(v) verify employment[~~.~~]; or

(b) [~~"Provider representative" also means ~~]a background screening agent under Title R501.

([~~29~~]17) "Rap back system" means the same as defined in Section 53-10-108.

([~~30~~]18)(a) "Reside" means retaining a residence for six or more consecutive months.

(b) Reside does not mean religious, educational, or military service as long as the primary state of residence is maintained.

([~~31~~]19) "Supported" means the same as defined in Sections 26B-6-201 and 80-1-102.

[~~(32) "Vulnerable adult" means the same as defined in Section 26B-2-101.~~
]

R501-14-3. Initial Background Check Procedure.

(1) A provider representative shall ensure that an applicant for an initial background check completes the required application fields and disclosure statements to authorize OBP's continual monitoring of the applicant's fingerprints and applicable state registries.

(2) An applicant shall disclose any criminal findings, including pending charges, and any non-criminal findings during the background check application process.

(3)(a) An applicant may provide a disclosure statement[~~s~~] and related documents as direct attachments to the application to be uploaded into DACS by a provider representative or directly emailed to OBP.

(b) If an applicant submits a sealed envelope, the provider representative shall forward [~~it~~]the sealed envelope unopened to OBP.

(4) OBP will conduct the background check for the highest level clearance, including any out-of-state child abuse and neglect registry check[~~s~~], for any of the following applicants who have [~~lived~~]resided out-of-state within the past five years:

(a) a prospective foster parent or prospective adoptive parent;

(b) an adult in the home of a prospective foster parent or prospective adoptive parent; and

(c) an applicant seeking a position in a congregate care program.

(5)(a) An applicant applying to work in a congregate care program who has resided outside of Utah within the five years immediately before the date of the background check application shall provide a child abuse and neglect registry record for [~~each~~]every state in which the applicant has resided within those five years.

(b) Instructions for obtaining out-of-state child abuse and neglect registry records from each state are found on the DLBC website.

(c) Out-of-state child abuse and neglect registry records are not required a second time for a background check transfer or renewal as long as a record from every state the applicant has resided in [~~over~~]within the past five years has been previously submitted and reviewed by OBP.

(d) Any applicant for prospective foster or adoptive care is not required to submit the applicant's own out-of-state child abuse and neglect registry records, as [~~they~~]those records are included in the background check conducted by OBP.

(e) A congregate care program provider who is not department-contracted shall supervise any applicant experiencing a delay[~~s~~] in receiving a requested out-of-state registry record while the record is pending, unless:

(i) the applicant has initiated the out-of-state record search and the search is actively in progress; and

(ii) OBP otherwise approves the applicant's background check with no comprehensive review required.

(f) OBP may not issue a renewal clearance if the applicant has not provided OBP with the [~~original~~]out-of-state registry results [~~have not been provided to OBP~~]within the 12-month initial clearance time frame.

(g) The allowance [~~outlined~~]described in Subsection (5)([~~d~~]e) does not apply to a department-contracted congregate care program provider.

(h)(i) OBP shall deny or revoke a background check if any out-of-state registry record contains information that constitutes background check denial under this rule.

(ii) The provider representative shall end the employee's direct access to clients and client records immediately upon an ineligible determination notification from OBP.

(6) [~~A~~]Each prospective foster parent, prospective adoptive parent, or an adult living in the home of a prospective foster parent or prospective adoptive parent shall identify [~~any~~]every state [~~they have~~]that person has resided in [~~over~~]within the past five years for OBP to conduct the out-of-state registry search for the clearance of that person[~~the prospective foster parent or prospective adoptive parent and any adult living in the home~~].

(7)(a) The provider representative shall require an applicant to present valid government-issued photo identification to verify the application.

(b) The provider representative shall inspect each applicant's government-issued photo identification card [~~and~~]to determine that the identification does not appear to have been forged or altered.

(c) The provider representative shall submit the background check application, personal identifying information, signed consent disclosure statement, and applicable fee into DACS.

(d) The provider representative may withdraw a background check application at any time during the process.

R501-14-4. Renewal Background Check Procedure.

(1) A renewal application is not required if the applicant has an application entered into DACS under the program where the applicant works, a signed disclosure statement form uploaded, and initial fingerprints that are enrolled in the rap back system.

(2) OBP shall continuously monitor criminal records and annually monitor applicable state registries.

(3)(a) The provider representative shall keep the program's roster and employee information current in DACS.

(b) The provider representative shall check the roster at least monthly to verify employee information and the employment of any employee[~~s~~] due for a renewal review.

(c) When an employee no longer works for the program, the provider representative shall separate that employee from the program's roster in DACS within five days of the employee's separation from the program.

(4) An applicant who is no longer affiliated with any licensed or certified program has 180 days to become re-employed before OBP reports to the Department of Public Safety to cancel the applicant's FBI [~~r~~]Rap [~~b~~]Back System subscription.

R501-14-5. General Background Check Procedure.

(1)(a) OBP may not process an application without the required applicable fee, applicant information, and a signed disclosure statement.

(b) OBP shall use personal identifying information to perform a search in accordance with Section 26B-2-120.

(2)(a) [~~The~~]A provider representative shall submit a background check application for each applicant for an initial background check no later than two weeks from the date the applicant becomes associated with the licensee, certification, or contract.

(b)(i) The provider representative shall ensure [~~an~~]the applicant is directly supervised until OBP issues a conditional or eligible clearance determination.

(ii) The provider representative shall document how the applicant remains supervised for the entirety of the applicant's supervised employment term before receiving a clearance determination.

(3) An applicant is eligible to work unsupervised when OBP updates DACS with an eligible determination[~~:~~

~~(a) both in-state and out-of-state registry checks are completed, as applicable, except as outlined in Subsection R501-14-3(5)(f);~~

~~(b) the criminal record check reveals no criminal findings subject to automatic denial in accordance with Section 26B-2-120; and~~

~~(c) there is no comprehensive review required as outlined in Section 26B-2-120~~].

(4) The provider representative shall ensure an applicant with a pending comprehensive review is [~~always~~]directly supervised until OBP makes the final determination.

(5)(a) The provider representative may not allow an applicant whose background check application is denied to have any supervised or unsupervised direct access to clients unless:

(i) OBP approves a subsequent application; or

(ii) the denial is overturned in an administrative hearing or by the OBP director.

(b) The provider representative shall ensure an applicant initiating an appeal of a denied application [~~works under~~]is directly supervised[~~ion~~] until OBP issues a determination regarding the appeal.

(6) The provider representative shall ensure the applicant or provider representative promptly notifies OBP of any updated application details or new investigation[~~s~~] of any abuse, neglect, or new criminal finding by:

(a) emailing OBP about any new allegation or investigation of any abuse, neglect, or new criminal finding; and

(b) updating DACS with any change to the applicant's name or contact information.

(7)(a) The provider representative may only conduct livescan fingerprinting on an independent livescan machine for submission to OBP [~~only~~]after completing training in the proper methods of taking fingerprints and ensuring each department billing code is accurately entered into the machine.

(b) The provider representative shall verify the identity of the applicant by inspecting the applicant's personally identifying information when the application is entered into the livescan machine.

(c) The applicant shall present the same government-issued photo identification required in Subsection R501-14-3(7)(a) with the fingerprint authorization form to the livescan operator.

(d) A minor applicant who submits a youth application with no fingerprints and [~~is not currently on~~]whose fingerprints are not already in the FBI [~~r~~]Rap [~~b~~]Back [~~s~~]System shall submit fingerprints within 30 days before the minor applicant's 18th birthday.

R501-14-6. Background Check Fees.

(1) An applicant and provider representative shall ensure the accuracy of information submitted with each application and fee payment.

(2) The provider representative shall ensure any fee is [~~made~~]paid by E-check, credit card, or internal department transfer.

(3) The provider representative may choose to submit each payment[~~s~~] individually or multiple payments in a batch.

(4) OBP may not refund or transfer a fee unless the applicant's fingerprints were never submitted to the Department of Public Safety and the Department of Public Safety never billed OBP.

(5) The legislatively set OBP processing fee is not refundable.

R501-14-7. Application Processing and Results.

(1)(a) OBP shall approve an application for a background check in accordance with Section 26B-2-120.

(b) OBP shall notify an applicant, through the provider representative, when the applicant's background check application is approved or denied.

(c) OBP shall only provide approval or denial information to a provider representative through a determination in DACS.

(d) OBP approval is valid until:

(i) 180 days after the applicant is no longer associated with the licensee, certification, or contract in accordance with Subsection R501-14-4(4); or

(ii) a new criminal or non-criminal finding constitutes background check clearance review or revocation.

(2)(a) OBP may conditionally approve an application for a background check in accordance with Subsection 26B-2-120(9) only when awaiting the results of a criminal history search of national background databases from the Bureau of Criminal Identification.

(b) OBP may not issue a conditional approval for an initial applicant who is:

(i) a resident of a child[-]-placing foster or adoption home; or

(ii) working in a department-contracted congregate care program.

(c) A provider representative seeking the conditional approval of an applicant may only request conditional approval if:

(i) ten business days have passed since OBP received the applicant's complete background check application; and

(ii) the provider representative has not received notification of the application's approval or denial.

(d) The provider representative shall submit a written request for conditional approval that includes the:

(i) applicant's full name;

(ii) date the application was submitted in DACS with any required consent disclosure and fee; and

(iii) last four digits of the applicant's social security number.

(e) The provider representative shall submit the written conditional approval request through DACS or by email to the OBP criminal background screening (CBS) unit email on the DLBC website.

(f) OBP shall make a conditional determination within three business days of receiving a written request for conditional approval that complies with Subsections (2)(c) and (2)(d).

(g) [~~A conditional approval expires within 60 days unless the applicant is awaiting the results of an out-of-state registry check as the only remaining item prohibiting clearance.~~]OBP shall terminate conditional approval within 60 days unless an out-of-state registry check is the sole pending item.

(h) OBP may only issue renewal clearance or new conditional clearance [~~only~~]if the applicant has provided the out-of-state registry check within 12 months of the initial application.

(i) If OBP does not provide a standard approval before the expiration date of the conditional approval, the provider shall ensure the applicant is directly supervised until approval is granted.

(j) OBP may revoke the conditional approval before the expiration date.

(3) Any OBP[~~ shall~~] denial[~~y~~] of an application for a background check shall be done in accordance with Section 26B-2-120.

(4) OBP shall conduct any comprehensive review of an application in accordance with Subsection 26B-2-120(7).

(5) OBP shall conduct a comprehensive review of an applicant's background check if the applicant:

(a)(i) has any criminal finding listed in Subsections 26B-2-120(6), 26B-2-120(12), and 26B-2-120(13), including any conviction, plea of no contest, plea and abeyance, or diversion agreement;

(ii) has any non-criminal finding listed in Subsections 26B-2-120(6), 26B-2-120(12), and 26B-2-120(13);

(b) has any felony listed in Subsection 26B-2-120(5);

(c) has a driving offense that includes any criminal finding that is substantially similar to:

(i) an accident involving bodily harm or death, as described in Sections 41-6a-401.3 and 41-6a-401.5;

(ii) [~~driving while impaired, as described in Sections 41-6a-502.5 and 41-6a-517~~]any criminal finding listed in Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving; or

(iii) exhibition driving, as described in Section 41-6a-606;[~~ or~~

~~(iv) reckless driving, as described in Section 41-6a-528;~~

~~(b) has any criminal or non-criminal findings within the time frames listed in Subsections 26B-2-120(6), (12), and (13);~~

~~(c) has any felony listed in Subsection 26B-2-120(5);~~

~~(d) has been convicted of, has pled no contest, or is subject to a plea and abeyance or diversion agreement;~~]

([~~e~~]d) is applying as a prospective foster parent or prospective adoptive parent and has a listing in MIS;

([~~f~~]e) is applying to work in a congregate care program and has a listing in MIS; or

([~~g~~]f) has a criminal or non-criminal finding that is substantially similar to a criminal or non-criminal finding described in this section.

(6) OBP may not conduct a comprehensive review of a criminal finding identified as an infraction or misdemeanor of:

(a) a minor traffic violation as listed in Title 41, Chapter 6a, Traffic Code, except:

(i) a minor traffic violation that includes driving under the influence or reckless driving, as listed in Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving: or

(ii) a minor traffic violation that results in the bodily harm of another person; or

(b) a violation of any local ordinance related to:

(i) animal licensing;

(ii) business licensing;

(iii) construction;

(iv) dog at large;

(v) land use;

(vi) littering;

(vii) noise;

(viii) park access hours;

(ix) storm water;

(x) utilities;

(xi) yard sales; or

(xii) zoning.

(7) OBP shall conduct a comprehensive review upon learning of a potentially disqualifying criminal or non-criminal finding described in Subsection 26B-2-120(6) if the criminal or non-criminal finding was not previously considered by OBP.

(8) OBP may provide the status of an application to a provider representative but may not share the specific criminal or non-criminal findings or history of findings.

R501-14-8. Comprehensive Review.

(1) OBP shall conduct a comprehensive review of:

(a) an applicant's background check application;

(b) any record from an open court case or conviction not automatically denied in Subsection 26B-2-120(5)(a);

(c) any outstanding warrant for a criminal or non-criminal finding that requires a comprehensive review;

(d) any non-criminal finding;

(e) any applicant-submitted out-of-state child abuse and neglect registry record; and

(f) any related circumstance in accordance with Subsection 26B-2-120(6).

(2) OBP may not conduct a comprehensive review of an applicant's background check application if:

(a) the applicant has been previously reviewed and approved by OBP for the same employment clearance, even if the applicant has not been employed in any human services program for the past 180 days or longer; and

(b) the applicant has no new criminal or non-criminal findings.

(3)(a) OBP may not review a background check application without OBP first sending the applicant a written notice that OBP is investigating the applicant's criminal or non-criminal history.

(b) The applicant may submit any written statement or record that OBP may need to make a determination of the risk of harm, including any:

(i) evidence of rehabilitation, counseling, psychiatric treatment received, or additional academic or vocational schooling completed, as established in Subsection 26B-2-120(7);

(ii) investigatory and charging document;

(iii) original police report;

(iv) personal statement;

(v) proof of compliance with a court order; and

(vi) reference letter specific to the potential risk of harm.

(c) OBP shall evaluate information using the criteria established by Subsection 26B-2-120(7)(a).

(d) The applicant shall submit any written statement or record within 15 calendar days of the written notice unless:

(i) the provider representative or applicant requests an extension[~~ is requested by the provider representative or applicant~~]; and

(ii) OBP grants the extension[~~ed by OBP~~].

(4) OBP shall gather the information described in Subsection 26B-2-120(7)(a)(vii) from the applicant.

(5) OBP may request additional information from any available source, including:

(a) the applicant;

(b) any victim;

(c) any witness;

(d) any investigator;

(e) the criminal justice system;

(f) any law enforcement agency;

(g) the courts; and

(h) any others deemed necessary for the comprehensive evaluation of an application.

(6) An applicant with a denied application may re-apply for a background check to OBP:

(a) after two years from the final date of a not eligible determination from OBP or the Office of Administrative Hearings; or

(b) upon a substantial change to circumstances.

R501-14-9. Determination.

(1)(a) OBP shall evaluate any application and information provided by the applicant to determine if an applicant poses a risk of harm to any child or vulnerable adult.

(b) In assessing the risk of harm, OBP shall consider the type of employment the applicant is seeking and the type of license under which the applicant seeks employment.

(2)(a) OBP may transfer a previously reviewed and cleared background check approval without further review to another human services program when providing the same service under the same statutory background check requirements.

(b) OBP shall reconsider any previously cleared or denied background check when the applicant requires a new clearance for a new type of employment.

(3) OBP shall deny the background check of an applicant [~~when~~]if OBP finds that approval would likely create a risk of harm to the specific population the applicant would serve.

(4) The provider representative shall ensure an applicant initiating an appeal of a denied application [~~works under~~]is directly supervised[~~ion~~] until there is a determination made regarding the appeal when[~~:~~

~~(a)~~] OBP approves the application based on a comprehensive review[~~; or~~

~~(b) the determination is overturned by an administrative hearing~~].

R501-14-10. Background Check Approval Transfer or Concurrent Use.

(1)(a) An applicant is eligible to have a current background check approval shared with, or transferred to, another human services program only if:

(i) the applicant is enrolled in the rap back system; and

(ii) the human services program background check was processed under the same statutory authority as the original background check.

(b) Clearance transfers are allowed:

(i) among the same level of clearance; or

(ii) from higher-level clearance to lower-level clearance.

(c) New clearance[~~s~~] and a comprehensive review, if applicable, [~~are~~]is required when moving from a lower-level clearance to a higher-level clearance.

(2)(a) An applicant who seeks to have that applicant's current background check shared with, or transferred to, another human services program shall complete a background check application through a provider representative of the new program.

(b) An applicant may not transfer an eligible clearance from a non-congregate care program to a congregate care program, including a foster home, adoptive home, or certified home, without a subsequent review under the new level of clearance.

(c) An applicant shall submit out-of-state registry records for a transfer from a non-congregate care program to a congregate care program when the applicant has resided in another state within five years of the date the application was submitted.

(d) An applicant may transfer an eligible clearance from a congregate care program to a non-congregate care program.

(3) The provider shall ensure an applicant is directly supervised until the applicant's status in DACS reflects eligible or eligible for hire.

R501-14-11. Post-Approval Responsibilities.

(1) An applicant or provider representative shall immediately notify OBP if the applicant has any new criminal or non-criminal finding.

(2) OBP shall issue a new [~~supervised only determination as described in Subsection R501-14-2(11) until a disposition on the case is reached if an eligible applicant has any new criminal or non-criminal finding~~]DACS determination to the provider representative upon discovery of new criminal or non-criminal findings for an eligible applicant.

(3) OBP may revoke a background check approval of an applicant if:

(a) the applicant is convicted of a felony, misdemeanor, or infraction listed in Subsection 26B-2-120(5)(a); and

(b) OBP granted the background check approval while the conviction was pending.

(4)(a) A provider representative shall notify OBP of each termination of an employee with fingerprints retained under Section 26B-2-120.

(b) OBP shall report each termination to the Department of Public Safety within 180 days if the applicant has not transferred the clearance to a transfer-eligible program within that time frame.

R501-14-12. Confidentiality.

(1)(a) OBP may disclose registry and criminal background check information details only to the applicant in accordance with Section 63G-2-202.

(b) OBP may grant the provider representative and department auditor with oversight of the licensed program minimal, read-only access to DACS solely to see an application determination with no additional case details viewable.

(2) OBP may not transfer or share background check information between human services programs, except as described in Section R501-14-10.

(3) The provider representative or OBP representative may, in accordance with Subsection 53-10-108(4), provide the approval letter generated by DACS to:

(a) another licensed child[-]-placing agency;

(b) the attorney for [~~the~~]an adoptive parent[~~s~~];

(c) the court; or

(d) the person who is the subject of the approval.

R501-14-13. Retention of Background Check Information.

OBP shall keep the background check information of each applicant in DACS for a minimum of seven years after the termination of the applicant's association with the licensee, certification, or contract.

R501-14-14. Expungement.

An applicant whose background check application is denied due to the applicant's criminal record may submit a new application with an official copy of an order of expungement.

R501-14-15. Administrative Hearing.

A notice of agency action issued by the OBP director or designee that denies the applicant's background check application or revokes the applicant's background check approval shall inform the applicant of the right to appeal in accordance with Rule R497-100 and Section 63G-4-201.

R501-14-16. Compliance.

(1) Each provider shall ensure compliance with this rule.

(2) If OBP determines credible evidence exists that an applicant has any criminal or non-criminal finding that would be excluded under Section 26B-2-120, OBP may take action to protect the health and safety of clients.

(3) Any provider found in noncompliance with any rule or statute governing OBP may be subject to the penalties in Rule R380-600 and Title 26B, Chapter 2, Part 7, Penalties and Investigations.

KEY: licensing, background screening, background check, fingerprinting, human services
Date of Last Change: [~~July 2, 2025~~]2026
Notice of Continuation: August 22, 2025
Authorizing, and Implemented or Interpreted Law: 26B-2-120; 26B-2-121; 26B-2-122

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58110**
Rule or section number:	**R650-414**

1. Agency Information

Title catchline:	Natural Resources, Outdoor Recreation
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 100
City, state:	Salt Lake City, UT
Mailing address:	1594 W North Temple, Suite 100
City, state and zip:	Salt Lake City, UT 84116

2. Contact Persons

Name:	Phone:	Email:
Morgan Smith	801-538-7246	morgansmith@utah.gov
Rachel Toker	385-303-1519	racheltoker@utah.gov
India Nielsen	385-268-2570	indianielsen@utah.gov

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

3. General Information

A. Rule or section catchline:

R650-414. Nonresident OHV User Decals and Fees

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

This rule amendment was initiated in response to a constituent request for a legislative change to remove street-legal all-terrain vehicles from having an exception for purchasing a nonresident OHV user decal.

After being reviewed by the drafting attorney, it was found that instead of making a legislative change, this could be amended through rule.

C. Summary of the new rule or change:

The amendment removes street-legal all-terrain vehicles from being exempt from purchasing a nonresident OHV user decal. (i.e., any non-Utah-resident will be required to purchase a non-resident OHV permit).

This change will mirror the exceptions listed under Subsection 41-22-35(1)(b).

5. Fiscal Information

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

A. State budget:

There is no anticipated cost to the state budget, because the platform and system to process off-highway vehicle (OHV) registration fees already exists.

While there is also no anticipated savings, there is anticipated revenue to the state.

With the current rule, if a Utah non-resident has their OHV registered as "street legal" in another state - and it abides by Utah's street legal requirements - that person is not required to buy or display a "non-resident" decal on that machine.

With the proposed rule change, any non-resident OHV will be required to have a non-resident decal on it, regardless of street-legal status in another state.

The cost of this is $35 per machine + $0.90 electronic transaction fee (if an individual needs to register three machines, their cost will be $107.70).

Since there has not been a requirement for them to register, the Division of Outdoor Recreation (division) has no way to track how many machines might fall under this requirement and therefore are only providing an estimate cost "inestimable."

If 1,000 people registered, the State would have $35,000 in revenue (the $0.90 electronic transaction fee does not come to; it is held by our vendor).

B. Local governments:
This rule change is not expected to have a fiscal impact on local governments' revenues or expenditures because the impact is on individual OHV owners.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have a fiscal impact on small businesses' revenues or expenditures because the impact is on individual OHV owners.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This rule change is not expected to have a fiscal impact on non-small businesses' revenues or expenditures because the impact is on individual OHV owners.
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 estimated to impact non-Utah-residents who have street-legal OHVs in another state and are bringing their OHV to Utah to ride. With the current rule, if a Utah non-resident has their OHV registered as "street legal" in another state - and it abides by Utah's street legal requirements - that person is not required to buy or display a "non-resident" decal on that machine. With the proposed rule change, any non-resident OHV will be required to have a non-resident decal on it, regardless of street-legal status in another state. The cost of this is $35 per machine + $0.90 electronic transaction fee (if an individual needs to register three machines, their cost will be $107.70). Since there has not been a requirement for them to register, the division has no way to track how many machines might fall under this requirement and therefore are only providing an estimate cost "inestimable." If 1,000 people registered, the State would have $35,000 in revenue (the $0.90 electronic transaction fee does not come to the Division of Outdoor Recreation; it is held by our vendor).
F. Compliance costs for affected persons:
The compliance cost for affected persons will be $35 per machine + $0.90 electronic transaction fee (if an individual needs to register three machines, their cost will be $107.70).

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$	$	$	$	$
Local Governments	$	$	$	$	$
Small Businesses	$	$	$	$	$
Non-Small Businesses	$	$	$	$	$
Other Persons	$inestimable	$inestimable	$inestimable	$inestimable	$inestimable
Total Fiscal Cost	**$inestimable**	**$inestimable**	**$inestimable**	**$inestimable**	**$inestimable**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$inestimable	$inestimable	$inestimable	$inestimable	$inestimable
Local Governments	$	$	$	$	$
Small Businesses	$	$	$	$	$

Non-Small Businesses	$	$	$	$	$
Other Persons	$	$	$	$	$
Total Fiscal Benefits	$inestimable	$inestimable	$inestimable	$inestimable	$inestimable
Net Fiscal Benefits	**$inestimable**	**$inestimable**	**$inestimable**	**$inestimable**	**$inestimable**

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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:

Title 41, Section 22	Subsection 41-22-35(1)(b)	

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	08/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	09/08/2026

13. Agency Authorization Information

Agency head or designee and title:	Jason Curry, Division Director	**Date:**	06/24/2026

R650. Natural Resources, Outdoor Recreation.
R650-414. Nonresident OHV User Decals and Fees.
R650-414-1. Definitions.

As used in this rule, the term:

"Nonresident" means the same as that term is defined in Subsection 41-1a-102(45).

R650-414-2. Nonresident Off-Highway Vehicle Decals and Fees.

(1) Except as provided in this rule, a nonresident owner of an off-highway vehicle who operates or gives another person permission to operate that off-highway vehicle on any public land, trail, street, or highway in this state shall before operating the off-highway vehicle:

(a) obtain from the division a nonresident off-highway vehicle decal for the off-highway vehicle; and

(b) pay to the division a nonresident off-highway vehicle user fee.

(2) The division shall issue a receipt to a nonresident who obtains a decal and pays a fee to the division pursuant to Subsection (1) that shows:

(a) the fee amount paid;

(b) the vehicle identification number (VIN) of the off-highway vehicle for which the decal was issued and the fee was paid; and

(c) the name and address of the owner of the off-highway vehicle for which the decal was issued and fee was paid.

(3) An owner or operator of an off-highway vehicle shall always keep the receipt issued pursuant to Subsection (2) with the off-highway vehicle for which it was issued.

(4) A decal issued pursuant to Subsection (1) shall be valid for a period of 12 months beginning with the first day of the calendar month of purchase.

(5) An owner or operator shall display a non-resident decal pursuant to the procedures set out in Rule R650-401.

R650-414-3. Proof of Nonresident Status.

(1) Nonresident off-highway vehicle decal applicants shall provide to the division evidence that the off-highway vehicle is not subject to the resident registration requirements set out in Section 41-22-3.

(2) The evidence required by Subsection (1) shall include:

(a) a government-issued identification card showing the off-highway vehicle owner resides in a state other than Utah;

(b) a title or certificate of registration for the off-highway vehicle from a state other than Utah; or an original bill of sale for the off-highway vehicle from a state other than Utah; and

(c) an unsworn statement, in a form acceptable to the division, declaring that the home station of the off-highway vehicle is in a state other than Utah.

R650-414-4. Exceptions.

(1) This rule does not apply to:

(a) an off-highway vehicle participating in a scheduled competitive event sponsored by a public or private entity;

(b) an off-highway vehicle participating in a noncompetitive event sponsored in whole or in part by any governmental entity;

[~~(c) a street legal all-terrain vehicle, as that term is defined in Subsection 41-6a-102(74), if the vehicle is registered for highway use in a state other than Utah and if that state offers reciprocal highway operating privileges to Utah residents operating street legal all-terrain vehicles within the boundaries of that state;~~

~~(d)~~](c) an off-highway vehicle that is subject to Subsection 41-22-35(1)(b); and

[~~(e)~~](d) an off-highway vehicle owned by an off-highway vehicle manufacturer that is being operated exclusively for an off-highway vehicle manufacturer-sponsored event, provided that the operator of the vehicle has in the operator's possession a letter or certificate issued by the manufacturer and signed by the manufactures authorized representative that contains:

(i) the name, address and contact information of the off-highway vehicle manufacturer;

(ii) a physical description of the off-highway vehicle, including the VIN or another number assigned by the manufacturer for identification purposes;

(iii) a brief description of the manufacturer-sponsored event, including the dates of the event; and

(iv) the name of the individual authorized to operate the off-highway vehicle at the event.

KEY: outdoor recreation, off-highway vehicles
Date of Last Change: 2026[~~June 21, 2024~~]
Authorizing, and Implemented or Interpreted Law: 41-22-35

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58108**
Rule or section number:	**R657-59e**

1. Agency Information

Title catchline:	Natural Resources, Wildlife Resources
Building:	DNR Complex
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT 84116
Mailing address:	PO Box 146301
City, state and zip:	Salt Lake City, UT 84414-6301

2. Contact Persons

Name:	**Phone:**	**Email:**
Staci Coons	801-450-3093	stacicoons@utah.gov

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

3. General Information

A. Rule or section catchline:
R657-59e. Stocking into Natural Lakes, Natural Flowing Streams, or Reservoirs on Natural Stream Channels
B. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rules pursuant to regulating aquaculture.

C. Summary of the new rule or change:
The proposed amendments to this rule: 1) reclassify New Zealand Mud Snails from prohibited to controlled; 2) establish protocol for private pond owners to purchase fish from private aquaculture facilities that have New Zealand mud snails; and 3) make technical corrections as needed.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The amendments to Rule R657-59e are administrative in nature, the DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.
B. Local governments:
Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
The proposed rule amendments will not directly impact small businesses because a service is not required of them.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
The proposed rule amendments do not have the potential to impact other persons that have aquaculture in Utah, nor is a service required of them.
F. Compliance costs for affected persons:
The DWR has determined that this amendment may not create additional costs for those individuals wishing to use aquaculture in Utah because it simply expands existing criteria.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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**

7. Regulatory Impact Analysis Approval

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

The Commissioner of Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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

Section 23A-9-305	Section 23A-9-203	

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	08/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	09/08/2026

13. Agency Authorization Information

Agency head or designee and title:	Riley Peck, Director	**Date:**	07/08/2026

R657. Natural Resources, Wildlife Resources.
R657-59e. Stocking into Natural Lakes, Natural Flowing Streams, or Reservoirs on Natural Stream Channels.
R657-59e-1. Purpose and Authority.

(1) Under the authority of Sections 23A-9-305 and 23A-9-203, this rule provides the standards and procedures for the stocking of fish into natural lakes, natural flowing streams, and reservoirs built on natural stream channels.

(2) This rule does not regulate fee fishing or private aquaculture as provided in Title 4, Utah Agricultural Code, Chapter 37, Aquaculture Act and Rule R58-17.

(3) A person operating a private fish pond must also comply with all requirements established by Title 4, the Utah Agricultural Code and all rules promulgated by the Utah Department of Agriculture and Food, including:

(a) requirements for the importation of aquaculture products into Utah; and

(b) requirements for fish health approval for aquaculture products.

(4) Any violation of, or failure to comply with, Title 23A, the Wildlife Resources Code of Utah, this rule, or any specific requirement contained in a certificate of registration issued pursuant to this rule may be grounds for suspension of the certificate of registration or denial of future certificates of registration, as determined by the division.

R657-59e-2. Definitions.

(1) "Aquaculture" means the husbandry, production, harvest, and use of aquatic organisms under controlled, artificial conditions.

(2) "Aquaculture facility" means any facility used for the husbandry, production, harvest, and use of aquatic organisms under controlled, artificial conditions that holds a valid aquaculture facility license from the Utah Department of Agriculture and Food.

(3)(a) "Aquaculture product" means privately purchased, domestically produced aquatic organisms, or their gametes.

(b) "Aquaculture product" does not mean aquatic wildlife obtained from the wild, aquatic wildlife produced by the state or federally owned aquaculture facilities, or ornamental aquatic animal species.

(4) "Aquaponics facility" means a facility that combines fish and plant culture for a non-commercial purpose where:

(a) all water flowing into or through the facility is completely isolated from any other water source via a self-contained water transport system;

(b) all water and waste flowing from the facility is discharged into a permitted sewer or septic system or there is no risk that water and waste discharged from the facility can enter a public waterway or waterbody;

(c) the aquatic animals held within the facility are used for non-commercial purposes only;

(d) no aquatic animals or their gametes are transported from the facility alive; and

(e) the primary use of the facility is for food production and not for the general display of fish in aquaria.

(5) "Aquatic wildlife" for the purposes of this chapter are:

(a) fish, mollusk, or crustacean species that are spawned and hatched in public waters, state or federal aquaculture facilities; and

(b) fish, mollusk, or crustacean species that escape a private fish pond into a public water.

(6) "Certified sterile aquaculture product" means any fish or gamete that originates from a health certified source, as described in Title 4, Utah Agricultural Code, Chapter 37, Aquaculture Act and is incapable of reproduction due to triploidy or hybridization, and is confirmed as sterile using the protocol described in Section R657-59a-5.

(7) "Division" means the Utah Division of Wildlife Resources.

(8) "Fee fishing facility" means a body of water used for holding or rearing fish for providing fishing for a fee or for pecuniary consideration or advantage.

(9) "FEMA" means Federal Emergency Management Administration.

(10) "HUC" or "Hydrologic Unit Code" means a cataloging system developed by the US Geological Survey and the Natural Resource Conservation Service to identify watersheds in the United States.

[~~States.~~]

(11) "Institutional aquaculture" means aquaculture engaged in by a school, college, university, or other educational program, or public agency other than the division.

(12) "Lake" means an naturally formed, perennial or intermittent, non-flowing waterbody that collects and keeps water in quantity for use

(13) "Lot" means fish of the same species that are subject to a health inspection under the Aquatic Animal Health Inspection Policy in Subsection R58-17-2(26),which establishes guidelines for lot designation for salmonid and non-salmonid fish.

(14) "Natural stream channel" means a body of water that maintains continuous, seasonal or potential flow, as determined by the division.

(15)(a) "Ornamental aquatic animal species" means any species of fish, mollusk, or crustacean that is cultured for display and then sold in the United States' aquarium industry for display.

(b) "Ornamental aquatic animal species" does not include:

(i) fresh water;

(A) sport fish - aquatic animal species regulated for angling or harvest for recreation or sport;

(B) baitfish - aquatic animal species authorized for use as bait in S[~~ubs~~]ection R657-13-12, or any other species used by anglers as bait in sporting fishing;

(C) food fish - aquatic animal species cultured or harvested from the wild for human consumption; or

(D) native species; or

(ii) aquatic animals and marine aquatic animals prohibited for importation or possession by any state, federal, or local law; or

(iii) aquatic animals and marine aquatic animals listed as prohibited or controlled in Sections R657-3-22 and R657-3-23.

(16) "Private fish pond" means a standing body of water or any fish culture system which:

(a) is not located on a natural lake, natural flowing stream, or reservoir constructed on a natural stream channel;

(b) is contained entirely on privately owned land; and

(c) is used for holding or rearing fish for a private, non-commercial purpose.

(17)(a) "Private stocking" means an authorized release of privately owned live fish into waters of the state that are not eligible as a private fish pond, aquaculture facility, or fee fishing facility.

(18) "Purchase" means to buy, or otherwise acquire or obtain through barter, exchange, or trade for monetary consideration or advantage.

(19) "Reservoir" means an artificially constructed, non-flowing waterbody that is used to collect and keep water in quantity for use built by damming a natural stream channel.

(20) "Salmonid" means any fish belonging to the trout or salmon family.

(21) "Short-term fishing event" means any event where:

(a) privately acquired fish are held or confined for a period not to exceed ten days in a temporary event tank;

(b) for the purposes of providing a recreational opportunity; and

(c) no fee is charged as a requirement to fish.

(22) "Sterile" means the inability to reproduce.

R657-59e-3. Aquaculture Facility Requirements.

(1) An aquaculture facility that possesses a valid license from the Utah Department of Agriculture and Food may stock aquatic wildlife into natural lakes, natural flowing streams, or reservoirs on natural stream channels within Utah, provided:

(a)(i) The purchaser of the aquatic wildlife possesses a valid certificate or registration to stock in natural lakes, natural flowing streams, or reservoirs on natural stream channels; or

(ii) the species being stocked meets the criteria where a certificate of registration is not required as described in Section R657-59a-4;

(b) Any triploid aquaculture product that are stocked originate from a lot that has been tested and meet the requirements specified in Subsection R657-59a-5(3);[~~ and~~]

(c) The aquaculture facility provides the purchaser of any triploid fish a copy of the letter issued by th`e division certifying that the stocked fish originated from a lot that meets the requirements specified in Subsection R657-59a-5(3[~~).~~]); and

(d) Any aquaculture product that originate from an aquaculture facility that have New Zealand mud snails must be stocked in accordance to the procedures described in Section R657-59a-10.

(2) The division may collect aquatic wildlife from natural lakes, natural flowing streams, or reservoirs on natural stream channels to verify that the species and ploidy stocked meet the requirements of Rule R657-59a.

(3)(i) It is unlawful for an aquaculture facility to release aquatic wildlife that violates the terms of Rule R657-59e or other rules established under Title 23A, the Wildlife Resources Code of Utah, and the Utah Wildlife Board.

(ii) Violation of this rule may result in a violation of Sections 23A-5-305 and 4-37-6.

R657-59e-10. Application for a Fish Stocking Certificate of Registration; Application Criteria; Amendment of Certificate of Registration.

(1) The following persons may apply for a certificate of registration for a private fish pond:

(a) The owner of the private fish pond;

(b) The president of a homeowners association, if the pond is on homeowners association property; or

(c) An individual who is a full-time employee of the private pond owner, who represents the pond owner as a property manager.

(2)(a) A person may apply to receive a certificate of registration for a fish stocking activity by submitting an application with the required handling and inspection fee following the instructions provided at: https://wildlife.utah.gov/private-ponds.html

(b) The application may require up to 30 days for processing.

(c) The division may require a site inspection of the stocking location be performed to confirm compliance with the provisions found in this rule.

(d) The division may deny an application where:

(i) the application is incomplete, filled out incorrectly, or submitted without the appropriate fee;

(ii) receiving or stocking the aquaculture product or aquatic wildlife may:

(A) violate any federal, state or local law or any agreement between the state and another party;

(B) negatively impact native wildlife species listed by the division as sensitive or by the federal government as threatened or endangered;

(C) pose an identifiable adverse threat to other wildlife species or their habitat;

(D) pose an identifiable adverse impact to the division's game fish stocking regimes or wildlife management objectives; or

(iii) the applicant has violated Title 23A, the Wildlife Resources Code of Utah, Title R657, a guidebook of the Wildlife Board, a certificate of registration, an order of the Wildlife Board, or any other law that relates to the applicant's ability to responsibly carry out the stocking activity.

(3) A certificate of registration for a private stocking event [~~may remain~~]is effective [~~for~~]5 years from the [~~length~~]date of [~~time~~]issuance as identified on the certificate of registration. Certificates of registration cannot be renewed after the expiration date identified on the certificate of registration and a new certificate of registration must be granted after the expiration date. During the effective period of the issued certificate of registration, the certificate of registration holder may stock any of the aquaculture products approved by the certificate of registration at the locality identified on the certificate of registration so long as all stipulations under Rule R657-59e are adhered to, unless the certificate of registration is:

(a) amended by the division at the request of the certificate of registration holder. The division cannot amend certificates of registration to add additional species. The addition of species requires the issuance of a new certificate of registration;

(b) terminated or modified by the division pursuant to Section R657-59-10; or

(c) suspended by the division or a court pursuant to Section 23A-4-1106.

KEY: wildlife, aquaculture, fish
Date of Last Change: 2026[~~November 21, 2023~~]
Authorizing, and Implemented or Interpreted Law: 23A-9-305; 23A-9-203

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58109**
Rule or section number:	**R861-1A-42**

1. Agency Information

Title catchline:	Tax Commission, Administration

Building:	Tax Commission
Street address:	210 N 1950 W
City, state:	Salt Lake City, UT

2. Contact Persons

Name:	Phone:	Email:
Chantay Asper	801-297-3901	casper@utah.gov

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

3. General Information

A. Rule or section catchline:
R861-1A-42. Waiver of Penalty and Interest for Reasonable Cause Pursuant to Utah Code Ann. Section 59-1-401
B. Purpose of the new rule or reason for the change:
The time frame stated in rule for a delayed application to appeal the valuation or equalization of real property due to the death of the property owner or immediate family member is not in harmony with the time frame stated in rule for allowing waiver of a tax penalty or interest due to death or serious illness of a taxpayer or a member of a taxpayer's immediate family. The amendment harmonizes these time frames. Additionally, the language in rule allowing waiver of a tax penalty or interest due to reliance on a tax advisor focuses on the care the taxpayer took to seek the advice of the tax advisor and may allow waiver when the taxpayer was in error. The amendment is proposed to ensure a waiver is granted due to the error of the advisor, not the taxpayer.
C. Summary of the new rule or change:
Section R861-1A-42 designates the circumstances under which a taxpayer may have reasonable cause for waiver of a tax penalty or interest. Grounds for waiving a penalty include death or serious illness of a taxpayer or a member of the taxpayer's immediate family or relying on a competent tax advisor. The current section states that to qualify for a penalty waiver, a death or illness must have occurred on or immediately before the due date of the return. The amendment allows for the death or illness to occur within a reasonable time before the due date of the return. The current section also states that to qualify for a penalty waiver when a taxpayer relied on a competent tax advisor, the taxpayer must demonstrate that the taxpayer exercised ordinary business care, prudence, and diligence in determining whether to seek further advice. The amendment replaces the phrase "determining whether to seek further advice" with language that requires that the taxpayer exercise reasonable care, prudence, and diligence in the matter that resulted in the imposition of the penalty or interest.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This amendment is not expected to impact the state budget because it merely clarifies existing requirements for waiver of a tax penalty or interest.
B. Local governments:
This amendment is not expected to impact local governments because it merely clarifies existing requirements for waiver of a tax penalty or interest.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This amendment is not expected to impact small businesses because it merely clarifies existing requirements for waiver of a tax penalty or interest.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This amendment is not expected to impact non-small businesses because it merely clarifies existing requirements for waiver of a tax penalty or interest.
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 amendment is not expected to impact persons other than small businesses, non-small businesses, state, or local governments because it merely clarifies existing requirements for waiver of a tax penalty or interest.
F. Compliance costs for affected persons:
This amendment is not expected to impose additional compliance costs on affected persons because it merely clarifies existing requirements for waiver of a tax penalty or interest.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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**

7. Regulatory Impact Analysis Approval

Commissioner of the Tax Commission, Rebecca L. Rockwell, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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 59-1-401		

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	08/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	09/08/2026

13. Agency Authorization Information

Agency head or designee and title:	Rebecca Rockwell, Commissioner	**Date:**	07/09/2026

R861. Tax Commission, Administration.
R861-1A. Administrative Procedures.
R861-1A-42. Waiver of Penalty and Interest for Reasonable Cause Pursuant to Utah Code Ann. Section 59-1-401.

(1) Procedure.

(a) A taxpayer may request a waiver of penalties or interest for reasonable cause under Section 59-1-401 if the following conditions are met:

(i) the taxpayer provides a signed statement, with appropriate supporting documentation, requesting a waiver;

(ii) the total tax owed for the period has been paid;

(iii) the tax liability is based on a return the taxpayer filed with the commission, and not on an estimate provided by the taxpayer or the commission;

(iv) the taxpayer has not previously received a waiver review for the same period; and

(v) the taxpayer demonstrates that there is reasonable cause for waiver of the penalty or interest.

(b) Upon receipt of a waiver request, the commission shall:

(i) review the request;

(ii) notify the taxpayer if additional documentation is needed to consider the waiver request; and

(iii) review the account history for prior waiver requests, taxpayer deficiencies, and historical support for the reason given.

(c) Each request for waiver is judged on its individual merits.

(d) If the request for waiver of penalty or interest is denied, the taxpayer has a right to appeal. Procedures for filing appeals are found in Title 63G, Chapter 4, Administrative Procedures Act, and commission rules.

(e) If a taxpayer first requests a waiver of penalties or interest in an appeal to the commission, the taxpayer is not required to meet Subsections (1)(a)(i) through (iv).

(2) Reasonable Cause for Waiver of Interest. Grounds for waiving interest are more stringent than for penalty. To be granted a waiver of interest, the taxpayer must prove that the commission gave the taxpayer erroneous information or took inappropriate action that contributed to the error.

(3) Reasonable Cause for Waiver of Penalty. The following clearly documented circumstances may constitute reasonable cause for a waiver of penalty:

(a) Timely Mailing or Electronic Submission:

(i) The taxpayer mailed or electronically submits the return and payment to the commission by the due date and it was not timely delivered or electronically transmitted to the commission through no fault of the taxpayer.

(ii) In cases where the taxpayer cannot document a delivery or electronic transmission error, the penalties may be waived if the taxpayer:

(A) has an excellent history of compliance;

(B) proves that sufficient funds were in the bank as of the date of payment, and if applicable, the check was written in numerical order; and

(C) presents documentation showing that the return and payment was mailed or electronically submitted timely.

(b) Wrong Filing Place: The return or payment was filed on time, but was delivered to the wrong office or agency.

(c) Death or Serious Illness:

(i) The death or serious illness of a taxpayer or a member of the taxpayer's immediate family caused the delay.

(ii) With respect to a business, trust, or estate, the death or illness must have been of the individual, or the immediate family of the individual, who had sole authority to file the return.

(iii) The death or illness must have occurred [~~on or immediately~~]within a reasonable time before the due date of the return.

(d) Unavoidable Absence: The person having sole responsibility to file the return was absent from the state due to circumstances beyond their control.

(e) Disaster Relief:

(i) A delay in reporting, filing, or paying was due either to a governmentally declared disaster or to a natural disaster, such as fire or accident, that results in the destruction of records or disruption of business.

(ii) For purposes of this Subsection (3)(e), "governmentally declared disaster" means a disaster declared by:

(A) a state;

(B) the District of Columbia;

(C) a possession or territory of the United States; or

(D) the United States government.

(iii) If delinquency or delay is due to a federally declared disaster, federal relief guidelines shall be followed.

(iv) In the absence of federal guidelines, and for other listed disasters, the taxpayer must demonstrate the matter was corrected within a reasonable time, given the circumstances.

(f) Reliance on Erroneous Tax Commission Information:

(i) Underpayments and late filings or payments were attributable to incorrect advice obtained from the commission, unless the taxpayer gave the commission inaccurate or insufficient information.

(ii) Proof of erroneous information may be based on written communication provided by the commission or, if the taxpayer clearly documents, verbal communication. Clear documentation of verbal communication should include the dates, times, and names of commission employees who provided the erroneous information.

(iii) A failure to comply will also be excused if it is demonstrated that the taxpayer requested the necessary tax forms and instructions timely, and the commission failed to timely provide the forms and instructions requested.

(g) Tax Commission Office Visit: The taxpayer proves that before expiration of the time for filing the return or making the payment, the taxpayer visited a commission office for information or help in preparing the return and a commission employee was not available for consultation.

(h) Unobtainable Records: For reasons beyond the taxpayer's control, the taxpayer was unable to obtain records to determine the amount of tax due.

(i) Reliance on Competent Tax Advisor: The taxpayer:

(i) furnishes all necessary and relevant information to a competent tax advisor, and the tax advisor:

(A) incorrectly advises the taxpayer;

(B) fails to timely file a return on behalf of the taxpayer; or

(C) fails to make a payment on behalf of the taxpayer; and

(ii) demonstrates that the taxpayer exercised ordinary business care, prudence, and diligence in [~~determining whether to seek further advice~~]the matter that resulted in the imposition of the penalty or interest.

(j) First Time Filer:

(i) It is the first return required to be filed and the taxes were filed and paid within a reasonable time after the due date.

(ii) The commission may also consider waiving penalties on the first return after a filing period change if the return is filed and tax is paid within a reasonable time after the due date.

(k) Bank Error:

(i) The taxpayer's bank has made an error in returning a check, making a deposit or transferring money.

(ii) A letter from the bank verifying its error is required.

(l) Compliance History:

(i) The commission will consider the taxpayer's recent history for payment, filing, and delinquencies in determining whether a penalty may be waived.

(ii) The commission will also consider whether other tax returns or reports are overdue on the date the waiver is requested.

(m) Employee Embezzlement: The taxpayer shows that failure to pay was due to employee embezzlement of the tax funds and the taxpayer was unable to obtain replacement funds from any other source.

(n) Recent Tax Law Change: The taxpayer's failure to file and pay was due to a recent change in tax law that the taxpayer could not reasonably be expected to be aware of.

(4) Other Considerations for Determining Reasonable Cause.

(a) The commission allows for equitable considerations in determining whether reasonable cause exists to waive a penalty. Equitable considerations include:

(i) whether the commission had to take legal means to collect the taxes;

(ii) if the error is caught and corrected by the taxpayer;

(iii) the length of time between the event cited and the filing date;

(iv) typographical or other written errors; and

(v) other factors the commission deems appropriate.

(b) Other clearly supported extraordinary and unanticipated reasons for late filing or payment, which demonstrate reasonable cause and the inability to comply, may justify a waiver of the penalty.

(c) In most cases, ignorance of the law, carelessness, or forgetfulness does not constitute reasonable cause for waiver. Nonetheless, other supporting circumstances may indicate that reasonable cause for waiver exists.

(d) Intentional disregard, evasion, or fraud does not constitute reasonable cause for waiver under any circumstance.

KEY: developmental disabilities, grievance procedures, taxation, disclosure requirements
Date of Last Change: 2026[~~November 13, 2025~~]
Notice of Continuation: November 9, 2021
Authorizing, and Implemented or Interpreted Law: 10-1-405; 41-1a-209; 52-4-207; 59-1-205; 59-1-207; 59-1-210; 59-1-301; 59-1-302.1; 59-1-304; 59-1-401; 59-1-403; 59-1-404; 59-1-405; 59-1-501; 59-1-502.5; 59-1-602; 59-1-611; 59-1-705; 59-1-706; 59-1-1004; 59-1-1404; 59-7-505; 59-10-512; 59-10-532; 59-10-533; 59-10-535; 59-12-107; 59-12-114; 59-12-118; 59-13-206; 59-13-210; 59-13-307; 59-10-544; 59-14-404; 59-2-212; 59-2-701; 59-2-705; 59-2-1003; 59-2-1004; 59-2-1006; 59-2-1007; 59-2-704; 59-2-924; 59-7-517; 63G-3-301; 63G-4-102; 76-8-502; 76-8-503; 59-2-701; 63G-4-201; 63G-4-202; 63G-4-203; 63G-4-204; 63G-4-205 through 63G-4-209; 63G-4-302; 63G-4-401; 63G-4-503; 63G-3-201(2); 68-3-7; 68-3-8.5; 69-2-5; 42 USC 12201; 28 CFR 25.107 1992 Edition

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58111**
Rule or section number:	**R865-6F-32**

1. Agency Information

Title catchline:	Tax Commission, Auditing
Building:	Tax Commission
Street address:	210 N 1950 W
City, state:	Salt Lake City, UT

2. Contact Persons

Name:	Phone:	Email:
Chantay Asper	801-297-3901	casper@utah.gov

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

3. General Information

A. Rule or section catchline:
R865-6F-32. Taxation of Financial Institutions Pursuant to Utah Code Ann. Sections 59-7-302 through 59-7-321
B. Purpose of the new rule or reason for the change:
During the 2025 General Session, the Legislature passed SB 219, Financial Institutions Tax Amendments, which directs the Tax Commission to make rules that do not allow the numerator of the sales factor fraction to include sales from investment activities and assets and trading activities and assets, while requiring the denominator of the sales factor fraction to include those sales.
C. Summary of the new rule or change:
The amendment removes the terms defined in statute from Section R865-6F-32 and refers to the statute for those terms. The amendment also removes from current section the requirements for including receipts from investment assets and activities and trading assets and activities in the sales factor fraction and refers instead to the statutory requirements. Additionally, the amendment changes the rule's effective date to 01/01/2026, retaining the original effective date for a taxable year beginning on or after 01/01/1998, only for the purpose of a financial institution's initial election as to whether the institution will include certain property in the property factor. Finally, the amendment makes other nonsubstantive corrections and updates.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 219 (2025 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This proposed amendment is not expected to have any fiscal impact on state government revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for SB 219 (2025).
B. Local governments:
This proposed amendment is not expected to have any fiscal impact on local governments' revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for SB 219 (2025).

C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This proposed amendment is not expected to have any fiscal impact on small businesses' revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for SB 219 (2025).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This proposed amendment is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for SB 219 (2025).
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This proposed amendment is not expected to result in costs or savings to persons other than small businesses or state or local government entities because any fiscal impact would have been addressed in the legislative fiscal note for SB 219 (2025).
F. Compliance costs for affected persons:
This proposed rule is not expected to impose any compliance costs on affected persons because any fiscal impact would have been addressed in the legislative fiscal note for SB 219 (2025).

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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**

7. Regulatory Impact Analysis Approval

Commissioner of the Tax Commission, Rebecca L. Rockwell, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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:

Sections 59-7-302 through 59-7-321		

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	08/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	09/08/2026

13. Agency Authorization Information

Agency head or designee and title:	Rebecca Rockwell, Commissioner	**Date:**	07/09/2026

R865. Tax Commission, Auditing.
R865-6F. Franchise Tax.
R865-6F-32. Taxation of Financial Institutions Pursuant to Utah Code Ann. Sections 59-7-302 through 59-7-321.

(1) [~~Definitions.~~]As used in this section:

(a) "Billing address" means the location indicated in the books and records of the taxpayer on the first day of the taxable year, or on the later date in the taxable year when the customer relationship began, where any notice, statement or bill relating to a customer's account is mailed.

(b) "Borrower or credit card holder located in this state" means:

(i) a borrower, other than a credit card holder, that is engaged in a trade or business that maintains its commercial domicile in this state; or

(ii) a borrower that is not engaged in a trade or business, or a credit card holder, whose billing address is in this state.

(c) "Commercial domicile" means:

(i) the place from which the trade or business is principally managed and directed; or

(ii) if a taxpayer is organized under the laws of a foreign country, or of the Commonwealth of Puerto Rico, or any territory or possession of the United States, that taxpayer's commercial domicile [~~shall be deemed~~]is considered for the purposes of this rule to be the state of the United States or the District of Columbia from which that taxpayer's trade or business in the United States is principally managed and directed. It shall be presumed, subject to rebuttal, that the location from which the taxpayer's trade or business is principally managed and directed is the state of the United States or the District of Columbia to which the greatest number of employees are regularly connected or out of which they are working, irrespective of where the services of those employees are performed, as of the last day of the taxable year.

(d) "Compensation" means wages, salaries, commissions, and any other form of remuneration paid to employees for personal services that are included in the employee's gross income under the federal Internal Revenue Code. In the case of employees not subject to the federal Internal Revenue Code, the determination of whether payments constitute gross income under the federal Internal Revenue Code shall be made as though those employees were subject to the federal Internal Revenue Code.

(e) "Credit card" means a credit, travel, or entertainment card.

(f) "Credit card issuer's reimbursement fee" means the fee a taxpayer receives from a merchant's bank because one of the persons to whom the taxpayer has issued a credit card has charged merchandise or services to the credit card.

(g) "Employee" means, with respect to a particular taxpayer, any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee of that taxpayer.

[~~(h) "Financial institution" means:~~

~~(i) any corporation or other business entity registered under state law as a bank holding company or registered under the Federal Bank Holding Company Act of 1956, as amended, or registered as a savings and loan holding company under the Federal National Housing Act, as amended;~~

~~(ii) a national bank organized and existing as a national bank association pursuant to the provisions of the National Bank Act, 12 U.S.C. Sections 21 et seq.;~~

~~(iii) a savings association or federal savings bank as defined in the Federal Deposit Insurance Act, 12 U.S.C. Section 1813(b)(1);~~

~~(iv) any bank, industrial loan corporation, or thrift institution incorporated or organized under the laws of any state;~~

~~(v) any corporation organized under the provisions of 12 U.S.C. Sections611 through 631.~~

~~(vi) any agency or branch of a foreign depository as defined in 12 U.S.C. Section 3101;~~

~~(vii) a production credit association organized under the Federal Farm Credit Act of 1933, all of whose stock held by the Federal Production Credit Corporation has been retired;~~

~~(viii) any corporation whose voting stock is more than 50 percent owned, directly or indirectly, by any person or business entity described in Subsections (1)(h)(i) through (vii), other than an insurance company taxable under Title 59, Chapter 9, Taxation of Admitted Insurers;~~

~~(ix) a corporation or other business entity that derives more than 50 percent of its total gross income for financial accounting purposes from finance leases. For purposes of this subsection, a "finance lease" shall mean any lease transaction that is the functional equivalent of an extension of credit and that transfers substantially all of the benefits and risks incident to the ownership of property. The phrase shall include any direct financing lease or leverage lease that meets the criteria of Financial Accounting Standards Board Statement No. 13, Accounting for~~

~~Leases, or any other lease that is accounted for as a financing lease by a lessor under generally accepted accounting principles. For this classification to apply:~~

~~(A) the average of the gross income in the current tax year and immediately preceding two tax years must satisfy the more than 50 percent requirement; and~~

~~(B) gross income from incidental or occasional transactions shall be disregarded;~~

~~(x) any other person or business entity, other than an insurance company, a credit union exempt from the corporation franchise tax under Section 59-7-102, a real estate broker, or a securities dealer, that derives more than 50 percent of its gross income from activities that a person described in Subsections (1)(h)(ii) through(vii) and (1)(h)(ix) is authorized to transact.~~

~~(A) For purposes of this subsection, the computation of gross income shall not include income from non-recurring, extraordinary items; and~~

~~(B) The commission is authorized to exclude any person from the application of Subsection (1)(h)(x) upon receipt of proof, by clear and convincing evidence, that the income-producing activity of that person is not in substantial competition with those persons described in Subsections (1)(h)(ii) through (vii) and (1)(h)(ix).~~]

(h) "Financial Institution" means the same as that term is defined in Section 59-7-317.

(i) "Gross rents" means the [~~actual~~]sum of money or other consideration payable for the use or possession of property.

(i) Gross rents includes:

(A) any amount payable for the use or possession of real property or tangible property whether designated as a fixed sum of money or as a percentage of receipts, profits or otherwise;

(B) any amount payable as additional rent or in lieu of rent, such as interest, taxes, insurance, repairs or any other amount required to be paid by the terms of a lease or other arrangement; and

(C) a proportionate part of the cost of any improvement to real property, made by or on behalf of the taxpayer, that reverts to the owner or lessor upon termination of a lease or other arrangement. The amount included in gross rents is the amount of amortization or depreciation allowed in computing the taxable income base for the taxable year. However, where a building is erected on leased land by or on behalf of the taxpayer, the value of the land is determined by multiplying the gross rent by eight and the value of the building is determined in the same manner as if owned by the taxpayer.

(ii) Gross rents does not include:

(A) reasonable amounts payable as separate charges for water and electric service furnished by the lessor;

(B) reasonable amounts payable as service charges for janitorial services furnished by the lessor;

(C) reasonable amounts payable for storage, provided those amounts are payable for space not designated and not under the control of the taxpayer; and

(D) that portion of any rental payment applicable to the space subleased from the taxpayer and not used by the taxpayer.

(j) "Loan" means any extension of credit resulting from direct negotiations between the taxpayer and the taxpayer's customer, or the purchase, in whole or in part, of an extension of credit from another.

(i) Loan includes participations, syndications, and leases treated as loans for federal income tax purposes.

(ii) Loan does not include properties treated as loans under Section 595 of the federal Internal Revenue Code, futures or forward contracts, options, notional principal contracts such as swaps, credit card receivables, including purchased credit card relationships, non-interest bearing balances due from depository institutions, cash items in the process of collection, federal funds sold, securities purchased under agreements to resell, assets held in a trading account, securities, interests in a real estate mortgage investment conduit as defined in Section 860D of the Internal Revenue Code, or other mortgage-backed or asset-backed security, and other similar items.

(k) "Loans secured by real property" means that [~~fifty percent~~]50% or more of the aggregate value of the collateral used to secure a loan or other obligation, when valued at fair market value as of the time the original loan or obligation was incurred, was real property.

(l) "Merchant discount" means the fee, or negotiated discount, charged to a merchant by the taxpayer for the privilege of participating in a program whereby a credit card is accepted in payment for merchandise or services sold to the card holder.

(m) "Participation" means an extension of credit in which an undivided ownership interest is held on a pro rata basis in a single loan or pool of loans and related collateral. In a loan participation, the credit originator initially makes the loan and then subsequently resells all or a portion of it to other lenders. The participation may or may not be known to the borrower.

(n) "Person" means an individual, estate, trust, partnership, corporation, and any other business entity.

(o) "Principal base of operations" means:

(i) with respect to transportation property, the place of more or less permanent nature from which that property is regularly directed or controlled; and

(ii) with respect to an employee, the place of more or less permanent nature from which the employee regularly:

(A) starts [~~his~~]the employee's work and to which [~~he~~]the employee customarily returns [~~in order~~]to receive instructions from [~~his~~]the employee's employer;

(B) communicates with [~~his~~]the employee's customers or other persons; or

(C) performs any other functions necessary to the exercise of [~~his~~]the employee's trade or profession at some other point or points.

(p)(i) "Real property owned" and "tangible personal property owned" mean real and tangible personal property, respectively:

(A) on which the taxpayer may claim depreciation for federal income tax purposes; or

(B) property to which the taxpayer holds legal title and on which no other person may claim depreciation for federal income tax purposes, or could claim depreciation if subject to federal income tax.

(ii) Real and tangible personal property do not include coin, currency, or property acquired in lieu of or pursuant to a foreclosure.

(q) "Regular place of business" means an office at which the taxpayer carries on business in a regular and systematic manner and is continuously maintained, occupied, and used by employees of the taxpayer.

(r) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country.

(s) "Syndication" means an extension of credit in which two or more persons fund and each person is at risk only up to a specified percentage of the total extension of credit or up to a specified dollar amount.

(t) "Taxable" means:

(i) a taxpayer is subject in another state to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, a corporate stock tax, including a bank shares tax, a single business tax, an earned surplus tax, or any tax imposed upon or measured by net income; or

(ii) another state has jurisdiction to subject the taxpayer to taxes regardless of whether that state [~~actually~~]imposes those taxes.

(u) "Transportation property" means vehicles and vessels capable of moving under their own power, such as aircraft, trains, water vessels and motor vehicles, as well as any equipment or containers attached to that property, such as rolling stock, barges, and trailers.

(2)[~~Apportionment and Allocation.~~

](a) A financial institution whose business activity is taxable both within and without this state, or a financial institution whose business activity is taxable within this state and is a member of a unitary group that includes one or more financial institutions where any member of the group is taxable without this state, shall allocate and apportion its net income as provided in this rule. All items of nonbusiness income shall be allocated [~~pursuant to the provisions of~~]in accordance with Section 59-7-306. A financial institution organized under the laws of a foreign country, the Commonwealth of Puerto Rico, or a territory or possession of the United States, whose effectively connected income, as defined under the federal Internal Revenue Code, is taxable both within this state and within another state, other than the state in which it is organized, shall allocate and apportion its net income as provided in this rule.

(b) The fraction by which business income shall be apportioned to the state shall be determined in accordance with [~~rule~~]Subsections R865-6F-8(4) and (7). Except as modified by this rule, the property factor shall be determined in accordance with Subsection R865-6F-8(8), the payroll factor in accordance with Subsection R865-6F-8(9), and the sales factor in accordance with Subsection R865-6F-8(10).

(c) Each factor shall be computed according to the cash or accrual method of accounting as used by the taxpayer for the taxable year.

(d) If a unitary group of corporations filing a combined report includes one or more corporations meeting the definition of financial institution and one or more corporations that do not meet that definition, the provisions of this rule regarding the calculation of the property, payroll, and [~~receipts~~]sales factors of the apportionment fraction shall apply only to those corporations meeting the definition of financial institution. Those corporations not meeting the definition of financial institution shall compute their apportionment data based on [~~rule~~]Section R865-6F-8 or such other industry apportionment rule adopted by the commission that may be applicable. The apportionment data of all members of the unitary group shall be included in calculating a single apportionment fraction for the unitary group. The numerators and denominators of the property, payroll, and [~~receipts~~]sales factors of the financial institutions shall be added to the numerators and denominators, respectively, of the property, payroll, and sales factors of the nonfinancial institutions to determine the property, payroll, and sales factors of the unitary group.

(3)[~~Receipts Factor.~~

](a) [~~In general.~~]The [~~receipts~~]sales factor is a fraction, the numerator of which is the receipts of the taxpayer in this state during the taxable year and the denominator of which is the receipts of the taxpayer within and without this state during the taxable year. The method of calculating receipts for purposes of the denominator is the same as the method used in determining receipts for purposes of the numerator. The [~~receipts~~]sales factor shall include only those receipts that constitute business income and are included in the computation of the apportionable income base for the taxable year.

(b) [~~Receipts from the lease of real property.~~]The numerator of the [~~receipts~~]sales factor includes receipts from the lease or rental of real property owned by the taxpayer and receipts from the sublease of real property, if the property is located within this state.

(c)[~~Receipts from the lease of tangible personal property.~~

](i) Except as described in Subsection (3)(d), the numerator of the [~~receipts~~]sales factor includes receipts from the lease or rental of tangible personal property owned by the taxpayer if the property is located within this state when it is first placed in service by the lessee.

(ii) Receipts from the lease or rental of transportation property owned by the taxpayer are included in the numerator of the [~~receipts~~]sales factor to the extent that the property is used in this state.

(A) The extent an aircraft [~~will be deemed to be~~]is considered used in this state and the amount of receipts that shall be included in the numerator of this state's [~~receipts~~]sales factor are determined by multiplying all the receipts from the lease or rental of the aircraft by a fraction, the numerator of which is the number of landings of the aircraft in this state and the denominator of which is the total number of landings of the aircraft.

(B) If the extent of the use of any transportation property within this state cannot be determined, that property [~~will be deemed to be~~]is considered as used wholly in the state in which the property has its principal base of operations.

(C) A motor vehicle [~~will be deemed to be~~]is considered as used wholly in the state in which it is registered.

(d)[~~Interest from loans secured by real property.~~

](i) The numerator of the [~~receipts~~]sales factor includes interest and fees or penalties in the nature of interest from loans secured by real property if the property is located within this state. If the property is located both within this state and one or more other states, the receipts described in this subsection are included in the numerator of the [~~receipts~~]sales factor if more than [~~fifty percent~~]50% of the fair market value of the real property is located within this state. If more than [~~fifty percent~~]50% of the fair market value of the real property is not located within any one state, the receipts described in this subsection shall be included in the numerator of the [~~receipts~~]sales factor if the borrower is located in this state.

(ii) The determination of whether the real property securing a loan is located within this state shall be made as of the time the original agreement was made, and any [~~and all~~]subsequent substitutions of collateral shall be disregarded.

(e) [~~Interest from loans not secured by real property.~~]The numerator of the [~~receipts~~]sales factor includes interest and fees or penalties in the nature of interest from loans not secured by real property if the borrower is located in this state.

(f)[~~ Net gains from the sale of loans.~~](i) The numerator of the [~~receipts~~]sales factor includes net gains from the sale of loans.

(ii) Net gains from the sale of loans includes income recorded under the coupon stripping [~~rules~~]provisions of Section 1286 of the Internal Revenue Code.

[~~(i)~~](iii) The amount of net gains, but not less than zero, from the sale of loans secured by real property included in the numerator is determined by multiplying the net gains by a fraction the numerator of which is the amount included in the numerator of the [~~receipts~~]sales factor pursuant to Subsection (3)(d), and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans secured by real property.

[~~(ii)~~](iv) The amount of net gains, but not less than zero, from the sale of loans not secured by real property included in the numerator is determined by multiplying the net gains by a fraction the numerator of which is the amount included in the numerator of the [~~receipts~~]sales factor pursuant to Subsection (3)(e), and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans not secured by real property.

(g) [~~Receipts from credit card receivables.~~]The numerator of the [~~receipts~~]sales factor includes interest and fees or penalties in the nature of interest from credit card receivables and receipts from fees charged to card holders, such as annual fees, if the billing address of the card holder is in this state.

(h) [~~Net gains from the sale of credit card receivables.~~]The numerator of the [~~receipts~~]sales factor includes net gains, but not less than zero, from the sale of credit card receivables multiplied by a fraction, the numerator of which is the amount included in the numerator of the [~~receipts~~]sales factor pursuant to Subsection (3)(g), and the denominator of which is the taxpayer's total amount of interest and fees or penalties in the nature of interest from credit card receivables and fees charged to card holders.

(i) [~~Credit card issuer's reimbursement fees.~~]The numerator of the [~~receipts~~]sales factor includes all credit card issuer's reimbursement fees multiplied by a fraction, the numerator of which is the amount included in the numerator of the [~~receipts~~]sales factor pursuant to Subsection (3)(g), and the denominator of which is the taxpayer's total amount of interest and fees or penalties in the nature of interest from credit card receivables and fees charged to card holders.

(j) [~~Receipts from merchant discount.~~]The numerator of the [~~receipts~~]sales factor includes receipts from merchant discount if the commercial domicile of the merchant is in this state. The receipts shall be computed net of any cardholder charge backs, but [~~shall~~]may not be reduced by any interchange transaction fees or by any issuer's reimbursement fees paid to another for charges made by its card holders.

(k)[~~ Loan servicing fees.~~

]\(i) The numerator of the [~~receipts~~]sales factor includes loan servicing fees derived from loans secured by real property multiplied by a fraction the numerator of which is the amount included in the numerator of the [~~receipts~~]sales factor pursuant to Subsection (3)(d), and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans secured by real property.

(ii) The numerator of the [~~receipts~~]sales factor includes loan servicing fees derived from loans not secured by real property multiplied by a fraction the numerator of which is the amount included in the numerator of the [~~receipts~~]sales factor pursuant to Subsection (3)(e), and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans not secured by real property.

(iii) In circumstances in which the taxpayer receives loan servicing fees for servicing either the secured or the unsecured loans of another, the numerator of the [~~receipts~~]sales factor shall include those fees if the borrower is located in this state.

(l) [~~Receipts from services.~~]The numerator of the [~~receipts~~]sales factor includes receipts from services not otherwise apportioned under this section if the purchaser of the services receives a greater benefit of the service in this state than in any other state.

[~~(m) Receipts from investment assets and activities and trading assets and activities.~~

~~(i) Interest, dividends, net gains, but not less than zero, and other income from investment assets and activities and from trading assets and activities shall be included in the receipts factor.~~

~~(ii) Investment assets and activities and trading assets and activities include investments securities, trading account assets, federal funds, securities purchased and sold under agreements to resell or repurchase, options, futures contracts, forward contracts, notional principal contracts such as swaps, equities, and foreign currency transactions.~~

~~(iii) The receipts factor shall include the following investment and trading assets and activities:~~

~~(A) The receipts factor shall include the amount by which interest from federal funds sold and securities purchased under resale agreements exceeds interest expense on federal funds purchased and securities sold under repurchase agreements.~~

~~(B) The receipts factor shall include the amount by which interest, dividends, gains and other income from trading assets and activities, including assets and activities in the matched book and arbitrage book, and foreign currency transactions, exceed amounts paid in lieu of interest, amounts paid in lieu of dividends, and losses from those assets and activities.~~

~~(iv) The numerator of the receipts factor includes interest, dividends, net gains, but not less than zero, and other income from investment assets and activities and from trading assets and activities described in Subsection (3)(m) that are attributable to this state.~~

~~(A) The amount of interest, dividends, net gains, but not less than zero, and other income from investment assets and activities in the investment accounts attributed to this state and included in the numerator is determined by multiplying all such income from assets and activities by a fraction, the numerator of which is the average value of the assets properly assigned to a regular place of business of the taxpayer within this state and the denominator of which is the average value of all those assets.~~

~~(B) The amount of interest from federal funds sold and purchased and from securities purchased under resale agreements and securities sold under repurchase agreements attributable to this state and included in the numerator is determined by multiplying the amount of those funds and securities described in Subsection (3)(m)(iii)(A) by a fraction, the numerator of which is the average value of federal funds sold and securities purchased under agreements to resell that are properly assigned to a regular place of business of the taxpayer within this state and the denominator of which is the average value of all those funds and securities.~~

~~(C) The amount of interest, dividends, gains, and other income from trading assets and activities, including assets and activities in the matched book and arbitrage book and foreign currency transactions, but excluding amounts described in Subsections (3)(m)(iv)(A) and (3)(m)(iv)(B), attributable to this state and included in the numerator is determined by multiplying the amount described in Subsection (3)(m)(iii)(B) by a fraction, the numerator of which is the average value of those trading assets that are properly assigned to a regular place of business of the taxpayer within this state and the denominator of which is the average value of all those assets.~~

~~(D) For purposes of this subsection, average value shall be determined using the rules for determining the average value of tangible personal property set forth in Subsections (4)(c) and (d).~~

~~(v) In lieu of using the method set forth in Subsection (3)(m)(iv), the taxpayer may elect, or the commission may require in order to fairly represent the business activity of the taxpayer in this state, the use of the method set forth in this subsection.~~

~~(A) The amount of interest, dividends, net gains, but not less than zero, and other income from investment assets and activities in the investment account attributed to this state and included in the numerator is determined by multiplying all income from those assets and activities by a fraction, the numerator of which is the gross income from those assets and activities properly assigned to a regular place of business of the taxpayer within this state and the denominator of which is the gross income from all those assets and activities.~~

~~(B) The amount of interest from federal funds sold and purchased and from securities purchased under resale agreements and securities sold under repurchase agreements attributable to this state and included in the numerator is determined by multiplying the amount of those funds and securities described in Subsection (3)(m)(iii)(A) by a fraction, the numerator of which is the gross income from those funds and securities properly assigned to a regular place of business of the taxpayer within this state and the denominator of which is the gross income from all those funds and securities.~~

~~(C) The amount of interest, dividends, gains and other income from trading assets and activities, including assets and activities in the matched book and arbitrage book and foreign currency transactions, but excluding amounts described in Subsections (3)(m)(v)(A) or (B), attributable to this state and included in the numerator is determined by multiplying the amount described in Subsection (3)(m)(iii)(B) by a fraction, the numerator of which is the gross income from those trading assets and activities properly assigned to a regular place of business of the taxpayer within this state and the denominator of which is the gross income from all those assets and activities.~~

~~(vi) If the taxpayer elects or is required by the commission to use the method set forth in Subsection (3)(m)(v), the taxpayer shall use this method on all subsequent returns unless the taxpayer receives prior permission from the commission to use, or the commission requires, a different method.~~

~~(vii) The taxpayer shall have the burden of proving that an investment asset or activity or trading asset or activity was properly assigned to a regular place of business outside of this state by demonstrating that the day-to-day decisions regarding the asset or activity occurred at a regular place of business outside this state. Where the day-to-day decisions regarding an investment asset or activity or trading asset or activity occur at more than one regular place of business and one regular place of business is in this state and one regular place of business is outside this state, that asset or activity shall be considered to be located at the regular place of business of the taxpayer where the investment or trading policies or guidelines with respect to the asset or activity are established. Unless the taxpayer demonstrates to the contrary, policies and guidelines shall be presumed to be established at the commercial domicile of the taxpayer.~~]

(m)(i) Receipts from investment assets and activities and trading assets and activities are included in the sales factor in accordance with Section 59-7-317.

(ii) For purposes of the term "sales from investment activities and assets and trading activities and assets" defined in Section 59-7-317, "net gain" means the amount of net gain and does not mean gross receipts related to the net gain.

(n) [~~All other receipts.~~]The numerator of the [~~receipts~~]sales factor includes all other receipts[~~ pursuant to the rules set forth in Rule~~], in accordance with Subsections R865-6F-8(10) and (11).

(o)[~~ Attribution of certain receipts to commercial domicile.~~

](i) Except as provided in Subsection (3)(o)(ii), all receipts that would be assigned under this section to a state in which the taxpayer is not taxable shall be included in the numerator of the [~~receipts~~]sales factor if the taxpayer's commercial domicile is in this state.

(ii)(A) If a unitary group includes one or more financial institutions, and if any member of the unitary group is subject to the taxing jurisdiction of this state, the receipts of each financial institution in the unitary group shall be included in the numerator of this state's [~~receipts~~]sales factor as provided in Subsections (3)(a) through (n) rather than being attributed to the commercial domicile of the financial institution as provided in Subsection (3)(o)(i).

(B) If a unitary group includes one or more financial institutions whose commercial domicile is in this state, and if any member of the unitary group is taxable in another state under [~~section~~]Section 59-7-305, the receipts of each financial institution in the unitary group that would be included in the numerator of the other state's [~~receipts~~]sales factor under Subsections (3)(a) through (n) may not be included in the numerator of this state's [~~receipts~~]sales factor.

(4)[~~ Property Factor.~~

](a)[~~ In General.~~

](i) For taxpayers that do not elect to include the property described in Subsections (4)(g) through (i) within the property factor, the property factor is a fraction, the numerator of which is the average value of real property and tangible personal property owned by or rented to the taxpayer that is located or used within this state during the taxable year, and the denominator of which is the average value of all that property located or used within and without this state during the taxable year.

(ii) For taxpayers that elect to include the property described in Subsections (4)(g) through (i) within the property factor, the property factor is a fraction, the numerator of which is the average value of real property and tangible personal property owned by or rented to the taxpayer that is located or used within this state during the taxable year, and the average value of the taxpayer's loans and credit card receivables that are located within this state during the taxable year, and the denominator of which is the average value of all that property located or used within and without this state during the taxable year.

(b) [~~Property included.~~]The property factor shall include only property the income or expenses of which are included, or would have been included if not fully depreciated or expensed, or depreciated or expensed to a nominal amount, in the computation of the apportionable income base for the taxable year.

(c)[~~ Value of property owned by the taxpayer.~~
~~————~~](i) For taxpayers that do not elect to include the property described in Subsections (4)(g) through (i) within the property factor, the value of real property and tangible personal property owned by the taxpayer is the original cost or other basis of that property for federal income tax purposes without regard to depletion, depreciation or amortization.

(ii) For taxpayers that elect to include the property described in Subsections (4)(g) through (i) within the property factor:

(A) The value of real property and tangible personal property owned by the taxpayer is the original cost or other basis of that property for federal income tax purposes without regard to depletion, depreciation or amortization.

(B) Loans are valued at their outstanding principal balance, without regard to any reserve for bad debts. If a loan is charged-off in whole or in part for federal income tax purposes, the portion of the loan charged~~-~~-off is not outstanding. A specifically allocated reserve established pursuant to regulatory or financial accounting guidelines that is treated as charged-off for federal income tax purposes shall be treated as charged-off for purposes of this rule.

(C) Credit card receivables are valued at their outstanding principal balance, without regard to any reserve for bad debts. If a credit card receivable is charged-off in whole or in part for federal income tax purposes, the portion of the receivable charged-off is not outstanding.

(d) [~~Average value of property owned by the taxpayer.~~]The average value of property owned by the taxpayer is computed on an annual basis by adding the value of the property on the first day of the taxable year and the value on the last day of the taxable year and dividing the sum by two.

(i) If averaging on this basis does not properly reflect average value, the commission may require averaging on a more frequent basis, or the taxpayer may elect to average on a more frequent basis.

(ii) When averaging on a more frequent basis is required by the commission or is elected by the taxpayer, the same method of valuation must be used consistently by the taxpayer with respect to property within and without this state and on all subsequent returns unless the taxpayer receives prior permission from the commission to use a different method, or the commission requires a different method of determining average value.

(e)[~~ Average value of real property and tangible personal property rented to the taxpayer.~~
~~————~~](i) The average value of real property and tangible personal property that the taxpayer has rented from another and are not treated as property owned by the taxpayer for federal income tax purposes, shall be determined annually by multiplying the gross rents payable during the taxable year by eight.

(ii) If the use of the general method described in this subsection results in inaccurate valuations of rented property, any other method that properly reflects the value may be adopted by the commission or by the taxpayer when approved in writing by the commission. Once approved, that other method of valuation must be used on all subsequent returns unless the taxpayer receives prior approval from the commission to use a different method, or the commission requires a different method of valuation.

(f)[~~ Location of real property and tangible personal property owned or rented to the taxpayer.~~
~~————~~](i) Except as described in Subsection (4)(f)(ii), real property and tangible personal property owned by or rented to the taxpayer are considered located within this state if they are physically located, situated, or used within this state.

(ii) Transportation property is included in the numerator of the property factor to the extent that the property is used in this state.

(A) The extent an aircraft [~~will be deemed to be~~]is considered used in this state and the amount of value that shall be included in the numerator of this state's property factor is determined by multiplying the average value of the aircraft by a fraction, the numerator of which is the number of landings of the aircraft in this state and the denominator of which is the total number of landings of the aircraft everywhere.

(B) If the extent of the use of any transportation property within this state cannot be determined, the property [~~will be deemed to be~~]is considered as used wholly in the state in which the property has its principal base of operations.

(C) A motor vehicle [~~will be deemed to be~~]is considered used wholly in the state in which it is registered.

(g)[~~ Location of Loans.~~
~~————~~](i) A loan is considered located within this state if it is properly assigned to a regular place of business of the taxpayer within this state.

(ii) A loan is properly assigned to the regular place of business with which it has a preponderance of substantive contacts. A loan assigned by the taxpayer to a regular place of business without the state shall be presumed to have been properly assigned if:

(A) the taxpayer has assigned, in the regular course of its business, the loan on its records to a regular place of business consistent with federal or state regulatory requirements;

(B) the assignment on its records is based upon substantive contacts of the loan to the regular course of business; and

(C) the taxpayer uses the records reflecting assignment of loans for the filing of all state and local tax returns for which an assignment of loans to a regular place of business is required.

(iii) The presumption of proper assignment of a loan provided in Subsection (4)(g)(ii) may be rebutted upon a showing by the commission, supported by a preponderance of the evidence, that the preponderance of substantive contacts regarding the loan did not occur at the regular place of business to which it was assigned on the taxpayer's records. When the presumption has been rebutted, the loan shall then be located within this state if:

(A) the taxpayer had a regular place of business within this state [~~at the time~~]when the loan was made; and

(B) the taxpayer fails to show, by a preponderance of the evidence, that the preponderance of substantive contacts regarding the loan did not occur within this state.

(iv) In the case of a loan assigned by the taxpayer to a place without this state that is not a regular place of business, it shall be presumed, subject to rebuttal by the taxpayer on a showing supported by the preponderance of the evidence, that the preponderance of substantive contacts regarding the loan occurred within this state if, [~~at the time~~]when the loan was made the taxpayer's commercial domicile, as defined in this rule, was within this state.

(v) To determine the state in which the preponderance of substantive contacts relating to a loan have occurred, the facts and circumstances regarding the loan at issue shall be reviewed on a case-by-case basis, and consideration shall be given to activities such as the solicitation, investigation, negotiation, approval, and administration of the loan.

(A) [~~Solicitation.~~]Solicitation is either active or passive.

(I) Active solicitation occurs when an employee of the taxpayer initiates the contact with the customer. The activity is located at the regular place of business at which the taxpayer's employee is regularly connected or working out of, regardless of where the services of the employee were [~~actually~~]performed.

(II) Passive solicitation occurs when the customer initiates the contact with the taxpayer. If the customer's initial contact was not at a regular place of business of the taxpayer, the regular place of business, if any, where the passive solicitation occurred is determined by the facts in each case.

(B) [~~Investigation.~~]Investigation is the procedure whereby employees of the taxpayer determine the credit-worthiness of the customer as well as the degree of risk involved in making a particular agreement. The activity is located at the regular place of business at which the taxpayer's employees are regularly connected or working out of, regardless of where the services of those employees were [~~actually~~]performed.

(C) [~~Negotiation.~~]Negotiation is the procedure whereby employees of the taxpayer and its customer determine the terms of the agreement, such as amount, duration, interest rate, frequency of repayment, currency denomination, and security required. The activity is located at the regular place of business at which the taxpayer's employees are regularly connected or working out of, regardless of where the services of those employees were actually performed.

(D) [~~Approval.~~]Approval is the procedure whereby employees or the board of directors of the taxpayer make the final determination whether to enter into the agreement.

(I) The activity is located at the regular place of business at which the taxpayer's employees are regularly connected or working out of, regardless of where the services of those employees were [~~actually~~]performed.

(II) If the board of directors makes the final determination, the activity is located at the commercial domicile of the taxpayer.

(E) [~~Administration.~~]Administration is the process of managing the account.

(I) Administration includes bookkeeping, collecting the payments, corresponding with the customer, reporting to management regarding the status of the agreement and proceeding against the borrower or the security interest if the borrower is in default.

(II) The activity is located at the regular place of business that oversees this activity.

(h) [~~Location of credit card receivables.~~]For purposes of determining the location of credit card receivables, credit card receivables shall be treated as loans and shall be subject to [~~the provisions of~~]Subsection (4)(g).

(i)[~~ Period for which properly assigned loan remains assigned.~~](i) A loan that has been properly assigned to a state shall, absent any change of material fact, remain assigned to that state for the length of the original term of the loan.

(ii) Thereafter, the loan may be properly assigned to another state if the loan has a preponderance of substantive contact to a regular place of business in that state.

(j)(i) Each taxpayer shall make an initial election on whether to include the property described in Subsections (4)(g) through (i) within the property factor.

(ii) The initial election is the election made or the filing position taken on the first return filed [~~after the effective date of this rule~~]for a taxable year beginning on or after January 1, 1998.

(iii) This election is irrevocable for a period of three years from the time the initial election is made, except in the case where a substantial ownership change occurs and commission approval is obtained to change the election.

(iv) After the initial three-year period, the election may be revocable only with the prior approval of the commission and shall require the showing of a significant change in circumstance.

(5)[~~ Payroll factor.~~

]\(a) [~~In general.~~]The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the taxable year by the taxpayer for compensation and the denominator of which is the total compensation paid by the taxpayer both within and without this state during the taxable year. The payroll factor shall include only that compensation included in the computation of the apportionable income tax base for the taxable year.

(b) [~~Compensation relating to nonbusiness income and independent contractors.~~]The compensation of any employee for services or activities connected with the production of nonbusiness income, and payments made to any independent contractor or any other person not properly classifiable as an employee, shall be excluded from both the numerator and denominator of this factor.

(c) [~~When compensation paid in this state.~~]Compensation is paid in this state if any one of the following tests, applied consecutively, is met:

(i) The employee's services are performed entirely within this state.

(ii) The employee's services are performed both within and without the state, but the service performed without the state is incidental to the employee's service within the state. The term "incidental" means any service that is temporary or transitory in nature, or that is rendered in connection with an isolated transaction.

(iii) If the employee's services are performed both within and without this state, the employee's compensation will be attributed to this state:

(A) if the employee's principal base of operations is within this state;

(B) if there is no principal base of operations in any state in which some part of the services are performed, but the place from which the services are directed or controlled is in this state; or

(C) if the principal base of operations and the place from which the services are directed or controlled are not in any state in which some part of the service is performed but the employee's residence is in this state.

(6) This rule is effective for a taxable year[~~s~~] beginning on or after [~~December 31, 1997~~]January 1, 2026.

KEY: taxation, franchises, historic preservation, trucking industries
Date of Last Change: [~~January 1,~~]2026
Notice of Continuation: November 9, 2021
Authorizing, and Implemented or Interpreted Law: 9-2-401 through 9-2-415; 16-10a-1501 through 16-10a-1533; 53B-8a-112; 59-1-1301 through 59-1-1309; 59-6-102; 59-7; 59-7-101; 59-7-102; 59-7-104 through 59-7-106; 59-7-108; 59-7-109; 59-7-110; 59-7-112; 59-7-302 through 59-7-321; 59-7-402; 59-7-403; 59-7-501; 59-7-502; 59-7-505; 59-7-601 through 59-7-614; 59-7-608; 59-7-701; 59-7-703; 59-10-603; 59-13-202; 59-13-301; 63M-1; 63N-2-201 through 63N-2-215

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 57967**
Rule or section number:	**R966-1-54**

1. Agency Information

Title catchline:	Treasurer, Unclaimed Property
Building:	RC2
Street address:	168 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 140530
City, state and zip:	Salt Lake City, UT 84114-0530

2. Contact Persons

Name:	Phone:	Email:
Brian Beck	385-368-2773	bbeck@utah.gov

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

3. General Information

A. Rule or section catchline:
R966-1-54. Preneed Funeral Insurance
B. Purpose of the new rule or reason for the change:
The purpose of this rule is to establish unclaimed property requirements for preneed funeral insurance policies.
C. Summary of the new rule or change:
This rule establishes requirements governing preneed funeral and burial contracts for residents of the State of Utah.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
Existing processes are already in place. Section R966-1-54 adds clarity to how preneed funeral insurance policies are utilized to administer the unclaimed property program. Some savings may be realized by using electronic communications more frequently.
B. Local governments:
Existing processes are already in place, and this amendment mainly adds clarity.

C. Small businesses ("small business" means a business employing 1-49 people)**:**
Existing processes are already in place, and this amendment mainly adds clarity.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
Existing processes are already in place, and this amendment mainly adds clarity.
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***)**:**
Existing processes are already in place, and this amendment mainly adds clarity.
F. Compliance costs for affected persons:
Existing processes are already in place, and this amendment mainly adds clarity.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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**

7. Regulatory Impact Analysis Approval

The State Treasurer, Marlo Oaks, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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:

Title 67, Section 4a		

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	08/31/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	09/08/2026

13. Agency Authorization Information

Agency head or designee and title:	Dennis Johnston, Administrator	**Date:**	07/08/2026

R966. Treasurer, Unclaimed Property.
R966-1. Unclaimed Property Act Rules.
R966-1-54. Preneed Funeral Insurance.

(1) Amounts held under a preneed funeral or burial contract, other than a contract for burial rights or opening and closing services, where the contract has not been serviced following the death or the presumed death of the beneficiary, are reportable as unclaimed property.

(2) An unutilized preneed funeral arrangement is deemed revoked for purposes of Subsection 58-9-705(2)(b) and its proceeds reportable as unclaimed three years from the earliest occurrence of the following:

(a) The date of death of the beneficiary;

(b) The beneficiary having reached the age or 107 years; or

(c) The fiftieth anniversary of the preneed funeral arrangement contract.

(3) Knowledge of the date of death of a beneficiary may be identified through any source, including a declaration of death, death certificate, a comparison of the holder's records against the Social Security death master file, or other equivalent resources.

(4) The amount of unutilized preneed funeral arrangement proceeds reportable as unclaimed property shall equal the amount payable to a buyer or beneficiary upon revocation, as set forth under the terms of the funeral arrangement contract. If the preneed funeral arrangement does not specify such amount, the unutilized funeral arrangement proceeds reportable as unclaimed property shall be the entirety of the amount held in trust, including both principal and interest.

(5) Preneed funeral and cemetery arrangements subject to administration by other jurisdictions are subject to the same abandonment criteria as outlined above, except that the amount of unutilized arrangement proceeds reportable as unclaimed property shall be defined by the laws of such other jurisdictions.

(6) In performing owner notification as required by Section 67-4a-501, a holder shall mail the notice to both the preneed contract buyer and beneficiary, if the two are different people.

KEY: adjudicative procedures, state treasurer, unclaimed property
Date of Last Change: 2026[~~January 22, 2020~~]
Notice of Continuation: January 21, 2025
Authorizing, and Implemented or Interpreted Law: 67-4a

End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.utah.gov. 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:	**R156-15**	**Filing ID: 50261**

Effective date:	**07/06/2026**

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
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	**Phone:**	**Email:**
David Wright	801-530-6179	davidwright@utah.gov

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

3. General Information

A. Rule catchline:
R156-15. Health Facility Administrator Act Rule

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 58-1-106(1)(a)	Title 58, Chapter 15, Health Facility Administrator Act, provides for the licensure and regulation of health facility administrators. Subsection 58-1-106(1) provides that the Division of Professional Licensing (Division) may adopt and enforce rules to administer Title 58.

Subsection 58-1-202(1)(a)	Subsection 58-1-202(1)(a) provides that the Health Facility Administrators Licensing Board's duties, functions, and responsibilities include recommending appropriate rules to the Division director. This rule was enacted to clarify the provisions of Title 58, Chapter 15, Health Facility Administrator Act, with respect to health facility administrators.
Subsection 58-15-3(3)	Subsection 58-15-3(3) creates the Health Facility Administrators Licensing Board with duties as described under Section 58-1-202. Section 58-15-3 was renumbered to 58-15-201 by SB 43 in the 2022 General Session.

C. 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.
D. 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 as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 15, Health Facility Administrator Act. This rule also provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Jana Johanse, Assistant Director	**Date:**	07/06/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R156-71**	**Filing ID: 54769**

Effective date:	**07/13/2026**

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:**
Larry Marx	801-530-6254	lmarx@utah.gov

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

3. General Information

A. Rule catchline:
R156-71. Naturopathic Physician Practice Act Rule

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 58-71-101 et seq.	Title 58, Chapter 71, Naturopathic Physician Practice Act provides for the licensure and regulation of naturopathic physicians.
Subsection 58-1-106(1)(a)	This subsection establishes that it is a duty of the Division of Professional Licensing to prescribe, adopt, and enforce rules to administer Title 58, Occupations and Professions.

C. 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.
D. 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 as it provides a mechanism to inform potential licensees of the specific requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 71. This rule also provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, minimum standards of practice, and ethical standards relating to the profession all of which further public safety. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Deborah Blackburn, Assistant Director	**Date:**	07/17/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R414-513**	**Filing ID: 56042**

Effective date:	**07/07/2026**

1. Agency Information

Title catchline:	Health and Human Services, Integrated Healthcare
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state:	Salt Lake City, UT
Mailing address:	288 N 1460 W
City, state and zip:	Salt Lake City, UT 84116

2. Contact Persons

Name:	**Phone:**	**Email:**
Craig Devashrayee	801-915-4493	cdevashrayee@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov

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

3. General Information

A. Rule catchline:
R414-513. Intergovernmental Transfers

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-1-213	Section 26B-1-213 authorizes the Department of Health and Human Services (department) to adopt rules as necessary for program implementation.
Section 26B-3-108	Section 26B-3-108 requires the department to implement the Medicaid program through administrative rules.

C. 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.
D. 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 requires government entities to document intergovernmental fund transfers, specifies the correct form used for this process, and specifies the content required for that form. Administration of this form and process is necessary for Medicaid services. Therefore, this rule should be continued. As there were no comments in opposition to this rule, the department did not respond to any such comments.

4. Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Commissioner	**Date:**	07/07/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R444-14**	**Filing ID: 55953**

Effective date:	**07/07/2026**

1. Agency Information

Title catchline:	Health and Human Services, Utah Public Health Laboratory Environmental Lab Certification Program
Building:	Utah Public Health Laboratory
Street address:	4431 S 2700 W
City, state:	Taylorsville, UT
Mailing address:	PO Box 31431
City, state and zip:	Taylorsville, UT 84129

2. Contact Persons

Name:	**Phone:**	**Email:**
Kristin Brown	801-538-4152	kristinbrown@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov

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

3. General Information

A. Rule catchline:
R444-14. Rule for the Certification of Environmental Laboratories

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-1-202	Subsection 26B-1-202(2)(a) authorizes the Department of Health and Human Services (department) to adopt rules as the department may consider necessary or desirable for providing health and social services to the people of Utah. Additionally, Subsection 26B-1-202(2)(gg) authorizes the department to establish laboratory services necessary to support public health programs and medical services in Utah, and Subsection 26B-1-202(2)(hh) authorizes the department to establish and enforce standards for laboratory services which are provided by any laboratory in the state when the purpose of the services is to protect public health.
Safe Drinking Water Act, 42 U.S.C. Section 300f et seq.	Safe Drinking Water Act, 42 U.S.C. Section 300f et seq. requires each state to maintain a certification for drinking water primacy.

C. 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.
D. 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 this rule provides procedures for how facilities may be authorized to operate as environmental laboratories within the state and procedures for maintaining approval. Without the provisions in this rule, the process for becoming a state-approved environmental laboratory would be less clear, there would be less oversight for these facilities, and there would be less transparency for the public as to which facilities have been approved as laboratories, leading to a risk to public health. Additionally, this rule provides support for laboratories doing work in coordination with the Department of Environmental Quality. This rule is reasonable and justified. Therefore, this rule should be continued. As the department did not receive any comments in opposition to this rule, the department did not respond to any such comments.

4. Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Commissioner	**Date:**	07/07/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R590-178**	**Filing ID: 54694**

Effective date:	**07/06/2026**

1. Agency Information

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

2. 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.

3. General Information

A. Rule catchline:
R590-178. Securities Custody

B. 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-2-206	Authorizes the insurance commissioner to write rules regarding the receipt and handling of deposited securities.
Section 31A-4-108	Authorizes the insurance commissioner to write rules to safeguard and ensure that securities are not loaned to other insurers.

C. 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.
D. 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 allows domestic insurance companies to use modern systems for holding and transferring securities without the physical delivery of securities certificates. This rule also sets standards for national banks, state banks, trust companies, and broker/dealers to qualify and operate as custodians for insurance company securities. Without this rule, insurers could place their investments under risky custodial arrangements or in situations that could threaten the security of the company's assets and, in the end, the security of its insureds. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	**Date:**	07/06/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R671-203**	**Filing ID: 57593**

Effective date:	**07/02/2026**

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	**Phone:**	**Email:**
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov

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

3. General Information

A. Rule catchline:
R671-203. Victim Input and Notifications

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Article I, Section 28	This section establishes equal rights and nondiscrimination principles and operates as a constitutional constraint on state action.
Section 77-27-9.5	This section establishes victim rights to notice and participation in parole and revocation hearings, including the right to attend and present statements.
Section 77-37-3	This section establishes victims' rights to notice, information, and participation in criminal justice proceedings and imposes corresponding duties on criminal justice agencies.
Section 77-37-4	This section establishes additional protections for child victims and witnesses within the criminal justice system, including confidentiality safeguards and procedural protections for interviews and recordings.
Section 77-38-1	This section establishes the Victims' Rights Act which grants victims substantive rights to notice, participation, and restitution related protections within the criminal justice system.
Subsection 63G-3-201(3)	This section is part of the Utah Administrative Rulemaking Act and requires agencies to engage in rulemaking when issuing written interpretations of statutory or regulatory mandates.
Section 77-27-1	This section establishes the foundational statutory framework governing the Board of Pardons (Board), including definitions and structural provisions for Board operations.
Subsection 77-27-9(4)	This section grants the Board authority to conduct hearings and investigations, including issuing subpoenas, compelling testimony, and gathering evidence relevant to its statutory duties.

C. 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 written comments have been received during and since the last five-year review.
D. 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 required to meet the Board's statutory and constitutional hearing duties. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	**Date:**	06/29/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R671-205**	**Filing ID: 57595**

Effective date:	**07/02/2026**

1. Agency Information

Title catchline:	Pardons (Board of), Administration

Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	**Phone:**	**Email:**
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov

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

3. General Information

A. Rule catchline:
R671-205. Credit for Time Served

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Article VII, Section 12	This section establishes the Board of Pardons (Board) and requires that parole, pardon, and commutation decisions be made after notice, and a full hearing, with decisions and reasons recorded.
Section 78-18-105	This statute establishes a procedural rule within the Judicial Code requiring consistency between sworn and unsworn declarations when a specific medium is required by law. This grants the Board general rulemaking authority over parole related procedures.
Section 77-27-5	This statute establishes the Board's substantive authority to make determinations regarding parole, pardon, commutation, and sentence termination, and sets forth the requirement that such decisions be made following hearings and in accordance with statutory factors.
Section 77-27-7	This statute establishes procedural requirements for parole hearings, including hearing scheduling, offender interviews, and related evaluation processes, and in Subsection (6) directs the Board to adopt rules governing certain discrete aspects of those procedures.
Section 77-27-9	This statute grants the Board broad authority to adopt rules governing its operations, including hearings, parole procedures, and the administration of parole-related decisions.

C. 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 written comments have been received during and since the last five-year review.
D. 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 required to meet the Board's statutory and constitutional hearing duties. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	**Date:**	06/29/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R671-207**	**Filing ID: 57597**

Effective date:	**07/02-2026**

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov

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

3. General Information

A. Rule catchline:

R671-207. Custody Transfer for Mentally Ill Offenders and Mentally Decompensating Offenders

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 62A-15-605.5	This statute is a provision within the Department of Health and Human Services (DHHS) statutory framework governing behavioral health services and interagency service delivery.
Section 62A-15-610	This statute establishes admission criteria and operational objectives for the Utah State Hospital and other mental health facilities within the DHHS system.
Section 77-16a-203	This statute establishes procedures for periodic clinical review of offenders with mental illness committed to state custody, including evaluation by a multidisciplinary team and recommendations regarding continued treatment or transfer between mental health and correctional facilities.
Section 77-16a-204	This statute establishes procedures for evaluating and transferring offenders with mental illness between the Department of Corrections and state mental health facilities, including the formation of clinical transfer teams, interagency review processes, and procedures for resolving disputes regarding placement and treatment.

C. 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 written comments have been received during and since the last five-year review.

D. 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 required to meet the Board's statutory and constitutional hearing duties. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	**Date:**	06/29/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R671-301**	**Filing ID: 53946**

Effective date:	**07/02/2026**

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov

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

3. General Information

A. Rule catchline:
R671-301. Personal Appearance

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsections 63G-3-201(2) and (3)	These subsections establish general circumstances under which Utah agencies must promulgate formal administrative rules, including when agency action creates binding obligations, applies to a class of persons, or constitutes a written interpretation of law.
Subsection 77-27-7(2)	This subsection establishes procedural requirements governing the conduct of parole hearings, including notice, scheduling, and offender participation in Board of Pardons (Board) proceedings.
Subsection 77-27-9(5)	This subsection contributes to the Board's authority to conduct offender hearings and make parole-related determinations.

C. 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 written comments have been received during and since the last five-year review.
D. 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 required to meet the Board's statutory and constitutional hearing duties. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	**Date:**	06/29/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R671-303**	**Filing ID: 53947**

Effective date:	**07/02/2026**

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	**Phone:**	**Email:**
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov

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

3. General Information

A. Rule catchline:
R671-303. Information Received, Maintained or Used by the Board

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 77-27-7(6)	This section authorizes the Board of Pardons (Board) to receive, consider, and rely upon information relevant to parole hearings and decision making.

C. 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 written comments have been received during and since the last five-year review.
D. 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 required to meet the Board's statutory and constitutional hearing duties. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	**Date:**	06/29/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R671-304**	**Filing ID: 53948**

Effective date:	**07/02/2026**

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov

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

3. General Information

A. Rule catchline:
R671-304. Hearing Record

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 63G-3-201(3)	This subsection requires that when an administrative agency issues a written interpretation of a legal mandate that is applied as binding policy, such interpretation must be promulgated as a formal administrative rule.
Section 77-27-1	This section authorizes the Board of Pardons (Board) to adopt rules governing hearings and proceedings, and Section 63G-3-201 requires that binding procedural practices be formalized through administrative rulemaking.
Section 77-27-8	This section requires the Board to conduct hearings in a manner that creates a formal record of proceedings and decisions.
Subsection 77-27-9(5)	This section authorizes the Board to adopt rules governing its hearings, proceedings, and the administration of parole and pardon functions, including procedural aspects of decision-making.

C. 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 written comments have been received during and since the last five-year review.
D. 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 required to meet the Board's statutory and constitutional hearing duties. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	Date:	06/29/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R671-305**	**Filing ID: 53949**

Effective date:	07/02/2026

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov

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

3. General Information

A. Rule catchline:
R671-305. Board Decisions and Orders

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Article VII, Section 12	This section establishes the Board of Pardons (Board) and requires that parole and clemency decisions be made following notice and hearings, with written decisions and stated reasons.
Section 63G-3-201	This section is part of the Utah Administrative Rulemaking Act and establishes circumstances under which agency action must be promulgated as formal administrative rules, including when an agency issues a written interpretation of a state or federal legal mandate.
Subsection 77-27-9(5)	This subsection provides a general delegation of regulatory authority under which such procedural rules may be adopted at the Board's discretion.

C. 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 written comments have been received during and since the last five-year review.
D. 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 required to meet the Board's statutory and constitutional hearing duties. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	Date:	06/29/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R671-308**	**Filing ID: 57598**

Effective date:	07/02/2026

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@agutah.gov

Zarah Borja	385-910-3215	zborja@agutah.gov

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

3. General Information

A. Rule catchline:
R671-308. Offender Hearing Assistance

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 77-27-5	This section establishes the Board of Pardons' (Board) substantive authority to determine parole, pardon, commutation, and sentence termination decisions and to conduct hearing in connection with those determinations.
Section 77-27-9	This section grants the Board authority to conduct parole proceedings and expressly authorizes the Board to adopt rules governing its government, hearings, and parole related procedures.
Section 77-27-11	This section establishes the substantive procedures governing parole violation reporting, probable cause determinations, hearings, and revocation decisions.
Section 77-27-29	This section establishes procedural rights for parolees and probationers and requires the maintenance of records of certain proceedings to ensure due process and transparency.

C. 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 written comments have been received during and since the last five-year review.
D. 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 required to meet the Board's statutory and constitutional hearing duties. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	**Date:**	06/29/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R671-310**	**Filing ID: 53950**

Effective date:	**07/02/2026**

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	**Phone:**	**Email:**
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov

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

3. General Information

A. Rule catchline:
R671-310. Rescission Hearings

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 77-27-5	This section establishes the Board of Pardons' (Board) substantive authority to grant or deny pardons, paroles, and sentence terminations following a full hearing and by majority decision.
Section 77-27-6	This section establishes the Board's responsibilities in administering parole-related supervision and sentence administration functions.
Section 77-27-11	This section establishes the substantive legal framework governing revocation of parole, including warrant issuance, probable cause determinations, and revocation hearings conducted by the Board.

C. 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 written comments have been received during and since the last five-year review.
D. 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 required to meet the Board's statutory and constitutional hearing duties. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	**Date:**	06/29/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R671-311**	**Filing ID: 57053**

Effective date:	**07/02/2026**

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	**Phone:**	**Email:**
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov

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

3. General Information

A. Rule catchline:
R671-311. Special Attention Reviews, Hearings, and Decisions

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Article VII, Section 12	This section creates the Board of Pardons (Board) and grants it parole and clemency authority. Therefore, the Board must conduct hearings and record its decisions.
Subsection 63G-3-201(3)	This subsection requires an agency to adopt rules when the agency issues a written interpretation of a state or federal legal mandate.
Section 64-13-1	This section supplies definitions that may be used by this rule.
Section 64-13-7.5	This section governs the provision of mental health services to individuals in custody and may provide subject matter context for Board decisions involving treatment needs.
Section 64-13-25	This section helps determine which programs qualify for earned time credit consideration.
Section 77-27-1	This section serves as a definitions section and is relevant to understanding and applying this rule.
Section 77-27-5.4	This section requires the Board to establish an earned time program and sets substantive parameters for eligibility, program credit, and administration.
Section 77-27-7	This section establishes the Board's general authority to conduct hearings, interviews, and related parole proceedings.
Section 77-27-6	This section grants the Board authority to impose, modify and enforce restitution and related monetary obligations during its jurisdiction over an offender.
Subsection 77-27-9(4)(a)	This section grants the Board general authority to adopt rules governing its procedures, hearings, and parole related functions.
Subsection 77-27-10(2)(b)	This section requires the Board to establish rules governing the implementation of certain mandatory parole treatment conditions.
Section 77-27-11	This section establishes procedures for parole revocation, including warrants, probable cause determinations, and revocation hearings following alleged violations.

C. 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 written comments have been received during and since the last five-year review.
D. 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 required to meet the Board's statutory and constitutional hearing duties. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	**Date:**	06/29/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R671-315**	**Filing ID: 57604**

Effective date:	**07/02/2026**

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	**Phone:**	**Email:**
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov

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

3. General Information

A. Rule catchline:
R671-315. Pardons

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Article VII, Section 12	This section establishes the Board of Pardons (Board) and authorizes it to exercise clemency powers subject to regulation as provided by statute.
Subsection 77-27-1(16)	This section defines the term "pardon" establishing the substantive legal concept that the Board is constitutionally and statutorily authorized to administer.
Section 77-27-5	This section establishes the Board's authority to grant pardons and requires that such decisions be made following a full hearing before the Board.
Section 77-27-5.1	This section establishes the legal effect of a granted pardon, requiring issuance of an expungement order and defining the consequences of pardoned convictions.
Section 77-27-9	This section authorizes the Board to adopt rules governing its proceedings, including the parole and pardon process, hearings, and general conditions for relief.
Section 77-41-113	This statute governs administrative removal from the Sex, Kidnap, and Child Abuse Offender Registry by the Department of Public Safety when an individual's conviction has been reversed, vacated, or pardoned.

C. 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 written comments have been received during and since the last five-year review.

D. 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 required to meet the Board's statutory and constitutional hearing duties. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	**Date:**	06/29/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R671-316**	**Filing ID: 53951**

Effective date:	**07/02/2026**

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	**Phone:**	**Email:**
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov

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

3. General Information

A. Rule catchline:
R671-316. Redetermination

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Article VII, Section 12	This section establishes the Board of Pardons (Board) and grants it authority to exercise clemency powers as provided by statute.
Subsections 63G-3-201(2) and (3)	These subsections establish procedural requirements for when agency action must be promulgated as formal administrative rules, including when such action creates binding obligations, affects a class of persons, or constitutes a generally applicable policy or interpretation of law.
Section 77-27-5	This statute establishes the Board's substantive authority to grant pardons, paroles, and sentence commutations following a full hearing and by majority decision.
Section 77-27-9	Pursuant to this statute the Board adopted this rule to establish procedural standards governing requests for redetermination of prior Board decisions as part of its general authority over proceedings and hearings.

C. 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 written comments have been received during and since the last five-year review.

D. 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 required to meet the Board's statutory and constitutional hearing duties. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	**Date:**	06/29/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R671-403**	**Filing ID: 56701**

Effective date:	**07/02/2026**

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	**Phone:**	**Email:**
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov

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

3. General Information

A. Rule catchline:
R671-403. Restitution

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Article VII, Section 12	This section creates the Board of Pardons (Board) and grants constitutional power over parole and restitution orders.
Section 64-13-30	This section addresses offender financial obligations and payments owed during incarceration.
Section 64-13-33	This section addresses offender debts and restitution obligations can be administratively determined and collected while an offender is under correctional supervision.
Subsection 77-18-1(6)(b)	This subsection helps establish restitution as an enforceable obligation. This recognition supports the Board's administration of restitution for offenders under jurisdiction.
Section 77-22-5	This section addresses that the Board can issue subpoenas and compel witnesses/documents during restitution hearings.
Section 77-27-6	This section gives the Board power to set, enforce, and manage restitution while an offender is under its jurisdiction.
Subsection 77-27-9(4)(a)	This subsection allows the Board to convert restitution into a civil judgment.

Section 77-27-10	This section gives the Board authority to establish and enforce conditions of parole and adopt rules governing parole administration.
Section 77-30-24	This section gives the Board authority to adopt rules governing its proceedings and the exercise of its jurisdiction over offenders.
Section 77-38a-203(2)(d)	This section authorizes this rule by establishing that inaccuracies in a presentence investigation report are waived if not challenged at sentencing.
Section 77-38a-302	This section establishes the substantive criteria and procedures governing restitution and granting the Board authority to determine pecuniary damages that were not determined by the sentencing court.

C. 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 written comments have been received during and since the last five-year review.
D. 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 required to meet the Board's statutory and constitutional hearing duties. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	**Date:**	06/29/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R671-405**	**Filing ID: 57606**

Effective date:	**07/02/2026**

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	**Phone:**	**Email:**
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov

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

3. General Information

A. Rule catchline:
R671-405. Parole Termination

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Article VII, Section 12	This section authorizes this rule by creating the Board of Pardons (Board) and granting the Board constitutional authority to grant and administer parole.
Subsection 64-13-21(7)	This subsection creates the earned compliance credit program and directing the Department of Corrections and Board to terminate parole when an offender has accrued sufficient credits and completed the applicable supervision period.
Section 76-3-202	This section establishes the legal standards governing the duration and termination of parole and by granting the Board authority to terminate parole before expiration of the maximum sentence in specified circumstances.
Subsection 77-27-1(24)	This subsection supports this rule by defining "termination" as the discharge from parole or conclusion of a sentence before its expiration.
Section 77-27-5	This section grants the Board authority to determine when an offender may be released on parole or have a sentence terminated.
Subsection 77-27-7(4)	This subsection provides procedural authority for Board hearings, case reviews and related rulemaking.
Section 77-27-9	This section grants the Board authority to terminate sentences, requiring procedures for parole termination decisions, and expressly authorizing the Board to adopt rules governing the termination of sentences and parole proceedings.
Section 77-27-11	This section establishes the Board's authority to revoke parole, conduct revocation proceedings, and determine an offender's parole status following a violation.
Section 77-27-12	This section provides that individuals released on parole shall be discharged from parole or have their sentences terminated.

C. 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 written comments have been received during and since the last five-year review.
D. 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 required to meet the Board's statutory and constitutional hearing duties. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	**Date:**	06/29/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R714-163**	**Filing ID: 51920**

Effective date:	**07/10/2026**

1. Agency Information

Title catchline:	Public Safety, Highway Patrol
Building:	Calvin Rampton Building

Street address:	4501 S 2700 W, 1st Floor
City, state:	Salt Lake City, UT
Mailing address:	PO Box 141775
City, state and zip:	Salt Lake City, UT 84114-1775

2. Contact Persons

Name:	**Phone:**	**Email:**
Kim Gibb	801-556-8198	kgibb@utah.gov

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

3. General Information

A. Rule catchline:
R714-163. Street-Legal All-Terrain Vehicles

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 53-8-204(5)	Requires the Department of Public Safety (Department) to make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway.
Subsection 41-6a-1601(2)	Requires the Department to make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway.

C. 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 have been no written comments received since the last five-year review of this rule.
D. 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 in order to establish minimum standards for the inspection of a street legal all-terrain vehicle. Therefore, this rule should be continued. There are some statutory references that will be updated in a rule amendment following the five-year review.

4. Agency Authorization Information

Agency head or designee and title:	Greg Holley, Colonel Highway Patrol	**Date:**	07/10/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R909-1**	**Filing ID: 57904**

Effective date:	**07/06/2026**

1. Agency Information

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

2. Contact Persons

Name:	**Phone:**	**Email:**
Leif Elder	801-580-8296	lelder@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.

3. General Information

A. Rule catchline:
R909-1. Safety Regulations for Motor Carriers

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 72-9-103	This section requires the Department of Transportation to: 1) adopt by reference in whole or in part the Federal Motor Carrier Safety Regulations including minimum security requirements for motor carriers; 2) specify the equipment required to be carried in each tow truck, including limits on loads that may be moved based on equipment capacity and load weight; and 3) provide for the necessary administration and enforcement of this chapter.

C. 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.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Statute still requires this rule to be in place. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Commissioner	**Date:**	06/30/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	**R933-1**	**Filing ID: 52150**

Effective date:	**07/02/2026**

1. Agency Information

Title catchline:	Transportation, Preconstruction, Right of Way Acquisition
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

2. Contact Persons

Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@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.

3. General Information

A. Rule catchline:
R933-1. Right of Way Acquisition

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 72-5-117	This section requires the Department of Transportation (department) to enact rules pertaining to the acquisition, disposition, or exchange of property to ensure that the value of the property is congruent with the proposed price and other terms related to such transactions.

C. 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.
D. 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 such a rule in place. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Commissioner	**Date:**	07/01/2026

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF

RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

<u>Agriculture and Food</u>
Animal Industry
No. 58022 (Amendment) R58-6: Poultry and Captive-Raised Gamebirds
Published: 06/15/2026
Effective: 07/27/2026

No. 57981 (Repeal and Reenact) R58-14: Holding Live Raccoons or Coyotes in Captivity
Published: 06/01/2026
Effective: 07/08/2026

Conservation Commission
No. 57987 (Repeal) R64-2: Conservation Commission Electronic Meetings
Published: 06/01/2026
Effective: 07/08/2026

Regulatory Services
No. 57936 (Repeal and Reenact) R70-310: Grade A Pasteurized Milk
Published: 06/01/2026
Effective: 07/08/2026

No. 57984 (Repeal and Reenact) R70-320: Minimum Standards for Milk for Manufacturing Purposes, Its Production and Processing
Published: 06/01/2026
Effective: 07/08/2026

No. 57985 (Repeal) R70-350: Ice Cream and Frozen Dairy Food Standards
Published: 06/01/2026
Effective: 07/08/2026

No. 57982 (Repeal) R70-360: Procedure for Obtaining a License to Test Milk for Payment
Published: 06/01/2026
Effective: 07/08/2026

No. 57986 (Repeal) R70-370: Butter
Published: 06/01/2026
Effective: 07/08/2026

No. 57983 (Repeal) R70-380: Grade A Condensed and Dry Milk Products and Condensed and Drey Whey
Published: 06/01/2026
Effective: 07/08/2026
No. 57988 (Repeal and Reenact) R70-520: Standard of Identity and Labeling Requirements for Honey

Published: 06/01/2026
Effective: 07/08/2026

No. 57989 (Repeal) R70-550: Utah Inland Shellfish Safety Program
Published: 06/01/2026
Effective: 07/08/2026

No. 57990 (Repeal) R70-610: Uniform Retail Wheat Standards of Identity
Published: 06/01/2026
Effective: 07/08/2026

No. 57991 (Repeal) R70-620: Enrichment of Flour and Cereal Products
Published: 06/01/2026
Effective: 07/08/2026

No. 57992 (Repeal) R70-630: Water Vending Machine
Published: 06/01/2026
Effective: 07/08/2026

<u>Commerce</u>
Administration
No. 58031 (Amendment) R151-4: Department of Commerce Administrative Procedures Act Rule
Published: 06/15/2026
Effective: 07/22/2026

No. 58001 (Amendment) R151-5: Administration of the Office of the Property Rights Ombudsman's Land Use Fund
Published: 06/01/2026
Effective: 07/08/2026

Professional Licensing
No. 58021 (Amendment) R156-5a: Podiatric Physician Licensing Act Rule
Published: 06/15/2026
Effective: 07/22/2026

No. 58014 (Amendment) R156-16a: Optometry Practice Act Rule
Published: 06/15/2026
Effective: 07/22/2026

No. 58008 (Amendment) R156-26a: Certified Public Accountant Licensing Act Rule
Published: 06/01/2026
Effective: 07/08/2026

No. 58012 (Amendment) R156-40a: Athletic Trainer Licensing Act Rule
Published: 06/15/2026
Effective: 07/22/2026

No. 57975 (Amendment) R156-69: Dentist and Dental Hygienist Practice Act Rule
Published: 06/01/2026
Effective: 07/08/2026

No. 57966 (Repeal) R156-79: Hunting Guides and Outfitters Registration Act Rule
Published: 06/01/2026
Effective: 07/08/2026

<u>Education</u>
Administration
No. 58002 (Amendment) R277-320: Grow Your Own Educator Pipeline Program
Published: 06/01/2026
Effective: 07/08/2026
No. 58003 (Amendment) R277-488: Dual Language Immersion Program

Published: 06/01/2026
Effective: 07/08/2026

No. 58004 (Amendment) R277-731: Catalyst Center Grant Program Policy
Published: 06/01/2026
Effective: 07/08/2026

No. 58005 (Amendment) R277-800: Utah Schools for the Deaf and the Blind
Published: 06/01/2026
Effective: 07/08/2026

No. 58006 (Amendment) R277-925: Effective Teachers in High Poverty Schools Incentive Program
Published: 06/01/2026
Effective: 07/08/2026

Government Operations
Facilities Construction and Management
No. 57998 (Amendment) R23-29: Categorical Delegation of Project Management
Published: 06/01/2026
Effective: 07/08/2026

Finance
No. 57997 (Amendment) R25-7: Travel-Related Reimbursements for State Travelers
Published: 06/01/2026
Effective: 07/17/2026

Inspector General of Medicaid Services (Office of)
No. 58010 (New Rule) R30-4: Office of Inspector General of Medicaid Services Advisory Board
Published: 06/01/2026
Effective: 07/08/2026

Governor
Economic Opportunity
No. 57974 (Amendment) R357-29: Rural County Grant Rule
Published: 06/01/2026
Effective: 07/09/2026

Health and Human Services
Child Care Center Licensing
No. 57955 (Amendment) R381-100: Child Care Centers
Published: 05/15/2026
Effective: 07/07/2026

Integrated Healthcare
No. 57952 (Amendment) R414-49: Dental, Oral, and Maxillofacial Surgeons and Orthodontia
Published: 05/15/2026
Effective: 07/01/2026

Higher Education (Utah Board of)
Administration
No. 58000 (Repeal) R765-803: Institutional Policy Review
Published: 06/01/2026
Effective: 07/10/2026

Insurance
Administration
No. 58019 (Repeal) R590-272: Commission Compensation Reporting
Published: 06/15/2026
Effective: 07/22/2026
Natural Resources

Forestry, Fire and State Lands
No. 58007 (Amendment) R652-20: Mineral Resources
Published: 06/15/2026
Effective: 07/27/2026

No. 58011 (New Rule) R652-151: Utah Bioprospecting Act
Published: 06/15/2026
Effective: 07/27/2026

Wildlife Resources
No. 57968 (Amendment) R657-3c: Certification of Registration -- Fish, Mollusks, and Crustaceans
Published: 06/01/2026
Effective: 07/08/2026

No. 57969 (Amendment) R657-59a: Private Fish Ponds
Published: 06/01/2026
Effective: 07/08/2026

No. 57970 (Amendment) R657-59b: Short-Term Fishing Events
Published: 06/01/2026
Effective: 07/08/2026

No. 57971 (Amendment) R657-59c: Aquaponics
Published: 06/01/2026
Effective: 07/08/2026

No. 57972 (Amendment) R657-59d: Institutional Aquaculture
Published: 06/01/2026
Effective: 07/08/2026

Workforce Services
Employment Development
No. 57951 (Amendment) R986-700: Child Care Assistance
Published: 05/15/2026
Effective: 07/01/2026

End of the Notices of Rule Effective Dates Section