UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed July 16, 2026, 12:00 a.m. through July 31, 2026, 11:59 p.m.

Number 2026-16
August 15, 2026

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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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 16, 2026, 12:00 a.m., and July 31, 2026, 11:59 p.m. are included in this, the August 15, 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 September 14, 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 15, 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 and Readopt	**Filing ID: 58115**
Rule or section number:	**R152-11**

1. Agency Information

Title catchline:	Commerce, Consumer Protection
Building:	Heber Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146704
City, state and zip:	Salt Lake City, UT 84114-6704

2. Contact Persons

Name:	**Phone:**	**Email:**
Daniel Larsen	801-530-6601	dcprules@utah.gov
Andrea Mitton	801-530-6601	dcprules@utah.gov

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

3. General Information

A. Rule or section catchline:
R152-11. Utah Consumer Sales Practices Act Rule
B. Purpose of the new rule or reason for the change:
This rule is being promulgated in accordance with Section 13-11-9, which directs the Division of Consumer Protection to make rules specifying acts and practices that violate Subsection 13-11-4(1). This rule is being repealed and readopted to conform to Executive Order No. 2021-12 and the Rulewriting Manual for Utah.
C. Summary of the new rule or change:
This rule defines with specificity acts and practices that violate Subsection 13-11-4(1). Differences between the repealed version and the readopted version include: 1) structural revisions to adhere to the Rulewriting Manual for Utah and modern division style; 2) modernized language and drafting conventions, and removed antiquated provisions; 3) clarified provisions retained from the repealed version; and 4) incorporated requirements imposed on regulated entities by specific statutes and rules enforced by the Federal Trade Commission (specifically the Consumer Review Fairness Act, the Used Motor Vehicle Trade Regulation Rule, and the Use of Prenotification Negative Option Plans Rule) consistent with Subsection 13-11-2(4).

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule is not expected to create costs or savings to the state budget. The majority of requirements in the readopted rule are substantively the same as those in the repealed rule. The new requirements are already imposed by federal and state law, and any costs or savings created by this rule are de minimis.
B. Local governments:
This rule is not anticipated to create costs or savings to local governments because it does not impose requirements or other obligations upon local governments.

C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule is not anticipated to create costs to small businesses, and may result in de minimis savings to small businesses. The majority of requirements in the readopted rule are substantively the same as those in the repealed rule. The new requirements are already imposed by federal and state law, and do not create new compliance burdens. The new rule's streamlined language and structure may result in a de minimis reduction in compliance burden.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This rule is not anticipated to create costs to non-small businesses, and may result in de minimis savings to non-small businesses. The majority of requirements in the readopted rule are substantively the same as those in the repealed rule. The new requirements are already imposed by federal and state law, and do not create new compliance burdens. The new rule's streamlined language and structure may result in a de minimis reduction in compliance burden.
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 is not anticipated to create costs or savings to persons other than small businesses, non-small businesses, state, or local government entities because the rule is unlikely to apply to those entities.
F. Compliance costs for affected persons:
This rule may result in a de minimis reduction in compliance burden due to its streamlined language and structure.

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 Commerce, Margaret Busse, 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 13-2-106(1)	Section 13-11-9	

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:	09/14/2026

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)	09/21/2026

13. Agency Authorization Information

Agency head or designee and title:	Daniel Larsen, Managing Analyst	**Date:**	07/17/2026

R152. Commerce, Consumer Protection.
R152-11. Utah Consumer Sales Practices Act Rule.
[~~R152-11-1. Purposes, Rules of Construction.~~

~~A. These substantive rules are adopted by the Director of the Division of Consumer Protection pursuant to Section 8 of Chapter 188 of the Laws of Utah, 1973 (Utah Consumer Sales Practices Act, Utah Code Annotated Section 13-11-1 et seq., as amended). Without limiting the scope of any section of the Utah Consumer Sales Practices Act or any other rule, these rules are intended to promote their purposes and policies. The purpose and policies of these rules are to:~~

~~(1) define with reasonable specificity acts and practices which violate Section 4 of the Utah Consumer Sales Practices Act.~~

~~(2) protect consumers from suppliers who engage in referral sellings, commit deceptive acts or practices, or commit unconscionable acts or practices.~~

~~(3) encourage the development of fair consumer sales practices.~~

~~(4) supplement and compliment any other rules promulgated by the State of Utah or any agency or subdivision thereof or any other governmental entity.~~

~~B. Definitions.~~

~~(1) "Advertisement" means any written, visual, or oral communication made to a consumer by means of newspaper, magazine, circular, billboard, direct mailing, sign, radio, television or otherwise, which identifies or represents the terms of any item of goods, service, franchise, distributorship or intangible which may be transferred in a consumer transaction.~~

~~(2) "Consumer Commodity" means any subject of a consumer transaction.~~

~~(3) "Express Authorization" means the agreement of the consumer expressed in a form that is evidenced by a written agreement signed by the consumer or by any electronically transferred authorization from the consumer that is stored, recorded, or retained by the supplier, such as a facsimile transmission, e-mail, telephonic, or other electronic means.~~

~~(4) "Fixture" or "Fixtures" means goods or products that are not readily removable from a permanent structure or land itself such as shingling, siding and or windows or other like improvements and which, when they thus become so related to particular real estate that an interest in them arises under real estate law.~~

~~(5) "Goods" mean all things which are movable at time of identification to the contract for sale other than the money in which the price is to be paid and things in action.~~

~~(6) "Service" means performance of labor or any act for the benefit of another.~~

~~(7) "Offer" means any attempt to effect, an offer to enter into a consumer transaction.~~

~~(8) "Product" means any goods, services, consumer commodity, or other property, both tangible and intangible (except securities and insurance) which is the subject or object of a consumer transaction.~~

~~(9) All other terms used in these regulations shall carry the same meaning and definition as in the Utah Consumer Sales Practices Act unless otherwise specified, consistent with that Act.~~

~~R152-11-2. Exclusions and Limitations in Advertisement.~~

~~A. It is a deceptive act or practice for a supplier in connection with a consumer transaction, in the sale or offering for sale of a consumer commodity to make any offer in written or printed advertising or promotional literature without stating clearly and conspicuously in close proximity to the words stating the offer of any material exclusions, reservations, limitations, modifications, or conditions. The following are examples of the types of material exclusions, reservations, limitations, modifications, or conditions of offers which must be clearly stated:~~

~~(1) An advertisement for any consumer commodity not disclosing the amount of any additional charge for any of the features displayed or listed in the advertisement would be deceptive.~~

~~(2) An advertisement for an article of clothing must state that there is an additional charge for sizes above or below a certain size if such is the case.~~

~~(3) An advertisement which offers floor covering with an additional charge for room sizes above or below a certain size must disclose the nature and amount of additional charge.~~

~~(4) An advertisement for a consumer commodity sold from more than one outlet under the direct control of the supplier causing the advertisement to be made must state:~~

~~(a) Which outlets within the area served by the publication in which the advertisement appears either have or do not have certain features mentioned in the advertisement;~~

~~(b) Which outlets within the area served by the publication in which the advertisement appears charge rates higher than the rate mentioned in advertisement. For example:~~

~~TABLE~~

~~"Rug Shampooer - $15.00 a day at~~
~~West 3rd Street South Office -~~
~~all other locations are more."~~

~~(c) An advertisement for a consumer commodity sold from outlets not under the direct control of the supplier causing the advertisement to be made does not violate Section 2a(4)(a) or 2a(4)(b) of this rule if it states that the consumer commodity is available only at participating independent dealers.~~

~~(5) An advertisement for any consumer commodity requiring installation must reflect the exact price of the commodity and if the price includes installation or if installation is additional.~~

~~(6) If the advertised price is available only during certain hours of the day or certain days of the week that fact must be stated along with the hours and days the price is available.~~

~~(7) If the advertisement involves or pictures more than one consumer commodity (for example: a sofa, cocktail table and two commodes) and the advertised price applies only if the complete set is purchased, that fact must be stated.~~

~~(8) If there is a minimum amount (or maximum amount) that must be purchased for the advertised price to apply, that fact must be stated.~~

~~(9) If an advertisement specifies a price for a consumer commodity which includes a trade-in, that fact must be stated. For example: a 6 volt battery for $50.00 plus your old battery.~~

~~(10) If there are "additional" items that must be purchased for the advertised price to apply that fact must be so stated.~~

~~(11) These examples are intended to be illustrative only and do not limit the scope of any section of the Utah Consumer Sales Practices Act or of this or any other rule or regulation.~~

~~B. Offers made orally, such as through radio or television advertising, must include a conspicuously clear and oral statement of any material exclusions, reservations, modifications, or conditions.~~

~~C. If an error is made in advertising, either by pricing, wording, picture, or description, it shall be the responsibility of the supplier to retract or correct the error. A retraction is necessary when it cannot be shown that the error was due to the fault of the advertising medium. If it can be documented that the responsibility rests with the advertising medium, a retraction by the supplier is not necessary but the supplier may post a correction in close proximity to the merchandise which was advertised incorrectly.~~

~~R152-11-3. Bait Advertising/Unavailability of Goods.~~

~~A. Definitions: For the purposes of this rule, the following definitions shall apply:~~

~~(1) "Raincheck" means a written document evidencing a consumer's entitlement to purchase advertised items at an advertised price within the time limits set forth in paragraph d. of this rule.~~

~~(2) "Salesperson" means the supplier or his agent or employee who interacts personally or directly with a consumer in negotiating or effecting a consumer transaction.~~

~~B. It shall be a deceptive act or practice in connection with a consumer transaction for a supplier to offer to sell consumer commodities when the offer is not a bona fide effort to sell the advertised consumer commodities. An offer is not bona fide if:~~

~~(1) A supplier uses a statement or illustration in any advertisement which would create in the mind of a reasonable consumer a false impression of the grade, quality, quantity, make, value, model, year, size, color, usability, or origin of the consumer commodities offered or which otherwise misrepresents the consumer commodities in such a manner that, on subsequent disclosure or discovery of the true facts, the consumer is diverted from the advertised consumer commodities to other consumer commodities. An offer is not bona fide, even though the true facts are made known to the consumer before he views the advertised consumer commodities, if the first contact or interview is secured by deception.~~

~~(2) A supplier discourages the purchase of the advertised consumer commodities in order to sell other consumer commodities. This does not however, prohibit the good faith recommendation concerning a different consumer commodity as it relates to a consumer's particular or unique needs or problems concerning the consumer commodity. The following are examples of acts or practices which raise a presumption that an offer to sell consumer commodities is not bona fide:~~

~~(a) Refusal to show, demonstrate, or sell the consumer commodities advertised in accordance with the terms of the advertisement;~~

~~(b) Disparagement by the supplier either by acts or words of the advertised consumer commodities or of the guarantee, credit terms, availability of service, repairs, or parts, or any other respects of the consumer commodities;~~

~~(c) The failure of a supplier to have available at all outlets under its direct control, or listed in the advertisement, a sufficient quantity of the advertised consumer commodities at the advertised price to meet reasonably anticipated demands, unless the advertisement clearly and adequately disclosed that there is a limited quantity of advertised consumer commodities available and/or that the consumer commodities are available only at the designated outlets;~~

~~(d) The failure to give rainchecks to consumers where the advertisement does not disclose that there is a limited quantity or availability of consumer commodities. Suppliers who clearly and consistently post a raincheck policy for public review shall be exempt from this section;~~

~~(e) The showing or demonstrating of defective, unusable, or impractical consumer commodities when such defective, unusable, or impractical nature is not fairly and adequately disclosed in the advertisement;~~

~~(f) The use of a sales plan or method of compensation for salesperson designed to prevent or discourage them from selling the advertised consumer commodity. This does not, however, prohibit the usual and reasonable use of commissions as a means of compensation;~~

~~(g) The demonstration of an advertised consumer commodity in such a manner that makes the commodity appear inferior.~~

~~(3) A supplier, in the event of a sale to the consumer of the offered consumer commodities, attempts to persuade a consumer to repudiate the purchase of the offered commodities and purchase other consumer commodities in their stead, by any means, including but not limited to the following:~~

~~(a) Accepting a consideration for the offered consumer commodities and then switching the consumer to other commodities;~~

~~(b) Delivering offered consumer commodities which are unusable or impractical for the purposes represented or materially different from the offered consumer commodities. The purchase on the part of some consumers of the offered consumer commodities is not in itself prima facie evidence that the offer is bona fide.~~

~~(4) A supplier represents in any advertisement, which would create in the mind of the consumer, a false impression that the offer of goods has been occasioned by a financial or natural catastrophe when such is not true.~~

~~(5) A supplier misrepresents the former price, savings, quality or ownership of any goods sold.~~

~~R152-11-4. Use of the Word "Free" etc.~~

~~A. It shall be a deceptive act or practice in connection with a consumer transaction for a supplier to use the word "free" or other words of similar import or meaning, except when such representation is, in fact, the case and the cost of the "free" consumer commodity is not passed on to the consumer by raising the regular price of the consumer commodity that must be purchased in connection with the "free" offer.~~

~~(1) The meaning of "free".~~

~~(a) An offer of "free" consumer commodities is based upon a regular price for the merchandise or services which must be purchased by consumers in order to avail themselves of that which is represented to be "free." Such consumer commodities are not free if the supplier will directly and immediately recover, in whole or in part, the costs of the free consumer commodities by marking up the price of the other consumer commodities which must be purchased, by the substitution of inferior consumer commodities, or otherwise.~~

~~(b) For the purpose of this rule, all references to the word "free" shall include within the term all other words of similar import and meaning. Representative of the word or words to which this rule is applicable would be the following: "free"; "buy one, get one free"; "two for one sale"; "50% off the purchase of two"; "gift"; "given without charge"; "bonus" or other words and terms which tend to convey to the consuming public the impression that an item of a consumer commodity is "free".~~

~~(2) The meaning of "regular price".~~

~~(a) The term "regular price" means the price in the same quantity, quality, and with the same service, at which the seller or advertiser of the consumer commodity has openly and actively sold the consumer commodity in the geographic market or trade area in which he is making a "free" or similar offer in the most recent and regular course of business for a reasonably substantial period of time. For consumer products or services which fluctuate in price, the "regular price" shall be the lowest price at which any substantial sales were made during the aforementioned period of time.~~

~~(b) Negotiated sales. If a consumer commodity usually is sold at a price arrived at through bargaining, rather than at a regular price, it is improper to represent that another consumer commodity is being offered "free" with the sale, unless the supplier is able to establish a mean, average price immediately prior to the free offer. The same representation is also improper where there may be a regular price, but where other material factors such as quantity, quality, or size are arrived at through bargaining.~~

~~(3) Frequency of offers.~~

~~(a) In order to establish a regular price over a reasonably substantial period of time, a single kind of consumer commodity should not be advertised with a "free" offer in a trade area for more than six months in any twelve-month period. At least 30 days should elapse before another such offer is promoted in the same trade area. No more than three such offers should be made in the same area in any twelve-month period.~~

~~B. Disclosure of Conditions. A "free" or similar offer is deceptive unless all the terms, conditions, and obligations upon which receipt and retention of the "free" item are contingent are set forth clearly and conspicuously at the outset of the offer so as to leave no reasonable probability that the terms of the offer might be misunderstood.~~

~~C. Combination Offer. This rule does not preclude the use of nondeceptive, "combination" offers in which two or more items of consumer commodities such as, but not limited to, toothpaste and a toothbrush, or soap and deodorant, or clothing and alterations are offered for sale as a single unit at a single state price, and, in which no representation is made that the price is being paid for one item and the other is "free." Similarly, suppliers are not precluded from settling a price for an item of consumer commodities which also includes furnishing the consumer with a second, distinct item of consumer commodities at one inclusive price if no presentation is made that the latter is free.~~

~~D. Introductory Offers. No "free" offers should be made in connection with the introduction of a new consumer commodity offered for sale at a specified price unless the offerer expects in good faith to discontinue the offer after a limited time and to commence selling the consumer commodity promoted separately, at the same price at which it was promoted with a "free" offer.~~

~~**R152-11-5. Repairs and Services.**~~

~~A. It shall be a deceptive act or practice in connection with a consumer transaction involving repairs, inspections, or other similar services for a supplier to:~~

~~(1) Fail to obtain the consumer's express authorization for repairs, inspections, or other services. The authorization shall be obtained only after the supplier has clearly explained to the consumer the anticipated repairs, inspection or other services to be performed, the estimated charges for those repairs, inspections or other services, and the reasonably expected completion date of such repairs, inspection or other services to be performed, including any charge for re-assembly of any parts disassembled in regards to the providing of such estimate. For repairs, inspections or other services that exceed a value of $50, a transcript or copy of the consumer's express authorization shall be provided to the consumer on or before the time that the consumer receives the initial billing or invoice for supplier's performance. This rule is in addition to the requirements of any other statute or rule;~~

~~(2) Fail to obtain the consumer's express authorization for additional, unforeseen, but necessary, repairs, inspections, or other services when those repairs, inspections, or other services amount to ten percent (10%) or more (excluding tax) of the original estimate. A transcript or copy of the consumer's express authorization shall be provided to the consumer on or before the time that the consumer receives the initial billing or invoice for supplier's performance. This rule is in addition to the requirements of any other statute or rule;~~

~~(3) Fail to re-assemble any parts disassembled for inspection unless the consumer is so advised, prior to acceptance for inspection by supplier that there will be a charge for re-assembly of the parts or that it is not possible to re-assemble such parts;~~

~~(4) Charge for repairs, inspections, or other services which have not been authorized by the consumer;~~

~~(5) In the case of an in-home service call where the consumer had initially contacted the supplier, to fail to disclose before the supplier's repairman goes to the consumer's residence that a service or diagnostic charge will be imposed, even though no repairs may be effected;~~

~~(6) Represent that repairs, inspections, or other services are necessary when such is not the fact;~~

~~(7) Represent that repairs, inspections, or other services must be performed away from the consumer's residence when such is not the fact;~~

~~(8) Represent that repairs, inspections or other services have been made when such is not the fact;~~

~~(9) Represent that the goods being inspected or diagnosed are in a dangerous condition or that the consumer's continued use of them may be harmful to him when such is not the fact;~~

~~(10) Intentionally understate or misstate materially the estimated cost of repairs, inspections, or other services;~~

~~(11) Fail to provide the consumer with an itemized list of repairs, inspections, or other services performed and the reason for such repairs, inspections, or other services, including:~~

~~(a) A list of parts and a statement of whether they are new, used, rebuilt, or after market, and the cost thereof to the consumer; and~~

~~(b) The number of hours of labor charged, apportioned for each part, service or repair, and the name or other reasonable means of identification of the mechanic or repairman performing the service, provided, however, that the requirements of (b) shall be satisfied by the statement of a flat rate price if such repairs are customarily done and billed on a flat rate price basis and such has been previously disclosed to the consumer in writing.~~

~~(12) Fail to give reasonable written notice before repairs, inspections, or other services are provided, that replaced or repaired parts may be inspected or fail to allow the consumer to inspect replaced or repaired parts on request, unless:~~

~~(a) the parts are to be rebuilt or sold by the supplier and such intended reuse is made known to the consumer by written notice on the original estimate; or~~

~~(b) the parts are to be returned to the manufacturer or distributor under a written warranty agreement; or~~

~~(c) the parts are impractical to return to the consumer because of size, weight, or other similar factors; or~~

~~(d) the consumer waives the return of such parts in writing after repairs are completed and a total cost is presented.~~

~~(13) Fail to provide to the consumer a written, itemized receipt for any consumer commodities that are left with, or turned over to, the supplier for repairs, inspections, or other services. Such receipt shall include:~~

~~(a) The exact name and business address of the business entity (or person, if the entity is not a corporation or partnership) which will repair or service the consumer commodities.~~

~~(b) The name and signature of the person who actually takes the consumer commodities into custody.~~

~~(c) The name of any entity to whom such repairs, inspections, or other services are sublet including the address, phone number and a contact person at such entity.~~

~~(d) A description including make and model number or such other features as will reasonably identify the consumer commodities to be repaired or serviced.~~

~~B. It shall be a deceptive act or practice in connection with a consumer transaction involving all other services not covered under Section A for a supplier to:~~

~~(1) Intentionally understate or misstate the estimated cost of the services to be provided;~~

~~(2) Fail to obtain the consumer's express authorization prior to performing services that exceed a value of $50;~~

~~(3) Fail to obtain the consumer's express authorization for any change orders, cost increases, or other amendments to the parties' contract;~~

~~(4) Fail to give the consumer written documentation containing the terms of any warranty made with respect to labor, services, products, or materials furnished;~~

~~(5) Misrepresent that the supplier has the particular license, bond, insurance, qualifications, or expertise that is related to the work to be performed;~~

~~(6) Misrepresent that the consumer's present equipment, material, product, home or a part thereof is dangerous or defective, or in need of repair or replacement;~~

~~(7) Fail to timely complete performance under the contract as represented unless the cause for the delay is beyond the supplier's control or the supplier obtains the consumer's express authorization to the supplier's delay;~~

~~(8) Wrongfully refuse to perform any obligation under a contract with the intent to induce the consumer to agree to pay a higher price than originally agreed to in the contract; or~~

~~(9) Misrepresent or mislead the consumer into believing that no obligation will be incurred because of the signing of any document, or that the consumer will be relieved of some or all obligations under a contract by the signing of any document.~~

~~R152-11-6. Prizes.~~

~~A. It shall be a deceptive act or practice in connection with a consumer transaction for a supplier to notify in any way a consumer or prospective consumer that he has (1) won a prize or will receive anything of value, or (2) been selected, or is eligible, to win a prize or receive anything of value, if the receipt of the prize or thing of value is conditioned upon the consumer's listening to or observing a sales promotional effort or entering into a consumer transaction, unless the supplier clearly and explicitly discloses, at the time of notification of the prize, that an attempt will be made to induce the consumer or prospective consumer to undertake a monetary obligation irrespective of whether that obligation constitutes a consumer transaction. If a supplier states or implies a value to the prize or thing of value the true market value of such prize must be accurately stated. A supplier must further state that the prize or thing of value could not benefit the consumer or prospective consumer without the expenditure of the consumer's or prospective consumer's time or transportation expense, or that a salesman will be visiting the consumer's or prospective consumer's residence; if such is the case.~~

~~B. A statement to the effect that the consumer or prospective consumer must observe or listen to a "demonstration" or promotional effort in connection with a consumer transaction does not satisfy the requirements of this rule, unless it is reasonably clear from the information supplied to the consumer that the supplier is in the business of making consumer sales or that the intent is to encourage or induce the consumer to undertake a monetary obligation irrespective of whether that obligation constitutes a consumer transaction.~~

~~R152-11-7. New for Used.~~

~~A. Except as provided in Section 7c and d of this rule, it shall be a deceptive act or practice in connection with a consumer transaction for a supplier to represent, directly or indirectly, that an item of consumer commodity, or that any part of an item of consumer commodity, is new or unused when such is not the fact, or to misrepresent the extent of previous use thereof, or to fail to make clear and conspicuous disclosures, prior to time of offer, to the consumer or prospective consumer that an item of consumer commodity has been used.~~

~~B. For the purpose of this rule, "used" shall include rebuilt, re-manufactured, reconditioned consumer commodity or parts, thereof, or used either as a demonstrator or as a consumer commodity by a previous consumer.~~

~~C. For the purpose of this rule, a returned consumer commodity which has not been used by a previous purchaser, shall be considered new or unused.~~

~~D. The disclosure that an item of consumer commodity has been used or contains used parts as required by Section 7a may be made by use of words such as, but not limited to, "used"; "second hand"; "repaired"; "re-manufactured"; "reconditioned"; "rebuilt"; or "reline"; whichever is applicable to the item of consumer commodity involved.~~

~~R152-11-8. Substitution of Consumer Commodities.~~

~~A. It shall be a deceptive act or practice in connection with a consumer transaction for a supplier to furnish similar consumer commodities of equal or greater value when there was no intention to ship, deliver or install the original consumer commodities ordered. The act of a supplier in furnishing similar merchandise of equal or greater value as a good faith substitute does not violate this rule if such substitution is first approved by the consumer.~~

~~B. For the purpose of this rule, consumer commodities may not be considered of "equal or greater value" if they are not substantially similar to the consumer commodity ordered, or are not fit for the purposes intended, or if the supplier normally offers the substituted consumer commodities at a lower price than the "regular price".~~

~~C. It will be assumed that a supplier had no intention to deliver, ship, or install the original ordered or substitute goods if the supplier fails to ship, deliver or install the goods within 30 days of the date of the order, purchase or of the notice of delay and fails to notify the purchaser of any delay or further delay; unless the supplier can show that it has made a good faith effort to ship, deliver or install the goods or to notify the purchaser of any delay or further delay within the prescribed period.~~

~~R152-11-9. Direct Solicitations.~~

~~A. It shall be a deceptive act or practice in connection with a consumer transaction involving any direct solicitation sale for a supplier to do any of the following:~~

~~(1) Solicit a sale without clearly, affirmatively, and expressly revealing at the time the seller initially contacts the consumer or prospective consumer, and before making any other statements or asking any questions, except for a greeting: the name of the seller, the name or trade name of the company, corporation or partnership the seller represents, and stating in general terms the nature of the consumer commodities the seller wishes to show or demonstrate.~~

~~(2) Represent that the consumer or prospective consumer will receive a discount, rebate, or other benefit for permitting his home or other property, real or personal, to be used as a so-called "model home" or "model property" for demonstration or advertising purposes when such, in fact, is not true;~~

~~(3) Represent that the consumer or prospective consumer has been specially selected to receive a bargain, discount, or other advantage when such, in fact, is not true;~~

~~(4) Represent that the consumer or prospective consumer is a winner of a contest when such, in fact, is not true;~~

~~(5) Represent that the consumer commodities that are being offered for sale cannot be purchased in any place of business, but only through direct solicitation, when such, in fact, is not true;~~

~~(6) Represent that the salesman representative, or agent has authority to negotiate the final terms of a consumer transaction when such, in fact, is not true;~~

~~(7) Sell, lease, or rent consumer goods or services with a purchase price of $25 or more and fail to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution which is in the same language (e.g. Spanish) as that principally used in the oral sales presentation and which shows the date of the transaction and the name and address of the seller.~~

~~(8) Except as otherwise provided in the "Home Solicitations Sales Act", Section 70C-5-102(5) and or the "Telephone Fraud Prevention Act", Section 13-26-5, to fail to provide a notice of the buyer's right to cancel within three (3) business days at the time of purchase if the total of the sale exceeds $25, unless the supplier's cancellation policy is communicated to the buyer and the policy offers greater rights to the buyer than three days, which notice shall be in conspicuous statement written in dark bold at least 12 point type on the front page of the purchase documentation, and shall read as follows: "You, the Buyer, May Cancel This Transaction At Any Time Prior to Midnight of the Third Business Day (or Time Period Reflecting the Supplier's Cancellation Policy But Not Less Than Three Business Days) After the Date of This Transaction or Receipt of The Product, Whichever is Later."~~

~~(a) Paragraph (8) shall not apply to "fixture" solicitation sales where the supplier:~~

~~(i) automatically provides the buyer a right to cancel within three (3) or more business days from the time of purchase; or~~

~~(ii) automatically provides a refund for return of goods within three (3) or more business days from the time of purchase, but prior to installation as a fixture; or~~

~~(iii) supplies merchandise to a buyer without prior full payment and allows the buyer three (3) or more business days from the time of receipt of the merchandise, but prior to installation as a fixture to cancel the order and return the merchandise; or~~

~~(iv) discloses its refund/return policy in its advertising, catalog and contract, and that policy provides for a return of merchandise within a period of three (3) or more business days from the time of purchase, but prior to installation as a fixture or that policy indicates no return or refund will be offered or made on special merchandise (such as uniquely sized items, custom made or special ordered items); or~~

~~(9) Fail or refuse to honor any valid notice of cancellation by a consumer and within 30 calendar days after the receipt of such notice, to: (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the supplier; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.~~

~~B. "Direct Solicitation" means solicitation of a consumer transaction initiated by a supplier, at the residence or place of employment of any consumer, and includes a sale or solicitation of sale made by the supplier by direct mail or telephone or personal contact at the residence or place of employment of any consumer. In the case of a subscription or club membership (e.g., tape, book, or record club) solicitation, "direct solicitation" means solicitation of the initial consumer transaction pursuant to a subscription or club membership agreement, made by the supplier at the residence or place of employment of any consumer, and includes a solicitation of an initial sale made by the supplier by direct mail or telephone or personal contact at the residence or place of employment of any consumer, but excludes all subsequent consumer transactions which are provided for in the subscription or club membership agreement.~~

~~C. "Time of Purchase" is defined as the day on which the buyer signs an agreement or accepts an offer to purchase consumer goods or services where the total of the sale is $25 or more.~~

~~D. Except for direct solicitations subject to Section 13-26-5, for the purposes of this rule "business day" does not include Saturday, Sunday, or a federal or state holiday.~~

~~R152-11-10. Deposits and Refunds.~~

~~A. It shall be a deceptive act or practice in connection with a consumer transaction for a supplier to accept a deposit unless the following conditions are met:~~

~~(1) The deposit obligates the supplier to refrain for a specified period of time from offering for sale to any other person the consumer commodities in relation to which the deposit has been made by the consumer if such consumer commodities are unique; provided that a supplier may continue to sell or offer to sell consumer commodities on which a deposit has been made if he has available sufficient consumer commodities to satisfy all consumers who have made deposits;~~

~~(2) All deposits accepted by a supplier must be evidenced by dated receipts, provided to the consumer at the time of the transaction, stating the following information:~~

~~(a) Description of the consumer commodity, (including model, model year, when appropriate, make, and color);~~

~~(b) The cash selling price;~~

~~(c) Allowance on the consumer commodity to be traded in, if any;~~

~~(d) Time during which the option is binding;~~

~~(e) Whether the deposit is refundable and under what conditions; and~~

~~(f) Any additional cost such as delivery charge.~~

~~(3) For the purpose of this rule "deposit" means any payment in cash, or of anything of value or an obligation to pay including, but not limited to, a credit device transaction incurred by a consumer as a deposit, refundable or non-refundable option, or as partial payment for consumer commodities.~~

~~B. It shall be a deceptive act or practice in connection with a consumer transaction when the consumer can provide reasonable proof of purchase from a supplier for the supplier to refuse to give refunds for:~~

~~(1) Used, damaged or defective products, unless they are clearly marked "as is" or with some other conspicuous disclaimer of any implied or express warranty, and also clearly marked that no refund will be given; or~~

~~(2) Non-used, non-damaged or non-defective products unless:~~

~~(a) Such non-refund, exchange or credit policy, including any applicable restocking fee, is clearly indicated by:~~

~~(i) a sign posted at the point of display, the point of sale, the store entrance;~~

~~(ii) adequate verbal or written disclosure if the transaction occurs through the mail, over the telephone, via facsimile machine, via e-mail, or over the Internet; or~~

~~(iii) a clear and conspicuous statement on the first or front page of any sales document or contract at the time of the sale.~~

~~(b) The consumer commodities are food, perishable items, merchandise which is substantially custom made or custom finished.~~

~~(3) For the purpose of this rule "refund" means cash if payment were made in cash provided that if payment were made by check the refund may be delayed until the check has cleared; and further provided that if payment were made by debit to a credit card or other account, then refund may be made by an appropriate credit or refund pursuant to the applicable law.~~

~~C. It shall be a deceptive act or practice in connection with a consumer transaction for a supplier who has accepted a deposit and has received from the consumer within a reasonable time a valid request for refund of the deposit to fail to make the refund within 30 calendar days after receipt of such request.~~

~~(1) In determining the amount required to be refunded under this rule, the supplier may take into consideration the nature of the commodity returned, the condition of the commodity returned, shipping charges if agreed to and any lawful restocking fee.~~

~~(2) For purposes of this rule, "reasonable time" means within 30 days of the date of the deposit unless a longer period is justified due to the nature of the commodity returned or any agreement between the parties.~~

~~D. No deposit accepted by a supplier to secure the value of equipment or materials provided to a consumer for the consumer's use in any business opportunity where it is anticipated by either the consumer or the supplier that some remuneration will be paid to the consumer for services or goods supplied to the supplier or to some third party in the behalf of the supplier shall exceed the actual cost of the supplies or equipment paid by the supplier or any person acting on behalf of the supplier.~~

~~R152-11-11. Franchises, Distributorships, Referral Sales.~~

~~A. Definitions. As used in this chapter, the following words and terms shall have the following meanings, unless some other meaning is plainly indicated:~~

~~(1) "Referral Selling" means any consumer transaction where the seller gives or offers a rebate or discount to the buyer as an inducement for a sale in consideration of the buyer's providing the seller with the names of prospective purchasers.~~

~~(2) The term "franchise or distributorship" means a contract or agreement requiring substantial capital investment, either expressed or implied, whether oral or written, between two or more persons:~~

~~(a) Wherein a commercial relationship of definite duration or continuing indefinite duration is involved;~~

~~(b) Wherein the purchaser, is granted the right to offer, sell and distribute consumer commodities manufactured, processed, distributed or, in the case of services, organized and directed by the seller; and the purchaser has not been previously engaged in such business opportunity;~~

~~(c) Wherein the franchise or distributorship as an independent business constitutes a component of seller's distribution system; or~~

~~(d) Wherein the operation of the purchaser's business is substantially reliant on sellers for the basic supply of consumer commodities.~~

~~B. Franchises and Distributorships. It shall be an unfair or deceptive act or practice for any person in the trade or commerce of establishing a franchise, distributorship to:~~

~~(1) Misrepresent the prospects or chances for success of a proposed or existing franchise or distributorship;~~

~~(2) Misrepresent by failure to disclose or otherwise, the known required total investment for such franchise or distributorship;~~

~~(3) Misrepresent or fail to disclose efforts to sell or establish more franchises or distributorships than is reasonable to expect the market or market area for the particular franchise or distributorship to sustain;~~

~~(4) Misrepresent the quantity or quality of the products to be sold or distributed through the franchise or distributorship;~~

~~(5) Misrepresent the training and management assistance available to the franchise or distributorship;~~

~~(6) Misrepresent the amount of profits, net or gross, the franchisee can expect from the operation of the franchise or distributorship;~~

~~(7) Misrepresent the size, choice, potential or demographic feature of a franchise territory or misrepresent the number of present or future franchises or distributorships within the franchise territory;~~

~~(8) Misrepresent by failure to disclose or otherwise, the termination, transfer or renewal provision of a franchise or distributorship agreement;~~

~~(9) Falsely claim or infer that a primary marketer of trademark products or services sponsors or participates directly or indirectly in the franchise or distributorship operation;~~

~~(10) Assign a so-called exclusive territory encompassing the same area to more than one franchise;~~

~~(11) Provide vending locations for which written authorizations have not been granted by the property owners or lessees of the premises;~~

~~(12) Provide vending machines or displays of a brand or kind different from or inferior to those promised by the seller;~~

~~(13) Fail to provide to the purchaser a written contract which includes the following provisions:~~

~~(a) The total financial obligation of the purchaser to the seller;~~

~~(b) The date of delivery of the purchaser consumer commodity to the purchaser if the seller is responsible for delivery of such consumer commodity;~~

~~(c) The description and quantity of consumer commodities to be delivered to the purchaser if the seller is responsible for delivery of such consumer commodities; and~~

~~(d) All other disclosures and provisions required in the preceding subsections;~~

~~(14) Fail to honor his contract as required in this section with the purchaser.~~

~~**R152-11-12. Negative Options.**~~

~~A. A negative option, as defined in 16 C.F.R. 425.1, is a deceptive act or practice only if the negative option violates 16 C.F.R. 425.1.~~

~~**R152-11-13. Travel Packages.**~~

~~(1) This rule is authorized by Subsection 13-11-8(2). The purpose of this rule is to define one type of conduct that violates Subsection 13-11-4(1).~~

~~(2) It shall be a deceptive act or practice for a supplier to offer, knowingly or intentionally, a reduced rate travel package which:~~

~~(a) is tendered to a consumer as an incentive for the performance of some act the consumer has no legal obligation to perform;~~

~~(b) is subject to redemption rules the violation of which will result in a default which discharges the supplier's obligation to perform under such rules; and~~

~~(c) is structured so that the supplier will only realize a profit if a majority of the consumers who receive reduced rate travel package default.~~

~~(3)(a) For a supplier to be held liable under this rule, it is not necessary that he contract directly with a consumer for a reduced rate travel package. It is a sufficient basis for liability for the supplier to offer such a package to any person knowing that a consumer eventually will look to him for performance.~~

~~(b) A supplier acts deceptively required by Subsection 13-11-4(2) when he consciously engages in conduct which constitutes a deceptive act or practice, even if he is unaware that such conduct is unlawful.~~

~~(4) The definitions appearing in Section 13-11-3 shall apply to this rule, with the following additional definitions:~~

~~(a) "reduced rate" means the payment of funds, whether styled as fees, taxes, a discounted payment, or otherwise, which is less than the fair market value of the travel package offered by a supplier; and~~

~~(b) "travel package" means air, land, or sea transportation, with or without lodging, for pleasure or business purpose within the scope of the term "consumer transaction".~~]

R152-11-101. Purpose.

The purpose of this rule is to:

(1) prohibit with specificity acts or practices that violate Subsection 13-11-4(1); and

(2) aid the division's administration and enforcement of Title 13, Chapter 11, Utah Consumer Sales Practices Act.

R152-11-102. Authority.

This rule is promulgated in accordance with Subsections 13-2-106(1) and Section 13-11-9.

R152-11-103. Definitions.

(1) "Advertisement" or "advertising" means a written, oral, graphic, or pictorial representation made by a supplier in connection with offering or soliciting a consumer transaction.

(2) "Bait and switch" means advertising a consumer commodity without the bona fide intent to sell the consumer commodity to establish contact with a prospective customer and induce the customer to purchase a different consumer commodity than the subject of the advertisement.

(3) "Business opportunity" means the same as it is defined by Subsection 13-15-102(1).

(4) "Clear(ly) and conspicuous(ly)" means the same as it is defined by 16 CFR 465.1.

(5) "Consumer commodity" means any subject of a consumer transaction.

(6) "Deposit" means money or property provided by a consumer to a supplier:

(a) for a refundable or non-refundable option; or

(b) as pre-payment or partial payment for a consumer transaction.

(7)(a) "Direct solicitation" means a consumer transaction initiated by a supplier by personal contact:

(i) at a consumer's residence or place of employment;

(ii) at a location other than the supplier's established physical place of business; or

(iii) by telephone call or text message to a consumer's personal telephone number.

(b) "Direct solicitation" includes inducing a prospective purchaser to make or keep an appointment that may directly result in a supplier completing a consumer transaction that would not have occurred without the appointment.

(8) "Documented express authorization" means a consumer's agreement with a supplier that is:

(a) signed or otherwise ratified verbally or in writing by the consumer; and

(b) retained by the supplier in physical, digital, recorded, or other electronic format.

(9)(a) "Good" means any license, object, possession, or property that is the subject of a consumer transaction.

(b) "Good" does not include money exchanged in a consumer transaction, unless the money is the subject of the consumer transaction.

(10) "Negative option plan" means the same as it is defined by 16 CFR 425.1(c)(1).

(11) "Refund" means to return or reimburse a consumer's money or other consideration exchanged in a consumer transaction:

(a) in the same form the money or other consideration was initially exchanged; or

(b) in another form agreed to by the consumer:

(i) as part of a negotiated settlement; or

(ii) in accordance with a refund policy that is clearly and conspicuously disclosed at the time of the consumer transaction.

(12) "Salesperson" means a supplier or person employed or contracted by a supplier to solicit, offer, induce, or otherwise encourage a consumer:

(a) to enter a consumer transaction; or

(b) make or keep an appointment that may directly result in a supplier completing a consumer transaction that would not have occurred without the appointment.

(13) "Service" means assistance or labor, including advice, a task, or other activity, performed or provided by a supplier or a supplier's agent for the benefit of a person in connection with a consumer transaction.

(14) "Used" means a consumer commodity that has been previously purchased and put into service, and includes a consumer commodity that is rebuilt, reconditioned, refurbished, or re-manufactured.

R152-11-201. Representations Generally.

(1) It is a deceptive act or practice in connection with a consumer transaction for a supplier to:

(a) make any representation in an advertisement without clearly and conspicuously disclosing any material exclusions, reservations, limitations, modifications, obligations, terms, or conditions that apply to the representation;

(b) misrepresent that a consumer commodity or part of a consumer commodity is new or unused;

(c) misrepresent the extent to which a used consumer commodity has been used;

(d) offer for sale or sell any consumer commodity that appears new or unused but has been used as a demonstrator or display without disclosing that it has served as a demonstrator or display; or

(e) represent that a consumer commodity is "free" if the representation does not comply with the Federal Trade Commission Guide Concerning Use of the Word "Free" and Similar Representations, 16 CFR 251.1.

(2) It is a deceptive act or practice in connection with a consumer transaction for a supplier to make an objective representation, express or implied, unless the supplier has a reasonable basis to make the representation before making the representation.

(3) A supplier is responsible for retracting and correcting any error in an advertisement the supplier makes or directs to be made.

R152-11-202. Bait Advertising.

(1) It is a deceptive act or practice in connection with a consumer transaction for a supplier to engage in bait and switch advertising.

(2) The following acts or practices create a rebuttable presumption that an advertisement did not constitute a bona fide attempt to sell the advertised consumer commodity:

(a) disparaging the advertised consumer commodity to induce the customer to purchase a different consumer commodity;

(b) advertising a consumer commodity whose appearance or performance discourages its purchase by being below the quality implied or represented in the advertisement;

(c) if an advertisement includes a photograph of a good and a price, instead presenting a good that does not include similar options and accessories as the advertised good at the advertised price;

(d) refusing to show or to sell the advertised consumer commodity;

(e) falsely claiming the advertised consumer commodity is unavailable;

(f) failing to have available a reasonable quantity of the advertised consumer commodity unless limited supply is clearly and conspicuously disclosed in the advertisement; or

(g) using a sales plan or method of compensation for a salesperson that discourages the salesperson from selling the advertised consumer commodity.

(3) It is not a deceptive act or practice in connection with a consumer transaction for a supplier to attempt to switch a consumer to a consumer commodity different from the advertised consumer commodity if the recommendation to switch is:

(a) made in good faith; and

(b) based on the consumer's unique circumstances.

R152-11-203. Deposits.

It is a deceptive act or practice in connection with a consumer transaction for a supplier to accept a deposit unless:

(1) the supplier provides a receipt to the consumer at the time of the transaction that includes:

(a) the transaction date;

(b) an accurate description of the consumer commodity to which the deposit is applied;

(c) the final price of the transaction;

(d) any credit applied to the transaction, including the deposit;

(e) if the deposit is a partial payment for the transaction, the time within which the consumer must pay in full; and

(f) whether the deposit is refundable and any restrictions on refundability; and

(2) if the consumer commodity for which the deposit is made is unique, the deposit obligates the supplier to refrain from selling the consumer commodity to another person for a period specified at the time of the transaction.

R152-11-204. Refunds.

(1) It is a deceptive act or practice in connection with a consumer transaction for a supplier to:

(a) represent it will provide a refund, but fail to provide the refund;

(b) fail to provide a refund:

(i) in the time the supplier represents:

(A) at the time of the transaction; or

(B) at a later date agreed to by the consumer; or

(ii) if the supplier does not represent a time within which it will provide a refund, within 30 days; or

(c) refuse to provide a refund for a consumer commodity unless:
(i) the supplier clearly and conspicuously discloses its refund policy to the consumer before completing the transaction; and
(ii) the supplier's refusal to provide a refund is consistent with the refund policy disclosed to the consumer in accordance with Subsection (1)(c)(i).
(2) A supplier may partially refund a consumer transaction if the partial refund is consistent with the refund policy disclosed to the consumer in accordance with Subsection (1)(c)(i).

R152-11-301. Business Opportunities.
It is a deceptive act or practice in connection with a consumer transaction described by Subsection 13-11-3(2)(a)(ii) for a supplier to:
(1) misrepresent the prospects or chances that a proposed or existing business opportunity will be successful, including by:
(a) misrepresenting the amount of profit, net or gross, the business opportunity can be expected to generate; or
(b) misrepresenting the size, choice, potential, or demographic feature of a business opportunity's territory, or misrepresenting the number of present or future business opportunities within the business opportunity's territory;
(2) misrepresent or fail to disclose the known required total investment for a business opportunity;
(3) misrepresent or fail to disclose efforts to sell or establish more business opportunities than is reasonable to expect the market or market area for the business opportunity to sustain;
(4) misrepresent the quantity or quality of consumer commodities to be sold or provided:
(a) to the business opportunity by the supplier; or
(b) by the business opportunity;
(5) misrepresent or fail to disclose the termination, transfer, or renewal provisions applicable to the business opportunity;
(6) misrepresent that a primary marketer of trademark goods or services sponsors or participates, directly or indirectly, in the business opportunity's operation;
(7) assign an exclusive territory encompassing the same area to more than one business;
(8) provide a vending location for which the supplier has not received effective written authorization from the property owner or lessee of the premises; or
(9) provide consumer commodities different from those represented by the supplier.

R152-11-302. Direct Solicitations.
(1) It is a deceptive act or practice in connection with a consumer transaction involving a direct solicitation for a supplier to:
(a) upon initiating the direct solicitation and before communicating with the prospective consumer other than a greeting, solicit a consumer transaction without first providing:
(i) the salesperson's name;
(ii) the business name the supplier uses in connection with the consumer transaction; and
(iii) in general terms, the nature of the consumer commodity the salesperson will present;
(b) falsely represent that:
(i) the consumer or prospective consumer will receive a discount, rebate, or other benefit for allowing the supplier to use the consumer's home or other property, real or personal, to be used as a model;
(ii) the consumer or prospective consumer has been selected to receive a discount or other advantage;
(iii) the consumer or prospective consumer has won a contest or prize;
(iv) the consumer commodity being offered by the supplier is only available through the direct solicitation;
(v) the salesperson has authority to negotiate the final terms of the consumer transaction; or
(vi) the person engaged in the direct solicitation is not engaging in a direct solicitation;
(c) complete a consumer transaction for a purchase price of $25 or more without, at the time of execution or payment, whichever is earlier:
(i) providing the consumer with a complete receipt for the transaction; and
(ii) a copy of any contract related to the consumer transaction in the same language that was principally used in the sales presentation that includes:
(A) the date of the transaction; and
(B) the supplier's name, address, and contact information; or
(d) fail to honor a cancellation request made in accordance with the right described by Subsection 13-11-4(2)(m).
(2) Subsection (1)(c) does not apply to a consumer transaction for which the agreement is executed or the consumer's obligation to pay is created at the supplier's physical place of business.

R152-11-303. Motor Vehicle Sales.
(1) It is a deceptive act or practice in connection with a consumer transaction for a supplier to fail to comply with Section R877-23V-7, Misleading Advertising Pursuant to Utah Code Section 41-3-210.
(2) It is a deceptive act or practice in connection with a consumer transaction for a supplier to do the following with respect to the Federal Trade Commission's Used Motor Vehicle Trade Regulation Rule:
(a) make any representation described by:
(i) 16 CFR 455.1(a)(1) through (3); or
(ii) 16 CFR 455.4;
(b) engage in an act or practice described by 16 CFR 455.1(b); or

(c) fail to comply with the requirements described by:
(i) 16 CFR 455.2; or
(ii) 16 CFR 455.5.

R152-11-304. Negative Option Plans.

(1) It is a deceptive act or practice in connection with a consumer transaction for a supplier to offer a negative option plan unless the supplier complies with 16 CFR 425.1(a).

(2) It is a deceptive act or practice in connection with a consumer transaction for a supplier, in connection with the use of a negative option plan, to engage in any act described by 16 CFR 425.1(b).

R152-11-305. Repairs, Inspections, and Other Services -- Documented Express Authorization Required.

(1)(a) It is a deceptive act in connection with a consumer transaction involving a repair, inspection, or other similar service for which a supplier charges more than $50 for a supplier to fail to obtain a consumer's documented express authorization before performing or providing the repair, inspection, or other similar service.

(b) A transcript or copy of the documented express authorization shall be provided to the consumer at or before the time the consumer is billed for the transaction.

(2)(a) A supplier shall obtain the documented express authorization described by Subsection (1) after:
(i) clearly explaining to the consumer the anticipated repair, inspection, or other similar service to be performed;
(ii) providing the estimated charge for the repair, inspection, or other similar service to be performed; and
(iii) providing the date by which the supplier reasonably anticipates the repair, inspection, or other similar service will be completed.

(b) A supplier shall obtain the consumer's documented express authorization for any unforeseen but necessary repair, inspection, or other similar service that amounts to 10% or more, excluding tax, of the original estimate.

(3) It is a deceptive act or practice in connection with a consumer transaction involving a repair, inspection, or other similar service to:
(a) charge for a repair, inspection, or other similar service for which the supplier has not obtained documented express authorization;
(b) falsely represent that:
(i) a repair, inspection, or other similar service:
(A) is necessary;
(B) cannot be performed by the supplier at a consumer's residence; or
(C) has been completed as represented; or
(ii) a good that is inspected or diagnosed is in dangerous condition, or that its continued use may be harmful;
(c) materially understate or misstate the estimated cost of the repair, inspection, or other similar service to induce the consumer to agree to the consumer transaction;
(d) fail to:
(i) reassemble any part disassembled for inspection unless the consumer is informed, before the supplier accepts the part for inspection, that:
(A) there is a charge for reassembly; or
(B) reassembly is not possible;
(ii) provide the consumer an itemized list of any repair, inspection, or other similar service performed and the reason for the repair, inspection, or other similar service, including:
(A) a list of any part, whether the part is new, used, rebuilt, or after market, and each part's cost;
(B) the number of labor hours charged, apportioned for each repair, inspection, or other similar service, unless:
(I) the labor is performed at a flat-rate price; and
(II) the flat-rate pricing is disclosed to the consumer in writing before the labor is performed;
(iii) provide to the consumer written notice before performing the repair, inspection, or other similar service that a replaced or repaired part may be inspected by the consumer
(iv) allow the consumer to inspect a replaced or repaired part upon request, unless:
(A)(I) the part is to be rebuilt or sold by the supplier; and
(II) the supplier notifies the consumer that the part will be rebuilt or sold on the original estimate;
(B) the part is to be returned to the manufacturer or distributor in accordance with a written warranty agreement;
(C) the part is impractical to return to the consumer due to the part's weight, size, or other similar factor; or
(D) the consumer waives the part's return in writing after the repair, inspection, or other similar service is complete and a total cost is presented; and
(v) provide the consumer with a written, itemized receipt for any good left with the supplier for repair, inspection, or other similar services, including:
(A) the name and business address of the supplier that will perform the repair, inspection, or other similar service;
(B) the name and signature of the individual who takes the good into the supplier's custody;
(C) if the repair, inspection, or other similar service will be performed by a person other than the supplier, the person's name, address, and phone number; and
(D) a description, including the make and model number, or other feature that reasonably identifies the good subject to repair, inspection, or other similar service.

(4) It is a deceptive act in connection with a consumer transaction involving a service not described by Subsection (1) for a supplier to:

(a) fail to:

(i) obtain the consumer's documented express authorization:

(A) before performing a service for which the supplier charges $50 or more; or

(B) for any change order, cost increase, or other amendment to a contract with the consumer;

(ii) provide the consumer written documentation that contains the terms of any warranty made with respect to the transaction;

(iii) timely perform as represented in accordance with the supplier's contract with the consumer unless the delay is beyond the supplier's control, or the supplier obtains the consumer's documented express authorization for the delay;

(b) materially understate or misstate the estimated cost of the service to be provided to induce the consumer to agree to the consumer transaction;

(c) falsely represent that:

(i) the consumer's present equipment, material, product, home or any part thereof is dangerous, defective, or requires repair or replacement;

(ii) a consumer will not incur an obligation by signing a document; or

(iii) a consumer will be relieved of an obligation by signing a document; or

(d) refuse to perform an obligation in accordance with a contract to induce the consumer to pay a higher price than originally agreed in the contract.

KEY: advertising, bait and switch, consumer protection, deceptive acts and practices, negative options
Date of Last Change: 2026[~~February 7, 2011~~]
Notice of Continuation: July 17, 2026
Authorizing, and Implemented or Interpreted Law: [~~63G-3-201; 13-2-5; 13-11~~]13-2-106(1); 13-11-9

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Repeal and Readopt	**Filing ID: 58128**
Rule or section number:	**R432-4**

1. Agency Information

Title catchline:	Health and Human Services, Health Care Facility Licensing
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT

2. Contact Persons

Name:	Phone:	Email:
Kamille Sheikh	385-227-1290	kamillesheikh@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:
R432-4. General Construction

B. Purpose of the new rule or reason for the change:
A public comment on a previous filing led the Department of Health and Human Services (department) to reevaluate its decision to remove incorporations by reference (IBRs) from this rule. The department has determined that it is appropriate to add back the previously removed IBRs into this rule through this repeal and readopt.

C. Summary of the new rule or change:
This repeal and readopt references the Centers for Medicare and Medicaid Services and State Fire Marshal's authority as they apply to health care facility design and construction in Section R432-4-1.

This repeal and readopt adds Section R432-4-3, Incorporations by Reference, which outlines the external materials that the Office of Licensing (OL) will reference for the design and construction of health care facilities. Before a recent repeal and reenact, these IBRs existed in this rule, and OL received public comments in response to the previous repeal and reenact filing indicating that the removal of these materials would pose a safety risk to the populations served in health care facilities. As a result, the IBRs are being added back to this rule.

This repeal and readopt redefines licensee to include an applicant to avoid repetitive wording and aligns terminology with other OL construction rules without altering this rule's content.

Other changes align terminology and content by removing those items from individual construction rules and placing only content applicable to all construction in Sections R432-4-16 through R432-4-22, thus freeing up individual rules for content specific only to that facility type.

Additionally, this repeal and readopt makes style and formatting changes to comply with the Rulewriting Manual for Utah and align this rule with other rules under the department.

This repeal and readopt does not introduce any new requirements for licensees but consolidates requirements into a single rule.

The department's Health Care Facility Licensing Committee has approved this rule repeal and readopt filing.

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 or savings to the state budget because this repeal and readopt adds back incorporations by reference (IBRs) that had been part of this rule up until a recent filing and clarifies wording but does not alter the meaning of this rule's content.

There will be no change to the inspection and approval process for design and instruction as a result of this repeal and readopt, as the architects who enforce this content are subscribed to the guidelines in the IBRs and have unlimited access to that content.

B. Local governments:

This repeal and readopt is not anticipated to impact local governments' revenue or expenditures because facilities are regulated by the department and not local governments.

There will be no change in local business licensing or any other item with which local government is involved. Therefore, there is no anticipated fiscal impact to local governments resulting from this repeal and readopt.

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

There is no anticipated cost or savings to small businesses as a result of this rule repeal and readopt, as it adds back IBRs that had been part of this rule prior up until a recent filing.

Although there may be new content in IBRs, a subscription is not mandatory for compliance because OL staff have unlimited access to the guidelines and can provide free content access through consultation meetings and direct citations, and the Office of Administrative Rules also has hard copies of the materials for public reference.

Existing facilities will not be required to comply with the updated guidelines unless constructing a new facility or remodeling or refurbishing a facility that is subject to the requirements of new construction.

Any cost or savings from the implementation of a newer version of the required FGI guidelines is inestimable, as there is no way to calculate what items each new construction project will be required to address.

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

There is no anticipated cost or savings to non-small businesses as a result of this rule repeal and readopt, as it adds back IBRs that had been part of this rule prior up until a recent filing.

Although there may be new content in IBRs, a subscription is not mandatory for compliance because OL staff have unlimited access to the guidelines and can provide free content access through consultation meetings and direct citations, and the Office of Administrative Rules also has hard copies of the materials for public reference.

Existing facilities will not be required to comply with the updated guidelines unless constructing a new facility or remodeling or refurbishing a facility that is subject to the requirements of new construction.

Any cost or savings from the implementation of a newer version of the required FGI guidelines is inestimable, as there is no way to calculate what items each new construction project will be required to address.

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

There is no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities because the impacted entities will only be the small and non-small businesses who can develop and submit plans for approval in consultation with OL architects if they do not already have access to the referenced materials.

F. Compliance costs for affected persons:

Affected persons will only be the small and non-small businesses that can develop and submit plans for approval in consultation with OL architects if they do not have access to the referenced materials.

Existing facilities will not be required to comply with the updated guidelines unless constructing a new facility or remodeling or refurbishing a facility that is subject to the requirements of new construction.

Any compliance cost for a newer version of the required FGI guidelines is inestimable, as there is no way to calculate what items each new construction project will be required to address.

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-2-202		

10. Incorporation by Reference Information

Incorporation by Reference:	
A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*)**:**	
Official Title of Materials Incorporated (from title page)	2010 ADA Standards for Accessible Design (ADASAD)
Publisher	United States Department of Justice
Issue Date	September 10, 2010
Issue or Version	2010

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*)**:**	
Official Title of Materials Incorporated (from title page)	Guidelines for Design and Construction of Hospitals
Publisher	Facility Guidelines Institute
Issue Date	January 15, 2022
Issue or Version	2022

C. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*)**:**	
Official Title of Materials Incorporated (from title page)	Guidelines for Design and Construction of Residential Health, Care, and Support Facilities
Publisher	Facility Guidelines Institute
Issue Date	January 15, 2022
Issue or Version	2022

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:	09/14/2026

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)	09/21/2026

13. Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Commissioner	**Date:**	07/29/2026

R432. Health and Human Services, Health Care Facility Licensing.
[~~R432-4. General Construction.~~
~~R432-4-1. Authority and Purpose.~~

~~(1) This rule is authorized by Section 26B-2-202.~~

~~(2) The purpose of this rule is to promote the health and welfare of individuals receiving services by establishing design and construction requirements for the following types of health care facilities:~~

~~(a) abortion clinics;~~
~~(b) birthing centers;~~
~~(c) critical access hospitals;~~
~~(d) end stage renal disease facilities;~~
~~(e) freestanding ambulatory surgical centers;~~
~~(f) general hospitals;~~
~~(g) inpatient hospitals;~~
~~(h) nursing care facilities;~~
~~(i) rural emergency hospitals.~~
~~(j) small health care facilities; and~~
~~(k) specialty hospitals.~~

~~R432-4-2. Definitions.~~

~~(1) Terms used in this rule are defined in Rules R432-1 and R380-600. Additionally:~~

~~(2) "Construction documents" means written, graphic, and pictorial documents prepared or assembled for describing the design, location, and physical characteristics of the elements of a project necessary for obtaining a building permit and license for operation.~~

~~(3) "OL" means the Office of Licensing in the Division of Licensing and Background Checks under the Department of Health and Human Services.~~

~~R432-4-3. General Site Design.~~

~~(1) The applicant or licensee shall ensure the facility meets the requirements of:~~
~~(a) the functional program as outlined in Section R432-4-9; and~~
~~(b) the 2010 ADA Standards for Accessible Design (ADASAD), 2010 Edition, incorporated by reference within this rule.~~
~~(2) The applicant or licensee shall ensure:~~
~~(a) the site of the licensed facility is accessible to both community and service vehicles;~~
~~(b) utilities, including culinary water, power, sanitary sewage, and, if required, natural gas, are available to the site;~~
~~(c) fire apparatus access roads are provided and maintained as approved by the local building authority;~~
~~(d) a paved walkway is provided for pedestrian traffic and wheeled mobility equipment from every required exit to a dedicated public way; and~~
~~(e) a paved road is provided within the property for access to each entrance and service area.~~
~~(3)(a) The applicant or licensee that provides an emergency department shall provide well-marked emergency access to facilitate entry from any public road.~~
~~(b) The applicant or licensee shall ensure vehicular or pedestrian traffic does not conflict with access to the emergency service area.~~
~~(c) The applicant or licensee shall ensure the emergency entrance is covered to protect patients from the weather during transfer from automobile or ambulance.~~
~~(4) The applicant or licensee shall provide parking in accordance with local zoning ordinances.~~
~~(5) The applicant or licensee shall provide parking spaces that are ADASAD-compliant for disabled individuals and directly accessible to the facility without the need to go behind parked cars or cross vehicle traffic lanes.~~

~~R432-4-4. Construction Codes Compliance.~~

~~(1)(a) The applicant or licensee shall obtain and submit to OL a business license, certificate of occupancy, and certificate of fire clearance from the local building official having jurisdiction before patient utilization of any newly constructed facility or addition, refurbishment, or remodel of an existing facility.~~
~~(b) For an existing facility, the applicant or licensee shall ensure compliance with each applicable section under Title 15A, State Construction and Fire Code Act, and each applicable construction rule under Title R432 that is in effect on the date of initial facility licensure.~~
~~(c) For new construction, the applicant or licensee shall ensure compliance with each applicable section under Title 15A, State Construction and Fire Code Act, and each applicable construction rule under Title R432 in effect on the date the first construction documents are received by OL.~~
~~(d) The applicant or licensee shall comply with new construction requirements for:~~
~~(i) an existing, currently licensed facility changing classification;~~
~~(ii) an existing, currently licensed facility adding a new license classification;~~
~~(iii) relicensing an existing facility for which a license has lapsed or been terminated; or~~
~~(iv) a facility as required by Section R432-4-6.~~
~~(2)(a) Before using the facility, the applicant or licensee must comply with each applicable construction rule under Title R432 and ensure any necessary equipment is provided to meet the care and safety needs of each patient.~~

~~(b) Except as outlined in Sections R432-4-15 and R432-4-16, if a conflict exists between Rule R432-4 and any other requirement of Title R432, the individual rule category requirement shall govern.~~

~~(c) If an authority with jurisdiction adopts a more restrictive requirement than those of Rule R432-4, the more restrictive requirement shall govern.~~

~~(5)(a) In addition to OL requirements, the applicant or licensee shall comply with any applicable law, ordinance, and code before occupying any space to provide healthcare to a patient.~~

~~(b) The applicant or licensee shall provide compliance documentation, including testing reports and certification, to OL upon request.~~

~~(c) The applicant or licensee shall ensure any test method is done by an approved agency in compliance with recognized test specifications.~~

~~R432-4-5. Additions, Alterations, Refurbishing, Remodeling, Renovation, and Repairs.~~

~~(1) If the remodeled or refurbished area or addition of any building, wing, floor, room, or service area exceeds 50% of the total square foot area of the building, wing, room, floor, or service area, the applicant or licensee shall:~~

~~(a) ensure the entire building, wing, floor, room, or service area is brought into compliance with requirements found in local building codes to obtain:~~

~~(i) an updated business license;~~

~~(ii) a certificate of occupancy; and~~

~~(iii) a certificate of fire clearance; and~~

~~(b) comply with each applicable construction rule under Title R432 governing new construction in effect on the date the construction documents are submitted to OL.~~

~~(2) During each new construction, addition, and remodel, the applicant or licensee shall maintain the safety level that existed before the start of work.~~

~~(3) The applicant or licensee shall ensure that projects involving remodeling, refurbishing, or additions to existing buildings are scheduled and phased to minimize disruption to the occupants of facilities and to protect the occupants against construction traffic, dust, and dirt from the construction site.~~

~~(4) The applicant or licensee shall maintain documentation of compliance with codes and specifications regarding paint, carpet, wall coverings, and other new materials installed as part of a refurbishing project.~~

~~(5) The applicant or licensee shall ensure that any installation and new materials comply with applicable code and construction rule under Title R432 in effect on the date the construction documents are submitted to OL.~~

~~R432-4-6. Campus and Contracted Facilities.~~

~~The applicant or licensee shall ensure any housing areas, treatment areas, diagnostic areas, and facilities utilized by a patient admitted to a licensed health care facility are constructed in accordance with the requirements of Rule R432-4 if:~~

~~(1) the area will be used by a patient who is physically or mentally incapable of taking independent life-saving action in an emergency; or~~

~~(2) the prescribed or administered treatment makes the patient incapable of taking independent life-saving action:~~

~~(a) in an emergency; or~~

~~(b) due to physical or chemical restraints.~~

~~R432-4-7. Construction Plan Review.~~

~~(1) Before submitting documents for a construction plan review and inspection, the applicant or licensee may schedule a conference with OL representatives, the applicant or licensee's architect, and the applicant or licensee to explain the required plans review process.~~

~~(2) The applicant or licensee shall submit the following for OL review:~~

~~(a) a notice of intent;~~

~~(b) documentation of a functional program as outlined in Section R432-4-9;~~

~~(c) construction documents; and~~

~~(d) any other document that verifies compliance with each applicable code or construction rule under Title R432.~~

~~(3) The applicant or licensee shall ensure that the seal of a Utah-licensed architect is affixed to any working drawings and specifications for new construction, additions, or remodeling in compliance with Section 58-3a-602.~~

~~(4) The applicant or licensee shall pay a construction plan review fee and construction inspection fee in accordance with the fee schedule approved by the Legislature.~~

~~(5) Construction plan approval by OL does not relieve the applicant or licensee of responsibility for compliance with this rule.~~

~~(6)(a) If construction has not commenced, construction plan approval expires 12 months after the date of OL's approval letter or the latest plan review correspondence between the applicant or licensee and OL.~~

~~(b) For OL to restore or reconsider approval, the applicant or licensee shall:~~

~~(i) resubmit construction documents;~~

~~(ii) submit a new plan review fee; and~~

~~(iii) obtain a new letter of approval from OL.~~

~~R432-4-8. Functional Program.~~

~~The applicant or licensee shall ensure the functional program documentation includes:~~

~~(1) the purpose and proposed license category of the facility;~~

~~(2) any services offered, including a detailed description of each service;~~
~~(3) any ancillary services required to support each function or program;~~
~~(4) the applicant or licensee's interdepartmental relationships;~~
~~(5) any services offered under contract by outside providers and the required in-house facilities to support those services;~~
~~(6) any services shared with other licensure categories or functions;~~
~~(7) a description of anticipated inpatient and outpatient workloads;~~
~~(8) the physical and mental condition of intended patients;~~
~~(9) the age range of the intended patients;~~
~~(10) the ambulatory or non-ambulatory condition of intended patients;~~
~~(11) the type and use of general or local anesthetics;~~
~~(12) any use of physical or chemical restraints;~~
~~(13) area requirements for each service offered, stated in net square feet;~~
~~(14) if provided, seclusion treatment rooms, including staff monitoring procedures;~~
~~(15) x-ray facilities, nurse call systems, communication systems, and other special systems;~~
~~(16) if a building is designed for expansion, a description of how essential core services will accommodate increased demand;~~
~~(17) inpatient services, treatment areas, or diagnostic facilities planned or anticipated to be housed in other buildings;~~
~~(18) the construction-type of any other building;~~
~~(19) a description of protections from the weather for patients during transport between buildings;~~
~~(20) an infection control risk assessment to determine the need for the number and types of isolation rooms; and~~
~~(21) any special requirement that could affect the building, including:~~
~~(a) any exhaust system;~~
~~(b) any filter on an air conditioning system;~~
~~(c) any laboratory hood;~~
~~(d) a list of specialized equipment that could require a special dedicated service or special structure;~~
~~(e) any medical gas;~~
~~(f) any special electrical requirement; and~~
~~(g) any other special mechanical requirement.~~

~~R432-4-9. Construction Documents.~~

~~(1) The applicant or licensee shall submit to OL one printed set of construction documents, including drawings and specifications representing any products and materials, and show any equipment necessary for the construction and operation of the proposed work.~~
~~(2) The applicant or licensee shall ensure drawings are drawn to scale and include the following information describing the work:~~
~~(a) a list of applicable building codes;~~
~~(b) the construction-type;~~
~~(c) the location of the building on the site and access to the building for public, emergency, and service vehicles;~~
~~(d) the site grading and drainage;~~
~~(e) any unusual site conditions, including easements that might affect the building;~~
~~(f) any means of egress;~~
~~(g) the subdivision of smoke compartments;~~
~~(h) the relationships of departments to each other;~~
~~(i) the relationships of departments to support and common facilities;~~
~~(j) the relationships of rooms and spaces within departments;~~
~~(k) the number of inpatient beds;~~
~~(l) total square footage area of each story of the building for new construction and each story impacted by new work in an existing building;~~
~~(m) the total square footage of any addition, alteration, repair, renovation, refurbishment or remodel of an existing facility;~~
~~(n) the square footage area and dimensions of rooms;~~
~~(o) the location and size or capacity of any public utilities;~~
~~(p) the engineered drawings and specifications for each mechanical, electrical, plumbing, and auxiliary system; and~~
~~(q) the designation for the installation of equipment that requires a dedicated building service, special structure, or major function of space.~~
~~(3) If, during a construction plan review or during construction, the work deviates from the original construction plan, the applicant or licensee shall submit any revised construction documents showing the extent and scope of the changes to OL for review.~~

~~R432-4-10. Construction Without Construction Plan Review.~~

~~(1) If construction is commenced before OL reviews the construction plan, OL may issue a license only after OL reviews as-built drawings and conducts a construction inspection.~~
~~(2) The applicant or licensee shall correct any noncompliant items found during the OL plans review and pay the plans review and inspection fees before patient utilization of the space.~~

~~R432-4-11. Existing Buildings Without Construction Documents.~~

~~(1) If construction documents are not available for existing buildings or for facilities requesting an initial license or license category change, the applicant or licensee may submit to OL the following information:~~

~~(a) a functional program described in Section R432-4-9; and~~

~~(b) a report identifying required modifications to bring the building into compliance with each applicable code or construction rule for the requested licensure category.~~

~~(2) The applicant or licensee shall request and schedule an OL follow-up inspection upon completion of modifications.~~

~~R432-4-12. Construction Inspections.~~

~~(1) The applicant or licensee shall allow OL to conduct interim inspections during construction.~~

~~(2) Before OL conducts a final construction inspection, the applicant or licensee shall pay the OL construction plan review fee and inspection fee in accordance with the fee schedule established by the Legislature.~~

~~(3) The applicant or licensee shall schedule a final construction inspection with OL before utilization when the project is complete and furnishings and equipment are in place.~~

~~(4) The applicant or licensee shall correct any noncompliant item before licensure and utilization.~~

~~R432-4-13. Outpatient Unit Features.~~

~~(1) If a building entrance is used to reach outpatient services, the applicant or licensee shall ensure the entrance is:~~

~~(a) at grade level;~~

~~(b) clearly marked; and~~

~~(c) located to minimize the need for outpatients to pass through other program areas.~~

~~(2) The applicant or licensee shall ensure the outpatient surgery discharge location provides protection from the weather by providing canopies that extend from the building to permit sheltered transfer to a vehicle.~~

~~(3) The applicant or licensee may utilize a shared lobby in a multi-occupancy building if the design prohibits unrelated traffic within or through units or suites of the licensed health care facility.~~

~~R432-4-14. General Construction.~~

~~(1) This section supersedes any conflicting design and construction requirements.~~

~~(2) The applicant or licensee shall locate yard equipment and supply storage areas so that equipment may be moved directly to the exterior without passing through building rooms or corridors.~~

~~(3) The applicant or licensee shall provide:~~

~~(a) sanitary storage and treatment areas for the disposal of each category of waste, including hazardous and infectious waste, using techniques acceptable to the Utah Department of Environmental Quality and the local health department;~~

~~(b) ADASAD-compliant grab bars in each patient bathtub and shower;~~

~~(c) ADASAD-compliant grab bars at the side of each public and patient toilet facility;~~

~~(d) a mirror for each patient handwashing fixture;~~

~~(e) ASASAD-compliant mirrors installed at appropriate heights for patient toilet and bathroom facilities required to be accessible to individuals using wheelchairs;~~

~~(f) if contained in showers or tubs, recessed soap dishes or shelves;~~

~~(g) cubicle curtains and draperies affixed to permanently mounted tracks or rods, except that portable curtains or visual barriers may not be used;~~

~~(h) homogenous and coved floors and bases for any kitchen, toilet room, bathroom, janitor's closet, and soiled workroom;~~

~~(i) coved bases that are tight fitting to the floor for any area subject to frequent wet cleaning;~~

~~(j) acoustical treatment for sound control where needed, including corridors in any patient area, nurse station, dayroom, recreation room, dining area, and waiting area;~~

~~(k) carpet and padding in each institutional occupancy patient area, except a public lobby and office, that is stretched taut and free of loose edges to prevent tripping; and~~

~~(l)(i) rooms intended for 24-hour occupancy with a window to the exterior or to a courtyard open to the sky.~~

~~(ii) If a window in a 24-hour occupancy room is operable, the applicant or licensee shall ensure:~~

~~(A) it is equipped with an insect screen;~~

~~(B) the operation is restricted to a maximum opening of six inches to prevent escape or suicide; and~~

~~(C) any opening is restricted regardless of the method of operation or the use of any tool or key.~~

~~(4) Any trash chute, laundry chute, dumb waiter, elevator shaft, or other similar system may not pump contaminated air into any clean area.~~

~~(5) The applicant or licensee shall provide signage for:~~

~~(a) general and circulation directions in any corridor;~~

~~(b) identification on or by the side of each door; and~~

~~(c) directional emergency evacuation.~~

~~(6) The applicant or licensee shall ensure any elevator intended for patient transport:~~

~~(a) is able to accommodate a gurney with an attendant;~~

~~(b) has minimum inside cab dimensions of five feet, eight inches wide by eight feet, five inches deep; and~~

~~(c) has a minimum clear door width of three feet, eight inches.~~

~~(7) The licensee shall ensure any room and occupied area in the facility provides for ventilation through:~~

~~(a) natural window openings that may be used for ventilation of non-sensitive areas and patient rooms when weather conditions permit;~~

~~(b) mechanical ventilation provided during periods of temperature extremes;~~

~~(c) bottoms of ventilation openings that are located at least three inches above the floor; and~~

~~(d) ducted supply and return systems.~~

~~(8) Common returns using corridors or attic spaces may not be used as plenums to recycle air.~~

~~(9) Plenum returns for recycling heating, ventilation, and air conditioning systems shall serve only non-patient care areas.~~

~~(10) Evaporative cooling where the airstream is exposed to a wet coil, a mat, or an open reservoir, may not be used, except for any laundry processing area and kitchen hood that provides 100% exhaust air.~~

~~(11) Except in a general hospital, specialty hospital, and nursing care facility, the applicant or licensee may omit hot water recirculation if the linear distance along the supply pipe from the water heater to the fixture does not exceed 50 feet.~~

~~(12) The applicant or licensee may omit bedpan washing devices from an inpatient toilet room when a separate and specific soiled utility room is located within the unit that includes bedpan washing capability.~~

~~(13)(a) The applicant or licensee shall ensure building sewers discharge into a community sewer system.~~

~~(b) If a community system is not available, the applicant or licensee shall treat its sewage in accordance with local requirements and Utah Department of Environmental Quality requirements.~~

~~(14) The applicant or licensee shall ensure any dishwasher and other kitchen food storage and cooking appliance is National Sanitation Foundation (NSF) approved and has the NSF seal affixed.~~

~~(15) The applicant or licensee shall ensure:~~

~~(a) an approach to any building and space within a building occupied by people, machinery, or equipment has fixtures for lighting;~~

~~(b) any receptacle and receptacle cover plate on the electrical emergency system is red;~~

~~(c) the activating device for a nurse call station is of a contrasting color to the adjacent floor and wall surfaces to make it easily visible in an emergency;~~

~~(d) the fuel storage capacity of the emergency generator permits continuous operation of the facility for 48 hours;~~

~~(e) building electrical services connected to the emergency electrical source comply with the specific rules for each licensure category; and~~

~~(f) at least one wheelchair-accessible drinking fountain, toilet, and handwashing facility is available on each floor.~~

~~**R432-4-15. General Construction, Patient Service Facilities.**~~

~~(1) This section supersedes any conflicting design and construction requirements.~~

~~(2) The applicant or licensee shall ensure that:~~

~~(a) nurse station locations permit visual observation of traffic into the unit;~~

~~(b) emergency department pediatric rooms provide soundproofing with a sound transmission insulation rating for walls and ceiling assemblies of not less than 50 STC;~~

~~(c) an emergency department uses exterior portable decontamination units or decontamination rooms within the building;~~

~~(d) a portable unit has the capability for heating shower water and for heating ventilation air;~~

~~(e) a patient hygiene shower with direct access to a sink and toilet is provided in the emergency department;~~

~~(f) a bereavement room is provided in the emergency department;~~

~~(g) separate pediatric and adult post-anesthesia care rooms are provided; and~~

~~(h) hyperbaric suites meet the requirements of this section.~~

~~(3) The applicant or licensee whose acute care hospital beds swing to nursing home care shall additionally comply with Rule R432-5.~~

~~(4) Except in a rural emergency hospital, a hospital applicant or licensee shall have at least one nursing unit of at least six beds containing patient rooms, patient care spaces, and service areas and shall ensure that:~~

~~(a) when more than one nursing unit shares spaces and service areas, as permitted in this rule, the service areas are contiguous to each nursing unit served;~~

~~(b) there are identifiable spaces for each of the required services; and~~

~~(c) facility services are accessible from common areas without compromising patient privacy.~~

~~(5) The applicant or licensee shall ensure that patient rooms are compliant with the individual construction rule for the license category and that:~~

~~(a) the closet in each patient room is a minimum of 22 inches deep by at least 22 inches wide, and high enough to hang full length garments and to accommodate two storage shelves; and~~

~~(b) pediatric units shall have at least one tub room with a bathtub, toilet, and sink convenient to the unit unless each patient room contains a tub in the toilet room.~~

~~(6) Laundry may be done within the facility, in a separate building on or offsite, or in a commercial or shared laundry.~~

~~(7) If laundry is processed by an outside commercial laundry, the applicant or licensee shall provide:~~

~~(a) a separate room for receiving and holding soiled linen until ready for transport;~~

~~(b) a central, clean linen storage and issuing room to accommodate linen storage for four days' operation or two normal deliveries, whichever is greater; and~~

~~(c) handwashing facilities in each area where un-bagged, soiled linen is handled.~~

~~(8) If the applicant or licensee processes their own laundry, either within the facility or in a separate building, the applicant or licensee shall provide:~~

~~(a) a receiving, holding, and sorting room for control and distribution of soiled linen;~~

~~(b) a washing room with handwashing facilities and commercial equipment that can process a seven-day accumulation of laundry within a regularly scheduled work week;~~

~~(c) a drying room with enough dryers for the quantity and type of laundry being processed; and~~

~~(d) a clean linen storage room with enough space and shelving to store one-half of any linens and personal clothing being processed.~~

~~(9) Soiled linen chutes shall discharge directly into the receiving room or in a room separated from the washing room, drying room, and clean linen storage.~~

~~(10) The applicant or licensee may provide prewash facilities in the receiving, holding, and sorting rooms.~~

~~(11) If the applicant or licensee processes their own laundry, the applicant or licensee may use either a two- or three-room configuration.~~

~~(a) A two-room configuration shall consist of:~~

~~(i) a room housing washers, soiled linen receiving, sorting, holding, and prewash facilities, and handwashing facilities; and~~

~~(ii) a room housing dryers, clean linen folding, sorting, and storage facilities, and handwashing facilities.~~

~~(b) A three-room configuration shall consist of:~~

~~(i) a soiled linen receiving, sorting, and holding room with prewash and handwashing facilities;~~

~~(ii) a combination washer and dryer room arranged so linen flows from the soiled receiving area to the washers, then to the dryers, and then to clean storage; and~~

~~(iii) a clean storage room with folding, sorting, storage, and handwashing facilities.~~

~~(c) In either a two or three-room configuration, the following shall occur:~~

~~(i) self-closing doors maintain physical separation between rooms;~~

~~(ii) air moves from the clean area to the soiled area and air from the soiled area is exhausted directly to the outside;~~

~~(iii) handwashing sinks are located within each laundry area to maintain the functional separation of the clean and soiled processes;~~

~~(iv) rooms are arranged to prevent the transport of soiled laundry through clean areas and the transport of clean laundry through soiled areas;~~

~~(v) there is convenient access to employee lockers and lounges;~~

~~(vi) there is storage for laundry supplies; and~~

~~(vii) there is a cart storage area for separate parking of clean and soiled linen carts away from normal traffic paths.~~

~~**R432-4-16. Penalties.**~~

~~Any person who violates this rule may be subject to the penalties in Rule R380-600 and Title 26B, Chapter 2, Part 7, Penalties and Investigations.~~**]**

R432-4. General Construction.

R432-4-1. Authority and Purpose.

(1) Section 26B-2-202 authorizes this rule.

(2) The purpose of this rule is to promote the health and welfare of an individual receiving services by establishing design and construction requirements for each health care facility that is:

(a) a birthing center;

(b) a critical access hospital;

(c) a freestanding ambulatory surgical center;

(d) a general hospital;

(e) a hospice inpatient facility;

(f) a nursing care facility;

(g) a rural emergency hospital;

(h) a small health care facility;

(i) a specialty hospital;

(j) an abortion clinic; or

(k) an end stage renal disease facility.

(3) This rule supplements:

(a) Centers for Medicare and Medicaid Services (CMS) construction and design requirements that apply to a health care facility certified by CMS, as outlined in 42 CFR 482 and 483 (2025);

(b) requirements in Rule R710-4 that apply to the construction of each health care facility; and

(c) requirements in Title 15A, State Construction and Fire Codes Act, that apply to the construction of each health care facility.

R432-4-2. Definitions.

Terms used in this rule are defined in Section 26B-2-201 and Rules R432-1 and R380-600. Additionally:

(1) "Common area" means a public or shared space, including any dining room, lobby, recreation room, and similar space in a health care facility.

(2) "Construction documents" means written, graphic, and pictorial documents prepared or assembled for describing the design, location, and physical characteristics of the elements of a project necessary for the construction or remodel of a health care facility.

(3)(a) "Licensee" means the same as defined in Rule R432-1.

(b) Licensee includes an applicant for a license for the construction of a health care facility.
(4) "Nursing unit" means a designated area within a hospital or long-term care facility:
(a) that contains a nursing station, patient rooms, and necessary support, storage, and work areas; and
(b) where nursing care is provided to no more than 60 patients.
(5)(a) "Office" or "room" means a designated space enclosed by walls and with a door for access that is separated from any other space.
(b) When a space is not described as an office or room:
(i) complete enclosure by walls and a door for access is not required; and
(ii) that space may be used to accommodate multiple services within that space.
(6) "Patient or resident" means:
(a) a patient as defined in Rule R432-1 when the facility is designed to serve medical needs; or
(b) a resident when the facility is designed to provide 24-hour personal care that may involve medical care.
(7) "Plans review" means the OL review of construction documents submitted for approval.
(8) "Service area" means a designated space that houses auxiliary functions that do not routinely involve contact with any client, patient or resident, or the public and includes each:
(a) elevator machine room and shaft;
(b) environmental service space;
(c) kitchen;
(d) laundry processing and storage space;
(e) maintenance room;
(f) mechanical equipment room or similar restricted space of high noise;
(g) pharmacy;
(h) sterile processing space;
(i) storage facility; or
(j) waste collection space.

R432-4-3. Incorporations by Reference.

The following materials are incorporated by reference within this rule to apply to the construction and design of each type of health care facility identified in Subsection R432-4-1(2):
(1) 2010 ADA Standards for Accessible Design (ADASAD);
(2) Facility Guidelines Institute (FGI) Guidelines for Design and Construction of Hospitals, 2022:
(a) Part 1, General:
(i) Chapter 1.1, excluding sections 1.1-4 and 1.1-5;
(ii) Chapter 1.2, sections 1.2-1.1, 1.2-2, 1.2-4.2, 1.2-6.1, 1.2-6.6, and 1.2-7;
(iii) Chapter 1.3; and
(iv) Chapter 1.4;
(b) Part 2, Hospital Facility Types, as applicable to the construction-type, Chapters 2.1 through 2.6, excluding section 2.1-5.2; and
(c) Part 3, Ventilation of Health Care Facilities;
(3) FGI Guidelines for Design and Construction of Outpatient Facilities, 2022:
(a) Part 1, General:
(i) Chapter 1.1, excluding sections 1.1-4 and 1.1-5;
(ii) Chapter 1.2, sections 1.2-1.1, 1.2-2, 1.2-4.2, 1.2-6.1, and 1.2-7;
(iii) Chapter 1.3; and
(iv) Chapter 1.4;
(b) Part 2, Outpatient Facilities:
(i) Chapters 2.1 through 2.7, excluding section 2.1-4.4;
(ii) Chapter 2.9;
(iii) Chapter 2.11;
(iv) Chapter 2.12; and
(v) Chapter 2.14; and
(c) Part 3, Ventilation of Health Care Facilities; and
(4) FGI Guidelines for Design and Construction of Residential Health, Care, and Support Facilities, 2022:
(a) Part 1, General:
(i) Chapter 1.1, excluding sections 1.1-4 and 1.1-5;
(ii) Chapter 1.2, sections 1.2-1.1, 1.2-2, 1.2-4.2, 1.2-6.1, and 1.2-7;
(iii) Chapter 1.3; and
(iv) Chapter 1.4;
(b) Part 2, Common Elements, Chapter 2.1, excluding section 2.1-4.2;
(c) Part 3, Residential Health Facilities:
(i) Chapter 3.1, excluding section 3.1-4.2; and
(ii) Chapter 3.2, excluding section 3.2-4.2;
(d) Part 5, Nonresidential Support Facilities, Chapter 5.3, excluding section 5.3-4.2; and

(e) Part 6, Ventilation of Health Care Facilities.

R432-4-4. Construction Codes Compliance.

(1) The licensee shall ensure a newly constructed facility, addition, or remodeled space of an existing facility complies with each applicable statute and construction rule in effect on the date when the Office of Licensing (OL) receives construction documents for review, including:

(a) Title 15A, State Construction and Fire Codes Act; and

(b) any construction rule under Title R432.

(2) Before use of any newly constructed facility, addition, or remodeled space of an existing facility, the licensee shall:

(a) obtain and submit to OL a certificate of occupancy from the local building authority having jurisdiction, documenting compliance with Title 15A, State Construction and Fire Codes Act;

(b) obtain and submit to OL a certificate or other documentation of fire clearance from:

(i) the State Fire Marshal's Office for any facility under the jurisdiction of the State Fire Marshal's Office according to Rule R710-4; or

(ii) the fire marshal having jurisdiction over any facility not under the jurisdiction of the State Fire Marshal's Office; and

(c) maintain documentation of compliance with codes, standards, and guidelines regarding paint, carpet, wall coverings, and other new materials installed as part of any refurbishing project.

(3) The licensee shall comply with new construction requirements in effect on the date when OL receives construction documents for review for:

(a) a new facility;

(b) an existing, currently licensed facility adding a new license classification;

(c) an existing, currently licensed facility changing that facility's license classification; or

(d) relicensing a previously licensed facility that has a lapsed or terminated license.

(4)(a) Before using a facility, the licensee shall ensure any necessary equipment is on site and ready for use to meet the care and safety needs of each patient or resident.

(b) Except as outlined in Section R432-4-15, if a requirement in this rule conflicts with a requirement in another rule under Title R432, the licensee shall follow the requirement from the rule specific to the licensee's facility type.

(c) If an authority having jurisdiction adopts a more restrictive requirement than the requirements in this rule, the more restrictive requirement shall govern.

(5) The licensee shall ensure any new construction, addition, alteration, refurbishing, remodel, renovation, or repair to an existing facility complies with any applicable law, ordinance, code, and test requirement before occupying a space to provide health care to a patient or resident.

(a) Any test used to verify compliance shall meet the requirements of:

(i) Title 15A, State Construction and Fire Codes Act;

(ii) any construction and design requirement that applies to a health care facility certified by CMS, as outlined in 42 CFR 482 and 483 (2025);

(iii) any rule under Title R710 that applies to the construction of a health care facility; and

(iv) this rule.

(b) The licensee shall ensure that the result of any test described in Subsection (5) is available for OL to review upon request.

(c) If the test results show that a product, system, or the product or system's installation is not compliant with the requirements of Subsection (5)(a), OL may require that the licensee:

(i) correct the installation for compliance; or

(ii) replace the product or system.

R432-4-5. Additions, Alterations, Refurbishing, Remodeling, Renovation, and Repairs to Existing Facilities.

(1) Any addition, alteration, refurbishment, remodel, renovation, or repair to an existing facility shall comply with each applicable construction rule under Title R432 governing new construction in effect on the date when OL receives the construction documents for review.

(2) If a remodeled area of, or the area of an addition to, any building, wing, floor, room, or service area exceeds 50% of the existing square foot area of the building, wing, floor, room, or service area, the licensee shall ensure the entire building, wing, floor, room, or service area is brought into compliance with each applicable section under Title 15A, State Construction and Fire Codes Act, in effect on the date when OL receives the construction documents for review.

(3) During any construction, alteration, refurbishing, remodeling, renovation, or repair of an occupied facility, the licensee shall maintain the safety level that existed before the start of that work.

(4) The licensee shall ensure that each project involving construction, alteration, refurbishing, remodeling, renovation, or repair of an occupied facility is scheduled and phased to:

(a) minimize disruption to any occupant of the facility; and

(b) protect each occupant against activity, dirt, dust, and traffic from the construction site.

(5) The licensee shall ensure that any installation and new material complies with each applicable code, guideline and construction rule under Title R432 in effect when OL receives the construction documents.

R432-4-6. Campus and Contracted Facilities.

(1) The licensee shall ensure any housing area, treatment area, or diagnostic area that is part of the campus of a licensed facility used by a patient or resident is constructed in accordance with the requirements of this rule if:

(a) the area will be used by a patient or resident who is physically or mentally incapable of taking independent life-saving action in an emergency; or

(b) a prescribed or administered treatment or a physical or chemical restraint causes the patient or resident to be incapable of taking independent life-saving action in an emergency.

(2) If a campus-type facility has separate buildings, the licensee shall ensure each building is located on the same site within 750 feet of the main building on that campus.

(3) The licensee shall ensure each patient room or resident living unit is connected to bathing facilities and common areas by enclosed temperature-controlled corridors.

R432-4-7. Plans Review.

(1) Before submitting documents for review or scheduling an inspection in lieu of a plans review, the licensee may schedule a conference with an OL representative, the licensee's architect, and the licensee to review construction requirements and the plans review process.

(2) The licensee shall submit for OL review:

(a) a notice of intent;

(b) a functional program as outlined in Section R432-4-8;

(c) construction documents as outlined in Section R432-4-9; and

(d) any other document that verifies compliance with each applicable code under Title 15A, State Construction and Fire Codes Act, or guideline, or construction rule under Title R432.

(3) The licensee shall pay a construction plans review fee and construction inspection fee in accordance with the fee schedule approved by the Legislature.

(4) OL shall review the material submitted by the licensee and provide a:

(a) letter of approval; or

(b) report of any modification required to comply with construction requirements.

(5) Construction plans approval by OL does not relieve the licensee of responsibility for compliance with this rule.

(6)(a) The licensee shall begin construction within 12 months of the OL approval of construction documents or the approval will expire.

(b) For OL to restore approval, the licensee shall:

(i) obtain a new letter of approval from OL;

(ii) resubmit construction documents;

(iii) submit a new construction plans review fee; and

(iv) submit a new functional program and notice of intent.

R432-4-8. Functional Program.

In addition to the requirements outlined in the FGI Guidelines, the licensee shall ensure the functional program includes:

(1) a description of the intended function, purpose, and use of the facility;

(2) a description of the intended inpatient and outpatient workload;

(3) a description of protections from the weather for any patient or resident during transport between buildings;

(4) an infection control risk assessment to determine the need for and number of and types of isolation rooms;

(5) any ancillary services required to support each function, use, and program;

(6) any services offered, including a detailed description of each service;

(7) any services offered under contract by outside providers and the required in-house facilities to support those services;

(8) any services shared with other licensed facilities within the same building or on the same campus;

(9) any special requirement that could affect the building construction or design, including:

(a) a list of specialized equipment or services that could require a dedicated space, room, or special structure;

(b) any exhaust system;

(c) any filter on an air conditioning system;

(d) any laboratory hood;

(e) any medical gas;

(f) any special electrical requirement; and

(g) any other special mechanical requirement;

(10) any use of physical or chemical restraints;

(11) any x-ray facility, nurse call system, communication system, and other special system;

(12) area requirements for each service offered, stated in net square feet;

(13) if a building is designed for expansion, a description of how essential core services will accommodate increased demand;

(14) if provided, any specialized seclusion treatment room, including staff monitoring procedures;

(15) inpatient services, treatment areas, or diagnostic facilities planned or anticipated to be housed in other buildings;

(16) the age range of the intended patient or resident population;

(17) the ambulatory or non-ambulatory condition of each intended patient;

(18) the location of and distance to any facility providing patient services under contract;
(19) the physical and mental condition of the intended patient or resident population;
(20) the proposed license category of the facility; and
(21) the type and use of general or local anesthetics.

R432-4-9. Construction Documents.

(1) The licensee shall submit one printed set of construction documents to OL, including any drawing and specification representing any product, material, and method of construction and showing any equipment necessary for the construction and operation of the proposed facility.
(2) The licensee shall ensure that the seal of a licensed state of Utah architect affixed to the plans and specifications for new construction, an addition, or remodeling, in compliance with Section 58-3a-602.
(3) The licensee shall ensure submitted plans are drawn to scale and include:
(a) a construction code analysis listing the occupancy classification and the construction type;
(b) a list of applicable building codes;
(c) the required and provided means of egress;
(d) the engineered plans and specifications for each site, mechanical, electrical, plumbing, and auxiliary system;
(e) the location and size or capacity of any public utilities;
(f) the number of inpatient beds;
(g) the provisions for and method of installation of equipment that requires a dedicated building service, special structure, or major function of space;
(h) the relationship of facility departments to each other;
(i) the relationship of facility departments to common and public areas;
(j) the relationship of rooms and spaces within the facility's departments;
(k) the square foot area and dimensions of each room;
(l) the subdivision of each smoke compartment;
(m) the location and total square foot area of any addition, alteration, repair, renovation, refurbishment, or remodel of an existing facility; and
(n) the location and total square foot area for each story impacted by construction work in a multi-story existing building; and
(o) the total square foot area for each story of a new building.
(4) The licensee shall include in the construction documents for any construction project involving site improvements or modification or any construction activity that may impact access to any entrance or exit:
(a) the location of the building on the site and access to the building for public, emergency, and service vehicles;
(b) the site grading and drainage; and
(c) any unusual site condition, including any easement that might affect the building or the building's operation.
(5) If, during the plans review or construction, the work deviates from the original construction plans, the licensee shall submit revised construction documents showing the extent and scope of the changes to OL for review.

R432-4-10. Construction Without Construction Plans Approval.

If construction begins before OL approves the construction documents, OL may issue a license only after the licensee:
(1) submits to OL as-built drawings for review and OL conducts an on-site construction inspection;
(2) corrects any noncompliant items found during the review of the as-built drawings and construction inspection conducted by OL; and
(3) pays for any plans review and inspection fee.

R432-4-11. Existing Buildings Without Construction Documents.

(1) If construction documents are not available for an existing building or a facility requesting an initial license, license change in capacity, or category change, the licensee may submit to OL:
(a) a functional program as described in Section R432-4-8; and
(b) a construction report identifying each intended modification and any required modification to bring the building into compliance with each applicable code, standard, guideline, or Title R432 construction rule specific to the requested facility type.
(2) The licensee may request an OL detailed on-site inspection in lieu of a plans review.
(3) Following the licensee's submission of a construction report or on-site inspection, OL shall provide a:
(a) letter of approval to proceed with construction; or
(b) report of each modification required for approval to proceed with construction.

R432-4-12. Construction Inspections.

(1) The licensee shall schedule a pre-final construction inspection as construction is nearing completion before the final construction inspection.
(2) The licensee may schedule additional inspections during construction.
(3) Before OL conducts a final construction inspection, the licensee shall pay the OL construction plans review fee and inspection fee in accordance with the fee schedule established by the Legislature.

(4) Before any patient or resident use of the new construction, the licensee shall schedule a final construction inspection with OL when the project is complete and furnishings and equipment are in place.
(5) The licensee shall correct any noncompliant item and schedule a follow-up inspection to verify compliance before licensure and use.
(6) The licensee may not allow patient or resident access to a new facility before OL issues the facility license.
(7) The licensee may not allow patient or resident access to a remodeled area within a licensed facility before OL issues a final letter of approval.

R432-4-13. General Site Design.
(1) This rule applies to the construction and design of each type of health care facility identified in Subsection R432-4-1(2).
(2) The licensee shall ensure:
(a) a paved road is provided within the property for access to each entrance, exit, and service area;
(b) a paved walkway is provided for pedestrian traffic and wheeled mobility equipment from every required exit to a dedicated public way, including a public street, alley, or parking lot;
(c) fire apparatus access roads are provided and maintained as approved by the local building authority;
(d) the licensed facility is accessible to community, service, and emergency vehicles; and
(e) utilities, including culinary water, power, sanitary sewage, and, if required, natural gas, are available to the site.
(3) The licensee shall provide parking in accordance with each applicable zoning ordinance.
(4) The licensee shall designate at least one primary entrance to each facility and ensure that primary entrance is ADASAD-compliant for any person with a disability.
(5) The licensee shall provide parking that is ADASAD-compliant for any person with a disability.
(6) The licensee shall ensure there is parking for a person with a disability that is directly accessible to the facility without the need to go behind a parked car or cross a vehicle traffic lane.
(7) The licensee shall ensure that each primary entrance to a facility is at grade level and clearly marked.
(8) The licensee shall provide patient and resident access to the primary entrance of a licensed facility without the need to travel through any other licensed facility or non-licensed space or facility.
(9)(a) A licensee that provides an emergency department shall provide well-marked emergency access to facilitate entry from any public road.
(b) The licensee shall ensure vehicular or pedestrian traffic does not conflict with access to the emergency service area.
(c) The licensee shall ensure the emergency entrance is covered to protect any patient or resident from the weather during transfer from an automobile or ambulance.
(10) The licensee shall ensure any entrance used by a patient or resident requiring a ramp for accessibility with a total rise greater than six inches and with a slope greater than one vertical inch for every 20 horizontal inches also has ADASAD-compliant steps and handrails.

R432-4-14. Outpatient Unit Features.
(1) If a building entrance is used for outpatient services, the licensee shall ensure the entrance is:
(a) at grade level;
(b) clearly marked; and
(c) located to minimize the need for a patient or resident to pass through any other program area.
(2) The licensee shall ensure any outpatient discharge location provides protection from the weather for a patient or resident moving from the building to a transport vehicle.

R432-4-15. General Construction.
(1) This section supersedes any conflicting design or construction requirement in the FGI Guidelines but does not supersede any Title R432 construction rule specific to the requested facility type.
(2) The licensee shall ensure compliance with each requirement in this section.
(3) Any yard equipment or supply storage area shall be located so that equipment may be moved directly to the exterior without passing through any room or corridor within the building.
(4) Each hand wash sink intended for use by a patient or resident shall be paired with a mirror installed at the ADASAD-compliant height.
(5)(a) Each patient or resident room intended for 24-hour occupancy shall have a window to the exterior or to a courtyard that is open to the sky.
(b) If this window is operable:
(i) any opening shall be restricted, regardless of the method of operation, to a maximum of six inches to prevent ingress or egress; and
(ii) the window shall be equipped with an insect screen.
(6) The licensee shall provide acoustical treatment for sound control where needed, including any corridor in a patient or resident area, nurse station, dayroom, recreation room, dining area, and waiting area.
(7) Each bathtub and shower used by a patient or resident shall have ADASAD-compliant grab bars.
(8) Each toilet facility accessible to a patient or resident, including any toilet not required to be ADASAD-compliant, shall have an ADASAD-compliant side wall grab bar on at least one side.

(9) Any wall-mounted plumbing fixture used by a patient or resident shall be able to sustain a concentrated load of 250 pounds at the outward edge.

(10) The licensee shall ensure any wall-mounted plumbing fixture is not used in any bariatric care area.

(11) The licensee shall ensure that each wall-mounted bar, including a grab bar, towel bar, and a bar that is an integral part of a soap dish, is able to sustain a concentrated load of 250 pounds.

(12) Any soap dish or shelf in a shower or tub may not protrude out from the wall.

(13) Each facility shall have a sanitary storage and treatment facility or area for the disposal of each category of waste, including hazardous and infectious waste, using techniques acceptable to the Utah Department of Environmental Quality and the local health department.

(14) Any carpet shall lay flat, remain stretched taut, and be free of any loose edge or carpet ripple to prevent tripping or inhibiting movement of wheeled equipment.

(15) Any privacy curtain, shower curtain, or drapery shall be affixed to a permanently mounted track or rod.

(16)(a) In addition to the requirements for surfaces in the FGI Guidelines, the licensee shall ensure any flooring and wall base in the following rooms or spaces and any other room or space subject to frequent wet cleaning meets the requirements in Subsections (16)(b), (c), and (d):

(i) an environmental service room;

(ii) a space where food is stored, prepared, or distributed;

(iii) a food service warewashing space;

(iv) a room with a toilet, shower or bathing facility;

(v) a soiled hold or soiled work room; and

(vi) a waste collection room.

(b)(i) Homogeneous vinyl sheet flooring shall have an integral wall base, meeting the following:

(A) the flooring and wall base are one monolithic product flash coved at floor-to-wall transition; and

(B) the installation shall use heat or chemical welding at joints to create a seamless, watertight, and impermeable surface and wall transition.

(ii) Homogeneous tile flooring shall have a coved tile wall base, meeting the following:

(A) the tile flooring and wall base material are the same material;

(B) the tile wall base is coved at the floor;

(C) the tile and grout shall be sealed according to the manufacturer's recommendations;

(D) the grout shall be highly durable, chemical resistant, and non-porous epoxy grout suitable for any high-hygiene space; and

(E) the grout at each floor-to-wall and wall-to-wall transition shall be flexible or the licensee may use a stainless steel and aluminum transition strip designed for use in a sanitary environment, with a cove-shaped profile and pre-molded corners.

(iii) Health care or commercial grade epoxy flooring shall have an integral wall base, meeting the following:

(A) the flooring and wall base are one monolithic product; and

(B) the transition between floor and wall is coved.

(c) Flooring and wall base materials in a wet area or area subject to regular wet cleaning shall:

(i) provide a highly durable, non-porous and impermeable surface;

(ii) be able to withstand heavy rolling loads and high foot traffic;

(iii) allow repair of deep scratches;

(iv) be without textures, cervices, ridges or grooves that can trap residue, dirt, buildup of cleaning products, grime, or biofilm;

(v) be resistant to chemicals and bodily fluids;

(vi) extend the base a minimum of six inches up the wall and be tightly seal to the wall; and

(vii) installed without gaps or voids that can accumulate moisture or bacteria.

(d) Heterogeneous flooring with a separate top layer that, if the surface is scratched or worn, exposes a more porous, less durable, or less chemical resistant layer is not permitted.

(17) Any trash chute, laundry chute, dumb waiter, elevator shaft, or other similar system may not pump contaminated air into any clean area.

(18) Any wall finish in the immediate vicinity of plumbing fixtures shall be smooth and moisture-resistant.

(19) Wall and floor construction in a dietary, food preparation or storage area may not have spaces that could harbor any rodent or insect.

(20) Floor or wall joints and openings for structural elements, pipes, ducts, and conduits shall be sealed tightly to resist fire and smoke and to minimize entry of any rodent or insect.

(21) Any ceiling or exposed structure in a residential or staff work area shall have a finish that is readily cleanable with ordinary housekeeping equipment.

(22) The licensee shall provide ADASAD-compliant signage for:

(a) emergency evacuation directions;

(b) general and circulation directions throughout the facility; and

(c) room identification on or by the side of each door.

(23) Each facility with more than one floor shall have elevator service to each floor used by a patient or resident with:

(a) a minimum clear door width of three feet, eight inches;

(b) minimum inside cab dimensions of five feet, eight inches wide by eight feet, five inches deep or greater, as required by FGI guidelines; and

(c) the ability to accommodate a gurney with an attendant.

(24) Any dishwasher or other kitchen food storage and cooking appliance shall be National Sanitation Foundation (NSF)-approved with the NSF seal affixed.

(25)(a) A licensed health care facility located in the same building as another licensed health care facility or a non-licensed occupancy shall be configured to be separate and distinct from any other facility or occupancy.

(b) A licensed health care facility may use a shared lobby in a building with more than one licensed health care facility or a non-licensed occupancy if the design prevents unrelated foot traffic within or through each licensed health care facility's area.

(26) Each recreation room, exercise room, or similar space where impact noise could be generated may not be located directly over a patient or resident bed area unless special accommodations are made to minimize sound transmission.

(27)(a) Any emergency department room used for pediatric care shall have sound-reducing walls and ceiling assemblies with a sound transmission class (STC) of no less than 50 STC.

(b) Each pediatric unit shall have at least one room with a bathtub, toilet, and sink convenient to the unit, unless each patient or resident room contains a bathtub in each toilet room.

(28) Any emergency department shall include:

(a) a dedicated room for bereavement that:

(i) is accessible from a public corridor and is available to the public at any time; and

(ii) has sound-reducing walls and ceiling assemblies with a sound transmission class (STC) of no less than 50 STC;

(b) a patient or resident hygiene shower where a patient or resident has direct access to a sink and toilet without needing to travel through a corridor or unrelated space; and

(c) human decontamination facilities consisting of:

(i) an interior decontamination room;

(ii) an exterior decontamination structure; or

(iii) a portable decontamination unit that complies with FGI guidelines for an exterior decontamination structure and provides heated shower water and heating and cooling of ventilation air.

(29) Any post-anesthetic care unit in a facility that may serve both pediatric and adult patients shall have separate rooms for pediatric and adult care.

(30) If more than one nursing unit shares patient or resident care services:

(a) any area where services are provided shall be contiguous to each nursing unit sharing the service;

(b) the shared services shall be accessible without compromising patient or resident privacy; and

(c) there is an identifiable space for each of the required services.

(31)(a) Each patient or resident room shall include an individual closet or wardrobe for each patient or resident.

(b) Construction of each closet in a patient or resident room shall comply with the Title R432 construction rule specific to the facility type.

(c) If there is not a dimensional requirement in another Title R432 construction rule specific to the requested facility type, each patient or resident closet or wardrobe shall:

(i) have at least one hanging device within an ADASAD-compliant reach range and one hanging device high enough to hang a full-length garment;

(ii) have at least two storage shelves or drawers;

(iii) have clear inside dimensions of at least 22 inches deep by 22 inches wide and 72 inches high; and

(iv) be accessible to each patient or resident without passing through another patient or resident's private space.

R432-4-16. Additional General Construction Requirements for Hospitals.

(1) The licensee of a general hospital shall comply with the FGI Guidelines for Design and Construction of Hospitals, Chapters 2.1 and 2.2.

(2) The licensee of an acute care hospital shall comply with the FGI Guidelines for Design and Construction of Hospitals, Chapters 2.1 and 2.2.

(3) The licensee of a critical access hospital shall comply with the FGI Guidelines for Design and Construction of Hospitals, Chapters 2.1 and 2.4.

(4) Except in a rural emergency hospital, a hospital licensee shall provide at least one nursing unit of at least six beds.

R432-4-17. General Construction Laundry Service Facilities.

(1) The licensee may process laundry within the facility, in a separate facility on or off-site, or through an off-site commercial laundry service.

(2)(a) If the licensee processes laundry within the facility, the licensee shall provide either a two- or three-room configuration for laundry processing.

(b) A two-room configuration shall consist of:

(i) one room with space and facilities for:

(A) receiving, holding, prewashing, and washing soiled linens;

(B) handwashing; and

(C) storing laundry supplies; and

(ii) a second room with space and facilities for:

(A) drying, folding, and sorting clean linens;

(B) handwashing; and

(C) storing laundry supplies.
(c) A three-room configuration shall consist of:
(i) one room with space and facilities for:
(A) receiving, holding, and prewashing soiled linens;
(B) handwashing; and
(C) storing laundry supplies;
(ii) a second room with space and facilities for:
(A) washing and drying linens;
(B) handwashing; and
(C) storing laundry supplies; and
(iii) a third room with space and facilities for:
(A) folding, sorting, and storing clean linen;
(B) handwashing; and
(C) storing laundry supplies.
(d) The licensee shall arrange each room in a two- or three-room configuration to prevent cross-traffic or contamination of clean linen in an area for soiled linen.
(i) Linen shall move from the soiled linen receiving and prewashing areas to the washers, then to the dryers, and then to the clean linen handling and sorting facilities.
(ii) A self-closing door shall be used to maintain physical separation between each room.
(iii) Separate cart storage areas for clean and soiled linen carts shall be maintained away from normal traffic paths.
(iv) Air movement shall flow from any clean linen area to a soiled linen area.
(3) If the licensee processes laundry in a separate facility or arranges for laundry to be processed by an off-site commercial laundry service, the licensee shall provide within the facility:
(a) a central clean linen storage and issuing room to accommodate enough linen storage for four days' operation or two normal deliveries, whichever is greater;
(b) a room for receiving and holding soiled linen until the soiled linen is ready for transport out of the facility; and
(c) handwashing facilities in each room where soiled linen is handled.
(4) The licensee shall ensure that 100% of the air from any room where soiled linen is handled is exhausted directly to the exterior of the building.
(5) The licensee shall ensure that facilities for processing laundry include:
(a) a washing room with commercial washing equipment that can process a seven-day accumulation of laundry within a regularly scheduled work week;
(b) a drying room equipped with enough dryers for the quantity and type of laundry being processed in the washing room; and
(c) a clean linen storage room with enough space and shelving to store the processed laundry.
(6) The licensee shall ensure that any soiled linen chute discharges directly into a soiled linen receiving room that is separate from any other room.
(7) The licensee shall ensure there is a dedicated room for storing clean linen and require the clean linen storage room to:
(a) be separate from any other room; and
(b) have continuous positive air pressure relative to surrounding spaces.

R432-4-18. Mechanical Requirements.
(1) The licensee shall ensure air movement is compliant with the engineered mechanical construction documents by conducting a mechanical air balancing test and submitting the final air balance report to OL before the final OL construction inspection.
(2) The licensee shall maintain written air balance test results in a facility maintenance file that is available for OL review.
(3)(a) The licensee shall ensure heating, ventilating, and cooling systems include:
(i) a cooling system capable of maintaining a temperature of 72 degrees Fahrenheit in any area occupied by a patient or resident;
(ii) a heating system capable of maintaining a temperature of 80 degrees Fahrenheit in any area occupied by a patient or resident; and
(iii) supply and return air systems that are ducted to and from the air handling appliance to the point of distribution or collection.
(b) A corridor, enclosed ceiling space, or attic space may not be used as a return or exhaust air plenum except for a closed system serving a non-patient or resident area.
(4) The licensee shall ensure any mechanical exhaust system fan serving multiple exhaust intake vents is located at the discharge end and is conveniently accessible for service.
(5) The licensee shall ensure any mechanical equipment located on the same floor or above a resident room, office, nurses' station, or similarly occupied space is effectively isolated for sound and vibration from the floor.
(6)(a) The licensee shall ensure:
(i) any room or occupied space in the facility is ventilated through a mechanical heating, ventilation, and cooling system; and
(ii) the bottoms of ventilation openings are located at least three inches above the floor or a greater distance, as required by the FGI guidelines.
(b) The licensee may provide windows that open for ventilation of a non-sensitive area unless restricted by another requirement in this rule or FGI guidelines.

(7) Evaporative cooling where the airstream is exposed to a wet coil, mat, or open reservoir may not be used, except for make-up air for laundry processing areas and a kitchen hood where 100% of the air is exhausted to the outside.

R432-4-19. Plumbing Requirements.

(1) The licensee shall ensure any grease interceptor in a dietary area is located to permit access without entering a food preparation or storage area.

(2) The licensee shall provide a thermostatically controlled automatic-mixing valve installed near the point of use to regulate the temperature of heated water supplied to each bathtub, handwashing facility, shower, or whirlpool to within a range of 105 to 115 degrees Fahrenheit or 40 to 46 degrees Celsius.

(3)(a) The licensee shall consider heat lost due to the length of hot water pipes for the hot water system design.

(b) The licensee shall provide adequate insulation to minimize heat loss.

(c) If needed, the licensee shall provide temperature boosting equipment to ensure the required temperature is provided at each point of use.

(4)(a) The licensee shall provide hot water recirculation to maintain hot water temperature throughout the system in any general hospital, specialty hospital, or nursing care facility.

(b) In any facility other than a general hospital, specialty hospital, or nursing care facility, the licensee may omit hot water recirculation if the length of the supply pipe from the hot water source to the fixture does not exceed 50 feet.

(5) The licensee shall provide at least one ADASAD-compliant drinking fountain, toilet facility, and handwashing facility on each floor.

R432-4-20. Electrical Requirements.

(1) The licensee shall maintain a written record certifying to OL that any electrical system and grounding complies with Subsection 15A-2-103(1)(g).

(2) The licensee shall provide automatic emergency lighting in accordance with Subsections 15A-2-103(1)(a), 15A-2-103(1)(g), and 15A-5-103(1).

(3) Each examination and work table shall have access to a minimum of two duplex outlets.

(4) Each receptacle and receptacle cover plate on the essential electric system shall be red, in accordance with Subsection 15A-2-103(1)(g).

(5) The licensee shall ensure an on-site emergency generator is provided to power the essential electrical system in accordance with Subsection 15A-2-103(1)(g) in each facility except a small health care facility of 16 beds or fewer that operates as an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF-IID).

(6) In addition to the requirements of Subsection 15A-2-103(1)(g) and the applicable FGI Guidelines specific to the facility type, the licensee shall ensure the following equipment is connected to the critical branch of the essential electrical system:

(a) any nurse call system;

(b) heating equipment necessary to provide a heated space sufficient to house each patient or resident under an emergency condition; and

(c) at least one duplex convenience outlet in the emergency heated area for every ten patients or residents.

(7) Any licensee that accepts a patient or resident that depends on a ventilator or other electrically operated life support equipment shall ensure the facility is equipped with an essential electrical system that meets the requirements of inpatient hospital care facilities in Subsection 15A-2-103(1)(g).

(8) The licensee shall ensure the fuel storage capacity of the essential emergency electrical system generator permits continuous operation of the facility for 48 hours in any health care or long-term care facility where people receive physical or medical treatment or care and where the period of stay may exceed 24 hours.

(9) The licensee shall keep a written record of each performance test of the essential electrical system generator and equipment that verifies compliance with applicable codes, standards, guidelines, and this rule.

(10) The licensee shall ensure each electrical installation, including each alarm, notification, and nurse call system, is tested and documented to verify that equipment installation and operation is as intended and complies with applicable codes, standards, and Title R432 rules.

R432-4-21. Lighting Requirements.

(1) The licensee shall ensure lighting complies with the following:

(a) any space that houses a patient or resident, visitor, clinical staff, or administrative staff has lighting compliant with the table in this section;

(b) any space within a facility occupied by machinery or equipment has lighting fixtures, including task lighting, to provide illumination for the intended use of the space and maintenance of machinery or equipment in that space;

(c) each patient or resident room has:

(i) a reading light for each patient or resident;

(ii) at least one night-light fixture that is controlled at the entrance to each patient or resident room;

(iii) if used, a flexible light arm is mechanically controlled and prevents the bulb or any hot part from coming into contact with a curtain, upholstered furniture, mattress, bed linen, or any other potentially flammable or combustible material; and

(iv) lighting controls that operate quietly; and

(d) the approach from any drop-off or parking area to each facility entrance is illuminated for safety.

(2) The licensee shall provide nighttime lighting in any corridor used by a patient or resident that is lower than daytime lighting while producing a maximum brightness in the area that is less than ten times greater than the darkest area when measured with a light meter.

(3)(a) Lighting levels shown in the health care facilities lighting standards table in this section are minimum standards and do not preclude the use of higher levels that may be needed to ensure the health and safety of the specific facility population served.

(b) Values in the table in this section represent the minimum maintained average illuminance measured at the task level.

(c) Documentation of lighting levels recommended by a nationally recognized professional illuminating organization may be used by the licensee to demonstrate compliance with this section.

TABLE
Health Care Facilities Lighting Standards

Location		Minimum foot-candles
Corridors	Day	20
	Night	10
Exits		20
Stairways		20
Exterior at Building Entrances and Exits		10
Nursing Station	General	30
	Charting	75
	Medical Prep.	75
Patient or Resident Room	General	10
	Reading, Mattress Level	30
Patient or Resident Toilet and Bathing Room	Lavatory	50
	Shower	30
	Toilet Area	30
Physical Therapy	General	20
	Therapy	30
Examination Room		50
Hand Wash Sink		30
Any Scrub Sink		50
Lounge	General	30
	Reading Areas	50
Clean and Soiled Workroom		30
Recreation and Activity Room		30
Dining		30
Laundry		30

(4) The licensee shall ensure that each patient or resident room has hospital grade duplex grounding-type receptacles with:

(a) one receptacle on each side of the head of each bed;

(b) one receptacle on every other wall; and

(c) two duplex receptables or one quad receptacle at each television location.

(5) The licensee may omit a receptacle from any exterior wall in an existing facility where construction would make installation impractical.

(6) The licensee shall ensure that duplex grounding-type receptacles for general use are installed no more than 50 feet apart in any corridor.

(7) The licensee shall ensure the activating device for a nurse call station is of a contrasting color to the adjacent floor and wall surface to make it easily visible in an emergency.

(8) The licensee shall ensure building electrical services connected to the essential electrical system comply with the specific rules for each facility type.

R432-4-22. Heat and Noise Reduction.

(1) The licensee shall ensure the ceilings, floors, and walls of any room containing heat producing equipment, including a boiler, clothes dryer, elevator machine room, food cooking, food heating, food warmer appliance, furnace, or washer, is insulated and the room is ventilated to prevent floors and walls of occupied adjacent areas from exceeding ten degrees Fahrenheit or six degrees Celsius above the ambient room temperature of those occupied areas.

(2) The licensee shall ensure the ceilings, floors, and walls are insulated to minimize sound transmission from any room containing noise producing equipment to include any:

(a) activity room;

(b) boiler room;

(c) elevator and elevator machine room;

(d) entertainment room;

(e) food service room;

(f) furnace room;

(g) garage;

(h) laundry room;

(i) maintenance room;

(j) mechanical equipment room;

(k) room housing loud medical and imaging equipment; and

(l) similar space of high noise.

(3) The licensee shall ensure the composite STC performance, including transmission through a ceiling assembly, is considered in the design of sound control where a partition does not extend to the structure above.

(4) The licensee shall ensure any area where impact noise may be generated, including each public and service area, is not located directly over a patient or resident room.

R432-4-23. Compliance.

(1) The licensee shall ensure compliance with this rule for the construction of a health care facility.

(2) Any person who violates this rule may be subject to the penalties in Rule R380-600 and Title 26B, Chapter 2, Part 7, Penalties and Investigations.

KEY: health care facilities, construction
Date of Last Change: 2026[~~March 14, 2025~~]
Notice of Continuation: January 23, 2023
Authorizing, and Implemented or Interpreted Law: 26B-2-202

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58131**
Rule or section number:	**R590-238-19**

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 or section catchline:
R590-238-19. Authorized Forms

B. Purpose of the new rule or reason for the change:
This rule is being amended to give applicants for a certificate to conduct captive insurance alternate methods to provide certain information to the Department of Insurance (department). This is a business-friendly amendment; applicants have historically had difficulty requesting that their banks provide certain banking information on a specific form. This amendment allows the department to accept the information if provided by the bank in a format acceptable to the commissioner. It also removes a form that is no longer necessary.
C. Summary of the new rule or change:
This amendment creates a provision that allows an applicant to provide to the department certain bank-related information in a format other than the department's preferred forms, if the format is acceptable to the commissioner.

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 or savings to the state budget. There are no changes to the information the department will review, only the format in which it may be provided to the department.
B. Local governments:
There is no anticipated cost or savings to local governments. This rule only applies to a person forming a captive insurance company or captive cell. If such a person is a local government, this rule allows them leeway in providing certain information but does not change the information that must be provided.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
There is no anticipated cost or savings to small businesses. This rule only applies to a person forming a captive insurance company or captive cell. If such a person is a small business, this rule allows them leeway in providing certain information but does not change the information that must be provided.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There is no anticipated cost or savings to non-small businesses. This rule only applies to a person forming a captive insurance company or captive cell. If such a person is a non-small business, this rule allows them leeway in providing certain information but does not change the information that must be provided.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
There is no anticipated cost or savings to any other persons. This rule only applies to a person forming a captive insurance company or captive cell. This rule allows any such person leeway in providing certain information but does not change the information that must be provided.

F. Compliance costs for affected persons:
There is no compliance cost for any affected persons. This rule merely allows the department to accept certain information provided by an applicant in a format other than the department's preferred format.

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 Insurance Department, Jonathan T. Pike, 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 31A-2-201	Section 31A-37-106	

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:	09/14/2026

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)	09/21/2026

13. Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	**Date:**	07/30/2026

R590. Insurance, Administration.
R590-238. Captive Insurance Companies.
R590-238-19. Authorized Forms.

(1)(a) An applicant shall use the following forms, available on the department's website, https://insurance.utah.gov/captive, when applying for a certificate [~~of authority~~]to conduct insurance for a new company:

[~~(a)~~](i) Application to Form a Captive Insurance Company;

[~~(b) Appointment of the Insurance Commissioner for the State of Utah as Attorney to Accept Service of Process;~~

~~(c) Bank Capitalization Confirmation Form;~~]

[~~(d)~~](ii) Biographical Affidavit for Captive Insurance Company;

[~~(e)~~](iii) Captive Insurance Company Annual Statement Form; and

[~~(f)~~](iv) Statement of Economic Benefit to the State of Utah[~~; and~~].

[~~(g)~~](b) An applicant may use the following forms, available on the department's website, https://insurance.utah.gov/captive, when applying for a certificate to conduct insurance for a new company, or an alternate form considered acceptable by the commissioner:

(i) Bank Deposit Confirmation Form; and

(ii) Utah Approved Irrevocable Letter of Credit.

(2) An applicant shall use the following forms, available on the department's website, https://insurance.utah.gov/captive, when applying to become an approved captive insurance company service provider:

(a) Application for Placement on Approved Captive Insurer Management Firm List;

(b) Application to Certify Loss and Expense for Captive Insurance Companies Captive Actuary Application; and

(c) Application for Authorization as an Independent Certified Public Accountant for Captive Insurance Companies.

(3) A company, except as provided under Subsection R590-238-4(2)(b), shall use the Captive Insurance Company Annual Statement Form.

(4) A company shall file a Statement of Economic Benefit to the State of Utah form with its initial application and for each year.

KEY: captive insurance
Date of Last Change: [~~February 9,~~] 2026
Notice of Continuation: May 2, 2022
Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-37-106

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58124**
Rule or section number:	**R652-126**

1. Agency Information

Title catchline:	Natural Resources; Forestry, Fire and State Lands
Building:	Wildland Fire Operations Center
Street address:	3522 S 700 W
City, state:	South Salt Lake, UT
Mailing address:	3522 S 700 W
City, state and zip:	South Salt Lake, UT 84119

2. Contact Persons

Name:	Phone:	Email:
Joseph Anderson	385-786-5588	randerson3@utah.gov

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

3. General Information

A. Rule or section catchline:
R652-126. Wildland Urban Interface Property
B. Purpose of the new rule or reason for the change:
The purpose of this filing is to implement the changes required in HB 41, passed in the 2026 General Session, to establish process for the development, implementation, and updating of the High Risk Wildland Urban Interface (WUI) map.

C. Summary of the new rule or change:
The amendments describe the development process, implementation, and updating of the High Risk WUI map.

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 41 (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 is put in place according to HB 41 (2026), and all fiscal impact was accounted for in the fiscal note of that bill.
B. Local governments:
This rule is put in place according to HB 41 (2026), and all fiscal impact was accounted for in the fiscal note of that bill.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule is put in place according to HB 41 (2026), and all fiscal impact was accounted for in the fiscal note of that bill.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This rule is put in place according to HB 41 (2026), and all fiscal impact was accounted for in the fiscal note of that bill.
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 is put in place according to HB 41 (2026), and all fiscal impact was accounted for in the fiscal note of that bill.
F. Compliance costs for affected persons:
This rule is put in place according to HB 41 (2026), and all compliance costs for affected persons were accounted for in the fiscal note of that bill.

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 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:

Section 65A-8-203	Subsection 65A-8-203(8)	

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:	09/14/2026

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)	09/21/2026

13. Agency Authorization Information

Agency head or designee and title:	Jamie Barnes, State Forester	**Date:**	07/28/2026

R652. Natural Resources, Forestry, Fire and State Lands.
R652-126. Wildland Urban Interface Property.
R652-126-100. Purpose and Authority.

Rule R652-126 implements Article XVIII of the Utah Constitution and Section 65A-8-203 and establishes guidelines for the evaluation and classification of property within the wildland urban interface.

R652-126-200. Definitions.

(1) "County" is a political subdivision organized under Subsection 17-50-101(1) that contains High Risk Wildland Urban Interface.

(2) "Division" is the Division of Forestry, Fire, and State Lands.

(3) "High Risk Wildland Urban Interface" is identified within the Utah Wildfire Risk Assessment Portal (UWRAP) as seven and above on the Wildfire Structure Exposure Score combined with a structure density as determined by the division.

(4) "Individual" a natural person, government agency, municipality, corporation, limited liability company, or business association including but not limited to a partnership.

(5) "Lot Assessment" is an assessment performed by the Wildland Urban Interface Coordinator to analyze the wildfire risk of the property and structure according to the Wildland Urban Interface Building Standards pursuant to Section 65A-8-402.

(6) "Lot Assessment Results" means the results and recommendations as determined by the lot assessment.

(7) "Non High Risk Wildland Urban Interface" means Wildland Urban Interface that is not identified within UWRAP as High Risk Wildland Urban Interface.

(8) "Property" means real property that contains one or more structures.

(9) "Property Owner" means an individual who owns property in the High Risk Wildland Urban Interface.

(10) "Required Lot Assessment Improvements" means the lot assessment results that must be performed to comply with the Utah WUI Code.

(11) "Structure" means a "building" or "accessory structure" as defined in the Utah WUI Code and that also satisfies the definition of "property" in Subsection 59-2-102(30)(a).

(12) "Triage Scale" A lot assessment metric that classifies the wildfire risk to structures into three categories:

(a) "Classification III" means there is extreme risk of wildfire damage to structures.

(b) "Classification II" means there is very high risk of wildfire damage to structures.

(c) "Classification I" means there is high risk of wildfire damage to structures.

(13) "Wildland Urban Interface (WUI) means the zone where structures and other human development meets, or intermingles with, undeveloped wildland.

(14) "Wildland Urban Interface Coordinator" means a representative of the division or a county who evaluates and classifies wildland urban interface property pursuant to Section 65A-8-402.

(15) "Wildland Urban Interface Property and Casualty Insurer" means an insurer that issues property or casualty insurance for wildland urban interface property.

(16) "Wildland Urban Interface Building Standards" means the Utah WUI Code adopted under Section 15A-2-103.

R652-126-300. Development of the High Risk Wildland Urban Interface Boundary Map.

(1) The division shall develop a High Risk Wildland Urban Interface Boundary Map as required by Section 65A-8-203.

(2) The map shall identify structures that fall within the Smoothed Structure Exposure Score of seven and above combined with a structure density determined by the division.

(3) The Smoothed Structure Exposure Score shall be developed using a statistical analysis of wildfire risk specific to Utah that demonstrates the likelihood of a wildfire event and the potential consequence to structures if a wildfire occurs.

(4) The statistical analysis shall include:

(a) The most recent fuelscape data available from national data providers identified by the division;

(b) The wildfire history from the previous ten years of complete data;

(c) The most current structure location data provided by the county; and

(d) Localized weather data available from national data providers identified by the division.

(5) The High Risk Wildland Urban Interface Boundary Map shall be updated once a year to reflect changes to fuelscape and structures.

(6) The division shall provide a copy of the map to each county annually at least 60 days before adopting the updated version. These updates shall include an explanation of any expansion of the map boundary.

R652-126-400[~~300~~]. Requirement for Wildland Urban Interface Property and Casualty Insurers to Use the High Risk Wildland Urban Interface Boundary Map.

(1) The high risk wildland urban interface boundary map identifies the high risk wildland urban interface.

(2) Only property within this high risk wildland urban interface boundary are subject to this rules.

(3) Wildland urban interface property and casualty insurers shall only use the high risk wildland urban interface boundary map provided by the division to determine whether the property is high risk wildland urban interface property.

(4) The division shall make the boundary map available to wildland urban interface property and casualty insurers as state technology allows, including[~~ but not limited to~~] an application programming interface or similar data transfer protocol.

(5) Any data collected by the division that is not otherwise public shall be considered a private record.

(6) Wildland urban interface property and casualty insurers may use additional fire hazard data, beyond the high risk wildland urban interface boundary map, when setting a rate for, or the underwriting of, high risk wildland urban interface property.

(7) This rule does not restrict the use of data or underwriting tools in determining risks that are unrelated to wildfire risk.

R652-126-500. Criteria Used for Lot Assessments.

(1) Lot assessments shall include criteria specified within the current Wildland Urban Interface code adopted by the state when analyzing wildfire risk and mitigation factors for a property and structure within the High Risk Wildland Urban Interface.

(2) Any modifications to the Wildland Urban Interface code adopted by the state shall supersede the requirements in rule.

R652-126-600[~~400~~]. Criteria Used to Determine Triage Scale Classification.

Within the high risk wildland urban interface:

(1) Structures that do not meet the defensible space requirements nor the ignition resistant construction requirements in Chapters 5 and 6 of the current Utah WUI Code are rated as classification III;

(2) Structures that meet either the defensible space requirements in Chapter 6 or the ignition resistant construction requirements in Chapter 5 of the current Utah WUI Code, but not both, are rated as classification II;

(3) Structures that meet both the requirements of defensible space and ignition resistant construction in Chapters 5 and 6 of the current Utah WUI Code are rated as classification I;

(4) Triage scale classifications are classified as public records.

R652-126-700[~~500~~]. Process for Certification of Wildland Urban Interface Coordinators.

(1) Wildland urban interface coordinators performing lot assessments must be certified by the division.

(2) The division shall maintain a database of individuals who are currently certified to perform lot assessments.

(3) To attain wildland urban interface coordinator certification individuals shall demonstrate completion of all education and safety requirements and standards set by the division.

(4) The division shall perform quality control checks and may terminate the certification of individuals at any time if the division identifies lot assessments performed contrary to division rules, policy, or guidance.

R652-126-800[~~600~~]. Process Used for a Property Owner to Move Into a Different Triage Scale Classification of Risk.

(1) All property within the high risk wildland urban interface boundary that has not been assessed by the 1st of January 2028 shall be assigned classification III on the triage scale until a lot assessment is completed.

(2) To obtain a triage scale classification, the property owner must first obtain a lot assessment from a certified wildland urban interface coordinator.

(3) If the lot assessment identifies required lot assessment improvements, the improvements must be implemented prior to requesting a change in triage scale classification.

(4) Upon completion of the required lot assessment improvements, the property owner may request that the division update the triage scale classification for the property. Any request shall be accompanied by proof of work completed in a manner specified by the division.

(5) After making the request and providing the proof of work contemplated in Subsection (4), a wildland urban interface coordinator shall verify that the required lot assessment improvements have been completed to warrant a change in triage scale classification.

(6) To verify completion of the required lot assessment improvements, the wildland urban interface coordinator shall:

(a) If the proof of work is completed according to the required lot assessment improvements, update the triage scale classification accordingly; or

(b) If the proof of work completed fails to demonstrate completion of required lot assessment improvements, request additional information from the property owner for proof of work completed; or

(c) Perform an additional lot assessment to verify completed improvements.

(7) For a property owner to maintain the property's current triage scale classification, the property owner shall:

(a) Annually, verify that the property is still in compliance with the previous lot assessment; and

(b) Every five years, receive a new lot assessment by a wildland urban interface coordinator.

(8) Property owners that do not comply with Subsection (7) will be assessed at classification III on the triage scale.

R652-126-900[~~700~~]. Process by Which Lot Assessment Results and Triage Scale Classification Results Assigned to Property Are Communicated Between the Division, Counties, Insurers, and Property Owners.

(1) The division shall develop and maintain a database of lot assessment results and triage scale classification results.

(2) The database created in Subsection (1) is a private record.

(3) When a lot assessment leads to a change of triage scale classification, that information shall be accessible by the county in the database.

(4) Certified wildland urban interface coordinators must utilize the software tool specified by the division to perform lot assessments.

(5) The database of lot assessment results and triage scale classification results will be made available to all counties with high risk WUI properties. The division shall limit access to the database of lot assessment results to county personnel as specified in agreement with the county.

(6) The lot assessment results will be made available to property owners.

(7) The database of triage scale classification results shall be made available to property and casualty insurers within specified limitations.

(a) Property and casualty insurers shall be limited to view only the triage scale classification of properties.

(b) Insurance personnel must request limited access to the database from the division.

R652-126-1000[~~800~~]. How the High Risk Wildland Urban Interface Fee Amount is Set.

(1) The county will annually assess a fee against the property owner of structures identified in the wildland urban interface boundary map as high risk wildland urban interface.

(2) Any portion of a structure that falls within the high risk wildland urban interface shall be assessed as if the entire structure falls within the high risk wildland urban interface. High risk to part of a structure is high risk to all of the structure.

(3) Prior to the 1st of January 2028, the fee amounts assessed to property owners within the high risk wildland urban interface shall be based on the square footage of structures on property.

(4) To determine the square footage of a structure, counties shall refer to the county assessor database, identified in Subsection 59-2-301.1(5), or the statewide web portal for uniform access to property characteristics and features, identified in Subsections 59-2-1606(5) through (6) or any database the county utilizes for assessment purposes.

(5) After the 1st of January 2028, the fee amounts shall be set by the division according to the determined triage scale classification of the property and square footage of structures.

(a) Classification III will be assessed at the highest fee level.

(b) Classification II will be assessed at the medium fee level.

(c) Classification I will be assessed at the lowest fee level.

(6) The county officer shall collect the fees annually based on the current square footage rate or triage scale classification, as applicable.

(7) The division may update fee amounts annually to align with current costs associated with implementation of the high risk wildland urban interface property assessments and fee collection as per Section 65A-8-402.

(8) The county may retain a portion of the fees in a manner specified by agreement with the division.

(9) The county shall transmit the remainder of the fees to the division in a manner specified by agreement with the division.

(10) The county may only use retained fees for costs associated with implementation of the high risk wildland urban interface fee implementation as specified in agreement with the division.

(11) If the division chooses to delegate lot assessments to the county, the county may retain a portion of fees for lot assessment implementation as specified in agreement with the division.

(12) The county may include retained fees in their annual reporting of participation commitment fulfillment where allowed in the cooperative wildfire system policy, as specified in agreement with the division.

R652-126-1100[~~900~~]. Appeal of Lot Assessment Results and Triage Scale Classification.

(1) A property owner may appeal to the division the result of a lot assessment or triage scale classification following the procedure outlined in this subsection.

(2) Any appeal shall:

(a) be submitted to the division within 45 days of receipt of the result of the lot assessment; and

(b) be in writing and contain the following:

(i) The alleged discrepancy between the triage scale classification and the compliance with the current Utah WUI Code.

(ii) The effect of that discrepancy on the classification.

(iii) Evidence to support the property owner's assertion that the triage scale classification is inaccurate.

(c) Follow the procedures outlined in Section R652-8-300.

(3) The division director or the director's designee shall be the presiding officer of any appeal hearing.

R652-126-1200[~~1000~~]. Appeal of Fee Amount.

A property owner may appeal to the division the fee amount as it relates to the square footage of the structure.

(1) Any appeal to the fee amount shall be submitted to the division.

(2) The appeal time runs concurrent with the property valuation appeal time as identified by the county.

R652-126-1300. Appeal of the High Risk Wildland Urban Interface Boundary Map.

(1) A county may submit to the division a written appeal of the High Risk Wildland Urban Interface Boundary Map within 30 days of receiving an updated version of the map.

(2) An appeal shall include written recommendations that address the data used in the statistical analysis.

(3) An appeal of the map shall identify specific parcels affected by the data being appealed.

(4) The division shall respond to the county within 30 days of receiving the appeal.

(5) If the division modifies or rejects the recommendations included in the appeal, it shall provide the county a written response justifying the decision.

(6) If the division accepts the recommendations included in the appeal, it will apply the changes to the map in the following update.

R652-126-1400[~~1100~~]. Appeal of Structure Location.

A property owner may appeal the structure's location within the High Risk Wildland Urban Interface Boundary. Any appeal of the structure location shall be submitted to the division by March 1 following the release of the High Risk Wildland Urban Interface Boundary Map.

R652-126-1500[~~1200~~]. Items included in WUI Addendum.

The division and county shall enter into a cooperative agreement. The cooperative agreement shall include a WUI Addendum, which incorporates terms identifying[~~that identify~~] how the division and the county [~~shall~~]cooperate in the execution of state code and administrative rules related to the High Risk Wildland Urban Interface.

KEY: WUI, Risk Assessment, property classification
Date of Last Change: [~~February 24,~~] 2026
Authorizing, and Implemented or Interpreted Law: 65A-8-203

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58125**
Rule or section number:	**R652-140**

1. Agency Information

Title catchline:	Natural Resources; Forestry, Fire and State Lands
Building:	North Temple Office Building
Street address:	1594 W North Temple, Suite 3520
City, state:	Salt Lake City, UT
Mailing address:	1594 W North Temple, Suite 3520
City, state and zip:	Salt Lake City, UT 84116

2. Contact Persons

Name:	Phone:	Email:
Amos Frye	801-574-1186	afrye@utah.gov

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

3. General Information

A. Rule or section catchline:
R652-140. Utah Forest Practices Act
B. Purpose of the new rule or reason for the change:
After undertaking the five-year review, the agency determined the process in this rule was too complicated and decided to streamline the registration process for forestry operators to make program administration easier for the agency and simpler for operators.
C. Summary of the new rule or change:
The amendment removes unnecessary language from the rule text and consolidates the location for Operators to Register under the Forest Practices Act.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule filing is not expected to result in any cost to the state government, it may result in some minor savings, as the process consolidates responsibilities to a single place to maintain records.
B. Local governments:
This rule filing is not expected to result in any cost to local governments as it does not affect them.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule filing is not expected to result in any cost to small businesses, because it only changes the address an operator must send their registration to.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This rule filing is not expected to result in any cost to non-small businesses because it only changes the address an operator must send their registration to.
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 filing is not expected to result in any cost to persons other than small businesses, non-small businesses, state, or local government entities as it does not affect them.
F. Compliance costs for affected persons:
This rule filing is not expected to result in any compliance costs, as it does not add any additional actions or process for either the agency or affected parties.

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 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:

Section 65A-8a-103	Section 65A-8a-104	

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:	09/14/2026

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)	09/21/2026

13. Agency Authorization Information

Agency head or designee and title:	Jamie Barnes, State Forester	**Date:**	07/29/2026

R652. Natural Resources; Forestry, Fire and State Lands.
R652-140. Utah Forest Practices Act.
R652-140-100. Authority and Purpose.

This rule is adopted pursuant to the authority of Subsection 65A-1-4(2), Title 65A, Chapter 8a, Utah Forest Practices Act[~~which requires the Division to promulgate rules, and by Section 65A-8a-101 et seq.~~], to clarify the procedure (1) through which operators must register with the Division and notify the Division of the intent to conduct forest practices and (2) for application, approval, implementation, and monitoring for Forest Stewardship Plans.

R652-140-200. Exceptions to Forest Practice.

For purposes of [~~Section 65A-8a-101 et seq., and~~]this rule, the term "Forest [~~p~~]Practice" does not include the control of invasive or exotic species, removal of Pinyon-Juniper woodlands, or cutting trees for posts, poles or firewood.

R652-140-300. Procedures for Registration of Operators.

(1) To register, operators shall complete and submit a printed or electronic version of a registration form provided by the Division, which includes information required under Subsection 65A-8a-103(2).

(2) The registration form shall be submitted to the Division's headquarter office at[~~or one of the Division's six administrative area offices. Offices are located in the following areas:~~]

[~~(a) Headquarter Office,~~] 1594 West North Temple, Suite 3520, PO Box 145703, Salt Lake City, UT 84114-5703.

[~~(b) Bear River Area Office, 1780 North Research Parkway, Suite 104, North Logan, UT 84341-1940.~~

~~(c) Wasatch Front Area Office, 1594 West North Temple, Suite 3520, PO Box 145703, Salt Lake City, UT 84114-5703.~~

~~(d) Central Area Office, 1139 N. Centennial Park Drive, Richfield, UT 84701-1860.~~

~~(e) Northeastern Area Office, 2210 South Highway 40 Suite B, Heber City, UT 84032.~~

~~(f) Southwestern Area Office, 585 North Main Street, Cedar City, UT 84720.~~

~~(g) Southeastern Area Office, 1165 South Highway 191, Suite 6, Moab, UT 84532.~~]

(3) Upon receipt of the registration form, the Division will acknowledge receipt by providing the operator a registration number and date of expiration within 30 days of receipt and returning a copy of the registration form to the operator.

(4) Registration shall be valid for a period of five years from the date of receipt. At the end of the five-year period, the operator must renew the registration with the Division by resubmitting the registration form.

R652-140-400. Procedures for Notification of Intent to Conduct Forest Practices.

(1) At least 30 days prior to the commencement of a [~~forest practice~~]Forest Practice, the operator shall submit written notification of intent to conduct [~~forest practices~~]Forest Practices to the Division as required by Subsection 65A-8a-104(1). The 30 days shall commence on the date of postmark, if mailed, or on the date received if hand delivered or electronically submitted.

(2) Notifications shall be submitted to the Division's headquarter[~~'~~]s[~~ office or one of the Division's six administrative area offices listed in Subsection R652-140-300(2)~~].

(3) Operators shall submit a written notification on a form provided by the Division, a copy thereof or its electronic version, and include the information required under Subsection 65A-8a-104(2).

(4) Notifications submitted to the Division shall be acknowledged within ten days of receipt by the Division. The acknowledgment shall include information identified in Subsection 65A-8a-104(3).

R652-140-500. Procedures for Application, Approval, Implementation, and Monitoring of Forest Stewardship Plans.

[~~This rule is adopted pursuant to the authority of Subsection 65A-8a-106(3), which requires the Division to promulgate rules, to clarify the procedure for application, approval, implementation, and monitoring of Forest Stewardship Plans.~~]

(1) Forest Stewardship Plans shall include the federal components provided in the "Forest Stewardship Program National Standards and Guidelines"

(2) Forest Stewardship Plans shall be monitored consistent with federal guidelines, located in the "Forest Stewardship Program National Standards and Guidelines", and utilizing the Forest Stewardship Plan-Implementation Monitoring form.

(3) A forest landowner [~~is required to~~]shall implement those portions of a Forest Stewardship Plan that relate to the [~~Farmland Assessment Act~~]Section 59-2-503, which include:

(a) Timber stand improvement

(b) [~~s~~]Stream or riparian restoration; and

(c) [~~r~~]Rangeland improvement.

KEY: registration, notification, forest practices
Date of Last Change: 2026[~~February 7, 2011~~]
Notice of Continuation: June 29, 2026
Authorizing, and Implemented or Interpreted Law: 65A-8a-103; 65A-8a-104

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58119**
Rule or section number:	**R746-409**

1. Agency Information

Title catchline:	Public Service Commission, Administration
Building:	Heber M Wells Building
Street address:	160 E 300 S, 4th Floor
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144558
City, state and zip:	Salt Lake City, UT 84114-4558

2. Contact Persons

Name:	Phone:	Email:
John Delaney	801-530-6724	jdelaney@utah.gov

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

3. General Information

A. Rule or section catchline:
R746-409. Pipeline Safety
B. Purpose of the new rule or reason for the change:
Section R746-409-1 of the Public Service Commission (PSC) Administration Rules incorporates by reference provisions of the Code of Federal Regulations (CFRs) pertaining to pipeline safety. The federal guidelines for states participating in the Federal Pipeline Safety Grant program have changed since September 1, 2023. As a participant, the State of Utah must therefore update this rule to adopt amendments that have been added to the CFRs after the date currently shown in this state rule.
C. Summary of the new rule or change:
Amendments have been added to Parts 191 and 192 of the CFRs since September 1, 2023. Part 191 – Pipeline Safety: Editorial Change to Reflect the Name Change of the Gulf of Mexico to the Gulf of America. The Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending its regulations to change the name of the body of water known previously as the "Gulf of Mexico" to the "Gulf of America." Part 192 – Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments. PHMSA is amending the Federal pipeline safety regulations to incorporate by reference all or parts of more than 20 new or updated voluntary, consensus industry technical standards. This action allows pipeline operators to use current technologies, improved materials, and updated industry and management practices. Additionally, PHMSA is clarifying certain regulatory provisions and making several editorial corrections. Part 192 – Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards: Response to Petition for Reconsideration; Additional Technical Corrections. In response to a Petition for Reconsideration of an August 1, 2023, technical correction rule, PHMSA is issuing additional corrections codifying a decision of the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) regarding the final rule titled "Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards." Part 192 -- Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments; Technical Correction. PHMSA is issuing a technical correction to regulations promulgated in its April 29, 2024, final rule titled "Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments." The correction addresses text that was inadvertently deleted or omitted by the final rule. Part 192 – Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments; Additional Technical Amendments; Response to Petition for Reconsideration. PHMSA is issuing technical amendments to regulations promulgated in its April 29, 2024, final rule titled "Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments." These technical amendments address the incorporation by reference of an updated edition of industry standard, ASME B31.8S, into specific provisions that the final rule did not update due to then-pending litigation. These technical amendments also respond to a Petition for Reconsideration filed on May 29, 2024**.** Part 192 – Pipeline Safety: Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments: Corrections to Conform to Judicial Review. These amendments conform part 192 of the CFR to the August 2024 order of the D.C. Circuit by removing several vacated provisions.

Part 192 – Pipeline Safety: Editorial Change to Reflect the Name Change of the Gulf of Mexico to the Gulf of America. PHMSA is amending its regulations to change the name of the body of water known previously as the "Gulf of Mexico" to the "Gulf of America."

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
$0. The amendment updates a current rule that already adopts federal safety regulations pertaining to pipeline safety to incorporate recent federal amendments in the state rule. It should not affect the state budget because operators will continue to remain compliant with the federal and state pipeline safety rules without incurring any more than negligible cost increases, if any. The changes do not affect state government budgets.
B. Local governments:
$0. The amendment updates a current rule that already adopts federal safety regulations pertaining to pipeline safety to incorporate recent federal amendments in the state rule. It should not affect local governments because operators will continue to remain compliant with the federal and state pipeline safety rules without incurring any more than negligible cost increases, if any. The changes do not affect local governments.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
$0. The amendment updates a current rule that already adopts federal safety regulations pertaining to pipeline safety to incorporate recent federal amendments in the state rule. It should not affect small businesses because operators will continue to remain compliant with the federal and state pipeline safety rules without incurring any more than negligible cost increases, if any. The changes do not affect small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
$0. The amendment updates a current rule that already adopts federal safety regulations pertaining to pipeline safety to incorporate recent federal amendments in the state rule. It should not affect non-small businesses because operators will continue to remain compliant with the federal and state pipeline safety rules without incurring any more than negligible cost increases, if any. The changes do not affect non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
$0. Businesses that perform work subject to the federal safety regulations may incur costs to comply under the existing rule, which is already incorporated by reference pursuant to Section 54-13-3. However, the amendments to this rule since September 1, 2023, are not anticipated to add any more than negligible cost increases, if any. Therefore, the amendment should have no fiscal impact.
F. Compliance costs for affected persons:
$0. Businesses that perform work subject to the federal safety regulations may incur costs to comply under the existing rule, which is already incorporated by reference pursuant to Section 54-13-3. However, the amendments to the rule since September 1, 2023, are not anticipated to add to any costs. Therefore, the amendment should have no fiscal impact.

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 amendments to Section R746-409-1 since September 1, 2023, are not anticipated to add any more than negligible cost increases, if any. Therefore, the amendment should have no fiscal impact.

The Chair of the Public Service Commission, Jerry D. Fenn, 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 54-13-3	Section 54-13-5	Section 54-13-6

10. Incorporation by Reference Information

Incorporation by Reference:	
A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*)**:**	
Official Title of Materials Incorporated (from title page)	Code of Federal Regulations, Title 49
Publisher	Office of the Federal Register
Issue Date	2025

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:	09/14/2026

12. Effective Date Information

This rule change MAY become effective on:	09/21/2026

(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	

13. Agency Authorization Information

Agency head or designee and title:	Jerry D. Fenn, PSC Chair	**Date:**	07/23/2026

R746. Public Service Commission, Administration.
R746-409. Pipeline Safety.
R746-409-1. General Provisions.

A. Scope and Applicability -- Pursuant to Title 54, Chapter 13, Natural Gas Pipeline Safety, Rule R746-409 shall apply to persons engaged in the transportation of gas as defined in CFR Title 49, Parts 191 and 192.

B. Adoption of parts of CFR Title 49 -- The Commission incorporates by reference the following parts of CFR Title 49, effective September 1, 202[~~3~~]5:

1. Part 190 with the exclusion of Part 190.223, which is superseded by Section 54-13-8, Violation of chapter -- Penalty;
2. Part 191;
3. Part 192;
4. Part 193;
5. Part 198; and
6. Part 199.

C. Persons engaged in the transportation of gas, including distribution of gas through a master-metered system, shall comply with the requirements of CFR Title 49, identified in Subsection R746-409-1(B), including the minimum safety standards.

R746-409-2. Definitions.

The following definitions apply to this rule:

A. "Authorized Inspector" means a person employed or authorized by the Commission or the director of the Division.

B. "CFR" means the Code of Federal Regulations.

C. "Commission" means the Public Service Commission of Utah.

D. "Division" means the Division of Public Utilities, Utah Department of Commerce.

E. "Federally Reportable Incident" has the same meaning set forth in CFR Title 49, Part 191.3, Definitions, Incident.

F. "Operator" has the same meaning set forth in CFR Title 49, Part 191.3, Definitions, Operator.

G. "Part 190" means CFR Title 49, Part 190, Pipeline Safety Programs and Rulemaking Procedures.

H. "Part 191" means CFR Title 49, Part 191, Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports.

I. "Part 192" means CFR Title 49, Part 192, Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards.

J. "Part 198" means CFR Title 49, Part 198, Regulations for Grants to Aid State Pipeline Safety Programs.

K. "Part 199" means CFR Title 49, Part 199, Drug and Alcohol Testing.

L. "Pipeline Facility" has the same meaning set forth in CFR Title 49, Part 191.3, Definitions, Pipeline or Pipeline system.

M. "State Reportable Incident" means an event that falls within the definition of a federally reportable incident or a safety-related condition as identified in CFR Title 49, Part 191.23, Reporting safety-related conditions, or meets one or more of the following:

1. Results in damage to any segment of:
a. steel main, 12 inches or greater in diameter; or
b. transmission pipeline;
2. Requires removal from service or repair of any segment of:
a. steel main, 12 inches or greater in diameter; or
b. transmission pipeline;
3. Results in property damage of $15,000 or more, including the loss to the operator, others, or both, but excluding the cost of gas that is lost;
4. Results in the loss of gas service to ten or more customers; or
5. Results in the known evacuation of any highly populated areas including commercial businesses, office buildings, eateries, schools, churches, or public meeting places.

N. "Transportation of Gas" has the same meaning set forth in CFR Title 49, Part 191.3, Definitions, Transportation of gas.

R746-409-3. Inspections.

A. Access for inspection

1. During Normal Business Hours -- During normal business hours, an authorized inspector, upon presentation of appropriate credentials, may enter an operator's offices and pipeline facilities to inspect and examine the records and pipeline facilities, if the records and pipeline facilities are relevant to determining compliance with applicable state and federal pipeline safety statutes, rules, and regulations.

2. Outside of Normal Business Hours -- For incidents occurring outside of normal business hours, an authorized inspector, upon presentation of appropriate credentials, may enter an operator's pipeline facilities involved in or associated with an incident to inspect and examine the pipeline facilities, if inspection of the pipeline facility is relevant to determining compliance with applicable state and federal pipeline safety statutes, rules, and regulations.

B. Reasons for Inspection -- Inspections are ordinarily conducted pursuant to one of the following:

1. Routine inspection, including a compliance inspection;
2. A complaint received from a member of the public;
3. Information obtained from a previous inspection;
4. A pipeline incident; or
5. When considered appropriate by the Commission.

C. Testing -- To the extent necessary to carry out its responsibilities, the Commission may require testing of portions of intrastate pipeline facilities that have been involved in or affected by an incident.

D. Further Action -- When information obtained from an authorized inspector or from other appropriate sources shows that further action is warranted, the Division shall issue a warning letter to an operator and, if necessary, initiate proceedings, including seeking the issuance of Commission subpoenas to compel the production of records and the taking of testimony, hearings, and related procedures, before the Commission.

R746-409-4. Reporting and Notification Requirements.

A. An operator must comply with the notification and reporting requirements contained in Part 191 and Section R746-409-4.

B. Telephonic notification to the Division.

1. For incidents requiring immediate notice under Part 191.5, an operator must also provide contemporaneous telephonic notification of the information required under Part 191.5 to the Division at (844)-GAS-2525 or (844)-427-2525.

2. State Reportable Incidents. An operator shall provide telephonic notice to the Division at (844)-GAS-2525 or (844)-427-2525 of each state reportable incident, including the location and known details when reporting, at the earliest practicable moment when safely possible following discovery.

C. Written Reports required by Part 191. For the reports required under Part 191, including updates and supplemental reports, an operator shall contemporaneously furnish these reports to the Commission and the Division in accordance with Subsection R746-409-4(F).

D. Excavation Damage Quarterly Report. Each operator with more than 10,000 customers shall file a quarterly excavation damage report within 60 days after the end of each quarter with the Commission and the Division in accordance with Subsection R746-409-4(F) on a form approved by the Division.

E. Reports Relating to Safety Issues. An operator shall prepare and file reports relating to safety issues as requested and described by the Commission or the Division in accordance with Subsection R746-409-4(F).

F. Filing of Written Reports:

1. Each required written report shall be filed with the Commission in accordance with the Commission's filing requirements posted on the Commission's website at https://psc.utah.gov/.

2. Each required written report shall be filed electronically with the Division at the following e-mail address: pipelinesafety@utah.gov.

R746-409-5. Written Plans.

An operator must develop and implement the plans required in Parts 192 and 199, including operations and maintenance plans, emergency response plans, public awareness plans, operator qualifications plans, anti-drug and alcohol misuse plans, and integrity management plans, including both transmission and distribution. These plans must be made available to the Commission or the Division upon request.

R746-409-6. Remedies.

A. Rules of Practice and Procedure -- The Commission's Administrative Procedures Act Rule, Rule R746-1, shall govern and control proceedings before the Commission regarding pipeline safety, with the exception of the additional remedies and procedures named in Section R746-409-6.

B. Hazardous Facility Order -- If the Commission finds, after notice and a hearing, that a particular intrastate pipeline facility is hazardous to life or property, it may issue a Hazardous Facility Order requiring the owner or operator of the intrastate pipeline facility to take corrective action. Civil penalties set forth in Section 54-13-8 may also be imposed. Corrective action may include suspended or restricted use of the facility, physical inspection, testing, repair, replacement, or other action as may be appropriate.

C. Waiver of Notice and Hearing -- The Commission may waive the requirement for notice and hearing in Subsection R746-409-6(B) before issuing an order pursuant to this section when it or the Division determines that the failure to do so would result in the likelihood of serious harm to life or property. However, the Commission shall include in the order an opportunity for hearing as soon as practicable after issuance of the order.

D. Hazardous Conditions -- The Commission may find an intrastate pipeline facility to be hazardous under Subsection R746-409-6(B) if:

1. Under the facts and circumstances the Commission determines the particular facility is hazardous to life or property; or

2. The intrastate pipeline facility, or a component of, has been constructed or operated with equipment, material, or technique that the Commission determines is hazardous to life or property, unless the operator involved demonstrates to the satisfaction of the Commission that, under the particular facts and circumstances involved, that equipment, material, or technique is not hazardous to life or property.

E. Considerations -- In making a determination under Subsection R746-409-6(D)(2), the Commission may consider, if relevant:

1. The characteristics of the pipe and other equipment used in the intrastate pipeline facility involved, including its age, manufacturer, or physical properties, including its resistance to corrosion and deterioration, and the method of its manufacture, construction, or assembly;

2. The nature of the materials transported by the facility, including their corrosive and deteriorative qualities, the sequence in which the materials are transported, and the pressure required for the transportation;

3. The aspects of the areas in which the intrastate pipeline facility is located, in particular the climatic and geologic conditions, including soil characteristics, associated with the areas, and the population density and population and growth patterns of these areas;

4. A recommendation of the National Transportation Safety Board issued in connection with an investigation conducted by the board;

5. Other factors as the Commission may consider appropriate.

F. Contents of Hazardous Facility Order -- A Hazardous Facility Order issued by the Commission shall contain the following information:

1. A finding that the pipeline facility is hazardous to life or property;

2. The relevant facts that form the basis for the finding;

3. The legal basis for the order;

4. The nature and description of particular corrective action required of the respondent;

5. The date by which the required action must be taken or finished and, when appropriate, the duration of the order.

G. No Longer Hazardous -- The Commission shall rescind or suspend a Hazardous Facility Order when it determines that the facility is no longer hazardous to life or property.

KEY: rules and procedures, safety, pipelines
Date of Last Change: 2026[~~July 8, 2024~~]
Notice of Continuation: February 18, 2026
Authorizing, and Implemented or Interpreted Law: 54-13-3; 54-13-5; 54-13-6

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58120**
Rule or section number:	**R907-80**

1. Agency Information

Title catchline:	Transportation, Administration
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 or section catchline:
R907-80. Disposition of Surplus Lands
B. Purpose of the new rule or reason for the change:
With the passage of HB 360 in the 2025 General Session and HB 492 in the 2026 General Session, the Department of Transportation (department) has the authority to adopt rules allowing department surplus property to be sold at a "pre-entitlement appraised value" (as opposed to traditional fair market value) to other state agencies or independent entities if those agencies or entities administer public housing interests.

C. Summary of the new rule or change:
The amendments to this rule govern the procedures, methods, and general process for the department to dispose of surplus property to certain agencies or entities that are involved with administering public housing interests. The amendments also introduce provisions relating to disposition of real property under Section 63L-12-102.

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 360 (2025 General Session), HB 49 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
When the department disposes of land pursuant to this rule, all proceeds are deposited into the Transportation Fund established in Title 72, Chapter 2. However, for dispositions under the new Section 907-80-16, the department receives approximately 50% of the land's value, as these sales are made to the Division of Housing or the Utah Housing Corporation at a pre-entitlement appraised value rather than traditional fair market value. The department has identified specific parcels to be disposed of under this new rule section and has determined that, over two fiscal years, an estimated $7,000,000 in proceeds from these transactions will not be deposited into the Transportation Fund due to the pre-entitlement appraisal discount.
B. Local governments:
This amendment involves the department's dealing with other state agencies and thus there will not be a fiscal impact on local governments.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This amendment involves the department's dealing with other state agencies and thus there will not be a fiscal impact on small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This amendment involves the department's dealing with other state agencies and thus there will not be a fiscal impact on non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This amendment involves the department's dealing with other state agencies and thus there will not be a fiscal impact on other persons.
F. Compliance costs for affected persons:
It will not cost an impacted entity anything to comply with this 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	$3,500,000	$3,500,000	$	$	$
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	**$3,500,000**	**$3,500,000**	**$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	**($3,500,000)**	**($3,500,000)**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Transportation, Carlos M Braceras, PE, 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 72-5-111	Section 72-5-117	Section 72-5-404
Section 78B-6-520.3	Section 78B-6-521	

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:	09/14/2026

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)	09/21/2026

13. Agency Authorization Information

Agency head or designee and title:	Carlos M Braceras, PE, Commissioner	**Date:**	07/23/2026

R907. Transportation, Administration.
R907-80. Disposition of Surplus Land.
R907-80-1. Authority and Purpose.

(1) The Department of Transportation makes this rule pursuant to Sections 72-5-111, 72-5-117, 72-5-404, 78B-6-520.3, and 78B-6-521, which authorize the [~~executive director~~]department to prescribe the terms and conditions for the sale or exchange of surplus right of way and to make rules to ensure that the value of the real property is consistent with the proposed price and other terms of the purchase, sale, or exchange.

(2) Property or property interests that involve federal requirements must be sold or exchanged in accordance with the requirements of 23 C.F.R. Section 710.409.

R907-80-2. Definitions.

As used in this rule:

(1) "Appraisal" means the same as it is defined in Subsection 61-2G-102(1)(a).

(2) "Bidder" means a person who offers to pay a certain amount of money in exchange for title to an interest in real or personal property the department offers for sale.

(3) "Confirmable Delivery Method" means any method of delivering documents that provides a way to confirm they were delivered to the intended party or location.

(4) [~~The ~~]"Department" means the Utah Department of Transportation.

(5) [~~The ~~]"Director" means the Executive Director of the Utah Department of Transportation or the Executive Director's designee.

(6) "First right of refusal" means the same as "right of first refusal" and "right of first consideration."

(7) "Minimum acceptable selling price" means a price established by the department based upon the market value of the property as established by an appraisal or other means; plus, costs associated with preparing the property for and executing the sale, such as the costs of advertising, appraising, performing environmental assessments, and processing the transaction.

(8) [~~As used in this rule, ~~]"[~~s~~]Surplus land," "surplus property," or "land" means an estate in real property to which the department is the owner and the director has declared to be surplus.

(9) [~~The ~~]"Transportation Commission" or "Commission" means the Utah Transportation Commission.

(10) [~~A ~~]"Utah Public Entity" means a political subdivision of the state, an agency of the state, a county, a municipality, or a special services district of the state, a county, or a municipality.

R907-80-3. Sales or Exchange Initiation Process.

(1) In determining the appropriateness of a parcel of surplus land for sale or exchange, the department may consider nominations by interested parties.

(2) Such a nomination shall in no way obligate the department to the interested party making the nomination.

R907-80-4. Methods of Sale.

(1) [~~The~~]Subject to Subsections (2) through (4), the department may sell land or other assets using one of the following methods~~.~~:

(a) a public sale mail and live auction pursuant to Sections R907-80-6 and R907-80-7;

(b) a negotiated sale or exchange with a grantee that is not a Utah public entity pursuant to Sections R907-80-10 and R907-80-11;

[~~(c) a negotiated exchange pursuant to Section R907-80-11; or~~]

[~~(d)~~](c) a public sale online, or web-based auction pursuant to Section R907-80-8[~~.~~];

(d) a negotiated sale or exchange with a Utah public entity pursuant to Sections R907-80-5, R907-80-10, R907-80-11, and R907-80-12;

(e) a sale to a large public transit district pursuant to Section R907-80-15; or

(f) a sale to benefit the public interest in affordable housing pursuant to Section R907-80-16.

(2) The department [~~will~~]shall execute sales and exchanges pursuant to Sections R933-1-4, R907-80-12, and R907-80-14.

(3) If the department acquired land under threat of condemnation, the department shall comply with Section R907-80-9 before taking any other action.

(4) If the department owns a road by dedication to the public, and if the roadway interest is vacated, the department shall consult with the Attorney General's Office before taking any action.

R907-80-5. Notice to Local Jurisdiction Before Public Sale.

(1) For the purposes of this section:

(a) "Local government" means a county or a municipality.

(b) "Government entity" means a state agency, local government, transit district, or any other political subdivision of the state.

(2)(a) Before conducting a public auction described in Section R907-80-7, the department shall provide no less than 60 days written notice of the intent to proceed with a public auction to the local government with planning and zoning jurisdiction over the land to be sold at the auction.

(b) The notice described in Subsection (2)(a) shall:

(i) reference this rule;

(ii) provide a general description of the land to be sold at the auction; and

(iii) be sent to the chief executive of the local government.

(c) The department may provide the written notice described in Subsection (2) through email.

(d) The notice requirements of this Subsection (2) do not apply to:

(i) real property that the department exchanges for another real property; or

(ii) real property the department transfers to another government entity.

(3)(a) If the local government that received the notice described under Subsection (2) would like to purchase the land identified in the notice, the department and the interested local government may enter into a real estate purchase agreement as provided in this Subsection (3) as long as they enter that agreement within 60 days of the date when the notice described in -Subsection (2) was delivered.

(b) As part of the real estate purchase agreement, the local government shall agree to:

(i) provide a refundable earnest money deposit equal to 3% of the agreed-upon sales price of the land;

(ii) subject to Subsection (3)(c), complete all requirements necessary to finalize the purchase of the land within 180 days of signing the agreement;

(iii) pay a purchase price eqal to market value established by an appraisal or other means approved by the department; and

(iv) pay for closing costs and other administrative costs associated with purchasing the land.

(c)(i) As determined by the department, the real estate purchase agreement may be extended for up to 180 days if the local government provides a non-refundable earnest money deposit that totals 5% of the agreed-upon sales price of the land.

(ii) A real estate purchase agreement may only be extended once.

(d) If a local government fails to extend the real estate purchase agreement as provided under Subsection (3)(c), the department shall:

(i) void the real estate purchase agreement; and

(ii) refund the earnest money deposit made under Subsection (3)(b)(i)(A).

(4) If the department does not enter into a real estate purchase agreement as described in this section or the department voids a real estate purchase agreement as described in Subsection (3)(d), the department may proceed with selling the property at public auction as provided in this rule.

R907-80-6. Public Sale Notice and Advertising [~~-~~]Mail and Live Auctions.

(1) The department may notify the public about the sale of surplus property by commercially feasible methods, including publication of a notice in one or more newspapers of general circulation in the county in which the sale is proposed at least 15 days before the deadline to submit bids pursuant to the requirements of Section R907-80-7.

(2) The notice and any associated advertising [~~will~~]shall include a general description of the parcel including township, range, and section, and any other information that may create interest in the sale. The department must also identify the desired form of payment.

(3) The department may advertise public sales using any other methods the director has determined may increase the potential for additional competition at the sale.

R907-80-7. Public Sale - Mail and Live Auctions.

The department shall conduct [~~P~~]public sales, mail, and live auctions [~~will be conducted~~]as follows:

(1) The Comptroller's Office of the department [~~will~~]shall accept sealed bids by any means of delivery until 5 P.M. the day before the auction.

(2) The officer conducting the auction [~~will~~]shall accept sealed bids by personal delivery on the day of the auction up until the beginning of the auction.

(3)(a) A sealed bid must contain deposit funds in an amount determined and advertised by the department, as required by Section R907-80-4 to purchase the subject property.

(b) The department may require this deposit to consist of certified funds.

(c) Bids and bid deposits must be a specified dollar amount.

(d) The department has the right to reject any bid however submitted.

(4) The department may require buyers who have defaulted on certificates of sale in the past to make larger deposits or submit sealed bids in the form of certified funds even if such a requirement is not contained in the notice of sale.

(5)(a) The officer conducting the auction [~~will~~]shall open sealed bids after declaring that the auction has started.

(b) After determining which sealed bid is highest, the officer [~~will~~]shall allow bidders willing to bid more than the highest sealed bid received to participate in live bidding.

[~~s~~] (6)(a) Bids, whether sealed or live, constitute a valid offer to purchase.

(b) An attempt to withdraw a sealed bid after the first sealed bid has been opened, or an attempt to withdraw or amend a live bid may result in the forfeiture of the bid deposit and any other remedy [~~afforded~~]given by the department at law or equity.

(7) At the conclusion of the auction and subject to the terms of Section R907-80-8, the successful bidder must sign a written offer agreement prepared by the department that states the terms included in the public sale notice.

(8)(a) If the successful bidder defaults on the offer agreement, or otherwise fails to meet the requirements of Section R907-80-12, and upon approval by the director, the property may be offered for sale to the person whose bid was second highest at the auction provided that the terms of the sale meet or exceed the minimum acceptable selling price established for the subject property.

(b) The department shall give the second highest bidder [~~will have~~]30 days from the date of the department's offer to submit the purchase price balance plus costs required by Subsection R907-80-10(5).

(9)(a) [~~Third~~]The department shall give parties owning authorized improvements on the parcel at the time of the sale [~~will be allowed~~]90 days from the date of the sale to remove the improvements.

(b) This provision [~~will~~]may not apply when such improvements are permitted under a valid existing right of record when such right survives the sale of the parcel, or the improvements are subject to a separate lease agreement.

R907-80-8. Online or Web-based Public Sale Auctions.

(1) The department may establish an online or web-based application to use in conducting public sale auctions.

(2) The department may subscribe to or use a commercially available online or web-based service to use in conducting public sale auctions, or it may subscribe to or use an online or web-based service provided by a public entity for conducting public sale auctions.

(3) The director must provide written approval to use the online or web-based application or service the department uses for public sale auctions.

(4) For good cause, the director may disqualify a party from participating in the online auction to maintain the integrity of the bidding process.

(5) An example of good cause is when a party has previously participated in an auction and failed to perform its obligations as the winning bidder.

R907-80-9. First Right of Refusal.

(1)(a) If the department does not use any portion of a parcel of property or a permanent easement that the department[~~it~~] acquires from a private party for transportation purposes, the department must allow the original grantor an opportunity to repurchase the parcel of property or permanent easement at the original purchase price to the grantor before the department may sell the parcel of property or permanent easement to another buyer, or use it for a reason other than transportation purposes, as required by Sections 72-5-111 and 78B-6-520.3.

[~~(a)~~](b) The department must send a written offer by certified mail to the original grantor at the original grantor's last known address, offering to sell the acquired property to the original grantor at the department's acquisition price.

[~~(b) The original grantor of the parcel of property may assign this first right of refusal to another person before the department may sell the parcel of property to another buyer. The original grantor or the assignee must notify the department of an assignment of the first right of refusal by certified mail to the current office address of the executive director.~~]

(c)(i) The original grantor [~~or the assignee must~~]shall accept the department's offer by certified mail within 90 days of the date the original grantor receives the department's offer.

(ii) If the department does not receive an acceptance of its offer within the 90 days, [~~it is free to~~]the department may sell or exchange the parcel of property or permanent easement to someone other than the original buyer[~~ or assignee~~].

(d) This requirement does not apply if the original grantor executed a written waiver to waive this right, and the waiver may be executed at any time.

[~~(d) The original grantor or the assignee may waive, in writing, the first right of refusal at any time.~~]

(2)(a)(i) If the department uses any portion of a parcel of property or a permanent easement that it acquires from a private party for transportation purposes, the department must offer the original grantor a right of first refusal to purchase the parcel of property or permanent easement at the current price established for the sale before the department may sell to another buyer as required by Sections 72-5-111 and 78B-6-521.

(ii) The requirement of Subsection (2)(a)(i) only applies if the original grantor has owned real property adjacent to the parcel of property that the department acquired since the date of the original transfer to the department, or, for an easement, if the original grantor or a subsequent bona fide purchaser owns the servient estate subject to the easement.

[~~(2) The department must offer to sell property or an interest in property that it acquired by condemnation or threat of condemnation to the original grantor before it may sell to another buyer as required by Sections 72-5-111 and 78B-6-521.~~]

[~~(a)~~](b) The department [~~will~~]shall offer the holder of this first right of refusal the opportunity to purchase the parcel of property or permanent easement[~~property interest~~] for a price equal to the highest offer received at auction plus costs associated with preparing and bringing to auction the parcel of property or permanent easement[~~property interest~~].

[~~(b)~~](c) The department may[~~, but is not required to~~] contact and notify the holder of this first right of refusal of [~~its~~]the department's decision to sell at auction the parcel of property or permanent easement, and[~~property interest~~] to provide the holder an opportunity to purchase the parcel of property or permanent easement[~~property interest~~] for an amount equal to the appraised value plus costs associated with preparing the parcel of property or permanent easement[~~property right~~] for sale or to waive the right by providing the department a written waiver.

[~~(c)~~](d) Should the holder refuse to accept the department's offer to sell or waive the right, the department will contact the holder as soon as reasonably possible after the auction ends and offer the parcel of property or permanent easement[~~property interest~~] to the holder for a price equal to the highest offer received at auction plus associated costs.

[~~(d)~~](e)(i) The department shall give the holder of the right [~~will have~~]90 days to accept or assign the offer to another buyer.

(ii) Assigning the right [~~will~~]may not extend the 90 days allowed to accept the offer.

[~~(e)~~](f) If the holder of the right does not accept [~~or assign~~]the department's offer within the 90 days, the department [~~is free to~~]may sell the parcel of property or permanent easement[~~property interest~~] to the highest bidder.

[~~(f)~~](g) If the holder accepts the department's offer, the holder must close the purchase in accordance with Section R907-80-14, and any other pending offer or contract on which the department's offer is based becomes void.

(h) This requirement does not apply if the original grantor executed a written waiver to waive this right, and the waiver may be executed at any time.

R907-80-10. Negotiated Sales, Justifications, Procedures, and Public Notice.

(1)(a) The department may dispose of surplus land by negotiated sale when the director determines such a sale is in the public interest of the state and the department, as set forth in Subsection R907-80-10(1)(e).

(b) The department may sell surplus land or other property by negotiated sale if:

[~~(a)~~](i) the buyer is a Utah public entity, and the property is being transferred for public use[~~, said~~] and the public use [~~to be~~]is established through one of the following methods:

[~~(i)~~](A) by a written finding presented to the department by the public entity's chief executive that the property will be used for a road, other transportation or transit facility, including bicycle paths and sidewalks, a transportation reinvestment zone created pursuant to Section 11-13-227, a public building or grounds, or a public park; or

[~~(ii)~~](B) by resolution declaring the proposed use of the land qualifies as a valid public use, said resolution to be approved by a public vote by the public entity's governing body at an open meeting after notice to at least adjoining landowners who shall have the opportunity to comment on the proposed public use before the public vote;

[~~(b)~~](ii) the buyer of the surplus land also owns adjoining land, but only if the department determines that competition for the purchase of the surplus land is not likely;

[~~(c)~~](iii) the surplus land comprises an easement, and said easement is being released to the owner of the fee simple estate that is subject to the easement;

[~~(d)~~](iv) the surplus land is being transferred to a public utility, as defined in Section 72-6-116, to provide utility services to the public; or

[~~(e)~~](v) the director, where any designee of the executive director of the department may only be a deputy director of the department determines a negotiated sale is in the public interest of the state and the department after considering at least the following factors:

[~~(1)~~](A) the needs of the department for proceeds from surplus sales;

[~~(2)~~](B) the likelihood of competition to purchase the parcel if sold through public means;

[~~(3)~~](C) any additional costs to the department associated with a sale by other means;

[~~(4)~~](D) the price to be paid by the buyer;

[~~(5)~~](E) whether there are any public benefits expected from a negotiated sale that could not be achieved by a public sale; and

[~~(6)~~](F) any other factor the director determines is relevant to a public interest determination.

[~~(f)~~](vi) Any negotiated sale carried out pursuant to this rule must be for an established minimum acceptable selling price, unless the land is to be sold to a public entity for a road or park, in which case it may be sold for a lesser amount or at no cost if a clause is placed into the deed that specifies title [~~will~~]shall revert to the department if the property ceases to be used for the purpose stated in the deed.

(2) The department may list, or contract with an agent or broker to list for sale a property or property interest on a commercial listing service if the director determines doing so is in the best interest of the state. The department [~~will~~]shall utilize a standard procurement process to select an agent or broker.

(3)(a) In the event a party submits a competing offer or offers to purchase the property from the department, the department must evaluate the offer or offers and accept the offer that best serves the interests of the state and the department after consideration of the factors identified in Subsection (1)(e).

(b) If the department receives multiple offers, the [~~director may determine the best interests of the state and the department require the department to~~]department may request the best and final offers from offerors.

(c) A written justification statement that articulates the reasoning used to determine the offer that best serves the interests of the state, and the department must be a part of negotiated sales files.

(4)(a) The department may require a buyer of surplus land purchased through a negotiated sale to reimburse the department for costs incurred in preparing the parcel for sale.

(b) These costs may include costs for advertising, appraisal, environmental assessments, and a sale processing charge.

R907-80-11. Negotiated Exchanges.

(1) The department may exchange real property for other real property with a Utah [~~P~~]public [~~E~~]entity, an individual, a business, a private enterprise, or a not-for-profit organization.

(2) Exchanges may be made to acquire land the department needs for highway use in compliance with the approval requirements of Subsection 72-5-111(1)(c).

(3) Real property exchange transactions are not subject to competitive solicitation procedures.

(4) Exchanges of surplus real property must comply with state law.[~~ Exchanges of real property involving the department and a Utah public entity must follow the requirements of the Interlocal Cooperation Act, Sections 11-13-101 through 11-13-608.~~]

(5) The financial consideration received for any real property exchange to an individual, business, private enterprise, or not-for-profit organization must be equal to or higher than the current market value of the department's real property, as determined by any reasonable means.

(6)(a) Real property received in an exchange must be free from liens, encumbrances, and clouds on title unless the director determines after review that accepting the property is in the best interests of the state.

(b) The director's justification for accepting property with a lien, encumbrance, or cloud on title must be in writing.

R907-80-12. Contracts of Sale or Exchange.

(1)(a) The department [~~will~~]shall prepare and deliver a contract of sale to the buyer following a public auction sale or upon concurrence of the parties in a negotiated sale or an exchange.

(b) This contract must contain the legal description of subject property or properties, and include:

[~~(a)~~](i) information regarding the amount paid or the values of the properties exchanged;

[~~(b)~~](ii) the identities of buyer of the land or the entity or entities participating in the exchange with the department;

[~~(c)~~](iii) remedies the department may elect in the event of a default; and

[~~(d)~~](iv) any other terms, covenants, deed restrictions, or conditions the department considers appropriate.

(2)(a) Buyers or persons participating in a property exchange must execute contracts of sale or exchange and return them to the department within 20 days from the date the department delivers the contract.

(b) If the department does not receive the contract within the 20-day period, the department [~~will~~]shall send notice by a confirmable delivery method to the buyer or exchanging party giving notice that after 10 days the transaction may be canceled with monies received by the department, including any deposit made, [~~will~~]shall be forfeited to the department.

(c) Notification of this forfeiture provision must accompany the transmittal of the contract.

(3) The department reserves the right to cancel a sale or exchange of surplus land for any reason before execution of the contract by the director.

(4) The department [~~will~~]shall issue a quit claim deed to the appropriate person upon payment in full or amounts owed to the department and surrender of the original contract of sale or exchange for any tract of land sold or exchanged, but the department may use a different form of deed if written justification is documented.

R907-80-13. Competition Protection.

(1)(a) Collusion between bidders or between a bidder and an employee or agent of the department to affect a public sale auction is prohibited.

(b) Anyone having reason to believe that a public sale auction conducted under this rule may have been affected by collusion between bidders or between one or more bidders and an employee or agent of the department must report that information to the attorney general as soon as reasonably possible.

(2) Should an adjudicative body determine that collusion intended to affect a public sale auction conducted under this rule has occurred, the department shall void the resulting sale[~~ will be voidable by the department~~].

R907-80-14. Closings.

(1) Auction sales, negotiated sales, or negotiated exchanges must go through this closing process.

(2)(a) Transactions must be closed within 60 days after the date of the contract unless good cause exists to delay the closing. Information intended to show [~~that~~]good cause that warrants delaying a closing exists must be provided in writing to the director within 30 days after the date of the contract.

(b) The director must determine if good cause to delay exists.

(3) A minimum of 3% security deposit on a negotiated sale [~~will be required to~~]shall be held in escrow.

(4) If closing does not complete within 60 days after the date of the contract, the deposit money becomes non-refundable if the director decides good cause to delay does not exist.

(5) If closing is not complete within the 60 days after the date of the contract and the director determines that good cause to delay does not exist, the buyer still wishes to buy the property, and the department agrees to allow the buyer more time to complete the purchase, the buyer must provide an additional 7% security deposit to the department to be held in escrow and the parties [~~will~~]shall have an additional 30 days after the date of the contract to close.

(6) If the buyer does not provide the additional 7% security deposit required by Subsection R907-80-13(5) within five business days after the date the department agrees to allow the buyer more time to complete the purchase, the purchase contract is voidable by the department, and the department may contact the next highest bidder who will then have an opportunity to purchase the property.

(7) If closing is not complete within the additional 30 days allowed by Subsection R907-80-13(5), deposit money becomes non-refundable, the contract becomes voidable by the department and the department may provide the next highest bidder an opportunity to purchase the property.

(8) The director has the authority to extend the time frames allowed to close a transaction if the director determines that doing so serves the public interest of the state.

(9)(a) The closing of a real property transaction may be conducted at a title company provided the buyer pays for related costs.

(b) If a title company is used for closing, the department [~~will~~]shall instruct the company to record the deed, and after recording, send it to the Department of Transportation, Director of Right of Way.

(10) Only the director may sign closing papers, real property contracts, or deeds.

R907-80-15. Sale or Exchange Involving a Large Public Transit District.

(1) As used in this Section R907-80-15, the following definitions apply:

(a) "Fixed guideway capital development" means the same as that term is defined in Section 72-1-102;

(b) "Large public transit district" means the same as that term is defined in Section 17B-2a-802.

(2) Notwithstanding this rule, the department may provide for the sale or exchange of real property, with or without charge, to a large public transit district if the director determines that the real property:

(a) is within the boundaries of a station area that has a station area plan certified by a metropolitan planning organization in accordance with Section 10-9a-403.1;

(b) is part of a transit-oriented development or transit-supportive development as defined in Section 17B-2a-802;

(c) is adjacent to a completed fixed guideway capital development that was overseen by the department; or

(d) will only be used by the large public transit district in a manner that the director determines will provide a benefit to the state transportation system.

(3)(a) Before selling or exchanging land under this Section R907-80-15, the department and the large public transit district [~~will~~]shall enter into an agreement to state the terms of the sale or exchange.

(b) The director must approve and sign the agreement described in Subsection R907-80-15(2)(a).

(c) Any agreement described in Subsection R907-80-15(2)(a) shall include provisions the director determines necessary to ensure the real property is used for the purposes outlined in Section 72-5-117 and the agreement.

(4) [~~Notwithstanding~~]contrary provisions in Rule R907-80, this Section R907-80-15 applies to the department's real property whether or not the real property is surplus.

R907-80-16. Surplus Property for Public Interests in Housing.

(1)(a) The department may sell property to benefit the public interest in affordable housing in accordance with Sections 63L-12-101 and 63L-12-102 and Subsection 72-5-117(2)(e).

(b) Before selling property under this Subsection (1), the department shall designate the property, in accordance with Subsection (3), as property to be sold to benefit the public interest in affordable housing.

(c) The department shall comply with Sections 63L-12-101 and 63L-12-102 in any sale under this Subsection (1).

(d) When selling property under this Subsection (1), the department shall ensure that the deed of sale:

(i) restricts use of the property to owner-occupied moderate-income housing for at least 30 years after the day on which each moderate-income housing unit is completed and occupied; and

(ii) includes any additional deed restrictions needed to protect the public interest in affordable housing.

(e) Except as provided in Sections 63L-12-101 and 63L-12-102, when selling property under this Subsection (1), the department shall comply with all other provisions of law that apply to the department's granting of real property.

(2)(a) As authorized by Subsection 72-5-117(2)(f), the department may sell property to benefit the public interest in affordable housing to:

(i) the Utah Housing Corporation;

(ii) the Utah Division of Housing; or

(iii) another state agency or independent entity created to administer the public interest in housing, if any.

(b) The department may sell property under this Subsection (2) when designated for such a sale in accordance with Subsection (3), and the sale may be at a pre-entitlement appraised value, which means the value of the department property:

(i) when the property can only be used as required by this Subsection (2);

(ii) before a deed restriction is placed in the title to the property; and

(iii) based on hypothetical conditions and extraordinary assumptions in an appraisal performed solely for the department as the audience for the appraisal.

(c) The department may defer the purchaser's payment of the pre-entitlement appraised value by a purchaser described in Subsection (2)(b) for up to five years, provided that the department:

(i) enters a repayment agreement with the purchaser before closing;

(ii) requires the purchaser to pay the deferred amount within the time the department sets; and

(iii) requires the purchaser to pay closing costs at the time of sale regardless of any deferral.

(d) If a purchaser fails to pay as required under Subsection (2)(c)(ii), the department may seek direct transfer of the deferred amount from the state treasurer's office or another applicable financial entity, or pursue any other available remedy.

(e) Except as provided in this Subsection (2), the department shall comply with all other provisions of law that apply to the department's granting of real property.

(3)(a) Before the department may pursue a sale under this section:

(i) the department shall designate and approve a parcel for sale under Subsection (1) or (2); and

(ii) the director and the director of right of way shall approve the designation.

(b) In determining whether to designate property under this Subsection (3), the department may consider whether:

(i) the property's size and location reasonably allow construction of multiple owner-occupied affordable housing units;

(ii) the department acquired the property using only state funds, or, if federal funding requirements apply, the department has obtained approval for the sale under 23 C.F.R. 710.409;

(iii) the public benefit of using the property for affordable housing outweighs the department's need to use the property for transportation purposes or to obtain unrestricted sale proceeds;

(iv) the purchaser can secure suitable arrangements with local government entities to allow construction of the units;

(v) the property will have reasonable access to transit or parking facilities accessible at the time when housing units are offered for sale; and

(vi) other factors relevant to the sale.

(c) Once a parcel is designated under this Subsection (3), the department may only sell a designated parcel in accordance with Subsection (1) or (2) unless the designation lapses or is removed under Subsection (3)(d).

(d) A property designation under this section remains in effect until the earlier of:

(i) two years after the designation date; or

(ii) the department's director and director of right of way remove the designation through a written document that includes the justification for removing the designation.

(e) Once a designation is removed under this section, the department shall administer any sale or other action for the property in compliance with otherwise applicable requirements.

(4) The following apply to all sales under this section:

(a) upon purchasing real property conveyed under this section, the receiving entity assumes responsibility for all costs, maintenance, liabilities, and obligations associated with the property, and the department retains no further responsibility;

(b) the purchasing entity shall pay any closing costs determined by the department at the time of conveyance;

(c) the department may sell property under this section only for the construction of owner-occupied units;

(d) the department may obtain an appraisal up to 12 months before the sale;

(e) the department shall include deed restrictions and require other terms protecting the public interest in affordable housing, and the department may include additional deed restrictions and terms for transportation purposes;

(f) the department shall require that any reduction in value under this section benefit only owner-occupants of affordable housing units, and the department shall prohibit any person or entity from diverting or reallocating that value, colluding to improperly obtain it, or otherwise acting contrary to this requirement;

(g) the department retains the sole right to recover any value improperly obtained by a person or entity in connection with department property, and shall require the purchasing entity to take reasonable steps to recover that value and remit any value recovered to the department; and

(h) the department may conduct sales under this section in conjunction with other development requirements, such as the requirements of a transportation reinvestment zone created under Section 63N-23-901.

KEY: surplus land, negotiated exchanges, public sales auctions, negotiated sales
Date of Last Change: 2026[~~April 9, 2025~~]
Notice of Continuation: April 21, 2022
Authorizing, and Implemented or Interpreted Law: 72-5-117; 72-5-111; 72-5-404

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: New	**Filing ID: 58117**
Rule or section number:	**R907-81**

1. Agency Information

Title catchline:	Transportation, Administration
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 or section catchline:
R907-81. Affordable Housing Infrastructure Grant Rule
B. Purpose of the new rule or reason for the change:
The Legislature recently established the Affordable Housing Infrastructure Grant Board (board), which awards affordable housing infrastructure grants to public entities within a county of the first class. In the 2026 General Session, through HB 492, the Legislature switched the rulemaking authority for the board from the Governor's Office of Economic Development to the Utah Department of Transportation (UDOT). This proposed rule was written in response to that change.
C. Summary of the new rule or change:
State statute requires UDOT to make a rule, in consultation with the board, that establishes a process for prioritizing grant proposals, including: a) instructions on making and submitting a grant proposal; b) a methodology for selecting grants; and c) a methodology for awarding grants. Additionally, this rule may also include any other provisions needed to implement the grant program.

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 492 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There are no aggregate anticipated cost or savings to the state budget because this rule merely shifts authority of certain functions from one state agency, the Governor's Office of Economic Development, to another state agency, UDOT.
B. Local governments:
There are no aggregate anticipated cost or savings to local governments because this rule merely shifts authority of certain functions from one state agency, the Governor's Office of Economic Development, to another state agency, UDOT.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
There are no aggregate anticipated cost or savings to small businesses because this rule merely shifts authority of certain functions from one state agency, the Governor's Office of Economic Development, to another state agency, UDOT.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
There are no aggregate anticipated cost or savings to non-small businesses because this rule merely shifts authority of certain functions from one state agency, the Governor's Office of Economic Development, to another state agency, UDOT.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
There are no aggregate anticipated cost or savings to persons because this rule merely shifts authority of certain functions from one state agency, the Governor's Office of Economic Development, to another state agency, UDOT.
F. Compliance costs for affected persons:
It will not cost an affected person anything to comply with this 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 Transportation, Carlos M. Braceras, PE, 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 72-2-503		

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:	09/14/2026

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)	09/21/2026

13. Agency Authorization Information

Agency head or designee and title:	Carlos M Braceras, PE, Commissioner	**Date:**	07/20/2026

R907. Transportation, Administration.

R907-81. Affordable Housing Infrastructure Grant Rule.

R907-81-1. Authority and Purpose.

This rule is required by Section 72-2-503 and provides procedures for administering the grant program described in Title 72, Chapter 2, Part 5, Affordable Housing Infrastructure Grants.

R907-81-2. Definitions.

(1) "Board" means the Affordable Housing Infrastructure Grant Board created in Section 72-2-503.

(2) "Grant application" means an application for a grant issued to a public entity in a county of the first class, as described in Title 72, Chapter 2, Part 5, Affordable Housing Infrastructure Grants.

(3) "Office" means the Governor's Office of Economic Development created in Section 63N-1a-301.

(4) "Public entity" means a county of the first class as classified in Section 17-60-104 or a municipality, a public housing authority, a special service or improvement district, or a public transit district within a county of the first class as classified in Section 17-60-104.

(5) "UDOT" means the Department of Transportation created in Section 72-1-201.

R907-81-3. Content of Applications.

(1) To apply for a grant described in Title 72, Chapter 2, Part 5, Affordable Housing Infrastructure Grants, a public entity shall submit a grant application to the board through the office.

(2) The office may require the following information to be included in a grant application:

(a) name of public entity making the grant application;

(b) information for a responsible contact, including:

(i) name;

(ii) mailing address;

(iii) telephone number; and

(iv) email address;

(c) the amount of grant funding requested;

(d) a description of the housing project, including the projected number of affordable housing units and detached single-family owner-occupied starter homes created by the housing project;

(e) a description of the infrastructure for which the grant will be used and how the infrastructure will facilitate the housing project;

(f) a timeline for completion of the infrastructure, affordable housing units, and detached single-family owner-occupied starter homes;

(g) budget information, including a narrative and line items describing proposed grant funding usage;

(h) a description of how the housing project is funded, including how much and what percentage of the funding is readily available for the housing project;
(i) maps and visual displays of affected areas;
(j) drafts and rendering of construction plans;
(k) an assessment of anticipated risks and how they are to be mitigated;
(l) cost estimates from third-party experts;
(m) if a grant proposal includes highway infrastructure, a minimum matching contribution of the right-of-way needed for the highway improvements;
(n) documentation supporting the valuation of the right-of-way contribution, if applicable; and
(o) the public entity's W9 form or, if the public entity is currently a state vendor, the public entity's state vendor number;
(p) a letter of support from the public entity's governing board or commission; and
(q) any other information the board or office determines is necessary.
(3) Subject to state law and at the discretion of the office, the office may make grant applications available to the public.

R907-81-4. Methodology for Selecting and Awarding Grants.
(1) The board shall prioritize and award grants in accordance with this section and Section 72-2-503.
(2) The board shall consider applications and approve grant awards in a public meeting.
(3)(a) The board may only award grants to public entities in a county of the first class for infrastructure that the board determines will facilitate the development of owner-occupied housing units that are affordable.
(b) In determining whether a housing unit is affordable, the board shall consider:
(i) the median home price in the region in which the housing unit is offered for sale;
(ii) the type of home offered for sale, including whether the home is attached or detached;
(iii) the square footage of the housing unit;
(iv) the lot size on which the housing unit is built; and
(v) any deed restrictions associated with a housing unit or the land on which the housing unit is built.
(c) When determining affordability, the board may consider other factors if the board states in a public meeting the additional factors used to determine affordability.
(d)(i) The board may limit the lot size and square footage of a housing unit for which the board will award grants under the Affordable Housing Infrastructure Grants program.
(ii) In making square footage and lot size limitations described in Subsection (3)(d)(i), the board shall take into account:
(A) the region where the housing unit is located; and
(B) the type of home offered for sale, including whether the home is attached or detached.
(4)(a) If the requirements in Section 72-2-503 to provide detailed cost estimates to the department are not waived by the board, a public entity that has been approved to receive a grant award shall provide detailed cost estimates to the UDOT commissioner.
(b) The public entity shall provide any additional cost information UDOT requests.

R907-81-5. Methodology for Distributing Grant Funds.
(1) The department shall provide grant money to a public entity as provided in Section 72-2-503.
(2) The department may distribute grant money in equal installments based on project schedule for design and construction.
(3)(a) Before providing grant money to a public entity, the department and the public entity shall sign an agreement with the local government that describes how the grant money will be used.
(b) An agreement described in Subsection (3)(a) shall include:
(i) an agreement that the public entity will provide the infrastructure project and will facilitate the creation of the affordable housing units and detached single-family owner-occupied starter homes promised in the grant application;
(ii) a statement indicating that the agreement does not preclude the department from requiring other agreements related to the proposed infrastructure project;
(iii) a requirement to provide the office with regular updates regarding the use and compliance of public funds;
(iv) a requirement to provide any documentation requested by UDOT, the office, or the board;
(v) procedures for distributing grant money in equal installments based on project schedule for design and construction;
(vi) a statement indicating that the agreement does not include the work terms for the project;
(vii) any indemnification clause determined necessary by the department; and
(viii) a statement that incorporates the proposal that was approved by the board.

R907-81-6. Grant Reporting.
(1) In accordance with Section 72-2-504, a public entity that receives a grant shall submit an annual report for the previous year.
(2) A public entity shall make all reports required by the agreement described in Section R907-81-5.
(3) A public entity shall provide any other information at any time the board or office determines necessary.

KEY: affordable housing grant
Date of Last Change: 2026
Authorizing, and Implemented or Interpreted Law: 63B-34-101; 72-2-501; 72-2-502; 72-2-503; 72-2-504

End of the Notices of Proposed Rules Section

NOTICES OF
120-DAY (EMERGENCY) RULES

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

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

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

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

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

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

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

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or section Number:	**R145-1**	**Filing ID: 58118**

Effective date:	**07/20/2026**

1. Agency Information

Title catchline:	Charter School Finance Authority, Administration
Building:	Capitol
Street address:	350 N State Street, Ste 180
City, state:	Salt Lake City, UT

2. Contact Persons

Name:	Phone:	Email:
Candace Castor	801-538-1042	ccastor@utah.gov

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

3. General Information

A. Rule or section catchline:
R145-1. Charter School Revolving Fund
B. Purpose of the new rule or reason for the change:
This new rule allows Utah Charter School Finance Authority to administer the Charter School Revolving Fund.

C. Summary of the new rule or change:
This emergency rule allows the Utah Charter School Finance Authority to consider pending loan applications.

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 186 (2026 General Session)

5. Emergency Rule Information

A. The agency finds that regular rulemaking would:	
☐	cause an imminent peril to the public health, safety, or welfare;
☐	cause an imminent budget reduction because of budget restraints or federal requirements; or
☒	place the agency in violation of federal or state law.

B. Specific reasons and justifications for this finding:

SB 186 (2026) replaced the Charter School Revolving Account (Section 59F-9-203) with the Charter School Revolving Fund (Section 59F-9-203.1) and moved administration from the Utah State Board of Education (USBE) to the Utah Charter School Finance Authority (UCSFA), beginning 07/01/2026.

The USBE administered the Account using Rule R277-480.

Section 53F-9-203.1 requires UCSFA to make rules and make loans. There are pending loan applications that were submitted to the USBE prior to the 07/01/2026 transfer date that UCSFA needs to review and if appropriate approve to ensure timely funding of approved loans.

The UCSFA needs an emergency rule so it can address the pending loan applications.

The UCSFA will submit permanent rules after the UCSFA board considers and approves the permanent rules, which consideration is expected to begin 07/23/2026.

6. Fiscal Information

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

A. State budget:

The UCSFA does not expect there to be a fiscal impact on the state budget resulting from this emergency rule.

The Legislature appropriated funds to the UCSFA for the administration of the Charter School Revolving Fund.

B. Local governments:

The UCSFA does not expect there to be a fiscal impact on any local government resulting from this emergency rule.

The Legislature appropriated funds to the UCSFA for the administration of the Charter School Revolving Fund and will not seek funds from any local government.

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

The UCSFA does not expect there to be a fiscal impact on any small businesses as a result of this emergency rule.

The Legislature appropriated funds to the UCSFA for the administration of the Charter School Revolving Fund and will not seek funds from any small businesses.

D. Persons other than small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***):
Charter schools would be the impacted entities here. The UCSFA does not expect there to be a fiscal impact on the charter schools that apply for loans from the Fund.
E. Compliance costs for affected persons:
The UCSFA does not expect there to be increased costs to charter schools because of this emergency rule.
F. Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
The State Treasurer, Marlo M. Oaks, has reviewed and approved this regulatory impact analysis. This emergency rule will have no fiscal impact on businesses.

7. 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 59F-9-203.1		

9. Agency Authorization Information

Agency head or designee and title:	Marlo Oaks, Chair	**Date:**	07/22/2026

R145. Charter School Finance Authority, Administration.
R145-1. Charter School Revolving Fund.
R145-1-1. Authority and Purpose.

(1) This rule is authorized by Utah Code, Section 53F-9-203.1.

(2) The purpose of this rule is to:

(a) establish procedures for administering the Charter School Revolving Fund;

(b) establish the interest rates of loans; and

(c) determine loan amounts and loan repayment conditions.

R145-1-2. Definitions.

The definitions used in Section 53G-5-601 apply to this rule.

(1) "Authority" means the Utah Charter School Finance Authority.

(2) "Charter School" means a public school created in accordance with Title 53G, Chapter 5, Charter Schools.

(3) "Charter School Revolving Fund" means a restricted account created within the Uniform School fund to provide assistance to charter schools to:

(a) meet school building construction and renovation needs; and

(b) pay for expenses related to the startup of a new charter school or the expansion of an existing charter school.

R145-1-3. Charter School Revolving Fund Application and Conditions.

(1) The Authority shall develop a loan application consistent with Section 53F-9-203.1, including criteria for urgent facility needs.

(2) The Authority may request any additional criteria or information from an applicant that the Authority finds necessary and helpful in making loan decisions.

(3)(a) The Authority shall accept applications for loans annually by April 30, subject to eligibility criteria and availability of funds.

(b) If the Authority does not distribute all available funds during its initial application process, the Authority may set deadlines to review additional applications.

(c) If there are insufficient funds to fund the entire amounts requested in approved loan applications the Authority may make loans for less than the requested amounts.

(4) To apply for a loan, a Charter School shall submit the information requested on the Authority's most current loan application form together with the requested supporting documentation.

(5) A charter school's application shall include a resolution from the governing board of the charter school that the governing board, at a minimum, agrees:

(a) to enter into the loan as provided in the application materials;

(b) to the interest and repayment schedule established by the Authority;

(c) that loan funds shall only be used consistent with the purposes of Section 53F-9-203.1 and the approved charter;

(d) to any inspections, audits or financial reviews ordered by the Authority; and

(e) to all terms required for the loan by the State Division of Finance, including:

(i) servicing by the State Division of Finance;

(ii) payment of an annual servicing fee; and

(iii) agreement to execute an electronic funds transfer agreement for monthly payments by the school.

(6) The term of each loan shall be five (5) years.

(7) The interest rate for each loan shall be the greater of two percent (2%) or the five (5) year Bloomberg Valuation Service (BVAL) AAA Callable Municipal Curve rate as published on EMMA.MSRP.org on the date of loan approval.

(8) A Charter School that obtains a loan will not be required to make a payment during the first twelve (12) months of the loan term and will be required to make monthly payments starting on the thirteenth (13th) month of the loan term, with payment being amortized over four (4) years.

(9) The Authority may include a tiered schedule of loan fund distribution.

(10) The Authority may determine whether a loan may be used for ongoing expenditures.

(11) If a loan recipient defaults on a loan made under this rule, the debt may be secured by funds contributed by charter schools to the Charter School Closure Reserve Account under Section 53F-9-307 after the defaulting school has made reasonable effort to resolve its debts and liquidate its assets as required by law.

(12) The Authority may employ the services of a financial advisor to review loan applications and make recommendations to the Authority about loan terms and any other relevant information.

KEY: charter school finance authority, charter school revolving fund, charter schools, charter school financing
Date of Enactment: July 20, 2027
Authorizing, and Implemented or Interpreted Law: 53F-9-203.1

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

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R152-11**	**Filing ID: 50236**

Effective date:	**07/17/2026**

1. Agency Information

Title catchline:	Commerce, Consumer Protection
Building:	Heber Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146704
City, state and zip:	Salt Lake City, UT 84114-6704

2. Contact Persons

Name:	**Phone:**	**Email:**
Daniel Larsen	801-530-6601	dcprules@utah.gov
Andrea Mitton	801-530-6601	dcprules@utah.gov

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

3. General Information

A. Rule catchline:
R152-11. Utah Consumer Sales Practices Act Rule

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 13-2-106(1)	This subsection authorizes the Division of Consumer Protection (division) director to issue rules to administer and enforce a chapter enforced by the division, including Title 13, Chapter 11, Utah Consumer Sales Practices Act.
Section 13-11-9	This section requires the division to make rules that specify acts or practices that violate Subsection 13-11-4(1).

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:
The division is unaware of any comments received about this rule during the last five years.

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 defines with specificity the acts and practices that violate the Utah Consumer Sales Practices Act, as required by Section 13-11-9. This rule also assists the division in protecting consumers and provides guidance to suppliers that allows them to conform their conduct to Section 13-11-4. While conducting the five-year review, the division determined that this rule required modernization and structural changes to conform to Executive Order No. 2021-12 and the Rulewriting Manual for Utah. The division has submitted a proposed rule that seeks to repeal the existing rule and readopt a new version. Until this rule is repealed and readopted, the current rule should remain in effect. Therefore, this rule should be continued. (EDITOR'S NOTE: The proposed repeal and readopt of Rule R152-11 is under ID 58115 in this issue, August 15, 2026, of the Bulletin.)

4. Agency Authorization Information

Agency head or designee and title:	Daniel Larsen, Managing Analyst	**Date:**	07/17/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R156-26a**	**Filing ID: 58008**

Effective date:	**07/30/2026**

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:
Matt Johnson	801-530-6628	mmjohnson@utah.gov

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

3. General Information

A. Rule catchline:
R156-26a. Certified Public Accountant Licensing Act Rule

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 58-26a-101	The Certified Public Accountant Licensing Act requires the Division of Professional Licensing (Division) to regulate the profession through the promulgation of rules.

Subsection 58-1-106(1)(a)	Among the enumerated powers of the Division under Title 58, this subsection includes "prescribing, adopting, and enforcing rules to administer [Title 58]."
Subsection 58-1-202(1)(a)	Among the enumerated powers of Boards created under Title 58, this subsection includes "recommending to the director appropriate 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 from interested persons supporting or opposing 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:
Title 58, Chapter 26a, the Certified Public Accountant Licensing Act, remains in force. This rule is the means by which the Division faithfully regulates that Act. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Adam Watson, Assistant Division Director	**Date:**	07/28/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R590-207**	**Filing ID: 54695**

Effective date:	**07/21/2026**

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:
R590-207. Health Producer Commissions for Small Employer Groups

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-30-104	Authorizes the insurance commissioner to establish guidelines relating to the commission structure for small group health insurance agents in the small employer group market.

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 requires that commission schedules not be set up by insurers to restrict or hinder agents from selling to small business owners. This rule is important because it eliminates the pressure on agents from insurers regarding the sale of guaranteed issue or renewal policies to small business owners. In this way, small employers are guaranteed health insurance coverage. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	**Date:**	07/21/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R590-237**	**Filing ID: 55387**

Effective date:	**07/21/2026**

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:
R590-237. Access to a Health Care Provider in a Rural County

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-45-501	Authorizes the insurance commissioner to identify, by rule, counties with a population density of less than 100 people per square mile, independent hospitals, and federally-qualified health centers.

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 requires health maintenance organizations (HMO) to provide enrollees in rural areas a notice that includes a list of non-HMO contracted medical providers they can use. This rule is needed to ensure that people living in rural areas have access to adequate health care services. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	**Date:**	07/21/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R907-66**	**Filing ID: 54542**

Effective date:	**07/21/2026**

1. Agency Information

Title catchline:	Transportation, Administration
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:
R907-66. Procurement of Consultant Services – Procedures and Contract Administration

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 63G-6a-107.7(5)	This subsection authorizes the Department of Transportation (department) to make rules governing the procurement of a highway construction project or highway improvement project.

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:
The department has received substantial comments since the last five-year review of this rule and are working on amendments to this rule in light of those comments.
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 department believes this rule in its current form is sufficient given the department's authority provided under the statute. Therefore, this rule should be continued.

The department is anticipating filing an amendment to this rule in the near future.

4. Agency Authorization Information

Agency head or designee and title:	Carlos M Braceras, PE, Commissioner	**Date:**	07/21/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R916-7**	**Filing ID: 57562**

Effective date:	**07/30/2026**

1. Agency Information

Title catchline:	Transportation, Operations, Construction
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:
R916-7. Appeals to UDOT Decisions on and Requesting Compliance with Nighttime Noise Permits

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 72-6-112.5	This section requires the Department of Transportation (department) to make rules establishing procedures for a local jurisdictional authority or local government to appeal the decision of the department to conduct nighttime construction; and for the local jurisdictional authority to request that the department enforce the terms of a noise permit.

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 period.
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 the department to have this 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:**	07/29/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R926-2**	**Filing ID: 52129**

Effective date:	**07/21/2026**

1. Agency Information

Title catchline:	Transportation, Program Development
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:
R926-2. Evaluation of Proposed Additions to or Deletions from the State Highway System

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 72-4-102.5	This section requires the Department of Transportation (department) to make rules establishing, defining, and designating certain aspects within the state highway system.

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 transportation code still requires the department to have a rule such as this in place. Therefore, this rule should be continued. The department is currently undergoing a study that relates to this rule and may anticipate changes at a later date.

4. Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Commissioner	**Date:**	07/15/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R926-3**	**Filing ID: 56401**

Effective date:	**07/21/2026**

1. Agency Information

Title catchline:	Transportation, Program Development
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:
R926-3. Class B or Class C Road Funds

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 72-2-109	This section requires the Department of Transportation (department) to make rules providing for uniform accounting of funds to be expended upon class B and C roads as required by the federal government under Title 23, United States Code Annotated, relating to federal aid for highway purposes together with all amendatory acts.
Section 72-3-103	This section authorizes Utah counties to spend funds allocated from the Transportation Fund under rules made by the department to construct and maintain class B roads in each county.
Section 72-3-104	This section authorizes Utah municipalities to spend funds allocated to them from the Transportation Fund under rules made by the department to construct and maintain class C roads within the corporate limits of each municipality
Subsection 72-2-110	This section allows counties and municipalities to use some class B and class C road funds to maintain class D roads.

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 Transportation Code still requires certain parts of this rule and authorizes others, and the department still feels it appropriate to keep the 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:**	07/15/2026

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.

Agriculture and Food
Animal Industry
No. 58022 (Amendment) R58-6: Poultry and Captive-Raised Gamebirds
Published: 06/15/2026
Effective: 07/27/2026

Specialized Products
No. 58045 (Amendment) R66-6: Home Delivery and Courier
Published: 07/01/2026
Effective: 08/07/2026

Alcoholic Beverage Services
Administration
No. 57999 (Repeal and Reenact) R82-9: Event Permits
Published: 06/01/2026
Effective: 08/06/2026

Commerce
Administration
No. 58031 (Amendment) R151-4: Department of Commerce Administrative Procedures Act Rule
Published: 06/15/2026
Effective: 07/22/2026

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. 58012 (Amendment) R156-40a: Athletic Trainer Licensing Act Rule
Published: 06/15/2026
Effective: 07/22/2026

No. 58032 (Amendment) R156-61: Psychologist Licensing Act Rule
Published: 07/01/2026
Effective: 08/07/2026

No. 58036 (Amendment) R156-72: Acupuncture Licensing Act Rule
Published: 07/01/2026
Effective: 08/07/2026

Education
Administration
No. 58054 (Amendment) R277-100: Definitions for Utah State Board of Education Rules
Published: 07/01/2026
Effective: 08/07/2026

No. 58055 (Amendment) R277-317: Incentives for National Board Certification
Published: 07/01/2026
Effective: 08/07/2026

No. 58056 (Amendment) R277-326: Early Literacy Coaches
Published: 07/01/2026
Effective: 08/07/2026

No. 58057 (Amendment) R277-328: Equal Opportunity in Education
Published: 07/01/2026
Effective: 08/07/2026

No. 58058 (Amendment) R277-404: Requirements for Assessments of Student Achievement
Published: 07/01/2026
Effective: 08/07/2026

No. 58059 (Amendment) R277-407: School Fees
Published: 07/01/2026
Effective: 08/07/2026

No. 58060 (Amendment) R277-419: Pupil Accounting
Published: 07/01/2026
Effective: 08/07/2026

No. 58061 (Amendment) R277-477: Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program
Published: 07/01/2026
Effective: 08/07/2026

No. 58062 (Amendment) R277-484: Data Standards
Published: 07/01/2026
Effective: 08/07/2026

No. 58063 (Amendment) R277-605: Coaching Standards and Athletic Clinics
Published: 07/01/2026
Effective: 08/07/2026

No. 58064 (Amendment) R277-607: Absenteeism and Truancy Prevention
Published: 07/01/2026
Effective: 08/07/2026

No. 58065 (Amendment) R277-625: Mental Health Screeners
Published: 07/01/2026
Effective: 08/07/2026

No. 58066 (Amendment) R277-632: Funding for At-Risk Students and Students Learning English
Published: 07/01/2026
Effective: 08/07/2026

No. 58051 (New Rule) R277-634: Grants and Scholarships
Published: 07/01/2026
Effective: 08/07/2026

No. 58067 (Amendment) R277-705: Secondary School Completion and Diplomas
Published: 07/01/2026
Effective: 08/07/2026

No. 58068 (Amendment) R277-726: Statewide Online Education Program
Published: 07/01/2026
Effective: 08/07/2026

No. 58069 (Amendment) R277-801: Services for Students who are Deaf, Hard of Hearing, Blind, visually Impaired, and Deaf-Blind
Published: 07/01/2026
Effective: 08/07/2026

No. 58070 (Amendment) R277-911: Secondary Career and Technical Education
Published: 07/01/2026
Effective: 08/07/2026

No. 58053 (Repeal) R277-916: College and Career Awareness
Published: 07/01/2026
Effective: 08/07/2026

No. 58052 (New Rule) R277-917: Gold Medal Schools Pilot Program
Published: 07/01/2026
Effective: 08/07/2026

No. 58071 (Amendment) R277-923: American Indian and Alaskan Native Education State Plan Programs
Published: 07/01/2026
Effective: 08/07/2026

Government Operations
Finance
No. 57997 (Amendment) R25-7: Travel-Related Reimbursements for State Travelers
Published: 06/01/2026
Effective: 07/17/2026

Health and Human Services
Population Health, Environmental Health
No. 57953 (Amendment) R392-304: Artificial Swimming Lagoons
Published: 05/15/2026
Effective: 08/03/2026

No. 57954 (Amendment) R392-701: Body Art Facility Sanitation
Published: 05/15/2026
Effective: 08/03/2026

Ombudsman (Office of)
No. 57747 (New Rule) R500-4: Congregate Care Ombudsman Program
Published: 01/15/2026
Effective: 07/30/2026

No. 57747 (Change in Proposed Rule) R500-4: Congregate Care Ombudsman Program
Published: 06/01/2026
Effective: 07/30/2026

Human Services Program Licensing
No. 57748 (New Rule) R501-19A: Residential Treatment, Congregate Care
Published: 01/15/2026
Effective: 07/30/2026

No. 57748 (Change in Proposed Rule) R501-19A: Residential Treatment, Congregate Care
Published: 06/01/2026
Effective: 07/30/2026

Higher Education (Utah Board of)
Administration
No. 58072 (New Rule) R765-135: Legal Services for Utah System of Higher Education Degree-Granting Institutions
Published: 07/01/2026
Effective: 08/12/2026

No. 58043 (Amendment) R765-606: USHE Employee Partner Scholarship
Published: 07/01/2026
Effective: 08/12/2026

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. 58074 (Repeal and Reenact) R652-122: Cooperative Agreements
Published: 07/01/2026
Effective: 08/11/2026

No. 58011 (New Rule) R652-151: Utah Bioprospecting Act
Published: 06/15/2026
Effective: 07/27/2026

End of the Notices of Rule Effective Dates Section