

UTAH STATE BULLETIN

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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EXECUTIVE DOCUMENTS

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

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

EXECUTIVE ORDER

2026-06

Establishing and Launching the Utah Quantum Initiative

WHEREAS, quantum technology represents one of the defining economic and national-security frontiers of the coming decade, and federal investment in quantum information science is expanding across the Department of Energy, the National Science Foundation, the Department of War, and the Department of Commerce, and is opening a window of opportunity for states;

WHEREAS, Utah possesses a mature, cross-sector innovation culture in which government, higher education, and industry coordinate quickly and effectively, giving the State a structural advantage few others can match;

WHEREAS, Utah maintains a strong, complementary university research base, with established strength in quantum sensing and photonics, quantum materials, and backed by mature high-performance computing infrastructure that supports quantum simulation and hybrid classical-quantum workflows;

WHEREAS, Utah's semiconductor, electronics, and advanced manufacturing base positions the State to lead in the strategically vital role of quantum hardware integration, including cryogenic control electronics, advanced packaging, and interconnect fabrication;

WHEREAS, on June 22, 2026, President Donald J. Trump issued Executive Order 14413 dedicating federal resources to support the quantum technology ecosystem, and directing the National Science Foundation to take steps to issue grants to establish quantum facilities;

WHEREAS, Utah's existing defense, aerospace, energy, and federal research relationships, including major installations such as Hill Air Force Base and Dugway Proving Ground, provide a natural pathway into federal quantum programs and ready sites for quantum sensing and timing testbeds;

WHEREAS, Utah's substantial life-sciences and biotechnology sector represents a leading demand-side application for quantum computing, including molecular simulation and drug discovery, with globally significant firms already advancing quantum-algorithm development for biology under Utah-based technical leadership, giving the State an early industry anchor in one of quantum's highest-value application domains;

WHEREAS, Utah's growing startup and investment ecosystem provides existing capital and commercialization infrastructure on which a quantum economy can be built; and

WHEREAS, the State now seeks to formalize and accelerate this work as a named priority of Utah's economic strategy and to coordinate the policy and funding needed to advance it;

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

1. **Creation of the Utah Quantum Initiative.** This Order creates the Utah Quantum Initiative (Initiative). The Initiative shall be a key part of Utah's economic strategic plan.
2. **Convening Body and Coordination.** The Governor's Office of Economic Development (GOED) shall lead the Initiative and shall invite the Nucleus Institute (Nucleus) to co-lead the Initiative.
3. **Creation of the Quantum Coordination Council.** This order creates a statewide Quantum Coordination Council consisting of the following members:
 - a. The commissioner of GOED, who shall chair the Council;
 - b. The executive director of Nucleus, if the executive director is not serving as the commissioner of GOED, or another representative of Nucleus, if the executive director is serving as the commissioner of GOED;
 - c. The commissioner of the Utah Department of Veterans and Military Affairs or a designee of the commissioner;
 - d. The director of Talent Ready Utah or the director's designee, if the director accepts;
 - e. A representative from GOED designated by the GOED commissioner;
 - f. A representative from the Governor's Office of Planning and Budget (GOPB) designated by the executive director of GOPB;
 - g. A representative from a research institution of higher education in the state, as invited by the commissioner of GOED in consultation with the commissioner of Higher Education; and
 - h. With approval of the Governor's Office, other Utah university, industry, government, and legislative partners invited by the commissioner of GOED to accomplish the strategic priorities below.
4. **Strategic Priorities.** The Council shall pursue the following strategic priorities of the Utah Quantum Initiative:
 - a. Leverage core research and hardware strengths in quantum sensing, photonics, and semiconductor manufacturing, supported by the state's high-performance computing base for quantum simulation and hybrid workflows, positioning Utah as a national leader in quantum hardware integration;
 - b. Under Talent Ready Utah's direction, if Talent Ready Utah elects to participate, build and retain a quantum-ready workforce, through dedicated career pathways, dual-degree and apprenticeship programs, and a formal commitment to keeping Utah-trained talent in Utah;
 - c. Leveraging the Nucleus Institute (which is under the direction of the Utah Board of Higher Education), advance commercialization and industry growth by extending the state's existing commercialization infrastructure to quantum-enabled companies and pilots, including quantum applications in Utah's life-sciences and biotechnology sector such as molecular simulation and drug discovery;
 - d. Strengthen supply chain and federal positioning by coordinating with relevant stakeholders to seek to establish a single point of contact for federal quantum funding opportunities;
 - e. Develop a defense-sector engagement strategy in quantum sensing and communications;
 - f. Build public understanding and national reputation through a coordinated communications strategy and regular reporting on the Initiative's progress; and
 - g. Coordinate with the Governor's Office of Planning and Budget and Legislature to identify the policies and funding required to advance the Initiative, and prepare recommendations in partnership with legislative leadership for the upcoming legislative session.
5. **Statewide Quantum Landscape Report and Ongoing Monitoring.** The Council shall:
 - a. No later than March 30, 2027, complete a statewide quantum landscape report (Report) mapping Utah's research infrastructure, manufacturing capacity, and workforce assets and submit the Report to the Governor and the Economic Development and Workforce Services Interim Committee; and
 - b. Maintain an ongoing assessment of the Initiative's progress.

THIS ORDER is effective immediately and shall remain in effect until December 31, 2028.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah on this, the 10th day of August, 2026.

(State Seal)

Spencer J. Cox
Governor, State of Utah

ATTEST:

Deidre M. Henderson
Lieutenant Governor, State of Utah

EXECUTIVE ORDER
2026-07

Establishing the Recovery Utah Initiative

WHEREAS, recovery from homelessness, addiction, and mental illness is possible;

WHEREAS, Utah is committed to building a state where hope is backed by action;

WHEREAS, compassion and service, partnered with accountability, are essential to addressing homelessness in our state;

WHEREAS, Utah's focus on recovery is working: in 2026, overall homelessness in Utah declined 1.6%, fatal overdoses declined 9.3%, and unsheltered homelessness declined 9.7%;

WHEREAS, despite these improvements, there are areas where continued focus is needed;

WHEREAS, the State's homelessness strategy is driven by three foundational pillars, (1) Accountability for High Utilizers in the Criminal Justice System, (2) Emergency Shelter & Affordable Housing, and (3) Mental & Behavioral Health Infrastructure, which serve as the guiding principles for state policy, interagency alignment, and strategic financial investment;

WHEREAS, the Recovery Utah Initiative is the implementation engine for goals embedded in "Built Here," my second term strategic roadmap, including reducing drug deaths by 25%, cutting the number of people who exit custody into homelessness by 25%, increasing inpatient beds for serious mental illness by 10%, and building 150,000 new housing units by 2029;

WHEREAS, the Legislature of the State of Utah appropriated over \$40 million in 2026 in support of these priorities, reflecting a shared commitment to help communities, families, and individuals heal;

WHEREAS, the resources, programs, and goodwill to address homelessness exist across Utah, but too often operate in isolation, producing fragmented outcomes for people who need coordinated support;

WHEREAS, Utah's diverse faith communities, churches, and religious organizations represent a vital, compassionate frontline, carrying a deep moral mandate and unmatched grassroots presence to serve those experiencing homelessness;

WHEREAS, a capable team of state entities, local governments, religious and philanthropic institutions, private entities, and federal partners are working tirelessly to resolve homelessness;

WHEREAS, Utah is home to thousands of people who have battled back from homelessness, mental illness, and the chronic disease of addiction, and their personal experience and hard-won expertise are among the most valuable assets our state has in solving this crisis; and

WHEREAS, The Recovery Utah Initiative, grounded in the three pillars of this strategy, will demonstrate that coordination, aligning resources, eliminating duplication, and holding all partners accountable to shared outcomes are keys to success;

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

1. **Purpose.** The purposes of this Executive Order are to:

a. Establish the Recovery Utah Initiative to implement the Three Pillars in an effort to help Utah individuals, families, and communities struggling with homelessness, poverty, addiction, and mental illness find a path to recovery and success;

b. Strengthen agency collaboration on Utah's strategic goals; and

c. Facilitate a coordinated response between local government, faith-based communities, the healthcare sector, and the private sector to address homelessness.

2. **Application.** This order applies to certain state agencies, as defined below.

3. **Definitions.** As used in this order:

a. "Agency"

i. Agency includes the following entities within the state executive branch:

1. the Department of Commerce;
2. the Department of Corrections;
3. the Department of Health and Human Services;
4. the Department of Criminal Justice;
5. the Department of Public Safety;
6. the Department of Workforce Services;
7. the Division of Housing and Community Development;
8. the Office of Homeless Services; and
9. Any other department, division, office, bureau, or other organization within the state

executive branch, if invited by the Council described below.

ii. Agency does not include:

1. an institution of higher education;
2. the Utah Board of Higher Education;
3. the State Board of Education;
4. an independent entity as defined in Utah Code § 63E-1-102;
5. the Attorney General's Office;
6. the State Auditor's Office;
7. the State Treasurer's Office;
8. the Legislative Branch; or
9. the Judicial Branch.

b. "Three Pillars" means the three pillars of the State's homelessness strategy, which are:

- i. Accountability for High Utilizers in the Criminal Justice System;
- ii. Emergency Shelter & Affordable Housing; and
- iii. Mental & Behavioral Health Infrastructure.

4. **Recovery Utah Initiative Council.**

a. This Order establishes the Recovery Utah Initiative Council ("Council") to be comprised of the following individuals:

i. the Governor's Senior Advisor for Homelessness, who also serves as State Homeless Coordinator, as chair of the Council;

ii. Two vice-chairs with lived experience in homelessness, selected by the Governor's Senior Advisor for Homelessness;

iii. at least one representative from the faith community, selected to unify and integrate faith-based outreach, programs, and community-level support into statewide strategies, selected by the Governor's Senior Advisor for Homelessness;

iv. the chair of the Utah Homeless Services Board;

v. the commissioner of the Department of Commerce or the commissioner's designee;

vi. the commissioner of the Department of Corrections or the commissioner's designee;

vii. the commissioner of the Department of Health and Human Services or the commissioner's designee;

viii. the commissioner of the Department of Criminal Justice or the commissioner's designee;

ix. the commissioner of the Department of Public Safety or the commissioner's designee;

x. the commissioner of the Department of Workforce Services or the commissioner's designee;

xi. the Senior Advisor on Housing Strategy and Innovation;

xii. the Chair of the Behavioral Health Commission or the chair's designee; and

xiii. a representative of any other agency, as needed to accomplish the Council's objectives, as invited by the Senior Advisor for Homelessness in consultation with the Governor's Office.

b. Members of the Council will meet as determined by the chair to:

i. Prioritize issues in the Three Pillars framework for focused efforts;

ii. Identify opportunities for greater cross-agency and cross-issue collaboration around homelessness policy areas;

iii. No later than October 1, 2027, and annually thereafter, provide a report to the Governor and the Health and Human Services Interim Committee on the progress of this Executive Order.

c. The Council shall establish criteria for the Recovery-Ready designation, provide technical assistance to participating municipalities, and prioritize designated Recovery-Ready Communities for relevant state-administered grant opportunities and interagency resource alignment.

5. State Homelessness Coordinator. The State Homelessness Coordinator shall:

- a. Serve as chair of the Council and facilitate quarterly Council meetings;
- b. Guide the development and implementation of goals related to the Three Pillars;
- c. Invite representatives from local governments, the private sector, non-profit institutions, and religious organizations to participate in Council discussions;
- d. Select the members of the council subject to the criteria listed above;
- e. Coordinate the preparation and dissemination of homelessness data across state agencies; and
- f. Provide general support to the activities of the Council.

6. Agencies. Agencies shall:

- a. As invited by the Council, present on efforts regarding the Three Pillars at Council meetings;
- b. Bring challenges and needs to the Council for dialogue and collaborative solution identification;
- c. Receive recommendations from the Council to enhance coordination and statewide alignment and incorporate them as appropriate; and
- d. Collaboratively participate in the discussions and activities of the Council and its partners to the fullest extent possible.

7. Local Governments and Recovery-Ready Communities. County and city governments are key leaders in building a supportive environment for individuals and families seeking help. Local governments are invited and encouraged to:

- a. Pursue Recovery-Ready Community Designation: Cities and counties may apply to the Council to be designated as a "Recovery-Ready Community." To qualify, a municipality or county shall demonstrate a framework that removes barriers to care and strengthens resources across the entire continuum, including prevention, treatment, and recovery support.
- b. Treat the local response comprehensively by measuring and improving outcomes across four core areas:
 - i. Public Health: Expanding access to behavioral health services, overdose prevention, and addiction treatment;
 - ii. Public Safety: Strengthening accountability and public safety efforts within the local criminal justice system;
 - iii. Education & Youth Support: Providing school and community-based prevention and family support resources; and
 - iv. Economic Viability: Promoting stable housing, workforce re-entry, and economic mobility for individuals in recovery.
- c. Align local land use, housing, criminal justice, and health investments with the Recovery Utah Initiative and participate in interagency Council discussions through designated local representatives.

8. Other Entities. Other entities, including private sector partners, non-profits, and religious organizations are invited to:

- a. Partner with the state on investments and other efforts to help individuals, families, and communities recover; and
- b. Participate in interagency coordination efforts through designated representatives.

THIS ORDER is effective immediately and shall remain in effect until otherwise modified, amended, rescinded, or superseded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done on this, the 21st day of September, 2026.

(State Seal)

Spencer J. Cox
Governor

ATTEST:

Deidre M. Henderson
Lieutenant Governor

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between September 16, 2026, 12:00 a.m., and October 01, 2026, 11:59 p.m. are included in this, the October 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 November 16, 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 February 12, 2027, 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:** Amendment**Filing ID:** 58296**Rule or section number:****R156-4a****1. Agency Information**

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	Phone:	Email:
Kelli Jacobsen	801-530-6291	kellijacobsen@utah.gov

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

3. General Information**A. Rule or section catchline:**

R156-4a. Utah Professionals Health Program Rule

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

SB 26 passed by the Legislature in the 2024 General Session and SB 117 passed by the Legislature in the 2026 General Session updated Title 58, Chapter 4a, Utah Professionals Health Program (UPHP), to allow a broader range of licensed professionals to participate in UPHP and allow the Division to promulgate rules regarding informal adjudicative proceedings for terminating a program contract and placing a licensee on probation.

The proposed rule amendments establish those standards in accordance with the advice and recommendations of UPHP's executive advisory committee.

Additionally, the proposed amendments streamline and update this rule throughout by refining and adding definitions, adding language to clarify and provide for UPHP practices and procedures, and making nonsubstantive formatting changes for clarity and to conform this rule to standard drafting conventions.

C. Summary of the new rule or change:

Section R156-4a-101a is renumbered to R156-4a-101 and amended to conform with the Division of Professional Licensing (Division) standard drafting conventions and to update citations.

Section R156-4a-101b is removed as the language was moved to Section R156-4a-101.

Section R156-4a-102 is amended to conform with standard Division introductory language and to meet drafting requirements. This section also adds a definition for "approved return to work plan," "collateral source," "diagnostic monitoring," and "required party."

This section also refines the definitions of "continuing care," "evaluator," "private agreement to not practice," "program contract," "record," and "worksite practice liaison." Finally, this section removes the definitions for misconduct, diversion agreement, qualifying condition, relapse, screening, and substance abuse.

Section R156-4a-103a is amended to conform with Division standards and drafting guidelines. This section also further explains practice accommodations and limitations, adds language to differentiate between UPHP and the UPHP program, and adds an additional consideration to the UPHP program intake session to determine if the licensee should withdraw or refrain from practice and execute a private agreement to not practice.

Section R156-4a-103b is amended to conform with Division standards and drafting guidelines, clarify language by being more specific, and add language about a leave of absence and steps for returning to work.

Section R156-4a-105 is amended to add the requirement that a program contract includes language about costs associated with participation in the UPHP program. This section is amended to conform to Division standards and drafting guidelines.

Section R156-4a-107 is amended to clarify and add more detail including the terms of public probation that may be included in an order.

Section R156-4a-110 is amended to place the information into a table format.

Section R156-4a-111 is amended to more clearly state the requirements for UPHP agreements with third parties. Additionally, this section is amended to detail the requirements of a comprehensive clinical evaluation and the evaluators who do the evaluations. This section is also amended to conform to Division standards and drafting guidelines.

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 26 (2024 General Session), SB 117 (2026 General Session)

5. Fiscal Information

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

A. State budget:

The Division does not anticipate any fiscal impact to the state budget beyond that determined by the fiscal notes for SB 26 (2024) at: <https://le.utah.gov/Session/2024/bills/static/SB0026.html>, and SB 117 (2026), and at: <https://le.utah.gov/~2026/bills/static/SB0117.html> because the proposed amendments clarify and update this rule to be compatible with the statutory changes and accurate for licensees.

B. Local governments:

The Division does not anticipate any cost or savings to local governments from the proposed amendments because the proposed amendments do not apply to local governments.

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

There are no aggregate anticipated cost or savings to small businesses because these proposed amendments do not create new obligations for small businesses, nor do they increase the costs associated with any existing obligation.

Individual participation in the UPHP program is voluntary and optional.

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 these proposed amendments do not create new obligations for non-small businesses, nor do they increase the costs associated with any existing obligation.

Individual participation in the UPHP program is voluntary and optional.

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 other persons because these proposed amendments do not create new obligations for other persons, nor do they increase the costs associated with any existing obligation.

Individual participation in the UPHP program is voluntary and optional.

F. Compliance costs for affected persons:

As described in Box 5E for other persons, no compliance costs are expected for affected persons.

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 W. 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 58-1-106(1)	Subsection 58-4a-103(2)	Subsection 58-4a-107(4)
Subsection 58-4a-110(2)		

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:

11/16/2026

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

Date:	Time:	Place (physical address or URL):
		Anchor Meeting Location: Heber M Wells Building Room 402 160 E 300 S Salt Lake City, UT

		Google Meet joining info: Video call link: https://meet.google.com/qyr-rvcq-edn Or dial: (US) +1 260-215-6455 PIN: 217 815 599# More phone numbers: https://tel.meet/qyr-rvcq-edn? pin=2112834373143
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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)	11/23/2026
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13. Agency Authorization Information

Agency head or designee and title:	Deborah Blackburn, Assistant Director	Date:	10/01/2026
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R156. Commerce~~[-Occupational and]~~, Professional Licensing.**R156-4a. Utah Professionals Health Program Rule.****R156-4a-101[a]. Title - Authority - Relationship to Rule R156-1.**

(1) This rule is known as the "Utah Professionals Health Program Rule."

(2) This rule is adopted by the Division under the authority of Section 58-4a-103 to enable the Division to administer Title 58, Chapter 4a, Utah Professionals Health Program.

(3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-101.

~~[R156-4a-101b. Authority - Purpose - Organization.~~

~~(1) This rule is adopted by the Division under the authority of Section 58-4a-103 to enable the Division to administer Title 58, Chapter 4a, Utah Professionals Health Program.~~

~~(2) The organization of this rule and its relationship to Rule R156-1, General Rule of the Division of Occupational and Professional Licensing, is as described in Section R156-1-107.]~~

R156-4a-102. Definitions.

~~[In addition to the definitions] Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act and Title 58, Chapter 4a, Utah Professionals Health Program. [-Occupations and Professions, as used in Title 58, Occupations and Professions, or in Title R156, Commerce, Occupational and Professional Licensing, the following rule definitions supplement the statutory definitions] In addition:~~

(1) "Abstinence" or "abstain" is ~~[means the same as]~~ defined in the FSPHP Guidelines~~[:] [T]~~ and means the absence of substances that are UPHP nonapproved mind~~-or mood-~~altering, including alcohol and other substance use disorder potentiating substances.

(2) "Abstinence-based ~~[self-]mutual~~ help group" means a ~~[self-]mutual~~ help group ~~[having]~~with a foundation in abstinence that is approved by ~~[the Division]~~UPHP for a participant to attend.

~~[(3) "Aftercare" means the same as Continuing Care.]~~

~~[(4)3] "Acknowledgment of Participation" means a document signed by a UPHP participant and a required party [required by the participant's program contract] in which:~~

~~(a) the participant certifies that the participant has informed the required party of the participant's participation in UPHP; and~~

~~(b) the required party certifies that they have reviewed the program contract.~~

~~[(5)4] "[Compliance]Adherence [M]monitoring" means the coordination of services on behalf of the participant to ensure the integrity of monitoring and continuing care accountability.~~

~~(5) "Approved Return to Work Plan" as used in Subsection R156-4a-103b(3)(e) means UPHP approval of a participant's return to practice after a period of leave during which a participant was determined fit to practice and includes identification of the steps that shall be taken to ensure safe and supported return to practice.~~

~~(6) "Comprehensive [C]clinical [E]evaluation" means the evaluation described in Subsection R156-4a-111(2). [a Division approved independent evaluation of a participant that:~~

~~(a) is diagnostically rigorous;~~

~~(b) is tailored to the specific needs of the participant;~~

~~(c) includes collateral information; and~~

~~(d) assesses the presence of a substance use disorder and of any other conditions that may affect the participant's physical or psychological fitness for practice.]~~

NOTICES OF PROPOSED RULES

(7)(a) "Collateral source" means an individual or entity, other than the participant, who has been authorized by the participant or is otherwise permitted by law to provide information to UPHP regarding the participant's adherence with UPHP agreements including a program contract.

(b) "Collateral source" may include:

(i) a treatment provider;

(ii) an employer or supervisor;

(iii) a family member;

(iv) an educational institution;

(v) a friend or acquaintance;

(vi) a community organization;

(vii) a law enforcement or investigative body; or

(viii) another person with relevant knowledge.

~~[(7) "Continuing Care" means the same as defined in the FSPHP Guidelines: Care that follows the acute phase of intervention and initial treatment, sometimes referred to as aftercare. Professional health programs oversee and monitor the continuity of care to ensure progress and continued compliance. Continuing Care includes PHP guidance, support, toxicology collection, and accountability through a formal monitoring contract concurrent with or following an evaluation or treatment process.]~~

(8) "Continuing care" as used in Subsections R156-4a-103b(1)(c) and (3)(i) is defined in the FSPHP Guidelines and means care that:

(a) follows the acute phase of intervention and initial treatment and is sometimes referred to as aftercare;

(b) is overseen and monitored by UPHP to ensure progress and continued adherence;

(c) includes UPHP guidance, support, toxicology, collection, and accountability through a formal monitoring contract concurrent with or following an evaluation or treatment process.

(9) "Diagnostic monitoring" as used in Section 58-4a-105 means UPHP monitoring under a program contract that occurs when an evaluator cannot establish a definitive substance use disorder diagnosis under current DSM criteria but identifies safety-to-practice concerns.

~~[(8)10] "Evaluator[s]" ~~means the same as~~ is defined in the FSPHP Guidelines~~;~~ and means [Q]qualified clinical experts who are~~;~~ consulted to investigate possible psychiatric or physical illness that potentially can cause impairment. Evaluators are used to formulate impressions, diagnoses, treatment plans, and suggestions for effective monitoring.]~~

(a) consulted to investigate possible psychiatric or physical illnesses that may cause impairment; and

(b) used to formulate impressions, diagnoses, treatment plans, and suggestions for effective monitoring.

(9)11] "FSPHP" means the Federation of State Physician Health Programs.

~~[(10)12] "FSPHP Guidelines" means the FSPHP's Physician Health Program Guidelines, April 16, 2019, 1st Edition, which is [hereby] incorporated by reference.~~

(11)13] "Impairment" means the inability of a participant to safely engage in the participant's profession as a result of their substance use disorder.

(12)14] "Intake [S]session" means the procedure described in Subsection R156-4a-103a(3) to gather information from a licensee regarding entry into UPHP and to provide information about UPHP to the licensee.

~~[(13) "Miseconduct" means a licensee's acts or omissions alleged to constitute either unprofessional or unlawful conduct, or both, that serve as the basis to consider the licensee for participation in UPHP.]~~

(14)15] "Participant" means a licensee participating in UPHP pursuant to an executed program contract~~[or diversion agreement].~~

(15)16] "Private Agreement to Not Practice" means a voluntary and private written agreement ~~[between]~~ signed by the licensee and ~~[the]~~ UPHP to withdraw from practice and not return to practice until authorized by ~~[the]~~ UPHP.

(16)17(a) "Program contract[s]" as defined in Subsection 58-4a-102(4)[s] includes each written agreement entered into by a participant and the Division or UPHP~~[and may include multiple documents].~~

(b) "Program contract" may include multiple documents or agreements, entered into concurrently or successively, and which may vary in terms, components, and duration at the discretion of UPHP based on the participant's comprehensive clinical evaluation and adherence.

~~[(17) "Qualifying condition" means a participant's substance use disorder that makes the participant eligible to participate in the UPHP.]~~

(18) "Record" means ~~[the stored documentation of a potential participant's or participant's contacts and interaction with and participation in the UPHP]~~ information created, received, or maintained by UPHP, regardless of format, that pertains to a licensee's application for participation in UPHP and includes documents, electronic data, photographs, and any other forms of stored information.

(19) "Relapse" means the same as ~~[R]~~return to use behavior.

(20) "Report" means a report from a collateral source addressing a participant's ~~[compliance]~~ adherence with UPHP agreements, including a program contract~~[or diversion agreement].~~

(21) "Required party" as used in Subsection R156-4a-102(3) means a third party outside of UPHP who provides services to the participant as part of the participant's program contract and participation in UPHP, and may include the participant's employer, worksite liaison, therapist, or any individual prescribing medication to the participant.

(22)12] "Return to use behavior" means a spectrum of thoughts and behaviors suggestive of increased risk for use or actual use of an unapproved substance[s] and is also known as relapse.

~~[(22) "Return to work plan" means the Division approval of a participant's return to practice after a period of leave during which a participant was determined fit to practice, and includes identification of the steps that shall be taken to ensure safe and supported return to practice.]~~

~~(23) "Screening" means the UPHP's initial meeting with a licensee to gather basic demographic information and information about the circumstances of the referral, and to schedule the intake session. A screening may also include discussion of UPHP confidentiality and its limits.]~~

(2)[4]3) "Substance" ~~[means the same as]~~is defined in the FSPHP Guidelines[;] and means a [M]mind- or mood-[-]altering substance[s] defined in law as a controlled substance[s; for example,] including alcohol or another legal or illegal substance[s] that ~~[are]~~is mind- or mood-[-]altering and can potentially impact the individual's ability to practice.

~~[(25) "Substance abuse" means the same as defined in the FSPHP Guidelines: The essential feature of substance abuse is a maladaptive pattern of substance use manifested by recurrent and significant adverse consequences related to the repeated use of substances.]~~

~~[(26)24) "Toxicology testing" means the collection of urine, blood, oral fluid, hair, nails, sweat, or breath used to deter and detect unauthorized drug or alcohol use by a participant.~~

~~[(27)25) "Treatment" [means the same as]is defined in the FSPHP Guidelines[;F] and means the delivery of care and rehabilitation to a participant experiencing a potentially impairing illness, including a course of inpatient or outpatient care, treatment, or rehabilitation services provided or supervised by a [person]licensed health care professional authorized to provide such services [for the purpose of]to alleviate[ion of] impairment and improve[ment of] illness.~~

~~[(28)26) "Treatment provider" [means the same as]is defined in the FSPHP Guidelines[;-] and means an [I]individual[s], organization[s], or another entity composed of licensed professionals who are providing care and treatment to a participant.~~

~~[(29)27) "UPHP" means the Utah Professionals Health Program.~~

~~[(30)28) "UPHP Medication Policy" means the policy identified in Subsection R156-4a-103b(3) regarding participant use of medication.~~

~~[(34)29) "UPHP participation standards" means the criteria identified in Subsections R156-4a-103b(3) and R156-4a-105(5) for licensee participation in UPHP.~~

~~[(32)30) "UPHP Return to Use Behavior Policy" means the policy identified in Subsection R156-4a-103b(3) regarding participant return to use behavior.~~

~~[(33)31) "Worksite practice liaison" means [a participant's UPHP approved nonsubordinate support person who]an individual approved by UPHP to provide support to the participant who meets the following requirements:~~

~~(a) is not the participant's subordinate;~~

~~[(a)b] has regular contact with the participant in the participant's practice setting;~~

~~[(b)c] understands the signs and symptoms of substance use disorder;~~

~~[(e)d] can make independent objective judgments regarding the participant without risk of undue influence by the participant;~~

~~[(d)e] is authorized by the participant to communicate with [the]UPHP; and~~

~~[(e)f] reports to [the]UPHP on the participant's worksite practice behavior and performance.~~

R156-4a-103a. UPHP Eligibility and Entry.

(1) Under Subsection 58-4a-103(2)(a) and Section 58-4a-105, each licensee applying to participate in ~~[the]UPHP~~ shall complete the following steps ~~[in accordance with UPHP eligibility process policies and procedures, including time deadlines]by the deadline provided by UPHP:~~

(a) complete an intake session under Subsection R156-4a-103a(3);

(b) complete a comprehensive clinical evaluation;

(c) comply with toxicology testing as requested by ~~[the]UPHP~~;

(d) submit documentation satisfactory to ~~[the]UPHP~~ that the licensee meets UPHP eligibility criteria;

(e) comply with additional eligibility process requirements as determined by ~~[the]UPHP~~ ~~[including for example one or more of the following] which may include:~~

(i) a practice accommodation[s] or limitation[s] including a Private Agreement to Not Practice as defined in Subsection R156-4a-102(16);

(ii) increased frequency of toxicology testing; or

(iii) a restriction[s] on access to mind- or mood-[-]altering substances and use of medication treatment; and

(f) execute a program contract.

(2) A licensee may not participate in ~~[the]UPHP~~ if:

(a) the licensee has harmed a patient by providing care below the expected standard of care that resulted in an adverse consequence for the patient;

(b) the licensee has engaged in unlawful conduct or unprofessional conduct as defined by statute or rule under Title 58, Occupations and Professions, with respect to:

(i) a criminal sexual act; or

(ii) ~~[a boundary violation]sexual misconduct~~ that the licensee's comprehensive clinical evaluation determines is unrelated to the licensee's substance use disorder;

(c) the licensee has a currently active or pending criminal action, adjudicative proceeding, or charge alleging:

(i) a criminal sexual act; or

(ii) ~~[a boundary violation]sexual misconduct~~ that the licensee's comprehensive clinical evaluation determines is unrelated to the licensee's substance use disorder;

(d) when a licensee is considered for UPHP eligibility, the licensee's license to practice in another jurisdiction was surrendered while under investigation, or is currently publicly conditioned, curtailed, limited, restricted, suspended, on probation, or otherwise subject to public discipline; or

NOTICES OF PROPOSED RULES

- (e) ~~the~~ UPHP otherwise determines that the licensee is not a ~~[-]~~good candidate for participation in UPHP.
- (3) UPHP ~~[I]~~intake session procedures shall include the following:
- (a) ~~the~~ UPHP shall:
- (i) provide UPHP information to the licensee~~[-to]~~ including~~[e]~~ UPHP confidentiality and its limits and the types of information ~~the~~ UPHP is mandated to ~~[and will]~~report to a regulatory authority including the Division;
- (ii) gather information about the circumstances that led the licensee to contact ~~the~~ UPHP;
- (iii) gather clinical information regarding the licensee's potential substance use disorder, to include a preliminary diagnosis and need for immediate treatment;
- (iv) determine if the licensee may be eligible for participation in ~~the~~ UPHP~~[-]~~ and if ~~the~~ UPHP may be mandated to report licensee information to a regulatory authority, and discuss this information with the licensee~~[-and]~~
- (v) determine if the licensee should withdraw or refrain from practice and execute a Private Agreement to Not Practice as defined in Subsection R156-4a-102(14); and
- (vi) if ~~the~~ UPHP determines that the licensee may be eligible for participation in ~~the~~ UPHP, ~~the~~ UPHP shall provide the licensee with a list of ~~[UPHP approved]~~evaluators approved by UPHP.
- (b) the licensee shall ~~[complete]~~submit to UPHP an initial ~~[R]~~release of ~~[I]~~information form that includes the names of the licensee's evaluators and additional sources as determined by ~~the~~ UPHP.
- (4) The licensee's comprehensive clinical evaluation shall be completed by:
- (a) a multidisciplinary team at an evaluation center that has established expertise in the assessment of healthcare providers or other safety-sensitive professions with substance use disorders; or
- (b) a qualified specialist approved by UPHP.
- (5)(a) The licensee shall obtain the required comprehensive clinical evaluation within 30 days after the day of the licensee's intake session.
- (b) ~~The~~ UPHP may grant an extension of time to a licensee to obtain the required comprehensive clinical evaluation if:
- (i) there is a lack of available evaluators or a waiting list to access an evaluation;
- (ii) the licensee needs further evaluation; or
- (iii) upon reasonable cause as determined by ~~the~~ UPHP.
- (6)(a) An evaluator shall provide the licensee's comprehensive clinical evaluation report to ~~the~~ UPHP.
- (b) An evaluator may not recommend a specific treatment provider for a licensee.
- (7) ~~The~~ UPHP shall make the final determination of a licensee's eligibility to participate in ~~the~~ UPHP based upon ~~the~~ UPHP's review of:
- (a) the licensee's comprehensive clinical evaluation report, treatment records, and other applicable medical records;
- (b) the licensee's documentation that the licensee meets ~~the~~ UPHP eligibility criteria; and
- (c) other information determined relevant by ~~the~~ UPHP to the licensee's participation.
- (8)(a) After ~~the~~ UPHP determines a licensee is eligible to participate in ~~the~~ UPHP, ~~the~~ UPHP shall develop the terms and conditions of the licensee's program contract and offer the program contract to the licensee.
- (b)(i) A licensee shall meet with ~~the~~ UPHP to review and execute the program contract within 30 days after the day ~~the~~ UPHP offers the program contract to the licensee.
- (ii) ~~The~~ UPHP may grant an extension of time to a licensee to execute the program contract upon reasonable cause as determined by ~~the~~ UPHP.
- (9)(a) The following do not constitute disciplinary action by the Division, and the Division may not report them to a disciplinary database:
- (i) a licensee's execution of a program contract; or
- (ii) a licensee's agreement with ~~the~~ UPHP to comply with each practice accommodation[s] or limitation[s] under Subsection R156-4a-103a(1)~~(c)(i)~~.
- (b) Notwithstanding Subsection (9)(a), to the extent required by statute or rule pertaining to a compact in which Utah is a member, ~~the~~ UPHP may report non-confidential data to a compact database.

R156-4a-103b. Participation - UPHP Components and UPHP Participation Standards.

- (1) Under Section 58-4a-103, participation in ~~the~~ UPHP shall include the following components, as determined by ~~the~~ UPHP:
- (a) an executed program contract~~[- or diversion agreement];~~
- (b) a comprehensive clinical evaluation;
- (c) participation and attendance in treatment and continuing care with the treatment providers approved by ~~the~~ UPHP;
- (d) ~~[compliance]~~adherence monitoring;
- (e) interstate monitoring;
- (f) participant contact, including at least quarterly reports by a worksite practice liaison;
- (g) monthly or quarterly reports, including at least quarterly reports by a therapist;
- (h) medication logs;
- (i) ~~[support]~~abstinence-based mutual help group attendance;
- (j) toxicology testing; and
- (k) any other components as determined by ~~the~~ UPHP.
- (2)(a) Monitoring of a participant pursuant to the terms and conditions of the program contract shall begin upon the participant's execution of the program contract.

(b) If the program contract requires residential or inpatient treatment instead of outpatient treatment, monitoring under the program contract may commence after the participant completes the residential or inpatient treatment.

(3) The following are established as the UPHP participation standards:

(a) ~~[A]~~a participant shall abstain from the use of mind- or mood-~~[-]~~altering substances, including alcohol, medical cannabis, substances containing THC, inhalants, and illegal, non-prescribed, and certain identified psychotropic over-the-counter medications~~[-]~~;

(b) ~~[A]~~a participant shall abstain from the use of mind- or mood-~~[-]~~altering, addictive, or potentially addictive prescription medications, including amphetamine preparations, opioids, sedatives, and benzodiazepines, except in an emergency~~[-]~~ such as hospitalization due to emergency surgery, illness, or accident~~[-]~~;

(c) ~~[A]~~a participant shall follow the UPHP Medication Policy, which ~~[shall]~~includes the following participant requirements:

(i) provide UPHP with a cop~~[ies]~~y of each of the participant's prescriptions, including any prescriptions for controlled substances~~[-]~~ that the participant received ~~[by the participant]~~ during the term of the program contract;

(ii) receive medications for a participant's own use only from treatment providers:

(A) with whom the participant has a legitimate patient relationship; and

(B) who have signed and submitted an Acknowledgment of Participation document from UPHP regarding the participant's terms and conditions for participating in UPHP;

(iii) provide UPHP information, or request information for UPHP, regarding each medication~~[s]~~ prescribed to the participant;

(iv) if a participant has a medical condition requiring potentially addictive substance use, or is prescribed a controlled medication for any reason, the participant shall comply with each UPHP required practice accommodation~~[s]~~ or limitation~~[s]~~; and

(v) pursue effective alternatives or require a second opinion ~~[prior to]~~before using any controlled or mind- or mood-~~[-]~~altering substances in a non-emergency situation~~[-]~~;

(d) ~~[I]~~if a participant is at risk of impairment for any reason, the participant shall comply with each UPHP required practice accommodation~~[s]~~ or limitation~~[s]~~ and not return to work until approved by ~~[the]~~UPHP~~[-]~~;

(e)(i) following any leave of absence during which the participant's fitness to practice was in question and before the participant may resume practice, the participant or their treatment provider shall submit a return to work plan to UPHP for approval and obtain an Approved Return to Work plan; and

(ii) the return to work plan shall include each step the participant shall take to ensure the participant's safe and supported return to practice;

~~(f)~~(g) ~~[A]~~a participant may not prescribe scheduled drugs for family members or for others who are not the participant's legitimate patients within the scope of the participant's practice, in accordance with applicable law, rule, or regulation~~[-]~~;

~~(f)~~(g) ~~[A]~~a participant shall prescribe only within the scope of the participant's medical specialty, in accordance with applicable law, rule, or regulation~~[-]~~;

~~(g)~~(h) ~~[A]~~a participant shall provide current authorizations for ~~[the]~~UPHP as determined necessary by ~~[the]~~UPHP, including authorization to:

(i) communicate with each of the participant's care providers and treatment providers as needed to verify medical issues;

(ii) communicate with the participant's worksite practice liaison;

(iii) communicate with third parties such as emergency contacts and treatment providers as determined necessary by ~~[the]~~UPHP;

(iv) obtain information on medications prescribed to the participant; and

(v) release information about the participant's participation to the Division if required by the program contract or Utah law~~[-]~~;

~~(h)~~(i) ~~[A]~~a participant shall identify a primary care provider to manage the participant's medical care and to comply with the participant's treatment plan, including complying with the treatment provider recommendations and not self-prescribing or independently discontinuing any medications~~[-]~~;

~~(i)~~(j) ~~[A]~~a participant shall follow the initial treatment, medication management, and continuing care recommendations with providers approved by ~~[the]~~UPHP until treatment objectives are met as determined by the treatment provider, and treatment is discontinued with ~~[the]~~UPHP's approval~~[-]~~;

~~(j)~~(k) ~~[A]~~a participant shall attend a minimum number of abstinence-based mutual help group meetings or an alternative approved by ~~[the]~~UPHP~~[-]~~ that are documented in a manner acceptable to ~~[the]~~UPHP~~[-]~~;

~~(k)~~(l) ~~[A]~~a participant may not change or discontinue therapy or treatment without approval of the participant's therapist and UPHP~~[-]~~;

~~(l)~~(m) ~~[A]~~a participant shall identify and cooperate with a worksite practice liaison~~[-]~~;

~~(m)~~(n) ~~[A]~~a participant shall comply with each practice accommodation~~[s]~~ or limitation~~[s]~~ as required by:

(i) the participant's program contract;

(ii) UPHP policies and procedures; and

(iii) statutes and rules pertaining to a compact in which Utah is a member~~[-]~~;

~~(n)~~(o) ~~[A]~~a participant shall submit to biological specimen testing if requested by ~~[the]~~UPHP~~[-]~~;

~~(o)~~(p) ~~[A]~~a participant shall participate in ~~[the]~~UPHP in good faith~~[-]~~ and cooperate with UPHP staff~~[-]~~;

~~(p)~~(q) ~~[A]~~a participant shall comply with each UPHP policy, including:

(i) the UPHP Return to Use Behavior Policy; and

(ii) the UPHP Medication Policy~~[-]~~;

~~(q)~~(r) ~~[A]~~a participant shall notify ~~[the]~~UPHP within 24 hours if the participant:

(i) has a medical or mental health hospitalization;

(ii) has an arrest, investigation, charge, or complaint, including a Division or other regulatory agency complaint;

(iii) receives a disciplinary notice from a regulatory agency, hospital, employer, or other third party;

(iv) has any adverse events affecting patient care including malpractice claims; or

NOTICES OF PROPOSED RULES

(v) ~~returns to~~ uses ~~of~~ any substance[s] not approved ~~by~~ under UPHP participation standards, including in a case[s] of emergency use due to illness or accident[-];

(~~F~~)s) ~~A~~a participant shall notify ~~the~~ UPHP at least 24 hours before the participant's:

(i) ~~prior to the participant's~~ anticipated use of any controlled or mind- or mood-altering prescriptions or substances; ~~and~~

~~(ii) prior to the participant's;~~

~~(A)~~ii) travel outside ~~UPHP's jurisdiction~~ of Utah or to an area where testing is unavailable;

~~(B)~~iii) change of address or phone number;

~~(C)~~iv) change of employment;

~~(D)~~v) engaging in practice in another jurisdiction, state, or territory;

~~(E)~~vi) applying for a license to practice in another jurisdiction, state, or territory; or

~~(F)~~vii) applying to participate in another alternative to public discipline program[-]; and

~~(S)~~t) ~~A~~a participant shall maintain their Utah license in active status while participating in UPHP.

R156-4a-104. Committees.

Reserved.

R156-4a-105. Program Contract - Successful Completion.

(1) Under Subsection 58-4a-103(2) and Section 58-4a-105, each program contract shall comply with this section.

(2)(a) A program contract shall identify the program contract period[-] and other time frames that may be required by the program contract[-] including tolling under Subsection 58-4a-106(4).

(b) A program contract shall provide that:

(i) the program contract period may be extended at the discretion of ~~the~~ UPHP in accordance with UPHP policy, if at the end of or during the program contract period, ~~the~~ UPHP determines that there is reasonable cause to support the need for additional monitoring or extended treatment; and

(ii) unless otherwise agreed in writing by ~~the~~ UPHP, the program contract period is tolled during any period that the participant:

(A) is not practicing; or

(B) resides or practices outside Utah for 30 consecutive days or longer.

(3) A program contract shall provide that the participant's monitoring may be transferred or shared with another appropriate health monitoring program if the participant moves or holds an active license in another jurisdiction, state, or territory.

(4) A program contract shall include a statement of UPHP confidentiality and its limitations, including conditions when ~~the~~ UPHP may be required to report to the Division.

(5) A program contract shall require the participant to adhere to the UPHP ~~P~~ participation ~~S~~ standards[-] as determined by ~~the~~ UPHP.

(6) A program contract shall require the participant to timely pay all costs associated with participation in UPHP, including costs to each individual or entity providing treatment or support.

~~(6)~~7(a) A program contract ~~shall~~ may identify the potential consequences for a participant's violation, including when violation constitutes a violation of the program contract that ~~requires~~ may result in the Division issuing an order to show cause under Section 58-4a-107.

(b) Consequences for violation may include the following:

(i) fine under Section R156-4a-110;

(ii) referral to a higher level of care;

(iii) increased frequency or intensification of treatment;

(iv) increased frequency of toxicology testing or requiring additional testing methods;

(v) additional biologic testing;

(vi) independent evaluation;

(vii) inpatient evaluation;

(viii) refrain from or limit practice as determined appropriate by ~~the~~ UPHP;

(ix) revision of the program contract, such as extending the period of monitoring; or

(x) a UPHP report to the Division for potential disciplinary action against the participant's license.

~~(7)~~8 A participant shall have successfully completed ~~the~~ UPHP if ~~the~~ UPHP has determined that the participant has fulfilled each term and condition of the participant's program contract ~~or diversion agreement~~.

R156-4a-106. Effect on Other Disciplinary Proceedings.

Reserved.

R156-4a-107. Violation of a Program Contract.

~~— (1) Under Subsection 58-4a-107(4), the procedures for discovery in formal adjudicative proceedings are in Rule R151-4, Department of Commerce Administrative Procedures Act Rule.~~

~~— (2) Formal adjudicative proceedings to terminate a program contract under Section 58-4a-107 include a right to agency review and a right to reconsideration as described in Title 63G, Chapter 4, Administrative Procedures Act, and Rule R151-4, Department of Commerce Administrative Procedures Act Rule.~~

(1) Under Section 58-4a-107, a notice of agency action in the form of an order to show cause may describe the public probation requirements that the Division may require the individual to complete if the presiding officer finds that the licensee has violated the program contract, made an intentional material misrepresentation of fact in the program contract, or violated a law or rule governing the licensee's profession.

(2) The terms of public probation identified in the order to show cause may include:

(a) revoking or suspending the individual's license to practice for a stated period of time or with a stated date before which the individual may not apply for licensure or return to full licensure;

(b) suspending, limiting, or restricting the individual's license to practice for a stated period, including limiting the individual's practice to, or excluding from the individual's practice, one or more specific branches of medicine or types of practice, including any limitation on practice within the specified branch or type of practice;

(c) requiring the individual to submit to care, counseling, or treatment by one or more physicians or mental health therapists approved by or designated by the board as a condition for licensure;

(d) requiring the individual to participate in a program of education prescribed by the board;

(e) requiring the individual to practice under the direction of a supervisor designated by the board for a specified period; or

(f) other appropriate terms and conditions determined by the Division to be necessary to protect the public health, safety, or welfare.

R156-4a-110. Fine Schedule.

Under Subsection 58-4a-110(2), the following fine schedule shall apply for violation of these requirements in a program contract:

[TABLE]

FINE SCHEDULE

VIOLATION FIRST OFFENSE SUBSEQUENT OFFENSE
R156-4a-103b(3)(f)(ii) \$ 50 \$250 - \$1,000
R156-4a-103b(3)(g) \$ 50 \$250 - \$1,000
R156-4a-103b(3)(k) \$ 50 \$250 - \$1,000
R156-4a-103b(3)(e) \$ 50 \$250 - \$1,000
R156-4a-103b(3)(q) \$ 50 \$250 - \$1,000
R156-4a-103b(3)(w)(ii) \$ 50 \$250 - \$1,000]

Table 1		
Violation	First Offense	Subsequent Offense
R156-4a-103b(3)(h)	\$50	\$250 - \$1,000
R156-4a-103b(3)(l)	\$50	\$250 - \$1,000
R156-4a-103b(3)(p)	\$50	\$250 - \$1,000
R156-4a-103b(3)(r)	\$50	\$250 - \$1,000

R156-4a-111. Reporting - UPHP Agreements and Approval for Evaluation, Treatment, or Other Services.

(1) Under Section 58-4a-103, the Division may enter into agreements with professional or occupational organizations or associations, education institutions or organizations, testing agencies, health care facilities, health care practitioners, government agencies, or other persons to provide evaluations, treatments, monitoring, rehabilitation, education, or any other services necessary to facilitate a participant's successful completion of a program contract.

~~Each agreement shall be in writing and shall have the terms and conditions necessary to permit each party to fulfill its duties and obligations.~~

~~Each agreement shall address the circumstances and conditions under which information concerning the participant will be shared with the Division and other persons.~~

~~(4)(a) The cost of administering an agreement and providing the services shall be borne by the participant benefiting from the services.~~

~~(b) Costs paid by a participant shall be reasonable and in proportion to the value of the service provided.~~

~~(c) Timely payment of costs shall be a condition of each program contract.]~~

(2) UPHP may approve a comprehensive clinical evaluation if the evaluation is an independent evaluation of a licensee that meets the following criteria:

(a) conducted by an approved evaluator as described in Subsection (3);

(b) diagnostically rigorous and forensic in nature;

(c) tailored to the specific occupational demands of the licensee's safety-sensitive profession;

(d) includes collateral information;

(e) conducted to determine the presence of any mental health, substance use, physical, or cognitive conditions that have the potential to impair, or have impaired, the licensee's ability to practice;

(f) establishes clinical diagnoses and treatment recommendations; and

(g) determines the licensee's fitness to practice their profession with reasonable skill and safety.

(3) UPHP may approve an evaluator to provide a comprehensive clinical evaluation if the evaluator:

(a) is a clinical expert, multidisciplinary team, or specialized evaluation center that:

(i) is actively accredited under the Federation of State Physician Health Programs Evaluation and Treatment Accreditation (FSPHP-ETA); or

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- (ii) has completed the UPHP application and approval process;
 (b) has documented clinical expertise and specialized training in the objective, forensic evaluation of safety-sensitive health care professionals; and
 (c) is not the licensee's individual personal therapist, outpatient counselor, or primary care provider, unless the evaluation is conducted by an approved multidisciplinary treatment facility or specialized evaluation center actively accredited under the FSPHP-ETA system, regardless of whether the facility has provided or is currently providing clinical treatment to the licensee.
 (4) Costs for participating in services associated with or required by UPHP shall be borne by the licensee benefiting from the services.

KEY: licensing, program contract, fines, professional health program

Date of Last Change: November 23, 2021 **2026**

Notice of Continuation: September 11, 2026

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-4a-103(2); 58-4a-107(4); 58-4a-110(2)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING:	Filing ID: 58295
Rule or section number:	R156-46b

1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	Phone:	Email:
Lauren Harvey	801-530-6654	laureneharvey@utah.gov

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

3. General Information

A. Rule or section catchline:
R156-46b. Division Utah Administrative Procedures Act Rule
B. Purpose of the new rule or reason for the change:
SB 117 passed in the 2026 Legislative Session and effective 07/01/2026, amended Title 58, Chapter 4a, Utah Professionals Health Program (UPHP) to remove the mandatory hearing requirement for the adjudicative proceedings conducted under Title 63G, Chapter 4, Utah Administrative Procedures Act (UAPA), to terminate a program contract.
The proposed rule amendment conforms the Division of Professional Licensing's (Division) UAPA rule to the statutory amendments by deleting the mandatory hearing requirement for these types of adjudicative proceedings.
C. Summary of the new rule or change:
In accordance with SB 117 passed in the 2026 Legislative Session and effective 07/01/2026, the proposed amendment will remove the mandated hearing requirement for adjudicative proceedings seeking termination of a program contract for an individual participating in the UPHP.

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 117 (2026 General Session)

5. Fiscal Information

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

A. State budget:

The proposed amendment is expected to create savings for the state because UAPA procedures for informal adjudicative proceedings for termination of a program contract will still protect the rights of the parties under UAPA but reduce the time and cost required for the adjudicative proceedings.

The full fiscal impact cannot be estimated because the data necessary to determine how many of these violations will occur and then result in adjudicative proceedings is unavailable, and because the benefits the parties may experience from any resulting reduction in costs will vary widely depending on the circumstances of each violation and the individual characteristics of each party.

B. Local governments:

The Division does not anticipate any cost or savings to local governments from this proposed amendment because local governments are not required to comply with or enforce this rule.

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

The proposed amendment is not expected to impact small businesses because the amendment updates this rule in accordance with statutory changes and will not alter the price or quantity of any exchanges involving small businesses.

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

The proposed amendment is not expected to impact non-small businesses because the amendment updates this rule in accordance with statutory changes and will not alter the price or quantity of any exchanges involving non-small businesses.

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

The proposed amendment may create savings for licensed individuals who have allegedly violated a UAPA program contract, because the informal adjudicative proceedings will still protect the rights of these individuals under UAPA but will reduce the time and cost required for these proceedings.

However, the full fiscal impact cannot be estimated because the data necessary to determine how many of these cases will occur and then result in adjudicative proceedings is unavailable, and because the benefits an individual may experience from any resulting reduction in costs will vary widely depending on the circumstances of each case and the individual characteristics of that individual.

F. Compliance costs for affected persons:

As described above, no compliance costs are expected for affected persons because the proposed amendment allows for the maintenance of the rights of parties while lowering the financial and time burden of evidentiary hearings for terminating a UAPA contract.

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

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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 W. 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 63G-4-102(6)	Subsection 58-1-106(1)(a)	
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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: 11/16/2026

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

Date:	Time:	Place (physical address or URL):
11/05/2026	08:00 AM	Anchor Meeting Location: Heber M Wells Building Room 474 160 E 300 S Salt Lake City, UT Google Meet joining info: Video call link: https://meet.google.com/efs-oppb-swi Or dial: (US) +1 601-516-5403 PIN: 209 738 901# More phone numbers: https://tel.meet/efs-oppb-swi? pin=3515269634486

12. Effective Date Information

This rule change MAY become effective on: 11/23/2026
(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:	Deborah Blackburn, Assistant Director	Date:	10/01/2026
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R156. Commerce, Professional Licensing.**R156-46b. Division Utah Administrative Procedures Act Rule.****R156-46b-101. Title -[-] Authority - Purpose.**

- (1) This rule is known as the "Division Utah Administrative Procedures Act Rule."
- (2) This rule is adopted by the Division under the authority of Title 63G, Chapter 4, Administrative Procedures Act, and Subsections 58-1-106(1)(a) and 58-1-108(1).
- (3) The purposes of this rule include:
 - (a) designating categories of Division adjudicative proceedings;
 - (b) identifying presiding officers at Division adjudicative proceedings; and
 - (c) defining procedures for Division adjudicative proceedings that are consistent with Title 58, Occupations and Professions, Title 63G, General Government, and Rule R151-4, Department of Commerce Administrative Procedures Act Rule.

R156-46b-102. Definitions.

- (1) Terms in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and Rule R156-1, General Rule of the Division of Professional Licensing.
- (2) In addition to the definitions in Subsection (1), "license" or "licensure" means any right or privilege to engage in the practice of a regulated profession or occupation under Title 58, Occupations and Professions, and includes a license, certificate, certification, registration, permit, classification, student card, apprenticeship, or apprentice card authorized under Title 58, Occupations and Professions.

R156-46b-201. Informal Adjudicative Proceedings.

- (1) Under Section 63G-4-202, the following adjudicative proceedings commenced by other than a notice of agency action are designated as informal adjudicative proceedings:
 - (a) the approval or denial of an application for:
 - (i) initial licensure;
 - (ii) renewal or reinstatement of licensure;
 - (iii) relicensure;
 - (iv) inactive or emeritus licensure status;
 - (v) a tax credit certificate by a psychiatrist, psychiatric mental health nurse practitioner, or volunteer retired psychiatrist under Section 58-1-111; or
 - (vi) criminal history determination under Section 58-1-310;
 - (b) a favorable or unfavorable determination, based on an application for criminal history determination under Section 58-1-310;
 - (c) the approval or denial of a claim against the Residence Lien Recovery Fund created under Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery Fund Act;
 - (d) payment of an approved claim against the Residence Lien Recovery Fund under Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery Fund Act;
 - (e) the approval or denial of a request:
 - (i) to surrender a license;
 - (ii) for modification of a disciplinary order;
 - (iii) for correction of procedural or clerical mistakes; or
 - (iv) for correction of other than procedural or clerical mistakes;
 - (f) any matter relating to Title 58, Chapter 4a, Utah Professionals Health Program, including:
 - (i) approval or denial of a request for entry into and participation in the Utah Professionals Health Program under Title 58, Chapter 4a, Utah Professionals Health Program;
 - (ii) a matter relating to a program contract or diversion agreement, including approval or denial of a request for modification of a program contract or diversion agreement; or
 - (iii) determination of a licensee's successful completion of the Utah Professionals Health Program;
 - (g) a citation hearing held in accordance with citation authority under Title 58, Occupations and Professions;
 - (h) a declaratory order determining the applicability of statute, rule, or order to specified circumstances, when determined by the director to be conducted as an informal adjudicative proceeding; or
 - (i) any matter relating to an order governing a license, including disciplinary sanctions imposed in a stipulation or memorandum of understanding with a license applicant.
- (2) Under Section 63G-4-202, the following adjudicative proceedings commenced by a notice of agency action are designated as informal adjudicative proceedings:
 - (a) nondisciplinary proceedings that result in cancellation of licensure as defined in Subsection R156-1-102(3);
 - (b) disciplinary proceedings against:
 - (i) a contractor, plumber, electrician, or alarm company licensed under Title 58, Chapter 55, Utah Construction Trades Licensing Act;
 - (ii) a controlled substance licensee under Subsection 58-37-6(4)(d) or (g);
 - (iii) a contract security company or armored car company licensed under Title 58, Chapter 63, Security Personnel Licensing Act, for unprofessional conduct under Subsection 58-63-502(1)[-or (2)]; or
 - (iv) a health care services platform registered under Title 58, Chapter 90, Health Care Services Platforms;

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- (c) disciplinary proceedings commenced by a notice of agency action and order to show cause for violating an order governing a license, including under Subsection 58-1-501(2)(a)(xv);
- (d) disciplinary proceedings in which the allegations of misconduct are limited to violating one or more of:
 - (i) Subsection 58-1-501(2)(a)(iii), (iv), (viii), (xi) or (xii);
 - (ii) Subsection R156-1-501(1), (2), (3), (4), (5), (7), or (9); or
 - (iii) Subsection 58-1-308(4)(b), concerning completion of or compliance with renewal requirements;
- (e) proceedings under Title 58, Chapter 4a, Utah Professionals Health Program, including under Section 58-4a-107; or
- (f) the immediate or automatic suspension or revocation of a license in accordance with Title 58, Occupations and Professions, including under Subsection 58-1-301.5(8), 58-47b-503(8), ~~[or] 58-47b-503.1(6), 58-91-503(2), 58-92-503(2), or 58-93-503(2)~~ unless simultaneous adjudicative proceedings are conducted formally.

R156-46b-202. Procedures for Adjudicative Proceedings.

- (1) Under Section 63G-4-203, the presiding officers for Division adjudicative proceedings are defined at Subsection 63G-4-103(1)(h) and established by Sections 58-1-109 and R156-1-109.
- (2)(a) The procedures for formal Division adjudicative proceedings are in Sections 63G-4-204 through 63G-4-209, Rule R151-4, Department of Commerce Administrative Procedures Act Rule, and this rule.
- (b) The procedures for informal Division adjudicative proceedings are in Sections 63G-4-202, 63G-4-203, and 63G-4-209, Rule R151-4, Department of Commerce Administrative Procedures Act Rule, and this rule.
- (3)(a) Under Section 63G-4-202 and Subsections 63G-4-201(1)(a) and R151-4-205(2), a notice of agency action commencing an informal adjudicative proceeding may require the respondent to file a written response.
- (b) ~~Under Subsection R151-4-205(3), u~~nless a different date is established by law or rule or in the notice of agency action, a respondent shall file a required written response within 30 days after the mailing date of the notice of agency action.

R156-46b-203. Hearings in Informal Adjudicative Proceedings.

- (1) Under Section 63G-4-203, a hearing is not required for Division informal adjudicative proceedings unless:
 - (a) required by statute or rule; or
 - (b) permitted by rule and requested by a party within the time prescribed by rule.
- (2) Under Subsection 63G-4-203(1)(b) and Section R151-4-702, unless otherwise provided by statute or rule, a request for an evidentiary hearing to which a person is permitted or entitled by statute or is permitted by rule shall be received by the Division in writing no later than:
 - (a) the time period for filing a response to the notice of agency action, if a response is required or permitted;
 - (b) ~~[twenty]~~20 days following the issuance of the notice of agency action, if a response is not required or permitted;
 - (c) the filing of the request for agency action, if the proceeding was commenced by a person other than the Division;
 - (d) for a request for a citation hearing, ~~[within 20 days from the]~~20 days after service of the citation; or
 - (e) for a request for a postrevocation hearing under Subsection 58-1-301.5(8), within the time period in Subsection R156-46b-203(2)(a) for filing a response to the notice to the person that the license or registration is immediately and automatically revoked.
- (3) An evidentiary hearing is permitted for an informal adjudicative proceeding under Subsection R156-46b-20[2]1(1)(g), citation hearings.
- ~~[(4) An evidentiary hearing is required for an informal adjudicative proceeding under Subsections 58-4a-107(2)(b) and R156-46b-201(2)(e) to determine whether the Division should terminate a licensee's Utah Professionals Health Program program contract or diversion agreement.]~~
- ~~[(5)4(a) Unless otherwise agreed by the parties, an evidentiary hearing may not be held in an informal adjudicative proceeding unless timely notice of the hearing has been served upon the parties as required by Subsection 63G-4-203(1)(d).~~
- ~~(b) Unless otherwise provided by statute or rule, timely notice means service of a notice of hearing upon the parties at least ten days before the scheduled evidentiary hearing.~~

R156-46b-204. Orders in Informal Adjudicative Proceedings.

- (1) The issuance of a license or approval of related requests in response to a request for agency action is sufficient to satisfy Subsection 63G-4-203(1)(i).
- (2)(a) The issuance of a letter denying a license or related requests is sufficient to satisfy Subsection 63G-4-203(1)(i).
- (b) The letter shall explain the reasons for the denial and any rights of the parties to seek agency review or judicial review, including the relevant time limits.
- (3) Unless otherwise specified by the director, the fact finder who serves as the presiding officer at an evidentiary hearing convened in Division informal adjudicative proceedings shall issue a final order.
- (4) An order issued in an informal adjudicative proceeding in which an evidentiary hearing is convened shall comply with the requirements of Subsection 63G-4-208(1) instead of Subsection 63G-4-203(1)(i).

R156-46b-301. Review of Suspension Without Notice -- Adjudicative Proceedings.

Unless otherwise provided by statute or rule:

- (1)(a) If the Division suspends a license or registration without notice under Subsection 58-47b-503(8) or 58-47b-503.1(6), the Division shall file a notice of agency action for an informal adjudicative proceeding and cause the notice of agency action to be served upon the affected licensed individual or registered massage establishment, with:

- (i) notice of the suspension and an order to immediately cease and desist any practice under Title 58, Chapter 47b, Massage Therapy Practice Act; and
- (ii) notice of hearing on the sole issue of whether the suspension should be affirmed, set aside, or modified based upon the standards in Section 58-47b-503 or 58-47b-503.1, as applicable.
- (b) The Division shall hold the hearing within 15 days after the suspension, unless the Division and the respondent agree in writing to conduct the hearing at a later date.
- (2)(a) A Department administrative law judge shall act as the presiding officer at the hearing under this section.
- (b) The presiding officer shall conduct the hearing in conformity with the procedures of Section 63G-4-206.
- (c) The Division has the burden of proof to establish, by a preponderance of the evidence, that the requirements of Subsection 58-47b-503(8) or 58-47b-503.1(6) have been met.
- (3)(a) Within 15 days after the day the hearing to consider the suspension concludes, the presiding officer shall issue an order in accordance with Section 63G-4-208.
- (b) The order of the presiding officer is subject to agency review.
- (4) If the order issued under this section will result in the continued infringement or impairment of any legal right or interest of any party, the Division shall commence a formal adjudicative proceeding within 120 days in accordance with Title 58, Occupations and Professions.

R156-46b-401. Informal Agency Advice.

- (1) The Division may issue an informal guidance letter in response to a request for advice unless the request specifically seeks a declaratory order.
- (2) The informal guidance letter shall notify the subject of the letter that:
 - (a) the letter is only an informal guidance letter, and is not a formal declaratory order; and
 - (b) provide the citation that governs declaratory orders.

KEY: administrative procedures, government hearings, occupational licensing, professional licensing**Date of Last Change:** ~~March 24, 2026~~**Notice of Continuation:** October 22, 2025**Authorizing, and Implemented or Interpreted Law:** 63G-4-102(6); 58-1-106(1)(a)**NOTICE OF SUBSTANTIVE CHANGE****TYPE OF FILING:** Amendment**Filing ID:** 58291**Rule or section number:****R384-900****1. Agency Information**

Title catchline:	Health and Human Services, Population Health, Health Promotion and Prevention
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state:	Salt Lake City, UT 84116
Mailing address:	PO Box 142104
City, state and zip:	Salt Lake City, UT 84114-2104

2. Contact Persons

Name:	Phone:	Email:
Tricia Bishop	385-261-3726	triciaabishop@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:
R384-900. Special Measures for the Operation of Syringe Exchange Programs
B. Purpose of the new rule or reason for the change:
HB 205 of the 2026 General Session added rulemaking requirements to Section 26B-7-117, rendering this filing necessary.

C. Summary of the new rule or change:

This amendment updates administrative rule language to conform with the changes HB 205, passed in the 2026 General Session, made in Section 26B-7-117, which specified restrictions on distribution materials and conditions for operating a syringe exchange activities on land owned, operated, or under the jurisdiction of a government entity.

This amendment establishes procedures necessary to implement these new statutory requirements and operational restrictions for syringe exchange programs in Utah.

Public comments may be submitted using the Google Form at:

<https://docs.google.com/forms/d/e/1FAIpQLScLMlq5KIFSUm0i16HM0Kmaf3dAnVk2pVj86MQqbtP0FuAUtQ/viewform?usp=header>

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 205 (2026 General Session)

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 as a result of this proposed rule change, as this filing establishes procedures for an operating entity to obtain permission from a government entity before conducting syringe exchange activities on public property.

These procedures are necessary to implement new statutory requirements in Section 26B-7-117.

Any additional workload to program staff as a result of the new procedures specified in this rule is anticipated to be minimal enough to be absorbed through current program infrastructure.

No new state appropriations are anticipated as a direct result of this rule amendment, and these changes have no anticipated fiscal impact on the program in relation to the state budget.

The state may experience minor administrative impacts associated with reviewing and issuing written authorization for syringe exchange activities occurring on property that is owned, operated, or under the jurisdiction of the state.

These activities are anticipated to be infrequent and managed within existing administrative processes.

Therefore, there is no anticipated fiscal impact to the state as a result of that change.

B. Local governments:

Local government entities may experience minor administrative impacts associated with reviewing and issuing written authorization for syringe exchange activities occurring on property that is owned, operated, or under the jurisdiction of a local government entity.

These activities are anticipated to be infrequent and managed within existing administrative processes.

Therefore, there is no anticipated fiscal impact to local governments as a result of this change.

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

Some syringe exchange programs or affiliated operators that qualify as small businesses may need to update internal policies, staff training materials, or operational procedures to ensure compliance with the revised requirements in this filing.

Each small business's operating procedures vary, so while these one-time updates are expected to occur as part of routine business operations at minimal cost, if any, the amount of these costs is inestimable.

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

There is no anticipated fiscal impact to non-small business because there are no known operating entities that qualify as non-small businesses, and therefore this rule does not apply to this group.

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**):

Some syringe exchange programs or affiliated operators that qualify as other persons, including nonprofit entities, may need to update internal policies, staff training materials, or operational procedures to ensure compliance with the revised requirements in this filing.

Each nonprofit's operating procedures vary, so while these one-time updates are expected to occur as part of routine operations at minimal cost, if any, the amount of these costs is inestimable.

F. Compliance costs for affected persons:

There are no anticipated compliance costs for state or local governments as a result of this filing because any administrative impacts are anticipated to be managed within existing administrative processes.

For small businesses and nonprofit entities that operate syringe exchange programs, there may be a compliance cost to update internal policies, staff training materials, or operational procedures, but as each small business and nonprofit's operating procedures vary, it is impossible to estimate how much this compliance cost will be for each operating entity.

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	inestimable	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	inestimable	\$0	\$0	\$0	\$0
Total Fiscal Cost	inestimable	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2027	FY2027	FY2027	FY2027	FY2027
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	inestimable	\$0	\$0	\$0	\$0
Net Fiscal Benefits	Inestimable	\$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-7-117		
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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:	11/16/2026
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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)	11/23/2026
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13. Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Commissioner	Date:	09/30/2026
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R384. Health and Human Services, Population Health, Health Promotion and Prevention.**R384-900. Special Measures for the Operation of Syringe Exchange Programs.****R384-900-1. Authority and Purpose.**

- (1) Section 26B-7-117 authorizes this rule.
- (2) This rule establishes the operating and reporting requirements required of an entity operating a syringe exchange program pursuant to Section 26B-7-117.

R384-900-2. Definitions.

- (1) "Department" means the Department of Health and Human Services.
- (2) "Government entity" means the same as defined in Subsection 26B-7-117(1).
- (3) "HBV" means hepatitis B virus.
- (~~[3]~~4) "HCV" means hepatitis C virus.
- (~~[4]~~5) "HIV" means human immunodeficiency virus.
- (~~[5]~~6) "Homeless shelter" means the same as defined in Section 35A-15-501.
- (~~[6]~~7)(a) "One-for-one plus exchange model" means the syringe exchange model in which a participant receives a set of syringes in an amount of up to nine more than the participant's return amount, with thresholds increasing in increments of ten.
- (b) For example, a return of:
 - (i) one to ten used syringes receives up to ten sterile syringes;
 - (ii) 11 to 20 used syringes receives up to 20 sterile syringes; and
 - (iii) 21 to 30 used syringes receives up to 30 sterile syringes.
- (~~[7]~~8) "Operating entity" means a government or nongovernment entity authorized by Section 26B-7-117 to operate a syringe exchange program.
- (~~[8]~~9) "Opiate antagonist" means the same as defined in Section 26B-4-501.
- (~~[9]~~10) "Participant" means an individual who receives services from a syringe exchange program.
- (~~[10]~~11) "Substance use disorder treatment program" means the same as defined in Section 26B-2-101.
- (~~[11]~~12)(a) "Syringe exchange program" means a program that:
 - (~~[a]~~i) provides access to sterile syringes in exchange for used syringes;
 - (~~[b]~~ii) collects and properly disposes of used syringes;
 - (~~[c]~~iii) provides information, referrals, and other services as identified by population and community needs to reduce the harms associated with drug use; and
 - (~~[d]~~iv) may provide other clean and new prevention materials, including cotton filters, ~~[cookers, tourniquets,]~~ alcohol swabs, and condoms.
- (b) A syringe exchange program is subject to the requirements and restrictions of an operating entity in Subsection 26B-7-117(3).
- (~~[12]~~13) "Treatment" means services received by a participant from a substance use disorder treatment program.

R384-900-3. Enrollment Requirements.

- (1)(a) An operating entity intending to begin a syringe exchange program in a local community shall meet with local stakeholders, which may include any:
 - (i) public health, mental health, or substance use disorder treatment entity;
 - (ii) local governing body;
 - (iii) law enforcement agency with jurisdiction over the area; or

- (iv) community council.
- (b) An operating entity shall ensure that any meeting taking place in accordance with Subsection (1)(a):
 - (i) assesses community readiness, norms, needs, and parameters for implementing a syringe exchange program in that area;
 - (ii) creates awareness of the operating entity's plans and community partnerships; and
 - (iii) provides education on the purposes and goals of a syringe exchange program and syringe exchange protocols.
- (2) At least 15 days before the start of a syringe exchange program in a new area, the operating entity shall provide the department with the following through the Violence and Injury Prevention Program's Agency Enrollment form:
 - (a) written notice of intent to conduct syringe exchange activities;
 - (b) a signed attestation to comply with each applicable statute and rule, to be renewed annually;
 - (c) a summary of any meeting held according to Subsection (1), including a list of participants, a summary of the discussion, any outcome, and any plan for implementation;
 - (d) documentation for each service area where syringe exchange will be conducted upon enrollment;
 - (e) a safety protocol for the prevention of needle stick and sharps injury; and
 - (f)(i) a sharps disposal plan for each county where the operating entity will be offering services.
 - (ii) Sharps disposal is the financial responsibility of the operating entity.

R384-900-4. Operating Requirements.

- (1) An operating entity shall facilitate the exchange of a participant's used syringes by providing a disposable, medical grade sharps container for the disposal of used syringes.
- (2) An operating entity shall exchange one or more new syringes in sealed sterile packages and may provide other clean and new prevention materials to the individual free of charge.
- (3) An operating entity shall adhere to the one-for-one plus exchange model.
- (4) As available, the department may provide syringes, prevention materials, education materials, and other resources to an entity operating a syringe exchange program.
- (5) At least quarterly, an operating entity shall provide each participant of the syringe exchange program with verbal and written instructions on:
 - (a) methods for preventing the transmission of blood borne pathogens, including HBV, HCV, and HIV;
 - (b) information and referral for HCV and HIV testing;
 - (c) information and referral to services for the treatment of a substance use disorder; and
 - (d) how and where to obtain an opiate antagonist.
- (6) An operating entity shall adhere to requirements in Subsections 26B-7-117(5) and (6).
- (7) If an operating entity discontinues syringe exchange activities, the operating entity must submit to the department written notice through the Violence and Injury Prevention Program's Agency Unenrollment form within 15 days of ending activities.
- (8) An operating entity that obtains written authorization to operate on public property in accordance with Subsections 26B-7-117(6) through 26B-7-117(7) shall maintain documentation of the authorization and provide that documentation to the department upon request.

R384-900-5. Data Collection and Reporting Requirements.

- (1) Each operating entity shall collect the following aggregate data elements:
 - (a) the number of individuals who exchange syringes;
 - (b) a self-reported or approximate number of used syringes exchanged for new syringes;
 - (c) the number of new syringes provided in exchange for used syringes;
 - (d) the number of participants who receive services for the treatment of a substance use disorder within 12 months of exchanging syringes, assessed at least quarterly for each participant;
 - (e) a self-reported or approximate number of participants successfully connected to treatment;
 - (f) information on educational materials distributed, as required by the Syringe Exchange Quarterly Report Form;
 - (g) the number of referrals provided; and
 - (h) the number of opiate antagonists distributed to participants.
- (2)(a) Each entity shall report the aggregate data elements in Subsection (1) to the department quarterly through the Violence and Injury Prevention Program's Quarterly Log form.
 - (b) The report shall include:
 - (i) a brief description of the information the program provided to participants about recovery and treatment resources; and
 - (ii) a brief description of the services and supplies provided to participants.

R384-900-6. Confidentiality of Reports.

- (1) The department may collect and maintain data on syringe exchange programs and syringe exchange program participants, as provided in Sections 26B-7-117 and 26B-8-402.
- (2) Any identifiable information collected pursuant to this rule may not be released or made public, except as provided in Sections 26B-8-406 and 26B-8-407.

R384-900-7. Compliance and Penalty.

- (1) The Violence and Injury Prevention Program shall evaluate each syringe exchange program through annual monitoring and site visits as necessary, pursuant to Section 26B-1-226, to ensure compliance with each applicable statute and rule.

NOTICES OF PROPOSED RULES

- (2) A person or operating entity who violates this rule or Section 26B-7-117 may be subject to a penalty, as provided in Section 26B-1-224.
- (3) The department may revoke the enrollment of a syringe exchange program that does not comply with this rule.

KEY: syringe exchange programs, needles, syringes

Date of Last Change: ~~February 25, 2026~~

Authorizing, and Implemented or Interpreted Law: 26B-7-117

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	Filing ID: 58278
Rule or section number:	R414-60

1. Agency Information

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

2. Contact Persons

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

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

3. General Information

A. Rule or section catchline:
R414-60. Medicaid Policy for Pharmacy Program
B. Purpose of the new rule or reason for the change:
Based on discussions within the Division of Integrated Healthcare, the purpose of this amendment is to update and clarify, by rule, current policy for the Medicaid Pharmacy Program.
C. Summary of the new rule or change:
This amendment updates and clarifies definitions, drug coverage, coverage limitations, reimbursement, and policies for new drugs, over-the-counter drugs, compounds, and provider-administered drugs.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The Department of Health and Human Services (department) does not expect a fiscal impact to the state budget as the department already implements current policy through the Medicaid State Plan and the Pharmacy Services Utah Medicaid Provider Manual.
Procedures for implementing these provisions are already in place, and this filing does not add to, modify, or remove any associated processes.

B. Local governments:

The department does not expect a fiscal impact on local governments as they neither fund nor provide pharmacy services under the Medicaid program.

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

The department does not expect a fiscal impact on small businesses as the department already implements current policy through the Medicaid State Plan and the Pharmacy Services Utah Medicaid Provider Manual.

Procedures for implementing these provisions are already in place, and this filing does not add to, modify, or remove any associated processes.

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

The department does not expect a fiscal impact on non-small businesses as the department already implements current policy through the Medicaid State Plan and the Pharmacy Services Utah Medicaid Provider Manual.

Procedures for implementing these provisions are already in place, and this filing does not add to, modify, or remove any associated processes.

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

Medicaid members and entities outside of government or business are not expected to see a fiscal impact as the department already implements current policy through the Medicaid State Plan and the Pharmacy Services Utah Medicaid Provider Manual.

Procedures for implementing these provisions are already in place, and this filing does not add to, modify, or remove any associated processes.

F. Compliance costs for affected persons:

There are no expected compliance costs for affected persons, including the state, small businesses, non-small businesses, and a Medicaid member or single entity outside of government or business, as the department already implements current policy through the Medicaid State Plan and the Pharmacy Services Utah Medicaid Provider Manual.

Procedures for implementing these provisions are already in place, and this filing does not add to, modify, or remove any associated processes.

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

NOTICES OF PROPOSED RULES

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

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

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

9. Citation Information

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

Section 26B-1-213	Section 26B-3-108	
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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: 11/16/2026

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)

11/23/2026

13. Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Commissioner	Date:	09/28/2026
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R414. Health and Human Services, Integrated Healthcare.

R414-60. Medicaid Policy for Pharmacy Program.

R414-60-2. Definitions.

(1) "Covered outpatient drug" means a drug that meets the Centers for Medicare and Medicaid Services (CMS) covered outpatient drug definition as outlined in 42 CFR 447.502 (2026). ~~The following provisions also apply:~~

- ~~(a) requires a prescription for dispensing;~~
- ~~(b) has a national drug code number;~~
- ~~(c) is eligible for federal medical assistance percentages funds;~~
- ~~(d) has been approved by the Food and Drug Administration; and~~
- ~~(e) is listed in the nationally recognized drug pricing index under contract with the Department.]~~

(2) "Full-benefit dual eligible member" means an individual who has Medicare and Medicaid benefits.

(3) "Provider-administered drug" means an outpatient drug, other than a vaccine, that is administered by a health care provider in a physician's office or other outpatient clinical setting.

(4) "Rural pharmacy" means a pharmacy located in the state and is not located in Weber County, Davis County, Utah County, or Salt Lake County.

(~~4~~)5 "Urban pharmacy" means a pharmacy located in Weber County, Davis County, Utah County, Salt Lake County, or in another state.

(~~5~~)6 "Usual and customary charge" means the lowest amount a pharmacy charges the general public for a covered outpatient drug, which reflects advertised savings, discounts, special promotions, or any other program available to the general public.

(~~6~~)7 "Wholesale acquisition cost" means the list price paid by the wholesaler, distributor, and other direct accounts for drugs purchased from the wholesaler's supply.

(~~7~~)8 "Medically accepted indication" means, in accordance with 42 U.S.C. 1396r-8 (k)(6), ~~is~~ any use;

(a) approved by the Federal Food, ~~and~~ Drug, ~~Administration (FDA)~~ and Cosmetic Act, 21 U.S.C. 301 et seq.; or ~~a use~~

(b) supported by ~~on one~~ at least one citation in the ~~of the following compendia~~;

(~~a~~)i American Hospital Formulary Service Drug Information;

(ii) American Medical Association Drug Evaluations;

(iii) DRUGDEX Information System; or

(~~b~~)iv United State Pharmacopeia-Drug Information, ~~or~~

~~_____ (c) the DRUGDEX Information System.]~~

R414-60-4. Program Coverage.

(1) ~~Each~~ covered outpatient drug[s] eligible for federal medical assistance percentages funds ~~are~~ is included in the pharmacy benefit; however, a covered outpatient drug[s] may be subject to limitations and restrictions.

(2) In accordance with Subsection 58-17b-606(4), if a multi-source A-rated legend drug is available in the generic form, Medicaid reimburses only for the generic form of the drug unless:

- (a) reimbursing for the non-generic brand-name legend drug will result in a financial benefit to the state;
- (b) the treating physician demonstrates a medical necessity for dispensing the non-generic, brand-name legend drug; or
- (c) the generic form of the drug is unavailable in the marketplace as ~~defined~~ described in the Utah Medicaid Pharmacy Services Provider Manual.

(3) 42 U.S.C. 1396b(i)(23) requires Medicaid prescriptions not executed electronically to be written on tamper-resistant prescription forms. ~~as follows:~~

(a) A prescriber shall write any Medicaid prescription not executed electronically on a tamper-resistant prescription form[s] [must] that includes [each of the following]:

- (i) one or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form;
- (ii) one or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription by the prescriber; and
- (iii) one or more industry-recognized features designed to prevent the use of counterfeit prescription forms.

(b)(i) Documentation by the pharmacy of verbal confirmation of a prescription that the prescriber or prescriber's agent has not written on a tamper-resistant prescription form ~~by the prescriber or the prescriber's agent~~ satisfies the tamper-resistant requirement.

(ii) The pharmacy shall include in [D] documentation of [the] a verbal confirmation [must include] the date, time, and name of the individual who verified the validity of the prescription.

(c)(i) A pharmacy ~~must~~ shall maintain documentation that:

(A) a Medicaid member or authorized representative has received a prescription for a covered outpatient drug; and ~~[The documentation must]~~

(B) clearly identify ~~y~~ies the covered outpatient drug and the date ~~[#]~~the drug was received.

(ii) The Division of Integrated Healthcare (division) shall waive the proof of delivery requirement for Non-Controlled and Controlled Schedule III to V [Schedule 2] prescriptions.

(iii) In accordance with Subsection ~~[R414-60-4]~~(3)(c)(i), the proof of delivery requirement remains for Controlled Schedule [2]II (CII) medications ~~[that includes]~~ requiring a signature or other documentation. The pharmacy shall document member receipt as stated in Subsection ~~[R414-60-4]~~(3)(c)(i).

(d) If there is a [C]claim[s] for a covered outpatient drug[s] not dispensed to a Medicaid member or the member's authorized representative within 14 days [must be reversed and]:

(i) the division shall reverse the claim; and

(ii) the pharmacy shall return any payment from Medicaid [must be returned].

R414-60-5. Limitations.

(1) Medicaid may place limitations on drugs in accordance with 42 U.S.C. 1396r-8 or in consultation with the Drug Utilization Review Board. Medicaid includes these limitations in the Pharmacy Services Provider Manual and attachments. These limitations are incorporated by reference in Section R414-1-5 and may include:

- (a) quantity limits or cumulative limits for a drug or drug class for a specified period;
- (b) therapeutic duplication limits, which may be placed on drugs within the same or similar therapeutic categories;
- (c) step therapy, including documentation of therapeutic failure with one drug before another drug may be used; or
- (d) prior authorization.

(2) A pharmacy may dispense a covered outpatient drug that requires prior authorization for up to a 72-hour supply without obtaining prior authorization during a medical emergency.

(3) A drug listed as non-preferred on the Preferred Drug List ~~[(PDL)]~~ may require prior authorization ~~[as authorized by]~~ in accordance with Section 26B-3-105.

(4) A drug may be restricted and is reimbursable only if dispensed by an individual pharmacy or pharmacies.

(5) Medicaid does not cover any drug not eligible for federal medical assistance percentages funds.

(6) Medicaid does not cover any outpatient drug included in the Medicare Prescription Drug Benefit-Part D for any full-benefit dual eligible member.

(7) Medicaid does not cover any drug provided to a member during an inpatient hospital stay, neither as an outpatient pharmacy benefit nor separately payable from the Medicaid payment for the inpatient hospital services.

(8) Medicaid covers prescription cough and cold preparations meeting the definition of a covered outpatient drug.

(9) Medicaid pays for no more than a one-month supply of a covered outpatient drug for each dispensing, except that:

(a) Medicaid may cover a medication on the Utah Medicaid Three-Month Supply ~~[Medication]~~ Required List, attachment to the Pharmacy Services Provider Manual, for up to a three-month supply for each dispensing; and

(b) Medicaid may cover prenatal vitamins for a pregnant woman, multiple vitamins with or without fluoride for a child who is zero through five years of age, and fluoride supplements through 16 years of age ~~[for up to a three-month supply for each dispensing];~~

~~_____ (c) Medicaid may cover contraceptives for up to a three-month supply for each dispensing; and~~

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~~_____~~ (d) Medicaid may cover a long-acting injectable antipsychotic drug in accordance with Section R414-60-12 for up to a three-month supply for each dispensing.]

(10)(a) Medicaid pays for a prescription refill for non-controlled substances only if 80% of the previous prescription has been exhausted~~], except for a controlled substance~~].

~~_____~~ (b) Medicaid pays for a prescription refill for a controlled substance after 85% of the previous prescription has been exhausted.

(11) Medicaid covers treatments for fertility preservation and in vitro fertilization, only as described in the Utah Medicaid Provider Manual, for individuals who receive medical treatment that includes surgery, radiation, chemotherapy, or another medical intervention that poses the risk of sterility or leads to iatrogenic infertility.

(12) Medicaid does not cover:

(a) a drug for weight loss, except for specific indications;

(b) a drug for the treatment of sexual dysfunction;

(c) a drug for cosmetic purposes;

(d) vitamins~~;~~, except ~~[for]~~as listed in Subsection (9)(b)~~]- prenatal vitamins for a pregnant woman, vitamin drops for a child who is zero through five years of age, and fluoride supplements~~];

(e) an over-the-counter (OTC) drug ~~[(OTC)]~~not included on the Utah Medicaid ~~[PDL]~~Preferred Drug List and Resources document~~[attachment to the Pharmacy Services Provider Manual]~~;

(f) a drug for which the manufacturer requires, as a condition of sale, that associated tests and monitoring services are purchased exclusively from the manufacturer or ~~[#]~~the manufacturer's designee;

(g) a drug given by a hospital to a patient at discharge;

(h) breast milk, breast milk substitutes, baby food, or medical foods~~[-P]~~, though prescription metabolic products for congenital errors of metabolism are covered through the ~~[D]~~durable ~~[M]~~medical ~~[E]~~equipment benefit; and

(i) a drug available only through a single-source distribution program, unless the distributor is enrolled with Medicaid as a pharmacy provider.

(13) A claim for opioids used for the treatment of non-cancer pain is subject to the following limitations or restrictions set forth by the ~~division~~Division of Integrated Healthcare (DIH):

(a) initial fill limits;

(b) monthly limits;

(c) quantity limits;

(d) additional limits for a child or pregnant woman;

(e) daily morphine milligram equivalents (MME)~~[- and cumulative morphine equivalents daily (MED)]~~ limits;

(f) concurrent use of opioids with high-risk drugs as defined by ~~[DIH]~~the division; or

(g) concurrent use of opioid medications in a Medicaid member~~[s]~~ who also receives medication-assisted treatment (MAT) for opioid use disorder.

(14) An antipsychotic medication prescribed to a Medicaid member who is 19 years of age or younger is limited as follows:

(a) no use of multiple antipsychotic drugs;

(b) no off-label use;

(c) no use outside established age guidelines; and

(d) no doses higher than FDA recommendations.

~~_____~~ (15) An exception may be granted as appropriate through the prior authorization process.

~~_____~~ (16) An attention~~[-]~~ deficit~~[L]~~ hyperactivity disorder (ADHD) stimulant medication is subject to the following limitations or restrictions set forth by ~~[DIH]~~the division for Medicaid members:

(a) age limits;

~~_____~~ (b) monthly limits;

~~_____~~ (c) quantity limits;

~~_____~~ (d) cross-class limitations for concurrent use of an amphetamine class with methylphenidate class in children less than 18 years of age; or

(e) the use of no more than two ADHD stimulants by a member of any age.

~~_____~~ (17) Medicaid evaluates exceptions to ADHD stimulant policy for medical necessity on a case-by-case basis.

~~_____~~ (18) The ~~["]~~dispense as written~~["]~~ (DAW-1) code may override ~~[the non-preferred]~~a prior authorization requirement for selected non-preferred ~~[antipsychotic]~~medications if the prescriber writes "dispense as written" on a prescription.

~~_____~~ (17) The department may grant an exception as appropriate through the prior authorization process.

R414-60-7. Reimbursement.

(1) A pharmacy may not submit a charge to Medicaid that exceeds the pharmacy's usual and customary charge.

(2) Covered outpatient drugs are reimbursed as outlined in Attachment 4.19-B of the Medicaid State Plan.

(3) A pharmacy that participates in the 340B program and uses medications obtained through the 340B program to bill Medicaid ~~[must]~~shall submit the 340B acquisition cost of the medication on the claim.

(4) A pharmacy that participates in the ~~[f]~~Federal ~~[s]~~Supply ~~[s]~~Schedule (FSS) and uses medications obtained through the schedule to bill Medicaid ~~[must]~~shall submit the FFS acquisition cost of the medication on the claim unless the claim is reimbursed as a bundled charge or all-inclusive rate.

(5) A pharmacy that obtains and uses medications at a nominal price must submit the acquisition cost of the medication on the claim.

(6)~~[(a)]~~ Dispensing fees are outlined in Attachment 4.19-B of the Medicaid State Plan.

(~~b~~)a) Medicaid pays the lesser of:

- (i) the assigned dispensing fee; or
- (ii) the submitted dispensing fee.

(~~7~~)~~(a)~~(b)) Medicaid pays a pharmacy only one dispensing fee every 24 days for each covered outpatient drug.

(~~b~~)c) In the event the Medicaid point of sale system experiences a system interruption that results in extensive downtime and increased administrative workload for pharmacy providers, the Medicaid division director may waive the 24-day limit on dispensing fees.

~~(8)~~~~(a)~~(7)(a) Medicaid may only pay a dispensing and administration fee to a provider who administers a vaccine to a Medicaid member who is 18 years of age or younger but may not reimburse a provider for the vaccine product. ~~Medicaid pays a provider that immunizes a Medicaid member who is 19 years of age or older for the cost of the immunization plus a dispensing fee.~~

(b) A Medicaid member who is 18 years of age or younger shall obtain any vaccine through the Vaccines for Children Program.

~~_____ (b) Medicaid pays the lesser of:~~

- ~~_____ (i) the allowed charges; or~~
- ~~_____ (ii) the submitted charges.~~

~~_____ (9) A provider that immunizes a Medicaid member who is 18 years of age or younger may only be eligible for a dispensing fee with no reimbursement for the immunization. Immunizations for Medicaid members who are 18 years of age or younger must be obtained through the Vaccines for Children program.~~

] (~~10~~)8) Diabetic supplies listed on the Utah Medicaid ~~PDL~~Preferred Drug List are reimbursed at the lesser of:

- (a) the wholesale acquisition cost with no dispensing fee; or
- (b) ~~or~~ the billed charges.

(~~14~~)9) Pursuant to Section 58-17b-805, a dispensing medical practitioner may prescribe and dispense medication directly to a patient if providing outpatient cancer therapy. Details of reimbursement are found on the Medicaid website at <http://health.utah.gov/stplan/lookup/CoverageLookup.php>.

R414-60-8. Mandatory Patient Counseling.

(1) A Medicaid member~~[s]~~ or ~~their~~ authorized representative~~[s]~~ ~~[must]~~shall receive counseling that fulfills the requirements of 42 U.S.C. 1396r-8 each time a covered outpatient medication is dispensed.

(2) If a Medicaid member or authorized representative refuses the offer of counseling, a pharmacy facility is not required to provide that Medicaid member or authorized representative with counseling, in accordance with Section R156-17b-610~~[does not require counseling if a Medicaid member or their representative refuses the offer of counseling].~~

(a) Only a pharmacist, pharmacy intern, or designated medical practitioner may provide ~~[oral]~~verbal counseling ~~[to a member or member's representative and]~~or answer questions concerning prescription drugs.

(3) The pharmacy facility shall document the offer of counseling ~~[must be documented]~~ and ~~[produceable]~~ make that documentation available to the department upon request.

(4) ~~[W]~~A pharmacy facility shall deliver any written information on a prescription order ~~[delivered]~~ to a Medicaid member and shall be ~~[in the]~~ format that information ~~[of]~~ as a patient information leaflet~~[s]~~.

R414-60-9. New Drug Products.

(1) ~~[A]~~The Drug Utilization Review Board may review a new drug product, including a new size or strength of an existing approved product, ~~[may be reviewed by the DUR Board]~~ to determine whether the drug should be subject to restrictions or limitations.

(2) ~~[N]~~A new drug~~[s]~~ may be withheld from coverage for no more than 12 weeks while the Drug Utilization Review Board evaluates potential restrictions or limitations~~[are being evaluated]~~.

R414-60-10. Over-the-Counter Drugs.

(1) Medicaid covers an OTC drug~~[s]~~ if the drug is listed on the Preferred Drug List and Pharmacy Coverage Resources document~~[Utah Medicaid PDL and Resources attachment to the Pharmacy Services Provider Manual, incorporated by reference in Section R414-1-5].~~

(2) For a Medicaid member who resides in a nursing facility, Medicaid does not cover an OTC drug under the outpatient pharmacy benefit. Reimbursement for an OTC drug is included in the nursing facility daily rate and not reimbursed separately through the pharmacy program~~[For a Medicaid member who resides in a nursing home, OTC drugs on the approved list are not a benefit through the outpatient pharmacy program. The nursing home rate of reimbursement includes payment for OTC drugs].~~

R414-60-11. Compounds.

(1) A compounded drug consists of two or more ingredients. Medicaid may only reimburse a pharmacy~~[ies]~~ for ~~the~~an ingredient that:

(a) meets the definition of a covered outpatient drug~~[r]~~; and

(b) is not ~~[except for those listed]~~ described ~~[as non-covered drugs]~~ in Section R414-60-5.

(2) Qualified personnel shall prepare any compounded non-sterile prescription in an environment that complies with the requirements of the United States Pharmacopeia-National Formulary Chapter <795>.~~[Compounded non-sterile prescriptions must be prepared by personnel and in settings as defined in the United States Pharmacopeia and National Formulary Chapter <795>.]~~

(3)(a) Qualified personnel shall prepare any compounded sterile prescription in a facility that complies with the requirements of the United States Pharmacopeia-National Formulary Chapter <797>.

NOTICES OF PROPOSED RULES

(b) A facility shall perform appropriate testing to ensure the final product meets applicable sterility, potency, and purity standards. [Compounded sterile prescriptions must be prepared by personnel and in settings that have certified they adhere to the United States Pharmacopeia/National Formulary chapter <797> standard, and test the final product for sterility, potency, and purity.]

(4) Medicaid does not cover bulk powders for compounded prescriptions.

R414-60-12. Provider-Administered ~~Drugs~~ [Long-Acting Injectable Antipsychotic Drugs and Drugs for the Treatment of Opioid Use Disorders].

(1) [A provider-administered drug is an outpatient drug, other than a vaccine, that is administered by a health care provider in a physician's office or other outpatient clinical setting.

(2) [Medicaid may only reimburse for a provider-administered drug if the drug qualifies as a covered outpatient drug in accordance with 42 U.S.C 1396r-8.

([3]2) A pharmacy facility shall dispense select provider-administered or provider-observed drugs directly to the prescribing provider or the provider's authorized staff, as identified on the Preferred Drug List. [Selected provider-administered or provider-observed drugs must be dispensed directly to the provider or provider's staff. These include the following:

(a) long-acting injectable antipsychotics; and

(b) long-acting injectable drugs for the treatment of opioid use disorders.]

KEY: Medicaid

Date of Last Change: [January 20,]2026

Notice of Continuation: March 11, 2022

Authorizing, and Implemented or Interpreted Law: 26B-1-213; 26B-3-108

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Filing ID: 58274

Rule or section number:

R414-302-8

1. Agency Information

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

2. Contact Persons

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

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

3. General Information

A. Rule or section catchline:
R414-302-8. Application for Other Possible Benefits
B. Purpose of the new rule or reason for the change:
This filing implements a change in policy that no longer requires an individual to apply for other financial benefits before applying for Medicaid.
C. Summary of the new rule or change:
This filing implements a change in policy that no longer requires an individual to apply for other financial benefits before applying for Medicaid.
It also removes provisions for modified adjustment gross income and Veterans Administration benefits that no longer apply to this rule.

5. Fiscal Information

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

A. State budget:

The Department of Health and Human Services (department) estimates a total cost of about \$262,747 based on an increase to the General Fund, its federal match, and an increase to the fund for Medicaid expansion in accordance with the Affordable Care Act.

There is no estimated savings to the state budget.

B. Local governments:

There is no expected fiscal impact on local governments as they neither fund nor provide services under the Medicaid program.

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

The department estimates an increase in revenue for small businesses based on an increase in eligibility and coverage for Medicaid members.

There is, however, no available data to estimate the number of individuals who will become eligible for Medicaid with the removal of the requirement to apply for other financial benefits, and it is impossible to know how many of those individuals will seek services from small businesses.

Therefore, this anticipated increase in revenue is considered inestimable.

There is no estimated cost to small businesses.

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

The department estimates an increase in revenue for non-small businesses based on an increase in eligibility and coverage for Medicaid members.

There is, however, no available data to estimate the number of individuals who will become eligible for Medicaid with the removal of the requirement to apply for other financial benefits, and it is impossible to know how many of those individuals will seek services from non-small businesses.

Therefore, this anticipated increase in revenue is considered inestimable.

There is no estimated cost to non-small businesses.

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

The department does not expect this change to have a fiscal impact on entities outside of businesses or government because it only affects individuals who may qualify for services under the Medicaid program and providers of Medicaid services.

While this filing may increase the number of individuals who become eligible for Medicaid services, there is no available data to estimate the number of individuals who will become eligible for Medicaid with the removal of the requirement to apply for other financial benefits, and that number is inestimable.

F. Compliance costs for affected persons:

There are no anticipated compliance costs for small businesses, non-small businesses, or other persons, including individuals who may qualify for Medicaid services, as this change is expected to only result in out-of-pocket savings for an individual who qualifies for Medicaid and an increase in revenue for a provider of Medicaid services.

While the state is estimated to see a total cost of \$262,747 based on an increase to the General Fund, its federal match, and an increase to the fund for Medicaid expansion in accordance with the Affordable Care Act.

However, because there is no available data to estimate the number of individuals who will become eligible for Medicaid with the removal of the requirement to apply for other financial benefits, the amount of an individualized compliance cost is inestimable.

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	\$262,747	\$262,747	\$262,747	\$262,747	\$262,747
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	\$262,747	\$262,747	\$262,747	\$262,747	\$262,747
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	(\$262,747)	(\$262,747)	(\$262,747)	(\$262,747)	(\$262,747)

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

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

9. Citation Information

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

Section 26B-1-213	Section 26B-3-108	
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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: 11/16/2026

12. Effective Date Information

This rule change MAY become effective on: 11/23/2026
(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:	Tracy S. Gruber, Commissioner	Date:	09/28/2026
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R414. Health and Human Services, Integrated Healthcare.**R414-302. Eligibility Requirements.****R414-302-8. Application for ~~Other Possible Benefits~~ Medicare Part B.**

~~[(1) The department implements 42 CFR 435.608, which requires applicants for and members of medical assistance to apply for and take reasonable steps to receive other possible benefits.~~

~~[(2) The department may not require an applicant for or member of medical assistance to apply for an income benefit if the applicant's or member's income is not counted when determining eligibility for medical assistance for either that individual or any other household member.~~

~~(3)]([*]1)~~ An individual who may be eligible for Medicare Part B benefits must apply for Medicare Part B and, if eligible, become enrolled in Medicare Part B to be eligible for Medicaid.

~~([b]2)~~ The state pays the applicable monthly premium and cost-sharing expenses for Medicare Part B for an individual who is eligible for both Medicaid and Medicare Part B.[

~~(4) An individual whose eligibility is determined using non-Modified Adjusted Gross Income (MAGI) methodologies and who may be eligible for a Veterans Administration (VA) apportionment payment of benefits, as defined by the VA, must apply for those benefits.]~~

KEY: state residency, citizenship, third-party liability, Medicaid

Date of Last Change: ~~January 22, 2024~~ **2026**

Notice of Continuation: January 6, 2023

Authorizing, and Implemented or Interpreted Law: ~~26B-3-108;~~ **26B-1-213; 26B-3-108**

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Readopt

Filing ID: 58275

Rule or section number:

R523-5

1. Agency Information

Title catchline:	Health and Human Services, Substance Use and Mental Health
Building:	Cannon Health Building
Street address:	288 N 1460 W, Floor 3
City, state:	Salt Lake City, UT
Mailing address:	288 N 1460 W, Floor 3
City, state and zip:	Salt Lake City, UT 84116

2. Contact Persons

Name:	Phone:	Email:
Thomas Dunford	801-538-4181	tdunford@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:

R523-5. Peer Support Specialist Training and Certification

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

This filing is necessary to update this rule following the consolidation of the Department of Health and Human Services (department) and recodification of applicable statute.

It updates statutory citations and complies with the Governor's Executive Order No. 2021-12 by aligning the rule language with the Rulewriting Manual for Utah.

Further style and formatting changes align this rule with the structure of other rules under the department.

Additionally, the Office of Substance Use and Mental Health (office) had previously created two rules to address peer support certification that addressed two separate types of peer support.

Rule R523-5 was created to address certification for individuals seeking to be adult mental health and youth peer support specialists.

Rule R523-6 was created to address certification for individuals seeking to be family resource facilitators for parents with children who are in treatment for behavioral health issues.

Over the years, the office has moved to centralize peer support services into a single collaborative team, and the requirements for all types of peer support certification have become more homogenized with similar nationally recognized best practices.

These changes in peer support services caused the office to reevaluate the way peer support certifications were administered, so the office decided to combine the provisions in Rule R523-6 and this rule to create a central peer support certification rule as a way of standardizing peer support in the state, reducing administrative burden, and creating a more customer friendly process across all peer support specialties.

Provisions previously housed in Rule R523-6 are therefore being moved into this rule, and Rule R523-6 will be repealed through a concurrent filing.

Additional changes in this filing are meant to align this rule with nationally recognized standards and current practice and streamline practices to be more in line with the needs of people working in this industry, as identified by leadership in the Division of Integrated Health (division).

(EDITOR'S NOTE: The proposed repeal of Rule R523-6 is under ID 58276 in this issue, October 15, 2026, of the Bulletin.)

C. Summary of the new rule or change:

This filing updates statutory citations, aligns this rule with the standards of the Rulewriting Manual for Utah and other rules under the department, and complies with the Governor's Executive Order No. 2021-12.

It additionally implements provisions previously housed under Rule R523-6, which is being repealed through a concurrent filing.

This filing renames certified peer support specialist types but retains existing requirements for each type.

Requirements for becoming a family resource facilitator, now called a certified peer support specialist for families, that were previously in Rule R523-6 are added to this rule through this filing.

Additionally, this filing makes several updates to align requirements in this rule with nationally recognized standards.

This filing adds a new certification type for dual certified peer support specialist for families allows certified peer support specialist for adults to also work with parents of children with behavioral health challenges.

This filing also updates certification and renewal requirements, including continuing education requirements, for certified peer support specialists across all certification types.

Curriculum for peer support specialist training is updated through this filing to clarify requirements and match current practices.

It has also been expanded to include curriculum for the new certification type and align with nationally recognized standards.

This filing further updates requirements for agencies seeking to provide peer support specialist training for clarity and to match current practice.

It also adds peer support specialist supervision requirements to align this rule more closely with statutory requirements and a corrective action plan to align with current practice.

It adds a definition for peer support services and adds a code of ethics for peer support specialist to create clarity and consistency.

Finally, this filing adds standards to allow for out-of-state reciprocity for professionals in this field who move to Utah after obtaining certification in a different state.

5. Fiscal Information

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

A. State budget:

There is no anticipated fiscal impact, cost or savings, on the state budget because of this filing.

The addition of provisions that were previously housed in Rule R523-6, which is in the process of being repealed through a concurrent filing, is not anticipated to have a fiscal impact because those provisions already exist and will continue to be enforced through the other rule until this filing is made effective.

Updates that are being made in this rule to clarify language in this rule and align it with current practice are not anticipated to result in a fiscal impact because these processes already exist and are being followed by the state.

New definitions and the renaming of existing certification types are also not anticipated to result in a fiscal impact because, while they update terminology, they do not introduce any new processes that have not already been implemented by the state.

The specification of supervision requirements fulfills a statutory mandate for this type of clarification and aligns this rule with existing practice.

The addition of a corrective action process is not anticipated to increase costs to the state budget because the division already reviews peer support services in the local authority services system and assists agencies in rectifying issues that arise from unethical or illegal actions of a certified peer support specialist.

Updates to certification and renewal requirements, including additional education requirements, are also not anticipated to result in a fiscal impact because state processes already exist for issuing and renewing certifications and providing training to fulfill education requirements for people seeking certification.

The addition of a new certification type and expanded curriculum is also not anticipated to result in a fiscal impact to the state because the processes for certification and training will follow a similar pattern to existing processes for other certification types and are not anticipated increase administrative burdens on staff.

While this filing increases training requirements for certified peer support specialists to meet nationally recognized standards, the division already offers this training free of charge.

Therefore, this training is not anticipated to create any additional cost to the state budget.

Finally, this filing adds a process to allow for out-of-state reciprocity for professionals in this field who move to Utah after obtaining a comparable certification in a different state, which is not anticipated to result in a fiscal impact to the state because it implements elements of the state's existing certification processes to streamline approvals for certification of these professionals.

Therefore, processing these cases is anticipated to fall within the existing scope of staff.

B. Local governments:

There is no anticipated fiscal impact, cost or savings, on local governments because of this filing.

The addition of provisions that were previously housed in Rule R523-6, which is in the process of being repealed through a concurrent filing, is not anticipated to have a fiscal impact because those provisions already exist and will continue to be enforced through the other rule until this filing is made effective.

Updates that are being made in this rule to clarify language in this rule and align it with current practice are not anticipated to result in a fiscal impact because these processes already exist and are being followed by local governments.

New definitions and the renaming of existing certification types are also not anticipated to result in a fiscal impact because, while they update terminology, they do not introduce any new processes that have not already been implemented.

The specification of supervision requirements fulfills a statutory mandate for this type of clarification and aligns this rule with existing practice.

The addition of a corrective action process is not anticipated to increase costs to local governments because the division already reviews peer support services and assists local agencies in rectifying issues that arise from unethical or illegal actions of a certified peer support specialist.

Updates to certification and renewal requirements, including additional education requirements, are also not anticipated to result in a fiscal impact because processes already exist for issuing and renewing certifications and providing training to fulfill education requirements for people seeking certification.

The addition of a new certification type and expanded curriculum is also not anticipated to result in a fiscal impact to local governments because the processes for certification and training will follow a similar pattern to existing processes for other certification types and are not anticipated increase administrative burdens.

While this filing increases training requirements for certified peer support specialists to meet nationally recognized standards, the division already offers this training free of charge.

Therefore, this training is not anticipated to create any additional cost to local governments.

Finally, this filing adds a process to allow for out-of-state reciprocity for professionals in this field who move to Utah after obtaining a comparable certification in a different state, which is not anticipated to result in a fiscal impact to local governments because it implements elements of existing certification processes to streamline approvals for certification of these professionals.

Therefore, fulfilling those requirements is anticipated to fall within the existing scope for applicants.

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

There is no anticipated fiscal impact, cost or savings, on small businesses because of this filing. The addition of provisions that were previously housed in Rule R523-6, which is in the process of being repealed through a concurrent filing, is not anticipated to have a fiscal impact because those provisions already exist and will continue to be enforced through the other rule until this filing is made effective.

Updates that are being made in this rule to clarify language in this rule and align it with current practice are not anticipated to result in a fiscal impact because these processes already exist and are being followed by small businesses.

New definitions and the renaming of existing certification types are also not anticipated to result in a fiscal impact because, while they update terminology, they do not introduce any new processes that have not already been implemented. The specification of supervision requirements fulfills a statutory mandate for this type of clarification and aligns the rule with existing practice.

The addition of a corrective action process is not anticipated to increase costs to small businesses because the division already reviews peer support services and assists small businesses in rectifying issues that arise from unethical or illegal actions of a certified peer support specialist.

Updates to certification and renewal requirements, including additional education requirements, are also not anticipated to result in a fiscal impact because processes already exist for issuing and renewing certifications and providing training to fulfill education requirements for people seeking certification.

The addition of a new certification type and expanded curriculum is also not anticipated to result in a fiscal impact to small businesses because the processes for certification and training will follow a similar pattern to existing processes for other certification types and are not anticipated increase administrative burdens.

While this filing increases training requirements for certified peer support specialists to meet nationally recognized standards, the division already offers this training free of charge.

Therefore, this training is not anticipated to create any additional cost to small businesses.

Finally, this filing adds a process to allow for out-of-state reciprocity for professionals in this field who move to Utah after obtaining a comparable certification in a different state, which is not anticipated to result in a fiscal impact to small businesses because it implements elements of existing certification processes to streamline approvals for certification of these professionals.

Therefore, fulfilling those requirements is anticipated to fall within the existing scope for applicants.

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

There is no anticipated fiscal impact, cost or savings, on non-small businesses because of this filing. The addition of provisions that were previously housed in Rule R523-6, which is in the process of being repealed through a concurrent filing, is not anticipated to have a fiscal impact because those provisions already exist and will continue to be enforced through the other rule until this filing is made effective.

Updates that are being made in this rule to clarify language in this rule and align it with current practice are not anticipated to result in a fiscal impact because these processes already exist and are being followed by non-small businesses.

New definitions and the renaming of existing certification types are also not anticipated to result in a fiscal impact because, while they update terminology, they do not introduce any new processes that have not already been implemented. The specification of supervision requirements fulfills a statutory mandate for this type of clarification and aligns the rule with existing practice.

The addition of a corrective action process is not anticipated to increase costs to non-small businesses because the division already reviews peer support services and assists non-small businesses in rectifying issues that arise from unethical or illegal actions of a certified peer support specialist.

Updates to certification and renewal requirements, including additional education requirements, are also not anticipated to result in a fiscal impact because processes already exist for issuing and renewing certifications and providing training to fulfill education requirements for people seeking certification.

The addition of a new certification type and expanded curriculum is also not anticipated to result in a fiscal impact to non-small businesses because the processes for certification and training will follow a similar pattern to existing processes for other certification types and are not anticipated increase administrative burdens.

While this filing increases training requirements for certified peer support specialists to meet nationally recognized standards, the division already offers this training free of charge.

Therefore, this training is not anticipated to create any additional cost to non-small businesses.

Finally, this filing adds a process to allow for out-of-state reciprocity for professionals in this field who move to Utah after obtaining a comparable certification in a different state, which is not anticipated to result in a fiscal impact to non-small businesses because it implements elements of existing certification processes to streamline approvals for certification of these professionals.

Therefore, fulfilling those requirements is anticipated to fall within the existing scope for applicants.

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

There is no anticipated fiscal impact, cost or savings, on other persons, including nonprofits and individuals, because of this filing. The addition of provisions that were previously housed in Rule R523-6, which is in the process of being repealed through a concurrent filing, is not anticipated to have a fiscal impact because those provisions already exist and will continue to be enforced through the other rule until this filing is made effective.

Updates that are being made in this rule to clarify language in this rule and align it with current practice are not anticipated to result in a fiscal impact because these processes already exist and are being followed by other persons.

New definitions and the renaming of existing certification types are also not anticipated to result in a fiscal impact because, while they update terminology, they do not introduce any new processes that have not already been implemented. The specification of supervision requirements fulfills a statutory mandate for this type of clarification and aligns this rule with existing practice.

The addition of a corrective action process is not anticipated to increase costs to other persons because the division already reviews peer support services and assists other persons in rectifying issues that arise from unethical or illegal actions of a certified peer support specialist.

Updates to certification and renewal requirements, including additional education requirements, are also not anticipated to result in a fiscal impact because processes already exist for issuing and renewing certifications and providing training to fulfill education requirements for people seeking certification.

The addition of a new certification type and expanded curriculum is also not anticipated to result in a fiscal impact to other persons because the processes for certification and training will follow a similar pattern to existing processes for other certification types and are not anticipated increase administrative burdens.

While this filing increases training requirements for certified peer support specialists to meet nationally recognized standards, the division already offers this training free of charge.

Therefore, this training is not anticipated to create any additional cost to other persons.

Finally, this filing adds a process to allow for out-of-state reciprocity for professionals in this field who move to Utah after obtaining a comparable certification in a different state, which is not anticipated to result in a fiscal impact to other persons because it implements elements of existing certification processes to streamline approvals for certification of these professionals.

Therefore, fulfilling those requirements is anticipated to fall within the existing scope for applicants.

F. Compliance costs for affected persons:

The amendments in this rule require no additional compliance costs for affected persons, including the state, local governments, small businesses, non-small businesses, and other persons, including nonprofits and individuals.

The addition of provisions into this rule that were previously housed in Rule R523-6, which is in the process of being repealed through a concurrent filing, is not anticipated to result in compliance costs because those provisions already exist and will continue to be enforced through the other rule until this filing is made effective.

Updates that are being made in this rule to clarify language in this rule and align it with current practice are not anticipated to result in a compliance cost because these processes already exist and are being followed by affected persons.

New definitions and the renaming of existing certification types are also not anticipated to result in compliance costs because, while they update terminology, they do not introduce any new processes that have not already been implemented. The specification of supervision requirements fulfills a statutory mandate for this type of clarification and aligns the rule with existing practice.

The addition of a corrective action process is not anticipated to increase costs to affected persons because the division already reviews peer support services and assists affected persons in rectifying issues that arise from unethical or illegal actions of a certified peer support specialist.

Updates to certification and renewal requirements, including additional education requirements, are also not anticipated to result in compliance costs because processes already exist for issuing and renewing certifications and providing training to fulfill education requirements for people seeking certification. Both the process for an entity to obtain a contract to become a training program and the training provided to individuals seeking a peer support specialist certification are free.

The addition of a new certification type and expanded curriculum is also not anticipated to result in a compliance costs to affected persons because the processes for certification and training will follow a similar pattern to existing processes for other certification types and are not anticipated increase administrative burdens.

While this filing increases training requirements for certified peer support specialists to meet nationally recognized standards, the division already offers this training free of charge. Although some individuals may choose to participate in training from an outside entity that charges a fee for participation, the division's free training is available to anyone seeking to meet these requirements.

Therefore, this training is not anticipated to create any additional cost to affected persons.

Finally, this filing adds a process to allow for out-of-state reciprocity for professionals in this field who move to Utah after obtaining a comparable certification in a different state, which is not anticipated to result in compliance costs to affected persons because it implements elements of existing certification processes to streamline approvals for certification of these professionals.

Therefore, fulfilling those requirements is anticipated to fall within the existing scope for applicants.

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 Commission 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:

Subsection 26B-5-102(2)(gg)

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:

11/16/2026

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)

11/23/2026

13. Agency Authorization Information

Agency head or designee and title:

Tracy S. Gruber, Commissioner

Date:

09/28/2026

R523. Health and Human Services, Substance Use and Mental Health.**[R523-5. Peer Support Specialist Training and Certification.]****~~R523-5-1. Purpose.~~**

~~_____ (1) Purpose. This rule prescribes standards for certification of Peer Support Specialist Training programs; the qualifications required of instructors for providing Peer Support Training; and the requirements to become a Peer Support Specialist and establishes guidelines for population specific peer support services.~~

~~R523-5-2. Authority.~~

~~_____ (1) These standards are promulgated by the Utah Department of Health and Human Services through the Division of Integrated Healthcare as authorized by Subsection 26B-5-102(2)(gg).~~

~~R523-5-3. Intent.~~

~~_____ (1) The peer support specialist training establishes training programs to certify individuals that have completed requisite training to work as substance use disorder and/or mental health peer support specialists and provide services based on service guidelines.~~

~~R523-5-4. Definitions.~~

~~_____ (1) "Peer Support Specialist (PSS)" is an individual who has successfully completed an approved Peer Support Specialist Training Program and for ongoing certification has met the requirements outlined in Section R523-5-8.~~

~~_____ (2) "Approved Curriculum" means a curriculum which has been approved by the division in accordance with these rules.~~

~~_____ (3) "Certification" means that the division verifies the individual has met the requirements outlined in this rule to be a peer support specialist and has completed the required training.~~

~~_____ (4) "Director" means the director of the Division of Integrated Healthcare.~~

~~_____ (5) "Division" means the Division of Integrated Healthcare.~~

~~_____ (6) "Peer Support Specialist Training Program" is an instructional series operated by an approved agency or organization which satisfies the standards established by the division and is herein referred to as a "Peer Support Specialist Training Program".~~

~~_____ (7) "Program Certificate" is a written authorization issued by the division to the training entity which indicates that the Program has been found to be in compliance with these division standards.~~

~~_____ (8) "Recovery" is a process of change through which individuals improve their health and wellness, live a self directed life, and strive to reach their full potential.~~

~~_____ (9) "Youth In Transition" means young people who are between the ages of 16 and 25, or those outside of this age range for which peer support services have been deemed developmentally and socially appropriate by a licensed mental health therapist.~~

~~R523-5-5. Certification Requirements for Peer Support Specialist Training Programs.~~

- ~~_____ (1) An application for Program Certification will require that the program provide, among other things:~~
- ~~_____ (a) Qualifications of individuals who will be providing the training.~~
- ~~_____ (b) A curriculum that outlines no less than forty (40) hours of face to face instruction covering the curriculum requirements outlined in Section R523-5-7 for a PSS.~~
- ~~_____ (c) A plan to ensure that instructors continue to meet reported qualifications and adhere to the approved curriculum.~~
- ~~_____ (d) An agreement to maintain records of the individual's attendance and completion of all program requirements for at least seven years.~~
- ~~_____ (e) An agreement to comply with all applicable local, state and federal laws and regulations.~~
- ~~_____ (2) The division director has the authority to grant exceptions to any of the certification requirements.~~

~~R523-5-6. Division Oversight of Program.~~

- ~~_____ (1) The division may enter and survey the physical facility, program operation, review curriculum and interview staff to determine compliance with this rule or any applicable contract to provide such services.~~
- ~~_____ (2) The PSS Training Program shall also allow representatives from the division and from the local authorities as authorized by the division to attend the classes held. Such visits may be announced or unannounced.~~
- ~~_____ (3) The division will establish an application process to review and approve applicants for the PSS Training Program. This process will:~~
- ~~_____ (a) Develop and publish an application to be a PSS.~~
- ~~_____ (b) Solicit input from stakeholders, PSS's and other individuals on the review process.~~
- ~~_____ (c) Establish further criteria for acceptance into the PSS program as needed.~~

~~R523-5-7. Curriculum Requirements for Adult Peer Support Specialist Training Programs.~~

- ~~_____ (1) This curriculum shall provide at least forty (40) hours of instruction for original certification and twenty (20) hours for any and all re-certifications. The curriculum shall include the following components as they relate to the PSS's lived experience and recovery in order to assist in the identified client's strengths working towards recovery:~~
- ~~_____ (a) Etiology of mental illness and substance use disorders;~~
- ~~_____ (b) The stages of recovery from mental illness and substance use disorders;~~
- ~~_____ (c) The relapse prevention process;~~
- ~~_____ (d) Combating negative self talk;~~
- ~~_____ (e) The Role of peer support in the recovery process and using your recovery story as a recovery tool;~~
- ~~_____ (f) Dynamics of change;~~
- ~~_____ (g) Ethics of peer support;~~
- ~~_____ (h) Professional relationships, boundaries and limits;~~
- ~~_____ (i) Scope of peer support;~~
- ~~_____ (j) Cultural competence: self awareness—cultural identity;~~
- ~~_____ (k) Stigma and labeling;~~
- ~~_____ (l) Community resources to support individuals in recovery;~~
- ~~_____ (m) Assisting individuals in accomplishing recovery goals;~~
- ~~_____ (n) Coach, mentor, and role model recovery;~~
- ~~_____ (o) Assist in identification of natural, formal and informal supports;~~
- ~~_____ (p) Stress management techniques;~~
- ~~_____ (q) Assist individuals in reaching educational and vocational goals;~~
- ~~_____ (r) Crisis prevention; and~~
- ~~_____ (s) Assist with physical health and wellness.~~
- ~~_____ (2) The curriculum shall include:~~
- ~~_____ (a) Active listening and communication skills; and~~
- ~~_____ (b) Basic motivational interviewing skills.~~
- ~~_____ (3) The curriculum must include a strong emphasis on ethical behavior, dual relationships, scope of peer support and professional boundaries and should include case studies, role plays and experiential learning.~~

~~R523-5-8. Requirements to Become a PSS.~~

- ~~_____ (1) Be an individual who participated in substance use disorder or mental health treatment services who is now in sustained recovery;~~
- ~~or~~
- ~~_____ (2) Be an individual in recovery from substance use or mental health disorders through means other than treatment services who is now in sustained recovery.~~
- ~~_____ (3) Be at least 18 years of age.~~
- ~~_____ (4) Complete the application process with the division.~~
- ~~_____ (5) Pass the qualification exam with score of 70% or above.~~
- ~~_____ (6) Have attended and successfully completed a division approved PSS training program and have a valid certificate from that training.~~

~~_____ (7) If an individual fails the division examination twice within a 30-day period of time, they must wait 30 days before taking the examination again.~~

~~R523-5-9. Requirements to Remain Qualified as a PSS.~~

~~_____ (1) Complete at least twenty (20) hours of continuing education (CEUs) every two (2) years including two (2) hours of ethics training, six (6) hours pertaining specifically to peer support services, one (1) hour of suicide prevention training and eleven (11) hours of general mental health and/or substance use disorder training.~~

~~_____ (2) Each PSS shall maintain adequate documentation as proof of compliance with this Section, such as a certificate of completion, school transcript, course description, or other course materials. The PSS shall retain this proof for a period of three years after the end of the renewal cycle for which the continuing education is due; and~~

~~_____ (a) At a minimum, the documentation shall contain the following:~~

~~_____ (i) Date of the course;~~

~~_____ (ii) Name of the course provider;~~

~~_____ (iii) Name of the instructor;~~

~~_____ (iv) Course title;~~

~~_____ (v) Number of hours of continuing education credit; and~~

~~_____ (vi) Course objectives.~~

~~_____ (3) Each certified PSS shall abide by the Provider Code of Conduct pursuant to Section R495-876, and as also found in the Department of Health and Human Services Provider Code of Conduct Policy.~~

~~_____ (a) Each employer that becomes aware of a certified PSS engaging in unprofessional or unlawful conduct, or has violated the provider code of conduct shall:~~

~~_____ (i) immediately take action to review the allegations;~~

~~_____ (ii) take steps to ensure that all individuals involved with the allegation are protected; and~~

~~_____ (iii) notify the division within 30 days.~~

~~_____ (b) Termination of certification shall be made effective immediately if the alleged violation(s) results in one or more of the following:~~

~~_____ (i) personal financial gain through deception, or a business transaction with a client, by the PSS;~~

~~_____ (ii) physical or emotional harm to a person that is caused by the PSS; or~~

~~_____ (iii) a financial loss to a client, the State, or another employee that is caused by the PSS.~~

~~_____ (c) The division shall take the following actions when it becomes aware of a certified PSS in violation of the provider code of conduct that does not result in immediate termination:~~

~~_____ (i) Within 30 days of becoming aware of the violation(s), the division shall notify the certified PSS, in writing, through a Notice of Agency Action specifying the area(s) of noncompliance.~~

~~_____ (ii) Within 30 days of receiving a notice of Agency Action, the certified PSS shall submit an acceptable written plan to the division explaining how they will achieve compliance.~~

~~_____ (iii) All plans shall demonstrate how the certified PSS shall be in compliance within 30 days after receiving the Notice of Agency Action.~~

~~_____ (iv) If an acceptable plan of action is not received by the division within 30 days of sending the Notice of Agency Action, the certified PSS shall be notified that their certification has been suspended until an acceptable plan is submitted to the division.~~

~~_____ (v) A certified PSS must cease providing any and all peer support services until a suspension is lifted.~~

~~_____ (d) The division shall revoke the certification of any certified PSS for the following reasons:~~

~~_____ (i) The certified PSS fails to provide the division with written evidence of compliance to a plan of action within 30 days after the PSS receives a Notice of Agency Action that their certification has been suspended.~~

~~_____ (ii) The certified PSS continues to provide peer support services during the period of a suspension; or~~

~~_____ (iii) The certified PSS receives more than two notices of noncompliance with the Provider Code of Conduct in a one-year period.~~

~~_____ (e) Any PSS whose certification has been revoked may request an informal hearing with the Division director or designee, in writing, within 10 business days of receiving notice of revocation.~~

~~_____ (f) The division director or designee shall review the request and determine to uphold, amend or reverse the action within 10 business days, and the division shall inform the PSS of the decision in writing.~~

~~_____ (g) Any PSS with a revoked certification may not reapply for recertification for a period of twelve months.~~

~~_____ (h) If a certified PSS fails to complete the requirements for CEUs, their certificate will be allowed to expire and shall not be renewed until the required CEUs have been completed and submitted to the division for approval.~~

~~R523-5-10. Population Specific Guidelines.~~

~~_____ (1) Typically a PSS works with individuals age 18 and older.~~

~~_____ (2) A PSS may work with Youth In Transition if the PSS has completed Youth In Transition training, in addition to any other PSS training, of no less than 8 hours, and receives a Youth In Transition endorsement from the division on their PSS certification.~~

~~R523-5-11. Curriculum Requirements for Youth In Transition Training Programs.~~

~~_____ (1) This curriculum shall provide at least eight (8) hours of instruction for the Youth In Transition endorsement of PSS certification. The curriculum, which shall be approved by the division, shall include, but not be limited to, the following components as they relate to Youth In Transition:~~

~~_____ (a) Meaning of Youth In Transition and specific challenges related to this population;~~

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- ~~_____ (b) Preferred practice models and tools;~~
- ~~_____ (c) Population specific material regarding: common challenges, barriers, resources, relationship issues, recovery, housing, employment, legal, crisis, cultural and self-care.~~
- ~~_____ (d) Professional relationships, boundaries and limits.~~
- ~~_____ (2) The curriculum must be strength based and shall include:~~
 - ~~_____ (a) Active listening and communication skills; and~~
 - ~~_____ (b) Basic motivational interviewing skills.~~
- ~~_____ (3) The curriculum shall include a strong emphasis on ethical behavior, dual relationships, scope of peer support and professional boundaries and shall include case studies, role plays and experiential learning specific to Youth In Transition.~~
- ~~_____ (4) The division, PSS, mental health and substance use disorder professionals and advocate organizations shall regularly review and make evidence based updates to the curriculum at least every two years. Final determination on curriculum changes or updates shall be made by the division.~~

R523-5. Peer Support Specialist Training and Certification.

R523-5-1. Authority and Purpose.

- ~~_____ (1) Subsection 26B-5-102(2)(gg) authorizes this rule.~~
- ~~_____ (2) This rule prescribes standards for:~~
 - ~~_____ (a) certification of peer support specialist training programs;~~
 - ~~_____ (b) qualifications required of instructors for providing peer support specialist training;~~
 - ~~_____ (c) requirements to become a peer support specialist; and~~
 - ~~_____ (d) population-specific peer support services.~~

R523-5-2. Definitions.

- ~~_____ (1) "CPSS-A" means a certified peer support specialist for adults who uses lived experience in recovery from a mental health or substance use disorder to support, assist, and mentor individuals in recovery and through integration into the community.~~
- ~~_____ (2) "CPSS-F" means a certified peer support specialist for families who uses lived experience of actively being involved in parenting or caring for a child or family member with mental health, substance use, or other behavioral health challenges to support, assist, and mentor parents with children working on recovery and integration into the community.~~
- ~~_____ (3) "CPSS-YYA" means a certified peer support specialist for youth and young adults who uses lived experience with the behavioral healthcare system or other youth-serving systems to support, assist, and mentor individuals ages 14 through 26 or individuals for which youth peer support services have been deemed developmentally and socially appropriate by a licensed mental health therapist, as defined in Subsection 58-60-102(15), in recovery and through integration into the community.~~
- ~~_____ (4) "Division" means the Division of Integrated Healthcare, within the Department of Health and Human Services.~~
- ~~_____ (5) "Dual CPSS-F Training" means an expedited training program to certify a CPSS-A with lived experience being actively involved in parenting or caring for a child or family member with behavioral health challenges as a CPSS-F.~~
- ~~_____ (6) "Expired" means a certification that has not been renewed by the renewal date, as outlined in Subsection R523-5-7(3), and is no longer active.~~
- ~~_____ (7) "Lived experience" means first-hand knowledge or direct experience gained from life events related to behavioral health, mental health, or substance use challenges.~~
- ~~_____ (8) "Peer support services" means individual or group services that:~~
 - ~~_____ (a) promote recovery, resilience, rehabilitation, engagement, and self-advocacy; and~~
 - ~~_____ (b) identify strengths to set recovery goals and steps to reach the goals.~~
- ~~_____ (9) "Peer support specialist training program" means an instructional series that satisfies the standards established by the division and is operated by an entity approved by the division.~~
- ~~_____ (10) "PSS" means peer support specialist who is an individual certified as a CPSS-A, CPSS-F, or CPSS-YYA.~~
- ~~_____ (11) "Recovery" means a process of change through which individuals improve health and wellness, live a self-directed life, and strive to reach that individual's full potential.~~
- ~~_____ (12)(a) "Social determinants of health" means the non-medical, environmental conditions that significantly affect health, functioning, and quality of life outcomes, including where a person is born, lives, learns, works, plays, and worships and that person's age.~~
 - ~~_____ (b) Factors for social determinants of health may also include economic stability, education, neighborhood quality, social context, and health care access.~~
- ~~_____ (13) "Supervision" means the ongoing professional and collaborative activity that meets the requirements of Subsection R523-5-9(2) between a supervisor and a PSS in which the supervisor provides feedback and guidance to support the PSS's performance and growth.~~

R523-5-3. Requirements for Peer Support Specialist Training Programs.

- ~~_____ (1) An entity may apply to the division to qualify as a peer support specialist training program.~~
- ~~_____ (2) An applicant shall include in the submitted application:~~
 - ~~_____ (a) the qualifications of each individual who will be providing the training;~~
 - ~~_____ (b) a division-approved curriculum that meets requirements described in Section R523-5-4 and outlines 40 hours of total training, with:~~
 - ~~_____ (i) at least 16 hours of in-person instruction; and~~
 - ~~_____ (ii) the remaining 24 hours of optional hybrid or in-person instruction;~~
 - ~~_____ (c) a plan to ensure that each instructor continues to meet reported qualifications and adhere to the approved curriculum;~~

- (d) an agreement to maintain records of participant attendance and completion of program requirements for at least seven years; and
- (e) an agreement to comply with each applicable local, state, and federal law and regulation.
- (3) The division shall determine whether the curriculum and application meet technical criteria sufficient to maintain the fidelity of the peer support specialist training program.
- (4) The division director or designee may grant an exception to any of the certification requirements.
- (5) In accordance with Subsection R523-5-3(2)(a), a peer support specialist training program shall notify the division if:
 - (a) an approved trainer leaves employment; or
 - (b) a new trainer is hired to provide peer support specialist training.

R523-5-4. Curriculum Requirements for Peer Support Specialist Training Programs.

- (1) Each peer support specialist training program's curriculum shall include:
 - (a) advocacy and stigma;
 - (b) approaches to trauma informed care;
 - (c) case studies;
 - (d) communication, language, and group skills, such as peer-to-peer engagement and storytelling;
 - (e) community resources that include social determinants of health to support individuals in recovery;
 - (f) crisis response;
 - (g) experiential learning;
 - (h) ethics of peer support, including:
 - (i) boundaries;
 - (ii) limits;
 - (iii) professionalism; and
 - (iv) relationships;
 - (i) history of recovery movements in mental health, substance use, and families;
 - (j) identification of natural, formal, and informal supports;
 - (k) motivational interviewing;
 - (l) role plays;
 - (m) self-care and wellness in the supportive role.
 - (n) suicide and overdose prevention;
 - (o) the role and scope of peer support;
 - (p) underserved communities; and
 - (q) understanding and identifying mental health, substance use, and co-occurring conditions.
- (2) In addition to requirements described in Subsection (1), the CPSS-A curriculum shall also include:
 - (a) the stages of recovery from mental health and substance use disorders;
 - (b) computer and digital health literacy, such as computer skills and virtual peer support;
 - (c) recovery and resiliency planning, resources, and tools;
 - (d) values and principles of peer support, recovery, and resiliency;
 - (e) self-help and mutual support groups; and
 - (f) self-determination, choice, and shared decision making.
- (3) In addition to requirements described in Subsection (1), the CPSS-F curriculum shall also include:
 - (a) community resources that include social determinants of health to support families;
 - (b) general information regarding the behavioral health system, child serving systems, education system, justice system, and physical health systems;
 - (c) information regarding social services and child welfare systems, including the mandatory reporting laws;
 - (d) training on how the CPSS-F can assist with reaching age appropriate educational and vocational goals;
 - (e) training on how to collaborate with multiple entities; and
 - (f) training on how to promote voice and choice at every level of systems service.
- (4) In addition to the requirements described in Subsection (1), the CPSS-YYA curriculum shall also include:
 - (a) information regarding social services and child welfare systems, including mandatory reporting laws; and
 - (b) information regarding the eight dimensions of wellness, which includes emotional, physical, intellectual, social, spiritual, occupational, financial, and environmental wellness.
- (5) In addition to the requirements described in Subsection (3), the dual CPSS-F training curriculum shall also include at least eight hours of instruction containing information about:
 - (a) systems of care that highlights the provision of family-driven, youth-guided, culturally competent, and community-based services; and
 - (b) the history of the family involvement movement in treating children and youth.

R523-5-5. Requirements to Become a PSS.

- (1) An individual seeking to obtain a PSS certification shall:
 - (a) submit an application to the division;
 - (b) attend and successfully complete a division-approved PSS training program and have a valid certificate verifying completion of that training;

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- (c) pass a division-approved qualification examination with a minimum score of 70%; and
- (d) at each initial and renewal certification, attest to having read and agree to adhere to the:
 - (i) provider code of conduct and client rights, pursuant to Rule R380-80; and
 - (ii) PSS code of ethics, as described in Section R523-5-12.
- (2) A CPSS-A certification applicant shall:
 - (a) provide evidence:
 - (i) of the applicant's lived experience with mental health or substance use challenges; and
 - (ii) that the applicant has been in successful recovery for at least one year; and
 - (b) be at least 18 years old.
- (3) A CPSS-F certification applicant shall:
 - (a) provide evidence of the applicant's lived experience of actively being involved in parenting or caring for a child or family member with mental health, substance use, or other behavioral health challenges; and
 - (b) be at least 18 years old.
- (4) A CPSS-YYA certification applicant shall:
 - (a) provide evidence of the applicant's lived experience navigating child serving systems or in recovery from a mental health or substance use disorder; and
 - (b) be an adult under 31 years old at the time of certification.
- (5) In lieu of formal educational requirements, an applicant may demonstrate literacy and fluency in the language in which the applicant will be providing services, through a division-approved examination or other application requirements.
- (6) An accepted PSS application is valid for 12 months.
- (7) If an applicant fails the qualification examination twice within a 30 day period, the applicant shall wait 30 days from the most recent failed examination before taking the examination again.

R523-5-6. Out-of-State Reciprocity.

An applicant may satisfy the requirements for peer support specialist certification by:

- (1) holding an active peer support specialist certification in good standing issued in a state or territory outside of Utah;
- (2) providing documentation of completion of a peer support specialist training that is at least 40 hours;
- (3) completing the application process with the division;
- (4) passing the qualification exam with a score of 70% or higher; and
- (5) attesting to having read and agreeing to adhere to the:
 - (a) provider code of conduct and client rights, pursuant to Rule R380-80; and
 - (b) PSS Code of Ethics, as described in Section R523-5-12.

R523-5-7. Certification Renewal.

- (1) A PSS shall submit a recertification application every two years to renew certification.
- (2) Certification is considered expired if the certification is not renewed by the renewal date.
- (3) Renewal dates shall be:
 - (a) for CPSS-A, September 30th of each even year;
 - (b) for CPSS-F, June 30th of each even year; and
 - (c) for CPSS-YYA, June 30th of each even year.
- (4) If a PSS submits the recertification application between six months to one year after the renewal date, the PSS shall:
 - (a) complete 20 hours of continuing education;
 - (b) submit documentation of continuing education;
 - (c) submit a recertification application;
 - (d) reaffirm compliance with the provider code of conduct and client rights, pursuant to Rule R380-80;
 - (e) reaffirm compliance with the PSS Code of Ethics, as described in Section R523-5-12; and
 - (f) pass a division-approved qualification examination with a minimum score of 70%.
- (5) If an individual submits a recertification application one year or more after the renewal date, the individual shall reapply and complete the requirements outlined in Section R523-5-6 to reacquire certification.
- (6) A CPSS-YYA certification automatically expires on the PSS's 31st birthday and may not be renewed, regardless of expiration date.
- (7) A CPSS-YYA shall complete the requirements outlined in Section R523-5-5 and complete a CPSS-A training program if the CPSS-YYA wishes to remain certified under a CPSS-A certification.

R523-5-8. Continuing Education.

- (1) The continuing education requirements for each two-year renewal period cycle begin on the certification issue date.
- (2) A PSS shall complete at least 20 hours of continuing education units every two years, including:
 - (a) two hours of suicide prevention training;
 - (b) three hours of ethics training;
 - (c) five hours of training pertaining specifically to peer support services; and
 - (d) ten hours of mental health and substance use disorder training, including training on general health.

(3) Individuals who are completing the first cycle of continuing education and have not been certified for two full years shall complete a prorated amount of continuing education to include one hour for each month certified up to 20 hours, beginning on the certification issue date and ending on the expiration date.

(4) Each PSS shall maintain adequate documentation as proof of compliance with this section, such as:

(a) a certificate of completion;

(b) a school transcript;

(c) a course description; or

(d) other course materials.

(5) The PSS shall keep proof of continuing education credits for three years after the end of the renewal cycle.

R523-5-9. Peer Support Supervision Requirements.

(1) Peer support supervision may be provided by:

(a) a mental health therapist, as defined in Subsection 58-60-102(15);

(b) a substance use disorder counselor, as defined in Subsection 58-60-502(9), with at least two years of experience; or

(c) a PSS who:

(i) has completed a division-approved supervisor training; and

(ii) has at least two years of continuous certification without any sustained notices of violation issued by the division within that time.

(2) Supervision for a PSS may occur:

(a) in an individual or group setting; and

(b) face-to-face or through teleconference.

(3) Supervision shall be regular, scheduled, and documented.

(4) Supervision shall be provided at least weekly.

(5) A peer support supervisor may supervise a maximum of eight PSSs.

R523-5-10. Peer Support Services.

(1) A peer support specialist may use lived experience to assist individuals or families with recovery.

(2) Peer support services may be provided in a clinical or non-clinical setting.

(3) Peer support services shall be based on an individualized plan of care that includes specific individualized goals.

R523-5-11. Unprofessional Conduct.

(1) Each PSS shall abide by the provider code of conduct and client rights, pursuant to Rule R380-80.

(2) Any provider or supervisor that becomes aware of a PSS who has violated the provider code of conduct and client rights shall:

(a) immediately review the allegation;

(b) take steps to ensure that any individual involved with the allegation is protected; and

(c) notify the division within 30 days.

(3) If an alleged violation results in a substantiated finding, the division shall, within 30 days of substantiating the violation:

(a) notify the PSS of the finding; and

(b) revoke the PSS's certification.

(4) An individual may not represent that the individual is certified as a PSS in Utah unless that individual has an active certification under this rule.

(5) A PSS with a revoked certification may not reapply for recertification for 12 months after the revocation.

R523-5-12. PSS Code of Ethics.

(1) A peer support specialist shall accurately represent any qualifications, expertise, and certifications to the public and any individual that peer support specialist serves.

(2) A peer support specialist may not serve as both a peer support specialist and a 12-step sponsor for an individual in recovery.

(3) A peer support specialist may not engage in any romantic relationship or sexual activity with any:

(a) individual the peer support specialist serves or has served;

(b) member of the immediate family of an individual the peer support specialist serves or has served; or

(c) caregiver of an individual the peer support specialist serves or has served.

(4) A peer support specialist may not provide peer support services to an individual with whom the peer support specialist has had any prior romantic relationship or sexual activity.

KEY: peer support specialists, PSS program, certification of programs, substance use disorder

Date of Last Change: ~~November 9, 2025~~ 2026

Notice of Continuation: December 1, 2025

Authorizing, and Implemented or Interpreted Law: 26B-5-102(2)(gg)

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Repeal**Filing ID:** 58276**Rule or section number:****R523-6****1. Agency Information**

Title catchline:	Health and Human Services, Substance Use and Mental Health
Building:	Cannon Health Building
Street address:	288 N 1460 W, Floor 3
City, state:	Salt Lake City, UT
Mailing address:	288 N 1460 W, Floor 3
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2. Contact Persons

Name:	Phone:	Email:
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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:**

R523-6. Child/Family Peer Support Specialist Training and Certification

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

The Office of Substance Use and Mental Health (office) created two rules to address two separate types of peer support certification.

Rule R523-5 was created to address certification for individuals seeking to be adult mental health and later youth peer support specialists and Rule R523-6 was created to address certification for individuals seeking to be family resource facilitators for parents with children who are in treatment for behavioral health issues.

Over the years, the office has moved to centralize peer support services into a single collaborative team, and the requirements for all types of peer support certification have become more homogenized with similar nationally recognized best practices. These changes in peer support services caused the office to reevaluate the way peer support certifications were administered, so the decision was made to combine the provisions in these two rules and create a central peer support certification rule as a way of standardizing peer support in the state, reducing administrative burden, and creating a more customer friendly process across all peer support specialties.

This rule will be moved under Rule R523-5. As provisions from this rule are being incorporated into that rule through a repeal and readopt filing, this rule is no longer needed.

C. Summary of the new rule or change:

This rule is being repealed in its entirety, as provisions are being moved to Rule R523-5 through a concurrent filing.

(EDITOR'S NOTE: The proposed repeal and readopt of Rule R523-5 is under ID 58275 in this issue, October 15, 2026, of the Bulletin.)

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

The Office of Substance Use and Mental Health (office) decided to simplify rules by creating one central peer support certification rule as a way of standardizing peer support in the state, reducing administrative burden, and creating a more customer friendly process across all peer support specialties.

Although this rule is being repealed, provisions previously housed in this rule are moving to Rule R523-5. The requirements and restrictions previously enforced through this rule will remain in effect through Rule R523-5.

Therefore, it is not anticipated that this filing, in conjunction with the filing implementing this rule's previous provisions into Rule R523-5, will have any fiscal impact to the state budget.

B. Local governments:

There is no anticipated fiscal impact to local governments as a result of this filing, as provisions previously found within this rule are being moved under Rule R523-5. These changes are not anticipated to increase or decrease costs that already exist in local governments. The requirements and restrictions previously enforced through this rule will remain in effect through Rule R523-5.

Therefore, it is not anticipated that this filing, in conjunction with the filing implementing this rule's previous provisions into Rule R523-5, will have any fiscal impact to local governments.

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

There is no anticipated fiscal impact to small businesses as a result of this filing, as provisions previously found within this rule are being moved under Rule R523-5. These changes are not anticipated to increase or decrease costs that already exist for small businesses. The requirements and restrictions previously enforced through this rule will remain in effect through Rule R523-5.

Therefore, it is not anticipated that this filing, in conjunction with the filing implementing this rule's previous provisions into Rule R523-5, will have any fiscal impact to small businesses.

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

There is no anticipated fiscal impact to non-small businesses as a result of this filing, as provisions previously found within this rule are being moved under Rule R523-5. These changes are not anticipated to increase or decrease costs that already exist for non-small businesses. The requirements and restrictions previously enforced through this rule will remain in effect through Rule R523-5.

Therefore, it is not anticipated that this filing, in conjunction with the filing implementing this rule's previous provisions into Rule R523-5, will have any fiscal impact to non-small businesses.

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

There is no anticipated fiscal impact to other persons as a result of this filing, as provisions previously found within this rule are being moved under Rule R523-5. These changes are not anticipated to increase or decrease costs that already exist for other persons. The requirements and restrictions previously enforced through this rule will remain in effect through Rule R523-5.

Therefore, it is not anticipated that this filing, in conjunction with the filing implementing this rule's previous provisions into Rule R523-5, will have any fiscal impact to other persons.

F. Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons as a result of this filing, as provisions previously found within this rule are being moved under Rule R523-5. These changes are not anticipated to alter existing costs for affected persons. The requirements and restrictions previously enforced through this rule will remain in effect through Rule R523-5.

Therefore, it is not anticipated that this filing, in conjunction with the filing implementing this rule's previous provisions into Rule R523-5, will alter existing compliance costs.

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

NOTICES OF PROPOSED RULES

Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal 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:

Subsection 26B-5-102(2)(gg)

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: 11/16/2026

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)

11/23/2026

13. Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Commissioner	Date:	09/28/2026
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R523. Health and Human Services, Substance Use and Mental Health.**~~R523-6. Child/Family Peer Support Specialist Training and Certification.~~****~~R523-6-1. Purpose, Authority and Intent.~~**

~~(1) This rule prescribes standards for certification of Peer Support Specialist Training programs; the qualifications required of instructors for providing Peer Support Training; and the requirements to become a Child/Family Peer Support Specialist.~~

~~(2) Statutory Authority. These standards are promulgated by the Utah Department of Health and Human Services through the Division of Integrated Healthcare (division) as authorized by Section 26B-5-102(2)(gg).~~

~~(3) Intent. The objective of the peer support specialist training is to establish training programs to certify individuals that have completed requisite training to work as substance use disorder and/or mental health peer support specialists.~~

~~R523-6-2. Definitions.~~

~~(1) "Approved Curriculum" means a curriculum which has been approved by the division in accordance with these rules.~~

- ~~_____ (2) "Certification" means that the division verifies the individual has met the requirements outlined in this rule to be a peer support specialist and has completed the required training.~~
- ~~_____ (3) Child/Family Peer Support Specialist is a "Family Resource Facilitator" (FRF) who is an individual who has successfully completed an approved Family Resource Facilitator Training Program and for ongoing certification has met the requirements outlined in paragraph R523-6-6.~~
- ~~_____ (4) "Director" means the director of the Division of Integrated Healthcare.~~
- ~~_____ (5) "Division" means the Division of Integrated Healthcare.~~
- ~~_____ (6) "Peer Support Specialist Training Program" is an instructional series operated by an approved agency or organization which satisfies the standards established by the division and is herein referred to as a "Family Resource Facilitator Training Program".~~
- ~~_____ (7) "Program Certificate" is a written authorization issued by the division to the training entity which indicates that the Program has been found to be in compliance with these division standards.~~

~~R523-6-3. Certification Requirements for PSS Training Programs.~~

- ~~_____ (1) An application for Program Certification will require that the program provide, among other things:~~
- ~~_____ (a) Qualifications of individuals who will be providing the training.~~
- ~~_____ (b) A curriculum that outlines no less than forty (40) hours of face to face instruction covering the curriculum requirements outlined in paragraph R523-6-5 for Family Resource Facilitator Training.~~
- ~~_____ (c) A plan to ensure that instructors continue to meet reported qualifications and adhere to the approved curriculum.~~
- ~~_____ (d) An agreement to maintain records of the individual's attendance and completion of all program requirements for at least seven years.~~
- ~~_____ (e) An agreement to comply with all applicable local, state and federal laws and regulations.~~
- ~~_____ (2) The division director has the authority to grant exceptions to any of the certification requirements.~~

~~R523-6-4. Division Oversight of Program.~~

- ~~_____ (1) The division may enter and survey the physical facility, program operation, review curriculum and interview staff to determine compliance with this rule or any applicable contract to provide such services.~~
- ~~_____ (2) The Family Resource Facilitator Training Program also agrees to allow representatives from the division and from the local authorities as authorized by the division to attend the classes held. Such visits may be announced or unannounced.~~
- ~~_____ (3) The division will establish an application process to review and approve applicants for the Family Resource Facilitator Training Program. This process will:~~
- ~~_____ (a) Develop and publish an application to be a Family Resource Facilitator Training Program.~~
- ~~_____ (b) Solicit input from stakeholders, Family Resource Facilitators and other individuals on the review process.~~
- ~~_____ (c) Establish further criteria for acceptance into the program as needed.~~

~~R523-6-5. Curriculum Requirements for Family Resource Facilitator Training Programs.~~

- ~~_____ (1) This curriculum shall provide at least forty (40) hours of instruction for original certification and twenty (20) hours for any and all re-certifications. The curriculum shall include the following components as they relate to the FRF's lived experience as a parent or caregiver of a youth with complex mental health and/or substance use needs in order to promote family and youth resiliency and assist in the identified client's recovery:~~
- ~~_____ (a) Systems of Care~~
- ~~_____ (i) Providing family driven, youth guided, culturally competent and community based services~~
- ~~_____ (A) History of the family involvement movement~~
- ~~_____ (ii) Wraparound and Wraparound process including:~~
- ~~_____ (A) Strength, Needs and Cultural Discovery~~
- ~~_____ (B) Assist in identification of natural, formal and informal supports~~
- ~~_____ (C) Prioritize needs/goals and develop a plan of care~~
- ~~_____ (D) Crisis Prevention~~
- ~~_____ (E) Implement action steps and celebrate successes~~
- ~~_____ (F) Transition Planning~~
- ~~_____ (b) Family Resource Facilitator (FRF) model for strengthening families and building communities.~~
- ~~_____ (i) FRF Roles~~
- ~~_____ (A) Resource Coordination~~
- ~~_____ (B) Family Education and Support~~
- ~~_____ (C) Family Advocacy~~
- ~~_____ (D) Wraparound to Fidelity~~
- ~~_____ (ii) Training and supervision expectations~~
- ~~_____ (c) Ethics of Peer Support~~
- ~~_____ (d) Professional relationships, boundaries and limits~~
- ~~_____ (e) Multi-agency coordination~~
- ~~_____ (f) Family advocacy (individual and system change)~~
- ~~_____ (g) Stigma and Labeling~~
- ~~_____ (h) Assisting Individuals in Accomplishing Recovery Goals~~

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- ~~_____ (i) Coach, Mentor, and Role Model recovery~~
- ~~_____ (j) Stress Management Techniques~~
- ~~_____ (k) Assist with reaching age appropriate educational and vocational goals; and~~
- ~~_____ (l) Assist with physical health and wellness~~
- ~~_____ (2) The curriculum must be strength based and include:~~
 - ~~_____ (a) Active listening and communication skills~~
 - ~~_____ (b) Basic motivational interviewing skills.~~
- ~~_____ (3) The curriculum must include a strong emphasis on ethical behavior, dual relationships, scope of peer support and professional boundaries and should include case studies, role plays and experiential learning.~~

R523-6-6. Requirements to Become a Family Resource Facilitator:

- ~~_____ (1) Be a parent of a child who has received services for a mental, emotional, behavioral or substance use disorder or an adult who has an on-going and personal relationship with a family member who is a child who is receiving or has received services for a mental, emotional, behavioral or substance use disorder.~~
- ~~_____ (2) Be at least 18 years of age.~~
- ~~_____ (3) Have attended and successfully completed a division approved Child, Youth and Family Peer Support Specialist training program and have a valid certificate from that training.~~
- ~~_____ (4) Pass the qualification exam with a score of 80% or above.~~

R523-6-7. Requirements to Remain Qualified as a Family Resource Facilitator:

- ~~_____ (1) FRF's are encouraged to advance toward additional levels of demonstrated competency and specialization achieved through continued training, mentoring and evaluation during an approved practicum.~~
- ~~_____ (2) Complete at least twenty (20) hours of approved continuing education per year including two (2) hours of ethics training and six (6) hours pertaining specifically to Family Resource Facilitation.~~
- ~~_____ (3) Provide proof to the division of completing the required training on an annual basis.~~

KEY: ~~peer support specialist, family resource facilitator, certification of programs, mental health and substance use disorder~~

Date of Last Change: ~~November 9, 2025~~

Notice of Continuation: ~~December 1, 2025~~

Authorizing, and Implemented or Interpreted Law: ~~26B-5-102(2)(gg)~~

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58277
Rule or section number:	R523-7

1. Agency Information

Title catchline:	Health and Human Services, Substance Use and Mental Health
Building:	Cannon Health Building
Street address:	288 N 1460 W, Floor 3
City, state:	Salt Lake City, UT
Mailing address:	288 N 1460 W, Floor 3
City, state and zip:	Salt Lake City, UT 84116

2. Contact Persons

Name:	Phone:	Email:
Thomas Dunford	801-538-4181	tdunford@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:
R523-7. Designated Examiner and Case Manager Certification

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

Internal review of this rule has identified several modifications that needed to be made so this rule reflects current practice, states the appropriate source of administrative oversight of the certification processes in accordance with statute, and provides more clarity to the public.

C. Summary of the new rule or change:

This filing replaces the Office of Substance Use and Mental Health (office) as the administrative authority over the activities described in this rule with the Division of Integrated Health (division) to align with statute.

This filing also clarifies requirements for the supervision provided to an applicant participating in an office-approved practicum to become a certified case manager and supervision provided to certified case managers.

Additionally, this filing expands options for how individuals who provide daily supervision to case managers can meet requirements.

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

There is no anticipated fiscal impact to the state budget because of this filing.

These amendments clarify supervision requirements for individuals applying to be certified case managers and for certified case managers.

This filing also expands options for how supervisors may meet requirements but does not remove existing avenues to meet supervisor criteria.

None of these changes are anticipated to increase administrative burdens to division staff, and all changes are in line with current practice, resulting in no costs or savings to state budgets.

B. Local governments:

There is no anticipated fiscal impact to local governments because of this filing.

These amendments clarify supervision requirements for individuals applying to be certified case managers and for certified case managers.

This filing also expands options for how supervisors may meet requirements but does not remove existing avenues to meet supervisor criteria.

None of these changes are anticipated to increase administrative burdens to local governments' staff, and all changes are in line with current practice, resulting in no costs or savings to local governments that provide case management services.

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

There is no anticipated fiscal impact to small businesses because of this filing.

These amendments clarify supervision requirements for individuals applying to be certified case managers and for certified case managers.

This filing also expands options for how supervisors may meet requirements but does not remove existing avenues to meet supervisor criteria.

None of these changes are anticipated to increase administrative burdens to small businesses that contract with government entities to provide case management services, and all changes are in line with current practice, resulting in no costs or savings to small businesses.

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

There is no anticipated fiscal impact to non-small businesses because of this filing.

These amendments clarify supervision requirements for individuals applying to be certified case managers and for certified case managers.

This filing also expands options for how supervisors may meet requirements but does not remove existing avenues to meet supervisor criteria.

None of these changes are anticipated to increase administrative burdens to non-small businesses that contract with government entities to provide case management services, and all changes are in line with current practice, resulting in no costs or savings to non-small businesses.

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

There is no anticipated fiscal impact to other persons that are nonprofits because of this filing.

These amendments clarify supervision requirements for individuals applying to be certified case managers and for certified case managers.

This filing also expands options for how supervisors may meet requirements but does not remove existing avenues to meet supervisor criteria.

None of these changes are anticipated to increase administrative burdens to nonprofit entities that contract with government entities to provide case management services, and all changes are in line with current practice, resulting in no costs or savings to nonprofits.

F. Compliance costs for affected persons:

There is no anticipated compliance cost for affected persons because of this filing.

These amendments clarify supervision requirements for individuals applying to be certified case managers and for certified case managers.

This filing also expands options for how supervisors may meet requirements but does not remove existing avenues to meet supervisor criteria.

None of these changes are anticipated to increase administrative burdens to staff from the division, nor for local governments or small businesses, non-small businesses, or nonprofit entities that contract with government entities to provide case management services.

All changes are in line with current practice, resulting in no compliance costs.

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:

Subsection 26B-5-102(2)(n)	Subsection 26B-5-104(2)	Subsection 26B-5-301(8)
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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: 11/16/2026

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)

11/23/2026

13. Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Commissioner	Date:	09/28/2026
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R523. Health and Human Services, Substance Use and Mental Health.

R523-7. Designated Examiner and Case Manager Certification.

R523-7-1. Authority and Purpose.

- (1) Subsections 26B-5-102(2)(n), 26B-5-104(2)(b), and 26B-5-301(8) authorize this rule.
- (2) This rule establishes certification requirements for a:
 - (a) case manager; and
 - (b) designated examiner.

R523-7-2. Definitions.

(1) "Case management services" means advocating, coordinating, linking, and monitoring services to help individuals access needed basic needs, behavioral healthcare, education, housing, medical healthcare, social, and other life-enhancing service needs. A case manager assesses individual needs and develops a plan designed to help the individual obtain access to a coordinated array of non-clinical services.

(2) "Case manager" means an individual who helps a client achieve wellness and autonomy by developing a plan that coordinates and integrates support services the client needs to optimize treatment goals through advocacy, assessment, communication, education, planning, resource management, and service facilitation.

(3) "Certified case manager" means a case manager that has received a case manager certification from the [Office of Substance Use and Mental Health (office)] Division of Integrated Health (division).

(4) "Designated examiner" means the same as defined in Subsection 26B-5-301(8).

(5) "Director" means the director of the [office] division or a designee.

R523-7-3. Designated Examiners Certification.

- (1) To be certified as a designated examiner, a qualified individual shall submit an application to the [office] division.
- (2) To be qualified, an individual must be:

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- (a) a licensed physician, as defined in Section 58-67-102, or a licensed mental health therapist, as defined in Section 58-60-102; and
- (b) employed by or a designee of:
 - (i) a local mental health authority or a local substance abuse authority;
 - (ii) the Utah State Hospital; or
 - (iii) a ~~non-office~~ division-approved accountable care organization.
- (3) The director shall review and approve an applicant to receive training if:
 - (a) the applicant meets the requirements in Subsection 26B-5-301(8) and this rule;
 - (b) the applicant is a Utah resident; and
 - (c) as determined by the director the applicant has adequate training and experience to perform the duties of a designated examiner.
- (4) To be certified as a designated examiner, an approved applicant shall:
 - (a) complete a training course provided by the ~~office~~ division; and
 - (b) take an examination based on the training course and earn a minimum score of 70%.
- (5) The director may grant a waiver to a training requirement under this rule if the applicant can demonstrate adequate knowledge and understanding of the training requirement based on prior experience and training.

R523-7-4. Case Manager General Provisions.

- (1) To be certified by the office, a case manager shall:
 - (a) be at least 18 years of age;
 - (b) have a high school degree or a general education diploma; and
 - (c)(i) have obtained, within the ten years before submitting an application, at least 400 hours experience in human services or a related field through education, volunteer work, or paid employment; or
 - (ii) have a bachelor's degree in human services or a related field of study.
- (2) The director may waive any of the certification requirements in Subsection (1)(c) if the director determines that the applicant's experience and qualification is sufficient to ensure that no client is likely to be harmed by the waived requirements if certification is granted.

R523-7-5. Case Manager Certification Requirements.

- (1) An individual who meets the requirements of Section R523-7-4 may submit an application for case manager certification to the ~~office~~ division.
 - (2)(a) The ~~office~~ division shall review an application to ensure that the application is complete.
 - (b) If the application is not complete, the ~~office~~ division shall notify the applicant that more information is needed.
 - (3) The ~~office~~ division shall consider each complete application and approve, deny, or ask for additional information.
 - (4) Before an applicant may be certified, the approved applicant must:
 - (a) receive a score of 70% or higher on an examination provided by the ~~office~~ division that is designed to evaluate the applicant's basic knowledge about:
 - (i) behavioral health disorders;
 - (ii) case management skills; and
 - (iii) ethical behaviors and attitudes; and
 - (b)(i) complete a ~~non-office~~ division-approved 40-hour supervised case management practicum.
 - (ii) An applicant's direct supervisor, who meets at least one of the requirements listed in Subsection R523-7-7(2), shall supervise the applicant's practicum at the applicant's place of employment.
 - (5) The ~~office~~ division shall issue a certification that is valid for three years to an individual who successfully completes the requirements described in Subsection (4).
 - (6) If an individual fails the ~~office~~ division examination twice within a 30-day period, the individual shall wait 30 days before retaking the examination.
 - (7) If an individual's application is denied twice within a 30--day period, the individual shall wait 30 days before reapplying.

R523-7-6. Case Manager Recertification Requirements.

- (1)~~(a)~~ To recertify, a certified case manager shall complete 30 hours of additional division-approved training.
 - ~~(a)~~ The ~~office~~ division-approved additional training shall include:
 - (i) four hours of an ethics related topic;
 - (ii) three hours of a suicide prevention related topic; and
 - (iii) 23 hours on a topic related to:
 - (A) mental health disorders;
 - (B) substance use disorders;
 - (C) homelessness;
 - (D) trauma informed care; or
 - (E) another human services related topic.
 - (b) A certified case manager shall receive a score of 70% or higher on an examination provided by the ~~office~~ division.
- (2)(a) A certified case manager shall ~~retain~~ keep documentation establishing compliance with Subsection (1)(a) for three years after the end of the renewal cycle for which the continuing education is due.
 - ~~(b)~~ (b) A certified case manager shall provide documentation [shall be provided] to the ~~office~~ division upon request, [and] which may include:

- (~~a~~)i) a certificate of completion;
 - (~~b~~)ii) a school transcript;
 - (~~c~~)iii) a course description; or
 - (~~d~~)iv) other course materials and proof of attendance.
- (3) A certified case manager shall ensure documentation described in Subsection (2) includes:
- (a) an official transcript verifying completion of:
 - (i) an undergraduate course of study; or
 - (ii) a graduate course of study; or
 - (b) the following information:
 - (i) the date of the course;
 - (ii) the name of the course provider;
 - (iii) the name of the instructor;
 - (iv) the course title;
 - (v) the number of hours of continuing education credit; and
 - (vi) the course objectives.
- (4) Each certified case manager shall comply with Section R380-80-5.

R523-7-7. Certified Case Manager Services and Supervision.

- (1) Each certified case manager shall be qualified to provide case management services.
- (2) Each certified case manager shall be directly supervised at the certified case manager's place of employment and by an individual ~~that~~ who has:
 - (a) ~~has~~ a high school diploma or GED and five years of experience in human services; ~~or~~
 - (b) ~~has~~ an associate's degree in human services or a related field and three years of experience in human services; or
 - (c) a bachelor degree in human services or a related field with two years of experience in human services.
- (3) Each certified case manager shall meet with the case manager's supervisor weekly.

R523-7-8. Corrective Action on a Certified Case Manager's Certification.

- (1) If the ~~office~~ division becomes aware that a certified case manager has engaged in unprofessional or unlawful conduct, failed to comply with Section R380-80-5, or has failed to comply with Section R523-7-7, the ~~office~~ division shall immediately review the allegation.
- (2) If the ~~office~~ division determines the allegation is substantiated, the ~~office~~ division shall revoke or suspend the certified case manager's certification, based on the severity of the substantiated allegation, and if the certified case manager's conduct resulted in:
 - (a) a criminal charge or violation of Section R380-80-5 that results in the certified case manager being separated from employment with the certified case manager's employer;
 - (b) a personal financial gain through deception, or a business transaction with a client;
 - (c) physical or emotional harm to a person;
 - (d) a financial loss to a client, the state, or another employee; or
 - (e) if the nature of the allegation is determined by the ~~office~~ division to be egregious enough that immediate action needs to be taken.
- (3) The ~~office~~ division shall ensure the following actions take place when the ~~office~~ division becomes aware that a certified case manager's conduct is in violation of Section R380-80-5 that does not result in immediate revocation:
 - (a) within 30 days of becoming aware of the violation, the ~~office~~ division shall notify the certified case manager through a notice of violation specifying the area of noncompliance;
 - (b) within 30 days of receiving a notice of violation, the certified case manager shall submit an acceptable written plan to the ~~office~~ division explaining how the certified case manager will achieve compliance within 30 days after receiving the notice of violation; and
 - (c) if an acceptable plan of action is not received by the ~~office~~ division within 30 days of sending the notice of agency action, the ~~office~~ division shall suspend the certified case manager's certification until the certified case manager submits an acceptable plan.
- (4) The ~~office~~ division shall revoke the certification of a certified case manager if the certified case manager:
 - (a) fails to provide the ~~office~~ division with satisfactory written evidence of compliance to a plan of action within 30 days after the certified case manager receives a notice of suspension; or
 - (b) receives more than two notices of noncompliance with Section R380-80-5 in a one-year period.
- (5) An individual with a revoked case manager certification may not reapply for recertification for 12 months.
- (6) A notice that a certified case manager's certification has been revoked shall include instruction on how to appeal the decision as provided in Title 63G, Chapter 4, Administrative Procedures Act and Rule R410-14.
- (7) If a certified case manager fails to complete the requirements for continuing education, the ~~office~~ division shall allow the case manager's certificate to expire and may not renew the certification unless, within 30 days of expiration, the individual submits proof of completion of the required continuing education.
- (8) If a certified case manager's certification expires as described in Subsection (7), the individual may submit a new application for ~~office~~ division certification no sooner than 60 days after the expiration date.

KEY: designated examiners, involuntary commitment, case managers, case manager certification

Date of Last Change: ~~January 26,~~ 2026

NOTICES OF PROPOSED RULES

Notice of Continuation: December 1, 2025

Authorizing, and Implemented or Interpreted Law: 26B-5-102(2)(n); 26B-5-104(2)(b); 26B-5-301(8)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58270
Rule or section number:	R590-70

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:
R590-70. Insurance Holding Companies
B. Purpose of the new rule or reason for the change:
This change adds a new section that is required for the Department of Insurance (Department) to maintain its national accreditation standards.
C. Summary of the new rule or change:
The change adds Section R590-70-20, Group Capital Calculation (GCC) because allowing GCC filings are required by NAIC Part A accreditation standards.
Utah has domestic companies that are required to file the GCC, and this section will help provide direction for those filings.

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.
Any filings under the GCC section will be integrated into the existing workload of current Department employees.
B. Local governments:
There is no anticipated cost or savings to local governments.
This rule governs the relationship between the Department and its licensees and does not involve local governments in any way.
C. Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses.

This rule governs the relationship between the Department and its insurance company licensees, all of which are non-small businesses.

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

There is no anticipated cost and no estimable savings for non-small businesses.

The new section of this rule is intended to help the Department's insurance company licensees comply with Insurance Code requirements.

Insurance companies may save a small amount due to the defined filing process contained in the new section; however, the Department cannot estimate what that savings may be.

The amendment is intended to be cost-neutral as its goal is intended to clarify the Insurance Code and make it easier to file the GCC.

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 governs the relationship between the Department and its licensees and does not involve other persons in any way.

F. Compliance costs for affected persons:

There are no compliance costs for any affected persons.

The amendment is intended to be cost-neutral as its goal is intended to clarify the Insurance Code and make it easier to file the GCC.

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	inestimable	inestimable	inestimable	inestimable	inestimable
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:	☒
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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-16-116	
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11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.
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A. Comments will be accepted until:	11/16/2026
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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)	11/23/2026
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13. Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	09/24/2026
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R590. Insurance, Administration.**R590-70. Insurance Holding Companies.****R590-70-1. Authority.**

This rule is promulgated by the commissioner pursuant to Sections 31A-2-201 and 31A-16-116.

R590-70-2. Purpose and Scope.

(1)(a) The purpose of this rule is to establish procedures that are necessary to carry out the National Association of Insurance Commissioners' Insurance Holding Company System Regulatory Act and Title 31A, Chapter 16, Insurance Holding Companies.

(b) The commissioner declares that the information called for by the Act and Title 31A, Chapter 16, Insurance Holding Companies, is necessary and appropriate, in the public interest, and for the protection of the policyholders in this state.

(2) This rule applies to a person that is a member of an insurance group within an insurance holding company system.

R590-70-3. Definitions.

Terms used in this rule are defined in Section 31A-1-301 and Title 31A, Chapter 16, Insurance Holding Companies. Additional terms are defined as follows:

(1) The "Act" means the NAIC Insurance Holding Company System Regulatory Act.

(2) "Executive officer" means chief executive officer, chief operating officer, chief financial officer, treasurer, secretary, controller, and any other individual performing functions corresponding to those performed by the officers listed above under any other title.

(3) "NAIC" means the National Association of Insurance Commissioners.

(4) "Ultimate controlling person" means a person that is not controlled by any other person.

R590-70-4. Forms -- General Requirements.

(1)(a) Form A, Form B, Form C, Form D, Form E, and Form F are intended to be guides for preparing statements required by Sections 31A-16-103, 31A-16-105, and 31A-16-106.

(b) The forms listed in Subsection (1)(a) are blank forms that are not intended to be filled in.

(c) Each statement filed shall contain the numbers and captions of each item, except that the text of the items may be omitted if the answers clearly indicate the scope and coverage of the items.

(d) Any instructions appearing under the items of the form or elsewhere shall be omitted.

(e) Unless otherwise required, if any item is inapplicable or the answer to the item is in the negative, a statement shall be made to that effect.

(2)(a) Each statement, including exhibits and any other documents filed as a part of the statement, shall be filed with the commissioner in a secure electronic form.

(b) Each statement shall be signed in the manner prescribed on the form. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of the power of attorney or other authority shall be filed with the statement.

(3) If an applicant requests a consolidated hearing under Subsection 31A-16-103(10), the applicant shall file in electronic form:

(a) the Form A with the commissioner; and

(b) a copy of the Form A with the NAIC.

(4)(a) Each statement should be prepared electronically.

- (b) Each statement shall be easily readable and suitable for review and reproduction.
- (c) A debit in a credit category and a credit in a debit category shall be clearly distinguishable.
- (d) Each statement shall be in the English language.
- (e) Monetary value shall be stated in United States currency.
- (f) Any exhibit or other document filed with the statement in a foreign language shall be accompanied by an English language translation.
- (g) Any monetary value shown in a foreign currency normally shall be converted into United States currency.
- (5) Form A, Form B, Form C, Form D, Form E, and Form F can be obtained from the department's website at <https://insurance.utah.gov>.

R590-70-5. Forms -- Incorporation by Reference, Summaries and Omissions.

- (1)(a) Information required by any item of Form A, Form B, Form D, Form E, or Form F may be incorporated by reference in answer or partial answer to any other item.
- (b) Information contained in any financial statement, annual report, proxy statement, statement filed with a governmental authority, or any other document may be incorporated by reference in answer or partial answer to any item of Form A, Form B, Form D, Form E, or Form F, provided the document is filed as an exhibit to the statement.
 - (c) An excerpt of a document may be filed as an exhibit if the document is extensive.
 - (d) A document currently on file with the department that was filed within three years need not be attached as an exhibit.
 - (e) A reference to information contained in an exhibit or in a document already on file with the department shall:
 - (i) clearly identify the material; and
 - (ii) specifically indicate that the material is to be incorporated by reference in answer to the item.
 - (f) Matter may not be incorporated by reference if incorporating by reference makes the statement incomplete, unclear, or confusing.
- (2)(a) When an item requires a summary or outline of the provisions of any document, only a brief statement of the document's pertinent provisions shall be summarized or outlined.
- (b) The summary or outline may incorporate by reference parts of any exhibit or document currently on file with the commissioner that:
 - (i) was filed within three years; and
 - (ii) may be qualified in its entirety by the incorporated reference.
- (c) When two or more documents required to be filed as exhibits are substantially identical in all material respects, except for the parties to the document, the dates of execution, or other details, a copy of only one of the documents need be filed.
- (d) The document referenced in Subsection (2)(b) to be filed shall be accompanied by a schedule that:
 - (i) identifies the omitted documents; and
 - (ii) provides material details regarding the differences between the documents.

R590-70-6. Forms -- Information Unknown or Unavailable and Extension of Time to Furnish.

- (1) A request for extension of time shall be filed with the commissioner when it is impractical to furnish any required information, document, or report at the required time.
- (2) A request for extension of time shall:
 - (a) identify the information, document, or report in question;
 - (b) state why it is impractical to furnish the information, document, or report at the time required; and
 - (c) request an extension of time to file the information, document, or report by a specified date.
- (3) A request for extension shall be granted unless the commissioner enters an order denying the request within 60 days after receipt of the request.

R590-70-7. Forms -- Additional Information and Exhibits.

- (1) In addition to the information required to be included in Form A, Form B, Form C, Form D, Form E, and Form F, the commissioner may request additional information that may be necessary to ensure the information contained in the form is not misleading.
- (2) The person filing the form may also file any other exhibit in addition to the exhibits required by the statement.
- (3) Any additional exhibit shall be clearly marked to indicate the subject matter to which the exhibit refers.
- (4) Any change to Form A, Form B, Form C, Form D, Form E, or Form F shall include:
 - (a) the phrase "Change No. (insert number) to" at the top of the cover page; and
 - (b) the date the form was changed and not the original filing date.

R590-70-8. Subsidiaries of Domestic Insurers.

The authority to invest in a subsidiary under Subsection 31A-16-102.5(2) is in addition to any authority to invest in a subsidiary that may be contained in Title 31A, Insurance Code.

R590-70-9. Acquisition of Control -- Statement Filing (Form A).

- (1) A person required to file a statement under Section 31A-16-103 shall furnish the required information on Form A.
- (2) The person in Subsection (1) required to file a Form A shall also furnish the required information on Form E, as described in Section R590-70-12.

R590-70-10. Amendments to Form A.

(1)(a) An applicant shall promptly notify the commissioner of any change in the information furnished on the Form A arising after the date the applicant furnished the information to the commissioner.

(b) The applicant shall notify the commissioner of the change in information [~~prior to~~ before the commissioner's final decision regarding the application.

R590-70-11. Acquisition of Subsection 31A-16-103(1)(f)(i) Insurers.

(1) If a person being acquired is a "domestic insurer" under Subsection 31A-16-103(1)(f)(i), the name of the domestic insurer on the cover page should be indicated as "ABC Insurance Company, a subsidiary of XYZ Holding Company."

(2) When a Subsection 31A-16-103(1)(f)(i) insurer is being acquired, references to "the insurer" contained in the Form A shall refer to the domestic subsidiary insurer and the person being acquired.

R590-70-12. Pre-acquisition Notification (Form E).

(1) If a domestic insurer, including any person controlling a domestic insurer, proposes a merger or acquisition under Subsection 31A-16-103(1), that person shall file a Form E pre-acquisition notification form.

(2)(a) If a non-domiciliary insurer licensed to do business in this state proposes a merger or acquisition under Section 31A-16-104.5, that person shall file a Form E pre-acquisition notification form.

(b) No pre-acquisition notification form need be filed if the acquisition is beyond the scope of Section 31A-16-104.5 as set forth in Subsection 31A-16-104.5(2)(b).

(3) In addition to the information required by Form E, the commissioner may require an expert opinion regarding the competitive impact of the proposed acquisition.

R590-70-13. Annual Registration of Insurers -- Statement Filing (Form B).

An insurer required to file an annual registration statement pursuant to Section 31A-16-105 shall furnish the required information on Form B.

R590-70-14. Summary of Registration -- Statement Filing (Form C).

An insurer required to file an annual registration statement pursuant to Section 31A-16-105 shall furnish the required information on Form C.

R590-70-15. Amendments to Form B.

(1) An amendment to Form B shall be filed within 15 days after the end of any month in which there is a material change to the information provided in the annual registration statement.

(2) An amendment shall be filed in the Form B format reporting only those items that are being amended.

(3) An amendment shall include at the top of the cover page "Amendment No. (insert number) to Form B for (insert year)", and shall provide the date of the change and not the original filing date.

R590-70-16. Alternative and Consolidated Registrations.

(1)(a) Any authorized insurer may file a registration statement on behalf of any affiliated insurer that is required to register under Section 31A-16-105.

(b) A registration statement may include information not required by the Act and Title 31A, Chapter 16, Insurance Holding Companies, regarding any insurer in the insurance holding company system even if the insurer is not authorized to do business in this state.

(c) In lieu of filing a registration statement on Form B, an authorized insurer may file a copy of the required registration statement or similar report in the insurer's state of domicile, provided that:

(i) the statement or report contains substantially similar information required to be furnished on Form B; and

(ii) the filing insurer is the principal insurance company in the insurance holding company system.

(2) An insurer filing a registration statement or report in lieu of Form B on behalf of an affiliated insurer shall set forth a brief statement of facts that substantiate the filing insurer's claim that it, in fact, is the principal insurer in the insurance holding company system.

(3) With the prior approval of the commissioner, an unauthorized insurer may follow any procedure that an authorized insurer may follow under Subsection (1).

(4) Any insurer may use the procedures in Subsection[s] 31A-16-105(8) or 31A-16-105(9) without the commissioner's prior approval.

(5) The commissioner may require individual filings if the commissioner determines that the filings are necessary for clarity, ease of administration, or the public good.

R590-70-17. Disclaimers and Termination of Registration.

(1) A disclaimer of affiliation or a request for termination of registration claiming that a person does not control any other person, or that a person will not control any other person upon the taking of some proposed action, hereinafter the "other person" referred to as the "subject", shall contain the following information:

(a) the number of the subject's authorized, issued, and outstanding voting securities;

(b) regarding the person denying control and the person's affiliates:

(i) the number and percentage of the subject's shares of voting securities that are held of record or known to be beneficially owned;

- (ii) the number of the subject's shares held of record or beneficially owned in which there is a right to acquire, directly or indirectly; and
- (iii) information regarding all transactions in any voting securities of the subject effected by the person denying control or the person's affiliates during the past six months.
- (c) all material relationships and bases for affiliation between the subject and the person denying control and the person's affiliates; and
- (d) a statement explaining why the person denying control does not control the subject.
- (2) A request for termination of registration shall be granted unless the commissioner notifies the registrant that the request is denied within 30 days after receipt of the request.

R590-70-18. Transactions Subject to Prior Notice -- Notice Filing.

- (1) An insurer required to give notice of a proposed transaction pursuant to Section 31A-16-106 shall furnish the required information on Form D.
- (2) An agreement for cost sharing services and management services shall at a minimum and as applicable:
 - (a) identify the person providing services and the nature of the services;
 - (b) provide the methods used to allocate costs;
 - (c) require timely settlement, not less frequently than on a quarterly basis, and in compliance with the requirements in the Accounting Practices and Procedures Manual;
 - (d) prohibit the insurer from advancing funds to the affiliate except to pay for services defined in the agreement;
 - (e) state that the insurer will maintain oversight for services provided to the insurer by the affiliate and that the insurer will monitor services annually for quality assurance;
 - (f) define the insurer's books and records to include all books and records developed or maintained under or related to the agreement;
 - (g) specify that the insurer's books and records are and remain the property of the insurer and are subject to the insurer's control;
 - (h) state that all of the insurer's funds and invested assets are the insurer's exclusive property, held for the insurer's benefit, and are subject to the insurer's control;
 - (i) include standards for terminating the agreement with and without cause;
 - (j) include provisions for indemnification of the insurer in the event of gross negligence or willful misconduct on the part of the affiliate providing the services;
 - (k) specify that, if the insurer is placed in receivership or seized by the commissioner under Title 31, Chapter 27a, Insurer Receivership Act:
 - (i) all of the insurer's rights under the agreement shall extend to the receiver or the commissioner;
 - (ii) all books and records will immediately be made available to the receiver or the commissioner; and
 - (iii) all books and records shall immediately be turned over to the receiver or the commissioner upon the receiver or the commissioner's request;
 - (l) specify that the affiliate has no automatic right to terminate the agreement if the insurer is placed in receivership pursuant to Title 31, Chapter 27a, Insurer Receivership Act; and
 - (m) specify that the affiliate will continue to maintain any system, program, or other infrastructure notwithstanding a seizure by the commissioner under Title 31, Chapter 27a, Insurer Receivership Act, and will make any system, program, or other infrastructure available to the receiver, for so long as the affiliate continues to receive timely payment for services rendered.

R590-70-19. Enterprise Risk Report.

The ultimate controlling person of an insurer required to file an enterprise risk report pursuant to Subsection 31A-16-105(12) shall furnish the required information on Form F.

R590-70-20. Group Capital Calculation.

- (1) When an insurance holding company system has previously filed the annual group capital calculation at least once and meets the criteria in Subsection (2), the commissioner may:
 - (a) exempt the ultimate controlling person from filing the annual group capital calculation; or
 - (b) accept, in lieu of the annual group capital calculation, a limited group capital filing.
- (2) The commissioner may determine whether the insurance holding company system meets the following criteria:
 - (i) has annual direct written and unaffiliated assumed premium, including international direct and assumed premium, but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood program, of less than \$1,000,000,000;
 - (ii) has no insurers within its holding company structure that are domiciled outside of the United States or one of its territories;
 - (iii) does not include a banking, depository, or other financial entity that is subject to an identified regulatory capital framework within its holding company structure; and
 - (iv) the holding company system attests that there are no material changes in the transactions between insurers and non-insurers in the group that have occurred since the last filing of the annual group capital calculation to the commissioner; and
 - (v) the non-insurers within the insurance holding company system do not pose a material financial risk to the insurer's ability to honor policyholder obligations.
- (3) For an insurance holding company that has previously met an exemption in Subsection (1), the commissioner may require, at any time, that the ultimate controlling person file an annual group capital calculation, completed in accordance with the NAIC Group Capital Calculation Instructions, if any of the following criteria are met:

NOTICES OF PROPOSED RULES

(a) any insurer within the insurance holding company system is in a Risk-Based Capital action level event as set forth in Title 31A, Chapter 17, Part 6, Risk-Based Capital, or a similar standard for a non-U.S. insurer;

(b) any insurer within the insurance holding company system meets one or more of the standards of an insurer deemed to be in hazardous financial condition as defined in Rule R590-265; or

(c) any insurer within the insurance holding company system exhibits qualities of a troubled insurer as determined by the commissioner based on unique circumstances including, but not limited to:

(i) the type and volume of business written;

(ii) ownership and organizational structure;

(iii) federal agency requests; or

(iv) international supervisor requests.

(4) A non-U.S. jurisdiction is considered to recognize and accept the group capital calculation if the following criteria are satisfied:

(a) with respect to Subsection 31A-16-105(13):

(i) the non-U.S. jurisdiction recognizes the U.S. state regulatory approach to group supervision and group capital by providing confirmation by a competent regulatory authority, in such jurisdiction, that insurers and insurance groups whose lead state is accredited by the NAIC under the NAIC Accreditation Program shall be subject only to worldwide prudential insurance group supervision including worldwide group governance, solvency and capital, and reporting, as applicable, by the lead state and will not be subject to group supervision, including worldwide group governance, solvency and capital, and reporting, at the level of the worldwide parent undertaking of the insurance or reinsurance group by the non-U.S. jurisdiction; or

(ii) where no U.S. insurance groups operate in the non-U.S. jurisdiction, that non-U.S. jurisdiction indicates formally in writing to the lead state, with a copy to the International Association of Insurance Supervisors, that the group capital calculation is an acceptable international capital standard;

(b) the non-U.S. jurisdiction provides confirmation by a competent regulatory authority in such jurisdiction that information regarding insurers and their parent, subsidiary, or affiliated entities, if applicable, shall be provided to the commissioner in accordance with a memorandum of understanding or similar document between the commissioner and such jurisdiction, including but not limited to the International Association of Insurance Supervisors Multilateral Memorandum of Understanding or other multilateral memoranda of understanding coordinated by the NAIC; and

(c) the commissioner determines, in consultation with the NAIC Committee Process, that the requirements of the information sharing agreements in Subsection (4)(b) are in force.

(5) A list of non-U.S. jurisdictions that recognize and accept the group capital calculation pursuant to Subsection 31A-16-105(13) is published through the NAIC Committee Process to assist the commissioner in determining which insurers shall file an annual group capital calculation.

(a) The list:

(i) clarifies those situations in which a jurisdiction is exempted from filing under Subsection 31A-16-105(13); and

(ii) identifies whether a jurisdiction that is exempted requires a group capital filing for any U.S. based insurance group's operations in that non-U.S. jurisdiction.

(b) For a non-U.S. jurisdiction where no U.S. insurance groups operate, the confirmation provided to meet the requirement of Subsection (4)(a)(ii) will serve as support for recommendation to be published as a jurisdiction that "recognizes and accepts" the group capital calculation through the NAIC Committee Process.

(c) If the commissioner makes a determination pursuant to Subsection 31A-16-105(13) that differs from the NAIC list, the commissioner shall provide thoroughly documented justification to the NAIC and other states.

(d) Upon determination by the commissioner that a non-U.S. jurisdiction no longer meets one or more of the requirements to recognize and accept the group capital calculation, the commissioner may provide a recommendation to the NAIC that the non-U.S. jurisdiction be removed from the list of jurisdictions that "recognize and accept" the group capital calculation.

R590-70-[20]21. Extraordinary Dividends and Other Distributions.

(1) A request for approval of an extraordinary dividend or any other extraordinary distribution to shareholders shall include the following:

(a) the amount of the proposed dividend;

(b) the date established for payment of the dividend;

(c) a statement as to whether the dividend is to be in cash or other property;

(d) for dividends in property, the statement referenced in Subsection (1)(c) shall include:

(i) a description of the property;

(ii) the cost of the property;

(iii) the fair market value of the property; and

(iv) an explanation of the basis for the valuation of the property;

(e) a work paper that shall include the following information:

(i) the calculations used to determine that the proposed dividend is extraordinary;

(ii) the amounts of the proposed dividend;

(iii) the date of the proposed dividend;

(iv) the form of payment of all dividends or distributions, including regular dividends, except for distributions of the insurer's own securities that are paid within a consecutive 12-month period that:

(A) ends on the date fixed for payment of the proposed dividend for which approval is sought; and

- (B) begins on the day after the same day of the same month in the last preceding year;
 - (v) surplus as regards policyholders, total capital and surplus, as of the 31st day of December next preceding;
 - (vi) for a life insurer, the net gain from operations for the 12-month period ending the 31st day of December next preceding;
 - (vii) for an insurer that is not a life insurer, the net income less realized capital gains for the 12-month period ending the 31st day of December next preceding and the two preceding 12-month periods; and
 - (viii) for an insurer that is not a life insurer, the dividends paid to stockholders in the preceding two calendar years, excluding distributions of the insurer's own securities;
 - (f) a balance sheet and income statement for the period beginning on the date the last annual statement was filed with the commissioner and concluding at the end of the month preceding the month in which the request for dividend approval is submitted; and
 - (g) a brief statement regarding the proposed dividend's effect upon:
 - (i) the insurer's surplus and reasonableness of surplus in relation to the insurer's outstanding liabilities; and
 - (ii) the adequacy of the insurer's surplus relative to the insurer's financial needs.
- (2)(a) Subject to Subsection 31A-16-106(2), each registered insurer shall report to the commissioner all dividends and other distributions to shareholders within 15 business days of declaring the dividend or other distribution.
- (b) The report to the commissioner in Subsection (2)(a) shall include the information required by Subsection (1)(e).

R590-70-[24]22. Adequacy of Surplus.

- (1) In determining the adequacy and reasonableness of an insurer's surplus, the commissioner will consider the net effect of the factors set forth in Subsection 31A-16-106(4) and any other factors that, alone or in combination, bear upon the insurer's financial condition.
- (2) In comparing the surplus maintained by other insurers, the commissioner will consider the extent to which each factor set forth in Subsection 31A-16-106(4) varies from company to company.
- (3) In determining the quality and liquidity of an insurer's investments in subsidiaries, the commissioner will consider the individual subsidiary and may discount or disallow the subsidiary's valuation if warranted by the individual investments.

R590-70-[22]23. Severability.

If any provision of this rule, Rule R590-70, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

KEY: insurance law

Date of Last Change: 2026[October 25, 2024]

Notice of Continuation: January 5, 2022

Authorizing, and Implemented or Interpreted Law: 31A-2-201

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58271
Rule or section number:	R592-9-3

1. Agency Information

Title catchline:	Insurance, Title and Escrow Commission
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:
R592-9-3. Definitions

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

The reason for the change is to add a definition.

C. Summary of the new rule or change:

This amendment adds a definition for the term "premium" to clarify statute and this rule.

The Title and Escrow Commission approved this amendment with a vote of 4 to 0 at its 09/14/2026 meeting.

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.

This amendment merely adds a definition and will not change the Department of Insurance's (Department) activities or efforts.

B. Local governments:

There is no anticipated cost or savings to local governments.

This rule involves only the Department and its licensees and will not affect local governments in any way.

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

There is no anticipated cost or savings to small businesses.

This amendment merely adds a definition to clarify a common term to make this rule more understandable to insurance licensees.

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 amendment merely adds a definition to clarify a common term to make this rule more understandable to insurance licensees.

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 amendment merely adds a definition to clarify a common term to make this rule more understandable to insurance licensees.

F. Compliance costs for affected persons:

There are no compliance costs for any affected persons.

This amendment merely adds a definition to clarify a common term to make this rule more understandable to insurance licensees.

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-2-404	Section 31A-41-202	
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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: 11/16/2026

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)

11/23/2026

13. Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	09/24/2026
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R592. Insurance, Title and Escrow Commission.

R592-9. Assessment for Title Insurance Recovery, Education, and Research Fund.

R592-9-3. Definitions.

Terms used in this rule are defined in Sections 31A-1-301 and 31A-41-102. Additional terms are defined as follows:

(1) "Premium" in Section 31A-41-202 means direct premium written.

KEY: title insurance recovery assessment

Date of Last Change: ~~2026~~ [September 10, 2024]

Notice of Continuation: June 10, 2024

Authorizing, and Implemented or Interpreted Law: 31A-2-308; 31A-41-202

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New	Filing ID: 58272
Rule or section number:	R592-19

1. Agency Information

Title catchline:	Insurance, Title and Escrow Commission
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:
R592-19. Winding Down the Business of a Resident Agency Title Insurance Producer
B. Purpose of the new rule or reason for the change:
The purpose of this rule is to provide a process for winding down the business of a resident agency title insurance producer.
C. Summary of the new rule or change:
This proposed new rule sets the required actions an agency title insurance producer (agency) must take in preparation for winding down its business. Some of these steps are required of currently active agencies to ensure they are prepared for the future. This rule requires that agencies create a wind down plan for their title and escrow files in the event of a wind down. As part of the annual report required by Section 31A-23a-413, they must review these plans annually and either provide an updated plan or certify that their existing plan is sufficient and needs no update. This rule also sets timelines for an agency to notify the Department of Insurance (Department) and its underwriters in the event of a wind down; sets requirements for wind-down-related business reporting; describes an underwriter review process; and sets requirements for record storage, access, and accountability.

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 58 (2026 General Session)

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. Few agencies wind down each year, and any work added due to the requirements of this rule is expected to be incorporated into employees' existing workloads. If a title insurer is required to create an audit report of an agency, the insurer may be reimbursed by the state under Section 31A-41-203. The Department cannot estimate these costs because they will depend on several business-related factors the Department is not privy to.

B. Local governments:

There is no anticipated cost or savings to local governments.

This rule governs the relationship between the Department and its licensees, and does not affect local governments in any way.

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

A small businesses that is an agency making the decision to wind down will incur additional costs as a result of this rule.

This rule requires certain reports be produced and provided to the Department and an agency's underwriters.

Creation of the report itself will require work, and delivery of the report may incur delivery fees if not sent electronically. The Department cannot estimate these fees because they depend on the amount of time and pay rate of any employee of a licensee doing the work. These are business costs the Department is not privy to.

After the wind down, a former agency is required to securely store records and provide access to an underwriter who needs them. This may also result in a cost, but it is also inestimable because it will depend on the storage method chosen and the time taken to provide access.

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

A non-small business that is a title insurer may incur some costs as a result of this rule, although these costs may be reimbursed by the state under Section 31A-41-203.

The Department cannot estimate these costs because they will depend on several business-related factors the Department is not privy 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**):

A person who is a former agency may incur some costs as a result of this rule.

After a wind down, a former agency is required to securely store records and provide access to an underwriter who needs them.

This may also result in a cost, but it is also inestimable because it will depend on the storage method chosen and the time taken to provide access.

F. Compliance costs for affected persons:

There are no compliance costs for any affected persons

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	inestimable	inestimable	inestimable	inestimable	inestimable
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	inestimable	inestimable	inestimable	inestimable	inestimable
Non-Small Businesses	inestimable	inestimable	inestimable	inestimable	inestimable
Other Persons	inestimable	inestimable	inestimable	inestimable	inestimable
Total Fiscal Cost	inestimable	inestimable	inestimable	inestimable	inestimable
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

NOTICES OF PROPOSED RULES

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	inestimable	inestimable	inestimable	inestimable	inestimable

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:

Subsection 31A-2-404(6)

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: 11/16/2026

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)

11/23/2026

13. Agency Authorization Information

Agency head or designee and title: Steve Gooch, Public Information Officer **Date:** 09/24/2026

R592. Insurance, Title and Escrow Commission.

R592-19. Winding Down the Business of a Resident Agency Title Insurance Producer.

R592-19-1. Authority.

This rule is promulgated by the commissioner pursuant to Subsection 31A-2-404(6).

R592-2. Purpose and Scope.

- (1) The purpose of this rule is to provide a process for winding down the business of a resident agency title insurance producer.
- (2) This rule applies to a resident agency title insurance producer.

R592-3. Definitions.

Terms used in this rule are defined in Sections 31A-1-301 and 31A-2-402. Additional terms are defined as follows:

- (1) "Active underwriter" means an underwriter from which an agency has an appointment within six months before the date on which the agency provides written notice of intent to wind down to the Department.
- (2) "Agency" means a licensed resident agency title insurance producer.
- (3) "Escrow file" means a physical or electronic document relied on or generated in conducting escrow under Title 31A.
- (4) "Final audit" means the audit of an agency's trust accounts, operating accounts, escrow files, accounting records, and related title insurance records required under Subsection R592-19-7(1).
- (5) "Title file" means a physical or electronic document relied on or generated during the process of placing title insurance.
- (6) "Underwriter" means an insurance company that underwrites title insurance risks.
- (7) "Wind down process" and "winding down process" mean the process of closing an agency's business.

R592-19-4. Agency's Annual Wind Down Plan and Certification.

- (1) An agency shall annually prepare a written plan for winding down its business.
- (2) The plan shall state:
 - (a) the physical or electronic location at which the agency's escrow and title files will be securely stored for access:
 - (i) during the wind down process; and
 - (ii) for a period of four years after the wind down process ends;

- (b) the name and contact information for the person:
 - (i) with access to the escrow and title files; and
 - (ii) who is responsible to respond to questions about information in the files;
 - (c) the physical or electronic location of the escrow accounting records;
 - (d) the process that the Department or an active underwriter must follow to obtain access to those records;
 - (e) the agency's procedures for:
 - (i) reconciling each trust account;
 - (ii) completing pending escrow transactions;
 - (iii) disbursing or transferring escrow funds; and
 - (iv) resolving outstanding escrow obligations;
 - (f) the name and contact information for the title insurance licensed person responsible for the completion of the wind down process;
- and
- (g) each past and current underwriter from which the agency had or has an appointment.
- (3) The agency shall:
- (a) provide a plan with the report required by Section 31A-23a-413;
 - (b) review and update the plan as necessary; and
 - (c) provide an updated plan with the report as required by Section 31A-23a-413.
- (4)(a) After providing a plan with a report required by Section 31A-23a-413, the agency is only required to provide a plan after it is updated.
- (b) If not required to provide a plan or an updated plan, the agency shall certify in the report that the agency's current plan has been reviewed and needs no updating.
- (5) This section does not require an agency to provide a plan or an updated plan to an underwriter.

R592-19-5. Notice of Intent to Wind Down.

- (1) An agency shall provide written notice of intent to wind down no later than 45 days before the wind down is completed.
- (2) The notice shall be sent to:
 - (a) the Department at title@utah.gov; and
 - (b) each active underwriter.
- (3) The notice shall include:
 - (a) a copy of the agency's most recent plan;
 - (b) a statement of information relevant to the plan that has changed or become available since the last plan was filed;
 - (c) a certification that the information identified in Subsection (3)(b) is accurate;
 - (d) a list of all pending files and all open orders in which a commitment has been prepared but not paid for as of the date of the notice;
 - (e) a written acknowledgment that the agency will perform a final audit of the agency's trust and operating accounts within 60 days after the wind down is completed;
 - (f) a statement of a plan for:
 - (i) completing pending transactions that have closed in which title insurance policies must be issued;
 - (ii) completing open transactions that have not been closed in which a title insurance commitment has been issued or in which funds are held in escrow;
 - (iii) the administration of the funds held in escrow at the time of the filing of the notice under Subsection (1), including the processes for:
 - (A) disbursements; and
 - (B) escheating funds remaining in the escrow accounts after disbursement attempts have been exhausted;
 - (iv) completing the winding down of the business of the title agency, including the payment of premium and fees to the agency's active underwriters; and
 - (g) a statement that the agency will be subject to the Department's jurisdiction, regardless of whether its license has been surrendered, cancelled, or terminated, until outstanding issues described in Subsection R592-19-7(4) have been resolved.
 - (4) The notice to each active underwriter shall include only information described in Subsections (3)(b) through (3)(g) that relates to the active underwriter.

R592-19-6. Records, Files, and Trust Account Information Before the Wind Down is Completed.

- (1) For each pending transaction, commitment, or open title order identified in Subsection R592-19-5(3)(d), an agency shall send, to each party to the transaction, commitment or order, a written notice that states:
 - (a) that the agency is winding down;
 - (b) the location of the escrow files or title files;
 - (c) the contact information for the agency representative or file custodian who can respond to requests concerning the file; and
 - (d) that no underwriter is required to accept custody or control of the person's files solely because the agency is winding down.
- (2) The agency shall send the written notice no later than 60 days before the agency's final date of operation.
- (3) The agency shall retain a copy of the written notice described in Subsection (1) in the applicable escrow and title insurance file.
- (4)(a) The agency remains responsible for reconciling each trust account and for disbursing, transferring, or otherwise resolving escrow funds in accordance with applicable law and written escrow instructions.

NOTICES OF PROPOSED RULES

- (b) The agency may not transfer undisbursed escrow or investment account funds to an underwriter unless:
 - (i) the underwriter has agreed in writing to accept the funds;
 - (ii) the transfer is required by law or court order; or
 - (iii) the transfer is otherwise authorized by the Department.
- (5) No later than the date on which the wind down is completed, the agency shall provide to the Department any information not already included in the wind down plan submitted under Section R592-19-4, including:
 - (a) each party notified under Subsection (1);
 - (b) updates to the file location, custodian, trust account access, or escrow accounting information described in Section R592-19-4; and
 - (c) a trust account reconciliation status report identifying any account that has not been fully reconciled or any escrow funds that remain undisbursed or unresolved.

R592-19-7. Underwriter Review; License Termination.

- (1) An agency shall conduct a final audit of the agency's trust accounts, operating accounts, escrow files, accounting records, and related title insurance records upon completion of the wind down.
- (2) Within 60 days after the wind down is completed, the final audit report shall be sent to:
 - (a) the Department at title@utah.gov; and
 - (b) each active underwriter.
- (3)(a) Upon receipt of a final audit report, an active underwriter may conduct an audit of the agency's files, accounts, and records for business placed through that underwriter to determine whether there are outstanding files, unreconciled trust account items, unpaid premiums, unresolved escrow funds, or other issues related to the wind down.
 - (b) The agency, each owner of the agency, and each person responsible for custody of the agency's files or records shall provide reasonable access to the files, accounts, and records necessary for an audit under Subsection (3)(a).
- (4)(a) Within 15 days after receiving the final audit report required by Subsection (2), an active underwriter shall notify the Department that the underwriter has received the report.
 - (b) If an active underwriter conducts an audit under Subsection (3), the underwriter shall notify the Department within 15 days after completing the audit if, based on the underwriter's review, there are outstanding files, unreconciled trust account items, unpaid premiums, unresolved escrow funds, or any other issue requiring further action.
 - (c) If an active underwriter identifies an outstanding issue described in Subsection (4)(b), the notice to the Department shall describe the issue and any corrective action requested from the agency.
- (5) If an active underwriter does not receive a final audit report within 60 days after the date the wind down is completed, the active underwriter shall report the non-receipt to the Department within ten days.
- (6)(a) If an agency fails to submit the final audit report required by Subsection (2), the Department may require an active underwriter to prepare a report based on records in the active underwriter's possession.
 - (b) If the Department requires a report under Subsection (6)(a), the active underwriter shall submit the report to the Department within 30 days after the Department's request, unless the Department grants an extension.
- (7) If an active underwriter completes a final audit report under Subsection (6), the expense of preparing the report may be reimbursed under Section 31A-41-203, if applicable.
- (8)(a) A resident agency title insurance producer license may not be canceled, terminated, or accepted for surrender unless the Department has received:
 - (i) the final audit report required by Subsection (2); and
 - (ii) confirmation from each active underwriter that it received the final audit report.
 - (b) If outstanding issues described in Subsection (4) are identified, the Department may:
 - (i) elect not to cancel, terminate, or accept for surrender a resident agency title insurance producer license; and
 - (ii) take enforcement action against the agency.
 - (c) Until a resident agency title insurance producer license is canceled, terminated, or accepted for surrender, the holder of the license shall comply with all applicable legal requirements.

R592-19-8. Record Storage Post Wind Down.

Records required to be stored under this rule shall be securely stored in a physical or electronic location.

R592-19-9. Effective Date.

The commissioner will begin enforcing this rule 45 days from the effective date of the rule.

R592-19-10. Severability.

If any provision of this rule, Rule R592-19, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application.

KEY: title, escrow, insurance, wind down

Date of Last Change: 2026

Authorizing, and Implemented or Interpreted Law: 31A-2-404(6)

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Amendment**Filing ID:** 58234**Rule or section number:****R606-1****1. Agency Information**

Title catchline:	Labor Commission, Antidiscrimination and Labor, Antidiscrimination
Building:	Heber Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT

2. Contact Persons

Name:	Phone:	Email:
Bonnie LePage	801-530-6800	blepage@utah.gov
Chris Hill	801-530-6800	chill@utah.gov

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

3. General Information

A. Rule or section catchline:
R606-1. Antidiscrimination
B. Purpose of the new rule or reason for the change:
This rule is amended to meet the needs of the Utah Antidiscrimination and Labor Division (Division).
C. Summary of the new rule or change:
This filing amends the administrative rules enacted under the authority of the Utah Antidiscrimination Act (Act).
The changes to this rule remove language found within the Act and updates the filing process to the current process used by the Division.

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 associated with the amendment of this rule because this amendment removes language found elsewhere in the Act and updates out-of-date practices to current practices already in place.
B. Local governments:
There is no anticipated cost or savings associated with the amendment of this rule because this amendment removes language found elsewhere in the Act and updates out-of-date practices to current practices already in place.
C. Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings associated with the amendment of this rule because this amendment removes language found elsewhere in the Act and updates out-of-date practices to current practices already in place.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings associated with the amendment of this rule because this amendment removes language found elsewhere in the Act and updates out-of-date practices to current practices already in place.

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 associated with the amendment of this rule because this amendment removes language found elsewhere in the Act and updates out-of-date practices to current practices already in place.

F. Compliance costs for affected persons:

There is no anticipated cost associated with the amendment of this rule because this amendment removes language found elsewhere in the Act and updates out-of-date practices to current practices already in place.

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 Utah Labor Commission, Jaceson Maughan, 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 63G-4-102 et seq.	Subsection 34A-5-104(1)(b)	Subsection 34A-5-107(13)
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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: 11/16/2026

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)

11/23/2026

13. Agency Authorization Information

Agency head or designee and title:	Jaceson Maughan, Commissioner	Date:	10/08/2026
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R606. Labor Commission, Antidiscrimination and Labor, Antidiscrimination.**R606-1. Antidiscrimination.****R606-1-1. Authority.**

This rule ~~[is established pursuant to]~~ enacted under the authority of ~~[Section 34A-5-104]~~ the Utah Antidiscrimination Act Subsections 34A-5-104(1)(b) and 34A-5-107(13).

R606-1-2. Definitions.

The following definitions are ~~in addition to the statutory definitions specified in the Utah Antidiscrimination Act;~~ ~~[complementary to the statutory definitions specified in Section 34A-5-102, and shall apply to all rules of R606.]~~

- A. "Act" means the Utah Antidiscrimination Act~~[, prohibiting discriminatory or unlawful employment practices].~~
- B. "Charging ~~[p]~~Party" means the person who initiated agency action.
- ~~[C. "Director" means the Director, Division of Antidiscrimination and Labor.]~~
- ~~[D. "Division" means the Division of Antidiscrimination and Labor.]~~
- ~~[E. "Disability" is defined in Section 34A-5-102 and is further defined as follows:]~~
 - ~~[1. Being regarded as having a disability is equivalent to being disabled or having a disability.]~~
 - ~~[2. Having a record of an impairment substantially limiting one or more major life activities is equivalent to being disabled or having a disability.]~~
 - ~~[3. Major life activity means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and employment.]~~
 - ~~[4. An individual will be considered substantially limited in the major life activity of employment or working if the individual is likely to experience difficulty in securing, retaining, or advancing in employment because of a disability.]~~
 - ~~[5. Has a record of such an impairment means has a history of, or has been regarded as having, a mental or physical impairment that substantially limits one or more major life activity.]~~
 - ~~[6. Is regarded as having an impairment means:]~~
 - ~~[a. has a physical or mental impairment that does not substantially limit major life activities but is treated as constituting such a limitation;]~~
 - ~~[b. has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such an impairment; or]~~
 - ~~[c. has none of the impairments listed in the definition of physical or mental impairment above but is treated as having such an impairment.]~~
 - ~~[F. "He, His, Him, or Himself" shall refer to either sex.]~~
 - ~~[G. "Investigator" shall mean the individual designated by the Commission or Director to investigate complaints alleging discriminatory or prohibited employment practices.]~~
 - ~~[H. "Qualified disabled individual" means a disabled individual who with reasonable accommodation can perform the essential functions of the job in question.]~~
 - ~~[I. "Reasonable accommodation": For the purpose of enforcement of these rules and regulations the following criteria will be utilized to determine a reasonable accommodation:]~~
 - ~~[1. An employer shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified disabled applicant or employee unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of its program]~~
 - ~~[2. Reasonable accommodation may include:]~~
 - ~~[a. making facilities used by the employees readily accessible to and useable by disabled individuals; and]~~
 - ~~[b. job restructuring, modified work schedules, acquisition or modification of equipment or devices, and other similar actions.]~~
 - ~~[3. In determining pursuant to Rule R606-1-2.J.1 whether an accommodation would impose an undue hardship on the operation of an employer, factors to be considered include:]~~
 - ~~[a. the overall size of the employer's program with respect to number of employees, number and type of facilities, and size of budget;]~~
 - ~~[b. the type of the employer's operation, including the composition and structure of the employer's work force; and]~~
 - ~~[c. the nature and cost of the accommodation needed.]~~
 - ~~[4. An employer may not deny an employment opportunity to a qualified disabled employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.]~~
 - ~~[5. Each complaint will be handled on a case-by-case basis because of the variable nature of disability and potential accommodation.]~~
 - ~~[J. "Sexual Harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:]~~
 - ~~[1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.]~~
 - ~~[2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.]~~
 - ~~[3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.]~~

R606-1-3. ~~[Procedures—]~~Request for Agency Action~~[-and Investigation File]~~.

~~[—A. CONTENTS OF REQUEST FOR AGENCY ACTION]~~

~~[—A request for agency action as specified in Section 34A-5-107, shall be filed at the Division office on a form designated by the Division. The completed form shall include all information required by Section 63G-4-201(3).]~~

~~B. FILING OF REQUESTS FOR AGENCY ACTION~~

~~1. A request for agency action must be filed within 180 days after the alleged discriminatory or prohibited employment practice occurred.~~

~~2. A request for agency action shall be filed either by personal delivery or regular mail addressed to the Division's office in Salt Lake City, Utah.~~

~~3. Investigators and any other persons designated by the Division, shall be available to assist in the drafting and filing of requests for agency action at the Division's office during normal business hours.]~~

~~A. Filing A Request for Agency Action -- Designated Forms, Rejection, and Granting~~

~~1. A Charging Party or the Charging Party's representative shall initiate a request for agency action by completing and submitting an intake questionnaire electronically through the Division's website.~~

~~a. A Charging Party or the Charging Party's representative may not file an intake questionnaire in any manner other than electronically through the Division's website without prior permission from the Division.~~

~~2. An intake questionnaire shall include the following:~~

~~a. A clear and concise statement of the facts, including pertinent dates, constituting the alleged unlawful employment practices.~~

~~3. If the intake questionnaire contains sufficient information to support a charge of discrimination, the Division shall:~~

~~a. draft a charge of discrimination based on the intake questionnaire; and~~

~~b. provide the charge of discrimination to the Charging Party or the Charging Party's representative for signature.~~

~~4. If the intake questionnaire does not contain sufficient information to support a charge of discrimination, the Division may reject the intake questionnaire.~~

~~5. The Division shall use the date the Charging Party or the Charging Party's representative signs the charge of discrimination drafted by the Division as the date of the request for agency action for purposes of Subsection 34A-5-107(1)(c).~~

~~[—C. RESPONSE/ANSWER TO REQUEST FOR AGENCY ACTION]~~

~~B. Response to Request for Agency Action, Submission of Evidence, and Response to Initial Requests for Information.~~

~~1. The Division shall mail a copy of the charge of discrimination~~[request for agency action]~~ to the ~~[charging party and the~~ ~~¶]~~Respondent~~[/employer]~~ within ten ~~[working-]~~business days of the filing of the request for agency action.~~

~~2. The ~~¶]~~Respondent ~~[must answer]~~must submit a response to the charge of discrimination in writing within 30 days from the date the Division mailed the charge of discrimination. The Respondent's answer shall address each allegation set forth in the charge of discrimination and include all supporting evidence, attachments, and exhibits. ~~[the allegations of discrimination or prohibited employment practice set out in the request for agency action in writing within thirty(30) days from the date of the request for agency action was sent.—]~~The response~~[/answer]~~ and any supporting evidence, attachments, or exhibits shall be submitted to the Division electronically.~~[mailed, emailed, or faxed to the Division office. Any correspondence sent by email must be sent to the email address specified by the Division.]~~~~

~~[—3. The response must:~~

~~a. Specifically address each allegation raised in the request for agency action, and~~

~~b. Be accompanied by any supporting evidence.]~~

~~3. Within 30 days of the date the Division mailed the charge of discrimination, the Respondent must answer each initial Request for Information requested by the Division.~~

~~4. At the Division's discretion, the Division may grant a request for an extension of the position statement beyond the 30 day limit. A request for extension must be made in writing within the 30 day answering period and must state the reason for the request.~~

~~[4-]5. Failure to respond to a charge of discrimination, as specified in Subsection R606-1-3(B)(2) or failure to respond to the initial request for information, including by objecting to a request, ~~[request for agency action will-]~~may result in ~~[an]~~the Division concluding an investigation and ~~[possible]~~issuing a determination without input or evidence from the Respondent.~~[non responsive party-]~~~~

~~[—5. Responses submitted beyond the thirty (30) day time limit described in subsection (2) will not be considered, unless an extension has been granted. Extensions are granted at the sole discretion of the Division and should not be expected.~~

~~D. INVESTIGATION~~

~~Pursuant to Section 34A-5-104(2)(b) and Section 34A-5-107(3)(b), the Division may, with reasonable notice to the parties, conduct on-site visits, interviews, fact-finding conferences, obtain records and other information and take such other action as is reasonably necessary to investigate the request for agency action. A party's unjustified failure to cooperate with the Division's reasonable investigative request may result in the Division concluding its investigation based on such other information as is available to the Division.]~~

~~C. ~~[E. AMENDMENT OF REQUEST FOR AGENCY ACTION]~~Request to Amend a Charge of Discrimination.~~

~~1. ~~[All]~~A Charging Party may request or the Division may initiate on its own, an amendment to any allegations of discrimination or other prohibited employment practice set forth~~[out]~~ in the ~~[request for agency action-]~~charge of discrimination ~~[may be amended, either by the Division or the charging party-]~~prior to the Division issuing a determination.~~[commencement of an evidentiary hearing and the respondent may amend its answer. Amendments made during or after an evidentiary hearing may be made only with the permission of the presiding officer.]~~ The Division shall permit liberal amendment of charges of discrimination.~~[requests for agency action and filing of supplemental requests for agency action in order to accomplish the purpose of the Act.]~~~~

~~[—2. Amendments or a supplemental request for agency action shall be in writing, or on forms furnished by the Division, signed and verified. Copies shall be filed in the same manner as in the case of original requests for agency action.]~~

~~2. The Division shall serve an amended charge of discrimination on the Respondents by emailing the amended charge to Respondent's attorney or other designated representative. Respondents shall respond to the amended charge of discrimination within ten calendar days of the date the amended charge is issued.~~

~~[3. Amendments or a supplemental request for agency action shall be served on the respondent as in the case of an original request for agency action.~~

~~4. A request for agency action or a supplemental request for agency action may be withdrawn by the charging party prior to the issuance of a final order.]~~

D. Electronic Filing.

~~1. All submissions filed by any Party who is represented by an attorney shall be filed with the Division electronically, in the manner designated by the Division.~~

~~[F. MAILING OF REQUEST FOR AGENCY ACTION~~

~~The mailing specified in Section 63G-4-201(3) shall be performed by the Division and the persons known to have a direct interest in the requested agency action as specified in Section 63G-4-201(3)(b) shall be the charging party and the respondent/employer.~~

~~G. CLASSIFICATION OF PROCEEDING FOR PURPOSE OF UTAH ADMINISTRATIVE PROCEDURES ACT~~

~~Pursuant to Section 63G-4-202(1), the procedures specified in Section 34A-5-107(1) through (5) are an informal process and are governed by Section 63G-4-203. Any settlement conferences scheduled pursuant to Section 34A-5-107(3) are not adjudicative hearings.~~

~~H. PRESIDING OFFICER~~

~~For those procedures specified in Section 34A-5-107(1) through (5), the presiding officer shall be the Director or the Director's designee. The presiding officer for the formal hearing referred to in Section 34A-5(6) through (11) shall be appointed by the Commission.]~~

R606-1-4. Investigation.~~[R606-1-4. Adjudication and Review Pursuant to Section 34A-5-107.]~~

~~[A. After a charge of discrimination has been investigated, the Director shall issue a Determination and Order. Alternatively, the Director may refer the charge to an investigator for further investigation.~~

~~B. A party dissatisfied with the Director's Determination and Order may request a de novo evidentiary hearing. The request must be in writing, state the party's reasons for seeking review, and must be received by the Division within 30 days of the date the Director signed the Determination and Order.~~

~~1. In computing the foregoing 30-day period, the day on which the Determination and Order are signed by the Director shall not be included. The last day of the 30-day period shall be included unless it is a weekend or legal holiday, in which event the 30-day period runs until the end of the next business day.~~

~~2. Unless a timely request for hearing is received by the Division, the Director's Determination and Order is the final Commission Order.~~

~~3. If a timely request for hearing is received, the Division will transmit the request to the Division of Adjudication within the Commission for assignment to an Administrative Law Judge. The ALJ will conduct a de novo formal hearing and issue an order in conformity with the requirements of the Utah Administrative Procedures Act.~~

~~C. A party may request review of the ALJ's order by complying with the provisions of Section 34A-1-303 and Section 63G-4-301 of the Utah Administrative Procedures Act.]~~

A. To determine the validity of the filed claim, the Division may:

1. Interview either party and third-party witnesses;

2. Request additional information from either party;

3. Request a rebuttal to Respondents' Response from the Claimant;

4. Request, review, retain, and rely on relevant records or documents held by either party or a third party; and

5. Undertake any other action permitted under the Act.

B. A Party shall respond to the Division's request for an interview within ten calendar days of the date the request is made.

C. A Party's unjustified failure to cooperate with the Division's reasonable investigative requests may result in the Division concluding its investigation based on the information available to the Division.

R606-1-5. Release of Information Obtained Through the Investigative Process.

A. Pursuant to [Utah Code] Subsection 34A-5-107(14), the Division may release information gained through its investigations or proceedings to a party to facilitate their participation in the investigation under the following circumstances:

1. The request is made in writing.

2. The Division has not received a request from the person or entity providing the information that such information be considered confidential.

3. The release of the information will not, in the determination of the Division impede the investigation; and

4. The Division has not determined the requested information should remain confidential or otherwise be protected.

B. If a person or entity requests in writing the information provided to the Commission be kept confidential, the Division [will]shall consider the reasons underlying the request and make a decision regarding the confidentiality of the information. This determination will govern the release of such information.

1. If the Division deems information confidential, the Division, at its discretion, may choose not to rely on the information during the investigation if the Division determines that the opposing party will be unfairly affected by the withholding of and the inability to respond to the information.

C. After the conclusion of the investigation, either party may request a copy of the investigation file.

D. The Division [generally will]may not release the following information:

NOTICES OF PROPOSED RULES

1. work product;
2. personal contact information of any individual;
3. [S]social [S]security information;
4. bank account numbers; and
5. medical records, ~~including the ADA questionnaire, unless an appropriate release of medical information is obtained.~~
- E. The Division may charge for the costs of providing copies to the parties.

R606-1-6. Proceedings Designation~~[-as Formal Proceedings].~~

- ~~A. Proceedings before the Division shall be designated as informal.~~
~~B. Proceedings before the Adjudication Division shall be designated as formal.~~
~~[The adjudicative proceedings referred to in Subsections 34A-5-107(6)-(10) are classified as formal proceedings for purposes of the Utah Administrative Procedures Act.]~~

R606-1-7. Declaratory Orders.

- ~~A. PURPOSE]~~
~~[As required by Section 63G-4-503, this rule provides the procedures for submission, review, and disposition of petitions for agency Declaratory Orders on the applicability of statutes, rules, and Orders governing or issued by the agency.]~~
~~B. PETITION FORM AND FILING]~~
~~1. The petition shall be addressed and delivered to the Director, who shall mark the petition with the date of receipt.]~~
~~2. The petition shall:]~~
~~(a) be clearly designated as a request for an agency Declaratory Order;]~~
~~(b) identify the statute, rule, or Order to be reviewed;]~~
~~(c) describe in detail the situation or circumstances in which applicability is to be reviewed;]~~
~~(d) describe the reason or need for the applicability review, addressing in particular why the review should not be considered frivolous;]~~
~~(e) include an address and telephone where the petitioner can be contacted during regular work days;]~~
~~(f) declare whether the petitioner has participated in a completed or on-going adjudicative proceeding concerning the same issue within the past 12 months; and]~~
~~(g) be signed by the petitioner.]~~
~~C. REVIEWABILITY]~~
~~The agency shall not review a petition for a Declaratory Order that is:]~~
~~1. not within the jurisdiction and competence of the agency;]~~
~~2. trivial, irrelevant, or immaterial; or]~~
~~3. otherwise excluded by state or federal law.]~~
~~D. PETITION REVIEW AND DISPOSITION]~~
~~1. The Director shall promptly review and consider the petition and may:]~~
~~(a) meet with the petitioner;]~~
~~(b) consult with Legal Counsel; or]~~
~~(c) take any action consistent with law that the agency deems necessary to provide the petition adequate review and due consideration.]~~
~~2. The Director may issue an order pursuant to Section 63G-4-503(6).]~~
~~E. ADMINISTRATIVE REVIEW]~~
~~Review of a Declaratory Order is per Section 63G-4-302 only.]~~
A. A Request for Declaratory Order shall be delivered to the Division and shall contain the following:
1. A clear statement that the Petitioner is requesting a declaratory order pursuant to the Utah Administrative Procedures Act;
2. The statute, administrative rule, or order to be reviewed;
3. A detailed description of the specific circumstances in which applicability of the statute, rule or order, is to be reviewed;
4. A description of the need for the applicability review;
5. Identification of the person or agency directly affected by the statute, rule, or order;
6. The name, address, telephone number, and email address of the Petitioner;
7. The name, address, telephone number, and email address of all other parties to the proceeding;
8. A statement of whether the Petitioner has participated in an adjudicative proceeding concerning the same issue within the last 12 months;
9. A statement identifying any necessary party whose rights would be substantially prejudiced by the order, accompanied by that party's written consent to the proceeding; and
10. The Petitioner's signature.
B. The Division will not issue a declaratory order in the following circumstances:
1. A Petitioner fails to submit a completed Request for Declaratory Order as set forth in Part A of this rule;
2. The Request is prohibited by the Administrative Procedures Act;
3. The Request concerns matters that are trivial, irrelevant, or immaterial;
4. The Request raises questions that are clear and do not warrant an order;
5. The Request arises out of pending or anticipated litigation that is more properly addressed in that forum;

6. The Request is prohibited by state or federal law; or
7. The Request challenges the validity of a federal statute or regulation.
- C. Upon receipt of a Request for Declaratory Order, the Director shall review and consider the Request and may:
1. Request additional information from the petitioner; and
 2. Issue an order consistent with the Administrative Procedures Act.

[R606-1-8. Time:

- A. An Order is deemed issued on the date on the face of the Order which is the date the presiding officer signs the Order.
- B. In computing any period of time prescribed or allowed by these rules or by applicable statute:
1. The day of the act, event, finding, or default, or the date an Order is issued, shall not be included;
 2. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a state legal holiday, in which event the period runs until the end of the next working day;
 3. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and state legal holidays shall be excluded in the computation;
 4. No additional time for mailing will be allowed.]

KEY: discrimination, employment, time

Date of Last Change: 2026~~December 31, 2014~~

Notice of Continuation: September 18, 2025

Authorizing, and Implemented or Interpreted Law: 34A-5-101 et seq.; 63G-4-102 et seq.

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Filing ID: 58235

Rule or section number:

R608-1

1. Agency Information

Title catchline:	Labor Commission, Antidiscrimination and Labor, Fair Housing
Building:	Heber Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT

2. Contact Persons

Name:	Phone:	Email:
Bonnie LePage	801-530-6800	blepage@utah.gov
Chris Hill	801-530-6800	chill@utah.gov

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

3. General Information

A. Rule or section catchline:
R608-1. Utah Fair Housing Rules
B. Purpose of the new rule or reason for the change:
This rule is amended to meet the needs of the Utah Antidiscrimination and Labor Division (Division).
C. Summary of the new rule or change:
This filing amends the administrative rules enacted under the authority of the Utah Fair Housing Act (Act).
The changes to this rule remove language found within the Act and update the filing process to the current process used by the Division.

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 associated with the amendment of this rule because this amendment removes language found elsewhere in the Act and updates out-of-date practices to current practices already in place.

B. Local governments:

There is no anticipated cost or savings associated with the amendment of this rule because this amendment removes language found elsewhere in the Act and updates out-of-date practices to current practices already in place.

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

There is no anticipated cost or savings associated with the amendment of this rule because this amendment removes language found elsewhere in the Act and updates out-of-date practices to current practices already in place.

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

There is no anticipated cost or savings associated with the amendment of this rule because this amendment removes language found elsewhere in the Act and updates out-of-date practices to current practices already in place.

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 associated with the amendment of this rule because this amendment removes language found elsewhere in the Act and updates out-of-date practices to current practices already in place.

F. Compliance costs for affected persons:

There is no anticipated cost associated with the amendment of this rule because this amendment removes language found elsewhere in the Act and updates out-of-date practices to current practices already in place.

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 Utah Labor Commission, Jaceson Maughan, 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:	☒
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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 63G-4-102 et seq.	Subsection 57-21-8(2)(a)	Subsection 57-21-9(2)(a)
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11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.
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A. Comments will be accepted until:	11/16/2026
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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)	11/23/2026
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13. Agency Authorization Information

Agency head or designee and title:	Jaceson Maughan, Commissioner	Date:	10/08/2026
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R608. Labor Commission, Antidiscrimination and Labor, Fair Housing.**R608-1. Utah Fair Housing Rules.****R608-1-1. Authority[and Purpose].**

~~[Pursuant to Section 57-21-8(2)(a), the Utah Labor Commission adopts this rule to establish the procedures necessary to implement]~~ This rule is enacted under the authority of Subsection 57-21-8(2)(a) of the Utah Fair Housing Act.

R608-1-2. Definitions.

The following definitions are in addition to the definitions ~~specified~~~~[set forth]~~ in ~~[Section 57-21-2 of]~~ the Utah Fair Housing Act.

A. "Act" means the Utah Fair Housing Act~~[- Chapter 21, Title 57].~~

~~[B. "Commissioner" means the Commissioner of the Utah Labor Commission.]~~

~~[C]B.~~ "Complaint" means an allegation of an unlawful housing practice, filed with the Division in compliance with the Act, the Utah Administrative Procedures Act, and this rule.~~[these rules.]~~ "Complaint" includes amended ~~[or supplemental]~~ ~~[C]e~~ complaints.

~~[D. "Court" means the district court in the judicial district of the state of Utah in which the asserted unfair housing practice occurred, or if this court is not in session at that time, then any judge of any court.]~~

E. "Unlawful housing practice" means any ~~[discriminatory]~~ housing practice prohibited by the Act.

~~[R608-1-3. Reliance on State and Federal Precedent.]~~

~~[The Division and Commission will consider relevant State and Federal precedent in interpreting and applying the Act.]~~

~~[R608-1-4. Computation of Time Limits.]~~

~~[A. A Determination, Order, or Notice required by the Act or this rule is deemed issued on the date on the face of the Determination, Order or Notice.]~~

~~[B. A complaint, response, request for reconsideration, or election is considered to be "filed" on the date it is received by the Division or Commission, whether by mail or by personal delivery. Each such document shall be date stamped by Division staff on the date of receipt.]~~

~~[C. In computing any period of time prescribed or allowed by these rules or by applicable statute:]~~

~~[1. The day of the act, event, finding, or default, or the date an Order is issued, shall not be included;]~~

~~[2. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a state legal holiday, in which event the period runs until the end of the next working day;]~~

~~[3. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and state legal holidays shall be excluded in the computation;]~~

~~[4. No additional time for mailing will be allowed.]~~

R608-1-~~[5]~~3. Proceedings Designation.~~[Designation of Proceedings as Informal Exception.]~~

A. Proceedings before the Division shall be designated as informal pursuant to the Utah Administrative Procedures Act.~~[All proceedings pursuant to the Act and this rule are hereby designated as informal adjudicatory proceedings for purposes of the Utah Administrative Procedures Act, Title 63, Chapter 46b, except that proceedings before the Commission's Adjudication Division for de novo review of the Director's Determination and Order are formal proceedings.]~~

~~[B. Court proceedings are subject to the court's rules of procedure.]~~

R608-1-[6]4. Complaints[~~Filing Time Limits Amendment and Withdrawal~~].

- A. Any person aggrieved by an unlawful housing practice may file a C[e]omplaint with the Division.
- ~~[1. The complaint must be in the form designated by the Division and verified by the complainant.]~~
1. A Complainant or the Complainant's representative shall initiate a Complaint by completing and submitting an intake questionnaire electronically through the Division's website.
- a. A Complainant or the Complainant's representative may not file an intake questionnaire in any manner other than electronically through the Division's website without prior permission from the Division.
2. The [complaint]intake questionnaire shall contain the complainant's concise statement setting forth, to the extent reasonably possible, the following information:
- a. The specific basis for complainant's belief that an unlawful housing practice has occurred, with relevant dates[~~, places~~] and the names of any individual participating in the alleged unlawful housing practice;
- b. The specific basis for the complainant's belief that the alleged conduct is subject to the Act; and the dates [and places]of [such] [the alleged] unlawful housing practices[~~;~~].
- ~~[c. The specific damages the complainant believes he or she has suffered as a result of the unlawful housing practice.]~~
3. If the intake questionnaire contains sufficient information to support a Complaint, the Division shall:
- a. draft a Complaint based on the intake questionnaire; and
- b. provide the Complaint to the Complainant for signature.
4. If the intake questionnaire does not contain sufficient information to support a charge of discrimination, the Division may reject the intake questionnaire.
5. The Division shall use the date the Complainant signs the Complaint drafted by the Division as the date of the verified Complaint for purposes of Subsection 57-21-9(1).
- ~~[B. Division staff shall be available during normal business hours to provide reasonable assistance to complainants in completing and filing complaints.]~~
- ~~[C. Pursuant to Section 57-21-9(1), the complaint must be filed with the Division within 180 days after the alleged unlawful housing practice occurred.]~~
- ~~[D]B. The [Director]Division shall permit a complaint to be reasonably [and fairly]amended,[~~or supplemented, either by the Division or by the complainant, in order to accomplish the purpose of the Act. Such amendment or supplement may include additional respondents identified in the investigation as persons engaged in the unlawful housing practice on which the complaint is based. Procedures for filing and processing an amended or supplemental complaint shall be the same as for filing an original complaint.~~]~~
- ~~[E]C. With the Director's approval, a complainant may withdraw a C[e]omplaint at any time by submitting a signed request for withdrawal to the Division.~~

R608-1-[7]5. Notice Requirements.

- A. Within ten calendar days of the filing of a C[e]omplaint, the Division shall provide notice [~~by registered mail~~]to the complainant, including:
1. [The date the complaint was filed with the Division]Acknowledgement of receipt of the Complaint for filing;
2. The designation of a Complaint number;[A copy of the complaint;]
3. Information related to the Division's processing procedures including the name and telephone number of a Division contact;[The time limits applicable to the complaint and investigation process;]
4. A statement of the complainant's rights and obligations under the Act;
5. A statement of the [e]Complainant's right to commence a private civil action in state or federal court, with a statement of applicable time limits for commencing such action;
6. A statement advising the [e]Complainant that retaliation against any person, or individual associated with that person, who is filing, testifying, assisting, or participating in an investigation, conciliation or administrative proceeding, is a discriminatory housing practice prohibited by the Act; and
7. A statement, if applicable, that the terms of any rental agreement remain in effect.
- B. Within ten calendar days of the filing of a C[e]omplaint, the Division shall provide notice by certified[registered] mail to the respondent, which notice shall include:
1. Identification of the alleged unlawful housing practice on which the [e]Complaint is based;
- ~~[2. The date the complaint was filed with the Division;]~~
- [3]2. A copy of the complaint;
- ~~[4. A statement of time limits applicable to the complaint and investigation process;~~
- ~~5]3. A statement of the respondent's rights and obligations under the Act, including respondent's obligation to submit a response to the C[e]omplaint, as required by Section R608-1-[8]6.~~
- ~~[6. A statement informing the respondent of the complainant's right to commence a private civil action in state or federal court, with a statement of applicable time limits for commencing such action;]~~
- [7]4. A statement advising the respondent that retaliation against any person, or individual associated with that person, who is filing a C[e]omplaint, testifying, assisting, or participating in an investigation, conciliation, or administrative proceeding, is a discriminatory housing practice prohibited by the Act.

R608-1-[8]6. Response to Complaint.

A. A respondent shall electronically file with the Division a response to the Complaint in writing within ten calendar days from the date the Division mailed the Complaint.~~[file a signed response to the complaint with the Division within 10 days from the date of the notice required by R608-1-7.B.]~~

B. The Respondent's response must address each allegation set forth~~[contained]~~ in the C[om]plaint~~[r]~~ and include all supporting evidence, attachments, and exhibits including any available and relevant data and information regarding respondent's business practices.

~~[C. Division staff shall be available during normal business hours to provide reasonable assistance to respondents in completing and filing responses.]~~

C. Within 30 days of the date the Division mailed the Complaint, the Respondent must answer each initial Request for Information requested by the Division.

D. Failure to respond to a Complaint, as specified in Subsection R608-1-6(A) or failure to respond to the initial Request for Information, including by objecting to a request,~~[file a response]~~ may result in the Division concluding its investigation and issuing a determination without input or evidence from the Respondent.~~[based on information provided by the complainant and such other information as is reasonably available to the Division. Alternatively, the Commission may use its subpoena powers to compel production of the information required by this rule.]~~

R608-1-[9]7. Investigation~~[-Report].~~

~~[A. Within 30 days of the filing of a complaint, the Division shall commence proceedings to thoroughly investigate and, if possible, conciliate the complaint.]~~

~~[B. The Division shall complete its investigation within 100 days after filing of a complaint. If the Division is unable to do, it shall notify the parties in writing of the reason for the delay.]~~

C. To determine the validity of the claim. ~~[F]the Division may;~~[with reasonable notice to the parties, conduct on-site visits, interviews, and fact finding conferences, and take such other action as is reasonably necessary to investigate the complaint. Pursuant to Section 57-21-8(2)(e) of the Act, the Commission may issue subpoenas to compel production of necessary evidence. Additionally, a party's unjustified failure to cooperate with the Division's reasonable investigative requests may result in the Division concluding its investigation based on such other information as is available to the Division.]

1. Interview the parties and third-party witnesses.

2. Request additional information from either party.

3. Conduct on-site visits.

4. Request a rebuttal to Respondents' Response from the Claimant.

5. Request, review, retain, and rely on relevant records or documents held by either party or a third party; and

6. Undertake any other action permitted under the Act.

D. A party shall respond to the Division's request for an interview within of the date the request is made.~~[The Division shall prepare a final investigative report on each complaint, which shall include:]~~

~~[1. A summary of all contacts with complainants and respondents, including the dates of such contacts;]~~

~~[2. A summary of contacts with witnesses, including the dates of contact; and]~~

~~[3. A summary of pertinent records.]~~

E. A Party's failure to cooperate with the Division's reasonable investigative requests may result in the Division concluding its investigation based on the information available to the Division.

~~[R608-1-10. Determination:]~~

~~[A. On completion of the investigation, the Director shall review the investigative report and determine whether reasonable cause exists to believe that an unlawful housing practice has occurred.]~~

~~[B. If the Director finds no reasonable cause to believe that an unlawful housing practice has occurred, the Director shall issue a determination dismissing the complaint. The complainant may then take such other action as described in R608-1-12.]~~

~~[C. If the Director finds reasonable cause to believe that an unlawful housing practice has occurred, the Director shall take such further action as described in Rule R608-1-13.]~~

~~[R608-1-11. Conciliation:]~~

~~[A. During the period beginning with the filing of the complaint and ending with the Director's determination, the Division shall, to the extent feasible, engage in conciliation to settle the matter or, in accordance with HUD procedures, enter into an enforcement agreement.]~~

~~[1. Conciliation proceedings are confidential pursuant to Section 57-21-9(7)(a).]~~

~~[2. Any conciliation agreement shall be subject to approval by the Director.]~~

~~[3. Any party can enforce the signed and approved conciliation agreement in court proceedings.]~~

~~[B. Nothing in these rules prevents complainants and respondents from settling a complaint through their own efforts. However, the Division will not dismiss the complaint until the parties' settlement agreement has been submitted to, and approved by, the Director.]~~

~~[R608-1-12. Order of Dismissal-Reconsideration-Right to Private Civil Action:]~~

~~[A. If the Director finds no reasonable cause to believe that an unlawful housing practice has occurred, or is about to occur, the Director shall issue a Determination and Order dismissing the Complaint.]~~

~~[B. The complainant may ask the Director to reconsider such order of dismissal by complying with the requirements of Section 63G-4-302 of the Utah Administrative Procedures Act.]~~

NOTICES OF PROPOSED RULES

~~[C. The Director shall issue a decision either granting or denying the request for reconsideration.]~~
~~[1. If the Director grants reconsideration, the Director shall reopen the investigation, amend the Director's prior Determination and Order, or take such other necessary action.]~~
~~[2. If the Director denies reconsideration, the Director's Determination and Order is not subject to any additional agency or judicial review. However, the complainant may commence a private civil action pursuant to Section 57-21-12(1).]~~

R608-1-[13]8. [Order Finding Unlawful Housing Practice]-Appeal-Choice of Forum.

~~[A. If the Director concludes that an unlawful housing practice has occurred, the Division shall informally attempt to eliminate or correct the unlawful housing practice by conducting a conciliation conference pursuant to R608-1-11.]~~
~~[B. If conciliation is unsuccessful, the Director shall issue a determination ordering appropriate relief as authorized by Section 57-21-11. The Director's determination shall be made public unless the Director determines that the matter involves a privacy interest entitled to protection by law, or that disclosure is not required to further the purposes of the Act.]~~
~~[C. A respondent disagreeing with the Director's determination may obtain de novo review by filing a written request for review with the Director within 30 days from the date the Director's determination.]~~
~~[1. If no timely request for de novo review is filed, the Director's determination is the Commission's final order and not subject to additional agency or judicial review.]~~
~~[2]A. If a timely request for de novo review is filed, the [Director]-Division shall:~~
~~[a]1. Notify the parties of such request for review[by regular mail at their last known address of record]; and~~
~~[b]2. Inform the parties that the review proceeding will be conducted by the Commission's Adjudication Division unless [any]-a party elects to have such review conducted in court.~~
~~[3]B. An[y] election for court review must be received by the [Director]-Division within 20 days of the date of mailing of the [Director's]-notice of request for review.~~

[R608-1-14. Representation of Complainants.]

~~[A. If a respondent has requested de novo review of the Director's Determination, the Commission shall consider whether the Determination is supported by substantial evidence.]~~
~~[B. If the Commission concludes the Determination is supported by substantial evidence, the Commission shall provide legal representation to support the Determination in the de novo review proceeding.]~~
~~[C. If the Commission concludes the Determination is not supported by substantial evidence, the Commission shall not provide legal representation to support the Determination in the de novo review proceeding.]~~
~~[D. The Commission shall notify the parties of its conclusion regarding the existence or nonexistence of substantial evidence to support the Director's Determination within twenty days from the date the respondent files a request for de novo review.]~~
~~[E. The Commission's conclusion regarding the existence or nonexistence of substantial evidence to support the Director's Determination is not subject to further agency or judicial review.]~~

R608-1-[15]2. Procedures For De novo Review.

~~A. If, in accordance with the provisions of these rules, a de novo review [proceeding] is to be conducted by the [Commission's] Adjudication Division[, the following standards apply:]~~
~~1. The Division shall refer the matter to the Adjudication Division, which shall designate an Administrative Law Judge to serve as presiding officer;~~
~~[2. The proceeding shall be conducted as a formal agency adjudicative proceeding pursuant to the relevant provisions of the Utah Administrative Procedures Act, Title 63G, Chapter 4;~~
~~3]2. Within 30 days from referral, the Administrative Law Judge shall schedule an evidentiary hearing to be held within 120 days of the referral, unless it is impracticable to do so;~~
~~[4]3. Any aggrieved party may intervene in the action;~~
~~[5]4. The Commission shall make final administrative disposition of the C[e]omplaint within one year after the C[e]omplaint is filed unless it is impracticable to do so. If the agency is unable to make a final administrative disposition within one year, the Commission shall notify the parties in writing of the reason for the delay.~~
~~[B. If, in accordance with the provisions of these rules, a de novo review proceeding is to be conducted in court, the following standards apply:]~~
~~1. If, pursuant to Rule R608-1-14, the Commission has concluded the Director's Determination is supported by substantial evidence, the Commission shall commence a court action to support the Determination. Such action shall be commenced within 30 days from the date of the election for court review.]~~
~~2. If, pursuant to Rule R608-1-14, the Commission has concluded the Determination is not supported by substantial evidence, the Commission shall not commence a court action to support the Determination. In such case, the complainant may commence a civil action in a court of competent jurisdiction as provided by the Act.]~~

R608-1-[16]10. Declaratory Orders.

~~A. Purpose. As required by Section 63G-4-503, this rule provides the procedures for submission, review, and disposition of petitions for agency Declaratory Orders on the applicability of statutes, rules, and orders governing or issued by the agency.]~~
~~B. Petition Form and Filing.]~~
~~1. The petition shall be addressed and delivered to the Director who shall mark the petition with the date of receipt.]~~

- ~~[_____ 2. The petition shall:]~~
- ~~[_____ a. be clearly designated as a request for an agency Declaratory Order;]~~
- ~~[_____ b. clearly identify the statute, rule, or order to be reviewed;]~~
- ~~[_____ c. describe in detail the situation or circumstances in which applicability is to be reviewed;]~~
- ~~[_____ d. describe the reason or need for the applicability review, addressing in particular why the review should not be considered frivolous;]~~
- ~~[_____ e. include an address and telephone number where the petitioner can be contacted during normal business hours;]~~
- ~~[_____ f. declare whether the petitioner has participated in a completed or on-going adjudicative proceeding concerning the same issue within the past 12 months; and]~~
- ~~[_____ g. be signed by the petitioner.]~~
- ~~[_____ C. Review:]~~
- ~~[_____ 1. the agency shall not review a petition for a Declaratory Order that is:]~~
 - ~~[_____ a. not within the jurisdiction and competency of the agency;]~~
 - ~~[_____ b. trivial, irrelevant, or immaterial; or]~~
 - ~~[_____ c. otherwise excluded by state or federal law.]~~
- ~~[_____ 2. The Director shall promptly review and consider the petition and may:]~~
 - ~~[_____ a. meet with the petitioner;]~~
 - ~~[_____ b. consult with counsel or the Attorney General; or]~~
 - ~~[_____ c. take any action consistent with law that the agency deems necessary to provide adequate review and due consideration of the petition.]~~
- ~~[_____ 3. The Director may issue a Declaratory Order pursuant to Section 63G-4-503(6).]~~
- ~~[_____ D. Administrative Review:]~~
- ~~[_____ 1. Administrative review of the Director's Declaratory Order shall be conducted pursuant to Section 63G-4-302.]~~
 - ~~[_____ A. A Request for Declaratory Order shall be delivered to the Division and shall contain the following:]~~
 - ~~[_____ 1. A clear statement that the Petitioner is requesting a declaratory order pursuant to the Administrative Procedures Act;~~
 - ~~[_____ 2. The statute, administrative rule, or order to be reviewed;~~
 - ~~[_____ 3. A detailed description of the specific circumstances in which applicability of the statute, rule or order, is to be reviewed;~~
 - ~~[_____ 4. A description of the need for the applicability review;~~
 - ~~[_____ 5. Identification of the person or agency directly affected by the statute, rule, or order;~~
 - ~~[_____ 6. The name, address, telephone number, and email address of the Petitioner;~~
 - ~~[_____ 7. The name, address, telephone number, and email address of all other parties to the proceeding;~~
 - ~~[_____ 8. A statement of whether the Petitioner has participated in an adjudicative proceeding concerning the same issue within the last 12 months;~~
 - ~~[_____ 9. A statement that the Petitioner consents to the determination and issuance of a declaratory order that may substantially prejudice their rights if they are a necessary party to an action; and]~~
 - ~~[_____ 10. The Petitioner's signature.]~~
 - ~~[_____ B. The Division will not issue a declaratory order in the following circumstances:]~~
 - ~~[_____ 1. A Petitioner fails to submit a completed Request for Declaratory Order as set forth in Part A of this rule;~~
 - ~~[_____ 2. The Request is prohibited by the Administrative Procedures Act;~~
 - ~~[_____ 3. The Request concerns matters that are trivial, irrelevant, or immaterial;~~
 - ~~[_____ 4. The Request raises questions that are clear and do not warrant an order;~~
 - ~~[_____ 5. The Request arises out of pending or anticipated litigation that is more properly addressed in that forum;~~
 - ~~[_____ 6. The Request is prohibited by state or federal law; or]~~
 - ~~[_____ 7. The Request challenges the validity of a federal statute or regulation.]~~
 - ~~[_____ C. Upon receipt of a Request for Declaratory Order, the Director shall review and consider the Request and may:]~~
 - ~~[_____ 1. Request additional information from the Petitioner; and]~~
 - ~~[_____ 2. Issue an order consistent with the Utah Administrative Procedures Act.]~~

[R608-1-17. Assistance Animals.]

- ~~[_____ A. General]~~
- ~~[_____ 1. Pursuant to the Utah Fair Housing Act and the federal Fair Housing Act, this rule defines the circumstances in which an individual with a disability is entitled to an assistance animal as a reasonable accommodation in a dwelling that would otherwise restrict or prohibit the presence of an animal. The term "assistance animals" as used in this rule means animals that assist, support, or provide service to persons with disabilities and may include or otherwise be referred to as service animals, emotional support animals, assistive animals, or therapy animals.]~~
- ~~[_____ 2. The assistance animal must be necessary to afford the individual an equal opportunity to use and enjoy a dwelling or to participate in the housing service or program. This requires a demonstrable relationship between the individual's disability and the assistance the animal provides.]~~
- ~~[_____ a. Housing providers are entitled to verify the existence of the individual's disability as well as the need for the assistance animal as an accommodation for that disability if either is not readily apparent. Accordingly, an individual proposing an assistance animal as a reasonable accommodation for a disability may be required to provide documentation from a physician, psychiatrist, or other qualified healthcare professional that the animal provides support that alleviates a symptom or effect of the disability.]~~

NOTICES OF PROPOSED RULES

[~~_____ b. Housing providers need not permit an assistance animal as an accommodation to a person with a disability if the provider demonstrates that allowing the assistance animal would impose an undue financial or administrative burden or would fundamentally alter the nature of a housing facility, program or service.~~]

[~~_____ c. Housing providers are not required to provide an accommodation that poses a direct threat to the health or safety of others. Thus, if a particular assistance animal has a history of dangerous behavior, if the animal is out of control and its handler does not take effective action to control it, the housing provider is not required to accept the assistance animal.~~]

[~~_____ B. Relationship of this rule to other laws addressing service animals.~~]

[~~_____ 1. The federal Fair Housing Act, the Utah Fair Housing Act and this rule establish the standards for assistance animals as a reasonable accommodation in housing.~~]

[~~_____ 2. This rule does not apply to use of service animals in public areas, common carriers, public conveyances, public accommodations or places of amusement, which are governed by standards set forth in Utah Code Ann. Section 62A-5b-101 et seq., "Rights and Privileges of a Person with a Disability."~~]

KEY: housing, fair housing, discrimination, time

Date of Last Change: 2026~~[November 21, 2011]~~

Notice of Continuation: January 8, 2026

Authorizing, and Implemented or Interpreted Law: 57-21-1 et seq.; 63G-4-102 et seq.

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Filing ID: 58292

Rule or section number:

R647-2

1. Agency Information

Title catchline:	Natural Resources; Oil, Gas and Mining; Non-Coal
Building:	Department of Natural Resources
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT
Mailing address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84116

2. Contact Persons

Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov

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

3. General Information

A. Rule or section catchline:
R647-2. Exploration
B. Purpose of the new rule or reason for the change:
The Division of Oil, Gas and Mining (division) is removing expiration dates for exploration mine operations and clarifying Authorized Company Representatives.
C. Summary of the new rule or change:
These rule amendments remove the expiration date for exploration mine operations and addresses events that result in withdrawals of notice of intentions.
These amendments also add requirements around Authorized Company Representatives to give the operator and the division more clarity on who can sign and submit documents.
Lastly, these amendments include general clarifications throughout, including updating "permittee" to "operator" and "post-mining" to "post-exploration".

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

There is a total of one state agency, the division, that will be associated with this proposed rule change.

There will be no additional cost to the state as these changes are administrative.

There will be a savings to the state for time spent approving exploration mine operations permit extensions, however, the savings cannot be determined as those reviews are tracked as general permitting work.

B. Local governments:

This rule amendment will not affect local governments as it only applies to the division and mine operators.

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

There are a total of 559 small business mining operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There will be no additional cost to mine operators as these changes are purely administrative.

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

There are a total of 36 non-small business mining operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There will be no additional cost to mine operators as these changes are purely administrative.

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 amendment will not affect persons other than small businesses, non-small businesses, or local government entities as it only applies to the division and exploration mine operators.

F. Compliance costs for affected persons:

There will be no compliance costs for exploration mine operators.

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	inestimable	inestimable	inestimable	inestimable	inestimable
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$00	\$0
Other Persons	\$0	\$0	\$0	\$	\$0

Total Fiscal Benefits	inestimable	inestimable	inestimable	inestimable	inestimable
Net Fiscal Benefits	inestimable	inestimable	inestimable	inestimable	inestimable

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Natural Resources, Jamie Barnes, 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 40-8-1 et seq.		
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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: 11/16/2026

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)

12/02/2026

13. Agency Authorization Information

Agency head or designee and title:	Dana Dean, Deputy Director	Date:	09/30/2026
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R647. Natural Resources; Oil, Gas and Mining; Non-Coal.**R647-2. Exploration.****R647-2-101. Filing Requirements and Review Procedures.**

(1)[-] Prior to the commencement of exploration, a Notice of Intention to Conduct Exploration (FORM MR-EXP) containing all the required information must be filed with and determined complete by the Division and the Division shall have approved the form and amount of reclamation surety. It is recommended that the notice of intention be filed with the Division at least 30 days prior to the planned commencement of exploration.

(2)[-] Within 30 days after receipt of a Notice of Intention to Conduct Exploration (FORM MR-EXP), the Division will review the proposal and notify the operator in writing that the notice of intention is:

- (a) Complete and all required information has been submitted; or
- (b) Incomplete, and additional information as identified by the Division will be required.
- (c) The Division will review and respond to any subsequent filings of information within 30 days of receipt.

(3)[-] If the Notice of Intention to Conduct Exploration involves more acreage than that allowed for small mining operations, a detailed exploration development and reclamation plan must be included in the notice of intention and approved by the Division.

(4)[-] The Division will review and approve or disapprove:

- (a) The form and amount of reclamation surety, and;
- (b) Any variances requested under Section R647-2-107, Section R647-2-108, or Section R647-2-109, regardless of the number of surface acres of disturbance planned.

(5)[-] Developmental drilling conducted within an already approved disturbed area with approved surety does not require submittal of a Notice of Intention to Conduct Exploration (FORM MR-EXP).

(6)[-] An operator[-permittee]'s retention of a notice of intention shall require the paying of permit fees as authorized by the Utah Legislature. The procedures for paying the permit fees are as follows:

(a) The Division shall notify the operators of record annually of the amount of permit fees authorized by the Utah Legislature for Exploration.

(b) Fees are due annually by the deadline in Section R647-2-115 for reports.

(c) An operator[-permittee's] may avoid payment of the fee by complying with the following requirements:

(i) An operator[-permittee's] will notify the Division of a desire to close out a notice of intention by checking the appropriate box of the permit fees billing form.

(ii) The operator[permittee] will then arrange with the Division for an onsite inspection of the site to assure that all required reclamation has been performed. If an inspection reveals that an area is not yet suitably reclaimed, then a new billing notice will be issued and the operator[permittee] will be given 30 days from the date of the onsite inspection to pay the fee.

R647-2-102. Duration of the Notice of Intention.

~~1. A Notice of Intention to Conduct Exploration that has been determined complete or approved, shall be valid until December 31st of the year following submission. Exploration and reclamation activities should be completed within this time frame. An operator desiring to extend the duration of a notice of intention, must notify the Division in writing, prior to expiration of the notice of intention, specifying the reasons an extension is required, and the anticipated length of time necessary to complete exploration and reclamation.~~

~~2. The Division will review and approve the extension and adjust if necessary, the amount of reclamation surety.~~

~~3. Authorization to operate under a Notice of Intention to Conduct Exploration may be withdrawn in the event of failure by the operator to pay permit fees required by Section R647-2-101(6), or to maintain and update reclamation surety as required, after notice and opportunity for Board hearing.~~ (1) The completed notice of intention, including any subsequent amendments, shall remain in effect for the life of the exploration operation. The Division may review the permit and require updated information and modifications when warranted.

(2) A completed notice of intention may be withdrawn, after notice and opportunity for Board hearing, in the event the operator:

(a) fails to pay permit fees required by Subsection R647-2-101(6);

(b) fails to maintain and update adequate reclamation surety as required in Section R647-2-111;

(c) substantially fails to perform reclamation or conduct exploration operations so that reclamation can be accomplished in accordance with the reclamation practices in Section R647-2-109;

(d) shuts down or suspends exploration operations for a period in excess of five years, unless an extended period of suspension is approved upon application; or

(e) fails, after notice, to timely request a hearing before the Board, the Division may, in accordance with Subsection (2), withdraw an approved notice of intention.

(3) If the operator requests a hearing before the board, the Board shall conduct the hearing de novo, and the Division may not withdraw an approved notice of intention until conclusion of the hearing, and the Board issues an order to withdraw the notice of intention.

(4) If a notice of intention is withdrawn, the Division will notify the operator in writing that it must commence complete reclamation work within 90 days and diligently proceed with such work as directed by the Division.

R647-2-103. Notice of Intention to Conduct Exploration.

The notice of intention shall address the requirements of the following section:

TABLE	
RULE #	SUBJECT
R647-2-104	Operator, Surface and Mineral Owner
R647-2-105	Maps and Drawings
R647-2-106	Project Description
R647-2-107	Operation Practices
R647-2-108	Hole Plugging Requirements
R647-2-109	Reclamation Practices
R647-2-110	Variance

R647-2-104. Operators, Surface and Mineral Owners.

The notice of intention shall include the following general information:

(1) The name, permanent mailing address, telephone number, and email address of the operator responsible for exploration.

(2) The name, permanent mailing address, and telephone number of the surface landowner and mineral owner of any land to be affected by the operations.

(3) Information regarding the operator's organizational structure pertinent to the ~~mining~~ exploration operation:

(a) Registered Agent: The name, permanent mailing address, telephone number, and email address of the registered agent for the operator.

(b) Signatory Authority: The names, titles, permanent mailing addresses, telephone numbers, and email addresses of individuals who have signatory authority on behalf of the operator for official documents.

(c) Authorized Contact Persons: The names, titles, permanent mailing addresses, telephone numbers, and email addresses of persons authorized by the operator to communicate with the Division, including consultants or legal representatives.

(i) All business entities must register and maintain registration with the State of Utah Division of Corporations. The only exception is for sole proprietors, who are not required to be registered.

(ii) Operators must be registered as an operator with the Division. An operator registration form must be completed and signed by a sole proprietor or an officer of the company current with the Division of Corporations. The operator registration form will dictate who has authority to file applications, reports and execute all forms required by the division pertaining to the operation of mines, wells or facilities in Utah for that entity.

(A) Those names shown in the "Authorized Company Representatives" section of the operator registration form are the only individuals recognized by the Utah Division of Oil, Gas and Mining as having permission to file and execute all forms or reports required by the division on behalf of the company.

NOTICES OF PROPOSED RULES

(B) It is the responsibility of the registering company to immediately inform the Utah Division of Oil, Gas and Mining in writing of any changes, such as additions or removals to the "Authorized Company Representatives". Only corporate officers currently listed on the company's Division of Corporations registration can authorize company representatives.

(C) A registered agent listed on the Division of Corporations for an entity can receive notices or other correspondence from the division for that entity.

(4) The federal project numbers, mining claim number, lease number, or permit number of any mining claims, or federal or state leases or permits included in the lands affected.

(5) A signed statement that the operator will conduct reclamation as required by Rule R647-2.

(6) The Notice of Intent must be signed by the operator's owner or an individual with signatory authority.

R647-2-105. Maps and Drawings.

The notice of intention shall include a location map and an operations map. Each map shall be plotted at a scale to accurately identify locational landmarks and operation details.

(1)[?] The general location map shall be the scale of a USGS 7.5-minute series map or equivalent, 1 inch equals 2000 feet, and identify new or existing access roads.

(2)[?] The operations map, 1 inch equals 200 feet, or other scale as determined necessary by the Division, shall identify:

(a) The area to be disturbed;

(b) The location of any existing or proposed operations including access roads, drill holes, trenches, pits, shafts, cuts, or other planned exploration activities; and

(c) Any adjacent previous disturbance for which the operator is not responsible.

R647-2-106. Project Description.

The notice of intention should include the following information:

(1) A statement giving general details of the type or method of exploration proposed, including the proposed dates during which exploration will be conducted;

(2) The type of minerals to be explored for;

(3) The general dimensions of each drill hole, including total depth and diameter;

(4) The general dimensions of each trench, pit, shaft, cut, or other type of disturbance;

(5) The width and length of any new roads constructed, and a description of improvements to existing roads;

(6) An estimate of the total number of surface acres to be disturbed.

(7) The amount of material, including mineral deposit, topsoil, subsoil, overburden, waste rock, or core hole material, extracted, moved, or proposed to be moved during the exploration operation.

R647-2-107. Operation Practices.

The operator shall conform to the following practices while conducting exploration unless the Division grants a variance in writing:

(1) Public Safety and Welfare - The operator shall minimize hazards to the public safety and welfare during operations. Methods to minimize hazards shall, at a minimum, include:

(a) The closing or guarding of shafts and tunnels to prevent unauthorized or accidental entry in accordance with MSHA regulations;

(b) The disposal of trash, scrap metal and wood, and extraneous debris;

(c) The plugging or capping of drill, core, or other exploratory holes as set forth in Section R647-2-108;

(d) The posting of appropriate warning signs in locations where public access to operations is readily available;

(e) The construction of berms, fences and barriers above highwalls or other excavations, when required by the division.

(2) Drainages - If natural channels are to be affected by exploration, then the operator shall take appropriate measures to avoid or minimize environmental damage.

(3) Erosion Control - Operations shall be conducted in a manner such that sediment from disturbed areas is adequately controlled. The degree of erosion control shall be appropriate for the site-specific and regional conditions of topography, soil, drainage, water quality or other characteristics.

(4) Deleterious Materials - Any deleterious or potentially deleterious material shall be safely removed from the site or kept in an isolated or neutralized condition such that adverse environmental effects are eliminated or controlled.

(5) Soils - Suitable soil material shall be removed and stored in a stable condition where practical so as to be available for reclamation.

(6) Boundary Markers. Unless otherwise approved in writing by the division, the operation will clearly mark on the ground any areas, including access roads to be improved or constructed, that are covered by the reclamation surety. The operator will maintain the markings as required by this rule. Boundary and road markers must be placed so that no less than two consecutive markers are readily visible in any direction from any point on a line. The following requirements apply to marking boundaries of areas covered by the reclamation surety:

(a) markers must be in place prior to any surface or subsurface disturbance in the area covered by the reclamation surety;

(b) markers must be durable stout steel, wood, or similar quality posts and painted or flagged to be readily visible, except that a prominent, permanent feature such as a pole, tree, or large rock, flagged or painted, may serve as a marker;

(c) each boundary marker must be maintained in place and readily visible until the area covered by the reclamation surety is fully reclaimed and the reclamation surety for that area is released;

(d) the following areas and features must be marked according to this rule:

(i) the area shown on the map that depicts the area to be covered by the reclamation surety of the proposed notice of intention or [revision] amendment;

- (ii) prior to submission of an application for bond release, areas that are the subject of an application for partial bond release or full bond release; and
 - (iii) proposed permitted access roads to be improved or constructed.
- (7) Concurrent Reclamation - During operations, disturbed areas shall be reclaimed when no longer needed, except to the extent necessary to preserve evidence of mineralization for proof of discovery. Areas which have been disturbed but are not routinely or currently utilized shall be kept in a safe, environmentally stable condition.

R647-2-108. Hole Plugging Requirements.

Drill holes shall be properly plugged as soon as practical and may not be left unplugged for more than 30 days without approval of the Division. The procedures outlined in this section are required for the surface and subsurface plugging of drill holes. The Division may approve an alternate plan, if the operator can prove to the satisfaction of the Division that another method will provide adequate protection to the groundwater resources and long term stability of the land. Dry holes and nonartesian holes which do not produce significant amounts of water may be temporarily plugged with a surface cap to permit the operator to re-enter the hole for the duration of operations.

(1) Surface plugging of drill holes shall be accomplished by:

(a) Setting a nonmetallic permaplug at a minimum of five feet below the surface, or returning the cuttings to the hole and tamping the returned cuttings to within five feet of ground level. The hole above the permaplug or tamped cuttings will be filled with a cement plug. If cemented casing is to be left in place, a concrete surface plug is not required provided that a permanent cap is secured on top of the casing.

(b) If the area is tilled farmland, a five foot cement plug must be placed above a permaplug or tamped cuttings so that the top of the cement plug is a minimum of three feet below the ground surface. The hole above the cement plug is to be filled with soil. If cemented casing is to be left in place, a concrete surface plug is not required provided that a permanent cap is secured on top of the casing. The top of the casing and cap must be a minimum of three feet below the ground surface.

(2) Drill holes that encounter water, oil, gas or other potential migratory substances and are 2-1/2 inches or greater in surface diameter shall be plugged in the subsurface to prevent the migration of fluid from one strata to another. If water is encountered, plugging shall be accomplished as outlined in Subsections (2)(a) and (b):

(a) If artesian flow - water flowing to the surface from the hole - is encountered during or upon cessation of drilling, a cement plug shall be placed to prevent water from flowing between geologic formations and at the surface. The cement mix should consist of API Class A or H cement with additives as needed. It should weigh at least 13.5 lbs./gal., and be placed under the supervision of a person qualified in proper drill hole cementing of artesian flow. Artesian bore holes must be plugged in the described manner, prior to removal of the drilling equipment from the well site. If the surface owner of the land affected desires to convert an artesian drill hole to a water well, the owner must notify the Division in writing accepting responsibility for the ultimate plugging of the drill hole.

(b) Holes that encounter significant amounts of nonartesian water shall be plugged by:

(i) Placing a 50 foot cement plug immediately above and below any aquifers; or

(ii) Filling from the bottom up, through the drill stem, with a high grade bentonite and water slurry mixture. The slurry shall have a Marsh funnel viscosity of at least 50 seconds per quart prior to the adding of any cuttings.

R647-2-109. Reclamation Practices.

The operator shall conform to the following practices while conducting reclamation unless the Division grants a variance in writing:

(1) Public Safety and Welfare - The operator shall minimize hazards to the public safety and welfare following completion of operations. Methods to minimize hazards shall, at a minimum, include:

(a) The permanent sealing of shafts and tunnels;

(b) Appropriate disposal of trash, scrap metal and wood, buildings, extraneous debris, and other materials incident to ~~mining~~ exploration;

(c) The plugging of drill, core, or other exploratory holes as set forth in Section R647-2-108;

(d) The posting of appropriate warning signs in locations where public access to operations is readily available;

(e) The construction of berms, fences and barriers above highwalls or other excavations when required by the division.

(2) Drainages - If natural channels have been affected by exploration, then reclamation must be performed such that the channels will be left in a stable condition with respect to actual and reasonably expected water flow so as to avoid or minimize future damage to the hydrologic system.

(3) Erosion Control - Reclamation shall be conducted in a manner such that sediment from disturbed areas is adequately controlled. The degree of erosion control shall be appropriate for the site-specific and regional conditions of topography, soil, drainage, water quality or other characteristics.

(4) Deleterious Materials - Any deleterious or potentially deleterious material shall be safely removed from the site or left in an isolated or neutralized condition such that adverse environmental effects are eliminated or controlled.

(5) Land Use - The operator shall leave the on-site area in a condition which is capable of supporting the post-~~exploration~~~~mining~~ land use.

(6) Slopes - Waste piles, spoil piles and fills shall be regraded to a stable configuration and shall be sloped to minimize safety hazards and erosion while providing for successful revegetation.

(7) Highwalls - In surface ~~mining~~ exploration and in open cuts for pads or roadways, highwalls shall be reclaimed and stabilized by backfilling against them or by cutting the wall back to achieve a slope angle of 45 degrees or less.

(8) Roads and Pads - On-site roads and pads shall be reclaimed when they are no longer needed for operations. When a road or pad is to be turned over to the property owner or managing agency for continuing use, the operator shall turn over the property with adequate surface drainage structures and in a condition suitable for continued use.

NOTICES OF PROPOSED RULES

(9) Dams and Impoundments - Water impounding structures shall be reclaimed so as to be self-draining and mechanically stable unless shown to have sound hydrologic design and to be beneficial to the post-exploration[~~mining~~] land use.

(10) Trenches and Pits - Trenches and small pits shall be reclaimed.

(11) Structures and Equipment - Structures, rail lines, utility connections, equipment, and debris shall be buried or removed.

(12) Topsoil Redistribution - After final grading, soil materials shall be redistributed on a stable surface so as to minimize erosion, prevent undue compaction and promote revegetation.

(13) Revegetation - The operator shall seed the disturbed area with adaptable species that will grow on the site, provide basic soil and watershed protection, and support the post-exploration[~~mining~~] land use.

(a) Revegetation shall be considered accomplished when:

(i) The revegetation with species acceptable to the division has achieved 70% of the pre-exploration[~~mining~~] vegetative ground cover. If the pre-exploration[~~mining~~] vegetative ground cover of the disturbed area is unknown, ground cover of an adjacent undisturbed area that is representative of the pre-exploration[~~mining~~] ground cover will be used as a standard. Also, the vegetation has survived three growing seasons following the last seeding, fertilization or irrigation, unless such practices are to continue as part of the post-exploration[~~mining~~] land use; or

(ii) the Division determines that the revegetation work has been satisfactorily completed within practical limits.

R647-2-110. Variance.

(1) The operator may request a variance from Section R647-2-107, Section R647-2-108, or Section R647-2-109, by submitting the following information, which shall be considered by the Division on a site-specific basis:

(a) The rules from which a variance are requested;

(b) The variance requested and description of the area that would be affected by the variances;

(c) Justification for the variance; and

(d) Alternate methods or measures to be utilized.

(2) A variance shall be granted if the alternative method or measure proposed will be consistent with the Act.

(3) Any variance must be specifically approved by the Division in writing.

R647-2-111. Surety.

(1) After receiving notification that the notice of intention is approved or complete, but prior to commencement of operations, the operator shall provide a reclamation surety with the Division.

(a) Failure to furnish and maintain reclamation surety may, after notice and opportunity for a Board hearing, result in a withdrawal of the notice of intention as provided for in Section 40-8-16.

(2) The Division will not require a separate surety where a reclamation surety in a form and amount acceptable to the division is held by other governmental entities, provided that the cost estimate is accurate and the Division is named as co-beneficiary. Cooperative Agreements shall be developed and entered into according to Section 40-8-22.

(3) As part of the review of the notice of intention, the Division shall determine the required surety amount based on:

(a) Site-specific calculations or estimates by the Division reflecting the cost the Division or a third party would incur to reclaim the site;

(b) Site-specific calculations or estimates by the operator reflecting the cost the Division or a third party would incur to reclaim the site, if accurate and verifiable by the Division; or

(c) The average dollars per acre costs for reclamation of similar operations, as determined by the Division, based upon approved surety amounts for current large mining operations.

(d) In determining or verifying the amount of surety under Subsection (3)(a) or (3)(b), the Division shall use cost data from current sureties for large mining operations, adjusted as necessary to reflect the nature and scope of operations and reclamation under the notice of intention.

(e) For the average dollars per acre in Subsection (3)(c), the Board will annually approve the figure after a formal presentation from the Division and an opportunity for public comment.

(4) The operator shall submit a completed Reclamation Contract (FORM MR-RC) with the required surety. The form and amount of the reclamation surety must be approved by the Division, except as provided in Subsection (4)(f). Acceptable forms may include:

(a) A corporate surety bond from a surety company that is licensed to do business in Utah, that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". Each surety companies also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570. When the Division in the course of examining surety bonds, notifies an operator that a surety company guaranteeing its performance does not meet the standards of this subsection, the operator has 120 days after notice from the Division by mail to correct the deficiency, or face enforcement action;

(b) Federally-insured certificate of deposit payable to the State of Utah, Division of Oil, Gas and Mining;

(c) Cash;

(d) An irrevocable letter of credit issued by a bank organized to do business in the United States;

(e) Escrow accounts;

(f) United States Treasury bonds or notes, pledged and assigned to the State of Utah, Division of Oil, Gas and Mining; and

(g) The Board may approve a written self-bonding agreement in the case of operators showing sufficient financial strength.

(5) Surety shall be required until[~~such time as~~] the division deems reclamation complete. The Division shall promptly conduct an inspection when notified by the operator that reclamation is complete. The full release of surety shall be evidence that the operator has reclaimed as required by the Act.

(a) A partial release of surety can be made by the Division if it determines that a substantial phase or segment of reclamation such as demolition, backfilling, regrading, or vegetation establishment has been successfully performed and the residual amount of retained surety is determined to be adequate to [i]ensure completion of reclamation.

(6) The amount of reclamation surety may be adjusted:

(a) if required to address changes in the reclamation plan due to an amendment to the notice of intention under Section R647-3-115;

(b) as the result of a periodic review by the division conducted no more frequently[~~than annually,~~] than at three or five year intervals, unless agreed to by[e] the operator, which shall take into account inflation and deflation based upon an acceptable costs index; or

(c) as the request of the operator.

R647-2-112. Failure to Reclaim.

If the operator fails or refuses to conduct reclamation as required by the complete or approved notice of intention, or fails or refuses to comply with Section R647-2-107, R647-2-108, or R647-2-109 the Board may, after notice and hearing, order that:

(1) Reclamation be conducted by the Division; and

(2) The costs and expenses of reclamation, together with costs of collection including attorney's fees, be recovered in a civil action brought by the attorney general against the operator in any appropriate court; and

(3) Any surety filed for this purpose be forfeited. With respect to the surety filed with the Division, the Board shall request the Attorney General to take the necessary legal action to enforce and collect the amount of liability. Where a reclamation surety has been filed with other governmental agencies, the Board shall notify such agency of the hearing findings and seek forfeiture concurrence as necessary.

(a) The forfeited surety shall be used only for the reclamation of land to which it relates, and any residual amount returned to the rightful claimant pursuant to controlling law.

R647-2-113. Confidential Information.

Information provided in the notice of intention and in the Mineral Exploration Progress Report (FORM MR-EPR) that relates to the location, size, and nature of the mineral deposit, shall be protected as confidential information by the Board and the Division. The information will not be a matter of public record until a written release is received from the operator.

R647-2-114. Amended[~~Revised~~] Notice.

(1) Minor additions or changes in the location of exploration operations do not require the submittal of a revised notice of intention. A new or amended[~~revised~~] Notice of Intention to Conduct Exploration (FORM MR-~~SMO~~[~~EXP~~]) letter must be submitted when:

(a) The proposed additions or changes will occur outside the originally designated legal subdivision; or

(b) For exploration operations involving less acreage than that allowed for small mining operations, the proposed additions will cause the total unreclaimed surface disturbance to increase by more than 1 acre; or

(c) For exploration operations over 5 acres, the proposed additions or changes will cause an increase in the area of disturbance previously approved.

(2) In the event the Division or the operator determine [~~at the time~~]when an amendment[~~-revision~~] is submitted that the amount of the current surety does not accurately reflect the potential cost to complete reclamation at any particular point in time during the revised exploration operations, the Division may undertake a recalculation of the surety amount as provided in Subsection R647-2-111(3). If the recalculated amount is greater than the amount of the existing surety, the amended[~~revised~~] operations may not be implemented until a revised surety is filed with the Division.

R647-2-115. Reports.

On or before January[~~December~~] 31st of each year, the operator conducting exploration must submit an Exploration Progress Report (FORM MR-EPR), which describes any unusual drilling conditions, water encountered, hole plugging measures, and reclamation activities conducted.

R647-2-116. Practices and Procedures; Appeals.

The Administrative Procedures, as outlined in Rule R647-5, shall be applicable to minerals regulatory proceedings.

R647-2-117. Mineral Exploration Tax Credit.

(1) In accordance with Section 40-6-24, each operator desiring to claim a tax credit for mineral exploration must submit by March 1 for the previous calendar year, to the division, the Mineral Exploration Tax Credit form, which:

(a) Lists the eligible claimant's name;

(b) Lists the eligible claimant's contact information, including address, phone number, and email address;

(c) Lists the eligible claimant's taxpayer identification number;

(d) Lists the amount of the eligible claimant's tax credit;

(e) Includes proof of satisfying the certified expenditure definition;

(f) A description of the mine where exploration occurred; and

(g) Proof of each expenditure.

(2) The eligible claimant shall include in the application for a tax credit certificate the following information for the taxable year in which the person seeks a tax credit certification:

(a) Proof of engaging in business of mining or extracting minerals;

(b) Proof of being subject to a severance tax under Title 59, Chapter 5, Part 2, Mining Severance Tax; and

NOTICES OF PROPOSED RULES

- (c) Proof that a certified expenditure was made during the taxable year.
- (3) After the division receives an application for a tax credit certificate, for each expenditure in the application, the division shall approve the expenditure as a certified expenditure or deny the expenditure as an expenditure that is not certified expenditure. If the division denies an expenditure, the division shall provide the person a written explanation that states each reason the division denied the expenditure and give the person an opportunity to correct deficiencies or provide additional information.
- (4) The tax credit certificate shall state the amount of the tax credit, which is equal to the amount of the eligible claimant's certified expenditures as approved by the division. The division may not issue a tax credit certificate for certified expenditures related to exploration activities at a mine if the aggregate value of tax credit certificates issued for certified expenditures related to exploration activities at the same mine exceeds \$20,000,000.
- (5) An eligible claimant may assign a tax credit certificate to another person if the eligible claimant provides written notice to the division in a Mineral Tax Credit Reassignment form that includes:
 - (a) The eligible claimant's written certification that they irrevocably elect not to claim the tax credit authorized on the tax credit certificate; and
 - (b) The contact information for the person to whom the eligible credit is assigning the tax credit certificate.
- (6) If the eligible claimant meets the requirements of Subsections R647-2-117(1) and (2), the division shall issue an assigned tax credit certificate to the person identified by the eligible claimant in an amount equal to the eligible claimant's tax credit certificate. A person to whom an eligible claimant assigns a tax credit certificate may claim the tax credit under Section 59-5-216 as if the person met the requirements, if the person files a return under Title 59, Chapter 5, Part 2, Mining Severance Tax.
- (7) An eligible claimant who received a tax credit certificate in accordance with this section shall retain the tax credit certificate for the same time period that a person shall keep books and records under Section 59-1-1406.
- (8) The division shall annually submit by June 30 to the State Tax Commission an electronic list that includes:
 - (a) The name and identifying information for:
 - (i) Each eligible claimant to whom the division issues a tax credit certificate; and
 - (ii) Each person to whom an eligible claimant assigns a tax credit certificate in accordance with Subsections R647-2-117(5) and (6);
 - (b) For each person described in Subsection R647-2-117(8)(a), the amount of the tax credit stated on the tax credit certificate; and
 - (c) For each person described in Subsection R647-2-117(8)(a)(ii), information necessary to identify the tax credit certification that the eligible claimant assigned to the person.

R647-2-118. Cultural and Historic Resources Information.

- (1) The notice of intent, including amendments ~~and revisions~~, shall include a Cultural Resource Inventory Report (Report) from an archaeologist or consultant, who is properly permitted by the Public Lands Policy Coordinating Office (PLPCO), concerning cultural resources. The report shall meet the standards of the Utah State Historic Preservation Office (UTSHPO).
 - (a) The Report shall include a Class III inventory, otherwise known as an intensive survey, of the proposed bonded area, including a 100-foot or more buffer around the proposed disturbance area. The Report shall include areas of possible disturbance, including new roads, road improvements, staging areas, drilling, and any other disturbances. Drill pads and roads 15-feet wide or less may have a 50-foot inventory buffer.
 - (b) Slopes steeper than 30 degrees may be evaluated by a Class II Inventory, otherwise known as a less than intensive or reconnaissance survey, for the safety of the archaeologist or consultant.
 - (c) Ground that has already been disturbed by Mining operations within the last 50 years may be evaluated by a Class I Report, otherwise known as a literature review. The operator must receive permission from the division before a Class I is accepted in lieu of a Class III or II Report.
 - (d) The operator is not required to survey property to which the operator does not have legal access. If any portion of the bonded area is on land managed by a separate government agency, the operator will be required to comply with that agency's cultural and historic resources requirements.
 - (e) If the bonded area includes future expansion or phases within the next ten years, the operator shall include these phases in the Report.
 - (f) The operator shall include a discovery clause in the notice of intent, including amendments and revisions, indicating the operator will stop work and contact the division if subsurface cultural deposits are discovered.
- (2) The Report required under Subsection (1) shall describe coordination efforts with and present evidence of clearances by UTSHPO. For any property eligible for or listed on the National Register of Historic Places that may be adversely affected by the proposed exploration~~mining~~ and reclamation operations, each notice of intent, including amendments and revisions, will describe the measures to be used to avoid or minimize adverse effects
- (3) The Division may require the operator to protect historic or archeological properties listed on or eligible for listing on the National Register of Historic Places through appropriate mitigation and treatment measures. Appropriate mitigation and treatment measures may be required after permit approval provided that the required measures are completed before the properties are affected by any exploration~~mining~~ operation.
- (4) The notice of intent, including amendments ~~and revisions~~, shall include proof that cultural consultation with UTSHPO has been completed. Proof may be provided in the form of a UTSHPO consultation letter, a memo completed as part of a formal agreement with UTSHPO, or as a copy of an email from a cultural resource professional from a relevant agency.

R647-2-119. Transfer of a Notice of Intention.

If an operator wishes to transfer an exploration~~[-mining]~~ operation to another party, an application form entitled, Transfer of Notice of Intention - Exploration Mining Operations (FORM MR-TRE) must be completed and filed with the division. The new ~~exploration~~~~[mine]~~ operator must post adequate reclamation surety and assume full responsibility for any disturbances of the permitted operation. The form and amount of surety must be approved by the division for the transfer to be complete.

KEY: minerals reclamation

Date of Last Change: ~~2026~~~~[August 27, 2025]~~

Notice of Continuation: April 27, 2023

Authorizing, and Implemented or Interpreted Law: 40-8-1 et seq.

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	Filing ID: 58293
Rule or section number:	R647-3

1. Agency Information

Title catchline:	Natural Resources; Oil, Gas and Mining; Non-Coal
Building:	Department of Natural Resources
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT
Mailing address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84116

2. Contact Persons

Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov

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

3. General Information

A. Rule or section catchline:
R647-3. Small Mining Operations
B. Purpose of the new rule or reason for the change:
The Division of Oil, Gas and Mining (division) is making clarifying administrative changes by updating or removing some terms and adding language about Authorized Company Representatives.
C. Summary of the new rule or change:
This filing updates the term "permittee" to "operator" and removes references to permit revisions as those only apply to large mining operation permits.
This filing also adds a requirement for Authorized Company Representatives to give the operator and division more clarity on who can sign and submit documents.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is a total of one state agency, the division, that will be associated with this proposed rule change.
There will be no additional cost to the state as these changes are administrative.

B. Local governments:

This rule amendment will not affect local governments as it only applies to the division and small mine operators.

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

There are a total of 559 small business mining operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There will be no additional cost to small mine operators as these changes are purely administrative.

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

There are a total of 36 non-small business mining operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There will be no additional cost to small mine operators as these changes are purely administrative.

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 amendment will not affect persons other than small businesses, non-small businesses, or local government entities as it only applies to the division and small mine operators.

F. Compliance costs for affected persons:

There will be no compliance costs for small mine operators.

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, Jamie Barnes, 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:	☒
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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 40-8-1 et seq.		
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11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.
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A. Comments will be accepted until:	11/16/2026
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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)	12/02/2026
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13. Agency Authorization Information

Agency head or designee and title:	Dana Dean, Deputy Director	Date:	09/30/2026
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R647. Natural Resources, Oil, Gas and Mining; Non-Coal.**R647-3. Small Mining Operations.****R647-3-101. Filing Requirements and Review Procedures.**

(1) Prior to commencement of operations, a Notice of Intention to Commence Small Mining Operations (FORM MR-SMO) containing the required information must be filed with and determined complete by the division and the division shall have approved the form and amount of reclamation surety. It is recommended that the notice of intention be filed with the division at least 30 days prior to the planned commencement of operations.

(2) Within 30 days after receipt of a Notice of Intention, the division will review the proposal and notify the operator in writing that the notice of intention is:

- (a) complete and required information has been submitted; or
- (b) incomplete and additional information, as identified by the division, will be required.
- (i) The division will review and respond to any subsequent filings of information within 30 of receipt.
- (3) The division will review and approve or disapprove:

- (a) The form and amount of reclamation surety; and
- (b) Any variances requested from Section R647-3-107, Section R647-3-108, and Section R647-3-109, regardless of the number of surface acres of disturbance planned.

(4) The operator must notify the division no later than 30 days after beginning small mining operations.

(5) An operator[~~permittee's~~] authorization under a notice of intention to conduct small mining operations shall require the paying of permit fees as authorized by the Utah Legislature. The procedures for paying the permit fees are as follows:

(a) The division shall notify the operators of record annually of the amount of permit fees authorized by the Utah Legislature for small mining operations.

(b) Fees are due annually by the deadline in Section R647-3-117 for reports.

(6) An operator[~~permittee~~] may avoid payment of the fee by complying with the following requirements:

(a) An operator[~~permittee~~] will notify the division of a desire to close out a notice of intention by checking the appropriate box of the permit fees billing form.

(~~a~~)b) The operator[~~permittee~~] will then arrange with the division for an onsite inspection of the site to assure that all required reclamation has been performed. If an inspection reveals that an area is not yet suitably reclaimed, then a new billing notice will be issued and the operator[~~permittee~~] will be given 30 days from the date of the onsite inspection to pay the fee.

R647-3-102. Duration of the Notice of Intention.

(1) The completed notice of intention, including any subsequent amendments, shall remain in effect for the life of the small mining operation. The division may review the permit and require updated information and modifications when warranted.

(2) A completed notice of intention may be withdrawn, after notice and opportunity for board hearing, in the event the operator:

- (a) fails to pay permit fees required by Section R647-3-101;
- (b) fails to maintain and update adequate reclamation surety as required in Section R647-3-111;
- (c) substantially fails to perform reclamation or conduct mining operations so that reclamation can be accomplished in accordance with the reclamation practices in Section R647-3-109;

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(d) shuts down or suspends mining operations for a period in excess of five years, unless an extended period of suspension is approved upon application; or

(e) fails, after notice, to timely request a hearing before the board, the division may, in accordance with Subsection (2), withdraw an approved notice of intention.

(3) If the operator requests a hearing before the board, the board shall conduct the hearing de novo, and the division may not withdraw an approved notice of intention until conclusion of the hearing, and the board issues an order to withdraw the notice of intention.

(4) If a notice of intention is withdrawn, the division will notify the operator in writing that it must commence complete reclamation work within 90 days and diligently proceed with such work as directed by the division.

R647-3-103. Notice of Intention to Commence Small Mining Operations.

The notice of intention shall address the requirements of the following sections:

TABLE	
RULE #	SUBJECT
R647-3-104	Operator, Surface and Mineral Owner
R647-3-105	Map
R647-3-106	Operation Plan
R647-3-107	Operation Practices
R647-3-109	Reclamation Practices
R647-3-110	Variance

R647-3-104. Operators, Surface and Mineral Owners.

The notice of intention shall include the following general information:

(1) The name, permanent mailing address, telephone number, and email address of the operator responsible for the mining operations and reclamation of the site.

(2) The name, permanent mailing address, and telephone number of the surface landowner and mineral owner of any land to be affected by the mining operation.

(3) Information regarding the operator's organizational structure pertinent to the mining operation:

(a) Registered Agent: The name, permanent mailing address, telephone number, and email address of the registered agent for the operator.

(b) Signatory Authority: The names, titles, permanent mailing addresses, telephone numbers, and email addresses of individuals who have signatory authority on behalf of the operator for official documents.

(c) Authorized Contact Persons: The names, titles, permanent mailing addresses, telephone numbers, and email addresses of persons authorized by the operator to communicate with the division, including to consultants or legal representatives.

(i) All business entities must register and maintain registration with the State of Utah Division of Corporations. The only exception is for sole proprietors, who are not required to be registered.

(ii) Operators must be registered as an operator with the Division. An operator registration form must be completed and signed by a sole proprietor or an officer of the company current with the Division of Corporations. The operator registration form will dictate who has authority to file applications, reports and execute all forms required by the division pertaining to the operation of mines, wells or facilities in Utah for that entity.

(A) Those names shown in the "Authorized Company Representatives" section of the operator registration form are the only individuals recognized by the Utah Division of Oil, Gas and Mining as having permission to file and execute all forms or reports required by the division on behalf of the company.

(B) It is the responsibility of the registering company to immediately inform the Utah Division of Oil, Gas and Mining in writing of any changes, such as additions or removals to the "Authorized Company Representatives". Only corporate officers currently listed on the company's Division of Corporations registration can authorize company representatives.

(C) A registered agent listed on the Division of Corporations for an entity can receive notices or other correspondence from the division for that entity.

(4) The federal project numbers, mining claim number, lease number, or permit number of any mining claims, or federal or state leases or permits included in the lands affected.

(5) A signed statement that the operator will conduct reclamation as required by Rule R647-3.

(6) The Notice of Intent must be signed by the operator's owner or an individual with signatory authority.

R647-3-105. Project Location and Map.

The notice of intention shall include a location map and an operations map. Each map shall be plotted at a scale to accurately identify locational landmarks and operations details.

(1) The general location map shall be the scale of a USGS 7.5 minute series map or equivalent, 1 inch equals 2000 feet, and identify new or existing access roads.

(2) The operations map, 1 inch equals 200 feet, or other scale as determined necessary by the division, shall identify:

(a) The area to be disturbed;

- (b) The location of any existing or proposed operations including access roads, drill holes, trenches, pits, shafts, cuts, or other planned small mining activities; and
- (c) Any adjacent previous disturbance for which the operator is not responsible.
- (3) Maps shall be updated as needed to show areas that have been regraded or seeded which have not yet been fully released from reclamation requirements.

R647-3-106. Operation Plan.

The operator shall provide a brief narrative description of the proposed mining operation as part of the notice of intention. The description should include the following information:

- (1) A statement giving general details of the type or method of mining operations proposed, equipment to be used, the type of minerals to be mined, a description of on-site primary processing, approximate depths of excavations, and toe to crest height and angle of highwalls;
- (2) Estimated width and length of any new roads to be constructed;
- (3) An estimate of the total number of surface acres to be disturbed by the mining operation.
- (4) The amount of material, including mineral deposit, topsoil, subsoil, overburden, waste rock, or core hole material, to be extracted, moved, or proposed to be moved, relating to the mining operation.

R647-3-107. Operation Practices.

During operations, the operator shall conform to the following practices unless the division grants a variance in writing:

- (1) Public Safety and Welfare - The operator shall minimize hazards to the public safety and welfare during operations. Methods to minimize hazards shall, at a minimum, include:
 - (a) The closing or guarding of shafts and tunnels to prevent unauthorized or accidental entry in accordance with MSHA regulations;
 - (b) The disposal of trash, scrap metal and wood, and extraneous debris;
 - (c) The plugging or capping of drill, core, or other exploratory holes as set forth in Section R647-3-108;
 - (d) The posting of appropriate warning signs in locations where public access to operations is readily available;
 - (e) The construction of berms, fences and barriers above highwalls or other excavations when required by the division.
- (2) Drainages - If natural channels are to be affected by the mining operation, then the operator shall take appropriate measures to avoid or minimize environmental damage.
- (3) Erosion Control - Operations shall be conducted in a manner such that sediment from disturbed areas is adequately controlled. The degree of erosion control shall be appropriate for the site-specific and regional conditions of topography, soil, drainage, water quality or other characteristics.
- (4) Deleterious Materials - Any deleterious or potentially deleterious material shall be safely removed from the site or kept in an isolated or neutralized condition such that adverse environmental effects are eliminated or controlled.
- (5) Soils - Suitable soil material shall be removed and stored in a stable condition where practical so as to be available for reclamation.
- (6) Boundary Markers -- Unless otherwise approved in writing by the division, the operation will clearly mark on the ground any areas, including access roads to be improved or constructed, that are covered by the reclamation surety. The operator will maintain the markings as required by this rule. Boundary and road markers must be placed so that no less than two consecutive markers are readily visible in any direction from any point on a line. The following requirements apply to marking boundaries of areas covered by the reclamation surety:
 - (a) markers must be in place prior to any surface or subsurface disturbance in the area covered by the reclamation surety;
 - (b) markers must be durable stout steel, wood, or similar quality posts and painted or flagged to be readily visible, except that a prominent, permanent feature such as a pole, tree, or large rock, flagged or painted, may serve as a marker;
 - (c) each boundary marker must be maintain in place and readily visible until the area covered by the reclamation surety is fully reclaimed and the reclamation surety for that area is released;
 - (d) the following areas and features must be marked according to this rule:
 - (i) the area shown on the map that depicts the area to be covered by the reclamation surety of the proposed notice of intention or amendment[revision];
 - (ii) prior to submission of an application for bond release, areas that are the subject of an application for partial bond release or full bond release; and
 - (iii) proposed permitted access roads to be improved and constructed.
- (7) Concurrent Reclamation - During operations, disturbed areas shall be reclaimed when no longer needed, except to the extent necessary to preserve evidence of mineralization for proof of discovery. Areas which have been disturbed but are not routinely or currently utilized shall be kept in a safe, environmentally stable condition.

R647-3-108. Hole Plugging Requirements.

Drill holes shall be properly plugged as soon as practical and may not be left unplugged for more than 30 days without approval of the division. The procedures outlined in this section are required for the surface and subsurface plugging of drill holes. The division may approve an alternate plan, if the operator can prove to the satisfaction of the division that another method will provide adequate protection to the groundwater resources and long term stability of the land. Dry holes and nonartesian holes which do not produce significant amounts of water may be temporarily plugged with a surface cap to permit the operator to re-enter the hole for the duration of operations.

- (1) Surface plugging of drill holes shall be accomplished by:
 - (a) Setting a nonmetallic permaplug at a minimum of five feet below the surface, or returning the cuttings to the hole and tamping the returned cuttings to within five feet of ground level. The hole above the permaplug or tamped cuttings will be filled with a cement plug. If cemented casing is to be left in place, a concrete surface plug is not required provided that a permanent cap is secured on top of the casing.

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(b) If the area is tilled farmland, a five foot cement plug must be placed above a permaplug or tamped cuttings so that the top of the cement plug is a minimum of three feet below the ground surface. The hole above the cement plug is to be filled with soil. If cemented casing is to be left in place, a concrete surface plug is not required provided that a permanent cap is secured on top of the casing. The top of the casing and cap must be a minimum of three feet below the ground surface.

(2) Drill holes that encounter water, oil, gas or other potential migratory substances and are 2-1/2 inches or greater in surface diameter shall be plugged in the subsurface to prevent the migration of fluid from one strata to another. If water is encountered, plugging shall be accomplished as outlined in Subsections (2)(a) and (b):

(a) If artesian flow, water flowing to the surface from the hole, is encountered during or upon cessation of drilling, a cement plug shall be placed to prevent water from flowing between geologic formations and at the surface. The cement mix should consist of API Class A or H cement with additives as needed. It should weigh at least 13.5 lbs./gal., and be placed under the supervision of a person qualified in proper drill hole cementing of artesian flow. Artesian bore holes must be plugged in the described manner, prior to removal of the drilling equipment from the well site. If the surface owner of the land affected desires to convert an artesian drill hole to a water well, the owner must notify the division in writing accepting responsibility for the ultimate plugging of the drill hole.

(b) Holes that encounter significant amounts of nonartesian water shall be plugged by:

(i) placing a 50 foot cement plug immediately above and below any aquifers; or

(ii) filling from the bottom up, through the drill stem, with a high grade bentonite and water slurry mixture. The slurry shall have a Marsh funnel viscosity of at least 50 seconds per quart prior to the adding of any cuttings.

R647-3-109. Reclamation Practices.

During reclamation, the operator shall conform to the following practices unless the division grants a variance in writing:

(1) Public Safety and Welfare - The operator shall minimize hazards to the public safety and welfare following completion of operations. Methods to minimize hazards shall, at a minimum, include:

(a) the permanent sealing of shafts and tunnels;

(b) appropriate disposal of trash, scrap metal and wood, buildings, extraneous debris, and other materials incident to mining;

(c) the plugging of drill, core, or other exploratory holes as set forth in Section R647-3-108;

(d) the posting of appropriate warning signs in locations where public access to operations is readily available; and

(e) the construction of berms, fences and barriers above highwalls or other excavations when required by the division.

(2) Drainages - If natural channels have been affected by mining operations, then reclamation must be performed such that the channels will be left in a stable condition with respect to actual and reasonably expected water flow so as to avoid or minimize future damage to the hydrologic system.

(3) Erosion Control - Reclamation shall be conducted in a manner such that sediment from disturbed areas is adequately controlled. The degree of erosion control shall be appropriate for the site-specific and regional conditions of topography, soil, drainage, water quality or other characteristics.

(4) Deleterious Materials - Any deleterious or potentially deleterious material shall be safely removed from the site or left in an isolated or neutralized condition such that adverse environmental effects are eliminated or controlled.

(5) Land Use - The operator shall leave the on-site area in a condition which is capable of supporting the postmining land use.

(6) Slopes - Waste piles, spoil piles and fills shall be regraded to a stable configuration and shall be sloped to minimize safety hazards and erosion while providing for successful revegetation.

(7) Highwalls - In surface mining and in open cuts for pads or roadways, highwalls shall be reclaimed and stabilized by backfilling against them or by cutting the wall back to achieve a slope angle of 45 degrees or less.

(8) Roads and Pads - On-site roads and pads shall be reclaimed when they are no longer needed for operations. When a road or pad is to be turned over to the property owner or managing agency for continuing use, the operator shall turn over the property with adequate surface drainage structures and in a condition suitable for continued use.

(9) Dams and Impoundments - Water impounding structures shall be reclaimed so as to be self-draining and mechanically stable unless shown to have sound hydrologic design and to be beneficial to the postmining land use.

(10) Trenches and Pits - Trenches and small pits shall be reclaimed.

(11) Structures and Equipment - Structures, rail lines, utility connections, equipment, and debris shall be buried or removed.

(12) Topsoil Redistribution - After final grading, soil materials shall be redistributed on a stable surface, so as to minimize erosion, prevent undue compaction and promote revegetation.

(13) Revegetation - The operator shall seed the disturbed area with adaptable species acceptable to the division that will grow on the site, provide basic soil and watershed protection, and support the postmining land use.

Revegetation shall be considered accomplished when:

(a) The revegetation with species acceptable to the division has achieved 70% of the premining vegetative ground cover. If the premining vegetative ground cover of the disturbed area is unknown, the ground cover of an adjacent undisturbed area that is representative of the premining conditions will be used as a standard. Also, the vegetation has survived three growing seasons following the last seeding, fertilization or irrigation, unless such practices are to continue as part of the postmining land use; or

(b) The division determines that the revegetation work has been satisfactorily completed within practical limits.

(14) Where reseeding has occurred and the vegetation has survived one growing season, the reseeded area may not be included for purposes of determining whether a mining operation is a small mining operation.

R647-3-110. Variance.

(1) The operator may request a variance from Section R647-3-107, R647-3-108, or R647-3-109 by submitting the following information which shall be considered by the division on a site-specific basis:

- (a) the rules from which a variance are requested;
 - (b) the variances requested and a description of the area that would be affected by the variances;
 - (c) justification for the variance; and
 - (d) alternate methods or measures to be utilized.
- (2) A variance shall be granted if the alternative method or measure proposed will be consistent with the Act.
- (3) Any variance must be specifically approved by the division in writing.

R647-3-111. Surety.

(1) After receiving notification that the notice of intention is complete, but prior to commencement of operations, the operator shall provide a reclamation surety with the division.

(a) Failure to furnish and maintain reclamation surety may, after notice and opportunity for board hearing, result in a withdrawal of the notice of intention as provided for in Section 40-8-16.

(2) The division will not require a separate surety where a reclamation surety in a form and amount acceptable to the division is held by other governmental entities, provided that the cost estimate is accurate and the division is named as co-beneficiary. Cooperative Agreements shall be developed and entered into according to Section 40-8-22.

(3) As part of the review of the notice of intention, the division shall determine the required surety amount based on:

(a) Site-specific calculations or estimates by the division reflecting the cost the division or a third party would incur to reclaim the site;

(b) Site-specific calculations or estimates by the operator reflecting the cost the division or a third party would incur to reclaim the site, if accurate and verifiable by the division; or

(c) The average dollars per acre costs for reclamation of similar operations, as determined by the division, based upon approved surety amounts for current large mining operations.

(d) In determining or verifying the amount of surety under Subsection (3)(a) or (3)(b), the division shall use cost data from current sureties for large mining operations, adjusted as necessary to reflect the nature and scope of operations and reclamation under the notice of intention.

(e) For the average dollars per acre in Subsection (3)(c), the board will annually approve the figure after a formal presentation from the division and an opportunity for public comment.

(4) The operator shall submit a completed Reclamation Contract (FORM MR-RC) with the required surety. The form and amount of the reclamation surety must be approved by the division, except as provided in Subsection (4)(f). Acceptable forms may include:

(a) A corporate surety bond from a surety company that is licensed to do business in Utah, that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". Each surety company also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570. When the division in the course of examining surety bonds, notifies an operator that a surety company guaranteeing its performance does not meet the standards of this subsection, the operator has 120 days after notice from the division by mail to correct the deficiency, or face enforcement action;

(b) Federally-insured certificate of deposit payable to the State of Utah, Division of Oil, Gas and Mining;

(c) Cash;

(d) An irrevocable letter of credit issued by a bank organized to do business in the United States;

(e) Escrow accounts;

(f) United States Treasury bonds or notes, pledged and assigned to the State of Utah, Division of Oil, Gas and Mining; and

(g) The board may approve a written self-bonding agreement in the case of operators showing sufficient financial strength.

(5) Surety shall be required until ~~such time as~~ the division deems reclamation complete. The division shall promptly conduct an inspection when notified by the operator that reclamation is complete. The full release of surety shall be evidence that the operator has reclaimed as required by the Act.

(a) A partial release of surety can be made by the division if it determines that a substantial phase or segment of reclamation such as demolition, backfilling, regrading, or vegetation establishment has been successfully performed and the residual amount of retained surety is determined adequate to ~~it~~ ensure completion of reclamation.

(6) The amount of reclamation surety may be adjusted:

(a) if required to address changes in the reclamation plan due to an amendment to the Notice of Intention under Section R647-3-115;

(b) as the result of a periodic review by the division conducted no more frequently than at three or five year intervals unless agreed to by the operator, which shall take into account inflation and deflation based upon an acceptable Costs Index; or

(c) at the request of the operator.

(7) Notwithstanding any other provision of the Rule R647-3, for operations where the surety is in the form of a board-approved agreement under Subsection 40-8-14(3), the board shall retain the sole authority over the release, partial release, amendment~~[revision]~~ or adjustment of the surety amount, if any, which shall be in accordance with the agreement and the Act.

R647-3-112. Failure to Reclaim.

If the operator of a small mining operation fails or refuses to conduct reclamation as required by the complete notice of intention, or fails or refuses to comply with Section R647-3-107, R647-3-108, or R647-3-109, the board may, after notice and hearing, order that:

- (1) Reclamation be conducted by the division; and

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(2) The costs and expenses of reclamation, together with costs of collection including attorney's fees, be recovered in a civil action brought by the attorney general against the operator in any appropriate court; and

(3) Any surety filed for this purpose be forfeited. With respect to the surety filed with the division, the board shall request the Attorney General to take the necessary legal action to enforce and collect the amount of liability. Where surety or a bond has been filed with another governmental agency, the board shall notify such agency of the hearing findings, and seek forfeiture concurrence as necessary.

(4) The forfeited surety shall be used only for the reclamation of the land to which it relates, and any residual amount returned to the rightful claimant pursuant to controlling law.

R647-3-113. Notification of Suspension or Shut Down of Operations.

(1) The operator need not notify the division of a suspension of mining operations that does not exceed two years unless suspension or shut down of operations would result in potential hazards to the public safety and welfare or imminent significant environmental harm. If a suspension or shut down of operations would result in potential hazards to the public safety and welfare or significant environmental harm, the operator must notify the division as soon as possible, but no later than one day after operations are shut down or placed in suspension. The operator may elect to notify the division of such a suspension by disclosing that mining operations are, or will be, in suspension in the report required by Section R647-3-117.

(2) In the case of a shut down or a suspension of mining operations that has exceeded, or is expected to exceed two years, the operator shall notify the division in writing or in the report required in Section R647-3-117.

(a) The notification shall include a statement describing the operator's efforts to monitor and maintain the site in a safe, environmentally stable condition, and the date of the last self-inspection. The operator will keep written records of self-inspections and make them available to the division upon request.

(b) Upon request, the operator shall furnish the division with such data as it may require to evaluate the status of the mining operation, the status of compliance with Rule R647-3, and the probable future status of the land affected. Upon review of such data, the division will take such action as may be appropriate and consistent with the rules under Title R647.

(3) The operator shall give the division prompt written notice of a suspension of small mining operations that has exceeded or is expected to exceed five years, or of a shut down. Upon receipt of notification, the division shall, within 30 days, arrange to inspect the property. The notice of suspension or shut down will include information about the status of the small mining operation, the status of compliance with Rule R647-3, the probable future status of the land affected, and if applicable the estimated date mining operations are to resume.

(4) If the operator does not provide the notice required by Subsection R647-3-113(3), the division shall serve written demand on the operator requiring that the operator provide the notice required by Subsection R647-3-113(3) within 30 days of receipt of the division's demand letter.

(5) An operator who has provided notice under Subsection R647-3-113(3) or R647-113(2), may remain in suspension so long as the operator:

(a) Monitors the property as frequently as necessary, but no less than one time per year, to confirm the property is in a safe environmentally stable condition;

(b) Maintains the property in a safe, environmentally stable condition in accordance with Subsections R647-3-107(1) through R647-3-107(4);

(c) Maintains adequate reclamation surety; and

(d) Continues to pay permit fees required by Subsection R647-3-101(5) and submits annual reports required by Section R647-3-117.

(6) Small Mining operations that are in suspension for longer than five years will be reevaluated on a regular basis and shall no less than every five years provide an update of the report required by Subsection R647-3-113(3) or (5) which shall be evaluated by the division for compliance with requirements of Subsections R647-3-113(5)(a) through (5)(d).

(7) The division may require additional interim reclamation or stabilization measures reasonably necessary to ensure operator compliance with Subsection R647-3-113(5)(b) for a small mining operation to remain in a continued state of suspension. In accordance with Subsection R647-3-113(5)(b), the division will periodically evaluate the reclamation surety for operations in suspension and require changes as required by Subsection R647-3-111(6).

(8) The division may, 30 days after the operator's receipt of written notice and findings from the division, determine mining operations are or have been shut down by demonstrating in written findings that the operator:

(a) Failed to file the annual report under Section R647-3-117 and pay permit fees under Subsection R647-3-101(5); or

(b) Failed to provide notice required by the division under Subsection R647-3-113(3) and failed to respond to a request to file such notice under Subsection R647-3-117(4); or

(c) Failed to maintain the property in a safe, environmentally stable condition in accordance with the requirements in Subsections R647-3-107(1) through R647-3-107(4) as applicable.

(9) In the event the division makes a determination that a mining operation is shut down due to failure to comply with any of Subsections (8)(a) through (8)(c), the operator may within 30 days of the notice of determination, provide a written justification for its failure to comply, and if the division finds the justification to be reasonable, the failure to comply excusable, or no undue prejudice from the non-compliance, it shall withdraw the determination. Neither this provision, nor a written justification, if any, shall serve to preclude, limit, or otherwise prejudice any other administrative remedies or procedures available to an operator under applicable laws or rules.

(10) An operator who ends a suspension and resumes mining operations shall notify the division within a reasonable time after resuming mining operations that the operator has resumed mining operations. If operations have been in suspension for more than five years, or were shut down for more than five years, resumption of mining shall require compliance with the current rules in Sections R647-3-102 through R647-3-111 as applicable.

R647-3-114. Mine Enlargement.

Before enlarging a small mining operation beyond ten acres of surface disturbance in an incorporated area of a county or 20 acres in an unincorporated area of a county, the operator must file a Notice of Intention to Commence Large Mining Operations (FORM MR-LMO) and receive division approval.

R647-3-115. Amendments.

(1) Small mining operators are required to submit an amendment to the complete notice of intention when a significant change in the small mining operation occurs. An amendment can be made by submitting a revised FORM MR-SMO and indicating the portion of the operation which is being amended.

(2) Division approval of an amendment of small mining operations is not required but the operational change may not be implemented until the division determines that the amended notice of intention is complete.

(3) In the event the division or the operator determine at the time an amendment is submitted that the amount of the current surety does not accurately reflect the potential cost to complete reclamation at any point in time during the amended small mining operations, the division may recalculate the surety amount as provided in Subsection R647-3-111(3). If the recalculated amount is greater than the amount of the existing surety, the revised operations may not be implemented until a revised surety is approved by the division.

(4) If the acreage within an approved small mining operation is later annexed into an incorporated area of a county, the permit may continue as a small mining operation. If the operator of such small mining operation subsequently proposes an increase of the disturbed acres, the current definitions for small or large mining operations would apply as appropriate.

R647-3-116. Transfer of a Notice of Intention.

If an operator wishes to transfer a small mining operation to another party, an application form entitled, Transfer of Notice of Intention - Small Mining Operations (FORM MR-TRS) must be completed and filed with the division. The new mine operator must post adequate reclamation surety and assume full responsibility for all disturbances of the permitted operation. The form and amount of surety must be approved by the division for the transfer to be complete.

R647-3-117. Reports.

(1) On or before January 31 of each year, unless waived in writing by the division, each operator conducting small mining operations must file a Small Mine Annual Report (FORM MR-AR) describing its operations during the preceding calendar year, including:

- (a) The location of the operation and the file number and date of the applicable Notice of Intention;
- (b) The gross amounts of ore and waste materials moved during the year, as well as the disposition of such materials;
- (c) New surface disturbances created during the year;
- (d) The reclamation work performed during the year; and
- (e) A narrative description of ore extraction, on-site primary processing, exploration, site development work, maintenance, reclamation, and other work performed at the mine site during the year;

(2) If notice has been provided or required pursuant to Subsection R647-3-113(4) or (5), the annual report shall include a narrative description of work performed to comply with Subsections R647-3-113(6)(a) through (6)(c).

(3) If an operator is in suspension under Section R647-3-113, the report submitted by the operator must include the information required by Subsections (1) and (2), as applicable, and:

- (a) The date suspension began or is anticipated to begin; and
- (b) Any other information required by the division under Subsection R647-3-113(4) or (5).

(4) The operator shall keep and maintain timely records relating to the operator's performance under the Act and shall make these records available to the division upon request.

R647-3-118. Practices and Procedures; Appeals.

The Administrative Procedures, as outlined in Rule R647-5, shall be applicable to minerals regulatory proceedings.

R647-3-119. Confidential Information.

Information provided in the notice of intention relating to the location, size, and nature of the mineral deposit, and marked confidential by the operator, shall be protected as confidential information by the board and the division. The information will not be a matter of public record until a written release is received from the operator, or until the notice of intention is terminated.

R647-3-120. Cultural and Historic Resources Information.

(1) The notice of intent, including amendments~~and revisions~~, shall include a Cultural Resource Inventory Report (Report) from an archaeologist or consultant, who is properly permitted by the Public Lands Policy Coordinating Office (PLPCO), concerning cultural resources. The report shall meet the standards of the Utah State Historic Preservation Office (UTSHPO).

(a) The Report shall include a Class III inventory, otherwise known as an intensive survey, of the proposed bonded area, including a 100-foot or more buffer around the proposed disturbance area. The Report shall include areas of possible disturbance, including new roads, road improvements, staging areas, drilling, and any other disturbances. Drill pads and roads 15-feet wide or less may have a 50-foot inventory buffer.

(b) Slopes steeper than 30 degrees may be evaluated by a Class II Inventory, otherwise known as a less than intensive or reconnaissance survey, for the safety of the archaeologist or consultant.

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(c) Ground that has already been disturbed by Mining operations within the last 50 years may be evaluated by a Class I Report, otherwise known as a literature review. The operator must receive permission from the division before a Class I is accepted in lieu of a Class III or II Report.

(d) The operator is not required to survey property to which the operator does not have legal access. If any portion of the bonded area is on land managed by a separate government agency, the operator will be required to comply with that agency's cultural and historic resources requirements.

(e) If the bonded area includes future expansion or phases within the next ten years, the operator shall include these phases in the Report.

(f) The operator shall include a discovery clause in the notice of intent, including amendments~~[-and revisions]~~, indicating the operator will stop work and contact the division if subsurface cultural deposits are discovered.

(2) The Report required under Subsection (1) shall describe coordination efforts with and present evidence of clearances by UTSHP. For any property eligible for or listed on the National Register of Historic Places that may be adversely affected by the proposed mining and reclamation operations, each notice of intent, including amendments~~[-and revisions]~~, will describe the measures to be used to avoid or minimize adverse effects.

(3) The division may require the operator to protect historic or archeological properties listed on or eligible for listing on the National Register of Historic Places through appropriate mitigation and treatment measures. Appropriate mitigation and treatment measures may be required after permit approval provided that the required measures are completed before the properties are affected by any mining operation.

(4) The notice of intent, including amendments~~[-and revisions]~~, shall include proof that cultural consultation with UTSHP has been completed. Proof may be provided in the form of a UTSHP consultation letter, a memo completed as part of a formal agreement with UTSHP, or as a copy of an email from a cultural resource professional from a relevant agency.

KEY: minerals reclamation

Date of Last Change: ~~2026~~~~[September 16, 2025]~~

Notice of Continuation: January 24, 2018

Authorizing, and Implemented or Interpreted Law: 40-8-1 et seq.

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58279
Rule or section number:	R657-3c

1. Agency Information

Title catchline:	Natural Resources, Wildlife Resources
Building:	DNR Complex
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT 84416
Mailing address:	PO Box 146301
City, state and zip:	Salt Lake City, UT 84414-6301

2. Contact Persons

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

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

3. General Information

A. Rule or section catchline:
R657-3c. Certification of Registration – Fish, Mollusks, and Crustaceans
B. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rules pursuant to regulating Fish, Mollusks, and Crustaceans.

C. Summary of the new rule or change:

The amendments to this rule:

- 1) clarify that an angler targeting a legal species of game fish, who catches a prohibited species listed in Subsection R657-13-13(3) is allowed to possess it if they use a legal method of take to capture it and dispose of it in accordance with Section R657-13-20;
- 2) clarify that diploid grass carp are prohibited, but triploid grass carp may be stocked in accordance with Rule R657-59;
- 3) adds golden shiner to the prohibited fish list; and
- 4) adds gizzard and threadfin shad and Utah and white sucker to the controlled list and clarify that common carp is the carp species on the controlled list.

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

The amendments to R657-3c are administrative in nature, the DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B. Local governments:

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

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

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

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

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

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

The proposed rule amendments do not have the potential to impact other persons that take aquatic species in Utah, nor is a service required of them.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those individuals wishing to fish in Utah because it simply clarifies the prohibited fish species list and the controlled list to clarify carp species.

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

NOTICES OF PROPOSED RULES

State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

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

The Commissioner of Department of Natural Resources, Jamie Barnes, has reviewed and approved this fiscal analysis.

8. Family Impact Information

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

9. Citation Information

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

Section 23A-1-101		
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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)	Aquatics Species Classification Table 3c-1
Publisher	Utah Division of Wildlife Resources
Issue Date	September 17, 2026
Issue or Version	December 1, 2027

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: 11/16/2026

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)	11/23/2026
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13. Agency Authorization Information

Agency head or designee and title:	Riley Peck, Director	Date:	09/22/2026
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R657. Natural Resources, Wildlife Resources.**R657-3c. Certification of Registration -- Fish, Mollusks, and Crustaceans.****R657-3c-1. Purpose and Authority.**

Under Title 23A, Wildlife Resources Code of Utah, this rule governs the collection, importation, possession, and propagation of aquatic animals in Utah.

R657-3c-2. Definitions.

- (1) Terms used for purposes of this rule are defined in Section 23A-1-101, Section R657-3a-2, and Subsection (2) through Subsection (10).
- (2) "Aquaculture" means the husbandry, production, harvest, and use of aquatic organisms under controlled, artificial conditions.
- (3) "Aquaculture facility" means any tank, canal, raceway, pond, off-stream reservoir, or other structure used for aquaculture as defined under Title 4, Chapter 37, the Aquaculture Act and the rules promulgated there under.
- (4) "Aquatic animal" means a member of any species of fish, mollusk, or crustacean, including their eggs or sperm.
- (5) "Baitfish" means aquatic animal species authorized for use as bait in Subsection R657-13-2(g) and Section R657-13-12.
- (6) "Fee fishing facility" means a body of water used for holding or rearing fish to provide fishing for a fee or for pecuniary consideration or advantage as described in Title 4, Chapter 37, the Aquaculture Act.
- (7) "Food fish" means aquatic animal species cultured or harvested from the wild for human consumption.
- (8)(a) "Marine aquatic animal" means a member of any species of fish, mollusk, or crustacean, including their eggs and sperm, that spends its entire life cycle in a marine environment.
- (b) "Marine aquatic animal" does not include:
- anadromous aquatic animal species;
 - species that temporarily or permanently reside in brackish water; and
 - species classified as invasive or nuisance by state or federal law.
- (9)(a) "Ornamental aquatic animal species" means any species of fish, mollusk, or crustacean that is sold for display.
- (b) "Ornamental aquatic animal species" does not mean:
- Sport fish;
 - Baitfish;
 - Aquatic animal species that are native to Utah;
 - Aquatic animals and marine aquatic animals prohibited for importation or possession under federal law; or
 - Aquatic animals and marine aquatic animals listed as prohibited or controlled in Subsection R657-3c-5(1).
- (10) "Private fish pond" means a standing body of water or any fish culture system which:
- is not located on a natural lake, natural flowing stream, or reservoir constructed on a natural stream channel;
 - is contained entirely on privately owned land; and
 - is used for holding or rearing fish for a private, non-commercial purpose.
- (11) "Sport fish" means aquatic animal species regulated for angling and harvest for recreation or sport from any state in the United States, excluding Peacock Bass (*Cichla ocellaris*).

R657-3c-4. Prohibited Activities.

- (1)(a) Except as provided in this rule, the rules of the Wildlife Board, including Section R657-13-12, Rule R657-14, and Rule R657-59, or Title 4, Chapter 37, the Aquaculture Act, noncontrolled, controlled, or prohibited animals may not be released into the wild or any public or private waters without first obtaining authorization from the division.
- (b) A violation of this section is punishable under Section 23A-5-305.
- (c) A person may not release or transplant a live ~~terrestrial or~~ aquatic wildlife, including ornamental species into the wild. A person who violates this subsection is guilty of a class A misdemeanor.
- (d) A person who knowingly and without lawful authority imports, transports, or releases a live species of wildlife that the person knows is listed as threatened or endangered, or is a candidate to be listed under the Endangered Species Act, 16 U.S.C. Sec. 1531 et seq., with the intent to establish the presence of that species in an area of the state not currently known to be occupied by a reproducing population of that species is guilty of a third degree felony.
- (2) The division may seize or dispose of any illegally held animal.
- (3)(a) Any peace officer, division representative, or authorized animal control officer may seize or dispose of any live animal that escapes from captivity.
- (b) The division may retain custody of any recaptured animal until the costs of recapture or care have been paid by its owner or keeper.

R657-3c-5. Noncontrolled, Controlled, and Prohibited Species.

- (1)(a) The noncontrolled, controlled, and prohibited aquatic animal species classification table entitled Aquatics Species Classification Table 3c-1, dated ~~May~~ December 1, [2023]2027 is incorporated by reference.
- (b) Table 3c-1 can be accessed in person or by contacting the Salt Lake division office located at 1594 West North Temple, Salt Lake City, Utah 84114, and on the division's Certificates of Registration web page at <https://wildlife.utah.gov/licenses/certificates-of-registration.html>.
- (2) A person may collect and possess live aquatic animals of controlled species if:
- They possess a valid certificate of registration;
 - Successfully complete the Fish, Mollusk, and Crustacean education course;
 - Satisfy the mandatory reporting requirements established in Section R657-3c-6; and
 - The number of individuals of a species in a person's possession may not exceed the limits established under that person's certificate of registration.
- (3) All native species and naturalized sportfish species are classified as controlled except those species that are classified as prohibited.

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~~_____ (4) Some species are classified as noncontrolled when stocked in a private fish pond, short term fishing event, or aquaponics facility, as allowed in Rule R657-59.~~

~~_____ (5) _____ (4) Triploid Grass Carp can be stocked as allowed in Rule R657-59a.~~

~~(6) (a) Exemptions may be granted to educational, scientific, and commercial organizations.~~

(b) An individual or entity must acquire a certificate of registration before engaging in an educational, scientific, or commercial use activity involving the collection or possession of a controlled or prohibited species.

(i) A scientific use certificate of registration is valid for the time-period identified in the research proposal and approved by the division.

(ii) An educational use certificate of registration is valid for 3 years and ~~[authorize]~~authorizes wildlife related instructional activities identified on the certificate of registration.

(iii) A commercial use certificate of registration is valid for 3 years and ~~[authorize]~~authorizes commercial use activities identified on the certificate of registration.

R657-3c-9. Collection, Transportation, Possession, and Propagation of Aquatic Animal Species.

(1) A person shall obtain a certificate of registration before collecting, transporting, possessing, or propagating any aquatic animal species or aquatic animal species parts classified as prohibited or controlled, except as otherwise provided in this rule, statute, or rules and orders of the Wildlife Board.

(2) A certificate of registration is not required to collect, transport, possess, or propagate any aquatic animal species classified as noncontrolled.

(3) Possessed live aquatic animals must be housed where:

(a) there is no risk that the aquatic animals can escape into a public waterway or waterbody; and

(b) all effluent from holding tanks must be managed to eliminate the potential for discharge into public waters. Private ponds, licensed aquaculture facilities, and licensed fee fishing facilities are exempt from this requirement.

(4) Possessed aquatic animal species cannot be released into the wild regardless of whether they are classified as noncontrolled, controlled or prohibited.

(5) A person may possess species on the prohibited list in Subsection R657-13-13(3) if all of the following provisions are true:

(a) the animal was caught while attempting to take a legal species of sport fish; and

(b) the animal was caught using a legal means of take as identified in Rule R657-13; and

(c) the animal was killed immediately.

KEY: wildlife, animal protection, import restrictions, zoological animals

Date of Last Change: ~~[July 8,]~~ 2026

Authorizing, and Implemented or Interpreted Law: 23A-2-304; 23A-2-305; 23A-5-309; 23A-5-305; 63G-7-101 et seq.

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Filing ID: 58280

Rule or section number:

R657-12

1. Agency Information

Title catchline:	Natural Resources, Wildlife Resources
Building:	DNR Complex
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT 84416
Mailing address:	PO Box 146301
City, state and zip:	Salt Lake City, UT 84414-6301

2. Contact Persons

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

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

3. General Information

A. Rule or section catchline:
R657-12. Hunting and Fishing Accommodations for People with Disabilities

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

This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rules pursuant to regulating the accommodations for people with disabilities.

C. Summary of the new rule or change:

The amendments to this rule:

- 1) update verification requirements in alignment with HB 111, passed in the 2026 General Session, allowing statements to be signed by a licensed physician, physician assistant, or nurse practitioner;
- 2) allow Certificates of Registration to be valid for five years before applying for a renewal;
- 3) expand qualifications for companion-hunting certificates of registration;
- 4) remove upper-extremity disability from the definition for a season extension;
- 5) limit season extensions on seasons that are longer than 21 days in length;
- 6) clarify the eligibility requirements for general season extensions;
- 7) update the definition of "Armed Forces" to include Space Force; and
- 8) make corrections as needed.

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 111 (2026 General Session)

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

The amendments to Rule R657-12 are administrative in nature, the DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B. Local governments:

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

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

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

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

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

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

The proposed rule amendments do not have the potential to impact other persons that possess or release pen-reared birds in Utah, nor is a service required of them.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those qualifying individuals wishing to receive a season extension or companion hunting Certificate of Registration.

6. Regulatory Impact Summary Table

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

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

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

The Commissioner of the Department of Natural Resources, Jamie Barnes, has reviewed and approved this fiscal analysis.

8. Family Impact Information

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

9. Citation Information

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

Section 23A-5-315	Section 23A-2-305	Section 23A-4-201
Section 23A-4-305		

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: 11/16/2026

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)

11/23/2026

13. Agency Authorization Information

Agency head or designee and title:	Riley Peck, Director	Date:	09/22/2026
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R657. Natural Resources, Wildlife Resources.**R657-12. Hunting and Fishing Accommodations for People With Disabilities.****R657-12-1. Purpose and Authority.**

Under authority of Sections 23A-2-305, 23A[~~d~~]-4-201, 23A-4-305, 23A-5-315 and 63G-3-201, this rule provides the standards and procedures for a person with disabilities to:

- (1) obtain a certificate of registration for taking wildlife from a vehicle;
- (2) obtain a fishing license as authorized under Subsection 23A-4-305(1);
- (3) obtain a certificate of registration to participate in companion hunting;
- (4) obtain a certificate of registration to receive a limited entry season extension;
- (5) obtain a certificate of registration to receive a general deer~~[-or]~~, elk and wild turkey season extension;
- (6) obtain a certificate of registration to hunt with a crossbow or draw-lock;~~[-or]~~
- (7) obtain a certificate of registration to use telescopic sights on a weapon when otherwise prohibited~~[-]~~; or
- (8) obtain a discounted license for Veterans with Disabilities.

R657-12-2. Definitions.

- (1) Terms used in this rule are defined in Section 23A-1-101.

- (2) In addition:

~~[(a)]~~ (a) "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force, Coast Guard, and Space Force including the reserve components thereof and the Army and Air National Guard of the United States.

- (b) "Blind" means the person:

- (i) has no more than 20/200 visual acuity in the better eye when corrected; or
- (ii) has, in the case of better than 20/200 central vision, a restriction of the field of vision in the better eye which subtends an angle of the field of vision no greater than 20 degrees.

~~[(b)]~~ (c) "Crutches" means a staff or support designed to fit under or attach to each arm, including a walker, which improve a person's mobility that is otherwise severely restricted by a permanent physical injury or disability.

~~[(c)]~~ (d) "Draw-lock" means a mechanical device used to hold and support the draw weight of a conventional or compound bow at any increment of draw until released by the archer using a trigger mechanism attached to the device.

~~[(d)]~~ (e) "Loss of either or both lower extremities" means the permanent loss of use or the physical loss of one or both legs or a part of either or both legs which severely impedes a person's mobility.

~~[(e)]~~ (f) "Service-connected disability" means injury or illness incurred or aggravated:

- (i) while in Armed Forces services; and

- (ii) that is recognized by the United States Department of Veterans Affairs or by a branch of the Armed Forces.

~~[(g)]~~ (g) "Telescopic sights" means an optical or electronic sighting system that magnifies the natural field of vision beyond 1X and is used to aim a firearm, bow or crossbow.

~~[(f)]~~ (h) "Upper extremity disabled" means a person who has a permanent physical impairment due to injury or disease, congenital or acquired, which renders the person so severely disabled as to be physically unable to use any legal hunting weapon or fishing device.

(i) "Verification of Service-Connected Disability" means an official written letter, statement, or card issued by the Department of Veterans Affairs or by a branch of the Armed Forces certifying that the person has a service-connected disability with a disability rating of 20% or higher.

R657-12-3. Certificate of Registration Application.

(1)(a) A person may apply for a Certificate of Registration by submitting an application along with a medical statement verifying that the applicant meets the qualified disability under Section R657-12-1 pertaining to the Certificate of Registration they are applying for.

- (b) The medical statement must be signed by a licensed physician, physician assistant, or nurse practitioner.

- (c) Issued Certificates of Registration may remain valid for five years, at which point the applicant may apply for renewal.

R657-12-3.5. Providing Evidence of Disability for Obtaining a Fishing License.

(1) A resident may receive a free fishing license under Subsection 23A-4-305(1) by providing evidence the person is blind, paraplegic, or otherwise permanently disabled so as to be permanently confined to a wheelchair or the use of crutches, or who has lost either or both lower extremities.

- (2) A person may obtain this license at any division office.

- (3) The division shall accept the following as evidence of disability:

- (a) obvious physical impediment;

- (b) use of any mobility device described in Subsection R657-12-2(~~[(b)]~~);

(c) a signed statement by a licensed ophthalmologist, optometrist, physician, physician assistant, or nurse practitioner verifying the person is blind~~[as defined under Subsection R657-12-2(a)]~~; or

(d) a signed statement by a licensed physician, physician assistant, or nurse practitioner verifying the person is paraplegic, or otherwise permanently disabled so as to be permanently confined to a wheelchair or the use of crutches, or has lost either or both lower extremities.

R657-12-4. Obtaining Authorization to Hunt from a Vehicle.

~~[(1) A person]~~ (1) Pursuant to Sections R657-12-1 and R657-12-2, an individual who is paraplegic, or otherwise permanently disabled so as to be permanently confined to a wheelchair or the use of crutches, or who has lost either or both lower extremities, ~~[and who possesses a valid license or permit to hunt protected wildlife may receive]~~ may apply for a certificate of registration to take protected wildlife from a vehicle pursuant to Section 23A-5-315.

~~[(2)(a) Applicants for the certificate of registration must provide evidence of disability as provided in Subsections R657-12-3(3)(a), (b), or (d):~~

~~_____ (b) Certificates of registration may be renewed annually.~~

~~_____ (3)~~ (2) Wildlife may be taken from a vehicle under the following conditions:

(a) Only those persons with a valid hunting license or permit and a certificate of registration allowing them to hunt from a vehicle may discharge a firearm or bow from, within, or upon any motorized terrestrial vehicle;

(b) Shooting from a vehicle on or across any established roadway is prohibited;

(c)(i) Firearms must be carried in an unloaded condition, and a round may not be placed in the firearm until the act of firing begins~~;~~ except as authorized in Title 53, Chapter 5, Part 7 of the Utah Code; and;

(ii) Arrows must remain in the quiver until the act of shooting begins; and

(d) Certificate of registration holders must be accompanied by, and hunt with, a person who is physically capable of assisting the certificate of registration holder in recovering wildlife.

(4)~~3~~ Certificate holders must comply with all other laws and rules pertaining to hunting wildlife, including state, federal, and local laws regulating or restricting the use of motorized vehicles.

R657-12-5. Companion Hunting and Fishing.

(1) ~~[A person may take protected wildlife for a person]~~ Pursuant to Sections R657-12-1 and R657-12-2, an individual who is blind, has an upper extremity disability which renders the person so severely disabled as to be physically unable to use any legal hunting weapon or fishing device, or is quadriplegic may apply for a Certificate of Registration for companion hunting and fishing from a division office. This certificate authorizes a companion to take protected wildlife on behalf of the applicant, provided the ~~[blind, upper extremity disabled or quadriplegic person]~~ applicant:

(a) ~~[satisfies]~~ complies with the hunter education requirements ~~[as provided]~~ set forth in Section 23A-4-1001 and Rule R657-23;

(b) ~~[possesses]~~ holds the ~~[appropriate]~~ requisite license, permit and tag;

(c) ~~[obtains a]~~ secures the Certificate of Registration from the division ~~[authorizing]~~ which grants the companion the authority to take protected wildlife for the ~~[blind, upper extremity disabled or quadriplegic person]~~ individual with the qualified disability; and

(d) is accompanied by a companion who has ~~[satisfied]~~ fulfilled the hunter education requirements ~~[provided]~~ specified in Section 23A-4-1001 and Rule R657-23.

~~[(2) A person who is blind may obtain a Certificate of Registration from the Division by submitting a signed statement by a licensed ophthalmologist, optometrist or physician verifying that the applicant is blind as defined in Section R657-12-2(2)(a):~~

~~_____ (3)(a) A person who is upper extremity disabled or quadriplegic may obtain a Certificate of Registration from the division upon submitting evidence of the disability:~~

~~_____ (b) The division shall accept the following as evidence of an applicant's disability:~~

~~_____ (i) obvious physical disability demonstrating the applicant is quadriplegic or upper extremity disabled as defined in Section R657-12-2(2)(d); or~~

~~_____ (ii) a signed statement by a licensed physician verifying that the applicant is quadriplegic or upper extremity disabled as defined in Section R657-12-2(2)(d):~~

~~_____ (4)~~ (2) The hunting or fishing companion must be accompanied by the blind, upper extremity disabled or quadriplegic person at all times while hunting or fishing, at the time of take, and while transporting the protected wildlife.

R657-12-6. Special Season Extension for Disabled Persons - Limited Entry Hunts.

(1) ~~[A person may obtain a Certificate of Registration from a division office requesting]~~ Pursuant to Sections R657-12-1 and R657-12-2, an ~~[extension for any limited entry hunt, provided the person requesting the extension:~~

~~(a)]individual who is blind, quadriplegic, upper extremity disabled], paraplegic, or otherwise permanently disabled so as to be permanently confined to a wheelchair or the use of crutches, or who has lost either or both lower extremities[;]~~ may obtain a Certificate of Registration from a division office requesting an extension for any limited entry hunt, provided the person requesting the extension:

~~[(b)]~~ a satisfies the hunter education requirements as provided in Section 23A-4-1001 and Rule R657-23; and

~~[(e)]~~ b obtains the appropriate license, permit, and tag.

(2) The division shall not issue a Certificate of Registration for an extension on any limited entry hunt where the extension will violate federal law or if the season date of that hunt is more than 21 days.

~~_____ (3) The division shall accept the following as evidence of disability:~~

~~_____ (a) obvious physical impediment;~~

~~_____ (b) use of any mobility device described in Section R657-12-2(2)(b);~~

~~_____ (c) a signed statement by a licensed ophthalmologist, optometrist, or a physician verifying the person is blind as defined under Section R657-12-2(2)(a); or~~

~~_____ (d) a signed statement by a licensed physician verifying the person is quadriplegic, upper extremity disabled as defined under Section R657-12-2(2)(d), paraplegic, or otherwise permanently disabled so as to be permanently confined to a wheelchair or the use of crutches, or has lost either or both lower extremities:~~

~~]~~ (3) The extended limited entry season wild turkey season may occur up to seven days before the limited entry turkey hunt season as published in the guidebook of the Wildlife Board for taking Upland Game and Wild Turkey.

R657-12-7. Special Season Extension for Disabled Persons - General Deer, Elk and Wild Turkey Hunts.

~~[(1) A person]~~ (1) Pursuant to Sections R657-12-1 and R657-12-2, an individual who is blind, quadriplegic, paraplegic, or otherwise permanently disabled so as to be permanently confined to a wheelchair or the use of crutches, or who has lost either or both lower extremities may obtain a Certificate of Registration from a division office to hunt an extended general deer, elk or wild turkey season as provided in Subsection (2), provided the person requesting the extension:

~~[(a) is blind, quadriplegic, upper extremity disabled, paraplegic, or otherwise permanently disabled so as to be permanently confined to a wheelchair or the use of crutches, or who has lost either or both lower extremities;~~

~~_____ (b) _____~~ (a) satisfies the hunter education requirements as provided in Section 23A-4-1001 and Rule R657-23; and

~~_____ (e) _____~~ (b) obtains the appropriate license, permit and tag.

(2)(a) The extended general deer season may include:

(i) a hunt immediately preceding ~~[the]any~~ general~~[-any weapon]-season~~ buck deer season opening date published in the guidebook of the Wildlife Board for taking big game;

~~[(A) the extension may not apply to general any weapon deer hunts with season length restrictions.~~

] (b) The extended general spike bull elk season may occur five days after the general season spike bull elk hunt published in the guidebook of the Wildlife Board for taking big game.

(c) The extended general any bull elk season may occur concurrently with the general youth any bull elk hunt published in the guidebook of the Wildlife Board for taking big game.

(d) The extended general-season wild turkey season may occur ~~[seven]five~~ days ~~[prior to]before~~ the ~~[limited entry]general~~ season turkey hunt season as published in the guidebook of the Wildlife Board for taking Upland Game and Wild Turkey.

~~[(3) The division shall accept the following as evidence of disability:~~

~~_____ (a) obvious physical impediment;~~

~~_____ (b) use of any mobility device described in Section R657-12-2(2)(b);~~

~~_____ (c) a signed statement by a licensed ophthalmologist, optometrist, or a physician verifying the person is blind as defined under Section R657-12-2(2)(a); or~~

~~_____ (d) a signed statement by a licensed physician verifying the person is quadriplegic, upper extremity disabled as defined under Section R657-12-2(2)(d), paraplegic, or otherwise permanently disabled so as to be permanently confined to a wheelchair or the use of crutches, or has lost either or both lower extremities.~~

~~]~~

R657-12-8. Crossbows and Draw-Locks.

~~[(1)(a) A person]~~ (1) Pursuant to Sections R657-12-1 and R657-12-1, an individual who has a permanent physical impairment due to injury or disease, congenital or acquired, which renders the person so severely disabled as to be unable to use conventional archery equipment may receive a certificate of registration to use a crossbow or draw-lock to hunt big game, cougar, bear, turkey, waterfowl, small game or carp during the respective archery, ~~[any weapon hunting]~~ or fishing seasons as provided in the applicable guidebooks of the Wildlife Board for taking protected wildlife.

~~[(b) The division shall accept the following as evidence of eligibility to use a crossbow or draw lock:~~

~~_____ (i) obvious physical disability, as provided in Subsection (1)(a), demonstrating the applicant is eligible to use a crossbow or draw lock; or~~

~~_____ (ii) a physician's statement confirming the disability as defined in Subsection (1)(a).~~

] (2)(a) Any crossbow used to hunt big game, cougar, bear, turkey, waterfowl or small game must comply with the requirements in Subsections R657-5-8(4) and (5), except a crossbow used to hunt turkey, waterfowl, or small game may have a minimum draw weight of 60 pounds.

(3)(a) Any crossbow or ~~[draw lock]draw-lock~~ used to hunt carp must have a:

(i) reel with line capable of tethering the bolt to restrict the flight distance; and

(ii) positive safety mechanism.

(4) Conventional bows equipped with a draw-lock and used to hunt big game must conform with the minimum draw weights, and arrow and broadhead restrictions contained in Rule R657-5.

R657-12-9. Telescopic Sights.

~~[(1) A person]~~ (1)(a) Pursuant to Section R657-12-2, and individual who has a permanent vision impairment leaving them with worse than 20/40 corrected visual acuity in the better eye may receive a Certificate of Registration to use telescopic sights when otherwise prohibited by the rules and proclamations of the Wildlife Board; and

(b) if in the professional opinion of the eye care provider telescopic sights will sufficiently mitigate the effects of the disability to enable the person to:

~~[(a) adequately discern between lawful and unlawful wildlife species and species genders; and~~

~~_____ (b) safely discharge a firearm or bow in the field.~~

~~_____ (2) A person with a qualified vision impairment may obtain a Certificate of Registration from the Division to use telescopic sights, when otherwise prohibited, by submitting a signed statement from a licensed ophthalmologist, optometrist or physician verifying that:~~

~~_____ (a) the applicant has a permanent vision impairment resulting in worse than 20/40 corrected visual acuity in the better eye; and~~

~~_____ (b) telescopic sights will sufficiently mitigate the effects of the vision impairment to enable the applicant to;~~

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-] (i) adequately discern between lawful and unlawful wildlife species and species genders; and
(ii) safely discharge a firearm or bow in the field.

R657-12-10. Discounted Licenses for Veterans with Disabilities.

(1)(a) ~~[A]~~Pursuant to Section R657-12-1, a resident who has a service-connected disability of 20% or more may purchase a discounted 365-day or multi-year hunting, fishing, or combination license upon furnishing verification of a service-connected disability and paying the fee established in the approved fee schedule.

(b) Fees for multi-year service-connected disability licenses will be calculated according to the process identified ~~[n]~~in Subsection R657-45-3(2)(c).

~~[(2)(a) "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including the reserve components thereof and the Army and Air National Guard of the United States.~~

~~[(b) "Service-connected disability" means injury or illness incurred or aggravated:~~

~~[(i) while in Armed Forces service; and~~

~~[(ii) that is recognized by the United States Department of Veterans Affairs or by a branch of the Armed Forces.~~

~~[(c) "Verification of Service-Connected Disability" means an official written letter, statement, or card issued by the Department of Veterans Affairs or by a branch of the Armed Forces certifying that the person has a service-connected disability with a disability rating of 20% or higher.~~

~~[(3)]~~(2)(a) A service-connected disability fishing license is not available to an individual who is eligible to fish without a license under Section 23A-4-303 or to receive a free fishing license under Section 23A-4-306.

(b) Applications for service-connected disability licenses may be submitted at division offices and may be issued by mail, online or at license agents.

[(4)]~~3~~ The purchaser may be required to complete an affidavit of the service-connected disability at the time of application.

R657-12-11. Administrative and ~~[j]~~Judicial ~~[r]~~Review.

(1) A person may request administrative review of the division's partial or complete denial of a certificate of registration under this chapter by delivering a written request for administrative review to the division director or designee within 30 days of the date of denial.

(2) The request for administrative review shall include:

(a) the name, address, and phone number of the petitioner;

(b) a specific description of the disability involved and the physical limitations imposed by that disability;

(c) a specific description of the accommodations requested to mitigate the physical limitations caused by the disability; and

(d) verifiable medical or other information describing the disability and the medical need for the requested accommodation.

(3) A person may appeal the division director's or designee's decision under Subsection (1) by filing a request for agency action pursuant to Rule R657-2.

KEY: wildlife, wildlife law, disabled persons, fishing

Date of Last Change: ~~[June 23,]~~ 2026

Notice of Continuation: July 18, 2022

Authorizing, and Implemented or Interpreted Law: 23A-5-315; 63G-3-201

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58281
Rule or section number:	R657-13

1. Agency Information

Title catchline:	Natural Resources, Wildlife Resources
Building:	DNR Complex
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT 84416
Mailing address:	PO Box 146301
City, state and zip:	Salt Lake City, UT 84414-6301

2. Contact Persons

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

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

3. General Information**A. Rule or section catchline:**

R657-13. Taking Fish and Crayfish

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

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

C. Summary of the new rule or change:

The amendments to this rule:

- 1) add mollusks to the definition of "protected aquatic wildlife" to be consistent with Rule R657-3c;
- 2) add golden shiner, burbot, and zander to the prohibited list in Subsection R657-13-13(3);
- 3) add white sturgeon and 14 native species to the game fish definition;
- 4) add a new definition for bowfishing;
- 5) add a new section strictly for bowfishing with requirements for the arrows/bolts used to be attached to the bow, airgun or crossbow with a retrieval line and to have a barbed arrow point;
- 6) remove specific locations open to setline fishing from administrative rule and places them in the annual guidebook;
- 7) add fathead minnow, redbreasted shiner, Utah sucker, and white sucker to the list of species to be taken by underwater spearfishing;
- 8) allow underwater spearfishing year-round for all species of game fish with a daily bag limit of 1 or more unless otherwise specified in the annual fishing guidebook;
- 9) clarify that a spearfisher targeting a legal species of game fish in a body of water open to spearfishing who catches a prohibited species is allowed to possess it if they dispose of it in accordance with Section R657-13-20;
- 10) place specific locations open to underwater spearfishing in the annual guidebook;
- 11) remove the section title "Taking nongame fish";
- 12) allow any licensed angler to take common carp, fathead minnow, redbreasted shiner, Utah chub, Utah sucker, and white sucker for personal, noncommercial purposes, to be used dead as baitfish in any water in the state with an open fishing season, with limitations for Utah Lake, Utah Lake tributaries, and the Weber River;
- 13) add methods of take for baitfish; and
- 14) make clarifications as needed.

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

The amendments to Rule R657-13 are administrative in nature, the DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B. Local governments:

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

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

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

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

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

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

The proposed rule amendments do not have the potential to impact other persons that take aquatic species in Utah, nor is a service required of them.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those individuals wishing to fish in Utah because it simply clarifies the prohibited fish species list and the controlled list to clarify carp species and allows additional methods of take for baitfish for licensed anglers.

6. Regulatory Impact Summary Table

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

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

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

The Commissioner of the Department of Natural Resources, Jamie Barnes, has reviewed and approved this fiscal analysis.

8. Family Impact Information

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

9. Citation Information

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

Section 23A-2-305	Section 23A-24-304	Section 23A-4-201
Section 23A-2-403		

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: 11/16/2026

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)

11/23/2026

13. Agency Authorization Information

Agency head or designee and title:	Riley Peck, Director	Date:	09/22/2026
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R657. Natural Resources, Wildlife Resources.**R657-13. Taking Fish and Crayfish.****R657-13-1. Purpose and Authority.**

(1) Under authority of Sections 23A-2-~~[304]~~304 and 23A-2-~~[305]~~305, the Wildlife Board has established this rule for taking fish and crayfish.

(2) Specific dates, areas, methods of take, requirements and other administrative details which may change annually and are pertinent are published in the ~~[proclamation]~~guidebook of the Wildlife Board for taking fish and crayfish.

R657-13-2. Definitions.

(1) Terms used in this rule are defined in Section 23A-1-101.

(2) In addition:

(a) "Aggregate" means the combined total of two or more species of fish or two or more size classes of fish which are covered by a limit distinction.

(b) "Airgun" means any archery tackle that is capable of firing arrows or bolts, is pneumatically powered, and pressurized solely through a separate charging device.

(c) "Angling" means fishing with a rod, pole, tipup, handline, or trollboard that has a single line with legal hooks, baits, or lures attached to it, and is held in the hands of, or within sight, not to exceed 100 feet, of the person fishing.

(d)(i) "Artificial fly" means a fly made by the method known as fly tying.

(ii) "Artificial fly" does not mean a weighted jig, lure, spinner, attractor blade, or bait.

(e) "Artificial lure" means a device made of rubber, wood, metal, glass, fiber, feathers, hair, or plastic with a hook or hooks attached. Artificial lures, including artificial flies, do not include fish eggs or other chemically treated or processed natural baits or any natural or human-made food, or any lures that have been treated with a natural or artificial fish attractant or feeding stimulant.

~~[(f)]~~ (f) "Daily limit" means the maximum limit, in number or amount, of protected aquatic wildlife that one person may legally take during one day.

~~[(g)]~~ (f) "Bait" means a digestible substance, including corn, worms, cheese, salmon eggs, marshmallows, or manufactured baits including human-made items that are chemically treated with food stuffs, chemical fish attractants or feeding stimulants.

~~[(h)]~~ (g) "Baitfish" means any species listed in Subsections R657-13-12(6)(a) through (g) and R657-13-12(7) caught from the wild, killed, and prepared by the angler to be used as bait.

(h) "Bowfishing" means taking or attempting to take fish with arrows or bolts discharged from a bow, crossbow or airgun from above the surface of the water.

(i) "Camp" means, for the purposes of this rule, any place providing temporary overnight accommodation for anglers including a camper, campground, tent, trailer, cabin, houseboat, boat, or hotel.

~~[(i)]~~ (j) "Chumming" means dislodging or depositing in the water any substance not attached to a hook, line, or trap, which may attract fish.

~~[(j)]~~ (k) "Commercially prepared and chemically treated baitfish" means any fish species or fish parts which have been processed using a chemical or physical preservation technique other than freezing including irradiation, salting, cooking, or oiling and are marketed, sold or traded for financial gain as bait.

~~[(k)]~~ (l) "Daily limit" means the maximum limit, in number or amount, of protected aquatic wildlife that one person may legally take during one day.

(m) "Dipnet" means a small bag net with a handle that is used to scoop fish or crayfish from the water.

~~[(l)]~~ (n) "Filleting" means the processing of fish for human consumption typically done by cutting away flesh from bones, skin, and body.

~~[(m)]~~ (o) "Fishing contest" means any organized event or gathering where anglers are awarded prizes, points or money for their catch.

~~[(n)]~~ (p) "Float tube" means an inflatable floating device less than 48 inches in any dimension, capable of supporting one person.

~~[(o)]~~ (q) "Free Shafting" means to release a pointed shaft that is not tethered or attached by physical means to the diver in an attempt to take fish while engaged in underwater spearfishing.

~~[(p)]~~ (r) "Gaff" means a spear or hook, with or without a handle, used for holding or lifting fish.

~~[(q)]~~ (s) "Game fish" means Bear Lake sculpin; bluehead sucker; Bonneville cisco; bluegill; bullhead; channel catfish; crappie; desert sucker; green sucker; flannelmouth sucker; green sunfish; largemouth bass; least chub; longnose dace; mottled sculpin; mountain sucker; northern leatherside chub; northern pike; Paiute sculpin; Sacramento perch; smallmouth bass; southern leatherside chub; speckled dace; striped bass, trout including rainbow, albino, cutthroat, brown, golden, brook, lake or mackinaw, kokanee salmon, and grayling or any hybrid of the foregoing; tiger muskellunge; Virgin spinedace; walleye; white bass; white sturgeon; whitefish; wiper; and yellow perch.

~~[(r)]~~ (t) "Handline" means a piece of line held in the hand and not attached to a pole used for taking fish or crayfish.

~~[(s)]~~ (u) "Immediately Released" means that the fish should be quickly unhooked and released back into the water where caught. Fish that must be immediately released cannot be held on a stringer, or in a live well or any other container or restraining device.

~~[(t)]~~ (v) "Lake" means the standing water level existing at any time within a lake basin. Unless posted otherwise, a stream flowing inside or within the high water mark is not considered part of the lake.

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([w]) "Length measurement" means the greatest length between the tip of the head or snout and the tip of the caudal fin when the fin rays are squeezed together. Measurement is taken in a straight line and not over the curve of the body.

([x]) "Liftnet" means a small net that is drawn vertically through the water column to take fish or crayfish.

([y]) "Motor" means an electric or internal combustion engine.

~~([z]) "Nongame fish" means species of fish not listed as game fish.~~

([aa]) "Permanent residence" means, for the purposes of this rule only, the domicile an individual claims pursuant to Subsection 23A-1-101(15).

([ab]) "Possession limit" means, for purposes of this rule only, two daily limits, including fish in a cooler, camper, tent, freezer, livewell or any other place of storage, excluding fish stored in an individual's permanent residence.

([ac]) "Protected aquatic wildlife" means, for purposes of this rule only, all species of fish, crustaceans, mollusks, or amphibians.

([ad]) "Reservoir" means the standing water level existing at any time within a reservoir basin. Unless posted otherwise, a stream flowing inside or within the high water mark is not considered part of the reservoir.

([ae]) "Seine" means a small mesh net with a weighted line on the bottom and float line on the top that is drawn through the water. This type of net is used to enclose fish when its ends are brought together.

~~([af]) "Setline" means a line anchored to a non-moving object and not attached to a fishing pole.~~

~~([ag]) "Shooting line" means the line used to connect a speargun to spearshaft and does not include float line and reel line.~~

([ah]) "Single hook" means a hook or multiple hooks having a common shank.

([ai]) "Snagging" or "gaffing" means to take a fish in a manner that the fish does not take the hook voluntarily into its mouth.

([aj]) "Spear" means a long-shafted, sharply pointed, hand held instrument with or without barbs used to spear fish from above the surface of the water.

([ak]) "Tributary" means a stream flowing into a larger stream, lake, or reservoir.

([al]) (i) "Trout" means species of the family Salmonidae, including rainbow, albino, cutthroat, brown, golden, brook, tiger, lake or mackinaw, splake, kokanee salmon, and grayling or any hybrid of the foregoing.

([am]) "Trout" does not include whitefish or Bonneville cisco.

([an]) "Underwater spearfishing" means fishing by a person swimming, snorkeling, or SCUBA diving and using a mechanical device held in the hand, which uses a rubber band, spring, pneumatic power, or other device to propel a pointed shaft to take fish from under the surface of the water.

R657-13-3. Fishing License Requirements and Free Fishing Day.

(1) A license is not required on free fishing day, ~~[a Saturday in June]~~ which is designated annually by the division. All other laws and rules apply.

(2) Notwithstanding Subsection 23A-6-405(6)(d)(ii), a person 12 years of age or older shall purchase a fishing license before engaging in any regulated fishing activity pursuant to Section 23-19-18.

(3) A person under 12 years of age may fish without a license and take a full daily and possession limit.

R657-13-4. Fishing Contests.

All fishing contests shall be held pursuant to Rule R657-58 Fishing Contests and Clinics.

R657-13-5. Interstate Waters and Reciprocal Fishing Permits.

(1) When fishing interstate waters, an individual must:

(a) obtain the necessary fishing licenses and permits; and

(b) comply with angling regulations applicable to the state where they are fishing.

(2) Bear Lake.

(a) A person possessing a valid Utah or Idaho fishing or combination license, whether resident or nonresident, may fish both the Utah and Idaho portions of the Lake in accordance with the angling regulations applicable to the state where they are fishing.

(b) Only one daily limit may be taken in a single day, even if licensed in both states.

(3) Lake Powell Reservoir.

(a) A person possessing a valid Utah or Arizona fishing or combination license, whether resident or nonresident, may fish both the Utah and Arizona portions of the Reservoir in accordance with the angling regulations applicable to the state where they are fishing.

(b) Only one daily limit may be taken in a single day, even if licensed in both states.

(4) Flaming Gorge Reservoir.

(a)(i) A Utah resident possessing a valid Utah fishing or combination license and a Wyoming reciprocal fishing permit for Flaming Gorge Reservoir may fish the Wyoming portions of the Reservoir as prescribed in Wyoming angling regulations.

(ii) Utah residents may obtain reciprocal fishing permits for Flaming Gorge Reservoir by contacting the Wyoming Game and Fish Department.

(b)(i) A Wyoming resident possessing a valid Wyoming fishing or combination license and a Utah reciprocal fishing permit for Flaming Gorge Reservoir may fish the Utah portions of the Reservoir as prescribed in Utah angling regulations.

(ii) A Utah reciprocal fishing permit for Flaming Gorge Reservoir may be obtained through the division's website, authorized license agents, or regional offices.

(iii) The Utah reciprocal fishing permit must be:

(A) used in conjunction with a valid resident Wyoming fishing or combination license; and

(B) signed by the holder as the holder's name appears on the Wyoming fishing or combination license.

- (iv) A Utah reciprocal fishing permit is valid for 365 days from the date of purchase.
- (c) Only one daily limit may be possessed, even if licensed in both states.

R657-13-6. Angling.

- (1) While angling, the angler shall be within sight, not to exceed 100 feet, of the equipment being used at all times, except setlines.
- ~~[(2) Angling with more than two lines is unlawful, except:~~
- ~~(a) while fishing for crayfish without the use of fish hooks as provided in Section R657-13-15; or~~
- ~~(b) while fishing through the ice at Flaming Gorge Reservoir, Pelican Lake, Causey Reservoir, or Porcupine Reservoir as provided in Section R657-13-7.~~
- ~~(3) No artificial lure may have more than three hooks.~~
- ~~(4) No line may have attached to it more than three baited hooks, three artificial flies, or three artificial lures, except for a setline.~~
- ~~(5) When angling through the ice, the hole may not exceed 12 inches across at the widest point, except at Bear Lake and Fish Lake where specific limitations apply or Flaming Gorge Reservoir where no limitation applies.~~

R657-13-7. Fishing With More than One Pole.

- ~~[(4) (2) A person may use up to two fishing poles to take fish on all waters open to fishing, provided they possess [an unexpired] a valid fishing or combination license. Angling with more than two poles or tipups is unlawful, except [as provided in Subsection (2)].~~
- ~~[(2) A person may use up to six lines when] (a) while fishing through the ice at Flaming Gorge Reservoir, Pelican Lake, Causey Reservoir, or Porcupine Reservoir.~~
- ~~(i) When using more than two poles or tipups at Flaming Gorge Reservoir, Pelican Lake, Causey Reservoir, and Porcupine Reservoir through the ice. When using more than two lines at Flaming Gorge Reservoir, Pelican Lake, Causey Reservoir, and Porcupine Reservoir, the [angler's] angler's name shall be attached to each [line,] pole[,] or tipup, and the angler shall check only their lines.~~
- (3) Regardless of the number of poles or ~~[lines]~~ tipups used, an angler may not take more than one daily limit or possess more than one possession limit.
- ~~[(4) (4) No artificial lure may have more than three hooks.~~
- ~~(5) No line may have attached to it more than three baited hooks, three artificial flies, or three artificial lures, except for a setline.~~
- ~~(6) When angling through the ice, the hole may not exceed 12 inches across at the widest point, unless specified in the annual Utah Fishing Guidebook issued by the Utah Wildlife Board.~~
- ~~(7) When fishing on waters located within another state, a person must abide by that state's regulations regarding fishing with more than one pole.~~

R657-13-7. Bowfishing.

- (1) A person may use bowfishing to take fish at the locations specified in the annual Utah Fishing Guidebook issued by the Utah Wildlife Board.
- (2) A person possessing a valid Utah fishing or combination license may engage in bowfishing, only as provided in this section and Subsections R657-13-11(1)(c) and R657-13-11(7)(a) through R657-13-11(7)(c).
- (3) Arrows or bolts discharged when bowfishing must be:
- (a) attached to the bow, airgun or crossbow with a retrieval line; and
- (b) have a barbed arrow point.

R657-13-8. Setline Fishing.

- (1) A person may use a setline to take fish ~~[only] at the locations specified in the [Bear River proper downstream from the Idaho state line, including Cutler Reservoir and outlet canals; Little Bear River below Valley View Highway (SR-30); Malad River;] annual Utah [Lake; and Yuba Reservoir.] Fishing Guidebook issued by the Utah Wildlife Board.~~
- ~~(2) A person may use up to two lines for angling while setline fishing.~~
- ~~(3) No more than one setline per angler may be used and it may not contain more than eight hooks.~~
- ~~(4) (a) A setline permit may be obtained through the division's website, from license agents and division offices.~~
- ~~[(b) A setline permit is required in addition to any valid Utah fishing or combination license.~~
- ~~(e) (b) A setline permit is a 365 day permit valid only when used in conjunction with any unexpired Utah fishing or combination license.~~
- (3) An angler possessing a valid setline permit may fish with:
- (a) two poles or tipups; and
- (b) a single setline.
- (4) A setline may not contain more than eight hooks.
- (5) A setline shall have one end attached to a non-moving object, not attached to a fishing pole, have no means of mechanical retrieval, and shall have permanently attached a legible tag with the name, address, and setline permit number of the angler.
- (6) A setline shall be tended only by an angler with a setline permit.
- (7) Setlines must be checked at least once every 48 hours.

R657-13-9. Underwater Spearfishing.

- (1) A person possessing a valid Utah fishing or combination license may engage in underwater spearfishing ~~[, only as provided in this section].~~

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(2) ~~The following waters are open to underwater~~ Underwater spearfishing is allowed from January 1 through December 31 for all species of game fish with a daily bag limit of one or more, unless otherwise specified ~~[otherwise by individual water:~~

- ~~_____ (a) Alexander Lake (Summit County);~~
- ~~_____ (b) Big Sand Wash Reservoir (Duchesne County);~~
- ~~_____ (c) Brown's Draw Reservoir (Duchesne County);~~
- ~~_____ (d) Causey Reservoir (Weber County);~~
- ~~_____ (e) Chepeta Lake (Duchesne County);~~
- ~~_____ (f) China Lake (Summit County);~~
- ~~_____ (g) Deer Creek Reservoir (Wasatch County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through]in the [fourth Saturday in June;~~
- ~~_____ (h) East Canyon Reservoir (Morgan County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;~~
- ~~_____ (i) Echo Reservoir (Summit County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;~~
- ~~_____ (j) Electric Lake (Emery County);~~
- ~~_____ (k) Fish Lake (Sevier County), except underwater spearfishing for any game fish is closed from September 10 to the first Saturday in June the following year;~~
- ~~_____ (l) Fish Lake (Summit County);~~
- ~~_____ (m) Flaming Gorge Reservoir (Daggett County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;~~
- ~~_____ (n) Grantsville Reservoir (Tooele County);~~
- ~~_____ (o) Hacking Lake (Uintah County);~~
- ~~_____ (p) Hoop Lake (Summit);~~
- ~~_____ (q) Hoover Lake (Duchesne County);~~
- ~~_____ (r) Jordan River, for northern pike only (Salt Lake and]annual Utah [Counties);~~
- ~~_____ (s) Lake Powell (Garfield, Kane and San Juan Counties), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;~~
- ~~_____ (t) Moccasin Lake (Duchesne County);~~
- ~~_____ (u) Newcastle Reservoir (Iron County), except underwater spearfishing is closed for all species of game fish other than wipers and rainbow trout;~~
- ~~_____ (v) Papoose Lake (Duchesne County);~~
- ~~_____ (w) Paradise Park Reservoir (Uintah County);~~
- ~~_____ (x) Pineview Reservoir (Weber County), except underwater spearfishing is closed for:~~
- ~~_____ (i) largemouth and smallmouth bass from April 1 through the fourth Saturday in June; and~~
- ~~_____ (ii) tiger musky year round.~~
- ~~_____ (y) Poreupine Reservoir (Cache County);~~
- ~~_____ (z) Quail Creek Reservoir, for smallmouth bass only (Washington County);~~
- ~~_____ (aa) Recapture Reservoir (San Juan County), except underwater spearfishing for largemouth bass is closed from April 1 through the fourth Saturday in June;~~
- ~~_____ (bb) Red Fleet Reservoir (Uintah County);~~
- ~~_____ (cc) Rockport Reservoir (Summit County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;~~
- ~~_____ (dd) Sand Lake (Uintah County);~~
- ~~_____ (ee) Smith and Morehouse Reservoir (Summit County);~~
- ~~_____ (ff) Spirit Lake (Daggett County);~~
- ~~_____ (gg) Starvation Reservoir (Duchesne County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;~~
- ~~_____ (hh) Steinkaker Reservoir (Uintah County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;~~
- ~~_____ (ii) Upper Stillwater Reservoir (Duchesne County);~~
- ~~_____ (jj)]Fishing Guidebook issued by the Utah [Lake, for northern pike and white bass only (Utah County);]Wildlife Board.~~
- ~~_____ (kk) Utah Lake tributaries, including the following tributaries, west of I 15: American Fork, Creek, Beer Creek, Dry Creek, Hobble Creek, Spanish Fork River, Spring Creek and Spring Run Creek, for northern pike and white bass only (Utah County). Spearfishing is not permitted on the Provo River or Provo River Delta;]~~
- ~~_____ (ll) Wall Lake (Summit County);~~
- ~~_____ (mm) Whitney Reservoir (Summit County);~~
- ~~_____ (nn) Wigwam Lake (Duchesne County);~~
- ~~_____ (oo) Willard Bay Reservoir (Box Elder County); and~~
- ~~_____ (pp) Yuba Reservoir (Juab and Sanpete Counties);~~

] (3) ~~[Nongame]~~Prohibited fish~~[, excluding prohibited]~~ species listed in ~~[Section]~~Subsection R657-13-13~~[,]~~(3) may be taken by underwater spearfishing[;

- ~~_____ (a) in the waters listed in Subsection (2) and at Blue Lake (Tooele County) for tilapia and paeu only; and~~

- ~~_____ (b)] during the open angling season set for a given body of water.~~
- ~~[(4) The waters listed in Subsections (2) and (3)(a) are the only waters open to underwater spearfishing for game or nongame fish, except carp.]~~ (4) Common carp, fathead minnow, redbreasted shiner, Utah chub, Utah sucker, and white sucker may be taken by underwater spearfishing from any water open to angling during the open angling season set for a given body of water~~[-] except:~~
- ~~(a) Utah chub, Utah sucker, and white sucker may not be taken by underwater spearfishing from:~~
- ~~(i) Utah Lake and its tributaries; and~~
- ~~(ii) the Weber River.~~
- (5) Underwater spearfishing is permitted 24 hours per day.
- ~~(6)(a) Use of artificial light is permitted as specified in Subsection R657-13-11(1).~~
- ~~[(6)(a) Use of artificial light is unlawful while engaged in underwater spearfishing, except artificial light may be used when underwater spearfishing for Utah chub or common carp at any open waterbody in the state, lake trout at Flaming Gorge Reservoir (Daggett County), and burbot at Flaming Gorge Reservoir (Daggett County).]~~
- (7) Free shafting is prohibited while engaged in underwater spearfishing.
- (8) The daily limit and possession limit for underwater spearfishing is the same as the daily limit and possession limit applied to anglers using other techniques in the waters listed in Subsections (2) and (3)(a), and as identified in the annual Utah Fishing Guidebook issued by the Utah Wildlife Board.

R657-13-10. Dipnetting.

- (1) Handheld dipnets may be used to land game fish legally taken by angling. However, they may not be used as a primary method to take game fish from Utah waters except at Bear Lake where they are permitted for bonnevilline cisco.
- ~~(a) When dipnetting through the ice at Bear Lake, the size of the hole is unrestricted.~~
- (2) The opening of the dipnet may not exceed 18 inches.
- ~~(3) [When dipnetting through the ice, the size of the hole is unrestricted.]~~
- ~~(4)]Hand held dipnets may also be used to take crayfish [and nongame fish, except prohibited fish.] as allowed in Subsection R657-13-14(2).~~

R657-13-11. Restrictions on Taking Fish~~[-and Crayfish].~~

- (1) Artificial light is permitted while:
- ~~(a) angling~~[-except when underwater spearfishing. However artificial light is permitted while];~~~~
- ~~(b) underwater spearfishing for burbot and lake trout in Flaming Gorge~~[-while fishing for carp with a bow, crossbow];~~~~
- ~~(c) spearfishing, bowfishing or ~~[spear statewide; or while fishing for Utah chub with a bow or spear statewide.]~~spearfishing baitfish listed in Subsection (7).~~
- (2) A person may not obstruct a waterway, use a chemical, explosive, electricity, poison, ~~[crossbow,]firearm, or pellet gun, [or archery equipment]~~ to take fish~~[-or crayfish]~~, except as provided in ~~[Subsection R657-13-14(2) and]~~Section R657-13-~~[20]~~19.
- (3)(a) A person may not possess a gaff while angling, or take protected aquatic wildlife by snagging or gaffing, except:
- (i) a gaff may be used at Lake Powell to land striped bass; and
- (ii) snagging may be used at Bear Lake to take Bonneville cisco.
- (b) Except as provided in Subsection (3)(a)(ii)~~[-and Section R657-13-21,]~~, a fish hooked anywhere other than the mouth must be immediately released.
- (4) Chumming is prohibited on all waters, ~~exceptions~~~~[exceptions]~~ may occur as provided in Section R657-13-~~[20]~~19.
- (5) The use of a float tube or a boat, with or without a motor, to take protected aquatic wildlife is permitted on many public waters. However, boaters should be aware that other agencies may have additional restrictions on the use of float tubes, boats, or boats with motors on some waters.
- (6) ~~[Nongame fish and crayfish]~~Crayfish may be taken only as provided in Sections R657-13-14 and R657-13-15.
- (7) A person possessing a valid Utah fishing or combination license may take common carp, fathead minnow, redbreasted shiner, Utah chub, Utah sucker, and white sucker for personal, noncommercial purposes:
- ~~(a) Except as provided in Subsection (b), all baitfish listed in Subsection (7) may be taken by angling, traps, underwater spearfishing, bowfishing, liftnets, dipnets, cast nets, seine, or spear in any water of the state with an open fishing season.~~
- ~~(i) Seines may not exceed 10 feet in length or width.~~
- ~~(ii) Cast nets must not exceed 10 feet in diameter.~~
- ~~(b) Utah chub, Utah sucker, and white sucker may not be taken by angling, bowfishing, airgun, crossbow, spear, or underwater spearfishing in Utah Lake and its tributaries, or the Weber River.~~
- ~~(c) Except as provided in Section R657-13-20, lawfully taken baitfish shall be either released or killed immediately upon removing them from the water, however, they may not be left or abandoned on the shoreline.~~

R657-13-12. Bait.

- (1) Use or possession of corn while fishing is lawful, except as otherwise prohibited by the Wildlife Board in the Fishing Guidebook.
- (2) Use or possession of live baitfish while fishing is unlawful, except as authorized by the Wildlife Board in the Fishing Guidebook.
- (3) Use or possession of tiger salamanders, live or dead, while fishing is unlawful.
- (4) Use or possession of any bait while fishing on waters designated artificial fly and lure only is unlawful.
- (5) Use or possession of artificial baits which are commercially embedded or covered with fish or fish parts while fishing is unlawful.

NOTICES OF PROPOSED RULES

(6) Use or possession of bait in the form of fresh or frozen fish or fish parts while fishing is unlawful, except as provided in Subsections (a) through (g) below and in Subsections (7) ~~and (8) through (10)~~.

(a) Dead Bonneville cisco may be used as bait only in Bear Lake.

(b) Dead yellow perch may be used as bait only in: Bear River from Cutler Reservoir Dam downriver to the Great Salt Lake, Big Sand Wash, Brough Reservoir, Deer Creek, Echo, Fish Lake, Gunnison, Hyrum, Johnson, Jordanelle, Mantua, Mill Meadow, Newton, Pineview, Red Fleet, Rockport, Starvation, Utah Lake, Willard Bay and Yuba reservoirs.

(c) Dead white bass may be used as bait only in Utah Lake and the Jordan River.

(d) Dead shad, from Lake Powell, may be used as bait only in Lake Powell. Dead shad must not be removed from the Glen Canyon National Recreation Area.

(e) Dead striped bass, from Lake Powell, may be used as bait only in Lake Powell.

(f) Dead ~~fresh or frozen salt water species including sardines and anchovies may be used as bait in any water where bait is permitted.~~

~~(g) Dead mountain sucker, desert sucker, white sucker, Utah sucker, reidside shiner, longnose dace, speckled dace, mottled sculpin, Paiute sculpin, fathead minnow—all color variants including rosy red minnows, Utah Chub, golden shiner, and common carp may be used as bait in any water where bait is permitted.~~

~~(h) Dead burbot and lake trout, from Flaming Gorge Reservoir, may be used as bait only in Flaming Gorge Reservoir.~~

~~(g) Dead common carp, fathead minnow, reidside shiner, Utah chub, Utah sucker, and white sucker may be used as baitfish in any water where bait is permitted during the open fishing season set for the given body of water.~~

(7) Commercially prepared and chemically treated baitfish or their parts may be used as bait in any water where bait is permitted.

~~(8) Dead fresh or frozen salt water species including sardines and anchovies may be used in bait in any water where bait is permitted.~~

(9) The eggs of any species of fish caught in Utah, except prohibited fish, may be used in any water where bait is permitted. However, eggs may not be taken or used from fish that are being released.

~~(9)10~~ Use of live crayfish for bait is legal only on the water where the crayfish is captured. It is unlawful to transport live crayfish away from the water where captured.

~~(10)11~~ Manufactured, human-made items that may not be digestible, that are chemically treated with food stuffs, chemical fish attractants, or feeding stimulants may not be used on waters where bait is prohibited.

~~(11)12~~ On any water declared infested by the Wildlife Board with an aquatic invasive species, or that is subject to a closure order or control plan under Rule R657-60, it shall be unlawful to transport any species of baitfish, live or dead, from the infested water for use as bait in any other water of the state. Baitfish are defined as those species listed in Subsections ~~(12)(b), (12)(c), (12)(d) and (12)(e)~~ (a) through (g).

R657-13-13. Prohibited Fish.

(1) The following species of fish are classified as prohibited and may not be taken or held in possession:

(a) Bonytail (*Gila elegans*);

(b) Colorado pikeminnow (*Ptychocheilus lucius*);

(c) Humpback chub (*Gila cypha*);

(d) June sucker (*Chasmistes liorus*);

(e) Razorback sucker (*Xyrauchen texanus*);

(f) Virgin River chub (*Gila seminuda*);

(g) Woundfin (*Plagopterus argentissimus*).

(2) Any of these species caught while attempting to take other legal species shall be immediately released.

(3) ~~The~~ Except the following species of fish are classified as prohibited and may be held in possession provided the specimen is killed immediately:

(a) Alewife (*Alosa pseudoharengus*);

(b) Asian swamp eel (*Monopterus albus*);

(c) Bighead carp (*Hypophthalmichthys nobilis*);

(d) Black carp (*Mylopharyngodon piceus*);

(e) Bowfin (*Amia calva*);

(f) Brook stickleback (*Culaea inconstans*);

(g) Burbot (*Lota lota*);

~~(h) Eurasian ruffe (*Gymnocephalus cernuus*);~~

~~(i)(h) Flathead catfish (*Pylodictis olivaris*);~~

~~(j)(i) Gar (Family *Lepisosteidae*);~~

~~(k) Golden shiner (*notemigonus crysoleucas*);~~

~~(l)(j) Grass carp (*Ctenopharyngodon idella*);~~ except triploid grass carp may be stocked in accordance with Rule R657-59;

~~(m)(k) Ide (*Leuciscus idus*);~~

~~(n)(l) Piranhas (all species);~~

~~(o)(m) Nile perch (*Lates niloticus*);~~

~~(p)(n) Northern snakehead (*Channa argus*);~~

~~(q)(o) Red bellied pacu (*Piaractus brachipomus*);~~

~~(r)(p) Red shiner (*Cyprinella lutrensis*);~~

~~(s)(q) Round goby (*Neogobius melanostomus*);~~

~~(t)(r) Rudd (*Scardinius erythrophthalmus*);~~

- ~~(u[(s)])~~ Sand shiner (*Notropis stramineus*);
- ~~(v[(t)])~~ Sea lamprey (*Petromyzon marinus*);
- ~~(w[(u)])~~ Silver carp (*Hypophthalmichthys molitrix*);
- ~~(x[(v)])~~ South American parasitic catfish (Family Cetopsidae and Family Trichomycteridae);
- ~~(y[(w)])~~ Tiger fish (*Hydrocynus vittatus*);
- ~~(z[(x)])~~ Tench (*Tinca tinca*);
- ~~(aa[(y)])~~ Tilapia (Genus *Coelotilapia*, Genus *Coptodon*, Genus *Heterotilapia*, Genus *Oreochromis*, and Genus *Sarotherodon*);
- ~~(bb[(z)])~~ Walking catfish (*Clarias batrachus*); and
- ~~(cc)~~ Zander (*Sander lucioperca*).

(4) Any of these species caught while attempting to take other legal species may not be released alive.

R657-13-14.] ~~Taking Nongame Fish.~~

~~(1)(a) As provided in this section, a person possessing a valid Utah fishing or combination license may take nongame fish for personal, noncommercial purposes during the open fishing season set for the given body of water.~~

~~(b) A person may not take any species of fish designated as prohibited in Subsection R657-13-13(2).~~

~~(2)(a) Except as provided in Subsection (2)(b), nongame fish may be taken by angling, traps, bow and arrow, liftnets, dipnets, cast nets, seine, or spear in any water of the state with an open fishing season.~~

~~(b) Nongame fish may not be taken in the following waters, except carp may be taken by angling, archery, airgun, crossbow, spear, or underwater spearfishing statewide:~~

~~(i) San Juan River;~~

~~(ii) Colorado River;~~

~~(iii) Green River (from confluence with Colorado River upstream to Colorado state line in Dinosaur National Monument);~~

~~(iv) Green River (from Colorado state line in Brown's Park upstream to Flaming Gorge Dam, including Gorge Creek, a tributary entering the Green River at Little Hole);~~

~~(v) White River (Uintah County);~~

~~(vi) Duchesne River (from Myton to confluence with Green River);~~

~~(vii) Virgin River (Main stem, North, and East Forks);~~

~~(viii) Ash Creek;~~

~~(ix) Beaver Dam Wash;~~

~~(x) Fort Pierce Wash;~~

~~(xi) La Verkin Creek;~~

~~(xii) Santa Clara River (Pine Valley Reservoir downstream to the confluence with the Virgin River);~~

~~(xiii) Diamond Fork;~~

~~(xiv) Thistle Creek;~~

~~(xv) Main Canyon Creek (tributary to Wallsburg Creek);~~

~~(xvi) Provo River (below Deer Creek Dam);~~

~~(xvii) Spanish Fork River;~~

~~(xviii) Hobbie Creek (Utah County);~~

~~(xix) Snake Valley waters (west and north of US 6 and that part of US 6 and US 50 in Millard and Juab counties);~~

~~(xx) Raft River (from the Idaho state line, including all tributaries);~~

~~(xxi) Weber River; and~~

~~(xxii) Yellow Creek.~~

~~(c) Nongame fish may be taken by underwater spearfishing in the waters and under the conditions specified in Section R657-13-9.~~

~~(3) Seines may not exceed 10 feet in length or width.~~

~~(4) Cast nets must not exceed 10 feet in diameter.~~

~~(5) Except as provided in Section R657-13-21, lawfully taken nongame fish shall be either released or killed immediately upon removing them from the water, however, they may not be left or abandoned on the shoreline.~~

R657-13-15.] Taking Crayfish.

(1) A person possessing a valid Utah fishing or combination license may take crayfish for personal, noncommercial purposes during the open fishing season ~~[set]~~for the given body of water.

(2) Crayfish may be taken by hand or with a trap, pole, liftnet, dipnet, handline, or seine, provided that:

(a) game fish or their parts, or any substance unlawful for angling, is not used for bait;

(b) seines ~~[may]~~used to capture crayfish do not exceed 10 feet in length or width;

(c) no more than five lines are used, and no more than two lines may have hooks attached~~[-On unhooked lines, bait is tied to the line so that the crayfish grasps the bait with its claw; and];~~

~~[-~~(d) on unhooked lines, bait is tied to the line so that the crayfish grasps the bait with its claw;

(e) no more than three hooks are attached to each line; and

(f) live crayfish are not transported from the body of water where taken.

(3) A person may not obstruct a waterway, use a chemical, explosive, electricity, poison, crossbow, firearm, pellet gun or archery equipment to take crayfish.

(4) A person may use up to two fishing poles to take crayfish on all waters open to fishing, provided they possess a valid, unexpired fishing or combination license.

R657-13-[46]15. Possession and Transportation of Dead Fish and Crayfish.

(1)(a) At all waters except Strawberry Reservoir, Scofield Reservoir, Panguitch Lake, Jordanelle Reservoir and Lake Powell, game fish may be dressed, filleted, have heads and tails removed, or otherwise be physically altered after completing the act of fishing or reaching a fish cleaning station, camp, or principal means of land transportation. It is unlawful to possess fish while engaged in the act of fishing that have been dressed or filleted. This may not apply to fish that are processed for immediate consumption or to fish held from a previous day's catch.

(b) Trout or salmon taken at Strawberry Reservoir, Scofield Reservoir and Panguitch Lake, and smallmouth bass taken at Jordanelle may not be filleted and the heads or tails may not be removed in the field or in transit.

(c) Fish may be filleted at any time and anglers may possess filleted fish at any time at Lake Powell.

(2) A legal limit of game fish or crayfish may accompany the holder of a valid fishing or combination license within Utah or when leaving Utah.

(3) A person may possess or transport a legal limit of game fish or crayfish for another person when accompanied by a donation letter.

(4)(a) A person may not:

(i) take more than one daily limit of game fish in any one day[?]; or

(ii) possess more than one daily limit of each species or species aggregate, unless the additional fish are:

(A) from a previous days catch;

(B) eviscerated; and

(C) within the possession limit for each species or species aggregate;

(iii) possess more than one daily limit of each species or species aggregate while fishing Flaming Gorge Reservoir regardless of when the fish were caught.

(b) Fish kept at the angler's permanent residence do not count toward an angler's possession limit for that species or species aggregate.

(c) A person may possess a full possession limit of Bonneville cisco without eviscerating the fish from a previous day's catch.

(5) A person may possess or transport dead fish on a receipt from a registered commercial fee fishing installation, a private pond owner, or a short-term fishing event. This receipt shall specify:

(a) the number and species of fish;

(b) date caught;

(c) the certificate of registration number of the installation, pond, or short-term fishing event; and

(d) the name, address, telephone number of the seller.

R657-13-[47]16. Possession of Live Fish and Crayfish.

(1) A person may not possess or transport live protected aquatic wildlife except as provided by the Wildlife Code or the rules and [proclamation]guidebook of the Wildlife Board.

(2) For purposes of this rule, a person may not transport live fish or crayfish away from the water where taken.

(3) This does not preclude the use of live fish stringers, live wells, or hold type cages as part of normal angling procedures while on the same water in which the fish or crayfish are taken.

R657-13-[48]17. Release of Tagged or Marked Fish.

Without prior authorization from the division, a person may not:

(1) tag, mark, or fin-clip fish for offering a prize or reward as part of a contest;

(2) introduce a tagged, marked, or fin-clipped fish into the water; or

(3) tag, mark, or fin-clip a fish and return it to the water.

R657-13-[49]18. Season Dates and Daily and Possession Limits.

(1) All waters of state fish rearing and spawning facilities are closed to fishing.

(2) State waterfowl management areas are closed to fishing except as specified in the [proclamation]guidebook of the Wildlife Board for taking fish and crayfish.

(3) The season for taking fish and crayfish is January 1 through December 31, 24 hours each day. Exceptions are specified in the [proclamation]guidebook of the Wildlife Board for taking fish and crayfish.

(4)(a) Daily limits and possession limits are specified in the [proclamation]guidebook of the Wildlife Board for taking fish and crayfish and apply statewide unless otherwise specified.

(b)(i) A person may not fish in waters that have a specific daily, possession, or size limit while possessing fish in violation of that limit.

(ii) Fish not meeting the size, daily limit, or species provisions on specified waters shall be returned to the water immediately.

(c)(i) Trout, salmon and grayling that are not immediately released and are held in possession, dead or alive, are included in the person's daily limit and possession limit.

(ii) Once a trout, salmon or grayling is held in or on a stringer, fish basket, livewell, or by any other device, a trout, salmon or grayling may not be released.

(5)(a) A person may not:

- (i) take more than one daily limit in any one day; or
- (ii) possess more than one daily limit of each species or species aggregate unless the additional fish are:
 - (A) from a previous days catch;
 - (B) eviscerated; and
 - (C) within the possession limit for each species or species aggregate;
- (iii) possess more than one daily limit of each species or species aggregate while fishing Flaming Gorge Reservoir regardless of when the fish were caught.
- (b) A person may possess a full possession limit of Bonneville cisco without eviscerating the fish from a previous days catch.

R657-13-~~20~~19. Variations to General Provisions.

Variations to season dates, times, daily and possession limits, methods of take, use of a float tube or a boat for fishing, and exceptions to closed areas are specified in the [~~proclamation~~]guidebook of the Wildlife Board for taking fish and crayfish.

R657-13-~~24~~20. Catch-and-Kill Regulations.

- (1) The Wildlife Board may designate in [~~proclamation and~~] guidebook waters where anglers are required to kill specified aquatic animal species that are caught.
- (2) A person shall immediately kill any aquatic animal caught in a water identified by the Wildlife Board in [~~proclamation or~~]guidebook as catch-and-kill for that species.
 - (a) An aquatic animal killed subject to a catch-and-kill regulation may be:
 - (i) retained and consumed by the angler; or
 - (ii) disposed of:
 - (A) in the water where the aquatic animal was caught;
 - (B) at a fish cleaning station;
 - (C) at the angler's permanent residence; or
 - (D) at another location where disposal is authorized by law.
 - (3) A person may not release a live aquatic animal subject to a catch-and-kill regulation in the water it was caught or in any other water in the state.

KEY: fish, fishing, wildlife, wildlife law

Date of Last Change: [~~June 23,~~] 2026

Notice of Continuation: August 24, 2022

Authorizing, and Implemented or Interpreted Law: 23A-2-305; 23A-24-304; 23A-4-201; 23-2-403

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	Filing ID: 58282
Rule or section number:	R657-14

1. Agency Information

Title catchline:	Natural Resources, Wildlife Resources
Building:	DNR Complex
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT 84416
Mailing address:	PO Box 146301
City, state and zip:	Salt Lake City, UT 84414-6301

2. Contact Persons

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

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

3. General Information

A. Rule or section catchline:
R657-14. Commercial Harvesting of Protected Aquatic Wildlife

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

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

C. Summary of the new rule or change:

The amendments to this rule:

- 1) remove all reference to "nongame";
- 2) remove most native species from the list of fish allowed to be taken for bait;
- 3) remove the "Prohibited Nongame Species" list as all of these species are protected elsewhere in rule; and
- 4) make clarifications as needed.

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

The amendments to Rule R657-14 are administrative in nature, the DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B. Local governments:

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

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

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

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

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

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

The proposed rule amendments do not have the potential to impact other persons that take aquatic species in Utah, nor is a service required of them.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those individuals wishing to harvest protected aquatic wildlife in Utah because it simply clarifies the prohibited fish species list and the controlled list to clarify carp species and allows additional methods of take for baitfish for certified bait dealers.

6. Regulatory Impact Summary Table

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

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0

Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

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

The Commissioner of the Department of Natural Resources, Jamie Barnes, has reviewed and approved this fiscal analysis.

8. Family Impact Information

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

9. Citation Information

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

Section 23A-2-102	Section 23A-2-304	Section 23A-2-305
Section 23A-5-304	Section 23A-9-305	Section 23A-9-304

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: 11/16/2026

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)

11/23/2026

13. Agency Authorization Information

Agency head or designee and title:	Riley Peck, Director	Date:	09/22/2026
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R657. Natural Resources, Wildlife Resources.

R657-14. Commercial Harvesting of Protected Aquatic Wildlife.

R657-14-1. Purpose and Authority.

(1)(a) Under authority of Sections 23A-2-102, 23A-2-304, and 23A-2-305, and Sections 23A-9-304 through 23A-9-305, this rule provides the procedures, standards, and requirements for:

- (i) harvesting protected aquatic wildlife for use as fish bait; and
- (ii) seining protected aquatic wildlife.

(b) The commercial harvesting of brine shrimp and brine shrimp eggs is regulated under Rule R657-52.

R657-14-2. Definitions.

(1) Terms used in this rule are defined in Section 23A-1-101.

(2) In addition:

(a) "Alternate seiner" means the person in charge of and responsible for supervising a crew of helpers harvesting authorized species of protected aquatic wildlife in the absence of the primary seiner.

NOTICES OF PROPOSED RULES

(b) "Certified bait dealer" means a person who has obtained a certificate of registration authorizing the harvest, possession, or sale of protected aquatic wildlife for use as dead fish bait.

(c) "Harvest" means to ~~[seine, or gather in]~~take protected aquatic wildlife ~~[and reduce it to possession]~~by angling, traps, spearfishing, bowfishing, liftnets, dipnets, cast nets, seine, or spear.

(d) "Harvest location" means the location where the gathering or harvesting of protected aquatic wildlife takes place.

(e) "Helper" means a person aiding a certificate of registration holder in the harvesting, transporting, or selling of protected aquatic wildlife, including any employee, agent, family member, or donated labor.

(f) "Helper card" means a card authorizing a person to act as a helper.

~~[(g) "Nongame fish" means all species of fish, except:~~

~~(i) any species or hybrid species of trout, including albino, brook, brown, cutthroat, golden, grayling, kokanee salmon, lake or mackinaw, rainbow, splake, and tiger;~~

~~(ii) Bonneville cisco;~~

~~(iii) bluegill;~~

~~(iv) bullhead;~~

~~(v) catfish;~~

~~(vi) crappie;~~

~~(vii) green sunfish;~~

~~(viii) northern pike;~~

~~(ix) largemouth bass;~~

~~(x) Sacramento perch;~~

~~(xi) smallmouth bass;~~

~~(xii) striped bass;~~

~~(xiii) tiger muskellunge;~~

~~(xiv) walleye;~~

~~(xv) white bass;~~

~~(xvi) whitefish;~~

~~(xvii) wiper; and~~

~~(xviii) yellow perch.~~

~~(h)~~ (g) "Primary seiner" means the person in charge of and responsible for supervising a crew of helpers harvesting protected aquatic wildlife.

(i) (h) "Purchase" means to buy, acquire, or obtain from sale, exchange, barter, or trade protected aquatic wildlife for pecuniary consideration or advantage.

(j) (i) "Seining" means to harvest protected aquatic wildlife with the use of a net or other similar device.

(k) (j) "Wildlife registration office" means the division office in Salt Lake responsible for processing applications and issuing certificates of registration.

R657-14-3. Certificate of Registration Required.

(1)(a) A person may not harvest, possess, or transport protected aquatic wildlife without first obtaining a certificate of registration and a helper card for each individual assisting that person.

(b) The original copy of the certificate of registration must be present at the harvest location while harvesting protected aquatic wildlife.

(2) ~~[Except as provided in Subsection R657-14-13(4), a]~~ A person must obtain a separate certificate of registration to engage in the following activities:

(a) harvesting or selling designated species of fish for use as fish bait; and

(b) seining and selling protected aquatic wildlife for any purpose other than for use as fish bait.

(3) A certificate of registration is not required for the retail sale of dead protected aquatic wildlife imported into Utah, provided the product is clearly labeled as to its out-of-state origin.

(4) Certificates of registration are not transferable~~[, except as provided in Section R657-14-21].~~

(5) Any certificate of registration issued to a business or any other commercial organization shall be void upon the termination of the business or organization or upon bankruptcy.

(6)(a) The issuance of a certificate of registration automatically incorporates within its terms the conditions and requirements of this rule specifically governing the activity for which the certificate of registration is issued.

(b) Any person accepting a certificate of registration under this rule acknowledges the necessity for ~~[else]~~regulation and monitoring by the division.

R657-14-4. Certified Bait Dealers.

(1)(a) The division may allow a certified bait dealer to harvest, possess, or sell only those species of protected aquatic wildlife listed in Section R657-14-8 collected from Utah waters as bait for taking fish and crayfish.

(b) The division shall not allow a person to harvest, possess, or sell any other protected aquatic wildlife for use as dead fish bait except as provided in Subsection R657-14-8(1)(b).

(2)(a) A person may not purchase dead fish bait collected from Utah waters from any person who is not a certified bait dealer.

(b) Subsection (a) does not preclude commerce with out-of-state sellers of dead, prepared fish baits if the dead fish bait is clearly labeled as to its origin.

(3)(a) Only a person who has obtained a certificate of registration from the division may harvest, sell, or trade protected aquatic wildlife for use as fish bait.

(b) Any protected aquatic wildlife sold by a certified bait dealer for use as bait for taking fish and crayfish must be packaged in a suitable container, and have securely attached a clearly discernable business label on each package that provides the brand or business name, business address, type of product, and certificate of registration number.

(4) A person may not purchase or sell any dead fish bait that does not have a label attached to the package as provided in Subsections (2)(b) and (3)(b).

R657-14-5. Application for Certificate of Registration.

(1) Applications for certificates of registration are available at division offices.

(2) Applications for commercial seining or harvesting protected aquatic wildlife for use as fish bait may be submitted any time during the year.

(3) If an application for a certificate of registration is made in the name of a commercial organization, the applicant must specify the person responsible for that entity.

(4)(a) Completed applications must be submitted to the wildlife registration office.

(b) The division may return any application that is incomplete or completed incorrectly.

(5)(a) The application review process may require up to 45 days.

(b) The division may deny issuing a certificate of registration to any applicant for any of the following reasons:

(i) the applicant has previously been issued a certificate of registration and has failed to submit any report required by this rule, the division, or the Wildlife Board;

(ii) the applicant has been found guilty, pleaded guilty or pleaded no contest in an administrative proceeding to violating any rule, statute, proclamation, or Wildlife Board Order relating to the harvest, possession, or sale of protected aquatic wildlife; or

(iii) the applicant has been found guilty, pleaded guilty or pleaded no contest in a criminal proceeding to violating any rule, statute, proclamation, or Wildlife Board Order relating to the harvest, possession, or sale of protected aquatic wildlife.

(6) The division may limit the number of certificates of registration issued or deny any application in the interest of wildlife, wildlife habitat, serving the public, or public safety.

(7) If an application is approved, the division shall issue the applicant a certificate of registration that specifies:

(a) the species and amounts of protected aquatic wildlife that may be harvested~~[or sold]~~;

(b) the water and locations where protected aquatic wildlife may be harvested;

(c) the gear that may be used;

(d) the hours during which protected aquatic wildlife may be harvested;

(e) the means and amounts of protected aquatic wildlife that may be transported; and

(f) any restriction imposed on the applicant in addition to ~~[the provisions of]~~ this rule.

~~(8)(a)]~~ Certificates of registration for ~~[seining or]~~ harvesting protected aquatic wildlife for use as bait for taking fish [bait] or crayfish are valid for a calendar year.

R657-14-~~[5]~~6. Use of Helpers.

(1)(a) Except as provided in Subsection (2), any person aiding the certificate of registration holder in ~~[seining]~~ harvesting protected aquatic wildlife shall be in possession of a helper card.

(b) A helper card shall be deemed to be in possession if it is on the person or on the boat from which the person is working.

(2) A helper card is not required of any person engaged only in the retail sale or transportation of protected aquatic wildlife.

(3) Helper cards are issued in the name of the certificate of registration holder and are transferable among individuals assisting the certificate of registration holder.

(4)(a) A helper may assist in the harvest of protected aquatic wildlife only while working under the direct supervision of a primary or alternate seiner.

(b) For purposes of this rule, "direct supervision" means to be physically present, either on a boat with the helper or within close proximity so as to be able to provide direct instructions to the helper.

(5) Twelve additional helper cards for each Certificate of Registration may be obtained from the wildlife registration office at any time during the year.

R657-14-~~[6]~~7. Records - Report of Activities.

(1) Each person who has been issued a certificate of registration authorizing the harvest or sale of protected aquatic wildlife shall keep accurate records of the number or weight harvested and to whom the products were sold.

(2) The records required under Subsection (1) shall be retained for at least five years and must be available for inspection upon division request.

(3)(a) A person who has been issued a certificate of registration for seining or harvesting protected aquatic wildlife for use as fish bait shall include the following information, broken down by month, in an annual report to the division:

(i) the species of protected aquatic wildlife harvested;

(ii) the water from which the protected aquatic wildlife were harvested; and

(iii) the total number or weight of protected aquatic wildlife harvested.

NOTICES OF PROPOSED RULES

(b) A person who has been issued a certificate of registration for the retail sale of protected aquatic wildlife shall include the following information, broken down by month, in an annual report to the division:

- (i) the name and address of each person from which protected aquatic wildlife was purchased or sold;
 - (ii) the species of protected aquatic wildlife purchased or sold; and
 - (iii) the weight and number of protected aquatic wildlife purchased or sold.
- (c) Report forms are provided by the division.

R657-14-~~7~~8. Species of Protected Aquatic Wildlife That May Be Harvested.

(1)(a) The division may authorize a person to harvest or sell the following [~~nongame~~]fish:

- (i) Utah Chub (*Gila atraria*);
- (ii) Common Carp (*Cyprinus carpio*);
- (iii) ~~Mountain sucker (*Catostomus platyrhynchus*);~~
- ~~(iv)]Utah sucker (*Catostomus ardens*);~~
- ~~(~~v~~)iv~~ Redside shiner (*Richardsonius batteatus*);
- ~~(vi) Desert sucker (*Catostomus clarkii*);~~
- ~~(vii)] (v) Fathead minnow (*Pimephales promelas*);~~
- ~~(viii) Golden shiner (*Notemigonus crysoleucas*);~~
- ~~(ix) Longnose dace (*Rhinichthys cataractae*);~~
- ~~(x) Mottled sculpin (*Cottus bairdii*);~~
- ~~(xi) Paiute sculpin (*Cottus beldingii*);~~
- ~~(xii) Speckled dace (*Rhinichthys osculus*);~~] or
- ~~(~~xiii~~)vi~~ White sucker (*Catostomus commersonii*).

(b) [~~The~~]In specific waters, the division may authorize [~~a person to~~]the harvest or [~~sell~~]sale of additional species if it determines they are overabundant or a nuisance [~~-game species, as determined by the division~~].

(c) The certificate of registration shall identify those species of protected aquatic wildlife that may be harvested or sold.

(2) Any species of protected aquatic wildlife caught that is not authorized on the person's certificate of registration for harvest must be immediately returned alive and unharmed to the water from which it was harvested.

R657-14-~~8~~. Prohibited Nongame Species.

~~The following species of protected aquatic wildlife may not be harvested, and if caught must be immediately returned alive and unharmed to the water from which it was taken:~~

- ~~(1) bonytail (*Gila elegans*);~~
- ~~(2) bluehead sucker (*Catostomus discobolus*);~~
- ~~(3) Colorado pikeminnow (*Ptychocheilus lucius*);~~
- ~~(4) flannelmouth sucker (*Catostomus latipinnis*);~~
- ~~(5) gizzard shad (*Dorosoma cepedianum*);~~
- ~~(6) grass carp (*Ctenopharyngodon idella*);~~
- ~~(7) humpback chub (*Gila cypha*);~~
- ~~(8) June sucker (*Chasmistes liorus*);~~
- ~~(9) least chub (*Iotichthys phlegethontis*);~~
- ~~(10) leatherside chub (*Lepidomeda copei* and *Lepidomeda alieiae*);~~
- ~~(11) razorback sucker (*Xyrauchen texanus*);~~
- ~~(12) Virgin River chub (*Gila robusta seminuda*);~~
- ~~(13) Virgin spinedace (*Lepidomeda mollispinis*); and~~
- ~~(14) woundfin (*Plagopterus argentissimus*).~~

R657-14-~~9~~. Harvest [~~Hours~~]Seasons.

(1) Protected aquatic wildlife may be harvested [~~from 5 a.m. to 10 p.m.~~] year-round, unless otherwise specified on the certificate of registration.

(2) When the harvest season is suspended or closed, all harvest activity shall cease at official sunset.

R657-14-10. Identification of Traps and Nets.

(1) A metal tag or plate stamped with the owner's name and certificate of registration number must be securely attached to each seine, trap and net.

(2) Any improperly tagged seine, trap, or net may be seized by the division.

R657-14-11. Transportation, Purchase, or Sale of Live Protected Aquatic Wildlife.

(1) A person may not have in possession any live species of protected aquatic wildlife, except as provided in Rule[s] R657-3a, R657-3c, or R657-16.

(2) A person may not purchase any live protected aquatic wildlife from or sell any live protected aquatic wildlife to any person or entity who has not obtained a certificate of registration to possess or sell live protected aquatic wildlife, except as provided in Subsection R657-14-3(3).

R657-14-12. [Certified Bait Dealers.

~~(1) The division may authorize a person to harvest or sell designated species of protected aquatic wildlife for use as dead fishing bait, including cut baits.~~

~~(2)(a) The division may allow a person to harvest, possess, or sell the species of protected aquatic wildlife for use as dead fish bait as provided in Section R657-14-7.~~

~~(b) The division shall not allow a person to harvest, possess, or sell any other protected aquatic wildlife for use as dead fish bait except as provided in Section R657-14-7.~~

~~(3)(a) A person may not purchase dead fish bait from any person who has not obtained a certificate of registration from the division.~~

~~(b) Subsection (a) does not preclude commerce with out-of-state sellers of dead, prepared fish baits if the dead fish bait is clearly labeled as to its origin.~~

~~(4)(a) Only a person who has obtained a certificate of registration from the division may harvest, sell, or trade protected aquatic wildlife for use as fish bait.~~

~~(b) Any protected aquatic wildlife sold for use as fish bait must be packaged in a suitable container, and have securely attached a clearly discernable business label on each package that provides the brand or business name, business address, type of product, and certificate of registration number.~~

~~(5) A person may not purchase or sell any dead fish bait that does not have a label attached to the package as provided in Subsection (4)(b).~~

R657-14-13. Commercial Seining.

~~(1) The division may issue a certificate of registration authorizing a person to harvest designated species of protected aquatic wildlife by seining.~~

~~(2)(a) Three helper cards are issued with the certificate of registration.~~

~~(b) Additional helper cards may be obtained from the division.~~

~~(3) A seiner may harvest any species of nongame fish listed under Section R657-14-7, and any overabundant game species as determined by the division and indicated on the certificate of registration.~~

~~(4) A seiner may harvest or sell protected aquatic wildlife for use as dead fish bait as provided in Section R657-14-12, if authorization is obtained from the division and indicated on the certificate of registration.~~

R657-14-14. [Violations.

~~(1) The penalty for any violation of this rule is a class C misdemeanor as provided in Subsection 23A-5-301(1)(b).~~

~~(2) Any violation of, or failure to comply with [the provisions of] this rule, any requirement contained in a certificate of registration issued pursuant to this rule, or any Wildlife Board Order may be grounds for revocation, suspension or denial of future certificates of registration as determined by a division hearing officer.~~

KEY: game laws, bait dealers, commercialization of aquatic wildlife

Date of Last Change: 2026[August 21, 2024]

Notice of Continuation: May 17, 2022

Authorizing, and Implemented or Interpreted Law: 23A-2-102; 23A-2-304; 23A-2-305; 23A-5-304; 23A-9-305; 23A-9-304

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	Filing ID: 58283
Rule or section number:	R657-42

1. Agency Information

Title catchline:	Natural Resources, Wildlife Resources
Building:	DNR Complex
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT 84416
Mailing address:	PO Box 146301
City, state and zip:	Salt Lake City, UT 84414-6301

2. Contact Persons

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

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

3. General Information**A. Rule or section catchline:**

R657-42. Fees, Exchanges, Surrenders, Refunds, and Reallocation of Wildlife Documents

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

This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rules pursuant to wildlife documents in Utah.

C. Summary of the new rule or change:

The amendment to this rule updates the Natural Disaster language to allow the Division Director to grant relief under qualifying circumstances.

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

The amendments to Rule R657-42 are administrative in nature, the DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B. Local governments:

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

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

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

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

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

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

The proposed rule amendments do not have the potential to impact other persons that take aquatic species in Utah, nor is a service required of them.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those individuals seeking relief under qualifying events from the Division Director.

6. Regulatory Impact Summary Table

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

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0

Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

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

The Commissioner of the Department of Natural Resources, Jamie Barnes, has reviewed and approved this fiscal analysis.

8. Family Impact Information

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

9. Citation Information

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

Section 23A-4-201

Section 23A-4-207

Section 23A-4-301

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: 11/16/2026

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)

11/23/2026

13. Agency Authorization Information

Agency head or designee and title:	Riley Peck, Director	Date:	09/22/2026
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R657. Natural Resources, Wildlife Resources.

R657-42. Fees, Exchanges, Surrenders, Refunds, and Reallocation of Wildlife Documents.

R657-42-1. Purpose and Authority.

(1) Under the authority of Sections 23A-4-201 and 23A-4-207 the division may issue wildlife documents in accordance with the rules of the Wildlife Board.

(2) This rule provides the standards and procedures for the:

- (a) exchange of permits;
- (b) surrender of wildlife documents;
- (c) refund of wildlife documents;
- (d) reallocation of permits; and
- (e) assessment of late fees.

R657-42-12. Natural Disaster Relief.

(1) The division may grant relief for natural disasters that result in the displacement of [a-]permitted hunter from their residence or significantly impede their travel.

(2) The division may grant relief to individuals whose participation in a hunting activity authorized by an eligible wildlife document is completely or substantially precluded during the designated season due to a natural disaster that directly impacts the permit holder.

NOTICES OF PROPOSED RULES

(3) A person may request relief pursuant to the requirements of Subsections (1) and (2) by filing an application with the division within 30 days of the last day of the hunting season that is listed on their permit.

(4) Under Sections R657-42-1 and R657-42-2, the hunter must provide documentation of the natural disaster occurring, along with a notarized statement with supporting documentation explaining how the disaster resulted in their displacement, significantly impeded travel, or substantially precluded them from hunting.

(5) The following types of relief may be granted under Subsections (1) and (2) after approval, and upon furnishing a surrendered permit:

- (a) reinstate bonus or preference points;
- (b) waive the waiting period, if applicable; and
- (c) refund of the permit fee minus the processing fee.

(6) In the event a natural disaster affects a hunt unit, the division director may grant relief if the following criteria are met:

(a) More than 50% of hunting opportunities are unavailable; ~~and~~ or

(b) Access to more than 50% of public land within an individual hunt unit has been closed due to administrative actions of the state or federal government in restricting public access to such lands.

(7) If the criteria outlined in Subsection (6) are met, the division director may grant one or more of the following types of relief:

- (a) reinstate bonus or preference points;
- (b) waive the waiting period, if applicable;
- (c) refund of the permit fee minus the processing fee; and
- (d) extend the hunting opportunity to the subsequent year for the same season and unit.

(8) If the criteria outlined in Subsection (6), are not met, the division director may grant the following type of relief:

(a) waive the requirement that a permit be surrendered more than 30 days before the hunt to qualify for point reinstatement under Section R657-42-4.

(9) Under Subsections (6), (7), and ~~(7)~~(8), the hunter will be required to follow any instructions given by the division director to receive the relief described in Subsections ~~(7)~~ and (8).

KEY: wildlife, permits

Date of Last Change: ~~August 22,~~ 2026

Notice of Continuation: March 15, 2023

Authorizing, and Implemented or Interpreted Law: 23A-4-201; 23A-4-207; 23A-4-301

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58284
Rule or section number:	R657-53

1. Agency Information

Title catchline:	Natural Resources, Wildlife Resources
Building:	DNR Complex
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT 84416
Mailing address:	PO Box 146301
City, state and zip:	Salt Lake City, UT 84414-6301

2. Contact Persons

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

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

3. General Information

A. Rule or section catchline:
R657-53. Amphibian and Reptile Collection, Importation, Transportation and Possession
B. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' rules pursuant to collecting, importing, transporting and possessing amphibians, and reptiles in Utah.

C. Summary of the new rule or change:

The amendments to this rule:

- 1) update the definition of "prohibited species";
- 2) add language that allows a person to possess a Mojave desert tortoise through the Utah Desert Tortoise Adoption Program;
- 3) update language for bite severity to include the toxic effect of venom or poison to clarify the species the DWR considers a prohibited species;
- 4) clarify the prohibited species list; and
- 5) make clarifications as needed.

5. Fiscal Information

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

A. State budget:

The amendments to Rule R657-53 are administrative in nature, the DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B. Local governments:

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

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

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

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

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

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

The proposed rule amendments do not have the potential to impact other persons that take aquatic species in Utah, nor is a service required of them.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those individuals wishing to possess a prohibited species in Utah because it simply clarifies the prohibited species list and the process for adopting a Desert Tortoise in Utah.

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

NOTICES OF PROPOSED RULES

Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

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

The Commissioner of the Department of Natural Resources, Jamie Barnes, has reviewed and approved this fiscal analysis.

8. Family Impact Information

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

9. Citation Information

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

Section 23A-2-304	Section 23A-2-305	Section 23A-5-309
Section 23A-5-305		

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: 11/16/2026

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)

11/23/2026

13. Agency Authorization Information

Agency head or designee and title:	Riley Peck, Director	Date:	09/22/2026
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R657. Natural Resources, Wildlife Resources.

R657-53. Amphibian and Reptile Collection, Importation, Transportation and Possession.

R657-53-1. Purpose and Authority.

(1) Under Title 23A, the Wildlife Resources [Code of Utah] Act, this rule governs the collection, importation, possession, and propagation of amphibians and reptiles in Utah.

(2)(a) Nothing in this rule shall be construed as superseding the provisions set forth in Title 23A, the Wildlife Resources [Code of Utah] Act.

(b) Any provision of this rule setting forth a criminal violation that overlaps a section of that title is provided in this rule only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

(3) Specific dates, species, collection permit boundaries, number of collection permits, daily collection and total possession limits, and other administrative details which may change annually are published in the proclamation or guidebook of the Wildlife Board for amphibians and reptiles.

(4)(a) In addition to this rule, the Utah Department of Agriculture and Food regulates animal importation and disease testing requirements through Title 4[~~of~~], the Utah Agricultural Code and [~~Utah Admin.~~] Rule R58-1.

(b) In addition to this rule, local government entities may impose additional prohibitions or restrictions through zoning restrictions and similar ordinances.

(c) Nothing in this rule is intended to authorize an activity that is otherwise prohibited by federal law, rules of the Utah Department of Agriculture and Food, or properly enacted restrictions imposed by local government entities.

R657-53-2. Definitions.

- (1) Terms used in this rule are defined in Section 23A-1-101 and Subsection (2) through Subsection (29).
- (2) "Amphibian" means animals from the Class of Amphibia, including hybrid species or subspecies of amphibians and viable embryos or gametes of species or subspecies of amphibians.
- (3) "Captive-bred" or "born in captivity" means any legally-obtained amphibian or reptile that:
 - (a) was born in captivity;
 - (b) spends its entire life in captivity; and
 - (c) is the offspring of legally obtained progenitors.
- (4) "Certificate of registration" means, for the purposes of this rule, a wildlife document issued by the division authorizing an individual or entity to undertake activities that are otherwise prohibited.
- (5) "Collect" means to take, catch, capture, salvage, or kill any free-roaming amphibian or reptile or their parts within Utah, except as described in Subsection (22) [below] and in Subsection R657-53-7(2).
- (6) "Collection permit" means a wildlife document authorizing collection from the wild and subsequent personal possession of amphibians and reptiles in Utah.
- (7)(a) "Commercial use" means any activity through which a person is:
 - (i) in lawful possession of a wild-caught amphibian or reptile categorized as controlled or prohibited;
 - (ii) doing business in Utah wherein that business activity utilizes and relies upon a wild-caught amphibian or reptile for financial gain;
 - (iii) engaged in business activity that is continuous, such that it involves some permanent presence beyond casual or isolated financial transactions; and
 - (iv) receiving consideration exceeding the costs directly related to care, breeding, rearing of the wild-caught amphibian or reptile and its offspring.
- (b) Consideration derived from the sale of offspring from captive-bred amphibians or reptiles does not constitute commercial use.
- (8) "Controlled species" means species or subspecies of amphibian or reptile for which a person must acquire certificate of registration or collection permit [prior to]before possessing the animal.
- (9) "Daily collection limit" means the maximum limit, in number of individuals, that one person may legally remove from the field during one 24-hour period.
- (10) "Den" means any place where reptiles congregate for winter hibernation or brumation.
- (11) "Educational use" means the possession and use of an amphibian or reptile by a public educational institution, non-profit organization established for the purposes of wildlife conservation or education, or a government agency, for the purposes of conducting instructional activities for the public concerning wildlife and wildlife-related activities, where the individual or entity does not receive compensation or remuneration beyond the costs incurred to conduct the instruction.
- (12) "Entry permit number" means a number issued by the state veterinarian's office to a veterinarian signing a certificate of veterinary inspection authorizing the importation of an amphibian or reptile into Utah.
- (13) "Export" means to move or cause to move any amphibian or reptile or their parts from Utah by any means.
- (14) "Import" means to bring or cause an amphibian or reptile or their parts to be brought into Utah by any means.
- (15) "Legally obtained" means to acquire through collection, trade, barter, propagation or purchase with supporting written documentation if required, such as applicable certificate of registration, collection permit, license, or sales receipt in accordance with applicable laws. Documentation must include the date of the transaction; the name, address and phone number of the person or organization relinquishing the animal; the name, address and phone number of the person or organization obtaining the animal; the scientific name of the animal acquired; and a description of the animal. A state-issued wildlife document and completion of all mandatory reporting satisfies any documentation requirement for specimens covered by the wildlife document and reporting.
- (16) "Native species" means any species or subspecies of amphibian or reptile that historically occurred in Utah and has not been introduced by humans or migrated into Utah as a result of human activity.
- (17) "Naturalized species" means any species or subspecies of amphibian or reptile that is not native to Utah but has established a wild, self-sustaining population in Utah.
- (18) "Noncontrolled species" means a species or subspecies of amphibian or reptile that does not require a certificate of registration or a collection permit to possess.
- (19) "Nonnative species" means a species or subspecies of amphibian or reptile that is not native to Utah and has not established a wild, self-sustaining population in Utah.
- (20) "Possession" means to physically retain or to exercise dominion or control over an amphibian or reptile.
- (21) "Prohibited species" means a species or subspecies of amphibian or reptile that if taken from the wild, introduced into the wild, or held in captivity, poses a significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration shall only be issued under special circumstances as approved by the division or a collection permit for which requires variance approval from the Wildlife Board [prior to]before issuing[a certificate of registration or collection permit] and [prior to]before possessing the animal.
- (22) "Propagation" means the reproduction of amphibians or reptiles in captivity that results in the production of offspring.
- (23) "Reptile" means animals from the Class of Reptilia, including hybrid species or subspecies of reptiles and viable embryos or gametes of species or subspecies of reptiles.
- (24) "Salvage" means the collection of a reptile or amphibian when that specimen is dead upon discovery and that death was not due to any action attributable to the individual collecting or ultimately receiving the specimen.

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(25) "Scientific use" means the possession and use of an amphibian or reptile by a public educational institution, non-profit organization established for the purposes of wildlife conservation or education, or a government agency, for conducting bona fide scientific research that is directly or indirectly beneficial to wildlife or the general public.

(26) "Temporary possession" or "temporarily possess" for the purposes of this rule means handling an amphibian or reptile for the minimum amount of time necessary for a person to complete measurements and documentation required as part of their mandatory reporting.

(27) "Total possession limit" means the maximum limit, in number of individuals, that one person or entity may possess.

(28) "Transport" means to be moved or cause to be moved, any amphibian or reptile within Utah by any means.

(29) "Turtle" means all animals commonly known as turtles, tortoises and terrapins, and all other animals of the Order Testudines, Class Reptilia.

(30) "Wild population" means native or naturalized amphibians or reptiles living in nature.

(31) "Wildlife document" means a document issued by the division allowing an activity that would otherwise be prohibited and includes a collection permit and certificate of registration.

R657-53-4. Prohibited Activities.

(1) A person may not take, ~~[posses]~~possess, import, export, transfer, or release to the wild a reptile or amphibian or their parts in Utah, or attempt to undertake such activity, except as provided in this rule or in a proclamation or guidebook issued by the Wildlife Board.

(2)(a) Pursuant to Section 23A-5-305, a person may not release from captivity any amphibian or reptile without first obtaining written authorization from the division.

(b) Any peace officer, division representative, or authorized animal control officer may seize, euthanize, or dispose of any live amphibian or reptile that escapes from captivity.

(c) The division may retain custody of any recaptured amphibian or reptile until the costs of recapture or care have been paid by its owner or keeper.

(3) A person may not:

(a) knowingly disturb the den of any reptile or kill, capture, or harass any reptile within 100 yards of a reptile den without first obtaining a wildlife document authorizing that activity;

(b) trespass while engaged in an activity regulated by this rule;

(c) sell a wild caught reptile or amphibian;

(d) transfer a wild caught native amphibian or reptile without completing mandatory reporting;

(e) transfer any wild caught native amphibian or reptile to another individual between April 1 and December 31 without prior approval from the division;

(f) collect or attempt to collect a reptile or amphibian under another individual's collection permit;

(g) collect or attempt to collect a reptile or amphibian in an area that is closed to collection activities; or

(h) transport or propagate an amphibian without complying with Title 4, Chapter 37~~[-Utah Code]~~, the Aquaculture Act and implementing regulations of the Utah Department of Agriculture and Food.

(4)(a) A person may not conduct educational use or scientific use activities with a species categorized as controlled or prohibited without first obtaining a certificate of registration from the division.

(b)(i) A person may not conduct commercial use activities with controlled species without first obtaining a certificate of registration from the division.

(ii) A person may ~~[not]~~conduct commercial use activities with a prohibited species ~~[without first obtaining a variance from the Wildlife Board]~~only under special circumstances and receive a certificate of registration upon approval from the division.

R657-53-5. Activities Allowed Without a Wildlife Document.

(1) A person may conduct the following activities without acquiring a wildlife document from the division:

(a) collect a noncontrolled reptile or amphibian from the wild;

(b) possess, import, export, or transfer to another person a reptile or amphibian that was previously removed from the wild and is classified as noncontrolled or controlled, provided:

(i) the person receiving the animal maintains documentation verifying that the specimen was legally acquired;

(ii) the person transferring the animal certifies that they were in lawful possession of the animal;

(iii) if the animal is wild caught, no financial compensation or consideration is exchanged as part of the transfer of possession;

(iv) the person receiving the animal has otherwise completed all mandatory education courses necessary to obtain or possess the animal;

(v) the person receiving the animal will not exceed the total possession limit for that species, if applicable; and

(vi) the animal does not belong to a species subject to certificate or registration requirements under Section R657-53-12;

(c) possess, import, export, transfer, or salvage a dead reptile or amphibian or their parts, provided:

(i) such actions are allowed under applicable state and federal law;

(ii) the specimen was lawfully acquired;

(iii) proof of legal possession accompanies the specimens; and

(iv) the individual completes any required mandatory reporting as described in Section R657-53-19 and possesses any necessary federal permit necessary to possess the animal or its part;

(d) pursue and temporarily possess a reptile or amphibian, if that action complies with the requirements in Subsection R657-53-8(2);

(e) propagate lawfully acquired amphibians and reptiles, unless:

(i) the species to be propagated requires a certificate of registration under Section R657-53-12;

- (ii) the propagator is breeding a wild caught species native to Utah and is selling the progeny in a manner qualifying as a commercial use under Subsection R657-53-2(7); or
- (iii) otherwise prohibited by local, state, or federal law; or
- (f) transport any reptile or amphibian, regardless of total possession limit restrictions, through Utah without a wildlife document, provided:
 - (i) the transporter is otherwise in lawful possession of the specimens;
 - (ii) proof of legal possession or origin accompanies the specimens;
 - (iii) the transporter complies with importation requirements established by the Utah Department of Agriculture and Food;
 - (iv) the specimens remain in Utah no more than 72 hours; and
 - (v) the specimens are not sold, transferred, exhibited, displayed, or used for a commercial use while in Utah.

R657-53-6. Activities Requiring a Wildlife Document.

- (1) A person must acquire a collection permit or certificate of registration before capturing a controlled species from the wild in Utah.
- (2) Only one collection permit or certificate of registration is required per individual, regardless of the number of animals collected under that permit, provided:
 - (a) the individual remains in compliance with daily collection limits and total possession limits; and
 - (b) the individual completes mandatory reporting under Section R657-53-19 as required.
- (3)(a) Collection permits are valid for the capture season authorized by the Wildlife Board.
- (b) Certificates of registration for personal collection under Section R657-53-12 are valid for the term indicated on the document.
- (4)(a) If a person lawfully collects an amphibian or reptile from the wild using a collection permit or certificate of registration, the collection permit or certificate of registration serves as the authorization for continued possession of those collected specimens consistent with the provisions of this rule.
- (b) A copy of the collection permit or certificate of registration may serve as documentation of lawful acquisition necessary to transfer possession of a wild caught specimen under Section R657-53-6.
- (c) A person may not collect individual specimens in excess of the identified daily collection or total possession limits during the term of their collection permit, regardless of whether they transfer ownership of a specimen to another individual during the collection permit's term.
- (5) A person must obtain a variance from the Wildlife Board to collect or possess a prohibited species unless authorization is provided under special circumstances as approved by the division and a certificate of registration is issued.
- (6)(a) An individual or entity must acquire a certificate of registration before engaging in an educational, scientific, or commercial use activity involving the collection or possession of a controlled or prohibited species.
- (b) A scientific use certificate of registration is valid for the time-period identified in the research proposal and approved by the division.
- (c) Educational use certificates of registration are valid for [3]three years and authorize wildlife-related instructional activities identified on the certificate of registration.
- (d) Commercial use certificates of registration are valid for [3]three years and authorize activities commercial use activities identified on the certificate of registration.
- [—](7)—(7) A person may legally possess a Mojave desert tortoise (Gopherus agassizii) by submitting an application to the division to adopt a captive tortoise from the Utah Desert Tortoise Adoption Program and receiving a certificate of registration upon approval, provided:
 - (a) the individual follows the guidelines outlined in the Utah Desert Tortoise Adoption Program booklet for preparing a safe outdoor and indoor environment for the tortoise and proper care for a tortoise; and
 - (b) does not live in Washington County.
- (8) A wildlife document may be suspended or revoked as provided in Section 23A-4-1106 and Rule R657-26.

R657-53-7. Total Possession Limits and Daily Collection Limits.

- (1)(a) The division shall establish daily collection limits and total possession limits for amphibians and reptiles found in Utah based upon their classification as a noncontrolled species, controlled species, or prohibited species.
- (b) Daily limits, total possession limits, collection permit numbers, collection season dates, and collection permit boundaries will be approved by the Wildlife Board and published in a guidebook by the division.
- (2) Noncontrolled species may be given the following daily collection limits and total possession limits:
 - (a) "Unlimited," allowing an unlimited number of individuals that may be collected from the wild or otherwise possessed; or
 - (b) "Expanded," allowing for a daily collection limit of 25 individuals and total possession limit of 100.
- (3) Controlled species may be given the following daily collection limits and total possession limits:
 - (a) "Standard," allowing for a daily collection limit of 3 individuals and total possession limit of 9 individuals; or
 - (b) "Limited," allowing for a daily and yearly collection limit of 2 individuals and total possession limit of 4 individuals.
- (4) Prohibited species shall be given the daily collection limit and total possession limit of "Zero," prohibiting all collection and possession of prohibited species.
- (5) A person may not exceed daily collection limits or total possession limits unless an authorization is provided in this rule, on a certificate of registration, or a variance granted by the Wildlife Board pursuant to Section R657-53-18.
- (6) An individual's daily collection limit and total possession limit is established [at the time]when they possess an individual specimen and are cumulative throughout the term of a collection permit.

(7) In establishing a daily collection limit or total possession limit, any specimen that belongs to a species that is native to Utah is presumed to be a wild caught specimen unless the individual in possession provides verifiable documentation required by Section R657-53-5.

(8) If a species classification and associated daily collection limit and total possession limit is not defined in this rule or otherwise included in the guidebook published by the Wildlife Board, it shall be classified as a ~~[C]~~controlled species and have a Standard daily collection limit and total possession limit.

R657-53-8. Exceptions to Total Possession Limits and Daily Collection Limits.

(1) Total possession limits apply to all amphibians and reptiles acquired in-state, imported into the state, or lawfully acquired by intrastate transfer, except the following do not count toward[s] an individual's applicable limit:

(a) animals and their parts that are captive bred, not classified as ~~[P]~~prohibited or subject to certificate of registration requirements in Section R657-53-12, and accompanied by documentation described in Section R657-53-5 verifying lawful acquisition and possession;

(b) animals and their parts that are captive bred, not classified as ~~[P]~~prohibited or subject to certificate of registration requirements in Section R657-53-12, and are in possession of an individual conducting reptile propagation, so long as:

(i) the individual performing the propagation registers with the division as a propagator; and

(ii) completes associated mandatory reporting under Section R657-53-19;

(c) animals and their parts that are legally obtained outside of Utah and not classified as ~~[P]~~prohibited or subject to certificate of registration requirements in Section R657-53-12; and

(d) individuals or entities authorized to collect or possess species under commercial use, educational use, or scientific use certificates of registration may be subject to alternative total possession limits or daily collection limits established by the division.

(2) Daily collection limits apply to any reptile or amphibian captured in the wild in Utah, except that a person may temporarily possess an individual animal in excess of daily collection limits, provided:

(a) the animal is released immediately after the temporary possession time period has expired;

(b) the animal is not transported away from the capture site unless necessary to accurately complete mandatory reporting;

(c) the animal is released in reasonable proximity to the capture location;

(d) required reporting is accurately submitted to the division;

(e) temporary possession is not prohibited by federal law;

(f) the individual has completed all mandatory training courses necessary to possess the animal; and

(g) the animal does not belong to a species subject to certificate of registration requirements under Section R657-53-12.

(3) Specimens salvaged in accordance with this rule do not count toward[s] an individual's daily collection limit or total possession limit for that species.

R657-53-9. Determination of Prohibited Species; Establishing Daily Limits and Total Possession Limits for Controlled Species.

(1)(a) A species of the Order Squamata (snakes and lizards) is classified as a prohibited species if:

(i) it is venomous;

(ii) not native to Utah; and

(iii) a bite from which has the potential to cause [may cause substantial physical] serious injury to humans ordinarily requiring medical treatment due to the toxic effect of its venom or poison.

~~[(b)]~~(b) The following families, genera, and species of the Order Squamata are classified as a prohibited species, including their taxonomic successors, subspecies, or any hybrid thereof:

(i) Atractaspididae (burrowing asps);

(ii) Elapidae (proteroglyphous snakes);

(iii) Helodermatidae (beaded lizards);

(iv) Viperidae (pit vipers and vipers);

(v) Varanus komodoensis (Komodo dragon);

(vi) Dispholidus typus (boomslang);

(vii) All species under the Genus Thelotornis (twig snakes); and

(viii) All species under the Genus Rhabdophis (keelback snakes).

(c) Species of the Order Crocodilia (crocodiles, gharials, caimans, and alligators) are classified as prohibited.

~~[(e)]~~(d) The division may classify any species of reptile or amphibian as prohibited if take from the wild or introduction into the wild poses a significant detrimental impact to wildlife populations or their habitat and publish them in the guidebook of the Wildlife Board for amphibians and reptiles.

~~[(f)]~~(e) Any amphibian or reptile listed by the U.S. Fish and Wildlife Service as endangered or threatened pursuant to the federal Endangered Species Act shall have a zero daily and total possession limit, except:

(i) the division may issue a wildlife document authorizing the collection, importation, possession, or propagation of a threatened or endangered species under the criteria set forth in this rule where the U.S. Fish and Wildlife Service has issued a permit or otherwise authorized the particular activity; and

(ii) A person may import, possess, transfer, or propagate captive-bred eastern indigo snakes (*Drymarchon couperi*) without a certificate of registration where the U.S. Fish and Wildlife Service has issued a permit or otherwise authorized the particular activity.

~~[(2)]~~(2) Under special circumstances, the division may issue a certificate of registration authorizing scientific use, educational use, or commercial use of species designated as prohibited under Subsection R657-53-9(1), provided:

(a) An individual must be at least 18 years of age to receive a certificate of registration pursuant to this section.

(b) To apply for a certificate of registration, a person must submit the following materials to the division:

- (i) the species and number of individual animals requested;
- (ii) the source from which they are to be acquired;
- (iii) a description of the knowledge, skills, and experience the applicant has in handling venomous reptiles or crocodilians, and if any mentor will be utilized during the term of the certificate of registration;
- (iv) the address where the animals will be housed and written verification from the local governmental entity that the activity requested is consistent with their ordinances;
- (v) a description of the facilities and equipment to be utilized in housing the animals;
- (vi) all documentation required by the Utah Department of Agriculture and Food for lawful import, if necessary;
- (vii) verification that appropriate medical treatment from a medical provider is available in proximity to the location where the animals will be housed.

(3) The division may deny a certificate of registration application if:

- (a) the applicant fails to submit any of the required application materials in this section;
- (b) approval of which would violate local, state, or federal law;
- (c) there is a basis for denial described in Section R657-53-17; or
- (d) approval of which may continue to pose a substantial public safety concern.

(4) The division may consider the following factors in establishing recommended daily limits, total possession limits, collection permit numbers, and collection permit boundaries for controlled species to the Wildlife Board for approval:

- (a) prevalence and distribution of the species;
- (b) anticipated number of persons participating in the program;
- (c) harvest success rates;
- (d) population trends and related conservation data for the species;
- (e) human safety concerns posed by collection and possession of the species; and
- (f) other relevant social, biological, and political concerns.

(3)(5)(a) The division may establish a harvest objective for each species, which is the total number of specimens per species may be collected from the wild each year and close an area or region.

(b) If an established harvest objective for a particular species is reached, collection in that area or region is closed for the remainder of the collection season and removing additional specimens of that species from the wild is prohibited.

(c) The division will identify harvest objective species and numbers in the guidebook of the Wildlife Board for amphibians and reptiles and publish harvest objective criteria on their website.

(d) Individuals collecting amphibians or reptiles having an established harvest objective are responsible for verifying that collection remains open.

R657-53-10. Collection Permits and Certificates of Registration; Prohibited Collection Methods.

(1)(a) Collection permits authorize continued possession of an individual animal after it has been reduced to possession and removed from the wild, subject to the limitations identified in this rule.

(b) In lieu of a collection permit, a person must obtain a certificate of registration to collect, possess, import, or propagate certain venomous reptiles that are native to Utah, pursuant to Section R657-53-12.

(2) A person may collect amphibians and reptiles having an [U]unlimited daily collection limit without acquiring a wildlife document from the division.

(3)(a) A person may collect amphibians and reptiles having an [E]expanded daily collection limit after successfully completing the Reptile and Amphibian education course, so long as that person satisfies all the mandatory reporting requirements established in Section R657-53-19.

(b) A collection permit is needed to collect amphibians or reptiles having an [E]expanded daily collection limit.

(4)(a) A person may collect amphibians and reptiles having a [S]standard or [L]limited daily collection limit after:

- (i) successfully completing the Reptile and Amphibian education course; and
- (ii) acquiring a collection permit or certificate of registration from the division.

(b) A person may not collect amphibians or reptiles having a [S]standard or [L]limited daily collection limit if they have failed to complete mandatory reporting required in Section R657-53-19 under their current collection permit.

(5) A person may [only] collect amphibians and reptiles having a Zero daily collection limit [after receiving] only if authorization is provided through a division issued certificate of registration or a variance [from] is granted by the Wildlife Board[.] under Section R657-53-18.

(6)[Collection methods]

—(a) Amphibians and reptiles may not be collected using any method prohibited in this rule and the proclamations of the Wildlife Board except as provided by a variance or the Wildlife Board.

(b) The following tools or methods may be utilized in collecting amphibians or reptiles pursuant to this rule:

- (i) dip nets less than 24 inches in diameter;
- (ii) snake sticks, including hooks, tongs, or grabbers;
- (iii) lizard nooses;

(iv) use of a firearm considered a legal weapon under Rule R657-5, so long as the individual has satisfied Hunter Safety requirements in the State of Utah;[or]

(v) capture-by-hand[.]; or

(vi) a gig when used to take American bullfrogs (*Lithobates catesbeianus*).

(c) Amphibians and reptiles may only be collected within boundaries established in the guidebook for amphibians and reptiles.

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- (d) The destruction of habitats such as breaking apart of rocks, logs or other shelters in or under which amphibians or reptiles may be found is prohibited.
- (e) Any logs, rocks, or other objects turned over or moved must be replaced in their original position.

R657-53-11. Acquiring a Wildlife Document.

- (1) A person may acquire a certificate of registration by:
 - (a) possessing a valid certificate of completion for the Amphibian and Reptile education course;
 - (b) submitting an application on the division's website;
 - (c) paying the associated application fee;
 - (d) providing required information for the type of certificate of registration applied for;
 - (e) being approved by the division; and
 - (f) paying the certificate of registration fee.
- (2)(a) A person may acquire a collection permit by:
 - (i) possessing a valid certificate of completion for the Amphibian and Reptile education course;
 - (ii) paying the associated application fee; and
 - (iii) if applying for a collection permit distributed through a random drawing, submitting an application on the division's website during the designated application period and, if selected, paying the associated permit fee.
- (b) If the division receives more valid applications than the number of available collection permits, the division will conduct a random drawing to identify successful applicants.
- (3) Procedures regarding application errors, surrenders, refunds, reallocation of wildlife documents, and variance requests are processed pursuant to [Utah Admin.] Rules R657-42, R657-50, R657-57, and relevant sections of Utah Code.
- (4) Wildlife documents are not transferable.
- (5) If the holder of a wildlife document is a representative of an institution, organization, business, or agency, the wildlife document shall be considered void upon the representative's discontinuation of association with that entity.
- (6) Wildlife documents do not provide the holder with any rights of succession and any wildlife document issued to a business or organization shall be void upon the termination of the business or organization or upon bankruptcy or transfer.
- (7) The issuance of a wildlife document automatically incorporates within its terms the conditions and requirements of this rule specifically governing the activity for which the document is issued.
- (8) [In order to] To acquire a wildlife document, a person must be eligible to possess the wildlife document and submit a complete application or purchase request.
- (9) An individual must register with the division as an amphibian or reptile propagator if they wish to breed reptiles or amphibians and maintain possession of those individuals beyond total possession limits that would otherwise apply.

R657-53-12. Regulations Specific to Venomous Reptiles Native to Utah.

- (1) An individual must obtain a certificate of registration [prior to] before collecting, possessing, importing, or propagating any reptile, whether wild caught or captive-bred, that is:
 - (a) native to Utah;
 - (b) venomous; and
 - (c) a bite from which [may] has the potential to cause [substantial physical] serious injury to humans ordinarily requiring medical treatment due to the toxic effect of its venom or poison.
- (2) An individual must be at least 18 years of age to receive a certificate of registration pursuant to this section.
- (3) To apply for a certificate of registration, a person must submit the following materials to the division:
 - (a) the species and number of individual animals requested;
 - (b) the source from which they are to be acquired;
 - (c) a description of the knowledge, skills, and experience the applicant has in handling venomous reptiles, and if any mentor will be utilized during the term of the certificate of registration;
 - (d) the address where the animals will be housed and written verification from the local governmental entity that the activity requested is consistent with their ordinances;
 - (e) a description of the facilities and equipment to be utilized in housing the animals;
 - (f) all documentation required by the Utah Department of Agriculture and Food for lawful import, if necessary;
 - (g) verification that appropriate medical treatment from a medical provider is available in proximity to the location where the animals will be housed; and
 - (h) registration with the division for propagation activities, if requested.
- (4) The division may deny a certificate of registration application if:
 - (a) the applicant fails to submit any of the required application materials in this section;
 - (b) approval of which would violate local, state, or federal law;
 - (c) there is a basis for denial described in Section R657-53-17; or
 - (d) approval of which may continue to pose a substantial public safety concern.
- (5) All activities conducted under a certificate of registration authorization issued pursuant to this section are subject to the mandatory reporting requirements identified in Section R657-53-19.

R657-53-13. Commercial Use Certificate of Registration.

(1) An individual or entity wishing to utilize an amphibian or reptile in manner qualifying as commercial use must first acquire a commercial use certificate of registration from the division.

(2) The division shall consider the following factors in reviewing an application for a commercial use certificate of registration:

- (a) the health, welfare, and safety of the public;
- (b) demonstrated knowledge and expertise in conducting the proposed wildlife-related activities;
- (c) the health, welfare, safety, and genetic integrity of wildlife and other animals;
- (d) ecological and environmental impacts of the proposed activity; and
- (e) the acquisition of other necessary permits or approvals.

(3)(a) The division may review facility and operational guidelines to use in evaluating applications.

(b) The division may condition approval of an application on compliance with additional requirements determined to be necessary components to protect human health and safety and the wildlife resource, such as minimum facility requirements, acquisition of liability insurance, modified total possession limits or daily limits, allowed methods of take, authorization of live release of amphibians and reptiles, mandatory reporting requirements, and other similar expectations.

(c) Notwithstanding Subsection (3)(b), a commercial use certificate of registration may ~~not~~ authorize possession of a species having a total possession limit of Zero ~~[without variance approval from]~~ only under special circumstances as approved by the [Wildlife Board] division, unless they are an entity meeting the requirements described in Subsection (4).

(d) If the applicant requests the authorization to capture amphibians or reptiles from the wild, the division shall determine what species, locations, capture season dates, and total numbers that may be captured.

(e) Unless otherwise stated on the certificate of registration, the holder of the certificate of registration may only utilize lawful methods of take identified in Section R657-53-10.

(4) The division may issue a commercial use certificate of registration to a zoo, circus, amusement park, aviary, or film company to import and possess a live amphibian or reptile having a total possession limit of Expanded, Standard, Limited, or Zero, provided:

(a) the applicant satisfies the application requirements in Subsection (2); and

(b) the benefits to the wildlife resource or the general public outweigh any negative impacts to the wildlife resource or the general public.

(5) It is unlawful to sell or trade any turtle, including tortoises, less than 4" in carapace length (See Federal Register 21 CFR 1240.62).

(6)(a) Applications for a commercial use certificate of registration are available on the division's website.

(b) The division will make a determination approving or denying an application within 30 days of receiving a complete application.

(7) A commercial use certificate of registration is non-transferable and automatically terminates upon any of the following:

- (a) sale of the licensed commercial enterprise;
- (b) a change in the majority of interest holder in the commercial enterprise; or
- (c) closure of the commercial enterprise or discontinuation of the activities authorized under a certificate of registration.

R657-53-14. Scientific Use Certificate of Registration.

(1) An individual or enterprise wishing to utilize a reptile or amphibian in a manner qualifying as a scientific use must first acquire a scientific use certificate of registration from the division.

(2) The division shall consider the following factors in analyzing an application for a scientific use certificate of registration:

- (a) the health, welfare, and safety of the public;
- (b) the health, welfare, safety, and genetic integrity of wildlife and other animals;
- (c) ecological and environmental impacts of the proposed activity;
- (d) the acquisition of other necessary permits or approvals;
- (e) the validity of the research objectives and design;
- (f) the likelihood the research will fulfill the stated objectives;
- (g) the applicant's qualifications to conduct the research, including the requisite education or experience;
- (h) the adequacy of the applicant's resources to conduct the study and, if applicable, catalogue or otherwise store specimens in a long-term repository; and

(i) whether the scientific use is in the best interest of the amphibian or reptile, wildlife management, education, or the advancement of science without unnecessarily duplicating previously documented scientific research.

(3)(a) The division may condition approval of an application on compliance with additional requirements determined to be necessary components to protect human health and safety and the wildlife resource, such as minimum facility requirements, acquisition of liability insurance, modified total possession limits or daily limits, allowed methods of take, authorization of live release of amphibians and reptiles, mandatory reporting requirements, and other similar expectations.

(b) A scientific use certificate of registration may authorize possession of a species having a total possession limit of Zero without variance approval from the Wildlife Board.

(c) If the applicant requests the authorization to capture amphibians or reptiles from the wild, the division shall determine what species, locations, capture season dates, and total numbers that may be captured.

(d) Unless otherwise stated on the certificate of registration, the holder of the certificate of registration may only utilize lawful methods of take identified in Subsection R657-53-~~12~~10(6).

(4)(a) Applications for a scientific use certificate of registration are available on the division's website.

(b) The division will make a determination approving or denying the application within 30 days of receiving a complete application.

NOTICES OF PROPOSED RULES

(5) The division may condition approval of a certificate of registration for scientific use on the applicant's agreement to provide an annual report to the division during the permit period, detailing the species and locality of specimens or tissues that were removed from the wild and the destination of any specimens submitted to a long-term collection or depository.

(6) A scientific use certificate of registration is non-transferable and automatically terminates upon:

- (a) conclusion of the relevant research project for which the certificate of registration was issued; or
- (b) a change in the researcher named as the principal investigator.

R657-53-15. Educational Use Certificate of Registration.

(1) An individual or entity wishing to utilize an amphibian or reptile in a method qualifying as an educational use must first acquire an educational use certificate of registration from the division.

(2) The division shall consider the following factors in analyzing an application for a educational use certificate of registration:

- (a) the health, welfare, and safety of the public;
- (b) demonstrated knowledge and expertise in conducting the proposed wildlife-related activities;
- (c) the health, welfare, safety, and genetic integrity of wildlife and other animals;
- (d) ecological and environmental impacts of the proposed activity; and
- (e) the acquisition of other necessary permits or approvals.
- (f) the objectives and structure of the educational program; and
- (g) whether the applicant has written approval from the appropriate official if the activity is conducted in a school or other educational facility.

(3)(a) The division may establish facility and operational guidelines to use in reviewing Applications.

(b) The division may condition approval of an application on compliance with additional requirements determined to be necessary components to protect human health and safety and the wildlife resource, such as minimum facility requirements, acquisition of liability insurance, modified total possession limits or daily limits, allowed methods of take, authorization of live release of amphibians and reptiles, mandatory reporting requirements, and other similar expectations.

(c) Notwithstanding Subsection (2)(b), an educational use certificate of registration may ~~[not]~~ authorize possession of a species having a total possession limit of Zero ~~[without variance approval from]~~ only under special circumstances as approved by the [Wildlife Board]division.

(d) If the applicant requests the authorization to capture amphibians or reptiles from the wild, the division shall determine what species, locations, capture season dates, and total numbers that may be captured.

(e) Unless otherwise stated on the certificate of registration, the holder of the certificate of registration may only utilize lawful methods of take identified in Section R657-53-10.

(4)(a) Applications for educational use certificates of registration are available on the division's website.

(b) The division will make a determination approving or denying the application within 30 days of receiving a complete application.

(5) An educational use certificate of registration is non-transferable and automatically expires if the principal educator named on the certificate of registration is no longer providing the educational activity described on the certificate of registration.

R657-53-17. Denials and Appeals.

(1) The division may deny issuing or reissuing a wildlife document to any applicant, if:

(a) the applicant has violated~~[any provision of]~~:

(i) Title 23A, ~~[Utah]~~the Wildlife Resources [Code]Act;

(ii) ~~[Administrative Code]~~Title R657;

(iii) any term in a wildlife document pertaining to activities described in this rule;

(iv) an order of the Wildlife Board; or

(v) any other law that, when considered with the functions and responsibilities of collecting, importing, possessing or propagating an amphibian or reptile, bears a reasonable relationship to the applicant's ability to safely and responsibly carry out such activities;

(b) the applicant has failed to submit mandatory reporting information required by this rule, the division, or the Wildlife Board; or

(c) the applicant misrepresented or failed to disclose material information required in connection with the application; or

(d) where the conduct authorized by the wildlife document violates federal, state or local laws.

(2) If the division denies an application, they shall provide the applicant with written notice of the reasons for denial.

(3) If the division denies an application, the applicant may request that the Director reconsider the division's decision by providing written notice to the Director within 30 days of denial.

(4) If the Director denies a request for reconsideration, the applicant may submit an appeal to the Wildlife Board consistent with Rule R657-2.

R657-53-23. Violations; Suspension and Revocation.

(1) Any violation of this rule is a class C misdemeanor, as provided in Section 23A-5-301.

(2) Nothing in this rule shall be construed to supersede ~~[any provision of]~~ Title 23A, the Wildlife Resources [Code of Utah]Act, which establishes a penalty greater than a class C misdemeanor. Any provision of this rule which overlaps a provision of that title is intended only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

(3) A wildlife document issued pursuant to this rule may be suspended or revoked consistent with Section 23A-4-1106.

KEY: wildlife, import restrictions, amphibians, reptiles

Date of Last Change: 2026~~October 2, 2023~~

Notice of Continuation: March 15, 2023

Authorizing, and Implemented or Interpreted Law: 23A-2-304; 23A-2-305; 23A-5-309; 23A-5-305

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58285
Rule or section number:	R657-57

1. Agency Information

Title catchline:	Natural Resources, Wildlife Resources
Building:	DNR Complex
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT 84416
Mailing address:	PO Box 146301
City, state and zip:	Salt Lake City, UT 84414-6301

2. Contact Persons

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

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

3. General Information

A. Rule or section catchline:
R657-57. Division Variance Rule
B. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rules pursuant to addressing division variances.
C. Summary of the new rule or change:
The amendments to this rule update verification requirements in alignment with HB 111, passed in the 2026 General Session, allowing statements to be signed by a licensed physician, physician assistant, or nurse practitioner.

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 111 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The amendments to Rule R657-57 are administrative in nature, the DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B. Local governments:

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

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

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

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

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

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

The proposed rule amendments do not have the potential to impact other persons that possess or release pen-reared birds in Utah, nor is a service required of them.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those qualifying individuals wishing to receive a variance from the DWR.

6. Regulatory Impact Summary Table

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

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

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

The Commissioner of the Department of Natural Resources, Jamie Barnes, has reviewed and approved this fiscal analysis.

8. Family Impact Information

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

9. Citation Information

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

Section 23A-2-304	Section 23A-2-305	
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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: 11/16/2026

12. Effective Date Information

This rule change MAY become effective on: 11/23/2026
(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:	Riley Peck, Director	Date:	09/22/2026
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R657. Natural Resources, Wildlife Resources.**R657-57. Division Variance Rule.****R657-57-1. Purpose and Authority.**

Under authority of Sections 23A-2-304 and 23A-2-305 this rule is established to provide authority, standards and procedures for granting remedial relief to persons precluded from obtaining or using a wildlife document because of an event or condition beyond their control.

R657-57-2. Definitions.

- (1) The terms used in this rule are defined in Section 23A-1-101.
- (2) In addition:
 - (a) "CWMU" means cooperative wildlife management unit, as defined in Section 23A-7-102;
 - (b) "Event or condition" means a circumstance in a person's life beyond their control that precludes or substantially limits their ability to obtain or use a wildlife document;
 - (c) "Harvesting" means, for purposes of this rule, killing an animal;
 - (d) "Hunt day" means spending any time in the field hunting the permitted animal species in a single day, during lawful hunting hours, and within the prescribed season;
 - (e) "Immediate family member" means a person's spouse, child, stepchild, grandchild, brother, sister, parent, stepparent, grandparent, mother-in-law, or father-in-law;
 - (f)(i) "Limited entry hunt" means any hunt identified in the proclamations and guidebooks of the Wildlife Board as:
 - (A) a premium limited entry or limited entry hunt; and
 - (B) that awards a bonus point to unsuccessful permit applicants pursuant to Section R657-62-8.
 - (ii) "Limited entry hunt" further includes antlerless moose hunts and CWMU hunts available to the public through a Division administered drawing.
 - (g) "Once-in-a-lifetime hunt" means any hunt for which a wildlife document is issued to take a bull moose, bighorn sheep, bison, or mountain goat.
 - (h) "Physician" means a licensed physician, physician assistant, or nurse practitioner.
 - (i) "Substantially precluded" means participating in no more than one hunt day during the prescribed hunting season because of a qualifying event or condition set forth in Section R657-57-6.
 - (j)(i) "Variance" means remedial relief granted by the Division or Wildlife Board to restore a person's opportunity to obtain or use a wildlife document which is completely lost or substantially impaired because of an intervening event or condition; and
 - (j)(k) "Wildlife document" means any license, permit, tag, certificate of registration, or wildlife permit voucher issued by the Division.

KEY: wildlife, permits

Date of Last Change: 2026|October 22, 2025|

Notice of Continuation: July 5, 2023

Authorizing, and Implemented or Interpreted Law: 23A-2-304; 23A-2-305

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58286
Rule or section number:	R657-62

1. Agency Information

Title catchline:	Natural Resources, Wildlife Resources
Building:	DNR Complex
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT 84416
Mailing address:	PO Box 146301
City, state and zip:	Salt Lake City, UT 84414-6301

2. Contact Persons

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

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

3. General Information

A. Rule or section catchline:
R657-62. Drawing Application Procedures
B. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rules pursuant to wildlife draw application procedures in Utah.
C. Summary of the new rule or change:
The amendments to this rule: 1) allow for resident application fees for all nonresident active duty personnel, as well as resident rates for hunting or combination licenses; 2) clarify the requirements needed to qualify for the nonresident active duty exemptions; 3) align the landowner draw section with HB 202, passed in the 2025 General Session; 4) restructure the current buck and pronghorn section; 5) eliminate the mandates for age verification and hunting license possession; and 6) make corrections as needed.

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 202 (2025 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The amendments to Rule R657-62 are administrative in nature, the DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B. Local governments:

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

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

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

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

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

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

The proposed rule amendments do have the potential to impact other persons who are active military non-resident hunters who wish to apply for permits in the State of Utah.

The Division does not currently track military service and are unable to estimate how many hunters it might impact.

F. Compliance costs for affected persons:

DWR has determined that this amendment may create cost savings for those non-resident active military members eligible for resident pricing on all application fees and hunting or combination license purchases.

The DWR estimates that it may save up to \$200 per hunter, however are unable to estimate the number of hunters that may take advantage of this option.

6. Regulatory Impact Summary Table

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

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

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

The Commissioner of the Department of Natural Resources, Jamie Barnes, has reviewed and approved this fiscal analysis.

8. Family Impact Information

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

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

Section 23A-2-304	Section 23A-2-305	
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11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.
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A. Comments will be accepted until:	11/16/2026
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12. Effective Date Information

This rule change MAY become effective on:	11/23/2026
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(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:	Riley Peck, Director	Date:	09/22/2026
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R657. Natural Resources, Wildlife Resources.**R657-62. Drawing Application Procedures.****R657-62-1. Purpose and Authority.**

(1) Under authority of Sections 23A-2-304 and 23A-2-305, the Wildlife Board has established this rule for drawing applications and procedures.

(2) Specific season dates, bag and possession limits, areas open, number of permits and other administrative details that may change annually are published in the respective guidebooks of the Wildlife Board.

R657-62-2. Definitions.

(1) Terms used in this rule are defined in Section 23A-1-101.

(2) In addition:

(a) "Active duty" means full-time duty in the active military.

(b) "Application" means a form required by the [D]division which must be completed by a person and submitted to the [D]division to apply for a hunting permit.

[D] (c) "Deployed" means movement from a military personnel's permanent duty station to active duty outside Utah based on orders from military command.

(d) "Landowner" means any individual, family or corporation who owns property in Utah and whose name appears on the deed as the owner of eligible property or whose name appears as the purchaser on an executed contract for sale of eligible property.

(e) "Limited entry hunt" means any hunt listed in the hunt tables published by the Wildlife Board and is identified as a premium limited entry hunt or limited entry hunt. "Limited entry hunt" does not include bear pursuit.

(f) "Limited entry permit" means any permit obtained for a limited entry hunt, including conservation permits, expo permits, and sportsman permits.

[D] (g) "Military" means the United States Army, Navy, Airforce, Marines, Coast Guard, Space Force and National Guard Reserve Units.

(h) "Resident" has the same meaning as defined in Section 23A-1-10.

(i) "SCRA Document" means servicemembers civil relief act single record request report generated by the Department of Defense.

(j)(i) "Valid application" means an application:

(A) for a permit to take a species for which the applicant is eligible to possess;

(B) for a permit to take a species regardless of estimated permit numbers;

(C) for a certificate of registration; and

(D) containing sufficient information, as determined by the division, to process the application, including personal information, hunt information, and sufficient payment.

(ii) Applications missing any of the items in Subsection (i) may be considered valid if the application is timely corrected through the application correction process.

(k) "Waiting period" means a specified period that a person who has obtained a permit must wait before applying for the same permit type.

(l) "Once-in-a-lifetime hunt" means any hunt listed in the hunt tables published by the Wildlife Board and is identified as once-in-a-lifetime, and does not include general or limited entry hunts.

~~(h)m~~ "Once-in-a-lifetime permit" means any permit obtained for a once-in-a-lifetime hunt by any means, including conservation permits, sportsman permits, cooperative wildlife management unit permits and limited entry landowner permits.

(i) Voucher" means an authorization issued by the division that entitles the designated holder to purchase the hunting permit specified in the authorization.

R657-62-26. Deployed Military.

(1) Notwithstanding any other provision in this rule, a resident serving in the United States Military and deployed in connection with their military service may apply for and receive a bonus point or preference point without acquiring or possessing a hunting or combination license.

(2) To obtain a bonus point or preference point without a hunting or combination license, an eligible resident must:

(a) be deployed 90 consecutive days or more during the calendar year of application;

(b) not have previously received a bonus or preference point for the species and hunt type in the same year;

(c) otherwise be eligible to receive a bonus or preference point;

(d) pay a \$10 application fee; and

(e)(i) submit an application to the ~~[D]~~division no later than December 31st of the calendar year of qualifying deployment; and

(ii) include the following information in the application:

(A) full name, date of birth, ~~[D]~~division customer identification number, permanent and current physical address, email address, and any other information required by the ~~[D]~~division;

(B) proof of residency; and

(C) copy of official military documentation ordering deployment and specifying its term and location.

(3) All other regulations in rule and guidebook for receiving a bonus point or preference point are applicable to an applicant under this section, except for the application process and the requirement to possess a hunting or combination license.

(4) A person qualifying for a bonus point or preference point under this section may not surrender and receive a refund on:

(a) an unexpired hunting or combination license previously purchased; or

(b) a previously awarded bonus point or preference point.

~~[(5) For purposes of this section:~~

~~(a) "Active duty" means full time duty in the active military.~~

~~(b) "Deployed" means movement from a military personnel's permanent duty station to active duty outside the state of Utah based on orders from military command.~~

~~(c) "Military" means the United States Army, Navy, Airforce, Marines, Coast Guard, and National Guard Reserve Units.~~

~~(d) "Resident" has the same meaning as defined in Section 23A-1-101.]~~

R657-62-27. Unit Wide Landowner Buck Deer Permits.

(1)(a) The division will evaluate draw applications and calculate the number of general season hunting opportunities the landowner qualifies for per Rule R657-43.

(b) The applicant will be charged ~~[a handling]~~an application fee for every draw application, up to 5, that is entered into the drawing.

(c) The division will issue vouchers to the landowner based on the drawing results.

(d) The division is not responsible for identifying recipients of the vouchers after vouchers are awarded to a landowner by the drawing process.

(2) For an individual to redeem the drawn voucher, they must:

(a)(i) be the landowner, an immediate family member, or lessee. If the Applicant is a business entity, the person eligible for the permit must be a shareholder, or immediate family member of a shareholder, as designated by the business entity; and

(ii) non-shareholder employees of the business entity are not eligible to receive a general season landowner permit;

(b) possess or obtain a valid hunting or combination license;

(c) meet all age requirements, proof of hunter education requirements and youth restrictions as provided in Rule R657-5; and

(d) not already obtained a buck deer permit per Section R657-62-18.

(3) Any permits remaining after the drawing are available at division offices on a first come, first serve basis.

R657-62-28. Limited Entry Buck Deer and Buck Pronghorn Landowner Program -- Lands not Participating in a Landowner Association.

~~[(1) Permit applications:~~

~~(a) A person must possess or obtain a valid hunting or combination license to apply for or obtain a limited entry landowner permit.~~

~~(b) Applicants must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in Rule R657-5.~~

~~(c)~~(1) Applicants must meet the requirements pursuant to Rule R657-43 to be able to submit a draw application.

~~(d)~~a The applicant will be charged ~~[a handling]~~an application fee to be entered into the drawing.

~~(e)~~b Applicants will select the season and weapon type for their application.

~~(f)~~c The division will calculate the number of limited entry hunting opportunities qualified for per Rule R657-43.

~~(g)~~i Voucher allocation will be broken up by season and weapon type within that unit.

(2) A random drawing or selection process must be conducted for each limited entry permit.

(3) Bonus points are neither awarded nor applied in this drawing.

(4) Waiting periods do not apply.

NOTICES OF PROPOSED RULES

- (5) The division will issue a voucher to the landowner based on the drawing results.
- (a) The division is not responsible for identifying recipients of the vouchers after vouchers are awarded to a landowner by the drawing process.
- (b) A landowner or lessee transferring a permit voucher to another individual may not receive any form of compensation or remuneration for the transfer or for allowing access to the private land for hunting on a permit redeemed with that voucher on the landowner or lessee's eligible property.
- (c) A person may obtain only one permit per species of big game, including limited[-]entry, cooperative wildlife management unit, once-in-a-lifetime, conservation, landowner and general permits, except antlerless permits as provided in the Antlerless ~~[Addendum]~~ guidebook and permits as provided in Rule R657-42.

R657-62-29. Limited Entry Bull Elk Landowner Program -- Lands not Participating in a Landowner Association.

- (1) Applicants must meet the requirements pursuant to Rule R657-43 to be able to submit a draw application.
- (a) The applicant will be charged an application fee per entry to be entered into the drawing.
- (b) Applicants will select the hunt unit that their qualified land falls in for their application.
- (c) The division will calculate the number of limited entry hunting opportunities qualified for per Rule R657-43.
- (2) A random drawing or selection process must be conducted for each limited entry unit voucher.
- (3) Bonus points are neither awarded nor applied in this drawing.
- (4) Waiting periods do not apply.
- (5) The division will issue a vouchers to the landowner based on the drawing results.
- (i) Vouchers may be redeemed for any season/weapon type for the unit the landowner qualified for excluding multiseason.
- (a) The division is not responsible for identifying recipients of the vouchers after vouchers are awarded to a landowner by the drawing process.
- (b) A person may obtain only one permit per species of big game, including limited entry, cooperative wildlife management unit, once-in-a-lifetime, conservation, landowner and general permits, except antlerless permits as provided in the Antlerless guidebook and permits as provided in Rule R657-42.

R657-62-30. Active Military Non-Resident Exemption.

- (1) Notwithstanding any other provision in this rule, a person who is a non-resident and active duty military may pay the same fees as a resident for applications and a hunting or combination license, provided they meet the qualifications in Section R657-62-30(2).
- (2) To obtain resident pricing for active duty military as a non-resident, an eligible non-resident must:
- (a) be active duty military at the time of the active military exemption application;
- (b) otherwise be eligible to apply for a license and permit; and
- (c)(i) submit an active military exemption application to the division; and
- (ii) include the following information in the application:
- (A) full name, date of birth, division customer identification number, permanent and current physical address, email address, and any other information required by the division;
- (B) a copy of official military documentation in the form of a SCRA document.
- (3) Upon approval, the individual may purchase a 365-day military hunting or combination license only and pay resident application fees in any division drawing. If successful in drawing, the applicant will pay non-resident permit fees.
- (4) Approved eligible non-residents are exempted for 365 days from approval and require a new active military exemption application to be submitted annually.
- (5) Applicants are subject to all other rules and regulations when applying for and receiving licenses and permits under this section.

KEY: wildlife, permits

Date of Last Change: ~~2026~~**[October 22, 2025]**

Notice of Continuation: March 13, 2024

Authorizing, and Implemented or Interpreted Law: 23A-2-304; 23A-2-305

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58258
Rule or section number:	R708-30

1. Agency Information

Title catchline:	Public Safety, Driver License
Building:	Taylorsville State Office Building
Street address:	4315 S 2700 W, Suite 2600
City, state:	Taylorsville, UT
Mailing address:	PO Box 144501

City, state and zip:	Salt Lake City, UT 84114-4501
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2. Contact Persons

Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov

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

3. General Information

A. Rule or section catchline:
R708-30. Motorcycle Rider Training Schools
B. Purpose of the new rule or reason for the change:
The Division of Driver License (division) recently discovered another section of code, Section 53-3-210.6, that requires a rule regarding the issuance of a motorcycle learner permit and the provision completion of a motorcycle rider education program. The division decided to remove the motorcycle rider education information from this rule and create a new rule.
C. Summary of the new rule or change:
This rule filing removes information regarding completion of a motorcycle rider education course for waiver of a motorcycle driving skills test.

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 have any impact on state budget.
This rule filing removes a process from the existing rule and does not change or implement a process that requires a cost or savings.
B. Local governments:
This rule filing is not expected to have any impact on local governments because this process is not regulated by any local government.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule filing is not expected to have any impact on small businesses.
This rule does not change or implement a process that requires a cost or savings.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
This rule filing is not expected to have any impact on non-small businesses.
This rule does not change or implement a process that requires a cost or savings.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This rule filing is not expected to have any impact on any persons other than small businesses, non-small businesses, state or local governments.
This rule does not change or implement a process that requires a cost or savings and does not apply to any other persons.

F. Compliance costs for affected persons:

This rule filing is not expected to have any compliance costs.

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 Public Safety, Beau Mason, 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 53-3-903(1)(b)

11. Public Notice Information

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

A. Comments will be accepted until:

11/16/2026

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)

11/23/2026

13. Agency Authorization Information

Agency head or designee and title:

Jimmy Higgs, Director

Date:

09/17/2026

R708. Public Safety, Driver License.**R708-30. Motorcycle Rider Training Schools.****R708-30-1. Purpose.**

The purpose of this rule is to assist the Driver License Division in administering the Motorcycle Rider Education Program set forth in Title 53, Chapter 3, Part 9, the Motorcycle Rider Education Act.

R708-30-2. Authority.

This rule is authorized by Subsection 53-3-903(1)(b).

R708-30-3. Definitions.

(1) "Agreement" means a written agreement between the Driver License Division~~[;]~~ and a school, institution, or individual to provide motorcycle rider training courses for beginner and experienced riders and courses for instructors.

(2) "Division" means the Driver License Division.

(3) "Practice riding" means that portion of instruction during which the student ~~[actually]~~ rides a motorcycle.

(4) "Program coordinator" means the division representative appointed to oversee and direct the Motorcycle Rider Education Program.

(5) "School" means an institution owned and operated by an individual, partnership, or corporation, public or private, licensed to do business in ~~[the State of]~~ Utah, ~~[for the purpose of]~~ to provide ~~[ing]~~ classroom and practical motorcycle rider training.

R708-30-4. Application.

(1) An application for an original or renewal agreement shall be made on a form furnished by the division and shall include~~[-the following]~~:

- (a) name of the school;
- (b) address of the school;
- (c) names of ~~[all]~~ any proposed instructors; and
- (d) addresses of ~~[all]~~ each instruction site[s].

(2) Upon receipt of the application, the division shall schedule an inspection of the school sites, equipment, instructional materials, course curriculum, class schedules, and shall determine eligibility of proposed instructors.

(3) Once the application has been completed and approved, the division and the school may enter into an agreement allowing the school to conduct motorcycle rider training.

R708-30-5. Agreement.

(1) Once the school has executed an agreement with the division to provide training for beginner and experienced motorcycle riders, the school may begin to conduct motorcycle rider training.

(2) The agreement shall allow the school to provide training and instruction for motorcycle riders~~[;]~~ but ~~[shall]~~ may not allow the school to bind or obligate the division in any way to issue a motorcycle endorsement or license.

(3) Upon execution of the agreement, the school and ~~[all]~~ each approved instructors will be placed on a list ~~[provided to all driver license offices]~~ on the division's website. A certificate of approval will be mailed to the school and will ~~[indicate]~~ show the expiration date of the agreement.

(4) The agreement shall expire on July 1 of each year. No later than three months ~~[prior to]~~ before the expiration of the agreement, the school may submit a renewal application to the division.

R708-30-6. Standards.

~~[(+)]~~ To be approved, a school shall ~~[-meet the following standards]~~:

~~[(+)]~~ (1) ~~[make application]~~ apply to and enter into an agreement with the division;

~~[(+)]~~ (2) maintain a place of business with at least one permanent occupied structure within the State;

~~[(+)]~~ (3) ensure the place of business meets ~~[all]~~ the requirements of ~~[\$]~~ state law and local ordinances;

~~[(+)]~~ (4) have at least one qualified and approved instructor;

~~[(+)]~~ (5) provide helmets, motorcycles and range equipment for practice riding;

~~[(+)]~~ (6) have emergency equipment readily available. The emergency equipment shall include an adequate fire extinguisher and a fully stocked, industrial-quality first-aid kit;

~~[(+)]~~ (7) have written procedures for responding to accidents, including emergency telephone numbers, and a telephone within easy access during any range training;

~~[(+)]~~ (8) furnish the division with written permission to use any facilities not owned or leased by the school. ~~[-Specific days of use and intended use of the facilities must be indicated, e.g., days: Thursday, Saturday, Sunday, etc.; and uses: classroom instruction and operation of motorcycles on property];~~

~~[(+)]~~ (9) request approval from the division for any proposed changes in instructor or administrative procedures;

~~[(+)]~~ (10) make record of and report to the division within 48 hours any accident or injuries occurring during any instruction;

~~[(+)]~~ (11) provide rider training at remote sites only upon approval ~~[and]~~ or at the request of the division;

~~[(+)]~~ (12) not engage the service of an employee of the division as an instructor, agent or employee of the school; and

~~[(+)]~~ (13) maintain for five years, and present upon request of the division, verification that all instructors are certified, and attendance and completion records are accurate.

NOTICES OF PROPOSED RULES

R708-30-7. Certificate of Approval.

- (1) Upon approval, the division ~~[will]~~shall issue a certificate of approval to the school, each branch office, ~~[and]~~ or mobile team.
- (2) The certificate ~~[will]~~shall be ~~[conspicuously]~~ displayed ~~[at all times]~~ in the school's permanent place of business and ~~[will be displayed]~~ during instruction at branch offices and mobile training sites.

R708-30-8. Inspections.

- (1) The division may:
 - (a) conduct random examinations, inspections, and audits without prior notice during normal business hours; and
 - (b) conduct on-site inspections annually and at any other time deemed necessary by the division.
- (2) A person designated by the school shall accompany the division representative while performing on-site inspections. On-site inspections may include:
 - (a) ensuring ~~[that all]~~ the requirements specified in this rule are met;
 - (b) examining school records;
 - (c) ensuring that practice riding procedures comply with criteria established by the Motorcycle Safety Foundation or another nationally recognized motorcycle safety instructor certifying body and the division; and
 - (d) reviewing any other items the division may ~~[deem]~~ consider necessary to ensure ~~[that all]~~ the requirements specified in the agreement are met.
- (3) Random checks may be made by any designated division representative to verify compliance with course instruction standards outlined in this rule. Checks by the division may include:
 - (a) having a division representative take a course administered by the school; and
 - (b) having the division administer practical skills tests to a sample of riders who have completed the course of instruction presented by the school to determine if the results of the tests administered by the division are comparable to the results submitted by the school.

R708-30-9. Courses.

- (1) Course curriculum will be conducted in accordance with this rule. The division may provide supplemental instruction as necessary. ~~[Such instruction may include information on course content, practice riding, instructor and administrative procedures and/or changes.]~~
- (2) Courses shall be conducted at locations approved by the division.
- (3) Courses shall be conducted using division approved content, forms, scoring procedures, and equipment.
- (4) Courses conducted by mobile teams at remote sites and branches shall be held to the same standards as required at permanent locations.

~~R708-30-10. Certificate of Course Completion.~~

- ~~(1) The school will provide a certificate of course completion to verify rider competency and successful completion of the prescribed course of instruction.~~
- ~~(2) The certificate of course completion shall include the following:~~
 - ~~(a) applicant's name;~~
 - ~~(b) title of the course completed;~~
 - ~~(c) date of course completion; and~~
 - ~~(d) authorized signature from the school.~~
- ~~(3) Upon completion of a beginner class from an approved school, the division may waive the practical skills portion of the application for motorcycle license or endorsement to a current driver license.~~
- ~~(4) Riders must submit to the division the certificate of course completion of a beginner class within six months of the date of course completion to be eligible for waiver of the practical skills test. The rider will be restricted based on the cc size of the motorcycle tested on. The instructor shall write the engine size in cc format on the certificate.~~
- ~~(5) Upon successful completion of the class from an approved school, the division may waive the two-month motorcycle learner permit holding period for riders under the age of 19.~~

~~R708-30-11. Insurance Coverage.~~

- ~~(1) The division shall obtain through a commercial insurance agency the required insurance coverage for [all]each school[s] involved in providing motorcycle rider training.~~
- ~~(2) Each school shall submit to the division a list identifying [all]each motorcycle[s] used for instruction purposes.~~
- ~~(3) Motorcycles used by the schools for instruction purposes shall be covered by insurance obtained by the division and will be used only in approved rider training courses and only on division approved ranges.~~

R708-30-1[2]1. Instructors.

- (1) Instructors approved by the division to conduct motorcycle rider training shall:
 - (a) furnish proof of completed training and certification provided by the Motorcycle Safety Foundation or another nationally recognized motorcycle safety instruction certifying organization;
 - (b) instruct only those classes which have been approved by the division;
 - (c) instruct only those students who are at least 16 years of age and have completed an approved driver education course;

(d) except as set forth in ~~[paragraph two of this section]~~ Subsection R708-30-11(2), have a valid Utah driver license with motorcycle endorsement;

- (e) have a high school diploma or its equivalent;
- (f) be at least 18 years of age;
- (g) have at least two years of recent motorcycle riding experience;
- (h) ~~[possess]~~ have valid Red Cross standard first-aid and CPR cards, or their equivalent; and
- (i) manifest safe riding habits when ~~[ever]~~ riding.

(2) The requirement for a Utah drive license may be waived by the division if the instructor is assigned as active duty military to an installation in Utah.

(3) Instructors are encouraged to wear ~~[all]~~ protective gear every time they ride. Protective gear includes helmet and eye protection, over-the-ankle footwear ~~[(not cloth, canvas, etc.)]~~, long non-flare denim pants or material of equivalent durability, long-sleeved shirt or jacket, and full-fingered gloves ~~[(preferably leather)]~~.

(4) The division shall refuse approval or will revoke approval if the applicant ~~[/]~~ or instructor:

- (a) no longer meets the requirements of this section;
- (b) has had a driver license suspended or revoked during the preceding two years or within the preceding five years if the suspension or revocation was for an alcohol or drug related offense; or
- (c) fails to successfully complete an instructor course or required course updates~~[/]~~ or fails to teach at least two rider training classes per year, one of which must be as the lead instructor. An exception to this requirement may be granted if written justification for not meeting the teaching requirements is submitted by the instructor and is approved ~~[/accepted]~~ by the division.

R708-30-1[3]2. Advertisement.

- (1) No school advertisement may:
 - (a) ~~[indicate]~~ show in any way that a program can issue or guarantee the issuance of a motorcycle license or endorsement;
 - (b) imply that a program can in any way influence the division in the issuance of a motorcycle license or endorsement; or
 - (c) imply that preferential or advantageous treatment from the division can be obtained.
- (2) No instructor, employee, or agent of a school may be permitted to advertise or solicit business or cause business to be solicited in its behalf, or display or distribute any advertising material within 1,500 feet of a location rented, leased, or owned by the division.

R708-30-1[4]3. Revocation.

(1) In accordance with Subsection 63G-4-202(1), the division designates all adjudicative proceedings associated with this rule as informal adjudicative proceedings.

(2) The division shall deny approval of an application for a school or an instructor if the applicant does not qualify for approval under ~~[provisions of]~~ this rule.

(3) The division may deny approval or revoke approval of a school or instructor for any of the following reasons:

- (a) failure to comply with ~~[any provision of]~~ this rule or the school's agreement;
- (b) falsification of any records or information relating to the school's instruction program;
- (c) commission of any act which compromises the integrity of the school's instruction program or the instructor;
- (d) failure to notify the division within ten days of any change in instructor personnel or testing locations;
- (e) notification that an instructor's driver license is suspended, revoked, canceled or disqualified; or
- (f) misstatements or misrepresentation on the application.

(4) If the division determines that reasons for revocation exist because of failure to comply with ~~[any provision of]~~ this rule or the school's agreement, the division may postpone revocation and allow the school or instructor up to ~~[thirty (30)]~~ days to correct the deficiency.

(5) A school or instructor who receives notice that the division intends to revoke their approval ~~[is entitled to]~~ may request a hearing. The hearing will be conducted by a person appointed by the division director.

(a) The ~~[party]~~ individual requesting the hearing must file the request for hearing within ten days from the date notice of the division's intent to revoke is received.

(b) The ~~[person]~~ individual conducting the hearing will issue a written decision that complies with Subsection 63G-4-203(1)(i) within ten days following the hearing.

(6) The decision of the ~~[person]~~ individual conducting the hearing will be considered final agency action. An ~~[party]~~ individual wishing to contest the decision may:

- (a) file a request for reconsideration with the division in accordance with Section 63G-4-302; or
- (b) seek judicial review in accordance with Section 63G-4-401.

(7) Reinstatement following revocation of approval may take place only after:

- (a) a new application for approval is filed;
- (b) the division is satisfied that the reason for revocation no longer exists; and

(c) the division is satisfied that approval of the school or instructor is in the best interests of the public and will not jeopardize public safety.

KEY: motorcycle rider training schools

Date of Last Change: 2026[July 11, 2008]

Notice of Continuation: March 14, 2023

Authorizing, and Implemented or Interpreted Law: 53-3-903

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** New**Filing ID:** 58259**Rule or section number:****R708-54****1. Agency Information**

Title catchline:	Public Safety, Driver License
Building:	Taylorsville State Office Building
Street address:	4315 S 2700 W, Suite 2600
City, state:	Taylorsville, UT
Mailing address:	PO Box 144501
City, state and zip:	Salt Lake City, UT 84114-4501

2. Contact Persons

Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov

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

3. General Information

A. Rule or section catchline:
R708-54. Motorcycle Rider Education Program
B. Purpose of the new rule or reason for the change:
The Division of Driver License (division) recently reviewed Section 53-3-210.6 and discovered this rule is required by statute and the division does not currently have a rule to satisfy this requirement.
C. Summary of the new rule or change:
This proposed rule establishes the process the division uses to issue a motorcycle learner permit, and for acceptable proof of completion of a motorcycle rider education program to waive the driving skills test and the cubic capacity restriction on their driving certificate for those applicants who complete an approved course.
This rule also clarifies that those applicants who chose not to complete a motorcycle rider education program and complete the tests with the division are not exempt from the cubic capacity restriction on their driving certificate.

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 have any impact on state budget.
This rule outlines the existing processes of the division and does not change or implement a process that requires cost or savings.
B. Local governments:
This rule filing is not expected to have any impact on local governments.
This rule outlines the existing processes of the division and does not apply to local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule filing is not expected to have any impact on small businesses.

This rule outlines the existing processes of the division and does not apply to small businesses.

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

This rule filing is not expected to have any impact on non-small businesses.

This rule outlines the existing processes of the division and does not apply to non-small businesses.

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

This rule filing is not expected to have any impact on persons other than small businesses, non-small businesses, state, or local governments.

This rule outlines the existing processes of the division and does not apply to any other persons.

F. Compliance costs for affected persons:

This rule filing is not expected to have any compliance costs.

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 Public Safety, Beau Mason, 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 53-3-210.6	Subsection 53-3-903(1)(b)	
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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:	11/16/2026

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)	11/23/2026
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13. Agency Authorization Information

Agency head or designee and title:	Jimmy Higgs, Director	Date:	09/17/2026
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R708. Public Safety, Driver License.**R708-54. Motorcycle Rider Education Program.****R708-54-1. Purpose.**

This rule outlines the process of issuing a motorcycle learner permit and providing proof of completion of a motorcycle rider education program.

R708-54-2. Authority.

This rule is authorized by Section 53-3-210.6 and Subsection 53-3-903(1)(b).

R708-54-3. Definitions.

(1) Terms used in this rule are defined in Section 53-3-102.

(2) In addition:

(a) "cubic capacity" means the size of a motorcycle engine;

(b) "motorcycle learner permit" means a temporary restricted driving permit issued by the division to a qualified person who has not completed the requirements to obtain a full driving privilege; and

(c) "school" means an institution owned and operated by an individual, partnership, or corporation, public or private, licensed to do business in the state, to provide classroom and practical motorcycle rider training.

R708-54-4. Motorcycle Learner Permit Issuance.

(1) The division may issue a motorcycle learner's permit to an applicant that is valid for six months from the date of issuance.

(2) The division shall ensure that an applicant for a motorcycle learner's permit:

(a) has a valid class D or commercial driver's license;

(b) is at least 16 years of age or older; and

(c) has successfully passed a motorcycle written exam administered by the division.

R708-54-5. Proof of Completion of a Motorcycle Rider Education Program.

(1)(a) The division may waive the practical skills portion of the application for a motorcycle endorsement upon receipt of completion of a class from an approved school.

(b) The division may waive the cubic capacity restriction for a motorcycle endorsement upon receipt of completion from an approved school.

(2) Each applicant shall submit to the division the certificate of course completion within six months of the date of course completion to be eligible for waiver of the practical skills test.

(3) The school shall provide a certificate to verify the successful completion of the prescribed course of instruction.

(4) The school shall ensure a certificate of course completion includes the:

(a) applicant's name;

(b) title of the course completed;

(c) date of course completion; and

(d) authorized signature from the school.

(5) The division may waive the two-month motorcycle learner permit holding period for riders under the age of 19 upon successful completion of the class from an approved school.

R708-54.6. Motorcycle Endorsement Skills Test with the Division.

The division may not waive the cubic capacity restriction for a motorcycle endorsement if the applicant completes the motorcycle endorsement skills test with the division.

KEY: motorcycle learner permit, motorcycle rider education course

Date of Last Change: 2026

Authorizing, and Implemented or Interpreted Law: 53-3-210.6; 53-3-903(1)(b)**NOTICE OF SUBSTANTIVE CHANGE**

TYPE OF FILING: New	Filing ID: 58269
Rule or section number:	R765-1002

1. Agency Information

Title catchline:	Higher Education (Utah Board of), Administration
Building:	Utah Board of Higher Education Building, The Gateway
Street address:	60 S 400 W
City, state:	Salt Lake City, UT 84101

2. Contact Persons

Name:	Phone:	Email:
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu

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

3. General Information

A. Rule or section catchline:
R765-1002. UDRC Participating State Agency Access
B. Purpose of the new rule or reason for the change:
This new proposed administrative rule, R765-1002, is being enacted to provide for the administration of the Utah Data Research Center (UDRC) participating state agency access program established under Section 53H-13-305.
This new rule establishes the requirements for participation agreements between the UDRC and participating state agencies before data may be collected for the state agency access program and outlines the procedures for data protection and data exchange.
C. Summary of the new rule or change:
New administrative Rule R765-1002 establishes the requirements for participation agreements between the UDRC and participating state agencies before data may be collected for the state agency access program and outlines the procedures for data protection and data exchange.
This rule also sets out the minimum elements that must be included in the participation agreements, the required minimum end user term provisions, necessary data protection procedures, and the requirements for an accessing agency to complete a data exchange service request.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
New Rule R765-1002 will not have any fiscal impact on the state budget.
There is no fiscal impact on the state budget because this new rule provides for the administration of the UDRC participating state agency access program established under Section 53H-13-305.
This rule does not impose any requirements that would create either any cost to or savings for the state budget.

B. Local governments:

New Rule R765-1002 will not have any fiscal impact on local governments.

There is no fiscal impact on local governments because this new rule provides for the administration of the UDRC participating state agency access program established under Section 53H-13-305.

This rule does not impose any requirements that would create either any cost to or savings for local governments.

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

New Rule R765-1002 will not have any fiscal impact on small businesses.

There is no fiscal impact on small businesses because this new rule provides for the administration of the UDRC participating state agency access program established under Section 53H-13-305.

This rule does not impose any requirements that would create either any cost to or savings for small businesses.

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

New Rule R765-1002 will not have any fiscal impact on non-small businesses.

There is no fiscal impact on non-small businesses because this new rule provides for the administration of the UDRC participating state agency access program established under Section 53H-13-305.

This rule does not impose any requirements that would create either any cost to or savings for non-small businesses.

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

New Rule R765-1002 will not have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities.

There is no fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because this new rule provides for the administration of the UDRC participating state agency access program established under Section 53H-13-305.

This rule does not impose any requirements that would create either any cost to or savings for persons other than small businesses, non-small businesses, state, or local government entities.

F. Compliance costs for affected persons:

This rule does not impose any compliance costs for affected persons because this new rule provides for the administration of the UDRC participating state agency access program established under Section 53H-13-305 and the rule's requirements do not impose or create any compliance costs.

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 Utah Commissioner of Higher Education, Geoffrey Landward, 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: ☒

B. Summary of reasonable alternatives or modifications:

The Utah Board of Higher Education does not expect that the implementation of new proposed Rule R765-1002 will have a measurable negative impact on family health, stability, or formation, and as such, no alternatives or modifications are necessary.

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 53H-15-305(6)

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: 11/16/2026

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)

11/23/2026

13. Agency Authorization Information

Agency head or designee and title:	Alison Adams, Board Secretary and Designee	Date:	09/21/2026
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R765. Higher Education (Utah Board of), Administration.

R765-1002. UDRC Participating State Agency Access.

R765-1002-1. Purpose.

To provide for the administration of the Utah Data Research Center (UDRC) participating state agency access program established under Section 53H-15-305.

R765-1002-2. Authority.

This rule is authorized by Subsection 53H-15-305(6).

R765-1002-3. Definitions.

Except as provided in Subsection R765-1002-3(7), the definitions in Sections 53H-1-101, 53H-15-101, and 63A-19-101 apply to this rule.

(1) "Accessing agency" means a department, division, office, entity, agency, or other unit of state government that requests access to, or receives, data through the UDRC state agency access program.

(2) "Agency data" means program data associated with a specific participating state agency by being:

(a) provided by the participating state agency; or

(b) derived from data provided by the participating state agency.

NOTICES OF PROPOSED RULES

- (3) "Aggregate data" has the meaning given in Section 53H-14-101.
- (4) "Data exchange service" means a technical service administered by the UDRC state agency access program that makes specific agency data available to an accessing agency.
- (5) "Data exchange service request" means a request by an accessing agency for access to a data exchange service that meets the requirements under Subsection (2).
- (6) "Data subject" means the person about whom information is stored by the UDRC state agency access program in a physical or electronic record.
- (7) "De-identified data" has the meaning given in Section 53H-15-101.
- (8) "Exchanged data" means data made available to an accessing agency by the UDRC state agency access program through a data exchange service.
- (9) "Operational transactional purpose" means the processing of data regarding an individual by an accessing agency to provide goods or services to the individual.
- (10) "Participation agreement" means a written agreement establishing the terms and conditions under which a participating state agency provides data to the UDRC state agency access program.
- (11) "Program data" means data that the UDRC processes under the state agency access program.
- (12) "Providing state agency" means the participating state agency associated with the agency data made available to accessing agencies as exchanged data through a data exchange service.
- (13) "State agency access program" means the participating state agency access program established under Section 53H-15-305.

R765-1002-4. Participation Agreements.

- (1) The UDRC shall enter into a participation agreement with a participating state agency before collecting data for use in the state agency access program.
- (2) A participation agreement shall include the following minimum elements:
 - (a) specifying the personal data that the participating state agency will share with the UDRC;
 - (b) defining the purposes for which the UDRC may use the personal data contributed by the participating state agency;
 - (c) identifying the data exchange services that the UDRC will administer using the participating state agency's data;
 - (d) stating which accessing agencies may access the participating state agency's data;
 - (e) requiring the UDRC to inform a participating state agency of each accessing agency's access to a data exchange service before the UDRC grants the accessing agency access to the data exchange service;
 - (f) permitting a participating state agency to suspend or terminate:
 - (i) a data exchange service; or
 - (ii) an accessing agency's access to a data exchange service.
 - (g) establishing data disposition requirements and timelines for disposing of personal data the participating state agency discloses when the personal data is no longer needed for the state agency access program in compliance with state and federal law;
 - (h) specifying the end user terms applicable to the agency data; and
 - (i) prohibiting the UDRC from disclosing agency data to any party unless the party agrees to comply with the end user terms applicable to the agency data.
- (3) End user terms shall include the following minimum provisions:
 - (a) licensing the accessing agency to process agency data subject to the requirements of the data exchange service request, end user terms, applicable federal and state laws including Section 53H-15-305, and this rule;
 - (b) requiring the accessing agency to limit the accessing agency's processing of exchanged data for the purposes specified in the data exchange service request;
 - (c) requiring the accessing agency to limit access to exchanged data to authorized accessing agency personnel, data subjects or their representatives, or as otherwise required by law;
 - (d) acknowledging that the UDRC or the participating state agency whose agency data is made available to the accessing agency as exchanged data through the data exchange service may suspend or terminate the data exchange service or the accessing agency's access to the data exchange service; and
 - (e) requiring the accessing agency to comply with:
 - (i) applicable federal and state laws to which access to agency data through the data exchange service is subject;
 - (ii) data security requirements applicable to the exchanged data;
 - (iii) conditions under which the accessing agency may redisclose exchanged data;
 - (iv) data disposition timelines and procedures applicable to the exchanged data; and
 - (v) any other terms or conditions required by the UDRC or the participating state agency to which the accessing agency's access to exchanged data through the data exchange service is subject.

R765-1002-5. Data Protection Procedures.

- (1) The UDRC shall process personal data in a manner that is consistent with an individual's fundamental interest in and inherent expectation of privacy regarding the individual's personal data that the individual provides to a governmental entity in accordance with Subsection 63A-19-102(1).
- (2) The UDRC shall adopt and implement reasonable physical, technical, or administrative controls that protect against unauthorized access, use, or redisclosure of data in possession of the UDRC by:
 - (a) limiting access to program data to:

- (i) authorized UDRC personnel;
- (ii) participating state agency personnel authorized to access the participating state agency's agency data; and
- (iii) accessing agency personnel authorized to access exchanged data through a data exchange service;
- (b) limiting the redisclosure of data to accessing agencies for purposes permitted under Section 53H-15-305, this rule, and the participation agreement governing the data; and
- (c) ensuring that all data environments and systems in which the UDRC processes program data are protected in accordance with:
 - (i) if the environment or system is operated by the UDRC, an industry-recognized system of security standards and requirements for protecting personal data; or
 - (ii) if the environment or system is a cloud service offering, the FedRAMP Moderate Impact Baseline Security Controls standard.
- (3) The UDRC shall adopt and maintain a data incident response plan that:
 - (a) is consistent with the requirements of:
 - (i) Board Policies R345, Information Technology Resource Security; R1010, Data Breaches; and R1013, Scope of the Data Breach Requirements in the Utah Government Privacy Act; and
 - (ii) FedRAMP Moderate Impact Baseline Security Controls; and
 - (b) requires:
 - (i) prompt notification of and cooperation with affected participating state agencies;
 - (ii) compliance with the data breach notification requirements of Sections 53H-14-504, 63A-19-405, and 63A-19-406 to the extent applicable;
 - (iii) compliance with any requirements specified in a participation agreement applicable to the agency data affected by a data incident;
- and
- (iv) compliance with any additional relevant laws, regulations, or policies.
- (4) The UDRC shall not:
 - (a) process data from any party that is not a participating state agency; or
 - (b) make program data available to any party that is not an accessing agency.

R765-1002-6. Data Exchange Service Access.

- (1) An accessing agency shall complete a data exchange service request before accessing agency data through a data exchange service.
- (2) An accessing agency making a data exchange request shall:
 - (a) specify the purpose for which the accessing agency will use the exchanged data;
 - (b) acknowledge that the UDRC or the providing state agency may suspend or terminate the data exchange service or the accessing agency's access to the data exchange service at any time; and
 - (c) accept and comply with the terms and conditions established by the UDRC and the providing state agency to which access to exchanged data through a data exchange service is subject.
- (3) The UDRC shall only make agency data available to an accessing agency under a data exchange service request if:
 - (a) the UDRC approves the data exchange service request in accordance with the participation agreement governing the data exchange service; or
 - (b) the UDRC requests review of the data exchange service request by the providing state agency to which the accessing agency has requested access under the data exchange service request and the providing state agency approves the data exchange service request.
- (4) Nothing in Subsection R765-1002-7(3) shall be construed as requiring the UDRC to request that a providing state agency review or approve a data exchange service where the relevant participation agreement does not otherwise require approval of the data exchange service request by the providing state agency.

KEY: higher education, Utah Data Resource Center, state agency access

Date of Last Change: 2026

Authorizing, and Implemented or Interpreted Law: 63G-3-402

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58287
Rule or section number:	R873-22M-17

1. Agency Information

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

2. Contact Persons

Name:	Phone:	Email:
Administrative Assistant	801-297-3901	officeofthecommission@utah.gov

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

3. General Information

A. Rule or section catchline:
R873-22M-17. Standards for a State Impound Lot or Yard Pursuant to Utah Code Ann. Sections 41-1a-1101 and 41-6a-1406
B. Purpose of the new rule or reason for the change:
During the 2026 General Session, the Legislature passed SB 191, Tow Yard Amendments, sponsored by Senator Don Ipson. The bill codified existing impound lot standards from Section R873-22M-17 into statute.
C. Summary of the new rule or change:
This rule amendment removes the now-duplicative administrative rule section.

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 191 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This proposed amendment is not expected to have any fiscal impact on state government revenues or expenditures because the removed rule provisions are now duplicated in statute and the legislation codifying the rule provisions did not anticipate a fiscal impact.
B. Local governments:
This proposed amendment is not expected to have any fiscal impact on local governments' revenues or expenditures because the removed rule provisions are now duplicated in statute and the legislation codifying the rule provisions did not anticipate a fiscal impact.
C. Small businesses ("small business" means a business employing 1-49 persons):
This proposed amendment is not expected to have any fiscal impact on small businesses' revenues or expenditures because the removed rule provisions are now duplicated in statute and the legislation codifying the rule provisions did not anticipate a fiscal impact.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
This proposed amendment is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because the removed rule provisions are now duplicated in statute and the legislation codifying the rule provisions did not anticipate a fiscal impact.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This proposed amendment is not expected to result in costs or savings to persons other than small businesses or state or local government entities because the removed rule provisions are now duplicated in statute and the legislation codifying the rule provisions did not anticipate a fiscal impact.

F. Compliance costs for affected persons:

This proposed rule is not expected to impose any compliance costs on affected persons because the removed rule provisions are now duplicated in statute and the legislation codifying the rule provisions did not anticipate a 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

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

8. Family Impact Information

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

9. Citation Information

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

Section 41-1a-1101	Section 41-6a-1406	
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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: 11/16/2026

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)

11/23/2026

13. Agency Authorization Information

Agency head or designee and title:	Rebecca Rockwell, Commissioner	Date:	09/24/2026
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R873. Tax Commission, Motor Vehicle.

R873-22M. Motor Vehicle.

[R873-22M-17. Standards for a State Impound Lot or Yard Pursuant to Utah Code Ann. Sections 41-1a-1101 and 41-6a-1406.

- ~~(1) As used in this section:~~
- ~~(a) "Life essential item" means the same as that term is defined in Section 72-9-603.~~
- ~~(b) "Lot or yard" means a state impound lot or yard designated by the division.~~
- ~~(2) A lot or yard may be used by the division and peace officers if:~~
- ~~(a) the lot or yard is identified by a conspicuously placed, well-maintained sign that:~~
- ~~(i) is at least 24 square feet in size;~~
- ~~(ii) includes the business name, address, phone number, and hours of business;~~
- ~~(iii) displays the lot or yard identification number issued by the division in characters at least four inches high;~~
- ~~(iv) is visible from the nearest highway; and~~
- ~~(v) is adequately lit so the sign is always readable from the center of the nearest highway;~~
- ~~(b) the lot or yard maintains a hard-surfaced storage area of concrete, black top, gravel, road base, or other similar material;~~
- ~~(c) the entire lot or yard has adequate lighting, as determined from a point within the lot or yard that is the farthest distance from the nearest source of light;~~
- ~~(d) the entire perimeter of the lot or yard is fenced:~~
- ~~(i) separately from any other personal or business activity that is not directly related to state impounds; and~~
- ~~(ii) with six-foot chain-link or other similar fence or wall topped with three strands of barbed wire or razor security wire that are properly affixed to the fence or wall;~~
- ~~(e) the lot or yard has opaque fencing, which may be opaque chain-link fencing, on any side that has frontage with a highway;~~
- ~~(f) the lot or yard has spacing between vehicles that is adequate to allow opening of vehicle doors without interfering with other vehicles or objects;~~
- ~~(g) except as provided in Subsection (2), the lot or yard has an office on the premises;~~
- ~~(h) the lot or yard office is staffed and open for public business during normal business hours, Monday through Friday, except for designated state and federal holidays;~~
- ~~(i) the lot or yard provides compressed air and battery boosting capabilities at no additional cost; and~~
- ~~(j) any weeds in the lot or yard do not exceed six inches in height.~~
- ~~(3) Upon request, the division may authorize a lot or yard to maintain multiple storage areas managed by a central office facility, if each storage area is within a 10-mile radius of the central office facility.~~
- ~~(a) An operator of a lot or yard with a central office facility authorized under this Subsection (2) shall appear at an appropriate storage area within 60 minutes of notification to release a vehicle held at that storage area.~~
- ~~(b) If an operator fails to appear as described in Subsection (2)(i), the division may revoke the lot or yard's authorization to operate as a lot or yard for six months or more.~~
- ~~(c) In addition to the requirements of Subsection (1)(a), each sign at a storage area affiliated with a central office facility shall provide the location and phone number of the central office facility.~~
- ~~(4) An operator of a lot or yard shall:~~
- ~~(a) allow an individual authorized by Section 41-6a-1406, access to a vehicle, vessel, or outboard motor during normal business hours to take possession of a life essential item or other personal property if the individual:~~
- ~~(i) presents the individual's driver license or other government-issued identification;~~
- ~~(ii) shows evidence that the individual is authorized under Section 41-6a-1406 to take possession of the life essential item or other personal property; and~~
- ~~(iii) signs a receipt for any personal property removed from a vehicle, vessel, or outboard motor;~~
- ~~(b) allow an individual to access a vehicle, vessel, or outboard motor, if necessary to obtain the individual's driver license or other government-issued identification to show that the individual is authorized to take possession of a life essential item or other personal property under Section 41-6a-1406; and~~
- ~~(c) maintain a log of individuals who have been given access to vehicles to remove personal property.~~
- ~~(5) The division may require an operator of a lot or yard holding five or fewer vehicles in a month to tow those vehicles to another lot or yard to centralize vehicle sales.~~
- ~~(6) An operator of a lot or yard shall remove license plates from an impounded vehicle before the time of sale and turn the plates over to the division when the vehicles are sold.~~
- ~~(7) The division may review the qualifications of a lot or yard to assure compliance with the requirements of this section.~~
- ~~(a) The division shall provide written notice to an operator of a lot or yard not in compliance and give 30 days from that notice to rectify any noncompliance.~~
- ~~(b) If no action or insufficient action is taken by the operator of the lot or yard, the division may order the lot or yard to be suspended as a lot or yard.~~
- ~~(8) Any lot or yard contesting suspension, or any lot or yard directly and adversely affected by the division's refusal to designate the lot or yard as a state impound lot or yard, may appeal that suspension or designation refusal to the commission.]~~

KEY: taxation, motor vehicles, aircraft, license plates

Date of Last Change: [January 25,] 2026

Notice of Continuation: November 9, 2021

Authorizing, and Implemented or Interpreted Law: 41-1a-102; 41-1a-104; 41-1a-108; 41-1a-116; 41-1a-211; 41-1a-215; 41-1a-214; 41-1a-401; 41-1a-402; 41-1a-411; 41-1a-413; 41-1a-414; 41-1a-416; 41-1a-418; 41-1a-419; 41-1a-420; 41-1a-421; 41-1a-422; 41-1a-522; 41-1a-701; 41-1a-1001; 41-1a-1002; 41-1a-1004; 41-1a-1005; 41-1a-1009 through 41-1a-1011; 41-1a-1101; 41-1a-1209; 41-1a-1211; 41-1a-1220; 41-6-44; 53-8-205; 59-12-104; 59-2-103; 72-10-109 through 72-10-112; 72-10-102

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Readopt	Filing ID: 58294
Rule or section number:	R918-6

1. Agency Information

Title catchline:	Transportation, Operations, Maintenance
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:
R918-6. Maintenance Responsibility at Intersections, Overcrossings, and Interchanges between Class A Roads and Class B or Class C Roads
B. Purpose of the new rule or reason for the change:
Following extensive review and discussion, the Department of Transportation (department) has determined that several sections in this rule required clearer language and that certain areas of maintenance responsibility, including fencing and active transportation, needed to be addressed in this rule. In addition, the lighting provisions in this rule needed to be updated to reflect statutory changes made during the 2025 General Session. With such substantial edits to this rule, the department determined that a repeal and readopt is the most appropriate filing in this situation.
C. Summary of the new rule or change:
Key changes include: 1) improving clarity throughout this rule for better readability and understanding; 2) updating lighting standards to clarify lighting responsibilities and harmonize them with new statutory requirements; 3) establishing fencing responsibilities that mirror UDOT's long-standing fencing policy; 4) clarifying provisions related to grade-separated intersections; 5) delineating specific responsibilities for active transportation facilities; and 6) harmonizing the text with the Rulewriting Manual for Utah. Also changes the rule catchline from "Maintenance Responsibility at Intersections, Overcrossings, and Interchanges between Class A Roads and Class B or Class C Roads" to "Maintenance Responsibilities".

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 195 (2025 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The department anticipates no aggregate anticipated cost or savings to the state budget because these changes are merely clerical in nature (updating code references, definitions, improving clarity in descriptions of procedures, and reorganizing the rule). As for the new provisions addressing fencing maintenance responsibilities, the department was already in the practice of implementing these fencing maintenance practices before these proposed changes would go into effect, and thus this rule will not have an impact on the state budget.
B. Local governments:
The department anticipates no aggregate anticipated cost or savings to local governments because these changes are merely clerical in nature (updating code references, definitions, improving clarity in descriptions of procedures, and reorganizing the rule). As for the new provisions addressing fencing maintenance responsibilities, the department was already in the practice of implementing these fencing maintenance practices before these proposed changes would go into effect, and thus this rule will not have a new impact on local governments. The department is not in the position to calculate the fiscal costs of such fencing responsibilities, but it anticipates that such costs will be negligible.
C. Small businesses ("small business" means a business employing 1-49 persons):
The department anticipates no aggregate anticipated cost or savings to small businesses because these changes are merely clerical in nature (updating code references, definitions, improving clarity in descriptions of procedures, and reorganizing the rule). As for the new provisions addressing fencing maintenance responsibilities, the department was already in the practice of implementing these fencing maintenance practices before these proposed changes would go into effect, and thus this rule will not have a new impact on small businesses. The department is not in the position to calculate the fiscal costs of such fencing responsibilities, but it anticipates that such costs will be negligible.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
The department anticipates no aggregate anticipated cost or savings to non-small businesses because these changes are merely clerical in nature (updating code references, definitions, improving clarity in descriptions of procedures, and reorganizing the rule). As for the new provisions addressing fencing maintenance responsibilities, the department was already in the practice of implementing these fencing maintenance practices before these proposed changes would go into effect, and thus this rule will not have a new impact on non-small businesses. The department is not in the position to calculate the fiscal costs of such fencing responsibilities, but it anticipates that such costs will be negligible.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
The department anticipates no aggregate anticipated cost or savings to persons because these changes are merely clerical in nature (updating code references, definitions, improving clarity in descriptions of procedures, and reorganizing the rule).

As for the new provisions addressing fencing maintenance responsibilities, the department was already in the practice of implementing these fencing maintenance practices before these proposed changes would go into effect, and thus this rule will not have a new impact on persons.

The department is not in the position to calculate the fiscal costs of such fencing responsibilities, but it anticipates that such costs will be negligible.

F. Compliance costs for affected persons:

It will not cost an impacted entity anything to adhere to 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 Bracerias, 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 72-1-201	Section 72-3-102	Section 72-3-103
Section 72-3-104	Section 72-1-208	Section 72-3-109
Section 72-6-105		

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: 11/16/2026

12. Effective Date Information

This rule change MAY become effective on: 11/23/2026

(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:	Carlos M Bracerias, PE, Commissioner	Date:	09/30/2026
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R918. Transportation, Operations, Maintenance.

~~R918-6. Maintenance Responsibility at Intersections, Overcrossings, and Interchanges between Class A Roads and Class B or Class C Roads.~~

~~R918-6-1. Authority.~~

~~Section 72-1-201 assigns to the Utah Department of Transportation general responsibility for the maintenance of the state transportation system, and directs the department to make policy and rules governing the same, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act. Sections 72-3-102, 72-3-103, and 72-3-104 assign maintenance responsibility for Class A Roads (state roads), Class B Roads (county roads), and Class C Roads (city streets), to the state, counties, and municipalities, respectively. Section 72-1-208 directs the department to cooperate with counties and municipalities in the maintenance of highways and allows the department to provide maintenance services to them under terms mutually agreed upon. Section 72-3-109 delineates the division of responsibilities for state highways within cities and towns. Section 72-6-105 provides that the department may enter into written agreements with counties and municipalities for the maintenance of any highway.~~

~~R918-6-2. Purpose and Background.~~

~~(1) The purpose of this rule is to assign maintenance responsibility between the department and the local government entity for roadway and roadside features at the intersection of state and local roads, including grade-separated interchanges, overcrossings, undercrossings, and at grade intersections.~~

~~(2) In general, the department is responsible for the maintenance of all state roads, including roadside features associated with those roads, except as otherwise delineated in state law. Likewise, county and municipal governments are responsible for roads under their jurisdiction.~~

~~(3) In the case of bridges, the department is responsible for the maintenance of bridges on the state highway system, and county and municipal governments are responsible for maintenance of bridges on their respective road systems. UDOT is responsible for, and carries out, inspections on all highway bridges located on public roads, both on the state highway system and on the local road system, on a schedule that results in an inspection for each bridge every two years. Prior to a scheduled inspection, local government will be notified and invited to attend the inspection. Subsequent to each inspection, UDOT supplies a bridge inspection summary to the entity responsible for maintenance of the bridge (UDOT maintenance shed in the case of bridges on the state highway system, or the local government in the case of bridges on the local road system), which describes recommended preventive and rehabilitative bridge maintenance actions, and which, in the case of bridges carrying a local road over a state highway, indicates which maintenance and preventive actions are the responsibility of the local government. The responsible jurisdiction is then expected to perform the actions recommended in the bridge inspection summary, in order to keep the bridge in a state of good repair.~~

~~(4) Where state roads intersect with roads under local jurisdiction, either at grade or at a grade separation, confusion sometimes arises regarding the maintenance responsibility for specific features at those locations. This rule is intended to clarify which jurisdiction has responsibility for which elements at those locations, and to address the large majority of such situations. Sometimes, however, unusual circumstances or geometry may render a logical division of responsibilities difficult. In those cases, formal agreements between the parties involved are appropriate and encouraged. The language in this rule was developed to encourage consistency regarding maintenance responsibilities between the department and local government. It is recognized the traveling public may benefit in some cases from deviations from the guidelines set forth in this rule to meet the capabilities and skills available individually at the department's maintenance sheds and/or local road departments. In such cases, Region Directors of the department and local officials should together evaluate the guidelines and deviate from them as necessary and as mutually agreed upon, to meet the needs of a specific situation. Open and frequent communication supported by a written agreement is strongly encouraged.~~

~~R918-6-3. Definitions.~~

~~For the purpose of this rule, the following definitions apply:~~

~~(1) "At grade intersection" means a surface street intersection that may be signalized or unsignalized, where one or more of the intersecting streets are state routes;~~

~~(2) "Department", or "UDOT", means the Utah Department of Transportation;~~

~~(3) "Full control of access", means access to adjoining land that is designated as no access or limited access by means of the right-of-way instrument;~~

~~(4) "Grade-separated interchange" means an intersection where the state road or interstate highway and the local road are separated from each other by one or more structures, and where access between the two roads is provided by means of entrance and exit ramps;~~

~~(5) "Local road" means any road under the jurisdiction of any public entity other than UDOT. The entity may be a county, a municipality, or an agency of the federal government;~~

~~(6) "Overcrossing" means a grade-separated intersection where no access between the intersecting roadways is provided, and where the state road or interstate highway crosses over the local road;~~

~~_____ (7) "Undercrossing" means a grade-separated intersection where no access between the intersecting roadways is provided, and where the state road or interstate highway crosses under the local road.~~

~~R918-6-4. General Maintenance Responsibilities.~~

~~_____ (1) Signal Systems. Maintenance responsibility for all signal systems on state roads, and components that are required for the functionality of those systems, belongs to UDOT. This includes detection and signing on the local legs of the intersection.~~

~~_____ (2) Park Strips, Sidewalks, and Pedestrian Ramps. Maintenance responsibility for park strips and sidewalks, including that portion of pedestrian access ramps behind the curb, belongs to the local government. Replacement and upgrading as part of road improvement projects may be done by UDOT.~~

~~_____ (3) Curb and Gutter. Maintenance responsibility for curb and gutter belongs to UDOT for state routes, and to the local government for local routes. UDOT responsibility on the local leg extends to the point of tangency of the curb radius.~~

~~_____ (4) Snow Removal. Responsibility for snow removal from the roadway belongs to UDOT for state routes, and to the local government for local routes. UDOT is responsible for snow removal on ramps at interchanges on state routes.~~

~~_____ (5) Pavement Maintenance. Responsibility for roadway pavement maintenance belongs to UDOT for state routes, and to the local government for local routes. This includes the pavement surface on or under bridges. For at grade intersections, UDOT is responsible for pavement maintenance through the intersection, bounded by a line extending to the point of tangency of the edge of oil, or of the curb return if a curb exists, on the local leg. If the geometry of the approach is unusual, such as angled instead of rounded, UDOT responsibility shall extend to a point agreeable to both parties. In no case, however, shall UDOT responsibility extend beyond the right-of-way line. UDOT is responsible for pavement maintenance on ramps at interchanges on state routes.~~

~~_____ (6) Traffic Islands. Responsibility for traffic islands belongs to UDOT for state routes, and to the local government for local routes. For at grade intersections, UDOT is responsible for island maintenance through the intersection. Maintenance responsibility for any landscaping within traffic islands is described in R918-6-4(15).~~

~~_____ (7) Pavement Striping and Messages. Responsibility for pavement striping and marking belongs to UDOT for state routes, and to the local government for local routes. Local jurisdiction responsibility includes stop bars and crosswalks on the local legs of unsignalized intersections. At signalized intersections, UDOT is responsible for stop bars and crosswalks on all legs, and the local government is responsible for lane lines and other markings or messages on the local legs.~~

~~_____ (8) Highway Lighting. Responsibility for maintenance, including payment of power bills, repairs and replacement when necessary, of highway lighting is divided as follows:~~

~~_____ (a) UDOT is responsible for:~~

~~_____ (i) mainline interstate, interchange, and interstate underpass lighting;~~

~~_____ (ii) cross street underpass lighting at interchanges with on/off ramps;~~

~~_____ (iii) sign lighting on state routes or along the interstate corridor;~~

~~_____ (iv) traffic signals on state routes or interstate corridor off ramps;~~

~~_____ (v) unsignalized intersection lighting at on or off ramp intersecting cross street; and~~

~~_____ (vi) signal attached lighting at non-traditional signalized intersections, such as Diverging Diamond Interchanges (DDI), and Single Point Urban Interchanges (SPUI).~~

~~_____ (b) Local government is responsible for:~~

~~_____ (i) street lighting along state routes, other than interstate;~~

~~_____ (ii) non-interstate cross street underpass lighting where no interchange on or off ramps occur;~~

~~_____ (iii) all decorative lighting requested by the municipality or county including street, bridge, and underpass lighting; and~~

~~_____ (iv) lighting at traditional signalized intersections along state routes.~~

~~_____ (9) Signs. Responsibility for signs belongs to UDOT for signs facing traffic on state routes, and to the local government for signs facing traffic on local routes, with the exception that UDOT is responsible for traffic control, route marker, junction, and guide signs associated with a state route but facing traffic on a local route. For STOP and YIELD signs on the local legs of unsignalized intersections, the local government is responsible for initial installation, non-safety critical maintenance such as minor vandalism, graffiti, or leaning, and coordination with UDOT to identify and correct fading (loss of retroreflectivity), and UDOT is responsible for safety critical maintenance such as replacement of knock downs. At signalized intersections, UDOT is responsible for signs mounted on the signal mast arm. UDOT will coordinate the installation of signs on local routes with the local agency prior to sign installation. The local government is responsible for street name signs, except those mounted on signal mast arms.~~

~~_____ (10) Crash Cushions, Barrier, Etc. Responsibility for crash cushions, barrier, guardrail, and end treatments, belongs to UDOT for those elements protecting traffic on state routes, and to the local government for those protecting traffic on local routes.~~

~~_____ (11) Sweeping. Responsibility for roadway sweeping belongs to UDOT for state routes, and to the local government for local routes. UDOT is responsible for sweeping on ramps at interchanges.~~

~~_____ (12) Graffiti. Graffiti removal from structures is the responsibility of the entity having the best access to the graffiti. In general, that is the entity having jurisdiction of the road underneath the structure.~~

~~_____ (13) Cattle Guards. UDOT provides cattle guards within the rural area of the State at all freeway access points to fully controlled access highways, either on the cross road or the entrance ramps, as necessary to meet the requirements of the particular location. Responsibility for maintenance of these cattle guards belongs to UDOT. Where cattle guards exist along partially controlled access state roads, either across a local road or a private road, responsibility for maintenance of the cattle guard belongs to the local jurisdiction or to the private property owner.~~

~~_____ (14) Weed Control. In accordance with Section 72-3-109, responsibility for weed control and mowing behind the curb or beyond the shoulder at at grade intersections, both signalized and unsignalized, belongs to the local government. On facilities with full control of access, UDOT will be responsible for weed control and mowing to a point that ensures adequate sight distance.~~

- ~~_____ (15) Decorative Landscaping. Responsibility for maintenance of landscaping beyond the baseline described in UDOT Aesthetics Guidelines, including irrigation systems, belongs to the local jurisdiction.~~
- ~~_____ (16) Drainage Facilities such as catch basins, culverts, etc. In general, storm drain systems and culverts will be maintained by the owner of the drainage facility, unless otherwise stipulated in a cooperative agreement. Catch basins and their connector pipes at intersections will be maintained by the entity having jurisdiction for the road.~~

~~R918-6-5. Maintenance Responsibility at Overcrossings and at Interchanges where the State Route Crosses Over the Local Route.~~

- ~~_____ (1) UDOT is responsible for:~~
 - ~~_____ (a) maintenance, repairs, and replacement of all structure elements, including decks, parapets, bent caps, beams, columns, footings, abutments, approach slabs, and slope protection;~~
 - ~~_____ (b) maintenance of drains on the structure;~~
 - ~~_____ (c) maintenance of retaining walls;~~
 - ~~_____ (d) fence maintenance on the structure and its approaches and ramps; and~~
 - ~~_____ (e) vegetation control, including mowing, along the state route, as demarcated by access control or Right of Way fencing.~~
- ~~_____ (2) The local jurisdiction is responsible for:~~
 - ~~_____ (a) maintenance of drainage under the structure;~~
 - ~~_____ (b) vegetation control, including mowing, along the local route, as demarcated by access control or Right of Way fencing; and~~
 - ~~_____ (c) maintenance of decorative landscaping beyond the UDOT Aesthetics Guideline baseline, as described in R918-6-4(15).~~
- ~~_____ (3) If the local entity proposes a pavement treatment that would decrease vertical or horizontal clearance under the structure to less than the current standard, or that would potentially compromise the integrity of substructure elements, such work shall be done in consultation with UDOT.~~

~~R918-6-6. Maintenance Responsibility at Undercrossings and at Interchanges where the State Route Crosses Under the Local Route.~~

- ~~_____ (1) UDOT is responsible for:~~
 - ~~_____ (a) Providing a bridge inspection summary for all structures to the local entity, indicating which recommended actions are the responsibility of the local entity;~~
 - ~~_____ (b) major structure rehabilitation, including repair or replacement of parapets, bent caps, beams, columns, footings, abutments, approach slabs, and slope protection;~~
 - ~~_____ (c) deck rehabilitation where necessary to preserve the structural integrity of the bridge such as where the rebar is exposed;~~
 - ~~_____ (d) structural replacement of bridge joints;~~
 - ~~_____ (e) maintenance of retaining walls;~~
 - ~~_____ (f) maintenance of drainage under the structure;~~
 - ~~_____ (g) vegetation control, including mowing, along the state route, as demarcated by access control or Right of Way fencing; and~~
 - ~~_____ (h) fence maintenance under the structure.~~
- ~~_____ (2) The local jurisdiction is responsible for:~~
 - ~~_____ (a) routine maintenance and preventive maintenance actions indicated in the bridge inspection summary to be the responsibility of the local entity. This maintenance normally includes deck overlay/seal treatments, deck pothole patching, parapet surface repair and sealing, bridge joint cleaning and sealing, and drain cleaning and maintenance. If UDOT performs a deck rehabilitation project involving pothole patching and an overlay system, the local owner is responsible to maintain the overlay upon completion of the initial installation. If the local entity proposes a deck treatment that would add static load to the structure, such work shall be done in consultation with UDOT;~~
 - ~~_____ (b) submitting records to UDOT Structures Division of deck and parapet maintenance work performed by the local jurisdiction according to the recommendations in the bridge inspection summary. If the local jurisdiction does not perform the preventive maintenance work, and rehabilitation work becomes necessary, the local jurisdiction and UDOT will meet to negotiate how the cost of the rehabilitation work to be performed will be shared;~~
 - ~~_____ (c) fence maintenance on the structure and its approaches;~~
 - ~~_____ (d) vegetation control, including mowing, along the local route, as demarcated by access control or Right of Way fencing; and~~
 - ~~_____ (e) maintenance of decorative landscaping beyond the UDOT Aesthetics Guideline baseline, as described in R918-6-4(15).]~~

R918-6. Maintenance Responsibilities.

R918-6-1. Purpose and Authority.

- (1) This rule establishes maintenance and related responsibilities between UDOT, local government entities, and other parties for roadway and roadside features at intersections of state and local roads, including grade-separated and at-grade intersections.
- (2) Except as otherwise provided by statute, this rule, or a written agreement:
 - (a) UDOT shall maintain state roads and associated features; and
 - (b) a local government entity shall maintain roads and associated features under the entity's jurisdiction.
- (3) Notwithstanding the provisions of this rule, UDOT and a local government entity may modify maintenance responsibilities by written agreement, including when unusual circumstances make a clear allocation impracticable or when an alternative allocation better serves the public.
- (4) This rule is authorized by:
 - (a) Section 72-1-201, which assigns to the Utah Department of Transportation responsibility for maintenance of the state transportation system and directs UDOT to make rules governing that responsibility in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(b) Sections 72-3-102, 72-3-103, and 72-3-104, which assign maintenance responsibility for Class A, Class B, and Class C roads to the state, counties, and municipalities, respectively;

(c) Section 72-1-208, which directs UDOT to cooperate with counties and municipalities in the maintenance of highways and authorizes UDOT to provide maintenance services under mutually agreed terms;

(d) Section 72-3-109, which describes the division of maintenance responsibilities for state highways within municipalities; and

(e) Section 72-6-105, which authorizes UDOT to enter into written agreements with counties and municipalities for highway maintenance.

R918-6-2. Definitions.

As used in this rule:

(1) "Active transportation" means human-powered or primarily human-powered travel, including walking, bicycling, use of mobility devices, and low-speed electric conveyances.

(2) "Active-transportation facility" means a facility designed to accommodate active transportation.

(3) "At-grade intersection" means a surface street intersection where one or more intersecting roads are state roads and one or more are local roads.

(4) "Bridge" means a structure over a depression or obstruction, for example, water, roadway, or railway, that carries traffic and has a length greater than 20 feet measured along the roadway centerline.

(5) "Dead load" means the permanent weight of building materials and fixed equipment that make up a structure and never move.

(6) "Fully controlled-access highway" means a state road with no at-grade intersections and where access is permitted only at interchanges or other UDOT-designated points of access.

(7) "Grade-separated intersection" means an intersection where a state road and a local road are separated by one or more structures.

(8) "Intelligent transportation system" means a system that applies advanced communications technologies to transportation infrastructure and management.

(9) "Interchange" means a grade-separated intersection providing access by ramps.

(10) "Intersection" means a location where one or more state roads and one or more local roads cross, merge, or otherwise join at the same point.

(11) "Livestock-drive fencing" means enclosed fencing intended to contain livestock in a certain area and built adjacent to a road.

(12) "Local government entity" means a county, municipality, or other entity with jurisdiction over a local road.

(13) "Local road" means a road under the jurisdiction of a public entity other than UDOT.

(14) "Partially controlled-access highway" means a state road to which the right of access is controlled to give preference to through traffic, but where some access from abutting land or intersecting roads is permitted by UDOT.

(15) "State road" means a road under UDOT jurisdiction, including an interstate highway.

(16) "Top mat" means the layer of reinforcing steel in a bridge deck located nearest the riding surface.

(17) "UDOT" means the Utah Department of Transportation.

(18)(a) "Uncontrolled-access highway" means a state road where UDOT has not purchased or otherwise acquired the right to prevent an owner of abutting land from accessing the right-of-way.

(b) This definition of "uncontrolled-access highway" does not affect or address any requirement of an owner of abutting land to obtain an access or encroachment permit under Title 72, Chapter 7, Protection of Highways Act, or other applicable state statute or administrative rule, before accessing UDOT right-of-way.

(19) "Vehicular bridge" means a bridge used for motor vehicle traffic.

(20) "Vehicular tunnel" means an enclosed underground roadway used for motor vehicle traffic, with access limited to designated entry and exit points.

(21) "Waterway" means an open-channel stormwater conveyance crossing a roadway.

R918-6-3. General Maintenance Responsibilities.

(1) The responsibilities for signal systems and intelligent transportation system devices are as follows:

(a) UDOT shall install and maintain systems on state roads, including necessary components; and

(b) UDOT shall install and maintain related detection and signing on local legs of intersections.

(2) The responsibilities for park strips, sidewalks, and pedestrian access ramps are as follows:

(a) a local government entity shall maintain and replace as necessary park strips and sidewalks, including any portion of pedestrian access ramps behind the curb; and

(b) at UDOT's discretion, UDOT may replace or upgrade a park strip, sidewalk, or pedestrian access ramp as part of a project.

(3) The responsibilities for curb, gutter, and waterway are as follows:

(a) UDOT shall maintain curb, gutter, and waterway features on state roads and to the curb-radius tangency on local legs; and

(b) a local government entity shall maintain curb, gutter, and waterway features on local roads.

(4) The responsibilities for snow removal are as follows:

(a) UDOT shall perform snow removal on state roads, including interchange ramps; and

(b) a local government entity shall perform snow removal on local roads, park strips, sidewalks, and pedestrian access ramps.

(5) The responsibilities for pavement maintenance are as follows:

(a) UDOT shall maintain state road pavement, including ramps; and

(b) a local government entity shall maintain local road pavement;

(c) at at-grade intersections;

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- (i) where curb and gutter is present, UDOT shall maintain pavement through the intersection to the point of curb-return tangency; and
- (ii) where curb and gutter is not present, UDOT shall maintain pavement through the intersection to the edge-of-pavement; and
- (d) for irregular geometry, UDOT responsibility shall extend to a mutually agreed point within the right-of-way.
- (6) The responsibilities for traffic islands are as follows:
- (a) UDOT shall maintain islands on state roads;
- (b) a local government entity shall maintain islands on local roads; and
- (c) landscaping shall be maintained as provided in Subsection (16).
- (7) The responsibilities for pavement striping and markings are as follows:
- (a) UDOT shall maintain markings on state roads;
- (b) a local government entity shall maintain markings on local roads; and
- (c) at signalized intersections:
- (i) UDOT shall maintain stop bars and crosswalks; and
- (ii) a local government entity shall maintain other markings on local legs
- (8) The responsibilities for the maintenance, including the repair, replacement, and utility cost payments of roadway lighting are as follows:
- (a) except as provided in Subsections (8)(b)(iii) and (8)(c), UDOT shall maintain:
- (i) lighting on an interstate highway;
- (ii) lighting at an interchange, including ramp-terminal lighting;
- (iii) sign lighting and lighting at a traffic signal at an intersection that includes one or more state routes or a freeway ramp; and
- (iv) lighting in a vehicular tunnel; and
- (b) a local government entity shall maintain:
- (i) street lighting along a state road, except as provided in Subsection (8)(a);
- (ii) lighting at an undercrossing that does not illuminate a state road or a state cross street with an interchange; and
- (iii) decorative lighting requested by a local government entity, including street, bridge, signal, or underpass lighting, regardless of whether the lighting is otherwise described in Subsection (8)(a); and
- (c) UDOT is not responsible for a lighting fixture attached to a utility-owned pole, regardless of whether the fixture is otherwise described in Subsection (8)(a).
- (9) The responsibilities for signs are as follows:
- (a) UDOT shall maintain signs facing state road traffic;
- (b) a local government entity shall maintain signs facing local road traffic, except state-route-related signs;
- (c) for STOP and YIELD signs on local legs:
- (i) a local government entity shall install and maintain; and
- (ii) UDOT may address immediate safety needs;
- (d) UDOT shall coordinate installation of state-route-related signs on local roads with the relevant local government entity; and
- (e) a local government entity shall maintain street name signs, except mast-arm-mounted signs.
- (10) The responsibilities for barriers, guardrails, crash cushions, and end treatments are as follows:
- (a) UDOT shall maintain barriers, guardrails, crash cushions, and end treatments protecting state-road traffic; and
- (b) a local government entity shall maintain barriers, guardrails, crash cushions, and end treatments protecting local-road traffic.
- (11) The responsibilities for sweeping are as follows:
- (a) UDOT shall sweep state roads and ramps; and
- (b) a local government entity shall sweep local roads.
- (12) The responsibility for graffiti removal is with the entity, either UDOT or a local government entity, that has the most direct access to the affected surface.
- (13) The responsibilities for right-of-way fencing are as follows:
- (a)(i) if fencing exists along a fully controlled-access highway, UDOT is responsible for maintaining that fencing;
- (ii) at UDOT's discretion, UDOT may determine that fencing is not required along a fully controlled-access highway for reasons that may include areas with precipitous slopes, areas with natural barriers, or areas where a sound wall is placed adjacent to the right-of-way line; and
- (iii) if a frontage road exists along a fully controlled-access highway, UDOT shall cooperate with the relevant local government entity to maintain and provide fencing as needed between the frontage road and the mainline of the fully controlled-access highway;
- (b) if fencing exists along a partially controlled-access highway, UDOT is responsible for maintaining that fencing, unless otherwise agreed to in an individual right-of-way agreement or other written agreement;
- (c) for fencing along an uncontrolled-access highway:
- (i) the relevant local government or private property owner of the abutting property, as applicable, is responsible for providing fencing as needed and maintaining existing fencing, except that UDOT at UDOT's discretion may provide fencing if at least one of the following conditions is met:
- (A) an abutting property owner agrees to participate in the construction costs of the fence and the owner agrees to maintain the fence;
- or
- (B) UDOT at UDOT's discretion determines that fencing is essential to public safety; and
- (ii) fencing provided by UDOT under Subsection (13)(c)(i) becomes the property of the adjacent property owner upon completion, and the property owner is responsible for maintaining that fencing;

- (d)(i) if livestock-drive fencing as approved by UDOT is constructed adjacent to a state road, UDOT is responsible for maintaining fencing on both sides for the protection of the traveling public; and
- (ii) for any portion of livestock-drive fencing that is not adjacent to a state road, the property owner is responsible for maintaining the fencing;
- (e)(i) UDOT may install specialized wildlife fencing in cooperation with the Division of Wildlife Resources; and
- (ii) UDOT shall determine the maintenance responsibilities of fencing installed under Subsection (13)(e)(i) through an agreement with the Division of Wildlife Resources, which agreement may include that maintenance is the responsibility of the Division of Wildlife Resources, UDOT, or a volunteer program operating under UDOT's supervision;
- (f) if a party damages fencing that UDOT is responsible for maintaining under this section, UDOT may invoice the party for the cost of repair or replacement, consistent with Section 72-7-301;
- (g) if fencing where livestock is present is damaged by a vehicle that has left the paved surface of a state road, regardless of whether UDOT or a property owner is otherwise responsible for maintaining that fencing;
- (i) to protect the traveling public, after notifying the property owner and the Utah Highway Patrol, UDOT may complete a temporary repair; and
- (ii) UDOT may invoice the party that caused the damage for the cost of repair; and
- (h) if fencing along a state road is damaged by livestock, the owner of the livestock is responsible for the cost of repair, regardless of the highway's access-control classification;
- (i) if UDOT is responsible for maintaining the fencing, UDOT shall complete the repair; and
- (ii) if a property owner is responsible for maintaining the fencing and the livestock owner does not respond within a reasonable time, UDOT may complete a temporary repair and may invoice the property owner for the cost of the repair.
- (14) The responsibilities for cattle guards are as follows:
 - (a) UDOT shall maintain cattle guards on state roads and at no-access lines;
 - (b) a local government entity shall maintain cattle guards on local roads; and
 - (c) a private property owner shall maintain cattle guards on private roads.
- (15) The responsibilities for weed control are as follows:
 - (a) a local government entity shall perform weed control at at-grade intersections for the entire curb radius; and
 - (b) UDOT shall perform weed control on fully controlled-access highways as needed for sight distance up to the curb radius of intersections.
- (16) The responsibilities for decorative landscaping are as follows:
 - (a) a local government entity shall maintain landscaping beyond UDOT's baseline, including for irrigation systems; and
 - (b) UDOT may participate in landscaping beyond UDOT's baseline only by written agreement with a local government entity.
- (17) The responsibilities for storm-drain facilities are as follows:
 - (a) the entity that owns the storm-drain facility shall maintain the facility; and
 - (b) the entity with jurisdiction over the road shall maintain catch basins at intersections.

R918-6-4. Overcrossing and Undercrossing Maintenance Responsibilities.

- (1) The maintenance responsibilities for a vehicular bridge are as follows:
 - (a) when a state road crosses over a local road, UDOT is responsible for:
 - (i) performing in-service bridge inspections and determining load ratings;
 - (ii) performing maintenance, repairs, and replacement of all structural elements when necessary;
 - (iii) maintaining drains on the bridge;
 - (iv) maintaining retaining walls needed for the bridge;
 - (v) maintaining fencing on the bridge and the bridge's approaches; and
 - (vi) performing vegetation control, including mowing, along the state road as demarcated by access control or right-of-way fencing;
 - (b) when a state road crosses over a local road, the local government entity is responsible for:
 - (i) maintaining drainage under the bridge within the local government agency right-of-way;
 - (ii) performing vegetation control, including mowing, along the local road as demarcated by access control or right-of-way fencing;
- and
- (iii) maintaining any decorative landscaping beyond the baseline in accordance with Subsection R918-6-3(16);
- (c) when a local road crosses over a state road, UDOT is responsible for:
 - (i) performing in-service bridge inspections and load rating analysis;
 - (ii) providing recommended actions resulting from an in-service bridge inspection to a local government entity, indicating which recommended actions are the responsibility of the local government entity;
 - (iii) performing major structural rehabilitation when necessary, including major repair or replacement of parapets, bent caps, beams, columns, footings, abutments, approach slabs, and slope protection;
 - (iv) performing deck rehabilitation when necessary to preserve the structural integrity of the bridge, including when rebar is exposed;
 - (v) performing structural replacement of bridge joints;
 - (vi) maintaining drainage under the bridge within UDOT right-of-way; and
 - (vii) performing vegetation control, including mowing along the state road as demarcated by access control or right-of-way fencing;
- (d) when a local road crosses over a state road, the local government entity is responsible for:
 - (i) maintaining the bridge from the top mat up, including repairs necessary to address deterioration within the top mat;

NOTICES OF PROPOSED RULES

- (ii) performing routine maintenance and preventative preservation actions, including UDOT recommended actions from the in-service bridge inspection that are the responsibility of the local government entity, which may include deck overlay and seal treatments, cleaning and sealing joints, structural pothole patching, concrete surface repair and sealing, and drain maintenance and cleaning;
- (iii) maintaining fencing on the bridge and the bridge approaches;
- (iv) except as provided in Subsection R918-6-3(8), maintaining lighting, including repair, replacement, and utility cost payments;
- (v) submitting records to UDOT documenting any maintenance and preservation work performed on the bridge from the top mat up;
- (vi) performing vegetation control, including mowing, along the local road as demarcated by access control or right-of-way fencing;
- (vii) maintaining any decorative landscaping beyond the baseline in accordance with Subsection R918-6-3(16);
- (viii) providing, installing, and maintaining signage;
- (ix) providing, installing, and maintaining load posting signs required by a UDOT load rating analysis; and
- (x) within 30 days from notification by UDOT, installing or updating load posting signs;
- (e) when a local road crosses over a state road;
 - (i) if a local government entity fails to perform routine maintenance or preservation work recommended in a UDOT in-service bridge inspection, and UDOT determines that rehabilitation work has become necessary as a result, the local government entity and UDOT shall meet to negotiate how the cost of the rehabilitation work will be shared; and
 - (ii) the local government entity is responsible for consulting with UDOT before undertaking any work that would add dead load to the bridge.
- (f) when a local road crosses over a local road, UDOT is responsible for the following unless stated otherwise in a written agreement between UDOT and the local government entity:
 - (i) performing in-service bridge inspections;
 - (ii) performing load-rating analysis; and
 - (iii) providing recommended actions from the in-service bridge inspection to the local government entity; and
- (g) when a local road crosses over a local road, the local government entity is responsible for:
 - (i) performing routine maintenance, preventative preservation actions, repairs, and replacement of the bridge and the bridge's associated components, including UDOT recommended actions from an in-service bridge inspection;
 - (ii) submitting records to UDOT regarding any work on a bridge in response to UDOT recommended actions;
 - (iii) submitting records to UDOT regarding any work that requires a revised load-rating analysis;
 - (iv) providing, installing, and maintaining load posting signs required by a UDOT load rating analysis; and
 - (v) within 30 days from notification by UDOT, installing or updating load posting signs.
- (2) UDOT and a local government entity shall determine, by written agreement, the responsibilities for an active-transportation facility that crosses a state road, whether by crossing over or under the state road.
- (3) In the absence of an agreement described in Subsection (2), for an active-transportation facility that crosses over a state road:
 - (a) if constructed through an encroachment permit, the local government entity is responsible for maintenance, repair, in-service inspection, and replacement when necessary;
 - (b) if constructed through a UDOT project at the request of a local government entity, the local government entity is responsible for maintenance, repair, in-service inspection, and replacement when necessary; and
 - (c) if constructed through a UDOT project other than as described in Subsection (3)(b):
 - (i) UDOT is responsible for repair, in-service inspection, and replacement when necessary; and
 - (ii) the local government entity is responsible for maintenance.
- (4) In the absence of an agreement described in Subsection (2), for an active-transportation facility that crosses at grade under a state road, the local government entity is responsible for maintenance, repair, and replacement when necessary.
- (5) In the absence of an agreement described in Subsection (2), for an active-transportation facility that crosses under a state road within a buried structure:
 - (a) UDOT is responsible for repair, in-service inspection, and replacement of structural elements when necessary; and
 - (b) the local government entity is responsible for maintenance.

KEY: maintenance, intersections, interchanges, structures

Date of Last Change: ~~2026~~**February 7, 2018**

Notice of Continuation: June 23, 2022

Authorizing, and Implemented or Interpreted Law: 72-1-201; 72-1-208; 72-3-102; 72-3-103; 72-3-104; 72-3-109; 72-6-105

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Readopt

Filing ID: 58289

Rule or section number:

R920-30

1. Agency Information

Title catchline:	Transportation, Operations, Traffic and Safety
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:
R920-30. State Safety Oversight
B. Purpose of the new rule or reason for the change:
The Department of Transportation (department) reviewed this rule and decided it needed to be updated, including references to codes and various clarifying edits to the language and structure of the rule. The department made enough edits to the language and structure of this rule that it decided a repeal and reenactment, rather than a mere amendment, is the most appropriate course of action.
C. Summary of the new rule or change:
The proposed changes in this repeal and reenactment include updates to federal and state code references, current workflow practices, and general clerical updates to the language of the document.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The department anticipates no aggregate cost or savings to the state budget because this rule pertains to the department's oversight of UTA's safety equipment and does not impact the amount of funds going into or coming out of the state budget.
B. Local governments:
The department anticipates no aggregate cost or savings to the local governments because this rule pertains to the department's oversight of UTA's safety equipment and the department is not aware of any financial impact that oversight would have on local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
The department anticipates no aggregate cost or savings to small businesses because this rule pertains to the department's oversight of UTA's safety equipment and the department is not aware of any financial impact that oversight would have on small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
The department anticipates no aggregate cost or savings to non-small businesses because this rule pertains to the department's oversight of UTA's safety equipment and the department is not aware of any financial impact that oversight would have on non-small businesses.

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

The department anticipates no aggregate cost or savings to persons because this rule pertains to the department's oversight of UTA's safety equipment and the department is not aware of any financial impact that oversight would have on persons.

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 Bracerias, 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 72-1-201	Section 72-1-208	Section 72-1-214
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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)	Part 674 – State Safety Oversight
Publisher	Federal Transit Administration
Issue Date	October 1, 2024

Issue or Version	49 CFR Ch. VI (10-1-24 Edition)
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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:	11/16/2026
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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)

11/23/2026

13. Agency Authorization Information

Agency head or designee and title:	Carlos M Braceras, PE, Commissioner	Date:	09/29/2026
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R920. Transportation, Operations, Traffic and Safety.**R920-30. State Safety Oversight.****~~R920-30-1. Regulatory Authority.~~**

~~The purpose of this rule is to incorporate by reference the Federal Transit Administration standards for State Safety Oversight (04/15/2016). This rule is authorized or required by 49 U.S.C. 5330; 49 CFR 659; 49 CFR 674; Utah Code Sections 72-1-201, 72-1-208, and 72-1-214.~~

~~R920-30-2. Purpose and Scope.~~

~~(1) This rule, R920-30, establishes the standard of the State of Utah oversight required to implement the provisions of 49 U.S.C. 5329(e), 49 U.S.C. 5330, and 49 CFR Part 674, Rail Fixed Guideway Systems, State Safety Oversight.~~

~~(2) This rule applies to the Utah Transit Authority ("UTA"), the public transportation agency operating rail fixed guideway systems in the State of Utah.~~

~~(3) The Utah Department of Transportation (the "Department") exercises jurisdiction over safety of equipment and operations of the UTA pursuant to Utah Code Section 72-1-214. In addition, pursuant to 49 CFR Part 674, the Department has authority to investigate any allegation of noncompliance with the Public Transportation Agency Safety Plan.~~

~~(4) Pursuant to 49 CFR Part 674, the Department is responsible for establishing minimum standards for rail safety practices and procedures to be used by the UTA. The Department's program standard is consistent with the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, and the rules for Public Transportation Agency Safety Plans. The Department also must oversee the execution of these practices and procedures to ensure compliance with the provisions of 49 CFR Part 674.~~

~~(5) Where revisions to this rule, R920-30, are necessary, the Department will conduct a rulemaking proceeding, in accordance with the Utah Administrative Rulemaking Act, Utah Code Sections 63G-3-101-702.~~

~~(6) The Department and the UTA must operate as legally and financially independent entities.~~

~~(7) The Department does not and must not employ any individual who is also responsible for administering or providing services to the UTA.~~

~~(8) The Department will submit an annual report summarizing the oversight activities related to the UTA of the safety of the rail fixed guideway system to the Federal Transit Administration and the Governor as required by 49 CFR Part 674.~~

~~R920-30-3. Public Transportation Agency Safety Plan.~~

~~(1) The UTA shall develop and implement a written Public Transportation Agency Safety Plan (PTASP) that conforms to the requirements of 49 CFR Part 673, Public Transportation Agency Safety Plan within two calendar years after publication of 49 CFR Part 673.~~

~~(2) Prior to the development and implementation of its PTASP, the UTA shall continue to maintain, update, and implement its written System Safety Program Plan (SSPP) pursuant to 49 CFR Part 659 (April 29, 2005), which is incorporated by reference.~~

~~(3) The UTA shall submit the SSPP or PTASP to the Department for review and approval prior to its implementation. The SSPP or PTASP should be submitted in electronic format via email to the Department. Supporting procedures and referenced materials may be submitted in hard copy, by fax, mail, email, or in hand delivery.~~

~~(4) The UTA shall submit an updated SSPP or PTASP, and any accompanying procedures, for Department review and approval on or before February 1st of each year. If no updates are required, the UTA shall so notify the Department in writing before February 1st of each year.~~

~~(5) Should the UTA update the SSPP or PTASP outside the annual review cycle, either upon its own initiative or upon the written request of the Department for modifications to the SSPP or PTASP, the UTA shall submit a revised SSPP or PTASP to the Department. The SSPP or PTASP should be submitted in electronic format via email to the Department within 30 calendar days of the event requiring the changes. Supporting procedures and referenced materials may be submitted in hard copy, by fax, mail, email, or in hand delivery.~~

NOTICES OF PROPOSED RULES

R920-30-4. Incorporation by Reference of Federal Regulation.

The Federal Transit Administration, State Safety Oversight, Final Rule, Title 49 CFR Part 674 (eff. April 15, 2016) as it applies to the management of the State Safety Oversight Program, is incorporated by reference as the minimum standard for state safety oversight of rail fixed guideway systems in Utah.]

R920-30-1. Regulatory Authority and Applicability.

(1) This rule establishes and describes the state's State Safety Oversight program:

(a) described in 49 U.S.C. 5329(e); and

(b) required by the Federal Transit Administration.

(2) This rule is authorized or required by 49 U.S.C. 5329(e), 49 CFR Part 674, and Sections 72-1-201, 72-1-208, and 72-1-214.

(3) This rule applies to the department and to UTA.

R920-30-2. Definitions.

As used in this rule:

(1) "PTASP" means the Public Transportation Agency Safety Plan.

(2) "UTA" means the Utah Transit Authority, which is a public transportation agency operating rail fixed guideway systems in Utah.

R920-30-3. Department Responsibilities.

(1) The department exercises jurisdiction over the safety of equipment and operations of UTA under Section 72-1-214.

(2) The department has authority to investigate any allegation of noncompliance with the PTASP.

(3) The department shall establish, in accordance with 49 CFR 674.27, minimum standards for rail safety practices and procedures for UTA that are consistent with the National Public Transportation Safety Plan, the Public Transportation Safety Certification Training Program, and the rules for the PTASP.

(4) The department shall oversee UTA's execution of practices and procedures to ensure compliance with the minimum standards described in Subsection (3).

(5) The department and UTA shall operate as legally and financially independent agencies.

(6) The department shall maintain legal and financial independence from UTA in the department's state safety oversight of UTA.

(7) The department shall submit annual reports in accordance with:

(a) 49 CFR 674.39; and

(b) Section 72-1-214.

R920-30-4. Public Transportation Agency Safety Plan.

(1) UTA shall develop and implement a written PTASP that conforms with the requirements of 49 CFR Part 673.

(2) UTA shall submit the PTASP to the department for review and approval before implementing the PTASP.

(3) Before December 1 of each year, UTA shall submit the PTASP for the upcoming year, including any accompanying procedures, to the department for the department's review and approval.

(4) If UTA updates the PTASP outside of the annual review cycle, either on UTA's own initiative or at the department's written request, UTA shall submit a revised PTASP to the department within 30 calendar days after updating the PTASP.

R920-30-5. Incorporation by Reference of Federal Regulation.

The department incorporates by reference 49 CFR Part 674 as it applies to the management of the State Safety Oversight Program, as the minimum standard for state safety oversight of rail fixed guideway systems in Utah.

KEY: state safety oversight, transit, safety

Date of Last Change: ~~2026~~**[December 12, 2018]**

Notice of Continuation: September 20, 2022

Authorizing, and Implemented or Interpreted Law: 72-1-201; 72-1-208; 72-1-214

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Readopt

Filing ID: 58290

Rule or section number:

R930-5

1. Agency Information

Title catchline:	Transportation, Preconstruction
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
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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:
R930-5. Establishment and Regulation of At-Grade Railroad Crossings
B. Purpose of the new rule or reason for the change:
This rule establishes a process to improve safety for all users of an at grade railroad crossing and to provide for the efficient operation of trains, vehicles, and pedestrians through crossings. In reviewing this rule during the five-year review process, the Department of Transportation (department) determined it needed to be updated in the form of a repeal and readopt.
C. Summary of the new rule or change:
This repeal and readopt repeals the current version of this rule and proposes a readopted version updating references to the federal and state codes and other documents, deleting antiquated definitions, streamlining and updating procedure descriptions, reorganized rule sections for better flow, and generally updating language and grammar. Because these changes are so extensive, the department is proposing this rule to be repealed and readopted rather than merely amended.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The department anticipates no aggregate anticipated cost or savings to the state budget because these changes are merely clerical in nature (updating code references, definitions, improving clarity in descriptions of procedures, and reorganizing this rule).
B. Local governments:
The department anticipates no aggregate anticipated cost or savings to local governments because these changes are merely clerical in nature (updating code references, definitions, improving clarity in descriptions of procedures, and reorganizing this rule).
C. Small businesses ("small business" means a business employing 1-49 persons):
The department anticipates no aggregate anticipated cost or savings to small businesses because these changes are merely clerical in nature (updating code references, definitions, improving clarity in descriptions of procedures, and reorganizing this rule).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
The department anticipates no aggregate anticipated cost or savings to non-small businesses because these changes are merely clerical in nature (updating code references, definitions, improving clarity in descriptions of procedures, and reorganizing this rule).

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

The department anticipates no aggregate anticipated cost or savings to persons because these changes are merely clerical in nature (updating code references, definitions, improving clarity in descriptions of procedures, and reorganizing this rule).

F. Compliance costs for affected persons:

It will not cost an impacted entity anything to comply with these changes.

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 Bracerias, 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 72-1-201	Section 72-17-201 et seq.	Section 54-4-14
Section 41-6a-1205		

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)	23 USC 148, Highway Safety Improvement Program (2021)
Publisher	United States Code

Issue or Version	2021
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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)	23 CFR 646, Railroads (2025)
Publisher	Code of Federal Regulations
Issue Date	2025
Issue or Version	4-1-25 Edition

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)	23 CFR 655, Traffic Operations (2025)
Publisher	Code of Federal Regulations
Issue Date	2025
Issue or Version	4-1-25 Edition

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

Official Title of Materials Incorporated (from title page)	23 CFR 924, Highway Safety Improvement Program (2025)
Publisher	Code of Federal Regulations
Issue Date	2025
Issue or Version	4-1-25 Edition

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

Official Title of Materials Incorporated (from title page)	49 USC 209, pt. A, Accidents and Incidents (2021)
Publisher	United States Code
Issue Date	2021

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

Official Title of Materials Incorporated (from title page)	49 CFR 212, State Safety Participation Regulations (2025)
Publisher	Code of Federal Regulations
Issue Date	2025
Issue or Version	10-1-25 Edition

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

Official Title of Materials Incorporated (from title page)	49 CFR 222, Use of Locomotive Horns at Public Highway-Rail Grade Crossings (2025)
Publisher	Code of Federal Regulations
Issue Date	2025
Issue or Version	10-1-25 Edition

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

Official Title of Materials Incorporated (from title page)	49 CFR 674, State Safety Oversight (2025)
Publisher	Code of Federal Regulations
Issue Date	2025
Issue or Version	10-1-25 Edition

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

Official Title of Materials Incorporated (from title page)	A Policy on Geometric Design of Highway and Streets, American Association of State Highway and Transportation Officials (AASHTO) (2018)
Publisher	American Association of State Highway and Transportation Officials
Issue Date	2018
Issue or Version	7th Edition

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

Official Title of Materials Incorporated (from title page)	Highway-Rail Crossing Handbook (FRA/FHWA) (2019)
Publisher	Federal Rail Authority/Federal Highway Authority
Issue Date	2019
Issue or Version	Third Edition

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

Official Title of Materials Incorporated (from title page)	Preemption of Traffic Signals near Railroad Crossings, Institute of Traffic Engineers (ITE) (2021)
Publisher	The Institute of Transportation Engineers
Issue Date	2021
Issue or Version	2nd Edition

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

Official Title of Materials Incorporated (from title page)	Manual for Railway Engineering, Chapter 28, Clearances, American Railway Engineering and Maintenance-of-Way Association (AREMA) (2026)
Publisher	American Railway Engineering and Maintenance-of-Way Association
Issue Date	2026

Issue or Version	Vol. 4
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M. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	Standard Drawing RR-Series, Utah Department of Transportation
Publisher	Utah Department of Transportation
Issue Date	2026

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

Official Title of Materials Incorporated (from title page)	Manual of Uniform Traffic Control Devices (2023, with revision 1 incorporated 2025)
Publisher	United States Department of Transportation
Issue Date	2023
Issue or Version	11th Edition

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:	11/16/2026
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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)	11/23/2026
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13. Agency Authorization Information

Agency head or designee and title:	Carlos M Bracerias, PE, Commissioner	Date:	09/29/2026
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R930. Transportation, Preconstruction.

R930-5. Establishment and Regulation of At-Grade Railroad Crossings.

~~[R930-5-1. Purpose and Authority.~~

~~(1) The Utah Department of Transportation (the "Department") oversees all Public Highway Rail Grade Crossings ("Crossings") in the state of Utah. Railroads have jurisdiction over and are responsible for the safety of private crossings. The Department's goals are to improve the safety for all users of a Crossing and provide for the efficient operation of trains and vehicles and pedestrians access through those Crossings. As part of this effort, the Department promotes the elimination of Crossings and at regular intervals, the Department:~~

~~(a) Reviews all existing Crossings in the state for safety deficiencies;~~

~~(b) Evaluates and approves the location of a new Crossing;~~

~~(c) Prescribes the type of improvements at a Crossing;~~

~~(d) Defines maintenance responsibility for a Crossing; and~~

~~(e) Determines funding apportionments for all Section 130 Crossing Projects.~~

~~(2) This rule describes procedures for evaluating and selecting a Crossing for improvement as well as for evaluating and selecting the type of improvements at a Crossing. Such improvements include, but are not limited to:~~

~~(a) The evaluation and selection of the type of Passive and Active Warning Devices;~~

~~(b) The process for evaluating and determining whether a Crossing should be grade separated; and~~

~~(c) The process for evaluating Quiet Zones as outlined in 49 CFR 222.~~

~~(3) This Rule outlines the responsibilities of the various parties with respect to the design, maintenance and funding for Crossing improvements.~~

~~(4) This Rule is authorized by Section 54-4-15 "Establishment and Regulation of Grade Crossings," Section 54-4-14, Section 72-1-201, Section 41-6a-1205 and Title 63G, Chapter 3 "Utah Administrative Rulemaking Act."~~

R930-5-2. Incorporation by Reference.

~~The following federal law, state law, federal agency manuals, association standards and UDOT technical requirements are incorporated by reference:~~

- ~~(1) 23 CFR 148 "Highway Safety Improvement Program" (2005);~~
- ~~(2) 23 CFR 646 "Railroads" (2009);~~
- ~~(3) 23 CFR 655 "Traffic Operations" (2009) "Manual of Uniform Traffic Control Devices (MUTCD)" (2003, with revisions 1 and 2 incorporated, dated 2007);~~
- ~~(4) 23 CFR 924 "Highway Safety Improvement Program" (2009);~~
- ~~(5) 49 CFR 209 "Accidents and Incidents" (2009);~~
- ~~(6) 49 CFR 212 "State Safety Participation Regulations" (2009);~~
- ~~(7) 49 CFR 222 "Use of Locomotive Horns at Public Highway Rail Grade Crossing" (2009)~~
- ~~(8) 49 CFR 659 "Rail Fixed Guideway Systems; State Safety Oversight" (2009);~~
- ~~(9) "A Policy on Geometric Design of Highway and Streets", American Association of State Highway and Transportation Officials (AASHTO) (2004);~~
- ~~(10) "Railroad Highway Grade Crossing Handbook", Federal Highway Administration (FHWA) (August 2007);~~
- ~~(11) "Preemption of traffic signals near Railroad Crossings", Institute of Traffic Engineers (ITE) (2004);~~
- ~~(12) "Manual for Railway Engineering", Chapter 28, Clearances, American Railway Engineering and Maintenance of Way Association (AREMA), 2007; and~~
- ~~(13) "Standard Drawing ST 7 Pavement Marking and Signs at Railroad Crossings", Utah Department of Transportation (UDOT) (2008).~~

R930-5-3. Definitions.

- ~~(1) "Active Warning Device" means traffic control devices activated by the approach or presence of a train, such as flashing light signals, automatic gates and similar devices, as well as manually operated devices and Crossing watchmen, all of which display to motorists positive warning of the approach or presence of a train.~~
- ~~(2) "Company" means any local district or utility company.~~
- ~~(3) "Diagnostic Team" means an appointed group of knowledgeable representatives of the parties of interest in a Crossing or group of Crossings.~~
- ~~(4) "FHWA" means the Federal Highway Administration, an agency within the United States Department of Transportation.~~
- ~~(5) "FRA" means the Federal Railroad Administration, an agency within the United States Department of Transportation.~~
- ~~(6) "FTA" means the Federal Transit Administration, an agency within the United States Department of Transportation.~~
- ~~(7) "Highway" means any public road, street, alley, lane, court, place, viaduct, tunnel, bridge, or structure laid out or erected for public use, or dedicated or abandoned to the public, or made public in an action for the partition of real property, including the area within the right of way.~~
- ~~(8) "Highway Rail Grade Crossing" ("Crossing") means the general area where a Highway and a Railroad cross at the same level within which are included the Railroad, Highway, and roadside facilities for public traffic traversing the area.~~
- ~~(9) "Highway Authority" means the Department or local governmental entity that owns or has jurisdiction over a Highway.~~
- ~~(10) "MUTCD" means the Manual of Uniform Traffic Control Devices as adopted in Section 41-6a-301.~~
- ~~(11) "Neutral Quadrant" means the quadrant that minimizes sight distance conflicts with immediate on coming auto traffic. Generally, the neutral quadrant is on the far side of the tracks from the direction of vehicular travel.~~
- ~~(12) "Passive Warning Device" means those types of traffic control devices, including signs, markings and other devices located at or in advance of a Crossing to indicate the presence of a Crossing but which do not change aspect upon the approach or presence of a train.~~
- ~~(13) "Preliminary Engineering" means the work necessary to produce construction plans, specifications, and estimates to the degree of completeness required for undertaking construction, including locating, surveying, designing, and related work.~~
- ~~(14) "PSC" means the Public Service Commission of the State of Utah.~~
- ~~(15) "Quiet Zone" means a section of a rail line at least one half mile in length that contains one or more consecutive public Crossings at which locomotive horns are not routinely sounded, see 49 CFR 222.~~
- ~~(16) "Railroad" means all rail carriers, whether publicly or privately owned, and common carriers, including line haul freight and passenger railroads, public transit districts, switching and terminal railroads, passenger carrying railroads such as rapid transit, and commuter and street railroads.~~
- ~~(17) "Section 130 Crossing Project" means a project that eliminates hazards and improves the safe operation of trains, vehicles, and pedestrians through a crossing and is authorized and funded by United State Code, Title 23, Section 130 Program funds.~~

R930-5-4. Type and Selection of Crossing Projects.

- ~~(1) Section 130 Crossing Projects:~~
- ~~(a) Section 130 Crossing Project types include, but are not limited to:~~
- ~~(i) Elimination of a Crossing by combining multiple Crossings;~~
- ~~(ii) Elimination of a Crossing by the relocation of a Highway;~~
- ~~(iii) Elimination of a Crossing by the construction of a new grade separation;~~
- ~~(iv) New safety improvements;~~
- ~~(v) Reconstruction of a Crossing grade separation structure; and~~

- _____ (vi) Repair of Crossing material, that would otherwise be the responsibility of the Railroad as prescribed in Subsection R930-5-8-1(b), if the repair of the Crossing material affects or is an integral part of the Crossing safety devices.
- _____ (b) The Department has established a process for the evaluation and selection of Section 130 projects that considers the potential reduction in the number and/or severity of collisions, the cost of the Crossing projects, and available resources. Specific methods for selecting and prioritizing Crossings for improvement include:
 - _____ (i) The collection and maintenance of data utilizing the USDOT Grade Crossing Inventory to record Crossing data including, but not limited to the current physical condition, average daily traffic, and collision data associated with a Crossing.
 - _____ (ii) An engineering study conducted on a Crossing at the request of a Highway Authority, Railroad, or company or using a priority list developed using the USDOT Accident Prediction Model. The purpose of the engineering study is to review the Crossing and its environment, identify the nature of any deficiencies and recommend alternative improvements. Specifically, an engineering study reviews Crossing characteristics, the existing traffic control system, and the Highway and Railroad characteristics. Based on the review of these conditions, an assessment of existing and potential hazards is made, deficiencies are identified and countermeasures are recommended.
 - _____ (iii) System or corridor evaluations consider a Crossing as a component of a larger transportation system. The objective is to improve both safety and operations of the total system or segments of the system. In such cases, all Crossings within a corridor are evaluated and can be programmed for improvements. The optimal outcome of a corridor study involves a combination of engineering improvements and closures such that both safety and operations are highly improved.
- _____ (2) Non-Section 130 Crossing Projects:
 - _____ (a) Non-Section 130 Crossing Project types include, but are not limited to:
 - _____ (i) Crossing projects that use Railroad properties or involve adjustments to Railroad facilities required by Highway construction, but do not involve the elimination of hazards at a Crossing; and
 - _____ (ii) Construction of a new Crossing at or over a Railroad track where the new Highway is not a relocation of an existing Highway.
 - _____ (b) Non-Section 130 Crossing Projects will be evaluated and selected as part of the Department's normal STIP evaluation and approval process.

R930-5-5. Diagnostic Team.

- _____ (1) The role of the Diagnostic Team is to make recommendations to the Department for needed safety improvements at a Crossing.
- _____ (2) The Diagnostic Team reviews and evaluates proposed improvements for all Section 130 Crossing Projects and Non-Section 130 Crossing Projects. The Diagnostic Team reviews a Crossing when requested by a Highway Authority, Railroad, or Company when changes in Highway traffic patterns are proposed, when proposed Railroad traffic is determined to increase significantly, when complaints are made about a Crossing, when safety concerns arise, or when the Department receives a closure request. The Department will consider all recommendations made by the Diagnostic Team and, if appropriate, input received from the public at large (in accordance with Section R930-5-13) before issuing orders for the improvement of Crossings.
- _____ (3) The Department may also make formal findings and rulings as part of its process for evaluating Crossing improvements or during routine inspection of Crossings, independent of the Diagnostic Team.
- _____ (4) The Diagnostic Team is usually composed of the following team members:
 - _____ (a) Chief Railroad Engineer for the Department;
 - _____ (b) Representative from the Railroad;
 - _____ (c) Representative from the appropriate Company, if applicable; and
 - _____ (d) Representative from the Highway Authority (preferably from engineering or public works), and when available, and where appropriate public school district, law enforcement agency and invites with an interest in the Crossing.
- _____ (5) The role of the Diagnostic Team is to:
 - _____ (a) Recommend the elimination of a Crossing;
 - _____ (b) Recommend the type of safety improvements including, but not limited to Passive Warning Devices, Active Warning Devices, the type of Crossing material, improvements to Highway approaches, removal of foliage and brush, pedestrian facilities (including compliance with ADA requirements), and improvements to street lighting;
 - _____ (c) Review all requests for a new Crossing;
 - _____ (d) Review all requests to reclassify a Crossing from private to public;
 - _____ (e) Recommend the Department conduct an engineering study to evaluate the need for a new overpass or other grade separation structure(s); and
 - _____ (f) Recommend any other safety related changes to improve vehicle and pedestrian safety.
- _____ (6) Duties of Diagnostic Team members generally include participating in Crossings reviews and providing input into the Diagnostic Team recommendations. Specific duties include, but are not limited to the following:
 - _____ (a) The Chief Railroad Engineer will, when applicable:
 - _____ (i) Select a Section 130 Crossing Project from a corridor study, or based on a Highway Authority, Railroad, or Company request;
 - _____ (ii) Schedule and notify Diagnostic Team members, and the FHWA, of the date and time of an upcoming review;
 - _____ (iii) Conduct Crossing review and issue related reports in a reasonable time after the review and send copies to all those attending the review;
 - _____ (iv) Review and approve Crossing improvements recommended by the Diagnostic Team;
 - _____ (v) Determine Section 130 apportionments for Crossing projects;
 - _____ (vi) Initiate all Notices of Intended Action for Crossing projects, as appropriate;
 - _____ (vii) Review and approve the contractual requirements for Crossing projects using Section 130 Program funding;

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- ~~_____ (viii) Review all necessary field data obtained for the Crossing, including but not limited to site plan maps and photographs of the existing Crossing conditions.~~
- ~~_____ (b) The Railroad representative shall provide all relevant data related to the Crossing, including, but not limited to train volumes, accident data and any other pertinent data regarding the Crossing;~~
- ~~_____ (c) The Highway Authority representative shall:~~
- ~~_____ (i) Provide relevant data regarding the Crossing including, but not limited to Highway traffic volumes, planned road construction activities, and an approved master street plan for the Highway;~~
- ~~_____ (ii) Invite local school district if appropriate and request that the local school district representative provide child access and bus routing plan information; and~~
- ~~_____ (iii) Invite local law enforcement agency if appropriate and request that the law enforcement agency provide relevant data, including, but not limited to any safety concerns about the Crossing.~~

~~R930-5-6. Design of a Highway-Rail Grade Crossing.~~

- ~~_____ (1) The Department shall approve or disapprove, as appropriate, the design of all Crossing improvements, including the addition of a new Crossing and treatments for a closed Crossing. All design plans shall include, if available:~~
- ~~_____ (i) USDOT identification numbers;~~
- ~~_____ (ii) Street addresses;~~
- ~~_____ (iii) Highway milepost;~~
- ~~_____ (iv) Railroad subdivision; and~~
- ~~_____ (v) Railroad milepost for the Crossing.~~
- ~~_____ (2) Design of Crossing related facilities that are the responsibility of the Railroad shall conform to the specifications and design standards of the Railroad.~~
- ~~_____ (3) Design of Crossing related Highway approaches, those areas two feet outside of rail that are the responsibility of the Highway Authority shall conform to the specifications and design standards of the Highway Authority, subject to approval by the Department. Where a Highway Authority does not have an approved standard, Department standard drawings for the design of the Crossing approaches apply.~~
- ~~_____ (4) Traffic control devices installed as part of any Crossing improvements shall comply with the MUTCD. Required clearances for all devices shall conform to the MUTCD and any variances from MUTCD requirements must be approved by the Department.~~
- ~~_____ (5) When it is determined that the railroad crossing material needs to be extended or replaced, the agency doing the design of the crossing shall determine the minimum length of the crossing material. The length shall be determined based on the proposed width of the new roadway or from the approved master plan roadway width. The crossing material length shall extend at least two feet from the outer edge of the roadway, beyond the roadway clear zone area, or to the back of the concrete curb and gutter or out past the sidewalks.~~
- ~~_____ (6) The Railroad is responsible for the design of Railroad Active Warning Devices, including the location, activation circuitry, hardware, and software in accordance with MUTCD.~~
- ~~_____ (a) When Active Warning Devices are within 200 feet of a traffic signal, the Highway Authority and the Railroad shall coordinate the design of the interconnect between the traffic signal and Automatic Warning Device to ensure sufficient preemption time to clear potential vehicle stacking across a Crossing.~~
- ~~_____ (b) Signal houses for Active Warning Devices shall be located in the Neutral Quadrant unless approved by the Department.~~
- ~~_____ (7) The Railroad is responsible for the design of all required Railroad Passive Warning Devices located within the Railroad road right of way in accordance with the MUTCD, specific Passive Warning Devices include:~~
- ~~_____ (a) Sign R15-1 (Crossbuck);~~
- ~~_____ (b) Sign R15-2 (Number of tracks);~~
- ~~_____ (c) Sign R1-1 (STOP);~~
- ~~_____ (d) Sign R1-2 (Yield);~~
- ~~_____ (e) Sign R15-3 (Exempt);~~
- ~~_____ (f) Sign R8-9 (Tracks out of Service).~~
- ~~_____ (8) Design and installation of all other Passive Warning Devices, signs, and pavement markings is the responsibility of the Highway Authority. Design and location of the devices shall be in accordance with the MUTCD.~~
- ~~_____ (9) For clearances, refer to the Manual for Railway Engineering, Chapter 28, Clearances, American Railway Engineering and Maintenance of Way Association (AREMA), 2007.~~

~~R930-5-7. Highway Authority and Railroad Responsibility to Request Approval and Arrange for the Installation of Crossing Improvements.~~

- ~~_____ (1) When a Highway Authority widens or constructs a new Highway, the Highway Authority shall be responsible to request a Diagnostic Team review of the Crossing and arrange by agreement with the Railroad to design and install all required improvements concurrent with its request for approval from the Department.~~
- ~~_____ (2) Prior to approving new residential, commercial, or industrial development within 1000 feet of a Crossing, the Highway Authority shall request a Diagnostic Team review to assess the potential traffic impacts at the Crossing.~~
- ~~_____ (3) Before a Highway Authority approves increased development that changes the conditions of a Crossing by significantly increasing traffic volumes, the Highway Authority plans shall be approved by the Department.~~
- ~~_____ (a) No new access openings can be opened within 250' of a Crossing unless approved by the Department.~~
- ~~_____ (b) The Highway Authority shall arrange by agreement with the Railroad for any required Railroad facility changes ordered by the Department.~~

_____ (4) The Highway Authority is responsible for the installation of all Passive Warning Devices outside the Railroad right-of-way, excepting those signs listed in Section R930-5-6.6, or unless a separate agreement applies.

_____ (5) Before a Railroad modifies any safety-related devices or the physical layout of a Crossing, the Railroad shall request a Diagnostic Team review of the proposed changes and request Department approval of all Crossing-related designs.

_____ (6) A Highway Authority, Railroad, or Company making a request for a new Crossing or the reclassification of a Crossing from private to public shall provide the Department with an approved master street plan from the appropriate jurisdiction showing the elimination or combination of existing Crossings and/or other safety improvements that enhance the overall safety of the corridor before a new Crossing or reclassification of a Crossing from private to public will be approved.

_____ (a) A Highway Authority, Railroad, or Company requesting a new Crossing or reclassification of a Crossing from private to public will mutually arrange by agreement for the proposed new Crossing or reclassification of a Crossing before seeking Department approval of the change.

R930-5-8. Maintenance.

_____ (1) Responsibility for maintenance is as described in this section unless a separate agreement applies.

_____ (a) The railroad is responsible for the maintenance of railroad passive warning devices and active warning devices within the railroad right-of-way.

_____ (b) If the railroad has a property interest in the right-of-way, the railroad is responsible for the maintenance of crossing material within the railroad right-of-way and two feet beyond each outside rail for crossings without concrete crossing panels or edge of concrete crossing panel.

_____ (c) On a temporary highway detour crossing, the railroad is responsible for the maintenance of pavement, active warning devices, and passive warning devices within the railroad right-of-way at the expense of the highway authority.

_____ (d) When the railroad alters the railway due to track and ballast maintenance, the railroad shall coordinate work with the highway authority so the pavement approaches can be adjusted to provide a smooth and level crossing surface.

_____ (e) When the highway authority changes the highway profile through construction or maintenance activities, the highway authority shall coordinate work with the railroad so the tracks can be adjusted to provide as smooth and level a crossing surface as possible.

_____ (f) Where a highway structure overpasses a railroad, the highway authority is responsible for the maintenance of the entire structure and its approaches.

_____ (g) Where a highway underpasses a railroad and the railroad owns the right-of-way in fee title, the highway authority is responsible for the maintenance of the highway and the entire structure below, including the deck plate, girders, handrail, and parapets. The railroad is responsible for the maintenance of the ballast, ties, rails, and any portion of the supporting structure above the top of the ballast deck plate between parapets.

_____ (i) If the highway authority owns the right-of-way in fee title, the railroad is responsible for the maintenance of the entire structure unless a separate agreement applies.

_____ (ii) Cost of repairing damages to a highway or a highway structure occasioned by collision, equipment failure, or derailment of the railroad's equipment shall be borne by the railroad.

_____ (h) Responsibility for maintenance of private industrial trackage not owned by a railroad that crosses a highway shall be as follows:

_____ (i) When a facility, plant, or property owner receives goods and services from a railroad over private industrial trackage that crosses a highway, maintenance of the crossing shall be the responsibility of the industry owning the trackage or as agreed to by the parties.

_____ (ii) When the crossing becomes a safety hazard to vehicles and is not maintained, the department or the railroad shipping the goods and services shall notify the industry owning the trackage in writing to maintain or replace the crossing material.

_____ (iii) If the industry owning the trackage does not maintain or replace the crossing material by a specified date, the department shall order the railroad to cease and desist operations across the crossing.

_____ (iv) If the industry owning the trackage does not respond to the order to maintain or replace the crossing material, the department shall arrange to have the crossing material replaced and bill the industry owning the trackage for the expenses to repair the trackage.

R930-5-9. Funding Authorization and Apportionment of Cost for Section 130 Crossing Projects.

_____ (1) Funding Authorization.

_____ (a) Section 130 Crossing Projects:

_____ (i) Costs associated with a FHWA authorized and approved program are eligible for federal participation. Eligible costs incurred in an approved program prior to authorization by FHWA are not reimbursable, but may be included as part of the Railroad share of the project cost where such a share is required. Eligible costs include, but are not limited to cost associated with environmental clearance, Preliminary Engineering, and right-of-way acquisition.

_____ (ii) Prior to FHWA issuing its authorization to advertise the construction of a Crossing project, the Crossing project must receive environmental clearance; the plans, specifications and estimates must be approved by FHWA; and any proposed agreement between the Railroad and the Department must be reviewed and approved by FHWA, as per FHWA's stewardship agreement with the Department.

_____ (b) Non-Section 130 Crossing Projects:

_____ (i) The Department will consider requests for funding of non-Section 130 Crossing Projects as part of its regular STIP evaluation and approval process.

_____ (2) Apportionment of Costs.

_____ (a) Section 130 Crossing Projects:

_____ (i) Apportionment of costs for installation, maintenance, and reconstruction of safety-related improvements at a Crossing shall be in accordance with 23 CFR 646 and Section 54-4-15.

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~~_____ (ii) When a Highway Authority widens a Highway, the Highway Authority shall fund all improvements including, but not limited to Passive Warning Devices, Active Warning Devices, Crossing material, and other improvements as ordered by the Department in consultation with the Diagnostic Team.~~

~~_____ (iii) The Department will evaluate each Crossing project to determine the extent to which, if any, the Crossing projects benefits the respective parties. If a Crossing project is determined not to benefit a party, the party will not be required to participate in the funding.~~

~~_____ (b) Non Section 130 Crossing Projects:~~

~~_____ (i) The Department will consider requests for funding of non Section 130 Crossing Projects as part of its regular STIP evaluation and approval process.~~

R930-5-10. Railroad and Highway Authority Agreements.

~~_____ (1) Where construction of a Section 130 Crossing Project requires use of Railroad properties or adjustments to Railroad facilities, the Department will prepare an agreement with the Railroad.~~

~~_____ (2) Master agreements between the Department and a Railroad on an area wide or statewide basis may be used. These agreements shall contain the specifications, regulations, and provisions required in conjunction with work performed on all Crossing projects.~~

~~_____ (3) On a project-by-project basis, the written agreement between the Department and the Railroad shall include the following minimum requirements:~~

~~_____ (a) Reference to appropriate federal regulations;~~

~~_____ (b) Detailed statement of the work to be performed by each party;~~

~~_____ (c) The extent to which the Railroad is required to adjust its facilities;~~

~~_____ (d) The Railroad's share of the project cost;~~

~~_____ (e) An itemized estimate of the cost of the work to be performed by the Railroad;~~

~~_____ (f) Method to be used for performing the work, either by Railroad forces or by contract;~~

~~_____ (g) Maintenance responsibility;~~

~~_____ (h) Form, duration, and amounts of any needed insurance; and~~

~~_____ (i) Appropriate reference to or identification of plans and specifications.~~

~~_____ (4) On matching fund agreements between the Department and a Highway Authority, the written agreement shall include the following minimum requirements:~~

~~_____ (a) Description of work and location, city, county, and state;~~

~~_____ (b) Reference to federal regulations that matching funds will be provided by the Highway Authority;~~

~~_____ (c) Detailed statement of work to be performed by each party regarding design, agreements, inspection, and maintenance;~~

~~_____ (d) Statement of finances of project and matching funds to be provided by Highway Authority, deposits, invoices, and cost overruns or under runs.~~

~~_____ (5) Agreements for industry track Crossings are prepared between the Highway Authority and the industry.~~

~~_____ (6) In order that a Crossing project shall not become unduly delayed, the Department shall consider a six month period from issuance of the Railroad agreement to be adequate for completion of work by the Railroad involved. Should more than the specified period elapse, the Department shall require the Railroad to proceed with the work covered by the agreement under the authority contained in Section 54-4-15 and approval from the FHWA will be solicited in conformance with 23 CFR 646.~~

R930-5-11. Crash Reporting.

~~_____ A Railroad is required to report crashes resulting in injury or death to an individual or damage to equipment, roadbed, or autos occurring at a Crossing to the Department's Chief Railroad Engineer within 2 hours of the incident. Initial notification must include the USDOT Crossing number, street address, municipality, time of incident, train identifier, and contact phone number for further information. Written crash reports shall be submitted to the Department within 30 days of the incident. Current Federal Railroad Administration (FRA) form F 6180.57 shall be used to report a crash.~~

R930-5-12. Exemption of Railroad Crossings.

~~_____ Under Section 41-6a-1205, certain vehicles are required to stop at all Crossings unless a Crossing is signed as exempt. Recommendation to exempt a Crossing is made by a Diagnostic Team and the Department is responsible for issuing the exemption order. The following Crossings are not eligible for exemption under this Section:~~

~~_____ (1) Mainline Crossings with Passive Warning Devices only;~~

~~_____ (2) Crossings within approved Quiet Zones; and~~

~~_____ (3) Crossings where insufficient sight distance exists.~~

R930-5-13. Notice of Intended Action.

~~_____ (1) Public notification of a public hearing opportunity is required, in conformance with Section R930-2, when the Department is considering a proposal to permanently close a Crossing, add a track at a Crossing, or construct a new Crossing. It is the responsibility of the Highway Authority, Railroad, or Company requesting the proposed action, in consultation with the Department, to carry out the requirements of this section unless otherwise agreed to by the Department.~~

~~_____ (2) In instances where the action proposed by the Department does not substantially affect the public, the Department may waive the requirement to notice a public hearing opportunity, provided the affected Diagnostic Team members concur in writing.]~~

R930-5-1. Purpose and Authority.

~~_____ (1) The department oversees all public highway-rail grade crossings in Utah.~~

- (2) Railroads have jurisdiction over and are responsible for the safety of private highway-rail grade crossings.
- (3) The department shall administer this rule to improve safety for all users of a crossing and to provide for the efficient operation of trains, vehicles, and pedestrians through crossings by:
 - (a) inventorying the safety infrastructure at all crossings in the state;
 - (b) evaluating and approving the location of a new crossing;
 - (c) prescribing the type of improvements at a crossing;
 - (d) defining maintenance responsibility for a crossing; and
 - (e) determining funding apportionments for all Section 130 crossing projects.
- (4) This rule describes the procedures the department uses to evaluate and select a crossing for improvements and to evaluate and select the type of improvements at a crossing, including:
 - (a) the evaluation and selection of the type of passive and active warning device; and
 - (b) the process for evaluating and determining whether a crossing should be grade separated.
- (5) This rule establishes the responsibilities of the parties involved in the design, maintenance, and funding of crossing improvements.
- (6) This rule is authorized by:
 - (a) Title 72, Chapter 17, Part 2, Regulation of Highway-Railroad Grade Crossings;
 - (b) Sections 54-4-14, 72-1-201; and 41-6a-1205; and
 - (c) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R930-5-2. Incorporation by Reference.

The department incorporates the following federal law, state law, federal agency manuals, association standards, and UDOT technical requirements by reference:

- (1) 23 USC 148, "Highway Safety Improvement Program" (2021);
- (2) 23 CFR 646, "Railroads" (2026);
- (3) 23 CFR 655, "Traffic Operations" (2026) Manual of Uniform Traffic Control Devices (2023, with revision 1 incorporated 2025);
- (4) 23 CFR 924, Highway Safety Improvement Program (2026);
- (5) 49 USC ch. 209, pt. A, Accidents and Incidents (2021);
- (6) 49 CFR 212, State Safety Participation Regulations (2026);
- (7) 49 CFR 222, Use of Locomotive Horns at Public Highway-Rail Grade Crossings (2026);
- (8) 49 CFR 674, State Safety Oversight (2026);
- (9) A Policy on Geometric Design of Highway and Streets, American Association of State Highway and Transportation Officials (AASHTO)(2018);
- (10) Highway-Rail Crossing Handbook (FRA/FHWA)(2019);
- (11) Preemption of Traffic Signals near Railroad Crossings, Institute of Traffic Engineers (ITE)(2021);
- (12) Manual for Railway Engineering, Chapter 28, Clearances, American Railway Engineering and Maintenance-of-Way Association (AREMA)(2026); and
- (13) Standard Drawing RR-Series, Utah Department of Transportation.

R930-5-3. Definitions.

As used in this rule:

- (1) "Active warning device" means a traffic control device activated by the approach or presence of a train that gives a motorist a positive warning of the approach or presence of a train, including:
 - (a) a flashing light signal, an automatic gate, or a similar device; or
 - (b) a manually operated device or crossing watchman.
- (2) "Crossing" means a highway-rail grade crossing.
- (3) "Diagnostic team" means a department appointed group of knowledgeable representatives of the parties of interest when addressing changes to a crossing or group of crossings.
- (4) "FHWA" means the Federal Highway Administration.
- (5) "FRA" means the Federal Railroad Administration.
- (6) "FTA" means the Federal Transit Administration.
- (7) "Highway" means a public road, street, alley, lane, court, place, viaduct, tunnel, bridge, or structure that is laid out or erected for public use, dedicated or abandoned to the public, or made public in an action for the partition of real property, including the area within the right-of-way.
- (8) "Highway authority" means the department or the local governmental entity that owns or has jurisdiction over a highway.
- (9) "Highway-rail grade crossing" means the general area where a highway and a railroad cross at the same level, including the railroad, highway, and roadside facilities that serve public traffic traversing the area.
- (10) "MUTCD" means the Manual of Uniform Traffic Control Devices, as adopted in accordance with Section 41-6a-301.
- (11) "Neutral quadrant" means, of the four quadrants or areas formed by the intersection of a highway and a railroad, the quadrant that minimizes sight-distance conflicts with oncoming vehicular traffic, which, unless site conditions require otherwise, is the quadrant on the far side of the tracks from the direction of vehicular travel.
- (12) "Passive warning device" means a static traffic control device, including a sign, marking, or other device located at or in advance of a crossing that indicates the presence of a crossing but does not react or change when a train approaches or is present.

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(13) "Preliminary engineering" means the work necessary to produce construction plans, specifications, and estimates to the degree of completeness required to undertake construction, including locating, surveying, designing, and related work.

(14) "Quiet zone" means a section of a rail line at least one half mile in length that contains one or more consecutive public crossings at which locomotive horns are not routinely sounded.

(15) "Railroad" means a rail carrier, whether publicly or privately owned, including a:

- (a) common carrier;
- (b) line-haul freight or passenger railroad;
- (c) public transit district;
- (d) switching or terminal railroad; or
- (e) passenger-carrying railroad such as a rapid transit, commuter, or street railroad.

(16) "Section 130 crossing project" means a project that:

- (a) is authorized and funded under United States Code, Title 23, Section 130; and
- (b) eliminates hazards and improves the safe operation of trains, vehicles, and pedestrians through a crossing.

(17) "STIP" means the Statewide Transportation Improvement Program, the department's fiscally constrained, multi-year program of highway and transit projects developed in accordance with 23 CFR Part 450.

R930-5-4. Diagnostic Team.

(1) For the purposes described in this section, the department may appoint a project-limited or time-limited diagnostic team consisting of:

- (a) the department's chief railroad engineer or a designee;
- (b) one or more railroad representatives; and
- (c) one or more representatives of the appropriate highway authority.

(2) The department may convene a diagnostic team review when:

- (a) a highway authority, railroad, or the department requests a review of a crossing or is proposing improvements or changes to a crossing;
- (b) a highway authority proposes a change to highway traffic patterns that is projected to significantly increase traffic at a crossing;
- (c) a person complains about a crossing;
- (d) a safety concern regarding a crossing arises;
- (e) the department receives a request to close a crossing; or
- (f) a provision of the MUTCD requires a review of a crossing.

(3) At the discretion of the department, the department may conduct a diagnostic team review when:

(a) a highway authority widens or constructs a new highway affecting a crossing, in which case the highway authority shall arrange by agreement with the railroad to design and install all required improvements concurrently with the department's review;

(b) a highway authority proposes to approve new residential, commercial, or industrial development within 1,000 feet of a crossing, to assess the development's potential traffic impacts on the crossing;

(c) a railroad proposes to modify a safety-related device or the physical layout of a crossing, in which case the railroad shall request the department's approval of all crossing-related designs following the review; or

(d) a highway authority or railroad requests a new crossing or the reclassification of a crossing from private to public, in which case the requesting party shall:

- (i) mutually arrange by agreement with the other party for the proposed new crossing or reclassification; and
- (ii) provide the department with an approved master street plan from the appropriate jurisdiction showing the elimination or combination of existing crossings, or other safety improvements that enhance the overall safety of the corridor.

(4) The duties of the diagnostic team include reviewing, evaluating, and making recommendations to the department for all:

- (a) proposed improvements for crossing projects, including Section 130 and non-Section 130 crossing projects;
- (b) requests for a new crossing;
- (c) requests to reclassify a crossing from private to public; and
- (d) requests to eliminate a crossing;

(5) In addition to the duties described in Subsection (4), the diagnostic team may recommend:

(a) that the department conduct an engineering study to evaluate the need for a new overpass or other grade separation structure when appropriate; and

(b) other safety-related changes to improve vehicle and pedestrian safety at a crossing.

(6) When serving on a diagnostic team, the chief railroad engineer, or a designee, when applicable:

- (a) schedules each upcoming review and notifies diagnostic team members and the FHWA of the date and time of the review;
- (b) conducts each crossing review, issues a related report within a reasonable time after the review, and sends copies to attendees;
- (c) reviews and, at the discretion of the engineer, approves crossing improvements the diagnostic team recommends;
- (d) considers a Section 130 crossing project the diagnostic team recommends;
- (e) initiates all notices of intended action for crossing projects, as appropriate, under Section R930-5-12; and
- (f) reviews all necessary field data obtained for a crossing project, including site plan maps and photographs of existing crossing conditions.

(7) When serving on a diagnostic team, the railroad's representative provides relevant data related to the crossing under review, including train volumes, accident data, and other pertinent data regarding the crossing.

- (8) When serving on a diagnostic team, the highway authority's representative:
 - (a) provides relevant data regarding the crossing under review, including highway traffic volumes, planned road construction activities, the approved master street plan for the highway, and relevant pedestrian information;
 - (b) Invites the local school district to participate in a review when appropriate, and requests the school district to provide child access and bus routing plan information; and
 - (c) Invites the local law enforcement agency to participate in the review when appropriate, and requests the law enforcement agency to provide relevant data, including any safety concerns about the crossing.
- (9) Before taking final action on improving a crossing, the department shall consider all recommendations the diagnostic team makes and, if appropriate, input the public provides under Section R930-5-12.
- (10) Notwithstanding this section, the department may make formal findings and rulings independently of the diagnostic team.

R930-5-5. Design of a Highway-Rail Grade Crossing.

- (1) The department shall approve or disapprove the design of all crossing improvements, including the addition of a new crossing and treatments for a closed crossing. All design plans shall include, if available:
 - (a) USDOT identification numbers;
 - (b) street addresses;
 - (c) highway milepost;
 - (d) railroad subdivision; and
 - (e) railroad milepost for the crossing.
- (2) A railroad shall design crossing facilities that are the railroad's responsibility in conformance with the railroad's own specifications and design standards.
- (3)(a) A highway authority shall design crossing highway approaches, which includes the areas beyond two feet of rail that are the highway authority's responsibility, in conformance with the highway authority's own specifications and design standards.
 - (b) If a highway authority that is not the department has no approved standard, the department's standards for crossing approach design apply.
- (4)(a) The department, a railroad, and a highway authority shall ensure that permanent and temporary traffic control devices installed as part of a crossing improvement comply with the MUTCD.
 - (b) The department must approve any variance from MUTCD requirements.
- (5)(a) When crossing material needs to be extended or replaced, the entity designing the crossing shall determine the minimum length of the crossing material.
 - (b) The entity shall base the length on the proposed width of the new roadway or on the approved master plan roadway width.
 - (c) The entity shall ensure that the crossing material extends at least two feet from the outer edge of the roadway, to the back of the concrete curb and gutter, or past the sidewalk.
- (6) The railroad shall design railroad active warning devices, including but not limited to, the location, activation circuitry, hardware, and software, in accordance with the MUTCD.
- (7) When an active warning device is within 200 feet of a traffic signal, the highway authority and the railroad shall coordinate the design of the interconnect between the traffic signal and the active warning device to ensure sufficient preemption time to clear potential vehicle stacking across the crossing.
- (8) The railroad shall locate a signal house for an active warning device in the neutral quadrant unless the department approves another location.
- (9) The railroad shall design and install all required railroad passive warning devices located within the railroad right-of-way, in accordance with the MUTCD.
- (10) The highway authority shall design and install all other passive warning devices, signs, and pavement markings, and shall locate them in accordance with the MUTCD.

R930-5-6. Exemption of Railroad Crossings.

- (1) Under Section 41-6a-1205, certain vehicles must stop at all crossings unless the department determines a crossing is exempt.
- (2) The diagnostic team may recommend whether to exempt a crossing.
- (3) If the diagnostic team recommends that a crossing be exempt, the department may issue an exemption order for that crossing.
- (4) Notwithstanding the other provisions of this section, the department may not exempt:
 - (a) a crossing at a railroad mainline track with a passive warning device;
 - (b) a crossing within an approved quiet zone, unless traffic is regulated by a traffic control signal; or
 - (c) a crossing where insufficient sight distance exists.

R930-5-7. Maintenance.

- (1) Responsibility for maintenance is as described in this section unless a separate agreement applies.
- (2) The railroad shall maintain railroad passive and active warning devices within the railroad right-of-way.
- (3) The railroad shall maintain crossing material within the railroad right-of-way:
 - (a) to the edge of the concrete crossing panel; or
 - (b) two feet beyond each outside rail, for a crossing without a concrete crossing panel.
- (4) On a temporary highway detour crossing, the railroad shall maintain the pavement, active warning devices, and passive warning devices within the railroad right-of-way, at the highway authority's expense.

(5) When the railroad alters the railway due to track and ballast maintenance, the railroad shall coordinate the work with the highway authority so the pavement approaches can be adjusted to provide a smooth and level crossing surface.

(6) When the highway authority changes the highway profile through construction or maintenance activities, the highway authority shall coordinate the work with the railroad so the tracks can be adjusted to provide as smooth and level a crossing surface as possible.

(7) Where a highway structure overpasses a railroad, the highway authority shall maintain the entire structure and its approaches.

(8) Where a highway underpasses a railroad:

(a) if the railroad owns the right-of-way in fee title, the railroad shall maintain the ballast, ties, rails, and any portion of the supporting structure above the top of the ballast deck plate between parapets, and the highway authority shall maintain the highway and all other portions of the structure, including the deck plate, girders, handrail, and parapets; or

(b) if the highway authority owns the right-of-way in fee title, the railroad shall maintain the entire structure.

(9) The responsibility for maintenance of industrial trackage that crosses a highway is as follows:

(a) when a facility, plant, or property owner receives goods and services from a railroad over industrial trackage, not owned by a railroad and that crosses a highway, the facility, plant, or property owner shall maintain the crossing;

(b) if an unmaintained crossing becomes a safety hazard to vehicles, the department or the railroad shipping the goods and services shall notify the owner of the trackage in writing to maintain or replace the crossing;

(c) if the entity owning the trackage does not maintain or replace the crossing by a specified date, the department shall order the railroad to cease and desist operations across the crossing; and

(d) if the entity owning the trackage does not respond to an order to maintain or replace the crossing, the department shall arrange to have the crossing replaced and bill the entity owning the trackage for the expense of the repair.

(10) The railroad shall bear the cost of repairing damage to a highway or highway structure caused by a collision, equipment failure, or derailment of the railroad's equipment.

R930-5-8. Type and Selection of Crossing Projects.

(1)(a) This Subsection (1) describes Section 130 crossing projects.

(b) For the purposes of this rule, Section 130 crossing project types include:

(i) elimination of a crossing;

(ii) safety improvements;

(iii) reconstruction of a crossing grade separation structure; and

(iv) repair of crossing material.

(c) The department selects and prioritizes Section 130 crossing projects using the following methods:

(i) the department collects and maintains crossing data using the USDOT Grade Crossing Inventory, including the crossing's current physical condition, average daily traffic, and highway attributes;

(ii) a highway authority, railroad, or the department may request an engineering study of a crossing;

(iii) an engineering study;

(A) reviews the crossing and the crossing's environment, identifies the nature of any deficiencies, and recommends alternative improvements; and

(B) reviews crossing characteristics, the existing traffic control system, and the highway and railroad characteristics; and

(iv) when using an engineering study, the department assesses existing and potential hazards, identifies deficiencies, and recommends countermeasures.

(d) When evaluating the need for a Section 130 crossing project, the department:

(i) shall evaluate the project as a component of a larger transportation corridor;

(ii) may program all crossings within a transportation corridor for improvements; and

(iii) may consider both engineering improvements and closures to improve safety and operations.

(2)(a) This Subsection (2) describes non-Section 130 crossing projects.

(b) For the purposes of this rule, non-Section 130 crossing project types include:

(i) a crossing project that uses railroad properties or involves an adjustment to railroad facilities required by highway construction, but does not involve the elimination of a hazard at a crossing; and

(ii) construction of a new crossing at or over a railroad track where the new highway is not a relocation of an existing highway.

(c) The department evaluates and selects non-Section 130 crossing projects as part of the department's normal STIP evaluation and approval process.

R930-5-9. Funding Authorization and Apportionment of Cost for Crossing Projects.

(1)(a) This Subsection (1) describes funding and funding authorization requirements for a Section 130 crossing project and a non-Section 130 crossing project.

(b) For a Section 130 crossing project:

(i) costs associated with a program the FHWA authorizes and approves are eligible for federal participation;

(ii) eligible costs a party incurs in an approved program before FHWA authorization are not reimbursable, but the department may include the costs as part of the railroad's share of the project cost where a share is required;

(iii) eligible costs include costs associated with environmental clearance, preliminary engineering, and right-of-way acquisition; and

(iv) the department may not advertise for construction of a Section 130 crossing project until the FHWA has:

(A) approved environmental clearance;

(B) approved the plans, specifications, and estimates of the project; and

(C) reviewed and approved any proposed agreement between the railroad and the department, consistent with the FHWA's stewardship agreement with the department.

(c) For a non-130 crossing project, the department shall consider and authorize a request for funding as part of the department's regular STIP evaluation and approval process.

(2)(a) This Subsection (2) describes the apportionment of costs for Section 130 crossing projects and non-Section 130 crossing projects.

(b) For a Section 130 crossing project:

(i) the department shall apportion costs for the installation, maintenance, and reconstruction of safety-related improvements at a crossing in accordance with 23 CFR 646 and Section 72-17-202; and

(ii) when a highway authority widens a highway, the highway authority shall fund all improvements the department requires in consultation with the diagnostic team, including any passive warning devices, active warning devices, and crossing materials;

(c) For a non-Section 130 crossing project, the department apportions costs as part of the department's regular STIP evaluation and approval process.

(3) For all crossing projects under this section, the department:

(a) shall evaluate each crossing project to determine the extent to which it benefits the respective parties; and

(b) may not require a party to participate in the funding of a project, if the department determines that a crossing project does not benefit a party.

R930-5-10. Railroad and Highway Authority Agreements.

(1) Where construction of a federally funded project requires use of railroad properties or modifications to railroad infrastructure, the department shall prepare an agreement with the railroad.

(2)(a) The department and a railroad may use a master agreement on an area-wide or statewide basis.

(b) The parties shall include in a master agreement the specifications, regulations, and provisions required for work performed on crossing projects.

(3) In preparing a written agreement between the department and a railroad, the parties shall, at a minimum:

(a) reference the applicable federal regulations;

(b) state in detail the work each party will perform;

(c) identify the extent to which the railroad must adjust the railroad's infrastructure;

(d) state the railroad's share of the project cost;

(e) itemize the estimated cost of the work the railroad will perform;

(f) assign maintenance responsibility;

(g) state any needed insurance requirements; and

(h) reference or identify the applicable plans and specifications.

(4) In preparing a matching fund agreement, the department and a highway authority shall, at a minimum:

(a) describe the work and location, including city, county, and state;

(b) reference the federal regulations requiring the highway authority to provide matching funds;

(c) state in detail the work each party will perform regarding design, agreements, inspection, and maintenance; and

(d) state the project's finances and the matching funds the highway authority will provide, including deposits, invoices, and cost overruns or underruns.

(5) For a project where the industry track crosses a highway, the highway authority and the industry shall prepare a written agreement.

(6)(a) To prevent undue delay of a crossing project, the department considers a six-month period from issuance of the railroad agreement adequate for the railroad to complete the railroad's work.

(b) If the railroad's work is not complete within that period, the department:

(i) shall require the railroad to proceed with the work in accordance with Section 72-17-202; and

(ii) shall seek FHWA approval in conformance with 23 CFR 646.

R930-5-11. Crash Reporting.

(1) A railroad shall report to the department's chief railroad engineer, or a designee, within two hours of a crash at a crossing that results in injury or death to an individual, or damage to equipment, roadbed, or a vehicle.

(2) The railroad's initial notification shall include the USDOT crossing number, street address, municipality, time of the incident, train identifier, and a contact phone number for further information.

(3) The railroad shall submit a written crash report to the department within 30 days of the incident, using the current Federal Railroad Administration Form F 6180.57.

R930-5-12. Notice of Intended Action.

(1) When the department considers a proposed action to permanently close a crossing, add a track at a crossing, or construct a new crossing, the highway authority or railroad shall provide public notification of a public hearing opportunity in conformance with R930-2.

(2) The highway authority or railroad requesting the proposed action are responsible for providing and presenting information at the public hearing, in consultation with the department, unless the department agrees otherwise.

(3) If, in the determination of the department, the proposed action to a crossing does not substantially affect the public, the department may waive the requirement to notice a public hearing opportunity if the diagnostic team members concur in writing.

NOTICES OF PROPOSED RULES

KEY: railroad, crossing, transportation, safety

Date of Last Change: ~~2026~~~~February 7, 2023~~

Notice of Continuation: September 9, 2026

Authorizing, and Implemented or Interpreted Law: 41-6a-1205; 54-4-14; ~~54-4-15~~Title 72, Chapter 17, Part 2; 72-1-201

End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R58-1	Filing ID: 55241
Effective date:	09/24/2026	

1. Agency Information

Title catchline:	Agriculture and Food, Animal Industry
Building:	Taylorsville State Office Building, South Bldg, Floor 2
Street address:	4315 S 2700 W
City, state:	Taylorsville, UT
Mailing address:	PO Box 146500
City, state and zip:	Salt Lake City, UT 84114-6500

2. Contact Persons

Name:	Phone:	Email:
Amber Brown	385-245-5222	Ambermbrown@utah.gov
Camille Knudson	801-597-6010	Camillek@utah.gov
John Keller	385-321-0250	johnkeller@utah.gov

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

3. General Information

A. Rule catchline:	
R58-1. Admission, Identification, and Inspection of Livestock, Poultry, and Other Animals	
B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 4-2-103(1)(c)(i)	Grants authority to inquire into causes of contagious, infectious, and communicable diseases among livestock and to implement effective measures for their prevention and cure. Using this provision, this rule establishes specific health screenings, testing, import permitting, and vaccination requirements designated to prevent disease entry and transmission among Utah's livestock population.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Subsection 4-2-103(1)(i)	Authorizes the Department of Agriculture and Food (department) with rulemaking authority necessary for the effective administration of the state's agricultural laws and empowers the department to establish standards regarding animal inspection, movement, and identification across the state.
Title 4, Chapter 31	Provides broad statutory responsibility on the department to control animal diseases and mitigate health threats across domestic, captive, and agricultural species.

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

No comments have been received since the last five-year review of this rule.

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

This rule is necessary to maintain a biosecurity framework and protect the state's livestock industry, public health, and agricultural economy from communicable animal diseases. This rule also establishes requirements for importation, entry, identification, and transport of cattle, bison, horses, swine, sheep, goats, poultry, captive Cervidae (elk), and exotic species.

This rule is required to ensure ongoing protection of public and animal health. Therefore, this rule should be continued.

Discontinuation of this rule would create biosecurity vulnerability, increasing the risk of widespread disease outbreaks, loss of disease-free status designations, quarantine measures, and financial damage to Utah's producers and interstate commerce.

4. Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	09/24/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R58-3	Filing ID: 55243
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Effective date:	09/24/2026
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1. Agency Information

Title catchline:	Agriculture and Food, Animal Industry
Building:	Taylorville State Office Building, South Bldg, Floor 2
Street address:	4315 S 2700 W
City, state:	Taylorville, UT
Mailing address:	PO Box 146500
City, state and zip:	Salt Lake City, UT 84114-6500

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Camille Knudson	801-597-6010	Camillek@utah.gov
John Keller	385-321-0250	johnkeller@utah.gov

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

3. General Information

A. Rule catchline:

R58-3. Brucellosis Vaccination Requirements

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 4-31-109	Grants rulemaking authority to control and eradicate brucellosis through enforcement of the rules.
Subsection 4-2-103(1)(c)(i)	Authorizes the Department of Agriculture and Food (department) to investigate the cause of contagious, infections, and communicable diseases among livestock and implement measures for their prevention and cure.
Subsection 4-2-103(1)(j)	Authorizes the department to enact rules necessary for the effective administration of the state's agricultural laws which enables the department to establish standards for vaccine administration, official tattooing, identification, and reporting.

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

No comments have been received since the last five-year review of this rule.

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

This rule is essential to safeguard Utah's livestock industry, public health, and agricultural economy from bovine brucellosis (*Brucella abortus*). Brucellosis is a communicable disease-causing infertility, and reduced milk production in cattle, and bison.

This rule establishes vaccination, identification, and reporting requirements to maintain its baseline herd immunity, USDA "Class Free" brucellosis status, and prevent financial losses from disease outbreaks, quarantines, and depopulation measures.

This rule is required to maintain biosecurity and preserve market stability for Utah livestock. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	09/23/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R58-6	Filing ID: 58022
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Effective date:	09/24/2026
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1. Agency Information

Title catchline:	Agriculture and Food, Animal Industry
Building:	Taylorsville State Office Building, South Bldg, Floor 2
Street address:	4315 S 2700 W
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Please address questions regarding information on this notice to the persons listed above.

3. General Information**A. Rule catchline:**

R58-6. Poultry and Captive-Raised Gamebirds

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

Section 4-31-119(1)(a)

Authorizes the Department of Agriculture and Food to make rules for the control and prevention of disease in poultry, waterfowl, and gamebirds.

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

No comments have been received since the last five-year review of this rule.

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

This rule is necessary to maintain Utah's biosecurity framework and protect commercial poultry producers, backyard, flock owners, gamebird facilities, and public health from avian diseases such as Highly Pathogenic Avian Influenza (HPAI).

This rule also provides the structure for licensing poultry dealers and hatcheries, implementing disease testing standards, establishing sanitary handling practices, enforcing mandatory disease reporting, and imposing quarantines when infectious pathogens are detected. Therefore, this rule should be continued.

4. Agency Authorization Information**Agency head or designee and title:**

Kelly Pehrson, Commissioner

Date:

09/24/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**Rule number:**

R58-18

Filing ID: 57422**Effective date:**

09/24/2026

1. Agency Information**Title catchline:**

Agriculture and Food, Animal Industry

Building:

Taylorsville State Office Building, South Bldg, Floor 2

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

3. General Information**A. Rule catchline:**

R58-18. Licensing, Operating, Health, and Disposal Standards for Domesticated Elk Facilities

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

Section 4-39-106	Mandates the Department of Agriculture and Food to make rules, after considering recommendations of the Domesticated Elk Advisory Council, regarding application procedures, disposal or removal of domesticated elk, operational and facility standards, health and testing standards, transportation and documentation of domesticated elk carcasses, and rules consistent with statutory responsibilities listed in Section 4-39-103.
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C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received since the last five-year review of this rule.

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

This rule is essential to maintain regulatory oversight, biosecurity, and operational standards for Utah's domesticated elk industry while protecting native wild cervid populations and domestic livestock from catastrophic animal diseases.

This rule also provides requirements for licensing elk facilities, and the framework to monitor Chronic Wasting Disease (CWD), and requirements to ensure proper carcass disposal, trace animal movements, and ability to manage facilities.

This rule is required to fulfill statutory mandates, support commercial elk farming, and preserve public health, animal, and wildlife safety. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	09/24/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R58-22	Filing ID: 55254
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Effective date:	09/24/2026
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1. Agency Information

Title catchline:	Agriculture and Food, Animal Industry
Building:	Taylorville State Office Building, South Bldg, Floor 2
Street address:	4315 S 2700 W
City, state:	Taylorville, UT
Mailing address:	PO Box 146500
City, state and zip:	Salt Lake City, UT 84114-6500

2. Contact Persons

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

3. General Information

A. Rule catchline:
R58-22. Equine Infectious Anemia (EIA)

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 4-31-109	Authorizes the Department of Agriculture and Food (department) to make rules to control and eradicate infectious diseases in livestock.
Subsection 4-2-103(1)(c)	Grants the department the authority to inquire into the cause of contagious, infectious, and communicable diseases among livestock and implement measures for their prevention and cure.
Subsection 4-2-103(1)(i)	Authorizes the department to create rules necessary for the effective administration of the states' agricultural laws.

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

No comments have been received since the last five-year review of this rule.

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

This rule is necessary to protect Utah's equine population, horse owners, and agricultural economy from equine infectious Anemia (EIA), which is a viral blood-borne disease transmitted by biting insects or contaminated needles and equipment.

This rule also establishes the framework to prevent and control EIA outbreaks and includes testing protocols, quarantine, isolation, identification requirements, and humane disposition options.

This rule is essential to maintain animal health and protect livestock commerce. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	09/24/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R58-23	Filing ID: 55228
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Effective date:	09/24/2026
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1. Agency Information

Title catchline:	Agriculture and Food, Animal Industry
Building:	Taylorsville State Office Building, South Bldg, Floor 2
Street address:	4315 S 2700 W
City, state:	Taylorsville, UT
Mailing address:	PO Box 146500
City, state and zip:	Salt Lake City, UT 84114-6500

2. Contact Persons

Name:	Phone:	Email:
Amber Brown	385-245-5222	Ambermbrown@utah.gov
Camille Knudson	801-597-6010	Camillek@utah.gov
John Keller	385-321-0250	johnkeller@utah.gov

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

3. General Information**A. Rule catchline:**

R58-23. Equine Viral Arteritis (EVA)

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

Section 4-31-109	Authorizes the Department of Agriculture and Food (department) to make rules to control and eradicate infectious diseases in livestock.
Subsection 4-2-103(1)(i)	Authorizes the department to make rules necessary for the effective administration of the state's agricultural laws.

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

No comments have been received since the last five-year review of this rule.

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

This rule is necessary to protect Utah's equine population, horse breeding operations, and agricultural economy from Equine Viral Arteritis (EVA), which is a contagious viral disease that causes respiratory illness, severe disease in young foals, widespread abortion in pregnant mares, and persistent, asymptomatic carrier status in breeding stallions.

This rule also establishes the framework to control EVA transmission, including mandatory diagnostic testing prior to initial stallion vaccination, official registration and management of EVA carrier stallions, restriction on the distribution and use of EVA infected semen, and quarantine protocols for infected premises.

This rule is essential to preserve equine health, maintain biosecurity, and protect interstate livestock commerce. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	09/24/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R70-320	Filing ID: 57984
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Effective date:	09/24/2026
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1. Agency Information

Title catchline:	Agriculture and Food, Regulatory Services
Building:	Taylorsville State Office Buildings, South Bldg, Floor 2
Street address:	4315 S 2700 W
City, state:	Taylorsville, UT
Mailing address:	PO Box 146500
City, state and zip:	Salt Lake City, UT 84114-6500

2. Contact Persons

Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Camille Knudson	801-597-6010	camillek@utah.gov

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Travis Waller	801-982-2250	twaller@utah.gov
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Please address questions regarding information on this notice to the persons listed above.

3. General Information

A. Rule catchline:
R70-320. Manufactured Dairy Products

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 4-3-201	Authorizes rulemaking to make and enforce rules to carry out the purposes of the Utah Dairy Act

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

No comments have been received since the last five-year review of this rule.

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

This rule is essential to maintain the safety, quality, and sanitary production of manufactured (non-grade A) dairy products offered to consumers throughout Utah. This rule also establishes standards for operating dairy manufacturing plants, producing butter and cheese, and wholesale distribution of frozen desserts and dry milk products.

This rule incorporates key federal safety standards in 7 CFR Part 58, 21 CFR Parts 131, 133, and 135.

This rule is required to safeguard public health and preserve economic stability across Utah's dairy sector. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	09/24/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R70-530	Filing ID: 56529
Effective date:	09/23/2026	

1. Agency Information

Title catchline:	Agriculture and Food, Regulatory Services
Building:	Taylorsville State Office Buildings, South Bldg, Floor 2
Street address:	4315 S 2700 W
City, state:	Taylorsville, UT
Mailing address:	PO Box 146500
City, state and zip:	Salt Lake City, UT 84114-6500

2. Contact Persons

Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Camille Knudson	801-597-6010	camillek@utah.gov
Travis Waller	801-982-2250	twaller@utah.gov

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

3. General Information**A. Rule catchline:**

R70-530. Food Protection

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

Section 4-5-104

Authorizes the Department of Agriculture and Food (department) to adopt rules to efficiently enforce the Utah Wholesome food Act and in alignment with the Food, Drug, and Cosmetic Act.

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 received within the last five years about 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:

Rule R70-530 is essential to safeguarding public health by establishing uniform safety and sanitation standards across Utah's retail food operations, food processors, warehouses, and distribution facilities. It also outlines fundamental requirements for management, personnel, food handling, sanitation, equipment, and plan reviews to ensure that food sold and distributed to consumers remains safe, unadulterated, and honestly presented.

Furthermore, this rule allows the department to maintain alignment with nationwide public health standards through its incorporation of key federal regulations, including the U.S. Food and Drug Administration (FDA) Food Code, Code of Federal Regulations (CFR) titles, and the Food, Drug, and Cosmetic Act. Therefore, this rule should be continued.

Without this rule, the department would lack the regulatory enforcement mechanisms and standardized inspection requirements necessary to mitigate foodborne illness risks and ensure safe food production across the state.

4. Agency Authorization Information**Agency head or designee and title:**

Kelly Pehrson, Commissioner

Date:

09/23/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**Rule number:**

R70-560

Filing ID: 55038**Effective date:**

09/23/2026

1. Agency Information

Title catchline:	Agriculture and Food, Regulatory Services
Building:	Taylorsville State Office Buildings, South Bldg, Floor 2
Street address:	4315 S 2700 W
City, state:	Taylorsville, UT
Mailing address:	PO Box 146500
City, state and zip:	Salt Lake City, UT 84114-6500

2. Contact Persons

Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Camille Knudson	801-597-6010	camillek@utah.gov
Travis Waller	801-982-2250	twaller@utah.gov

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

3. General Information**A. Rule catchline:**

R70-560. Inspection and Regulation of Cottage Food Production Operations

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

Subsection 4-5-501(2)

Authorizes rulemaking to protect public health and ensure a safe food supply.

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:

Rule R70-560 is necessary to establish and maintain clear standards for operating cottage food production facilities within the state. This rule outlines crucial food safety practices, labeling guidelines, inspection protocols, and licensing requirements that ensure home-produced foods offered to the public remain safe, unadulterated, and accurately labeled.

This rule ensures that cottage food operators can continue to conduct small-scale business activities out of domestic kitchens under appropriate oversight, balancing economic opportunity for local food producers with essential public health and consumer safety protections. Therefore, this rule should be continued.

Without this rule, the Department would lack the regulatory framework necessary to evaluate, approve, register, and inspect cottage food production operations in Utah.

4. Agency Authorization Information**Agency head or designee and title:**

Kelly Pehrson, Commissioner

Date:

09/23/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**Rule number:**

R123-7

Filing ID: 57130**Effective date:**

09/30/2026

1. Agency Information**Title catchline:**

Auditor, Administration

Building:

Capitol Building

Street address:

Suite 260

City, state:

Salt Lake City, UT

Mailing address:

350 N State St, Suite 260

City, state and zip:

Salt Lake City, UT 84114

2. Contact Persons**Name:****Phone:****Email:**

Mandy Teerlink

425-330-1339

mteerlink@utah.gov

Alex Nielson

801-699-6509

alexnielson@utah.gov

Kramer McCausland

kmccausland@utah.gov

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

3. General Information**A. Rule catchline:**

R123-7. Required Governmental Entities' Posting of Financial Information to Transparent Utah, formerly known as the Utah Public Finance Website

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

Subsection 67-3-12(9)	This requires the Auditor's Office to promulgate administrative rules detailing the records a qualifying entity is required to post to the Transparent Utah Website.
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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:

Utah Code continues to require entities to submit their data to Transparent Utah. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Tina M Cannon, Utah State Auditor	Date:	09/30/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R151-5	Filing ID: 58001
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Effective date:	09/22/2026
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1. Agency Information

Title catchline:	Commerce, Administration
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146702
City, state and zip:	Salt Lake City, UT 84114-6702

2. Contact Persons

Name:	Phone:	Email:
Rob Terry	801-530-6392	robterry@utah.gov

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

3. General Information**A. Rule catchline:**

R151-5. Administration of the Office of the Property Rights Ombudsman's Land Use Fund

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 15A-1-209(5)(c)(iii)	Establishes funding percentage and action directive for the Office of the Property Rights Ombudsman to provide education and training on the drafting and application of land use laws and regulations, and land use dispute resolution.
Section R156-15A-230	Establishes funding directive to be provided to the Office of the Property Rights Ombudsman from the Building Code Training Fund to address the requirements of Subsection 15A-1-209(5)(c)(iii).

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:

A substantive change was completed on Rule R151-5, effective 07/08/2026.

This rule is based upon the statute requiring the activities contained with this rule and the recent updates to improve the efficiency and effectiveness of the program. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Jordan Cullimore, Division Director	Date:	09/16/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R152-42	Filing ID: 58147
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Effective date:	09/24/2026
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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

2. Contact Persons

Name:	Phone:	Email:
Daniel Larsen	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:
R152-42. Uniform Debt-Management Services 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) to make rules to administer and enforce chapters listed in Section 13-2-102, including Title 13, Chapter 42, Uniform Debt-Management Services Act (UDMSA).
Subsection 13-42-102(8)(c)	This subsection authorizes the division to determine by rule whether an individual who is already licensed as a financial planner provides "debt-management services" contemplated by Subsection 13-42-102(8).
Subsection 13-42-112(2)	This subsection authorizes the division to make rules designating other states from which it will accept a provider's existing registration or licensure in lieu of a new registration application with the division.
Subsection 13-42-132(3)	This subsection authorizes the division to make rules to implement the provisions of the chapter.
Subsection 13-42-132(6)	This subsection requires the division to make a rule adopting a base year.

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 has not received any comments 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 establishes:

- 1) a "base year" in accordance with the UDMSA;
- 2) the states in which registration satisfies the division's registration requirements; and
- 3) the contents of registration applications, which allows the division to efficiently process applications for registration.

This rule's provisions are either mandated by the UDMSA, or assist the division's administration and enforcement of the UDMSA. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Daniel Larsen, Assistant Director	Date:	09/24/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R156-1	Filing ID: 56914
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Effective date:	10/01/2026
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1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	Phone:	Email:
Lauren Harvey	801-530-6654	laureneharvey@utah.gov

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

3. General Information

A. Rule catchline:
R156-1. General Rule of the Division of Professional Licensing

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 58-1-106(1)(a)	Provides the Division of Professional Licensing (Division) may adopt and enforce rules to administer Title 58.
Subsection 58-1-308(1)(a)	Provides that the Division will establish a rule with respect to the renewal cycle and other general provisions for professions regulated by the Division.

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 rule is necessary as it provides a mechanism to inform potential licensees of the general rules of the Division, as allowed under statutory authority provided in Title 58, Chapter 1, applicable to all professions regulated by the Division.

This rule is also necessary as it provides information to ensure applicants for licensure are knowledgeable about general rules of the Division with respect to items that are not covered separately in each profession's rule.

Further, this rule allows the Division to maintain public safety by detailing standards that apply across the board to professions. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Deborah Blackburn, Assistant Director	Date:	09/30/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R156-37	Filing ID: 56997
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Effective date:	10/01/2026
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1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	Phone:	Email:
Lauren Harvey	801-530-6654	laureneharvey@utah.gov

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

3. General Information

A. Rule catchline:
R156-37. Utah Controlled Substances Act Rule

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 58-37-101 et seq.	Title 58, Chapter 37, Controlled Substances provides for the licensure and regulation of professionals prescribing and handling controlled substances.
Subsection 58-1-106(1)(a)	This subsection establishes that it is a duty of the Division of Professional Licensing (Division) to prescribe, adopt, and enforce rules to administer Title 58, Occupations and Professions.

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

No comments have been received since the last five-year review of this rule.

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

This rule is necessary as it provides a mechanism to inform licensees and applicants for licensure of the rules relating to controlled substances, as allowed under statutory authority in Title 58, Chapter 37. This rule applies to professions regulated by the Division that are involved with controlled substances.

This rule also is necessary as it provides information to ensure applicants for licensure are knowledgeable about controlled substance requirements of the Division with respect to items that are not covered separately in each profession's rule. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Deborah Blackburn, Assistant Director	Date:	09/30/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R251-106	Filing ID: 50348
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Effective date:	09/29/2026
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1. Agency Information

Title catchline:	Corrections, Administration
Building:	Utah Department of Corrections
Street address:	14717 S Minuteman Drive
City, state:	Draper, UT 84020

2. Contact Persons

Name:	Phone:	Email:
Stefanie Coombs	801-707-4413	scoombs@utah.gov

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Rusty Phelps	385-535-6790	rphelps@utah.gov
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Please address questions regarding information on this notice to the persons listed above.

3. General Information

A. Rule catchline:
R251-106. Media Relations

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 63G-3-201	This rule is required due to agency action meeting specific criteria, including criteria listed under Subsection (2).
Section 64-13-10	This section grants the Department of Corrections (department) general rulemaking authority.
Subsection 63G-2-201(12)	This subsection states a governmental entity may not "...use the physical form, electronic or otherwise, in which a record is stored to deny, or unreasonably hinder the rights of a person to inspect and receive a copy of a record..."
Section 63G-2-204	This section references grants the department rulemaking authority regarding requests for records access, and references Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
Section 77-19-11	This section directs the department to adopt rules governing the attendance of persons, including the number of media representatives, at an execution.

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.

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 purpose of this rule is to define the department's policy under which persons representing the news media shall be allowed access to correctional institutions, inmates, and other supervised offenders.

This rule is also intended to define department actions when a need exists for the safeguarding of information. Therefore, this rule should be continued.

A Nonsubstantive Change will also be submitted updating language to comply with Subsection 67-1-18(1)(c) enacted during the 2026 General Session, which changes the title of the "Executive Director" of the Department of Corrections, to the "Commissioner." This change will also affect the title of "Deputy Director" to "Deputy Commissioner."

4. Agency Authorization Information

Agency head or designee and title:	Jared Garcia, Commissioner	Date:	09/28/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-421	Filing ID:	54025
Effective date:	10/01/2026		

1. Agency Information

Title catchline:	Education, Administration
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FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Ben Rasmussen	801-538-7992	Ben.rasmussen@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-421. Out-of-State Tuition Reimbursement

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Section 53G-6-305	Outlines when a school district may pay out-of-state tuition for a resident student to attend a school district out-of-state.

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 public comments received since the last five-year review of this rule.

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

This rule establishes procedures for obtaining Board approval for reimbursement of out-of-state tuition expenses, calculating reimbursement costs, and recording out-of-state students in district records. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Ben Rasmussen, Director of Policy	Date:	10/02/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-424	Filing ID: 54125
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Effective date:	10/01/2026
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1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

City, state:	Salt Lake City, Utah 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, Utah 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Ben Rasmussen	801-538-7992	Ben.rasmussen@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-424. Indirect Costs for State Programs

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Subsection 53E-3-501(1)(e)	Directs the Board to adopt rules for financial, statistical, and student accounting requirements.

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 public comments received since the last five-year review of this rule.

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

This rule establishes Board standards for claiming indirect costs for state programs. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Ben Rasmussen, Director of Policy	Date:	10/02/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-438	Filing ID: 50428
Effective date:	10/01/2026	

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, Utah 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, Utah 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Ben Rasmussen	801-538-7992	Ben.rasmussen@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-438. Dual Enrollment

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

Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-501(1)(b)(i)	Directs the Board to establish rules and minimum standards for access to programs.
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Section 53G-6-702	Governs dual enrollment.

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 public comments received since the last five-year review of this rule.

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

This rule provides consistent statewide procedures and criteria for a home school and private school student's participation in a public school course, co-curricular activity, or program. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Ben Rasmussen, Director of Policy	Date:	10/02/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-491	Filing ID: 57727
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Effective date:	10/01/2026
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1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

2. Contact Persons

Name:	Phone:	Email:
Ben Rasmussen	801-538-7992	Ben.rasmussen@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-491. School Community Councils

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

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 public comments received since the last five-year review of this rule.

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

This rule provides procedures and clarifying information to a school community council to assist the council in fulfilling school community council responsibilities consistent with Sections 53G-7-1202, 53G-7-1203, and 53G-7-1206. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Ben Rasmussen, Director of Policy	Date:	10/02/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-706	Filing ID: 54129
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Effective date:	10/01/2026
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1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Ben Rasmussen	801-538-7992	Ben.rasmussen@schools.utah.gov

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

3. General Information**A. Rule catchline:**

R277-706. Regional Education Service Agencies

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

Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Section 53G-4-410	Directs the Board to make rules regarding regional education service agencies.
Subsection 53E-3-401(4)	Permits the Board to adopt rules in accordance with the Board's responsibilities.

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 public comments received since the last five-year review of this rule.

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

This rule provides definitions and procedures for school districts to form interlocal agreements, and provides for distribution of legislative funds to eligible regional education service agencies by the Board. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Ben Rasmussen, Director of Policy	Date:	10/02/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-746	Filing ID: 56846
Effective date:	10/01/2026	

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Ben Rasmussen	801-538-7992	Ben.rasmussen@schools.utah.gov

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

3. General Information**A. Rule catchline:**

R277-746. Driver Education Programs for Utah Schools

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Subsection 53G-10-502(4)	Directs the Board to prescribe rules for driver education classes in the public schools.

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 public comments received since the last five-year review of this rule.

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

This rule incorporates by reference the Board's Driver Education manual, which specifies standards and procedures for local school districts conducting automobile driver education. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Ben Rasmussen, Director of Policy	Date:	10/02/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-922	Filing ID: 56377
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Effective date:	10/01/2026
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1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Ben Rasmussen	801-538-7992	Ben.rasmussen@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-922. Digital Teaching and Learning Grant Program

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

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Section 53F-2-510	Establishes a qualifying grant program and adopt rules related to administration of the Digital Teaching and Learning Grant Program.

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 public comments received since the last five-year review of this rule.

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

This rule establishes an application and grant review committee and process and gives direction to Local Educational Agencies (LEAs) participating in the Digital Teaching and Learning Program. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Ben Rasmussen, Director of Policy	Date:	10/02/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R313-15	Filing ID: 56553
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Effective date:	09/30/2026
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1. Agency Information

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

2. Contact Persons

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

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

3. General Information

A. Rule catchline:

R313-15. Standards for Protection Against Radiation

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

Section 19-3-104	This statute establishes the statutory authority for the Utah Waste Management and Radiation Control Board (Board) to enact administrative rules for radiation control. Specifically, it authorizes and mandates the Board to make rules necessary to control public and occupational exposure to sources of ionizing radiation that constitute health hazards.
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FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

	It also directs the state to maintain regulatory rules that comply with federal standards (U.S. Nuclear Regulatory Commission) so that Utah maintains primacy to regulate radioactive materials within the state.
Section 19-6-104	This statute defines the general powers and duties of the Utah Waste Management and Radiation Control Board regarding waste management programs. It grants authority to survey waste practices, develop statewide management policies, and enact administrative rules necessary to maintain federal authorization/primacy for regulating solid, hazardous, and mixed waste streams.

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

No comments have been received since the last five-year review of this rule.

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

This rule is necessary because it establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses issued by the Director.

These rules are designed so the total dose of radiation to an individual, including doses resulting from all sources of radiation other than background radiation, does not exceed the standards for protection against radiation.

As an Agreement State, this rule maintains the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Ted H Sonnenburg, PE, LEHS, Division Director	Date:	09/08/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R313-21	Filing ID: 56680
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Effective date:	09/30/2026
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1. Agency Information

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

2. Contact Persons

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

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

3. General Information**A. Rule catchline:**

R313-21. General Licenses

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

Section 19-3-104	This statute establishes the authority of the Utah Waste Management and Radiation Control Board (Board) to issue rules governing the possession, acquisition, transfer, and use of radioactive materials. It directs the Board to create regulatory requirements for general licenses that simplify regulatory oversight for low-risk, standardized radioactive items while ensuring radiation exposures are controlled and compatible with U.S. Nuclear Regulatory Commission (NRC) standards for state Agreement status.
Section 19-6-104	This section defines the Board's general authority to establish administrative policies and rules regarding regulated materials and waste streams to protect public health and the environment. It provides foundational oversight powers to regulate the proper handling, transfer, and disposal of items containing radioactive components authorized under general licenses.

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

No comments have been received since the last five-year review of this rule.

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

This rule is necessary because it establishes general licenses for the possession and use of radioactive material contained in certain items and a general license for ownership of radioactive material.

As an Agreement State, this rule maintains the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Ted H Sonnenburg, PE, LEHS, Division Director	Date:	09/08/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R313-24	Filing ID:	57545
Effective date:	09/30/2026		

1. Agency Information

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

2. Contact Persons

Name:	Phone:	Email:
Brandon Davis	385-622-1873	bbdavis@utah.gov
Adam Wingate	385-499-0293	awingate@utah.gov

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

3. General Information**A. Rule catchline:**

R313-24. Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements

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

Section 19-3-104	This statute establishes the authority for the Utah Waste Management and Radiation Control Board (Board) to make rules controlling public and occupational exposure to radiation. Specifically, it authorizes the rulemaking framework necessary for uranium mill and radiation safety oversight, including licensing requirements, environmental assessments, and major license amendment thresholds compatible with federal U.S. Nuclear Regulatory Commission (NRC) standards.
Section 19-6-107	This statutory provision grants administrative power to the Director of the Division of Waste Management and Radiation Control (division). It explicitly authorizes the Director to review specifications, plans, and licensing applications, process permits, conduct inspections, and enforce rules adopted by the Board to maintain state regulatory jurisdiction.

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:

Since the last five-year review, the division has received comments related to Rule R313-24.

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

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

The second category of comments concerned the option in Rule R313-24 to publish public notices either in a newspaper of general circulation in the area affected or on the division's website. The member of the public recommended making both notification methods a requirement. The division's response was that while this is a reasonable suggestion, the existing rule remains sufficient for current rulemaking as the division utilizes both methods in practice to ensure broad transparency; however, the division may consider formalizing this dual-notification requirement in future regulatory updates.

The third category involved a question regarding a specific uranium mill license that was determined to be out of scope for the Rule R313-24 rulemaking. Division staff noted the comment but informed the member of the public that the concern would be addressed through separate communication, as it did not pertain to the regulatory language of this formal action.

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

This rule is necessary because it prescribes requirements for possession and use of source material in milling operations.

It also establishes requirements for receipt, possession, and disposal of byproduct material.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

As an Agreement State, this rule maintains appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.

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

4. Agency Authorization Information

Agency head or designee and title:	Ted H Sonnenburg, PE, LEHS, Division Director	Date:	09/08/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R313-30	Filing ID: 57045
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Effective date:	09/30/2026
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1. Agency Information

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

2. Contact Persons

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

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

3. General Information

A. Rule catchline:
R313-30. Therapeutic Radiation Machines

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-3-104	The section allows the Waste Management and Radiation Control Board (Board) to make rules to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government. The section also allows the Board to make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard. As part of the state primacy of the radiation control program, the provisions in Rule R313-30 have been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and have been determined to be compatible with the corresponding federal radiation protection regulations.

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

No comments have been received since the last five-year review of this rule.

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

This rule is necessary because it establishes requirements for use of therapeutic radiation machines that are in addition to, and not in substitution for, other applicable provisions of the rules found in Title R313.

As an Agreement State, this rule maintains the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Ted H Sonnenburg, PE, LEHS, Division Director	Date:	09/08/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R313-34	Filing ID: 55061
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Effective date:	09/30/2026
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1. Agency Information

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

2. Contact Persons

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

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

3. General Information**A. Rule catchline:**

R313-34. Requirements for Irradiators

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

Subsection 19-3-104(4)	Grants broad rulemaking authority to the Utah Waste Management and Radiation Control Board (Board) to regulate and control sources of ionizing radiation to protect public health and safety. It explicitly mandates that state rules be compatible with U.S. Nuclear Regulatory Commission (NRC) federal standards under Utah's Agreement State status.
Subsection 19-3-104(7)	Authorizes the Board to establish specific rules, requirements, and regulatory standards governing licenses for the possession, acquisition, transfer, and use of sealed radioactive sources and specialized radiation-emitting equipment. As part of the state primacy of the radiation control program, the provisions in Rule R313-34 have been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and have been determined to be compatible with the corresponding federal radiation protection regulations.

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

No comments have been received since the last five-year review of this rule.

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

This rule is necessary because it prescribes requirements for the issuance of licenses authorizing the use of sealed sources containing radioactive materials in irradiators used to irradiate objects or materials using gamma radiation that are in addition to, and not in substitution for, other applicable provisions of the rules found in Title R313.

As an Agreement State, this rule maintains the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Ted H Sonnenburg, PE, LEHS, Division Director	Date:	09/08/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R313-35	Filing ID: 57046
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Effective date:	09/30/2026
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1. Agency Information

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

2. Contact Persons

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

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

3. General Information**A. Rule catchline:**

R313-35. Requirements for X-Ray Equipment Used for Non-Medical Applications

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

Section 19-3-104	Authorizes the Utah Waste Management and Radiation Control Board to make rules controlling exposure to sources of radiation to protect public health and safety. Rule R313-35 implements this authority by establishing specific radiation safety standards, training requirements, personnel monitoring, structural shielding, and operational protocols for x-ray equipment used in non-medical applications--such as industrial non-destructive testing, analytical systems, security bag scanners, and veterinary medicine.
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FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Section 19-6-107	Outlines the statutory powers and duties of the Director of the Division of Waste Management and Radiation Control. It provides the Director with authority to administer registrations, inspect facilities utilizing non-medical x-ray systems, evaluate radiation safety procedures, and enforce compliance with state radiation safety standards.
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C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received since the last five-year review of this rule.

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

This rule is necessary because it establishes radiation safety requirements for registrants who use electronic sources of radiation for industrial radiographic applications, analytical applications or other non-medical applications that are in addition to, and not in substitution for, other applicable provisions of the rules found in Title R313. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Ted H Sonnenburg, PE, LEHS, Division Director	Date:	09/08/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R313-37	Filing ID: 56556
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Effective date:	09/30/2026
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1. Agency Information

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

2. Contact Persons

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

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

3. General Information

A. Rule catchline:

R313-37. Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material

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

Section 19-3-103	Sets forth the state policy to protect human health and safety and the environment from radiation hazards. Rule R313-37 implements this statutory objective by establishing physical protection and security standards to prevent theft, diversion, or unauthorized access to sensitive quantities of radioactive materials.
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FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Section 19-3-104	Authorizes the Utah Waste Management and Radiation Control Board to make rules controlling exposure to sources of radiation and regulating the possession and security of radioactive material. It mandates that state safety and physical security rules maintain compatibility with federal regulations issued by the NRC under Utah's Agreement State status. Rule R313-37 satisfies this statutory requirement by establishing physical security measures, background checks, access controls, and monitoring protocols for facilities possessing Category 1 or Category 2 quantities of radioactive material.
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C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received since the last five-year review of this rule.

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

This rule is necessary because it prescribes requirements for the physical protection of radioactive materials for a licensee that possesses an aggregated category 1 or category 2 quantity of radioactive material.

The requirements are in addition to, and not in substitution for, other applicable provisions of the rules found in Title R313. As an Agreement State, this rule maintains the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Ted H Sonnenburg, PE, LEHS, Division Director	Date:	09/08/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R313-38	Filing ID: 55064
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Effective date:	09/30/2026
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1. Agency Information

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

2. Contact Persons

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

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

3. General Information

A. Rule catchline:
R313-38. Licenses and Radiation Safety Requirements for Well Logging

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

Section 19-3-104	Grants authority to the Utah Waste Management and Radiation Control Board to adopt rules controlling public and occupational exposure to radiation. It mandates that state rules maintain compatibility with federal U.S. Nuclear Regulatory Commission (NRC) standards under Utah's Agreement State status.
Section 19-6-107	Defines the statutory administrative powers of the Director of the Division of Waste Management and Radiation Control, including authority to issue radioactive material licenses, conduct regulatory inspections, review operating procedures, and enforce compliance with state radiation safety rules.

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

No comments have been received since the last five-year review of this rule.

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

This rule is necessary because it prescribes requirements for the issuance of a license authorizing the use of licensed materials including sealed sources, radioactive tracers, radioactive markers, and uranium sinker bars in well logging.

This rule also prescribes radiation safety requirements for persons using licensed materials in these operations. The requirements are in addition to, and not in substitution for, other applicable provisions of the rules found in Title R313.

As an Agreement State, this rule maintains the appropriate regulatory compatibility with the NRC. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Ted H Sonnenburg, PE, LEHS, Division Director	Date:	09/08/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R590-91	Filing ID: 54362
Effective date:	09/22/2026	

1. Agency Information

Title catchline:	Insurance, Administration
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W
City, state:	Taylorville, UT
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901

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:**

R590-91. Credit Life Insurance and Credit Accident and Health Insurance

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, the Insurance Code.
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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 implements the provisions of Title 31A, Chapter 22, Part 9, Credit Life and Accident and Health Insurance.

This rule also protects the interests of debtors and the public in this state and ensures a fair and equitable credit insurance market by establishing a system of reasonable rating, policy form, and operating standards for the transaction of credit life insurance and credit accident and health insurance. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	09/22/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R930-2	Filing ID: 52136
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Effective date:	09/16/2026
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1. Agency Information

Title catchline:	Transportation, Preconstruction
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:**

R930-2. Public Hearings

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

Section 72-1-201	This section vests the Department of Transportation (department) with general rulemaking authority.
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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 department has determined that this rule should still be in place. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Carlos M. Bracerias, PE, Commissioner	Date:	09/15/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R930-3	Filing ID: 52138
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Effective date:	09/16/2026
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1. Agency Information

Title catchline:	Transportation, Preconstruction
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:**

R930-3. Highway Noise Abatement

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

Section 72-6-111	This rule grants the Department of Transportation (department) general rulemaking authority.
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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.

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 is still authorized to have this rule in place and has determined that it should remain in replace. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Carlos M. Bracerias, PE, Commissioner	Date:	09/15/2026
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Commerce

Consumer Protection

No. 58115 (Repeal and Reenact) R152-11: Utah Consumer Sales Practices Act Rule

Published: 08/15/2026

Effective: 09/22/2026

Education

Administration

No. 58149 (Amendment) R277-101: Public Participation in Utah State Board of Education Meetings

Published: 09/01/2026

Effective: 10/08/2026

No. 58150 (Amendment) R277-108: Annual Assurance of Compliance by Local School Boards

Published: 09/01/2026

Effective: 10/08/2026

No. 58151 (Amendment) R277-110: Educator Salary Adjustment

Published: 09/01/2026

Effective: 10/08/2026

No. 58152 (Amendment) R277-211: Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions

Published: 09/01/2026

Effective: 10/08/2026

No. 58153 (Amendment) R277-301: Educator Licensing

Published: 09/01/2026

Effective: 10/08/2026

No. 58154 (Amendment) R277-304: Teacher Preparation Programs

Published: 09/01/2026

Effective: 10/08/2026

No. 58155 (Amendment) R277-306: Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, Counselors, and School Social Workers

Published: 09/01/2026

Effective: 10/08/2026

No. 58156 (Amendment) R277-322: LEA Codes of Conduct
Published: 09/01/2026
Effective: 10/08/2026

No. 58157 (New Rule) R277-334: Classroom Technology and Artificial Intelligence Governance
Published: 09/01/2026
Effective: 10/08/2026

No. 58158 (Amendment) R277-406: Early Learning Program and Assessments
Published: 09/01/2026
Effective: 10/08/2026

No. 58159 (Amendment) R277-409: Public School Membership in Associations
Published: 09/01/2026
Effective: 10/08/2026

No. 58160 (Amendment) R277-445: Classifying Small Schools as Necessarily Existent
Published: 09/01/2026
Effective: 10/08/2026

No. 58161 (Amendment) R277-460: Distribution of Substance Abuse Prevention Account
Published: 09/01/2026
Effective: 10/08/2026

No. 58162 (Amendment) R277-462: Comprehensive School Counseling Program
Published: 09/01/2026
Effective: 10/08/2026

No. 58163 (Amendment) R277-465: CPR in Schools
Published: 09/01/2026
Effective: 10/08/2026

No. 58164 (Repeal) R277-486: Professional Staff Cost Program
Published: 09/01/2026
Effective: 10/08/2026

No. 58165 (Amendment) R277-626: Carson Smith Opportunities Scholarship Program
Published: 09/01/2026
Effective: 10/08/2026

No. 58166 (Amendment) R277-717: High School Course Grading Requirements
Published: 09/01/2026
Effective: 10/08/2026

No. 58167 (New Rule) R277-802: Educational Enrichment Programs for Deaf, Hard of Hearing, Blind, and Visually Impaired Students
Published: 09/01/2026
Effective: 10/08/2026

No. 58168 (Amendment) R277-927: Teacher and Student Success Act (TSSA) Program
Published: 09/01/2026
Effective: 10/08/2026

Environmental Quality

Air Quality

No. 57882 (Amendment) R307-110-13: Section IX, Control Measures for Area and Point Sources, Part D, Ozone
Published: 04/15/2026
Effective: 10/02/2026

No. 57882 (Change in Proposed Rule) R307-110-13: Section IX, Control Measures for Area and Point Sources, Part D, Ozone
Published: 09/01/2026
Effective: 10/02/2026

NOTICES OF RULE EFFECTIVE DATES

No. 58102 (Repeal) R307-124: General Requirements: Conversion to Alternative Fuel Grant Program
Published: 07/15/2026
Effective: 10/07/2026

No. 58103 (Amendment) R307-840: Lead-Based Paint Program Purpose, Applicability, and Definitions
Published: 07/15/2026
Effective: 10/07/2026

No. 58104 (Amendment) R307-841: Residential Property and Child-Occupied Facility Renovation
Published: 07/15/2026
Effective: 10/07/2026

No. 58105 (Amendment) R307-842: Lead-Based Paint Activities
Published: 07/15/2026
Effective: 10/07/2026

Government Operations

Human Resource Management
No. 58050 (Amendment) R477-7: Leave
Published: 07/01/2026
Effective: 09/29/2026

Technology Services

No. 58137 (Amendment) R895-4: Subdomain Naming Conventions for Executive Branch Agencies
Published: 09/01/2026
Effective: 10/09/2026

Health and Human Services

Integrated Healthcare
No. 58114 (Amendment) R414-1: Utah Medicaid Program
Published: 08/01/2026
Effective: 09/21/2026

No. 58113 (Amendment) R414-505-7: Management Entity Updates
Published: 08/01/2026
Effective: 09/21/2026

Insurance

Administration
No. 58131 (Amendment) R590-238-19: Authorized Forms
Published: 08/15/2026
Effective: 09/24/2026

Natural Resources

Forestry, Fire and State Lands
No. 58124 (Amendment) R652-126: Wildland Urban Interface Property
Published: 08/15/2026
Effective: 09/22/2026

No. 58125 (Amendment) R652-140: Utah Forest Practices Act
Published: 08/15/2026
Effective: 09/22/2026

Public Service Commission

Administration
No. 58119 (Amendment) R746-409: Pipeline Safety
Published: 08/15/2026
Effective: 09/22/2026

Transportation

Administration

No. 58120 (Amendment) R907-80: Disposition of Surplus Land

Published: 08/15/2026

Effective: 09/23/2026

No. 58117 (New Rule) R907-81: Affordable Housing Infrastructure Grant Rule

Published: 08/15/2026

Effective: 09/23/2026

End of the Notices of Rule Effective Dates Section