

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT

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EDITOR'S NOTE

NOTICE OF CODIFICATION ERROR FOR RULE R156-22, "PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT RULES"

On June 13, 1996, the Division of Occupational and Professional Licensing (Department of Commerce) filed major changes to Rule R156-22 (DAR No. 17871) with the Division of Administrative Rules (Division). These changes were published as a repeal and reenactment of the rule in the July 1, 1996, issue of the *Utah State Bulletin (Bulletin)*. Subsequently, a change in proposed rule, based on the original repeal and reenactment, was filed for Rule R156-22 (DAR No. 17871 CPR) and published in the August 15, 1996, issue of the *Bulletin*.

The Division followed its normal codification practice in processing these two filings from Occupational and Professional Licensing, with one exception. The result of the codification should have been the insertions of the cumulative changes of the repeal and reenactment, as well as the change in proposed rule, into the *Utah Administrative Code*. Instead, only the changes attendant to the repeal and reenactment were inserted. The change in proposed rule amended the provisions of the following sections: R156-22-102, R156-22-202, R156-22-203, R156-22-205, R156-22-302, R156-22-401, R156-22-501, R156-22-601, and R156-22-701. The correct text of the affected sections is reproduced below.

R156. Commerce, Occupational and Professional Licensing. **R156-22. Professional Engineers and Professional Land Surveyors Licensing Act Rules.**

.....

R156-22-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 22, as used in Title 58, Chapters 1 and 22, or these rules:

(1) "Complete and final" as used in Subsection 58-22-603(1) means "complete construction plans" as defined in Subsection 58-22-102(3).

(2) "Direct supervision" as used in Subsection 58-22-102(10) means "supervision" as defined in Subsection 58-22-102(16).

(3) "Employee" means one or more individuals who are working or providing services for compensation paid in the form of wages or salary from which there is withheld or should be withheld income taxes or social security taxes under applicable law.

(4) "Engineering surveys" as used in Subsection 58-22-102(9) include all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but exclude the surveying of real property for the establishment of land boundaries, rights-of-way, easements, alignment of streets, and the dependent or independent surveys or resurveys of the public land survey system.

(5) "Full time" means a minimum of 30 hours per week for periods of time not less than 10 weeks in length.

(6) "Qualifying experience for licensure as a professional engineer" as used in Section R156-22-203 means full time professional engineering performed by an applicant for licensure as a professional engineer requiring the application of the engineering sciences in the investigation, planning, design and construction of engineering works and systems performed under the supervision of a licensed professional engineer.

(7) "Qualifying experience for licensure as a land surveyor" as used in Section R156-22-205 means full time professional land surveying performed by an applicant for licensure as a professional land surveyor requiring actual field and office time spent monumenting property boundaries, platting and laying out lands and subdivisions, recording plats and keeping accurate records and field notes performed under the supervision of a licensed professional land surveyor.

(8) "Recognized jurisdiction" as used in Subsection 58-22-302(4)(d)(i), for licensure by endorsement, means any state, district or territory of the United States, or any foreign country who issues licenses for professional engineers, professional structural engineers, or professional land surveyors, and whose licensure requirements include:

(a) Professional Engineer.

(i) a bachelors or post graduate degree in engineering or equivalent education as determined by the NCEES Foreign Engineering Education Evaluation Program and four years of full time engineering experience under supervision of one or more licensed engineers; or eight years of full time engineering experience under supervision of one or more licensed professional engineers; and

(ii) passing the NCEES Principles and Practice of Engineering Examination or passing a professional engineering examination that is substantially equivalent to the NCEES Principles and Practice of Engineering Examination.

(b) Professional Structural Engineer.

(i) a bachelors or post graduate degree in engineering or equivalent education as determined by the NCEES Foreign Engineering Education Evaluation Program and four years of full time engineering experience under supervision of one or more licensed engineers; or eight years of full time engineering experience under supervision of one or more licensed professional engineers;

(ii) passing the NCEES Principles and Practice of Engineering Examination - Civil or passing a professional engineering examination that is substantially equivalent to the NCEES Principles and Practice of Engineering Examination - Civil;

(iii) passing the NCEES Structural I and II Examination or passing a professional engineering examination that is substantially equivalent to the NCEES Structural I and II Examination; and

(iv) three years of licensed experience in professional structural engineering.

(c) Professional Land Surveyor.

(i) a two or four year degree in land surveying or equivalent education as determined by the NCEES Foreign Engineering Education Evaluation Program and four years of full time land surveying experience under supervision of one or more licensed professional land surveyors; or eight years of full time land surveying experience under supervision of one or more licensed professional land surveyors; and

(ii) passing the NCEES Principles and Practice of Land Surveying Examination or passing a professional land surveying examination that is substantially equivalent to the NCEES Principles and Practice of Land Surveying Examination.

(9) "Responsible charge" as used in Subsections 58-22-102(7) and 58-22-305(7) means direct control and management by a principal over the practice of professional engineering, professional structural engineering or professional land surveying by an organization.

(10) "TAC/ABET" means Technology Accreditation Commission/Accreditation Board for Engineering and Technology.

(11) "Unlicensed employees, subordinates, associates, or drafters of a person licensed under this chapter" as used in Subsection 58-22-305(4) means persons not licensed as a professional engineer, professional structural engineer, or professional land surveyor, who perform professional engineering or professional land surveying services under the supervision of a licensed professional engineer, professional structural engineer or professional land surveyor, and who do not offer professional engineering or professional land surveying services directly to the public.

(12) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 22, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-22-601.

.....

R156-22-202. Qualifying Experience Requirements for Licensure as a Professional Engineer - Supervision of Construction Work Not Qualifying Experience - Verifications Required.

In accordance with Subsection 58-22-302(1)(e), the qualifying experience requirements for licensure as a professional engineer are established as follows:

(1) Each applicant shall complete four years of qualifying experience in professional engineering approved by the division in collaboration with the board in accordance with the following:

(a) Up to one year of qualifying experience may be obtained while enrolled in an engineering program meeting the criteria set forth in Section R156-22-201.

(b) Unlimited qualifying experience may be obtained after meeting the education requirements.

(c) A maximum of three of the four years of qualifying experience may be approved by the board for persons who complete one or more of the following:

(i) A maximum of three years of qualifying experience may be granted for teaching advanced engineering subjects in a college or university offering an engineering curriculum accredited by EAC/ABET.

(ii) A maximum of three years of qualifying experience may be granted for conducting research in a college or university offering an engineering curriculum accredited by EAC/ABET.

(iii) A maximum of one year of qualifying experience may be granted for completion of a masters degree in engineering from an institution which offers a bachelor of science degree accredited by EAC/ABET, when the degree is the second professional engineering degree conferred.

(iv) A maximum of two years of qualifying experience may be granted for completion of a doctorate degree in engineering from an institution which offers a bachelor of science degree accredited by EAC/ABET, when the degree is the second professional engineering degree conferred.

(2) An applicant who was unsuccessful in obtaining licensure by experience before July 1, 1996, but who passed the NCEES Fundamentals of Engineering Examination and completed four years of qualifying experience before July 1, 1996, and who thereafter completes the education requirements in Section R156-22-201, may receive credit for the qualifying experience obtained before July 1, 1996 regardless of the requirements of Subsection (1).

(3) The performance or supervision of construction work as a contractor, foreman or superintendent is not qualifying experience for licensure as a professional engineer.

(4) Each applicant shall submit a minimum of three verifications of qualifying experience on forms available from the division from licensed professional engineers who have provided supervision or who have personal knowledge of the applicant's knowledge, ability and competence to practice professional engineering.

R156-22-203. Experience Requirements for Licensure as a Professional Structural Engineer.

(1) In accordance with Subsection 58-22-302(2)(e), each applicant shall submit a minimum of three verifications of professional structural engineering experience on forms available from the division from licensed professional engineers or professional structural engineers who have personal knowledge of the applicant's knowledge, ability and competence to practice professional structural engineering, which experience is in addition to the qualifying experience required for licensure as a professional engineer.

(2) Professional structural engineering experience shall include responsible charge of structural design in one or more of the following areas:

(a) structural design of any building or structure two stories and more, or 45 feet in height, designed in Uniform Building Code (UBC) seismic zones 2, 3, or 4;

(b) structural design for a major seismic retrofit/rehabilitation of an existing building or structure in UBC seismic zones 2, 3, or 4; or

(c) structural design of any other structure of comparable structural complexity.

(3) Professional structural engineering experience shall include responsible charge of structural design in all of the following areas:

(a) use of three of the following four materials as they relate to the design, rehabilitation or investigation of buildings or structures:

(i) steel;

(ii) concrete;

(iii) wood; or

(iv) masonry;

(b) selection of framing systems including the consideration of alternatives and the selection of an appropriate system for the interaction of structural components to support vertical and lateral loads;

(c) selection of foundation systems including the consideration of alternatives and the selection of an appropriate type of foundation system to support the structure;

(d) design and detailing for the transfer of forces between stories in multi-story buildings or structures;

(e) application of lateral design in the design of the buildings or structures in addition to any wind design requirements; and

(f) application of the local, state and federal code requirements as they relate to design loads, materials, and detailing.

.....

R156-22-205. Examination Requirements for Licensure as a Professional Structural Engineer.

In accordance with Subsection 58-22-302(2)(f), the examination requirements for licensure as a professional structural engineer are defined, clarified, or established as the following:

(1) the NCEES Fundamentals of Engineering Examination with a passing score as established by the NCEES;

(2) the NCEES Principles and Practice Examination in the category of civil or structural with a passing score as established by the NCEES;

(3) the NCEES Structural I and Structural II Examinations with a passing score as established by the NCEES or the 16 hour California Structural Examination with a passing score as established by the California engineering board; and

(4) the Utah Law and Rules Examination with a passing score of at least 75 except for individuals who may have already passed a previous edition of the same examination for licensure as a professional engineer.

.....

R156-22-302. Qualifying Experience Requirements for Licensure as a Professional Land Surveyor - Verifications Required.

In accordance with Subsections 58-22-302(3)(e) and (f), qualifying experience for licensure as a professional land surveyor is defined, clarified or established as follows:

(1) Applicants who have met the education requirements in Subsection 58-22-302(3)(d) shall document four years of qualifying experience in land surveying which experience may be obtained before, during or after completing the education requirements for licensure.

(2) Applicants who did not complete the education requirements in Subsection 58-22-302(3)(d) shall document eight years of qualifying experience in land surveying.

(3) Each applicant shall submit a minimum of three verifications of qualifying experience on forms available from the division from licensed professional land surveyors who have provided supervision or who have personal knowledge of the applicant's knowledge, ability and competence to practice professional land surveying.

.....

R156-22-401. Examination Requirements for Licensure by Endorsement.

In accordance with Subsection 58-22-302(4)(d)(ii), the examination requirements for licensure by endorsement are established as follows:

(1) An applicant for licensure as a professional engineer by endorsement shall comply with the examination requirements in Section R156-22-204 except that the board may waive either the FE Examination or the PPE Examination or both for an applicant who was not required to pass the FE Examination or the PPE Examination for initial licensure from the recognized jurisdiction the applicant was originally licensed.

(2) An applicant for licensure as a professional structural engineer by endorsement shall comply with the examination requirements in Section R156-22-205 except that the board may waive the FE Examination for an applicant who was not required to pass the FE Examination for initial licensure from the recognized jurisdiction the applicant was originally licensed.

(3) An applicant for licensure as a professional land surveyor by endorsement shall comply with the examination requirements in Section R156-22-303 except that the board may waive either the FLS Examination or the PPLS Examination or both to an applicant who was not required to pass the FLS Examination or the PPLS Examination for initial licensure from the recognized jurisdiction the applicant was originally licensed.

R156-22-501. Continuing Education for Professional Land Surveyors.

In accordance with Subsections 58-22-303(2) and 58-22-304(1), the qualifying continuing professional education standards for professional land surveyors are established as follows:

(1) During each two year period commencing on January 1 of each even numbered year, a licensed professional land surveyor shall be required to complete not less than 24 hours of qualified professional education directly related to the licensee's professional practice.

(2) The required number of hours of professional education for an individual who first becomes licensed during the two year period shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed.

(3) Qualified continuing professional education under this section shall:

(a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of a professional land surveyor;

(b) be relevant to the licensee's professional practice;

(c) be presented in a competent, well organized and sequential manner consistent with the stated purpose and objective of the program;

(d) be prepared and presented by individuals who are qualified by education, training and experience; and

(e) have associated with it a competent method of registration of individuals who actually completed the professional education program and records of that registration and completion are available for review.

(4) Credit for qualified continuing professional education shall be recognized in accordance with the following:

(a) unlimited hours shall be recognized for professional education completed in blocks of time of not less than one hour in formally established classroom courses, seminars, or conferences;

(b) a maximum of 12 hours per two year period may be recognized for teaching in a college or university or for teaching qualified continuing professional education courses in the field of land surveying;

(c) a maximum of four hours per two year period may be recognized for preparation of papers, articles, or books directly related to the practice of professional land surveying and submitted for publication;

(d) a maximum of six hours per two year period may be recognized for active professional practice of land surveying; and

(e) a maximum of six hours per two year period may be recognized for active membership in any state, national or international organization for the development and improvement of the profession of land surveying.

(5) A licensee shall be responsible for maintaining records of completed qualified continuing professional education for a period of four years after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain information with respect to qualified continuing professional education to demonstrate it meets the requirements under this section.

(6) If a licensee exceeds the 24 hours of qualified continuing professional education during the two year period, the licensee may carry forward a maximum of 12 hours of qualified continuing professional education into the next two year period.

(7) A licensee who documents they are engaged in full time activities or is subjected to circumstances which prevent that licensee from meeting the continuing professional education requirements established under this section may be excused from the requirement for a period of up to three years. However, it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

R156-22-601. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) submitting an incomplete final plan, specification, report or set of construction plans to:

(a) a client, when the licensee represents, or could reasonably expect the client to consider the plan, specification, report or set of construction plans to be complete and final; or

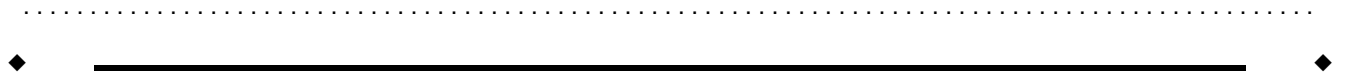
(b) to a building official for the purpose of obtaining a building permit;

- (2) failing as a principal to exercise responsible charge;
- (3) failing as a supervisor to exercise supervision of an employee, subordinate, associate or drafter; or
- (4) failing to conform to the accepted and recognized standards and ethics of the profession including those stated in the "Model Rules of Professional Conduct" of the National Council of Examiners for Engineering and Surveying (NCEES), 1990, which is hereby incorporated by reference.

R156-22-701. Seal Requirements.

(1) In accordance with Section 58-22-601, all final plans, specifications, reports, maps, sketches, surveys, drawings, documents and plats prepared by the licensee or prepared under the supervision of the licensee, shall be sealed in accordance with the following:

- (a) Each seal shall be a circular seal, 1-1/2 inches minimum diameter.
 - (b) Each seal shall include the licensee's name, license number, "State of Utah", and "Professional Engineer", "Licensed Professional Engineer", "Registered Professional Engineer", "Certified Structural Engineer", "Structural Engineer", "Licensed Professional Structural Engineer", "Professional Structural Engineer", "Land Surveyor", "Professional Land Surveyor", "Licensed Professional Land Surveyor" or "Licensed Land Surveyor", as appropriate.
 - (c) Each seal shall be signed and dated with the signature and date appearing across the face of each seal imprint.
 - (d) Each original set of final plans, specifications, reports, maps, sketches, surveys, drawings, documents and plats, as a minimum, shall have the original seal imprint, original signature and date placed on the cover or title sheet.
 - (e) A seal may be a wet stamp, embossed, or electronically produced.
 - (f) Copies of the original set of plans, specifications, reports, maps, sketches, surveys, drawings, documents and plats which contain the original seal, original signature and date is permitted, if the seal, signature and date is clearly recognizable.
- (2) A person who qualifies for and uses the title of professional engineer intern is not permitted to use a seal.



This error does not affect in any way the validity of the filings made by Occupational and Professional Licensing, nor does it affect the effective date of the final rule. The amended version of R156-22 was effective and enforceable on September 17, 1996.

Questions regarding this correction should be addressed to Mike Broschinsky, Administrative Code Editor, tel. (801) 538-3003, Internet e-mail at asitmain.mbrosci@email.state.ut.us, FAX at (801) 538-1773, or regular mail at Division of Administrative Rules, PO Box 141007, Salt Lake City UT 84114-1007

End of the Editor's Notes Section

SPECIAL NOTICE

DEPARTMENT OF ADMINISTRATIVE SERVICES ARCHIVES AND RECORDS SERVICE

**PUBLIC NOTICE
March 17, 1998**

The Utah State Archives, Records Analysis Section hereby invites public comment in the records scheduling process. The State Records Committee (consisting of the State Auditor's designee, the Division of State History director, a records manager from the private sector, the Governor or his designee, a citizen member, an elected official representing political subdivisions, and an individual representing the news media) is statutorily mandated to "review and approve retention and disposal of records." Certain records from state and local government agencies are expected to be presented to the State Records Committee for retention and disposition approval. These retention schedules may be viewed on location in our Research Room or via our web page (<http://www.archives.state.ut.us/recmanag/retsched.htm>).

Comments from citizens are invited between April 13, 1998, and May 12, 1998. Contact the Utah State Archives at (801) 538-3012 for more information.

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between March 2, 1998, 5:01 p.m., and March 16, 1998, 5:00 p.m., are included in this, the April 1, 1998, 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 (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [~~example~~]). Rules being repealed are completely struck out. A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the filing agency or from the Division 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 May 1, 1998. The agency may accept comment beyond this date and will list 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 to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through July 30, 1998, the agency may notify the Division 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 31 days 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 Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

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 UTAH CODE Section 63-46a-4 (1996); and UTAH ADMINISTRATIVE CODE Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Commerce, Occupational and Professional Licensing
R156-15-302d
Qualifications for Licensure - Examination Requirements

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 20894
FILED: 03/12/98, 16:44
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: The Division no longer desires to require a law and rule examination for applicants for licensure as a health facility administrator.

SUMMARY: The examination requirement to take and pass the Utah Health Facility Administrator Law and Rule examination is being deleted.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Subsections 58-15-3(3), 58-1-106(1), and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

- THE STATE BUDGET: None.
LOCAL GOVERNMENTS: None.
OTHER PERSONS: Savings of examination fee of \$55 to applicants for licensure as a health facility administrator. An additional \$75 could be saved if the applicant had requested to take the examination out of state.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Savings of examination fee of \$55 to applicants for licensure as a health facility administrator. An additional \$75 could be saved if the applicant had requested to take the examination out of state.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Karen Reimherr at the above address, by phone at (801) 530-6767, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.kreimher@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-15. Health Facility Administrator Act Rules.
R156-15-302d. Qualifications for Licensure - Examination Requirements.

In accordance with Subsections 58-1-203(2) and 58-1-301(3), the examination requirement for licensure in Subsection 58-15-4(4) is defined, clarified, or established as follows:

(1) The National Association of Boards of Examiners for Nursing Home Administrators (NAB) examination is the qualifying examination required for licensure as a health facility administrator.

(a) The passing score on the NAB examination shall be a minimum scale score of 113.

[The Utah Health Facility Administrators Law and Rules examination.]

KEY: licensure, health facility administrators*

[August 15, 1994] 1998

Notice of Continuation March 6, 1997

58-1-106(1)

58-1-202(1)

58-15-3(3)



Commerce, Occupational and Professional Licensing
R156-37

Controlled Substance Act Rules of the Division of Occupational and Professional Licensing

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 20878
FILED: 03/10/98, 13:56
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: The Division needed to make some minor corrections and to add information with respect to the Controlled Substance Database.

SUMMARY: The title of the rule is being amended to be consistent with the Division's model format for rules; added definition of "NABP" and identified that "unprofessional conduct" is defined in Section R156-37-502; added an additional authority statute citation to Section R156-37-103; updated titles of professions regulated by the Division who can obtain controlled substance licenses due to legislative amendments in their specific chapters; made minor wording change in Subsection R156-37-302(1)(a); added a statute citation to clarify exemptions from licensure in Section R156-37-305; added that unprofessional conduct also includes failing to submit controlled substance prescription information

to the database manager after being notified in writing to do so; deleted table in Section R156-37-603 and added information contained in table as text with regards to refills of controlled substance prescriptions; added a new section regarding procedures and format for submission of information to the Controlled Substance Database; and added a new section regarding limitations on access to database information and standards and procedures for identifying individuals requesting information.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Subsections 58-37-6(1), 58-37-7.5(7), and 58-1-106(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None.

❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: The Division has determined that there are no costs associated with this rule filing. Additions made with respect to the Controlled Substance Database are only identifying procedures and format and limitations on access to database information. Subsection 58-37-7.5(15) already notified drug outlets that costs would be involved with recording and submitting data to the database.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Diane Blake at the above address, by phone at (801) 530-6179, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dblake@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-37. Utah Controlled Substances Act Rules ~~of the Division of Occupational and Professional Licensing~~.

R156-37-101. Title.

These rules are known as the "Utah Controlled Substances Act Rules ~~of the Division of Occupational and Professional Licensing~~."

R156-37-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 37, as used in Title 58, Chapters 1 and 37, or these rules:

(1) "DEA" means the Drug Enforcement Administration of the United States Department of Justice.

(2) "NABP" means the National Association of Boards of Pharmacy.

(~~2~~)³ "Schedule II controlled stimulant" means any material, compound, mixture or preparation listed in Subsection 58-37-4(2)(b)(iii).

(4) "Unprofessional conduct", as defined in Title 58 is further defined in accordance with Subsections 58-1-203(5) and 58-37-6(1)(a), in Section R156-37-502.

R156-37-103. Purpose - Authority.

These rules are adopted by the division under the authority of Subsections 58-1-106(1) and 58-37-6(1)(a) to enable the division to administer Title 58, Chapter 37.

R156-37-301. License Classifications - Restrictions.

(1) Consistent with the provisions of law, the division may issue a controlled substance license to manufacture, produce, distribute, dispense, prescribe, obtain, administer, analyze, or conduct research with controlled substances in Schedules I, II, III, IV, or V to qualified persons. Licenses shall be issued to qualified persons in the following categories:

- (a) pharmacist;
- (b) optometrist;
- (c) podiatric~~[st]~~ physician;
- (d) dentist;
- (e) osteopathic physician and surgeon;
- (f) physician and surgeon;
- (g) physician assistant;
- (h) veterinarian;
- (i) ~~[nurse practitioner]~~ advanced practice registered nurse;
- (j) ~~[naturopath]~~ certified nurse midwife;
- (k) certified registered nurse anesthetist;
- (l) pharmaceutical researcher;
- (m) drug outlets located in the state of Utah licensed as a:
 - (i) retail pharmacy;
 - (ii) hospital pharmacy;
 - (iii) institutional pharmacy;
 - (iv) pharmaceutical manufacturer;
 - (v) pharmaceutical wholesaler/distributor;
 - (vi) branch pharmacy;
 - (vii) nuclear pharmacy; or
 - (viii) veterinary pharmaceutical outlet;
- (n) pharmaceutical dog trainer;
- (o) pharmaceutical teaching organization;
- (p) analytical laboratory;
- (q) out-of-state mail order pharmacy;
- (r) pharmaceutical administration facility;
- (~~[q]~~)^s ~~[state or local agency performing]~~ animal euthanasia agency; and

(~~[r]~~)^t Utah Department of Corrections for the conduct of execution by the administration of lethal injection under its statutory authority and in accordance with its policies and procedures.

(2) A license may be restricted to the extent determined by the division, in collaboration with appropriate licensing boards, that a restriction is necessary to protect the public health, safety or welfare, or the welfare of the licensee. A person receiving a

restricted license shall manufacture, produce, obtain, distribute, dispense, prescribe, administer, analyze, or conduct research with controlled substances only to the extent of the terms and conditions under which the restricted license is issued by the division.

R156-37-302. Qualifications for Licensure - Application Requirements.

- (1) An applicant for a controlled substance license shall:
 - (a) submit an application in a form as prescribed~~[form in content as approved and furnished]~~ by the division; and
 - (b) shall pay the required fee as established by the division under the provisions of Section 63-38-3.2.
- (2) Any person seeking a controlled substance license shall be currently licensed by the state in the appropriate professional license classification as listed in R156-37-301 and shall maintain that license classification as current at all times while holding a controlled substance license.
- (3) The division and the reviewing board may request from the applicant information which is reasonable and necessary to permit an evaluation of the applicant's:
 - (a) qualifications to engage in practice with controlled substances; and
 - (b) the public interest in the issuance of a controlled substance license to the applicant.
- (4) To determine if an applicant is qualified for licensure, the division may assign the application to a qualified and appropriate licensing board for review and recommendation to the division with respect to issuance of a license.

R156-37-305. Exemption from Licensure - Animal Euthanasia and Law Enforcement Personnel.

In accordance with Subsection 58-37-6(2)(d), the following persons are exempt from licensure under Title 58, Chapter 37:

- (1) Individuals employed by an agency of the State or any of its political subdivision, who are specifically authorized in writing by the state agency or the political subdivision to possess specified controlled substances in specified reasonable and necessary quantities for the purpose of euthanasia upon animals, shall be exempt from having a controlled substance license if the agency or jurisdiction employing that individual has obtained a controlled substance license, a DEA registration number, and uses the controlled substances according to a written protocol in performing animal euthanasia.
- (2) Law enforcement agencies and their sworn personnel are exempt from the licensing requirements of the Controlled Substance Act to the extent their official duties require them to possess controlled substances; they act within the scope of their enforcement responsibilities; they maintain accurate records of controlled substances which come into their possession; and they maintain an effective audit trail. Nothing herein shall authorize law enforcement personnel to purchase or possess controlled substances for administration to animals unless the purchase or possession is in accordance with a duly issued controlled substance license.

R156-37-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) a licensee with authority to prescribe or administer controlled substances:

- (a) prescribing or administering to himself any Schedule II or III controlled substance which is not lawfully prescribed by another licensed practitioner having authority to prescribe the drug;
- (b) prescribing or administering a controlled substance for a condition he is not licensed or competent to treat;
- (2) violating any federal or state law relating to controlled substances;
- (3) failing to deliver to the division all controlled substance license certificates issued by the division to the division upon an action which revokes, suspends or limits the license;
- (4) failing to maintain controls over controlled substances which would be considered by a prudent practitioner to be effective against diversion, theft, or shortage of controlled substances;
- (5) being unable to account for shortages of controlled substances any controlled substance inventory for which the licensee has responsibility;
- (6) knowingly prescribing, selling, giving away, or administering, directly or indirectly, or offering to prescribe, sell, furnish, give away, or administer any controlled substance to a drug dependent person, as defined in Subsection 58-37-2(14), except for legitimate medical purposes as permitted by law;~~and~~
- (7) refusing to make available for inspection controlled substance stock, inventory, and records as required under these rules or other law regulating controlled substances and controlled substance records;
- (8) failing to submit controlled substance prescription information to the database manager after being notified in writing to do so.

R156-37-603. Restrictions Upon the Prescription, Dispensing and Administration of Controlled Substances.

- (1) A practitioner may prescribe or administer the Schedule II controlled substance cocaine hydrochloride only as a topical anesthetic for mucous membranes in surgical situations in which it is properly indicated and as local anesthetic for the repair of facial and pediatric lacerations when the controlled substance is mixed and dispensed by a registered pharmacist in the proper formulation and dosage.
- (2) A practitioner shall not prescribe or administer a controlled substance without taking into account the drug's potential for abuse, the possibility the drug may lead to dependence, the possibility the patient will obtain the drug for a nontherapeutic use or to distribute to others, and the possibility of an illicit market for the drug.
- (3) When writing a prescription for a controlled substance, each prescription shall contain only one controlled substance per prescription form and no other legend drug or prescription item shall be included on that form.
- (4) A prescription for a Schedule II controlled substance shall not be written for a quantity greater than medically necessary and in no case in quantities greater than a 30 day supply.
- (5) If a practitioner fails to document his intentions relative to refills of controlled substances in Schedules III through V on a prescription form, it shall mean no refills are authorized. No refill is permitted on a prescription for a Schedule II controlled substance.
- (6) Refills of controlled substance prescriptions shall be permitted for the period from the original date of the prescription as follows:

(a) Schedules III and IV for six months from the original date of the prescription; and

(b) Schedule V for one year from the original date of the prescription.

[

| TABLE | |
|---------------------------------|---|
| Schedules III and IV | Six months from the original date of the prescription. |
| Schedule V | One year from the original date of the prescription. |

]

(7) No refill may be dispensed until such time has passed since the date of the last dispensing that 80% of the medication in the previous dispensing should have been consumed if taken according to the prescriber's instruction.

(8) No prescription for a controlled substance shall be issued or dispensed without specific instructions from the prescriber on how and when the drug is to be used.

(9) Refills after expiration of the original prescription term requires the issuance of a new prescription by the prescribing practitioner.

(10) Each prescription for a controlled substance and the number of refills authorized shall be documented in the patient records by the prescribing practitioner.

(11) A practitioner shall not prescribe or administer a Schedule II controlled stimulant for any purpose except:

(a) the treatment of narcolepsy as confirmed by neurological evaluation;

(b) the treatment of abnormal behavioral syndrome, attention deficit disorder, hyperkinetic syndrome, or related disorders;

(c) the treatment of drug-induced brain dysfunction;

(d) the differential diagnostic psychiatric evaluation of depression;

(e) the treatment of depression shown to be refractory to other therapeutic modalities, including pharmacologic approaches, such as tricyclic antidepressants or MAO inhibitors;

(f) in the terminal stages of disease, as adjunctive therapy in the treatment of chronic severe pain or chronic severe pain accompanied by depression;

(g) the clinical investigation of the effects of the drugs, in which case the practitioner shall submit to the division a written investigative protocol for its review and approval before the investigation has begun. The investigation shall be conducted in strict compliance with the investigative protocol, and the practitioner shall, within 60 days following the conclusion of the investigation, submit to the division a written report detailing the findings and conclusions of the investigation; or

(h) in treatment of depression associated with medical illness after due consideration of other therapeutic modalities.

(12) A practitioner may prescribe, dispense or administer a Schedule II controlled stimulant when properly indicated for any purpose listed in Subsection (11), provided that all of the following conditions are met:

(a) before initiating treatment utilizing a Schedule II controlled stimulant, the practitioner obtains an appropriate history and physical examination, and rules out the existence of any recognized contraindications to the use of the controlled substance to be utilized;

(b) the practitioner shall not prescribe, dispense or administer any Schedule II controlled stimulant when he knows or has reason to believe that a recognized contraindication to its use exists;

(c) the practitioner shall not prescribe, dispense or administer any Schedule II controlled stimulant in the treatment of a patient who he knows or should know is pregnant; and

(d) the practitioner shall not initiate or shall discontinue prescribing, dispensing or administering all Schedule II controlled stimulants immediately upon ascertaining or having reason to believe that the patient has consumed or disposed of any controlled stimulant other than in compliance with the treating practitioner's directions.

R156-37-609. Controlled Substance Database - Procedure and Format for Submission to the Database.

(1) In accordance with Subsections 58-37-7.5(6)(a), the format in which the information required under Section 58-37-7.5 shall be submitted to the administrator of the database is:

(a) electronic data via telephone modem;

(b) electronic data stored on floppy disk; or

(c) electronic data sent via electronic mail (e-mail) if encrypted and approved by the database manager.

(2) The required information may be submitted on paper, if the pharmacy or pharmacy group submits a written request to the division and receives prior approval.

(3) The division will consider the following in granting the request:

(a) the pharmacy or pharmacy group has no computerized record keeping system upon which the data can be electronically recorded; or

(b) the pharmacy or pharmacy group is unable to conform its submissions to the format required by the database administrator without incurring undue financial hardship.

(4) Each pharmacy or pharmacy group may submit the data either weekly, bi-weekly, or monthly. Any pharmacy which does not declare its intention for timely submission of data will be presumed to have chosen monthly submission.

(5) The format for submission to the database shall be in accordance with uniform formatting developed by the American Society for Automation in Pharmacy system (ASAP). The division may approve alternative formats or adjustments to be consistent with database collection instruments and contain all necessary data elements.

(6) The pharmacist-in-charge of each reporting pharmacy shall submit a report on a form approved by the division including:

(a) the pharmacy name;

(b) NABP number;

(c) the period of time covered by each submission of data;

(d) the number of prescriptions in the submission;

(e) the submitting pharmacist's signature attesting to the accuracy of the report; and

(f) the date the submission was prepared.

R156-37-610. Controlled Substance Database - Limitations on Access to Database Information - Standards and Procedures for Identifying Individuals Requesting Information.

(1) In accordance with Subsections 58-37-7.5(8)(a) and (b), the division director shall designate in writing those individuals

within the division who shall have access to the information in the database.

(2) Personnel from federal, state or local law enforcement agencies may obtain information from the database if the information relates to a current investigation being conducted by such agency. The manager of the database may also provide information from the database to such agencies on his own volition when the information may reasonably constitute a basis for investigation relative to violation of state or federal law.

(3) In accordance with Subsection 58-37-7.5(7)(b), persons may request information from the database either orally or in writing.

(4) The manager of the database may release information upon oral request only if the identity of the person is verified. Identity of a practitioner may be made by use of a DEA number or other verifiable, confidential numbers provided by the division or other government agencies to practitioners.

(5) Any individual may request information in the database relating to that individual's receipt of controlled substances. Upon request for database information on an individual who is the recipient of a controlled substance prescription entered in the database, the manager of the database shall make available database information exclusively relating to that particular individual under the following limitations and conditions:

(a) The requestor seeking database information personally appears before the manager of the database, or a designee, with picture identification confirming his identity as the same person on whom database information is sought.

(b) The requestor seeking database information submits a signed and notarized request executed under the penalty of perjury verifying his identity as the same person on whom database information is sought, and providing their full name, home and business address, date of birth, and social security number.

(c) The requestor seeking database information presents a power of attorney over the person on whom database information is sought and further complies with the following:

(i) submits a signed and notarized request executed by the requestor under the penalty of perjury verifying that the grantor of the power of attorney is the same person on whom database information is sought, including the grantor's full name, address, date of birth, and social security number; and

(ii) personally appears before the manager of the database with picture identification to verify personal identity, or otherwise submits a signed and notarized statement executed by the requestor under the penalty of perjury verifying his identity as that of the person holding the power of attorney.

(d) The requestor seeking database information presents verification that he is the legal guardian of an incapacitated person on whom database information is sought and further complies with the following:

(i) submits a signed and notarized request executed by the requestor under the penalty of perjury verifying that the incapacitated ward of the guardian is the same person on whom database information is sought, including the ward's full name, address, date of birth, and social security number; and

(ii) personally appears before the manager of the database with picture identification to verify personal identity, or otherwise submits a signed and notarized statement executed by the requestor

under the penalty of perjury verifying his identity as that of the legal guardian of the incapacitated person.

(e) The requestor seeking database information presents a release of records from the person on whom database information is sought and further complies with the following:

(i) submits a verification from the person on whom database information is sought consistent with the requirements set forth in paragraph (5)(b);

(ii) submits a signed and notarized release of records statement executed by the person on whom database information is sought authorizing the manager of the database to release the relevant database information to the requestor; and

(iii) personally appears before the manager of the database with picture identification to verify personal identity, or otherwise submits a signed and notarized statement executed by the requestor under the penalty of perjury verifying his identity as that of the requestor identified in the release of records;

(6) Before data is released upon oral request, a written request may be required and received.

(7) Database information may be disseminated either orally, by facsimile or by U.S. mail.

KEY: controlled substances, licensing
[January 16, 1996]1998
Notice of Continuation May 29, 1997

58-1-106(1)
58-37-6(1)
58-37-7.5(7)



Commerce, Occupational and Professional Licensing
R156-56
Utah Uniform Building Standard Act Rules

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 20893
FILED: 03/12/98, 13:31
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: Amendments to the Uniform Building Code, the International Plumbing Code and the Uniform Plumbing Code that have been approved by the Uniform Building Code Commission are being proposed.

SUMMARY: Various corrections are being made to Section R156-56-704: Amendments are being made to the Uniform Building Code (UBC) involving changing section numbers and rewording existing amendments. New amendments are being made to Chapter 1, Section 107.1, Chapter 3, Section 305.2.3 and Chapter 18, Section 1806.6.1 of the UBC. Park City Corporation adopted additional chapters of the UBC. Numerous statewide amendments are being added with

respect to the International Plumbing Code (IPC). One amendment to Chapter 9, Subsection 909(g) of the Uniform Plumbing Code (UPC) regarding shower valves has been added.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 58-56-1, and Subsections 58-56-4(2), 58-56-6(2)(a), 58-1-106(1), and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Division has determined that there are no costs or savings impact as a result of amendments being made.

❖LOCAL GOVERNMENTS: The Division has determined that there are no costs or savings impact as a result of amendments being made.

❖OTHER PERSONS: The Division has determined that there are no costs or savings impact as a result of amendments being made.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division has determined that there are no costs or savings impact as a result of amendments being made.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Jud Weiler at the above address, by phone at (801) 530-6731, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.jweiler@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 04/03/98, 9:00 a.m., State Office Building, Room 4112, Salt Lake City, UT.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-704. Amendments to the UBC.**

(1) Statewide Amendments

Chapter 1, Section 101.3 is amended by adding the following paragraph:

"The appendix chapters of this code are approved for adoption in each political subdivision of the State provided that each said political subdivision shall furnish to the Division a list of adopted chapters of the appendix to be kept on file. Where this code is not adopted by any political subdivision, the use of the appendix

chapters shall be as determined by the Division with the concurrence of the Commission".

Chapter 1, Section 104.1 is amended as follows:

"There is hereby established in each political subdivision of the state a code enforcement agency which shall be under the administrative and operational control of the building official. The building official shall be appointed by the local regulator. If the local regulator fails to appoint a building official, the Director of the Division of Occupational and Professional Licensing with the Commission shall appoint one".

~~Chapter 1, Section 107.1 is amended as follows:~~

~~"Fees assessed in accordance with the provisions of this section shall be as set forth in the fee schedule adopted by each political subdivision";]~~

Chapter 1, Section 109.1 is amended by replacing the exception with the following:

EXCEPTION: Group R, Division 3 and Group U Occupancies; provided local jurisdictions may require a certificate of occupancy for Group R, Division 3 occupancies.

Chapter 3, Section ~~[305-1, Division 3]~~305.2.3 is amended as follows:~~[by adding the following exception:~~

~~EXCEPTION: Areas used for group day care purposes of not less than seven persons and not more than 12 persons may be located in a dwelling unit, provided the building substantially complies with the requirements for a Group R, Division 3 occupancy. The increased requirements in Chapter 10 for occupant loads of 10 or more shall not apply. In addition, dwellings used for day care will be provided with all of the following:]~~

The following section is added after the title of Section 305.2.3 Special Provisions:

305.2.3.1 Kindergarten, first- or second-grade pupils.

The last paragraph of Section 305.2.3 which reads "Stages and platforms shall be construed in accordance with Chapter 4. For attic space partitions and draft stops, see Section 708" is deleted in its entirety.

Chapter 3, Section 305.2.3.2 is added as follows:

305.2.3.2 Day Care for 7 to 12 persons. Areas used for day care purposes of not less than seven persons and not more than 12 persons may be located in a dwelling unit, provided the building substantially complies with the requirements for a Group R, Division 3 occupancy. The increased requirements in Chapter 10 for occupant loads of 10 or more shall not apply. In addition, dwellings used for day care shall be provided with the following:

1. Areas used for group day care shall have two separate means of egress arranged so that if one is blocked, the other will be available.

a. Exit doors, other than the main exit, may be 32 inches wide.

b. When area is located in the basement or on the second floor, one of the exits must discharge directly to the outside.

c. Any interior stairway used as an exit from a basement shall be enclosed by a smoke and draft barrier which includes a self-closing, 20 minute fire-rated door assembly.

2. Group day care uses located in dwelling units shall not be located above the second floor.

3. Rooms used for sleeping shall have at least one window or door approved for emergency escape per Section 310.4.

4. Closet door latches shall be such that children can open the door from the inside of the closet.

5. Bathroom door locks shall be readily openable by staff from the outside.

6. Smoke detectors shall be installed in accordance with Section 310.9.1, including existing dwelling units.

Chapter 3, Section 305.2.3.3 is added as follows:

305.2.3.3 Other. Stages and platforms shall be constructed in accordance with Chapter 4. For attic space partitions and draft stops, see Section 708.

Chapter 10, Section [~~1005.8.1~~]1004.3.4.3.2.1, Doors is amended by [~~adding Exception 3~~]renumbering the existing exception as No. 1 and adding Exception 2, as follows:

[3]2. In Group E-1 and E-2 occupancies that are fully protected by an approved fire sprinkler system, the door closers may be of the friction hold open type on classrooms only. In non-sprinkled E-1 and E-2 occupancies, classroom doors shall be held open only by a magnetic hold open device.

Chapter 10, Section [~~1006.9~~]1003.3.3.6 is amended by adding an [E]exception to the third paragraph[3] as follows:

Exception:[3] Handrails serving an individual unit in a Group R, Division 1 or Division 3 Occupancy may have either a circular cross section with a diameter of 1 1/4 inches (32 mm) to 2 inches (51 mm), or a non-circular cross section with a perimeter dimension of at least 4 inches (102 mm) but not more than 6 5/8 inches (168 mm) and a largest cross sectional dimension not exceeding 3 1/4 inches (83 mm). The perimeter on non-circular cross sections shall be measured from one side of the cross section, 2 inches (51 mm) down from the top or crown.

An indentation is required on both sides of non-circular handrail cross sections. This indentation must be in the area of the sides between 5/8 inch (16 mm) and 1 1/2 inches (38 mm) down from the top or crown of the cross section. The indentation shall be a minimum of 1/4 inch (6 mm) deep on each side and shall be at least 1/2 inch (13 mm) high.

Edges within the handgrip shall have a minimum radius of 1/16 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

Chapter 16, Section [~~1603.6, Footnote 3~~]1612.3.2, Exception 2 is amended to read as follows:

[3]2 Snow loads over 30 psf may be reduced in accordance with Section [~~1628.1~~]1630.1.1, Item 3 (amended), and snow loads 30 psf or less need not be combined with seismic.

Chapter 16, Section [~~1628.1~~]1630.1.1, Item 3 is amended as follows:

[c]3. Design snow loads of 30 psf or less need not be included. Where the snow load [is greater than]exceeds 30 psf, the snow load shall be included. The snow load shall be adjusted in accordance with the following formula: $W_s = ((0.25 + 0.025(A-5))P_f$

WHERE: W_s = Weight of snow to be included in seismic calculations

A = Elevation above sea level at the location of the structure in question (ft/1000)

P_f = [Minimum]Design roof snow load, psf.

Chapter 18, Section 1806.6.1 is amended by adding an exception as follows:

EXCEPTION: When anchor bolt spacing does not exceed 32" on center.

Chapter 19, Section 1914.3.1 is amended by adding an exception [~~between the first and second paragraphs~~]as follows:

EXCEPTION: The foundations for buildings or portions thereof which are [~~constructed in accordance with the conventional framing requirements specified in Chapter 23 of this code~~]of light wood or metal frame construction shall be deemed to meet the requirements of this section if they are constructed as follows:

1. Minimum wall thickness: 8 inches;

2. Maximum wall height: 8 feet;

3. Wall Steel: No. 4 deformed bars with a minimum yield strength of 60,000 psi not more than 24 inches on center vertically and horizontally, or No. 4 deformed bars with a minimum yield strength of 40,000 psi not more than 16 inches on center vertically and 24 inches on center horizontally. All bars shall be placed in the center of the wall.

4. Openings: Two No. 4 bars on all sides of openings extending so as to develop the bar beyond the corners of the openings.

5. Dowels: Dowels with a standard hook shall be placed in the footing so as to match the wall steel, and extend at least 12 inches into the wall.

6. Limitation: This exception may not be used for structures located where the difference in grade from one side of the structure to the other is more than 5 feet, or for walls retaining more than 4 feet of soil and which do not connect to floor diaphragms, or for walls containing openings more than 6 feet wide.

Chapter 23, Section [~~2304.3.4, Item 2~~]2316.2, Item 6 is amended by adding footnote 3, reference from "two months", to read as follows:

[(2)]6) When the accumulated duration of the full maximum load during the life of the member does not exceed the period indicated below, the values may be increased in the tables as follows:

[~~15 percent for two months' duration;~~]3 as for snow below 5000 feet elevation[~~(the remainder of (2) is unchanged)~~].

Chapter 23, Section [~~2316.1~~]2307 is amended by adding exception 5 as follows:

5. Veneer of brick or stone applied as specified in Section 1403.6 may be supported on structural glued-laminated timber or laminated veneer lumber provided that the beam be designed to limit the dead load deflection to 1/800 of the span and the total load deflection to 1/600 of the span with due consideration given for shrinkage and creep. The beam shall be protected from exposure to weather as required for dwelling under Section 1402.1.

Chapter 34, Section 3403.2 is amended as follows:

The following is added after the exceptions[~~at the end of paragraph (b)~~]:

Buildings constructed prior to 1975 with parapet walls, cornices, spires, towers, tanks, signs, statuary and other appendages shall have such appendages evaluated by a licensed engineer to determine resistance to design loads specified in this code when said building is undergoing reroofing, or alteration of or repair to said feature.

EXCEPTION: Group R-3 and U occupancies.

Original plans and/or structural calculations may be utilized to demonstrate that the parapets or appendages are structurally adequate. When found to be deficient because of design or deteriorated condition, the engineer shall prepare specific recommendations to anchor, brace, reinforce or remove the deficient feature.

The maximum height of an unreinforced masonry parapet above the level of diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times the thickness of the parapet wall. The parapet height may be a maximum of two and one-half times its thickness in other than Seismic Zones Nos. 3 and 4. If the required parapet height exceeds this maximum height, a bracing system designed for the forces specified in Table 16-0 for walls shall support the top of the parapet. When positive diaphragm connections are absent, tension roof anchors are required. Approved alternate methods of equivalent strength will be considered when accompanied by engineer sealed drawings, details and calculations.

Appendix Chapter 3, Division IV, Requirements for Group R, Division 4 Occupancies, is adopted as a part of the UBC and incorporated by reference.

Appendix Chapter 11, Division I, Site Accessibility, is adopted as a part of the UBC and incorporated by reference.

Appendix Chapter 11, Division II, Accessibility For Existing Buildings, is adopted as a part of the UBC and incorporated by reference.

Appendix Chapter 13, Energy Conservation in New Building Construction, is adopted as a part of the UBC and incorporated by reference.

Appendix Chapter 13, Section 1302.2 is amended as follows:

In order to comply with the purpose of this appendix, low-rise residential buildings shall be designed to comply with the requirements of the Model Energy Code promulgated jointly by the International Conference of Building Code Officials (ICBO); the Southern Building Code Congress International, Inc. (SBCCI); the Building Officials and Code Administrators International, Inc. (BOCA); and the National Conference of States on Building Codes and Standards, dated ~~1993~~1995. Commercial and high-rise residential buildings shall be designed to comply with the requirements of the Energy Code for Commercial and High-Rise Residential Building, which is a codification of ASHRAE/IES Standard 90.1 - 1989, Energy Efficient Design of New Buildings except Low-Rise Residential Buildings.

The Model Energy Code is amended as follows:

Section 502.2.1 Walls is amended as follows:

Equation 1 shall be used to determine acceptable combinations to meet this requirement, and when metal studs are used, U_w -values shall be those calculated using appropriate correction factors for thermal bridging of insulation as published in Section 8 of RS-1; or calculated using ASHRAE RS-4 approved methodology for either serial or parallel path thermal transfer; or U -values compiled in Table 8-Y of the "User's Manual" for ASHRAE/IES Standard 90.1-1989, which is hereby incorporated by reference and which shall be available at all offices issuing building permits or the Division of Occupational and Professional Licensing or insertion in the Model Energy Code.

Simplified prescriptive maps, tables or other compliance aids, manuals or computer programs as may be supplied by DOE/Pacific Northwest Laboratory or others, when certified by the state or its agencies, may be used to demonstrate energy code compliance.

ASHRAE/IES Standard 90.1-1989 is amended as follows:

Section 101.3.1.2 Exceptions:

(4) The building official may approve designs which do not fully conform with all of the requirements of this code where in the

opinion of the building official full compliance is physically impossible and/or economically impractical.

Appendix Chapter 16, Division I, Snow Load Design is adopted and incorporated by reference.

Appendix Chapter 16, Division I, Section ~~1636~~1639 is amended as follows:

The ground snow load, P_g , to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula: $P_g = (P_o^2 + S^2(A - A_o)^2)^{1/2}$ for A greater than A_o , and $P_g = P_o$ for A less than A_o .

WHERE:

P_g = Ground snow load at a given elevation (psf)

P_o = Base ground snow load (psf) from Table A-16-~~R~~C

S = Change in ground snow load with elevation (psf/1000 ft), from Table A-16-~~R~~C

A = Elevation above sea level at the location for which snow load is being determined (ft/1000)

A_o = Asymptote and zero ground snow axis intercept (ft/1000) from Table A-16-~~R~~C

The ground snow load, P_g , may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments. A record of such action together with the substantiating data shall be provided to the division for a permanent record. The building official may round the snow load to the nearest 5 psf.

TABLE NO. A-16-~~R~~C
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

| COUNTY | P_o | S | A_o |
|------------|-------|-----|-------|
| Beaver | 43 | 63 | 6.2 |
| Box Elder | 43 | 63 | 5.2 |
| Cache | 50 | 63 | 4.5 |
| Carbon | 43 | 63 | 5.2 |
| Daggett | 43 | 63 | 6.5 |
| Davis | 43 | 63 | 4.5 |
| Duchesne | 43 | 63 | 6.5 |
| Emery | 43 | 63 | 6.0 |
| Garfield | 43 | 63 | 6.0 |
| Grand | 36 | 63 | 6.5 |
| Iron | 43 | 63 | 5.8 |
| Juab | 43 | 63 | 5.2 |
| Kane | 36 | 63 | 5.7 |
| Millard | 43 | 63 | 5.3 |
| Morgan | 57 | 63 | 4.5 |
| Piute | 43 | 63 | 6.2 |
| Rich | 57 | 63 | 4.1 |
| Salt Lake | 43 | 63 | 4.5 |
| San Juan | 43 | 63 | 6.5 |
| Sanpete | 43 | 63 | 5.2 |
| Sevier | 43 | 63 | 6.0 |
| Summit | 86 | 63 | 5.0 |
| Tooele | 43 | 63 | 4.5 |
| Uintah | 43 | 63 | 7.0 |
| Utah | 43 | 63 | 4.5 |
| Wasatch | 86 | 63 | 5.0 |
| Washington | 29 | 63 | 6.0 |
| Wayne | 36 | 63 | 6.5 |
| Weber | 43 | 63 | 4.5 |

Appendix Chapter 29, Minimum Plumbing Facilities, is adopted as a part of the UBC and incorporated by reference.

Appendix Chapter 29 is amended as follows:

The following is added as footnote 7:

7. When provided, there shall be an equal number of diaper changing facilities for men as for women.

Appendix Chapter 30, Elevators, Dumbwaiters, Escalators and Moving Walks, is adopted as a part of the UBC and incorporated by reference.

Appendix Chapter 30, Section 3012 is amended as follows:

The following is added at the end of Section 3012:

Exceptions to ANSI/ASME A17.1:

(1) Delete Rule 102.2(c)(3); and

(2) Rule 102.2(c)(4) shall apply to all elevators except hydraulic elevators with 50 feet of travel or less.

Chapter 9-1 of the UBC Standards is amended as follows:

Replace the current Uniform Building Code Standard 9-1 (NFPA-13, 1991 edition) with the ~~[most current]~~ fire sprinkler standard, NFPA-13, ~~[1994]~~1996 edition.

Chapter 9-3 of the UBC Standards is amended as follows:

Replace the current Uniform Building Code Standard 9-3 (NFPA-13R, 1989 edition) with the ~~[most current]~~ fire sprinkler standard, NFPA-13R, ~~[1994]~~1996 edition.

(2) Local Amendments

Beaver County

Beaver County adopted Appendix Chapter 3, Division II.

Heber City Corporation

Heber City Corporation adopted Appendix Chapter 33.

Murray City Corporation adopted Appendix Chapter 3 Division II, Appendix Chapter 31 Division III, and Appendix Chapter 33.

City of North Salt Lake

City of North Salt Lake adopted Appendix Chapter 3, except Section 332, Appendix Chapter 9, Appendix Chapter 12, Division I, Appendix Chapter 15, Appendix Chapter 31, Division II and III and Appendix Chapter 33.

City of Orem

City of Orem adopted Appendix Chapter 3, Division I, Appendix Chapter 3, Division II, Appendix Chapter 31, Division III, and Appendix Chapter 33.

Park City Corporation

Chapter 9, Section 904.2.1 is amended by adding the following sections:

904.2.1.1 All new construction having more than 6,000 square feet on any one floor, except R-3 occupancy.

904.2.1.2 All new construction having more than two (2) stories, except R-3 occupancy.

904.2.1.3 All new construction having three (3) or more dwelling units, including units rented or leased, and including condominiums or other separate ownership.

904.2.1.4 All new construction in the Historic Commercial Business zone district, regardless of occupancy.

904.2.1.5 All new construction and buildings in the General Commercial zone district where there are side yard setbacks or where one or more side yard setbacks is less than two and one half (2.5) feet per story of height.

904.2.1.6 All existing building within the Historic District Commercial Business zone by August 15, 1996.

Park City Corporation

Chapter 15, Table No. 15-A. The following is added as footnote [6]5:

[6]5 Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE
WILDFIRE HAZARD SEVERITY SCALE

| RATING | SLOPE | VEGETATION |
|--------|---------------------------|-----------------------------|
| 1 | less than or equal to 10% | Pinion-juniper |
| 2 | 10.1 - 20% | Grass-sagebrush |
| 3 | greater than 20% | Mountain brush or softwoods |

PROHIBITION/EXEMPTION TABLE

| RATING | WOOD ROOF PROHIBITION |
|-----------------------------|---------------------------|
| less than or equal to 11 | wood roofs are allowed |
| greater than or equal to 12 | wood roofs are prohibited |

Park City Corporation

Chapter 33, Section 3306.2 is amended as follows:

Omit paragraph 1 and add a period after the word "excavation" in the third line of paragraph 2 and omit "nor exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure". Delete paragraphs 8 and 9. Re-number the sections and add a new paragraph 7 requiring a permit for removal of substantial vegetation, shrubs, trees and stabilizing grass, but not to include weeds.

Park City Corporation adopted Appendix Chapter 3 Division II, Chapter 4 Division II, Chapter 12 Division II, Chapter 13, Chapter 15, Chapter 30, Chapter 31 Division I and Chapter 33~~[Chapter 23 Division I and IV, Chapter 31, Chapter 32, Chapter 35, Chapter 51, Chapter 53 and Chapter 70]~~.

Salt Lake County

Salt Lake County adopted Chapter 15, Chapter 16, Division III, Chapter 31, Division II, Chapter 31, Division III and Chapter 33.

City of St. George

City of St. George adopted Appendix Chapter 3 and Appendix Chapter 33.

Sandy City

Chapter 9, Section 904.2 is amended as follows:

An automatic fire sprinkler system shall be installed in all occupancies where the required fire flow exceeds 2,000 gallons per minute based on Table A-III-A-1 of the 1994 Uniform Fire Code.

Exception: Automatic fire sprinklers are not required in buildings used solely for worship, Group R, Division 3 and Group U occupancies.

Summit County

Summit County adopted Appendix Chapter 33.

Summit County

Chapter 9, Section 904.2

1. All new construction having more than 6,000 square feet on any one floor, except R-3 and U occupancies.

2. All new construction having more than two (2) stories, except R-3 and U occupancies.

3. All new construction having three (3) or more dwelling units, including units rented or leased and including condominiums or other separate ownership.

4. All newly constructed structures used as dwelling units in a multi-unit structure shall have at least an one hour fire resistive separation between units.

Washington City
 Washington City adopted Appendix Chapter 33.
 City of West Jordan
 City of West Jordan adopted Appendix Chapter 3, Division II,
 Appendix Chapter 4, Division II, Appendix Chapter 13 and
 Appendix Chapter 33.

R156-56-706. Amendments to the IPC.

(1) Statewide Amendments

Section 103 is deleted in its entirety.

Section 104.9 is added as follows:

104.9 Liability. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code instituted in pursuance of the provision of this code, and any officer of the department of plumbing inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

Section 107.1.1 is deleted in its entirety.

Section 109 is retitled as "Board of Appeal".

Section 109.1 is deleted and replaced with the following:

109.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of experience and training to pass on matters pertaining to interpretation of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The code official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and finding in writing to the appellant with a duplicate copy to the code official.

Sections 109.2 through 109.7 are deleted in their entirety.

Section 202 General Definitions is revised as follows:

The definition for "Backflow Backpressure, Low Head" is deleted in its entirety.

The definition for "Backsiphonage" is deleted and replaced with the following:

Backsiphonage. The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

The following definition is added:

Certified Backflow Preventer Assembly Tester. A person who has shown competence to test Backflow prevention assemblies to

the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

The definition for "Code Official" is deleted and replaced with the following:

Code Official. The individual official, board, department or agency established and authorized by a state, county, city or other political subdivision created by law to administer and enforce the provisions of the plumbing code as adopted or amended. This definition shall include the code official's duly authorized representative.

The definition for "Cross Connection" is deleted and replaced with the following:

Cross Connection. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow").

The following definition is added:

Emergency Floor Drain. A floor drain installed for the primary purpose of collecting water from emergency spills or water line breaks.

The following definition is added:

Heat Exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

The definition for "Potable Water" is deleted and replaced with the following:

Potable Water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

The definition for "Water Heater" is deleted and replaced with the following:

Water Heater. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use external to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

Section 305.10 is added as follows:

Section 305.10 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

Section 312.9 is deleted in its entirety.

Section 403.1 is deleted and replaced with the following:

403.1 Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number shown in Appendix Chapter 29, Uniform Building Code.

Table 403.1 is deleted in its entirety.

Section 403.2 is deleted and replaced with the following:

403.2 Hand sink location. Hand sinks in commercial food establishments shall be located accessible to food preparation areas, food service areas, dishwashing areas, and toilet rooms in accordance with Rule R392-100-5, Utah Administrative Code. Hand sinks in child care facilities shall be installed in accordance with R430-5(19)(5) a and b, Utah Administrative Code.

Section 403.2.1 is added as follows:

403.2.1 Fixture height. In nurseries, daycare facilities and schools, separate facilities shall be provided for children six years of age and younger. Such facilities shall meet the following requirements.

1. Lavatories shall be located a maximum of 22 inches above the floor. Counters containing such lavatories shall be a maximum of 20 inches deep, front to back.

2. Water closet seat height shall be a maximum of 11 inches high.

3. Urinal lip height, if provided, shall be a maximum of 17 inches above the floor.

Exception: Individual family dwellings.

Sections 403.4, 403.5 and 403.6 are deleted in their entirety.

Section 409.1 is deleted and replaced with the following:

409.1 Approval. Domestic dishwashing machines shall conform to ASSE 1006. Commercial dishwashing machines shall conform to ASSE 1004, NSF 3 or NSF 26.

Section 409.3 is deleted and replaced with the following:

Section 409.3 Waste connection. Domestic pump-type dishwashers may be directly connected to the inlet side (top or head) of an approved food waste disposal unit or a branch tailpiece in the tailpiece of the sink, by either the use of an approved airgap device installed above the flood level of the sink, or by the drain hose being extended and secured as high as possible under the bottom of the counter top before it is connected to the branch tailpiece located above the trap or to an approved food waste disposal unit.

Section 412.5 is added as follows:

412.5 Public toilet rooms. All public toilet rooms shall be equipped with at least one emergency floor drain.

Section 418.1 is deleted and replaced with the following:

418.1 Approval. Sinks shall conform to ANSI Z124.6, ASME A112.19.1, ASME A112.19.2, ASME A112.19.3, ASME A112.19.4, ASME A112.19.9, CSA B45.1, CSA B45.2, CSA B45.3, CSA B45.4 or NSF 2.

Section 425.1.1 - The following exception is added after the paragraph.

Exception: Multiple urinals with an automatic flushing device.

Section 502.6 is added as follows:

502.6 Water Heater Seismic Bracing. In seismic zones 3 and 4, water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

Section 504.8.1 is amended as follows:

The measurement of "1 inch" in the last sentence of the paragraph is replaced with the measurement "1 1/2 inch".

Section 602.3 is deleted and replaced with the following:

602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-2-1 and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction. The source shall supply sufficient quantity of water to comply with the requirements of this chapter.

Sections 602.3.1, 602.3.3, 602.3.4, 603.3.5 and 602.3.5.1 are deleted in their entirety.

Section 604.4.1 is added as follows:

604.4.1 Metering faucets. Self closing or metering faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

Section 606.2 is deleted and replaced with the following:

606.2 Location of shutoff valves. Shutoff valves shall be installed in the following locations:

1. On the fixture supply to each plumbing fixture.

Exception: 1) bath tubs and showers.

Exception: 2) in individual guest rooms that are provided with unit shutoff valves in hotels, motels, boarding houses and similar occupancies.

2. On the water supply pipe to each sillcock.

3. On the water supply pipe to each appliance or mechanical equipment.

Section 606.5 is deleted and replaced with the following:

606.5 Water pressure booster systems. Water pressure booster systems shall be provided as required by Section 606.5.1 through 606.5.11.

Section 606.5.11 is added as follows:

606.5.11 Prohibited installation. In no case shall a booster pump be allowed that will lower the pressure in the public main to less than 20 psi.

Section 607.2 is deleted and replaced with the following:

607.2 Hot water supply temperature maintenance. Hot water shall be provided at the outlet to the fixture within 30 seconds of opening the faucet or valve. Where the developed length of hot water piping from the source of hot water supply to the farthest fixture does not allow hot water to reach the fixture within 30 seconds, the hot water supply water system shall be provided with a method of maintaining the temperature of hot water to allow for the hot water to reach the fixture within 30 seconds. The methods of maintaining the temperatures shall not expend more energy than required by a recirculating system.

Exception: Single family dwellings.

Section 608.1 - The following sentence is added at the end of the paragraph: Connection without an air gap between potable water piping and sewer-connected waste shall not exist under any condition.

Table 608.1 is deleted and replaced with the following:

TABLE
General Methods of Protection

| <u>Assembly (applicable standard)</u> | <u>Degree of Hazard</u> | <u>Application</u> | <u>Installation Criteria</u> |
|--|-------------------------|--------------------------------------|---|
| <u>Air Gap</u> | <u>High or Low</u> | <u>Backsiphonage</u> | <u>See Table 608.15.1 (ASME A112.2)</u> |
| <u>Reduced Pressure Principle Backflow Preventer (AWA C511, USC-FCCCHR, ASSE 1013 CSA CNA/CSA-B64.4) and Reduced Pressure Detector Assembly (ASSE 1047, USC-</u> | <u>High or Low</u> | <u>Backpressure or Backsiphonage</u> | <u>a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor. b. RP assemblies shall NOT be installed in a pit. c. The relief valve on each RP assembly</u> |

| | | | | | | | |
|--|-------------|-------------------------------|---|--|--|---|--|
| FCCCHR) | | | shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents. | | | | d. Shall be installed in a vertical position only. |
| Double Check Backflow Prevention Assembly | Low | Backpressure or Backsiphonage | 1/2" - 16" | a. If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance. | | | |
| | | | | b. Shall be installed in a horizontal position unless listed or approved for vertical installation. | | | |
| Pressure Vacuum Breaker Assembly | High or Low | Backsiphonage | 1/2" - 2" | a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. | | Atmospheric Vacuum Breaker (ASSE 1001, USC-FCCCHR, CSA CAN/CSA-B64.1.1) | a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. |
| | | | | b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use. | | | b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time. |
| | | | | c. Shall not be installed below ground or in a vault or pit. | | | c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use. |
| | | | | d. Shall be installed in a vertical position only. | | | d. Shall be installed on the discharge (downstream) side of any valves. |
| | | | | | | | e. The AVB shall be installed in a vertical position only. |
| Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR) | High or Low | Backsiphonage | 1/4" - 2" | a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. | | General Installation Criteria | The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to insure the safety of the backflow technician. Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed. |
| | | | | b. Shall be installed a minimum of 6 inches above all downstream piping and the highest point of use. | | | The body of the assembly shall not be closer than 12 inches to any wall, ceiling or incumbrance, and shall be accessible for testing, repair and/or maintenance. |
| | | | | c. Shall not be installed below ground or in a vault or pit. | | | In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official. |
| | | | | | | | Assemblies shall be maintained as an intact assembly. |

Table 608.1.2 is added as follows:

TABLE 608.1.2
Specialty Backflow Devices for low hazard use only

| Device | Degree of Hazard | Application | Applicable Standard |
|---|------------------------|--|--------------------------------------|
| Antisiphon-type | Low | Backsiphonage | ASSE 1002 |
| Water Closet Flush Tank Ball Cock | | | CSA CAN/ CSA-B125 |
| Dual check valve Backflow Preventer | Low | Backsiphonage or Backpressure 1/4" - 1" | ASSE 1024 |
| Backflow Preventer with Intermediate Atmospheric Vent | Low Residential Boiler | Backsiphonage or Backpressure 1/4" - 3/4" | ASSE 1012 CSA CAN/ CSA-B64.3 |
| Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type | Low | Backsiphonage or Backpressure 1/4" - 3/8" | ASSE 1032 |
| Hose-connection Vacuum Breaker | Low | Backsiphonage 1/2", 3/4", 1" | ASSE 1011 CSA CAN/ CSA-B64.2 |
| Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type | Low | Backsiphonage 3/4", 1" | ASSE 1019 CSA CAN/ CSA-B64.2.2 |
| Laboratory Faucet Backflow Preventer | Low | Backsiphonage | ASSE 1035 CSA CAN/ CSA-B64.7 |

Installation Guidelines: The above specialty devices shall be installed in accordance with their listing and the manufacturer's instructions and the specific provisions of this chapter.

Section 608.3.1 - The following sentence is added at the end of the paragraph: All piping and hoses shall be installed below the atmospheric vacuum breaker.

Section 608.7 is deleted in its entirety.

Section 608.8 - The following sentence is added at the end of the paragraph: In addition each nonpotable water outlet shall be labeled with the words "CAUTION: UNSAFE WATER, DO NOT DRINK".

Section 608.11 - The following sentence is added at the end of the paragraph: The coating shall conform to NSF Standard 61 and application of the coating shall comply with the manufacturers instructions.

Section 608.13.3 is deleted and replaced with the following:
608.13.3 Backflow preventer with intermediate atmospheric vent. Backflow preventers with intermediate atmospheric vents shall conform to ASSE 1012 or CAS CAN/CAS-B64.3. These devices shall be permitted to be installed on residential boilers only where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged.

Section 608.13.4 is deleted in its entirety.

Section 608.15.3 is deleted and replaced with the following:

608.15.3 Protection by a backflow preventer with intermediate atmospheric vent. Opening and outlets to residential boilers only

shall be protected by a backflow preventer with an intermediate atmospheric vent.

Section 608.15.4 is deleted and replaced with the following:

608.15.4 Protection by a vacuum breaker. Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of the vacuum breaker shall be set a minimum of 6 inches (152 mm) above the flood level rim of the fixture or device. The critical level of the pressure vacuum breaker shall be set a minimum of 12 inches (304 mm) above the flood level rim of the fixture or device. Ball cocks shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors. Pipe-applied vacuum breakers shall be installed not less than 6 inches (152 mm) above the flood level rim of the fixture, receptor or device served. No valves shall be installed downstream of the atmospheric vacuum breaker.

Section 608.15.4.2 - The following is added at the end of the paragraph: In climates where freezing temperatures occur, a listed, self-draining frost proof hose bibb with an integral backflow preventer shall be used.

Section 608.16.1 is deleted and replaced with the following:

608.16.1 Beverage dispensers. Potable water supply to carbonators shall be protected by a stainless steel vented dual check valve installed according to the requirements of this chapter.

Section 608.16.2 - The first sentence of the paragraph is deleted and replaced as follows:

608.16.2 The potable water supply to the residential boiler shall be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA CAN/CSA B64.3.

Section 608.16.7 is deleted and replaced with the following:

608.16.7 Chemical dispensers. Where chemical dispensers connect to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

Section 608.16.8 is deleted and replaced with the following:

608.16.8 Portable cleaning equipment. Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2 or Section 608.13.8.

Section 608.16.9 is deleted and replaced with the following:

608.16.9 Dental pump equipment or water syringe. Where dental pumping equipment or water syringes connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

Section 608.16.10 is added as follows:

608.16.10 Automatic and coin operated car washes. The water supply to an automatic or coin operated car wash shall be protected in accordance with Section 608.13.1 or Section 608.13.2.

Section 608.17 is deleted in its entirety.

Section 608.18 is added as follows:

608.18 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a

Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and the Reduced Pressure Detector Assembly.

Section 701.2 - The following is added at the end of the paragraph: The sewer is considered as available when within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann. (1953), as amended. Private sewage disposal systems shall conform with Rule R317-501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

Section 706.4 is added as follows:

706.4 Baptismal fonts. The fixture drain from a baptismal font shall be individually vented and shall connect to a vented riser, main, stack or branch that is two pipe sized larger than the fixture drain.

Section 802.1.1 is deleted and replaced with the following:

802.1.1 Food handling. Equipment and fixtures utilized for the storage, preparation and handling of food or food equipment shall discharge through an indirect waste pipe by means of an air gap.

Exception: This requirement shall not apply to dishwashing machines and dishwashing sinks. This requires commercial dishwashing machines and dishwashing sinks to discharge through an air gap or an air break.

Section 802.3 is amended as follows:

The term "waste receptors" in the last sentence of the paragraph is replaced with the term "floor sinks".

Section 802.3.2 is deleted in its entirety.

Section 904.6 - The following sentence is added at the end of the paragraph: Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.

Section 917.2.1 is added as follows:

917.2.1 Installations Compliance. A plumbing system utilizing an air admittance valve is considered an alternative engineered design which requires compliance to the intent of the code as described by Chapters 1, 7, and 9. This includes the submittal of signed and sealed construction documents by a registered professional engineer and periodic and final inspections by the registered professional engineer.

Section 1002.4.1 is added as follows:

1002.4.1 Emergency floor drains. Each emergency floor drain shall be installed with a trap seal primer. Trap seal primer shall conform to ASSE 1018 or ASSE 1044.

Section 1003.3.3 is added as follows:

1003.3.3 Grease trap restriction. Unless specifically required or permitted by the code official, no food waste grinder or dishwasher shall be connected to or discharge into any grease trap.

Section 1104.2 is deleted and replaced with the following:

1104.2 Combining storm with sanitary drainage. The sanitary and storm drainage systems of a structure shall be entirely separate.

Section 1108 is deleted in its entirety.

Section 1201.2 is deleted and replaced with the following:

1201.2 Fuel piping systems. All fuel piping systems shall be sized, installed, tested and placed in operation in accordance with the requirements of Appendix B, Chapter 13 of the 1994 Uniform Mechanical Code.

Appendix G, Section G110 is deleted, renumbered and replaced with the following:

Section 1202 CNG GAS-DISPENSING SYSTEMS

1202.1 Dispenser protection. The gas dispenser shall have an emergency switch to shut off the power to the dispenser. An approved backflow device that prevents the reverse flow of gas shall be installed on the gas supply pipe or in the gas dispenser.

1202.2 Ventilation. Gas-dispensing systems installed inside the structure shall be ventilated by mechanical means in accordance with the Uniform Mechanical Code.

1202.3 Compressed natural gas vehicular fuel systems. Compressed natural gas (CNG) fuel-dispensing systems for CNG-fueled vehicles shall be designed and installed in accordance with NFPS 52 and the uniform fire code.

Chapter 14, Referenced Standards, is amended as follows:

NSF - Standard Reference Number 61-95 - The following referenced in code section number is added: 608.11

The following reference standard is added:

TABLE

USC- Foundation for Cross-Connection Control Table 608.1
 FCCCHR Control and Hydraulic Research
 9th University of Southern California
 Edition Kaprielian Hall 300
 Manual Los Angeles CA 90089-2531
 of Cross
 Connection

R156-56-707. Amendments to the UPC.

(1) Statewide Amendments

Chapter 1, Section 104 (a) is amended as follows:

"(a) Certified Backflow Assembly Tester - A certified backflow assembly tester is a person who has shown competence to test backflow assemblies to the satisfaction of the Administrative Authority having jurisdiction."

Chapter 6, Section 601 (b) is amended as follows:

"(b) No cold storage room, refrigerator, cooling counter, compartment, receptacle, appurtenance, or device which is used, designed or intended to be used for the storage or holding of food or drink and no dishwashing or culinary sink in any food preparation room which is used for soaking, washing, or preparing ready-to-serve food shall have any drain in connection therewith directly connected to any soil, waste, or vent pipe. A minimum of one compartment of a three-compartment sink located in a food preparation room shall be indirectly drained through an airbreak. Such equipment or fixtures shall be drained by means of indirect waste pipes, as defined in Chapter 1 of this Code, and all wastes drained by them shall discharge through an airbreak into an open floor sink or other approved type receptor which is properly connected to the drainage system.

The foregoing does not apply to walk-in refrigerators or combination walk-in, reach-in refrigerators used for storage and sales of products packaged in bottles, cartons, or containers.

Cooling and air-conditioning equipment may be separated by an airbreak."

Chapter 6, Section 608 (d) is replaced by the following:

"(d) Domestic pump-type dishwashers may be directly connected to the inlet side (top or head) of an approved food waste disposal unit or a branch tailpiece in the tailpiece of the sink, by either the use of an approved airgap device installed above the flood

level of the sink, or by the drain hose being extended and secured as high as possible under the bottom of the countertop before it is connected to the branch tailpiece located above the trap or to an approved food waste disposal unit."

Chapter 7, Section 702 (c) is amended as follows:

"(c) A trap arm may change direction without the use of a cleanout when such accumulated change of direction does not exceed one hundred and thirty-five (135) degrees." The Exception following paragraph (c) is deleted.

Chapter 7, Section 707 is amended as follows:

"Floor drain or similar traps directly connected to the drainage system and subject to infrequent use shall be provided with an approved means of maintaining their water seals, except where not deemed necessary for safety or sanitation by the Administrative Authority."

Chapter 8, Section 804 - the following is added as paragraph (g):

"(g) Corrugated Stainless Steel Tubing (CSST) Joint - The method of joining CSST shall be by mechanical fittings listed for use with specific CSST systems."

Chapter 9, Section 902 is amended as follows:

"Special-use fixtures may be made of soapstone, chemical stoneware, or may be lined with lead, copper base alloy, nickel-copper alloy, corrosion-resisting steel, or other materials especially suited for the use for which the fixture is intended.

Other special use sinks may be made of approved type bonderized and galvanized sheet steel of not less than No. 16 U.S. Gauge (.0625 inches) (1.6 mm). All sheet metal plumbing fixtures shall be adequately designed, constructed, and braced in an approved manner to satisfactorily accomplish their intended purpose.

Chapter 9, Section 905(c) is added as follows:

(c) Effective July 1, 1992:

(1) All tank type water closets with a flow rate greater than 1.6 gallons per flush are prohibited.

(2) Shower heads with a flow rate greater than 2.5 gallons per minute are prohibited.

(d) Bonderized and galvanized sheet steel restaurant kitchen sinks are prohibited.

Chapter 9, Section 909(g) is deleted and replaced with the following:

(g) Shower valves. Shower and tub-shower combination valves shall be balanced pressure, thermostatic or combination mixing valves that conform to the requirements of ASSE 1016 or CSA CAN/CSA-B 125. Such valves shall be equipped with handle position stops that are field adjusted in accordance with the manufacturer's instructions to a maximum hot water setting of 120 degrees Fahrenheit (49 degrees Celsius).

Exception: Balanced pressure, thermostatic or combination mixing valves shall not be required for showers and tub-shower combinations in one- or two-family dwellings and multiple showers supplied with a single tempered water supply provided the hot water supply for such showers is controlled by an approved master thermostatic mixing valve adjusted in accordance with the manufacturer's instructions to a maximum hot water setting of 120 degrees Fahrenheit (49 degrees Celsius). Such master thermostatic mixing valves shall be sized according to the peak demand of fixtures located downstream of the valve and shall comply with

ASSE 1016. The water heater thermostat shall not be used as the temperature-control device for compliance with this section.

Chapter 9, Section 910 is amended as follows:

"Each building intended for human habitation shall be provided with sanitary facilities.

(a) A lavatory or similar fixture shall be provided in the same room or an immediately adjoining room wherever a water closet or urinal is installed.

(b) All public rest room facilities shall be equipped with at least one floor drain.

(c) Hot and cold water shall be supplied to all plumbing fixtures which normally use hot and cold water for their proper use and function."

Chapter 10, Section 1003 (c) is amended as follows:

"(c) Access and clearance shall be provided for the required testing, maintenance and repair."

Chapter 10, Section 1003 (s) is amended as follows:

"(s) Potable Water Supply to Carbonaters shall be protected by a stainless steel vented dual check valve and installed per the requirements of this chapter."

Chapter 10, Section 1003 - the following is added as paragraph (u):

"(u) Addition of chemicals other than pure glycerin (CP or USP 96.5%) or propylene glycol to any wet standpipe fire suppression system shall require the installation of a Reduced Pressure Zone Principle Backflow Assembly. A warning sign shall be posted at those systems containing pure glycerine or propylene glycol stating CAUTION - FILL ONLY WITH WATER SOLUTIONS OF PURE GLYCERINE (C.P. OR U.S.P. 96.5%) OR PROPYLENE GLYCOL."

Chapter 10, Section 1004 (a) is amended as follows:

"(a) Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel, or other approved materials. Asbestos-cement, CPVC, PB, PE, or PVC water pipe manufactured to recognized standards may be used for cold water distribution systems outside a building. PB manifold and CPVC water pipe and tubing may be used for hot and cold water distribution systems within a building in accordance with manufacturers recommendation. PB systems must have all unions left accessible. All materials used in the water supply system, except valves and similar devices shall be of a like material, except where otherwise approved by the Administrative Authority."

Chapter 11, Section 1101 (d) is amended as follows:

"(d) The public sewer may be considered as being available when such public sewer is within three hundred (300) feet of any property line with any building used for human occupancy."

Chapter 12, Section 1202 - the following is added as paragraphs (c) through (e). All remaining paragraphs are renumbered.

"(c) CSST - Corrugated Stainless Steel Tubing.

(d) CSST Gas Manifold - A listed fitting used to connect multiple branches to a central gas piping system.

(e) EHD - Equivalent Hydraulic Diameter."

Chapter 12, Section 1202, new paragraph (g) is amended as follows:

"(g) Gas Piping - Any installation of pipe, CSST, valves, and fittings that is used to convey fuel gas, installed on any premises or in any building, but shall not include:

(1) Any portion of the service piping.

(2) Any approved piping connection six feet (1.8 m) or less in length between an existing gas outlet and a gas appliance in the same room with the outlet."

Chapter 12, Section 1205 is amended as follows:

"No rigid gas piping shall be strained or bent and no appliance shall be supported by or develop any strain or stress on its supply piping. Gas piping supplying appliances designed to be supported by the piping may be used to support such appliances, when first approved by the Administrative Authority."

Chapter 12, Section 1211 is amended as follows:

(g) All gas meters located more than 6500 feet above sea level must be located in an area that is protected from ice and snow or be provided with snow and ice protection.

Chapter 12, Section 1212 (a), (b) and (c) are amended as follows:

"(a) All pipe used for the installation, extension, alteration, or repair of any gas piping shall be standard weight wrought iron or steel (galvanized or black), yellow brass (containing not more than 75 percent copper), internally tinned or equivalently treated copper of iron pipe size or listed CSST. Approved PVC or PE pipe may be used in exterior buried piping systems. Type "K" copper tubing without joints below grade may be used in exterior LP Gas piping systems only.

(b) New materials shall be utilized when installing CSST. All other pipe shall be either new, or shall previously have been used for no other purpose than conveying gas; it shall be in good condition and free from internal obstructions. Burred ends shall be reamed to the full bore of the pipe.

(c) All fittings used in connection with the above piping shall be of malleable iron, yellow brass (containing not more than 75 percent copper), or approved plastic fittings. All fittings and components used with CSST shall be part of the same listed system."

Chapter 12, Section 1213 (a) is amended as follows:

"(a) All joints in the piping system, unless welded or a component of a listed CSST system, shall be screwed joints, having approved standard threads. Such screwed joints shall be made up with approved pipe joint material, insoluble in the presence of fuel gas and applied to the male threads only."

Chapter 12, Section 1213 (c) is amended as follows:

"(c) No gas piping shall be installed in or on the ground under any building or structure and all exposed gas piping shall be kept at least six inches (152.4 mm) above grade or structure. CSST shall only be installed within the building structure downstream of the meter."

Chapter 12, Section 1213 - the following will be added after paragraph (h):

"EXCEPTION: CSST shall be supported with hooks, metal pipe, straps, bands, brackets, or hangers suitable for the size and weight of the tubing, at intervals not to exceed those shown in Table 12-11.

A listed termination fitting shall be installed and secured to the structure at all CSST gas outlets."

Chapter 12, Section 1213 (o), the following is added:

When approved by the authority having jurisdiction, shut-off valves for listed, vented decorative appliances may be accessibly located in an area remote from the appliance. Such valve shall be permanently identified and shall serve no other equipment.

Chapter 12, Section 1213 (q) is amended as follows:

"(q) Changes in direction of gas piping shall be made by appropriate use of fittings, except CSST may be bent to a radius of not less than three times the nominal tubing diameter, and PE gas pipe and tubing may be bent to a radius of not less than 20 times the nominal pipe or tubing diameter."

Chapter 12, Section 1213 - the following are added as paragraphs (r) and (s):

"(r) CSST Installation Requirements

(1) CSST may be installed in concealed locations. Listed CSST fittings and assemblies shall not be considered concealed if accessible.

(2) CSST installed in exposed and/or concealed locations subject to physical damage shall be adequately protected.

(3) When CSST passes through wood members, it shall be installed and protected as follows:

1. Bored Holes - In locations where CSST is installed through bored holes in wood members, holes shall be bored so that the edge of the hole is not less than two inches (50.8 mm) from the nearest edge of the wood member. Where this distance cannot be maintained at any point, the CSST shall be protected by a listed striker plate of the appropriate length and width. The diameter of bored holes shall be a minimum of one-half inch larger than the L.D. of the CSST.

2. Notches in wood are prohibited for CSST installations.

(4) When CSST passes through metal members, it shall be installed and protected as follows: In both exposed and concealed locations where CSST passes through metal members, the CSST shall be protected by bushings or grommets securely fastened in the opening prior to installation. Where nails or screws may penetrate CSST, it shall be protected by a listed striker plate of appropriate length and width.

(5) When CSST is installed parallel to framing members, it shall be installed and protected as follows: CSST shall be installed and supported so that the nearest outside surface of the tubing is not less than two and one-half inches (63.5 mm) from the nearest edge of the framing member where nails or screws may penetrate. Where the distance cannot be maintained at any point, the tubing shall be protected by a listed striker plate of appropriate length and width.

(s) Each manifold used with a CSST system shall:

(1) Be accessible.

(2) Be securely fastened to the structure.

(3) Be installed in a location that communicates with a ventilated area."

Chapter 12, Section 1215 (e) is amended as follows:

The following is added after paragraph (e):

EXCEPTION: LP Gas Piping may be installed in basements of buildings with not more than 6,000 square feet per floor and not classified as group E, H or I occupancy, PROVIDED:

1. All new systems shall be installed in accordance with NFPA Article 58 and 54.

2. The entire gas system shall be pressure tested and inspected for leaks as set forth in NFPA Article 54, Sections 4.1.1 through 4.3.4 and all tanks, piping, regulators, gauges, connectors, valves, vents, thermostats, pilots, burners and appliance controls shall be inspected for proper installation and function as administered and required by the Utah LPG Board and reinspected every five years thereafter. The inspector shall be a certified LPG serviceman as provided by the Liquefied Petroleum Gas Act.

3. All new LPG systems installed in basements shall be inspected by a certified LPG serviceman and approved before occupancy is allowed. All existing below grade installations shall be inspected and approved within five years of the adoption of this program and every five years thereafter.

4. A visible tag indicating the system has successfully passed a gas check inspection shall be affixed to the LPG supply tank. Such tag shall indicate the name of the company, the certification number of the inspector, and the date of inspection.

5. An approved and listed audible LP gas detector alarm shall be installed in all new below grade installations in accordance with the manufacturer's listing.

Chapter 12, Section 1215 (f) is amended as follows:

The following is added after paragraph (f):

EXCEPTION: LP Gas Piping may be installed in basements of buildings with not more than 6,000 square feet per floor and not classified as group E, H or I occupancy, **PROVIDED:**

1. All new LPG systems installed in basements shall be inspected by a certified LPG serviceman and approved before occupancy is allowed. All existing below grade installations shall be inspected and approved within five years of the adoption of this program and every five years thereafter.

2. An approved and listed audible LP gas detector alarm shall be installed in all new below grade installations in accordance with manufacturers listing.

Chapter 12, Section 1219 (a) is amended as follows:

"(a) Where the maximum demand does not exceed 250 cubic feet per hour (2 L/s) and the maximum length of piping between the meter and the most distant outlet is not over 250 feet (76 m), the size of each section and each outlet of any system of gas piping shall be determined by means of Table 12-3. Other systems within the range of Table 12-3 may be sized from that table or by means of the methods set forth in subsection (c) of this section. For systems using CSST, refer to Tables 12-12 and 12-13."

Chapter 12, Section 1219 (b) (2) and (4) are amended as follows:

"(b) To determine the size of each section of pipe or EHD for CSST, in any system within the range of Table 12-3, 12-12 or 12-13, proceed as follows:

(2) In Table 12-3, 12-12 or 12-13, select the column showing that distance, or the next longer distance, if the table does not give the exact length.

(4) Opposite this demand figure, in the first column at the left in Table 12-3, 12-12 or 12-13, will be found the correct size of pipe or CSST."

Chapter 12, Section 1219 - the following will be added after paragraph (c):

"**EXCEPTION:** For CSST systems, see Table 12-13 for permissible pressure drops greater than one-half inch water column. Table 12-13 shall be used in conjunction with medium pressure systems only, and for sizing the tubing in the low pressure portion of medium pressure systems."

Chapter 12, Section 1219 (d) is amended as follows:

"(d) Where the gas pressure may be higher than 14 inches (355.6 mm) or lower than six inches (152.4 mm) of water column, or when diversity demand factors are used, the design, pipe, sizing, materials, location, and use of such systems first shall be approved by the Administrative Authority. Piping systems designed for pressures higher than the serving gas supplier's standard delivery

pressure shall have prior verification from the gas supplier of the availability of the design pressure. Systems using undiluted liquified petroleum gas may be sized using either Table 12-7 for steel pipe or Table 12-16 for CSST systems for 11 inches (279.4 mm) water column and in accordance with the provisions of subsections (a) and (b)."

Chapter 12, Section 1220 (f) and (g) are amended as follows:

"(f) Tables 12-4, 12-5 and 12-6 may be used to size natural gas piping system carrying two, three, or five psig (13.8, 20.7, or 34.5 kPa) gas. Tables 12-14 and 12-15 may be used to size CSST systems, carrying two or five psig. The procedure to determine the size of each section of the system is similar to that contained in Section 1219 of this Code using the pipe length from the meter to the most remote regulator on the medium pressure system and sizing the downstream low pressure piping from Table 12-3 for steel pipe and Table 12-13 for CSST.

(g) For other than CSST systems, Table 12-8 may be used to size undiluted liquified petroleum gas piping systems carrying 10 psig (68.9 kPa) gas. The procedure to determine the size of each section of the system is similar to Section 1219 of this Code using the pipe length from the first stage or tank regulator to the most remote regulator in the second state system. Low pressure piping to be sized from Table 12-7."

TABLE I
Table 12-11
Support Intervals for CSST

| Tubing Size EHD | Feet | Meters |
|--------------------|---|--------|
| 1-16 horizontal | 4 | 1.22 |
| 17-32 horizontal | 6 | 1.83 |
| 1-32 vertical | Every floor not to exceed 10 feet between supports | |

TABLE II
Table 12-12
Maximum Capacity of CSST in Cubic Feet per Hour for
Gas Pressure of 7 in. WC and Pressure Drop of 0.5 in. WC
(Based on 0.60 Specific Gravity Gas)(1)

| EHD(2) Flow Designation | Tubing Length (ft) | | | | | | | | |
|-------------------------------|--------------------|-----|-----|-----|-----|-----|-----|-----|-----|
| | 5 | 10 | 15 | 20 | 25 | 30 | 40 | 50 | |
| 12 | 48 | 25 | 24 | 21 | 20 | 17 | 14 | 13 | |
| 13 | 50 | 34 | 28 | 23 | 21 | 18 | 15 | 14 | |
| 14 | 70 | 52 | 43 | 37 | 34 | 31 | 28 | 27 | |
| 17 | 116 | 85 | 70 | 62 | 55 | 50 | 42 | 39 | |
| 18 | 129 | 90 | 75 | 65 | 58 | 54 | 45 | 41 | |
| 19 | 143 | 102 | 79 | 70 | 63 | 58 | 49 | 44 | |
| 20 | 250 | 168 | 130 | 110 | 105 | 96 | 80 | 72 | |
| 22 | 258 | 174 | 133 | 116 | 105 | 96 | 80 | 75 | |
| 26 | 336 | 232 | 174 | 161 | 145 | 129 | 110 | 98 | |
| 31 | 581 | 400 | 323 | 278 | 245 | 226 | 187 | 169 | |
| | 60 | 70 | 80 | 90 | 100 | 150 | 200 | 250 | 300 |
| 12 | 11 | 11 | 10 | 10 | 7 | 5 | - | - | - |
| 13 | 12 | 11 | 11 | 10 | 9 | 6 | 5 | 4 | - |
| 14 | 25 | 24 | 22 | 21 | 19 | 14 | 10 | 8 | 5 |
| 17 | 34 | 32 | 28 | 27 | 22 | 19 | 15 | 14 | 10 |
| 18 | 37 | 36 | 35 | 30 | 23 | 21 | 15 | 15 | 13 |
| 19 | 40 | 39 | 37 | 36 | 35 | 29 | 23 | 18 | 15 |

| | | | | | | | | | |
|----|-----|-----|-----|-----|-----|-----|----|----|----|
| 20 | 60 | 55 | 48 | 46 | 42 | 29 | 23 | 18 | 15 |
| 22 | 60 | 56 | 52 | 49 | 45 | 36 | 31 | 27 | 23 |
| 26 | 88 | 83 | 77 | 75 | 72 | 67 | 61 | 49 | 48 |
| 31 | 152 | 142 | 129 | 127 | 117 | 106 | 96 | 75 | 71 |

(1)Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings should be increased by an equivalent length of tubing to the following equation: L equals 1.3n where L is additional length (ft) of tubing and n is the number of additional fittings and/or levels.

(2)EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

TABLE III
Table 12-12A
Maximum Capacity of CSST in Liters of Gas per Second for Gas Pressure of 177.8 mm WC and Pressure Drop of 12.7 mm WC (Based on 0.60 Specific Gravity Gas)(1)

| | | Tubing Length (m) | | | | | |
|----------------|--|-------------------|-------|-------|-------|-------|-------|
| EHD(2) Flow | | 1.50 | 3.00 | 4.60 | 6.00 | 7.60 | 9.00 |
| Designation | | | | | | | |
| 12 | | 0.38 | 0.20 | 0.19 | 0.17 | 0.16 | 0.13 |
| 13 | | 0.39 | 0.27 | 0.22 | 0.18 | 0.17 | 0.14 |
| 14 | | 0.55 | 0.41 | 0.34 | 0.29 | 0.27 | 0.24 |
| 17 | | 0.91 | 0.67 | 0.55 | 0.49 | 0.43 | 0.39 |
| 18 | | 1.02 | 0.71 | 0.59 | 0.51 | 0.46 | 0.42 |
| 19 | | 1.13 | 0.80 | 0.62 | 0.55 | 0.50 | 0.46 |
| 20 | | 1.97 | 1.32 | 1.02 | 0.87 | 0.83 | 0.76 |
| 22 | | 2.03 | 1.37 | 1.05 | 0.91 | 0.83 | 0.76 |
| 26 | | 2.64 | 1.83 | 1.37 | 1.27 | 1.14 | 1.02 |
| 31 | | 4.57 | 3.15 | 2.54 | 2.19 | 1.93 | 1.78 |
| | | 12.20 | 15.20 | 18.30 | 21.30 | 24.40 | 27.40 |
| 12 | | 0.11 | 0.10 | 0.09 | 0.09 | 0.08 | 0.08 |
| 13 | | 0.12 | 0.11 | 0.09 | 0.09 | 0.09 | 0.08 |
| 14 | | 0.22 | 0.21 | 0.20 | 0.19 | 0.17 | 0.17 |
| 17 | | 0.33 | 0.31 | 0.27 | 0.25 | 0.22 | 0.21 |
| 18 | | 0.35 | 0.32 | 0.29 | 0.28 | 0.27 | 0.24 |
| 19 | | 0.39 | 0.35 | 0.31 | 0.31 | 0.29 | 0.28 |
| 20 | | 0.63 | 0.57 | 0.47 | 0.43 | 0.38 | 0.36 |
| 22 | | 0.63 | 0.59 | 0.47 | 0.44 | 0.41 | 0.39 |
| 26 | | 0.87 | 0.77 | 0.69 | 0.65 | 0.61 | 0.59 |
| 31 | | 1.47 | 1.33 | 1.20 | 1.12 | 1.02 | 1.00 |
| | | 30.50 | 45.70 | 60.90 | 76.20 | 91.40 | |
| 12 | | 0.06 | 0.04 | - | - | - | |
| 13 | | 0.07 | 0.05 | 0.04 | 0.03 | - | |
| 14 | | 0.15 | 0.11 | 0.08 | 0.06 | 0.04 | |
| 17 | | 0.17 | 0.15 | 0.13 | 0.11 | 0.08 | |
| 18 | | 0.18 | 0.17 | 0.13 | 0.12 | 0.10 | |
| 19 | | 0.28 | 0.23 | 0.18 | 0.14 | 0.12 | |
| 20 | | 0.33 | 0.23 | 0.18 | 0.14 | 0.12 | |
| 22 | | 0.35 | 0.28 | 0.24 | 0.21 | 0.18 | |
| 26 | | 0.56 | 0.53 | 0.48 | 0.39 | 0.38 | |
| 31 | | 0.92 | 0.83 | 0.76 | 0.59 | 0.56 | |

(1)Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings should be increased by an equivalent length of tubing to the following equation: L equals 0.4n where L is additional length (m) of tubing and n is the number of additional fittings and/or levels.

(2)EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

TABLE IV
Table 12-13
Maximum Capacity of CSST in Cubic Feet per Hour for Gas Pressure of 10 in. WC and Pressure Drop of 3 in. WC (Based on 0.60 Specific Gravity Gas)(1)

| | | Tubing Length (ft) | | | | | | | | |
|----------------|--|--------------------|------|-----|-----|-----|-----|-----|-----|-----|
| EHD(2) Flow | | 5 | 10 | 15 | 20 | 25 | 30 | 40 | 50 | |
| Designation | | | | | | | | | | |
| 12 | | 102 | 75 | 60 | 52 | 47 | 42 | 41 | 38 | |
| 13 | | 132 | 90 | 72 | 68 | 56 | 50 | 43 | 38 | |
| 14 | | 155 | 114 | 93 | 83 | 75 | 70 | 62 | 56 | |
| 17 | | 240 | 180 | 148 | 130 | 115 | 108 | 99 | 90 | |
| 18 | | 310 | 219 | 168 | 148 | 136 | 129 | 114 | 101 | |
| 19 | | 361 | 258 | 207 | 181 | 158 | 145 | 124 | 110 | |
| 20 | | 510 | 387 | 310 | 286 | 247 | 225 | 207 | 188 | |
| 22 | | 658 | 449 | 368 | 310 | 287 | 254 | 213 | 190 | |
| 26 | | 852 | 581 | 478 | 413 | 361 | 336 | 290 | 256 | |
| 31 | | 1485 | 1033 | 826 | 697 | 633 | 581 | 491 | 439 | |
| | | 60 | 70 | 80 | 90 | 100 | 150 | 200 | 250 | 300 |
| 12 | | 34 | 30 | 28 | 27 | 25 | 21 | 18 | 16 | 15 |
| 13 | | 34 | 31 | 28 | 27 | 26 | 21 | 18 | 16 | 15 |
| 14 | | 52 | 48 | 45 | 43 | 41 | 35 | 30 | 28 | 27 |
| 17 | | 85 | 80 | 75 | 70 | 68 | 55 | 46 | 42 | 38 |
| 18 | | 90 | 84 | 77 | 74 | 71 | 57 | 48 | 45 | 40 |
| 19 | | 101 | 93 | 88 | 83 | 77 | 63 | 54 | 49 | 44 |
| 20 | | 174 | 158 | 150 | 137 | 128 | 104 | 90 | 79 | 73 |
| 22 | | 177 | 163 | 155 | 140 | 130 | 107 | 90 | 80 | 73 |
| 26 | | 232 | 213 | 200 | 183 | 178 | 142 | 123 | 108 | 99 |
| 31 | | 400 | 368 | 349 | 323 | 303 | 245 | 209 | 187 | 170 |

(1)Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings should be increased by an equivalent length of tubing to the following equation: L equals 1.3n where L is additional length (ft) of tubing and n is the number of additional fittings and/or levels.

(2)EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

TABLE V
Table 12-13A
Maximum Capacity of CSST in Liters of Gas per Second for Gas Pressure of 254 mm WC and Pressure Drop of 76.2 mm WC (Based on 0.60 Specific Gravity Gas)(1)

| | | Tubing Length (m) | | | | | |
|----------------|--|-------------------|-------|-------|-------|-------|-------|
| EHD(2) Flow | | 1.50 | 3.00 | 4.60 | 6.00 | 7.60 | 9.00 |
| Designation | | | | | | | |
| 12 | | 0.80 | 0.59 | 0.47 | 0.41 | 0.37 | 0.33 |
| 13 | | 1.04 | 0.71 | 0.57 | 0.54 | 0.44 | 0.39 |
| 14 | | 1.22 | 0.90 | 0.73 | 0.65 | 0.59 | 0.55 |
| 17 | | 1.89 | 1.42 | 1.16 | 1.02 | 0.91 | 0.85 |
| 18 | | 2.44 | 1.72 | 1.32 | 1.16 | 1.07 | 1.02 |
| 19 | | 2.84 | 2.03 | 1.63 | 1.42 | 1.24 | 1.14 |
| 20 | | 4.01 | 3.05 | 2.44 | 2.25 | 1.94 | 1.77 |
| 22 | | 5.18 | 3.53 | 2.90 | 2.44 | 2.26 | 2.00 |
| 26 | | 6.71 | 4.57 | 3.76 | 3.25 | 2.84 | 2.64 |
| 31 | | 11.69 | 8.13 | 6.50 | 5.49 | 4.98 | 4.57 |
| | | 12.20 | 15.20 | 18.30 | 21.30 | 24.40 | 27.40 |
| 12 | | 0.32 | 0.30 | 0.27 | 0.24 | 0.22 | 0.21 |
| 13 | | 0.34 | 0.30 | 0.27 | 0.24 | 0.22 | 0.21 |
| 14 | | 0.49 | 0.44 | 0.41 | 0.38 | 0.35 | 0.34 |

| | | | | | | |
|----|------|------|------|------|------|------|
| 17 | 0.78 | 0.71 | 0.67 | 0.63 | 0.59 | 0.55 |
| 18 | 0.90 | 0.79 | 0.71 | 0.66 | 0.61 | 0.58 |
| 19 | 0.98 | 0.87 | 0.79 | 0.73 | 0.69 | 0.65 |
| 20 | 1.63 | 1.48 | 1.37 | 1.24 | 1.18 | 1.08 |
| 22 | 1.68 | 1.50 | 1.39 | 1.28 | 1.22 | 1.10 |
| 26 | 2.28 | 2.01 | 1.83 | 1.68 | 1.57 | 1.44 |
| 31 | 3.86 | 3.45 | 3.15 | 2.90 | 2.75 | 2.54 |

30.50 45.70 60.90 76.20 91.40

| | | | | | |
|----|------|------|------|------|------|
| 12 | 0.20 | 0.17 | 0.14 | 0.13 | 0.12 |
| 13 | 0.20 | 0.17 | 0.14 | 0.13 | 0.12 |
| 14 | 0.32 | 0.28 | 0.24 | 0.22 | 0.21 |
| 17 | 0.54 | 0.43 | 0.36 | 0.33 | 0.30 |
| 18 | 0.56 | 0.45 | 0.38 | 0.35 | 0.31 |
| 19 | 0.61 | 0.50 | 0.42 | 0.39 | 0.35 |
| 20 | 1.01 | 0.82 | 0.71 | 0.62 | 0.57 |
| 22 | 1.02 | 0.84 | 0.71 | 0.63 | 0.57 |
| 26 | 1.40 | 1.12 | 0.97 | 0.85 | 0.78 |
| 31 | 2.38 | 1.93 | 1.64 | 1.47 | 1.34 |

(1)Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings should be increased by an equivalent length of tubing to the following equation: L equals 0.4n where L is additional length (m) of tubing and n is the number of additional fittings and/or levels.

(2)EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

TABLE VI
Table 12-14

Maximum Capacity of CSST in Cubic Feet per Hour for Gas Pressure of 2 psi and Pressure Drop of 1.5 psi (Based on 0.60 Specific Gravity Gas)(1)

Tubing Length (ft)

| EHD(2) Flow Designation | Tubing Length (ft) | | | | | | | |
|-------------------------------|--------------------|------|------|------|------|------|------|------|
| | 10 | 25 | 30 | 40 | 50 | 75 | 80 | 100 |
| 12 | 250 | 170 | 160 | 142 | 130 | 112 | 110 | 100 |
| 13 | 355 | 207 | 187 | 155 | 142 | 127 | 123 | 106 |
| 14 | 361 | 239 | 219 | 194 | 176 | 147 | 145 | 129 |
| 17 | 570 | 380 | 360 | 320 | 290 | 245 | 235 | 225 |
| 18 | 839 | 503 | 452 | 413 | 368 | 297 | 284 | 271 |
| 19 | 981 | 607 | 555 | 478 | 420 | 349 | 336 | 297 |
| 20 | 1180 | 800 | 745 | 650 | 600 | 520 | 500 | 460 |
| 22 | 2195 | 1252 | 1097 | 968 | 865 | 704 | 658 | 594 |
| 26 | 2324 | 1446 | 1291 | 1150 | 1007 | 800 | 775 | 697 |
| 31 | 4002 | 2453 | 2259 | 1937 | 1743 | 1394 | 1420 | 1188 |
| | 150 | 200 | 250 | 300 | 400 | 500 | | |
| 12 | 85 | 75 | 64 | 55 | 50 | 45 | | |
| 13 | 88 | 75 | 65 | 58 | 50 | 45 | | |
| 14 | 110 | 96 | 86 | 80 | 70 | 63 | | |
| 17 | 180 | 160 | 144 | 135 | 118 | 105 | | |
| 18 | 194 | 168 | 168 | 142 | 129 | 121 | | |
| 19 | 245 | 213 | 186 | 174 | 145 | 129 | | |
| 20 | 380 | 340 | 310 | 280 | 250 | 220 | | |
| 22 | 452 | 387 | 349 | 284 | 261 | 220 | | |
| 26 | 568 | 484 | 432 | 400 | 336 | 297 | | |
| 31 | 968 | 839 | 749 | 684 | 581 | 503 | | |

Table does not include effect of pressure drop across line regulator. If regulator loss exceeds 4 in WC, DO NOT USE THIS TABLE. Consult with regulator manufacturer for pressure drops and capacity factors. Pressure drop across regulator may vary with the flow rate.

CAUTION: Capacities shown in table may exceed maximum capacity of selected regulator. Consult with tubing manufacturer for guidance.

(1)Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings should be increased by an equivalent length of tubing to the following equation: L equals 1.3n where L is additional length (ft) of tubing and n is the number of additional fittings and/or levels.

(2)EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

TABLE VII

Table 12-14A

Maximum Capacity of CSST in Liters of Gas per Second for Gas Pressure of 13.8 Kpa and Pressure Drop of 10.3 KPa (Based on 0.60 Specific Gravity Gas)(1)

Tubing Length (m)

| EHD(2) Flow Designation | Tubing Length (m) | | | | | |
|-------------------------------|-------------------|--------|-------|-------|-------|-------|
| | 3.00 | 7.62 | 9.00 | 12.20 | 15.20 | 22.86 |
| 12 | 1.97 | 1.34 | 1.26 | 1.12 | 1.02 | 0.88 |
| 13 | 2.79 | 1.63 | 1.47 | 1.22 | 1.12 | 1.00 |
| 14 | 2.84 | 1.88 | 1.72 | 1.53 | 1.39 | 1.16 |
| 17 | 4.49 | 2.99 | 2.83 | 2.52 | 2.28 | 1.93 |
| 18 | 6.60 | 3.96 | 3.56 | 3.25 | 2.90 | 2.34 |
| 19 | 7.72 | 4.78 | 4.37 | 3.76 | 3.31 | 2.75 |
| 20 | 9.29 | 6.30 | 5.86 | 5.12 | 4.72 | 4.09 |
| 22 | 17.27 | 9.85 | 8.63 | 7.62 | 6.81 | 5.54 |
| 26 | 18.29 | 11.38 | 10.16 | 9.05 | 7.93 | 6.30 |
| 31 | 31.50 | 19.31 | 17.78 | 15.24 | 13.72 | 10.97 |
| | 24.40 | 30.50 | 45.70 | 60.90 | 76.20 | 91.40 |
| 12 | 0.87 | 0.79 | 0.67 | 0.59 | 0.50 | 0.43 |
| 13 | 0.97 | 0.83 | 0.69 | 0.59 | 0.51 | 0.46 |
| 14 | 1.14 | 1.02 | 0.87 | 0.76 | 0.68 | 0.63 |
| 17 | 1.85 | 1.77 | 1.42 | 1.26 | 1.13 | 1.06 |
| 18 | 2.24 | 2.13 | 1.53 | 1.32 | 1.32 | 1.12 |
| 19 | 2.64 | 2.34 | 1.93 | 1.68 | 1.46 | 1.37 |
| 20 | 3.94 | 3.62 | 2.99 | 2.68 | 2.44 | 2.20 |
| 22 | 5.18 | 4.67 | 3.56 | 3.05 | 2.75 | 2.24 |
| 26 | 6.10 | 5.49 | 4.47 | 3.81 | 3.40 | 3.15 |
| 31 | 11.18 | 9.35 | 7.62 | 6.60 | 5.89 | 5.38 |
| | 121.90 | 152.40 | | | | |
| 12 | 0.39 | 0.35 | | | | |
| 13 | 0.39 | 0.35 | | | | |
| 14 | 0.55 | 0.50 | | | | |
| 17 | 0.93 | 0.83 | | | | |
| 18 | 1.02 | 0.95 | | | | |
| 19 | 1.14 | 1.02 | | | | |
| 20 | 1.97 | 1.73 | | | | |
| 22 | 2.05 | 1.73 | | | | |
| 26 | 2.64 | 2.34 | | | | |
| 31 | 4.57 | 3.96 | | | | |

Table does not include effect of pressure drop across line regulator. If regulator loss exceeds 100 mm WC, DO NOT USE THIS TABLE. Consult with regulator manufacturer for pressure drops and capacity factors. Pressure drop across regulator may vary with the flow rate.

CAUTION: Capacities shown in table may exceed maximum capacity of selected regulator. Consult with tubing manufacturer for guidance.

(1)Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings should be increased by an equivalent length of tubing to the following equation: L equals 0.4n where L is additional length (m) of tubing and n is the number of additional fittings and/or levels.

(2)EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

TABLE VIII
Table 12-15
Maximum Capacity of CSST in Cubic Feet per Hour for
Gas Pressure of 5 psi and Pressure Drop of 3.5 psi
(Based on 0.60 Specific Gravity Gas)(1)

| EHD(2) Flow Designation | Tubing Length (ft) | | | | | | | |
|-------------------------------|--------------------|------|------|------|------|------|------|------|
| | 10 | 25 | 30 | 40 | 50 | 75 | 80 | 100 |
| 12 | 350 | 240 | 225 | 192 | 185 | 155 | 151 | 140 |
| 13 | 490 | 340 | 312 | 279 | 250 | 207 | 198 | 181 |
| 14 | 542 | 355 | 323 | 284 | 258 | 217 | 200 | 187 |
| 17 | 830 | 560 | 510 | 447 | 405 | 345 | 340 | 310 |
| 18 | 1291 | 775 | 749 | 633 | 549 | 439 | 432 | 400 |
| 19 | 1549 | 968 | 891 | 723 | 646 | 568 | 516 | 465 |
| 20 | 1700 | 1175 | 1075 | 900 | 850 | 705 | 700 | 640 |
| 22 | 3357 | 2195 | 2066 | 1678 | 1420 | 1046 | 1033 | 910 |
| 26 | 3679 | 2259 | 2079 | 1704 | 1549 | 1291 | 1188 | 1110 |
| 31 | 6455 | 3873 | 3550 | 3034 | 2776 | 2182 | 2130 | 1904 |
| | 150 | 200 | 250 | 300 | 400 | 500 | | |
| 12 | 120 | 105 | 98 | 90 | 78 | 70 | | |
| 13 | 136 | 116 | 101 | 96 | 80 | 70 | | |
| 14 | 161 | 142 | 127 | 116 | 98 | 93 | | |
| 17 | 260 | 230 | 210 | 192 | 118 | 155 | | |
| 18 | 336 | 290 | 239 | 232 | 213 | 187 | | |
| 19 | 374 | 323 | 290 | 258 | 219 | 207 | | |
| 20 | 540 | 480 | 440 | 405 | 342 | 320 | | |
| 22 | 749 | 633 | 523 | 497 | 432 | 368 | | |
| 26 | 852 | 749 | 665 | 607 | 503 | 465 | | |
| 31 | 1549 | 1323 | 1162 | 1065 | 878 | 813 | | |

Table does not include effect of pressure drop across line regulator. If regulator loss exceeds 1 psig, DO NOT USE THIS TABLE. Consult with regulator manufacturer for pressure drops and capacity factors. Pressure drop across regulator may vary with the flow rate.

CAUTION: Capacities shown in table may exceed maximum capacity of selected regulator. Consult with tubing manufacturer for guidance.

(1)Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings should be increased by an equivalent length of tubing to the following equation: L equals 1.3n where L is additional length (ft) of tubing and n is the number of additional fittings and/or levels.

(2)EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

TABLE IX
Table 12-15A
Maximum Capacity of CSST in Liters of Gas per Second for
Gas Pressure of 34.5 kPa and Pressure Drop of 24.2 kPa
(Based on 0.60 Specific Gravity Gas)(1)

| EHD(2) Flow Designation | Tubing Length (m) | | | | | |
|-------------------------------|-------------------|-------|-------|-------|-------|-------|
| | 3.00 | 7.62 | 9.00 | 12.20 | 15.20 | 22.86 |
| 12 | 2.75 | 1.89 | 1.77 | 1.51 | 1.46 | 1.22 |
| 13 | 3.86 | 2.66 | 2.46 | 2.20 | 1.97 | 1.63 |
| 14 | 4.27 | 2.79 | 2.54 | 2.24 | 2.03 | 1.71 |
| 17 | 6.53 | 4.41 | 4.01 | 3.52 | 3.19 | 2.72 |
| 18 | 10.16 | 6.10 | 5.89 | 4.98 | 4.32 | 3.45 |
| 19 | 12.19 | 7.62 | 7.01 | 5.69 | 5.08 | 4.47 |
| 20 | 13.38 | 9.25 | 8.46 | 7.08 | 6.69 | 5.55 |
| 22 | 26.42 | 17.27 | 16.26 | 13.21 | 11.18 | 8.23 |
| 26 | 28.95 | 17.78 | 16.36 | 13.41 | 12.19 | 10.16 |
| 31 | 50.80 | 30.48 | 27.94 | 23.88 | 21.85 | 17.17 |

24.40 30.50 45.70 60.90 76.20 91.40

| | | | | | | |
|----|-------|-------|-------|-------|------|------|
| 12 | 1.19 | 1.10 | 0.94 | 0.83 | 0.77 | 0.71 |
| 13 | 1.56 | 1.42 | 1.07 | 0.91 | 0.79 | 0.76 |
| 14 | 1.57 | 1.47 | 1.27 | 1.12 | 1.00 | 0.91 |
| 17 | 2.68 | 2.44 | 2.05 | 1.81 | 1.65 | 1.51 |
| 18 | 3.40 | 3.15 | 2.64 | 2.28 | 1.88 | 1.83 |
| 19 | 4.06 | 3.66 | 2.94 | 2.54 | 2.28 | 2.03 |
| 20 | 5.51 | 5.04 | 4.25 | 3.78 | 3.46 | 3.19 |
| 22 | 8.13 | 7.16 | 5.89 | 4.98 | 4.12 | 3.91 |
| 26 | 9.35 | 8.74 | 6.71 | 5.89 | 5.23 | 4.78 |
| 31 | 16.76 | 14.98 | 12.19 | 10.41 | 9.14 | 8.38 |

121.90 152.40

| | | |
|----|------|------|
| 12 | 0.61 | 0.55 |
| 13 | 0.63 | 0.55 |
| 14 | 0.77 | 0.73 |
| 17 | 0.93 | 1.22 |
| 18 | 1.68 | 1.47 |
| 19 | 1.72 | 1.63 |
| 20 | 2.69 | 2.52 |
| 22 | 3.40 | 2.90 |
| 26 | 3.96 | 3.66 |
| 31 | 6.91 | 6.40 |

Table does not include effect of pressure drop across line regulator. If regulator loss exceeds 6.9 kPa, DO NOT USE THIS TABLE. Consult with regulator manufacturer for pressure drops and capacity factors. Pressure drop across regulator may vary with the flow rate.

CAUTION: Capacities shown in table may exceed maximum capacity of selected regulator. Consult with tubing manufacturer for guidance.

(1)Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings should be increased by an equivalent length of tubing to the following equation: L equals 0.4n where L is additional length (m) of tubing and n is the number of additional fittings and/or levels.

(2)EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

TABLE X
Table 12-16
Maximum Capacity of CSST in Cubic Feet per Hour of
Undiluted Liquefied Petroleum Gases at a Pressure of 11 in. WC
and Pressure Drop of 0.5 in. WC
(Based on 1.52 Specific Gravity Gas)(1)

| EHD(2) Flow Designation | Tubing Length (ft) | | | | | | | |
|-------------------------------|--------------------|-----|-----|-----|-----|-----|-----|-----|
| | 5 | 10 | 15 | 20 | 25 | 30 | 40 | 50 |
| 12 | 30 | 21 | 16 | 13 | 12 | 11 | 9 | 8 |
| 13 | 31 | 21 | 18 | 14 | 13 | 11 | 9 | 9 |
| 14 | 44 | 33 | 27 | 23 | 21 | 19 | 18 | 17 |
| 17 | 73 | 53 | 44 | 39 | 35 | 31 | 26 | 25 |
| 18 | 81 | 57 | 47 | 41 | 36 | 34 | 28 | 26 |
| 19 | 90 | 64 | 50 | 44 | 40 | 36 | 31 | 28 |
| 20 | 157 | 106 | 82 | 69 | 66 | 60 | 50 | 45 |
| 22 | 162 | 109 | 84 | 73 | 66 | 60 | 50 | 47 |
| 26 | 211 | 146 | 109 | 101 | 91 | 81 | 69 | 62 |
| 31 | 365 | 251 | 203 | 175 | 154 | 142 | 117 | 106 |
| | 60 | 70 | 80 | 90 | 100 | 150 | | |
| 12 | 7 | 7 | 6 | 6 | 4 | 3 | | |
| 13 | 8 | 7 | 7 | 6 | 6 | 4 | | |
| 14 | 16 | 15 | 14 | 13 | 12 | 9 | | |
| 17 | 21 | 20 | 18 | 17 | 14 | 12 | | |
| 18 | 23 | 23 | 22 | 19 | 14 | 13 | | |
| 19 | 25 | 25 | 23 | 23 | 22 | 18 | | |

| | | | | | | |
|----|----|----|----|----|----|----|
| 20 | 38 | 35 | 30 | 29 | 26 | 18 |
| 22 | 38 | 35 | 33 | 31 | 28 | 23 |
| 26 | 55 | 52 | 48 | 47 | 45 | 42 |
| 31 | 96 | 89 | 81 | 80 | 74 | 67 |

200 250 300

| | | | |
|----|----|----|----|
| 12 | - | - | - |
| 13 | 3 | 3 | 0 |
| 14 | 6 | 5 | 3 |
| 17 | 10 | 9 | 6 |
| 18 | 10 | 9 | 8 |
| 19 | 14 | 11 | 9 |
| 20 | 14 | 11 | 9 |
| 22 | 19 | 17 | 14 |
| 26 | 38 | 31 | 30 |
| 31 | 60 | 47 | 45 |

(1)Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings should be increased by an equivalent length of tubing to the following equation: L equals 1.3n where L is additional length (ft) of tubing and n is the number of additional fittings and/or levels.

(2)EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

TABLE XI
Table 12-16A

Maximum Capacity of CSST in Liters of Gas per Second of Undiluted Liquefied Petroleum Gases at a Pressure of 279.44 mm WC and Pressure Drop of 12.7 mm WC (Based on 1.52 Specific Gravity Gas)(1)

| EHD(2) Flow Designation | Tubing Length (m) | | | | | |
|-------------------------------|-------------------|-------|-------|-------|-------|-------|
| | 1.50 | 3.00 | 4.60 | 6.00 | 7.60 | 9.00 |
| 12 | 0.24 | 0.17 | 0.12 | 0.10 | 0.09 | 0.08 |
| 13 | 0.25 | 0.17 | 0.14 | 0.11 | 0.10 | 0.09 |
| 14 | 0.35 | 0.26 | 0.21 | 0.18 | 0.17 | 0.15 |
| 17 | 0.57 | 0.42 | 0.35 | 0.31 | 0.27 | 0.25 |
| 18 | 0.64 | 0.45 | 0.37 | 0.32 | 0.29 | 0.27 |
| 19 | 0.71 | 0.50 | 0.39 | 0.35 | 0.31 | 0.29 |
| 20 | 1.24 | 0.83 | 0.64 | 0.54 | 0.52 | 0.47 |
| 22 | 1.28 | 0.86 | 0.66 | 0.57 | 0.52 | 0.47 |
| 26 | 1.66 | 1.15 | 0.86 | 0.80 | 0.72 | 0.64 |
| 31 | 2.87 | 1.98 | 1.60 | 1.37 | 1.21 | 1.12 |
| | 12.20 | 15.20 | 18.30 | 21.30 | 24.40 | 27.40 |
| 12 | 0.07 | 0.06 | 0.05 | 0.05 | 0.04 | 0.04 |
| 13 | 0.07 | 0.07 | 0.06 | 0.05 | 0.05 | 0.05 |
| 14 | 0.14 | 0.13 | 0.12 | 0.12 | 0.11 | 0.10 |
| 17 | 0.21 | 0.19 | 0.17 | 0.16 | 0.14 | 0.13 |
| 18 | 0.22 | 0.20 | 0.18 | 0.18 | 0.17 | 0.15 |
| 19 | 0.24 | 0.22 | 0.20 | 0.19 | 0.18 | 0.18 |
| 20 | 0.40 | 0.36 | 0.30 | 0.27 | 0.24 | 0.23 |
| 22 | 0.40 | 0.37 | 0.30 | 0.28 | 0.26 | 0.24 |
| 26 | 0.54 | 0.48 | 0.44 | 0.41 | 0.38 | 0.37 |
| 31 | 0.92 | 0.84 | 0.75 | 0.70 | 0.64 | 0.63 |
| | 30.50 | 45.70 | 60.90 | 76.20 | 91.40 | |
| 12 | 0.03 | 0.02 | - | - | - | |
| 13 | 0.04 | 0.03 | 0.02 | 0.02 | - | |
| 14 | 0.09 | 0.07 | 0.05 | 0.04 | 0.02 | |
| 17 | 0.11 | 0.09 | 0.08 | 0.07 | 0.05 | |
| 18 | 0.11 | 0.10 | 0.08 | 0.07 | 0.06 | |
| 19 | 0.17 | 0.14 | 0.11 | 0.09 | 0.07 | |
| 20 | 0.21 | 0.14 | 0.11 | 0.09 | 0.07 | |
| 22 | 0.22 | 0.18 | 0.15 | 0.13 | 0.11 | |

| | | | | | |
|----|------|------|------|------|------|
| 26 | 0.36 | 0.33 | 0.30 | 0.24 | 0.24 |
| 31 | 0.58 | 0.52 | 0.47 | 0.37 | 0.35 |

(1)Table includes losses for four 90 degree bends and two end fittings. Tubing runs with larger numbers of bends and/or fittings should be increased by an equivalent length of tubing to the following equation: L equals 0.4n where L is additional length (m) of tubing and n is the number of additional fittings and/or levels.

(2)EHD - Effective Hydraulic Diameter - A measure of the relative hydraulic efficiency between different tubing sizes. The greater the value of EHD, the greater the gas capacity of the tubing.

Chapter 13, Section 1310 (g) is amended as follows:

"(g) When a water heater is located in an attic or furred space where damage may result from a leaking water heater, a watertight pan of corrosion resistant materials shall be installed beneath the water heater with a minimum one and one-half (1-1/2) inch diameter drain to an approved location."

(2) Local Amendments

City of Logan

City of Logan adopted Appendix H.

City of Orem

City of Orem adopted Appendix A.

City of West Jordan

City of West Jordan adopted Appendix A, Appendix B, Appendix D, Appendix E and Appendix I.

KEY: contractors, building codes, building inspection, licensing 1998 **58-1-106(1)**

Notice of Continuation June 3, 1997 **58-1-202(1)**

58-56-1

58-56-4(2)

58-56-6(2)(a)

◆ ————— ◆

Commerce, Occupational and Professional Licensing

R156-56-302

Licensure of Inspectors

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 20883

FILED: 03/12/98, 09:17

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: The Division and Building Inspector Licensing Board needed to clarify supervision hours for building inspectors-in-training.

SUMMARY: Additions were made with respect to building inspector-in-training required direct supervision hours as designated by code or classification.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 58-56-1, and Subsections 58-56-4(2), 58-56-6(2)(a), 58-1-106(1), and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None.
 - ❖LOCAL GOVERNMENTS: None.
 - ❖OTHER PERSONS: The Division has determined there are no costs or savings impact as the additions made are only clarifying the number of direct supervision hours for a building inspector-in-training.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Jud Weiler at the above address, by phone at (801) 530-6731, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.jweiler@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 04/21/98, 10:00 a.m., 160 East 300 South, Room 457, Salt Lake City, UT.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-302. Licensure of Inspectors.**

In accordance with Subsection 58-56-9(1), the licensee classifications, scope of work, qualifications for licensure, and application for license are established as follows:

(1) License Classifications. Each inspector employed by a local regulator, state regulator, compliance agency, or private agency providing inspection services to a regulator or compliance agency, shall qualify for licensure and be licensed by the division in one of the following classifications not later than July 1, 1993:

- (a) Building Inspector I - UBC;
- (b) Electrical Inspector I - NEC;
- (c) Plumbing Inspector I - IPC and UPC;
- (d) Mechanical Inspector I - UMC;
- (e) Combination Inspector I - UBC, NEC, IPC, UPC, UMC
- (f) Combination Inspector II - Limited Commercial Combination;
- (g) Combination Inspector III - Dwelling; and
- (h) Building Inspector III - UBC;
- (i) Electrical Inspector III - NEC;
- (j) Plumbing Inspector III - IPC and UPC;
- (k) Mechanical Inspector III - UMC; and
- (l) Inspector-in-Training.

(2) Scope of Work. The scope of work permitted under each inspector classification is as follows:

(a) Building Inspector I - UBC.

(i) In accordance with the provisions of the UBC, inspect the construction, alteration, remodeling or repair of any building or structure, or the components of any building or structure for which a standard is provided in the specific edition of the UBC adopted under these rules or amendments to the UBC as included in these rules.

(ii) Determine whether the construction, alteration, remodeling or repair is in compliance or is not in compliance with the adopted UBC.

(iii) After determination of compliance or non-compliance with the adopted building code, take appropriate action as is provided in the UBC.

(b) Electrical Inspector I - NEC.

(i) In accordance with the NEC, inspect all electrical components of any building, structure or work for which a standard is provided in the specific edition of the NEC adopted under these rules or amendments to the NEC as included in these rules.

(ii) Determine whether the construction, alteration, remodeling, repair or installation of the electrical components of any building, structure or work is in compliance or is not in compliance with the adopted NEC.

(iii) After determination of compliance or noncompliance with the NEC, take appropriate administrative action as is provided in the UBC.

(c) Plumbing Inspector I - IPC and UPC.

(i) In accordance with the IPC and UPC, inspect all plumbing components of any building, structure or work for which a standard is provided in the specific edition of the IPC and UPC adopted under these rules or amendments to the IPC and UPC as included in these rules.

(ii) Determine whether the construction, alteration, remodeling, repair or installation of the plumbing components of any building, structure or work is in compliance or is not in compliance with the adopted IPC and UPC.

(iii) After determination of compliance or noncompliance with the IPC and UPC, take appropriate action as is provided in the IPC and UPC.

(d) Mechanical Inspector I - UMC.

(i) In accordance with the UMC, inspect all mechanical components of any building, structure or work for which a standard is provided in the specific edition of the UMC adopted under these rules or amendments to the UMC as included in these rules.

(ii) Determine whether the construction, alteration, remodeling, repair or installation of the mechanical component of any building, structure or work is in compliance or is not in compliance with the adopted UMC.

(iii) After determination of compliance or noncompliance with the UMC, take appropriate action as is provided in the UMC.

(e) Combination Inspector I - UBC, NEC, IPC, UPC and UMC.

(i) In accordance with the UBC, NEC, IPC, UPC and UMC, inspect the components of any building, structure or work for which a standard is provided in the specific edition of the aforesaid codes adopted under these rules or amendments to these codes as included in these rules.

(ii) Determine whether the construction, alteration, remodeling, repair or installation of all components of any building, structure or work is in compliance with the adopted UBC, NEC, IPC, UPC and UMC.

(iii) After determination of compliance or noncompliance with the UBC, IPC, UPC, NEC and UMC, take appropriate action as is provided in the aforesaid codes.

(f) Combination Inspector II - Limited Commercial Combination.

(i) In accordance with the provisions of the UBC, inspect the construction, alteration, remodeling or repair of any residential building not exceeding 15 units and two stories in height which is classified under an "R" occupancy in the UBC; all accessory buildings classified under a "U" occupancy in the UBC; and commercial buildings limited to those not exceeding two stories in height or 6000 square feet for buildings classified under a "A-3" occupancy in the UBC, 8000 square feet for buildings classified under a "B", "F-1", "M", "S-1", "S-3", or "S-5" occupancy in the UBC, and 3000 square feet for buildings classified under a "H-4" occupancy in the UBC.

(ii) In accordance with the NEC, IPC, UPC and UMC inspect the electrical, plumbing and mechanical components of a building defined in the above Subsection (i) of Subsection (f).

(iii) Determine whether the construction, alteration, remodeling or repair is in compliance or is not in compliance with the adopted building codes.

(iv) After determination of compliance with the adopted building codes, take appropriate action as is provided in the UBC, NEC, IPC, UPC or UMC.

(g) Combination Inspector III - Dwelling.

(i) In accordance with the provisions of the UBC, inspect the construction, alteration, remodeling or repair of any single family or two family residential building classified under an "R-3" occupancy in the UBC, accessory buildings to R-3 dwellings classified under "U-1" or "U-2" occupancy in the UBC, and agricultural buildings classified under an "U-1", "U-2", "UBC Appendix Chapter 3, Division II", or "UBC Appendix Chapter 3, Division IV" occupancy in the UBC.

(ii) In accordance with the NEC, IPC, UPC and UMC inspect the electrical, plumbing and mechanical components of a building defined in the above Subsection (i) of Subsection (g).

(iii) Determine whether the construction, alteration, remodeling or repair is in compliance or is not in compliance with the adopted building codes.

(iv) After determination of compliance with the adopted building codes, take appropriate action as is provided in the UBC, NEC, IPC, UPC or UMC.

(h) Building Inspector III - UBC.

In accordance with the provisions of the UBC, inspect the construction, alteration, remodeling, or repair of any single-family or two-family residential building classified under an "R-3" occupancy, accessory buildings to R-3 dwellings classified under "U-1" or "U-2" occupancy, and agricultural buildings classified under an "U-1", "U-2", or "UBC Appendix Chapter 3, Division IV" occupancy as defined in the UBC.

(i) Electrical Inspector III - NEC.

In accordance with the NEC, inspect the electrical components of any single-family or two-family residential building classified under an "R-3" occupancy, accessory buildings to R-3 dwellings

classified under an "U-1" or "U-2" occupancy, and agricultural buildings classified under an "U-1", "U-2" or "UBC Appendix Chapter 3, Division IV" occupancy as defined in the UBC.

(j) Plumbing Inspector III - IPC and UPC.

In accordance with the IPC and UPC, inspect the plumbing components of any single-family or two-family residential building classified under an "R-3" occupancy, accessory buildings to R-3 dwellings classified under an "U-1" or "U-2" occupancy, and agricultural buildings classified under an "U-1", "U-2" or "UBC Appendix Chapter 3, Division IV" occupancy as defined in the UBC.

(k) Mechanical Inspector III - UMC.

In accordance with the UMC, inspect the mechanical components of any single-family or two-family residential building classified under an "R-3" occupancy, accessory buildings to R-3 dwellings classified under an "U-1" or "U-2" occupancy, and agricultural buildings classified under an "U-1", "U-2" or "UBC Appendix Chapter 3, Division IV" occupancy as defined in the UBC.

(l) Inspector-in-Training.

(i) Under the direct supervision of a licensed building inspector, licensed electrical inspector, licensed plumbing inspector or licensed mechanical inspector, for the purpose of training, inspect the construction, alteration, remodeling, repair and/or installation of buildings, electrical components, plumbing components, and/or mechanical components for which a standard is provided in the adopted editions of the UBC, NEC, IPC, UPC or UMC or under amendments to those codes when the regulator, compliance agency, or private agency providing inspection services to a regulator or a compliance agency elects to employ the services of a licensed inspector-in-training. Nothing in this subsection shall be interpreted to require a regulator, compliance agency, or private agency to employ the services of a person licensed in the classification inspector-in-training.

(ii) A licensed inspector-in-training may not take any action authorized under the UBC, NEC, IPC, UPC and/or UMC upon a finding after inspection of compliance or noncompliance other than to inform the licensed inspector responsible for his supervision ~~[during the first 250 hours of]while under direct supervision.~~ Thereafter the inspector-in-training may perform assigned duties under indirect supervision. Related experience and education approved by the division in collaboration with the committee ~~[of up to a maximum of 230 hours]~~ in accordance with the following hours designated by code and/or classification may be credited towards the ~~[first 250 hours of]~~ direct supervision hours.

(iii) Building Inspector-in-training III required direct supervision hours.

(A) Uniform Building Code: 70 hours, 50 of which can be waived with documented experience and/or education.

(B) National Electrical Code: 70 hours, 50 of which can be waived with documented experience and/or education.

(C) Uniform Plumbing Code/International Plumbing Code: 60 hours, 50 of which can be waived with documented experience and/or education.

(D) Uniform Mechanical Code: 60 hours, 50 of which can be waived with documented experience and/or education.

(iv) Building Inspector-in-training II required direct supervision hours.

(A) Uniform Building Code: 80 hours, 60 of which can be waived with documented experience and/or education.

(B) National Electrical Code: 80 hours, 60 of which can be waived with documented experience and/or education.

(C) Uniform Plumbing Code/International Plumbing Code: 70 hours, 60 of which can be waived with documented experience and/or education.

(D) Uniform Mechanical Code: 70 hours, 60 of which can be waived with documented experience and/or education.

(v) Building Inspector-in-training I required direct supervision hours.

(A) Uniform Building Code: 100 hours, 70 of which can be waived with documented experience and/or education.

(B) National Electrical Code: 100 hours, 70 of which can be waived with documented experience and/or education.

(C) Uniform Plumbing Code/International Plumbing Code: 80 hours, 70 of which can be waived with documented experience and/or education.

(D) Uniform Mechanical Code: 80 hours, 70 of which can be waived with documented experience and/or education.

(iii)vi The supervising licensed inspector is at all times responsible for the work of the inspector-in-training while that inspector is training and assigned to be under the direction of that supervisor.

(iv)vii An inspector-in-training license in each single classification may be issued by the division to an individual for a period not to exceed two years.

(3) Qualifications for Licensure. The qualifications for licensure for each inspector classification are as follows:

(a) Building Inspector I - UBC.

Has passed the examination for and maintained as current the "Building Inspector Certification" issued by the International Conference of Building Officials, or has passed a Building Inspector I examination if such is developed at the direction of the division in collaboration with the commission.

(b) Electrical Inspector I - NEC.

Has passed the examination for and obtained the "Electrical Inspector Certification" issued by the International Conference of Building Officials or a "General Electrical Inspectors Certification" issued by the International Association of Electrical Inspectors, or has passed an Electrical Inspector examination if such is developed at the direction of the division in collaboration with the commission.

(c) Plumbing Inspector I - IPC and UPC.

Has passed the examination for and obtained the "Commercial Plumbing Inspector Certification" issued by the International Association of Plumbing and Mechanical Officials, the "Plumbing Inspector Certification" issued by the International Conference of Building Officials, or has passed a Plumbing Inspector examination if such is developed at the direction of the division in collaboration with the commission.

(d) Mechanical Inspector I - UMC.

Has passed the examination for and obtained the "Commercial Mechanical Inspector Certification" issued by the International Code Council or International Association of Plumbing and Mechanical Officials, the "Mechanical Inspectors Certification" issued by the International Conference of Building Officials, or has passed a Mechanical Inspector examination if such is developed at the direction of the division in collaboration with the commission.

(e) Combination Inspector I - UBC, NEC, IPC, UPC, UMC. Has passed the examination for and maintained as current the following national certifications:

(i) the "Building Inspector Certification" issued by the International Conference of Building Officials;

(ii) the "Electrical Inspector Certification" issued by the International Conference of Building Officials or the "General Electrical Certification" issued by the International Association of Electrical Inspectors;

(iii) the "Plumbing Inspector Certification" issued by the International Conference of Building Officials, International Code Council or the International Association of Plumbing and Mechanical Officials or the "Commercial Plumbing Inspector Certification" issued by the International Code Council or International Association of Plumbing and Mechanical Officials; and

(iv) the "Mechanical Inspector Certification" issued by the International Conference of Building Officials or the "Commercial Mechanical Inspector Certification" issued by the International Association of Plumbing and Mechanical Officials.

(f) Combination Inspector II - Limited Commercial Combination.

(i) Has passed the examination for and maintained as current: (A) the "Combination Dwelling Inspector Certification" issued by the International Conference of Building Officials; or

(B) the "Combination Inspector III State Certification" as developed at the direction of the division in collaboration with the commission; and

(C) the "Limited Commercial Combination Certification" issued by the International Conference of Building Officials.

(ii) After July 1, 1993 those newly qualifying for licensure by passing and maintaining ICBO Combination Dwelling Certification must also pass and maintain the ICBO Light Commercial Combination Certification.

(g) Combination Inspector III - Dwelling.

(i) Has passed the examination for and maintained as current the "Building Inspector III Certification" as prepared and administered under the direction of the division in collaboration with the commission or has passed the examination for and maintained as current the "Combination Dwelling Inspector Certification" issued by the International Conference of Building Officials.

(A) Proof of passing and maintaining as current a board approved national certification exam in plumbing, electrical, mechanical or building inspection exempts the applicant from having to take and pass that portion of the state exam.

(h) Building Inspector III - UBC.

Has passed the examination for and maintained as current the "Building Inspector III - Residential Building Inspector Certification" as prepared and administered under the direction of the division.

(i) Electrical Inspector III - NEC.

Has passed the examination for and maintained as current the "Electrical Inspector III - Residential Electrical Inspector Certification" as prepared and administered under the direction of the division.

(j) Plumbing Inspector III - IPC and UPC.

Has passed the examination for and maintained as current the "Plumbing Inspector III - Residential Plumbing Inspector

Certification" as prepared and administered under the direction of the division.

(k) Mechanical Inspector III - UMC.

Has passed the examination for and maintained as current the "Mechanical Inspector III - Residential Mechanical Inspector Certification" as prepared and administered under the direction of the division.

(l) Inspector-in-training.

Show the applicant has graduated from high school or has obtained an equivalent certification.

(4) Application for License.

(a) An applicant for licensure shall:

(i) submit an application in a form prescribed by the division; and

(ii) pay a fee determined by the department pursuant to Section 63-38-3.2.

KEY: contractors, building codes, building inspection, licensing 1998 58-1-106(1) Notice of Continuation June 3, 1997 58-1-202(1) 58-56-1 58-56-4(2) 58-56-6(2)(a)

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Corrections Administration Suite 400 6100 South Fashion Boulevard Murray, UT 84107, or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO: Pam Elliott at the above address, by phone at (801) 265-5514, by FAX at (801) 265-5726, or by Internet E-mail at crdeptdo.crdept.pelliott@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: H. L. Haun, Executive Director

R251. Corrections, Administration. R251-112. Americans With Disabilities Act Implementation and Complaint [Procedures]Process.

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Corrections, Administration R251-112 Americans With Disabilities Act Complaint Procedures

NOTICE OF PROPOSED RULE

(Amendment) DAR FILE NO.: 20842 FILED: 03/06/98, 09:27 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: To add definitions to clarify the rule.

SUMMARY: Added definitions for "ADA" and "HRM Representative"; included current employees in definition for "individual with a disability"; and grammatical changes.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Sections 67-19-32 and 34A-5-101 through 34A-5-108 FEDERAL MANDATE FOR THIS FILING: 29 CFR 1630 and 42 U.S.C. 12101-12213

ANTICIPATED COST OR SAVINGS TO:

- THE STATE BUDGET: None. LOCAL GOVERNMENTS: None. OTHER PERSONS: None. COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

R251-112-2. Definitions.

(1) "ADA" means Americans With Disabilities Act. [(+)](2) "ADA Coordinator" means the Director[?] or designee of the Division of Administrative Services within the Department of Corrections who has responsibility for investigating and providing prompt and equitable resolution of complaints filed by qualified individuals with disabilities.

[(2)](3) "ADA State Coordinating Committee" means that committee with representatives designated by the directors of the following agencies:

- (a) Office of Planning and Budget; (b) Department of Human Resource Management; (c) Division of Risk Management; (d) Division of Facilities Construction Management; and (e) Office of the Attorney General.

[(3)](4) "Department" means the Department of Corrections.

[(4)](5) "Disability" [is defined as an individual who has] means with respect to an individual with a physical or mental impairment that substantially limits one or more[of his/her] major life activities; has a record of such an impairment; or is regarded as having such an impairment, as defined by ADA.

(6) "HRM Representative" means the Director or designee of the Bureau of Human Resource Management within the Division of Administrative Services of the Department who has responsibility for the Department's compliance with ADA as it relates to employees.

[(5)](7) "Major life activities" [include] means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, [and] working, and other significant life activities.

(8) "Individual with a disability", [hereinafter individual], means a person who has a disability as defined by the Americans with Disabilities Act [which limits one of his/her major life activities] and who would otherwise be an eligible applicant [a] for a vacant Department position or is currently employed by the Department and is able to perform the essential functions of the job with or without reasonable accommodations or who meets the essential eligibility requirement for the receipt of services or the participation in programs or activities provided by the Department.

R251-112-3. Filing of Complaints.

(1) Any qualified individual with a disability should file a complaint with the Department no later than 60 days of the alleged act of discrimination in order to expedite resolution of the complaint. Any complaint alleging an act of discrimination occurring between January 26, 1992, and the effective date of this rule should be filed within 60 days of the effective date of this rule.

(2) The complaint shall be filed with the Department's ADA Coordinator in writing or in another accessible format suitable to the individual.

(3) Each complaint shall:

- (a) include the individual's name, [and] address, and phone number;
- (b) include the nature and extent of the individual's disability;
- (c) describe the Department's alleged discriminatory action in sufficient detail to inform the Department of the nature and date of the alleged violation;
- (d) describe the action and accommodation desired; and
- (e) be signed by the individual or by his[her] legal representative.

(4) Complaints filed on behalf of classes of third parties shall describe or identify by name, if possible, the alleged victims of discrimination.

R251-112-4. Investigation of Complaint.

(1) The ADA Coordinator[] or designee shall investigate complaints received to the extent necessary to assure all relevant facts are collected and documented. This may include gathering all information listed in Section R251-112-3(3), if it is not made available by the individual.

(2) When conducting the investigation, the ADA Coordinator[] or designee may seek assistance from the Department's legal, human resource, and budget staff in determining what action, if any, shall be taken on the complaint. The ADA Coordinator[] or designee may also consult with the Executive Director in reaching a recommendation.

(3) Before making any decision that would involve:

- (a) an expenditure of funds which is not absorbable within the Department's budget and would require appropriation authority;
- (b) facility modifications which require an expenditure of funds which is not absorbable within the Department's budget and would require appropriation authority; or
- (c) reclassification or reallocation in grade; the coordinator shall consult with the ADA State Coordinating Committee.

R251-112-5. Issuance of Decision.

(1) Within 15 working days after receiving the complaint, the ADA Coordinator[] or designee shall issue a decision outlining in writing or in another accessible format suitable to the individual stating what action, if any, shall be taken on the complaint.

(2) If the ADA Coordinator[] or designee is unable to reach a decision within the 15 working day period, he shall notify the individual in writing, or by another accessible format suitable to the individual, why the decision is being delayed and what additional time is needed to reach a decision.

R251-112-6. Appeals.

(1) The individual may appeal the decision of the ADA Coordinator[] or designee by filing an appeal within five working days from the receipt of the decision.

(2) The appeal shall be filed in writing or another accessible format suitable to the individual with the Executive Director of the Department. The Executive Director may name a designee other than the ADA Coordinator to assist on the appeal.

(3) The appeal shall describe in sufficient detail why the ADA Coordinator's decision does not meet the individual's needs without undue hardship to the Department, is incomplete or ambiguous, is not supported by the evidence, or is otherwise improper.

(4) The Executive Director[] or designee shall review the ADA Coordinator[] or designee's decision and the individual's statement regarding the inappropriateness of the decision. The Executive Director may direct additional investigation as necessary before arriving at an independent conclusion.

(5) Prior to making any decision that would involve:

- (a) an expenditure of funds which is not absorbable and would require appropriation authority;
- (b) facility modifications; or
- (c) reclassification or reallocation in grade; the Executive Director[] or designee shall also consult with the State ADA Coordinating Committee.

(6) The decision shall be issued within ten working days after receiving the appeal and shall be in writing or in another accessible format suitable to the individual.

(7) If the Executive Director[] or designee is unable to reach a decision within the ten working day period, he shall notify the individual in writing or by another accessible format suitable to the individual why the decision is being delayed and the additional time needed to reach a decision.

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KEY: complaint procedures, disabled persons
[1993]1998

67-19-32
34A-5-101 to 34A-5-108[34-35-7.1]
63-46a-3(2)



Corrections, Administration
R251-304
Contract Procedures

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 20844
FILED: 03/06/98, 09:36
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: To increase the avenues for appeal by contractors; and to include a requirement for contractors to comply with applicable state and local laws.

SUMMARY: This amendment adds that contractors may also appeal to the Director of Purchasing or the district court of the State of Utah when a decision has been made to terminate a contract. Contractors shall comply with applicable state and local laws.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 64-13-25

ANTICIPATED COST OR SAVINGS TO:

- THE STATE BUDGET: None.
LOCAL GOVERNMENTS: None.
OTHER PERSONS: None.
COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Corrections
Administration
Suite 400
6100 South Fashion Boulevard
Murray, UT 84107, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Pam Elliott at the above address, by phone at (801) 265-5514, by FAX at (801) 265-5726, or by Internet E-mail at crdeptdo.crdept.elliott@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: H. L. Haun, Executive Director

R251. Corrections, Administration.
R251-304. Contract Procedures.

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R251-304-3. Policy.

It is the policy of the Department that:

- (1) contractors shall provide all services due under a contract as an independent contractor;
(2) contractors shall have no actual or implied authority to bind the State of Utah, any of its political subdivisions, or the Department of Corrections to any agreement, settlement, or understanding whatsoever;
(3) no provision of a contract shall be construed to bring contractors or their officers, agents, employees, volunteers, or subcontractors (if any) within the coverage of the Utah Governmental Immunity Act, Title 63, Section 30;
(4) all contractors' officers, employees, subcontractors, agents, or volunteers providing services shall be appropriately licensed and shall successfully complete a training session offered by UDC within three months of contract implementation;
(5) contractors shall allow authorized UDC personnel full access to contract-related records with or without notice during contractors' regular business hours;
(6) contractors shall indemnify, hold harmless, and release the State of Utah and its officers, agents, and employees from and against all losses, damages, injuries, lawsuits and other proceedings arising out of the breach of, or performance under, the contract by contractors and their officers, agents, employees, subcontractors, and volunteers;
(7) all contracts shall be monitored throughout the contract period and reviewed at least annually;
(8) contracts may be terminated by the Department with or without cause, for noncompliance, or for lack of funds;
(9) contractors shall comply with all state and local regulatory requirements, including[any of] the following:
(a) zoning ordinances,
(b) building codes,
(c) applicable health codes,
(d) life and safety codes,
(e) professional licenses,[or]
(f) business licenses[;], or
(g) other applicable federal, state, and local laws;
(10) UDC shall have the right to deny contractors, their agents, employees, and volunteers, or the agents, employees, and volunteers of their subcontractors, if any, access to premises controlled, held, leased, or occupied by UDC, if, in the sole judgment of UDC, such personnel pose a threat to UDC's legitimate security interests;
(11) prior to signing the contract, contractors shall disclose to UDC the names and state job titles of any of their agents, officers, partners, or employees who are also employees of the [s]State of Utah;
(12) UDC reserves the right to reject contractors' use of any person who, in the opinion of the Department, represents a threat to legitimate departmental interests;
(13) at the time the contract is awarded, contractors shall provide to UDC for a criminal records check the names, birth dates and social security numbers of all contractors' officers, employees, agents, and volunteers who will be providing services under contracts; and, during the contract period, contractors shall provide the same information to UDC on their new officers, employees, agents, and volunteers;

(14) contractors and UDC shall allow members of the general public to inspect Department contracts during regular business hours;

(15) public inquiries to contractors regarding specific offenders shall be referred to UDC; and

(16) decisions to terminate contracts may be appealed by contractors to the executive director of the Department of Corrections; the Director of Purchasing; or the district court of the State of Utah.

KEY: corrections, contracts
[1993]1998

64-13-25



Financial Institutions, Administration
R331-22
Rule Governing Reimbursement of
Costs of Financial Institutions for
Production of Records

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 20879
FILED: 03/10/98, 16:44
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: To make this rule consistent with federal regulations for reimbursement for providing financial records.

SUMMARY: Increases the rate for search and processing costs from \$10 to \$11 per hour per clerical/technical person and \$17 per hour per manager/supervisory person computed per quarter hour. Increases the rate for reproduction costs from 15 cents to 25 cents for each page. Duplication costs for microfiche is 50 cents per microfiche and for computer diskette it is \$5.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Subsection 7-1-301(6), Section 78-27-48

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Nominal increase; given cost increase is dependent upon financial record requests. Frequency of requests is unknown.

❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Nominal increase; given cost increase is dependent upon financial record requests. Frequency of requests is unknown.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Financial Institutions
Administration

Suite 201
324 South State Street
Box 89
Salt Lake City, UT 84110-0089, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Steven J. Nielsen at the above address, by phone at (801) 538-8837, by FAX at (801) 538-8894, or by Internet E-mail at bdfigpost.snielsen@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Steven J. Nielsen, Deputy Commissioner/
Staff Attorney

R331. Financial Institutions, Administration.
R331-22. Rule Governing Reimbursement of Costs of Financial Institutions for Production of Records.
R331-22-1. Authority, Scope, and Purpose.

(1) This rule is issued pursuant to Sections 7-1-301(6) and 78-27-48.

(2) This rule applies to both federal[ty] and state chartered financial institutions.

(3) The purpose of this rule is to set consistent and reasonable rates of reimbursement for costs to financial institutions for their production of records.



R331-22-3. Costs Reimbursement.

As hereinafter provided, a party requiring or requesting access to financial records pertaining to a party shall pay to the financial institution that assembles or provides the financial records a fee for reimbursement of reasonably necessary costs which have been directly incurred according to the following schedule:

(1) Search and processing costs.

(a) Manual Search and Processing Cost. Reimbursement of search and processing costs shall be the total amount of direct personnel time ~~incurred~~ spent in locating and retrieving, reproducing, packaging and preparing financial records for shipment. The rate for search and processing costs is ~~[\$10.00]~~ \$11.00 per hour per clerical/technical person and \$17.00 per hour per manager/supervisory person, computed ~~[on the basis of \$2.50]~~ per quarter hour and is limited to the total amount of actual time spent in locating and retrieving documents or information or reproducing or packaging and preparing documents for shipment which were required or requested by a party. If less than a quarter hour is spent, the minimum charge shall be for a quarter hour.

(b) Data Processing Search and Processing Cost. Search and processing costs reflecting the actual costs of extracting information stored by computer in the format in which it is normally produced, based on computer time and necessary supplies will be charged.

Personnel time for computer search shall be paid for only at the rates specified in this section.

(2) Reproduction costs. Reimbursement for reproduction costs shall be the costs incurred in making the copies of documents required or requested. The rate for reproduction costs for making copies of required or requested documents is [~~15~~25] cents for each page, including copies produced by reader/printer reproduction process, photographs[;] and films[;]. Duplicate microfiche is 50 cents per microfiche and computer diskette is \$5.00 per diskette. [~~and other~~] Other materials are reimbursed at actual costs.

(3) Transportation costs. Reimbursement for transportation costs shall be for reasonably necessary costs directly incurred[;] to transport personnel to locate and retrieve the information required or requested and necessary costs directly incurred solely by the need to convey the required or requested material to the place of examination.

.....

KEY: financial institutions, costs
[~~1997~~1998]

7-1-301(6)
78-27-48



**Health, Health Systems Improvement,
Health Facility Licensure
R432-3-9
Medicare/Medicaid Certification**

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 20830
FILED: 03/04/98, 08:39
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: This new section outlines the coordination between the Bureau of Licensing and the Bureau of Medicaid/Medicare Program Certification to increase efficiencies when regulating the health care facilities defined in Section 26-21-2.

SUMMARY: The proposed new section defines the authority for the Bureau of Licensing to accept and assess chronic and continuous non-compliance determinations using surveys completed by the Bureau of Medicaid/Medicare Program Certification.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Sections 26-21-5 and 26-21-14

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None.
❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is a time savings for medicaid and medicare health care facilities who will not have two different state regulatory agencies surveying the facility.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Health
Health Systems Improvement,
Health Facility Licensure
Second Floor, Cannon Health Building
288 North 1460 West
PO Box 142003
Salt Lake City, UT 84114-2003, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Debra Wynkoop-Green at the above address, by phone at (801) 538-6152, by FAX at (801) 538-6325, or by Internet E-mail at dwynkoop@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Rod L. Betit, Executive Director



R432. Health, Health Systems Improvement, Health Facility Licensure.

R432-3. General Health Care Facility Rules Inspection and Enforcement.

R432-3-9. Medicare/Medicaid Certification.

(1) The Department may accept survey and complaint investigation findings of the Bureau of Medicare/Medicaid Program Certification and Resident Assessment as its own in the conduct of the Bureau of Licensing responsibilities under state law.

(2) The Bureau of Licensing may review all Statements of Findings and Plans of Correction, including surveys, follow up surveys, and complaint investigation actions, completed by the Bureau of Medicare/Medicaid Program Certification and Resident Assessment. The Statements of Findings and Plans of Correction may be reviewed for compliance with state rules to include:

(a) assessment of chronic non-compliance history in accordance with Subsection R432-1-3(28);

(b) assessment of continuous non-compliance history in accordance with Subsection R432-1-3(24).

KEY: health facilities
[~~March 3, 1995~~1998]

26-21-5
26-21-14 through 26-21-16



Human Services, Administration,
Administrative Services, Management
Services

R503-5

Client Notice and Client Hearings

NOTICE OF PROPOSED RULE

(Repeal)

DAR File No.: 20896

FILED: 03/13/98, 10:24

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: This rule is in direct conflict with the rule used by Human Services, Administration, Administrative Hearings.

(DAR Note: The Administrative Hearings rule is R497-100.)

SUMMARY: This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 62A-1-114

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None.

❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Human Services
Administration, Administrative Services,
Management Services
Room 331
120 North 200 West
PO Box 45500
Salt Lake City, UT 84103, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Elizabeth Hunter at the above address, by phone at (801) 538-4261, by FAX at (801) 538-4248, or by Internet E-mail at hsadm2.lhunter@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: E. Bart Hopkin, Director

R503. Human Services, Administration, Administrative Services, Management Services.

~~[R503-5. Client Notice and Client Hearings.~~

~~R503-5-1. Right to Notice and to a Hearing.~~

~~— In order to provide equal opportunity for all Department clients, and to insure due process, a client has the right to proper notice, to present grievances, or to resolve questions about eligibility through a hearing. A hearing shall be held when a client requests one, unless the issue is otherwise resolved. The client has the right to receive notice of actions which effect services.~~

~~R503-5-2. Procedures for Giving Notice to the Client.~~

~~— When decision to approve the application is made, the worker immediately notifies the applicant verbally or in writing. If application is denied or if the client must pay a fee, the worker must notify the applicant in writing. If a client's services are being terminated or reduced, the client must receive written notice. The notification must include an explanation of the action taken, the reason for the action, and a citation of the regulation used to support the action. The notification must include a statement of the client's rights to a hearing. Written notice is made using Form 522 (Utah Administrative Practices Act Notice of Agency Action Form). The notice of a termination or reduction of benefits must be made ten days before the effective day of the action.~~

~~R503-5-3. Exceptions to Written Notice.~~

~~— A. Written notice of any termination or reduction in services or service payment must be given or mailed to the client unless:~~

~~— 1. The agency has factual information confirming death of client;~~

~~— 2. The agency receives a written statement signed by the client that he no longer wishes assistance or that gives information which requires termination or reduction of assistance, and client has indicated in writing that he understands this must be a consequence of supplying such information;~~

~~— 3. The client has been admitted/committed to a public institution;~~

~~— 4. The client has been placed in skilled nursing care, intermediate care, or long-term hospitalization;~~

~~— 5. The client's whereabouts are unknown and agency mail directed to him has been returned by the post office, indicating no forwarding address. The client's benefits must, however, be made available to him if his whereabouts become known during the payment period covered by the action in question.~~

~~— 6. A client has been accepted for services in another state and that fact has been established by the local regional office;~~

~~— 7. A special service granted for a specific period is terminated and client was informed in writing at the time of initiation that the service would be terminated at the end of the specified period.~~

~~— 8. Services have been by court order and order is terminated.~~

~~— 9. Services are completed as per the agreement.~~

~~— B. Although ten-day advance notice is not required when services are terminated or reduced for one of the reasons listed above, notice of the action must be mailed before the effective date of action.~~

R503-5-4. Notice of Rights to a Hearing:

— A. The local regional office shall notify a client of the right to a hearing, and the way to request one when client applies, when the application is denied, or when the client's services are terminated, changed, or reduced.

— B. The local regional office mails a Form 490-S (Hearing Rights), with Form 522 (Notice of Decision), whenever a decision is made to deny an application or whenever a decision is made to terminate or reduce services or service payments.

R503-5-5. Request for a Hearing:

— A. The client must request the hearing in writing within 30 days of effective date of the action being appealed. The request for a hearing must be received within ten days of the notice if services are to be continued during the hearing process.

— B. The request for a hearing must be in writing and Form 490-S should be used for this purpose. If a client makes a verbal request for a hearing, the worker must help the client to complete Form 490-S.

R503-5-6. Procedures to Resolve Problem Without a Hearing:

— When client indicates a disagreement with an agency action, worker shall:

— 1. Explain the regulations on which the action was based and attempt to resolve the disagreement.

— 2. Suggest that the problems be discussed with the Regional Director or designee if the client continues to disagree.

— 3. Give the client a Form 490-S if the client is not satisfied with the action after talking with the Regional Director or designee, or, if at any time, client insists on a hearing.

R503-5-7. Action of Hearing Officer to Resolve Problems Without a Hearing:

— If the client requests a hearing, the Hearing Officer shall, within two days, notify the Regional Director of the request, the name and address of the client, and the reason for the request.

— 1. The Regional Director or representative shall immediately contact the client, or his legal counsel, when the client has legal counsel, and shall hold an agency conference to resolve the issue that caused the request.

— 2. Within five days of the agency conference, the Regional Director shall notify the Hearing Officer by letter of the result of the agency conference. The letter shall be signed by the client or his legal counsel and by the Regional Director.

— a. If the issue that caused the hearing request is resolved, the hearing shall be canceled. The Hearing Officer shall notify both parties of the cancellation.

— b. If the issue that caused the hearing request is not resolved, the letter shall refer the client to the Hearing Officer to complete the hearing process.

R503-5-8. Procedures for Handling Reinstatement of Payment:

— A. If social service payment is reinstated or continued pending a hearing decision and hearing decision sustains agency's action, amount of service payment issued incorrectly shall be recovered.

— B. The local regional office shall not continue or reinstate services pending a hearing decision when hearing request is not mailed within ten days of the notice.

— C. If services are continued or reinstated pending a hearing decision but a new change which affects the recipient's services occurs, the action required by the change shall be taken, unless the recipient requests a new hearing when he receives notice of the additional change.

R503-5-9. Hearing Examiner's Notice of Hearing:

— The Hearing Examiner must notify the client, local regional office, and Division of the time, date, and place of the hearing. Notice must be given at least ten working days before the date of the hearing, unless both parties agree to an earlier date, and must include notice of the reason for the hearing request.

R503-5-10. Local Regional Office Response to Hearing Notice:

— When notice of a hearing is received from the Hearing Examiner, local regional office staff shall:

— 1. Review the action that caused the hearing, and

— a. If the review shows that the local regional office erred, reinstate services or service payment and notify the Hearing Examiner of the action.

— b. If the review indicates that the local regional office did not err, prepare for the hearing.

— 2. Request legal counsel from the county attorney or Attorney General if legal counsel is desired.

— 3. Allow the client and his legal counsel access to:

— a. Those documents and forms from the case file that the client took part in completing and the information the client provided to the agency.

— b. Any other documents and records to be used at the hearing.

— c. Any other relevant document needed to present client's case.

R503-5-11. Procedures for Conducting a Hearing:

— The hearing shall not be open to the public and may be attended only by the Hearing Examiner, one stenographer, representatives of the Region and State Division, and any counsel or witnesses desired by the client and State. The worker responsible for the action, or his supervisor, shall be the regional representative at the hearing.

— 1. The Hearing Examiner shall conduct the hearing informally and make a record of the hearing request, content of the hearing, and the hearing decision. This record shall be maintained in the office of the Hearing Examiner and be made available to the client and his representative for review.

— 2. The hearing procedure shall include a statement of the problem by the Hearing Examiner, a statement by the worker, and a statement by the client.

— 3. The client, interested parties, and representatives of the State shall present such evidence as may be pertinent. The client or representative shall have adequate opportunity to:

— a. establish all pertinent facts and circumstances;

— b. advance any arguments without undue interference;

— c. question or refute any testimony/evidence, including the opportunity to confront and cross-examine adverse witnesses.

— 4. When a hearing involves medical issues, a medical assessment other than that of individuals involved in making the original decision shall be obtained at agency expense and made part of the record if the Hearing Examiner or the client consider it necessary. The client may choose the medical practitioner for this purpose.

R503-5-12. Procedures for Issuing a Hearing Decision:

A. After the hearing is conducted, the Hearing Examiner shall prepare a Recommended Hearing Decision based exclusively on the facts, testimony, and evidence presented during the hearing and on Division rules, policy, and procedures. The Recommended Decision shall specify facts, testimony, evidence, and/or regulations relied upon. Said Decision shall be sent to the Director of the Division, who will render a Final Decision. Said Final Decision will be issued within 60 days of date of the hearing request, unless the client requests a delay for any essential reasons. The Final Decision will be in writing and copies will be mailed by Office of Administrative Hearings to the client, the client's attorney, the regional office, and the division office.

B. Any appeal from this Decision shall be to a Court of competent jurisdiction as provided by law.

C. Hearing decisions shall be made available to the public and to regional offices, but without violating confidentiality.

R503-5-13. Effect of a Hearing Decision:

Hearing decisions are binding on both the State and regional offices:

1. The regional office shall comply with the hearing decision within ten days of the date the hearing decision is received.

2. Within 30 days from the date of the hearing decision, the Regional Director shall review the case to ensure that the regional office complied with the hearing decision.

KEY: government hearings

~~1987~~

~~62A-1-114~~

~~Notice of Continuation 1993]~~



Human Services, Child and Family Services
R512-3
 Procedures for Establishing Policy

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 20837
 FILED: 03/05/98, 12:19
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: This filing brings the Division of Child and Family Services into compliance with Subsection 62A-4a-102(3).

SUMMARY: As required by Subsection 62A-4a-102(3), this rule establishes procedures for the Board of Child and Family Services to obtain input of entities specified in Subsection 62A-4a-102(3)(b) when establishing policy for the Division of Child and Family Services.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Subsection 62A-4a-102(3)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The rule revision doesn't significantly alter the state budget. Distributing requests for input on proposed policy from required entities has been the practice of the Division prior to formalizing the process in rule. Mailing and printing costs associated with notification related to establishment of policy will be incurred. Costs are estimated at \$600 per year.

❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs. Affected persons are members of the Board of Child and Family Services. Costs of the Board of Child and Family Services are included in the state budget.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Human Services
 Child and Family Services
 Room 225, Human Services Building
 120 North 200 West
 Salt Lake City, UT 84103, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Zohreh Saunders at the above address, by phone at (801) 538-4623, by FAX at (801) 538-3993, or by Internet E-mail at hsadmin1.zsaunders@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Ken Patterson, Director

R512. Human Services, Child and Family Services.

R512-3. Procedures for Establishing Policy.

R512-3-1. Authority and Purpose.

(1) This rule establishes procedures for the Board of Child and Family Services to obtain input of entities specified in Subsection 62A-4a-102(3)(b) when establishing policy for the Division of Child and Family Services.

(2) This rule is required by Subsection 62A-4a-102(3).

R512-3-2. Definitions.

(1) Board means the Board of Child and Family Services.

(2) Division means the Division of Child and Family Services.

(3) Policy means the mandatory direction given to the Division, consistent with statute, to help the Division formulate consistent decision-making in matters that may affect the public or the Division's consumers or providers. Policy guides the Division in the development of necessary procedures and rules and serves as a guide for ad-hoc decision making when rules and procedures do not exist or are inadequate to address a case which has not been anticipated in procedures or rule.

R512-3-3. Process to Establish Policy.

(1) The need for new or revised policy may be brought to the Board's attention by any of its members, Advisory Councils, the Director of the Division, or any member of the public.

(2) The Board may direct the Director of the Division to draft policy or the Director may identify a need and present draft policy for the Board's consideration. The Division will solicit input from appropriate parties in the development of draft policy.

(3) After the Board has reviewed and accepted the draft policy, the Board will direct the dissemination of the draft policy to representative parties identified in Subsection 62A-4a-102(3). Subject to Board approval, draft policy will be open for public comment for a period of 30 days. The Board may conduct a public hearing during this period, and may appoint a hearing officer for this purpose.

(4) The Director or his designee will review and summarize the comments and recommend changes, as needed.

(5) The Board will consider the recommendations and the policy will be established upon final approval of the Board.

**KEY: child welfare policy*, domestic violence policy*, public input in policy*
1998**

62a-4a-102



Human Services, Mental Health, State
Hospital
R525-1
Medical Records

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 20919

FILED: 03/16/98, 16:36

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: This rule is being proposed to inform the public how to access medical records at the State Hospital.

SUMMARY: The proposed rule outlines the process by which persons or agencies may access patient information at the Utah State Hospital. It also informs persons that the information is "confidential" and requires written authorization from the patient before disclosure.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 62A-12-204

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None.
- ❖ LOCAL GOVERNMENTS: None.
- ❖ OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Human Services
Mental Health, State Hospital
1300 East Center Street
PO Box 270
Provo, UT 84604, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Danette Faretta-Brady at the above address, by phone at (801) 344-4217, by FAX at (801) 344-4291, or by Internet E-mail at hsstosp.dfaretta@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Mark I. Payne, Hospital Superintendent

R525. Human Services, Mental Health, State Hospital.

R525-1. Medical Records.

R525-1-2. Access to Medical Records.

The patient record is the property of the Utah State Hospital (USH) and is maintained for the benefit of the patient, clinical staff, and hospital. USH shall safeguard the information in the record against loss, defacement, tampering, or use by unauthorized persons.

R525-1-3. Written Consent Is Required for Disclosure of Patient Information.

Expect as may be otherwise provided for by law, proper written consent of the patient or his legal guardian, if any (or, if a minor, the parent or legal guardian), is required for disclosure of patient information. USH staff informs each patient and new staff member of the hospital's policies regarding confidentiality and disclosure of information.

R525-1-4. Processing Requests for Patient Information.

Requests for patient information are processed by the Medical Records Department.

R525-1-5. Disclosures of Information Are Not Given Over the Phone.

Disclosures of information are not given over the telephone unless the disclosure of information is deemed by medical records personnel to be an emergency.

R525-1-6. Attorneys Receiving Patient Information.

With respect to an attorney receiving patient information, USH complies with Section 78-25-25 of the Utah Code.

R525-1-7. Patient Information May Be Disclosed Upon Receipt of Authorization.

Patient information may be disclosed to physicians, psychologists, certified social workers, appropriate agencies, and insurance companies upon receipt of an original authorization

signed by the patient or guardian. The authorization must contain the following information:

- A. the name of the person, agency, or organization to which the information is to be disclosed;
- B. the specific information to be disclosed;
- C. the purpose for the disclosure;
- D. the date the consent was signed and the signature of the individual witnessing the consent; and
- E. a notice that the consent is valid only for 90 days.

R525-1-8. Assessments Containing Other Names Are Not Released.

Patient assessments containing names other than that of the patient or treatment staff are not released.

R525-1-9. Patient Information is Stamped "Confidential".

Patient information disclosed to other persons, agencies, or organizations is stamped "confidential" and may not be re-disclosed.

R525-1-10. Signed Authorization Is Retained in the Medical Record.

Following authorized disclosure of patient information, the signed authorization is retained in the patient record with notation of the specific information disclosed, the date of the disclosure, and the signature of the individual disclosing the information.

R525-1-11. Original Patient Records Are Not Removed From USH.

Original patient records are not removed from the premises except when there is an appropriately signed court order or with the approval of the Attorney General's Office.

R525-1-12. State Mental Health Authorities Have Access to Patient Information.

State of Utah Mental Health Authorities shall have access to patient information without the requirement of a signed authorization.

KEY: medical records
1998

62A-12-205



Human Services, Mental Health, State
Hospital
R525-2
Patient Rights

NOTICE OF PROPOSED RULE
(New)
DAR FILE NO.: 20920
FILED: 03/16/98, 16:40
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: This rule is being proposed to inform the family members and other members of the public of patient rights that may affect them.

SUMMARY: The proposed rule highlights patient rights that may impact family members and other members of the public.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 62A-12-205

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None.
- ❖LOCAL GOVERNMENTS: None.
- ❖OTHER PERSONS: None.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Human Services
Mental Health, State Hospital
1300 East Center Street
PO Box 270
Provo, UT 84604, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Danette Faretta-Brady at the above address, by phone at (801) 344-4217, by FAX at (801) 344-4291, or by Internet E-mail at hsthosp.dfaretta@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Mark I. Payne, Hospital Superintendent

R525. Human Services, Mental Health, State Hospital.

R525-2. Patient Rights.

R525-2-1. Patients and Family Are Informed of Rights.

Patients, and when appropriate, family members are informed of their rights and the means by which these rights are protected and exercised.

R525-2-2. Admission Status.

Patients, and when appropriate, family members have their admission status explained to them and to have the provisions of the law pertaining to their admission.

R525-2-3. Consent Forms.

A written, dated, and signed consent form is obtained from the patient, and when appropriate, the patient's family or legal guardian for participation in research projects and for use or performance of:

- A. surgical procedures;
- B. electroconvulsive therapy;

- C. unusual medications;
- D. audiovisual equipment;
- E. other procedures where consent is required by law.

R525-2-4. Patient Advocate.

A Hospital Patient Advocate is provided to assist patients and, when appropriate family members, and direct their concerns to the appropriate person/agency.

R525-2-5. Patient May Deny Family Members Access to Treatment Information.

Adult patients, who do not have a court-appointed legal guardian, may exclude family members from their treatment information.

**KEY: patient rights
1998**

62A-12-205



Human Services, Mental Health, State
Hospital
R525-3
Medication Treatment of Patients

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 20921
FILED: 03/16/98, 16:56
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: This rule is being proposed to inform the public of the medication treatment process at the Utah State Hospital.

SUMMARY: The proposed rule outlines the process by which patients may be treated with medications over their objections.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 62A-12-204

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None.
- ❖LOCAL GOVERNMENTS: None.
- ❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Human Services
Mental Health, State Hospital
1300 East Center Street
PO Box 270
Provo, UT 84604, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Danette Faretta-Brady at the above address, by phone at (801) 344-4217, by FAX at (801) 344-4291, or by Internet E-mail at hssthosp.dfaretta@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Mark I. Payne, Hospital Superintendent

R525. Human Services, Mental Health, State Hospital.

R525-3. Medication Treatment of Patients.

R525-3-1. Medication as Part of Treatment.

Utah State Hospital (USH) offers medication as part of treatment for patients.

R525-3-2. Patients May Refuse Medication Treatment.

Patient have the right to refuse medication treatment.

R525-3-3. Clinical Medication Review.

In the event that a patient refuses medication treatment, USH staff shall hold a clinical medication review to determine if medication treatment is required as part of the patient's treatment.

R525-3-4. Patient/Legal Guardian Shall Attend Review.

The patient/legal guardian shall be afforded the opportunity to attend the review and address the issue of medication treatment.

R525-3-5. Medication Review Committee to Render a Decision.

The medication review committee shall render a decision with respect to whether medication is a requirement of treatment and shall inform the patient/legal guardian of that decision.

R525-3-6. The Patient May Appeal the Decision.

The patient/legal guardian shall be afforded the opportunity to appeal any decision and have the case reviewed by the Hospital Clinical Director/designee.

R525-3-7. Hospital Clinical Director/Designee Shall Review the Case.

The Hospital Clinical Director/designee shall review the appeal and render a decision with respect to whether or not the patient is required to take medication as part of their treatment.

R525-3-8. Periodic Reviews.

Patients medicated pursuant to a medication review are periodically evaluated to determine if medication treatment continues to be a requirement of their treatment.

R525-3-9. Medication Treatment of Minors.

Medication treatment of minor children is conducted only in agreement with the child and/or the parent/legal guardian.

R525-3-10. Electroconvulsive Therapy.

Electroconvulsive therapy is provided upon consent of the patient/legal guardian and may be provided by other hospitals that are equipped and staffed to provide safe and effective electroconvulsive therapy and recovery.

**KEY: medication treatment
1998**

62A-12-205



Human Services, Mental Health, State
Hospital
R525-4
Visitors

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 20888

FILED: 03/12/98, 13:19

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: This rule is being proposed to provide guidelines to persons desiring to visit patients at the Utah State Hospital.

SUMMARY: The proposed rule outlines the process for visiting patients at the Utah State Hospital. At the discretion of the patient, persons may visit a patient at the hospital. Visitors must obtain a visitor slip and present the slip with proper identification upon arriving at the unit. Persons desiring to visit minor patients must obtain approval from the parent/legal guardian and clinical staff.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 62A-12-204

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None.
 - ❖LOCAL GOVERNMENTS: None.
 - ❖OTHER PERSONS: None.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Human Services
Mental Health, State Hospital
1300 East Center Street
PO Box 270
Provo, UT 84606, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Danette Faretta-Brady at the above address, by phone at (801) 344-4217, by FAX at (801) 344-4291, or by Internet E-mail at hsst hosp.dfaretta@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Mark I. Payne, Hospital Superintendent

R525. Human Services, Mental Health, State Hospital.

R525-4. Visitors.

R525-4-1. Patients May Have Visitors.

At the discretion of patients, family, friends, and appropriate others may visit patients at the Utah State Hospital (USH).

R525-4-2. Clergy and Legal Counsel.

With respect to clergy and/or legal counsel visiting patients, the hospital abides by Subsection 62A-12-245(3).

R525-4-3. Visits May Be Denied or Limited.

A physician may deny or limit a visit for safety, security, and/or therapeutic reasons.

R525-4-4. Visiting Minors.

Persons desiring to visit minors must obtain approval from the parent/legal guardian and the unit clinical staff.

R525-4-5. Visiting Hours Are Posted.

Each treatment unit shall post their visiting hours in an area that is accessible by the public.

R525-4-6. Visitor Slip.

Upon arrival at USH, visitors must obtain a "visitor slip" from the switchboard located in the Heninger Administration Building.

R525-4-7. Visitor Slips Are Presented Upon Arrival at Unit.

The visitor presents the visitor slip and proper identification upon arrival to the unit.

R525-4-8. Visitors Bringing Gifts.

Visitors desiring to bring gift/items are required to obtain clearance from the patient's treatment team prior to bringing the gift/item on the unit.

**KEY: visitors
1998**

62A-12-204



Human Services, Mental Health, State
Hospital
R525-5
Background Checks

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 20890

FILED: 03/12/98, 13:19

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: Section 62A-4a-413 states that agencies providing child or youth services shall submit the names and other identifying information of employees and volunteers to be processed in order to determine if they have been convicted of a crime. The Utah State Hospital processes the names of all newly hired employees and volunteers through the Bureau of Criminal Identification/National Crime Information Center (BCI/NCIC) system.

SUMMARY: The proposed rule states that background checks are completed on all newly hired employees and volunteers.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Sections 62A-12-204 and 62A-4a-413

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None.

❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Human Services
Mental Health, State Hospital
1300 East Center Street
PO Box 270
Provo, UT 84606, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Danette Faretta-Brady at the above address, by phone at (801) 344-4217, by FAX at (801) 344-4291, or by Internet E-mail at hsst hosp.dfaretta@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Mark I. Payne, Hospital Superintendent

R525. Human Services, Mental Health, State Hospital.

R525-5. Background Checks.

R525-5-1. Background Checks Are Completed on All New Employees and Volunteers.

Background checks, which may include fingerprinting and BCI inquiries, are completed on all newly hired employees and volunteers who will be performing volunteer services for an extended period of time.

R525-5-2. Information Is Used for Employment/Volunteer Service Placement.

Background information shall be used to determine appropriateness for employment or volunteer services.

KEY: background checks

1998

62A-12-204



Human Services, Mental Health, State Hospital

R525-6

Weapons at the Utah State Hospital

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 20891

FILED: 03/12/98, 13:19

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: Subsection 76-8-311.1(2) states that a person in charge of a mental health facility may prohibit or control by rule any firearm, ammunition, dangerous weapon, or explosive.

SUMMARY: The proposed rule informs person that weapons, illegal substances, contraband, and firearms are prohibited on the campus of the Utah State Hospital. Law enforcement personnel are to lock their weapons in a secure weapon storage area before entering a treatment unit.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 62A-12-204, and Subsection 76-8-311.1(2)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None.

❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Human Services
Mental Health, State Hospital
1300 East Center Street
PO Box 270
Provo, UT 84606, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Danette Faretta-Brady at the above address, by phone at (801) 344-4217, by FAX at (801) 344-4291, or by Internet E-mail at hsst hosp.dfaretta@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Mark I. Payne, Hospital Superintendent

R525. Human Services, Mental Health, State Hospital.

R525-6. Weapons at the Utah State Hospital.

R525-6-1. Weapons Are Prohibited at the Utah State Hospital.

Weapons, contraband, illegal substances, firearms such as, but not limited to, pistols, sawed-off rifles, revolvers, or any device that could be used as a weapon are prohibited on the campus of the Utah State Hospital. Law Enforcement personnel may bring their weapons onto the campus, however, they must secure their weapon in a secure weapon storage area before entering a treatment unit.

**KEY: weapons
1998**

62A-12-204



Human Services, Mental Health, State
Hospital

R525-7

Complaints/Suggestions/Concerns

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 20892

FILED: 03/12/98, 13:19

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: This rule is being proposed to inform patients, family members, and public persons of the process for filing a complaints/suggestions/concerns with the hospital.

SUMMARY: The proposed rule outlines the process for submitting complaints/suggestions/concerns with the hospital. The language states that all submitted complaints/suggestions/concerns are reviewed by a hospital committee and forwarded to the appropriate person or agency for response. Persons submitting complaints/suggestions/concerns may do so without reprisal.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 62A-12-204

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None.

❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Human Services
Mental Health, State Hospital
1300 East Center Street
PO Box 270
Provo, UT 84606, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Danette Faretta-Brady at the above address, by phone at (801) 344-4217, by FAX at (801) 344-4291, or by Internet E-mail at hsstosp.dfaretta@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Mark I. Payne, Hospital Superintendent

R525. Human Services, Mental Health, State Hospital.

R525-7. Complaints/Suggestions/Concerns.

R525-7-1. Patient and Family Members May Register Complaints.

Patients and/or their family members may register a complaint/suggestion/concern about the hospital to any hospital staff member.

R525-7-2. Complaints/Suggestions/Concerns Are Reviewed.

Complaints/suggestions/concerns are reviewed by the Hospital Suggestion Committee and forwarded to the appropriate person/agency for response.

R525-7-3. The Suggestion Committee Shall Respond.

The person submitting the complaint/suggestion/concern shall receive a response from the Suggestion Committee.

R525-7-4. No Reprisal to Person Making Complaint.

Patients, family members, and members of the public may pursue complaints against the hospital without reprisal.

KEY: complaints, suggestions, concerns

1998

62A-12-204



Labor Commission, Occupational
Safety and Health

R614-1-4

Incorporation of Federal Standards

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 20835

FILED: 03/04/98, 12:38

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: To update the Utah Administrative Code to incorporate the most current standards published in 29 CFR 1910 and 29 CFR 1926. These standards replace the respiratory protection standards adopted by the Occupational Safety and Health Administration (OSHA) in 1971 (29 CFR 1910.134 and 29 CFR 1926.103). The intent of this revision is to enhance the protection of worker health, promote more effective use of respirators, provide greater compliance flexibility, and clarify the policies and procedures employers must follow when implementing a respiratory protection program. Evidence in the record, including case reports and studies of respirator use among workers, indicates that selecting or using respirators improperly can result in employee illness and even death. The revised standard is therefore expected to reduce the number of occupational illnesses and deaths among workers who wear respirators. OSHA is also consolidating many of its respirator-related provisions in other substance-specific health standards into one standard to make these provisions easier for employers to administer. Repetitive and duplicative respirator requirements have been deleted from many existing OSHA health standards, and future health standards will reference the revised final rule for many respirator requirements. Advances in technology also made the previous standard out-of-date in many areas.

SUMMARY: This final standard, which replaces the respiratory protection standards adopted by the Occupational Safety and Health Administration (OSHA) in 1971 (29 CFR 1910.134 and 29 CFR 1926.103), applies to general industry, construction, shipyard, longshoring, and marine terminal workplaces. The standard requires employers to establish or maintain a respiratory protection program to protect their respirator-wearing employees. The standard contains requirements for program administration; worksite-specific procedures; respirator selection; employee training; fit testing; medical evaluation; respirator use; respirator cleaning, maintenance, and repair; and other provisions. The final standard also simplifies respirator requirements for employers by deleting respiratory provisions in other OSHA health standards that duplicate those in the final standard and revising other respirator-related provisions to make them consistent. In addition, the standard addresses the use of respirators in Immediately Dangerous to Life or Health (IDLH) atmospheres, including interior structural firefighting. During interior structural firefighting (an IDLH atmosphere by definition), self-contained breathing apparatus is required, and two firefighters must be on standby to provide assistance or perform rescue when two firefighters are inside the burning building. Based on the record in this rulemaking and the Agency's own experience in enforcing its prior respiratory protection standards, OSHA has concluded that compliance with the final rule will assist employers in protecting the health of employees exposed in the course of their work to

airborne contaminants, physical hazards, and biological agents, and that the standard is therefore necessary and appropriate. The final respiratory protection standard covers an estimated 5,000,000 respirator wearers working in an estimated 1,300,000 workplaces in the covered sectors. OSHA's benefits analysis predicts that the standard will prevent many deaths and illnesses among respirator-wearing employees every year by protecting them from exposure to acute and chronic health hazards. OSHA estimates that compliance with this standard will avert hundreds of deaths and thousands of illnesses annually. The annual costs of the standard are estimated to be \$111,000,000, or an average of \$22 per covered employee per year.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 34A-6-202

FEDERAL MANDATE FOR THIS FILING: 29 CFR 1910 and 29 CFR 1926

THIS FILING INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 63 FR 1152 through 1300 January 8, 1997

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: OSHA has found that the costs incurred by state and local governments in those states that choose to adopt the standard will be small compared to corresponding state and local government expenditures. If State-plan states adopt the standard, the greatest impact in some states would be on public fire departments. Bureau of the Census data on the amount of revenue dedicated to fire protection by local governments indicate that \$14,400,000,000 was spent on this service in 1992, the latest year for which such data are available [Government Finances]. National Fire Protection Association (NFPA) data indicate that 75.3 percent of the U.S. population is served by fire departments that employ at least some career firemen [NFPA, p.15]. This means that approximately 37.7 percent of the population (approximately half of all state and local government employees work in State-plan states) is served by at least partly career fire departments in State-plan states. Assuming the expenditures for fire protection are spread fairly evenly across the population, approximately \$5,300,000,000 is spent on fire protection annually by affected fire departments. As indicated in the cost analysis, the total annual cost of the standard for public fire departments in State-plan states is approximately \$3,500,000, which means that the costs of compliance constitute less than 0.1 percent of the revenue devoted by these states to fire protection. Costs of this magnitude are clearly an insignificant portion of the total fire protection budget.

❖LOCAL GOVERNMENTS: OSHA has found that the costs incurred by state and local governments in those states that choose to adopt the standard will be small compared to corresponding state and local government expenditures. If State-plan states adopt the standard, the greatest impact in some states would be on public fire departments. Bureau of the Census data on the amount of revenue dedicated to fire protection by local governments indicate that \$14,400,000,000 was spent on this service in 1992, the latest year for which such data are available [Government

Finances]. NFPA data indicate that 75.3 percent of the U.S. population is served by fire departments that employ at least some career firemen [NFPA, p.15]. This means that approximately 37.7 percent of the population (approximately half of all state and local government employees work in State-plan states) is served by at least partly career fire departments in State-plan states. Assuming the expenditures for fire protection are spread fairly evenly across the population, approximately \$5,300,000,000 is spent on fire protection annually by affected fire departments. As indicated in the cost analysis, the total annual cost of the standard for public fire departments in State-plan states is approximately \$3,500,000, which means that the costs of compliance constitute less than 0.1 percent of the revenue devoted by these states to fire protection. Costs of this magnitude are clearly an insignificant portion of the total fire protection budget.

❖OTHER PERSONS: The annual costs employers in the affected establishments are estimated to incur to comply with the revised respirator standard total \$111,000,000. These costs are annualized over a 10-year horizon at a discount rate of 7 percent. The most costly provisions are those requiring annual fit testing of respirators and annual refresher training. These two provisions together account for approximately 90 percent of the standard's compliance costs. As a rule, costs are largely determined by the extensiveness of respirator use in affected establishments. This analysis did not attempt to factor in the offsetting value of cost savings from regulatory changes, such as dropping the existing standard's prohibition against contract lens use, providing for greater uniformity for substance-specific health standard respirator provisions, or allowing employers to use licensed health care providers in addition to physicians to perform medical evaluations.

COMPLIANCE COSTS FOR AFFECTED PERSONS: OSHA does not anticipate any disproportionate budgetary effects upon any particular region of the nation or particular state, local, or tribal governments, or urban or rural or other types of communities. The principal costs of this standard are to control worker exposures associated with programmatic provisions such as annual fit testing and training, activities that are engaged in by thousands of establishments in hundreds of SIC codes that are widely distributed throughout the country. OSHA has analyzed the economic impacts of the standard on the industries affected and found that compliance costs are no more than 0.1 percent of sales for establishments in any industry, and consequently that no plant closures or job losses are anticipated in the affected industries. As a result, impacts on the national economy would be too small to be measurable by economic models. Pursuant to Section 205 of the UMRA (2 U.S.C. 1535), after having considered a variety of alternatives outlined in the Preamble and in the Regulatory Flexibility Analysis, the Agency has concluded that the final rule is the most cost-effective alternative for implementation of OSHA's statutory objective of reducing significant risk to the extent feasible.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Labor Commission
Occupational Safety and Health

Third Floor, Heber M. Wells Building
160 East 300 South
PO Box 146650
Salt Lake City, UT 84114-6650, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
William W. Adams, Jr. at the above address, by phone at (801) 530-6897, by FAX at (801) 530-7606, or by Internet E-mail at icmain.wadams@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: R. Lee Ellertson, Commissioner

R614. Labor Commission, Occupational Safety and Health.

R614-1. General Provisions.

R614-1-4. Incorporation of Federal Standards.

A. General Industry Standards.

1. Sections 29 CFR 1910.21 to 1910.999 and 1910.1000 through the end of part 1910 of the July 1, 1997, edition are incorporated by reference.

2. FR Vol. 63, No. 5, Thursday, January 8, 1997, Pages 1152 to and including 1300, "Respiratory Protection": Final Rule" is incorporated by reference.

B. Construction Standards.

1. Section 29 CFR 1926.20 through the end of part 1926, of the July 1, 1997 edition is incorporated by reference.

2. FR Vol. 63, No. 5, Thursday, January 8, 1997, Pages 1152 to and including 1300, "Respiratory Protection": Final Rule" is incorporated by reference.

KEY: safety

[December 2, 1997]1998

34A-6



Natural Resources, Parks and
Recreation
R651-603-5
Hunting Wildlife

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 20839

FILED: 03/05/98, 18:36

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: Section 63-11-17 allows the Parks and Recreation Board to make reasonable

rules and regulations regarding fish and game on property controlled by the Division of Parks and Recreation.

SUMMARY: This amendment will add "waterfowl" to Deer Creek State Park and add "Jordanelle State Park - waterfowl" to the list of species that may be hunted within the boundaries of State Parks.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Subsection 63-11-17(2)(b)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None.
❖LOCAL GOVERNMENTS: None.
❖OTHER PERSONS: None.
COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Natural Resources
Parks and Recreation
Suite 116
1594 West North Temple
Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Dee Guess at the above address, by phone at (801) 538-7320, by FAX at (801) 537-3144, or by Internet E-mail at nrdomain.dguess@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: David K. Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.
R651-603. Animals.
R651-603-5. Hunting Wildlife.

Hunting of any wildlife is prohibited within the boundaries of all park areas except those designated open as follows:

- (1) Antelope Island - by special permit only
- (2) Coral Pink Sand Dunes State Park - small game
- (3) Deer Creek State Park - small game - waterfowl
- (4) East Canyon State Park - small game
- (5) Gunlock State Park - small game
- (6) Huntington State Park - waterfowl
- (7) Hyrum State Park - small game
- (8) Jordanelle State Park - waterfowl
- ~~(8)~~(9) Pioneer Trail, Mormon Flat Unit - big and small game
- ~~(9)~~(10) Quail Creek - waterfowl
- ~~(10)~~(11) Rockport State Park - waterfowl
- ~~(11)~~(12) Scofield State Park - waterfowl
- ~~(12)~~(13) Starvation State Park - big and small game
- ~~(13)~~(14) Steinaker State Park - waterfowl

- ~~(14)~~(15) Wasatch Mountain State Park - big and small game
- ~~(15)~~(16) Willard Bay State Park - small game
- ~~(16)~~(17) Yuba State Park - small game

KEY: parks
~~1993~~1998
Notice of Continuation 1994

63-11-17

◆ **Public Safety, Highway Patrol**
R714-158
Vehicle Safety Inspection Rule ◆

NOTICE OF PROPOSED RULE

(Repeal and Reenact)
DAR FILE NO.: 20906
FILED: 03/13/98, 16:15
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: To assist the department in carrying out its statutory requirement to regulate the vehicle safety inspection program.

SUMMARY: The following substantive provisions in the repealed rule are eliminated from the enacted rule: (a) definitions of various unnecessary technical terms; (b) various unnecessary requirements dealing with making application for a station license; (c) the provision dealing with building and equipment requirements; (d) various unnecessary requirements dealing with inspector certification; (e) various unnecessary general program requirements; (f) the provisions dealing with vehicle inspection procedure; (g) the provisions dealing with glass inspection procedure; and (h) the provisions dealing with instructions for filling out certificates, attaching stickers, rejecting vehicles, and filling out inspection reports. The elimination of the previously mentioned substantive provisions from the enacted rule (resulting in a reduction in the length of the rule from 14 to 4 pages) was accomplished primarily by incorporating those provisions into the department's "Vehicle Inspection Manual" (copy on file with the department). Such provisions are generally considered useful to vehicle inspection stations and inspectors rather than to the general public. There are no new substantive provisions which appear only in the enacted rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Subsection 53-8-204(5)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None.
❖LOCAL GOVERNMENTS: None.
❖OTHER PERSONS: None.
COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety
Highway Patrol
First Floor, Calvin L. Rampton Building
4501 South 2700 West
Box 141775
Salt Lake City, UT 84114-1775, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

J. Francis Valerga at the above address, by phone at (801) 965-4461, by FAX at (801) 965-4608, or by Internet E-mail at psdomain.psmain.jfvalerg@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Richard A. Greenwood, Superintendent

R714. Public Safety, Highway Patrol.

~~R714-158. Vehicle Safety Inspection Rule.~~

~~R714-158-1. Purpose.~~

~~Pursuant to state statute and federal regulation all motor vehicles and commercial trailers registered in Utah and operating in interstate commerce are required to be inspected annually. The Utah Highway Patrol is the state agency that administers and enforces the vehicle safety inspection program. It is the purpose of this rule to set forth standards governing the administration and enforcement of the program as authorized in Sections 41-6-117, 53-8-201, 41-1a-205, and Title 63, Chapter 46b, and in federal regulations 49 CFR 393 and 396.~~

~~R714-158-2. Definitions.~~

~~As used in this rule:~~

~~(1) "Air Pollution Control Systems" means all engine and exhaust system components that function to control the emission of pollutants from a gasoline, diesel, alcohol, natural gas or liquified petroleum gas fueled engine.~~

~~(2) "Auxiliary Lamp" means a lamp installed on or in a vehicle which supplements the original lamp system or is installed or placed on or in a vehicle for a special function.~~

~~(3) "Bond" means the surety bond stations are required to have.~~

~~(4) "Certificate" means the certificate of inspection given when a vehicle meets the requirements of the inspection program.~~

~~(5) "Certification" means the authority given to an inspector by the department to conduct safety inspections.~~

~~(6) "Commercial Motor Vehicle" means any vehicle, machine, tractor, trailer or semi trailer, propelled or drawn by mechanized power upon the highway in transportation of passengers or property or any combination thereof, except implements of husbandry.~~

~~(7) "Department" means the Utah Highway Patrol Safety Inspection Section.~~

~~(8) "Exhaust Systems" means any original equipment, or department approved aftermarket, vehicular component designed to remove exhaust gas, vapor and particulates from a gasoline, diesel, alcohol, natural gas or liquified petroleum gas fueled engine. All associated attachment hardware is included in the system.~~

~~(9) "Fleet Station" means a stationary or mobile unit licensed by the department and capable of conducting safety inspections of commercial motor vehicles, provided the fleet owns a minimum of 25 vehicles.~~

~~(10) "Inspector" means a person employed by a station licensed to conduct safety inspections.~~

~~(11) "Investigator" means a person employed by the department to supervise stations and inspectors.~~

~~(12) "License" means the authority given to a stationary station, fleet station or mobile station by the department to conduct safety inspections.~~

~~(13) "Lamp System" means every lamp, reflector, bulb and lens on or in a vehicle when the vehicle was manufactured by the original manufacturer.~~

~~(14) "Mobile Station" means a mobile unit licensed by the department and capable of conducting safety inspections.~~

~~(15) "Motor Vehicle" means every vehicle which is self propelled except vehicles moved solely by human power and motorized wheel chairs.~~

~~(16) "Occupant Protection System" means all components of air bags, air bag impact sensors, air bag propellants, air bag containers and any other vehicular component designed by an original equipment manufacturer, or aftermarket manufacturer, that is incorporated into a vehicle for the purpose of protecting a vehicle's human occupants from an impact.~~

~~(17) "Occupant Restraint System" means seat belts, seat belt assemblies, combination seat belts, automatic seat belts, seat belt locking devices, anchoring hardware, retractors, webbing, load limiters, straps, child restraint seats and associated hardware, and any other vehicular component manufactured by an original equipment manufacturer, or aftermarket manufacturer, that is incorporated in a vehicle for the purpose of restraining a vehicle's human occupants from an impact.~~

~~(18) "Ornamental Light" means any light on or in a vehicle or a part of a vehicle, not installed by the vehicle's original manufacturer that functions only to decorate or accessorize a vehicle.~~

~~(19) "Station" means a stationary unit including public garages, services stations and repair shops licensed by the department to conduct safety inspections.~~

~~(20) "Sticker" means the sticker used on the windshield of commercial motor vehicles which have met the requirements of the inspection program.~~

~~(21) "Sticker Certificate" means the certificate given along with the sticker.~~

~~(22) "Streetrods" ("Kitcars") means a vehicle that is an identifiable vintage or replica of a vintage or resembles a vehicle made prior to 1949 and has a significant drive train update.~~

~~(23) "Trailer" means any trailer or semi-trailer, propelled or drawn upon the highway by mechanized power in transportation of passengers or property or any combination thereof; it does not include implements of husbandry, used in interstate commerce and required by federal regulation to be inspected.~~

— (24) "Vehicle" means every motor vehicle, commercial motor vehicle and every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

R714-158-3. Application for Station License:

— A. Application for a license as a station must be made on forms provided by the department, and may be obtained from the Safety Inspection Section, 4501 S. 2700 W. West Valley City, Utah 84119:

— (1) The completed application and bond must be returned to the department:

— B. A bond in the amount of \$1,000.00 must be obtained by each applicant and returned with application prior to the issuance of a license:

— (1) Fleet stations are exempt from the bond requirement:

— C. A license approval and station application fee of \$100.00 will be required. This fee will also apply to any station upon re-approval, in the event of license revocation:

— D. All stations will be required to submit a \$25.00 license fee for each calendar year, except publicly owned stations:

— (1) A \$25.00 fee will be imposed to process return to the program in the event of a suspension:

— E. The department reserves the right each year to establish periods of time during which applications may not be considered:

— F. Upon receipt of application for a license the department will assign an investigator to make an inspection at the place of business. A determination will be made concerning the qualification of personnel and suitability of premises and equipment:

— G. The \$1000.00 bond will be forfeited in the event a station fails to observe the conditions of R714-158-5 "Going out of business."

R714-158-4. Inspection Station License:

— A. Upon final approval, the license will be issued to the applicant and must be displayed in a prominent location at the address listed thereon:

— B. Licenses are not transferable:

— (1) A change in the ownership, name, or location of a station requires a new application, bond and license:

— C. To eliminate any period of non-operation, such application should be made early enough for investigation of the new station site:

R714-158-5. Going Out of Business:

— A station going out of business must immediately return the license, unused certificates and stickers and a final report of all inspections:

R714-158-6. Building and Equipment Requirements:

— A. The following conditions must be met before a license will be granted:

— (1) Station building must be of permanent construction 12 feet wide or wider and 25 feet long or longer if mechanical headlight aimers are used and 45 feet long or longer if a headlight aiming screen is used:

— (2) The station must have the following:

— (a) A level concrete or asphalt floor:

— (b) A number stamp kit of 1 1/2 inch number size with ink that will not fade. (Required for fleet stations only):

— (c) The necessary hand tools to conduct an inspection:

— (d) A hoist or heavy duty jacks:

— (e) Measuring gauges and instruments for determining minimum specifications in the inspection process. A list of required and acceptable gauges and instruments can be obtained from a Safety Inspection Section office, or use of a computerized plate brake tester to test a vehicle's braking system:

— (f) A light meter equal to or better than the GE-214 or pocket detective light meter, capable of measuring light transmittance of a vehicle's windows:

— (g) A current safety inspection manual:

— B. The building requirements of this section may be waived in the case of a mobile station, if in the opinion of the department the mobile station is capable of conducting safety inspections:

R714-158-7. Inspector Certification:

— A. An applicant for certification as an inspector must:

— (1) Obtain training in accordance with the requirements of R714-158-14:

— (2) Pay a non-refundable \$10.00 processing fee:

— (3) Be at least 18 years of age:

— (4) Have a valid Utah drivers license, or an out of state license approved by the department:

— B. Applicants who fail the examination given during the training may attend another training seminar or re-test at the discretion of the department or contract agent:

— (1) Certification cards are valid for three years and expire on the month, day and year shown:

— (2) Certification cards can be renewed up to six months before the expiration date:

— (3) If a certification card is revoked, before a re-certification can be obtained the person must make written application to the department. If approved, the person must attend a training seminar to become re-certified and submit an additional \$25.00 reinstatement fee:

— (4) A \$10.00 fee will be imposed to process a return to the program in the event of a suspension of certification:

R714-158-8. General Program Requirements:

— Inspections must be conducted honestly and thoroughly. Any attempt to coerce customers or to sell unneeded parts, repairs, or adjustments is prohibited:

— (1) Repairs or adjustments may not be made to any vehicle without prior approval of the customer:

— (a) Any part that is replaced as a result of an inspection must be returned to the customer:

— (b) If the part cannot be returned, it must be shown to the customer:

— (c) The customer is under no obligation to have a vehicle repaired at the station. Repairs may be made at a place determined by the owner:

— (2) A current set of inspection records must be kept at each station or records keeping office:

— (a) The records shall be kept for a minimum of twelve months:

— (b) When requested, records must be made available for examination by an investigator of the department:

— (3) Reports required by the department must be submitted prior to every third order of inspection supplies.

— (a) Reports which are incomplete, dirty, illegible or not in sequence will not be accepted, and additional orders will not be processed.

— (b) Certificates and stickers must be filled out on both sides.

— (4) Each station in the program must maintain an adequate supply of certificates, stickers and other inspection supplies.

— (a) Certificates, stickers and inspection supplies must be safeguarded against loss or theft.

— (b) Missing or stolen certificates or stickers must be reported to the department immediately after discovery.

— (5) No certificate or sticker can be issued without making a proper inspection, nor issued to any vehicle that does not meet requirements of law.

— (6) An inspector may conduct inspections, issue certificates and attach stickers to vehicles only at the location designated on the license.

— (7) Certificates, stickers or inspection supplies may not be sold or transferred from one station to another.

— (8) Each station must be open for at least eight continuous hours during the normal business day. Stations may close on holidays, Saturdays and Sundays.

— (a) At least one inspector must be on duty at each station during business hours.

— (9) Felony convictions or convictions of other crimes involving moral turpitude may constitute grounds for refusal or revocation of station owner licenses and inspector certifications.

R714-158-9. Vehicle Inspection Procedure.

— When a vehicle is presented for inspection the following procedures are to be met:

— (1) Obtain the vehicle registration and verify the vehicle identification number against the registration certificate.

— (a) If the vehicle is not registered use the vehicle identification number from the vehicle on the inspection certificate.

— (2) If the vehicle displays an inspection sticker remove it from the windshield and proceed with the inspection.

— (3) Check for valid vehicle insurance, bonding or coverage in accordance with Section 41-12a-401, and record the company name, certificate number, policy number, bond number, or other number of certification.

— (a) Without proof of insurance the vehicle is to be rejected.

— (4) Check for a properly functioning speedometer and odometer.

— (a) If not present or if broken the vehicle must be rejected.

— (5) Test drive the vehicle to determine the following:

— (a) Excessive looseness in the steering.

— (b) Play in the brake pedal.

— (c) Accelerate vehicle and apply brakes to check for uneven braking action.

— (d) Stop, set parking or emergency brake, and accelerate vehicle in second gear, or drive, to test the parking or emergency brake function. (This procedure is not necessary when using a computerized plate brake tester.)

— (6) Test the horn for proper operation.

— (7) Properly installed rear view mirrors for 200 ft. rear visibility.

— (8) Inspect the vehicle lighting equipment as follows:

— (a) Both high and low beam head lamps for proper operation and for unauthorized modifications, changes, colors, or covers.

— (b) The head lamp adjustment.

— (c) Parking lamps, tail lamps and signal lamps for proper operation and for unauthorized modifications, changes, colors, or covers.

— (d) All other exterior lamps required by law for proper operation, specification and compliance with standards.

— (9) Inspect vehicle components as follows:

— (a) Windshield wipers for operation and blade condition.

— (b) Body for excessive damage or jagged edges.

— (c) Hood and door latches for proper operation.

— (d) Vehicle floor for holes.

— (10) Raise the vehicle off the ground and inspect as follows:

— (a) Exhaust system for leaks and proper operation.

— (b) Ball joints for wear or looseness.

— (c) Tie rods and idler arm for wear or damage.

— (d) Shock absorbers for leakage or broken.

— (e) Tires for excessive wear, breaks, cuts or damage that may cause failure.

— (f) Vehicle alterations (raising or lowering vehicle in excess of lawful limits).

— (11) Inspect wheels and brakes as follows:

— (a) All wheels for looseness in bearings.

— (b) Remove one front and one rear wheel and measure brake shoes or disc pads. (This procedure is not necessary when using a computerized plate brake tester.)

— (c) Wheel cylinders and brake lines for leakage or damage.

— (d) Master cylinder for leakage and proper fluid level.

— (12) Brake testing devices shall be capable of testing the braking standard as established in 49 CFR 571.105 (10-1-87). Verification of the function of testing devices shall be submitted to the department with a certification of accuracy and performance provided by a certified independent testing laboratory. Testing devices may be Low Speed Roller Dynamometers, Road Transducers, Low Speed Plate Brake Testers or similar testing devices capable of measuring the brake testing requirements of 49 CFR 571.125.

— (13) The department has authority to allow devices to be used to test anti-lock, computer assisted and other advanced brake systems. These devices shall also be used to establish a criterion for further testing of brake systems for standardized safety inspection requirements.

— (14) Brake testing devices must be approved by department prior to implementation into the Safety Inspection Testing Program.

— (15) A Streetrod is not required to have fenders, or bumpers when operated on well maintained hard surfaced roads.

— (16) T-Buckets or Kitcars are not required to have fenders or bumpers and may not be required to have a windshield or windshield wipers when operated only during fair weather on well maintained hard surfaced roads.

— (a) Streetrods, T-Buckets and Kitcars must have brakes on all wheels.

— (b) An engine cover may not be needed, provided that the engine is covered so as to prevent any hazard from moving engine parts.

— (c) All vehicles are required to be equipped with seat belts with the exception of a vehicle that is restored to an original condition, and was manufactured prior to 1966.

R714-158-10. Glass Inspection Procedure:~~— A. Purpose:~~

~~— (1) The purpose of this section is to set standards and specifications for windshields and other vehicle glass and set forth the procedures for accepting or rejecting vehicles that have window tinting or other non-transparent material added to glass, and to align specifications with the standards required by Federal Standard 205.~~

~~— B. Windshield requirement:~~

~~— (1) Automotive safety glazing is marked with the manufacturer's trademark and the letters "AS" followed by a number 1 to 11.~~

~~— (a) Only "AS" 1 or "AS" 10 (bullet proof) may be used in a windshield.~~

~~— (b) Models prior to 1966 also have model and D.O.T. number.~~

~~— (2) A windshield is required in all motor vehicles presented for safety inspection, and must have the marking AS-1 or AS-10.~~

~~— (a) All other glass in the vehicle must be marked AS-1 or AS-2.~~

~~— (3) A windshield is not required in a motorcycle.~~

~~— C. Glazed glass:~~

~~— (1) No person shall operate any vehicle on any public highway, road, or street with the front windshield, the side windows to the immediate right and left of the driver that do not meet the requirements of FMVSS 205 in effect at the time of manufacture.~~

~~— (2) Nothing in this rule shall prohibit the use of any products or material along the top edge of the windshield so long as such products or materials are transparent and do not encroach upon the AS-1 portion of the windshield as provided by FMVSS 205 and FMVSS 128.~~

~~— (3) Right and left outside rear view mirrors shall be required with the use of any sun screening device or material except when used only on the top edge of the windshield.~~

~~— D. Tinted glass:~~

~~— (1) Inspect all glass for unauthorized materials or conditions that obscure driver's vision including unauthorized etching.~~

~~— (2) A vehicle shall be rejected if:~~

~~— (a) Tinting or other non-transparent material has been added to the windshield below a horizontal line four inches from the top of the windshield;~~

~~— (b) Windows are covered by or treated with a material which presents a metallic or mirrored appearance when viewed from the outside of the vehicle;~~

~~— (c) Tinting or other non-transparent material has been added to the windows to the immediate left or right of the driver's seat which do not allow at least 43% light transmittance;~~

~~— (d) Tinting has been added to any windows to the rear of the driver's seat which do not allow at least 28% light transmittance and if the vehicle is not equipped with adequate rear view mirrors on both the left and right sides of the vehicle when equipped with window tinting.~~

~~— E. Broken or nonfunctional glass:~~

~~— (1) Reject the vehicle in the event any of the following is present with regard to windshields:~~

~~— (a) Outright breakage either on the inside or outside surface and/or broken glass leaving sharp or jagged edge.~~

~~— (b) Any star break larger than 2 inches located in the critical area;~~

~~— (c) Any crack or cracks extending the full length of the windshield either vertically or horizontally.~~

~~— (d) Any crack or cracks having a cumulative total of 24 inches or more;~~

~~— (e) Sandpits or discoloration which interfere with the drivers vision;~~

~~— (f) Damage other than minor pitting in the acute area (the area four inches down from the top of the windshield, four inches up from the bottom of the windshield (where the dash and the windshield touch), six inches to the left and right of the imaginary centerline of the steering column;~~

~~— (2) Reject the vehicle in the event any of the following is present in regard to windows:~~

~~— (a) Driver's window is not functional;~~

~~— (b) Passenger compartment glass is broken, shattered, jagged, scratched, discolored or clouded to the point where driver's vision is impaired;~~

~~— (c) Rear window is clouded or discolored to the extent that vision is impaired, unless the vehicle is equipped with both left and right outside rear view mirrors.~~

R714-158-11. Inspection Certificate and Windshield Sticker Certificate:

~~— A. Inspection certificates (HP SI-29) and sticker certificates (HP SI-30) will be issued in books of twenty five and must be filled out in triplicate for every inspection. The original of these certificates must be given to the customer and must remain with the vehicle. The second copy must be given to the customer who will present it to the Department of Motor Vehicles for registration purposes:~~

~~— (1) A maximum of twenty books of certificates and twenty books of stickers may be purchased on an order;~~

~~— (2) All orders must be paid by check, except as authorized by the department;~~

~~— (3) Unused certificates or stickers, if less than two years old and in a quantity of ten or more may be returned to the department for reimbursement or exchange;~~

~~— (4) Returned certificates and stickers must be in the original book and sequence;~~

~~— B. Certificates and stickers are to be filled out in the following manner:~~

~~— (1) Vehicle identification number as it appears on the vehicle identification plate;~~

~~— (2) Date the inspection is conducted;~~

~~— (3) Year, type and the make of the vehicle;~~

~~— (4) Number of the license plate that is on the vehicle;~~

~~— (5) Current odometer reading;~~

~~— (6) Registered owners name and complete address;~~

~~— (7) Station name and number as it appears on the license;~~

~~— (8) Number from a window sticker must be recorded on the sticker certificate;~~

~~— (a) If the vehicle is rejected, the number must also be recorded on the reject copy;~~

~~— (9) Total charges listed must include the cost to the customer of all safety inspection related repairs including the inspection fee of \$6.00, \$10.00 or \$13.00.~~

~~— (a) Do not charge tax on the inspection fee;~~

~~— (10) Any vehicle defect that would cause the vehicle to fail a safety inspection, even though repairs are made, should be noted in the repair column;~~

— (11) Any item that may require repair or replacement before the next inspection should be noted in the advise column:

— (a) If a notation is placed in either the reject or the advise column the customer must be told:

— C. Instructions for attaching stickers:

— (1) Complete the required information on the reverse side of the sticker:

— (2) Remove the protective covering from the face of the sticker:

— (3) Stamp the number in the space provided on the face of the sticker that corresponds to the month the inspection is completed:

— (4) Clean the inside surface of the windshield and apply the sticker, smoothing out all air bubbles, allowing the sticker to adhere:

— D. Expiration of the sticker:

— (1) The sticker is valid for a maximum of twelve months and expires on the last day of the month, one year from the date it was issued:

— E. Duplicate stickers:

— (1) Each station must maintain an adequate supply of the previous years stickers to satisfy need for duplicate stickers:

— (2) A maximum fee of \$2.00 may be charged for a duplicate sticker:

— (3) The inspector must require proof of prior inspection before issuing a duplicate sticker:

— (a) If the original sticker certificate is not available the vehicle must be re-inspected or returned to the original station for a duplicate sticker:

— (4) The expiration number (month) on the face of the inspection sticker, must be the same on the duplicate sticker as it was on the original sticker. Color (year of expiration) must be the same as original sticker:

— (5) Duplicate stickers issued must be recorded in numerical order on the inspection report with the word "duplicate" and the original sticker number following the new sticker number:

— F. Certificates and sticker certificates are to be issued as follows:

— (1) The first copy must be carried in the vehicle at all times:

— (2) The second copy must be presented to customer for registration purposes:

— (3) The third copy is to be retained by the station:

— (4) Vehicles must be inspected within 60 days prior to registration. The certificate must be dated at the time of inspection:

— G. Each inspector must personally sign his own name to the certificate or sticker and record his certification number. Certificates should not be signed until the inspection is completed:

R714-158-12. Rejected Vehicle Certificate Procedure:

— A. The reject portion of the certificate is to be filled out and given to the customer of a vehicle which does not pass the safety inspection:

— (1) The reject portion is to be filled out completely and the number recorded on the certificate and the station report:

— (2) The reject portion must show every item which caused the vehicle to fail the safety inspection:

— B. The rejected vehicle notice shall not be used in lieu of an inspection certificate:

— (1) This permits movement of the rejected vehicle only to be repaired or re-inspected:

— (2) Stations shall not issue a second reject sticker to the same vehicle:

— (3) An inspection certificate may only be issued after repairs have been completed:

— C. In cases where vehicles are rejected the appropriate fee of \$6.00, \$10.00, or \$13.00 may be charged provided that a complete inspection was conducted:

— (1) Repairs must be made within 15 calendar days to avoid additional inspection fees:

R714-158-13. Inspection Report Procedure:

— A. Report forms are to be completed as follows:

— (1) Date the inspection was completed:

— (2) Owner's name:

— (3) Year and make of the vehicle:

— (4) Vehicle identification number:

— (5) Appropriate notation in any of the fifteen repair columns:

— (6) Total cost including the inspection fee:

— (7) Certificate or sticker number:

— B. Certificate or sticker numbers must be listed in numerical order starting with the lowest number:

— (1) A separate report form must be used for the certificates and another for the stickers:

— (2) Duplicate certificates or stickers must be listed in this same order with the word "duplicate" and the number from the old certificate or sticker being printed on the same line:

— (a) Duplicate stickers from the previous year must be recorded in numerical sequence on a separate inspection report form and need not be full pages:

— (3) Lost or stolen certificates or stickers must be listed in this same order and the words "lost or stolen" printed on the same line:

— (4) Certificates and stickers rendered unusable through some mishap must be listed in this same order and the word "void" printed on the same line:

— (a) All certificates and stickers of rejected vehicles which have not been repaired within 15 calendar days must be returned to the department with the inspection report:

— C. Failure to submit the required reports will be considered grounds for suspension or revocation of a license:

R714-158-14. Inspector Training and Certification:

— A. In addition to the foregoing requirements prescribed by this rule, vehicle inspectors shall be required to obtain approved training, reference materials and instructions from the department:

— B. The department may contract with a private entity, community college, or college of higher learning to provide training, re-training or certification as an inspector for the vehicle inspection program. Reference manuals shall include the most current technical specifications for inspectors to conduct automobile, light truck, motorcycle, truck, trailer, semi trailer and bus inspections:

R714-158-15. Incorporation of Federal Standards for Commercial Vehicles:

— The department adopts federal regulation 49 CFR 393, 396, and 396 appendix G, applicable to commercial motor vehicles and trailers operating in interstate commerce and incorporates those standards in this rule by reference:

R714-158-16. Adjudicative Proceedings.

- A. Purpose of section.
 - (1) It is the purpose of this section to set forth procedures whereby:
 - (a) Appeal may be made by a person who has been denied a license as an inspection station, or whose license as an inspection station is being suspended or revoked.
 - (b) Appeal may be made by a person who has been denied certification as an inspector, or whose certification as an inspector is being suspended or revoked.
- B. Specification.
 - (1) All adjudicative proceedings herein shall be conducted informally, and as authorized by sections 53-8-204, 63-46b-4 and 63-46b-5.
- C. Forms for denial, suspension, revocation and appeal.
 - (1) Action to deny, suspend or revoke any license or certification or action to appeal any denial, suspension or revocation shall be made on forms provided by the department in accordance with section 63-46b-3.
- D. Appeal to department.
 - (1) A person who has been issued a notice of intended agency action to suspend or revoke a license or certification may request a hearing before the department by filing an appeal with the Commander of the Safety Inspection Program within 10 days of receipt of the notice of intended agency action. If a timely appeal is filed, the intended agency action shall automatically be stayed.
 - (2) The hearing before the Commander of the Safety Inspection Program shall be informal and is intended to provide the person with an opportunity to show cause why the intended agency action should not be taken.
 - (3) The Commander of the Safety Inspection Program will issue a signed order to the parties within 5 days of the hearing, ordering or denying the intended agency action.
- E. Appeal to Advisory Council.
 - (1) A person who has been denied a license or certification, or a person whose license or certification has been ordered suspended or revoked by the department may request a hearing before the Advisory Council pursuant to Section 53-8-203, by filing an appeal with the department within 10 days of receipt of the denial, suspension or revocation.
 - (2) Except in the case of an emergency order a timely appeal to the department requesting an Advisory Council hearing shall automatically stay a department suspension or revocation order.
 - (3) The hearing before the Advisory Council shall be informal and shall be held within 30 days after the appeal is filed.
 - (4) The Advisory Council shall make written findings and conclusions and issue a signed order to the parties involved within 10 days of the hearing affirming, denying, or modifying the order of the department.
- F. Default order.
 - (1) A default order may be entered against a party who fails to participate in any of the hearings provided for herein in accordance with section 63-46b-11.
- G. Reconsideration.
 - (1) Reconsideration of the Advisory Council order may be requested in writing within 20 days of the date of the order in accordance with section 63-46b-13.
- H. Judicial review.

— (1) The order of the Advisory Council shall be subject to judicial review in accordance with section 63-46b-15.

KEY: traffic regulations

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~~53-8-203~~
~~63-46b]~~

R714-158. Vehicle Safety Inspection Program Requirements.

R714-158-1. Authority.

This rule is authorized by Subsection 53-8-204(5).

R714-158-2. Purpose.

The purpose of this rule is to set standards governing the administration and enforcement of the safety inspection program in accordance with Title 53, Chapter 8, Part 2.

R714-158-3. Definitions.

As used in this rule:

- (1) "Action" means suspension or revocation of a certification or license.
- (2) "Certificate" means the certificate of inspection given when a vehicle meets the requirements of the inspection program.
- (3) "Certification" means the authority given to an inspector by the department to conduct safety inspections.
- (4) "Commercial motor vehicle" means any vehicle, machine, tractor, trailer or semi-trailer, propelled or drawn by mechanized power upon the highway in transportation of passengers or property, or any combination thereof. It does not include implements of husbandry.
- (5) "Department" means the Utah Department of Public Safety.
- (6) "Fleet station" means a station licensed by the department and capable of conducting safety inspections of commercial motor vehicles, provided the fleet owns a minimum of twenty-five vehicles.
- (7) "Inspector" means a person employed by a station licensed to conduct safety inspections.
- (8) "License" means the authority given to a station by the department to conduct safety inspections.
- (9) "Notice of agency action" means a written notice that the department intends to suspend or revoke a certification or license.
- (10) "Station" means a business, including public garages, service stations, and repair shops licensed by the department to conduct safety inspections.
- (11) "Sticker" means the sticker intended to be placed on the windshield of a vehicle which has met the requirements of the inspection program.

R714-158-4. Station License.

A. Application for a license as a station can be made on forms provided by the department's Safety Inspection Section, 4501 South 2700 West, Box 14100, West Valley City, Utah 84114-1100.

- (1) A \$1,000 surety bond is required for all stations except fleet stations and publicly owned stations.
- (2) A \$100 station application fee is required.
- (3) A \$25 annual license fee is required for all stations except publicly owned stations.
- (4) A \$25 fee is required to renew a license that has been revoked.

B. The department reserves the right each year to establish periods of time during which applications for a license may not be considered.

C. Upon receiving an application for a license, the department will assign an investigator to inspect the place of business to determine if the applicant meets the requirements of this rule.

D. An applicant for a license shall meet the building and equipment requirements set forth in the "Vehicle Inspection Manual" prior to approval.

E. Upon approval, the license will be issued to the applicant and shall be displayed in a prominent location at the address shown on the license.

F. Licenses are not transferable. A change in the ownership, name, or location of a station requires a new application, bond, and license.

G. The \$1,000 surety bond will be forfeited in the event a station fails to observe the provisions of Section R714-158-5 of this rule.

R714-158-5. Inspector Certification.

A. An applicant for certification as an inspector shall:

(1) obtain training in accordance with the requirements of Section R714-158-6 of this rule;

(2) pay a \$10 non-refundable processing fee;

(3) be at least eighteen years of age; and

(4) have a valid drivers license.

B. Certification is valid for five years and expires on the month, day, and year shown on the certificate.

C. Certification can be renewed up to six months before the expiration date.

(1) A \$10 fee is required to process a return to the safety inspection program in the event of a suspension or revocation of certification.

R714-158-6. Inspector Training and Testing.

A. Inspector applicants shall obtain training, reference materials, and instructions from the department prior to certification.

B. The department may contract with educational institutions to provide training, re-training, or testing.

R714-158-7. General Safety Inspection Program Requirements.

A. Inspections shall be conducted honestly and thoroughly. Any attempt to coerce customers, or to sell unneeded parts or repairs is prohibited.

(1) Repairs or adjustments may not be made to a vehicle without prior approval of the customer.

(a) Any part that is replaced as a result of an inspection must be returned to the customer.

(b) If a part cannot be returned, it must be shown to the customer.

(c) The customer is under no obligation to have a vehicle repaired at the station. Repairs may be made at any business selected by the customer.

(2) A current set of inspection records shall be retained at each station or record keeping office.

(a) The records shall be retained for a minimum of twelve months.

(b) When requested, records shall be made available for inspection by the department.

(3) Reports required by the department shall be submitted to the department prior to every third order of inspection supplies.

(a) Reports submitted to the department shall be legible and in sequence.

(b) Certificates and stickers shall be filled out on both sides.

(4) Each station in the safety inspection program shall maintain an adequate supply of certificates, stickers, and other inspection supplies.

(a) Certificates, stickers, and other inspection supplies shall be safeguarded against loss or theft.

(b) Missing or stolen certificates or stickers shall be immediately reported to the department.

(5) No certificate or sticker shall be issued without making a proper inspection, or issued to any vehicle that does not meet safety inspection requirements.

(6) An inspector may conduct inspections, issue certificates, and attach stickers to vehicles only at the location designated on the license.

(7) Certificates, stickers, or other inspection supplies, may not be sold or transferred from one station to another.

(8) Each station must be open for a least eight consecutive hours during the normal business day. Stations may close on holidays, Saturdays and Sundays.

(a) At least one inspector must be on duty at each station during business hours.

R714-158-8. Vehicle Safety Inspection Manual.

The department shall prepare the "Vehicle Inspection Manual" which shall be based on the "Utah Code," the "Federal Code of Regulations," the "Vehicle Inspection Handbook" of the American Association of Motor Vehicle Administrators, and on vehicle manufacturer specifications.

(1) The department shall seek the advice of the Safety Inspection Advisory Council prior to any substantive changes in the "Vehicle Inspection Manual."

(2) Inspectors shall conduct inspections in accordance with the "Vehicle Inspection Manual."

R714-158-9. Certificates, Stickers, and Inspection Reports.

A. Certificates (HP SI-29) will be issued in books of seventy-five.

(1) A maximum of seven books of certificates and twenty books of stickers may be purchased on one order.

(2) All orders shall be paid by check, except an authorized by the department.

(3) Unused certificates or stickers, if less than two years old and in quantities of ten or more, may be returned to the department for reimbursement or exchange.

(4) Returned certificates and stickers must be in the original book and sequence.

B. Certificates, stickers, and inspection reports, shall be completed and issued as set forth in the "Vehicle Inspection Manual."

R714-158-10. Incorporation of Federal Standards for Commercial Vehicles.

The department adopts federal regulation 49 CFR 393, 396, and 396 Appendix G (1997 edition), applicable to commercial motor vehicles and trailers operating in interstate commerce, and incorporates those regulations in this rule by reference.

R714-158-11. Grounds for Denial, Suspension, or Revocation of License or Certification.

A license or certification may be denied, suspended, or revoked for either of the following reasons:

- (1) violation of state laws or rules applicable to vehicle inspections.
- (2) conviction of any crime involving moral turpitude.

R714-158-12. Adjudicative Proceedings.

A. All adjudicative proceedings set forth in this section shall be conducted informally, and as authorized by Sections 53-8-204, 63-46b-4, and 63-46b-5.

B. Action to deny, suspend or revoke any license or certification or to appeal any denial, suspension, or revocation shall be made on forms provided by the department in accordance with Section 63-46b-3.

C. Appeal to department. A person who has been issued a notice of agency action to suspend or revoke a license or certification may request a hearing before the department by filing an appeal with the department within ten days of receipt of the notice of agency action. If a timely appeal is filed, the intended agency action shall automatically be stayed.

(1) The hearing before the department shall be informal and is intended to provide the person with an opportunity to show cause why the intended agency action should not be taken.

(2) The department will issue a signed order to the parties within five days of the hearing, ordering or denying the intended agency action.

D. Appeal to Advisory Council. A person who has been denied a license or certification, or a person whose license or certification has been suspended or revoked by the department, may request a hearing before the Advisory Council pursuant to Section 53-8-203, by filing an appeal with the department within ten days of receipt of the denial, suspension, or revocation.

(1) Except in the case of an emergency order, a timely appeal to the department requesting an Advisory Council hearing shall automatically stay a department order of suspension or revocation.

(2) The hearing before the Advisory Council shall be informal and shall be held within thirty days after the appeal is filed.

(3) The Advisory Council shall make written findings and conclusions and issue a signed order within ten days of the hearing; affirming, denying, or modifying the order of the department.

E. Reconsideration of the order of the Advisory Council may be requested in writing within twenty days of the date of the order in accordance with Section 63-46b-13.

F. The order of the Advisory Council shall be subject to judicial review in accordance with Section 63-46b-15.

G. A default order may be entered against a party who fails to participate in any of the hearings provided for in this section in accordance with Section 63-46b-11.

KEY: motor vehicle safety, inspection
1998

Notice of Continuation December 22, 1997

53-8-201
53-8-203
63-46b



Public Safety, Highway Patrol
R714-159
Utah Street Rod Rule

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 20840
FILED: 03/06/98, 08:34
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: This rule is being repealed because: (a) the department's authority to write the rule is questionable; (b) there is not much need for the rule since state statutes already address most of the matters in the rule; and (c) the matters addressed in the rule are more appropriately addressed in the department's vehicle safety inspection manual.

SUMMARY: This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Subsection 41-6-150.10(4)(c)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None.
- ❖LOCAL GOVERNMENTS: None.
- ❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety
Highway Patrol
Calvin L. Rampton Building
4501 South 2700 West
Box 141775
Salt Lake City, UT 84114-1775, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

J. Francis Valerga at the above address, by phone at (801) 965-4062, by FAX at (801) 965-4608, or by Internet E-mail at psdomain.psmain.jfvalerg@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Richard A. Greenwood, Superintendent

Public Safety, Highway Patrol
R714-200
Department Standards for Lights and Illumination Devices on Vehicles

R714. Public Safety, Highway Patrol.

[R714-159. Utah Street Rod Rule:

R714-159-1. Purpose of Section:

The purpose of this rule is to establish a definition of a Street Rod and set minimum equipment requirements for a safety inspection pursuant to Section 53-8-205, registration pursuant to Section 41-1a-201, and safe use of modified vehicles.

R714-159-2. Definitions:

The following definitions shall apply wherever the terms are used in this rule:

1. "Street Rod" means any motor vehicle, the body and frame of which were manufactured prior to 1949 and which has been modified for safe road use, or a replica thereof which has been modified for safe road use.

2. "Modified" means a material alteration of the drive train, suspension, brake system, or alteration of the body which may be chopped, channelled, sectioned, filled, or changed dimensionally from the original manufactured body.

3. "Use of a Street Rod" means the exemption of certain equipment requirements when the vehicle is driven during fair weather on well maintained, hard surfaced roads.

4. "Equipment compliance" means the minimum safety equipment must meet the requirements of Utah Safety Inspection rules.

R714-159-3. Minimum Safety Equipment:

1. A Street Rod shall be equipped with the following:

- (a) hydraulic service brakes on all wheels;
(b) parking brake operating on at least 2 wheels on the same axle;
(c) seat belts for all passengers;
(d) sealed beam or halogen headlamps;
(e) brake lamps;
(f) turn signal lamps and switch;
(g) AS-1 safety glass or Lexan;
(h) electric or vacuum windshield wiper located in front of the driver;

2. Fenders, bumpers and hoods shall be optional.

3. Exhaust systems may discharge along the side provided they discharge at a point behind the rear edge of the door and exit exhaust away from the vehicle.

4. The ground clearance for street rods shall meet the requirements of Section 41-6-148.31.

5. The vehicle identification for a street rod shall be number stamped on the frame of the vehicle, or if no such number, as established pursuant to Section R873-22-15M.

KEY: traffic regulations

1993 41-6-117
41-6-117.5]

NOTICE OF PROPOSED RULE

(Repeal and Reenact)

DAR FILE No.: 20907

FILED: 03/13/98, 16:15

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: To assist the department in carrying out its statutory requirement to regulate vehicle lights and illuminating devices by the adoption of a federal standard.

SUMMARY: The following substantive provisions in the repealed rule are eliminated from the enacted rule: (a) the provision specifying the types of lights to which the federal standard applies; (b) the provision dealing with prohibited lamps and lighting accessories; and (c) the provision dealing with the method for obtaining approval of aftermarket illuminating devices. The following new substantive provision appears only in the enacted rule: the provision setting forth various restrictions on the use of lights generally reserved for use on authorized emergency vehicles.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Sections 41-6-117 and 41-6-142, and Subsection 53-1-106(1)(a)

THIS FILING INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 49 CFR 571 Standard 108 (1997 edition)

ANTICIPATED COST OR SAVINGS TO:

THE STATE BUDGET: None.

LOCAL GOVERNMENTS: None.

OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

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Highway Patrol
First Floor, Calvin L. Rampton Building
4501 South 2700 West
Box 141775
Salt Lake City, UT 84114-1775, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

J. Francis Valerga at the above address, by phone at (801) 965-4461, by FAX at (801) 965-4608, or by Internet E-mail at psdomain.psmain.jfvalerg@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Richard A. Greenwood, Superintendent

R714. Public Safety, Highway Patrol.

[R714-200. Department Standards for Lights and Illumination Devices on Vehicles.

R714-200-1. Purpose.

—The Department of Public Safety, hereinafter "department" is responsible for establishing rules regulating lamps and illuminating devices in accordance with 41-6-117.

R714-200-2. Procedure.

—To ensure that lamps and illuminating devices meet certain specifications and that they are installed and function consistently with the requirements of other states and with the regulations of the United States Department of Transportation, hereinafter "U.S.D.O.T." the department adopts Title 49 CFR 571 Standard 108, 1993 edition, and incorporates it herein by reference and hereby declares that it shall apply to the following:

- (1) Head lamp specifications required by Section 41-6-119.
- (2) Tail lamp specifications required by Section 41-6-120.
- (3) Stop lamps, supplemental stop lamps, and turn signal specifications required by Subsection 41-6-121.10. A vehicle equipped with only one tail lamp at the time of manufacture need not be equipped with an additional stop lamp.
- (4) Additional lamps or reflectors specified in Section 41-6-122. Vehicles 80 inches or more in width are required to have marker lamps and reflectors.
- (5) Lamps, reflectors and flags on the rear overhang of oversize vehicles required by Section 41-6-128.
- (6) Parking lamps required by Section 41-6-129.
- (7) Warning lamps required by Section 41-6-133.
- (8) Backup lamps and side marker lamps required by Subsection 41-6-133.5.
- (9) Head lamp specifications for farm tractors and motor vehicles sold prior to July 1, 1980 required by Subsection 41-6-135.5.
- (10) Lighting and warning devices on school buses required by Subsection 41-6-140.10.

R714-200-3. Prohibited Lamps, Lighting Accessories, Decorative Lamps.

- (1) It is the purpose of this section to address the reference to "lamp" as set forth in Subsection 41-6-141.5.
- (2) Head lamp covers, tints, emblems, decals or other foreign materials not in place at the time of original manufacture or not specifically intended for use by the vehicle's original manufacturer, and which do not meet the standards of Title 49 CFR 571 Standard 108, U.S.D.O.T., shall not be placed on, in or over a head lamp.
- (3) Continuous operation daytime running lamps, (low beam head lamps) and associated system components, are permitted on vehicles.

—(4) Tail lamps, turn signal lamps, back-up lamps and other factory installed lamps on a vehicle's exterior, as described in Title 49 CFR 571 Standard 108 (S5), shall not have any decals, tints, emblems, inserts or other foreign material on the lamp or lens that was not in place at the time of original manufacture or not specifically intended for use by the vehicle's original manufacturer.

—(5) Flashing lights are prohibited on any vehicle except as authorized by Subsection 41-6-140(c). License plate lamps, clearance lamps, antenna lamps, deck lamps and interior lamps visible from a vehicle's exterior are included in this section.

—(6) No accessory lamp, decorative lamp, auxiliary lamp, ornamental lamp or lamp system, may be offered for sale, kept for sale, sold installed or used on a vehicle, that does not meet the requirements of Title 49 CFR Standard 108, including color, positioning, aiming and location. No colored lamps or lenses not specifically covered by Title 49 CFR Standard 108, may be installed on or in a vehicle, where the colored lamp or lens would be visible to the exterior of the vehicle. This includes any blue, purple, green, violet, lavender, or pink lamps or lenses.

—(7) This rule does not apply to implements of husbandry, road making machinery, farm tractors, except as specifically made applicable, and off highway use vehicles as described in Section 41-6-117.

—(8) Aftermarket illuminating products not approved under this rule may be submitted to the American Association of Motor Vehicle Administrators, an agent for the department, for testing and approval prior to the marketing, installation or use of such products.

—(9) If a person is denied approval of any aftermarket illuminating device by the department, appeal may be made in accordance with Title 63, Chapter 46b, and such appeal shall be considered an informal adjudicative proceeding.

R714-200-4. Emergency Vehicles/Exemptions.

—The provisions of this rule do not apply to emergency vehicles used primarily for police, fire, rescue and ambulance work.

KEY: traffic regulations

~~1994~~

~~41-6-117]~~

R714-200. Standards for Vehicle Lights and Illuminating Devices.

R714-200-1. Purpose.

Section 41-6-142 requires the Department to adopt standards for vehicle lights and illuminating devices to ensure that they meet certain specifications and that they are installed and function consistently with the requirements of other states and with regulations of the United States Department of Transportation. The purpose of this rule is to adopt such standards.

R714-200-2. Authority.

This rule is authorized by Sections 41-6-117 and 41-6-142, and Subsection 53-1-106(1)(a).

R714-200-3. Federal Standard Adopted and Incorporated by Reference.

The Department hereby adopts the standards set forth in 49 CFR 571 Standard 108 (1997 edition) as the standard governing vehicle lights and illuminating devices in Utah and incorporates such federal regulation into this rule by this reference.

R714-200-4. Miscellaneous Light Restrictions.

A. Alternately flashing lights described in Sections 41-6-132 and 41-6-140.10 may not be used on any vehicle other than a school bus or authorized emergency vehicle.

B. No vehicle, except an authorized emergency vehicle, may use rotating lights as described in Subsection 41-6-132(c).

C. No vehicle, except a police vehicle, may use rotating blue lights or flashing blue lights as described in Section 41-6-132.

KEY: lights, motor vehicle safety

1998

Notice of Continuation December 22, 1997

41-6-117

41-6-142

53-1-106(1)(a)

Highway Patrol
First Floor, Calvin L. Rampton Building
4501 South 2700 West
Box 141775
Salt Lake City, UT 84114-1775, or
at the Division of Administrative Rules.

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THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Richard A. Greenwood, Superintendent

Public Safety, Highway Patrol
R714-210
Air Conditioning Equipment -
Requirements

NOTICE OF PROPOSED RULE

(Repeal and Reenact)
DAR FILE No.: 20908
FILED: 03/13/98, 16:15
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: To assist the department in carrying out its statutory requirement to regulate motor vehicle air conditioning equipment by adopting a federal standard.

SUMMARY: The following substantive provisions in the repealed rule are eliminated from the enacted rule: (a) the provision setting forth the technical components of an air conditioning system; (b) the provision dealing with refrigerants; and (c) the provision dealing with recommended safety practices. There are no new substantive provisions which appear only in the enacted rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 41-6-154.10

THIS FILING INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 82.30 through 82.42, and Part 82, Subpart B, App. A and App. B (1997 edition)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None.

❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety

R714. Public Safety, Highway Patrol.

~~**R714-210. Air Conditioning Equipment - Requirements.**~~

~~**R714-210-1. Purpose:**~~

~~A. SAFETY PRACTICES FOR MECHANICAL VAPOR COMPRESSION REFRIGERATION EQUIPMENT OR SYSTEMS USED TO COOL PASSENGER COMPARTMENT OF MOTOR VEHICLES:~~

~~(1) SAE J639 RECOMMENDED PRACTICE, Federal Standard 108:~~

~~B. Recommended Practice is restricted to mechanical vapor compression refrigeration systems because all presently known or proposed passenger compartment cooling systems which involve any question of safety are of that type. It is not the intention to restrict the use of, or further development of, other types of refrigeration systems for passenger compartment cooling. Should other systems be found practical at some future time, this recommendation practice may be amended or an additional recommended safety practice drawn up for such other systems. The evaporative cooling units presently used are not here considered:~~

~~**R714-210-2. A Mechanical Vapor Compression Refrigeration System for Cooling the Passenger Compartment of a Motor Vehicle Consists of:**~~

~~A. A relatively small pump or compressor which raises the pressure of the refrigerant vapor and in doing so also raises its temperature:~~

~~B. A condenser where the compressed refrigerant vapor is cooled and liquefied by passing outside air over its surface to absorb heat from the refrigerant:~~

~~C. A receiver or container where the cooled and liquefied refrigerant is stored under pressure:~~

~~D. An expansion valve or other liquid refrigerant metering device which regulates the flow of refrigerant to the evaporator:~~

~~E. An evaporator, wherein the liquid refrigerant vaporizes because of the heat which it absorbs from the air passing over the evaporator surface. This absorption of heat from the air result in a considerable reduction in the air temperature:~~

— F. A blower unit which circulates air over the evaporator, where the air is cooled and then delivered to the passenger compartment. The air which is supplied to the evaporator unit may come from the passenger compartment (recirculated air); or from the outside of the vehicle (outside air); or as a mixture of recirculated and outside air.

— G. A system of controls which may be manual, automatic, or part manual and part automatic. The control elements may control air delivery by the evaporator unit, temperature in the passenger compartment, the amount of outside air introduced, maximum pressure within the system, and similar items.

— H. In addition the system may require wiring, tubing, connections, air ducts, a means of driving the compressor and the evaporative blower, and a means of cooling the condenser.

R714-210-3. Refrigerants.

— A. While the above description may appear lengthy and complicated, the actual cooling system is relatively simple, being somewhat comparable to a residential room cooler. It requires only a small quantity of refrigerant. (1) The refrigerant must be non-toxic, non-flammable, and non-explosive, such as R-12 (Dichlorodifluoromethane) or R-22 (Monochlorodifluoromethane), as defined by the American Society of Refrigerating Engineers in ASRE 34-57.

R714-210-4. Safety Practices - The Following Safety Practices are Recommended:

— A. A pressure or temperature sensitive relief valve or device shall be located in the high pressure side of the system and shall be vented to the outside of the passenger and baggage compartments and air circulating system for the passenger compartment. In no case shall the blow-off pressure be greater than 800 psi of its saturated vapor temperature equivalent.

— B. The high pressure side of the system (that part contained between the compressor outlet and the liquid throttling device) shall have an ultimate bursting pressure of not less than two and one-half times the blow-off pressure setting of the safety relief valve or device.

— C. A plainly legible and durable name plate or tag shall be mounted near the point where the refrigerant is charged into the system. The name plate or tag shall indicate the type of refrigerant to be used and the recommended operating charge. The same name plate or an additional plate mounted to one or more of the principle components of the system where it or they can be easily seen, shall contain the name and location of the manufacturer.

KEY: traffic regulations

~~1987~~

41-6-154.10

Notice of Continuation 1993]

R714-210. Standards for Motor Vehicle Air Conditioning Equipment.

R714-210-1. Purpose.

The purpose of this rule is to adopt standards for motor vehicle air conditioning equipment which will protect the public and occupants of motor vehicles.

R714-210-2. Authority.

This rule is authorized by Subsection 41-6-154.10(c).

R714-210-3. Federal Standards Adopted and Incorporated by Reference.

The Department of Public Safety hereby adopts the motor vehicle air conditioning equipment standards set forth in 40 CFR 82.30 through 82.42, and Pt. 82, Subpt. B, App. A and App. B (1997 edition) as the motor vehicle air conditioning equipment standards for Utah and incorporates such federal regulation into this rule by this reference.

KEY: air conditioning, motor vehicle safety

1998

41-6-154.10



Public Safety, Highway Patrol
R714-220
Standards for Protective Headgear

NOTICE OF PROPOSED RULE

(Repeal and Reenact)
DAR FILE NO.: 20909
FILED: 03/13/98, 16:15
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: To assist the department in carrying out its statutory requirement to regulate motorcycle protective headgear for persons under age 18 by the adoption of a federal standard.

SUMMARY: There are no substantive provisions in the repealed rule which are eliminated from the enacted rule. The only new substantive provision that appears in the enacted rule is an authority provision.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Subsections 41-6-107.8(1) and 41-6-107.8(3)(a)

THIS FILING INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 49 CFR 571.218 (1996 edition)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None.

❖ LOCAL GOVERNMENTS: None.

❖ OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety
Highway Patrol
First Floor, Calvin L. Rampton Building
4501 South 2700 West
Box 141775
Salt Lake City, UT 84114-1775, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
J. Francis Valerga at the above address, by phone at (801) 965-4461, by FAX at (801) 965-4608, or by Internet E-mail at psdomain.psmain.jfvalerg@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Richard A. Greenwood, Superintendent

Public Safety, Highway Patrol **R714-230** Standards and Specifications for Seat Belts

NOTICE OF PROPOSED RULE

(Repeal and Reenact)
DAR FILE No.: 20910
FILED: 03/13/98, 16:15
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: To assist the department in carrying out its statutory requirement to regulate vehicle seat belts and safety harnesses by the adoption of a federal standard.

SUMMARY: There are no new substantive provisions in the repealed rule which are eliminated from the enacted rule. There are no new substantive provisions which appear only in the enacted rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Sections 41-6-142 and 41-6-148.10

THIS FILING INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 49 CFR 571.209 (1996 edition)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None.
- ❖LOCAL GOVERNMENTS: None.
- ❖OTHER PERSONS: None.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

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THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Richard A. Greenwood, Superintendent

R714. Public Safety, Highway Patrol.

~~[R714-220. Standards for Protective Headgear.~~

~~R714-220-1. Purpose.~~

~~—A. It is the responsibility of the Commissioner of Public Safety to promulgate and enforce specifications and standards for the use of protective headgear.~~

~~—B. The purpose of the rule is to reduce deaths and injuries to any person or persons under the age of 18 years who may be operating or riding on any motorcycle or motor driven cycle within the State of Utah. This requirement does not apply to any person or persons that are within an enclosed cab.~~

~~—C. In order to properly set specifications and standards for headgear, and to conform with Federal requirements, the Commissioner chooses to adopt by reference Federal Standard Part 571, S 218 as the standard to fulfill the requirements of this section.~~

KEY: traffic regulations

~~1987~~ ~~41-6-107.8~~

~~Notice of Continuation 1993]~~

R714-220. Standards for Motorcycle Protective Headgear.

R714-220-1. Purpose.

Subsection 41-6-107.8(1) prohibits a person under age 18 from operating or riding on a motorcycle or motor-driven cycle on a highway unless the person is wearing protective headgear that complies with standards established in a rule made by the commissioner of public safety. The purpose of this rule is to establish those standards.

R714-220-2. Authority.

This rule is authorized by Subsection 41-6-107.8(3)(a).

R714-220-3. Federal Standard Adopted and Incorporated by Reference.

The commissioner of public safety hereby adopts the motorcycle protective headgear standards set forth in 49 CFR 571.218 (1996 edition) as the motorcycle protective headgear standards for Utah and such federal regulation is incorporated into this rule by this reference.

KEY: motorcycles, headgear

~~1998~~ ~~41-6-107.8~~

Notice of Continuation December 22, 1997



R714. Public Safety, Highway Patrol.

~~[R714-230. Standards and Specifications for Seat Belts.~~

~~R714-230-1. Purpose:~~

~~—A. It is the responsibility of the Commissioner of Public Safety to promulgate and enforce specifications and standards for the use of seat belts.~~

~~—B. In order to properly set specifications and standards for seat belts, and to maintain compliance with federal requirements, the Commissioner of Public Safety chooses to adopt by reference Federal Standard part 571, S-209 as the standards for the purpose of this act.~~

~~KEY: traffic regulations~~

~~1987~~

~~41-6-148.10~~

~~Notice of Continuation 1993]~~

R714-230. Standards and Specifications for Vehicle Seat Belts and Safety Harnesses.

R714-230-1. Purpose.

The purpose of this rule is to adopt standards and specifications for vehicle seat belts and safety harnesses.

R714-230-2. Authority.

This rule is authorized by Sections 41-6-142 and 41-6-148.10.

R714-230-3. Federal Standards and Specifications Adopted and Incorporated by Reference.

The Department of Public Safety hereby adopts the vehicle seat belt and safety harness standards and specifications set forth in 49 CFR 571.209 (1996 edition) as the vehicle seat belt and safety harness standards and specifications for Utah and incorporates such federal regulation into this rule by this reference.

KEY: seat belts, motor vehicle safety

1998

41-6-142

Notice of Continuation December 22, 1997

41-6-148.10



Public Safety, Highway Patrol

R714-240

Standards and Specifications for Child Restraint Devices

NOTICE OF PROPOSED RULE

(Repeal and Reenact)

DAR FILE NO.: 20911

FILED: 03/13/98, 16:15

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: To assist the department in carrying out its statutory requirement to regulate child restraint devices and safety belts by the adoption of a federal standard.

SUMMARY: There are no new substantive provisions in the repealed rule which are eliminated in the enacted rule. The only new substantive provision that appears in the enacted rule is an authority provision.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Subsection 41-6-148.20(2)

THIS FILING INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 49 CFR 571.213 (1996 edition)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None.

❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety
Highway Patrol
First Floor, Calvin L. Rampton Building
4501 South 2700 West
Box 141775
Salt Lake City, UT 84114-1775, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

J. Francis Valerga at the above address, by phone at (801) 965-4461, by FAX at (801) 965-4608, or by Internet E-mail at psdomain.psmain.jfvalerg@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Richard A. Greenwood, Superintendent

R714. Public Safety, Highway Patrol.

~~[R714-240. Standards and Specifications for Child Restraint Devices.~~

~~R714-240-1. Purpose:~~

~~—A. A resident parent or legal guardian driver, who is transporting his or her child in a motor vehicle on a highway, shall:~~

~~—(1) provide for the protection of a child younger than two years of age by using a child restraint device approved by the Commissioner of Public Safety;~~

~~—(2) The device shall restrain the child in the manner prescribed by the manufacturer.~~

~~—B. In order to properly set standards and specifications for child restraint devices the Commissioner of Public Safety is adopting by reference Federal Standard part 571, S-213 to fulfill the requirements of this act.~~

~~KEY: traffic regulations~~

~~1987~~

~~41-6-148.20~~

~~Notice of Continuation 1993]~~

R714-240. Standards and Specifications for Child Restraint Devices and Safety Belts.

R714-240-1. Purpose.

Subsection 41-6-148.20(2) states that a driver transporting a child in a motor vehicle shall provide for the protection of that child by using a child restraint device or safety belt approved by the commissioner of public safety. The purpose of this rule is to adopt the standards and specifications that a child restraint device and safety belt must meet in order to be approved by the commissioner of public safety.

R714-240-2. Authority.

This rule is authorized by Subsection 41-6-148.20(2).

R714-240-3. Federal Standards and Specifications Adopted and Incorporated by Reference.

The type of child restraint device and safety belt approved by the commissioner of public safety for use in Utah is a child restraint device and safety belt which meet the standards and specifications set forth in 49 CFR 571.213 (1996 edition). The standards and specifications in such federal regulation are adopted for use in Utah and such federal regulation is incorporated into this rule by this reference.

KEY: seat belts, motor vehicle safety

1998

41-6-148.20(2)

Notice of Continuation December 22, 1997



Public Safety, Highway Patrol
R714-300
Brake Equipment Requirements

NOTICE OF PROPOSED RULE

(Repeal and Reenact)
DAR FILE NO.: 20912
FILED: 03/13/98, 16:15
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: To assist the department in carrying out its statutory requirement to regulate motor vehicle braking systems by adoption of a federal standard.

SUMMARY: The following substantive provisions in the repealed rule are eliminated from the enacted rule: (a) the provisions dealing specifically with the braking systems needed for motorcycles, trailers, semi-trailers, and parking brakes; and (b) the provision dealing with the performance ability of brakes.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 41-6-145

THIS FILING INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 49 CFR 393.40 through 393.50, 571.105, and 571.122 (1996 edition)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None.

❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety
Highway Patrol
First Floor, Calvin L. Rampton Building
4501 South 2700 West
Box 141775
Salt Lake City, UT 84114-1775, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

J. Francis Valerga at the above address, by phone at (801) 965-4461, by FAX at (801) 965-4608, or by Internet E-mail at psdomain.psmain.jfvalerg@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Richard A. Greenwood, Superintendent

R714. Public Safety, Highway Patrol.

~~**[R714-300. Brake Equipment Requirements.**~~

~~**R714-300-1. Purpose.**~~

~~Pursuant to the authority under Section 41-6-145, the following brake equipment is required by the Department of Public Safety, hereinafter "department":~~

~~**R714-300-2. Service Brake Requirements.**~~

~~Every Motor Vehicle, Other than a Motorcycle or Motor-Driven Cycle, when Operated Upon a Highway, shall:~~

~~A. Be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels.~~

~~B. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that the failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.~~

~~**R714-300-3. Brake Requirements for Motorcycles, or Motor-Driven Cycles.**~~

~~Every Motorcycle, or Motor-Driven Cycle, when Operated Upon a Highway, shall be equipped with at least one brake, which may be operated by hand or foot.~~

R714-300-4. Brake Requirements for Trailers and Semitrailers.

— Every Trailer or Semitrailer Operated Upon a Highway shall:
— A. Gross weight of less than 2000 pounds need not be equipped with brakes.
— B. Gross weight of 2000 pounds or more, shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, and so designed to be activated by the driver of the towing vehicle.
— C. Gross weight of 3000 pounds or more, shall be equipped with brakes adequate to control the movement of and to stop and to hold, and so designed and connected that in case of an accidental break-away of the towed vehicle, the brakes shall automatically be applied.

R714-300-5. Brake Requirements for All Wheels on a Vehicle; Exceptions.

— Every Motor Vehicle Shall have Brakes on All Wheels, Exceptions:
— A. Any motorcycle or motor-driven cycle need not be equipped with parking brakes.
— B. Any truck or truck tractor manufactured after July 24, 1980 must have brakes on the front wheels, in compliance with federal regulation 49 CFR 393.42.

R714-300-6. Requirements for Parking Brakes.

— A. Parking brakes shall be capable of being applied by the driver's muscular effort or by spring action or by equivalent means.
— B. Operation may be assisted by the service brakes or other source of power, provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements:
— (1) The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.
— (2) The same brake drums, brake shoes and lining assemblies, brake-shoe anchors and mechanical brake-shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes.
— (3) If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.
— (4) The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

R714-300-7. Performance Ability of Brakes.

— A. Every motor vehicle or combination of vehicles, at all times and under all conditions of loading, upon application of the service brake, shall be capable of the following:
— (1) Developing a braking force that is not less than the percentage of its gross weight cited in paragraph (4) of this section for its classification.
— (2) Decelerating to a stop from not more than twenty miles per hour at not less than the feet per second cited in paragraph (4) of this section for its classification.
— (3) Stopping from a speed of twenty miles per hour in not more than the distance cited in paragraph (4) of this section for the

classification, such distance to be measured from the point at which movement of the service brake pedal or control begins.

— (4) Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface that is free from loose materials:
— (a) Passenger vehicles not including buses, stopping distance is 25 feet, deceleration is 17 feet per second, equivalent braking force percentage of vehicle or combination weight is 53.0%.
— (b) Single or combination units of an actual gross weight of less than 10,000 pounds, stopping distance is 30 feet, deceleration is 14 feet per second, equivalent braking force percentage of vehicle or combination weight is 43.5%.
— (c) Single units of an actual gross weight of 10,000 pounds or more, stopping distance is 40 feet, deceleration is 14 feet per second, equivalent braking force in percentage of vehicle or combination weight is 43.5%.
— (d) All other vehicles or combinations of vehicles of an actual gross weight of 10,000 pounds or more stopping distance is 50 feet, deceleration is 14 feet per second, equivalent braking force in percentage of vehicle or combination weight is 43.5%.
— (5) Pole trailers and house moving dollies are exempt from the provisions of being equipped with brakes as required in this section.
— (6) Motor vehicles defined as Vintage vehicles in Section 41-21-1 are exempt from the provisions of this rule provided they comply with the requirements of Section 41-21-4.
— B. The department is authorized to require an inspection of the brake on any motorcycle and any motor-driven cycle and to disapprove any such brake which it finds will not comply with the performance ability standard set forth in the required brake equipment regulations, or which in its opinion is not properly designed or constructed as to ensure reasonable and reliable performance in actual use.
— C. The department may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when it determines the brakes thereon does not comply with the provisions of this section.
— D. No person shall operate on any highway, any vehicle referred to in this section, in the event the department has disapproved the brake equipment upon such vehicle or type of vehicle.

KEY: traffic regulations

~~1994~~ ~~41-6-145]~~

R714-300. Standards for Motor Vehicle Braking Systems.

R714-300-1. Purpose.

The purpose of this rule is to adopt standards for motor vehicle braking systems.

R714-300-2. Authority.

This rule is authorized by Section 41-6-145.

R714-300-3. Federal Standard Adopted and Incorporated by Reference.

The Department of Public Safety hereby adopts the motor vehicle braking standards set forth in 49 CFR 393.40 through 393.50, 571.105, and 571.122 (1996 edition) as the motor vehicle braking standards for Utah and incorporates such federal regulations into this rule by this reference.

KEY: brakes, motor vehicle safety**1998****41-6-145****Notice of Continuation December 22, 1997**

AUTHORIZED BY: Pam Hendrickson, Commissioner

◆ ◆

Tax Commission, Property Tax
R884-24P-7
Assessment of Mining Properties
Pursuant to Utah Code Ann. Section
59-2-201

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 20897

FILED: 03/13/98, 11:28

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: Section 59-2-201 requires the Tax Commission to appraise mines at fair market value.

SUMMARY: Amendment provides an apportionment formula for productive mining property located in more than one tax area.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 59-2-201

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None.

❖LOCAL GOVERNMENTS: Revenues to individual local governments/taxing entities may increase or decrease, but overall the impact to local governments is revenue neutral.

❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Tax Commission
 Property Tax
 Tax Commission Building
 210 North 1950 West
 Salt Lake City, UT 84134, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Pam Hendrickson at the above address, by phone at (801) 297-3902, by FAX at (801) 297-3919, or by Internet E-mail at txnet1.phendric@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

R884. Tax Commission, Property Tax.**R884-24P. Property Tax.****R884-24P-7. Assessment of Mining Properties Pursuant to Utah Code Ann. Section 59-2-201.**

A. Definitions.

1. "Allowable costs" means those costs reasonably and necessarily incurred to own and operate a productive mining property and bring the minerals or finished product to the customary or implied point of sale.

a) Allowable costs include: salaries and wages, payroll taxes, employee benefits, workers compensation insurance, parts and supplies, maintenance and repairs, equipment rental, tools, power, fuels, utilities, water, freight, engineering, drilling, sampling and assaying, accounting and legal, management, insurance, taxes (including severance, property, sales/use, and federal and state income taxes), exempt royalties, waste disposal, actual or accrued environmental cleanup, reclamation and remediation, changes in working capital (other than those caused by increases or decreases in product inventory or other nontaxable items), and other miscellaneous costs.

b) For purposes of the discounted cash flow method, allowable costs shall include expected future capital expenditures in addition to those items outlined in A.1.a).

c) For purposes of the capitalized net revenue method, allowable costs shall include straight-line depreciation of capital expenditures in addition to those items outlined in A.1.a).

d) Allowable costs does not include interest, depletion, depreciation other than allowed in A.1.c), amortization, corporate overhead other than allowed in A.1.a), or any expenses not related to the ownership or operation of the mining property being valued.

e) To determine applicable federal and state income taxes, straight line depreciation, cost depletion, and amortization shall be used.

2. "Asset value" means the value arrived at using generally accepted cost approaches to value.

~~[2:]~~3. "Capital expenditure" means the cost of acquiring property, plant, and equipment used in the productive mining property operation and includes:

- a) purchase price of an asset and its components;
- b) transportation costs;
- c) installation charges and construction costs; and
- d) sales tax.

~~[3:]~~4. "Constant or real dollar basis" means cash flows or net revenues used in the discounted cash flow or capitalized net revenue methods, respectively, prepared on a basis where inflation or deflation are adjusted back to the lien date. For this purpose, inflation or deflation shall be determined using the gross domestic product deflator produced by the Congressional Budget Office, or long-term inflation forecasts produced by reputable analysts, other similar sources, or any combination thereof.

~~[4:]~~5. "Discount rate" means the rate that reflects the current yield requirements of investors purchasing comparable properties in the mining industry, taking into account the industry's current and projected market, financial, and economic conditions.

[5-]6. "Economic production" means the ability of the mining property to profitably produce and sell product, even if that ability is not being utilized.

[6-]7. "Exempt royalties" means royalties paid to this state or its political subdivisions, an agency of the federal government, or an Indian tribe.

[7-]8. "Expected annual production" means the economic production from a mine for each future year as estimated by an analysis of the life-of-mine mining plan for the property.

[8-]9. "Fair market value" is as defined in Section 59-2-102.

[9-]10. "Federal and state income taxes" mean regular taxes based on income computed using the marginal federal and state income tax rates for each applicable year.

[10-]11. "Implied point of sale" means the point where the minerals or finished product change hands in the normal course of business.

[11-]12. "Net cash flow" for the discounted cash flow method means, for each future year, the expected product price multiplied by the expected annual production that is anticipated to be sold or self-consumed, plus related revenue cash flows, minus allowable costs.

[12-]13. "Net revenue" for the capitalized net revenue method means, for any of the immediately preceding five years, the actual receipts from the sale of minerals (or if self-consumed, the value of the self-consumed minerals), plus actual related revenue cash flows, minus allowable costs.

[13-]14. "Non-operating mining property" means a mine that has not produced in the previous calendar year and is not currently capable of economic production, or land held under a mineral lease not reasonably necessary in the actual mining and extraction process in the current mine plan.

[14-]15. "Productive mining property" means the property of a mine that is either actively producing or currently capable of having economic production. Productive mining property includes all taxable interests in real property, improvements and tangible personal property upon or appurtenant to a mine that are used for that mine in exploration, development, engineering, mining, crushing or concentrating, processing, smelting, refining, reducing, leaching, roasting, other processes used in the separation or extraction of the product from the ore or minerals and the processing thereof, loading for shipment, marketing and sales, environmental clean-up, reclamation and remediation, general and administrative operations, or transporting the finished product or minerals to the customary point of sale or to the implied point of sale in the case of self-consumed minerals.

[15-]16. "Product price" for each mineral means the price that is most representative of the price expected to be received for the mineral in future periods.

a) Product price is determined using one or more of the following approaches:

(1) an analysis of average actual sales prices per unit of production for the minerals sold by the taxpayer for up to five years preceding the lien date; or,

(2) an analysis of the average posted prices for the minerals, if valid posted prices exist, for up to five calendar years preceding the lien date; or,

(3) the average annual forecast prices for each of up to five years succeeding the lien date for the minerals sold by the taxpayer and one average forecast price for all years thereafter for those same

minerals, obtained from reputable forecasters, mutually agreed upon between the Property Tax Division and the taxpayer.

b) If self-consumed, the product price will be determined by one of the following two methods:

(1) Representative unit sales price of like minerals. The representative unit sales price is determined from:

(a) actual sales of like mineral by the taxpayer;

(b) actual sales of like mineral by other taxpayers; or

(c) posted prices of like mineral; or

(2) If a representative unit sales price of like minerals is unavailable, an imputed product price for the self-consumed minerals may be developed by dividing the total allowable costs by one minus the taxpayer's discount rate to adjust to a cost that includes profit, and dividing the resulting figure by the number of units mined.

[16-]17. "Related revenue cash flows" mean non-product related cash flows related to the ownership or operation of the mining property being valued. Examples of related revenue cash flows include royalties and proceeds from the sale of mining equipment.

[17-]18. "Self consumed minerals" means the minerals produced from the mining property that the mining entity consumes or utilizes for the manufacture or construction of other goods and services.

[18-]19. "Straight line depreciation" means depreciation computed using the straight line method applicable in calculating the regular federal tax. For this purpose, the applicable recovery period shall be seven years for depreciable tangible personal mining property and depreciable tangible personal property appurtenant to a mine, and 39 years for depreciable real mining property and depreciable real property appurtenant to a mine.

B. Valuation.

1. The discounted cash flow method is the preferred method of valuing productive mining properties. Under this method the taxable value of the mine shall be determined by:

a) discounting the future net cash flows for the remaining life of the mine to their present value as of the lien date; and

b) subtracting from that present value the fair market value, as of the lien date, of licensed vehicles and nontaxable items.

2. The mining company shall provide to the Property Tax Division an estimate of future cash flows for the remaining life of the mine. These future cash flows shall be prepared on a constant or real dollar basis and shall be based on factors including the life-of-mine mining plan for proven and probable reserves, existing plant in place, capital projects underway, capital projects approved by the mining company board of directors, and capital necessary for sustaining operations. All factors included in the future cash flows, or which should be included in the future cash flows, shall be subject to verification and review for reasonableness by the Property Tax Division.

3. If the taxpayer does not furnish the information necessary to determine a value using the discounted cash flow method, the Property Tax Division may use the capitalized net revenue method. This method is outlined as follows:

a) Determine annual net revenue, both net losses and net gains, from the productive mining property for each of the immediate past five years, or years in operation, if less than five years. Each year's net revenue shall be adjusted to a constant or real dollar basis.

b) Determine the average annual net revenue by summing the values obtained in B.3.a) and dividing by the number of operative years, five or less.

c) Divide the average annual net revenue by the discount rate to determine the fair market value of the entire productive mining property.

d) Subtract from the fair market value of the entire productive mining property the fair market value, as of the lien date, of licensed vehicles and nontaxable items, to determine the taxable value of the productive mining property.

4. The discount rate shall be determined by the Property Tax Division.

a) The discount rate shall be determined using the weighted average cost of capital method, a survey of reputable mining industry analysts, any other accepted methodology, or any combination thereof.

b) If using the weighted average cost of capital method, the Property Tax Division shall include an after-tax cost of debt and of equity. The cost of debt will consider market yields. The cost of equity shall be determined by the capital asset pricing model, arbitrage pricing model, risk premium model, discounted cash flow model, a survey of reputable mining industry analysts, any other accepted methodology, or a combination thereof.

5. Where the discount rate is derived through the use of publicly available information of other companies, the Property Tax Division shall select companies that are comparable to the productive mining property. In making this selection and in determining the discount rate, the Property Tax Division shall consider criteria that includes size, profitability, risk, diversification, or growth opportunities.

6. A non-operating mine will be valued at fair market value consistent with other taxable property.

7. If, in the opinion of the Property Tax Division, these methods are not reasonable to determine the fair market value, the Property Tax Division may use other valuation methods to estimate the fair market value of a mining property.

8. The fair market value of a productive mining property may not be less than the fair market value of the land, improvements, and tangible personal property upon or appurtenant to the mining property. The mine value shall include all equipment, improvements and real estate upon or appurtenant to the mine. All other tangible property not appurtenant to the mining property will be separately valued at fair market value.

9. Where the fair market value of assets upon or appurtenant to the mining property is determined under the cost method, the Property Tax Division shall use the replacement cost new less depreciation approach. This approach shall consider the cost to acquire or build an asset with like utility at current prices using modern design and materials, adjusted for loss in value due to physical deterioration or obsolescence for technical, functional and economic factors.

C. When the fair market value of a productive mining property in more than one tax area exceeds the asset value, the fair market value will be divided into two components and apportioned as follows:

1. Asset value that includes machinery and equipment, improvements, and land surface values will be apportioned to the tax areas where the assets are located.

2. The fair market value less the asset value will give an income increment of value. The income increment will be apportioned as follows:

a) Divide the asset value by the fair market value to determine a quotient. Multiply the quotient by the income increment of value. This value will be apportioned to each tax area based on the percentage of the total asset value in that tax area.

b) The remainder of the income increment will be apportioned to the tax areas based on the percentage of the known mineral reserves according to the mine plan.

[~~C~~].D. The provisions of this rule shall be implemented and become binding on taxpayers beginning January 1, 1998.

KEY: taxation

~~August 21, 1997~~1998

59-2-201

Notice of Continuation May 8, 1997



Transportation, Motor Carrier R909-75 Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 20918

FILED: 03/16/98, 10:39

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: To restore regulator text that pertaining to Radiation Protection Program which was removed by a filing made effective December 15, 1997. This rule also revises a requirement concerning the daily pressure testing of transfer hoses on cargo tank motor vehicles in liquefied compressed gas service, and removes a hose rupture (i.e., incomplete separation) as a condition that causes the internal self-closing stop valve to function. (**DAR Note:** The amendment that was made effective on 12/15/97 was DAR No. 20095 and was published in the November 1, 1997, *Utah State Bulletin*.)

SUMMARY: Due to adverse comments received by the Federal Department of Transportation the Radiation Protection Program was reinstated. This rule revises a requirement concerning the daily pressure testing of transfer hoses on cargo tank motor vehicles in liquefied compressed gas service and revises Sec. 171.5(a) for consistency with Sec. 178.337-11(a)(1)(i) by removing a hose rupture (i.e., incomplete separation) as a condition that causes the internal self-closing stop valve to function. Extends the expiration of the final rule requirements to July 1, 1999, under Sec.

171.5(a). This also makes editorial revisions and clarifies certain provisions. Changes have been made to the following sections 171.5(a)(1)(i), 171.5(a)(1)(iii)(B) and 171.5(a)(1)(iii)(C)(3), 107.105, 107.117, Appendix A to Subpart D of Part 107, 171.6(b)(2) table, 171.7, 171.8, 171.12, 171.15, 172.101, Appendix to Sec. 172.101 - List of Hazardous Substances and Reportable Quantities; 172.203, 172.204 173.6, 173.9, 173.32, 173.56, 173.62, 173.125, 173.166, 173.202, 173.221, 173.225, 174.242, 173.243, 173.247, 173.320, 173.422, 1733.810, 177.840, 178.36 178.44, 178.50, 178.270-14, 178.338-19, 178.503, 179.15, 179.100-19, 179.200-23, 179.220-24, 179.221-1, and 180.509.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 27-17-103
FEDERAL MANDATE FOR THIS FILING: 49 CFR 350

THIS FILING INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 49 CFR 170-178 and 49 CFR 180-181, as published by Regulations Management Corporation (October 1, 1997)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None.
- ❖LOCAL GOVERNMENTS: None.
- ❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since motor carriers are required to comply with the radiation protection program, and compliance under 171.5 for cargo tank motor vehicles hauling liquefied compressed gas under the Federal guidelines, adopting this will not cause an additional burden to them, but will allow agents of the Department of Transportation access to these files.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Transportation
Motor Carrier
Calvin Rampton Building
4501 South 2700 West
Box 148240
Salt Lake City, UT 84114-8240, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Tamy L. Scott at the above address, by phone at (801) 965-4752, by FAX at (801) 965-4847, or by Internet E-mail at src0fs02.tscott@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Tamy L. Scott, Transportation Safety Investigator

R909. Transportation, Motor Carrier.

R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes.

R909-75-1. Adoption of Federal Regulations.

Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes, 49 CFR, Sub-Chapter C, through February 1, 1998, of the October 1, 1997~~[December 1, 1997]~~, edition as printed in the Regulations Management Corporation Service, are incorporated by reference. This applies to all private, common, and contract carriers by highway in interstate and/or intrastate commerce.

KEY: hazardous materials transportation, hazardous substances, hazardous waste, safety regulation

~~[January 1998]~~May 1998

27-17-101

27-17-104



Workforce Services, Employment
Development
R986-215

Financial Assistance Verification and
Safeguarding Requirements

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 20849

FILED: 03/06/98, 15:22

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: This filing is in response to the repeal of Section 62A-9-125 which authorized part of this rule.

SUMMARY: The section of this rule clarifying which portions of a public assistance client's records were open to public access as authorized by Section 62A-9-125 has been removed pursuant to the repeal of the statutory section.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 62A-9-125

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: Savings under \$250: Fewer than 100 requests for this information were made per year. When the information was requested, a worker would display the information on a computer screen. No hard copies were printed and no copies were made. The process to display the information took less than 30 seconds.
- ❖LOCAL GOVERNMENTS: None.
- ❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Workforce Services
Employment Development
Fifth Floor
140 East 300 South
PO Box 45245
Salt Lake City, UT 84145-0249, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Shawn Potter at the above address, by phone at (801) 531-3783, by FAX at (801) 531-3785, or by Internet E-mail at spotter@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: Robert C. Gross, Executive Director

**R986. Workforce Services, Employment Development.
R986-215. Financial Assistance Verification and Safeguarding Requirements.**

R986-215-501. Verification Requirements.

The department adopts 45 CFR 205.52, and 205.55 through 205.56, and 206.10(a)(8), 1991 ed. which are incorporated by reference.

End of the Proposed Rules Section

R986-215-502. Safeguarding Requirements.

1. The department adopts 45 CFR 205.50, 1991 ed. and Public Law 101-508, which are incorporated by reference.

2. Current Departmental Practices:

a. All information contained on specific clients is safeguarded.

b. The legal basis for safeguarding confidentiality of information is Sections 63-2-101 through 63-2-909.

~~[—c. Information which is subject to public access under Section 62A-9-125 are the names and check amounts on the financial assistance payroll.]~~

R986-215-503. Records and Case Management.

1. The department adopts 45 CFR 205.60, 1991 ed. which is incorporated by reference.

2. Current Departmental Practices:

Case records shall not be removed from the department office except by subpoena or request of the Director, Division of Employment Development, Bureau of Quality Control, the Office of Recovery Services, or in accordance with the Forms Destruction List.

KEY: verification*, confidentiality of information

~~[1991]1998~~ 35A-3-103 ~~[62A-9-101]~~

Notice of Continuation February 10, 1997



NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

As with a PROPOSED RULE, a CHANGE IN PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the CHANGE IN 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 CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [example]). A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a CHANGE IN PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends May 1 1998. At its option, the agency may hold public hearings.

From the end of the waiting period through July 30, 1998, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by UTAH CODE Section 63-46a-6 (1996); and UTAH ADMINISTRATIVE CODE Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page.

Commerce, Occupational and Professional Licensing
R156-59
Employee Leasing Company Act Rules

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 20651
FILED: 03/05/98, 11:32
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF OR REASON FOR THIS FILING: After a public hearing and further Division and Board review, an addition needed to be made to the definition of "self-funded or partially self-funded insurance plan".

SUMMARY: Added at the end of the definition for "self-funded or partially self-funded insurance plan" the following phrase: "and where risk of loss is borne by the employee leasing company".

(DAR Note: The original proposed amendment upon which this change in proposed rule is based was published in the February 1, 1998, issue of the Utah State Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Section 58-59-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

- THE STATE BUDGET: None.
LOCAL GOVERNMENTS: None.
OTHER PERSONS: None.
COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Dan S. Jones at the above address, by phone at (801) 530-6720, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dsJones@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/01/98.

THIS FILING MAY BECOME EFFECTIVE ON: 05/02/98

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-59. Employee Leasing Company Act Rules.
R156-59-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 59, as used in Title 58, Chapters 1 and 59 or these rules:

(1) "Commencing or reentering business" as used in Subsection 58-59-302(6) means that any applicant for licensure, other than a licensee applying for and qualifying for renewal of licensure prior to the expiration of its current license, is subject to the \$50,000 minimum net worth required in that subsection.

(2) "Current financial statements" means a statement of financial position (balance sheet), and a statement of earnings (income or profit and loss statement) including the schedules and notes that pertain thereto for a period of time ending no earlier than the last tax year end of the entity for which the statements are submitted. Statements are to be prepared in accordance with generally accepted accounting principles and presented in a format and in such detail as prescribed by the division.

(3) "Self-funded or partially self-funded insurance plan" means any plan of insurance or provision of an employee benefits program for which the final premium or cost is retrospectively affected or determined after the end of the policy, plan, or fiscal year based upon actual experience and where risk of loss is borne by the employee leasing company.

(4) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 59 is further defined, in accordance with Subsection 58-1-203(5), in Section R156-59-501.

KEY: licensing, employee leasing company*
1998

58-1-106(1)
58-1-202(1)
58-59-101



End of the Changes in Proposed Rules Section

FIVE-YEAR REVIEW NOTICES OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF CONTINUATION; or amend the rule by filing a PROPOSED RULE and by filing a NOTICE OF CONTINUATION. By filing a NOTICE OF CONTINUATION, the agency indicates that the rule is still necessary.

NOTICES OF CONTINUATION are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules.

NOTICES OF CONTINUATION are effective when filed.

Five-Year Review NOTICES OF CONTINUATION are governed by UTAH CODE Section 63-46a-9 (1996).

Agriculture and Food, Plant Industry **R68-15** Quarantine Pertaining to Japanese Beetle, (*Popillia Japonica*)

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE No.: 20838
FILED: 03/05/98, 15:38
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 4-2-2(1)(k) allows the Division to make investigations, subpoena witnesses and records, conduct hearings, issue orders and, make recommendations concerning all matters related to agriculture; and Subsection 4-2-2(1)(l)(ii) allows the Division to establish and enforce quarantines.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Establishes the rules for quarantine pertaining to the Japanese beetle, restrictions and disposition of violations.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Agriculture and Food
Plant Industry
350 North Redwood Road
PO Box 146500
Salt Lake City, UT 84114-6500, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Ed Bianco at the above address, by phone at (801) 538-7184, by FAX at (801) 538-7126, or Internet E-mail at agmain.ebianco@state.ut.us.

AUTHORIZED BY: Van Burgess, Deputy Commissioner

EFFECTIVE: 03/05/98



Corrections, Administration **R251-112** Americans With Disabilities Act Complaint Procedures

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE No.: 20841
FILED: 03/06/98, 09:27
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: 28 CFR 35.107 (1992) requires the Department of Corrections to adopt and publish complaint procedures for violations of the Americans With Disabilities Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Federal Americans with Disabilities Act (ADA) requirements.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Corrections
Administration
Suite 400
6100 South Fashion Blvd
Murray, UT 84107, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Pam Elliott at the above address, by phone at (801) 265-5514, by FAX at (801) 265-5726, or Internet E-mail at crdeptdo.crdept.pelliott@email.state.ut.us.

AUTHORIZED BY: H. L. Haun, Executive Director

EFFECTIVE: 03/06/98

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Pam Elliott at the above address, by phone at (801) 265-5514, by FAX at (801) 265-5726, or Internet E-mail at crdeptdo.crdept.pelliott@email.state.ut.us.

AUTHORIZED BY: H. L. Haun, Executive Director

EFFECTIVE: 03/06/98



Education, Administration
R277-508
Employment of Substitute Teachers

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE No.: 20899

FILED: 03/13/98, 15:45

RECEIVED BY: NL



Corrections, Administration
R251-304
Contract Procedures

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE No.: 20843

FILED: 03/06/98, 09:36

RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 64-13-25 requires the Department to establish standards for the organization and operation of its programs.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to promote accountability and to ensure safe and professional operation of correctional programs.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Corrections
Administration
Suite 400
6100 South Fashion Blvd
Murray, UT 84107, or

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-402(1)(a) directs the State Board of Education to make rules regarding the qualifications of personnel providing direct student services, and Subsection 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law directs the State Board of Education to make rules regarding the qualifications of personnel providing direct student services, and allows the State Board of Education to adopt rules in accordance with its responsibilities.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol Lear, Education Specialist

EFFECTIVE: 03/13/98



Education, Administration
R277-740

Subchapter One of the Education
Improvement and Consolidation Act of
1981

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE No.: 20900
FILED: 03/13/98, 15:45
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law allows the State Board of Education to adopt rules in accordance with its responsibilities.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol Lear, Education Specialist

EFFECTIVE: 03/13/98



Education, Administration
R277-746

Driver Education Programs for Utah
Schools

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE No.: 20901
FILED: 03/13/98, 15:45
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-13-201(4) directs the State Board of Education to prescribe rules for driver education classes in the public schools, and Subsection 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law directs the State Board of Education to prescribe rules for driver education classes in the public schools, and allows the State Board of Education to adopt rules in accordance with its responsibilities.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol Lear, Education Specialist

EFFECTIVE: 03/13/98



Education, Administration
R277-747

Private School Student Driver
Education

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE No.: 20902
FILED: 03/13/98, 15:45
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law allows the State Board of Education to adopt rules in accordance with its responsibilities.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol Lear, Education Specialist

EFFECTIVE: 03/13/98



Education, Administration
R277-751
Special Education Extended School
Year

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE No.: 20903
FILED: 03/13/98, 15:45
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-402(1)(c) directs the State Board of Education to adopt

rules regarding services to students with disabilities, and Subsection 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law directs the State Board of Education to adopt rules regarding services to students with disabilities, and allows the State Board of Education to adopt rules in accordance with its responsibilities.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:

Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol Lear, Education Specialist

EFFECTIVE: 03/13/98



Education, Administration
R277-912
Standards and Procedures for Post-
Secondary Applied Technology
Education Accreditation

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE No.: 20904
FILED: 03/13/98, 15:45
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 53A-15-202 directs the State Board of Education, which is the State Board for Applied Technology Education, to establish minimum standards for applied technology programs, and Subsection 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law directs the State Board of Education, which is the State Board for Applied Technology Education, to establish minimum standards for applied technology programs, and allows the State Board of Education to adopt rules in accordance with its responsibilities.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol Lear, Education Specialist

EFFECTIVE: 03/13/98



**Education, Applied Technology
Education (Board for), Rehabilitation
R280-200
Rehabilitation**

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE NO.: 20905
FILED: 03/13/98, 15:45
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law allows the State Board of Education to adopt rules in accordance with its responsibilities.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Education
Applied Technology Education (Board for), Rehabilitation
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol Lear, Education Specialist

EFFECTIVE: 03/13/98



**Human Services, Administration,
Administrative Services, Management
Services**

R503-5

Client Notice and Client Hearings

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE NO.: 20895
FILED: 03/13/98, 10:24
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: As defined in Section 62A-1-114, the department is the social services authority of the state, and shall be the sole state agency for administration of client notices and client hearings.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to ensure the department has proper procedures to follow regarding client notices and client hearings.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Human Services
Administration, Administrative Services, Management
Services
Room 331
120 North 200 West
PO Box 45500
Salt Lake City, UT 84103, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Elizabeth Hunter at the above address, by phone at (801) 538-4261, by FAX at (801) 538-4248, or Internet E-mail at hsadm2.lhunter@email.state.ut.us.

AUTHORIZED BY: E. Bart Hopkin, Director

EFFECTIVE: 03/13/98



**Public Safety, Peace Officer Standards
and Training
R728-408
Reserve and Auxiliary Officer
Standards**

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE No.: 20831
FILED: 03/04/98, 12:30
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53-6-105(k) gives the Director of Peace Officer Standards and Training (POST) rulemaking authority.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is deemed necessary by the Director of Peace Officer Standards and Training (POST) as per Subsection 53-6-105(k).

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety
Peace Officer Standards and Training
4525 South 2700 West
Box 141775
Salt Lake City, UT 84114-1775, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Bonnie Braegger or Steve DeMille at the above address, by phone at (801) 965-4099 or (801) 966-4370, by FAX at (801) 965-4619, or Internet E-mail at psdomain.psmain.bbraelge@state.ut.us.

AUTHORIZED BY: Steve DeMille, Deputy Director

EFFECTIVE: 03/04/98



**Public Safety, Peace Officer Standards
and Training
R728-411**

**Guidelines Regarding Administrative
Action Taken Against Individuals
Functioning As Peace Officers Without
Peace Officer Certification Or Powers**

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE No.: 20832
FILED: 03/04/98, 12:30
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53-6-105(k) gives the Director of Peace Officer Standards and Training (POST) rulemaking authority.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is deemed necessary by the Director of Peace Officer Standards and Training (POST) as per Subsection 53-6-105(k).

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety
Peace Officer Standards and Training
4525 South 2700 West
Box 141775
Salt Lake City, UT 84114-1775, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Bonnie Braegger or Steve DeMille at the above address, by phone at (801) 965-4099 or (801) 966-4370, by FAX at (801) 965-4619, or Internet E-mail at psdomain.psmain.bbraelge@state.ut.us.

AUTHORIZED BY: Steve DeMille, Deputy Director

EFFECTIVE: 03/04/98

Public Safety, Peace Officer Standards and Training
R728-504
Regional Training

Public Safety, Peace Officer Standards and Training
R728-502
Procedure for POST Instructor Certification

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE NO.: 20833
FILED: 03/04/98, 12:30
RECEIVED BY: NL

DAR FILE NO.: 20834
FILED: 03/04/98, 12:30
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53-6-105(k) gives the Director of Peace Officer Standards and Training (POST) rulemaking authority.

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53-6-105(k) gives the Director of Peace Officer Standards and Training (POST) rulemaking authority.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is deemed necessary by the Director of Peace Officer Standards and Training (POST) as per Subsection 53-6-105(k).

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is deemed necessary by the Director of Peace Officer Standards and Training (POST) as per Subsection 53-6-105(k).

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety
Peace Officer Standards and Training
4525 South 2700 West
Box 141775
Salt Lake City, UT 84114-1775, or
at the Division of Administrative Rules.

Public Safety
Peace Officer Standards and Training
4525 South 2700 West
Box 141775
Salt Lake City, UT 84114-1775, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO: Bonnie Braegger or Steve DeMille at the above address, by phone at (801) 965-4099 or (801) 966-4370, by FAX at (801) 965-4619, or Internet E-mail at psdomain.psmain.bbraegge@state.ut.us.

DIRECT QUESTIONS REGARDING THIS FILING TO: Bonnie Braegger or Steve DeMille at the above address, by phone at (801) 965-4099 or (801) 966-4370, by FAX at (801) 965-4619, or Internet E-mail at psdomain.psmain.bbraegge@state.ut.us.

AUTHORIZED BY: Steve DeMille, Deputy Director

AUTHORIZED BY: Steve DeMille, Deputy Director

EFFECTIVE: 03/04/98

EFFECTIVE: 03/04/98

Transportation, Preconstruction
R930-1
Installation of New Mailboxes and Correction of Nonconforming Mailboxes

FIVE-YEAR REVIEW NOTICE OF CONTINUATION

DAR FILE No.: 20881
FILED: 03/11/98, 13:58
RECEIVED BY: NL

NOTICE AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 27-12-133 charges the Utah Department of Transportation with protection of State highways, and what may be constructed or permitted within the right-of-way.

SUMMARY OF WRITTEN COMMENTS RECEIVED AFTER ENACTMENT OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule is necessary to control placement and type of structure permitted along highways, in highway rights-of-way, for safety reasons.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Transportation
Preconstruction
Calvin Rampton Complex
4501 South 2700 West
Box 148380
Salt Lake City, UT 84114-8380, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:
Shirley Iverson at the above address, by phone at (801) 965-4826, by FAX at (801) 965-4564, or Internet E-mail at src0fs01.siverson@state.ut.us.

AUTHORIZED BY: Thomas R. Warne, Executive Director

EFFECTIVE: 03/11/98



End of the Five-Year Review Section

NOTICES OF EXPIRED RULES

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (UTAH CODE Section 63-46a-9 (1996)). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file an extension with the Division of Administrative Rules (Division). However, if the agency fails to file either the review or the extension by the five-year anniversary date of the rule, the rule expires. Upon expiration of the rule, the Division is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule, and it must follow regular rulemaking procedures to replace the rule if necessary.

The rules listed below were *not* reviewed in accordance with Section 63-46a-9 (1996). These rules have expired and have been removed from the *Utah Administrative Code*.

The expiration of administrative rules for failure to comply with the five-year review requirement is governed by UTAH CODE Subsection 63-46a-9(8) (1996).

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 20922: R414-13x. Section V of all Medicaid Provider Manuals: "Provider Compliance".

Enacted: 07/01/87 (No. 8845, Filed 05/05/87 at 5:00 p.m., Published 05/15/87)

Five-Year Review: 11/15/92 (No. 13550, Filed 10/15/92 at 12:42 p.m., Published 11/15/92)

Five-Year Review Extension: 11/15/97 (No. 19953, Filed 09/24/97 at 10:29 a.m., Published 10/15/97)

Expired: 03/15/98

(DAR Note: This rule was in the repeal process, see DAR No. 20763, but expired before the repeal could become effective.)

Human Services

Mental Health, State Hospital

No. 20913: R525-1. Patient Records.

Enacted: 07/01/87 (No. 8845, Filed 05/05/87 at 5:00 p.m., Published 05/15/87)

Five-Year Review: 03/15/93 (No. 13774, Filed 11/16/92 at 3:32 p.m., Published 03/15/93)

Expired: 03/15/98

(DAR Note: A proposed new rule is under DAR No. 20919 in this *Bulletin*.)

No. 20914: R525-2. Patient Rights.

Enacted: 07/01/87 (No. 8845, Filed 05/05/87 at 5:00 p.m., Published 05/15/87)

Five-Year Review: 03/15/93 (No. 13775, Filed 11/16/92 at 3:35 p.m., Published 03/15/93)

Expired: 03/15/98

(DAR Note: A proposed new rule is under DAR No. 20920 in this *Bulletin*.)

No. 20915: R525-3. Treatment Procedures.

Enacted: 07/01/87 (No. 8845, Filed 05/05/87 at 5:00 p.m., Published 05/15/87)

Five-Year Review: 03/15/93 (No. 13776, Filed 11/16/92 at 3:38 p.m., Published 03/15/93)

Expired: 03/15/98

(DAR Note: A proposed new rule is under DAR No. 20921 in this *Bulletin*.)

No. 20916: R525-4. Patient Management.

Enacted: 07/01/87 (No. 8845, Filed 05/05/87 at 5:00 p.m., Published 05/15/87)

Five-Year Review: 03/15/93 (No. 13777, Filed 11/16/92 at 3:41 p.m., Published 03/15/93)

Expired: 03/15/98

No. 20917: R525-5. Patient Services.

Enacted: 07/01/87 (No. 8845, Filed 05/05/87 at 5:00 p.m., Published 05/15/87)

Five-Year Review: 03/15/93 (No. 13778, Filed 11/16/92 at 3:43 p.m., Published 03/15/93)

Expired: 03/15/98

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Agriculture and Food

Marketing and Conservation

No. 20699 (NEW): R65-11. Utah Sheep Marketing Order.

Published: February 15, 1998

Effective: March 19, 1998

Community and Economic Development

Community Development, History

No. 20528 (NEW): R212-12. Computerized Record of Cemeteries, Burial Locations and Plots, and Granting Matching Funds.

Published: January 15, 1998

Effective: March 10, 1998

Corrections

Administration

No. 20379 (AMD): R251-710. Search.

Published: January 1, 1998

Effective: March 15, 1998

Environmental Quality

Radiation Control

No. 20234 (CPR): R313-12. General Provisions.

Published: February 15, 1998

Effective: March 20, 1998

No. 20235 (CPR): R313-15. Standards for Protection Against Radiation.

Published: February 15, 1998

Effective: March 20, 1998

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 20652 (AMD): R414-10A. Transplant Services Standards.

Published: February 1, 1998

Effective: March 19, 1998

No. 20654 (AMD): R414-22. Administrative Sanction Procedures and Regulations.

Published: February 1, 1998

Effective: March 19, 1998

No. 20655 (REP): R414-30. Bureau of Facility Management Policy and Procedures Manual Part B, Hospital Preadmission and Continued Stay Review.

Published: February 1, 1998

Effective: March 19, 1998

No. 20656 (REP): R414-36. Bureau of Facility Management Policy and Procedures Manual.

Published: February 1, 1998

Effective: March 19, 1998

Health Data Analysis

No. 20192 (NEW): R428-11. Health Data Authority Ambulatory Surgical Data Reporting Rule.

Published: November 15, 1997

Effective: March 15, 1998

Human Services

Administration, Administrative Services, Licensing

No. 20179 (NEW): R501-17. Adult Foster Care Standards.

Published: November 15, 1997

Effective: March 15, 1998

Recovery Services

No. 20723 (AMD): R527-300. Income Withholding.

Published: February 15, 1998

Effective: March 18, 1998

No. 20724 (AMD): R527-301. Non IV-D Income Withholding.

Published: February 15, 1998

Effective: March 18, 1998

No. 20725 (AMD): R527-475. State Tax Refund Intercept.

Published: February 15, 1998

Effective: March 18, 1998

Natural Resources

Oil, Gas and Mining; Coal

No. 20189 (AMD): R645-100-200. Definitions.

Published: November 15, 1997

Effective: March 15, 1998

No. 20190 (AMD): R645-301-500. Engineering.
Published: November 15, 1997
Effective: March 15, 1998

No. 20191 (AMD): R645-301-700. Hydrology.
Published: November 15, 1997
Effective: March 15, 1998

Water Resources

No. 20722 (AMD): R653-2. Financial Assistance from the Board of Water Resources.
Published: February 15, 1998
Effective: March 18, 1998

No. 20694 (AMD): R653-4. Investigation Account.
Published: February 15, 1998
Effective: March 18, 1998

No. 20717 (NEW): R653-8. Flaming Gorge Water Right Segregation.
Published: February 15, 1998
Effective: March 23, 1998

Wildlife Resources

No. 20700 (AMD): R657-43. General Season Landowner Deer Permits.
Published: February 15, 1998
Effective: March 18, 1998

Public Safety

Fire Marshal

No. 20712 (AMD): R710-2. Rules Pursuant to the Utah Fireworks Act.
Published: February 15, 1998
Effective: March 18, 1998

No. 20713 (AMD): R710-3. Residential Care and Assisted Living Facilities.
Published: February 15, 1998
Effective: March 18, 1998

No. 20714 (AMD): R710-4. Buildings Under the Jurisdiction of the State Fire Prevention Board.
Published: February 15, 1998
Effective: March 18, 1998

No. 20715 (AMD): R710-6. Liquefied Petroleum Gas Rules.
Published: February 15, 1998
Effective: March 18, 1998

No. 20716 (AMD): R710-8. Day Care Rules.
Published: February 15, 1998
Effective: March 18, 1998

Highway Patrol

No. 20698 (AMD): R714-550. Rule for Spending Fees Generated by the Reinstatement of Driver Licenses.
Published: February 15, 1998
Effective: March 24, 1998

Tax Commission

Property Tax

No. 20649 (AMD): R884-24P-7. Assessment of Mining Properties Pursuant to Utah Code Ann. Section 59-2-201.
Published: February 1, 1998
Effective: March 10, 1998

Transportation

Preconstruction

No. 20544 (R&R): R930-5. Implementation of Agreements, Participation, Maintenance and Public Notice Responsibilities Relating to Railway-Highway Projects.
Published: January 15, 1998
Effective: March 11, 1998

End of the Rule Effective Dates Section

RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all changes to Utah's administrative rules from January 2, 1998, to the present (current as of March 24, 1998). The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

NOTE: A copy of the indexes is available for public inspection at the Division of Administrative Rules. The indexes may also be obtained by calling UtahBBS, the State of Utah's Bulletin Board System, at (801) 538-3383, or toll-free within Utah at (800) 882-4638. (**Please note:** the toll-free number to access the bulletin board will be disconnected as of April 15, 1998.) A computer, a modem, and a communications software package are required to access UtahBBS. Set communications software to 8 data bits, no parity, and 1 stop bit. The indexes are located under the "Administrative Rules Conference" (conference 9), in the "Indexes--Current" option (7).

UtahBBS may also be accessed over the Internet with a telnet client (the client must support download capabilities if downloading information is desired), or with a World Wide Web client (such as Mosaic or Netscape). The telnet address is bbs.state.ut.us; the web address is <http://web.state.ut.us/its/bbs.htm>.

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

| | |
|--------------------------------|--|
| AMD = Amendment | NSC = Nonsubstantive rule change |
| CPR = Change in proposed rule | REP = Repeal |
| EMR = Emergency rule (120 day) | R&R = Repeal and reenact |
| NEW = New rule | * = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i> |
| 5YR = Five-Year Review | |
| EXD = Expired | |

| CODE REFERENCE | TITLE | FILE NUMBER | ACTION | EFFECTIVE DATE | BULLETIN ISSUE/PAGE |
|---|--|----------------|--------|-------------------|------------------------|
| ADMINISTRATIVE SERVICES | | | | | |
| <u>Administration</u> | | | | | |
| R13-3 | American With Disabilities Act Grievance Procedures | 20631 | 5YR | 01/08/98 | 98-3/89 |
| <u>Facilities Construction and Management</u> | | | | | |
| R23-4 | Suspension/Debarment From Consideration for Award of State Contracts | 20702 | 5YR | 01/28/98 | 98-4/128 |
| R23-5 | Contingency Funds | 20703 | 5YR | 01/28/98 | 98-4/128 |
| R23-6 | Value Engineering and Life Cycle Costing of State Owned Facilities Rules and Regulations | 20704 | 5YR | 01/28/98 | 98-4/129 |
| R23-7 | Utah State Building Board Policy Statement Master Planning | 20705 | 5YR | 01/28/98 | 98-4/129 |
| R23-8 | Planning Fund Use | 20706 | 5YR | 01/28/98 | 98-4/130 |

| CODE REFERENCE | TITLE | FILE NUMBER | ACTION | EFFECTIVE DATE | BULLETIN ISSUE/PAGE |
|--|---|-------------|--------|----------------|---------------------|
| R23-9 | Building Board State/Local Cooperation Policy | 20707 | 5YR | 01/28/98 | 98-4/130 |
| R23-10 | Naming of State Buildings | 20708 | 5YR | 01/28/98 | 98-4/131 |
| R23-11 | Facilities Allocation and Sale Procedures | 20709 | 5YR | 01/28/98 | 98-4/131 |
| R23-21 | Division of Facilities Construction and Management Lease Procedures | 20710 | 5YR | 01/28/98 | 98-4/132 |
| R23-24 | Capital Projects Utilizing Non-appropriated Funds | 20711 | 5YR | 01/28/98 | 98-4/132 |
| AGRICULTURE AND FOOD | | | | | |
| <u>Animal Industry</u> | | | | | |
| R58-19 | Compliance Procedures | 20279 | NEW | 01/05/98 | 97-24/12 |
| <u>Marketing and Conservation</u> | | | | | |
| R65-11 | Utah Sheep Marketing Order | 20699 | NEW | 03/19/98 | 98-4/8 |
| <u>Plant Industry</u> | | | | | |
| R68-15 | Quarantine Pertaining to Japanese Beetle, (Popillia Japonica) | 20838 | 5YR | 03/05/98 | 98-7/72 |
| R68-19 | Compliance Procedures | 20280 | NEW | 01/15/98 | 97-24/13 |
| <u>Regulatory Services</u> | | | | | |
| R70-201 | Compliance Procedures | 20281 | NEW | 01/15/98 | 97-24/14 |
| COMMERCE | | | | | |
| <u>Occupational and Professional Licensing</u> | | | | | |
| R156-3a | Architect Licensing Act Rules | 20200 | AMD | see CPR | 97-23/4 |
| R156-3a | Architect Licensing Act Rules | 20200 | CPR | 02/18/98 | 98-2/79 |
| R156-17a | Pharmacy Practice Act Rules | 20492 | AMD | 02/24/98 | 98-1/3 |
| R156-22 | Professional Engineers and Professional Land Surveyors Licensing Act Rules | 20696 | 5YR | 01/27/98 | 98-4/133 |
| R156-40 | Recreational Therapy Practice Act Rules | 20697 | 5YR | 01/27/98 | 98-4/133 |
| R156-54 | Radiology Technologist and Radiology Practical Technician Licensing Act Rules | 20173 | AMD | see CPR | 97-22/12 |
| R156-54 | Radiology Technologist and Radiology Practical Technician Licensing Act Rules | 20173 | CPR | 02/03/98 | 98-1/199 |
| R156-55a | Utah Construction Trades Licensing Act Rules | 20650 | AMD | 03/05/98 | 98-3/23 |
| R156-59 | Employee Leasing Company Act Rules | 20701 | 5YR | 01/27/98 | 98-4/134 |
| R156-60b | Marriage and Family Therapist Licensing Act Rules | 20581 | AMD | 02/18/98 | 98-2/18 |
| R156-60c | Professional Counselor Licensing Act Rules | 20359 | AMD | 02/03/98 | 98-1/6 |
| R156-60d | Substance Abuse Counselor Act Rules | 20273 | AMD | 01/15/98 | 97-24/16 |
| R156-61 | Psychologist Licensing Act Rules | 20342 | AMD | 02/03/98 | 98-1/10 |
| <u>Real Estate</u> | | | | | |
| R162-107 | Unprofessional Conduct | 20625 | NEW | 03/04/98 | 98-2/22 |

RULES INDEX

| CODE REFERENCE | TITLE | FILE NUMBER | ACTION | EFFECTIVE DATE | BULLETIN ISSUE/PAGE |
|--|---|-------------|--------|----------------|---------------------|
| <u>Securities</u> | | | | | |
| R164-4 | Licensing Requirements | 20679 | AMD | 03/04/98 | 98-3/31 |
| R164-5 | Broker-Dealer and Investment Adviser Books and Records | 20680 | AMD | 03/04/98 | 98-3/38 |
| R164-6-1g | Dishonest or Unethical Business Practices | 20681 | AMD | 03/04/98 | 98-3/40 |
| R164-26-6 | Consent to Service | 20682 | AMD | 03/04/98 | 98-3/44 |
| COMMUNITY AND ECONOMIC DEVELOPMENT | | | | | |
| <u>Community Development, Community Services</u> | | | | | |
| R202-100 | Community Services Block Grant Rules | 20282 | AMD | 01/15/98 | 97-24/17 |
| <u>Community Development, Fine Arts</u> | | | | | |
| R207-1 | Utah Arts Council General Program Rules | 20811 | 5YR | 02/25/98 | 98-6/77 |
| R207-2 | Policy for Donations and Loans to the State Fine Art Collection | 20812 | 5YR | 02/25/98 | 98-6/77 |
| <u>Community Development, History</u> | | | | | |
| R212-12 | Computerized Record of Cemeteries, Burial Locations and Plots, and Granting Matching Funds | 20528 | NEW | 03/10/98 | 98-2/23 |
| CORRECTIONS | | | | | |
| <u>Administration</u> | | | | | |
| R251-107 | Executions | 20160 | AMD | 01/15/98 | 97-22/16 |
| R251-112 | Americans With Disabilities Act Complaint Procedure | 20841 | 5YR | 03/06/98 | 98-7/72 |
| R251-304 | Contract Procedure | 20843 | 5YR | 03/06/98 | 98-7/73 |
| R251-703 | Vehicle Direction Station | 20196 | AMD | 01/15/98 | 97-23/6 |
| R251-707 | Legal Access | 20198 | AMD | 01/15/98 | 97-23/8 |
| R251-710 | Search | 20379 | AMD | 03/15/98 | 98-1/14 |
| EDUCATION | | | | | |
| <u>Administration</u> | | | | | |
| R277-508 | Employment of Substitute Teachers | 20899 | 5YR | 03/13/98 | 98-7/73 |
| R277-516 | Library Media Certificates and Programs | 20657 | 5YR | 01/14/98 | 98-3/89 |
| R277-518 | Vocational-Technical Certificates | 20658 | 5YR | 01/14/98 | 98-3/90 |
| R277-600 | Student Transportation Standards and Policies | 20659 | 5YR | 01/14/98 | 98-3/90 |
| R277-605 | Extracurricular Student Activities | 20660 | 5YR | 01/14/98 | 98-3/91 |
| R277-606 | Interschool Competitive Sports in High School | 20661 | 5YR | 01/14/98 | 98-3/91 |
| R277-610 | Released-Time Classes for Religious Instruction | 20662 | 5YR | 01/14/98 | 98-3/91 |
| R277-615 | Foreign Exchange Students | 20663 | 5YR | 01/14/98 | 98-3/92 |
| R277-700 | The Elementary and Secondary School Core Curriculum and High School Graduation Requirements | 20664 | 5YR | 01/14/98 | 98-3/92 |
| R277-701 | Values Education | 20665 | 5YR | 01/14/98 | 98-3/93 |
| R277-702 | Procedures for the Utah General Educational Developmental Certificate | 20666 | 5YR | 01/14/98 | 98-3/93 |

| CODE REFERENCE | TITLE | FILE NUMBER | ACTION | EFFECTIVE DATE | BULLETIN ISSUE/PAGE |
|---|--|-------------|--------|----------------|---------------------|
| R277-709 | Education Programs Serving Youth in Custody | 20667 | 5YR | 01/14/98 | 98-3/94 |
| R277-710 | Accelerated Learning Programs | 20668 | 5YR | 01/14/98 | 98-3/94 |
| R277-716 | Alternative Language Services (ALS) | 20669 | 5YR | 01/14/98 | 98-3/94 |
| R277-718 | Utah Career Teaching Scholarship Program | 20670 | 5YR | 01/14/98 | 98-3/95 |
| R277-721 | Deadline for CACFP Sponsor Participation in Food Distribution Program | 20671 | 5YR | 01/14/98 | 98-3/95 |
| R277-722 | Withholding Payments and Commodities in the CACFP | 20672 | 5YR | 01/14/98 | 98-3/96 |
| R277-730 | Alternative High School Curriculum | 20673 | 5YR | 01/14/98 | 98-3/96 |
| R277-732 | Community Education | 20674 | 5YR | 01/14/98 | 98-3/97 |
| R277-740 | Subchapter One of the Education Improvement and Consolidation Act of 1981 | 20900 | 5YR | 03/13/98 | 98-7/74 |
| R277-746 | Driver Education Programs for Utah Schools | 20901 | 5YR | 03/13/98 | 98-7/74 |
| R277-747 | Private School Student Driver Education | 20902 | 5YR | 03/13/98 | 98-7/74 |
| R277-751 | Special Education Extended School Year | 20903 | 5YR | 03/13/98 | 98-7/75 |
| R277-912 | Standards and Procedures for Post-Secondary Applied Technology Education Accreditation | 20904 | 5YR | 03/13/98 | 98-7/75 |
| <u>Applied Technology Education (Board for), Rehabilitation</u> | | | | | |
| R280-200 | Rehabilitation | 20905 | 5YR | 03/13/98 | 98-7/76 |
| ENVIRONMENTAL QUALITY | | | | | |
| <u>Air Quality</u> | | | | | |
| R307-1-1 | Foreword and Definitions | 20096 | AMD | 01/08/98 | 97-21/4 |
| R307-1-1 | Foreword and Definitions | 20202 | AMD | 01/08/98 | 97-23/10 |
| R307-1-3 | Control of Installations | 20219 | AMD | 02/05/98 | 97-23/20 |
| R307-1-3 | Control of Installations | 20740 | NSC | 02/05/98 | Not Printed |
| R307-2-12 | Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide | 20099 | AMD | 01/08/98 | 97-21/14 |
| R307-8-3 | Average Oxygen Content Standard | 20100 | AMD | 01/08/98 | 97-21/15 |
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| R309-105 | Quantity Requirements | 20789 | EXD | 02/01/98 | 98-5/80 |
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| R986-417 | Documentation | 20208 | CPR | 02/03/98 | 98-1/120 |
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ABBREVIATIONS

| | |
|--------------------------------|--|
| AMD = Amendment | NSC = Nonsubstantive rule change |
| CPR = Change in proposed rule | REP = Repeal |
| EMR = Emergency rule (120 day) | R&R = Repeal and reenact |
| NEW = New rule | * = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i> |
| 5YR = Five-Year Review | |
| EXD = Expired | |

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| | 20219 | R307-1-3 | AMD | 02/05/98 | 97-23/20 |
| | 20740 | R307-1-3 | NSC | 02/05/98 | Not Printed |
| | 20099 | R307-2-12 | AMD | 01/08/98 | 97-21/14 |
| | 20100 | R307-8-3 | AMD | 01/08/98 | 97-21/15 |
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| | 20523 | R527-430 | NEW | 02/05/98 | 98-1/68 |
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| | 20293 | R309-109 | REP | 03/01/98 | 97-24/47 |
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| Natural Resources, Water Resources | 20593 | R653-5 | AMD | 02/18/98 | 98-2/60 |
| <u>WELFARE</u> | | | | | |
| Human Services, Recovery Services | 20647 | R527-3 | 5YR | 01/12/98 | 98-3/104 |
| <u>WILDLIFE</u> | | | | | |
| Natural Resources, Wildlife Resources | 20241 | R657-3 | AMD | 01/15/98 | 97-24/95 |
| | 20243 | R657-37 | AMD | 01/15/98 | 97-24/104 |
| | 20244 | R657-38 | AMD | 01/15/98 | 97-24/105 |
| | 20700 | R657-43 | AMD | 03/18/98 | 98-4/90 |
| <u>WIND POWER</u> | | | | | |
| Natural Resources, Energy and Resource Planning | 20678 | R637-1 | NEW | 03/05/98 | 98-3/73 |
| <u>YOUTH CORRECTIONS</u> | | | | | |
| Human Services, Recovery Services | 20520 | R527-550 | AMD | 02/11/98 | 98-1/70 |
| <u>ZONING</u> | | | | | |
| Administrative Services, Facilities Construction and Management | 20707 | R23-9 | 5YR | 01/28/98 | 98-4/130 |