

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed May 15, 1999, 12:00 a.m. through June 1, 1999, 11:59 p.m.

Number 99-12
June 15, 1999

Kenneth A. Hansen, Director
Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is the official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63-46a-10, *Utah Code Annotated* 1953.

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.state.ut.us/>

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)*. The *Bulletin* and *Digest* are printed and distributed semi-monthly by Legislative Printing. Annual subscription rates (24 issues) are \$150 for the *Bulletin* and \$35 for the *Digest*. Inquiries concerning subscription, billing, or changes of address should be addressed to:

LEGISLATIVE PRINTING
PO BOX 140107
SALT LAKE CITY, UT 84114-0107
(801) 538-1103
FAX (801) 538-1728

ISSN 0882-4738

TABLE OF CONTENTS

1. SPECIAL NOTICES

Governor's Proclamation: Calling the Fifty-Third Legislature into a Third Extraordinary Session (Senate only)	1
Executive Order: Policy on Domestic Violence with the Workplace	1
Executive Order: Formation of the Utah Electronic Commerce Council	3

2. NOTICES OF PROPOSED RULES

Administrative Services

Records Committee

No. 22069 (New): R35-2. Declining Appeal Hearings	6
No. 22070 (New): R35-3. Prehearing Conferences	7
No. 22071 (New): R35-4. Compliance with State Records Committee Decisions and Orders	8
No. 22072 (New): R35-5. Subpoenas Issued by the Records Committee	9
No. 22073 (New): R35-6. Expedited Hearing	10

Commerce

Occupational and Professional Licensing

No. 22084 (Amendment): R156-55a. Utah Construction Trades Licensing Act Rules	11
No. 22085 (Amendment): R156-60a. Social Worker Licensing Act Rules	22

Real Estate

No. 22060 (Amendment): R162-101-2. Definitions	25
No. 22061 (Amendment): R162-102. Licensing Procedures	27
No. 22062 (Amendment): R162-103. Appraisal Education Requirements for Prelicense and Continuing Education Course, School and Instructor Certification	29
No. 22063 (Amendment): R162-104. Experience Requirement	33
No. 22064 (New): R162-105. Scope of Authority	36
No. 22065 (Amendment): R162-106. Professional Conduct	37
No. 22066 (Amendment): R162-107. Unprofessional Conduct	39
No. 22067 (Amendment): R162-109. Administrative Proceedings	40

Education

Administration

No. 22097 (Amendment): R277-462. Comprehensive Guidance Program	42
No. 22098 (Amendment): R277-709. Education Programs Serving Youth in Custody	44

TABLE OF CONTENTS

No. 22099 (Amendment): R277-746. Driver Education Programs for Utah Schools 45

No. 22100 (New): R277-916. Technology, Life, and Careers, and Work-Based Learning Programs 46

Environmental Quality

Environmental Response and Remediation

No. 22074 (Amendment): R311-200-1. Definitions 48

No. 22075 (Amendment): R311-205-2. Site Assessment Protocol 51

Radiation Control

No. 22077 (Amendment): R313-16. General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines 55

No. 22078 (Amendment): R313-28. Use of X-Rays in the Healing Arts 57

No. 22079 (Amendment): R313-30. Therapeutic Radiation Machines 64

No. 22080 (Amendment): R313-35. Requirements for X-Ray Equipment Used for Non-Medical Applications 66

No. 22081 (Amendment): R313-70. Payments, Categories and Types of Fees 68

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 22068 (Amendment): R414-305. Resources 74

Human Services

Administration, Administrative Hearings

No. 22059 (Amendment): R497-100. Adjudicative Proceedings 79

Recovery Services

No. 22090 (Repeal): R527-69. State and Federal Parent Locator Services 80

Insurance

Administration

No. 22082 (Amendment): R590-190. Unfair Property, Liability and Title Claims Settlement Practices Rule 81

Natural Resources

Parks and Recreation

No. 22058 (Amendment): R651-206. Carrying Passengers for Hire 85

Wildlife Resources

No. 22076 (Amendment): R657-5. Taking Big Game 87

Tax Commission

Auditing

No. 22094 (Amendment): R865-19S-106. Tourism Marketing Performance Fund Pursuant to Utah Code Ann. Section 9-2-1702 and 9-2-1703 91

No. 22095 (Amendment): R865-19S-107. Reporting of Exempt Sales or Purchases Pursuant to Utah Code Ann. Section 59-12-105 92

Property Tax	
No. 22096 (Amendment): R884-24P-50. Apportioning the Utah Proportion of Commercial Aircraft Valuations Pursuant to Utah Code Ann. Subsection 59-2-201(1)(c) and Section 59-2-801	93
<u>Workforce Services</u>	
Employment Development	
No. 22093 (Amendment): R986-221. Demonstration Programs	94
3. NOTICES OF CHANGES IN PROPOSED RULES	
<u>Insurance</u>	
Administration	
No. 21942: R590-102. Insurance Department Fee Payment Deadlines	98
No. 21965: R590-192. Unfair Health Claims Settlement Practices Rule	100
4. FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION	
<u>Insurance</u>	
Administration	
No. 22086: R590-93. Replacement of Life Insurance and Annuities	103
No. 22087: R590-98. Unfair Practice in Payment of Life Insurance and Annuity Policy Values	103
No. 22088: R590-165. Health Benefit Plans	104
No. 22089: R590-166. Home Protection Service Contract Rule	104
5. NOTICES OF RULE EFFECTIVE DATES	106
6. RULES INDEX	107

SPECIAL NOTICES

PROCLAMATION

WHEREAS, since the close of the 1999 General Session of the 53rd Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, MICHAEL O. LEAVITT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Senate only of the 53rd Legislature of the State of Utah into a Third Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 16th day of June 1999, at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 1999 General Session of the 53rd Legislature of the State of Utah.

IN WITNESS WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 1st day of June 1999.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

OLENE S. WALKER
Lieutenant Governor

EXECUTIVE ORDER

WHEREAS, domestic violence is defined as a pattern of coercive tactics that can include physical, psychological, sexual, and emotional abuse, perpetrated by one person against a cohabitant, with the goal of establishing and maintaining power over the victim; and

WHEREAS, we have a general duty to provide a work environment that is safe from all forms of violence including domestic violence perpetrated within the workplace; and

WHEREAS, we must not tolerate harassment of state employees within state offices, facilities, work sites, or vehicles, or the display of violent, aggressive, or threatening behavior that results in physical or emotional injury to any employee;

SPECIAL NOTICES

NOW THEREFORE, I, Michael O. Leavitt, Governor of the State of Utah, prohibit domestic violence in each workplace in which state employees and employees of public and higher education are required to conduct business and order the director of each department in state government to establish a policy governing domestic violence in the workplace.

The policy shall contain:

- (1) a statement of zero tolerance for domestic violence in the workplace;
- (2) carefully designed procedures to protect the rights and address the needs of employees who are victims of domestic violence to include:
 - (a) establishment of safety procedures;
 - (b) protection of privacy and confidentiality;
 - (c) access to information for personal counseling or to the department Employee Assistance program where available;
 - (d) adjustments in work schedule and use of leave consistent with Department of Human Resource Management rule R477-8;
- (3) a prohibition on the use of state facilities, resources, or time to facilitate and perpetuate domestic violence;
- (4) a provision for the discipline of employees who violate this policy consistent with Department of Human Resource Management rule R477-11;
- (5) access to information for personal counseling or to the department Employee Assistance program where available for employees who are perpetrators of domestic violence and who voluntarily seek assistance;
- (6) training for managers and supervisors on prevention and appropriate response to domestic violence which disrupts the workplace;
- (7) any other provision that appears to the department director to further materially the purposes of this order.

IT IS FURTHER ORDERED that the Executive Director of the Department of Human Resource Management provide technical assistance, when requested, appropriate educational materials, and policy guidelines.

IN WITNESS WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 4th day of June 1999.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

Attest:
OLENE WALKER
Lieutenant Governor

EXECUTIVE ORDER

I, Michael O. Leavitt, Governor of the State of Utah, order the formation of Utah Electronic Commerce Council as follows:

- I. Under the direction of the Governor or the State Chief Information Office (CIO) the council or its subcommittees shall:
 - A. advise the governor and the state Chief Information Officer (CIO) with regard to the creation, management, and administration of a network to offer government services and information on the Internet;
 - B. advise the CIO with regard to administration of the contract between the state of Utah and the network manager, a private-sector contractor who will provide services to the state to manage the network;
 - C. develop prioritized lists of government services that will be deployed on the network;
 - D. review the regularly required financial and management reports from the network manager;
 - E. recommend the distribution of network revenues;
 - F. coordinate and recommend approval or disapproval of service level agreements between state agencies and the network manager for the development and deployment of applications on the network;
 - G. prepare reports upon request of the governor or the CIO for use by government or the general public with regard to the growth, performance, utilization of the network, and other measurements the council considers necessary to implement and enhance the functioning of the network;
 - H. help identify, evaluate, and prioritize potential departmental and cross-departmental applications capable of being hosted as services on the network;
 - I. serve as a central coordination point for the network and Internet initiatives by the state of Utah; and
 - J. study, propose, develop, or coordinate any other activity in furtherance of electronic commerce, as requested by the governor or the CIO.
- II. The council shall consist of 17 members as follows:
 - A. the following ex officio members:
 1. the state electronic commerce coordinator, who shall serve as chair;
 2. the state chief information officer;
 3. the director of the Department of Administrative Services or designee;
 4. the director of the Division of Information Technology Services or designee;
 5. the director of the Division of State Library or designee;
 6. the director of the Division of Archives or designee;
 7. the director of the Division of Finance or designee; and
 8. the director of the Division of Purchasing or designee; and
 - B. the following members appointed by the governor:
 1. four representatives from other state agencies;
 2. a representative of the Administrative Office of the Courts selected by the Judicial Council;
 3. three representatives of the general public; and
 4. an elected local government official.
- III. Council procedures and staffing shall be as follows:
 - A. A majority of council members constitute a quorum for voting purposes.
 - B. All action shall be by a simple majority vote of meeting attendees.
 - C. The council shall meet as often as necessary to achieve its objectives.
 - D. The authorized designee of an ex officio member may exercise the vote of the ex officio member.
 - E. The Chief Information Officer section of the Governor's Office shall provide administrative staff to the council.
 - F. The Office of the Attorney General shall provide legal counsel to the council.
- IV. The terms of office and conditions of service for council members shall be as follows:
 - A. Ex officio members shall serve until they are replaced in their respective offices.
 - B1. Each appointed member shall serve a two-year term, with the possibility of reappointment, except as provided in Subparagraphs IV.B.2 and IV.B.3.
 - B2. To achieve staggered expirations of the terms of appointed members, two of the three members representing the public under Subparagraph II.B.3 shall initially serve one-year terms, with the possibility of reappointment to regular two-year terms.
 - B3. The four appointed members representing state agencies under Subparagraph II.B.1 shall serve one-year terms, with the possibility of reappointment.

SPECIAL NOTICES

C. When a vacancy occurs in the appointed membership for any reason, the replacement shall be appointed for the unexpired term of the person being replaced.

D. Members shall serve without per diem or expenses.

IN WITNESS WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 4th day of June 1999.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

Attest:
OLENE WALKER
Lieutenant Governor

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 May 15, 1999, 12:00 a.m., and June 1, 1999, 11:59 p.m., are included in this, the June 15, 1999, 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 July 15, 1999. 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 October 13, 1999, 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.

**Administrative Services, Records
Committee
R35-2
Declining Appeal Hearings**

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 22069

FILED: 05/25/1999, 14:14

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To provide guidelines followed when declining to schedule a request for a hearing before the State Records Committee.

SUMMARY OF THE RULE OR CHANGE: Rule R35-2 outlines the procedures followed by the executive secretary of the State Records Committee when declining to schedule an appeal hearing before the State Records Committee.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-2-403(4)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Anticipated annual cost to the state budget is \$995.

❖LOCAL GOVERNMENTS: None--this filing does not create any direct costs or savings impact to local governments. Local governments will not be impacted since this rule does not create any requirements or services from local governments.

❖OTHER PERSONS: No impact--this rule does not impose any requirements or burdens on persons. The general public will not be impacted since this rule does not create any requirements or services from the public.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No impact--this rule does not impose any requirements or burdens on persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule does not create any impact on businesses--Raylene Ireland

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

Administrative Services
Records Committee
State Archives Building
PO Box 141021
Salt Lake City, UT 84114-1021, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jannette S. Goodall at the above address, by phone at (801) 538-3052, by FAX at (801) 538-3354, or by Internet E-mail at asitmain.jgoodall@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 07/14/1999, 1:30 p.m., State Capitol Building, Room 225, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Jeffery O. Johnson, State Archivist

R35. Administrative Services, Records Committee.

R35-2. Declining Appeal Hearings.

R35-2-1. Authority and Purpose.

In accordance with Section 63-2-504 and Subsection 63-2-403(4), Utah Code, this rule establishes the procedure for denial of claims by the executive secretary of the Records Committee.

R35-2-2. Definitions.

In addition to terms defined in Section 63-2-102, Utah Code, the following apply to this rule:

(a) "Executive Secretary" means the individual appointed annually as required in Subsection 63-2-502(3), Utah Code.

(b) "Committee" means the State Records Committee in accordance with Section 63-2-501, Utah Code.

(c) "Hearing" means a meeting by the committee to hear an appeal of a records decision by a government entity in accordance with Section 63-2-403, Utah Code.

R35-2-3. Declining Requests for Hearings.

(a) In order to decline a request for a hearing under Subsection 63-2-403(4), the Executive Secretary shall consult with the chair of the Committee and at least one other member of the Committee as selected by the chair.

(b) The Executive Secretary shall organize and disseminate all relevant information and documents to members of the entire committee, including a copy of the appeal and the previous order of the Committee holding the records series at issue appropriately classified.

(c) The two members of the Committee must both agree with the Executive Secretary's recommendation to decline to schedule a hearing. Such a decision shall consider the potential for a public interest claim as may be put forward by the petitioner under the provisions of Subsection 63-2-402(11)(b), Utah Code. A copy of each decision to deny a hearing shall be signed and retained in the file.

(d) The Executive Secretary's notice to the petitioner indicating that the request for hearing has been denied, as provided for in Subsection 63-2-403(4)(ii), Utah Code, shall include a copy of the previous order of the Committee holding the records series at issue appropriately classified.

(e) The Executive Secretary shall notify the members of the entire Committee each time an appeal hearing is denied. Such notices shall include a copy of the petitioner's appeal and the previous order of the Committee holding the records series at issue appropriately classified. Any Committee member may request that a discussion of the Executive Secretary's decision be placed on the agenda for the next regularly scheduled Committee meeting.

(f) The Executive Secretary shall report on each of the hearings declined at each regularly scheduled meeting of the Committee in order to provide a public record of the actions taken.

(g) If a Committee member has requested a discussion to reconsider the decisions to decline a hearing, the Committee may, after discussion and by a majority vote, choose to reverse the decision of the Executive Secretary and hold a hearing. Any discussion of reconsideration shall be limited to those Committee members then present, and shall be based only on two questions: (1) whether the records being requested were covered by a previous order of the Committee, and/or (2) whether the petitioner has, or is likely to, put forth a public interest claim. Neither the petitioner nor the agency whose records are requested shall be heard at this time. If the Committee votes to hold a hearing, the Executive Secretary shall schedule it on the agenda of the next regularly scheduled Committee meeting.

(h) The Executive Secretary shall compile and include in an annual report to the Committee a complete documented list of all hearings held and all hearings declined.

KEY: government documents, state records committee, records appeal hearings 1999 **63-2-403(4)**

◆ **Administrative Services, Records
Committee
R35-3
Prehearing Conferences** ◆

NOTICE OF PROPOSED RULE

(New)
DAR FILE NO.: 22070
FILED: 05/25/1999, 14:14
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To provide guidelines followed for prehearing conferences between the State Records Committee chair, a representative of the governmental entity and the petitioner. The purpose is to encourage communication between the parties and to facilitate the hearings.

SUMMARY OF THE RULE OR CHANGE: Rule R35-3 outlines the procedures followed during prehearing conferences regarding appeal hearings before the State Records Committee.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-2-502(2)(a)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Anticipated annual cost to the state budget is \$106.

❖LOCAL GOVERNMENTS: None--this filing does not create any direct costs or savings impact to local governments. Local governments will not be impacted since this rule does not create any requirements or services from local governments.

❖OTHER PERSONS: No impact--this rule does not impose any requirements or burdens on persons. The general public will not be impacted since this rule does not create any requirements or services from the public.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No impact--this rule does not impose any requirements or burdens on persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule does not create any impact on businesses--Raylene Ireland

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

Administrative Services
Records Committee
State Archives Building
PO Box 141021
Salt Lake City, UT 84114-1021, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jannette S. Goodall at the above address, by phone at (801) 538-3052, by FAX at (801) 538-3354, or by Internet E-mail at asitmain.jgoodall@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 07/14/1999, 1:30 p.m., State Capitol Building, Room 225, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Jeffery O. Johnson, State Archivist

R35. Administrative Services, Records Committee.

R35-3. Prehearing Conferences.

R35-3-1. Authority and Purpose.

In accordance with the general objectives of the Government Records Access and Management Act in facilitating access to records, and in keeping with the objectives of hearing procedures found in Section 63-2-403, Utah Code, to resolve disputes, this rule authorizes and establishes the procedure for holding prehearing conferences.

R35-3-2. Definitions.

In addition to terms defined in Section 63-2-103, Utah Code, and in rule Section R35-2-2 of the Utah Administrative Code, the following terms apply:

(a) "Prehearing" means a meeting by one or more members of the State Records committee to explore issues and facilitate settlement of a records dispute involving a government entity prior to the completion of efforts to resolve such disputes through an official appeals process.

R35-3-3. Scheduling Prehearing Conferences.

(a) In the process of planning and organizing efforts to execute appeals which are filed pursuant to Section 63-2-403, the chair of the state records committee, at his or her discretion, may direct the disputing parties to appear before him or her, in person or telephonically, for a prehearing conference, to be held before any official appeals hearing, for such purposes as:

(1) encouraging exploration of areas of agreement, including stipulations; or

(2) facilitating settlement of the appeal.

(b) In the event that the issue, or issues scheduled for an appeals hearing are resolved at a prehearing conference, the committee chair shall report the settlement to the entire records committee at the next scheduled meeting for the purposes of creating a public record. Any stipulations shall be written and presented to the members of the records committee at the hearing.

KEY: government documents, state records committee, records appeal hearings
1999

63-2-502(2)(a)

❖OTHER PERSONS: No impact--this rule does not impose any requirements or burdens on persons. The general public will not be impacted since this rule does not create any requirements or services from the public.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No impact--this rule does not impose any requirements or burdens on persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule does not create any impact on businesses--Raylene Ireland

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

Administrative Services
Records Committee
State Archives Building
PO Box 141021
Salt Lake City, UT 84114-1021, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jannette S. Goodall at the above address, by phone at (801) 538-3052, by FAX at (801) 538-3354, or by Internet E-mail at asitmain.jgoodall@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 07/14/1999, 1:30 p.m., State Capitol Building, Room 225, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Jeffery O. Johnson, State Archivist

◆

 ◆
**Administrative Services, Records
Committee**
R35-4
**Compliance with State Records
Committee Decisions and Orders**

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 22071

FILED: 05/25/1999, 14:14

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To provide guidelines followed regarding complying with the decisions and orders issued by the State Records Committee by the governmental entities.

SUMMARY OF THE RULE OR CHANGE: Rule R35-4 outlines the procedures followed by a governmental entity complying with the records committee order.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-2-502(2)(a)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Anticipated annual cost to the state budget is \$110.

❖LOCAL GOVERNMENTS: None--this filing does not create any direct costs or savings impact to local governments. Local governments will not be impacted since this rule does not create any requirements or services from local governments.

R35. Administrative Services, Records Committee.
R35-4. Compliance with State Records Committee Decisions and Orders.

R35-4-1. Authority and Purpose.

In accordance with Subsection 63-2-403(14) Utah Code, this rule intends to establish the procedure for complying with an order of the Records Committee.

R35-4-2. Definitions.

In addition to terms defined in Section 63-2-102, Utah Code, and in rule R35-2-2 of the Utah Administrative Code, the following apply to this rule:

(a) "Order" means the Decision and Order issued by the State Records Committee in accordance with Subsection 63-2-403(11), Utah Code.

R35-4-3. Notices of Compliance.

(a) The executive secretary of the state records committee shall send an order of the state records committee by certified mail to the governmental entity ordered to produce records.

(b) Pursuant to Subsection 63-2-403(14), Utah Code, each governmental entity ordered to produce records by the records committee, shall file with the state records committee either a notice of compliance, or a copy of the appellant's notice of appeal of the records committee order, no later than the thirtieth day following the date of the state records committee order.

(c) The notice of compliance shall contain a statement, signed by the head of the governmental entity, that the records ordered to be produced have been delivered to the petitioner, and the method and date of delivery.

(d) In the event a governmental entity fails to file a notice of compliance or a copy of the appellants notice of appeal of the records committee order within the time frame specified, the state records committee shall send written notice of the entity's noncompliance to the governor for executive branch agencies, to the Legislative Management Committee for legislative branch entities, to the Judicial Council for judicial branch entities, and to the mayor or chief executive officer of a local government for local or regional governmental entities.

(e) The state records committee may also impose a civil penalty of up to \$500 for each day of continuing noncompliance, but only after holding a discussion of the matter at issue, and obtaining a majority vote at a regularly scheduled committee meeting. The non-complying governmental entity shall be heard at that meeting, with discussion being limited specifically to reasons for the neglectful, willful, or intentional act. Any civil penalty imposed shall be retroactive to the first date of noncompliance.

KEY: government documents, state records committee, records appeal hearings 1999 **63-2-502(2)(a)**



Administrative Services, Records Committee
R35-5
Subpoenas Issued by the Records Committee

NOTICE OF PROPOSED RULE
(New)
DAR FILE NO.: 22072
FILED: 05/25/1999, 14:14
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To provide guidelines followed in requesting subpoenas issued by the State Records Committee.

SUMMARY OF THE RULE OR CHANGE: Rule R35-5 outlines the procedures followed by the petitioner when requesting a subpoena be issued by the State Records Committee. In addition, the rule outlines the procedures followed by the

State Records Committee chair when granting or denying the request for subpoena.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-2-502(2)(a)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Anticipated annual cost to the state budget is \$63.

❖LOCAL GOVERNMENTS: None--this filing does not create any direct costs or savings impact to local governments. Local governments will not be impacted since this rule does not create any requirements or services from local governments.

❖OTHER PERSONS: No impact--this rule does not impose any requirements or burdens on persons. The general public will not be impacted since this rule does not create any requirements or services from the public.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No impact--this rule does not impose any requirements or burdens on persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule does not create any impact on businesses--Raylene Ireland

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

Administrative Services
Records Committee
State Archives Building
PO Box 141021
Salt Lake City, UT 84114-1021, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jannette S. Goodall at the above address, by phone at (801) 538-3052, by FAX at (801) 538-3354, or by Internet E-mail at asitmain.jgoodall@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 07/14/1999, 1:30 p.m., State Capitol Building, Room 225, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Jeffery O. Johnson, State Archivist

R35. Administrative Services, Records Committee.
R35-5. Subpoenas Issued by the Records Committee.
R35-5-1. Authority and Purpose.

In accordance with Subsection 63-2-403(10), Utah Code, this rule intends to establish the procedures for issuing subpoenas by the Records Committee.

R35-5-2. Definitions.

In addition to terms defined in Section 63-2-102, Utah Code, and in rule Section R35-2-2 of the Utah Administrative Code, the following apply to this rule:

(a) "Order" means the Decision and Order issued by the State Records Committee as provided by Subsection 63-2-403(11), Utah Code.

(b) "Subpoena" means a written order requiring appearance before the State Records Committee to give testimony in accordance with Section 63-2-403, Utah Code.

R35-5-3. Subpoenas.

(a) In order to initiate a request for subpoena, a party shall file a written request with the chair of the state records committee at least 14 business days prior to a hearing. The request shall describe the purpose for which the subpoena is sought, and state specifically why, given that hearsay is available before the state records committee, the individual being subpoenaed must be present.

(b) The chair of the state records committee shall review each subpoena request and grant or deny the request within three business days, based on the following considerations:

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

(2) a weighing of the burden to the witness against the need to have the witness present.

(c) If the chair grants the request, the requesting party may obtain a subpoena form, signed, but otherwise in blank, from the executive secretary of the state records committee. The requesting party shall fill out the subpoena and have it served upon the proposed witness at least seven business days prior to a hearing.

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

(e) A subpoenaed witness may file a motion to quash the subpoena with the executive secretary at least three business days prior to the hearing at which the witness has been ordered to be present, and shall simultaneously transmit a copy of that motion to the parties. Such motion shall include the reasons for quashing the subpoena, and shall be granted or denied based on the same considerations as outlined in Subsection R35-5-3(b)(2). As part of the motion to quash, the witness must indicate whether a hearing on the motion is requested. If a hearing is requested, it shall be granted. All parties to the appeal have a right to be present at the hearing. The hearing must occur prior to the appeal hearing, and shall be heard by the committee chair. The hearing may be in person, or by telephone, as determined by the committee chair. A decision on the motion to quash shall be rendered prior to the appeal hearing.

(f) If the chair denies the request for subpoena, the denial is final and unreviewable.

KEY: government documents, state records committee, records appeal hearings
1999 **63-2-502(2)(a)**

◆ _____ ◆

Administrative Services, Records
Committee
R35-6
Expedited Hearing

NOTICE OF PROPOSED RULE

(New)

DAR FILE No.: 22073

FILED: 05/25/1999, 14:14

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To provide guidelines followed when declining to schedule a request for a hearing before the State Records Committee.

SUMMARY OF THE RULE OR CHANGE: Rule R35-6 outlines the procedures followed for requesting and scheduling an expedited hearing.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-2-502(2)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Anticipated annual cost to the state budget is \$53.

❖LOCAL GOVERNMENTS: None--this filing does not create any direct costs or savings impact to local governments. Local governments will not be impacted since this rule does not create any requirements or services from local governments.

❖OTHER PERSONS: No impact--this rule does not impose any requirements or burdens on persons. The general public will not be impacted since this rule does not create any requirements or services from the public.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No impact--this rule does not impose any requirements or burdens on persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule does not create any impact on businesses--Raylene Ireland

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

Administrative Services
Records Committee
State Archives Building
PO Box 141021
Salt Lake City, UT 84114-1021, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jannette S. Goodall at the above address, by phone at (801) 538-3052, by FAX at (801) 538-3354, or by Internet E-mail at asitmain.jgoodall@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 07/14/1999, 1:30 p.m., State Capitol Building, Room 225, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Jeffery O. Johnson, State Archivist

R35. Administrative Services, Records Committee.

R35-6. Expedited Hearing.

R35-6-1. Authority and Purpose.

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

R35-6-2. Definitions.

In addition to terms defined in Section 63-2-102, Utah Code, and in rule Section R35-2-2 of the Utah Administrative Code, the following apply to this rule:

(a) "Expedited Hearing" means a meeting by the Committee to review a designation of records by a government entity in a quicker manner than in accordance with Subsection 63-2-403(4)(a).

R35-6-3. Requests for an Expedited Hearing.

(a) A party appealing a records designation to the Committee may request that a hearing be scheduled to hear the appeal prior to 14 days after the date the notice of appeal is filed by making a written request to the Executive Secretary. A copy of this request shall also be mailed to the government entity.

(b) A written request shall include the reason(s) the request is being made.

(c) The Executive Secretary shall consult with the chair of the Committee to decide whether an Expedited Hearing is warranted.

(d) The standard for granting an Expedited Hearing is "good cause shown." The chair shall take into account the reason for the request, and balance that against the burden to the Committee and the government entity.

R35-6-4. Scheduling the Expedited Hearing.

(a) In the event that an Expedited Hearing is granted, the Executive Secretary shall poll the Committee to determine a date upon which a quorum can be obtained.

(b) After settling on a date no sooner than 5 days nor later than 14 days after the notice of appeal has been filed, the Executive Secretary shall contact the petitioner and government entity and schedule the hearing.

(c) The government entity shall file its response to the appeal with the Executive Secretary, and mail a copy to the petitioner no later than three days prior to the scheduled hearing. The Executive Secretary shall make this response available to the Committee as soon as possible.

R35-6-5. Holding the Expedited Hearing.

(a) With the exception of the time frame for scheduling a hearing and providing responses, all other provisions governing

hearings under the Government Records Access and Management Act (GRAMA) shall apply to Expedited Hearings.

KEY: government documents, state records committee, records appeal hearings
1999 **63-2-502(2)**

◆

 ◆

Commerce, Occupational and
Professional Licensing

R156-55a

Utah Construction Trades Licensing
Act Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22084

FILED: 05/27/1999, 10:15

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Division needed to simplify rules, eliminate redundancy, adjust the scope of the rule to the statute and provide a penalty for contractors who do not keep their workers compensation and liability insurance in force as required by statute. Proposed changes will also allow the Division of Occupational and Professional Licensing (DOPL) to comply with the statute using existing resources.

SUMMARY OF THE RULE OR CHANGE: In Section R156-55a-102, the following definitions were deleted: "current financial statements", "experience", "owners equity", "permanent foundation", "permanent foundation construction", "pro forma", "total assets" and "working capital". The following definitions were added: "construction of a permanent foundation", "construction of utility services to close proximity of the factory built housing unit" and "site preparation". In Section R156-55a-301, the table regarding contractor classifications was deleted. Added that the classification S500 also includes athletic courts and playground installation. Revised wording in Section R156-55a-302a regarding examinations. Deleted unnecessary wording in Section R156-55a-302b regarding experience requirements. Reworded Section R156-55a-302d regarding proof of insurance and registrations. Completely revised Section R156-55a-306a regarding financial responsibility-license bonds and cash deposits. Created a new Section R156-55a-306b regarding financial responsibility and financial statements. Completely revised Section R156-55a-309 regarding monetary limits. Deleted unnecessary wording in Section R156-55a-312 regarding inactive licensure. Added Section R156-55a-401 regarding minimum penalty for failure to maintain insurance. Minor wording changes were made to Section R156-55a-501 - Unprofessional Conduct. Added a new Section R156-55a-502 - Penalty for Unlawful Conduct.

As a result of proposed changes, the upper monetary limit that can be granted based upon the type of financial statement submitted (CPA audited, reviewed, compiled or self-prepared) would be adjusted to allow higher monetary limits for less expensive CPA reviewed financials (making them equal to CPA audited financials), and lower monetary limits for CPA compiled financials because they require as much in the way of Division resources to perform a review as do self-prepared financial statements. This adjustment will enable the Division to shorten the licensing and relicensing processes. A penalty for allowing workers compensation and/or general liability insurance to lapse was added that would give protection to workers and the public. The penalty, based upon a contractor's corrective actions, could range from an indefinitely stayed suspension of licensure to an indefinite suspension of licensure until insurance coverage is reacquired and any uninsured losses are paid.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-55-101, Subsections 58-55-308(1), 58-55-301(1), 58-55-102(21), 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The fiscal impact on the state budget should be positive as applicants for licensure as a contractor submitted CPA reviewed financial statements will allow the Division's auditing resources to be utilized elsewhere. However, there will be an expense of approximately \$1,900 every other year in extra postage for the mailing of additional pages with the renewal notice. The adoption of the penalty for failure to maintain insurance could possibly result in fines benefitting the state budget.

❖LOCAL GOVERNMENTS: Changes being proposed to the rules are not applicable to local governments.

❖OTHER PERSONS: Changes being proposed could result in both a savings and a cost to applicants for licensure as a contractor and/or licensed contractors. Licensees or applicants will be able to save between \$2,500 - \$10,000 per licensing period as the difference between a CPA audited financial statement and a CPA reviewed financial statement. Licensees or applicants seeking to obtain a monetary limit above \$500,000 will no longer be able to use self-prepared financial statements and the expense of a CPA reviewed statement will range from \$500 to \$6,000 depending upon complexity of the statements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Changes being proposed could result in both a savings and a cost to applicants for licensure as a contractor and/or licensed contractors. Licensees or applicants will be able to save between \$2,500 - \$10,000 per licensing period as the difference between a CPA audited financial statement and a CPA reviewed financial statement. Licensees or applicants seeking to obtain a monetary limit above \$500,000 will no longer be able to use self-prepared financial statements and the expense of a CPA reviewed statement will range from \$500 to \$6,000 depending upon complexity of the statements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of this proposed rule amendment is to shorten the licensing and

relicensing process for contractors by encouraging them to utilize CPA reviewed financial statements rather than CPA compiled or self-prepared financials, both of which consume large amounts of division auditing resources and which delays the ultimate licensing decision. The benefit to the parties choosing the CPA reviewed financials would be a higher monetary limit as well as a quicker license review process. The division will also accept CPA reviewed financial statements for as high a monetary limit as CPA audited financial statements. The rule also provides a penalty for failure to maintain insurance beginning with a minimum 90-day stayed license suspension and defines such failure as unprofessional conduct. The fiscal impact on the state budget should be positive as applicants' submitted CPA reviewed financials will allow the Division's auditing resources to be utilized elsewhere. However, there will be an expense of approximately \$1,800 every other year in extra postage for the mailing of additional pages with the renewal notice. The adoption of the penalty for uninsured contracting could possibly result in fines benefitting the state budget. There will be no impact on local governments from adoption of these amendments. Licensees or applicants will be able to save \$2,500 - \$10,000 per licensing period as the difference between a CPA audited financial statement and a CPA reviewed financial statement. Persons seeking to obtain a monetary limit above \$500,000 will no longer be able to use self-prepared financial statements, and the expense of a CPA reviewed statement will range from a low of \$500 to \$6,000, depending upon complexity--Douglas C. Borba

THE FULL TEXT OF THIS RULE 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 RULE 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 RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/30/1999, 9:00 a.m., 160 East 300 South, North Conference Room, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: A. Gary Bowen, Division Director

**R156. Commerce, Occupational and Professional Licensing.
R156-55a. Utah Construction Trades Licensing Act Rules.
R156-55a-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 55, as defined or used in these rules:

(1) [~~"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. These statements are to be prepared in accordance with generally accepted accounting principles presented in a format approved by the division and covering a period of time ending no earlier than the last tax year end for the entity submitting the statements.~~]"Construction of a permanent foundation" as used in the context of factory built housing means the construction of a basement or a crawl space of more than 4 feet 6 inches in height, for use with a factory built housing unit, which is constructed of wood, concrete block or placed concrete.

(2) "Construction of utility services to close proximity of the factory built housing unit" means construction of gas lines, electrical conduit or wires, sewer lines and water lines from the utility source to and including the meter or meters as required. Individuals performing the above work shall meet the requirements of Subsection 58-55-305(8)(b).

(~~2~~3) "Employee", as used in Subsections 58-55-102(7) and 58-55-102(9), means an individual who is 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; or who meets any other definition of an employee established by the Industrial Commission of the state of Utah or the Internal Revenue Service of the United States government.[

~~(3) "Experience," as set forth in Subsections 58-55-302(1)(c)(ii) is defined in Section R156-55a-302b.]~~

(4) "Incidental to the performance of his licensed craft or trade" as used in Subsection 58-55-102(31) means work which:

(a) can be safely and competently performed by the specialty contractor;

(b) arises from and is directly related to work performed in the licensed specialty classification; and

(c) is substantially less in scope and magnitude when compared to the work performed or to be performed by the specialty contractor in the licensed specialty classification.

(5) "Maintenance" means the repair, replacement and refinishing of any component of an existing structure; but, does not include alteration or modification to the existing weight-bearing structural components.

(6) "Mechanical", as used in Subsections 58-55-102(12) and 58-55-102(24) means the work which may be performed by a S350 HVAC Contractor under Subsection R156-55a-301(3).[

~~(7) "Owners equity" means the difference obtained by subtracting total liabilities from total assets.~~

(8) "Permanent foundation", as used in the context of manufactured housing, means the main foundation system for the manufactured home including approved steel, wood or concrete block.

(9) "Permanent foundation construction", as used in the context of manufactured housing, means a foundation system constructed entirely of placed concrete installed around the exterior of the manufactured/mobile home which when completed will be the only source of support and attachment of the home to the ground.]

(~~10~~7) "Personal property" means, as it relates to Title 58, Chapter 56, factory built housing and modular construction, a

structure which is titled by the Motor Vehicles Division, state of Utah, and taxed as personal property.[

~~(11) "Pro Forma" means, as applied to an income statement, an income statement using best estimates of the revenues, expenses and other entries on the statement. The format for the statement shall be that generally accepted for such a statement and shall cover a future period of not less than one year.~~

~~(12) "Total assets" means the total of current assets, plant and equipment, and any other tangible assets listed on the balance sheet. It does not include "good will" or other intangible assets.]~~

(8) "Site preparation" as used in the context of factory built housing means excavating of the ground in the area where a basement is to be constructed and the back filling and grading around the basement.

(~~13~~9) "Unprofessional conduct" defined in Title 58, Chapters 1 and 55, is further defined in accordance with Subsection 58-1-203(5) in Section R156-55a-501.[

~~(14) "Working capital" means the difference obtained by subtracting current liabilities from current assets.]~~

R156-55a-301. License Classifications - Scope of Practice.

(1) [~~Licenses shall be issued in the license classifications or subclassifications set forth in Subsection (2) of this section. A person licensed in any primary classification shall be qualified and permitted to perform the work defined under any license subclassification of that primary classification. A person licensed only in a subclassification shall be qualified and permitted to perform the work defined under that subclassification only. A specialty contractor may perform work in crafts or trades other than those in which he is licensed if they are clearly incidental to the performance of his licensed craft or trade.]In accordance with Subsection 58-55-301(2), the classifications of licensure are listed and described in this section. The construction trades or specialty contractor classifications listed are those determined to significantly impact the public health, safety, and welfare. A person who is practicing a construction trade or specialty contractor classification which is not listed is exempt from licensure in accordance with Subsection 58-55-305(9).~~

(2) Licenses shall be issued in the following primary classifications and subclassifications:

[

TABLE		
Primary Classification	Subclassification	Title
E100		General Engineering Contractor
B100		General Building Contractor
R100		Residential and Small Commercial Contractor
	R101	Residential and Small Commercial Non-Structural Remodeling and Repair Contractor
R200		Factory Built Housing Set-Up Contractor
I101		General Engineering Trades Instructor
I102		General Building Trades Instructor

]

I103	Electrical Trades Instructor	S204	Tile Roofing Contractor
I104	Plumbing Trades Instructor	S205	Metal Roofing Contractor
I105	Mechanical Trades Instructor	S290	General Masonry Contractor
S200	General Electrical Contractor	S291	Stone Masonry Contractor
S201	Residential Electrical Contractor	S292	Terrazzo Contractor
S210	General Plumbing Contractor	S293	Marble, Tile and Ceramic Contractor
S211	Boiler Installation Contractor	S294	Cultured Marble Contractor
S212	Irrigation Sprinkling Contractor	S300	General Painting Contractor
S213	Industrial Piping Contractor	S310	Excavation and Grading Contractor
S214	Water Conditioning Equipment Contractor	S320	Steel Erection Contractor
S215	Solar Energy Systems Contractor	S321	Steel Reinforcing Contractor
S216	Residential Sewer Connection and Septic Tank Contractor	S322	Metal Building Erection Contractor
S217	Residential Plumbing Contractor	S323	Structural Stud Erection Contractor
S220	Carpentry Contractor	S330	Landscaping Contractor
S221	Cabinet and Millwork Installation Contractor	S340	Sheet Metal Contractor
S230	Metal and Vinyl Siding Contractor	S350	HVAC Contractor
S231	Raingutter Installation Contractor	S351	Refrigerated Air Conditioning Contractor
S240	Glass and Glazing Contractor	S352	Evaporative Cooling Contractor
S250	Insulation Contractor	S353	Warm Air Heating Contractor
S260	General Concrete Contractor	S360	Refrigeration Contractor
S261	Concrete Form Setting and Shoring Contractor	S370	Fire Suppression Systems Contractor
S262	Gunnite and Pressure Grouting Contractor	S380	Swimming Pool and Spa Contractor
S263	Cementitious Coating Systems Resurfacing and Sealing Contractor	S390	Sewer and Water Pipeline Contractor
S270	General Drywall, Stucco and Plastering Contractor	S400	Asphalt Paving Contractor
S271	Plastering and Stucco Contractor	S410	Pipeline and Conduit Contractor
S272	Ceiling Grid Systems, Ceiling Tile and Panel Systems Contractor	S420	General Fencing and Guardrail Contractor
S273	Light-weight Metal and Non-bearing Wall Partitions Contractor	S421	Residential Fencing Contractor
S274	Drywall Contractor	S430	Metal Firebox and Fuel Burning Stove Installer
S280	General Roofing Contractor	S440	Sign Installation Contractor
S281	Single Ply and Specialty Coating Contractor	S441	Non-Electrical Outdoor Advertising Sign Contractor
S282	Build-up Roofing Contractor	S450	Mechanical Insulation Contractor
S283	Shingle and Shake Roofing Contractor	S460	Wrecking and Demolition Contractor
		S470	Petroleum System Contractor
		S480	Piers and Foundations Contractor
		S490	Wood Flooring Contractor
		S491	Laminate Floor Installation Contractor
		S500	Sports Court Installation Contractor

~~(3) The license classifications and subclassifications are defined to designate the scope of work of a licensee in each classification as follows:]~~

E100 - General Engineering Contractor. A General Engineering contractor is a contractor licensed to perform work as defined in Subsection 58-55-102(13).

B100 - General Building Contractor. A General Building contractor is a contractor licensed to perform work as defined in Subsection 58-55-102(12).

R100 - Residential and Small Commercial Contractor. A Residential and Small Commercial contractor is a contractor licensed to perform work as defined in Subsection 58-55-102(24).

R101 - Residential and Small Commercial Non Structural Remodeling and Repair. Remodeling and repair to any existing structure built for support, shelter and enclosure of persons, animals, chattels or movable property of any kind with the restriction that no change is made to the bearing portions of the existing structure, including footings, foundation and weight bearing walls; and the entire project is less than \$25,000 in total cost.

R200 - Factory Built Housing Set Up Contractor. Set up or installation of manufactured housing on a temporary or permanent basis. The scope of the work permitted under this classification includes placement of the manufactured housing on a permanent or temporary foundation, securing the units together if required, securing the manufactured housing to the foundation, and connection of the utilities to the manufactured housing unit. Work excluded from this classification includes site preparation or finishing, construction of a permanent foundation and construction of utility services to the near proximity of the manufactured housing unit from which they are connected to the unit.

I101 - General Engineering Trades Instructor. A General Engineering Trades Instructor is a construction trades instructor authorized to teach the construction trades and is subject to the scope of practice defined in Subsection 58-55-102(13).

I102 - General Building Trades Instructor. A General Building Trades Instructor is a construction trades instructor authorized to teach the construction trades and is subject to the scope of practice defined in Subsection 58-55-102(24).

I103 - Electrical Trades Instructor. An Electrical Trades Instructor is a construction trades instructor authorized to teach the electrical trades and subject to the scope of practice defined in Subsection R156-55a-301(S200).

I104 - Plumbing Trades Instructor. A Plumbing Trades Instructor is a construction trades instructor authorized to teach the plumbing trades and subject to the scope of practice defined in Subsection R156-55a-301(S210).

I105 - Mechanical Trades Instructor. A Mechanical Trades Instructor is a construction trades instructor authorized to teach the mechanical trades and subject to the scope of practice defined in Subsection R156-55a-301(S350).

S200 - General Electrical Contractor. Fabrication, construction, and/or installation of generators, transformers, conduits, raceways, panels, switch gear, electrical wires, fixtures, appliances, or apparatus which utilizes electrical energy.

S201 - Residential Electrical Contractor. Fabrication, construction, and/or installation of services, disconnecting means, grounding devices, panels, conductors, load centers, lighting and plug circuits, appliances and fixtures in any residential unit,

normally requiring non-metallic sheathed cable, including multiple units up to and including a four-plex, but excluding any work generally recognized in the industry as commercial or industrial.

S210 - General Plumbing Contractor. Fabrication and/or installation of material and fixtures to create and maintain sanitary conditions in buildings, by providing a permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, and provision of a safe and adequate supply of gases for lighting, heating, and industrial purposes. Work permitted under this classification shall include the furnishing of materials, fixtures and labor to extend service from a building out to the main water, sewer or gas pipeline.

S211 - Boiler Installation Contractor. Fabrication and/or installation of fire-tube and water-tube power boilers and hot water heating boilers, including all fittings and piping, valves, gauges, pumps, radiators, converters, fuel oil tanks, fuel lines, chimney flues, heat insulation and all other devices, apparatus, and equipment related thereto.

S212 - Irrigation Sprinkling Contractor. Layout, fabrication, and/or installation of water distribution system for artificial watering or irrigation.

S213 - Industrial Piping Contractor. Fabrication and/or installation of pipes and piping for the conveyance or transmission of steam, gases, chemicals, and other substances including excavating, trenching, and back-filling related to such work.

S214 - Water Conditioning Equipment Contractor. Fabrication and/or installation of water conditioning equipment and only such pipe and fittings as are necessary for connecting the water conditioning equipment to the water supply system within the premises.

S215 - Solar Energy Systems Contractor. Fabrication and/or installation of solar energy systems.

S216 - Residential Sewer Connection and Septic Tank Contractor. Construction of residential sewer lines including connection to the public sewer line, and excavation and grading related thereto. Excavation, installation and grading of residential septic tanks and their drainage.

S217 - Residential Plumbing Contractor. Fabrication and/or installation of material and fixtures to create and maintain sanitary conditions in residential building, including multiple units up to and including a four-plex by providing a permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, and provision of a safe and adequate supply of gases for lighting and heating purposes. Work permitted under this classification shall include the furnishing of materials, fixtures and labor to extend service from a residential building out to the main water, sewer or gas pipeline. Excluded is any new construction and service work generally recognized in the industry as commercial or industrial.

S220 - Carpentry Contractor. Fabrication for structural and finish purposes in a structure or building using wood, wood products, metal studs, vinyl materials, or other wood/plastic composites as is by custom and usage accepted in the building industry as carpentry.

S221 - Cabinet and Millwork Installation Contractor. On-site construction and/or installation of milled wood products.

S230 - Metal and Vinyl Siding Contractor. Fabrication, construction, and/or installation of wood, aluminum, steel or vinyl sidings.

S231 - Raingutter Installation Contractor. On-site fabrication and/or installation of rain gutters and drains, roof flashings, gravel stops and metal ridges.

S240 - Glass and Glazing Contractor. Fabrication, construction, installation, and/or removal of all types and sizes of glass, mirrors, substitutes for glass, glass-holding members, frames, hardware, and other incidental related work.

S250 - Insulation Contractor. Installation of any insulating media in buildings and structures for the sole purpose of temperature or sound control, but shall not include mechanical insulation of pipes, ducts or conduits.

S260 - General Concrete Contractor. Fabrication, construction, mixing, batching, and/or installation of concrete and related concrete products along with the placing and setting of screeds for pavement for flatwork, the construction of forms, placing and erection of steel bars for reinforcing and application of plaster and other cement-related products.

S261 - Concrete Form Setting and Shoring Contractor. Fabrication, construction, and/or installation of forms and shoring material; but, does not include the placement of concrete, finishing of concrete or embedded items such as metal reinforcement bars or mesh.

S262 - Guniting and Pressure Grouting Contractor. Installation of a concrete product either injected or sprayed under pressure.

S263 - Cementitious Coating Systems Resurfacing and Sealing Contractor. Fabrication, construction, mixing, batching and installation of cementitious coating systems or sealants limited to the resurfacing or sealing of existing surfaces, including the preparation or patching of the surface to be covered or sealed.

S270 - General Drywall, Stucco and Plastering Contractor. Fabrication, construction, and/or installation of drywall, gypsum, wallboard panels and assemblies. Preparation of surfaces for suitable painting or finishing. Installation of light-weight metal, non-bearing wall partitions, ceiling grid systems, and ceiling tile or panel systems.

S271 - Plastering and Stucco Contractor. Application to surfaces of coatings made of stucco or plaster, including the preparation of the surface and the provision of a base. Exempted is the plastering of foundations.

S272 - Ceiling Grid Systems, Ceiling Tile and Panel Systems Contractor. Fabrication and/or installation of wood, mineral, fiber, and other types of ceiling tile and panels and the grid systems required for placement.

S273 - Light-weight Metal and Non-bearing Wall Partitions Contractor. Fabrication and/or installation of light-weight metal and other non-bearing wall partitions.

S274 - Drywall Contractor. Fabrication, construction and installation of drywall, gypsum, wallboard panels and assemblies. Preparation of surfaces for suitable painting or finishing. Installation of light-weight metal, non-bearing wall partitions.

S280 - General Roofing Contractor. Application and/or installation of asphalt, pitch, tar, felt, flax, shakes, shingles, roof tile, slate, and any other material or materials, or any combination of any thereof which use and custom has established as usable for,

or which are now used as, water-proof, weatherproof, or watertight seal or membranes for roofs and surfaces; and roof conversion.

S281 - Single Ply and Specialty Coating Contractor. Application of solutions of rubber, latex, or other materials or single-ply material to surfaces to prevent, hold, keep, and stop water, other liquids, derivatives, compounds, and solids from penetrating and passing such materials thereby gaining access to material or space beyond such waterproofing.

S282 - Build-up Roofing Contractor. Application of solutions of rubber, latex, asphalt, pitch, tar, or other materials in conjunction with the application of layers, felt, or other material to a roof or other surface.

S283 - Shingle and Shake Roofing Contractor. Application of shingles and shakes made of wood or any other material.

S284 - Tile Roofing Contractor. Application or installation of tile roofs including under layment material and sealing and reinforcement of weight bearing roof structures for the purpose of supporting the weight of the tile.

S285 - Metal Roofing Contractor. On-site fabrication and/or application of metal roofing materials.

S290 - General Masonry Contractor. Construction by cutting, and/or laying of all of the following brick, block, or forms: architectural, industrial, and refractory brick, all brick substitutes, clay and concrete blocks, terra-cotta, thin set or structural quarry tile, glazed structural tile, gypsum tile, glass block, clay tile, copings, natural stone, plastic refractories, and castables and any incidental works as required in construction of the masonry work.

S291 - Stone Masonry Contractor. Construction using natural or artificial stone, either rough or cut and dressed, laid at random, with or without mortar.

S292 - Terrazzo Contractor. Construction by fabrication, grinding, and polishing of terrazzo by the setting of chips of marble, stone, or other material in an irregular pattern with the use of cement, polyester, epoxy or other common binders.

S293 - Marble, Tile and Ceramic Contractor. Preparation, fabrication, construction, and installation of artificial marble, burned clay tile, ceramic, encaustic, falence, quarry, semi-vitreous, and other tile, excluding hollow or structural partition tile.

S294 - Cultured Marble Contractor. Preparation, fabrication and installation of slab and sheet manmade synthetic products including cultured marble, onyx, granite, onice, corian and corian type products.

S300 - General Painting Contractor. Preparation of surface and the application of all paints, varnishes, shellacs, stains, waxes and other coatings or pigments by the use of brushes, spray or rollers.

S310 - Excavation and Grading Contractor. Moving of the earth's surface or placing earthen materials on the earth's surface, by use of hand or power machinery and tools, including explosives, in any operation of cut, fill, excavation, grading, trenching, backfilling, or combination thereof as they are generally practiced in the construction trade.

S320 - Steel Erection Contractor. Construction by fabrication, placing, and tying or welding of steel reinforcing bars or erecting structural steel shapes, plates of any profile, perimeter or cross-section that are used to reinforce concrete or as structural members, including riveting, welding, and rigging.

S321 - Steel Reinforcing Contractor. Fabricating, placing, tying, or mechanically welding of reinforcing bars of any profile that are used to reinforce concrete buildings or structures.

S322 - Metal Building Erection Contractor. Erection of pre-fabricated metal structures including concrete foundation and footings, grading, and surface preparation.

S323 - Structural Stud Erection Contractor. Fabrication and installation of metal structural studs and bearing walls.

S330 - Landscaping Contractor. Grading and preparing land for architectural, horticultural, and the decorative treatment, arrangement, and planting of gardens, lawns, shrubs, vines, bushes, trees, and other decorative vegetation. Construction of pools, tanks, fountains, hot and green houses, retaining walls, patio areas when they are an incidental part of the prime contract, fences, walks, garden lighting of 50 volts or less, and sprinkler systems.

S340 - Sheet Metal Contractor. Layout, fabrication, and installation of air handling and ventilating systems. All architectural sheet metal such as cornices, marquees, metal soffits, gutters, flashings, and skylights and skydomes including both plastic and fiberglass.

S350 - HVAC Contractor. Fabrication and installation of complete warm air heating and air conditioning systems, and complete ventilating systems.

S351 - Refrigerated Air Conditioning Contractor. Fabrication and installation of air conditioning ventilating systems to control air temperatures below 50 degrees.

S352 - Evaporative Cooling Contractor. Fabrication and installation of devices, machinery, and units to cool the air temperature employing evaporation of liquid.

S353 - Warm Air Heating Contractor. Layout, fabrication, and installation of such sheet metal, gas piping, and furnace equipment as necessary for a complete warm air heating and ventilating system.

S360 - Refrigeration Contractor. Construction and/or installation of refrigeration equipment including, but not limited to, built-in refrigerators, refrigerated rooms, insulated refrigerated spaces and equipment related thereto; but, the scope of permitted work does not include the installation of gas fuel or electric power services other than connection of electrical devices to a junction box provided for that device and electrical control circuitry not exceeding 50 volts.

S370 - Fire Suppression Systems Contractor. Layout, fabrication, and installation of fire protection systems using water, steam, gas, or chemicals. When a potable sanitary water supply system is used as the source of supply, connection to the water system must be accomplished by a licensed journeyman plumber. Excluded from this classification are persons engaged in the installation of fire suppression systems in hoods above cooking appliances.

S380 - Swimming Pool and Spa Contractor. On-site fabrication, construction and installation of swimming pools, spas, and tubs.

S390 - Sewer and Water Pipeline Contractor. Construction of sewer lines, sewage disposal and sewage drain facilities including excavation and grading with respect thereto, and the construction of sewage disposal plants and appurtenances thereto.

S400 - Asphalt Paving Contractor. Construction of asphalt highways, roadways, driveways, parking lots or other asphalt surfaces, which will include but will not be limited to, asphalt overlay, chip seal, fog seal and rejuvenation, micro surfacing, plant

mix sealcoat, slurry seal, and the removal of asphalt surfaces by milling. Also included is the excavation, grading, compacting and laying of fill or base-related thereto.

S410 - Pipeline and Conduit Contractor. Fabrication, construction, and installation of pipes for the conveyance and transmission from one station to another of such products as water, steam, gases, chemicals, or slurries. Included are the excavation, grading, and backfilling necessary for construction of the system.

S420 - General Fencing and Guardrail Contractor. Fabrication, construction, and installation of fences, guardrails, and barriers.

S421 - Residential Fencing Contractor. Fabrication and installation of residential fencing up to and including a height of six feet.

S430 - Metal Firebox and Fuel Burning Stove Installer. Fabrication, construction, and installation of metal fireboxes, fireplaces, and wood or coal-burning stoves.

S440 - Sign Installation Contractor. Installation of signs and graphic displays which require installation permits or permission as issued by state or local governmental jurisdictions. Signs and graphic displays shall include signs of all types, both lighted and unlighted, permanent highway marker signs, illuminated awnings, electronic message centers, sculptures or graphic representations including logos and trademarks intended to identify or advertise the user or his product, building trim or lighting with neon or decorative fixtures, or any other animated, moving or stationary device used for advertising or identification purposes. Signs and graphic displays must be fabricated, installed and erected in accordance with professionally engineered specifications and wiring in accordance with the National Electrical Code.

S441 - Non Electrical Outdoor Advertising Sign Contractor. Installation of signs and graphic displays which require installation permits or permission as issued by state and local governmental jurisdictions. Signs and graphics shall include outdoor advertising signs which do not have electrical lighting or other electrical requirements, and in accordance with professionally engineered specifications.

S450 - Mechanical Insulation Contractor. Fabrication, application and installation of insulation materials to pipes, ducts and conduits.

S460 - Wrecking and Demolition Contractor. The raising, cribbing, underpinning, moving, and removal of building and structures so that alterations, additions, repairs, and new sub-structures may be built.

S470 - Petroleum Systems Contractor. Installation of above and below ground petroleum and petro-chemical storage tanks, piping, dispensing equipment, monitoring equipment and associated petroleum and petro-chemical equipment including excavation, backfilling, concrete and asphalt.

S480 - Piers and Foundations Contractor. The excavation, drilling, compacting, pumping, sealing and other work necessary to construct, alter or repair piers, piles, footings and foundations placed in the earth's subsurface to prevent structural settling and to provide an adequate capacity to sustain or transmit the structural load to the soil or rock below.

S490 - Wood Flooring Contractor. Installation of wood flooring including prefinished and unfinished material, sanding, staining and finishing of new and existing wood flooring.

Underlayments, non-structural subfloors and other incidental related work.

S491 - Laminate Floor Installation Contractor. Installation of floors made up of wood and/or composite wood materials including underlayments, non-structural subfloors and other incidental related work, but does not include the installation of sold wood flooring.

S500 - Sports ~~and Athletic Courts, [and]~~ Running Track, ~~and Playground~~ Installation Contractor. Installation of sports ~~and athletic courts~~ including but not limited to tennis courts, racquetball courts, handball courts, basketball courts, ~~[and] running tracks, playgrounds, or any combination.~~ Includes nonstructural floor subsurfaces, nonstructural wall surfaces, perimeter walls and perimeter fencing.

R156-55a-302a. Qualifications for Licensure - Examinations.

(1) ~~[The division, in collaboration with the board, shall adopt a competent examination designed to determine whether an applicant for a contractors license meets the minimum standard necessary for a person to practice as a contractor in the particular primary classification or subclassification in which licensure is requested:~~

~~—(2) An]In accordance with Subsection 58-55-302(1)(c), an applicant for a contractors license shall pass the following examinations as a condition precedent to licensure as a contractor:~~

(a) the Trade Classification Specific Examination~~[classification specific examination adopted by the division in accordance with Subsection (1) of this section]; and~~

(b) the Utah Contractor Business - Law Examination.

~~[(3)]2~~ The passing score for each examination ~~[required for licensure]~~ is 70%.~~]~~

~~—(4) The application for examination, conduct of the examination, content of the examination, scoring of the examination and notification of examination results shall be in accordance with current publications of the division.]~~

R156-55a-302b. Qualifications for Licensure - Experience Requirements.

~~[(1) Each applicant for a contractors license shall bear the burden and responsibility for presenting to the division and the board satisfactory evidence that the applicant or the applicant's qualifier has that knowledge and experience in the work required of a contractor to provide reasonable assurance the applicant can engage successfully in business as a contractor:~~

~~—(2) The division and board shall consider all evidence presented including:~~

~~—(a) construction related education as approved by the division:~~

~~—(i) in contractor work;~~

~~—(ii) in the conduct of business;~~

~~—(b) experience in the construction crafts or trades relating to the classification or subclassification in which licensure is sought:~~

~~—(i) type and length of experience;~~

~~—(A) as a laborer, craftsman or tradesman;~~

~~—(B) as a supervisor or manager;~~

~~—(ii) experience in the conduct of and management of business related to contracting; and~~

~~—(c) advisors, consultants, employed management or other resources available to provide supplementary competent management knowledge and experience related to the conduct of a contracting business.~~

~~—(3) A minimum experience requirement is established for the following classifications:]In accordance with Subsection 58-55-302(1)(e)(ii), the minimum experience requirement for each applicant or applicant's qualifier is established as follows:~~

~~[(a)]1~~ An applicant for contractor classification E100 General Engineering, B100 General Building, R100 Residential and Small Commercial Building shall have a minimum of four years full-time related experience, two years of which shall be in a supervisory or managerial position under the direct supervision of a licensed E100, B100 or R100 contractor, or have been a licensed contractor under a classification other than an E100, B100 or R100 for a minimum of four years. A person holding a four year degree in Construction Management may have one year supervisory or managerial experience credited towards the experience requirement.~~—[The division may require the applicant to provide written documentation or verification of this experience that is satisfactory to the division.]~~

~~[(b)]2~~ An applicant for contractor classifications S280 General Roofing, S290 General Masonry, S320 Steel Erection, S350 Heating, Ventilating and Air Conditioning, S360 Refrigeration and S370 Fire Suppression Systems shall have a minimum of four years of full-time related experience.

~~[(c)]3~~ An applicant for contractor classifications not listed in Subsections ~~[(a)]1~~ and ~~[(b)]2~~ above shall have a minimum of two years of full-time related experience.

R156-55a-302d. Qualifications for Licensure - Proof of Insurance and Registrations.

~~[In accordance with the provisions of Subsection 58-55-302(2), an applicant who is approved for licensure and a licensee shall submit proof of insurance coverage and registration before a license will be issued or renewed by the division. A licensee shall advise the division within five days after workers' compensation insurance coverage or public liability insurance coverage required under these rules is no longer in effect for any reason. Proof shall be established as follows:~~

~~—(1) Workers' Compensation Insurance: By filing with the division a "Certificate of Insurance" issued by the workers' compensation insurance carrier showing coverage as required by applicable Utah law;~~

~~—(2) Public Liability Insurance: By filing with the division a "Certificate of Insurance" issued by the public liability insurance carrier showing coverage in at least \$100,000 for each incident and \$300,000 in total;~~

~~—(3) Registration with the Utah Department of Employment Security: By filing with the division a statement reflecting the name under which the contractor is registered with the Department of Employment Security and the registration number issued to the contractor by that Department;~~

~~—(4) Registration with the State Tax Commission: By filing with the division a statement reflecting the name under which the contractor is registered with the State Tax Commission and the tax numbers issued to the contractor for withholding taxes and for sales taxes;~~

~~—(5) Registration with the Internal Revenue Service: By filing with the division a statement reflecting the name under which the contractor is registered with the Internal Revenue Service and the Federal Identification Number issued to the contractor; and~~

~~(6) Registration with the Division of Corporations, Utah Department of Commerce. By filing evidence of registration as required by law.]In accordance with the provisions of Subsection 58-55-302(2)(b), an applicant who is approved for licensure shall submit proof of public liability insurance in coverage amounts of at least \$100,000 for each incident and \$300,000 in total.~~

R156-55a-306a. [Determination of Financial Responsibility]Financial Responsibility - License Bonds and Cash Deposits.

~~[(1) This rule is established in accordance with Section 58-55-306 which requires that applicants for licensure must demonstrate financial responsibility as a condition necessary to receive or hold a contractor's license in the state of Utah; and a finding by the division in collaboration with the board that requirements should be reasonable and should not unnecessarily restrict entry into or the practice of commerce within the state.~~

~~(2) In accordance with the provisions of Section 58-55-306, an applicant or licensee may demonstrate financial responsibility by filing with the division a cash deposit or license bond in a form acceptable to the division in an amount equal to 100% of the monetary limit established for the licensee in accordance with Section R156-55a-309, except that under no circumstances shall the cash deposit be less than \$25,000; or~~

~~(3) In accordance with the provisions of Section 58-55-306, an applicant or licensee may seek to demonstrate financial responsibility by submitting current financial statements and current credit reports which shall be used, but shall not be the only criteria considered, in determining if an applicant or licensee meets the requirement of demonstrating financial responsibility.~~

~~(4) Credit reports, which must accompany the application if an applicant seeks to demonstrate financial responsibility by submission of financial statements, shall:~~

~~(a) be dated within 30 days prior to the date the application is received by the division;~~

~~(b) be free from erasures, alterations, modifications, omissions, or any other form of change which alters the full and complete information provided in the original report prepared for the licensee or applicant by the credit reporting agency;~~

~~(c) if the applicant is an individual, the applicant shall submit the applicant's Trans Union, TRW and Equifax credit reports. Trans Union, TRW and Equifax are the three national consumer credit reporting repositories. In lieu of the three national credit reports, the applicant may submit credit reports provided by the National Association of Credit Managers (NACM) or an equivalent local credit reporting agency, provided the local credit reports include a report for each of the three national credit repositories or a composite report of the three national credit reports;~~

~~(d) if the applicant is a business entity, the applicant shall submit the applicant's TRW business credit report. In lieu of the TRW report, the applicant may submit credit reports provided by NACM or an equivalent local credit reporting agency, provided the business credit report provides substantially equivalent reports; and~~

~~(e) in addition, if the applicant is a business entity, the applicant shall provide individual credit reports as outlined in Subsection (4)(c) of this section for each owner of the entity. Individual credit reports on the owners shall not be required if the applicant provides CPA reviewed or CPA audited financial statements prepared in accordance with generally accepted~~

~~accounting standards which demonstrate that the business entity has a net worth exceeding \$200,000.~~

~~(5) Financial responsibility shall be additionally determined by a review of the totality of history and circumstances regarding the applicant or licensee, including its qualifiers, partners, shareholders or members, which may include:~~

~~(a) operating history as a contractor;~~

~~(b) current and past financial condition;~~

~~(c) history of debt or payable payment practices;~~

~~(d) capitalization of business entity;~~

~~(e) form of organization and limits on liability of owners;~~

~~(f) guarantees of individuals or others of applicant's or licensee's obligations;~~

~~(g) credit reports;~~

~~(h) history of liens filed against projects as a result of the applicant's or licensee's activity; and~~

~~(i) for corporations, limited liability companies or similar entities, the division shall consider the personal financial condition of the shareholders or members in addition to the financial condition of the entity upon the shareholders or members providing a personal guaranty of the obligations of the entity.~~

~~(6) If the division determines that financial responsibility is clearly demonstrated on the basis of cash deposit, license bond, or current financial statements and the totality of history and circumstances known to the division, the division shall make a finding that financial responsibility has been demonstrated and the requirement shall be met.~~

~~(7) If the division determines that financial responsibility has not been demonstrated on the basis of cash deposit, license bond, or current financial statements and the totality of history and circumstances known to the division, the division shall advise the applicant or licensee of its finding.~~

~~(a) The applicant or licensee may submit whatever additional information it may believe will assist the division in reaching a finding of financial responsibility and if upon reconsideration a finding of financial responsibility is made the requirement shall be met.]In accordance with Subsections 58-55-306(2), the following shall apply:~~

~~(1) A license bond or cash deposit shall be in a form acceptable to the division and shall equal 100% of the monetary limit.~~

~~(2) Under no circumstances shall the cash deposit or license bond be less than \$25,000.~~

~~[~~

~~**R156-55a-306b. Cash Deposits and License Bonds - Claims:**~~

~~](1)3) Cash deposits filed with the division shall be a certificate of deposit with the division named as the certificate holder[deposited with the Treasurer of the State of Utah and while on deposit shall earn interest to the benefit of the licensee at the prevailing rate determined by the Treasurer].~~

~~(4) The deposit shall remain on deposit [during the period determined by the division to be necessary to secure the licensee's financial responsibility and shall remain on deposit]for a period of two years after the licensee is not licensed or it is determined the deposit is no longer required.~~

~~(2)5) Claims against the license bond or cash deposit of a licensee shall be made to the division in form and substance prescribed by the division.~~

([3]6) After a hearing before the board in accordance with the provisions of Title 63, Chapter 46b to consider the claims made against the license bond or cash deposit of a licensee, the board shall make a recommendation to the division with respect to the claim and the division shall thereafter enter an order with respect to the claim and dispersal of funds available through the cash deposit or bond.

R156-55a-306b. Financial Responsibility - Financial Statements.

(1) All financial statements shall cover a period of time ending no earlier than the last tax year.

(2) Financial statements prepared by an independent certified public accountant (CPA) shall be "audited", "reviewed", or "compiled" financial statements prepared in accordance with generally accepted accounting principles and shall include the CPA's report stating that the statements have been audited, reviewed or compiled.

(3) Division reviewed financial statements shall be submitted in a form acceptable to the division and shall include the following:

(a) the balance sheet;

(b) all schedules;

(c) a complete copy of the applicant's most recently filed federal income tax return;

(d) a copy of the applicant's bank or broker account statements; and

(e) an acceptable credit report for the applicant.

(4) The type of financial statements submitted by an applicant as evidence of financial responsibility shall limit the maximum monetary limit the applicant may qualify for in accordance with Section R156-55a-309.

(5) An acceptable credit report is:

(a) dated within 30 days prior to the date the application is received by the division;

(b) free from erasures, alterations, modifications, omissions, or any other form of change which alters the full and complete information provided by the credit reporting agency;

(c) a report from:

(i) Trans Union, Experian, and Equifax national credit reporting agencies; or

(ii) National Association of Credit Managers (NACM); or

(iii) another local credit reporting agency that includes a report for each of the three national credit reporting agencies names in Subsection (i) above.

R156-55a-309. Monetary Limits.

[(1) Consistent with the division's responsibility to protect the public interest and the Legislature's intent to limit the amount of work a licensee may undertake on all projects at any one time as provided in Subsection 58-55-308(1) and Section 58-55-309 and the division's regulatory responsibility to avoid unnecessary restrictions upon a licensee's ability to engage in practice as a contractor, the division and board establish the following for determining the monetary limit of an applicant or licensee:

— (2) Filing of financial statements

— (a) Current financial statements shall be filed with the division by all applicants for a contractors license and by all holders of a contractors license on forms prescribed by the division, or if

prepared by a certified public accountant in the form prepared by the certified public accountant, in accordance with the following:

— (i) all new applicants for a contractors license shall file financial statements with the division as a part of the application for license;

— (ii) all licensees shall file current financial statements with the division every two years according to a schedule established by the division and provided to each licensee not less than six months prior to the date on which the financial statements must be filed; and

— (b) Financial statements shall be presented in accordance with generally accepted accounting principles and in detail and substance equivalent to that required in the format for financial statements prepared by the division and shall be prepared according to the following:

— (i) Licensees assigned or applying for an unlimited monetary limit shall file financial statements demonstrating a net equity in business related assets in excess of \$1,000,000 on CPA audited financial statements or in excess of \$2,000,000 on CPA reviewed financial statements;

— (ii) Licensees assigned or applicants applying for a monetary limit of over \$5,000,000 shall file financial statements in accordance with the previous subsection (i); OR shall file financial statements which have been audited by a certified public accountant;

— (iii) Licensees assigned or applicants applying for a monetary limit of more than \$1,000,000 up to and including \$5,000,000 shall file financial statements in accordance with the previous subsections (i) or (ii); OR shall file financial statements which are reviewed by an independent certified public accountant;

— (iv) Licensees assigned or applicants applying for a monetary limit of over \$500,000 up to and including \$1,000,000 shall file financial statements in accordance with previous subsections (i), (ii) or (iii); OR shall file financial statements which are compiled by an independent certified public accountant;

— (v) Licensees assigned or applicants applying for a monetary limit of \$500,000 or less shall file financial statements in accordance with previous subsections (i), (ii), (iii) or (iv); OR shall file financial statements which are presented in accordance with generally accepted accounting principles and in detail and substance equivalent to that required in the format for financial statements prepared by the division.

— (3) Establishment of Monetary Limit:

— (a) Each applicant for an original or renewal of a contractors license should request a specific dollar amount for a monetary limit for example, \$2,500,000, not a range such as \$1,000,000 to \$5,000,000;

— (b) The actual monetary limit assigned shall be the lesser of the amount requested and the amount computed by the financial model in use by the division at the time of the application. The criteria selected by the division in establishing the financial model shall at all times be objective in nature and in compliance with Subsection 58-55-308(1) and Section 58-55-309. The financial model shall be based upon the most current data available on financial statements of contractors and shall take into consideration the classification or subclassification of contractors license held by the licensee being evaluated. Sources|(1) In accordance with Subsections 58-55-306(2) and 58-55-309(2), regardless of the

monetary limit indicated by the financial model, the division shall not assign a monetary limit beyond the maximum established for the type of financial statement submitted by an applicant or licensee, as follows:

(a) \$500,000 for financial statements submitted for division review which have not been CPA audited or reviewed;

(b) Unlimited for CPA audited or reviewed statements.

(2) In accordance with Subsection 58-55-309(2)(a), sources of data for the financial model will include current editions of the RMA Annual Statement Studies published by Robert Morris Associates, the Almanac of Business and Industrial Financial Ratios published by Prentice Hall, Financial Studies of the Small Business published by Financial Research Associates and other standard sources of financial data on the construction industry. The financial model shall consider as a minimum the working capital, owners equity, total assets and total revenue from the financial statements submitted by the licensee or applicant in the computation of the monetary limit.

([e]3) In accordance with Subsection 58-55-309(3), [upon request, the division will accept a contractor's aggregate bonding limit with a surety acceptable to the division as the contractor's monetary limit. An]an acceptable surety is one that is listed in the Department of Treasury, Fiscal Service, Circular 570, current revision, entitled "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" or one that has equivalent status.[

— (d) A licensee may request a change in the monetary limit assigned by making application upon forms provided by the division. It shall be the burden of the applicant or licensee to provide to the division and the board all information necessary to support their request.

— (e) Upon a finding by the division that the financial responsibility of a licensee is impaired in accordance with the provisions of Section R156-55a-306a, the division may initiate proceedings under Title 63, Chapter 46b to assign a monetary limit to that licensee limiting the amount of work that licensee may undertake on all projects at any one time. The monetary limit established by the division shall be in accordance with the demonstrated financial responsibility of the licensee.]

R156-55a-311. Reorganization of Contractor Business Entity.

[(4)]A reorganization of the business organization or entity under which a licensed contractor is licensed shall require application for a new license under the new form of organization or business structure. The creation of a new legal entity constitutes a reorganization and includes a change to a new entity under the same form of business entity or a change of the form of business entity between proprietorship, partnership, whether limited or general, joint venture, corporation or any other business form.

R156-55a-312. Inactive License.

(1) [In accordance with Section 58-1-305, licensees under Title 58, Chapter 55 holding a contractors license may apply for inactive license status. Applications shall be submitted in writing to the division upon forms available from the division.

— (2) If all requirements for inactive licensure are met, the division shall place the license on inactive status. —]The requirements for inactive licensure [are as follows:]specified in Subsection R156-1-305(3) shall also include[

— (a) written request submitted to the division upon forms available from the division;

— (b) payment of inactive licensure fee; and

— (c) —] certification that the licensee will not engage in the construction trade(s) for which his license was issued while his license is on inactive status except to identify himself as an inactive licensee[as permitted in Subsection (4)].

([3]2) A license on inactive status will not be required to meet the requirements of licensure in Subsections 58-55-302(1)(e)(i), 58-55-302(2)(a) and 58-55-302(2)(b).]

— (4) A licensee on inactive status may not engage in the construction trade(s) for which his license was issued while his license is on inactive status except to identify himself as an inactive licensee.

— (5) A licensee may keep his license on inactive status indefinitely provided the licensee otherwise qualifies for license renewal.]

([6]3) The requirements for reactivation of an inactive license specified in Subsection R156-1-305(6) shall also include[are as follows]:

(a) [written request submitted to the division upon forms available from the division;

— (b) payment of inactive reactivation fee;

— (c) —]documentation that the licensee meets the requirements of Subsections 58-55-302(1)(e)(i), 58-55-302(2)(a) and 58-55-302(2)(b); and

([d]b) documentation that the licensee has taken and passed the business and law examination and the trade examination for the classification for which activation is sought except that the following exceptions shall apply to the reactivation examination requirement:

(i) No qualifying examinations will be required if the licensee applies for reactivation of his license within two years after being placed on inactive status.

(ii) No qualifying examinations will be required if the licensee has been actively and lawfully involved in the construction trades as an employee of another licensed contractor or has been actively and lawfully involved in the construction trades in another state during the time the license was inactive.

(iii) If the licensee applies for reactivation after two years but before four years after being placed on inactive status, the division may waive the qualifying examinations if the licensee presents adequate support that he has maintained the knowledge and skills tested in the business and law examination and the trade examination in the classification for which reactivation of licensure is sought.

(iv) If the licensee applies for reactivation four years or more after being placed on inactive status, the division may waive the trade examination in the classification for which reactivation of licensure is sought, if the licensee presents adequate support that he has maintained the knowledge and skills tested in the trade examination.

R156-55a-401. Minimum Penalty for Failure to Maintain Insurance.

(1) A minimum penalty is hereby established for the violation of Subsection R156-55a-501(2) as follows:

(a) For a violation the duration of which is less than 90 days, where the licensee at the time a penalty is imposed documents that

the required liability and workers compensation insurance have been reacquired, and provided an insurable loss has not occurred while not insured, a minimum of a 30 day suspension of licensure, stayed indefinitely, automatically executable in addition to any other sanction imposed, upon any subsequent violations of Subsection R156-55a-501(2).

(b) For a violation the duration of which is 90 days or longer, or where insurable loss has occurred, where the licensee at the time a penalty is imposed documents that the required insurance have been reacquired, a minimum of 30 days suspension of licensure.

(c) For a violation of any duration, where the licensee at the time a penalty is imposed fails to document that the required insurance have been reacquired, a minimum of indefinite suspension. A license which is placed on indefinite suspension may not be reinstated any earlier than 30 days after the licensee documents the required insurance have been reacquired.

(d) If insurable loss has occurred and licensee has not paid the damages, the license may be suspended indefinitely until such loss is paid by the licensee.

(e) Nothing in this section shall be construed to restrict a presiding officer from imposing more than the minimum penalty for a violation of Subsection R156-55a-501(2). However, absent extraordinary cause, the presiding officer may not impose less than the minimum penalty.

R156-55a-501. Unprofessional Conduct.

"Unprofessional conduct" ~~[as allowed to be defined by rule in Subsection 58-55-102(33) is hereby defined to]~~ includes:

(1) ~~[failure by a licensee]~~ failing to notify the division with respect to any matter for which notification is required under these rules or Title 58, Chapter 55, the Construction Trades Licensing Act, including ~~[the loss of insurance coverage or]~~ a change in qualifier. Such failure shall be considered by the division and the board as grounds for immediate suspension of the contractors license;

(2) failing to continuously maintain insurance and registration as required by Subsection 58-55-302(2), in coverage amounts and form as implemented by this chapter;

(3) ~~[a licensed contractor]~~ hiring or employing in any manner a licensed subcontractor to act in a construction trade beyond the scope of the license held by the subcontractor;

(~~3~~)4 ~~[a licensed contractor]~~ hiring or employing in any manner a licensed subcontractor to act in a construction trade for a project which by itself exceeds the monetary limit of the license held by the subcontractor;

(~~4~~)5 ~~[a licensed contractor]~~ hiring or employing in any manner a licensed subcontractor to act in a construction trade for a project when the licensed contractor knows that the subcontractor has existing work in progress which when combined with the subcontract amount exceeds the monetary limit of the license held by the subcontractor.

R156-55a-502. Penalty for Unlawful Conduct.

The penalty for violating Subsection 58-55-501(1) while suspended from licensure shall include the maximum fine allowed by Subsection 58-55-503(4)(i).

KEY: contractors, occupational licensing, licensing
[March 5, 1998]1999 58-1-106(1)
Notice of Continuation March 3, 1997 58-1-202(1)
 58-55-101
 58-55-308(1)
 58-55-301(1)
 58-55-102(21)



Commerce, Occupational and Professional Licensing
R156-60a
 Social Worker Licensing Act Rules

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 22085
 FILED: 05/27/1999, 10:15
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 1999 legislative session, S.B. 195 amended the Social Work Licensing Act by eliminating temporary licenses for licensed clinical social workers. Therefore, changes need to be made in the rules to delete any reference to LCSW-temporary. Also clarified amount of continuing education hours that may be obtained through home study or Internet correspondence.
(DAR Note: S.B. 195 is found at 1999 Utah Laws 81, and was effective May 3, 1999.)

SUMMARY OF THE RULE OR CHANGE: Deleted definitions "earned a masters or doctoral degree in a discipline which is a prerequisite for licensure under this chapter" and "temporary certificate" in Section R156-60a-102. Deleted references to LCSW-temporary throughout the rule. Added that a maximum of six hours per two year period may be recognized for continuing education that is provided via the Internet or through home study.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-60-201 and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:
 ❖THE STATE BUDGET: No costs or savings are anticipated. Those applicants who previously qualified for a LCSW-temporary license will likely apply for licensure as a certified social worker (CSW); therefore, the number of applications anticipated is unlikely to change significantly.
 ❖LOCAL GOVERNMENTS: Changes being proposed have no impact in local governments; therefore, no costs or savings are anticipated.

❖ OTHER PERSONS: No costs are anticipated. There may be some potential savings to licensed clinical social workers (LCSW) in that some continuing education hours may now be obtained through home study or via the Internet.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs are anticipated. There may be some potential savings to licensed clinical social workers (LCSW) in that some continuing education hours may now be obtained through home study or via the Internet.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to these rules proposed by the division were occasioned by the legislative amendment to the licensing act which eliminated the issuance of temporary licenses. The proposed amended rules also restrict the number of hours of continuing education obtained through home study or the Internet which can be accepted for credit. The remaining changes are merely to clarify existing language in the rules. The change in these rules should not have any negative impact upon the state budget, but might free personnel hours now being devoted to applications for temporary licenses for other assignments. There will be no impact on local governments. Obviously the change will impact those previously qualifying for a temporary license, but this is an impact created by the statutory change and not by this rule change. Although the restriction on home study and Internet-acquired continuing education will have a financial impact upon the regulated profession, the impact is offset by the assurance of better monitoring of the education being offered and received by members of the regulated profession. As in other professions, it is not possible to estimate the impact since there are so many variables in the type and cost of continuing education available and desired by the regulated professionals--Douglas C. Borba

THE FULL TEXT OF THIS RULE 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 RULE 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.ds.jones@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 07/08/1999, 9:00 a.m., 160 East 300 South, Conference Room 4B, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: A. Gary Bowen, Division Director

R156. Commerce, Occupational and Professional Licensing.
R156-60a. Social Worker Licensing Act Rules.
R156-60a-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 60, as used in Title 58, Chapters 1 and 60, or these rules:

(1) "AASSWB" means the American Association of State Social Work Boards."

(2) "CSW" means a licensed certified social worker.

(3) "Clinical social work concentration and practicum", "clinical concentration and practicum" "case work", "group work", or "family treatment course sequence with a clinical practicum", "clinical practicum" or "practicum", as used in Subsections 58-60-205(1)(g) and (2)(d)(ii), means a track of professional education which is specifically established to prepare an individual to practice or engage in mental health therapy.

(4) ~~["Earned a masters or doctoral degree in a discipline which is a prerequisite for licensure under this chapter", as used in Subsection 58-60-107(7) and 58-60-116(1)(b), means completion of the education requirements set forth in Subsections 58-60-205(1)(d) and (g) and Subsection R156-60a-102(3).~~

~~(5) "LCSW" means a licensed clinical social worker.~~

(6) "SSW" means a licensed social service worker.

(7) "Supervised practice of mental health therapy by a clinical social worker", as used in Subsection 58-60-202(3)(a), means that the CSW ~~[or LCSW temporary]~~ is supervised by a LCSW meeting the requirements of Sections R156-60a-302e and R156-60a-601.

~~(8) "Temporary certificate", as used in Section 58-60-116, means a temporary license issued by the division to practice as a LCSW temporary under the supervision of a LCSW in accordance with Section 58-60-116 and Sections R156-60a-302e, R156-60a-302e and R156-60a-601.]~~

R156-60a-302c. Training Requirements for Licensure as a LCSW.

In accordance with Subsections 58-60-205(1)(d),(e),(f) and (g), and 58-60-202(3)(a), the 4000 hours of clinical social work and mental health therapy training qualifying an applicant for licensure as a LCSW shall:

(1) be obtained after completion of the education requirement set forth in Subsections 58-60-205(d) and (g) and shall not include any clinical practicum hours obtained as part of the education program;

(2) be completed over a duration of not less than two years;

(3) be completed while the CSW ~~[or LCSW temporary]~~ is an employee of a public or private agency engaged in mental health therapy;

(4) be completed under a program of supervision by a LCSW meeting the requirements of Sections R156-60a-302e and R156-60a-601; and

(5) include the following training requirements:

(a) individual, family, and group therapy;

(b) crisis intervention;

(c) intermediate treatment; and

(d) long term treatment.

R156-60a-302e. Requirements to Become a LCSW Supervisor.

In accordance with Subsections 58-60-202(2)(c), 58-60-202(3)(a) and 58-60-205(1)(e) and (f), in order for an LCSW to supervise a CSW [~~or LCSW-temporary~~], the LCSW shall:

- (1) be currently licensed in good standing as a LCSW; and
- (2) have engaged in active practice as a LCSW, including mental health therapy, for a period of not less than two years prior to supervising a CSW [~~or LCSW-temporary~~].

R156-60a-304. Continuing Education Requirements for LCSW.

In accordance with Subsection 58-60-105(1), the continuing education requirements for LCSWs are defined, clarified and established as follows:

(1) During each two year period commencing January 1st of each even numbered year, a LCSW shall be required to complete not less than 40 hours of continuing education.

(2) The required number of hours of continuing 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) Continuing education under this section shall:

- (a) be relevant to the licensee's professional practice;
- (b) be prepared and presented by individuals who are qualified by education, training, and experience to provide social work continuing education; and

(c) have a method of verification of attendance.

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

(a) unlimited hours shall be recognized for continuing education completed in blocks of time of not less than 50 minutes in formally established classroom courses, seminars, lectures, conferences, or training sessions which meet the criteria listed in Subsection (3) above, and which are approved by, conducted by or under sponsorship of:

- (i) the National Association of Social Workers;
- (ii) community mental health agencies or entities providing mental health services under the auspices of the State of Utah;
- (iii) recognized universities and colleges; and
- (iv) professional associations, societies and organizations representing a licensed profession whose program objectives relate to the practice of social work; and

(b) a maximum of ten hours per two year period may be recognized for teaching continuing education relevant to clinical social work or mental health therapy; and

(c) a maximum of six hours per two year period may be recognized for continuing education that is provided via Internet or through home study which meets the criteria listed in Subsection (3) above.

(5) A licensee is responsible to complete relevant continuing education, to document completion of the continuing education, and to maintain the records of the continuing education completed for a period of four years after close of the two year period to which the records pertain.

(6) A licensee who documents he is engaged in full time activities or is subjected to circumstances which prevent that licensee from meeting the continuing 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.

R156-60a-308. Reinstatement of a LCSW License which has Expired Beyond Two Years.

In accordance with Subsection 58-1-308(6) and Section R156-1-308e, an applicant for reinstatement for licensure as a LCSW, whose license expired after two years following the expiration of that license, shall:

(1) upon request, meet with the board to evaluate the applicant's ability to safely and competently practice clinical social work and mental health therapy;

(2) upon recommendation of the board, establish a plan of supervision under an approved supervisor which may include up to 4000 hours of clinical social work and mental health therapy training as a CSW [~~or LCSW-temporary~~] before qualifying for reinstatement of the LCSW license;

(3) pass the Utah Social Work Law, Rules and Ethics Examination with a passing score of 75%;

(4) pass the Clinical Examination of the AASSWB if it is determined by the board that examination or reexamination is necessary to demonstrate the applicant's ability to safely and competently practice clinical social work and mental health therapy; and

(5) complete a minimum of 40 hours of continuing education in subjects determined by the board as necessary to ensure the applicant's ability to safely and competently practice clinical social work and mental health therapy.

R156-60a-309. Exemption from Licensure Clarified.

The exemption specified in Subsection 58-60-107(5) does not permit an individual to engage in the 4000 hours of clinical social work and mental health therapy training without first becoming licensed as a CSW [~~or LCSW-temporary~~, except as provided in ~~Subsection 58-60-107(7)~~].

R156-60a-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) using the abbreviated title of LCSW unless licensed as a LCSW;

(2) using the abbreviated title of CSW unless licensed as a CSW;

(3) using the abbreviated title of SSW unless licensed as a SSW;

(4) acting as a supervisor or accepting supervision of a supervisor without complying with or ensuring the compliance with the requirements of Sections R156-60a-302d and R156-60a-601.

(5) engaging in the supervised practice of mental health therapy as a licensed CSW [~~or LCSW-temporary~~] unless:

(a) the licensee has completed a clinical practicum as part of the Council on Social Work Education (CSWE) accredited master's degree program; and

(b) the scope of practice is otherwise within the licensee's competency, abilities and education;

(6) engaging in the supervised practice of mental health therapy when not in compliance with Subsections R156-60a-302c(4) and R156-60a-601(7);

(7) engaging in or aiding or abetting conduct or practices which are dishonest, deceptive or fraudulent;

- (8) engaging in or aiding or abetting deceptive or fraudulent billing practices;
- (9) failing to establish and maintain professional boundaries with a client or former client;
- (10) engaging in dual or multiple relationships with a client or former client in which there is a risk of or potential harm to the client;
- (11) engaging in sexual activities or sexual contact with a client with or without client consent;
- (12) engaging in sexual activities or sexual contact with a former client within two years of documented termination of services when there is no risk of exploitation or potential harm to the client;
- (13) engaging in sexual activities or sexual contact with client's relatives or other individuals with whom the client maintains a personal relationship when there is a risk of exploitation or potential harm to the client;
- (14) embracing, massaging, cuddling, caressing, or performing any other act of physical contact with a client when there is a risk of exploitation or potential harm to the client resulting from the contact;
- (15) engaging in or aiding or abetting sexual harassment or any conduct which is exploitive or abusive with respect to a student, trainee, employee, or colleague with whom the licensee has supervisory or management responsibility;
- (16) failing to exercise professional discretion and impartial judgement required for the performance of professional activities, duties and functions;
- (17) failing to render impartial, objective, and informed services, recommendations or opinions with respect to custodial or parental rights, divorce, domestic relationships, adoptions, sanity, competency, mental health or any other determination concerning an individual's civil or legal rights;
- (18) exploiting a client or former client for personal gain;
- (19) exploiting a person who has a personal relationship with a client for personal gain;
- (20) failing to maintain client records including records of assessment, treatment, progress notes and billing information for a period of not less than ten years from the documented termination of services to the client;
- (21) failing to provide client records in a reasonable time upon written request of the client, or legal guardian;
- (22) failing to obtain informed consent from the client or legal guardian before taping, recording or permitting third party observations of client activities or records;
- (23) failing to protect the confidences of other persons named or contained in the client records; and
- (24) failing to abide by the provisions of the Code of Ethics of the National Association of Social Workers (NASW) as adopted by the Delegate Assembly of August 1996, which is adopted and incorporated by reference.

R156-60a-601. Duties and Responsibilities of a LCSW Supervisor.

The duties and responsibilities of a LCSW supervisor, are further defined, clarified or established as follows:

- (1) be professionally responsible for the acts and practices of the CSW[~~or LCSW-temporary~~];

- (2) be engaged in a relationship with the CSW[~~or LCSW-temporary~~] in which the supervisor is independent from control by the CSW [~~or LCSW-temporary~~] and in which the ability of the supervisor to supervise and direct the practice of the CSW or [~~LCSW-temporary~~] is not compromised;
- (3) be available for advice, consultation, and direction consistent with the standards and ethics of the profession;
- (4) provide periodic review of the client records assigned to the CSW[~~or LCSW-temporary~~];
- (5) comply with the confidentiality requirements of Section 58-60-114;
- (6) monitor the performance of the CSW [~~or LCSW-temporary~~] for compliance with laws, rules, standards and ethics applicable to the practice of social work;
- (7) supervise only a CSW [~~or LCSW-temporary~~] who is an employee of a public or private mental health agency;
- (8) supervise not more than three individuals who are lawfully engaged in mental health therapy training, unless otherwise approved by the board;
- (9) not begin supervision of a CSW [~~or LCSW-temporary~~] until having met the requirements of Section R156-60a-302e; and
- (10) in accordance with Subsections 58-60-205(1)(e) and (f), submit to the division on forms made available by the division:
 - (a) documentation of the training hours completed by the CSW[~~or LCSW-temporary~~]; and
 - (b) an evaluation of the CSW[~~or LCSW-temporary~~], with respect to the quality of the work performed and the competency of the CSW [~~or LCSW-temporary~~] to practice clinical social work and mental health therapy.

KEY: licensing, social workers
~~[June 4, 1998]~~1999

58-60-201
58-1-106(1)
58-1-202(1)



Commerce, Real Estate
R162-101-2
Definitions

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 22060
 FILED: 05/20/1999, 08:35
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To implement the amendments made to the State Code concerning appraiser licensing. (House Bill 149) (**DAR Note:** H.B. 149 is found at 1999 Utah Laws 117, and was effective May 3, 1999.)

SUMMARY OF THE RULE OR CHANGE: Increases the education and experience required for new appraisers in conformity with federal regulations of the Appraiser Qualifications Board.

(DAR Note: A 120-day (emergency) rule that is effective 05/03/1999 is under DAR No. 22000 that was published in the May 15, 1999, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 61, Chapter 2b

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** Less fee income with fewer new appraiser applications. Higher standards for licensure will increase the qualifications and competency of appraisers in the state and in turn reduce the number of complaints received by the division, saving investigation and enforcement resources.

❖**LOCAL GOVERNMENTS:** Local government does not regulate appraisers. Local government will be benefitted by receiving appraisal services by better qualified appraisers as a result of the amendments.

❖**OTHER PERSONS:** Public will be protected from economic loss due to the higher standard for appraiser licensing, resulting in more qualified appraisers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Additional fees will be incurred by applicants due to the increase in required education hours. Licensed appraisers will also be required to pay the federal registry fee in addition to the licensing fee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of these rule changes is to implement the amendments made to the appraiser statutes during the 1999 legislative session and is aimed at increasing the competency and professionalism of the appraiser practitioners while bringing the Utah requirements into conformity with the federal regulations of the Appraiser Qualification Board which are followed by the vast majority of the other states and United States possessions and territories. There may be a small reduction to the state budget as a result of the more stringent education and experience requirements for licensure which will discourage marginal candidates from applying. However, the higher standards should reduce the amount of state assets currently required for enforcement and investigation, allowing these resources to be utilized elsewhere. There will be no effect upon local governments. Since the higher standards established by the statutory amendments and these rule changes will require additional education and experience there will be an undetermined fiscal impact upon those seeking to enter this field in obtaining such education and apprentice experience. The financial impact upon those seeking licensure will be more than offset by the positive impact to the real estate industry and the general public of having a more competent and reliable pool of appraisers and should lower the number of appraisers thus raising the average potential income of those becoming licensed.

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

Commerce
Real Estate
Second Floor, Heber Wells Building

160 East 300 South
PO Box 146711
Salt Lake City, UT 84114-6711, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Karen Post at the above address, by phone at (801) 530-6753, by FAX at (801) 530-6749, or by Internet E-mail at kpost@br.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Theodore "Ted" Boyer, Jr., Division Director

R162. Commerce, Real Estate.

R162-101. Authority and Definitions.

R162-101-2. Definitions.

~~101.2.1 Licensee: one who has paid all the applicable license fees and has been granted the authority to act as a senior appraiser, a registered appraiser, a certified residential or a certified general appraiser.~~ 101.2.1 AQB: the Appraiser Qualifications Board of The Appraisal Foundation, 1029 Vermont Avenue, N.W., Suite 900, Washington, D.C. 20005.

101.2.2 Board: the Utah Appraiser Licensing and Certification Board.

101.2.3 Classification: the type of registration, license, or certification held by an appraiser.

101.2.4 Division: the Division of Real Estate of the Department of Commerce.

101.2.[2]5 Reinstatement: renewing a license, registration, or certification for an additional[licensing] period after its expiration date has passed but prior to six months after the expiration date.

~~101.2.3 Reissuance: the renewal by the division of a license upon its expiration or the reinstatement of a license within six months of its expiration as provided in Section 61-2b-20.]~~

101.2.[4]6 Renewal: extending a license, registration, or certification for an additional [licensing] period upon its expiration.

101.2.7 Unclassified individual: An individual who does not hold any appraisal classification issued by the Division.

101.2.8 USPAP: The Uniform Standards of Professional Appraisal Practice published by The Appraisal Foundation, 1029 Vermont Avenue, N.W., Suite 900, Washington, D.C. 20005.

KEY: real estate appraisal, definitions

[July 8, 1997]1999

61-2b-20 to 61-2b-31

Notice of Continuation September 12, 1997



Commerce, Real Estate
R162-102
 Licensing Procedures

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 22061
 FILED: 05/20/1999, 08:35
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To implement the amendments made to the State Code concerning appraiser licensing. (House Bill 149)

(**DAR Note:** H.B. 149 is found at 1999 Utah Laws 117, and was effective May 3, 1999.)

SUMMARY OF THE RULE OR CHANGE: Increases the education and experience required for new appraisers in conformity with federal regulations of the Appraiser Qualifications Board.

(**DAR Note:** A 120-day (emergency) rule that is effective 05/03/1999 is under DAR No. 22001 that was published in the May 15, 1999, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 61, Chapter 2b

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Less fee income with fewer new appraiser applications. Higher standards for licensure will increase the qualifications and competency of appraisers in the state and in turn reduce the number of complaints received by the division, saving investigation and enforcement resources.

❖LOCAL GOVERNMENTS: Local government does not regulate appraisers. Local government will be benefitted by receiving appraisal services by better qualified appraisers as a result of the amendments.

❖OTHER PERSONS: Public will be protected from economic loss due to the higher standard for appraiser licensing, resulting in more qualified appraisers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Additional fees will be incurred by applicants due to the increase in required education hours. Licensed appraisers will also be required to pay the federal registry fee in addition to the licensing fee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of these rule changes is to implement the amendments made to the appraiser statutes during the 1999 legislative session and is aimed at increasing the competency and professionalism of the appraiser practitioners while bringing the Utah requirements into conformity with the federal regulations of the Appraiser Qualification Board which are followed by the vast majority of the other states and United States possessions and territories. There may be a small reduction to the state budget as a result of the more stringent education and experience requirements for licensure which will discourage marginal candidates from applying. However,

the higher standards should reduce the amount of state assets currently required for enforcement and investigation, allowing these resources to be utilized elsewhere. There will be no effect upon local governments. Since the higher standards established by the statutory amendments and these rule changes will require additional education and experience there will be an undetermined fiscal impact upon those seeking to enter this field in obtaining such education and apprentice experience. The financial impact upon those seeking licensure will be more than offset by the positive impact to the real estate industry and the general public of having a more competent and reliable pool of appraisers and should lower the number of appraisers thus raising the average potential income of those becoming licensed.

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

Commerce
 Real Estate
 Second Floor, Heber Wells Building
 160 East 300 South
 PO Box 146711
 Salt Lake City, UT 84114-6711, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Karen Post at the above address, by phone at (801) 530-6753, by FAX at (801) 530-6749, or by Internet E-mail at kpost@br.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Theodore "Ted" Boyer, Jr., Division Director

R162. Commerce, Real Estate.

R162-102. [~~Licensing~~]Application Procedures.

R162-102-1. [~~Licensing~~]Application.

102.1.1 Initial Review - An applicant for [~~registration~~]licensure or certification as an appraiser will be required to submit, on forms provided by the Division, documentation indicating successful completion of the education and experience required by the state of Utah [~~and, for either Certified Residential or Certified General status, completion of the required experience~~].

102.1.1.1 The application may be reviewed by [~~the~~]an Appraiser Education Review Committee appointed by the Real Estate Appraiser Licensing and Certification Board to determine if the education requirement has been met.

102.1.1.2 The candidate [~~for either Certified Residential or Certified General status~~] will provide evidence of meeting the experience requirement by completing the form required by the Division.

102.1.2 Exam Application

102.1.2.1 Upon determining the candidate has completed the education and experience requirements [~~for either Certified~~

~~Residential or Certified General status~~], the Division will issue an examination application form to the candidate.

102.1.2.2 The candidate will make application to take the examination by returning the application form and the appropriate testing fee to the testing service designated by the Division. If the applicant fails to take the examination, the fee will be forfeited.

102.1.3 ~~[Registration/Certification]~~Final Application[

~~102.1.3.1 Registration Status - When the education of the candidate has been reviewed and approved, the candidate will be notified to complete the application form required by the Division.]~~

102.1.3.~~[2]~~1 ~~[Certified Residential and Certified General Status=]~~Within 90 days after successful completion of the exam, the appraiser applicant must return to the Division each of the following:

102.1.3.~~[2]~~1.1 A report from the testing service indicating successful completion of the exam.

102.1.3.~~[2]~~1.2 The license application form required by the Division. The application form shall include the ~~[licensee's]~~applicant's business and home addresses. A post office box without a street address is unacceptable as a business or home address. The ~~[licensee]~~applicant may designate either address to be used as a mailing address.

102.1.3.~~[2]~~1.3 The appropriate license or [state] certification fee, which will include the fee for the federal registry.

R162-102-2. Status Change.

102.2.1 A registered, ~~[senior appraiser]~~licensed or certified appraiser must notify the Division within ten working days of any status change. Status changes are effective on the date the properly executed forms and appropriate fees are received by the Division. Notice must be made in writing on the forms required by the Division.

102.2.1.1 Change of name requires submission of official documentation such as a marriage or divorce certificate, or driver's license.

102.2.1.2 Change of business, home address or mailing address requires written notification. A post office box without a street address is unacceptable as a business or home address. ~~[The licensee may designate a]~~Any address ~~[to be used]~~may be designated as a mailing address.

102.2.2 ~~[Those appraisers licensed as either=]~~Registered or ~~[Senior]~~State-licensed Appraisers, upon meeting the appropriate requirements for certification and upon filing a completed~~[license]~~ application within six months from their last renewal, will be allowed to transfer to the categories of either Certified Residential or Certified General by paying only a transfer fee and the fee for the federal registry.

102.2.2.1 ~~[The original expiration date of the Registered or Senior Appraiser license will remain the same.]~~Transfer to a certified category will not change the individual's expiration date.

R162-102-3. Renewal.

102.3.1 At least 30 days before expiration, a renewal notice shall be sent by the Division to the registered, ~~[senior appraiser]~~licensed or certified appraiser at the mailing address shown on the Division records. The ~~[licensee]~~applicant for renewal must return the completed renewal notice and the applicable renewal fee to the Division on or before the expiration shown on the notice.

102.3.1.1 The registered, ~~[senior appraiser or]~~licensed and certified appraiser must return proof of completion of 28 hours of continuing education taken during the preceding two years.

102.3.1.1.1 Even though the appraiser may have changed ~~[licensing categories]~~classification, every third time the appraiser renews, the appraiser will provide evidence of having completed, within the two years prior to the third renewal, a course in the Uniform Standards of Professional Appraisal Practice. This USPAP course will be a 15-hour course and will include passing of a final exam. This 15 hours of credit may be used to meet part of the continuing education requirement for that renewal period. The appraiser must obtain and study the Utah Real Estate Appraiser ~~[Registration]~~Licensing and Certification Act and the rules promulgated thereunder and must sign an attestation that he understands and will abide by them.

102.3.1.1.2 Those State-Licensed Appraisers who were Senior Appraisers prior to May 3, 1999 and who completed a USPAP course after January 1, 1993 will not be required to complete the USPAP course again in order to renew until their third renewal following the date upon which they completed the USPAP course.

102.3.1.1.3 Those appraisers who were State-Registered Appraisers prior to May 3, 2001 and who completed a USPAP course after January 1, 1993 will not be required to complete the USPAP course again in order to renew until their third renewal following the date upon which they completed the USPAP course.

102.3.2 If the renewal fee and documentation are not received within the prescribed time period, the registration, license or certification shall expire.

102.3.2.1 A registration, license or certification may be renewed for a period of 30 days after the expiration date upon payment of a late fee in addition to the requirements of Section 102.3.1.

102.3.2.2 After this 30-day period and until six months after the expiration date, the registration, license or certification may be reinstated upon payment of a reinstatement fee in addition to the requirements of Section 102.3.1. It shall be grounds for disciplinary sanction if, after the ~~[license has expired]~~expiration date, the individual continues to perform work for which a registration, license or certification is required.

102.3.2.3 A person who does not renew ~~[his]~~a registration, license or certification within six months after the expiration date shall be reregistered, relicensed or recertified as prescribed for an original application. The applicant will receive credit for previously credited prelicensing education~~[but the senior appraiser and registered appraiser applicant will need to complete a USPAP course and also retake the prelicensing exam].~~ Applicants for a new license or certification will be required to complete a USPAP course and retake the examination for the classification for which they are applying.

102.3.3 If the Division has received renewal documents in a timely manner but the information is incomplete, the appraiser shall be extended a 15-day grace period to complete the application.

R162-102-4. Six-Month Temporary Permits.

102.4.1 A non-resident of this state may obtain a permit for a period of six months to practice as ~~[a registered or certified]~~an appraiser in this state. An applicant must:

102.4.1.1 Submit an application in writing requesting ~~[registration]~~temporary licensure or certification;

102.4.1.2 Provide a complete history sent directly to the Division by his home state, and any other state in which he holds a license or certification, which indicates the type of license or certification held, the date ~~[the current license]~~it expires, and a statement concerning whether disciplinary action has ever been taken, or is pending, against the individual~~[s appraisal license]~~;

102.4.1.3 Sign an irrevocable consent to service authorizing the Division to receive service of any lawful process on his behalf in any noncriminal proceeding arising out of his practice as an appraiser in this state;

102.4.1.4 Pay an application fee in the amount established by the Division; and

102.4.1.5 Provide the starting date of the appraisal assignment for which the temporary permit is being obtained.

102.4.2 A temporary permit may be renewed once by paying an additional fee and submitting the forms required by the Division.

R162-102-5. Reciprocity.

102.5.1 An individual who is licensed or certified as an appraiser by another state may be ~~[registered]~~licensed or certified in Utah by reciprocity on the following conditions:

102.5.1.1 The other state must have required the applicant to satisfactorily complete classroom hours of appraisal education approved by that state which are substantially equivalent in number to the hours required for the class of ~~[registration]~~licensure or certification for which he is applying in Utah;

102.5.1.2 The education must have included a course in the Uniform Standards of Professional Appraisal Practice;

102.5.1.3 The applicant must obtain and study the Utah Real Estate Appraiser Registration and Certification Act and the rules promulgated thereunder and must sign an attestation that he understands and will abide by them;

102.5.1.4 ~~[If t]~~The applicant ~~[is applying for certification, he]~~must have passed an examination which has been approved by the ~~[Appraiser Qualifications Board of the Appraisal Foundation]~~AQB for the class of licensure or certification for which he is applying;

102.5.1.5 If the applicant resides outside of the state of Utah, he must sign an irrevocable consent to service authorizing the Division to receive service of any lawful process on his behalf in any noncriminal proceeding arising out of his practice as an appraiser in this state;

102.5.1.6 The applicant must provide a complete licensing history sent directly to the Division by his home state and any other state in which he has been licensed, which shall include the applicant's full name, home and business addresses and telephone numbers, the date first licensed, the type or types of licenses or certifications held, the date the current license or certification expires, and a statement concerning whether disciplinary action has ever been taken, or is pending, against the individual~~[s appraisal license]~~;

102.5.1.7 The applicant shall not have been convicted of a criminal offense involving moral turpitude relating to his ability to provide services as an appraiser; and

102.5.1.8 The applicant must agree, as a condition of licensure or certification, that he will furnish to the Division upon demand all records requested by the Division relating to his appraisal practice in Utah. Failure to do so will be considered grounds for revocation of license or certification.

KEY: real estate appraisal, licensing
~~[October 2, 1998]~~1999

61-2b-23



Commerce, Real Estate **R162-103** Appraisal Education Requirements for Prelicense and Continuing Education Course, School and Instructor Certification

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22062

FILED: 05/20/1999, 08:35

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To implement the amendments made to the State Code concerning appraiser licensing. (House Bill 149)

(DAR Note: H.B. 149 is found at 1999 Utah Laws 117, and was effective May 3, 1999.)

SUMMARY OF THE RULE OR CHANGE: Increases the education and experience required for new appraisers in conformity with federal regulations of the Appraiser Qualifications Board.

(DAR Note: A 120-day (emergency) rule that is effective 05/03/1999 is under DAR No. 22002 that was published in the May 15, 1999, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 61, Chapter 2b

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Less fee income with fewer new appraiser applications. Higher standards for licensure will increase the qualifications and competency of appraisers in the state and in turn reduce the number of complaints received by the division, saving investigation and enforcement resources.

❖LOCAL GOVERNMENTS: Local government does not regulate appraisers. Local government will be benefitted by receiving appraisal services by better qualified appraisers as a result of the amendments.

❖OTHER PERSONS: Public will be protected from economic loss due to the higher standard for appraiser licensing, resulting in more qualified appraisers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Additional fees will be incurred by applicants due to the increase in required education hours. Licensed appraisers will also be required to pay the federal registry fee in addition to the licensing fee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of these rule changes is to implement the amendments made to the appraiser statutes during the 1999 legislative session and is aimed at increasing the competency and professionalism of the appraiser practitioners while bringing the Utah requirements into conformity with the federal regulations of the Appraiser Qualification Board which are followed by the vast majority of the other states and United States possessions and territories. There may be a small reduction to the state budget as a result of the more stringent education and experience requirements for licensure which will discourage marginal candidates from applying. However, the higher standards should reduce the amount of state assets currently required for enforcement and investigation, allowing these resources to be utilized elsewhere. There will be no effect upon local governments. Since the higher standards established by the statutory amendments and these rule changes will require additional education and experience there will be an undetermined fiscal impact upon those seeking to enter this field in obtaining such education and apprentice experience. The financial impact upon those seeking licensure will be more than offset by the positive impact to the real estate industry and the general public of having a more competent and reliable pool of appraisers and should lower the number of appraisers thus raising the average potential income of those becoming licensed.

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

Commerce
Real Estate
Second Floor, Heber Wells Building
160 East 300 South
PO Box 146711
Salt Lake City, UT 84114-6711, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Karen Post at the above address, by phone at (801) 530-6753, by FAX at (801) 530-6749, or by Internet E-mail at kpost@br.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Theodore "Ted" Boyer, Jr., Division Director

R162. Commerce, Real Estate.
R162-103. Appraisal Education Requirements[~~for Prelicense and Continuing Education Course, School and Instructor Certification~~].

.....

R162-103-2. [~~Prelicense~~]School Certification.

103.2.1 Each school requesting certification shall make application for approval on the form prescribed by the Division, and shall submit the applicable fees. The application shall include, and the Board may consider, the following information in determining the school's eligibility for certification:

103.2.1.1 Name, phone number, and address of the school, school director and all owners of the school.

103.2.1.2 Attestation to upstanding moral character by individuals who are school directors or owners of the school, and whether any individual:

(a) has had a license or certification to practice in the appraisal profession, or any other profession or occupation, denied, restricted, suspended, or revoked.

(b) has been permitted to resign or surrender an appraiser license or certification, or has ever allowed an appraiser license or certification to expire while the individual was under investigation, or while action was pending against the individual by an appraiser licensing or any other agency.

(c) has any action now pending by any appraiser licensing or other agency.

(d) is currently under investigation for, or charged with, or has ever pled guilty or no contest to, or been convicted of, a misdemeanor or felony, excluding minor traffic offenses.

(e) has ever been placed on probation in connection with any criminal offense or a licensing action.

103.2.1.3 A description of the type of school and a description of the school's physical facilities. All courses shall be taught in an appropriate classroom facility and not in any private residence, except for courses approved for specific home-study purposes;

103.2.1.4 A copy of the statement which shall be provided for each student outlining the days, times and locations of classes; the number of quizzes and examinations; the grading system, including methods of testing and standards of grading; the requirements for attendance; and the school's refund policy.

103.2.2 A public school may schedule its courses within the criteria of its regular schedule, for example, quarter, semester, or similar schedule. A quarter hour of college credit is the equivalent of 10 classroom hours, and a semester hour of college credit is the equivalent of 15 classroom hours.

103.2.3 Upon approval by the Board, a school will be issued certification. All certifications expire January 1. Conditions of certification include the following:

(a) A school shall teach the approved course of study as outlined in the State Approved Course Outline;

(b) A school shall require each student to attend the required number of hours and pass a final examination;

(c) A school shall maintain a record of each student's attendance for a minimum of five years after his enrollment;

(d) A school shall not make any misrepresentation in its advertising about any course of instruction, and shall be able to provide substantiation of any claims made. All advertising and public notices shall be free of statements or implications which do not enhance the dignity and integrity of the appraisal profession. A school shall refrain from disparaging a competitor's services or methods of operation;

(e) Within 15 calendar days after the occurrence of any material change in the school which could affect its approval, including the events listed in R162-103.2.1.2, the school shall give the Division written notice of that change; and

(f) A school will not attempt by any means to obtain or use the questions on the state licensure or certification exam unless those questions have been dropped from the current exam bank.

(g) A school shall provide to all students at the time of registration a copy of the qualifying questionnaire the student will be required by the Division to answer as part of the precertification examination.

R162-103-3. [Precertification] Course Certification.

103.3.1 Each school requesting approval of a course designed to meet the education requirements of [registration] licensure or certification shall make application for approval on a form prescribed by the Division and shall pay the applicable fee. The application shall include, and the Board may consider, the following information in determining eligibility for approval:

(a) A course outline including a description of the course, the length of time to be spent on each subject area broken into segments of no more than 30 minutes each, and three to five learning objectives for every three hours;

(b) Indication of any method of instruction other than lecture method including: a slide presentation, cassette, video tape, movie, home study, or other.

(c) A copy of the final examination of the course, if one is administered, and the answer key which is used to determine if the student has passed the course;

(d) An explanation of what the school procedure is if the student fails the final examination;

(e) A list of the titles, authors and publishers of all required textbooks;

(f) A list of the instructors and evidence of their certification by the Division, and a list of any guest lecturers to be used and evidence of their qualifications as an instructor for a specific course; and

(g) Days, times, and location of classes.

103.3.2 Upon approval by the Board, a course will be issued certification. All certifications expire January 1.

103.3.3 Each course of study will meet the minimum standards set forth in the State Approved Course Outline provided for each approved course. The school may alter the sequence of presentation of the required topics. Specific nonappraisal courses being used to satisfy the educational requirements shall have prior approval as to their applicability.

103.3.4 All courses of study will meet the minimum hourly requirement of that course. A credit hour is defined as 50 minutes of supervised contact by a certified instructor within a 60-minute time period. A 10-minute break will be given for each 50 minutes in class. Registration or certification credit will be limited to a maximum of eight credit hours per day. The limitation applies only to the credit a student may receive and is not intended to limit the number of classroom hours offered.

103.3.5 A public school or institution may use any faculty member to teach an approved course provided the individual demonstrates to the satisfaction of the Division and the Board academic training or appraisal experience qualifying him to teach the course.[]

~~103.3.6 Methods of instruction other than lecture method, including a slide presentation, cassette, videotape, movie, or other method, may be used, providing that absent special approval from the Division:~~

~~103.3.6.1 These methods of instruction will be limited to a total of 50% of the class time;~~

~~103.3.6.2 These methods of instruction will have an accompanying workbook for the student to complete during the viewing time;~~

~~103.3.6.3 These methods of instruction will have a certified instructor available to answer questions after the presentation.]~~

103.3.[7]6 Distance [learning]-education is defined as any educational process based on the geographical separation of [provider]instructor and student (e.g., CD ROM, On-line learning, correspondence courses, video conferencing, etc.). Distance [learning]education courses must provide interaction between the learner and instructor and must include testing. A distance [learning]education course may be acceptable to meet the classroom hour requirement or its equivalent providing each course meets the following conditions:

103.3.[7]6.1 The course (a) has been presented by an accredited college or university which offers ~~[correspondence and distance learning]~~distance education programs in other disciplines[-] and where [A]accreditation [shall be]has been made by the Commission on Colleges or a regional accreditation association[-]; or (b) has received approval for college credit by the American Council on Education's Program on Non-collegiate Sponsored Instruction, also known as PONSI; or (c) has been approved under the AOB Course Approval Program.

(a) The learner must successfully complete a written examination personally ~~[administered]~~proctored by an official approved by the college or university[-] or by the presenting entity; and

(b) The course must meet[s] the requirements established by the ~~[Appraiser Qualifications Board]~~AOB and [is]be equivalent to the minimum of 15 classroom hours.[-~~or~~

~~103.3.7.2 Distance learning courses offered by other than a college or university may be acceptable to meet the classroom hour requirement providing the course has received the American Council on Education's Program on Non-collegiate Sponsored Instruction, also known as PONSI, approval for college credit.~~

~~103.3.7.3 The content and length of the course must meet the requirements established by the Appraiser Qualifications Board.~~

~~103.3.7.4 The learner must successfully complete a written examination personally administered by an official approved by the course provider.]~~

103.3.[8]7 A maximum of 10% of the required class time may be spent in testing, including review test and final examination. A student cannot challenge a course or any part of a course of study by taking an exam in lieu of attendance.

103.3.[9]8 All texts, workbooks, supplement pamphlets and any other materials shall be appropriate and current in their application to the required course outline.

103.3.[10]9 Within 15 calendar days after the occurrence of any material change in a course which could affect approval, the school shall give the Division written notice of the change.

R162-103-4. Education Credit for Noncertified [~~Prelicensing~~ Courses.]

103.4.1 Education credit will be granted towards [~~registration~~ licensure or certification for an appraisal education course which has been taken and which has not been previously certified in Utah for prelicensing education credit, and has been provided by a school which meets the criteria as outlined in 103.1.

103.4.1.1 The course content shall have met the minimum standards set forth in the Utah State Approved Course Outline.

103.4.1.2 A course must be at least 15 hours in duration, including the examination. An hour is defined as 50 minutes of supervised contact by a certified instructor within a 60-minute time period.

103.4.1.3 A final examination will be administered at the end of each course pertinent to that education offering.

103.4.2 Credit will not be granted for a course taken in which the applicant obtained credit from the course provider by challenge examination without having attended the course.

103.4.3 Credit will not be given for duplicate or highly comparable classes [~~taken from different course providers~~]. Each course must represent a progression in which the appraiser's knowledge is increased.

103.4.4 [~~Credit will be given for appraisal classes taken only within ten years immediately preceding the registration or certification application.~~] There is no time limit regarding when education credit must have been obtained.

103.4.4.1 Hourly credit for a course taken from a professional appraisal organization will be granted based upon the Division approved list which verifies hours for these courses.

103.4.6 Credit will only be granted for a course that has been successfully completed. Successful completion of a course means that the applicant has attended a minimum of 90% of the scheduled class hours, has completed all required exercises and assignments, and has achieved a passing score on a course final examination. The final examination shall not be an open book examination.

103.4.7 Submission for Education Approval.

103.4.7.1 Courses that have not been previously certified for prelicensing credit will be reviewed by the Education Review Committee. It is the responsibility of the applicant to establish that a particular education offering will qualify to meet the education requirement for registration or certification.

103.4.7.2 The applicant shall submit on a form provided by the Division a list of the courses that documents the course title, the name of the sponsoring organization, the number of classroom hours, and the date the course was completed.

103.4.7.3 The applicant will attest on a notarized affidavit that the courses have been completed as documented.

103.4.7.4 The applicant will support the claim for education credit if requested by the Division by providing proof of completion of the courses in the form of certificates, transcripts, report cards, letters of verification, or similar proof.

103.4.7.5 Applicants having appraisal education in categories other than those in the State Approved Course Outline may petition the Board on an individual basis for evaluation and approval of their education as being substantially equivalent to that required for registration or certification.

R162-103-5. [~~Prelicense~~] Instructor Application for Certification.

103.5.1 Each instructor requesting approval to be certified as an instructor to teach the education requirements of appraisal [~~registration~~ licensure or certification shall make application for approval on a form prescribed by the Division and shall submit the applicable fees. The application shall include, and the Board may consider, the following information in determining the instructor's eligibility for approval:

103.5.1.1 Attestation to upstanding moral character, including whether the individual:

(a) has had a license or certification to practice in the appraisal profession, or any other profession or occupation, denied, restricted, suspended, or revoked.

(b) has been permitted to resign or surrender an appraiser license or certification, or has ever allowed an appraiser license or certification to expire while the individual was under investigation, or while action was pending against the individual by an appraiser licensing or any other agency.

(c) has any action now pending by any appraiser licensing or other agency.

(d) is currently under investigation for, or charged with, or has ever pled guilty or no contest to, or been convicted of, a misdemeanor or felony, excluding minor traffic offenses.

(e) has ever been placed on probation in connection with any criminal offense or a licensing action.

103.5.2 The instructor will demonstrate evidence of knowledge of the subject matter by the following:

103.5.2.1 A minimum of five years active experience in appraising, or

103.5.2.2 Evidence of having completed college or other appropriate courses specific to the topic he proposes to teach, or

103.5.2.3 Evidence of other qualifications of experience, education, or credentials which are acceptable to the Board; and

103.5.2.4 Evidence of having passed an examination designed to test knowledge of the subject matter he proposes to teach.

103.5.3 An applicant to teach the course on [~~the Uniform Standards of Professional Appraisal Practice~~] USPAP shall conform to all of the above criteria and in addition:

103.5.3.1 The applicant shall be a [~~registered~~] licensed or state-certified appraiser, and shall have seven years of experience as a full-time appraiser within the past 15 years, and

103.5.3.2 Shall be able to provide evidence of having completed a [~~Uniform Standards of Professional Appraisal Practice~~] USPAP course within the last two years, which course and accompanying exam have been approved by the [~~Utah Appraiser Registration and Certification~~] Board.

103.5.4 Upon approval by the Board, an applicant will be issued certification. All certifications expire January 1 of each even numbered year. Conditions of renewal of certification include providing proof of the following:

103.5.4.1 Must have taught at least 20 hours of in-class instruction in a certified course during the preceding two years; and

103.5.4.2 Must have attended a real estate instructor development workshop sponsored or approved by the Division during the preceding two years.

103.5.5 Within 15 calendar days after the occurrence of any of the events listed in Section 103.5.1, an applicant or instructor shall give written notice to the Division of that event.

R162-103-6. Education Review Committee.

103.6 A committee may be appointed by the Board to review submissions for education credit for ~~registration~~license or certification applicants and also to review submissions for certification of appraiser courses and instructors.

103.6.1 The Education Review Committee shall:

103.6.1.1 Review all applications for adherence to the education credit required for ~~registration~~licensure or certification and make recommendations to the Division and the Board for approval or disapproval of the education claimed.

103.6.1.2 Review all submissions requesting certification of appraiser courses and instructors for prelicensing education purposes and make recommendations to the Division and the Board for approval or disapproval.

103.6.2 The Committee shall be composed of appraisers from the following categories: residential appraisers; commercial appraisers; farm and ranch appraisers; right-of-way appraisers; and ad valorem appraisers.

103.6.2.1 The chairperson of the committee shall be appointed by the Board.

103.6.2.2 Meetings may be called upon the request of the chairperson or upon the written request of a quorum of committee members.

103.6.3 If the review of an application has been performed by the Education Review Committee, and the Board has denied the application based on insufficient education or an inability to meet the certification of education requirements, the applicant may request that the Board review the issue again by making a request in writing to the Board within ~~ten~~thirty days after the denial stating specific grounds upon which relief is requested. The Board shall thereafter consider the request and issue a written decision.

R162-103-7. Continuing Education Course Certification.

103.7 ~~[To renew an appraiser license, the appraiser will complete the equivalent of 20 classroom hours of appraisal education during the two-year term preceding renewal. After January 1, 1998,]As a condition of renewal, all appraisers[licensees]~~ will complete the equivalent of 28 classroom hours of appraisal education during the two-year term preceding renewal. The continuing education requirement is for the purpose of maintaining and increasing the appraiser's skill, knowledge and competency in real estate appraising.

103.7.1 Continuing education credit may be granted for courses that meet the following criteria:

(a) the course has been obtained from any of the course providers designated in 103.1.

(b) the course covers appraisal topics as suggested by the ~~[Appraisal Qualifications Board]~~AQB.

(c) the length of the educational offering is at least two classroom hours, each classroom hour is defined as 50 minutes out of each 60-minute segment, and the continuing education credit is limited to eight hours per day.

(d) the course meets the requirements for distance learning as outlined in R162-103.3.7.

103.7.2 Real estate appraisal related field trips are acceptable for continuing education credit; however, transit time to or from the field trip location should not be included when awarding credit if instruction does not occur.

103.7.3 Prelicensing education credit awarded to individuals seeking a different classification than that held, can also be used to satisfy a continuing education requirement.

103.7.4 Alternative Continuing Education Credit - continuing education credit may be granted for participation, other than as a student, in appraisal educational processes and programs.

103.7.4.1 Credit may be granted on a case by case basis for teaching, program development, authorship of textbooks, or similar activities which are determined by the Board to be equivalent to obtaining continuing education.

103.7.4.2 The Education Review Committee will review claims of equivalent education and also alternative continuing education proposed to be used for continuing education purposes.

103.7.4.3 The Board may award continuing education credit to members of the Education Review Committee, the Experience Review Committee, and the Technical Advisory Panel.

**KEY: real estate appraisal, education
[July 8, 1997]1999
Notice of Continuation October 21, 1997**

61-2b-8



Commerce, Real Estate
R162-104
Experience Requirement

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 22063
FILED: 05/20/1999, 08:35
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To implement the amendments made to the State Code concerning appraiser licensing. (House Bill 149) **(DAR Note:** H.B. 149 is found at 1999 Utah Laws 117, and was effective May 3, 1999.)

SUMMARY OF THE RULE OR CHANGE: Increases the education and experience required for new appraisers in conformity with federal regulations of the Appraiser Qualifications Board. **(DAR Note:** A 120-day (emergency) rule that is effective 05/03/1999 is under DAR No. 22003 that was published in the May 15, 1999, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 61, Chapter 2b

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Less fee income with fewer new appraiser applications. Higher standards for licensure will increase the qualifications and competency of appraisers in the state and in turn reduce the number of complaints received by the division, saving investigation and enforcement resources.

❖LOCAL GOVERNMENTS: Local government does not regulate appraisers. Local government will be benefitted by receiving appraisal services by better qualified appraisers as a result of the amendments.

❖OTHER PERSONS: Public will be protected from economic loss due to the higher standard for appraiser licensing, resulting in more qualified appraisers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Additional fees will be incurred by applicants due to the increase in required education hours. Licensed appraisers will also be required to pay the federal registry fee in addition to the licensing fee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of these rule changes is to implement the amendments made to the appraiser statutes during the 1999 legislative session and is aimed at increasing the competency and professionalism of the appraiser practitioners while bringing the Utah requirements into conformity with the federal regulations of the Appraiser Qualification Board which are followed by the vast majority of the other states and United States possessions and territories. There may be a small reduction to the state budget as a result of the more stringent education and experience requirements for licensure which will discourage marginal candidates from applying. However, the higher standards should reduce the amount of state assets currently required for enforcement and investigation, allowing these resources to be utilized elsewhere. There will be no effect upon local governments. Since the higher standards established by the statutory amendments and these rule changes will require additional education and experience there will be an undetermined fiscal impact upon those seeking to enter this field in obtaining such education and apprentice experience. The financial impact upon those seeking licensure will be more than offset by the positive impact to the real estate industry and the general public of having a more competent and reliable pool of appraisers and should lower the number of appraisers thus raising the average potential income of those becoming licensed.

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

Commerce
Real Estate
Second Floor, Heber Wells Building
160 East 300 South
PO Box 146711
Salt Lake City, UT 84114-6711, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Karen Post at the above address, by phone at (801) 530-6753, by FAX at (801) 530-6749, or by Internet E-mail at kpost@br.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Theodore "Ted" Boyer, Jr., Division Director

R162. Commerce, Real Estate.

R162-104. Experience Requirement.

R162-104-1. Measuring Experience.

104.1.1 Except for those applicants who qualify under Section 104.17, [A] appraisal experience shall be measured in points according to the Appraisal Experience Points Schedule in Section R162-104-18 of this rule and also in time accrued.

104.1.1.1 Experience for state-licensed applicants shall have been accrued in no fewer than 24 months. [The equivalent of two years of experience, accrued in no fewer than 24 months from the date of registration, is required for certification. After January 1, 1998, e] Experience for the certified residential applicants shall have been accrued in no fewer than 30 months from the date of registration, and experience for the certified general applicants shall have been accrued in no fewer than 36 months from the date of registration or licensure.

104.1.1.2 Applicants for the state-licensed category shall submit proof of at least 400 points of experience. Applicants [shall submit proof of at least 400 points of experience on the form required by the Division. After January 1, 1998, applicants]for certified residential shall submit proof of at least 500 points of experience, and applicants for certified general shall submit proof of at least 600 points of experience.

R162-104-2. Maximum Points Per Year.

104.2 All experience points cannot be earned in one 12-month period. For applicants for certification, A[α] maximum of [300 points will be credited for any one 12-month period. After January 1, 1998, a maximum of]375 points will be credited for any one 12-month period. For applicants for licensure, a maximum of 300 points will be credited for any one 12-month period.

R162-104-3. Time Allowed for Meeting Experience Requirement.

104.3 Credit will be given for appraisal experience earned only within five years immediately preceding the licensure or certification application.

.....

R162-104-5. Compliance with USPAP and Licensing Requirements, USPAP Limited Appraisals.

104.5 No experience credit will be given for appraisals which were performed in violation of Utah law or the law of another jurisdiction, or the administrative rules adopted by the Division and the Board.

104.5.1 No experience credit will be given for appraisals unless the appraisals were done in compliance with USPAP.

104.5.2 No experience credit toward certification will be given for appraisals if the applicant was not registered or licensed

as an appraiser in Utah, or in another state if registration or licensure was required in that state, at the time the appraisal was performed.

104.5.3 For the purposes of this rule, limited appraisals are defined as [estimates]opinions of value performed under, and resulting from, invoking the departure provision of USPAP, but do not include mass appraisals. Limited appraisals shall be granted 50% of the credit awarded an appraisal which is not a limited appraisal. Limited appraisals where only an exterior inspection of the subject property is performed shall be granted 25% of the credit awarded an appraisal which is not a limited appraisal. Not more than 25% of the total experience required for licensure or certification may be earned from limited appraisals.

R162-104-[6]7. State-Licensed and State-Certified [Residential] Applicants.

104.7.1 Except for those applicants who qualify under Section 104.17, applicants applying for licensure as State-Licensed Appraisers shall be awarded points from either the Residential Experience Points Schedule or the General Experience Points Schedule for their experience prior to licensure only if the experience claimed was gained in compliance with Section 105.3.

104.[6]7.2 Applicants applying for certification as State-Certified Residential Appraisers must document at least 75% of the points submitted from the Residential Experience Points Schedule. No more than 25% of the total points submitted may be from the General Experience Points Schedule.[

R162-104-7. State-Certified General Applicants.]

104.7.3 Applicants applying for certification as State-Certified General Appraisers may claim points for experience from either the Residential Experience Points Schedule or the General Experience Points Schedule, so long as at least 50% of the total points has been earned from the General Experience Points Schedule.

.....

R162-104-13. Experience Participation.

104.13 An applicant for certification must be able to prove more than 50% participation in the data collection, verification of data, reconciliation, analysis, identification of property and property interests, compliance with USPAP standards and all Advisory Opinions of USPAP, and preparation and development of the appraisal report in order to count the appraisal for experience credit. Experience credit will be granted to only one registered or licensed appraiser per completed appraisal even though more than one may have participated in the development of the appraisal.

R162-104-14. Unacceptable Experience.

104.14 An applicant will not receive points toward satisfying the experience requirement for [registration]licensure or certification for performing the following:

- (a) Appraisals of the value of a business as distinguished from the appraisal of commercial real estate; or
- (b) Personal property appraisals.

.....

R162-104-16. Experience Review Committee.

104.16 There may be a committee appointed by the Board to review the experience claimed by applicants for licensure or certification.

104.16.1 The Committee shall:

104.16.1.1 Review all applications for adherence to the experience required for licensure or certification;

104.16.1.2 Correspond with applicants concerning submissions, if necessary; and

104.16.1.3 Make recommendations to the Division and the Board for licensure or certification approval or disapproval.

104.16.2 Committee composition. The Committee shall be composed of appraisers from the following categories: residential appraisers; commercial appraisers; farm and ranch appraisers; right-of-way appraisers; and ad valorem appraisers.

104.16.2.1 The chairperson of the committee shall be appointed by the Board.

104.16.2.2 Meetings may be called upon the request of the chairperson or upon the written request of a quorum of committee members.

104.16.3 New Review. If the review of an application has been performed by the Experience Review Committee, and the Board has denied the application based on insufficient experience, the applicant may request that the Board review the issue again by making a written request within [ten]thirty days after the denial stating specific grounds upon which relief is requested. The Board shall thereafter consider the request and issue a written decision.

R162-104-17. Special Circumstances.

104.17 Applicants having experience in categories other than those shown on the Appraisal Experience Points Schedule, or applicants who believe the Experience Points Schedule does not adequately reflect their experience, or applicants who believe the Experience Points Schedule does not adequately reflect the complexity or time spent on an appraisal, may petition the Board on an individual basis for evaluation and approval of their experience as being substantially equivalent to that required for licensure or certification. Upon a finding that an applicant's experience is substantially equivalent to that required for licensure or certification, the Board may waive experience points, give an applicant credit for months of experience, or both.

104.17.1 Fulltime elected county assessors and any person performing an appraisal for the purposes of establishing the fair market value of real estate for the assessment roll may, as an alternative to using the Appraisal Experience Points Schedule, be awarded 200 points for every 12 months of service, provided that they have experience in at least three of the following categories and no more than one-third of their experience comes from any one of the following categories:

104.17.1.1 Property description/identification;

104.17.1.2 Highest and best use analysis;

104.17.1.3 Land value estimates;

104.17.1.4 Cost approach;

104.17.1.5 Sales comparison;

104.17.1.6 Income capitalization approach.

104.17.2 Fulltime elected county assessors and any person performing an appraisal for the purposes of establishing the fair market value of real estate for the assessment roll are not subject to the limitations in Section 105.3.

104.17.3 Fulltime investigators with the Division who perform appraisal investigations may be awarded 200 points for every 18 months of service. They are not subject to the limitations in Section 105.3.

.....

KEY: real estate appraisal, experience*
[May 16, 1997]1999 61-2b-1 through 61-2b-40
Notice of Continuation April 1, 1997

Commerce, Real Estate
R162-105
Scope of Authority

NOTICE OF PROPOSED RULE
(New)
DAR FILE NO.: 22064
FILED: 05/20/1999, 08:35
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To implement the amendments made to the State Code concerning appraiser licensing. (House Bill 149) (DAR Note: H.B. 149 is found at 1999 Utah Laws 117, and was effective May 3, 1999.)

SUMMARY OF THE RULE OR CHANGE: Increases the education and experience required for new appraisers in conformity with federal regulations of the Appraiser Qualifications Board. (DAR Note: A 120-day (emergency) rule that is effective 05/03/1999 is under DAR No. 22004 that was published in the May 15, 1999, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 61, Chapter 2b

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: Less fee income with fewer new appraiser applications. Higher standards for licensure will increase the qualifications and competency of appraisers in the state and in turn reduce the number of complaints received by the division, saving investigation and enforcement resources.
❖LOCAL GOVERNMENTS: Local government does not regulate appraisers. Local government will be benefitted by receiving appraisal services by better qualified appraisers as a result of the amendments.
❖OTHER PERSONS: Public will be protected from economic loss due to the higher standard for appraiser licensing, resulting in more qualified appraisers.
COMPLIANCE COSTS FOR AFFECTED PERSONS: Additional fees will be incurred by applicants due to the increase in required education hours. Licensed appraisers will also be required to pay the federal registry fee in addition to the licensing fee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of these rule changes is to implement the amendments made to the appraiser statutes during the 1999 legislative session and is aimed at increasing the competency and professionalism of the appraiser practitioners while bringing the Utah requirements into conformity with the federal regulations of the Appraiser Qualification Board which are followed by the vast majority of the other states and United States possessions and territories. There may be a small reduction to the state budget as a result of the more stringent education and experience requirements for licensure which will discourage marginal candidates from applying. However, the higher standards should reduce the amount of state assets currently required for enforcement and investigation, allowing these resources to be utilized elsewhere. There will be no effect upon local governments. Since the higher standards established by the statutory amendments and these rule changes will require additional education and experience there will be an undetermined fiscal impact upon those seeking to enter this field in obtaining such education and apprentice experience. The financial impact upon those seeking licensure will be more than offset by the positive impact to the real estate industry and the general public of having a more competent and reliable pool of appraisers and should lower the number of appraisers thus raising the average potential income of those becoming licensed.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Commerce
Real Estate
Second Floor, Heber Wells Building
160 East 300 South
PO Box 146711
Salt Lake City, UT 84114-6711, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Karen Post at the above address, by phone at (801) 530-6753, by FAX at (801) 530-6749, or by Internet E-mail at kpost@br.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Theodore "Ted" Boyer, Jr., Division Director

R162. Commerce, Real Estate.
R162-105. Scope of Authority.
R162-105-1. Scope of Authority.

105.1 Transaction value. "Transaction value" means:
105.1.1 For loans or other extensions of credit, the amount of the loan or extension of credit;
105.1.2 For sales, leases, purchases, and investments in or exchanges of real property, the market value of the real property interest involved; and

105.1.3 For the pooling of loans or interests in real property for resale or purchase, the amount of the loan or market value of the real property calculated with respect to each such loan or interest in real property.

105.2 State-Licensed Appraisers. In federally-related transactions, the Utah Real Estate Appraiser Licensing Act and the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and related federal regulations allow State-Licensed Appraisers to perform the appraisal of non-complex one to four residential units having a transaction value of less than \$250,000.

105.2.1 Subject to the transaction value limits in Section 105.2, State-Licensed Appraisers may also perform appraisals in federally-related transactions of vacant or unimproved land that is utilized for one to four family purposes, or for which the highest and best use is 1-4 family purposes, so long as net income capitalization analysis is not required by the terms of the assignment.

105.2.2 State-Licensed Appraisers may not perform appraisals of subdivisions in federally-related transactions for which a development analysis/appraisal is necessary or for which discounted cash flow analysis is required by the terms of the assignment.

105.3 Unclassified individuals.

105.3.1 Unclassified individuals who have not yet accumulated 100 experience points and successfully completed the education required for licensure may perform the following duties under the direct supervision of a state-licensed or state-certified appraiser: typing an appraiser's research notes; typing an appraisal report; accompanying an appraiser on an inspection visit to a property; assisting an appraiser in measuring a property; taking photographs of specific properties selected by the appraiser; performing routine calculations; and obtaining copies of assessment records, deeds, maps, and data from real property data bases relating to properties selected by the appraiser.

105.3.1.1 Unclassified individuals who have not yet accumulated 100 experience points and successfully completed the education required for licensure may not participate in: selecting comparables for an appraisal assignment; making adjustments to comparables; drafting an appraisal report; and, except when working in the presence of a state-licensed or state-certified appraiser, inspecting a property that is the subject of an appraisal or that may be used as a comparable in an appraisal, or measuring a property.

105.3.2 Unclassified individuals who have accumulated 100 experience points and successfully completed at least 30 hours of the education required for licensure may act in the capacity of an appraisal "trainee" under the direct supervision of a state-licensed or state-certified appraiser. A "trainee" is permitted to have more than one supervising appraiser.

105.3.2.1 An appraiser "trainee" may, under the direct supervision of a state-licensed or state-certified appraiser, participate in selecting comparables for an appraisal assignment, participate in making adjustments to comparables, draft appraisal reports, and when working in the presence of a state-licensed or state-certified appraiser, inspect a property that is the subject of an appraisal or that may be used as a comparable in an appraisal, and measure a property.

105.3.3 All unclassified individuals are prohibited from signing an appraisal report or discussing an appraisal assignment with anyone other than the appraiser responsible for the assignment,

state enforcement agencies and such third parties as may be authorized by due process of law, or a duly authorized professional peer review committee.

105.3.4 A classified appraiser who supervises an unclassified individual shall be responsible for the training and direct supervision of the unclassified individual and shall require the unclassified appraiser to maintain a log in form satisfactory to the Board which shall contain, at minimum, the following information for each appraisal:

105.3.4.1 Type of property;

105.3.4.2 Client name and address;

105.3.4.3 Address of appraised property;

105.3.4.4 Description of work performed;

105.3.4.5 Number of work hours;

105.3.4.6 Signature and state license/certification number of the supervising appraiser.

105.3.4.7 The unclassified individual shall maintain a separate appraisal log for each supervising appraiser.

**KEY: real estate appraisal
1999**

61-2b

Commerce, Real Estate **R162-106** Professional Conduct

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 22065

FILED: 05/20/1999, 08:35

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To implement the amendments made to the State Code concerning appraiser licensing. (House Bill 149)
(DAR Note: H.B. 149 is found at 1999 Utah Laws 117, and was effective May 3, 1999.)

SUMMARY OF THE RULE OR CHANGE: Increases the education and experience required for new appraisers in conformity with federal regulations of the Appraiser Qualifications Board.

(DAR Note: A 120-day (emergency) rule that is effective 05/03/1999 is under DAR No. 22005 that was published in the May 15, 1999, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 61, Chapter 2b

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Less fee income with fewer new appraiser applications. Higher standards for licensure will increase the qualifications and competency of appraisers in the state and in turn reduce the number of complaints

received by the division, saving investigation and enforcement resources.

❖LOCAL GOVERNMENTS: Local government does not regulate appraisers. Local government will be benefitted by receiving appraisal services by better qualified appraisers as a result of the amendments.

❖OTHER PERSONS: Public will be protected from economic loss due to the higher standard for appraiser licensing, resulting in more qualified appraisers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Additional fees will be incurred by applicants due to the increase in required education hours. Licensed appraisers will also be required to pay the federal registry fee in addition to the licensing fee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of these rule changes is to implement the amendments made to the appraiser statutes during the 1999 legislative session and is aimed at increasing the competency and professionalism of the appraiser practitioners while bringing the Utah requirements into conformity with the federal regulations of the Appraiser Qualification Board which are followed by the vast majority of the other states and United States possessions and territories. There may be a small reduction to the state budget as a result of the more stringent education and experience requirements for licensure which will discourage marginal candidates from applying. However, the higher standards should reduce the amount of state assets currently required for enforcement and investigation, allowing these resources to be utilized elsewhere. There will be no effect upon local governments. Since the higher standards established by the statutory amendments and these rule changes will require additional education and experience there will be an undetermined fiscal impact upon those seeking to enter this field in obtaining such education and apprentice experience. The financial impact upon those seeking licensure will be more than offset by the positive impact to the real estate industry and the general public of having a more competent and reliable pool of appraisers and should lower the number of appraisers thus raising the average potential income of those becoming licensed.

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

Commerce
Real Estate
Second Floor, Heber Wells Building
160 East 300 South
PO Box 146711
Salt Lake City, UT 84114-6711, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Karen Post at the above address, by phone at (801) 530-6753, by FAX at (801) 530-6749, or by Internet E-mail at kpost@br.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Theodore "Ted" Boyer, Jr., Division Director

R162. Commerce, Real Estate.

R162-106. Professional Conduct.

R162-106-1. Uniform Standards.

106.1. As required by the Appraisal Foundation in accordance with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), all licensees must comply with the edition of the Uniform Standards of Professional Appraisal Practice (USPAP) currently approved by the Board. Information on which version of USPAP is currently approved by the Board may be obtained from the division. All ~~Utah appraiser licensees~~ persons registered, licensed or certified under this chapter must also observe the Advisory Opinions of USPAP. Copies of USPAP may be obtained from the Appraisal Foundation, 1029 Vermont Avenue N.W., Suite 900, Washington, D.C. 20005. ~~Licensees or candidates for licensure~~ Registered, licensed and certified appraisers and candidates for registration, licensure or certification may obtain copies from the division.

R162-106-2. Use of Terms.

106.2. The terms "State-Certified Residential Appraiser," "State-Certified General Appraiser," ~~Senior Appraiser,~~ State-Licensed Appraiser and "State-Registered Appraiser" shall not be abbreviated or reduced to a letter or group of letters. If these terms are used on letterhead or in advertising, the appraiser's certificate number, license number or registration number must follow his name.

R162-106-3. Signatures, Size and Use of Seal.

106.3.1. State-Certified Appraiser's Seal.

106.3.1.1. When signing a certified appraisal report, State-Certified General Appraisers and State-Certified Residential Appraisers shall place on at least the certification page of the appraisal report, immediately below the appraiser's signature, the seal required by Section 61-2b-17(3)(e).

106.3.1.2. The seal to be affixed on reports prepared by state-certified appraisers shall contain the words "Utah State-Certified Residential Appraiser" or "Utah State-Certified General Appraiser" along with the appraiser's certificate number and expiration date. The zeros preceding the certificate number may be deleted. The size of the seal, rectangular in shape, shall be no larger than two and seven-eighths inches long and five-eighths of an inch high including the border. An example of the seal shall be made available on request at the Division offices.

106.3.1.3. The seal may be reproduced as a stamp with ink that can be copied, or may be inserted by computer in an appraisal report at the appropriate place.

106.3.2. State-Registered and State-Licensed Appraisers. ~~As~~ s ~~State-registered appraisers and State-Licensed appraisers~~ may not place a seal on an appraisal report or use a seal in any other manner likely to create the impression that the appraiser is a state-certified appraiser.

106.3.2.1. If a State-Registered Appraiser or a State-Licensed Appraiser prepares an appraisal report which exceeds the dollar amount permitted under the Financial Institutions Reform,

Recovery, and Enforcement Act of 1989, and related federal regulations, the appraiser shall include after the appraiser's signature the words, "This appraisal does not qualify for federally related transactions."

106.3.2.1.1. This requirement does not apply if the State-Registered Appraiser or State-Licensed Appraiser has prepared the report under the direct supervision of a state-certified appraiser and the state-certified appraiser has signed the appraisal report taking responsibility for the report.

~~106.3.3. Senior Appraisers. A Senior Appraiser is not required to place a seal on an appraisal report. If a Senior Appraiser places a seal on an appraisal report, the seal shall include the words, "This appraisal does not qualify for federally related transactions." A Senior Appraiser may not use a seal in any misleading manner or in any manner likely to create the impression that the appraiser is a state-certified appraiser.~~

106.3.~~[2]~~3. Signatures.

106.3.~~[2]~~3.1. Signature stamps. Appraisers may not affix their signatures to appraisal reports by means of a signature stamp.

106.3.~~[2]~~3.2. Digital signatures. A digital signature may be used in place of a handwritten signature only if: a) the software program which generates the digital signature has a security feature; and b) the appraiser ensures that his signature is protected and that no one other than the appraiser has control of that signature.

.....

R162-106-5. Failure to Respond to Investigation.

106.5. When the Division notifies an ~~[licensee]~~ appraiser or registered expert witness of a complaint, the ~~[licensee]~~ notified individual must respond to the complaint in writing within ten business days of the notice from the Division. Failure to respond within the required time period to a notice of complaint, a subpoena, or any written request for information from the Division shall be considered a violation of these rules and separate grounds for disciplinary action against the ~~[licensee]~~ appraiser or registered expert witness.

KEY: real estate appraisal, conduct
~~[July 14, 1998]~~1999
Notice of Continuation April 1, 1997

61-2b-27



Commerce, Real Estate
R162-107
Unprofessional Conduct

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22066
FILED: 05/20/1999, 08:35
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To implement the amendments made to the State Code concerning appraiser licensing. (House Bill 149)
(DAR Note: H.B. 149 is found at 1999 Utah Laws 117, and was effective May 3, 1999.)

SUMMARY OF THE RULE OR CHANGE: Increases the education and experience required for new appraisers in conformity with federal regulations of the Appraiser Qualifications Board.
(DAR Note: A 120-day (emergency) rule that is effective 05/03/1999 is under DAR No. 22066 that was published in the May 15, 1999, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 61, Chapter 2b

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** Less fee income with fewer new appraiser applications. Higher standards for licensure will increase the qualifications and competency of appraisers in the state and in turn reduce the number of complaints received by the division, saving investigation and enforcement resources.
 - ❖ **LOCAL GOVERNMENTS:** Local government does not regulate appraisers. Local government will be benefitted by receiving appraisal services by better qualified appraisers as a result of the amendments.
 - ❖ **OTHER PERSONS:** Public will be protected from economic loss due to the higher standard for appraiser licensing, resulting in more qualified appraisers.
- COMPLIANCE COSTS FOR AFFECTED PERSONS:** Additional fees will be incurred by applicants due to the increase in required education hours. Licensed appraisers will also be required to pay the federal registry fee in addition to the licensing fee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of these rule changes is to implement the amendments made to the appraiser statutes during the 1999 legislative session and is aimed at increasing the competency and professionalism of the appraiser practitioners while bringing the Utah requirements into conformity with the federal regulations of the Appraiser Qualification Board which are followed by the vast majority of the other states and United States possessions and territories. There may be a small reduction to the state budget as a result of the more stringent education and experience requirements for licensure which will discourage marginal candidates from applying. However, the higher standards should reduce the amount of state assets currently required for enforcement and investigation, allowing these resources to be utilized elsewhere. There will be no effect upon local governments. Since the higher standards established by the statutory amendments and these rule changes will require additional education and experience there will be an undetermined fiscal impact upon those seeking to enter this field in obtaining such education

and apprentice experience. The financial impact upon those seeking licensure will be more than offset by the positive impact to the real estate industry and the general public of having a more competent and reliable pool of appraisers and should lower the number of appraisers thus raising the average potential income of those becoming licensed.

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

Commerce
 Real Estate
 Second Floor, Heber Wells Building
 160 East 300 South
 PO Box 146711
 Salt Lake City, UT 84114-6711, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Karen Post at the above address, by phone at (801) 530-6753, by FAX at (801) 530-6749, or by Internet E-mail at kpost@br.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Theodore "Ted" Boyer, Jr., Division Director

R162. Commerce, Real Estate.
R162-107. Unprofessional Conduct.
R162-107-1. Unprofessional Conduct.

107.1 Unprofessional conduct includes the following specific acts or omissions:

- (a) Violating or disregarding a disciplinary order of the Utah Appraiser Registration and Certification Board or the division; and
- (b) Signing an appraisal report containing a statement indicating that an appraiser has inspected a property if the appraiser has not inspected the property.

107.2 The Board may appoint members of the appraisal industry to serve as a Technical Advisory Panel to provide advice to the Division concerning technical appraisal issues and conduct constituting unprofessional conduct.

KEY: real estate appraisal, conduct
[March 4, 1998]1999

61-2b-8

◆ ————— ◆

Commerce, Real Estate
R162-109
Administrative Proceedings

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22067

FILED: 05/20/1999, 08:35

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To implement the amendments made to the State Code concerning appraiser licensing. (House Bill 149) (**DAR Note:** H.B. 149 is found at 1999 Utah Laws 117, and was effective May 3, 1999.)

SUMMARY OF THE RULE OR CHANGE: Increases the education and experience required for new appraisers in conformity with federal regulations of the Appraiser Qualifications Board. (**DAR Note:** A 120-day (emergency) rule that is effective 05/03/1999 is under DAR No. 22007 that was published in the May 15, 1999, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 61, Chapter 2b

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Less fee income with fewer new appraiser applications. Higher standards for licensure will increase the qualifications and competency of appraisers in the state and in turn reduce the number of complaints received by the division, saving investigation and enforcement resources.

❖LOCAL GOVERNMENTS: Local government does not regulate appraisers. Local government will be benefitted by receiving appraisal services by better qualified appraisers as a result of the amendments.

❖OTHER PERSONS: Public will be protected from economic loss due to the higher standard for appraiser licensing, resulting in more qualified appraisers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Additional fees will be incurred by applicants due to the increase in required education hours. Licensed appraisers will also be required to pay the federal registry fee in addition to the licensing fee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of these rule changes is to implement the amendments made to the appraiser statutes during the 1999 legislative session and is aimed at increasing the competency and professionalism of the appraiser practitioners while bringing the Utah requirements into conformity with the federal regulations of the Appraiser Qualification Board which are followed by the vast majority of the other states and United States possessions and territories. There may be a small reduction to the state budget as a result of the more stringent education and experience requirements for licensure which will discourage marginal candidates from applying. However, the higher standards should reduce the amount of state assets currently required for enforcement and investigation,

allowing these resources to be utilized elsewhere. There will be no effect upon local governments. Since the higher standards established by the statutory amendments and these rule changes will require additional education and experience there will be an undetermined fiscal impact upon those seeking to enter this field in obtaining such education and apprentice experience. The financial impact upon those seeking licensure will be more than offset by the positive impact to the real estate industry and the general public of having a more competent and reliable pool of appraisers and should lower the number of appraisers thus raising the average potential income of those becoming licensed.

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

Commerce
Real Estate
Second Floor, Heber Wells Building
160 East 300 South
PO Box 146711
Salt Lake City, UT 84114-6711, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Karen Post at the above address, by phone at (801) 530-6753, by FAX at (801) 530-6749, or by Internet E-mail at kpost@br.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Theodore "Ted" Boyer, Jr., Division Director

R162. Commerce, Real Estate.

R162-109. Administrative Proceedings.

R162-109-1. Formal Adjudicative Proceedings.

109.1. Any adjudicative proceeding as to the following matters shall be conducted on a formal basis:

109.1.1. the revocation, suspension, or placing on probation of an appraiser registration, license, certification, or temporary permit;

109.1.2. the revocation, suspension, or placing on probation of certification of appraisal courses, schools, or instructors;

109.1.3. the imposition of a fine or a remedial education requirement against ~~a registrant, certificate holder, or~~ the holder of a registration, license, certificate or temporary permit;

109.1.4. the imposition of a fine or a remedial education requirement against a certified appraisal school or instructor;

109.1.5. any proceedings conducted subsequent to the issuance of a cease and desist order or other emergency order.

R162-109-2. Informal Adjudicative Proceedings.

109.2.1. All adjudicative proceedings as to any other matters not specifically designated as formal adjudicative proceedings shall be conducted as informal adjudicative proceedings.

109.2.2. A hearing will be held in an informal adjudicative proceeding only if required or permitted by the Appraiser ~~[Registration]~~Licensing and Certification Act or these rules.

109.2.3. A party is not required to file a written answer to a notice of agency action from the Division in an informal adjudicative proceeding.

109.2.4. All proceedings on original applications for licensure or certification or renewal applications for registration, licensure or certification as an appraiser, or for certification of appraisal courses, schools, or instructors, and all proceedings on applications for a temporary permit or registration as an expert witness will be conducted as informal adjudicative proceedings.

109.2.5. All application forms which shall be filled out and submitted to the Division for registration, licensure or certification as an appraiser, or for certification of courses, schools, or instructors, and all applications for a temporary permit shall be deemed a request for agency action pursuant to the Utah Administrative Procedures Act, Section 64-46b-1, et seq.

109.2.5.1. Upon receipt of an application, the Division shall:

(a) issue and mail a registration, license, certification, or temporary permit, which shall be deemed notification that the application is granted;

(b) notify the applicant that the application is incomplete and that further information is needed;

(c) notify the applicant that a hearing shall be scheduled before the Utah Appraiser ~~[Registration]~~Licensing and Certification Board for the purpose of determining the applicant's fitness for registration, licensure, or certification; or

(d) notify the applicant that the application is denied, and, if the proceeding is one in which a hearing is permitted, that he may request a hearing to challenge the denial.

109.2.6. Other Requests for Agency Action

109.2.6.1. All other requests for agency action shall be in writing and signed by the requestor, and shall contain the following:

(a) the names and addresses of all persons to whom a copy of the request for agency action is being sent;

(b) the agency's file number or other reference number, if known;

(c) the date of mailing of the request for agency action;

(d) a statement of the legal authority and jurisdiction under which the agency action is requested, if known;

(e) a statement of the relief or action sought from the Division; and

(f) a statement of the facts and reasons forming the basis for relief or agency action.

109.2.6.2. Upon receipt of a request for agency action other than an application for registration, licensure or certification, the Division shall:

(a) notify the requestor in writing that the request is granted;

(b) notify the requestor that the request is incomplete and that further information is needed before the Division is able to make a determination on the request;

(c) notify the requestor that the Division does not have the legal authority or jurisdiction to grant the relief requested or the action sought; or

(d) notify the requestor that the request is denied, and, if the proceeding is one in which a hearing is permitted, that he may request a hearing to challenge the denial.

109.2.6.3. A complaint against ~~[a registrant, certificate holder, an appraiser, a registered expert witness, or the holder of a temporary permit~~ requesting that the Division commence an investigation or a disciplinary action is not a request for agency action.

R162-109-3. Hearings Not Required.

109.3. A hearing is not required and will not be held in the following informal adjudicative proceedings:

109.3.1. The issuance, renewal or ~~[reissuance]~~reinstatement of an appraiser registration, license or certification;

109.3.2. The issuance or ~~[reissuance]~~renewal of an appraisal course, school, or instructor certification;

109.3.3. The issuance of any interpretation of statute, rule or order, or the issuance of any written opinion or declaratory order determining the applicability of a statute, rule or order, when enforcement or implementation of the statute, rule or order lies within the jurisdiction of the Division; or

109.3.4. The denial of ~~[reissuance]~~renewal or reinstatement of an appraiser registration, license or certification for failure to complete any continuing education required by Section 61-2b-40.

R162-109-4. Hearings Permitted.

109.4.1. In the following informal adjudicative proceedings, a hearing will be held only if requested in writing by a party within 30 days from the date a notice of agency action or the Division's response to a request for agency action is mailed:

109.4.1.1. The denial of an application for certification as an instructor on the grounds that his attestation to upstanding moral character is false;

109.4.1.2. The denial of an application for an initial appraiser ~~[registration]~~license or certification due to insufficient education or experience, as determined by the appropriate review committee appointed by the Appraiser ~~[Registration]~~Licensing and Certification Board; or

109.4.1.3 The denial of an application for a temporary permit.

109.4.2. A request by a party for a hearing shall include the grounds upon which relief is requested.

109.4.3. All hearings permitted by this rule will be before the Utah Appraiser ~~[Registration]~~Licensing and Certification Board.

R162-109-5. Procedures for Hearings in Informal Adjudicative Proceedings.

109.5.1. Notice of hearing. Upon the scheduling of a license application hearing by the Division or upon receipt of a timely request for a hearing where other hearings are permitted, the Division shall mail written notice of the date, time, and place scheduled for the hearing at least ten days prior to the hearing.

109.5.2. Discovery is prohibited, but the Division may issue subpoenas or other orders to compel production of necessary evidence. All parties shall have access to the Division's files and to all materials and information gathered in any investigation to the extent permitted by law.

109.5.3. Intervention is prohibited.

109.5.4. Hearings shall be open to all parties, except that a hearing on an applicant's fitness for registration, licensure or certification shall be conducted in a closed session which is not open to the public. The parties named in the Notice of Agency Action or the Request for Agency Action may be represented by

counsel and shall have the opportunity to testify, present witnesses and other evidence, and comment on the issues.

109.5.5. Within a reasonable time after the hearing, the presiding officer shall cause to be issued and mailed to the parties a signed order in writing based on the facts appearing in the agency's files and on the facts presented in evidence at the hearing. The order shall state the decision and the reasons therefor and a notice of the right of administrative review ~~[or]~~and judicial review available to the parties including applicable time limits.

109.5.6. The Division may, but shall not be required to, record the hearing. If a record has been made, any party, at his own expense, may have a reporter approved by the Division prepare a transcript from the Division's record of the proceedings.

KEY: real estate appraisal

~~[January 25, 1996]~~1999

61-2b-30

Notice of Continuation September 12, 1997



Education, Administration
R277-462
Comprehensive Guidance Program

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22097

FILED: 06/01/1999, 17:55

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule was amended to hold a school harmless for changes in enrollment following Comprehensive Guidance funding.

SUMMARY OF THE RULE OR CHANGE: The school will be held harmless as to Comprehensive Guidance funds for a change in enrollment for a maximum of two years after the decline in enrollment.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-17a-131.8

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No cost or savings because funding adjustments in individual schools will be absorbed by the appropriation.

❖LOCAL GOVERNMENTS: No cost or savings because funding adjustments in individual schools will be absorbed by the appropriation.

❖OTHER PERSONS: No cost or savings because funding adjustments in individual schools will be absorbed by the appropriation.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons because the appropriation will cover all hold harmless adjustments for schools.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing.

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 RULE TO:
Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or by Internet E-mail at clear@usoe.k12.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Carol B. Lear, School Law Specialist

**R277. Education, Administration.
R277-462. Comprehensive Guidance Program.**

.....

R277-462-3. Comprehensive Guidance Program Approval and Qualifying Criteria.

A. Comprehensive guidance disbursement criteria:

(1) For each school which meets the qualifying criteria for a Comprehensive Guidance Program and which enrolls students in grades seven through twelve, districts shall receive from six to twenty-four WPU's based on school enrollment as of October 1 of the current fiscal year (e.g., 1 - 399 students = 6 WPU's, 400 - 799 students = 12 WPU's, 800 - 1,199 students = 18 WPU's, 1,200 students + = 24 WPU's).

(2) If at any time following a school's initial approval of its Comprehensive Guidance Program, the school's enrollment drops below the funding level approved for the school, the school may be held harmless for the change in enrollment for a maximum of two years following the decline in enrollment into the lower funding category, funds permitting.

([2]3) Priority for funding shall be given for grades nine through twelve and any remaining funds will be allocated to grades seven and eight for the schools which meet program standards. Grades nine through twelve shall be given priority for funding provided under Section 53A-17a-131.8. Remaining funds shall be allocated to grades seven and eight in those schools that meet program standards. Funds directed to grades seven and eight shall be distributed according to the formula under R277-462-3A(1) following the distribution of funds for grades nine through twelve.

([3]4) Comprehensive Guidance Program funds shall be distributed to districts for each school within the district that meets all of the following criteria:

(a) A school-wide student/parent/teacher needs assessment completed within the last four years prior to the application deadline for funding;

(b) Documentation that a school advisory and a school steering committee have been organized and are functioning effectively;

(c) Evidence that eighty percent of aggregate counselors time is devoted to DIRECT services to students;

(d) A program that reflects a commitment that all students in the school shall benefit from the Comprehensive Guidance Program;

(e) Approval of the Program by the local board of education;

(f) The establishment of the SEOP requirements for all students both as [a]process and [a]product consistent with R277-911, Secondary Applied Technology Education and R277-700, The Elementary and Secondary School Core Curriculum and High School Graduation Requirements;

(g) Assistance for students in developing job seeking and finding skills and in post-high school placement;

(h) Inclusion in the guidance curriculum of activities for each of the twelve National Occupational Information Coordination Committee (NOICC) competencies (available from the USOE guidance specialist);

(i) Distribution to and discussion with feeder schools of the Comprehensive Guidance Program; and

(j) Sufficient district budget to adequately provide for guidance facilities, material, equipment and clerical support.

B. All districts may qualify schools for the Comprehensive Guidance Program funds and shall certify in writing that all program standards are being met by each school receiving funds under this rule.

(1) Procedures for qualifying schools within a district receiving funds shall be provided by the USOE.

(2) Qualifying schools shall complete the "Self Study for Meeting Comprehensive Guidance Program Standards" form provided by the USOE and supporting documentation, if requested.

(3) Qualifying schools shall receive on-site review of the program by team members designated by the school district. The on-site review team shall consist of at least five members.

(4) The district shall submit to the USOE the "Form for Program Approval" which has been completed by the Review Team, signed by the Team Chairperson and school/district personnel as indicated on the form.

(5) The "Form for Program Approval" shall be received by the USOE not later than May 20 of each year for disbursement of funds the next year.

(6) Programs approved and forms submitted by December 20 of each year MAY be considered for partial disbursement, if funds are available.

.....

**KEY: public education, counselors
[May 3, 1996]1999**

**Art X Sec 3
53A-15-201
53A-17a-131.8**



Education, Administration

R277-709

Education Programs Serving Youth in Custody

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22098

FILED: 06/01/1999, 17:55

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule was amended to specify that Youth in Custody funds are only used for persons prior to high school graduation. Youth in Custody also excludes youth in the state supervision category designated under Section 63-25a-304.

SUMMARY OF THE RULE OR CHANGE: Changes in this rule include a definition of Youth in Custody to exclude high school graduates and to specify that credit earned in Youth in Custody programs is accepted in Utah public schools.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: Potential savings by limiting Youth in Custody funds to non-high school graduates.
❖LOCAL GOVERNMENTS: Potential savings by limiting Youth in Custody funds to non-high school graduates.
❖OTHER PERSONS: Potential savings by limiting Youth in Custody funds to non-high school graduates.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons because Youth in Custody funding covers all costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing.

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 RULE TO:

Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or by Internet E-mail at clear@usoe.k12.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Carol B. Lear, School Law Specialist

R277. Education, Administration.

R277-709. Education Programs Serving Youth in Custody.

R277-709-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "Youth in Custody" means a person under the age of 21 and not a high school graduate who is in the custody of a state agency other than the Utah State Training School, the Utah State Hospital, the State Division of Corrections, or the Utah State Prison, pursuant to a determination that the person is neglected, delinquent, or guilty of a criminal act. The term includes residents of detention centers, but excludes any child who is in custody solely because the parent wanted to provide the child with education at home or in a private school. The term excludes any youth in the state supervision category as designated under Section 63-25a-304.

C. "Custody" means the status of being legally subject to the control of another person or a public agency.

D. "Determination of neglect, delinquency, or criminal activity" means a finding made by a legally authorized court or agency in accordance with state law.

.....

R277-709-3. Student Evaluation and Education Plan.

A. Each student meeting the definition of youth in custody shall be evaluated at least every three years to determine the level and scope of the student's educational performance and the student's learning abilities. The evaluation shall include vision and auditory tests and shall specify known in-school and extra-school factors which may affect the student's school performance. The program receiving the student is responsible for obtaining the student's evaluation records, and, in cases where the records are not current, for conducting the evaluation as quickly as possible so that unnecessary delay in developing a student's education program is avoided.

B. Based upon the results of the student evaluation, an appropriate individual education plan shall be prepared for each youth in custody. The plan shall be reviewed and updated at least once each year or immediately following transfer of a student from one program to another, whichever is sooner. The plans are developed in cooperation with appropriate representatives of other service agencies working with the respective students. The plan shall specify the responsibilities of each of the agencies towards the student and is signed by each agency's representative.

C(1) the school district shall provide an education program for the student which conforms as closely as possible to the student's individual education plan. Educational services shall be provided in the least restrictive environment appropriate for the student's behavior and educational performance. Youth in custody who do not require special services beyond those which would be available to them were they not in custody shall be considered part of the district's regular enrollment and treated accordingly;

(2) youth in custody shall not be assigned to, or remain in, restrictive or non-mainstream programs simply because of their custodial status, their past behavior, or the inappropriate behavior of other students;

(3) education programs to which youth in custody are assigned shall meet the standards which are adopted by the Board for that type program. Compliance shall be monitored by the Utah State Office of Education in periodic review visits;

(4) credit earned in youth in custody programs that are accredited shall be accepted at face value in Utah's public schools.

~~(4)5~~ custodial status alone does not qualify a student as being handicapped under laws regulating education for handicapped persons;

~~(5)6~~ educational services shall be sufficiently coordinated with non-custody programs to enable youth in custody to continue their education with minimal disruption following discharge from custody.

D. Youth in custody shall be admitted to classes within five school days following arrival at a new residential placement. If evaluation and individual education plan development are delayed beyond that period, the student shall be enrolled temporarily based upon the best information available. The temporary schedule may be modified to meet the student's needs after the evaluation and planning process has been completed.

E. When a student is released from custody or transferred to a new program, the sending program shall bring all available school records up to date and forward them to the receiving program within one week following notification of release or transfer.

R277-709-4. Operation Procedures.

A(1) the Board shall contract with school districts to provide educational services for youth in custody. The respective responsibilities of the Board, the school district, and other local service providers for education shall be established in the contract. A school district may subcontract with local non-district educational service providers for the provision of educational services;

(2) the Board may contract with entities other than school districts only if the Board determines that the school district is unable to provide adequate education services.

B. Youth in custody receiving education services by or through a school district are students of that district.

C. State funds appropriated for youth in custody are allocated on the basis of annual applications made by school districts. The share of funds distributed to a district is based upon criteria which includes the number of youth in custody served in the district, the type of program required for the youth, the setting for providing services, and the length of the program. Funds approved for youth in custody projects ~~can~~ may be expended ~~only~~ solely for the purposes described in the respective funding application. Unexpended funds may not be carried over from one fiscal year to the next, except by specific approval of the Board or a designee.

D. Federal funds available under Chapter I of the Education Consolidation and Improvement Act of 1981, P.L. 97-35, Title V, Subtitle D, for the education of youth in custody are allocated in accordance with the procedures of Subsection 4(C). The Board hereby incorporates by reference Public Law 97-35, Title V, Subtitle D, Sections 551 through 559, and regulations promulgated under that Act which are effective as of July, 1993.

E. The youth in custody program is separate from and not conducted under the state's education program for the handicapped.

F. The Board, or its designee, shall adopt uniform pupil and fiscal accounting procedures, forms, and deadlines for the youth in custody program.

G. Education staff assigned to youth in custody shall be qualified and appropriate for their assignments. The teaching certificate and endorsement held by a teacher shall be important in evaluating the appropriateness of a teacher's assignment but not controlling. Elementary teachers may teach secondary-age students who are functioning at an elementary level in the subjects in question. Teachers shall not be required to hold special education certificates, although such certificates are encouraged.

.....

R277-709-6. Advisory Council.

A. Each school district serving youth in custody shall establish a local interagency advisory council which shall be responsible for advising member agencies concerning coordination of youth in custody programs. Members of the council shall include, if applicable to the district, a representative of:

- (1) the Division of Child and Family Services;
- (2) the Division of Youth Corrections;
- (3) directors of agencies served in a district such as detention centers, secure lockup facilities and observation and assessment units;
- (4) community-based alternative programs for custodial juveniles such as Heritage Group Home and Odyssey House; and
- (5) the local school district.

B. The council shall adopt by-laws for its operation.

KEY: students, education, juvenile courts

19[87]99

Notice of Continuation January 14, 1998

Art X Sec 3

53A-1-403(1)

53A-1-401(3)



Education, Administration

R277-746

Driver Education Programs for Utah Schools

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22099

FILED: 06/01/1999, 17:55

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to change the effective date of the Driver Education for High Schools Handbook.

SUMMARY OF THE RULE OR CHANGE: Changes the effective date of the Driver Education for High Schools Handbook from 1988 to May 1999.

KEY: driver education
19[87]99 53A-13-201(4)
Notice of Continuation March 13, 1998 53A-1-401(3)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-13-201(4)



ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: No cost or savings because there are no funding consequences due to changes in the Handbook.
❖LOCAL GOVERNMENTS: No cost or savings because there are no funding consequences due to changes in the Handbook.
❖OTHER PERSONS: No cost or savings because there are no funding consequences due to changes in the Handbook.
COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons because changes in the handbook were minor.

Education, Administration
R277-916
Technology, Life, and Careers, and
Work-Based Learning Programs

NOTICE OF PROPOSED RULE
(New)

DAR FILE NO.: 22100
FILED: 06/01/1999, 17:55
RECEIVED BY: NL

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing.

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule was written to establish criteria and procedures for school districts to qualify for Technology, Life, and Careers II and Work-Based Learning (WBL) programs funded by the State Board of Education.

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.

SUMMARY OF THE RULE OR CHANGE: This rule provides for disbursement of funds, and standards for the programs.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or by Internet E-mail at clear@usoe.k12.ut.us.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-15-202

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: No cost or savings because specific funding has been appropriated by the Legislature.
❖LOCAL GOVERNMENTS: No cost or savings because specific funding has been appropriated by the Legislature.
❖OTHER PERSONS: No cost or savings because specific funding has been appropriated by the Legislature.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons because all funds for the various programs in this rule were specifically appropriated by the Legislature.

AUTHORIZED BY: Carol B. Lear, School Law Specialist

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing.

R277. Education, Administration.
R277-746. Driver Education Programs for Utah Schools.

.....

R277-746-3. Standards and Procedures.

A. Local school boards and school districts shall comply with DRIVER EDUCATION FOR UTAH HIGH SCHOOLS, Revised, [1988]May, 1999, as required by R277-100-5C, and available from the USOE Driver Education Specialist and at all school district offices.

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.

B. The Board shall act in accordance with DRIVER EDUCATION FOR UTAH HIGH SCHOOLS, Utah State Office of Education, Revised, [1988]May, 1999, to determine and evaluate standards and operating procedures for automobile driver education programs conducted by local school districts.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or by Internet E-mail at clear@usoe.k12.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Carol B. Lear, School Law Specialist

R277. Education, Administration.

R277-916. Technology, Life, and Careers, and Work-Based Learning Programs.

R277-916-1. Definitions.

A. "Board" means the Utah State Board of Education and the Utah State Board for Applied Technology Education.

B. "TLC" means Technology, Life, and Careers which is a middle/junior high school curriculum comprised of activities encouraging students to explore careers in Business/Marketing, Technology Education/Agriculture, and Family and Consumer Sciences/Health Science and Health Technology. Career development activities are integrated throughout the TLC curriculum. The TLC course is coordinated with the Comprehensive Guidance program.

C. "TLC II" means an advanced curriculum from TLC with additional practical activities. These standards apply to funding support, inservice training, curriculum development and refinement associated with an updated version of TLC.

D. "Cone" means a group of schools whose students feed a high school and schools and agencies which interact with the high school.

E. "Work-Based Learning" (WBL) means activities that involve actual work experience or connect classroom learning to work.

G. "Geographical Region" means one of the nine educational planning units: Bear River, Ogden/Weber, Davis/Morgan, Wasatch Front South, Mountainland, Uintah Basin, Central, Southeast, and Southwest.

H. "USOE" means the Utah State Office of Education.

I. "Weighted Pupil Unit (WPU)" means the unit of measure that is computed in accordance with the Minimum School Program Act for the purpose of determining the costs of a program on a uniform basis for each district.

R277-916-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public education system in the Board, by Section 53A-15-201 which designates the Utah State Board of Education as the Board for Applied Technology Education, Section 53A-15-202 which allows the Board to establish minimum standards for applied technology education programs and perform duties required by law, and Section 53A-17a-131.12 which directs the Board to distribute specific amounts of funds to school districts.

B. TLC programs currently operating shall continue while each middle/junior high school makes a transition to TLC II which shall replace the original TLC program.

C. This rule establishes standards and procedures for school districts seeking to qualify for Technology, Life, and Careers II, and WBL Programs funds administered by the Board.

R277-916-3. Disbursement of Funds — Technology, Life, and Careers II Funds.

A. TLC II funds shall be utilized to update the TLC curriculum, purchase and maintain needed equipment and supplies, pilot/field test program modifications, and provide ongoing inservice training for teachers, counselors, and administrators.

B. The revision of TLC shall enter its first phase during the 1999-2000 school year, with pilot middle/junior high schools. These pilot schools shall be selected from a list prioritized and submitted to the USOE from each district identifying schools conducting and revising TLC programs. Identified schools shall be in compliance with all basic TLC and TLC II program standards.

C. TLC funds shall be allocated to districts for approved schools on a basis of five WPUs per school.

D. Funds remaining after funds are distributed for Section R277-916-3C, above, shall be distributed based on enrollment in grade 7 of the approved schools based on the October 1 enrollment report for the previous year.

E. Districts shall identify a maximum of up to three individual schools indicating first, second, and third for program participation. Each district's first priority school shall be funded during the first year. Funding for second and third-ranked schools shall be allocated based on size of the district and depend upon the availability of funds.

F. Personnel from each of the selected schools shall participate in mandatory USOE training.

G. Schools shall receive continued USOE support and funding, and additional schools will receive funding as funds become available.

R277-916-4. Technology, Life, and Careers II - Standards.

A. The Technology, Life, and Careers funds may be used to:

- (1) update the TLC curriculum;
- (2) purchase and maintain equipment and supplies, including consumables;
- (3) pilot/field test program modifications; and
- (4) provide regular inservice training for teachers, counselors, and administrators.

B. Districts may qualify for Technology, Life, and Careers funds based on the following:

- (1) TLC II program funds shall not be used for paying personnel costs during the period of the regular contract year;
- (2) TLC II pilot schools shall teach 180 days of TLC II core curriculum which includes the components and objectives of Business/Marketing, Technology Education/Agriculture, Family and Consumer Sciences/Health Science and Health Technology, and Career Guidance;
- (3) All TLC II teachers and counselors and at least one administrator shall attend initial USOE inservice training as a school team;

(4) All TLC II teachers and counselors at the pilot schools shall have appropriate licenses and endorsements;

(5) All TLC II team members shall agree to assist in the development, pilot testing, and implementation of TLC II activities and materials;

(6) Pilot schools, where feasible, shall utilize the services of the WBL coordinator to integrate grade level appropriate work-based learning activities into TLC II;

(7) Pilot schools shall integrate grade level appropriate career development content into the TLC II activities and use the services of the counselor in the program;

(8) The district/school shall utilize the full allocation of funds as provided under R277-916-4. The district/school shall support inservice training activities necessary to the Core TLC II content as adopted by the Board; and

(9) All TLC II-related personnel in the school shall participate fully in evaluating the current program, recommending changes or modifications, and field testing new activities, materials, and resources.

R277-916-5. Work-Based Learning - Disbursement of Funds.

A. All public elementary, secondary, and postsecondary/adult schools shall be aligned by cone and grouped within district.

B. Districts shall be eligible for funding according to the number of students in grades 10, 11, and 12. Funds shall be distributed to cones according to the following schedule based on the October 1 enrollment report for the previous year:

(1) Districts with schools with a grade 10 through 12 enrollment of 75 or less shall receive a five WPU.

(2) Districts with schools with a grade 10 through 12 enrollment of 76 to 750 shall receive an allocation of nine WPUs.

(3) Funds remaining after funds are disbursed for Section R277-916-5B(1)and (2), above, shall be distributed to approved schools with enrollment over 750 in grades 10 through 12.

(4) All 10 through 12 grade students shall be counted in schools having a total enrollment of over 750 and the total statewide number shall be used to determine a per student WPU allocation from available funds.

(5) A school's funding shall be calculated by using the WPU per student share multiplied by the total number of 10 through 12 grade students.

C. District allocations shall be made according to funds available.

D. State appropriated WBL funds require an equal match of funds provided by participating districts.

R277-916-6. Work-Based Learning - Standards.

A. WBL shall be integrated into all levels of the educational delivery system and shall be coordinated within the cones of the district and between regions.

B. To be eligible for WBL funds, districts/schools shall, upon request:

(1) have the program approved by the local board.

(2) employ licensed WBL coordination personnel with salaries/benefits matched by the local recipient of funds.

(3) document that a WBL committee representing all schools within the cone has been created, is functioning effectively and regularly addresses WBL issues.

(4) complete a cone-wide student/parent/teacher WBL needs assessment.

(5) develop work-based preparation, participation, and evaluation activities for students and teachers involved in all WBL cone activities.

(6) maintain evidence that WBL components have been integrated and coordinated with elementary career awareness, secondary career exploration, integrated core curriculum activities, Technology, Life, and Careers, comprehensive guidance and skills certification.

(7) maintain evidence of WBL activities developed in coordination with IEP/SEP/SEOP/504 requirements in each cone.

(8) require the inclusion of all student groups within the cone in career development and preparation.

(9) demonstrate WBL coordination with employers and with other school/community development activities.

(10) verify sufficient budget for a WBL coordinator, facilities, materials, equipment, and support staff is available.

(11) participate in initial state-sponsored WBL Coordination Training and in periodic ongoing coordination and inservice activities.

(12) require that the WBL team utilize a statewide database system to be developed by the USOE.

KEY: public schools, work-based learning programs*

1999

Art X Sec 3

53A-15-201

53A-15-202

53A-17a-131.12



**Environmental Quality, Environmental
Response and Remediation
R311-200-1
Definitions**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22074

FILED: 05/26/1999, 12:15

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Definition has been added for clarification of terminology used in another rule (R311-205).

SUMMARY OF THE RULE OR CHANGE: Definition for "Practical Quantitation Limit" has been added to clarify terminology used for laboratory analysis

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-6-401 et seq.

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 280, Subparts E and F

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No Cost or Savings Anticipated by the addition of a definition to clarify the rule. Definition does not impact costs since all affected parties currently use proposed protocol already under current fee schedules or program operations.

❖LOCAL GOVERNMENTS: No Cost or Savings Anticipated by the addition of a definition to clarify the rule. Definition does not impact costs since all affected parties currently use proposed protocol already under current fee schedules or program operations.

❖OTHER PERSONS: No Cost or Savings Anticipated by the addition of a definition to clarify the rule. Definition does not impact costs since all affected parties currently use proposed protocol already under current fee schedules or program operations.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No Cost or Savings Anticipated by the addition of a definition to clarify the rule. Definition does not impact costs since all affected parties currently use proposed protocol already under current fee schedules or program operations.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no costs incurred by affected parties by the addition of this clarifying definition of terminology used.

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

Environmental Quality
Environmental Response and Remediation
168 North 1950 West, 1st Floor
PO Box 144840
Salt Lake City, UT 84114-4840, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dale T. Urban at the above address, by phone at (801) 536-4100, by FAX at (801) 536-4242, or by Internet E-mail at durban@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 07/13/1999, 4:00 p.m., 168 North 1950 West, Room 101, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 08/31/1999

AUTHORIZED BY: Brent Bradford, Deputy Director

R311. Environmental Quality, Environmental Response and Remediation.

R311-200. Underground Storage Tanks: Definitions.

R311-200-1. Definitions.

(a) Refer to Section 19-6-402 for definitions not found in this rule.

(b) For purposes of underground storage tank rules:

(1) "Actively participated" for the purpose of the certification programs means that the individual applying for certification must

have had operative experience for the entire project from start to finish, whether it be an installation or a removal.

(2) "As built drawing" (as constructed drawing, record drawing) for purpose of notification refers to a drawing to scale of newly constructed USTs. The UST shall be referenced to buildings, streets and limits of the excavation. Drawing size shall be limited to 8-1/2" x 11" if possible, but shall in no case be larger than 11" x 17".

(3) "Backfill" means any foreign material, usually pea gravel or sand, which usually differs from the native soil and is used to support or cover the underground storage tank system.

(4) "Burden" means the addition of the percentage of indirect costs which are added to raw labor costs.

(5) "Certificate" means a document that evidences certification.

(6) "Certification" means approval by the Executive Secretary or the Board to engage in the activity applied for by the individual.

(7) "Change-in-service" means the continued use of an UST to store a non-regulated substance.

(8) "Confirmation sample" means an environmental sample taken, excluding closure samples as outlined in Section R311-205-2, during soil overexcavation or any other remedial or investigation activities conducted for the purpose of determining the extent and degree of contamination.

(9) "Customary, reasonable and legitimate expenses" means costs incurred during the investigation, abatement and corrective actions that address a release which are normally charged according to accepted industry standards, and which must be justified in an audit as an appropriate cost. The costs must be directly related to the tasks performed.

(10) "Customary, reasonable and legitimate work" means work for investigation, abatement and corrective action that is required to reduce contamination at a site to levels that are protective of human health and the environment. Acceptable levels may be established by risk-based analysis and taking into account current or probable land use as determined by the Executive Secretary following the criteria in R311-211.

(11) "Department" means the Utah Department of Environmental Quality.

(12) "Eligible exempt underground storage tank" for the purpose of eligibility for the Utah Petroleum Storage Tank Trust Fund means a tank specified in 19-6-415(1).

(13) "Environmental Consultant" or "Consultant" is an individual who provides or contracts to provide information, an opinion, or advice for a fee, or in conjunction with services for which a fee is charged, relating to underground storage tank management, release abatement, investigation, corrective action, or evaluation.

(14) "Environmental sample" is a groundwater, surface water, air, or soil sample collected, using appropriate methods, for the purpose of evaluating environmental contamination.

(15) "EPA" means the United States Environmental Protection Agency.

(16) "Expediently disposed of" means disposed of as soon as practical so as not to become a potential threat to human health or safety or the environment, whether foreseen or unforeseen as determined by the Executive Secretary.

(17) "Fiscal year" means a period beginning July 1 and ending June 30 of the following year.

(18) "Full installation" for the purposes of 19-6-411(2) means the installation of an underground storage tank.

(19) "Groundwater sample" is a sample of water from below the surface of the ground collected according to protocol established in Rule R311-205.

(20) "Groundwater and soil sampler" is the person who performs environmental sampling for compliance with Utah underground storage tank rules.

(21) "In use" means that an operational, inactive or abandoned underground storage tank contains a regulated substance, sludge, dissolved fractions, or vapor which may pose a threat to human health, safety or the environment as determined by the Executive Secretary.

(22) "Lapse" in reference to the Certificate of Compliance and coverage under the Petroleum Storage Tank Trust Fund, means to terminate automatically.

(23) "Native soil" means any soil that is not backfill material, which is naturally occurring and is most representative of the localized subsurface lithology and geology.

(24) "Notice of agency action" means any enforcement notice, notice of violation, notice of non-compliance, order, or letter issued to an individual for the purpose of obtaining compliance with underground storage tank rules and regulations.

(25) "Occurrence" in reference to Subsection R311-208-4 means a separate petroleum fuel delivery to a single tank.

(26) "Owners and operators" means either an owner or operator, or both owner and operator.

(27) "Overexcavation" means any soil removed in an effort to investigate or remediate in addition to the minimum amount required to remove the UST or take environmental samples during UST closure activities as outlined in Section R311-205-2.

(28) "Permanently closed" means underground storage tanks that are removed from service following guidelines in 40 CFR Part 280 Subpart G adopted by Section R311-202.

(29) "Petroleum storage tank" means a storage tank that contains petroleum as defined by Section 19-6-402(20).

(30) "Petroleum storage tank fee" means the fee which capitalizes the Petroleum Storage Tank Trust Fund as established in Section 19-6-409.

(31) "Petroleum storage tank trust fund" means the fund created by Section 19-6-409.

(32) "Practical Quantitation Limit" (PQL) is the lowest level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operation conditions.

~~(32)~~(33) "Registration fee" means underground storage tank registration fee.

~~(33)~~(34) "Regulated substance" means any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act "CERCLA" of 1980, but not including any substance regulated as a hazardous waste under subtitle C, and petroleum, including crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure, 60 degrees Fahrenheit and 14.7 pounds per square inch absolute. The term "regulated substance" includes petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading, and finishing, and includes motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

~~(34)~~(35) "Site assessment" is an evaluation of the level of contamination at a site which contains or has contained an UST.

~~(35)~~(36) "Site assessment report" is a summary of relevant information describing the surface and subsurface conditions at a facility following any abatement, investigation or assessment, monitoring, remediation or corrective action activities as outlined in Rule R311-202, Subparts E and F.

~~(36)~~(37) "Site investigation" is work performed by the owner or operator, or his designee, when gathering information for reports required for Utah underground storage tank rules.

~~(37)~~(38) "Site plat" for purpose of notification, or reporting, refers to a drawing to scale of USTs in reference to the facility. The scale should be dimensioned appropriately. Drawing size shall be limited to 8-1/2" x 11" if possible, but shall in no case be larger than 11" x 17". The site plat should include the following: property boundaries; streets and orientation; buildings or adjacent structures surrounding the facility; present or former UST(s); extent of any excavation(s) and known contamination and location and volume of any stockpiled soil; locations and depths of all environmental samples collected; locations and total depths of monitoring wells, soil borings or other measurement or data points; type of ground-cover; utility conduits; local land use; surface water drainage; and other relevant features.

~~(38)~~(39) "Site under control" means that the site of a release has been actively addressed by the owner or operator who has taken the following measures:

(A) Fire and explosion hazards have been abated.

(B) Free flow of the product out of the tank has been stopped.

(C) Free product is being removed from the soil, groundwater or surface water according to a work plan or corrective action plan approved by the Executive Secretary.

(D) Alternative water supplies have been provided to affected parties whose original water supply has been contaminated by the release.

(E) A soil or groundwater management plan or both have been submitted for approval by the Executive Secretary.

~~(39)~~(40) "Soil sample" is a sample collected following the protocol established in Rule R311-205.

~~(40)~~(41) "Surface water sample" is a sample of water, other than a groundwater sample, collected according to protocol established in the "Utah Water Quality Monitoring Manual", 1986, or in "EPA Test Methods for Evaluating Solid Waste", SW-846, Vol. 2 Field Manual, Section 9.31-9.79.

~~(41)~~(42) "Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials, such as concrete, steel, or plastic, that provide structural support.

~~(42)~~(43) "UAPA-exempt orders" are orders that are exempt from requirements of the Utah Administrative Procedures Act under Section 63-46b-1(2)(k), Utah Code Annot.

~~(43)~~(44) "Underground storage tank" or "UST" means any one or combination of tanks, including underground pipes connected thereto and any underground ancillary equipment and containment system, that is used to contain an accumulation of regulated substances, and the volume of which, including the volume of underground pipes connected thereto, is ten percent or more beneath the surface of the ground, regulated under Subtitle I, Resource Conservation and Recovery Act, 42 U.S.C., Section 6991c et seq.

~~[(44)](45)~~ "Underground storage tank registration fee" means the fee assessed by Section 19-6-408 on tanks located in Utah.

~~[(45)](46)~~ "UST inspection" is the inspection required by state and federal underground storage tank rules and regulations during the installation, testing, repairing, operation or maintenance, and removal of regulated underground storage tank.

~~[(46)](47)~~ "UST inspector" is an individual who performs underground storage tank inspections for compliance with state and federal rules and regulations.

~~[(47)](48)~~ "UST installation" means the installation of an underground storage tank, including construction, placing into operation, building or assembling an underground storage tank in the field; or, the repair of an underground storage tank or any part thereof.

~~[(48)](49)~~ "UST installation permit fee" means the fee established by Section 19-6-411(2)(a)(ii).

~~[(49)](50)~~ "UST installer" means an individual who engages in underground storage tank installation.

~~[(50)](51)~~ "UST removal" means the removal of an underground storage tank system, including permanently closing and taking out of service all or part of an underground storage tank.

~~[(51)](52)~~ "UST remover" means an individual who engages in underground storage tank removal.

~~[(52)](53)~~ "UST tester" means an individual who engages in UST testing.

~~[(53)](54)~~ "UST testing" means a testing method which can detect leaks in underground storage tank. Testing methods must meet applicable performance standards of 40 CFR Parts 280.40(a)(3), 280.43(c), and 280.44(b) as adopted by Section R311-202, for tank and product piping tightness testing. The testing method, at a minimum, must be able to test the underground storage tank system at the maximum level that could contain regulated substances. Tanks with overfill prevention devices that prevent product from entering the upper portion of the tank may be tested at the maximum level allowed by that device.

KEY: hazardous substances, petroleum, underground storage tanks*

~~[July 14, 1997]~~1999 **19-6-105**
Notice of Continuation March 12, 1997 **19-6-403**



**Environmental Quality, Environmental
Response and Remediation
R311-205-2
Site Assessment Protocol**

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22075
FILED: 05/26/1999, 12:15
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed rule is a result of recommendations by affected parties with changes in terminology to clarify the intent of the original rule and include the use of appropriate terminology consistent with industry standards.

SUMMARY OF THE RULE OR CHANGE: "Practical Quantitation Limit" has been added to clarify terminology used for laboratory analysis. In addition, reporting ranges has been clarified to provide consistency between different sampling events and different laboratories.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105, and 19-6-403
FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 280, Subparts E and F

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** No Cost or Savings Anticipated by the addition of clarifying terminology used, and the specification of reporting ranges for total petroleum hydrocarbons by the laboratories. Affected parties already have the capability of running these proposed analytical methods, at no additional costs or savings to current fee structure. This rule simply standardizes the methods used and the results reported by laboratories.

❖**LOCAL GOVERNMENTS:** No Cost or Savings Anticipated by the addition of clarifying terminology used, and the specification of reporting ranges for total petroleum hydrocarbons by the laboratories. Affected parties already have the capability of running these proposed analytical methods, at no additional costs or savings to current fee structure. This rule simply standardizes the methods used and the results reported by laboratories.

❖**OTHER PERSONS:** No Cost or Savings Anticipated by the addition of clarifying terminology used, and the specification of reporting ranges for total petroleum hydrocarbons by the laboratories. Affected parties already have the capability of running these proposed analytical methods, at no additional costs or savings to current fee structure. This rule simply standardizes the methods used and the results reported by laboratories.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No Cost or Savings Anticipated by the addition of clarifying terminology used, and the specification of reporting ranges for total petroleum hydrocarbons by the laboratories. Affected parties already have the capability of running these proposed analytical methods, at no additional costs or savings to current fee structure. This rule simply standardizes the methods used and the results reported by laboratories.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no costs incurred by affected parties by the addition of the clarifying language added.

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

Environmental Quality
Environmental Response and Remediation
168 North 1950 West, 1st Floor
PO Box 144840
Salt Lake City, UT 84114-4840, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dale T. Urban at the above address, by phone at (801) 536-4100, by FAX at (801) 536-4242, or by Internet E-mail at urban@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 07/13/1999, 4:00 p.m., 168 North 1950 West, Room 101, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 08/31/1999

AUTHORIZED BY: Brent Bradford, Deputy Director

R311. Environmental Quality, Environmental Response and Remediation.

R311-205. Underground Storage Tanks: Site Assessment Protocol.

R311-205-1. Definitions.

Definitions are found in Section R311-200.

R311-205-2. Site Assessment Protocol.

(a) General Requirements.

(1) For all locations that have underground storage tanks regulated by 40 CFR 280, and require a site assessment pursuant to 40 CFR 280, Subparts E, F, or G, owners or operators shall perform or commission to be performed a site assessment according to the protocol outlined in Section R311-205 or equivalent, as approved by the Executive Secretary. This protocol is a minimum requirement which does not prohibit the collecting of additional samples when needed and is intended to support and supplement requirements of 40 CFR 280, Parts 280.52 and 280.72. Additional environmental samples must be collected when contamination is found, suspected, or as requested by the Executive Secretary. Samples shall be collected in a manner that will detect a release from any portion of the UST. Groundwater samples shall be collected in accordance with the "EPA RCRA Ground-water Monitoring Technical Enforcement Guidance Document" (OSWER Directive 9950.1), 1986. Surface water samples shall be collected in accordance with protocol established in the "Utah Water Quality Monitoring Manual", 1986, or in "EPA Test Methods for Evaluating Solid Waste", SW-846, Vol. 2 Field Manual, Section 9.31-9.79. Soil samples shall be collected in accordance with the "EPA Description and Sampling of Contaminated Soils, A Field Pocket Guide", 1991.

(2) Owners and operators must document and report to the Executive Secretary sample types, sample locations and depths, field and sampling measurement methods, the nature of the stored substance, the type of backfill and native soil, the depth to

groundwater, and other factors appropriate for identifying the presence, the source area and the degree and extent of subsurface contamination. This documentation and reporting is required for UST closures pursuant to 40 CFR 280, Subpart G, and for any abatement, investigation or assessment, monitoring, remediation or corrective action activities performed to fulfill release response and remediation requirements of 40 CFR 280, Subparts E and F.

(3) Owners and operators must comply with site assessment protocols, documentation and reporting requirements stipulated in Sections R311-205-2(a)(1) and (2) and with the testing and site check requirements in R311-205-2(c) when applying to participate in the Petroleum Storage Tank Trust Fund Program following a period of lapse or non-participation in the Fund. This site assessment, documentation and reporting is required for sites re-applying for fund participation pursuant to Section 19-6-428(3)(a).

(4) The owner or operator shall report the discovery of any release or suspected release to the Executive Secretary within twenty-four hours.

(5) All environmental samples shall be collected by a certified groundwater and soil sampler who meets the requirements of Section R311-201.

(6) All environmental samples must be analyzed within the time frame allowed, in accordance with Table 4.1 of the "EPA RCRA Ground-water Monitoring Technical Enforcement Guidance Document" (OSWER Directive 9950.1), by a Utah Certified Environmental Laboratory approved by the Executive Secretary. Soil samples must be corrected for moisture, if necessary, with percent moisture reported to accurately represent the level of contamination.

(7) Environmental samples for UST permanent closure or change in service shall be collected according to the protocol outlined in R311-205-2(b), after the UST system is emptied and cleaned and the closure plan has been approved.

(8) Environmental confirmation samples are required following overexcavation of soils. Confirmation samples shall be taken at locations and depths sufficient to detect the presence, extent and degree of a release from any portion of the UST in accordance with 40 CFR 280, Subparts E, F and G. Additional confirmation samples may be required as determined by the Executive Secretary.

(9) Other types of environmental or quality assurance samples may be required as determined by the Executive Secretary.

(b) Site Assessment for UST Closure.

(1) When UST testing is required, the owner or operator shall test the underground storage tanks and product piping for tightness according to standards established in 40 CFR 280, Subpart D. If the test indicates a release has occurred from the tank or product piping, then the tank or product piping shall be closed in compliance with 40 CFR 280, Subpart G, and R311-204, or repaired, or replaced. Tanks and product piping which are repaired or replaced shall be retested to demonstrate that the tanks or product piping are no longer releasing product. Owners or operators shall begin release investigation and confirmation steps in accordance with 40 CFR 280, Subpart E upon suspecting a release, and release response and corrective action in accordance with 40 CFR 280, Subpart F upon confirming a release.

(2) Tank excavation.

(A) In-place evaluations. For facilities undergoing in-place evaluations with one tank, a minimum of two soil samples, one

from each end of the tank, shall be collected in native soils, below the tank backfill material, and as close as technically feasible to each end of the tank. Any other samples required by Section R311-205-2(a)(1) must also be collected. For facilities undergoing in-place evaluations with two or more tanks adjacent to one another, a minimum of four soil samples shall be collected in native soils, below the tank backfill material, one at each corner of the tank area, and as close to the tank ends as is technically feasible. Any other samples required by Section R311-205-2(a)(1) must also be collected. Soil samples shall be collected from a depth of zero to two feet below the tank backfill and native soil interface. If groundwater is contacted in the process of collecting the soil samples, then a minimum of one groundwater sample and one soil sample, collected from the unsaturated zone immediately above the capillary fringe, shall be collected at each end of the tank area. Groundwater samples shall be collected using proper surface water collection techniques or from a properly installed groundwater monitoring well as established by the Executive Secretary. All environmental samples shall be analyzed using methodologies outlined in Section R311-205-2(d). One soil sample shall be collected at the same depth as indicated for environmental samples to determine native soil type. Techniques of the Unified Soil Classification such as a sieve analysis or laboratory classification may be used to satisfy requirements of determining soil type.

(B) Closure by removal evaluations. For facilities which have excavation zones with one tank, a minimum of two soil samples, one from each end of the tank, shall be collected in native soils, below the tank backfill material, and as close as technically feasible to each end of the tank. Any other samples required by Section R311-205-2(a)(1) must also be collected. For facilities which have excavation zones with two or more tanks adjacent to one another, a minimum of four soil samples shall be collected in native soils, below the tank backfill material, one at each corner of the tank excavation, and as close to the tank ends as is technically feasible. Any other samples required by Section R311-205-2(a)(1) must also be collected. Soil samples shall be collected from a depth of zero to two feet below the tank backfill and native soil interface. If groundwater is contacted in the process of collecting the soil samples, then a minimum of one groundwater sample and one soil sample, collected from the unsaturated zone immediately above the capillary fringe, shall be collected at each end of the tank excavation. Groundwater samples shall be collected using proper surface water collection techniques or from a properly installed groundwater monitoring well as established by the Executive Secretary. All environmental samples shall be analyzed using methodologies outlined in Section R311-205-2(d). One soil sample shall be collected at the same depth as indicated for environmental samples to determine native soil type. Techniques of the Unified Soil Classification such as a sieve analysis or laboratory classification may be used to satisfy requirements of determining soil type.

(3) Dispenser islands.

(A) In-place evaluations. Environmental samples shall be collected at locations as close to where the piping enters the dispenser islands as is possible. An environmental sample shall be collected at each dispenser island in a location as to never allow more than 25 linear feet of piping in a single excavation to go unsampled. Any other samples required by Section R311-205-2(a)(1) must also be collected. Soil samples shall be collected from

a depth of zero to two feet beneath the product piping backfill material and native soil interface or as close to the product piping as is technically feasible in native soils. If groundwater is contacted in the process of collecting the soil samples, then a minimum of one groundwater sample and one soil sample, collected from the unsaturated zone immediately above the capillary fringe, shall be collected. Groundwater samples shall be collected using proper surface water collection techniques or from a properly installed groundwater monitoring well as established by the Executive Secretary. All environmental samples shall be analyzed using methodologies outlined in Section R311-205-2(d). One soil sample shall be collected at the same depth as indicated for environmental samples to determine native soil type. Techniques of the Unified Soil Classification such as a sieve analysis or laboratory classification may be used to satisfy requirements of determining soil type.

(B) Closure by removal evaluations. Environmental samples shall be collected at locations as close to where the piping enters the dispenser islands as is possible. An environmental sample shall be collected at each dispenser island in a location as to never allow more than 25 linear feet of piping in a single excavation to go unsampled. Any other samples required by Section R311-205-2(a)(1) must also be collected. Soil samples shall be collected from a depth of zero to two feet beneath the product piping backfill material and native soil interface or as close to the product piping as is technically feasible in native soils. If groundwater is contacted in the process of collecting the soil samples, then a minimum of one groundwater sample and one soil sample, collected from the unsaturated zone immediately above the capillary fringe, shall be collected. Groundwater samples shall be collected using proper surface water collection techniques or from a properly installed groundwater monitoring well as established by the Executive Secretary. All environmental samples shall be analyzed using methodologies outlined in Section R311-205-2(d). One soil sample shall be collected at the same depth as indicated for environmental samples to determine native soil type. Techniques of the Unified Soil Classification such as a sieve analysis or laboratory classification may be used to satisfy requirements of determining soil type.

(4) Product piping.

(A) In-place evaluations. One product piping soil sample shall be collected at each piping excavation in an area where leaking is most likely to occur such as joints, connections and fittings, and at intervals to never allow more than 50 linear feet of piping in a single excavation to go unsampled. Any other samples required by Section R311-205-2(a)(1) must also be collected. Soil samples shall be collected from a depth of zero to two feet beneath the product piping backfill material and native soil interface or as close to the product piping as is technically feasible in native soil. If groundwater is contacted in the process of collecting the soil samples, then a minimum of one groundwater sample and one soil sample, collected from the unsaturated zone immediately above the capillary fringe, shall be collected. Groundwater samples shall be collected using proper surface water collection techniques or from a properly installed groundwater monitoring well as established by the Executive Secretary. All environmental samples shall be analyzed using methodologies outlined in Section R311-205-2(d). One soil sample shall be collected at the same depth as indicated for environmental samples to determine native soil type. Techniques

of the Unified Soil Classification such as a sieve analysis or laboratory classification may be used to satisfy requirements of determining soil type.

(B) Closure by removal evaluations. One product piping soil sample shall be collected at each piping excavation in an area where leaking is most likely to occur such as joints, connections and fittings, and at intervals to never allow more than 50 linear feet of piping in a single excavation to go unsampled. Any other samples as required by Section R311-205-2(a)(1) must also be collected. Soil samples shall be collected from a depth of zero to two feet beneath the product piping backfill material and native soil interface or as close to the product piping as is technically feasible in native soils. If groundwater is contacted in the process of collecting the soil samples, then a minimum of one groundwater sample and one soil sample, collected from the unsaturated zone immediately above the capillary fringe, shall be collected. Groundwater samples shall be collected using proper surface water collection techniques or from a properly installed groundwater monitoring well as established by the Executive Secretary. All environmental samples shall be analyzed using methodologies outlined in Section R311-205-2(d). One soil sample shall be collected at the same depth as indicated for environmental samples to determine native soil type. Techniques of the Unified Soil Classification such as a sieve analysis or laboratory classification may be used to satisfy requirements of determining soil type.

(c) Testing and Site Check Requirements for Re-applying to Participate in the Petroleum Storage Tank Trust Fund Program following a Period on Non-participation or Applying for Reinstatement in the Fund Program following a Period of Lapse.

(1) Owners or operators of sites wishing to re-apply for participation in the Petroleum Storage Tank Trust Fund Pr following a period of lapse or non-participation, must perform a tank tightness test and site check pursuant to Section 19-6-428(3)(a). The tank tightness test and site check must be consistent with requirements for testing and site assessment as defined under 40 CFR 280, Subparts D and E.

(A) The owner or operator shall test the underground storage tanks and product piping for tightness according to standards established in 40 CFR 280, Subpart D. If the test indicates a release has occurred from the tank or product piping, then the tank or product piping shall be closed in compliance with 40 CFR 280, Subpart G, and R311-204, or repaired, or replaced. Tanks and product piping which are repaired or replaced shall be retested to demonstrate that the tanks or product piping are no longer releasing product. Owners or operators shall begin release investigation and confirmation steps in accordance with 40 CFR 280, Subpart E upon suspecting a release, and release response and corrective action in accordance with 40 CFR 280, Subpart F upon confirming a release.

(B) A site check, consistent with the site assessment standards defined in 40 CFR 280, Subpart E, must be performed.

(i) The owner shall develop or commission to have developed a site check plan outlining the intended sampling program. The Executive Secretary must review and approve the site check plan prior to its implementation. At a minimum, the site check must evaluate soils around and beneath all elements of the underground storage tank systems, including tanks, piping and dispensers, for potential evidence of contamination from petroleum releases. A sufficient number of soil samples shall be collected to be representative of soil conditions around the underground storage

tank systems, and to assure, within practical limitations, that contamination is discovered, if present. In addition to soil samples, groundwater samples must be collected when groundwater is encountered during the process of soil sampling. Soil and groundwater sampling protocols, documentation and reporting requirements must conform to 40 CFR 280, Subparts E and F.

(ii) The site check must meet the provisions for minimum sampling requirements for USTs, dispensers and piping as defined for in-place closures in Sections R311-205-2(b)(2)(A), R311-205-2(b)(3)(A), and R311-205-2(b)(4)(A), respectively. Additional sampling may be required by the Executive Secretary based on review of the site check plan and site specific conditions.

(2) All technical services for tank tightness testing and site checks provided under Section R311-205-2(c) must be performed by appropriately qualified and certified individuals as defined in Section R311-201-2.

(d) Laboratory Analyses.

(1) Environmental samples which have been collected to determine levels of contamination from underground storage tanks shall be analyzed using appropriate laboratory methods as referenced in [~~the most current version of the Utah Division of Environmental Response and Remediation "Subsurface Investigation Report Guide" Table of Analytical Methods for Sampling, the "Utah Underground Storage Tank Closure Plan" site assessment protocol~~]the March 31, 1999 "Table of Analytical Methods for Sampling", or as determined by the Executive Secretary.

(2) Environmental samples which have been collected to determine levels of contamination by gasoline shall be analyzed for total petroleum hydrocarbons (TPH as gasoline range organics C₆ - C₁₀), benzene, toluene, ethylbenzene, and xylenes and naphthalene (BTEXN), and for methyl tertiary butyl ether (MTBE).

(3) Environmental samples which have been collected to determine levels of contamination by diesel fuel shall be analyzed for total petroleum hydrocarbons (TPH as diesel range organics C₁₀ - C₂₈), benzene, toluene, ethylbenzene, xylenes and naphthalene (BTEXN).

(4) Environmental samples which have been collected to determine levels of contamination by used oil shall be analyzed for oil and grease (O and G) or total recoverable petroleum hydrocarbons (TRPH)[~~]; and for~~ benzene, toluene, ethylbenzene, xylenes, naphthalene (BTEXN)[~~]; methyl tertiary butyl ether (MTBE)[~~]; and halogenated organic compounds.~~~~

(5) Environmental samples which have been collected to determine levels of contamination by new oil shall be analyzed for oil and grease (O and G) or total recoverable petroleum hydrocarbons (TRPH).

(6) Environmental samples which have been collected to determine levels of contamination from underground storage tanks which contain substances other than or in addition to petroleum shall be analyzed for appropriate constituents as determined by the Executive Secretary.

(7) All laboratory sample results must be returned to the certified groundwater and soil sampler. Environmental samples shall be collected and transported under chain of custody according to EPA methods as approved by the Executive Secretary.

(8) [~~Minimum detection levels (MDLs) used by laboratories analyzing samples taken under this rule must be below recommended cleanup levels for the contaminated media under~~

study. Also, environmental samples should be analyzed with the least possible dilution in order to meet the MDLs in accordance with applicable rules. If more than one determinative analysis is performed on any given environmental sample, all analytical results for the multiple analyses must be reported, including the dilution factors used. Practical Quantitation Limits (PQL's) used by laboratories analyzing environmental samples taken under this rule should be below recommended cleanup levels for the contaminated media under study. Also, environmental samples should be analyzed with the least possible dilution to ensure PQL's are below recommended cleanup levels to the extent possible. If more than one determinative analysis is performed on any given environmental sample, the dilution factor(s) used and the PQL must be reported by the laboratory. As an alternative to diluting environmental samples, the laboratory should consider using appropriate analytical cleanup methods and describe which analytical cleanup methods were used to eliminate or minimize matrix interference.

(e) Recordkeeping.

(1) The certified groundwater and soil sampler shall record the approximate depth below grade and location of each and every sample collected to within one foot.

(2) A copy of the site plat, analytical laboratory results, chain of custody forms, and the closure notice as outlined in Section R311-204-4 shall be submitted to the Executive Secretary within 90 days after tank closure.

(3) Upon confirming a release, a site assessment report, an updated site plat, additional analytical laboratory results, chain of custody and any other applicable documentation required by 40 CFR 280, Subparts E and F, following any abatement, investigation or assessment, monitoring, remediation or corrective action activities, shall be submitted to the Executive Secretary within the specified time frames as outlined in compliance schedules.

KEY: hazardous substances, petroleum, underground storage tank*

~~[October 9, 1998]~~1999

19-6-205

Notice of Continuation March 12, 1997

19-6-413



Environmental Quality, Radiation Control

R313-16

General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22077

FILED: 05/26/1999, 16:01

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to address uncodified rule changes associated with a previous filing and to eliminate a reporting requirement.

SUMMARY OF THE RULE OR CHANGE: Section R313-16-233 is amended to provide proper citation of a section and a subsection. Section R313-16-235 is amended to clarify who must register a radiation machine. Section R313-16-270 is amended to eliminate the requirement for information on replaced equipment components to be submitted to the Executive Secretary.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-3-104

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** No cost impact--this amendment is for clarification purposes and requires no new action by the Division of Radiation Control to implement.

❖**LOCAL GOVERNMENTS:** None--enforcement of this rule does not apply to local governments.

❖**OTHER PERSONS:** There may be a slight cost savings to individuals who install one or more components into a radiation machine since they will no longer be required to submit certain information to the Executive Secretary of the Radiation Control Board.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment removes the requirement that an assembler submit certain information to the Executive Secretary. Therefore, compliance costs will be reduced as described above for "Other persons."

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses--Dianne R. Nielson.

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

Environmental Quality
Radiation Control
State of Utah Office Park, Bldg. 2
168 North 1950 West
PO Box 144850
Salt Lake City, UT 84114-4850, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Craig W. Jones at the above address, by phone at (801) 536-4250, by FAX at (801) 533-4097, or by Internet E-mail at cjoness@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 08/13/1999

AUTHORIZED BY: William J. Sinclair, Executive Secretary

R313. Environmental Quality, Radiation Control.
R313-16. General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines.

.....

R313-16-233. Notification of Intent to Provide Servicing and Services.

(1) Persons engaged in the business of installing or offering to install radiation machines or engaged in the business of furnishing or offering to furnish radiation machine servicing or services in this State shall notify the Executive Secretary of the intent to provide these services within 30 days following the effective date of this rule or, thereafter, prior to furnishing or offering to furnish these services.

(2) The notification shall specify:

- (a) that the applicable requirements of these rules have been read and understood;
- (b) the services which will be provided;
- (c) the training and experience that qualify for the discharge of the services; and
- (d) the type of measurement instrument to be used, frequency of calibration, and source of calibration.

(3) For the purpose of Section R313-16-23[+]3, services may include but shall not be limited to:

- (a) installation or servicing of radiation machines and associated radiation machine components;
- (b) calibration of radiation machines or radiation measurement instruments or devices; and
- (c) consultations or surveys for radiation protection or health physics (See Section R313-16-400).

(4) Individuals shall not perform the services listed in Subsection R313-16-233(3) unless they are specifically stated for that individual on the notification of intent required in Subsection R313-16-233(1) and the complete information required by Subsection R313-~~26~~16-233(2) has been received by the Executive Secretary.

R313-16-235. Designation of Registrant.

The owner or lessee of a radiation machine is the registrant ~~unless responsibility is transferred to another person who acknowledges this in writing to the Executive Secretary~~. The registrant shall be responsible for penalties imposed under the Executive Secretary's escalated enforcement authority, see Rule R313-14.

.....

R313-16-270. Transferor, Assembler, or Installer Obligation.

(1) Persons who sell, lease, transfer, lend, dispose, assemble, or install a radiation machine in this state shall notify the Executive Secretary within 14 working days of the following:

- (a) the name and address of the person who received the machine and also the name and address of the new registrant of the machine if not the same;

(b) the manufacturer, model, and serial number of the master control of the radiation machine and the number of x-ray tubes transferred; and

(c) the date of transfer of the radiation machine.

(2) Radiation machine equipment or accessories shall not be installed if the equipment will not meet the requirements of these rules when installation is completed.

(3) Reporting Compliance. Assemblers who install one or more components into a radiation machine system or subsystem, shall certify that the equipment meets the standards of these rules. A copy of this certification shall be transmitted to the purchaser and to the Executive Secretary within 14 working days following the completion of the installation.

(4) Certification can be accomplished by providing the following in conjunction with the information required by Section R313-16-250 and Subsection R313-16-270(1):

(a) the full name and address of the assembler and the date of assembly or installation;

(b) a statement as to whether the equipment is a replacement for other equipment, in addition to other equipment, or new equipment in a new facility;

(c) an affirmation that the applicable rules have been met;

(d) a statement of the type and intended use of the radiation machine system or subsystem, for example "radiographic-stationary general purpose x-ray;" and

(e) a list of the components which were assembled or installed into the radiation machine system or subsystem, identifying the components by type, manufacturer, model number, and serial number[;].

~~—(f) a list of the equipment or components which were replaced, identifying the components by type, manufacturer, model number, and serial number, and a statement as to their intended disposal or use;~~

~~—(g) the reports or inspection results of the qualified expert utilized.]~~

.....

R313-16-280. Out-of-State Radiation Machines.

(1) Whenever a radiation machine is to be brought into the state, for either temporary or extended use, the person proposing to bring the machine into the state shall give written notice to the Executive Secretary at least three working days before the machine is to be used in the state. The notice shall include the type of radiation machine; the manufacturer model and serial number of the master control; the nature, duration, and scope of use; and the exact location where the radiation machine is to be used. If, for a specific case, the three working-day period would impose an undue hardship, the person may, upon application to the Executive Secretary, obtain permission to proceed sooner.

(2) In addition, the out-of-state person shall:

- (a) comply with the applicable portions of these rules;
- (b) supply the Executive Secretary other information as the Executive Secretary requests.

.....

R313-16-400. Qualifications an Individual May Have to Perform Radiation Safety Inspections for a Registrant.

The following are representative, but not exclusive, lists of the qualifications of those individuals who may have sufficient experience or training to perform radiation safety inspections for a registrant. These individuals shall submit a statement of their training and experience to the Executive Secretary.

- (1) Radiation therapy:
 - (a) Certified by the American Board of Radiology (A.B.R.) in radiation therapy;
 - (b) Certified by the American Board of Medical Physics in radiation therapy;
 - (c) Ph.D. plus two years of clinical therapy experience;
 - (d) M.S. plus three years of clinical therapy experience; or
 - (e) B.S. plus five years of clinical therapy experience.
- (2) Radiation therapy safety and leakage survey only:
 - (a) Certified by the American Board of Health Physics (A.B.H.P.); or
 - (b) Eligible for admission to A.B.H.P. certification test.
- (3) Diagnostic x-ray:
 - (a) Certified by the A.B.R. [~~certification~~]in diagnostic radiology (physics);
 - (b) Certified by the American Board of Medical Physics in radiation therapy;
 - (c) A.B.H.P. comprehensive certification;
 - (d) Ph.D. plus one year clinical experience or two years general experience;
 - (e) M.S. plus one year clinical experience or two years general experience;
 - (f) B.S. plus two years clinical experience or four years general experience;
 - (g) Eligible for admission to A.B.R. certification test, M.S. plus two years experience; or
 - (h) Eligible for admission to A.B.H.P. certification test;
 - (i) B.S. plus five years health physics, preferably in diagnostic x-ray surveys experience;
 - (ii) M.S. in physical sciences plus four years health physics, preferably in diagnostic x-ray surveys experience;
 - (iii) M.S. in health physics or medical physics plus 3-1/2 years health physics, preferably in diagnostic x-ray surveys experience;
 - (iv) Ph.D. in physical sciences plus 3-1/2 years health physics, preferably in diagnostic x-ray surveys experience; or
 - (v) Ph.D. in health physics or medical physics plus three years health physics, preferably in diagnostic x-ray surveys experience.

KEY: x-ray, inspection

~~[January 15,]1999~~

19-3-104

Notice of Continuation March 26, 1997



**Environmental Quality, Radiation
Control
R313-28
Use of X-Rays in the Healing Arts**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22078

FILED: 05/26/1999, 16:01

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The change is a concomitant action for previous rulemakings involving R313-16 and it adds requirements for mammography X-ray systems.

SUMMARY OF THE RULE OR CHANGE: Previous changes to Rule R313-16 eliminated the X-ray unit inspection functions performed by individuals (non-State employees) approved as Qualified Experts. This change eliminates the definition for Qualified Expert in Section R313-28-20 and modifies the requirements in Sections R313-28-32, R313-28-40 and R313-28-200 for consultation services formerly provided by Qualified Experts. Changes are also made to Section R313-28-120 to address requirements approved by the Food and Drug Administration as part of the Mammography Quality Standards Act.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-3-104

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** No cost impact--this amendment is for clarification purposes and requires no new action by the Division of Radiation Control to implement.

❖**LOCAL GOVERNMENTS:** None--local government does not regulate those individuals who perform radiation tests or surveys on X-ray systems used in the healing arts.

❖**OTHER PERSONS:** There may be a slight cost savings to individuals who perform radiation tests or surveys on X-ray systems used in the healing arts since they will not be required to submit printed materials to the Radiation Control Board for review and approval.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment removes the requirement that certain information be submitted to the Executive Secretary or a Qualified Expert prior to construction of a room in which an X-ray system is installed. Compliance costs will be reduced as a result of this change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule may cause some slight cost savings for business entities who have X-ray systems installed because certain information will no be reviewed and approved by the Executive Secretary or a Qualified Expert--Dianne R. Nielson.

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

Environmental Quality
 Radiation Control
 State of Utah Office Park, Bldg. 2
 168 North 1950 West
 PO Box 144850

Salt Lake City, UT 84114-4850, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Craig W. Jones at the above address, by phone at (801) 536-4250, by FAX at (801) 533-4097, or by Internet E-mail at cjones@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 08/13/1999

AUTHORIZED BY: William J. Sinclair, Executive Secretary

R313. Environmental Quality, Radiation Control.

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

R313-28-20. Definitions.

As used in R313-28, the following definitions apply:

"Accessible surface" means the external surface of the enclosure or housing provided by the manufacturer.

"Actual focal spot" refer to "Focal spot."

"Aluminum equivalent" means the thickness of aluminum, type 1100 alloy, affording the same attenuation, under specified conditions, as the material in question. The nominal chemical composition of type 1100 aluminum alloy is 99.00 percent minimum aluminum, 0.12 percent copper.

"Assembler" means individuals engaged in the business of assembling, replacing, or installing one or more components into an x-ray system or subsystem. The term includes the owner of an x-ray system or his or her employee or agent if they assemble components into an x-ray system that is subsequently used to provide professional or commercial services.

"Attenuation block" means a block or stack, having appropriate dimensions 20 cm by 20 cm by 3.8 cm, of type 1100 aluminum alloy or other materials having equivalent attenuation.

"Automatic EXPOSURE control" means a device which automatically controls one or more technique factors in order to obtain, at a preselected location, a required quantity of radiation. Phototimer and ion chamber devices are included in this category.

"Barrier" refer to "Protective barrier".

"Beam axis" means a line from the source through the centers of the x-ray fields.

"Beam-limiting device" means a device which provides a means to restrict the dimensions of the x-ray field.

"Certified components" means components of x-ray systems which are subject to regulations promulgated under Public Law 90-602, the Radiation Control for Health and Safety Act of 1968.

"Certified system" means an x-ray system which has one or more certified components.

"Changeable filters" means filters designed to be removed by the operator.

"Coefficient of variation (C)" means the ratio of the standard deviation to the mean value of a population of observations.

"Computed tomography" means the production of a tomogram by the acquisition and computer processing of x-ray transmission data.

"Control panel" means that part of the x-ray control upon which are mounted the switches, knobs, push buttons, and other hardware necessary for setting the technique factors.

"Cooling curve" means the graphical relationship between heat units stored and cooling time.

"CT" means computed tomography.

"CT gantry" means the tube housing assemblies, beam-limiting devices, detectors, and the supporting structures and frames which house these components.

"Dead-man switch" means a switch so constructed that a circuit closing contact can be maintained only by continuous pressure on the switch by the operator.

"Diagnostic source assembly" means the tube housing assembly with a beam-limiting device attached.

"Diagnostic x-ray system" means an x-ray system designed for irradiation of part of the human body for the purpose of recording or visualization for diagnostic purposes.

"Entrance EXPOSURE rate" means the EXPOSURE free in air per unit time at the point where the useful beam enters the patient.

"Equipment" refer to "X-ray equipment".

"Field emission equipment" means equipment which uses an x-ray tube in which electron emission from the cathode is due solely to the action of an electric field.

"Filter" means material placed in the useful beam to absorb preferentially selected radiations.

"Fluoroscopic imaging assembly" means a subsystem in which x-ray photons produce a fluoroscopic image. It includes equipment housing, electrical interlocks, the primary protective barrier, and structural material providing linkage between the image receptor and the diagnostic source assembly.

"Focal spot" means the area on the anode of the x-ray tube bombarded by the electrons accelerated from the cathode and from which the useful beam originates. Also referred to as "Actual focal spot."

"Gonad shield" means a protective barrier for the testes or ovaries.

"Half-value layer or HVL" means the thickness of specified material which attenuates the beam of radiation to an extent that the EXPOSURE rate is reduced to one-half of its original value. In this definition, the contribution of scatter radiation, other than that which might be present initially in the beam concerned, is deemed to be excluded.

"Healing arts screening" means the testing of a human population which is asymptomatic for the disease for which the screening is being performed. Excluded from this definition are those individuals whose risk factors for the disease are greater than for the population at large".

"Heat unit" means a unit of energy equal to the product of the peak kilovoltage, milliamperes, and seconds: for example, kVp times mA times seconds.

"HVL" refer to "half value layer".

"Image intensifier" means a device installed in its housing which instantaneously converts an x-ray pattern into a light image of higher energy density.

"Image receptor" means a device, for example, a fluorescent screen radiographic film, solid state detector, or gaseous detector, which transforms incident x-ray photons to produce a visible image

or stores the information in a form which can be made into a visible image. In those cases where means are provided to preselect a portion of the image receptor, the term "image receptor" shall mean the preselected portion of the device.

"Irradiation" means the exposure of matter to ionizing radiation.

"Kilovolts peak" refer to "Peak tube potential".

"kV" means kilovolts.

"kVp" refer to "Peak tube potential."

"Lead equivalent" means the thickness of lead affording the same attenuation, under specified conditions, as the material in question.

"Leakage radiation" means radiation emanating from the diagnostic source assembly except for:

(a) the useful beam, and

(b) radiation produced when the exposure switch or timer is not activated.

"Leakage technique factors" means the technique factors associated with the diagnostic source assembly which are used in measuring leakage radiation. They are defined as follows:

(a) For diagnostic source assemblies intended for capacitor energy storage equipment, the maximum-rated peak tube potential and the maximum-rated number of exposures in an hour for operation at the maximum-rated peak tube potential with the quantity of charge per exposure being ten millicoulombs, ten milliamperere seconds, or the minimum obtainable from the unit, whichever is larger.

(b) For diagnostic source assemblies intended for field emission equipment rated for pulsed operation, the maximum-rated peak tube potential and the maximum-rated number of x-ray pulses in an hour for operation at the maximum-rated peak tube potential.

(c) For other diagnostic source assemblies, the maximum-rated peak tube potential and the maximum-rated continuous tube current for the maximum-rated peak tube potential.

"Light field" means that area of the intersection of the light beam from the beam-limiting device and one of the set of planes parallel to and including the plane of the image receptor, whose perimeter is the locus of points at which the illumination is one-fourth of the maximum in the intersection.

"mA" means tube current in milliamperes.

"mAs" means milliamperere second or the product of the tube current in milliamperes and the time of exposure in seconds.

"Mammography imaging medical physicist" means an individual who conducts mammography surveys of mammography facilities.

"Mammography survey" means an evaluation of x-ray imaging equipment and oversight of a mammography facility's quality control program.

"Mobile x-ray equipment" refer to "X-ray equipment".

"Multiple scan average dose" means the average dose at the center of a series of scans, specified at the center of the axis of rotation of a CT x-ray system.

"New installation" means change, modification or relocation of new or existing shielding or equipment.

"Patient" means an individual subjected to healing arts examination, diagnosis, or treatment.

"PBL" refer to "Positive beam limitation."

"Peak tube potential" means the maximum value of the potential difference across the x-ray tube during an exposure.

"Phantom" means a volume of material behaving in a manner similar to tissue with respect to the attenuation and scattering of radiation.

"PID" refer to "Position indicating device."

"Portable x-ray equipment" refer to "X-ray equipment".

"Position indicating device (PID)" means a device, on dental x-ray equipment which indicates the beam position and establishes a definite source-surface (skin) distance. The device may or may not incorporate or serve as a beam-limiting device.

"Positive beam limitation" means the automatic or semi-automatic adjustment of an x-ray beam to the size of the selected image receptor, whereby exposures cannot be made without such adjustment.

"Primary beam scatter" means scattered radiation which has been deviated in direction or energy by materials irradiated by the primary beam.

"Primary protective barrier" refer to "Protective barrier".

"Protective apron" means an apron made of radiation absorbing materials, used to reduce radiation exposure.

"Protective barrier" means a barrier of radiation absorbing material used to reduce radiation exposure.

(a) "Primary protective barrier" means the material, excluding filters, placed in the useful beam to reduce the radiation exposure for protection purposes.

(b) "Secondary protective barrier" means the material which attenuates stray radiation.

"Protective glove" means a glove made of radiation absorbing materials used to reduce radiation exposure.[

~~— "Qualified expert" means an individual who has demonstrated to the satisfaction of the Board that the individual possesses the knowledge, training, and experience to measure ionizing radiation; to evaluate safety techniques, and to advise regarding radiation protection needs;]~~

"Radiation therapy simulation system" means a radiographic or fluoroscopic x-ray system intended for localizing the volume to be exposed during radiation therapy and for confirming the position and size of the therapeutic irradiation field.

"Radiograph" means an image receptor on which the image is created directly or indirectly by an x-ray pattern and results in a permanent record.

"Rating" means the operating limits of an x-ray system or subsystem as specified by the component manufacturer.

"Recording" means producing a permanent form of an image resulting from x-ray photons.

"Reference plane" means a plane which is displaced from and parallel to the tomographic plane.

"Scan" means the complete process of collecting x-ray transmission data for the production of a tomogram. Data can be collected simultaneously during a single scan for the production of one or more tomograms.

"Scan increment" means the amount of relative displacement of the patient with respect to the computer tomographic x-ray system between successive scans measured along the direction of such displacement.

"Scattered radiation" means radiation that, during passage through matter, has been deviated in direction, energy or both direction and energy. Also refer to "Primary Beam Scatter".

"Shutter" means a device attached to the tube housing assembly which can intercept the entire cross sectional area of the

useful beam and which has a lead equivalency at least that of the tube housing assembly.

"SID" refer to "Source-image receptor distance".

"Source" means the focal spot of the x-ray tube.

"Source to image receptor distance" means the distance from the source to the center of the input surface of the image receptor.

"Special purpose x-ray system" means that which is designed for irradiation of specific body parts.

"Spot film" means a radiograph which is made during a fluoroscopic examination to permanently record conditions which exist during that fluoroscopic procedure.

"Spot film device" means a device intended to transport or position a radiographic image receptor between the x-ray source and fluoroscopic image receptor, including a device intended to hold a cassette over the input end of an image intensifier for the purpose of making a radiograph.

"SSD" means the distance between the source and the skin entrance plane of the patient.

"Stationary x-ray equipment" refer to "X-ray equipment".

"Stray radiation" means the sum of leakage and scattered radiation.

"Technique factors" means the following conditions of operation.

(a) For capacitor energy storage equipment, peak tube potential in kV and quantity of charge in mAs.

(b) For field emission equipment rated for pulsed operation, peak tube potential in kV and number of x-ray pulses.

(c) For other equipment, peak tube potential in kV and either;

(i) the tube current in mA and exposure time in seconds, or

(ii) the product of tube current and exposure time in mAs.

"Termination of irradiation" means the stopping of irradiation in a fashion which will not permit continuance of irradiation without the resetting of operating conditions at the control panel.

"Tomogram" means the depiction of the x-ray attenuation properties of a section through the body.

"Tomographic plane" means that geometric plane which is identified as corresponding to the output tomogram.

"Tomographic section" means the volume of an object whose x-ray attenuation properties are imaged in a tomogram.

"Tube" means an x-ray tube, unless otherwise specified.

"Tube housing assembly" means the tube housing with tube installed. It includes high-voltage or filament transformers and other appropriate elements when they are contained within the tube housing.

"Tube rating chart" means the set of curves which specify the rated limits of operation of the tube in terms of the technique factors.

"Useful beam" means the radiation emanating from the tube housing port or the radiation head and passing through the aperture of the beam limiting device when the switch or timer is activated.

"Visible area" means that portion of the input surface of the image receptor over which incident x-ray photons are producing a visible image.

"X-ray exposure control" means a device, switch, button, or other similar means by which an operator initiates or terminates the radiation exposure. The x-ray exposure control may include associated equipment, for example, timers and back-up timers.

"X-ray equipment" means an x-ray system, subsystem, or component thereof. Types of x-ray equipment are as follows:

(a) "Mobile" means x-ray equipment mounted on a permanent base with wheels or casters for moving while completely assembled.

(b) "Portable" means x-ray equipment designed to be hand-carried.

(c) "Stationary" means x-ray equipment which is installed in a fixed location.

"X-ray field" means that area of the intersection of the useful beam and one of the sets of planes parallel to and including the plane of the image receptor, whose perimeter is the locus of points at which the EXPOSURE rate is one-fourth of the maximum in the intersection.

"X-ray high-voltage generator" means a device which transforms electrical energy from the potential supplied by the x-ray control to the tube operating potential. The device may also include means for transforming alternating current to direct current, filament transformers for the x-ray tube high-voltage switches, electrical protective devices, and other appropriate elements.

"X-ray system" means an assemblage of components for the controlled production of x-rays. It includes minimally an x-ray high-voltage generator, an x-ray control, a tube housing assembly, a beam-limiting device, and the necessary supporting structures. Additional components which function with the system are considered integral parts of the system.

"X-ray tube" means an electron tube which is designed to be used primarily for the production of x-rays.

R313-28-32. Plan Review.

(1) Prior to construction [~~of a room in which x-ray equipment is to be installed, a shielding design report~~], the floor plans, shielding specifications and equipment arrangement of all new installations, or modifications of existing installations, utilizing ionizing radiation shall be submitted to the Executive Secretary [~~or a Qualified Expert for review and approval~~]. The required information is denoted in R313-28-200 and R313-28-450.

(2) If the services of a [qualified expert]consultant are used to review [~~and approve~~] the shielding [design report]specifications, a copy of the [~~approved~~] report must be submitted to the Executive Secretary within 14 working days.

(3) The [approval of such plans shall not preclude the requirement of]Executive Secretary may require additional modifications should a subsequent analysis of operating conditions, for example, a change in workload or use and occupancy factors, indicate the possibility of an individual receiving a dose in excess of the limits prescribed in R313-15.

R313-28-40. Fluoroscopic X-Ray Systems.

All fluoroscopic x-ray systems used shall be image intensified and meet the following requirements:

(1) Primary barrier.

(a) The fluoroscopic imaging assembly shall be provided with a primary protective barrier which intercepts the entire cross section of the useful beam at SIDs for which the unit was designed.

(b) The x-ray tube used for fluoroscopy shall not produce x-rays unless the barrier is in position to intercept the entire useful beam.

(2) Fluoroscopic beam limitation.

(a) For certified fluoroscopic systems with or without a spot film device neither the length nor the width of the x-ray field in the plane of the image receptor shall exceed that of the visible area of

the image receptor by more than three percent of the SID. The sum of the excess length and the excess width shall be no greater than four percent of the SID.

(b) For uncertified fluoroscopic systems with a spot film device, the x-ray beam with the shutters fully open, during fluoroscopy or spot filming, shall be no larger than the largest image receptor size for which the device is designed. Measurements shall be made at the minimum SID available but at no less than 20 centimeters table top to the film plane distance.

(c) For uncertified fluoroscopic systems without a spot film device, the requirements of R313-28-40(1) apply.

(d) Other requirements for fluoroscopic beam limitation:

(i) means shall be provided to permit further limitation of the field. Beam-limiting devices manufactured after May 22, 1979, and incorporated in equipment with a variable SID or visible area of greater than 300 square centimeters shall be provided with means for stepless adjustment of the x-ray field;

(ii) equipment with a fixed SID and a visible area of 300 square centimeters or less shall be provided with either stepless adjustment of the x-ray field or with means to further limit the x-ray field size at the plane of the image receptor to 125 square centimeters or less;

(iii) if provided, stepless adjustment shall at the greatest SID, provide continuous field sizes from the maximum attainable to a field size of five centimeters by five centimeters or less;

(iv) for equipment manufactured after February 25, 1978, when the angle between the image receptor and beam axis is variable, means shall be provided to indicate when the axis of the x-ray beam is perpendicular to the plane of the image receptor; and

(v) for non-circular x-ray fields used with circular image receptors, the error in alignment shall be determined along the length and width dimensions of the x-ray field which pass through the center of the visible area of the image receptor.

(3) Spot-film beam limitation. Spot-film devices shall meet the following requirements:

(a) means shall be provided between the source and the patient for adjustment of the x-ray field size in the plane of the film to the size of that portion of the film which has been selected on the spot film selector. Adjustments shall be automatically accomplished except when the x-ray field size in the plane of the film is smaller than that of the selected portion of the film. For spot film devices manufactured after June 21, 1979, if the x-ray field size is less than the size of the selected portion of the film, the means for adjustment of the field size shall be only at the operator's option;

(b) neither the length nor the width of the x-ray field in the plane of the image receptor shall differ from the corresponding dimensions of the selected portion of the image receptor by more than three percent of the SID when adjusted for full coverage of the selected portion of the image receptor. The sum, without regard to sign, of the length and width differences shall not exceed four percent of the SID;

(c) it shall be possible to adjust the x-ray field size in the plane of the film to a size smaller than the selected portion of the film. The minimum field size at the greatest SID shall be equal to, or less than, five by five centimeters;

(d) the center of the x-ray field in the plane of the film shall be aligned with the center of the selected portion of the film to within two percent of the SID; and

(e) on spot film devices manufactured after February 25, 1978, if the angle between the plane of the image receptor and beam axis is variable, means shall be provided to indicate when the axis of the x-ray beam is perpendicular to the plane of the image receptor, and compliance shall be determined with the beam axis indicated to be perpendicular to the plane of the image receptor.

(4) Override. If a means exists to override the automatic x-ray field size adjustments required in R313-28-40(2) and (3), that means:

(a) shall be designed for use only in the event of system failure;

(b) shall incorporate a signal visible at the fluoroscopist's position which will indicate whenever the automatic field size adjustment is overridden; and

(c) shall be clearly and durably labeled as follows: FOR X-RAY FIELD LIMITATION SYSTEM FAILURE.

(5) Activation of the fluoroscopic tube. X-ray production in the fluoroscopic mode shall be controlled by a dead-man switch. When recording serial fluoroscopic images, the fluoroscopist shall be able to terminate the x-ray exposure immediately, but means may be provided to permit completion of a single exposure of the series in process.

(6) Entrance EXPOSURE rate allowable limits.

(a) For fluoroscopic equipment manufactured before May 19, 1995, the following requirements apply:

(i) fluoroscopic equipment which is provided with automatic exposure rate control shall not be operable at combinations of tube potential and current which will result in an EXPOSURE rate in excess of 2.58 mC/kg (ten roentgens) per minute at the point where the center of the useful beam enters the patient, except:

(A) during recording of fluoroscopic images, or

(B) when an optional high level control is provided. When so provided, the equipment shall not be operable at combinations of tube potential and current which will result in an EXPOSURE rate in excess of 1.29 mC/kg (five roentgens) per minute at the point where the center of the useful beam enters the patient unless the high level control is activated. Special means of activation of high level controls shall be required. The high level control shall be operable only when continuous manual activation is provided by the operator. A continuous signal audible to the fluoroscopist shall indicate that the high level control is being employed.

(ii) fluoroscopic equipment which is not provided with automatic exposure rate control shall not be operable at combinations of tube potential and current which will result in an EXPOSURE rate in excess of 1.29 mC/kg (five roentgens) per minute at the point where the center of the useful beam enters the patient, except:

(A) during recording of fluoroscopic images, or

(B) when an optional high level control is activated. Special means of activation of high level controls shall be required. The high level control shall be operable only when continuous manual activation is provided by the operator. A continuous signal audible to the fluoroscopist shall indicate that the high level control is being employed.

(iii) fluoroscopic equipment which is provided with both automatic exposure rate control and a manual mode shall not be operable at combinations of tube potential and current that will result in an exposure rate of 2.58 mC/kg (ten roentgens) per minute

in either mode at the point where the center of the useful beam enters the patient except:

(A) during recording of fluoroscopic images, or

(B) when an optional high level control is provided. When so provided, the equipment shall not be operable at combinations of tube potential and current which will result in an EXPOSURE rate in excess of 1.29 mC/kg (five roentgens) per minute at the point where the center of the useful beam enters the patient unless the high level control is activated. Special means of activation of high level controls shall be required. The high level control shall be operable only when continuous manual activation is provided by the operator. A continuous signal audible to the fluoroscopist shall indicate that the high level control is being employed.

(b) For fluoroscopic equipment manufactured on and after May 19, 1995, the following requirements apply:

(i) fluoroscopic equipment operable at combinations of tube potential and current which will result in an EXPOSURE rate greater than 1.29 mC/kg (five roentgens) per minute at the point where the center of the useful beam enters the patient shall be equipped with automatic exposure rate control. Provision for manual selection of technique factors may be provided.

(ii) fluoroscopic equipment shall not be operable at combinations of tube potential and current which will result in an EXPOSURE rate in excess of 2.58 mC/kg (ten roentgens) per minute at the point where the center of the useful beam enters the patient except:

(A) during recording of images from an x-ray image-intensifier tube using photographic film or a video camera when the x-ray source is operated in pulsed mode, or

(B) when an optional high level control is activated. When the high level control is activated, the equipment shall not be operable at combinations of tube potential and current which will result in an EXPOSURE rate in excess of 5.16 mC/kg (20 roentgens) per minute at the point where the center of the useful beam enters the patient. Special means of activation of high level controls shall be required. The high level control shall be operable only when continuous manual activation is provided by the operator. A continuous signal audible to the fluoroscopist shall indicate that the high level control is being employed.

(c) Compliance with the requirements of R313-28-40(6) shall be determined as follows:

(i) if the source is below the x-ray table, the EXPOSURE rate shall be measured one centimeter above the tabletop or cradle;

(ii) if the source is above the x-ray table, the EXPOSURE rate shall be measured at 30 centimeters above the tabletop with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement;

(iii) for a C-arm type of fluoroscope, the exposure rate shall be measured 30 centimeters from the input surface of the fluoroscopic imaging assembly, with the source positioned at available SID's, provided that the end of the beam-limiting device or spacer is no closer than 30 centimeters from the input surface of the fluoroscopic imaging assembly; or

(iv) for a lateral type fluoroscope, the exposure rate shall be measured at a point 15 centimeters from the centerline of the x-ray table and in the direction of the x-ray source with the end of the beam-limiting device or spacer positioned as close as possible to the point of measurement. If the tabletop is movable, it shall be positioned as close as possible to the lateral x-ray source with the

end of the beam-limiting device or spacer no closer than 15 centimeters to the x-ray table.

(d) Fluoroscopic radiation therapy simulation systems are exempt from the requirements of R313-28-40(6).

(7) Measurement of entrance EXPOSURE rates shall be performed [~~by a qualified expert~~] for both maximum and typical values as follows:

(a) measurements shall be made annually or after maintenance of the system which might affect the EXPOSURE rate;

(b) results of these measurements shall be posted where the fluoroscopist may have ready access to the results while using the fluoroscope and in the record required in R313-28-31(3)(b). The measurement results shall be stated in roentgens per minute and include the machine settings used in determining results. The name of the person performing the measurements and the date the measurements were performed shall be included in the results;

(c) conditions of the annual measurement of maximum entrance EXPOSURE rate shall be performed as follows:

(i) the measurement shall be made under the conditions that satisfy the requirements of R313-28-40(6)(c);

(ii) the kVp, mA, and other selectable parameters shall be adjusted to those settings which give the maximum entrance EXPOSURE rate; and

(iii) x-ray systems that incorporate automatic exposure rate control shall have sufficient attenuative material placed in the useful beam to produce the maximum output of that system; and

(d) conditions of the annual measurement of typical entrance EXPOSURE rate are as follows:

(i) the measurement shall be made under the conditions that satisfy the requirements of R313-28-40(6)(c);

(ii) the kVp, mA, and other selectable parameters shall be those settings typical of clinical use of the x-ray system; and

(iii) the x-ray system that incorporates automatic EXPOSURE rate control shall have an appropriate phantom placed in the useful beam to produce a milliamperage and kilovoltage typical of the use of the x-ray system.

(8) Barrier transmitted radiation rate limits.

(a) The EXPOSURE rate due to transmission through the primary protective barrier with the attenuation block in the useful beam, combined with radiation from the image intensifier, if provided, shall not exceed 0.516 uC/kg (two milliroentgens) per hour at ten centimeters from accessible surfaces of the fluoroscopic imaging assembly beyond the plane of the image receptor for each mC/kg (roentgen) per minute of entrance EXPOSURE rate.

(b) Measuring compliance of barrier transmission.

(i) The EXPOSURE rate due to transmission through the primary protective barrier combined with radiation from the image intensifier shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

(ii) If the source is below the tabletop, the measurement shall be made with the input surface of the fluoroscopic imaging assembly positioned 30 centimeters above the tabletop.

(iii) If the source is above the tabletop and the SID is variable, the measurement shall be made with the end of the beam-limiting device or spacer as close to the tabletop as it can be placed, provided that it shall not be closer than 30 centimeters.

(iv) Movable grids and compression devices shall be removed from the useful beam during the measurement.

(9) Indication of potential and current. During fluoroscopy and cinefluorography, x-ray tube potential and current shall be continuously indicated.

(10) Source-skin distance. The source to skin distance shall not be less than:

(a) 38 centimeters on stationary fluoroscopic systems manufactured on or after August 1, 1974;

(b) 35.5 centimeters on stationary fluoroscopic systems manufactured prior to August 1, 1974;

(c) 30 centimeters on all mobile fluoroscopes; or

(d) 20 centimeters for all mobile fluoroscopes when used for specific surgical applications.

(11) Fluoroscopic timer.

(a) Means shall be provided to preset the cumulative on-time of the fluoroscopic x-ray tube. The maximum cumulative time of the timing device shall not exceed five minutes without resetting.

(b) A signal audible to the fluoroscopist shall indicate the completion of a preset cumulative on-time. The signal shall continue to sound while x-rays are produced until the timing device is reset.

(12) Control of scatter radiation.

(a) The tables of fluoroscopic assemblies when combined with normal operating procedures shall provide protection from scatter radiation so that unprotected parts of a staff or ancillary individual's body shall not be exposed to unattenuated scattered radiation which originates from under the table. The attenuation required shall be not less than 0.25 mm lead equivalent.

(b) Equipment configuration when combined with procedures shall not allow portions of a staff member's or ancillary person's body, except the extremities, to be exposed to unattenuated scattered radiation emanating from above the tabletop unless:

(i) the radiation has passed through not less than 0.25 mm lead equivalent material including, but not limited to, drapes, bucky-slot cover panel, or self supporting curtains, in addition to the lead equivalency provided by the protective apron referred to in R313-28-31(2)(d),

(ii) that individual is at least 120 centimeters from the center of the useful beam, or

(iii) it is not feasible to attach shielding to special procedures equipment and personnel are wearing protective aprons.

(13) Spot film exposure reproducibility. Fluoroscopic systems equipped with radiographic spot film mode shall meet the exposure reproducibility requirements of R313-28-54.

(14) Radiation therapy simulation systems. Radiation therapy simulation systems shall be exempt from all the requirements R313-28-40(1), (8), and (11) provided that:

(a) the systems are designed and used in such a manner that no individual other than the patient is in the x-ray room during periods of time when the system is producing x-rays; and

(b) the systems which do not meet the requirements of R313-28-40(11) are provided with a means of indicating the cumulative time that an individual patient has been exposed to x-rays. Procedures shall require, in these cases, that the timer be reset between examinations.

R313-28-120. Mammography X-Ray Systems - Equipment Design and Performance Standards.

Only x-ray equipment meeting the following standards shall be used for mammography examinations.

(1) Equipment Design.

(a) FDA Standards. The requirements of 21 CFR 1020.30 and 21 CFR 1020.31, 1990 ed., are adopted and incorporated by reference.

(b) Dedicated Equipment. The x-ray equipment shall be specifically designed for mammography.

(c) Compression. Devices parallel to the imaging plane shall be available to immobilize and compress the breast during mammography procedures.

(d) ~~[Grids. The x-ray equipment shall have the capability for using anti-scatter grids.]~~ Image Receptor. The x-ray equipment shall have both an 18 cm by 24 cm and a 24 cm by 30 cm image receptor and moving grids matched to each image receptor size.

(e) Automatic Exposure Control. X-ray equipment used in healing arts screening shall have automatic exposure control capabilities with a post exposure meter which indicates either milliamperes-seconds or time values.

(f) Focal Spot. The focal spot size and source to image receptor distance configurations shall be limited to those appropriate for mammography.

(g) Beam Limitation. The x-ray equipment must allow for the x-ray field to extend to or beyond the chest wall edge of the image receptor.

(h) Magnification. X-ray equipment used in a noninvasive manner, requiring techniques beyond those utilized in standard mammography of asymptomatic patients, shall have x-ray magnification capability for noninvasive procedures. The equipment shall be able to provide at least one magnification within the range of 1.4 to 2.0.

(2) Performance Standards.

(a) State Standards. The x-ray equipment shall meet the applicable performance standards in R313-28.

(b) Filtration. The useful beam shall have a half-value layer between the values of the measured kilovolts peak divided by 100 and the measured kilovolts peak divided by 100 plus 0.1 mm of aluminum equivalent. These values are to include the contribution to filtration by the compression device.

(c) Minimum Radiation Output. X-ray equipment installed after the effective date of this rule shall meet the following standard: at 28 kilovolts peak on the focal spot used in routine healing arts screening the x-ray equipment shall be capable of sustaining a minimum output of 500 mR per second for at least three seconds. This output shall be measured at a point 4.5 centimeters from the surface of the patient support device when the source to image receptor distance is at its maximum and the compression paddle is in the beam. Existing x-ray equipment shall meet this minimum radiation output standard within one year of the effective date of this rule.

(d) Exposure Linearity. For kilovolts peak settings used clinically, the exposure per mAs shall be within plus or minus ten percent of the average exposure per mAs for those mAs stations or time stations, if applicable, that are tested.

(e) Automatic Exposure Control. The automatic exposure control mode shall produce consistent film density under changing patient and examination conditions. These conditions include breast thickness, adiposity, kilovolts peak and density settings. This requirement will be deemed satisfied when:

(i) an automatic exposure control technique guide is posted, and

(ii) for a series of films obtained for attenuator thicknesses of two to seven centimeters the resulting radiographic optical densities are within plus or minus 0.2 of the average value when the kVp and density control setting are adjusted as indicated on the technique guide. The attenuator used for determining compliance shall be either acrylic or other tissue equivalent material.

(f) Patient Dose. The x-ray equipment must be capable of giving an average glandular dose to an average size breast of average tissue density that does not exceed 3.0 mGy (0.3 rad) with a grid or 1.0 mGy (0.1 rad) without a grid. This will be deemed satisfied when using an acrylic phantom of 4.5 cm thickness. In addition, under all clinical use conditions, the average glandular dose to the breast must be less than 5.0 mGy (0.5 rad) per film for healing arts screening procedures.

(3) Mammography X-ray Equipment Quality Control.

(a) Initial Installation. Upon completion of the initial installation of the x-ray equipment, and before it is commissioned for clinical use, the equipment shall be evaluated by a mammography imaging medical physicist who has been approved by the Board. The evaluation results shall be submitted to the Executive Secretary for review and approval.

(b) Annual Evaluation. At intervals not to exceed 12 months or at the request of the Executive Secretary, the x-ray equipment shall be evaluated by a mammography imaging medical physicist who has been approved by the Board.

(c) The registrant shall develop and implement a quality control testing procedure for monitoring the radiation performance of the x-ray equipment.

R313-28-200. Information on Radiation Shielding Required for Plan Reviews.

In order ~~[for the Executive Secretary or qualified expert to provide an evaluation, technical advice and official review on shielding requirements for a radiation installation]~~ to evaluate a need for radiation shielding associated with a plan review, the following information must be submitted.

(1) The plans showing, as a minimum, the following:

(a) the normal location of the radiation producing equipment's radiation port, the port's travel and traverse limits, general directions of the radiation beam, locations of windows, the location of the operator's booth, and the location of the x-ray control panel;

(b) structural composition and thickness of walls, doors, partitions, floor, and ceiling of the rooms concerned;

(c) the dimensions, including height, floor to floor, of the rooms concerned;

(d) the type of occupancy of adjacent areas inclusive of space above and below the rooms concerned. If there is an exterior wall, show distance to the closest existing occupied areas;

(e) the make and model of the x-ray equipment, the maximum energy output, and the energy waveform; and

(f) the type of examination or treatment which will be performed with the equipment.

(2) Information on the anticipated workload of the x-ray systems in mA-minutes per week.

(3) A report showing all basic assumptions used in the development of the shielding specifications.

KEY: dental, x-ray, mammography, beam limitation

~~[March 12,]~~1999

19-3-104

Notice of Continuation May 1, 1997

◆ ————— ◆

**Environmental Quality, Radiation
Control
R313-30
Therapeutic Radiation Machines**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22079

FILED: 05/26/1999, 16:01

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The change is a concomitant action for previous rulemakings involving Rule R313-16.

SUMMARY OF THE RULE OR CHANGE: Previous changes to Rule R313-16 eliminated the X-ray unit inspection functions performed by individuals (non-State employees) approved as Qualified Experts. This change eliminates the requirement in Section R313-30-3 that a Radiation Therapy Physicist be a Qualified Expert approved by the Utah Radiation Control Board.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-3-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No cost impact--this amendment is for clarification purposes and requires no new action by the Division of Radiation Control to implement.

❖LOCAL GOVERNMENTS: None--local government does not regulate those individuals who perform radiation tests or surveys on therapeutic radiation machines.

❖OTHER PERSONS: There may be a slight cost savings to individuals who perform radiation tests or surveys on therapeutic radiation machines since they will not be required to submit printed materials to the Radiation Control Board for review and approval.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment removes the requirement that a Radiation Therapy Physicist be a Qualified Expert approved by the Utah Radiation Control Board. Therefore, compliance costs will be reduced as described above for other persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses--Dianne R. Nielson.

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

Environmental Quality
Radiation Control
State of Utah Office Park, Bldg. 2
168 North 1950 West
PO Box 144850
Salt Lake City, UT 84114-4850, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Craig W. Jones at the above address, by phone at (801) 536-4250, by FAX at (801) 533-4097, or by Internet E-mail at cjones@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 08/13/1999

AUTHORIZED BY: William J. Sinclair, Executive Secretary

R313. Environmental Quality, Radiation Control.

R313-30. Therapeutic Radiation Machines.

R313-30-3. General Administrative Requirements for Facilities Using Therapeutic Radiation Machines.

(1) Administrative Controls. The registrant shall be responsible for directing the operation of the therapeutic radiation machines which have been registered with the Department. The registrant or the registrant's agent shall ensure that the requirements of R313-30 are met in the operation of the therapeutic radiation machines.

(2) A therapeutic radiation machine which does not meet the provisions of these rules shall not be used for irradiation of patients.

(3) Training for External Beam Radiation Therapy Authorized Users. The registrant for a therapeutic radiation machine subject to R313-30-6 or R313-30-7 shall require the authorized user to be a physician who:

(a) Is certified in:

(i) Radiology or therapeutic radiology by the American Board of Radiology; or

(ii) Radiation oncology by the American Osteopathic Board of Radiology; or

(iii) Radiology, with specialization in radiotherapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"; or

(iv) Therapeutic radiology by the Canadian Royal College of Physicians and Surgeons; or

(b) Is in the active practice of therapeutic radiology, and has completed 200 hours of instruction in basic radiation techniques applicable to the use of an external beam radiation therapy unit, 500 hours of supervised work experience, and a minimum of three years of supervised clinical experience.

(i) To satisfy the requirement for instruction, the classroom and laboratory training shall include:

(A) Radiation physics and instrumentation;

(B) Radiation protection;

(C) Mathematics pertaining to the use and measurement of radioactivity; and

(D) Radiation biology.

(ii) To satisfy the requirement for supervised work experience, training shall be under the supervision of an authorized user and shall include:

(A) Review of the full calibration measurements and periodic quality assurance checks;

(B) Preparing treatment plans and calculating treatment times;

(C) Using administrative controls to prevent misadministrations;

(D) Implementing emergency procedures to be followed in the event of the abnormal operation of an external beam radiation therapy unit or console; and

(E) Checking and using radiation survey meters.

(iii) To satisfy the requirement for a period of supervised clinical experience, training shall include one year in a formal training program approved by the Residency Review Committee for Radiology of the Accreditation Council for Graduate Medical Education or the Committee on Postdoctoral Training of the American Osteopathic Association and an additional two years of clinical experience in therapeutic radiology under the supervision of an authorized user. The supervised clinical experience shall include:

(A) Examining individuals and reviewing their case histories to determine their suitability for external beam radiation therapy treatment, and limitations and contraindications;

(B) Selecting proper dose and how it is to be administered;

(C) Calculating the external beam radiation therapy doses and collaborating with the authorized user in the review of patients' progress and consideration of the need to modify originally prescribed doses as warranted by patients' reaction to radiation; and

(D) Post-administration follow-up and review of case histories.

(iv) An individual who satisfies the requirements in R313-30-3(b), but not R313-30-3(a), must submit an application to the Executive Secretary and must satisfy the requirements in R313-30-3(a) within one year of initial application to the Executive Secretary.

(c) After December 31, 1994, a physician shall not act as an authorized user for a therapeutic radiation machine until the physician's training has been reviewed and approved by the Executive Secretary.

(4) Training for Radiation Therapy Physicist. The registrant for a therapeutic radiation machine subject to R313-30-6 or R313-30-7 shall require the Radiation Therapy Physicist to:

(a) ~~[Be approved by the Board as a qualified expert, under]~~ Satisfy the provisions of R313-16~~[of these rules]~~, as a provider of radiation services in the area of calibration and compliance surveys of external beam radiation therapy units; and

(b) Be certified by the American Board of Radiology in:

(i) Therapeutic radiological physics; or

(ii) Roentgen-ray and gamma-ray physics; or

(iii) X-ray and radium physics; or

(iv) Radiological physics; or

(c) Be certified by the American Board of Medical Physics in Radiation Oncology Physics; or

(d) Be certified by the Canadian College of Medical Physics;

or

(e) Hold a master's or doctor's degree in physics, biophysics, radiological physics, or health physics, and have completed one year of full time training in therapeutic radiological physics and also one year of full time work experience under the supervision of a Radiation Therapy Physicist at a medical institution. To meet this requirement, the individual shall have performed the tasks listed in R313-30-4(1), R313-30-6(16), R313-30-7(19), R313-30-6(17), and R313-30-7(20) under the supervision of a Radiation Therapy Physicist during the year of work experience.

(f) Notwithstanding the provisions of R313-30-3(4)(e), certification pursuant to R313-30-3(4)(b), (c) or (d) shall be required on or before December 31, 1999 for all persons currently qualifying as a Radiation Therapy Physicist pursuant to R313-30-3(4)(e).

(5) Qualifications of Operators.

(a) Individuals who will be operating a therapeutic radiation machine for medical use shall be American Registry of Radiologic Technologists (ARRT) Registered Radiation Therapy Technologists.

(b) The names and training of personnel currently operating a therapeutic radiation machine shall be kept on file at the facility. Information on former operators shall be retained for a period of at least two years beyond the last date they were authorized to operate a therapeutic radiation machine at that facility.

(6) Written safety procedures and rules shall be developed by a Radiation Therapy Physicist and shall be available in the control area of a therapeutic radiation machine, including restrictions required for the safe operation of the particular therapeutic radiation machine. The operator shall be familiar with these rules as required in R313-18-12(1)(c).

(7) Individuals shall not be exposed to the useful beam except for medical therapy purposes. Exposure for medical therapy purposes shall be ordered in writing by an authorized user who is specifically identified on the Certificate of Registration. This provision specifically prohibits deliberate exposure of an individual for training, demonstration or other non-healing-arts purposes.

(8) Visiting Authorized User. Notwithstanding the provisions of R313-30-3(7), a registrant may permit a physician to act as a visiting authorized user under the term of the registrant's Certificate of Registration for up to 60 days per calendar year under the following conditions:

(a) The visiting authorized user has the prior written permission of the registrant's management and, if the use occurs on behalf of an institution, the institution's Radiation Safety Committee; and

(b) The visiting authorized user meets the requirements established for authorized users in R313-30-3(3)(a) and R313-30-3(3)(b); and

(c) The registrant maintains copies of records specified by R313-30-3(8) for five years from the date of the last visit.

(9) Individuals associated with the operation of a therapeutic radiation machine shall be instructed in and shall comply with the provisions of the registrant's quality management program. In addition to the requirements of R313-30, these individuals are also subject to the requirements of R313-15-201, R313-15-202, R313-15-205 and R313-15-502.

(10) Information and Maintenance Record and Associated Information. The registrant shall maintain the following information in a separate file or package for therapeutic radiation

machines, for inspection by the representatives of the Executive Secretary:

(a) Report of acceptance testing;

(b) Records of surveys, calibrations, and periodic quality assurance checks of the therapeutic radiation machine required by R313-30, as well as the names of persons who performed the activities;

(c) Records of major maintenance and modifications performed on the therapeutic radiation machine after the effective date of these rules, as well as the names of persons who performed the services; and

(d) Signature of person authorizing the return of therapeutic radiation machine to clinical use after service, repair, or upgrade.

(11) Records Retention. Records required by R313-30 shall be retained until disposal is authorized by the Executive Secretary unless another retention period is specifically authorized in R313-30. Required records shall be retained in an active file from at least the time of generation until the next inspection by a representative of the Executive Secretary. A required record generated prior to the last inspection may be microfilmed or otherwise archived as long as a complete copy of said record can be retrieved until the Executive Secretary authorizes final disposal.

KEY: x-rays, survey, radiation, radiation safety
[December 8, 1995]1999

19-3-104

Notice of Continuation January 25, 1999



Environmental Quality, Radiation Control

R313-35

Requirements for X-Ray Equipment Used for Non-Medical Applications

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22080

FILED: 05/26/1999, 16:01

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The change is a concomitant action for previous rulemakings involving Rule R313-16.

SUMMARY OF THE RULE OR CHANGE: Previous changes to Rule R313-16 eliminated the X-ray unit inspection functions performed by individuals (non-State employees) approved as Qualified Experts. This change eliminates the requirement in Section R313-35-130 that a Qualified Expert, specifically approved by the Utah Radiation Control Board, be consulted in the design of a particle accelerator's installation.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-3-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No cost impact--this amendment is for clarification purposes and requires no new action by the Division of Radiation Control to implement.

❖LOCAL GOVERNMENTS: None--local government does not regulate those individuals who perform radiation tests or surveys on particle accelerators.

❖OTHER PERSONS: There may be a slight cost savings to individuals who perform radiation tests or surveys on particle accelerators since they will not be required to submit printed materials to the Radiation Control Board for review and approval.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment removes the requirement that a Qualified Expert, specifically approved by the Utah Radiation Control Board, be consulted in the design of a particle accelerator's installation. Therefore, compliance costs will be reduced as described above for other persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses--Dianne R. Nielson.

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

Environmental Quality
Radiation Control
State of Utah Office Park, Bldg. 2
168 North 1950 West
PO Box 144850
Salt Lake City, UT 84114-4850, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Craig W. Jones at the above address, by phone at (801) 536-4250, by FAX at (801) 533-4097, or by Internet E-mail at cjones@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 08/13/1999

AUTHORIZED BY: William J. Sinclair, Executive Secretary

R313. Environmental Quality, Radiation Control.**R313-35. Requirements for X-Ray Equipment Used for Non-Medical Applications.****R313-35-130. X-Ray Systems Greater than 1 MeV used for Non-Destructive Testing.**

(1) Equipment.

(a) Individuals shall not receive, possess, use, transfer, own, or acquire a particle accelerator unless it is registered pursuant to R313-16-231.

(b) The registrant shall perform visual and operability checks of indication lights and warning lights before use on each day the equipment is to be used to ensure that the equipment is in good

working condition. If equipment problems are found, the equipment shall be removed from service until repaired.

(c) Inspection and routine maintenance of x-ray systems, interlocks, indication lights, exposure switches, and cables shall be made at intervals not to exceed three months or before the first use thereafter to ensure the proper functioning of components important to safety. If equipment problems are found, the equipment shall be removed from service until repaired.

(d) Records demonstrating compliance with R313-35-130(1)(b) shall be made when problems with the equipment are found. These records shall be maintained for a period of three years.

(e) Records demonstrating compliance with R313-35-130(1)(c) shall be made. These records shall be maintained for a period of three years.

(f) Maintenance performed on x-ray systems shall be in accordance with the manufacturer's specifications.

(g) Instrumentation, readouts and controls on the particle accelerator control console shall be clearly identified and easily discernible.

(h) A switch on the accelerator control console shall be routinely used to turn the accelerator beam off and on. The safety interlock system shall not be used to turn off the accelerator beam, except in an emergency.

(2) Shielding and Safety Design Requirements.

(a) [~~A qualified expert, specifically approved by the Board,~~] An individual who has satisfied a criterion listed in R313-16-400, shall be consulted in the design of a particle accelerator's installation and called upon to perform a radiation survey when the accelerator is first capable of producing radiation.

(b) Particle accelerator installations shall be provided with primary or secondary barriers which are sufficient to assure compliance with R313-15-201 and R313-15-301.

(c) Entrances into high radiation areas or very high radiation areas shall be provided with interlocks that shut down the machine under conditions of barrier penetration.

(d) When a radiation safety interlock system has been tripped, it shall only be possible to resume operation of the accelerator by manually resetting controls first at the position where the interlock has been tripped, and then at the main control console.

(e) Safety interlocks shall be on separate electrical circuits which shall allow their operation independently of other safety interlocks.

(f) Safety interlocks shall be fail-safe. This means that they must be designed so that defects or component failures in the interlock system prevent operation of the accelerator.

(g) The registrant may apply to the Executive Secretary for approval of alternate methods for controlling access to high or very high radiation areas. The Executive Secretary may approve the proposed alternatives if the registrant demonstrates that the alternative methods of control will prevent unauthorized entry into a high or very high radiation area, and the alternative method does not prevent individuals from leaving a high or very high radiation area.

(h) A "scram" button or other emergency power cutoff switch shall be located and easily identifiable in high radiation areas or in very high radiation areas. The cutoff switch shall include a manual reset so that the accelerator cannot be restarted from the accelerator control console without resetting the cutoff switch.

(i) Safety and warning devices, including interlocks, shall be checked for proper operation at intervals not to exceed three months, and after maintenance on the safety and warning devices. Results of these tests shall be maintained for inspection at the accelerator facility for three years.

(j) A copy of the current operating and emergency procedures shall be maintained at the accelerator control panel.

(k) Locations designated as high radiation areas or very high radiation areas and entrances to locations designated as high radiation areas or very high radiation areas shall be equipped with easily observable flashing or rotating warning lights that operate when radiation is being produced.

(l) High radiation areas or very high radiation areas shall have an audible warning device which shall be activated for 15 seconds prior to the possible creation of the high radiation area or the very high radiation area. Warning devices shall be clearly discernible in high radiation areas or in very high radiation areas. The registrant shall instruct personnel in the vicinity of the particle accelerator as to the meaning of this audible warning signal.

(m) Barriers, temporary or otherwise, and pathways leading to high radiation areas or very high radiation areas shall be identified in accordance with R313-15-902.

(3) Personnel Requirements.

(a) Registrants shall not permit individuals to act as particle accelerator operators until the individuals have complied with the following:

- (i) been instructed in radiation safety; and
- (ii) been instructed pursuant to R313-35-50 and the applicable requirements of R313-15.

(iii) Records demonstrating compliance with R313-35-130(3)(a)(i) and R313-35-130(3)(a)(ii) shall be maintained for a period of three years from the termination date of the individual.

(b) Registrants shall not permit an individual to conduct x-ray operations unless the individual meets the personnel monitoring requirements of R313-35-120(3)(c).

(4) Radiation Monitoring Requirements.

(a) At particle accelerator facilities, there shall be available appropriate portable monitoring equipment which is operable and has been calibrated for the radiations being produced at the facility. On each day the particle accelerator is to be used, the portable monitoring equipment shall be tested for proper operation.

(b) When changes have been made in shielding, operation, equipment, or occupancy of adjacent areas, a radiation protection survey shall be performed and documented by ~~a Board approved qualified expert~~ an individual who has satisfied a criterion listed in R313-16-400 or the individual designated as being responsible for radiation safety.

(c) Records of radiation protection surveys, calibrations, and instrumentation tests shall be maintained at the accelerator facility for inspection by representatives of the Board or the Executive Secretary for a period of three years.

KEY: industry, x-ray, veterinarians, surveys
[July 18, 1997]1999

19-3-104
19-3-108



Environmental Quality, Radiation Control

R313-70

Payments, Categories and Types of Fees

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22081
FILED: 05/26/1999, 16:01
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The change is a concomitant action for previous rulemakings involving Rule R313-16. Some changes are necessary to improve format and clarity.

SUMMARY OF THE RULE OR CHANGE: Editorial changes to improve content are proposed in Sections R313-70-1 and R313-70-5. A new paragraph (3) is added to Section R313-70-5 to require that registrants of X-ray units pay inspection fees. The paragraph (9) in Section R313-70-7 is deleted because the State returned this regulatory program to the U.S. Nuclear Regulatory Commission. Paragraphs (10) and (11) in Section R313-70-7 are renumbered. A clarification is made in paragraph (10)(a) for how much polonium-210 may be contained in certain devices and a new paragraph (10)(d) is added for the reciprocal recognition of a radioactive material license issued by another agency outside of Utah. Four existing subsections are moved to a new Section R313-70-9. The remainder of the changes deal with revisions to the fee schedule of the Department of Environmental Quality.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-3-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No cost impact--this amendment is for clarification purposes. Since fees are established in accordance with the Legislative Appropriations Act, this amendment requires no new action by the Division of Radiation Control or other State agencies to implement.

❖LOCAL GOVERNMENTS: This filing does not create any new cost or savings impacts for local governments. Those local governments who currently possess a radioactive materials license or register X-ray machines are already subject to fees established in accordance with the Legislative Appropriations Act.

❖OTHER PERSONS: This filing does not create any new cost or savings impacts for other persons. Those persons who currently possess a radioactive materials license are already subject to fees established in accordance with the Legislative Appropriations Act.

COMPLIANCE COSTS FOR AFFECTED PERSONS: For reasons described under "Other persons," there should be no compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an additional impact on businesses--Dianne R. Nielson.

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

Environmental Quality
Radiation Control
State of Utah Office Park, Bldg. 2
168 North 1950 West
PO Box 144850
Salt Lake City, UT 84114-4850, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Craig W. Jones at the above address, by phone at (801) 536-4250, by FAX at (801) 533-4097, or by Internet E-mail at cjones@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 08/13/1999

AUTHORIZED BY: William J. Sinclair, Executive Secretary

**R313. Environmental Quality, Radiation Control.
R313-70. Payments, Categories and Types of Fees.
R313-70-1. General.**

R313-70 applies to persons who receive, possess, or use sources of radiation provided, however, that nothing in these rules shall apply to the extent a person is subject to regulations by the U.S. Nuclear Regulatory Commission. The fees charged are authorized by subsection 19-~~1-201(2)(b)~~3-104(4) of the Environmental Quality Code.

.....

R313-70-5. Payment of Fees.

(1) New Application Fee: Applications for machine registration or radioactive material licensing for which a fee is prescribed, shall be accompanied by a remittance in the full amount of the fee. Applications will not be accepted for filing or processing prior to payment of the full amount specified. Applications for which no remittance is received will be returned to the applicant. Application fees will be charged irrespective of the Executive Secretary's disposition of the application or a withdrawal of the application.

(2) Annual Fee: Persons and individuals who are subject to licensing or registration of radioactive material or radiation machine registration with the Department of Environmental Quality under provisions of the Utah Radiation Control Rules, are assessed an annual fee in accordance with categories of R313-70-7 and R313-70-8. The appropriate fee shall be filed annually with the Executive Secretary, by July 30 for the registra[~~tion~~]nts or [~~license~~]by the

anniversary date for licensees. Fees for radiation machine registration will be considered late if not received annually by the last day of August. Licensees may be assessed late fees if license fees are not received within 30 days after the license anniversary date. Late fees may also be assessed for successive 30 day periods during which the annual fee or registration fee remains unpaid.

(3) Inspection Fee: Persons and entities who, under provisions of the Utah Radiation Control Rules, are subject to radiation machine registration with the Department of Environmental Quality are assessed an inspection fee in accordance with R313-70-8. Fees for inspection of a radiation machine are due within 30 days of receipt of an invoice from the Agency. Registrants may be assessed late fees if inspection fees are not received in a timely manner.

~~(3)4~~ Failure to pay the prescribed fee: the Executive Secretary will not process [~~any~~] applications and may suspend or revoke licenses or registrations or may issue an order with respect to the activities as the Executive Secretary determines to be appropriate or necessary in order to carry out the provisions of this part of R313-70, and of the Act.

(a) General license certificates of registration and specific licenses issued pursuant to the provisions in R313-21 or R313-22, will be valid for a period of five years unless failure to submit appropriate fee occurs. Machine registrations will be valid for one year during the interval outlined in R313-16-230. Failure to submit appropriate fees will render the license, certificate or registration invalid, at which time a new application with appropriate fees shall be submitted.

(b) Renewal applications shall be filed in a timely manner in accordance with R313-22-37 or R313-16-230. The radioactive material license will expire on the date specified on the license. Machine registration will expire as outlined in R313-16-230. An expired license cannot be renewed, rather the licensee will be required to submit an application for a new license and submit the appropriate application and new license fee.

(4) Method of Payment: Fees shall be made payable to: Division of Radiation Control, Department of Environmental Quality.

R313-70-7. License Categories and Types of Fees for Radioactive Materials Licenses.

Fees shall be established in accordance with the Legislative Appropriations Act. Copies of established fee schedules may be obtained from the Executive Secretary.

TABLE	
LICENSE CATEGORY	TYPE OF FEE
(1) Special Nuclear Material	
(a) Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers and neutron generators.	New License or Renewal Annual Fee

(b) Licenses for possession and use of less than 15 g special nuclear material in unsealed form for research and development. New License or Renewal Annual Fee

(c) All other special nuclear material licenses. New License or Renewal Annual Fee

(d) Special nuclear material to be used as calibration and reference sources. (2) Source Material. New License or Renewal Annual Fee

(a) Licenses for concentrations of uranium from other areas like copper or phosphates for the production of moist, solid, uranium yellow cake. New License or Renewal Annual Fee

(b) Licenses for possession and use of source material for shielding. New License or Renewal Annual Fee

(c) All other source material licenses. (3) Radioactive Material Other than Source Material and Special Nuclear Material. New License or Renewal Annual Fee

(a)(i) Licenses of broad scope for possession and use of radioactive material for processing or manufacturing of items containing radioactive material for commercial distribution. New License or Renewal Annual Fee

(a)(ii) Other licenses for possession and use of radioactive material for processing or manufacturing of items containing radioactive material for commercial distribution. New License or Renewal Annual Fee

(b) Licenses authorizing the processing or manufacturing and distribution or redistribution of radio-pharmaceuticals, generators, reagent kits, or sources or devices containing radioactive material. New License or Renewal Annual Fee

(c) Licenses authorizing distribution or redistribution of radiopharmaceuticals, generators, reagent kits, or sources or devices not involving processing of radioactive material. New License or Renewal Annual Fee

(d) Licenses for possession and use of radioactive material for industrial radiography operations. New License or Renewal Annual Fee

(e) Licenses for possession and use of sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units). New License or Renewal Annual Fee

(f)(i) Licenses for possession and use of less than 10,000 curies of radioactive material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. New License or Renewal Annual Fee

(f)(ii) Licenses for possession and use of 10,000 curies or more of radioactive material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. New License or Renewal Annual Fee

(g) Licenses to distribute items containing radioactive material that require device review to persons exempt from the licensing requirements of R313-19, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of R313-19. New License or Renewal Annual Fee

<p>(h) Licenses to distribute items containing radioactive material or quantities of radioactive material that do not require device evaluation to persons exempt from the licensing requirements of R313-19, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of R313-19.</p>	<p>New License or Renewal Annual Fee</p>	<p>(m) Licenses of broad scope for possession and use of radioactive material for research and development which do not authorize commercial distribution.</p>	<p>New License or Renewal</p>
<p>(i) Licenses to distribute items containing radioactive material that require sealed source or device review to persons generally licensed under R313-21, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under R313-21.</p>	<p>New License or Renewal Annual Fee</p>	<p>(n) Licenses that authorize services for other licensees, except licenses that authorize leak testing or waste disposal services which are subject to the fees specified for the listed services.</p>	<p>New License or Renewal Annual Fee</p>
<p>(j) Licenses to distribute items containing radioactive material or quantities of radioactive material that do not require sealed source or device review to persons generally licensed under R313-21, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under R313-21.</p>	<p>New License or Renewal Annual Fee</p>	<p>(o) Licenses that authorize services for leak testing only.</p> <p>(4) Radioactive Waste Disposal:</p> <p>(a) Licenses specifically authorizing the receipt of waste radioactive material from other persons for the purpose of commercial disposal by land by the licensee.</p>	<p>New License or Renewal Annual Fee</p> <p>Application Fee New License or Renewal</p>
<p>(k) Licenses for possession and use of radioactive material for research and development, which do not authorize commercial distribution.</p>	<p>New License or Renewal Annual Fee</p>	<p>(b) Licenses specifically authorizing the receipt of waste radioactive material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.</p>	<p>New License or Renewal Annual Fee</p>
<p>(l) All other specific radioactive material licenses.</p>	<p>New License or Renewal Annual Fee</p>	<p>(c) Licenses specifically authorizing the receipt of prepackaged waste radioactive material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.</p>	<p>New License or Renewal Annual Fee</p>

(d) Licenses authorizing packaging of radioactive waste for shipment to waste disposal site where licensee does not take possession of waste material.	New License or Renewal Annual Fee	(8) Civil Defense. (a) Licenses for possession and use of radioactive material for civil defense activities.	New License or Renewal Annual Fee
(5) Well logging, well surveys and tracer studies.		(9) Device, Product or Sealed Source Safety Evaluations.	
(a) Licenses for possession and use of radioactive material for well logging, well surveys and tracer studies other than field flooding tracer studies.	New License or Renewal Annual Fee	(a) Safety evaluation of devices or products containing radioactive material for commercial distribution.	Application/Evaluation
(b) Licenses for possession and use of radioactive material for field flooding tracer studies.	New License or Renewal Annual Fee	(b) Safety evaluation of devices or products containing radioactive material manufactured in accordance with the unique specifications of, and for use by, a single applicant.	Application-Evaluation
(6) Nuclear laundries.		(c) Safety evaluation of sealed sources containing radioactive material for commercial distribution.	Application-Evaluation
(a) Licenses for collection and laundry of items contaminated with radioactive material.	New License or Renewal Annual Fee	(d) Safety evaluation of sealed sources containing licensed material manufactured in accordance with the unique specifications of, and for use by, a single applicant.	Application-Evaluation
(7) Human use of radioactive material.		(10) Power Source.	
(a) Licenses for human use of radioactive material in sealed sources contained in teletherapy devices.	New License or Renewal Annual Fee	(a) Licenses for the manufacture and distribution of encapsulated radioactive material wherein the decay energy of the material is used as a source for power.	New License or Renewal Annual Fee
(b) Other licenses issued for human use of radioactive material, except licenses for use of radioactive material contained in teletherapy devices.	New License or Renewal Annual Fee	(1) General License.	
(c) Licenses of broad scope issued to medical institutions or two or more physicians authorizing research and development, including human use of radioactive material, except licenses for radioactive material in sealed sources contained in teletherapy devices.	New License or Renewal Annual Fee	(a) Measuring, gauging and control devices as described in R313-21-22(4), other than hydrogen-3 (tritium) devices and polonium-210 devices containing [less]no more than 10 millicuries used for producing light or an ionized atmosphere.	Fee per registration certificate

~~(b) In Vivo testing Fee per registration certificate~~
~~[(e)]b In Vitro testing Fee per registration certificate~~
~~[(d)]c Depleted uranium Fee per registration certificate~~
~~(d) Reciprocal Annual fee for license category~~
~~recognition, as listed in R313-70-7(1) through (10),~~
~~provided for in per 180 days in one calendar year~~
~~R313-19-30, of a~~
~~license issued by~~
~~the U.S. Nuclear~~
~~Regulatory Commission,~~
~~an Agreement State or~~
~~a Licensing State.~~

~~[~~
~~Expedited application Hourly~~
~~review. Applicable~~
~~when, by mutual~~
~~consent of the~~
~~applicant and~~
~~affected staff, an~~
~~application request~~
~~is taken out of date~~
~~order and processed~~
~~by staff during~~
~~non-work hours and~~
~~for which staff~~
~~recovers overtime~~
~~compensation.~~

~~Review of plans for Plan Review Plus Hourly~~
~~decommissioning,~~
~~decontamination,~~
~~reclamation, or~~
~~site restoration~~
~~activities.~~

~~Management and Actual Cost~~
~~oversight of~~
~~impounded~~
~~radioactive~~
~~material~~

~~License amendment, Amendment Fee~~
~~for greater than~~
~~three applications~~
~~in a calendar year.]~~

R313-70-8. Registration and Inspection Categories and Types of Fees for Registration of Radiation Machines.

(1) For machines registered under R313-16-230, registrants will pay an annual registration fee and an inspection fee that shall be established in accordance with the Legislative Appropriations Act. Copies of established fee schedules may be obtained from the Executive Secretary.

TABLE

FACILITY TYPE	TYPE OF FEE
[Hospital or Clinic	Registration Annual per control unit and first tube plus annual per all additional tubes connected to a control unit.
	Inspection or Annual for Division
	Report Processing inspection or annual report processing for non-Division

		inspections. Due within 30 days of inspection date.
Medical/Chiropractic/	Registration	Annual per control unit and first tube plus annual per all additional tubes connected to a control unit.
Industrial/Educational/		Within 30 days of inspection date.]
Other/Podiatry/Veterinary/	Inspection	Annual per control unit and first tube plus annual per each additional tube connected to a control unit.
Dental		Per tube.
	Hospital/Therapy	Registration Annual per control unit and first tube plus annual per each additional tube connected to a control unit.
		State Inspection Per tube.
Medical	Registration	Annual per control unit and first tube plus annual per each additional tube connected to a control unit.
		State Inspection Per tube.
Podiatry	Registration	Annual per control unit and first tube plus annual per each additional tube connected to a control unit.
		State Inspection Per tube.
Veterinary	Registration	Annual per control unit and first tube plus annual per each additional tube connected to a control unit.
		State Inspection Per tube.
Chiropractic	Registration	Annual per control unit and first tube plus annual per each additional tube connected to a control unit.
		State Inspection Per tube.
Dental	Registration	Annual per control unit and first tube plus annual per each additional tube connected to a control unit.
		State Inspection Per control unit and first tube plus each additional tube connected to a control unit.
Industrial Facility with High or Very High Radiation Areas Accessible to Individuals	Registration	Annual per control unit and first tube plus annual per each additional tube connected to a control unit.
		State Inspection Per tube.

Industrial Facility with Cabinet X-ray or Units Designed for Other Industrial Purposes	Registration	Annual per control unit and first tube plus annual per each additional tube connected to a control unit.
	State Inspection	Per tube.
Other	Registration	Annual per control unit and first tube plus annual per each additional tube connected to a control unit.
	State Inspection	Per tube.
Acceptance of work, performed by a person meeting the qualifications in R313-16-400, that demonstrates compliance with these rules.		Per tube reviewed.
[Heating Arts Screening, Mammography Comprehensive Evaluation of Mammography Machine	Application per facility Inspection	Annual Within 30 days of Inspection date.

(2) Shielding evaluation of a room] Hourly

R313-70-9. Other Fees for Services.

TABLE

(1) Expedited application review. Applicable when, by mutual consent of the applicant and affected staff, an application request is taken out of date order and processed by staff during non-work hours.	Hourly
(2) Review of plans for decommissioning, decontamination, reclamation, or site restoration activities.	Plan Review Plus Hourly
(3) Management and oversight of impounded radioactive material.	Actual Cost
(4) License amendment, for greater than three applications in a calendar year.	Amendment Fee

KEY: radioactive material, x-rays, registration, fees
~~[January 10, 1997]1999~~ **19-[1-20]3-104(4)**
 Notice of Continuation May 15, 1997

Health, Health Care Financing, Coverage and Reimbursement Policy **R414-305** Resources

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE No.: 22068
 FILED: 05/25/1999, 08:50
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change is needed to comply with public laws that require the Medicaid program to exclude certain types of resources from a person's countable resources. It is also needed to comply with federal requirements that the agency uses an average private pay rate for nursing homes to decide sanction periods when someone transfers resources.

SUMMARY OF THE RULE OR CHANGE: These changes update the average private pay rate for nursing homes; to comply with public laws regarding payments to a child with spina bifida who is the child of a Vietnam veteran not to be counted as resources; to comply with public laws regarding gifts to a child with a life-threatening disease from a nonprofit organization not to be counted as a resource; and to update other citations, remove unnecessary language, and to make other clarifications. Federal law requires the agency to update nursing home rates based on current market surveys.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 18
FEDERAL REQUIREMENT FOR THIS RULE: Pub. L. No. 105-306

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Pub. L. No. 105-306, October 1998

ANTICIPATED COST OR SAVINGS TO:
 ❖**THE STATE BUDGET:** The best estimate of cost is \$20,000 annually. The agency applies very few sanctions each year. Gifts to children from nonprofit organizations are usually in-kind and are not counted as resources
 ❖**LOCAL GOVERNMENTS:** To the extent that a person can qualify for Medicaid more rapidly because of this rule change, local governments may realize a small savings for care that local health departments might otherwise have absorbed; e.g. immunizations.
 ❖**OTHER PERSONS:** Prospective residents of nursing homes that transferred assets before applying for Medicaid can qualify more quickly for Medicaid. Nursing home operators can also receive Medicaid reimbursement. Other applicants can retain certain assets and still qualify for Medicaid.
COMPLIANCE COSTS FOR AFFECTED PERSONS: Costs for affected persons are described under "Other persons" above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: If a nursing home operator was charging a higher private pay rate to a resident, it is possible that this rule could have a small negative fiscal impact on that business, if the resident becomes Medicaid eligible. This is offset by the cost of obtaining reimbursement from private pay residents. Given the federal mandate to make these changes, this rule modification seems appropriate and necessary. Rod L. Betit

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

Health
 Health Care Financing,
 Coverage and Reimbursement Policy
 Cannon Health Building
 288 North 1460 West
 Box 143102
 Salt Lake City, UT 84114-3102, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gayle Six at the above address, by phone at (801) 538-6895, by FAX at (801) 538-6952, or by Internet E-mail at gsix@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Rod L. Betit - Executive Director, Dep't. of Health

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

R414-305. Resources.

R414-305-[50]1. A, B and D Medicaid and A, B and D Institutional Medicaid Resource Provisions.

(1[-]) The [d]Department adopts 42 CFR 435.735, 435.840 through 435.845, 199[4]7 ed., and 20 CFR 416.1201 through 416.1202 and 416.1204 through 416.1266, 199[4]8 ed., which are incorporated by reference. The [d]Department adopts Subsections 1613(a)(4) and 1902(k) of the Compilation of the Social Security Laws, 199[+]3 ed., [U.S. Government Printing Office, Washington, D.C.,] which is incorporated by reference. [The department requires compliance with Pub. L. No. 98-64(2).] The Department adopts 1917(d) and (e) of the Compilation of the Social Security Laws, in effect January 1, 1998. The Department adopts Pub. L. No. 105-306(7)(b) and (c) which is incorporated by reference.

(2[-]) The[following] definitions in R414-1 and R414-301 apply to this rule, in addition:

[a(-)] "Burial plot" means a burial space and any item related to repositories used for the remains of any deceased member of the household. This includes caskets, concrete vaults, urns, crypts, grave markers and the cost of opening and closing a grave site.

[b. —] "Household goods" means household furniture, furnishings, and equipment which are commonly found in or about

a house and are used in connection with the operation, maintenance, and occupancy of the home:

~~—c. "Personal effects" means clothing, jewelry, items of personal care, one wedding ring, one engagement ring and any equipment on which a person's physical condition depends.](b)~~

"Sanction" means a period of time during which a person is not eligible for Medicaid services for institutional care or services provided under a Home and Community Based waiver due to a transfer of assets for less than fair market value.

(c) "Transfer" in regard to assets means a person has disposed of assets for less than fair market value.

(3[-]) [Current department practices:

—a.] A resource is available when the client owns it or has the legal right to sell or dispose of the resource for the client's own benefit.

[b-](4) The resource limit is \$2,000 for a one person household, \$3,000 for a two member household and \$25 for each additional household member.

[c-](5) The Department bases Medicaid eligibility[is based] on all available resources owned by the client. Eligibility cannot be granted based upon the client's intent to or action of disposing of non-liquid resources.

[d-](6) Any resource or the interest from a resource, which is held within the rules of the Uniform Gift to Minors Act is not countable. Any money from the resource which is given to the child as unearned income is countable.

[e-](7) The resources of a ward [which]that are controlled by a legal guardian are counted as the ward's resources.

[f-](8) Lump sum payments received on a sales contract for the sale of an exempt home are not counted if the entire proceeds are committed to replacement of the property sold within 30 days and the purchase is completed within 90 days. If more than 90 days is needed to complete the actual purchase, the director may grant one extension. Proceeds is defined as all payments made on the principal of the contract. Proceeds does not include interest earned on the principal.

[g-](9) If a resource is potentially available, but a legal impediment to making it available exists, it is not a countable resource until it can be made available. The applicant or recipient must take appropriate steps to make the resource available unless one of the following conditions exist:

[+](a) Reasonable action would not be successful in making the resource available.

[+](b) The probable cost of making the resource available exceeds its value.

[h-](10) Water rights attached to the home and the lot on which the home sits are exempt providing it is the client's principal place of residence.

[+](11) For an institutionalized individual, a home or life estate is not considered an exempt resource. Therefore, a home which is transferred to a trust becomes a countable resource or constitutes a transfer of a resource. A home or life estate so transferred could continue to be excluded under the provisions of Section 1924 of the Compilation of the Social Security Laws, 1993 ed., U.S. Government Printing Office, Washington D.C. as amended by OBRA '93.

[+](12) For A, B and D Medicaid the [d]Department shall not count up to \$6,000 of equity value of non-business property used to produce goods or services essential to home use daily activities.

~~(k)~~(13) For A, B and D Institutional Medicaid where the resources are determined to exceed the limits for Medicaid, eligibility shall not be given conditioned upon disposition of resources as described in 20 CFR 416.1240, 1991 ed.

~~(l)~~(14) A previously unreported resource may be retroactively designated for burial and thereby exempted effective the first day of the month in which it was designated for burial or intended for burial. However, it cannot be exempted retroactively prior to November 1982 or earlier than 2 years prior to the date of application. Such resources shall be treated as funds set aside for burial.

~~(m)~~(15) One vehicle is exempt if it is used at least four times per calendar year to obtain necessary medical treatment.

~~(n)~~(16) The ~~(d)~~Department~~(staff)~~ allows SSI recipients, who have a plan for achieving self support approved by the Social Security Administration, to set aside resources that allow them to purchase work-related equipment or meet self support goals. These resources are excluded.

~~(o)~~(17) An irrevocable burial trust is not counted as a resource. However, if the owner is institutionalized or on home and community based waiver Medicaid, the value of the trust, which exceeds \$7,000, is considered a transferred resource.

~~(p)~~(18) Life estates.

~~(i)~~(a) For non-institutional Medicaid life estates shall be counted as resources only when a market exists for the sale of the life estate as established by knowledgeable sources.

~~(ii)~~(b) For Institutional Medicaid, life estates are countable resources even if no market exists for the sale of the life estate.

~~(iii)~~(c) The client may dispute the value of the life estate by verifying the property value to be less than the established value or by submitting proof based on the age and life expectancy of the life estate owner that the value of the life estate is lower. The value of a life estate shall be based upon the age of the client and the current market value of the property.

~~(iv)~~(d) ~~Life estate table:~~

~~A.~~The following table lists the life estate figure corresponding to the client's age. This figure is used to establish the value of a life estate:

TABLE

Age	Life Estate Figure
0	.97188
1	.98988
2	.99017
3	.99008
4	.98981
5	.98938
6	.98884
7	.98822
8	.98748
9	.98663
10	.98565
11	.98453
12	.98329
13	.98198
14	.98066
15	.97937
16	.97815
17	.97700
18	.97590
19	.97480
20	.97365
21	.97245

22	.97120
23	.96986
24	.96841
25	.96678
26	.96495
27	.96290
28	.96062
29	.95813
30	.95543
31	.95254
32	.94942
33	.94608
34	.94250
35	.93868
36	.93460
37	.93026
38	.92567
39	.92083
40	.91571
41	.91030
42	.90457
43	.89855
44	.89221
45	.88558
46	.87863
47	.87137
48	.86374
49	.85578
50	.84743
51	.83674
52	.82969
53	.82028
54	.81054
55	.80046
56	.79006
57	.77931
58	.76822
59	.75675
60	.74491
61	.73267
62	.72002
63	.70696
64	.69352
65	.67970
66	.66551
67	.65098
68	.63610
69	.62086
70	.60522
71	.58914
72	.57261
73	.55571
74	.53862
75	.52149
76	.50441
77	.48742
78	.47049
79	.45357
80	.43659
81	.41967
82	.40295
83	.38642
84	.36998
85	.35359
86	.33764
87	.32262
88	.30859
89	.29526
90	.28221
91	.26955
92	.25771
93	.24692
94	.23728
95	.22887
96	.22181

97	.21550
98	.21000
99	.20486
100	.19975
101	.19532
102	.19054
103	.18437
104	.17856
105	.16962
106	.15488
107	.13409
108	.10068
109	.04545

R414-305-[50]2. Family Medicaid and Family Institutional Medicaid Resource Provisions.

1. The [d]Department adopts 45 CFR 206.10(a)(vii), 233.20(a)(3), [233.20(a)(4);] and 233.51(b)(2), 199[+]7 ed., which are incorporated by reference. The [d]Department adopts Subsection 1902(k) of the Compilation of the Social Security Laws, 199[+]3 ed., [U.S. Government Printing Office, Washington, D.C.;] which is incorporated by reference. The Department adopts 1917(d) and (e) of the Compilation of the Social Security Laws, in effect January 1, 1998. The Department adopts Pub. L. No. 105-33(4735) and Pub. L. No. 105-306(7)(b) and (c) which are incorporated by reference.

[2. The following definitions apply:

— a. "Burial plot" means a burial space and any item related to repositories used for the remains of any deceased member of the household. This includes caskets, concrete vaults, urns, crypts, grave markers and the cost of opening and closing a grave site:

— b. "Household goods" means household furniture, furnishings, and equipment which are commonly found in or about a house and are used in connection with the operation, maintenance, and occupancy of the home:

— c. "Personal effects" means clothing, jewelry, items of personal care, one wedding ring, one engagement ring and any equipment on which a person's physical condition depends:

— 3. Current department practices:

— a.)(2) A resource is available when the client owns it or has the legal right to sell or dispose of the resource for the clients own benefit.

[b.)(3) The resource limit is \$2,000 for a one person household, \$3,000 for a two member household and \$25 for each additional household member.

[c.)(4) The methodology for treatment of resources is the same for all medically needy and categorically needy individuals.

[d.)(5) Medicaid eligibility is based on all available resources owned by the client. Eligibility cannot be granted based upon the client's intent to or action of disposing of non-liquid resources.

[e.)(6) The resources of a sanctioned household member are counted.

[f.)(7) The resources of a ward which are controlled by a legal guardian are counted as the ward's resources.

[g.)(8) If a resource is potentially available, but a legal impediment to making it available exists, it is not countable until it can be made available. The applicant or recipient must take appropriate steps to make the resource available unless one of the following conditions exist:

[h.)(a) Reasonable action would not be successful in making the resource available.

[i.)(b) The probable cost of making the resource available exceeds its value.

[h.)(9) The maximum exemption for the equity of one car is \$1,500.

[f.)(10) Maintenance items essential for day-to-day living are not countable resources.

[j.)(11) Life estates are not countable resources if the life estate is the principal residence of the applicant or recipient. If the life estate is not the principle residence see Subsection R414-305-[50]1 ([p]18).

[k.)(12) The resources of an ineligible child are not counted.

[l.)(13) The value of the lot on which the home stands is not counted if the lot does not exceed the average size of residential lots for the community in which it is located. The value of the property in excess of an average size lot is a countable resource.

[m.)(14) Water rights attached to a home and lot are not counted.

[n.)(15) Any resource, or interest from a resource, which is held within the rules of the Uniform Gift to Minors Act is not countable. Any money from a resource which is given to the child as unearned income is countable.

[o.)(16) Lump sum payments received on a sales contract for the sale of an exempt home are not counted if the entire proceeds are committed to replacement of the property sold within 30 days and the purchase is completed within 90 days. If more than 90 days is needed to complete the actual purchase, the director may grant one extension. Proceeds is defined as all payments made on the principal of the contract. Proceeds does not include interest earned on the principal.

[p.)(17) Retroactive benefits received from the Social Security Administration are not counted for the first 6 months after receipt.

[q.)(18) A \$1,500 burial and funeral fund exemption is allowed for each eligible household member. Burial and funeral agreements include burial trusts, funeral plans, and funds set aside expressly for the purposes of burial.

[r.)(19) The resources of an alien's sponsor are not considered available to the alien.

[s.)(20) Business resources required for employment or self employment are not counted.

R414-305-[50]3. Spousal Impoverishment Resource Rules for Married Institutionalized Individuals.

1. The [d]Department adopts Section 1924 of the Compilation of the Social Security Laws, in effect January 1, 1998[+1991 ed.; U.S. Government Printing Office, Washington, D.C.], which is incorporated by reference.

[— 2. Current department practices:

— 3.)(2) The resource limit is \$2,000.

[4.)(3) The [d]Department shall determine the joint owned resources of married couples as available to each other. One half of the joint owned resources shall count towards the institutional client's resource eligibility determination.

[5.)(4) When a client is unable to comply with spousal impoverishment rules and claims undue hardship because of an uncooperative spouse or because the spouse cannot be located, assignment of support rights shall be done by signing the Form 048.

[6.)(5) "Undue hardship" in regard[s] to counting a spouse's resources as available to the institutionalized client means:

[a.)(a) The client completes the Form 048.

~~[b-](b)~~ The client will not be able to get the medical care needed without Medicaid.

~~[c-](c)~~ The client is at risk of death or permanent disability without institutional care.

~~[7-](6)~~ The client may be eligible for Medicaid without regard to the spouse's resources if both of the following conditions are met:

~~[a-](a)~~ The spouse cannot be located or will not provide information needed to determine eligibility.

~~[b-](b)~~ The client signs the Form 048.

~~[8-](7)~~ The assessed spousal share of resources shall not be less than the minimum amount nor more than the maximum amount mandated by section 1924(f) of the Compilation of the Social Security Laws in effect January 1, 1998~~[, 1993 ed.]~~.

~~[9-](8)~~ Any resource owned by the community spouse in excess of the assessed spousal share is counted to determine the institutionalized client's initial Medicaid eligibility.

~~[10-](9)~~ A protected period, after eligibility is established, of up to 90 days is allowed for an institutionalized client to transfer resources to the community spouse.

~~[11-](10)~~ After eligibility is established for the institutionalized client, those resources held in the name of the community spouse will not be considered available to the institutionalized client.

R414-305-~~[50]~~4. Medicaid Qualifying Trusts.

The ~~[d]~~Department adopts Section 1902 of the Compilation of the Social Security Laws, 199~~[4]~~³ ed., ~~[U.S. Government Printing Office, Washington, D.C., as amended by Public Law 101-508, section 13611,]~~ which is incorporated by reference.

R414-305-~~[50]~~5. Transfer of Resources for A, B and D Medicaid and Family Medicaid.

There is no sanction for the transfer of resources.

R414-305-~~[50]~~6. Transfer of Resources for Institutional Medicaid.

~~[1-](1)~~ The ~~[d]~~Department adopts Subsection 1917(c) of the Compilation of the Social Security Laws, in effect January 1, 1998~~[, 1993 ed., U.S. Government Printing Office, Washington, D.C., as amended by Public Law 101-508, section 13611, and the Omnibus Budget Reconciliation Act of 1993]~~ which is incorporated by reference.

~~[2- Current department practices:~~

~~— a-](2)~~ The average private-pay rate for nursing home care in Utah is \$~~[2,791]~~^{3,118} per month.

~~[— 3. No sanction is imposed for the transfer of a home to a child of the client or client's spouse if the child lived in the home with the client and provided care to the client which permitted the client to remain at home rather than be institutionalized, and has done so for at least two years prior to the client's entry into the medical institution:~~

~~— 4. No sanction is imposed for the transfer of a home to a sibling who has an equity interest in the home and who has lived in the home for at least one year immediately preceding the client's entry into a medical institution:~~

~~— 5. No sanction is imposed for the transfer of any asset to a blind or disabled son or daughter, or to a trust established for the sole benefit of a blind or disabled son or daughter:~~

~~— 6. No sanction is imposed for the transfer of a home to a son or daughter under 21 years of age:~~

~~— 7. No sanction is imposed for the transfer of a home or any other asset from spouse to spouse:~~

~~— 8. No sanction is imposed for the transfer of any asset to the individual's spouse or to another for the sole benefit of the spouse; or to a disabled or blind child or another for the sole benefit of the disabled or blind child, or to a trust established for the sole benefit of the disabled or blind child or other disabled individual under age 65. Disability or blindness must meet the rules as defined under SSI Section 216 or Section 1614 of the Compilation of the Social Security Laws, 1993 edition:]~~

~~(3)~~ To determine if a resource is transferred for the sole benefit of a spouse, disabled or blind child, or disabled individual, a binding written agreement must be in place which establishes that the resource transferred can only be used to benefit the spouse, disabled child, or disabled individual, and is actuarially sound. The written agreement must specify the payment amounts and schedule. Any provisions in such agreement that would benefit another person at any time nullifies the sole benefit provision except for exempt trusts established under section 1917(d) of the Compilation of the Social Security Laws, ~~[1993]~~^{January 1, 1998} ed., that provide for repayment of the state Medicaid agency or provide for a pooled trust to retain a portion of the remainder.

~~[9-](4)~~ No sanction is imposed when the total value of a whole life insurance policy is irrevocably assigned to the state; and the recipient is the owner of and the insured in the policy; and no further premium payments are necessary for the policy to remain in effect. At the time of the client's death, the state shall distribute the benefits of the policy as follows:

~~[a-](a)~~ Up to \$7,000~~[-00]~~ can be distributed to cover burial and funeral expenses. The total value of this distribution plus the value of any irrevocable burial trusts and/or the burial and funeral funds for the client can not exceed \$7,000~~[-00]~~.

~~[b-](b)~~ An amount to the state that is not more than the total amount of previously unreimbursed medical assistance correctly paid on behalf of the client.

~~[c-](c)~~ Any amount remaining after payments are made as defined in a. and b. will be made to a beneficiary named by the client.

~~[10- A penalty of Institutional Medicaid ineligibility may be applied to any client who transfers a resource or whose spouse transfers a resource to a third party for less than fair market value except as identified above:~~

~~— 11-](5)~~ Clients that claim an undue hardship as a result of a transfer of resources must meet both of the following conditions:

~~[a-](a)~~ The client has exhausted all reasonable legal means to regain possession of the transferred resource. It is considered unreasonable to require the client to take action if a knowledgeable source confirms that it is doubtful those efforts will succeed. It is unreasonable to require the client to take action more costly than the value of the resource.

~~[b-](b)~~ The client is at risk of death or permanent disability if not admitted to a medical institution or Waiver service. This decision will be based upon the client's medical condition and the financial situation of the client. Income of the client, client's spouse, and parents of an unemancipated client shall be used to decide if the financial situation creates undue hardship.

[12:](6) After Institutional Medicaid eligibility is determined, the client's spouse, not living in the institution, may transfer any resource to any person without impacting the Medicaid eligibility of the institutionalized spouse.

[13:](7) The portion of an irrevocable burial trust that exceeds \$7,000 is considered a transfer of resources. The value of any fully paid burial plot, as defined in R414-305-1(2)(a)[501, 2. a.], shall be deducted from such burial trust first before determining the amount transferred.

[14:](8) If more than one transfer has occurred and the sanction periods would overlap, the sanctions will be applied consecutively, so that they do not overlap. A sanction begins on the first day of the month in which the resource was transferred unless a previous sanction is in effect, in which case the sanction begins on the first day of the month immediately following the month the previous sanction ends. If resources were transferred before August 11, 1993, applicable sanction periods for those transfers may overlap.

R414-305-[50]7. Home and Community-Based Services Waiver Resource Provisions.

[1:](1) The resource limit is \$2,000.

[2:](2) Following the initial month of eligibility, continued eligibility is determined by counting only the resources that belong to the client.

[3:](3) For married clients spousal impoverishment resource rules apply as defined in R414-305-[50]3.

R414-305-[50]8. QMB, SLMB, and QI Resource Provisions.

[1:](1) The [d]Department adopts Subsection 1905(p) of the Compilation of the Social Security Laws, 1993 ed., [~~U.S. Government Printing Office, Washington, D.C.,~~]which is incorporated by reference.

[2:](2) The resource limit is the same for all medically needy individuals.

[3:](3) The QMB, SLMB, and QI resource limit is \$4,000 for an individual and \$6,000 for a couple.

KEY: [trusts, resources*], medicaid

[~~May 28, 1998~~]1999

Notice of Continuation February 6, 1998

26-18

**Human Services, Administration,
Administrative Hearings
R497-100
Adjudicative Proceedings**

**NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22059
FILED: 05/19/1999, 10:43
RECEIVED BY: NL**

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is not consistent with current state law.

SUMMARY OF THE RULE OR CHANGE: Hearings that have been transferred to this agency have been included and hearings transferred to other agencies have been deleted. Extending the deadline for filing a request for reconsideration when the deadline falls on a weekend or holiday.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 63, Chapter 46b

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** There would be no fiscal impact. All work would be assumed by existing staff.

❖**LOCAL GOVERNMENTS:** Local government would not be affected by the change because they are not a party to the proceedings.

❖**OTHER PERSONS:** The public should not be affected by the change in hearing jurisdiction.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The costs of participating in a hearing should remain the same. The changes are cleaning up and clarifying the language.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The change in jurisdiction should not increase the cost of a hearing for businesses.

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

Human Services
Administration, Administrative Hearings
122
120 North 200 West
PO Box 45500
Salt Lake City, UT 84145-0500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Colleen Trayner at the above address, by phone at (801) 538-8241, by FAX at (801) 538-4604, or by Internet E-mail at hsadm2.dhann@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/02/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 08/03/1999

AUTHORIZED BY: Debbie L. Hann, Director/Administrative Law Judge

**R497. Human Services, Administration, Administrative Hearings.
R497-100. Adjudicative Proceedings.
R497-100-1. Definitions.**

The terms used in this rule are defined in Section 63-46b-1. In addition,

(1) For the purpose of this section the "agency" of the Department of Human Services includes the Division of Child and Family Services (DCFS), the Division of Services to People with Disabilities (DSPD), the Division of Youth Corrections (DYC), the Division of Aging and Adult Services (DAAS), the Division of Mental Health (DMH), the Division of Substance Abuse (SA), the Office of Licensing (OL), the Utah State Developmental Center (USDC), the Utah State Hospital (USH), and any boards, commissions, officers, councils, committees, bureaus, or other administrative units, including the Executive Director and Director of the Department or other persons acting on behalf of or under the authority of the Executive Director or Director. For purposes of this section, the term "Department of Human Services" does not include the Office of Recovery Services (ORS). The rules regarding ORS are delineated at R527-200.

(2) "Agency actions or proceedings" of the Department of Human Services include, but are not limited to the following:

(a) ~~[a denial, termination, suspension, or reduction of eligibility for Home Energy Assistance Target Program;]~~challenges to findings of abuse, neglect and dependency pursuant to Section 62A-4a-116.5;

(b) due process hearings afforded to foster parents prior to removal of a foster child from their home (62A-4a-206);

(c) the denial, revocation, modification, or suspension of any Department foster home license, or group care license;

(d) the denial, revocation, modification or suspension of a license issued by the Office of Licensing pursuant to Section 62A-2-101, et seq.;

(e) ~~[the certification of DUI instructors, approval of DUI curriculum, and the certification of Alcohol Server Training programs by the Division of Substance Abuse;]~~challenges to findings of abuse, neglect or exploitation of a disabled or elder adult pursuant to Section 62A-3-301, et seq.;

(f) the licensure of community alternative programs by the Office of Licensing;

~~—(g) actions to designate mental health professionals as designated examiners or mental health officers pursuant to Section 62A-12-202;]~~

~~(g)~~[f] actions by the Division of Youth Corrections and the Youth Parole Authority relating to granting or revocation of parole, discipline or, resolution of grievances of, supervision of, confinement of or treatment of residents of any youth corrections facility or institution;

~~(h)~~[f] resolution of client grievances with respect to delivery of services by private, nongovernmental, providers within the Department's service delivery system;

~~(i)~~[f] actions by Department owned and operated institutions and facilities relating to discipline or treatment of residents confined to those facilities;

~~(j)~~[f] placement and transfer decisions affecting involuntarily committed residents of the Utah State Developmental Center pursuant to Sections 62A-5-313 ~~and 62A-5-317~~;

~~(k)~~[f] protective payee hearings;

~~(l)~~[f] Department records amendment hearings held pursuant to Section 63-2-603.

(3) "Aggrieved person" includes any applicant, recipient or person aggrieved by an agency action.

(4) "Office" means the Office of Administrative Hearings in the Department of Human Services.

(5) "Presiding officer" means an agency head, or individual designated by the agency head, by these rules, by agency rule, or by statute to conduct an adjudicative proceeding and may include the following:

- (a) hearing officers;
- (b) administrative law judges;
- (c) division and office directors;
- (d) the superintendent of agency institutions;
- (e) statutorily created boards or committees.

.....

R497-100-7. Agency Review.

Agency review shall not be allowed. Nothing contained in this rule prohibits a party from filing a petition for reconsideration pursuant to Section 63-46b-13. If the 20th day for filing a request for reconsideration falls on a weekend or holiday the deadline will be extended until the next working day.

.....

KEY: administrative procedure, social services	
[January 26, 1998]1999	62A-1-110
Notice of Continuation June 21, 1996	62A-1-111



Human Services, Recovery Services
R527-69
 State and Federal Parent Locator
 Services

NOTICE OF PROPOSED RULE
(Repeal)

DAR FILE NO.: 22090
FILED: 05/28/1999, 08:53
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The original purpose of this rule was to define the fee for locate only cases, but since the fee is defined in R527-35 this rule is not needed. This rule states that Federal Child Support Regulations require all state IV-D agencies to establish a State Parent Locator Service (SPLS) for the purpose of locating absent parents in actions to establish paternity or establish or enforce a support obligation. The governing federal regulations from title 45 of the Code of Federal Regulations were incorporated by reference. The rule mentions that federal regulations require that the SPLS be designated as the unit responsible for submitting locate requests to the Federal Parent Locator Service (FPLS). It also gives the definition of "locate only cases", which was derived from the federal regulations, and the application procedures for parent locator services. With the exception of the amount of the application fee, those procedures are already federal requirements. Because everything in the rule

(with the exception of the amount of the application fee) is covered in federal regulations, and the amount of the fee is specified in R527-35, this rule is unnecessary and should be repealed.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-11-107

FEDERAL REQUIREMENT FOR THIS RULE: 45 CFR 302.35, 303.15, 303.69, and 303.70

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--The repeal of this rule will have no financial effect on the state budget because the parent locator services now being provided by the Office of Recovery Services, will continue to be provided.

❖LOCAL GOVERNMENTS: None--Administrative rules of the Office of Recovery Services do not apply to local governments.

❖OTHER PERSONS: None--The repeal of this rule will have no financial effect on other persons because the parent locator services now being provided by the Office of Recovery Services, will continue to be provided.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The repeal of this rule will not change the current SPLS application procedures and, therefore, will not change the compliance costs for those who are affected by those procedures.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because this rule is not related to businesses, it has had no fiscal impact on businesses. Consequently, its repeal, which does not change current State Parent Locator Services procedures, will have no business impact.

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

Human Services
Recovery Services
14th Floor, Eaton/Kenway Bldg.
515 East 100 South
PO Box 45011
Salt Lake City, UT 84145-0011, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Wayne Braithwaite at the above address, by phone at (801) 536-8986, by FAX at (801) 536-8509, or by Internet E-mail at hsadmin.hsorssl.c.wbraithw@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Emma Chacon, Director

R527. Human Services, Recovery Services.

~~**[R527-69. State and Federal Parent Locator Services.**~~

~~**R527-69-1. State and Federal Parent Locator Services.**~~

~~Federal Child Support Regulations require all state IV-D agencies to establish a State Parent Locator Service (SPLS). The purpose of the SPLS is to locate absent parents (noncustodial parents) for the purpose of establishing paternity and establishing and enforcing a support obligation. The SPLS will be operated in accordance with federal regulations 45 CFR 302.35, 303.15, 303.69 and 303.70, dated October 1, 1994. The office adopts these regulations and incorporates them by reference.~~

~~1. As authorized by 45 CFR 302.35, Utah has designated its SPLS as the unit which submits all requests for locate information to the Federal Parent Locator Service (FPLS):~~

~~2. Locate only cases are defined as cases in which the only service being requested is to locate the noncustodial parent. Application procedures for locate only cases are as follows:~~

~~a. If the applicant is a private citizen or an attorney representing a private citizen and the applicant has custody of the child, the applicant must complete and sign a contract and application for Parent Locator Services, and pay a fee of \$20.~~

~~b. If the applicant is in Utah and is a contracting county attorney, attorney general, district court, or agency representing a child, the applicant makes a written request. No application fee is required.~~

~~c. Interstate cases will be processed upon request when authorized requests for services are received from other states.~~

~~KEY: child support, fees~~

~~January 2, 1996 62A-11-107
Notice of Continuation October 31, 1997]~~



Insurance, Administration
R590-190
Unfair Property, Liability and Title
Claims Settlement Practices Rule

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22082

FILED: 05/26/1999, 16:17

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule sets forth minimum standards for the investigation and disposition of property, liability, and title claims arising under contracts or certificates issued to residents of the State of Utah. The changes are a result of comments received during a comment period held before the rule was put into effect.

SUMMARY OF THE RULE OR CHANGE: 1) Subsection R590-190-3(10) is just for clarification. It does not change the meaning. 2) Subsection R590-190-5(2) adds the wording "based upon first party claimants" for clarification purposes. 3) Subsection R590-190-9(4) adds the words after "guidelines," "which could include the department's statutes, rules and bulletins" to clarify what the guidelines can include. 4) Subsection R590-190-10(5) adds "s" to end of "Insurer." 5) Subsection R590-190-11(2) replaces "may" with "shall" toward the end of the last sentence. 6) Subsection R590-190-11(11) replaces the words "in subsection 31A-22-309(3)" with "by law."

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-308, 31A-21-312, and 31A-26-303

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: The changes will not increase fees to the department or require the department to hire additional help. They are mainly for clarification purposes.
- ❖LOCAL GOVERNMENTS: This rule does not affect local government. They are not involved in the regulation of this rule or receive money as a result of it.
- ❖OTHER PERSONS: These changes are for clarification and do not change the intent of the rule. The changes do not require additional fees or the hiring by the department of additional people.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These changes are for clarification and do not change the intent of the rule. The changes do not require additional fees or the hiring by the department of additional people.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None of the changes to the rule noted in the summary will create a fiscal impact on the insurance industry, the public or the Insurance Department.

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

Insurance Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at idmain.jwhitby@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/16/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/1999

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-190. Unfair Property, Liability and Title Claims Settlement Practices Rule.

.....

R590-190-3. Definitions.

For the purpose of this rule the commissioner adopts the definitions as set forth in 31A-1-301, and the following:

- (1) "Claim file" means any record either in its original form or as recorded by any process which can accurately and reliably reproduce the original material regarding the claim, its investigation, adjustment and settlement.
- (2) "Claimant" means either a first party claimant, a third party claimant, or both and includes such claimant's designated legal representative and includes a member of the claimant's immediate family designated by the claimant.
- (3) "Claim representative" means any individual, corporation, association, organization, partnership, or other legal entity authorized to represent an insurer with respect to a claim, whether or not licensed within the State of Utah to do so.
- (4) "Days" means calendar days.
- (5) "Documentation" includes, but is not limited to, any pertinent communications, transactions, notes, work papers, claim forms, bills, and explanation of benefits forms relative to the claim.
- (6) "First party claimant" means an individual, corporation, association, partnership or other legal entity asserting a right to a benefit or a payment under an insurance policy or insurance contract arising out of the occurrence of the contingency or loss covered by such policy or contract and includes such claimant's designated legal representative and includes a member of the claimant's immediate family designated by the claimant.
- (7) "General business practice" means a pattern of conduct.
- (8) "Investigation" means all activities of an insurer directly or indirectly related to the determination of liabilities under coverages afforded by an insurance policy or insurance contract.
- (9) "Notice of claim or loss" means any notification, whether in writing or other means acceptable under the terms of an insurance policy or insurance contract, to an insurer or its agent, by a claimant, which reasonably apprizes the insurer of the facts pertinent to a claim.
- (10) "Proof of loss" shall mean reasonable documentation by the insured in accordance with policy provisions and insurer practices as to the facts of the loss and the amount of the claim[~~in accordance with policy provisions and insurer practices~~].
- (11) "Specific disclosure" shall mean notice to the insured by means of policy provisions in boldface type or a separate written notice mailed or delivered to the insured.
- (12) "Third party claimant" means any person asserting a claim against any person under a policy or certificate of an insurer.

.....

R590-190-5. Misrepresentation of Policy Provisions.

- (1) The insurer and its representatives shall fully disclose to first party claimants all pertinent benefits, coverages or other provisions of an insurance policy or insurance contract under which a claim is presented, including loss of use and household services.

(2) The insurer is prohibited from denying a claim ~~for~~based upon a first party claimant's failure to exhibit the property unless there is documentation of a breach of the policy provision in the claim file.

.....

R590-190-9. Unfair Methods, Deceptive Acts and Practices Defined.

The commissioner, pursuant to Section 31A-26-303(4), hereby finds the following acts, or the failure to perform required acts, to be misleading, deceptive, unfairly discriminatory or overreaching in the settlement of claims:

- (1) denying or threatening the denial of the payment of claims or rescinding, canceling or threatening the rescission or cancellation of coverage under a policy for any reason which is not clearly described in the policy as a reason for such denial, cancellation or rescission;
- (2) failing to provide the insured or beneficiary with a written explanation of the evidence of any investigation or file materials giving rise to the denial of a claim based on misrepresentation or fraud on an insurance application, when such misrepresentation is the basis for the denial;
- (3) compensation by an insurer of its employees, agents or contractors of any amounts which are based on savings to the insurer as a result of denying the payment of claims;
- (4) failing to deliver a copy of the ~~insurers~~insurer's guidelines, which could include the department's statutes, rules and bulletins, for prompt investigation of claims to the Insurance Department when requested to do so;
- (5) refusing to pay claims without conducting a reasonable investigation;
- (6) offering first party claimants substantially less than the reasonable value of the claim. Such value may be established by one or more independent sources;
- (7) making claim payments to insureds or beneficiaries not accompanied by a statement or explanation of benefits setting forth the coverage under which the payments are being made and how the payment amount was calculated;
- (8) failing to pay claims within 30-days of properly executed proof of loss when liability is reasonably clear under one coverage in order to influence settlements under other portions of the insurance policy coverage or under other policies of insurance;
- (9) refusing payment of a claim solely on the basis of an insured's request to do so unless:
 - (a) the insured claims sovereign, eleemosynary, diplomatic, military service, or other immunity from suit or liability with respect to such claim; or
 - (b) the insured is granted the right under the policy of insurance to consent to settlement of claims.
- (10) advising a claimant not to obtain the services of an attorney or suggesting the claimant will receive less money if an attorney is used to pursue or advise on the merits of a claim;
- (11) misleading a claimant as to the applicable statute of limitations;
- (12) requiring an insured to sign a release that extends beyond the occurrence or cause of action that gave rise to the claims payment;

(13) deducting from a loss or claim payment made under one policy those premiums owed by the insured on another policy, unless the insured consents;

(14) failing to settle a first party claim on the basis that responsibility for payment of the claim should be assumed by others, except as may otherwise be provided by policy provisions;

(15) issuing checks or drafts in partial settlement of a loss or a claim under a specified coverage when such check or draft contains language which purports to release the insurer or its insured from total liability;

(16) refusing to provide a written basis for the denial of a claim upon demand of the insured;

(17) denying a claim for medical treatment after preauthorization has been given, except in cases where the insurer obtains and provides to the claimant documentation of the pre-existence of the condition for which the preauthorization has been given or if the claimant is not eligible for coverage;

(18) refusing to pay reasonably incurred expenses to an insured when such expenses resulted from a delay, as prohibited by these rules, in claims settlement or claims payment;

(19) when an automobile insurer represents both a tort feor and a claimant:

(a) failing to advise a claimant under any coverage that the same insurance company represents both the tort feor and the claimant as soon as such information becomes known to the insurer; and

(b) allocating medical payments to the tort feor's liability coverage before exhausting a claimant's personal injury protection coverage.

(20) failing to pay interest at the legal rate, as provided in Title 15, Utah Code, upon amounts that are overdue under these rules. This does not apply to insurers who fail to pay Personal Injury Protection expenses when due. These expenses shall bear interest as provided in 31A-22-309(5)(c).

R590-190-10. Minimum Standards for Prompt, Fair and Equitable Settlements.

(1) The insurer shall provide to the claimant a statement of the time and manner in which any claim must be made and the type of proof of loss required by the insurer.

(2) Within 30-days after receipt by the insurer of a properly executed proof of loss, the insurer shall complete its investigation of the claim and the first party claimant shall be advised of the acceptance or denial of the claim by the insurer unless the investigation cannot be reasonably completed within that time. If the insurer needs more time to determine whether a first party claim should be accepted or denied, it shall so notify the first party claimant within 30-days after receipt of the proofs of loss, giving the reasons more time is needed. If the investigation remains incomplete, the insurer shall, within 45-days after sending the initial notification and within every 45-days thereafter, send to the first party claimant a letter setting forth the reasons additional time is needed for the investigation, unless the first party claimant is represented by legal counsel or public adjuster. Any basis for the denial of a claim shall be noted in the insurers claim file and must be communicated promptly and in writing to the first party claimant. Insurers are prohibited from denying a claim on the grounds of a specific provision, condition, or exclusion unless

reference to such provision, condition or exclusion is included in the denial.

(3) Unless otherwise provided by law, an insurer shall promptly pay every valid insurance claim. A claim shall be overdue if not paid within 30-days after the insurer is furnished written proof of the fact of a covered loss and of the amount of the loss. Payment shall mean actual delivery or mailing of the amount owed. If such written proof is not furnished to the insurer as to the entire claim, any partial amount supported by written proof or investigation is overdue if not paid within 30-days. Payments are not deemed overdue when the insurer has reasonable evidence to establish that the insurer is not responsible for the payment, notwithstanding that written proof has been furnished to the insurer.

(4) If negotiations are continuing for settlement of a claim with a claimant, who is not represented by legal counsel or public adjuster, notice of expiration of the statute of limitation or contract time limit shall be given to the claimant at least 60 days before the date on which such time limit may expire.

(5) ~~Insurer~~ Insurers are prohibited from making statements which indicate that the rights of a third party claimant may be impaired if a form or release is not completed within a given period of time unless the statement is given for the purpose of notifying the third party claimant of the provision of a statute of limitations.

(6) Upon receipt of an inquiry from the insurance department regarding a claim, every licensee shall furnish a substantive response to the insurance department within the time period specified in the inquiry.

R590-190-11. Standards for Prompt, Fair and Equitable Settlements Applicable to Automobile Insurance.

(1) When the insurance policy provides for the adjustments and settlement of automobile total losses for first party claimants on the basis of actual cash value or replacement with another of like kind and quality, one of the following methods must apply:

(a) the insurer may elect to offer a replacement automobile which is a specific comparable automobile available to the insured, with all applicable taxes, license fees and other fees incident to transfer of evidence of ownership of the automobile paid, at no cost other than any deductible provided in the policy. The offer and any rejection thereof must be documented in the claim file;

(b) the insurer may elect a cash settlement based upon the actual cost, less any deductible provided in the policy, to purchase a comparable automobile including all applicable taxes, license fees and other fees incident to transfer of evidence of ownership of a comparable automobile. Such cost may be determined by using:

(i) the cost of two or more comparable automobiles in the local market area when a comparable automobile is available or was available within the last 90-days to consumers in the local market area;

(ii) the cost of two or more comparable automobiles in areas proximate to the local market area, including the closest major metropolitan areas within or without the state, that are available or were available within the last 90-days to consumers when comparable automobiles are not available in the local market area pursuant to Subsection R590-190-11.(1)(b)(i);

(iii) one of two or more quotations obtained by the insurer from two or more qualified dealers located within the local market area when a comparable automobile is not available in the local market area; or

(iv) any source of determining statistically valid fair market values that meet all of the following criteria:

(A) the source shall give primary consideration to the values of vehicles in the local market area and may consider data on vehicles outside the area;

(B) the source's database shall produce values for at least 85% of the makes and models for the last 15 model years, taking into account the values of all major options for such vehicles; and

(C) the source shall produce fair market values based on current data available from the area surrounding the location where the insured vehicle was principally garaged or a necessary expansion of parameters, such as time and area, to assure statistical validity.

(v) if the insurer is notified within 30-days of the receipt of the claim draft that the first party claimant cannot purchase a comparable vehicle for such market value, the company shall reopen its claim file and the following procedure(s) shall apply:

(A) the company may locate a comparable vehicle by the same manufacturer, same year, similar body style and similar options and price range for the insured for the market value determined by the company at the time of settlement. Any such vehicle must be available through licensed dealers or private sellers;

(B) the company shall either pay the difference between market value before applicable deductions and the cost of the comparable vehicle of like kind and quality which the insured has located, or negotiate and effect the purchase of this vehicle for the insured;

(C) the company may elect to offer a replacement in accordance with the provisions set forth in Subsection R590-190-11.(1)(a); or

(D) the company may conclude the loss settlement as provided for under the appraisal section of the insurance contract in force at the time of the loss. The company is not required to take action under this subsection if its documentation to the first party claimant, at the time of settlement, included written notification of the availability and location of a specified and comparable vehicle of the same manufacturer, same year, similar body style and similar options in as good or better condition as the total loss vehicle which could be purchased for the market value determined by the company before applicable deductions.

(c) when a first party claimant automobile total loss is settled on a basis which deviates from the methods described in Subsections R590-190-11.(1)(a) and (b), the deviation must be supported by documentation giving particulars of the automobile condition. Any deductions from such cost, including deductions for salvage, must be measurable, itemized and specified as to dollar amount and shall be appropriate in amount. The basis for such settlement shall be fully explained to the first party claimant.

(2) Total loss settlements with a third party claimant shall be on the basis of the market value or actual cost of a comparable automobile at the time of loss. Settlement procedures shall be in accordance with Subsection R590-190-11.(1)(b) and (c), except (b)(v) ~~may~~ shall not apply.

(3) Where liability and damages are reasonably clear, insurers are prohibited from recommending that third party claimants make a claim under their own policies solely to avoid paying claims under such insurer's insurance policy or insurance contract.

(4) Insurers are prohibited from requiring a claimant to travel an unreasonable distance to inspect a replacement automobile, to

obtain a repair estimate or to have the automobile repaired at a specific repair shop.

(5) Insurers shall include the first party claimant's deductible, if any, in subrogation demands initiated by the insurer. Subrogation recoveries may be shared on a proportionate basis with the first party claimant when an agreement is reached for less than the full amount of the loss, unless the deductible amount has been otherwise recovered. The recovery shall be applied first to reimburse the first party claimant for the amount or share of the deductible when the full amount or share of the deductible has been recovered. No deduction for expenses can be made from the deductible recovery unless an outside attorney is retained to collect such recovery. The deduction may then be for only a pro rata share of the allocated loss adjustment expense. If subrogation is initiated but discontinued, the insured shall be advised.

(6) If an insurer prepares or approves an estimate of the cost of automobile repairs, such estimate shall be in an amount for which it may be reasonably expected the damage can be satisfactorily repaired. If the insurer prepares an estimate, it shall give a copy of the estimate to the claimant and may furnish to the claimant the names of one or more conveniently located repair shops.

(7) When the amount claimed is reduced because of betterment or depreciation, all information for such reduction shall be contained in the claim file. Such deductions shall be itemized and specified as to dollar amount and shall be appropriate for the amount of deductions. The insurer shall provide a written explanation of these deductions to the claimant upon request.

(8) When the insurer elects to repair and designates a specific repair shop for automobile repairs, the insurer shall cause the damaged automobile to be restored to its condition prior to the loss at no additional cost to the claimant other than as stated in the policy and within a reasonable period of time.

(9) Where coverage exists, loss of use payment shall be made to a claimant for the reasonably incurred cost of transportation, or for the reasonably incurred rental cost of a substitute vehicle, including collision damage waiver, unless the claimant has physical damage coverage available, during the period the automobile is necessarily withdrawn from service to obtain parts or effect repair, or, in the event the automobile is a total loss and the claim has been timely made, during the period from the date of loss until a reasonable settlement offer has been made by the insurer. The insurer is prohibited from refusing to pay for loss of use for the period that the insurer is examining the claim or making other determinations as to the payability of the loss, unless such delay reveals that the insurer is not liable to pay the claim. Loss of use payments shall be an amount in addition to the payment for the value of the automobile.

(10) Subject to Subsections R590-190-11.(1) and (2), an insurer shall fairly, equitably and in good faith attempt to compensate a claimant for all losses incurred under collision or comprehensive coverages. Such compensation shall be based at least, but not exclusively, upon the following standards:

(a) an offer of settlement may not be made exclusively on the basis of useful life of the part or vehicle damaged;

(b) an estimate of the amount of compensation for the claimant shall include the actual wear and tear, or lack thereof, of the damaged part or vehicle;

(c) actual cash value, which shall take into account the cost of replacement of the vehicle and/or the part for which compensation is claimed;

(d) an actual estimate of the true useful life remaining in the part or vehicle shall be taken into account in establishing the amount of compensation of a claim; and

(e) actual cash value, which shall include taxes and other fees which shall be incurred by a claimant in replacing the part or vehicle or in compensating the claimant for the loss incurred.

(11) Insurers are prohibited from demanding reimbursement of personal injury protection payments from a first-party insured of payments received by that party from a settlement or judgement against a third party, except as provided [~~in Subsection 31A-22-309(3)~~]by law.

(12) The insurer shall provide reasonable written notice to a claimant prior to termination of payment for automobile storage charges and documentation of the denial as required by Section R590-190-4. Such insurer shall provide reasonable time for the claimant to remove the vehicle from storage prior to the termination of payment.

.....

KEY: insurance law
~~[May 26,]1999~~

31A-2-201
31A-26-301
31A-26-303
31A-21-312
31A-2-308



Natural Resources, Parks and Recreation

R651-206

Carrying Passengers for Hire

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22058

FILED: 05/18/1999, 10:39

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 73-18-4(4) gives the Board authority to promulgate rules such as regulating vessel operators who carry passengers for hire and setting a fee for these operators.

SUMMARY OF THE RULE OR CHANGE: At Subsection R651-206-2(3) the \$60 fee was lowered to \$30, but that change was inadvertently omitted when typing occurred, and therefore was not in time for the Rule Effective Date. This amendment is to correct that omission.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 73-18-4(4)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The state will not collect as much revenue as with anticipated increases, but Parks will be studying impacts for the rest of the year and will then present any anticipated increases to the public for input.

❖LOCAL GOVERNMENTS: This is a state rule which affects river guides, and therefore there is no impact to the local government.

❖OTHER PERSONS: User will be paying a lesser fee as detailed by this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This will decrease costs for certain permits for vessel operators pending studies on costs for permits

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The rule will have a positive effect on businesses.

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

Natural Resources
Parks and Recreation
116
1594 West North Temple
Box 146001
Salt Lake City, UT 84114-6001, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE 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 RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/02/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 08/03/1999

AUTHORIZED BY: David K. Morrow, Deputy Director

**R651. Natural Resources, Parks and Recreation.
R651-206. Carrying Passengers for Hire.**

.....

R651-206-2. River Guide Permit.

(1) As used in this rule:

(a) "Agent" means a person(s) designated by an outfitting company to act in behalf of that company in certifying a river guide's experience.

(b) "Certifying experience" means river running experience obtained within ten years of the date of application for the guide permit.

(c) "Guide 1" means a nonrestrictive river guide permit.

(d) "Guide 2" means a restricted river guide permit, which is valid only on other rivers.

(e) "Guide 3" means an apprentice river guide permit, which is valid only when the holder is accompanied on the white water river by a qualified Guide 1 permit holder. A Guide 3 permit is also valid on other rivers, but must be accompanied by either a Guide 1 or 2 permit holder.

(f) "Guide 4" means a restricted apprentice river guide permit, which is valid only on other rivers when the holder is accompanied on the trip by a qualified Guide 1 or 2 permit holder.

(g) "Guide permit" means a valid Guide 1, 2, 3, or 4 permit issued by the division for carrying passengers for hire. For a Guide 1 or 2 permit to be valid they must be accompanied by a current "Emergency Response" American Red Cross First Aid Card or equivalent and an American Heart Association or an American Red Cross "CPR" Card. For a Guide 3 or 4 permit to be valid they must be accompanied by a current "Standard" American Red Cross First Aid Card or equivalent and an American Heart Association or an American Red Cross "CPR" Card. A photo copy of both sides of the required first aid and CPR certification cards is allowed.

(h) "Low capacity vessel" means a vessel with a carrying capacity of three or fewer occupants (e.g. canoe, kayak, inflatable kayak or similar vessel).

(i) "Other rivers" means all rivers, river sections, or both in Utah not defined in Subsection R651-202-2(1) as a whitewater river.

(j) "Whitewater river" means the following river sections: the Green and Yampa rivers within Dinosaur National Monument, the Green River in Desolation-Gray Canyon (Mile 96 to Mile 20), the Colorado River in Westwater Canyon, the Colorado River in Cataract Canyon, or other division recognized whitewater rivers in other states.

(2) No person shall operate a vessel engaged in carrying passengers for hire on any river of this state unless that person has in his possession the appropriate valid river guide permit. For low capacity vessels not operated by but led by a guide permit holder, there shall be at least one qualified guide permit holder for every four low capacity vessels being led in the group.

(3) To qualify for a Guide 1 permit, the applicant must be at least 18 years of age, complete the prescribed form, be current in the required first aid and CPR certification, successfully complete a written examination, pay a [~~\$60~~]\$30 fee and have operated a vessel on at least nine whitewater river sections. If the applicant fails to pass the written examination, there is a 7-day waiting period and a \$15 retest fee per attempt.

(4) To qualify for a Guide 2 permit, the applicant must be at least 18 years of age, complete the prescribed form, be current in the required first aid and CPR certification, successfully complete a written examination, pay a \$30 fee and have operated a vessel on at least six river sections. If the applicant fails to pass the written examination, there is a 7-day waiting period and a \$15 retest fee per attempt.

(5) To qualify for a Guide 3 permit, the applicant must be at least 18 years of age, complete the prescribed form, be current in the required first aid and CPR certification, pay a \$20 fee and have operated a vessel on at least three whitewater river sections.

(6) To qualify for a Guide 4 permit, the applicant must be at least 18 years of age, complete the prescribed form, be current in

the required first aid and CPR certification, pay a \$20 fee and have operated a vessel on at least three river sections.

(7) Any person applying for a duplicate, renewal, or a new guide permit shall be employed by or be a prospective employee of an outfitting company currently registered with the division. The applicant shall be sponsored by that outfitting company, or be currently employed and sponsored by a federal, state or county agency. Permit applications must have original signatures and be accompanied by original documentation of required first aid and CPR certification.

(8) Guide 3 and 4 permits shall expire annually on December 31. Guide 1 and 2 permits shall expire three years from date of issuance.

(9) Guide 1 or 2 permits may be renewed up to six months prior to expiration upon completion of the prescribed form, presentation of current guide permit, required first aid and CPR certification, and payment of a \$30 fee. The renewed permit shall have the same month and day expiration date as the original permit. Any Guide 1 or 2 permit holder whose permit has expired shall be required to obtain a new Guide 1 or 2 permit as outlined above.

(10) In the event a guide permit is lost or stolen a duplicate guide permit may be issued with the same expiration date as the original permit upon completion of the prescribed form, furnishing the required information as described in (7) above and payment of the required fee. The fee shall be \$15 for a Guide 1 or 2 permit, and \$15 for a Guide 3 or 4 permit.

(11) All boatman permits issued by the division are expired.

(12) Current Guide Permit holders shall notify the Division, within 30 days, of any change of address.

(13) A guide permit holder shall not carry passengers for hire on his first trip on an unfamiliar river unless there is a qualified Guide 1 or 2 permit holder aboard who has operated a similar vessel on that river segment.

(14) A guide permit may be suspended or revoked for a length of time determined by the division director, or individual designated by the division director, if one of the following occurs:

(a) the guide permit holder is convicted of boating under the influence of alcohol or any drug, or refuses to submit to any chemical test which determines blood or breath alcohol content;

(b) the guide permit holder's negligence causes personal injury or death as determined by due process of the law;

(c) the guide permit holder is convicted of three violations of Title 73 Chapter 18 or rules promulgated thereunder during a three-year period;

(d) the division determines that the guide permit holder intentionally provided false or fictitious statements or qualifications to obtain the guide permit; or

(e) a guide permit holder has utilized a private river trip permit for carrying passengers for hire and has been prosecuted by the issuing agency and found guilty of the violation.

(15) Every outfitting company carrying passengers for hire on any river of this state shall register with the division annually prior to commencement of operation. The registration requires the completion of the prescribed form and providing the following: evidence of registration with the Department of Commerce, evidence of river trip authorization from the appropriate controlling state or federal agency, and payment of a \$200 fee.

(16) The agent shall certify and guarantee that each river guide sponsored by the outfitting company that he represents has obtained

the necessary experience, as required above, depending on the type of guide permit applied for.

(17) An outfitting company's division registration may be suspended or revoked for a length of time determined by the division director, or individual designated by the division director, if one of the following occurs:

(a) the outfitting company's or agent's negligence caused personal injury or death as determined by due process of the law;

(b) the outfitting company or agent is convicted of three violations of Title 73 Chapter 18 or rules promulgated thereunder during a calendar year period;

(c) false or fictitious statements were certified or false qualifications were used to qualify a person to obtain a guide permit for an employee or others;

(d) the division determines that the outfitting company intentionally provided false or fictitious statements or qualifications when registering with the division;

(e) an outfitting company has utilized a private river trip permit for carrying passengers for hire and have been prosecuted by the issuing agency and found guilty of the violation; or

(f) the outfitting company used a guide without a valid guide permit or without the appropriate guide permit while engaging in carrying passengers for hire.

KEY: boating

[May 18,]1999

73-18-4(4)

Notice of Continuation February 10, 1997



Natural Resources, Wildlife Resources

R657-5

Taking Big Game

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22076

FILED: 05/26/1999, 14:36

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Wildlife Board meetings conducted annually for taking public input and reviewing permit numbers for antlerless and doe big game species.

SUMMARY OF THE RULE OR CHANGE: Provisions of this rule are being amended to waive waiting periods for Cooperative Wildlife Management Unit and Limited Entry Landowner permits obtained from the landowner, and Cooperative Wildlife Management Unit Spike Elk permits despite how a person obtains those permits. This amendment allows up to four people to apply together for deer, elk or pronghorn permits. Also, this amendment allows a person to use an antlerless elk permit during the established season for the antlerless elk permit and during the established season for a buck deer or bull elk permit, provided the permits are both

valid for the same area and the appropriate equipment is used. The amendment also provides clarification of application procedures, and other changes are being made for consistency and clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This amendment provides additional hunting opportunities, and clarifies the procedures and requirements for obtaining permits and hunting antlerless big game animals. Therefore, the amendment does not create a cost or savings impact to the state budget or the Division of Wildlife Resources' budget. The Division of Wildlife Resources (DWR) determines that this rule will not create any cost or savings impact to the state budget or the DWR's budget.

❖LOCAL GOVERNMENTS: None--this filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖OTHER PERSONS: No impact--these amendments do not impose any requirements on persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment provides additional hunting opportunities, and clarifies the procedures and requirements for obtaining permits and hunting antlerless big game animals. Therefore, the amendment does not create compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

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

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdwr.dsundell@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: John Kimball, Director

R657. Natural Resources, Wildlife Resources.

R657-5. Taking Big Game.

.....

R657-5-29. Applying as a Group.

(1)(a) ~~Two~~ Up to four people may apply together for deer, elk or pronghorn permits.

~~[(b) Up to four people may apply together for premium limited entry, limited entry and resident cooperative wildlife management unit deer permits.~~

~~—(c)(b) Up to ten people may apply together for nonresident general deer permits.~~

(2) Applicants must indicate the number of hunters in the group by filling in the appropriate box on each application form.

(3) Group applicants must submit their applications together in the same envelope.

(4) Residents and nonresidents may apply together.

(5) When applying as a group:

(a) if one applicant is successful in drawing a permit, then all applicants with valid applications in that group are successful;

(b) if the group is rejected due to an error in fees and only one species is applied for, then the entire group is rejected;

(c) if the group is rejected due to an error in fees and more than one species is applied for, the group will be kept in the drawing for any species with sufficient fees, using the draw order; or

(d) if one or more members of the group are rejected due to an error other than fees, the members with valid applications will be kept in the drawing, unless the group indicates on the application that all members are to be rejected.

(i) The applicant whose application is on the top of all the applications for that group, will be designated the group leader.

(ii) If any group member has an error on their application that is not corrected during the correction process, the reject box on the group leader's application will determine whether the entire group is rejected.

.....

R657-5-33. Waiting Periods for Deer.

(1) A person who obtained a premium limited entry buck, limited entry buck[;] or cooperative wildlife management unit buck ~~[or limited entry landowner buck deer permit]~~ deer permit through the bucks, bulls and once-in-a-lifetime drawing process during the preceding two years may not apply in the bucks, bulls and once-in-a-lifetime drawing for any of these permits during the current year.

(2) A person who obtains a premium limited entry buck, limited entry buck[;] or cooperative wildlife management unit buck ~~[or limited entry landowner buck]~~ deer permit ~~[in]~~ through the bucks, bulls and once-in-a-lifetime drawing process, may not apply for any of these permits again for a period of two years.

(3) A waiting period does not apply to:

(a) general archery, general season, general muzzleloader, antlerless deer, conservation, sportsman and poaching-reported reward deer permits; or

(b) cooperative wildlife management unit or limited entry landowner buck deer permits obtained through the landowner.

R657-5-34. Waiting Periods for Elk.

(1) A person who obtained a limited entry~~[-]~~ or cooperative wildlife management unit [or limited entry landowner] bull elk permit through the bucks, bulls and once-in-a-lifetime drawing process during the preceding four years may not apply in the bucks, bulls and once-in-a-lifetime drawing for any of these permits during the current year.

(2) A person who obtains a limited entry~~[-]~~ or cooperative wildlife management unit [or limited entry landowner] bull elk permit [in]through the bucks, bulls and once-in-a-lifetime drawing, may not apply for any of these permits for a period of five years.

(3) A waiting period does not apply to:

(a) general archery, general season, muzzleloader (ML300), antlerless elk, cooperative wildlife management unit spike bull elk, conservation, sportsman and poaching-reported reward elk permits; or

(b) cooperative wildlife management unit or limited entry landowner bull elk permits obtained through the landowner.

R657-5-35. Waiting Periods for Pronghorn.

(1) A person who obtained a buck pronghorn permit through the bucks, bulls and once-in-a-lifetime drawing process in the preceding four years, may not apply in the bucks, bulls and once-in-a-lifetime drawing for a buck pronghorn permit during the current year.

(2) A person who obtains a buck pronghorn~~[-]~~ or cooperative wildlife management unit [or limited entry landowner] buck pronghorn permit [in]through the bucks, bulls and once-in-a-lifetime drawing, may not apply for any of these permits for a period of five years.

(3) A waiting period does not apply to:

(a) doe pronghorn, pronghorn conservation, sportsman and poaching-reported reward permits; or

(b) cooperative wildlife management unit or limited entry landowner buck pronghorn permits obtained through the landowner.

R657-5-36. Waiting Periods for Antlerless Moose.

(1) A person who obtained an antlerless moose permit or a cooperative wildlife management unit antlerless moose permit through the antlerless drawing process during the preceding four years, may not apply for an antlerless moose permit during the current year.

(2) A person who obtains an antlerless moose permit or a cooperative wildlife management unit antlerless moose permit through the antlerless drawing process in the current year, may not apply for an antlerless moose permit for a period of five years.

(3) A waiting period does not apply to cooperative wildlife management unit antlerless moose permits obtained through the landowner.

.....

R657-5-45. Antlerless Deer Hunts.

(1) To hunt an antlerless deer, a hunter must obtain an antlerless deer permit.

(2)(a) An antlerless deer permit allows a person to take one antlerless deer, per antlerless deer tag, using any legal weapon

within the area and season as specified on the permit and in the antlerless addendum.

(b) A person may not hunt on any cooperative wildlife management units unless that person obtains an antlerless deer permit for a cooperative wildlife management unit as specified on the permit.

(3) A person who has obtained an antlerless deer permit may not hunt during any other antlerless deer hunt or obtain any other antlerless deer permit.

(4)(a) A person who ~~[has obtained a general archery]~~ obtains an antlerless deer permit and [an antlerless deer permit] any of the permits listed in Subsection (b) may use the antlerless deer permit during the [general archery deer season provided:] established season for the antlerless deer permit and during the established season for the permits listed in Subsection (b) provided:

(i) the permits are both valid for the same area;

(ii) the appropriate archery equipment is used if hunting with an archery permit;

~~[(ii) the antlerless deer is taken in the area specified on the antlerless deer permit, and~~

~~—(iii) if the antlerless hunt occurs within a limited entry hunting unit, only a hunter possessing a limited entry archery buck permit for the specific unit may exercise this option.~~

~~—(b) A person who obtains a muzzleloader deer permit and an antlerless deer permit may use the antlerless deer permit during the muzzleloader deer season provided:~~

~~—(i)(iii) the appropriate muzzleloader equipment is used if hunting with a muzzleloader permit.[-]~~

~~[(ii) the antlerless deer is taken in the area specified on the antlerless permit, and](b)(i) General archery deer;~~

~~[(iii) if the antlerless hunt area occurs within a limited entry hunting unit, only a hunter possessing a](i) general muzzleloader deer;~~

~~(iii) limited entry archery deer; or~~

~~(iv) limited entry muzzleloader [buck permit for the specific unit may exercise this option.]deer.~~

.....

R657-5-50. Antlerless Elk Hunts.

(1) To hunt an antlerless elk, a hunter must obtain an antlerless elk permit.

(2)(a) An antlerless elk permit allows a person to take one antlerless elk using any legal weapon within the area and season as specified on the permit and in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(b) A person may not hunt on any cooperative wildlife management units unless that person obtains an antlerless elk permit for a cooperative wildlife management unit as specified on the permit.

~~(3)[A person who has obtained](a) A person may obtain two elk permits each year, provided one of the elk permits is an antlerless elk permit[may not hunt during any other antlerless elk hunt or obtain any other antlerless elk permit, except as provided in Subsection (4)].~~

~~[(4)(a) A person who has obtained an antlerless elk permit may purchase an additional antlerless elk permit beginning on the~~

date published in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game, if any of these permits are available:

~~(b) A person who has obtained an antlerless elk permit may purchase an any bull or hunter's choice elk permit beginning on the date published in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game, if any of these permits are available:~~

~~(c) A person who has obtained an any bull or~~(b) For the purposes of obtaining two elk permits, a hunter's choice elk permit may ~~not be considered~~[purchase an antlerless elk permit beginning on the date published in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game, if any of these permits are available:

~~(d) A person who obtains a spike bull elk permit may not obtain~~ an antlerless elk permit.

(4)(a) A person who obtains an antlerless elk permit [may not obtain a spike bull elk permit:]and any of the permits listed in Subsection (b) may use the antlerless elk permit during the established season for the antlerless elk permit and during the established season for the permits listed in Subsection (b) provided:

- (i) the permits are both valid for the same area;
- (ii) the appropriate archery equipment is used if hunting with an archery permit;

(iii) the appropriate muzzleloader equipment is used if hunting with a muzzleloader permit.

- (b)(i) General archery deer;
- (ii) general archery elk;
- (iii) general muzzleloader deer;
- (iv) general muzzleloader elk;
- (v) limited entry archery deer;
- (vi) limited entry archery elk;
- (vii) limited entry muzzleloader deer; or
- (viii) limited entry muzzleloader elk.

.....

R657-5-59. Antlerless Application - Deadlines.

(1) Applications are available from license agents and division offices.

(2) Residents may apply [~~in the drawing for~~]for, and draw the following permits, except as provided in Subsection (4):

- (a) antlerless deer;
- (b) antlerless elk;
- (c) doe pronghorn; and
- (d) antlerless moose.

(3) Nonresidents may apply in the drawing for, and draw the following permits, except as provided in Subsection (4):

- (a) antlerless deer;
- (b) antlerless elk;
- (c) doe pronghorn; and
- (d) antlerless moose, if permits are available during the current year.

(4) [~~Residents and nonresidents may draw an antlerless permit for each species, except any person who obtained a hunter's choice, bull elk, buck pronghorn, or bull~~]Any person who has obtained any elk permit, a pronghorn permit, or a moose permit may not apply for

an antlerless elk permit, doe pronghorn permit, or antlerless moose permit, respectively, except as provided in Section R657-5-63.

(5) Only a resident may apply for or obtain a resident permit and only a nonresident may apply for or obtain a nonresident permit, except as provided in Subsections R657-5-61(3) and R657-5-~~63(1)~~63(4).

(6) A Wildlife Habitat Authorization may be purchased before applying, or the Wildlife Habitat Authorization will be issued to the applicant upon successfully drawing a permit. The Wildlife Habitat Authorization number or the fee must be submitted with the application.

(7)(a) Applications must be mailed by the date prescribed in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game. Applications filled out incorrectly or received later than the date prescribed in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game may be rejected. Late applications may be returned unopened.

(b) If an error is found on an application, the applicant may be contacted for correction.

(8) Any person who applies for a hunt that occurs on private land is responsible for obtaining written permission from the landowner to access the property. To avoid disappointment and wasting the permit and fee if access is not obtained, hunters should get written permission before applying. The division does not guarantee access and does not have the names of landowners where hunts occur.

R657-5-60. Fees for Antlerless Applications.

(1) Each application must include:

- (a) the permit fee for each species applied for;
- (b) a \$5 nonrefundable handling fee for each species applied for; and
- (c) the Wildlife Habitat Authorization fee, if it has not yet been purchased.

(2)(a) Personal checks, money orders, cashier's checks and credit cards are accepted [~~from residents~~].

~~[(b) Money orders, cashier's checks and credit cards are accepted from nonresidents. Personal checks are not accepted from nonresidents.]~~(b) Personal checks drawn on an out-of-state account are not accepted.

(c) All payments must be made payable to the Utah Division of Wildlife Resources.

(3)(a) Credit cards must be valid at least 30 days after the drawing results are posted.

(b) If applicants are applying as a group, all fees for all applicants in that group must be charged to one credit card.

(c) Handling fees are charged to the credit card when the application is processed. Permit fees are charged after the drawing, if successful.

(d) [~~Payment~~]Payments to correct an invalid or refused credit card must be made with a cashier's check or money order for the full amount of the application fees plus any permits requested.

(4) An application is voidable if the check is returned unpaid from the bank or the credit card is invalid or refused.

.....

R657-5-62. Antlerless Application Refunds.

(1)(a) Unsuccessful applicants, who applied ~~[on]~~in the initial drawing and who applied with a check or money order will receive a refund in September.

(b) Unsuccessful applicants, who applied for remaining permits and who applied with a check or money order will receive a refund in October.

(2)(a) Unsuccessful applicants, who applied with a credit card, will not be charged for a permit.

(b) Unsuccessful applicants, who applied as a group, will receive an equally distributed refund of money remaining after the successful applicants' permits are paid for in accordance with Section R657-5-29(5).

(3) The handling fees are nonrefundable.

R657-5-63. ~~[Permits Remaining]~~Drawing for Remaining Antlerless Permits and Over-the-counter Permit Sales After the Antlerless ~~[Drawing.]~~Drawings.

~~[(1) Permits remaining after the antlerless drawing are sold only by mail or on a first-come, first-served basis as provided in the antlerless addendum, and beginning and ending on the dates](1) The list of remaining permits will be available by the date provided in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game. [These permits may be purchased by either residents or nonresidents:]~~

(2) Residents and nonresidents may apply for, and draw any of the following remaining permits, except as provided in Subsection (3):

~~[(2)](a) antlerless deer;~~

(b) antlerless elk;

(c) doe pronghorn; and

(d) antlerless moose.

(3) Any person who has obtained:

(a) an antlerless deer permit may not apply for an antlerless deer permit;

(b) two elk permits may not apply for an antlerless elk permit;

(c) a pronghorn permit may not apply for a doe pronghorn permit; or

(d) a moose permit may not apply for an antlerless moose permit.

(4) Residents and nonresidents may apply for any remaining permits.

(5) The same application form used for the antlerless drawing must be used when applying for remaining permits[~~by mail~~]. The handling fees are nonrefundable.

(6) Applications for remaining permits must be mailed by the date prescribed in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game. Applications filled out incorrectly or received later than the date prescribed in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game may be rejected.

(7) Applicants who apply for remaining permits will not be provided an opportunity to correct a rejected or invalid application on the drawing for remaining antlerless permits.

(8) Permits remaining after both drawings will be sold over-the-counter, in person, or through the mail, on a first-come, first-served basis only at the Salt Lake division office beginning on the

date prescribed in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.~~[(3) Applications are available from division offices and license agents.]~~

KEY: wildlife, game laws, big game seasons*

[January 15,]1999

Notice of Continuation June 23, 1997

23-14-18

23-14-19

23-16-5

23-16-6



**Tax Commission, Auditing
R865-19S-106
Tourism Marketing Performance Fund
Pursuant to Utah Code Ann. Section 9-2-1702 and 9-2-1703**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22094

FILED: 06/01/1999, 08:36

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 9-2-1703 bases an annual appropriation to the Tourism Marketing Performance Fund on the increase in previous year's taxable sales, but does not define that term. The proposed rule's definition of that term of the July 1-June 30 fiscal year matches the statutory appropriation period for the amount appropriated from the fund, as well as the reporting period for advertising expenditures that are also taken into account determining the amount of the annual appropriation.

SUMMARY OF THE RULE OR CHANGE: The proposed section defines "previous year's taxable sales" and "previous year's sales tax receipts" for purposes of determining the annual appropriation to the Tourism Marketing Performance Fund.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 9-2-1702 and 9-2-1703

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No impact over time. On a year-to-year basis, an appropriation may be allowed if the measurement period is based on a fiscal year rather than a calendar year, and vice versa.

❖LOCAL GOVERNMENTS: No impact to local revenues.

❖OTHER PERSONS: No impact to others--this rule only impacts a state restricted account.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs. The determination of whether amounts

will be appropriated is based upon an analysis of sales that is performed by the Tax Commission.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no impact on businesses since the rule defines terms for reporting purposes.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 Tax Commission
 Auditing
 Tax Commission Building
 210 North 1950 West
 Salt Lake City, UT 84134, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.
R865-19S. Sales and Use Tax.
R865-19S-106. Tourism Marketing Performance Fund Pursuant to Utah Code Ann. Section 9-2-1702 and 9-2-1703.
A. For purposes of clarifying the measurement upon which an appropriation to the Tourism Marketing Performance Fund is based, "previous year's sales tax receipts," and "previous year's taxable sales" mean sales that occurred between the previous July 1 through June 30.

KEY: charities, tax exemptions, religious activities, sales tax
[~~October 14, 1998~~1999] 9-2-1702
Notice of Continuation May 22, 1997 9-2-1703

◆ _____ ◆

Tax Commission, Auditing
R865-19S-107
Reporting of Exempt Sales or
Purchases Pursuant to Utah Code Ann.
Section 59-12-105

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE No.: 22095
 FILED: 06/01/1999, 08:36
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-12-105 requires that the amount of sales or uses exempt from sales tax under Subsections 59-12-104 (14), (20), (40), and (41) be reported to the commission by the owner, vendor, or purchaser, as the case may be.

SUMMARY OF THE RULE OR CHANGE: Proposed section indicates whether the reporting requirements imposed by Section 59-12-105 on certain sales tax exempt sales shall be satisfied by the vendor or the purchasers of the exempt goods. The rule mirrors existing practice.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-12-105

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None--The rule language mirrors existing practice as well as sales tax return instruction language.
- ❖LOCAL GOVERNMENTS: None--The rule language mirrors existing practice as well as sales tax return instruction language.
- ❖OTHER PERSONS: None--The rule language mirrors existing practice as well as sales tax return instruction language.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--These procedures have been in place since Section 59-12-105 became effective. The proposed rule is part of an attempt to make all persons aware of the reporting requirements imposed by law.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no fiscal impacts on businesses. The rule indicates whether the purchaser or vendor is responsible for reporting exemptions.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 Tax Commission
 Auditing
 Tax Commission Building
 210 North 1950 West
 Salt Lake City, UT 84134, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.

R865-19S. Sales and Use Tax.

R865-19S-107. Reporting of Exempt Sales or Purchases Pursuant to Utah Code Ann. Section 59-12-105.

A. The amount of purchases or uses exempt under Sections 59-12-104(14), 59-12-104(40), and 59-12-104(41) shall be reported to the commission by the manufacturer or ski resort, as appropriate, that purchases the items exempt from sales or use tax under those sections.

B. The amount of sales or uses exempt under Section 59-12-104(20) shall be reported to the commission by the vendor that makes the retail sale of the items exempted from sales or use tax under that section.

**KEY: charities, tax exemptions, religious activities, sales tax [~~October 14, 1998~~1999] 59-12-105
Notice of Continuation May 22, 1997**



**Tax Commission, Property Tax
R884-24P-50
Apportioning the Utah Proportion of
Commercial Aircraft Valuations
Pursuant to Utah Code Ann.
Subsection 59-2-201(1)(c) and Section
59-2-801**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22096

FILED: 06/01/1999, 08:36

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-201 requires the Tax Commission to assess all operating property of an airline, but does not give direction on how the assessment shall be apportioned to the tax areas. The language the amendment repeals mirrors the decades-long apportionment method employed by the tax commission. This language is repealed and replaced in accordance with the recent Utah Supreme Court decision in Salt Lake City Corp. V. Property Tax Division of the Utah State Tax Commission, signed by the court on 04/30/1999.

SUMMARY OF THE RULE OR CHANGE: Proposed amendment repeals the flyover method of apportioning the assessment of aircraft mobile flight equipment and replaces it with a methodology that apportions the mobile flight equipment based on the proportion that the ground time in a tax area bears to the total ground time in the state.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-201

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--Apportionment relates to local dollars only.

❖LOCAL GOVERNMENTS: See the list at the end of the rule analysis.

❖OTHER PERSONS: Since the majority of tax areas that received an apportionment under the flyover methodology will lose revenues under the new apportionment methodology, there is a significant potential for widespread property tax increases in those areas to make up for revenue shortfalls. The amount will vary from one tax area to another depending on the revenue shortfall in the tax area and whether the tax area imposes a state increase.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since the majority of tax areas that received an apportionment under the flyover methodology will lose revenues under the new apportionment methodology, there is a significant potential for widespread property tax increases in those areas to make up for revenue shortfalls. The amount will vary from one tax area to another depending on the revenue shortfall in the tax area and whether the tax area imposes a state increase.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Some airline companies will see an increase in taxes if the tax rates for the entities where the airports are located are higher than the rates of the unincorporated entities that were used in the allocation in previous years.

THE FULL TEXT OF THIS RULE 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 RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Pam Hendrickson, Commissioner

Response to the costs for LOCAL GOVERNMENT:

The change in aircraft mobile flight equipment assessment apportionment required by the Utah Supreme Court will have significant impacts on the state's tax areas. The impact at the county level is as follows:

	1998 Value	1999 Value	Difference
Beaver	11,425,920	0	(11,425,920)
Box Elder	49,327,816	11,971	(49,315,845)
Cache	9,263,580	42,804	(9,220,776)
Carbon	8,838,493	97,735	(8,740,758)
Daggett	13,289,990	0	(13,289,990)
Davis	21,480,118	68,792	(21,411,326)
Duchesne	42,652,701	3,355	(42,649,346)
Emery	1,647,964	896	(1,647,068)
Garfield	8,220,090	64,540	(8,155,550)
Grand	11,634,712	14,479	(11,620,233)
Iron	9,982,908	5,539,885	(4,443,023)
Juab	21,567,510	1,062	(21,566,448)
Kane	5,890,411	195	(5,890,216)
Millard	39,951,011	12,855	(39,938,156)
Morgan	7,552,900	0	(7,552,900)
Piute	3,437,020	0	(3,437,020)
Rich	4,009,570	0	(4,009,570)
Salt Lake	132,356,648	761,514,479	629,157,831
San Juan	1,709,880	0	(1,709,880)
Sanpete	2,280,840	0	(2,280,840)
Sevier	5,294,712	560	(5,294,152)
Summit	48,070,879	14,241	(48,056,638)
Tooele	64,450,113	24,713	(64,425,400)
Uintah	44,476,922	1,620,415	(42,856,507)
Utah	28,214,867	213,947	(28,000,920)
Wasatch	18,644,611	195	(18,644,416)
Washington	13,339,046	16,524,615	3,185,569
Wayne	439,330	0	(439,330)
Weber	10,653,688	816,766	(9,836,922)

of an incorporated city or town, the incorporated city or town shall be included in the designated taxing area.

~~—B. The commission shall apportion the Utah portion of each commercial air carrier's mobile flight equipment valuation to the appropriate designated taxing areas. A designated taxing area's apportionment is determined by the proportion of route miles in that area compared to the total route miles within the state.~~

~~—C. The valuation of a commercial air carrier's other personal and real property shall be allocated to the taxing area in which it is located on January 1 of each year.]~~

B. The commission shall apportion to a tax area the assessment of the mobile flight equipment owned by a commercial air carrier in the proportion that the ground time in the tax area bears to the total ground time in the state.

C. The provisions of this rule shall be implemented and become binding on taxpayers beginning with the 1999 calendar year.

KEY: taxation, personal property, property tax, appraisal
[January 12, 1999] Art. XIII, Sec 2
Notice of Continuation May 8, 1997 59-2-201



**Workforce Services, Employment
 Development
 R986-221
 Demonstration Programs**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22093

FILED: 05/28/1999, 15:17

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule change is to incorporate revised extension criteria for eligibility beyond the 36 month lifetime limit for receiving benefits from the Family Employment Program (Temporary Assistant for Needy Families (TANF) cash assistance). The revised extensions will be effective August 1, 1999, to allow for implementation prior to January 1, 2000.

SUMMARY OF THE RULE OR CHANGE: This change implements the criteria for determining extensions to the 36 month lifetime limit for Family Employment Program (Temporary Assistance for Needy Families (TANF) cash assistance) benefits. State statute allows for up to 20% of the caseload to be considered for an extension due to hardship. State agencies are required to define the hardship reasons. These reasons will include; expansion of the medical reason criteria to include mental health and caring for ill dependents, young parents until the month of their nineteenth birthday, and other hardship considerations. This new policy will also include the

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-50. Apportioning the Utah Proportion of Commercial Aircraft Valuations Pursuant to Utah Code Ann. [Subsection]Section 59-2-201, [(1)(c) and Section 59-2-801.]

A. Definitions.

1. "Commercial air carrier" means any air charter service, air contract service or airline as defined by Section 59-2-102.

2. "Ground time" means the time period beginning at the time an aircraft lands and ending at the time an aircraft takes off. ~~2. "Mobile flight equipment" means the airframes, engines, and other personal property owned or operated by a commercial air carrier that are capable of flight or used as part of an aircraft capable of flight. Engines or spare parts that are not currently attached to an airframe or otherwise part of an aircraft are not part of the mobile flight equipment.~~

3. "Route" means the flight path, including landings and takeoffs, over the ground or water that a commercial air carrier's mobile flight equipment typically flies as determined by the Property Tax Division.

4. "Route miles" means the lineal ground distance in statute miles along a commercial air carrier's route as determined by the Property Tax Division.

5. "Designated taxing areas" means those taxing areas within a school district other than incorporated cities or towns. If, however, a school district's boundaries coincide with the boundaries

process and procedures for determining which families will need the extension.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 35A-1-104 and 35A-3-306

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The major cost to the state will be in the area of staff time in the determination of eligibility for the extension. The new policy does require a review of each case to determine if the extension criteria is met. It is estimated this review of each case will require approximately one to two hours. The loss of financial benefits for some households may also result in an increase in Food Stamp benefits. While the Food Stamp Program benefits are federal dollars, the state would pay one-half of the administrative costs related to this program.

❖LOCAL GOVERNMENTS: Households that close due to the ending of the lifetime limit for cash assistance and have no other form of financial support, may need the support of other human service agencies. The impact is unknown at this time.

❖OTHER PERSONS: The impact other persons would be the same as for local governments.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs are the direct administrative costs the Department will incur by implementing this change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The direct impact on business will be minimal. For most households on the Family Employment Program who are facing the loss of benefits due to participation time limits, this rule change will result in extended benefits. For those households who do lose cash benefits, it may mean some obligations of those households would not be met.

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

Workforce Services
Employment Development
Second Floor
1385 South State Street
Salt Lake City, UT 84115, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gordon Mendenhall at the above address, by phone at (801) 468-0125, by FAX at (801) 468-0160, or by Internet E-mail at wscfam.gmenden@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/1999

AUTHORIZED BY: Robert C. Gross, Executive Director

R986. Workforce Services, Employment Development.

R986-221. Demonstration Programs.

R986-221-101. Single Parent Employment Program.

1. The department shall operate a Single Parent Employment Demonstration Program as authorized by Section 1115 of the Compilation of the Social Security Laws, 1991 ed., U.S. Government Printing Office, Washington, D.C., which is incorporated by reference.

2. The following definitions apply:

a. "Diversion" means a one time Single Parent Employment Program payment that may equal up to three months of AFDC assistance.

b. "Participant" means any applicant for or recipient of the Single Parent Employment Program.

3. The goal of the Single Parent Employment Program is to increase family income through employment and child support.

4. The Single Parent Employment Program will operate in selected offices as determined by the department.

5. The following exceptions regarding Single Parent Employment Program participants apply to R986-211 through R986-220;

a. All parents must participate in self sufficiency activities, including parents whose income and assets are included in determining eligibility of the household, but have themselves been determined by the Department to be ineligible to be included in the financial assistance payment.

b. Children that are age 16 to 18 and are not in school or working must participate in self sufficiency.

c. Unemployed noncustodial parents may participate in JOBS training.

d. A \$100 payment reduction shall be enforced for a parent who chooses not to actively take part in self sufficiency efforts. After two months of receiving the \$100 payment reduction, if the parent continues to choose not to actively take part in self sufficiency efforts, the financial assistance for the household shall be closed.

e. When the participant takes part in self sufficiency the \$100 payment reduction will stop.

f. Vendor payments are eliminated for participants who choose not to take part in self sufficiency.

g. Participants who take part in full time self sufficiency efforts will receive an additional \$40 each month.

h. A \$100 payment reduction shall be enforced for a parent who chooses not to cooperate with child support collection, unless good cause is claimed. After two months of receiving the \$100 payment reduction, if the parent continues to choose not to cooperate with child support collection, the financial assistance for the household shall be closed.

i. The first \$100 and 50 percent of all remaining earned income will not be counted when computing assistance payment amounts. There is no time limit attached to this provision.

j. A maximum of \$8,000 equity value of one vehicle is exempt from the resource limit. The entire equity value of one vehicle equipped to transport a disabled individual is exempt from the resource limit.

k. The maximum resource limit is \$2,000.

1. Participants are required to report permanent changes in income of \$100 or more. A permanent change is defined as the starting or ending of income, and changes in employment status as in:

- (i) a change from full-time to part-time or part-time to full-time;
 - (ii) a permanent change in the number of hours expected to be worked;
 - (iii) a promotion or a demotion;
 - (iv) an additional job or loss of a job;
 - (v) a change to a different job.
- m. There is no limit on the amount of work related expenses the department may choose to pay.
- n. Recertification must be completed at least every 24 months.
- o. Self sufficiency supportive services remain available for 24 months after a household becomes ineligible for financial assistance.
- p. As long as the noncustodial parent remains absent from the household, the children in the household are deprived of support whether or not the noncustodial parent is providing care, support, and guidance to the children.

q. All parents, including step-parents, related to and residing in the same household as their dependent child, and all other dependent children living in the same household related to a parent as a child, must be included in the determination of the household's eligibility and participation requirements.

r. The required time limit to assistance specified at section 35A-3-306 (2) is effective beginning January 1, 1997. Only months of assistance received beginning January 1, 1997 count toward this time limit. Months of assistance received in another state beginning January 1, 1997 also count toward this time limit. Months beginning January 1, 1997 where a parent resides in the household, the parent's income and assets count toward determining the household's eligibility, but the parent is not eligible to be included in the financial payment also count toward this time limit. Months of reduced or partial assistance received beginning January 1, 1997 also count toward the time limit. Exceptions to this time limit include:

- (i) any exceptions listed in section 35A-3-306
- (ii) assistance may be provided beyond 36 months for each month that an individual who has received 36 months as a parent is determined to be medically unable to work.
- (iii) parents under age 19 through the month of their nineteenth birthday.
- (iv) a parent is required in the home to meet the medical needs of a dependent.
- (v) current and extraordinary circumstances and the implementation of the time limit would prevent the parent from completing the activities needed to reach a level of economic support that would close the case.

6. The following additional Single Parent Employment Program requirements apply only at Department selected sites;

a. All preschool children in a family applying for or receiving assistance must receive all of the standard childhood immunizations, unless good cause is approved by the Department. A family that fails to comply with this requirement shall be subject to a reduction of \$25 for each month the lack of compliance continues. The \$25 shall be restored in the month of compliance.

b. All children who are subject to the Utah Compulsory Education Act, must attend school on a regular basis. Where an attendance problem is discovered by the Department, the parent or caretaker of the child will be notified and offered assistance in resolving the problem. If the problem continues for three months from the date of notification, and good cause for lack of satisfactory attendance is not established, the child's needs will not be considered in calculating the family's financial assistance. The child's needs will be restored effective the month regular attendance is resumed.

KEY: income, demonstration*

[January 1, 1997]1999

Notice of Continuation February 6, 1998

35A-3



End of the Notices of Proposed Rules Section

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 July 15, 1999. At its option, the agency may hold public hearings.

From the end of the waiting period through October 13, 1999, 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.

Insurance, Administration
R590-102
Insurance Department Fee Payment
Deadlines

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 21942
FILED: 05/24/1999, 16:20
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes are being made that were suggested during the comment period.

SUMMARY OF THE RULE OR CHANGE: Two fees need to be added that were overlooked. They were approved in department hearings held December 1998 and February 1999 and were also a part of enrolled H.B. 1 lines 4391 and 4411. The fees would be added as R590-102-4.B.1.e. and 4.B.2.23. They are Authorization to appoint and remove agents for \$10 and Bail Bond Surety Certificate of Authority for \$500.

(DAR Note: H.B. 1 is found at 1999 Utah Laws 330, and will be effective July 1, 1999; the original proposed amendment upon which this change in proposed rule is based was published in the April 15, 1999, issue of the Utah State Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201, 31A-2-211, and 31A-3-103

ANTICIPATED COST OR SAVINGS TO:

THE STATE BUDGET: It had been noted in the original filing of this change that the state would experience additional revenues of \$911,450. The additional two fees noted in the summary were already figured into this amount.

LOCAL GOVERNMENTS: There will be no cost or savings to local governments. Local governments do not participate in the regulation of the insurance industry.

OTHER PERSONS: It was noted in the original filing of this rule that the net increase to the industry would be \$911,450. The two fees noted in this Change of Proposed Filing were included in that overall cost estimate.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The fee of \$10 to appoint and remove agents is not new. The Bail Bond surety Certificate of Authority for \$500 is a new fee that was added when the 1998 Legislature gave the department the authority to license bail bond agencies and individuals.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The two fees being added in this filing were approved by the 1999 Legislature and were a part of the list of fees when they were reviewed in two hearings held by the department. These two fees will have no additional impact over that already noted in the original filing of this rule.

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

Insurance
Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at idmain.jwhitby@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/16/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/1999

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-102. Insurance Department Fee Payment Deadlines.

.....

R590-102-4. Rule.

A. Fees are due and payable when service is requested unless specified in B, C, D, and E below.

B. Insurer fees:

1. Certificate of authority:

a. Initial application for certificate of authority, due with application: \$500

b. Continuation of certificate of authority, due March 1, annually: \$50

c. Reinstatement of certificate of authority, due with application for reinstatement: \$500

d. Filing of amendments to certificate of authority, due with request for amendment: \$100

e. Bail Bond Surety Certificate of Authority: \$500

2. Redomestication filing by foreign company, due with application: \$750

3. Filing of amendments to articles of incorporation, charter, or by laws, per filing: \$25

4. Filing annual statement and report of Utah business, due annually on March 1: \$250

5. Application for merger, acquisition of change of control, Form A, due with application: \$1,500

6. Application for material transactions between affiliated companies, Form D, due with application: \$100

7. Holding company registration statement, Form B, due with statement: \$25

8. Application for stock solicitation permit, due with application:

a. Public offering, but not an SEC filing: \$1,000

b. Private placement and/or SEC filing: \$250

9. Application for Accredited Reinsurer:

a. Initial application, due with application: \$500

b. Renewal application, due with application: \$250

- 10. Application for Trusteed Reinsurer, due with application:
 - a. Initial application, due with application: \$500
 - b. Renewal application, due with application: \$250
- 11. Individual license to solicit in accordance with the stock solicitation permit: \$50
- 12. Filing annual statement and renewal of fraternal, due annually on March 1: \$50
- 13. Organizational permit for mutual insurer to solicit applications for qualifying insurance policies or subscriptions for mutual bonds or contribution notes, due with application: \$500
- 14. Filing of registered agent: \$10
- 15. Risk Retention Group annual statement filing: \$250
- 16. Application for surplus lines insurer approval: \$500
- 17. Surplus Lines annual statement filing. U.S. companies due annually on May 1. Alien companies due within 60 days of the annual statement's filing with the insurance regulatory authority where the company is domiciled: \$250
- 18. Initial rate service organization license: \$250
- 19. Annual renewal of rate service organization license, due with renewal: \$50
- 20. Risk Purchasing Group initial filing and annual renewal, due with filing and renewal: \$100
- 21. Power of Attorney fee: \$10
- 22. Authorization to appoint and remove agents: \$10
- C. Individual Producer and Agency fees:
 - 1. Individual Producer:
 - a. Resident and non-resident full line producer license or renewal per two year license period, agent, broker, consultant, surplus lines broker, independent adjuster, public adjuster, reinsurance intermediary broker, third party administrator, title search, title escrow, title search and escrow, title marketing only, workers compensation:
 - (1) Initial license, due with application: \$60
 - (2) Renewal license, due with application: \$60 Effective January 1, 2000.
 - b. Resident and non-resident limited line producer license or renewal per two year license period, credit life and credit disability, motor club, travel, credit involuntary unemployment and credit property, rental car related, bail bond:
 - (1) Initial license, due with application: \$45
 - (2) Renewal license, due with application: \$45 Effective January 1, 2000.
 - c. Third Party Administrator license renewal: \$40 until January 1, 2000.
 - d. Resident agent's license renewal: \$30 until January 1, 2000.
 - e. Nonresident agent's license renewal: \$30 until January 1, 2000.
 - f. Consultant's license, resident or nonresident renewal: \$40 until January 1, 2000.
 - g. Broker's license, resident or nonresident renewal: \$40 until January 1, 2000.
 - h. Adjuster's license renewal: \$40 until January 1, 2000.
 - i. Surplus line broker's license renewal: \$40
 - j. Managing General Agent license renewal: \$40
 - k. Agent's certificate of appointment: initial appointment, termination of appointment or renewal of appointment: per two-year period or fraction of it, \$12 initial and termination due when

- requested; renewal due not later than June 30 of odd numbered years.
 - 1. Addition of producer classification or line of authority to individual producer license or agency license, due with request for additional classification or line of authority: \$25
 - 2. Agency fees:
 - a. Resident and non-resident agency license or renewal per two year license period:
 - (1) Initial license, due with application: \$60
 - (2) Renewal license, due with application: \$60 effective January 1, 2000.
 - (3) The initial and renewal agency license fees include the first twenty designees to that license. Each designee beyond twenty must be paid for as described in 2.c. below.
 - b. Agency license, resident or nonresident renewal: \$30 until January 1, 2000.
 - c. Agency designee additions or terminations during the license period, due with request for addition or termination: \$12
 - 3. Continuing Education fees:
 - a. Filing certificate or other proof of completion of continuing education, per individual licensee required to complete continuing education, due with license renewal: \$10
 - b. Continuing education provider initial application and annual renewal, due with application or renewal: \$100
 - c. Continuing education course post-approval, due with request for approval: \$5 per credit hour, minimum fee \$25
 - D. Rate and Form filing fees:
 - 1. Filing policy forms, rates, rules, and related documents, due with filing: \$20
 - 2. Life insurance illustration certification filing: \$30
 - 3. Workers compensation loss cost multiplier list: \$5
 - E. Other fees:
 - 1. Photocopy, per page: \$.25
 - 2. Copy complete annual statement, per book: \$40
 - 3. Affixing commissioner's seal and certifying any paper, due within ten days of request: \$10
 - 4. Accepting service of legal process: \$10
 - 5. Copy of department's annual Report to the Governor: \$10
 - 6. Issuance of mailing lists, or computer print-outs, per page: \$1
 - 7. Electronic format list, company, agency, individual, up to 500 records: minimum fee of \$50; over 500 records, \$.10 per record up to a maximum of \$500
 - 8. Returned check charge: \$15
 - 9. Relative Value Study book: \$10
 - F. Any fee which shall be payable to the Insurance Department and is not included in Subsection R590-102-4(A), (B), (C), (D) and (E) shall be due upon application or filing, if applicable; otherwise within ten days of notice.

.....

KEY: insurance
1999 **31A-2-201**
Notice of Continuation March 19, 1997 **31A-2-211**
31A-3-103



Insurance, Administration
R590-192
Unfair Health Claims Settlement
Practices Rule

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 21965
FILED: 05/27/1999, 09:47
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule sets forth minimum standards for the investigation and disposition of health and disability claims arising under contracts or certificates issued to residents of the State of Utah. The changes are a result of comments received during the latest comment period for this rule.

SUMMARY OF THE RULE OR CHANGE: 1) "Disability" is to be added to the title and Purpose section of the rule. 2) Subsection R590-192-4(1)(e) has been reformatted for clarity and the words "closed without settlement" added to indicate a fourth type of claim settlement. 3) Subsection R590-192-7(3) replaces "paid or denied" at end of subsection with "settled, denied or closed without settlement." 4) Subsection R590-192-7(8) replaces subsection with "Closing a claim without settlement requires a complete explanation to the claimant specifying the reason for the closure of the claim in accordance with policy provisions. Closing a claim without settlement shall not commence until 120 days after the original request for additional information. If an insurer closes a claim without settlement, the claimant must be advised that the claim will be reopened provided the requested information is received by the insurer within the policy provisions for filing a claim." 5) Subsection R590-192-7(9) Adds at the end "If it is determined by the insurer that they are unable to respond in the time frame requested, the insurer may contact the department to request an extension." 6) Subsection R590-192-8(3) Adds at the end "unless compensation relates to the discovery of billing or processing errors." 7) Subsection R590-192-8(15) delete last 4 words and add "due and unpaid within 15 days of completion of investigation."

(DAR Note: The original proposed new rule upon which this change in proposed rule is based was published in the May 1, 1999, issue of the Utah State Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-1-301, 31A-2-201, 31A-2-204, 31A-2-308, 31A-21-312, 31A-26-301, and 31A-26-303

ANTICIPATED COST OR SAVINGS TO:

- THE STATE BUDGET: The changes will not increase fees to the department or require the department to hire additional help.
LOCAL GOVERNMENTS: This rule does not affect local government. They are not involved in the regulation of this rule or receive money as a result of it.

OTHER PERSONS: The only change made that may create a fiscal impact is the addition of a third category of claim settlement called "closed without settlement." This will allow health insurers to temporarily close a claim file that the insurer has not been able to collect necessary information in order to settle the claim. For those insurers who leave their files open until they receive the necessary information, this change will allow them to temporarily close the claim earlier and withdraw the money they had reserved for the claim -- thus freeing up money to use elsewhere. Those insurers who deny claims early in the process for lack of necessary information, are able to withdraw the money reserved for the claim. Thus, this change will not impact them financially.
COMPLIANCE COSTS FOR AFFECTED PERSONS: See answer under "Other persons."

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There should be little, if any, fiscal impact resulting from these changes. What little impact there may be will be a boon to the health insurer and will not adversely affect the insured.

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

Insurance
Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at idmain.jwhitby@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/16/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/17/1999

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-192. Unfair Health and Disability Claims Settlement Practices Rule.

.....

R590-192-2. Purpose.

This rule sets forth minimum standards for the investigation and disposition of health and disability claims arising under policies or certificates issued to residents of the State of Utah. These standards include fair and rapid settlement of claims, protection of claimants under insurance policies from unfair claims settlement practices, and the promotion of the professional competence of those engaged in processing of claims. The various provisions of this rule are intended to define procedures and practices which

constitute unfair claim practices. This rule is regulatory in nature and is not intended to create a private right of action.

.....

R590-192-4. File and Record Documentation.

Each insurer's claim files for policies or certificates are subject to examination by the commissioner of insurance or by the commissioner's duly appointed designees. To aid in such examination:

(1) The insurer shall maintain claim data that are accessible and retrievable for examination. An insurer shall be able to provide:

- (a) the claim number;
- (b) copy of the policy;
- (c) date of loss;
- (d) date of settlement of the claim; and
- (e) type of settlement:
 - (i) ~~paid~~ payment, ~~and~~ including the amount paid[-];
 - (ii) settled without payment[-]; or
 - (iii) denied[-]; or
 - (iv) closed without settlement.

(2) Adequate detailed documentation shall be contained in each claim file in order to reconstruct the adjustment and settlement of each claim.

(3) Each document within the claim file shall be noted as to date received, date processed and/or date mailed.

.....

R590-192-7. Minimum Standards for Claim Handling Processes and Communications.

(1) Every insurer, upon receiving notice of loss shall, within 15 days of the notification, provide necessary claim forms, instructions, and reasonable assistance so the claimant can properly comply with company requirements for filing a claim.

(2) Upon receipt of any written notice of loss documentation required, within 30 days the insurer shall:

- (a) provide written acknowledgment of the receipt of the notice of loss;
- (b) request any necessary additional information from the claimant;
- (c) commence any necessary investigation of the claim, including requesting additional information from other parties having documentation or information relating to the claim.

(3) The insurer shall complete investigation of a claim within 30 days after receipt of completed notice of loss documentation from the claimant, unless such investigation cannot reasonably be completed within such time. It shall be the burden of the insurer to establish, by adequate records, that the investigation could not be completed within 30 days of its receipt of notice of loss. If the investigation cannot be completed within 30 days the insurer shall send to the claimant a written explanation for the delay and shall continue to so communicate at least every 30 days until the claim is ~~either paid or~~ settled, denied or closed without settlement.

(4) Within 15 days of completion of the investigation, the insurer will accomplish either:

- (a) written denial of the claim with a complete explanation to the claimant; or

(b) mailing of the claim settlement with a written explanation of the benefits.

(5) If recalculation/re-visitation of a claim becomes necessary, subsequent to either denial or settlement, the insurer shall comply with the initial time requirement as outlined in Section 3 of this section.

(6) If negotiations are continuing for settlement of a claim with a claimant, notice of expiration of statute of limitations or contract time limit shall be given to the claimant at least 60 days before the date on which such time limit may expire.

(7) Notice of loss requirements may not be unreasonable and should consider all of the circumstances surrounding a given claim

(8) Closing a claim ~~[file]~~ without settlement ~~[is considered a denial and must be so communicated in writing, to the claimant and according to the provisions of the policy]~~ requires a complete explanation to the claimant specifying the reason for the closure of the claim in accordance with policy provisions. Closing a claim without settlement shall not commence until 120 days after the original request for additional information. If an insurer closes a claim without settlement, the claimant must be advised that the claim will be reopened provided the requested information is received by the insurer within the policy provisions for filing a claim.

(9) Every insurer, upon receipt of an inquiry from the Insurance Department regarding a claim, shall furnish the Department with a substantive response to the inquiry within the appropriate number of days indicated by such inquiry. If it is determined by the insurer that they are unable to respond in the time frame requested, the insurer may contact the department to request an extension.

(10) The insurer shall acknowledge and substantively respond within 15 days to any written communication from the claimant relating to a pending claim.

R590-192-8. Unfair Methods, Deceptive Acts and Practices Defined.

The commissioner, pursuant to Subsection 31A-26-303(4), hereby find the following acts or the failure to perform required acts to be misleading, deceptive, unfairly discriminatory or overreaching in the settlement of claims.

(1) denying or threatening the denial of the payment of claims or rescinding, canceling or threatening the rescission or cancellation of coverage under a policy for any reason which is not clearly described in the policy as a reason for such denial, cancellation or rescission;

(2) failing to provide the insured or beneficiary with a written explanation of the evidence of any investigation or file materials giving rise to the denial of a claim based on misrepresentation or fraud on an insurance application, when such alleged misrepresentation is the basis for the denial;

(3) compensation by an insurer of its employees, agents or contractors of any amounts which are based on savings to the insurer as a result of denying or reducing the payment of claims, unless compensation relates to the discovery of billing or processing errors.

(4) failing to deliver a copy of standards for prompt investigation of claims to the Insurance Department when requested to do so;

- (5) refusing to settle claims without conducting a reasonable and complete investigation;
- (6) denying a claim or making a claim payment to the insured or beneficiary not accompanied by a statement or explanation of benefits setting forth the exclusion or benefit under which the denial or payment is being made and how the payment amount was calculated;
- (7) failing to make payment of a claim following notice of loss when liability is reasonably clear under one coverage in order to influence settlements under other portions of the insurance policy coverage or under other policies of insurance;
- (8) advising a claimant not to obtain the services of an attorney or other advocate or suggesting that the claimant will receive less money if an attorney is used to pursue or advise on the merits of a claim;
- (9) misleading a claimant as to the applicable statute of limitations;
- (10) deducting from a loss or claims payment made under one policy those premiums owed by the insured on another policy, unless the insured consents to such arrangement;
- (11) failing to settle a claim on the basis that responsibility for payment of the claim should be assumed by others, except as may otherwise be provided by policy provisions;
- (12) issuing a check or draft in partial settlement of a loss or a claim under a specified coverage when such check or draft contains language which purports to release the insurer or its insured from total liability;
- (13) refusing to provide a written reason for the denial of a claim upon demand of the claimant;
- (14) refusing to pay reasonably incurred expenses to the claimant when such expenses resulted from a delay, as prohibited by this rule, in the claim settlement; and
- (15) Failing to pay interest at the legal rate, as provided in Title 15, upon amounts that are ~~overdue under this rule~~ due and unpaid within 15 days of completion of investigation.

End of the Notices of Changes in Proposed Rules Section

.....

**KEY: insurance law
1999**

- 31A-1-301
- 31A-2-201
- 31A-2-204
- 31A-2-308
- 31A-21-312
- 31A-26-301
- 31A-26-303



FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the 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 REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES 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 are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1996).

Insurance, Administration **R590-93** Replacement of Life Insurance and Annuities

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22086
FILED: 05/27/1999, 11:11
RECEIVED BY: NL

NOTICE OF REVIEW 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 31A-2-201(3) provides the commissioner with the authority to make rules to implement the provisions of Title 31A. Subsection 31A-23-302(1)(1)(i), under certain conditions noted in the rule, the issuance or offer to issue any insurance which is a replacement of existing insurance shall be deemed misrepresentation and not in compliance with this code section. Subsection 31A-23-302(8) provides that unfair inducement is prohibited by the code. This rule sets the standard for the replacement of life insurance and annuity policies to provide adequate and timely information concerning the existing and proposed policies so that the purchasers may be better informed.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have not been any written or verbal comments for or against this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: In the sale of life insurance, the replacement of policies is a good way for agents to earn commissions. This rule is necessary to better

control the replacement of policies solely for the sake of commissions. It is not uncommon for these replacements to be at the detriment of the consumer. This rule is intended to provide the consumer with information to make an informed decision.

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

Insurance
Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or Internet E-mail at jdmain.jwhitby@state.ut.us.

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 05/27/1999



Insurance, Administration **R590-98** Unfair Practice in Payment of Life Insurance and Annuity Policy Values

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22087
FILED: 05/27/1999, 11:11
RECEIVED BY: NL

NOTICE OF REVIEW 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 31A-2-201 provides the commissioner with the authority to make rules to implement the provisions of Title 31A. Section 31A-23-302 allows the commissioner to define methods of competition, and acts and practices found by him to be unfair or deceptive. The rule is written to require a prompt response by the insurer or agent to the policyholder's request for policy values and limit the statutory deferral option to situations in which the financial stability of the insurer is at risk.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written or verbal comments regarding this rule in the past five years.

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 needed to be sure that insurers do not delay for more than six months the payment on the investment of a variable life policy to the policyholder.

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

Insurance Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO: Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or Internet E-mail at idmain.jwhitby@state.ut.us.

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 05/27/1999

31A-2-201(3)(a) provides the commissioner with the authority to make rules to implement the provisions of Title 31A. Section 31A-22-613.5 gives specific authority for the commissioner to "adopt rules to implement the disclosure requirements of this subsection, taking into account business confidentiality of the insurer, definitions of terms, and the method of disclosure to enrollees." It also requires that the commissioner adopt a Basic Health Care Plan to promote informed consumer behavior and responsible health insurance by requiring health insurers to disclose policy benefits and limits.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been filed with the department.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Basic Health Care Plans are still required of health insurers and requirements for these plans is changing. One way to notify industry of these changes and to instruct how the code is to be implemented is by rule. This rule provides the insurance industry with a model of each of the plans required by this rule.

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

Insurance Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO: Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or Internet E-mail at idmain.jwhitby@state.ut.us.

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 05/27/1999

Insurance, Administration
R590-165
Health Benefit Plans

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22088
FILED: 05/27/1999, 11:11
RECEIVED BY: NL

NOTICE OF REVIEW 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

Insurance, Administration
R590-166
Home Protection Service Contract Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22089
FILED: 05/27/1999, 11:11
RECEIVED BY: NL

**NOTICE OF REVIEW 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 31A-2-201(3) gives the commissioner the authority to write rules to implement the provisions of Title 31A. Subsection 31A-6a-110(1) gives the commissioner the authority to write rules to enforce the provisions of Chapter 6a entitled "Service Contracts." Subsection 31A-6a-110(2) authorizes the commissioner to exempt certain service contract providers from the requirements of this chapter. It also allows the commissioner to issue substitute requirements upon a finding that a particular provision of the code is not necessary. This rule was created to exempt the requirement that insurance be purchased to back up the service contracts sold by home protection companies with a deposit, surety bond, or irrevocable letter of credit.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: On May 7, 1999, the department held a hearing regarding this rule and also received a couple of written comments. The majority of the verbal and 100% of the written comment indicated that the reimbursement insurance was still not available. Comments and testimony also indicated that to do away with this rule would adversely affect home warranty companies and put many out of business.

**End of the Five-Year Review and
Statements of Continuation Section**

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: To do away with this rule would adversely affect home warranty companies and put many out of business.

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

Insurance
Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or Internet E-mail at idmain.jwhitby@state.ut.us.

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 05/27/1999



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

Insurance

Administration

No. 21767 (CPR): R590-190. Unfair Property, Liability and Title Claims Settlement Practices Rule.
Published: April 15, 1999
Effective: May 26, 1999

No. 21781 (CPR): R590-191. Unfair Life Insurance Claims Settlement Practices Rule.
Published: April 15, 1999
Effective: May 25, 1999

Money Management Council

Administration

No. 21941 (AMD): R628-2. Investment of Funds of Member Institutions of the State System of Higher Education.
Published: April 15, 1999
Effective: June 1, 1999

Natural Resources

Parks and Recreation

No. 21924 (AMD): R651-206. Carrying Passengers for Hire.
Published: April 15, 1999
Effective: May 18, 1999

Wildlife Resources

No. 21937 (AMD): R657-14. Commercial Harvesting of Protected Aquatic Wildlife.
Published: April 15, 1999
Effective: May 18, 1999

No. 21938 (AMD): R657-33. Taking Bear.
Published: April 15, 1999
Effective: May 18, 1999

No. 21939 (AMD): R657-37. Cooperative Wildlife Management Units for Big Game.
Published: April 15, 1999
Effective: May 18, 1999

No. 21940 (AMD): R657-41. Conservation and Sportsman Permits.
Published: April 15, 1999
Effective: May 18, 1999

Public Safety

Driver License

No. 21933 (R&R): R708-30. Motorcycle Rider Training Schools.
Published: April 15, 1999
Effective: May 18, 1999

Public Service Commission

Administration

No. 21794 (AMD): R746-200. Residential Utility Service Rules for Electric, Gas, Water, and Sewer Utilities.
Published: February 1, 1999
Effective: June 1, 1999

No. 21879 (AMD): R746-365-4. Service Quality Guidelines.
Published: March 1, 1999
Effective: June 1, 1999

School and Institutional Trust Lands

Administration

No. 21932 (AMD): R850-40-1600. Easement Assignments.
Published: April 15, 1999
Effective: May 18, 1999

Transportation

Motor Carrier, Ports of Entry

No. 21819 (REP): R912-4. Limitation of Special Permit Vehicles in Provo Canyon. Legal and Permitted Vehicles.
Published: February 15, 1999
Effective: June 1, 1999

RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 1999, including notices of effective date received through June 1, 1999, the effective dates of which are no later than June 15, 1999. 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).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

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>Facilities Construction and Management</u>					
R23-29	Across the Board Delegation	22041	5YR	05/11/99	99-11/75
<u>Finance</u>					
R25-5	Payment of Per Diem to Boards	21887	NSC	03/05/99	Not Printed
R25-7	Travel-Related Reimbursements for State Employees	21888	NSC	03/05/99	Not Printed
R25-8	Meal Allowance	21889	NSC	03/05/99	Not Printed
<u>Records Committee</u>					
R35-1	State Records Committee Appeal Hearing Procedures	21751	NEW	03/18/99	99-2/2
AGRICULTURE AND FOOD					
<u>Administration</u>					
R51-5	Grazing Advisory Boards	21884	5YR	02/22/99	99-6/27

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Plant Industry</u>					
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	21701	AMD	01/15/99	98-24/8
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	21808	AMD	03/18/99	99-4/7
COMMERCE					
<u>Occupational and Professional Licensing</u>					
R156-5a	Podiatric Physician Licensing Act Rules	21907	5YR	03/02/99	99-7/54
R156-24a	Physical Therapist Practice Act Rules	21716	AMD	see CPR	98-24/11
R156-24a	Physical Therapist Practice Act Rules	21716	CPR	03/09/99	99-3/56
R156-28	Veterinary Practice Act Rules	21753	AMD	02/18/99	99-2/3
R156-31b	Nurse Practice Act Rules	21903	AMD	04/15/99	99-6/4
R156-37c	Utah Controlled Substance Precursor Act Rules	21908	5YR	03/02/99	99-7/54
R156-39a	Alternative Dispute Resolution Providers Certification Act Rules	21905	5YR	03/01/99	99-6/27
R156-50	Private Probation Provider Licensing Act Rules	21822	AMD	03/18/99	99-4/9
R156-62-302	Qualifications for Registration	21899	AMD	04/15/99	99-6/6
R156-63	Security Personnel Licensing Act Rules	21855	AMD	04/01/99	99-5/7
R156-74	Certified Shorthand Reporters Licensing Act Rules	21812	NEW	03/18/99	99-4/12
R156-78	Rules of the Certified Shorthand Reporters Licensing Board	21813	REP	03/18/99	99-4/13
<u>Real Estate</u>					
R162-101	Authority and Definitions	22000	EMR	05/03/99	99-10/90
R162-102	Licensing Procedures	22001	EMR	05/03/99	99-10/91
R162-103	Appraisal Education Requirements for Prelicense and Continuing Education Course, School and Instructor Certification	22002	EMR	05/03/99	99-10/94
R162-104	Experience Requirement	22003	EMR	05/03/99	99-10/98
R162-105	Scope of Authority	22004	EMR	05/03/99	99-10/100
R162-106	Professional Conduct	22005	EMR	05/03/99	99-10/102
R162-107	Unprofessional Conduct	22006	EMR	05/03/99	99-10/104
R162-109	Administrative Proceedings	22007	EMR	05/03/99	99-10/105
CORRECTIONS					
<u>Administration</u>					
R251-103	Undercover Roles of Offenders	21858	5YR	02/12/99	99-5/57
R251-105	Applicant Qualifications for Employment with Department of Corrections	21828	5YR	02/01/99	99-4/65
R251-105	Applicant Qualifications for Employment with Department of Corrections	21829	AMD	03/29/99	99-4/15
CRIME VICTIM REPARATIONS					
<u>Administration</u>					
R270-1	Award and Reparation Standards	21904	AMD	04/15/99	99-6/7

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
EDUCATION					
<u>Administration</u>					
R277-102	Adjudicative Proceedings	21893	5YR	02/26/99	99-6/28
R277-413	Accreditation of Secondary Schools, Alternative or Special Purpose Schools	21823	NEW	03/22/99	99-4/16
R277-425	Budgeting, Accounting, and Auditing for Utah School Districts	21894	5YR	02/26/99	99-6/28
R277-436	Gang Prevention and Intervention Programs in the Schools	21902	AMD	04/15/99	99-6/12
R277-437	Student Enrollment Options	21677	NEW	01/05/99	98-23/4
R277-455	Standards and Procedures for Building Plan Review	21895	5YR	02/26/99	99-6/29
R277-458	70% Utilization of School Buildings	22024	EMR	04/30/99	99-10/107
R277-470	Distribution of Funds for Charter Schools	21773	NSC	01/27/99	Not Printed
R277-519	Educator In-service Procedures and Credit	21824	AMD	03/22/99	99-4/19
R277-601	Standards for Utah School Buses and Operations	21896	5YR	02/26/99	99-6/29
R277-702	Procedures for the Utah General Educational Development Certificate	21825	AMD	03/22/99	99-4/20
R277-712	Advanced Placement Programs	21897	5YR	02/26/99	99-6/30
R277-733	Adult Basic Skills and Adult High School Programs	21826	AMD	03/22/99	99-4/22
R277-734	Standards and Procedures for Adult Education Section 353 Funds	21898	5YR	02/26/99	99-6/30
R277-735	Standards and Procedures for Corrections Education Programs Serving Inmates of the Utah Department of Corrections	21678	NEW	01/05/99	98-23/6
<u>Applied Technology Education (Board for), Rehabilitation</u>					
R280-201	USOR ADA Complaint Procedure	21679	NEW	01/05/99	98-23/8
R280-202	USOR Procedures for Individuals with the Most Severe Disabilities	21680	NEW	01/05/99	98-23/10
ENVIRONMENTAL QUALITY					
<u>Air Quality</u>					
R307-12 (Changed to R307-205)	Fugitive Emissions and Fugitive Dust	21697	AMD	see CPR	98-24/12
R307-12 (Changed to R307-205)	Emission Standards: Fugitive Emissions and Fugitive Dust	21697	CPR	05/04/99	99-7/44
R307-101-2	Definitions	21588	AMD	01/07/99	98-22/49
R307-101-2	Definitions	21782	AMD	04/08/99	99-3/4
R307-101-2	Definitions	21851	AMD	05/06/99	99-5/9
R307-150	Periodic Inventories	21590	REP	03/04/99	98-22/55
R307-150	Emission Inventories	21591	NEW	see CPR	98-22/56
R307-150	Emission Inventories	21591	CPR	03/04/99	99-3/57
R307-155	Emission Inventories	21592	REP	03/04/99	99-22/60

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R307-155	Hazardous Air Pollutant Inventory	21593	NEW	see CPR	98-22/62
R307-155	Hazardous Air Pollutant Inventory	21593	CPR	03/04/99	99-3/59
R307-158	Emission Statement Inventory	21594	NEW	see CPR	98-22/64
R307-158	Emission Statement Inventory	21594	CPR	03/04/99	99-3/60
R307-170	Continuous Emission Monitoring Program	21504	R&R	see CPR	98-20/5
R307-170	Continuous Emission Monitoring Program	21504	CPR	04/01/99	99-5/51
R307-214	National Emission Standards for Hazardous Air Pollutants	21844	5YR	02/03/99	99-5/57
R307-221	Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills	21595	AMD	01/07/99	98-22/66
R307-221	Emission Controls for Existing Municipal Solid Waste Landfills	21850	NSC	02/27/99	Not Printed
R307-302-2	No-Burn Periods for PM10	21570	AMD	01/07/99	98-22/67
R307-309	Davis, Salt Lake, and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust	21698	NEW	see CPR	98-24/15
R307-309	Davis, Salt Lake, and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust	21698	CPR	05/04/99	99-7/46
R307-403	Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas	21852	AMD	05/06/99	99-5/16
R307-415	Permits: Operating Permit Requirements	21900	5YR	03/01/99	99-6/31
R307-415-3	Definitions	21589	AMD	01/07/99	98-22/68
R307-417	Permits: Acid Rain Sources	21735	AMD	03/05/99	99-1/3
R307-417	Permits: Acid Rain Sources	21910	5YR	03/05/99	99-7/55
R307-420	Permits: Ozone Offset Requirements in Davis and Salt Lake Counties	21853	NEW	05/06/99	99-5/18
<u>Drinking Water</u>					
R309-104	Monitoring, Reporting and Public Notification	21553	AMD	01/15/99	98-21/16
R309-113	Drinking Water Source Protection	21554	AMD	01/15/99	98-21/20
<u>Environmental Response and Remediation</u>					
R311-201	Underground Storage Tanks: Certification Program	21854	NSC	02/27/99	Not Printed
<u>Radiation Control</u>					
R313-12-3	Definitions	21684	AMD	03/12/99	98-24/26
R313-15-906	Procedures for Receiving and Opening Packages	21685	AMD	03/12/99	98-24/32
R313-16	General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines	21535	AMD	01/15/99	98-21/27
R313-19	Requirements of General Applicability to Licensing of Radioactive Material	21686	AMD	03/12/99	98-24/33
R313-21	General Licenses	21805	5YR	01/25/99	99-4/65
R313-28	Use of X-rays in the Healing Arts	21682	AMD	03/12/99	98-24/46

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R313-30	Therapeutic Radiation Machines	21806	5YR	01/25/99	99-4/66
R313-38	Radiation Safety Requirements for Wireline Service Operation and Subsurface Tracer Studies	21807	5YR	01/25/99	99-4/66
<u>Solid and Hazardous Waste</u>					
R315-2	General Requirements - Identification and Listing of Hazardous Waste	21459	AMD	see CPR	98-19/10
R315-2	General Requirements - Identification and Listing of Hazardous Waste	21459	CPR	02/15/99	99-1/28
R315-2-2	Definition of Solid Waste	21856	AMD	04/15/99	99-5/20
R315-301-2	Definitions	21783	AMD	03/15/99	99-3/10
R315-303	Landfilling Standards	21784	AMD	see CPR	99-3/14
R315-303	Landfilling Standards	21784	CPR	05/05/99	99-7/78
R315-304	Industrial Solid Waste Landfill Requirements	21439	AMD	see CPR	98-19/50
R315-304	Industrial Solid Waste Landfill Requirements	21439	CPR	01/05/99	98-23/45
R315-304-1	Applicability	21772	NSC	01/05/99	Not Printed
R315-305-5	Requirements for Operation	21785	AMD	03/15/99	99-3/18
R315-315-6	PCB Containing Waste	21786	AMD	03/15/99	99-3/19
R315-317	Other Processes, Variances, and Violations	21787	AMD	03/15/99	99-3/20
R315-318	Permit by Rule	21788	AMD	see CPR	99-3/22
R315-318	Permit by Rule	21788	CPR	05/05/99	99-7/50
R315-320	Waste Tire Transporter and Recycler Requirements	21920	5YR	03/12/99	99-7/55
<u>Water Quality</u>					
R317-10	Certification of Wastewater Works Operators	21449	AMD	see CPR	98-19/70
R317-10	Certification of Wastewater Works Operators	21449	CPR	02/04/99	99-1/35
FAIR CORPORATION (UTAH STATE)					
<u>Administration</u>					
R325-1	Utah State Fair Competitive Exhibitor Rules	21872	AMD	04/05/99	99-5/22
R325-2	Utah State Fair Commercial Exhibitor Rules	21873	AMD	04/05/99	99-5/23
R325-3	Utah State Fair Patron Rules	21874	AMD	04/05/99	99-5/24
R325-4	Interim Patrons Rules (Other Than Utah State Fair)	21875	AMD	04/05/99	99-5/25
R325-5	Interim Renters Rules (Other Than Utah State Fair)	21876	AMD	04/05/99	99-5/26
HEALTH					
<u>Children's Health Insurance Program</u>					
R382-10	Eligibility	21669	AMD	01/07/99	98-23/12
R382-10	Eligibility	21843	NSC	02/27/99	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Health Care Financing</u>					
R410-14	Division of Health Care Financing Administrative Hearing Procedures for Medicaid/UMAP Applicants, Recipients and Providers, and Non-Medicaid/UMAP Nursing Home Residents as per "OBRA" Preadmission Screening and Annual Resident Review (PASARR) Determinations/Resident Rights Requirements	21668	AMD	01/07/99	98-23/14
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-1	Utah Medicaid Program	21890	AMD	04/23/99	99-6/13
R414-29	Client Review/Education and Restriction Policy	21687	AMD	01/21/99	98-24/50
R414-31X	Hospital Utilization Review	21891	REP	04/23/99	99-6/18
R414-54	Speech-Language Pathology Services	21935	5YR	03/31/99	99-8/73
R414-58	Children's Organ Transplants	21857	5YR	02/12/99	99-5/58
R414-303	Coverage Groups	21529	AMD	01/05/99	98-21/31
R414-304	Income and Budgeting	21764	AMD	02/25/99	99-2/4
R414-307	Eligibility Determination and Redetermination	21892	AMD	04/23/99	99-6/19
<u>Health Systems Improvement, Emergency Medical Services</u>					
R426-1	Ambulance Rules	21693	AMD	02/26/99	98-24/51
R426-1-8	Maximum Licensed Services Transportation Rates and Charges	21649	AMD	01/07/99	98-23/22
R426-2	Air Medical Service Rules	21688	AMD	01/22/99	98-24/59
R426-3	Utah Mobile Paramedic Rules	21694	AMD	01/22/99	98-24/61
R426-4	Emergency Medical Dispatcher Rules	21695	AMD	01/22/99	98-24/67
R426-6	Emergency Medical Services Grants Program Rules	21657	AMD	03/01/99	98-23/23
R426-6	Emergency Medical Services Grants Program Rules	21906	AMD	05/14/99	99-7/12
<u>Health Data Analysis</u>					
R428-10	Health Data Authority Hospital Inpatient Reporting Rule	21755	AMD	03/01/99	99-2/10
<u>Health Systems Improvement, Child Care Licensing</u>					
R430-100-13	Infection Control	21769	AMD	02/25/99	99-2/13
<u>Health Systems Improvement, Health Facility Licensure</u>					
R432-1	General Health Care Facility Rules	21795	5YR	01/20/99	99-4/67
R432-2	General Licensing Provisions	21775	5YR	01/11/99	99-3/68
R432-2	General Licensing Provisions	21859	AMD	04/21/99	99-5/29
R432-3	General Health Care Facility Rules Inspection and Enforcement	21776	5YR	01/11/99	99-3/68
R432-4	General Construction	21815	5YR	01/29/99	99-4/68
R432-5	Nursing Facility Construction	21816	5YR	01/29/99	99-4/68
R432-6	Assisted Living Facility General Construction	21700	AMD	01/29/99	98-24/69
R432-6	Assisted Living Facility General Construction	21817	5YR	01/29/99	99-4/69

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R432-100-23	Blood Services	21796	AMD	04/07/99	99-4/25
R432-149	Intermediate Care Facility	21818	5YR	01/29/99	99-4/69
R432-149	Intermediate Care Facility	21797	REP	04/07/99	99-4/26
R432-150	Nursing Care Facility Rules	21752	R&R	02/25/99	99-2/15
R432-250	Residential Health Care Facilities	21528	REP	01/20/99	98-21/42
R432-270	Assisted Living Facilities	21722	R&R	01/29/99	98-24/70
R432-300	Residential Health Care Facility - Limited Capacity - Type N	21561	R&R	01/11/99	98-22/73
R432-650	End Stage Renal Disease Facility Rules	21562	AMD	01/11/99	98-22/82
R432-750	Hospice Rule	21734	AMD	02/25/99	99-1/3
<u>Health Systems Improvement, Primary Care and Rural Health</u>					
R434-10	Physicians and Physician Assistants Grant and Scholarship Program	21802	AMD	03/26/99	99-4/36
R434-20	Special Population Health Care Provider Financial Assistance Program	21666	NEW	01/07/99	98-23/26
<u>Laboratory Services</u>					
R438-13	Rules for the Certification of Institutions to Obtain Impounded Animals in the State of Utah	21928	5YR	03/18/99	99-8/73
HUMAN RESOURCE MANAGEMENT					
<u>Administration</u>					
R477-8	Working Conditions	21803	AMD	05/04/99	99-4/42
HUMAN SERVICES					
<u>Administration</u>					
R495-879	Parental Support for Children in Care	21916	5YR	03/11/99	99-7/56
R495-879	Parental Support for Children in Care	21917	AMD	05/10/99	99-7/28
<u>Administration, Administrative Services, Licensing</u>					
R501-1	General Provisions	21768	NSC	01/27/99	Not Printed
R501-14	Criminal Background Screening	21821	AMD	03/22/99	99-4/47
<u>Aging and Adult Services</u>					
R510-103	Use of Senior Centers by Long Term Care Facility Residents and Senior Citizens' Groups Participating in Activities Outside Their Planning and Service Area	21730	AMD	02/03/99	99-1/14
R510-111	Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC)	21885	5YR	02/23/99	99-6/31
R510-111	Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC)	21886	NSC	02/27/99	Not Printed
<u>Child and Family Services</u>					
R512-25	Child Protective Services Notification and Due Process	21465	AMD	01/21/99	98-19/78

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Recovery Services</u>					
R527-39	Applicant/Recipient Cooperation	21870	AMD	04/05/99	99-5/33
R527-56	In-Kind Support	21871	AMD	04/05/99	99-5/35
R527-200	Administrative Procedures	21675	AMD	01/04/99	98-23/33
R527-210	Guidelines for Setting Child Support Awards	21809	5YR	01/26/99	99-4/70
R527-210	Guidelines for Setting Child Support Awards	21810	NSC	01/27/99	Not Printed
R527-378	Garnishment of Social Security Benefits	21726	AMD	01/15/99	98-24/90
R527-430	Administrative Notice of Lien-Levy Procedures	21811	AMD	03/18/99	99-4/49
INSURANCE					
<u>Administration</u>					
R590-93	Replacement of Life Insurance and Annuities	22086	5YR	05/27/99	99-12/103
R590-96	Rule to Recognize New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities	21766	AMD	03/16/99	99-2/46
R590-98	Unfair Practice in Payment of Life Insurance and Annuity Policy Values	22087	5YR	05/27/99	99-12/103
R590-135	Accounting Records Rule	21723	REP	03/18/99	98-24/91
R590-160	Administrative Proceedings	21804	5YR	01/22/99	99-4/71
R590-165	Health Benefit Plans	21790	AMD	03/16/99	99-3/23
R590-165	Health Benefit Plans	22088	5YR	05/27/99	99-12/104
R590-166	Home Protection Service Contract Rule	22089	5YR	05/27/99	99-12/104
R590-167	Individual and Small Employer Health Insurance Rule	21791	AMD	03/11/99	99-3/24
R590-170	Fiduciary and Trust Account Obligations	21725	NEW	see CPR	98-24/95
R590-170	Fiduciary and Trust Account Obligations	21725	CPR	03/18/99	99-3/62
R590-175	Basic Health Care Plan Rule	21792	AMD	03/11/99	99-3/29
R590-190	Unfair Property, Liability and Title Claims Settlement Practices Rule	21767	NEW	see CPR	99-2/47
R590-190	Unfair Property, Liability and Title Claims Settlement Practices Rule	21767	CPR	05/26/99	99-8/64
R590-191	Unfair Life Insurance Claims Settlement Practices Rule	21781	NEW	see CPR	99-3/30
R590-191	Unfair Life Insurance Claims Settlement Practices Rule	21781	CPR	05/25/99	99-8/69
R590-194	Coverage of Dietary Products for Inborn Errors of Amino Acid or Urea Cycle Metabolism	21765	NEW	03/23/99	99-2/52
R590-195	Rental Car Related Licensing Rule	21848	NEW	04/22/99	99-5/36
LABOR COMMISSION					
<u>Adjudication</u>					
R602-2-1	Pleadings and Discovery	21845	AMD	04/05/99	99-5/38
R602-2-4	Attorney Fees	21846	AMD	04/05/99	99-5/40
<u>Occupational Safety and Health</u>					
R614-1-4	Incorporation of Federal Standards	21847	AMD	04/05/99	99-5/41

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Safety</u>					
R616-3	Elevator Rules	21454	AMD	01/28/99	98-19/84
MONEY MANAGEMENT COUNCIL					
<u>Administration</u>					
R628-2	Investment of Funds of Member Institutions of the State System of Higher Education	21941	AMD	06/01/99	99-8/21
NATURAL RESOURCES					
<u>Oil, Gas and Mining: Coal</u>					
R645-101	Restrictions on State Employees	21976	5YR	04/19/99	99-10/110
R645-104	Protection of Employees	21977	5YR	04/19/99	99-10/110
R645-401	Inspection and Enforcement: Civil Penalties	21978	5YR	04/19/99	99-10/111
<u>Oil, Gas and Mining: Non-Coal</u>					
R647-2	Exploration	21757	AMD	02/26/99	99-2/54
R647-3	Small Mining Operations	21758	AMD	02/26/99	99-2/55
R647-4	Large Mining Operations	21759	AMD	02/26/99	99-2/56
<u>Oil, Gas and Mining: Oil and Gas</u>					
R649-6	Gas Processing and Waste Crude Oil Treatment	21979	5YR	04/19/99	99-10/111
<u>Parks and Recreation</u>					
R651-206	Carrying Passengers for Hire	21924	AMD	05/18/99	99-8/23
<u>Forestry, Fire and State Lands</u>					
R652-70-2300	Management of Bear Lake Sovereign Lands	21672	AMD	01/14/99	98-23/36
<u>Water Resources</u>					
R653-2	Financial Assistance from the Board of Water Resources	21736	AMD	02/02/99	99-1/15
<u>Wildlife Resources</u>					
R657-5	Taking Big Game	21717	AMD	01/15/99	98-24/96
R657-14	Commercial Harvesting of Protected Aquatic Wildlife	21937	AMD	05/18/99	99-8/25
R657-27	License Agent Procedures	21827	AMD	03/18/99	99-4/51
R657-33	Taking Bear	21938	AMD	05/18/99	99-8/33
R657-37	Cooperative Wildlife Management Units for Big Game	22027	5YR	05/03/99	99-11/75
R657-37	Cooperative Wildlife Management Units for Big Game	21939	AMD	05/18/99	99-8/39
R657-38	Dedicated Hunter Program	21719	AMD	01/15/99	98-24/107

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R657-41	Conservation and Sportsman Permits	21940	AMD	05/18/99	99-8/45
R657-42	Exchanges, Surrenders, Refunds and Reallocation of Licenses, Certificates of Registration and Permits	21720	AMD	01/15/99	98-24/109
R657-43	Landowner Permits	21721	AMD	01/15/99	98-24/110
PROFESSIONAL PRACTICES ADVISORY COMMISSION					
<u>Administration</u>					
R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	21921	AMD	05/06/99	99-7/31
R686-103	Professional Practices and Conduct for Utah Educators	21922	NEW	05/06/99	99-7/40
PUBLIC SAFETY					
<u>Administration</u>					
R698-4	Certification of the Law Enforcement Agency of a Private College or University	21779	NEW	03/05/99	99-3/33
<u>Driver License</u>					
R708-2	Commercial Driver Training Schools	21579	R&R	see CPR	98-22/115
R708-2	Commercial Driver Training Schools	21579	CPR	03/18/99	99-4/61
R708-30	Motorcycle Rider Training Schools	21881	5YR	02/17/99	99-6/32
R708-30	Motorcycle Rider Training Schools	21933	R&R	05/18/99	99-8/48
<u>Fire Marshal</u>					
R710-1	Concerns Servicing Portable Fire Extinguishers	21708	AMD	01/15/99	98-24/112
R710-3	Assisted Living Facilities	21709	AMD	01/15/99	98-24/116
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	21710	AMD	01/15/99	98-24/117
R710-6	Liquefied Petroleum Gas Rules	21733	AMD	02/02/99	99-1/17
R710-8	Day Care Rules	21712	AMD	see CPR	98-24/120
R710-8	Day Care Rules	21712	CPR	02/23/99	99-2/88
R710-9	Rules Pursuant to the Utah Fire Prevention Law	21901	AMD	04/19/99	99-6/21
<u>Highway Patrol</u>					
R714-600	Performance Standards for Tow-Truck Motor Carriers	21882	NEW	04/15/99	99-6/25
PUBLIC SERVICE COMMISSION					
<u>Administration</u>					
R746-100	Practice and Procedure Governing Formal Hearings	21793	AMD	05/17/99	99-3/34
R746-200	Residential Utility Service Rules for Electric, Gas, Water, and Sewer Utilities	21794	AMD	06/01/99	99-3/41
R746-365	Intercarrier Service Quality	20997	NEW	see CPR	98-9/50
R746-365	Intercarrier Service Quality	20997	CPR	01/13/99	98-18/39
R746-365	Intercarrier Service Quality	21774	NSC	01/15/99	Not Printed
R746-365-4	Service Quality Guidelines	21879	AMD	06/01/99	99-5/42

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
REGENTS (BOARD OF)					
<u>Administration</u>					
R765-607	Utah Higher Education Tuition Assistance Program	21673	NEW	01/04/99	98-23/38
R765-607	Utah Higher Education Tuition Assistance Program	21771	NSC	01/27/99	Not Printed
R765-685	Utah Educational Savings Plan Trust	21674	AMD	01/04/99	98-23/40
<u>Salt Lake Community College</u>					
R784-1	Government Records Access and Management Act Rules	21820	NEW	03/18/99	99-4/57
SCHOOL AND INSTITUTIONAL TRUST LANDS					
<u>Administration</u>					
R850-20-175	Coal Leasing of Lands Acquired in Public Law 105-335 Exchanges	21909	EXP	03/03/99	99-7/52
R850-40-1600	Easement Assignments	21932	AMD	05/18/99	99-8/58
TAX COMMISSION					
<u>Auditing</u>					
R865-6F-34	Qualified Subchapter S Subsidiaries Pursuant to Utah Code Ann. Section 59-7-701	21760	AMD	03/16/99	99-2/58
R865-6F-35	S Corporation Determination of Tax Pursuant to Utah Code Ann. Section 59-7-703	21761	AMD	03/16/99	99-2/59
DAR Note: The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee."					
R865-7H-1	Environmental Assurance Fee for Retailers or Consumers Not Participating in the Environmental Assurance Program Pursuant to Utah Code Ann. Section 19-6-410.5	21737	NEW	03/16/99	99-1/22
R865-7H-2	Environmental Assurance Fee on Packaged Petroleum Products Pursuant to Utah Code Ann. Section 19-6-410.5	21738	NEW	03/16/99	99-1/24
R865-7H-3	Environmental Assurance Fee on Exports of Petroleum Products Pursuant to Utah Code Ann. Section 19-6-410.5	21739	NEW	03/16/99	99-1/24
R865-13G-14	Environmental Assurance Fee Pursuant to Utah Code Ann. Section 19-6-410.5	21740	AMD	04/28/99	99-1/25
<u>Property Tax</u>					
R884-24P-52	Criteria for Determining Primary Residence Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-103	21326	AMD	see CPR	98-16/58
R884-24P-52	Criteria for Determining Primary Residence Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-103	21326	CPR	01/12/99	98-23/46

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R884-24P-53	1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	21777	EMR	01/12/99	99-3/64
R884-24P-53	1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	21789	AMD	03/16/99	99-3/46
R884-24P-61	1.5 Percent Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Sections 41-1a-202, 59-2-104, 59-2-401, 59-2-402, and 59-2-405	21762	AMD	03/16/99	99-2/60
R884-24P-63	Performance Standards and Training Requirements Pursuant to Utah Code Ann. Section 59-2-406	21676	AMD	03/16/99	98-23/42
TRANSPORTATION					
<u>Motor Carrier</u>					
R909-1	Safety Regulations for Motor Carriers	21756	AMD	03/15/99	99-2/62
R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	21780	AMD	05/04/99	99-3/49
<u>Motor Carrier, Ports of Entry</u>					
R912-3	Restriction of Truck Traffic on SR-128. Legal and Permitted Vehicles	21799	NSC	01/27/99	Not Printed
R912-4	Limitation of Special Permit Vehicles in Provo Canyon. Legal and Permitted Vehicles	21819	REP	06/01/99	99-4/58
R912-8	Minimum Tire, Axle and Suspension Ratings for Heavy Vehicles and the Use of Retractable or Variable Load Suspension Axles in Utah	21800	NSC	01/27/99	Not Printed
R912-76	Single Tire Configuration	21801	NSC	01/27/99	Not Printed
WORKFORCE SERVICES					
<u>Employment Development</u>					
R986-413	Program Standards	21705	AMD	01/20/99	98-24/122
R986-414	Income	21581	AMD	01/20/99	98-22/133
R986-414	Income	21763	AMD	04/08/99	99-2/64
R986-417	Documentation	21582	AMD	01/20/99	98-22/134
R986-419	Income Limits	21706	AMD	01/20/99	98-24/124
R986-420	Maximum Allotments	21707	AMD	01/20/99	98-24/125
R986-421	Demonstration Programs	21585	AMD	01/20/99	98-22/136
R986-501	Displaced Homemaker Program	21883	5YR	02/19/99	99-6/32
<u>Workforce Information and Payment Services</u>					
R994-405	Ineligibility for Benefits	21745	AMD	02/17/99	99-2/65
R994-405	Ineligibility for Benefits	21746	AMD	02/17/99	99-2/72
R994-405	Ineligibility for Benefits	21748	AMD	02/17/99	99-2/77
R994-405	Ineligibility for Benefits	21749	AMD	02/17/99	99-2/83
R994-405	Ineligibility for Benefits	21747	NSC	02/20/99	Not Printed
R994-600	Dislocated Workers	21770	AMD	03/05/99	99-3/51

RULES INDEX - BY KEYWORD (SUBJECT)

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	

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>ACCELERATED LEARNING</u>					
Education, Administration	21897	R277-712	5YR	02/26/99	99-6/30
<u>ACCREDITATION</u>					
Education, Administration	21823	R277-413	NEW	03/22/99	99-4/16
<u>ACID RAIN</u>					
Environmental Quality, Air Quality	21735	R307-417	AMD	03/05/99	99-1/3
	21910	R307-417	5YR	03/05/99	99-7/55
<u>ADMINISTRATIVE LAW</u>					
Human Services, Recovery Services	21675	R527-200	AMD	01/04/99	98-23/33
<u>ADMINISTRATIVE PROCEDURES</u>					
Education, Administration	21893	R277-102	5YR	02/26/99	99-6/28
Environmental Quality, Drinking Water	21553	R309-104	AMD	01/15/99	98-21/16
Labor Commission, Adjudication	21845	R602-2-1	AMD	04/05/99	99-5/38
	21846	R602-2-4	AMD	04/05/99	99-5/40
Natural Resources; Forestry, Fire and State Lands	21672	R652-70-2300	AMD	01/14/99	98-23/36
School and Institutional Trust Lands, Administration	21909	R850-20-175	EXP	03/03/99	99-7/52
	21932	R850-40-1600	AMD	05/18/99	99-8/58
<u>ADMINISTRATIVE RESPONSIBILITY</u>					
Environmental Quality, Radiation Control	21807	R313-38	5YR	01/25/99	99-4/66
<u>ADULT EDUCATION</u>					
Education, Administration	21825	R277-702	AMD	03/22/99	99-4/20
	21826	R277-733	AMD	03/22/99	99-4/22
	21898	R277-734	5YR	02/26/99	99-6/30
Workforce Services, Employment Development	21883	R986-501	5YR	02/19/99	99-6/32
<u>AGING</u>					
Human Services, Aging and Adult Services	21885	R510-111	5YR	02/23/99	99-6/31
	21886	R510-111	NSC	02/27/99	Not Printed
<u>AGRICULTURE ASSOCIATIONS</u>					
Agriculture and Food, Administration	21884	R51-5	5YR	02/22/99	99-6/27

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>AIR POLLUTION</u>					
Environmental Quality, Air Quality	21697	R307-12 (Changed to R307-205)	AMD	see CPR	98-24/12
	21697	R307-12 (Changed to R307-205)	CPR	05/04/99	99-7/44
	21588	R307-101-2	AMD	01/07/99	98-22/49
	21782	R307-101-2	AMD	04/08/99	99-3/4
	21851	R307-101-2	AMD	05/06/99	99-5/9
	21591	R307-150	NEW	see CPR	98-22/56
	21591	R307-150	CPR	03/04/99	99-3/57
	21592	R307-155	REP	03/04/99	98-22/60
	21593	R307-155	NEW	see CPR	98-22/62
	21593	R307-155	CPR	03/04/99	99-3/59
	21594	R307-158	NEW	see CPR	98-22/64
	21594	R307-158	CPR	03/04/99	99-3/60
	21504	R307-170	R&R	see CPR	98-20/5
	21504	R307-170	CPR	04/01/99	99-5/51
	21844	R307-214	5YR	02/03/99	99-5/57
	21595	R307-221	AMD	01/07/99	98-22/66
	21850	R307-221	NSC	02/27/99	Not Printed
	21570	R307-302-2	AMD	01/07/99	98-22/67
	21698	R307-309	NEW	see CPR	98-24/15
	21698	R307-309	CPR	05/04/99	99-7/46
	21852	R307-403	AMD	05/06/99	99-5/16
	21900	R307-415	5YR	03/01/99	99-6/31
	21589	R307-415-3	AMD	01/07/99	98-22/68
	21853	R307-420	NEW	05/06/99	99-5/18
<u>AIR QUALITY</u>					
Environmental Quality, Air Quality	21735	R307-417	AMD	03/05/99	99-1/3
	21910	R307-417	5YR	03/05/99	99-7/55
<u>AIR TRAVEL</u>					
Administrative Services, Finance	21888	R25-7	NSC	03/05/99	Not Printed
<u>ALLOWANCE</u>					
Administrative Services, Finance	21889	R25-8	NSC	03/05/99	Not Printed
<u>ALTERNATIVE DISPUTE RESOLUTION</u>					
Commerce, Occupational and Professional Licensing	21905	R156-39a	5YR	03/01/99	99-6/27
<u>ANIMALS</u>					
Health, Laboratory Services	21928	R438-13	5YR	03/18/99	99-8/73
<u>APPLIED TECHNOLOGY EDUCATION</u>					
Workforce Services, Employment Development	21883	R986-501	5YR	02/19/99	99-6/32
<u>APPRAISAL</u>					
Tax Commission, Property Tax	21777	R884-24P-53	EMR	01/12/99	99-3/64
	21789	R884-24P-53	AMD	03/16/99	99-3/46

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	21762	R884-24P-61	AMD	03/16/99	99-2/60
	21676	R884-24P-63	AMD	03/16/99	98-23/42
<u>ARBITRATION</u>					
Commerce, Occupational and Professional Licensing	21905	R156-39a	5YR	03/01/99	99-6/27
<u>ASSISTED LIVING FACILITIES</u>					
Public Safety, Fire Marshal	21709	R710-3	AMD	01/15/99	98-24/116
<u>AUTHORITY</u>					
Environmental Quality, Air Quality	21590	R307-150	REP	03/04/99	98-22/55
<u>BAIT DEALERS</u>					
Natural Resources, Wildlife Resources	21937	R657-14	AMD	05/18/99	99-8/25
<u>BEAM LIMITATION</u>					
Environmental Quality, Radiation Control	21682	R313-28	AMD	03/12/99	98-24/46
<u>BEAR</u>					
Natural Resources, Wildlife Resources	21938	R657-33	AMD	05/18/99	99-8/33
<u>BENEFITS</u>					
Workforce Services, Employment Development	21582	R986-417	AMD	01/20/99	98-22/134
<u>BIG GAME SEASONS</u>					
Natural Resources, Wildlife Resources	21717	R657-5	AMD	01/15/99	98-24/96
	21721	R657-43	AMD	01/15/99	98-24/110
<u>BOARDS</u>					
Administrative Services, Finance	21887	R25-5	NSC	03/05/99	Not Printed
<u>BOATING</u>					
Natural Resources, Parks and Recreation	21924	R651-206	AMD	05/18/99	99-8/23
<u>BUDGETING</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	21764	R414-304	AMD	02/25/99	99-2/4
<u>BUILDINGS</u>					
Administrative Services, Facilities Construction and Management	22041	R23-29	5YR	05/11/99	99-11/75
<u>BUSES</u>					
Education, Administration	21896	R277-601	5YR	02/26/99	99-6/29
<u>CERTIFICATION</u>					
Labor Commission, Safety	21454	R616-3	AMD	01/28/99	98-19/84
<u>CHARTER SCHOOLS</u>					
Education, Administration	21773	R277-470	NSC	01/27/99	Not Printed
<u>CHILD ABUSE</u>					
Human Services, Child and Family Services	21465	R512-25	AMD	01/21/99	98-19/78
<u>CHILD CARE FACILITIES</u>					
Health, Health Systems Improvement, Child Care Licensing	21769	R430-100-13	AMD	02/25/99	99-2/13

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>CHILDREN'S HEALTH BENEFITS</u>					
Health, Children's Health Insurance Program	21669	R382-10	AMD	01/07/99	98-23/12
	21843	R382-10	NSC	02/27/99	Not Printed
<u>CHILD SUPPORT</u>					
Human Services, Administration	21916	R495-879	5YR	03/11/99	99-7/56
	21917	R495-879	AMD	05/10/99	99-7/28
Human Services, Recovery Services	21870	R527-39	AMD	04/05/99	99-5/33
	21871	R527-56	AMD	04/05/99	99-5/35
	21675	R527-200	AMD	01/04/99	98-23/33
	21809	R527-210	5YR	01/26/99	99-4/70
	21810	R527-210	NSC	01/27/99	Not Printed
	21726	R527-378	AMD	01/15/99	98-24/90
	21811	R527-430	AMD	03/18/99	99-4/49
<u>CHILD WELFARE</u>					
Human Services, Child and Family Services	21465	R512-25	AMD	01/21/99	98-19/78
<u>COAL</u>					
School and Institutional Trust Lands, Administration	21909	R850-20-175	EXP	03/03/99	99-7/52
<u>COAL MINES</u>					
Natural Resources; Oil, Gas and Mining; Coal	21976	R645-101	5YR	04/19/99	99-10/110
	21977	R645-104	5YR	04/19/99	99-10/110
	21978	R645-401	5YR	04/19/99	99-10/111
<u>COLLEGES</u>					
Public Safety, Administration	21779	R698-4	NEW	03/05/99	99-3/33
<u>COMMERCIALIZATION OF AQUATIC WILDLIFE</u>					
Natural Resources, Wildlife Resources	21937	R657-14	AMD	05/18/99	99-8/25
<u>COMPENSATORY TIME</u>					
Human Resource Management, Administration	21803	R477-8	AMD	05/04/99	99-4/42
<u>COMPLAINTS</u>					
Education, Applied Technology Education (Board for), Rehabilitation	21679	R280-201	NEW	01/05/99	98-23/8
<u>CONDUCT</u>					
Commerce, Real Estate	22005	R162-106	EMR	05/03/99	99-10/102
	22006	R162-107	EMR	05/03/99	99-10/104
Professional Practices Advisory Commission, Administration	21921	R686-100	AMD	05/06/99	99-7/31
<u>CONTAMINATION</u>					
Environmental Quality, Radiation Control	21685	R313-15-906	AMD	03/12/99	98-24/32
<u>CONTINUOUS MONITORING</u>					
Environmental Quality, Air Quality	21504	R307-170	R&R	see CPR	98-20/5
	21504	R307-170	CPR	04/01/99	99-5/51

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>CONTROLLED SUBSTANCES</u>					
Commerce, Occupational and Professional Licensing	21908	R156-37c	5YR	03/02/99	99-7/54
<u>COOPERATIVE WILDLIFE MANAGEMENT UNIT</u>					
Natural Resources, Wildlife Resources	22027	R657-37	5YR	05/03/99	99-11/75
	21939	R657-37	AMD	05/18/99	99-8/39
<u>CORRECTIONS</u>					
Corrections, Administration	21858	R251-103	5YR	02/12/99	99-5/57
	21828	R251-105	5YR	02/01/99	99-4/65
	21829	R251-105	AMD	03/29/99	99-4/15
<u>COURT REPORTING</u>					
Commerce, Occupational and Professional Licensing	21812	R156-74	NEW	03/18/99	99-4/12
	21813	R156-78	REP	03/18/99	99-4/13
<u>COVERAGE GROUPS</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	21529	R414-303	AMD	01/05/99	98-21/31
<u>CUSTODY</u>					
Education, Administration	21678	R277-735	NEW	01/05/99	98-23/6
<u>CUSTODY OF CHILDREN</u>					
Human Services, Administration	21916	R495-879	5YR	03/11/99	99-7/56
	21917	R495-879	AMD	05/10/99	99-7/28
<u>DAY CARE</u>					
Public Safety, Fire Marshal	21712	R710-8	AMD	see CPR	98-24/120
	21712	R710-8	CPR	02/23/99	99-2/88
<u>DEFINITIONS</u>					
Commerce, Real Estate	22000	R162-101	EMR	05/03/99	99-10/90
Environmental Quality, Air Quality	21588	R307-101-2	AMD	01/07/99	98-22/49
	21782	R307-101-2	AMD	04/08/99	99-3/4
	21851	R307-101-2	AMD	05/06/99	99-5/9
Environmental Quality, Radiation Control	21684	R313-12-3	AMD	03/12/99	98-24/26
<u>DELEGATION</u>					
Administrative Services, Facilities Construction and Management	22041	R23-29	5YR	05/11/99	99-11/75
<u>DEMONSTRATION</u>					
Workforce Services, Employment Development	21585	R986-421	AMD	01/20/99	98-22/136
<u>DENTAL</u>					
Environmental Quality, Radiation Control	21682	R313-28	AMD	03/12/99	98-24/46
<u>DISABILITY INSURANCE</u>					
Human Resource Management, Administration	21803	R477-8	AMD	05/04/99	99-4/42
<u>DISABLED PERSONS</u>					
Education, Applied Technology Education (Board for), Rehabilitation	21679	R280-201	NEW	01/05/99	98-23/8
	21680	R280-202	NEW	01/05/99	98-23/10

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>DISCIPLINARY ACTIONS</u>					
Professional Practices Advisory Commission, Administration	21922	R686-103	NEW	05/06/99	99-7/40
<u>DISCIPLINARY PROBLEMS</u>					
Education, Administration	21902	R277-436	AMD	04/15/99	99-6/12
<u>DISPLACED HOMEMAKERS</u>					
Workforce Services, Employment Development	21883	R986-501	5YR	02/19/99	99-6/32
<u>DRINKING WATER</u>					
Environmental Quality, Drinking Water	21553	R309-104	AMD	01/15/99	98-21/16
	21554	R309-113	AMD	01/15/99	98-21/20
<u>DRIVER EDUCATION</u>					
Public Safety, Driver License	21579	R708-2	R&R	see CPR	98-22/115
	21579	R708-2	CPR	03/18/99	99-4/61
<u>DUST</u>					
Environmental Quality, Air Quality	21698	R307-309	NEW	see CPR	98-24/15
	21698	R307-309	CPR	05/04/99	99-7/46
<u>EDUCATION</u>					
Commerce, Real Estate	22002	R162-103	EMR	05/03/99	99-10/94
Education, Administration	21773	R277-470	NSC	01/27/99	Not Printed
<u>EDUCATIONAL FACILITIES</u>					
Education, Administration	21895	R277-455	5YR	02/26/99	99-6/29
	22024	R277-458	EMR	04/30/99	99-10/107
<u>EDUCATIONAL SAVINGS TRUST</u>					
Regents (Board of), Administration	21674	R765-685	AMD	01/04/99	98-23/40
<u>EDUCATIONAL TESTING</u>					
Education, Administration	21825	R277-702	AMD	03/22/99	99-4/20
	21897	R277-712	5YR	02/26/99	99-6/30
<u>EDUCATION FINANCE</u>					
Education, Administration	21894	R277-425	5YR	02/26/99	99-6/28
	22024	R277-458	EMR	04/30/99	99-10/107
<u>ELDERLY</u>					
Human Services, Aging and Adult Services	21730	R510-103	AMD	02/03/99	99-1/14
<u>ELEVATORS</u>					
Labor Commission, Safety	21454	R616-3	AMD	01/28/99	98-19/84
<u>ELIGIBILITY</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	21892	R414-307	AMD	04/23/99	99-6/19
<u>EMERGENCY MEDICAL SERVICES</u>					
Health, Health Systems Improvement, Emergency Medical Services	21693	R426-1	AMD	02/26/99	98-24/51
	21649	R426-1-8	AMD	01/07/99	98-23/22
	21688	R426-2	AMD	01/22/99	98-24/59
	21694	R426-3	AMD	01/22/99	98-24/61
	21695	R426-4	AMD	01/22/99	98-24/67

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	21657	R426-6	AMD	03/01/99	98-23/23
	21906	R426-6	AMD	05/14/99	99-7/12
	21906	R426-6	AMD	05/14/99	99-7/12
<u>EMISSION FEE</u>					
Environmental Quality, Air Quality	21900	R307-415	5YR	03/01/99	99-6/31
	21589	R307-415-3	AMD	01/07/99	98-22/68
<u>EMPLOYEE'S RIGHTS</u>					
Workforce Services, Workforce Information and Payment Services	21745	R994-405	AMD	02/17/99	99-2/65
	21746	R994-405	AMD	02/17/99	99-2/72
	21748	R994-405	AMD	02/17/99	99-2/77
	21749	R994-405	AMD	02/17/99	99-2/83
	21747	R994-405	NSC	02/20/99	Not Printed
<u>EMPLOYEE TERMINATION</u>					
Workforce Services, Workforce Information and Payment Services	21745	R994-405	AMD	02/17/99	99-2/65
	21746	R994-405	AMD	02/17/99	99-2/72
	21748	R994-405	AMD	02/17/99	99-2/77
	21749	R994-405	AMD	02/17/99	99-2/83
	21747	R994-405	NSC	02/20/99	Not Printed
<u>EMPLOYMENT</u>					
Corrections, Administration	21828	R251-105	5YR	02/01/99	99-4/65
	21829	R251-105	AMD	03/29/99	99-4/15
Workforce Services, Workforce Information and Payment Services	21745	R994-405	AMD	02/17/99	99-2/65
	21746	R994-405	AMD	02/17/99	99-2/72
	21748	R994-405	AMD	02/17/99	99-2/77
	21749	R994-405	AMD	02/17/99	99-2/83
	21747	R994-405	NSC	02/20/99	Not Printed
	21770	R994-600	AMD	03/05/99	99-3/51
<u>ENROLLMENT OPTIONS</u>					
Education, Administration	21677	R277-437	NEW	01/05/99	98-23/4
<u>ENVIRONMENT</u>					
DAR Note: The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee."					
Tax Commission, Auditing	21737	R865-7H-1	NEW	03/16/99	99-1/22
	21738	R865-7H-2	NEW	03/16/99	99-1/24
	21739	R865-7H-3	NEW	03/16/99	99-1/24
	21740	R865-13G-14	AMD	04/28/99	99-1/25
<u>ENVIRONMENTAL HEALTH</u>					
Environmental Quality, Drinking Water	21554	R309-113	AMD	01/15/99	98-21/20
<u>ENVIRONMENTAL PROTECTION</u>					
Environmental Quality, Air Quality	21900	R307-415	5YR	03/01/99	99-6/31
	21589	R307-415-3	AMD	01/07/99	98-22/68
Environmental Quality, Drinking Water	21553	R309-104	AMD	01/15/99	98-21/16
<u>ETHICS</u>					
Natural Resources, Wildlife Resources	21719	R657-38	AMD	01/15/99	98-24/107

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>EXEMPTIONS</u>					
Environmental Quality, Radiation Control	21684	R313-12-3	AMD	03/12/99	98-24/26
	21686	R313-19	AMD	03/12/99	98-24/33
<u>EXPERIENCE</u>					
Commerce, Real Estate	22003	R162-104	EMR	05/03/99	99-10/98
<u>EXTINGUISHERS</u>					
Public Safety, Fire Marshal	21708	R710-1	AMD	01/15/99	98-24/112
<u>FAIRS</u>					
Fair Corporation (Utah State), Administration	21872	R325-1	AMD	04/05/99	99-5/22
	21873	R325-2	AMD	04/05/99	99-5/23
	21874	R325-3	AMD	04/05/99	99-5/24
	21875	R325-4	AMD	04/05/99	99-5/25
	21876	R325-5	AMD	04/05/99	99-5/26
<u>FINANCE</u>					
Administrative Services, Finance	21889	R25-8	NSC	03/05/99	Not Printed
<u>FIRE PREVENTION</u>					
Public Safety, Fire Marshal	21712	R710-8	AMD	see CPR	98-24/120
	21712	R710-8	CPR	02/23/99	99-2/88
	21901	R710-9	AMD	04/19/99	99-6/21
<u>FINANCIAL AID</u>					
Regents (Board of), Administration	21673	R765-607	NEW	01/04/99	98-23/38
	21771	R765-607	NSC	01/27/99	Not Printed
<u>FINANCIAL DISCLOSURE</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	21764	R414-304	AMD	02/25/99	99-2/4
<u>FIREPLACE</u>					
Environmental Quality, Air Quality	21570	R307-302-2	AMD	01/07/99	98-22/67
<u>FIRE PREVENTION</u>					
Public Safety, Fire Marshal	21708	R710-1	AMD	01/15/99	98-24/112
	21710	R710-4	AMD	01/15/99	98-24/117
<u>FOOD STAMPS</u>					
Workforce Services, Employment Development	21705	R986-413	AMD	01/20/99	98-24/122
	21582	R986-417	AMD	01/20/99	98-22/134
	21706	R986-419	AMD	01/20/99	98-24/124
	21707	R986-420	AMD	01/20/99	98-24/125
<u>FRANCHISE</u>					
Tax Commission, Auditing	21760	R865-6F-34	AMD	03/16/99	99-2/58
	21761	R865-6F-35	AMD	03/16/99	99-2/59
<u>FUGITIVE EMISSIONS</u>					
Environmental Quality, Air Quality	21697	R307-12 (Changed to R307-205)	AMD	see CPR	98-24/12
	21697	R307-12 (Changed to R307-205)	CPR	05/04/99	99-7/44

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>GAME LAWS</u>					
Natural Resources, Wildlife Resources	21717	R657-5	AMD	01/15/99	98-24/96
	21937	R657-14	AMD	05/18/99	99-8/25
	21938	R657-33	AMD	05/18/99	99-8/33
<u>GANGS</u>					
Education, Administration	21902	R277-436	AMD	04/15/99	99-6/12
<u>GASOLINE</u>					
Tax Commission, Auditing	21740	R865-13G-14	AMD	04/28/99	99-1/25
<u>GENERAL LICENSES</u>					
Environmental Quality, Radiation Control	21805	R313-21	5YR	01/25/99	99-4/65
<u>GIFTED CHILDREN</u>					
Education, Administration	21897	R277-712	5YR	02/26/99	99-6/30
<u>GOVERNMENT DOCUMENTS</u>					
Administrative Services, Records Committee	21751	R35-1	NEW	03/18/99	99-2/2
<u>GOVERNMENT HEARINGS</u>					
Public Service Commission, Administration	21793	R746-100	AMD	05/17/99	99-3/34
<u>GRAMA (Government Records Access and Management Act)</u>					
Regents (Board of), Salt Lake Community College	21820	R784-1	NEW	03/18/99	99-4/57
<u>GRANTS</u>					
Health, Health Systems Improvement, Primary Care and Rural Health	21802	R434-10	AMD	03/26/99	99-4/36
	21666	R434-20	NEW	01/07/99	98-23/26
<u>GRAZING</u>					
Agriculture and Food, Administration	21884	R51-5	5YR	02/22/99	99-6/27
<u>HAZARDOUS AIR POLLUTANT</u>					
Environmental Quality, Air Quality	21593	R307-155	NEW	see CPR	98-22/62
	21593	R307-155	CPR	03/04/99	99-3/59
	21844	R307-214	5YR	02/03/99	99-5/57
<u>HAZARDOUS MATERIALS TRANSPORTATION</u>					
Transportation, Motor Carrier	21780	R909-75	AMD	05/04/99	99-3/49
<u>HAZARDOUS SUBSTANCES</u>					
Environmental Quality, Environmental Response and Remediation	21854	R311-201	NSC	02/27/99	Not Printed
Transportation, Motor Carrier	21780	R909-75	AMD	05/04/99	99-3/49
<u>HAZARDOUS WASTE</u>					
Environmental Quality, Solid and Hazardous Waste	21459	R315-2	AMD	see CPR	98-19/10
	21459	R315-2	CPR	02/15/99	99-1/28
	21856	R315-2-2	AMD	04/15/99	99-5/20
Transportation, Motor Carrier	21780	R909-75	AMD	05/04/99	99-3/49
<u>HEALTH</u>					
Health, Health Data Analysis	21755	R428-10	AMD	03/01/99	99-2/10

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>HEALTH CARE ASSISTANTS</u>					
Commerce, Occupational and Professional Licensing	21899	R156-62-302	AMD	04/15/99	99-6/6
<u>HEALTH FACILITIES</u>					
Health, Health Systems Improvement, Health Facility Licensure	21795	R432-1	5YR	01/20/99	99-4/67
	21775	R432-2	5YR	01/11/99	99-3/68
	21859	R432-2	AMD	04/21/99	99-5/29
	21776	R432-3	5YR	01/11/99	99-3/68
	21815	R432-4	5YR	01/29/99	99-4/68
	21816	R432-5	5YR	01/29/99	99-4/68
	21700	R432-6	AMD	01/29/99	98-24/69
	21817	R432-6	5YR	01/29/99	99-4/69
	21796	R432-100-23	AMD	04/07/99	99-4/25
	21818	R432-149	5YR	01/29/99	99-4/69
	21797	R432-149	REP	04/07/99	99-4/26
	21752	R432-150	R&R	02/25/99	99-2/15
	21528	R432-250	REP	01/20/99	98-21/42
	21722	R432-270	R&R	01/29/99	98-24/70
	21561	R432-300	R&R	01/11/99	98-22/73
	21562	R432-650	AMD	01/11/99	98-22/82
	21734	R432-750	AMD	02/25/99	99-1/3
<u>HEALTH PLANNING</u>					
Health, Health Data Analysis	21755	R428-10	AMD	03/01/99	99-2/10
<u>HEARINGS</u>					
Labor Commission, Adjudication	21845	R602-2-1	AMD	04/05/99	99-5/38
	21846	R602-2-4	AMD	04/05/99	99-5/40
Professional Practices Advisory Commission, Administration	21921	R686-100	AMD	05/06/99	99-7/31
<u>HIGHER EDUCATION</u>					
Money Management Council, Administration	21941	R628-2	AMD	06/01/99	99-8/21
Regents (Board of), Administration	21673	R765-607	NEW	01/04/99	98-23/38
	21771	R765-607	NSC	01/27/99	Not Printed
	21674	R765-685	AMD	01/04/99	98-23/40
<u>HOSPITAL POLICY</u>					
Health, Health Data Analysis	21755	R428-10	AMD	03/01/99	99-2/10
<u>HUMAN SERVICES</u>					
Human Services, Administration, Administrative Services, Licensing	21768	R501-1	NSC	01/27/99	Not Printed
	21821	R501-14	AMD	03/22/99	99-4/47
<u>HUNTING</u>					
Natural Resources, Wildlife Resources	21719	R657-38	AMD	01/15/99	98-24/107
<u>INCOME</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	21529	R414-303	AMD	01/05/99	98-21/31
	21764	R414-304	AMD	02/25/99	99-2/4

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Workforce Services, Employment Development	21581	R986-414	AMD	01/20/99	98-22/133
	21763	R986-414	AMD	04/08/99	99-2/64
	21585	R986-421	AMD	01/20/99	98-22/136
<u>INMATES</u>					
Education, Administration	21678	R277-735	NEW	01/05/99	98-23/6
<u>INSPECTIONS</u>					
Environmental Quality, Radiation Control	21684	R313-12-3	AMD	03/12/99	98-24/26
	21535	R313-16	AMD	01/15/99	98-21/27
<u>INSURANCE</u>					
Insurance, Administration	21804	R590-160	5YR	01/22/99	99-4/71
	21790	R590-165	AMD	03/16/99	99-3/23
	22088	R590-165	5YR	05/27/99	99-12/104
	22089	R590-166	5YR	05/27/99	99-12/104
	21791	R590-167	AMD	03/11/99	99-3/24
	21725	R590-170	NEW	see CPR	98-24/95
	21725	R590-170	CPR	03/18/99	99-3/62
	21792	R590-175	AMD	03/11/99	99-3/29
<u>INSURANCE LAW</u>					
Insurance, Administration	22086	R590-93	5YR	05/27/99	99-12/103
	21766	R590-96	AMD	03/16/99	99-2/46
	22087	R590-98	5YR	05/27/99	99-12/103
	21723	R590-135	REP	03/18/99	98-24/91
	21767	R590-190	NEW	see CPR	99-2/47
	21767	R590-190	CPR	05/26/99	99-8/64
	21781	R590-191	NEW	see CPR	99-3/30
	21781	R590-191	CPR	05/25/99	99-8/69
	21765	R590-194	NEW	03/23/99	99-2/52
	<u>INSURANCE LICENSING</u>				
Insurance, Administration	21848	R590-195	NEW	04/22/99	99-5/36
<u>INTERCONNECTION</u>					
Public Service Commission, Administration	20997	R746-365	NEW	see CPR	98-9/50
	20997	R746-365	CPR	01/13/99	98-18/39
	21774	R746-365	NSC	01/15/99	Not Printed
	21879	R746-365-4	AMD	06/01/99	99-5/42
<u>INVENTORIES</u>					
Environmental Quality, Air Quality	21590	R307-150	REP	03/04/99	98-22/55
	21591	R307-150	NEW	see CPR	98-22/56
	21591	R307-150	CPR	03/04/99	99-3/57
	21592	R307-155	REP	03/04/99	98-22/60
	21593	R307-155	NEW	see CPR	98-22/62
	21593	R307-155	CPR	03/04/99	99-3/59
	21594	R307-158	NEW	see CPR	98-22/64
	21594	R307-158	CPR	03/04/99	99-3/60

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>LABORATORIES</u>					
Health, Laboratory Services	21928	R438-13	5YR	03/18/99	99-8/73
<u>LABORATORY ANIMALS</u>					
Health, Laboratory Services	21928	R438-13	5YR	03/18/99	99-8/73
<u>LANDOWNER PERMITS</u>					
Natural Resources, Wildlife Resources	21721	R657-43	AMD	01/15/99	98-24/110
<u>LAW</u>					
Public Safety, Fire Marshal	21901	R710-9	AMD	04/19/99	99-6/21
<u>LAW ENFORCEMENT</u>					
Public Safety, Highway Patrol	21882	R714-600	NEW	04/15/99	99-6/25
<u>LAW ENFORCEMENT OFFICER CERTIFICATION</u>					
Public Safety, Administration	21779	R698-4	NEW	03/05/99	99-3/33
<u>LEAVE</u>					
Human Resource Management, Administration	21803	R477-8	AMD	05/04/99	99-4/42
<u>LICENSE</u>					
Environmental Quality, Radiation Control	21686	R313-19	AMD	03/12/99	98-24/33
<u>LICENSING</u>					
Commerce, Occupational and Professional Licensing	21907	R156-5a	5YR	03/02/99	99-7/54
	21716	R156-24a	AMD	see CPR	98-24/11
	21716	R156-24a	CPR	03/09/99	99-3/56
	21753	R156-28	AMD	02/18/99	99-2/3
	21903	R156-31b	AMD	04/15/99	99-6/4
	21908	R156-37c	5YR	03/02/99	99-7/54
	21905	R156-39a	5YR	03/01/99	99-6/27
	21822	R156-50	AMD	03/18/99	99-4/9
	21899	R156-62-302	AMD	04/15/99	99-6/6
	21855	R156-63	AMD	04/01/99	99-5/7
	21812	R156-74	NEW	03/18/99	99-4/12
	21813	R156-78	REP	03/18/99	99-4/13
Commerce, Real Estate	22001	R162-102	EMR	05/03/99	99-10/91
Environmental Quality, Radiation Control	21807	R313-38	5YR	01/25/99	99-4/66
Human Services, Administration, Administrative Services, Licensing	21768	R501-1	NSC	01/27/99	Not Printed
	21821	R501-14	AMD	03/22/99	99-4/47
Natural Resources, Wildlife Resources	21827	R657-27	AMD	03/18/99	99-4/51
<u>LIQUEFIED PETROLEUM GAS</u>					
Public Safety, Fire Marshal	21733	R710-6	AMD	02/02/99	99-1/17
<u>MACT (Maximum Achievable Control Technology)</u>					
Environmental Quality, Air Quality	21844	R307-214	5YR	02/03/99	99-5/57
<u>MAMMOGRAPHY</u>					
Environmental Quality, Radiation Control	21682	R313-28	AMD	03/12/99	98-24/46
<u>MANAGEMENT</u>					
School and Institutional Trust Lands, Administration	21932	R850-40-1600	AMD	05/18/99	99-8/58

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>MEDIATION</u>					
Commerce, Occupational and Professional Licensing	21905	R156-39a	5YR	03/01/99	99-6/27
<u>MEDICAID</u>					
Health, Health Care Financing	21668	R410-14	AMD	01/07/99	98-23/14
Health, Health Care Financing, Coverage and Reimbursement Policy	21890	R414-1	AMD	04/23/99	99-6/13
	21687	R414-29	AMD	01/21/99	98-24/50
	21891	R414-31X	REP	04/23/99	99-6/18
	21935	R414-54	5YR	03/31/99	99-8/73
<u>MINERALS RECLAMATION</u>					
Natural Resources; Oil, Gas and Mining; Non-Coal	21757	R647-2	AMD	02/26/99	99-2/54
	21758	R647-3	AMD	02/26/99	99-2/55
	21759	R647-4	AMD	02/26/99	99-2/56
<u>MINING</u>					
Environmental Quality, Air Quality	21697	R307-12 (Changed to R307-205)	AMD	see CPR	98-24/12
	21697	R307-12 (Changed to R307-205)	CPR	05/04/99	99-7/44
<u>MONITORING</u>					
Environmental Quality, Air Quality	21504	R307-170	R&R	see CPR	98-20/5
	21504	R307-170	CPR	04/01/99	99-5/51
<u>MOTOR CARRIER</u>					
Public Safety, Highway Patrol	21882	R714-600	NEW	04/15/99	99-6/25
<u>MOTORCYCLE RIDER TRAINING PROGRAM SCHOOLS</u>					
Public Safety, Driver License	21881	R708-30	5YR	02/17/99	99-6/32
<u>MOTORCYCLE RIDER TRAINING SCHOOLS</u>					
Public Safety, Driver License	21933	R708-30	R&R	05/18/99	99-8/48
<u>MOTOR FUEL</u>					
Tax Commission, Auditing	21740	R865-13G-14	AMD	04/28/99	99-1/25
<u>MOTOR VEHICLE SAFETY</u>					
Transportation, Motor Carrier, Ports of Entry	21800	R912-8	NSC	01/27/99	Not Printed
<u>MUNICIPAL LANDFILLS</u>					
Environmental Quality, Air Quality	21595	R307-221	AMD	01/07/99	98-22/66
	21850	R307-221	NSC	02/27/99	Not Printed
<u>NATIONAL SENIOR SERVICE CORPS</u>					
Human Services, Aging and Adult Services	21885	R510-111	5YR	02/23/99	99-6/31
	21886	R510-111	NSC	02/27/99	Not Printed
<u>NATURAL RESOURCES</u>					
School and Institutional Trust Lands, Administration	21932	R850-40-1600	AMD	05/18/99	99-8/58
<u>NONATTAINMENT</u>					
Environmental Quality, Air Quality	21852	R307-403	AMD	05/06/99	99-5/16

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>NURSES</u>					
Commerce, Occupational and Professional Licensing	21903	R156-31b	AMD	04/15/99	99-6/4
<u>NURSING HOMES</u>					
Human Services, Aging and Adult Services	21730	R510-103	AMD	02/03/99	99-1/14
<u>OFFSET</u>					
Environmental Quality, Air Quality	21852	R307-403	AMD	05/06/99	99-5/16
	21853	R307-420	NEW	05/06/99	99-5/18
<u>OIL AND GAS LAW</u>					
Natural Resources; Oil, Gas and Mining; Oil and Gas	21979	R649-6	5YR	04/19/99	99-10/111
<u>OPERATING PERMITS</u>					
Environmental Quality, Air Quality	21900	R307-415	5YR	03/01/99	99-6/31
	21589	R307-415-3	AMD	01/07/99	98-22/68
	21735	R307-417	AMD	03/05/99	99-1/3
	21910	R307-417	5YR	03/05/99	99-7/55
<u>OPERATOR CERTIFICATION</u>					
Environmental Quality, Water Quality	21449	R317-10	AMD	see CPR	98-19/70
	21449	R317-10	CPR	02/04/99	99-1/35
<u>ORGAN TRANSPLANTS</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	21857	R414-58	5YR	02/12/99	99-5/58
<u>OVERPAYMENT</u>					
Human Services, Recovery Services	21675	R527-200	AMD	01/04/99	98-23/33
<u>OVERSIZE/OVERWEIGHT TRUCKS</u>					
Transportation, Motor Carrier, Ports of Entry	21819	R912-4	REP	06/01/99	99-4/58
<u>OZONE</u>					
Environmental Quality, Air Quality	21594	R307-158	NEW	see CPR	98-22/64
	21594	R307-158	CPR	03/04/99	99-3/60
	21853	R307-420	NEW	05/06/99	99-5/18
<u>PAROLEES</u>					
Corrections, Administration	21858	R251-103	5YR	02/12/99	99-5/57
<u>PER DIEM ALLOWANCE</u>					
Administrative Services, Finance	21887	R25-5	NSC	03/05/99	Not Printed
	21888	R25-7	NSC	03/05/99	Not Printed
<u>PERMITS</u>					
Natural Resources; Forestry, Fire and State Lands	21672	R652-70-2300	AMD	01/14/99	98-23/36
Natural Resources, Wildlife Resources	21720	R657-42	AMD	01/15/99	98-24/109
Transportation, Motor Carrier, Ports of Entry	21799	R912-3	NSC	01/27/99	Not Printed
	21819	R912-4	REP	06/01/99	99-4/58
<u>PERMITTING AUTHORITY</u>					
Environmental Quality, Air Quality	21735	R307-417	AMD	03/05/99	99-1/3
	21910	R307-417	5YR	03/05/99	99-7/55

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>PERSONAL PROPERTY</u>					
Tax Commission, Property Tax	21777	R884-24P-53	EMR	01/12/99	99-3/64
	21789	R884-24P-53	AMD	03/16/99	99-3/46
	21762	R884-24P-61	AMD	03/16/99	99-2/60
	21676	R884-24P-63	AMD	03/16/99	98-23/42
<u>PETROLEUM</u>					
Environmental Quality, Environmental Response and Remediation	21854	R311-201	NSC	02/27/99	Not Printed
<u>PHYSICAL THERAPY</u>					
Commerce, Occupational and Professional Licensing	21716	R156-24a	AMD	see CPR	98-24/11
	21716	R156-24a	CPR	03/09/99	99-3/56
<u>PHYSICIAN ASSISTANTS</u>					
Health, Health Systems Improvement, Primary Care and Rural Health	21802	R434-10	AMD	03/26/99	99-4/36
<u>PHYSICIANS</u>					
Health, Health Systems Improvement, Primary Care and Rural Health	21802	R434-10	AMD	03/26/99	99-4/36
<u>PODIATRIC PHYSICIAN</u>					
Commerce, Occupational and Professional Licensing	21907	R156-5a	5YR	03/02/99	99-7/54
<u>PODIATRISTS</u>					
Commerce, Occupational and Professional Licensing	21907	R156-5a	5YR	03/02/99	99-7/54
<u>PRECURSOR</u>					
Commerce, Occupational and Professional Licensing	21908	R156-37c	5YR	03/02/99	99-7/54
<u>PRIMARY TERM</u>					
School and Institutional Trust Lands, Administration	21909	R850-20-175	EXP	03/03/99	99-7/52
<u>PRISONS</u>					
Corrections, Administration	21828	R251-105	5YR	02/01/99	99-4/65
	21829	R251-105	AMD	03/29/99	99-4/15
<u>PRIVATE PROBATION PROVIDER</u>					
Commerce, Occupational and Professional Licensing	21822	R156-50	AMD	03/18/99	99-4/9
<u>PROBATION</u>					
Commerce, Occupational and Professional Licensing	21822	R156-50	AMD	03/18/99	99-4/9
<u>PROBATIONERS</u>					
Corrections, Administration	21858	R251-103	5YR	02/12/99	99-5/57
<u>PROFESSIONAL COMPETENCY</u>					
Education, Administration	21824	R277-519	AMD	03/22/99	99-4/19
<u>PROPERTY TAX</u>					
Tax Commission, Property Tax	21777	R884-24P-53	EMR	01/12/99	99-3/64
	21789	R884-24P-53	AMD	03/16/99	99-3/46
	21762	R884-24P-61	AMD	03/16/99	99-2/60
	21676	R884-24P-63	AMD	03/16/99	98-23/42

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>PUBLIC ASSISTANCE PROGRAMS</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	21892	R414-307	AMD	04/23/99	99-6/19
<u>PUBLIC BUILDINGS</u>					
Public Safety, Fire Marshal	21710	R710-4	AMD	01/15/99	98-24/117
<u>PUBLIC EDUCATION</u>					
Education, Administration	21677	R277-437	NEW	01/05/99	98-23/4
	21678	R277-735	NEW	01/05/99	98-23/6
Money Management Council, Administration	21941	R628-2	AMD	06/01/99	99-8/21
<u>PUBLIC INVESTMENTS</u>					
Money Management Council, Administration	21941	R628-2	AMD	06/01/99	99-8/21
<u>PUBLIC SCHOOLS</u>					
Education, Administration	21902	R277-436	AMD	04/15/99	99-6/12
<u>PUBLIC UTILITIES</u>					
Public Service Commission, Administration	21793	R746-100	AMD	05/17/99	99-3/34
	21794	R746-200	AMD	06/01/99	99-3/41
	20997	R746-365	NEW	see CPR	98-9/50
	20997	R746-365	CPR	01/13/99	98-18/39
	21774	R746-365	NSC	01/15/99	Not Printed
	21879	R746-365-4	AMD	06/01/99	99-5/42
<u>QUARANTINE</u>					
Agriculture and Food, Plant Industry	21701	R68-15	AMD	01/15/99	98-24/8
	21808	R68-15	AMD	03/18/99	99-4/7
<u>RADIATION</u>					
Environmental Quality, Radiation Control	21806	R313-30	5YR	01/25/99	99-4/66
<u>RADIATION SAFETY</u>					
Environmental Quality, Radiation Control	21806	R313-30	5YR	01/25/99	99-4/66
<u>RADIOACTIVE MATERIAL</u>					
Environmental Quality, Radiation Control	21685	R313-15-906	AMD	03/12/99	98-24/32
	21805	R313-21	5YR	01/25/99	99-4/65
	21807	R313-38	5YR	01/25/99	99-4/66
<u>RATES</u>					
Administrative Services, Finance	21887	R25-5	NSC	03/05/99	Not Printed
	21889	R25-8	NSC	03/05/99	Not Printed
<u>REAL ESTATE APPRAISAL</u>					
Commerce, Real Estate	22000	R162-101	EMR	05/03/99	99-10/90
	22001	R162-102	EMR	05/03/99	99-10/91
	22002	R162-103	EMR	05/03/99	99-10/94
	22003	R162-104	EMR	05/03/99	99-10/98
	22004	R162-105	EMR	05/03/99	99-10/100
	22005	R162-106	EMR	05/03/99	99-10/102
	22006	R162-107	EMR	05/03/99	99-10/104
	22007	R162-109	EMR	05/03/99	99-10/105

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>RECIPROCITY</u>					
Environmental Quality, Radiation Control	21686	R313-19	AMD	03/12/99	98-24/33
<u>RECLAMATION</u>					
Natural Resources; Oil, Gas and Mining; Coal	21976	R645-101	5YR	04/19/99	99-10/110
	21977	R645-104	5YR	04/19/99	99-10/110
	21978	R645-401	5YR	04/19/99	99-10/111
<u>RECORDS APPEAL HEARINGS</u>					
Administrative Services, Records Committee	21751	R35-1	NEW	03/18/99	99-2/2
<u>RECREATION</u>					
Natural Resources, Wildlife Resources	21719	R657-38	AMD	01/15/99	98-24/107
<u>REHABILITATION</u>					
Education, Applied Technology Education (Board for), Rehabilitation	21680	R280-202	NEW	01/05/99	98-23/10
<u>REPORTING</u>					
Environmental Quality, Air Quality	21590	R307-150	REP	03/04/99	99-22/55
<u>REPORTS</u>					
Environmental Quality, Air Quality	21591	R307-150	NEW	see CPR	98-22/56
	21591	R307-150	CPR	03/04/99	99-3/57
<u>ROYALTIES</u>					
School and Institutional Trust Lands, Administration	21909	R850-20-175	EXP	03/03/99	99-7/52
<u>RULES</u>					
Public Service Commission, Administration	21794	R746-200	AMD	06/01/99	99-3/41
<u>RULES AND PROCEDURES</u>					
Education, Administration	21893	R277-102	5YR	02/26/99	99-6/28
Fair Corporation (Utah State), Administration	21872	R325-1	AMD	04/05/99	99-5/22
	21873	R325-2	AMD	04/05/99	99-5/23
	21874	R325-3	AMD	04/05/99	99-5/24
	21875	R325-4	AMD	04/05/99	99-5/25
	21876	R325-5	AMD	04/05/99	99-5/26
Natural Resources, Wildlife Resources	21827	R657-27	AMD	03/18/99	99-4/51
Public Safety, Driver License	21579	R708-2	R&R	see CPR	98-22/115
	21579	R708-2	CPR	03/18/99	99-4/61
Public Service Commission, Administration	21793	R746-100	AMD	05/17/99	99-3/34
<u>SAFETY</u>					
Environmental Quality, Radiation Control	21685	R313-15-906	AMD	03/12/99	98-24/32
Labor Commission, Occupational Safety and Health	21847	R614-1-4	AMD	04/05/99	99-5/41
Labor Commission, Safety	21454	R616-3	AMD	01/28/99	98-19/84

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>SAFETY REGULATION</u>					
Transportation, Motor Carrier	21780	R909-75	AMD	05/04/99	99-3/49
Transportation, Motor Carrier, Ports of Entry	21799	R912-3	NSC	01/27/99	Not Printed
	21819	R912-4	REP	06/01/99	99-4/58
<u>SCHOLARSHIPS</u>					
Health, Health Systems Improvement, Primary Care and Rural Health	21802	R434-10	AMD	03/26/99	99-4/36
	21666	R434-20	NEW	01/07/99	98-23/26
<u>SCHOOLS</u>					
Education, Administration	21896	R277-601	5YR	02/26/99	99-6/29
Public Safety, Driver License	21579	R708-2	R&R	see CPR	98-22/115
	21579	R708-2	CPR	03/18/99	99-4/61
<u>SCHOOL TRANSPORTATION</u>					
Education, Administration	21896	R277-601	5YR	02/26/99	99-6/29
<u>SECURITY GUARDS</u>					
Commerce, Occupational and Professional Licensing	21855	R156-63	AMD	04/01/99	99-5/7
<u>SENIOR CENTERS</u>					
Human Services, Aging and Adult Services	21730	R510-103	AMD	02/03/99	99-1/14
<u>SETTLEMENT</u>					
Labor Commission, Adjudication	21845	R602-2-1	AMD	04/05/99	99-5/38
	21846	R602-2-4	AMD	04/05/99	99-5/40
<u>SHORTHAND REPORTER</u>					
Commerce, Occupational and Professional Licensing	21812	R156-74	NEW	03/18/99	99-4/12
	21813	R156-78	REP	03/18/99	99-4/13
<u>SLCC (Salt Lake Community College)</u>					
Regents (Board of), Salt Lake Community College	21820	R784-1	NEW	03/18/99	99-4/57
<u>SOCIAL SECURITY</u>					
Human Services, Recovery Services	21726	R527-378	AMD	01/15/99	98-24/90
<u>SOLID WASTE MANAGEMENT</u>					
Environmental Quality, Solid and Hazardous Waste	21783	R315-301-2	AMD	03/15/99	99-3/10
	21784	R315-303	AMD	see CPR	99-3/14
	21784	R315-303	CPR	05/05/99	99-7/48
	21439	R315-304	AMD	see CPR	98-19/50
	21439	R315-304	CPR	01/05/99	98-23/45
	21772	R315-304-1	NSC	01/05/99	Not Printed
	21785	R315-305-5	AMD	03/15/99	99-3/18
	21786	R315-315-6	AMD	03/15/99	99-3/19
	21787	R315-317	AMD	03/15/99	99-3/20
	21788	R315-318	AMD	see CPR	99-3/22
	21788	R315-318	CPR	05/05/99	99-7/50
	21920	R315-320	5YR	03/12/99	99-7/55

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>SOURCE MATERIAL</u>					
Environmental Quality, Radiation Control	21805	R313-21	5YR	01/25/99	99-4/65
<u>SOVEREIGN LANDS</u>					
Natural Resources; Forestry, Fire and State Lands	21672	R652-70-2300	AMD	01/14/99	98-23/36
<u>STATE EMPLOYEES</u>					
Administrative Services, Finance	21887	R25-5	NSC	03/05/99	Not Printed
	21888	R25-7	NSC	03/05/99	Not Printed
	21889	R25-8	NSC	03/05/99	Not Printed
<u>STATE RECORDS COMMITTEE</u>					
Administrative Services, Records Committee	21751	R35-1	NEW	03/18/99	99-2/2
<u>STOVE</u>					
Environmental Quality, Air Quality	21570	R307-302-2	AMD	01/07/99	98-22/67
<u>STUDENT COMPETENCY</u>					
Education, Administration	21825	R277-702	AMD	03/22/99	99-4/20
<u>STUDENTS AT RISK</u>					
Education, Administration	21902	R277-436	AMD	04/15/99	99-6/12
<u>SURVEYS</u>					
Environmental Quality, Radiation Control	21806	R313-30	5YR	01/25/99	99-4/66
	21807	R313-38	5YR	01/25/99	99-4/66
School and Institutional Trust Lands, Administration	21932	R850-40-1600	AMD	05/18/99	99-8/58
<u>TAILINGS</u>					
Environmental Quality, Air Quality	21697	R307-12 (Changed to R307-205)	AMD	see CPR	98-24/12
	21697	R307-12 (Changed to R307-205)	CPR	05/04/99	99-7/44
<u>TAXATION</u>					
Tax Commission, Auditing	21760	R865-6F-34	AMD	03/16/99	99-2/58
	21761	R865-6F-35	AMD	03/16/99	99-2/59
DAR Note: The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee."					
	21737	R865-7H-1	NEW	03/16/99	99-1/22
	21738	R865-7H-2	NEW	03/16/99	99-1/24
	21739	R865-7H-3	NEW	03/16/99	99-1/24
	21740	R865-13G-14	AMD	04/28/99	99-1/25
Tax Commission, Property Tax	21326	R884-24P-52	AMD	see CPR	98-16/58
	21326	R884-24P-52	CPR	01/12/99	98-23/46
	21777	R884-24P-53	EMR	01/12/99	99-3/64
	21789	R884-24P-53	AMD	03/16/99	99-3/46
	21762	R884-24P-61	AMD	03/16/99	99-2/60
	21676	R884-24P-63	AMD	03/16/99	98-23/42
<u>TEACHER CERTIFICATION</u>					
Education, Administration	21824	R277-519	AMD	03/22/99	99-4/19
Professional Practices Advisory Commission, Administration	21921	R686-100	AMD	05/06/99	99-7/31

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>TEACHERS</u>					
Professional Practices Advisory Commission, Administration	21922	R686-103	NEW	05/06/99	99-7/40
<u>TELECOMMUNICATIONS</u>					
Public Service Commission, Administration	20997	R746-365	NEW	see CPR	98-9/50
	20997	R746-365	CPR	01/13/99	98-18/39
	21774	R746-365	NSC	01/15/99	Not Printed
	21879	R746-365-4	AMD	06/01/99	99-5/42
<u>TIRES</u>					
Transportation, Motor Carrier, Ports of Entry	21801	R912-76	NSC	01/27/99	Not Printed
<u>TOWING</u>					
Public Safety, Highway Patrol	21882	R714-600	NEW	04/15/99	99-6/25
<u>TRAINING PROGRAMS</u>					
Workforce Services, Workforce Information and Payment Services	21770	R994-600	AMD	03/05/99	99-3/51
<u>TRANSPORTATION</u>					
Administrative Services, Finance	21888	R25-7	NSC	03/05/99	Not Printed
Environmental Quality, Radiation Control	21686	R313-19	AMD	03/12/99	98-24/33
<u>TRANSPORTATION SAFETY</u>					
Transportation, Motor Carrier	21756	R909-1	AMD	03/15/99	99-2/62
<u>TRAVEL FUNDS</u>					
Human Services, Aging and Adult Services	21885	R510-111	5YR	02/23/99	99-6/31
	21886	R510-111	NSC	02/27/99	Not Printed
<u>TRUCKS</u>					
Transportation, Motor Carrier	21756	R909-1	AMD	03/15/99	99-2/62
Transportation, Motor Carrier, Ports of Entry	21799	R912-3	NSC	01/27/99	Not Printed
<u>UNDERGROUND STORAGE TANKS</u>					
Environmental Quality, Environmental Response and Remediation	21854	R311-201	NSC	02/27/99	Not Printed
<u>UNEMPLOYED WORKERS</u>					
Workforce Services, Workforce Information and Payment Services	21770	R994-600	AMD	03/05/99	99-3/51
<u>UNEMPLOYMENT</u>					
Workforce Services, Workforce Information and Payment Services	21770	R994-600	AMD	03/05/99	99-3/51
<u>UNEMPLOYMENT COMPENSATION</u>					
Workforce Services, Workforce Information and Payment Services	21745	R994-405	AMD	02/17/99	99-2/65
	21746	R994-405	AMD	02/17/99	99-2/72
	21748	R994-405	AMD	02/17/99	99-2/77
	21749	R994-405	AMD	02/17/99	99-2/83
<u>UNITS</u>					
Environmental Quality, Radiation Control	21684	R313-12-3	AMD	03/12/99	98-24/26

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>UTILITY SERVICE SHUTOFF</u>					
Public Service Commission, Administration	21794	R746-200	AMD	06/01/99	99-3/41
<u>VACATIONS</u>					
Human Resource Management, Administration	21803	R477-8	AMD	05/04/99	99-4/42
<u>VETERINARY MEDICINE</u>					
Commerce, Occupational and Professional Licensing	21753	R156-28	AMD	02/18/99	99-2/3
<u>VICTIM COMPENSATION</u>					
Crime Victim Reparations, Administration	21904	R270-1	AMD	04/15/99	99-6/7
<u>VICTIMS OF CRIMES</u>					
Crime Victim Reparations, Administration	21904	R270-1	AMD	04/15/99	99-6/7
<u>VOLUNTEER</u>					
Human Services, Aging and Adult Services	21885	R510-111	5YR	02/23/99	99-6/31
	21886	R510-111	NSC	02/27/99	Not Printed
<u>WASTE DISPOSAL</u>					
Environmental Quality, Radiation Control	21685	R313-15-906	AMD	03/12/99	98-24/32
Environmental Quality, Solid and Hazardous Waste	21783	R315-301-2	AMD	03/15/99	99-3/10
	21784	R315-303	AMD	see CPR	99-3/14
	21784	R315-303	CPR	05/05/99	99-7/48
	21439	R315-304	AMD	see CPR	98-19/50
	21439	R315-304	CPR	01/05/99	98-23/45
	21772	R315-304-1	NSC	01/05/99	Not Printed
	21785	R315-305-5	AMD	03/15/99	99-3/18
	21786	R315-315-6	AMD	03/15/99	99-3/19
	21787	R315-317	AMD	03/15/99	99-3/20
	21788	R315-318	AMD	see CPR	99-3/22
	21788	R315-318	CPR	05/05/99	99-7/50
	21920	R315-320	5YR	03/12/99	99-7/55
<u>WASTEWATER TREATMENT</u>					
Environmental Quality, Water Quality	21449	R317-10	AMD	see CPR	98-19/70
	21449	R317-10	CPR	02/04/99	99-1/35
<u>WATER FUNDING</u>					
Natural Resources, Water Resources	21736	R653-2	AMD	02/02/99	99-1/15
<u>WATER POLLUTION</u>					
Environmental Quality, Water Quality	21449	R317-10	AMD	see CPR	98-19/70
	21449	R317-10	CPR	02/04/99	99-1/35
<u>WELFARE FRAUD</u>					
Human Services, Recovery Services	21675	R527-200	AMD	01/04/99	98-23/33
<u>WILDLIFE</u>					
Natural Resources, Wildlife Resources	21717	R657-5	AMD	01/15/99	98-24/96
	21827	R657-27	AMD	03/18/99	99-4/51

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	21938	R657-33	AMD	05/18/99	99-8/33
	22027	R657-37	5YR	05/03/99	99-11/75
	21939	R657-37	AMD	05/18/99	99-8/39
	21719	R657-38	AMD	01/15/99	98-24/107
	21940	R657-41	AMD	05/18/99	99-8/45
	21720	R657-42	AMD	01/15/99	98-24/109
	21721	R657-43	AMD	01/15/99	98-24/110
<u>WILDLIFE LAW</u>					
Natural Resources, Wildlife Resources	21827	R657-27	AMD	03/18/99	99-4/51
<u>WILDLIFE PERMITS</u>					
Natural Resources, Wildlife Resources	21940	R657-41	AMD	05/18/99	99-8/45
<u>WOODBURNING</u>					
Environmental Quality, Air Quality	21570	R307-302-2	AMD	01/07/99	98-22/67
<u>WORKERS' COMPENSATION</u>					
Labor Commission, Adjudication	21845	R602-2-1	AMD	04/05/99	99-5/38
	21846	R602-2-4	AMD	04/05/99	99-5/40
<u>X-RAY</u>					
Environmental Quality, Radiation Control	21535	R313-16	AMD	01/15/99	98-21/27
	21682	R313-28	AMD	03/12/99	98-24/46
	21806	R313-30	5YR	01/25/99	99-4/66