

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
Filed January 16, 2026, 12:00 a.m. through February 2, 2026, 11:59 p.m.

Number 2026-04  
February 15, 2026

Nancy L. Lancaster, Managing Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah state government. The Office of Administrative Rules, part of the Department of Government Operations, produces the *Bulletin* under authority of Section 63G-3-402.

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.

I. Utah. Office of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

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## NOTICES OF PROPOSED RULES

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A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between January 16, 2026, 12:00 a.m., and February 2, 2026, 11:59 p.m. are included in this, the February 15, 2026, issue of the *Utah State Bulletin*.

In this publication, each **PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **PROPOSED RULE** is usually printed. New rules or additions made to existing rules are underlined (example). Deletions made to existing rules are struck out with brackets surrounding them (~~example~~). Rules being repealed are completely struck out. A row of dots in the text between paragraphs (. . . . .) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not usually printed. If a **PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of each rule that is too long to print is available from the filing agency or from the Office of Administrative Rules.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Bulletin* until at least March 17, 2026. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through June 17, 2026, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

The public, interest groups, and governmental agencies are invited to review and comment on **PROPOSED RULES**. *Comment may be directed to the contact person identified on the **RULE ANALYSIS** for each rule.*

**PROPOSED RULES** are governed by Section 63G-3-301, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5a, R15-4-9, and R15-4-10.

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**The Proposed Rules Begin on the Following Page**

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Repeal and Reenact

**Rule or section number:**

**R68-14**

**Filing ID: 57771**

**Agency Information**

**1. Title catchline:** Agriculture and Food, Plant Industry

**Building:** Taylorsville State Office Building, South Building, Floor 2

**Street address:** 4315 S 2700 W

**City, state:** Taylorsville, UT

**Mailing address:** PO Box 146500

**City, state, and zip:** Salt Lake City, UT 84114-6500

**Contact persons:**

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Robert Hougaard	801-982-2305	Rhougaard@Utah.gov

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

**General Information**

**2. Rule or section catchline:**  
R68-14. Quarantine Pertaining to Spongy Moth - Lymantria Dispar

**4. Purpose of the new rule or reason for the change:**

The Department of Agriculture and Food (department) is amending this rule to remove redundant and irrelevant information. The department reviewed this rule and found the requirements listed for the quarantines are not current practice and the department does not and has not enforced an interior quarantine for spongy moth for over ten years.

**5. Summary of the new rule or change:**

The proposed changes to this rule enhance clarity and remove redundant information, reflecting current department practices. The department is filing this rule as a repeal and reenact to clarify the rule's purpose and eliminate redundant definitions. The changes remove the information that apply for an interior quarantine. The changes also revise the Regulated Articles section (the new R68-14-5) to clearly define the articles placed under quarantine and specify the conditions that regulate an item. The changes rewrite the exterior quarantine restrictions in active voice to clarify requirements. Finally, the proposed changes revise the Violations section (the new R68-14-7) to improve clarity and remove redundant language on non-compliance.

**Fiscal Information**

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

**A. State budget:**

The department does not anticipate an impact on the state's budget. Because the spongy moth is not in Utah, the interior quarantines are obsolete, and their removal will not alter the state's budget.

**B. Local governments:**

The proposed changes will not have an impact on local governments because it does not administer or participate in this quarantine.

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

The department determines there is no fiscal impact on small businesses.

Because the spongy moth is not present in Utah and the interior quarantine has been inactive for over ten years, the removal of these requirements does not impose any new costs or change existing business expenditures.

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

The department determines there is no fiscal impact on non-small businesses.

Because the spongy moth is not present in Utah and the interior quarantine has been inactive for over ten years, the removal of these requirements does not impose any new costs or change existing business expenditures.

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

The department determines no fiscal impact on other persons.

Since the spongy moth is not present in Utah, the removal of inactive interior quarantine requirements does not impose costs or provide savings for other persons.

**F. Compliance costs for affected persons:**

The compliance costs are not changing.

**G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H. Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Commissioner of the Department of Agriculture and Food, Kelly Pehrson, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

Subsection 4-2-103(1)(k)      Section 4-35-109

**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.**

**A. Comments will be accepted until:**      03/17/2026

**10. This rule change MAY become effective on:**      03/24/2026

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

**Agency head or designee and title:**      Kelly Pehrson, Commissioner      **Date:**      01/15/2026

**R68. Agriculture and Food, Plant Industry.**

**[R68-14. Quarantine Pertaining to Spangy Moth - Lymantria Dispar.**

**R68-14.1. Purpose and Authority.**

- (1) Promulgated under authority of Subsection 4-2-103(1)(k) and Section 4-35-109.
- (2) This rule establishes a quarantine pertaining to the spangy moth, lymantria dispar. The spangy moth has been found in Utah, is a danger to forests, residences, parks, and agricultural tree plantings, and is capable of destroying watershed areas, orchards, ornamental trees, and being a general nuisance to the public.

**R68-14.2. Definitions.**

- (1) "Commissioner" means the Commissioner of the Utah Department of Agriculture and Food or the commissioner's designee.
- (2) "Department" means the Utah Department of Agriculture and Food.
- (3) "Interior quarantine" means a quarantine within Utah established against the movement of designated plant pests, life stages, their hosts, and possible carriers from areas identified as being infested by the department.
- (4) "Exterior quarantine" means a quarantine established against the movement into this state of designated plant pests, life stages, their hosts, and possible carriers from areas identified as being infested by the department.
- (5) "Spangy moth Lymantria dispar" means a lepidopterous insect of the family Lymantriidae that in the larval stage defoliates many species of trees and shrubs.
- (6) "Qualified certified applicator (QCA)" means any individual who:
  - (a) is certified pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136i as a certified commercial applicator in a category allowing use of the Restricted Use Pesticides recommended for use in the treatment of outdoor household articles for the spangy moth; and
  - (b) has attended and finished a workshop segment approved by the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) on the identification and treatment of spangy moth life stages on regulated articles.
- (7) "Regulated articles" means articles and commodities that are placed under quarantine when located within or originating from an area listed in Section R68-14.3. Regulated articles are listed in Section R68-14.4.

**R68-14.3. Quarantine - Spangy Moth - Area Under Order.**

- (1) Interior Quarantine.
  - (a) Real and personal properties within the state where the department identified multiple spangy moth life stages and where occupants or owners of those properties have been notified by the department of the spangy moth infestation and that the subject property is under quarantine.
  - (b) The department shall post quarantined areas both at entrance points and exit points with signs no smaller than 22 inches by 34 inches.
- (2) Exterior Quarantine.
  - (a) Any areas of the United States and Canada that are declared high risk by the USDA APHIS, plant protection and quarantine or by the commissioner.

**R68-14.4. Quarantine - Spangy Moth Hosts and Carriers - Regulated Articles.**

- (1) Regulated articles.
  - (1) Trees, shrubs with persistent woody stems, Christmas trees, and parts of trees and shrubs. Seeds, fruits and cones are not considered as parts of trees and shrubs.
  - (2) Timber and building materials including lumber, planks, poles, logs, firewood, pulpwood, fencing, and building blocks.
  - (3) Mobile homes, recreational vehicles, trailers, boats, camping gear, and associated equipment.

(4) Outdoor household articles (OHA) including furniture, toys, garden tools, garden machinery, animal houses, and storage sheds.

(5) Any other items or means of conveyance not covered in Section R68-14-4 when that item or conveyance is determined by the commissioner to present a hazard of the spread of any life stage of spongy moth.

**R68-14-5. Spongy Moth Quarantine Restrictions – Interior.**

(1) Regulated articles shall not be moved from the area under quarantine except:

(a) any item under quarantine may be inspected and certified for movement by the department or by USDA APHIS; and

(b) OHA's can be certified if inspected and found free of each stage of spongy moth by QCA or the homeowner.

(2) Garden prunings from trees and shrubs may be removed from quarantine areas only when they are moved in tarped vehicles to the city or county dumps where material is to be burned, incinerated, buried, composted, or otherwise treated or handled in a manner that is approved by the department and does not pose a hazard to the spread of spongy moth life stages.

(a) Items cleaned or treated shall be certified by the department or by USDA APHIS, before movement from the quarantine area.

(b) OHA's can also be cleaned or treated by a QCA or homeowner before movement from the quarantine area.

(c) Expense of cleaning or treatment of articles or commodities for spongy moth shall be the responsibility of the person in possession of the articles or commodities, or the consignee if the articles or commodities are part of a commercial shipment by common carriers of household goods.

**R68-14-6. Spongy Moth Quarantine Restrictions – Exterior.**

(1) Quarantined articles and commodities are prohibited from entry into Utah from areas described by Section R68-14-3 except under the conditions listed in Subsections R68-14-6(1)(a) through R68-14-6(1)(d).

(a) Any person moving into the state from an area known to be infested with spongy moth shall register their Utah residence with the department within 30 days of entering the state. The department shall provide self-addressed postage paid notice forms at points of entry, driver license offices, and county courthouses.

(b) Alternatively, the person may submit to the department a finished "Spongy Moth Outdoor Household Articles Transit Inspection Follow-up Worksheet" or other official state or APHIS inspection form stating:

(i) origin of regulated articles before movement to Utah;

(ii) Utah address stating where regulated articles are destined; and

(iii) address of owner if different from the address given in Subsection R68-14-6(1)(b)(ii).

(c) The department may inspect each regulated article of any person moving into the state from quarantined areas. The department shall maintain a spongy moth trap for two entire seasons at residences of each new person who has moved into the state from quarantined areas.

(d) Any person who fails to provide the department with the official notice form or form described in Subsection R68-14-6(1)(b) within 30 days of entering the state shall be in violation of this quarantine and may be liable for costs associated with any eradication program caused by failure to notify the department.

**R68-14-7. Certification of QCA's.**

(1) To facilitate the issuance of certification for property movement out of quarantined areas the department shall provide training certification workshops to certify licensed pesticide applicators to become a QCA as defined in the definitions.

(2) A QCA may charge for inspections.

**R68-14-8. Inspection Certificate.**

An inspection certificate shall be issued by the department or a QCA after a thorough inspection.

**R68-14-9. Violations and Penalties.**

(1) Any fraudulent use of or use of incorrect information on any forms used in the enforcement of this quarantine is a violation.

(2) Any intentional movement of spongy moth life stages from any infested area is a violation.

(3) Failure to perform or have inspection shall be considered intentional movement as well as willfully moving property after notification.

(4) Failure to register with the department within 30 days of moving to Utah from an area defined in Section R68-14-3, is a violation.

(5) Failure to comply with any section of this rule shall be a violation.

(6) Violators of this quarantine shall be subject to civil penalties of not more than \$5,000 per violation as defined in Section 4-2-

304.]

**R68-14. Spongy Moth Quarantine.**

**R68-14-1. Authority.**

Subsection 4-2-103(1)(k) and Section 4-35-109 authorize this rule.

**R68-14-2. Purpose.**

This rule establishes a quarantine for the spongy moth, *Lymantria dispar*.

**R68-14-3. Definitions.**

(1) "Spongy moth, *Lymantria dispar*" means a lepidopterous insect of the family Lymantriidae that, in the larval stage, defoliates many species of trees and shrubs.

NOTICES OF PROPOSED RULES

(2) "Regulated articles" means articles and commodities that are placed under quarantine when located within or originating from an area listed in Section R68-14-4.

**R68-14-4. Area Under Quarantine.**

The department designates as a quarantined area any U.S. state, district, or territory, and any province of Canada, declared as a high risk area for spongy moth by:

- (1) the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA APHIS); or
- (2) the commissioner.

**R68-14-5. Regulated Articles.**

(1) The department considers the following to be regulated articles:

- (a) any life stage of the spongy moth;
- (b) trees, shrubs with persistent woody stems, Christmas trees, and parts of trees and shrubs;
- (c) timber and building materials, including:
  - (i) lumber, planks, and poles;
  - (ii) logs, firewood, and pulpwood; and
  - (iii) fencing, and building blocks;
- (d) mobile homes, recreational vehicles, trailers, boats, and camping gear, including any associated equipment;
- (e) Outdoor Household Articles (OHA), including:
  - (i) furniture, and toys;
  - (ii) garden tools, and garden machinery;
  - (iii) animal houses, and storage sheds;
- (f) any other items or means of conveyance when the commissioner determines it presents a hazard of the spread of any life stage of spongy moth.

(2) The department does not consider seeds, fruits, and cones to be regulated parts of trees and shrubs.

**R68-14-6. Spongy Moth Quarantine Restrictions.**

(1) A person may not move any regulated articles into Utah from a quarantined area except under the conditions listed in this rule.

(2) Any person who moves into the state from an area known to be infested with spongy moth shall:

- (a) register their Utah residence with the department within 30 days of entering the state; or
- (b) submit to the department a finished "Spongy Moth Outdoor Household Articles Transit Inspection Follow-up Worksheet" or other official state or APHIS inspection form, which includes:
  - (i) origin of regulated articles before movement to Utah;
  - (ii) Utah address stating where regulated articles are destined; and
  - (iii) address of owner if different from the address given in Subsection R68-14-6(1)(b)(ii).

(3) The department may inspect each regulated article of any person moving into the state from quarantined areas.

(4) The department may maintain a spongy moth trap for two entire seasons at the residences of each new person who has moved into the state from quarantined areas.

(5) Any person who fails to notify the department with the official notice form or form described in Subsection R68-14-6(1)(b) within 30 days of entering the state:

- (a) shall be in violation of this quarantine; and
- (b) may be liable for costs associated with any eradication program caused by failure to notify the department.

**R68-14-7. Violations and Penalties.**

A person is in violation of this rule if they:

- (1) provide any fraudulent information on any required forms;
- (2) intentionally moves any life stage of the spongy moth from any infested area;
- (3) fail to perform or have a regulated article inspection as required by this rule;
- (4) willfully move property after notification;
- (5) fail to register with the department within 30 days of moving to Utah from a quarantined area; or
- (6) fail to comply with any section of this rule.

**KEY: quarantine, spongy moth, Lymantria dispar, regulated articles**

Date of Last Change: 2026[June 8, 2022]

Notice of Continuation: December 12, 2022

Authorizing, and Implemented or Interpreted Law: 4-2-103(1)(k); 4-35-109

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Amendment

**Rule or section number:**

**R156-46b**

**Filing ID: 57787**

**Agency Information**

<b>1. Title catchline:</b>	Commerce, Professional Licensing	
<b>Building:</b>	Heber M. Wells Building	
<b>Street address:</b>	160 E 300 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 146741	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6741	
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<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R156-46b. Division Utah Administrative Procedures Act Rule
<b>4. Purpose of the new rule or reason for the change:</b>
This filing is based on a review of this rule by Division of Professional Licensing (Division) managers and legal analysts, Commerce administrative law judges, and counsel for the Division.
The proposed amendments update this rule by updating citations and clarifying the procedures for informal adjudicative proceedings, removing obsolete or unneeded provisions, and making formatting changes consistent with the Rulewriting Manual for Utah.
The proposed amendments also designate additional categories of adjudicative proceedings to be conducted informally under Title 63G, Chapter 4, Utah Administrative Procedures Act (UAPA).
<b>5. Summary of the new rule or change:</b>
The proposed amendments update, streamline, and clarify this rule by updating citations, renumbering sections, making formatting changes consistent with the Rulewriting Manual for Utah, and by deleting the following obsolete or unnecessary provisions:
1) Section R156-46b-201 is deleted in its entirety because designating proceedings as formal is not necessary under UAPA Subsection 63G-4-202(2).
2) Section R156-46b-202 is renumbered to R156-46b-201, with Subsection (2)(b)(iv) amended to delete the provision for hunting guide or outfitter proceedings because the Division no longer administers those registrations.
3) Section R156-46b-403 is renumbered to R156-46b-203, with Subsection (2) deleted and replaced with language that more clearly establishes the deadlines for a person to submit a request for a hearing, and with other subsections amended to clarify that a hearing is permitted for citation proceedings, and a hearing is required for proceedings terminating a licensee's Utah Professionals Health Program contract or agreement.
The proposed amendments also amend Section R156-46b-202 (now numbered R156-46b-201) to update citations and to designate the following categories of adjudicative proceedings as informal adjudicative proceedings under UAPA:
1) proceedings against a controlled substance licensee under Subsection 58-37-6(4)(d), to suspend a controlled substance license simultaneously with the institution of proceedings under Stion 58-37-6(4);
2) proceedings under Subsection 58-63-502(2) for a security officer failing to carry or display a copy of their license as required by statute;
3) proceedings against a health care services platform registered under Title 58, Chapter 90, Health Care Services Platform;
4) proceedings for violating Subsection 58-1-501(2)(a)(viii) by practicing or attempting to practice a profession requiring licensure by any form of action or communication which is false, misleading, deceptive, or fraudulent;
5) proceedings for violating Subsection 58-1-501(2)(a)(xii) by acting as a supervisor without meeting the qualification requirements for that position that are defined by statute or rule;
6) proceedings under Subsection R156-1-501(7) for failing to comply with an investigative subpoena or an order regarding an investigative subpoena;

7) proceedings under Subsection R156-1-501(9) for failing as an exam candidate or exam proctor, grader, or administrator, to comply with the Division Exam Policies and Procedures, dated 12/29/2023; \_\_\_\_\_  
8) proceedings for the Utah Professionals Health Program, including under Section 58-4a-107; and \_\_\_\_\_  
9) certain proceedings conducted in accordance with Title 58, Occupations and Professions for immediate suspension or revocation of a license. \_\_\_\_\_

Finally, new Section R156-46b-301 is added to clarify the procedures for the hearing that is required under Subsection 58-47b-503(8) or 58-47b-503.1(6) if the Division suspends a license or registration without notice. \_\_\_\_\_

**Fiscal Information**

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

**A. State budget:**

The proposed amendments that designate certain categories of adjudicative proceedings as informal adjudicative proceedings in accordance with UAPA are expected to create savings to the state budget, because the streamlined UAPA procedures for these types of cases will still protect the rights of the parties under UAPA but reduce the time and cost required for these proceedings. \_\_\_\_\_

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

The remainder of the proposed amendments are expected to have no measurable fiscal impact on the state budget because they only update and clarify this rule and will not change existing state government practices or procedures. \_\_\_\_\_

**B. Local governments:**

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

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

The proposed amendments are not expected to impact small businesses because the amendments merely clarify and update this rule and update Division procedures and will not alter the price or quantity of any exchanges involving small businesses. \_\_\_\_\_

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

The proposed amendments are not expected to impact non-small businesses because the amendments merely clarify and update this rule and update Division procedures and will not alter the price or quantity of any exchanges involving non-small businesses. \_\_\_\_\_

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

The proposed amendments that designate certain categories of adjudicative proceedings as informal adjudicative proceedings in accordance with UAPA may create savings for persons who have allegedly engaged in unlawful or unprofessional conduct in the categories being designated as informal adjudicative proceedings, because the streamlined UAPA procedures for these types of cases will still protect the rights of these persons under UAPA and Utah law but will reduce the time and cost required for these proceedings. \_\_\_\_\_

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

The remainder of the proposed amendments are expected to have no fiscal impact on other persons because they only update and clarify this rule. \_\_\_\_\_

**F. Compliance costs for affected persons:**

As described in Box 6A for state budget and Box 6E for other persons, no compliance costs are expected for affected persons because the proposed amendments will uphold the rights of the parties while lowering the financial and time burden of adjudicative proceedings and will clarify and update this rule.

**G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H. Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

Subsection 63G-4-102(6)      Subsection 58-1-106(1)(a)

**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.**

**A. Comments will be accepted until:** 03/17/2026

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

Date:	Time:	Place (physical address or URL):
03/05/2026	9:30 AM	Physical/Anchor Meeting: Heber M. Wells Building 160 E 300 S, 4th Floor, Room 402 Salt Lake City UT  Online (Google Meet) joining info: Video call link: meet.google.com/pwp-fqqv-nha  Phone Numbers: (US) +1 316-500-7518 PIN: 630 384 599#

**10. This rule change MAY become effective on:** 03/24/2026  
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

**Agency head or designee and title:** Deborah Blackburn, Assistant Division Director  
**Date:** 01/29/2026

**R156. Commerce, [Occupational and] Professional Licensing.  
R156-46b. Division Utah Administrative Procedures Act Rule.**

**R156-46b-101. Title -- Authority - Purpose.**

(1) This rule is known as the "Division Utah Administrative Procedures Act Rule."

**R156-46b-103. Authority -- Purpose.**

(1) This rule is adopted by the Division under the authority of Title 63G, Chapter 4, Administrative Procedures Act, and Subsections 58-1-106(1)(a) and 58-1-108(1).

(2) The purposes of this rule include:

- (a) designating categories of Division adjudicative proceedings;
- (b) identifying presiding officers at Division adjudicative proceedings; and
- (c) defining procedures for Division adjudicative proceedings that are consistent with Title 58, Occupations and Professions, Title 63G, General Government, and Rule R151-4, Department of Commerce Administrative Procedures Act Rule.

**R156-46b-201. Formal Adjudicative Proceedings.**

(1) The following adjudicative proceedings commenced by a request for agency action are designated as formal adjudicative proceedings:

- (a) special appeals board held in accordance with Section 58-1-402;
- (b) declaratory order determining the applicability of statute, rule, or order to specified circumstances, when determined by the director to be conducted as a formal adjudicative proceeding; and
- (c) board of appeal held in accordance with Subsection 15A-1-207(3).

(2) The following adjudicative proceedings commenced by a notice of agency action are designated as formal adjudicative proceedings:

- (a) disciplinary proceedings, except those designated as informal proceedings under Section R156-46b-202, for the following sanctions:
  - (i) revocation of licensure;
  - (ii) suspension of licensure;
  - (iii) restricted licensure;
  - (iv) probationary licensure;
  - (v) issuance of a cease and desist order except when imposed through a citation;
  - (vi) administrative fine except when imposed through a citation; and
  - (vii) issuance of a public reprimand;
- (b) unilateral modification of a disciplinary order; and
- (c) termination of diversion agreement or of a program contract under Section 58-4a-107.

**R156-46b-102. Definitions.**

(1) Terms in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and Rule R156-1, General Rule of the Division of Professional Licensing.

(2) In addition to the definitions in Subsection (1), "license" or "licensure" means any right or privilege to engage in the practice of a regulated profession or occupation under Title 58, Occupations and Professions, and includes a license, certificate, certification, registration, permit, classification, student card, apprenticeship, or apprentice card authorized under Title 58, Occupations and Professions.

**R156-46b-201. Informal Adjudicative Proceedings.**

(1) Under Section 63G-4-202, the following adjudicative proceedings commenced by other than a notice of agency action are designated as informal adjudicative proceedings:

- (a) the approval or denial of an application for:
  - (i) initial licensure;
  - (ii) renewal or reinstatement of licensure;
  - (iii) relicensure;
  - (iv) inactive or emeritus licensure status;
  - (v) a tax credit certificate by a psychiatrist, psychiatric mental health nurse practitioner, or volunteer retired psychiatrist under Section 58-1-111; or
  - (vi) criminal history determination under Section 58-1-310;
- (b) a favorable or unfavorable determination, based on an application for criminal history determination under Section 58-1-310;

- (c) ~~the approval or denial of a claim[s] against the Residence Lien Recovery Fund created under Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery Fund Act;~~
- (d) ~~payment of an approved claim[s] against the Residence Lien Recovery Fund under Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery Fund Act;~~
- (e) ~~the approval or denial of a request:~~
  - (i) ~~to surrender [licensure]a license;~~
  - (ii) ~~[for entry into and participation in the Utah Professionals Health Program under Title 58, Chapter 4a, Utah Professionals Health Program;~~
  - (iii) ~~for modification of a disciplinary order;~~
  - (i~~v~~~~ii~~) ~~for correction of procedural or clerical mistakes; or~~
  - (iv) ~~for correction of other than procedural or clerical mistakes;~~
  - (f) ~~any matter[s] relating to Title 58, Chapter 4a, Utah Professionals Health Program, including:~~
    - (i) ~~approval or denial of a request for [modification of a program contract or diversion agreement]entry into and participation in the Utah Professionals Health Program under Title 58, Chapter 4a, Utah Professionals Health Program;~~
    - (ii) ~~a matter[s] relating to a program contract or diversion agreement, including approval or denial of a request for modification of a program contract or diversion agreement [that do not involve termination under Section 58-4a-107]; or~~
    - (iii) ~~determination of a licensee's successful completion of the Utah Professionals Health Program;~~
    - (g) ~~a citation hearing[s] held in accordance with citation authority [established]under Title 58, Occupations and Professions;~~
    - (h) ~~a declaratory order determining the applicability of statute, rule, or order to specified circumstances, when determined by the director to be conducted as an informal adjudicative proceeding; or~~
      - (i) ~~any matter relating to an order governing a license, including disciplinary sanctions imposed in a stipulation or memorandum of understanding with a[n] license applicant[for licensure; and~~
      - (j) ~~other requests for agency action permitted by statute or rule governing the Division not specifically designated as formal adjudicative proceedings in Subsection R156-46b-201(1)].~~
  - (2) ~~[Pursuant to]Under Section 63G-4-202, the following adjudicative proceedings commenced by a notice of agency action are designated as informal adjudicative proceedings:~~
    - (a) ~~nondisciplinary proceedings that result in cancellation of licensure as defined in Subsection R156-1-102(3);~~
    - (b) ~~disciplinary proceedings against:~~
      - (i) ~~a contractor, plumber, electrician, or alarm company licensed under Title 58, Chapter 55, Utah Construction Trades Licensing Act;~~
      - (ii) ~~a controlled substance licensee under Subsection 58-37-6(4)(d) or (g);~~
      - (iii) ~~a contract security company or armored car company licensed under Title 58, Chapter 63, Security Personnel Licensing Act, for [failure to replace a qualifier as required under Section 58-63-306]unprofessional conduct under Subsection 58-63-502(1) or (2); or~~
      - (iv) ~~[a hunting guide or outfitter registered under Title 58, Chapter 79, Hunting Guides and Outfitters Registration Act, for unprofessional conduct under Subsections R156-79-502(12) or R156-79-502(14);]a health care services platform registered under Title 58, Chapter 90, Health Care Services Platforms;~~
    - (c) ~~disciplinary proceedings commenced by a notice of agency action and order to show cause [concerning violations of]for violating an order governing a license, including under Subsection 58-1-501(2)(a)(xv);~~
    - (d) ~~disciplinary proceedings [commenced by a notice of agency action]in which the allegations of misconduct are limited to violating one or more of [the following]:~~
      - (i) ~~Subsection[s] 58-1-501(2)[(e) or (d)](a)(iii), (iv), (viii), or (xii);[or]~~
      - (ii) ~~Subsection[s] R156-1-501(1), (2), (3), (4), [through] (5), (7), or (9); [and]or~~
      - (iii) ~~[disciplinary proceedings commenced by a notice of agency action concerning evaluation or verification of documentation showing completion of or compliance with renewal requirements under]Subsection 58-1-308(4)(b), concerning completion of or compliance with renewal requirements;~~
    - (e) ~~proceedings under Title 58, Chapter 4a, Utah Professionals Health Program, including under Section 58-4a-107; or~~
    - (f) ~~the immediate or automatic suspension or revocation of a license in accordance with Title 58, Occupations and Professions, including under Subsection 58-1-301.5(8), 58-47b-503(8), or 58-47b-503.1(6), unless simultaneous adjudicative proceedings are conducted formally.~~

**R156-46b-301-202. [Designation]Procedures for Adjudicative Proceedings.**

~~[The](1) Under Section 63G-4-203, the presiding officers for Division adjudicative proceedings are defined at Subsection 63G-4-103(1)(h) and established by Sections 58-1-109 and R156-1-109.~~

**R156-46b-401. In General.**

~~[(1)](2)(a) The procedures for formal Division adjudicative proceedings are in Sections 63G-4-204 through 63G-4-20[8]2, Rule R151-4, Department of Commerce Administrative Procedures Act Rule, and this rule.~~

~~[(2)]b) The procedures for informal Division adjudicative proceedings are in Sections 63G-4-202, 63G-4-203, and 63G-4-209, Rule R151-4, Department of Commerce Administrative Procedures Act Rule, and this rule.~~

**R156-46b-402. Response to Notice of Agency Action in an Informal Adjudicative Proceeding.**

(1) In accordance with (3)(a) Under Section 63G-4-202 and Subsection R156-4-205(2), a notice of agency action commencing an informal adjudicative proceeding may require [a] the respondent to file a written response [or answer].

(2)(b) Under Subsection R151-4-205(3), [u]nless a different date is [specified] established by law or rule or in the notice of agency action, a respondent shall file a required written response [or answer] within 30 days [of] after the mailing date of the notice of agency action.

**R156-46b-403]203. [Evidentiary] Hearings in Informal Adjudicative Proceedings.**

(1) [In accordance with] Under Section 63G-4-203, [evidentiary hearings are] a hearing is not required for Division informal adjudicative proceedings unless:

- (a) required by statute or rule; or
- (b) permitted by rule and requested by a party within the time prescribed by rule.

(2) [Unless otherwise provided, a request for an evidentiary hearing permitted by rule shall be submitted in writing:

- (a) within 20 days of the issuance of the notice of agency action if the proceeding was commenced by the Division; or
- (b) with the request for agency action if the proceeding was not commenced by the Division.] Under Subsection 63G-4-203(1)(b)

and Section R151-4-702, unless otherwise provided by statute or rule, a request for an evidentiary hearing to which a person is permitted or entitled by statute or is permitted by rule shall be received by the Division in writing no later than:

- (a) the time period for filing a response to the notice of agency action, if a response is required or permitted;
- (b) twenty days following the issuance of the notice of agency action, if a response is not required or permitted;
- (c) the filing of the request for agency action, if the proceeding was commenced by a person other than the Division;
- (d) for a request for a citation hearing, within 20 days from the service of the citation; or
- (e) for a request for a postrevocation hearing under Subsection 58-1-301.5(8), within the time period in Subsection R156-46b-203(2)(a) for filing a response to the notice to the person that the license or registration is immediately and automatically revoked.

(3) An evidentiary hearing is [required] permitted for an informal adjudicative proceeding under Subsection R156-46b-202(1)(g), citation hearings.

(4) An evidentiary hearing is [permitted] required for an informal adjudicative proceeding under Subsections [R156-46b-202(1)(f), matters relating to the] 58-4a-107(2)(b) and R156-46b-201(2)(e) to determine whether the Division should terminate a licensee's Utah Professionals Health Program program contract or diversion agreement.

(5)(a) Unless otherwise agreed by the parties, an evidentiary hearing may not be held in an informal adjudicative proceeding unless timely notice of the hearing has been served upon the parties as required by Subsection 63G-4-203(1)(d).

(b) [Timely] Unless otherwise provided by statute or rule, timely notice means service of a notice of hearing upon the parties at least ten days [prior to] before the scheduled evidentiary hearing.

[ (6) Parties shall be permitted to testify, present evidence, and comment on the issues at an evidentiary hearing in a Division informal adjudicative proceeding.]

**R156-46b-404]204. Orders in Informal Adjudicative Proceedings.**

(1) [Orders issued in Division informal adjudicative proceedings shall comply with Subsection 63G-4-203(1)(i).

(2) [The issuance of a license or approval of related requests in response to a request for agency action is sufficient to satisfy Subsection 63G-4-203(1)(i).

(3)2(a) [The issuance of a letter denying a license or related requests is sufficient to satisfy Subsection 63G-4-203(1)(i).

(b) The letter shall explain the reasons for the denial and [the] any rights of the parties to seek agency review or judicial review, including the relevant time limits [for requesting review].

(4)3 Unless otherwise specified by the director, the fact finder who serves as the presiding officer at an evidentiary hearing convened in Division informal adjudicative proceedings shall issue a final order.

(5) Orders (4) An order issued in [Division] an informal adjudicative proceeding[s] in which an evidentiary hearing is convened shall comply with the requirements of Subsection 63G-4-208(1) instead of Subsection 63G-4-203(1)(i).

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

Unless otherwise provided by statute or rule:

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

(i) notice of the suspension and an order to immediately cease and desist any practice under Title 58, Chapter 47b, Massage Therapy Practice Act; and

(ii) notice of hearing on the sole issue of whether the suspension should be affirmed, set aside, or modified based upon the standards in Section 58-47b-503 or 58-47b-503.1, as applicable.

(b) The Division shall hold the hearing within 15 days after the suspension, unless the Division and the respondent agree in writing to conduct the hearing at a later date.

(2)(a) A Department administrative law judge shall act as the presiding officer at the hearing under this section.

(b) The presiding officer shall conduct the hearing in conformity with the procedures of Section 63G-4-206.

(c) The Division has the burden of proof to establish, by a preponderance of the evidence, that the requirements of Subsection 58-47b-503(8) or 58-47b-503.1(6) have been met.

(3)(a) Within 15 days after the day the hearing to consider the suspension concludes, the presiding officer shall issue an order in accordance with Section 63G-4-208.

(b) The order of the presiding officer is subject to agency review.

(4) If the order issued under this section will result in the continued infringement or impairment of any legal right or interest of any party, the Division shall commence a formal adjudicative proceeding within 120 days in accordance with Title 58, Occupations and Professions.

**R156-46b-40[5]1. Informal Agency Advice.**

(1) The Division may issue an informal guidance letter in response to a request for advice unless the request specifically seeks a declaratory order.

(2) The informal guidance letter shall notify the subject of the letter that:

- (a) the letter is only an informal guidance letter, and is not a formal declaratory order; and
- (b) provide the citation that governs declaratory orders.

**KEY: administrative procedures, government hearings, occupational licensing, professional licensing**

**Date of Last Change:** ~~March 25, 2021~~2026

**Notice of Continuation:** October 22, 2025

**Authorizing, and Implemented or Interpreted Law:** 63G-4-102(6); 58-1-106(1)(a)

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Amendment

**Rule or section number:** R156-55a **Filing ID:** 57745

**Agency Information**

<b>1. Title catchline:</b>	Commerce, Professional Licensing	
<b>Building:</b>	Heber M. Wells Building	
<b>Street address:</b>	160 E 300 S	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 146741	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6741	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Allyson Pettley	801-530-6720	apettley@utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>	
R156-55a. Utah Construction Trades Licensing Act Rule	
<b>3. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.
<b>If yes, any bill number and session:</b>	HB 442 (2025 General Session), HB 28 (2025 General Session), HB 483 (2024 General Session)
<b>4. Purpose of the new rule or reason for the change:</b>	
The Division of Professional Licensing (Division) proposes the following amendments to update the Rule R156-55a, the Utah Construction Trades Licensing Act Rule (the Rule).	
The purpose of these changes are:	
1) to reformat sections without substantive change for purposes of clarity (the "Reformatting Changes");	
2) to reflect legislative changes made during the 2024 and 2025 General Sessions (the "Mandatory Changes"); and	
3) to limit the installation of swimming pools to B100 and R100 licensees ("Swimming Pool Installation").	
<b>5. Summary of the new rule or change:</b>	
Reformatting Changes.	
The proposed rule reformats Section R156-55a-301 to eliminate the use of tables.	

NOTICES OF PROPOSED RULES

The Division has received feedback from the community, the Construction Services Commission, and its own technicians regarding the tables currently used in Section R156-55a-301 to define the scope of the various contractor and trade licenses under Title 58, Chapter 55.

It was determined that these tables should be converted into paragraph form. The proposed draft eliminates all tables from Section R156-55a-301 and converts them into paragraph form over five new sections: R156-55a-301a through R156-55a-301e as follows:

- Section 301a: Contractor Licenses Required Under Subsection 58-55-301(2)
- Section 301b: Trade Licenses Required Under Subsection 58-55-301(2)
- Section 301c: Specialty Contractors Licensed Under Subsection 58-55-301(2)(x)
- Section 301d: Reserved for Future Use
- Section 301e: Activities Exempt for Licensing

With the exception of those subsections expressly noted in this summary, the proposed reformatting of the tables from Section R156-55a-301 into paragraph form does not impact the scope of work (or the exempt status for work) of any license, licensee, or license class. Those exceptions are as follows:

The S440 Sign Installation Contractors' scope of work reflects an updated definition term "minor electrical work" as required by HB 28 (2025).

The S350 HVAC Contractors license will be eliminated and, under the processes described in this proposed rule, will be converted to H100 HVAC Contractor licenses as required by HB 442 (2025).

Swimming pool installation shall be eliminated from the scope of work for S330 Landscape and Recreation Contractors. Swimming pool installation will be expressly limited to the scopes of work for B100 General Contractors and R100 Residential Contractors.

**Mandatory Changes.**

The proposed rule reflects legislative changes to Title 58, Chapter 55.

**HB 28 (2025): On-Premise Sign Installation Amendment.**

HB 28 (2025) amended Title 58, Chapter 55, to clarify the definition of "minor electrical work," particularly as it relates to S440 Sign Installation Contractors.

Under the amendment, appropriate licensing is still required to install, alter, change, repair, or remove electrical components and systems. The amendment, however, clarifies that minor electrical work incidental to a mechanical or service installation within 10 feet from an existing outlet or disconnect that does not exceed 120 volts and 20 amperes is exempt from that requirement, particularly with regard to "the installation, maintenance, or repair of on-premise signs."

The Division regulates sign installation contractors under the S440 license. The scope of this license is found in the proposed Subsection R156-55a-301c(16) and has been amended to reflect the changes under 2025 HB 28.

**HB 442 (2025) Construction Trades Licensing Amendments (H100 HVAC Contractor Designation).**

HB 442 (2025) amended Title 58, Chapter 55, by imposing experience and examination requirements on HVAC Contractors.

Previously, the Division regulated HVAC contractors and qualifiers as specialty contractors under Subsection 58-55-301(2)(x). Like other specialty contractors under Subsection 58-55-301(2)(x), HVAC contractors and qualifiers did not have unique experience and exam requirements prior to the legislation.

To enact HB 442 (2025), the proposed amendment removes the S350 HVAC Contractor specialty license and, in its place, introduces the H100 HVAC Contractor license in Subsection R156-55a-301a(6). This subsection replaces the S350 specialty license and moves its scope of work to the H100 license.

The proposed rule requires H100 licensees to meet the experience and examination conditions of HB 442 (2025) through H100 Qualifiers. These qualifiers are natural persons who have met the statute's examination and experience requirements.

**Experience Requirements.** HB 442 (2025) added Subsection 58-55-302(3)(n)(ii) to require HVAC Contractors. The proposed rule clarifies that the experience requirements cannot be general construction in nature but focus on HVAC specifically.

Examination Requirements. HB 442 (2025) added Subsection 58-55-302(3)(n)(ii) to require the Division to establish examination requirements for H100 Qualifiers.

In addition to the Utah Contractor Business and Law Examination (which is required for all qualifiers) and the proposed Subsection R156-55a-302g(3) requires H100 qualifiers to pass the Utah HVAC written examination.

Grandfathering. To facilitate the transition from S350 to H100, a grandfather clause is being proposed. An active qualifier in good standing for an S350 on 01/01/2026 will be deemed an "Interim H100 Qualifier." This interim status may remain until 11/30/2027.

Interim qualifiers seeking to become regular H100 qualifiers only need to be certified natural gas technicians (even if the business for which they are the qualifier does not do gas work).

It is the Division's plan that by 12/01/2027 all H100 qualifiers will be certified natural gas technicians in compliance with Subsection 58-55-102(30).

#### Gas Work.

Under the new statute, all HVAC Contractors are allowed to do work on gas lines. To ensure public safety, the proposed rule clarifies that any person doing work on a gas line (whether as an H100 or not) must be a journeyman plumber, master plumber, or have been certified to work on gas lines through a program like the one offered by Rocky Mountain Gas Association. Likewise, as stated previously, H100 qualifiers will need to be gas certified.

#### HB 483 (2024) Construction Trade Amendments (Handyman Exemption).

In HB 483 (2024), the Legislature expanded the handyman exemption to projects with a maximum cost of \$3,000 to a maximum \$7,000.

In addition to reflecting that change the proposed rule updates both the handyman and non-handyman insurance requirements to \$1,000,000 per incident and \$3,000,000 total.

#### Swimming Pool Installation.

Currently, the installation of swimming pools can be done under one of three licenses:

- 1) The B100 General Contractor License,
- 2) the R100 Residential Contractor License, and
- 3) the S330 Landscape and Recreation Specialty Contractor License.

After an increase in investigative cases showing financial harm from job abandonment, dangerous workmanship issues, and substantial engineering deficiencies relating to swimming pool installation, the Division, working with the Construction Services Commission, discussed potential regulatory solutions. It was determined that the majority of complaints relating to swimming pool installation arose from S330 specialty licensees.

The Commission and the Division believe limitations on subcontracting by specialty licensees are a likely reason for the disproportionate number of these complaints. An S330 license is a specialty license defined under Subsection 58-55-301(2)(x).

These specialty licenses are designed for contractors focused on specific and discrete areas of construction work. Consequently, they are generally not allowed to subcontract work outside their specialized area. Due to the nature of their scope of work, however, special exceptions are made that allow S330 licensees to hire electrical and plumbing subcontractors.

Conversely, under Subsections 58-55-102(26) and 58-55-102(42), B100 and R100 licensees may subcontract any portion of a project to any other qualified contractor.

The Commission and the Division agree that while some pool installations can be safely and competently performed within the scope of an S330 license, modern pool construction frequently exceeds the allowable scope of that specialty area. This is especially true when unforeseen difficulties arise on a project.

In these instances, when a project does not go as intended, B100 and R100 licensees can subcontract expertise in all areas of construction including engineers, carpenters, masons, concrete specialists, and excavators to remedy any unforeseen issue.

S330 licensees, however, cannot subcontract beyond their very limited exceptions and consequently must leave homeowners and businesses to find, retain, and coordinate the necessary professionals to remedy issues with the project.

Based on those findings, the proposed rule establishes that the installation of swimming pools can only be done by B100 General Contractors and R100 Residential Contractors. These licensees have the ability to appropriately subcontract the requisite plumbing, electrical, and other specialty work necessary to complete modern swimming pool installations. Given the costs involved in the installation of swimming pools, the potential liability that arises when pools are improperly installed, and the unique scope of construction that requires subcontracting work from plumbers, electricians, excavators, concrete specialists, etc., the Division and the Commission agree that the general contractor scopes of practice are the only appropriate license classifications for swimming pool installation.

**Fiscal Information**

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

**A. State budget:**

**Reformatting Changes.**

The reformatting of Section R156-55-301 by eliminating the use of tables and instead using paragraphs makes no substantive change to the scope, interpretation, or enforcement of the rule and consequently has no anticipated cost or savings to the State budget.

**Mandatory Changes.**

All costs relating to the mandatory changes required by legislative actions found in HB 28 (2025), HB 442 (2025), and HB 483 (2024) (including the costs or savings of implementing necessary rule changes) are part of the fiscal notes to those pieces of legislation. The proposed changes to this rule, consequently, have no anticipated cost or savings to the state budget beyond what was disclosed in the legislations' fiscal notes.

The fiscal note relating to HB 28 (2025) can be found at <https://le.utah.gov/~2025/bills/static/HB0028.html>.

The fiscal note relating to HB 442 (2025) can be found at <https://le.utah.gov/~2025/bills/static/HB0442.html>.

The fiscal note relating to HB 483 (2024) can be found at <https://le.utah.gov/~2024/bills/static/HB0483.html>

**Swimming Pool Installation.**

Limiting swimming pool installation to B100 and R100 licensees does not alter either interpretation or enforcement under the rule but merely redefines the licensing required for swimming pool installation. Consequently, there is no anticipated cost or savings to the state budget.

**B. Local governments:**

**Reformatting Changes.**

The reformatting of Section R156-55-301 by eliminating the use of tables and instead using paragraphs makes no substantive change to the scope, interpretation, or enforcement of this rule and consequently has no anticipated cost or savings to local governments.

**Mandatory Changes.**

All costs relating to the mandatory changes required by legislative actions found in HB 28 (2025), HB 442 (2025), and HB 483 (2024) (including the costs or savings of implementing necessary rule changes) are part of the fiscal notes to those pieces of legislation. The proposed changes to the rule, consequently, have no anticipated cost or savings to local governments beyond what was disclosed in the legislations' fiscal notes

The fiscal note relating to HB 28 (2025) can be found at <https://le.utah.gov/~2025/bills/static/HB0028.html>.

The fiscal note relating to HB 442 (2025) can be found at <https://le.utah.gov/~2025/bills/static/HB0442.html>.

The fiscal note relating to HB 483 (2024) can be found at <https://le.utah.gov/~2024/bills/static/HB0483.html>

**Swimming Pool Installation.**

Limiting swimming pool installation to B100 and R100 licensees does not create costs or savings to local governments.

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

**Reformatting Changes.**

The reformatting of Section R156-55-301 by eliminating the use of tables and instead using paragraphs makes no substantive change to the scope, interpretation, or enforcement of the rule and consequently has no anticipated cost or savings to small businesses.

**Mandatory Changes.**

All costs relating to the mandatory changes required by legislative actions found in HB 28 (2025), HB 442 (2025), and HB 483 (2024) (including the costs or savings of implementing necessary rule changes) are part of the fiscal notes to those pieces of

legislation. The proposed changes to the rule, consequently, have no anticipated cost or savings to small businesses beyond what was disclosed in the legislations' fiscal notes.

The fiscal note relating to HB 28 (2025) can be found at <https://le.utah.gov/~2025/bills/static/HB0028.html>.

The fiscal note relating to HB 442 (2025) can be found at <https://le.utah.gov/~2025/bills/static/HB0442.html>.

The fiscal note relating to HB 483 (2024) can be found at <https://le.utah.gov/~2024/bills/static/HB0483.html>

#### Swimming Pool Installation.

Limiting swimming pool installation to B100 and R100 licensees will require current S330 Landscape and Recreation Specialty contractors who install swimming pools to add a B100 or R100 classification to their existing license. There are currently approximately 6,000 S330 active licensees. The S330 license covers a broad range of activities. The Division does not maintain data on the specific number of S330 licensees who also provide or specialize in swimming pool installation. Nevertheless, based on investigative trends, complaint data, and consultation with the Commission, the Division believes that no more than 5%, or 300 of S330 licensees engage in swimming pool installation.

The Division believes approximately 80% of the estimated 300 S330 licensees who engage in swimming pool installation would be classified as small businesses having up to 49 employees. The Division therefore estimates that the total number of S330 licensees operating as small businesses and engaging in swimming pool installation to be approximately 240 licensees.

These 240 S330 licensees would need to add a B100 or R100 license. The fee for adding a license classification is \$175.

Additionally, an S330 licensee would be required to take the examination required under Subsection 58-55-302(1)(c)(ii). This exam is \$85; which brings the total cost per license to \$260.

Thus, the total anticipated cost for the 240 small business S330 licensees to convert to B100 or R100 licenses is estimated to be a one-time state-wide expense of \$62,400.

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

##### Reformatting Changes.

The reformatting of Section R156-55-301 by eliminating the use of tables and instead using paragraphs makes no substantive change to the scope, interpretation, or enforcement of the rule and consequently has no anticipated cost or savings to non-small businesses.

##### Mandatory Changes.

All costs relating to the mandatory changes required by legislative actions found in HB 28 (2025), HB 442 (2025), and HB 483 (2024) (including the costs or savings of implementing necessary rule changes) are part of the fiscal notes to those pieces of legislation. The proposed changes to this rule, consequently, have no anticipated cost or savings to non-small businesses beyond what was disclosed in the legislation's fiscal notes.

The fiscal note relating to HB 28 (2025) can be found at <https://le.utah.gov/~2025/bills/static/HB0028.html>.

The fiscal note relating to HB 442 (2025) can be found at <https://le.utah.gov/~2025/bills/static/HB0442.html>.

The fiscal note relating to HB 483 (2024) can be found at <https://le.utah.gov/~2024/bills/static/HB0483.html>

#### Swimming Pool Installation.

Limiting swimming pool installation to B100 and R100 licensees will require current S330 Landscape and Recreation Specialty contractors who install swimming pools to add a B100 or R100 classification to their existing license. There are currently approximately 6,000 S330 active licensees. The S330 license covers a broad range of activities and the Division does not maintain data on the specific number of S330 licensees who provide or specialize in swimming pool installation.

Nevertheless, based on investigative trends, complaint data, and consultation with the Commission, the Division believes that no more than 5%, or 300 of S330 licensees engage in swimming pool installation.

The Division believes approximately 20% of the estimated 300 S330 licensees who engage in swimming pool installation would be classified as non-small businesses having more than 49 employees. The Division therefore, estimates that the total number of S330 licensees operating as non-small businesses and engaging in swimming pool installation to be approximately 60 licensees.

These 60 S330 licensees would need to add a B100 or R100 license. The fee for adding a license classification is \$175.

Additionally, an S330 licensee would be required to take the examination required under Utah Code Subsection 58-55-302(1)(c)(ii). This exam is \$85; which brings the total cost per license to \$260.

Thus, the total anticipated cost for the 60 non-small business S330 licensees to convert to B100 or R100 licenses is estimated to be a one-time state-wide expense of \$15,600.

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

**Reformatting Changes.**

The reformatting of Section R156-55-301 by eliminating the use of tables and instead using paragraphs makes no substantive change to the scope, interpretation, or enforcement of the rule and consequently has no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities.

**Mandatory Changes.**

All costs relating to the mandatory changes required by legislative actions found in HB 28 (2025), HB 442 (2025), and HB 483 (2024) (including the costs or savings of implementing necessary rule changes) are part of the fiscal notes to those pieces of legislation. The proposed changes to this rule, consequently, have no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities beyond what was disclosed in the legislation's fiscal notes.

The fiscal note relating to HB 28 (2025) can be found at <https://le.utah.gov/~2025/bills/static/HB0028.html>.

The fiscal note relating to HB 442 (2025) can be found at <https://le.utah.gov/~2025/bills/static/HB0442.html>.

The fiscal note relating to HB 483 (2024) can be found at <https://le.utah.gov/~2024/bills/static/HB0483.html>

**Swimming Pool Installation.**

Consumers seeking to have swimming pools installed will likely see, at most, a *de minimis* change to the overall project cost to offset the minor cost individual S330 contractors must pay to convert to an R100 or B100 license under the proposed rule (\$260 per contractor).

Conversely, a typical complaint underlying an eventual agency action relating to swimming pool installation will run well over \$20,000 in damages. Even when agency action is successful against the contractor, monetary recovery by the consumer is often unlikely. The Division believes that the heightened standards proposed by the rule change, as well as the ability for all swimming pool installers to retain adequate subcontractors to navigate unforeseen circumstances, will reduce the total damages to consumers by \$20,000 year-over-year. The Division believes these savings will exceed the one-time costs incurred by S330 contractors within four years.

**F. Compliance costs for affected persons:**

**Reformatting Changes.**

The reformatting of Section R156-55-301 by eliminating the use of tables and instead using paragraphs makes no substantive change to the scope, interpretation, or enforcement of the rule and consequently has no new compliance costs for affected persons.

**Mandatory Changes.**

All costs relating to the mandatory changes that required by legislative actions found in HB 28 (2025), HB 442 (2025), and HB 483 (2024) (including the costs or savings of implementing necessary rule changes) are part of the fiscal notes to those pieces of legislation. The proposed changes to the rule, consequently, have no compliance costs for affected persons beyond what was disclosed in the legislation's fiscal notes.

The fiscal note relating to HB 28 (2025) can be found at <https://le.utah.gov/~2025/bills/static/HB0028.html>.

The fiscal note relating to HB 442 (2025) can be found at <https://le.utah.gov/~2025/bills/static/HB0442.html>.

The fiscal note relating to HB 483 (2024) can be found at <https://le.utah.gov/~2024/bills/static/HB0483.html>

**Swimming Pool Installation.**

As stated in boxes D and E, an S330 contractor who performs swimming pool installations will expend approximately \$260 in one-time licensing costs.

**G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	(\$62,400)	\$0	\$0	\$0	\$0

Non-Small Businesses	(\$15,600)	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>(\$78,000)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$20,000	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$20,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>(\$58,000)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H. Department head comments on fiscal impact and approval of regulatory impact analysis:**  
 The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-55-101
Subsection 58-55-308(1)(a)	Subsection 58-55-102(39)(a)	

**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.**

**A. Comments will be accepted until:** 03/17/2026

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

Date:	Time:	Place (physical address or URL):
02/18/2026	2:30 PM	Anchor Meeting: Heber M. Wells Building Room 402 160 E 300 S Salt Lake City UT 84111  Google Meet joining info Video call link: <a href="https://meet.google.com/oiz-rifg-efw">https://meet.google.com/oiz-rifg-efw</a> Or dial: (US) +1 307-461-9404 PIN: 926 980 527#

**10. This rule change MAY become effective on:** 03/24/2026

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Mark Steinagel, Division Director	<b>Date:</b>	12/19/2025
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**R156. Commerce, Professional Licensing.**  
**R156-55a. Utah Construction Trades Licensing Act Rule.**  
**R156-55a-101. Title -- Authority -- Organization of Rules.**  
 (1) This rule shall be known as the "Utah Construction Trades Licensing Act Rule."  
 (2) This rule is adopted by the Division under the authority of Subsections 58-1-106(1)(a) and 58-55-103(1)(b)(i) to enable the Division to administer Title 58, Chapter 55, Utah Construction Trades Licensing Act.

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

**R156-55a-102. Definitions.**

The following definitions supplement the definitions in Title 58, Chapter 1, Division of Professional Licensing Act, and Chapter 55, Utah Construction Trades Licensing Act:

(1) "Certified Natural Gas Technician" means an individual who has met the instruction and examination requirements of Section R156-55a-308b to safely install, modify, maintain, clean, repair or replace gas piping, combustion air vents, exhaust venting system or derating of gas input for altitude of a residential or commercial gas appliances.

(2) "Construction trades instructor" as used in Subsection 58-55-301(2)(c) means the education facility that is issued the license under Section R156-55a-302e. It does not mean individuals employed by the facility who may teach classes.

(3) "Construction trades instruction facility" means the facility that is granted the license in Subsection 58-55-301(2) and Section R156-55a-302[e].

(4) "Employee" as used in Subsection 58-55-102(22) and 58-55-102(18), means a person providing labor services in the construction trades who works for compensation for a licensed contractor, or the substantial equivalent of a licensed contractor as determined by the Division, and who has federal and state taxes withheld and workers' compensation and unemployment insurance provided by the person's employer.

(5) "Free of Actual or Apparent Conflicts of Interest" as used in Subsections R156-55a-302g(2)(b) means, any relationship, interest, or arrangement impacting a supervisor providing direct, indirect, or general supervision that may impact the supervisor's ability to provide adequate supervision over an applicant.

(a) The Division shall presume supervision was done free of actual or apparent conflicts of interest if the following can be established:

(i) At the time of supervision, the supervisor and applicant were employees of the same licensee; and

(ii) the person being supervised had no advice, consent, or control over matters relating to the supervisor's hiring, firing, wages, salary, bonuses, payment schedule, or other aspects relating to a direct or indirect supervisor's employment during the supervision period.

(b) The Division may rebut the presumption in Subsection R156-55a-102(5)(a) by demonstrating by the preponderance of the evidence of a relationship, interest, or arrangement impacting a supervisor providing direct supervision that in fact or in likelihood impacted the supervisor's ability to provide adequate direct supervision over an applicant.

(6) "H100 Qualifier" means an Individual certified by the Division as meeting the qualifications to act as a qualifier for an H100 - HVAC Contractor under Section R156-55a-302g.

(7) "Hire" means to hire as an employee as defined in Subsection R156-55a-102(4).

(8) "Incidental" as used in Subsection 58-55-102(5)(b), means work that:

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

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

(c) does not exceed 10% of the overall contract; and

(d) does not include performance of any electrical or plumbing work.

(9) "Interim H100 Qualifier" means an individual registered as the qualifier for an S350 - HVAC Contractor license that is active and in good standing as of midnight on April 1, 2026, and subject to the limitations of Subsection R156-55a-302g(1)(a).

(10) "Maintenance" means:

(a) routine actions to repair, replace, refinish, or preserve any component of an existing structure in its original condition.

(b) Maintenance does not include:

(i) alteration or modification to existing weight-bearing or structural components;

(ii) any electrical work, as defined in rule R156-55b-102, unless the individual performing such work holds a journeyman electrician or master electrician trade license; or

(iii) plumbing work as defined in rule R156-55c, unless the individual performing such work holds a journeyman plumber or master plumber trade license.

(11) "Mechanical" as used in Subsections 58-55-102(26)(a), (28)(b)(iv) and (42), means the work that may be performed by an H100 HVAC Contractor.

(12) "NASCLA" means the National Association of State Contractors Licensing Agencies.

(13) "Non-electrical signs and graphics displays" means an outdoor sign that does not have electrical lighting or other electrical requirements, and that is fabricated, installed, and erected in accordance with professionally engineered specifications.

(14) "Personal property" as used in Subsections 58-55-102(15)(a)(i), has the same definition as the term "goods" under Section 70A-2-105, provided such property is not, by its design or manufacture, intended to be attached, installed, or otherwise affixed to real property in such a way that an interest in them arises under real property law.

(15) "Qualifier" means the individual who demonstrates competence for a contractor license by satisfying the requirements to obtain the contractor license.

(16) "RMGA" means the Rocky Mountain Gas Association.

(17) "School" means a school district, technical college, or accredited college.

(17) "Signs and graphic displays" means any type of sign, including lighted and unlighted, permanent highway marker sign, illuminated awning, electronic message center, sculpture or graphic representation including a logo and trademark to identify or advertise the user or product, building trim or lighting with neon or decorative fixtures, and any other animated, moving, or stationary device used for advertising or identification purposes.

**R156-55a-103. Authority.**

This rule is adopted by the Division under the authority of Subsections 58-1-106(1)(a) and 58-55-103(1)(b)(i) to enable the Division to administer Title 58, Chapter 55, Utah Construction Trades Licensing Act.

**R156-55a-104. Organization—Relationship to Rule R156-1.**

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

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

(1) The classifications of licensure under Subsection 58-55-301(2) are described in this section. The contractor classifications in Subsections (2) through (6) are those determined to significantly impact the public health, safety, and welfare. A person engaged in work in Subsection (7) or (8) is exempt from licensure under Subsection 58-55-305(1)(i).

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

TABLE 1 Classifications—Scope of Work	
E100—General Engineering Contractor	Work as defined in Subsection 58-55-102(24).
B100 General Building Contractor	(1) Work as defined in Subsection 58-55-102(22). (2) Includes the scope of practice of every specialty contractor, except: (a) E200—General Electrical Contractor; (b) E201—Residential Electrical Contractor; (c) P200—General Plumbing Contractor; (d) P201—Residential Plumbing Contractor; (e) R200—Factory Built Housing Contractor; (f) S350—HVAC Contractor, except that a B100 may perform HVAC work for a single-family residence or a multi-family residence up to four units; (g) S510—Elevator Contractor; and (h) S700—Limited Scope License Contractor. (3) Excludes electrical work and plumbing work, but a B100 may hire a licensed journeyman electrician or master electrician, or licensed journeyman plumber or master plumber, to perform that work for a single-family residence or a multi-family residence up to four units.
B200—Modular Unit Installation Contractor	(1) Set up or install a modular unit as defined in Subsection 15A-1-302(8) and constructed in accordance with Section 15A-1-304. (2) Includes construction of the permanent or temporary foundations, placement of the modular unit on a permanent or temporary foundation, securing modular units together if required, and securing the modular unit to the foundation. (3) Excludes installation of factory built housing and connection of required utilities.
R100—Residential and Small Commercial Contractor	Work as defined in Subsection 58-55-102(35).
R101—Residential and Small Commercial Non Structural Remodeling and Repair.	Remodeling and repairing any existing structure built for support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind, with the restriction that: (1) no change is made to the bearing portions of the existing structure, including footings, foundation, and weight bearing walls; and (2) the entire project costs less than \$50,000, including materials and labor.
R200—Factory Built Housing Contractor	(1) Disconnect, setup, install, or remove manufactured housing on a temporary or permanent basis. (2) Includes: (a) placing the manufactured housing on a permanent or temporary foundation; (b) securing the units together if required; (c) securing the manufactured housing to the foundation; (d) connecting the utilities from the near proximity, such as a meter, to the manufactured housing unit; and (e) construction of foundations of less than four feet six inches in height; (3) Excludes: (a) preparation or finishing; (b) excavation of the ground in the area where a foundation is to be constructed, back filling, and grading around the foundation; (c) construction of foundations of more than four feet six inches in height; and (d) construction of utility services from the utility source, to and including the meter or meters if required, or if not required to the near proximity of the manufactured housing unit from which they are connected to the unit.

NOTICES OF PROPOSED RULES

E200 – General Electrical Contractor	Work as defined in Subsection 58-55-102(23).
E201 – Residential Electrical Contractor	Work as defined in Subsection 58-55-102(37).
S202 – Solar Photovoltaic Contractor	(1) Fabrication, construction, installation, and replacement of photovoltaic modules and related components. (2) Excludes the performance of any wiring, connections, and wire methods as governed in the National Electrical Code and Subsection R156-55b-102(1), but an S202 may hire or subcontract an E200 or E201 contractor for that work.
P200 – General Plumbing Contractor	(1) Work as defined in Subsection 58-55-102(25). (2) Includes the furnishing of materials, fixtures, and labor to extend service from a building out to the main water, sewer, or gas pipeline.
P201 – Residential Plumbing Contractor	Work as defined in Subsection 58-55-102(42).
S220 – Carpentry and Flooring Contractor	Construction, fabrication, installation, placing, tying, welding, or repair using: (1) wood, wood products, metal, aluminum, metal products, metal studs, vinyl materials, plastic, rubber, fiberglass, polyethylene, thermoplastic polymers, countertops, cabinets, millwork, garage doors, doors, trim, tub liners, wall systems, partitions, or other wood, plastic, rubber, or metal composite or any composite that is by custom and usage accepted in the building industry as carpentry for structural, non-structural, and finish purposes; (2) metal or steel structures and sheet metal, including metal eornices, marquees, metal soffits, flashings, skylights, and skydomes; (3) metal structural studs and bearing walls, reinforcing bars, erecting shapes, plates of any profile, perimeter cross section that are used in structures, including riveting, welding, and rigging; (4) incidental concrete work and footings, grading, and surface preparation related to this scope of work; (5) laminate, tile, cement, wood, synthetic wood, or similar flooring product, including prefinished and unfinished material, sanding, staining and finishing of new and existing flooring, the underlayment, and subfloors; and (6) mechanical insulation of pipes, ducts, or conduits.
S230 – Masonry, Siding, Stucco, Glass, and Rain Gutter Contractor	Construction, fabrication, and installation of: (1) siding, stucco, stucco to lathe, plaster, glass, glass substitutes, glass holding members, rain gutters, drains, roof flashings, gravel stops, and metal ridges; (2) natural or synthetic stone, onyx, ceramic, granite, onice, corian, brick, block, forms, brick substitutes, clay, concrete blocks, terra cotta, marble, tile, gypsum tile, glass block, clay tile, copings, plastic refractories, and castables; and (3) shower pans.
S260 – Asphalt and Concrete Contractor	(1) Fabrication, construction, mixing, batching, injecting, spraying, resurfacing, sealing, and installation of asphalt, asphalt overlay, chip seal, fog seal, slurry seal, concrete, gunnite, grouting, coatings, sealant, and related concrete products, along with placing and setting screeds for pavement for flatwork, the construction of forms, shoring material, placing and erection of bars for reinforcing and application of plaster and other cement-related products. (2) Includes: (a) excavation, grading, compacting, and laying of fill or other related base; (b) painting or coating the surfaces, including striping, directional, and other types of symbols or letters; and (c) fabrication, construction, and installation of forms and shoring material.
S270 – Drywall, Paint, and Plastering Contractor	Construction, installation, fabrication, and application of: (1) drywall, gypsum, wallboard panels and assemblies, lightweight metal and non-bearing wall partitions, ceiling tile and panels, and the grid system required for placement; (2) insulating media in buildings and structures for temperature control, sound control, fireproofing, mechanical insulation of pipes, ducts, or conduits; (3) stucco, stucco to lathe, plaster, and other surfaces; and (4) paints, varnishes, shellacs, stains, waxes and other coatings or pigments.
S280 – Roofing Contractor	(1) Application and installation of asphalt, pitch, tar, felt, flax, shakes, shingles, roof tile, slate, and any other material or materials, or any combination of these materials that use and custom has established as usable for, or that are now used as, water proof, weatherproof, or watertight seal or membranes for roofs and surfaces. (2) Includes: (a) any material attached to the roof; (b) roof conversion;

	<p>(e) installation of non electrical skylights;</p> <p>(d) installation of electrical skylights, if the electrical connection is performed by an E200 or E201 contractor;</p> <p>(e) installation of any insulating media in buildings and structures for the sole purpose of temperature control, sound control, fireproofing, and mechanical insulation of pipes, ducts, or conduits; and</p> <p>(f) incidental work including the installation of a roof clamp ring to the roof drain.</p>
<p><b>S310 – Foundation, Excavation, and Demolition Contractor</b></p>	<p>(1) Moving of the earth's surface and rock 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, smashing, crushing, or combination thereof as they are generally practiced in the construction trade.</p> <p>(2) 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.</p> <p>(3) Raising, cribbing, underpinning, moving, and removal of a building, structure, or matter appurtenant or incidental to any building or structure.</p>
<p><b>S330 – Landscape and Recreation Contractor</b></p>	<p>(1) Grading and preparing of land for architectural, horticultural, or decorative treatment.</p> <p>(2) Arrangement, and planting of gardens, lawns, shrubs, vines, bushes, trees, or other decorative vegetation.</p> <p>(3) Construction, fabrication, and installation of:</p> <p>(a) swimming pools, prefabricated pools, spas, decorative pools, tanks, fountains, sprinkler systems, and water distribution systems for artificial watering or irrigation, for systems that are not connected to the culinary water system, or that are connected to the culinary water system but separated from the culinary water system by a backflow prevention device; an S330 may connect the system to the backflow prevention device;</p> <p>(b) metal fireboxes, fireplaces, and wood or coal burning stoves, including the installation of venting and exhaust systems, if the individual performing the installation is RMGA-certified;</p> <p>(c) retaining walls, except for retaining walls to hold vehicles, structures, equipment or other non natural fill materials within the area located within a 45 degree angle from the base of the retaining wall to the level of where the additional weight bearing vehicles, structures, equipment or other non natural fill materials are located;</p> <p>(d) pergolas, patios, patio areas, and decking, including the deck structure and substructure;</p> <p>(e) hothouses, greenhouses, walks, and garden lighting of class two or class three power-limited circuits as defined in the National Electrical Code;</p> <p>(f) flag poles, fences, guardrails, handrails, and barriers;</p> <p>(g) sports and athletic courts, ranges, and fields including football fields, tennis courts, racquetball courts, handball courts, basketball courts, bowling alleys, shooting ranges, running tracks, playgrounds, playground equipment, rock climbing walls, or any similar court, field, surface, or related components; includes poles, standards, surface painting or coatings, floors, floor subsurface, wall surface, perimeter walls, perimeter fencing, scoreboards, or other equipment; and</p> <p>(h) incidental concrete, excavation, or asphalt work related to this scope of practice.</p> <p>(3) Excludes any electrical work, but an S330 may hire or subcontract an E200 or E201 contractor for that work.</p> <p>(4) Excludes any plumbing work, but an S330 may hire or subcontract a P200 or P201 contractor for that work.</p> <p>(5) Excludes natural gas related work, but an S330 may hire or subcontract an RMGA-certified licensed contractor for that work.</p> <p>(6) Includes installation of a backflow preventer device, if during each renewal period the licensee completes at least two of their six continuing education hours under Section R156-55a-303b in continuing education related to backflow installation.</p>
<p><b>S350 – HVAC Contractor</b></p>	<p>(1) Fabrication and installation of complete warm air heating, air conditioning and ventilating systems.</p> <p>(2) Installation of refrigeration equipment, including built in refrigerators, refrigerated rooms, insulated refrigerated spaces and other related equipment.</p> <p>(3) Excludes any electrical work, but an S350 may hire or subcontract an E200 or E201 contractor for that work.</p> <p>(4) Excludes any plumbing work, but an S350 may hire or subcontract a P200 or P201 contractor for that work.</p>

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	(5) Excludes natural gas related work, but an S350 may hire or subcontract an RMGA-certified licensed contractor for that work.
<b>S354 – Radon Mitigation Contractor</b>	(1) Layout, fabrication, and installation of a radon mitigation system. (2) Excludes work on heat recovery ventilation or makeup air components, but an S354 may hire or subcontract an S350 contractor for that work. (3) Excludes electrical work, but an S354 may hire or subcontract an E200 or E201 contractor for that work.
<b>S370 – Fire Suppression Systems Contractor</b>	(1) Layout, fabrication, and installation of fire protection systems using water, steam, gas, or chemicals. (2) Excludes connecting to a potable sanitary water supply system. An S370 may hire or subcontract a P200 or P201 contractor for that work. (3) Excludes installation of fire suppression systems in hoods above cooking appliances.
<b>S410 – Boiler, Pipeline, Waste Water, and Water Conditioner Contractor</b>	(1) Fabrication, construction, and installation of: (a) pipes, conduit, or cables for the conveyance and transmission from one station to another of products such as water, steam, gases except for natural gas that requires an RMGA certificate holder, chemicals, slurries, other substances, data or communications, geothermal systems, or solar thermal systems up to where the system interfaces with any other plumbing system; (b) insulation of pipes, ducts, and conduits; (c) above and below ground storage tanks, piping, dispensing equipment, monitoring equipment, and associated temperature control or other equipment for any petroleum, petrochemical, water, steam, chemicals, slurries, oil, gases except for natural gas which requires an RMGA certificate holder, or other substances; (d) fire tube and water tube power boilers and hot water heating boilers, including fittings and piping, valves, gauges, pumps, radiators, converters, fuel oil tanks, fuel lines, chimney flues, heat insulation and other devices, apparatus, and equipment related thereto, in a system not connected to the culinary water system, or connected to the culinary water system but separated from the culinary water system by a backflow prevention device; (e) 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; and (f) sewer, sewer lines, sewage disposal, septic tank, drainage, and the construction of sewage disposal plants and appurtenances thereto. (2) Includes incidental excavation, cabling, horizontal boring, grading, trenching, backfilling, concrete work, or asphalt work necessary for construction of any work related to this scope of practice. (3) Includes installation of a backflow preventer device, if during each renewal period the licensee completes at least two of their six required Section R156-55a-303b continuing education hours in continuing education directly related to backflow installation. (4) Excludes natural gas related work, but an S410 may hire or subcontract an RMGA-certified licensed contractor for that work.
<b>S440 – Sign Installation Contractor</b>	(1) Fabrication, installation, and erection of electrical or non electrical signs and graphic displays that require installation permits or permission issued by state or local government jurisdictions, as follows: (a) "Signs and graphic displays" means any type of sign, including lighted and unlighted, permanent highway marker sign, illuminated awning, electronic message center, sculpture or graphic representation including a logo and trademark to identify or advertise the user or product, building trim or lighting with neon or decorative fixtures, and any other animated, moving, or stationary device used for advertising or identification purposes. (b) "Non electrical signs and graphics displays" means an outdoor sign that does not have electrical lighting or other electrical requirements, and that is fabricated, installed, and erected in accordance with professionally engineered specifications. (2) Signs and graphic displays shall be fabricated, installed, and erected in accordance with professionally engineered specifications and wiring in accordance with the National Electrical Code. (3) Excludes any electrical work, but an S440 may hire or subcontract an E200 or E201 contractor for that work.
<b>S510 – Elevator Contractor</b>	Erecting, constructing, installing, altering, servicing, repairing or maintaining an elevator.
<b>S700 – Limited Scope License Contractor.</b>	(1) Specialized construction scope of work, granted by the Division on a case by case basis. (2) An applicant for this license shall submit to the Division: (a) a detailed statement of the contracting work that the applicant proposes to perform, and an explanation why it is not included in any other classification; and

(b) any brochures, catalogs, photographs, diagrams, or other materials to further clarify the proposed scope of work.

(3)(a) A specialty license contractor, as defined in Subsection 58-55-102(45), is confined to the field and scope of work as outlined by the Division.

(b) A specialty license contractor may hire or subcontract with a specialty license contractor that holds the same classification as the hiring contractor.

(4)(a) A licensee may hold up to three specialty license classifications, in addition to any general contractor classifications, except that an R101 Residential and Small Commercial Non-Structural Remodeling and Repair contractor may not have any other specialty classifications.

(b) A licensee may change classifications at any time by surrendering a classification, and by applying for any classification for which the licensee is qualified and as permitted by law.

(c) To qualify for licensure, an applicant for renewal or reinstatement shall surrender or replace the applicant's contractor classifications as needed to comply with Subsection (4)(a).

(5) Effective July 22, 2019, the following contractor classification are converted as follows:

TABLE 2	
Former Classification	Converted To
P202	S410
P204	S410
P205	S410
P206	S410
P207	S410
P203	S330
E202	S202
S221, S222	S220
S231	S230
S240	S230
S250	S270
S261, S262, S263	S260
S272, S273	S270
S290, S291, S292, S293, S294	S230
S300	S270
S320, S321, S322, S323	S220
S340	S220
S351, S352, S353	S350
S360	S350
S380	S330
S390	S410
S400	S260
S420, S421	S330
S430	S330
S441	S440
S450	S410
S460	S310
S470	S410
S480	S310
S490	S220
S491	S220
S500	S330
S600	S230
H101	E100
H102	B100
H103	E200
H104	P200
H105	S350

(6) The following primary classifications scopes of practice include the listed subclassification scope of practice, and a primary classification contractor may hire or subcontract with a subclassification licensee:

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TABLE 3	
Primary Classification	Included Subclassification
B100	B200, R200
E200	E201, S202
P200	P201
S350	S354
S420	S421
S440	S441
S490	S491

(7) The following activities are determined to not significantly impact the public health, safety, and welfare, and therefore do not require a contractor license:

- (a) sandblasting;
- (b) pumping services;
- (c) tree stump or tree removal;
- (d) installation of a satellite dish or communication device on or within a building, including for phone, internet, or television;
- (e) installation of class two or class three power limited circuits as defined in the National Electrical Code;
- (f) construction of utility sheds, gazebos, or other similar items that are personal property and not attached to:
  - (i) a residential or commercial building; or
  - (ii) a foundation;
- (g) building cleaning, sanitizing, and window washing, including power washing;
- (h) central vacuum systems installation;
- (i) concrete cutting;
- (j) interior decorating;
- (k) wall paper hanging;
- (l) installation of drapery, blinds, shutters, or other window coverings;
- (m) welding on personal property that is not attached;
- (n) chimney sweepers other than repairing masonry;
- (o) carpet, vinyl sheet tile, or vinyl plank floor installation;
- (p) artificial turf installation;
- (q) general cleanup of a construction site that does not include demolition or excavation;
- (r) installation or removal of weather stripping but does not include moisture vapor barriers;
- (s) fabrication, installation, or removal of mirrors;
- (t) construction, installation, or removal of awnings and canopies, including attached or detached;
- (u) pallet racking, conveyors, conveyor belts, conveyor systems, or metal shelving, whether attached or detached to the structure, excluding plumbing and electrical work;
- (v) seismic strapping for pipes, appliances, and water heaters;
- (w) dustless blasting;
- (x) lock smithing, including installation or repair of door locks, door access controls, or other door or cabinetry hardware;
- (y) yurt or membrane covered frame structures as defined in Section 15A-1-204;
- (z) installation of art and artwork, including sculpture, that is not part of the structural components of a building or structure;
- (aa) installation of standalone solar systems that do not tie into premises wiring or into the electrical utility; and
- (bb) lawn aeration, fertilizing, power raking, and dethatching.

(8) The following activities are determined to not significantly impact the public health, safety and welfare beyond the regulations by other agencies, and therefore do not require a contractor license:

- (a) lead removal regulated by the Department of Environmental Quality;
- (b) asbestos removal regulated by the Department of Environmental Quality; and
- (c) fire alarm installation regulated by the Fire Marshal.]

**R156-55a-301a. Alarms -- Alarm Company License.**

The scope of practice of an Alarm Company license issued under Subsection 58-55-301(2)(a) is defined under Rule R156-55d.

**R156-55a-301b. Alarms -- Alarm Company Agent License.**

The scope of practice for an Alarm Company Agent license issued under Subsection 58-55-301(2)(b) is defined under Rule R156-55d.

**R156-55a-301c. Contractors -- B100 General Building Contractor License.**

The scope of practice for a B100 -- General Building Contractor license issued under Subsection 58-55-301(2)(h) is defined in this subsection.

- (1) Scope. A licensee under this subsection may perform all work described in 58-55-102(26)(a).
- (2) Inclusions and Exclusions. The scope described in Subsection R156-55a-301c(1)
  - (a) includes:

(i) all scopes of work relating to specialty contractor licenses issued under Subsection 58-55-301(2)(x) and described under Sections R156-55a-301w through R156-55a-301al;

(ii) the scope of work for B200 Modular Unit Installation Contractor described in Section R156-55a-301ag; and

(iii) the construction, fabrication, or installation of activity pools, exercise spas or swim spas, public swimming pools, residential swimming pools, non-self contained spas, permanent residential spas, and prefabricated swimming pools.

(b) but the scope does not include:

(i) work relating to R200 - Factory Built Housing Contractor license described in Section R156-55a-301ab;

(ii) work relating to S700 - Limited Scope License Contractor license described in Section R156-55a-301al;

(iii) work of any trade license described in Sections R156-55a-301m through R156-55a-301v;

(iv) an E200 - General Electrical Contractor license described in Section R156-55a-301d;

(v) an E201 - Residential Electrical Contractor license described in Section R156-55a-301i;

(vi) a P200 - General Plumbing Contractor license described in Section R156-55a-301f;

(vii) a P201 - Residential Plumbing Contractor license described in Section R156-55a-301j;

(viii) an H100 - HVAC Contractor license described in Section R156-55a-301g, unless such HVAC work is performed upon a single-family residence or a multi-family residence up to four units. Nothing in this subsection, however, shall be construed as waiving the requirements that all HVAC work relating to natural gas be performed by a Certified Natural Gas Technician; or

(ix) S510 - Elevator Contractor license described in Subsection R156-55a-301k.

(c) Nothing in subsection this shall be interpreted as preventing the holder of a B100 -- General Building Contractor license from performing any work under a separate, valid license.

(3) Subcontracting and Hiring. A B100 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Section R156-55a-301c(1) except that a B100 -- General Building Contractor license holder may hire or subcontract work:

(a) to the professions listed in Subsection R156-55a-301c(2)(b);

(b) individuals holding the following trade licenses to perform work on a single-family residence or a multi-family residence up to four units:

(i) Journeyman Electrician under Section R156-55a-301n;

(ii) Master Electrician under Subsection R156-55a-301o;

(iii) Residential Journeyman Electrician under Subsection R156-55a-301p;

(iv) Residential Master Electrician under Subsection R156-55a-301q;

(v) Journeyman Plumber under Subsection R156-55a-301s;

(vi) Master Plumber under Subsection R156-55a-301t;

(vii) Residential Journeyman Plumber under R156-55a-301u; or

(viii) Residential Master Plumber under R156-55a-301v.

#### **R156-55a-301d. Contractors -- E200 General Electrical Contractor License.**

The scope of practice for an E200 -- General Electrical Contractor license under Code Subsection 58-55-301(2)(i) is defined in this subsection.

(1) Scope. A licensee holding a E200 - General Electrical Contractor license may perform all work described in Subsection 58-55-102(27).

(2) Inclusions and Exclusions. In addition to the scope described in Subsection R156-55a-301d(1), a licensee holding an E200 General Electrical Contractor license may additionally perform all work within the scope of work under the following licenses:

(a) an E201 -- Residential Electrical Contractor license under Section R156-55a-301i; and

(b) an S202 -- Solar Photovoltaic Contractor license under Section R156-55a-301ak.

(3) Subcontracting/Hiring. An E200 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301d(a).

#### **R156-55a-301e. Contractors -- E100 General Engineering Contractor License.**

The scope of practice for an E100 -- General Engineering Contractor license under Code Subsection 58-55-301(2)(j) is defined in this subsection.

(1) Scope. A licensee under this subsection may perform all work defined in Subsection 58-55-102(28).

(2) Inclusions and Exclusions. An E100 licensee shall ensure all work performed under this section is within the scope listed in Subsection R156-55a-301e(1).

(3) Subcontracting/Hiring. An E100 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301e(1).

#### **R156-55a-301f. Contractors -- P200 General Plumbing Contractor License.**

The scope of practice for a P200 -- General Plumbing Contractor license under Code Subsection 58-55-301(2)(k) is defined in this subsection.

(1) Scope. A licensee under this subsection may perform all work defined in Subsection 58-55-102(29).

(2) Inclusions and Exclusions. The scope described in Subsection R156-55a-301f(1) includes:

(a) the furnishing of materials, fixtures, and labor to extend service from a building out to the main water, sewer, or gas pipeline; and

(b) the scope of work for a P201 Residential Plumbing Contractor under Section R156-55a-301j.

(3) Subcontracting and Hiring. A P200 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301f(1).

**R156-55a-301g. Contractors -- H100 HVAC Contractor License.**

The scope of practice for an H100 -- HVAC Contractor license under Code Subsection 58-55-301(2)(l) is defined in this subsection.

(1) Scope. A licensee under this subsection may perform all work defined in Subsection 58-55-102(31).

(2) Inclusions and Exclusions.

(a) As defined in Subsection 58-55-102(31), HVAC includes:

(i) fabrication and installation of complete warm air heating, air conditioning and ventilating systems;

(ii) installation of refrigeration equipment, including built-in refrigerators, refrigerated rooms, insulated refrigerated spaces and other related equipment; and

(iii) attaching a condensate drain to a preexisting draining receptacle.

(b) HVAC does not include:

(i) electrical trade work under Subsection 58-55-102(18);

(ii) plumbing trade work under Subsection 58-55-102(40); or

(iii) gas line work unless the qualifier for the H100 licensee and technician engaging in such gas line work is a Certified Natural Gas Technician under Subsection R156-55a-102(1).

(c) The scope described in Subsection 301g(1) additionally includes the scope of work for an S354 - Radon Mitigation Contractor under Section R156-55a-301ah.

(3) Subcontracting and Hiring.

(a) An H100 licensee may only employ an H100 Qualifier as described in Section R156-55a-302g to act as qualifier.

(b) An H100 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301g(1) except that an H100 -- HVAC Contractor licensee may contract with:

(i) an E200 General Electrical Contractor;

(ii) an E201 Residential Electrical Contractor;

(iii) a P200 General Plumbing Contractor; or

(iv) a P201 Residential Plumbing Contractor.

(4) Any person holding an active S350 -- HVAC Contractor license in good standing as of January 1, 2026 shall be deemed to hold an H100-HVAC Contractor license in good standing for the remainder of the licensing period ending November 30, 2027 under Subsection R156-55a-302g(1)(a).

**R156-55a-301h. Contractors -- R100 Residential and Small Commercial Contractor.**

The scope of practice for an R100 -- Residential and Small Commercial Contractor license under Code Subsection 58-55-301(2)(q) is defined in this subsection.

(1) Scope. A licensee under this subsection may perform all work defined in Subsection 58-55-102(42).

(2) Inclusions and Exclusions. An R100 licensee shall ensure all work performed under this section is within the scope listed in Subsection R156-55a-301h(1) including the construction, fabrication, or installation of activity pools, exercise spas or swim spas, public swimming pools, residential swimming pools, non-self contained spas, permanent residential spas, and prefabricated swimming pools.

(3) Subcontracting and Hiring. An R100 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in this Subsection R156-55a-301h(1).

**R156-55a-301i. Contractors -- E201 Residential Electrical Contractor License.**

The scope of practice for an E201 -- Residential Electrical Contractor license under Code Subsection 58-55-301(2)(r) is defined in this subsection.

(1) Scope. A licensee under this subsection may perform all work defined in Subsection 58-55-102(44).

(2) Inclusions and Exclusions. An E201 licensee shall ensure all work performed under this subsection is within the scope listed in Subsection R156-55a-301i(1).

(3) Subcontracting and Hiring. An E201 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in subsection R156-55a-301i(1).

**R156-55a-301j. Contractors -- P201 Residential Plumbing Contractor License.**

The scope of practice for a P201 -- Residential Plumbing Contractor license under Code Subsection 58-55-301(2)(w) is defined in this subsection.

(1) Scope. A licensee under this subsection may perform all work defined in Subsection 58-55-102(49).

(2) Inclusions and Exclusions. An P201 licensee shall ensure all work performed under this section is within the scope of the listed under Subsection R156-55a-301j(1).

(3) Subcontracting and Hiring. A P201 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in this Subsection R156-55a-301j(1).

**R156-55a-301k. Elevators -- S510 Elevator Contractor License.**

The scope of practice for an S510 Elevator Contractor license issued under Subsection 58-55-301(2)(f) is defined in this subsection.

(1) Scope. A licensee under the subsection may erect, construct, install, alter, service, repair, or maintain an elevator.

(2) Inclusions and Exclusions. An S510 licensee shall ensure all work performed under this subsection is within the scope listed in Subsection R156-55a-301k(a).

(3) Subcontracting/Hiring. An S510 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301k(a) except that an S510 licensee may hire an Elevator Mechanic licensee under Section 58-55-3011 as an employee.

**R156-55a-301l. Elevators -- Elevator Mechanic License.**

The scope of practice for an Elevator Mechanic license under Code Subsection 58-55-301(2)(g) is defined in this subsection.

(1) Scope. A licensee under this subsection may perform all work defined in Subsection 58-55-102(21).

(2) Inclusions and Exclusions. An elevator mechanic shall ensure all work performed under this subsection is within the scope defined under Subsection R156-55a-301l(1).

(3) Subcontracting and Hiring. An elevator mechanic shall not subcontract with or employ any individual to perform work requiring any license under this rule.

**R156-55a-301m. Electrical Trade -- Apprentice Electrician License.**

The scope of practice for an Apprentice Electrician license under Code Subsection 58-55-301(2)(c) is defined in this subsection.

(1) Scope. A licensee under this subsection may perform all work defined in Subsection 58-55-102(8).

(2) Inclusions and Exclusions. An apprentice electrician shall ensure all work performed under this subsection is within the scope defined under Subsection R156-55a-301m(1)(a).

(3) Subcontracting and Hiring. An apprentice electrician shall not subcontract with or employ any individual to perform work requiring a license under this rule.

**R156-55a-301n. Electrical Trade -- Journeyman Electrician License.**

The scope of practice for a Journeyman Electrician license under Code Subsection 58-55-301(2)(m) is defined in this subsection.

(1) Scope. A licensee under this subsection may perform all work defined in Subsection 58-55-102(35).

(2) Inclusions and Exclusions. A journeyman electrician shall ensure all work performed under this subsection is within the scope listed in Subsection R156-55a-301n(1).

(3) Subcontracting and Hiring. A journeyman electrician shall not subcontract with or employ any individual to perform work requiring a license under this rule, however, this rule shall not be construed to limit a journeyman electrician's ability to supervise apprentices under Section 58-55-302.

**R156-55a-301o. Electrical Trade -- Master Electrician License.**

The scope of practice for a Master Electrician license under Code Subsection 58-55-301(2)(o) is defined in this subsection.

(1) Scope. A licensee under this subsection may perform all work defined in Subsection 58-55-102(37).

(2) Inclusions and Exclusions. A master electrician shall ensure all work performed under this subsection is within the scope listed in Subsection R156-55a-301o(1).

(3) Subcontracting and Hiring. A master electrician shall not subcontract with or employ any individual to perform work requiring a license under this rule, however, this rule shall not be construed to limit a master electrician's ability to supervise apprentices under Section 58-55-302.

**R156-55a-301p. Electrical Trade -- Residential Journeyman Electrician.**

The scope of practice for a Residential Journeyman Electrician license under Code Subsection 58-55-301(2)(s) is defined in this subsection.

(1) Scope. A licensee under this subsection may perform all work defined in Subsection 58-55-102(45).

(2) Inclusions and Exclusions. A Residential Journeyman Electrician shall ensure all work performed under this subsection is within the scope listed in Subsection R156-55a-301p(1).

(3) Subcontracting and Hiring. A residential journeyman electrician shall not subcontract with or employ any individual to perform work requiring a license under this rule, however, this rule shall not be construed to limit a residential journeyman electrician's ability to supervise apprentices under Section 58-55-302.

**R156-55a-301q. Electrical Trade -- Residential Master Electrician.**

The scope of practice for a Residential Master Electrician license under Code Subsection 58-55-301(2)(u) is defined in this subsection.

(1) Scope. A licensee under this subsection may perform all work defined in Subsection 58-55-102(47).

(2) Inclusions and Exclusions. A Residential Master Electrician shall ensure all work performed under this subsection is within the scope listed in Subsection R156-55a-301q(1).

(3) Subcontracting and Hiring. A residential master electrician shall not subcontract with or employ any individual to perform work requiring a license under this rule, however, this rule shall not be construed to limit a residential master electrician's ability to supervise apprentices under Section 58-55-302.

**R156-55a-301r. Plumbing Trade -- Apprentice Plumber License.**

The scope of practice for an Apprentice Plumber license under Code Subsection 58-55-301(2)(d) is defined in this subsection.

(1) Scope. A licensee under this subsection may perform all work defined in Subsection 58-55-102(9).

(2) Inclusions and Exclusions. An apprentice plumber shall ensure all work performed under this subsection is within the scope listed in Subsection R156-55a-301r(1).

(3) Subcontracting and Hiring. An apprentice plumber shall not subcontract with or employ any individual to perform work requiring a license under this rule.

**R156-55a-301s. Plumbing Trade -- Journeyman Plumber License.**

The scope of practice for a Journeyman Plumber license under Code Subsection 58-55-301(2)(n) is defined in this subsection.

(1) Scope. A licensee under this subsection may perform all work defined in Subsection 58-55-102(36).

(2) Inclusions and Exclusions. A journeyman plumber shall ensure all work performed under this subsection is within the scope listed in Subsection R156-55a-301s(1).

(3) Subcontracting and Hiring. A journeyman plumber shall not subcontract with or employ any individual to perform work requiring a license under this rule, however, this rule shall not be construed to limit a journeyman plumber's ability to supervise apprentices under Section 58-55-302.

**R156-55a-301t. Plumbing Trade -- Master Plumber.**

The scope of practice for a Master Plumber license under Code Subsection 58-55-301(2)(p) is defined in this subsection.

(1) Scope. A licensee under this subsection may perform all work defined in Subsection 58-55-102(38).

(2) Inclusions and Exclusions. A master plumber shall ensure all work performed under this subsection is within the scope listed in Subsection R156-55a-301t(1).

(3) Subcontracting and Hiring. A Master Plumber shall not subcontract with or employ any individual to perform work requiring a license under this rule however, this rule shall not be construed to limit a master electrician's ability to supervise apprentices under Section 58-55-302.

**R156-55a-301u. Plumbing Trade -- Residential Journeyman Plumber.**

The scope of practice for a Residential Journeyman Plumber license under Code Subsection 58-55-301(2)(t) is defined in this subsection.

(1) Scope. A licensee under this subsection may perform all work defined in Subsection 58-55-102(46).

(2) Inclusions and Exclusions. A Residential Journeyman Plumber shall ensure all work performed under this subsection is within the scope listed in Subsection R156-55a-301u(1).

(3) Subcontracting and Hiring. A residential journeyman plumber shall not subcontract with or employ any individual to perform work requiring a license under this rule, however, this rule shall not be construed to limit a residential journeyman plumber's ability to supervise apprentices under Section 58-55-302.

**R156-55a-301v. Plumbing Trade -- Residential Master Plumber.**

The scope of practice for a Residential Master Plumber license under Code Subsection 58-55-301(2)(v) is defined in this subsection.

(1) Scope. A licensee under this subsection may perform all work defined in Subsection 58-55-102(48).

(2) Inclusions and Exclusions. A Residential Master Plumber shall ensure all work performed under this subsection is within the scope listed in Subsection R156-55a-301v(1).

(3) Subcontracting and Hiring. A residential master plumber shall not subcontract with or employ any individual to perform work requiring a license under this rule, however, this rule shall not be construed to limit a residential master plumber's ability to supervise apprentices under Section 58-55-302.

**R156-55a-301w. Specialty Contractors -- R101 Residential and Small Commercial Non Structural Remodeling and Repair.**

The scope of practice for an R101 -- Residential and Small Commercial Non Structural Remodeling and Repair license under Code Subsection 58-55-301(2)(q) is defined in this subsection.

(1) Scope. A licensee under this subsection may remodel or repair any existing structure built for support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind subject to the limitation in Subsection R156-55a-301w(2).

(2) Exclusions. The scope described in Subsection R156-55a-301w(1) does not include:

(a) changes to the bearing portions of the existing structure, including footings, foundation, and weight bearing walls; and

(b) any project, or related series of projects costing, in total, more than \$50,000 total including materials and labor.

(3) Subcontracting and Hiring. An R101 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in this Subsection R156-55a-301w(1).

**R156-55a-301x. Specialty Contractors -- S260 Asphalt and Concrete Contractor.**

The scope of practice for an S260 -- Asphalt and Concrete Contractor as a specialty contractor license under Subsection 58-55-301(2)(x) is defined in this subsection.

(1) Scope. A licensee under this subsection may fabricate, construct, mix, batch, inject, spray, resurface, seal, and install asphalt, asphalt overlay, chip seal, fog seal, slurry seal, concrete, gunnite, grouting, coatings, sealant, and related concrete products, along with placing and setting screeds for pavement for flatwork, the construction of forms, shoring material, placing and erection of bars for reinforcing and application of plaster and other cement-related products.

(2) Inclusions and Exclusions. The scope described in Subsection 301x(1) includes:

(a) excavating, grading, compacting, and laying of fill or other related base;

(b) painting or coating the surfaces, including striping, directional, and other types of symbols or letters; and

(c) fabrication, construction, and installation of forms and shoring material.

(3) Subcontracting and Hiring. An S260 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301x(1).

**R156-55a-301y. Specialty Contractors -- S410 Boiler, Pipeline, Waste Water, and Water Conditioner Contractor.**

The scope of practice for an S410 - Boiler, Pipeline, Waste Water, and Water Conditioner Contractor as a specialty contractor license under Subsection 58-55-301(2)(x) is defined in this subsection.

(1) Scope. A licensee under this subsection may:

(a) Fabricate, construct, and install pipes, conduit, or cables for the conveyance and transmission from one station to another of products such as water, steam, gases subject to Section R156-55a-308b, chemicals, slurries, other substances consistent with industry standards, data or communications, geothermal systems, or solar thermal systems up to where the system interfaces with any other plumbing system;

(b) insulate pipes, ducts, and conduits;

(c) install above and below ground storage tanks, piping, dispensing equipment, monitoring equipment, and associated temperature-control or other equipment for any petroleum, petro-chemical, water, steam, chemicals, slurries, oil, gases except for natural gas which requires a Certified Natural Gas Technician certificate holder, or other substances for which the handling, storage, maintenance, use, or disposal is regulated by law;

(d) install fire-tube and water-tube power boilers and hot water heating boilers, including fittings and piping, valves, gauges, pumps, radiators, converters, fuel oil tanks, fuel lines, chimney flues, heat insulation and other devices, apparatus, and equipment related thereto, in a system not connected to the culinary water system, or connected to the culinary water system but separated from the culinary water system by a backflow prevention device;

(e) install 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;

(f) install sewer, sewer lines, sewage disposal, septic tank, drainage, and the construction of sewage disposal plants and appurtenances thereto.

(2) Inclusions and Exclusions. The scope described in Subsection 301y(1) includes:

(a) Incidental excavation, cabling, horizontal boring, grading, trenching, backfilling, concrete work, or asphalt work necessary for construction of any work related to this scope of practice; and

(b) installation of a backflow preventer device, if during each renewal period the licensee completes at least two of their six required Section R156-55a-303b continuing education hours in continuing education directly related to backflow installation.

(c) Work related to natural gas if the individual performing such work has received natural gas technician certification under Section R156-55a-308b.

(3) Subcontracting and Hiring. An S370 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301y(1) except holders of an S410 -- Boiler, Pipeline, Waste Water, and Water Conditioner Contractor may hire or subcontract a Certified Natural Gas Technician for work with natural gas that requires an RMGA certificate holder under Section R156-55a-308b.

**R156-55a-301z. Specialty Contractors -- S220 Carpentry and Flooring Contractor.**

The scope of practice for an S220-- Carpentry and Flooring Contractor as a specialty contractor license under Subsection 58-55-301(2)(x) is defined in this subsection.

(1) Scope. A licensee under this subsection may construct, fabricate, install, place, tie, weld, or repair using:

(a) wood, wood products, metal, aluminum, metal products, metal studs, vinyl materials, plastic, rubber, fiberglass, polyethylene, thermoplastic polymers, countertops, cabinets, millwork, garage doors, doors, trim, tub liners, wall systems, partitions, or other wood, plastic, rubber, or metal composite or any composite that is by custom and usage accepted in the building industry as carpentry for structural, non-structural, and finish purposes;

(b) metal or steel structures and sheet metal, including metal cornices, marquees, metal soffits, flashings, skylights, and skydomes;

(c) metal structural studs and bearing walls, reinforcing bars, erecting shapes, plates of any profile, perimeter cross-section that are used in structures, including riveting, welding, and rigging;

(d) laminate, tile, cement, wood, synthetic wood, or similar flooring product, including prefinished and unfinished material, sanding, staining and finishing of new and existing flooring, the underlayment, and subfloors; and

(e) mechanical insulation of pipes, ducts, or conduits.

(2) Inclusions and Exclusions. The scope described in Subsection 301z(1) includes incidental concrete work and footings, grading, and surface preparation related to this scope of work.

(3) Subcontracting and Hiring. An S220 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301z(1).

**R156-55a-301aa. Specialty Contractors -- S270 Drywall, Paint, and Plastering Contractor.**

The scope of practice for an S270 -- Drywall, Paint, and Plastering Contractor as a specialty contractor license under Subsection 58-55-301(2)(x) is defined in this subsection.

(1) Scope. A licensee under this subsection may construct, install, fabricate, and apply drywall, gypsum, wallboard panels and assemblies, lightweight metal and non-bearing wall partitions, ceiling tile and panels, and the grid system required for placement, including:

(a) insulating media in buildings and structures for temperature control, sound control, fireproofing, mechanical insulation of pipes, ducts, or conduits;

(b) stucco, stucco to lathe, plaster, and other surfaces; and

(c) paint, varnish, shellac, stain, wax and other coatings or pigments.

(2) Inclusions and Exclusions. An S270 licensee shall ensure all work performed under this subsection is within the scope listed in Subsection R156-55a-301aa(1).

(3) Subcontracting and Hiring. An S270 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301aa(1).

**R156-55a-301ab. Specialty Contractors -- R200 Factory Built Housing Contractor.**

The scope of practice for an R200 -- Factory Built Housing Contractor as a specialty contractor license under Subsection 58-55-301(2)(x) is defined in this subsection.

(1) Scope. A licensee under this subsection may disconnect, setup, install, or remove manufactured housing on a temporary or permanent basis.

(2) Inclusions and Exclusions. The scope described in Subsection 301ab(1)

(a) Includes:

(i) placing the manufactured housing on a permanent or temporary foundation;

(ii) securing the units together if required;

(iii) securing the manufactured housing to the foundation;

(iv) connecting the utilities from the near proximity, such as a meter, to the manufactured housing unit; and

(v) construction of foundations of less than four feet six inches in height;

(b) Excludes:

(i) preparation or finishing;

(ii) excavation of the ground in the area where a foundation is to be constructed, back filling, and grading around the foundation;

(iii) construction of foundations of more than four feet six inches in height; and

(iv) construction of utility services from the utility source, to and including the meter or meters if required, or if not required to the near proximity of the manufactured housing unit from which they are connected to the unit.

(3) Subcontracting and Hiring. An R200 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301ab(1).

**R156-55a-301ac. Specialty Contractors -- S370 Fire Suppression Systems Contractor.**

The scope of practice for an S370-- Fire Suppression Systems Contractor as a specialty contractor license under Subsection 58-55-301(2)(x) is defined in this subsection.

(1) Scope. A licensee under this subsection may layout, fabricate, and install fire protection systems using water, steam, gas, or chemicals.

(2) Inclusions and Exclusions. The scope described in Subsection 301ac(1) does not include:

(a) connecting to a potable sanitary water supply system; or

(b) installation of fire suppression systems in hoods above cooking appliances.

(3) Subcontracting and Hiring. An S370 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301ac(1) except holders of P200 or P201 contractor licenses for work otherwise excluded under Subsection R156-55a-301ac(2).

**R156-55a-301ad. Specialty Contractors -- S310 Foundation, Excavation, and Demolition Contractor.**

The scope of practice for an S310 - Foundation, Excavation, and Demolition Contractor as a specialty contractor license under Subsection 58-55-301(2)(x) is defined in this subsection.

(1) Scope. A licensee under this subsection may:

(a) Move the earth's surface and rock or place earthen materials on the earth's surface, by use of hand or power machinery and tools, including explosives, in any operation of cutting, filling, excavating, grading, trenching, backfilling, smashing, crushing, or combination thereof as they are generally practiced in the construction trade.

(b) Excavating, 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.

(c) Raising, cribbing, underpinning, moving, or removal of a building, structure, or matter appurtenant or incidental to any building or structure.

(2) Inclusions and Exclusions. An S310 licensee shall ensure all work performed under this subsection is within the scope listed in Subsection R156-55a-301ad(1).

(3) Subcontracting and Hiring. An S310 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301ad(1).

**R156-55a-301ae. Specialty Contractors -- S330 Landscape and Recreation Contractor.**

The scope of practice for an S330 -- Landscape and Recreation Contractor as a specialty contractor license under Subsection 58-55-301(2)(x) is defined in this subsection.

(1) Scope. A licensee under this subsection may:

- (a) Grade and prepare land for architectural, horticultural, or decorative treatment.
- (b) Arrange, and plant gardens, lawns, shrubs, vines, bushes, trees, or other decorative vegetation.

(2) Inclusions and Exclusions. The scope described in Subsection 301ae(10)

(a) Includes:

(i) The construction fabrication, or installation of self contained or factory built spas in which all control, water heating and water-circulating equipment is an integral part of the product;

(ii) decorative pools, tanks, or fountains;

(iii) sprinkler systems, and water distribution systems for artificial watering or irrigation, for systems that are not connected to the culinary water system, or that are connected to the culinary water system but separated from the culinary water system by an existing backflow prevention device to which the licensee may connect the system or installed by the licensee provided that during each renewal period the licensee completes at least two of their six continuing education hours under Subsection R156-55a-303b(1)(c) in continuing education related to backflow installation;

(iv) metal fireboxes, fireplaces, and wood or coal-burning stoves, including the installation of venting and exhaust systems, if the individual performing the installation is a Certified Natural Gas Technician;

(v) retaining walls, except for retaining walls to hold vehicles, structures, equipment or other non-natural fill materials within the area located within a 45 degree angle from the base of the retaining wall to the level of where the additional weight bearing vehicles, structures, equipment or other non-natural fill materials are located;

(vi) pergolas, patios, patio areas, and decking, including the deck structure and substructure;

(vii) hothouses, greenhouses, walks, and garden lighting of class two or class three power-limited circuits as defined in the National Electrical Code;

(viii) flag poles, fences, guardrails, handrails, and barriers;

(ix) sports and athletic courts, ranges, and fields including football fields, tennis courts, racquetball courts, handball courts, basketball courts, bowling alleys, shooting ranges, running tracks, playgrounds, playground equipment, rock climbing walls, or any similar court, field, surface, or related components; includes poles, standards, surface painting or coatings, floors, floor subsurface, wall surface, perimeter walls, perimeter fencing, scoreboards, or other equipment; and

(x) incidental concrete, excavation, or asphalt work related to this scope of practice.

(b) Excludes:

(i) any electrical trade work described in Subsection 58-55-102(18)(a) and electrical work as defined Subsection R156-55b-102(1), however, nothing in this subsection will be interpreted to prevent an S330 -- Landscape and Recreation Contractor for performing minor electrical work incidental to a mechanical or service installation when wiring is extended to no more than 10 feet from an existing outlet or disconnect and does not exceed 120 volts and 20 amperes as described in Subsection 58-55-102(18)(b)(vi);

(ii) Any plumbing work not otherwise described in Subsection R156-55a-301ae(2)(a); or

(iii) Any natural gas-related work.

(3) Subcontracting and Hiring. An S330 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301ae(1) except holders of the following licenses:

(a) E200 -- General Electrical Contractor;

(b) E201 -- Residential Electrical Contractor;

(c) P200 -- General Plumbing Contractor;

(d) P201 -- General Plumbing Contractor;

(e) Any RMGA Certified Individual for work with natural gas requiring an RMGA certificate holder under Section R156-55a-308b.

**R156-55a-301af. Specialty Contractors -- S230 Masonry, Siding, Stucco, Glass, and Rain Gutter Contractor. Contractor.**

The scope of practice for an S230 -- Masonry, Siding, Stucco, Glass, and Rain Gutter Contractor. Contractor as a specialty contractor license under Subsection 58-55-301(2)(x) is defined in this subsection.

(1) Scope. A licensee under this subsection may construct, fabricate, and install:

(a) siding, stucco, stucco to lathe, plaster, glass, glass substitutes, glass-holding members, rain gutters, drains, roof flashings, gravel stops, and metal ridges;

(b) natural or synthetic stone, onyx, ceramic, granite, onice, corian, brick, block, forms, brick substitutes, clay, concrete blocks, terracotta, marble, tile, gypsum tile, glass block, clay tile, copings, plastic refractories, and castables; and

(c) shower pans.

(2) Inclusions and Exclusions. An S230 licensee shall ensure all work performed under this subsection is within the scope listed in Subsection R156-55a-301af(1).

(3) Subcontracting and Hiring. An S230 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301af(1).

**R156-55a-301ag. Specialty Contractors -- B200 Modular Unit Installation Contractor.**

The scope of practice for an B200 -- Modular Unit Installation Contractor as a specialty contractor license under Subsection 58-55-301(2)(x) is defined in this subsection.

(1) Scope. A licensee under this subsection may set up or install a modular unit as defined in Subsection 15A-1-302(12) and constructed in accordance with Section 15A-1-304.

(2) Inclusions and Exclusions. The scope described in Subsection 301af(1);

- (a) includes construction of the permanent or temporary foundations, placement of the modular unit on a permanent or temporary foundation, securing modular units together if required, and securing the modular unit to the foundation; and
- (b) excludes installing factory built housing and connection of required utilities.
- (3) Subcontracting and Hiring. A B200 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301ag(1).

**R156-55a-301ah. Specialty Contractors -- S354 Radon Mitigation Contractor.**

The scope of practice for an S354 - Radon Mitigation Contractor as a specialty contractor license under Subsection 58-55-301(2)(x) is defined in this subsection.

- (1) Scope. A licensee under this subsection may layout, fabricate, and install radon mitigation systems.
- (2) Inclusions and Exclusions. The scope described in Subsection 301ah(1) excludes work:
  - (a) on heat recovery ventilation or makeup air components; and
  - (b) electrical work.
- (3) Subcontracting and Hiring. An S354 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301ah(1) except holders of the following licenses:
  - (a) an H100 -- HVAC Contractor for work on heat recovery ventilation or makeup air components; or
  - (b) an E200 General Electrical Contractor or E201 Residential Electrical Contractor for electrical work provided such work falls within the scope of practice for that E200 or E201.

**R156-55a-301ai. Specialty Contractors -- S280 Roofing Contractor.**

The scope of practice for an S280 - Roofing Contractor as a specialty contractor license under Subsection 58-55-301(2)(x) is defined in this subsection.

- (1) Scope. A licensee under this subsection may apply and install asphalt, pitch, tar, felt, flax, shakes, shingles, roof tile, slate, and any other material or materials, or any combination of these materials that use and custom has established as usable for, or that are now used as, water-proof, weatherproof, or watertight seal or membranes for roofs and surfaces.
- (2) Inclusions and Exclusions. The scope described in Subsection 301ai(1) includes:
  - (a) any material attached to the roof;
  - (b) roof conversion;
  - (c) installation of non-electrical skylights;
  - (d) installation of electrical skylights, if the electrical connection is performed by an E200 or E201 contractor;
  - (e) installation of any insulating media in buildings and structures for the sole purpose of temperature control, sound control, fireproofing, and mechanical insulation of pipes, ducts, or conduits; and
  - (f) incidental work including the installation of a roof clamp ring to the roof drain.
- (3) Subcontracting and Hiring. An S280 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301ai(1) except an E200 General Electrical Contractor or E201 Residential Electrical Contractor for electrical work provided such work falls within the scope of practice for that E200 or E201 licensee for that work.

**R156-55a-301aj. Specialty Contractors -- S440 Sign Installation Contractor.**

The scope of practice for an S440 - Sign Installation Contractor as a specialty contractor license under Subsection 58-55-301(2)(x) is defined in this subsection.

- (1) Scope. A licensee under this subsection may fabricate, install, and erect electrical or non-electrical signs and graphic displays that require installation permits or permission issued by state or local government jurisdictions.
- (2) Inclusions and Exclusions. The scope described in Subsection 301aj(1):
  - (a) requires all signs and graphic displays be fabricated, installed, and erected in accordance with professionally engineered specifications and wiring in accordance with the National Electrical Code; and
  - (b) excludes any electrical trade work described in Subsection 58-55-102(18)(a) and electrical work as defined Subsection R156-55b-102(1).
  - (c) Nothing in Subsection R156-55a-301aj(2)(b) will be interpreted to prevent an S440 licensee from performing minor electrical work incidental to a mechanical or service installation when wiring is extended to no more than 10 feet from an existing outlet or disconnect and does not exceed 120 volts and 20 amperes as described in Subsection 58-55-102(18)(b)(vi).
- (3) Subcontracting and Hiring. An S440 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301aj(1) except holders of An S440 Sign Installation Contractor may hire or subcontract an E200 General Electrical Contractor or E201 Residential Electrical Contractor for electrical work provided such work falls within the scope of practice for that E200 or E201 licensee for that work.

**R156-55a-301ak. Specialty Contractors -- S202 - Solar Photovoltaic Contractor.**

The scope of practice for an S202 - Solar Photovoltaic Contractor as a specialty contractor license under Subsection 58-55-301(2)(x) is defined in this subsection.

- (1) Scope. A licensee under this subsection may fabricate, construct, install, or replace photovoltaic modules and related components.
- (2) Inclusions and Exclusions. The scope described in Subsection 301ak(1) excludes any wiring, connections, and wire methods as governed in the National Electrical Code and Subsection R156-55b-102(1).

(3) Subcontracting and Hiring. An S202 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301ak(1) except that an S202 licensee may hire or subcontract an E200 General Electrical Contractor or E201 Residential Electrical Contractor for electrical work provided such work falls within the scope of practice for that E200 or E201 licensee for that work.

**R156-55a-301al. Specialty Contractors -- S700 Limited Scope License Contractor.**

The scope of practice for an S700 -- Limited Scope License Contractor as a specialty contractor license under Subsection 58-55-301(2)(x) is defined in this subsection.

(1) A licensee under this subsection may only perform the specialized construction work granted by the Division to the licensee on a case-by-case basis.

(2) Division approval:

(a) Cannot be considered by the Division until an applicant for this license submits to the Division:

(i) A detailed statement of the contracting work that the applicant proposes to perform;

(ii) an explanation why it is not included in any other classification; and

(iii) any brochures, catalogs, photographs, diagrams, or other materials to further clarify the proposed scope of work.

(b) Is required before the commencement of any work by the applicant.

**R156-55a-301am. Specialty Contractor Licensing General Rule.**

This Section describes the general rules applicable to all licenses issued under Title 58, Chapter 55, the Utah Construction Trades Licensing Act, and designated as Specialty Licenses defined in Section R156-55a-301w through R156-55a-301al.

(1) The Division has determined licensing of the specialty contracting work to be in the best interests of the public health, safety or welfare under 58-55-102(53).

(2) Specialty Contractors shall be confined to the field and scope of work designated in this rule.

(3) Unless otherwise stated in this subsection, no person shall hold more than three specialty contractor licenses issued under Sections R156-55a-301w through R156-55a-301al at any one time.

(a) The of specialty contractor licenses held by a person at any given time shall be calculated without regard for any contractor or trade licenses issued under Sections R156-55a-301a through R156-55a-301v.

(b) Applicant's holding three specialty contractor licenses may apply for an additional specialty contractor license at any time provided the applicant identify and agree to surrender at least one specialty license currently held by the applicant concurrent with the issuance of the applicant's requested license.

(c) An R101 Residential and Small Commercial Non-Structural Remodeling and Repair specialty contractor licensee under Section R156-55a-301w shall hold no other specialty contractor license.

**R156-55a-301an. Activities Exempt from Licensing.**

(1) The following activities are determined to not significantly impact the public health, safety, and welfare, and therefore do not require a contractor license:

(a) Sandblasting;

(b) pumping services;

(c) tree trimming or removal of tree stumps or trees;

(d) installation of a satellite dish or communication device on or within a building, including for phone, internet, or television requiring;

(e) installation of class two or class three power-limited circuits as defined in the National Electrical Code;

(f) construction of utility sheds, gazebos, or other similar items that are personal property and not attached to;

(i) a residential or commercial building; or

(ii) a foundation;

(g) building cleaning, sanitizing, and window washing, including power washing;

(h) central vacuum systems installation;

(i) concrete cutting;

(j) interior decorating;

(k) wall paper hanging;

(l) installation of drapery, blinds, shutters, or other window coverings;

(m) welding on personal property that is not attached;

(n) chimney sweepers other than repairing masonry;

(o) carpet, vinyl sheet tile, or vinyl plank floor installation;

(p) artificial turf installation;

(q) general cleanup of a construction site that does not include demolition or excavation;

(r) installation or removal of weather-stripping but does not include moisture vapor barriers;

(s) fabrication, installation, or removal of mirrors;

(t) construction, installation, or removal of awnings and canopies, including attached or detached;

(u) pallet racking, conveyors, conveyor belts, conveyor systems, or metal shelving, whether attached or detached to the structure, excluding plumbing and electrical work;

(v) seismic strapping for pipes, appliances, and water heaters;

- (w) dustless blasting;
- (x) lock-smithing, including installation or repair of door locks, door access controls, or other door or cabinetry hardware;
- (y) construction or installation of remote yurt or membrane-covered frame structures as defined in Subsection 15A-1-202(16);
- (z) installation of art and artwork, including sculpture, that is not part of the structural components of a building or structure;
- (aa) installation of standalone solar systems that do not tie into premises wiring or into the electrical utility; and
- (bb) lawn aeration, fertilizing, power raking, and dethatching.

(2) The following activities are determined to not significantly impact the public health, safety and welfare beyond the regulations by other agencies, and therefore do not require a contractor license:

- (a) lead removal regulated by the Department of Environmental Quality;
- (b) asbestos removal regulated by the Department of Environmental Quality; and
- (c) fire alarm installation regulated by the Fire Marshal.

(3) Nothing in Section R156-55a-301an shall be construed as a waiver of licensing requirements for work performed within the scope of Sections R156-55a-301a through 301am.

(4) Nothing in Section R156-55a through 301an shall be construed as a waiver of any statutory or regulatory requirements imposed by other agencies of the state or federal government incidental to the work described.

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

(1) Except for the H100 Qualifiers examination requirements under Section R156-55a-302g, no examination is required for the qualifier of an applicant for licensure as a contractor except for the Utah Contractor Business and Law Examination for the classifications in Subsection 58-55-302(1)(c)(ii).

(2) An applicant who fails an examination may retake the failed examination as follows:

- (a) no sooner than 30 days following any failure, up to three failures; and
- (b) no sooner than six months following any failure thereafter.

(3) The Utah Contractor Business and Law Examination is not required for an applicant for licensure by endorsement under Section 58-1-302.

**R156-55a-302g. Requirements for H100 Qualifier.**

(1) Division to Designate H100 Qualifiers. An individual may act as H100 Qualifier under Subsection R156-55a-301g(3)(a) in one of two ways:

(a) Grandfather Clause. An Interim H100 Qualifier as defined under Subsection R156-55a-102(9), may act as the qualifier for an H100 Contractor under Subsection R156-55a-301g(3)(a) until November 30, 2027.

(i) Between March 1, 2026 and November 30, 2027, an Interim H100 Qualifier may petition the Division to become a regular H100 Qualifier by submitting proof that the individual is a Certified Natural Gas Technician under Subsections R156-55a-102(1) and Section R156-55a-308b, or is otherwise licensed to install, modify, maintain, clean, repair or replace gas piping, combustion air vents, exhaust venting system or derating of gas input for altitude of a residential or commercial gas appliances.

(ii) End of Grandfathering Period. An H100 HVAC Contractor operating with an Interim Certified H100 Qualifier after November 30, 2027 that has not provided to the Division the documentation required under Subsection R156-55a-302g(1)(a) is engaged in unprofessional conduct under Section 58-55-502.

(iii) An Interim H100 Qualifier that fails to provide the Division the documentation required under Subsection R156-55a-302g(1)(a) by 11:59 pm on November 30, 2027, shall be required to apply to become an H100 Qualifier under Subsection R156-55a-302g(1)(b).

(iv) Nothing in this subsection shall be interpreted as allowing an H100 HVAC Contractor with an Interim H100 Qualifier to perform work described under Section R156-55a-308b without Certified Natural Gas Technicians.

(b) By Application. An individual may petition the Division to be designated as an H100 Qualifier after meeting the terms of Subsection 58-55-302(3)(n) and Subsections R156-55a-302g(2) through R156-55a-302g(4), as an H100 Qualifier applicant.

(2) Experience Requirements. This subsection describes the HVAC Specific Experience required by an H100 Qualifier applicant.

(a) An H100 Qualifier applicant:

(i) shall have completed a total of 4,000 hours over no more than a five year period as an employee of one or more licensed contractors designated as H100, B100, S350, P200, or P201 where at least 90% of the H100 Qualifier applicant's work load was directly related to HVAC work supervised under the terms described in Subsection R156-55a-302g(2)(b); or

(ii) shall be licensed by the Division as a:

- (A) Journeyman plumber;
- (B) master plumber;
- (C) residential journeyman plumber; or
- (D) residential master plumber.

(b) Supervision. This subsection describes the supervision requirements of H100 Qualifier applicants under Subsection R156-55a-302g(2)(a)(i).

(i) During the period described in this subsection, an H100 Qualifier applicant shall be directly supervised by an H100 Qualifier, as defined in Subsection R156-1-102a(1)(a) and free of actual or apparent conflicts of interest as defined in Subsection R156-55a-102(5).

(ii) A supervisor may not certify applicant hours of supervised work unless the supervision of such work was done free of actual or apparent conflicts of interest.

(iii) During the period of supervision described in this subsection, an H100 Qualifier applicant may not install, modify, maintain, clean, repair or replace gas piping, combustion air vents, exhaust venting system or derating of gas input for altitude of a residential or commercial gas appliances unless one of the following conditions are met:

(A) The H100 Qualifier applicant is a Certified Natural Gas Technician and is directly or indirectly supervised by the supervisor during the work; or

(B) The supervisor of the H100 Qualifier applicant is a Certified Natural Gas Technician and is directly supervised during the work.

(3) Examination. An H100 Qualifier applicant shall successfully pass the following licensing examinations:

(a) Utah Contractor Business and Law Examination under Section R156-55a-302a; and

(b) the Utah HVAC written examination with a score of at least 70% before submitting the petition described in Subsection R156-55a-302g(4).

(4) Application Requirements. An H100 Qualifier applicant shall submit a petition to become an H100 Qualifier consistent with forms provided by the Division. An H100 Qualifier applicant is responsible for providing adequate, accurate, and verifiable information to demonstrate completion of the requirements listed in Subsections R156-55a-302g(1) through 302g(3), which may include:

(a) Tax documents showing employment by a licensed H100 HVAC Contractor during the period the H100 Qualifier applicant is attesting to have received HVAC experience under Subsection R156-55a-302g(2);

(b) Affidavits from HVAC Contractors or supervisors for which the H100 Qualifier applicant received HVAC experience under Subsection R156-55a-302g(2); and

(c) An attestation under oath by the H100 Qualifier applicant that the work performed met the criteria required under Subsections R156-55a-302g(2)(a).

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

(1) Under Subsection 58-55-302(2)(b), an applicant for licensure shall file with the Division proof of liability insurance and workers compensation insurance described in this section.

(i) liability insurance in force that includes:

(A) the policy number, the expiration date of the policy, the insurance company name and contact information, and coverage amounts of at least \$1,000,000 for each incident and \$3,000,000 in total;

(B) the Division named as a certificate holder;

(C) that provides coverage for the scope of work performed;

(D) that is in force for the entire duration of licensure.

(ii) either:

(A) workers' compensation insurance in force that names the Division as a certificate holder, includes the policy number, the expiration date of the policy, the insurance company name and contact information; or

(B) an affidavit that the applicant does not hire employees and is therefore exempt from the requirement to have workers' compensation insurance as evidenced by a valid Workers' Compensation Coverage Waiver issued by the Utah Labor Commission.

(2) A Licensee shall update the Division immediately regarding any materials changes to the policies listed in Subsection R156-55a-302d(1) during the licensing period.

[Under Subsection 58-55-302(2)(b), an applicant for licensure shall submit proof of public liability insurance by means of a certificate of insurance that:

(1) names the Division as a certificate holder;

(2) provides coverage for the scope of work performed;

(3) is in force for the entire duration of active licensure; and

(4) has coverage amounts of at least \$100,000 for each incident and \$300,000 in total.]

#### **R156-55a-304. Contractor License Qualifiers.**

(1) The capacity and material authority specified in Subsection 58-55-304(4) includes the following:

(a) Except as allowed in Subsection (1)(b), the qualifier shall receive remuneration for work performed for the contractor licensee for not less than 12 hours of work per week.

(i) If the qualifier is an owner of the business, the remuneration may be in the form of owner's profit distributions or dividends with a minimum ownership of [20 percent]20% of the contractor licensee.

(ii) If the qualifier is an officer or manager of the contractor licensee, the remuneration shall be in the form of W-2 wages.

(b) The 12 hour minimum in Subsection (1)(a) may be reduced if the total hours worked by the owners and employees is less than 50 hours per week, in which case the minimum may not be less than [20 percent]20% of the total hours of work performed by all owners and employees of the contractor.

(2)(a) A qualifier may hold up to three specialty classifications described in Section R156-55a-301c, in addition to any classification under [Subsection 58-55-301(2)(a) through (e) and Subsection 58-55-301(2)(e) through (h)]Subsections 58-55-301(h) through (k), and (q) through (w), except that an R101 qualifier may not have any other specialty classifications.

(b) A qualifier may change classifications at any time by surrendering a classification, and by applying for any classification for which the qualifier is permitted by law.

(c) A current qualifier [shall]may surrender or replace the qualifier's classifications as needed to comply with Subsection (2)(a) at the time of any renewal or reinstatement involving the qualifier.

(3) A qualifier may not act as the qualifier for more than three licensees at any one time, unless:

- (a) the qualifier demonstrates by sufficient evidence satisfactory to the Commission and the Division that the qualifier exercises material authority over the businesses; and
- (b) the Commission and the Division grant written approval.
- (4) A qualifier for an H100 HVAC Contractor shall be a Certified H-100 Qualifier under Section R156-55a-302g, and may hold up to two additional licenses unless otherwise allowed to hold more licenses under Subsection R156-55a-304(3).

**R156-55a-305a. Exempt Contractors Filing Affirmation of Liability and Workers' Compensation Insurance.**

- (1) Under Subsection 58-55-305(1)(h)(ii)(H), a person claiming exemption under Subsection 58-55-305(1)(h) for an individual project or series of related projects with a value greater than \$3,000[\$1,000] but less than \$7,000[\$3,000] shall file a registration of exemption with the Division that includes:
  - (a) the identity and address of the person claiming the exemption;
  - (b) answers to qualifying questions; and
  - (c) a statement signed by the person verifying that:
    - (i) the person has liability insurance in force that includes:
      - (A) the Division named as a certificate holder;
      - (B) the policy number, the expiration date of the policy, the insurance company name and contact information, and coverage amounts of at least \$100,000[\$1,000,000] for each incident and \$300,000[\$3,000,000] in total; and
    - (ii) that the person:
      - (A) has workers' compensation insurance in force that names the Division as a certificate holder, includes the policy number, the expiration date of the policy, the insurance company name and contact information; or
      - (B) that the person does not hire employees and is therefore exempt from the requirement to have workers' compensation insurance as evidenced by a valid Workers' Compensation Coverage Waiver issued by the Utah Labor Commission.
- (2) The affirmation required under Subsection (1) shall be reaffirmed on or before November 30 of each odd numbered year.

**R156-55a-308b. Natural Gas Technician Certification.**

- (1) Under Subsection 58-55-308(1), the scope of practice in Subsection 58-55-308(2)(a) requiring certification is further defined as the installation, modification, maintenance, cleaning, repair or replacement of the gas piping, combustion air vents, exhaust venting system or derating of gas input for altitude of a residential or commercial gas appliance.
- (2) An approved training program shall include the following course content:
  - (a) general gas appliance installation codes;
  - (b) venting requirements;
  - (c) combustion air requirements;
  - (d) gas line sizing codes;
  - (e) gas line approved materials requirements;
  - (f) gas line installation codes; and
  - (g) methods of derating gas appliances for elevation.
- (3) Under Subsection 58-55-308(2)(c)(i), the following programs are approved to provide natural gas technician training, and to issue certificates or documentation of exemption from certification:
  - (a) Federal Bureau of Apprenticeship Training;
  - (b) Utah college apprenticeship program;
  - (c) trade union apprenticeship program;
  - (d) Rocky Mountain Gas Association; and
  - (e) Home Builders Association of Utah.
- (4) Under Subsection 58-55-308(3), the approved programs in Subsections (3)(b) through (3)(e) shall require program participants to pass the RMGA Gas Appliance Installers Certification Exam, or equivalent exams approved by the Commission established or adopted by a training program, with a minimum passing score of 80%.
- (5) Under Subsection 58-55-308(3), an individual[-person] who has not completed an approved training program, but has passed the RMGA Gas Exam or approved equivalent exam established or adopted by an approved training program, with a minimum passing score of 80%, or the Utah licensed Journeyman or Residential Journeyman Plumber Exam, with a minimum passing score of 70%, is exempt from the certification requirement in Subsection 58-55-308(2)(c)(i).
- (6) An approved program shall issue a certificate, including a wallet certificate, to each person who successfully completes the training program, with the following information:
  - (a) name of the program provider;
  - (b) name of the approved program;
  - (c) name of the certificate holder;
  - (d) date the certification was completed; and
  - (e) signature of an authorized representative of the program provider.
- (7) The following shall constitute documentation of exemption from certification:
  - (a) certification of completion of training issued by the Federal Bureau of Apprenticeship Training;
  - (b) current Utah licensed Journeyman or Residential Journeyman plumber license; or
  - (c) certification from the RMGA or approved equivalent exam which shall include the following:
    - (i) name of the association, school, union, or other organization who administered the exam;

- (ii) name of the person who passed the exam;
  - (iii) name of the exam;
  - (iv) date the exam was passed; and
  - (v) signature of an authorized representative of the test administrator.
- (8) Each [person] individual engaged in the scope of practice defined in Subsection 58-55-308(2)(a) and Subsection R156-55a-308b(1), shall carry in their possession documentation of certification or exemption.
- (9) An individual is exempt from the requirements of Section R156-55a-308b if under the direct supervision of a Certified Natural Gas Technician.

**KEY: contractors, occupational licensing, licensing**

**Date of Last Change: [March 9, 2023]2026**

**Notice of Continuation: July 8, 2021**

**Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-55-101; 58-55-308(1)(a); 58-55-102(39)(a)**

**NOTICE OF SUBSTANTIVE CHANGE**

<b>TYPE OF FILING:</b> Amendment		
<b>Rule or section number:</b>	R162-2c	<b>Filing ID:</b> 57786

**Agency Information**

<b>1. Title catchline:</b>	Commerce, Real Estate	
<b>Building:</b>	Heber M Wells	
<b>Street address:</b>	160 E 300 S	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 146711	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6711	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Justin Barney	801-530-6603	justinbarney@utah.gov
Tyler Huff	801-530-6284	tylerhuff@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>	R162-2c. Utah Residential Mortgage Practices and Licensing Rules
<b>4. Purpose of the new rule or reason for the change:</b>	The purpose of this filing is to reduce the barriers to obtaining a mortgage license and update this rule to better adhere to the Rulewriting Manual for Utah.
<b>5. Summary of the new rule or change:</b>	This filing would lower the amount of Utah-specific prelicensing education required to qualify for licensure as mortgage loan originator from 15 hours to 5 hours.

**Fiscal Information**

<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>	
<b>A. State budget:</b>	The Division of Real Estate (Division) has the staff and budget in place to administer the proposed rule amendment.
	The proposed change is not expected to impact the state's budget by either increasing costs or generating savings.

After conducting a thorough analysis, the Division has determined that the proposed rule amendment will not result in any cost or savings to the state budget.

**B. Local governments:**

Local governments are not required to comply with or enforce the Utah Residential Mortgage Practices and Licensing Rules.

Because compliance is not required of local governments, the proposed rule amendment will not result in a fiscal impact to local governments.

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

The Division believes and understands that no small businesses currently offer a Utah-specific preclicensing mortgage loan originator course to prospective Utah mortgage loan originators. Therefore, the proposed rule amendment will not result in a fiscal impact to small businesses.

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

Several non-small businesses currently offer a 15-hour Utah-specific preclicensing mortgage loan originator course. If the proposed rule is adopted, the Division expects that these non-small businesses will change and adapt to offer a five-hour Utah-specific preclicensing course at a lower cost to students.

The average cost per student for a 15-hour course is \$160.

The average cost per applicant for a five-hour course is \$100.

The Division estimates that 800 individuals will apply for licensure as a Utah mortgage loan originator during that portion of fiscal year 2026 when the proposed rule amendment would be in effect.

For fiscal years 2027 through 2030, the Division estimates 1,200 applications each year.

As a result, the Division estimates the costs and benefits to non-small businesses as described in the Regulatory Impact Summary Table (below).

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

The proposed rule amendment does not create new obligations for persons other than small businesses, non-small businesses, state, or local government entities, nor does it increase the cost associated with any existing obligation.

After conducting a thorough analysis, the Division has determined that the proposed rule amendment will result in costs savings from lower prices for a five-hour course (to students who pay for education required for licensure).

These students are persons other than small businesses, non-small businesses, state, or local government entities.

**F. Compliance costs for affected persons:**

Mortgage license applicants are persons affected by the proposed rule amendment. The proposed rule amendment would lower the number of hours of Utah-specific preclicensing education required of applicants from 15 hours to 5 hours, lowering the barrier to entry to the business of residential mortgage loans.

The Division estimates that the cost of a 15-hour course is \$160 and a 5-hour course is \$100.

If the proposed rule amendment is adopted, a mortgage license applicant would benefit from the lower cost of 5 hours of required education, rather than 15 hours.

Other than the cost savings for the shorter course, there are no compliance costs for affected persons.

**G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

<b>Regulatory Impact Summary Table</b>					
<b>Fiscal Cost</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$128,000	\$192,000	\$192,000	\$192,000	\$192,000
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$128,000</b>	<b>\$192,000</b>	<b>\$192,000</b>	<b>\$192,000</b>	<b>\$192,000</b>
<b>Fiscal Benefits</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$80,000	\$120,000	\$120,000	\$120,000	\$120,000
Other Persons (Applicants)	\$48,000	\$72,000	\$72,000	\$72,000	\$72,000
<b>Total Fiscal Benefits</b>	<b>\$128,000</b>	<b>\$192,000</b>	<b>\$192,000</b>	<b>\$192,000</b>	<b>\$192,000</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H. Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Executive Director of the Commerce Department, Maragret W. Busse, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

Subsection 61-2c-103(3)	Subsection 61-2c-203(1)	Section 61-2c-202
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**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.**

**A. Comments will be accepted until:** 03/17/2026

**10. This rule change MAY become effective on:** 03/24/2026

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Leigh Veillette, Director Division of Real Estate	<b>Date:</b>	12/18/2025
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**R162. Commerce, Real Estate.**

**R162-2c. Utah Residential Mortgage Practices and Licensing Rules.**

**R162-2c-201. Licensing and Registration Procedures.**

**(1) Mortgage loan originator.**

**(a)** To obtain a Utah license to practice as a mortgage loan originator, an individual who is **not currently** and validly licensed in any state shall:

- (i) evidence honesty, integrity, and truthfulness pursuant to Subsection R162-2c-202(1);
- (ii) evidence competency to transact the business of residential mortgage loans pursuant to Subsection R162-2c-202(2);
- (iii) evidence financial responsibility pursuant to Subsection R162-2c-202(3);
- (iv) obtain a unique identifier through the nationwide database;

**(v)** successfully complete, within the 12-month period **before [prior to]** the date of application, **45** five hours of Utah-specific prelicensing education as approved by the division;

NOTICES OF PROPOSED RULES

(vi)(A) successfully complete 20 hours of prelicensing education as approved by the nationwide database according to the nationwide database outline for national course curriculum; or

(B) if the individual previously passed the 20-hour national course, obtained a license, and thereafter allowed the license to expire, successfully complete continuing education:

(I) approved by the nationwide database; and

(II) in the number of hours that would have been required to renew the expired license in the year in which the individual allowed the license to expire;

(vii) take and pass the examinations that meet the requirements of Subsection 61-2c-204.1(4) and that:

(A) are approved and administered through the nationwide database; and

(B) consist of a national test with uniform state content;

(viii) request licensure as a mortgage loan originator through the nationwide database;

(ix) authorize a criminal background check and submit fingerprints through the nationwide database;

(x) authorize the nationwide database to provide the individual's credit report to the division for review;

(xi) provide to the division relevant information regarding "yes" answers to disclosure questions found within the application submitted on the MU4 form;

(xii) record with the nationwide database a mailing address, if the applicant is not able to accept mail at the physical location or street address that is required to be on record with the nationwide database pursuant to Subsection 61-2c-106(1)(a);

(xiii) complete, sign, and submit to the division a social security verification form as provided by the division; and

(xiv) pay fees through the nationwide database as required by the division and by the nationwide database.

(b) To obtain a Utah license to practice as a mortgage loan originator, an individual who is currently and validly licensed in another state shall:

(i) evidence honesty, integrity, and truthfulness pursuant to Subsection R162-2c-202(1);

(ii) evidence competency to transact the business of residential mortgage loans pursuant to Subsection R162-2c-202(2);

(iii) evidence financial responsibility pursuant to Subsection R162-2c-202(3);

(iv) successfully complete, within the 12-month period before prior to the date of application, 15 five hours of Utah-specific mortgage loan originator prelicensing education;

(v) provide to the division relevant information regarding "yes" answers to disclosure questions found within the application submitted on the MU4 form;

(vi) record with the nationwide database a mailing address, if the applicant is not able to accept mail at the physical location or street address that is required to be on record with the nationwide database pursuant to Subsection 61-2c-106(1)(a);

(vii) request licensure as a mortgage loan originator through the nationwide database;

(viii) authorize a criminal background check through the nationwide database;

(ix) authorize the nationwide database to provide the individual's credit report to the division for review;

(x) complete, sign, and submit to the division a social security verification form as provided by the division; and

(xi) pay fees through the nationwide database as required by the division and by the nationwide database.

(2) Lending manager. To obtain a Utah license to practice as an LM, an individual shall:

(a) evidence honesty, integrity, and truthfulness pursuant to Subsection R162-2c-202(1);

(b) evidence competency to transact the business of residential mortgage loans pursuant to Subsection R162-2c-202(2);

(c) evidence financial responsibility pursuant to Subsection R162-2c-202(3);

(d) provide to the division:

(i) the individual's unique identifier as assigned through the nationwide database;

(ii) evidence that the individual has taken and successfully:

(A) passed the 20-hour national mortgage loan originator prelicensing course; and

(B) passed the mortgage loan originator examination that:

(I) meets the requirements of Subsection 61-2c-204.1(4);

(II) is approved and administered through the nationwide database; and

(III) consists of a national test with uniform state content;

(C) completed the division-approved 40 hour Utah-specific lending manager prelicensing education within the 12-month period before prior to the date of application to the division;

(D) applied to the testing contractor designated by the division to sit for the lending manager licensing examination;

(E) paid a nonrefundable examination fee to the testing contractor; and

(F) passed both the state and national components of the licensing examination;

(e) within the 12-month period preceding the date of submission of a lending manager application to the division, successfully:

(i) register in the nationwide database by selecting the "lending manager" license type and completing the associated MU4 form;

(ii) record with the nationwide database a mailing address if the applicant is not able to accept mail at the physical location or street address that is required to be on record with the nationwide database pursuant to Subsection 61-2c-106(1)(a);

(iii) authorize a criminal background check and submit fingerprints through the nationwide database;

(iv) provide to the division relevant information regarding "yes" answers to disclosure questions found within the application submitted on the MU4 form;

(v) if applying for an active license, affiliate with a registered Utah mortgage entity;

(vi) authorize the nationwide database to provide the individual's credit report to the division for review;

(vii) pay the lending manager licensing fee as required by the division and by the nationwide database;

(viii) complete, sign, date, and submit to the division:

- (A) the Utah lending manager checklist form as found on the division website or the nationwide database;
  - (B) the two page lending manager application as provided by the testing contractor;
  - (C) the social security verification forms as provided by the testing contractor; and
  - (D) a copy of a paid invoice from the nationwide database showing proof of payment of the lending manager license fee.
- (f) provide to the division experience documentation forms to evidence that the applicant has satisfied the experience requirement of

Subsection 61-2c-206(1)(d) as follows:

(i) during the five-year period preceding the date of submission of a lending manager license application to the division:

- (A) three years full-time experience originating first-lien residential mortgages as a mortgage loan originator as defined in Subsection

61-2c-102(1)(ff):

- (I) under a license issued by a state regulatory agency; or
- (II) as an employee of a depository institution; and

(B) evidence of having originated a minimum of 45 first-lien residential mortgages; or

(ii) during the five-year period preceding the date of submission of a lending manager license application to the division:

- (A) two years full-time experience originating first-lien residential mortgages as defined in Subsection 61-2c-102(1)(gg):

(I) under a license issued by a state regulatory agency; or

(II) as an employee of a depository institution;

(B) plus one year of full-time equivalent experience from the optional experience equivalency calculation in Section R162-2c-501a or the optional experience table in Section R162-2c-501b; and

(C) evidence of having originated a minimum of 30 first-lien residential mortgages; or

(iii) during the 12 years preceding the date of submission of a lending manager license application to the division:

(A) ten years of full-time experience providing direct supervision as a loan manager in the residential mortgage industry;

(B) with evidence of having directly supervised during the ten years described in this [S]subsection no fewer than five licensed or registered loan originators; and

(C) although the five individuals licensed or registered as described in this [S]subsection may have changed over time, the number of individuals being managed or supervised must have remained at a minimum of five individuals throughout the ten years described in this [S]subsection; and

(D) evidence of having personally originated a minimum of 15 first-lien residential mortgages within the past five years.

(g) Failure to document acceptable experience in one of the three methods described in Subsection (f) will result in the denial of the lending manager application. Application fees are nonrefundable.

(h) designate in the nationwide database whether the individual will be acting for the sponsoring entity as:

- (i) the principal lending manager;
- (ii) an associate lending manager; or
- (iii) a branch lending manager.

(i) Deadlines.

(i) If an individual passes one test portion of the lending manager examination but fails the other, the individual may retake and pass the failed portion of the exam within 90 days of the date on which the individual achieves a passing score on the first portion of the exam.

(ii) An application for licensure shall be submitted:

(A) within 90 days of the date on which the individual achieves passing scores on both examination portions; and

(B) within 12 months of the date on which the individual completes the prelicensing education.

(iii) If any deadline in this Subsection R162-2c-201(2) falls on a day when the division is closed for business, the deadline shall be extended to the next business day.

**3** Mortgage entity.

(a) To obtain a Utah license to operate as a mortgage entity, a person shall:

(i) establish that each control person meets the requirements for honesty, integrity, and truthfulness pursuant to Subsection R162-2c-202(1);

(ii) establish that each control person meets the requirements for competency pursuant to Subsection R162-2c-202(2);

(iii) register any other trade name with the Division of Corporations and Commercial Code;

(iv) register the entity in the nationwide database by:

(A) submitting an MU1 form that includes:

(I) required identifying information;

(II) the name of the PLM who, pursuant to Subsection R162-2c-301a(3)(a)(iv), will serve as the entity's qualifying individual;

(III) the name of any LM who, pursuant to Subsection R162-2c-301a(3)(a)(iv), will serve as a branch lending manager;

(IV) the name of any individuals who may serve as control persons;

(V) the entity's registered agent; and

(VI) any other assumed business name or trade name under which the entity will operate;

(B) submitting a license request for any assumed business name listed in the "Other Trade Name" section of the MU1 form; and

(C) creating a sponsorship through the nationwide database that identifies the mortgage loan originators sponsored by the entity;

(v) register any branch office operating from a different location than the entity;

(vi) pay fees through the nationwide database as required by the division and by the nationwide database;

(vii) provide to the division proof that any assumed business name or other trade name is registered with the Division of Corporations and Commercial Code;

NOTICES OF PROPOSED RULES

(viii) provide to the division the court documents related to any criminal proceeding not disclosed through a previous application or renewal and involving any control person;

(ix) provide to the division complete documentation of any action taken by a regulatory agency against:

- (A) the entity itself; or
(B) any control person; and
(C) not disclosed through a previous application or renewal; and

(x) provide to the division a notarized letter on company letterhead, signed by the owner or president of the entity, authorizing the PLM to use the entity's name.

(b) Restrictions on entity name. No license may be issued by the division to an entity that proposes to operate under a name that closely resembles the name of another entity licensee, or that the division determines might otherwise be confusing or misleading to the public.

(4) Branch office.

(a) To register a branch office with the division, a person shall:

- (i) obtain a Utah entity license for the entity under which the branch office will be registered;
(ii) submit to the nationwide database an MU3 form that includes:
(A) required identifying information; and
(B) the name of the LM who will serve as the branch lending manager;

(iii) create a sponsorship through the nationwide database that identifies the mortgage loan originators who will work from the branch office; and

(iv) pay fees through the nationwide database as required by the division and by the nationwide database.

(b) A person who registers a branch office pursuant to this Subsection (4) shall ensure that any licensed trade names of the entity that are used from the branch office are listed in the "Other Name" section of the entity MU1 form.

(c)(i) A PLM may not simultaneously serve as a BLM if Subsection R162-2c-301a(3)(a)(iv)(B) applies.

(ii) An individual may not serve as the BLM for more than one branch at any given time.

(5) Licenses not transferable.

(a) A licensee may [shall] not transfer the licensee's license to any other person.

(b) A licensee may [shall] not allow any other person to work under the licensee's license.

(c) If a change in corporate structure of a licensed entity creates a separate and unique legal entity, that entity shall obtain a unique license, and may [shall] not operate under any existing license.

(6) Expiration of test results.

(a) Scores for the LM exam shall be valid for 90 days.

(7) Fees are nonrefundable, regardless of whether an application is granted or denied.

(8) Other trade names.

(a) The division may [shall] not approve a license for any person operating under an assumed business name that poses a reasonable likelihood of misleading the public into thinking that the person is:

- (i) endorsed by the division, the state government, or the federal government;
(ii) an agency of the state or federal government; or
(iii) not engaged in the business of residential mortgage loans.

(b) A mortgage entity that operates under another trade name shall register the other trade name by including it on the MU1 form and obtaining the required registration.

R162-2c-204. License Renewal, Reinstatement, and Reapplication.

(1) The deadlines for license renewal, reinstatement and reapplication are as follows:

(a)(i) To renew on time, a person who holds an active license as of October 31 shall renew by December 31 of the same calendar year.

(ii)(A) A person who obtains a license on or after November 1 shall renew by December 31 of the following calendar year.

(B) A person who is not required to renew in the first year of licensure pursuant to Subsection (1)(a)(ii)(A) shall nevertheless complete, before [prior to] December 31 of the first year of licensure, continuing education as required for renewal pursuant to Subsection R162-2c-204(3)(a) if the individual did not complete the mortgage loan originator national preclicensing education during the calendar year.

(b) The deadline to reinstate a license that expires on December 31 is February 28 of the year following the date of expiration.

(c) After the reinstatement deadline passes, a person shall reapply for licensure pursuant to Subsection R162-2c-204(3)(c).

(2)(a)(i) Individuals applying to renew or reinstate a license shall evidence honesty, integrity, and truthfulness as required for initial licensure.

(ii)(A) An individual applying for a renewed license may not have:

- (I) a felony that resulted in a conviction or plea agreement during the renewal period; or
(II) a finding of fraud, misrepresentation, or deceit entered against the applicant by a court of competent jurisdiction or a government agency and occurring within the renewal period.

(B) A licensee shall submit a fingerprint background report to renew a license every fifth year following the renewal period beginning November 2015. If the licensee has submitted a fingerprint background report to the NMLS that is current according to the NMLS and is dated within 90-days of the date of the application to renew, the division [Division] shall use that fingerprint background report in satisfaction of the requirement of this subsection. If there is no current fingerprint background report in the NMLS, the licensee shall submit a fingerprint background report to the NMLS with the licensee's application to renew.

(iii) The division may deny an individual applicant a renewed license upon evidence, as outlined in Subsection R162-2c-202(1)(b), of circumstances that reflect negatively on the applicant's honesty, integrity, or truthfulness and that:

- (A) occurred during the renewal period; or
- (B) were not disclosed and considered in a previous application or renewal.

(iv) The division may deny an entity applicant a renewed license upon evidence that a control person fails to meet the standards for honesty, integrity, and truthfulness required of individual applicants.

(b)(i) Individual applicants and control persons shall evidence that they maintain the competency required for initial licensure.

(ii) The division may deny an individual applicant a renewed license upon evidence, as outlined in Subsection R162-2c-202(2), of circumstances that reflect negatively on the applicant's competency and that:

- (A) occurred during the renewal period; or
- (B) were not disclosed and considered in a previous application or renewal.

(iii) The division may deny an entity applicant a renewed license upon evidence that a control person fails to meet the standard for competency required of individual applicants.

(c) Individuals applying to renew or reinstate a license shall evidence financial responsibility. A licensee shall submit a credit report to renew a license every fifth year following the renewal period beginning November 2015. If the licensee has submitted a credit report to the NMLS that is current according to the NMLS and is dated within 30-days of the date of the application to renew, the ~~division~~ [Division] shall use that credit report in satisfaction of the requirement of this subsection. If there is no current credit report in the NMLS, the licensee shall submit a credit report to the NMLS with the licensee's application to renew.

(3) Education requirements for renewal, reinstatement, and reapplication.

(a)(i) Except as provided in Subsection (3)(a)(ii), to qualify for license renewal, an individual who holds an active license as of January 1 of the calendar year shall complete, within the calendar year in which the individual's license is scheduled to expire, the following courses, none of which may be duplicative of courses taken in the same or preceding renewal period:

- (A) a division-approved course on Utah law, completed annually; and
- (B) eight hours of continuing education approved through the nationwide database, as follows:
  - (I) three hours federal laws and regulations;
  - (II) two hours ethics which may include fraud, consumer protection, and fair lending issues;
  - (III) two hours training related to lending standards for non-traditional mortgage products; and
  - (IV) one hour undefined instruction on mortgage origination.

(C) In addition to other required continuing education, a mortgage loan originator shall complete a division-approved continuing education course for new loan originators ~~before~~ [prior to] their first renewal.

(ii) An individual who completes the mortgage loan originator nationwide preclicensing education between January 1 and December 31 in their initial license renewal for the renewal period ending December 31 is exempt from the nationwide database continuing education requirements and the division-approved course on Utah law.

(b) To reinstate an expired mortgage loan originator or lending manager license, an individual shall, by February 28 of the calendar year following the date on which the license expired, complete:

- (i) the division-approved course on Utah law specified in Subsection (3)(a)(i)(A);
- (ii) eight hours of continuing education:

(A) in topics listed in Subsection (3)(a)(i)(B); and

(B)(I) approved by the nationwide database as "continuing education" if completed ~~before~~ [prior to] the date of expiration; or

(II) approved by the nationwide database as "late continuing education" if completed between the date of expiration and the deadline for reinstatement; and

(iii) if the new mortgage loan originator continuing education course was required for renewal ~~before~~ [prior to] the expiration of their license, in addition to other required continuing education, a mortgage loan originator shall complete the division-approved continuing education course for new loan originators ~~before~~ [prior to] reinstatement.

(c)(i) To reapply for licensure after the reinstatement deadline passes and by or before December 31 of the calendar year following the date on which the license expired, an individual shall complete the division-approved course on Utah law and continuing education requirement outlined in Subsection (3)(b).

(ii) To reapply for licensure after the deadline described in Subsection (3)(c)(i) passes, an individual shall:

(A) complete eight hours of continuing education:

(I) in topics listed in Subsection (3)(a)(i); and

(II) approved by the nationwide database as "late continuing education"; and

(B) within the 12-month period preceding the date of reapplication, take and pass:

(I) the ~~15~~ [five]-hour Utah-specific mortgage loan originator preclicensing education, if the terminated license was a mortgage loan originator license; or

(II) the 40-hour Utah-specific lending manager preclicensing education and associated examination, if the terminated license was a lending manager license; and

(C) complete the division-approved course on Utah law specified in Subsection (3)(a)(i)(A).

(4) The procedures for renewal, reinstatement, and reapplication are as follows:

(a) An individual licensee shall:

(i) evidence having completed education as required by Subsection R162-2c-204(3);

(ii) submit to the division the jurisdiction-specific documents and information required by the nationwide database; and

(iii) submit through the nationwide database:

NOTICES OF PROPOSED RULES

- (A) a request for renewal, if renewing or reinstating a license; or
- (B) a request for a new license, if reapplying; and
- (iv) pay the fees required by the division and by the nationwide database, including applicable late fees.
- (b) An entity licensee shall:
  - (i) submit through the nationwide database a request for renewal;
  - (ii) submit to the division the jurisdiction-specific documents and information required by the nationwide database;
  - (iii) renew the registration of any branch office or other trade name registered under the entity license; and
  - (iv) pay through the nationwide database each of the fees, including applicable late fees, required by the division and by the nationwide database.

**KEY: residential mortgage, loan origination, licensing, enforcement**

**Date of Last Change:** 2026[August 8, 2023]

**Notice of Continuation:** December 19, 2024

**Authorizing, and Implemented or Interpreted Law:** 61-2c-103(3); 61-2c-402(4)(a)

<b>NOTICE OF SUBSTANTIVE CHANGE</b>		
<b>TYPE OF FILING:</b> New		
<b>Rule or section number:</b>	R357-48	<b>Filing ID:</b> 57788
<b>Agency Information</b>		
<b>1. Title catchline:</b>	Governor, Economic Opportunity	
<b>Building:</b>	World Trade Center	
<b>Street address:</b>	60 E South Temple, Suite 300	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	60 E South Temple, Suite 300	
<b>City, state and zip:</b>	Salt Lake City, UT 84111	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Greg Jeffs	801-368-1957	gjeffs@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		
<b>General Information</b>		
<b>2. Rule or section catchline:</b>		
R357-48. Affordable Housing Infrastructure Grant Rule		
<b>3. Are any changes in this filing because of state legislative action?</b>		
		Changes are because of legislative action.
<b>If yes, any bill number and session:</b>		
HB 502 (2025 General Session)		
<b>4. Purpose of the new rule or reason for the change:</b>		
The Governor's Office of Economic Opportunity (GOEO) is required by Section 72-2-503 to make a rule that "shall develop a process for the prioritization of grant proposals."		
This new rule will fulfill this requirement.		
<b>5. Summary of the new rule or change:</b>		
This rule states the required content for grant applications, methodology for selecting grants, grant reporting requirements, and methodology for awarding grants.		
(EDITOR'S NOTE: A corresponding 120-day (emergency) Rule R357-48, ID 57789, that is effective as of 02/06/2026, will be published in the March 1, 2026, issue of the Bulletin.)		

**Fiscal Information**

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

**A. State budget:**

None--There are no anticipated costs or savings for this rule. This is because all costs associated with the Affordable Housing Infrastructure Grant were anticipated and covered by HB 502, passed in the 2025 General Session.

The fiscal note for HB 502 (2025) stated, in relevant part: "The bill could also increase the Governor's Office of Economic Opportunity's expenditures from the Transportation Investment Fund by \$55,000 ongoing beginning in FY 2026 to provide staff support for the grant fund and \$15,000 one-time in FY 2026 for system development."

**B. Local governments:**

None--There are no anticipated costs or savings for this rule because local governments are not required to apply for the grant.

Additionally, for those who do choose to apply, this rule only requires submitting documents that are needed for completing the grant and proving eligibility.

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

None--There are no anticipated costs or savings for this rule because small businesses are not required to apply for the grant.

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

None--There are no anticipated costs or savings for this rule because non-small businesses are not required to apply for the grant.

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

None--There are no anticipated costs or savings for this rule because others are not required to apply for the grant.

**F. Compliance costs for affected persons:**

None--There are no anticipated compliance costs for this rule because applying for the grant is not required.

Additionally, for those who do choose to apply, compliance only requires submitting documents that are needed for completing the grant and proving eligibility.

**G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

**Regulatory Impact Summary Table**

<b>Fiscal Cost</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0

<b>Total Fiscal Benefits</b>	\$0	\$0	\$0	\$0	\$0
<b>Net Fiscal Benefits</b>	\$0	\$0	\$0	\$0	\$0

**H. Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Executive Director of the Governor's Office of Economic Opportunity, Jefferson Moss, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

Subsection 72-2-503(4)

**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.**

**A. Comments will be accepted until:** 03/17/2026

**10. This rule change MAY become effective on:** 03/24/2026

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Jefferson Moss, Executive Director	<b>Date:</b>	02/02/2026
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**R357. Governor, Economic Opportunity.**

**R357-48. Affordable Housing Infrastructure Grant Rule.**

**R357-48-1. Authority.**

This rule is adopted under the authority of Subsection 72-2-503(4).

**R357-48-1. Definitions.**

(1) "Board" means the Affordable Housing Infrastructure Grant Board defined under Section 72-2-503.

(2) "The office" means the Governor's Office of Economic Opportunity.

(3) "Grant applications" means:

(a) the Planning and Design application; and

(b) the Construction application.

(4) "Public Entity" means county, municipality, public housing authority, special service or improvement district, or public transit district.

(5) "UDOT" means the Utah Department of Transportation.

**R357-48-2. Content of Applications.**

(1) The following may be required in each Planning and Design application:

(a) name of applying public entity;

(b) responsible contact's:

(i) name;

(ii) full mailing address;

(iii) telephone number; and

(iv) email address;

(c) amount of grant funding requested;

(d) a scope of work with descriptions of planning and designing for which funds will be used;

(e) a description of expected deliverables and outcomes;

(f) a timeline for completion;

(g) a budget narrative describing proposed fund usage; and

(i) if a grant proposal includes highway infrastructure, the budget must include a minimum matching contribution of the right-of-way needed for the highway improvements;

(h) a line-item budget describing proposed uses of grant funds;

(i) documentation supporting the valuation of the right-of-way contribution, if applicable;

(j) the entity's W9 form, or the public entity's state vendor number if the public entity is currently a state vendor;

(k) a letter of support from the public entity's governing board or commission; and

- (l) any other information requested by the office;
- (2) The following may be required in each Construction application:
  - (a) the amount of grant funding requested;
  - (b) the entity's W9 form, or the public entity's state vendor number if the public entity is currently a state vendor;
  - (c) a letter of support from the public entity's governing board or commission;
  - (d) an official invoice from the public entity, invoicing the Governor's Office of Economic Opportunity for the contractually agreed upon amount;
  - (e) the Affordable Housing Infrastructure Grant Board's letter of approval of the Planning and Design application;
  - (f) the agreement or contract with UDOT for right-of-way matching contribution confirming acceptance of valuation and property exchange, if applicable;
  - (g) a scope of work with descriptions of construction for which funds will be used;
  - (h) letters of support from the public entity's governing board, council, or commission;
  - (i) maps and visual displays of affected areas;
  - (j) drafts and rendering of construction plans;
  - (k) a description of expected deliverables and outcomes;
  - (l) a timeline for completion;
  - (m) a budget narrative describing proposed fund usage;
  - (n) a line-item budget describing proposed uses of grant funds;
  - (o) an assessment of anticipated risks and how they are to be mitigated;
  - (p) cost estimates from third-party experts;
  - (r) a description of expected deliverables and outcomes;
  - (s) planning and design documents from the Planning and Design application;
  - (t) the property valuation of matching contribution by property assessor;
  - (u) any other information requested by the office.

**R357-48-3. Methodology for Selecting Grants.**

- (1) The application for the Affordable Housing Infrastructure Grant will become available to public entities at the discretion of the office.
- (2) Grant applications will be submitted in two parts:
  - (a) The Planning and Design application will be submitted first.
    - (i) The board will prioritize grant applications in accordance with Subsection 72-2-503(7)(c).
  - (b) The Construction application must be submitted after the Planning and Design application has been approved by the board.

**R357-48-4. Grant Reporting.**

Grant recipients shall submit an annual report for the previous year containing a description of the projects for which the grant funding was used or encumbered.

**R357-48-5. Methodology for Awarding Grants.**

- (1) Grant awards will be distributed in three parts:
  - (a) Upon approval of the Planning and Design application
  - (b) Upon approval of the Construction application
  - (c) Upon the office's receipt of the annual report.
- (2) The amount awarded in each part will be determined by the board.

**KEY: economic development**

**Date of Last Change: 2026**

**Authorizing, and Implemented or Interpreted Law: 63B-34-101; 72-2-501; 72-2-502; 72-2-503; 72-2-504**

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Amendment

**Rule or section number:**

**R765-165**

**Filing ID: 57783**

**Agency Information**

<b>1. Title catchline:</b>	Higher Education (Utah Board of), Administration
<b>Building:</b>	Utah Board of Higher Education Building, The Gateway
<b>Street address:</b>	60 S 400 W
<b>City, state:</b>	Salt Lake City, UT 84101

<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

**2. Rule or section catchline:**

R765-165. Concurrent Enrollment

**4. Purpose of the new rule or reason for the change:**

The purpose of this filing is to update Rule R765-165 based on Utah Board of Higher Education approved changes to the Concurrent Enrollment requirements.

Specifically, the amendments update language throughout the policy to include career and technical education courses into concurrent enrollment requirements, clarify the right of first refusal requirements, amend requirements for LEA employees teaching accelerated foreign language courses, and update the appeals process for instructor qualification approvals.

**5. Summary of the new rule or change:**

The amendments to Rule R765-165 update concurrent enrollment requirements to include career and technical education courses into concurrent enrollment requirements.

Specifically, the amendments update language throughout the policy to include career and technical education courses into concurrent enrollment requirements, clarify the right of first refusal requirements, amend requirements for LEA employees teaching accelerated foreign language courses, and update the appeals process for instructor qualification approvals.

**Fiscal Information**

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

**A. State budget:**

This rule will not have any fiscal impact on the state budget.

The amendments to this rule clarify the role of career and technical education, clarifies the right of first refusal, provides teacher qualifications for advanced language courses, and adjusts the procedures for appeals.

These amendments will not have an impact on the state budget.

**B. Local governments:**

This rule will not have any fiscal impact on local governments.

The amendments to this rule clarify the role of career and technical education, clarifies the right of first refusal, provides teacher qualifications for advanced language courses, and adjusts the procedures for appeals.

These amendments will not have an impact on local governments.

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

This rule will not have any fiscal impact on small businesses.

The amendments to this rule clarify the role of career and technical education, clarifies the right of first refusal, provides teacher qualifications for advanced language courses, and adjusts the procedures for appeals.

These amendments will not have an impact on small businesses.

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

This rule will not have any fiscal impact on non-small businesses.

The amendments to this rule clarify the role of career and technical education, clarifies the right of first refusal, provides teacher qualifications for advanced language courses, and adjusts the procedures for appeals.

These amendments will not have an impact on non-small businesses.

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

This rule will not have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities.

The amendments to this rule clarify the role of career and technical education, clarifies the right of first refusal, provides teacher qualifications for advanced language courses, and adjusts the procedures for appeals.

These amendments will not have an impact on persons other than small businesses, non-small businesses, state, or local government entities.

**F. Compliance costs for affected persons:**

This rule does not impose any compliance costs for affected persons.

**G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H. Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Utah Commissioner of Higher Education, Geoffrey Landward, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

Section 53E-10-301	Section 53E-10-302	Subsection 53G-10-309(6)
Section 53G-10-103		

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b>	
<b>A. Comments will be accepted until:</b>	03/17/2026
<b>10. This rule change MAY become effective on:</b>	03/24/2026
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Alison Adams, Board Secretary and Designee	<b>Date:</b>	01/15/2026
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**R765. Higher Education (Utah Board of), Administration.**

**R765-165. Concurrent Enrollment.**

**R765-165-1. Purpose.**

The purpose of this rule is to establish the rules and procedures that govern Utah ~~public higher education institutions~~ System of Higher Education (USHE) institutions when providing concurrent enrollment opportunities to Utah public education students. This rule does not apply when a USHE institution is contracting concurrent opportunities with public education students ~~of~~ in other states or with private high schools located within Utah.

**R765-165-2. Authority.**

This rule is authorized by Sections 53E-10-301, 53E-10-302, 53G-10-309 and 53G-10-103.

**R765-165-3. Definitions.**

(1) "Concurrent Enrollment" (CE) means college courses that Utah System of Higher Education institutions offer to public schools under a contractual agreement between the USHE institution and a Local Education Agency (LEA). Students continue to be enrolled in public schools, are counted in average daily membership, receive credit toward graduation, and concurrently receive college credit for courses. ~~Concurrent enrollment~~ CE is distinct from early college admission.

(2) "Career and Technical Education Courses" and "CTE" mean ~~higher education courses that align to Utah State Board of Education 11-digit assignment codes beginning with "30 Agriculture" through "41 Work-Based Learning" that are not designated as general education courses, and that may qualify for funding under the Strengthening Career and Technical Education for the 21st Century Act, Pub. L. No. 115-224,~~ undergraduate courses that prepare students for employment with industry-specific skills and knowledge that meet the needs of Utah's employers for technically skilled workers.

(3) "Contractual Basis" means courses and instruction offered under an annual contract between a LEA and a USHE institution. Contractual basis ~~concurrent enrollment~~ CE is eligible for state funding through the appropriation for ~~concurrent enrollment~~ CE authorized under Section 53E-10-302.

(4) "Degree-granting Institution" means a USHE institution defined in Subsection 53H-1-102(1)(a).

~~(4)5~~ "Early College" means enrollment in college credit courses by high school students who are academically prepared, meet college admissions requirements, have left high school ~~prior to~~ before graduation, and are no longer counted in average daily membership. ~~Concurrent enrollment~~ CE policies and funding mechanisms do not apply to early college admission enrollment. Early college admission enrollments are reported as regular enrollments by USHE institutions.

~~(5)6~~ "Early College High School" means a public high school, generally affiliated with a college or university, whose academic goal is to assist accelerated students in earning college credit up to an associate degree concurrent with a high school diploma. Students are counted in the average daily membership of the high school. College credit is earned through ~~concurrent enrollment~~ CE and early college courses. The early college high school negotiates for and pays any applicable tuition and fees for early college courses.

~~(6)7~~ "Eligible Institution" ~~is~~ means an institution as defined in ~~S~~ Subsection 53E-10-301(4).

~~(7)8~~ "Instructor" means a licensed LEA K-12 educator who qualifies and is approved to teach ~~concurrent enrollment~~ CE courses as an adjunct or equivalent faculty within an institution's ~~academic~~ supervising department or program.

~~(8)9~~ "Interactive Video Conferencing" and "IVC" mean two-way, real-time transmission of audio and video signals between computer equipment at two or more locations.

~~(9)10~~ "Local Education Agency" and "LEA" mean a school board, public school district or public charter school.

~~(11)9~~ "Non-contractual Basis" means college credit courses public education students pursue on their own initiative. Such students must enter into an agreement between the student, the student's parent or guardian, the high school administrator, and the USHE institution for the student to take the course; the course is considered to be offered on a non-contractual basis. The student is responsible for all enrollment expenses. USHE institutions report non-contractual enrollments as regular enrollments. Non-contractual basis ~~concurrent enrollment~~ CE is not eligible for state CE funding according to Section 53E-10-302.

~~(12)4~~ "Qualifying Experience" means an LEA employee's experience in an academic or technical field that qualifies the LEA employee to teach a ~~concurrent enrollment~~ CE course in the academic field and may include the employee's:

- ~~(a)~~ number of years teaching in the academic field;
- ~~(b)~~ holding a higher level secondary teaching credential issued by the Utah State Board of Education (USBE) ~~state board~~;
- ~~(c)~~ research, publications, or other scholarly work in the academic field;
- ~~(d)~~ continuing professional education in the academic field;

(e) a portfolio of work related to the academic field; or

(f) professional work experience or certifications in the academic field as defined by Subsection 53E-10-301(9).

(13[2]) "Sensitive Material" means instructional material that constitutes objective sensitive material or subjective sensitive material as defined in Subsection 53G-10-103(h)(i).

(14[3]) "Snow College Concurrent Education Program" and "Snow CE" mean a consistent two-year schedule of [concurrent enrollment]CE courses that Snow College delivers through IVC. Snow CE courses create a pathway for secondary school students, particularly in rural high schools, to earn college credits that apply toward earning an Associate of Science or Associate of Arts degree, or satisfy scholarship requirements and other objectives that best meet students' needs. Snow CE includes advisory support to participating secondary school students and their high school counselors to ensure that students' [concurrent enrollment]CE courses align with their academic and career goals. Rule R765-165 governs the Snow CE program. Funding is appropriated under Section [53B-16-206]53H-4-503.

(15[4]) "Plan for College and Career Readiness" means secondary school process for academic and career planning, facilitated by school counselors with students and their parents or guardians.

(16[5]) "Supervision of CE Instructors" means professional development opportunities institutions provide to public educators who qualify as [concurrent enrollment]CE instructors to prepare them to teach the CE post-secondary curriculum.

(17) "Technical College" means a USHE institution defined under Subsection 53H-1-102(1)(b) or a degree-granting institution acting in its technical education role described in Section 53H-3-608.

(18[6]) "Technology Delivered Instruction" means course instructions provided to students by common technology such as broadcast, interactive videoconferencing, or the Internet.

(19[7]) "Technology Intensive [Concurrent Enrollment]CE" and "TICE" mean hybrid [concurrent enrollment]CE courses that blend different learning activities, both in classrooms and online. TICE courses include common course assessments and, when possible, utilize open education resources. Each USHE institution may offer TICE courses.

(20[48]) "Unique Student Identifier" and "SSID" mean an alphanumeric code assigned to each public education student for identification purposes.

(21[49]) "Utah System of Higher Education" and "[UBHE]Board" mean the governing body for the Utah System of Higher Education.

(22[9]) "Utah System of Higher Education" and "USHE" mean the system of public colleges and universities governed by the Utah Board of Higher Education.

(23[4]) "USHE Institution" means a degree-granting institution [of higher education]or a technical college within the [Utah System of Higher Education]USHE as defined in Section 53[B]H-1-102[, or a degree-granting institution of higher education or a technical college within the Utah System of Higher Education as defined in Section 53B-1-102, that offers an online concurrent enrollment course].

(24[2]) "Utah State Board of Education" and "USBE" mean the system of public education districts and charter schools governed by the Utah State Board of Education.

#### **R765-165-4. Purpose of [Concurrent Enrollment]CE Program.**

The [concurrent enrollment]CE program provides course options to a prepared high school student who earns high school and college credit. The [concurrent enrollment]CE program is intended to allow a student to complete a high school diploma while concurrently earning credits for first or second-year coursework at a USHE Institution, which can accelerate college completion and reduce college costs. To accomplish the purpose for the [concurrent enrollment]CE program, the [UBHE]Board and the USBE shall ensure that the following is done:

(1) High Quality Opportunities - [Concurrent enrollment]CE courses shall provide high quality, college-level academic and career and technical education opportunities to qualified high school students.

(2) Qualitative Safeguards - College instruction offered in the high school setting must maintain the rigor, quality, and outcomes of corresponding courses delivered on a USHE campus.[have qualitative safeguards to preserve the rigor and standards of college requirements.] The eligible institution granting the college credit for a given course is responsible to establish and monitor appropriate qualitative safeguards. To help ensure quality, consistent instruction, and student success, the eligible institutions should officially enroll students as [concurrent enrollment]CE students.

(3) Participating Institutions - USHE institutions may participate in the contractual basis [concurrent enrollment]CE program in compliance with controlling law and consistent with USBE rules governing the use of public education funds.

(4) Program Evaluation - The USBE and [UBHE]the Board shall work in close cooperation in developing, implementing, and evaluating the [concurrent enrollment program]CE program, including monitoring participation and outcomes across both academic and career and technical education programs.

#### **R765-165-5. Students.**

(1) Student Status - Students must be enrolled in, and counted in the average daily membership of, a Utah public school and have high school student status before and throughout enrollment in [concurrent enrollment]CE courses. Students must complete contractual basis [concurrent enrollment]CE courses [prior to]before their high school graduation or participation in high school graduation exercises. Students who have received a diploma, whose class has graduated from high school, or who have participated in graduation exercises are not eligible to participate in the [concurrent enrollment]CE program.

(2) Eligibility Requirements - USHE institutions and LEAs shall jointly establish student eligibility requirements. To predict a successful experience, institutions and LEAs may [require]consider:

(a) [students are]enrollment in grades 9, 10, 11, or 12;

(b) a grade point average, ACT score, or a placement score which predicts success, which is generally considered to be a "B" grade point average or ACT score of 22 or higher;

(c) supportive letters of recommendation;

- (~~[d]~~[e]) approval of high school and college officials;
  - (~~[e]~~[d]) appropriate placement assessments for courses such as mathematics and English;
  - (~~[f]~~[e]) completion of Secondary Math I, II, and III with a "C" average or better course grade in all three classes to enroll in a CE mathematics course;
  - (~~[g]~~[f]) completion of institutionally established prerequisites for a course; and
  - (~~[h]~~[g]) ~~[have on file]~~ a completed plan for college and career readiness on file.
- (3) ~~[Concurrent Enrollment]~~CE Participation Form and Parent Permission to Participate - Before allowing an eligible student to participate in the ~~[concurrent enrollment]~~CE program for the academic year, an institution shall ensure the student has completed the USHE ~~[concurrent enrollment]~~CE participation form, signed an acknowledgement of program participation requirements, and obtained a permission form signed by a parent or guardian.
- (4) Identification of Eligible Students - LEAs have the primary responsibility for identifying students who are eligible to participate in the ~~[concurrent enrollment]~~CE program.
- (5) Advising - USHE institutions and LEAs shall jointly coordinate advising to prospective or current high school students who participate in the ~~[concurrent enrollment]~~CE program. Advising shall include information on general education and career and technical education program graduation requirements at USHE institutions and on how ~~[the]~~students can choose ~~[concurrent enrollment]~~CE courses to avoid duplication or excess credit hours. Advising shall also provide students a CE Master List of all CE courses under Subsection R765-165-6(4).
- (6) Tracking Student Achievement - USHE institutions and LEAs shall jointly coordinate information technology systems to track individual students' academic achievement through both education systems in accordance with Sections ~~[53B-1-109]~~53H-1-207 and 53E-4-308.
- (a) USBE and USHE staff shall coordinate access to the SSID of a public education student who later attends a USHE institution.
  - (b) USHE information technology systems shall utilize the SSID of all students who have previously been assigned a unique student identifier.
- (7) Advising Report - Twelve weeks after the end of each semester, participating institutions may request from the Office of the Commissioner of Higher Education a report listing each public high school student admitted to a USHE institution who was enrolled in 12 or more credit hours of ~~[concurrent enrollment]~~CE courses per year and completed at least six of those credit hours from that institution. The report shall include:
- (a) the student's name and SSID;
  - (b) the student's LEA;
  - (c) the name of each ~~[concurrent enrollment]~~CE course taken by the student;
  - (d) the institution where the student enrolled to take each ~~[concurrent enrollment]~~CE course; and
  - (e) the number of college credits the student earned in each ~~[concurrent enrollment]~~CE course with a designation that indicates which credits the student earned at a grade "C" or higher.

**R765-165-6. Courses.**

- (1) Choice of Courses - The courses offered through ~~[concurrent enrollment]~~CE shall be introductory-level general education, career and technical education, and pre-major or pre-certificate college courses, or select upper division courses when approved by the Utah Board of Higher Education after consulting with the ~~[Utah State Board of Education]~~USBE. ~~[Concurrent enrollment]~~CE courses must assist students in earning post-secondary certificates or degrees. ~~[Concurrent enrollment]~~CE may only include college ~~[or]~~and career and technical education courses that correspond to high school courses typically offered in grades 11 or 12. Courses selected shall reflect the strengths and resources of the respective schools and USHE institutions. ~~[Concurrent enrollment]~~CE offerings shall be limited to courses in English, mathematics, fine arts, humanities, science, social science, world languages, and career and technical education.
- (2) Career and Technical Education (CTE) Courses -- CTE CE courses are undergraduate courses that prepare students for employment with industry-specific skills and knowledge that meet the needs of Utah's employers for technically skilled workers. CTE CE courses shall correspond to a Board-approved aligned program or an approved supplemental course under Board Policy R404, Technical Education Program Alignment. CTE CE courses shall use the aligned program structure to ensure transferability and program consistency, including the use of common course numbers, names, descriptions, and objectives. An LEA shall ensure CTE CE courses taught at a high school site have the necessary equipment and facilities to deliver the curriculum at a college-level rigor.
- (3)~~[2]~~ Accelerated Foreign Language Courses for the Utah Language Bridge Program -- Degree-granting ~~[--]~~USHE institutions may offer 3000 level foreign language courses to accelerated foreign language students, including dual language immersion students. Courses shall count toward a foreign language degree, minor, or certificate offered by a USHE institution.
- (a) A 3000-level accelerated foreign language course shall be taught or co-taught by a qualified instructor as outlined in Subsections R765-165-10(5)(b) and (c).
  - (b) If a degree-granting USHE institution cannot provide a qualified instructor for a 3000-level accelerated foreign language course in the institution's service area, an LEA may initiate a partnership with another degree-granting USHE institution to provide a 3000-level accelerated foreign language course in alignment with the right of first refusal requirements in Subsection R765-165-9(3).
- (4)~~[3]~~ Master List - ~~[The Office of the Commissioner of Higher Education and the USBE will jointly approve courses that are added to an institution-specific Concurrent Enrollment Master List. Only courses taken from the master list for a given academic year shall be reimbursed from state concurrent enrollment funds.]~~The USBE and the Office of the Commissioner of Higher Education (OCHE) shall jointly review the Concurrent Enrollment Master List (CEML) each year to ensure compliance with relevant Board policies. Only CE courses that are compliant with Board policy requirements will be included on the CEML. The OCHE and the USBE will jointly approve courses that are added to an institution-specific CEML. Only courses taken from the CEML for a given academic year shall be considered CE courses and reimbursed

from state CE funds. Students enrolled in technical college courses that are not on the CEML are not participating in the contractual CE program and are not included in the CE funding formula described in Section R765-165-11, even if they receive high school credit for those courses.

(5[4]) Changes to [Concurrent Enrollment]CE Master List - USHE institutions, after consultation with LEAs, shall provide the USBE with proposed new course offerings, including syllabi and curriculum materials by [November 15 of the year preceding]the date established by OCHE and USBE for the annual review of the Concurrent Enrollment Master List for the school year in which courses shall be offered.

(6[5]) Number of Courses - In general, institutions should ensure they have sufficient capacity to maintain high quality instruction, coordinated professional development for participating faculty, and transferability of credit between USHE institutions when determining the number and types of CE courses they offer.[limit the number of concurrent enrollment courses so they can focus on quality instruction and assure coordinated professional development activities for participating teachers and transferability of credit from institution to institution.]

(7[6]) Institution Responsibility - The offering USHE institution is responsible for course content, procedures, examinations, teaching materials, and monitoring of CE courses taught at a high school. The institution shall ensure the curriculum is consistent with Utah law and of comparable rigor and quality with courses offered on the institution campus. The institution shall ensure CE curriculum standards of instruction, practices for administering and grading assessments, and the course grade rubric are the same as when the course is taught on the institution's campus. When possible, department exams should be used in the CE course. For courses that transfer as equivalent credit among USHE institutions, the institution shall ensure articulated learning outcomes are met.

(8[7]) Learning Materials -- Under Subsection 53G-4-402(27), CE learning materials are not subject to selection by the local school board.

(9[8]) Sensitive Material -- Under Subsection 53G-10-103(1)(h)(ii) does not include an instructional material for a CE course that contains sensitive material and for which a parent receives notice from the course provider of the material before enrollment of the parent's child and gives the parent's consent by enrolling the parent's child. A USHE institution shall provide parental notice for any courses that contain sensitive material [prior to]before the student's enrollment in the CE course.

#### **R765-165-7. Credit.**

(1) Permanent College Transcript - The registrations and grades of each [concurrent enrollment]CE course shall be recorded on permanent college transcripts. A student who registers for a [concurrent enrollment]CE course shall commit to having the final course grade recorded on that student's permanent college record, regardless of the results.

(2) Credit Value - College level courses taught in the high school shall carry the same credit hour value as when taught on a USHE institution campus and shall apply toward graduation from a USHE Institution on the same basis as courses taught at the USHE institution where the credits are earned.

(3) Credit Hours Permitted - Individual students shall be permitted to earn up to 30 semester hours of college credits per year through contractual [concurrent enrollment]CE. Credits earned in excess of 30 must be on a non-contractual basis.

(4) Institution Credit - USHE institutions shall be responsible for course registration and awarding students college credit for [concurrent enrollment]CE courses.

(5) Transferability - Credit earned through the [concurrent enrollment]CE program shall be transferable between USHE institutions. Students should be encouraged to seek advice from a college academic adviser to make course choices that will meet the student's educational goals.

#### **R765-165-8. Tuition, Fees, and Other Charges.**

Regular tuition and fees may not be charged to high school students for participation in this program.

(1) Participation Fee - An eligible institution may charge course fees for students to participate in the [concurrent enrollment]CE program.

(2) Partial [Concurrent Enrollment]CE Tuition - Except as otherwise excepted under state law for technical colleges[for a technical college listed in Utah Code section 53B-1-102(1)(b)], an eligible institution may charge a secondary student partial tuition for each [concurrent enrollment]CE course for which the student receives college credit in the following amounts:

(a) a USHE institution may charge a [concurrent enrollment]CE student who qualifies for free or reduced school lunch partial tuition of up to \$5 per credit hour;

(b) if a [concurrent enrollment]CE course is taught by a public school educator in a public school facility, a USHE institution may charge up to \$10 per credit hour;

(c) if a [concurrent enrollment]CE course is taught over interactive video conferencing (IVC), a USHE institution may charge up to \$15 per credit hour; and

(d) if a [concurrent enrollment]CE course is taught on a USHE campus, a USHE institution may charge up to \$30 per credit hour.

(3) The [USHE]Board shall annually report to the Legislature's Higher Education Appropriations Subcommittee on regular tuition savings to CE students, any partial CE tuition charged, and justification for the distribution of money appropriated for [concurrent enrollment]CE, pursuant to Section 53E-10-308.

(4) Fee Waivers - [Concurrent enrollment]CE program costs attributable only to college credit or enrollment are not subject to fee waiver under Rule R277-407. A student's costs related to [concurrent enrollment]CE classes, which may include consumables, lab fees, copying, and material costs, as well as textbooks required for the course, are subject to fee waiver consistent with Rule R277-407. The LEA shall be responsible for these waivers. The contract between the USHE institution and the LEA may address the responsibility for fee waivers.

#### **R765-165-9. Location and Delivery.**

[Concurrent enrollment]CE courses shall be offered at the most appropriate location, using the most appropriate educational technology for the course content, the faculty, and the students involved. Instruction may be delivered through live classroom instruction or

other accepted instructional technologies. Instruction normally occurs during the school day with students released from regular high school coursework to participate in [concurrent enrollment]CE.

(1) Students within Commuting Distance - Qualified students residing within commuting distance of a USHE institution may pursue their [concurrent enrollment]CE study on the institution's campus with approval from their LEA.

(2)(a) Designated Service Region Delivery - Each USHE institution has the responsibility for offering [concurrent enrollment]CE courses within [their]its designated service region under Board Policy R315, Designation of Service Regions and Approval of Out-of-region Instructional Programs, Branch Campuses, Instructional Service Centers, and Extension Centers[per UBHE policy R315].

(b) If the local institution chooses not to offer a [concurrent enrollment]CE course within its designated service region, an LEA may [ask]request the course from another USHE institution under Subsection R765-165-9(5).[to provide the course.]

(3) Alignment with Institutional Mission and Role -- Each USHE institutional shall only offer CE courses within its mission and role as defined under Board Policy R312, Institutional Roles and Missions and Approval of Out-of-Role Instructional Programs.

(4) For CTE CE courses:

(a) if a technical college offers a CTE CE course or course content that aligns at least 80% with the CE course, the LEA shall first work with the technical college serving the designated service region, or with a degree-granting institution approved to provide technical education in that region.

(i) If a CTE CE course is part of both a CTE certificate program approved under Board Policy R404, Technical Education Program Alignment and a CTE degree program, the LEA shall first work with the technical college serving the designated service region.

(b) If the technical college does not offer the course or course content at the required 80% alignment, the LEA may work with the degree-granting institution serving the designated service region that is approved to provide such instruction.

(5)[3] Right of First Refusal [-]

(a) An LEA shall contact the USHE institution with responsibility for that LEA's designated service region to request a CE course offering. The local institution shall [indicate]state in writing whether it will offer the requested course within 30 days of the LEA [contact and]request.

(b) The LEA may contact another USHE institution to request sponsorship of the courses under Subsection R765-165-9(5)(a) if the institution with responsibility in the designated service region:

(i) Chooses not to the CE courses proposed by the LEA. The following shall be considered a decision by the local institution not to offer the CE course:

(A) If the local institution does not have a qualified instructor within 30 days of the LEA's request or has not identified a qualified instructor annually by the date agreed upon the LEA and USHE institution;

(B) Cannot provide the course within the LEA's academic schedule such as semester versus trimester); or

(C) Cannot offer the requested CE course in the academic semester immediately following the LEA's request.

(ii) Fails to respond to the LEA's request under Subsection R765-165-9(5)(a);

(iii) Reaches the eligible institution's enrolled student capacity for the CE course and prohibits an LEA with an eligible instructor from expanding the CE course to eligible students; or

(iv) If the LEA determines the institution's course includes instructional materials that are either sensitive materials as defined by Section 53G-10-103, or are otherwise prohibited by state law or USBE rule.

(c)[a] Exception for Technology Delivered Courses - [Concurrent enrollment]CE courses which meet the definition of "Technology Delivered Instruction" are subject to designated service region requirements. Institutions desiring to offer technology delivered CE courses outside their designated service region must receive a written endorsement from the local institution for each course they desire to offer before contracting with LEAs outside their designated service area. An annual system review of technology delivered courses shall be completed [prior to]before November 30 of the year preceding the school year in which courses shall be offered to assure efficient and effective use of resources.

(d) For a student who wants to enroll in an existing CE course that is not offered online by an LEA's designated service region, the LEA shall contract with any eligible institution that offers the online CE course.

**R765-165-10. CE Instructor Qualifications.**

(1) USHE institution faculty or public school educators teach [concurrent enrollment]CE courses for the offering institution.

(2) Selection of CE instructors LEAs and the participating USHE institution shall jointly select instructors for [concurrent enrollment]CE courses annually by the date agreed upon by the LEA and USHE institution. Selection criteria for instructors are the same as those criteria applied to other adjunct or equivalent instructional classifications within the institution's supervising [faculty appointments in specific] departments[-within the USHE institution] or programs. Once approved as an adjunct, a CE instructor who teaches a CE course in 2018-19 or 2019-20 may continue to teach CE courses given curricular standards and student performance outcomes in the CE instructor's classes meet sponsoring academic department standards. Institutions shall establish a process for determining, in consultation with LEA partners, whether an eligible instructor who previously taught a CE course is no longer qualified to teach the CE course. The appropriate academic department or program at the institution must approve each CE instructor [prior to]before teaching a [concurrent enrollment]CE class.

(3) Institutional Faculty CE Instructors - A USHE institution faculty member is an eligible CE instructor.

(4) LEA Employee Instructor Qualifications - An LEA employee is an eligible CE instructor if the LEA employee is licensed under statutory Education Professional Licensure, is supervised by an institution of higher education, and meets the following requirements:

(a) is approved as an eligible instructor by the institution of higher education that provides the [concurrent enrollment]CE course taught by the LEA employee as provided under Subsection R765-165-10(4);

(b) has an upper[-]level mathematics credential issued by the State Board of Education[-]; or

(c) teaches a [concurrent enrollment]course that the LEA employee taught during the 2018-19 or 2019-20 school year.

- (5) A USHE institution shall approve an LEA employee as an eligible instructor:
- (a) for a career and technical education ~~[concurrent enrollment]~~CE course, if the LEA employee has:
    - (i) a degree, certificate, or industry certification in the ~~[concurrent enrollment]~~CE course's academic field; or
    - (ii) qualifying experience, as determined by the USHE institution.
  - (b) for an accelerated foreign language course, the LEA employee teaching the course individually shall have:
    - (i) a master's degree or higher in the course's academic field; or
    - (ii) a master's degree or higher in any academic field and at least 18 completed credit hours of graduate course work in an academic field that is relevant to the course; and
    - (iii) qualifying experience including demonstrated language proficiency of advanced-high or higher on a verbal and written exam using nationally recognized standards to assess an instructor's language proficiency or a bachelor's degree from a country of origin in the target language.
  - (c) for an accelerated foreign language course, the LEA employee co-teaching with a USHE institution faculty member shall have:
    - (i) a bachelor's degree from a country of origin in the target language; or
    - (ii) qualifying experience including demonstrated language proficiency of advanced-mid or higher on a verbal and written exam using nationally recognized standards to assess an instructor's language proficiency.
  - (d) Under Subsection R765-165-10(5)(c), an accelerated foreign language course is co-taught by an LEA employee and faculty member if:
    - (i) the faculty member co-teaches the course with the LEA employee in person at least one day per week at the location where the course is held unless the location where the course is held is over 60 miles away from the partnered USHE institution, then the faculty member may blend in-person and live digital connected teaching if there is an agreement between the LEA and USHE institution for a blended model;
    - (ii) the LEA employee and faculty member jointly provide feedback and support to students throughout the course; and
    - (iii) the LEA employee and faculty member hold weekly meetings to review student progress and discuss learning outcomes.
  - (e) USHE institutions shall implement requirements under Subsections R765-165-10(5)(b) through (d) no later than Fall 2027.
  - (~~b~~)f) for a ~~[concurrent enrollment]~~CE course other than a career and technical education course or accelerated foreign language course, if the LEA employee has:
    - (i) a master's degree or higher in the ~~[concurrent enrollment]~~CE course's academic field; or
    - (ii) a master's degree or higher in any academic field and at least 18 completed credit hours of graduate course work in an academic field that is relevant to the ~~[concurrent enrollment]~~CE course; or
    - (iii) qualifying experience~~[- as determined by the institution of higher education.]~~ including:
      - (A) the number of years of teaching experience;
      - (B) student performance on qualifying test scores or AP exams in courses that the LEA employee teaches;
      - (C) continuing education in a master's degree or higher in any academic field; or
      - (D) other criteria established by the institution of higher education.
- (6) Appeals Process for Instructor Qualification Approvals - If a designated service area USHE institution determines an LEA employee is not qualified to teach a ~~[concurrent enrollment]~~CE course and the LEA has exhausted all administrative remedies available at the institution, the LEA may appeal the decision in writing to the Commissioner of Higher Education (Commissioner) within 15 calendar days of the institution's final decision. ~~[The Commissioner shall appoint an appeals committee consisting of the associate commissioner for academic affairs and two USHE chief academic officers who are uninvolved in the decision being appealed.]~~The Commissioner may appoint a designee to administer the appeals process in Subsection R765-165-10(6).
- (a) The ~~[appeals committee]~~Commissioner will review the LEA's appeal and the institution's decision.
    - (i) The Commissioner may request additional documentation or information as necessary.
  - ~~[(b) The institution and LEA will provide the appeals committee with any material documents and information necessary for a complete review. The committee may request additional documentation or information as necessary.]~~
  - (c) The appeals committee will provide a recommendation to the Commissioner, which may include affirming or reversing the institution's decision.]
  - ~~(b)~~(d) The Commissioner shall ~~[make a]~~issue the final written decision ~~[and issue it]~~to the institution and the LEA~~[- in writing]~~.
  - ~~(d)~~(e) ~~[After t]~~The Commissioner's ~~[has issued a]~~decision,~~[- there will be no further appeals or reviews]~~ is final.
- (7) Criminal Background Checks - USHE faculty who are not public school educators and who teach ~~[concurrent enrollment]~~CE courses defined under this policy in a high school shall complete a criminal background check consistent with Title 53G, Chapter 11, Part 4, Background Checks. The faculty's institution must determine if a criminal background check is required and, if so, must complete the background check and maintain required documentation consistent with the law.
- (8) Faculty Development - ~~[Concurrent enrollment]~~CE instructors shall be included as fully as possible in the academic life of the supervising academic department. USHE institutions and LEAs shall jointly initiate faculty development, including appropriate workshop experiences to adequately prepare instructors to teach ~~[concurrent enrollment]~~CE students and course content ~~[prior to]~~before offering ~~[concurrent enrollment]~~CE courses. If a USHE institution uses an instructor of record or co-teaching instructional model, the institution faculty shall fully engage and prepare the public school educator to successfully teach the curriculum ~~[prior to]~~before the beginning of the course. Each CE instructor must complete any faculty development required by the sponsoring academic department at the institution ~~[prior to]~~before teaching the ~~[concurrent enrollment]~~CE class. USHE institution faculty shall be responsible to understand and comply with federal and state laws governing public school student privacy and student records.

**R765-165-11. Funding.**

(1) Source of Funds - Each year that the Legislature appropriates funds for accelerated learning programs, a portion of those accelerated learning funds shall be allocated to the [concurrent enrollment]CE program.

(2) Eligibility to Receive Concurrent Funds - To qualify for funds, a [concurrent enrollment]CE program shall comply with the requirements described in Section 53E-10-302, including rules adopted in accordance with Section 53E-10-307.

(3) Allocation of Funds - Money appropriated to the USBE for [concurrent enrollment]CE shall first be allocated between LEAs and the [UBHE]Board based upon completed student credit hours taught by public school educators and taught by USHE institution faculty. "Completed" means that a student earned credit for the course. Completed credit hours for general education, CTE, pre-major college level, foreign language, or upper division courses approved by the Board are included in this allocation. [Concurrent enrollment]CE funds may not reimburse institutions for [concurrent enrollment]CE courses repeated by students. In accordance with Section 53F-2-409, funds shall be allocated as follows:

(a) for courses that are taught by public school educators where the cost of instruction is borne by the LEA, 60%[percent] shall be allocated to LEAs and 40%[percent] shall be allocated to the [UBHE]Board; and

(b) for courses that are taught by USHE institution faculty or where the cost of instruction is borne by the USHE institution, 40%[percent] shall be allocated to LEAs; and 60%[percent] shall be allocated to the [UBHE]Board.

(4) Distribution of Funds among USHE Institutions - The [UBHE]Board shall make rules regarding the allocation of funds pertaining to USHE institutions participating in contractual basis [concurrent enrollment]CE. Each institution, except Snow CE, shall receive a pro-rated amount according to the number of semester credit hours completed. The Snow CE Program, which receives a separate appropriation through Section [53B-16-206]53H-4-503 for instructional, advising, and administrative costs, shall not receive the pro-rated per credit funding as long as the separate appropriation funding is in place.

(5) Annual Reports - Annual reports shall be provided to legislative committees as follows:

(a) Higher Education Appropriations - USHE staff shall annually report to the Higher Education Appropriations Subcommittee on [concurrent enrollment]CE participation and growth, including data on what higher education tuition would have been charged for the hours of [concurrent enrollment]CE credit granted as required by Section 53E-10-308.

(b) Public Education Appropriations - USHE and USBE staff shall annually report to the Public Education Appropriations Subcommittee an accounting of the money appropriated for [concurrent enrollment]CE; and a justification of the split described in Subsection R765-165-11(2).

**R765-165-12. Annual [Concurrent Enrollment]CE Contract.**

Collaborating LEAs and USHE institutions shall annually sign a contract that establishes the terms, conditions, and duties for the institution to offer [concurrent enrollment]CE courses to the LEA's students.

(1) Annual Contract Content - The contracts shall include relevant policy for student eligibility and participation, course eligibility and delivery, and faculty eligibility and professional development. USHE and USBE staff shall review and amend the contract annually, as needed, to reflect current statute and rule.

(2) Annual Contract Deadline - Copies of each annual contract entered into between institutions and LEAs for the upcoming school year must be submitted by each institution to the USHE system office no later than May 30 annually. USHE shall convey copies of all contracts to USBE.

**KEY: concurrent enrollment, concurrent enrollment program**

**Date of Last Change: 2026[November 9, 2025]**

**Notice of Continuation: January 7, 2026**

**Authorizing, and Implemented or Interpreted Law: 53E-10-302; 53E-10-301; 53G-10-103**

**End of the Notices of Proposed Rules Section**

## NOTICES OF CHANGES IN PROPOSED RULES

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After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive 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.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends March 17, 2026.

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 (example). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (. . . . .) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through June 17, 2026, an agency may notify the Office 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 the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

**CHANGES IN PROPOSED RULES** are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

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**The Changes in Proposed Rules Begin on the Following Page**

**NOTICE OF SUBSTANTIVE CHANGE**

<b>TYPE OF FILING:</b> CPR (Change in Proposed Rule)		
<b>Rule or section number:</b>	<b>R156-61</b>	<b>Filing ID: 57657</b>
<b>Date of previous publication (only for CPRs):</b>	<b>12/01/2025</b>	

**Agency Information**

<b>1. Title catchline:</b>	Commerce, Professional Licensing	
<b>Building:</b>	Heber M. Wells Building	
<b>Street address:</b>	160 E 300 S	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 146741	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6741	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Brian Pedersen	801-530-6651	Bpedersen@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

**General Information**

<b>2. Rule or section catchline:</b>
R156-61. Psychologist Licensing Act Rule
<b>4. Purpose of the new rule or reason for the change:</b>
The Division of Professional Licensing (Division) in collaboration with the Behavioral Health Board (Board) is filing this change in proposed rule to correct an error in the found in the revised text.
<b>5. Summary of the new rule or change:</b>
The proposed amendment makes the following change:
Subsection R156-61-302a(3)(h)(ii) clarifies that the applicant's internship may be in either school psychology or counseling psychology rather than school counseling and counseling psychology.
(EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the December 1, 2025, issue of the Utah State Bulletin, on page 41. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

**Fiscal Information**

<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
The proposed amendments are limited to correcting an error in the previous proposed revised text.
As this change is purely clerical and does not alter the substantive intent, meaning, or application of this rule, the Division does not anticipate any fiscal impact on state revenues or expenditures.
<b>B. Local governments:</b>
The proposed amendments are limited to correcting an error in the previous proposed revised text.

As this change is purely clerical and does not alter the substantive intent, meaning, or application of this rule, the Division does not anticipate any fiscal impact on local governments.

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

The proposed amendments are limited to correcting an error in the previous proposed revised text.

As this change is purely clerical and does not alter the substantive intent, meaning, or application of this rule, the Division does not anticipate any fiscal impact on small businesses.

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

The proposed amendments are limited to correcting an error in the previous proposed revised text.

As this change is purely clerical and does not alter the substantive intent, meaning, or application of this rule, the Division does not anticipate any fiscal impact on non-small businesses.

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

The proposed amendments are limited to correcting an error in the previous proposed revised text.

As this change is purely clerical and does not alter the substantive intent, meaning, or application of this rule, the Division does not anticipate any fiscal impact for any persons other than small businesses, non-small businesses, state, or local government entities.

**F. Compliance costs for affected persons:**

The proposed amendments are limited to correcting an error in the previous proposed revised text.

As this change is purely clerical and does not alter the substantive intent, meaning, or application of this rule, the Division does not anticipate any compliance costs for affected persons.

**G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H. Department head comments on fiscal impact and approval of regulatory impact analysis:**  
 The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**  
 Subsection 58-1-106(1)(a)      Subsection 58-1-202(1)(a)      Section 58-61-101

**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.**  
**A. Comments will be accepted until:** 03/17/2026  
**B. A public hearing (optional) will be held** (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

Date:	Time:	Place (physical address or URL):
02/27/2026	11:00 AM	Anchor Meeting Location: Heber M. Wells Building 160 E 300 S, Room 474 Salt Lake City, UT  Google Meet joining info: Video call link: <a href="https://meet.google.com/ydn-rpxv-fmw">https://meet.google.com/ydn-rpxv-fmw</a> Or dial: (US) +1 619-836-0688 PIN: 761 819 746# More phone numbers: <a href="https://tel.meet/ydn-rpxv-fmw?pin=8460310734224">https://tel.meet/ydn-rpxv-fmw?pin=8460310734224</a>

**10. This rule change MAY become effective on:** 03/24/2026  
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Jana Johansen, Assistant Division Director	<b>Date:</b>	12/30/2025
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**R156. Commerce, Professional Licensing.**

**R156-61. Psychologist Licensing Act Rule.**

**R156-61-102. Definitions.**

Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 61, Psychologist Licensing Act. In addition:

- (1) "Accredited by the APA-CoA or CPAAP" as used in Section R156-61-302a means that as of the date the student received the earned degree, the program:
  - (a) has obtained accreditation from the APA-CoA or CPAAP; or
  - (b)(i) has applied to the APA-CoA or CPAAP for accreditation;
  - (ii) has been approved by the APA-CoA for a site visit, which is to occur within the ensuing six years; and
  - (iii) has not previously been denied accreditation by the APA-CoA or CPAAP.
- (2) "APA" means the American Psychological Association.
- (3) "APA-CoA" means the American Psychological Association Committee on Accreditation.
- (4) "Approved diagnostic and statistical manual for mental disorders" as used in Subsection 58-61-102(7) means:
  - (a) the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision, (DSM-5-TR) published by the American Psychiatric Association; or
  - (b) the International Classification of Diseases, Tenth Revision, Clinical Modifications (ICD-10-CM), published as the ICD-10-CM: The Complete Official Codebook by the American Medical Association.

- (5) "ASPPB" means the Association of State and Provincial Psychology Boards.
- (6) "CPAAP" means the Canadian Psychological Association Accreditation Panel.
- (7) "Direct supervision" as used in Subsection 58-61-304(1)(e) means the supervisor meets with the supervised individual:
  - (a) when both are physically present in the same room at the same time; or
  - (b) remotely using real-time electronic methods that allow for visual and audio interaction between the supervisor and the supervised individual, pursuant to a remote supervision agreement that meets the requirements of Section R156-61-302b.
- (8) "EPPP" means the Examination for the Professional Practice of Psychology developed by the ASPPB.
- (9) "On-the-job training program approved by the Division" as used in Subsection 58-1-307(1)(c) referenced by Subsection 58-61-301(1)(b) means a program that meets the standards established in Section R156-61-302b.
- (10) "Predoctoral internship" means a formal training program that:
  - (a) meets the minimum requirements of the Association of Psychology Postdoctoral and Internship Centers (APPIC) to culminate a doctoral degree in clinical, counseling, or school psychology; and
  - (b) is a full-time one-year program or a half-time two-year program.
- (11)(a) "Psychology training" as used in Subsection 58-61-304(1)(d), means practical training experience providing direct services in the practice of mental health therapy and psychology under supervision, and includes an activity in a full-time internship or a full-time postdoctoral position devoted solely to mental health delivery.
  - (b) "Psychology training" does not include an activity that is not directly related to the practice of psychology, even if the activity is commonly performed by psychologists, such as:
    - (i) psychology coursework;
    - (ii) analog clinical activities, such as role plays;
    - (iii) activities required for business purposes, such as billing;
    - (iv) supervision of others engaged in activities when the supervision does not constitute the practice of psychology, such as supervising adolescents in wilderness settings; or
    - (v) activities commonly performed by non-psychologists, such as teaching psychology on topics not of a professional nature.
- (12) "Qualified faculty" as used in Subsection 58-1-307(1)(b), means a university faculty member who:
  - (a) is licensed in Utah as a psychologist;
  - (b) provides predoctoral supervision of clinical or counseling experience in a university setting; and
  - (c) is training students in the context of a doctoral program leading to licensure.
- (13) "Residency program" as used in Subsection 58-61-301(1)(b), means a program of postdoctoral supervised clinical training necessary to meet licensing requirements as a psychologist.

**R156-61-302a. Qualifications for Licensure - Education Requirements.**

- (1)(a) Under Section 58-61-304, an institution or program of higher education awarding a doctoral degree in psychology shall meet approval criteria in this section to qualify an applicant for:
  - (i) licensure as a psychologist under Subsection 58-61-304(1)(c);
  - (ii) certification in the classification of certified prescribing psychologist under Subsection 58-61-304(4)(c)(i); or
  - (iii) certification in the classification of provisional prescribing psychologist under Subsection 58-61-304(6)(c)(i).
- (b) The institution or program of higher education shall meet the approval criteria on or before the date the applicant received the earned degree.
- (c) An applicant's date of completion or receipt of the applicant's earned degree is the graduation date on the applicant's official transcript.
- (d) If the course titles on an applicant's transcript do not clearly reflect the specific core course work required by this section, the applicant shall document for the Division the course or combination of courses in which the material was covered.
- (e) An applicant shall have graduated from the qualifying accredited or chartered degree program. Another program within the department or institution does not meet approval criteria unless that program is separately accredited or chartered.
- (f) If a transcript does not uniquely identify the qualifying accredited or chartered degree program, the applicant shall provide signed, written documentation from the program director or department chair that the applicant graduated from the qualifying accredited or chartered degree program.
- (2) An applicant may demonstrate approval criteria by providing satisfactory evidence that their institution or program of higher education was accredited by the APA-CoA or CPAAP, as defined in Section R156-61-102.
- (3) An applicant may demonstrate approval criteria by providing satisfactory evidence that their institution or program of higher education was regionally accredited in a state, district, or territory of the United States, or provincially or territorially chartered in Canada, and met the following criteria:
  - (a) the program is a psychology program that:
    - (i) is a distinct, recognizable entity within the institution;
    - (ii) offers an integrated and organized sequence of study planned to provide appropriate training for the practice of psychology; and
    - (iii) consists of only graduate-level courses, with no coursework counted or credited toward an undergraduate degree;
  - (b) has identifiable full-time faculty;
  - (c) has a designated full-time faculty member responsible for the program, who at the faculty member's time of service would:

NOTICES OF CHANGES IN PROPOSED RULES

- (i) qualify as a supervisor under Section R156-61-302e; or
- (ii) as determined by the Division in collaboration with the Board, possess substantially equivalent education, experience, and training to qualify for licensure under Title 58, Chapter 61, Psychologist Licensing Act;
- (d) has an identifiable body of students who are matriculated in the program for a degree;
- (e) has examination and grading procedures designed to evaluate the degree of mastery of the subject matter;
- (f) has a curriculum that encompasses at least three academic years of full-time graduate study, including the following specific core course work:
  - (i) professional ethics and standards;
  - (ii) research design and methodology, such as techniques of data analysis, inferential statistics, descriptive statistics, research implementation, program evaluation, or assessment;
  - (iii) theories and methods of effective intervention, such as consultation, supervision, or evaluation of treatment efficacy;
  - (iv) theories and methods of assessment and diagnosis;
  - (v) biological bases of behavior, such as physiological psychology, neuropsychology, sensation and perception, comparative psychology, or psychopharmacology;
  - (vi) cognitive-affective bases of behavior, such as learning, thinking, motivation, or emotion;
  - (vii) social bases of behavior, such as social psychology, group processes, or organizational and systems theory;
  - (viii) individual differences, such as personality theory, human development, or abnormal psychology; and
  - (ix) issues of cultural and individual diversity;
- (g) has a supervised practicum experience of at least 400 hours that is appropriate to the practice of psychology, and which includes at least:
  - (i) 150 hours in direct service experience; and
  - (ii) 20 hours in formally scheduled supervision;
- (h) has at least the following supervised internships appropriate to the practice of psychology that are accredited by the APA-CoA or CPAAP, or that the Division determines is substantially equivalent to the APA-CoA or CPAAP published guidelines and principles for accreditation of internships:
  - (i) an internship in clinical psychology that includes at least one full-time experience encompassing:
    - (A) one full-time calendar year, or two half-time calendar years; and
    - (B) at least 2,000 experience hours; and
  - (ii) an internship in school ~~counseling~~ psychology or counseling psychology that includes at least one full-time experience encompassing:
    - (A) one academic or calendar year, or two half-time academic or calendar years; and
    - (B) at least 2,000 experience hours.
- (4) An applicant may demonstrate approval criteria by providing satisfactory evidence that when the applicant earned the degree, the applicant's institution or program was:
  - (a) located in a state, district, or territory of the United States or Canada, and had "designated" status from the ASPPB National Register Joint Designation Committee; or
  - (b) located outside of the United States or Canada and met the ASPPB National Register Designation Guidelines for defining a doctoral degree in psychology.
- (5) If an applicant's training for their doctoral degree in psychology was not designed to lead to clinical practice, or if the applicant wishes to practice in a substantially different area than their training, then the applicant shall complete a program of respecialization that:
  - (a) is designed to prepare an individual with a degree in psychology with the necessary skills to practice psychology;
  - (b) has respecialization activities that include substantial requirements formally offered as an organized sequence of course work and supervised practicum;
  - (c) leads to a certificate or similar recognition by an educational body that offers a doctoral degree qualifying for licensure in the same area of practice as the certificate; and
  - (d) meets approval criteria in this section.

**R156-61-302c. Qualifications for Licensure - Examination Requirements.**

- (1) The examination requirements for licensure as a psychologist under Subsection 58-61-304(1)(f) are:
  - (a) the Professional Practice of Psychology (EPPP) developed by the ASPPB, with a passing score as recommended by the ASPPB; and
  - (b) the Utah Psychologist Law and Ethics Examination, with a passing score of at least 75%.
- (2) An applicant may be admitted to the EPPP and Utah Psychologist Law and Ethics examinations in Utah only after meeting the requirements of Section 58-61-305.
- (3)(a) If an applicant is admitted to an EPPP examination based upon substantive information that is incorrect and furnished knowingly by the applicant, the applicant shall receive a failing score and may not retake the examination until the applicant submits fees and a correct application demonstrating the applicant is qualified for the examination and explains to the satisfaction of the Division why the applicant knowingly furnished incorrect information.

(b) If an applicant is incorrectly admitted to the EPPP because of a Division or Board error and the applicant receives a passing score, the applicant may use the passing score for licensure only after the applicant corrects the deficiency that should have barred the applicant from EPPP admission.

(4) An applicant who has failed the EPPP three times may not receive subsequent admission to the EPPP until the applicant has:

(a) submitted to the Board a written statement outlining the applicant's:

(i) core barriers to successful completion of the EPPP;

(ii) plan for overcoming the core barriers, with goals in a specific, measurable, achievable, relevant, and time-bound (SMART) format; and

(iii) timeline for achieving the plan;

(b) appeared before the Board and developed with the Board a plan of study in appropriate subject matter; and

(c) completed the plan of study to the satisfaction of the Board.

(5) An applicant who is found to be cheating on the EPPP or the Utah Psychologist Law and Ethics Examination or in any way invalidating the integrity of the examination shall automatically be given a failing score and may not retake the examination for at least three years or as determined by the Division in collaboration with the Board.

(6) Under Section 58-1-302 and consistent with Subsection 58-61-304(2)(d), an applicant for psychologist licensure by endorsement that is not based upon licensure in another jurisdiction shall pass the Utah Psychologist Law and Ethics Examination.

**KEY: licensing, psychologists**

**Date of Last Change: [2025]2026**

**Notice of Continuation: September 7, 2023**

**Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-61-101**

**End of the Notices of Changes in Proposed Rules Section**

# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at [adminrules.utah.gov](http://adminrules.utah.gov). The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

**REVIEWS** are governed by Section 63G-3-305.

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R414-320	Filing ID: 56446
Effective date:	01/16/2026	

### Agency Information

1. Title catchline:	Health and Human Services, Integrated Healthcare	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 143325	
City, state and zip:	Salt Lake City, UT 84114-3325	
Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

### General Information

2. Rule catchline:	
R414-320. Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-1-213	This section grants the Department of Health and Human Services (department) the authority to adopt, amend, or resend rules necessary to carry out the provisions of Title 26B, Utah Health and Human Services Code.
Section 26B-3-108	This section requires the department to implement the Medicaid program through administrative rules.

**4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

No comments have been received since the last five-year review of this rule.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

This rule is necessary as it establishes the eligibility requirements for enrollment and the benefits received by Medicaid members under the Health Insurance Flexibility and Accountability Demonstration Waiver, which is Utah's Premium Partnership for Health Insurance. This rule outlines procedures necessary for the administration of this type of Medicaid waiver. Therefore, this rule should be continued.

As the department did not receive any comments in opposition to this rule, it did not respond to any such comments.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Executive Director	<b>Date:</b>	01/16/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	R628-12	<b>Filing ID:</b>	57490
<b>Effective date:</b>	01/26/2026		

**Agency Information**

<b>1. Title Catchline:</b>	Money Management Council, Administration		
<b>Building:</b>	Utah State Capitol		
<b>Street address:</b>	350 N State Street, Room 180		
<b>City, state:</b>	Salt Lake City, UT		
<b>Mailing address:</b>	PO Box 142315		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2315		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Candace Castor	801-538-1883	ccastor@utah.gov	

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

**General Information**

<b>2. Rule catchline:</b>
R628-12. Certification of Qualified Depositories for Public Funds

**3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:**

Subsection 51-7-3(29)	Defines a qualified depository as an institution that has met the requirements for this chapter and rules of the Money Management Council (Council) to be eligible to receive deposits of public funds.
	In Subsection 51-7-18(2)(b), it states that the Council may make rules governing the conditions and procedures for maintaining and revoking a financial institution's designation as a qualified depository.

**4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

No written comments either supporting or opposing this rule have been received since the last five-year review.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

The Council reviewed this rule for the five-year continuation in their 12/18/2025 meeting. The statute requires that there be rules in place to govern deposits of Utah public funds in Utah financial institutions. This rule is necessary to provide criteria for financial institutions to become qualified to hold Utah public funds. If this rule was not in place, public entities would not be able to use financial institutions to deposit funds. Therefore, this rule should be continued.

No comments in opposition to this rule have been received.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Scott R. Burnett, Council Chair	<b>Date:</b>	12/18/2025
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	R628-13	<b>Filing ID:</b>	51528
<b>Effective date:</b>	01/26/2026		

**Agency Information**

<b>1. Title Catchline:</b>	Money Management Council, Administration		
<b>Building:</b>	Utah State Capitol		
<b>Street address:</b>	350 N State Street, Room 180		
<b>City, state:</b>	Salt Lake City, UT		
<b>Mailing address:</b>	PO Box 142315		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2315		
<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Candace Castor	801-538-1883	ccastor@utah.gov	
<b>Please address questions regarding information on this notice to the persons listed above.</b>			

**General Information**

<b>2. Rule catchline:</b>	R628-13. Collateralization of Public Funds
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**3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:**

Section 51-7-18	Allows the Money Management Council (Council) to make rules requiring collateral on public fund deposits from qualified depositories only in the event that the public funds on deposit are more than the maximum uninsured public funds allotment.
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**4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

No written comments either supporting or opposing this rule have been received since the last five-year review.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

The Council reviewed this rule for the five-year continuation in their 12/18/2025 meeting. This rule is necessary to allow the Council to receive collateral in the event that a qualified depository's allotment is reduced or the qualified depository goes over the allotment for reasons described in this rule. Allowing collateral in these instances protects public funds from potential loss. Therefore, this rule should be continued.

No comments in opposition to this rule have been received.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Scott R. Burnett, Council Chair	<b>Date:</b>	12/18/2025
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	R628-16	<b>Filing ID:</b>	51522
<b>Effective date:</b>	01/26/2026		

**Agency Information**

<b>1. Title catchline:</b>	Money Management Council, Administration		
<b>Building:</b>	Utah State Capitol		
<b>Street address:</b>	350 N State Street, Room 180		
<b>City, state:</b>	Salt Lake City, UT		
<b>Mailing address:</b>	PO Box 142315		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2315		

<b>Contact persons:</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Candace Castor	801-538-1883	ccastor@utah.gov	

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

**General Information**

<b>2. Rule catchline:</b>	R628-16. Certification as a Dealer		
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<b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>			
Section 51-7-18	It is stated that the Money Management Council (Council) may make rules governing the conditions and procedures for maintaining and revoking the status of a certified dealer.		

<b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b>			
No written comments either supporting or opposing this rule have been received since the last five-year review.			

<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>			
The Council reviewed this rule for the five-year continuation in their 12/18/2025 meeting. This rule needs to be in place to allow public treasurers that may want to purchase allowable securities to have access to certified dealers that have met minimum requirements to work with public treasurers and have signed that they have read the Utah Money Management Act (Title 51, Chapter 7) and agree to abide by it. Without this rule to provide these minimum requirements, public treasurers would not be able to purchase allowable securities. Therefore, this rule should be continued.			
No comments in opposition to this rule have been received.			

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Scott R. Burnett, Council Chair	<b>Date:</b>	12/18/2025
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**End of the Five-Year Notices of Review and Statements of Continuation Section**

## NOTICES OF FIVE-YEAR EXPIRATIONS

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Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). The Office of Administrative Rules (Office) is required to notify agencies of rules due for review at least 180 days prior to the anniversary date. If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR EXTENSION (EXTENSION)** with the Office. However, if the agency fails to file either the **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION** or the **EXTENSION** by the date provide by the Office, the rule expires.

Upon expiration of the rule, the Office files a **NOTICE OF FIVE-YEAR EXPIRATION (EXPIRATION)** to document the action. The Office is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule and it must follow regular rulemaking procedures to replace the rule if it is still needed.

The Office has filed **EXPIRATIONS** for each of the rules listed below which were not reviewed in accordance with Section 63G-3-305. These rules have expired and have been removed from the *Utah Administrative Code*.

The expiration of administrative rules for failure to comply with the five-year review requirement is governed by Subsection 63G-3-305(8).

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### NOTICE OF EXPIRED RULE

<b>Rule Number:</b>	<b>R638-1</b>	<b>Filing ID: 53634</b>
<b>Effective Date:</b>	<b>02/10/2026</b>	

### Agency Information

<b>1. Title catchline:</b>	Natural Resources, Geological Survey	
<b>Street address:</b>	1594 W North Temple St	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Contact person:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Nancy L. Lancaster	801-657-1644	rulesonline@utah.gov

### General Information

<b>2. Title of rule (catchline):</b>
R638-1. Acceptance and Maintenance of Confidential Information
<b>3. Summary:</b>
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

**End of the Notices of Notices of Five-Year Expirations Section**

## NOTICES OF RULE EFFECTIVE DATES

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State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

**NOTICES OF EFFECTIVE DATE** are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

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### Agriculture and Food

#### Administration

No. 57705 (Amendment) R51-5: Rural Rehabilitation Loans

Published: 01/01/2026

Effective: 02/11/2026

No. 57707 (Repeal) R51-6: Agricultural Advisory Board Electronic Meetings

Published: 01/01/2026

Effective: 02/11/2026

No. 57706 (Amendment) R51-7: Open and Public Meetings Act Electronic Meetings

Published: 01/01/2026

Effective: 02/11/2026

#### Marketing and Development

No. 57733 (Amendment) R65-1: Utah Apple Marketing Order

Published: 01/01/2026

Effective: 02/11/2026

No. 57734 (Amendment) R65-5: Utah Red Tart and Sour Cherry Marketing Order

Published: 01/01/2026

Effective: 02/11/2026

### Alcoholic Beverage Services

#### Administration

No. 57665 (Amendment) R82-1: Label Approvals

Published: 12/01/2025

Effective: 01/30/2026

### Commerce

#### Professional Licensing

No. 57661 (Amendment) R156-55c: Plumber Licensing Act Rule

Published: 12/01/2025

Effective: 01/15/2026

NOTICES OF RULE EFFECTIVE DATES

Education

Administration

No. 57719 (Repeal) R277-111: Board Oversight Framework

Published: 01/01/2026

Effective: 02/09/2026

No. 57720 (Repeal and Reenact) R277-114: Response to Compliance and Related Issues

Published: 01/01/2026

Effective: 02/09/2026

No. 57721 (Amendment) R277-212: UPPAC Hearing Procedures and Reports

Published: 01/01/2026

Effective: 02/09/2026

No. 57722 (Amendment) R277-213: Request for Licensure Reinstatement and Reinstatement Procedures

Published: 01/01/2026

Effective: 02/09/2026

No. 57723 (Amendment) R277-214: Criminal Background Review

Published: 01/01/2026

Effective: 02/09/2026

No. 57724 (Amendment) R277-216: Surrender of License with UPPAC Investigation Pending

Published: 01/01/2026

Effective: 02/09/2026

No. 57725 (Amendment) R277-477: Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program

Published: 01/01/2026

Effective: 02/09/2026

No. 57726 (Amendment) R277-484: Data Standards

Published: 01/01/2026

Effective: 02/09/2026

No. 57727 (Amendment) R277-491: School Community Councils

Published: 01/01/2026

Effective: 02/09/2026

No. 57728 (Amendment) R277-600: Student Transportation Standards and Procedures

Published: 01/01/2026

Effective: 02/09/2026

No. 57729 (Amendment) R277-700: The Elementary and Secondary School General Core

Published: 01/01/2026

Effective: 02/09/2026

No. 57730 (Amendment) R277-705: Secondary School Completion and Diplomas

Published: 01/01/2026

Effective: 02/09/2026

No. 57731 (Amendment) R277-716: Alternative Language Services for Utah Students

Published: 01/01/2026

Effective: 02/09/2026

Environmental Quality

Air Quality

No. 57666 (Amendment) R307-101: General Requirements

Published: 12/01/2025

Effective: 02/04/2026

Government Operations

Human Resource Management

No. 57692 (Amendment) R477-1: Definitions

Published: 12/15/2025

Effective: 01/21/2026

No. 57693 (Amendment) R477-7: Leave

Published: 12/15/2025

Effective: 01/21/2026

No. 57694 (Amendment) R477-8: Working Conditions

Published: 12/15/2025

Effective: 01/21/2026

Governor

Economic Opportunity

No. 57696 (Amendment) R357-5: Motion Picture Incentive Rule

Published: 12/15/2025

Effective: 01/28/2026

Health and Human Services

Center for Medical Cannabis

No. 57616 (Amendment) R383-1: Definitions

Published: 11/15/2025

Effective: 01/26/2026

No. 57584 (Repeal and Reenact) R383-2: Electronic Verification System and Inventory Control System

Published: 11/15/2025

Effective: 01/26/2026

No. 57585 (Repeal) R383-3: Medical Cannabis Cards

Published: 11/15/2025

Effective: 01/26/2026

No. 57586 (Repeal) R383-4: Qualified Medical Providers and Qualified Medical Provider Proxies

Published: 11/15/2025

Effective: 01/26/2026

No. 57587 (Repeal and Reenact) R383-6: Pharmacy Medical Providers

Published: 11/15/2025

Effective: 01/26/2026

No. 57588 (Repeal) R383-10: State Central Patient Portal

Published: 11/15/2025

Effective: 01/26/2026

No. 57589 (Amendment) R383-13: Expedited Final Review of Compassionate Use Petitions

Published: 11/15/2025

Effective: 01/26/2026

No. 57640 (Amendment) R383-16: Targeted Marketing Requirements

Published: 12/01/2025

Effective: 01/26/2026

Population Health, Health Promotion and Prevention

No. 57583 (Amendment) R384-324: Tobacco Product, Electronic Cigarette Product, and Nicotine Product Retailer Permit Process

Published: 11/15/2025

Effective: 01/20/2026

NOTICES OF RULE EFFECTIVE DATES

No. 57581 (Amendment) R384-415: Requirements to Sell Electronic Cigarettes  
Published: 11/15/2025  
Effective: 01/20/2026

Population Health, Environmental Health

No. 57238 (Repeal and Reenact) R392-302: Public Pool Design, Construction, and Operation  
Published: 07/01/2025  
Effective: 01/26/2026

No. 57238 (Change in Proposed Rule) R392-302: Public Pool Design, Construction, and Operation  
Published: 11/15/2025  
Effective: 01/26/2026

Family Health, Children with Special Health Care Needs

No. 57641 (New Rule) R398-40: Diapering Supplies Fund  
Published: 12/01/2025  
Effective: 01/20/2026

Integrated Healthcare

No. 57653 (New Rule) R414-5: Doula Services  
Published: 12/01/2025  
Effective: 01/20/2026

No. 57652 (Amendment) R414-36: Rehabilitative Mental Health and Substance Use Disorder Services  
Published: 12/01/2025  
Effective: 01/20/2026

No. 57579 (Amendment) R414-60-5: Limitations  
Published: 11/15/2025  
Effective: 01/20/2026

Health Care Facility Licensing

No. 57645 (Amendment) R432-35: Background Check-Health Care Facility Licensing  
Published: 12/01/2025  
Effective: 01/20/2026

Disease Control and Prevention, Laboratory Services

No. 57618 (Amendment) R438-15: Newborn Screening  
Published: 11/15/2025  
Effective: 02/17/2026

Human Services Program Licensing

No. 57646 (Amendment) R501-18: Recovery Residence Services  
Published: 12/01/2025  
Effective: 01/26/2026

No. 57647 (Amendment) R501-19: Residential Treatment Programs  
Published: 12/01/2025  
Effective: 01/26/2026

No. 57648 (Amendment) R501-21: Outpatient Treatment Programs  
Published: 12/01/2025  
Effective: 01/26/2026

Substance Use and Mental Health

No. 57654 (Amendment) R523-7: Designated Examiner, Case Manager Certification and Targeted Case Manager Certification  
Published: 12/01/2025  
Effective: 01/26/2026

No. 57642 (Repeal and Reenact) R523-10: Standards for Methadone Addiction Treatment Providers  
Published: 12/01/2025  
Effective: 01/26/2026

No. 57655 (Amendment) R523-12: On-Premise Alcohol Training and Education Seminar Rules of Administration  
Published: 12/01/2025  
Effective: 01/26/2026

No. 57582 (Repeal and Reenact) R523-17: Behavioral Health Crisis Response Systems Standards  
Published: 11/15/2025  
Effective: 01/26/2026

Insurance

Administration

No. 57704 (Amendment) R590-238: Captive Insurance Companies  
Published: 01/01/2026  
Effective: 02/09/2026

Lieutenant Governor

Elections

No. 57701 (Amendment) R623-4: Processing Partisan Candidate Nomination Petitions  
Published: 12/15/2025  
Effective: 01/21/2026

Natural Resources

Wildlife Resources

No. 57708 (Amendment) R657-42: Fees, Exchanges, Surrenders, Refunds, and Reallocation of Wildlife Documents  
Published: 01/01/2026  
Effective: 02/10/2026

Pardons (Board of)

Administration

No. 57604 (Amendment) R671-315: Pardons  
Published: 11/15/2025  
Effective: 01/16/2026

No. 57606 (Amendment) R671-405: Parole Termination  
Published: 11/15/2025  
Effective: 01/16/2026

**End of the Notices of Rule Effective Dates Section**