

Senator Michael G. Waddoups proposes to substitute the following bill:

LIMIT ON PLAN CHECK FEE

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Michael G. Waddoups

AN ACT RELATING TO CITIES AND TOWNS AND COUNTIES; AND LIMITING THE AMOUNT CITIES, TOWNS, AND COUNTIES MAY CHARGE AS A PLAN CHECK FEE.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

10-9-107, Utah Code Annotated 1953

17-27-106, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-9-107** is enacted to read:

10-9-107. Limit on plan check fees.

(1) A municipality may not impose or collect a fee for reviewing or approving the plans for a commercial or residential building that exceeds \$ [~~10%~~] THE LESSER OF:

(a) THE ACTUAL COST OF PERFORMING THE PLAN REVIEW; AND

(b) [~~60%~~] 65% \$ of the amount the municipality charges

for a building permit fee for that building.

(2) (a) For purposes of this Subsection (2):

(i) "Identical plans" means building plans submitted to a municipality that \$: (A) \$ are substantially identical to building plans that were previously submitted to and reviewed and approved by the municipality \$; AND

(B) DESCRIBE A BUILDING THAT IS:

(I) LOCATED ON LAND ZONED THE SAME AS THE LAND ON WHICH THE BUILDING DESCRIBED IN THE PREVIOUSLY APPROVED PLANS IS LOCATED; AND

(II) SUBJECT TO THE SAME GEOLOGICAL AND METEOROLOGICAL CONDITIONS AND THE SAME LAW AS THE BUILDING DESCRIBED IN THE PREVIOUSLY APPROVED PLANS \$.

21 (ii) "Nominal fee" means a fee that reasonably reimburses a municipality only for time
22 spent and expenses incurred in:

23 (A) verifying that building plans are identical plans; and

24 (B) reviewing and approving those minor aspects of identical plans that differ from the
25 previously reviewed and approved building plans referred to in Subsection (2)(a)(i).

26 (b) Subject to Subsection (1), a municipality may impose and collect only a nominal fee
27 for reviewing and approving identical plans.

28 Section 2. Section **17-27-106** is enacted to read:

29 **17-27-106. Limit on plan check fees.**

30 (1) A county may not impose or collect a fee for reviewing or approving the plans for a
31 commercial or residential building that exceeds \$ ~~[10%]~~ **THE LESSER OF:**

31a **(a) THE ACTUAL COST OF PERFORMING THE PLAN REVIEW; AND**

31b **(b) ~~[60%]~~ 65% § of the amount the county charges for a**
32 **building permit fee for that building.**

33 (2) (a) For purposes of this Subsection (2):

34 (i) "Identical plans" means building plans submitted to a county § ~~[that]~~ : (A) § are substantially
35 identical to building plans that were previously submitted to and reviewed and approved by the
36 county § ; AND

36a **(B) DESCRIBE A BUILDING THAT IS:**

36b **(I) LOCATED ON LAND ZONED THE SAME AS THE LAND ON WHICH THE BUILDING**
36c **DESCRIBED IN THE PREVIOUSLY APPROVED PLANS IS LOCATED; AND**

36d **(II) SUBJECT TO THE SAME GEOLOGICAL AND METEOROLOGICAL CONDITIONS AND THE**
36e **SAME LAW AS THE BUILDING DESCRIBED IN THE PREVIOUSLY APPROVED PLANS § .**

37 (ii) "Nominal fee" means a fee that reasonably reimburses a county only for time spent and
38 expenses incurred in:

39 (A) verifying that building plans are identical plans; and

40 (B) reviewing and approving those minor aspects of identical plans that differ from the
41 previously reviewed and approved building plans referred to in Subsection (2)(a)(i).

42 (b) Subject to Subsection (1), a county may impose and collect only a nominal fee for
43 reviewing and approving identical plans.