

28 (3) The arbitration panel shall hold a hearing on the challenge within 30 days after the
29 date:

30 (a) the single arbitrator is agreed on under Subsection (2)(a); or

31 (b) the two arbitrators are selected under Subsection (2)(b)(i).

32 (4) The arbitrator or arbitration panel shall issue a decision in writing within ten days from
33 the date the hearing under Subsection (3) is completed.

34 (5) Except as provided in this section, each arbitration shall be governed by Title 78,
35 Chapter 31a, Utah Arbitration Act.

36 (6) The parties may agree to:

37 (a) binding arbitration;

38 (b) formal, nonbinding arbitration; or

39 (c) informal, nonbinding arbitration.

40 (7) If the parties agree in writing to binding arbitration:

41 (a) the arbitration shall be binding;

42 (b) the decision of the arbitration panel shall be final;

43 (c) neither party may appeal the decision of the arbitration panel; and

44 (d) notwithstanding Subsection (10), the person or entity challenging the impact fee may
45 not file an action under Section 11-36-401.

46 (8) If the parties agree to formal, nonbinding arbitration, the arbitration shall be governed
47 by the provisions of Title 63, Chapter 46b, Administrative Procedures Act.

48 (9) (a) An appeal from a decision in an informal, nonbinding arbitration may be filed with
49 the district court in which the local political subdivision is located.

50 (b) Each appeal under Subsection (9)(a) shall be filed within 30 days after the date the
51 arbitration panel issues a decision under Subsection (4).

52 (c) The district court shall consider de novo each appeal filed under this Subsection (9).

53 (d) Notwithstanding Subsection (10), a person or entity that files an appeal under this
54 Subsection (9) may not file an action under Section 11-36-401.

55 (10) (a) Except as provided in Subsections (7)(d) and (9)(d), this section may not be
56 construed to prohibit a person or entity from challenging an impact fee as provided in Section
57 11-36-401.

58 (b) The filing of a written request for arbitration within 30 days after the date the impact

59 fee is paid in accordance with Subsection (1) tolls all time limitations under Section 11-36-401
60 until the date the arbitration panel issues a decision.

61 (11) The person or entity filing a request for arbitration and the local political subdivision
62 shall equally share all costs of an arbitration proceeding under this section.

Legislative Review Note
as of 8-21-98 12:49 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Business, Labor, and Economic Development Interim Committee recommended this bill.