ALABAMA BUILDING COMMISSION ADMINISTRATIVE CODE

CHAPTER 170-X-8 COLLECTION OF USER FEES

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170-X-8-.01 Applicability.

The following procedures and user fees are applicable to new construction, additions or alteration projects for buildings under the jurisdiction of the Alabama Building Commission as defined by the Code of Ala. 1975, Title 41, Section 41-9-162 and authorized by Sections 41-9-141(a)(8) and 41-9-142(b). These rules apply to projects having the first or final project submittal received for review by the Building Commission on or after October 1, 2014 and projects bid after October 1, 2014. Projects reviewed prior to October 1, 2014 but bid after October 1, 2014 shall only be required to pay the permit fee. The contract document administration fee shall apply to contract documents requiring the Building Commission's approval submitted for approval after October 1, 2014.

Author: Katherine Lynn
Statutory Authority: Code of Ala. 1975, §41-9-141(a)(8), 41-9-142(b).
History: New Rule: Filed October 27, 1994; effective December 1, 1994. **Repealed:** Filed October 12, 1995; effective November 16, 1995. **New Rule:** Filed August 7, 2014; effective September 11, 2014.

170-X-8-.02 Calculation Of Fees.

Total Valuation	Plan Review Fee	Permit Fee
Less than $1000	No fee.	No fee, unless inspection required, in which case a $15.00 fee for each

		inspection shall be charged.
$1,001 to $50,000	One-half of the permit fee which is $15.00 for the first $1,000.00 plus $5.00 for each additional thousand or fraction thereof, to and including $50,000.00.	$15.00 for the first $1,000.00 plus $5.00 for each additional thousand or fraction thereof, to and including $50,000.00.
$50,001 to $100,000	One-half of the permit fee which is $260.00 for the first $50,000.00 plus $4.00 or each additional thousand or fraction thereof, to and including $100,000.00.	$260.00 for the first $50,000.00 plus $4.00 or each additional thousand or fraction thereof, to and including $100,000.00.
$100,001 to $500,000	One-half of the permit fee which is $460.00 for the first $100,000.00 plus $3.00 for each additional thousand or fraction thereof, to and including $500,000.00.	$460.00 for the first $100,000.00 plus $3.00 for each additional thousand or fraction thereof, to and including $500,000.00.
$500,001 and up	One-half of the permit fee which is $1,660.00 for the first $500,000.00 plus $2.00 for each additional thousand or fraction	$1,660.00 for the first $500,000.00 plus $2.00 for each additional thousand or fraction thereof.

The total valuation of work shall be the cost of construction. The "cost of construction" shall include the cost of the actual building construction, addition, or alteration work, including sitework.

Author: Katherine Lynn

Statutory Authority: Code of Ala. 1975, §41-9-141(a)(8).

History: **New Rule:** Filed October 27, 1994; effective December 1, 1994. **Repealed:** Filed October 12, 1995; effective November 16, 1995. **New Rule:** Filed August 7, 2014; effective September 11, 2014.

170-X-8-.03 Fees Required.

(1) Initial Fee: The first submittal of each new project shall be accompanied by ½ of the plan review fee not to exceed $500.00. Submittals sent in without this initial fee will not be reviewed until the fee payment is received.

(2) Final Submittal Approval Fee: The final submittal of each project shall be accompanied by a payment for the balance of the total plan review fee payment. Submittals sent in without this final submittal fee will not be reviewed until the fee payment is received. The following conditions apply:

(a) Written review comments must be sent by the Building Commission to the architect within 30 calendar days of receipt of the submittal. If the submittal is not reviewed within this time limitation, the Final Submittal Approval Fee is waived.

(3) Permit Fee: Upon approval of the construction contract and prior to scheduling the Pre-Construction conference to be performed by the Building Commission Inspector, payment shall be due immediately for the total permit fee. The following conditions apply:

(a) The Pre-Construction conference will not be performed prior to receipt of the Permit Fee.

(4) Reviews and Inspections Covered by Fees: The Final Submittal Approval Fee shall include review of schematic, preliminary, final and one revised final submittals. The Permit Fee shall include the following building inspections:

Pre-Construction Conference, Pre-Roofing Conference, Above-Ceiling Inspection, Final Inspection and Year-End Inspection. Additional required inspections such as fire alarm inspections, kitchen hood inspections, elevator inspections and other such inspections shall be included as part of the Permit Fee.

(5) Additional Fees:

(a) If more than one revised final submittal is required, an additional fee shall be required for each additional revised final submittal. The additional fee shall be equal to the lesser of the following: 15% of the total fee or $2000. The time restrictions and conditions which apply to routine submittals shall apply to additional submittals.

(b) If the contractor schedules an inspection and it is determined by the Building Commission Inspector on site that the contractor is not ready for the scheduled inspection, the

Building Commission shall require an additional fee of $1500. The additional inspection fee shall be applied to each additional inspection that is required to be rescheduled.

(c) If additional drawings for change orders or addendum are submitted after approval as part of a larger project, the additional fees shall be assessed at the completion of the contract based on the actual construction contract cost.

Author: Katherine Lynn
Statutory Authority: Code of Ala. 1975, §41-9-141(a)(8).
History: **New Rule:** Filed October 27, 1994; effective December 1, 1994. **Repealed:** Filed October 12, 1995; effective November 16, 1995. **New Rule:** Filed August 7, 2014; effective September 11, 2014.

170-X-8-.04 Payment Of Fees.

(1) Final Submittal Approval Fee payment shall be accompanied by the "Final Submittal Approval Fee Worksheet" and a copy of the architect's latest estimated cost of building construction. The cost estimate shall be the basis for calculating the estimated total fee on the fee worksheet.

(2) Permit Fee payment shall be accompanied by the completed "Permit Fee Worksheet" and a copy of the executed

construction contract. The construction contract shall be the basis for calculating the total fee on the fee worksheet.

(3) Fee payments are nonrefundable.

(4) Fee payments shall be by check or money order made payable to the "Alabama Building Commission".

(5) Fee payments shall be received only at the Alabama Building Commission's office in Montgomery.

Author: Katherine Lynn
Statutory Authority: Code of Ala. 1975, §41-9-141(a)(8).
History: **New Rule:** Filed October 27, 1994; effective December 1, 1994. **Repealed:** Filed October 12, 1995; effective November 16, 1995. **New Rule:** Filed August 7, 2014; effective September 11, 2014.

170-X-8-.05 Final Cost Of The Work.

The final cost of the work for the permit fee shall be adjusted for change orders and for sales tax credit received by the Owner. The final cost of the work for plan review fees shall be adjusted to include the lowest bid on additive unawarded alternates. The

final adjustment along with a copy of the contractor's final pay request shall be submitted to the Building Commission with the Certificate of Substantial Completion.
Author: Katherine Lynn
Statutory Authority: Code of Ala. 1975, §41-9-141(a)(8).
History: New Rule: Filed October 27, 1994; effective December 1, 1994. **Repealed:** Filed October 12, 1995; effective November 16, 1995. **New Rule:** Filed August 7, 2014; effective September 11, 2014.

170-X-8-.06 Penalties.

Where work for which Building Commission approval is required is started or proceeds prior to obtaining said approval, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of the Building Commission in the execution of the work nor from any other penalties prescribed herein.
Author: Katherine Lynn
Statutory Authority: Code of Ala. 1975, §41-9-141(a)(8)
History: New Rule: Filed August 7, 2014; effective September 11, 2014.

170-X-8-.07 Contract Document Administration Fees.

For projects requiring the Building Commission's approval of the contract documents, a contract document administration fee equal to 1/2% of the construction cost will be charged to the Owner.
Author: Katherine Lynn
Statutory Authority: Code of Ala. 1975, §41-9-141(a)(8.
History: New Rule: Filed August 7, 2014; effective September 11, 2014.

ED NOTE: THE RULES OF THE BUILDING COMMISSION WERE TRANSFERRED TO THE DEPARTMENT OF FINANCE, CHAPTER 355-16-1, PURSUANT TO ACT 2015-435.

NOTE: The State of Alabama Building Commission by resolution dated August 1, 1995, authorized the Director of the Building Commission Technical Staff to repeal immediately the procedure of charging and collecting user fees for its services. An emergency amendment repealing the rule was filed with the Legislative Reference Service August 1, 1995, to become effective August 1, 1995. The emergency rule was adopted on a permanent basis and notice was published in Volume XIII Issue No. 11, dated August 31, 1995, of the Alabama Administrative Monthly.