

# 2024 LEGISLATIVE UPDATE

## South Carolina Building Codes Council



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### LICENSEES & REGISTRANTS:

Important information is being provided below on significant changes made this year to Chapter 8 of the South Carolina Code of Regulations. The Council recognizes that this is a lot of information to review, but it is necessary for you to read all of it as the changes impact your license(s) or registration(s). Keep in mind that this is only a summary of the significant changes, and is not intended to be comprehensive of all changes. Registrants and licensees are responsible for reviewing and familiarizing themselves with all changes to the Council’s regulations, which are published in the May 24, 2024 [State Register](#) and on the Council’s [website](#).

### LEGISLATIVE UPDATE

Document 5248, approved by expiration of the 120-day review period, became effective on **May 24, 2024**, and has resulted in modifications to Chapter 8 of the South Carolina Code of Regulations related to code enforcement officer and special inspector registrations, the building code modification process, and the Modular Building Program. These modifications include, but are not limited to, updated definitions, new provisional code enforcement officer registration guidelines, an extended code modification and adoption cycle, and new plan review guidelines for modular construction.

Per the Council’s vote on May 21, 2024, the modifications which create the Property Maintenance Inspector registration classification, as well as the modifications to the Provisional Building Official registration requirements, will take effect on **January 1, 2025**. All other changes to the regulations took effect on May 24, 2024.

### NOTABLE CHANGES

*This section summarizes the more significant changes made to regulation, but does not encompass all changes made.*

#### BUILDING CODE ENFORCEMENT OFFICERS

**Registration Definitions** – The definitions for [Building Code Enforcement](#), [Building Code Enforcement Officer](#), and [Residential Inspector](#) were updated or added, and a definition was added for *Plans Examiner*. Also, the definition for *Singe Discipline Inspector* was removed, and the definition for *Practice of Code Enforcement* was deleted and incorporated into the definition for *Building Code Enforcement*.

**Classifications and Qualifications for Registration** – A new registration classification was added for Property Maintenance Inspector, and the practice areas for the existing registration classifications were clarified and simplified so that each registration will now be issued in one general classification—Building Official, Commercial Inspector, Residential Inspector, Commercial Plans Examiner, Residential Plans Examiner, or Property Maintenance Inspector—with the specific practice areas under each classification noted on the registration where applicable (e.g. “Residential Inspector registered in the practice areas of Residential Building and Residential Plumbing”). An example of how this change will be reflected on the Council’s registration card can be [found here](#).

In addition, applications for reinstatement of a registration will now be required to include current International Code Council (ICC) certifications.

**Provisional Certification** – The requirements for a Provisional Building Official were modified so that a provisional registration may only be issued to a person if they are:

- (1) under the direct supervision of the building official for the local jurisdiction for which contracted or employed, or
- (2) actively registered as a residential or commercial inspector or plan reviewer.

Applicants for Provisional Property Maintenance Inspector will have twelve (12) months to complete the required exam.

**Continuing Education** – Continuing education guidelines were added to address the reimbursement of approved courses. Registrants must ensure that reimbursement for approved courses is submitted within the same fiscal year (by June 30), and a new [Reimbursement Form](#) has been added to the Council's [website](#).

Continuing education requirements for newly-registered property maintenance inspectors will be prorated based on the date of registration issuance in accordance with SC Code of Regulations Section 8-150(4); and provisional applicants for property maintenance inspector will not be required to complete continuing education hours until the provisional conditions have been met.

**Fees** – A late fee of \$50, in addition to the application fee, will be required for registrants who fail to renew the registration by June 30.

## **SPECIAL INSPECTORS**

**Qualifications for Registration** – A section was modified to provide requirements for applicants wishing to qualify for registration as a Special Inspector with an Engineer-in-Training certification. Applicants not qualifying for registration as an engineer-in-training must obtain the required certifications as listed in the [Special Inspection Manual](#).

Applications for reinstatement of a Special Inspector registration require current certification from a recognized code organization, unless the applicant is an engineer-in-training and qualifies for registration pursuant to SC Code of Regulations Section 8-135.

**Certification** – The list of types of construction or operations requiring special inspection was removed from

the regulations, and a reference is made to Chapter 17 of the adopted South Carolina Building Code with regard to the type of construction or operations requiring special inspection.

**Fees** – A late fee of \$50, in addition to the application fee, will be required for registrants who fail to renew the registration by June 30.

## **BUILDING CODE ADOPTION**

The building code modification and adoption timeline was updated to allow the Council to adopt the latest edition of the nationally recognized codes every four years. This will allow the appointed Code Study Committee adequate time to review the changes to the codes and attend any necessary training in preparation for the modification hearings.

In addition, the makeup of the Code Study Committee was modified so that it is now comprised of seven core members, with appointed alternates. In the place of specialty members who could speak as subject matter experts and had the right to participate and vote, the Code Study Committee chair will now request the assistance of subject matter experts from a pool of volunteers, to be called upon as needed and at the discretion of the committee chair, and who do not have voting rights on the committee. Lastly, provisions were added to clarify the qualifications for statewide and local modifications requests.

## **MODULAR BUILDING PROGRAM**

**Application Requirements** – New applicants for a Modular Manufacturer license will now be required to submit a certificate of existence or certificate of good standing, or a certificate of authority for out-of-state manufacturers, from the South Carolina Secretary of State. Surety bond requirements have also been updated so that the bond is required to be issued for the biennial period of the license. Surety bond forms and continuation certificates will now be required to reflect an expiration date of June 30 of the next odd year in order to be accepted, and new surety bonds must be issued on the updated [form](#). Lastly, parameters were added for license renewal.

**Fees** - The Annual Plan Maintenance fee of \$50 for Modular Building Manufacturers was removed from SC Code of Regulation Section 10-7.

**Plan Review** – All modular plans, apart from single-family dwellings, must now be submitted to the Council, and

approval issued, before the manufacturer may begin construction of the modular building or component in the manufacturing facility. This change came about as a call to abate unnecessary costs for the manufacturer and customer, as construction was commencing prior to approval being received, resulting in additional costs to perform corrective repairs.

**Alternate Methods and Materials** – Parameters were provided for manufacturers to submit requests for alternate methods and materials for consideration to the Council.

**Removal of Certification Labels** – Language was added to provide guidance to modular manufacturers and approved inspection agencies when a modular certification label is removed from an approved structure in error after leaving the manufacturing site, but before the Certificate of Occupancy is issued. This process will include an inspection by the approved inspection agency and written verification that no changes were made to the portions of closed construction, after which the manufacturer may request a duplicate label in writing.

**Damaged Units or Components** – A new section of language was added, reflecting language from surrounding states, to provide guidance when a modular unit or component is damaged between the point of manufacture and installation.

## Applications and Forms

The Council has updated its applications and forms, and previous versions of these documents will no longer be accepted. You can find the updating forms using the links below.

[Building Code Enforcement Officers](#)

[Special Inspectors](#)

[Modular Building Program](#)

## TECHNICAL CHANGES

*The following provides sections where significant changes in language or process were made. This section does not provide all sections of law amended.*

### CODE ENFORCEMENT OFFICERS

**Section 8-105. Definitions.** The following definitions were added:

- “Plans Examiner” means a person who performs plan reviews for building, plumbing, electrical or mechanical applications in accordance with the adopted building codes and as determined by the job description for the local jurisdiction for which employed or contracted.

“Building Codes Enforcement Officer” means a person registered by the Council as a building official, commercial inspector, residential inspector, plans examiner, or property maintenance inspector.

The following definitions were amended, and added language is noted for your convenience:

“Building Code Enforcement” means administering a building inspection department, enforcement and/or rendering interpretations of building, residential, plumbing, electrical, mechanical, fuel gas and energy conservation codes, performing building plans review, or performing inspections on one or more building systems as or under the supervision of a building official. The term shall also apply to the process of reviewing plans, specifications, and other technical data, as well as inspection of buildings and structures.

“Residential Inspector” means a person who performs onsite building, plumbing, electrical and mechanical inspections on one- and two-family dwellings, multifamily dwellings three stories or less in height and not exceeding sixteen (16) dwelling units per building or other buildings or structures of light frame construction and not exceeding five thousand (5,000) square feet in total area that can be constructed within the prescriptive requirements of the South Carolina Residential Code.

**Section 8-115. Classifications and Qualifications for Registration.** The following registration classification was added to provide a registration type for those jurisdictions which have adopted and enforce the International Property Maintenance Code:

- Property Maintenance Inspector-A certificate or examination record from a recognized code organization, indicating that the applicant has been certified in property maintenance.

*\*Note: Certified and registered building officials are not required to obtain the Property Maintenance Inspector registration in order to enforce that code, as long as the local jurisdiction has adopted the International Property Maintenance Code for enforcement in accordance with S.C. Code Ann. Section 6-9-50.*

The qualifications for the following classifications were amended, and added language is noted for your convenience. These changes remove the previous requirement for commercial and residential inspectors to obtain a set number of certifications in order to fulfill the conditions of a provisional registration, and the definition for “Single Discipline Inspector” was also removed.

The new provisional registration requirements allow for registrants to practice in those areas for which they are employed or contracted, based on the position description, certified and registered, regardless of whether they certified for one discipline or all four disciplines.

- Commercial Inspector-Certificates or examination records from a recognized code organization, indicating that the applicant has been certified in one or more commercial inspector disciplines. An applicant may only practice in the discipline(s) for which they have been certified.
- Residential Inspector-Certificates or examination records from a recognized code organization, indicating that the applicant has been certified in one or more of the residential building, electrical, plumbing and/or mechanical inspector disciplines. An applicant may only practice in the discipline(s) for which they have been certified.
- Commercial Plans Examiner-Certificates or examination records from a recognized code organization, indicating that the applicant has been certified in one or more of the commercial

building, electrical, plumbing and/or mechanical plans examiner disciplines. An applicant may only practice in the discipline(s) for which they have been certified.

Qualifications for Limited registrants were also added, and are provided below.

Limited-Proof that the building code enforcement officer has been continuously employed by the same municipality or county since the effective date of the Act. All requirements for maintenance and renewal of registration apply to this classification.

**Section 8-120. Requirements for Provisional Certification.** The following language was added to Section A to set qualifications for applicants for a provisional building official registration, and the added language is noted for your convenience.

#### A. Building Official

A person registered in the provisional classification of “Building Official” shall be under the direct supervision of the building official for the local jurisdiction for which contracted or employed or actively registered as a residential or commercial inspector or plan reviewer. If under the direct supervision of the building official, the provisional registrant must provide LLR with written fifteen (15) days’ notice when the supervisory relationship changes or terminates. Failure to provide such timely notice of a change or termination in the supervisory relationship may result in cancellation of the provisional certification.

A person registered in the provisional classification of Building Official shall obtain certification within the following time periods: one (1) certification, which is a prerequisite for classification as a certified building official, shall be completed within six (6) months of the issuance of the provisional registration. A second prerequisite for certification for the classification as a certified building official shall be completed within twelve (12) months of the issuance of the provisional registration. Any remaining prerequisite(s) for certification(s) for the classification as a certified building official shall be completed within twenty-four (24) months of the issuance of the provisional registration.

Section C, which applies to all applicants for provisional registration, was modified as follows to add parameters for registrants who wish to request an extension of the registration expiration date:

C. If any of the times referenced above are not met for the completion of certification or for the completion of a prerequisite for certification, the provisional registration shall be lapsed and cancelled and cannot be renewed. Any request for an extension of the provisional registration must be filed within thirty (30) days prior to the registration's expiration date and heard by the Council.

## SPECIAL INSPECTORS

**Section 8-125. Application Required.** This section was modified to remove the list of types of construction or operations requiring special inspection from the regulations, and replace it with a reference to Chapter 17 of the adopted South Carolina Building Code with regard to the type of construction or operations requiring special inspection. Applicants should still refer to the [Special Inspection Manual](#) for the qualifications for registration in each classification, unless the applicant is qualifying for registration as an engineer in training, described below.

**Section 8-135. Requirements for Special Inspector Registration for Engineer-in-Training.** This section, previously titled "Exemptions", was re-written and replaced with the following language:

An engineer-in-training (EIT) seeking registration as a special inspector must meet the following requirements:

1. Verification of an EIT certification from the state where issued affirming that applicant has passed the NCEES Fundamentals of Engineering examination and met educational requirements; and
2. A signed [affidavit](#) from a South Carolina licensed professional engineer ("PE") attesting that applicant has worked under the licensed PE's direct supervision for at least one (1) year in the category for which special registration is sought.

All special inspection reports prepared by an EIT registered with the Council as a special inspector shall be reviewed, signed, and sealed by the South Carolina licensed PE providing direct supervision of work performed by the EIT.

## CONTINUING EDUCATION

The continuing education requirements in Section 8-150 were amended to mirror the continuing education guidelines approved by the Council on November 16, 2021. The changes to this section were extensive, and in particular, the following language was added to address continuing education reimbursement for registered code enforcement officers.

- (6) In order to receive reimbursement of continuing education costs from the Council, the registrant must submit by June 30 of each year a reimbursement request on a Council-approved form and meet the following requirements:
- A. Registrant must have an active registration.
  - B. The continuing education must be selected from a list of courses approved by the Council.
  - C. Registrant's participation in the continuing education must be approved by the Council prior to the course registration date.

Building codes enforcement officer registrants can find more information about continuing education on the Council's [website](#). Special inspector registrants can likewise find more information about continuing education requirement for their profession on the Council's [website](#).

## BUILDING CODE ADOPTION

**Section 8-215. Definitions.** The following definitions were amended, and the added language is noted for your convenience.

"Professional Association" means an entity (1) with membership consisting of individuals directly involved in the use, application or enforcement of building codes; (2) that manufactures, tests or provides technical representation for materials, components or methods used in the construction industry; or (3) has a vested interest in any subject matter regulated by any of the Codes.

"Building Code Cycle" means the time period between the implementation dates of the Codes as adopted by the Council, but no greater than every four years.

**Section 8-240. Building Codes Modification Procedure; and Section 8-245. Qualifications for Local Modifications to Building Codes.** These sections of language were modified for clarity, and to separate the parameters for statewide modification requests from the requirements

for local modifications requests in **Section 8-245**, but no significant changes were made to the requirements.

**Section 8-246. Study Committee.** The following provisions were amended to provide code study committee members the ability to receive code training in preparation for the code modification and adoption cycle, and to continue to serve for the duration of the cycle. In addition, two new study committee seats were added, and clarification was provided for volunteers who provide expertise in specialized subject matter. Added language has been identified below for your convenience.

(A) Upon publication of the latest editions of the nationally-recognized codes as identified in S.C. Code Ann. § 6-9-50(A), the Study Committee may take up to a year to perform a technical analysis of changes to the building codes, including taking classes, at the expense of Council, which address the new code changes.

(B) During the Building Code Cycle, the Study Committee will also consider any proposed statewide modifications to the latest addition of the nationally-recognized codes and report its findings and recommendations to the Council.

(C) The Committee will consist of seven core members and seven alternates, appointed by the Council for the duration of the code cycle. Appointments of the core members and alternates must occur during the first Council meeting of the year coinciding with a new building code cycle. Core members and alternates must be active within the specific segment of the industry that they are representing on the Study Committee for the length of their tenure and must be South Carolina residents. The core membership of the Study Committee must consist of:

- (1) A registered code enforcement officer, building official, or multi-trades inspector;
- (2) A state licensed home builder;
- (3) A state licensed general contractor;
- (4) A state licensed architect;
- (5) A state licensed engineer;
- (6) A fire code official; and
- (7) A state licensed contractor representing the mechanical trades.

An alternate acts in the place and on behalf of, the core member in the instance of an absence or recusal.

(D) The Study Committee Chair may request the assistance of subject matter experts from a pool of volunteers

on an as-needed basis when reviewing and making recommendations on statewide proposed modifications. The subject matter expert volunteers do not have any voting rights on the Study Committee.

**8-250. Energy Standards Variation Procedure.** This section was modified to add additional requirements for supporting documentation submitted with a request for variation from the energy standards under subsection (C), as noted below.

(5) The effect of the proposed variation on energy conservation and the use of any particular technologies, techniques or materials;

(6) Whether the proposed variation will increase the cost of construction or operation of buildings in the jurisdiction; and

(7) Why the proposed variation is necessary to protect the public health, safety and welfare with the jurisdiction.

## **MODULAR BUILDING PROGRAM**

The following provisions were added to the existing sections of the regulations:

### **Section 8-607. Approved Inspection Agency Authority.**

(14) All modular plans, apart from single-family dwellings, must be submitted to the Council and approval issued prior to the commencement of construction of the modular building or component in the manufacturing facility. The approved inspection agency shall not inspect or allow a certification label to be affixed to any modular building or component whose plans have not been approved by the Council.

### **Section 8-610. Alternate Methods and Materials.**

(5) Requests for alternate methods and materials may be made by a licensed manufacturer and shall be submitted to the Council in writing. Requests by the manufacturer must be reviewed and approved by its approved inspection agency prior to submission, as evidenced by the approved inspection agency's seal affixed to the request.

**Section 8-615. Certification Label Application and Issuance.** These provisions were added to mirror the Council's decision from February 18, 2020, which requires

that modular manufacturers submit a form completed by the installing contractor for single-family modular homes, where the contractor attests to the work being performed and provides the license number for contractor and the specifications for the home.

(2) For single-family modular dwellings, the licensed residential home builder or general contractor performing the installation shall attest to and take responsibility for: obtaining all required building permits, the installation of the foundation, the connection of the unit to the foundation, the connection of all modular sections to each other, the installation of all components provided by the factory (unless noted otherwise on the plans approved and sealed by the SC Building Codes Council), and the completion of all finish work for the modular unit. This attestation must be on a form approved by the Council and submitted to the Council as part of the certification label request application.

(3) For display models meeting the conditions of Section 23-43-85(D), the licensed residential home builder or general contractor performing the installation shall attest to and take responsibility for obtaining all required building permits, the installation of a temporary foundation, the connection of the unit to the temporary foundation, the connection of all modular sections to each other, the installation of all components provided by the factory (unless noted otherwise on the plans approved and sealed by the SC Building Codes Council), and the completion of all work necessary to install the modular unit as a display model safe for entry by members of the public. This attestation must be on a form approved by the Council and submitted to the Council as part of the certification label request application.

#### **Section 8-617. Removal of Certification Labels.**

(3) In the event that a certification label is removed from an approved modular building or component after leaving the manufacturing site but before a certificate of occupancy is issued by the authority having jurisdiction, the approved inspection agency shall be required to perform an inspection at the erection site and provide written verification to the Council that no changes were made to the portions of closed construction. Upon

submission to the Council of written verification from the approved inspection agency, the manufacturer may request in writing a duplicate label that shall be affixed at the erection site under the supervision of the approved inspection agency.

**Section 8-620. License Application Requirements.** New applicants for modular manufacturer must now include the following, and an updated licensure application reflecting this addition to the requirements can be found [here](#).

(e) a certificate of existence or certificate of good standing from the South Carolina Secretary of State (“SCSOS”) for South Carolina manufacturers or a certificate of authority from the SCSOS for out-of-state manufacturers.

#### **Section 8-629. License Renewal.**

- (1) Licenses must be renewed biennially and shall be lapsed if not renewed prior to expiration of the preceding licensure period.
- (2) License renewal notices shall be sent to all individuals and entities licensed with the Council at the last known address provided by the licensee.
- (3) All applications for license renewal must be accompanied by the prescribed fee as set forth in SC Code of Regulations Chapter 10-7.
- (4) All licenses not renewed in a timely manner will lapse and a new application must be submitted with the applicant meeting all conditions for initial licensure.

#### **Section 8-630. Damaged Units or Components.**

The Council shall require that any modular building unit or component damaged between the point of manufacture and the site of initial installation shall be brought into compliance with the Act, these regulations and the accepted model codes, in effect at the time of certification, before the modular building is occupied. Prior to any repairs being undertaken to a damaged unit or component, the approved inspection agency shall perform an inspection of the damaged unit or component and furnish a written report to the Council stating its condition and whether the recommendation is for repair or disposal. In the event that any modular building unit or component is irreparably damaged and the recommendation is for disposal, it shall be disposed of in accordance with applicable law.

The following section was amended, and added language is noted for your convenience.

**Section 8-623. Security Requirement.** Surety bonds must now reflect coverage for the full two-year licensure term, beginning July 1 of every odd year and ending on June 30 of the following odd year. The Council’s updated bond form can be found [here](#).

Before any license may be issued, a corporate surety bond or other security approved by the Council must be provided. The bond must designate the licensee as principal and be issued for the biennial period of the license. Bonds shall be in the amount of seventy-five thousand dollars (\$75,000.00) for manufacturers and ten thousand dollars (\$10,000.00) for manufacturer’s representatives. All bonds shall be to the Council and in favor of any person who suffers loss as a result of any violation of the Act or these regulations. A new bond or proper continuation certificate shall be delivered to the Council at the beginning of each biennial license period. The aggregate liability of the bond or security in any one (1) year shall not exceed its total annual amount. No applicant shall be required to have more than one (1) bond.

## FEES

The following changes were made to the SC Code of Regulations Chapter 10-7:

**Code Enforcement Officers** – Late renewal fee (received after June 30): \$50 in addition to the application fee.

**Special Inspectors** – Late renewal fee (received after June 30): \$50 in addition to the application fee.

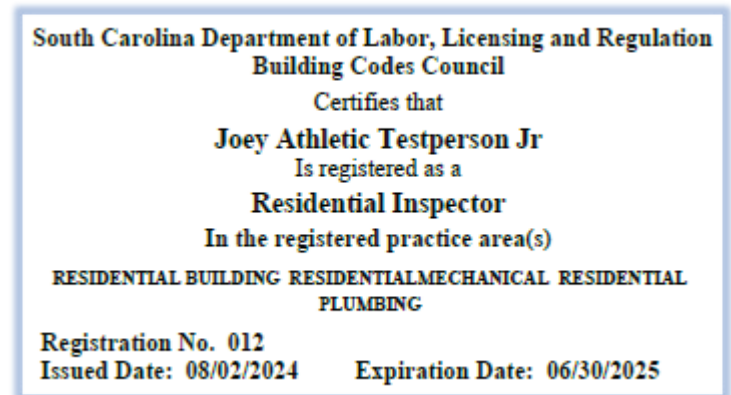
If a renewal application is not received by the Council within sixty (60) days after the expiration date, the registration shall be deemed lapsed and invalid, and applicants must reinstate the registration.

**Modular Building Program** - The Annual Plan Maintenance fee of \$50 was removed from SC Code of Regulations Chapter 10-7.

## IMPACT ON CURRENT REGISTRANTS AND LICENSEES

For code enforcement officers, the registration cards issued by the Council will now reflect the technical changes noted above. Registrants will see the primary registration classification listed on the card, with each subclassification listed underneath. Below is an example of how the new cards will appear, and building officials will be responsible for ensuring that all employees are properly registered with the classifications for which they are employed.

As described in the technical changes section above, several existing registration classifications for code enforcement officers have been updated, and a new classification for property maintenance inspectors has been added. Those jurisdictions which have adopted the International Property Maintenance Code for enforcement must ensure that all employees enforcing that code have obtained the proper registration prior to January 1, 2025.



## THE COUNCIL WANTS TO REMIND YOU

### Notification

**Section 8-125 A.** If employment changes [for a code enforcement officer or special inspector] during a registration cycle, the applicant/registrant must notify the Council and update their employment information within fifteen (15) days of such change.



**Section 8-609(2).** Change of name, address, or ownership. In the event of a change of name, address, or ownership of a modular building manufacturer, the owner, or an officer shall notify the Council in writing within ten (10) days of such a change.

**Conflict of Interest.** The following section was amended, and added language is noted below.

**Section 8-165.**

A. Building Code Enforcement Officers.

No registered code enforcement officer shall be financially interested or employed by a business that is financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of any building or any part or system thereof, or in the making of plans or specifications therefor, that is within the regulatory authority of the local jurisdiction for which the registered code enforcement officer is employed, unless such officer is the owner of the building.

No registered building code enforcement officer may engage in any work that conflicts or is perceived to conflict with prescribed duties or the interest of the local jurisdiction for which employed.

B. Special Inspectors.

A special inspector shall not engage in any activities that may conflict with their objective judgment and integrity, including but not limited to having a financial and/or other interest in the construction, installation, manufacture or maintenance of structures or components that they inspect.