

142 FINAL REGULATIONS

5.	Modular Building Manufacturer's Representative Application (Initial and Renewal):	\$200 biennially
6.	Approved Inspection Agency Application (Initial and Renewal):	\$200 biennially
7.	Approved Modular Building Recertification Fee:	\$200

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for the promulgation of these regulations.

Statement of Rationale:

The updated regulations will simplify the fee structure for the Building Codes Council. First, separate fees for each component of the Modular Building System plan review are deleted and replaced with one fee for the final plan review. The amount of the fee, \$200, is the same amount as the existing fee for "Total of all systems." Second, separate fees for modular system labels are deleted and one fee, \$45, is offered. Third, fees for Modular Building Manufacturer, Manufacturer's Representative and Approved Inspection Agency are all clarified to apply to both initial and renewal applications. Finally, initial application and renewal fees for Special Inspectors are added to the fee schedule.

Document No. 5248
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8

Statutory Authority: 1976 Code Sections 6-8-20, 6-9-40, 6-9-55, 6-9-63, 10-5-250, 23-43-40, 40-1-50, and 40-1-70

- 8-100. Authority.
- 8-105. Definitions.
- 8-110. Registration Required.
- 8-115. Classifications and Qualifications for Registration.
- 8-120. Maximum Time for Certification.
- 8-125. Application Required.
- 8-135. Exemptions.
- 8-140. Renewal.
- 8-145. Fees.
- 8-150. Continuing Education.
- 8-160. Comity.
- 8-165. Conflict of Interest.
- 8-170. Denial, Suspension and Revocation.
- 8-175. Preferring of Charges and Hearing.
- 8-180. Appeal From Action of Council.
- 8-185. Registration Reinstatement and Replacement.
- 8-205. South Carolina Building Codes Council.
- 8-210.1. Purpose.
- 8-215. Definitions.
- 8-220. Powers, Duties, and Responsibilities of Council.
- 8-225. Duties and Responsibilities of Department.
- 8-230. Council Officers.
- 8-235. Council Meetings.
- 8-236. Building Codes Adopted.

- 8-240. Building Codes Modification Procedure.
- 8-245. Qualifications for Local Modifications to Building Codes.
- 8-246. Study Committee.
- 8-247. Public Notice.
- 8-248. Study Committee Meetings.
- 8-250. Energy Standards Variation Procedure.
- 8-255. Energy Standards Appeal Procedure.
- 8-260. Administration of Modular Act.
- 8-261. Administration of Accessibility Act.
- 8-270. Injunctive Relief.
- 8-275. Penalties.
- 8-600. The South Carolina Modular Building Construction Act.
- 8-601. Purpose.
- 8-602. Definitions.
- 8-603. Council Duties and Responsibilities.
- 8-604. Adoption of Model Codes.
- 8-605. Enforcement Authority.
- 8-606. Delegation of Inspection Authority; Approved Inspection Agency's Qualifications, Acceptance Requirements.
- 8-607. Approved Inspection Agency Authority.
- 8-608. Quality Control Procedures.
- 8-609. Change in Status, Alterations.
- 8-610. Alternate Methods and Materials.
- 8-611. Approved Inspection Agency: Inspection.
- 8-612. Reciprocity.
- 8-613. Multiple Site Manufacturing.
- 8-614. Council Certification Label.
- 8-615. Certification Label Application and Issuance.
- 8-616. Certification Label Denial.
- 8-617. Removal of Certification Labels.
- 8-618. Schedule of Fees.
- 8-619. Appeal Procedures.
- 8-620. License Application Requirements.
- 8-621. Sale of Modular Buildings.
- 8-622. License Issued.
- 8-623. Security Requirement.
- 8-624. Duties and Responsibilities of Council.
- 8-625. Denial, Revocation or Suspension of License.
- 8-626. Erection.
- 8-627. Exemption.
- 8-628. Recertifying.
- 8-629. License Renewal. (New)
- 8-630. Damaged Units or Components. (New)

Synopsis:

The South Carolina Building Codes Council proposes to add to, amend and/or repeal certain sections of Chapter 8 of the Code of Regulations.

A Notice of Drafting was published in the *State Register* on June 23, 2023.

Instructions:

144 FINAL REGULATIONS

Print the regulation as shown below. All other items remain unchanged.

Text:

ARTICLE 1

REGISTRATION, FEES AND DISCIPLINARY PROCEDURE

8-105. Definitions.

When used in these regulations, the following words and terms shall have the meanings so designated.

1. "Act" means Chapter 8 of Title 6 of The Code of Laws of South Carolina, 1976, as amended.
2. "Approved" means approved by the Council.
3. "Building Official" means the officer designated by a local jurisdiction, who is charged with the administration and enforcement of Building Codes and their related programs.
4. "Certificate of Registration" means the document issued by the Council, authorizing the person named thereon, to practice in the stated classification.
5. "Certified" means qualified by examination administered by a recognized code organization in one or more building, system or component inspection disciplines.
6. "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.
7. "Codes" means the editions of the building codes referenced in Section 6-9-50, Code of Laws of South Carolina, 1976, as amended that have been adopted by the Council.
8. "Commercial Inspector" means a person who performs onsite inspections in one or more construction disciplines, as determined by position description for the local jurisdiction for which employed, for all types of construction in all occupancy groups.
9. "Council" means The South Carolina Building Codes Council.
10. "Department" means the Department of Labor, Licensing and Regulation for the State of South Carolina.
11. "Limited Registration" means a renewable registration issued to a non-certified building code enforcement officer, employed by a local jurisdiction on the effective date of the act.
12. "Provisional Registration" means a nonrenewable registration issued to a building code enforcement officer, who is training for certification required for employment or advancement.
13. "Recognized code organization" means any national code organization approved by the Council, which administers a testing and certification program specifically for building code enforcement officers or special inspectors.

14. “Registered/Registrant” means a person approved by Council to practice as a building code enforcement officer or special inspector.

15. “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.

16. “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.

17. “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.

8-110. Registration Required.

As evidence of registration, a certificate of registration must be issued by the Council, to each qualifying person. The certificate of registration must set forth the classification(s) for which the person is qualified to practice.

8-115. Classifications and Qualifications for Registration.

A person applying for registration as a building code enforcement officer or special inspector must be certified in accordance with these regulations. An applicant is deemed to be qualified for registration upon submittal of the following documentation.

A. Building Official-A certificate or examination record from a recognized code organization, indicating that the applicant has been certified as a building official.

B. 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.

C. 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.

D. Residential Plans Examiner-Certificate or examination record from a recognized code organization, indicating that the applicant has been certified in the residential building, electrical, plumbing and mechanical plans examiner discipline.

E. 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.

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

146 FINAL REGULATIONS

G. Provisional-Proof that the building code enforcement officer is presently employed or contracted by a municipality or county in South Carolina and is actively in training for a specific certification as a new employee or for advancement to a higher classification.

H. 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.

I. Special Inspector-A certificate or examination record from an approved organization, indicating that the applicant has been certified for the specific type of construction or operation requiring special inspection, pursuant to Chapter 17 of the South Carolina Building Code.

8-120. Requirements for Provisional Certification.

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.

B. Other provisional classifications

A person registered in the following provisional classification shall obtain certification within the time stated.

1. Commercial Inspector - one (1) certification within the first year, then a maximum of one (1) year for each additional certification for all disciplines for which employed, based on the position description for the local jurisdiction.

2. Residential Inspector - one (1) certification within the first year, then a maximum of one (1) year for each additional certification for all disciplines for which employed, based on the position description for the local jurisdiction.

3. Plans Examiner - one (1) certification within the first year, then a maximum of one (1) year for each additional certification for all disciplines for which employed, based on the position description for the local jurisdiction.

4. Property Maintenance Inspector - twelve (12) months.

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.

8-125. Application Required.

A. General requirements as to all registrants

Application for all classifications of registration must be made upon a form furnished by the Council.

All applications for registration must be accompanied by the prescribed fee and copies of applicable certificates and/or examination records from a recognized code organization.

At time of initial registration, renewal or reinstatement, the applicant must identify their employer(s). If employment changes during a registration cycle, the applicant/registrant must notify the Council and update their employment information within fifteen (15) days of such change.

If the application for registration is denied, the applicant may request a hearing before the Council to present additional information or demonstrate evidence of qualification.

B. Building code enforcement officers

Application for registration for a building code enforcement officer must contain a statement of employment and must be verified by the Building Official or administrative head or enforcement authority of the local jurisdiction for which the applicant is employed or contracted.

Application for reinstatement of a registration requires a current ICC certification.

C. Special inspectors

Application for reinstatement of a registration requires a current certification from a recognized code organization unless the applicant is an engineer-in-training and qualifies for registration pursuant to 8-135.

8-135. Requirements for Special Inspector Registration for Engineer-In-Training.

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.

8-140. Renewal.

A. Registrations must be renewed biennially. If a renewal application is not received by the Council within sixty days after the July 1 expiration date, the registration shall be deemed lapsed and invalid.

148 FINAL REGULATIONS

B. Registration renewal notices will be sent to all individuals registered during the preceding licensing period at the address provided by the registrant.

C. All applications for registration renewal must be accompanied by the prescribed fee and verification that the applicant has obtained the required continuing education.

D. A registration not renewed in a timely manner following expiration of the sixty-day grace period allowed in Section (A) may only be reinstated by application as a new registrant and evidence of meeting 24 continuing education hours.

E. Any person who continues to practice with a lapsed registration shall be deemed to have engaged in unlicensed practice and may be subject to discipline by the Council.

8-145. Fees.

The Council may charge fees as shown in South Carolina Code of Regulations Chapter 10-7 and on the South Carolina Building Codes Council website at <http://llr.sc.gov/POL/BCC/>.

8-150. Continuing Education.

(1) To qualify for registration renewal, a registrant must accumulate a minimum of twenty-four (24) hours per registration cycle of continuing education. The reporting period is from July 1 to June 30 of each odd numbered year and hours cannot be carried over to the next registration cycle.

(2) One (1) hour of continuing education shall be awarded for each hour of active participation in any course, seminar, workshop, session or other training medium approved by Council. One (1) hour of continuing education credit shall also be awarded for each ICC examination passed during the licensing cycle.

(3) For each registration cycle, a minimum of eighteen continuing education hours must be earned in technical topics. For each registration cycle, a maximum number of six hours may be earned in management, ethics, or other professional development type training.

(4) If the first period of registration is less than twenty-four (24) months, continuing education required for the first registration renewal must be based on the following:

- A. For registrations issued one (1) to four (4) months before expiration, no hours.
- B. For registrations issued four (4) to eight (8) months before expiration, four (4) hours.
- C. For registrations issued eight (8) to twelve (12) months before expiration, eight (8) hours.
- D. For registrations issued twelve (12) to sixteen (16) months before expiration, twelve (12) hours.
- E. For registrations issued sixteen (16) to twenty (20) months before expiration, sixteen (16) hours.
- F. For registrations issued twenty (20) to twenty-four (24) months before expiration, twenty (20) hours.
- G. For each subsequent registration, a minimum of twenty-four (24) hours will be required.

(5) Continuing education accrued to qualify for registration reinstatement shall not count towards the required continuing education for the new registration cycle.

(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.

1. For approval requests received after the course registration date, the Council will only pay the advance registration fee. Registrant or jurisdiction shall be responsible for any additional or late fees.

2. If the approval request exceeds the maximum payment per credit hour as established by the Council, registrant or jurisdiction shall be responsible for any costs in excess of the per-hour maximum.

D. The pre-approved continuing education course must be successfully completed by the registrant. If the course is not successfully completed by the registrant and was prepaid by the Council, then registrant or the jurisdiction must reimburse the Council for the prepaid fee.

E. The continuing education shall not exceed six credit and/or training hours per one calendar day.

F. The number of hours claimed for reimbursement for each year shall not exceed 12 credit hours.

G. If credit is claimed for passing an ICC examination(s), registrant must submit proof of the examination results.

(7) For each registration cycle, a registrant may earn up to twelve (12) continuing education hours through Council approved self-pace courses.

(8) Proof of continuing education compliance will be conducted by audit at the discretion of the Council.

(9) The Council, by majority vote, may alter or waive any continuing education requirements during a state of emergency.

(10) A registrant experiencing physical disability, illness or other extenuating circumstances may apply for waiver of continuing education requirements on a Council-approved form with supporting documentation. Such request for a waiver is subject to review and approval by the Council or its designated representative.

8-160. Comity.

The Council may grant registration without examination, in any classification, to an individual, who at the time of application, is registered or licensed by a similar Board or Council of another state, district or territory, where standards are acceptable to the Council and not lower than required by the act and these regulations.

8-165. Conflict of Interest.

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,

150 FINAL REGULATIONS

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.

8-170. Grounds for Disciplinary Action or Denial.

In addition to the grounds provided for in Section 40-1-110, the Council, upon a majority vote, may cancel, suspend, refuse, deny, revoke, or restrict a registration for any of the following reasons:

A. been convicted of a felony in any court of competent jurisdiction;

B. obtained certification or registration through fraud, deceit or perjury;

C. defrauded the public or attempted to do so;

D. demonstrates by act or omission, willful misconduct, gross negligence or gross incompetence in the performance of the practice of code enforcement;

E. material failure to meet code enforcement duties as evidenced by failure to note serious violations of any adopted code in the performance of an inspection or a material error or omission in an inspection report relating to compliance with any adopted code;

F. violated or aided or abetted any person in violation of any provision of the act or these regulations.

G. performed any code enforcement activity at a time when their registration was lapsed, inactive or suspended.

8-175. Investigations and Hearings.

Investigation of a complaint alleging a violation of Section 40-1-110 or S.C. Code Reg. 8-170 shall be conducted in accordance with Section 40-1-80.

Any hearing that is conducted as a result of an investigation must be conducted in accordance with Section 40-1-90.

After a hearing and a determination by the Council that one or more of the grounds for discipline exist, the Council may impose sanctions in accordance with Section 40-1-120.

8-180. Appeal From Action of Council.

Any person aggrieved by a final action of Council may appeal to the Administrative Law Court in accordance with Section 40-1-160.

8-185. Registration Replacement.

A replacement for a revoked, lost or destroyed registration may be reissued by the Council subject to the Act and these regulations.

ARTICLE 2

ADMINISTRATION, PROPOSED MODIFICATIONS AND VARIATIONS, STATE ENERGY STANDARDS

(Statutory Authority: 1976 Code Section 6-9-63(E))

8-205. South Carolina Building Codes Council.

8-210.1. Purpose.

These regulations are intended to establish procedures for the operation of the South Carolina Building Codes Council and the application and administration of its authority under the Building Codes Act, the Modular Act and the Accessibility Act. It is further intended that these regulations establish a formal standard policy and specific criteria on which the Council will base its approval or disapproval of proposed modifications to building codes. It is also intended that these regulations establish a formal standard policy and specific criteria on which the Council will base its approval or disapproval of proposed modifications to or variations from the required state energy standards.

8-215. Additional Definitions.

In addition to the terms and words defined in Regulation 8-105, the following terms and words shall apply to these Regulations:

(1) “Accessibility Act” means the Construction of Public Buildings for Access by Persons With Disabilities Act, Chapter 5 of Title 10 of the Code of Laws of South Carolina, 1976, as amended.

(2) “Accessibility Committee” means the standing committee for the Council, as created by Chapter 5 of Title 10 of the Code of Laws of South Carolina, 1976, as amended.

(3) “Agency” means any division, department or section of state or federal government.

(4) “Building Codes Act” means the Building Codes Act, Chapter 9 of Title 6 of the Code of Laws of South Carolina, 1976, as amended.

(5) “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.

(6) “Climatological” means the susceptibility of specific unusual reoccurring weather or atmospheric conditions for a local jurisdiction, including hurricanes, tornadoes, damaging wind, lightning, or floods due to rainfall.

(7) “Energy Standards” means the Building Energy Efficiency Standard Act, Chapter 10 of Title 6 of the Code of Laws of South Carolina, 1976, as amended.

(8) “Flood(ing)” means temporary inundation of normally dry land areas from the overflow of inland or tidal waters or from the unusual and rapid accumulation of runoff or surface waters by excessive rainfall, snow melt, wind storms or any combination of such conditions.

(9) “Geographical” means the geographic or topographic characteristics of a specific area or region.

152 FINAL REGULATIONS

(10) “Geological” means the structure of a specific area or region of the earth’s surface.

(11) “Implementation Date” means the date, as established by Council, that one or more adopted building codes must be placed into effect for administration and enforcement by local jurisdictions.

(12) “Local Enforcement Agency” means an agency of a local jurisdiction with authority to make inspections of buildings and to enforce the laws and regulations enacted by the State, which establish standards and requirements applicable to the construction, alteration, repair and occupancy of buildings.

(13) “Local Jurisdiction” means any county, city, town, village or other political subdivision of the State of South Carolina.

(14) “Modification(s)” means the changing of any word, number, date, section or reference in either the text or appendix (if adopted) of any building code, regardless of whether the effect is more or less restrictive.

(15) “Modular Act” means the Modular Buildings Construction Act, Chapter 43 of Title 23 of the Code of Laws of South Carolina, 1976, as amended.

(16) “Physical” means the natural stable and unstable characteristics and conditions of the land area within a local jurisdiction, including topography, geography, geology, water table and seismic activity.

(17) “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.

(18) “Study Committee” means the standing committee for the Council as created by Chapter 9 of Title 6 of the Code of Laws of South Carolina, 1976, as amended.

(19) “Variation(s)” means the changing of the Energy Standards or any building code in either the text or appendix (if adopted), the nature of which, would accept an alternate building material or alternate method of compliance.

8-220. Powers, Duties, and Responsibilities of Council.

(A) The Council shall clarify the various aspects and provision of the Building Codes Act, the Modular Act, the Accessibility Act and their corresponding regulations, as may be necessary to carry out their intended purposes.

(B) The Council shall review requests by local jurisdictions and professional associations, for modifications to the adopted building codes, as authorized by the Building Codes Act.

(C) The Council shall review requests by local enforcement agencies, for variations from the Energy Standards.

(D) The Council shall produce records of all its transactions and minutes of all its meetings, hearings and proceedings.

8-225. Duties and Responsibilities of Department.

(A) The Department shall provide the personnel to serve as staff for the Council. Such staff shall have the duty and responsibility to:

(1) Maintain an accurate and complete record of all meetings, hearings, proceedings, correspondence and technical work performed by and for Council;

(2) Make all records and documents of Council available for public inspection any time during normal working hours;

(3) Prepare and provide all information, documents and exhibits necessary for the Council agendas and meetings; and,

(4) Perform such other related tasks as may, from time to time, arise.

(B) The Department shall provide legal counsel for the Council.

8-230. Council Officers.

(A) The Council shall elect from its appointed members, a chairman and a vice-chairman.

(B) Election of officers shall occur during the first meeting of each calendar year. Elected officers shall assume office upon adjournment of the meeting at which the election occurs.

(C) The duties of each officer shall be as follows:

(1) Chairman - Preside over all meetings of the Council, call special meetings as the need may arise, authenticate by signature all licenses, resolutions, documents and other instruments of Council and perform such other duties as may fall within the jurisdiction of the office.

(2) Vice-chairman - Function as chairman in the absence of the chairman and perform such other duties as may fall within the jurisdiction of the office.

(D) Officers shall serve for a period of one year or until their successors are elected.

(E) Vacancies occurring in an officer's position shall be filled in the following manner.

(1) If, during the course of any unexpired term, the office of chairman is vacated, the vice-chairman shall, immediately and without any further action of Council, be named chairman and continue in that capacity until the next regular election.

(2) If, during the course of an unexpired term, the office of vice-chairman is vacated, the Council shall fill the vacancy by election during its next official meeting. The elected member shall assume office immediately and continue in that capacity until the next regular election.

8-235. Council Meetings.

(A) The Council must meet at least one time per year or at the call of the chairman. In addition, the Council must meet not less than one time per building code cycle for the purpose of reviewing modifications requested for the adopted building codes.

(B) All agenda items and supporting documentation shall be submitted to the Council staff not later than 14 calendar days prior to the meeting date. The agenda and meeting notice shall be delivered to each Council member not later than seven calendar days prior to the meeting date. The meeting notice shall contain the date, time and place the meeting will be held.

(1) Maintain an accurate and complete record of all meetings, hearings, proceedings, correspondence and technical work performed by and for Council;

(2) Make all records and documents of Council available for public inspection any time during normal working hours;

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(D) Officers shall serve for a period of one year or until their successors are elected.

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(B) All agenda items and supporting documentation shall be submitted to the Council staff not later than 14 calendar days prior to the meeting date. The agenda and meeting notice shall be delivered to each Council member not later than seven calendar days prior to the meeting date. The meeting notice shall contain the date, time and place the meeting will be held.

154 FINAL REGULATIONS

(C) All meetings shall be open to the public. Notices designating the date, time and place of the meeting shall be posted at the offices of the Council, not later than 24 hours before the meeting starting time.

(D) Minutes of every meeting of Council shall be produced and distributed to each Council member. The minutes shall reflect the names of all persons in attendance, each item and action taken and all motions, seconds and votes made during the course of the meeting. All minutes shall be approved by motion, second and vote at a meeting of Council before they will be considered official. Only official minutes shall be made available to the general public. A copy of all official minutes of Council meetings shall be maintained in the offices of the Council and made available for public inspection during all normal working hours.

8-236. Building Codes Adopted.

(A) All building codes used within the state shall be adopted by the Council and enforced by local jurisdictions. The adoption process must follow the procedure established in the Building Codes Act.

(B) Administration and enforcement of the latest adopted edition of any building code must occur in all local jurisdictions on the implementation date established by the Council. All new construction, additions, renovations, repair or work of any kind, to any system, in a building or structure, for which a completed building permit application has been approved prior to the implementation date, will be allowed to be completed and must be inspected under the building codes in effect at the time the original building permit was issued.

(C) Local jurisdictions are prohibited from writing or publishing any other building codes in part or in whole.

(D) The appendices included with all building codes are not intended to be enforced unless specifically referenced in the texts of the codes or specifically included by name and letter designation at the time of adoption by Council.

(E) The provisions of the administration chapters for all building codes that concern the qualification, removal, dismissal, duties, responsibilities of, and the administrative procedures for all building officials, deputy building officials, chief inspectors, other inspectors, and assistants are not adopted by the Council. Council may adopt general provisions of the administration chapters, as necessary, to provide uniform application of the building codes throughout the state. Any general administrative provisions adopted by Council must apply to all local jurisdictions. In the absence of Council adoption, local jurisdictions may adopt any or all sections of the administration chapters for all building codes, or may establish administrative procedures for the operation of the local enforcement agency by ordinance. In either instance, however, general administrative provisions adopted by Council, if any, must apply.

8-240. Building Codes Modification Procedure.

(A) At least every four (4) years, the Council must adopt the latest edition of the nationally recognized codes as identified in S.C. Code Ann. § 6-9-50(A) with any modifications approved by the Council in accordance with statute and these regulations.

(B) At the outset of every Building Code Cycle, the Council shall appoint a Study Committee to review the latest editions of the nationally recognized codes as identified in S.C. Code Ann. § 6-9-50(A) and identify any code changes and their potential impact on South Carolina if adopted by the Council.

(C) During each Building Code Cycle, the Council must file and publish in the State Register a notice of intention to review the latest edition of the nationally recognized codes and provide a 180-day comment period for local jurisdictions and professional associations to submit proposed modifications to the codes.

(D) All proposed modifications must be submitted during the 180-day comment period in order to be considered. The only exceptions are emergency or local modifications to the Codes which may be considered by the Council at any time.

(E) During the 180-day comment period, the Study Committee shall meet as needed to review any proposed modifications to the codes and hear testimony from interested persons on the proposed modifications.

(F) A request for a proposed statewide modification:

(1) May be accepted from (a) an official representative of the local jurisdiction proposing the modification:
or,

(b) an official representative of the professional association proposing the modification.

(2) Must include:

(a) A cover letter from the local jurisdiction or professional association stating that the individual is authorized to present the proposed amendment; and,

(b) Verification that the proposed amendment has the support of at least a majority of the members of the board or council governing the local jurisdiction or professional association proposing the modification; and,

(c) A completed Code Modification Form (provided by the Council); and,

(d) Sufficient test information, studies, data or other documentation that would be necessary to fully explain and justify the proposed amendment; and,

(e) A list of the persons with their titles and affiliations, known at the time of submittal, who will provide testimony in favor of the amendment.

(G) Each request for modification must be submitted separately.

(H) A local jurisdiction or professional association shall not propose a modification which will amend, suspend, eliminate or supersede an existing statute, policy, rule or regulation of any state or federal agency.

(I) After the 180-day comment period, the Council shall meet to adopt the latest edition of the nationally recognized codes and vote to approve or disapprove all modification requests.

(J) For the purposes of these regulations, a moratorium on enforcement of any section of any building code ordered by the Council, shall be considered a statewide modification.

(K) All statewide modifications made to any of the building codes for the building code cycle, must be approved by Council prior to the established implementation date. All such modifications shall be mandatory for all jurisdictions in the state.

8-245. Qualifications for Local Modifications to Building Codes.

(A) The Council shall review and may grant local modifications to any of the Codes by the request of a local jurisdiction, for application strictly within that jurisdiction, when it determines that the changes are required to meet local needs due to physical or climatological conditions. For the purpose of this section, the words "Physical" and "Climatological" shall have only the meanings as defined in these regulations.

(D) All proposed modifications must be submitted during the 180-day comment period in order to be considered. The only exceptions are emergency or local modifications to the Codes which may be considered by the Council at any time.

(E) During the 180-day comment period, the Study Committee shall meet as needed to review any proposed modifications to the codes and hear testimony from interested persons on the proposed modifications.

(F) A request for a proposed statewide modification:

(1) May be accepted from (a) an official representative of the local jurisdiction proposing the modification:
or,

(b) an official representative of the professional association proposing the modification.

(2) Must include:

(a) A cover letter from the local jurisdiction or professional association stating that the individual is authorized to present the proposed amendment; and,

(b) Verification that the proposed amendment has the support of at least a majority of the members of the board or council governing the local jurisdiction or professional association proposing the modification; and,

(c) A completed Code Modification Form (provided by the Council); and,

(d) Sufficient test information, studies, data or other documentation that would be necessary to fully explain and justify the proposed amendment; and,

(e) A list of the persons with their titles and affiliations, known at the time of submittal, who will provide testimony in favor of the amendment.

(G) Each request for modification must be submitted separately.

(H) A local jurisdiction or professional association shall not propose a modification which will amend, suspend, eliminate or supersede an existing statute, policy, rule or regulation of any state or federal agency.

(I) After the 180-day comment period, the Council shall meet to adopt the latest edition of the nationally recognized codes and vote to approve or disapprove all modification requests.

(J) For the purposes of these regulations, a moratorium on enforcement of any section of any building code ordered by the Council, shall be considered a statewide modification.

(K) All statewide modifications made to any of the building codes for the building code cycle, must be approved by Council prior to the established implementation date. All such modifications shall be mandatory for all jurisdictions in the state.

8-245. Qualifications for Local Modifications to Building Codes.

(A) The Council shall review and may grant local modifications to any of the Codes by the request of a local jurisdiction, for application strictly within that jurisdiction, when it determines that the changes are required to meet local needs due to physical or climatological conditions. For the purpose of this section, the words "Physical" and "Climatological" shall have only the meanings as defined in these regulations.

156 FINAL REGULATIONS

(B) A request for a local building code modification must be previously approved by the governing body of the local jurisdiction making the request before it may be considered by the Council.

(C) Proposed local modifications of building codes shall not take effect in any local jurisdiction until after they have first been reviewed and approved by the Council.

(D) Requests for local modifications may be considered by Council or may be referred by Council to the Study Committee for review and recommendation before action by the Council.

(E) In order to qualify for a local modification to any of the Codes, the local jurisdiction has the burden of establishing the following:

(1) The requested modification is either physical or climatological in nature.

(a) To qualify by physical basis, a jurisdiction must demonstrate that it possesses unique physical qualities, such as unusual characteristics or composition of soils, unusual geological conditions (including earthquakes), unusual geographical conditions, unusually varying or extreme ranges in the topography of the land or any other natural condition.

(b) To qualify by climatological basis, a jurisdiction must demonstrate that it experiences weather conditions which are unusual to, confined to, occurring on a regular or seasonal cycle or determined through research or past experiences to have a high probability of reoccurrence within its area. Climatological conditions may include the known occurrence of hurricanes, tornadoes, damaging wind, snow, flooding caused by rainfall, lightning or any other form of natural climate related phenomenon.

(2) How the section(s) of the Codes at issue do not meet the local jurisdiction's needs as a result of the physical or climatological condition.

(3) The manner in which the requested modification will address the physical or climatological condition.

(4) The manner in which the requested modification will provide a reasonable standard of public health, safety, and welfare.

8-246. Study Committee.

(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.

(E) The Study Committee members shall elect a chair and vice chair as the first order of business at the first Study Committee meeting of each new building code cycle. The Study Committee chair and vice chair shall serve for the length of the building code cycle. The chair shall preside over all Study Committee meetings and be available at public meetings of the Council, to clarify or augment the Study Committees recommendations. In the absence or recusal of the chair, the vice chair shall assume all duties of and act on behalf of the chair. If for any reason the chair leaves the Study Committee before expiration of his or her term, the vice chair shall serve as the chair for the duration of the original appointment. The Study Committee shall then elect a new vice chair.

(F) If a core member leaves the Study Committee before expiration of his or her term, the alternate for that core member shall serve for the duration of the original appointment. The Council shall then appoint a new alternate member from the appropriate segment of the construction industry.

(G) At no time may a specific segment of the construction industry be represented on the Study Committee by more than one core or alternate member.

8-247. Repealed.

8-248. Study Committee Meetings.

(A) The Study Committee must hold at least one public meeting per Building Code Cycle. All Study Committee meetings shall be at the call of the chairman of the Council and must be open to the public. All deliberations and actions taken by the Study Committee must be done in public session. For the purpose of conducting meetings and rendering recommendations, a quorum must be present.

(B) The date, time and place for all Study Committee meetings must be made public in the same manner as required for the Council meetings.

(C) Proposed amendments with all supporting documentation must be submitted to the Council's staff a minimum of ten working days prior to the meeting date. A meeting agenda must be published a minimum of five working days prior to the meeting date, after which time additions shall not be made to the agenda.

(D) The Study Committee must review all proposed modifications and the pertinent supporting documentation and testimony as necessary to reach a decision. If the Study Committee cannot reach a decision based on the documentation and testimony provided, the proposed modification may be carried over to a future meeting until a decision is reached.

158 FINAL REGULATIONS

(E) A report of the Study Committee, including a list of pros and cons for the proposed amendments, must be submitted in writing to the Council with a recommendation for:

- (1) Approval: or,
- (2) Disapproval: or,
- (3) Approval as revised.

(F) In the event that the Study Committee is unable to reach a decision on a recommendation, the matter will be presented to the Council.

8-250. Energy Standards Variation Procedure.

(A) The Council shall review and grant variations to the Energy Standard in accordance with S.C. Code Section 6-10-40 for special local conditions existing within a local jurisdiction.

(B) Requests for variations to the Energy Standard may only be considered when submitted to Council by the local enforcement agency proposing the changes and, if approved, are valid only within the requesting jurisdiction.

(C) All requests for variations must be accompanied by sufficient test information, studies, data or other documentation to fully explain and justify the requested variance. The submittal should include a list of the persons wishing to testify and their titles and affiliations. Each variation shall be submitted separately. Information submitted shall be legible and contain the following:

- (1) Name, address, phone number and title of the person making the request;
- (2) Name of jurisdiction for which the variation is being submitted;
- (3) The full wording for the proposed variation;
- (4) The basis or reason for the request;
- (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.

(D) Variations granted to any local jurisdiction shall apply only to site constructed buildings. Structures approved and constructed in compliance with the Modular Act shall not be affected by any variation to the Energy Standards that may be granted to a local jurisdiction. All properly labeled modular buildings shall be accepted by the local enforcement agency as being in full compliance with the Energy Standards.

8-255. Repealed.

8-260. Repealed.

8-261. Repealed.

8-270. Repealed.

8-275. Repealed.

ARTICLE 6

MODULAR BUILDING CONSTRUCTION

(Statutory Authority: 1976 Code Sections 23-43-40 and 40-1-70)

8-600. The South Carolina Modular Buildings Construction Act.

8-601. Purpose.

(1) The provisions of these regulations are adopted in implementation of the South Carolina Modular Buildings Construction Act of 1984, Chapter 43 of Title 23 of the South Carolina Code of Laws, 1976 as amended, and are intended to provide uniform standards for modular construction, while preserving and recognizing local governmental responsibility in regard to utilization of modular buildings within a community.

(2) Regulations provided herein are applicable to all modular buildings which are manufactured for and subsequently erected within the State of South Carolina, and all modular buildings manufactured in South Carolina erected in other states under reciprocal agreements. These regulations apply to all buildings erected in the State of South Carolina.

(3) The definition of modular building does not include mobile or manufactured homes, as defined by the U.S. Department of Housing and Urban Development, which is any residential unit constructed to the Federal Mobile Home Construction and Safety Standards, 42 USC Sections 5401 and 24 CFR 3282 and 3283.

8-602. Definitions.

For the purpose of these regulations, the following words shall have the meanings indicated:

(1) “Act” means the South Carolina Modular Buildings Construction Act of 1984, Chapter 43 of Title 23 of the South Carolina Code of Laws, 1976 as amended.

(2) “Approved” means conforming to the requirements of Council.

(3) “Approved inspection agency” means an agency approved by the Council to provide plan review and approval, evaluation, and inspection in addition to adequate follow-up services at the point of manufacture to ensure that production units are in full compliance with the provisions of the Modular Building Construction Act.

(4) “Building System” means plans, specifications and documentation for a system of modular buildings or for a type or a system of building components, which may include structural, electrical, mechanical, plumbing and fire protection systems, and other building systems affecting life safety.

(5) “Closed Construction” means that condition when any building, component, assembly, subassembly, or system is manufactured in such a manner that all portions cannot be readily inspected at the erection site without disassembly.

(6) “Component” means any assembly, subassembly, or combination of elements of closed construction, for use as a part of a building, which may include structural, electrical, mechanical, plumbing and fire protection systems, and other building systems affecting life safety.

160 FINAL REGULATIONS

(7) “Council” means the South Carolina Building Codes Council as established by Section 6-9-63 of the South Carolina Code of Laws.

(8) “Damage” means damage or breakage occurring to a modular building or any part thereof causing it to not comply with these regulations.

(9) “Days” shall be construed to be work days, and shall not include Saturdays, Sundays, or holidays.

(10) “Department” means the Department of Labor, Licensing and Regulation for the State of South Carolina.

(11) “Equipment” means all materials, appliances, devices, fixtures, fittings, or accessories installed in or used in the manufacture and assembly of a modular building.

(12) “Field technical service” means clarification in the field by the Council of technical data relating to the application of the regulations.

(13) “Labeled” means equipment bearing a label of certification by an approved listing organization.

(14) “Listed” means equipment or materials included in a list published by an approved listing organization.

(15) “Local Building Official” means the officer or other designated authority, or duly authorized representative, charged with the administration and enforcement of building codes and standards, for any county, city, town, or other political subdivision of the state.

(16) “Manufacturer” means any person, firm, or corporation which manufactures or assembles modular buildings.

(17) “Manufacturer’s Representative” means any person employed by a modular building manufacturer who sells, or offers for sale, modular buildings or components.

(18) “Model” means a specific modular building design which is based on size, room arrangement, method of construction, and arrangement of plumbing, mechanical, or electrical equipment and systems therein.

(19) “Open Construction” means any modular building, building component, assembly, or system manufactured in such a manner that all parts or processes of manufacture can be readily inspected at the installation site without disassembly.

(20) “Site” means the location on which a modular building is erected or is to be erected.

(21) “Standard Design” means any building, system, model, series, or component intended for duplication or repetitive manufacture.

(22) “System Prototype” means a specific design of modular building designated by the manufacturer to be the standard for reproduction. A system prototype may include options that do not affect the performance or function of any system.

8-603. Council Duties and Responsibilities.

(1) The Council shall require filing and final approval of all quality control manuals, system, and model design plans changes as they occur.

(2) Plans, manuals, and related documents will be accepted only after approval of and submittal by an approved inspection agency, but are subject to review as deemed necessary by the Council.

(3) Any person may request field technical services provided such requests are submitted to the Council in writing and are subject to the fee schedule in these regulations.

8-604. Adoption of Model Codes.

(1) The design and fabrication of modular buildings shall comply with the requirements of the building codes as listed in Chapter 9, Title 6, of the South Carolina Code of Laws, 1976 as amended.

(2) Energy code. The design and installation of thermal performance standards for all modular buildings shall comply with the requirements of the most recent edition of the International Energy Conservation Code as adopted under Title 6 Chapter 10 of the South Carolina Code of Laws, 1976 as amended.

(3) Building official. Where reference is made, in any building code, to the building, plumbing, gas or mechanical official, administrative authority, enforcement official or any such authoritative person, it shall mean the Council Administrator.

(4) All service connections and foundations installed at the building site shall be regulated by the local building official.

(5) Barrier Free Design. The design and erection of modular buildings for the purpose of public use must be in compliance with the Barrier Free Design Standard, Code of Laws of South Carolina, 1976 as amended, Sections 10-5-210 through 10-5-250, and adopted regulations.

8-605. Enforcement Authority.

(1) It is the intent of the Act and these regulations, that those areas of authority rightfully belonging to the local government are specifically and entirely reserved thereto. Such areas are land use, zoning, fire zones, site development and subdivision control, as well as the review and regulation of architectural and aesthetic requirements. Such requirements and regulations not in conflict with the provisions of the Act or these regulations, which currently exist or may be enacted, must be reasonable and uniformly applied and enforced without distinction as to whether such building is modular or constructed on site in a conventional manner. Local zoning ordinances shall not restrict location of, or otherwise discriminate against modular buildings certified in accordance with the Act and these regulations.

(2) The local government shall furthermore be reserved the authority to:

(a) require a complete set of plans and specifications as certified by the Council for each modular building erected within its jurisdiction; and

(b) require that all permits be obtained before erection of any unit on a building site; and

(c) approve and inspect foundation systems and all connections thereto; and

(d) approve and inspect all electrical, plumbing, gas, or mechanical systems from the source of service to the point at which they connect to the building.

(3) The local building official shall report any modular building that has been damaged enroute to the erection site.

162 FINAL REGULATIONS

(4) Any modular building unit bearing the Council's certification label shall be deemed to comply with the requirements of all building codes, ordinances, or regulations which govern building construction, enacted by any local government at the time of construction at the manufacturing facility.

(5) The local building official shall require that all modular buildings bear a certification label before issuing a Certificate of Occupancy.

(6) The local building official shall report any violations of the Act or these regulations to the Council.

8-606. Delegation of Inspection Authority: Approved Inspection Agency's Qualifications, Acceptance Requirements.

(1) The Council shall consider an organization for acceptance as an approved inspection agency upon receipt of an application accompanied by a prospectus detailing its capabilities to perform in that capacity.

(2) Each organization applying for approval shall indicate in its application:

(a) its qualifications to inspect equipment and systems; and

(b) that the organization is not controlled by any manufacturer or supplier subject to the Council's jurisdiction; and

(c) that it will make available specific information as required by the Council; and

(d) that it retains a building construction oriented South Carolina registered professional engineer or architect who shall be responsible for compliance with these regulations; and

(e) its organizational structure; and

(f) the education and qualification of the employees to be doing the actual inspection and plan review; and

(g) its agreement to perform inspections at the frequency specified in these regulations; and

(h) proof that all personnel performing inspections are certified by a testing agency recognized by the Council.

8-607. Approved Inspection Agency Authority.

(1) An approved inspection agency shall conduct inspections at the manufacturing plant to determine compliance with the approved plans, the Act and these regulations. Violations of any of the provisions of these regulations or variations from the approved plans may be cause for revocation of the plan approval and shall be reported to the Council within one (1) day after discovery.

(2) Failure on the part of an approved inspection agency to fulfill its responsibilities or notify the Council of violations of these regulations or variations from the approved plans is cause for revocation of its approval.

(3) An approved inspection agency shall perform final plan review and approval, inspection, and certification of a single family residential modular building. Upon final plan review and approval by an approved inspection agency of a plan as meeting the requirements of the Modular Building Construction Act and the regulations of the council, a copy of the approved plan must be filed with the Department of Labor, Licensing and Regulation. Upon filing of an approved plan with the department by an approved inspection agency, a manufacturer may request from the department certification labels for units manufactured to the approved plan. Each certification

label must bear the serial number of the unit for which it is issued and only may be attached upon final inspection by an approved inspection agency.

(4) An approved inspection agency shall perform plan approval, inspection, and certification of commercial or multifamily modular buildings. Upon review by the approved inspection agency, the plans must be submitted to the Department of Labor, Licensing and Regulation for final plan review and approval.

(a) The design review for required plan submittal shall include a completed application on forms obtainable from the Council and one electronic copy of plans, specifications and structural, electrical, mechanical, and energy calculations prepared by an architect or engineer licensed to practice in the State of South Carolina; quality control manuals, calculations, and any required test results for each system and prototype to be approved. The approved inspection agency shall designate its approval by affixing its seal to each print, the cover of the quality control manual, and supporting data prior to submittal.

(b) The approved inspection agency shall submit for the manufacturer, a request for Council review which may include any or all elements of building systems such as structural, mechanical, plumbing, and electrical components. All modular building system submittals must include at least the following:

(1) Structural:

(i) details specifying methods of field connection of units or models to each other and foundations;
and

(ii) all exterior elevations; and

(iii) elevations and details of elements, walls or sections thereof providing resistance to vertical loads or lateral forces; and

(iv) floor plans and floor framing plans; and

(v) details of framing system showing direction of face grain of plywood, blocking, connections, etc.;
and

(vi) vertical load calculations; and

(vii) lateral force calculations; and

(viii) overturning and uplift calculations; and

(ix) details of all structural connections such as chord splices, corner and wall intersection details, post and beam splices, etc., (both inplant and onsite connections must be shown); and

(x) complete roof framing plan showing method of framing, direction of face grain of plywood, connections, etc., roof covering material and roofing specifications; and

(xi) cross sections as necessary to identify major building components; and

(xii) information for plywood when used, such as thickness, index number, grade, direction of face grain, etc., and lumber grades; and

(xiii) details of flashing, such as at openings and at penetrations through roofs flashing material and gage to be used; and

164 FINAL REGULATIONS

- (xiv) attic access and attic ventilation; and
- (xv) wall and soffit material as well as finish; and
- (xvi) interior wall and ceiling finish; and
- (xvii) fire separation details, when required by code; and
- (xviii) opening treatment for doors and windows including door swings; and
- (xix) all foundation vents and under floor access; and
- (xx) structural steel materials, sizes, finishes, and connection details; and
- (xxi) reinforcing, concrete and mesh materials, strengths, grades, sizes, spacing and details in accordance with “Building Code Requirements for Reinforced Concrete, ACI 318”; and
- (xxii) all work that is required on the building site; and
- (xxiii) details of all elements for access and use by people with disabilities.

(2) Plumbing:

- (i) plan and riser diagram of the plumbing layout showing size of piping, fittings, traps, vents, cleanouts and valves, etc., for gas, water, drainage, waste, and vent systems; and
- (ii) plumbing materials, make, model, and rating/capacity of fixtures; and
- (iii) make and model of safety controls and their locations; and
- (iv) intervals and method of horizontal piping support; and
- (v) vertical piping and valve supports; and
- (vi) location of flues and vents above roofs and required clearances from air intakes, other vents and flues, etc.; and
- (vii) method of testing.

(3) Mechanical:

- (i) location of all equipment and appliances; and
- (ii) listed or labeled appliances, units or equipment; and
- (iii) heat loss and heat gain calculations; and
- (iv) BTU, input and output rating of all appliances and equipment; and
- (v) duct and register locations, including size, and materials; and
- (vi) clearance from combustible material or surfaces for all appliances, equipment, ducts, flues, and chimneys; and

- (vii) method of providing required combustion air and return air; and
 - (viii) location of flues, vents and chimneys, and clearances for air intakes; and
 - (ix) details and approvals for dampers in ducts penetrating fire separation walls, floors and ceilings;
- and
- (x) method of testing; and
 - (xi) method of securing every appliance and its components to avoid displacement and movement from vibration and road shock.

(4) Electrical:

- (i) plan and detail of service equipment, including service entrance, conductors, service raceway and clearances, above ground, and above structures; and
- (ii) method and detail for grounding service equipment; and
- (iii) diagram of the entire electrical installation; and
- (iv) complete load calculations for service and feeders; and
- (v) identification and sizes of all feeders and branch circuits; and
- (vi) size, rating, and location of main disconnect/overcurrent protective devices; and
- (vii) method of interconnection between modules or units and location of connections; and
- (viii) location of all outlets and junction boxes; and
- (ix) the protection of nonmetallic sheathed cable in locations subject to mechanical damage; and
- (x) method of backing, mounting, and strapping of fixtures and wiring; and
- (xi) name plate rating of all appliances and equipment; and
- (xii) method of testing; and
- (xiii) labeling of wiring, fixtures, and equipment.

(5) Calculations and test procedures. When the composition or configuration of elements, assemblies, or details of structural members are such that calculations of their safe load carrying capacity, basic structural integrity, or fire resistance cannot be accurately determined in accordance with generally established principles of engineering design, such structural properties, or fire resistance of the members or assemblies may be established by an approved inspection agency.

(6) Design plan approval expiration. Design plan approvals shall expire on the effective date of any applicable change to these regulations and the building codes referenced herein.

(7) It shall be the responsibility of the manufacturer to submit an application for design plan renewal to the Council.

166 FINAL REGULATIONS

(8) Revocation of approval. Revocation of a plan approval shall occur upon the failure of the manufacturer to comply with the provisions of these regulations.

(9) Nonconforming application. If an application does not conform to the requirements of these regulations, the applicant shall be notified in writing. If corrections have not been received by the Council within ninety (90) days of such notice, the application will be deemed abandoned. Subsequent submission shall be as for a new application.

(10) Evidence of Council approval. Approved plans and specifications shall be evidenced by acknowledgment of the Council. Approved copies of the plans and specifications shall be returned to the manufacturer with a letter indicating the limitations of the approval, if applicable. A copy of the letter shall be available for inspection use at each place of manufacture.

(11) Manufacturer's unit data plate. The manufacturer shall install on all modular building units, a data plate which shall contain, but not be limited to the following design information:

- (a) maximum live load; and
- (b) maximum snow load; and
- (c) maximum wind load; and
- (d) seismic zone; and
- (e) thermal transmittance value (U_o) of: walls, roof/ceiling, and floors.

(12) The data plate shall be permanently mounted in a conspicuous location.

(13) Manufacturer's component data plate. The manufacturer shall install on each modular component or package of modular components a data plate which indicates the limiting characteristics and design criteria of the components for determining how they can be installed and utilized within their capabilities.

(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.

8-608. Quality Control Procedures.

(1) The manufacturer shall establish a written agreement with an inspection agency approved by the Council, clearly stating the quality control procedures which it shall institute in its manufacturing facilities. The quality control procedures shall be documented in manual form, which the manufacturer shall submit to the approved inspection agency for approval. The quality control program outlines must comply with these regulations and be approved by the Council.

(2) The quality control manual shall include quality control procedures for the modular building manufacturing process such as, construction sequence; compliance of basic materials with specifications; frequency of inspection; administrative procedures and samples of quality control forms to be used; and, system description for retention of quality control records.

(3) The manufacturer shall designate an employee to be responsible for the quality control program in its plant and to maintain records to substantiate that each modular unit has been inspected in accordance with the approved plans and specifications.

(4) All modular buildings or components shall be manufactured in accordance with the building codes adopted in these regulations and the quality control procedures established by the manufacturer and accepted by the approved inspection agency and the Council.

(5) The Council may perform a minimum of one (1) annual audit, at the address of record, for a licensed manufacturing facility and approved inspection agency, with or without notice.

8-609. Change in Status, Alterations.

(1) Changes to approved plans.

(a) If the manufacturer proposes to change any portion of its system or model designs, or if the Council regulations are amended to necessitate such change, it shall be required to submit to the Council, through its approved inspection agency; one electronic copy of detailed, supplemental plans. Plans shall be accompanied by a transmittal of supplementary plan application form, obtainable from the Council and the appropriate plan filing fee.

(b) A model name or designation may be changed or added prior to the expiration date by filing an amended application.

(c) If the manufacturer proposes changes in the quality control manual or procedures, one electronic copy of the changes shall be submitted to the Council through the approved inspection agency.

(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 change.

(3) Discontinuance of manufacturer. When a manufacturer discontinues an approved model, the manufacturer shall, within ten (10) days, advise the Council of the date of the discontinuance and return all certification labels allocated to the model.

(4) Existing model approvals. In the event of amendment of these regulations or the building codes referenced herein, which will require changes to an approved model design, the Council shall notify the manufacturer of such changes, and shall allow the manufacturer ninety (90) days from the date of such notification, or such additional time as the Council shall deem reasonable, in which to submit revised plans for model approval.

(5) Revised model plans submitted pursuant to this section shall be processed as a supplemental detail, with appropriate fees.

(6) Alteration or conversion. Any unauthorized alteration or conversation made to an approved modular building prior to initial erection shall void the approval. The state certification label(s) affixed to the building shall be returned to or be confiscated by the Council.

(7) Any alteration or conversion made to an approved modular building after initial erection shall void the approval and certification label, and, be subject to the provisions of the building inspection program for the jurisdiction in which it is located.

8-610. Alternate Methods and Materials.

(1) The provision of these regulations are not intended to prevent the use of any material, appliance, device, system arrangement, or method of construction not specifically prescribed in accepted model codes, provided any such alternate has been approved by the Council.

168 FINAL REGULATIONS

(2) The Council may approve alternates if it finds that the proposed design is satisfactory and that the material, appliance, device arrangement, method, system, or work offered is at least the equivalent in performance, quality, strength, effectiveness, fire resistance, durability, and safety.

(3) Listed or labeled equipment and systems may be disapproved by the Council, if it determines that they are not adequate to serve their intended purposes.

(4) All material submitted by the manufacturer to the Council in the form of plans, engineering data, test results quality control manual etc., will be considered as proprietary information of the applicant.

(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.

8-611. Approved Inspection Agency: Inspection.

(1) Inplant inspections. The approved inspection agency shall conduct announced and unannounced inspections at the manufacturing site to review any or all aspects of manufacturer's production and quality control procedures. The approved inspection agency shall make a complete inspection of at least one (1) unit through all phases of manufacture to assure that the manufacture has the capabilities to produce units in compliance with their approved design and/or the appropriate codes. Thereafter, inspection of every system of every building or component shall be made at least at one (1) point during the manufacturing process.

(2) Individual unit inspections. The quality control procedure set forth in these regulations may be waived by the Council at the manufacturer's request. Waiver of the quality control procedure, however, shall require the manufacturer to have all systems of each unit he it produces individually inspected.

8-612. Reciprocity.

(1) A modular building sold or erected in South Carolina, which has been inspected under a reciprocal agreement with another state, shall bear the certification label of South Carolina, and the certification label of the inspecting state or a common label approved by Council.

(2) The Council reserves the right to determine compliance of all units to be sold or erected in South Carolina which have been inspected under reciprocal agreement with another state.

8-613. Multiple Site Manufacturing.

(1) If a manufacturer plans to produce at more than one (1) location, required plan approval may be obtained for all locations subject to submission of the following:

(a) one (1) set of plan review application forms for each location; and

(b) one electronic set of plans and specifications, plus one (1) additional set for each location specifying the location of manufacture; and

(c) filing fees as designated in these regulations; and

(d) one (1) electronic quality control manual for each location of manufacture.

(2) If a manufacturer wishes to obtain approval for one (1) or more points of manufacture, a manufacture's license, and at least one (1) manufacturer's representative license must be issued for each location.

8-614. Council Certification Label.

(1) Each modular building, section, or component containing any portion of a closed system shall bear a certification label prior to leaving the manufacturing plant unless otherwise authorized by the Council. Each certification label shall be assigned and affixed to a specific unit in a visible location as approved by the Council and whenever possible on the electrical distribution panel cover.

(2) Certification labels are not transferable and void when not affixed to the building, room or component for which they are assigned. All voided certification labels shall be returned to, or may be confiscated by the Council.

(3) The control of certification labels shall remain with the Council and may be revoked by the Council in the event of violation of the conditions of approval.

8-615. Certification Label Application and Issuance.

(1) A certification label request application, along with the appropriate fee, shall be submitted by the manufacturer to the Council. The application shall include the manufacturer's model serial number of each unit for which a certification label is required. Additionally, the manufacturer shall file with the Council a certification label disposition report on a form approved by the Council at least monthly, which indicates the model serial number, certification label number, and final location of each modular unit.

(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.

8-616. Repealed.

8-617. Removal of Certification Labels.

(1) In the event that a modular building or component bearing a certification label is found to be in violation of the approved plans, the approved inspection agency or the Council shall remove the certification label and furnish the manufacturer with a written statement of all violations.

(2) Following correction of all violations, the manufacturer shall request an inspection to be made by the approved inspection agency or Council, before a replacement certification label may be issued.

(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

170 FINAL REGULATIONS

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.

8-618. Schedule of Fees.

The Council may charge fees as shown in South Carolina Code of Regulations Chapter 10-7. All application and filing fees are payable at the time of submittal and are nonrefundable.

8-619. Appeal Procedures.

(1) Any person or organization aggrieved by the application of these regulations may initiate an appeal by writing to the Council within thirty (30) days following the date of action upon which the appeal is based. The request shall contain:

(a) the name and address of appellant; and

(b) the names and addresses of all other persons involved; and

(c) a summary of the action from which the appeal is taken; and

(d) the grounds of disagreement with the action from which the appeal is taken; and

(e) a statement that the appellant desires a hearing or decision based on written arguments and documents submitted; and

(f) the signature of the appellant or responsible officer if the appellant is an organization; and

(g) additional documents as the appellant may consider pertinent.

(2) Call of meeting. Upon receipt of a request, the Department shall call a meeting of the Council to be held within forty-five (45) days of the request. The Department shall provide written notice of the time, date, and place of the hearing to the appellant and all persons indicated in the request.

(3) Evidence. Technical rules of evidence shall not be applicable and all relevant evidence of reasonable value may be received.

(4) Ruling. A ruling of the Council shall require a majority vote of the members present. A record of the meeting, stating the Council's ruling and reasons therefore, shall be maintained for public review.

(5) Notification of ruling. The Department shall notify the appellant of the ruling within ten (10) days of the decision of the Council.

8-620. License Application Requirements.

(1) Every manufacturer that produces modular buildings to be erected in South Carolina, must be licensed in accordance with the Act and these regulations. The application for a modular building manufacturer's license shall include, but not be limited to the following:

(a) the name of the business; and

(b) the address or location of the business; and

(c) the state in which the manufacturer is incorporated; and

(d) a statement of the business history of each owner, partner, or officer of the manufacturing firm or corporation, for the past seven (7) years.

(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.

(2) Every manufacturer shall employ at least one (1) representative, who will be responsible for the sale of modular buildings or components. All manufacturer’s representatives must be licensed in accordance with the Act and these regulations. The application for a modular building manufacturer’s representative license shall include, but not be limited to:

(a) the name of the applicant; and

(b) the residence address of the applicant; and

(c) the names and addresses of previous employers for the past three (3) years.

8-621. Sale of Modular Buildings.

(1) Only South Carolina licensed manufacturer’s representatives or South Carolina licensed homebuilders or South Carolina licensed general contractors in the building classification within the group limitations of the license are permitted to sell modular buildings or components to consumers on a retail basis, provided that;

(a) if the modular building is purchased by a residential builder operating as a firm, the firm must meet the requirements of Sections 40-59-400 and 40-59-410, including, when applicable, the requirement to hold a residential business certificate of authorization issued by the Residential Builders Commission, or

(b) if the modular building is purchased by a company operating as a licensed general contractor, the company must meet the definition of an entity in Section 40-11-20 (7) and have a designated primary qualifying party, as required under Section 40-11-230. The primary qualifying party shall serve as the principal individual responsible for directing or reviewing work performed by the licensee in a particular license classification or subclassification; and

(c) the general contractor or residential builder must sell the modular building directly to the consumer and perform, and take responsibility for, erection of the structure and all its related systems and site work or must contract to have this work performed by a properly licensed general contractor or residential builder. A sales contract is required and must identify the seller and buyer by name.

8-622. License Issued.

(1) A license shall be issued by the Council when it is determined that the information contained on the application is in compliance with these regulations.

(2) Any change in the information presented on the original application shall be submitted to the Council within twenty (20) days.

8-623. Security Requirement.

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.

172 FINAL REGULATIONS

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.

8-624. Duties and Responsibilities of Council.

(1) The Council shall keep minutes and records of all its transactions, proceedings and meetings, and duly certified copies thereof shall be sufficient to comply with the rules of evidence.

(2) The Council shall investigate on its own initiative or upon written complaint, allegations of wrongful acts involving a manufacturer, or manufacturer's representative in accordance with the provisions of Sections 40-1-80 and 40-1-90.

8-625. Denial, Revocation or Suspension of License.

In addition to the grounds provided for in Section 40-1-110, the Council, upon a majority vote, may cancel, suspend, refuse, deny, revoke or restrict any license issued for any of the following reasons:

- (a) providing false or inaccurate information on any license application; or
 - (b) willfully or intentionally failing to comply with any provision of the Act or these regulations; or
 - (c) failing to have an established place of business; or
 - (d) employment of fraudulent methods or practices; or
 - (e) using unfair methods of competition or deceptive acts or advertising; or
 - (f) failing to obtain a license before doing business in South Carolina; or
 - (g) failing to appear before the Council upon due notice or follow directives of the Council or Department;
- or
- (h) failing to comply with adopted codes or standards in the manufacture, sale, or delivery of modular buildings; or
 - (i) offering for sale unlicensed manufacturer's products, either wholesale or retail; or
 - (j) selling a modular building or component, for the purpose of resale, to an individual or entity other than a general contractor or residential builder.

After a hearing and a determination by the Council that one or more of the grounds for discipline exist, the Council may impose sanctions in accordance with Section 40-1-120.

8-626. Erection.

(1) Modular buildings shall be erected by South Carolina licensed general contractors or residential home builders within the limitations of their license classifications in accordance with the manufacturer's recommended erection procedures and the building codes adopted in these regulations. Upon completion of erection, modular buildings shall be considered equal to structures constructed on site in a conventional manner.

The general contractor or residential builder must assume the same responsibilities and liabilities for the work which they perform, as if the buildings were constructed on-site. All manufacturers, general contractors and residential builders to the extent of their work, shall be subject to the provisions of Section 15-3-630.

(2) All warranty periods offered by the manufacturers of modular buildings, building systems, building components and appliances will begin at the time the consumer takes possession of the building.

8-627. Exemption.

(1) Factory built structures meeting all of the following criteria will be exempt from these regulations. To be exempt the unit must:

- (a) be designed for continuous over-the-road travel; and
- (b) have a maximum width of eight (8) feet in its transportable mode; and
- (c) have a maximum length of fifty (50) feet; and
- (d) have permanently mounted running lights; and
- (e) have a current license plate; and
- (f) have permanent axle(s) and under carriage system; and
- (g) have stabilizers and permanent front jack stands; and
- (h) have a permanent fifth (5th) wheel connection; and
- (i) have a permanent suspension system; and
- (j) provide an electrical cord for temporary electrical service.

(2) Self-propelled structures, containing an integral cab and licensed as a motor vehicle will be exempt from these regulations.

8-628. Recertifying.

(1) Modular buildings, originally constructed, certified and labeled in accordance with the act and these regulations, may be recertified and relabeled if all of the following conditions are met.

- (a) the original manufacturer must hold a current license issued in accordance with the act and these regulations; and
- (b) the original certification label(s) must be attached to the building and be in good, legible condition; and
- (c) the building must be returned to the original manufacturing facility; and
- (d) the building must be certified by an approved inspection agency as meeting all requirements of the building codes in effect and recognized by the Council at the time of recertification; and
- (e) the manufacturer must install a new data plate on the building while at the manufacturing facility; and

174 FINAL REGULATIONS

(f) the approved inspection agency must install a new certification label on the building while at the manufacturing facility; and

(g) the manufacturer must pay the fee for recertification and purchase a new certification label; and

(h) the approved inspection agency must be present and witness the installation of the new certification label issued by the Council while at the manufacturing facility.

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.

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.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Rationale:

The proposed regulations will update and clarify its regulations, remove material that is duplicative of or conflicts with statute, delete obsolete references, and repeal unnecessary regulations. More specifically, the regulations will clarify requirements for all registrants. It will clarify continuing education requirements, including reflecting biennial licensure, adding options for obtaining continuing education credit for passage of ICC exams, allowing for self-paced coursework, and adding continuing education waivers for states of emergency and for illness and disability. The regulation will update the investigative process to comport with the description in Chapter 1 of Title 40 of the Code of Laws. The proposed regulations will also update the building code modification procedure and amend the requirements for the study committee. The proposed regulations will update the South Carolina Modular Buildings Construction Act to include modernizing requirements for plan submission and amending requirements for certification label application and issuance, among other changes.