

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

**A BILL**

11 TO AMEND SECTION 6-9-5 OF THE 1976 CODE, RELATING  
12 TO PUBLIC POLICY FOR BUILDING CODES, TO PROVIDE  
13 THAT ALL STATE REGULATORY AGENCIES SHOULD  
14 ENFORCE THE SAME CODES UNLESS OTHERWISE  
15 MANDATED BY THE FEDERAL GOVERNMENT AND TO  
16 PROVIDE THE INTENT OF THE GENERAL ASSEMBLY; TO  
17 AMEND CHAPTER 9, TITLE 6, BY ADDING SECTIONS 6-9-8  
18 AND 6-9-9, TO PROVIDE THAT ALL TECHNICAL REVIEW  
19 COMMITTEES SHALL BE COMPOSED OF INDIVIDUALS  
20 WITH CURRENT APPROPRIATE SOUTH CAROLINA STATE  
21 LICENSES, REGISTRATIONS, AND CERTIFICATIONS FOR  
22 THEIR POSITION WITHIN THE COMMITTEE; TO AMEND  
23 SECTION 6-9-10, RELATING TO THE ENFORCEMENT OF  
24 BUILDING CODES, TO PROVIDE THAT AGENCIES SHALL  
25 ENFORCE BUILDING CODES; TO AMEND SECTION 6-9-14,  
26 RELATING TO FEES AND PERMITS FOR WHEELCHAIR  
27 RAMPS, TO PROVIDE THAT A MUNICIPALITY OR COUNTY  
28 MAY NOT CHARGE A PERMIT FEE OR REQUIRE A PERMIT  
29 FOR A WHEELCHAIR ACCESS RAMP BUILT WITH  
30 MEDICARE OR MEDICAID DOLLARS AS LONG AS THE  
31 CONSTRUCTION IS PERFORMED, OVERSEEN, OR  
32 INSPECTED BY A SOUTH CAROLINA-RECOGNIZED CODE  
33 ENFORCEMENT OFFICER; TO AMEND SECTION 6-9-40,  
34 RELATING TO THE BUILDING CODE ADOPTION  
35 PROCEDURE, TO PROVIDE A TIMEFRAME IN WHICH THE  
36 COUNCIL IS AUTHORIZED TO REVIEW, ADOPT, MODIFY,  
37 AND PROMULGATE BUILDING CODES FOR RESIDENTIAL  
38 AND COMMERCIAL STRUCTURES, TO PROVIDE WHAT  
39 INFORMATION MUST BE INCLUDED IN A NOTICE OF  
40 INTENTION TO ADOPT OR MODIFY BUILDING CODES,  
41 AND TO UPDATE THE COMMITTEE RECOMMENDATION  
42 AND COUNCIL ADOPTION PROCEDURE; TO AMEND

1 SECTION 6-9-50(A), RELATING TO ADOPTION BY  
2 REFERENCE OF NATIONALLY RECOGNIZED CODES AND  
3 STANDARDS, TO PROVIDE THAT THE COUNCIL MAY  
4 PROMULGATE VARYING CODE REQUIREMENTS FOR  
5 DIFFERING USES AND MAY USE THE REQUIREMENTS OF  
6 A NATIONALLY KNOWN CODE, A NATIONAL MODEL  
7 CODE, OR A NATIONALLY RECOGNIZED CODE AS  
8 GUIDANCE; TO AMEND SECTION 6-9-60, RELATING TO  
9 ADOPTION BY REFERENCE OF CERTAIN NATIONALLY  
10 RECOGNIZED CODES AND STANDARDS, TO PROVIDE  
11 THAT MUNICIPALITIES AND COUNTIES MAY ADOPT BY  
12 REFERENCE ONLY THE LATEST EDITIONS OF THE CODE  
13 APPROVED AND PROMULGATED BY THE COUNCIL; TO  
14 AMEND SECTION 6-9-63, RELATING TO THE SOUTH  
15 CAROLINA BUILDING CODES COUNCIL, TO UPDATE THE  
16 PRIMARY FUNCTION OF THE COUNCIL AND TO PROVIDE  
17 THAT THE SOUTH CAROLINA DEPARTMENT OF LABOR,  
18 LICENSING AND REGULATION SHALL PROVIDE THE  
19 COUNCIL AND TECHNICAL REVIEW COMMITTEES WITH  
20 A PRINTED OR AN ELECTRONIC COPY OF THE RELEVANT  
21 CODES BEING ENFORCED OR REVIEWED BY THE  
22 COUNCIL AND THE COMMITTEE; TO AMEND SECTION  
23 6-9-105(A), RELATING TO VARIATIONS BASED ON  
24 PHYSICAL OR CLIMATOLOGICAL CONDITIONS, TO  
25 PROVIDE THAT PROPOSED VARIATIONS AND  
26 MODIFICATIONS BY A MUNICIPALITY OR COUNTY MUST  
27 BE SUBMITTED TO AND APPROVED BY THE COUNCIL;  
28 AND TO REPEAL SECTION 6-9-55.

29

30 Be it enacted by the General Assembly of the State of South  
31 Carolina:

32

33 SECTION 1. Section 6-9-5 of the 1976 Code is amended to read:

34

35 “Section 6-9-5. (A) The public policy of South Carolina is to  
36 maintain reasonable and consistent standards of construction in  
37 buildings and other structures in the State ~~consistent with~~ in order to  
38 protect the public health, safety, and welfare of its citizens. To  
39 effectuate this policy, all state regulatory agencies shall enforce the  
40 South Carolina Building Codes. To secure these purposes, a person  
41 performing building codes enforcement must be certified by the  
42 South Carolina Building Codes Council, and this act is necessary to  
43 provide for certification.

1 (B) To clarify the intent of the General Assembly and address  
2 questions which might arise or have arisen with respect to  
3 provisions of the ~~nationally known~~ codes which have been or are in  
4 place, ~~only those portions or provisions of the nationally known~~  
5 ~~building and safety codes which relate to building standards and~~  
6 ~~safety are~~ South Carolina Building Codes, are the only codes  
7 binding upon a state or local governmental entity or agency which  
8 adopts the building and safety codes authorized or required by this  
9 chapter.

10 (C) To further clarify the intent of the General Assembly,  
11 Chapter 9, Title 23 continues to apply to a person who may act under  
12 authority of the State Fire Marshal and that the allocation of  
13 inspection duties among local officials is not dictated by Title 6 but  
14 remains a matter for the local authority.”

15

16 SECTION 2. Chapter 9, Title 6 of the 1976 Code is amended by  
17 adding:

18

19 “Section 6-9-8. For the purposes of this chapter:

20 (1) ‘Agency’ or ‘state agency’ means each state board,  
21 commission, department, executive department, or office, other than  
22 the South Carolina Building Codes Council, General Assembly, or  
23 the courts, charged with the regulation of buildings or other  
24 structures by enforcing a nationally recognized code. An agency is  
25 charged with the regulation of buildings or other structures by  
26 enforcing a nationally recognized code if the code is referenced in  
27 the statutes or regulations administered by that agency.

28 (2) ‘Building code’ or ‘The South Carolina Residential Code’ or  
29 ‘The South Carolina Commercial Code’ means building, electrical,  
30 plumbing, mechanical, gas or fire codes promulgated by the South  
31 Carolina Building Codes Council.

32 (3) ‘Council’ means the South Carolina Building Codes  
33 Council.

34 (4) ‘Committee’ means the residential technical review  
35 committee or the commercial technical review committee having  
36 jurisdiction over the issue.

37 (5) ‘Residential technical review committee’ means the body  
38 having authority over building codes affecting non-commercial one-  
39 family or two-family homes.

40 (6) ‘Commercial technical review committee’ means the body  
41 having authority over building codes affecting commercial or  
42 institutional buildings.

1 (7) 'Department' means the South Carolina Department of  
2 Labor, Licensing and Regulation.

3  
4 Section 6-9-9. All technical review committees shall be  
5 composed entirely of individuals with current appropriate South  
6 Carolina state licenses, registrations, and certifications for their  
7 position within the committee. Each of these individuals shall have  
8 served as a design professional, contractor, code enforcement  
9 officer, or fire marshal for a minimum of ten years cumulatively and  
10 be a resident of South Carolina. Members of the technical review  
11 committees shall be appointed by the head of the department upon  
12 recommendation by the Senate Labor, Commerce and Industry  
13 Committee.”

14  
15 SECTION 3. Section 6-9-10(A) of the 1976 Code is amended to  
16 read:

17  
18 “Section 6-9-10. (A) All agencies and municipalities, as defined  
19 by Section 5-1-20, and counties in this State shall enforce  
20 building, ~~energy~~, electrical, plumbing, mechanical, gas, and fire  
21 codes, referred to as building codes in this chapter, relating to the  
22 construction, livability, sanitation, erection, ~~energy efficiency~~,  
23 installation of equipment, alteration, repair, occupancy,  
24 classification, or removal of structures located within their  
25 jurisdictions and promulgate regulations to implement their  
26 enforcement. The ~~municipality or county enforcing authority~~ shall  
27 enforce only the national building and safety codes provided in as  
28 promulgated in accordance with this chapter.”

29  
30 SECTION 4. Section 6-9-14 of the 1976 Code is amended to read:

31  
32 “Section 6-9-14. A municipality or county may not charge a  
33 permit fee or require a permit for a wheelchair access ramp built  
34 with Medicare or Medicaid dollars as long as the construction is  
35 performed, overseen, or inspected by ~~an Americans with Disabilities~~  
36 ~~Act inspector~~ a South Carolina-recognized code enforcement  
37 officer.”

38  
39 SECTION 5. Section 6-9-40 of the 1976 Code is amended to read:

40  
41 “Section 6-9-40. (A) The Council is authorized to review, adopt,  
42 modify, and promulgate the residential building codes, referenced  
43 in Section 6-9-50, no later than six years from the date of

1 implementation of the previously adopted South Carolina Building  
2 Codes and the commercial building codes, referenced in Section  
3 6-9-50, no later than three years from the date of implementation of  
4 the previously adopted South Carolina Building Codes, provided  
5 that:

6 (1) a notice of intention to adopt a code, adopt a new edition  
7 of a code, or modify an existing code must be published in the State  
8 Register as a Notice of General Interest, on websites published by  
9 the Department of Labor, Licensing and Regulation, and must be  
10 provided to each local building department with instructions for its  
11 prominent display;

12 (2) the notice must include:

13 (a) the address to which interested persons may submit  
14 written comments; ~~and~~

15 (b) instructions for filing an intention to appear before or  
16 provide evidence or comments concerning the code to the technical  
17 review committee; and

18 ~~(b)(c)~~ (c) a period of not less than one hundred ~~eighty~~ twenty  
19 days during which comments may be received;

20 ~~(3) comments must be assigned to a study committee~~  
21 ~~appointed by the council which shall publish Notice of General~~  
22 ~~Interest in the same manner as provided in item (1) setting out the~~  
23 ~~committee's scope of review. The notice must give instructions for~~  
24 ~~filing an intention to appear before or provide evidence or comments~~  
25 ~~to the committee, or both. The committee must be comprised of at~~  
26 ~~least three people with different technical backgrounds; and~~

27 ~~(4)~~(3) the committee shall hold at least one public meeting,  
28 accept evidence and comments, and make a written  
29 recommendation to the council recommending the adoption of a  
30 new code or modification of an existing code within one hundred  
31 twenty days. Within one hundred eighty days from the end of the  
32 comment period, sixty days from the date of the committee's report,  
33 the council shall adopt, ~~or modify, or deny~~ the recommendations  
34 from the committee. The council may modify or amend  
35 the ~~code~~ committee's report with at least a two-thirds majority vote  
36 after a finding on the record that the modifications provide a  
37 reasonable degree of public health, and safety, and welfare. The  
38 council must provide a preliminary fiscal impact statement  
39 reflecting estimates of costs to be incurred by the public and state  
40 agencies in complying with the proposed modifications or  
41 amendments.

42 (4) a request for a modification of a provision of the South  
43 Carolina Building Codes, after the committee's recommendations,

1 may be made to the council if requested by twenty-five persons, by  
2 a governmental subdivision or agency, or by an association having  
3 not less than twenty-five members.

4 (5) the council shall promulgate building code adoptions and  
5 modifications as regulations, in accordance with the procedures and  
6 requirements contained in Article 1, Chapter 23, Title 1. Upon each  
7 promulgation of the modifications and adoption, the South Carolina  
8 Building Codes shall thereafter be designated and recognized as the  
9 South Carolina Building Codes followed by the year of the most  
10 recent promulgation.

11 (B) Any amended or modified code shall be codified as provided  
12 for in Section 1-23-90. The council shall determine whether the  
13 amended or modified code becomes effective on the first day of  
14 January or July, whichever allows a period of six months for training  
15 and education.

16 ~~(B)(1) If it is discovered at any time between building code~~  
17 ~~cycles that an existing building code requirement constitutes a new~~  
18 ~~threat to the life or safety of building occupants that was unknown~~  
19 ~~when the building code was last approved, an emergency building~~  
20 ~~code modification may be made by the council. An emergency~~  
21 ~~building code modification shall take effect on a date established by~~  
22 ~~the council.~~

23 ~~(2) The council must provide notice of a request for an~~  
24 ~~emergency building code modification in the same manner as~~  
25 ~~required for a regular council meeting.~~

26 ~~(3) The council must conduct a hearing to consider an~~  
27 ~~emergency building code modification at an open council meeting,~~  
28 ~~and all proponents and opponents must be given ample time to state~~  
29 ~~their positions.~~

30 (C) Modifications promulgated pursuant to this section do not  
31 require readoption by the council for subsequent editions of the  
32 building codes. Upon submission of a formal request, existing  
33 modifications shall be reconsidered each time a new edition of the  
34 building code is considered for adoption by the council.

35 (D) The council may issue a temporary building code  
36 modification as provided for in Section 1-23-130 if an existing  
37 building code requirement constitutes a new threat to the life or  
38 safety of a building occupant or if an existing building code  
39 requirement is shown to be impractical or detrimental to the  
40 economic welfare of South Carolina homeowners and potential  
41 homebuyers.

42 (1) A written request, along with supporting evidence, for a  
43 temporary building code modification may be made to the council.

1 The council will then submit the written request to the committee.  
2 The committee shall have an open public hearing within ten days of  
3 receiving the request to make a recommendation.

4 (2) Should the committee find grounds for a temporary code  
5 modification, the committee shall forward its recommendation to  
6 the council. The council shall then schedule an open meeting within  
7 seven days to act on the committee's recommendation."

8  
9 SECTION 6. Section 6-9-50(A) of the 1976 Code is amended to  
10 read:

11  
12 ~~“Section 6-9-50. (A) The council shall adopt by reference and~~  
13 ~~amend only the latest editions of the following nationally recognized~~  
14 ~~codes and the standards referenced in those codes for regulation of~~  
15 ~~construction within this State: building, residential, gas, plumbing,~~  
16 ~~mechanical, fire, and energy codes as promulgated, published, or~~  
17 ~~made available by the International Code Council, Inc. and the~~  
18 ~~National Electrical Code as published by the National Fire~~  
19 ~~Protection Association. The appendices of the codes provided in this~~  
20 ~~section may be adopted as needed, but the specific appendix or~~  
21 ~~appendices must be referenced by name or letter designation at the~~  
22 ~~time of adoption. However, the provisions of the codes referenced~~  
23 ~~in this section which concern the qualification, removal, dismissal,~~  
24 ~~duties, responsibilities of, and administrative procedures for all~~  
25 ~~building officials, deputy building officials, chief inspectors, other~~  
26 ~~inspectors, and assistants do not apply unless they have been~~  
27 ~~adopted by the municipal or county governing body. The council~~  
28 ~~may promulgate varying code requirements for differing uses,~~  
29 ~~including, but not limited to, construction requirements for~~  
30 ~~one-family or two-family dwellings. All regulations contained in the~~  
31 ~~South Carolina Building Codes shall have a reasonable and~~  
32 ~~substantial connection with the public health, safety, or general~~  
33 ~~welfare, and their provisions shall be construed reasonably to those~~  
34 ~~ends. Requirements of the code shall conform to good engineering~~  
35 ~~practice. The council may use as guidance, but is not required to~~  
36 ~~adopt, the requirements of a nationally known code, a national~~  
37 ~~model code, or a nationally recognized code and similar state or~~  
38 ~~national agencies engaged in research concerning the strength of~~  
39 ~~materials, safe design, and other factors bearing upon health and~~  
40 ~~safety.”~~

41  
42 SECTION 7. Section 6-9-60 of the 1976 Code is amended to read:  
43

1 “Section 6-9-60. Municipalities and counties may adopt by  
2 reference only the latest ~~editions of the following nationally~~  
3 ~~recognized codes and the standards referenced in those codes~~ edition  
4 of the code approved and promulgated by the council for regulation  
5 of construction within their respective jurisdictions: property  
6 maintenance, performance codes for buildings and facilities,  
7 existing building, and swimming pool codes as promulgated,  
8 published, or made available by the International Code Council, Inc.  
9 The appendices of the codes provided in this section may be adopted  
10 as needed by a municipality or county, but the specific appendix or  
11 appendices must be referenced by name or letter designation in the  
12 adopting ordinance. However, the provisions of the codes  
13 referenced in this section which concern the qualification, removal,  
14 dismissal, duties, responsibilities of, and the administrative  
15 procedures for all building officials, deputy building officials, chief  
16 inspectors, other inspectors, and assistants do not apply unless they  
17 have been adopted by the municipal or county governing body.”

18

19 SECTION 8. A. Section 6-9-63(C) of the 1976 Code is amended to  
20 read:

21

22 “(C) The primary function of the council is to accept all requests  
23 for variation from the series of codes listed in this chapter and to  
24 determine which variations, if any, are justified by local conditions  
25 and can be enacted after a finding on the record that the modification  
26 provides a reasonable degree of public health, safety, affordability,  
27 and welfare.”

28

29 B. Section 6-9-63 of the 1976 Code is amended by adding a new  
30 subsection at the end to read:

31

32 “(F) The department shall provide the council and the technical  
33 review committees with a printed or an electronic copy of the  
34 relevant codes being enforced or reviewed by the council and the  
35 committee.”

36

37 SECTION 9. Section 6-9-105(A) of the 1976 Code is amended to  
38 read:

39

40 “Section 6-9-105. (A) If a municipality or county contends that  
41 the codes authorized by this chapter do not meet its needs due to  
42 local physical or climatological conditions, the proposed variations

1 and modifications must be submitted to ~~the council~~ and approved by  
2 the council in accordance with Section 6-9-40."

3

4 SECTION 10. Section 6-9-55 of the 1976 Code is repealed.

5

6 SECTION 11. This act takes effect upon approval by the  
7 Governor.

8

---XX---

9