

2022 Legislative Update Building Codes Council

The following bills were enacted by the General Assembly during the 2022 legislative session and impact the Building Codes Council and/or Building Codes Council licensees:

Membership of the SC Building Codes Council, [S.934/Act 205](#)

S.934 requires that the architect's seat on the Building Codes Council be selected from a list of qualified candidates submitted to the Governor by the South Carolina Chapter of the American Institute of Architects. The Act also adds a requirement that all council members be a resident of this State.

Effective date: May 18, 2022

Modifications to Residential Home Builders Act, [H.3606/Act 186](#)

H.3606 modified the South Carolina Residential Home Builders Act. First, it adds a statute, S.C. Code Ann. § 40-59-265, which exempts certain improvements to residential property from building permit and licensure requirements when the work is performed by an owner of such property. Subsection (A) provides a list of the exempted improvements to include categories for building, electrical, gas, mechanical, and plumbing. When making the exempted improvements to one's residential property, an owner is not required to obtain a building permit or have a builder or specialty contractor license to perform the work. As a result, a homeowner performing these exempted improvements is not required to sign a disclosure statement pursuant to S.C. Code Ann. § 40-59-260.

Second, the definition of "residential specialty contractor" in S.C. Code Ann. § 40-59-20(7) was modified in several respects:

- The phrase "who is not a licensed residential builder" was removed to allow a person to hold both a residential builder license and any of the residential specialty contractor registrations or licenses at the same time. This is also specifically stated in the last paragraph of the modified definition.
- The undertaking amount which requires registration or licensure was increased from two hundred dollars to five hundred dollars.
- "Solar panel installers" was added as an area of contracting consistent with the Commission's regulations.
- It specifies that the mechanical trades are issued specialty contractor *licenses* that require an examination while the other trades are issued specialty contractor *registrations*.
- It adds a statement that a residential specialty contractor cannot subcontract or hire or employ others to perform work that is outside the scope of their license or registration.
- It clarifies that a residential builder can perform work in any of the areas of contracting identified in the definition of "residential specialty contractor" without separately obtaining a residential specialty contractor license or registration in that trade. This includes the

mechanical trades *except where the builder has "RBW" shown on the license, indicating that a reciprocal license was issued without testing in the mechanical trades.*

Effective date: May 16, 2022

Disclaimer: This legislative update is not intended as legal advice. LLR is providing this legislative update to notify licensees of recently enacted legislation that may impact his or her practice area or license. This legislative update provides only a high level overview of enacted legislation and licensees are urged to review the entire enacted legislation, which is available in the hyperlinks above.