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- (3) Compliance with the record keeping requirements of this chapter;
- (4) Operation of the retort and processing cremains, including specific safety precautions;
- (5) Packaging and delivery of cremains.

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 updated regulations will clarify apprentices' quarterly reporting requirements (R.57-06.1); provide guidance on licensure by endorsement when an applicant's jurisdiction does not have substantially similar licensure requirements (R.57-08); establish time lines for filing renewal applications with the Board (R.57-09); establish a residency requirement for funeral home managers and require owners of funeral establishments to be licensed funeral directors (R.57-10); amend the continuing education period to reflect biennial renewal and delete a requirement that the continuing education represent an in depth study of three different topics (R.57-11); and add a section regarding listing individuals employed at an establishment on the website.

Document No. 5089
DEPARTMENT OF LABOR, LICENSING AND REGULATION
MANUFACTURED HOUSING BOARD
CHAPTER 79
Statutory Authority: 1976 Code Section 40-29-10(D)(3)-(7)

- 79-6. License Renewal.
- 79-15. Retail Dealer Sales Transactions.
- 79-21. Installers.
- 79-22. Repairers.
- 79-23. Contractors.

Synopsis:

The South Carolina Manufactured Housing Board is considering proposing amendments to Chapter 79 to update and clarify R.79-6(D) regarding the continuing education requirements for the two-year licensing period, the carry-over of credits to the next licensing period, and allowing apprentice retail salespersons to accumulate continuing education credit towards requirements before the actual license begins. Furthermore, the South Carolina Manufactured Housing Board is considering amending R.79-15B to remove the requirement of all costs totaling the sales price from the contract for sale and amending R.79-21(B), 79-22(B) and 79-23(B) to remove the requirement of a certificate of completion for installers, repairers, and contractors.

A Notice of Drafting was published in the *State Register* on August 27, 2021.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

- 79-6. License Renewal.
 - (A) Penalty for failure on the part of the applicant to file a renewal application shall be as follows:
 - (1) A late fee will be assessed for applications received after the end of the renewal period.

(2) If a licensee fails to renew within six months the applicant/authorized official is required to qualify as a new applicant.

(B) Continuation in business without proper license will be deemed a violation of the Act.

(C) All license renewals must be accompanied by a current criminal background check, and verification that the applicant has obtained the required continuing education with the exception of manufacturers.

(D) Continuing Education

(1) To qualify for registration renewal, a registrant must accumulate a minimum of six (6) hours of continuing education per two-year licensing period. One (1) hour of continuing education shall be awarded for each hour of active participation in continuing education approved by the Board.

(a) Providers shall provide a course outline for review by the Board before approval. Approval of a course shall be valid for two years, after which the course must be resubmitted to the Board.

(b) Registrants who have earned more than six (6) hours of continuing education during a two-year licensing period may carry over up to two (2) hours to the next licensing period.

(c) A Manufactured Home Apprentice Salesperson may take continuing education classes and be credited hours earned toward any continuing education requirements the individual may have during the same licensing period as a Retail Salesperson or Retail Multi-lot Salesperson.

(2) Continuing education classes must concern South Carolina or federal laws, regulations and judicial decisions that affect the sale, installation or repair of manufactured homes.

(3) 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 twelve (12) or less months before expiration, no hours.

(b) For registrations issued more than twelve (12) months before expiration, three (3) hours.

79-15. Retail Dealer Sales Transactions.

A. Each retail dealer shall furnish each Consumer purchasing a manufactured home a copy of any and all documents pertaining to the sale of the manufactured home, which include, but are not limited to, the following:

(1) A Copy of Purchase Agreement;

(2) Contract of Sale;

(3) Closing statement, including the purchase price, all funds paid and to be paid by the Consumer, receipt and disposition of all other funds relevant to the sales transaction, except those funds related to sales commissions and profit by the dealer;

(4) Homeowner's Manual and Installation Manual; and

(5) Warranties and Manuals for Appliances, Roof and Siding, if applicable.

B. A contract for sale for a manufactured home between a retail dealer and a consumer must contain an itemized list of all options and on site work to be included as part of the sales agreement. In addition, the following certifications must be obtained before the completion of the sales transaction when the manufactured home is to be placed on property in South Carolina or to be installed by the retail dealer:

(1) Meets applicable zoning requirements as submitted by consumer to the retail dealer for certification to contract, the consumer must certify in writing to the retail dealer that the manufactured home meets the applicable zoning requirements for the property on which the home is to be installed;

(2) Meets or can be made to meet regulations of the South Carolina Department of Health and Environmental Control (SCDHEC) governing wells and septic tanks, if the property is served or is to be served by a well or septic tank, or both. The consumer must provide a form from the Department of Health and Environmental Control certifying to the retail dealer that the property on which the manufactured home is to be located meets or can be made to meet regulations of the Department of Health and Environment Control criteria governing wells or septic tanks or both, if the manufactured home is to be served by a well or septic tank or both. The certification form must be kept as a part of the permanent record of the sale of the home and maintained by the retail dealer;

(3) Further, the contract must have attached a certification submitted by the retail dealer, that if the manufactured home per the contract is to be installed in South Carolina that the installation will meet installation requirements of the Board;

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(4) Failure by a retail dealer and/or salesperson or multi-lot salesperson to have these certifications attached to the contract shall be cause for the Board to suspend or revoke a retail dealer license or take other corrective action as provided in the Act or these Regulations.

C. Each retail dealer is required at the time of sale of a manufactured home to make a full disclosure to the buyer, concerning the disposition of the wheels, axles and hitch(es), and such disclosure must be signed and approved by the purchaser.

D. Each retail dealer is required at the time of sale of a manufactured home to present conspicuous notice to the consumer that if the new manufactured home is moved from the initial installation site during the term of the warranty period, the new home warranty does not apply to a defect or damage caused by the move.

E. The following provisions shall govern all transactions in which a retail dealer is involved in a transfer of a pre-owned manufactured home between a consumer and a seller, other than the retail dealer:

(1) The retail dealer's role is that of a fiduciary to his principal;

(2) In all such transactions which require a transfer of title, the retail dealer must:

(a) Determine the status of title, including all recorded liens and security interests, of the manufactured home according to the title records of the Department of Public Safety; and

(b) Disclose in writing to all parties in the transaction the status of the home as shown by such records.

79-21. Installers.

(A) An installer's license entitles its holder to install manufactured homes on a contract or subcontract basis for manufacturers, dealers or home purchasers. All work must be in compliance with all applicable federal, state statutes, regulations and standards. Work authorized by an installer's license is limited to:

(1) transportation of the manufactured home from dealership to stand:

(2) stand preparation:

(3) physical placement of the manufactured home on the stand:

(4) physical connection of sections and structural, nonstructural and mechanical components of the manufactured home:

(5) installation of foundation system, piers, block work, ground anchors and tiedown straps, leveling, vapor barrier, prefabricated steps: and,

(6) physical connection and testing of electrical, plumbing, gas and mechanical components and services, unless otherwise authorized by law.

(B) All work undertaken by an installer must be accomplished in good and workmanlike manner.

(C) Electric, water, sewer and gas utilities must not be connected until the manufactured home is properly blocked and leveled.

(D) An installer's license does not permit an individual to perform modifications or repairs to any manufactured home.

79-22. Repairers.

(A) A repairer's license entitles its holder to modify or repair manufactured homes on a contract or subcontract basis for manufacturers, dealers or home purchasers. All work must be in compliance with all applicable federal, state statutes, regulations and standards. Work authorized by a repairer's license is limited to repair of components, systems, appliances, fixtures or devices on or in a manufactured home;

(B) All work undertaken by a repairer must be accomplished in a good and workmanlike manner. (C) A repairer's license does not permit an individual to install a manufactured home.

79-23. Contractors.

(A) A contractor's license entitles its holder to install, modify or repair manufactured homes on a contract or subcontract basis for manufacturers, dealers or home purchasers. All work must be in compliance with all applicable federal, state statutes, regulations and standards. Work authorized by a contractor's license is limited to:

(1) all work authorized for installers and repairers;

(2) construction of porches, decks, ramps, handrails and guardrails: and,

(3) installation of awnings and other add-on components produced specifically for use on or in manufactured homes.

(B) All work undertaken by a contractor must be accomplished in a good and workmanlike manner.

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 South Carolina Manufactured Housing Board is considering proposing amendments to Chapter 79 to update and clarify R.79-6(D) regarding the continuing education requirements for the two-year licensing period, the carry-over of credits to the next licensing period, and allowing apprentice retail salespersons to accumulate continuing education credit towards requirements before the actual license begins. Furthermore, the South Carolina Manufactured Housing Board is considering amending R.79-15B to remove the requirement of all costs totaling the sales price from the contract for sale and amending R.79-21(B), 79-22(B) and 79-23(B) to remove the requirement of a certificate of completion for installers, repairers, and contractors.

Document No. 5049
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF MEDICAL EXAMINERS
CHAPTER 81
Statutory Authority: 1976 Code Sections 40-1-70, 40-47-10, and 40-47-110

81-110. Criteria for Physician Supervision of Nurses in Extended Role.

Synopsis:

The South Carolina Board of Medical Examiners proposes to repeal R.81-110.

A Notice of Drafting was published in the *State Register* on February 26, 2021.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

81-110. Repealed.

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 South Carolina Board of Medical Examiners proposes to repeal R.81-110 as it has been superseded by statute.