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AS PASSED BY THE SENATE

May 13, 2009

**S. 791**

Introduced by Senator L. Martin

S. Printed 5/13/09--S.

Read the first time May 6, 2009.

**A** **BILL**

TO REQUIRE THE SOUTH CAROLINA BUILDING CODES COUNCIL TO ADOPT CERTAIN SEISMIC AND WIND MAPS FOR THE STATE UNTIL THE YEAR 2012 WHEN THE INTERNATIONAL RESIDENTIAL CODE (IRC) IS ADOPTED IN THIS STATE; AND TO AMEND SECTION 6‑9‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BUILDING CODE ADOPTION PROCEDURE, SO AS TO PROVIDE THAT THE COMMUNITY MAY OPT OUT OF THESE BUILDING CODE MODIFICATIONS IN CERTAIN CIRCUMSTANCES.

Amend Title To Conform

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

SECTION 1. (A) The South Carolina Building Codes Council is directed to request a review of the impact of modifications to the wind and seismic requirements of the South Carolina Residential Building Code from the following organizations as provided below:

(1) Federal Emergency Management Association regarding the impact of such modifications on South Carolina’s post-disaster and recovery funding following the issuance of a federal disaster declaration;

(2) National Flood Insurance Program regarding the impact of such modifications on communities participating in the Community Rating System; and

(3) Insurance Services Office regarding the impact of such modifications of Building Code Effectiveness Grading Schedule classifications for South Carolina communities.

Upon receipt of written responses from the organizations listed in this subsection, the council shall modify the wind and seismic requirements of the South Carolina Residential Building Code if the responses indicate that the modifications will not adversely impact the State’s federal funding eligibility nor directly result in retrograding of community rating classifications. The modification shall incorporate the risk-based seismic and wind maps developed by Clemson University and The Citadel and included in the wind and seismic residential building requirements reports submitted in accordance with Proviso 65.10 of 2008 Act No. 310, the General Appropriations Act.

(B) The South Carolina Building Codes Council, in cooperation with the study team from Clemson University and The Citadel, shall develop a ZIP code‑based table for determining the seismic design category and design wind speed for Category II residential buildings and indicate if the IRC prescriptive requirements for conventional construction can be used to meet the requirements for wind and seismic design. The location of the geographic centroid for each ZIP code area must be used to determine the values appearing in this ZIP code‑based table.

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

“Section 6-9-135. Notwithstanding any other provision of law, a county or municipality may adopt by reference or otherwise the provisions in the latest edition of the International Residential Code (IRC), including the wind and seismic provisions, necessary to prevent the community’s rating for purposes of premium credits from being retrograded to a lower class through one of the following:

(1) the Community Rating System community classification developed by the National Flood Insurance Program; or

(2) the Building Code Effectiveness Grading Schedule classification developed by the Insurance Services Office.

This exclusion also includes class improvements or new enrollments for the Community Rating System.”

SECTION 3. This act takes effect upon approval by the Governor.

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