**South Carolina General Assembly**

124th Session, 2021-2022

**A186, R204, H3606**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. G.M. Smith, Yow, Sandifer, Erickson and Bradley

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Introduced in the House on January 12, 2021

Introduced in the Senate on March 3, 2021

Last Amended on April 20, 2022

Passed by the General Assembly on April 26, 2022

Governor's Action: May 16, 2022, Signed

Summary: Exempt certain improvements made to residential property from permit requirements and other provisions

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/12/2021 House Introduced and read first time ([House Journal‑page 256](file:///h%3A%5Chj%5C20210112.docx))

 1/12/2021 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 256](file:///h%3A%5Chj%5C20210112.docx))

 1/26/2021 House Member(s) request name added as sponsor: Yow

 2/11/2021 House Member(s) request name added as sponsor: Sandifer

 2/24/2021 House Committee report: Favorable with amendment **Labor, Commerce and Industry** ([House Journal‑page 3](file:///h%3A%5Chj%5C20210224.docx))

 2/25/2021 House Member(s) request name added as sponsor: Erickson, Bradley

 2/25/2021 Scrivener's error corrected

 3/2/2021 House Amended ([House Journal‑page 30](file:///h%3A%5Chj%5C20210302.docx))

 3/2/2021 House Read second time ([House Journal‑page 30](file:///h%3A%5Chj%5C20210302.docx))

 3/2/2021 House Roll call Yeas‑109 Nays‑1 ([House Journal‑page 33](file:///h%3A%5Chj%5C20210302.docx))

 3/3/2021 House Read third time and sent to Senate ([House Journal‑page 12](file:///h%3A%5Chj%5C20210303.docx))

 3/3/2021 Scrivener's error corrected

 3/3/2021 Senate Introduced and read first time ([Senate Journal‑page 13](file:///h%3A%5Csj%5C20210303.docx))

 3/3/2021 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 13](file:///h%3A%5Csj%5C20210303.docx))

 2/1/2022 Senate Committee report: Favorable with amendment **Labor, Commerce and Industry** ([Senate Journal‑page 12](file:///h%3A%5Csj%5C20220201.docx))

 4/20/2022 Senate Committee Amendment Adopted ([Senate Journal‑page 25](file:///h%3A%5Csj%5C20220420.docx))

 4/20/2022 Senate Read second time ([Senate Journal‑page 25](file:///h%3A%5Csj%5C20220420.docx))

 4/20/2022 Senate Roll call Ayes‑44 Nays‑0 ([Senate Journal‑page 25](file:///h%3A%5Csj%5C20220420.docx))

 4/21/2022 Senate Read third time and returned to House with amendments ([Senate Journal‑page 7](file:///h%3A%5Csj%5C20220421.docx))

 4/21/2022 Scrivener's error corrected

 4/26/2022 Scrivener's error corrected

 4/26/2022 House Concurred in Senate amendment and enrolled ([House Journal‑page 28](file:///h%3A%5Chj%5C20220426.docx))

 4/26/2022 House Roll call Yeas‑89 Nays‑13 ([House Journal‑page 28](file:///h%3A%5Chj%5C20220426.docx))

 5/12/2022 Ratified R 204 ([Senate Journal‑page 219](file:///h%3A%5Csj%5C20220512.docx))

 5/16/2022 Signed By Governor

 5/31/2022 Effective date 05/16/22

 5/31/2022 Act No.  186

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**VERSIONS OF THIS BILL**

[1/12/2021](file:///p%3A%5Cpprever%5C2021-22%5C3606_20210112.docx)

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(A186, R204, H3606)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑59‑265 SO AS TO EXEMPT CERTAIN IMPROVEMENTS MADE TO RESIDENTIAL PROPERTY FROM BUILDING PERMIT REQUIREMENTS, AND TO EXEMPT PROPERTY OWNERS WHO MAKE SUCH IMPROVEMENTS FROM RESIDENTIAL BUILDERS COMMISSION LICENSURE REQUIREMENTS; AND TO AMEND SECTION 40‑59‑20, RELATING TO DEFINITIONS CONCERNING THE RESIDENTIAL BUILDERS COMMISSION AND ITS LICENSEES, SO AS TO REVISE THE DEFINITION OF RESIDENTIAL SPECIALTY CONTRACTORS.**

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

**Exemptions from professional licensure**

SECTION 1. Article 1, Chapter 59, Title 40 of the 1976 Code is amended by adding:

 “Section 40‑59‑265. (A) This chapter, including Section 40‑59‑260, does not apply to an owner of residential property who improves the property when the improvements are for the following:

 (1) building:

 (a) one‑story detached accessory structures, provided that the floor area does not exceed two hundred square feet;

 (b) fences not over seven feet high;

 (c) retaining walls that are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge;

 (d) water tanks supported directly upon grade if the capacity does not exceed five thousand gallons and the ratio of height to diameter or width does not exceed two to one;

 (e) sidewalks and driveways;

 (f) painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;

 (g) prefabricated swimming pools that are less than twenty‑four inches deep;

 (h) swings and other playground equipment;

 (i) window awnings supported by an exterior wall that do not project more than fifty‑four inches from the exterior wall and do not require additional support;

 (j) decks not exceeding two hundred square feet in area, that are not more than thirty inches above grade at any point;

 (2) electrical:

 (a) listed cord‑and‑plug connected temporary decorative lighting;

 (b) reinstallation of attachment plug receptacles but not the outlets;

 (c) replacement of branch circuit overcurrent devices of the required capacity in the same location;

 (d) electrical wiring, devices, appliances, apparatus or equipment operating at less than twenty‑five volts and not capable of supplying more than fifty watts of energy;

 (e) minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles;

 (3) gas:

 (a) portable heating, cooking or clothes drying appliances;

 (b) replacement of any minor part that does not alter approval of equipment or make such equipment unsafe;

 (c) portable‑fuel‑cell appliances that are not connected to a fixed‑piping system and are not interconnected to a power grid;

 (4) mechanical:

 (a) portable heating appliances;

 (b) portable ventilation appliances;

 (c) portables cooling units;

 (d) steam, hot‑ or chilled‑water piping within any heating or cooling equipment regulated by the South Carolina Residential Building Code;

 (e) replacement of any minor part that does not alter approval of equipment or make such equipment unsafe;

 (f) portable evaporative coolers;

 (g) self‑contained refrigeration systems containing ten pounds or less of refrigerant or that are actuated by motors of one horsepower or less;

 (h) portable‑fuel‑cell appliances that are not connected to a fixed‑piping system and are not interconnected to a power grid;

 (5) plumbing:

 (a) the stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work must be considered as new work and a permit must be obtained and inspection made as provided in the South Carolina Residential Building Code;

 (b) the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

 (B) The improvements delineated in subsection (A) are exempt from building permit application requirements and an owner of residential property who makes these improvements is not required to have a residential builder or residential specialty contractor’s license or be subject to the penalties provided in this chapter.”

**Residential specialty contractors**

SECTION 2. Section 40‑59‑20(7) of the 1976 Code is amended to read:

 “(7) ‘Residential specialty contractor’ means an independent contractor who contracts with a licensed residential builder, general contractor, or individual property owner to do construction work, repairs, improvement, or reimprovement which requires special skills and involves the use of specialized construction trades or craft, when the undertakings exceed five hundred dollars and are not regulated by the provisions of Chapter 11. A residential specialty contractor is not authorized to construct additions to residential buildings or structures without supervision by a residential builder or other appropriately licensed person or entity. Residential specialty contracting includes the following areas of contracting and other areas as the commission may recognize by regulation:

 (a) plumbers;

 (b) electricians;

 (c) heating and air conditioning installers and repairers;

 (d) vinyl and aluminum siding installers;

 (e) insulation installers;

 (f) roofers;

 (g) floor covering installers;

 (h) masons;

 (i) dry wall installers;

 (j) carpenters;

 (k) stucco installers;

 (l) painters and wall paperers;

 (m) solar panel installers.

 Plumbers, electricians, and heating and air conditioning installers and repairers must be issued specialty contractor licenses after passing the required examination, if the other requirements of this article are met. Vinyl and aluminum siding installers, masons, dry wall installers, carpenters, stucco installers, painters and wall paperers, and solar panel installers must be issued specialty contractor registrations, if the other requirements of this article are met.

 A residential specialty contractor is prohibited from undertaking work outside the scope of his license or registration, including employing, hiring, and contracting or subcontracting with others to perform such work on his behalf.

 The provisions of this chapter do not preclude a licensed residential builder from also obtaining licensure or registration as a residential specialty contractor in an area of contracting identified in statute or recognized by the commission. In addition, a residential builder, who is licensed by examination in this State, is authorized to perform work in any of the areas of residential specialty contracting without separately obtaining a residential specialty contractor license or registration.”

**Time effective**

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

Ratified the 12th day of May, 2022.

Approved the 16th day of May, 2022.

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