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**BUILDING CODES COUNCIL**

CHAPTER 8

Statutory Authority: 1976 Code Sections 6-8-20 and 40-1-70

8-225. Duties and Responsibilities of Department

8-600 through 8-628. Modular Buildings Construction

**Synopsis:**

 To satisfy the requirements of licensure in the field of building codes, Regulations 8-225 and 8-600 through 8-628 are updated in conformance with the current Building Codes Council Practice Act.

 The Notice of Drafting was published in the *State Register* on November 25, 2011.

**Instructions:**

The following sections of Chapter 8 are modified as provided below. All other items and sections remain unchanged.

**Text:**

8-225. Duties and Responsibilities of Department.

(A) The Department shall provide the personnel to serve as staff for the Council. Such staff shall have the duty and responsibility to:

(1) Maintain an accurate and complete record of all meetings, hearings, proceedings, correspondence and technical work performed by and for Council;

(2) Make all records and documents of Council available for public inspection any time during normal working hours;

(3) Prepare and provide all information, documents and exhibits necessary for the Council agendas and meetings; and,

(4) Perform such other related tasks as may, from time to time, arise.

(B) The Department shall provide legal counsel for the Council.

ARTICLE 6

MODULAR BUILDINGS CONSTRUCTION

(Statutory Authority: 1976 Code Sections 23-43-40 and 40-1-70)

8-600. The South Carolina Modular Buildings Construction Act.

8-601. Purpose.

(1) The provisions of these regulations are adopted in implementation of the South Carolina Modular Buildings Construction Act of 1984, Chapter 43 of Title 23 of the South Carolina Code of Laws, 1976 as amended, and are intended to provide uniform standards for modular construction, while preserving and recognizing local governmental responsibility in regard to utilization of modular buildings within a community.

(2) Regulations provided herein are applicable to all modular buildings which are manufactured for and subsequently erected within the State of South Carolina, and all modular buildings manufactured in South Carolina erected in other states under reciprocal agreements. These regulations apply to all buildings erected in the State of South Carolina, regardless of whether or not building codes are adopted and administered in the areas where erection takes place.

(3) The definition of modular building does not include mobile or manufactured homes, as defined by the U.S. Department of Housing and Urban Development, which is any residential unit constructed to the Federal Mobile Home Construction and Safety Standards, 42 USC Sections 5401 and 24 CFR 3282 and 3283.

8-602. Definitions.

For the purpose of these regulations, the following words shall have the meanings indicated:

(1) “Act” means the South Carolina Modular Buildings Construction Act of 1984, Chapter 43 of Title 23 of the South Carolina Code of Laws, 1976 as amended.

(2) “Approved” means conforming to the requirements of Council.

(3) “Building System” means plans, specifications and documentation for a system of modular buildings or for a type or a system of building components, which may include structural, electrical, mechanical, plumbing and fire protection systems, and other building systems affecting life safety.

(4) “Closed Construction” means that condition when any building, component, assembly, subassembly, or system is manufactured in such a manner that all portions cannot be readily inspected at the erection site without disassembly.

(5) “Component” means any assembly, subassembly, or combination of elements of closed construction, for use as a part of a building, which may include structural, electrical, mechanical, plumbing and fire protection systems, and other building systems affecting life safety.

(6) “Council” means the South Carolina Building Codes Council as established by Section 6-9-63 of the South Carolina Code of Laws.

(7) “Custom Building” means any building manufactured to individual system specifications and not intended for duplication or repetitive manufacture.

(8) “Damage” means damage or‑breakage occurring to a modular building or any part thereof causing it to not comply with these regulations.

(9) “Days” shall be construed to be work days, and shall not include Saturdays, Sundays, or holidays.

(10) “Department” means the Department of Labor, Licensing and Regulation for the State of South Carolina.

(11) “Equipment” means all materials, appliances, devices, fixtures, fittings, or accessories installed in or used in the manufacture and assembly of a modular building.

(12) “Field technical service” means clarification in the field by the Council of technical data relating to the application of the regulations.

(13) “Labeled” means equipment bearing a label of certification by an approved listing organization.

(14) “Listed” means equipment or materials included in a list published by an approved listing organization.

(15) “Local Building Official” means the officer or other designated authority, or duly authorized representative, charged with the administration and enforcement of building codes and standards, for any county, city, town, or other political subdivision of the state.

(16) “Manufacturer” means any person, firm, or corporation which manufactures or assembles modular buildings.

(17) “Manufacturer’s Representative” means any person employed by a modular building manufacturer who sells, or offers for sale, modular buildings or components.

(18) “Model” means a specific modular building design which is based on size, room arrangement, method of construction, and arrangement of plumbing, mechanical, or electrical equipment and systems therein.

(19) “Open Construction” means any modular building, building component, assembly, or system manufactured in such a manner that all parts or processes of manufacture can be readily inspected at the installation site without disassembly.

(20) “Site” means the location on which a modular building is erected or is to be erected.

(21) “Standard Design” means any building, system, model, series, or component intended for duplication or repetitive manufacture.

(22) “System Prototype” means a specific design of modular building designated by the manufacturer to be the standard for reproduction. A system prototype may include options that do not affect the performance or function of any system.

(23) “System Recognition” means a system of construction approved by an approved inspection agency.

(24) “Valuation” means the total fair market value of a structure in its completed state, including the combined costs of the modular building or components, the foundation system, porches steps and other “add-ons,” additional required mechanical equipment and the installation and connection of all utilities.

8-603. Council Duties and Responsibilities.

(1) The Council shall require filing and final approval of all quality control manuals, system, and model design plans changes as they occur.

(2) Plans, manuals, and related documents will be accepted only after approval of and submittal by an approved inspection agency, but are subject to review as deemed necessary by the Council.

(3) Any person may request field technical services provided such requests are submitted to the Council in writing and are subject to the fee schedule in these regulations.

8-604. Adoption of Model Codes.

(1) The design and fabrication of modular buildings shall comply with the requirements of the building codes as listed in Chapter 9, Title 6, of the South Carolina Code of Laws, 1976 as amended.

(2) Energy code. The design and installation of thermal performance standards for all modular buildings shall comply with the requirements of Chapter 10, Title 6, of the South Carolina Code of Laws, 1976 as amended.

(3) Building official. Where reference is made, in any building code, to the building, plumbing, gas or mechanical official, administrative authority, enforcement official or any such authoritative person, it shall mean the Council administration.

(4) All service connections and foundations installed at the building site shall be regulated by the local building official.

(5) Barrier Free Design. The design and erection of modular buildings for the purpose of public use must be in compliance with the Barrier Free Design Standard, Code of Laws of South Carolina, 1976 as amended, Sections 10-5-210 through 10-5-250, and adopted regulations.

8-605. Enforcement Authority.

(1) It is the intent of the Act and these regulations, that those areas of authority rightfully belonging to the local government are specifically and entirely reserved thereto. Such areas are land use, zoning, fire zones, site development and subdivision control, as well as the review and regulation of architectural and aesthetic requirements. Such requirements and regulations not in conflict with the provisions of the Act or these regulations, which currently exist or may be enacted, must be reasonable and uniformly applied and enforced without distinction as to whether such building is modular or constructed on site in a conventional manner. Local zoning ordinances shall not restrict location of, or otherwise discriminate against modular buildings certified in accordance with the Act and these regulations.

(2) The local government shall furthermore be reserved the authority to:

(a) require a complete set of plans and specifications as certified by the Council for each modular building erected within its jurisdiction; and

(b) require that all permits be obtained before erection of any unit on a building site; and

(c) approve and inspect foundation systems and all connections thereto; and

(d) approve and inspect all electrical, plumbing, gas, or mechanical systems from the source of service to the point at which they connect to the building.

(3) The local building official shall report any modular building that has been damaged enroute to the erection site.

(4) Any modular building unit bearing the Council’s certification label shall be deemed to comply with the requirements of all building codes, ordinances, or regulations which govern building construction, enacted by any local government.

(5) The local building official shall require that all modular buildings bear a certification label before issuing a Certificate of Occupancy.

(6) The local building official shall report any violations of the Act or these regulations to the Council.

8-606. Delegation of Inspection Authority: Approved Inspection Agency’s Qualifications, Acceptance Requirements.

(1) The Council shall consider an organization for acceptance as an approved inspection agency upon receipt of an application accompanied by a prospectus detailing its capabilities to perform in that capacity.

(2) Each organization applying for approval shall indicate in its application:

(a) its qualifications to inspect equipment and systems; and

(b) that the organization is not controlled by any manufacturer or supplier subject to the Council’s jurisdiction; and

(c) that it will make available specific information as required by the Council; and

(d) that it retains a building construction oriented South Carolina registered professional engineer or architect who shall be responsible for compliance with these regulations; and

(e) its organizational structure; and

(f) the education and qualification of the employees to be doing the actual inspection and plan review; and

(g) Its agreement to perform inspections at the frequency specified in these regulations; and

(h) proof that all personnel performing inspections are certified by a testing agency recognized by the Council.

8-607. Approved Inspection Agency Authority.

(1) An approved inspection agency shall conduct inspections at the manufacturing plant to determine compliance with the approved plans. Violations of any of the provisions of these regulations or variations from the approved plans may be cause for revocation of the plan approval and shall be reported to the Council within one (1) day after discovery.

(2) Failure on the part of an approved inspection agency to fulfill its responsibilities or notify the Council of violations of these regulations or variations from the approved plans is cause for revocation of its approval.

(3) An approved inspection agency shall evaluate modular building plans for design approval before submission for final review by the Council.

(a) The design review submittal shall include a completed application on forms obtainable from the Council and three (3) complete sets of scaled plans, specifications and structural, electrical, mechanical, and energy calculations prepared by an architect or engineer licensed to practice in the State of South Carolina; quality control manuals, calculations, and any required test results for each system and prototype to be approved. The approved inspection agency shall designate its approval by affixing its seal to each print, the cover of the quality control manual, and supporting data prior to submittal.

(b) The approved inspection agency shall submit for the manufacturer, a request for Council review which may include any or all elements of building systems such as structural, mechanical, plumbing, and electrical components. All modular building system submittals must include at least the following:

(1) Structural:

(i) details specifying methods of field connection of units or models to each other and foundations; and

(ii) all exterior elevations; and

(iii) elevations and details of elements, walls or sections thereof providing resistance to vertical loads or lateral forces; and

(iv) floor plans and floor framing plans; and

(v) details of framing system showing direction of face grain of plywood, blocking, connections, etc.; and

(vi) vertical load calculations; and

(vii) lateral force calculations; and

(viii) overturning and uplift calculations; and

(ix) details of all structural connections such as chord splices, corner and wall intersection details, post and beam splices, etc., (both inplant and onsite connections must be shown); and

(x) complete roof framing plan showing method of framing, direction of face grain of plywood, connections, etc., roof covering material and roofing specifications; and

(xi) cross sections as necessary to identify major building components; and

(xii) information for plywood when used, such as thickness, index number, grade, direction of face grain, etc., and lumber grades; and

(xiii) details of flashing, such as at openings and at penetrations through roofs flashing material and gage to be used; and

(xiv) attic access and attic ventilation; and

(xv) wall and soffit material as well as finish; and

(xvi) interior wall and ceiling finish; and

(xvii) fire separation details, when required by code; and

(xviii) opening treatment for doors and windows including door swings; and

(xix) all foundation vents and under floor access; and

(xx) structural steel materials, sizes, finishes, and connection details; and

(xxi) reinforcing, concrete and mesh materials, strengths, grades, sizes, spacing and details in accordance with “Building Code Requirements for Reinforced Concrete, ACI 318”; and

(xxii) all work that is required on the building site; and

(xxiii) details of all elements for access and use by people with disabilities.

(2) Plumbing:

(i) plan and riser diagram of the plumbing layout showing size of piping, fittings, traps, vents, cleanouts and valves, etc., for gas, water, drainage, waste, and vent systems; and

(ii) plumbing materials, make, model, and rating/capacity of fixtures; and

(iii) make and model of safety controls and their locations; and

(iv) intervals and method of horizontal piping support; and

(v) vertical piping and valve supports; and

(vi) location of flues and vents above roofs and required clearances from air intakes, other vents and flues, etc.; and

(vii) method of testing.

(3) Mechanical:

(i) location of all equipment and appliances; and

(ii) listed or labeled appliances, units or equipment; and

(iii) heat loss and heat gain calculations; and

(iv) BTU, input and output rating of all appliances and equipment; and

(v) duct and register locations, including size, and materials; and

(vi) clearance from combustible material or surfaces for all appliances, equipment, ducts, flues, and chimneys; and

(vii) method of providing required combustion air and return air; and

(viii) location of flues, vents and chimneys, and clearances for air intakes; and

(ix) details and approvals for dampers in ducts penetrating fire separation walls, floors and ceilings; and

(x) method of testing; and

(xi) method of securing every appliance and its components to avoid displacement and movement from vibration and road shock.

(4) Electrical:

(i) plan and detail of service equipment, including service entrance, conductors, service raceway and clearances, above ground, and above structures; and

(ii) method and detail for grounding service equipment; and

(iii) diagram of the entire electrical installation; and

(iv) complete load calculations for service and feeders; and

(v) identification and sizes of all feeders and branch circuits; and

(vi) size, rating, and location of main disconnect/overcurrent protective devices; and

 (vii) method of interconnection between modules or units and location of connections; and

(viii) location of all outlets and junction boxes; and

(ix) the protection of nonmetallic sheathed cable in locations subject to mechanical damage; and

(x) method of backing, mounting, and strapping of fixtures and wiring; and

(xi) name plate rating of all appliances and equipment; and

(xii) method of testing; and

(xiii) labeling of wiring, fixtures, and equipment.

(4) Calculations and test procedures. When the composition or configuration of elements, assemblies, or details of structural members are such that calculations of their safe load carrying capacity, basic structural integrity, or fire resistance cannot be accurately determined in accordance with generally established principles of engineering design, such structural properties, or fire resistance of the members or assemblies may be established by an approved inspection agency.

(5) Design plan approval expiration. Design plan approvals shall expire on the effective date of any applicable change to these regulations and the building codes referenced herein, when the change affects a system or component of the model involved.

(6) It shall be the responsibility of the manufacturer to submit an application for design plan renewal to the Council.

(7) Revocation of approval. Revocation of a plan approval shall occur upon the failure of the manufacturer to comply with the provisions of these regulations.

(8) Nonconforming application. If an application does not conform to the requirements of these regulations, the applicant shall be notified in writing. If corrections have not been received by the Council within ninety (90) days of such notice, the application will be deemed abandoned. Subsequent submission shall be as for a new application.

(9) Evidence of Council approval. Approved plans and specifications shall be evidenced by acknowledgment of the Council. Approved copies of the plans and specifications shall be returned to the manufacturer with a letter indicating the limitations of the approval. A copy of the letter shall be available for inspection use at each place of manufacture.

(10) Manufacturer’s unit data plate. The manufacturer shall install on all modular building units, a data plate which shall contain, but not be limited to the following design information:

(a) maximum live load; and

(b) maximum snow load; and

(c) maximum wind load; and

(d) seismic zone; and

(e) thermal transmittance value (Uo) of: walls, roof/ceiling, and floors.

(11) The data plate shall be permanently mounted in a conspicuous location.

(12) Manufacturer’s component data plate. The manufacturer shall install on each modular component or package of modular components a data plate which indicates the limiting characteristics and design criteria of the components for determining how they can be installed and utilized within their capabilities.

8-608. Quality Control Procedures.

(1) The manufacturer shall establish a written agreement with an inspection agency approved by the Council, clearly stating the quality control procedures which it shall institute in its manufacturing facilities. The quality control procedures shall be documented in manual form, which the manufacturer shall submit to the approved inspection agency for approval. The quality control program outlines must comply with these regulations and be approved by the Council.

(2) The quality control manual shall include quality control procedures for the modular building manufacturing process such as, construction sequence; compliance of basic materials with specifications; frequency of inspection; administrative procedures and samples of quality control forms to be used; and, system description for retention of quality control records.

(3) The manufacturer shall designate an employee to be responsible for the quality control program in its plant and to maintain records to substantiate that each modular unit has been inspected in accordance with the approved plans and specifications.

(4) All modular buildings or components shall be manufactured in accordance with the building codes adopted in these regulations and the quality control procedures established by the manufacturer and accepted by the approved inspection agency and the Council.

(5) The Council shall perform a minimum of one (1) annual audit, at the address of record, for each licensed manufacturing facility and approved inspection agency, with or without notice.

8-609. Change in Status, Alterations.

(1) Changes to approved plans.

(a) If the manufacturer proposes to change any portion of its system or model designs, or if the Council regulations are amended to necessitate such change, it shall be required to submit to the Council, through its approved inspection agency; three (3) sets of detailed, supplemental plans. Plans shall be accompanied by a transmittal of supplementary plan application form, obtainable from the Council and the appropriate plan filing fee.

(b) A model name or designation may be changed or added prior to the expiration date by filing an amended application.

(c) If the manufacturer proposes changes in the quality control manual or procedures, three (3) copies of the changes shall be submitted to the Council through the approved inspection agency.

(2) Change of name, address, or ownership. In the event of a change of name, address, or ownership of a modular building manufacturer, the owner, or an officer shall notify the Council in writing within ten (10) days of such change.

(3) Discontinuance of manufacturer. When a manufacturer discontinues an approved model, the manufacturer shall, within ten (10) days, advise the Council of the date of the discontinuance and return all certification labels allocated to the model.

(4) Existing model approvals. In the event of amendment of these regulations or the building codes referenced herein, which will require changes to an approved model design, the Council shall notify the manufacturer of such changes, and shall allow the manufacturer ninety (90) days from the date of such notification, or such additional time as the Council shall deem reasonable, in which to submit revised plans for model approval.

(5) Revised model plans submitted pursuant to this section shall be processed as a supplemental detail, with appropriate fees.

(6) Alteration or conversion. Any unauthorized alteration or conversation made to an approved modular building prior to initial erection shall void the approval. The state certification label(s) affixed to the building shall be returned to or be confiscated by the Council.

(7) Any alteration or conversion made to an approved modular building after initial erection shall void the approval and certification label, and, be subject to the provisions of the building inspection program for the jurisdiction in which it is located.

8-610. Alternate Methods and Materials.

(1) The provision of these regulations are not intended to prevent the use of any material, appliance, device, system arrangement, or method of construction not specifically prescribed in accepted model codes, provided any such alternate has been approved by the Council.

(2) The Council may approve alternates if it finds that the proposed design is satisfactory and that the material, appliance, device arrangement, method, system, or work offered is at least the equivalent in performance, quality, strength, effectiveness, fire resistance, durability, and safety.

(3) Listed or labeled equipment and systems may be disapproved by the Council, if it determines that they are not adequate to serve their intended purposes.

(4) All material submitted by the manufacturer to the Council in the form of plans, engineering data, test results quality control manual etc., will be considered as proprietary information of the applicant until such time as approval has been issued by the Council.

8-611. Approved Inspection Agency: Inspection.

(1) Inplant inspections. The approved inspection agency shall conduct announced and unannounced inspections at the manufacturing site to review any or all aspects of manufacturer’s production and quality control procedures. The approved inspection agency shall make a complete inspection of at least one (1) unit through all phases of manufacture to assure that the manufacture has the capabilities to produce units in compliance with their approved design and/or the appropriate codes. Thereafter, inspection of every system of every building or component shall be made at least at one (1) point during the manufacturing process.

(2) Individual unit inspections. The quality control procedure set forth in these regulations may be waived by the Council at the manufacturer’s request. Waiver of the quality control procedure, however, shall require the manufacturer to have all systems of each unit he it produces individually inspected.

8-612. Reciprocity.

(1) The Council may enter into agreements with other states for reciprocal approval of modular buildings when the Council determines that the requirements of the Act and these regulations are met.

(2) A modular building sold or erected in South Carolina, which has been inspected under a reciprocal agreement with another state, shall bear the certification label of South Carolina, and the certification label of the inspecting state or a common label approved by Council.

(3) The Council reserves the right to determine compliance of all units to be sold or erected in South Carolina which have been inspected under reciprocal agreement with another state.

(4) If the Council determines that standards and inspections of modular buildings prescribed by statutes of another state are equal to those of the Act and these regulations, and that such standards are equally enforced, the Council may enter into reciprocity with that state.

(5) If the reciprocating state suspends or revokes a manufacturer’s certification, license or plan approval, the certification license or plan approval of the Council granted under these regulations shall likewise be suspended or revoked.

8-613. Multiple Site Manufacturing.

(1) If a manufacturer plans to produce at more than one (1) location, plan approval may be obtained for all locations at the time of filing subject to submission of the following:

(a) one (1) set of application forms for plan approval designating all locations of manufacture; and

(b) two (2) sets of plans and specifications, plus one (1) additional set for each location of manufacturer; and

(c) filing fees as designated in these regulations; and

(d) two (2) quality control manuals, plus one (1) additional manual for each location of manufacture.

(2) If a manufacturer wishes to obtain approval for one (1) or more points of manufacture, a manufacture’s license, and at least one (1) manufacturer’s representative license must be issued for each location.

8-614. Council Certification Label.

(1) Each modular building, section, or component containing any portion of a closed system shall bear a certification label prior to leaving the manufacturing plant unless otherwise authorized by the Council. Each certification label shall be assigned and affixed to a specific unit in a visible location as approved by the Council and whenever possible on the electrical distribution panel cover.

(2) Certification labels are not transferable and void when not affixed to the building, room or component for which they are assigned. All voided certification labels shall be returned to, or may be confiscated by the Council.

(3) The control of certification labels shall remain with the Council and may be revoked by the Council in the event of violation of the conditions of approval.

8-615. Certification Label Application and Issuance.

A label request application, along with the appropriate fee, shall be submitted by the manufacturer to the Council. The application shall include the manufacturer’s model number of each unit for which a certification label is required. Additionally, the manufacturer shall file with the Council a certification label disposition report at least monthly, which indicates the model serial number, certification label number, and final location of each modular unit.

8-616. Certification Label Denial.

Should inspection reveal that a manufacturer is not manufacturing buildings or components in accordance with the approved plans and such manufacturer, after having been served with a notice fully stating the violations, fails to take the appropriate corrective action, then all subsequent applications for certification labels shall be denied and all certification labels previously issued, invalidated. Label issuance shall not resume until all violations have been corrected and proof of compliance submitted to the Council.

8-617. Removal of Certification Labels.

(1) In the event that a modular building or component bearing a certification label is found to be in violation of the approved plans, the approved inspection agency or the Council shall remove the certification label and furnish the manufacturer with a written statement of all violations.

(2) Following correction of all violations, the manufacturer shall request an inspection to be made by the approved inspection agency or Council, before a replacement certification label may be issued.

8-618. Schedule of Fees.

(1) Modular building systems plan review:

(a) structural systems $110.00

(b) electrical systems $30.00

(c) plumbing systems $30.00

(d) HVAC Systems $30.00

Total of all Systems $200.00

(2) Component or core unit plan review:

(a) structural systems $60.00

(b) electrical systems $20.00

(c) plumbing systems $20.00

(d) HVAC Systems $20.00

Total of all Systems $120.00

(3) All fees are payable at the time of submittal of the application and are nonrefundable.

(4) The Council will charge a rate of twenty dollars ($20.00) per man hour to cover the costs of review and evaluation when the time involved exceeds ten (10) hours.

(5) The annual plan maintenance fee shall be fifty dollars ($50.00) per manufacturer.

(6) Field technical services shall be charged at the rate established in paragraph four (4) above. Out of state services (field technical service, conference, inspections) shall be the same plus transportation and expenses as outlined by current state travel regulations. Minimum time is one (1) hour.

(7) Label fees:

(a) any single modular systems $45.00 each

(b) any floor, wall or roof/ceiling system $15.00 each

(c) all other components $5.00

(8) The license fee for a manufacturer producing twenty‑five (25) units or more shall be seven hundred fifty dollars ($750.00) per year. The license fee for a manufacturer producing twenty‑four (24) units or less shall be two hundred fifty dollars ($250.00) per year.

(9) The license fee for a manufacturer’s representative shall be one hundred dollars ($100.00) per year.

(10) The reviewing fee for new or expired inspection agency applications shall be one hundred twenty‑five dollars ($125.00). The renewal fee shall be one hundred dollars ($100.00) per year. The initial application fees and all subsequent renewal fees shall be payable at the time of submittal of the application and valid until the thirtieth (30th) of June following the date of approval. All filing fees are nonrefundable.

(11) Recertification Fee $200.00.

8-619. Appeal Procedures.

(1) Any person or organization aggrieved by the application of these regulations may initiate an appeal by writing to the Council within thirty (30) days following the date of action upon which the appeal is based. The request shall contain:

(a) the name and address of appellant; and

(b) the names and addresses of all other persons involved; and

(c) a summary of the action from which the appeal is taken; and

(d) the grounds of disagreement with the action from which the appeal is taken; and

(e) a statement that the appellant desires a hearing or decision based on written arguments and documents submitted; and

(f) the signature of the appellant or responsible officer if the appellant is an organization; and

(g) additional documents as the appellant may consider pertinent.

(2) Call of meeting. Upon receipt of a request, the Department shall call a meeting of the Council to be held within forty‑five (45) days of the request. The Department shall provide written notice of the time, date, and place of the hearing to the appellant and all persons indicated in the request.

(3) Evidence. Technical rules of evidence shall not be applicable and all relevant evidence of reasonable value may be received.

(4) Ruling. A ruling of the Council shall require a majority vote of the members present. A record of the meeting, stating the Council’s ruling and reasons therefore, shall be maintained for public review.

(5) Notification of ruling. The Department shall notify the appellant of the ruling within ten (10) days of the decision of the Council.

8-620. License Application Requirements.

(1) Every manufacturer that produces modular buildings to be erected in South Carolina, must be licensed in accordance with the Act and these regulations. The application for a modular building manufacturer’s license shall include, but not be limited to the following:

(a) the name of the business; and

(b) the address or location of the business; and

(c) the state in which the manufacturer is incorporated; and

(d) a statement of the business history of each owner, partner, or officer of the manufacturing firm or corporation, for the past seven (7) years.

(2) Every manufacturer shall employ at least one (1) representative, who will be responsible for the sale of modular buildings or components. All manufacturer’s representatives must be licensed in accordance with the Act and these regulations. The application for a modular building manufacturer’s representative license shall include, but not be limited to:

(a) the name of the applicant; and

(b) the residence address of the applicant; and

(c) the names and addresses of previous employers for the past three (3) years.

(3) Manufacturer’s representatives shall be directly employed by the manufacturer.

8-621. Sale of Modular Buildings.

(1) Only South Carolina licensed manufacturer’s representatives or South Carolina licensed homebuilders or South Carolina licensed general contractors in the building classification within the group limitations of the license are permitted to sell modular buildings or components to consumers on a retail basis, provided that;

(a) if the modular building is purchased by a residential builder operating as a firm, the firm must meet the requirements of Sections 40-59-400 and 40-59-410, including, when applicable, the requirement to hold a residential business certificate of authorization issued by the Residential Builders Commission, or

(b) if the modular building is purchased by a company operating as a licensed general contractor, the company must meet the definition of an entity in Section 40-11-20 (7) and have a designated primary qualifying party, as required under Section 40-11-230. The primary qualifying party shall serve as the principal individual responsible for directing or reviewing work performed by the licensee in a particular license classification or subclassification; and

(c) the general contractor or residential builder must sell the modular building directly to the consumer and perform, and take responsibility for, erection of the structure and all its related systems and site work or must contract to have this work performed by a properly licensed general contractor or residential builder. A sales contract is required and must identify the seller and buyer by name.

8-622. License Issued.

(1) A license shall be issued by the Council when it is determined that the information contained on the application is in compliance with these regulations.

(2) Any change in the information presented on the original application shall be submitted to the Council within twenty (20) days.

8-623. Security Requirement.

Before any license may be issued, a corporate surety bond designating the applicant as principal or other security approved by the council must be provided. Bonds shall be in the amount of seventy‑five thousand dollars ($75,000.00) for manufacturers and ten thousand dollars ($10,000.00) for manufacturer’s representatives. All bonds shall be to the Council and in favor of any person who suffers loss as a result of any violation of the Act or these regulations. A new bond or proper continuation certificate shall be delivered to the Council at the beginning of each license period. The aggregate liability of the bond or security in any one (1) year shall not exceed its total annual amount. No applicant shall be required to have more than one (1) bond.

8-624. Duties and Responsibilities of Council.

(1) The Council shall keep minutes and records of all its transactions, proceedings and meetings, and duly certified copies thereof shall be sufficient to comply with the rules of evidence.

(2) The Council shall investigate on its own initiative or upon written complaint, allegations of wrongful acts involving a manufacturer, or manufacturer’s representative.

8-625. Denial, Revocation or Suspension of License.

The Council shall have the power to deny issuance of or revoke or suspend any license issued for any of the following reasons:

(a) providing false or inaccurate information on any license application; or

(b) willfully or intentionally failing to comply with any provision of the Act or these regulations; or

(c) failing to have an established place of business; or

(d) employment of fraudulent methods or practices; or

(e) using unfair methods of competition or deceptive acts or advertising; or

(f) failing to obtain a license before doing business in South Carolina; or

(g) failing to appear before the Council upon due notice or follow directives of the Council or Department; or

(h) failing to comply with adopted codes or standards in the manufacture, sale, or delivery of modular buildings; or

(i) offering for sale unlicensed manufacturer’s products, either wholesale or retail; or

(j) selling a modular building or component, for the purpose of resale, to an individual or entity other than a general contractor or residential builder.

8-626. Erection.

(1) Modular buildings shall be erected by South Carolina licensed general contractors or residential builders within the limitations of their license classifications in accordance with the manufacturer’s recommended erection procedures and the building codes adopted in these regulations. Upon completion of erection, modular buildings shall be considered equal to structures constructed on site in a conventional manner. The general contractor or residential builder must assume the same responsibilities and liabilities for the work which they perform, as if the buildings were constructed on-site. All manufacturers, general contractors and residential builders to the extent of their work, shall be subject to the provisions of Section 15-3-630.

(2) All warranty periods offered by the manufacturers of modular buildings, building systems, building components and appliances will begin at the time the consumer takes possession of the building.

8-627. Exemption.

(1) Factory built structures meeting all of the following criteria will be exempt from these regulations. To be exempt the unit must:

(a) be designed for continuous over‑the‑road travel; and

(b) have a maximum width of eight (8) feet in its transportable mode; and

(c) have a maximum length of fifty (50) feet; and

(d) have permanently mounted running lights; and

(e) have a current license plate; and

(f) have permanent axle(s) and under carriage system; and

(g) have stabilizers and permanent front jack stands; and

(h) have a permanent fifth (5th) wheel connection; and

(i) have a permanent suspension system; and

(j) provide an electrical cord for temporary electrical service.

(2) Self‑propelled structures, containing an integral cab and licensed as a motor vehicle will be exempt from these regulations.

8-628. Recertifying.

(1) Modular buildings, originally constructed, certified and labeled in accordance with the act and these regulations, may be recertified and relabeled if all of the following conditions are met.

(a) the original manufacturer must hold a current license issued in accordance with the act and these regulations; and

(b) the original certification label(s) must be attached to the building and be in good, legible condition; and

(c) the building must be returned to the original manufacturing facility; and

(d) the building must be certified by an approved inspection agency as meeting all requirements of the building codes in effect and recognized by the Council at the time of recertification; and

(e) the manufacturer must install a new data plate on the building while at the manufacturing facility; and

(f) the approved inspection agency must install a new certification label on the building while at the manufacturing facility; and

(g) the manufacturer must pay the fee for recertification and purchase a new certification label; and

(h) the approved inspection agency must be present and witness the installation of the new certification label issued by the Council while at the manufacturing facility.

**Fiscal Impact Statement:**

 There will be no cost incurred by the State or any of its political subdivisions.

**Statement of Rationale:**

 These regulations are updated in conformance with the current Building Codes Council Practice Act.