**A** **BILL**

TO AMEND SECTION 6-9-55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT THE BUILDING CODE COUNCIL PROMULGATE REGULATIONS PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT CONCERNING ANY BUILDING CODE AFFECTING CONSTRUCTION REQUIREMENTS FOR ONE‑FAMILY AND TWO‑FAMILY DWELLINGS, SO AS TO CLARIFY THAT SUCH PROMULGATION IS OF CODE PROVISIONS THAT HAVE BEEN ADOPTED PURSUANT TO BUILDING CODE ADOPTION REQUIREMENTS; TO CLARIFY THAT IF A MODIFICATION IS REQUESTED TO BE MADE TO A REGULATION PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT, THE COUNCIL IS NOT REQUIRED TO ALSO COMPLY WITH THE CODE ADOPTION REQUIREMENTS; AND TO PROVIDE THAT IN THE CASE OF AN EMERGENCY REQUIRING A MODIFICATION OF A REGULATION, THE COUNCIL MAY PROCEED UNDER THE ADMINISTRATIVE PROCEDURES ACT OR BUILDING CODE EMERGENCY REQUIREMENTS, OR BOTH, AND TO PROVIDE THAT THE COUNCIL MUST COMPLY WITH THE REQUIREMENTS OF BOTH TO PERMANENTLY MODIFY THE REGULATION.

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

SECTION 1. Section 6‑9‑55 of the 1976 Code, as added by Act 232 of 2010, is amended to read:

“Section 6‑9‑55. (A) The council shall promulgate as regulations, in accordance with the procedure and requirements contained in Article 1, Chapter 23, Title 1, the Administrative Procedures Act, any provision of or amendment to any building code that was adopted pursuant to Section 6-9-40(A) that would affect construction requirements for one‑family or two‑family dwellings. If a modification is requested to be made, or is made, to a regulation pursuant to the Administrative Procedures Act, the council is not required to also comply with the provisions of Section 6-9-40(A). If an emergency arises requiring a modification in a regulation, as provided for in Section 6-9-40(B), the council may proceed under the emergency provisions of the Administrative Procedures Act or Section 6-9-40(B), or both. However, to permanently modify the regulation, the council shall comply with the provisions of Section 6-9-40(B) and promulgate the modification in accordance with the Administrative Procedures Act.

(B) No building code provision that would otherwise become effective after the effective date of this section concerning construction requirements for one‑family or two‑family dwellings shall be enforced until the effective date of the regulations required to be promulgated by this section.

~~(B)~~(C) Notwithstanding ~~subsection (A)~~ the provisions of this section, a regulation mandating the installation of an automatic residential fire sprinkler system in one‑family or two‑family dwellings shall not become effective at any time before January 1, 2014.”

SECTION 2. This act takes effect July 1, 2011.

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