

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

Executive Orders are actions issued and taken by the Governor.

2005 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/14	2/11	3/11	4/8	5/13	6/10	7/8	8/12	9/9	10/14	11/11	12/9
Publishing Date	1/28	2/25	3/25	4/22	5/27	6/24	7/22	8/26	9/23	10/28	11/25	12/23

REPRODUCING OFFICIAL DOCUMENTS

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 734-2145.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

SUBSCRIPTIONS

Subscriptions to the *South Carolina State Register* are available electronically through the South Carolina Legislature Online website at www.scstatehouse.net via an access code, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for **either** format is \$95.00. Payment must be made by check payable to the Legislative Council. To subscribe complete the form below and mail with payment. Access codes for electronic subscriptions will be e-mailed to the address submitted on this form.

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January 28, 2005

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In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
South Carolina General Assembly Home Page: www.scstatehouse.net

DOC No.	RAT FINAL No. ISSUE	SUBJECT	EXP. DATE	AGENCY
2886	SR29-1	Pilot and Apprentice Age Limitations and Pilot Registration	1/11/05	LLR: Commissioners of Pilotage
2887	SR29-1	Residential Builders Commission	1/11/05	LLR: Residential Builders Commission
2753		LIFE Scholarship Program	1/15/05	Commission on Higher Education
2889		Barrier Free Design, Building Codes Council	1/17/05	LLR: Building Codes Council
2890		Chapter Revisions	1/17/05	LLR: Manufactured Housing Board
2873		Air Pollution	1/30/05	Department of Health and Envir Control
2800		Environmental Protection Fees	2/27/05	Department of Health and Envir Control
2905		Credit for Reinsurance	3/14/05	Department of Insurance
2900		Student Attendance	3/22/05	Board of Education
2897		State Primary Drinking Water	3/28/05	Department of Health and Envir Control
2908		Continuing Insurance Education	4/03/05	Department of Insurance
2906		Repeal Video Poker Regulations	4/03/05	Department of Revenue
2907		ABL - Drive Thru Prohibited	4/03/05	Department of Revenue
2909		Adoption of National Explosives Standards	4/03/05	LLR: Office of State Fire Marshal
2899		Certification Program for Public Librarians	4/10/05	State Library
2801		Individual Sewage Treatment and Disposal Systems	4/19/05	Department of Health and Envir Control
2903		Total Maximum Daily Loads for Pollutants in Water	4/24/05	Department of Health and Envir Control
2901		Child Care Centers Licensing Regulations	5/08/05	Department of Social Services
2928		Spec Project Stds of Tidelands and Coastal Waters -Docks	5/11/05	Department of Health and Envir Control
2929		State of Policy; Spec Proj Stds of Tidelnds Coastl Wtrs - Marinas	5/11/05	Department of Health and Envir Control
2930		Hotel-Motel Sanitation	5/11/05	Department of Health and Envir Control
2926		Pasteurized Milk and Milk Products	5/11/05	Department of Health and Envir Control
2933		Wildlife Management Areas	5/11/05	Department of Natural Resources
2925		Licensing Group Child Care Homes	5/11/05	Department of Social Services
2924		Child Care Centers Operated by Churches or Religious Entities	5/11/05	Department of Social Services
2918		International Residential Code	5/11/05	LLR: Building Codes Council
2917		International Fuel Gas Code	5/11/05	LLR: Building Codes Council
2951		Inactive or Retired Status Licenses	5/11/05	LLR: Long Term Health Care
Administrators				
2931		Chapter Revision	5/11/05	LLR: Environmental Certification Board
2940		Personnel Qualifications, Duties and Workloads	5/18/05	Board of Education
2941		Assisting, Developing, and Evaluating Professional Teaching	5/18/05	Board of Education
2949		Examination of Dentists and Dental Hygienists	5/18/05	LLR: Board of Dentistry
2950		Re-examination	5/18/05	LLR: Board of Dentistry
2943		Air Pollution Control Regulations and Standards	5/20/05	Department of Health and Envir Control
2927		The Practice of Selling and Fitting Hearing Aids	5/20/05	Department of Health and Envir Control
2944		Infectious Waste Management	5/20/05	Department of Health and Envir Control

2 EXECUTIVE ORDERS

2005-01

WHEREAS, on January 6, 2005, a train collision occurred in the vicinity of the Town of Graniteville in Aiken County, South Carolina, releasing hazardous chemicals that have endangered the lives, health and safety of the citizens and the environment in the affected area;

WHEREAS, injuries and fatalities have occurred, and Aiken County officials have ordered that citizens shelter-in-place, and local officials have requested state assistance in responding to the emergency;

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor pursuant to the Constitution and Laws of South Carolina, I hereby declare that an emergency exists in Aiken County, South Carolina, and I direct that the South Carolina Emergency Operations Plan be placed in effect and that the State Emergency Operations Center be activated with the appropriate emergency support function personnel present to provide necessary support for ongoing response operations in Aiken County.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 6th DAY OF JANUARY 2005.**

MARK SANFORD
Governor

2005-02

WHEREAS, the City of Lake City Municipal Election Commission (“Commission”) failed to set a run-off election for the District Five City Council of Lake City during the timeframe provided by Title 7 of the South Carolina Code of Laws due to protest hearings held following the November 2, 2004, election; and

WHEREAS, on January 13, 2005, I received a request from the Commission to set a run-off election for District Five; and

WHEREAS, the Commission has requested that the run-off election be held on January 18, 2005, and has stated that it has complied with the notice provisions in the South Carolina Code of Laws and the pre-clearance requirements of Section 5 of the Voting Rights Act of 1965; and

WHEREAS, Section 7-13-1170 of the South Carolina Code of Laws (1976), as amended, provides “when any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to insure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election and to declare the result.”

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby (a) order that a run-off election be held for the District Five City Council of Lake City on January 18, 2005, subject to pre-clearance approval by the United States Department of Justice, or at the earliest possible date and time after January 18, 2005, as is permitted by the United States Department of Justice; and (b) designate the City of Lake City Municipal Election Commission to perform the necessary official duties pertaining to the election to declare the result.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 14th DAY OF JANUARY, 2005.**

**MARK SANFORD
Governor**

4 NOTICES

BOARD OF EDUCATION

NOTICE OF PUBLIC HEARING

The public comment period on the proposed amendments to State Board of Education R. 43-259, Graduation Requirements, published in the *State Register*, Volume 28, Issue No. 11 (November 26, 2004) has been extended to February 3, 2005. Interested Members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on February 8, 2005, at 10:00 A.M., at the Rutledge Building, State Department of Education, Columbia, South Carolina

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Calvin Jackson, Deputy Superintendent, Division of District and Community Services, 1429 Senate Street, Room 908, Rutledge Building, Columbia, South Carolina 29201 or e-mail cjackson@SDE.State.SC.US. Comments must be received no later than 5:00 P.M. on Tuesday, February 3, 2005. Comments received by the deadline shall be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication January 28, 2005, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Greenville County

Addition of five (5) licensed psychiatric beds for a total of thirteen (13) licensed substance abuse beds, and sixty-nine (69) licensed psychiatric beds.
The Carolina Center for Behavioral Health
Greer, South Carolina
Project Cost: \$18,487

Affecting Kershaw County

Construction to replace the existing single-slice Computed Tomography (CT) scanner with a multi-slice CT scanner.
Kershaw County Medical Center
Camden, South Carolina
Project Cost: \$2,545,004

Affecting Orangeburg County

Construction and development of a freestanding ambulatory surgery center to include three (3) licensed endoscopy rooms restricted to gastroenterology procedures only.
Medical Endoscopy of Orangeburg, LLC
Orangeburg, South Carolina
Project Cost: \$3,470,000

Affecting Richland County

Construction of an ambulatory surgery center with four (4) licensed endoscopy rooms restricted to gastroenterology procedures only.

Berkeley Endoscopy Center, LLC

Columbia, South Carolina

Project Cost: \$5,186,802

Affecting Sumter County

Construction of a two-story addition with twenty-four (24) new obstetrical beds and a new Women's Center entrance and education center; renovation of the old ICU for the addition of eleven (11) general acute care beds for a total of 35 new general acute care beds resulting in 283 general acute care beds and 18 nursing home beds.

Tuomey

Sumter, South Carolina

Project Cost: \$34,650,693

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning January 28, 2005. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Georgetown County

Construction for the establishment of a twelve (12) bed inpatient hospice facility.

Tidelands Community Hospice House

Georgetown, South Carolina

Project Cost: 4,805,578

Affecting Greenville County

Addition of five (5) licensed psychiatric beds for a total of thirteen (13) licensed substance abuse beds, and sixty-nine (69) licensed psychiatric beds.

The Carolina Center for Behavioral Health

Greer, South Carolina

Project Cost: \$18,487

Affecting Horry County

Construction to establish a fifty (50) bed inpatient hospital at Seacoast Medical Center.

Seacoast Medical Center

Little River, South Carolina

Project Cost: \$24,100,000

Affecting Orangeburg County

Construction of a freestanding ambulatory surgery center to include three (3) licensed endoscopy rooms restricted to gastroenterology procedures only.

Medical Endoscopy of Orangeburg, LLC

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Orangeburg, South Carolina
Project Cost: \$3,470,000

Construction of a hospital-based ambulatory surgery center located on the campus of the Regional Medical Center of Orangeburg and Calhoun Counties to include four (4) operating rooms (ORs) and two (2) licensed endoscopy rooms restricted to gastroenterology procedures only.

The Regional Medical Center of Orangeburg and Calhoun Counties dba Edisto Surgery Center
Orangeburg, South Carolina
Project Cost: \$5,330,610

Affecting Pickens County

Construction of a freestanding ambulatory surgery center with two (2) general operating rooms.
Surgery Center of Clemson, LLC
Easley, South Carolina
Project Cost: \$4,344,879

Affecting Richland County

Addition of a 3.0T Magnetic Resonance Imaging (MRI) unit in collaboration with the University of South Carolina to be located within Five Richland Medical Park.

Palmetto Health
Columbia, South Carolina
Project Cost: \$3,445,500

Affecting Spartanburg County

Construction of a fifteen (15) bed inpatient hospice facility.
Spartanburg Regional Healthcare System – Regional Hospice House
Spartanburg, South Carolina
Project Cost: \$5,163,000

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Bureau of Land and Waste Management

I-85 Manufacturing & Distribution Center Site, Spartanburg County

South Carolina Department of Health & Environmental Control vs. Cable-Spartanburg

Associates, L.P.; et al.

US District Civil Action No.: 7:03-0805-20

NOTICE OF SETTLEMENT

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control ("the "Department") intends to enter into a Consent Decree with Cable-Spartanburg Associates, LP; Austin L. Cable, individually and as general partner of Cable-Spartanburg Associates, LP; ALC Spartanburg Corporation, as general partner of Cable-Spartanburg Associates, LP; Liberty Properties Corporation; and Andrew M. Cable (collectively referred to as "Settling Parties"). Prior to final execution by the Department, the Consent Decree is subject to a 30-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") Section 122, 42 U.S.C. Section 9622 and the South Carolina Hazardous Waste Management Act ("SCHWMA") S.C. Code Ann. Section 44-56-200 (Rev. 2002).

The Consent Decree relates to the alleged release, and threatened release, of hazardous substances, pollutants, or contaminants at the I-85 Manufacturing & Distribution Center Site, located 100 Industrial Drive in Spartanburg, SC and all surrounding areas impacted by the migration of hazardous substances, pollutants or contaminants (the "Site"). The Consent Decree provides for recovery of response costs from the Settling Parties in the amount of \$650,000.00. Moreover, Cable-Spartanburg Associates, LP shall give a first priority CERCLA lien to the Department on the property located at 100 Industrial Drive, Spartanburg, SC, for the full amount of past response costs and future response costs incurred and to be incurred by the Department at the Site, less any cash payments made by the Settling Parties or any other settling parties to the litigation. The Settling Parties shall provide to the Department a Subordination of Mortgage from any and all holders of liens or encumbrances. The Settling Parties shall provide to the Department a Subordination of Mortgage from any and all holders of liens or encumbrances. Cable-Spartanburg Associates, LP shall pay all taxes, assessments and other charges, fines and impositions attributable to the property at 100 Industrial Drive, Spartanburg, SC, which may attain a priority over the Department's CERCLA first priority lien. In consideration of the foregoing, the Consent Decree provides for a release of the Settling Parties from further liability related to the matters covered by the Consent Decree and confers contribution protection upon the Settling Parties pursuant to CERCLA Section 113, 42 U.S.C. Section 9613.

Notice of the settlement has been provided to all identified potentially responsible parties. Copies of the Consent Decree may be obtained by providing a written Freedom of Information request to the South Carolina Department of Health and Environmental Control at:

Mr. Jody Hamm
Freedom of Information Office
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201-1708

Any comments must be submitted in writing, postmarked no later than February 28, 2005, and addressed to:

Jessica J.O. King, Esquire
Office of General Counsel
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

UPON FINAL EXECUTION OF THE CONSENT DECREE, ANY AND ALL CLAIMS BY ANY AND ALL PERSONS AGAINST THE SETTling PARTIES SEEKING CONTRIBUTION FOR MATTERS ENCOMPASSED BY THE CONSENT DECREE SHALL BE FORECLOSED.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Bureau of Land and Waste Management
Blackberry Valley Landfill Site, Greenville County

NOTICE OF SETTLEMENT

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control ("SCDHEC") intends to enter into a Cost Recovery Settlement Agreement with The Sherwin-Williams Company, Fort Dearborn Company, and Third Generation South Carolina, LLC ("Settling Party"). Prior to final execution by SCDHEC, the Cost Recovery Settlement Agreement is subject to a 30-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") Section 122,

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42 U.S.C. Section 9622 and the South Carolina Hazardous Waste Management Act ("SCHWMA") S.C. Code Ann. Section 44-56-200 (2002).

The Cost Recovery Settlement Agreement relates to the alleged release, and threatened release, of hazardous substances, pollutants, or contaminants at the Blackberry Valley Landfill Site (the "Site"), located in Greenville County, South Carolina, on Groce Road, approximately 1.5 miles from the intersection of S-199 and S-132 and is approximately 4.5 miles northwest of the City of Greenville and approximately one mile east of Pickens County. The Cost Recovery Settlement Agreement provides for recovery of response costs from the Settling Party for the Department's past response actions at the Site. In consideration of the foregoing, the Cost Recovery Settlement Agreement provides for a release of the Settling Party from further liability related to the matters covered by the Cost Recovery Settlement Agreement and confers contribution protection upon the Settling Party pursuant to CERCLA Section 113, 42 U.S.C. Section 9613.

Notice of the proposed Cost Recovery Settlement Agreement has been provided to all identified potentially responsible parties.

Copies of the Cost Recovery Settlement Agreement may be obtained by providing a written Freedom of Information request to the South Carolina Department of Health and Environmental Control at:

Mr. Jody Hamm
Freedom of Information Office
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201-1708

Any comments must be submitted in writing, postmarked no later than February 28, 2005, and addressed to:

Ms. Pat Vincent
Bureau of Land & Waste Management
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

UPON FINAL EXECUTION OF THE COST RECOVERY SETTLEMENT AGREEMENT, ANY AND ALL CLAIMS BY ANY AND ALL PERSONS AGAINST THE SETTLING PARTY SEEKING CONTRIBUTION FOR MATTERS ENCOMPASSED BY THE COST RECOVERY SETTLEMENT AGREEMENT SHALL BE FORECLOSED.

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

1. National Fire Protection Association 59, Utility LP-Gas Plant Code, 2004 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association

1 Batterymarch Park
Quincy, Massachusetts 02269

3. This code is referenced by:
South Carolina Code of Laws Section 40-82-70

The Office of State Fire Marshal specifically requested comments concerning sections of these editions that may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal hereby promulgates this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

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1. National Fire Protection Association 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2004 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Rules and Regulations 71-8307.3 (A)(9)

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1. National Fire Protection Association 70, National Electrical Code, 2005 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269

10 NOTICES

3. This code is referenced by:
South Carolina Rules and Regulations 71-8300.10

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DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

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Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

1. National Fire Protection Association 2001, Standard on Clean Agent Fire Extinguishing Systems, 2004 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
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Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Rules and Regulations 71-8307.3(A)(9)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions that may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal hereby promulgates this latest edition without amendment.

BUDGET AND CONTROL BOARD**CHAPTER 19**

Statutory Authority: 1976 Code Section 1-11-770

Notice of Drafting:

The Budget and Control Board, Division of the State Chief Information Officer, proposes to draft new regulations that address the certification of South Carolina 211 Network Providers. Interested persons may submit comments to Mr. John Zemp, South Carolina State Budget and Control Board, Division of the State CIO, 4430 Broad River Road, Columbia, South Carolina 29210. To be considered, comments must be received not later than 5:00 pm on February 28, 2005, the close of the draft comment period.

Synopsis:

Pursuant to Section 1-11-770 of the South Carolina Code of Laws, the General Assembly authorizes the Budget and Control Board to plan, develop and implement a statewide South Carolina 211 Network, which must serve as the single point of coordination for information and referral for health and human services. Section 1-11-770(B) requires that in order to participate in the South Carolina 211 Network, a 211 provider must be certified by the Budget and Control Board. This Section directs the Board to develop criteria for the certification of 211 providers and adopt the criteria as regulations.

The proposed regulations will address the certification of South Carolina 211 Network providers. The proposed regulations will provide criteria and procedures to be followed for the certification of 211 providers.

Legislative review of the regulations will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**CHAPTER 61**Statutory Authority: S.C. Code Section 48-1-10 *et seq.***Notice of Drafting:**

The Department is proposing to amend R.61-62, *Air Pollution Control Regulations and Standards*. Interested persons are invited to present their views in writing to Anthony T. Lofton, Regulatory Development Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by February 28, 2005, the close of the drafting comment period.

Synopsis:

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60, 61 and 63 throughout each calendar year. Recent federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS), National Emission Standards For Hazardous Air Pollutants (NESHAP) and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories. The Department proposes to amend Regulations 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*; 61-62.61, *National Emission Standards For Hazardous Air Pollutants (NESHAP)* and 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories* to incorporate recent federal amendments promulgated during the period from January 1, 2004, through December 31, 2004.

Pursuant to 40 CFR 51, the Department is proposing to amend R.61-62.1, *Definitions and General Requirements*, to incorporate revisions to the definition of Volatile Organic Compounds promulgated by EPA and published in its final rule on November 29, 2004.

12 DRAFTING

The proposed amendments in this Notice will not be more stringent than the current federal requirements. The proposed amendments will not require legislative review.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF NURSING

CHAPTER 91

Statutory Authority: 1976 Code Sections 40-1-70

Notice of Drafting:

The State Board of Nursing proposes that Regulations 91-1 through 91-18, and 91-20 through 91-22 be repealed as duplicative of statutory provisions included in the Nurse Practice Act (2004 Act 225) and, therefore, no longer necessary as regulations. Written comments can be submitted to Martha S. Bursinger, Administrator, South Carolina Board of Nursing, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329.

Synopsis:

The purpose of the amendments is to repeal duplicative regulations included in the 2004 Nurse Practice Act (Act 225) that are no longer necessary.

WORKERS' COMPENSATION COMMISSION

CHAPTER 67

Statutory Authority: 1976 Code Section 42-3-30

Notice of Drafting:

The South Carolina Workers' Compensation Commission proposes to amend and add regulations to Regulation 67-803, changes to self-insured filing deadlines for annual audited financial statements and other self-insured regulations. Interested persons should submit their views in writing to Janet Godfrey Griggs, General Counsel, South Carolina Workers' Compensation Commission, Post Office Box 1715, Columbia, South Carolina 29202-1715. To be considered, comments must be received no later than 5:00 p.m. on February 26, 2005, the close of the drafting comment period.

Synopsis:

The Commission is making revisions to address, but not necessarily limited to, the following subjects:

Regulations 67-803 will be amended to reflect grammatical and procedural changes.

Regulation 67-1503A, 67-1503B(1), 67-1505C(3), 67-1506A, 67-1506B, 67-1506D, 67-1506D(1), 67-1506D(2), 67-1507A, 67-1509A(2), 67-1509B(1), 67-1509B(4), 67-1509C, 67-1511A, and 67-1511B will be amended to provide grammatical and cosmetic changes to reflect changes in workplace procedures regarding self-insurance.

Regulation 67-1510A, B, and C will be amended to provide grammatical and cosmetic changes and to change self-insured filing deadlines.

Other pertinent changes will be made which may fall under the scope of the proposed revisions. Legislative review of these proposals will be required.

Document No. 2964
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: S.C. Code Ann. § 59-5-60 (2004), § 59-21-510 *et seq.* (2004), and § 59-33-10 *et seq.* (2004)

43-243.4. Utilization of Generic Teacher Certification

Preamble:

The State Department of Education recommends that the State Board of Education propose amendments to 43-243.4, Utilization of Generic Teacher Certification, that will allow persons holding a generic teaching certificate issued by the South Carolina Department of Education to provide instruction to students with mild disabilities diagnosed as learning disabled, emotionally disabled, or educable mentally disabled through either a resource or an itinerant services delivery model. Persons holding a generic teaching certificate are also authorized to provide instruction in a self-contained setting for students diagnosed as learning disabled or educable mentally handicapped.

The Notice of Drafting was published in the *State Register* on June 25, 2004.

Section-by-Section Discussion

Added last sentence Persons holding a generic teaching certificate are also authorized to provide instruction in a self-contained setting for students diagnosed as learning disabled or educable mentally disabled.

Changing terminology Handicapped wording has been changed to disabled.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on March 8, 2005, at 10:00 A.M., at the Rutledge Building, State Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less and, as a courtesy, are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Mrs. Susan DuRant, Director, Office of Exceptional Children, 1429 Senate Street, Rutledge Building, Room 808, Columbia, South Carolina 29201 or e-mail sdurant@sde.state.sc.us Comments must be received no later than 5:00 P.M. on February 28, 2005. Comments received by the deadline will be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement: None

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. § 1-23-115 (Supp. 2003).

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DESCRIPTION OF REGULATION: 43-243.4. Utilization of Generic Teacher Certification

Purpose: Regulation 43-243.4, Utilization of Generic Teacher Certification, is being amended to allow persons holding a generic teaching certificate issued by the South Carolina Department of Education to provide instruction to students with mild disabilities diagnosed as learning disabled, emotionally disabled, or educable mentally disabled through either a resource or an itinerant services delivery model. Persons holding a generic teaching certificate are also authorized to provide instruction in a self-contained setting for students diagnosed as learning disabled or educable mentally handicapped.

Legal Authority: The legal authority for Regulation 43-243.4 are S.C. Code Ann. § 59-5-60 (2004), § 59-21-510 *et seq.* (2004), and § 59-33-10 *et seq.* (2004).

Plan for Implementation: The proposed amendments will be posted on the State Department of Education Web site for review and comment. The amendments will take effect upon approval by the General Assembly and upon publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed amendments to the South Carolina regulation on utilization of generic teacher certification will have no effect on the environment or public health.

DETRIMENTAL EFFECT ON ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effect on the environment and public health if these amendments are not implemented.

Statement of Rationale: A copy of the Statement of Rationale is available in the Office of Exceptional Children, 1429 Senate Street, Rutledge Building, Room 808, Columbia, South Carolina 29201.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2962

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 2002 SC Code Ann. Section 44-1-140; Sections 44-4-100 *et seq.* (Supp. 2003)

Related Authority: SC Code Ann. Section 25-1-440 (Supp. 2003)

R. 61-xx. Emergency Health Powers.

Preamble:

The General Assembly added Chapter 4 to Title 44 to: (1) authorize the collection of data and records, the control of property, the management of persons, and access to communications as may be strictly necessary to accomplish the purposes of this act; (2) facilitate the early detection of a qualifying health event or public health emergency, and allow for immediate investigation of such an emergency by granting access to individuals' health and other information under specified circumstances; (3) grant state officials the authority to

use and appropriate property as necessary for the care, treatment, and housing of patients, and for the destruction or decontamination of contaminated materials; (4) grant state officials the authority to provide care and treatment to persons who are ill or who have been exposed to infection, and to separate affected individuals from the population at large for the purpose of interrupting the transmission of infectious disease; (5) ensure that the needs of infected or exposed persons will be addressed to the fullest extent possible, given the primary goal of controlling serious health threats; (6) provide state officials with the ability to prevent, detect, manage, and contain emergency health threats without unduly interfering with civil rights and liberties; and (7) require the development of a comprehensive plan to provide for a coordinated, appropriate response in the event of a public health emergency. Code Section 25-1-440(d) authorizes the Governor to appoint a Public Health Emergency Plan Committee to advise him and make recommendations regarding public health emergency preparedness and public health emergency orders.

The Department intends to promulgate a new regulation to complement Regulation 61-20, Communicable Diseases, to implement the provisions of the Emergency Health Powers Act and to provide for coordination with the Public Health Emergency Plan Committee.

Staff initiated the statutory process for the amendment of R.61-xx by publication of a Notice of Drafting in the *State Register* on June 25, 2004. The most recent drafting comment period ended on August 24, 2004; although no comments were received during the comment period for the proposed new regulation, comments have been received subsequently from the SC Board of Nursing, the SC Nurses' Association, the SC Board of Pharmacy, and the SC Coroners' Association, and these have been taken into consideration in the attached draft. Staff has also prepared a proposed Statement of Need and Reasonableness, attached.

Notice of Staff Informational Forums:

Staff of the Department of Health and Environmental Control invite interested members of the public and regulated community to attend a staff-conducted informational forum to be held from 4:00 p.m. to 6 p.m. on January 31, 2005, in the Greenville HD Auditorium; February 2 at Francis Marion University, Lowrimore Auditorium; February 7 in the Charleston County Council Chambers, Bridgeview Road; and February 9 in the Peebles Auditorium, 2600 Bull Street, Columbia. The purpose of the forums is to answer questions, clarify issues and receive comments from interested persons on the proposed regulation. Comments received will be considered by staff in formulating the final staff proposal for the new regulation for submission to the Board of Health and Environmental Control for the Board public hearing scheduled for March 10, 2005, pursuant to S.C. Code Section 1-23-110 and -111 as noticed below.

The proposed regulation for public notice and comments is attached. Additional copies may be obtained from Ms. Lisa Lucas, Office of the Commissioner, SC DHEC, 2600 Bull Street, Columbia, SC 29201, telephone (803)898-3309.

Notice of Public Hearing and Opportunity for Public Comment Pursuant to S.C. Code Sections 1-23-110 and 1-23-111

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on March 10, 2005. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C., The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The agenda is published no later than 24 hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

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Interested persons are also provided an opportunity to submit written comments on the proposed regulation for public comment by writing to Ms. Lisa Lucas, Office of the Commissioner, at the above address. Written comments must be received no later than 5:00 p.m. on February 28, 2005. Comments received by the deadline date shall be considered by staff in formulating the final proposed draft for public hearing on March 10, 2005, as noticed above. Comments received by the deadline will be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing.

Copies of the final proposed regulation for public hearing before the DHEC board may be obtained by contacting Ms. Lucas at the address above.

Preliminary Fiscal Impact Statement:

The Department estimates there will be no costs imposed on the State or its political subdivisions by this regulation.

Statement of Need and Reasonableness and Rationale:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION:

Purpose: The purpose of this action is to implement the Emergency Health Powers Act.

Legal Authority: The legal authority for this regulation is 2002 SC Code Section 44-1-140; Sections 44-4-100 *et seq.* (Supp. 2003); and related authority, SC Code Section 25-1-440 (Supp. 2003).

Plan for Implementation: Department staff will revise internal procedures and training to incorporate the provisions of this regulation. The Department will work with health care practitioners and facilities, public safety agencies, licensing boards, coroners, the Governor's office, the Public Health Emergency Plan Committee, other potentially affected entities, and members of the public to develop plans to incorporate the provisions of the regulation.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Emergency Health Powers Act provides extraordinary authority and responsibility to DHEC in the event of a naturally occurring epidemic or an act of terrorism which results in casualties exceeding the normal capabilities of public health responders. The Department determined that existing plans and regulations are not sufficient to implement the provisions of the Emergency Health Powers Act; accordingly a new regulation is proposed to supplement Regulation 61-20.

The regulation is needed because the circumstances under which it would be implemented exceed the capabilities and planning basis for existing regulations; under such circumstances, the Emergency Health Powers Act authorizes mass isolation or quarantine of individuals, compulsory dedication of private property to public uses, and other similar actions for which regulatory no existing regulations provide adequate direction. The regulation is drafted to provide instruction for agency staff and procedures intended to balance public benefits and private rights as much as possible under those extraordinary circumstances.

DETERMINATION OF COSTS AND BENEFITS: During a Public Health Emergency, DHEC may initiate extraordinary actions such as ordering quarantine of individuals, closing of certain facilities, dedication of other facilities for use as quarantine or isolation facilities, or destruction of contaminated property. Such actions will result in costs to the individuals or entities affected; however, this regulation does not answer questions of

compensation for such costs, leaving them to the courts for resolution based on the specific facts of each claim. As summarized above, benefits arising from this regulation include specification of procedures to be followed during a Public Health Emergency to minimize confusion and implement the provisions of the Emergency Health Powers Act.

UNCERTAINTIES OF ESTIMATES: By definition, the circumstances under which this regulation would be implemented are extraordinary and uncertain.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: There will be no effect on the environment; the regulation is intended as a response to a postulated major threat to the public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effect on the environment. There will likely be a significant, but unquantifiable, detrimental effect in the event of a triggering public health emergency: if the regulation is not implemented, public health responders will have to use existing regulations and such improvised procedures as may seem necessary.

Statement of Rationale:

For the reasons summarized above, this regulation is needed as reasonable preparation for a postulated major public health emergency.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2963

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 13-7-40, as amended

R.61-63. Radioactive Materials (Title A)

Preamble:

The Nuclear Regulatory Commission continually updates regulations, and state regulations are amended regularly to incorporate federal updates. The Department plans to adopt into regulation the Nuclear Regulatory Commission updates as an item of compatibility. Section 274 of the Atomic Energy Act of 1954, as amended, requires that the states adopt federal regulations for compatibility. The Department intends to make changes to R.61-63 to this extent. The intended action revises the skin dose limit (Part III), and amends the regulations regarding the medical use of radioactive materials (Parts II, III and IV). Proposed regulations will comply with 10 CFR Parts 20, 32 and 35, Final Rules, published in the Federal Register on April 5, 2002, and April 24, 2002 (Volume 67). Legislative review will not be required.

A Notice of Drafting for this amendment was published in the State Register on November 26, 2004. The revision is being promulgated to comply with federal law; neither a fiscal impact statement nor preliminary assessment report is required. See discussion of proposed revisions below and a statement of need and reasonableness provided herein.

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Discussion of Proposed Revisions:

Insert 1

- (1) Clarifying revisions to Part II due to the total revision to Part IV of Regulation 61-63.

<u>SECTION</u>	<u>REVISION</u>
61-63.2.7.5.2.1	Revises reference sections.
61-63.2.7.5.2.2.2	Revises reference sections. Also allows a two year “grandfathering” term for meeting the new requirements.
61-63.2.7.5.2.4	Revises date reference.
61-63.2.7.7.1	Revises reference sections.
61.63.2.7.7.1.3	Revises reference sections. Also deletes archaic “pending application” reference.

- (2) Revision of the Skin Dose Limit

<u>SECTION</u>	<u>REVISION</u>
61-63.3.2.83	Revises definition for “shallow-dose equivalent.”
61-63.3.5.1.2	Revises method of calculating “shallow-dose equivalent.”
61-63.3.5.1.2.2	Revises method of calculating “shallow-dose equivalent.”
61-63.3.5.3	Revises method of calculating “shallow-dose equivalent.”

- (3) Clarification of dose limits for individual members of the public

<u>SECTION</u>	<u>REVISION</u>
61-63.3.1	Omits redundant first paragraph and clarifies that the dose to individual members of the public from a licensed operation does not include doses received by individuals exposed to patients who were released by the licensee under the provisions of RHA 4.32, Title A.
61-63.3.2.66	Corresponding change made to definition for “occupational dose” to clarify that these doses do not include doses received by individuals exposed to patients who were released by the licensee under the provisions of RHA 4.32, Title A.
61-63.3.2.73	Corresponding change made to “public dose” as outlined in 61-63.3.2.66, above.
61-63.3.13.1.1	Clarification of the factors considered when determining the total effective dose equivalent to individual members of the public.
61-63.3.13.3 through 3.13.3.2	New section added to designate criteria for determining stay-time for visitors of patients not released under RHA 4.32.
61-63.3.13.3 through 3.13.5	Renumbered to 3.13.4 through 3.13.6.

- (4) Complete revision to Part IV, Medical Use

SECTION

REVISION

61-63.4.1
through 4.17.2.2

Delete current Part IV due to complete revision.

61-63.4.1 Replace Part IV in its entirety with new regulations for medical use. Revision is made through 4.119 in order to focus the regulations on those medical procedures that pose the highest risk to workers, patients, and the public.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested members of the public to attend a staff-conducted informational forum to be held on February 22, 2005 at 11:00 a.m. in the 2nd floor Conference Room of the Heritage Building at the Department of Health and Environmental Control at 1777 St. Julian Place, Columbia, S.C. 29201.

Interested persons are also provided an opportunity to submit written comments to Pearce O'Kelley, Chief, Bureau of Radiological Health at South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. Written comments must be received no later than 5:00 p.m. February 23, 2005. Comments received by the deadline date will be considered in formulating the final proposed amendment for public hearing before the Board of Health and Environmental Control as noticed below. Comments received shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Melinda Bradshaw at South Carolina Department of Health and Environmental Control, Bureau of Radiological Health, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 545-4400.

Notice of Board Public Hearing and Opportunity for Public Comment Pursuant to S.C. Code Sections 1-23-111:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on April 14, 2005, to be held in Room 3420 (Board Room) of the Commissioner's Suite, third floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Pearce O'Kelley, Chief, Bureau of Radiological Health, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 545-4400. Comments must be received no later than 4:00 p.m. on February 23, 2005. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on April 14, 2005, as noticed above. Comments received by the deadline shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing.

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Copies of the proposed regulation for consideration at the public hearing before the Board may be obtained by contacting Melinda Bradshaw at South Carolina Department of Health and Environmental Control, Bureau of Radiological Health, 2600 Bull Street, Columbia, SC 29201 or by calling (803) 545-4400.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined based on staff analysis pursuant to S.C. Code Section 1-23-115(c)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: R.61-63, Radioactive Materials (Title A)

Purpose: To amend Regulation 61-63 in accordance with changes to Federal Regulation 10 CFR Part 20, 32, and 35.

Legal Authority: This change to state law is authorized by S.C. Code Section 13-7-40 and required by Section 274 of the Atomic Energy Act, 40 U.S.C. Section 2021b.

Plan for Implementation: Existing staff of the Bureau of Radiological Health will implement these changes. The additional requirements are expected to require 30 man days of effort. Impact on other program areas will be slight.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION AND EXPECTED BENEFIT: This regulatory amendment is exempt from the requirements of a Preliminary Fiscal Impact Statement or a Preliminary Assessment Report because each change is necessary to maintain compatibility with Federal regulations. In amending the Federal regulations, the U.S. Nuclear Regulatory Commission found the following:

The proposed regulation provides new requirements for calculating the skin dose limit.

The proposed regulation amends in their entirety the regulations governing the medical use of radioactive material.

DETERMINATION OF COSTS AND BENEFITS: No additional cost will be incurred by the State or its political subdivisions by the implementation of this amendment. Existing staff and resources will be utilized to implement this amendment to the regulation. It is anticipated that the amendment will not create any significant additional cost to the regulated community based on the fact that requirements or changes to the regulation will be substantially consistent with the current guidelines and review guidelines utilized by the Department.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: It is necessary to update existing regulations as changes occur at the federal level in order to maintain compatibility with the federal government and other Agreement States. This will ensure an effective regulatory program for radioactive material users under state jurisdiction, and protection of the public and workers from unnecessary exposure to ionizing radiation.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: None. Federal requirements will apply to all affected users. The proposed amendments eliminate possible duplicative or redundant requirements.

Instructions: Amend R.61-63 pursuant to each individual instruction provided with the text below:

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2965
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110; 38-55-50, 38-73-320; 1-23-10, *et seq*

69-55.2. Agent Fees for DMV Compliance.

Preamble:

The South Carolina Department of Insurance proposes to create a new regulation related to Agent Fees for DMV Compliance. The regulation will establish the fee that can be charged by insurance producers to process insurance compliance transactions with the Department of Motor Vehicles.

Notice of Public Hearing and Opportunity for Public Comment:

The Administrative Law Court will conduct a public hearing for the purpose of receiving oral comments on Wednesday, March 2, 2005 at 2:00 p.m. at the Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, South Carolina. Interested parties should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director/Legislative Liaison, Post Office Box 100105, Columbia, South Carolina 29202-3105 on or before February 18, 2005.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

The regulation is necessary in order to establish the fee which can be charged for the processing of insurance compliance transactions with the Department of Motor Vehicles.

Text:

Insurance producers may charge a fee of four dollars (\$4.00) per transaction to electronically file with the Department of Motor Vehicles the response to the Form FR-4 and the Form FR-11. These forms request the owner of a vehicle to provide proof of insurance.

Statement of Rationale:

No studies or reports were relied upon for this proposal.

22 PROPOSED REGULATIONS

Document No. 2966
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110; 1-23-10, *et seq.*

69-2. Annual Renewal Plan.

Preamble:

The South Carolina Department of Insurance proposes to repeal Regulation 69-2 related to Annual Renewal Plan.

Notice of Public Hearing and Opportunity for Public Comment:

The Administrative Law Court will conduct a public hearing for the purpose of receiving oral comments on Tuesday, March 1, 2005 at 10:00 a.m. at the Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, South Carolina. Interested parties should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director/Legislative Liaison, Post Office Box 100105, Columbia, South Carolina 29202-3105 on or before February 18, 2005.

Preliminary Fiscal Impact Statement:

No additional state funding is requested and no impact is anticipated.

Statement of Need and Reasonableness:

The South Carolina Department of Insurance proposes to repeal Regulation 69-2 related to Annual Renewal Plan. The regulation is outdated and this proposal is in line with the Department's efforts to update Code of Regulations to accurately reflect changes made in the Code of Laws. The regulation is no longer valid as it does not accurately correspond to and reflect current law.

Text:

There will be no text as the regulation will be repealed in its entirety.

Statement of Rationale:

No studies or reports were relied upon for this proposal, rather it is in response to and an effort to coordinate with changes made in the Code of Laws.

Document No. 2967
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110; 38-73-70; 38-73-495; 38-73-510; 1-23-10, *et seq.*

69-55.1. Workers' Compensation Advisory Board.

Preamble:

The South Carolina Department of Insurance proposes to create a new regulation related to the Workers' Compensation Advisory Board. The regulation will specify the appointment and operations of an advisory board to the Director of Insurance. The powers of the Advisory Board will include hearing appeals, receiving reports from rating bureaus and providing advice to the Director.

Notice of Public Hearing and Opportunity for Public Comment:

The Administrative Law Court will conduct a public hearing for the purpose of receiving oral comments on Tuesday, March 1, 2005 at 3:00 p.m. at the Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, South Carolina. Interested parties should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director/Legislative Liaison, Post Office Box 100105, Columbia, South Carolina 29202-3105 on or before February 18, 2005.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

The regulation is necessary in order to outline the appointments to and operations of the Advisory Board as well as describe the powers of the Advisory Board.

Statement of Rationale:

No studies or reports were relied upon for this proposal.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page:
<http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

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Document No. 2968
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110; 38-73-70; 38-73-640; 1-23-10, *et seq*

69-55. Workers' Compensation Assigned Risk Rates.

Preamble:

The South Carolina Department of Insurance proposes to create a new regulation related to Workers' Compensation Assigned Risk Rates. The regulation will describe the process for notification of possible changes to assigned risk rates as well as the process to be followed by the Director when making a determination of such rates.

Notice of Public Hearing and Opportunity for Public Comment:

The Administrative Law Court will conduct a public hearing for the purpose of receiving oral comments on Tuesday, March 1, 2005 at 1:00 p.m. at the Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, South Carolina. Interested persons should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director/Legislative Liaison, Post Office Box 100105, Columbia, South Carolina 29202-3105 on or before February 18, 2005.

Preliminary Fiscal Impact Statement:

No additional state funding is requested and no impact is anticipated.

Statement of Need and Reasonableness:

The regulation is necessary in order to establish the notification process as well as the determination process related to changes to assigned risk rates.

Statement of Rationale:

No studies or reports were relied upon for this proposal.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2961
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF DENTISTRY
CHAPTER 39

Statutory Authority: 1976 Code Sections 40-1-40 and 40-15-40.

Preamble:

The Board of Dentistry is proposing to amend Regulation 39-17 regarding guidelines for sedation and general anesthesia by updating the language and clarifying requirements.

Section by Section Discussion:

The following is a section by section discussion of the amendments proposed by the Board of Dentistry:

Regulation 39-17. Guidelines for Sedation and General Anesthesia.

A. Adds current American Dental Association (ADA) "Guidelines for the Use of Conscious Sedation, Deep Sedation and General Anesthesia for Dentists" and current American Academy of Pediatric Dentistry (AAPD) "Guidelines for the Elective Use of Pharmacologic Conscious Sedation and Deep Sedation in Pediatric Dental Patients."

B. Gives licensees sole responsibility for administration and management of sedation and/or anesthesia, with provision for choosing guidelines in the above referenced paragraph.

C. New section including that a CRNA or an anesthesiologist working in a dental facility must comply with state law.

D. Waives educational requirements for dentists who have used conscious sedation for at least ten (10) years prior to the effective date of these regulations.

E. Subjects dentists qualified to administer sedation and/or anesthesia to review and audit and their facilities to an on-site inspection.

F. Formerly Section E. Changes "A licensed dentist" to "all licensed dentists" and adds that such dentists are "engaged in the active practice of dentistry while administering general anesthesia or sedation." Also clarifies that the report submitted must be written.

G. New section about nitrous oxide/oxygen taken from former section C.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code of Laws of South Carolina, as amended, such hearing will be conducted at the Administrative Law Court at 10:00 a.m. on Tuesday, March 15, 2005. Written comments may be directed to H. Rion Alvey, Administrator, Board of Dentistry, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Tuesday, March 1, 2005.

Preliminary Fiscal Impact Statement:

There will be no additional cost incurred by the State or any political subdivision.

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Statement of Need and Reasonableness:

The Board of Dentistry has determined that compliance with standards for safe effective conscious sedation and general anesthesia requires amendment of this regulation.

DESCRIPTION OF REGULATION:

Purpose: To amend the guidelines for sedation and general anesthesia to conform to national guidelines.

Legal Authority: Statutory Authority: 1976 Code Sections 40-1-40 and 40-15-40

Plan for Implementation: Administratively, the Board will see that these provisions are implemented by informing the applicants through written and oral communications.

DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

This regulation needs to be amended in order to ensure compliance with standards for safe and effective conscious sedation and general anesthesia.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment. Conforming the guidelines to national standards will enhance the public health of this State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NO IMPLEMENTED:

These regulations will have no detrimental effect on the environment and public health of this State if the regulations are not implemented in this State.

Statement of Rationale:

There was no scientific or technical basis relied upon in the development of this regulation. The guidelines for sedation and general anesthesia are amended to conform with national guidelines in order ensure public safety.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Filed: December 31, 2004, 12:00 noon

Document No. 2960
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
 CHAPTER 19

Chapter Statutory Authority: 1976 Code Section 6-9-40.

Emergency Situation:

The State Building Codes Council proposes that existing modifications to certain sections of the International Building Code, 2000 Edition, and the International Fire Code, 2000 Edition, be continued in effect in order to maintain certain fire protection standards and practices in this state. The 2003 Editions of the Codes will be effective January 1, 2005. Therefore, emergency action is required in order to prevent a reduction of the current protections afforded the public in statewide building codes and to prevent a disruption in building practices.

NOTE—This article is identical to the International Building Code, 2003 Edition, and the International Fire Code, 2003 Edition, in accordance with the statutory amendments to acts governing the Building Codes Council, except for the following continued modifications:

Text:

Section 705.3. (IBC).

Modification to continue: Delete the “exception” without substitution.

Reason: Past provisions for firewalls required their construction in accordance with NCMA-TEK 5-8 or equivalent in brick, concrete or other nationally tested and recognized systems. The essence of those provisions was for firewalls to be composed of noncombustible materials. The exception being deleted would allow the use of other materials which do not provide the same level of fire protection.

Table 705.4. (IBC).

Modification to continue: Delete footnote a) without substitution. Change reference to footnote b) to footnote a).

Reason: Until the adoption of the IBC, a firewall was required to have a minimum of a four-hour rating. The 2000 IBC would have reduced that rating to three hours, therefore, a modification was made to maintain the established level of fire protection. Similarly, a reduction in fire resistance for certain occupancies and for less fire resistive and combustible types of construction is not technically justified in this edition. That modification should be continued in this edition.

Section 403.3. (IBC).

Modification to continue: Delete section without substitution.

Reason: Historically, fire protection for high-rise buildings of type I construction with unlimited height and area required a four-hour rating for columns and a three-hour rating for floors. For type II construction limited to 80 feet in height, the ratings could be reduced to a three-hour rating for columns and a two-hour rating for floors.

Allowable reductions contained in Section 403.3 of the IBC would further reduce the columns and floors in certain high-rise buildings with unlimited height and area to a two-hour rating and the columns and floors in buildings limited to 160 feet in height to a one-hour rating. Reduction in fire resistance for such structures is not technically justified.

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Section 1004.2.3. (IBC).

Modification to continue: Substitute with Sections 1001.1.3 and 1001.1.4 of the 1997 edition of the Standard Building Code.

Reason: Many hotel and motel suites built in South Carolina, are designed with a living room, a bedroom (sleeping area) a small kitchen and a bathroom, all utilizing a single means of egress. It is also customary to place "Murphy" beds, "roll-away" beds or sleeper sofas in the living room of the unit, thereby creating a second sleeping area when necessary. Unless modified, Section 1004.2.3 would not allow egress through a sleeping area, effectively prohibiting the construction of hotel or motel suites that do not have a second means of egress or an exit access corridor around the sleeping area (be it the living room or bedroom) closest to the exit door. Therefore, the current standards should be continued.

Section 508.5.1 (IFC).

Modification to continue: Replace Section 508.5.1 of the IFC with Sections 603.1.3.1 and 603.1.3.2 of the 1997 edition of the Standard Fire Prevention Code (SFPC).

Reasons: Sections 603.1.3.1 and 603.1.3.2 of the 1997 edition of the SFPC specifically address situations where there is no public water supply and allows the fire official other options for compliance. The SFPC also provides an exception to the required installation of fire hydrants for one and two family dwellings. Therefore, the current standards should be continued.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: To maintain certain fire protection standards and practices in this state, which will become effective January 1, 2005.

Legal Authority: 1976 Code, Section 6-9-40.

Plan for Implementation: Regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify local officials and licensees of the regulations and post the regulations on the agency's web site.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulations will prevent a reduction of the current protections afforded the public in the statewide building codes and a disruption in building practices by resolving conflicts between current fire protection standards and practices and the latest editions of the IBC and IFC, effective January 1, 2005.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the Board's function of protecting public safety and welfare in the state of South Carolina.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effects on the environment of this state if these regulations are not implemented. The public health, safety, and welfare of this state will be adversely impacted if these regulations are not implemented in the following respects.

For more than 45 years, the usual and customary method for construction of firewalls in South Carolina required the use of noncombustible materials. An exception had been added to the latest building code requirements for firewalls that, if not removed, will allow the use of combustible materials. In addition, the fire resistance rating for firewalls had been reduced from four hours to three hours. Fire ratings for structural columns and floor systems had also been reduced to two hours and one-hour respectively. The reduced level of fire protection in new and renovated buildings will adversely impact public safety if this emergency regulation is not implemented.

For 30 years, an exception in the fire code allowed single and two family residences to be constructed in rural areas without being limited by the placement of fire hydrants. That exception had been removed in the latest fire code. Without the exception, fire hydrants and accompanying six inch water supply lines will be required to be constructed throughout the rural areas of the state before single and two family residences can be built. The requirement will result in an extreme economic impact on developers, contractors, rural property owners and rural water suppliers. The increased requirement for fire hydrants and six-inch water supply lines will adversely impact public welfare if this emergency regulation is not implemented.

The emergency regulations are necessary to prevent a reduction in current protections, disruption of building practices for the construction industry and eliminate confusion and inconsistency in enforcement among local building and fire officials.

Statement of Rationale:

The development of these regulations is based on technical information provided by building industries, officials, and associations with expertise in the subject areas. These modifications were previously recommended by the Code Study Committee and approved by the Council.

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Document No. 2886
DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA BOARD OF PILOTAGE COMMISSION
CHAPTER 136
Statutory Authority: 1976 Code Section 54-15-140

R.136-013. Pilot and Apprentice Age Limitations and 136-030. Pilot Registration

Synopsis:

The South Carolina Board of Pilotage Commission is amending Regulation 136-013 to reflect the Pilot and Apprentice Age Limitations and 136-030 Pilot Registration.

Instructions:

136-013. Pilot and Apprentice Age Limitations. Replace as indicated below.
136-030 Pilot Registration. (D) Replace in its entirety

Statement of Rational:

There was no scientific or technical basis relied upon in the development of this regulation. Updating these requirements will conform to established standards without compromising public safety.

Text:

136-013. Pilot and Apprentice Age Limitations.

The required physical rigors and necessary stamina render service as a pilot at Charleston to be such that no pilot seventy years or older will be registered.

136-30. Pilot Registration.

D. Every pilot being registered shall submit evidence that he or she has satisfactorily passed the thorough physical examination required pursuant to 46 CFR 10.709. In addition, every pilot age 65 or older shall submit specific evidence of his or her fitness to perform pilot duties with special attention and certification relative to visual acuity, hearing, heart and vascular, and musculoskeletal systems.

Fiscal Impact Statement:

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

Document No. 2887
DEPARTMENT OF LABOR, LICENSING AND REGULATION
RESIDENTIAL BUILDERS COMMISSION
CHAPTER 106
Statutory Authority: 1976 Code Section 40-1-70, 40-59-70, 40-59-610, and 40-59-220.

Synopsis:

Act 359 of 2002 amended the Residential Builders Practice Act (Sections 40-59-5, et seq. of the 1976 Code, as amended). Therefore, the regulations are updated to conform to the new Practice Act. The following regulation is the amended version consistent with Act 359 of 2002.

Instructions:

106-1. Licensing of Residential Builders.
Repeal.

106-2. Registration of Specialty Contractors.
Repeal.

106-3. Classification of Specialty Contractors.
Renumber as 106-1; Replace as indicated below.

106-4. Examinations.
Repeal; Renumber as 106-2 and rename title of section. Replace as indicated below.

106-5. Initial Fees.
Renumber as 106-3. Replace as indicated below.

106-6. License Renewals.
Repeal.

106-7. Disciplinary Actions.
Repeal.

106-8. Reissuance of License or Registration.
Repeal.

106-15. Qualifications and Fees for Home Inspectors.
Renumber as 106-4 and rename title of section. Text in (A) and (B) remains the same as indicated below.

Statement of Rationale:

There was no scientific or technical basis relied upon in the development of these regulations.

Text:

106-1. Classification of Residential Specialty Contractors.

In furtherance of established custom and usage within the construction industry and in recognition of the historical fact that the different skills, knowledge and experience necessary to the specialized trades and crafts has customarily limited activity and participation therein, the following classifications denote those residential specialties available for registration or licensure, as determined by the Commission. Holders thereof are restricted to the scope of operations set forth as to each.

- a. Plumbers: the installation, alteration and repair of water and sewage systems, included are all fixtures, vents, and devices common to the residential building industry;
- b. Electricians: the installation, alteration and repair of any wiring, related electrical material and equipment common to the residential building industry;
- c. Heating and air conditioning installers and repairers: the installation, replacement, alteration, or repair of air conditioning equipment and systems, limited to five tons cooling and 175,000 BTU/HR heating per unit, which consist of a number of components necessary to produce conditioned air for environmental heating or cooling, or both, within a residence, including package equipment, heating and cooling systems; and the installation, alteration, and repair of ventilation systems including duct work, air filtering devices, water treatment devices, pneumatic or electrical controls, or control piping, thermal and acoustical insulation, vibration isolation materials

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and devices, liquid fuel piping and tanks, water and gas piping from service and heating circuits and air handling systems, including gas fired furnaces and space heaters, and factory assembled single package units and split type direct expansion equipment, including heat pumps;

d. Vinyl and aluminum siding installers: the installation, alteration and repair of vinyl and aluminum siding common to the residential building industry;

e. Insulation installers: the installation, alteration and repair of insulating materials for the purpose of temperature or sound control, excluding any exterior roofing materials such as foam and reflective coating common to the residential building industry;

f. Roofers: the installation, alteration and repair of materials common to the residential building industry that form a water tight, weather resistant surface for roofs and decks, including all accessories, flashing, valleys, gravel stops and roof insulation panels above the roof deck;

g. Floor covering installers: the installation, replacement and repair of floor covering materials and related accessories including preparation of the surface to be covered; included are materials manufactured of asphalt, vinyl, rubber, linoleum, and carpet.

h. Masons: the installation, alteration and repair of poured-in-place concrete foundations (e.g. footings or reinforced slabs), brick, concrete block, and products common to the masonry industry, including mortarless types and synthetic masonry products common to the residential building industry;

i. Dry Wall Installer: the installation, alteration and repair of plaster, gypsum wall board, pointing, accessories, taping and texturing on structures both interior and exterior common to the residential building industry;

j. Carpenters: the installation, alteration and repair of rough and general carpentry work on new and existing structures including accessories and related hardware common to the residential building industry;

k. Stucco installers: the installation, alteration and repair of stucco finishes, including Exterior Insulation and Finish Systems (EIFS), which is defined as multi-layered exterior wall systems consisting of a durable water proof finish coat, a reinforced base coat, and insulation board, all secured to plywood or other substance by means of an adhesive and/or mechanical attachment.

l. Painters/Wallpaperers: the application of materials common to the painting and decorating industry for protective or decorative purposes, includes surface preparation, caulking, sanding and cleaning preparatory to painting common to the residential building industry; and the installation, alteration and repair of surface coverings such as vinyls, wallpapers, and cloth fabrics, decorative texturing, taping and finishing of drywall in conjunction with surface painting only common to the residential building industry.

106-2. Residential Specialty Contractors License.

As provided by Section 40-59-220, the Commission finds that the following residential specialty classifications must be licensed after examination satisfactorily demonstrating that an applicant is qualified to engage in a residential specialty contractor classification. When the cost of an undertaking to be performed by a licensed residential specialty contractor exceeds five thousand dollars, the licensee must obtain an executed surety bond in the amount of not less than ten thousand dollars.

a. Heating and Air Conditioning Installer and Repairers, effective July 1, 2004, except that applicants who have lawfully engaged in this classification in good standing for not less than two years prior to July 1, 2004, shall be issued a license without examination upon surrender of the proper registration card and compliance with all other requirements for licensure.

b. Plumbers, effective July 1, 2004, except that applicants who have lawfully engaged in this classification in good standing for not less than two years prior to July 1, 2004, shall be issued a license without examination upon surrender of the proper registration card and compliance with all other requirements for licensure.

c. Electricians, effective July 1, 2004, except that applicants who have lawfully engaged in this classification in good standing for not less than two years prior to July 1, 2004, shall be issued a license without examination upon surrender of the proper registration card and compliance with all other requirements for licensure.

106-3. Initial Fees.

A. Licensed Residential Builder or Residential Specialty Contractor:

1. An application processing fee of one hundred thirty-five dollars;

2. An examination fee of one hundred dollars;
3. A residential builder license fee of one hundred ten dollars;
4. An annual renewal fee of one hundred ten dollars;
5. A late fee of an additional fifty dollars for renewals received after July 1st;
6. When a renewal is received more than twelve months but not later than 3 years after expiration of the license, there will be a lapsed license reinstatement fee of two hundred sixty dollars. This includes one hundred ten dollar renewal fee, fifty dollar late fee and the lapsed fee of one hundred dollars, which will be required.

B. Registered Residential Specialty Contractor:

1. A registration fee of fifty dollars;
2. An annual renewal fee of fifty dollars;
3. A late fee of an additional twenty dollars for renewals received after July 1st;
4. A lapsed fee of ninety dollars will be required when a renewal is received more than twelve months but not later than 3 years after expiration of the registration.

C. Other Fees and Penalties:

1. A replacement fee of ten dollars for replacing any lost, destroyed, or mutilated license or registration card;
2. A fee of ten dollars for a duplicate copy of a license or registration when any change is requested to the information printed on the license or registration card.

D. Certificate of Authorization (COA):

1. A licensing fee of one hundred dollars;
2. A renewal fee of one hundred dollars.

E. Home Inspectors:

1. An application fee of eighty dollars;
2. An annual renewal fee of eighty dollars;
3. A late fee of ninety dollars for renewal received after July 1st;
4. An additional late renewal fee of one hundred ten dollars will be required when a renewal is received more than twelve months after expiration of the license;
5. A replacement fee of ten dollars for replacing any lost, destroyed or mutilated license;
6. A fee of ten dollars for a reissued license when any change is requested by the license to any information printed on the license;
7. An examination fee of eighty dollars.

106-4. Qualifications for Home Inspectors.

A. Any person desiring to be licensed as a home inspector, without examination by the commission shall file with the commission an application on forms provided by the commission showing to the satisfaction of the commission that he is currently certified or licensed as a building or home inspector after written examination by an organization or other entity approved by the commission; and

1. Has a minimum of one year of experience as a home inspector under the direction and direct supervision of a licensed home inspector, residential builder, general contractor, engineer, or architect; or
2. Has performed a minimum of fifty residential inspections, as evidenced by the name, address, telephone number, and summary page of each inspection being submitted for review.

Upon filing a completed application and payment of the required fees, the commission shall issue the applicant a license to engage in the business of home inspection in this State.

B. Any person desiring to be licensed by examination as a home inspector shall file with the commission an application of forms provided by the commission showing to the satisfaction of the commission that he:

1. Has performed a minimum of fifty home inspections within one year prior to January 1, 1996, as evidenced by the name, address, telephone number, and summary page of each inspection being submitted for review. This provision shall apply only to persons filing an application with the commission before January 1, 1997; or

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2. Has a minimum of one year of experience as a home inspector under the direction and direct supervision of a licensed home inspector, residential builder, general contractor, engineer, or architect; or
3. Has successfully completed a formal course of training or study in home inspection approved by the commission.

Upon filing of a completed application and copy of the required fees, the applicant shall be entitled to take the home inspectors licensing examination as prescribed by the commission. Upon successful completion of the examination and payment of the licensing fee, the commission shall issue the applicant a license to engage in the business of home inspection in this State. A passing score is seventy or better.

Fiscal Impact Statement:

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