

Session 114 - (2001-2002)

H 3618 General Bill, By Cato

Summary: Construction managers, contractors, general, mechanical, specialty; licensure requirements and classifications

A BILL TO AMEND SECTION 40-11-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS PERTAINING TO THE LICENSURE AND REGULATION OF CONTRACTORS, SO AS TO FURTHER SPECIFY DUTIES OF CONSTRUCTION MANAGERS AND TO REVISE AND ADD VARIOUS DEFINITIONS; TO AMEND SECTION 40-11-50, AS AMENDED, RELATING TO CONTRACTOR LICENSE FEES, SO AS TO ELIMINATE AND REVISE CERTAIN FEES; TO AMEND SECTION 40-11-110, AS AMENDED, RELATING TO GROUNDS FOR DISCIPLINARY ACTION, SO AS TO ALSO APPLY THESE GROUNDS TO CONSTRUCTION MANAGER REGISTRANTS; TO AMEND 40-11-120, AS AMENDED, RELATING TO THE SCOPE AND AUTHORITY OF THE BOARD TO IMPOSE SANCTIONS, SO AS TO FURTHER PROVIDE FOR DISCIPLINARY ACTION AGAINST A CONTRACTOR WHO IS DISCIPLINED IN ANOTHER STATE; TO AMEND SECTION 40-11-200, AS AMENDED, RELATING TO VIOLATIONS AND PENALTIES, SO AS TO FURTHER PROVIDE FOR CRIMINAL PENALTIES AND FOR ACTIONS AND OMISSIONS WHICH ARE CONSIDERED TO BE VIOLATIONS; TO AMEND SECTION 40-11-230, AS AMENDED, RELATING TO QUALIFICATIONS FOR CERTIFICATION AS A QUALIFYING PARTY, SO AS TO REQUIRE CERTAIN EXPERIENCE QUALIFICATIONS AND TO FURTHER PROVIDE FOR LICENSURE REQUIREMENTS; TO AMEND SECTION 40-11-240, AS AMENDED, RELATING TO QUALIFICATIONS FOR LICENSURE OF A CONTRACTOR, SO AS TO DELETE THE PROVISION REQUIRING AN ENTITY TO SUBMIT A REFERENCE FROM A BANK OR OTHER FINANCIAL INSTITUTION TO QUALIFY FOR LICENSURE; TO AMEND SECTION 40-11-250, AS AMENDED, RELATING TO LICENSE RENEWAL, SO AS TO PROVIDE THAT A LICENSE LAPSES IF NOT RENEWED WITHIN NINETY DAYS; TO AMEND SECTION 40-11-260, AS AMENDED, RELATING TO FINANCIAL STATEMENT REQUIREMENTS FOR GENERAL CONTRACTOR LICENSURE AND RENEWAL, SO AS TO REVISE THE MAXIMUM VALUE OF BIDS AND JOB-MINIMUM NET WORTH REQUIREMENTS FOR CERTAIN LICENSE GROUPS, TO PROVIDE THAT ON AN INITIAL APPLICATION A GENERAL CONTRACTOR BIDDING AND PERFORMING ON CERTAIN JOBS MAY SUBMIT A FINANCIAL STATEMENT THAT IS REVIEWED BY A LICENSED PUBLIC ACCOUNTANT, TO PROVIDE THAT ON A RENEWAL APPLICATION A GENERAL CONTRACTOR BIDDING AND PERFORMING ON CERTAIN JOBS MAY NOT SUBMIT AN OWNER-PREPARED FINANCIAL STATEMENT, TO PROVIDE THAT IF A LICENSEE DESIRES TO CHANGE TO A HIGHER LICENSE GROUP THE LICENSEE MUST MEET THE FINANCIAL STATEMENT AND NET WORTH REQUIREMENTS IN THE HIGHER LICENSE GROUP AS REQUIRED IN THE INITIAL APPLICATION OR HAVE A PERFORMANCE BOND FOR EACH PROJECT, AND TO PROVIDE THAT IF AN ENTITY DOES NOT SUBMIT A FINANCIAL STATEMENT FOR INITIAL LICENSURE OR LICENSE RENEWAL OR DOES NOT MEET THE FINANCIAL STATEMENT REQUIREMENTS, A PERFORMANCE BOND MUST BE OBTAINED AND MUST BE IN EFFECT FOR CERTAIN PROJECTS; TO AMEND SECTION 40-11-290, AS AMENDED, RELATING TO LICENSURE OF NONRESIDENT CONTRACTORS, SO AS TO FURTHER DEFINE THE BOARD'S AUTHORITY IN GRANTING SUCH LICENSURE; TO AMEND SECTION 40-11-300, AS AMENDED, RELATING TO PROHIBITING DIVIDING WORK PROJECTS INTO PORTIONS TO AVOID THE FINANCIAL REQUIREMENTS OF CERTAIN LEVELS OF LICENSURE, SO AS TO REQUIRE CALCULATING THE TOTAL COST OF A PROJECT IN DETERMINING THE LEVEL OF LICENSURE REQUIRED; TO AMEND SECTION 40-11-310, AS AMENDED, RELATING TO PROHIBITING A PERSON FROM ENGAGING IN WORK ON A CONSTRUCTION PROJECT FOR WHICH THE PERSON INSPECTS FOR COMPLIANCE WITH CODE STANDARDS; TO AMEND 40-11-320, AS AMENDED, RELATING TO CONSTRUCTION MANAGER LICENSURE REQUIREMENTS, SO AS TO FURTHER PROVIDE FOR SUCH LICENSURE; TO AMEND SECTION 40-11-340, AS AMENDED, RELATING TO REQUIREMENTS FOR A CONTRACTOR TO ACT AS THE SOLE PRIME CONTRACTOR ON A PROJECT, SO AS TO REQUIRE CONTRACTORS SOLELY ENGAGED IN RESIDENTIAL CONSTRUCTION TO BE LICENSED OR REGISTERED AS A SPECIALTY CONTRACTOR; TO AMEND SECTION 40-11-360, AS AMENDED, RELATING TO ENTITIES, PROPERTY CONSTRUCTION PROJECTS, AND PERSONS THAT ARE EXEMPT FROM LICENSURE AND TO THE POSTING OF PUBLIC NOTICE RELATIVE TO PROJECTS REQUIRED TO BE PERFORMED BY LICENSED CONTRACTORS, SO AS TO FURTHER SPECIFY EXEMPTIONS, TO INCLUDE ADDITIONAL EXEMPTIONS, AND TO REQUIRE ADDITIONAL INFORMATION TO BE POSTED; TO AMEND SECTION 40-11-390, RELATING TO GRANTING GROUP I LICENSURE TO UNLICENSED ENTITIES ENGAGING IN GENERAL OR MECHANICAL CONSTRUCTION BEFORE OCTOBER 31, 1999, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO ENTITIES ENGAGED IN CONSTRUCTION IN THE AMOUNT OF FIVE THOUSAND DOLLARS OR MORE AND THAT APPLICATION MUST BE MADE BEFORE NOVEMBER 1, 2001; TO AMEND SECTION 40-11-410, AS AMENDED, RELATING TO GENERAL AND MECHANICAL CONTRACTOR'S LICENSE CLASSIFICATIONS AND SUBCLASSIFICATIONS, SO AS TO REVISE THE TYPES OF CONSTRUCTION WORK AND PROJECTS THAT ARE COVERED BY THE VARIOUS CLASSIFICATIONS AND SUBCLASSIFICATIONS; AND TO AMEND

SECTION 40-11-420, AS AMENDED, RELATING TO THE REQUIREMENT TO OBTAIN BUILDING PERMITS, SO AS TO FURTHER SPECIFY REQUIREMENTS FOR CONTRACTORS CONTRACTING DIRECTLY WITH OWNERS SERVING AS PRIME CONTRACTORS.

02/22/01 House Introduced and read first time HJ-4

02/22/01 House Referred to Committee on Labor, Commerce and Industry HJ-6