

## CHAPTER 106

# Department of Labor, Licensing and Regulation— South Carolina Residential Builders Commission

(Statutory Authority: 1976 Code §§ 40-1-70, 40-59-70, 40-59-610, and 40-59-220)

### **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 natural gas piping systems, sewage systems and water filter and purification and conditioning systems, including all related 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 and devices, liquid fuel piping and tanks (except those used for liquid propane gas), 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.

m. Solar Panel Installers: Fabricating, assembling, installing, and replacing solar panels and related components common to the residential building industry. Roof mounting of solar panels shall only be performed by a licensed Residential Builder, registered Residential Specialty Contractor with a Roofer classification or a General Contractor with General Roofing or Specialty Roofing licensed by the South Carolina Contractor's Licensing Board. Wiring and connections shall only be performed by a licensed Residential Builder, licensed Residential Electrician or a Mechanical Contractor with Electrical classification licensed by the South Carolina Contractor's Licensing Board. If a roof requires structural upgrades for the mounting and installing of solar panels, any structural upgrading of the roof must be performed by a licensed Residential Builder, or a registered Residential Specialty Contractor with a Carpenter classification or a licensed General Contractor with Building or Structural Framing classifications.

**HISTORY: Amended by State Register Volume 17, Issue No. 5, Part III, eff May 28, 1993; State Register Volume 21, Issue No. 6, Part 2, eff June 27, 1997; State Register Volume 29, Issue No. 1, eff January 28, 2005; SCSR42-5 Doc. No. 4778, eff May 25, 2018.**

## **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 an amount approved by the Commission 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. In the event that such license, issued without examination, is allowed to lapse or expire for more than three years or is suspended or revoked, examination shall be required for the license to be re-issued.

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. In the event that such license, issued without examination, is allowed to lapse or expire for more than three years or is suspended or revoked, examination shall be required for the license to be re-issued.

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. In the event that such license, issued without examination, is allowed to lapse or expire for more than three years or is suspended or revoked, examination shall be required for the license to be re-issued.

**HISTORY: Amended by State Register Volume 17, Issue No. 5, Part III, eff May 28, 1993; State Register Volume 29, Issue No. 1, eff January 28, 2005; State Register Volume 37, Issue No. 6, eff June 28, 2013; State Register Volume 40, Issue No. 5, Doc. No. 4630, eff May 27, 2016; SCSR42-5 Doc. No. 4777, eff May 25, 2018.**

### **106–3. Initial Fees.**

The Commission may charge fees as shown in South Carolina Code of Regulations Chapter 10–38 and on the South Carolina Residential Builders Commission website at [http://lir.sc.gov/POL/Residential Builders/](http://lir.sc.gov/POL/ResidentialBuilders/).

**HISTORY:** Amended by State Register Volume 17, Issue No. 5, Part III, eff May 28, 1993; State Register Volume 29, Issue No. 1, eff January 28, 2005; State Register Volume 39, Issue No. 6, Doc. No. 4518, eff June 26, 2015.

### **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

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.

**HISTORY:** Amended by State Register Volume 17, Issue No. 5, Part III, eff May 28, 1993; State Register Volume 29, Issue No. 1, eff January 28, 2005.

### **106–5. Emergency License and Registration**

A. In the instance of an event declared to be an emergency by the governor, the department, as defined by S.C. Code Ann. § 40–59–20(2), is authorized to issue emergency licenses and registrations for out-of-state builders and specialty contractors.

B. To qualify for an emergency license or registration, an individual, at the time of application, must submit a verification letter issued by the state in which the applicant's principal place of business is located (home state) as proof that his or her license is in good standing. The emergency license or registration may be issued only to the individual shown on the home-state license. The home-state license must have been issued by examination; a "grandfathered" license or registration will not be accepted as proof of licensure.

C. In addition to proof of home state licensure, an applicant must also provide:

1. An emergency license application;

2. A national criminal background report current within fourteen (14) days of the date of application. A criminal background report showing misdemeanors listed for twenty-four (24) months or felonies listed for fifteen (15) years prior to the application date will not qualify for licensure;

3. A current bond for home builders of at least Fifteen Thousand Dollars (\$15,000.00) and current bond for specialty contractors of at least Five Thousand Dollars (\$5,000.00); and,

4. A fee of One Hundred Dollars (\$100.00).

D. An emergency license or registration will be:

1. Issued for one (1) specific event;

2. Limited to a total valuation of One Hundred Thousand Dollars (\$100,000.00) for any single project for home builders, and a total valuation of Thirty-five Thousand Dollars (\$35,000.00) for any single project for specialty contractors;

3. Valid only for the scope of work permitted by the applicant's home-state license;

4. Valid only within the area of the declared emergency; and,

5. Valid only for the duration of the emergency declaration, or as extended at the board's discretion.

**HISTORY: Added by State Register Volume 36, Issue No. 6, eff June 22, 2012.**