AMENDED

May 13, 2010

**H. 4663**

Introduced by Reps. Sandifer, Bales, Cato, McEachern, Hamilton, Loftis, G.R. Smith, Wylie, Stringer, Willis, Clemmons, Barfield, Ballentine, Whitmire, White, Toole, Huggins, Pinson, Gunn, Norman, Millwood, Simrill, Delleney, Owens, Bannister, Rice, Erickson, D.C. Moss, Stewart, Mitchell, Bowen, J.E. Smith, Dillard, Herbkersman, Chalk, Haley, Viers, Anderson, T.R. Young, Nanney and Vick

S. Printed 5/13/10--S.

Read the first time March 2, 2010.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑9‑55 SO AS TO PROVIDE THAT A BUILDING CODE PROVISION THAT REQUIRES AN AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEM BE INSTALLED IN A NEW ONE‑FAMILY OR TWO‑FAMILY DWELLING MAY NOT BE ENFORCED, TO PROVIDE CERTAIN PROSPECTIVE HOMEOWNERS MAY CHOOSE WHETHER TO HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED, TO MAKE THE INSTALLATION OF AN AUTOMATIC SPRINKLER SYSTEM APPROVED BY THE INTERNATIONAL RESIDENTIAL CODE AVAILABLE WHERE REQUIRED BY THAT CODE, AND TO PROVIDE WHERE THE PROVISIONS OF THIS SECTION CONTROL EVEN WHEN THEY CONFLICT WITH ANOTHER LAW OR LOCAL ORDINANCE.

Amend Title To Conform

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

SECTION 1. Section 12‑6‑3622 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( )(1) The General Assembly shall appoint a study committee to develop new strategies to increase participation in the tax credit program by all local taxing entities, and to review and make recommendations for increasing the installation of interconnected hard‑wired smoke alarms. The study committee shall make a report of its findings to the General Assembly no later than January 30, 2011. The committee shall dissolve upon the date of its report.

(2) The study committee shall be composed of six members. Three members shall be appointed by the President Pro Tempore of the Senate and three members appointed by the Speaker of the House of Representatives. The study committee must be composed of a representative of the South Carolina Fire Sprinkler Association, a representative of the South Carolina Home Builders Association, a representative of the South Carolina Association of Counties, and a representative of the Municipal Association of South Carolina.

(3) Members of the study committee shall serve without any compensation for per diem, mileage, and subsistence.”

SECTION 2. Chapter 9, Title 6 of the 1976 Code is amended by adding:

“Section 6‑9‑55. (A) The council shall promulgate as regulations, in accordance with the procedure and requirements contained in Article 1, Chapter 23 of Title 1, any provision of or amendment to any building code that would affect construction requirements for one‑family or two‑family dwellings. No building code provision that would otherwise become effective after the effective date of this section concerning construction requirements for one‑family or two‑family dwellings shall be enforced until the effective date of the regulations required to be promulgated by this section.

(B) Notwithstanding subsection (A), a regulation mandating the installation of an automatic residential fire sprinkler system in one-family or two-family dwellings shall not become effective at any time prior to January 1, 2014.”

SECTION 3. Section 58‑5‑390 of the 1976 Code, as added by Act 357 of 2008, is amended to read:

“Section 58‑5‑390. (A) A publicly or privately owned utility may not impose a tap fee, other fee, or a recurring maintenance fee of any nature or however described for the installation and maintenance of a fire sprinkler system that exceeds the actual costs associated with the water line to the system.

(B) For purposes of this section, actual costs include direct labor, direct material, the necessity of increased capacity, and other direct charges associated with the separate fire sprinkler line. The direct costs must be documented by either an invoice or work order that specifically assigns the costs to the separate fire sprinkler line. Nothing in this section may be construed as requiring a utility to provide service to support a private fire protection system.

(C) Nothing in this section shall give the commission or the regulatory staff any power to regulate or interfere with public utilities owned or operated by or on behalf of any municipality, county, or regional transportation authority as defined in Chapter 25 of this title or their agencies.”

SECTION 4. Section 6‑9‑135 of the 1976 Code is repealed.

SECTION 5. Except where otherwise provided, this act takes effect upon approval by the Governor.

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