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COMMITTEE REPORT

May 7, 2009

**S. 791**

Introduced by Senator L. Martin

S. Printed 5/7/09--S.

Read the first time May 6, 2009.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (S. 791) to require the South Carolina Building Codes Council to adopt certain seismic and wind maps for the State until the year 2012 when the International Residential Code (IRC) is adopted, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill as and if amended, by deleting SECTION 2 in its entirety and inserting:

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

“Section 6-9-135. Notwithstanding any other provision of law, a county or municipality may adopt by reference or otherwise the provisions in the latest edition of the International Residential Code (IRC), including the wind and seismic provisions, necessary to prevent the community’s rating for purposes of premium credits from being retrograded to a lower class through one of the following:

(1) the Community Rating System community classification developed by the National Flood Insurance Program; or

(2) the Building Code Effectiveness Grading Schedule classification developed by the Insurance Services Office.

This exclusion also includes class improvements or new enrollments for the Community Rating System. /

Renumber sections to conform.

Amend title to conform.

W. GREG RYBERG for Committee.

**A** **BILL**

TO REQUIRE THE SOUTH CAROLINA BUILDING CODES COUNCIL TO ADOPT CERTAIN SEISMIC AND WIND MAPS FOR THE STATE UNTIL THE YEAR 2012 WHEN THE INTERNATIONAL RESIDENTIAL CODE (IRC) IS ADOPTED IN THIS STATE; AND TO AMEND SECTION 6‑9‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BUILDING CODE ADOPTION PROCEDURE, SO AS TO PROVIDE THAT THE COMMUNITY MAY OPT OUT OF THESE BUILDING CODE MODIFICATIONS IN CERTAIN CIRCUMSTANCES.

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

SECTION 1. (A) The South Carolina Building Codes Council is directed to modify the South Carolina Residential Building Code by July 1, 2009, to incorporate the results of the research funded in 2008 by the General Assembly by Clemson University and The Citadel to develop new risk‑based seismic and wind maps. These maps, along with associated changes in provisions that will seek to match the expected next generation of the national model code provisions for wind and seismic design, must be used until the 2012 International Residential Code (IRC) building code is adopted in South Carolina.

(B) The South Carolina Building Codes Council, in cooperation with the study team from Clemson University and The Citadel, shall develop a ZIP code‑based table for determining the seismic design category and design wind speed for Category II residential buildings and indicate if the IRC prescriptive requirements for conventional construction can be used to meet the requirements for wind and seismic design. The location of the geographic centroid for each ZIP code area must be used to determine the values appearing in this ZIP code‑based table.

SECTION 2. Section 6‑9‑40 of the 1976 Code, as last amended by Act 54 of 2007, is further amended by adding:

“(D) Notwithstanding the provisions of this section, if a community’s insurance rating is down graded resulting in the loss of insurance premium credits by the FEMA National Flood Insurance program specifically as a result of modifications to the South Carolina Building Code, the community may opt out of these building code modifications and adopt the wind and seismic provisions contained in the current version of the IRC Building Code.”

SECTION 3. This act takes effect upon approval by the Governor.

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