**A** **BILL**

TO AMEND SECTION 40‑59‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSE REQUIREMENTS FOR A RESIDENTIAL HOME BUILDER, SO AS TO PROVIDE A PERSON SEEKING A RESIDENTIAL HOME BUILDER LICENSE MUST SUBMIT TO CERTAIN CRIMINAL BACKGROUND CHECKS AND THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL NOT ISSUE A RESIDENTIAL HOMEBUILDER LICENSE TO A PERSON WHO HAS NOT SUBMITTED TO THESE BACKGROUND CHECKS.

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

SECTION 1. Section 40‑59‑30 of the 1976 Code, as last amended by Act 40 of 2009, is further amended to read:

“Section 40‑59‑30. (A) A person or firm who engages or offers to engage in the business of residential building or residential specialty contracting without first having registered with the commission or procured a license from the commission, which has not expired or been revoked, suspended, or restricted or who knowingly presents to, or files with, the commission false information for the purpose of obtaining a license or registering with the commission is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars or more than ten thousand dollars ~~or~~, imprisoned for not less than thirty days, or both.

(B) In addition to the other requirements of this title:

(1) a person seeking a license must undergo a fingerprint‑based background check conducted by the State Law Enforcement Division (SLED) to determine if the person has a criminal history in this State and a fingerprint‑based background check conducted by the Federal Bureau of Investigation (FBI) to determine if the person has other criminal history; and

(2) the department may issue no license:

(a) to a person who fails to comply with subsection (1); and

(b) until the department reviews the results of the background checks required in subsection (1).

(~~B~~C) Notwithstanding Section 29‑5‑10~~,~~ or another provision of law, a person or firm who first has not procured a license or registered with the commission and is required to do so by law may not file a mechanics’ lien or bring an action at law or in equity to enforce the provisions of a contract for residential building or residential specialty contracting which the person or firm entered into in violation of this chapter.

(~~C~~D) Pursuant to Article 5, Chapter 23, Title 1, the commission may petition an administrative law judge to issue a temporary restraining order enjoining a violation of this chapter, pending a full hearing to determine whether the injunction must be made permanent.”

SECTION 2. This act takes effect upon approval by the Governor.

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