~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

February 19, 2013

**H. 3423**

Introduced by Reps. Sandifer, Toole, D.C. Moss and Bales

S. Printed 2/19/13--H.

Read the first time January 24, 2013.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑29‑95 SO AS TO PROVIDE THE MANUFACTURED HOUSING BOARD SHALL ADOPT CERTAIN FINANCIAL RESPONSIBILITY GUIDELINES FOR ITS LICENSEES; BY ADDING SECTION 40‑29‑225 SO AS TO PROVIDE CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL OF LICENSURE AS A MANUFACTURED HOME RETAIL DEALER, RETAIL SALESMAN, INSTALLER, CONTRACTOR, OR REPAIRER; BY ADDING SECTION 40‑29‑325 SO AS TO PROVIDE A DEALER SHALL INCLUDE HIS LICENSE NUMBER IN ADVERTISING, TO PROVIDE AN EXCEPTION, AND TO PROVIDE PENALTIES FOR A VIOLATION; BY ADDING SECTION 40‑29‑500 SO AS TO PROVIDE FAILURE TO OBTAIN AN APPROPRIATE BUILDING PERMIT BEFORE INSTALLING A MANUFACTURED HOME CONSTITUTES A VIOLATION; TO AMEND SECTION 40‑29‑80, RELATING TO BASES FOR SUSPENDING, REVOKING, RESTRICTING, OR DENYING A LICENSE BY THE BOARD, SO AS TO INCLUDE THE AIDING OR ABETTING AN UNLICENSED ENTITY TO EVADE THE PROVISIONS OF THE CHAPTER OR TO ALLOW USE OF A LICENSE BY AN UNLICENSED ENTITY; TO AMEND SECTION 40‑29‑200, RELATING TO APPLICATIONS FOR LICENSURE AND RENEWAL, SO AS TO PROVIDE AN APPLICANT FOR LICENSURE AS A RETAIL DEALER SHALL GIVE THE BOARD A FINANCIAL STATEMENT REVIEWED BY A CERTIFIED PUBLIC ACCOUNTANT, TO PROVIDE THE HOLDER OF A LIEN ON A MANUFACTURED HOME IS NOT SUBJECT TO THE PROVISIONS OF THIS CHAPTER FOR THE SALE, EXCHANGE, OR TRANSFER BY LEASE‑PURCHASE A REPOSSESSED MANUFACTURED HOME MADE THROUGH A LICENSED MANUFACTURED HOME RETAILER, AND TO PROVIDE A PERSON LICENSED BY ANOTHER BOARD OR COMMISSION IN THIS STATE MAY NOT INSTALL A MANUFACTURED HOME BUT MAY REPAIR, INSPECT, OR IMPROVE A MANUFACTURED HOME CONSISTENT WITH THE REQUIREMENTS OF HIS LICENSE; AND TO AMEND SECTION 40‑29‑230, RELATING TO VIOLATIONS OF SURETY BOND, CLAIM, AND RELEASE REQUIREMENTS FOR APPLICANTS FOR LICENSURE BY THE BOARD, SO AS TO INCLUDE THE INABILITY OF AN APPLICANT TO SATISFY REQUISITE FINANCIAL RESPONSIBILITY GUIDELINES AS A BASIS FOR INCREASING THE AMOUNT OF THE REQUIRED SURETY BOND OR OTHER APPROVED SECURITY.

Amend Title To Conform

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

SECTION 1. Chapter 29, Title 40 of the 1976 Code is amended by adding:

“Section 40‑29‑225. (A) As a prerequisite to renewal of a license issued under this chapter, a person licensed under this chapter as a manufactured home retail dealer, retail salesman, installer, contractor, or repairer must certify to the board his completion of a minimum of six hours of continuing education required under this section in the preceding two years. A person holding more than one type of license must not be required to complete more than six hours of continuing education collectively for the multiple licenses during each renewal cycle.

(B) The requirements for continuing education are:

(1) a continuing education course must be reviewed and approved by a vote of the Manufactured Housing Board at one of its periodic meetings;

(2) approval of a course must be valid for two years, after which the course must be resubmitted to the board;

(3) a continuing education course must be at least one hour in length, and must concern South Carolina and federal laws, regulations, court cases, business practices, technical, or engineering requirements that affect manufactured homes;

(4) a course participant must take a written or electronic test at the end of the course, and must pass the test with a correct score of at least seventy percent;

(5) at least two hours of the continuing education requirement must concern laws, regulations, or court cases specifically affecting manufactured housing in South Carolina;

(6) an application for approval of a continuing education course must contain an outline of the course, description of the background of the course instructor, and a copy of the test to be taken by course participants; and

(7) the course provider must be responsible for grading the continuing education course test required under this section and shall maintain records of course attendees and test results for four years after the date of the course.

(C) The license of a person who fails to comply with the continuing education requirements of this section shall lapse. The board may, for good cause shown, grant extensions of time to licensees to comply with these requirements. A licensee that has obtained an extension under this subsection and certified to the board his completion of the continuing education courses required by this section before the expiration of the granted extension must be considered in compliance with this section.”

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

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