~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 11, 2013

**H. 3869**

Introduced by Reps. Sandifer and Gambrell

S. Printed 4/11/13--H.

Read the first time March 21, 2013.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 3869) to amend Section 40‑59‑230, Code of Laws of South Carolina, 1976, relating to the renewal of licenses issued by the South Carolina Residential Builders Commission, 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 all after the enacting words and inserting:

/ SECTION 1. Section 40‑59‑230 of the 1976 Code is amended to read:

“Section 40‑59‑230. (A) Unless otherwise provided under the provisions of this chapter, the commission shall ~~annually~~ biennially renew all licenses upon the applicant’s submission to the commission ~~of~~, together with a certificate of compliance of educational requirements by an organization approved by the commission to oversee the completed renewal application, proof of financial responsibility or bond, acceptable to the commission and payment of all applicable fees. If a license has been in inactive status for more than three years, the person shall file a new application as in the case of the issuance of an original license and is required to take and successfully complete the examination.

(B) As a condition of license renewal, the commission ~~may~~ shall require by regulation a licensee to satisfactorily complete continuing education ~~through a program approved by the commission~~. These classes may be conducted as some combination of approved online and in‑class work. At least six hours of coursework must be completed on a biennial basis in the core areas of building codes, safety, and business law and practices and at least ten hours of coursework may be completed biennially and applied to advanced certificate designations that will be kept on file by a South Carolina professional organization designated by the commission and made available to the commission. No additional continuing education or examination may be required by a county or municipality.

(C) A licensee must notify the commission in writing within thirty days of any change in the information required to be on file with the commission including, but not limited to, the licensee’s current mailing address.

(D) The commission may establish additional professional designations for licenses which shall not be a condition of licensure, but which shall recognize enhanced professional qualifications and experience.”

SECTION 2. Section 40‑59‑240(B) and (C) of the 1976 Code is amended to read:

“(B) Residential specialty contractors must be qualified and experienced in the particular areas of the contracting vocation in which they intend to, and do, engage. The commission, by regulation, may require examination in these areas. The commission also shall require by regulation a licensee to satisfactorily complete continuing educational requirements by a South Carolina organization approved by the commission. These classes may be conducted as some combination of approved online and in‑class work. At least six hours of coursework must be completed on a biennial basis in the core areas of building codes, safety, and business law and practices.

(C) Residential specialty contractors are not exempt from complying with county and municipal business license ordinances or other regulatory ordinances. A county or municipality may require a residential specialty contractor to be examined and licensed in accordance with standards adopted by the county or municipality; however, if a residential specialty contractor has passed an examination in his area of contracting and approved by the commission and has satisfactorily completed the core areas of continuing education from an organization approved by the commission, then, no additional continuing education or examination may be required by a county or municipality.”

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

Renumber sections to conform.

Amend title to conform.

WILLIAM E. SANDIFER III for Committee.

**A** **BILL**

TO AMEND SECTION 40‑59‑230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RENEWAL OF LICENSES ISSUED BY THE SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION, SO AS TO MAKE THE RENEWAL PERIOD BIENNIAL, TO REQUIRE A LICENSEE SEEKING RENEWAL TO SUBMIT A CERTIFICATE OF COMPLIANCE WITH CONTINUING EDUCATIONAL REQUIREMENTS, TO PROVIDE SPECIFIC REQUIREMENTS OF MANDATORY CONTINUING EDUCATION REQUIRED OF A LICENSEE, AND TO PROVIDE THE COMMISSION MAY ESTABLISH ADDITIONAL PROFESSIONAL DESIGNATIONS FOR LICENSES TO RECOGNIZE ENHANCED PROFESSIONAL QUALIFICATIONS AND EXPERIENCE; AND TO AMEND SECTION 40‑59‑240, RELATING TO RESIDENTIAL SPECIALTY CONTRACTORS, SO AS TO REQUIRE LICENSEES COMPLETE CERTAIN CONTINUING EDUCATION APPROVED BY THE COMMISSION, AND TO PROVIDE A RESIDENTIAL SPECIALTY CONTRACTOR WHO HAS COMPLETED CONTINUING EDUCATIONAL REQUIREMENTS IN ADDITION TO OTHER EXISTING REQUIREMENTS IS EXEMPT FROM RELATED ADDITIONAL EXAMINATIONS REQUIRED BY A COUNTY OR MUNICIPALITY.

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

SECTION 1. Section 40‑59‑230 of the 1976 Code is amended to read:

“Section 40‑59‑230. (A) Unless otherwise provided under the provisions of this chapter, the commission shall ~~annually~~ biennially renew all licenses upon the applicant’s submission to the commission ~~of~~, together with a certificate of compliance of educational requirements by an organization approved by the commission to oversee the completed renewal application, proof of financial responsibility or bond, acceptable to the commission and payment of all applicable fees. If a license has been in inactive status for more than three years, the person shall file a new application as in the case of the issuance of an original license and is required to take and successfully complete the examination.

(B) As a condition of license renewal, the commission ~~may~~ shall require by regulation a licensee to satisfactorily complete continuing education ~~through a program approved by the commission~~. These classes may be conducted as some combination of approved online and in‑class work. At least six hours of coursework must be completed on a biennial basis in the core areas of building codes, safety, and business law and practices and at least ten hours of coursework may be completed biennially and applied to advanced certificate designations that will be kept on file by a South Carolina professional organization designated by the commission and made available to the commission.

(C) A licensee must notify the commission in writing within thirty days of any change in the information required to be on file with the commission including, but not limited to, the licensee’s current mailing address.

(D) The commission may establish additional professional designations for licenses which shall not be a condition of licensure, but which shall recognize enhanced professional qualifications and experience.”

SECTION 2. Section 40‑59‑240(B) and (C) of the 1976 Code is amended to read:

“(B) Residential specialty contractors must be qualified and experienced in the particular areas of the contracting vocation in which they intend to, and do, engage. The commission, by regulation, may require examination in these areas. The commission also shall require by regulation a licensee to satisfactorily complete continuing educational requirements by a South Carolina organization approved by the commission. These classes may be conducted as some combination of approved online and in‑class work. At least six hours of coursework must be completed on a biennial basis in the core areas of building codes, safety, and business law and practices.

(C) Residential specialty contractors are not exempt from complying with county and municipal business license ordinances or other regulatory ordinances. A county or municipality may require a residential specialty contractor to be examined and licensed in accordance with standards adopted by the county or municipality; however, if a residential specialty contractor has passed an examination in his area of contracting and approved by the commission and has satisfactorily completed the core areas of continuing education from an organization approved by the commission, then, no additional examination may be required by a county or municipality.”

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

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