~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

March 25, 2010

**H. 3354**

Introduced by Reps. Chalk, Brantley, G.A. Brown, Clyburn, Erickson, Herbkersman and Sottile

S. Printed 3/25/10--H.

Read the first time January 27, 2009.

**A** **BILL**

TO AMEND SECTION 40‑11‑360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM STATUTES APPLICABLE TO LICENSED CONTRACTORS, SO AS TO PROVIDE AN OWNER OF RESIDENTIAL PROPERTY WHO MAKES CERTAIN IMPROVEMENTS TO THE PROPERTY OWES TO A SUBSEQUENT OWNER OF THE PROPERTY THE SAME DUTY AS A LICENSED CONTRACTOR TO COMPLY WITH APPLICABLE BUILDING CODES AND STANDARDS.

Amend Title To Conform

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

SECTION 1. Section 40‑11‑360(A)(5) of the 1976 Code is amended to read:

“(5)(a) An owner of residential property who improves the property or who builds or improves structures or appurtenances on the property if he does the work himself, with his own employees, or with licensed contractors; provided that the structure, group of structures, or appurtenances, including the improvements, are intended for the owner’s sole occupancy or occupancy by the owner’s family and are not intended for sale or rent, and ~~provided further,~~ that the general public does not have access to this structure.

(b) In an action brought under this chapter, proof of the sale or rent or the offering for sale or rent of the structure by the owner‑builder within two years after completion or issuance of a certificate of occupancy is prima facie evidence that the project was undertaken for the purpose of sale or rent and is subject to the penalties provided in this chapter.

(c) As used in this item, ‘sale’ or ‘rent’ includes an arrangement by which an owner receives compensation in money, provisions, chattel, or labor from the occupancy~~,~~ or ~~the~~ transfer of the property or ~~the structures~~ a structure on the property.

(d) To qualify for the exemption under this section, a owner must comply with all applicable laws, ordinances, building codes, and zoning regulations including, but not limited to, Section 40-59-260.”

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

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