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COMMITTEE REPORT

April 27, 2017

**H. 3649**

Introduced by Reps. Crawford and Sandifer

S. Printed 4/27/17--S.

Read the first time March 9, 2017.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 3649) to amend Section 40‑3‑60, Code of Laws of South Carolina, 1976, relating to rules and officers of the Board of Architectural Examiners, so as to, 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 striking all after the enacting words and inserting:

/ SECTION 1. Section 40‑3‑60 of the 1976 Code is amended to read:

“Section 40‑3‑60. (A) The board may adopt rules governing its proceedings and shall elect a chairman, ~~vice‑chairman~~ vice chairman, and secretary who shall serve a term of one year. The board may promulgate regulations necessary to carry out the provisions of this chapter and shall adopt a seal with which all its official documents must be sealed.

(B) The board may advise and recommend action to the department in the development of statutory revisions and other matters as the department may request in regard to the administration of this chapter.”

SECTION 2. Section 40‑3‑115 of the 1976 Code is amended to read:

“Section 40‑3‑115. The board has jurisdiction: ~~over the actions of licensees and former licensees as provided in Section 40‑1‑115~~

(1) over practice undertaken by nonlicensed individuals and firms and the actions committed or omitted by current and former licensees during the entire period of licensure; and

(2) to act on any matter that arises during the practice authorization period of licensed practitioners and firms, as provided for in Section 40‑1‑115.”

SECTION 3. Section 40‑3‑290 of the 1976 Code is amended to read:

“Section 40‑3‑290. (A) Nothing in this chapter prohibits a general contractor or a home builder from the preparation and use of details and shop drawings, assembly or erection drawings, or graphic descriptions used to detail or illustrate a portion of the work required to construct the project in accordance with the plans and specifications prepared or to be prepared under the requirements of this chapter.

~~(B)~~ ~~Nothing in this chapter prevents or affects the practice of any other legally recognized profession.~~

~~(C)~~ ~~If the drawings and specifications are signed by the authors with the true title of their occupations, this chapter does not apply to the preparations of plans and specifications for:~~

~~(1)~~  ~~a building which is to be used for farm purposes only;~~

~~(2)~~ ~~a building less than three stories high and containing fewer than five thousand square~~

~~feet of total floor area except buildings of assembly, institutional, educational, and hazardous occupancies as defined by the Standard Building Code, regardless of area;~~

~~(3)~~ ~~a detached single‑family or two‑family dwelling, as defined in Group R3 of the Standard Building Code, regardless of size, with each unit having a grade level exit and sheds, storage buildings, and garages incidental to the dwelling;~~

~~(4)~~ ~~alterations to a building to which this chapter does not apply, if the alterations do not increase the areas and capacities beyond the limits of this chapter or affect the structural safety of the building.~~

~~(D)~~ ~~Nothing in this chapter prevents or affects the practice of engineering, as defined in Chapter 22 of Title 40, or architectural work incidental to the practice of engineering.~~

~~(C)~~(B) If drawings and specifications are signed by the authors with the true title of their occupations, then this chapter does not apply to the preparation of plans and specifications for:

(1) farm buildings not designed or used for human occupancy;

(2) buildings and structures classified as occupancies and uses as defined by the International Code Series, as adopted by the State of South Carolina and listed below:

(a)(i) Business and Storage Occupancies and Uses of a single story and less than five thousand square feet in area;

(ii) Mercantile Occupancies and Uses of a single story and less than three thousand square feet in area; or

(iii) Occupancies or Uses of Assembly, Educational, Factory or Industrial, High Hazard, and Institutional regardless of size or area, are not exempt from the provisions of this chapter; and

(b) Occupancies or Uses of Utility and Miscellaneous are to be determined by the authority having jurisdiction.

(3) one‑ and two‑family dwellings in compliance with the prescriptive requirements of the International Residential Code, as adopted by the State of South Carolina. All other buildings and structures classified as residential occupancies or uses in the International Code Series, as adopted by the State of South Carolina, and that are beyond the scope of the International Residential Code are not exempt from the provisions of this chapter; and

(4) alterations to a building to which this chapter does not apply, if the alterations do not result in a change that would otherwise place the building under the application of this chapter.

(C) This subsection may not be construed to prejudice a law, ordinance, regulation, or other directive enacted by another political body or a requirement by a contracting authority that would otherwise require preparation of plans and specifications under the responsible charge of a licensed architect.”

SECTION 4. Section 40‑22‑280(B) of the 1976 Code, as last amended by Act 259 of 2016, is further amended to read:

“(B) If drawings and specifications are signed by the authors with the true title of their occupations, this chapter does not apply to the preparation of plans and specifications for:

(1) farm buildings not designed or used for human occupancy;

(2) ~~buildings and structures not requiring a permit by the authority having jurisdiction, except that buildings and structures classified as assembly, business, educational, factory and industrial, high hazard, institutional, mercantile, storage, and utility occupancies or uses in the International Code Series, as adopted by the State of South Carolina, regardless of size or area, are not exempt from the provisions of this chapter;~~ buildings and structures classified as occupancies and uses as defined by the International Code Series, as adopted by this State and listed below:

(a)(i) Business and Storage Occupancies and Uses of a single story and less than five thousand square feet in area;

(ii) Mercantile Occupancies and Uses of a single story and less than 3,000 square feet in area; or

(iii) Occupancies or Uses of Assembly, Educational, Factory or Industrial, High Hazard, and Institutional regardless of size or area, are not exempt from the provisions of this chapter; and

(b) Occupancies or Uses of Utility and Miscellaneous are to be determined by the authority having jurisdiction.

(3) one‑ and two‑family dwellings in compliance with the prescriptive requirements of the International Residential Code, as adopted by the State of South Carolina. All other buildings and structures classified as residential occupancies or uses in the International Code Series, as adopted by this State, and that are beyond the scope of the International Residential Code are not exempt from the provisions of this chapter; and

(4) alterations to a building to which this chapter does not apply, if the alterations do not result in a change which would otherwise place the building under the application of this chapter.”

SECTION 5. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

THOMAS C. ALEXANDER for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Amended by the House of Representatives on March 8, 2017**

**State Expenditure**

This bill changes the buildings and structures for which an architect must submit drawings to local building officials. This bill would not require the involvement of an architect and submission of an architect’s plans to local building officials for buildings less than three stories and less than 5,000 square feet, including buildings within those dimensions defined by the Institutional Codes Series as business, factory and industrial, mercantile, storage, and utility occupancies. The following buildings would still require involvement of an architect regardless of size: educational, high hazard, and institutional buildings.

**Department of Labor, Licensing and Regulation**. The bill changes buildings for which structural plans must be submitted by architects to local building officials prior to construction. As this bill does not affect the responsibilities or work of the department, the bill would not have an expenditure impact on the general fund, federal funds, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 40‑3‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RULES AND OFFICERS OF THE BOARD OF ARCHITECTURAL EXAMINERS, SO AS TO PROVIDE THE BOARD MAY PROVIDE ADVICE AND MAKE RECOMMENDATIONS TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION CONCERNING THE DEVELOPMENT OF STATUTORY REVISIONS AND OTHER MATTERS AS THE DEPARTMENT REQUESTS CONCERNING THE ADMINISTRATION OF CHAPTER 3, TITLE 40; TO AMEND SECTION 40‑3‑115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO REVISE THIS JURISDICTION; AND TO AMEND SECTION 40‑3‑290, RELATING TO EXCEPTIONS FROM CHAPTER 3, TITLE 40, SO AS TO REVISE CRITERIA FOR CERTAIN EXEMPT BUILDINGS AND DETACHED SINGLE‑FAMILY OR TWO‑FAMILY DWELLINGS.

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

SECTION 1. Section 40‑22‑280(B)(2) of the 1976 Code, as last amended by Act 259 of 2016, is further amended to read:

“(2) buildings and structures ~~not requiring a permit by the authority having jurisdiction~~ less than three stories high and less than five thousand square feet in area, except that buildings and structures classified as assembly, ~~business,~~ educational, ~~factory and industrial,~~ high hazard, institutional, ~~mercantile, storage, and utility occupancies~~ or uses ~~in~~ as defined by the International Code Series, as adopted by the State of South Carolina, regardless of size or area, are not exempt from the provisions of this chapter;”

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

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