

# CHAPTER 29

## Department of Labor, Licensing and Regulation— State Licensing Board for Contractors

Statutory Authority: 1976 Code Chapter 11 of Title 40

### ARTICLE 1 GENERAL RULES AND BY-LAWS

#### **29-1. Examination Requirements; Classifications.**

The following classifications require passage of a technical examination, approved by the board:

- (1) building:
  - (a) building contractors examination, license groups one, two, and three;
  - (b) general contractors examination, license groups four and five;
- (2) bridges;
- (3) grading;
- (4) asphalt paving;
- (5) concrete paving;
- (6) concrete;
- (7) marine;
- (8) pre-engineered metal buildings;
- (9) public utility electrical;
- (10) structural framing;
- (11) general roofing;
- (12) specialty roofing;
- (13) swimming pools;
- (14) wood frame structures;
- (15) pipe lines;
- (16) water and sewer lines;
- (17) water and sewer plants;
- (18) packaged equipment;
- (19) air conditioning;
- (20) electrical;
- (21) heating;
- (22) lightning protection systems;
- (23) plumbing;
- (24) pressure and process piping;
- (25) refrigeration;
- (26) boilers;

(27) such other classifications as the board may designate.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 23, Issue No. 6, eff June 25, 1999; State Register Volume 24, Issue No. 5, eff May 26, 2000.

## **29-2.** Repealed.

**HISTORY:** Former Regulation, titled Group One Licensure Requirements, had the following history: Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 23, Issue No. 6, eff June 25, 1999; State Register Volume 36, Issue No. 6, eff June 22, 2012. Repealed by SCSR 44-2 Doc. No. 4848, eff February 28, 2020.

## **29-3. Financial Statements.**

(A) Where an applicant is required to have a financial statement submitted by a certified public accountant or public accountant, the board may accept a financial statement based on “Other Comprehensive Basis of Accounting” (OCBOA) or on an accepted international accounting standard that, if the certified public accountant or public accountant provides a statement indicating if the financial statement had been prepared according to “General Accepted Accounting Principles” (GAAP), the financial requirements would be met.

(B) Financial statements must be submitted in English.

(C) The board may accept a financial statement based upon a foreign currency if the applicant provides adequate documentation that shows the net worth of the company, converted to United States dollars, meets or exceeds the net worth and other financial requirements of the appropriate license group in which the applicant is applying.

(D) The latest revision of a financial balance sheet form (FBS) issued by the Department must be completed by an owner filing an owner-prepared financial statement. The Department will furnish this form to all applicants for initial licensing or renewal in the applicable group limitations. The form must contain assets, liabilities and total net worth of the licensee.

**HISTORY:** Amended by State Register Volume 7, Issue No. 6, eff June 24, 1983; State Register Volume 9, Issue No. 2, eff February 22, 1985; State Register Volume 26, Issue No. 6, eff June 25, 1999; State Register Volume 36, Issue No. 6, eff June 22, 2012; SCSR 44-2 Doc. No. 4848, eff February 28, 2020.

## **29-4.** Repealed.

**HISTORY:** Former Regulation, titled Inactive License, had the following history: Amended by State Register Volume 7, Issue No. 6, eff June 24, 1983; State Register Volume 9, Issue No. 2, eff February 22, 1985; State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 14, Issue No. 6, eff June 22, 1990; State Register Volume 21, Issue No. 6, Part 2, eff June 27, 1997; State Register Volume 26, Issue No. 6, eff June 25, 1999. Repealed by SCSR 44-2 Doc. No. 4848, eff February 28, 2020.

## **29-5. Construction Management Licensure Requirements.**

(A) An architectural or engineering entity acting as a construction manager shall file a letter or application with the department designating one professional license of a full-time employee employed by the entity to qualify the entity for the practice of construction management pursuant to Section 40-11-320.

(1) The letter or application shall ask the department to list the entity as a construction manager. The letter or application shall include the following: the applicant’s name and license number to be listed as a construction manager; the name should be the exact name used by the applicant when conducting business on a daily basis; list the type of license and license number of the employee qualifying the entity as a construction manager.

(2) A proper financial statement pursuant to Section 40-11-260 must be submitted with the letter or application. The financial statement must be for the entity.

(B) A general or mechanical contractor acting as a construction manager shall file a letter or application with the department designating one of their primary qualifying parties as the employee

that will qualify the entity for the practice of construction management. The entity shall comply with the other requirements of this regulation.

**HISTORY:** Amended by State Register Volume 9, Issue No. 2, eff February 22, 1985; State Register Volume 14, Issue No. 6, June 22, 1990; State Register Volume 19, Issue No. 4, eff April 28, 1995; State Register Volume 21, Issue No. 6, Part 2, eff June 27, 1997; State Register Volume 23, Issue No. 6, eff June 25, 1999; SCSR 44-2 Doc. No. 4848, eff February 28, 2020.

## **29-6.** Repealed.

**HISTORY:** Former Regulation, titled Residential Construction Licensure Requirements, had the following history: Amended by State Register Volume 23, Issue No. 6, eff June 25, 1999; State Register Volume 36, Issue No. 6, eff June 22, 2012. Repealed by SCSR 44-2 Doc. No. 4848, eff February 28, 2020.

## **29-7.** Fees.

(A) Fees shall be as specified in Chapter 10 of the Code of Regulations or as may be modified in accordance with law.

(B) Fees, except replacement fees, may be adjusted on a biennial basis as appropriate.

**HISTORY:** Amended by State Register Volume 7, Issue No. 6, eff June 24, 1983; State Register Volume 14, Issue No. 6, eff June 22, 1990; State Register Volume 23, Issue No. 6, eff June 25, 1999; SCSR 44-2 Doc. No. 4848, eff February 28, 2020.

## **29-8.** Administrative Penalties.

Administrative penalties assessed pursuant to a citation under Section 40-11-100 shall be for the following:

(A) entering into a contract with an unlicensed contractor for work to be performed for which a license is required; or

(B) failure to obtain a building permit as required by a local or state government before engaging in construction; or

(C) failure to provide information, records, or documents as requested by the department; or

(D) failure to notify the department of changes in information required in an original or renewal application; or

(E) contracting or offering to contract for construction work exceeding the limitations of a license group or outside the classification or subclassification of a license; or

(F) engaging or offering to engage in contracting without a valid license as required under this chapter; or

(G) submitting a bid without a valid license when one is required by law; or

(H) awarding or accepting a bid or signing a contract for a project when the contractor is not properly licensed; or

(I) failure to timely notify the department of changes in the licensee's current mailing address, business street address, and business telephone number.

**HISTORY:** Amended by State Register Volume 7, Issue No. 6, eff June 24, 1983; State Register Volume 9, Issue No. 2, eff February 22, 1985; State Register Volume 14, Issue No. 6, eff June 22, 1990; State Register Volume 23, Issue No. 6, eff June 25, 1999; State Register Volume 36, Issue No. 6, eff June 22, 2012; SCSR 44-2 Doc. No. 4848, eff February 28, 2020.

## **29-9.** Change of Address.

(A) Each licensee must maintain a current mailing address, business street address, and business telephone number.

(B) Each licensee must notify the department within fifteen days of any changes listed above in (A).

**HISTORY:** Amended by State Register Volume 23, Issue No. 6, eff June 25, 1999; SCSR 44-2 Doc. No. 4848, eff February 28, 2020.

## **29–10. Mechanical Contractors Licensure Requirements.**

(A) Any mechanical contractor with a process piping classification that was licensed prior to April 1, 1999, may install boilers and engage in any activity involving boiler maintenance, repair, or inspection. Any mechanical contractor issued an initial license with a process piping classification on or after April 1, 1999, may not engage in any boiler work requiring a license unless he has a mechanical contractors heating classification.

(B) Licensees licensed prior to April 1, 1999, will be listed as a 1P process piping license classification.

(C) Licensees licensed on or after April 1, 1999, will be listed as a 2P process piping license classification.

(D) Any general contractor with a public electrical utility classification who was licensed prior to April 1, 1999, may install athletic field lighting, stadium lighting, or lighting which is on public easements or rights-of-way. Any general contractor issued an initial license with a public electrical utility classification on or after April 1, 1999, may not engage in this work.

(E) Licensees licensed prior to April 1, 1999, will be listed as a 1U public electrical utility license classification.

(F) Licensees licensed on or after April 1, 1999, will be listed as a 2U public electrical utility license classification.

(G) Any contractor licensed under (B) and (E) above who has not actively maintained their license, or continuously employed a properly qualifying party for the entity, or whose license has been canceled or revoked shall not be eligible thereafter to obtain a 1P or 1U classification.

(H) Any qualifying party listed under the 1P or 1U classification who leaves employment of the entity he is currently qualifying, shall not be eligible thereafter to obtain 1P or 1U classification.

**HISTORY:** Amended by State Register Volume 12, Issue No. 6, eff May 27, 1988; State Register Volume 16, Issue No. 6, eff January 1, 1993; State Register Volume 23, Issue No. 6, eff June 25, 1999; State Register Volume 24, Issue No. 5, eff May 26, 2000; State Register Volume 36, Issue No. 6, eff June 22, 2012.

## **29–11. Repealed.**

**HISTORY:** Former Regulation, titled Owner-Prepared Financial Statement, had the following history: Added by State Register Volume 24, Issue No. 5, eff May 26, 2000. Amended by State Register Volume 36, Issue No. 6, eff June 22, 2012. Repealed by SCSR 44–2 Doc. No. 4848, eff February 28, 2020.

## **29–12. General Contractors-Highway Classification.**

Any contractor that has been issued all of the following license classifications referenced in Section 40–11–410(2) will be designated as HIGHWAY (HY) on the license card and license certificate:

- (1) Bridges; and
- (2) Concrete Paving; and
- (3) Asphalt Paving; and
- (4) Grading, and
- (5) Highway Incidental.

**HISTORY:** Added by State Register Volume 24, Issue No. 5, eff May 26, 2000. Amended by SCSR 44–2 Doc. No. 4848, eff February 28, 2020.

## **29–13. Mechanical Contractors — Air conditioning, Heating and Packaged Equipment.**

1. Each contractor licensed in these mechanical contractors sub classifications shall conspicuously display the mechanical contractor license issued to it by the South Carolina Department of Labor, Licensing and Regulation in an area accessible to the public at the contractor's principal place of business.

2. Each contractor licensed in these mechanical contractor sub classifications shall prominently display its mechanical contractor license number issued to it by the South Carolina Department of Labor, Licensing and Regulation on all vehicles used exclusively by the contractor in the daily

operation of its business. The license number shall be a minimum of two (2) inch high letters and numbers, on a contrasting background, displayed on both sides of the vehicle.

3. Each invoice and proposal form for these licensed mechanical contractor sub classifications shall contain the mechanical contractor license number issued by the South Carolina Department of Labor, Licensing and Regulation.

**HISTORY:** Added by SCSR 42-5 Doc. No. 4796, eff May 25, 2018.

#### **29-14. Surety Bond Claims.**

(A) A claim on a surety bond issued pursuant to Section 40-11-262 shall be filed directly with the surety company by the claimant on a claim form approved by the Board. A claimant is not required to receive authorization from the Board to file a bond claim. Claims are limited to the acts or omissions referenced in Section 40-11-262(B)(3), are for actual damages, and do not include attorney's fees incurred by or punitive damages awarded to the claimant.

(B) All liability on a surety bond is applicable to the surety bond in effect as of the date of occurrence which gave rise to the liability.

**HISTORY:** Added by SCSR 43-5 Doc. No. 4849, eff May 24, 2019.

### **ARTICLE 6 [REGULATIONS ADMINISTERING FIRE PROTECTION SPRINKLER SYSTEMS ACT] [REPEALED]**

(Statutory Authority: 1976 Code § 23-45-40)

#### **29-70. Repealed.**

**HISTORY:** Former Regulation, titled Definitions, had the following history: Added by State Register Volume 15, Issue No. 5, effective May 24, 1991. Amended by State Register Volume 36, Issue No. 6, eff June 22, 2012. Repealed by SCSR 44-2 Doc. No. 4848, eff February 28, 2020.

#### **29-75. Repealed.**

**HISTORY:** Former Regulation, titled Applications, Fees, had the following history: Added by State Register Volume 15, Issue No. 5, effective May 24, 1991. Amended by State Register Volume 36, Issue No. 6, eff June 22, 2012. Repealed by SCSR 44-2 Doc. No. 4848, eff February 28, 2020.

#### **29-80. Repealed.**

**HISTORY:** Former Regulation, titled Certificate Holder; Grandfathered Qualifier, had the following history: Added by State Register Volume 15, Issue No. 5, effective May 24, 1991. Amended by State Register Volume 36, Issue No. 6, eff June 22, 2012. Repealed by SCSR 44-2 Doc. No. 4848, eff February 28, 2020.

#### **29-85. Repealed.**

**HISTORY:** Former Regulation, titled Transfer of Qualifications, had the following history: Added by State Register Volume 15, Issue No. 5, effective May 24, 1991. Amended by State Register Volume 36, Issue No. 6, eff June 22, 2012. Repealed by SCSR 44-2 Doc. No. 4848, eff February 28, 2020.

#### **29-90. Repealed.**

**HISTORY:** Former Regulation, titled Renewals, had the following history: Added by State Register Volume 15, Issue No. 5, effective May 24, 1991. Amended by State Register Volume 36, Issue No. 6, eff June 22, 2012; State Register Volume 38, Issue No. 6, Doc. No. 4418, eff June 27, 2014. Repealed by SCSR 44-2 Doc. No. 4848, eff February 28, 2020.

#### **29-95. Repealed.**

**HISTORY:** Former Regulation, titled Contract Bids, Awards, had the following history: Added by State Register Volume 15, Issue No. 5, effective May 24, 1991. Amended by State Register Volume 17, Issue No. 5, Part 1, eff May 28, 1993. Repealed by SCSR 44-2 Doc. No. 4848, eff February 28, 2020.

**29-100.** Repealed.

**HISTORY:** Former Regulation, titled Exemptions, had the following history: Added by State Register Volume 15, Issue No. 5, effective May 24, 1991. Amended by State Register Volume 36, Issue No. 6, eff June 22, 2012. Repealed by SCSR 44-2 Doc. No. 4848, eff February 28, 2020.

**29-105.** Repealed.

**HISTORY:** Former Regulation, titled Plan Review Fees, had the following history: Added by State Register Volume 15, Issue No. 5, effective May 24, 1991. Amended by State Register Volume 36, Issue No. 6, eff June 22, 2012. Repealed by SCSR 44-2 Doc. No. 4848, eff February 28, 2020.

**29-110.** Repealed.

**HISTORY:** Former Regulation, titled Violations, Complaints, had the following history: Added by State Register Volume 15, Issue No. 5, effective May 24, 1991. Amended by State Register Volume 36, Issue No. 6, eff June 22, 2012. Repealed by SCSR 44-2 Doc. No. 4848, eff February 28, 2020.