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Document No. 4114

**BUILDING CODES COUNCIL**

CHAPTER 8

Statutory Authority: 1976 Code Section 6-8-20

8-100 through 8-185. Registration, Fees and Disciplinary Procedure

**Synopsis:**

The South Carolina Building Codes Council is amending Regulation 8-100 through 8-185 to reflect amendments to the statutes on regulation of building codes enforcement officers (2009 Act 20) and to update and clarify existing regulatory language. The proposed amendments provide procedures for state registration of private inspectors performing special or contract inspections of components and systems on new construction of large or complex buildings and structures. The amendments also establish the registration categories, conditions and requirements for special inspectors and contract inspectors.

The Notice of Drafting was published in the *State Register* on October 23, 2009.

**Instructions:**

Replace Article 1, Regulations 8-100 through 8-185 as printed below.

**Text:**

ARTICLE 1

REGISTRATION, FEES AND DISCIPLINARY PROCEDURE

8-100. Authority.

8-105.Definitions.

 When used in these regulations, the following words and terms shall have the meanings so designated.

 1. "Act" means Chapter 8 of Title 6 of The Code of Laws of South Carolina, 1976, as amended.

 2. "Approved" means approved by the Council.

 3. "Building Official" means the officer designated by a local jurisdiction, who is charged with the administration and enforcement of Building Codes and their related programs.

 4. "Certificate of Registration" means the document issued by the Council, authorizing the person named thereon, to practice in the stated classification.

 5. "Certified" means qualified by examination administered by a recognized organization in one or more building, system or component inspection disciplines.

 6. "Code Enforcement" means administering a building inspection department, enforcement or rendering interpretations of building, residential, plumbing, electrical, mechanical, fuel gas and energy conservation codes, performing building plans review, or performing inspections on one or more building systems for new construction or renovation, as or under the supervision of a building official.

 7. "Codes" means the editions of the building codes referenced in Section 6-9-50, Code of Laws of South Carolina, 1976, as amended that have been adopted by the Council.

 8. “Commercial Inspector” means a person who performs onsite inspections in two or more construction disciplines, as determined by position description for the local jurisdiction for which employed, for all types of construction in all occupancy groups.

 9. "Council" means The South Carolina Building Codes Council.

 10. "Department" means the Department of Labor, Licensing and Regulation for the State of South Carolina.

 11. "Limited Registration" means a renewable registration issued to a non-certified building code enforcement officer, employed by a local jurisdiction on the effective date of the act.

 12. "Practice of Code Enforcement" means the process of administering or enforcing codes and all related standards. The term shall also apply to the process of reviewing plans, specifications and other technical data, as well as inspection of buildings and structures.

 13. "Provisional Registration" means a nonrenewable registration issued to a building code enforcement officer, who is training for certification required for employment or advancement.

 14. "Recognized code organization" means any state or national organization approved by the Council, which administers a testing and certification program specifically for building code enforcement officers or special inspectors.

 15. "Registered/Registrant" means approved by Council to practice as a building code enforcement officer, special inspector or contract inspector and listed in a register maintained by the Department. 16. “Residential Inspector” means a person who performs onsite building, plumbing, electrical and mechanical inspections on one and two family dwellings, multifamily dwellings three stories or less in height and not exceeding sixteen (16) dwelling units per building or other buildings or structures of light frame construction and not exceeding five thousand (5,000) square feet in total area.

 17. “Single Discipline Inspector” means a person who performs onsite inspections in one construction discipline, as determined by position description for the local jurisdiction for which employed, for all types of construction in all occupancy groups.

8-110.Registration Required.

 It is unlawful for any person to practice as a building code enforcement officer, special inspector or contract inspector as defined in these regulations, without first being registered as provided herein.

 As evidence of registration, a certificate of registration must be issued by the Council, to each qualifying individual. The certificate of registration must set forth the classification for which the individual is qualified to practice.

8-115.Classifications and Qualifications for Registration.

 A person applying for registration as a building code enforcement officer, special inspector or contract inspector must be certified in accordance with these regulations. An applicant is deemed to be qualified for registration upon submittal of the following documentation.

 A. Building Official—A certificate or examination record from a recognized code organization, indicating that the applicant has been certified as a building official.

 B. Commercial Inspector—Certificates or examination records from a recognized code organization, indicating that the applicant has been certified in two or more commercial inspector disciplines.

 C. Residential Inspector—Certificates or examination records from a recognized code organization, indicating that the applicant has been certified in the residential building, electrical, plumbing and mechanical inspector disciplines.

 D. Plans Examiner—Certificates or examination records from a recognized code organization, indicating that the applicant has been certified in the commercial building, electrical, plumbing and mechanical plans examiner disciplines.

 E. Single Discipline Inspector—A certificate or examination record from a recognized code organization, indicating that the applicant has been certified in the discipline for which employed.

 F. Provisional—Proof that the building code enforcement officer is presently employed by a municipality or county in South Carolina and is actively in training for a specific certification as a new employee or for advancement to a higher classification.

 G. Limited

 H. Special Inspector—A certificate or examination record from an approved organization, indicating that the applicant has been certified for the specific type of construction or operation requiring special inspection, for which application is being made, including one or more of the following.

 1. Reinforced Concrete

 2. Welding

 3. High Strength Bolting

 4. Steel Frame

 5. Non-destructive Testing

 6. Structural Masonry

 7. Earthwork—including Excavation and Filling and Verification of Soils

 8. Modular Retaining Walls

 9. Deep Foundations

 10. Post Tension Cables

 11. Sprayed Fire Resistive Material

 12. Exterior Insulation and Finish System

 13. Smoke Control

 14. Pre-cast Fabrication

 15. Seismic Resistance

 16. Retention Basins

 I. Contract Inspector—One or more certificates or examination records from an approved organization, indicating that the applicant has been certified as a building official, commercial inspector, residential inspector, plans examiner or single discipline inspector.

8-120. Maximum Time for Certification. A person registered in the provisional classification must obtain certification within the time stated below.

 A. Building Official—twenty-four (24) months.

 B. Commercial Inspector—one (1) certification within the first year, then a maximum of one (1) year for each additional certification for all disciplines for which employed, based on the position description for the local jurisdiction.

 C. Residential Inspector—one (1) certification within the first year, then a maximum of one (1) year for each additional certification.

 D. Plans Examiner—one (1) certification within the first year, then a maximum of one (1) year for each additional certification.

 E. Single Discipline Inspector—twelve (12) months for the discipline for which employed, based on the position description for the local jurisdiction.

8-125. Application Required.

 Application for all classifications of registration must be made upon a form furnished by the Council.

 Application for registration for a building code enforcement officer must contain a statement of employment and must be verified by the Building Official or administrative head of the local jurisdiction for which the applicant is employed.

 All applications for registration must be accompanied by the prescribed fee and copies of certificates and/or examination records from a recognized code organization.

 The application and supporting documentation must be evaluated by the Department within thirty (30) working days after receipt.

 The applicant will be notified of the approval or disapproval of the application within ten (10) working days after the decision. In the event of disapproval, the applicant may request a hearing before the Council to present additional information or demonstrate evidence of qualification.

8-135. Exemptions.

 An existing, non-certified building code enforcement officer employed by a municipality or county on the effective date of the act, is not required to possess prior certification in any discipline. Such building code enforcement officer, upon meeting all other requirements for registration, may be registered in the limited classification. A limited registration must not jeopardize either the existing position or employment of the building code enforcement officer.

 A limited registration will be valid only as an authorization for the building code enforcement officer to continue in the position held, and for the local jurisdiction by which employed, on the effective date of the act. All requirements for maintenance and renewal of registration will apply to the limited classification.

8-140. Renewal.

 A. Registrations must be renewed biennially for the following licensure period and shall become invalid unless renewed; however, registration may be reinstated at any time within thirty (30) days of expiration, without penalty or examination.

 B. Registration renewal notices will be sent to all individuals registered during the preceding licensing period at the address provided by the registrant.

 C. All applications for registration renewal must be accompanied by the prescribed fee and verification that the applicant has obtained the required continuing education.

 D. A registration not renewed in a timely manner, following expiration, will lapse and, at the discretion of Council, the registrant may be subject to examination before registration is reinstated.

8-145. Fees.

 The fee for registration is fifty dollars and is not prorated.

8-150. Continuing Education.

 To qualify for registration renewal, a registrant must accumulate a minimum of twelve (12) hours per year of continuing education. One (1) hour of continuing education shall be awarded for each hour of active participation in any course, seminar, workshop, session or other training medium approved by Council.

 If the first period of registration is less than twenty-four (24) months, continuing education required for the first registration renewal must be based on the following:

 A. For registrations issued one (1) to four (4) months before expiration, no hours.

 B. For registrations issued four (4) to eight (8) months before expiration, four (4) hours.

 C. For registrations issued eight (8) to twelve (12) months before expiration, eight (8) hours.

 D. For registrations issued twelve (12) to sixteen (16) months before expiration, twelve (12) hours.

 E. For registrations issued sixteen (16) to twenty (20) months before expiration, sixteen (16) hours.

 F. For registrations issued twenty (20) to twenty-four (24) months before expiration, twenty (20) hours.

 G. For each subsequent registration, a minimum of twenty-four (24) hours will be required.

 Proof of accrued continuing education will be by audit.

8-160. Comity.

 The Council may grant registration without examination, in any classification, to an individual, who at the time of application, is registered or licensed by a similar Board or Council of another state, district or territory, where standards are acceptable to the Council and not lower than required by the act and these regulations.

8-165. Conflict of Interest.

 No registered building code enforcement officer or contract inspector may provide or offer to provide labor, material, appliances, equipment, plans, specifications, consultation or any services related to the construction, alteration, demolition or maintenance of any building or structure within the local jurisdiction for which employed.

 No registered building code enforcement officer or contract inspector may engage in any work that conflicts or is perceived to conflict with prescribed duties or the interest of the local jurisdiction for which employed.

8-170. Denial, Suspension and Revocation.

 The Council has the power to deny, suspend or revoke the registration of a registrant when it has been determined by Council that the person has:

 A. been convicted of a felony or a crime of moral turpitude in any court of competent jurisdiction;

 B. obtained certification or registration through fraud, deceit or perjury;

 C. defrauded the public or attempted to do so;

 D. displayed incompetence, negligence or misconduct in the practice of code enforcement;

 E. refused, failed or displayed the inability to enforce any building code, local ordinance or state or federal law within his/her responsibility;

 F. violated or aided or abetted any person in violation of any provision of the act or these regulations.

8-175. Preferring of Charges and Hearing.

 Any person may prefer charges for one (1) or more reasons listed in Section 8-170, against a registrant. Such charges must be in writing and must be sworn or attested to by the person alleging them. All charges must be filed with the Department.

 All charges, unless dismissed by the Council as unfounded or trivial, must be heard by Council as soon as practical after the date received. The time and place for such hearings will be fixed by the Council and a copy of the charges, together with notice of the time and place, must be served in a legally acceptable manner, at least thirty (30) days before the date fixed for the hearing.

 The accused registrant may appeal personally or by Counsel, cross-examine witnesses appearing against him/her and produce evidence and witnesses in his/her own defense.

 If after hearing all evidence, a majority of the Council members present vote in favor of finding the accused registrant guilty, Council may place the individual on probation, suspend or revoke his/her registration.

8-180. Appeal From Action of Council.

 Any person aggrieved by an action of Council in denying, suspending or revoking a registration, may appeal to the Administrative Law Court.

8-185. Registration Reinstatement and Replacement.

 For reasons it deems sufficient, Council may reinstate a registration upon a vote in favor of reinstatement by a majority of the members present.

 A replacement for a revoked, lost or destroyed registration may be reissued by the Council subject to the Act and these regulations.

**Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions.

**Statement of Rationale:**

These regulations are updated in conformance with the current Building Codes Council Practice Act and to provide for state registration of private inspectors performing special or contract inspections of components and systems on new construction of large or complex buildings and structures.