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COMMITTEE REPORT

April 15, 2014

**H. 4578**

Introduced by Reps. Sandifer, Toole, Rivers, Erickson and Long

S. Printed 4/15/14--S.

Read the first time March 5, 2014.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 4578) to amend Section 23‑43‑20, Code of Laws of South Carolina, 1976, relating to definitions of the South Carolina Modular Buildings Construction Act, so as to revise, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

THOMAS C. ALEXANDER for Committee.

**A** **BILL**

TO AMEND SECTION 23‑43‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE SOUTH CAROLINA MODULAR BUILDINGS CONSTRUCTION ACT, SO AS TO REVISE THE DEFINITION OF THE TERM “APPROVED INSPECTION AGENCY” TO REQUIRE THAT AN APPROVED INSPECTION AGENCY RETAIN A BUILDING CONSTRUCTION‑ORIENTED ENGINEER OR ARCHITECT TO ENSURE COMPLIANCE; AND TO AMEND SECTION 23‑43‑90, RELATING TO INSPECTION AND CERTIFICATION OF A MODULAR BUILDING, SO AS TO PROVIDE THAT FINAL PLAN APPROVAL FOR A SINGLE FAMILY RESIDENTIAL MODULAR BUILDING BE PERFORMED BY AN APPROVED INSPECTION AGENCY, AND TO PROVIDE THAT FINAL APPROVAL FOR A COMMERCIAL MODULAR BUILDING BE PERFORMED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

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

SECTION 1. Section 23‑43‑20(6) of the 1976 Code is amended to read:

“(6) ‘Approved inspection agency’ means an agency approved by the council to provide plan review and approval, evaluation, and inspection in addition to adequate follow‑up services at the point of manufacture to insure that production units are in full compliance with the provisions of this chapter. An approved inspection agency must retain a building construction‑oriented South Carolina registered professional engineer or architect who must be responsible for compliance with this chapter and regulations of the council.”

SECTION 2. Section 23‑43‑90 of the 1976 Code is amended to read:

“Section 23‑43‑90. (A) ~~The council may authorize the~~ An approved inspection agency ~~to~~ shall perform ~~all or part of the~~ final plan review and approval, inspection, and certification of a single family residential modular building. Upon final plan review and approval by an approved inspection agency of a plan as meeting the requirements of this chapter and the regulations of the council, a copy of the approved plan must be filed with the Department of Labor, Licensing and Regulation. Upon filing of an approved plan with the department by an approved inspection agency, a manufacturer may request from the department certification labels for units manufactured to the approved plan. Each certification label must bear the serial number of the unit for which it is issued and only may be attached upon final inspection by an approved inspection agency.

(B) An approved inspection agency shall perform plan approval, inspection, and certification of commercial or multifamily modular buildings. Upon review by the approved inspection agency, the plans must be submitted to the Department of Labor, Licensing and Regulation for final plan review and approval.”

SECTION 3. Section 23‑43‑80 of the 1976 Code is amended to read:

“Section 23‑43‑80. Modular buildings must be certified by the council, as complying with this chapter and the regulations promulgated by authority of this chapter, if they have been manufactured in accordance with approved building systems and passed inspection in accordance with an approved compliance assurance program in Section 23‑43‑90. Certification is evidenced by the attachment to each modular building, a label issued by the council. Certification labels can only be attached to a modular building by the manufacturer under the supervision of the approved inspection agency. A certified modular building may not be altered in any way prior to the issuance of all permits required by local government without the council’s approval.”

SECTION 4. This act takes effect upon approval by the Governor.

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