**South Carolina General Assembly**

126th Session, 2025-2026

**H. 4266**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hewitt and Anderson

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Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Building codes

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/27/2025 House Introduced and read first time (House Journal‑page 19)

 3/27/2025 House Referred to Committee on **Labor, Commerce and Industry** (House Journal‑page 19)

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**VERSIONS OF THIS BILL**

[03/27/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/4266_20250327.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6‑9‑6 SO AS TO DEFINE TERMS; BY AMENDING SECTION 6‑9‑55, RELATING TO THE REQUIREMENT OF COUNCIL TO PROMULGATE REGULATIONS, SO AS TO REQUIRE REGULATIONS ARE CONSISTENT WITH THE PROVISIONS OF CHAPTER 9, TITLE 6; BY AMENDING SECTION 6‑9‑63, RELATING TO THE SOUTH CAROLINA BUILDING CODES COUNCIL, SO AS TO REQUIRE THE COUNCIL TO GRANT MODIFICATIONS PURSUANT TO THE PROVISIONS OF SECTION 6‑9‑105; AND BY AMENDING SECTION 6‑9‑105, RELATING TO VARIATIONS BASED ON PHYSICAL OR CLIMATOLOGICAL CONDITIONS, SO AS TO PROVIDE THAT A LOCAL MODIFICATION MUST BE GRANTED WHEN CERTAIN CONDITIONS ARE MET.

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

SECTION 1. Chapter 9, Title 6 of the S.C. Code is amended by adding:

 Section 6‑9‑6. For purposes of this chapter:

 (1) “Climatological” means the susceptibility of specific unusual reoccurring weather or atmospheric conditions for a local jurisdiction, including hurricanes, tornadoes, damaging wind, lightning, or floods due to rainfall.

 (2) “Code” means any one or more of the building codes referenced in Section 6‑9‑50 and adopted pursuant to Section 6‑9‑40, including any amendments or modifications codified as provided for in Section 1‑23‑90.

 (3) “Council” means the South Carolina Building Codes Council.

 (4) “Physical” means the natural stable and unstable characteristics and conditions of the land area within a local jurisdiction, including topography, geography, geology, water table, and seismic activity.

SECTION 2. Section 6‑9‑55 of the S.C. Code is amended to read:

 Section 6‑9‑55. (A) The council shall promulgate as regulations, in accordance with the procedure and requirements contained in Article 1, Chapter 23, Title 1, and consistent with the provision of this chapter, any provision of or amendment to any building code that would affect construction requirements for one‑family or two‑family dwellings. No building code provision that would otherwise become effective after the effective date of this section concerning construction requirements for one‑family or two‑family dwellings shall be enforced until the effective date of the regulations required to be promulgated by this section.

 (B) Notwithstanding subsection (A), a regulation mandating the installation of an automatic residential fire sprinkler system in one‑family or two‑family dwellings shall not become effective at any time before July 1, 2015.

 (C) Notwithstanding subsection (A), Section 501.3 of the 2012 International Residential Code must not be enforced.

SECTION 3. Section 6‑9‑63(C) and (E) of the S.C. Code is amended to read:

 (C) The primary function of the council is to accept all requests for variation from the series of codes listed in this chapter and to determine which variations, if any, are justified by local conditions and can be enacted after a finding on the record that the modification provides a reasonable degree of public health, safety, and welfare. The council must grant local modifications to any of the codes pursuant to the provisions of Section 6‑9‑105.

 (E) The council shall elect from its members a chairman and vice chairman. The council shall adoptpromulgate regulations consistent with the provisions of this chapter. A meeting may be called by the chairman on his own initiative and must be called by him at the request of three or more members of the council. Each member must be notified by the chairman in writing of the time and place of the meeting at least seven days before the meeting. Nine members constitute a quorum. Each meeting is open to the public. An official decision of the council may be made only by a vote of at least two‑thirds of those members in attendance at the meeting.

SECTION 4. Section 6‑9‑105 of the S.C. Code is amended to read:

 Section 6‑9‑105. (A) If When a municipality or county contends that the codes authorized by this chapter do not meet its needs due to local physical or climatological conditions, the proposed variations and modifications must be submitted to the council it may submit a request for local modifications to the council with the proposed variations and modifications.

 (B) The council may issue an approval after a finding on the record that the variation or modification provides a reasonable standard of public health, safety, and welfare must review and grant local modifications to any of the codes at the request of a local jurisdiction, for application strictly within that jurisdiction, where the conditions of subsection (D) are met. The council must give deference to the findings of the local jurisdiction’s governing body in its authorization and approval of the requests for local modifications. The council may deny a request where it finds on the record that the request is manifestly unreasonable or poses a clear and articulable risk to the public health, safety, and welfare of the local jurisdiction.

 (C) Where a boundary for a physical or climatological condition is referenced in a code, the council, upon adoption of the code, is required to define the boundary so that it approximates the physical or climatological area, using logical geographic features such as major highways, waterbodies, or ridgelines. Political boundaries may not be used unless they approximate the physical area.

 (D) Approval of a local modification must be granted upon the following conditions being met:

 (1) the governing body of the local jurisdiction authorizes and approves the request for a local modification;

 (2) the request modification is either physical or climatological in nature;

 (a) to qualify by physical basis, a jurisdiction must demonstrate that it possesses local physical qualities, such as composition of soils, geological conditions, including earthquakes, geographical conditions, varying or unique ranges or conditions in the topography of the land, or any other natural condition. Such physical qualities may be sufficiently established by reference to readily observable and naturally occurring characteristics, historical evidence, reports, studies, or other information or data which affect the subject matter of the requested local modification;

 (b) to qualify by climatological basis, a jurisdiction must demonstrate that it experiences weather conditions which are unusual to, confined to, occurring on a regular or seasonal cycle, or determined through research or past experiences to have a high probability of reoccurrence within its area. Climatological conditions may include the known occurrence of hurricanes, tornadoes, damaging wind, snow, flooding caused by rainfall, lightning, or any other form of natural climate‑related phenomena. Such climatological conditions may be sufficiently established by reference to readily observable historical evidence, reports, studies, or other information or data of naturally occurring climatological events in the local jurisdiction which affect the subject matter of the requested local modification;

 (3) the requested modification addresses sections of the code that, due to local physical or climatological conditions, either do not meet or unnecessarily or unreasonably burden the needs of the local jurisdiction, such as imposing unreasonable, unnecessary, or overly burdensome requirements or impacts, or unnecessarily increasing construction costs; and

 (4) the requested modification will not adversely affect public health, safety, or welfare.

 (E) Proposed local modification of the code must not take effect in any local jurisdiction until after they have first been reviewed and approved by the council.

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

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