

State of South Dakota

EIGHTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2009

196Q0025

SENATE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the promulgation of
2 rules to set various licensing and other fees for certain professions and occupations.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-16-13 be amended to read as follows:

5 36-16-13. Every person, partnership, company, corporation or association that for a fixed
6 sum, price, fee, percentage or other consideration, undertakes or offers to undertake with another
7 to plan, lay out, supervise, install, make additions, make alterations, or make repairs, in the
8 installation of wiring, apparatus or equipment for electric lights, heat or power, shall apply to
9 the State Electrical Commission for a license. A license shall be issued in the class specified in
10 § 36-16-2 for which application has been made upon qualifying under this chapter and the rules
11 of the commission and satisfactorily passing such examinations as shall be required by the
12 commission.

13 The commission shall promulgate rules, pursuant to chapter 1-26, establishing examination
14 fees. No examination fee may exceed one hundred dollars.

15 Section 2. That § 36-16-30 be amended to read as follows:

16 36-16-30. The State Electrical Commission may promulgate rules, pursuant to chapter 1-26,



1 to establish and collect installation inspection fees for: new residential installations, based on
2 ampere capacity; service connections on other installations, based on ampere capacity; circuit
3 installations or alterations, based on ampere capacity; remodeling work for each opening,
4 connection, lighting fixture, motor or special equipment; apartment buildings per unit; outdoor
5 or area lighting per lighting standard; field irrigation systems; mobile home service and feeders;
6 recreational vehicle service per unit; swimming pools; each late correction order or wiring
7 permit procedure; carnivals and seasonal dwellings for each generator or transformer and
8 reinspection of each unit; wiring permits; modular homes and structures manufactured
9 out-of-state. No inspection fee shall exceed one hundred dollars.

10 Section 3. That § 36-18A-33 be amended to read as follows:

11 36-18A-33. The board shall admit to examination any candidate who pays a fee, not to
12 exceed one hundred dollars, established by the board, by rule promulgated pursuant to chapter
13 1-26, and submits an application with evidence satisfactory to the board that the applicant
14 satisfies the necessary education and experience requirements. The board may require an
15 applicant for licensure or a current licensee to take an examination as it deems necessary to
16 determine that person's professional minimum competency. Upon approval of examination
17 applications, examination fees may be paid by the applicant directly to a national vendor or third
18 party. The board may hold membership in and be represented at national councils or
19 organizations of professional practices licensed under this chapter and may pay the appropriate
20 membership fees. The board may allow proctoring of examinations for approved candidates at
21 out-of-state or overseas sites by administrators of national council member boards. The board
22 may accept candidates to be proctored in this state from other national council member boards.
23 A take-home questionnaire based on statutes and rules and related to professionalism and ethics
24 may also be required. The board shall promulgate rules, pursuant to chapter 1-26, to establish

1 application, examination, and proctor fees for all examinations. No fee may exceed one hundred
2 dollars.

3 Section 4. That § 36-18A-34 be amended to read as follows:

4 36-18A-34. The board shall notify each applicant of the results of the examination and those
5 entitled to licensure or enrollment. If an applicant fails the examination and the applicant's
6 application is still current, subsequent reexaminations may be granted upon payment of a fee
7 ~~to be fixed by the board.~~ The board shall promulgate rules, pursuant to chapter 1-26, to establish
8 reexamination fees, not to exceed one hundred dollars, for all licensure and enrollment
9 applicants.

10 Section 5. That § 36-18A-35 be amended to read as follows:

11 36-18A-35. The board may give comity consideration to any person who holds a current and
12 valid license issued to that person for active practice by the proper authority in any state or
13 territory of the United States, the District of Columbia, or any foreign country, based on
14 requirements that do not conflict with the provisions of this chapter and were of a standard not
15 lower than that specified in the applicable licensure act in effect in this state at the time such
16 license was issued. An applicant may be required to take examinations as the board deems
17 necessary to determine the applicant's competency. A comity applicant for landscape
18 architecture shall hold a current and valid certification from the Council of Landscape
19 Architectural Registration Boards to be eligible for comity licensure. The board shall
20 promulgate rules, pursuant to chapter 1-26, relating to set the application fee for licensure by
21 comity. The fee may not exceed one hundred dollars.

22 Section 6. That § 36-18A-39 be amended to read as follows:

23 36-18A-39. A license expires two years after the date of issuance and becomes invalid on
24 that date unless renewed by that date. Any professional engineer, architect, land surveyor,

1 landscape architect, or petroleum release assessor or remediator licensed under this chapter who
2 desires to continue to practice or offer to practice the licensee's profession shall:

3 (1) Pay the renewal fee, not to exceed one hundred dollars, established by the board in
4 rules promulgated pursuant to chapter 1-26; and

5 (2) Successfully complete all continuing professional development requirements
6 established by the board or make a showing of good cause why the licensee was
7 unable to comply with such requirements.

8 The board shall promulgate rules, pursuant to chapter 1-26, to establish continuing
9 professional education and development criteria.

10 Section 7. That § 36-18A-43 be amended to read as follows:

11 36-18A-43. Any licensed person may request that the person's license be placed on inactive
12 or retired status. A fee, not to exceed one hundred dollars, to place files on inactive or retired
13 status shall be determined by the board in rules promulgated pursuant to chapter 1-26. Failure
14 to render any fees required for inactive or retired status shall result in the automatic termination
15 of inactive or retired status. The request for files to be placed on inactive or retired status may
16 be denied by the board. No person may practice or offer to practice while that person's files are
17 inactive or retired.