

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

952Q0146

## HOUSE COMMERCE ENGROSSED NO. **SB 8**- 2/25/2009

Introduced by: Senators Gant, Gillespie, Heidepriem, and Hunhoff (Jean) and  
Representatives Peters and Tidemann at the request of the Interim Committee  
on Government Operations and Audit

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 not to exceed one hundred dollars.



1 Section 2. That § 36-16-27 be amended to read as follows:

2 36-16-27. All electrical wiring, apparatus, or equipment shall comply with the rules  
3 promulgated and adopted by the State Electrical Commission. The rules shall conform to  
4 approved methods of construction and promote the safety of life and property. No new electrical  
5 service entrance except for communication service may be connected for use until a wiring  
6 permit has been furnished to the person, firm, or corporation supplying electrical energy  
7 certifying that a wiring permit has been obtained in compliance with the rules promulgated by  
8 the commission. No rule specifying a wiring permit fee may exceed fifteen dollars each. No rule  
9 specifying a late wiring permit procedure fee and failure to renew permit fees may exceed seven  
10 hundred fifty dollars. However, a wiring permit for emergency temporary service may be issued  
11 by the commission in accordance with its rules promulgated pursuant to chapter 1-26.

12 Section 3. That § 36-16-30 be amended to read as follows:

13 36-16-30. The State Electrical Commission may promulgate rules, pursuant to chapter 1-26,  
14 to establish and collect installation inspection fees for: new residential installations, based on  
15 ampere capacity not to exceed three hundred dollars plus circuits; service connections on other  
16 installations, based on ampere capacity not to exceed three hundred seventy-five dollars; circuit  
17 installations or alterations, based on ampere capacity not to exceed fifty dollars; remodeling  
18 work for each opening; or connection not to exceed three dollars each and one dollar and fifty  
19 cents for each additional opening or connection, lighting fixture not to exceed three dollars for  
20 the first forty fixtures and not to exceed one dollar and fifty cents for each additional lighting  
21 fixture, motor or special equipment not to exceed eighteen dollars; apartment buildings per unit  
22 not to exceed fifty dollars; outdoor or area lighting per lighting standard not to exceed sixty  
23 dollars; field irrigation systems not to exceed one hundred dollars plus three dollars per motor;  
24 mobile home service and feeders not to exceed eighty dollars per unit; recreational vehicle

1 service not to exceed twenty dollars per unit; swimming pools not to exceed two hundred  
2 dollars; each late correction order or wiring permit procedure not to exceed one hundred fifty  
3 dollars; carnivals and seasonal dwellings for each generator or transformer and reinspection of  
4 each unit not to exceed thirty dollars; wiring permits not to exceed fifteen dollars; modular  
5 homes and structures manufactured out-of-state not to exceed one hundred fifty dollars per day  
6 plus travel and living expenses.

7 Section 4. That § 36-18A-33 be amended to read as follows:

8 36-18A-33. The board shall admit to examination any candidate who pays a fee, not to  
9 exceed two hundred dollars, established by the board and submits an application with evidence  
10 satisfactory to the board that the applicant satisfies the necessary education and experience  
11 requirements. The board may require an applicant for licensure or a current licensee to take an  
12 examination as it deems necessary to determine that person's professional minimum  
13 competency. Upon approval of examination applications, examination fees may be paid by the  
14 applicant directly to a national vendor or third party. The board may hold membership in and  
15 be represented at national councils or organizations of professional practices licensed under this  
16 chapter and may pay the appropriate membership fees. The board may allow proctoring of  
17 examinations for approved candidates at out-of-state or overseas sites by administrators of  
18 national council member boards. The board may accept candidates to be proctored in this state  
19 from other national council member boards. A take-home questionnaire based on statutes and  
20 rules and related to professionalism and ethics may also be required. The board shall promulgate  
21 rules, pursuant to chapter 1-26, to establish application, examination, and proctor fees for all  
22 examinations. No fee may exceed one thousand dollars.

23 Section 5. That § 36-18A-34 be amended to read as follows:

24 36-18A-34. The board shall notify each applicant of the results of the examination and those

1 entitled to licensure or enrollment. If an applicant fails the examination and the applicant's  
2 application is still current, subsequent reexaminations may be granted upon payment of a fee  
3 ~~to be fixed by the board~~. The board shall promulgate rules, pursuant to chapter 1-26, to establish  
4 reexamination fees, not to exceed two hundred dollars, for all licensure and enrollment  
5 applicants.

6 Section 6. That § 36-18A-35 be amended to read as follows:

7 36-18A-35. The board may give comity consideration to any person who holds a current and  
8 valid license issued to that person for active practice by the proper authority in any state or  
9 territory of the United States, the District of Columbia, or any foreign country, based on  
10 requirements that do not conflict with the provisions of this chapter and were of a standard not  
11 lower than that specified in the applicable licensure act in effect in this state at the time such  
12 license was issued. An applicant may be required to take examinations as the board deems  
13 necessary to determine the applicant's competency. A comity applicant for landscape  
14 architecture shall hold a current and valid certification from the Council of Landscape  
15 Architectural Registration Boards to be eligible for comity licensure. The board shall  
16 promulgate rules, pursuant to chapter 1-26, ~~relating to~~ set the application fee for licensure by  
17 comity. The fee may not exceed two hundred dollars.

18 Section 7. That § 36-18A-39 be amended to read as follows:

19 36-18A-39. A license expires two years after the date of issuance and becomes invalid on  
20 that date unless renewed by that date. Any professional engineer, architect, land surveyor,  
21 landscape architect, or petroleum release assessor or remediator licensed under this chapter who  
22 desires to continue to practice or offer to practice the licensee's profession shall:

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

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

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

6 Section 8. That § 36-18A-43 be amended to read as follows:

7 36-18A-43. Any licensed person may request that the person's license be placed on inactive  
8 or retired status. A fee, not to exceed two hundred dollars, to place files on inactive or retired  
9 status shall be determined by the board in rules promulgated pursuant to chapter 1-26. Failure  
10 to render any fees required for inactive or retired status shall result in the automatic termination  
11 of inactive or retired status. The request for files to be placed on inactive or retired status may  
12 be denied by the board. No person may practice or offer to practice while that person's files are  
13 inactive or retired.