

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

400B0199

SENATE ENGROSSED NO. **SB 35** - 1/17/2019

Introduced by: The Committee on State Affairs at the request of the Department of Labor and Regulation

1 FOR AN ACT ENTITLED, An Act to revise and repeal provisions regarding revocation of
2 occupational licenses.

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

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

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

15 The commission shall promulgate rules, pursuant to chapter 1-26, establishing fees for the



1 examination and the application required under this section. The commission may charge, or
 2 may authorize a third party that administers the examination; to charge, each participant person
 3 an examination fee not to exceed one hundred fifty dollars per ~~occurrence~~ of examination or
 4 reexamination. The application fee may not exceed fifty dollars per occurrence.

5 ~~Each holder of or applicant for a license under this chapter shall notify the commission in~~
 6 ~~writing, within thirty days after its occurrence, of any issuance, denial, revocation, or suspension~~
 7 ~~of a certificate, license, or permit by another state, change of address or employment, or any~~
 8 ~~conviction of a felony.~~

9 Section 2. That § 36-16-33 be amended to read:

10 36-16-33. The State Electrical Commission may, in compliance accordance with chapter 1-
 11 26, ~~revoke a license at any time provided such registered person fails to perform the electrical~~
 12 ~~work in accordance with the approved standards provided for in this chapter~~ refuse to issue,
 13 revoke, or suspend a license, or limit the scope of practice of any licensee for:

- 14 (1) Failure to comply with any law, or any rule or order of the commission;
- 15 (2) Failure to comply with the National Electric Code as adopted by rule of the
 16 commission or local ordinance;
- 17 (3) Failure to notify the commission in writing within thirty days following any denial,
 18 revocation, or suspension of a certificate, license, or permit issued by any other
 19 jurisdiction, or any change of address or employment;
- 20 (4) Knowingly aiding and abetting any person who is not licensed or permitted in
 21 accordance with this chapter to engage in activity that requires a license under § 36-
 22 16-13 or permit under this chapter; or
- 23 (5) Conviction of or plea of guilty or nolo contendere to a crime of violence as defined
 24 under § 22-1-2. For purposes of this subdivision, a certified copy of the record of

1 conviction or plea of guilty or nolo contendere is conclusive evidence.

2 Section 3. That § 36-25-19 be amended to read:

3 36-25-19. ~~Application~~ A person may apply for a license required by this chapter ~~shall be~~
4 ~~made~~ to the commission, accompanied by ~~the proper~~ a license fee established by the
5 commission under this section. ~~Unless the applicant is entitled to a renewal, the applicant shall~~
6 ~~be registered by the~~ If the person is not entitled to a renewal, the commission only after shall
7 register a person who satisfactorily ~~passing~~ passes an examination showing fitness to practice
8 the ~~applicant's~~ person's trade. Examinations may be held in conjunction with any quarterly
9 meeting of the commission.

10 A license issued under this section expires on December thirty-first and may be renewed no
11 later than the immediately following January thirty-first.

12 The commission ~~may~~ shall promulgate rules, pursuant to chapter 1-26, to establish
13 examination and reexamination fees, and license and renewal of license fees for: plumbing
14 contractor, plumber, water conditioning contractor, water conditioning installer, appliance
15 contractor, appliance installer, sewer and water contractor, sewer and water installer,
16 manufactured and mobile home contractor, manufactured and mobile home installer,
17 underground irrigation contractor, and underground irrigation installer. No fee established under
18 this section for an examination or reexamination may exceed one hundred dollars. No fee
19 established under this section for a license or renewal of license may exceed three hundred
20 dollars.

21 Section 4. That § 36-25-27 be amended to read:

22 36-25-27. The commission may, in accordance with chapter 1-26, refuse to issue, revoke the
23 permit of any person for a willful violation of any of the rules and regulations of the
24 commission, for violation of the State Plumbing Code, local ordinances applicable to plumbing

1 ~~work, or for knowingly aiding or abetting any unlicensed person to do plumbing work where~~
2 ~~permits are required under this chapter, or suspend a license, or limit the scope of any license~~
3 ~~for:~~

- 4 (1) Failure to comply with any law, or any rule or order of the commission;
- 5 (2) Failure to comply with local plumbing ordinances;
- 6 (3) Failure to notify the commission in writing within thirty days following any denial,
7 revocation, or suspension of a certificate, license, or permit issued by any other
8 jurisdiction, or any change of address or employment;
- 9 (4) Knowingly aiding and abetting any person who is not licensed or permitted in
10 accordance with this chapter to engage in activity that requires a license or permit
11 under this chapter; or
- 12 (5) Conviction of or plea of guilty or nolo contendere to a crime of violence as defined
13 under § 22-1-2. For purposes of this subdivision, a certified copy of the record of
14 conviction or plea of guilty or nolo contendere is conclusive evidence.

15 Section 5. That § 36-25-24.1 be amended to read:

16 36-25-24.1. As used in §§ 36-25-14, 36-25-19, ~~36-25-22~~, and 36-25-24, the term,
17 underground irrigation, ~~refers to~~ means any nonagricultural, landscape irrigation system.

18 Section 6. That § 36-16-13.1 be repealed.

19 ~~— 36-16-13.1. An electrical contractor, Class B electrician, 501(d) electrician, or journeyman~~
20 ~~electrician may not permit the use of his license by any other person or knowingly permit the~~
21 ~~use thereof by another. A violation of this section is a Class 2 misdemeanor.~~

22 Section 7. That § 36-25-22 be repealed.

23 ~~— 36-25-22. The commission shall register and issue a license to applicants who have~~
24 ~~successfully qualified for such license under the provisions of this chapter and upon payment~~

1 of the fee herein provided. Each license expires December thirty-first of each year, but may be
2 renewed upon application made not later than the following January thirty-first.

3 ~~—The commission shall promulgate rules, pursuant to chapter 1-26, to establish the initial~~
4 ~~license fees and the renewal of license fees for: plumbing contractor, plumber, water~~
5 ~~conditioning contractor, water conditioning installer, appliance contractor, appliance installer,~~
6 ~~sewer and water contractor, sewer and water installer, manufactured and mobile home~~
7 ~~contractor, manufactured and mobile home installer, underground irrigation contractor, and~~
8 ~~underground irrigation installer. No fee may exceed three hundred dollars.~~

9 Section 8. That § 36-25-28 be repealed.

10 ~~—36-25-28. Before revoking any permit the commission shall comply with chapter 1-26.~~