

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

544I0543

## HOUSE BILL NO. 1161

Introduced by: Representatives Gillespie, Dykstra, Frost, Hanson, Konold, and Solum and  
Senators Olson (Ed), Albers, Koetzle, Moore, Reedy, and Vitter

1 FOR AN ACT ENTITLED, An Act to require a permit of persons engaged in certain plumbing  
2 activities.

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

4 Section 1. That § 36-25-1 be amended to read as follows:

5 36-25-1. Terms used in this chapter, ~~unless the context otherwise requires,~~ mean:

6 (1) "Commission," the State Plumbing Commission created by this chapter;

7 (2) "Plumber," any person other than a plumbing contractor who, as ~~his~~ that person's  
8 principal occupation, is engaged as an employee of, or otherwise working under, the  
9 direction of a plumbing contractor in the installation of plumbing, and who is lawfully  
10 qualified and registered as a plumber pursuant to the provisions of this chapter;

11 (3) "Plumber's apprentice," any person other than a plumber or plumbing contractor who  
12 is engaged in working as an employee of a plumbing contractor under the immediate  
13 and personal supervision of either a plumbing contractor or plumber in learning and  
14 assisting in the installation of plumbing;

15 (4) "Plumbing," the practice of, and the furnishing ~~and/or~~ and the use of materials and



1 fixtures in the installation, extension, and alteration of all piping, fixtures, appliances,  
2 and appurtenances in connection with sanitary drainage or storm drainage facilities,  
3 the venting system and the public water-supply systems, within or adjacent to any  
4 building, structure, or conveyance; ~~and including.~~ The term includes the installation,  
5 extension, or alterations of the storm-water, liquid waste, or sewerage and  
6 water-supply systems of any premises to their connection with any point of public  
7 disposal, or other regulated terminal;

8 (5) "Plumbing contractor," any person qualified and skilled in the planning,  
9 superintending, and the practical installation of plumbing, and otherwise qualified and  
10 registered to contract for plumbing installations and conduct the business of plumbing,  
11 and familiar with the laws, and rules, ~~and regulations~~ governing the same plumbing;

12 (6) "Plumbing repair work," repairs to keep plumbing in an existing state including repair  
13 and replacement of faucets, valves in existing systems, repair of leaks in existing water  
14 and waste systems, replacement of damaged water closet and lavatory fixtures if it  
15 does not involve changes in rough-in, replacement of temperature and pressure relief  
16 valves on existing systems, or cleaning of sewer lines. Plumbing repair work does not  
17 include cutting into or extending water or waste lines or rough-in for new plumbing  
18 work of any kind.

19 Section 2. That § 36-25-17 be amended to read as follows:

20 36-25-17. No person ~~shall engage in or do work as a plumbing contractor, plumber, or~~  
21 ~~plumber's apprentice in any municipality of over fifteen hundred population as shown by the last~~  
22 ~~federal decennial census unless registered to do so by the commission; provided, that any person~~  
23 ~~may do plumbing work which complies with the provisions of the minimum standards prescribed~~  
24 ~~by the commission on property owned and occupied by him, or on premises where he may be~~

1 ~~employed in full-time maintenance work~~ may engage in plumbing for which a permit is required  
2 pursuant to § 36-25-19 on any property which is in connection with a public system of  
3 waterworks or sewerage unless that person is licensed by the commission. No license is required  
4 of a person who does the following work in compliance with the provisions of the minimum  
5 standards prescribed by the commission:

6 (1) Plumbing on premises or that part of the premises owned and actually occupied by the  
7 person as the person's residence;

8 (2) Plumbing repair work on premises where the person is employed and performing the  
9 plumbing repair work; or

10 (3) Plumbing repair work on the person's own property.

11 Section 3. That chapter 36-25 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 Any person who provides satisfactory evidence to the commission before July 1, 2004, that  
14 the person was continually engaged for six months prior to the effective date of this Act in the  
15 business for which a license is required pursuant to § 36-25-17 in a rural area or a municipality  
16 of less than fifteen hundred population as shown by the last federal decennial census shall be  
17 licensed without examination upon payment of the fee established by the commission in a rule  
18 promulgated pursuant to chapter 1-26. After June 30, 2004, the commission may waive certain  
19 licensing requirements for an applicant in a rural area or a municipality of less than fifteen  
20 hundred population as shown by the last federal decennial census, if the applicant passes an  
21 examination given by the commission that demonstrates that the applicant knows the laws and  
22 rules governing plumbing. Any person registered under the provisions of this section shall be  
23 restricted to performing plumbing in a rural area or a municipality of less than fifteen hundred  
24 population. The commission may, by rules promulgated pursuant to chapter 1-26, provide for

1 a license for applicants in a rural area or a municipality of less than fifteen hundred population.

2 Section 4. That chapter 36-25 be amended by adding thereto a NEW SECTION to read as

3 follows:

4 The commission shall provide or arrange for training programs on the plumbing code and

5 applicable laws and rules governing plumbing for persons licensed under section 3 of this Act,

6 except for those persons showing competency by passing a state administered plumbing

7 examination. Each person licensed as a plumbing contractor or journeyman plumber shall receive

8 a minimum of four hours training of potable water distribution systems and four hours training

9 of drainage, waste, and vent systems during the first year of licensure.