

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0155

SENATE BILL NO. 32

Introduced by: The Committee on Commerce at the request of the Department of Health

1 FOR AN ACT ENTITLED, An Act to establish a separate licensure category for vacation home
2 establishments and to require vacation home establishments to meet minimum fire safety
3 standards.

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

5 Section 1. That § 34-18-1 be amended to read as follows:

6 34-18-1. Terms used in this chapter mean:

7 (1) "Campground," a plot of ground for public use upon which two or more campsites
8 are located, established, maintained, advertised, or held out to the public to be a place
9 where camping units can be located and occupied as temporary living quarters for
10 children or adults, or both. Camping units are considered to be trailers, tent campers,
11 campers, tents, or other equipment that may be used by the traveling public at
12 individual campsites located at campgrounds or areas used by the public as
13 campgrounds;

14 (2) "County fair," any fair or celebration operated by any county of this state and under
15 the supervision of a county fair board, county fair association, or the county board of



- 1 commissioners;
- 2 (3) "Department," the Department of Health;
- 3 (4) "Food," any raw, cooked, or processed edible substance, beverage, or ingredient used
4 or intended for use or for sale in whole or in part for human consumption;
- 5 (5) "Food service establishment," any fixed restaurant; coffee shop; cafeteria; short-order
6 café; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail
7 lounge; night club; roadside stand; catering kitchen; delicatessen; bakery; grocery
8 store; boardinghouse; or similar place in which food or drink is prepared for sale or
9 for service to the public on the premises or elsewhere with or without charge;
- 10 (6) "Hotel," any hotel, motel, lodge, resort, cabins, building, or buildings with more than
11 ten rental units which is used to provide sleeping accommodations for a charge to the
12 public;
- 13 (7) "Lodging establishment," any building or other structure and property or premises
14 kept, used, maintained, advertised or held out to the public to be a place where
15 sleeping accommodations are furnished for pay to two or more transient guests. The
16 term includes hotels, motels, cabins, bed and breakfast establishments, lodges,
17 vacation home establishments, dude ranches, and resorts;
- 18 (8) "Mobile food service establishment," any mobile unit in which food or drink is
19 prepared for sale or for service to the public with or without charge;
- 20 (9) "Nonprofit organization," any governmental organization, church, fraternal, social,
21 school, youth, or other similar organization that is organized and operated for a
22 common good and not for the specific monetary gain of any person or persons;
- 23 (10) "Owner," the operator, agent, proprietor, manager, or licensee whether it be a person,
24 firm, corporation, limited liability company, or association;

- 1 (11) "Rental unit," any room, cabin, or other quarters that may be rented to a guest for
2 sleeping accommodations;
- 3 (12) "Secretary," the secretary of the Department of Health;
- 4 (13) "Specialty resort," any bed and breakfast establishment, lodge, dude ranch, resort,
5 building, or buildings used to provide accommodations or recreation for a charge to
6 the public, with no more than ten rental units for up to an average of twenty guests
7 per night and in which meals are provided to only the guests staying at the specialty
8 resort;
- 9 (14) "State Fair," the fair at Huron, South Dakota, operated by the Department of
10 Agriculture;
- 11 (15) "Temporary food service establishment," any food service establishment which
12 operates at a fixed location for a temporary period of time, not to exceed two weeks,
13 in connection with a fair, carnival, circus, public exhibition, or similar transitory
14 gathering;
- 15 (16) "Transient guest," any person who resides in a lodging establishment less than four
16 consecutive calendar weeks;
- 17 (17) "Vacation home establishment," any home, cabin, or similar building that is rented,
18 leased, or furnished in its entirety to the public on a daily or weekly basis for more
19 than fourteen days in a calendar year and is not occupied by an owner or manager
20 during the time of rental. This term does not include a bed and breakfast
21 establishment as defined in subdivision 34-18-9.1(1).

22 Section 2. That chapter 34-18 be amended by adding thereto a NEW SECTION to read as
23 follows:

24 Any vacation home establishment shall meet the following minimum fire safety standards:

- 1 (1) Each floor where ten or more occupants are sleeping shall have access to at least two
2 remote exits;
- 3 (2) Any primary exit that leads to the exterior of the structure shall be capable of
4 unlocking from the interior with single action hardware, and free from obstruction.
5 Any sleeping room with a direct exit to the exterior of the building is exempt from
6 this requirement;
- 7 (3) There shall be a smoke detector in each sleeping room. The owner or manager shall
8 test any battery operated smoke detector at least twice a year;
- 9 (4) Any sleeping room shall be equipped with an operable egress window. Any sleeping
10 room with a direct exit to the exterior of the building is exempt from this
11 requirement; and
- 12 (5) A portable fire extinguisher with a minimum 2-A rating shall be made available on
13 each floor and shall be inspected and tagged annually.