



## 2021 South Dakota Legislature

# Senate Bill 51

*Introduced by: The Committee on Commerce and Energy at the request of the Department of Environment and Natural Resources*

1 **An Act to transfer licensure of individuals who may alter, repair, construct, or install**  
 2 **on-site wastewater systems to the Plumbing Commission.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **36-25-17.3. License required--Small on-site wastewater system work.**

6 An individual and small on-site wastewater system may only be altered, repaired,  
 7 constructed, or installed by an individual with an individual and small on-site wastewater  
 8 system installer license.

9 **Section 2.** That § 36-25-1 be AMENDED.

10 **36-25-1. Definition of terms.**

11 Terms used in this chapter mean:

- 12 (1) "Commission," the State Plumbing Commission created by this chapter;
- 13 (2) "Individual and small on-site wastewater system," a system or facility designed to  
 14 contain, neutralize, stabilize, disperse, or treat wastewater on or near the location  
 15 where the wastewater is generated;
- 16 (3) "Plumber," any person other than a plumbing contractor who, as that person's  
 17 principal occupation, is engaged as an employee of, or otherwise working under,  
 18 the direction of a plumbing contractor in the installation of plumbing, and who is  
 19 lawfully qualified and registered as a plumber pursuant to the provisions of this  
 20 chapter;
- 21 ~~(3)~~(4) "Plumber's apprentice," any person other than a plumber or plumbing contractor  
 22 who is engaged in working as an employee of a plumbing contractor under the  
 23 immediate and personal supervision of either a plumbing contractor or plumber in  
 24 learning and assisting in the installation of plumbing;

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

9 ~~(5)~~(6) "Plumbing contractor," any person qualified and skilled in the planning,  
10 superintending, and the practical installation of plumbing, and otherwise qualified  
11 and registered to contract for plumbing installations and conduct the business of  
12 plumbing, and familiar with the laws and rules governing plumbing;

13 ~~(6)~~(7) "Plumbing installation certificate," the certificate issued for each installation or  
14 occurrence by the commission that authorizes a person to perform plumbing;

15 ~~(7)~~(8) "Plumbing repair work," repairs to keep plumbing in an existing state including  
16 repair and replacement of faucets, valves in existing systems, repair of leaks in  
17 existing water and waste systems, replacement of damaged water closet and  
18 lavatory fixtures if it does not involve changes in rough-in, replacement of  
19 temperature and pressure relief valves on existing systems, or cleaning of sewer  
20 lines. Plumbing repair work does not include cutting into or extending water or  
21 waste lines or rough-in for new plumbing work of any kind.

22 **Section 3.** That § 36-25-14 be AMENDED.

23 **36-25-14. Administration of chapter--Promulgation of rules by commission.**

24 The State Plumbing Commission shall administer the provisions of this chapter and  
25 may, in compliance with chapter 1-26, promulgate rules establishing the educational,  
26 training, and examination requirements required of applicants for a plumbing contractor's  
27 license, plumber's license, plumber's apprentice license, water conditioning plumbing  
28 contractor's license, water conditioning plumbing installer's license, water conditioning  
29 plumbing apprentice license, appliance plumbing contractor's license, appliance plumbing  
30 installer's license, appliance plumbing apprentice license, sewer and water plumbing  
31 contractor's license, sewer and water plumbing installer's license, sewer and water  
32 plumbing apprentice license, manufactured and mobile home contractor's license,  
33 manufactured and mobile home installer's license, manufactured and mobile home  
34 apprentice license, underground irrigation contractor's license, underground irrigation

1 installer's license ~~and~~, underground irrigation installer apprentice license, and individual  
2 and small on-site wastewater system installer license.

3 **Section 4.** That § 36-25-19 be AMENDED.

4 **36-25-19. Application for license--Examination--Fees.**

5 A person may apply for a license required by this chapter to the commission,  
6 accompanied by a license fee established by the commission under this section. If the  
7 person is not entitled to a renewal, the commission shall register a person who  
8 satisfactorily passes an examination showing fitness to practice the person's trade.  
9 Examinations may be held in conjunction with any quarterly meeting of the commission.

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

12 The commission 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, and individual and  
18 small on-site wastewater system installer.

19 No fee established under this section for an examination or reexamination may exceed  
20 one hundred dollars. No fee established under this section for a license or renewal of  
21 license may exceed three hundred dollars.

22 **Section 5.** That § 34A-2-108 be REPEALED.

23 **34A-2-108. Certification of individuals responsible for the supervision of the**  
24 **alteration, repair, construction and installation of certain systems--Violation.**