



2021 South Dakota Legislature  
**Senate Bill 51**  
**ENROLLED**

AN ACT

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

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

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

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

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

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

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

Terms used in this chapter mean:

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

- (5) "Plumbing," the practice of, and the furnishing and the use of materials and fixtures in the installation, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with sanitary drainage or storm drainage facilities, the venting system and the public water supply systems, within or adjacent to any building, structure, or conveyance. The term includes the installation, extension, or alterations of the storm-water, liquid waste, or sewerage and water-supply systems of any premises to their connection with any point of public disposal, or other regulated terminal;
- (6) "Plumbing contractor," any person qualified and skilled in the planning, superintending, and the practical installation of plumbing, and otherwise qualified and registered to contract for plumbing installations and conduct the business of plumbing, and familiar with the laws and rules governing plumbing;
- (7) "Plumbing installation certificate," the certificate issued for each installation or occurrence by the commission that authorizes a person to perform plumbing;
- (8) "Plumbing repair work," repairs to keep plumbing in an existing state including repair and replacement of faucets, valves in existing systems, repair of leaks in existing water and waste systems, replacement of damaged water closet and lavatory fixtures if it does not involve changes in rough-in, replacement of temperature and pressure relief valves on existing systems, or cleaning of sewer lines. Plumbing repair work does not include cutting into or extending water or waste lines or rough-in for new plumbing work of any kind.

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

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

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

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

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

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

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

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

The commission shall promulgate rules, pursuant to chapter 1-26, to establish examination and reexamination fees, and license and renewal of license fees for: plumbing contractor, plumber, water conditioning contractor, water conditioning installer, appliance contractor, appliance installer, sewer and water contractor, sewer and water installer, manufactured and mobile home contractor, manufactured and mobile home installer, underground irrigation contractor, underground irrigation installer, and individual and small on-site wastewater system installer.

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

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

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

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

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
Senate as Bill No. 51

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2021 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby  
approved this \_\_\_\_ day of  
\_\_\_\_\_, A.D., 2021

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2021  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 51  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State