

State of South Dakota

EIGHTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2009

829Q0667

SENATE BILL NO. 128

Introduced by: Senators Hansen (Tom), Frysliie, Hunhoff (Jean), Jerstad, Merchant, Novstrup (Al), and Olson (Russell) and Representatives Deadrick, Boomgarden, Burg, Cronin, Dennert, Elliott, Feickert, Gibson, Greenfield, Hoffman, Hunhoff (Bernie), Juhnke, Krebs, Lucas, Moser, Noem, Novstrup (David), Nygaard, Pitts, Putnam, Rave, Tidemann, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to create a limited electrician license.

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

3 Section 1. That § 36-16-2 be amended to read as follows:

4 36-16-2. Terms used in this chapter mean:

5 (1) "Apprentice electrician," a person learning the trade under the supervision and
6 employment of an electrical contractor, journeyman electrician or Class B electrician,
7 or a person learning the trade under the supervision of a 501(d) electrician, or a person
8 employed by a public entity or private corporation, firm or partnership who is
9 learning the trade under the supervision of an electrical contractor or Class B
10 electrician who is employed by the same public entity or private corporation, limited
11 liability company, firm, or partnership;

12 (2) "Class B electrician," a person having the necessary qualifications, training, technical
13 knowledge and at least thirty-six months' experience in wiring, installing and



1 repairing electrical apparatus and equipment in accordance with the standard rules
2 established by the State Electrical Commission;

3 (3) "Electrical contractor," a person having the necessary qualifications, training,
4 experience, and technical knowledge to plan, lay out, and supervise the installation
5 and repair of electrical wiring, apparatus, and equipment for electric light, heat and
6 power in accordance with the standard rules governing such work; and who
7 undertakes or offers to undertake with another to plan for, lay out, supervise and
8 install or to make additions, alterations and repairs in the installation of such work;

9 (4) "Electrical inspector," a person experienced in all classes of electrical work and either

10 (a) shall be a graduate of a recognized electrical school as approved by State
11 Electrical Commission rules and shall have had a total of four years'
12 experience, which may not include school experience, in electrical work, or

13 (b) shall have had at least six years of practical experience in electrical wiring.

14 Any qualified inspector may be issued an electrical contractor's license, provided
15 however, he pay the necessary fees as set forth in this chapter;

16 (5) "Journeyman electrician," a person having the necessary qualifications, training,
17 technical knowledge and at least four years' experience in wiring, installing, and
18 repairing electrical apparatus and equipment in accordance with the standard rules
19 established by the State Electrical Commission;

20 (6) "Maintenance electrician," a person working under a maintenance electrician's license
21 of a public entity, firm, partnership, limited liability company, or corporation;

22 (7) "501(d) electrician," a person having the necessary qualifications, training and
23 technical knowledge in wiring, installing, and repairing electrical apparatus and
24 equipment in accordance with the administrative rules promulgated by the State

1 Electrical Commission. A 501(d) licensee is restricted to wiring on 501(d) properties
2 within the State of South Dakota. 501(d) is the reference to the federal internal
3 revenue code that provides the exemption for a religious or apostolic association or
4 corporation.

5 Section 2. That § 36-16-13.1 be amended to read as follows:

6 36-16-13.1. An electrical contractor, Class B electrician, 501(d) electrician, or journeyman
7 electrician may not permit the use of his license by any other person or knowingly permit the
8 use thereof by another. A violation of this section is a Class 2 misdemeanor.

9 Section 3. That § 36-16-13.3 be amended to read as follows:

10 36-16-13.3. The State Electrical Commission may issue an inactive Class B electrician
11 license, inactive electrical contractor license, an inactive 501(d) electrician license, and an
12 inactive journeyman electrician license. No person holding an inactive license may perform any
13 job requiring a Class B electrician or electrical contractor's license. The person holding any
14 inactive license is exempt from the requirements of § 36-16-20. The commission may
15 promulgate rules to determine the requirements a person holding an inactive license shall meet
16 if the person applies to change his inactive license to a license allowing him to perform work
17 for which a license is required.

18 Section 4. That § 36-16-17 be amended to read as follows:

19 36-16-17. The State Electrical Commission shall promulgate rules, pursuant to chapter 1-26,
20 to establish and collect biennial fees for licenses. The class of electricians who may be licensed
21 under this chapter, and biennial fees required to be paid for the license, may not exceed the
22 following:

- 23 (1) Electrical contractor: biennial license fee, one hundred dollars;
24 (2) Journeyman electrician: biennial license fee, forty dollars;

- 1 (3) Class B electrician: biennial license fee, forty dollars;
- 2 (4) Electrical inspector: biennial license fee, forty dollars;
- 3 (5) Inactive Class B electrician, inactive electrical contractor, inactive 501(d) electrician,
4 or inactive journeyman electrician: biennial license fee, forty dollars;
- 5 (6) Maintenance electrician: biennial license fee, forty dollars;
- 6 (7) 501(d) electrician; biennial license fee, forty dollars.
- 7 Before a license is granted to any applicant and for the biennial renewal of such license the
8 applicant shall pay to the treasurer the fee required for the class of license applied for.