



2021 South Dakota Legislature

House Bill 1009

Introduced by: The Committee on Commerce and Energy at the request of the State Electrical Commission

1 **An Act to revise certain provisions regarding the licensing of electricians and**
 2 **electrical contractors.**

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

4 **Section 1.** That § 36-16-2 be AMENDED.

5 **36-16-2. Definition of terms.**

6 Terms used in this chapter mean:

- 7 (1) "Apprentice electrician," a person learning the trade under the supervision and
 8 employment of an electrical contractor, journeyman electrician or Class B
 9 electrician, or a person learning the trade under the supervision of a 501(d)
 10 electrician, or a person employed by a public entity or private corporation, firm or
 11 partnership who is learning the trade under the supervision of an electrical
 12 contractor or Class B electrician who is employed by the same public entity or
 13 private corporation, limited liability company, firm, or partnership;
- 14 (2) "Class B electrician," a person having the necessary qualifications, training,
 15 technical knowledge and at least thirty-six months' experience in wiring, installing
 16 and repairing electrical apparatus and equipment in accordance with the standard
 17 rules established by the State Electrical Commission;
- 18 (3) "Electrical contractor," a person having the necessary qualifications, training,
 19 experience, and technical knowledge to plan, lay out, and supervise the installation
 20 and repair of electrical wiring, apparatus, and equipment for electric light, heat and
 21 power in accordance with the standard rules governing such work; and who
 22 undertakes or offers to undertake with another to plan for, lay out, supervise and
 23 install or to make additions, alterations and repairs in the installation of such work;
- 24 (4) "Electrical inspector," a person experienced in all classes of electrical work and
 25 either:

- 1 (a) ~~shall be~~ Is a graduate of a recognized electrical school as approved by State
 2 Electrical Commission rules and ~~shall have had~~ has a total of four ~~years'~~ years
 3 of experience, which may not include school experience, in electrical work,
 4 excluding school experience, or
- 5 (b) ~~shall have had~~ Has at least six years of practical experience in electrical
 6 wiring.
- 7 ~~Any~~ A qualified inspector may be issued an electrical contractor's license, ~~provided~~
 8 ~~however, he pay~~ if the qualified inspector pays the necessary fees as set forth in
 9 this chapter;
- 10 (5) "Journeyman electrician," a person having the necessary qualifications, training,
 11 technical knowledge and at least four ~~years'~~ years of experience in wiring, installing,
 12 and repairing electrical apparatus and equipment in accordance with the standard
 13 rules established by the State Electrical Commission;
- 14 (6) "Maintenance electrician," a person working under a maintenance electrician's
 15 license of a public entity, firm, partnership, limited liability company, or corporation;
- 16 (7) "501(d) electrician," a person having the necessary qualifications, training and
 17 technical knowledge in wiring, installing, and repairing electrical apparatus and
 18 equipment in accordance with the administrative rules promulgated by the State
 19 Electrical Commission, pursuant to chapter 1-26. A 501(d) licensee is restricted to
 20 wiring on 501(d) properties within the State of South Dakota. 501(d) is the
 21 reference to the federal internal revenue code that provides the exemption for a
 22 religious or apostolic association or corporation.

23 **Section 2.** That § 36-16-4 be AMENDED.

24 **36-16-4. Commission member involved in education of electrical engineers**
 25 **or electricians.**

26 The Governor shall appoint one member of the State Electrical Commission who
 27 shall be involved in the education of electrical engineers or electricians. ~~This~~ The member
 28 ~~shall serve without compensation~~ be reimbursed travel expenses, pursuant to § 3-9-2, that
 29 are related to the discharge of the member's duty under this section.

30 **Section 3.** That § 36-16-7 be AMENDED.

31 **36-16-7. Officers of commission--Expenses of members.**

32 The members of the State Electrical Commission shall select from their members
 33 a president and a ~~secretary/treasurer~~ secretary-treasurer. ~~Each member of the~~

1 ~~commission except as provided in § 36-16-4~~ The members shall receive travel expenses,
 2 pursuant to § 3-9-2, ~~when actively engaged in that are related to the discharge of the~~
 3 ~~member's their duties under this chapter.~~

4 **Section 4.** That § 36-16-8 be AMENDED.

5 **36-16-8. Meetings of commission--Notice.**

6 The State Electrical Commission shall hold a meeting in the month of July of each
 7 year in Pierre and may hold such other meetings as are necessary to review qualifications
 8 and perform the other duties coming before ~~it~~ the commission. Special meetings shall ~~be~~
 9 held at the time and place determined by the president, and upon ~~ten days~~¹ notice given
 10 by the ~~president~~ executive director to each member of the commission directly, at least
 11 seventy-two hours prior to the meeting.

12 **Section 5.** That § 36-16-16 be AMENDED.

13 **36-16-16. Persons exempt from license requirement.**

14 The following persons are not required to hold an electrician's license:

- 15 (1) ~~Employees—An employee of utilities—a utility~~ engaged in the manufacture and
 16 distribution of electrical energy, ~~when if~~ engaged in work directly pertaining to the
 17 manufacture and distribution of electrical energy, ~~or persons or companies when a~~
 18 person that is engaged in work pertaining directly to such services, if the work is
 19 designed, supervised, or installed by a person qualified in the work being done. This
 20 exemption ~~shall terminate~~ terminates at the first point of service attachment,
 21 except for the installing or testing of electric meters and measuring devices and the
 22 maintenance of their service;
- 23 (2) ~~Employees—An employee of~~ telephone, telegraph, radio and television
 24 communication services and pipelines, ~~or persons or companies when engaged a~~
 25 person that is engaged in work pertaining directly to such services, if the work is
 26 designed, supervised or installed by a person qualified in the work being done;
- 27 (3) ~~Electrical—A person doing electrical work and on automotive equipment, on~~
 28 equipment in mines, ships, railways, rolling stock or automotive equipment, and a
 29 mine, ship, railway, or rolling stock, or on equipment in a packing plants plant
 30 supervised and regulated by the Department of Agriculture;
- 31 (4) ~~Replacement of lamps and connection—A person replacing a lamp and connection of~~
 32 a portable electrical devices device to a suitable receptacles which have receptable
 33 that has been permanently installed;

- 1 (5) ~~Radio~~ A radio and appliance service repair ~~departments~~ department;
- 2 (6) ~~Maintenance~~ A person doing maintenance on an oil ~~burners~~ burner and on a space
3 ~~heaters~~ heater where installation of same has been effected by a Class B or
4 journeyman electrician in accordance with this chapter;
- 5 (7) ~~Architects, designers, and engineers~~ An architect, designer, or engineer engaged in
6 the planning and laying out of electrical work;
- 7 (8) ~~Employees~~ An employee of an electrical ~~utilities~~ utility engaged in the installation
8 and maintenance of utility street lighting, traffic signal devices or electric utility-
9 owned security lights or persons or companies when engaged in work pertaining
10 directly to such services, if the work is designed, supervised, or installed by a person
11 qualified in the work being done; or
- 12 (9) ~~Employees~~ An employee of an alarm and communications ~~companies~~ company or
13 ~~services~~ service when wiring an alarm or communications system ~~when~~ where the
14 system is classified as power limited class 2 or class 3 signaling circuits, power
15 limited fire protective signaling circuits, class 2 or class 3 alarm circuits, or
16 communications circuits or systems, ~~as covered by articles 725, 760, 770, 800,~~
17 ~~810, 820~~ of the National Electrical Code as it was approved by the American National
18 Standards Institute and in effect on January 1, 1989, ~~;~~ or ~~persons~~ a person or
19 ~~companies~~ a company when engaged in work pertaining directly to such ~~services~~
20 wiring, if the work is designed, supervised, or installed by a person qualified in the
21 work being done.

22 **Section 6.** That § 36-16-19 be AMENDED.

23 **36-16-19. Experience required for contractor's license.**

24 A person ~~must~~ shall have ~~had~~ at least two ~~years'~~ years of experience as a
25 journeyman electrician or at least ~~four years'~~ one year of commercial experience as a
26 Class B electrician before making application for an electrical contractor's license.

27 **Section 7.** That § 36-16-21 be AMENDED.

28 **36-16-21. Apprentice registration--Fee--Supervision of work.**

29 An apprentice shall register with the State Electrical Commission. The State
30 Electrical Commission may promulgate rules, pursuant to chapter 1-26, to establish and
31 collect a biennial registration fee not to exceed twenty dollars. Biennial fee requirements
32 ~~shall commence on July 1, 1986. He shall~~ apply in even-numbered years. The apprentice
33 may not be allowed to work on ~~installations~~ an installation without personal supervision.

1 **Section 8.** That § 36-16-22 be AMENDED.

2 **36-16-22. Evidence of experience required for license--Partnership or**
3 **corporate license.**

4 ~~Each person~~ An individual applying for a license under this chapter shall pay a fee
5 ~~and shall~~ take an oath, and submit written evidence ~~that he has had~~ of having the required
6 experience. If a partnership, company, corporation, or association applies for a license,
7 an officer or manager thereof shall make the application and take the oath and submit
8 evidence as to experience.