

AN ACT

ENTITLED, An Act to revise and repeal provisions regarding revocation of occupational licenses.

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

Section 1. That § 36-16-13 be amended to read:

36-16-13. Any person, partnership, company, corporation, or association that for a fixed sum, price, fee, percentage, or other consideration, undertakes or offers to undertake with another to plan, lay out, supervise, install, make additions, make alterations, or make repairs, in the installation of wiring, apparatus, or equipment for electric lights, heat, or power, shall be licensed by the State Electrical Commission. The commission shall issue a license to a qualified person under this section in the class defined under § 36-16-2 for which the person applies after successful completion of the examination required by the commission.

The commission shall promulgate rules, pursuant to chapter 1-26, establishing fees for the examination and the application required under this section. The commission may charge, or may authorize a third party that administers the examination to charge, each person an examination fee not to exceed one hundred fifty dollars per examination or reexamination. The application fee may not exceed fifty dollars per occurrence.

Section 2. That § 36-16-33 be amended to read:

36-16-33. The State Electrical Commission may, in accordance with chapter 1-26, refuse to issue, revoke, or suspend a license, or limit the scope of practice of any licensee for:

- (1) Failure to comply with any law, or any rule or order of the commission;
- (2) Failure to comply with the National Electric Code as adopted by rule of the commission or local ordinance;
- (3) Failure to notify the commission in writing within thirty days following any denial, revocation, or suspension of a certificate, license, or permit issued by any other

jurisdiction, or any change of address or employment;

- (4) Knowingly aiding and abetting any person who is not licensed or permitted in accordance with this chapter to engage in activity that requires a license under § 36-16-13 or permit under this chapter; or
- (5) Conviction of or plea of guilty or nolo contendere to a crime of violence as defined under § 22-1-2. For purposes of this subdivision, a certified copy of the record of conviction or plea of guilty or nolo contendere is conclusive evidence.

Section 3. That § 36-25-19 be amended to read:

36-25-19. 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, and underground irrigation 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 4. That § 36-25-27 be amended to read:

36-25-27. The commission may, in accordance with chapter 1-26, refuse to issue, revoke, or suspend a license, or limit the scope of any license for:

- (1) Failure to comply with any law, or any rule or order of the commission;
- (2) Failure to comply with local plumbing ordinances;
- (3) Failure to notify the commission in writing within thirty days following any denial, revocation, or suspension of a certificate, license, or permit issued by any other jurisdiction, or any change of address or employment;
- (4) Knowingly aiding and abetting any person who is not licensed or permitted in accordance with this chapter to engage in activity that requires a license or permit under this chapter;
or
- (5) Conviction of or plea of guilty or nolo contendere to a crime of violence as defined under § 22-1-2. For purposes of this subdivision, a certified copy of the record of conviction or plea of guilty or nolo contendere is conclusive evidence.

Section 5. That § 36-25-24.1 be amended to read:

36-25-24.1. As used in §§ 36-25-14, 36-25-19, and 36-25-24, the term, underground irrigation, means any nonagricultural, landscape irrigation system.

Section 6. That § 36-16-13.1 be repealed.

Section 7. That § 36-25-22 be repealed.

Section 8. That § 36-25-28 be repealed.

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I certify that the attached Act
originated in the
SENATE as Bill No. 35

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 35
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,
20__ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State