

CHAPTER 20:44:15
GENERAL ADMINISTRATION

Section

- 20:44:15:01 Duties of president.
- 20:44:15:02 Duties of secretary/treasurer.
- 20:44:15:03 ~~Agency action on request~~ Repealed.
- 20:44:15:04 ~~Petition for declaratory ruling~~ Repealed.
- 20:44:15:05 ~~Commission action on petition~~ Repealed.
- 20:44:15:06 ~~Commission meetings on petition for new rules~~ Repealed.

20:44:15:03. Agency action on request. ~~Upon receipt of the petition as set forth in SDCL 1-26-13, the president of the commission shall immediately mail one copy to each commission member and set a meeting within 30 days to act on the petition~~ Repealed.

Source: SL 1975, ch 16, § 1; 2 SDR 89, effective July 2, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:02:05, August 12, 1994.

~~General Authority:~~ SDCL 36-16-12.

~~Law Implemented:~~ SDCL 1-26-13.

20:44:15:04. Petition for declaratory ruling. ~~Any person wishing the commission to issue a ruling as to the applicability to that person of any statutory provisions or rule or order of the commission, may file with the commission a petition in substantially the following form:~~

~~State of South Dakota~~
~~State Electrical Commission~~

Petition for Declaratory Ruling

~~— Pursuant to the provisions of SDCL 1-26-15, I, (name of petitioner) of (address of petitioner), am (title or capacity of petitioner), and do hereby petition the South Dakota State Electrical Commission for its declaratory ruling in regard to the following:~~

~~— 1. The state statute or State Electrical Commission rule or order in question is: (here identify and quote the pertinent statute, rule or order).~~

~~— 2. The facts and circumstances which give rise to the issue to be answered by the commission's declaratory ruling are:~~

~~— 3. The precise issue to be answered by the commission's declaratory ruling is:~~

~~— Dated at (city and state), this _____ day of _____, 19__.~~

(Signature of petitioner) Repealed.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:02:06, August 12, 1994.

~~— **General Authority:** SDCL 36-16-12.~~

~~— **Law Implemented:** SDCL 1-26-15.~~

20:44:15:05. Commission action on petition. Upon receipt of the petition, the commission may request from the petitioner such other or further information as may be required by it for the issuance of its ruling. Within 30 days following the receipt of the petition, or within 30 days following receipt of such further requested information, the commission shall issue its declaratory ruling and serve a copy of same by mail upon the petitioner Repealed.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:02:07, August 12, 1994.

——~~**General Authority:** SDCL 36-16-12.~~

——~~**Law Implemented:** SDCL 1-26-15.~~

20:44:15:06. Commission meetings on petition for new rules. ~~The commission may hold a meeting by telephone conference call to make a decision on any petitions filed pursuant to SDCL 1-26-13 and these rules~~ Repealed.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:02:08, August 12, 1994.

——~~**General Authority:** SDCL 36-16-12.~~

——~~**Law Implemented:** SDCL 1-26-13.~~

20:44:16:04. Application fees. Application fees are as follows:

- (1) Electrical contractor: ~~\$40~~ \$60;
- (2) Class B electrician: ~~\$40~~ \$60;
- (3) Journeyman electrician: ~~\$40~~ \$60;
- (4) Electrical inspector: ~~\$40~~ \$60;
- (5) Inactive electrical contractor: ~~\$\$40~~ \$60;
- (6) Inactive Class B electrician: ~~\$40~~ \$60;
- (7) Inactive journeyman electrician: ~~\$40~~ \$60;
- (8) 501(d) electrician: ~~\$40~~ \$60;
- (9) Inactive 501(d) electrician: ~~\$40~~ \$60.

The application fee, whether the application is approved or disapproved, is nonrefundable. The fee must accompany the application.

Source: 2 SDR 89, effective July 2, 1976; 5 SDR 1, effective July 20, 1978; 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 41, effective October 16, 1986; 16 SDR 153, effective March 29, 1990; 18 SDR 83, effective November 10, 1991; transferred from § 20:44:03:02, August 12, 1994; 35 SDR 305, effective July 1, 2009; 37 SDR 236, effective June 29, 2011.

General Authority: SDCL 36-16-13.

Law Implemented: SDCL 36-16-13, 36-16-13.3.

20:44:16:11. Biennial reciprocity fee. The reciprocity fee for a biennial license is as follows:

- (1) Electrical contractor: ~~\$100~~ \$200; and
- (2) Journeyman electrician: ~~\$40~~ \$80.

The reciprocity license fee, whether the application is approved or disapproved, is nonrefundable. The fee must accompany the application.

Source: 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 41, effective October 16, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:03:09, August 12, 1994.

General Authority: SDCL 36-16-17, 36-16-23.

Law Implemented: SDCL 36-16-23.

20:44:16:15. Biennial fees for licenses. Biennial fees for the classes of electricians licensed under this chapter are as follows:

- (1) Electrical contractor: ~~\$100~~ \$200;
- (2) Journeyman electrician: ~~\$40~~ \$80;
- (3) Class B electrician: ~~\$40~~ \$100;
- (4) Electrical inspector: ~~\$40~~ \$100;
- (5) 501(d) electrician: ~~\$40~~ \$80; and
- (6) Inactive electrical contractor, inactive Class B electrician, inactive journeyman electrician, or inactive 501(d) electrician: ~~\$40~~ \$80.

Source: 13 SDR 41, effective October 16, 1986; 14 SDR 46, effective September 28, 1987; 18 SDR 83, effective November 10, 1991; transferred from § 20:44:03:13, August 12, 1994; 35 SDR 305, effective July 1, 2009.

General Authority: SDCL 36-16-17.

Law Implemented: SDCL 36-16-17.

20:44:16:21. Maintenance electrician license. A maintenance electrician license may be issued by the commission to a public or private entity which employs one or more persons to perform maintenance electrical work on land and facilities owned or leased by the entity. A separate maintenance electrical license is required for each county in which the entity's employees perform maintenance electrical work. Each application for a maintenance electrician's license must be accompanied by a ~~\$40~~ \$80 fee.

Source: 23 SDR 236, effective July 16, 1997.

General Authority: SDCL 36-16-12, 36-16-13.2, 36-16-17.

Law Implemented: SDCL 36-16-13.2, 36-16-17.

20:44:16:24. Renewal of license. A maintenance electrician license holder must renew the license biennially prior to the license expiration date and must request inspection or waiver of inspection of electrical work prior to renewal. The application for renewal of a maintenance electrician's license must contain a statement that the applicant assumes all risk, liability, and responsibility for electrical work done by its employees and must be accompanied by a renewal fee of ~~\$40~~ \$80. All electrical violations found by an inspection must be corrected before the commission renews the entity's maintenance electrician license.

The commission may waive inspection if the commission receives written confirmation that no maintenance work has occurred in the preceding two years or receives an inspection report of maintenance electrical work from a qualified third party that has inspection authority over the maintenance licensee that is recognized by the commission.

A qualified third party is not a state or local electrical inspector but must have similar qualifications and must conduct electrical inspections following the **National Electrical Code**. Persons applying to the commission for approval as qualified third parties must submit applications listing their qualifications on forms provided by the commission.

Source: 23 SDR 236, effective July 16, 1997; 43 SDR 181, effective July 10, 2017.

General Authority: SDCL 36-16-12, 36-16-13.2.

Law Implemented: SDCL 36-16-13.2.

Cross-References:

Electrical experience for advancement, § 20:44:16:08.

Local inspection systems, ch 20:44:21.

Adoption of **National Electrical Code**, § 20:44:22:01.

20:44:22:07. Residential heating plant disconnect. Heating plant installations that include auxiliary motor-operated equipment rated 25 amps or less require a disconnect ~~at~~ on the unit.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:05:07, August 12, 1994; 29 SDR 87, effective December 24, 2002; 43 SDR 181, effective July 10, 2017.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

Note: Also see Article 424 of the **National Electrical Code**.

20:44:22:27. Residential housing units moved to new locations. Single, modular, or multifamily residential units moved from one location to another must have at least a 100-ampere service at the new location and must meet the ground fault circuit interrupter protection, tamper resistant receptacle protection, ~~and~~ arc-fault circuit interrupter protection, receptacle for heating and cooling equipment, weather resistant receptacles and in use cover, and emergency disconnect requirements of the **National Electrical Code**, Article:

(1) 210.8 - ground fault circuit interrupter protection;

- (2) 210.12 - arc fault circuit interrupt protection;
- (3) 406.12 - tamper resistant receptacles;
- (4) 210.63 - receptacle within 25 feet of the heating and ac equipment; ~~and~~
- (5) 406.9 – weather resistant receptacles and in use covers; and
- (6) 230.85 – emergency disconnects.

Source: 19 SDR 155, effective April 14, 1993; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:05:32, August 12, 1994; 23 SDR 2, effective July 16, 1996; 29 SDR 87, effective December 24, 2002; 40 SDR 198, effective May 28, 2014; 43 SDR 181, effective July 10, 2017.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27.