

CHAPTER 36-16

ELECTRICIANS AND ELECTRICAL CONTRACTORS

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36-16-1. License required to engage in electrical contracting--Purpose of regulation--Noncompliance as misdemeanor. Any person, firm, partnership, limited liability company, or corporation engaged, or offering to engage, in business as an electrical contractor as defined in § 36-16-2 or any person performing the work as defined in this chapter, shall obtain a license from the State Electrical Commission before any person may undertake and perform such work to the end that any such work will be safely and properly installed in accordance with approved standards for such work. It is a Class 2 misdemeanor for any person, firm, partnership, limited liability company, or corporation to engage in such business or such work unless the provisions of this chapter are complied with.

Source: SL 1963, ch 216, § 1; SL 1977, ch 190, § 183; SL 1986, ch 315, § 1; SL 1991, ch 308, § 1; SL 1993, ch 281, § 1; SL 1994, ch 351, § 77.

36-16-2. Definition of terms. Terms used in this chapter mean:

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

(2) "Class B electrician," a person having the necessary qualifications, training, technical knowledge and at least thirty-six months' experience in wiring, installing and repairing electrical apparatus and equipment in accordance with the standard rules established by the State Electrical Commission;

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

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

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

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

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

(5) "Journeyman electrician," a person having the necessary qualifications, training, technical knowledge and at least four years' experience in wiring, installing, and repairing electrical apparatus and

equipment in accordance with the standard rules established by the State Electrical Commission;

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

(7) "501(d) electrician," a person having the necessary qualifications, training and technical knowledge in wiring, installing, and repairing electrical apparatus and equipment in accordance with the administrative rules promulgated by the State Electrical Commission. A 501(d) licensee is restricted to wiring on 501(d) properties within the State of South Dakota. 501(d) is the reference to the federal internal revenue code that provides the exemption for a religious or apostolic association or corporation.

Source: SL 1963, ch 216, § 2; SL 1967, ch 128, § 1; SL 1986, ch 315, § 3; SL 1987, ch 273, § 1; SL 1991, ch 308, § 6; SL 1994, ch 351, § 78; SL 2009, ch 183, § 1.

36-16-3. State Electrical Commission--Number and terms of members. The State Electrical Commission shall perform all functions exercised by the former State Electrical Board. The State Electrical Commission consists of seven members to be appointed by the Governor for a term of three years. No member may serve more than three consecutive full terms. However, appointment to fill an unexpired term is not considered a complete term for this purpose. Not all of the members shall be of the same political party. The Governor may stagger the terms to enable the commission to have different terms expire each year. Any member appointed to the commission prior to July 1, 2005, shall serve the four-year term to which the member was originally appointed. Any member appointed to the commission after July 1, 2005, shall serve a three-year term. One member shall represent an electric utility, one member shall be a licensed electrical contractor, one member shall be a licensed electrician with at least a journeyman level license and one member shall have fire safety expertise.

Source: SL 1963, ch 216, § 3; SL 1980, ch 380, §§ 17 to 20; SL 2005, ch 199, § 47.

36-16-4. Commission member involved in education of electrical engineers or electricians. The Governor shall appoint one member of the State Electrical Commission who shall be involved in the education of electrical engineers or electricians. This member shall serve without compensation.

Source: SL 1963, ch 216, § 3; SL 1980, ch 380, § 19; SL 2004, ch 17, § 235; SL 2004, ch 250, § 1; SL 2005, ch 199, § 48; SL 2011, ch 179, § 1.

36-16-4.1. Lay members of commission--Appointment and term of office. The membership of the State Electrical Commission shall include two lay members who are users of the services regulated by the commission. The term lay member who is a user refers to a person who is not licensed by the commission but where practical uses the service licensed, and the meaning shall be liberally construed to implement the purpose of this section. The lay members shall be appointed by the Governor and, after the initial appointments, both such lay members shall have the same term of office as members of the commission appointed under § 36-16-3.

Source: SL 1973, ch 2, § 58.

36-16-5. Oath of office--Tenure. A member of the State Electrical Commission shall qualify by taking and subscribing the oath of office required by other state officers, which shall be filed in the Office of the Secretary of State. Each member shall hold his office until his successor is appointed and qualified.

Source: SL 1963, ch 216, § 3.

36-16-6. Quorum of commission. A majority of the members of the State Electrical Commission shall constitute a quorum for transaction of business.

Source: SL 1963, ch 216, § 4 (2).

36-16-7. Officers of commission--Expenses of members. The members of the State Electrical Commission shall select from their members a president and a secretary/treasurer. Each member of the commission except as provided in § 36-16-4 shall receive travel expenses pursuant to § 3-9-2 when actively engaged in the discharge of the member's duties.

Source: SL 1963, ch 216, § 4 (1); SL 1986, ch 27, § 29; SL 1994, ch 301, § 1.

36-16-8. Meetings of commission--Notice. The State Electrical Commission shall hold a meeting in the month of July of each year in Pierre and may hold such other meetings as are necessary to review qualifications and perform the other duties coming before it. Special meetings shall be held at the time and place determined by the president, and upon ten days' notice given by the president to each member of the commission.

Source: SL 1963, ch 216, § 4 (3); SL 1994, ch 301, § 2.

36-16-8.1. Commission continued within Department of Labor and Regulation--Records and reports. The State Electrical Commission shall continue within the Department of Labor and Regulation, and shall retain all its prescribed functions, including administrative functions. The commission shall submit such records, information, and reports in the form and at such times as required by the secretary of labor and regulation, except that the commission shall report at least annually.

Source: SL 1973, ch 2 (Ex. Ord. 73-1), §§ 3(d), 56(i); SL 2003, ch 272 (Ex. Ord. 03-1), § 48; SL 2011, ch 1 (Ex. Ord. 11-1), § 33, eff. Apr. 12, 2011.

36-16-9. Electrical commission fund--Collections and disbursements. All money coming into the custody of the commission shall be paid by the commission to the state treasurer on or before the tenth day after receipt of the money. The state treasurer shall credit the money to the South Dakota electrical commission fund. The money in the South Dakota electrical commission fund is continuously appropriated to the commission for the purpose of paying the expense of administering and enforcing the provisions of this chapter. However, the total expense incurred may not exceed the total money collected by the commission under the provisions of this chapter.

Source: SL 1963, ch 216, § 4 (5); SL 1994, ch 301, § 3; SL 2011, ch 179, § 2.

36-16-10. Expense of commission. All reasonable and necessary expenses incurred in conducting the business of the State Electrical Commission shall be allowed and paid by the commission.

Source: SL 1963, ch 216, § 4 (4).

36-16-11. Repealed by SL 1982, ch 16, § 32.

36-16-12. Seal of commission--Scope of rules. The State Electrical Commission shall adopt a seal. The commission shall promulgate rules, pursuant to chapter 1-26, pertaining to: license applications, examinations, continuing education, qualifications, wiring permits, electrical installation, inspection fees and procedures; local inspection systems; modular homes and structures; carnivals and seasonal dwellings and supplementary power and cogeneration systems.

Source: SL 1963, ch 216, § 5 (1); revised pursuant to SL 1972, ch 15, § 4; SL 1986, ch 302, § 22; SL 1994, ch 302, § 1; SL 1995, ch 221, § 1.

36-16-13. License required--Examination--Application--Fees . 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.

Source: SL 1963, ch 216, § 6 (1); SL 1967, ch 128, § 3; SL 1978, ch 272, § 1; SL 1986, ch 302, § 23; SL 2009, ch 184, § 1; SL 2011, ch 179, § 3; SL 2019, ch 169, § 1.

36-16-13.1. Repealed by SL 2019, ch 169, § 6.

36-16-13.2. Issuance of license to public entities. The State Electrical Commission may issue a maintenance electrician's license to a public entity, firm, partnership or corporation. The maintenance electrician license shall be limited to electrical maintenance work, as defined by electrical commission rules, performed at the public entity, firm, partnership or corporation property. The license shall be issued according to rules adopted by the State Electrical Commission.

Source: SL 1986, ch 315, § 6.

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

Source: SL 1987, ch 279, § 1; SL 1991, ch 308, § 2; SL 2009, ch 183, § 3.

36-16-14. Contractor license required for installation of wiring or parts--Farm and residential wiring by Class B electrician. No contract, agreement, or understanding with another for the installation of electrical wiring or the installation of electrical parts of other apparatus shall be entered into by anyone not an electrical contractor. Provided, however, that a Class B electrician, as defined in § 36-16-2, is authorized to enter into a contract, undertaking, or agreement for the installation of electrical wiring and his authority under the contract, undertaking or agreement is limited to the installation of farm electrical wiring, residential electrical wiring, the installation of electrical equipment, appliances and apparatus, in relation to said farm and residential wiring.

Source: SL 1963, ch 216, § 15; SL 1978, ch 272, § 2.

36-16-15. License not required for wiring on own residence or farmstead--Inspection and fee--Failure to report as misdemeanor. No license is required of a person installing electric wiring in his own residence or farmstead, including on the premises of a single-family dwelling unit that is in the process of being constructed if the person owns the premises and intends to occupy the premises as the person's residence when construction is complete. Entrance installations in excess of sixty amperes capacity, circuits or the installation of electrical parts of other apparatus shall be subject to inspection and payment of an inspection fee as provided by §§ 36-16-29 and 36-16-30. Failure to report this work as required by law is a Class 2 misdemeanor.

The Commission shall promulgate rules, pursuant to chapter 1-26, to establish criteria for authorizing persons to install electric wiring under this section.

Source: SL 1963, ch 216, § 6 (3) as added by SL 1967, ch 128, § 3; SL 1986, ch 315, § 4.

36-16-16. Persons exempt from license requirement. The following persons are not required to hold an electrician's license:

(1) Employees of utilities engaged in the manufacture and distribution of electrical energy, when engaged in work directly pertaining to the manufacture and distribution of electrical energy or persons or companies when engaged in work pertaining directly to such services, if the work is designed, supervised, or installed by a person qualified in the work being done. This exemption shall terminate at the first point of service attachment, except for the installing or testing of electric meters and measuring devices and the maintenance of their service;

(2) Employees of telephone, telegraph, radio and television communication services and pipelines or persons or companies when engaged in work pertaining directly to such services, if the work is designed, supervised or installed by a person qualified in the work being done;

(3) Electrical work and equipment in mines, ships, railways, rolling stock or automotive equipment, and in packing plants supervised and regulated by the Department of Agriculture;

(4) Replacement of lamps and connection of portable electrical devices to suitable receptacles which have been permanently installed;

(5) Radio and appliance service repair departments;

(6) Maintenance on oil burners and space heaters where installation of same has been effected by a Class B or journeyman electrician in accordance with this chapter;

(7) Architects, designers, and engineers engaged in the planning and laying out of electrical work;

(8) Employees of electrical utilities engaged in the installation and maintenance of utility street lighting, traffic signal devices or electric utility-owned security lights or persons or companies when engaged in work pertaining directly to such services, if the work is designed, supervised, or installed by a person qualified in the work being done; or

(9) Employees of alarm and communications companies or services when wiring an alarm or communications system when the system is classified as power limited class 2 or class 3 signaling circuits, power limited fire protective signaling circuits, class 2 or class 3 alarm circuits, or communications circuits or systems, as covered by articles 725, 760, 770, 800, 810, 820 of the National Electrical Code as it was approved by the American National Standards Institute and in effect on January 1, 1989, or persons or companies when engaged in work pertaining directly to such services, if the work is designed, supervised, or installed by a person qualified in the work being done.

Source: SL 1963, ch 216, § 12; SL 1965, ch 152, § 1; SL 1986, ch 315, § 5; SL 1988, ch 302; SL 1989, ch 327; SL 1991, ch 308, § 6; SL 2011, ch 179, § 4.

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

(1) Electrical contractor: biennial license fee, one hundred dollars;

- (2) Journeyman electrician: biennial license fee, forty dollars;
- (3) Class B electrician: biennial license fee, forty dollars;
- (4) Electrical inspector: biennial license fee, forty dollars;
- (5) Inactive Class B electrician, inactive electrical contractor, inactive 501(d) electrician, or inactive journeyman electrician: biennial license fee, forty dollars;
- (6) Maintenance electrician: biennial license fee, forty dollars;
- (7) 501(d) electrician; biennial license fee, forty dollars.

Before a license is granted to any applicant and for the biennial renewal of such license the applicant shall pay to the treasurer the fee required for the class of license applied for.

Source: SL 1963, ch 216, §§ 7, 13; SL 1986, ch 302, § 26; SL 1986, ch 315, § 7; SL 1987, ch 279, § 2; SL 1991, ch 308, §§ 3, 6; SL 1997, ch 219, § 1; SL 2009, ch 183, § 4.

36-16-18. Temporary journeyman electrician's license--Fee. The secretary of the State Electrical Commission, upon the recommendation of one electrical contractor and one journeyman electrician, may issue a temporary license to an individual to engage in the trade of a journeyman electrician until the next meeting of the electrical commission. The State Electrical Commission may promulgate rules, pursuant to chapter 1-26, to establish and collect a fee not to exceed ten dollars to be charged for a temporary journeyman electrician's license.

Source: SL 1963, ch 216, § 9; SL 1986, ch 302, § 27.

36-16-19. Experience required for contractor's license. A person must have had at least two years' experience as a journeyman electrician or at least four years' experience as a Class B electrician before making application for an electrical contractor's license.

Source: SL 1963, ch 216, § 2 (4); SL 1978, ch 272, § 3.

36-16-20. Undertaking and insurance required of contractor or Class B electrician--Initial and renewal deposit--Disbursement from fund--Waiver. Before receiving a license as an electrical contractor or as a Class B electrician, an applicant shall execute and deposit with the State Electrical Commission an undertaking in the sum of ten thousand dollars, and a public liability insurance policy in a sum of not less than one hundred thousand dollars per occurrence and three hundred thousand dollars aggregate limit for bodily injury and property damage insurance with limits of not less than twenty-five thousand dollars per occurrence or a combined single limit of three hundred thousand dollars, or security approved by the commission in a sum equal to that amount, conditioned for the faithful performance of all electrical work undertaken by the electrician and the strict compliance with all the provisions of this chapter and the requirements of the commission. The required undertaking and liability insurance shall be in force at all times with certificates of insurance on file in the commission office. No electrical contractor or Class B electrician licensed under the provisions of this chapter need furnish any additional undertaking for municipal license as such contractor or electrician. In the case of a partnership or corporation, the licensed person is exempt from insurance or undertaking requirements if the employer satisfies the requirements. In addition, a deposit shall be made with the commission in the amount of fifty dollars at the time of the execution of the undertaking and biennially at the time of renewal of the applicant's license. Deposits shall be accumulated by the commission in a special fund to be used for the correction or completion of installations which the contractor or Class B electrician refuses or is unable to correct or complete, for uncollectable inspection fees or administrative fees, administrative costs of maintaining the fund and costs of enforcing provisions of this section. Disbursement from the fund may not exceed ten thousand

dollars per occurrence. The commission shall waive the deposit at the time of renewal of the license for electricians who have made an initial deposit under this section if at the time of renewal the fund exceeds fifty thousand dollars. The commission may prescribe forms for the undertaking and may promulgate rules in accordance with chapter 1-26 as necessary to carry out the intent of this section.

Source: SL 1963, ch 216, § 10; SL 1964, ch 105, § 1; SL 1978, ch 272, § 4; SL 1986, ch 315, § 9; SL 1987, ch 274, § 1; SL 1991, ch 308, §§ 4, 6; SL 1992, ch 60, § 2.

36-16-21. Apprentice registration--Fee--Supervision of work. An apprentice shall register with the State Electrical Commission. The State Electrical Commission may promulgate rules, pursuant to chapter 1-26, to establish and collect a biennial registration fee not to exceed twenty dollars. Biennial fee requirements shall commence on July 1, 1986. He shall not be allowed to work on installations without personal supervision.

Source: SL 1963, ch 216, § 8; SL 1978, ch 272, § 5; SL 1986, ch 302, § 28.

36-16-22. Evidence of experience required for license--Partnership or corporate license. Each person applying for a license under this chapter shall pay a fee and shall take an oath and submit written evidence that he has had the required experience. If a partnership, company, corporation, or association applies for a license, an officer or manager thereof shall make the application and take the oath and submit evidence as to experience.

Source: SL 1963, ch 216, § 6 (2); SL 1967, ch 128, § 3; SL 1978, ch 272, § 6.

36-16-23. Reciprocal licenses to electricians from other states. To the extent that other states which provide for the licensing or registering of electricians provide for similar action, the State Electrical Commission may grant a license of the same grade or class to electricians registered or licensed by other states, upon payment by the applicant of the required fee, after being furnished with proof that the qualifications of the applicant are equal to the qualifications of the holders of a similar license in South Dakota.

Source: SL 1963, ch 216, § 19; SL 1986, ch 302, § 24.

36-16-24. Repealed by SL 1986, ch 315, § 10.

36-16-25. Approval of license--Emergency farm and residential repairs exempt--Expiration and renewal of licenses. A license issued under this chapter shall be approved by the State Electrical Commission. However, this chapter does not apply to emergency repairs to farmstead and residential wiring. Each license shall be for a term of two years and shall expire at midnight on June thirtieth following the date of issuance of each even-numbered year commencing in 1986, and may be renewed by the commission upon application of the holder of the license, payment of the fee, filing a valid liability insurance policy and payment of the required deposit to the special fund at any time within thirty days from the date of such expiration.

Source: SL 1963, ch 216, §§ 6(1), 13; SL 1967, ch 128, § 3; SL 1986, ch 302, § 29; SL 1987, ch 273, § 2; SL 1987, ch 274, § 2; SL 1991, ch 308, § 6.

36-16-26. Contractor's license terminated on death--Continuation of business. An electrical contractor's license shall terminate upon death of said contractor; however, the State Electrical Commission may authorize the carrying on of said business until arrangements can be made to complete work under contract or to otherwise comply with the provisions of this chapter.

Source: SL 1963, ch 216, § 11 (2).

36-16-27. Electrical work to comply with rules--Wiring permit required before connection--Fees. All electrical wiring, apparatus, or equipment shall comply with the rules promulgated and adopted by the State Electrical Commission. The rules shall conform to approved methods of construction and promote

the safety of life and property. No new electrical service entrance except for communication service may be connected for use until a wiring permit has been furnished to the person, firm, or corporation supplying electrical energy certifying that a wiring permit has been obtained in compliance with the rules promulgated by the commission. No rule specifying a wiring permit fee may exceed fifteen dollars each. No rule specifying a late wiring permit procedure fee and failure to renew permit fees may exceed seven hundred fifty dollars. However, a wiring permit for emergency temporary service may be issued by the commission in accordance with its rules promulgated pursuant to chapter 1-26.

Source: SL 1963, ch 216, § 5 (3); SL 1986, ch 315, § 11; SL 1994, ch 302, § 2; SL 1995, ch 221, § 2; SL 2009, ch 184, § 2.

36-16-28. Report to commission of electrical work done. Every person registered under the provisions of this chapter or doing electrical work described by § 36-16-15 shall report the same to the State Electrical Commission upon forms furnished by the commission for that purpose.

Source: SL 1963, ch 216, § 14; SL 1986, ch 315, § 12.

36-16-29. State commission inspectors and inspections--Report of inspection. The State Electrical Commission shall approve inspectors qualified in accordance with subdivision 36-16-2(4) and shall, in compliance with chapter 1-26, establish the rules to be followed by the inspectors. An inspector may inspect any wiring installation and approve or condemn it except on work covered in § 36-16-16. A report of such inspections shall be made on forms prescribed by the commission.

Source: SL 1963, ch 216, § 5 (1), (2); SL 1967, ch 128, § 2; SL 1978, ch 272, § 7; SL 1993, ch 281, § 2.

36-16-30. Installation inspection fees. The State Electrical Commission may promulgate rules, pursuant to chapter 1-26, to establish and collect installation inspection fees for: new residential installations, based on ampere capacity not to exceed three hundred dollars plus circuits; service connections on other installations, based on ampere capacity not to exceed three hundred seventy-five dollars plus circuits; circuit installations or alterations, based on ampere capacity not to exceed fifty dollars; remodeling work for each opening or connection not to exceed three dollars each and one dollar and fifty cents for each additional opening or connection, lighting fixture not to exceed three dollars for the first forty fixtures and not to exceed one dollar and fifty cents for each additional lighting fixture, motor or special equipment not to exceed eighteen dollars; apartment buildings per unit not to exceed fifty dollars; outdoor or area lighting per lighting standard not to exceed sixty dollars; field irrigation systems not to exceed one hundred dollars plus three dollars per motor; mobile home service and feeders not to exceed eighty dollars per unit; recreational vehicle service not to exceed twenty dollars per unit; swimming pools not to exceed two hundred dollars; each late correction order or wiring permit procedure not to exceed one hundred fifty dollars; carnivals and seasonal dwellings for each generator or transformer and reinspection of each unit not to exceed thirty dollars; wiring permits not to exceed fifteen dollars; modular homes and structures manufactured out-of-state not to exceed one hundred fifty dollars per day plus travel and living expenses.

The commission may also promulgate rules, pursuant to chapter 1-26, to set an allotted number of inspections for each installation under this section.

Source: SL 1963, ch 216, § 5 (2); SL 1967, ch 128, § 2; SL 1986, ch 302, § 25; SL 1994, ch 303; SL 1995, ch 221, § 3; SL 2009, ch 184, § 3; SL 2011, ch 179, § 5.

36-16-31. Condemnation of hazardous installations--Notice--Appeal to commission and circuit court. Inspectors authorized by the State Electrical Commission to conduct inspections may condemn installations hazardous to life and property and may order service thereto discontinued. Such action may not be taken except after notice to the owner of the property and shall be subject to the owner's right of appeal to the commission. The commission shall comply with chapter 1-26, and its decision may be appealed as provided by chapter 1-26.

Source: SL 1963, ch 216, § 5 (2); SL 1967, ch 128, § 2; revised pursuant to SL 1972, ch 15, § 4.

36-16-32. Correction of condemned installation required before reconnection. No condemned installation shall be reconnected for service until proof has been furnished that the installation has been brought up to the required standards.

Source: SL 1963, ch 216, § 5 (2); SL 1967, ch 128, § 2.

36-16-33. Grounds for refusal to issue license, revocation, or suspension. 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.

Source: SL 1963, ch 216, § 13; SL 1972, ch 15, § 4; SL 2019, ch 169, § 2.

36-16-34. Failure to register, obtain license or report wiring as misdemeanor. Any person who fails to register, obtain a license or report wiring described by § 36-16-15 as required by this chapter is guilty of a Class 2 misdemeanor.

Source: SL 1963, ch 216, § 18; SL 1977, ch 190, § 184; SL 1986, ch 315, § 13.

36-16-34.1. Action for injunction--Election of remedies. The State Electrical Commission shall be empowered to commence actions for injunction for violation of this chapter or regulations hereunder as an alternate to criminal proceedings. The commencement of one proceeding by the commission constitutes an election.

Source: New section created to carry out directions to the Code Commission contained in SL 1972, ch 15, § 4.

36-16-35. More stringent local and utility requirements permitted. Nothing in this chapter shall prohibit any municipality, rural electric cooperative, private utility, or political subdivision of the state from making and enforcing more stringent requirements than those set forth in this chapter, and such requirements shall be complied with.

Source: SL 1963, ch 216, § 5 (4); SL 1967, ch 128, § 2.

36-16-36. Civil liability for damages and injuries unaffected--Public liability not created. This chapter shall not be construed to relieve from or reduce the responsibility or liability of any party owning, operating, controlling, installing, altering, or repairing any electrical system or equipment for damages or

injuries to persons or property nor shall the state nor any of its political subdivisions be held as assuming any liability by reason of any of the provisions of this chapter.

Source: SL 1963, ch 216, § 16.

36-16-37. Severability of provisions. If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter.

Source: SL 1963, ch 216, § 17.

36-16-38. Promulgation of rules for reinstatement of expired license. The State Electrical Commission shall promulgate rules, pursuant to chapter 1-26, to provide for the reinstatement of an expired license and for a reinstatement fee not to exceed one hundred dollars.

Source: SL 1991, ch 308, § 5.

ADMINISTRATIVE RULES

of

SOUTH DAKOTA

Cite as ARSD _____

DEPARTMENT OF HEALTH

ARTICLE 20:44
ELECTRICIANS

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ARTICLE 20:44

ELECTRICIANS

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CHAPTER 20:44:01

DEFINITIONS

(Transferred to Chapter 20:44:14, effective August 12, 1994)

CHAPTER 20:44:02

GENERAL ADMINISTRATION

(Transferred to Chapter 20:44:15, effective August 12, 1994)

CHAPTER 20:44:03

QUALIFICATIONS AND LICENSES

(Transferred to Chapter 20:44:16, effective August 12, 1994)

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WIRING PERMITS

(Transferred to Chapter 20:44:18, effective August 12, 1994)

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ELECTRICAL INSTALLATIONS

(Transferred to Chapter 20:44:22, effective August 12, 1994)

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(Transferred to Chapter 20:44:20, effective August 12, 1994)

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LOCAL INSPECTION SYSTEMS

(Transferred to Chapter 20:44:21, effective August 12, 1994)

CHAPTER 20:44:08

MODULAR HOMES AND STRUCTURES

(Transferred to Chapter 20:44:23, effective August 12, 1994)

CHAPTER 20:44:09

CARNIVALS AND SEASONAL DWELLINGS

(Transferred to Chapter 20:44:24, effective August 12, 1994)

CHAPTER 20:44:10

MOBILE HOMES

(Repealed. 5 SDR 1, effective July 20, 1978)

CHAPTER 20:44:11

INSPECTION PROCEDURES

(Transferred to Chapter 20:44:19, effective August 12, 1994)

CHAPTER 20:44:12

SUPPLEMENTARY POWER -- COGENERATION SYSTEMS

(Transferred to Chapter 20:44:25, effective August 12, 1994)

CHAPTER 20:44:13

CONTINUING EDUCATION

(Transferred to Chapter 20:44:17, effective August 12, 1994)

CHAPTER 20:44:14

DEFINITIONS

Section

- 20:44:14:01 General definitions.
- 20:44:14:01.01 Electrical installations.
- 20:44:14:01.02 Licensee experience.

20:44:14:01. General definitions. Terms defined in SDCL 36-16-2 have the same meaning in this article. As used in this article:

- (1) "Commission" means the State Electrical Commission;
- (2) "Inspector's report procedure" means a procedure that requires the installer to notify the inspector regarding the status of the corrections required, as listed on an inspector's report by the day specified;
- (3) "Correction order" means a notice written by an inspector to the person responsible for the electrical installation, listing the violations of this article and stating the time allowed for correction;
- (4) "Electrical lineman" means a person with a minimum of four years of experience with electrical power distribution systems;
- (5) "Electrical school," as referred to in SDCL 36-16-2(4), means a four-year educational institution which grants an electrical engineering degree (BSEE) and which is accredited by a nationally recognized accreditation agency;

(6) "Electrical wiring apprenticeship program" means a classroom program supplemented by a minimum of 144 hours per year of electrical wiring instruction in conjunction with the normal 2,000 hours per year of actual electrical wiring on-the-job work experience of an apprentice electrician;

(7) "Final subject" means the act of closing out a non-compliant residential installation after all inspections have been performed and the residence owner of the installation acknowledges acceptance of the report of non-compliance;

(8) "Final void" means the act of closing out a non-compliant installation prior to the full inspection being completed;

(9) "License" means a license issued to a person who qualifies under one of the classes defined in SDCL 36-16-2 or is granted reciprocity from another state;

(10) "Local inspection system" means a municipal government or power supplier that has complied with commission requirements and which provides local electrical inspections under the rules and direction of the commission and SDCL chapter 36-16;

(11) "Modular home" or "modular structure" means a home or other structure built on a factory assembly line or other construction site to International Building Code specifications and transported to its destination in sections or as a complete assembly, which has no permanent steel chassis attached and is not a manufactured home as defined in SDCL 32-7A-1 or a recreational vehicle;

(12) "**National Electrical Code**," the **National Electrical Code**, published by the National Fire Protection Association (2020 edition) with the following exceptions:

(a) Sections 210.8(F) and 230.67;

(b) Article 100 – definitions - remove the new word "machinery" from the definition of "equipment";

(c) The words "through 250-volt" are changed to ", single-phase, 15- and 20-ampere" in section 210.8(A);

(d) Eliminate GFCI and AFCI requirement for life support equipment and like/similar equipment as determined by Authority Having Jurisdiction;

(e) Clarify section 334.10. Uses permitted. Type NM, Type NMC, and Type NMS cables may be used in the following structures:

(i) One- and two family dwellings and accessory structures;

(ii) Multifamily dwellings, farmsteads, and accessory structures of Types III, IV, and V construction except as prohibited in 334.12; ~~and~~

(iii) Other structures permitted to be of Types III, IV, and V construction except as prohibited in 334.12. Cables shall be concealed within walls, floors, or ceiling that provide a thermal barrier of material that has at least a 15-minute thermal finish rating as identified in listing of fire-rated assemblies; and

(f) The words "a zone measured 900 mm (3 ft) horizontally and 2.5 m (8 ft) vertically from the top of the bathtub rim or shower stall threshold. The identified zone is all-encompassing and shall include the space" are changed to "or" and the words "the tub" are changed to "a bathtub" in section 406.9(C);

(13) "Owner's exemption" means an exemption from licensure requirements in SDCL 36-16-13 for an individual owner who is personally wiring an electrical installation on a residence or farmstead;

(14) "Point of service attachment," as referred to in SDCL 36-16-16(1), means that point where the power supplier's conductors connect to the consumer's conductors;

(15) "Wiring permit" means a form notifying the commission that a described electrical installation will be made in accordance with the requirements of this article at a described location;

(16) "Wiring permit--Form B" means a wiring permit to be used in an area where the commission has approved local inspection systems; and

(17) "Wiring school" means a postsecondary school that teaches one or more courses in electrical wiring which covers the topics listed in § 20:44:16:12 and includes at least 576 hours of instruction on those topics.

Source: SL 1975, ch 16, § 1; 4 SDR 37, effective January 1, 1978; 5 SDR 1, effective July 20, 1978; 7 SDR 60, effective January 1, 1981; 10 SDR 62, effective January 1, 1984; 10 SDR 131, effective June 3, 1984; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 75, 13 SDR 95, effective January 1, 1987; 16 SDR 153, effective March 29, 1990; 19 SDR 155, effective April 14, 1993; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:01:01, August 12, 1994; 23 SDR 2, effective July 16, 1996; 25 SDR 157, effective July 1, 1999; 28 SDR 83, effective December 19, 2001; 28 SDR 178, effective July 1, 2002; 32 SDR 37, effective September 1, 2005; 34 SDR 322, effective July 1, 2008; 35 SDR 305, effective July 1, 2009; 37 SDR 236, effective June 29, 2011; 40 SDR 198, effective May 28, 2014; 43 SDR 181, effective July 10, 2017; 46 SDR 128, effective May 26, 2020.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

References: The **National Electrical Code**, 2017 Edition. National Fire Protection Association, Inc., One Batterymarch Park, Quincy, MA 02169-7471. Cost: \$108. (Price subject to change). Available for no cost at <https://www.nfpa.org/Codes-and-Standards/All-Codes-and-Standards/Free-access>

International Building Code, 2018 Edition, pages numbered numerically, International Code Council. Copies may be obtained from the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5771. Cost: \$136. Available for no cost at <https://codes.iccsafe.org/content/IBC2018P4>

20:44:14:01.01. Electrical installations. The commission recognizes the following types of installations:

(1) "Commercial," an installation intended for commerce excluding residential or farmstead installations;

(2) "Farmstead," an installation utilized by an agricultural producer on a piece of land classified as agricultural land pursuant to SDCL 10-6-31.3;

(3) "Residential," an installation intended for a single-family dwelling.

Source: 37 SDR 236, effective June 29, 2011.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

20:44:14:01.02. Licensee experience. A licensee gains experience when employed and supervised by an electrical contractor or a Class B electrician. A licensee is deemed to be employed when the licensee is on the electrical contractor's or Class B electrician's payroll or hired for a fee to complete duties as assigned while utilizing the electrical contractor's or Class B electrician's liability insurance, undertaking fund, and bond. For the purposes of this section, supervise means the oversight, directing, or review of an employee while engaged in an installation.

Source: 37 SDR 236, effective June 29, 2011.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

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.
20:44:15:04	Petition for declaratory ruling.
20:44:15:05	Commission action on petition.
20:44:15:06	Commission meetings on petition for new rules.

20:44:15:01. Duties of president. The president of the commission shall preside at all meetings and shall perform other duties as the commission directs. In the absence of the president, the commission shall select from its members present a person to be designated as acting president who shall perform the duties of the president at the meeting.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:02:01, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-7.

20:44:15:02. Duties of secretary/treasurer. The secretary/treasurer is in charge of the funds and shall keep a record of the business and transactions of the commission, minutes of all regular and special meetings of the commission, and a record of all resolutions and motions proposed and passed by the commission as well as all rules promulgated and adopted by the commission. The secretary/treasurer shall also keep records of all applications for licensure and accompanying papers and information, a complete and permanent record of the licenses issued and of fees paid, and a complete file of all general and special correspondence dealing with business of the commission.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; treasurer's duties transferred from § 20:44:02:02, 20 SDR 222, effective July 6, 1994; transferred from § 20:44:02:03, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-7.

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.

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)

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.

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.

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.

CHAPTER 20:44:16

QUALIFICATIONS AND LICENSES

Section

20:44:16:01	Application for wiring license.
20:44:16:02	Form for undertaking.
20:44:16:03	Examination for wiring license.
20:44:16:04	Application fees.
20:44:16:05	Supervision of an apprentice electrician.
20:44:16:06	Experience time.
20:44:16:07	Repealed.
20:44:16:08	Electrical experience for advancement.
20:44:16:09	Units of time allowed for schooling or other experience.
20:44:16:10	Apprentice electrician's experience.
20:44:16:11	Biennial reciprocity fee.
20:44:16:12	Wiring school.
20:44:16:13	Electrical lineman.
20:44:16:14	Electrical wiring apprenticeship program.
20:44:16:15	Biennial fees for licenses.
20:44:16:16	Temporary journeyman electrician license fee.
20:44:16:17	Biennial apprentice electrician registration fee.
20:44:16:18	Reinstatement of lapsed license.
20:44:16:19	Change from inactive license to active license.
20:44:16:20	Use of electrical inspector's license.
20:44:16:21	Maintenance electrician license.
20:44:16:22	Maintenance electrical work.
20:44:16:23	Repealed.
20:44:16:24	Renewal of license.
20:44:16:25	Residential and noncommercial farmstead electrical inspections.
20:44:16:26	Application for residential and noncommercial farmstead electrical inspector license.
20:44:16:27	Issuance of RFI electrical inspector license.

20:44:16:01. Application for wiring license. An applicant for an examination for a wiring license shall apply to the commission for the license desired on forms obtained at the commission office or from a state electrical inspector. The applicant must fill out this form listing the following:

- (1) Full name;
- (2) Social security number;
- (3) Complete residence address;
- (4) Place of birth by city and state;
- (5) Name and full address of present employer;
- (6) Employer's state license number;
- (7) Type of electrician applicant is now employed as;
- (8) Applicant's license history;
- (9) Previous electrical employment record;
- (10) All other previous employment;
- (11) School record; and
- (12) References.

The applicant must sign the form. The commission may contact the applicant's employer and personal references to verify experience. If the application is approved by the commission, the commission shall notify the applicant of the time and place designated by the commission for the examination. The applicant must take the examination within 90 days after notice of approval or forfeit the approval and the examination application fee.

Source: 10 SDR 131, effective June 3, 1984; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 16 SDR 153, effective March 29, 1990; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:03:00, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-13.

20:44:16:02. Form for undertaking. An applicant for an electrical contractor's or Class B electrician's license may obtain the undertaking form required by SDCL 36-16-20 at the commission office. The applicant shall fill out the form listing the applicant's full name, the city, the state, the name of the contracting firm (if applicable), and the date. The applicant must sign the undertaking form in the presence of a notary public.

The applicant must file the undertaking form and the required \$50 deposit with the commission office prior to the issuance of the license.

Source: 13 SDR 164, effective May 10, 1987; transferred from § 20:44:03:00.01, August 12, 1994.

General Authority: SDCL 36-16-20.

Law Implemented: SDCL 36-16-20.

20:44:16:03. Examination for wiring license. The examination for a wiring license shall consist of written questions, composed and approved by the commission. The questions or problems, or both, shall be derived from the **National Electrical Code** and from state statutes and rules.

The commission shall issue licenses to applicants who pass the examination for a license. The license issuance process must be completed by the applicant within 90 days after notification of passing the examination or the examination is forfeited. The passing score for an electrical contractor, Class B electrician, journeyman, or 501(d) electrician is 70 percent and the passing score for an electrical inspector is 80 percent. The commission shall notify applicants who receive failing grades that they are eligible to be reexamined in 30 days. An applicant who fails a reexamination must wait 90 days before being examined again.

Source: SL 1975, ch 16, § 1; 2 SDR 89, effective July 2, 1976; 10 SDR 131, effective June 3, 1984; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 16 SDR 153, effective March 29, 1990; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:03:01, August 12, 1994; 35 SDR 305, effective July 1, 2009.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-13.

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

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

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.

20:44:16:05. Supervision of an apprentice electrician. While working on commercial sites or projects, apprentice electricians must be personally supervised on site by an electrician holding a license issued under one of the classes set forth under SDCL 36-16-2(3), (5), or (7) on 501(d) properties. While working on other than commercial projects, the apprentice must be provided with daily personal supervision by an electrician holding a license issued under one of the classes set forth under SDCL 36-16-2(2), (3), (5), or (7) on 501(d) properties.

Source: 2 SDR 89, effective July 2, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 16 SDR 153, effective March 29, 1990; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:03:03, August 12, 1994; 35 SDR 305, effective July 1, 2009; 37 SDR 236, effective June 29, 2011.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-2(1), 36-16-21.

20:44:16:06. Experience time. One year of experience is 2,000 hours.

Source: 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:03:04.01, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-2, 36-16-13, 36-16-19, 36-16-22.

20:44:16:07. Experience for Class B electrician. Repealed.

Source: 2 SDR 89, effective July 2, 1976; 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:03:05, August 12, 1994; repealed, 37 SDR 236, effective June 29, 2011.

20:44:16:08. Electrical experience for advancement. In addition to passing the examination for an advanced license, electrical experience required for advancement to a different level of license is as follows:

(1) Apprentice electrician to journeyman - At least four years of licensed electrical experience under the employment and supervision of a licensed electrical contractor or Class B electrician. Experience, by on-the-job employment or postsecondary schooling, or both, must include familiarization and study of the **National Electrical Code**, commercial wiring, residential or farmstead wiring, or both, electrical motor installation, electrical motor controls, and blueprint reading;

(2) Journeyman electrician to Class B electrician - At least two years of licensed journeyman electrical experience under the employment and supervision of a licensed electrical contractor or Class B electrician of which at least one year of that experience must be in residential or farmstead wiring, or both. Experience, by on-the-job employment or postsecondary schooling, or both, must include familiarization and study of the **National Electrical Code**, residential or farmstead wiring, or both, electrical motor installation, electrical motor controls, and blueprint reading;

(3) Journeyman electrician to electrical contractor or electrical inspector - At least two years of licensed electrical journeyman experience under the employment and supervision of an electrical contractor, of which at least one year is required in commercial wiring. Additional experience must include technical knowledge to plan, lay out, and supervise the installation of electrical light, heat, and power in accordance with the **National Electrical Code**;

(4) Electrical contractor to electrical inspector - No additional experience required;

(5) Class B electrician to electrical contractor - At least one year of electrical Class B experience in commercial wiring under the employment and supervision of a licensed electrical contractor;

(6) Apprentice electrician to 501(d) electrician - At least two years of licensed electrical experience under the supervision of a licensed electrical contractor, 501(d) electrician or Class B electrician. On-the-job experience or postsecondary schooling, or both, must include familiarization and study of the **National Electrical Code**, commercial wiring, residential or farmstead wiring, or both, electrical motor installation, electrical motor controls, and blueprint reading;

(7) 501(d) electrician to journeyman - At least four years of licensed electrical experience under the supervision of a licensed electrical contractor or Class B electrician. On-the-job experience or postsecondary schooling, or both, must include familiarization and study of the **National Electrical Code**, commercial wiring, residential or farmstead wiring, or both, electrical motor installation, electrical motor controls, and blueprint reading.

The electrician shall list the experience according to the type of work and the length of experience on a form provided by the commission. The commission shall verify the experience.

For the purposes of this section a person is considered licensed when employed for the purpose of completing electrical work by the federal government.

Source: 10 SDR 131, effective June 3, 1984; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 75, 13 SDR 95, effective January 1, 1987; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:03:06, August 12, 1994; 35 SDR 305, effective July 1, 2009; 37 SDR 236, effective June 29, 2011; 43 SDR 181, effective July 10, 2017.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-13, 36-16-14.

20:44:16:09. Units of time allowed for schooling or other experience. The following units of time are allowed toward an electrical wiring license in lieu of the experience required by § 20:44:16:08:

(1) One month of credit for each month of schooling completed with a passing grade from a wiring school as described in § 20:44:16:12. A valid school transcript is required;

(2) Two years of credit for bachelor of science degree in electrical engineering (BSEE). A valid school transcript is required;

(3) A maximum of one year of credit for at least four years of verified experience as an electrical lineman as described in § 20:44:16:13;

(4) Two hours of credit for each verified hour of classroom instruction in an electrical wiring apprenticeship program as described in § 20:44:16:14;

(5) One year of credit for military experience in the electrical wiring field of at least 24 months of verified time.

Source: 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 14 SDR 76, effective November 30, 1987; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:03:07, August 12, 1994; 43 SDR 181, effective July 10, 2017.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-13, 36-16-22.

20:44:16:10. Apprentice electrician's experience. An apprentice electrician's experience while employed in South Dakota starts on the date the application is received in the State Electrical Commission office. Type of work and length of experience claimed must be listed on forms provided by the commission and must be verified by the commission.

Source: 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:03:08, August 12, 1994; 23 SDR 179, effective April 28, 1997.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-13.

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

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

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.

20:44:16:12. Wiring school. The courses offered in an electrical wiring school shall consist of the following:

- (1) Electrical fundamentals;
- (2) Electrical mathematics;
- (3) Electrical drawing;
- (4) Basic electrical laboratories;
- (5) Wiring fundamentals;
- (6) Residential, commercial, and industrial blueprint reading;
- (7) Wiring laboratories;
- (8) Appliance and refrigeration wiring;
- (9) Power distribution;
- (10) Control fundamentals;
- (11) Control laboratories;
- (12) Motor fundamentals and maintenance;
- (13) Motor laboratories;
- (14) Electrical heating;
- (15) Planning and estimating;
- (16) Industrial relations;
- (17) First aid; and
- (18) Transformer fundamentals.

The substantial equivalent of these courses is acceptable.

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

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-22.

20:44:16:13. Electrical lineman. An electrical lineman shall have experience in the following:

- (1) Kinds, classes, treatment, installation, removal, anchoring, and guying of poles and towers;
- (2) Use of line hardware and equipment such as bolts, pins, storage, stresses, deadends, and safety factors;
- (3) Overhead conductors such as wire type, size, carrying capacity, stringing, sagging, hot and cold construction, stresses, storage, handling, sleeving, and safety factors;
- (4) Identification, use, care, storage, repairs, and maintenance of electrical tools and equipment such as hoists, chain saws, ropes, blocks, lines, and pikes;
- (5) Transformer types, connections, installation, maintenance, fusing, voltages, capacities, temperature ratings, oil, and filtering;
- (6) Circuit voltage, fault current, and recloser or oil circuit breakers;
- (7) Testing, connecting, repairing, and field checking of metering installations;
- (8) Hazards and safety procedures involved in the operation of electrical systems;
- (9) Underground systems design including installation of cable and terminations and installation of related equipment;
- (10) Proper use of trucks, pickups, compressors, augers, and winches and knowledge of traffic regulations;
- (11) Trouble shooting on line patrols, periodic inspections, night work, storms, and lights;
- (12) Record keeping such as staking sheets, material lists, inventory and costs;
- (13) First aid, prone and pole-top resuscitation, use of protective equipment, use and care of proper tools, and other personal safety precautions.

The substantial equivalent of these areas is acceptable.

Source: 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:03:11, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-22.

20:44:16:14. Electrical wiring apprenticeship program. Instructions for the electrical wiring apprenticeship program shall consist of the following:

- (1) Basic electrical mathematics;
- (2) Safety and first aid;

- (3) Care and use of hand tools;
- (4) Care and use of power operated tools;
- (5) Blueprint reading and electrical symbols;
- (6) Study of the **National Electrical Code**;
- (7) Electrical fundamentals and basic theory;
- (8) Wiring methods;
- (9) Low voltage circuits;
- (10) Interior distribution;
- (11) Industrial and commercial calculating;
- (12) Motors and generators;
- (13) Practical circuit sketching;
- (14) Transformers;
- (15) Illuminating and design;
- (16) Primary distribution;
- (17) Fundamentals of electronics; and
- (18) Fuse sizing.

The substantial equivalent of this training is acceptable.

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

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-22.

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

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.

20:44:16:16. Temporary journeyman electrician license fee. The fee for a temporary journeyman electrician license is \$10 and shall accompany the application.

Source: 13 SDR 41, effective October 16, 1986; transferred from § 20:44:03:14, August 12, 1994.

General Authority: SDCL 36-16-18.

Law Implemented: SDCL 36-16-18.

20:44:16:17. Biennial apprentice electrician registration fee. The biennial registration fee for an apprentice electrician is \$20. The fee must accompany the application for initial registration or the application for renewal.

Source: 13 SDR 41, effective October 16, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:03:15, August 12, 1994.

General Authority: SDCL 36-16-21.

Law Implemented: SDCL 36-16-21.

20:44:16:18. Reinstatement of lapsed license. A person who fails to renew a license may apply for reinstatement of the license within one year from the expiration date and pay a reinstatement fee of \$50. The reinstatement fee and license fee must accompany the application. The reinstatement fee and license fee, whether the application is approved or disapproved, are nonrefundable.

A person who fails to renew a license within one year from its date of expiration must apply for a new license and take the examination as required in § 20:44:16:01.

Licensed electricians called into active military service are exempt from the examination requirement if they apply for renewal of their license and pay the required license renewal fee within 120 days following release from active military service.

Source: 16 SDR 153, effective March 29, 1990; 18 SDR 83, effective November 10, 1991; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:03:16, August 12, 1994; 37 SDR 236, effective June 29, 2011.

General Authority: SDCL 36-16-38.

Law Implemented: SDCL 36-16-38.

20:44:16:19. Change from inactive license to active license. A person with an inactive license who desires to change to an active license is subject to the requirements of § 20:44:17:01. Forms for this request may be obtained from the office of the commission.

Source: 18 SDR 83, effective November 10, 1991; transferred from § 20:44:03:16.01, August 12, 1994.

General Authority: SDCL 36-16-12, 36-16-13.3.

Law Implemented: SDCL 36-16-12, 36-16-13.3.

20:44:16:20. Use of electrical inspector's license. The electrical inspector's license is valid only for conducting electrical inspections for the state according to SDCL 36-16 or for local inspection systems according to SDCL 36-16 and chapter 20:44:21 or for conducting third party inspections according to SDCL 36-16 and subdivision 20:44:23:03(4). This license may not be used in lieu of the licenses authorized for the classes of electricians defined by SDCL 36-16-2(1), (2), (3), (5), or (6).

Source: 16 SDR 153, effective March 29, 1990; transferred from § 20:44:03:17, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12, 36-16-29.

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 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.

20:44:16:22. Maintenance electrical work. A maintenance electrician license is limited to electrical maintenance work, which is defined as repair or replacement of existing wiring devices and electrical utilization equipment using material with the same capacity and characteristics as the material replaced. Maintenance electrical work does not include the following:

(1) Addition to or alteration of feeders, services, fixtures, or motors which affects the loading of the feeder, circuit, or system and repair, replacement or extension of existing circuits;

(2) Changing motor sizes, adding fixtures, or a complete change-out of lighting, motors, receptacles, or electrical equipment; and

(3) Any other act which changes electrical characteristics of the existing system. Electrical work referred to in subdivisions (1), (2), and (3) of this section may be performed only by a licensed electrical contractor as provided in SDCL 36-16-2(3).

Source: 23 SDR 236, effective July 16, 1997; 40 SDR 198, effective May 28, 2014.

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

Law Implemented: SDCL 36-16-13.2.

20:44:16:23. Inspections. Repealed.

Source: 23 SDR 236, effective July 16, 1997; 35 SDR 305, effective July 1, 2009; 46 SDR 128, effective May 26, 2020.

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. 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.

20:44:16:25. Residential and noncommercial farmstead electrical inspections. The commission may license electrical inspectors to inspect residential and noncommercial farmstead electrical installations. An applicant must take an examination based on Class B contractor installation limitations and meet the requirements of an electrical inspector.

Source: 26 SDR 96, effective January 19, 2000.

General Authority: SDCL 36-16-12, 36-16-29.

Law Implemented: SDCL 36-16-13, 36-16-14, 36-16-29.

Cross Reference: Use of electrical inspector's license, § 20:44:16:20.

20:44:16:26. Application for residential and noncommercial farmstead electrical inspector license. An applicant for an examination for a residential and noncommercial farmstead inspection (RFI) electrical inspector's license shall apply to the commission office. The applicant must fill out the form in its entirety, sign the form, and pay the required fee. If the application is approved by the commission, the commission shall notify the applicant of the time and place designated by the commission for the examination.

Source: 26 SDR 96, effective January 19, 2000.

General Authority: SDCL 36-16-12, 36-16-29.

Law Implemented: SDCL 36-16-13, 36-16-14, 36-16-29.

Cross-References: Examination for wiring license, § 20:44:16:03; Application fees, § 20:44:16:04.

20:44:16:27. Issuance of RFI electrical inspector license. The commission shall issue an electrical inspector license for residential and noncommercial farmstead installations to any applicant who passes the RFI electrical inspector examination and pays the license fee listed in SDCL 36-16-17.

Source: 26 SDR 96, effective January 19, 2000.

General Authority: SDCL 36-16-12, 36-16-29.

Law Implemented: SDCL 36-16-13, 36-16-14, 36-16-29.

Cross-Reference: Biennial fees for licenses, § 20:44:16:15.

CHAPTER 20:44:17

CONTINUING EDUCATION

Section

20:44:17:01	Continuing education requirements.
20:44:17:02	Requirements for counting credits.
20:44:17:03	Course work allowable.
20:44:17:04	Criteria for granting continuing education course credit.
20:44:17:05	Application for approval of instructor and course offering.
20:44:17:06	Application for credit approval.
20:44:17:07	Course change -- Late approval.
20:44:17:08	Suspension, revocation, or denial of course approval.
20:44:17:09	Auditing.
20:44:17:10	Continuing education certificate of attendance.

20:44:17:01. Continuing education requirements. Sixteen hours of continuing education credits are required each two years for biennial renewal of a license or registration by electrical inspectors, electrical contractors, journeyman electricians, Class B electricians, and apprentice electricians.

Electricians obtaining a license or registration in the first year of a biennium must meet the scheduled continuing education requirements for renewal of their license or registration. Electricians obtaining a license in the second year of the biennium are not required to meet the scheduled continuing education requirements until the second renewal of their license or registration.

Inactive electrical contractors, inactive Class B electricians, and inactive journeyman electricians must provide proof of meeting the continuing education requirements when applying for an active license.

Licensed and registered electricians called into active military service are exempt from continuing education requirements for 12 months following their release from active military service.

Source: 13 SDR 75, 13 SDR 95, effective January 1, 1987; 14 SDR 46, effective September 28, 1987; 14 SDR 76, effective November 30, 1987; 18 SDR 83, effective November 10, 1991; requirements for counting credits transferred to § 20:44:13:01.01, 20 SDR 222, effective July 6, 1994; transferred from § 20:44:13:01, August 12, 1994; 28 SDR 178, effective July 1, 2002.

General Authority: SDCL 36-16-12, 36-16-13.3.

Law Implemented: SDCL 36-16-12, 36-16-13.3.

20:44:17:02. Requirements for counting credits. One credit hour of continuing education is allowed for each 50 minutes attended at a continuing education course. The course must meet the requirements in §§ 20:44:17:03 and 20:44:17:04. Courses may be taken at any location, whether in South Dakota or another state. Up to eight credit hours per biennial renewal may be allowed for commission pre-approved correspondence or interactive online courses subject to § 20:44:17:05.

Source: Transferred from § 20:44:13:01, 20 SDR 222, effective July 6, 1994; transferred from § 20:44:13:01.01, August 12, 1994; 37 SDR 236, effective June 29, 2011; 40 SDR 198, effective May 28, 2014.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

20:44:17:03. Course work allowable. A minimum of one-half of the continuing education required in § 20:44:17:01 must be on the **National Electrical Code**. The remaining credits may relate to either the **National Electrical Code** or to one of the following noncode topics:

- (1) Electric circuit theory;
- (2) Blueprint/blueprint reading;
- (3) Transformer/motor theory;
- (4) Electric circuits and devices;
- (5) Control systems;
- (6) Programmable controllers;
- (7) Microcomputers; and
- (8) Safety.

A substantial equivalent of the courses is acceptable. Attendance at duplicate sessions may not be counted toward the completion of continuing education requirements.

Source: 13 SDR 75, 13 SDR 95, effective January 1, 1987; 14 SDR 76, effective November 30, 1987; 16 SDR 153, effective March 29, 1990; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:13:02, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

20:44:17:04. Criteria for granting continuing education course credit. The commission may grant continuing education credit for courses, seminars, conferences, correspondence courses, or similar offerings that are provided by the commission, a public or private school, organization, association, person, corporation, society, or similar organization if the courses meet the following criteria:

- (1) The total instruction time is not less than 50 minutes;
- (2) The public or private school, organization, association, person, corporation, society, or similar organization certifies the attendance of each license holder at the completion of the course;
- (3) Credit is earned on the basis of attendance, or in the case of correspondence courses, completion of the course;
- (4) Each course of study substantially meets the requirements of § 20:44:17:03; and
- (5) Instructors, lecturers, seminar leaders, and others who present a continuing education requirement course meet at least one of the following qualifications:
 - (a) A bachelor's, graduate, or postgraduate degree in the field in which the person teaches;

(b) A valid teaching credential or certificate from South Dakota or another state authorizing the holder to teach in the field of instruction being offered;

(c) Five years of experience in a professional, trade, or technical occupation in the applicable field; or

(d) Any combination of at least five years of applicable field experience and college education.

The substantial equivalent to these qualifications is acceptable.

Source: 13 SDR 75, 13 SDR 95, effective January 1, 1987; 14 SDR 76, effective November 30, 1987; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:13:03, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

20:44:17:05. Application for approval of instructor and course offering. An application for approval of the instructor and course offering must be on a form provided by the commission. The application form must include the following information and enclosures:

- (1) The instructor's name, address, and telephone number;
- (2) The title of the course being offered;
- (3) A complete description or copies of all materials to be distributed to the participants;
- (4) The date and location of each presentation of the course offering;
- (5) The duration and time the course is offered;
- (6) A comprehensive, detailed outline of the subject matter together with the time sequence of each segment, faculty for each segment, and teaching technique proposed to be used in each segment;
- (7) The procedure for measuring attendance; and
- (8) A description of the faculty, including name, professional education background, and practical or teaching experience. A complete resume may be furnished.

Source: 13 SDR 75, 13 SDR 95, effective January 1, 1987; 14 SDR 76, effective November 30, 1987; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:13:04, August 12, 1994; 37 SDR 236, effective June 29, 2011.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

20:44:17:06. Application for credit approval. If a continuing education course is not preapproved according to § 20:44:17:05, the license holder must apply to the commission for approval of credits earned at the course not later than four months before the next biennial renewal date. The license holder must supply written evidence or materials sufficient for the commission to determine that the course substantially met the criteria in §§ 20:44:17:03 and 20:44:17:04.

If a continuing education course is preapproved according to § 20:44:17:05, the license holder may either retain the attendance certificate and attach it to the application for license renewal or submit the attendance certificate at any time following completion of the course but before the renewal date.

Attendance sheets submitted by an instructor of an approved course are acceptable proof of satisfactory completion of a continuing education course. The responsibility for record keeping and providing proof of attendance at continuing education courses remains with the license holder.

Source: 13 SDR 75, 13 SDR 95, effective January 1, 1987; 14 SDR 76, effective November 30, 1987; 16 SDR 153, effective March 29, 1990; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:13:05, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

20:44:17:07. Course change -- Late approval. A coordinator or instructor of an approved continuing education course shall immediately notify the commission of any changes in the application for approval or in the attached exhibits. Changes are acceptable if the commission takes no action within 60 days from the date the notice was received by the commission.

Source: 13 SDR 75, 13 SDR 95, effective January 1, 1987; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:13:07, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

20:44:17:08. Suspension, revocation, or denial of course approval. The commission may deny, suspend, or revoke approval of a continuing education course offering if the commission determines that it is not in compliance with this chapter.

Source: 13 SDR 75, 13 SDR 95, effective January 1, 1987; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:13:08, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

20:44:17:09. Auditing. The commission or its representative may audit courses.

Source: 13 SDR 75, 13 SDR 95, effective January 1, 1987; transferred from § 20:44:13:10, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

20:44:17:10. Continuing education certificate of attendance. The coordinator or instructor of each course shall provide an individual certificate of attendance to each license holder who attends 90 percent or more of the classroom hours.

A certificate of attendance may not be issued to a license holder who is absent more than 10 percent of the classroom hours. The certificate must contain the license holder's name, South Dakota license number, course title, date, location of course, number of credit hours, whether it is a preapproved course, and signature of coordinator or instructor.

Source: 13 SDR 75, 13 SDR 95, effective January 1, 1987; 14 SDR 76, effective November 30, 1987; transferred from § 20:44:13:11, August 12, 1994.

General Authority: SDCL 36-16-12. **Law Implemented:** SDCL 36-16-12.

CHAPTER 20:44:18

WIRING PERMITS

Section

20:44:18:01	Wiring permit required.
20:44:18:02	Obtaining a wiring permit.
20:44:18:03	Wiring permit procedure.
20:44:18:04	Wiring permit procedure for state-owned structures being wired by state employees licensed to do electrical installations.
20:44:18:05	Local inspection systems.
20:44:18:06	Criteria for permits for single-family dwelling units under an Owner's Exemption.

20:44:18:01. Wiring permit required. The following electrical installations and electrical service entrances require a wiring permit:

(1) All electrical service entrances. A single wiring permit may be used for a temporary electrical service and a new service on a single project when both are installed by the same contractor, which must be stated on the wiring permit at the start of the project. Separate wiring permits are required if more than one contractor is involved; and

(2) Electrical wiring being performed under an owner's exemption.

All other electrical installations with a calculated inspection fee of \$10 or greater require a wiring permit and minimum electrical inspection fee, as required by § 20:44:20:02.01, a specific fee as provided by chapter 20:44:20, or exclusions not requiring a wiring permit and noted under the provisions of article 20:44 and SDCL chapter 36-16.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 75, 13 SDR 95, effective January 1, 1987; 20 SDR 92, January 1, 1994; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:04:01, August 12, 1994; 32 SDR 37, effective September 1, 2005; 37 SDR 236, effective June 29, 2011.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-30.

20:44:18:02. Obtaining a wiring permit. Wiring permits may be obtained for \$15 each from the commission office.

An owner who is wiring in compliance with SDCL 36-16-15 may obtain wiring permits from the commission office or from state electrical inspectors for \$15 each.

Wiring permits are valid for three years from the date the permit is issued. Electrical installations that extend beyond three years from that date must have new wiring permits posted and sent to the commission office before the expiration of the three-year limit. Failure to date the wiring permit at the start of the job constitutes a late wiring permit procedure and subjects the installer to a \$100

administrative fee. Failure to renew the permit on electrical installations that are not completed constitutes a late wiring permit procedure which subjects the installer to a \$100 administrative fee.

Source: SL 1975, ch 16, § 1; 5 SDR 1, effective July 20, 1978; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:04:02, August 12, 1994; 28 SDR 178, effective July 1, 2002; 32 SDR 37, effective September 1, 2005; 37 SDR 236, effective June 29, 2011; 46 SDR 128, effective May 26, 2020.

General Authority: SDCL 36-16-12, 36-16-27, 36-16-30.

Law Implemented: SDCL 36-16-28, 36-16-30.

20:44:18:03. Wiring permit procedure. All electrical installations, including new installations and additional work on old installations, covered by § 20:44:18:01 and SDCL chapter 36-16, must have electrical wiring permits executed by the electrical contractor, Class B electrician, or owner doing electrical wiring on a residence or farmstead in compliance with SDCL 36-16-15. The commission shall provide the permit. A permit consists of five forms. The procedure for executing a wiring permit is as follows:

(1) Within 15 calendar days after starting an electrical installation which is subject to inspection, the installer shall send the white copy to the office of the commission. Not sending in the white copy within 15 calendar days after the electrical work has started is a late wiring permit procedure and the installer is subject to a \$100 administrative fee;

(2) The hard copy shall be posted by the installer on the job site near the service entrance disconnect switch location when the electrical installation is started. The installer shall securely attach the peel-off sticker, located below the permit number on the hard copy, to the outside portion of the permanent building service. Failure to post this form and sticker is a late wiring permit procedure and subjects the installer to a \$250 administrative fee;

(3) The installer shall retain the blue copy;

(4) The installer must send the yellow and green copies to the supplier of power to the installation to have the installation energized. The power supplier shall retain the yellow copy. The power supplier shall send all green copies of active wiring permits in its possession to the commission office once each month.

Electrical contractors or Class B electricians holding current licenses may secure electrical wiring permits only from the commission office.

An owner doing electrical wiring on a residence or farmstead in compliance with SDCL 36-16-15 and 36-16-13.1 must secure wiring permits from the commission office, the power supplier, or a state electrical inspector. Electrical contractors, Class B electricians, or owners doing electrical work on their own residence or farmstead in compliance with SDCL 36-16-15 may not allow their wiring permit to be used by any other person.

Source: SL 1975, ch 16, § 1; 5 SDR 1, effective July 20, 1978; 10 SDR 131, effective June 3, 1984; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 75, 13 SDR 95, effective January 1, 1987; 20 SDR 92, effective January 1, 1994; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:04:03, August 12, 1994; 35 SDR 305, effective July 1, 2009.

General Authority: SDCL 36-16-12, 36-16-30.

Law Implemented: SDCL 36-16-27, 36-16-28, 36-16-30.

Cross-Reference: Inspection fees, ch 20:44:20.

20:44:18:04. Wiring permit procedure for state-owned structures being wired by state employees licensed to do electrical installations. The maintenance director of a state-owned structure or a designated agent must submit the white copy of the wiring permit to the office of the commission at the beginning of each quarter. A list of all installations completed during the past quarter by licensed state employees must be submitted with the forms. Upon completion of the inspection, a request for payment according to § 20:44:20:10 shall be sent from the commission office to the maintenance director of the state-owned facility.

Source: 16 SDR 153, effective March 29, 1990; 20 SDR 92, effective January 1, 1994; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:04:03.01, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

20:44:18:05. Local inspection systems. A wiring permit is required in areas where local inspection systems have been approved in accordance with chapter 20:44:21.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:04:05, August 12, 1994.

General Authority: SDCL 36-16-12, 36-16-29.

Law Implemented: SDCL 36-16-29.

Note: For electrical installations in these locations, consult the local inspection system offices for procedure, inspection fees, and regulations pertaining to the local inspection system.

20:44:18:06. Criteria for permits for single-family dwelling units under an Owner's Exemption. A permit for wiring a person's residence may only be issued if:

- (1) The applicant has not applied for a permit under the Owner's Exemption in the last three years;
- (2) The applicant occupies or intends to occupy the residence as his or her personal dwelling unit;
- (3) The applicant does not rent or lease any part of the residence; and
- (4) The applicant or applicant's spouse are the only persons performing the wiring.

A permit utilized in violation of this section will receive a final subject or final void.

Source: 46 SDR 128, effective May 26, 2020.

General Authority: SDCL 36-16-15.

Law Implemented: SDCL 36-16-15.

CHAPTER 20:44:19

INSPECTION PROCEDURES

Section

20:44:19:01	Notice requirements for electrical installations.
20:44:19:02	Implementation of inspection.
20:44:19:03	Rough-in inspection.
20:44:19:04	Requested inspections.
20:44:19:05	Final inspection with an inspector's report.
20:44:19:06	Final inspection.
20:44:19:07	Commission's responsibility to provide inspections for inspection fees paid.
20:44:19:08	Inadequate directions provided to location.

20:44:19:01. Notice requirements for electrical installations. Notice requirement before any electrical installation is energized is 72 hours.

Source: 2 SDR 89, effective July 2, 1976; 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:11:01, August 12, 1994; 43 SDR 181, effective July 10, 2017.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27.

20:44:19:02. Implementation of inspection. Upon initiation of the procedures outlined in § 20:44:18:03 by the electrical contractor, Class B electrician, or individual performing electrical installations under an owner's exemption, the inspection procedure shall begin.

If the electrical installation is connected and in use without a copy of the wiring permit posted at the job site, the normal inspection fee, as required by chapter 20:44:20, shall be increased by \$25.

Source: 2 SDR 89, effective July 2, 1976; 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:11:02, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27.

20:44:19:03. Rough-in inspection. An inspector shall record on the inspector's daily report any electrical installation that has serious or hazardous violations of the **National Electrical Code**, is too incomplete to inspect finally, or is too large to be inspected during one inspection as a rough-in inspection. A blue rough-in tag shall be dated, signed, and applied on or near the service disconnect by the electrical inspector.

When life or safety violations are noted, the inspector shall provide an inspection report to the electrical installer.

The installer shall correct all noted violations and notify the inspector of those corrections by the date specified on the inspector's report and in compliance with § 20:44:19:07.

If the installer fails to notify the inspector by the date specified on the inspector's report, the inspector shall issue a correction order to the installer ordering compliance with SDCL chapter 36-16 and this article. The inspector shall assess fees according to § 20:44:20:12.

If the installer fails to comply with the correction order or fails to pay the fees according to § 20:44:20:12, the inspector may final void the installation with notice of non-compliance to installer, order a disconnect, or make a compliance request of the electrician's undertaking fund. In addition, the commission may conduct a hearing to determine whether the violator's license should be revoked.

If at any time during the process the owner of a residential or farmstead installation refuses to allow for corrections by an installer the inspector shall final void the installation with notice of non-compliance to installer or order the service disconnected. If at any time during the process the owner of a commercial installation refuses to allow for corrections the inspector shall order the service disconnected.

If an owner performing electrical installations under an owner's exemption refuses to make corrections, the inspector shall final void the installation with notice of non-compliance to owner, provide an inspection report to the owner, or order the service disconnected. The owner shall correct all noted violations and notify the inspector of those corrections by the date specified on the inspector's report and in compliance with § 20:44:19:07. If the owner fails to notify the inspector by the date specified on the inspector's report, the inspector shall issue a correction order to the owner ordering compliance with SDCL chapter 36-16 and this article. The inspector shall assess fees according to § 20:44:20:12.

Violations considered inconsequential to the safety of life and property do not require an inspector's report, and corrections may be made at the convenience of the installer. This status may change with the next inspection.

Source: 2 SDR 89, effective July 2, 1976; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 14 SDR 76, effective November 30, 1987; 16 SDR 153, effective March 29, 1990; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:11:03, August 12, 1994; 40 SDR 198, effective May 28, 2014; 43 SDR 181, effective July 10, 2017.

General Authority: SDCL 36-16-12, 36-16-30.

Law Implemented: SDCL 36-16-15, 36-16-29, 36-16-31.

Cross-Reference: Undertaking and insurance required, SDCL 36-16-20.

20:44:19:04. Requested inspections. An inspection of an installation, whether new or existing, requested in writing by a code- or law-enforcing agency, company, or individual is subject to the following procedures upon completion of inspection:

(1) The inspector shall submit a report to the requester with copies to the owner of the installation in question;

(2) The owner is subject to corrections listed by the inspector according to chapters 20:44:14 and 20:44:18 to 20:44:25, inclusive;

(3) The requester shall pay the fee set by § 20:44:20:10 if the requester is other than a code- or law-enforcing agency. Inspection fees for inspection requested by a code- or law-enforcing agency shall be paid by the owner of the installation;

(4) Installations found to be hazardous to life and property are subject to § 20:44:19:03 or SDCL 36-16-31.

Source: 2 SDR 89, effective July 2, 1976; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:11:04, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12, 36-16-31.

20:44:19:05. Final inspection with an inspector's report. If an installation is nearly complete and the inspector is satisfied that any minor infractions remaining will not constitute a hazard to life or property, the inspector may issue an inspector's report. The inspector shall submit the inspector's report to the electrical contractor, Class B electrician, or individual doing electrical wiring under an owner's exemption, subject to those corrections specified in the inspector's report. The inspector may sign, date, and apply the final green tag on or near the service disconnect.

The installer shall correct all noted violations and notify the inspector of those corrections by the date specified on the inspector's report and in compliance with § 20:44:19:07.

If the installer fails to notify the inspector by the date indicated on the inspector's report, the inspector shall issue a correction order to the installer ordering compliance with SDCL chapter 36-16 and this article. The inspector shall assess fees according to § 20:44:20:12.

If the installer fails to comply with the terms of the correction order or fails to pay the fees according to § 20:44:20:12, the inspector may final void the installation with notice of non-compliance to installer, order a disconnect, or make a compliance request of the electrician's undertaking fund. In addition, the commission may conduct a hearing to determine whether the violator's license should be revoked.

If at any time during the process the owner of a residential or farmstead installation refuses to allow for corrections by an installer the inspector shall final void or final subject the installation with notice of non-compliance to installer or order the service disconnected. If at any time during the process the owner of a commercial installation refuses to allow for corrections the inspector shall order the service disconnected.

If an owner performing electrical installations under an owner's exemption refuses to make corrections, the inspector shall provide an inspection report to the owner, final void or final subject the installation with notice of non-compliance to owner, or order the service disconnected. The owner shall correct all noted violations and notify the inspector of those corrections by the date specified on the inspector's report and in compliance with § 20:44:19:07. If the owner fails to notify the inspector by the date specified on the inspector's report, the inspector shall issue a correction order to the owner

ordering compliance with SDCL chapter 36-16 and this article. The inspector shall assess fees according to § 20:44:20:12.

Violations considered inconsequential to the safety of life and property do not require an inspector's report, and corrections may be made at the convenience of the installer. This status may change with the next inspection.

Source: 2 SDR 89, effective July 2, 1976; 5 SDR 1, effective July 20, 1978; 10 SDR 131, effective June 3, 1984; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 14 SDR 76, effective November 30, 1987; black-tagging provision transferred from § 20:44:11:07, 18 SDR 83, effective November 10, 1991; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:11:06, August 12, 1994; 40 SDR 198, effective May 28, 2014; 43 SDR 181, effective July 10, 2017; 46 SDR 128, effective May 26, 2020.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-15, 36-16-29, 36-16-31.

Cross-Reference: Minimum fee for requested electrical inspections, § 20:44:20:10.

20:44:19:06. Final inspection. If the electrical installation is completed without violations, a green final tag shall be dated, signed, and applied to or near the service disconnect by the electrical inspector.

A residential owner occupied single-family dwelling unit may receive a final subject and be documented with a yellow final subject tag dated, signed, and applied to or near the service disconnect, provided the owner of the installation acknowledges acceptance of the non-compliance to the commission.

Source: 2 SDR 89, effective July 2, 1976; 5 SDR 1, effective July 20, 1978; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 16 SDR 153, effective March 29, 1990; black-tagging provision transferred to § 20:44:11:06, 18 SDR 83, effective November 10, 1991; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:11:07, August 12, 1994; 46 SDR 128, effective May 26, 2020.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

20:44:19:07. Commission's responsibility to provide inspections for inspection fees paid. The following standardized inspection procedure applies when the electrical inspector is unable to make contact with the installer:

(1) Any installer must provide at least 72 hour notification to the commission office when an electrical job is at a rough-in stage requiring inspection to assure compliance with the National Electrical Code, a stage of correcting or completing items on a report, or prior to occupancy for final inspection. Failure to comply is subject to a \$100 administrative fee. Notification forms shall be supplied by the commission when requested by the contractor;

(2) The commission shall attempt to provide notification announcing the attempt to conduct an inspection. The notification will contain instructions for the installer or owner to contact the inspector to schedule an inspection appointment;

(3) If there is no response from the first notification, the inspector shall make an additional attempt to inspect. If the inspector is still unable to make an inspection, the commission shall attempt to provide additional notification stating the installation has been finalized without confirming compliance; and

(4) Permits requiring multiple rough-ins and/or more than one scheduled final inspection will be charged an additional fee according to § 20:44:20:10.

Source: 2 SDR 89, effective July 2, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:11:08, August 12, 1994; 32 SDR 37, effective September 7, 2005; 37 SDR 236, effective June 29, 2011; 43 SDR 181, effective July 10, 2017.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-29.

20:44:19:08. Inadequate directions provided to location. If an inspector is unable to locate the premise to be inspected from directions on a wiring permit, the inspector shall contact the installer for additional directions. The installer shall provide the directions to commission personnel within 30 days. Upon receipt of the additional directions, the electrical inspector shall schedule the inspection.

Source: 2 SDR 89, effective July 2, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:11:09, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-29.

CHAPTER 20:44:20

INSPECTION FEES

Section

20:44:20:01	Inspection fees for new residential electrical installations.
20:44:20:02	Inspection fees for service connections on other electrical installations.
20:44:20:02.01	Plus circuits.
20:44:20:03	Inspection fee for circuit installations or alterations.
20:44:20:04	Inspection fees for electrical installations associated with remodeling projects.
20:44:20:05	Inspection fees for electrical installations in apartment buildings.
20:44:20:06	Inspection fees for electrical installations serving outdoor signs and area lighting.
20:44:20:07	Inspection fees for electrical installations serving field irrigation systems.
20:44:20:08	Inspection fees for mobile home services and feeders.
20:44:20:09	Inspection fees for electrical installations at recreational vehicle parks.
20:44:20:10	Minimum fee for requested electrical inspections or for reinspections.
20:44:20:11	Cost of wiring permit not included in inspection fee.
20:44:20:12	Fee for late corrections.
20:44:20:13	Inspection fees for electrical installations serving swimming pools.

20:44:20:01. Inspection fees for new residential electrical installations. Inspection fees for all new single-family residential electrical services are based on service equipment ampere capacity as follows:

- (1) 0 through 200 amperes: \$160, and includes one rough-in inspection;
- (2) 201 through 400 amperes: \$300, and includes two rough-in inspections; and
- (3) 401 amperes and over: \$300 plus circuits, and includes two rough-in inspections.

In addition to the rough-in inspections set forth in this section, each installation under this section includes one final inspection. Additional requested inspections or reinspections to address corrections detailed in a report for a rough-in or final inspection may be assessed fees under § 20:44:20:10.

Source: SL 1975, ch 16, § 1; 5 SDR 1, effective July 20, 1978; 7 SDR 90, effective April 1, 1981; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 92, effective January 1, 1994; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:06:01, August 12, 1994; 32 SDR 37, effective September 1, 2005; 37 SDR 236, effective June 29, 2011; 46 SDR 128, effective May 26, 2020.

General Authority: SDCL 36-16-12, 36-16-30.

Law Implemented: SDCL 36-16-30.

20:44:20:02. Inspection fees for service connections on other electrical installations. Inspection fees for electrical service connections on new installations, including new service installations on commercial installations and new service installations not covered in this chapter, are based on service equipment ampere capacity as follows:

- (1) 0 through 200 amperes: \$60 plus circuits, and includes one rough-in inspection;
- (2) 201 through 400 amperes: \$75 plus circuits, and includes one rough-in inspection;
- (3) 401 through 800 amperes: \$100 plus circuits, and includes one rough-in inspection;
- (4) 801 through 1600 amperes: \$150 plus circuits, and includes one rough-in inspection; and
- (5) 1601 amperes and over: \$275 plus circuits, and includes two rough-in inspections.

Inspection fees for electrical service connections on existing installations, including replacement service installations for existing homes, commercial installations, and installations not covered in this chapter, are based on service equipment ampere capacity as follows:

- (1) 0 through 200 amperes: \$100 plus new circuits;
- (2) 201 through 400 amperes: \$125 plus new circuits;
- (3) 401 through 800 amperes: \$150 plus new circuits;
- (4) 801 through 1600 amperes: \$175 plus new circuits; and
- (5) 1601 amperes and over: \$200 plus new circuits.

Fees for remodeling single family residences may not exceed the flat rate fee for comparable new single family residential electrical services in § 20:44:20:01. In addition to the rough-in inspections set forth in this section, each installation under this section includes one final inspection. Additional requested inspections or reinspections to address corrections detailed in a report for a rough-in or final inspection may be assessed fees under § 20:44:20:10.

Source: SL 1975, ch 16, § 1; 5 SDR 1, effective July 20, 1978; 7 SDR 90, effective April 1, 1981; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 92, effective January 1, 1994; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:06:02, August 12, 1994; 37 SDR 236, effective June 29, 2011; 46 SDR 128, effective May 26, 2020.

General Authority: SDCL 36-16-12, 36-16-30.

Law Implemented: SDCL 36-16-30.

20:44:20:02.01. Plus circuits. Plus circuits fees are charged for each single circuit in a cabinet or panel, not counting spares and spaces, as follows:

- (1) 0 to 30 amperes, inclusive: \$5;
- (2) 31 to 60 amperes, inclusive: \$10;
- (3) 61 to 100 amperes, inclusive: \$12; and
- (4) Each additional 100 amperes or larger circuit: \$8.

Source: 37 SDR 236, effective June 29, 2011.

General Authority: SDCL 36-16-12, 36-16-30.

Law Implemented: SDCL 36-16-30.

20:44:20:03. Inspection fee for circuit installations or alterations. The inspection fee for circuit installations or alterations, including commercial installations, new installations in existing homes, and other installations not covered by this chapter is \$50 per circuit.

Any fee calculated in this section may not exceed the calculated fee for a new installation of the same type in §§ 20:44:20:01 and 20:44:20:02. A one- or two-circuit installation or alteration includes one inspection. An installation or alteration of three or more circuits includes two inspections. Additional requested inspections or reinspections to address corrections detailed in a report for a rough-in or final inspection may be assessed fees under § 20:44:20:10.

Source: SL 1975, ch 16, § 1; 5 SDR 1, effective July 20, 1978; 7 SDR 90, effective April 1, 1981; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 92, effective January 1, 1994; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:06:03, August 12, 1994; 32 SDR 37, effective September 1, 2005; 37 SDR 236, effective June 29, 2011; 46 SDR 128, effective May 26, 2020.

General Authority: SDCL 36-16-12, 36-16-30.

Law Implemented: SDCL 36-16-30.

20:44:20:04. Inspection fees for electrical installations associated with remodeling projects. When neither the service nor the branch circuits are altered, inspection fees associated with a remodeling project, including remodeling work in existing homes, are as follows:

- (1) First 40 openings or connections: \$2 each;
- (2) Each additional opening or connection: \$0.50;
- (3) First 40 lighting fixtures: \$2 each;
- (4) Each additional lighting fixture: \$0.50; and
- (5) Each motor or other special equipment: \$6.

Each permit under this section includes one inspection. Additional requested inspections or reinspections to address corrections detailed in a report for a rough-in or final inspection may be assessed fees under § 20:44:20:10.

Source: SL 1975, ch 16, § 1; 2 SDR 89, effective July 2, 1976; 7 SDR 90, effective April 1, 1981; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 92, effective January 1, 1994; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:06:04, August 12, 1994; 46 SDR 128, effective May 26, 2020.

General Authority: SDCL 36-16-12, 36-16-30.

Law Implemented: SDCL 36-16-30.

20:44:20:05. Inspection fees for electrical installations in apartment buildings. Inspection fees for apartment buildings are \$50 per unit.

If each apartment is served individually, the service is included in the flat rate fee. All other service entrances are subject to § 20:44:20:02 and all other circuits and feeders are subject to § 20:44:20:02.01.

Each permit for an apartment building includes one rough-in inspection per 4 units and one final inspection. Additional requested inspections or reinspections to address corrections detailed in a report for a rough-in or final inspection may be assessed fees under § 20:44:20:10.

Source: SL 1975, ch 16, § 1; 5 SDR 1, effective July 20, 1978; 7 SDR 90, effective April 1, 1981; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 92, effective January 1, 1994; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:06:05, August 12, 1994; 37 SDR 236, effective June 29, 2011; 46 SDR 128, effective May 26, 2020.

General Authority: SDCL 36-16-12, 36-16-30.

Law Implemented: SDCL 36-16-30.

20:44:20:06. Inspection fees for electrical installations serving outdoor signs and area lighting. The inspection fee for outdoor sign feeders or branch circuits and for area lighting is calculated as follows:

(1) For outdoor sign feeders or branch circuits, the greater of (a) or (b), as follows:

(a) \$50 for each outdoor sign feeder or branch circuit; or

(b) The fee calculated in accordance with §§ 20:44:20:02 and 20:44:20:02.01, with a maximum of \$60;

(2) For area lighting, the fee calculated in accordance with §§ 20:44:20:02 and 20:44:20:02.01, with a maximum of \$60.

Each permit under this section includes one inspection. Additional requested inspections or reinspections to address corrections detailed in a report for a rough-in or final inspection may be assessed fees under § 20:44:20:10.

Source: SL 1975, ch 16, § 1; 2 SDR 89, effective July 2, 1976; 7 SDR 90, effective April 1, 1981; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 16 SDR 153, effective March 29, 1990; 18 SDR 83, effective

November 10, 1991; 20 SDR 92, effective January 1, 1994; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:06:06, August 12, 1994; 37 SDR 236, effective June 29, 2011; 46 SDR 128, effective May 26, 2020.

General Authority: SDCL 36-16-12, 36-16-30.

Law Implemented: SDCL 36-16-30.

20:44:20:07. Inspection fees for electrical installations serving field irrigation systems.

Inspection fees for electrical installations serving field irrigation systems are as follows:

(1) The inspection fee for an irrigation system, which includes one irrigation machine, either pipe or pivot, that is supplied by one main or booster pump and one electrical service, is \$75 plus \$2 for each motor, except for the motor driving the pivot;

(2) The inspection fee for a pumping station is computed in accordance with §§ 20:44:20:02 and 20:44:20:02.01;

(3) The inspection fee for a diesel-driven water pump, at which the diesel also drives an electric generator for power and controls, is computed in accordance with § 20:44:20:10;

(4) The inspection fee for an addition to or replacement of an electrically driven pivot on an existing system is computed in accordance with § 20:44:20:10; and

(5) The inspection fee for a range well must be charged as a requested inspection according to § 20:44:20:10 and billed for each inspection hour or fraction of an hour.

Each permit under this section includes one inspection. Additional requested inspections or reinspections to address corrections detailed in a report for a rough-in or final inspection may be assessed fees under § 20:44:20:10.

Source: SL 1975, ch 16, § 1; 2 SDR 89, effective July 2, 1976; 7 SDR 90, effective April 1, 1981; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 92, effective January 1, 1994; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:06:07, August 12, 1994; 32 SDR 37, effective September 1, 2005; 37 SDR 236, effective June 29, 2011; 46 SDR 128, effective May 26, 2020.

General Authority: SDCL 36-16-12, 36-16-30.

Law Implemented: SDCL 36-16-30.

20:44:20:08. Inspection fees for mobile home services and feeders. The inspection fee for services to each mobile home service or feeder, whether on or off a mobile home court, is as follows:

(1) First unit: \$75;

(2) Each additional unit: \$35.

One wiring permit may apply to an entire mobile home court if the number of lots included is specified on the wiring permit before it is sent to the commission office.

Each permit under this section will receive one inspection. Additional requested inspections or reinspections to address corrections detailed in a report for a final inspection may be assessed fees under § 20:44:20:10.

Source: SL 1975, ch 16, § 1; 5 SDR 1, effective July 20, 1978; 7 SDR 90, effective April 1, 1981; 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 92, effective January 1, 1994; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:06:08, August 12, 1994; 32 SDR 37, effective September 1, 2005; 46 SDR 128, effective May 26, 2020.

General Authority: SDCL 36-16-12, 36-16-30.

Law Implemented: SDCL 36-16-30.

20:44:20:09. Inspection fees for electrical installations at recreational vehicle parks. The inspection fee is \$20 for each recreational vehicle park unit pedestal. Each permit under this section shall receive one inspection. Additional requested inspections or reinspections to address corrections detailed in a report for an inspection may be assessed fees under § 20:44:20:10.

The service to the recreational vehicle park itself is computed under § 20:44:20:02.

Source: SL 1975, ch 16, § 1; 5 SDR 1, effective July 20, 1978; 7 SDR 90, effective April 1, 1981; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 16 SDR 153, effective March 29, 1990; 20 SDR 92, effective January 1, 1994; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:06:09, August 12, 1994; 37 SDR 236, effective June 29, 2011; 46 SDR 128, effective May 26, 2020.

General Authority: SDCL 36-16-12, 36-16-30.

Law Implemented: SDCL 36-16-30.

20:44:20:10. Minimum fee for requested electrical inspections or for reinspections. A minimum inspection fee of \$75 for residential and \$100 for commercial installations for each inspection man-hour or fraction of a man-hour is charged for any requested electrical inspections or any reinspections to address corrections detailed in a report for a rough-in or final inspection.

Source: SL 1975, ch 16, § 1; 2 SDR 89, effective July 2, 1976; 7 SDR 90, effective April 1, 1981; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 92, effective January 1, 1994; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:06:10, August 12, 1994; 32 SDR 37, effective September 1, 2005; 43 SDR 181, effective July 10, 2017; 46 SDR 128, effective May 26, 2020.

General Authority: SDCL 36-16-12, 36-16-30.

Law Implemented: SDCL 36-16-12, 36-16-30.

20:44:20:11. Cost of wiring permit not included in inspection fee. The inspection fees in §§ 20:44:20:01 to 20:44:20:09, inclusive, do not include the cost of the wiring permit.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 92, effective January 1, 1994; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:06:11, August 12, 1994.

General Authority: SDCL 36-16-12, 36-16-30.

Law Implemented: SDCL 36-16-30.

20:44:20:12. Fee for late corrections. If the corrections listed on an inspector's report are not completed within the specified time, the inspector shall issue a correction order and assess a \$100 administrative fee. The inspector shall also assess a reinspection fee calculated according to § 20:44:20:10.

Source: SL 1975, ch 16, § 1; 10 SDR 131, effective June 3, 1984; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 92, effective January 1, 1994; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:06:12, August 12, 1994.

General Authority: SDCL 36-16-12, 36-16-30.

Law Implemented: SDCL 36-16-30.

Cross-Reference: Inspection for bonding of swimming pools, § 20:44:22:21.

20:44:20:13. Inspection fees for electrical installations serving swimming pools. Inspection fees for electrical installations serving swimming pools are as follows:

- (1) Residential pools: \$150; and
- (2) All other pools: as computed under § 20:44:20:10.

Each permit under subdivision (1) includes one rough-in inspection and one final inspection. Additional requested inspections or reinspections to address corrections detailed in a report for a rough-in or final inspection may be assessed fees under § 20:44:20:10.

Source: 7 SDR 90, effective April 1, 1981; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 92, effective January 1, 1994; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:06:13, August 12, 1994; 46 SDR 128, effective May 26, 2020.

General Authority: SDCL 36-16-12, 36-16-30.

Law Implemented: SDCL 36-16-30.

CHAPTER 20:44:21

LOCAL INSPECTION SYSTEMS

Section

20:44:21:01	Procedure for establishing approved local inspection systems.
20:44:21:02	Application for permission to use local inspection systems.
20:44:21:03	Wiring permit -- Computer printout.
20:44:21:04	Municipal licenses.

20:44:21:01. Procedure for establishing approved local inspection systems. Municipal governments or power suppliers desiring to establish a local electrical inspection system shall submit their application to the commission for this permission.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:07:01, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-29.

20:44:21:02. Application for permission to use local inspection systems. Municipal governments and power suppliers may apply for permission to establish local inspection systems. Applications shall be filed with the commission with a copy of the proposed ordinance, bylaw, or other action to be taken by

the municipal government or power supplier. The application must indicate that the municipal government or power supplier will meet the following requirements:

(1) The municipal government or power supplier shall employ a minimum of two full-time South Dakota state-licensed electrical inspectors, one of whom shall be designated for doing full-time electrical inspections only. A local electrical inspector must meet all the qualifications in §§ 20:44:16:03 and 20:44:16:08 and may not inspect electrical installations performed by a local electrical inspector employed by the same local inspection system;

(2) A local electrical inspector shall inspect all new services within the jurisdiction of the municipality or power supplier and upon approval leave a permit for power connection. The permit must state that the installation complies with all rules in this article;

(3) A local electrical inspector shall inspect all electrical installations in the jurisdiction of the municipality or power supplier which require inspection pursuant to § 20:44:18:01;

(4) The local inspection system shall report all electrical installations requiring inspection in the area under their jurisdiction by one of the following methods:

(a) A local electrical inspector shall complete a wiring permit for all electrical work requiring inspection by the state in the area under the jurisdiction of the local inspection system. The white copy of each wiring permit shall be sent to the commission office once each month. The remaining copies may be distributed as directed by the local inspection system; or

(b) The municipal government or power supplier shall provide a computer printout once each month of all electrical permits issued by that entity, together with a \$5 permit fee for each permit. The computer printout shall contain the following information:

- (i) Identification of the local inspection system;
- (ii) The final inspection date;
- (iii) The electrical contractor's name;
- (iv) The electrical contractor's state license number;
- (v) The inspection identification number;
- (vi) The job address;
- (vii) The city inspection fee;
- (viii) The name of general contractor or owner; and
- (ix) The job description;

The municipal government or power supplier shall notify the commission in writing when it desires to change reporting methods;

(5) All changes in local inspection fees, ordinances, or bylaws taken by the municipal government or power supplier as they apply to the local inspection system must be reported to the commission prior to enactment or at the first reading, whichever is first. The inspection fees must be equal to or greater than those required by the commission;

(6) A state electrical inspector shall make inspections of installations under the jurisdiction of the local electrical inspection systems as necessary to assure compliance with this article and SDCL chapter

36-16. Any municipal government or power supplier submitting a new application for a local inspection system must notify the commission prior to hiring any local electrical inspector to ensure the inspector is in good standing with the commission. This provision shall remain in effect for five years from approval of local inspection systems by the commission;

(7) Annual reports shall be submitted by the municipal government or power supplier to the commission indicating the number of inspections, size of services, and inspection fee income derived from the local inspection system;

(8) The governing body shall immediately notify the commission if the local inspection system is temporarily or permanently terminated and turn over the records and inspection fees for all uncompleted inspections to the commission. The commission shall then resume inspection of the area under the jurisdiction of the local inspection system.

Source: SL 1975, ch 16, § 1; 2 SDR 89, effective July 2, 1976; 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 16 SDR 153, effective March 29, 1990; 18 SDR 83, effective November 10, 1991; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:07:02, August 12, 1994; 32 SDR 37, effective September 1, 2005.

General Authority: SDCL 36-16-12, 36-16-29, 36-16-30.

Law Implemented: SDCL 36-16-12, 36-16-29, 36-16-35, 36-16-30.

20:44:21:03. Wiring permit -- Computer printout. Where local electrical inspection systems have been approved, local inspectors shall obtain wiring permits from the local electrical inspection office. Local inspection systems shall comply with subdivision 20:44:21:02(4)(b).

Source: SL 1975, ch 16, § 1; 2 SDR 89, effective July 2, 1976; 5 SDR 1, effective July 20, 1978; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 83, effective November 10, 1991; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:07:03, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12, 36-16-29, 36-16-30.

20:44:21:04. Municipal licenses. An electrician applying for a license from a municipal government under SDCL 9-34-12 must first possess a state license before being eligible to hold the equivalent or lesser local license.

If the equivalent license does not exist at the state level, the license offered by a municipal government must first be approved by the commission and then passed as an ordinance by the municipal government.

Source: 16 SDR 153, effective March 29, 1990; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:07:04, August 12, 1994; 37 SDR 236, effective June 29, 2011.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12, 36-16-14.

CHAPTER 20:44:22

ELECTRICAL INSTALLATIONS

Section

20:44:22:01	Adoption of National Electrical Code .
20:44:22:02	Electrical equipment to comply with rules.
20:44:22:03	Electrical equipment to conform to approved purposes and show identification.
20:44:22:04	State electrical inspector authorized to enforce rules and specifications.
20:44:22:05	Special approval of state electrical inspector.
20:44:22:06	Individual homeowner to comply with wiring requirements.
20:44:22:07	Residential heating plant disconnect.
20:44:22:08	Repealed.
20:44:22:09	Repealed.
20:44:22:10	Service entrance disconnect location.
20:44:22:11	Repealed.
20:44:22:12	Electrical metallic tubing.
20:44:22:13	Repealed.
20:44:22:14	Repealed.
20:44:22:15	Repealed.
20:44:22:16	Underground conductors to comply with installation requirements.
20:44:22:17	Repealed.
20:44:22:18	Repealed.
20:44:22:19	Repealed.
20:44:22:20	Repealed.
20:44:22:21	Inspection for bonding of swimming pools.
20:44:22:22	Repealed.
20:44:22:23	Dwelling unit receptacle outlets -- Countertops and peninsulas.
20:44:22:24	Working space about electrical equipment operating at 600 volts, nominal, or less.
20:44:22:25	Electrical receptacles in health care facilities.
20:44:22:26	Repealed.
20:44:22:27	Residential housing units moved to new locations.
20:44:22:28	System grounding connections.

20:44:22:01. Adoption of National Electrical Code. Electric light, power, and heating installations in this state shall conform to the **National Electrical Code**.

Source: SL 1975, ch 16, § 1; 5 SDR 1, effective July 20, 1978; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:05:01, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27.

Cross-Reference: Definition of **National Electrical Code**, subdivision 20:44:14:01(11).

20:44:22:02. Electrical equipment to comply with rules. A person or the person's agent or employee may not sell, offer for sale, or expose for sale any electrical equipment designed for attachment to or installation in or on any electrical circuit or system for light, heat, or power which does not comply with this article.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:05:02, August 12, 1994; 43 SDR 181, effective July 10, 2017.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27.

20:44:22:03. Electrical equipment to conform to approved purposes and show identification. Only the electrical equipment approved in accordance with § 20:44:22:04 for the purpose intended may be installed to use electricity for light, heat, or power. This includes all materials used to install such electrical equipment. The manufacturer's name, trademark, or other identification symbol must be placed on or provided with the electrical equipment, together with the rated voltage, current, wattage, or other applicable ratings necessary to determine the purpose and use for which they are intended.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:05:03, 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 36-16-27.

20:44:22:04. State electrical inspector authorized to enforce rules and specifications. The state electrical inspector shall enforce all rules and specifications in this article as necessary to determine conformity of electrical equipment with approved methods of construction in order to protect life and property. The label of a nationally recognized electrical testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection during production of equipment or materials, whose label indicates compliance with nationally recognized standards or tests to determine suitable usage in a specified manner, is prima facie evidence that such electrical equipment is in conformity and listed for installation under the provisions of this article.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:05:04, August 12, 1994; 43 SDR 181, effective July 10, 2017.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27, 36-16-29.

20:44:22:05. Special approval of state electrical inspector. The state electrical inspector may grant special approval of electrical equipment as machinery if no standard has been prepared or adopted to which they should conform. Special approval applies only to the specific electrical equipment approved and not to the line as manufactured, stored, sold, installed, or attached and may be granted only for electrical equipment as designated by the owner as machinery which, in the opinion of the owner, is safe for the use intended. All special approvals must first be authorized by the commission.

The state or any of its political subdivisions does not assume any liability for damage or injury to persons or property because of the use of such electrical equipment designated as machinery.

Source: SL 1975, ch 16, § 1; 2 SDR 89, effective July 2, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 14 SDR 76, effective November 30, 1987; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:05:05, August 12, 1994; 29 SDR 87, effective December 24, 2002; 43 SDR 181, effective July 10, 2017.

General Authority: SDCL 36-16-12, 36-16-29.

Law Implemented: SDCL 36-16-12, 36-16-27, 36-16-29, 36-16-36.

20:44:22:06. Individual homeowner to comply with wiring requirements. An individual homeowner installing electrical wiring under an owner's wiring permit shall comply with all wiring requirements in this article. If an individual homeowner, who has been issued an owner's wiring permit in the last three years, requests a new owner's permit, the homeowner must provide a written explanation for the request and file the explanation and the owner's wiring permit with the commission.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:05:06, August 12, 1994; 29 SDR 87, effective December 24, 2002.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-15, 36-16-27.

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 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**.

20:44:22:08. Perpendicular mast used for low buildings. Repealed.

Source: SL 1975, ch 16, § 1; 10 SDR 131, effective June 3, 1984; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:05:09, August 12, 1994; repealed, 29 SDR 87, effective December 24, 2002.

20:44:22:09. Metal building services to be in an approved raceway. Repealed.

Source: SL 1975, ch 16, § 1; 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:05:10, August 12, 1994; repealed, 29 SDR 87, effective December 24, 2002.

20:44:22:10. Service entrance disconnect location. The raceway containing conductors to the service entrance disconnect enclosure may not extend more than five feet inside the structure except with the written permission of the state electrical inspector or local electrical inspector. The raceway or cable assembly may not extend more than five feet once inside the structure to the main disconnect. However, the raceway or cable assembly may extend up to fifteen feet inside the structure if it is installed in rigid metallic conduit, intermediate metallic conduit, or busway. Metering enclosures and junction boxes are not included when determining these lengths. Additional lengths in the structure may

be installed only with the written permission of the state electrical inspector, local electrical inspector, or commission.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 16 SDR 153, effective March 29, 1990; transferred from § 20:44:05:11, August 12, 1994; 29 SDR 87, effective December 24, 2002.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

Note: Also see Article 230 of the **National Electrical Code**.

20:44:22:11. Grounding methods. Repealed.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:05:12, August 12, 1994; repealed, 29 SDR 87, effective December 24, 2002.

20:44:22:12. Electrical metallic tubing. Electrical metallic tubing may not be used in concrete below grade or in concrete slab or masonry in direct contact with earth nor embedded in earth or fill. The use of a vapor barrier has no effect on the requirements of this section.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:05:13, August 12, 1994; 43 SDR 181, effective July 10, 2017.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

Note: Also see Article 300 and 358 of the **National Electrical Code**.

20:44:22:13. Lighting fixtures in clothes closets. Repealed.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:05:14, August 12, 1994; repealed, 29 SDR 87, effective December 24, 2002.

20:44:22:14. Overhead conductors to comply with installation requirements. Repealed.

Source: SL 1975, ch 16, § 1; 2 SDR 89, effective July 2, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:05:15, August 12, 1994; repealed, 29 SDR 87, effective December 24, 2002.

20:44:22:15. Multiconductor cable ratings and requirements. Repealed.

Source: SL 1975, ch 16, § 1; 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:05:16, August 12, 1994; repealed, 29 SDR 87, effective December 24, 2002.

20:44:22:16. Underground conductors to comply with installation requirements. All underground conductor installations, in addition to complying with the requirements of the **National Electrical Code**, laws of the state of South Dakota, and rules of the State Electrical Commission, shall

comply with the requirement that direct burial underground service conductors or feeders shall be installed in raceway from the building to a point beyond any concrete or asphalt slabs, stoops, footings, or driveways, which may interfere with future conductor replacement.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:05:17, August 12, 1994; 32 SDR 37, effective September 1, 2005.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

20:44:22:17. Farmstead wiring to comply with installation requirements. Repealed.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:05:18, August 12, 1994; repealed, 29 SDR 87, effective December 24, 2002.

20:44:22:18. Other farmstead outbuildings to comply with installation requirements. Repealed.

Source: SL 1975, ch 16, § 1; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:05:21, August 12, 1994; repealed, 29 SDR 87, effective December 24, 2002.

20:44:22:19. Irrigation system control circuits. Repealed.

Source: 10 SDR 131, effective June 3, 1984; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:05:22, August 12, 1994; 23 SDR 2, effective July 16, 1996; repealed, 29 SDR 87, effective December 24, 2002.

20:44:22:20. Places of assembly. Repealed.

Source: 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 16 SDR 153, effective March 29, 1990; 19 SDR 155, effective April 14, 1993; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:05:23, August 12, 1994; repealed, 24 SDR 24, effective September 2, 1997.

20:44:22:21. Inspection for bonding of swimming pools. All grid work and related apparatus of a swimming pool must be inspected prior to pouring the cement or other covering of the pool. The installer shall schedule the inspection with the state electrical inspector at least 72 hours before pouring the cement or other pool covering.

Source: 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:05:24, August 12, 1994; 40 SDR 198, effective May 28, 2014.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27.

20:44:22:22. Outdoor ground-fault circuit interrupter protection for dwelling units. Repealed.

Source: 14 SDR 76, effective November 30, 1987; transferred from § 20:44:05:26, August 12, 1994; repealed, 29 SDR 87, effective December 24, 2002.

20:44:22:23. Dwelling unit receptacle outlets -- Countertops and peninsulas. Island and peninsular countertops in dwelling units are exempt from the National Electrical Code requirements.

Source: 18 SDR 83, effective November 10, 1991; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:05:28, August 12, 1994; 29 SDR 87, effective December 24, 2002.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

Cross-Reference: National Electrical Code, Article 210.

20:44:22:24. Working space about electrical equipment operating at 600 volts, nominal, or less. In new structures, additional working spaces for switchboards, panelboards, and motor control centers operating at 600 volts, nominal, or less, to ground shall extend two feet from the front of the dedicated space and two feet from the top of the working spaces specified in the **National Electrical Code**. This applies only to items not a part of the electrical installation.

Source: 19 SDR 155, effective April 14, 1993; transferred from § 20:44:05:29, 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.

Cross-Reference: National Electrical Code, Article 110.26A.

20:44:22:25. Electrical receptacles in health care facilities. Patient care space in health care facilities, as defined in Article 517 of the **National Electrical Code**, must have receptacles listed for hospital use in other than hazardous locations. Such receptacles are identified by the marking "Hospital Only" or by the marking "Hospital Grade" and a green dot on the receptacle. The green dot must be visible after installation.

Source: 19 SDR 155, effective April 14, 1993; transferred from § 20:44:05:30, August 12, 1994; 23 SDR 2, effective July 16, 1996; 40 SDR 198, effective May 28, 2014.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

20:44:22:26. Ground-fault circuit interrupter protection. Repealed.

Source: 19 SDR 155, effective April 14, 1993; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:05:31, August 12, 1994; repealed, 37 SDR 236, effective June 29, 2011.

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 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 - in use covers.

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.

20:44:22:28. System grounding connections. All grounding electrode conductors of the system grounding connections must terminate on the neutral bus inside the service equipment unless they are inspected before the service is energized by the power supplier.

Source: 19 SDR 155, effective April 14, 1993; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:05:33, August 12, 1994; 43 SDR 181, effective July 10, 2017.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27.

Cross-Reference: National Electrical Code, Article 250.

CHAPTER 20:44:23

MODULAR HOMES AND STRUCTURES

Section

- 20:44:23:01 Modular homes and modular structures -- Compliance with requirements.
- 20:44:23:02 Wiring permit required for modular homes and modular structures.
- 20:44:23:03 Inspection of modular homes and modular structures.
- 20:44:23:04 Inspection fees for modular homes and modular structures.

20:44:23:01. Modular homes and modular structures -- Compliance with requirements. The installation of electrical wiring, materials, and equipment in modular homes and modular structures must comply with this article and the **National Electrical Code** before power may be supplied to them. A wiring permit, inspection fee or inspection is not required for modular homes or modular structures exported out of South Dakota.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; compliance requirements for modular homes and structures made out-of-state transferred from § 20:44:08:02, 14 SDR 76, effective November 30, 1987; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:08:01, August 12, 1994; 35 SDR 305, effective July 1, 2009.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12, 36-16-13, 36-16-27.

20:44:23:02. Wiring permit required for modular homes and modular structures. Wiring permits must be obtained from the commission office and provided with each individual modular home or modular structure manufactured in this state or transported into this state. A qualified person, pursuant

to § 20:44:20:02.01, must fill out and sign the wiring permit, completely describing the installation as required on the forms. The white copy of the wiring permit along with the required inspection fee must be forwarded to the commission office before the modular home or structure leaves the place of manufacture in South Dakota or is transported into South Dakota. The address of the destination and the name of the South Dakota dealer or the party purchasing the modular structure must also be provided. The blue copy of the wiring permit may be retained by the company. The hard copy of the wiring permit shall be posted near the service entrance disconnect switch location.

Source: SL 1975, ch 16, § 1; 5 SDR 1, effective July 20, 1978; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 14 SDR 76, effective November 30, 1987; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:08:03, August 12, 1994; 37 SDR 236, effective June 29, 2011.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12, 36-16-27, 36-16-28.

Cross-References:

Inspection fees for new residential electrical installations, § 20:44:20:01.

Inspection fees for service connections on other electrical installations, § 20:44:20:02.

Inspection fees for circuit installations or alterations, § 20:44:20:03.

Inspection fees for modular homes and modular structures, § 20:44:23:04.

20:44:23:03. Inspection of modular homes and modular structures. Inspection of modular homes and modular structures located in or transported into this state must be by one of the following procedures:

(1) Inspection by a nationally recognized inspection agency approved by the commission, provided the agency's label is attached;

(2) In-factory inspection by a South Dakota state electrical inspector;

(3) Modular home or structure wiring and wiring permit placement according to § 20:44:23:02 by a person qualified for an electrical license under subdivision (2) or (3) of SDCL 36-16-2; or

(4) Third-party inspection permitted only by prior agreement with the commission.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 14 SDR 76, effective November 30, 1987; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:08:04, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12, 36-16-27.

Cross-Reference: State electrical inspector authorized to enforce rules and specifications, § 20:44:22:04.

20:44:23:04. Inspection fees for modular homes and modular structures. The fees for inspection of modular homes and modular structures conducted under subdivisions 20:44:23:03(1), (3), and (4) are as required by §§ 20:44:20:01, 20:44:20:02, 20:44:20:02.01, and 20:44:20:03. The manufacturer must pay \$100 a day for each inspector, plus travel and living expenses, for inspections conducted pursuant to subdivision 20:44:23:03(2).

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 14 SDR 76, effective November 30, 1987; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:08:05, August 12, 1994; 37 SDR 236, effective June 29, 2011.

General Authority: SDCL 36-16-12, 36-16-30.

Law Implemented: SDCL 36-16-12, 36-16-30.

CHAPTER 20:44:24

CARNIVALS AND SEASONAL DWELLINGS

Section

20:44:24:01	Carnivals, celebrations, and seasonal dwellings to have wiring permit.
20:44:24:02	Temporary installations for carnivals and celebrations.
20:44:24:03	Additional requirements for temporary installations for carnivals and celebrations.
20:44:24:04	Notice of itinerary and application for inspection.
20:44:24:05	Minimum inspection fee.
20:44:24:06	Fee to be paid to commission.
20:44:24:07	Repealed.

20:44:24:01. Carnivals, celebrations, and seasonal dwellings to have wiring permit. Prior to being connected for use all electrical installations and service connections for carnivals, celebrations, and seasonal dwellings must have a wiring permit as set forth in §§ 20:44:18:01 to 20:44:18:05, inclusive.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:09:01, August 12, 1994; 43 SDR 181, effective July 10, 2017.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27.

20:44:24:02. Temporary installations for carnivals and celebrations. All temporary installations of electrical wiring for carnivals or other celebrations consisting of surface or overhead installations for light and power to tents, stands, concessions, or amusement rides must conform to the following standards:

(1) Circuit wires of adequate size, according to the **National Electrical Code**, may be twisted together or run parallel and taped together and must be attached to a messenger by insulators at intervals not to exceed five feet;

(2) Sockets and receptacles, including their individual conductors, must be of the standard molded pigtail weatherproof type. Connections of these socket wires to the cabled circuit wires must be staggered, and splices must be made in accordance with section 110-14(b) of the **National Electrical Code**;

(3) Cut outs or switches installed outdoors must be enclosed in weatherproof cabinets. Cabinets lower than eight feet above ground must be kept locked when they are accessible to the public;

(4) All metal stands, concessions, amusements, rides, trailers, and other units that require electricity to operate must be grounded. All electrical equipment and motors must be grounded;

(5) All feeders and circuits must have overcurrent protection.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:09:02, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27.

20:44:24:03. Additional requirements for temporary installations for carnivals and celebrations.

In addition to the requirements of § 20:44:24:02, temporary installations for carnivals and celebrations must conform to the following:

(1) Each ride or concession must be provided with only one disconnect switch with overcurrent protection;

(2) Splices and taps must be enclosed in a weatherproof box or cabinet and may not be accessible to the public. Splices or taps may not be buried in the ground;

(3) Cable must be in good condition, have standard insulating qualities for the voltage level, have adequate mechanical strength, and be a continuous length from box to box. Outdoor cord connectors must be used;

(4) All temporary installations must be approved by the electrical inspector before use; and

(5) All installations must comply with SDCL chapter 36-16 and all provisions of this article.

Source: SL 1975, ch 16, § 1; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 83, effective November 10, 1991; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:09:03, August 12, 1944.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12, 36-16-27.

20:44:24:04. Notice of itinerary and application for inspection. Each outdoor amusement enterprise entity, celebration sponsor, or carnival operating or intending to operate in South Dakota shall notify the commission each year of its itinerary and apply for the initial inspection at least 10 business days prior to the first calendar engagement in the state. A list of rides, concessions, and booths are to be provided to the commission at least 72 hours prior to energization. Failure to comply is subject to a \$100 administrative fee.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:09:04, August 12, 1994; 43 SDR 181, effective July 10, 2017.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27.

20:44:24:05. Minimum inspection fee. Inspection fees for carnivals or celebrations are charged to the owners and concessionaires in accordance with the following schedule:

- (1) \$10 for each ride or concession, or for a single concession generator or transformer;
- (2) \$5 for reinspection of each unit, if required; and
- (3) \$30 for inspection of transformers or generators.

Source: SL 1975, ch 16, § 1; 5 SDR 1, effective July 20, 1978; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:09:05, August 12, 1994; 43 SDR 181, effective July 10, 2017; 46 SDR 128, effective May 26, 2020.

General Authority: SDCL 36-16-12, 36-16-30.

Law Implemented: SDCL 36-16-27, 36-16-30.

20:44:24:06. Fee to be paid to commission. Fees required by § 20:44:24:05 shall be paid by the carnival owner or celebration sponsor to the commission prior to or at the time of inspection. The inspector shall sign, date, and apply a sticker for each ride, concession, or booth.

Source: SL 1975, ch 16, § 1; 10 SDR 131, effective June 3, 1984; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:09:06, August 12, 1994; 43 SDR 181, effective July 10, 2017.

General Authority: SDCL 36-16-12, 36-16-30.

Law Implemented: SDCL 36-16-30.

20:44:24:07. Requirements for seasonal dwellings. Repealed.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:09:07, August 12, 1994; repealed, 40 SDR 198, effective May 28, 2014.

CHAPTER 20:44:25

SUPPLEMENTARY POWER -- COGENERATION SYSTEMS

Section	
20:44:25:01	Definition of cogeneration systems.
20:44:25:02	Scope.
20:44:25:03	Application of other standards.
20:44:25:04	Equipment approval.
20:44:25:05	Installation compatibility.
20:44:25:06	Switch requirements.
20:44:25:07	System protection.
20:44:25:08	System isolation.
20:44:25:09	Permits -- Fees.

20:44:25:01. Definition of cogeneration systems. Cogeneration systems are supplemental power generation systems that are connected in parallel with electrical service supplied by a power supplier.

Source: 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:12:01, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27.

20:44:25:02. Scope. This chapter applies to cogeneration systems that are permanently installed in their entirety. All cogeneration systems shall be jointly approved by the power supplier and the commission according to the **National Electrical Code**, Article 90-4.

Source: 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:12:02, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27.

20:44:25:03. Application of other standards. Except as modified by this chapter, all applicable articles of the **National Electrical Code** and all commission rules apply to cogeneration systems.

Source: 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:12:03, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27.

20:44:25:04. Equipment approval. Prior to use, all equipment must be approved for supplemental power generation pursuant to § 20:44:22:03 and **National Electrical Code**, Section 110-3. If equipment is not listed by a qualified electrical laboratory, it must be approved or disapproved by the commission or its designee according to the **National Electrical Code**, Article 90-4, before installation. Any costs incurred in this procedure are the responsibility of the owner of the cogeneration facility.

Source: 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:12:04, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27.

20:44:25:05. Installation compatibility. Since cogeneration systems parallel power supplier systems, all cogeneration equipment must satisfy requirements of existing systems with which it is to be interconnected. In cases of conflicting requirements of both the power supplier and the commission, the more stringent requirements shall apply.

Source: 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:12:05, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27.

20:44:25:06. Switch requirements. The switch or switches installed in the cogeneration system as required by power supplier systems must be so arranged that only authorized persons have control of these switches. Authorized persons shall be designated by the power supplier system.

Source: 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:12:06, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27.

20:44:25:07. System protection. Switching equipment and wiring associated with the cogeneration system shall be provided with suitably rated protection devices according to the **National Electrical Code** or approved by the commission according to the **National Electrical Code**, Article 90-4.

Source: 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:12:07, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27.

20:44:25:08. System isolation. Cogeneration systems shall automatically disconnect from the power supplier system when the power supplier system is deenergized. The equipment to prevent backfeed shall be approved by the power supplier and commission according to the **National Electrical Code**, Article 90-4.

Source: 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:44:12:08, August 12, 1994.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27.

20:44:25:09. Permits -- Fees. Cogeneration systems must have a wiring permit executed according to chapter 20:44:18. Inspection fees are determined by equivalent service size and category as described in chapter 20:44:20.

Source: 10 SDR 131, effective June 3, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:12:09, August 12, 1994; 37 SDR 236, effective June 29, 2011.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-27.

CHAPTER 20:44:26

UNDERTAKING FUND

Section

- | | |
|-------------|---|
| 20:44:26:01 | Definitions. |
| 20:44:26:02 | Claim eligibility requirements. |
| 20:44:26:03 | Resolution of claim for recovery from the undertaking fund. |
| 20:44:26:04 | Contractor required to reimburse the undertaking fund -- Request for waiver possible. |

20:44:26:01. Definitions. Terms used in this chapter mean:

- (1) "Contractor," an individual licensed with the commission as an electrical contractor or a Class B electrician;
- (2) "Installation," an electrical installation;
- (3) "Submitter," an individual or business requesting reimbursement from the undertaking fund.

Source: 40 SDR 198, effective May 28, 2014.

General Authority: SDCL 36-16-20.

Law Implemented: SDCL 36-16-20.

20:44:26:02. Claim eligibility requirements. Each claim for recovery from the undertaking fund shall be made on a commission approved claim form. For a submitter's claim to be eligible for recovery from the undertaking fund, the claim shall meet the following requirements:

- (1) The installation was performed by a contractor, whose license was in good standing at the time of the installation;
- (2) The submitter has paid the contractor for part of an installation that has not been completed or for an installation that was improperly completed;
- (3) The submitter submits a completed claim form to the commission;
- (4) The submitter submits three bids for completion of the installation that is to be corrected or completed; and
- (5) The submitter has not obtained a civil judgment against the contractor.

If the three originally submitted bids are found to be unreasonable, the commission may assign a contractor to correct or complete the installation or request the submitter to submit three additional bids for review.

Source: 40 SDR 198, effective May 28, 2014.

General Authority: SDCL 36-16-20.

Law Implemented: SDCL 36-16-20.

20:44:26:03. Resolution of claim for recovery from the undertaking fund. The commission shall resolve all claims for recovery from the undertaking fund that meet the requirements of ARSD § 20:44:26:02. The commission may resolve a claim in favor of the submitter through an agreement with the contractor, if the contractor accepts responsibility for the installation, admits to accepting a specified amount of compensation for part of the installation that the contractor did not complete or for an installation that was improperly completed, and agrees to reimburse the undertaking fund for the moneys spent to correct or finish the contractor's installation. The commission may resolve a claim in favor of the submitter if the commission makes a finding that the contractor performed the installation and that the contractor received a specified amount of compensation for part of the installation that the contractor did not complete or for an installation that was improperly completed.

If the evidence does not support a finding that the contractor performed the installation or that the contractor received a specified amount of compensation for the installation, then the commission shall dismiss the submitter's claim without prejudice.

Source: 40 SDR 198, effective May 28, 2014.

General Authority: SDCL 36-16-20.

Law Implemented: SDCL 36-16-20.

20:44:26:04. Contractor required to reimburse the undertaking fund -- Request for waiver possible. If a claim for recovery from the undertaking fund is resolved in favor of the submitter, the contractor shall reimburse the commission the amount of moneys spent to correct or finish the contractor's installation within 30 days after the determination of resolution is made.

The contractor may request a waiver of reimbursement from the commission within ten days after the determination of resolution is made. Upon receipt of a request for a waiver of reimbursement, the commission may grant the request for a waiver of reimbursement, partially grant the request for a waiver of reimbursement, or deny the request for a waiver of reimbursement.

Source: 40 SDR 198, effective May 28, 2014.

General Authority: SDCL 36-16-20.

Law Implemented: SDCL 36-16-20.