

## ARTICLE 20:53

### PLUMBERS

#### Chapter

20:53:01	Definitions.
20:53:02	Administration.
20:53:03	Plumbers licenses.
20:53:04	Water conditioning licenses.
20:53:05	Appliance installation licenses.
20:53:06	Sewer and water installer licenses.
20:53:07	Manufactured and mobile home licenses.
20:53:08	Underground irrigation licenses.
20:53:09	Restricted licenses.
20:53:10	Plumbing permits.
20:53:11	Continuing education.
<u>20:53:12</u>	<u>Individual and small on-site waster licensees.</u>

**20:53:01:01. Definitions.** The terms defined in SDCL 36-25-1 and § 74:53:01:01 have the same meaning when used in this article. For the purpose of this article, the following terms mean:

(1) "Appliance installation," the making of local connections to water and waste systems of all miscellaneous and commercial equipment designed to use electricity or gas or both as a basic source of energy; maintenance and service of this equipment, including operation,

adjustment, repair, removal, and renovation; but not connection and repair of household and commercial plumbing fixtures that are designed for sanitary use or water conditioning;

(2) "Appliance contractor," a person who engages in the business or trade of appliance installation;

(3) "Appliance installer," a person other than an appliance contractor who is engaged as an employee of or otherwise working under the direction of an appliance contractor in appliance installation as a principal occupation;

(4) "Appliance installer apprentice," a person other than an appliance contractor or appliance installer who is working as an employee of an appliance contractor and is under the immediate and personal supervision of either an appliance contractor or an appliance installer for the purpose of learning and assisting in appliance installation;

(5) "Restricted license," a license issued pursuant to SDCL 36-25-17.1 that permits a person to hold a plumbing contractor, plumber, plumber apprentice, water conditioning contractor, water conditioning installer, water conditioning apprentice, appliance contractor, appliance installer, appliance installer apprentice, sewer and water contractor, sewer and water installer, sewer and water installer apprentice, manufactured and mobile home contractor, manufactured and mobile home installer, manufactured and mobile home apprentice, underground irrigation contractor, underground irrigation installer, or underground irrigation apprentice license in a rural area or a municipality of less than fifteen hundred population;

(6) "Sewer and water installation," the setting up of building sewer and water service, the repair of existing building sewer and water service, the setting up of building storm sewer, the repair of existing building storm sewer, and the setting up of water treatment plant piping and equipment designed to purify water, chemical treatment piping, and sewer treatment plant piping

and equipment designed to treat sewage, and the repair of the piping and equipment. For the purposes of this definition, the water service terminates at the water service building valve and the sewer service terminates three feet inside the building wall;

(7) "Sewer and water contractor," a person who engages in the trade or business of selling and setting up sewer and water installations;

(8) "Sewer and water installer," a person other than a sewer and water contractor who is engaged as an employee of or is otherwise working under the direction of a sewer and water contractor in sewer and water installation as a principal occupation;

(9) "Sewer and water installer apprentice," a person other than a sewer and water contractor or a sewer and water installer who is engaged in working as an employee of a sewer and water contractor and is under the direct immediate supervision of either a sewer and water contractor or a sewer and water installer for the purpose of learning and assisting in the setting up of sewer and water installations.

**Source:** SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 19 SDR 36, effective September 17, 1992; 30 SDR 25, effective August 31, 2003; 41 SDR 34, effective September 2, 2014.

**General Authority:** SDCL 36-25-14, 36-25-17.1.

**Law Implemented:** SDCL 36-25-17.1, 36-25-18.

**Cross-reference:** ARSD chapter 75:53:01

## CHAPTER 20:53:02

### ADMINISTRATION

#### Section

20:53:02:01	Repealed.
20:53:02:02	Duties of president.
20:53:02:03	Duties of vice-president.
20:53:02:04	<del>Duties of secretary-treasurer</del> <u>Repealed.</u>
20:53:02:05	<del>Office of the commission</del> <u>Repealed.</u>
20:53:02:06	Repealed.
20:53:02:07	Repealed.
20:53:02:08	Testing.
20:53:02:09	Notice of exam.
20:53:02:10	Grading exams.
20:53:02:11	Superseded.
20:53:02:12	Repealed.
20:53:02:13	<del>Petition for declaratory ruling</del> <u>Repealed.</u>
20:53:02:14	<del>Commission action on petition</del> <u>Repealed.</u>
20:53:02:15	Commission meetings on petition for new rules.
20:53:02:16	Repealed.
20:53:02:17	Finality of commission decision.
20:53:02:18	Failure to appear for examination.
20:53:02:19	Temporary permits.

- 20:53:02:20 ~~License expiration~~ Repealed.
- 20:53:02:21 Reciprocity.
- 20:53:02:22 Inspection.
- 20:53:02:22.01 Concealment and final inspection.
- 20:53:02:23 Repealed.

**20:53:02:02. Duties of president.** The president is ~~the principal executive officer of the commission and, subject to the control of the commission, shall in general supervise and control all business and affairs of the commission.~~ He shall preside at all meetings of the commission. All instruments executed by the commission shall be signed by the president or the vice-president in the absence of the president. ~~The commission may specifically designate other duties to the president.~~

**Source:** SL 1975, ch 16, § 1; 7 SDR 56, effective December 16, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 36-25-14.

**Law Implemented:** SDCL 36-25-8.

**20:53:02:03. Duties of vice-president.** The vice-president shall act for the president in the event of his death or inability or refusal to act. When acting for the president, the vice-president shall have all powers of the president. ~~The vice president may be assigned additional duties by the president or the commission.~~

**Source:** SL 1975, ch 16, § 1; 7 SDR 56, effective December 16, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 36-25-14.

**Law Implemented:** SDCL 36-25-8.

**20:53:02:04. Duties of secretary-treasurer.** ~~The secretary treasurer shall have the following duties: keep the minutes of the commission meetings; assist the president in the performance of his duties including giving all notices that are duly required by law; be custodian of the records and seal of the commission and affix the seal to all documents executed in behalf of the commission; sign all documents and execute all instruments as directed by the commission; have care and custody and be responsible for all funds and securities deposited with the commission and deposit such funds with the state treasurer who shall credit the moneys to the South Dakota plumbing commission account; and keep records of all applications and licenses issued in the register~~ Repealed.

**Source:** SL 1975, ch 16, § 1; 5 SDR 87, effective April 12, 1979; 7 SDR 56, effective December 16, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

~~— **General Authority:** SDCL 36-25-14.~~

~~— **Law Implemented:** SDCL 36-25-8.~~

~~—— **Cross References:** Minutes required to be filed with auditor general, SDCL 1-25-3; Moneys may not be deposited in local banks without permission of state auditor and state treasurer SDCL 4-4-3.~~

**20:53:02:05. Office of the commission.** ~~The principal office of the commission is in the city of Pierre, Hughes County, South Dakota~~ Repealed.

**Source:** SL 1975, ch 16, § 1; 7 SDR 56, effective December 16, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

~~—— **General Authority:** SDCL 36-25-14.~~

~~—— **Law Implemented:** SDCL 36-25-14.~~

**20:53:02:08. Testing.** All tests shall be prepared and scheduled by ~~the secretary treasurer~~ commission staff.

**Source:** SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 36-25-14.

**Law Implemented:** SDCL 36-25-18, 36-25-19.

**20:53:02:09. Notice of exam.** Each applicant shall be given 10 days' notice by electronic email or first class mail of the time and place of examination. The notice shall only be given the first time an examination is taken. If an applicant fails to appear at ~~his~~ the first examination or desires to retake the examination after failing it, ~~he~~ the applicant shall obtain the testing date and place from the ~~secretary-treasurer~~ executive director of the commission. An applicant may waive the 10-day notice of the examination.

**Source:** SL 1975, ch 16, § 1; 7 SDR 56, effective December 16, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 36-25-14.

**Law Implemented:** SDCL 36-25-18, 36-25-19

**20:53:02:10. Grading exams.** The executive director or staff of the commission shall grade all examinations, ~~but may delegate responsibilities in grading to the secretary-treasurer.~~

**Source:** SL 1975, ch 16, § 1; 7 SDR 56, effective December 16, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 36-25-14.

**Law Implemented:** SDCL 36-25-18, 36-25-19.



**20:53:02:13. Petition for declaratory ruling.** Any person wishing the commission to issue a ruling as to the applicability to that person of any statutory provision or rule or order of the commission may file with the commission a petition in substantially the following form:

**STATE OF SOUTH DAKOTA**

**State Plumbing Commission**

**Pierre, South Dakota 57501**

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 Plumbing Commission for its declaratory ruling in regard to the following:

— 1. The state statute or State Plumbing 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 \_\_\_\_\_ 20\_\_.

**(Signature of petitioner)** Repealed.

**Source:** SL 1975, ch 16, § 1; 7 SDR 56, effective December 16, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 46 SDR 29, effective September 5, 2019

~~— **General Authority:** SDCL 1-26-15.~~

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

~~**20:53:02:14. Commission action on petition.** Upon receipt of a petition, the commission's executive director may request from the petitioner further information that may be required by the commission for the issuance of a ruling. If the petitioner refuses to provide further information the petition shall be added to the agenda of the commission's next meeting. If the commission finds the petition contains sufficient information and is within its jurisdiction, the commission shall issue a declaratory ruling and serve a copy of the ruling by certified mail upon the petitioner Repealed.~~

**Source:** SL 1975, ch 16, § 1; 7 SDR 56, effective December 16, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 46 SDR 29, effective September 5, 2019.

~~— **General Authority:** SDCL 1-26-15.~~

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

~~**20:53:02:20. License expiration.** All licenses issued under these rules expire December 31 of each year. They may be renewed upon application not later than January 31. After January 31, the commission may show a reasonable excuse for failure to apply for the license renewal. After January 31 of the following year, the applicant may renew a license only by testing Repealed.~~

**Source:** SL 1975, ch 16, § 1; 7 SDR 56, effective December 16, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 16 SDR 88, effective November 12, 1989.

~~General Authority: SDCL 36-25-14.~~

~~Law Implemented: SDCL 36-25-22.~~

## **CHAPTER 20:53:12**

### **ON-SITE WASTEWATER AND SEPTIC TANK LICENSES.**

#### **Section**

20:53:12:01 License and examination fees.

20:53:12:02 Examination requirement.

20:53:12:03 Compliance with chapter 74:53:01.

20:53:12:04 Record keeping.

**20:53:12:01. License and examination fees.** The license and examination fees are as follows:

(1) Installer initial license and examination: \$50; and

(2) Installer annual license renewal: \$25;

**Source:**

**General Authority: SDCL 36-25-19.**

**Law Implemented: SDCL 36-25-17.3, 36-25-19.**

**20:53:12:02. Examination requirement.** An examination for an applicant desiring to become licensed as an installer under this chapter must pass an open book, mail-in examination with questions covering the administrative rules set forth in chapter 74:53:01.

An applicant must obtain a score of 80 percent to become licensed.

**Source:**

**General Authority:** SDCL 36-25-19.

**Law Implemented:** SDCL 36-25-17.3, 36-25-19.

**Cross-reference:** Individual and small on-site wastewater systems, chapter 74:53:01.

**20:53:12:03. Compliance with chapter 74:53:01.** An installer licensed pursuant to this chapter shall comply with administrative rules set forth in chapter 74:53:01.

**Source:**

**General Authority:** SDCL 36-25-19.

**Law Implemented:** SDCL 36-25-17.3, 36-25-19.

**Cross-reference:** Individual and small on-site wastewater systems, chapter 74:53:01.

**20:53:12:04. Record keeping.** A person licensed as a septic tank installer shall keep a log of installations for three years. The log shall contain the following information:

(1) Name of customer;

(2) Address where system is installed;

(3) Description of system installed.

(4) Take photos before burying.

The log must be provided to commission staff upon request.

**Source:**

**General Authority:** SDCL 36-25-19.

**Law Implemented:** SDCL 36-25-15.1, 36-25-17.3, 36-25-19.