

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**" means the code published by the National Fire Protection Association (2020 2023 edition, including tentative interim amendments 23-1 through 23-15) 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); Properly labeled RV receptacles other than 125-volt, single-phase, 15- and 20-ampere receptacles are exempt from GFCI requirements in 210.8(A).
- (d) Eliminate GFCI and AFCI requirement for life support equipment and like or 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;
 - (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 ceilings 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(e);~~

(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; 46 SDR 146, effective June 30, 2020.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

References: The **National Electrical Code**, 2020 ~~2023~~ Edition. National Fire Protection Association, Inc., One Batterymarch Park, Quincy, MA 02169-7471. Cost: ~~\$108~~\$145.50. (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~~2021~~ 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~~192. Available for no cost at <https://codes.iccsafe.org/content/IBC2018P4>

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 \$80. All electrical violations found by an inspection must be corrected before the commission renews the entity's maintenance electrician license.

The commission may waive inspection if the commission receives written confirmation that no maintenance work has occurred in the preceding two years or receives an inspection report of maintenance electrical work from a qualified third party that has inspection authority over the maintenance licensee that is recognized by the commission, as defined in 20:44:16:28.

~~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** as defined in subdivision 20:44:14:01(12). 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; 48 SDR 23, effective September 15, 2021.

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

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

Cross-References:

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

Local inspection systems, ch 20:44:21.

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~~ of no less than \$100, 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.

20:44:20:02. 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 and include rough-in inspections as noted:

- (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 and do not include a rough-in inspection:

- (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. A minimum fee of \$100 shall be imposed if the total fee calculated under this section is less than \$100.

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.

20:44:20:03. 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 minimum fee of \$100 shall be imposed if the total fee calculated under this section is less than \$100. 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.

A minimum fee of \$100 shall be imposed if the total fee calculated under this section is less than \$100. 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. A minimum fee of \$100 shall be imposed if the total fee calculated under this section is less than \$100.

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 each outdoor sign feeders feeder or branch circuits circuit, 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 each;

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

A minimum fee of \$100 shall be imposed if the total fee calculated under this section is less than \$100.

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.

A minimum fee of \$100 shall be imposed if the total fee calculated under this section is less than \$100.

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.

A minimum fee of \$100 shall be imposed if the total fee calculated under this section is less than \$100.

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. A minimum fee of \$100 shall be imposed if the total fee calculated under this section is less than \$100. 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. The full fee of \$100 is charged for up to one hour. After the first hour, the fee for each additional fifteen minutes is \$25. Inspector time shall be rounded to the nearest fifteen-minute increment.

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.

20:44:22:07. Residential heating plant disconnect. Heating plant installations that include auxiliary motor-operated equipment rated 25 amps or less require a ~~disconnect on the unit.~~ separate disconnecting means from the branch-circuit overcurrent protective device. The disconnect must be located at the unit and readily accessible from the service compartment.

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; 48 SDR 23, effective September 15, 2021.

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

Law Implemented: SDCL 36-16-27.

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

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.

20:44:23:05 Third-party inspection.

20:44:23:05. Third-party inspection. The commission office may approve an individual or multiple individuals at a business entity as third-party inspectors to conduct inspections of modular homes and modular structures under subdivision 20:44:23:03(4). Third-party inspectors must have similar qualifications to state-licensed electrical inspectors and shall conduct electrical inspections in accordance with the **National Electrical Code.**

An individual or multiple individuals at a business entity seeking approval by the commission to conduct third-party inspections must submit an application in the format designated by the commission office. At a minimum, an initial or renewal application must include the following:

- (1) List of modular home and modular structure manufacturers in South Dakota with which the third party has ever contracted;
- (2) List of jurisdictions in which the third party presently performs any inspections, including any supporting documentation;
- (3) List of all individuals who will be conducting the inspections and their qualifications;
- (4) Certificate of liability insurance of at least \$1,000,000;
- (5) Copy of accreditation with a nationally recognized testing laboratory as defined by 29 C.F.R. § 1910.7; and
- (6) Surety bond of \$100,000.

An approval for a third party to conduct inspections is valid for two years and only for the individuals identified in most recent application. A renewal application shall be submitted every biennium on the form designated by the commission office.

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.

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.

A minimum fee of \$100 shall be imposed if the total fee calculated under this section is less than \$100.

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.