

State of South Dakota

EIGHTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2007

400N0301

SENATE BILL NO. 36

Introduced by: The Committee on Commerce at the request of the Board of Technical Professions

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding exemptions from the
2 regulation of technical professions.

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

4 Section 1. That § 36-18A-9 be amended to read as follows:

5 36-18A-9. This chapter does not apply to:

- 6 (1) Any person engaged in military engineering while rendering service exclusively for
7 any of the armed forces of the United States or this state;
- 8 (2) Any person engaged in the practice of professional engineer or architecture in the
9 employ of the United States government but only while exclusively engaged as a
10 United States government employee on such government project or projects which
11 lie within federally-owned land;
- 12 (3) Any person engaged in the practice of professional engineering, architecture, or land
13 surveying in the employ of the state and any of its political subdivisions but only
14 while rendering service exclusively to such employer. Any building resulting from
15 the practice of professional engineering, architecture, or land surveying under this



subdivision is subject to the size limitation imposed under the exemptions in subdivision (8) of this section;

(4) Any employee who prepares technical submissions or administers construction contracts for a person or organization lawfully engaged in the practice of engineering, architecture, or land surveying, if the employee is under the direct supervision of a registered professional engineer, architect, or land surveyor;

(5) Any full-time employee of a corporation, partnership, firm, business entity, or public utility while exclusively doing work for the corporation, partnership, firm, business entity, or public utility, if the work performed is in connection with the property, products, and services utilized by the employer and not for any corporation, partnership, firm, or business entity practicing or offering to practice architectural, engineering, or land surveying services to the public. The provisions of this subdivision do not apply to any building or structure if the primary use is occupancy by the public;

(6) Any person engaged in the preparation of plans and specifications for the ~~erection,~~ new construction, the enlargement, or the alteration of any of the following buildings:

(a) Any dwelling for ~~a single family~~ one to four families, and any outbuilding in connection therewith, such as a barn or private garage;

(b) ~~Any two, three, or four family dwelling;~~

~~(c)~~ Any five to sixteen family dwelling, inclusive, located in a governmental subdivision of this state which provides a detailed building code review of building projects by a building inspection department which is a Class A member of the International ~~Conference of Building Officials~~ Code Council or the plans are provided with a detailed review by an International Code

Council certified building plans examiner;

~~(b)(c)~~ Any farm or ranch building or accessory thereto except any building regularly used for public purposes;

~~(e)(d)~~ Any temporary building or shed used exclusively for construction purposes, not exceeding two stories in height, and not used for living quarters;

(7) Any person who prepares detailed or shop plans required to be furnished by a contractor to a registered professional engineer or architect, and any construction superintendent supervising the execution of work designed by an architect or professional engineer registered in accordance with this chapter;

(8) Any person engaged in the preparation of plans and specifications for the new construction, the enlargement or the alteration of any of the following buildings:

(a) Any building occupied as a hospital, hotel, motel, restaurant, library, medical office, nursing facility, assisted living facility, jail, retirement home, or mortuary, if the ~~gross square footage~~ total building or floor area of the entire building, which includes new construction, ~~the enlargement, or the alteration~~ all enlargements, and all alterations is four thousand square feet or less;

(b) Any building occupied as an auditorium, church, school, or theater if the ~~gross square footage~~ total building or floor area of the entire building which includes new construction, ~~the enlargement, or the alteration~~ all enlargements, and all alterations is five thousand square feet or less;

(c) Any building occupied as a bowling alley, office, shopping center, bank, fire station, service station, or store if the ~~gross square footage~~ total building or floor area of the entire building, which includes new construction, ~~the enlargement, or the alteration~~ all enlargements, and all alterations is seven

1 thousand square feet or less;

2 (d) Any building occupied as an industrial plant or public garage if the ~~gross~~
3 ~~square footage~~ total building or floor area of the entire building, which
4 includes new construction, ~~the enlargement, or the alteration~~ all enlargements,
5 and all alterations is eleven thousand square feet or less;

6 (e) Any building occupied as a warehouse if the ~~gross square footage~~ total
7 building or floor area of the entire building, which includes new construction,
8 ~~the enlargement, or the alteration~~ all enlargements, and all alterations is twenty
9 thousand square feet or less;

10 (f) Any building with an occupancy other than those listed in subsections (a) to
11 (e), inclusive, of this subdivision if the ~~gross square footage~~ total building or
12 floor area of the entire building, which includes new construction, ~~the~~
13 ~~enlargement, or the alteration~~ all enlargements, and all alterations is four
14 thousand square feet of less;

15 ~~———— (g) Any preengineered or predesigned building, or any preengineered or~~
16 ~~predesigned building with a predesigned system, designed for the intended use~~
17 ~~of that building, including building structure, electrical, plumbing, and~~
18 ~~mechanical systems, if the buildings and systems are supplied directly, or~~
19 ~~indirectly, by a company engaged in the business of designing and supply such~~
20 ~~buildings and systems and if the company has in its employ one or more~~
21 ~~engineers or architects licensed in South Dakota, who prepare all designs for~~
22 ~~such buildings and systems.~~

23 No exempt person ~~exempted~~ may use the title of professional engineer, architect, or land
24 surveyor, or any other word, words, letters, or signs in connection with the person's name that

- 1 may falsely convey the impression that the person is a licensed professional engineer, architect,
- 2 or land surveyor.