AN ACT

ENTITLED, An Act to revise certain provisions related to the Board of Technical Professions.

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

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

36-18A-4. For the purposes of this chapter, the term, practice of land surveying, means the practice or offering to practice professional services such as consultation, investigation, testimony evaluation, land-use studies, planning, mapping, assembling, interpreting reliable scientific measurements and information relative to the location, size, shape, or physical features of the earth, improvements on the earth, the space above the earth, or any part of the earth, and utilization and development of these facts and interpretation into an orderly survey map, plan, report, description, or project.

The practice of land surveying includes any of the following:

(1) Locates, relocates, establishes, reestablishes, lays out, or retraces any property line or boundary of any tract of land or any road, right-of-way, easement, alignment, or elevation of any of the fixed works embraced within the practice of land surveying;

(2) Makes any survey for the subdivision of any tract of land;

(3) Determines, by the use of principles of land surveying, the position for any survey monument or reference point; or sets, resets, or replaces any such monument or reference point;

(4) Determines the configuration or contour of the earth's surface or the position of fixed objects on the earth's surface by measuring lines and angles and applying the principles of mathematics;

(5) Geodetic surveying which includes surveying for determination of the size and shape of the earth utilizing angular and linear measurements through spatially oriented spherical

geometry; or

(6) Creates, prepares, or modifies electronic or computerized data, including land formation systems and geographic information systems, relative to the performance of the activities in subdivisions (1) to (5), inclusive, of this section.

Section 2. That § 36-18A-5 be amended to read:

36-18A-5. For the purposes of this chapter, the term, practice of landscape architecture, means the practice or offering to practice landscape architecture projects, including preparing preliminary studies, providing land-use studies, developing design concepts, planning for the relationships of physical improvements and intended uses of the site, establishing form and aesthetic elements, analyzing and providing for life safety requirements, developing those construction details on the site which are exclusive of any building or structure and do not require the seal of an engineer or architect, preparing and coordinating technical submissions, and conducting site observation of landscape architecture projects.

Landscape architecture, for the purposes of landscape preservation, development, and enhancement, includes: investigation, selection, and allocation of land and water resources for appropriate use; feasibility studies; formulation of graphic and written criteria to govern the planning and design of land construction programs; preparation, review, and analysis of master plans for land use and development; production of overall site plans, landscape grading and landscape drainage plans, irrigation plans, planting plans, and construction details; specifications; cost estimates and reports for land development; collaboration in design of roads, bridges, and structures with respect to the functional and aesthetic requirements of the areas on which they are to be placed; negotiation and arrangement for execution of land area projects; field observation and inspection of land area construction, restoration, and maintenance.

Section 3. That § 36-18A-9 be amended to read:

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

(1) Any person engaged in military engineering while rendering service exclusively for any of the armed forces of the United States or this state;

(2) Any person engaged in the practice of engineering, architecture, landscape architecture, or land surveying in the employ of the United States government but only while exclusively engaged as a United States government employee on such government project or projects which lie within federally-owned land;

(3) Any person engaged in the practice of engineering, architecture, landscape architecture, or land surveying in the employ of the state and any of its political subdivisions but only while rendering service exclusively to such employer. Any building project resulting from the practice of engineering, architecture, landscape 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, landscape architecture, or land surveying, if the employee is under the direct supervision of a registered professional engineer, architect, landscape 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, landscape architecture, 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, enlargement, or alteration of any of the following buildings:

(a) Any dwelling for a single family, 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 governmental member of the International Code Council (ICC) or an ICC certified plans examiner;

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

(e) 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 of the new construction, the enlargement, or the alteration is four thousand square feet or less;

(b) Any building occupied as an auditorium, church, school, or theater if the gross

square footage of the new construction, the enlargement, or the alteration 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 of the new construction, the enlargement, or the alteration is seven thousand square feet or less;

(d) Any building occupied as an industrial plant or public garage if the gross square footage of the new construction, the enlargement, or the alteration is eleven thousand square feet or less;

(e) Any building occupied as a warehouse if the gross square footage of the new construction, the enlargement, or the alteration is twenty thousand square feet or less;

(f) Any building with an occupancy other than those listed in subsections (a) to (e), inclusive, of this subdivision if the gross square footage of the new construction, the enlargement, or the alteration is four thousand square feet of less; or

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

No person exempted may use the title of professional engineer, architect, landscape architect, or land surveyor, or any other word, words, letters, or signs in connection with the person's name that may falsely convey the impression that the person is a licensed professional engineer, architect,

landscape architect, or land surveyor.

Section 4. That § 36-18A-37 be amended to read:

36-18A-37. The license shall be displayed in a conspicuous place in the licensee's principal office, place of business, or place of employment within the state. A duplicate license to replace a lost, destroyed, or mutilated license shall be issued upon payment of a fee established by the board pursuant to chapter 1-26.

Section 5. That § 36-18A-46 be amended to read:

36-18A-46. No person other than an architect may provide construction administration services on an architecture portion of a project that is not exempt pursuant to § 36-18A-2. No person other than a professional engineer may provide construction administration services on an engineering portion of a project that is not exempt pursuant to § 36-18A-3. The architect or professional engineer of record, or another designated architect or professional engineer without conflict of interest, shall provide a written report of observed deficiencies or variations from the submitted plans and specifications to the building official, owner, and builder before project completion. The board may promulgate rules pursuant to chapter 1-26 to establish construction administration services criteria including coordinating and prime professional criteria for persons licensed by the board.

Section 6. That § 36-18A-46.1 be amended to read:

36-18A-46.1. If a licensee in responsible charge of the work is unavailable to complete the work, a successor licensee may take responsible charge by performing all professional services to include developing a complete design file with work or design criteria, calculations, code research, and any necessary and appropriate changes to the work. The nonprofessional services, such as drafting, need not be redone by the successor licensee but shall clearly and accurately reflect the successor licensee's work. The burden is on the successor licensee to show compliance. The successor licensee shall sign, date, and seal all original documents. The successor licensee shall have control of and

responsibility for the work product and the signed and sealed originals of all documents.

An Act to revise certain provisions related to the Board of Technical Professions.

I certify that the attached Act originated in the

SENATE as Bill No. 41

_____
Secretary of the Senate

_____
President of the Senate

Attest:

_____
Secretary of the Senate

_____
Speaker of the House

Attest:

_____
Chief Clerk

Senate Bill No. 41
File No. ____
Chapter No. _____

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State