

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

400A0801

## HOUSE BILL NO. 1277

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to revise the requirements for registered engineers,  
2 architects, and land surveyors approving certain building projects.

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

4 Section 1. That chapter 36-18 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Any pre-engineered or predesigned building, or any pre-engineered or predesigned building  
7 with any predesigned systems, including building structure, electrical, plumbing, and mechanical  
8 systems, is excluded from the provisions of this chapter if the buildings and systems are supplied,  
9 directly or indirectly, by a company engaged in the business of designing and supplying such  
10 buildings and systems and if the company has in its employ one or more engineers or architects  
11 licensed in any state of the United States who prepare all designs for such buildings and systems.

12 Section 2. That § 36-18-37.2 be amended to read as follows:

13 36-18-37.2. No public officer or employee, as defined in subdivisions 22-1-2(37) and (39),  
14 charged with the authority or responsibility of approving or accepting plans, specifications, and  
15 plats ~~shall~~ may accept or approve such plans, specifications, and plats which have been prepared  
16 in violation of this chapter. The approval by a person licensed pursuant to this chapter, is not

1 required of building construction or alterations as described in section 1 of this Act or  
2 subdivision 36-18-7(8).

3 Section 3. That § 36-18-7 be amended to read as follows:

4 36-18-7. This chapter does not apply to:

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

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

11 (3) Any person engaged in the practice of professional engineering, architecture, or land  
12 surveying in the employ of the state and any of its political subdivisions but only while  
13 rendering service exclusively to such employer. Any building resulting from the  
14 practice of professional engineering, architecture, or land surveying under this  
15 subdivision shall be subject to the size limitation imposed under the exemptions in  
16 subdivision (8) of this section;

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

21 (5) Any full-time employee of a corporation, partnership, firm, business entity, or public  
22 utility while exclusively doing work for ~~said~~ the corporation, partnership, firm,  
23 business entity, or public utility, if the work performed is in connection with the  
24 property, products, and services utilized by ~~his~~ the employer and not for any  
25 corporation, partnership, firm, or business entity practicing or offering to practice

1 architectural, engineering, or land surveying services to the public. The provisions of  
2 this subdivision do not apply to any building or structure ~~where~~ if the primary use is  
3 occupancy by the public;

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

6 (a) Any dwelling for a single family, and any outbuilding in connection therewith,  
7 such as a barn or private garage;

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

9 (c) Any five to sixteen family dwelling, inclusive, located in a governmental  
10 subdivision of this state which provides a detailed building code review of  
11 building projects by a building inspection department which is a Class A  
12 member of the international conference of building officials;

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

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

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

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

23 (a) Any portion of a hospital occupied by patients on a twenty-four hour basis or  
24 any building occupied as a jail if the gross square footage of the new  
25 construction, the enlargement or the alteration is ~~three~~ nine thousand square

- 1 feet or less;
- 2 (b) Any building occupied as a hospital, hotel, motel, restaurant, library, medical  
3 office, nursing facility, retirement home or mortuary, or any hospital area not  
4 provided for in subsection (a), if the gross square footage of the new  
5 construction, the enlargement or the alteration is ~~four~~ twelve thousand square  
6 feet or less;
- 7 (c) Any building occupied as an auditorium, bank, church, fire station, school,  
8 single-story office, theater, or public building if the gross square footage of the  
9 new construction, the enlargement or the alteration is ~~five~~ fifteen thousand  
10 square feet or less;
- 11 (d) Any building occupied as a service station if the gross square footage of the  
12 new construction, the enlargement or the alteration is ~~six~~ eighteen thousand  
13 square feet or less;
- 14 (e) Any building occupied as a bowling alley, multi-story office, shopping center,  
15 or store if the gross square footage of the new construction, the enlargement  
16 or the alteration is ~~seven~~ twenty-one thousand square feet or less;
- 17 (f) Any building occupied as an industrial plant or public garage if the gross square  
18 footage of the new construction, the enlargement or the alteration is ~~eleven~~  
19 thirty-three thousand square feet or less;
- 20 (g) Any building occupied as a warehouse if the gross square footage of the new  
21 construction, the enlargement or the alteration is ~~twenty~~ sixty thousand square  
22 feet or less;
- 23 (h) Any building with an occupancy other than those listed in subsections (a) to  
24 (g), inclusive, of this subdivision if the gross square footage of the new  
25 construction, the enlargement or the alteration is ~~one~~ three thousand square

1                   feet or less.

2           No person exempted may use the title of professional engineer, architect, or land surveyor,  
3 or any other word, words, letters, or signs in connection with ~~his~~ the person's name that may  
4 falsely convey the impression that ~~he~~ the person is a licensed professional engineer, architect, or  
5 land surveyor.