

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

400J0257

## SENATE BILL NO. 46

Introduced by: The Committee on Commerce at the request of the Department of Labor

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to technical professions.

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

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

4 36-18A-1. Terms used in this chapter mean:

5 (1) "Alteration," for the purpose of determining exemptions, any remodeling, renovation,  
6 or reconstruction to a building which changes the use, occupancy classification, or  
7 occupant load, or the exiting, structural, mechanical, or electrical systems of a  
8 building as defined by the building code;

9 (2) "Architect," any person licensed in good standing and legally authorized to practice  
10 architecture in this state;

11 (3) "Architectural intern," any person who has successfully completed an accredited  
12 education program in architecture acceptable to the board and is enrolled in the intern  
13 development program administered by the National Council of Architectural  
14 Registration Boards;

15 (4) "Board," the Board of Technical Professions;

16 (5) "Building," any structure used or intended to support or shelter any occupancy;



- 1 (6) "Building or floor area," the sum of the areas of all of the floors of a building,  
2 including basements, mezzanine, and intermediate tiers, and penthouses of headroom  
3 height, measured from the exterior faces of exterior walls or from the center line of  
4 the wall separating buildings. The building area does not include such features as  
5 pipe trenches, exterior terraces or steps, chimneys, vent shafts, courts, and roof  
6 overhangs. The floor area of enlargements shall be added to the existing building  
7 area. A fire or area separation wall is not an exterior wall for the purposes of this  
8 definition;
- 9 (7) "Building official," the officer or other designated authority charged with the  
10 administration and enforcement of the adopted code;
- 11 (8) "Business entity," any corporation, partnership, limited liability corporation, limited  
12 liability partnership, or sole proprietorship that practices or offers to practice  
13 engineering, architecture, land surveying, landscape architecture, petroleum release  
14 assessment, or petroleum release remediation services to the public through its  
15 licensed personnel who are either employees, officers, directors, partners, members,  
16 managers, or owners and that have been issued a ~~certificate of authorization~~ business  
17 license by the board;
- 18 (9) "Construction administration," the interpretation of drawings and specifications, the  
19 establishment of standards of acceptable workmanship, and the site observation of  
20 construction, by a licensed professional, for the purpose of determining whether the  
21 work is in general accordance with the construction contract documents. Shop  
22 drawing review, coordination of a construction project among the owner, architect,  
23 engineer, contractor, and subcontractors, and inspection of construction by  
24 contractors, subcontractors, owner's agents, building officials, or other unlicensed

- 1 professionals does not constitute construction administration;
- 2 (10) "Corrective action," an action taken to minimize, contain, eliminate, remediate,  
3 mitigate, or clean up a petroleum release, excluding removal of a petroleum tank of  
4 less than one thousand one hundred gallons;
- 5 (11) "Design-build," a delivery approach in which a project team of design professionals  
6 and builders perform design and construction services under contract with a client;
- 7 (12) "Engineer," a person who is qualified to practice engineering by reason of special  
8 knowledge and use of the mathematical, physical, and engineering sciences and the  
9 principles and methods of engineering analysis and design, acquired by engineering  
10 education and engineering experience;
- 11 (13) "Engineering intern" or "engineer-in-training" or "EIT" or "EI," a person enrolled by  
12 the board as an engineering intern and who has successfully passed the fundamentals  
13 of engineering examination;
- 14 (14) "Enlargement," for the purpose of determining exemptions, is any addition to a  
15 building which changes the use, occupancy classification, or occupant load, or the  
16 exiting, structural, mechanical, or electrical systems of a building as defined by the  
17 building code adopted by the board;
- 18 (15) "Land surveyor," a person ~~licensed in good standing and legally authorized to~~  
19 ~~practice land surveying in this state~~ who has been duly licensed as a land surveyor by  
20 the board, who is a professional specialist in the techniques of measurements,  
21 educated in the principles of mathematics, in the related physical and applied  
22 sciences, and in the relevant requirements of law for adequate evidence all requisite  
23 to surveying of real property, and who is engaged in the practice of land surveying;
- 24 (16) "Land surveying intern" or "land surveyor-in-training" or "LSIT" or "LSI," a person

- 1 enrolled by the board as a land surveying intern who has successfully passed the  
2 fundamentals of land surveying examination;
- 3 (17) "Landscape architect," a person licensed in good standing and legally authorized to  
4 practice landscape architecture in this state;
- 5 (18) "Landscape architectural intern," a person who has successfully completed an  
6 accredited education program in landscape architecture adopted by the board;
- 7 (19) "License," a certificate indicating authority to practice and use titles within a  
8 profession;
- 9 (20) "Licensee," a person or business entity whose license is in good standing;
- 10 (21) "Petroleum," gasoline, alcohol-blended fuels, diesel fuels, aviation gasoline, jet fuel,  
11 fuel oil, kerosene, burner oil, naphtha, lubricating oils, motor oil, automatic  
12 transmission fluid, waste oil, or alcohols that have been denatured with gasoline and  
13 stored to be used as blended fuel-grade ethanol;
- 14 (22) "Petroleum release assessor," a person licensed in good standing and legally  
15 authorized to practice petroleum release assessment in this state;
- 16 (23) "Petroleum release remediator," a person licensed in good standing and legally  
17 authorized to practice petroleum release remediation in this state;
- 18 (24) "Professional engineer," a person licensed in good standing and legally authorized  
19 to practice engineering in this state;
- 20 (25) "Release," the spilling, leaking, emitting, discharging, escaping, leaching, or  
21 disposing of a reportable quantity of petroleum;
- 22 (26) "Remedial investigation," an action to identify the corrective action to be taken to  
23 protect the public health, safety, and environment and to contain a release of  
24 petroleum into the environment;

1 (27) "Responsible charge," the immediate and responsible direction by a licensed  
2 professional who has exercised personal direction, guidance, and control over the  
3 design, preparation of documents, construction administration, and other professional  
4 services and has exercised professional judgment in all matters relating to those  
5 services;

6 (28) "Retired licensee," a person who is retired ~~and~~, is no longer licensed to practice that  
7 person's profession, and applies to the board and is approved by the board, may use  
8 the appropriate honorific title or combination of titles of Architect, Retired;  
9 Professional Engineer, Retired; Land Surveyor, Retired; or Landscape Architect,  
10 Retired;

11 (29) "Site assessment," an action to identify the existence, source, nature, and extent of  
12 a release and the extent of any danger to public health, safety, and welfare of the  
13 public or environment;

14 (30) "Site observation," the visual observation of a construction project for general  
15 compliance with submitted plans and specifications at significant stages and at  
16 project completion.

17 Section 2. That § 36-18A-9 be amended to read as follows:

18 36-18A-9. ~~This~~ The provisions of this chapter does not apply to:

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

21 (2) Any person engaged in the practice of professional engineer or architecture in the  
22 employ of the United States government but only while exclusively engaged as a  
23 United States government employee on such government project or projects which  
24 lie within federally-owned land or tribal lands;

- 1       (3) Any person engaged in the practice of professional engineering, architecture, or land  
2       surveying in the employ of the state and any of its political subdivisions but only  
3       while rendering service exclusively to such employer. Any building resulting from  
4       the practice of professional engineering, architecture, or land surveying under this  
5       subdivision is subject to the size limitation imposed under the exemptions in  
6       subdivision (8) of this section;
- 7       (4) Any employee who prepares technical submissions or administers construction  
8       contracts for a person or organization lawfully engaged in the practice of engineering,  
9       architecture, or land surveying, if the employee is under the direct supervision of a  
10      registered professional engineer, architect, or land surveyor;
- 11      (5) Any full-time employee of a corporation, partnership, firm, business entity, or public  
12      utility while exclusively doing work for the corporation, partnership, firm, business  
13      entity, or public utility, if the work performed is in connection with the property,  
14      products, and services utilized by the employer and not for any corporation,  
15      partnership, firm, or business entity practicing or offering to practice architectural,  
16      engineering, or land surveying services to the public. The provisions of this  
17      subdivision do not apply to any building or structure if the primary use is occupancy  
18      by the public;
- 19      (6) Any person engaged in the preparation of plans and specifications for the erection,  
20      enlargement, or alteration of any of the following buildings:
- 21           (a) Any dwelling for a single family, and any outbuilding in connection therewith,  
22                such as a barn or private garage;
- 23           (b) Any two, three, or four family dwelling;
- 24           (c) Any five to sixteen family dwelling, inclusive, located in a governmental

1 subdivision of this state which provides a detailed building code review of  
2 building projects by a building inspection department which is a Class A  
3 member of the International ~~Conference of Building Officials~~ Code Council  
4 or such plans are provided with a detailed review by an International Code  
5 Council certified building plans examiner;

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

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

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

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

16 (a) Any building occupied as a hospital, hotel, motel, restaurant, library, medical  
17 office, nursing facility, assisted living facility, jail, retirement home, or  
18 mortuary, if the gross ~~square footage~~ area of the new construction, the  
19 enlargement, or the alteration is four thousand square feet or less;

20 (b) Any building occupied as an auditorium, church, school, or theater if the gross  
21 ~~square footage~~ area of the new construction, the enlargement, or the alteration  
22 is five thousand square feet or less;

23 (c) Any building occupied as a bowling alley, office, shopping center, bank, fire  
24 station, service station, or store if the gross ~~square footage~~ area of the new

1 construction, the enlargement, or the alteration is seven thousand square feet  
2 of less;

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

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

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

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

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

1 Section 3. That § 36-18A-12 be amended to read as follows:

2 36-18A-12. ~~This~~ The provisions of this chapter does not apply to providers of services such  
3 as drilling or monitoring well installation, analytical testing, monitoring, electrical, plumbing,  
4 excavation, or construction if the service provided is part of a site assessment, remedial  
5 investigation, or corrective action to remediate water or soil contaminated from a petroleum  
6 release performed or executed by an authorized petroleum release business entity with a  
7 ~~certificate of authorization~~ business license.

8 Section 4. That § 36-18A-15 be amended to read as follows:

9 36-18A-15. Each member of the board shall be a citizen of the United States ~~and~~, a resident  
10 of this state, and in good standing with the board. Any member of the board whose individual  
11 license is revoked or suspended automatically ceases to be a member of the board. The public  
12 member may not be or have been engaged in any activity subject to licensure under this chapter.  
13 The members may not all be of the same political party.

14 Section 5. That § 36-18A-18 be amended to read as follows:

15 36-18A-18. The board shall annually elect from its members a chair, a vice chair, and a  
16 secretary. The board shall hold at least six regular meetings in each year. Special meetings  
17 ~~maybe~~ may be called and notice of all meetings shall be given in such manner as the public  
18 meetings laws may provide. At all meetings, a majority of the board constitutes a quorum. The  
19 board and its employees may be included in the state blanket bond purchased pursuant to  
20 § 3-5-5.1.

21 Section 6. That § 36-18A-22 be amended to read as follows:

22 36-18A-22. The board shall, pursuant to chapter 1-26, promulgate rules which may be  
23 reasonably necessary for the performance of its duties, the regulation of proceedings before it,  
24 and the licensure of the professions it regulates. The existing rules promulgated under the

1 previous chapter 36-18 remain in effect until replaced. The board shall promulgate rules,  
2 pursuant to chapter 1-26, for the licensure of professional engineers, architects, land surveyors,  
3 landscape architects, and petroleum release assessors and remediators in the following areas:

4 (1) Forms such as applications, renewals, licenses or certificates, and receipts, ~~and~~  
5 ~~walletcards~~ for applicants, licensed professionals, and business entities;

6 (2) Fees for applications, examinations, renewals, late penalties, lists and labels of  
7 licensees, returned checks, reinstatement, inactive status, ability to allow a vendor to  
8 collect fees for examinations, waiver of fees;

9 (3) Criteria for types of education degrees, approval of accredited programs, intern  
10 programs, type of experience, length of experience, national and state specific  
11 examinations, use of computer examinations, criteria from other countries, procedure  
12 to evaluate foreign degrees, eligibility of applicants, dual licenses;

13 (4) Continuing professional education and development content, hours, carryovers, and  
14 requirements;

15 (5) How, when, and where to seal plans and documents; type of seal; required services  
16 to be provided; and criteria to define complete plans, minimum standards of practice,  
17 and guidelines;

18 (6) Description of and criteria for construction administration, including a designation  
19 of who is to perform construction administration and criteria for a prime professional  
20 or a coordinating professional;

21 (7) Requirements for compliance with local building code;

22 (8) The adoption of a code of professional conduct;

23 (9) Procedures for disciplinary proceedings; and

24 (10) Procedures for contested cases pursuant to chapter 1-26.

1 Section 7. That § 36-18A-45 be amended to read as follows:

2 36-18A-45. The application of the licensee's seal and signature and the date constitutes  
3 certification that the work on which it was applied was done by the licensee or under the  
4 licensee's responsible charge. The seal, signature, and date shall be placed in such a manner that  
5 can be legibly reproduced on the following:

- 6 (1) All originals, copies, tracings, or other reproducibles of all final drawings,  
7 specifications, reports, plats, plans, land surveys, design information, and calculations  
8 prepared by the licensee or under the licensee's responsible charge when presented  
9 to a client or any public or governmental agency. A licensee may not review or check  
10 technical submissions of another licensed professional or unlicensed person and seal  
11 the documents as the licensee's own work;
- 12 (2) Preliminary work shall contain a note that the submittal is Not for Construction,  
13 Preliminary, or other such explanation that it is not final;
- 14 (3) In the case of multiple seals, the title or index sheet may be sealed, signed, and dated  
15 by all involved. In addition, each sheet shall be sealed, signed, and dated by the  
16 licensee or licensees responsible for that sheet;
- 17 (4) Drawings that are transmitted electronically to a client or governmental agency shall  
18 have the computer-generated seal removed from the original file. The electronic  
19 media shall have the following inserted in lieu of the seal, signature, and date: This  
20 document originally issued and sealed by (name of licensee/sealer), (title), (license  
21 number), on (date of sealing). This media should not be considered a certified  
22 document.

23 However, if a licensee in responsible charge of the work is unavailable to complete the  
24 work, a successor licensee may take responsible charge by performing all professional services

1 to include developing a complete design file with work or design criteria, calculations, code  
2 research, and any necessary and appropriate changes to the work. The nonprofessional services,  
3 such as drafting, need not be redone by the successor licensee but shall clearly and accurately  
4 reflect the successor licensee's work. The burden is on the successor licensee to show  
5 compliance. The successor licensee shall have control of and responsibility for the work product  
6 and the signed and sealed originals of all documents.

7 Section 8. That § 36-18A-47 be amended to read as follows:

8 36-18A-47. Any ~~office physically located and~~ business entity maintained in this state to offer  
9 engineering, architectural, land surveying, landscape architectural, petroleum release  
10 assessment, or petroleum release remediation services shall have ~~an appropriately licensed~~  
11 ~~person~~ a licensee who is regularly employed in that ~~office~~ business entity and who has  
12 responsible charge and direct supervision and control of all professional services. A licensee  
13 who renders occasional, part-time, or consulting services to or for a ~~firm or office~~ business  
14 entity may not be designated as the person in responsible charge for the professional activities  
15 of the ~~firm or office~~ business entity unless a schedule is posted at the office for the public's  
16 knowledge and filed with and approved by the board stating when the licensee is physically in  
17 the office.

18 Section 9. That § 36-18A-48 be amended to read as follows:

19 36-18A-48. Any business entity that desires to practice engineering, architecture, land  
20 surveying, landscape architecture, or petroleum release assessment or remediation in this state  
21 shall register with the board by making application for a ~~certificate of authorization~~ business  
22 license. A business entity is responsible for the conduct or acts of its agents, employees, officers,  
23 partners, members, or managers in respect to any engineering, architecture, land surveying,  
24 landscape architecture, petroleum release assessment, or petroleum release remediation services

1 performed or to be executed in this state. No person is relieved of the responsibility for that  
2 person's conduct or acts performed by reason of that person's employment by or relationship  
3 with a business entity. A licensee who renders occasional, part-time, or consulting services to  
4 or for a business entity may not be designated as the person in responsible charge for the  
5 professional activities of the business entity.

6 Section 10. That § 36-18A-49 be amended to read as follows:

7 36-18A-49. ~~A business entity desiring a certificate of authorization~~ In order to receive a  
8 business license or renewal, a business entity shall file a written application with the board  
9 which shall contain the following:

10 (1) ~~Names and addresses of the sole proprietorship and all general and limited partners;~~  
11 ~~officers, and directors of any business entity;~~

12 ~~—(2)—~~ ~~Names and addresses~~ The names and license numbers of all ~~general and limited~~  
13 ~~partners, officers, directors, and employees or sole proprietors of such~~ the business  
14 entity who are duly licensed to practice engineering, architecture, land surveying,  
15 landscape architecture, petroleum release assessment, or petroleum release  
16 remediation in this state ~~and who are or will be;~~

17 (2) A designation of at least one licensee as the person in responsible charge ~~of any~~  
18 ~~professional services~~ for each profession that the business performs in this state ~~by~~  
19 ~~the business entity;~~

20 (3) A statement by a ~~partner, officer, or owner~~ licensed person that the business entity  
21 ~~will~~ does not permit the performance of any professional service, as defined in this  
22 chapter, by any person of the business entity unless the person is licensed under this  
23 chapter; and

24 (4) All other information the board may deem necessary as promulgated by rule pursuant

1 to chapter 1-26.

2 Section 11. That § 36-18A-50 be amended to read as follows:

3 36-18A-50. The board shall issue a ~~certificate of authorization~~ business license or a renewal  
4 to a business entity upon receipt of an application for a ~~certificate of authorization~~ business  
5 license and a fee as set by the board pursuant to chapter 1-26 unless the board finds an error in  
6 the application or that any facts exist which would entitle the board to suspend or revoke the  
7 certificate if issued to the applicant. ~~The certificate of authorization is not transferable. A~~  
8 business license is not required for any exempt business. If a business does not wish to practice  
9 or offer to practice in the state, a disclaimer form shall be signed by the licensed professional  
10 under penalties of perjury that the business is not performing or offering to perform services  
11 currently and that it will obtain a business license if it intends to practice business in the state  
12 in the future.

13 Section 12. That § 36-18A-51 be amended to read as follows:

14 36-18A-51. The business entity shall file with the board a written report of any change in  
15 the information submitted on the application that occurs during the term of the ~~certificate of~~  
16 ~~authorization~~ business license. The business entity shall report the change within thirty days  
17 after the effective date of the change. Failure to provide the report constitutes grounds for the  
18 board to suspend or revoke the ~~certificate of authorization~~ business license.

19 Section 13. That § 36-18A-52 be amended to read as follows:

20 36-18A-52. The provisions with respect to issuance, expiration, renewal, and reissuance of  
21 the certificate of licensure of persons contained in this chapter apply to ~~certificates of~~  
22 ~~authorization~~ business licenses issued to business entities under the provisions of this chapter.  
23 A business entity is subject to disciplinary proceedings and penalties, and ~~certificates of~~  
24 ~~authorization~~ business licenses are subject to suspension or revocation for cause, in the same

1 manner and to the same extent as is provided with respect to individuals and their certificates  
2 of licensure in this chapter. The terms, licensee and certificate of licensure, as used in this  
3 chapter, apply to any business entity holding a ~~certificate of authorization~~ business license  
4 issued under this chapter ~~and to such certificate of authorization.~~

5 Section 14. That chapter 36-18A be amended by adding thereto a NEW SECTION to read  
6 as follows:

7 Any architect or engineer who voluntarily, without compensation or expectation of  
8 compensation, provides structural inspection services at the scene of a declared national, state,  
9 or local emergency at the request of a public official, public safety officer, or city or county  
10 building inspector acting in an official capacity is not liable in negligence for any personal  
11 injury, wrongful death, or property damage caused by the licensee's good faith but negligent  
12 inspection of a structure used for human habitation, or a structure owned by a public entity for  
13 structural integrity, or nonstructural elements affecting life and safety. The immunity provided  
14 by this section applies only for an inspection that occurs within thirty days of the declared  
15 emergency.

16 Section 15. That chapter 36-18A be amended by adding thereto a NEW SECTION to read  
17 as follows:

18 In the event of damage to residential real property caused by a declared national, state, or  
19 local emergency, if the damage may be covered by one or more insurance policies, any architect  
20 or engineer who has prepared plans used for the construction or remodeling of the residential  
21 real property shall release a copy of the plans to the homeowner's insurer or the homeowner, or  
22 duly authorized agent of the insurer of the homeowner, upon request and verification that the  
23 plans will be used solely for the purpose of verifying the fact and amount of damage for  
24 insurance purposes. No homeowner or any other person may use any copy of plans obtained to

1 rebuild all or any part of the residential real property without the prior written consent of the  
2 architect or engineer who prepared the plans. If prior written consent is not provided, an  
3 architect or engineer who has prepared plans and who releases a copy of plans is not liable to  
4 any person if the plans are subsequently used by the homeowner or any other person to rebuild  
5 all or any part of the residential real property. The architect or engineer may charge a reasonable  
6 fee to cover the reproduction costs of providing a copy of the plans. As used in this section, the  
7 term, residential real property, means a single family structure, whether or not owner-occupied.

8 Section 16. That chapter 36-18A be amended by adding thereto a NEW SECTION to read  
9 as follows:

10 Each licensee shall use a written contract whenever providing professional services to a  
11 client pursuant to this chapter. The written contract shall be executed by the licensee and the  
12 client, or a representative of the licensee or client, prior to the licensee commencing work,  
13 unless the client knowingly states in writing that work may be commenced before the contract  
14 is executed. The written contract shall include the following:

- 15 (1) A description of the services to be provided to the client by the licensee;
- 16 (2) A description of any basis of compensation applicable to the contract and the method  
17 of a payment agreed upon by the parties;
- 18 (3) The name, address, and license number of the licensee and the name and address of  
19 the client;
- 20 (4) A description of the procedure that the licensee and the client will use to  
21 accommodate additional services; and
- 22 (5) A description of the procedure to be used by any party to terminate the contract.

23 The term, written contract, as used in this section includes a contract that is in electronic  
24 form.

1 Section 17. That chapter 36-18A be amended by adding thereto a NEW SECTION to read  
2 as follows:

3 The provisions of section 16 of this Act do not apply to the following:

- 4 (1) Any professional services rendered by a licensee for which the client does not pay  
5 compensation;
- 6 (2) A licensee who has a current or prior contractual relationship with the client to  
7 provide professional services and the client has paid the licensee all the fees that are  
8 due under the contract;
- 9 (3) If the client knowingly states in writing after full disclosure of section 16 of this Act  
10 that a contract which complies with the requirements of that section is not required;
- 11 (4) Any professional services rendered by a licensee to another licensee under this  
12 chapter or to a public agency; or
- 13 (5) Any professional services for which the cost is one thousand dollars or less.