

**HANDBOOK FOR  
SOUTH DAKOTA  
BUILDING OFFICIALS  
AND  
DESIGN PROFESSIONALS**

**Engineering and Architecture  
Registration Laws**

**South Dakota State Board of  
Technical Professions**

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*Revised 11/2017*

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## **FORWARD**

This handbook has been published by the South Dakota Board of Technical Professions to aid building officials and other governmental entities in understanding the laws governing the practice of architecture and engineering in South Dakota.

Among other requirements these laws identify when a licensed design professional is required for construction projects. Please note that all construction in South Dakota is required to adhere to the most recent State of South Dakota adopted building codes, even if a licensed design professional is not required.

The definitions and opinions expressed in this handbook are based upon the interpretations of the Board and should not be relied upon as being conclusive. Specific situations should be referred to your own legal counsel. This handbook is a guideline intended as a source of basic information and does not attempt to address all questions concerning the practices of architecture or engineering. The last portion of the manual addresses questions frequently asked.

If you need further information or assistance concerning requirements of the Board, please write or telephone:

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First Printing: June 1993  
Second Printing: September 1995  
Third Printing: September 1999  
Revision: November 2017

## **INTRODUCTION**

Building codes and professional registration or licensure laws are meant to work together. Building officials and the South Dakota Board of Technical Professions (“Board”) each exist to protect the public against unsafe practices. The Board protects by insuring that all licensed design professionals have proper education and training and pass rigorous examinations on technical and practice issues. Building officials enforce building code requirements that are intended to protect the public's health and safety.

While our state has limited exemptions permitting unlicensed persons to prepare plans for residences, farm buildings and other structures of limited square footage based on occupancy, it is clear that public policy in our state, and indeed all states, mandate that structures of significant size or complexity and for specific public use, must be designed by licensed design professionals.

If building officials require all plans for significant structures to contain the appropriate seal of a licensed architect and engineer, then the registration system will share responsibility for protecting the public.

This manual has been prepared in the spirit of service to the public and to assist building officials in better understanding the professional requirements of our law and codes.

Please note that the handbook contains reference to specific sections of State of South Dakota Codified Laws Chapter 36-18A, Administrative Rules Article 20:38 (example SDCL 36-18A-2)

## DEFINITIONS

SDCL 36-18A-2 defines the practice of architecture and SDCL 36-18A-3 defines the practice of engineering as follows:

**“Practice of architecture” defined.** For the purposes of this chapter, the term, practice of architecture, means the practice or offering to practice any service in connection with the design, evaluation, construction, enlargement, or alteration of a building or group of buildings and the space within and surrounding such buildings, which have as their principal purpose human occupancy or habitation. Such service includes consultation; evaluation; planning; providing preliminary studies; designs; overall interior and exterior building design; preparation of drawings, specifications, and related documents and other technical submissions; construction administration services which include the review or observation of construction for the purpose of determining whether the work is in general accordance with the design, drawings, specifications, codes, and other technical submissions; and coordination of services furnished by the architect, licensed professional engineers, and other consultants as they relate to architectural work in connection with the design and construction of any private or public building, building project, or integral part or parts of buildings, or any addition or alteration thereto. The term also includes representation of clients in connection with the construction administration services entered into between clients and contractor and others.

**“Practice of engineering,” “design coordination” and “engineering studies” defined.** For the purposes of this chapter, the term, practice of engineering, means the practice or offering to practice of any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work. Such service or work includes consultation; investigation; evaluation; planning; design; and design coordination of engineering works and systems; planning the use of land and water; land-use studies; teaching of advanced engineering subjects; performing engineering studies; and the review or observation of construction for the purpose to determine whether the work is in general accordance with drawings, specifications, and other technical submissions. Any such service or work, either public or private, may be in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products, or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property, and including such other professional services as are necessary to the planning, progress, and completion of any engineering services.

For the purpose of this section, the term, design coordination, includes the review and coordination of those technical submissions prepared by others, including consulting engineers, architects, landscape architects, land surveyors, and other professionals, working under the direction of the engineer. The term, engineering studies, includes all activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but excludes the surveying of real property for the establishment of land boundaries, rights-of-way, easement exhibits relating to land boundaries, and the dependent or independent surveys or resurveys of the public land survey system.

A person is construed to practice or offer to practice engineering if the person practices any branch of the profession of engineering, if the person, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself or herself to be a professional engineer, or if the person through the use of some other title implies that the person is a professional engineer or that the person is licensed under these provisions, or if the person holds himself or herself out as able to perform or does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering.

SDCL 36-18A-1(1) defines “**Alteration,**” for the purpose of determining exemptions, any remodeling, renovation, or reconstruction to a building which changes the use, occupancy classification, or occupant load, or the exiting, structural, mechanical or electrical systems of a building as defined by the building code.

SDCL 36-18A-1(6) defines “**Building or floor area,**” as the sum of the areas of all of the floors of a building, including basements, mezzanine, and intermediate tiers, and penthouses of headroom height, measured from the exterior faces of exterior walls or from the center line of the wall separating buildings. The building area does not include such features as pipe trenches, exterior terraces or steps, chimneys, vent shafts, courts, and roof overhangs. The floor area of enlargements shall be added to the existing building area. A fire or area separation wall is not an exterior wall for the purposes of this definition.

SDCL 36-18A-13 “**Incidental cross-practice by architects and engineers.**” An architect may engage in the practice of professional engineering, or a professional engineer may engage in the practice of architecture, but only to the extent that such practice is incidental or of minor importance to a project or service being legally performed under this chapter. (Please refer to #17 in “Frequently Asked Questions” for the Attorney General’s opinion on the definition of “incidental”)

SDCL 36-18A-46 “**Construction administration services to be provided by architect or engineer.**” 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.

## EXEMPT STRUCTURES

A person who is **not** a licensed architect or engineer may design and supervise the erection, enlargement or alteration of the following structures: (see 36-18A-9, (6), & (8)) (refer to 36-18A-9 for additional exemptions)

1. Any dwelling for a single family, and any outbuilding in connection therewith, such as a barn or private garage.
2. Any two, three or four family dwelling.
3. 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.
4. Any farm or ranch building or accessory thereto except any building regularly used for public purposes: or
5. Any temporary building or shed used exclusively for construction purposes, not exceeding two stories in height, and not used for living quarters
6. Any person engaged in the preparation of plans and specifications for new construction, the enlargement or the alteration of any of the following building types that are equal to or exceed the associated square footage. (see 36-18A-9,(8)):

Assisted living facility	4,000 sf
Auditorium	5,000 sf
Bank	7,000 sf
Bowling alley	7,000 sf
Church	5,000 sf
Fire station	7,000 sf
Hospital	4,000 sf
Hotel	4,000 sf
Industrial plant	11,000 sf
Jail	4,000 sf
Library	4,000 sf
Medical office	4,000 sf
Mortuary	4,000 sf
Motel	4,000 sf
Nursing facility	4,000 sf
Office	7,000 sf
Public garage	11,000 sf
Restaurant	4,000 sf
Retirement home	4,000 sf
Service station	7,000 sf
School	5,000 sf
Shopping center	7,000 sf
Store	7,000 sf
Theater	5,000 sf
Warehouse	20,000 sf

**Any building with an occupancy other than those listed above are exempt if 4,000 square feet or less.**

**MULTIPLE OCCUPANCY FORMULA**

(See SDCL 36-18A-10)

...”If a building consists of more than one type of occupancy, each portion of the building shall conform to the limitations established by that subdivision for each type of occupancy. The area of the building shall be such that the sum of the ratios of the actual area for each separate occupancy divided by the total area allowed by that subdivision for each separate occupancy does not exceed one.”

**EQUATION FOR MULTIPLE OCCUPANCIES IN SAME BUILDING.**

$$\frac{\text{actual area}}{\text{allowable area}} + \frac{\text{actual area}}{\text{allowable area}} = \text{does not exceed "1"}$$

EXAMPLE: Consider an “office” and “restaurant”

Actual “office” area	$\frac{6,000 \text{ sf}}{7,000 \text{ sf}} = .86$		Actual “Restaurant” area	$\frac{2,000 \text{ sf}}{4,000 \text{ sf}} = .5$
Allowable area			Allowable area	

**.86 + .5 = 1.36 exceeds (1) and therefore requires a design professional**

EXAMPLE: Consider an “office” and a “restaurant”

Actual “office” area	$\frac{3,000 \text{ sf}}{7,000 \text{ sf}} = .43$		Actual “Restaurant” area	$\frac{2,000 \text{ sf}}{4,000 \text{ sf}} = .5$
Allowable area			Allowable area	

**.43 + .5 = .93 is less than (1) and therefore does not require a design professional**



## **PROFESSIONAL WORK**

Licensed design professionals must be concerned with the basic concepts of the full spectrum of design considerations. A comprehensive package of design documents must be developed for submittal to the building department, taking all aspects of the project into account such as submissions prepared by the project team members. Architects and engineers may perform professional services only when they, together with consultants they may engage, are qualified by education, training and experience in the specific technical areas involved.

An architect may engage in the practice of engineering or an engineer may engage in the practice of architecture but only to the extent that such practice is incidental to a project. (see frequently asked questions #17 and SDCL 36-18-A-13 for interpretation of “incidental”)

**Architects** typically address the following matters:

1. Site layout (e.g., parking, zoning requirements, grading, landscaping, building layout)
2. Aesthetics and overall interior & exterior design
3. Building circulation and exiting (e.g., stairway, exit width, travel distances, corridors)
4. Building classification (e.g., occupancy, type of construction)
5. Life safety considerations (e.g., requirements for sprinklers, fire ratings, fire walls, separations, fire alarm, smoke control)
6. Interior space planning
7. Interior and exterior finish materials (e.g., durability, function, aesthetics, fire ratings)
8. Environmental impacts (e.g., sound attenuation, quality of living, impact on natural surroundings)
9. Physically handicapped criteria
10. Coordination of consulting engineers.

**Engineers** typically address the following matters:

1. Structural systems (e.g., framing, structural connections, foundations)
2. Electrical systems (e.g., power distribution, security, fire alarm and smoke detection)
3. Mechanical systems (e.g., drains and venting, water distribution systems, HVAC, fire protection systems)
4. Soils analysis (e.g., soils reports, soil stabilization, geotechnical investigations)
5. Civil work (e.g., site work, site drainage, grading, utilities, circulation)
6. Engineering works such as power stations, dams, bridges, sewage treatment facilities.

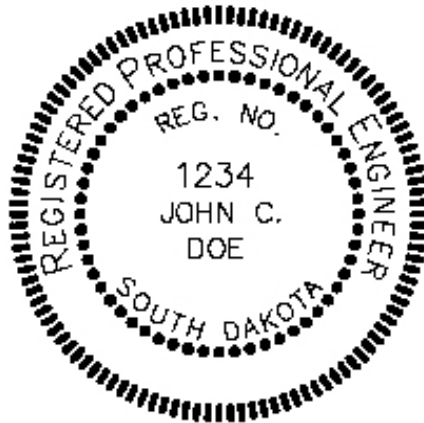
Project coordination and construction administration services must be performed by an architect for architectural portions of a project and by an engineer for the respective engineering portions of the project. SDCL 36-18A-46 requires a written report of observed deficiencies or variations from the submitted plans and specifications to the building official, owner and builder before project completion on all projects that are not exempt.

## SEALS ON PROFESSIONAL WORK

Licensed architects and engineers are responsible for their professional design services. The public, as well as the building official, rely on their professional expertise. Therefore, professional submissions such as plans, specifications and calculations should clearly show the identity of the professional who prepared them by having affixed a seal, signature and date to every sheet of the plans. Without proper identification, ultimate responsibility for any deficiencies may not be clear.

South Dakota requires that all professional submissions must be signed and sealed by the design professional who prepared them or supervised their preparation. It is a misdemeanor for a professional to affix his seal after the expiration, revocation or suspension of his license with the state, or affix his seal to aid any person to evade these laws.

The seal may be embossed, a rubber stamp, a computer-generated image of the seal, or a digital seal possessing a security encryption.



South Dakota has specific laws requiring that plans submitted to governmental agencies bear the seal of the design professional. SDCL 36-18A-70 states "No public officer or employee, as defined in subdivisions 22-1-2 (37) and (39), charged with the authority or responsibility of approving or accepting plans, specifications, plats, or any other technical submissions, may accept or approve such plans, specifications, plats, or technical submissions which have been prepared in violation of this chapter.

The building official shall require the owner to engage and designate an architect or professional engineer who shall act as the architect or professional engineer of record on projects that are not exempt. If the circumstances require, the owner may designate a substitute architect or professional engineer of record (sometimes also referred to as “prime professional”) who shall perform all of the duties required of the original architect or professional engineer of record. The building official shall be notified in writing by the owner if the architect or professional engineer of record is changed or is unable to continue to perform the duties. The architect or professional engineer of record is responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with design of the building. A building permit issued with respects to technical submissions which do not conform with the requirements of this chapter are invalid.

As a general rule, building officials should require that all plans have the seal of an architect and engineer, or have a notation on the plans or building permit application noting the state law exemption from the general rule requiring that all plans be prepared by licensed professionals. Building officials facing litigation after a building failure should not have to explain why they could have required plans to be prepared and sealed by a licensed architect or engineer, but chose to accept plans from an unlicensed person when the law may not have allowed that person to prepare the plans.

The building official can require the applicant submitting the plans to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may also require plans be prepared and designed by a licensed engineer or architect even if not required by state law.

## **SUGGESTIONS FOR PLAN SUBMISSIONS**

Plans and specifications submitted to the building official must be drawn to scale and clearly show the project in its entirety with emphasis on the following:

1. Structural integrity
2. Life safety
3. Architectural barriers
4. Building code compliance
5. Definition of scope of work

On the title or index sheet of the plans the following should be available:

1. Project identification
2. Project address, location or legal description
3. Seals, signatures and dates of each licensed professional responsible for all other sheets comprising a bound volume

The required drawings will depend upon the size, nature and complexity of the project. Suggestions of required drawings for review by building officials follow. Additions and remodels may not require all of the following for plan submittal and review.

**SUGGESTIONS FOR REQUIRED DRAWINGS/DOCUMENTS**  
**(at the discretion of building officials)**

**SITE PLAN/PLANS**

Show proposed new structure and any existing buildings or structures, all property lines with dimensions, all streets, easements and setbacks. Show all water, sewer, electrical points of connection, proposed service routes and existing utilities on the site. Show all required parking, drainage and grading information. Indicate drainage inflow and outflow locations and specify areas required to be maintained for drainage purposes. When appropriate include a topographical survey. Show north arrow.

**FOUNDATION PLAN**

Show all foundations and footings. Indicate size, locations, thicknesses, materials and strengths and reinforcing. Show all imbedded anchoring such as anchor bolts, hold-downs, post bases, etc. Provide a geotechnical report for the proposed structure at that site.

**FLOOR PLAN**

Show all floors including basements. Show all rooms, with their use, overall dimensions and locations of all structural elements and openings. Show all doors and windows. Provide door and window schedules. All fire assemblies, area and occupancy separations and draft stops shall be shown.

**FRAMING PLANS AND ROOF FRAMING PLANS**

Show all structural members, their size, methods of attachment, location and materials for floors and roofs. Show roof plan.

**EXTERIOR ELEVATIONS**

Show all views. Show all vertical dimensions and heights. Show all openings and identify all materials and show lateral bracing system, where applicable.

**BUILDING SECTIONS AND WALL SECTIONS**

Show materials of construction, non-rated and fire rated assemblies and fire rated penetrations. Show dimension of all heights.

**MECHANICAL SYSTEM**

Show the entire mechanical system. Include all units, their sizes, mounting details, all duct work, duct sizes, and balanced airflows. Indicate all fire dampers where required. Provide equipment schedules. Submit energy conservation calculations per State of South Dakota.

**PLUMBING SYSTEM**

Show all fixtures, piping, slopes, materials and sizes. Show point of connections to utilities, septic tanks, pre-treatment sewer systems and water wells.

## **ELECTRICAL SYSTEM**

Show all electrical fixtures (interior, exterior and site) wiring sizes and circuiting, grounding, panel schedules, single line diagrams, load calculations and fixture schedules. Show point of connection to utility.

## **STRUCTURAL CALCULATIONS**

At the discretion of the building official, full structural calculations can be required to be submitted to the building official for review.

## **SPECIFICATIONS**

Either on the drawings or in booklet form, further define construction components, covering materials and methods of construction, wall finishes and all pertinent equipment. Schedules may be incorporated in project manual in lieu of drawings.

## **ADDENDA AND CHANGES**

Shall be the responsibility of the individual identified on the cover sheet as the architect or professional engineer of record (sometimes referred to as “prime professional”) to notify the building official of any and all changes throughout the project and provide revised plans, calculations or other appropriate documents prior to actual construction. If there is no principal design professional who has overall coordination, it is the owner's responsibility to arrange for coordination among all the professions.

## **REVISIONS**

For clarity, all revisions should be identified with a delta symbol and clouded on the drawings or resubmitted as a new plan set.

## FREQUENTLY ASKED QUESTIONS

1. Plans come in with the same engineer sealing structural, mechanical, plumbing and electrical drawings. Should these drawings be done by separate engineers?

*While a licensee may have expertise beyond the discipline for which the licensee is educated, it is **unlikely** that such extra expertise would give the licensee the competence required for the design of all but the simplest of systems. While the building official should not be called upon to judge competence, any time he is confronted with the suspicion of incompetence, he should contact the Board so that it can make such judgment.*

*When confronted with a complete set of project drawings bearing the seal of only one licensed architect or engineer, the Board suggests that the building official require that the licensee sign a statement, such as the one contained in Appendix A as to authorship and competence. A copy of any such signed form should be forwarded to the Board for its attention. If a licensee refuses to sign such a statement, the Board should be notified immediately.*

2. What should a building official do if, during a local review of the plans, he sees that an item does not meet the International Building Code? What if the responsible licensee is not agreeable to change or expresses the attitude that he knows what is best?

*The rules of Professional Conduct of the Board require that the licensee shall not knowingly provide services resulting in violation of building laws. The building official should refuse to issue a building permit based on documents containing a violation of the building codes.*

3. Building officials receive copies of construction documents with a copy of the seal on them. Is this acceptable or should each document be originally sealed and signed?

*Yes. The seal, signature and date are placed on the original mylar or set of documents which are reproduced and acceptable.*

4. Can site plans and preliminary plats be prepared by an architect, engineer, or surveyor?

*Measurement and calculation of areas, boundaries, property lines and the plotting thereof is land surveying and to be performed by a surveyor. Design of underground utilities and electric power lines are performed by an engineer. Drainage design for special consideration such as storm water retention or flood control shall be performed by an engineer. Ordinary site plans can be prepared by an architect.*

5. Can a landscape architect prepare site grading and site drainage plans?

*Yes. This work is within the scope of their practice act.*

6. When an unlicensed person prepares construction documents for a nonexempt building, may that individual obtain a review and written certification of adequacy from a licensee and thereby obtain a building permit.

*No. The written certification may not be accepted for permit issuance in lieu of construction documents that have been prepared and sealed by a South Dakota licensed professional. The licensee must be responsible for the proposed work or face disciplinary action.*

7. Are licensees required for design of building utilities such as electrical service, steam systems, refrigeration systems, etc. where no changes or additions to the building are necessary?

*Yes. The intent of the law is that licensees be involved in design work pertaining to the lawful practice of architecture, engineering, landscape architecture and surveying. Use of an electrical or mechanical engineer is not precluded simply because a general contractor is not involved in building. See definition of professional engineering.*

8. Do shop drawings have to be sealed and signed?

*No. However, shop drawings are not acceptable in lieu of working drawings when applying for a building permit. The working drawings must bear the seal, signature, and date of the licensed professional responsible for preparation. Shop drawings should be considered support documents only. (see #11 for information pertaining to Pre-Engineered Steel Building, shop drawings, and truss.)*

9. May an unlicensed person prepare plans and specifications for interior space planning and/or remodeling of buildings?

*Yes. An unlicensed person can plan, specify and supervise alterations or repairs to a building when the alteration does not substantially change the mechanical, electrical or structural systems, or violate a building safety code, or the building is exempt.*

10. Who may issue change orders and addenda to construction documents?

*Change orders, additional drawings and/or addenda which alter construction documents must bear the seal, signature, and date of the licensed professional responsible for the modifications.*



11. Are "pre-engineered" steel buildings exempt?

*No. Pre-engineered steel buildings are not automatically exempt. The design of pre-engineered steel structures or structural components (i.e., trusses, buildings, etc.) must be sealed and signed by a South Dakota registered engineer. There may be additional engineers and architect needed for the remaining portions of the project, i.e., electrical, plumbing, HVAC, site design, soils analysis, building circulation and exiting, physically handicapped criteria, landscaping, etc.*

12. Can any person provide inspection or review to determine whether or not the project construction phase conforms to the architectural and engineering construction documents?

*No. The definition of architectural practice includes "administration of construction services" and the definition of professional engineering includes "the review or observation of construction."*

*No person other than an architect or professional engineer may provide architectural and engineering services which include construction administration services on projects that are not exempt pursuant to §38-18A-2 and 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.*

*This is not to be mistaken with building officials who inspect for conformance of building codes.*

13. Is construction observation or inspection during the construction phase for conformance with construction documents required under the law?

*Yes, "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.*

14. An owner has a set of construction documents sealed and signed by an architect/engineer registered in a state other than South Dakota. Can the owner get a building permit?

*No. Only design professionals currently registered with the Board have legal standing in South Dakota. Professionals in other states must obtain licensure in South Dakota before offering to practice or to practice within our state.*

15. Can a licensee review and "over-stamp" plans prepared by an out-of-state professional for submittal in South Dakota?

*No. A South Dakota licensee may only design and seal drawings prepared by him or under his direct supervision. Stamping any drawings prepared by others will result in disciplinary action.*

16. Can an owner/builder/contractor make changes to approved architect/engineer plans?

*No. When plans are prepared by a South Dakota licensee, no changes may be made except by that licensee.*

17. May a South Dakota professional engineer prepare and seal architectural plans?

*No. An engineer may only practice within his area of expertise. Only incidental cross practice is allowed in South Dakota. As offered in Attorney General Opinion No. 82-13, the general definition of "incidental" is a "happening as a chance or un-designed feature of something casual hence, minor of secondary importance..." Based on this definition, incidental cross practice would be that practice which occurred by chance or happening of a minor degree which has resulted from the practice of one's profession.*

18. May an architect or professional engineer prepare and seal landscape drawings without a Landscape Architect's license?

*Yes. Architects and professional engineers are exempt from the Landscape Architects licensing law, but they may not use the title of "landscape architect."*

19. Sometimes an owner has separate contracts with an architect, structural, civil, mechanical and electrical engineers. No one design professional has overall coordination of the project. If a design change is required that will affect the work of all disciplines, may a building official require the project architect to make and approve changes on his own work as well as others? Can he coordinate their work?

*No. The architect is only required to sign for his own work and will take responsibility for his own work. The same will apply to each licensee involved when there is no design professional project coordinator. The building official should notify the owner that such coordination is required, and it is the owner's responsibility to arrange for proper coordination.*

20. What procedure should a building official follow when the licensee does not provide plans or changes necessary to the project?

*Notify the owner of the project. It is the owner's responsibility to hire the proper licensed design professionals to provide plans or submittals for the permit.*

21. What should a building official do if they know that someone may be violating the registration law?

*Gather evidence to substantiate the accusation and forward all evidence to the Board in writing.*

22. May a building official require a structure to be designed by an architect or engineer although exempt under the licensure law if it is deemed that such a structure is an undue risk to public safety, health or welfare?

*Yes. The building official may require part or all of the structure to be designed by an architect or engineer. The Board and licensure law does not supersede the building official's authority to protect the health, safety or welfare of the public.*

23. Are interior designers licensed by the state?

*No. They are not licensed.*

24. What services may an interior designer provide?

*Interior designers and all other unlicensed persons may design nonstructural store fronts, interior alterations or additions, fixtures, cabinetwork, furniture, and any nonstructural work necessary to provide for their installation. Interior designers may not design any components which change or affect the structural, mechanical, or electrical systems or the safety of the building.*

25. Are full height, non-bearing, non-rated partitions considered components that affect the safety of the building?

*The addition, relocation or removal of full height, non-bearing, non-rated partitions could change or affect the safety of a building. Each situation must be judged within its specific context and thus the building official must decide whether such partitions would affect the safety of the building.*

26. If an unlicensed person prepares plans for a building which requires the use of architects and engineers and applies for a building permit, should the building official suggest he contact an architect or engineer and have him review and place his seal on the plans and specifications?

*No. Under South Dakota law, a licensee may not take over, review and place his seal on plans and specifications not prepared by him or under his direct personal supervision.*

27. Can the seal used by the licensee on construction documents be computer generated?

*Yes. The Board has determined that the seal may be an embossed seal, a rubber stamp, a computer generated image of the seal, or a digital seal possessing a security encryption.*

28. Are signatures required on plans?

*The law states that a signature and date must be across or adjacent to the seal.*

29. If a project is to be constructed in a municipal jurisdiction or county without a building official and is not exempt, is the project required to use South Dakota Licensed design professionals?

*Yes, any project to be constructed in South Dakota that is not exempt pursuant to 36-18A-9 must be designed by South Dakota licensed design professionals.*

**APPENDIX A**

**LETTER OF ASSURANCE**

The drawings you have submitted on the above referenced project have your architect's/engineer's seal on all phases of the plans, which is somewhat unusual to find on construction documents for a project of this size. In order for this office to recognize you as the total project designer, you will need to provide the following assurances:

1. All project drawings bearing my seal were prepared by me or under my immediate personal supervision.
2. I am competent in the design of architectural, civil, structural, plumbing, and electrical systems for a project of this size either by reason of my experience and/or education.

---

Signature

Date

You will need to sign, date, and return this letter of assurance in order for this office to continue to recognize you as the total project design professional.

I thank you in advance for your cooperation.

Sincerely yours,

Building Official

c: SD Board of Technical Professions