



Landscape Architecture Licensure Laws

ASLA Summary of Provisions

SOUTH DAKOTA

South Dakota Codified Laws: Title 36, Chapter 18A
Administrative Rules: Rule 20:38

Type of Law: Practice/title act.

Board of Technical Professions

The board consists of two engineers, two architects, two land surveyors, and one public member appointed by the Governor.

Powers: Promulgate rules necessary for the performance of its duties.

Definitions

Landscape architect: A person licensed in good standing and legally authorized to practice landscape architecture in South Dakota.

Practice of landscape architecture: The practice or offering to practice landscape architecture projects, including preparing preliminary studies, providing land use studies, developing design concepts, giving expert technical testimony, 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.

Exemptions

- Employees of the state or any of its subdivisions while rendering services to the public employer.
- A person who provides horticultural consultations or prepares planting plans for plant installations.
- The joint licensing act also contains several exemptions that only apply to architecture, engineering and land surveying.

Eligibility Requirements – Initial Licensure

In order to qualify for licensure, an applicant must have graduated from an accredited program of landscape architecture, completed a CLARB certificate and successfully complete the LARE and state-specific take-home exam. [With an LAAB-accredited landscape architecture degree, an applicant must have at least three years experience, to total at least eight years combined education and experience. With an LAAB-accredited first professional degree, an applicant must have at least four years experience, again totaling at least eight years

Note: Bracketed [] material is drawn from regulations.



combined education and experience. Experience can be gained through full- and part-time work and the board may require evidence of experience (plans, specifications, etc.). Experience gained prior to fulfilling the education requirement is acceptable, up to 6-months credit. Experience under a design professional licensed in a foreign country can be evaluated by the board. An applicant with a degree from a foreign education program must have at least 2 years of qualifying experience in the US and must be proficient in English. Landscape architecture experience is determined as determined by CLARB via the council record.]

[Fee: Application, \$100. Biennial renewal, \$80.]

Eligibility Requirements – Reciprocal Licensure

Licensure in another state where the requirements the applicant met upon initial licensure are of equal to the standards in South Dakota. Candidates must hold a valid CLARB certificate and pass the state-specific exam.

[Fee: Application, \$100. Biennial renewal, \$80.]

Practice Entities

Any corporation, partnership, limited liability corporation, limited liability partnership or sole proprietorship that practices or offers to practice landscape architecture services to the public through its licensed personnel who are either employees, officers, directors, partners members, managers or owners must apply to the board for a certificate of authorization. Each office offering landscape architecture services must have a licensed landscape architect regularly employed at that office. A licensee who renders occasional, part time or consulting services to or for a business entity may not be designated as the person in responsible charge for the professional activities of the business entity.

[Fees: Application, \$100. Biennial renewal, \$80.]

Seal Requirements

All originals, copies, tracings, or other reproductions of all final drawings, reports, plats, plans, specifications, design information and calculations and other technical submissions prepared by a landscape architect or under the landscape architect's direct, personal supervision when presented to a client or any public or governmental agency must be stamped with the licensee's seal.

Enforcement

Board powers: Conduct investigations, hold hearings and seek penalties. The attorney general or the several state's attorneys may prosecute violations of the act in the name of or on behalf of the board. The board may deny applications; suspend, temporarily suspend, revoke, or refuse to renew a license; place on probation, condition, or limit a licensee's practice; impose a fine, censure, or reprimand a person or business entity; refuse to permit a person to sit for examination or refuse to release a person's examination scores; require a person to sit for a reexamination; require, as a condition of continued licensure, termination of suspension, reinstatement of license, examination, or release of examination grades that the person submit to a qualifying review of the person's ability, skills, or quality of work and/or be required to attend remedial education courses or continuing professional education courses, assess an individual licensee an administrative fine not to exceed \$2,000 for each offense and assess a licensed business entity an administrative fine not to exceed \$5,000 for each offense; seek injunctions; and issue cease and desist orders.

Prohibitions/penalties: The board may take disciplinary action against an applicant or a licensee for the following violations: violating any statute, rule, or order that the board has issued or is empowered to enforce; engaging in conduct or acts that are fraudulent, deceptive, or dishonest whether or not the conduct

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or acts relate to professional practice; engaging in conduct or acts that are grossly negligent, incompetent, reckless, or otherwise in violation of established standards related to that person's professional practice; being convicted of or pleading guilty or no contest to a felony, whether or not the person admits guilt, or has been shown to have engaged in acts or practices tending to show that the applicant or licensee is incompetent or has engaged in conduct reflecting adversely on the person's ability or fitness to engage in landscape architecture; employing fraud or deception in obtaining a license or renewal of a license or in passing all or a portion of the examination.

Further violations include: having an action taken against the licensee license by any state or territory of the United States, the District of Columbia, or in any foreign country; failing to meet any requirement for issuance or renewal of the person's license; using or attempting to use as that person's own the certificate or seal of another; using or attempting to use an expired, suspended, or revoked license; placing that person's seal or signature to a plan, specification, report, plat, or other technical submission or document not prepared by that person or under that person's responsible charge; aiding or assisting another person in violating any provision of the law chapter or the applicable rules; failing to promptly and appropriately provide information requested by the board as a result of a formal or informal complaint to the board which would indicate a violation of the law; providing false testimony or information to the board; failing to report known violations of the law; engaging in the use of untruthful or improbable statements in advertisements; failing to complete continuing professional development requirements set by the board; making misleading or untruthful representations in advertisements or published materials; falsely using any title, figures, letters, or descriptions to imply licensure; being habitually intoxicated or addicted to the use of alcohol or illegal drugs; committing an act, engaging in conduct, or committing practices that may result in an immediate threat to the public; or providing professional services in technical areas not covered by that person's license or competency.

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Prohibitions/penalties for unlicensed practice: It is unlawful for an unlicensed person to practice or offer to practice landscape architecture, use or employ the title of landscape architect or to use in connection with that person's name or otherwise assume, use, employ or advertise any title or description that may falsely convey the impression that the person is licensed. Violation is a Class 2 misdemeanor.

Mandatory Continuing Education

South Dakota requires landscape architects to complete 30 professional development hours (PDH) for each biennial renewal period.

- PDH = contact hour = 50 minutes of presentation or participation
- Maximum of 10 PDH may be in professional management subjects, such as total quality management, professional business practice, or ethics.
- Up to 15 PDH may be carried over to next biennium period
- All PDH must be obtained in a qualifying professional development activity, including courses or activities with clear purposes and objectives, which maintain, improve, or expand the licensee's skills and knowledge of landscape architecture.
- At least 20 PDH must be in technical subjects that lead to further professional development in landscape architecture. "Technical subjects" include design; environmental analysis; programming and planning; structural systems; lateral forces; mechanical, electrical, plumbing and acoustical systems; construction methods; construction observation; site and soils analyses and design; accessibility; building codes; selection of building materials; and land survey [applies to all professions licensed under the board].

Administration:

- Prohibits the board from pre-approving courses

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Summary of Licensure Laws: South Dakota

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Page 3



- Authorizes the board to select a random number of forms to audit for compliance, or to audit an individual based upon complaints or charges against the licensee

Activities:

- College courses: courses that are regularly offered and participants are tested, with a passing grade required. One semester hour generally consists of 15 class meetings of 50 to 55 minutes duration. It is assumed that twice as much study time is required as class contact time, thus equating to 45 PDH. Similarly, a quarter hour qualifying course meets 10 times and thus 30 PDH are allowed. Monitoring courses does not require a test, and therefore only the actual class contact hours are allowed.
- Continuing education courses, completed with passing grades
- Other qualifying correspondence, televised, videotaped, audiotaped, Internet and other short courses or tutorials, if such activities include testing completed with verifiable passing scores.
- Qualifying professional or technical seminars, in-house courses, or workshops
- Teaching/presenting any of the above courses is also a qualifying activity for the first time the course is taught and worth twice the PDH as the course. Full-time faculty members are not eligible for this credit.
- Published paper, article or book must be a serious effort to qualify (maximum 10 PDH). For example, a "news" article in a technical or professional bulletin is not considered a published paper.
- Active participation in professional and technical societies: Contact with one's peers at such meetings is considered one way to stay abreast of current topics, issues, technical developments, ethical situations, and learning opportunities. Two PDH can be earned for each organization with a maximum of 6 PDH allowed. All technical and professional societies are included, but this does not include civic or trade organizations.
- Patents are allowed after a patent is issued and the inventor submits details to the board (10 PDH). The invention must be related to landscape architecture.
- Self-study activities including Internet courses, books, articles, or video/audio tapes if they include testing or examination with formal, recorded passing scores

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Recordkeeping: Renewal applications must include a complete PDH log, with enough detail to permit audit verification. Licensees are responsible for maintaining a three-year CE record. Licensees must keep a CLARB record for CE.

Reciprocity: A licensee's licensure in their state of residency if that state that has CE requirements that also satisfy SD requirements, and have met these requirements within 13 months immediately preceding renewal in SD.

Exemptions:

- Licensees serving on temporary active duty in the U.S. armed forces for more than 120 consecutive days in the biennium prior to renewal
- Licensees who have experienced serious illness or injury in the last six months of the biennium prior to renewal of a nature and duration that has prohibited completion of CE requirements.
- Licensees maintaining inactive or retired status.

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