

7-1917

South Dakota C. P. A. Law

South Dakota

Follow this and additional works at: <https://egrove.olemiss.edu/jofa>



Part of the [Accounting Commons](#)

Recommended Citation

South Dakota (1917) "South Dakota C. P. A. Law," *Journal of Accountancy*. Vol. 24: Iss. 1, Article 8.
Available at: <https://egrove.olemiss.edu/jofa/vol24/iss1/8>

This Article is brought to you for free and open access by the Archival Digital Accounting Collection at eGrove. It has been accepted for inclusion in Journal of Accountancy by an authorized editor of eGrove. For more information, please contact egrove@olemiss.edu.

South Dakota C. P. A. Law

AN ACT ENTITLED, AN ACT PROVIDING FOR THE CREATION OF A BOARD OF ACCOUNTANCY, AND FOR THE CERTIFICATION OF PUBLIC ACCOUNTANTS.

(Approved March 10, 1917.)

Be it enacted by the Legislature of the State of South Dakota:

SECTION 1. That any citizen of the United States residing in the state of South Dakota, or having a place for the regular transaction of business in the state of South Dakota, as a practising public accountant, and being over the age of twenty-two years, of good moral character, and who shall have received from the board of accountancy of the state of South Dakota a certificate as provided in this act, shall be styled and known as a certified public accountant and be entitled to use the abbreviations C. P. A. in connection with his name, and no other person and no firm, all the members of which are not certified public accountants of this state, and no corporation in the state of South Dakota, shall assume such title or use the abbreviations C. P. A., C. A. or any other words, letters or figures to indicate that the person, firm or corporation using the same is a certified public accountant.

SEC. 2. On and after July 1st after the taking effect of this act the governor shall appoint three persons to constitute and be known as a "board of accountancy" whose duty it shall be to administer and provide for the enforcement of all provisions of this act. The board thus appointed shall consist of the public examiner, the executive accountant and the insurance examiner of the state of South Dakota. The term for which they shall be appointed to serve on this board of accountancy shall be for the period of their incumbency in the respective offices to which they have been appointed.

SEC. 3. The time and place for holding examinations under this act shall be advertised for not less than three consecutive days in two daily newspapers published in this state, not less than twenty days prior to the date of such examination, and a notice of the same shall be mailed to all holders of certificates under this act, as well as applicants. The examination shall cover the following subjects: theory of accounts, practical accounting, auditing and commercial law as affecting accountancy. Applicants for certificates before taking the examination must produce evidence satisfactory to the board that they are over twenty-two years of age, of good moral character, a graduate of a high school with a four years' course, or have an equivalent education, or pass a preliminary examination to be set by the board, or that they have had at least three years' practical accounting experience. The fees for such examination shall be twenty-five dollars for each applicant, payable to the treasurer of the

South Dakota C. P. A. Law

board at the time of filing application and at least ten days prior to the holding of the examination. After the examination provided by this act, the board shall, if, in its judgment, the applicants are entitled thereto, issue certificates as provided in this act. The board shall maintain a register of the names and addresses of all persons receiving certificates under this act, and shall keep a record of all persons whose certificates have been revoked.

In the event the board shall waive the examination of any person, as in this act provided, a certificate shall likewise be issued to such person upon payment of the fees hereunder.

SEC. 4. The board may in its discretion waive the examination of any applicant for a period not exceeding six months from and after the taking effect of this act, who in addition to the qualifications mentioned in sections one and four, (except having passed the examination as provided) is at the time of the passage of this act, actively engaged in the practice of accounting as a professional public accountant on his own account and who has been continuously engaged as such for at least three years next preceding the passage of this act. Each applicant for whom examination is waived shall pay to the treasurer of the board the sum of twenty-five dollars before his certificate is issued, and all moneys collected shall be paid into the state treasury by the executive accountant.

SEC. 5. The board of accountancy may in its discretion register the certificate of any person who need not necessarily be a resident of the state of South Dakota, and who is the lawful holder of a C. P. A. certificate issued under the laws of another state which extends similar privileges to certified public accountants of this state, provided, the requirements of said degree in the state which has granted it to the applicant are, in the opinion of the state board of accountancy, equivalent to those herein provided, or to holders of a degree of certified public accountant or chartered accountant, or the equivalent thereof, issued by any foreign government, provided that the requirements of such degree are equivalent to those herein provided for the degree of certified public accountant.

SEC. 6. The board of accountancy may revoke or cancel the registration of any certificate issued under this act, for unprofessional conduct of the holder or other sufficient cause, provided that written notice shall have been mailed to the holder of such certificate at least twenty days before any hearing thereon, stating the cause of such contemplated action, and appointing a day for such hearing thereon by the board; provided, further, that no certificate issued under this act shall be revoked until such hearing shall have been held or the opportunity for such hearing afforded the person charged.

SEC 7. If any person shall hold himself out to the public as having received a certificate as provided in this act, or shall presume to practise as a certified public accountant or chartered accountant, or to use the abbreviation C. P. A., or C. A. or any other letters, words or figures to indicate that the person using the same is such certified public accountant,

The Journal of Accountancy

without having received such certificate, or after the same shall have been revoked, he shall be deemed guilty of a misdemeanor, the penalty for which shall be a fine of not less than one hundred dollars, nor more than five hundred dollars, for each offense, or imprisonment in the county jail for a period not exceeding six months.

SEC. 8. If any person practising in the state of South Dakota as a certified public accountant under this act, or if any person who is in the practice of public accountancy as a certified public accountant or otherwise, shall be found guilty of gross negligence or carelessness or shall wilfully falsify any report or statement bearing on any examination, investigation or audit made by him or under his direction, he shall be deemed guilty of misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars and not more than one thousand dollars, or by imprisonment in the county jail for a period of not less than three months or more than one year or both fine and imprisonment for each time he may be convicted of such a misdemeanor.

SEC. 9. Every person having been granted a certificate under the provisions of this act shall give a bond in the sum of five thousand dollars to the auditor of state before entering upon his duties for the faithful performance of the same; provided, that this act shall not be construed to prohibit any person, not a certified public accountant, or chartered accountant, who does not advertise himself as such to seek employment and to be employed as accountant at whatever wage or salary may be agreed upon.

SEC. 10. Said board of accountancy shall have a seal of such device as the governor shall approve, to be surrounded by the words, "Board of Accountancy of South Dakota." An impression of such seal shall be filed in the office of the secretary of state, and shall appear upon all certificates of accountancy issued. All records, books and papers of the board of accountancy shall be deemed public records of the state. For every copy of any paper filed with the board of accountancy there shall be charged a sum of twenty cents per folio, and for affixing the official seal to each copy and certifying to the same, the sum of one dollar shall be charged. All copies of records and papers of the board of accountancy certified by the secretary thereof and authenticated by the seal of said board of accountancy shall be received in evidence in all courts equally and with like effect as the originals.

SEC. 11. The board of accountancy shall be provided with all records, blanks, stationery, certificates of accountancy and other necessary equipment incident to the transactions of all business under the terms and provisions of this act during the first fiscal year after it shall have taken effect, and for this purpose there is hereby appropriated out of the general fund of the state, not otherwise appropriated, the sum of one hundred dollars (\$100.00). Any unused portion of said appropriation shall, at the expiration of the first fiscal year after this act shall have taken effect, re-

South Dakota C. P. A. Law

vert to the general fund of the state. All fees and charges collected by the board of accountancy shall be covered into the state treasury and credited to the board of accountancy fund, which is hereby appropriated to the use of the board of accountancy toward paying the expenses of enforcing this act. The expenses of the board of accountancy shall, however, be limited to the moneys received by it in fees and charges. All expense actually and necessarily incurred by the board of accountancy for compensation of such board and other expenses in carrying out the provisions of this act shall be paid by the state treasurer upon warrants drawn upon the board of accountancy fund by the state auditor upon duly itemized and approved vouchers.