

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0723

## SENATE BILL NO. 161

Introduced by: Senators Diedrich (Larry), Brosz, Brown (Arnold), Diedrich (Elmer),  
Madden, and Putnam and Representatives Jaspers, Juhnke, Michels, and  
Van Gerpen

1 FOR AN ACT ENTITLED, An Act to regulate petroleum products containing methyl tertiary  
2 butyl ether.

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

4 Section 1. That chapter 37-2 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 No person may sell, offer for sale, or store petroleum products containing or treated with  
7 methyl tertiary butyl ether. The provisions of this section do not apply if the presence of methyl  
8 tertiary butyl ether in a petroleum product is caused solely by incidental commingling of methyl  
9 tertiary butyl ether with the petroleum product during storage or transfer of the petroleum  
10 product. In no event may the provisions of this section be construed to permit the knowing or  
11 willful addition of methyl tertiary butyl ether to any petroleum product.

12 Section 2. That § 37-2-32 be repealed.

13 ~~37-2-32. No retailer may offer for sale any petroleum product containing more than two~~  
14 ~~percent of methyl tertiary butyl ether by volume.~~

1 Section 3. That § 37-2-16 be amended to read as follows:

2 37-2-16. A violation of any provision in §§ 37-2-5 to 37-2-24, inclusive, and ~~§ 37-2-32~~  
3 section 1 of this Act is a Class 2 misdemeanor.

4 Section 4. That § 37-2-30 be amended to read as follows:

5 37-2-30. Any gasoline kept, offered, or exposed for sale, or sold, at retail containing two  
6 percent or more by volume of any oxygenate or combination of oxygenates shall be identified  
7 as "with" or "contains" the specific type of oxygenate or combination of oxygenates in the  
8 gasoline. For example, the label may read "contains ethanol" ~~or "with MTBE/ETBE."~~ This  
9 information shall be posted on the upper fifty percent of the dispenser front panel in a position  
10 clear and conspicuous from the driver's position in a type at least one inch in height and a width  
11 of type of at least one-sixteenth inch stroke.