

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0290

SENATE COMMERCE COMMITTEE ENGROSSED NO.

**SB 34 - 01/12/2001**

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

1 FOR AN ACT ENTITLED, An Act to allow weights and measures inspections to be performed  
2 biennially.

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

4 Section 1. That § 37-21-18 be amended to read as follows:

5 37-21-18. Any person who, ~~by himself, or by his servant or agent or as the servant or agent~~  
6 ~~of another person:~~

7 (1) ~~Shall offer or expose~~ Offers or exposes for sale, ~~sell, use~~ sells, uses in buying or  
8 selling of any commodity or thing, or for hire or award, or ~~retain~~ retains in his  
9 possession a false weight or measure or measuring or weighing device, or any weight  
10 or measure or weighing or measuring device ~~which~~ that has not been sealed by the  
11 Division of Commercial Inspection and Regulation within ~~one year~~ two years; ~~or~~

12 (2) ~~Shall dispose~~ Disposes of any condemned weight, measure, or weighing or measuring  
13 device contrary to law; ~~or~~

14 (3) ~~Shall remove~~ Removes any tag placed thereon by the Division of Commercial

- 1 Inspection and Regulation; ~~or~~
- 2 (4) ~~Shall sell or offer or expose~~ Sells, offers, or exposes for sale less than the quantity ~~he~~
- 3 the person represents; ~~or~~
- 4 (5) ~~Shall take or attempt~~ Takes or attempts to take more than the quantity ~~he~~ the person
- 5 represents, when as the buyer, ~~he~~ the person furnished the weight, measure, or
- 6 weighing or measuring device by means of which the amount of the commodity is
- 7 determined; ~~or~~
- 8 (6) ~~Shall keep~~ Keeps for the purpose of sale, ~~offer or expose~~ offers or exposes for sale,
- 9 or ~~sell~~ sells any commodity in a manner contrary to law; ~~or~~
- 10 (7) ~~Shall violate~~ Violates any provision of chapters 37-20 to 37-22, inclusive, for which
- 11 a specific penalty has not been provided; or
- 12 (8) ~~Shall sell or offer~~ Sells, offers to sell or use or have, uses, or has in his possession for
- 13 the purpose of selling or using any device or instrument to be used, or calculated to
- 14 falsify any weight or measure;
- 15 is guilty of a Class 2 misdemeanor.