

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

237I0649

SENATE BILL NO. 194

Introduced by: Senators Symens, Diedrich (Larry), Duenwald, Duxbury, Jaspers, and Moore
and Representatives Peterson (Jim), Begalka, Burg, Hanson, Putnam, Rhoden,
and Sigdestad

1 FOR AN ACT ENTITLED, An Act to require the use of certain oxygenated fuel and to revise
2 the ethanol motor fuel tax.

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

4 Section 1. After July 1, 2004, all gasoline sold or offered for sale in this state shall contain
5 at least 2.7 percent oxygen by weight.

6 Section 2. A person responsible for the product may offer for sale, sell, or dispense at an
7 airport, marina, mooring facility, or resort, for use in airplanes or for purposes listed under
8 section 4 of this Act, gasoline that is not oxygenated in accordance with section 1 of this Act if
9 the gasoline is unleaded premium grade.

10 Section 3. A person responsible for the product may offer for sale, sell, or dispense at a
11 public or private racecourse, gasoline that is not oxygenated in accordance with section 1 of this
12 Act if the gasoline is intended to be used exclusively as a fuel for off-highway motor sports
13 racing events.

14 Section 4. A person responsible for the product may offer for sale, sell, or dispense at a retail
15 gasoline station for use in collector vehicles or vehicles eligible to be licensed as collector



1 vehicles, off-road vehicles, motorcycles, boats, snowmobiles, or small engines, gasoline that is
2 not oxygenated in accordance with section 1 of this Act. If the nonoxygenated gasoline is for use
3 in a small engine, it must be dispensed into a can with a capacity of six or fewer gallons.

4 Section 5. A person responsible for the product may offer for sale, sell, and deliver directly
5 to a bulk fuel storage tank gasoline that is not oxygenated in accordance with section 1 of this
6 Act for use in aircraft if the nonoxygenated gasoline is unleaded premium grade.

7 Section 6. That § 10-47B-4 be amended to read as follows:

8 10-47B-4. The fuel excise tax rates for the tax imposed by this chapter are as follows:

- 9 (1) Motor fuel (except ethanol blends, E85 and M85 blends, and aviation gasoline) \$.22
10 per gallon;
- 11 (2) Special fuel (except jet fuel) -- \$.22 per gallon;
- 12 (3) Ethanol blends -- ~~\$.20~~ \$.22 per gallon;
- 13 (4) Aviation gasoline -\$.06 per gallon;
- 14 (5) Jet fuel -\$.04 per gallon;
- 15 (6) E85 and M85 -- \$.10 per gallon;
- 16 (7) E85 and M85 used in aircraft -\$.04 per gallon;
- 17 (8) Liquid petroleum gas -- \$.20 per gallon;
- 18 (9) Compressed natural gas -- \$.10 per gallon.