

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0222

SENATE ENGROSSED NO. **SB 34** - 01/30/2003

Introduced by: The Committee on Taxation at the request of the Department of Revenue

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding temporary vendors
2 maintaining records for sales tax collection purposes and to provide a penalty for failure to
3 comply with certain record keeping requirements.

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

5 Section 1. That § 10-45-85 be amended to read as follows:

6 10-45-85. A temporary vendor shall maintain, for a minimum of three years, inventory
7 records, including a beginning inventory of merchandise. ~~A temporary~~ The vendor shall provide
8 ~~an inventory list upon request~~ such records for immediate inspection and review to any agent or
9 representative of the Department of Revenue upon request. Failure to comply with this section
10 is a Class 1 misdemeanor.

11 Section 2. That § 10-45-86 be amended to read as follows:

12 10-45-86. A temporary vendor ~~licensed to conduct business in this state~~ shall maintain daily
13 sales receipts, such as cash register tapes, hand written receipts, credit card receipts, or other
14 receipts, for a minimum of ~~one year~~. ~~The receipts shall be presented,~~ three years. ~~The vendor~~
15 shall provide such receipts for immediate inspection; and review to any agent or representative
16 of the Department of Revenue upon request. Failure to comply with this section is a Class 1



1 misdemeanor.

2 Section 3. That § 10-45-87 be amended to read as follows:

3 10-45-87. A temporary vendor shall, ~~upon request of an agent or representative of the~~
4 ~~Department of Revenue, supply~~ maintain for a minimum of three years, a complete list of
5 suppliers, including names and addresses. The vendor shall provide for immediate inspection and
6 review of such list to any agent or representative of the Department of Revenue upon request.
7 Failure to comply with this section is a Class 1 misdemeanor.

8 Section 4. That § 10-45-88 be amended to read as follows:

9 10-45-88. A temporary vendor operating in this state may be subjected to reviews and audits
10 ~~without notice and shall have all records available at all times for review. The records that shall~~
11 ~~be available at all times include sales receipts, credit card receipts, cash register tapes, inventory~~
12 ~~sheets, and invoices from suppliers.~~

13 Section 5. That § 10-45-89 be amended to read as follows:

14 10-45-89. ~~Failure to maintain records required by~~ The secretary shall revoke the temporary
15 license of any person that fails to comply with the provisions of §§ 10-45-85 to 10-45-89,
16 ~~inclusive, is a Class 1 misdemeanor and shall result in the immediate revocation of the temporary~~
17 ~~license.~~