

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

457L0762

SENATE BILL NO. 195

Introduced by: Senators Dempster, Abdallah, Bartling, Broderick, Knudson, Olson (Ed),
Schoenbeck, and Sutton (Dan) and Representatives Krebs, Gillespie, Glenski,
Murschel, Rave, Roberts, Street, and Thompson

1 FOR AN ACT ENTITLED, An Act to permit certain licensed agents of the Department of
2 Revenue and Regulation to collect and retain authorized convenience fees for the
3 performance of certain duties in lieu of administrative costs.

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

5 Section 1. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 The secretary of the Department of Revenue and Regulation may authorize any agent
8 licensed pursuant to § 32-5-129 to collect and retain a convenience fee for certain services
9 offered and rendered to the public. No convenience fee may exceed two dollars and shall be
10 collected uniformly by all licensed agents statewide. No state agency or county treasurer may
11 collect the convenience fee for the rendition of like services.

12 Section 2. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 The secretary of revenue and regulation shall promulgate rules pursuant to chapter 1-26 to:

15 (1) Denominate those services pursuant to § 32-5-129 for which licensed agents are



1 authorized to collect and retain a convenience fee;

2 (2) Set the amount of the convenience fee for each service offered and rendered;

3 (3) Set forth any fiduciary or accounting responsibility of the licensed agents to the
4 Department of Revenue and Regulation.

5 Section 3. That § 32-5-133 be amended to read as follows:

6 32-5-133. The secretary of revenue and regulation may charge licensed agents for equipment
7 necessary for the licensed agent to carry out the licensed agent's duties as specified in the
8 contract pursuant to § 32-5-131. ~~The secretary of revenue and regulation may authorize the~~
9 ~~licensed agents to retain up to two percent of the amount collected for distribution pursuant to~~
10 ~~§ 32-11-4.1 to cover the licensed agents' administrative costs.~~ Each contract pursuant to § 32-5-
11 131 shall specify the fiscal responsibilities of the licensed agent.

12 Section 4. That § 32-5-134 be amended to read as follows:

13 32-5-134. Licensed agents shall submit all revenue collected for distribution pursuant to
14 § 32-11-4.1, ~~minus any amounts retained pursuant to § 32-5-133,~~ to the secretary of revenue and
15 regulation for distribution. ~~The secretary of revenue and regulation shall reduce any revenue~~
16 ~~retained by licensed agents from the amount which would otherwise be credited to the state~~
17 ~~motor vehicle fund.~~