

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

390L0772

SENATE BILL NO. 200

Introduced by: Senators Kloucek, Hanson (Gary), Hundstad, Koetzle, Kooistra, and Moore
and Representatives Jensen, Boomgarden, Gassman, Glover, Haley, Jerke,
Kroger, Schafer, Sigdestad, Thompson, and Valandra

1 FOR AN ACT ENTITLED, An Act to revise the labeling requirements for certain types of
2 motor fuel.

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

4 Section 1. 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~~" to the specific type of oxygenate or combination of oxygenates in the
8 gasoline. ~~For example, The label may consist of any combination of colors and the label may~~
9 read "~~contains~~ ethanol, E10, or ethanol blend." This information shall be posted on the upper
10 fifty percent of the dispenser front panel in a position that is clear and conspicuous from the
11 driver's position. The words shall be in a type at least ~~one~~ one-half inch in height and a width
12 of type of at least one-sixteenth inch stroke.

13 Section 2. That § 20:01:10:01 be repealed.

14 ~~— 20:01:10:01. Product labeling. All motor fuel kept, offered or exposed for sale, or sold~~
15 ~~containing at least one percent by volume of ethanol, methanol, or a combination of both must~~



1 ~~be identified as "with" or "containing" or similar words and "ethanol," "methanol," or~~
2 ~~"ethanol/methanol" on the dispenser front and back panels in a position that is clear and~~
3 ~~conspicuous from the driver's position. These words must be in a type not less than 1/2 inch~~
4 ~~high, 1/16 inch stroke. The maximum percent content of each type of alcohol must be specified~~
5 ~~on the product identity label.~~

6 Section 3. That § 37-2-6 be amended to read as follows:

7 37-2-6. The secretary of the Department of Revenue and Regulation may ~~in accordance with,~~
8 pursuant to chapter 1-26 ~~make such rules and regulations as are necessary to carry out the~~
9 ~~provisions of §§ 37-2-5 to 37-2-24, inclusive.~~

10 ~~—The rules shall be, and~~ in general conformity with ASTM standards. ~~The secretary may~~
11 adopt, promulgate rules:

- 12 (1) Establishing standards for the maximum volume percentages of ethanol, methanol,
13 ether, and cosolvents in alcohol blended fuels;
- 14 (2) Establishing a program for and prescribing the methods to be used for the inspection
15 and testing of alcohol blended fuels and petroleum products;
- 16 (3) Requiring labeling of devices dispensing alcohol blended fuels ~~to disclose the~~
17 ~~percentage by volume of the fuel which is alcohol;~~
- 18 (4) Establishing standards setting the specifications and tolerance requirements for
19 petroleum products; and
- 20 (5) Regulating the filtering system to be used on devices dispensing alcohol blended
21 fuels.