

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

336N0190

## HOUSE ENGROSSED NO. **SB 84** - 03/01/2007

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Senators Hansen (Tom), McNenny, and Peterson (Jim) and Representatives Dennert, Elliott, Hargens, Juhnke, Lust, Sigdestad, and Turbiville

1 FOR AN ACT ENTITLED, An Act to increase the maximum fees for conducting weights and  
2 measures inspections and testing.

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

4 Section 1. That § 37-21-9.1 be amended to read as follows:

5 37-21-9.1. The Division of Commercial Inspection and Licensing shall charge and collect  
6 a ~~maximum ten dollar~~ fee for each inspection and testing of any weight, measure, and weighing  
7 and measuring device. From July 1, 2007, through June 30, 2008, the fee is sixteen dollars.  
8 From July 1, 2008, through June 30, 2009, the fee is twenty-two dollars. On July 1, 2009, and  
9 thereafter, the fee is twenty-eight dollars. The fee shall be paid upon demand of the division by  
10 the person, firm, or corporation owning or operating the weight, measure, or weighing or  
11 measuring device inspected or tested. A ~~maximum fee of five dollars~~ shall be charged and  
12 collected for each inspection and testing of gasoline and diesel stationary fuel pump meters.  
13 From July 1, 2007, through June 30, 2008, the fee is eight dollars. From July 1, 2008, through  
14 June 30, 2009, the fee is eleven dollars. On July 1, 2009, and thereafter, the fee is fourteen  
15 dollars. A ~~maximum fee of fifteen dollars~~ shall be charged and collected for each inspection and



1 testing of gasoline and diesel high speed stationary fuel pump meters and for refined fuel truck  
 2 meters. From July 1, 2007, through June 30, 2008, the fee is twenty-five dollars. From July 1,  
 3 2008, through June 30, 2009, the fee is thirty-six dollars. On July 1, 2009, and thereafter, the  
 4 fee is forty-six dollars. A maximum fee of fifteen dollars shall be collected for refined fuel truck  
 5 meters. If a special or emergency inspection is requested, a charge, not to exceed the actual cost  
 6 of such inspection, including costs for personnel, equipment, and mileage, shall be made and  
 7 assessed against the requesting individual or device owner. All fees, except those for special or  
 8 emergency inspection, shall be promulgated by the secretary of the Department of Public Safety  
 9 pursuant to chapter 1-26. It is the intent of the Legislature that one-half of the inspection  
 10 program funding may be derived from the general fund and the other half from the fees collected  
 11 pursuant to this Act, through the General Appropriations Act.

12 Section 2. That § 37-22-10 be amended to read as follows:

13 37-22-10. The Division of Commercial Inspection and Licensing shall charge and collect  
 14 a fee for each inspection or testing of scales. The fee shall be paid upon demand of the division  
 15 by the person, firm, or corporation owning or operating the scale inspected or tested. The  
 16 ~~maximum~~ schedule of fees is as follows:

17 (1) Up to and including 2,000 pounds capacity ~~---fifteen dollars;~~

18 (a) From July 1, 2007, through June 30, 2008 - twenty dollars;

19 (b) From July 1, 2008, through June 30, 2009 - twenty-four dollars;

20 (c) Beginning July 1, 2009 - twenty-nine dollars;

21 (2) 2,001 to 5,000 pounds capacity, inclusive ~~---twenty-five dollars;~~

22 (a) From July 1, 2007, through June 30, 2008 - thirty-three dollars;

23 (b) From July 1, 2008, through June 30, 2009 - forty-one dollars;

24 (c) Beginning July 1, 2009 - forty-eight dollars;

- 1 (3) 5,001 to 40,000 pounds capacity, inclusive ~~---sixty dollars~~;
  - 2 (a) From July 1, 2007, through June 30, 2008 - sixty-seven dollars;
  - 3 (b) From July 1, 2008, through June 30, 2009 - seventy-five dollars;
  - 4 (c) Beginning July 1, 2009 - eighty-two dollars;
- 5 (4) Over 40,000 pounds capacity ~~---seventy-five dollars~~;
  - 6 (a) From July 1, 2007, through June 30, 2008 - eighty-four dollars;
  - 7 (b) From July 1, 2008, through June 30, 2009 - ninety-four dollars;
  - 8 (c) Beginning July 1, 2009 - one hundred three dollars;
- 9 (5) All livestock scales ~~---one hundred dollars~~;
  - 10 (a) From July 1, 2007, through June 30, 2008 - one hundred twenty-four dollars;
  - 11 (b) From July 1, 2008, through June 30, 2009 - one hundred forty-eight dollars;
  - 12 (c) Beginning July 1, 2009 - one hundred seventy-three dollars.

13 If a special or emergency inspection is requested, a charge, not to exceed the actual cost of  
14 such inspection, including costs for personnel, equipment, and mileage, shall be made and  
15 assessed against the requesting individual or device owner. It is the intent of the Legislature that  
16 one-half of the inspection program funding may be derived from the general fund and the other  
17 half from the fees collected pursuant to this Act, through the General Appropriations Act.

18 Section 3. That § 34-39-3 be amended to read as follows:

19 34-39-3. The Department of Public Safety may test all weighing and measuring devices used  
20 in the wholesale or retail sale of liquefied petroleum gas, either in liquid or vapor form, and  
21 shall condemn or reject for repair, any device which is found either to be inaccurate or does not  
22 clearly state the quantity of liquefied petroleum gas, either in liquid or vapor form, in pounds,  
23 gallons, cubic feet, or other unit approved by the department.

24 The department shall charge and collect a ~~maximum twenty-dollar~~ fee for each test. ~~The fee~~

1 ~~shall be promulgated by the secretary of public safety pursuant to chapter 1-26. From July 1,~~  
2 ~~2007, through June 30, 2008, the fee is thirty-six dollars. From July 1, 2008, through June 30,~~  
3 ~~2009, the fee is fifty-two dollars. On July 1, 2009, and thereafter, the fee is sixty-eight dollars.~~  
4 Revenue from the fee shall be deposited into the state general fund.

5 Any inspector employed by the department may enter and examine any liquefied petroleum  
6 gas plant for safety standard purposes no more than every two years, except for any reinspection  
7 resulting from a deficiency. The department shall charge and collect a ~~maximum one hundred~~  
8 ~~dollar~~ fee for each inspection. ~~The fee shall be promulgated by the secretary of public safety~~  
9 ~~pursuant to chapter 1-26. From July 1, 2007, through June 30, 2008, the fee is fifty-eight dollars.~~  
10 ~~From July 1, 2008, through June 30, 2009, the fee is seventy-six dollars. On July 1, 2009, and~~  
11 ~~thereafter, the fee is ninety-four dollars.~~

12 For the purposes of this section, a liquefied petroleum gas plant is a retail distribution  
13 facility with a capacity of at least eight thousand gallons. It is the intent of the Legislature that  
14 one-half of the inspection program funding may be derived from the general fund and the other  
15 half from the fees collected pursuant to this Act, through the General Appropriations Act.

16 Section 4. That § 37-21A-3 be amended to read as follows:

17 37-21A-3. The director shall charge an annual registration fee ~~of twenty-five dollars per for~~  
18 ~~service agency plus five dollars per agencies and for registered serviceman~~ servicemen to cover  
19 administrative costs. From July 1, 2007, through June 30, 2008, the fee for each agency is forty  
20 dollars and the fee for each serviceman is seven dollars. From July 1, 2008, through June 30,  
21 2009, the fee for each agency is fifty-five dollars and the fee for each serviceman is eight  
22 dollars. On July 1, 2009, and thereafter, the fee for each agency is sixty-nine dollars and the fee  
23 for each serviceman is ten dollars. The fee shall be paid when the registration or renewal  
24 application is made. It is the intent of the Legislature that one-half of the inspection program

1 funding may be derived from the general fund and the other half from the fees collected  
2 pursuant to this Act, through the General Appropriations Act.

3 Section 5. That § 37-21A-7 be amended to read as follows:

4 37-21A-7. A registered serviceman and a registered service agency shall submit, annually  
5 to the director, for examination and certification, any standards and testing equipment that are  
6 used, or are to be used, in the performance of the service and testing functions with respect to  
7 weighing and measuring devices for which competence is registered. No registered service  
8 person or agency may use in servicing any commercial weighing or measuring device any  
9 standards or testing equipment that have not been certified by the director. The Department of  
10 Public Safety shall charge a fee ~~not to exceed the actual cost of~~ for such examination and  
11 certification, ~~including costs for personnel, equipment, and mileage.~~ From July 1, 2007, through  
12 June 30, 2008, the fee is sixty-two dollars per hour. From July 1, 2008, through June 30, 2009,  
13 the fee is seventy-nine dollars per hour. On July 1, 2009, and thereafter, the fee is ninety-six  
14 dollars per hour. It is the intent of the Legislature that one-half of the inspection program  
15 funding may be derived from the general fund and the other half from the fees collected  
16 pursuant to this Act, through the General Appropriations Act.