

AN ACT

ENTITLED, An Act to increase the maximum fees for conducting weights and measures inspections and testing.

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

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

37-21-9.1. The Division of Commercial Inspection and Licensing shall charge and collect a fee for each inspection and testing of any weight, measure, and weighing and measuring device. From July 1, 2007, through June 30, 2008, the fee is sixteen dollars. From July 1, 2008, through June 30, 2009, the fee is twenty-two dollars. On July 1, 2009, and thereafter, the fee is twenty-eight dollars. The fee shall be paid upon demand of the division by the person, firm, or corporation owning or operating the weight, measure, or weighing or measuring device inspected or tested. A fee shall be charged and collected for each inspection and testing of gasoline and diesel stationary fuel pump meters. From July 1, 2007, through June 30, 2008, the fee is eight dollars. From July 1, 2008, through June 30, 2009, the fee is eleven dollars. On July 1, 2009, and thereafter, the fee is fourteen dollars. A fee shall be charged and collected for each inspection and testing of gasoline and diesel high speed stationary fuel pump meters and for refined fuel truck meters. From July 1, 2007, through June 30, 2008, the fee is twenty-five dollars. From July 1, 2008, through June 30, 2009, the fee is thirty-six dollars. On July 1, 2009, and thereafter, the fee is forty-six dollars. If a special or emergency inspection is requested, a charge, not to exceed the actual cost of such inspection, including costs for personnel, equipment, and mileage, shall be made and assessed against the requesting individual or device owner. It is the intent of the Legislature that one-half of the inspection program funding may be derived from the general fund and the other half from the fees collected pursuant to this Act, through the General Appropriations Act.

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

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

- (1) Up to and including 2,000 pounds capacity:
  - (a) From July 1, 2007, through June 30, 2008 - twenty dollars;
  - (b) From July 1, 2008, through June 30, 2009 - twenty-four dollars;
  - (c) Beginning July 1, 2009 - twenty-nine dollars;
- (2) 2,001 to 5,000 pounds capacity, inclusive:
  - (a) From July 1, 2007, through June 30, 2008 - thirty-three dollars;
  - (b) From July 1, 2008, through June 30, 2009 - forty-one dollars;
  - (c) Beginning July 1, 2009 - forty-eight dollars;
- (3) 5,001 to 40,000 pounds capacity, inclusive:
  - (a) From July 1, 2007, through June 30, 2008 - sixty-seven dollars;
  - (b) From July 1, 2008, through June 30, 2009 - seventy-five dollars;
  - (c) Beginning July 1, 2009 - eighty-two dollars;
- (4) Over 40,000 pounds capacity:
  - (a) From July 1, 2007, through June 30, 2008 - eighty-four dollars;
  - (b) From July 1, 2008, through June 30, 2009 - ninety-four dollars;
  - (c) Beginning July 1, 2009 - one hundred three dollars;
- (5) All livestock scales:
  - (a) From July 1, 2007, through June 30, 2008 - one hundred twenty-four dollars;
  - (b) From July 1, 2008, through June 30, 2009 - one hundred forty-eight dollars;
  - (c) Beginning July 1, 2009 - one hundred seventy-three dollars.

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

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

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

The department shall charge and collect a fee for each test. From July 1, 2007, through June 30, 2008, the fee is thirty-six dollars. From July 1, 2008, through June 30, 2009, the fee is fifty-two dollars. On July 1, 2009, and thereafter, the fee is sixty-eight dollars. Revenue from the fee shall be deposited into the state general fund.

Any inspector employed by the department may enter and examine any liquefied petroleum gas plant for safety standard purposes no more than every two years, except for any reinspection resulting from a deficiency. The department shall charge and collect a fee for each inspection. From July 1, 2007, through June 30, 2008, the fee is fifty-eight dollars. From July 1, 2008, through June 30, 2009, the fee is seventy-six dollars. On July 1, 2009, and thereafter, the fee is ninety-four dollars.

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

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

37-21A-3. The director shall charge an annual registration fee for service agencies and for registered servicemen to cover administrative costs. From July 1, 2007, through June 30, 2008, the fee for each agency is forty dollars and the fee for each serviceman is seven dollars. From July 1, 2008, through June 30, 2009, the fee for each agency is fifty-five dollars and the fee for each serviceman is eight dollars. On July 1, 2009, and thereafter, the fee for each agency is sixty-nine dollars and the fee for each serviceman is ten dollars. The fee shall be paid when the registration or renewal application is made. It is the intent of the Legislature that one-half of the inspection program funding may be derived from the general fund and the other half from the fees collected pursuant to this Act, through the General Appropriations Act.

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

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

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I certify that the attached Act  
originated in the

SENATE as Bill No. 84

\_\_\_\_\_  
Secretary of the Senate  
\_\_\_\_\_

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 84

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_ ,

20 \_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
\_\_\_\_\_

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20 \_\_\_\_

\_\_\_\_\_  
Governor  
\_\_\_\_\_

STATE OF SOUTH DAKOTA,  
SS.  
Office of the Secretary of State

Filed \_\_\_\_\_, 20 \_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State