AN ACT

ENTITLED, An Act to change certain references from the Department of Revenue and Regulation to the Department of Public Safety.

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

Section 1. That § 37-2-5 be amended to read as follows:

37-2-5. Terms used throughout §§ 37-2-5 to 37-2-24, inclusive, mean:

(1) "Alcohol," a colorless volatile flammable liquid containing no more than 1.25 percent of water used for the purpose of blending or mixing with gasoline for use in motor vehicles and commonly known as alcohol, ethanol or methanol;

(2) "ASTM," the American Society for Testing and Materials;

(3) "Aviation gasoline," a volatile hydrocarbon fuel free from suspended water and sediment matter and that is suitable for use as a fuel in an internal combustion engine designed for use in an aircraft;

(4) "Department," the Department of Public Safety;

(5) "Diesel fuel," a hydrocarbon fuel free from suspended water and sediment matter that is suitable for use as a fuel in a diesel engine;

(5A) "Ether," methyl tertiary butyl ether;

(6) "Flash test" and "flash point," the flash point as determined by the method of the American Society for Testing Materials, using the instrument known as the Tagliabue closed cup tester;

(7) "Gasoline," a volatile hydrocarbon fuel free from suspended water and sediment matter that is practicable and suitable used as fuel in a spark ignition internal combustion engine;

(8) "Inspector," the secretary of the Department of Public Safety or any deputy or assistant appointed by the secretary for the purpose of enforcing the provisions of this chapter;

(9) "Kerosene," a hydrocarbon fuel intended for use in heating and illumination and having an American Petroleum Institute gravity of not less than forty degrees. Kerosene shall also include coal oil and burner oil;

(10) "Petroleum products," gasoline, alcohol blended fuels, kerosene, diesel fuel, aviation gasoline, burner oil, naphtha and lubricating oils.

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

37-2-6. The secretary of the Department of Public Safety may in accordance with chapter 1-26 make such rules and regulations as are necessary to carry out the provisions of §§ 37-2-5 to 37-2-24, inclusive.

The rules shall be in general conformity with ASTM standards. The secretary may adopt rules:

(1) Establishing standards for the maximum volume percentages of ethanol, methanol, ether, and cosolvents in alcohol blended fuels;

(2) Establishing a program for and prescribing the methods to be used for the inspection and testing of alcohol blended fuels and petroleum products;

(3) Requiring labeling of devices dispensing alcohol blended fuels to disclose the percentage by volume of the fuel which is alcohol;

(4) Establishing standards setting the specifications and tolerance requirements for petroleum products; and

(5) Regulating the filtering system to be used on devices dispensing alcohol blended fuels.

Section 3. That § 37-2-8 be amended to read as follows:

37-2-8. The director of laboratories shall make such analysis as may be requested by the secretary of the Department of Public Safety. Distillation tests shall be made in accordance with the methods for such tests adopted by the American Society for Testing Materials.

Section 4. That § 37-2-19 be amended to read as follows:

37-2-19. The secretary of public safety shall be ex officio inspector of petroleum products. Neither the secretary nor any subordinate shall traffic directly or indirectly in any product subject to inspection under the provisions of this chapter.

Section 5. That § 37-2-21 be amended to read as follows:

37-2-21. Whenever the words, inspector of petroleum products, or, inspector, appear throughout §§ 37-2-5 to 37-2-24, inclusive, they mean the secretary of public safety and any of the secretary's duly appointed and acting deputies, agents, assistants, or employees, engaged in administering or enforcing the provisions of those sections. For such purposes the secretary and the secretary's deputies, assistants, agents, and employees, and any law enforcement officer requested to aid in such purposes shall have the necessary rights of visitation, inspection, examination, and access to all places, property, and records, including the right to take a reasonable amount of samples for analysis. Any employee of any common carrier doing business in this state shall furnish, if requested, information as to arrival or departure of consignments of such products.

An Act to change certain references from the Department of Revenue and Regulation to the Department of Public Safety.

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I certify that the attached Act originated in the

SENATE as Bill No. 32

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Secretary of the Senate

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President of the Senate

Attest:

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Secretary of the Senate

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Speaker of the House

Attest:

_____
Chief Clerk

Senate Bill No. 32
File No. ____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

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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