

# State of South Dakota

## EIGHTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2007

400N0316

### SENATE BILL NO. 14

Introduced by: The Committee on Commerce at the request of the Department of Public Safety

1 FOR AN ACT ENTITLED, An Act to increase the maximum fees for conducting certain  
2 weights and 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~~ thirty dollar fee for each inspection and testing of any weight, measure, and  
7 weighing and measuring device. The fee shall be paid upon demand of the division by the  
8 person, firm, or corporation owning or operating the weight, measure, or weighing or measuring  
9 device inspected or tested. A maximum fee of ~~five~~ fifteen dollars shall be charged and collected  
10 for each inspection and testing of gasoline and diesel stationary fuel pump meters. A maximum  
11 fee of ~~fifteen~~ fifty dollars shall be charged and collected for each inspection and testing of  
12 gasoline and diesel high speed stationary fuel pump meters. A maximum fee of ~~fifteen~~ fifty  
13 dollars shall be collected for refined fuel truck meters. If a special or emergency inspection is  
14 requested, a charge, not to exceed the actual cost of such inspection, including costs for  
15 personnel, equipment, and mileage, shall be made and assessed against the requesting individual



or device owner. All fees, except those for special or emergency inspection, shall be promulgated by the secretary of the Department of Public Safety pursuant to chapter 1-26.

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 maximum schedule of fees is as follows:

- (1) Up to and including 2,000 pounds capacity ~~--fifteen~~ thirty dollars;
- (2) 2,001 to 5,000 pounds capacity, inclusive ~~--twenty-five~~ fifty dollars;
- (3) 5,001 to 40,000 pounds capacity, inclusive ~~--sixty~~ eighty dollars;
- (4) Over 40,000 pounds capacity ~~--seventy-five~~ one hundred dollars;
- (5) All livestock scales ~~--one hundred~~ seventy-five 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.

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 maximum ~~twenty~~ seventy-five dollar fee for each test. The fee shall be promulgated by the secretary of public safety pursuant to chapter 1-26. 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 maximum one hundred dollar fee for each inspection. The fee shall be promulgated by the secretary of public safety pursuant to chapter 1-26.

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.

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

37-21A-3. The director shall charge an annual registration fee of ~~twenty-five~~ seventy-five dollars per service agency plus ~~five~~ ten dollars per registered serviceman to cover administrative costs. The fee shall be paid when the registration or renewal application is made.

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 maximum fee ~~not to exceed the actual cost of~~ one hundred dollars per hour for such examination and certification, ~~including costs for personnel, equipment, and~~ mileage.