

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0316

SENATE GOVERNMENT OPERATIONS AND AUDIT

COMMITTEE ENGROSSED NO. **SB 14** - 02/07/2007

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

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 dollar~~ fee for each inspection and testing of any weight, measure, and weighing
7 and measuring device based on the following schedule:

8 (1) Beginning July 1, 2007-sixteen dollars;

9 (2) Beginning July 1, 2008-twenty-two dollars;

10 (3) Beginning July 1, 2009-twenty-eight dollars;

11 (4) Beginning July 1, 2010-thirty-four dollars.

12 The fee shall be paid upon demand of the division by the person, firm, or corporation owning
13 or operating the weight, measure, or weighing or measuring device inspected or tested. A
14 ~~maximum fee of five dollars~~ shall be charged and collected for each inspection and testing of



gasoline and diesel stationary fuel pump meters based on the following schedule:

- (1) Beginning July 1, 2007-eight dollars;
- (2) Beginning July 1, 2008-eleven dollars;
- (3) Beginning July 1, 2009-fourteen dollars;
- (4) Beginning July 1, 2010-seventeen dollars.

A ~~maximum fee of fifteen dollars~~ 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 based on the following schedule:

- (1) Beginning July 1, 2007-twenty-five dollars;
- (2) Beginning July 1, 2008-thirty-six dollars;
- (3) Beginning July 1, 2009-forty-six dollars;
- (4) Beginning July 1, 2010-fifty-six dollars.

~~A maximum fee of fifteen dollars shall be collected for refined fuel truck meters. 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. 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 dollars--;~~

- 1 (a) 1. Beginning July 1, 2007-twenty dollars;
- 2 (b) 2. Beginning July 1, 2008-twenty-four dollars;
- 3 (c) 3. Beginning July 1, 2009-twenty-nine dollars;
- 4 (d) 4. Beginning July 1, 2010-thirty-four dollars;
- 5 (2) 2,001 to 5,000 pounds capacity, inclusive ~~---twenty-five dollars;~~
- 6 (a) 1. Beginning July 1, 2007-thirty-three dollars;
- 7 (b) 2. Beginning July 1, 2008-forty-one dollars;
- 8 (c) 3. Beginning July 1, 2009-forty-eight dollars;
- 9 (d) 4. Beginning July 1, 2010-fifty-six dollars;
- 10 (3) 5,001 to 40,000 pounds capacity, inclusive ~~---sixty dollars;~~
- 11 (a) 1. Beginning July 1, 2007-sixty-seven dollars;
- 12 (b) 2. Beginning July 1, 2008-seventy-five dollars;
- 13 (c) 3. Beginning July 1, 2009-eighty-two dollars;
- 14 (d) 4. Beginning July 1, 2010-ninety dollars;
- 15 (4) Over 40,000 pounds capacity ~~---seventy-five dollars;~~
- 16 (a) 1. Beginning July 1, 2007-eighty-four dollars;
- 17 (b) 2. Beginning July 1, 2008-ninety-four dollars;
- 18 (c) 3. Beginning July 1, 2009-one hundred three dollars;
- 19 (d) 4. Beginning July 1, 2010-one hundred twelve dollars;
- 20 (5) All livestock scales ~~---one hundred dollars;~~
- 21 (a) 1. Beginning July 1, 2007-one hundred twenty-four dollars;
- 22 (b) 2. Beginning July 1, 2008-one hundred forty-eight dollars;
- 23 (c) 3. Beginning July 1, 2009-one hundred seventy-three dollars;
- 24 (d) 4. Beginning July 1, 2010-one hundred ninety-seven dollars.

1 If a special or emergency inspection is requested, a charge, not to exceed the actual cost of
2 such inspection, including costs for personnel, equipment, and mileage, shall be made and
3 assessed against the requesting individual or device owner.

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

5 34-39-3. The Department of Public Safety may test all weighing and measuring devices used
6 in the wholesale or retail sale of liquefied petroleum gas, either in liquid or vapor form, and
7 shall condemn or reject for repair, any device which is found either to be inaccurate or does not
8 clearly state the quantity of liquefied petroleum gas, either in liquid or vapor form, in pounds,
9 gallons, cubic feet, or other unit approved by the department.

10 The department shall charge and collect a ~~maximum twenty-dollar~~ fee for each test. ~~The fee~~
11 ~~shall be promulgated by the secretary of public safety pursuant to chapter 1-26~~ based on the
12 following schedule:

- 13 (1) Beginning July 1, 2007-thirty-six dollars;
14 (2) Beginning July 1, 2008-fifty-two dollars;
15 (3) Beginning July 1, 2009-sixty-eight dollars;
16 (4) Beginning July 1, 2010-eighty-four dollars.

17 Revenue from the fee shall be deposited into the state general fund.

18 Any inspector employed by the department may enter and examine any liquefied petroleum
19 gas plant for safety standard purposes no more than every two years, except for any reinspection
20 resulting from a deficiency. The department shall charge and collect a ~~maximum one hundred~~
21 ~~dollar~~ fee for each inspection based on the following schedule:

- 22 (1) Beginning July 1, 2007-fifty-eight dollars;
23 (2) Beginning July 1, 2008-seventy-six dollars;
24 (3) Beginning July 1, 2009-ninety-four dollars;

(4) Beginning July 1, 2010-one hundred twelve dollars.

~~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 dollars per for~~ service agency ~~plus five dollars per agencies and for registered serviceman~~ servicemen to cover administrative costs based on the following schedule:

(1) Beginning July 1, 2007-forty dollars (per agency) and seven dollars (per serviceman);

(2) Beginning July 1, 2008-fifty-five dollars (per agency) and eight dollars (per serviceman);

(3) Beginning July 1, 2009-sixty-nine dollars (per agency) and ten dollars (per serviceman);

(4) Beginning July 1, 2010-eighty-four dollars (per agency) and eleven dollars (per serviceman).

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 fee ~~not to exceed the actual cost of~~ for such examination and

1 ~~certification, including costs for personnel, equipment, and mileage~~ based on the following
2 schedule:

- 3 (1) Beginning July 1, 2007-sixty-two dollars per hour;
4 (2) Beginning July 1, 2008-seventy-nine dollars per hour;
5 (3) Beginning July 1, 2009-ninety-six dollars per hour;
6 (4) Beginning July 1, 2010-one hundred twelve dollars per hour.