



2025 South Dakota Legislature

House Bill 1013

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

1 **An Act to increase weights and measures inspection fees charged by the Department**
 2 **of Public Safety.**

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

4 **Section 1. That § 34-39-3 be AMENDED:**

5 **34-39-3.** The department may test all weighing and measuring devices used in
 6 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~~ that is inaccurate
 8 or that does not clearly state the quantity of liquefied petroleum gas, either in liquid or
 9 vapor form, in pounds, gallons, cubic feet, or other unit approved by the department.

10 The department shall charge and collect ~~a sixty-eight dollar~~ fee of one hundred
 11 dollars for each test.

12 Any inspector employed by the department may enter and examine any liquefied
 13 petroleum gas plant for compliance with safety standard purposes standards no more than
 14 every two years, except for any reinspection resulting from a deficiency. The department
 15 shall charge and collect ~~a ninety-four dollar~~ a fee of one hundred fifty dollars for each
 16 inspection.

17 For the purposes of this section, ~~a "liquefied petroleum gas plant is"~~ means a retail
 18 distribution facility with a capacity of at least eight thousand gallons.

19 Revenue from the fees imposed by this section ~~shall~~ must be deposited into the
 20 general fund. It is the intent of the Legislature that one-half of the inspection program
 21 funding may be derived from the general fund and the other half from the fees collected
 22 pursuant to this section and §§ 37-21-9.1, 37-21A-3, 37-21A-7, and 37-22-10, through
 23 the General Appropriations Act.

24 **Section 2. That § 37-21-9.1 be AMENDED:**

1 ~~**37-21-9.1.** The department shall charge and collect a fee of twenty-eight dollars~~
 2 ~~for each inspection and testing of any weight, measure, and weighing and measuring~~
 3 ~~device up to one thousand pounds. The fee shall be paid upon demand of the department~~
 4 ~~by the person, firm, or corporation owning or operating the weight, measure, or weighing~~
 5 ~~or measuring device inspected or tested. A fee of fourteen dollars shall be charged and~~
 6 ~~collected for each inspection and testing of gasoline and diesel stationary fuel pump~~
 7 ~~meters. A fee of forty-six dollars shall be charged and collected for each inspection and~~
 8 ~~testing of gasoline and diesel high-speed stationary fuel pump meters and for refined fuel~~
 9 ~~truck meters. If a special or emergency inspection is requested, a charge, not to exceed~~
 10 ~~the actual cost of the inspection, including costs for personnel, equipment, and mileage,~~
 11 ~~shall be made and assessed against the requesting person or device owner.~~

12 The department shall charge and collect the following fees for the services
 13 specified:

- 14 (1) For each inspection and testing of gasoline and diesel stationary fuel pump meters,
 15 thirty-five dollars;
 16 (2) For each inspection and testing of gasoline and diesel high-speed stationary fuel
 17 pump meters and for refined fuel truck meters, seventy-five dollars;
 18 (3) For each agricultural chemical or liquid fertilizer meter, one hundred twenty-five
 19 dollars; and
 20 (4) For any special or emergency inspection by request, a fee not to exceed the actual
 21 cost of inspection, including costs for personnel, equipment, and mileage.

22 It is the intent of the Legislature that one-half of the inspection program funding
 23 may be derived from the general fund and the other half from the fees collected pursuant
 24 to this section and §§ 34-39-3, 37-21A-3, 37-21A-7, and 37-22-10, through the General
 25 Appropriations Act.

26 **Section 3. That § 37-21A-3 be AMENDED:**

27 ~~**37-21A-3.** The secretary shall charge~~ and collect ~~an annual registration fee of~~
 28 ~~sixty-nine~~ one hundred ~~dollars for each service agency and ten~~ twenty ~~dollars for each~~
 29 ~~registered service agent to cover administrative costs. The fee shall~~ must ~~be paid when~~
 30 ~~the registration or renewal application is made.~~

31 It is the intent of the Legislature that one-half of the inspection program funding
 32 may be derived from the general fund and the other half from the fees collected pursuant
 33 to this section and §§ 34-39-3, 37-21-9.1, 37-21A-7, and 37-22-10, through the General
 34 Appropriations Act.

1 **Section 4. That § 37-21A-7 be AMENDED:**

2 **37-21A-7.** A registered service agent and a registered service agency shall submit,
 3 annually to the secretary, for examination and certification, any standards and testing
 4 equipment that are used, or are to be used, ~~in the performance of the service and testing~~
 5 ~~functions with respect to~~ of weighing and measuring devices for which competence is
 6 registered. No registered service agent or agency may use, in servicing any commercial
 7 weighing or measuring device, any standards or testing equipment that have not been
 8 certified by the secretary. The department shall charge and collect ~~a ninety-six dollar per~~
 9 ~~hour~~ fee of one hundred thirty-five dollars per hour for the examination and certification.

10 It is the intent of the Legislature that one-half of the inspection program funding
 11 may be derived from the general fund and the other half from the fees collected pursuant
 12 to this section and §§ 34-39-3, 37-21-9.1, 37-21A-3, and 37-22-10, through the General
 13 Appropriations Act.

14 **Section 5. That § 37-22-10 be AMENDED:**

15 **37-22-10.** The department shall charge and collect a fee for each inspection or
 16 testing of scales. ~~The fee shall be paid upon demand of the department by~~ from the person
 17 owning or operating the scale inspected or tested. The schedule of fees is as follows:

- 18 (1) ~~1,001 to 2,000 pounds capacity, inclusive, twenty nine dollars;~~
 19 (2) ~~2,001 to 5,000 pounds capacity, inclusive, forty eight dollars;~~
 20 (3) ~~5,001 to 40,000 pounds capacity, inclusive, eighty two dollars;~~
 21 (4) ~~Over 40,000 pounds capacity, one hundred three dollars;~~
 22 (5) For a scale under thirty-one pounds capacity, forty-five dollars;
 23 (2) For a scale of thirty-one but less than one thousand one pounds capacity, sixty-
 24 five dollars;
 25 (3) For a scale with a capacity of one thousand one pounds and greater, one hundred
 26 forty-five dollars; and
 27 (4) ~~All livestock scales, one hundred seventy three dollars~~ For any livestock scale, two
 28 hundred fifty dollars.

29 If a special or emergency inspection is requested, a charge, not to exceed the
 30 actual cost of the inspection, including costs for personnel, equipment, and mileage, shall
 31 be made and assessed against the requesting person or device owner.

32 It is the intent of the Legislature that one-half of the inspection program funding
 33 may be derived from the general fund and the other half from the fees collected pursuant

1 to this section and §§ 34-39-3, 37-21-9.1, 37-21A-3, and 37-21A-7, through the General
2 Appropriations Act.