

2026 South Dakota Legislature

Senate Bill 6**AMENDMENT 6B
FOR THE INTRODUCED BILL**

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

1 An Act to ~~reduce the duration of an individual's reemployment benefits~~ ensure
2 consumer access to E-15 gasoline at qualified retail motor fuel sites and to
3 provide a penalty.

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

5 **Section 1. That a NEW SECTION be added to a NEW CHAPTER in title 37:**

6 Terms used in this chapter mean:

- 7 (1) "E-15 gasoline," a classification of gasoline formulated with a percentage by
8 volume of ethanol that is greater than ten percent but no more than than fifteen
9 percent;
- 10 (2) "Ethanol," an ethyl alcohol that is produced from cereal grains or agricultural
11 commodities, is nominally anhydrous as a finished product, is subject to a purity
12 determination that excludes any denaturant, and includes the volume of any
13 denaturant in determining the percentage blended with gasoline for motor fuel;
- 14 (3) "Motor fuel," any fuel commonly or commercially known as gasoline, including
15 ethanol and the various ethanol and gasoline blends;
- 16 (4) "Motor fuel dispenser," equipment that is part of the motor fuel storage and
17 dispensing infrastructure, whether electrical or mechanical, which operates a pump
18 that dispenses motor fuel from a motor fuel storage tank to the end point of the
19 equipment's nozzle;
- 20 (5) "Motor fuel pump," the part of the motor fuel storage and dispensing infrastructure
21 that is a meter or similar commercial weighing and measuring device, and which
22 is used to measure and dispense motor fuel that originates from a motor fuel
23 storage tank, on a retail basis;
- 24 (6) "Motor fuel storage and dispensing infrastructure," means any equipment or item
25 that is used to either:

- 1 (a) Store and dispense motor fuel; or
2 (b) Store, blend, and dispense motor fuel;
3 (7) "Motor fuel storage tank," an above ground or a below ground container that is
4 part of motor fuel storage and dispensing infrastructure and is used for the storage
5 of motor fuel;
6 (8) "Nonqualifying motor fuel dispenser," any:
7 (a) Device or equipment used for the exclusive dispensation of aviation fuel,
8 diesel exhaust fluid, diesel fuel, or kerosene;
9 (b) Commercial motor vehicle designed to transport liquid or gaseous materials
10 within a tank that has an individual rated capacity greater than one hundred
11 nineteen gallons and an aggregate rated capacity greater than one
12 thousand gallons, and which is permanently or temporarily attached to the
13 vehicle or the chassis; or
14 (c) Device or equipment that is located at a commercial marina to dispense fuel
15 for marine purposes;
16 (9) "Qualifying motor fuel dispenser," any device or equipment, other than a
17 nonqualifying motor fuel dispenser, which is capable of dispensing motor fuel at
18 any time during which it is in operation;
19 (10) "Retail dealer," a person engaged in the business of storing and dispensing motor
20 fuel, from a motor fuel pump, for sale on a retail basis;
21 (11) "Retail motor fuel site," a geographic location at which a retail dealer operates;
22 and
23 (12) "Small retail motor fuel site," a location that:
24 (a) Has only one qualifying motor fuel dispenser; or
25 (b) Has an average annual gasoline gallon equivalent below three hundred
26 thousand for the most recent three-year period.

27 **Section 2. That a NEW SECTION be added to a NEW CHAPTER in title 37:**

28 Beginning January 1, 2028, if a retail dealer constructs a new retail motor fuel site
29 or cumulatively from that date replaces more than eighty percent of the motor fuel storage
30 and dispensing infrastructure located at an existing retail motor fuel site, the retail dealer
31 must advertise for sale and sell E-15 gasoline from at least fifty percent of all qualifying
32 motor fuel dispensers located at the site.

1 If a retail dealer does not meet the new construction or replacement criteria set
2 forth in this section, the dealer must, beginning January 1, 2030, advertise for sale and
3 sell E-15 gasoline from at least one qualifying motor fuel dispenser located at the site.

4 The requirements of this section do not apply to any retail dealer who obtains an
5 exemption, as provided for in section 5 of this Act.

6 Nothing in this section prohibits a retail dealer from advertising and selling motor
7 fuel from any number of nonqualifying motor fuel dispensers.

8 **Section 3. That a NEW SECTION be added to a NEW CHAPTER in title 37:**

9 A retail dealer is not out of compliance with section 2 of this Act if the dealer notifies
10 the Department of Public Safety that the dealer is temporarily unable to advertise or sell
11 E-15 due to:

12 (1) The maintenance, repair, or reconditioning of any motor fuel storage and
13 dispensing infrastructure; or

14 (2) The installation, expansion, replacement, or conversion of any motor fuel storage
15 and dispensing infrastructure.

16 The department may, at any time, inspect the retail motor fuel site to verify the
17 status of the site.

18 **Section 4. That a NEW SECTION be added to a NEW CHAPTER in title 37:**

19 The Governor may, by executive order, temporarily suspend the sale and
20 advertising requirements set forth in section 2 of this Act, in any county of this state, upon
21 a determination that:

22 (1) There exists an inadequate supply of E-15 gasoline; or

23 (2) The market price of E-15 gasoline may cause consumers economic hardship.

24 **Section 5. That a NEW SECTION be added to a NEW CHAPTER in title 37:**

25 A retail dealer may, in accordance with rules promulgated under section 6 of this
26 Act, apply to the Department of Public Safety for an exemption from the requirements set
27 forth in section 2 of this Act, upon a showing that:

28 (1) The site qualifies as a small retail motor fuel site;

29 (2) The motor fuel storage and dispensing infrastructure located at the site:

30 (a) Is not compatible with the use of E-15 gasoline; and

31 (b) Would cost more than twenty-five thousand dollars to replace; or

- 1 (3) Each motor fuel storage tank located at the site:
2 (a) Is not constructed of fiberglass and was installed prior to 1986;
3 (b) Is an underground double-wall fiberglass tank installed prior to 1992; or
4 (c) Is an underground single-wall fiberglass tank installed prior to 1997.

5 **Section 6. That a NEW SECTION be added to a NEW CHAPTER in title 37:**

6 The Department of Public Safety shall promulgate rules, in accordance with chapter
7 1-26 to:

- 8 (1) Develop and make available the application for an exemption from the
9 requirements set forth in section 2 of this Act;
10 (2) Establish the time and manner in which an application for an exemption must be
11 submitted;
12 (3) Set forth the documentation that must be included with an application for an
13 exemption;
14 (4) Establish the criteria for considering and approving an application;
15 (5) Establish the time and manner in which the department may conduct an onsite
16 inspection related to the application;
17 (6) Establish the criteria under which an unsuccessful applicant may resubmit an
18 application; and
19 (6) Establish the period for which an exemption is granted and the conditions under
20 which an exemption may be renewed.

21 **Section 7. That a NEW SECTION be added to a NEW CHAPTER in title 37:**

22 If the Department of Public Safety receives an application for an exemption from
23 the requirements set forth in section 2 of this Act, together with all documentation required
24 by rule, the department shall make a determination within one hundred twenty days. If
25 the exemption is granted, the department shall post the name of the retail dealer and the
26 duration of the exemption on the departmental website.

27 The department shall terminate an exemption if it is notified or determines that an
28 exempted retail motor fuel site no longer meets the conditions established in section 5 of
29 this Act. Upon termination, the department shall issue a notice of termination to the retail
30 dealer and remove the retail dealer from the list maintained on the departmental website.

31 **Section 8. That a NEW SECTION be added to a NEW CHAPTER in title 37:**

1 Any person who violates section 2 of this Act is guilty of a Class 1 misdemeanor
2 and subject to a civil penalty, imposed by the secretary of the Department of Public Safety,
3 in the amount of one thousand dollars for each day the violation continues. The secretary
4 shall forward any civil penalty collected under this section to the state treasurer, for
5 deposit in the general fund.

6 Any person who knowingly provides false or fraudulent information in connection
7 with an application for an exemption under section 5 of this Act is guilty of a Class 1
8 misdemeanor.

AMENDED