



2021 South Dakota Legislature
Senate Bill 39
ENROLLED

AN ACT

ENTITLED An Act to repeal the registration requirements for certain amusement devices.

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

Section 1. That § 10-58-1 be AMENDED.

10-58-1. Imposition of tax--Rate.

There is imposed upon owners and operators a special amusement excise tax of four and one-half percent of the gross receipts from the operation of any mechanical or electronic amusement device. The tax imposed by this section is in lieu of the tax imposed pursuant to chapter 10-45.

Section 2. That a NEW SECTION be added:

10-58-1.1. Definition of amusement device.

For the purposes of this chapter, a mechanical or electronic amusement device is any coin or bill operated:

- (1) Pool table;
- (2) Foosball table;
- (3) Air hockey table;
- (4) Arcade game;
- (5) Shooting gallery game;
- (6) Dart board;
- (7) Pinball machine; or
- (8) Jukebox.

Section 3. That § 10-58-2 be REPEALED.

10-58-2. Registration of devices.

Section 4. That § 10-58-2.1 be REPEALED.

10-58-2.1. Older devices subject to regulation--Exempt from registration fee.

Section 5. That § 10-58-2.2 be REPEALED.

10-58-2.2. Mechanical or electronic amusement devices used exclusively at government sponsored fairs to comply with chapter--Registration fee--Validity of special fair registration.

Section 6. That § 10-58-3 be AMENDED.

10-58-3. Exemption from local fees and taxes.

No political subdivision of this state may require any permits, licenses, permit fees, or license fees for the operation of any amusement device. No political subdivision of this state may impose any municipal sales or use tax upon the sale or the operation of any amusement device.

Section 7. That § 10-58-4 be AMENDED.

10-58-4. Collection and administration.

The tax imposed under this chapter shall be collected and administered by the Department of Revenue. The secretary of revenue shall ensure that all amusement machines that are available to the public are taxed.

Section 8. That § 10-58-5 be AMENDED.

10-58-5. Disposition of tax proceeds.

The tax generated by this chapter must be deposited in the general fund.

Section 9. That § 10-58-6 be REPEALED.

10-58-6. Display of registration--Effect of failure.

Section 10. That § 10-58-7 be REPEALED.

10-58-7. Device without registration displayed as contraband--Confiscation.

Section 11. That § 10-58-8 be REPEALED.

**10-58-8. Judicial order for destruction or sale of confiscated devices--
Disposition of sale proceeds.**

Section 12. That § 10-58-10 be AMENDED.

10-58-10. Classification of violations.

Failure to comply with the tax payment requirements of this chapter constitutes a Class 1 misdemeanor for the first offense and a Class 6 felony for any subsequent offense occurring within one year of the prior offense's occurrence.

Section 13. That § 10-58-11 be AMENDED.

10-58-11. Exemption for video lottery machines--Gross receipts specifically exempted.

Video lottery machines licensed pursuant to § 42-7A-41 are exempt from the tax imposed by this chapter. There is specifically exempted from the provisions of this chapter and from the computation of the tax imposed by it, the gross receipts from video lottery machines licensed pursuant to § 42-7A-41 and operated as part of a lottery operated by this state.

Section 14. That § 10-58-13 be AMENDED.

10-58-13. Promulgation of rules.

The secretary of revenue may promulgate rules pursuant to chapter 1-26 concerning record-keeping requirements.

An Act to repeal the registration requirements for certain amusement devices.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 39

2021 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2021

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2021
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 39
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State