

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

872H0466

## HOUSE BILL NO. 1131

Introduced by: Representatives Michels, Abdallah, Flowers, Juhnke, Monroe, Olson (Mel),  
and Sutton (Duane) and Senators McCracken, Bogue, Daugaard, and Moore

1 FOR AN ACT ENTITLED, An Act to provide for civil recovery of unpaid motor fuel.

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

3 Section 1. That chapter 22-30A be amended by adding thereto a NEW SECTION to read  
4 as follows:

5 The owner of a motor vehicle that receives motor fuel that was not paid for is liable to the  
6 motor fuel retailer for the cost of the motor fuel received. In addition, the motor fuel retailer may  
7 impose a maximum service charge of thirty dollars for collection costs if the service charge was  
8 conspicuously displayed on the premises where the motor fuel was received.

9 Section 2. That chapter 22-30A be amended by adding thereto a NEW SECTION to read  
10 as follows:

11 If a motor fuel retailer records the license plate number of the motor vehicle that receives  
12 motor fuel that was not paid for, the retailer may contact any law enforcement officer and  
13 provide the license plate number in writing and the law enforcement officer shall provide the  
14 motor vehicle owner's address, recorded pursuant to § 32-5-3, in order for the retailer to mail  
15 a notice and demand of payment for motor fuel.



1 Section 3. That chapter 22-30A be amended by adding thereto a NEW SECTION to read  
2 as follows:

3 The notice and demand of payment for motor fuel shall include the name, address, and license  
4 plate number of the motor vehicle owner; the date the act occurred; the unpaid dollar amount;  
5 the service charge; the type of motor fuel; a citation of section 1 and 4 of this Act; and the  
6 employee's signature. An affidavit of service by mailing shall be retained by the motor fuel  
7 retailer.

8 Section 4. That chapter 22-30A be amended by adding thereto a NEW SECTION to read  
9 as follows:

10 If the motor fuel retailer does not receive payment within thirty-three days after mailing the  
11 notice and demand for payment for motor fuel, the vehicle owner is also liable for a civil penalty  
12 of one hundred dollars, or the price of the unpaid motor fuel, whichever is greater.

13 Section 5. That chapter 22-30-A be amended by adding thereto a NEW SECTION to read  
14 as follows:

15 The motor vehicle owner may dispute the motor fuel retailer's claim by sending written notice  
16 to the retailer during the thirty-three day period in section 4 of this Act. The retailer shall cease  
17 all collection efforts upon receipt of the notice. The retailer may collect the price of the motor  
18 fuel, the service charge, and the civil penalty only pursuant to a judgement from a court of law.