

# State of South Dakota

EIGHTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2014

400V0434

## HOUSE BILL NO. 1106

Introduced by: The Committee on Commerce and Energy at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete provisions regarding  
2 the sale of petroleum products.

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

4 Section 1. That § 37-2-14 be repealed.

5 ~~— 37-2-14. All contracts for the sale of any product in violation of §§ 37-2-5 to 37-2-13,~~  
6 ~~inclusive, shall be void; no action shall be maintained in any court for the purchase price or~~  
7 ~~value of any product the sale of which is thereby prohibited; nor shall any person be liable for~~  
8 ~~the price or value of any product furnished in violation of any provisions of those sections:~~

9 Section 2. That § 37-2-15 be repealed.

10 ~~— 37-2-15. If any wholesale dealer in petroleum products subject to inspection under the terms~~  
11 ~~of §§ 37-2-5 to 37-2-24, inclusive, shall sell or deliver to any retail dealer any such product,~~  
12 ~~within this state, which upon the test prescribed by those sections does not meet the required~~  
13 ~~standard, such wholesale dealer shall not have a cause of action against the retail dealer for the~~  
14 ~~purchase price thereof, and in case the same has already been paid such purchase price may be~~  
15 ~~recovered by the retail dealer, and in addition to the usual costs allowed in civil actions the~~



1 ~~plaintiff may recover an attorney fee of twenty-five dollars.~~

2 Section 3. That § 37-2-18 be repealed.

3 ~~—37-2-18. No person who shall commit or assist in committing any offense defined in §§ 37-~~

4 ~~2-5 to 37-2-24, inclusive, shall be exempt from conviction and punishment therefor for the~~

5 ~~reason that he acted as the agent, employee, or representative of another.~~