

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0222

SENATE BILL NO. 34

Introduced by: The Committee on Taxation at the request of the Department of Revenue

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding temporary vendors
2 maintaining records for sales tax collection purposes and to provide a penalty for failure to
3 comply with certain record keeping requirements.

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

5 Section 1. That § 10-45-85 be amended to read as follows:

6 10-45-85. A temporary vendor shall maintain, for a minimum of three years, inventory
7 records, including a beginning inventory of merchandise. ~~A temporary~~ The vendor shall provide
8 ~~an inventory list upon request~~ such records for immediate inspection and review to any agent or
9 representative of the Department of Revenue upon request. Failure to comply with this section
10 is a Class 1 misdemeanor.

11 Section 2. That § 10-45-86 be amended to read as follows:

12 10-45-86. A temporary vendor ~~licensed to conduct business in this state~~ shall maintain daily
13 sales receipts, such as cash register tapes, hand written receipts, credit card receipts, or other
14 receipts, for a minimum of ~~one year~~. ~~The receipts shall be presented,~~ three years. ~~The vendor~~
15 shall provide such receipts for immediate inspection; and review to any agent or representative
16 of the Department of Revenue upon request. Failure to comply with this section is a Class 1



1 misdemeanor.

2 Section 3. That § 10-45-87 be amended to read as follows:

3 10-45-87. A temporary vendor shall, ~~upon request of an agent or representative of the~~
4 ~~Department of Revenue, supply~~ maintain for a minimum of three years, a complete list of
5 suppliers, including names and addresses. The vendor shall provide for immediate inspection and
6 review of such list to any agent or representative of the Department of Revenue upon request.
7 Failure to comply with this section is a Class 1 misdemeanor.

8 Section 4. That § 10-45-88 be amended to read as follows:

9 10-45-88. A temporary vendor operating in this state may be subjected to reviews and audits
10 ~~without notice and shall have.~~ The vendor shall provide for immediate inspection and review all
11 records required to be available at all times for review. The records that shall be available at all
12 times include sales receipts, credit card receipts, cash register tapes, inventory sheets, and
13 invoices from suppliers pursuant to §§ 10-45-85 to 10-45-87, inclusive.

14 Section 5. That § 10-45-89 be amended to read as follows:

15 10-45-89. ~~Failure to maintain records required by~~ The secretary may revoke the temporary
16 license of any person that fails to comply with the provisions of §§ 10-45-85 to 10-45-89,
17 ~~inclusive, is a Class 1 misdemeanor and shall result in the immediate revocation of the temporary~~
18 license. A license revocation issued pursuant to this section is effective one day after it is
19 received by the licensee, unless the licensee requests an administrative hearing in writing to the
20 secretary pursuant to chapter 1-26.