

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0217

SENATE ENGROSSED NO. **SB 26** - 01/27/2004

Introduced by: The Committee on Transportation at the request of the Department of Revenue and Regulation

1 FOR AN ACT ENTITLED, An Act to provide a penalty for failure to pay a civil penalty if
2 special fuel containing dye is detected in a motor vehicle.

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

4 Section 1. That § 10-47B-185 be amended to read as follows:

5 10-47B-185. A person who operates or maintains a motor vehicle in this state with special
6 fuel that contains dye as provided under § 10-47B-20 in the engine fuel supply tank is subject
7 to a civil penalty of two hundred fifty dollars if the violation occurs in a motor vehicle which
8 is not a qualified vehicle. If the violation occurs in a qualified vehicle, the person is subject to
9 a civil penalty of five hundred dollars. The person is subject to a five hundred dollar civil
10 penalty on all subsequent violations which occur in any motor vehicle other than a qualified
11 vehicle and subject to a civil penalty of one thousand dollars on all subsequent violations which
12 occur in any qualified vehicle. If the person believes that the assessment arose from a mistake
13 of fact or error of law, the person may request a hearing in accordance with § 10-59-9. Failure
14 to pay the civil assessment within ninety days after the date of the assessment or ninety days
15 after the civil assessment becomes final pursuant to an administrative appeal, is a Class 1



1 misdemeanor. Any motor vehicle owned by the state, a county, or municipal corporation for the
2 construction, repair, and maintenance of the public highways on any public highway is not
3 subject to this section. Any intercity bus as defined by 26 U.S.C. § 6427(b) is not subject to this
4 section with regards to any dyed diesel fuel purchased in another state and imported in the
5 engine fuel supply tank of the bus. Any fuel purchased in this state for use in an intercity bus
6 shall be taxed and undyed. Any motor vehicle owned by the federal government is not subject
7 to this section.