

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0217

SENATE BILL NO. 26

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

1 FOR AN ACT ENTITLED, An Act to authorize the posting of a cash bond if special fuel
2 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, upon visual examination, dye appears in the sample of fuel
13 withdrawn from the motor vehicle, the person operating the motor vehicle may be required to
14 post a cash bond in the amount of the civil penalty before being released from custody. If, after
15 further testing, it is determined that the fuel does not contain evidence of dye in the fuel sample,



1 the cash bond shall be refunded. If the person believes that the assessment arose from a mistake
2 of fact or error of law, the person may request a hearing in accordance with § 10-59-9. Any
3 motor vehicle owned by the state, a county, or municipal corporation for the construction, repair,
4 and maintenance of the public highways on any public highway is not subject to this section.
5 Any intercity bus as defined by 26 U.S.C. § 6427(b) is not subject to this section with regards
6 to any dyed diesel fuel purchased in another state and imported in the engine fuel supply tank
7 of the bus. Any fuel purchased in this state for use in an intercity bus shall be taxed and undyed.
8 Any motor vehicle owned by the federal government is not subject to this section.