

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

159W0561

SENATE BILL NO. 148

Introduced by: Senator Vehle and Representative Duvall

1 FOR AN ACT ENTITLED, An Act to increase the tax on certain motor fuels to finance
2 improvements on the public highways and bridges.

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

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

5 10-47B-4. The fuel excise tax rates for the tax imposed by this chapter are as follows:

- 6 (1) Motor fuel (except ethyl alcohol, methyl alcohol, biodiesel, biodiesel blends, and
7 aviation gasoline)--~~\$.22~~ \$.28 per gallon;
- 8 (2) Special fuel (except jet fuel)--~~\$.22~~ \$.28 per gallon;
- 9 (3) Aviation gasoline--\$.06 per gallon;
- 10 (4) Jet fuel--\$.04 per gallon;
- 11 (5) Liquid petroleum gas--\$.20 per gallon;
- 12 (6) Compressed natural gas--\$.10 per gallon;
- 13 (7) Ethyl alcohol and methyl alcohol--~~\$.08~~ \$.14 per gallon;
- 14 (8) Liquid natural gas--\$.14 per gallon; and
- 15 (9) Biodiesel and biodiesel blends--as provided pursuant to subdivision (1) except when



1 the conditions as provided in section 2 of this Act are met.

2 Section 2. The tax imposed by § 10-47B-4 on biodiesel or biodiesel blends shall be reduced
3 by two cents per gallon in the quarter after biodiesel production facilities in South Dakota reach
4 a name plate capacity of at least twenty million gallons per year and fully produce at least ten
5 million gallons of biodiesel within one year as determined by the secretary of revenue. The
6 secretary shall file a certification of the determination with the secretary of state and the
7 Legislative Research Council as the means of determining the rate of tax applied by § 10-47B-4.
8 The provisions of this section are repealed in the quarter after thirty-five million gallons of taxed
9 biodiesel and biodiesel blended fuel are sold as determined by the secretary of revenue. The
10 secretary shall file a certification of the determination with the secretary of state and the
11 Legislative Research Council as the means of determining the effective date of the repeal of this
12 section.

13 Section 3. That section 7 of chapter 64 of the 2014 Session Laws, section 12 of chapter 55
14 of the 2009 Session Laws, and sections 3, 5, and 6 of chapter 54 of the 2008 Session Laws be
15 repealed.