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Biofuels Statutory Citations

State of South Dakota

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STATE OF SOUTH DAKOTA

This compilation of state statutory citations focuses predominantly on biofuels laws in effect January 1, 1970 through December 31, 2013. In some instances, regulations have been included in the compilation due to their significance. This compilation is intended to serve as a researcher-friendly inventory of state laws by providing the formal title of relevant legislation, the standard legal citation for each statute and a brief description of the law. Some statutes and regulations listed do not specifically relate to biofuels, but are included because of their complementary relationship to the evolution of biofuels law in the state. These statutes are placed in reverse chronological order using the date of the most recent amendment to the statute. Many biofuels laws were enacted as amendments to previously passed laws.

Title	Citation	Applicability	Description
Fuel Excise Tax (2014)	SDCL §§ 10-47B-4 TO 10-47B-10	Both	Fuel tax of \$.08/gal on ethanol. Tax of \$.20/gal on biodiesel and biodiesel blends effective once the state reaches a capacity of 20 mil gal/year of production and actually produces at least 10 mil gal. Also describes at what points in the supply chain that the fuel tax applies.
Biodiesel capacity and production reports (2013)	SDCL § 10-47B-4.1 (REPEALED, 2013, CH 60, § 1)	Biodiesel	Any producer of biodiesel shall maintain records of plant capacity and production and report to the secretary of revenue and regulation at least quarterly.
Reporting Requirements (2013)	SDCL §§ 10-47B-111 TO 10-47B-113; § 10-47B-115.1 TO 10-47B-115.3; § 10-47B-115.10 TO 10-47B-115.12	Both	Requires registered blenders and licensed ethanol and biodiesel producers to submit monthly reports.
Ethanol Production Facility Fee (2013)	SDCL § 34A-1-58.1	Ethanol	When applying for an air quality permit, ethanol plants are subject to a flat \$1,000 fee rather than the standard fee per ton of regulated pollutant.

Ethanol Production Incentive (2013)	SDCL §§ 10-47B-162 TO 10-47B-164; 10-47B-166	Ethanol	A \$0.20 per gallon production incentive is available to producers for ethanol distilled from cereal grains and produced in South Dakota, subject to payment caps and funding limitations. Requires the ethyl alcohol to be denatured by blending with gasoline before it qualifies.
Ethanol Infrastructure Incentive Fund (2011)	SDCL §§ 10-47B-164.1 TO 10-47B-164.2	Ethanol	Awards incentive grants to motor fuel dealers for installing ethanol-compatible fueling infrastructure.
Contract restrictions on renewable fuels (2011)	SDCL § 37-2-35; § 37-2-37	Biodiesel	No franchise agreement can prevent retailers from purchasing, marketing, and selling renewable fuels.
Tax refund (2010)	SDCL §§ 10-47B-120 TO § 10-47B-120.1	Both	Producers may apply for a refund of fuel taxes paid on gasoline used to denature ethyl alcohol and on methanol used to produce biodiesel.
Producers Licenses (2009)	SDCL § 10-47B-67 TO 10-47B-67.1	Both	Requires ethanol and biodiesel producers to obtain a license from the state.
Ethanol and Methanol Tax Credit (2009)	SDCL § 10-47B-136 (REPEALED, 2009, ch 55, § 28)	Ethanol	Licensed fuel blenders may be eligible for a tax credit for gasoline blended with ethanol or methanol to create E85 or M85.
Fuel Quality Standards (2006)	SDCL § 37-2-6	Both	Department of Public Safety may promulgate rules establishing standards for the maximum volume percentages of ethanol, labeling requirements, and standards setting the specifications and tolerance requirements for petroleum products, biodiesel, and biodiesel blends.
Labeling of Gasoline (2005)	SDCL § 37-2-30	Ethanol	Requires pumps that dispense fuel containing ethanol to be labeled.
Transfer of funds to ethanol fuel fund (1998)	SDCL § 5-27-4	Ethanol	State shall transfer 25.6% of the monthly state capital construction fund revenues to the ethanol fuel fund.