

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

400X0621

## SENATE BILL NO. 139

Introduced by: Senators Peterson (Jim), Frerichs, Tidemann, and White and Representative Feickert

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the use tax.

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

3 Section 1. That § 10-46-2 be amended to read:

4 10-46-2. An excise tax is hereby imposed on the privilege of the use, storage, ~~and or~~  
5 consumption in this state of tangible personal property purchased for use in this state at the same  
6 rate of percent of the purchase price of said property as is imposed pursuant to chapter 10-45.

7 Section 2. That chapter 10-46 be amended by adding a NEW SECTION to read:

8 If a business or retailer, as defined in this chapter, obtains, acquires, or possesses tangible  
9 personal property by purchase or otherwise that is consumed by the business or retailer in this  
10 state, whether title to the property is in the name of the business, retailer, or any other person,  
11 or whether the titleholder of the property would be subject to pay the sales or use tax, the  
12 business or retailer shall pay a tax at the rate prescribed by § 10-45-2, measured by the purchase  
13 price or fair market value of the property, whichever is greater, unless the property has been  
14 previously subjected to a sales or use tax, and the tax due thereon has been paid.

