

AN ACT

ENTITLED, An Act to revise certain provisions regarding the consumption of alcoholic beverages by passengers aboard vehicles operated by licensed carriers.

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

Section 1. That § 35-1-5.6 be amended to read:

35-1-5.6. It is a Class 2 misdemeanor for any person to consume any alcoholic beverage upon the premises of a licensed on-sale dealer if the alcoholic beverage was not purchased from the on-sale dealer. However, this provision does not apply to any passenger aboard a vehicle operated by a licensed carrier.

Section 2. That chapter 35-1 be amended by adding a NEW SECTION to read:

Notwithstanding the provisions of § 35-1-5.6, a licensed carrier may permit a passenger to bring sealed and unopened alcoholic beverages purchased from a South Dakota retailer aboard the vehicle for consumption by the passenger aboard the vehicle operated by the carrier. Nothing in this section may be construed to permit a licensed carrier to violate any other provision under this title.

Section 3. That subdivision (3) of § 35-1-1 be amended to read:

(3) "Carrier," a person who for hire transports passengers and who sells or furnishes to passengers for consumption alcoholic beverages aboard any means of conveyance or allows passengers to consume the passenger's own alcoholic beverages aboard the conveyance;

Section 4. That subdivision (9) of § 35-4-2 be amended to read:

(9) Carrier--one hundred dollars, which fee licenses all conveyances the licensee operates in this state;

Section 5. That § 35-4-66 be amended to read:

35-4-66. Alcoholic beverages, except malt beverages, may be transported only:

- (1) By licensed transporters in the course of delivery to persons authorized under this title to receive the alcoholic beverages;
- (2) By distillers or licensed wholesalers in the distiller's or wholesale licensee's own vehicles, carrying the distiller's or wholesale licensee's own merchandise;
- (3) By licensed solicitors, the transportation being limited to samples, sealed or unsealed, of products for which orders are solicited;
- (4) By individuals, interstate transportation being limited to alcoholic beverages in quantities of one gallon or less, intrastate transportation not being restricted as to quantity, but in either case the alcoholic beverages shall have been purchased by the individuals for personal use only;
- (5) By common carriers in interstate commerce if the shipment originates outside the state and is destined for a point outside the state;
- (6) By licensed carriers, as to that included in the stock in trade of the licensees or purchased by passengers for personal use while on the conveyance;
- (7) By established religious organizations, interstate transportation being limited to alcoholic beverages in quantities of four gallons or less, intrastate transportation not being restricted as to quantity, but in either case the alcoholic beverages shall have been purchased by the established religious organizations for sacramental use only; or
- (8) By off-sale delivery licensees.

An Act to revise certain provisions regarding the consumption of alcoholic beverages by passengers aboard vehicles operated by licensed carriers.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1146

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1146
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State