



2021 South Dakota Legislature

Senate Bill 107

Introduced by: **Senator Novstrup**

1 **An Act to ease regulations related to mobile food service establishments.**

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

3 **Section 1.** That a NEW SECTION be added:

4 **34-18-10.5. Statewide license--Mobile food service establishment.**

5 A mobile food service establishment license issued under § 34-18-10 shall be
 6 recognized as a license to so operate statewide, but a municipality may require a mobile
 7 food service establishment to obtain a permit from the municipality to operate in a public
 8 park within its jurisdiction. A municipality may not limit the number of permits it issues
 9 under this section. A municipality may not condition the issuance of a permit to a mobile
 10 food service establishment upon, or otherwise subject a mobile food service establishment
 11 to, any of the following ordinances, resolutions, or requirements:

12 (1) To operate a specific distance from the perimeter of an existing commercial
 13 establishment, including a restaurant;

14 (2) To obtain a license or permit for any of its employees;

15 (3) To enter into an agreement with a commercial establishment, including a
 16 restaurant;

17 (4) Limitations on its hours of operation;

18 (6) A background check;

19 (7) Installation of a global positioning tracking device on its vehicle;

20 (8) To stay in motion except for when serving customers;

21 (9) To maintain insurance that names the municipality as an additional insured unless
 22 the service establishment is attending an event sponsored by the municipality; and

23 (10) Unless the department is investigating a reported foodborne illness, to submit to
 24 an inspection beyond a health inspection conducted by the department or by the
 25 municipality under a collaborative agreement.

- 1 A mobile food service establishment shall otherwise follow all applicable laws,
2 ordinances, resolutions, or requirements in the jurisdiction where it operates.