

AN ACT

ENTITLED, An Act to require notification to certain retail licensees of prohibited alcohol sales to persons below the age of twenty-one prior to any subsequent violation.

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

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

Any enforcement entity that conducts compliance checks using underaged informants to determine if a licensee will sell an alcoholic beverage to a person under the age of twenty-one must inform the licensee in writing of the results of any such compliance check within forty-eight hours after the compliance check takes place.

Section 2. That § 35-2-10.1 be amended to read as follows:

35-2-10.1. No retail license may be revoked or suspended because of a violation of any statute, ordinance, rule, or regulation prohibiting the sale or service of any alcoholic beverage to a person under the age of twenty-one years if the violation was committed by an employee or agent of the licensee and the licensee has not had more than two violations of any statute, ordinance, rule, or regulation prohibiting the sale or service of an alcoholic beverage to a person under the age of twenty-one years on the premises where the violation occurred in the previous twenty-four months.

If the licensee meets the requirements of the conditions provided by this section, the secretary shall impose a civil penalty of five hundred dollars for a first violation and one thousand dollars for a second violation. However, if the employee or agent has not been certified by a nationally recognized training program approved by the Department of Revenue that provides instruction on techniques to prevent persons under the age of twenty-one years from purchasing or consuming alcoholic beverages, the secretary shall impose a civil penalty of one thousand dollars for a first violation and two thousand dollars for a second violation.

Multiple violations of any statute, ordinance, rule, or regulation prohibiting the sale or service

of any alcoholic beverage to a person under the age of twenty-one years occurring within forty-eight hours of commencement of any compliance check as provided in section 1 of this Act shall be considered to be a single violation for purposes of this section. However, except for purposes of corroboration, at no time may more than one underaged informant be used in any compliance check in any forty-eight hour period.

A licensee may request an administrative hearing pursuant to chapter 1-26 to contest the imposition of a civil penalty.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1194

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. 1194

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