

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

178R0416

HOUSE COMMERCE ENGROSSED NO. **HB 1069** 1/27/2010

Introduced by: Representatives Engels, Cutler, Feinstein, Gibson, Hamiel, Hoffman, Killer, Lederman, Moser, Nygaard, Olson (Betty), and Sorenson and Senators Adelstein, Bradford, Gant, Hanson (Gary), Jerstad, Miles, and Vehle

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the transportation of
2 alcoholic beverages and to authorize transportation by religious organizations under certain
3 circumstances.

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

5 Section 1. That § 35-4-66 be amended to read as follows:

6 35-4-66. Alcoholic beverages, except malt beverages, may be transported only:

- 7 (1) By transporter licensees in the course of delivery to persons authorized under this
8 title to receive such alcoholic beverages;
- 9 (2) By distillers or wholesale licensees in ~~their~~ the distiller's or wholesale licensee's own
10 vehicles, carrying ~~their~~ the distiller's or wholesale licensee's own merchandise;
- 11 (3) By solicitor licensees, such transportation being ~~confined~~ limited to samples, sealed
12 or unsealed, of products for which orders are solicited;
- 13 (4) By individuals, interstate transportation being ~~confined~~ limited to alcoholic beverages
14 in quantities of one gallon or less, intrastate transportation not being restricted as to



1 quantity, but in either case the alcoholic beverages ~~must~~ shall have been purchased
2 by the individuals for personal use only;

3 (5) By common carriers in interstate commerce ~~where~~ if the shipment originates outside
4 the state and is destined for a point outside the state;

5 (6) By carrier licensees, as to that included in the stock in trade of the licensees;

6 (7) By established religious organizations, interstate transportation being limited to
7 alcoholic beverages in quantities of four gallons or less, intrastate transportation not
8 being restricted as to quantity, but in either case such alcoholic beverages shall have
9 been purchased by such established religious organizations for sacramental use only.

10 Section 2. That § 35-4-67 be amended to read as follows:

11 35-4-67. Except as provided in subdivisions 35-4-66(4), (5), ~~and~~ (6), and 7, no person other
12 than a transporter may bring into the state alcoholic beverages.