

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

780Y0127

## HOUSE BILL NO. 1186

Introduced by: Representatives Kettwig and Mickelson and Senator Sutton

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the consumption of  
2 alcoholic beverages by passengers aboard vehicles operated by carrier licensees.

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

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

5 35-1-5.6. It is a Class 2 misdemeanor for any person to consume any alcoholic beverage  
6 upon the premises of a licensed on-sale dealer if the alcoholic beverage was not purchased from  
7 the on-sale dealer. However, this provision does not apply to any passenger aboard a vehicle  
8 operated by a carrier licensee.

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

10 Notwithstanding the provisions of § 35-1-5.6, a carrier licensee may permit a passenger to  
11 bring a sealed and unopened alcoholic beverage aboard the vehicle for consumption by the  
12 passenger aboard the vehicle operated by the carrier licensee.

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

14 (3) "Carrier," a person who for hire transports passengers and who sells or furnishes to  
15 passengers for consumption alcoholic beverages aboard any means of conveyance or



1 allows passengers to consume their own alcoholic beverages aboard the conveyance;

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

3 (9) ~~Carrier--one hundred dollars, which fee entitles the licensee to sell or serve alcoholic~~  
4 ~~beverages on licenses~~ all conveyances the licensee operates within the state ~~unless~~  
5 ~~restricted by local ordinance;~~

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

7 35-4-66. Alcoholic beverages, except malt beverages, may be transported only:

8 (1) By transporter licensees in the course of delivery to persons authorized under this  
9 title to receive such alcoholic beverages;

10 (2) By distillers or wholesale licensees in the distiller's or wholesale licensee's own  
11 vehicles, carrying the distiller's or wholesale licensee's own merchandise;

12 (3) By solicitor licensees, such transportation being limited to samples, sealed or  
13 unsealed, of products for which orders are solicited;

14 (4) By individuals, interstate transportation being limited to alcoholic beverages in  
15 quantities of one gallon or less, intrastate transportation not being restricted as to  
16 quantity, but in either case the alcoholic beverages shall have been purchased by the  
17 individuals for personal use only;

18 (5) By common carriers in interstate commerce if the shipment originates outside the  
19 state and is destined for a point outside the state;

20 (6) By carrier licensees, as to that included in the stock in trade of the licensees or  
21 purchased by the passengers for personal use only;

22 (7) By established religious organizations, interstate transportation being limited to  
23 alcoholic beverages in quantities of four gallons or less, intrastate transportation not  
24 being restricted as to quantity, but in either case such alcoholic beverages shall have

1           been purchased by such established religious organizations for sacramental use only.