

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

924H0422

SENATE BILL NO. 157

Introduced by: Senator Vitter and Representative Derby

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the licenses for
2 alcoholic beverages.

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

4 Section 1. That § 35-4-2 be amended to read as follows:

5 35-4-2. Classes of licenses, with the fee of each class, follow:

- 6 (1) Distillers -- four thousand dollars. However, no license fee is required for
7 manufacturers of alcohol for use in industry as a nonbeverage. If such manufacturer
8 of industrial alcohol shall at any time manufacture, produce, distill, sell, barter, or
9 dispose of alcohol for any use other than an industrial use, the license fee required by
10 this section shall be allocated to and payable for the portion of the year the
11 manufacturer devoted to such other use for each calendar month or fraction thereof
12 while so engaged, but in no case less than one-twelfth of said license fee;
- 13 (2) Wholesalers of alcoholic beverages -- five thousand dollars;
- 14 (3) Off-sale -- not to exceed five hundred dollars in municipalities of the first class, four
15 hundred dollars in municipalities of the second class, and three hundred dollars in



- 1 municipalities of the third class;
- 2 (4) On-sale -- in municipalities of various classes: municipalities of the first class, not less
3 than one dollar for each person residing within the municipality as measured by the
4 last preceding federal census, the renewal fee for such license is fifteen hundred
5 dollars; municipalities of the second class, no more than twelve hundred dollars;
6 municipalities of the third class, no more than nine hundred dollars;
- 7 (5) Off-sale licenses issued to municipalities under local option -- two hundred fifty
8 dollars;
- 9 (6) On-sale licenses issued outside municipalities -- except as provided in § 35-4-11.9, not
10 less than the maximum that the municipality to which the applicant is nearest is
11 charging for a like license in that municipality, the renewal fee shall be the same as is
12 charged for a like license in the nearest municipality. However, if the nearest
13 municipality is more than fifteen miles from the on-sale license, the fee shall be
14 established pursuant to § 35-4-11.10. If the municipality to which the applicant is
15 nearest holds an on-sale license, pursuant to § 35-3-13 and does not charge a
16 specified fee, then the fee shall be the maximum amount that could be charged as if
17 the municipality had not been authorized to obtain on-sale licenses pursuant to
18 § 35-3-13. However, if the nearest municipality is a municipality of the first class and
19 is authorized to hold an on-sale license pursuant to § 35-3-13, such fee may not be
20 more than one hundred fifty percent of the minimum a municipality not so authorized
21 may charge for a like license. The renewal fee shall be the same as could be charged
22 for a like license in the nearest municipality;
- 23 (7) Solicitors -- twenty-five dollars;
- 24 (8) Transportation companies -- twenty-five dollars;

- 1 (9) Carrier -- one hundred dollars, which fee shall entitle the licensee to sell or serve
2 alcoholic beverages on all conveyances they operate within the state;
- 3 (10) Dispensers -- ten dollars;
- 4 (11) On-sale dealers at publicly operated airports -- two hundred fifty dollars;
- 5 (12) On-sale dealers in wine ~~for Sunday~~ and on-sale malt beverage dealers -- five hundred
6 dollars;
- 7 (13) Convention facility on-sale -- not less than one dollar for each person residing within
8 the municipality as measured by the last preceding federal census, the renewal fee for
9 such license, in municipalities of the first class, is fifteen hundred dollars; the renewal
10 fee for such license, in municipalities of the second class, is no more than twelve
11 hundred dollars; the renewal fee for such license, in municipalities of the third class,
12 is no more than nine hundred dollars;
- 13 (14) Manufacturers of malt beverages -- five hundred dollars;
- 14 (15) Wholesalers of malt beverages -- four hundred dollars;
- 15 (16) Malt beverage retailers, being both package dealers and on-sale dealers -- two
16 hundred fifty dollars;
- 17 (17) Malt beverage package dealers -- one hundred fifty dollars;
- 18 (18) On-sale dealers in light wine containing not more than six percent alcohol by weight
19 for each day of the week between the hours of seven o'clock a.m. and two o'clock
20 a.m. to nonprofit corporations established pursuant to chapter 7-27 -- two hundred
21 dollars; and
- 22 (19) Off-sale package wine dealers in table wines, sparkling wines, and sacramental wine
23 to be operated in conjunction with a farm winery established pursuant to chapter
24 35-12 -- one hundred fifty dollars.

1 Section 2. That § 35-4-2.2 be repealed.

2 ~~35-4-2.2. A license authorized under subdivision 35-4-2(12) may only be issued to the owner~~
3 ~~or operator of a restaurant and shall permit the licensee to serve the enumerated beverages~~
4 ~~between 12:00 noon and 12:00 p.m. of each day of the week including Sunday. The term~~
5 ~~restaurant as used herein shall mean only a room regularly and in a bona fide manner used and~~
6 ~~kept open for the serving of meals to guests for compensation which has suitable table~~
7 ~~accommodations for at least fifty guests therein at one and the same time, and a kitchen~~
8 ~~connected therewith containing conveniences for cooking sufficient to provide meals in a bona~~
9 ~~fide manner for fifty guests at one and the same time.~~

10 Section 3. That § 35-4-2.8 be amended to read as follows:

11 35-4-2.8. An on-sale licensee, licensed under subdivision 35-4-2(4) or (6), may also be
12 licensed under subdivision 35-4-2(12) or (16), or both. A licensee holding two or more licenses
13 pursuant to this section may exercise the privileges granted under the ~~license~~ licenses issued
14 pursuant to ~~subdivision~~ subdivisions 35-4-2(12) during the times specified in § 35-4-2.2 or the
15 ~~privileges granted under the license issued pursuant to subdivision~~ and 35-4-2(16) during the
16 time specified in § 35-4-81.2, or both.

17 Section 4. That § 35-4-81.2 be amended to read as follows:

18 35-4-81.2. No licensee licensed under subdivisions ~~35-4-2~~ 35-4-2(12), (16), and (17) may
19 sell, serve, or allow to be consumed on the premises covered by the license, any wine or malt
20 beverage between the hours of two a.m. and seven a.m. A violation of this section is a Class 2
21 misdemeanor.