

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

400S0163

SENATE COMMERCE AND ENERGY

ENGROSSED NO. **HB 1034** - 2/8/2011

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: The Committee on Commerce at the request of the Department of Revenue and Regulation

1 FOR AN ACT ENTITLED, An Act to revise the requirement for motor vehicle liability
2 insurance safety rating discounts for certain older motor vehicle drivers.

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

4 Section 1. That § 58-11-58 be amended to read as follows:

5 58-11-58. Any schedule of rates or rating plan for private passenger motor vehicle bodily
6 injury and property damage liability insurance and collision insurance submitted to, or filed
7 with, the Division of Insurance shall provide for an appropriate reduction in premium charges
8 for persons fifty-five years of age or older who have successfully completed a motor vehicle
9 accident prevention course ~~meeting the criteria approved by the Department of Revenue and~~
10 ~~Regulation.~~

11 A motor vehicle accident prevention course shall include at least four hours of online or
12 classroom instruction on the effects of aging on driving behavior; the effects of alcohol, drugs,
13 and medications on older drivers; laws relating to the proper use of a motor vehicle and safe
14 driving behavior; traffic crash avoidance and prevention measures; and driving hazards and risk



1 factors associated with traffic crash prevention.

2 However, insurers who offer a separate discount which is based upon the age of persons who
3 are fifty-five years of age or older or upon their driving record, are exempt from the provisions
4 of this section and are not required to make an additional filing with the Division of Insurance
5 as a result of the discount required by this section.

6 Section 2. That § 58-11-59 be amended to read as follows:

7 58-11-59. Upon successfully completing the approved course, each person shall be issued
8 a certificate by the organization offering the course which shall be used to qualify for the
9 premium discount required by § 58-11-58.

10 Section 3. That § 58-11-60 be amended to read as follows:

11 58-11-60. A person shall take and pass the approved course every three years to continue
12 to be eligible for the premium discount required by § 58-11-58.

13 Section 4. That § 58-11-61 be amended to read as follows:

14 58-11-61. The premium discount required by § 58-11-58 shall be effective for an insured
15 for a three-year period after successful completion of the approved course. However, the insurer
16 may require, as a condition of providing and maintaining the discount, that the insured:

- 17 (1) Has not been involved in an accident for which the insured is at fault;
- 18 (2) Has not been convicted, pled guilty, or nolo contendere to a moving traffic violation,
19 or to a traffic related alcohol or narcotics offense; and
- 20 (3) Has maintained a driving record free of violations and accidents for which the
21 insured has been found liable for a three-year period prior to course completion.

22 This section does not apply if the approved course is taken as specified by a court or other
23 governmental entity resulting from a moving traffic violation.

State of South Dakota

EIGHTY-SIXTH SESSION
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930S0532

SENATE COMMERCE AND ENERGY ENGROSSED NO. **SB 121** - 2/7/2011

Introduced by: Senators Nygaard, Fryslie, Maher, and Nelson (Tom) and Representatives Verchio, Jones, Kirkeby, Kopp, Nelson (Stace), and Turbiville

1 FOR AN ACT ENTITLED, An Act to authorize an alcoholic beverage retail license for certain
2 malt beverage and wine dealers.

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

4 Section 1. That § 35-4-2 be amended by adding thereto a NEW SUBDIVISION to read as
5 follows:

6 Malt beverage retailers, being both package dealers and on-sale dealers, and retailers of wine
7 produced pursuant to chapter 35-12, being both package dealers and on-sale dealers—three
8 hundred twenty-five dollars;

9 Section 2. That § 35-2-25 be amended to read as follows:

10 35-2-25. No license granted pursuant to subdivisions 35-4-2(3), (4), (6), (12), (13), (16),
11 (17), and (17A) and section 1 of this Act and §§ 35-12-2 and 35-13-2 may be issued unless the
12 applicant has first obtained a sales tax license pursuant to chapter 10-45, or, if applicable, a use
13 tax license pursuant to chapter 10-46.

14 Section 3. That § 35-4-2.11 be amended to read as follows:



1 35-4-2.11. Fifty percent of all license and transfer fees received under the provisions of
2 subdivisions 35-4-2(16), (17), and (17A) and section 1 of this Act shall remain in the
3 municipality in which the licensee paying the fee is located, or if outside the corporate limits of
4 a municipality, then in the county in which the licensee is located. In addition, fifty percent of
5 wholesaler license fees received under subdivision 35-4-2(15) shall revert to the municipality
6 in which the licensee is located, or if outside the corporate limits of a municipality, then to the
7 county in which the licensee is located. The remainder of all license and transfer fees and
8 penalties received shall be credited to the state general fund.

9 Section 4. That § 35-4-79 be amended to read as follows:

10 35-4-79. No on-sale licensee may permit any person less than twenty-one years old to loiter
11 on the licensed premises or to sell, serve, dispense, or consume alcoholic beverages on such
12 premises. However, an on-sale licensee licensed pursuant to subdivision 35-4-2(4), (6), (11),
13 (12), (13), or (16) or section 1 of this Act may permit persons eighteen years old or older to sell
14 and serve or dispense alcoholic beverages if less than fifty percent of the gross business
15 transacted by that establishment is from the sale of alcoholic beverages and the licensee or an
16 employee that is at least twenty-one years of age is on the premises when the alcoholic beverage
17 is sold or dispensed. For the purposes of this section, the term, to sell and serve alcoholic
18 beverages, means to take orders for alcoholic beverages and to deliver alcoholic beverages to
19 customers as a normal adjunct of waiting tables. The term does not include tending bar or
20 drawing or mixing alcoholic beverages.

21 A violation of this section is a Class 2 misdemeanor.

22 Section 5. That § 35-4-81.2 be amended to read as follows:

23 35-4-81.2. No licensee licensed under subdivisions 35-4-2(12), (16), (17), (17A), and (19)
24 and section 1 of this Act may sell, serve, or allow to be consumed on the premises covered by

- 1 the license, any alcoholic beverages between the hours of two a.m. and seven a.m. A violation
- 2 of this section is a Class 2 misdemeanor.

State of South Dakota

EIGHTY-SIXTH SESSION
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573S0566

SENATE COMMERCE AND ENERGY ENGROSSED NO. **SB 132** - 2/8/2011

Introduced by: Senators Rave, Cutler, Hansen (Tom), Johnston, Krebs, Lederman, Olson (Russell), Schlekeway, and Tidemann and Representatives Willadsen, Bolin, Fargen, Greenfield, Hawley, Juhnke, Miller, Nelson (Stace), Rausch, and Street

1 FOR AN ACT ENTITLED, An Act to provide the right of first refusal to construct and own
2 electric transmission lines to incumbent electric utilities.

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

4 Section 1. For the purposes of this Act, the term, electric transmission line, means any line
5 connecting to existing electric transmission network facilities for conducting electric energy at
6 a design voltage of one hundred fifteen kilovolts or greater phase to phase, other than a line
7 solely for connecting an electric generation facility to facilities owned by an electric utility.

8 Section 2. For the purposes of this Act, the term, incumbent electric transmission owner,
9 means an electric utility or public utility furnishing electric service in this state or wholesale
10 rural electric cooperative whose owners furnish electric service in this state or a municipal
11 power agency or a consumers power district organized pursuant to chapter 49-35.

12 Section 3. Any incumbent electric transmission owner may construct, own, and maintain an
13 electric transmission line that connects to facilities owned by the incumbent electric



1 transmission owner. The right to construct, own, and maintain an electric transmission line that
2 connects to facilities owned by two or more incumbent electric transmission owners belongs
3 individually and proportionally to each incumbent electric transmission owner, unless otherwise
4 agreed in writing. If an electric transmission line has been approved for construction in a
5 federally registered planning authority transmission plan, the incumbent electric transmission
6 owner may give notice to the commission, in writing, within ninety days of approval, of its
7 intent to construct, own, and maintain the electric transmission line. If no notice is provided, the
8 incumbent electric transmission owner shall surrender its first right to construct, own, and
9 maintain the electric transmission line.

State of South Dakota

EIGHTY-SIXTH SESSION
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822S0682

SENATE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **SB 153** - 2/8/2011

Introduced by: Senators Begalka, Kraus, Novstrup (Al), Sutton, and Vehle and
Representatives Hoffman, Fargen, Hickey, Street, Van Gerpen, and Willadsen

1 FOR AN ACT ENTITLED, An Act to revise fees for resident nurserymen and nursery stock
2 dealers.

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

4 Section 1. That § 38-24B-7 be amended to read as follows:

5 38-24B-7. The Department of Agriculture may issue a certificate of inspection to any
6 nurseryman, operating as a resident nurseryman or dealer, whose nursery stock has been
7 officially inspected and found to be viable and free from pests. The biennial fee for the
8 inspection and certification is as follows:

9 (1) Resident nurseryman: ~~three hundred fifty dollars plus ten dollars for each acre over~~
10 ~~one acre of field-grown inspected plants and ten dollars for each ten thousand square~~
11 ~~feet of container-grown plants, except the fee for a resident nurseryman with less than~~
12 ~~five thousand dollars in gross sales on nursery stock is; seventy-five dollars plus ten~~
13 ~~dollars for each acre over one of field-grown inspected plants and ten dollars for each~~
14 ~~ten thousand square feet of container-grown plants;~~



- 1 (2) Resident nurseryman with at least five thousand but less than twenty thousand dollars
2 in gross sales on nursery stock: one hundred eighty-five dollars plus ten dollars for
3 each acre over one of field-grown inspected plants and ten dollars for each ten
4 thousand square feet of container-grown plants;
- 5 (3) Resident nurseryman with twenty thousand dollars or greater in gross sales on
6 nursery stock: three hundred fifty dollars plus ten dollars for each acre over one of
7 field-grown inspected plants and ten dollars for each ten thousand square feet of
8 container-grown plants;
- 9 (4) Nursery stock dealer with less than five thousand dollars in annual gross sales of
10 nursery stock: one hundred twenty-five dollars;
- 11 ~~(3)~~(5) Nursery stock dealer with ~~more than~~ at least five thousand but less than twenty
12 thousand dollars in annual gross sales of nursery stock: two hundred twenty-five
13 dollars; or
- 14 ~~(4)~~(6) Nursery stock dealer with ~~more than~~ twenty thousand dollars or greater in annual
15 gross sales of nursery stock: three hundred ~~thirty~~ seventy-five dollars.