

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

159T0288

SENATE ENGROSSED NO. **SB 62** - 1/26/2012

Introduced by: Senators Gray, Lederman, Maher, Nelson (Tom), Nygaard, and Rave and
Representatives Solum, Greenfield, Hawley, and Rozum

1 FOR AN ACT ENTITLED, An Act to allow certain alcoholic beverage licensees to charge a
2 corkage fee for serving wine supplied by customers and to allow customers to remove a
3 partially consumed bottle of wine from certain alcoholic beverage licensees.

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

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

7 Notwithstanding the provisions of § 35-1-5.6, a licensee that is licensed to sell wine on-sale
8 may permit a customer to bring a sealed and unopened bottle of wine onto the licensed premises
9 for consumption by the customer while eating a meal that was prepared by the licensee and that
10 was served at a table on the licensed premises. The licensee may charge a corkage fee for
11 serving wine supplied by a customer. The customer may carry out the unconsumed portion of
12 the bottle of wine if it is securely resealed by the licensee with a cork or other similar cap and
13 placed in a sealed bag or other container. The licensee shall also attach the receipt for the meal
14 and any corkage fee to the bag or container. A bottle of wine that is recorked and sealed as
15 provided in this section is not a violation of the provisions of § 35-1-9.1 if the cork and the seal



1 have not been disturbed.

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

4 A licensee that is licensed to sell wine on-sale may permit a customer to carry out the
5 unconsumed portion of a bottle of wine if the customer purchased the bottle of wine from the
6 licensee and consumed a portion of it with a meal that was prepared and served by the licensee
7 at a table on the licensed premises. The licensee shall securely reseal the bottle of wine with a
8 cork or other similar cap and place the bottle in a sealed bag or other container. The licensee
9 shall also attach a receipt for the meal and the wine to the bag or container. A bottle of wine that
10 is recorked and sealed as provided in this section is not a violation of the provisions of § 35-1-
11 9.1 if the cork and the seal have not been disturbed.