

AN ACT

ENTITLED, An Act to revise certain provisions regarding the regulation of certain open containers of alcoholic beverages.

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

Section 1. That § 35-1-5.7 be amended to read as follows:

35-1-5.7. Notwithstanding the provisions of § 35-1-5.6, a licensee that is licensed to sell wine on-sale may permit a customer to bring a sealed and unopened bottle of wine onto the licensed premises for consumption by the customer while eating a meal that was prepared by the licensee and that was served at a table on the licensed premises. The licensee may charge a corkage fee for serving wine supplied by a customer. The customer may carry out the unconsumed portion of the bottle of wine if it is securely resealed by the licensee with a cork or other similar cap and placed in a sealed bag or other container. The licensee shall also attach the receipt for the meal and any corkage fee to the bag or container.

Section 2. That § 35-1-9.3 be amended to read as follows:

35-1-9.3. It is not a violation of § 35-1-9.1 if:

- (1) An alcoholic beverage is located in a locked glove compartment of the motor vehicle;
- (2) An open alcoholic beverage is behind the last upright seat of a motor vehicle that is not equipped with a trunk or in an area not normally occupied by the driver or passengers;
- (3) An open alcoholic beverage is possessed by a passenger in a motor vehicle maintained and used primarily for the transportation of persons for compensation operated by a carrier defined in subdivision 35-1-1(3) and licensed pursuant to subdivision 35-4-2(9). The driver of such carrier is prohibited from possessing in the driver compartment of the vehicle a package or receptacle containing an alcoholic beverage if the original package seal has been broken.

Section 3. That § 35-1-9.4 be amended to read as follows:

35-1-9.4. A licensee that is licensed to sell wine on-sale may permit a customer to carry out the unconsumed portion of a bottle of wine if the customer purchased the bottle of wine from the licensee and consumed a portion of it with a meal that was prepared and served by the licensee at a table on the licensed premises. The licensee shall securely reseal the bottle of wine with a cork or other similar cap and place the bottle in a sealed bag or other container. The licensee shall also attach a receipt for the meal and the wine to the bag or container.

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I certify that the attached Act originated in the

SENATE as Bill No. 39

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 39
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State