

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

562A0698

HOUSE COMMERCE COMMITTEE ENGROSSED

NO. **HB1242** - 2/19/97

Introduced by: Representatives Hagg, Broderick, Chicoine, DeMersseman, Diedrich, Duniphan, Gleason, Haley, Madden, Matthews, Napoli, Rost, and Windhorst and Senators Whiting, Brown (Arnold), Daugaard, Dunn (Jim), Everist, Hainje, Morford-Burg, Munson (David), Paisley, Staggers, Valandra, and Vitter

1 FOR AN ACT ENTITLED, An Act to allow reciprocal interstate shipments of wine.

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

3 Section 1. Any person who is at least twenty-one years of age may receive no more than  
4 twelve cases of wine, containing no more than nine liters per case, in any calender year for  
5 personal use from another state without payment of state tax, fees, or charges if a reciprocal  
6 agreement exists with the state from which the wine is sent. For tax purposes, receipt of a  
7 shipment of wine into this state does not constitute a sale in this state. No person who receives  
8 wine may resell any of the wine.

9 Section 2. Any licensee who holds a license for the retail sale of wine for consumption off  
10 the licensed premises may ship no more than twelve cases of wine, containing no more than nine  
11 liters per case, per shipment, for personal use and not for resale, directly to a resident of another  
12 state if the state to which the wine is sent allows residents of the state to receive wine sent from  
13 that state without payment of additional state tax, fees, or charges. The sale shall be considered  
14 to have occurred in this state.

1 Section 3. Any container of wine being shipped into or out of this state shall be clearly  
2 labeled to indicate that it contains alcoholic beverages and that it may not be delivered to a  
3 person who is not at least twenty-one years of age or to a person who is visibly intoxicated.

4 Section 4. For the purposes of out-of-state shipments, no delivery person may make delivery  
5 to any person who is under twenty-one years of age or to any person who is visibly intoxicated.

6 The delivery person shall:

- 7 (1) Deliver the wine only after seeing proof of identification;
- 8 (2) Require the person who receives the wine to sign for it; and
- 9 (3) Retain the signature for one year.

10 Section 5. No person in the state may solicit consumers to engage in interstate reciprocal  
11 wine shipments. No person outside the state may advertise interstate wine shipment in this state.

12 Section 6. Any person who receives wine in this state pursuant to the provisions of this Act  
13 shall pay an annual fee of thirty dollars to the Department of Revenue. The permit expires on July  
14 first. Proceeds from this fee shall be deposited in the general fund.

1 **BILL HISTORY**

2 2/3/97 First read in House and referred to Commerce. H.J. 263

3 2/6/97 Scheduled for Committee hearing on this date.

4 2/6/97 Commerce Do Pass Amended, Failed, AYES 6, NAYS 6. H.J. 335

5 2/6/97 Deferred to 41st legislative day, AYES 7, NAYS 5. H.J. 335

6 2/11/97 Commerce Removed from Table, AYES 12, NAYS 1.

7 2/11/97 Deferred to another day. H.J. 407

8 2/13/97 Scheduled for Committee hearing on this date.

9 2/18/97 Commerce Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 554

10 2/18/97 Scheduled for Committee hearing on this date.