

AN ACT

ENTITLED, An Act to restrict certain criminal liability for alcoholic beverage licensees and to provide for administrative sanctions.

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

Section 1. A licensee, licensed pursuant to subdivision 35-4-2(3), (4), (5), (6), (11), (12), (13), (16), (17), or (18), is not in violation of § 35-4-78, and no criminal penalty may be imposed on the licensee if:

- (1) The person making the sale in violation of § 35-4-78 is an employee or agent of the licensee;
- (2) The employee or agent does not own a controlling interest in the licensee; and
- (3) The licensee or person having a controlling interest in the licensee is not present at the time of the sale.

Section 2. If a sale is in violation of § 35-4-78 and does not constitute a criminal offense against the licensee, the state's attorney for the county in which the sale took place may as part of any proceeding against the person making the sale request that the court require the licensee to pay a fine in accordance with this Act.

Section 3. Upon a request from the state's attorney and notice to the licensee, the court shall conduct a hearing to determine if the licensee is liable under this Act, and upon a finding that the licensee is liable, the court may order the licensee to pay a fine not to exceed:

- (1) Five hundred dollars upon the first violation within two years;
- (2) Seven hundred fifty dollars upon the second violation within two years; and
- (3) One thousand dollars for the third violation within two years.

Section 4. For the purpose of this Act, a controlling interest in the licensee means an ownership interest of ten percent or more.

An Act to restrict certain criminal liability for alcoholic beverage licensees and to provide for administrative sanctions.

=====

I certify that the attached Act originated in the

HOUSE as Bill No. 1296

\_\_\_\_\_  
Chief Clerk

=====

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1296  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

=====

Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

19\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

=====

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 19\_\_\_\_

\_\_\_\_\_  
Governor

=====  
STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 19\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Ass. Secretary of State