

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

916C0864

## HOUSE BILL NO. 1296

Introduced by: Representatives Fitzgerald, Brown (Jarvis), Duniphan, Earley, Peterson, and Volesky and Senators Munson (David), Everist, Frederick, and Lawler

1 FOR AN ACT ENTITLED, An Act to restrict certain criminal liability for alcoholic beverage  
2 licensees and to provide for administrative sanctions.

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

4 Section 1. The licensee is not in violation of § 35-4-78, and no criminal penalty may be  
5 imposed on the licensee if:

6 (1) The person making the sale in violation of § 35-4-78 is an employee or agent of the  
7 licensee;

8 (2) The employee or agent does not own a controlling interest in the licensee; and

9 (3) The licensee or person having a controlling interest in the licensee is not present at the  
10 time of the sale.

11 Section 2. If a sale is in violation of § 35-4-78 and does not constitute a criminal offense  
12 against the licensee, the Department of Revenue may impose administrative sanctions against the  
13 licensee as follows:

14 (1) Require the licensee to pay a civil penalty of three hundred dollars upon the first  
15 violation within two years;

16 (2) The license may be suspended for three days and the licensee may be required to pay

1 a civil penalty of five hundred dollars upon the second violation within two years;

2 (3) The license may be suspended for fourteen days and the licensee may be required to  
3 pay a civil penalty of one thousand five hundred dollars upon the third violation within  
4 two years;

5 (4) The license may be suspended for thirty days and the licensee may be required to pay  
6 a civil penalty of one thousand five hundred dollars upon the fourth violation within  
7 three years; and

8 (5) The license may be revoked for a fifth violation within three years.