

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

750E0783

SENATE BILL NO. 235

Introduced by: Senator Hutmacher and Representative Derby

1 FOR AN ACT ENTITLED, An Act to allow certain 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 calendar year for
5 personal use from another state without payment of state tax, fees, or charges, except as
6 provided in this Act, if a reciprocal agreement exists with the state from which the wine is sent.
7 For tax purposes, receipt of a shipment of wine into this state does not constitute a sale in this
8 state. No person who receives 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 outside that state. The sale shall be considered to have occurred in this state.

14 Section 3. Any container of wine being shipped into or out of this state shall be clearly
15 labeled to indicate that it contains alcoholic beverages and that it may not be delivered to a

1 person who is not at least twenty-one years of age or to a person who is visibly intoxicated.

2 Section 4. For the purposes of out-of-state shipments, no delivery person may make delivery

3 to any person who is under twenty-one years of age or to any person who is visibly intoxicated.

4 The delivery person shall:

5 (1) Deliver the wine only after seeing proof of identification;

6 (2) Require the person who receives the wine to sign for it; and

7 (3) Retain the signature for one year.

8 Section 5. Any person who receives wine in this state pursuant to the provisions of this Act

9 shall pay an annual permit fee to the Department of Revenue. The permit expires on July first.

10 Proceeds from this fee shall be deposited in the general fund. The amount of the permit fee shall

11 be equal to the tax that would normally apply to the wine received plus a fee sufficient to cover

12 administrative costs. The Department of Revenue shall promulgate rules pursuant to chapter 1-

13 26 to provide for the administration of the permit fee.