

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

508I0503

HOUSE ENGROSSED NO. **SB 121** - 03/03/2003

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators de Hueck, Abdallah, Apa, Duenwald, Duniphan, Olson (Ed), Sutton (Dan), and Sutton (Duane) and Representatives Frost, Garnos, Juhnke, Konold, Lintz, McCaulley, Murschel, Nesselhuf, O'Brien, Sigdestad, and Teupel

1 FOR AN ACT ENTITLED, An Act to revise certain penalties for violations relating to alcoholic
2 beverage licenses.

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

4 Section 1. That § 35-2-10.1 be amended to read as follows:

5 35-2-10.1. No retail license may be revoked or suspended because of a violation of any
6 statute, ordinance, rule, or regulation prohibiting the sale or service of any alcoholic beverage
7 to a person under the age of twenty-one years if the violation was committed by an employee or
8 agent of the licensee and: the licensee has not had more than two violations of any statute,
9 ordinance, rule, or regulation prohibiting the sale or service of an alcoholic beverage to a person
10 under the age of twenty-one years on the premises where the violation occurred in the previous
11 twenty-four months.

12 ~~— (1) — The licensee did not see the violation occur;~~

13 ~~— (2) — The employee or agent has been certified by a nationally recognized training program~~
14 ~~approved by the Department of Revenue that provides instruction on techniques to~~



1 prevent persons under the age of twenty-one years from purchasing or consuming
2 alcoholic beverages;

3 ~~(3) The licensee has a written policy requiring the licensee's employees or agents to~~
4 ~~examine the driver's license or other age-bearing identification document of any~~
5 ~~person who appears to be under the age of twenty-one years before selling or serving~~
6 ~~any alcoholic beverage to that person, and the employee or agent has agreed in~~
7 ~~writing to abide by the policy;~~

8 ~~(4) The employee or agent has not been convicted of a similar violation within the past~~
9 ~~twelve months; and~~

10 ~~(5) The licensee has not had any prior violation of any statute, ordinance, rule, or~~
11 ~~regulation prohibiting the sale or service of an alcoholic beverage to a person under~~
12 ~~the age of twenty-one years on the premise where the violation occurred in the~~
13 ~~previous twelve months.~~

14 If the licensee meets the requirements of the conditions provided by this section, the secretary
15 shall impose a civil penalty of five hundred dollars for a first violation and one thousand dollars
16 for a second violation. However, if the employee or agent has not been certified by a nationally
17 recognized training program approved by the Department of Revenue that provides instruction
18 on techniques to prevent persons under the age of twenty-one years from purchasing or
19 consuming alcoholic beverages, the secretary shall impose a civil penalty of one thousand dollars
20 for a first violation and two thousand dollars for a second violation.

21 A licensee may request an administrative hearing pursuant to chapter 1-26 to contest the
22 imposition of a civil penalty.