

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

168Q0394

HOUSE BILL NO. 1211

Introduced by: Representatives Turbiville, Boomgarden, Hunhoff (Bernie), and Kirkeby and
Senators Nelson, Abdallah, and Miles

1 FOR AN ACT ENTITLED, An Act to revise the time frame and requirements for certain
2 alcoholic beverage licensees to provide on-sale service of alcoholic beverages on Sunday.

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

4 Section 1. That § 35-4-2.1 be amended to read as follows:

5 35-4-2.1. Notwithstanding § 35-4-81, the governing body of any municipality or county
6 may, in its discretion, provide in any on-sale license the right to sell, serve, or allow to be
7 consumed alcoholic beverages ~~between the hours of eleven a.m. and twelve midnight~~ on Sunday
8 ~~with the serving of food if the licensee has facilities for the serving of prepared meals from a~~
9 ~~fixed restaurant with the simultaneous seating capacity of at least:~~

10 ~~—(1)— Fifty patrons in municipalities of the first class;~~

11 ~~—(2)— Thirty-five patrons in municipalities of the second class; and~~

12 ~~—(3)— Twenty-five patrons in municipalities of the third class.~~

13 ~~— If such establishments are outside the corporate boundaries of a municipality, the population~~
14 ~~of the nearest municipality shall govern the minimum seating capacity of an establishment so~~
15 ~~located. The governing body may require such licensee to pay an additional fee of not more than~~



1 ~~two hundred dollars. The provisions of this section apply only to facilities upon which property~~
2 ~~taxes, if assessed, are currently paid~~ except between the hours of two a.m. and seven a.m.

3 Section 2. That § 35-4-81 be amended to read as follows:

4 35-4-81. No on-sale licensee, licensed under subdivisions 35-4-2(4), (6), (11), and (13), may
5 sell, serve, or allow to be consumed on the premises covered by the license, alcoholic beverages
6 between the hours of two ~~o'clock~~ a.m. and seven a.m. or on Sunday after two a.m., ~~or~~ on
7 Memorial Day after ~~one~~ two a.m., or at any time on Christmas Day. A violation of this section
8 is a Class 2 misdemeanor.