

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

774R0102

HOUSE BILL NO. 1004

Introduced by: Representatives Carson, Faehn, Lederman, Rounds, Sorenson, and Turbiville and Senators Maher, Nelson, and Olson (Russell) at the request of the Interim Committee on Alcoholic Beverage Control and Licensing Laws

1 FOR AN ACT ENTITLED, An Act to extend dram shop protection to certain alcoholic
2 beverage licensees.

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

4 Section 1. That § 35-4-78 be amended to read as follows:

5 35-4-78. No licensee may sell any alcoholic beverage:

6 (1) To any person under the age of twenty-one years; or

7 (2) To any person who is obviously intoxicated at the time.

8 A violation of this section is a Class 1 misdemeanor.

9 However, no licensee is civilly liable to any injured person or ~~his~~ the injured person's estate
10 for any injury suffered, including any action for wrongful death, or property damage suffered
11 because of the intoxication of any person due to the sale of any alcoholic beverage in violation
12 of the provisions of this section or because of the consumption of alcoholic beverages by an
13 employee due to the negligent supervision of that employee by the licensee or the licensee's
14 employees.

