WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1937

ENROLLED

SENATE BILL No. 152

(By Mr. Howard)

PASSED March 13th 1937

In Effect April 13, 1937
ENROLLED

Senate Bill No. 152

(By Mr. Howard)

[Passed March 13, 1937; in effect April 15, 1937.]

AN ACT to amend and reenact section one, article twelve, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to businesses requiring a state license.

Be it enacted by the Legislature of West Virginia:

That section one, article twelve, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 1. No person without a state license therefor,
(a) Keep a hotel, eating house, or restaurant; or
(b) Keep, for public use or resort, a bowling alley, pool
table, billiard table, bagatelle table, or any table of like
kind; or
(c) Sell at wholesale or retail patent or proprietary
medicines in incorporated cities and towns; or
(d) Exhibit any circus, menagerie, circus and managerie
combined, theatrical performance, street or other carnival,
or public show, to which admission is obtained for money
or reward, except for the benefit or under the auspices of
a volunteer fire department; or
(e) Run or operate, for profit, a merry-go-round, or roller
coaster, scenic railway, or like device, or keep for public
use or resort, a shooting gallery, or a skating rink; or run
or operate a cane rack, doll baby rack, knife rack, striking
machine, jingle board, punch board, artful dodger, candy
wheel, or other scheme or device by which merchandise or
other things of value are disposed of by game of chance,
or like device, or human laundry device, or dip device; or
(f) Act as a hawker or peddler; but bona fide farmers
vending farm products shall not be required to have a license; or

(g) Act as an auctioneer; or

(h) Practice the business of real estate agent, stockbroker, or other broker, by buying or selling for others, stocks, securities, or any other property for a commission or reward; or

(i) Practice the business of money broker, buying or selling underecurrent or depreciated money or funds, or exchanging one kind of money or funds for another, for benefit or reward; or

(j) Practice the business of pawnbroker by lending money or other things for profit, for or on account of personal property deposited with the lender in pledge; or

(k) Sell, or barter, or offer, or expose for sale or barter, any patent right; or

(l) Sell, offer, or expose for sale, to merchants, trading stamps, premium stamps or certificates of like nature or character, or undertake with merchants to redeem such stamps or certificates in money or goods; or

(m) Being a traveling agent, canvasser or salesman, or
itinerant vendor, sell any sewing machines, pianos, organs, victrolas, phonographs, talking machines, or similar musical instruments, or, sell or contract to sell any books, maps, prints, pamphlets, and periodicals, except such books, pamphlets that be of a religious or ethical nature, whether manufactured within or without the state; or

(n) Sell, offer or expose for sale, or solicit, or receive orders for manufactured tobacco, snuff, cigars, cigarettes, or other preparations of tobacco, or cigarette paper or wrapper, at wholesale or retail; or

(o) Carry on the business of junk dealer, or act as agent, solicitor, canvasser, or salesman, for any junk dealer; or

(p) Sell pistols, revolvers, or weapons of like kind; or

(q) Maintain or occupy any house boat, or like structure or vessel, upon or along the bed, banks or shores of any navigable stream; or

(r) Maintain any slot machine, or other automatic device, which, for the same profit or reward, in each case and without any violation of the law, furnishes music, or exhibits pictures, or provides facilities for weighing, or supplies any merchandise or other thing or renders any service; but no
slot machine or other automatic device with respect to which, or its operation, service, or supplies, there is any element of chance (being a gaming table, within the meaning of section one, article ten, chapter sixty-one of the code) shall be protected by any license; or

(s) Being a corporation, heretofore or hereafter chartered under the laws of this state, whether its principal place of business or chief works be within or without the state, do, or attempt to do, any business by virtue of its charter or certificate of incorporation; or

(t) Being a corporation chartered or organized under the laws of any other state or country, hold property or transact business in this state; or being a corporation, hold more than ten thousand acres of land in this state; or

(u) Solicit, carry on or practice the business of a collection agency, or association, whether it be a person, firm or corporation; or

(v) Keep or maintain a public park, admission to which is obtained for money or reward; or

(w) Carry on the business of a labor agency; or

(x) Manufacture, sell or distribute, either at retail or
Enrolled S. B. No. 152] 6

86 wholesale, any and all preparations of every kind, character
87 or nature, such as are prepared, mixed and sold at soda
88 fountains, and all such preparations as bevo, pablo, milo,
89 moxie, ginger ale, near beer, coca cola, pop, and all other
90 preparations of like nature and character commonly known
91 as soft drinks; or
92 (y) Keep or maintain, for public use or resort, a taxi
93 cab stand or any place of like character.
94 Nothing in this article contained, and no license or pay-
95 ment under the provisions hereof, shall be taken to legalize
96 any act which otherwise may be in violation of law, or
97 exempt any person from any penalty prescribed for such
98 violation.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the..............................................................

Takes effect.................................................................passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within........................................this the..................

day of................................., 1937.

Governor

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.

Filed in the office of the Secretary of State

of West Virginia

Wm. S. O'BRIEN,
Secretary of State