

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

SENATE BILL No. 152

(By Mr. Howard.)



PASSED March 13th 1937

In Effect April 15, 1937 **Passage**

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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,

2 shall

- 3 (a) Keep a hotel, eating house, or restaurant; or
- 4 (b) Keep, for public use or resort, a bowling alley, pool
- 5 table, billiard table, bagatelle table, or any table of like
- 6 kind; or
- 7 (c) Sell at wholesale or retail patent or proprietary
- 8 medicines in incorporated cities and towns; or
- 9 (d) Exhibit any circus, menagerie, circus and managerie
- 10 combined, theatrical performance, street or other carnival,
- 11 or public show, to which admission is obtained for money
- 12 or reward, except for the benefit or under the auspices of
- 13 a volunteer fire department; or
- 14 (e) Run or operate, for profit, a merry-go-round, or roller
- 15 coaster, scenic railway, or like device, or keep for public
- 16 use or resort, a shooting gallery, or a skating rink; or run
- 17 or operate a cane rack, doll baby rack, knife rack, striking
- 18 machine, jingle board, punch board, artful dodger, candy
- 19 wheel, or other scheme or device by which merchandise or
- 20 other things of value are disposed of by game of chance,
- 21 or like device, or human laundry device, or dip device; or
- 22 (f) Act as a hawker or peddler; but bona fide farmers

23 vending farm products shall not be required to have a
24 license; or

25 (g) Act as an auctioneer; or

26 (h) Practice the business of real estate agent, stock-
27 broker, or other broker, by buying or selling for others,
28 stocks, securities, or any other property for a commission
29 or reward; or

30 (i) Practice the business of money broker, buying or sell-
31 ing undercurrent or depreciated money or funds, or exchang-
32 ing one kind of money or funds for another, for benefit or
33 reward; or

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

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

39 (l) Sell, offer, or expose for sale, to merchants, trad-
40 ing stamps, premium stamps or certificates of like nature
41 or character, or undertake with merchants to redeem such
42 stamps or certificates in money or goods; or

43 (m) Being a traveling agent, canvasser or salesman, or

44 itinerant vendor, sell any sewing machines, pianos, **organs**,
45 victrolas, phonographs, talking machines, or similar musical
46 instruments, or, sell or contract to sell any books, maps,
47 prints, pamphlets, and periodicals, except such books, pamph-
48 lets that be of a religious or ethical nature, whether manu-
49 factured within or without the state; or

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

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

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

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

60 (r) Maintain any slot machine, or other automatic device,
61 which, for the same profit or reward, in each case and with-
62 out any violation of the law, furnishes music, or exhibits
63 pictures, or provides facilities for weighing, or supplies any
64 merchandise or other thing or renders any service; but no

65 slot machine or other automatic device with respect to
66 which, or its operation, service, or supplies, there is any
67 element of chance (being a gaming table, within the mean-
68 ing of section one, article ten, chapter sixty-one of the code)
69 shall be protected by any license; or

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

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

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

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

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

85 (x) Manufacture, sell or distribute, either at retail or

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.

Carl B. Gault

Chairman Senate Committee

Wm. S. O'Brien

Chairman House Committee

Originated in the.....

Takes effect.....passage.

Charles E. Hays

Clerk of the Senate

Wm. S. O'Brien

Clerk of the House of Delegates

Charles E. Hays

President of the Senate

J. K. Thomas

Speaker House of Delegates

The within *Approved*.....this the *18th*.....

day of *March*....., 1937.

Frank A. B. [Signature]

Governor

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.



Filed in the office of the Secretary of State
of West Virginia.

2861 61 MAR 19 1937

Wm. S. O'BRIEN,
Secretary of State