

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1937**



**ENROLLED**

**SENATE BILL No.** 152

(By Mr. Howard.)



PASSED March 13<sup>th</sup> 1937

In Effect April 15, 1937 Passage

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**Senate Bill No. 152**

(BY MR. HOWARD)

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

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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 undereurrent 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

*Walter Burke*

Chairman House Committee

Originated in the.....

Takes effect.....passage.

*Charles W. Miller*

Clerk of the Senate

*Wm. S. Hall*

Clerk of the House of Delegates

*Chas. E. Hoyle*

President of the Senate

*J. K. Thomas*

Speaker House of Delegates

The within *Approved* this the *18<sup>th</sup>*

day of *March*, 1937.

*Francis Pickens*

Governor

JARRETT PRINTING COMPANY, CHARLESTON, W. VA. 

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

**2861 61 811 MAR 19 1937**

Wm. S. O'BRIEN,  
Secretary of State