WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED

HOUSE BILL No. 52

(By Mr. [Signature] of Mr. [Signature])

PASSED February 23, 1949

In Effect [Signature] Passage
ENROLLED
House Bill No. 52
(By Mr. Nuzum and Mr. Ellis)

(Passed February 23, 1949; in effect from passage.)

AN ACT to amend and reenact section thirteen, article sixteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to unlawful actions of licensee under the nonintoxicating beer law and prescribing penalties therefore.

Be it enacted by the Legislature of West Virginia:

That section thirteen, article sixteen, 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 13. Unlawful Acts of Licensees; Penalties.—

2 It shall be unlawful:

3 (a) For any licensee, his, its or their servants, agents or employees to sell, give or dispense, or any individual to drink or consume, in or on any licensed premises or in any rooms directly connected therewith, nonintoxicating beer between the hours of midnight and seven
8 o'clock the following morning on week days or before
9 one o'clock in the afternoon on any Sunday;
(b) For any licensee, his, its or their servants, agents
11 or employees, to sell, furnish or give any nonintoxicating
12 beer to any person visibly or noticeably intoxicated, or
13 to any insane persons, or to any habitual drunkard, or
14 to any person under the age of eighteen years;
(c) For any distributor to sell or offer to sell, or any
16 retailer to purchase or receive, any nonintoxicating beer
17 except for cash; and no right of action shall exist to col-
18 lect any claims for credit extended contrary to the pro-
19 visions of this clause. Nothing herein contained shall
20 prohibit a licensee from crediting to a purchaser the
21 actual price charged for packages or containers returned
22 by the original purchaser as a credit on any sale, or from
23 refunding to any purchaser the amount paid or deposited
24 for such containers when title is retained by the vendor;
(d) For any brewer or distributor or his, its or their
26 agents, to transport or deliver nonintoxicating beer to
27 any retail licensee on Sunday;
(e) For any brewer or distributor to give, furnish, rent
or sell any equipment, fixtures, signs or supplies directly
or indirectly or through a subsidiary or affiliate to any
licensee engaged in selling products of the brewing in-
dustry at retail, or to offer any prize, premium, gift, or
similar inducement, except advertising matter of nominal
value, to either trade or consumer buyers;

(f) For any licensee to transport, sell, deliver or pur-
chase any nonintoxicating beer or product of the brewing
industry upon which there shall appear a label or other
informative data which in any manner refers to the
alcoholic content of such beer or product of the brewing
industry, or upon the label of which there appears the
word or words “strong”, “full strength”, “extra strength”,
“prewar strength”, “high test” or other similar expressions
bearing upon the alcoholic content of such product of
the brewing industry, or which refers in any manner to
the original alcoholic strength extract or balling proof
from which such beverage was produced, except that
such label shall contain a statement that the alcoholic
content thereof does not exceed three and two-tenths per
cent by weight;
(g) For any licensee to permit in his premises any lewd, immoral or improper entertainment, conduct or practice;

(h) For any licensee to possess a federal license, tax receipt or other permit entitling, authorizing or allowing such licensee to sell liquor or alcoholic drinks;

(i) For any licensee to obstruct the view of the interior of his premises by enclosure, lattice, drapes or any means which would prevent plain view of the patrons occupying such premises. The interior of all licensed premises shall be adequately lighted at all times: Provided, however, that provisions of this paragraph shall not apply to the premises of a Class B retailer;

(j) For any licensee to manufacture, import, sell, trade, barter, possess, or acquiesce in the sale, possession or consumption of any alcoholic liquors on the premises covered by such license or on premises directly or indirectly used in connection therewith;

(k) For any licensee to print, paint or place upon the door, window, or in any other public place in or about the premises, the word "saloon" or word of similar char-
51 acter or nature, or for the word "saloon" or similar words
52 to be used in any advertisement by the licensee;
53 (l) For any retail licensee to sell or dispense nonin-
54 toxicating beer purchased or acquired from any source
55 other than a licensed distributor or brewer under the laws
56 of this state;
57 (m) For any licensee to permit loud, boisterous or dis-
58 orderly conduct of any kind upon his premises or to
59 permit the use of loud musical instruments if either or
60 any of same may disturb the peace and quietude of the
61 community wherein such business is located. Provided,
62 That no juke box or other musical instrument of like
63 character shall be played or operated between the hours
64 of midnight and seven o'clock the following morning on
65 week days or before one o'clock in the afternoon of any
66 Sunday: And provided further, That no licensee shall
67 have in connection with his place of business any loud
68 speaker located on the outside of the licensed premises
69 that broadcasts or carries music of any kind.
70 (n) For any person whose license has been revoked
71 as in this article provided, to obtain employment with
any retailer within the period of one year from the date
of such revocation, or for any retailer to employ know-
ingly any such person within such time;
(o) For any distributor to sell, possess for sale, trans-
port or distribute nonintoxicating beer except in the
original container;
(p) For any licensee to permit any act to be done upon
the licensed premises, the commission of which consti-
tutes a crime under the laws of this state;
(q) For any Class B retaile<Yto permit the consumption of nonintoxicating beer upon his licensed premises.

Any person who violates any provision of this article
or who makes any false statement concerning any mate-
rial fact in submitting application for license or for a
renewal of a license or in any hearing concerning the
revocation thereof, or who commits any of the acts
herein declared to be unlawful, shall be guilty of a mis-
demeanor, and shall be punished for each offense by a
fine of not less than twenty-five dollars, nor more than
five hundred dollars, or imprisoned in the county jail
for not less than thirty days or more than six months, or
by both fine and imprisonment in the discretion of the court. Justices of the peace shall have concurrent jurisdiction with the circuit court, and any other courts having criminal jurisdiction in their county, for the trial of all misdemeanors arising under this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Herbert Chewbert  
Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect _________ passage.

Howard Healthy  
Clerk of the Senate

Lenett  
Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within _______ this the ________

day of _______ 1949.

Okey L. Patterson  
Governor.

Filed in the Office of the Secretary of State  
FEB 2, 1949  
D. Pitt O'Brien,  
Secretary of State