

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



ENROLLED

HOUSE BILL No. 52

(By Mr. Mugum and Mrs. Ellis)



PASSED February 23, 1949

In Effect June 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
4 or employees to sell, give or dispense, or any individual
5 to drink or consume, in or on any licensed premises or
6 in any rooms directly connected therewith, nonintoxi-
7 cating 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;

10 (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;

15 (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;

25 (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;

28 (e) For any brewer or distributor to give, furnish, rent

29 or sell any equipment, fixtures, signs or supplies directly
30 or indirectly or through a subsidiary or affiliate to any
31 licensee engaged in selling products of the brewing in-
32 dustry at retail, or to offer any prize, premium, gift, or
33 similar inducement, except advertising matter of nominal
34 value, to either trade or consumer buyers;

35 (f) For any licensee to transport, sell, deliver or pur-
36 chase any nonintoxicating beer or product of the brewing
37 industry upon which there shall appear a label or other
38 informative data which in any manner refers to the
39 alcoholic content of such beer or product of the brewing
40 industry, or upon the label of which there appears the
41 word or words "strong", "full strength", "extra strength",
42 "prewar strength", "high test" or other similar expressions
43 bearing upon the alcoholic content of such product of
44 the brewing industry, or which refers in any manner to
45 the original alcoholic strength extract or balling proof
46 from which such beverage was produced, except that
47 such label shall contain a statement that the alcoholic
48 content thereof does not exceed three and two-tenths per
49 cent by weight;

50 (g) For any licensee to permit in his premises any
51 lewd, immoral or improper entertainment, conduct or
52 practice;

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

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

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

68 (k) For any licensee to print, paint or place upon the
69 door, window, or in any other public place in or about
70 the premises, the word "saloon" or word of similar char-

71 acter or nature, or for the word "saloon" or similar words
72 to be used in any advertisement by the licensee;

73 (l) For any retail licensee to sell or dispense nonin-
74 toxicating beer purchased or acquired from any source
75 other than a licensed distributor or brewer under the laws
76 of this state;

77 (m) For any licensee to permit loud, boisterous or dis-
78 orderly conduct of any kind upon his premises or to
79 permit the use of loud musical instruments if either or
80 any of same may disturb the peace and quietude of the
81 community wherein such business is located. *Provided,*
82 That no juke box or other musical instrument of like
83 character shall be played or operated between the hours
84 of midnight and seven o'clock the following morning on
85 week days or before one o'clock in the afternoon of any
86 Sunday: *And provided further,* That no licensee shall
87 have in connection with his place of business any loud
88 speaker located on the outside of the licensed premises
89 that broadcasts or carries music of any kind.

90 (n) For any person whose license has been revoked
91 as in this article provided, to obtain employment with

92 any retailer within the period of one year from the date
93 of such revocation, or for any retailer to employ know-
94 ingly any such person within such time;

95 (o) For any distributor to sell, possess for sale, trans-
96 port or distribute nonintoxicating beer except in the
97 original container;

98 (p) For any licensee to permit any act to be done upon
99 the licensed premises, the commission of which consti-
100 tutes a crime under the laws of this state;

101 (q) For any Class B retailer ^{or J. R. R. R. R.} to permit the consumption
102 of nonintoxicating beer upon his licensed premises.

103 Any person who violates any provision of this article
104 or who makes any false statement concerning any mate-
105 rial fact in submitting application for license or for a
106 renewal of a license or in any hearing concerning the
107 revocation thereof, or who committs any of the acts
108 herein declared to be unlawful, shall be guilty of a mis-
109 demeanor, and shall be punished for each offense by a
110 fine of not less than twenty-five dollars, nor more than
111 five hundred dollars, or imprisoned in the county jail
112 for not less than thirty days or more than six months, or

113 by both fine and imprisonment in the discretion of the
114 court. Justices of the peace shall have concurrent juris-
115 diction with the circuit court, and any other courts hav-
116 ing criminal jurisdiction in their county, for the trial of
117 all misdemeanors arising under this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Herbert Trumbert
member Chairman Senate Committee

W. B. Matthews
Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

Howard Meyer
Clerk of the Senate

J. A. Sharp
Clerk of the House of Delegates

W. G. Hunter
President of the Senate

W. B. Matthews
Speaker House of Delegates

The within APPROVED this the 26th
day of FEBRUARY, 1949.

Okey L. Patterson
Governor.



Filed in the Office of the Secretary of State
of West Virginia
FEB 28 1949
D. PITT O'BRIEN,
SECRETARY OF STATE