WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1951

ENROLLED
Committee Substitute for
SENATE BILL NO. 39

(By Mr. ..............................................................)

PASSED March 6, 1951

In Effect Ninety days from Passage
AN ACT to amend and reenact section twelve, article sixteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to licenses for the sale of nonintoxicating beer, and prohibiting licenses for such sale in the vicinity of schools and churches.

Be it enacted by the Legislature of West Virginia:

That section twelve, 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 12. Form of Application for License; Fee and Bond; Refusal of License.—A license may be issued by the commissioner to any person who submits an applica-
tion therefor, accompanied by a license fee, and, where required, a bond, stating under oath:

(a) The name and residence of the applicant, how long he has resided there, that he has been a resident of the state for a period of two years next preceding the date of his application, that he is twenty-one years of age, and, if a firm, association, partnership or corporation, the residence of the members or officers for a period of two years next preceding the date of such application: Provided, that if any person, firm, partnership, association or corporation applies for a license as a distributor, such person, or in the case of a firm, partnership, association, the members or officers thereof, shall state under oath that he or they have been bona fide residents of the state for four years preceding the date of such application:

(b) The place of birth of applicant and that he is a citizen of the United States and, if a naturalized citizen, when and where naturalized; and, if a corporation, organized or authorized to do business under the laws of the state, when and where incorporated, with the names and address of each officer; that each officer is a citizen of the
United States and a person of good moral character; and
if a firm, association or partnership, the place of birth of
each member of the firm, association or partnership, that
each member is a citizen of the United States and if a
naturalized citizen, when and where naturalized, each of
whom must qualify and sign the application: Provided,
however, That the requirements as to residence shall not
apply to the officers of a corporation which shall apply
for a class B retailer's license, but the officers, agent, or
employee who shall manage and be in charge of the li-
censed premises shall possess all of the qualifications re-
quired of an individual applicant for a retailer's license,
including the requirement as to residence;
(c) The particular place for which the license is de-
sired and a detailed description thereof;
(d) The name of the owner of the building and, if
the owner is not the applicant, that such applicant is the
actual and bona fide leasee of the premises;
(e) That the place or building in which it is proposed
to do business conforms to all laws of health and fire reg-
ulations applicable thereto, and is a safe and proper place
or building, and is not within three hundred feet of any school or church, measured from front door to front door along the street or streets: Provided, however, That this requirement shall not apply to a class B licensee, or to any place now occupied by a beer licensee, so long as it is continuously so occupied;

(f) That the applicant has never been convicted of a felony, or a violation of the liquor laws either federal or state;

(g) That the applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed, and that no other person shall be in any manner pecuniarily interested therein during the continuance of the license;

(h) That the applicant has not during five years next immediately preceding the date of said application had a nonintoxicating beer license revoked, nor during the same period been convicted of any criminal offense.

The foregoing provisions and requirements are mandatory prerequisites for the issuance of a license, and in the event any applicant fails to qualify under the same,
license shall be refused. In addition to the information furnished in any application, the commissioner may make such additional and independent investigation of each applicant, and of the place to be occupied, as deemed necessary or advisable; and for this reason each and all applications, with license fee and bond, must be filed thirty days prior to the beginning of any fiscal year, and if application is for an unexpired portion of any fiscal year, issuance of license may be withheld for such reasonable time as necessary for investigation.

The commissioner may refuse a license to any applicant under the provisions of this article if he shall be of the opinion:

(a) That the applicant is not a suitable person to be licensed; or,

(b) That the place to be occupied by the applicant is not a suitable place; or is within three hundred feet of any school or church, measured from front door to front door along the street or streets: Provided, however,
87 censee, or to any place now occupied by a beer licensee,
88 so long as it is continuously so occupied; or,
89 (c) That the license should not be issued for reason of
90 conduct declared to be unlawful by this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect Ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 15th day of March, 1951.

Governor.

Of West Virginia

MAR 12 1951

D. Pitt O'Brien, Secretary of State