

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951

ENROLLED

Committee Substitute for
SENATE BILL NO. 39

(By Mr.....)

PASSED March 6, 1951

In Effect Twenty days from Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 39

[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*
2 *Bond; Refusal of License.*—A license may be issued by
3 the commissioner to any person who submits an applica-

4 tion therefor, accompanied by a license fee, and, where
5 required, a bond, stating under oath:

6 (a) The name and residence of the applicant, how long
7 he has resided there, that he has been a resident of the
8 state for a period of two years next preceding the date of
9 his application, that he is twenty-one years of age, and,
10 if a firm, association, partnership or corporation, the resi-
11 dence of the members or officers for a period of two years
12 next preceding the date of such application: *Provided,*
13 That if any person, firm, partnership, association or cor-
14 poration applies for a license as a distributor, such per-
15 son, or in the case of a firm, partnership, association, the
16 members or officers thereof, shall state under oath that
17 he or they have been bona fide residents of the state for
18 four years preceding the date of such application:

19 (b) The place of birth of applicant and that he is a
20 citizen of the United States and, if a naturalized citizen,
21 when and where naturalized; and, if a corporation, organ-
22 ized or authorized to do business under the laws of the
23 state, when and where incorporated, with the names and
24 address of each officer; that each officer is a citizen of the

25 United States and a person of good moral character; and
26 if a firm, association or partnership, the place of birth of
27 each member of the firm, association or partnership, that
28 each member is a citizen of the United States and if a
29 naturalized citizen, when and where naturalized, each of
30 whom must qualify and sign the application: *Provided,*
31 *however,* That the requirements as to residence shall not
32 apply to the officers of a corporation which shall apply
33 for a class B retailer's license, but the officers, agent, or
34 employee who shall manage and be in charge of the li-
35 censed premises shall possess all of the qualifications re-
36 quired of an individual applicant for a retailer's license,
37 including the requirement as to residence;

38 (c) The particular place for which the license is de-
39 sired and a detailed description thereof;

40 (d) The name of the owner of the building and, if
41 the owner is not the applicant, that such applicant is the
42 actual and bona fide leasee of the premises;

43 (e) That the place or building in which it is proposed
44 to do business conforms to all laws of health and fire reg-
45 ulations applicable thereto, and is a safe and proper place

46 or building, and is not within three hundred feet of any
47 school or church, measured from front door to front door
48 along the street or streets: *Provided, however,* That this
49 requirement shall not apply to a class B licensee, or to
50 any place now occupied by a beer licensee, so long as it is
51 continuously so occupied;

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

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

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

64 The foregoing provisions and requirements are man-
65 datory prerequisites for the issuance of a license, and in
66 the event any applicant fails to qualify under the same,

67 license shall be refused. In addition to the information
68 furnished in any application, the commissioner may make
69 such additional and independent investigation of each
70 applicant, and of the place to be occupied, as deemed
71 necessary or advisable; and for this reason each and all
72 applications, with license fee and bond, must be filed
73 thirty days prior to the beginning of any fiscal year, and if
74 application is for an unexpired portion of any fiscal year,
75 issuance of license may be withheld for such reasonable
76 time as necessary for investigation.

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

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

82 (b) That the place to be occupied by the applicant is
83 not a suitable place; or is within three hundred feet
84 of any school or church, measured from front door to
85 front door along the street or streets: *Provided, however,*

86 That this requirement shall not apply to a class B Li-

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.

Robert Boyd
Chairman Senate Committee

James M. Loop
Chairman House Committee

Originated in the Senate.

Takes effect *Ninety days from* passage.

Thomas Kuper
Clerk of the Senate

J. R. Goff
Clerk of the House of Delegates

W. S. B. [Signature]
President of the Senate

W. E. [Signature]
Speaker House of Delegates

The within *approved* this the *12th*
day of *MARCH*, 1951.

Chas. L. Patton
Governor.



of West Virginia **MAR 12 1951**
D. PITT O'BRIEN,
SECRETARY OF STATE