

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955



ENROLLED

HOUSE BILL No. 390

(By Mr. Amos)



PASSED March 1955

In Effect 90 Days Passage



Filed in the Office of the Secretary of State  
of West Virginia **MAR 11 1955**  
D. PITT O'BRIEN  
SECRETARY OF STATE

**ENROLLED**

**House Bill No. 390**

(Originating in the Committee on Temperance.)

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[Passed March 3, 1955; in effect ninety days from passage.]

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AN ACT to amend article four, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-two, relating to the licensing of persons selling alcoholic liquors to the West Virginia liquor control commission and providing penalties for violations thereof.

*Be it enacted by the Legislature of West Virginia:*

That article four, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-two, to read as follows:

Section 22. *Licensing of Persons Selling to Commission;*  
2 *Persons Ineligible; Fees; Penalties.*—No person, firm or  
3 corporation shall be or act or serve as an agent, broker or  
4 salesman selling or offering to sell or soliciting or negoti-

5 ating the sale of alcoholic liquor to the commission with-  
6 out first obtaining a license so to do in accordance with  
7 the provisions of this section. The commission shall be  
8 the licensing authority and may grant, refuse to grant,  
9 suspend or revoke licenses. Licenses shall be on an an-  
10 nual basis for the period from the first day of July until  
11 the thirtieth day of June next following. New and re-  
12 newal licenses shall be granted only upon verified appli-  
13 cation to the commission presented on forms provided by  
14 the commission. Any person representing more than one  
15 producer, manufacturer, or distributor of alcoholic liquors  
16 shall file a separate application and shall obtain a separate  
17 license for each such representation. The annual license  
18 fee shall be ten dollars. The fee for any license granted  
19 for the remainder of any license year between the first  
20 day of January and the thirtieth day of June of the same  
21 calendar year shall be five dollars.

22 No person who is the father, mother, son, daughter,  
23 brother, sister, uncle, aunt, nephew or niece of a member  
24 of the commission or of any elected or appointive state  
25 official, or who is the spouse of any such person so re-

26 lated to a member of the commission or to any elected  
27 or appointive state official, may be granted a license here-  
28 under. No member of the Legislature or the spouse of any  
29 such member may be granted a license hereunder.

30 In addition to all other information which the commis-  
31 sion may require to be supplied on the license application  
32 forms, each applicant shall be required to state his name  
33 and his residence address and the name and business  
34 address of the producer, manufacturer or distributor he  
35 represents; the name and address of each additional pro-  
36 ducer, manufacturer or distributor of alcoholic liquors  
37 he represents; the monetary total of all alcoholic liquor  
38 sales, if any, made by him to the commission during the  
39 fiscal year preceding the license year for which he is  
40 seeking a license; the monetary total of the gross income  
41 received by him on such sales, if any, during such fiscal  
42 year; whether he has, during such fiscal year, made or  
43 given, voluntarily or on request, any gift, contribution  
44 of money or property to any member or employee of the  
45 commission or to or for the benefit of any political party  
46 committee or campaign fund; and his relationship, if any,

47 by blood or marriage, to any member of the commission  
48 or to any elected or appointive state official. All such  
49 applications shall be verified by oath of the applicant and  
50 shall be prepared and filed in duplicate. All such appli-  
51 cations and a current list of all licensees hereunder shall  
52 be matters of public record and shall be available to  
53 public inspection at the commission's offices at the state  
54 capitol. Every licensee who ceases to be an agent, broker  
55 or salesman, as herein contemplated, shall so advise the  
56 commission in writing and such person's name shall be  
57 immediately removed from the license list and his license  
58 shall be cancelled and terminated.

59 All licensees hereunder shall be subject to all other  
60 provisions of this chapter and to the lawful rules and  
61 regulations promulgated by the commission. Licenses  
62 may be refused, suspended or revoked by the commission  
63 for cause, including any of the applicable grounds of  
64 revocation specified in section nineteen of this article.  
65 Provisions of this article relating to notice, hearing and  
66 appeals shall, to the extent applicable, govern procedures  
67 on suspension and revocation of licenses hereunder.

68 Any person, firm or corporation violating any provi-  
69 sion of this section, including knowingly making of any  
70 false statement in a verified application for a license, shall  
71 be guilty of a misdemeanor offense and shall, upon con-  
72 viction thereof, be fined not exceeding one thousand dol-  
73 lars or imprisoned in jail not exceeding twelve months,  
74 or be subject to both such fine and imprisonment in the  
75 discretion of the court.

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

*[Handwritten Signature]*  
Chairman Senate Committee

*[Handwritten Signature]*  
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

*[Handwritten Signature]*  
Clerk of the Senate

*[Handwritten Signature]*  
Clerk of the House of Delegates

*[Handwritten Signature]*  
President of the Senate

*[Handwritten Signature]*  
Speaker House of Delegates

The within.....this the.....

day of....., 1955.

.....  
Governor



Filed in the Office of the Secretary of State  
of West Virginia **MAR 11 1955**

D. PITT O'BRIEN  
SECRETARY OF STATE