WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED
SENATE BILL NO. 295
(By Mr. Bean)

PASSED................................1957

In Effect................................Passage
AN ACT to amend and reenact section twenty-two, article four, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, providing for the licensing of persons selling alcoholic liquors to the West Virginia liquor control commission and penalties, controls and limitations relating thereto.

Be it enacted by the Legislature of West Virginia:

That section twenty-two, article four, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 22. Licensing of Persons Selling to Commission; Persons Eligible; Fees, Penalties and Limitations.—
No person, firm or corporation shall be or act or serve as an agent, broker or salesman selling or offering to sell or soliciting or negotiating the sale of alcoholic liquor to the commission without first obtaining a license so to do in accordance with the provisions of this section. Only salaried employees of distilleries, manufacturers, producers or processors of alcoholic liquor may be licensed hereunder and no person may be licensed hereunder who sells or offers to sell alcoholic liquor to the commission on a fee or commission basis. The commission shall be the licensing authority and may grant to persons of good moral character the license herein provided, and may refuse to grant such license to any person heretofore convicted of a felony within ten years prior to his application for such license; refuse to grant, suspend or revoke licenses. Licenses shall be on an annual basis for the period from the first day of July until the thirtieth day of June next following. New and renewal licenses shall be granted only upon verified application to the commission presented on forms provided by the commission. Any person representing more than one producer, manufactur-
er, or distributor of alcoholic liquors shall file a separate
application and shall obtain a separate license for each
such representation. The annual license fee shall be one
hundred dollars. The fee for any license granted for the
remainder of any license year between the first day of
January and the thirtieth day of June of the same calen-
dar year shall be fifty dollars.

No person who is the father, mother, son, daughter,
brother, sister, uncle, aunt, nephew or niece of a member
of the commission or of any elected or appointed state
official, or who is the spouse of any such person so re-
lated to a member of the commission or to any elected
or appointive state official, may be granted a license
hereunder. No member of the Legislature or the spouse
of any such member may be granted a license hereunder.

Nor shall any member or officer of any political party
executive committee of this state or the spouse of any
such member or officer be granted a license hereunder.

In addition to all other information which the com-
misson may require to be supplied on the license appli-
cation forms, each applicant shall be required to state
his name and his residence address and the name and business address of the producer, manufacturer or distributor he represents; the name and address of each additional producer, manufacturer or distributor of alcoholic liquors he represents; the monetary total of all alcoholic liquor sales, if any, made by him to the commission during the fiscal year preceding the license year for which he is seeking a license; the monetary total of the gross income received by him on such sales, if any, during such fiscal year; whether he has, during such fiscal year, made or given, voluntary or on request, any gift, contribution of money or property to any member or employee of the commission or to or for the benefit of any political party committee or campaign fund; and his relationship, if any, by blood or marriage, to any member of the commission or to any elected or appointive state official. All such applications shall be verified by oath of the applicant and shall be prepared and filed in duplicate. All such applications and a current list of all licensees hereunder shall be matters of public record and shall be available to public inspection at the commission's offices
at the state capitol. Every licensee who ceases to be an
agent, broker or salesman, as herein contemplated, shall
so advise the commission in writing and such person's
name shall be immediately removed from the license list
and his license shall be cancelled and terminated.

All persons licensed hereunder shall be full time salar-
ied employees of the distilleries, manufacturers, pro-
ducers or processors of alcoholic liquor they represent
and shall devote their full time to the duties of such em-
ployment and shall have and engage in no other remun-
erative occupation or calling at the same time. No such
licensed person shall share, divide or split his salary with
any person, other than his wife, or some legal dependent,
nor shall he make any contribution to any political party
campaign fund in this state.

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

Any person, firm or corporation violating any provision
of this section, including knowingly making of any false
statement in a verified application for a license, shall be
guilty of a misdemeanor offense and shall, upon convic-
tion thereof, be fined not exceeding one thousand dollars
or imprisoned in jail not exceeding twelve months, or be
subject to both such fine and imprisonment in the discre-
tion of the court.
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 90 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 12th day of March, 1957.

Governor

Filed in the Office of the Secretary of State of West Virginia, MAR 12, 1957.

D. Pitt O'Brien
SECRETARY OF STATE