

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED

SENATE BILL NO. 295

(By Mr. Bean)

PASSED March 4 1957

In Effect Today from Passage



ENROLLED

Senate Bill No. 295

(By MR. BEAN, MR. PRESIDENT)

[Passed March 4, 1957; in effect ninety days from 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.*—

3 No person, firm or corporation shall be or act or serve as
4 an agent, broker or salesman selling or offering to sell or
5 soliciting or negotiating the sale of alcoholic liquor to
6 the commission without first obtaining a license so to
7 do in accordance with the provisions of this section. Only
8 salaried employees of distilleries, manufacturers, pro-
9 ducers or processors of alcoholic liquor may be licensed
10 hereunder and no person may be licensed hereunder who
11 sells or offers to sell alcoholic liquor to the commission
12 on a fee or commission basis. The commission shall be the
13 licensing authority and may grant to persons of good
14 moral character the license herein provided, and may re-
15 fuse to grant such license to any person heretofore con-
16 victed of a felony within ten years prior to his application
17 for such license; refuse to grant, suspend or revoke
18 licenses. Licenses shall be on an annual basis for the
19 period from the first day of July until the thirtieth day of
20 June next following. New and renewal licenses shall be
21 granted only upon verified application to the commission
22 presented on forms provided by the commission. Any
23 person representing more than one producer, manufactur-

24 er, or distributor of alcoholic liquors shall file a separate
25 application and shall obtain a separate license for each
26 such representation. The annual license fee shall be one
27 hundred dollars. The fee for any license granted for the
28 remainder of any license year between the first day of
29 January and the thirtieth day of June of the same calen-
30 dar year shall be fifty dollars.

31 No person who is the father, mother, son, daughter,
32 brother, sister, uncle, aunt, nephew or niece of a member
33 of the commission or of any elected or appointed state
34 official, or who is the spouse of any such person so re-
35 lated to a member of the commission or to any elected
36 or appointive state official, may be granted a license
37 hereunder. No member of the Legislature or the spouse
38 of any such member may be granted a license hereunder.
39 Nor shall any member or officer of any political party
40 executive committee of this state or the spouse of any
41 such member or officer be granted a license hereunder.

42 In addition to all other information which the com-
43 mission may require to be supplied on the license appli-
44 cation forms, each applicant shall be required to state

45 his name and his residence address and the name and
46 business address of the producer, manufacturer or dis-
47 tributor he represents; the name and address of each
48 additional producer, manufacturer or distributor of alco-
49 holic liquors he represents; the monetary total of all
50 alcoholic liquor sales, if any, made by him to the com-
51 mission during the fiscal year preceding the license year
52 for which he is seeking a license; the monetary total of
53 the gross income received by him on such sales, if any,
54 during such fiscal year; whether he has, during such fiscal
55 year, made or given, voluntary or on request, any gift,
56 contribution of money or property to any member or em-
57 ployee of the commission or to or for the benefit of any
58 political party committee or campaign fund; and his re-
59 lationship, if any, by blood or marriage, to any member
60 of the commission or to any elected or appointive state
61 official. All such applications shall be verified by oath of
62 the applicant and shall be prepared and filed in duplicate.
63 All such applications and a current list of all licensees
64 hereunder shall be matters of public record and shall be
65 available to public inspection at the commission's offices

66 at the state capitol. Every licensee who ceases to be an
67 agent, broker or salesman, as herein contemplated, shall
68 so advise the commission in writing and such person's
69 name shall be immediately removed from the license list
70 and his license shall be cancelled and terminated.

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

81 All licensees hereunder shall be subject to all other
82 provisions of this chapter and to the lawful rules and
83 regulations promulgated by the commission. Licenses
84 may be refused, suspended or revoked by the commission
85 for cause, including any of the applicable grounds of
86 revocation specified in section nineteen of this article.

87 Provision of this article relating to notice, hearing and
88 appeals shall, to the extent applicable, govern procedures
89 on suspension and revocation of licenses hereunder.

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

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

E. S. Sinscent
Chairman Senate Committee

Frank M. West
Chairman House Committee

Originated in the Senate.

Takes effect *90 days from* passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ralph J. Bean
President of the Senate

[Signature]
Speaker House of Delegates

The within *approved* this the *12th* day of *March* 1957.

D. Pitt O'Brien
Governor



Filed In the Office of the Secretary of State of West Virginia

MAR 12 1957

D. PITT O'BRIEN
SECRETARY OF STATE