

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959



ENROLLED

HOUSE BILL No. 45

(By Mr. Kidd)



PASSED March 13 1959

In Effect From Passage



Filed in Office of the Secretary of State
of West Virginia MAR 20 1959
JOE F. BURDETT
SECRETARY OF STATE

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House Bill No. 45

(By MR. KIDD)

[Passed March 13, 1959; in effect from passage.]

AN ACT to amend and reenact section thirteen, article sixteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to unlawful acts of nonintoxicating beer licensees and the penalties therefor.

Be it enacted by the Legislature of West Virginia:

That section thirteen, 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 13. *Unlawful Acts of Licensees; Penalties.*—It

2 shall be unlawful:

3 (a) For any licensee, his, its or their servants, agents
4 or employees to sell, give or dispense, or any individual
5 to drink or consume, in or on any licensed premises or
6 in any rooms directly connected therewith, nonintoxicat-

7 ing beer between the hours of midnight and seven o'clock
8 the following morning on week days or before one o'clock
9 in the afternoon of any Sunday;

10 (b) For any licensee, his, its or their servants, agents
11 or employees, to sell, furnish or give any nonintoxicating
12 beer to any person visibly or noticeably intoxicated, or to
13 any insane persons, or to any habitual drunkard, or to
14 any person under the age of eighteen years;

15 (c) For any distributor to sell or offer to sell, or any re-
16 tailer to purchase or receive, any nonintoxicating beer
17 except for cash; and no right of action shall exist to collect
18 any claims for credit extended contrary to the provisions
19 of this clause. Nothing herein contained shall prohibit a
20 licensee from crediting to a purchaser the actual price
21 charged for packages or containers returned by the
22 original purchaser as a credit on any sale, or from refund-
23 ing to any purchaser the amount paid or deposited for
24 such containers when title is retained by the vendor;

25 (d) For any brewer or distributor or his, its or their
26 agents, to transport or deliver nonintoxicating beer to any
27 retail licensee on Sunday;

28 (e) For any brewer or distributor to give, furnish,
29 rent or sell any equipment, fixtures, signs or supplies
30 directly or indirectly or through a subsidiary or affiliate
31 to any licensee engaged in selling products of the brew-
32 ing industry at retail, or to offer any prize, premium,
33 gift, or other similar inducement, except advertising
34 matter of nominal value, to either trade or consumer
35 buyers: *Provided, however,* That nothing contained herein
36 shall prohibit a distributor from offering for sale or rent-
37 ing tanks of carbonic gas.

38 (f) For any licensee to transport, sell, deliver or pur-
39 chase any nonintoxicating beer or product of the brew-
40 ing industry upon which there shall appear a label or
41 other informative data which in any manner refers to
42 the alcoholic content of such beer or product of the brew-
43 ing industry, or upon the label of which there appears
44 the word or words "strong," "full strength," "extra
45 strength," "prewar strength," "high test" or other similar
46 expressions bearing upon the alcoholic content of such
47 product of the brewing industry, or which refers in any
48 manner to the original alcoholic strength, extract or ball-

49 ing proof from which such beverage was produced, ex-
50 cept that such label shall contain a statement that the
51 alcoholic content thereof does not exceed three and two-
52 tenths per cent by weight;

53 (g) For any licensee to permit in his premises any lewd,
54 immoral or improper entertainment, conduct or practice;

55 (h) For any licensee to possess a federal license, tax
56 receipt or other permit entitling, authorizing or allow-
57 ing such licensee to sell liquor or alcoholic drinks;

58 (i) For any licensee to obstruct the view of the interior
59 of his premises by enclosure, lattice, drapes or any means
60 which would prevent plain view of the patrons occupying
61 such premises. The interior of all licensed premises
62 shall be adequately lighted at all times: *Provided, how-*
63 *ever,* That provisions of this paragraph shall not apply to
64 the premises of a Class B retailer;

65 (j) For any licensee to manufacture, import, sell, trade,
66 barter, possess, or acquiesce in the sale, possession or con-
67 sumption of any alcoholic liquors on the premises covered
68 by such license or on premises directly or indirectly used
69 in connection therewith;

70 (k) For any licensee to print, paint or place upon the
71 door, window, or in any other public place in or about the
72 premises, the word "saloon" or word of similar character
73 or nature, or for the word "saloon" or similar words to
74 be used in any advertisement by the licensee;

75 (l) For any retail licensee to sell or dispense non-
76 intoxicating beer purchased or acquired from any source
77 other than a licensed distributor or brewer under the
78 laws of this state;

79 (m) For any licensee to permit loud, boisterous or
80 disorderly conduct of any kind upon his premises or to
81 permit the use of loud musical instruments if either or
82 any or same may disturb the peace and quietude of the
83 community wherein such business is located: *Provided,*
84 That no licensee shall have in connection with his place
85 of business any loud speaker located on the outside of the
86 licensed premises that broadcasts or carries music of any
87 kind.

88 (n) For any person whose license has been revoked, as
89 in this article provided, to obtain employment with any
90 retailer within the period of one year from the date of

91 such revocation, or for any retailer to employ know-
92 ingly any such person within such time;

93 (o) For any distributor to sell, possess for sale, trans-
94 port or distribute nonintoxicating beer except in the
95 original container;

96 (p) For any licensee to permit any act to be done upon
97 the licensed premises, the commission of which consti-
98 tutes a crime under the laws of this state;

99 (q) For any Class B retailer to permit the consump-
100 tion of nonintoxicating beer upon his licensed premises.

101 (r) For any licensee, his, its or their servants, agents, or
102 employees, or for any licensee by or through such servants,
103 agents or employees, to allow, suffer or permit any person
104 under the age of eighteen years to loiter in or upon any
105 licensed premises; except, however, that the provisions of
106 this subsection shall not apply where such person under
107 the age of eighteen years, is in, on or upon such premises
108 in the immediate company of his or her parent or parents,
109 or where and while such person under the age of eighteen
110 years is in, on or upon such premises for the purpose of
111 and actually making a lawful purchase of any items or

112 commodities therein sold, or for the purchase of and
113 actually receiving any lawful service therein rendered,
114 including the consumption of any item of food, drink or
115 soft drink therein lawfully prepared and served or sold
116 for consumption on such premises.

117 Any person who violates any provision of this article
118 or who makes any false statement concerning any ma-
119 terial fact in submitting application for license or for a re-
120 newal of a license or in any hearing concerning the revo-
121 cation thereof, or who commits any of the acts herein de-
122 clared to be unlawful, shall be guilty of a misdemeanor,
123 and shall be punished for each offense by a fine of not
124 less than twenty-five dollars, nor more than five hundred
125 dollars, or imprisoned in the county jail for not less than
126 thirty days or more than six months, or by both fine and
127 imprisonment in the discretion of the court. Justices of
128 the peace shall have concurrent jurisdiction with the
129 circuit court, and any other courts having criminal juris-
130 diction in their county, for the trial of all misdemeanors
131 arising under this article.

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

W. M. Jasper Jr.
Chairman Senate Committee

Eudora Andrews
Chairman House Committee

Originated in the House of Delegates.

Takes effect *From* passage.

Maurice Meyer
Clerk of the Senate

C. G. Blankenship
Clerk of the House of Delegates

Ralph Moran
President of the Senate

W. R. Pauley
Speaker House of Delegates

The within *approved* this the *20th*
day of *March*, 1959.

W. H. Underwood
Governor

