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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971

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## ENROLLED

SENATE BILL NO. 147

(By Mr. HEDRICK)

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PASSED FEBRUARY 8 1971

In Effect NINETY DAYS FROM Passage



147

FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE  
THIS DATE 2-15-71

ENROLLED

Senate Bill No. 147

(By MR. HEDRICK)

[Passed February 8, 1971; in effect ninety days 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 beer licensees and penalties thereof and changing the hours, other than in private clubs, during which beer may not be sold, given, dispensed, drunk or consumed in or on any licensed premises or in any rooms directly connected therewith.

*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:

**ARTICLE 16. NONINTOXICATING BEER.**

**§11-16-13. Unlawful acts of licensees; penalties.**

1 It shall be unlawful:

2 (a) For any licensee, his, its or their servants, agents  
3 or employees to sell, give or dispense, or any individual  
4 to drink or consume, in or on any licensed premises  
5 or in any rooms directly connected therewith, non-  
6 intoxicating beer on weekdays between the hours of  
7 two o'clock a.m., and seven o'clock a.m., or between the  
8 hours of two o'clock a.m., and one o'clock p.m., on any  
9 Sunday, except in private clubs licensed under the pro-  
10 visions of article seven, chapter sixty of this code, where  
11 the hours shall conform with the hours of sale of alcoholic  
12 liquors;

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

18 (c) For any distributor to sell or offer to sell, or any  
19 retailer to purchase or receive, any nonintoxicating beer

20 except for cash; and no right of action shall exist to  
21 collect any claims for credit extended contrary to the  
22 provisions of this subdivision. Nothing herein contained  
23 shall prohibit a licensee from crediting to a purchaser  
24 the actual price charged for packages or containers re-  
25 turned by the original purchaser as a credit on any  
26 sale, or from refunding to any purchaser the amount  
27 paid or deposited for such containers when title is re-  
28 tained by the vendor;

29 (d) For any brewer or distributor or his, its or their  
30 agents, to transport or deliver nonintoxicating beer to  
31 any retail licensee on Sunday;

32 (e) For any brewer or distributor to give, furnish, rent  
33 or sell any equipment, fixtures, signs or supplies directly  
34 or indirectly or through a subsidiary or affiliate to any  
35 licensee engaged in selling products of the brewing in-  
36 dustry at retail, or to offer any prize, premium, gift, or  
37 other similar inducement, except advertising matter of  
38 nominal value, to either trade or consumer buyers:  
39 *Provided*, That nothing contained herein shall prohibit

40 a distributor from offering for sale or renting tanks  
41 of carbonic gas;

42 (f) For any licensee to transport, sell, deliver or pur-  
43 chase any nonintoxicating beer or product of the brewing  
44 industry upon which there shall appear a label or other  
45 informative data which in any manner refers to the  
46 alcoholic content of such beer or product of the brewing  
47 industry, or upon the label of which there appears the  
48 word or words "strong," "full strength," "extra strength,"  
49 "prewar strength," "high test" or other similar expres-  
50 sions bearing upon the alcoholic content of such product  
51 of the brewing industry, or which refers in any manner  
52 to the original alcoholic strength, extract or balling  
53 proof from which such beverage was produced, except  
54 that such label shall contain a statement that the alco-  
55 holic content thereof does not exceed three and two-  
56 tenths percent by weight;

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

60 (h) For any licensee except the holder of a license

61 to operate a private club issued under the provisions of  
62 article seven, chapter sixty of this code, to possess a  
63 federal license, tax receipt or other permit entitling,  
64 authorizing or allowing such licensee to sell liquor or  
65 alcoholic drinks;

66 (i) For any licensee to obstruct the view of the in-  
67 terior of his premises by enclosure, lattice, drapes or  
68 any means which would prevent plain view of the patrons  
69 occupying such premises. The interior of all licensed  
70 premises shall be adequately lighted at all times: *Pro-*  
71 *vided*, That provisions of this subdivision shall not apply  
72 to the premises of a Class B retailer or to the premises  
73 of a private club licensed under the provisions of article  
74 seven, chapter sixty of this code;

75 (j) For any licensee to manufacture, import, sell, trade,  
76 barter, possess, or acquiesce in the sale, possession or  
77 consumption of any alcoholic liquors on the premises  
78 covered by such license or on premises directly or in-  
79 directly used in connection therewith: *Provided*, That  
80 the prohibitions contained in this subdivision with re-  
81 spect to the selling or possessing or to the acquiescence

82 in the sale, possession or consumption of alcoholic liquors  
83 shall not be applicable with respect to the holder of a  
84 license to operate a private club issued under the pro-  
85 visions of article seven, chapter sixty of this code;

86 (k) For any licensee to print, paint or place upon the  
87 door, window, or in any other public place in or about  
88 the premises, the word "saloon" or word of similar  
89 character or nature, or for the word "saloon" or simi-  
90 lar words to be used in any advertisement by the  
91 licensee;

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

96 (m) For any licensee to permit loud, boisterous or  
97 disorderly conduct of any kind upon his premises or to  
98 permit the use of loud musical instruments if either or  
99 any of the same may disturb the peace and quietude of  
100 the community wherein such business is located: *Provided*,  
101 That no licensee shall have in connection with his place  
102 of business any loudspeaker located on the outside of

103 the licensed premises that broadcasts or carries music  
104 of any kind;

105 (n) For any person whose license has been revoked  
106 as in this article provided, to obtain employment with  
107 any retailer within the period of one year from the date  
108 of such revocation, or for any retailer to employ know-  
109 ingly any such person within such time;

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

113 (p) For any licensee to permit any act to be done  
114 upon the licensed premises, the commission of which  
115 constitutes a crime under the laws of this state;

116 (q) For any Class B retailer to permit the consump-  
117 tion of nonintoxicating beer upon his licensed premises;

118 (r) For any licensee, his, its or their servants, agents,  
119 or employees, or for any licensee by or through such  
120 servants, agents or employees, to allow, suffer or permit  
121 any person under the age of eighteen years to loiter in  
122 or upon any licensed premises; except, however, that  
123 the provisions of this subdivision shall not apply where



124 such person under the age of eighteen years, is in, or  
125 upon such premises in the immediate company of his  
126 or her parent or parents, or where and while such person  
127 under the age of eighteen years is in, on or upon such  
128 premises for the purpose of and actually making a law-  
129 ful purchase of any items or commodities therein sold,  
130 or for the purchase of and actually receiving any law-  
131 ful service therein rendered, including the consumption  
132 of any item of food, drink or soft drink therein lawfully  
133 prepared and served or sold for consumption on such  
134 premises.

135 Any person who violates any provision of this article  
136 or who makes any false statement concerning any ma-  
137 terial fact in submitting application for license or for  
138 a renewal of a license or in any hearing concerning  
139 the revocation thereof, or who commits any of the acts  
140 herein declared to be unlawful, shall be guilty of a  
141 misdemeanor, and shall be punished for each offense  
142 by a fine of not less than twenty-five nor more than  
143 five hundred dollars, or imprisoned in the county jail  
144 for not less than thirty days or more than six months,

145 or by both fine and imprisonment in the discretion of  
146 the court. Justices of the peace shall have concurrent  
147 jurisdiction with the circuit court, and any other courts  
148 having criminal jurisdiction in their county, for the  
149 trial of all misdemeanors arising under this article.

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

*Russell G. Beane*  
Chairman Senate Committee

*Phyllis Rutledge*  
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

*Howard Myers*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Joseph Cant*  
President of the Senate

*Love F. Buasby*  
Speaker House of Delegates

The within *approved* this the *13th*  
day of *February*, 1971.

*Arch A. Phares Jr.*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 2/12/71

Time 10:25 a.m.

RECEIVED

FEB 15 5 09 PM '71

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SECRETARY OF STATE  
STATE OF WEST VIRGINIA

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