WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED

HOUSE BILL No. 631

(By Mr. Myles and Mr. Seibert)

PASSED FEBRUARY 28, 1972

In Effect July 1, 1972

3-2-22
ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 631
(By Mr. Myles and Mr. Seibert)

[Passed February 28, 1972; in effect July 1, 1972.]

AN ACT to repeal section eight, article seven, chapter sixty of
the code of West Virginia, one thousand nine hundred
thirty-one, as amended; to amend and reenact sections four,
six, seven, ten, eleven and twelve of said article seven; and
to further amend said article seven, by adding thereto a
new section, designated section thirteen-a, relating to
alcoholic liquors and licenses for private clubs for the sale
thereof; providing that a license to operate a private club of
a specified type shall not be issued to applicants who dis­
criminate because of race or color; increasing the amount
of the bond required for a license to operate a private club;
changing the state fees required for a license to operate a
private club; providing for the payment of the annual state
license fees; relating to the municipal fees for private clubs
located within the corporate limits of such municipality;
repealing the bottle tax imposed upon alcoholic liquor sold
in private clubs and provisions with respect to a bottle
marker, stamp or designation in connection therewith; re­
lating to the powers and duties of the alcohol beverage
control commissioner and his duly authorized agents with
respect to private clubs; specifying certain prohibited acts;
providing criminal penalties; and providing for reports of
violations to county prosecuting attorneys.
Be it enacted by the Legislature of West Virginia:

That section eight, article seven, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that sections four, six, seven, ten, eleven and twelve of said article seven be amended and reenacted; and that said article seven be further amended by adding thereto a new section, designated section thirteen-a, all to read as follows:

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-4. Application for license; information required; verification; application to be accompanied by fees; bond; college fraternities and sororities ineligible for license.

(a) Application for a license to operate a private club shall be made on such form as may be prescribed by the commissioner and shall include:

(b) Such application shall be verified by each member of the governing board of the applicant if an unin-
corporated association or, if the applicant be a corpora-
tion, by each of its officers and all members of its board
of directors. Such application shall be accompanied by
the license fee hereinafter prescribed and by a bond of
the applicant in the penal sum of five thousand dollars
with a corporate surety authorized to transact business
in the state of West Virginia, payable to the state of
West Virginia, which bond shall be conditioned on the
payment of all fees herein prescribed and on the faithful
performance of and compliance with the provisions of
this article.

(c) Under no circumstance shall any college fraternity
or sorority be issued a license to operate a private club.

(d) No license to operate a private club will be issued
to applicants who discriminate against any person or
group of persons because of race or color of such person
or group of persons except clubs as defined in clauses (1)
and (2), subdivision (a), section two of this article.

§60-7-6. Annual license fee; partial fee.

(a) The annual license fee for a license issued under
the provisions of this article to a fraternal or veterans
organization or a nonprofit social club shall be seven
hundred fifty dollars.

(b) The annual license fee for a license issued under
the provisions of this article to a private club other than
a private club of the type specified in subsection (a)
of this section shall be one thousand dollars if such pri-
vate club has less than one thousand members and two
thousand five hundred dollars if such private club has
one thousand or more members.

(c) The fee for any such license issued following the
first day of January of any year and to expire on the
thirtieth day of June of such year shall be one half of
the annual license fee prescribed by subsections (a) and
(b) of this section six.

(e) All such fees shall be paid by the commissioner
to the state treasurer and credited to the general revenue
of the state.
§60-7-7. Municipal fee.

1 Any municipality in this state is hereby authorized to levy a fee for revenue purposes only upon any licensee whose premises are situate within such municipality, which fee shall not exceed one half the amount of the license fee levied by this state under the provisions of section six of this article. Any such municipality is hereby authorized and empowered to enact and adopt ordinances necessary for the collection and enforcement of such fee.

§60-7-10. Duties and powers of commissioner.

1 The commissioner is hereby authorized:

(a) To enforce the provisions of this article.

(b) To enter the premises of any licensee at reasonable times for the purpose of inspecting the same, and determining the compliance of said licensee with the provisions of this article and any rules and regulations promulgated by the commissioner pursuant to the provisions of this article.

(c) To promulgate such reasonable rules and regulations as may be necessary for the execution and enforcement of the provisions of this article, which may include but shall not be limited to the hours during which licensees may sell alcoholic liquors, and the use, handling, service and sale of such alcoholic liquors. Such rules and regulations shall be promulgated in accordance with the provisions of article three, chapter twenty-nine-a of the code in like manner as if said article three of said chapter twenty-nine-a were set forth in extenso in this subdivision.

(d) To issue subpoenas and subpoenas duces tecum for the purposes of conducting hearings under the provisions of section thirteen of this article, which subpoenas and subpoenas duces tecum shall be issued in the time, for the fees, and shall be enforced in the manner specified in section one, article five, chapter twenty-nine-a of this code with like effect as if said section one were set forth in extenso in this subdivision.
The authority granted in subdivisions (a), (b), and (d) of this section may also be exercised by the duly authorized agents of the commissioner.

§60-7-11. Licensee must purchase alcoholic liquors from or through commissioner.

All licensees shall purchase all alcoholic liquors sold by them from the West Virginia alcohol beverage control commissioner at prices established by such commissioner for sales of such alcoholic liquors to the public generally.

§60-7-12. Certain acts of licensee prohibited; penalties.

(a) It shall be unlawful for any licensee, or agent, employee or member thereof, on such licensee’s premises to:

(1) Sell or offer for sale any alcoholic liquors other than from the original package or container;

(2) Authorize or permit any disturbance of the peace; obscene, lewd, immoral or improper entertainment, conduct or practice; gambling or any slot machine, multiple coin console machine, multiple coin console slot machine or device in the nature of a slot machine;

(3) Sell, give away, or permit the sale of, gift to, or the procurement of any alcoholic liquors, for any minor, mental incompetent, or person who is physically incapacitated due to the consumption of alcoholic liquor, or the use of drugs;

(4) Sell, give or dispense alcoholic liquors in or on any licensed premises or in any rooms directly connected therewith, between the hours of three o’clock a.m. and one o’clock p.m. on any Sunday;

(5) Permit the consumption by, or serve to, on the licensed premises any alcoholic liquors, covered by this article, to any person under the age of twenty-one years;

(6) With the intent to defraud, alter, change or misrepresent the quality, quantity or brand name of any alcoholic liquor;

(7) Sell or offer for sale any alcoholic liquor to any person who is not a duly elected or approved dues paying member in good standing of said private club or a guest of such member; or
(8) Violate any reasonable rule or regulation of the commissioner.

(b) It shall further be unlawful for any licensee to advertise in any news media or other means, outside of the licensee's premises, the fact that alcoholic liquors may be purchased thereat.

(c) Any person who violates any of the foregoing provisions shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period not to exceed one year, or by both fine and imprisonment.

§60-7-13a. Commissioner to report violations to prosecuting attorney.

The commissioner shall report violations of any of the provisions of section twelve of this article to the prosecuting attorney of the county in which the licensed premise is located.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect July 1, 1972.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 6th day of , 1972.

Governor