

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982

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# ENROLLED

HOUSE BILL No. 1954

(By Mrs. Martin, 27th Dist. & Mrs. Theiling)

— ● —

Passed March 11, 1982

In Effect Ninety Days From Passage



ENROLLED

H. B. 1954

(By MRS. MARTIN, 27th Dist., and MRS. THEILING)

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[Passed March 11, 1982; in effect ninety days from passage.]

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AN ACT to amend article sixteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twelve-b, relating to nonintoxicating beer; providing for special event licenses to permit charitable organizations to sell, give or dispense nonintoxicating beer during private or public events; requiring the nonintoxicating beer commissioner to promulgate reasonable rules and regulations for administration of section; prohibiting sales to certain persons; setting a license fee; requiring compliance with laws and rules and regulations; establishing penalty in addition to other penalties set forth in article; providing for emergency order suspending licenses.

*Be it enacted by the Legislature of West Virginia:*

That article sixteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twelve-b, to read as follows:

**ARTICLE 16. NONINTOXICATING BEER.**

**§11-16-12b. Special event licenses for charitable organizations; requirements; restrictions; commissioner to promulgate rules and regulations.**

- 1 (a) Notwithstanding any provision of this code to the con-
- 2 trary, charitable not-for-profit organizations which are or-

3 ganized for benevolent, educational, philanthropic, recreation-  
4 al, humane, patriotic, civic, fraternal or religious purposes  
5 in the state for at least two years prior to the date of ap-  
6 plication may apply to the nonintoxicating beer commissioner  
7 for special event licenses to purchase or receive at wholesale  
8 or otherwise and to sell, give or dispense nonintoxicating beer  
9 during private or public occasions, celebrations or fund-raising  
10 and other events for consumption by its members, their guests  
11 or the general public at the location or locations of such  
12 occasions, celebrations or events, whether such occasions,  
13 celebrations or events are held indoors or out-of-doors or on  
14 private or public property.

15 (b) The special event license issued to the licensee shall  
16 be posted at the licensee's regular meeting place. True copies  
17 of the license shall be posted at each location where non-  
18 intoxicating beer is sold, given or dispensed. The license  
19 issued to the licensee shall be returned to the nonintoxicating  
20 beer commissioner within fifteen calendar days of the final  
21 day of the licensee's authority to sell, give or dispense non-  
22 intoxicating beer.

23 (c) An organization shall name in its application the date  
24 or dates and the locality of the occasion, celebration or event  
25 for which each license is sought. No special event license  
26 may authorize a licensee to sell, give or dispense nonintoxicat-  
27 ing beer at more than one occasion, celebration or event or  
28 for a period exceeding fourteen consecutive days.

29 (d) Nonintoxicating beer may not be sold, given or dis-  
30 pensed by a licensee to any insane person, or to any habitual  
31 drunkard, or to any person under the age of eighteen years.

32 (e) A license fee of twenty-five dollars shall be collected  
33 by the nonintoxicating beer commissioner before issuance of  
34 each special event license.

35 (f) The nonintoxicating beer commissioner shall promul-  
36 gate reasonable rules and regulations prescribing the form and  
37 content of applications for special event licenses, requiring  
38 the posting of a cash bond in the amount of two hundred  
39 dollars, conditioned upon substantial and material compliance  
40 by the licensee with the provisions of this article and rules

41 and regulations promulgated hereunder, and establishing pro-  
42 cedures and requirements for administration of the provisions  
43 of this section. The nonintoxicating beer commissioner shall  
44 promulgate such rules and regulations and administer the  
45 provisions of this section in accordance with the provisions  
46 of chapter twenty-nine-a of this code.

47 (g) Licensees shall comply with all laws and rules and  
48 regulations promulgated by the nonintoxicating beer com-  
49 missioner regulating the sale, gift or dispensing of nonintoxicat-  
50 ing beer by retail licensees.

51 (h) In addition to any other penalties set forth in this  
52 article, the nonintoxicating beer commissioner may deny, sus-  
53 pend, revoke or make provisional a special event license for  
54 any organization which substantially violates a material re-  
55 quirement of any provision of this section or this article or  
56 any such rules or regulations promulgated under this section  
57 or article.

58 (i) An emergency order immediately suspending a special  
59 event license may be issued by the nonintoxicating beer com-  
60 missioner when it is found that a licensee has or is likely to  
61 violate this article or rules or regulations promulgated here-  
62 under or when such action is necessary for the immediate  
63 preservation of the public peace, health, safety, morals, good  
64 order or general welfare. The emergency order shall set  
65 forth the grounds upon which it is issued, including a state-  
66 ment of facts constituting the alleged emergency necessitating  
67 such action. The order shall be served by personal or sub-  
68 stituted service on the licensee or the person who applied  
69 for the license on behalf of the licensee. The order is effec-  
70 tive upon issuance and service. Within five days after issu-  
71 ance of the order, the nonintoxicating beer commissioner  
72 shall set a time and place for a hearing wherein the licensee  
73 may appear and show cause why its license should not be  
74 revoked.

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

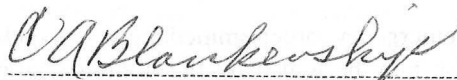
  
Chairman Senate Committee

  
Chairman House Committee

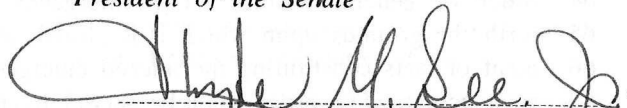
Originating in the House.

Takes effect ninety days from passage.

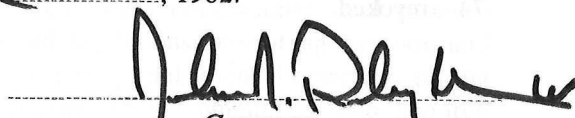
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

The within is disapproved this the 30  
day of March, 1982. 31

  
Governor

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