WEST VIRGINIA, LEGISLATURE
REGULAR SESSION, 1986

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ENROLLED
Finance Committee Substitute for Judiciary Committee Substitute for SENATE BILL NO. 359

(By Senator "Mr. President, et al..")

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PASSED March 5, 1986
In Effect July 1, 1986 Passage
ENROLLED
FINANCE
COMMITTEE SUBSTITUTE
FOR
JUDICIARY
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 339
(SENATORS TONKOVICH, MR. PRESIDENT (BY REQUEST) AND HARMAN,
original sponsors)

[Passed March 8, 1986; to take effect July 1, 1986.]

AN ACT to amend and reenact sections one and five, article one, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section twenty-two, article three of said chapter; to further amend said article three by adding thereto a new section, designated section twenty-two-a; to amend and reenact section fifteen, article four of said chapter; to amend and reenact section twelve, article seven of said chapter; to further amend said article seven by adding thereto a new section, designated section twelve-a; to amend and reenact sections two, three, twenty, twenty-three, twenty-nine and thirty-four, article eight of said chapter; and to further amend said article eight by adding thereto a new section, designated section twenty-a, all relating to the regulation
and control of alcoholic liquors generally; increasing from nineteen to twenty-one years the legal age for consumption of alcoholic liquors; general provisions; purpose of chapter; declaration of legislative findings, policy and intent; definitions; sales by commissioner; sales to certain persons prohibited; unlawful acts by persons and the penalties therefor; licenses; amount of license fees; licenses to private clubs; certain acts of licensee prohibited; criminal penalties; unlawful acts by persons and the penalties therefor; sales of wines; definitions; licenses; fees; general restrictions; special license for festival or fair; private wine restaurant license; unlawful acts generally; unlawful acts by persons and the penalties therefor; duties and powers of commissioner; rules and regulations; bond required of distributors and suppliers and amount thereof; and when retail sales and sales by private wine restaurant prohibited.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. GENERAL PROVISIONS.

§ 60-1-1. Purpose of chapter; declaration of legislative findings, policy and intent.

1 The purpose of this chapter is to give effect to the mandate of the people expressed in the repeal of the state prohibition amendment; and it is hereby found by the Legislature and declared to be the public policy of this state to regulate and control the manufacture, sale, distribution,
transportation, storage and consumption of alcoholic liquors and at the same time to assure the greatest degree of personal freedom consistent with the health, safety, welfare, peace and good morals of the people of this state. To these ends the police power of this state is pledged to the sound control and the temperate use of alcoholic liquors. In order to further promote and foster the hereinabove policy of the Legislature, the provisions of this chapter and of the rules and regulations promulgated pursuant thereto shall be construed so as to accomplish and effectuate these stated purposes.

§60-1-5. Definitions.

For the purposes of this chapter:

"Alcohol" shall mean ethyl alcohol whatever its origin and shall include synthetic ethyl alcohol but not denatured alcohol.

"Beer" shall mean any beverage obtained by the fermentation of barley, malt, hops, or any other similar product or substitute, and containing more alcohol than that of nonintoxicating beer.

"Nonintoxicating beer" shall mean any beverage, obtained by the fermentation of barley, malt, hops, or similar products or substitute and containing not more alcohol than that specified by section two, article sixteen, chapter eleven of this code.

"Wine" shall mean any alcoholic beverage obtained by the fermentation of the natural content of fruits, or other agricultural products, containing sugar.

"Spirits" shall mean any alcoholic beverage obtained by distillation and mixed with potable water and other substances in solution, and includes brandy, rum, whiskey, cordials and gin.

"Alcoholic liquor" shall include alcohol, beer, wine and spirits, and any liquid or solid capable of being used as a beverage, but shall not include nonintoxicating beer.

"Original package" shall mean any closed or sealed container or receptacle used for holding alcoholic liquor.

"Sale" shall mean any transfer, exchange or barter in any manner or by any means, for a consideration, and shall include all sales made by principal, proprietor, agent or employee.
“Selling” shall include solicitation or receipt of orders; possession for sale; and possession with intent to sell.

“Person” shall mean an individual, firm, partnership, limited partnership, corporation or voluntary association.

“Manufacture” means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle, or fill an original package with any alcoholic liquor.

“Manufacturer” shall mean any person engaged in the manufacture of any alcoholic liquor, and among others includes a distiller, a rectifier, a wine maker and a brewer.

“Brewery” shall mean an establishment where beer is manufactured or in any way prepared.

“Winery” shall mean an establishment where wine is manufactured or in any way prepared.

“Distillery” shall mean an establishment where alcoholic liquor other than wine or beer is manufactured or in any way prepared.

“Public place” shall mean any place, building or conveyance to which the public has, or is permitted to have access, including restaurants, soda fountains, hotel dining rooms, lobbies, and corridors of hotels and any highway, street, lane, park or place of public resort or amusement:

Provided, That the term “public place” shall not mean or include any of the above-named places or any portion or portions thereof which qualify and are licensed under the provisions of this chapter to sell alcoholic liquors for consumption on the premises.

“State liquor store” shall mean a store established and operated by the commission under this chapter for the sale of alcoholic liquor in the original package for consumption off the premises.

“An agency” shall mean a drugstore, grocery store or general store designated by the commission as a retail distributor of alcoholic liquor for the West Virginia alcohol beverage control commissioner.

“Department” shall mean the organization through which the commission exercises powers imposed upon it by this chapter.

“Commissioner” or “commission” shall mean the West Virginia alcohol beverage control commissioner.

“Intoxicated” shall mean having one's faculties impaired by alcohol or other drugs to the point where physical or mental control or both are markedly diminished.
ARTICLE 3. SALES BY COMMISSIONER.

§60-3-22. Sales to certain persons prohibited.

1. Alcoholic liquors shall not be sold to a person who is:
2. (1) Less than twenty-one years of age;
3. (2) An habitual drunkard;
4. (3) Intoxicated;
5. (4) Addicted to the use of any controlled substance as defined by any of the provisions of chapter sixty-a of this code; or

§60-3-22a. Unlawful acts by persons.

1. (a) Any person under the age of twenty-one years who, for the purpose of purchasing alcoholic liquors from a state liquor store or an agency, misrepresents his or her age, or who for such purpose presents or offers any written evidence of age which is false, fraudulent or not actually his or her own, or who illegally attempts to purchase alcoholic liquors from a state liquor store or an agency, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined in an amount not to exceed fifty dollars or shall be imprisoned in the county jail for a period not to exceed seventy-two hours, or both such fine and imprisonment, or, in lieu of such fine and imprisonment, may, for the first offense, be placed on probation for a period not exceeding one year.

2. (b) Any person who shall knowingly buy for, give to or furnish to anyone under the age of twenty-one to whom they are not related by blood or marriage, any alcoholic liquors from whatever source, is guilty of a misdemeanor and shall, upon conviction thereof, be fined in an amount not to exceed one hundred dollars or shall be imprisoned in the county jail for a period not to exceed ten days, or both such fine and imprisonment.

ARTICLE 4. LICENSES.

§60-4-15. Amount of license fees.

1. A person to whom a license is issued under the provisions of this chapter shall pay annually to the commissioner a license fee as follows, for:

2. (1) Distilleries, one thousand five hundred dollars;
(2) Wineries, one thousand five hundred dollars;
(3) Breweries, two hundred fifty dollars;
(4) Bottling plants, one hundred dollars;
(5) Wholesale druggists, fifty dollars;
(6) Institutions, ten dollars;
(7) Industrial use, fifty dollars;
(8) Industrial plants producing alcohol, two hundred fifty dollars;
(9) Retail druggists, ten dollars;
(10) Farm wineries, fifty dollars.

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-12. Certain acts of licensee prohibited; criminal 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 or to any person less than twenty-one years of age;
(4) Sell, give away, or permit the sale of, gift to, or the procurement of any alcoholic liquors, for or to any mental incompetent, or for a person who is physically incapacitated due to consumption of alcoholic liquor or the use of drugs;
(5) 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;
(6) Permit the consumption by, or serve to, on the licensed premises any alcoholic liquors, covered by this article, to any person who is less than twenty-one years of age;
(7) With the intent to defraud, alter, change or misrepresent the quality, quantity or brand name of any alcoholic liquor;
(8) 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;

(9) Permit any person who is less than eighteen years of age to sell, furnish or give alcoholic liquors to any person; or

(10) 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.

§60-7-12a. Unlawful acts by persons.

(a) Any person under the age of twenty-one years who, for the purpose of purchasing nonintoxicating beer or alcoholic liquors from a licensee, misrepresents his or her age, or who for such purpose presents or offers any written evidence of age which is false, fraudulent or not actually his or her own, or who illegally attempts to purchase nonintoxicating beer or alcoholic liquors from a licensee, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined in an amount not to exceed fifty dollars or shall be imprisoned in the county jail for a period not to exceed seventy-two hours, or both such fine and imprisonment, or, in lieu of such fine and imprisonment, may, for the first offense, be placed on probation for a period not exceeding one year.

(b) Any person who shall knowingly buy for, give to or furnish to anyone under the age of twenty-one to whom they are not related by blood or marriage, any nonintoxicating beer or alcoholic liquors purchased from a licensee, is guilty of a misdemeanor and shall, upon conviction thereof, be fined in an amount not to exceed one hundred dollars or shall be imprisoned in the county jail for a period not to exceed ten days, or both such fine and imprisonment.
ARTICLE 8. SALE OF WINES.

PART II. SALE OF WINE GENERALLY.

§60-8-2. Definitions.

1 Unless the context in which used clearly requires a different meaning, as used in this article:
   2 "Commissioner" or "commission" means the West Virginia alcohol beverage control commissioner.
   3 "Distributor" means any person whose principal place of business is within the state of West Virginia, and who is engaged in selling or distributing wine to retailers or private wine restaurants and selling or distributing port, sherry and Madeira wines to wine specialty shops under authority of this article and actually maintains a warehouse in this state for the distribution of wine.
   4 "Fortified wine" shall mean any wine to which brandy or other alcohol has been added and shall include dessert wines which are not fortified.
   5 "Grocery store" means any retail establishment, commonly known as a grocery store, supermarket or delicatessen, where food, food products and supplies for the table are sold for consumption off the premises with an average monthly sales (exclusive of sales of wines) of not less than three thousand dollars and an average monthly inventory (exclusive of inventory of wine) of not less than three thousand dollars. The term "grocery store" shall also include and mean a separate and segregated portion of any other retail store which is dedicated solely to the sale of food, food products and supplies for the table for consumption off the premises with average monthly sales with respect to such separate or segregated portion (exclusive of sales of wine) of not less than three thousand dollars and an average monthly inventory (exclusive of inventory of wine) of not less than three thousand dollars.
   6 "Licensee" means the holder of a license granted under the provisions of this article.
   7 "Private wine restaurant" means a restaurant which: (1) Is a partnership, limited partnership, corporation, unincorporated association or other business entity which has as its principal purpose the business of serving meals on its premises to its members and their guests; (2) Is licensed under the provisions of this article as to all of its premises or
as to a separate segregated portion of its premises to serve
wine to its members and their guests when such sale
accompanies the serving of food or meals; and (3) Admits
only duly elected and approved dues paying members and
their guests while in the company of a member, and does not
admit the general public.

"Retailer" means any person licensed to sell wine at retail
to the public at his established place of business for off-
premises consumption and who is licensed to do so under
authority of this article.

"Supplier" means any manufacturer, producer,
processor, distributor or supplier of wine who sells or offers
to sell or solicits or negotiates the sale of wine to any
licensed West Virginia distributor.

"Tax" includes within its meaning interest, additions to
tax and penalties.

"Taxpayer" means any person liable for any tax, interest,
additions to tax or penalty under the provisions of this
article and any person claiming a refund of tax.

"Varietal wine" means any wine labeled according to the
grape variety from which such wine is made.

"Vintage wine" or "vintage-dated wine" means wines
from which the grapes used to produce such wine are
harvested during a particular year or wines produced from
the grapes of a particular harvest in a particular region of
production.

"Wine" means any alcoholic beverage obtained by the
natural fermentation of the natural content of grapes, other
fruits or honey or other agricultural products containing
sugar and to which no alcohol has been added and shall
include table wine, and shall exclude fortified wine and
shall also exclude any product defined as or embraced
within the definition of nonintoxicating beer under the
provisions of article sixteen, chapter eleven of this code.

"Wine specialty shop" means a retailer who shall deal
principally in the sale of table wine, certain fortified wines,
wine accessories and food or foodstuffs normally associated
with wine and (1) who shall maintain a representative
number of such wines for sale in his inventory which are
designated by label as varietal wine, vintage, generic and/or
according to region of production and the inventory shall
contain not less than fifteen percent vintage or vintage-

dated wine by actual bottle count and (2) who, any other provisions of this code to the contrary notwithstanding, may maintain an inventory of port, sherry and madiera wines having an alcoholic content of not more than twenty-two percent alcohol by volume and which have been matured in wooden barrels or casks.

§60-8-3. Licenses; fees; general restrictions.

(a) Except as to farm wineries as defined by section five-a, article one of this chapter, no person may engage in business in the capacity of a distributor, retailer or private wine restaurant without first obtaining a license from the commissioner, nor shall a person continue to engage in any such activity after his license has expired, been suspended or revoked. No person may be licensed simultaneously as a distributor and a retailer, as a distributor and a private wine restaurant, or as a retailer and a private wine restaurant.

(b) The commissioner shall collect an annual fee for licenses issued under this article, as follows:

(1) Twenty-five hundred dollars per year for a distributor's license and each separate warehouse or other facility from which a distributor sells, transfers or delivers wine shall be separately licensed and there shall be collected with respect to each such location the annual license fee of twenty-five hundred dollars as herein provided.

(2) One hundred fifty dollars per year for a retailer's license.

(3) Fifty dollars per year for a wine tasting license.

(4) Fifty dollars for each sales representative of or employed by a licensed distributor.

(5) Two hundred fifty dollars per year for a private wine restaurant license, and each separate restaurant from which a licensee sells wine shall be separately licensed and there shall be collected with respect to each such location the annual license fee of two hundred fifty dollars as herein provided.

(c) The license period shall begin on the first day of July of each year and end on the thirtieth day of June of the following year, and if granted for a less period, the same shall be computed semiannually in proportion to the remainder of the fiscal year.
(d) No retailer may be licensed as a private club as provided by article seven of this chapter.

(e) No retailer may be licensed as a Class A retail dealer in nonintoxicating beer as provided by article sixteen, chapter eleven of this code: Provided, That a delicatessen which is a grocery store as defined in section two of this article and which is licensed as a Class A retail dealer in nonintoxicating beer, may be a retailer under this article: Provided, however, That any delicatessen licensed in both such capacities must maintain average monthly sales exclusive of sales of wine and nonintoxicating beer which exceed the average monthly sales of nonintoxicating beer.

(f) A retailer under this article may also hold a wine tasting license authorizing such retailer to serve complimentary samples of wine in moderate quantities for tasting. Such retailer shall organize a winetaster's club, which has at least fifty duly elected or approved dues paying members in good standing. Such club shall meet on the retailer's premises not more than one time per week and shall either meet at a time when the premises are closed to the general public, or shall meet in a separate segregated facility on the premises to which the general public is not admitted. Attendance at tastings shall be limited to duly elected or approved dues paying members and their guests.

(g) A retailer who has more than one place of retail business shall obtain a license for each separate retail establishment. A retailer's license may be issued only to the proprietor or owner of a bona fide grocery store or wine specialty shop.

(h) The commissioner may issue a special license for the retail sale of wine at any festival or fair which is endorsed or sponsored by the governing body of a municipality or a county commission. Such special license shall be issued for a term of no longer than ten consecutive days and the fee therefore shall be two hundred fifty dollars regardless of the term of the license. The festival or fair committee or the governing body shall designate a person to organize a club under a name which includes the name of the festival or fair and the words "wine club." The license shall be issued in the name of the wine club. A licensee may not commence the sale of wine as provided for in this subsection until the wine club has at least fifty dues paying members who have been
enrolled and to whom membership cards have been issued. Thereafter, new members may be enrolled and issued membership cards at any time during the period for which the license is issued. A wine club licensed under the provisions of this subsection may sell wine only to its members, and in portions not to exceed eight ounces per serving. Such sales shall take place on premises or in an area cordoned or segregated so as to be closed to the general public, and the general public shall not be admitted to such premises or area. A licensee under the provisions of this subsection shall be authorized to serve complimentary samples of wine in moderate quantities for tasting.

A license issued under the provisions of this subsection and the licensee holding such license shall be subject to all other provisions of this article and the rules, regulations and orders of the commissioner relating to such special license: Provided, That the commissioner may by rule, regulation, or order provide for certain waivers or exceptions with respect to such provisions, rules, regulations, or order as the circumstances of each such festival or fair may require, including, without limitation, the right to revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding the provisions of section twelve of this article: Provided, however, That under no circumstances shall the provisions of subsections (c) or (d), section twenty of this article be waived nor shall any exception be granted with respect thereto.

A license issued under the provisions of this subsection and the licensee holding such license shall not be subject to the provisions of subsection (g) of this section.

(i) A license to sell wine granted to a private wine restaurant under the provisions of this article entitles the operator to sell and serve wine, for consumption on the premises of the licensee, when such sale accompanies the serving of food or a meal to its members and their guests in accordance with the provisions of this article. Such licensees are authorized to keep and maintain on their premises a supply of wine in such quantities as may be appropriate for the conduct of operations thereof. Any sale of wine so made shall be subject to all restrictions set forth in section twenty of this article. A private wine restaurant
may also be licensed as a Class A retail dealer in nonintoxicating beer as provided by article sixteen, chapter eleven of this code.

(j) With respect to subdivisions (h) and (i) of this section, the commissioner shall promulgate rules and regulations in regard to the form of the applications, the suitability of both the applicant and location of the licensed premises and such other rules and regulations deemed necessary to carry the provisions of such subsections into effect.

§60-8-20. Unlawful acts generally.

1 It shall be unlawful:
2 (a) For a distributor to sell or deliver wine purchased or acquired from any source other than a person registered under the provisions of section six, article eight, chapter sixty of this code, or for a retailer to sell or deliver wine purchased or acquired from any source other than a licensed distributor or a farm winery as defined in section five-a, article one of this chapter;
3 (b) Unless otherwise specifically provided for by the provisions of this article, for a licensee under this article to acquire, transport, possess for sale, or sell wine other than in the original package;
4 (c) For a licensee, his servants, agents or employees to sell, furnish or give wine to any person less than twenty-one years of age, or to a mental incompetent, or person who is physically incapacitated due to the consumption of alcoholic liquor or the use of drugs;
5 (d) For a licensee to permit a person who is less than eighteen years of age to sell, furnish or give wine to any person;
6 (e) For a distributor to sell or deliver any brand of wine purchased or acquired from any source other than the primary source of supply of the wine which granted the distributor the right to sell such brand at wholesale. For the purposes of this article, "primary source of supply" means the vintner of the wine, the importer of a foreign wine who imports the wine into the United States, the owner of a wine at the time it becomes a marketable product, the bottler of a wine, or an agent specifically authorized by any of the above-enumerated persons to make a sale of the wine to a West Virginia distributor: Provided, That no retailer shall
sell or deliver wine purchased or acquired from any source other than a distributor licensed as such in this state: Provided, however, That nothing herein shall be deemed to prohibit sales of convenience between distributors licensed in this state wherein one such distributor sells, transfers or delivers to another such distributor a particular brand or brands for sale at wholesale, of which brand or brands such other distributor may be temporarily out of stock. The commissioner shall promulgate such rules or regulations as may be necessary to carry this subsection into effect; (f) For a person to violate any reasonable rule or regulation promulgated by the commissioner under this article; (g) Nothing in this article, nor any rule or regulation of the commissioner, shall prevent or be deemed to prohibit any licensee from employing any person who is at least eighteen years of age to serve in any licensee's lawful employment, including the sale or delivery of wine under the provisions of this article. With the prior approval of the commissioner, a licensee whose principal business is the sale of food or consumer goods or the providing of recreational activities, including, but not limited to, nationally franchised fast food outlets, family-oriented restaurants, bowling alleys, drug stores, discount stores, grocery stores, and convenience stores, may employ persons who are less than eighteen years of age but at least sixteen years of age: Provided, That such person's duties shall not include the sale or delivery of nonintoxicating beer or alcoholic liquors: Provided, however, That the authorization to employ such persons under the age of eighteen years shall be clearly indicated on the licensee's license.

§60-8-20a. Unlawful acts by persons.

(a) Any person under the age of twenty-one years who, for the purpose of purchasing wine or other alcoholic liquors from a licensee, misrepresents his or her age, or who for such purpose presents or offers any written evidence of age which is false, fraudulent or not actually his or her own, or who illegally attempts to purchase wine or other alcoholic liquors, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined in an amount not to exceed
15 fifty dollars or shall be imprisoned in the county jail for a period not to exceed seventy-two hours, or both such fine and imprisonment, or, in lieu of such fine and imprisonment, may, for the first offense, be placed on probation for a period not exceeding one year.

14 (b) Any person who shall knowingly buy for, give to or furnish wine or other alcoholic liquors from any source to anyone under the age of twenty-one to whom they are not related by blood or marriage, is guilty of a misdemeanor and shall, upon conviction thereof, be fined in an amount not to exceed one hundred dollars or shall be imprisoned in the county jail for a period not to exceed ten days, or both such fine and imprisonment.

§60-8-23. Duties and powers of commissioner; rules and regulations.

1 (a) The commissioner is hereby authorized:

2 (1) To enforce the provisions of this article.

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

4 (3) In addition to rules and regulations relating to the tax imposed by section four of this article or otherwise authorized by this article, to promulgate reasonable rules and regulations as he deems necessary for the execution and enforcement of the provisions of this article, which may include, but shall not be limited to:

5 (A) The transport, use, handling, service and sale of wine;

6 (B) Establishing standards of identity, quality and purity to protect the public against wine containing deleterious, harmful or impure substances or elements and against spurious or imitation wines and wines unfit for human consumption; and

7 (C) Restricting the content of wine advertising so as to prohibit false or misleading claims, or depictions or descriptions of wine being consumed irresponsibly or immoderately, or advertising presentations designed to appeal to persons below the legal drinking age: Provided, That the commissioner shall not promulgate any rule or

(4) Regulation which prohibits the advertising of a particular brand or brands of wine and the price thereof: Provided, however, That price shall not be advertised in a medium of electronic communication subject to the jurisdiction of the federal communications commission.

To issue subpoenas and subpoenas duces tecum for the purpose of conducting hearings under the provisions of section twelve 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 was set forth in extenso in this subdivision.

(b) The authority granted in subdivisions (a), (b) and (d) of this section may also be exercised by the duly authorized or designated agents of the commissioner.

(c) Except as may be in this article to the contrary, the commissioner shall not have authority by rule or regulation or otherwise to regulate markups, prices, discounts, allowances, or other terms of sale at which wine may be purchased or sold by wine distributors or licensees authorized to sell wine at retail or to change, nullify or vary the terms of any agreement between a wine manufacturer or supplier and a wine distributor, but nothing herein shall be deemed to authorize or permit any discriminatory practice prohibited by subsection (a), section thirty-one of this article.

(d) All rules and regulations promulgated by the commissioner pursuant to this article shall be so promulgated in accordance with the provisions of chapter twenty-nine-a of this code. The rules and regulations promulgated pursuant to the prior enactment of this article and not disapproved by the Legislature shall remain in full force and effect to the extent that such rules and regulations are not abrogated and made null and void by the reenactment of this article during the regular session of the Legislature for the year one thousand nine hundred eighty-six. Any rule or regulation which is inconsistent or contrary in any way to any provision of this article now or hereafter enacted are null and void.

§60-8-29. Bond required of distributors and suppliers.

1 Each applicant for a distributor's license or each
company registered as a supplier shall furnish at the time of
application a bond with a corporate surety authorized to
transact business in this state, payable to the state, and
conditioned on the payment of all taxes and fees herein
prescribed and on the faithful performance of and
compliance with the provisions of this article.

The penal sum of the bond for distributors shall be ten
thousand dollars, and the penal sum of the bond for
suppliers shall be twenty-five thousand dollars. Each
distributor shall be required to furnish separate bond for
each location or separate place of business from which wine
is distributed, sold, or delivered. Revocation or forfeiture of
the bond furnished for any such location may, in the
discretion of the commissioner, cause the revocation or
forfeiture of all such bonds furnished by the distributor
suffering such revocation or forfeiture.

§60-8-34. When retail sales prohibited.

It shall be unlawful for a retailer, or a private wine
restaurant licensee, his servants, agents or employees to sell
or deliver wine between the hours of two o'clock a.m. and
one o'clock p.m. on Sundays, or between the hours of two
o'clock a.m. and seven o'clock a.m. on weekdays and
Saturdays.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce G. Williams
Chairman Senate Committee

Floyd Fullen
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1986.

Jeff C. Hise
Clerk of the Senate

Donald L. Kepp
Clerk of the House of Delegates

President of the Senate

Joseph P. Altobello
Speaker House of Delegates

The within approved this the 25th day of March, 1986.

Arch A. Ramey, Jr.
Governor
TO THE GOVERNOR

Date 3/20/86

Time 4:07 p.m.