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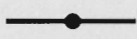
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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

585 B Q 5

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



ENROLLED

SENATE BILL NO. 585

(By Senator WOOTON, ET AL)



PASSED MARCH 7, 1996

In Effect NINETY DAYS FROM Passage

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OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA
STATE HOUSE OF SENATORS

ENROLLED

Senate Bill No. 585

(BY SENATORS WOOTON, ANDERSON, BOWMAN, DITTMAR,
GRUBB, OLIVERIO AND ROSS)

[Passed March 7, 1996; in effect ninety days from passage.]

AN ACT to amend and reenact section twelve, article seven, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to alcoholic liquors; licenses to private clubs; prohibiting certain acts of licensees; and criminal penalties.

Be it enacted by the Legislature of West Virginia:

That section twelve, article seven, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

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

- 1 (a) It is unlawful for any licensee, or agent, employee or
- 2 member thereof, on such licensee's premises to:
- 3 (1) Sell or offer for sale any alcoholic liquors other
- 4 than from the original package or container;

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

10 (3) Sell, give away or permit the sale of, gift to or the
11 procurement of any nonintoxicating beer, wine or
12 alcoholic liquors for or to, or permit the consumption of
13 nonintoxicating beer, wine or alcoholic liquors on the
14 licensee's premises, by any person less than twenty-one
15 years of age;

16 (4) Sell, give away or permit the sale of, gift to or the
17 procurement of any nonintoxicating beer, wine or
18 alcoholic liquors, for or to any person known to be
19 deemed legally incompetent, or for or to any person who
20 is physically incapacitated due to consumption of
21 nonintoxicating beer, wine or alcoholic liquor or the use
22 of drugs;

23 (5) Sell, give or dispense nonintoxicating beer, wine or
24 alcoholic liquors in or on any licensed premises or in any
25 rooms directly connected therewith, between the hours
26 of three o'clock a.m. and one o'clock p.m. on any Sunday;

27 (6) Permit the consumption by, or serve to, on the
28 licensed premises any nonintoxicating beer, wine or
29 alcoholic liquors, covered by this article, to any person
30 who is less than twenty-one years of age;

31 (7) With the intent to defraud, alter, change or misrep-
32 resent the quality, quantity or brand name of any
33 alcoholic liquor;

34 (8) Sell or offer for sale any alcoholic liquor to any
35 person who is not a duly elected or approved dues paying
36 member in good standing of said private club or a guest
37 of such member;

38 (9) Sell, offer for sale, give away, facilitate the use of or
39 allow the use of carbon dioxide, cyclopropane, ethylene,
40 helium or nitrous oxide for purposes of human consump-

41 tion except as authorized by the commissioner;

42 (10) (A) Employ any person who is less than eighteen
43 years of age in a position where the primary responsibil-
44 ity for such employment is to sell, furnish or give nonin-
45 toxicating beer, wine or alcoholic liquors to any person;

46 (B) Employ any person who is between the ages of
47 eighteen and twenty-one who is not directly supervised
48 by a person aged twenty-one or over in a position where
49 the primary responsibility for such employment is to sell,
50 furnish or give nonintoxicating beer, wine or alcoholic
51 liquors to any person; or

52 (11) Violate any reasonable rule of the commissioner.

53 (b) It is unlawful for any licensee to advertise in any
54 news media or other means, outside of the licensee's
55 premises, the fact that alcoholic liquors may be pur-
56 chased thereat.

57 (c) Any person who violates any of the foregoing
58 provisions is guilty of a misdemeanor, and, upon convic-
59 tion thereof, shall be fined not less than five hundred
60 dollars nor more than one thousand dollars, or impris-
61 oned in the county jail for a period not to exceed one
62 year, or both fined and imprisoned.

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

Randy Schoorou
.....
Chairman Senate Committee

Randy Seant
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

David [Signature]
.....
Clerk of the Senate

Gregory W. [Signature]
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Carl [Signature]
.....
Speaker House of Delegates

The within is approved this the 25th
day of March, 1996.

Gaston Caputo
.....
Governor

PRESENTED TO THE
GOVERNOR/

Date 3/20/96

Time 4:04 pm