Committee Substitute

for

Senate Bill 637

SENATORS TRUMP AND RUCKER, original sponsors

[Passed April 7, 2017; in effect 90 days from passage]
WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 637

SENATORS TRUMP AND RUCKER, original sponsors

[Passed April 7, 2017; in effect 90 days from passage]
AN ACT to amend and reenact §60-7-2 and §60-7-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8-27 of said code, all relating generally to private club operations requirements; defining terms; permitting certain private club licensees that operate tourist destination and resort facilities to obtain one private resort hotel license for the lawful sale and consumption of alcoholic liquors and nonintoxicating beer in designated and approved areas throughout the licensed premises but within the confines of the property; permitting certain private club licensees that operate golf or country clubs to obtain one private golf club license for the lawful sale and consumption of alcoholic liquors and nonintoxicating beer on the premises of the facility; establishing license requirement; permitting patrons seventeen years of age to enter the licensed premises unaccompanied by a parent or legal guardian at private resort hotels and private golf clubs under limited circumstances, subject to certain conditions, and certain private clubs with designated nonalcohol areas; and establishing license fees.

Be it enacted by the Legislature of West Virginia:

That §60-7-2 and §60-7-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §61-8-27 of said code be amended and reenacted, all to read as follows:

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-2. Definitions; power to lease building for establishment of private club.

Unless the context in which used clearly requires a different meaning, as used in this article:

(a) "Applicant" means a private club applying for a license under the provisions of this article.

(b) "Code" means the official code of West Virginia, 1931, as amended.

(c) "Commissioner" means the West Virginia Alcohol Beverage Control Commissioner.
(d) "Licensee" means the holder of a license to operate a private club granted under this article, which license shall remain unexpired, unsuspended and unrevoked.

(e) "Private club" means any corporation or unincorporated association which either: (1) Belongs to or is affiliated with a nationally recognized fraternal or veterans' organization which is operated exclusively for the benefit of its members, which pays no part of its income to its shareholders or individual members, which owns or leases a building or other premises to which club are admitted only duly elected or approved dues-paying members in good standing of the corporation or association and their quests while in the company of a member and to which club the general public is not admitted, and which club maintains in the building or on the premises a suitable kitchen and dining facility with related equipment for serving food to members and their quests; or (2) is a nonprofit social club, which is operated exclusively for the benefit of its members, which pays no part of its income to its shareholders or individual members, which owns or leases a building or other premises to which club are admitted only duly elected or approved dues-paying members in good standing of the corporation or association and their quests while in the company of a member and to which club the general public is not admitted, and which club maintains in the building or on the premises a suitable kitchen and dining facility with related equipment for serving food to members and their quests; or (3) is organized and operated for legitimate purposes which has at least one hundred duly elected or approved dues-paying members in good standing, which owns or leases a building or other premises, including any vessel licensed or approved by any federal agency to carry or accommodate passengers on navigable waters of this state, to which club are admitted only duly elected or approved dues-paying members in good standing of the corporation or association and their quests while in the company of a member and to which club the general public is not admitted, and which club maintains in the building or on the premises a suitable kitchen and dining facility with related equipment and employs a sufficient number of persons for serving meals to members and their guests; or (4) is organized for legitimate purposes and owns or leases a building or other delimited
33 premises in any state, county or municipal park or at any airport, in which building or premises a
cub has been established, to which club are admitted only duly elected and approved dues-
paying members in good standing and their quests while in the company of a member and to
which club the general public is not admitted, and which maintains in connection with the club a
suitable kitchen and dining facility and related equipment and employs a sufficient number of
persons for serving meals in the club to the members and their quests.

(f) “Private resort hotel” means an applicant for a private club or licensed private club
licensee meeting the criteria set forth in this subsection which:

(1) Has at least five thousand members;

(2) Offers short-term daily-rate accommodations or lodging for members and their guests
amounting to at least fifty separate bedrooms;

(3) Operates a restaurant and full kitchen with ovens, six-burner ranges, walk-in freezers
and other kitchen utensils and apparatus as determined by the commissioner on the licensed
premises and serves freshly prepared food at least twenty-five hours per week;

(4) Maintains, at any one time, $5,000 of fresh food inventory capable of being prepared
in the private resort hotel’s full kitchen, and in calculating the food inventory the commissioner
may not include microwavable, frozen or canned foods;

(5) Owns or leases, controls, operates and uses acreage amounting to at least ten
contiguous acres of bounded or fenced real property which would be listed on the licensees’
floorplan and would be used for destination, resort and large contracted for group-type events
such as weddings, reunions, conferences, meetings and sporting or recreational events;

(6) Lists the entire property from subdivision (5) of this subsection and all adjoining
buildings and structures on the private resort hotel’s floorplan which would comprise the licensed
premises, which would be authorized for the lawful sales, service and consumption of alcoholic
liquors throughout the licensed premises whether these activities were conducted in a building or
structure or outdoors while on the private resort hotel’s licensed premises and as noted on the private resort hotel’s floorplan;

(7) Has an identified person or persons or entity that has right, title and ownership or lease interest in the real property buildings and structures located on the proposed licensed premises; and

(8) Utilizes an age verification system approved by the commissioner.

(g) “Private golf club” means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(1) Has at least one thousand members;

(2) Maintains at least one eighteen hole golf course with separate and distinct golf playing holes, not reusing nine golf playing holes to comprise the eighteen golf playing holes, a clubhouse, and offers golf carts, whether electric or gasoline;

(3) Operates a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and serves freshly prepared food at least fifteen hours per week;

(4) Owns or leases, controls, operates and uses acreage amounting to at least eighty contiguous acres of bounded or fenced real property which would be listed on the private golf club’s floorplan and could be used for golfing events and large contracted for group-type events such as weddings, reunions, conferences, meetings and sporting or recreational events;

(5) Lists the entire property from subdivision (4) of this subsection and all adjoining buildings and structures on the private golf club’s floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted, in a building or structure or outdoors while on the private golf club’s licensed premises and as noted on the private golf club’s floorplan;

(6) Has an identified person or persons or entity that has right, title and ownership interest in the real property buildings and structures located on the proposed licensed premises; and
(7) Utilizes an age verification system approved by the commissioner.

The Department of Natural Resources, the authority governing any county or municipal park, or any county commission, municipality, other governmental entity, public corporation or public authority operating any park or airport may lease as lessor a building or portion thereof or other limited premises in any such park or airport to any corporation or unincorporated association for the establishment of a private club pursuant to 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 $750.

(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 $1,000 if the private club has less than one thousand members, $2,500 if the private club has one thousand or more members, $4,000 if the private club is a private golf club as defined in section two of this article, and further, if the private club is a private resort hotel as defined in section two of this article, said private resort hotel may designate areas within the licensed premises for the lawful sale, service and consumption of alcoholic liquors as provided for by this article. The annual license fee for a private resort hotel with five or fewer designated areas shall be $7,500, and the annual license fee for a private resort hotel with at least six but no more than ten designated areas shall be $12,500. The annual license fee for a private resort hotel with at least eleven but no more than fifteen designated areas shall be $17,500. The annual license fee for a private resort hotel with no fewer than fifteen nor more than twenty designated areas shall be $22,500: Provided, that a private resort hotel having obtained the license and paid the $22,500 annual license fee may, upon application to and approval of the commissioner, designate additional areas for a period not to exceed seven days for an additional fee of $150 per day, per designated area.
(c) The fee for any such license issued following January 1 of any year and to expire on
June 30 of such year shall be one half of the annual license fee prescribed by subsections (a)
and (b) of this section.
(d) All such fees shall be paid by the commissioner to the State Treasurer and credited to
the General Revenue Fund of the state.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

§61-8-27. Unlawful admission of children to dance house, etc.; penalty.

Any proprietor or any person in charge of a dance house, concert saloon, theater,
museum, or similar place of amusement, or other place, where wines or spirituous or malt liquors
are sold or given away, or any place of entertainment injurious to health or morals who admits or
permits to remain therein any minor under the age of eighteen years, unless accompanied by his
or her parent or guardian, is guilty of a misdemeanor and, on conviction thereof, shall be punished
by a fine not exceeding $200: Provided, That there is exemption from this prohibition for: (a) A
private resort hotel and private golf club licensed pursuant to article seven, chapter sixty of this
code and in compliance with subdivision (8), subsection (f), section two of said article; or (b) a
private club with more than one thousand members that is in good standing with the Alcohol
Beverage Control Commissioner, that has been approved by the Alcohol Beverage Control
Commissioner and which has designated certain seating areas on its licensed premises as
nonalcoholic liquor and nonintoxicating beer areas, as noted in the licensee’s floorplan.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]

Chairman, Senate Committee

Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

[Signatures]

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 25th Day of April, 2017.

[Signature]

Governor