

Senate Bill No. 480

(By Senators Blair, Snyder and Unger)

[Introduced March 7, 2013; referred to the Committee on
Government Organization; and then to the Committee on the
Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new article, designated §60-6A-1 and §60-6A-
2, all relating to requiring that bartenders be licensed by
the Alcohol Beverage Control Commissioner.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new article, designated §60-6A-1 and §60-6A-2,
all to read as follows:

ARTICLE 6A. ALCOHOL SERVER PERMITS.

§60-6A-1. Definitions.

For purposes of this article, unless the context clearly
requires otherwise, the following words and phrases, and any
variations thereof required by the context, have the meanings

1 ascribed to them in this section:

2 (1) "Alcohol server" means any person serving or selling
3 alcoholic liquor or nonintoxicating beer for on-premises
4 consumption at a private club or at a retail dealer's place of
5 business as a regular requirement of his or her employment.

6 (2) "Private club" means a private club as defined by the
7 provisions of section two, article seven of this chapter.

8 (3) "Retail dealer" means a Class A retailer licensed to sell
9 nonintoxicating beer at retail for consumption on or off the
10 licensed premises, in accordance with the provisions of section
11 nine, article sixteen, chapter eleven of this code.

12 **§60-6A-2. Alcohol server permit required.**

13 (a) Each manager or bartender selling or mixing alcohol liquor
14 or nonintoxicating beer for consumption on the premises of a
15 private club or a retail dealer shall have an alcohol server
16 permit.

17 (b) (1) Effective July 1, 2013, except as provided in
18 subdivision (4) of this subsection, every person employed, under
19 contract or otherwise, by a private club or retail dealer, who as
20 part of his or her employment participates in any manner in the
21 sale or service of alcoholic beverages for on-premises consumption
22 shall have issued to them an alcohol server permit.

23 (2) Every alcohol server permit issued shall be issued in the

1 name of the applicant and no other person may use the permit of a
2 permit holder. The holder shall present the permit upon request
3 for inspection by a representative of the commissioner. The
4 alcohol server permit is valid for employment at any private club
5 or retail dealer.

6 (3) No private club licensee or retail dealer, except as
7 provided in subdivision (4) of this subsection, may employ or
8 accept the services of any person to participate in the sale or
9 service of alcoholic liquor or nonintoxicating beer for on-
10 premises consumption without the person first having a valid
11 alcohol server permit.

12 (4) Within sixty days after his or her initial employment,
13 every person whose duties include the mixing, sale, service or
14 handling of alcoholic liquor or nonintoxicating beer for
15 consumption on the premises of a private club or a retail dealer
16 shall have an alcohol server permit.

17 (c) A permit issued by the commissioner pursuant to this
18 article is valid for employment at any private club or retail
19 dealer for a period of three years, unless sooner suspended or
20 revoked by the commissioner. Every applicant for an initial
21 alcohol server permit, and for each renewal alcohol server permit,
22 shall pay to the commissioner a fee of \$25.

23 (d) The commissioner may refuse to issue a permit or may

1 suspend or revoke an existing permit if any of the following occur:

2 (1) The applicant or permittee has been convicted of violating
3 any of the state or local laws of this state pertaining to the sale
4 of alcoholic liquor or nonintoxicating beer for consumption on the
5 premises of a private club or a retail dealer or has been convicted
6 at any time of a felony; or

7 (2) The permittee has performed or permitted an act that
8 constitutes a violation of this article or of a rule promulgated by
9 the commissioner.

10 (e) The suspension or revocation of a permit under this
11 section does not relieve a private club licensee or retail dealer
12 from responsibility for any act of an employee or agent while
13 employed upon the premises. The commissioner may, as appropriate,
14 suspend or revoke either the alcohol server permit of the employee
15 who committed the violation or the license of the private club or
16 retail dealer upon whose premises the offense occurred, or both the
17 permit and the license. The commissioner may consider the proper
18 permitting of employees in mitigation of sanctions for an
19 employee's illegal sale of an alcoholic beverage.

20 (f) After July 1, 2013, it is a violation of this article for
21 any private club licensee or retail dealer to employ in the sale or
22 service of alcoholic liquor or nonintoxicating beer for on-premises
23 consumption, any person who does not have a valid alcohol server

1 permit or whose permit has been revoked, suspended or denied.

2 (g) The commissioner shall adopt procedural and interpretive
3 rules or propose legislative rules for legislative approval, as
4 appropriate, under the provisions of article three, chapter twenty-
5 nine-a of this code, for executing the purposes of this article.

NOTE: The purpose of this bill is to require that alcohol
servers obtain alcohol server permits.

This article is new; therefore, strike-throughs and
underscoring have been omitted.