

1 **ENGROSSED**

2 **H. B. 4454**

3
4 (By Delegates Manchin, Skinner, Caputo, Guthrie,
5 Hunt, Lawrence, Skaff, Sponaugle, Wells,
6 Ambler and Nelson)

7 [Introduced February 10, 2014; referred to the
8 Committee on the Judiciary.]
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11 A Bill to amend and reenact §60-7-12 of the Code of West Virginia,
12 1931, as amended; and to amend and reenact §60-8-34 of said
13 code, all relating to the sale of alcoholic beverages by
14 private licensees; prohibiting the sale of nonintoxicating
15 beer, wine and alcoholic liquors by licensed private clubs
16 between two a.m. and ten thirty a.m. on Sundays and between
17 two a.m. and seven a.m. on any weekday or Saturday;
18 authorizing licensed private clubs to sell nonintoxicating
19 beer, wine and alcoholic liquors between the hours of ten
20 thirty a.m. and one p.m. on Sundays; authorizing a licensed
21 private bed and breakfast, private wine restaurant or private
22 wine spa to sell wine for consumption on the licensed premises
23 between the hours of ten thirty a.m. and one p.m. on Sundays.

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

25 That §60-7-12 of the Code of West Virginia, 1931, as amended,

1 be amended and reenacted; and that §60-8-34 of said code be amended
2 and reenacted, all to read as follows:

3 **ARTICLE 7. LICENSES TO PRIVATE CLUBS.**

4 **§60-7-12. Certain acts of licensee prohibited; criminal penalties.**

5 (a) It is unlawful for any licensee, or agent, employee or
6 member thereof, on such licensee's premises to:

7 (1) Sell or offer for sale any alcoholic liquors other than
8 from the original package or container;

9 (2) Authorize or permit any disturbance of the peace; obscene,
10 lewd, immoral or improper entertainment, conduct or practice,
11 gambling or any slot machine, multiple coin console machine,
12 multiple coin console slot machine or device in the nature of a
13 slot machine;

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

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

1 (5) Sell, give or dispense nonintoxicating beer, wine or
2 alcoholic liquors in or on any licensed premises or in any rooms
3 directly connected therewith, between the hours of two o'clock a.m.
4 and ~~one o'clock p.m.~~ ten thirty a.m. on any Sunday, or between the
5 hours of two o'clock a.m. and seven o'clock a.m. on any weekday or
6 Saturday;

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

11 (7) With the intent to defraud, alter, change or misrepresent
12 the quality, quantity or brand name of any alcoholic liquor;

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

16 (9) Sell, offer for sale, give away, facilitate the use of or
17 allow the use of carbon dioxide, cyclopropane, ethylene, helium or
18 nitrous oxide for purposes of human consumption except as
19 authorized by the commissioner;

20 (10) (A) Employ any person who is less than eighteen years of
21 age in a position where the primary responsibility for such
22 employment is to sell, furnish or give nonintoxicating beer, wine
23 or alcoholic liquors to any person;

24 (B) Employ any person who is between the ages of eighteen and

1 twenty-one who is not directly supervised by a person aged
 2 twenty-one or over in a position where the primary responsibility
 3 for such employment is to sell, furnish or give nonintoxicating
 4 beer, wine or alcoholic liquors to any person; or

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

6 (b) It is unlawful for any licensee to advertise in any news
 7 media or other means, outside of the licensee's premises, the fact
 8 that alcoholic liquors may be purchased ~~thereat~~ there.

9 (c) Any person who violates any of the foregoing provisions is
 10 guilty of a misdemeanor and, upon conviction thereof, shall be
 11 fined not less than \$500 nor more than \$1,000, or ~~imprisoned~~
 12 confined in ~~the county jail for a period not to exceed~~ more than
 13 one year, or both fined and ~~imprisoned~~ confined.

14 **ARTICLE 8. SALE OF WINES.**

15 **§60-8-34. When retail sales prohibited.**

16 It ~~shall be~~ is unlawful for a retailer, farm winery, wine
 17 specialty shop retailer, private wine bed and breakfast, private
 18 wine restaurant or private wine spa licensee, his or her servants,
 19 agents or employees to sell or deliver wine between the hours of
 20 two o'clock a.m. and one o'clock p.m. on Sundays, or between the
 21 hours of two o'clock a.m. and seven o'clock a.m. on weekdays and
 22 Saturdays: Provided, That a private wine bed and breakfast, a
 23 private wine restaurant or private wine spa licensee may sell wine
 24 for consumption on the licensee's premises between the hours of ten

1 thirty o'clock a.m and one o'clock p.m. on Sundays.

NOTE: The purpose of this bill is to permit the sale of wine and other legal beverages by private clubs and the sale of wine by private wine bed and breakfasts, private wine restaurants or private wine spa licensees between the hours of ten thirty o'clock a.m. and one o'clock p.m. on Sundays.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.