

Senate Bill No. 218

(By Senator Blair)

[Introduced January 8, 2014; referred to the Committee on the
Judiciary; and then to the Committee on Finance.]

**FISCAL
NOTE**

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 the following words and phrases,
and any variations thereof required by the context, have the
meanings ascribed to them in this section:

(1) "Alcohol server" means any person serving or selling

1 alcoholic liquor or nonintoxicating beer for on-premises
2 consumption at a private club or at a retail dealer's place of
3 business as a regular requirement of his or her employment.

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

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

10 **§60-6A-2. Alcohol server permit required.**

11 (a) Each manager or bartender selling or mixing alcohol liquor
12 or nonintoxicating beer for consumption on the premises of a
13 private club or a retail dealer is required to have an alcohol
14 server permit.

15 (b) (1) Effective July 1, 2014, except as provided in
16 subdivision (4) of this subsection, every person employed, under
17 contract or otherwise, by a private club or retail dealer, who as
18 part of his or her employment participates in any manner in the
19 sale or service of alcoholic beverages for on-premises consumption
20 is required to have issued to them an alcohol server permit.

21 (2) Every alcohol server permit issued shall be issued in the
22 name of the applicant and no other person may use the permit of a
23 permit holder. The holder shall present the permit upon request
24 for inspection by a representative of the commissioner. The

1 alcohol server permit is valid for employment at any private club
2 or retail dealer.

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

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

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

20 (d) The commissioner may refuse to issue a permit or may
21 suspend or revoke an existing permit if any of the following exist:

22 (1) The applicant or permittee has been convicted of violating
23 any of the state or local laws of this state pertaining to the sale
24 of alcoholic liquor or nonintoxicating beer for consumption on the

1 premises of a private club or a retail dealer or has been convicted
2 at any time of a felony; or

3 (2) The permittee has performed or permitted an act that is a
4 violation of this article or of a rule promulgated by the
5 commissioner.

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

16 (f) After July 1, 2014, it is a violation of this article for
17 a private club licensee or retail dealer to employ in the sale or
18 service of alcoholic liquor or nonintoxicating beer for on-premises
19 consumption, a person who does not have a valid alcohol server
20 permit or whose permit has been revoked, suspended or denied.

21 (g) The commissioner shall adopt procedural and interpretive
22 rules or propose legislative rules for legislative approval, as
23 appropriate, under the provisions of article three, chapter
24 twenty-nine-a of this code, for executing the purposes of this

1 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.