

Senate Bill No. 23

(By Senator Blair)

[Introduced January 14, 2015; referred to the Committee on Government Organization; 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 alcoholic liquor or nonintoxicating
beer for on-premises consumption at a private club or at a retail dealer's place of business as a regular

1 requirement of his or her employment.

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

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

7 **§60-6A-2. Alcohol server permit required.**

8 (a) Each manager or bartender selling or mixing alcoholic liquor or nonintoxicating beer for
9 consumption on the premises of a private club or a retail dealer is required to have an alcohol server
10 permit.

11 (b) (1) Effective July 1, 2015, except as provided in subdivision (4) of this subsection, every
12 person employed, under contract or otherwise, by a private club or retail dealer, who as part of his
13 or her employment participates in any manner in the sale or service of alcoholic beverages for
14 on-premises consumption is required to have issued to them an alcohol server permit.

15 (2) Every alcohol server permit issued shall be issued in the name of the applicant and no
16 other person may use the permit of a permit holder. The holder shall present the permit upon request
17 for inspection by a representative of the commissioner. The alcohol server permit is valid for
18 employment at any private club or retail dealer.

19 (3) No private club licensee or retail dealer, except as provided in subdivision (4) of this
20 subsection, may employ or accept the services of any person to participate in the sale or service of
21 alcoholic liquor or nonintoxicating beer for on-premises consumption without the person first having

1 a valid alcohol server permit.

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

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

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

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

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

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

1 sale of an alcoholic beverage.

2 (f) After July 1, 2015, it is a violation of this article for a private club licensee or retail dealer
3 to employ in the sale or service of alcoholic liquor or nonintoxicating beer for on-premises
4 consumption, a person who does not have a valid alcohol server permit or whose permit has been
5 revoked, suspended or denied.

6 (g) The commissioner shall adopt procedural and interpretive rules or propose legislative
7 rules for legislative approval, as appropriate, under the provisions of article three, chapter
8 twenty-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.