

# H. B. 2479

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(BY DELEGATE(S) FLEISCHAUER, SOBONYA,  
STATLER, KURCABA, MORGAN, HARTMAN, PASDON, PERDUE,  
MANCHIN, PETHTEL AND OVERINGTON)

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[Introduced January 28, 2015; referred to the  
Committee on the Judiciary.]

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A BILL to amend and reenact §60-7-10 of the Code of West Virginia, 1931, as amended, relating to the powers and authority of state and local law-enforcement to enforce underage drinking laws at private clubs; clarifying that the grant of authority to the Alcohol Beverage Control Commissioner and his or her agents to enter and inspect the premises of a private club does not limit or restrict the authority of local law-enforcement to enter any public area on or

adjacent to any private club or taking other appropriate police action or investigation to enforce the underage drinking laws of this state.

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

That §60-7-10 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

**§60-7-10. Duties and powers of commissioner.**

1       The commissioner is hereby authorized:

2       (a) To enforce the provisions of this article.

3       (b) To enter the premises of any licensee at reasonable times  
4 for the purpose of inspecting the same, and determining the  
5 compliance of said licensee with the provisions of this article  
6 and any rules ~~and regulations~~ promulgated by the commissioner  
7 pursuant to the provisions of this article.

8       (c) To promulgate such reasonable rules ~~and regulations~~ as  
9 may be necessary for the execution and enforcement of the  
10 provisions of this article, which may include, but ~~shall~~ may not  
11 be limited to, the hours during which licensees may sell  
12 alcoholic liquors, and the use, handling, service and sale of ~~such~~

13 alcoholic liquors. ~~Such~~ The rules ~~and regulations~~ shall be  
14 promulgated in accordance with ~~the provisions of~~ article three,  
15 chapter twenty-nine-a of the code in like manner as if ~~said~~ article  
16 three, ~~of said~~ chapter twenty-nine-a were set forth in extenso in  
17 this subdivision.

18 (d) To issue subpoenas and subpoenas duces tecum for the  
19 purposes of conducting hearings under the provisions of section  
20 thirteen of this article, which subpoenas and subpoenas duces  
21 tecum shall be issued in the time, for the fees, and shall be  
22 enforced in the manner specified in section one, article five,  
23 chapter twenty-nine-a of this code with like effect as if ~~said~~  
24 section one were set forth in extenso in this subdivision.

25 (e) The authority granted in subdivisions (a), (b), and (d) of  
26 this section may also be exercised by the duly authorized agents  
27 of the commissioner.

28 (f) The grant of authority to the commissioner and his or her  
29 agents under this section does not limit or restrict the authority  
30 of state or local law-enforcement officers to enter any public  
31 area on or adjacent to any private club or undertaking other

32 appropriate action or investigation to enforce the underage

33 drinking laws set forth in section twelve-a of this article.

NOTE: The purpose of this bill is to state the legal right and authority of state or local law enforcement to enter public areas on or adjacent to any private club, or take other appropriate police action to enforce the underage drinking laws of this state.

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