

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 2479**

**2015 Carryover**

(BY DELEGATES FLEISCHAUER, SOBONYA, STATLER,  
KURCABA, MORGAN, HARTMAN, PERDUE, MANCHIN,  
PETHEL AND OVERINGTON)

[Introduced January 13, 2016; referred to the  
Committee on the Judiciary.]

1 A BILL to amend and reenact §60-7-10 of the Code of West Virginia, 1931, as amended, relating  
 2 to the powers and authority of state and local law enforcement to enforce underage  
 3 drinking laws at private clubs; clarifying that the grant of authority to the Alcohol Beverage  
 4 Control Commissioner and his or her agents to enter and inspect the premises of a private  
 5 club does not limit or restrict the authority of local law enforcement to enter any public area  
 6 on or adjacent to any private club or taking other appropriate police action or investigation  
 7 to enforce the underage drinking laws of this state.

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

1 That §60-7-10 of the Code of West Virginia, 1931, as amended, be amended and  
 2 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 for the purpose of inspecting  
 4 the same, and determining the compliance of said licensee with the provisions of this article and  
 5 any rules ~~and regulations~~ promulgated by the commissioner pursuant to the provisions of this  
 6 article.

7 (c) To promulgate such reasonable rules ~~and regulations~~ as may be necessary for the  
 8 execution and enforcement of the provisions of this article, which may include, but ~~shall~~ may not  
 9 be limited to, the hours during which licensees may sell alcoholic liquors, and the use, handling,  
 10 service and sale of ~~such~~ alcoholic liquors. ~~Such~~ The rules ~~and regulations~~ shall be promulgated  
 11 in accordance with ~~the provisions of~~ article three, chapter twenty-nine-a of the code in like manner  
 12 as if ~~said~~ article three, ~~of said~~ chapter twenty-nine-a were set forth in extenso in this subdivision.

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

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

20 (f) The grant of authority to the commissioner and his or her agents under this section  
21 does not limit or restrict the authority of state or local law- enforcement officers to enter any public  
22 area on or adjacent to any private club or undertaking other appropriate action or investigation  
23 to enforce the underage 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.