

1 **H. B. 2720**

2
3 (By Delegates Overington, Rowan, Ireland and Sobonya)
4 [Introduced February 25, 2013; referred to the
5 Committee on the Judiciary then Finance.]
6

**FISCAL
NOTE**

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9
10 A BILL to amend and reenact §60-7-10 and §60-7-12 of the Code of
11 West Virginia, 1931, as amended, all relating to requiring
12 private clubs to be closed from two o'clock a.m. to seven
13 o'clock a.m. on weekdays; requiring patrons of those clubs to
14 exit the club no later than sixty minutes after the dispensing
15 of nonintoxicating beer, wine or alcoholic liquors has ceased;
16 providing criminal penalties; and updating statutory language.

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

18 That §60-7-10 and §60-7-12 of the Code of West Virginia, 1931,
19 as amended, be amended and reenacted, all to read as follows:

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

21 **§60-7-10. Duties and powers of commissioner.**

22 The commissioner is hereby authorized:

23 (a) To enforce ~~the provisions of~~ this article.

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

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

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

24 (e) The authority granted in ~~subdivisions~~ subsections (a),

1 (b) and (d) of this section may also be exercised by the duly
2 authorized agents of the commissioner.

3 **§60-7-12. Certain acts of licensee prohibited; criminal penalties.**

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

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

8 (2) Authorize or permit any disturbance of the peace; obscene,
9 lewd, immoral or improper entertainment, conduct or practice,
10 gambling or any slot machine, multiple coin console machine,
11 multiple coin console slot machine or device in the nature of a
12 slot machine, except as provided in article twenty-two-a, chapter
13 twenty-nine of this code;

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) (A) 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 ~~three~~ two
4 o'clock a.m. and one o'clock p.m. on any Sunday, or between the
5 hours of two o'clock a.m. and seven o'clock a.m. on any weekday;
6 and

7 (B) Any patron present on the licensed premises after the sale
8 or dispensing of nonintoxicating beer, wine or alcoholic liquors
9 has ceased, as provided in paragraph (A) of this subdivision, shall
10 have a reasonable time, not to exceed sixty minutes, to vacate the
11 premises;

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

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

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

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

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

5 (B) Employ any person who is between the ages of eighteen and
6 twenty-one who is not directly supervised by a person aged
7 twenty-one or over in a position where the primary responsibility
8 for such employment is to sell, furnish or give nonintoxicating
9 beer, wine or alcoholic liquors to any person; or

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

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

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

NOTE: The purpose of this bill is to require private clubs to be closed from two o'clock a.m. to seven o'clock a.m. on weekdays. The bill requires patrons of those clubs to exit the club not later than sixty minutes after the dispensing of nonintoxicating beer, wine or alcoholic liquors has ceased. The bill provides criminal penalties. The bill also updates statutory language.

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