

1 **H. B. 4454**

2  
3 (By Delegates Manchin, Skinner, Caputo, Guthrie,  
4 Hunt, Lawrence, Skaff, Sponaugle, Wells,  
5 Ambler and Nelson)

6 [Introduced February 10, 2014; referred to the  
7 Committee on the Judiciary.]

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9  
10 A BILL to amend and reenact §60-7-12 of the Code of West Virginia,  
11 1931, as amended; and to amend and reenact §60-8-34 of said  
12 code, all relating to the sale of alcoholic beverages on  
13 Sundays by private licensees; authorizing licensed private  
14 clubs to sell nonintoxicating beer, wine and alcoholic liquors  
15 between the hours of ten thirty a.m. and one p.m. on Sundays;  
16 and authorizing a licensed private bed and breakfast, private  
17 wine restaurant or private wine spa to sell wine for  
18 consumption on the licensed premises between the hours of ten  
19 thirty a.m. and one p.m. on Sundays.

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

21 That §60-7-12 of the Code of West Virginia, 1931, as amended,  
22 be amended and reenacted; and that §60-8-34 of said code be amended  
23 and reenacted, all to read as follows:

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

25 **§60-7-12. Certain acts of licensee prohibited; criminal penalties.**

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

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

5 (2) Authorize or permit any disturbance of the peace; obscene,  
6 lewd, immoral or improper entertainment, conduct or practice,  
7 gambling or any slot machine, multiple coin console machine,  
8 multiple coin console slot machine or device in the nature of a  
9 slot machine;

10 (3) Sell, give away or permit the sale of, gift to or the  
11 procurement of any nonintoxicating beer, wine or alcoholic liquors  
12 for or to, or permit the consumption of nonintoxicating beer, wine  
13 or alcoholic liquors on the licensee's premises, by any person less  
14 than twenty-one years of age;

15 (4) Sell, give away or permit the sale of, gift to or the  
16 procurement of any nonintoxicating beer, wine or alcoholic liquors,  
17 for or to any person known to be deemed legally incompetent, or for  
18 or to any person who is physically incapacitated due to consumption  
19 of nonintoxicating beer, wine or alcoholic liquor or the use of  
20 drugs;

21 (5) Sell, give or dispense nonintoxicating beer, wine or  
22 alcoholic liquors in or on any licensed premises or in any rooms  
23 directly connected therewith, between the hours of three o'clock  
24 a.m. and ~~one o'clock p.m.~~ ten thirty a.m. on any Sunday, or between

1 the hours of three o'clock a.m. and seven o'clock a.m. on any  
2 weekday or Saturday;

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

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

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

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

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

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

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

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

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

10 **ARTICLE 8. SALE OF WINES.**

11 **§60-8-34. When retail sales prohibited.**

12 It ~~shall be~~ is unlawful for a retailer, farm winery, wine  
13 specialty shop retailer, private wine bed and breakfast, private  
14 wine restaurant or private wine spa licensee, his or her servants,  
15 agents or employees to sell or deliver wine between the hours of  
16 two o'clock a.m. and one o'clock p.m. on Sundays, or between the  
17 hours of two o'clock a.m. and seven o'clock a.m. on weekdays and  
18 Saturdays: Provided, That a private wine bed and breakfast, a  
19 private wine restaurant or private wine spa licensee may sell wine  
20 for consumption on the licensee's premises between the hours of ten  
21 thirty o'clock a.m and one o'clock p.m. on Sundays.

NOTE: The purpose of this bill is to permit the sale of wine and other legal beverages by private clubs and the sale of wine by private wine bed and breakfasts, private wine restaurants or

private wine spa licensees between the hours of ten thirty o'clock a.m. and one o'clock p.m. on Sundays.

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