

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**Senate Bill 637**

SENATORS TRUMP AND RUCKER, *original sponsors*

[Passed April 7, 2017; in effect 90 days from passage]



1 AN ACT to amend and reenact §60-7-2 and §60-7-6 of the Code of West Virginia, 1931, as  
2 amended; and to amend and reenact §61-8-27 of said code, all relating generally to private  
3 club operations requirements; defining terms; permitting certain private club licensees that  
4 operate tourist destination and resort facilities to obtain one private resort hotel license for  
5 the lawful sale and consumption of alcoholic liquors and nonintoxicating beer in  
6 designated and approved areas throughout the licensed premises but within the confines  
7 of the property; permitting certain private club licensees that operate golf or country clubs  
8 to obtain one private golf club license for the lawful sale and consumption of alcoholic  
9 liquors and nonintoxicating beer on the premises of the facility; establishing license  
10 requirement; permitting patrons seventeen years of age to enter the licensed premises  
11 unaccompanied by a parent or legal guardian at private resort hotels and private golf clubs  
12 under limited circumstances, subject to certain conditions, and certain private clubs with  
13 designated nonalcohol areas; and establishing license fees.

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

1 That §60-7-2 and §60-7-6 of the Code of West Virginia, 1931, as amended, be amended  
2 and reenacted; and that §61-8-27 of said code be amended and reenacted, all to read as follows:

## **CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.**

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

#### **§60-7-2. Definitions; power to lease building for establishment of private club.**

1 Unless the context in which used clearly requires a different meaning, as used in this  
2 article:

3 (a) "Applicant" means a private club applying for a license under the provisions of this  
4 article.

5 (b) "Code" means the official code of West Virginia, 1931, as amended.

6 (c) "Commissioner" means the West Virginia Alcohol Beverage Control Commissioner.

7 (d) "Licensee" means the holder of a license to operate a private club granted under this  
8 article, which license shall remain unexpired, unsuspended and unrevoked.

9 (e) "Private club" means any corporation or unincorporated association which either: (1)  
10 Belongs to or is affiliated with a nationally recognized fraternal or veterans' organization which is  
11 operated exclusively for the benefit of its members, which pays no part of its income to its  
12 shareholders or individual members, which owns or leases a building or other premises to which  
13 club are admitted only duly elected or approved dues-paying members in good standing of the  
14 corporation or association and their quests while in the company of a member and to which club  
15 the general public is not admitted, and which club maintains in the building or on the premises a  
16 suitable kitchen and dining facility with related equipment for serving food to members and their  
17 quests; or (2) is a nonprofit social club, which is operated exclusively for the benefit of its  
18 members, which pays no part of its income to its shareholders or individual members, which owns  
19 or leases a building or other premises to which club are admitted only duly elected or approved  
20 dues-paying members in good standing of the corporation or association and their quests while  
21 in the company of a member and to which club the general public is not admitted, and which club  
22 maintains in the building or on the premises a suitable kitchen and dining facility with related  
23 equipment for serving food to members and their quests; or (3) is organized and operated for  
24 legitimate purposes which has at least one hundred duly elected or approved dues-paying  
25 members in good standing, which owns or leases a building or other premises, including any  
26 vessel licensed or approved by any federal agency to carry or accommodate passengers on  
27 navigable waters of this state, to which club are admitted only duly elected or approved dues-  
28 paying members in good standing of the corporation or association and their guests while in the  
29 company of a member and to which club the general public is not admitted, and which club  
30 maintains in the building or on the premises a suitable kitchen and dining facility with related  
31 equipment and employs a sufficient number of persons for serving meals to members and their  
32 guests; or (4) is organized for legitimate purposes and owns or leases a building or other delimited

33 premises in any state, county or municipal park or at any airport, in which building or premises a  
34 club has been established, to which club are admitted only duly elected and approved dues-  
35 paying members in good standing and their quests while in the company of a member and to  
36 which club the general public is not admitted, and which maintains in connection with the club a  
37 suitable kitchen and dining facility and related equipment and employs a sufficient number of  
38 persons for serving meals in the club to the members and their quests.

39 (f) "Private resort hotel" means an applicant for a private club or licensed private club  
40 licensee meeting the criteria set forth in this subsection which:

41 (1) Has at least five thousand members;

42 (2) Offers short-term daily-rate accommodations or lodging for members and their guests  
43 amounting to at least fifty separate bedrooms;

44 (3) Operates a restaurant and full kitchen with ovens, six-burner ranges, walk-in freezers  
45 and other kitchen utensils and apparatus as determined by the commissioner on the licensed  
46 premises and serves freshly prepared food at least twenty-five hours per week;

47 (4) Maintains, at any one time, \$5,000 of fresh food inventory capable of being prepared  
48 in the private resort hotel's full kitchen, and in calculating the food inventory the commissioner  
49 may not include microwavable, frozen or canned foods;

50 (5) Owns or leases, controls, operates and uses acreage amounting to at least ten  
51 contiguous acres of bounded or fenced real property which would be listed on the licensees'  
52 floorplan and would be used for destination, resort and large contracted for group-type events  
53 such as weddings, reunions, conferences, meetings and sporting or recreational events;

54 (6) Lists the entire property from subdivision (5) of this subsection and all adjoining  
55 buildings and structures on the private resort hotel's floorplan which would comprise the licensed  
56 premises, which would be authorized for the lawful sales, service and consumption of alcoholic  
57 liquors throughout the licensed premises whether these activities were conducted in a building or

58 structure or outdoors while on the private resort hotel's licensed premises and as noted on the  
59 private resort hotel's floorplan;

60 (7) Has an identified person or persons or entity that has right, title and ownership or lease  
61 interest in the real property buildings and structures located on the proposed licensed premises;  
62 and

63 (8) Utilizes an age verification system approved by the commissioner.

64 (g) "Private golf club" means an applicant for a private club or licensed private club  
65 licensee meeting the criteria set forth in this subsection which:

66 (1) Has at least one thousand members;

67 (2) Maintains at least one eighteen hole golf course with separate and distinct golf playing  
68 holes, not reusing nine golf playing holes to comprise the eighteen golf playing holes, a clubhouse,  
69 and offers golf carts, whether electric or gasoline;

70 (3) Operates a restaurant and full kitchen with ovens, as determined by the commissioner,  
71 on the licensed premises and serves freshly prepared food at least fifteen hours per week;

72 (4) Owns or leases, controls, operates and uses acreage amounting to at least eighty  
73 contiguous acres of bounded or fenced real property which would be listed on the private golf  
74 club's floorplan and could be used for golfing events and large contracted for group-type events  
75 such as weddings, reunions, conferences, meetings and sporting or recreational events;

76 (5) Lists the entire property from subdivision (4) of this subsection and all adjoining  
77 buildings and structures on the private golf club's floorplan which would comprise the licensed  
78 premises, which would be authorized for the lawful sales, service and consumption of alcoholic  
79 liquors throughout the licensed premises whether these activities were conducted, in a building  
80 or structure or outdoors while on the private golf club's licensed premises and as noted on the  
81 private golf club's floorplan;

82 (6) Has an identified person or persons or entity that has right, title and ownership interest  
83 in the real property buildings and structures located on the proposed licensed premises; and

84 (7) Utilizes an age verification system approved by the commissioner.

85 The Department of Natural Resources, the authority governing any county or municipal  
86 park, or any county commission, municipality, other governmental entity, public corporation or  
87 public authority operating any park or airport may lease as lessor a building or portion thereof or  
88 other limited premises in any such park or airport to any corporation or unincorporated association  
89 for the establishment of a private club pursuant to this article.

**§60-7-6. Annual license fee; partial fee.**

1 (a) The annual license fee for a license issued under the provisions of this article to a  
2 fraternal or veterans organization or a nonprofit social club shall be \$750.

3 (b) The annual license fee for a license issued under the provisions of this article to a  
4 private club other than a private club of the type specified in subsection (a) of this section shall be  
5 \$1,000 if the private club has less than one thousand members, \$2,500 if the private club has one  
6 thousand or more members, \$4,000 if the private club is a private golf club as defined in section  
7 two of this article, and further, if the private club is a private resort hotel as defined in section two  
8 of this article, said private resort hotel may designate areas within the licensed premises for the  
9 lawful sale, service and consumption of alcoholic liquors as provided for by this article. The annual  
10 license fee for a private resort hotel with five or fewer designated areas shall be \$7,500, and the  
11 annual license fee for a private resort hotel with at least six but no more than ten designated areas  
12 shall be \$12,500. The annual license fee for a private resort hotel with at least eleven but no more  
13 than fifteen designated areas shall be \$17,500. The annual license fee for a private resort hotel  
14 with no fewer than fifteen nor more than twenty designated areas shall be \$22,500: *Provided,*  
15 That a private resort hotel having obtained the license and paid the \$22,500 annual license fee  
16 may, upon application to and approval of the commissioner, designate additional areas for a  
17 period not to exceed seven days for an additional fee of \$150 per day, per designated area.

18 (c) The fee for any such license issued following January 1 of any year and to expire on  
19 June 30 of such year shall be one half of the annual license fee prescribed by subsections (a)  
20 and (b) of this section.

21 (d) All such fees shall be paid by the commissioner to the State Treasurer and credited to  
22 the General Revenue Fund of the state.

## **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

### **ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.**

#### **§61-8-27. Unlawful admission of children to dance house, etc.; penalty.**

1 Any proprietor or any person in charge of a dance house, concert saloon, theater,  
2 museum, or similar place of amusement, or other place, where wines or spirituous or malt liquors  
3 are sold or given away, or any place of entertainment injurious to health or morals who admits or  
4 permits to remain therein any minor under the age of eighteen years, unless accompanied by his  
5 or her parent or guardian, is guilty of a misdemeanor and, on conviction thereof, shall be punished  
6 by a fine not exceeding \$200: *Provided*, That there is exemption from this prohibition for: (a) A  
7 private resort hotel and private golf club licensed pursuant to article seven, chapter sixty of this  
8 code and in compliance with subdivision (8), subsection (f), section two of said article; or (b) a  
9 private club with more than one thousand members that is in good standing with the Alcohol  
10 Beverage Control Commissioner, that has been approved by the Alcohol Beverage Control  
11 Commissioner and which has designated certain seating areas on its licensed premises as  
12 nonalcoholic liquor and nonintoxicating beer areas, as noted in the licensee's floorplan.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2017.

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*Governor*