

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2954

**FISCAL
NOTE**

BY DELEGATE WILSON

BY REQUEST

[Introduced March 13, 2017; Referred
to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §60-3A-32; and to amend and reenact §60-7-12 of said code, all relating to
 3 cut off time for serving liquor.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §60-3A-32; and that §60-7-12 of said code be amended and reenacted, all to
 3 read as follows:

ARTICLE 3A. SALES BY RETAIL LIQUOR LICENSEES.

§60-3A-32. Cut off time for sale of liquor.

1 Notwithstanding any other provisions of this code to the contrary, it is unlawful for any
 2 licensee, agent, employee or member thereof, to sell, give or dispense alcoholic liquor in or on
 3 any licensee’s premises or in any rooms directly connected therewith, between the hours of one
 4 o’clock a.m. and one o’clock p.m., or between the hours of one o’clock a.m. and ten o’clock a.m.
 5 in any county upon approval as provided in section three-pp, article one, chapter seven of this
 6 code, on any Sunday.

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

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

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

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

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

8 (3) Sell, give away or permit the sale of, gift to or the procurement of any nonintoxicating

9 beer, wine or alcoholic liquors for or to, or permit the consumption of nonintoxicating beer, wine
10 or alcoholic liquors on the licensee's premises, by any person less than twenty-one years of age;

11 (4) Sell, give away or permit the sale of, gift to or the procurement of any nonintoxicating
12 beer, wine or alcoholic liquors, for or to any person known to be deemed legally incompetent, or
13 for or to any person who is physically incapacitated due to consumption of nonintoxicating beer,
14 wine or alcoholic liquor or the use of drugs;

15 (5) Sell, give or dispense nonintoxicating beer, wine or alcoholic liquors in or on any
16 licensed premises or in any rooms directly connected therewith, between the hours of ~~three~~ one
17 o'clock a.m. and one o'clock p.m., or, between the hours of ~~three~~ one o'clock a.m. and ten o'clock
18 a.m. in any county upon approval as provided for in section three-pp, article one, chapter seven
19 of this code, on any Sunday;

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

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

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

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

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

33 (B) Employ any person who is between the ages of eighteen and twenty-one who is not
34 directly supervised by a person aged twenty-one or over in a position where the primary

35 responsibility for such employment is to sell, furnish or give nonintoxicating beer, wine or alcoholic
36 liquors to any person; or

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

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

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

NOTE: The purpose of this bill is to establish 1 a.m. as the cutoff time for selling liquor in retail establishments and private clubs.

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