

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2129

BY DELEGATES FLEISCHAUER, SOBONYA, STATLER,

OVERINGTON, FRICH AND PYLES

[Introduced February 8, 2017; 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 from taking other appropriate police action or
 7 investigation 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~~ considered necessary
 8 for the execution and enforcement of the provisions of this article, which may include, but ~~shall~~
 9 are not ~~be~~ limited to, the hours during which licensees may sell alcoholic liquors, and the use,
 10 handling, service and sale of ~~such~~ alcoholic liquors. ~~Such~~ The rules ~~and regulations~~ shall be
 11 promulgated in accordance with ~~the provisions of~~ article three, chapter twenty-nine-a of the code
 12 in like manner as if ~~said~~ article three, ~~of said~~ chapter twenty-nine-a were set forth in extenso in
 13 this subdivision.

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

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

21 (f) The grant of authority to the commissioner and his or her agents under this section
22 does not limit or restrict the authority of state or local law-enforcement officers to enter any public
23 area on or adjacent to any private club or from undertaking other appropriate action or
24 investigation 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 a heading or the present law and underscoring indicates new language that would be added.