

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2061

BY DELEGATES FLEISCHAUER AND PYLES

[Introduced January 9, 2019; 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:

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

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

1 The commissioner is hereby authorized:

2 ~~(a)~~ (1) To enforce the provisions of this article.

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

7 ~~(c)~~ (3) To promulgate such reasonable rules and regulations as may be considered
 8 necessary for the execution and enforcement of the provisions of this article, which may include,
 9 but ~~shall~~ are not be limited to, the hours during which licensees may sell alcoholic liquors, and the
 10 use, handling, service and sale of such alcoholic liquors. ~~Such~~ The rules and regulations shall be
 11 promulgated in accordance with the provisions of §29A-3-1 *et seq.* of this code in like manner as
 12 if said that article ~~three~~, of said chapter ~~twenty-nine-a~~ were set forth in extenso in this subdivision.

13 ~~(d)~~ (4) To issue subpoenas and subpoenas duces tecum for the purposes of conducting
 14 hearings under the provisions of §60-7-13 of this code, which subpoenas and subpoenas duces
 15 tecum shall be issued in the time, for the fees, and shall be enforced in the manner specified in

16 §29A-5-1 of this code with like effect as if ~~said that~~ section one were set forth in extenso in this
17 subdivision.

18 ~~(e) (5)~~ The authority granted in ~~subdivisions (a), (b), and (d) of this section~~ §60-7-10(1),
19 §60-7-10(2), and §60-7-10(4) of this code may also be exercised by the duly authorized agents of
20 the commissioner.

21 (6) 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 §60-7-12a of this code.

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.