

Senate Bill No. 640

(By Senators Unger and Foster)

[Introduced February 17, 2012; referred to the Committee on the
Judiciary.]

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 §61-10-1 of said
12 code, all relating to including coin-pusher machines within
13 the definition of "prohibited gaming machines".

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

15 That §60-7-12 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted; and that §61-10-1 of said code be amended
17 and reenacted, all to read as follows:

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

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

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

23 (1) Sell or offer for sale any alcoholic liquors other than

1 from the original package or container;

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

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

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

18 (5) Sell, give or dispense nonintoxicating beer, wine or
19 alcoholic liquors in or on any licensed premises or in any rooms
20 directly connected therewith, between the hours of three o'clock
21 a.m. and one o'clock p.m. on any Sunday;

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

1 years of age;

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

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

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

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

15 (B) Employ any person who is between the ages of eighteen and
16 twenty-one who is not directly supervised by a person aged twenty-
17 one or over 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; or

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

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

24 (c) Any person who violates any of the foregoing provisions is

1 guilty of a misdemeanor and, upon conviction thereof, shall be
2 fined not less than \$500 nor more than \$1,000, or imprisoned in
3 jail for a period not to exceed one year, or both fined and
4 imprisoned.

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

6 **ARTICLE 10. CRIMES AGAINST PUBLIC POLICY.**

7 **§61-10-1. Keeping or exhibiting gaming table, machine, or**
8 **device; penalty; seizure of table, machine or**
9 **device; forfeiture of money used in such gaming.**

10 Any person who shall keep or exhibit a gaming table, commonly
11 called A.B.C. or E.O. table, or faro bank, or keno table, or any
12 slot machine, multiple coin console machine, multiple coin console
13 slot machine, coin-pusher machine or device in the nature of a slot
14 machine, or any other gaming table or device of like kind, under
15 any denomination, or which has no name, whether the game, table,
16 bank, machine or device be played with cards, dice, coins or
17 otherwise, or shall be a partner, or concerned in interest, in
18 keeping or exhibiting such table, bank, machine or gaming device of
19 any character, shall be guilty of a misdemeanor, and upon
20 conviction, shall be confined in jail not less than two nor more
21 than twelve months and be fined not less than \$100 nor more than
22 \$1,000. Any such table, faro bank, machine or gaming device, and
23 all money staked or exhibited to allure persons to bet at such

1 table, or upon such gaming device, may be seized by order of a
2 court, or under the warrant of a justice, and the money so seized
3 shall be forfeited to the county and paid into the treasury of the
4 county in which such seizure is made, and the table, faro bank,
5 machine or gaming device shall be completely destroyed: *Provided,*
6 That the provisions of this section shall not extend to coin-
7 operated nonpayout machines with free play feature or to automatic
8 weighing, measuring, musical and vending machines which are so
9 constructed as to give a certain uniform and fair return in value
10 or services for each coin deposited therein and in which there is
11 no element of chance.

NOTE: The purpose of this bill is to clearly establish that coin-pusher machines are prohibited gaming machines.

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