

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 110

BY SENATOR TRUMP

[Introduced January 10, 2018; Referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §60-7-13 of the Code of West Virginia, 1931, as amended, relating
2 to requiring a private club licensee to timely notify emergency medical services or law
3 enforcement of a life-threatening medical emergency occurring on the licensee's
4 premises; requiring the licensee to notify the Alcohol Beverage Control Administration
5 within 48 hours of the emergency's occurrence; and permitting the commissioner to
6 revoke, suspend or otherwise sanction a licensee for failing to comply with the 48-hour
7 notification requirement.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-13. Revocation or suspension of license; monetary penalty; hearing; assessment of costs; establishment of enforcement fund.

1 (a) Upon a determination by the commissioner that a licensee has: (i) Violated the
2 provisions of §11-16-1 *et seq.* of this code or of this chapter; (ii) acted in such a way as would
3 have precluded initial or renewal licensure; or (iii) violated any rule or order promulgated by the
4 commissioner, the commissioner may impose any one or a combination of the following
5 sanctions:

6 (1) Revoke the licensee's license;

7 (2) Suspend the licensee's license;

8 (3) Place the licensee on probationary status for a period not to exceed twelve months;

9 and

10 (4) Impose a monetary penalty not to exceed \$1,000 for each violation where revocation
11 is not imposed.

12 (b) Any monetary penalty assessed and collected by the commissioner shall be
13 transmitted to the State Treasurer for deposit into the State Treasury to the credit of a special
14 revenue fund designated "The Alcohol Beverage Control Enforcement Fund", which is hereby
15 created. All moneys collected, received and deposited in the "Alcohol Beverage Control

16 Enforcement Fund" shall be kept and maintained for expenditures by the commissioner for the
17 purpose of enforcement of the statutes and rules pertaining to alcoholic liquor, and shall not be
18 treated by the State Treasurer or State Auditor as any part of the general revenue of the state. At
19 the end of each fiscal year all funds in the alcohol beverage control enforcement fund in excess
20 of \$20,000 shall be transferred to the General Revenue Fund.

21 (c) In addition to the grounds for revocation, suspension or other sanction of a license set
22 forth in subsection (a) of this section, conviction of the licensee of any offense constituting a
23 violation of the laws of this state or of the United States relating to alcoholic liquor, nonintoxicating
24 beer or gambling shall be mandatory grounds for such sanctioning of a license. Conviction of the
25 licensee of any violation of the laws of this state or of the United States relating to prostitution, or
26 the sale, possession or distribution of narcotics or controlled substances, shall be mandatory
27 grounds for revocation of the licensee's license for a period of at least one year.

28 (d) In addition to the grounds for revocation, suspension or other sanction of a license set
29 forth in this section, the commissioner may, in his or her discretion, revoke, suspend or otherwise
30 sanction a licensee for failing to alert, in a timely manner, emergency medical services or law
31 enforcement of a life-threatening medical emergency occurring on the premises of the licensee's
32 private club.

33 (e) If a life threatening medical emergency occurs on a licensee's private premises
34 requiring notification under subsection (d) of this section, the licensee shall notify the Alcohol
35 Beverage Control Administration within forty-eight hours of the emergency's occurrence. The
36 commissioner may, in his or her discretion, revoke, suspend or otherwise sanction a licensee for
37 failing to comply with the forty-eight-hour notification requirement.

NOTE: This purpose of this bill is to requires a private club licensee to timely notify emergency medical services or law enforcement of a life-threatening medical emergency

occurring on the licensee's premises. The bill requires the licensee to notify the Alcohol Beverage Control Administration within forty-eight hours of the emergency's occurrence. The bill permits the commissioner to revoke, suspend or otherwise sanction a licensee for failing to comply with the forty-eight-hour notification requirement.

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