

H. B. 2057

(By Delegate Fragale)

[Introduced January 12, 2011; referred to the
Committee on the Judiciary.]

**FISCAL
NOTE**

A BILL to amend and reenact §60-6-1 and §60-6-6 of the Code of West Virginia, 1931, as amended, all relating to allowing owners of warehouses which are customs bonded warehouses or such other warehouses which are approved by the Alcohol Beverage Control Commissioner to store and transport into, out of and within the state alcoholic liquors, wine, beer or nonintoxicating beer not held or intended for retail or use within the state.

Be it enacted by the Legislature of West Virginia:

That §60-6-1 and §60-6-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 6. MISCELLANEOUS PROVISIONS.

§60-6-1. When lawful to possess, use or serve alcoholic liquors.

The provisions of this chapter may not prevent:

(1) A person from keeping and possessing alcoholic liquors in

1 his or her residence for the personal use of himself or herself,
2 his or her family, his or her employee or his or her guests if the
3 alcoholic liquors have been lawfully acquired by him or her;

4 (2) A person, his or her family, or employee from giving or
5 serving such alcoholic liquors to guests in the residence, when the
6 gift or service is not for the purpose of evading the provisions of
7 this chapter;

8 (3) The holder of a winery or a farm winery license from
9 serving complimentary samples of its wine in moderate quantities
10 for tasting on the winery or the farm winery premises; ~~and~~

11 (4) The holder of a distillery or a mini-distillery license
12 from serving complimentary samples of its alcoholic liquor in
13 moderate quantities for tasting on the distillery or the mini-
14 distillery premises; and

15 (5) Any owner of a warehouse, which warehouse is approved by
16 the United States government as a customs bonded warehouse under
17 the provisions of Title 19, United States Code Section 1555, or who
18 has first obtained written approval from the commissioner to use
19 the warehouse as a place for storage but not resale or use of
20 alcoholic liquors, wine, beer or nonintoxicating beer within the
21 state, from keeping, storing and possessing alcoholic liquors,
22 wine, beer or nonintoxicating beer which are being stored in the
23 warehouse and not being held for resale or use within the state,
24 when such storage is not for the purpose of evading the provisions

1 of this chapter.

2 **§60-6-6. Transporting alcoholic liquor in excess of ten gallons.**

3 ~~The provisions of~~ This chapter ~~shall~~ may not prevent a person
4 from bringing into or transporting in this state, in his or her
5 possession or in his or her baggage, and not for resale, alcoholic
6 liquor in a quantity not to exceed ten gallons: *Provided*, That
7 upon written permission of the commissioner, quantities of
8 alcoholic liquor in excess of ten gallons may be transported within
9 this state: *Provided, however, That an owner of a warehouse, which*
10 *warehouse is approved by the United States government as a customs*
11 *bonded warehouse under the provisions of Title 19, United States*
12 *Code Section 1555, or who has first obtained written approval from*
13 *the commissioner to use the warehouse as a place for storage of*
14 *alcoholic liquors, wine, beer or nonintoxicating beer within the*
15 *state, but not for retail or use as provided for in section one of*
16 *this article, may transport into the state to the warehouse and out*
17 *of the state from the warehouse, or from the warehouse to a lawful*
18 *purchaser under the provisions of this chapter, any quantity of*
19 *alcoholic liquor, wine, beer and nonintoxicating beer.*

NOTE: The purpose of this bill is to allow owners of warehouses which are federally designated customs bonded warehouses and warehouses which are otherwise approved by the Alcohol Beverage Control Commissioner to store in these warehouses and to transport into, out of and within the state quantities of alcoholic liquors, wine, beer or nonintoxicating beer which are not intended or being stored for the purpose of sale or use within the state.

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