

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 3145

(BY DELEGATE(S) MILEY, MANCHIN, FERRO,
WELLS AND SKINNER)

[Passed April 13, 2013; in effect ninety days from passage.]

AN ACT to amend and reenact §11-16-9 of the Code of West Virginia, 1931, as amended, relating to sales of nonintoxicating beer; and removing the existing maximum quantities of beer that retailers can sell for off premises consumption.

Be it enacted by the Legislature of West Virginia:

That §11-16-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 16. NONINTOXICATING BEER.

§11-16-9. Amount of license tax; Class A and Class B retail dealers; purchase and sale of nonintoxicating beer permitted; distributors; brewers; brewpubs.

1 There is levied and imposed an annual license tax upon all
2 dealers in and of nonintoxicating beer as defined by this article,
3 which license period begins on July 1, of each year and ends on
4 June 30 of the following year, and, if granted for a less period,
5 it shall be computed semiannually in proportion to the remainder
6 of the fiscal year as follows:

7 (1) Retail dealers shall be divided into two classes, Class A
8 and Class B. In the case of a Class A retail dealer the license fee
9 is \$150 for each place of business; the license fee for social,
10 fraternal or private clubs not operating for profit, and having
11 been in continuous operation for two years or more immediately
12 preceding the date of application, is \$150: *Provided*, That
13 railroads operating in this state may dispense nonintoxicating
14 beer upon payment of an annual license tax of \$10 for each
15 dining, club or buffet car in which the beer is dispensed.

16 Class A licenses issued for railroad dining, club or buffet
17 cars authorize the licensee to sell nonintoxicating beer at retail
18 for consumption only on the licensed premises where sold. All
19 other Class A licenses authorize the licensee to sell nonintoxicating
20 beer at retail for consumption on or off the licensed premises.
21

22 In the case of a Class B retailer, the fee for a Class B license
23 authorizing the sale of both chilled and unchilled beer is \$150 for
24 each place of business. A Class B license authorizes the licensee
25 to sell nonintoxicating beer at retail in bottles, cans or other
26 sealed containers only, and only for consumption off the licensed
27 premises. A Class B retailer may sell to a consumer, for personal
28 use and not for resale, draught beer in quantities of one-eighth,
29 one-fourth and one-half barrels in the original containers.

30 A Class B license may be issued only to the proprietor or
31 owner of a grocery store. For the purpose of this article the term
32 “grocery store” means and includes any retail establishment
33 commonly known as a grocery store or delicatessen and caterer
34 or party supply store, where food or food products are sold for
35 consumption off the premises, and means a separate and
36 segregated portion of any other retail store which is dedicated
37 solely to the sale of food, food products and supplies for the
38 table for consumption off the premises. The commissioner may
39 propose for legislative approval legislative rules pursuant to
40 chapter twenty-nine-a of this code necessary to carry this
41 provision into effect. Caterers or party supply stores are required
42 to purchase the appropriate licenses from the alcohol beverage
43 control administration.

44 (2) In the case of distributors, the license fee is \$1,000 for
45 each place of business.

46 (3) In the case of a brewer with its principal place of
47 business located in this state, the license fee is \$1,500 for each
48 place of manufacture.

49 (4) In the case of a brewpub, the license fee is \$1,000 for
50 each place of manufacture.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2013.

Governor

