

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2816**

4
5 (By Delegate Doyle)

6 (Originating in the Committee on the Judiciary)

7
8 [February 24, 2012]

9
10 A BILL to amend and reenact §60-7-11 of the Code of West Virginia,
11 1931, as amended, relating to permitting private clubs to
12 purchase alcoholic liquors from retail liquor stores in any
13 market zone in the state; permitting private clubs to purchase
14 an alcoholic liquor product from a retail licensee who serves
15 adjacent market zones, if the product is not stocked by the
16 retail licensee within its designated market zone.

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

18 That §60-7-11 of the Code of West Virginia, 1931, as amended,
19 be amended and reenacted to read as follows:

20 **ARTICLE 7. LICENSES TO PRIVATE CLUBS.**

21 **§60-7-11. Licensee must purchase alcoholic liquors from or**
22 **through commissioner or retail licensee; exceptions.**

23 (a) (1) All licensees shall purchase all alcoholic liquors sold
24 by them from the West Virginia Alcohol Beverage Control
25 Commissioner at prices established by the commissioner for sales of

1 the alcoholic liquors to the public generally or from any retail
2 licensee designated to serve its market zone or any immediately
3 contiguous market zones licensed under the provisions of article
4 three-a of this chapter, except that the licensees may purchase
5 those wines permitted to be sold at retail pursuant to article
6 eight of this chapter from those distributors licensed pursuant to
7 said article at the same prices the distributors sell the wines to
8 retailers licensed pursuant to said article. If there is only one
9 market zone which is contiguous to the license zone in which the
10 private club is located, then the licensee may also purchase
11 product directly from a retailer licensed to serve any market zone
12 which is immediately adjacent to that single contiguous market
13 zone: *Provided*, That the amendments to this section adopted during
14 the 2012 regular session of the Legislature do not take effect
15 until after the market zone licenses expire and are re-bid.

16 (2) A licensee may by contract approved by the commissioner
17 receive deliveries of alcoholic liquor from a retail liquor store,
18 and the provisions of sections twelve and thirteen, article six of
19 this chapter shall not apply to the transportation of that
20 alcoholic liquor.

21 (b) In all reports filed under section sixteen, article
22 fifteen, chapter eleven of this code, retail licensees licensed
23 under the provisions of article three-a of this chapter shall
24 separately identify the amount of sales tax on sales of liquor to
25 licensees in the manner required by the Tax Commissioner.

26 (c) Notwithstanding the provisions of section thirty, article

1 fifteen, chapter eleven of this code to the contrary, the amount of
2 the sales taxes collected by the Tax Commissioner shall be
3 deposited in a revolving fund account in the State Treasurer's
4 office, designated the "Drunk Driving Prevention Fund", and
5 administered by the commission on drunk driving prevention, subject
6 to appropriations by the Legislature.