

1 **H. B. 2992**

2  
3 (By Delegate White)

4 (By Request of the State Tax Division)

5 [Introduced March 20, 2013; referred to the  
6 Committee on the Judiciary then Finance.]  
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10 A BILL to repeal §60-9-3 of the Code of West Virginia, 1931, as  
11 amended; and to amend and reenact §60-9-4 and §60-9-6 of said  
12 code, all relating to eliminating duplicative reporting  
13 requirements imposed on distributors of imported cigarettes.

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

15 That §60-9-3 of the Code of West Virginia, 1931, as amended,  
16 be repealed; and that §60-9-4 and §60-9-6 of said code be amended  
17 and reenacted, all to read as follows:

18 **ARTICLE 9. CIGARETTES PRODUCED FOR EXPORT; IMPORTED CIGARETTES.**

19 **§60-9-4. Criminal penalties.**

20 Any person that commits any of the acts prohibited by section  
21 two of this article, either knowing or having reason to know he or  
22 she is doing so ~~or that fails to comply with any of the~~  
23 ~~requirements of section three of this article,~~ is guilty of a

1 felony and, upon conviction thereof, shall be fined not more than  
2 \$5,000, or imprisoned in a state correctional facility not more  
3 than five years, or both fined and imprisoned.

4 **§60-9-6. Unfair trade practices.**

5 A violation of section two ~~or section three~~ of this article  
6 constitutes an unlawful trade practice as provided in article  
7 eleven-a, chapter forty-seven of this code and, in addition to any  
8 remedies or penalties set forth in this article, is subject to any  
9 remedies or penalties for a violation of that article.

10 The Alcohol Beverage Control Commissioner shall enforce each  
11 and every provision of the Unfair Trade Practices Act ~~set forth~~ in  
12 article eleven-a, chapter forty-seven of this code with respect to  
13 packages of cigarettes with like effect as if ~~said~~ that article  
14 were set forth in extenso herein.

NOTE: The purpose of this bill is to eliminate duplicative reporting requirements imposed on distributors of tobacco products.

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