

COMMITTEE SUBSTITUTE

FOR

# **H. B. 3145**

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

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(Originating in the Committee on Finance)

[March 28, 2013]

A BILL 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 ~~hereby~~ levied and imposed an annual license tax  
2 upon all dealers in and of nonintoxicating beer as defined by this  
3 article, which license period ~~shall begin~~ begins on July 1, of each  
4 year and ~~end~~ ends on June 30 of the following year, and, if  
5 granted for a less period, ~~the same~~ it shall be computed semian-  
6 nually in proportion to the remainder of the fiscal year as  
7 follows:

8       (1) Retail dealers shall be divided into two classes, Class A  
9 and Class B. In the case of a Class A retail dealer the license fee  
10 ~~shall be~~ is \$150 for each place of business; the license fee for  
11 social, fraternal or private clubs not operating for profit, and  
12 having been in continuous operation for two years or more  
13 immediately preceding the date of application, ~~shall be~~ is \$150:  
14 *Provided*, That railroads operating in this state may dispense  
15 nonintoxicating beer upon payment of an annual license tax of  
16 \$10 for each dining, club or buffet car in which the ~~same~~ beer is  
17 dispensed.

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

24 In the case of a Class B retailer, the fee for a Class B license  
25 authorizing the sale of both chilled and unchilled beer ~~shall be~~ is  
26 \$150 for each place of business. A Class B license ~~shall autho-~~  
27 rize authorizes the licensee to sell nonintoxicating beer at retail  
28 in bottles, cans or other sealed containers only, and only for  
29 consumption off the licensed premises. ~~Sales under this license~~  
30 ~~to any person at any one time must be in less quantities than five~~  
31 ~~gallons: *Provided, That*~~ A Class B retailer may sell to a con-  
32 sumer, for personal use and not for resale, draught beer in  
33 quantities of one-eighth, one-fourth and one-half barrels in the  
34 original containers. ~~Such~~

35 A Class B license may be issued only to the proprietor or  
36 owner of a grocery store. For the purpose of this article the term  
37 “grocery store” means and includes any retail establishment

38 commonly known as a grocery store or delicatessen and caterer  
39 or party supply store, where food or food products are sold for  
40 consumption off the premises, and ~~shall include and mean~~ means  
41 a separate and segregated portion of any other retail store which  
42 is dedicated solely to the sale of food, food products and supplies  
43 for the table for consumption off the premises. The commis-  
44 sioner may ~~promulgate~~ propose for legislative approval legisla-  
45 tive rules pursuant to chapter twenty-nine-a of this code neces-  
46 sary to carry this provision into effect. Caterers or party supply  
47 stores ~~will be~~ are required to purchase the appropriate licenses  
48 from the alcohol beverage control administration.

49 (2) In the case of distributors, the license fee ~~shall be~~ is  
50 \$1,000 for each place of business.

51 (3) In the case of a brewer with its principal place of  
52 business located in this state, the license fee ~~shall be~~ is \$1,500  
53 for each place of manufacture.

54 (4) In the case of a brewpub, the license fee ~~shall be~~ is  
55 \$1,000 for each place of manufacture.