WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2985

BY DELEGATE WARD

[Introduced March 14, 2017; Referred
to the Committee on Political Subdivisions then Finance]
A BILL to amend and reenact §8-13-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-3-9d of said code, all relating to taxes on beer and nonintoxicating beer; giving authority to municipalities to impose taxes on beer and nonintoxicating beer; and imposing tax on purchases of beer and nonintoxicating beer outside corporate limits of municipalities for benefit of counties and municipalities.

Be it enacted by the Legislature of West Virginia:

That §8-13-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §60-3-9d of said code be amended and reenacted, all to read as follows:

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 13. TAXATION AND FINANCE.

§8-13-7. Tax on purchases of intoxicating liquors in municipalities; private club fees.

(a) (1) Every municipality shall have plenary power and authority to may levy and collect a tax upon all purchases within such the municipality:

(A) Of intoxicating liquors and beer from the Alcohol Beverage Control Commissioner;

(B) From any person licensed to sell wine at retail to the public under the provisions of article eight, chapter sixty of this code; or

(C) From distributors licensed to sell or distribute wine pursuant to said article eight;

Provided. That no municipality shall have authority to levy or collect any such tax on the intoxicating liquors sold by or purchased from holders of a license issued under the provisions of article seven, chapter sixty of this code.

(D) From any person licensed to sell nonintoxicating beer at retail to the public under the provisions of article sixteen, chapter eleven of this code; or

(E) From distributors licensed to sell or distribute nonintoxicating beer under the provisions of article sixteen, chapter eleven of this code.

(2) The tax shall be levied upon the purchaser and shall be added to and collected with
the price of purchase. The tax shall may not exceed five percent of the purchase price.

(3) Notwithstanding subdivision (1) of this subsection a municipality may not levy or collect the tax on intoxicating liquors, beer and nonintoxicating beer sold by or purchased from holders of a license issued under the provisions of article seven, chapter sixty of this code.

(b) A copy of any ordinance imposing the tax authorized by this section shall be certified by the mayor of the municipality to the West Virginia Alcohol Beverage Control Commissioner and to the Tax Commissioner. The West Virginia Alcohol Beverage Control Commissioner by appropriate rules and regulations shall provide for the collection of such the tax upon all purchases within such the municipality of intoxicating liquors or beer from the Alcohol Beverage Control Commissioner, from any person licensed to sell wine at retail pursuant to the provisions of article eight, chapter sixty of this code, or from distributors licensed to sell or distribute wine pursuant to said article eight, from any person licensed to sell nonintoxicating beer at retail to the public under the provisions of article sixteen, chapter eleven of this code or from distributors licensed to sell or distribute nonintoxicating beer under the provisions of article sixteen, chapter eleven of this code, and for distribution thereof to the respective municipalities for which the same shall be collected. Such The rules and regulations shall provide that all such the taxes shall be deposited with the State Treasurer and distributed quarterly by the Treasurer upon warrants of the Auditor payable to the municipality.

(c) Every municipality shall have plenary power and authority to may levy and collect a fee from any private club licensee whose premises are situate therein as authorized in section seven, article seven, chapter sixty of this code.

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 3. SALES BY COMMISSIONER.

§60-3-9d. Tax on purchases of intoxicating liquors, beer and nonintoxicating beer outside corporate limits of municipalities.
(a) For the purpose of providing financial assistance to and for the use and benefit of the
various counties and municipalities of this state, there is hereby levied a tax upon all purchases
outside the corporate limits of any municipality:

(1) Of intoxicating liquor and beer from state stores or other agencies of the Alcohol
Beverage Control Commissioner;

(2) Of wine from any person licensed to sell wine at retail under the provisions of article
eight, chapter sixty of this code; and

(3) Of wine from distributors licensed to sell or distribute wine under the provisions of said
article eight;

(4) Of nonintoxicating beer from any person licensed to sell nonintoxicating beer at retail
to the public under the provisions of article sixteen, chapter eleven of this code; and

(5) Of nonintoxicating beer from distributors licensed to sell or distribute nonintoxicating
beer under the provisions of article sixteen, chapter eleven of this code.

(b) The tax shall be is five percent of the purchase price and shall be added to and
collected with the purchase price by the commissioner, by the person licensed to sell wine at
retail, or by the distributor licensed to sell or distribute wine, by the person licensed to sell
nonintoxicating beer at retail, or by the distributor licensed to sell or distribute nonintoxicating
beer, as the case may be; Provided, That no such tax shall the tax may not be collected on the
intoxicating liquors, beer and nonintoxicating beer sold by or purchased from holders of a license
issued under the provisions of article seven of this chapter.

(c) The tax collected within one mile of the corporate limits of any municipality
within the state shall be remitted to such the municipality; all other tax so collected shall be
remitted to the county wherein collected: Provided, That where the corporate limits of more than
one municipality be is within one mile of the place of collection of such the tax, all such the tax
collected shall be divided equally among each of said the municipalities: Provided, however, That
such the mile is measured by the most direct hard surface road or access way usually and
customarily used as ingress and egress to the place of tax collection.

(d) The West Virginia Alcohol Beverage Control Commissioner by appropriate rules and regulations shall provide for the collection of such the tax upon all purchases outside the corporate limits of any municipality of intoxicating liquor and beer from state stores or other agencies of the Alcohol Beverage Control Commissioner, separation or proration of the same tax and distribution thereof to the respective counties and municipalities for which the same shall be tax is collected. The Tax Commissioner by appropriate rules and regulations shall provide for the collection of such the tax upon all purchases outside the corporate limits of any municipality of wine from any person licensed to sell wine at retail under the provisions of article eight, chapter sixty of this code, or from distributors licensed to sell or distribute wine under the provisions of said article eight, from the person licensed to sell nonintoxicating beer at retail to the public under the provisions of article sixteen, chapter eleven of this code, or from the distributor licensed to sell or distribute nonintoxicating beer under the provisions of article sixteen, chapter eleven of this code, and shall also provide for separation or proration of the same tax and distribution thereof to the respective counties and municipalities for which the same shall be tax is collected. Such The rules and regulations shall provide that all such the taxes shall be deposited with the State Treasurer and distributed quarterly by the Treasurer upon warrants of the Auditor payable to the counties and municipalities.

NOTE: The purpose of this bill is to give authority to municipalities to impose taxes on beer and nonintoxicating beer and to impose a tax on purchases of beer and nonintoxicating beer outside corporate limits of municipalities for benefit of counties and municipalities.

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