

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 3145**

5 (By Delegates Miley, Manchin, Ferro, Wells  
6 and Skinner)

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

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11 AN ACT to amend and reenact §11-16-9 of the Code of West Virginia,  
12 1931, as amended, relating to sales of nonintoxicating beer;  
13 and removing the existing maximum quantities of beer that  
14 retailers can sell for off premises consumption.

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

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

18 **ARTICLE 16. NONINTOXICATING BEER.**

19 **§11-16-9. Amount of license tax; Class A and Class B retail**  
20 **dealers; purchase and sale of nonintoxicating beer**  
21 **permitted; distributors; brewers; brewpubs.**

22 There is levied and imposed an annual license tax upon all  
23 dealers in and of nonintoxicating beer as defined by this article,  
24 which license period begins on July 1, of each year and ends on  
25 June 30 of the following year, and, if granted for a less period,  
26 it shall be computed semiannually in proportion to the remainder of

1 the fiscal year as follows:

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

11 Class A licenses issued for railroad dining, club or buffet  
12 cars authorize the licensee to sell nonintoxicating beer at retail  
13 for consumption only on the licensed premises where sold. All  
14 other Class A licenses authorize the licensee to sell  
15 nonintoxicating beer at retail for consumption on or off the  
16 licensed premises.

17 In the case of a Class B retailer, the fee for a Class B  
18 license authorizing the sale of both chilled and unchilled beer is  
19 \$150 for each place of business. A Class B license authorizes the  
20 licensee to sell nonintoxicating beer at retail in bottles, cans or  
21 other sealed containers only, and only for consumption off the  
22 licensed premises. A Class B retailer may sell to a consumer, for  
23 personal use and not for resale, draught beer in quantities of  
24 one-eighth, one-fourth and one-half barrels in the original  
25 containers.

26 A Class B license may be issued only to the proprietor or

1 owner of a grocery store. For the purpose of this article the term  
2 "grocery store" means and includes any retail establishment  
3 commonly known as a grocery store or delicatessen and caterer or  
4 party supply store, where food or food products are sold for  
5 consumption off the premises, and means a separate and segregated  
6 portion of any other retail store which is dedicated solely to the  
7 sale of food, food products and supplies for the table for  
8 consumption off the premises. The commissioner may propose for  
9 legislative approval legislative rules pursuant to chapter  
10 twenty-nine-a of this code necessary to carry this provision into  
11 effect. Caterers or party supply stores are required to purchase  
12 the appropriate licenses from the alcohol beverage control  
13 administration.

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

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

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