

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 243

(By Mr. Brotherton)

PASSED March 4, 1969

In Effect thirty days from Passage

FILED IN THE OFFICE
JOHN D. HOOVER, IV
SECRETARY OF STATE

THIS DATE 3-17-69

#243

ENROLLED
Senate Bill No. 243

(By MR. BROTHERTON)

[Passed March 4, 1969; in effect ninety days from passage.]

AN ACT to amend and reenact section seven-b, article seventeen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to bond for wholesale cigarette dealers.

Be it enacted by the Legislature of West Virginia:

That section seven-b, article seventeen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 17. EXCISE TAX ON SALE OF CIGARETTES.

**§11-17-7b. Conditions precedent to issuance of licenses; dis-
qualification for license.**

- 1 Application for a wholesale cigarette dealer's license
- 2 shall be accompanied by payment of the proper license

3 fee together with a letter from at least three of the major
4 cigarette manufacturers indicating that they will sell to
5 the applicant on a direct basis in the event a proper
6 license is issued by this state. For the purpose of this
7 section, major cigarette manufacturers will be those
8 manufacturers who are among the six companies show-
9 ing the largest taxable cigarette removals during the pre-
10 vious calendar year, as indicated by the records of the
11 tobacco tax branch of the United States Internal Reve-
12 nue Service. This section shall not apply to applications for
13 renewal of licenses provided the applicant is, at the time
14 of applying for renewal, purchasing from at least three
15 of the major cigarette manufacturers.

16 Wholesaler's or sub-jobber's licenses shall be issued
17 only to persons, except corporations, of good moral char-
18 acter, who are not less than twenty-one years of age. No
19 wholesaler's or sub-jobber's license shall be issued to any
20 person who has been convicted within the past five years
21 of any offense against the cigarette laws of this state or
22 who has been convicted in this state, or any state of the
23 United States, during the past five years of any offense

24 designated as a felony by such state or the United States,
25 or to a corporation, any of whose officers have been so
26 convicted. The term "conviction" shall include the ad-
27 judication of guilt on a plea of nolo contendere, or the
28 forfeiture of a bond when charged with a crime. The
29 commissioner may refuse to issue any license provided
30 for under this section to any person, firm or corporation
31 whose license under the cigarette law has been sus-
32 pended or revoked or to any corporation, an officer of
33 which has had his cigarette license suspended or revoked,
34 or to any person who is or has been an officer of a cor-
35 poration whose cigarette license has been suspended or
36 revoked.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompkins
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard Kuylenstierna
Clerk of the Senate

W. G. Blankenship
Clerk of the House of Delegates

Key Desha
President of the Senate

Sam F. Bowers
Speaker House of Delegates

The within approved this the 12th
day of March, 1969.

Arch A. Moore Jr.
Governor

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tamm
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard Hughes
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Frank B. Johnson
President of the Senate

Wm. P. Boylston
Speaker House of Delegates

The within approved this the 17th
day of March, 1969.

Arch A. Shaugh Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/8/69
Time 4:50 pm

RECEIVED

MAR 17 10 24 AM '69

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA