WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED

HOUSE BILL No. 1572

(By Mr. Speaker, Mr. Menos, and Mr. Seibert)

PASSED March 3, 1976

In Effect from Passage

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA
THIS DATE 3/10/76
ENROLLED

H. B. 1572

(By Mr. Speaker, Mr. McManus and Mr. Seibert)

[Passed March 3, 1976; in effect from passage.]

AN ACT to amend article sixteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twelve-a, relating to nonintoxicating beer; establishing requirements for the issuance of a brewer's license to a foreign corporation; providing that under certain circumstances none of the officers or directors of such foreign corporation need be residents of this state; establishing an annual license fee for such a brewer's license; providing for the renewal of such a brewer's license; prohibiting a licensed brewer from engaging in the business of a distributor or retailer; and relating to the suspension of such a brewer's license.

Be it enacted by the Legislature of West Virginia:

That article sixteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twelve-a, to read as follows:

ARTICLE 16. NONINToxicATING BEER.

§11-16-12a. Brewer's license for foreign corporation; application; bond; contents of application; limitations; annual license fee; renewal; suspension.

(a) A brewer's license shall be issued by the commissioner to a foreign corporation which submits an application therefor accompanied by the license fee hereinafter prescribed, the bond

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required by section five of this article and a certified copy of
the certificate of authority issued by the secretary of state
authorizing such foreign corporation to transact business in this
state. Such application shall be verified and shall state:

(1) The name of the corporation and the state under the
laws of which it is incorporated;

(2) The date of incorporation;

(3) The address of the principal office of the corporation;

(4) The names and respective addresses of the directors and
officers of the corporation; and

(5) The date that such foreign corporation qualified to
transact business in this state.

(b) So long as such foreign corporation remains qualified
to transact business in this state so that the secretary of state
can accept service of notice and process for such foreign cor-
portion, then, notwithstanding any other provision of this
article to the contrary, none of the officers and directors of
such foreign corporation need be residents of this state.

(c) The license fee for a brewer’s license for a foreign
corporation, whether or not its principal place of business be
located in this state, shall be five hundred dollars per annum
for each brewery located in this state. The license period shall
begin on the first day of July of each year and end on the
thirtieth day of June of the following year, and if granted for
a lesser period, the same shall be prorated quarterly in pro-
portion to the remainder of the fiscal year.

(d) A brewer’s license issued under the provisions of this
section shall be renewed annually upon application for renewal
on a form prescribed by the commissioner and payment of the
annual license fee.

(e) If at any time such foreign corporation is no longer
qualified to transact business in this state, the secretary of state
shall notify the commissioner of such fact and the commissioner
shall thereupon suspend the brewer’s license issued to such
foreign corporation until such time as such foreign corpora-
tion has again qualified to transact business in this state and
has otherwise complied with the provisions of this section.

Notwithstanding any other provision of this article to the contrary, any corporation issued a brewer's license under the provisions of this article shall not engage in the business of a distributor or retailer as defined in this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Originated in the House.
Takes effect from passage.

The within approved this the 9th day of __________, 1976.

Governor
PRESENTED TO THE GOVERNOR

Date 3/8/76
Time 2:12 P.M.