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OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

## WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1976

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# ENROLLED

HOUSE BILL No. 1572

(By Mr. Speaker, Mr. McManus & Mr. Leibert)

— ● —

PASSED March 3, 1976

In Effect from Passage



C 641

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.**

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

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

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

10 (2) The date of incorporation;

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

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

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

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

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

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

34 (e) If at any time such foreign corporation is no longer  
35 qualified to transact business in this state, the secretary of state  
36 shall notify the commissioner of such fact and the commissioner  
37 shall thereupon suspend the brewer's license issued to such  
38 foreign corporation until such time as such foreign corpora-  
39 tion has again qualified to transact business in this state and

40 has otherwise complied with the provisions of this section.  
41 Notwithstanding any other provision of this article to the  
42 contrary, any corporation issued a brewer's license under the  
43 provisions of this article shall not engage in the business of  
44 a distributor or retailer as defined in this article.

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

*James L. Davis*  
Chairman Senate Committee

*Clarence B. Coatsworth*  
Chairman House Committee

Originated in the House.

Takes effect from passage.

*Joe Sullivan Jr*  
Clerk of the Senate

*Clarence Blankenship*  
Clerk of the House of Delegates

*W. T. Battle Jr*  
President of the Senate

*Lewis T. McManus*  
Speaker House of Delegates

The within *approved* this the *9th*  
*March*  
day of \_\_\_\_\_, 1976.

*Arch A. Moore Jr.*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/8/76

Time 2:12 p.m.