WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1987

ENROLLED

SENATE BILL NO. 741
(Originating in the Committee (By Senator on the Judiciary)

PASSED March 12, 1987
In Effect Ninety days from Passage
ENROLLED
Senate Bill No. 741
(Originating in the Committee on the Judiciary)

[Passed March 12, 1987; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty, article sixteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the Nonintoxicating Beer Act; unlawful acts of brewers or manufacturers such as price discrimination between distributors and wholesalers; requiring the filing of brewery or dock price of beer with the commissioner with such prices becoming effective no sooner than fourteen days after filing; providing specific criminal penalties.

Be it enacted by the Legislature of West Virginia:

That section twenty, article sixteen, 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 16. NONINTOXICATING BEER.

§11-16-20. Unlawful acts of brewers or manufacturers; criminal penalties.

1 (a) It shall be unlawful:
2 (1) For any brewer or manufacturer, or any other
3 person, firm or corporation engaging in the business of
4 selling nonintoxicating beer, ale or other malt beverage or
5 cooler to a distributor or wholesaler, to discriminate in
6 price, allowance, rebate, refund, commission, discount or
7 service between distributors or wholesalers licensed in
West Virginia. "Discriminate," as used in this section, shall mean granting of more favorable prices, allowances, rebates, refunds, commissions, discounts or services to one West Virginia distributor or wholesaler than to another.

(2) For any brewer or manufacturer, or any other person, firm or corporation engaged in the business of selling nonintoxicating beer, ale or other malt beverage or malt cooler to a distributor or wholesaler, to sell or deliver nonintoxicating beer, ale or other malt beverage or malt cooler to any licensed distributor or wholesaler unless and until such brewer, manufacturer, person, firm or corporation, as the case may be, shall have filed the brewery or dock price of such beer, ale or other malt beverage or malt cooler, by brands and container sizes, with the commissioner. No price schedule shall be put into effect until fourteen days after receipt of same by the commissioner: Provided, That any price reductions shall remain in effect not less than thirty days.

(b) The violation of any provision of this section by any brewer or manufacturer shall constitute grounds for the forfeiture of the bond furnished by such brewer or manufacturer in accordance with the provisions of section twelve of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within .................. this the 15th day of March 1987.

Governor