

No: 741

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WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1987



ENROLLED

SENATE BILL NO. 741

(Originating in the Committee

on the Judiciary)
(By Senator.....)



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

8 West Virginia. "Discriminate," as used in this section, shall
9 mean granting of more favorable prices, allowances,
10 rebates, refunds, commissions, discounts or services to one
11 West Virginia distributor or wholesaler than to another.

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

26 (b) The violation of any provision of this section by any
27 brewer or manufacturer shall constitute grounds for the
28 forfeiture of the bond furnished by such brewer or
29 manufacturer in accordance with the provisions of section
30 twelve of this article.

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

Bruce O. Williams
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

John C. Willis
.....
Clerk of the Senate

Donald L. Hoop
.....
Clerk of the House of Delegates

Sam Tombari
.....
President of the Senate

Robert C. Bell
.....
Speaker House of Delegates

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

Aruba S. Sanchez
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/17/87

Time 4:30 p.m.