

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

House Bill 4760

BY DELEGATES CAMPBELL, CRISS, COOPER, PACK,
WESTFALL, CANESTRARO, QUEEN, DEAN, PAYNTER,
STORCH AND LAVENDER-BOWE

[Passed March 4, 2020; in effect ninety days from
passage.]

1 AN ACT to amend and reenact §29-22B-1202 of the Code of West Virginia, 1931, as amended,
2 relating to modifying video lottery retailer licensing eligibility requirements; modifying the
3 distance measurements from prohibited structures by equalizing the measurement
4 standards for licensed video lottery licenses with that of the Alcoholic Beverage
5 Commission's distance measurements from certain prohibited locations for private clubs'
6 licenses.

Be it enacted by the Legislature of West Virginia:

ARTICLE 22B. LIMITED VIDEO LOTTERY.

§29-22B-1202. No limited video lottery retailer license for premises within 150 feet of another licensed premises; no two license retailer locations within a common structure.

1 (a) A limited video lottery retailer license may not be granted for operation of video lottery
2 terminals on a premises if, at the time of application for the license, the applicant's premises are
3 within 150 feet of, or has an external structural connection not amounting to a common internal
4 wall to, a premises that already has a license for video lottery terminals.

5 (1) A measurement of the distance between two premises must be taken between the
6 front door and the front door of each location, along the street or streets: *Provided*, That for the
7 purposes of determining whether a limited video lottery retailer applicant that holds a private club
8 license meets distance requirements for prohibited locations of licensees pursuant to §11-16-
9 8(a)(5) of this code, the applicant's location is deemed compliant upon the issuance of a valid
10 license pursuant to §60-7-1 *et seq.* of this code.

11 (2) When determining common ownership, the commission shall consider direct as well
12 as indirect ownership.

13 (b) A premises for which a private club license to dispense alcoholic liquors, under
14 provisions of §60-7-1 *et seq.* of this code, or a Class A nonintoxicating beer license, under the
15 provisions of §11-16-1 *et seq.* of this code, was granted, was applied for, or the transfer of which

16 was validly contracted for prior to January 1, 2001, is not subject to subsections (a) and (c) of this
17 section: *Provided*, That a fraternal organization for which a private club license to dispense
18 alcoholic liquors, under the provisions of §60-7-1 *et seq.* of this code, or a Class A nonintoxicating
19 beer license, under the provisions of §11-16-1 *et seq.* of this code, which was granted prior to
20 January 1, 2001, and which has remained in continuous operation since January 1, 2001, may,
21 for good cause shown, obtain approval to be exempt from subsections (a) and (c) of this section,
22 upon approval of the Commission.

23 (c) No more than one restricted access adult-only facility shall hold a limited video lottery
24 retailer license to offer video lottery terminals in any single structure under one roof.

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

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2020.

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Governor