

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4760**

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

[Introduced February 07, 2020; Referred to the  
Committee on the Judiciary.]



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

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

NOTE: The purpose of this bill is to equitize the distance measurements of video lottery retailers who hold private club licenses to prevent the two currently different measurement standards by the ABCC and the Lottery Commission for licensees when determining a location's eligibility for a limited video retailer and private club license.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.