

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

House Bill 2628

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[Introduced February 22, 2021; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §29-22A-9 of the Code of West Virginia, 1931, as amended, relating
2 to removing the prohibition on having automated teller machines in the area where
3 racetrack video lottery machines are located; prohibiting use of a check from a player for
4 exchange or purchase of video lottery game credits or advance; and, making technical
5 corrections.

Be it enacted by the Legislature of West Virginia:

ARTICLE 22A. RACETRACK VIDEO LOTTERY.

§29-22A-9. General duties of all video lottery license and permit holders; duties of permitted manufacturers; duties of permitted service technicians; duties of permitted validation managers; duties of floor attendants; duties of licensed racetracks.

1 (a) All video lottery license and permit holders shall:

2 (1) Promptly report to the commission any facts or circumstances related to video lottery
3 operations which constitute a violation of state or federal law;

4 (2) Conduct all video lottery activities and functions in a manner which does not pose a
5 threat to the public health, safety or welfare of the citizens of this state, and which does not
6 adversely affect the security or integrity of the lottery;

7 (3) Hold the commission and this state harmless from and defend and pay for the defense
8 of any and all claims which may be asserted against a license or permit holder, the commission,
9 the state or the employees thereof, arising from the license or permit holder's participation in the
10 video lottery system authorized by this article;

11 (4) Assist the commission in maximizing video lottery revenues;

12 (5) Maintain all records required by the commission;

13 (6) Upon request by the commission, provide the commission access to all records and
14 the physical premises of the business or businesses where the license or permit holder's video

15 lottery activities occur, for the purpose of monitoring or inspecting the license or permit holder's
16 activities and the video lottery games, video lottery terminals and associated equipment; and

17 (7) Keep current in all payments and obligations to the commission.

18 (b) Manufacturers shall:

19 (1) Manufacture terminals and associated equipment for placement in this state in
20 accordance with the specifications and procedures specified in ~~sections five and six~~ §29-22A-5
21 and §29-22A-6 of this ~~article~~ code;

22 (2) Manufacture terminals and associated equipment to ensure timely delivery to licensed
23 racetracks;

24 (3) Maintain and provide an inventory of spare parts to assure the timely repair and
25 continuous operation of licensed video lottery terminals intended for placement in this state;

26 (4) Provide to licensed racetracks and permitted service technicians technical assistance
27 and training in the service and repair of video lottery terminals and associated equipment so as
28 to assure the continuous authorized operation and play of the video lottery terminals; and

29 (5) Obtain certification of compliance under the provisions of part fifteen of the federal
30 communication commission rules for all video lottery terminals placed in this state.

31 (c) Service technicians shall:

32 (1) Maintain all skills necessary for the timely repair and service of licensed video lottery
33 terminals and associated equipment so as to ensure the continued, approved operation of those
34 terminals;

35 (2) Attend all commission mandated meetings, seminars and training sessions concerning
36 the repair and maintenance of licensed video lottery terminals and associated equipment; and

37 (3) Promptly notify the commission of any electronic or mechanical video lottery terminal
38 malfunctions.

39 (d) Validation managers shall:

40 (1) Attend all commission mandated meetings, seminars and training sessions concerning
41 the validation and redemption of video lottery winning tickets and the operation of all ticket
42 validation terminals and equipment;

43 (2) Maintain all skills necessary for the accurate validation of video lottery tickets; and

44 (3) Supervise video lottery ticket validation procedures at the applicable licensed
45 racetrack.

46 (e) Floor attendants shall:

47 (1) Provide change and assistance to persons playing video lottery games in a licensed
48 racetrack video lottery gaming area;

49 (2) Open video lottery terminal access doors to clear ticket paper jams and to insert new
50 paper ticket tapes into the video lottery terminals; and

51 (3) Open video lottery terminal access doors to clear bill jams from the bill acceptors in
52 video lottery terminals.

53 (f) The specific duties required of all licensed racetracks are as follows:

54 (1) Acquire video lottery terminals by purchase, lease or other assignment and provide a
55 secure location for the placement, operation and play of the video lottery terminals;

56 (2) Pay for the installation and operation of commission approved telephone lines to
57 provide direct dial-up or on-line communication between each video lottery terminal and the
58 commission's central control computer;

59 (3) Permit no person to tamper with or interfere with the operation of any video lottery
60 terminal;

61 (4) Ensure that telephone lines from the commission's central control computer to the
62 video lottery terminals located at the licensed racetrack are at all times connected and prevent
63 any person from tampering or interfering with the operation of the telephone lines;

64 (5) Ensure that video lottery terminals are within the sight and control of designated
65 employees of the licensed racetrack;

66 (6) Ensure that video lottery terminals are placed and remain placed in the specific
67 locations within the licensed racetrack which have been approved by the commission. No video
68 lottery terminal or terminals at a racetrack shall be relocated without the prior approval of the
69 commission;

70 (7) Monitor video lottery terminals to prevent access to or play by persons who are under
71 the age of 18 years or who are visibly intoxicated;

72 (8) Maintain at all times sufficient change and cash in the denominations accepted by the
73 video lottery terminals;

74 (9) ~~Provide no access by a player to an automated teller machine (ATM) in the area of the~~
75 ~~racetrack where video lottery games are played, accept~~ Accept no credit card or debit card or
76 check from a player for the exchange or purchase of video lottery game credits or for an advance
77 of coins or currency to be utilized by a player to play video lottery games, and extend no credit,
78 in any manner, to a player so as to enable the player to play a video lottery game;

79 (10) Pay for all credits won upon presentment of a valid winning video lottery ticket;

80 (11) Report promptly to the manufacturer and the commission all video lottery terminal
81 malfunctions and notify the commission of the failure of a manufacturer or service technician to
82 provide prompt service and repair of such terminals and associated equipment;

83 (12) Conduct no video lottery advertising and promotional activities without the prior
84 written approval of the director;

85 (13) Install, post and display prominently at locations within or about the licensed
86 racetrack, signs, redemption information and other promotional material as required by the
87 commission;

88 (14) Permit video lottery to be played only during those hours established and approved
89 by the commission;

90 (15) Maintain general liability insurance coverage for all video lottery terminals in an
91 amount of at least ~~two million dollars~~ \$2 million per claim;

- 92 (16) Promptly notify the commission in writing of any breaks or tears to any logic unit seals;
- 93 (17) Assume liability for lost or stolen money from any video lottery terminal; and
- 94 (18) Submit an audited financial statement, which has been approved by the commission,
- 95 to the commission when applying for a license or permit and annually thereafter prior to the time
- 96 a license or permit may be renewed.

NOTE: The purpose of this bill is to remove the prohibition against having automated teller machines (ATM's) in an area where racetrack video lottery machines are located.

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