

1 **H. B. 3119**

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3 (By Delegate Howell) (By Request)
4 [Introduced March 25, 2013; referred to the
5 Committee on the Judiciary then Finance.]
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10 A BILL to amend and reenact §29-22B-1202 of the Code of West
11 Virginia, 1931, as amended, relating to video lottery;
12 permitting certain establishments within one hundred fifty
13 feet of a bar with video lottery to also have video lottery.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §29-22B-1202 of the Code of West Virginia, 1931, as
16 amended, be amended and reenacted to read as follows:

17 **ARTICLE 22B. LIMITED VIDEO LOTTERY.**

18 **§29-22B-1202. No limited video lottery retailer license for**
19 **premises within one hundred fifty feet of**
20 **another licensed premises; no two license**
21 **retailer locations within a common structure;**
22 **exception.**

23 (a) Except as provided in subsection (d) of this section, a

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

7 (1) A measurement of the distance between two premises must be
8 taken between the nearest exterior wall of each premises.

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

11 (b) A premises for which a private club license to dispense
12 alcoholic liquors, under provisions of article seven, chapter sixty
13 of this code, or a Class A nonintoxicating beer license, under the
14 provisions of article sixteen, chapter eleven of this code, was
15 granted, was applied for, or the transfer of which was validly
16 contracted for prior to January 1, 2001, is not subject to
17 subsections (a) and (c) of this section.

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

21 (d) A limited video lottery retailer license may be granted
22 for an establishment that is within one hundred fifty feet of a bar
23 that has video lottery if the establishment is in a Class IV city
24 that borders on two incorporated municipalities in another state.

NOTE: The purpose of this bill is to exempt certain businesses from the prohibition against having video lottery if the business is within one hundred fifty feet of a bar having video lottery.

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