

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Enrolled**

## **Senate Bill 350**

BY SENATORS FERNS, TRUMP, MAYNARD, JEFFRIES,

BALDWIN, AND PLYMALE

[Passed March 5, 2018; in effect 90 days from passage]



1 AN ACT to amend and reenact §29-22A-5 of the Code of West Virginia, 1931, as amended,  
2 relating to the elimination of a requirement that the Lottery Commission file racetrack video  
3 lottery game rules with the Secretary of State; and requiring the Secretary of State to post  
4 a notice on its website that the rules for video lottery games that have been approved by  
5 the Lottery Commission are available for review at the office of the commission and  
6 provide relevant contact information.

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

**ARTICLE 22A. RACETRACK VIDEO LOTTERY.**

**§29-22A-5. Video lottery terminal requirements; application for approval of a video lottery terminal; testing of video lottery terminals; report of test results; modifications to previously approved models; conformity to prototype; seizure and destruction of terminals.**

1 (a) Video lottery terminals registered with and approved by the commission for use at  
2 licensed racetracks may offer video lottery games regulated, controlled, and owned and operated  
3 by the commission in accordance with the provisions of this section: *Provided*, That the Secretary  
4 of State shall post on the secretary's website that the rules for video lottery games that have been  
5 approved by the commission are available for review at the office of the commission and provide  
6 relevant contact information.

7 (b) A manufacturer may not sell or lease a video lottery terminal for placement at a licensed  
8 racetrack in this state unless the terminal has been approved by the commission. Only  
9 manufacturers with permits may apply for approval of a video lottery terminal or associated  
10 equipment. The manufacturer shall submit two copies of terminal illustrations, schematics, block  
11 diagrams, circuit analysis, technical and operation manuals, and any other information requested  
12 by the commission for the purpose of analyzing and testing the video lottery terminal or associated  
13 equipment.

14 (c) The commission may require that two working models of a video lottery terminal be  
15 transported to the location designated by the commission for testing, examination, and analysis.

16 (1) The manufacturer shall pay all costs of testing, examination, analysis, and  
17 transportation of such video lottery terminal models. The testing, examination, and analysis of any  
18 video lottery terminal model may require dismantling of the terminal and some tests may result in  
19 damage or destruction to one or more electronic components of such terminal model. The  
20 commission may require that the manufacturer provide specialized equipment or pay for the  
21 services of an independent technical expert to test the terminal.

22 (2) The manufacturer shall pay the cost of transportation of two video lottery terminals to  
23 lottery headquarters. The commission shall conduct an acceptance test to determine terminal  
24 functions and central system compatibility. If the video lottery terminal fails the acceptance test  
25 conducted by the commission, the manufacturer shall make all modifications required by the  
26 commission.

27 (d) After each test has been completed, the commission shall provide the terminal  
28 manufacturer with a report containing findings, conclusions, and pass/fail results. The report may  
29 contain recommendations for video lottery terminal modification to bring the terminal into  
30 compliance with the provisions of this article. Prior to approving a particular terminal model, the  
31 commission may require a trial period not in excess of 60 days for a licensed racetrack to test the  
32 terminal. During the trial period, the manufacturer may not make any modifications to the terminal  
33 model unless such modifications are approved by the commission.

34 (e) The video lottery terminal manufacturer and licensed racetrack are jointly responsible  
35 for the assembly and installation of all video lottery terminals and associated equipment. The  
36 manufacturer and licensed racetrack shall not change the assembly or operational functions of a  
37 terminal licensed for placement in West Virginia unless a request for modification of an existing  
38 video terminal prototype is approved by the commission. The request must contain a detailed

39 description of the type of change, the reasons for the change, and technical documentation of the  
40 change.

41 (f) Each video lottery terminal approved for placement at a licensed racetrack must  
42 conform to the exact specifications of the video lottery terminal prototype tested and approved by  
43 the commission. If any video lottery terminal or any video lottery terminal modification, which has  
44 not been approved by the commission, is supplied by a manufacturer and operated by a licensed  
45 racetrack, the commission shall seize and destroy all of that licensed racetrack's and  
46 manufacturer's noncomplying video lottery terminals and shall suspend the license and permit of  
47 the licensed racetrack and manufacturer.



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

.....  
*Chairman, Senate Committee*

.....  
*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

.....  
*Clerk of the Senate*

.....  
*Clerk of the House of Delegates*

.....  
*President of the Senate*

.....  
*Speaker of the House of Delegates*

\_\_\_\_\_

The within ..... this the.....  
Day of ....., 2018.

.....  
*Governor*