

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2491

By Delegates Crouse, D. Smith, Jennings, Moore,
Horst, Heckert, Phillips, Hornby, Street, and
Hillenbrand

[Introduced February 17, 2025; referred to the
Committee on the Judiciary]

1 A BILL to amending and reenacting §47-21A-5 of the Code of West Virginia, 1931, as amended,
2 relating to repealing the requirement that online charitable raffle licensees utilize a geo-
3 location or geo-fencing technology to ensure that raffle participants are located within the
4 state.

Be it enacted by the Legislature of West Virginia:

ARTICLE 21A. ONLINE CHARITABLE RAFFLES.

§47-21A-5. Annual license; conditions on holding of online raffles.

1 (a) A charitable or public service organization or any of its auxiliaries or other organizations
2 otherwise affiliated with it, may apply for an annual license. Only one license per year in the
3 aggregate may be granted to a charitable or public service organization and all of its auxiliaries or
4 other associations or organizations otherwise affiliated with it: *Provided*, That for purposes of this
5 section, the various branches, chapters, or lodges of any national association or organization or
6 local churches of a nationally organized church are not considered affiliates or auxiliaries of each
7 other. The commissioner shall propose rules for legislative approval in accordance with the
8 provisions of §29A-3-1 *et seq.* of this code, to provide for the manner for determining to which
9 organization, whether the parent organization, an affiliate, or an auxiliary, the one license allowed
10 under this section is granted. An annual license is valid for one year from the date of issuance.
11 Charitable or public service organizations may not hold a joint online raffle occasion under any
12 annual licenses.

13 ~~(b) A licensee shall utilize geo-location or geo-fencing technology to ensure that online~~
14 ~~charitable raffles patrons are located in the state of West Virginia. A licensee shall maintain in the~~
15 ~~state of West Virginia its servers used to transmit information for the purposes of patron~~
16 ~~participation~~

17 (e) (b) The Tax Commissioner shall provide on his or her website a list of every active and
18 approved licensee to conduct an online raffle occasion. A licensee shall provide a conspicuous
19 hyperlink on any online raffle ticket that is purchased by a patron to the Tax Commissioner's

- 20 website. A licensee shall conspicuously display at its physical location, that was provided on its
- 21 application, the approved license to conduct an online raffle.

NOTE: The purpose of this bill is to eliminate the requirement that charity raffle licensees utilize a geo-location or geo-fencing technology to ensure that raffle participants are located within the state.

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