

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 970**

By Senator Morris

[Introduced February 17, 2026; referred  
to the Committee on Government Organization]

1 A BILL to amend and reenact §17A-6-1 §17A-6-1a, §47-21A-2, and §47-21A-8, of the Code of  
 2 West Virginia, 1931, as amended, relating to exempting volunteer fire departments and  
 3 part-time volunteer fire departments from regulations relating to the in-person and online  
 4 raffle of vehicles.

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

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION,  
 CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.**

**ARTICLE 6. LICENSING OF DEALERS AND WRECKERS OR DISMANTLERS;  
 SPECIAL PLATES; TEMPORARY PLATES OR MARKERS.**

**§17A-6-1. Definitions.**

1 (a) Unless the context in which used clearly requires a different meaning, as used in this  
 2 article:

3 (1) "New motor vehicle dealer" means every person (other than agents and employees, if  
 4 any, while acting within the scope of their authority or employment), engaged in, or held out to the  
 5 public to be engaged in, the business in this state of selling five or more new motor vehicles or new  
 6 and used motor vehicles in any fiscal year of a type required to be registered under the provisions  
 7 of this chapter, except, for the purposes of this article only, motorcycles.

8 (2) "Used motor vehicle dealer" means every person (other than agents and employees, if  
 9 any, while acting within the scope of their authority or employment), engaged in, or held out to the  
 10 public to be engaged in, the business in this state of selling 10 or more used motor vehicles, and  
 11 projecting to sell 10 or more used motor vehicles, in any fiscal year of a type required to be  
 12 registered under the provisions of this chapter, except, for the purposes of this article only,  
 13 motorcycles.

14 (3) "House trailer dealer" means every person (other than agents and employees, if any,  
 15 while acting within the scope of their authority or employment), engaged in, or held out to the

16 public to be engaged in, the business in this state of selling new or used house trailers, or both, or  
17 new or used, or both, house trailers and trailers or new or used, or both, manufactured homes, and  
18 mobile homes.

19 (4) "Trailer dealer" means every person (other than agents and employees, if any, while  
20 acting within the scope of their authority or employment), engaged in, or held out to the public to be  
21 engaged in, the business in this state of selling new or used trailers.

22 (5) "Motorcycle dealer" means every person (other than agents and employees, if any,  
23 while acting within the scope of their authority or employment), engaged in, or held out to the  
24 public to be engaged in, the business in this state of selling new or used motorcycles.

25 (6) "Used parts dealer" means every person (other than agents and employees, if any,  
26 while acting within the scope of their authority or employment), engaged in, or held out to the  
27 public to be engaged in, the business in this state of selling any used appliance, accessory,  
28 member, portion, or other part of any vehicle.

29 (7) "Wrecker/dismantler/rebuilder" means every person (other than agents and  
30 employees, if any, while acting within the scope of their authority or employment), engaged in, or  
31 held out to the public to be engaged in, the business in this state of dealing in wrecked or damaged  
32 motor vehicles or motor vehicle parts for the purpose of selling the parts thereof or scrap therefrom  
33 or who is in the business of rebuilding salvage motor vehicles for the purpose of resale to the  
34 public.

35 (8) "New motor vehicles" means all motor vehicles, except motorcycles and used motor  
36 vehicles, of a type required to be registered under the provisions of this chapter.

37 (9) "Used motor vehicles" means all motor vehicles, except motorcycles, of a type required  
38 to be registered under the provisions of this chapter which have been sold and operated, or which  
39 have been registered or titled, in this or any other state or jurisdiction.

40 (10) "House trailers" means all trailers designed and used for human occupancy on a  
41 continual nonrecreational basis, but may not include fold-down camping and travel trailers, mobile

42 homes, or manufactured homes.

43 (11) "Trailers" means all types of trailers other than house trailers, and shall include, but not  
44 be limited to, pole trailers and semitrailers but excluding recreational vehicles.

45 (12) "Sales instrument" means any document resulting from the sale of a vehicle, which  
46 shall include, but not be limited to, a bill of sale, invoice, conditional sales contract, chattel  
47 mortgage, chattel trust deed, security agreement or similar document.

48 (13) "Sell", "sale", or "selling", in addition to the ordinary definitions of the terms, includes  
49 offering for sale, soliciting sales of, negotiating for the sale of, displaying for sale or advertising for  
50 sale, any vehicle, whether at retail, wholesale or at auction. "Selling", in addition to the ordinary  
51 definition of that term, also includes buying and exchanging.

52 (14) "Applicant" means any person making application for an original or renewal license  
53 certificate under the provisions of this article.

54 (15) "Licensee" means any person holding any license certificate issued under the  
55 provisions of this article.

56 (16) "Predecessor" means the former owner or owners or operator or operators of any new  
57 motor vehicle dealer business or used motor vehicle dealer business.

58 (17) "Established place of business" means, in the case of a new motor vehicle dealer, a  
59 permanent location, not a temporary stand or other temporary quarters, owned or leased by the  
60 licensee or applicant and actually occupied or to be occupied by him or her, as the case may be,  
61 which is or is to be used exclusively for the purpose of selling new motor vehicles or new and used  
62 motor vehicles, which shall have space under roof for the display of at least one new motor vehicle  
63 and facilities and space therewith for the servicing and repair of at least one motor vehicle, which  
64 servicing and repair facilities and space is adequate and suitable to carry out servicing and to  
65 make repairs necessary to keep and carry out all representations, warranties, and agreements  
66 made or to be made by the dealer with respect to motor vehicles sold by him or her, which is easily  
67 accessible to the public, which conforms to all applicable laws of this state and the ordinances of

68 the municipality in which it is located, if any, which displays thereon at least one permanent sign,  
69 clearly visible from the principal public street or highway nearest the location and clearly stating  
70 the business which is or shall be conducted thereat, and which has adequate facilities to keep,  
71 maintain and preserve records, papers and documents necessary to carry on the business and to  
72 make the business available to inspection by the commissioner at all reasonable times: *Provided,*  
73 That each established place of business shall have a display area which may be outside or inside  
74 or a combination thereof of at least 1,200 square feet which is to be used exclusively for the display  
75 of vehicles which are offered for sale by the dealer, office space of at least 144 square feet and a  
76 telephone listed in the name of the dealership. Each established place of business shall be open to  
77 the public a minimum of 20 hours per week at least 40 weeks per calendar year with at least 10 of  
78 those hours being between the hours of 9:30 a.m. and 8:30 p.m., Monday through Saturday:  
79 *Provided, however,* That the requirement of exclusive use is met even though: (A) Some new and  
80 any used motor vehicles sold or to be sold by the dealer or sold or are to be sold at a different  
81 location or locations not meeting the definition of an established place of business of a new motor  
82 vehicle dealer, if each location is or is to be served by other facilities and space of the dealer for the  
83 servicing and repair of at least one motor vehicle, adequate and suitable as aforesaid, and each  
84 location used for the sale of some new and any used motor vehicles otherwise meets the definition  
85 of an established place of business of a used motor vehicle dealer; (B) house trailers, trailers or  
86 motorcycles are sold or are to be sold thereat, if, subject to the provisions of §17A-6-5 of this code,  
87 a separate license certificate is obtained for each type of vehicle business, which license  
88 certificate remains unexpired, unsuspended, and unrevoked; (C) farm machinery is sold thereat;  
89 (D) accessory, gasoline and oil, or storage departments are maintained thereat, if the departments  
90 are operated for the purpose of furthering and assisting in the licensed business or businesses;  
91 and (E) the established place of business has an attached single residential rental unit with an  
92 outside separate entrance and occupied by a person or persons with no financial or operational  
93 interest in the dealership where the established place of business has space under roof for the

94 display of at least three new motor vehicles and facilities and space therewith for the concurrent  
95 servicing and repair of at least two motor vehicles and otherwise meets the requirements set forth  
96 in this subdivision.

97 (18) "Farm machinery" means all machines and tools used in the production, harvesting or  
98 care of farm products.

99 (19) "Established place of business", in the case of a used motor vehicle dealer, means a  
100 permanent location, not a temporary stand or other temporary quarters, owned or leased by the  
101 licensee or applicant and actually occupied or to be occupied by him or her, as the case may be,  
102 which is or is to be used for the purpose of selling used motor vehicles, which shall have facilities  
103 and space therewith for the servicing and repair of at least one motor vehicle, which servicing and  
104 repair facilities and space shall be adequate and suitable to carry out servicing and to make  
105 repairs necessary to keep and carry out all representations, warranties and agreements made or  
106 to be made by the dealer with respect to used motor vehicles sold by him or her, which is easily  
107 accessible to the public, conforms to all applicable laws of this state, and the ordinances of the  
108 municipality in which it is located, if any, which displays thereon at least one permanent sign,  
109 clearly visible from the principal public street or highway nearest the location and clearly stating  
110 the business which is or shall be conducted thereat, and which has adequate facilities to keep,  
111 maintain and preserve records, papers and documents necessary to carry on the business and to  
112 make the business available to inspection by the commissioner at all reasonable times: *Provided,*  
113 That if a used motor vehicle dealer has entered into a written agreement or agreements with a  
114 person or persons owning or operating a servicing and repair facility or facilities adequate and  
115 suitable as aforesaid, the effect of which agreement or agreements is to provide the servicing and  
116 repair services and space in like manner as if the servicing and repair facilities and space were  
117 located in or on the dealer's place of business, then, so long as the agreement or agreements are  
118 in effect, it is not necessary for the dealer to maintain the servicing and repair facilities and space  
119 at the place of business in order for the place of business to be an established place of business as

120 herein defined..

121 (20) "Established place of business", in the case of a house trailer dealer, trailer dealer,  
122 recreational vehicle dealer, motorcycle dealer, used parts dealer and wrecker or dismantler,  
123 means a permanent location, not a temporary stand or other temporary quarters, owned or leased  
124 by the licensee or applicant and actually occupied or to be occupied by the licensee, as the case  
125 may be, which is easily accessible to the public, which conforms to all applicable laws of this state  
126 and the ordinances of the municipality in which it is located, if any, which displays thereon at least  
127 one permanent sign, clearly visible from the principal public street or highway nearest the location  
128 and clearly stating the business which is or shall be conducted thereat, and which has adequate  
129 facilities to keep, maintain and preserve records, papers and documents necessary to carry on the  
130 business and to make the business available to inspection by the commissioner at all reasonable  
131 times.

132 (21) "Manufacturer" means every person engaged in the business of reconstructing,  
133 assembling, or reassembling vehicles with a special type of body required by the purchaser if the  
134 vehicle is subject to the title and registration provisions of this code.

135 (22) "Transporter" means every person engaged in the business of transporting vehicles to  
136 or from a manufacturing, assembling, or distributing plant to dealers or sales agents of a  
137 manufacturer, or purchasers.

138 (23) "Recreational vehicle dealer" means every person (other than agents and employees,  
139 if any, while acting within the scope of their authority or employment), engaged in, or held out to the  
140 public to be engaged in, the business in this state of selling new or used recreational vehicles, or  
141 both.

142 (24) "Motorboat" means any vessel propelled by an electrical, steam, gas, diesel or other  
143 fuel-propelled or -driven motor, whether or not the motor is the principal source of propulsion, but  
144 does not include a vessel which has a valid marine document issued by the bureau of customs of  
145 the United States government or any federal agency successor thereto.

146 (25) "Motorboat trailer" means every vehicle designed for or ordinarily used for the  
147 transportation of a motorboat.

148 (26) "All-terrain vehicle" (ATV) means any motor vehicle designed for off-highway use and  
149 designed to travel on not less than three low-pressure or nonhighway tires, is 50 inches or less in  
150 width and intended by the manufacturer to be used by a single operator or is specifically designed  
151 by the manufacturer with seating for each passenger. "All-terrain vehicle" and ATV does not  
152 include mini trucks, golf carts, riding lawnmowers, or tractors.

153 (27) "Travel trailer" means every vehicle, mounted on wheels, designed to provide  
154 temporary living quarters for recreational, camping or travel use of such size or weight as not to  
155 require special highway movement permits when towed by a motor vehicle and of gross trailer  
156 area less than 400 square feet.

157 (28) "Fold-down camping trailer" means every vehicle consisting of a portable unit  
158 mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by  
159 another vehicle and unfold at the camp site to provide temporary living quarters for recreational,  
160 camping or travel use.

161 (29) "Motor home" means every vehicle, designed to provide temporary living quarters,  
162 built into an integral part of or permanently attached to a self-propelled motor vehicle, chassis or  
163 van including: (1) Type A motor home built on an incomplete truck chassis with the truck cab  
164 constructed by the second-stage manufacturer; (2) Type B motor home consisting of a van-type  
165 vehicle which has been altered to provide temporary living quarters; and (3) Type C motor home  
166 built on an incomplete van or truck chassis with a cab constructed by the chassis manufacturer.

167 (30) "Snowmobile" means a self-propelled vehicle intended for travel primarily on snow  
168 and driven by a track or tracks in contact with the snow and steered by a ski or skis in contact with  
169 the snow.

170 (31) "Recreational vehicle" means a motorboat, motorboat trailer, all-terrain vehicle, travel  
171 trailer, fold-down camping trailer, motor home, snowmobile, or utility-terrain vehicle.

172 (32) "Major component" means any one of the following subassemblies of a motor vehicle:  
173 (A) Front clip assembly consisting of fenders, grille, hood, bumper, and related parts; (B) engine;  
174 (C) transmission; (D) rear clip assembly consisting of quarter panels and floor panel assembly; or  
175 (E) two or more doors.

176 (33) "Factory-built home" includes mobile homes, house trailers, and manufactured  
177 homes.

178 (34) "Manufactured home" has the same meaning as the term is defined in §21-9-2 of this  
179 code which meets the National Manufactured Housing Construction and Safety Standards Act of  
180 1974 (42 U. S. C. § 5401 *et seq.*), effective on June 15, 1976, and the federal manufactured home  
181 construction and safety standards and regulations promulgated by the Secretary of the United  
182 States Department of Housing and Urban Development.

183 (35) "Mobile home" means a transportable structure that is wholly, or in substantial part,  
184 made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and  
185 installation on a building site and designed for long-term residential use and built prior to  
186 enactment of the federal Manufactured Housing Construction and Safety Standards Institute  
187 (ANSI) -- A119.1 standards for mobile homes.

188 (36) "Utility terrain vehicle" means any motor vehicle with four or more low-pressure or  
189 nonhighway tires designed for off-highway use and is greater than 50 inches in width. "Utility  
190 terrain vehicle" does not include mini trucks, golf carts, riding lawnmowers, or tractors.

191 (b) Under no circumstances whatever may the terms "new motor vehicle dealer", "used  
192 motor vehicle dealer", "house trailer dealer", "trailer dealer", "recreational vehicle dealer",  
193 "motorcycle dealer", "used parts dealer" or "wrecker/dismantler/ rebuilder" be construed or applied  
194 under this article in such a way as to include a banking institution, insurance company, finance  
195 company, or other lending or financial institution, or other person, the state or any agency or  
196 political subdivision thereof, or any municipality, who or which owns or comes in possession or  
197 ownership of, or acquires contract rights, or security interests in or to, any vehicle or vehicles or

198 any part thereof and sells the vehicle or vehicles or any part thereof for purposes other than  
199 engaging in and holding out to the public to be engaged in the business of selling vehicles or any  
200 part thereof.

201 (c) It is recognized that throughout this code the term "trailer" or "trailers" is used to include,  
202 among other types of trailers, house trailers. It is also recognized that throughout this code the  
203 term "trailer" or "trailers" is seldom used to include semitrailers or pole trailers. However, for the  
204 purposes of this article only, the term "trailers" has the meaning ascribed to it in subsection (a) of  
205 this section.

206 (d) For purposes of this section, volunteer fire departments and part time volunteer fire  
207 departments are hereby exempt from being considered "automobile brokers" or "unlicensed  
208 dealers", so long as such organizations raffle no more than four vehicles per month through in  
209 person or online raffles.

**§17A-6-1a. Unlawful to be an automobile broker; definition; criminal penalties.**

1 (a) No person, except as provided below, shall arrange or offer to arrange for a fee,  
2 commission, or other valuable consideration, a transaction involving the sale of more than two new  
3 or used motor vehicles per calendar year. Such person shall be deemed an automobile broker:  
4 *Provided*, That a licensed new or used motor vehicle dealer in the State of West Virginia or an  
5 agent or employee of such dealer; an authorized distributor or an agent or employee of such  
6 distributor; an authorized automobile auction held by a licensed auctioneer; any person who sells  
7 a motor vehicle pursuant to a pledge of security and lien as established in article four-a of this  
8 chapter; and an individual or corporation, including banks and financial institutions, who is the  
9 owner of the new or used motor vehicle titled in the State of West Virginia which is the object of a  
10 sale are not automobile brokers.

11 (b) Any person violating the provisions of this section is guilty of a misdemeanor, and, upon  
12 conviction thereof, shall be fined not more than \$1,000, or imprisoned in the county jail not more  
13 than sixty days, or both fined and imprisoned.

14 (c) For purposes of this section, volunteer fire departments and part time volunteer fire  
 15 departments are hereby exempt from being considered “automobile brokers” or “unlicensed  
 16 dealers”, so long as such organizations raffle no more than four vehicles per month through in  
 17 person or online raffles.

**CHAPTER 47. REGULATION OF TRADE.**

**ARTICLE 21A. ONLINE CHARITABLE RAFFLES.**

**§47-21A-2.**

**Definitions.**

1 For purposes of this article, unless specified otherwise:

2 "Charitable or public service activity or endeavor" means any bona fide activity or endeavor  
 3 which directly benefits a number of people by:

4 (1) Contributing to educational or religious purposes;

5 (2) Relieving them from disease, distress, suffering, constraint, or the effects of poverty;

6 (3) Increasing their comprehension of, and devotion to, the principles upon which this  
 7 nation was founded and to the principles of good citizenship;

8 (4) Making them aware of, or educating them about, issues of public concern so long as the  
 9 activity or endeavor is not aimed at supporting or participating in the campaign of any candidate for  
 10 public office;

11 (5) Lessening the burdens borne by government or voluntarily supporting, augmenting, or  
 12 supplementing services which government would normally render to the people;

13 (6) Providing or supporting nonprofit community activities for youth, senior citizens, or the  
 14 disabled;

15 (7) Providing or supporting nonprofit cultural or artistic activities;

16 (8) Providing or supporting any political party executive committee; or

17 (9) Fostering national, collegiate, or international amateur sports competition.

18 "Charitable or public service organization" means a bona fide, not-for-profit, tax-exempt,

19 benevolent, educational, philanthropic, humane, patriotic, civic, religious, fraternal, or  
20 eleemosynary, incorporated or unincorporated association, or organization; or a volunteer fire  
21 department, rescue unit, or other similar volunteer community service organization or association;  
22 but does not include any nonprofit association or organization, whether incorporated or not, which  
23 is organized primarily for the purposes of influencing legislation or supporting or promoting the  
24 campaign of any single candidate for public office.

25 "Commissioner" means the State Tax Commissioner.

26 "Conduct" means to direct the actual holding of an online raffle by activities including, but  
27 not limited to, selling tickets, collecting money, drawing or arranging for the drawing of the winning  
28 numbers or names, announcing the winning numbers or names, posting the winning numbers or  
29 names, verifying winners, and awarding prizes.

30 "Expend net proceeds for charitable or public service purposes" means to devote the net  
31 proceeds of an online raffle occasion or occasions to a qualified recipient organization or as  
32 otherwise provided by this article and approved by the commissioner pursuant to §47-21A-13 of  
33 this code.

34 "Gross proceeds" means all moneys collected or received from the conduct of an online  
35 raffle held by a licensee during a license period.

36 "Institution of higher education" has the same meaning as contained in §21A-1A-21 of this  
37 code: *Provided*, That for purposes of this article an institution of higher education must have an  
38 athletic department that is governed by the National Collegiate Athletic Association (NCAA) and  
39 are designated by the NCAA as having a Division I or Division II athletics department.

40 "Institution of higher education's athletics department activity or endeavor" means any  
41 bona fide activity or endeavor which directly benefits a number of people by providing broad  
42 financial support to an institution of higher education's athletics department including all affiliated  
43 and associated nonprofit corporations or other entities, trusts, or Name Image Likeness (NIL)  
44 collectives.

45 "Licensee" means any institution of higher education, or charitable or public service  
46 organization or association granted an annual or limited occasion license pursuant to the  
47 provisions of this article.

48 "Net proceeds" means all moneys collected or received from the conduct of an online raffle  
49 or online raffles at occasions held by a licensee during a license period after payment of the online  
50 raffle expenses authorized by §47-21A-11, §47-21A-12, and §47-21A-13 of this code.

51 "Person" means any individual, association, society, incorporated or unincorporated  
52 organization, firm, partnership, or other nongovernmental entity or institution.

53 "Patron" means any individual who participates in an online raffle by purchasing an online  
54 raffle ticket other than an individual who is participating in the conduct of the online raffle.

55 "Platform provider" means any third-party entity that contracts by written agreement with a  
56 licensee to host, conduct, or otherwise administer an online raffle by using a software system, web  
57 application, method, or other process for the purpose of conducting online raffles over the Internet.

58 "Qualified recipient organization" means any bona fide, not-for-profit, tax-exempt,  
59 incorporated or unincorporated association or organization which is organized exclusively for  
60 charitable or public services activities or endeavors.

61 "Online Raffle" has the same meaning as "raffle" as defined in §47-21-2 of this code but  
62 conducted using a software system, web application, method, or other process for the purpose of  
63 conducting online raffles over the Internet.

64 "Online raffle occasion" or "occasion" means a single online session at which a series of  
65 one or more successive online raffles is conducted by a single licensee.

66 "Tax-exempt association or organization" means an association or organization which is,  
67 and has received from the Internal Revenue Service a determination letter that is currently in effect  
68 stating that the organization is, exempt from federal income taxation under subsection 501(a) and  
69 described in subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the  
70 Internal Revenue Code of 1986, as amended; or is exempt from income taxes under subsection

71 527(a) of that code.

72 "Virtually Present" means live, real-time availability by online or other electronic means and  
73 includes, but is not limited to, audio or video appearance or by an instant, live chat or messaging  
74 program.

75 For purposes of this section, volunteer fire departments and part time volunteer fire  
76 departments are hereby exempt from the obligation to use a licensed platform provider to conduct  
77 online raffles.

**§47-21A-8. Information required in application.**

1 An application for an online raffle license shall include the following information:

2 (a) The name of the applicant and the name and headquarter's address of any state or  
3 national organization of which the applicant is a local branch or lodge;

4 (b) The address and telephone number of the applicant organization, or institution of higher  
5 education, if any, and if the applicant organization has no telephone, then the address and  
6 telephone number of the person applying on behalf of the organization shall be supplied;

7 (c) For a limited occasion license, the names and addresses of two or more bona fide  
8 active members of the applicant organization who are charged with overall responsibility for the  
9 applicant's online raffle operations, at least one of whom shall be virtually present and available  
10 when the winning numbers or names are drawn, announced, posted, and verified and present  
11 when the prizes are awarded: *Provided*, That an application submitted by an institution of higher  
12 education shall contain the names and addresses of two or more employees of the institution of  
13 higher education, or two or more persons contracted by the institution of higher education who are  
14 charged with overall responsibility for the applicant's online raffle operations, at least one of whom  
15 shall be virtually present and available when the winning numbers or names are drawn,  
16 announced, posted, and verified and present when the prizes are awarded; and the names and  
17 addresses of the highest elected officer of the licensee, if any, and his or her officially appointed  
18 designee, one of whom shall be virtually present and available when the winning numbers or

19 names are drawn, announced, posted, and verified and present when the prizes are awarded; for  
20 an annual license, the names, addresses and telephone numbers of three or more bona fide active  
21 members of the applicant organization who are charged with overall responsibility for the  
22 applicant's online raffle operations, at least one of whom shall be virtually present and available  
23 when the winning numbers or names are drawn, announced, posted, and verified and present  
24 when the prizes are awarded: *Provided*, That an application submitted by an institution of higher  
25 education shall contain the names and addresses of three or more employees of the institution of  
26 higher education, or three or more persons contracted by the institution of higher education who  
27 are charged with overall responsibility for the applicant's online raffle operations, at least one of  
28 whom shall be virtually present and available when the winning numbers or names are drawn,  
29 announced, posted, and verified and present when the prizes are awarded; and the names and  
30 addresses and telephone numbers of the highest elected officer of the licensee, if any, and his or  
31 her officially appointed designee, one of whom shall be virtually present and available when the  
32 winning numbers and names are drawn, announced, posted, and verified and present when the  
33 prizes are awarded;

34 (e) The address and the location of any platform provider that manages a website software  
35 system, web application, method, or process for the purpose of collecting moneys related to the  
36 sale of online raffles, securing and safekeeping all moneys collected related to the sale of online  
37 raffle tickets, disbursing moneys collected from the sale of online raffle tickets to the licensee  
38 before or after the online raffle or online raffle occasion, and conducting licensed online raffles over  
39 the Internet. A copy of all written agreements between the licensee and the platform provider  
40 providing these services shall specifically provide a statement of all costs and fees to be incurred  
41 by the licensee for receiving these services by the platform provider. A copy of any written  
42 agreements shall be provided to the Tax Commissioner;

43 (f) Information required by the commissioner to satisfy him or her that the applicant meets  
44 the requirements of:

45 (1) Being a charitable or public service organization, or an institution of higher education as  
46 defined by this article; and

47 (2) Being in existence in this state for at least one year prior to filing an application for an  
48 online raffle license.

49 (g) Designate the date or dates and the time or times when the online raffle occasions will  
50 be held: *Provided*, That in addition to these initial disclosures of online raffle occasions an  
51 institution of higher education shall provide to the commissioner a written list of online raffle  
52 occasions that will occur each month, included in this list shall be a designation of the date or dates  
53 and the time or times when the raffle occasions will be held;

54 (h) State whether the applicant has ever had a previous application for any online raffle or  
55 raffle license refused, or whether any previous online raffle license or raffle license has been  
56 revoked or suspended;

57 (i) State the charitable or public service, or institution of higher education's athletics  
58 department's purpose, purposes, activity or endeavor for which the online raffle proceeds will be  
59 expended;

60 (j) Provide statements to the effect that the individuals specified in subdivision (c) of this  
61 section and the officers of the applicant understand:

62 (1) That it is a violation of this article to allow any persons other than those authorized by  
63 this article to conduct the online raffle;

64 (2) That they are required to file the reports and keep the records as provided by this  
65 article; and

66 (3) That it is a crime to violate the provisions of this article and that a violation of the  
67 provisions may result in suspension or revocation of the online raffle license or other raffle license  
68 and denial of applications for subsequent online raffle licenses or raffle licenses;

69 (k) Provide a sworn statement by an authorized representative of the applicant that the  
70 information contained in the application is true to the best of his or her knowledge;

71 (l) Provide a list and description of estimated expenses to be incurred in connection with  
72 the holding of the online raffle occasions and the name and address of each payee;

73 (m) A list of the names and addresses of all officers and members of the board of directors,  
74 governors or trustees, and any employees of an institution of higher education's athletics  
75 department directly involved with online raffle occasions, if any, of an applicant; and

76 (n) Any other necessary and reasonable information which the commissioner may require.

77 For purposes of this section, volunteer fire departments and part time volunteer fire  
78 departments are hereby exempt from the obligation to use a licensed platform provider to conduct  
79 online raffles.

NOTE: The purpose of this bill is to exempt volunteer fire departments and part time  
volunteer fire departments from regulations relating to the raffle and online raffle of  
vehicles.

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