WEST VIRGINIA CODE: §29-22B-503

§29-22B-503. Additional qualifications for an applicant for an operator's license.

(a) No operator's license or license renewal may be granted unless the Lottery Commission has determined that, in addition to the general requirements set forth in §29-22B-502 of this code, the applicant satisfies all of the following qualifications:

(1) The applicant has demonstrated the training, education, business ability, and experience necessary to establish, operate, and maintain the business for which the license application is made;

(2) The applicant has secured any necessary financing for the business for which the license application is made, and the financing: (A) Is from a source that meets the qualifications of this section; and (B) is adequate to support the successful performance of the duties and responsibilities of the licensee. A licensee shall request commission approval of any change in financing or leasing arrangements at least 30 days before the effective date of the change;

(3) The applicant has disclosed all financing or refinancing arrangements for the purchase, lease, or other acquisition of video lottery terminals and associated equipment in the degree of detail requested by the Lottery Commission;

(4)The applicant has filed with the Lottery Commission a copy of any current or proposed agreement between the applicant and any manufacturer for the sale, lease, or other assignment to the operator of video lottery terminals, the electronic computer components of the terminals, the random number generators of the terminals, or the cabinets in which they are housed; and

(5) The applicant does not hold any other license under this article, §19-23-1 *et seq.* of this code, §29-22-1 *et seq.* of this code, §29-22A-1 *et seq.* of this code, or §29-25-1 *et seq.* of this code, except that an applicant may also be licensed as a service technician. In addition, an applicant may also be licensed as a limited video lottery retailer: *Provided*, That a licensed operator that also is a licensed retailer may operate limited video lottery terminals as a limited video lottery retailer at no more than 10 locations: *Provided, however*, That the director may authorize the operator to operate limited video lottery terminals as a limited video lottery retailer at more than 10 locations if the applicant provides sufficient justification that such approval is necessary to sustain state revenues without a detrimental impact on public interest, further shows that a qualified retailer is unavailable and a good faith effort to identify a qualified retailer was made prior to the request, and an explanation of other relevant information supporting the request.

(b)(1) A person or a member of his or her immediate family who has an ownership interest in a business entity that submits an application for an operator's license may not: (A) Submit an application for another operator's license as an individual; (B) serve as an officer, director,

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member, or partner of a business entity that submits an application for another operator's license; or (C) have an ownership interest in any other business entity that submits an application for an operator's license.

(2) Business entities that have common owners or common officers, directors, members, or partners may not hold more than one operator's license.

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