

16101091D

**HOUSE BILL NO. 45**

Offered January 13, 2016

Prefiled November 24, 2015

A *BILL to amend and reenact §§ 6.2-1803 and 6.2-2203 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 6.2-1807.1 and 6.2-2207.1, relating to licensure of payday lending and motor vehicle title lending offices; distance from casino facilities.*

Patrons—Krizek, Kory and Simon; Senators: Ebbin and Surovell

Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 6.2-1803 and 6.2-2203 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 6.2-1807.1 and 6.2-2207.1 as follows:**

**§ 6.2-1803. Application for license; form; content; fee.**

A. An application for a license under this chapter shall be made in writing, under oath and on a form provided by the Commissioner.

B. The application shall set forth:

1. The name and address of the applicant;

2. If the applicant is a firm or partnership, the name and address of each member of the firm or partnership;

3. If the applicant is a corporation or a limited liability company, the name and address of each officer, director, registered agent, and each principal;

4. The addresses of the locations of the offices to be approved; and

5. Such other information concerning the financial responsibility, background, experience and activities of the applicant and its members, officers, directors, and principals as the Commissioner may require.

C. *The application shall be accompanied by evidence that the proposed location of the office for which approval is sought is not within 20 miles of a casino facility as defined in subsection A of § 6.2-1807.1.*

D. The application shall be accompanied by payment of an application fee of \$500.

~~E.~~ E. The application fee shall not be refundable in any event. The fee shall not be abated by surrender, suspension, or revocation of the license.

**§ 6.2-1807.1. Condition for licensure of certain offices; distance from casino facility.**

A. *As used in this section, unless the context requires a different meaning:*

*"Casino facility" means an establishment that (i) is licensed under the laws of any state or any political subdivision of any state to conduct, operate, or engage in casino gaming or (ii) is an Indian gaming operation conducted under or pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq.*

*"Casino gaming" means any type of slot machine or table game wagering, using money, casino credit, or any representative of value.*

*"Slot machine" means any mechanical, electrical, or other device or machine that, upon insertion of a coin, token, ticket, or similar object, or upon payment of any consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, makes individual prize determinations for individual participants in cash, premiums, merchandise, tokens, or any thing of value, whether the payoff is made automatically from the machine or in any other manner.*

*"Table game" means any game played with cards, dice, or any mechanical, electromechanical, or electronic device or machine for money, casino credit, or any representative of value. "Table game" does not include slot machines.*

B. *The Commission shall not issue to an applicant a license under this chapter if the location of the office for which the license is sought is within 20 miles of any casino facility.*

C. *The distance requirement set forth in this section shall be measured in a straight line, without regard to roadways or intervening structures, from the main entrance of each such facility.*

D. *A license issued prior to July 1, 2016, by the Commission under this chapter with respect to an office that on such date is within 20 miles of a casino facility shall not be subject to revocation or suspension on account of such fact. A licensee that falls within the exception established by this subsection shall, however, be required to comply with the provisions of this section for purposes of relocating an existing office or obtaining a license for a new office.*

59 *E. The opening after July 1, 2016, of a casino facility within 20 miles of a previously approved*  
60 *office at which a licensee is licensed to conduct business under this chapter shall not constitute grounds*  
61 *for revocation or suspension of the license. A licensee that falls within the exception established by this*  
62 *subsection shall, however, be required to comply with the provisions of this section for purposes of*  
63 *relocating an existing office or obtaining a license for a new office.*

64 **§ 6.2-2203. Application for license; form; content; fee.**

65 A. An application for a license under this chapter shall be made in writing, under oath, and on a  
66 form provided by the Commissioner.

67 B. The application shall set forth:

68 1. The name and address of the applicant and (i) if the applicant is a partnership, firm, or  
69 association, the name and address of each partner or member; (ii) if the applicant is a corporation or  
70 limited liability company, the name and address of each director, member, registered agent, and  
71 principal; or (iii) if the applicant is a business trust, the name and address of each trustee and  
72 beneficiary;

73 2. The addresses of the locations of the business to be licensed; and

74 3. Such other information concerning the financial responsibility, background, experience, and  
75 activities of the applicant and its members, officers, directors, and principals as the Commissioner may  
76 require.

77 C. *The application shall be accompanied by evidence that the proposed location of the office for*  
78 *which approval is sought is not located within 20 miles of a casino facility as defined in subsection A of*  
79 *§ 6.2-2207.1.*

80 D. The application shall be accompanied by payment of an application fee of \$500.

81 ~~D.~~ E. The application fee shall not be refundable in any event. The fee shall not be abated by  
82 surrender, suspension, or revocation of the license.

83 **§ 6.2-2207.1. Condition for licensure of certain offices; distance from casino facility.**

84 A. As used in this section, unless the context requires a different meaning:

85 "Casino facility" means an establishment that (i) is licensed under the laws of any state or any  
86 political subdivision of any state to conduct, operate, or engage in casino gaming or (ii) is an Indian  
87 gaming operation conducted under or pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. § 2701  
88 et seq.

89 "Casino gaming" means any type of slot machine or table game wagering, using money, casino  
90 credit, or any representative of value.

91 "Slot machine" means any mechanical, electrical, or other device or machine that, upon insertion of  
92 a coin, token, ticket, or similar object, or upon payment of any consideration, is available to play or  
93 operate, the play or operation of which, whether by reason of the skill of the operator or application of  
94 the element of chance, or both, makes individual prize determinations for individual participants in cash,  
95 premiums, merchandise, tokens, or any thing of value, whether the payoff is made automatically from  
96 the machine or in any other manner.

97 "Table game" means any game played with cards, dice, or any mechanical, electromechanical, or  
98 electronic device or machine for money, casino credit, or any representative of value. "Table game"  
99 does not include slot machines.

100 B. The Commission shall not issue to an applicant a license under this chapter if the location of the  
101 office for which the license is sought is within 20 miles of any casino facility.

102 C. The distance requirement set forth in this section shall be measured in a straight line, without  
103 regard to roadways or intervening structures, from the main entrance of each such facility.

104 D. A license issued prior to July 1, 2016, by the Commission under this chapter with respect to an  
105 office that on such date is within 20 miles of a casino facility shall not be subject to revocation or  
106 suspension on account of such fact. A licensee that falls within the exception established by this  
107 subsection shall, however, be required to comply with the provisions of this section for purposes of  
108 relocating an existing office or obtaining a license for a new office.

109 E. *The opening after July 1, 2016, of a casino facility within 20 miles of a previously approved*  
110 *office at which a licensee is licensed to conduct business under this chapter shall not constitute grounds*  
111 *for revocation or suspension of the license. A licensee that falls within the exception established by this*  
112 *subsection shall, however, be required to comply with the provisions of this section for purposes of*  
113 *relocating an existing office or obtaining a license for a new office.*