

2018 Regular Session

SENATE BILL NO. 184

BY SENATOR MARTINY

VIDEO POKER. Provides relative to video poker. (8/1/18)

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AN ACT

To amend and reenact R.S. 27:402(17) and (18), 405(C)(2), (3), and (4), 416(A), (C), and (D)(1) and (2), 417(A)(2) and (3), and 418(A), to enact R.S. 27:417(A)(6)(h), and to repeal R.S. 27:421, relative to the Video Draw Poker Devices Control Law; to provide for the method of operation of video draw poker devices; to provide for qualified truck stops; to provide for fuel sales of qualified truck stops; to provide for qualified truck stop amenities; to provide for leasing or subleasing of certain business operations by qualified truck stop facilities; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:402(17) and (18), 405(C)(2), (3), and (4), 416(A), (C), and (D)(1) and (2), 417(A)(2) and (3), and 418(A) are hereby amended and reenacted and R.S. 27:417(A)(6)(h) is hereby enacted to read as follows:

§402. Definitions

As used in this Chapter, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

* * *

* * *

§416. Qualified truck stop facilities; number of devices; fuel sales

A. A person owning or leasing a qualified truck stop facility may be granted a license for the placement of not more than fifty video draw poker devices in his facility based on the fuel sales as provided in Subsection C of this Section, in an area separated for adult patronage only, if all other requirements of this Chapter are met. There shall be only one license granted for the operation of video draw poker devices at each qualified truck stop facility.

* * *

~~C.(1) Except as provided in R.S. 27:421 and Paragraph (2) of this Subsection, the number of video draw poker devices placed at a qualified truck stop facility shall be based on the average monthly fuel sales calculated quarterly, using four sets of three calendar months, for the first year of operation and thereafter shall be based upon the average monthly fuel sales calculated annually, using a calendar year, as follows:~~

~~(a) One hundred thousand gallons of fuel - not more than fifty devices.~~

~~(b) Seventy-five thousand gallons of fuel - not more than forty devices.~~

~~(c) Fifty thousand gallons of fuel - not more than thirty-five devices.~~

~~(2) In addition to the requirements in Paragraph (1) of this Subsection, a qualified truck stop facility, except a qualified truck stop facility located within a radius of twelve miles or less from the location of the official gaming establishment in Orleans Parish, which complies or has complied with one of the fuel sales requirements of Paragraph (1) of this Subsection for five consecutive years shall thereafter be permitted to retain the number of devices it operated during that same consecutive five-year period provided it continues to meet the fuel sales requirement set forth in Subparagraph (1)(c) of this Subsection.~~

~~(3) The board may adopt rules to recognize alternative fuel sources to satisfy the requirements regarding fuel sales provided by this Chapter.~~

~~D.(1) The **A qualified truck stop facility must have a** fuel facility shall~~

1 ~~offer **that offers**~~, in the regular course of business, fuel sales for individual vehicle
2 consumption. **The board may adopt rules to recognize alternative fuel sources**
3 **to satisfy the requirement regarding fuel sales provided by this Chapter.**

4 (2) ~~Bulk sales or transfers shall not be used to calculate monthly averages.~~ All
5 fuel sales must correspond to state-accepted daily sales reports which correspond to
6 monthly state sales tax reports and shall be verified by fuel tickets from the truck
7 stop facility.

8 * * *

9 §417. Qualified truck stop criteria; amenities

10 A. As used in this Chapter, a qualified truck stop facility shall mean a facility
11 covering at least five developed contiguous acres which sells fuel, lubricating oil,
12 and other vehicular merchandise, such as batteries, tires, or vehicle parts for
13 eighteen-wheel tractor-trailers, and which also meets all of the following criteria:

14 * * *

15 (2) It must have an ~~onsite~~ **on-site** restaurant, except for reason of force
16 majeure affecting the ability to maintain the on-site restaurant, ~~for a reasonable~~
17 ~~period of time as determined by the division following the interruption of such~~
18 ~~ability, which for the purposes of qualifying as a~~ **A** qualified truck stop facility, shall
19 be required to have only the following features:

20 (a) Provides seating for at least fifty patrons, with all seats located within a
21 centralized area.

22 (b) ~~Is open at least twelve hours a day.~~

23 (c) Offers a varied menu.

24 ~~(d)~~**(c)** Operates a fully equipped kitchen which includes but is not limited to
25 a range, or an oven, and refrigerated storage appliances used for the preparation of
26 foods for on-premises or immediate consumption.

27 ~~(e)~~**(d)** In Orleans Parish, qualified truck stop facility restaurants shall provide
28 full table service for sit-down meals.

29 (3) It must have parking areas with each of the following:

1 (a) A stable parking area for at least fifty eighteen-wheel tractor-trailer motor
 2 vehicles, either paved or concrete, to support eighteen-wheel tractor-trailer motor
 3 vehicles and their loads, constructed according to industry specifications, ~~subject to~~
 4 ~~approval by the division~~, except for reason of force majeure affecting the ability to
 5 maintain the stable parking area for a reasonable period of time as determined by the
 6 division following the interruption of such ability. All other parking areas not paved
 7 or concrete must be certified by an authorized company and proof provided that
 8 compaction tests were conducted, ~~subject to approval by the division.~~

9 (b) Parking of sufficient size is allowed for safe ingress and egress.

10 ~~(c) Parking areas for other vehicles around business entrance ways and exits~~
 11 ~~shall not constitute parking areas for eighteen-wheel tractor-trailer motor vehicles.~~

12 * * *

13 (6) It must have at least four of the following amenities, except for reason of
 14 force majeure affecting the ability to maintain the amenities for a reasonable period
 15 of time, as determined by the division following the interruption of such ability:

16 * * *

17 **(h) A restaurant.**

18 * * *

19 §418. Leasing or subleasing restaurant and convenience stores at qualified truck
 20 stops; holiday operation

21 A. An owner or lessor of a qualified truck stop facility may lease or sublease
 22 any restaurant, convenience store, fuel facility, ~~or any other~~ business operation,
 23 **parking area, or any portion** ~~located on the premises~~ of the qualified truck stop
 24 facility **property** to another person, provided that such person executes a written
 25 lease which contains a requirement that the lessee or sublessee comply with the laws
 26 and regulations which govern the operation of video draw poker devices. If such
 27 lease or sublease is granted, the owner or lessor of such qualified truck stop facility
 28 shall maintain ultimate supervision and control of his entire truck stop premise. No
 29 such lessee or sublessee shall be required to meet suitability requirements unless he

1 receives, as a result of the lease, any video draw poker device operation revenue or
 2 unless he exercises some management or control over video draw poker devices.
 3 Any violation of the laws and regulations which govern the operation of video draw
 4 poker devices by such lessee or sublessee shall be considered a violation by the
 5 licensee.

6 * * *

7 Section 2. R.S. 27:421 is hereby repealed in its entirety.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Ashley Menou.

DIGEST

SB 184 Original

2018 Regular Session

Martiny

Present law excludes video line up games, mechanical reel games, or any combination thereof from the definition of "video draw poker device".

Proposed law deletes the exclusion of video line up games, mechanical reel games, or any combination thereof from the definition of "video draw poker device".

Present law defines "video draw poker" as any card game approved by the division that utilizes one deck of cards per hand with multiple hands permitted per game.

Proposed law defines "video draw poker" as any card game approved by the division.

Present law provides for the method of operation of each video draw poker device offering the game of draw poker. Provides that it shall utilize a single deck of cards and allows for up to two jokers.

Proposed law provides for the use of more than one deck of cards in the operation of video poker devices and otherwise retains present law.

Present law provides that a qualified truck stop facility may be granted a license for the placement of up to 50 video draw poker devices in his facility based on the fuel sales of the qualified truck stop.

Present law provides that the number of video draw poker devices placed at a qualified truck stop shall be based on the average monthly fuel sales.

Proposed law deletes present law and provides that a qualified truck stop facility must have a fuel facility that offer fuel sales for individual vehicle consumption and comply with provisions of present law to be granted a license for the placement of video draw poker devices in the facility.

Proposed law provides that the board may adopt rules to recognize alternative fuel sources to satisfy the fuel sale requirement.

Present law provides that, among other requirements, a qualified truck stop facility must have on-site restaurant and parking areas that meet certain criteria.

Proposed law deletes present law requirement that a qualified truck stop facility restaurant

remain open for 12 hours a day and otherwise retains present law.

Proposed law provides that a qualified truck stop facility must have a stable parking area for at least 50 eighteen-wheel tractor-trailer motor vehicles, either paved or concrete, to support eighteen-wheel tractor-trailer motor vehicles and their loads, constructed according to industry specifications.

Proposed law provides that a qualified truck stop facility must have parking of sufficient size to allow for safe ingress and egress.

Present law provides that a qualified truck stop facility must have at least four of seven enumerated amenities.

Proposed law adds "a restaurant" to the list of amenity options and otherwise retains present law.

Present law allows an owner or lessor of a qualified truck stop facility to lease or sublease any restaurant, convenience store, fuel facility, or any other business operation located on the premises of the qualified truck stop facility.

Proposed law provides that an owner or lessor of a qualified truck stop facility may lease or sublease any parking area or portion of the property located on the premises of the qualified truck stop facility and otherwise retains present law.

Present law provides special provisions for the temporary placement of 25 video draw poker devices for new licensees for one year until average monthly fuel sales can be determined.

Proposed law deletes present law.

Effective August 1, 2018.

(Amends R.S. 27:402(17) and (18), 405(C)(2), (3), and (4), 416(A), (C), and (D)(1) and (2), 417(A)(2) and (3), and 418(A); adds R.S. 27:417(A)(6)(h); repeals R.S. 27:421)