

2018 Regular Session

HOUSE BILL NO. 592

BY REPRESENTATIVE TALBOT

GAMBLING/VIDEO POKER: Provides relative to the regulations for and authority of owners or lessors of a qualified truck stop facility

1 AN ACT

2 To amend and reenact R.S. 27:417(A)(2) and (3) and 418(A), relative to the Video Draw
3 Poker Devices Control Law; to provide relative to the required criteria for a qualified
4 truck stop facility; to provide relative to restaurants and parking lots on the premises
5 of qualified truck stop facilities; to provide relative to the authority of the owner or
6 lessor of a qualified truck stop facility to lease or sublease certain operations on the
7 premises of a qualified truck stop facility; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 27:417(A)(2) and (3) and 418(A) are hereby amended and reenacted
10 to read as follows:

11 §417. Qualified truck stop criteria; amenities

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

16 * * *

17 (2) It must have an onsite restaurant, except for reason of force majeure
18 affecting the ability to maintain the on-site restaurant ~~for a reasonable period of time~~
19 ~~as determined by the division following the interruption of such ability, which for~~

1 ~~the purposes of qualifying as a qualified truck stop facility, and~~ shall be required to
2 have only the following features:

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

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

6 (c) Offers a varied menu.

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

10 (e) In Orleans Parish, qualified truck stop facility restaurants shall provide
11 full table service for sit-down meals.

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

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

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

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

24 * * *

25 §418. Leasing or subleasing ~~restaurant and convenience stores~~ of amenities at
26 qualified truck stops; holiday operation

27 A. An owner or lessor of a qualified truck stop facility may lease or sublease
28 any restaurant, convenience store, fuel facility, or any other business operation,
29 parking area, or any portion of the property located on the premises of the qualified

1 truck stop facility to another person, provided that such person executes a written
 2 lease which contains a requirement that the lessee or sublessee comply with the laws
 3 and regulations which govern the operation of video draw poker devices. If such
 4 lease or sublease is granted, the owner or lessor of such qualified truck stop facility
 5 shall maintain ultimate supervision and control of his entire truck stop premise. No
 6 such lessee or sublessee shall be required to meet suitability requirements unless he
 7 receives, as a result of the lease, any video draw poker device operation revenue or
 8 unless he exercises some management or control over video draw poker devices.
 9 Any violation of the laws and regulations which govern the operation of video draw
 10 poker devices by such lessee or sublessee shall be considered a violation by the
 11 licensee.

12 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 592 Engrossed 2018 Regular Session Talbot

Abstract: Provides relative to the criteria for restaurants and parking lots at a qualified truck stop facility and the authority of the owner or lessor of the facility to lease or sublease certain portions of the premises of a qualified truck stop facility.

Present law requires a qualified truck stop facility under the Video Draw Poker Devices Control Law to meet certain requirements including the requirement that it have an onsite restaurant and provides an exception to this requirement for reasons of force majeure which affect the ability to maintain the on-site restaurant for a reasonable period of time as determined by the division in the office of state police which provides investigatory, regulatory, and enforcement service to the board in the implementation, administration, and enforcement.

Proposed law amends present law to remove the determination by the office of state police as to the reasonableness of the duration of being unable to maintain the on-site restaurant because of reasons of force majeure.

For purposes of qualifying as a qualified truck stop facility, present law requires the restaurant to have the following features:

- (1) Provides seating for at least 50 patrons, with all seats located within a centralized area.
- (2) Is open at least 12 hours a day.
- (3) Offers a varied menu.

- (4) Operates a fully equipped kitchen including but not limited to a range, or an oven, and refrigerated storage appliances used for the preparation of foods for on-premises or immediate consumption.
- (5) In Orleans Parish, qualified truck stop facility restaurants shall provide full table service for sit-down meals.

Proposed law decreases the number of hours the restaurant at a qualified truck stop facility is required to be open from 12 hours a day to six hours a day, and otherwise retains present law.

Present law requires a qualified truck stop facility under the Video Draw Poker Devices Control Law to have parking areas with each of the following:

- (1) 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, except for reason of force majeure affecting the ability to maintain the stable parking area for a reasonable period of time as determined by the division following the interruption of such ability. Further requires all other parking areas not paved or concrete to be certified by an authorized company and proof provided that compaction tests were conducted, subject to approval by the division.
- (2) Parking of sufficient size is allowed for safe ingress and egress.
- (3) Parking areas for other vehicles around business entrance ways and exits shall not constitute parking areas for eighteen-wheel tractor-trailer motor vehicles.

Proposed law amends present law relative to such parking areas to remove the requirement that the parking lots be subject to the approval by the gaming division of state police. In addition, proposed law removes the present law provision which provided that parking areas for other vehicles around business entrance ways and exits shall not constitute parking areas for eighteen-wheel tractor-trailer motor vehicles.

Present law authorizes the 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 to another person, provided that such person executes a written lease which contains a requirement that the lessee or sublessee comply with the laws and regulations which govern the operation of video draw poker devices.

Proposed law retains present law but extends the owner or lessor's authority and allows the owner or lessor to lease or sublease a parking area or any portion of the property located on the premises of the qualified truck stop facility.

(Amends R.S. 27:417(A)(2) and (3) and 418(A))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Restore the present law provision which requires the restaurant at a qualified truck stop facility to be open for a certain number of hours, but decreases the number of hours the restaurant is required to be open from 12 to six.