

2018 Regular Session

HOUSE BILL NO. 464

BY REPRESENTATIVE BISHOP

GAMBLING/VIDEO POKER: Amends regulations on restaurants, parking lots, and fuel sales at qualified truck stop facilities and requirements for video poker games on video draw poker devices

1 AN ACT

2 To amend and reenact R.S. 27:402(17) and (18), 405(C)(2), (3), and (4), 416(C) and (D),

3 417(A)(2) and (3), and 418(A), relative to the Video Draw Poker Devices Control

4 Law; to amend the definitions of "video draw poker device" and "video draw poker";

5 to provide relative to the requirements for the card games offered on a video draw

6 poker device; to provide relative to qualified truck stop facilities; to provide relative

7 to fuel sales requirements for qualified truck stop facilities to retain video draw poker

8 devices; to provide relative to fuel sales requirements for qualified truck stop

9 facilities who operate such facility for over ten years; to provide relative to the

10 required criteria for a qualified truck stop facility; to provide relative to restaurants

11 and parking lots on the premises of qualified truck stop facilities; to provide relative

12 to the authority of the owner or lessor of a qualified truck stop facility to lease or

13 sublease certain operations on the premises of a qualified truck stop facility; and to

14 provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 27:402(17) and (18), 405(C)(2), (3), and (4), 416(C) and (D),

17 417(A)(2) and (3), and 418(A) are hereby amended and reenacted to read as follows:

1 §402. Definitions

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

4 \* \* \*

5 (17) "Video draw poker device" means any unit, mechanism, or device  
6 authorized pursuant to the provisions of this Chapter, that, upon insertion of a ticket  
7 voucher or cash, is available to play or simulate the play of the game of draw poker,  
8 or other card games approved by the division utilizing a video display and  
9 microprocessors in which the player may win games or credits that can be redeemed  
10 for cash only. The term does not include a device that directly dispenses coins, cash,  
11 tokens, or any thing else of value, except the ticket voucher required in accordance  
12 with the provisions of this Chapter. The term does not include any device authorized  
13 to be used in the conducting of charitable gaming. The term does not include ~~video~~  
14 ~~line up games, mechanical reel games, or any combination thereof,~~ or any slot  
15 machine as defined in R.S. 27:353.

16 (18) "Video draw poker" means any card game approved by the division ~~that~~  
17 ~~utilizes one deck of cards per hand with multiple hands permitted per game.~~

18 \* \* \*

19 §405. Description and specifications of devices

20 \* \* \*

21 C. Each video draw poker device shall offer the game of draw poker or such  
22 other card games as are approved by the division and have the following method of  
23 operation:

24 \* \* \*

25 (2) The card games must utilize ~~a deck~~ decks of cards consisting of fifty-two  
26 standard playing cards, and up to two jokers may also be used. The ~~deck~~ decks must  
27 be shuffled by use of a random number generator to exchange each card in the ~~deck~~  
28 decks with another randomly selected card.

1 (3) After shuffling, a required number of cards must be dealt from the top of  
2 the ~~deck~~ decks.

3 (4) Any discarded cards must be replaced by remaining cards in the ~~deck~~  
4 decks, starting with the next subsequent card and using the cards in the order of the  
5 ~~deck~~ decks.

6 \* \* \*

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

8 \* \* \*

9 C.(1) A qualified truck stop facility shall have a fuel facility that offers, in  
10 the regular course of business, fuel sales for individual vehicle consumption. The  
11 board may adopt rules to recognize alternative fuel sources to satisfy the requirement  
12 regarding fuel sales provided by this Chapter.

13 (2) Except as provided in R.S. 27:421 and Paragraph ~~(2)~~ (3) of this  
14 Subsection, the number of video draw poker devices placed at a qualified truck stop  
15 facility shall be based on the average monthly fuel sales calculated quarterly, using  
16 four sets of three calendar months, for the first year of operation and thereafter shall  
17 be based upon the average monthly fuel sales calculated annually, using a calendar  
18 year, as follows:

- 19 (a) One hundred thousand gallons of fuel - not more than fifty devices.
- 20 (b) Seventy-five thousand gallons of fuel - not more than forty devices.
- 21 (c) Fifty thousand gallons of fuel - not more than thirty-five devices.

22 ~~(2)(3)(a)~~ In addition to the requirements in Paragraph (1) of this Subsection,  
23 a A qualified truck stop facility, except a qualified truck stop facility located within  
24 a radius of twelve miles or less from the location of the official gaming  
25 establishment in Orleans Parish, ~~which~~ that complies or has complied with one of the  
26 fuel sales requirements of Paragraph ~~(1)~~ (2) of this Subsection for five consecutive  
27 years shall thereafter be permitted to retain the number of devices it operated during  
28 that same consecutive five-year period provided it continues to meet the fuel sales  
29 requirement set forth in Subparagraph ~~(1)(c)~~ (2)(c) of this Subsection.

1           (b) After ten years of operation as a qualified truck stop facility, such facility  
2           shall thereafter be permitted to retain the number of devices for which the facility  
3           qualified in the prior calendar year of operation without having to meet the fuel sales  
4           requirements necessary to retain that number of devices as set forth in Paragraph (2)  
5           of this Subsection. However, such qualified truck stop facility is required to comply  
6           with the provisions of Paragraph (1) of this Subsection.

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

9           D.(1) ~~The fuel facility shall offer, in the regular course of business, fuel sales~~  
10          ~~for individual vehicle consumption.~~

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

15          ~~(3)~~(2) To be considered a fuel facility at a qualified truck stop facility for the  
16          purpose of licensing that qualified truck stop to operate video draw poker devices,  
17          the fuel facility shall not be subject to the fuel sales requirements provided for in  
18          Subpart E of Part VIII of Chapter 1 of Title 51 of the Louisiana Revised Statutes of  
19          1950, comprised of R.S. 51:421 through 427, and the requirements of Chapter 13 of  
20          Title 51 of the Louisiana Revised Statutes of 1950.

21          ~~(4)~~(3) The provisions of this Subsection provide for the fuel sales  
22          requirements for the purpose of licensing criteria for the operation of video draw  
23          poker devices at a qualified truck stop facility.

24          ~~(5)~~(4) The provisions of this Subsection shall not be construed to repeal,  
25          limit, or supercede any requirements for the sale of fuel by fuel facilities as otherwise  
26          provided for by law.

27          ~~(6)~~(5) The provisions of this Subsection shall not be construed to repeal,  
28          limit, or supercede the authority of the office of the attorney general to enforce the  
29          Unfair Trade Practices or Consumer Protection Law or the authority of any district

1 attorney to prosecute violations of Subpart E of Part VIII of Chapter 1 of Title 51 of  
2 the Louisiana Revised Statutes of 1950, comprised of R.S. 51:421 through 427.

3 §417. Qualified truck stop criteria; amenities

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

8 \* \* \*

9 (2) It must have an onsite restaurant, except for reason of force majeure  
10 affecting the ability to maintain the on-site restaurant ~~for a reasonable period of time~~  
11 ~~as determined by the division following the interruption of such ability, which for~~  
12 ~~the purposes of qualifying as a qualified truck stop facility, and~~ shall be required to  
13 have only the following features:

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

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

17 ~~(c)~~(b) Offers a varied menu.

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

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

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

24 (a) A stable parking area for at least fifty eighteen-wheel tractor-trailer motor  
25 vehicles, either paved or concrete, to support eighteen-wheel tractor-trailer motor  
26 vehicles and their loads, constructed according to industry specifications, ~~subject to~~  
27 ~~approval by the division,~~ except for reason of force majeure affecting the ability to  
28 maintain the ~~stable~~ parking area for a reasonable period of time as determined by the  
29 division following the interruption of such ability. All other parking areas not paved



Present law provides for the Video Draw Poker Devices Control Law which provides for the licensing and regulation of video draw poker devices. For these purposes, present law does all of the following:

- (1) Defines "video draw poker device" as any authorized unit, mechanism, or device that, upon insertion of a ticket voucher or cash, is available to play or simulate the play of the game of draw poker, or other card games approved by the division utilizing a video display and microprocessors in which the player may win games or credits that can be redeemed for cash only. Further provides that the term does not include video line up games, mechanical reel games, or any combination thereof, or any slot machine as defined by present law (R.S. 27:353).

In this regard, proposed law amends present law to remove the provision that excludes video line up games, mechanical reel games, or any combination thereof from the definition of "video draw poker device".

- (2) 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. Further provides that each video draw poker device shall offer the game of draw poker or such other card games as are approved by the division and have certain methods of operation including a limitation that only one deck of cards be used.

In this regard, proposed law amends present law to authorize the use of more than one deck of cards per hand with multiple hands per game and to provide that the card games offered on video draw poker devices may utilize multiple decks.

- (3) Requires a qualified truck stop facility to have a fuel facility that shall offer, in the regular course of business, fuel sales for individual vehicle consumption. Further provides that a person owning or leasing a qualified truck stop facility may be granted a license for the placement of not more than 50 video draw poker devices in his facility based on the amount of fuel sales.

In this regard, proposed law amend present law to provide that after ten years of operation as a qualified truck stop facility, such facility shall thereafter be permitted to retain the number of devices for which the facility qualified in the prior calendar year of operation without having to meet the fuel sales requirements necessary to retain that number of devices as set forth in present law. However, such qualified truck stop facility is required to comply with the provisions of present law which requires all qualified truck stop facilities to have a fuel facility that shall offer, in the regular course of business, fuel sales for individual vehicle consumption.

- (4) Requires a qualified truck stop facility 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.

In this regard, proposed law removes 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.

- (5) Requires the restaurant at a qualified truck stop facility to have certain features including the requirement that the restaurant be open at least 12 hours a day.

In this regard, proposed law removes the requirement that the qualified truck stop facility restaurant be open at least 12 hours a day and otherwise retains present law.

- (6) Requires a qualified truck stop facility to have parking areas with a stable parking area for at least 50 eighteen-wheel tractor-trailer motor vehicles, either paved or concrete, and provides that parking areas for other vehicles around business entrance ways and exits shall not constitute parking areas for eighteen-wheel tractor-trailer motor vehicles. 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.

In this regard, proposed law removes 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.

- (7) 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.

In this regard, proposed law 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. 27:402(17) and (18), 405(C)(2), (3), and (4), 416(C) and (D), 417(A)(2) and (3), and 418(A))