

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 hours a day.~~

6 ~~(e)~~(b) Offers a varied menu.

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

10 ~~(e)~~(d) 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

- (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 removes the requirement that the qualified truck stop facility restaurant be open at least 12 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))