

2018 Regular Session

SENATE BILL NO. 230

BY SENATOR MORRELL

VIDEO POKER. Provides relative to qualified truck stop facility amenities. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 27:417(A)(2) and (3) and 418(A), and to enact R.S.
3 27:417(A)(6)(h), relative to the Video Draw Poker Devices Control Law; to provide
4 for qualified truck stop facilities; to provide for qualified truck stop amenities; to
5 provide for leasing or subleasing of certain business operations by qualified truck
6 stop facilities; to provide for definitions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 27:417(A)(2) and (3) and 418(A) are hereby amended and reenacted
9 and R.S. 27:417(A)(6)(h) is hereby enacted to read as follows:

10 §417. Qualified truck stop criteria; amenities

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

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16 (2) It must have an ~~onsite~~ **on-site** restaurant, except for reason of force
17 majeure affecting the ability to maintain the on-site restaurant, ~~for a reasonable~~

1 ~~period of time as determined by the division following the interruption of such~~
2 ~~ability, which for the purposes of qualifying as a A qualified truck stop facility;~~
3 **restaurant** shall be required to have only the following features:

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

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

7 ~~(c)~~ Offers a varied menu.

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

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

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

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

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

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

25 * * *

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

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(h) A restaurant.

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

A. An owner or lessor of a qualified truck stop facility may lease or sublease any restaurant, convenience store, fuel facility, ~~or any other business operation,~~ **parking area, or any portion** ~~located on the premises~~ of the qualified truck stop facility **property** 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. If such lease or sublease is granted, the owner or lessor of such qualified truck stop facility shall maintain ultimate supervision and control of his entire truck stop premise. No such lessee or sublessee shall be required to meet suitability requirements unless he receives, as a result of the lease, any video draw poker device operation revenue or unless he exercises some management or control over video draw poker devices. Any violation of the laws and regulations which govern the operation of video draw poker devices by such lessee or sublessee shall be considered a violation by the licensee.

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

DIGEST

SB 230 Engrossed 2018 Regular Session Morrell

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.

Effective August 1, 2018.

(Amends R.S. 27:417(A)(2) and (3) and 418(A); adds R.S. 27:417(A)(6)(h))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Clarifies that the required features in proposed law apply to qualified truck stop facility restaurants.