SLS 18RS-443

ENGROSSED

2018 Regular Session

SENATE BILL NO. 184

BY SENATOR MARTINY

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

1	AN ACT
2	To amend and reenact R.S. 27:402(17), 405(A)(6) and (C)(2), (3), and (4), 416(C) and (D),
3	417(A)(2) and (3), and 418(A), to enact R.S. 27:417(A)(6)(h), relative to the Video
4	Draw Poker Devices Control Law; to provide for the method of operation of video
5	draw poker devices; to provide for qualified truck stops; to provide for fuel sales of
6	qualified truck stops; to provide for qualified truck stop amenities; to provide for
7	leasing or subleasing of certain business operations by qualified truck stop facilities;
8	to provide for definitions; and to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 27:402(17), 405(A)(6) and (C)(2), (3), and (4), 416(C) and (D),
11	417(A)(2) and (3) , and $418(A)$ are hereby amended and reenacted and R.S. $27:417(A)(6)(h)$
12	is hereby enacted to read as follows:
13	§402. Definitions
14	As used in this Chapter, the following words and phrases shall have the
15	following meanings unless the context clearly indicates otherwise:
16	* * *
17	(17) "Video draw poker device" means any unit, mechanism, or device

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1	authorized pursuant to the provisions of this Chapter, that, upon insertion of a ticket
2	voucher or cash, is available to play or simulate the play of the game of draw poker,
3	or other card games approved by the division utilizing a video display and
4	microprocessors in which the player may win games or credits that can be redeemed
5	for cash only. The term does not include a device that directly dispenses coins, cash,
6	tokens, or any thing else of value, except the ticket voucher required in accordance
7	with the provisions of this Chapter. The term does not include any device authorized
8	to be used in the conducting of charitable gaming. The term does not include video
9	line up games, mechanical reel games, or any combination thereof, or any slot
10	machine as defined in R.S. 27:353.
11	* * *
12	§405. Description and specifications of devices
13	A. Each video draw poker device shall:
14	* * *
15	(6) For card games, use a display with images of cards that closely resemble
16	standard poker playing cards. Additional displays that are only for entertainment
17	purposes are permitted.
18	* * *
19	C. Each video draw poker device shall offer the game of draw poker or such
20	other card games as are approved by the division and have the following method of
21	operation:
22	* * *
23	(2) The card games must utilize a deck or decks of cards consisting of
24	fifty-two standard playing cards, and up to two jokers may also be used. The deck
25	or decks must be shuffled by use of a random number generator to exchange each
26	card in the deck or decks with another randomly selected card.
27	(3) After shuffling, a required number of cards must be dealt from the top of
28	the deck <u>or decks</u> .
29	(4) Any discarded cards must be replaced by remaining cards in the deck <u>or</u>

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1	decks, starting with the next subsequent card and using the cards in the order of the
2	deck <u>or decks</u> .
3	* * *
4	§416. Qualified truck stop facilities; number of devices; fuel sales
5	* * *
6	C.(1) A qualified truck stop facility shall have a fuel facility that offers,
7	in the regular course of business, fuel sales for individual vehicle consumption.
8	The board may adopt rules to recognize alternative fuel sources to satisfy the
9	requirement regarding fuel sales provided by this Chapter.
10	(2) Except as provided in R.S. 27:421 and Paragraph $(2)(3)$ of this
11	Subsection, the number of video draw poker devices placed at a qualified truck stop
12	facility shall be based on the average monthly fuel sales calculated quarterly, using
13	four sets of three calendar months, for the first year of operation and thereafter shall
14	be based upon the average monthly fuel sales calculated annually, using a calendar
15	year, as follows:
16	(a) One hundred thousand gallons of fuel - not more than fifty devices.
17	(b) Seventy-five thousand gallons of fuel - not more than forty devices.
18	(c) Fifty thousand gallons of fuel - not more than thirty-five devices.
19	(2)(3)(a) In addition to the requirements in Paragraph (1) of this Subsection,
20	$\frac{1}{2}$ A qualified truck stop facility, except a qualified truck stop facility located within
21	a radius of twelve miles or less from the location of the official gaming
22	establishment in Orleans Parish, which that complies or has complied with one of
23	the fuel sales requirements of Paragraph (1)(2) of this Subsection for five
24	consecutive years shall thereafter be permitted to retain the number of devices it
25	operated during that same consecutive five-year period provided it continues to meet
26	the fuel sales requirement set forth in Subparagraph (1)(c) (2)(c) of this Subsection.
27	(b) After ten years of operation as a qualified truck stop facility, the
28	facility shall thereafter be permitted to retain the number of devices for which
29	the facility qualified in the prior calendar year of operation without having to

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1	meet the fuel sales requirements necessary to retain that number of devices as
2	set forth in Paragraph (2) of this Subsection. However, such qualified truck stop
3	facility shall be required to comply with the provisions of Paragraph (1) of this
4	Subsection.
5	(3) The board may adopt rules to recognize alternative fuel sources to satisfy
6	the requirements regarding fuel sales provided by this Chapter.
7	D.(1) The fuel facility shall offer, in the regular course of business, fuel sales
8	for individual vehicle consumption.
9	(2) Bulk sales or transfers shall not be used to calculate monthly averages. All
10	fuel sales must correspond to state-accepted daily sales reports which correspond to
11	monthly state sales tax reports and shall be verified by fuel tickets from the truck
12	stop facility.
13	(3)(2) To be considered a fuel facility at a qualified truck stop facility for the
14	purpose of licensing that qualified truck stop to operate video draw poker devices,
15	the fuel facility shall not be subject to the fuel sales requirements provided for in
16	Subpart E of Part VIII of Chapter 1 of Title 51 of the Louisiana Revised Statutes of
17	1950, comprised of R.S. 51:421 through 427, and the requirements of Chapter 13 of
18	Title 51 of the Louisiana Revised Statutes of 1950.
19	(4)(3) The provisions of this Subsection provide for the fuel sales
20	requirements for the purpose of licensing criteria for the operation of video draw
21	poker devices at a qualified truck stop facility.
22	(5)(4) The provisions of this Subsection shall not be construed to repeal,
23	limit, or supercede any requirements for the sale of fuel by fuel facilities as otherwise
24	provided for by law.
25	(6)(5) The provisions of this Subsection shall not be construed to repeal,
26	limit, or supercede the authority of the office of the attorney general to enforce the
27	Unfair Trade Practices or Consumer Protection Law or the authority of any district
28	attorney to prosecute violations of Subpart E of Part VIII of Chapter 1 of Title 51 of
29	the Louisiana Revised Statutes of 1950, comprised of R.S. 51:421 through 427.

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1	§417. Qualified truck stop criteria; amenities
2	A. As used in this Chapter, a qualified truck stop facility shall mean a facility
3	covering at least five developed contiguous acres which sells fuel, lubricating oil,
4	and other vehicular merchandise, such as batteries, tires, or vehicle parts for
5	eighteen-wheel tractor-trailers, and which also meets all of the following criteria:
6	* * *
7	(2) It must have an onsite on-site restaurant, except for reason of force
8	majeure affecting the ability to maintain the on-site restaurant. for a reasonable
9	period of time as determined by the division following the interruption of such
10	ability, which for the purposes of qualifying as a \underline{A} qualified truck stop facility,
11	restaurant shall be required to have only the following features:
12	(a) Provides seating for at least fifty patrons, with all seats located within a
13	centralized area.
14	(b) Is open at least twelve hours a day.
15	(c) Offers a varied menu.
16	(d)(c) Operates a fully equipped kitchen which includes but is not limited to
17	a range, or an oven, and refrigerated storage appliances used for the preparation of
18	foods for on-premises or immediate consumption.
19	(e)(d) In Orleans Parish, qualified truck stop facility restaurants shall provide
20	full table service for sit-down meals.
21	(3) It must have parking areas with each of the following:
22	(a) A stable parking area for at least fifty eighteen-wheel tractor-trailer motor
23	vehicles, either paved or concrete, to support eighteen-wheel tractor-trailer motor
24	vehicles and their loads, constructed according to industry specifications, subject to
25	approval by the division, except for reason of force majeure affecting the ability to
26	maintain the stable parking area for a reasonable period of time as determined by the
27	division following the interruption of such ability. All other parking areas not paved
28	or concrete must be certified by an authorized company and proof provided that
29	compaction tests were conducted, subject to approval by the division.

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1	(b) Parking of sufficient size is allowed for safe ingress and egress.
2	(c) Parking areas for other vehicles around business entrance ways and exits
3	shall not constitute parking areas for eighteen-wheel tractor-trailer motor vehicles.
4	* * *
5	(6) It must have at least four of the following amenities, except for reason of
6	force majeure affecting the ability to maintain the amenities for a reasonable period
7	of time, as determined by the division following the interruption of such ability:
8	* * *
9	(h) A restaurant.
10	* * *
11	§418. Leasing or subleasing restaurant and convenience stores at qualified truck
12	stops; holiday operation
13	A. An owner or lessor of a qualified truck stop facility may lease or sublease
14	any restaurant, convenience store, fuel facility, or any other business operation,
15	parking area, or any portion located on the premises of the qualified truck stop
16	facility property to another person, provided that such person executes a written
17	lease which contains a requirement that the lessee or sublessee comply with the laws
18	and regulations which govern the operation of video draw poker devices. If such
19	lease or sublease is granted, the owner or lessor of such qualified truck stop facility
20	shall maintain ultimate supervision and control of his entire truck stop premise. No
21	such lessee or sublessee shall be required to meet suitability requirements unless he
22	receives, as a result of the lease, any video draw poker device operation revenue or
23	unless he exercises some management or control over video draw poker devices.
24	Any violation of the laws and regulations which govern the operation of video draw
25	poker devices by such lessee or sublessee shall be considered a violation by the
26	licensee.
27	* * *

SB 184 Engrossed

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

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Martiny

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

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

<u>Present law</u> 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 retains present law.

<u>Present law</u> 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.

<u>Proposed law</u> for the use of more than one deck of cards in a game of video poker and otherwise retains <u>present law</u>.

<u>Present law</u> requires that, for card games, each video draw poker device shall use a display with images of cards that closely resemble standard poker playing cards.

<u>Proposed law</u> provides that a video draw poker device may also use additional displays for entertainment purposes and otherwise retains <u>present law</u>.

<u>Present law</u> 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.

<u>Proposed law</u> provides that after ten years of operation as a qualified truck stop facility, such facility shall 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 provided in <u>present law</u>.

<u>Present law</u> requires all qualified truck stop facilities operate a fuel facility that offers fuel sales for vehicle consumption.

Proposed law retains present law.

<u>Proposed law</u> provides that the Gaming Control Board may adopt rules to recognize alternative fuel sources to satisfy the fuel sale requirement.

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

<u>Proposed law</u> deletes <u>present law</u> requirement that a qualified truck stop facility restaurant remain open for 12 hours a day and otherwise retains <u>present law</u>.

<u>Proposed law</u> 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.

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

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

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

<u>Present law</u> 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.

<u>Proposed law</u> 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 <u>present law</u>.

Effective August 1, 2018.

(Amends R.S. 27:402(17), 405(A)(6) and (C)(2), (3), and (4), 416(C) and (D), 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. Deletes proposed law changes to the definition of "video draw poker".
- 2. Clarifies that video draw poker devices are allowed to operate games utilizing one deck of cards or multiple decks of cards.
- 3. Adds that a video draw poker device may use displays other than images resembling standard poker playing cards only if the additional displays are for entertainment purposes.
- 4. Deletes <u>proposed law</u> changes to the fuel sale requirements of a qualified truck stop facility.
- 5. Adds that, after ten years of operation, a qualified truck stop facility shall be permitted to operate the number of devices for which the facility qualified in the prior calendar year without having to meet the fuel sales requirements of present law.
- 6. Removes repeal of <u>present law</u> provisions regarding the temporary placement of video draw poker devices for new licensees for one year until the licensee's fuel sales can be determined.
- 7. Makes technical changes.