

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 **or decks**.

29 (4) Any discarded cards must be replaced by remaining cards in the deck **or**

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.

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~~ **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.~~

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 * * *

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

DIGEST

SB 184 Engrossed

2018 Regular Session

Martiny

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

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

Present law 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.

Present law 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.

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

Present law 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.

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

Present law 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.

Proposed law 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 present law.

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

Proposed law retains present law.

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

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. 27:402(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 proposed law 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 present law 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.