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## DIGEST

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HB 592 Engrossed

2018 Regular Session

Talbot

**Abstract:** Provides relative to the criteria for restaurants and parking lots at a qualified truck stop facility and the authority of the owner or lessor of the facility to lease or sublease certain portions of the premises of a qualified truck stop facility.

Present law requires a qualified truck stop facility under the Video Draw Poker Devices Control Law 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.

Proposed law amends present law to remove 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.

For purposes of qualifying as a qualified truck stop facility, present law requires the restaurant to have the following features:

- (1) Provides seating for at least 50 patrons, with all seats located within a centralized area.
- (2) Is open at least 12 hours a day.
- (3) Offers a varied menu.
- (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 decreases the number of hours the restaurant at a qualified truck stop facility is required to be open from 12 hours a day to six 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))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Restore the present law provision which requires the restaurant at a qualified truck stop facility to be open for a certain number of hours, but decreases the number of hours the restaurant is required to be open from 12 to six.