

2020 Second Extraordinary Session

HOUSE BILL NO. 14

BY REPRESENTATIVE STEFANSKI

GAMBLING/VIDEO POKER: Provides relative to the criteria and amenity requirements for qualified truck stops during a declared emergency (Item #32)

1 AN ACT

2 To amend and reenact R.S. 27:417(A)(2)(introductory paragraph) and (B)(2) and to enact
3 R.S. 27:417(B)(3) and (D), relative to licensing requirements for qualified truck stop
4 facilities; to provide relative to criteria and amenity requirements for qualified truck
5 stop facilities during a declared emergency; to provide relative to the suspension of
6 operations of the criteria and amenity requirements; to provide relative to the
7 operation of video draw poker devices; to provide relative to force majeure; to
8 provide for an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 27:417(A)(2)(introductory paragraph) and (B)(2) are hereby
11 amended and reenacted and R.S. 27:417(B)(3) and (D) are hereby enacted to read as follows:

12 §417. Qualified truck stop criteria; amenities

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

17 * * *

18 (2) It must have an onsite restaurant, except for reason of force majeure
19 affecting the ability to maintain the ~~on-site~~ onsite restaurant for a reasonable period
20 of time as determined by the division following the interruption of such ability,

1 which for the purposes of qualifying as a qualified truck stop facility, shall be
2 required to have only the following features:

3 * * *

4 B.

5 * * *

6 (2) In the event of a renovation to any of the criteria or amenity requirements
7 or buildings housing either of these, for a qualified truck stop facility provided for
8 by this Section, the licensee may request the approval of the division to suspend
9 operations of such criteria or amenity for thirty days in order to complete the
10 renovation. The licensee shall notify the division prior to the beginning of the
11 renovation that would cause the suspension of any criteria or amenity. After the
12 initial approved thirty-day suspension of the criteria or amenity, if the renovation is
13 not completed due to unforeseen circumstances, the licensee may apply to the
14 division, and for good cause shown, the division may grant an additional thirty days
15 for completion. During an approved suspension of the criteria or amenity, the
16 licensee may continue to operate video draw poker devices.

17 (3) The provisions of this Subsection shall not be construed to adversely
18 affect parish boundary surveys or good faith reliance upon those surveys as provided
19 for in R.S. 27:456.

20 * * *

21 D. For purposes of Subsection A of this Section, any declaration of a state
22 of emergency, or public health emergency, by order or proclamation of the governor
23 or the president of the United States that mandates a temporary closure or partial
24 closure of any operations at a qualified truck stop facility shall be considered a force
25 majeure for the duration of the declared state of emergency or public health
26 emergency and sixty days thereafter.

27 Section 2. Due to the imminent threat posed by COVID-19 as provided in
28 Proclamation Number 30 JBE 2020 and any subsequent proclamation, declaring the

1 existence of a statewide public health emergency, Section 1 of this Act shall be effective
2 retroactive to March 17, 2020.

3 Section 3. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 14 Engrossed

2020 Second Extraordinary Session

Stefanski

Abstract: Authorizes qualified truck stop facilities to suspend operations for 30 days in order to complete renovations and authorizes the licensee to continue to operate video draw poker devices.

Present law provides that a qualified truck stop facility shall mean a facility covering at least five developed contiguous acres which sells fuel, lubricating oil, and other vehicular merchandise, such as batteries, tires, or vehicle parts for 18-wheel tractor-trailers, and which meets certain criteria provided in present law (R.S. 27:417(A)).

Present law provides that the criteria and amenity requirements for a qualified truck stop facility provided in present law shall be suspended if any portion of the property upon which the qualified truck facility is located is expropriated by the state or one of its political subdivisions. Further requires that the suspension remains in effect until it is possible for the licensee to meet the requirements of present law.

Present law allows the licensee to continue to operate video draw poker devices during the period of suspension without meeting the requirements for that particular criteria or amenity affected by the expropriation.

Proposed law retains present law and provides that in the event of a renovation to any of the criteria or amenity requirements or buildings housing either of these, the licensee may request the approval of the division to suspend operations of such criteria or amenity for 30 days in order to complete the renovation. Requires the licensee to notify the division prior to the beginning of the renovation that would cause the suspension of any criteria or amenity. Provides that after the initial approved 30-day suspension of the criteria or amenity, if the renovation is not completed due to unforeseen circumstances, the licensee may apply to the division, and for good cause shown, the division may grant an additional 30 days for completion. Provides that during an approved suspension of the criteria or amenity, the licensee may continue to operate video draw poker devices.

Present law allows the temporary waiver of certain criteria and amenities due to a force majeure. Those certain criteria and amenities include: an onsite restaurant; a stable parking area; an onsite repair service facility for eighteen-wheel tractor-trailer motor vehicles; and amenities, including a separate truckers' television lounge, a full-service laundry facility,

private showers, travel store with truckers' supplies, truck scales, truckers' telephones, and permanent storage facilities for fuel.

Proposed law provides that any declaration of a state of emergency, or public health emergency, by order or proclamation of the governor or of the president of the U.S. that mandates a temporary closure or partial closure of any operations at a qualified truck stop facility shall be considered a force majeure for the duration of the declared state of emergency or public health emergency and 60 days thereafter.

Provides that proposed law shall be effective retroactive to March 17, 2020.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 27:417(A)(2)(intro. para.) and (B)(2); Adds R.S. 27:417(B)(3) and (D))