HLS 25RS-814 ORIGINAL

2025 Regular Session

HOUSE BILL NO. 540

1

BY REPRESENTATIVE FONTENOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

GAMBLING/VIDEO POKER: Provides relative to video poker

2	To amend and reenact R.S. 27:412(B)(1) and (2), 413(A) and (B), 414(introductory
3	paragraph), $416(A)$ , $(C)(2)(a)$ through $(c)$ and $(3)(b)$ and $435(D)(4)$ and to enact R.S.
4	27:415(C) through (G), relative to video draw poker machines; to change the number
5	of video draw poker machines permissible in certain businesses; to provide for
6	criteria to qualify for additional video draw poker machines; to provide definitions;
7	to provide for areas in which video draw poker machines shall be prohibited; 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. 27:412(B)(1) and (2), 413(A) and (B), 414(introductory paragraph),
11	416(A), (C)(2)(a) through (c) and (3)(b) and 435(D)(4) are hereby amended and reenacted
12	and R.S. 27:415(C) through (G) are hereby enacted to read as follows:
13	§412. State license qualifications; types of licenses
14	* * *
15	B. The three categories of licenses which may be issued to qualified
16	establishments for the operation of video draw poker devices are as follows:
17	(1) A license to operate a maximum of three four video draw poker devices
18	at establishments licensed to sell alcoholic beverages for consumption on the
19	premises of the establishment as provided for in R.S. 27:413.

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(2) A license to operate a maximum of <u>fifty sixty</u> video draw poker devices at qualified truck stop facilities as provided for in R.S. 27:416.

3 \* \* \*

§413. Licenses to operate video draw poker devices at certain alcoholic beverage facilities; multiple facilities

A. A person who has been granted a Class A-General retail permit or a Class A-Restaurant permit, as defined in Part II of Chapter 1 or Part II of Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, to sell alcoholic beverages for consumption on the premises of a restaurant, bar, tavern, cocktail lounge, or club only, or such an establishment located within a motel or hotel may be granted a license for the placement of not more than three four video draw poker devices in his licensed establishment. To qualify to receive a fourth video draw poker device, the licensee shall maintain a net device revenue of at least fifty thousand dollars for the location for the calendar quarter. If that licensee fails to maintain a net device revenue of fifty thousand dollars for four consecutive quarters, the office of state police, gaming enforcement section shall remove the fourth video draw poker device from that licensed location.

B. A person who is the owner of more than one restaurant, bar, tavern, cocktail lounge, or club which is located within a single building or structure, and who has been granted a Class A-General retail permit or a Class A-Restaurant permit, as defined in Part II of Chapter 1 or Part II of Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, to sell alcoholic beverages for consumption on the premises of each such facility, may make available for play not more than three four video draw poker devices at each separate facility, not to exceed a total of nine video draw poker devices for the single building or structure, if that person and each facility complies with all other requirements of this Chapter and of the administrative rules that are applicable to the operation of video draw poker devices. The limitation on the number of facilities contained in this Subsection shall not apply to any person or entity who owns and operates multiple facilities which are located in a publicly

1	owned and operated transportation facility offering any transportation to interstate
2	and international destinations.
3	* * *
4	§414. Hotel and motel facilities; criteria
5	A licensee owning or leasing a licensed establishment which is a hotel or
6	motel which has more than one lounge or facility and which has a Class A-General
7	retail permit or a Class A-Restaurant permit, as defined in Part II of Chapter 1 or Part
8	II of Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, to sell alcoholic
9	beverages for on-premises consumption on a single licensed premises may make
10	available for play not more than three four video draw poker devices at each lounge
11	or separate facility, not to exceed a total of twelve thirteen video draw poker devices
12	for the hotel or motel, if all other requirements of this Chapter are met. Each
13	separate lounge or facility shall meet the following criteria:
14	* * *
15	§415. Pari-mutuel wagering facility or offtrack wagering facility; no minimum
16	wager; location
17	* * *
18	C. No license shall be granted to any offtrack wagering facility located, at
19	the time application is made for a license to operate video draw poker devices, within
20	one mile from any property on the National Register of Historic Places, any public
21	playground, any residential property, or a building used primarily as a church,
22	synagogue, public library, or school. The measurement of the distance shall be a
23	straight line from the nearest point of the offtrack wagering facility to the nearest
24	point of the property on the National Register of Historic Places, the public
25	playground, residential property, or building used primarily as a church, synagogue,
26	public library, or school.
27	D. After an application is filed with the division, the subsequent
28	construction, erection, development, or movement of a property identified in
29	Subsection C of this Section which causes the location of an offtrack wagering

1	facility to be within the prohibited distance shall not be cause for denial of an initial
2	or renewal application or revocation of a license.
3	E. If a parish or municipality does not have a zoning ordinance which
4	designates certain property within their jurisdiction as residential property, the
5	governing authority of the parish or municipality shall have the authority to
6	designate certain areas of their jurisdiction as residential districts for the purposes of
7	this Section.
8	F. The prohibition provided for in Subsection C of this Section shall not
9	apply to any offtrack wagering facility that is both licensed and operating on January
10	1, 2025. If application for licensing is made after January 1, 2025, the prohibition
11	in Subsection C of this Section shall apply.
12	G. For the purposes of this Section, "residential property" means any
13	property which is wholly or partly used for or intended to be used for living or
14	sleeping by human occupants and which includes one or more rooms, including a
15	bathroom and complete kitchen facilities. Residential property shall include a
16	mobile home or manufactured housing, provided that it shall have been in its present
17	location for at least sixty days. Residential property shall not include any hotel or
18	motel.
19	§416. Qualified truck stop facilities; number of devices; fuel sales
20	A. A person owning or leasing a qualified truck stop facility may be granted
21	a license for the placement of not more than fifty sixty video draw poker devices in
22	his facility based on the fuel sales as provided in Subsection C of this Section, in an
23	area separated for adult patronage only, if all other requirements of this Chapter are
24	met. There shall be only one license granted for the operation of video draw poker
25	devices at each qualified truck stop facility.
26	* * *
27	C.
28	* * *

1	(2) Except as provided in R.S. 27:421 and Paragraph (3) of this Subsection,
2	the number of video draw poker devices placed at a qualified truck stop facility shall
3	be based on the average monthly fuel sales calculated quarterly, using four sets of
4	three calendar months, for the first year of operation and thereafter shall be based
5	upon the average monthly fuel sales calculated annually, using a calendar year, as
6	follows:
7	(a) One hundred thousand gallons of fuel - not more than fifty sixty devices.
8	(b) Seventy-five thousand gallons of fuel - not more than forty forty-eight
9	devices.
10	(c) Fifty thousand gallons of fuel - not more than thirty-five forty-two
11	devices.
12	* * *
13	(3)
14	* * *
15	(b) After ten years of operation as a qualified truck stop facility, the facility
16	shall thereafter be permitted to retain the number of devices for which the facility
17	qualified in the prior calendar year of operation, not to exceed forty forty-eight
18	devices, if the facility meets a minimum fuel sales requirement of not less than thirty
19	thousand gallons per month. However, such qualified truck stop facility shall be
20	required to comply with the provisions of Paragraph (1) of this Subsection. Any
21	qualified truck stop facility that has met the provisions of this Paragraph on
22	December 1, 2025, and has been granted the right to operate up to forty devices shall
23	now qualify for the additional number of devices authorized by this Paragraph.
24	* * *
25	§435. Licensing by division; fees; franchise payments; enforcement activities
26	* * *
27	D.(1) Each device owner shall remit to the division a franchise payment, in
28	an amount equal to a percentage of the net device revenue derived from the operation
29	of each video draw poker device owned by him. The amount of the percentage shall

1 be based on the type of licensed establishment authorized by the division for the 2 placement of video draw poker devices, as follows: 3 4 (4)(a) Of the amount attributable to the payment of franchise fees as required in this Section, an amount equal to the avails of one-half of one percent of the 5 6 franchise fee rate shall be allocated as provided in R.S. 27:437 and appropriated by 7 the legislature as provided in R.S. 27:439. 8 (b) Of the amount attributable to payment of franchise fees as required in this 9 Section, for additional video draw poker devices authorized pursuant to the 10 provisions of this Act an amount equal to the avails of one-half of one percent of the 11 franchise fee rate shall be allocated as provided in R.S. 27:437 and appropriated by 12 the legislature as provided in R.S. 27:439. 13 Section 2. This Act shall become effective upon signature by the governor or, if not 14 signed by the governor, upon expiration of the time for bills to become law without signature 15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become 16 17 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 540 Original

2025 Regular Session

Fontenot

**Abstract:** Provides relative to the number of video draw poker devices certain businesses may operate and to areas where video draw poker devices may not be granted.

<u>Proposed law</u> increases the number of video draw poker devices permitted at certain alcoholic beverage facilities <u>from</u> three <u>to</u> four and provides criteria to qualify for additional video draw poker devices.

<u>Proposed law</u> increases the number of video draw poker devices permitted at truck stops from 50 to 60.

<u>Proposed law</u> increases the number of video draw poker devices permitted at hotels and motels  $\underline{\text{from}}$  three  $\underline{\text{to}}$  four for individual lounges and  $\underline{\text{from}}$  12  $\underline{\text{to}}$  13 for the hotel or motel.

<u>Proposed law</u> provides that offtrack wagering facilities shall not be granted a license to operate video draw poker devices within one mile of any property on the National Register

## Page 6 of 7

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of Historic Places, any public playground, any residential property, or a building used primarily as a church, synagogue, public library, or school.

<u>Proposed law</u> provides for the designation of residential districts for the purposes of <u>proposed law</u>.

<u>Proposed law</u> provides relative to franchise fee rates and appropriation for revenue generated by video draw poker devices.

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

(Amends R.S. 27:412(B)(1) and (2), 413(A) and (B), 414(intro. para.), 416(A), (C)(2)(a)-(c) and (3)(b) and 435(D)(4); Adds R.S. 27:415(C)-(G))