

2018 Regular Session

HOUSE BILL NO. 464

BY REPRESENTATIVE BISHOP

GAMBLING/VIDEO POKER: Amends regulations on restaurants, parking lots, and fuel sales at qualified truck stop facilities and requirements for video poker games on video draw poker devices

1 AN ACT

2 To amend and reenact R.S. 27:402(17) and (18), 405(C)(2), (3), and (4), 416(C) and (D),
3 417(A)(2) and (3), and 418(A), relative to the Video Draw Poker Devices Control
4 Law; to amend the definitions of "video draw poker device" and "video draw poker";
5 to provide relative to the requirements for the card games offered on a video draw
6 poker device; to provide relative to qualified truck stop facilities; to provide relative
7 to fuel sales requirements for qualified truck stop facilities to retain video draw poker
8 devices; to provide relative to fuel sales requirements for qualified truck stop
9 facilities who operate such facility for over ten years; to provide relative to the
10 required criteria for a qualified truck stop facility; to provide relative to restaurants
11 and parking lots on the premises of qualified truck stop facilities; to provide relative
12 to the authority of the owner or lessor of a qualified truck stop facility to lease or
13 sublease certain operations on the premises of a qualified truck stop facility; and to
14 provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 27:402(17) and (18), 405(C)(2), (3), and (4), 416(C) and (D),
17 417(A)(2) and (3), and 418(A) are hereby amended and reenacted to read as follows:

18 §402. Definitions

19 As used in this Chapter, the following words and phrases shall have the
20 following meanings unless the context clearly indicates otherwise:

21 * * *

1 (17) "Video draw poker device" means any unit, mechanism, or device
2 authorized pursuant to the provisions of this Chapter, that, upon insertion of a ticket
3 voucher or cash, is available to play or simulate the play of the game of draw poker,
4 or other card games approved by the division utilizing a video display and
5 microprocessors in which the player may win games or credits that can be redeemed
6 for cash only. The term does not include a device that directly dispenses coins, cash,
7 tokens, or any thing else of value, except the ticket voucher required in accordance
8 with the provisions of this Chapter. The term does not include any device authorized
9 to be used in the conducting of charitable gaming. The term does not include ~~video~~
10 ~~line up games, mechanical reel games, or any combination thereof,~~ or any slot
11 machine as defined in R.S. 27:353.

12 (18) "Video draw poker" means any card game approved by the division ~~that~~
13 ~~utilizes one deck of cards per hand with multiple hands permitted per game.~~

14 * * *

15 §405. Description and specifications of devices

16 * * *

17 C. Each video draw poker device shall offer the game of draw poker or such
18 other card games as are approved by the division and have the following method of
19 operation:

20 * * *

21 (2) The card games must utilize ~~a deck~~ decks of cards consisting of fifty-two
22 standard playing cards, and up to two jokers may also be used. The ~~deck~~ decks must
23 be shuffled by use of a random number generator to exchange each card in the ~~deck~~
24 decks with another randomly selected card.

25 (3) After shuffling, a required number of cards must be dealt from the top of
26 the ~~deck~~ decks.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (4) Any discarded cards must be replaced by remaining cards in the ~~deck~~
2 decks, starting with the next subsequent card and using the cards in the order of the
3 ~~deck~~ decks.

4 * * *

5 §416. Qualified truck stop facilities; number of devices; fuel sales

6 * * *

7 C.(1) A qualified truck stop facility shall have a fuel facility that offers, in
8 the regular course of business, fuel sales for individual vehicle consumption. The
9 board may adopt rules to recognize alternative fuel sources to satisfy the requirement
10 regarding fuel sales provided by this Chapter.

11 (2) Except as provided in R.S. 27:421 and Paragraph ~~(2)~~ (3) of this
12 Subsection, the number of video draw poker devices placed at a qualified truck stop
13 facility shall be based on the average monthly fuel sales calculated quarterly, using
14 four sets of three calendar months, for the first year of operation and thereafter shall
15 be based upon the average monthly fuel sales calculated annually, using a calendar
16 year, as follows:

- 17 (a) One hundred thousand gallons of fuel - not more than fifty devices.
- 18 (b) Seventy-five thousand gallons of fuel - not more than forty devices.
- 19 (c) Fifty thousand gallons of fuel - not more than thirty-five devices.

20 ~~(2)(3)(a)~~ In addition to the requirements in Paragraph (1) of this Subsection,
21 a A qualified truck stop facility, except a qualified truck stop facility located within
22 a radius of twelve miles or less from the location of the official gaming
23 establishment in Orleans Parish, which that complies or has complied with one of the
24 fuel sales requirements of Paragraph ~~(1)~~ (2) of this Subsection for five consecutive
25 years shall thereafter be permitted to retain the number of devices it operated during
26 that same consecutive five-year period provided it continues to meet the fuel sales
27 requirement set forth in Subparagraph ~~(1)(c)~~ (2)(c) of this Subsection.

28 (b) After ten years of operation as a qualified truck stop facility, such facility
29 shall thereafter be permitted to retain the number of devices for which the facility

1 qualified in the prior calendar year of operation without having to meet the fuel sales
2 requirements necessary to retain that number of devices as set forth in Paragraph (2)
3 of this Subsection. However, such qualified truck stop facility is required to comply
4 with the provisions of Paragraph (1) of this 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.
10 All fuel sales must correspond to state-accepted daily sales reports which correspond
11 to 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 restaurant, except for reason of force majeure
8 affecting the ability to maintain the on-site restaurant ~~for a reasonable period of time~~
9 ~~as determined by the division following the interruption of such ability, which for~~
10 ~~the purposes of qualifying as a qualified truck stop facility, and~~ and shall be required to
11 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)~~(b) 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 §418. Leasing or subleasing ~~restaurant and convenience stores~~ of amenities at
6 qualified truck stops; holiday operation

7 A. An owner or lessor of a qualified truck stop facility may lease or sublease
8 any restaurant, convenience store, fuel facility, or any other business operation,
9 parking area, or any portion of the property located on the premises of the qualified
10 truck stop facility to another person, provided that such person executes a written
11 lease which contains a requirement that the lessee or sublessee comply with the laws
12 and regulations which govern the operation of video draw poker devices. If such
13 lease or sublease is granted, the owner or lessor of such qualified truck stop facility
14 shall maintain ultimate supervision and control of his entire truck stop premise. No
15 such lessee or sublessee shall be required to meet suitability requirements unless he
16 receives, as a result of the lease, any video draw poker device operation revenue or
17 unless he exercises some management or control over video draw poker devices.
18 Any violation of the laws and regulations which govern the operation of video draw
19 poker devices by such lessee or sublessee shall be considered a violation by the
20 licensee.

21 * * *

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 464 Engrossed 2018 Regular Session Bishop

Abstract: Amends the definitions of "video draw poker" and "video draw poker device" and amends provisions regarding fuel sales and amenities at qualified truck stop facilities.

Present law provides for the Video Draw Poker Devices Control Law which provides for the licensing and regulation of video draw poker devices. For these purposes, present law does all of the following:

- (1) Defines "video draw poker device" as any authorized unit, mechanism, or device that, upon insertion of a ticket voucher or cash, is available to play or simulate the play of the game of draw poker, or other card games approved by the division utilizing a video display and microprocessors in which the player may win games or credits that can be redeemed for cash only. Further provides that the term does not include video line up games, mechanical reel games, or any combination thereof, or any slot machine as defined by present law (R.S. 27:353).

In this regard, proposed law amends present law to remove the provision that excludes video line up games, mechanical reel games, or any combination thereof from the definition of "video draw poker device".

- (2) 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. Further provides that each video draw poker device shall offer the game of draw poker or such other card games as are approved by the division and have certain methods of operation including a limitation that only one deck of cards be used.

In this regard, proposed law amends present law to authorize the use of more than one deck of cards per hand with multiple hands per game and to provide that the card games offered on video draw poker devices may utilize multiple decks.

- (3) Requires a qualified truck stop facility to have a fuel facility that shall offer, in the regular course of business, fuel sales for individual vehicle consumption. Further provides that a person owning or leasing a qualified truck stop facility may be granted a license for the placement of not more than 50 video draw poker devices in his facility based on the amount of fuel sales.

In this regard, proposed law amend present law to provide that after ten years of operation as a qualified truck stop facility, such facility shall thereafter 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 necessary to retain that number of devices as set forth in present law. However, such qualified truck stop facility is required to comply with the provisions of present law which requires all qualified truck stop facilities to have a fuel facility that shall offer, in the regular course of business, fuel sales for individual vehicle consumption.

- (4) Requires a qualified truck stop facility 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 onsite 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.

In this regard, proposed law removes the determination by the office of state police as to the reasonableness of the duration of being unable to maintain the onsite restaurant because of reasons of force majeure.

- (5) Requires the restaurant at a qualified truck stop facility to have certain features including the requirement that the restaurant be open at least 12 hours a day.

In this regard, proposed law removes the requirement that the qualified truck stop facility restaurant be open at least 12 hours a day and otherwise retains present law.

- (6) Requires a qualified truck stop facility to have parking areas with a stable parking area for at least 50 eighteen-wheel tractor-trailer motor vehicles, either paved or concrete, and provides that parking areas for other vehicles around business entrance ways and exits shall not constitute parking areas for eighteen-wheel tractor-trailer

motor vehicles. 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.

In this regard, proposed law removes 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.

- (7) 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.

In this regard, proposed law 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. 27:402(17) and (18), 405(C)(2), (3), and (4), 416(C) and (D), 417(A)(2) and (3), and 418(A))