

ACT No. 7

2020 Second Extraordinary Session

HOUSE BILL NO. 14

BY REPRESENTATIVE STEFANSKI

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§417. Qualified truck stop criteria; amenities

A. As used in this Chapter, 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 eighteen-wheel tractor-trailers, and which also meets all of the following criteria:

* * *

(2) It must have an onsite restaurant, except for reason of force majeure affecting the ability to maintain the ~~on-site~~ onsite restaurant for a reasonable period of time as determined by the division following the interruption of such ability, which for the purposes of qualifying as a qualified truck stop facility, shall be required to have only the following features:

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B.

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(2) In the event of a renovation to any of the criteria or amenity requirements or buildings housing either of these, for a qualified truck stop facility provided for by this Section, the licensee may request the approval of the division to suspend operations of such criteria or amenity for thirty days in order to complete the renovation. The licensee shall notify the division prior to the beginning of the renovation that would cause the suspension of any criteria or amenity. After the initial approved thirty-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 thirty days for completion. During an approved suspension of the criteria or amenity, the licensee may continue to operate video draw poker devices.

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

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D. For purposes of Subsection A of this Section, any declaration of a state of emergency, or public health emergency, by order or proclamation of the governor or the president of the United States 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 sixty days thereafter.

Section 2. Due to the imminent threat posed by COVID-19 as provided in Proclamation Number 30 JBE 2020 and any subsequent proclamation, declaring the existence of a statewide public health emergency, Section 1 of this Act shall be effective retroactive to March 17, 2020.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____