

2018 Regular Session

SENATE BILL NO. 217

BY SENATOR CARTER

VIDEO POKER. Removes the average monthly fuel sales requirement for the operation of video draw poker devices. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 27:416(A), (C), and (D)(1) and (2) and to repeal R.S. 27:421,  
3 relative to the Video Draw Poker Devices Control Law; to provide for qualified truck  
4 stop facilities; to provide for fuel sales of qualified truck stop facilities; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 27:416(A), (C), and (D)(1) and (2) are hereby amended and  
8 reenacted to read as follows:

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

10 A. A person owning or leasing a qualified truck stop facility may be granted  
11 a license for the placement of not more than fifty video draw poker devices in his  
12 facility ~~based on the fuel sales as provided in Subsection C of this Section,~~ in an area  
13 separated for adult patronage only, if all other requirements of this Chapter are met.

14 There shall be only one license granted for the operation of video draw poker devices  
15 at each qualified truck stop facility.

16 \* \* \*

17 C.(1) ~~Except as provided in R.S. 27:421 and Paragraph (2) of this Subsection,~~

1 ~~the number of video draw poker devices placed at a qualified truck stop facility shall~~  
 2 ~~be based on the average monthly fuel sales calculated quarterly, using four sets of~~  
 3 ~~three calendar months, for the first year of operation and thereafter shall be based~~  
 4 ~~upon the average monthly fuel sales calculated annually, using a calendar year, as~~  
 5 ~~follows:~~

6 (a) ~~One hundred thousand gallons of fuel - not more than fifty devices.~~

7 (b) ~~Seventy-five thousand gallons of fuel - not more than forty devices.~~

8 (c) ~~Fifty thousand gallons of fuel - not more than thirty-five devices.~~

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

17 (3) ~~The board may adopt rules to recognize alternative fuel sources to satisfy~~  
 18 ~~the requirements regarding fuel sales provided by this Chapter.~~

19 ~~Ⓓ.(1) The **A qualified truck stop facility must have a** fuel facility shall~~  
 20 ~~offer **that offers**, in the regular course of business, fuel sales for individual vehicle~~  
 21 ~~consumption. **The board may adopt rules to recognize alternative fuel sources**~~  
 22 ~~**to satisfy the requirement regarding fuel sales provided by this Chapter.**~~

23 (2) ~~Bulk sales or transfers shall not be used to calculate monthly averages. All~~  
 24 ~~fuel sales must correspond to state-accepted daily sales reports which correspond to~~  
 25 ~~monthly state sales tax reports and shall be verified by fuel tickets from the truck~~  
 26 ~~stop facility.~~

27 \* \* \*

28 Section 2. R.S. 27:421 is hereby repealed in its entirety.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ashley Menou.

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## DIGEST

SB 217 Original

2018 Regular Session

Carter

Present law provides that a qualified truck stop facility may be granted a license for the placement of up to 50 video draw poker devices in his facility based on the fuel sales of the qualified truck stop.

Present law provides that the number of video draw poker devices placed at a qualified truck stop shall be based on the average monthly fuel sales.

Proposed law deletes present law and provides that to be granted a license for the placement of video draw poker devices, a qualified truck stop facility must have a fuel facility that offers fuel sales for individual vehicle consumption.

Present law provides that the board may adopt rules to recognize alternative fuel sources to satisfy the fuel sale requirement.

Proposed law retains present law reference to the fuel sale requirements and otherwise retains present law.

Present law provides that any person applying for a truck stop facility license may be issued up to 25 video draw poker devices temporarily without meeting the fuel sale requirements if the facility meets all other licensing and amenity requirements.

Proposed law deletes present law.

Present law provides for the method of calculating the monthly fuel sales for a newly licensed qualified truck stop facility.

Proposed law deletes present law.

Present law provides for the method of calculating the monthly fuel sales of a qualified truck stop facility that is unable to meet fuel sale requirements due to reasons of force majeure or other noncommercial circumstances.

Proposed law deletes present law.

Effective August 1, 2018.

(Amends R.S. 27:416(A), (C), and (D)(1) and (2); repeals R.S. 27:421)