

2018 Regular Session

HOUSE BILL NO. 581

BY REPRESENTATIVE LEGER

GAMBLING/VIDEO POKER: Provides relative to fuel sales at qualified truck stop facilities

1 AN ACT

2 To amend and reenact R.S. 27:416(C) and (D), relative to qualified truck stop facilities; to
3 provide relative to fuel sales requirements for qualified truck stop facilities to retain
4 video draw poker devices; to provide relative to fuel sales requirements for qualified
5 truck stop facilities who operate such facility for over ten years; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

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

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

11 * * *

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

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

1 be based upon the average monthly fuel sales calculated annually, using a calendar
2 year, as follows:

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

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

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

6 ~~(2)(3)(a)~~ In addition to the requirements in Paragraph (1) of this Subsection,
7 a A qualified truck stop facility, except a qualified truck stop facility located within
8 a radius of twelve miles or less from the location of the official gaming
9 establishment in Orleans Parish, ~~which~~ that complies or has complied with one of the
10 fuel sales requirements of Paragraph ~~(1)~~ (2) of this Subsection for five consecutive
11 years shall thereafter be permitted to retain the number of devices it operated during
12 that same consecutive five-year period provided it continues to meet the fuel sales
13 requirement set forth in Subparagraph ~~(1)(c)~~ (2)(c) of this Subsection.

14 (b) After ten years of operation as a qualified truck stop facility, such facility
15 shall thereafter be permitted to retain the number of devices for which the facility
16 qualified in the prior calendar year of operation without having to meet the fuel sales
17 requirements necessary to retain that number of devices as set forth in Paragraph (2)
18 of this Subsection. However, such qualified truck stop facility is required to comply
19 with the provisions of Paragraph (1) of this Subsection.

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

22 D.(1) ~~The fuel facility shall offer, in the regular course of business, fuel sales~~
23 ~~for individual vehicle consumption.~~

24 ~~(2)~~ Bulk sales or transfers shall not be used to calculate monthly averages.

25 All fuel sales must correspond to state-accepted daily sales reports which correspond
26 to monthly state sales tax reports and shall be verified by fuel tickets from the truck
27 stop facility.

28 ~~(3)~~(2) To be considered a fuel facility at a qualified truck stop facility for the
29 purpose of licensing that qualified truck stop to operate video draw poker devices,

1 the fuel facility shall not be subject to the fuel sales requirements provided for in
2 Subpart E of Part VIII of Chapter 1 of Title 51 of the Louisiana Revised Statutes of
3 1950, comprised of R.S. 51:421 through 427, and the requirements of Chapter 13 of
4 Title 51 of the Louisiana Revised Statutes of 1950.

5 ~~(4)~~(3) The provisions of this Subsection provide for the fuel sales
6 requirements for the purpose of licensing criteria for the operation of video draw
7 poker devices at a qualified truck stop facility.

8 ~~(5)~~(4) The provisions of this Subsection shall not be construed to repeal,
9 limit, or supercede any requirements for the sale of fuel by fuel facilities as otherwise
10 provided for by law.

11 ~~(6)~~(5) The provisions of this Subsection shall not be construed to repeal,
12 limit, or supercede the authority of the office of the attorney general to enforce the
13 Unfair Trade Practices or Consumer Protection Law or the authority of any district
14 attorney to prosecute violations of Subpart E of Part VIII of Chapter 1 of Title 51 of
15 the Louisiana Revised Statutes of 1950, comprised of R.S. 51:421 through 427.

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 581 Original

2018 Regular Session

Leger

Abstract: Provides relative to fuel sales requirements for a qualified truck stop facility.

Present law 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.

Present law 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 fuel sales as follows:

- (1) 100,000 gallons of fuel - not more than 50 devices.
- (2) 75,000 gallons of fuel - not more than 40 devices.
- (3) 50,000 gallons of fuel - not more than 35 devices.

In this regard, present law provides as follows:

- (1) A qualified truck stop facility, except a qualified truck stop facility located within a radius of 12 miles or less from the location of the official gaming establishment in

- Orleans Parish, which complies or has complied with the fuel sales requirements for five consecutive years shall thereafter be permitted to retain the number of devices it operated during that same consecutive five-year period provided it continues to meet the fuel sales requirement set forth in present law.
- (2) The La. Gaming Control Board may adopt rules to recognize alternative fuel sources to satisfy the fuel sales requirements.
- (3) The fuel facility shall offer, in the regular course of business, fuel sales for individual vehicle consumption. Bulk sales or transfers shall not be used to calculate monthly averages. All fuel sales must correspond to state-accepted daily sales reports which correspond to monthly state sales tax reports and shall be verified by fuel tickets from the truck stop facility.

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.

(Amends R.S. 27:416(C) and (D))