

2018 Regular Session

SENATE BILL NO. 184

BY SENATOR MARTINY

VIDEO POKER. Provides relative to video poker. (8/1/18)

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AN ACT

To amend and reenact R.S. 27:402(17), 405(A)(6) and (C)(2), and 416(C) and (D), relative to the Video Draw Poker Devices Control Law; to provide for the method of operation of video draw poker devices; to provide for qualified truck stops; to provide for fuel sales of qualified truck stops; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:402(17), 405(A)(6) and (C)(2), and 416(C) and (D), are hereby amended and reenacted to read as follows:

§402. Definitions

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

* * *

(17) "Video draw poker device" means any unit, mechanism, or device authorized pursuant to the provisions of this Chapter, 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

1 microprocessors in which the player may win games or credits that can be redeemed
 2 for cash only. The term does not include a device that directly dispenses coins, cash,
 3 tokens, or any thing else of value, except the ticket voucher required in accordance
 4 with the provisions of this Chapter. The term does not include any device authorized
 5 to be used in the conducting of charitable gaming. The term does not include ~~video~~
 6 ~~line up games, mechanical reel games, or any combination thereof, or any slot~~
 7 machine as defined in R.S. 27:353.

8 * * *

9 §405. Description and specifications of devices

10 A. Each video draw poker device shall:

11 * * *

12 (6) For card games, use a display with images of cards that closely resemble
 13 standard poker playing cards. **Additional displays that are only for entertainment**
 14 **purposes are permitted.**

15 * * *

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

19 * * *

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

24 * * *

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

26 * * *

27 C.(1) **A qualified truck stop facility shall have a fuel facility that offers,**
 28 **in the regular course of business, fuel sales for individual vehicle consumption.**
 29 **The board may adopt rules to recognize alternative fuel sources to satisfy the**

1 **requirement regarding fuel sales provided by this Chapter.**

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

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

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

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

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

19 **(b) After ten years of operation as a qualified truck stop facility, the**
20 **facility shall thereafter be permitted to retain the number of devices for which**
21 **the facility qualified in the prior calendar year of operation provided the facility**
22 **meets a minimum fuel requirement of not less than twenty-five thousand gallons**
23 **per month as set forth in Paragraph (2) of this Subsection. However, such**
24 **qualified truck stop facility shall be required to comply with the provisions of**
25 **Paragraph (1) of this Subsection.**

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

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

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

5 ~~(3)~~(2) To be considered a fuel facility at a qualified truck stop facility for the
 6 purpose of licensing that qualified truck stop to operate video draw poker devices,
 7 the fuel facility shall not be subject to the fuel sales requirements provided for in
 8 Subpart E of Part VIII of Chapter 1 of Title 51 of the Louisiana Revised Statutes of
 9 1950, comprised of R.S. 51:421 through 427, and the requirements of Chapter 13 of
 10 Title 51 of the Louisiana Revised Statutes of 1950.

11 ~~(4)~~(3) The provisions of this Subsection provide for the fuel sales
 12 requirements for the purpose of licensing criteria for the operation of video draw
 13 poker devices at a qualified truck stop facility.

14 ~~(5)~~(4) The provisions of this Subsection shall not be construed to repeal,
 15 limit, or supercede any requirements for the sale of fuel by fuel facilities as otherwise
 16 provided for by law.

17 ~~(6)~~(5) The provisions of this Subsection shall not be construed to repeal,
 18 limit, or supercede the authority of the office of the attorney general to enforce the
 19 Unfair Trade Practices or Consumer Protection Law or the authority of any district
 20 attorney to prosecute violations of Subpart E of Part VIII of Chapter 1 of Title 51 of
 21 the Louisiana Revised Statutes of 1950, comprised of R.S. 51:421 through 427.

The original instrument was prepared by Ashley Menou. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy Wells.

DIGEST

SB 184 Reengrossed 2018 Regular Session Martiny

Present law excludes video line up games, mechanical reel games, or any combination thereof from the definition of "video draw poker device".

Proposed law deletes the exclusion of video line up games, mechanical reel games, or any combination thereof from the definition of "video draw poker device".

Present law 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.

Proposed law retains present law.

Present law requires that, for card games, each video draw poker device shall use a display with images of cards that closely resemble standard poker playing cards.

Proposed law provides that a video draw poker device may also use additional displays for entertainment purposes and otherwise retains present law.

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.

Proposed law provides that after ten years of operation as a qualified truck stop facility, such facility shall be permitted to retain the number of devices for which the facility qualified in the prior calendar year of operation provided the facility meets a minimum fuel requirement of not less than 25,000 gallons per month without having to meet the fuel sales requirements of present law.

Present law requires all qualified truck stop facilities operate a fuel facility that offers fuel sales for vehicle consumption.

Proposed law retains present law and authorizes the Gaming Control Board to adopt rules to recognize alternative fuel sources to satisfy the fuel sale requirement.

Effective August 1, 2018.

(Amends R.S. 27:402(17), 405(A)(6) and (C)(2), and 416(C) and (D))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Deletes proposed law changes to the definition of "video draw poker".
2. Clarifies that video draw poker devices are allowed to operate games utilizing one deck of cards or multiple decks of cards.
3. Adds that a video draw poker device may use displays other than images resembling standard poker playing cards only if the additional displays are for entertainment purposes.
4. Deletes proposed law changes to the fuel sale requirements of a qualified truck stop facility.
5. Adds that, after ten years of operation, a qualified truck stop facility shall be permitted to operate the number of devices for which the facility qualified in the prior calendar year without having to meet the fuel sales requirements of present law.
6. Removes repeal of present law provisions regarding the temporary placement of video draw poker devices for new licensees for one year until the licensee's fuel sales can be determined.
7. Makes technical changes.

Senate Floor Amendments to engrossed bill

1. Removes provisions relative to qualified truck stop amenities.
2. Removes provisions relative to leasing or subleasing of certain business operations by qualified truck stop amenities.
3. Clarifies number and type of cards "each hand" must include.
4. Adds that, after ten years of operation, a qualified truck stop facility shall be permitted to operate the number of devices for which the facility qualified in the prior calendar year provided the facility meets a minimum fuel requirement of not less than 25,000 gallons per month without having to meet the fuel sales requirements of present law.