

SENATE BILL NO. 184

BY SENATOR MARTINY

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

* * *

1 §405. Description and specifications of devices

2 A. Each video draw poker device shall:

3 * * *

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

7 * * *

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

11 * * *

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

16 * * *

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

18 * * *

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

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

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

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

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

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

10 **(b) After ten years of operation as a qualified truck stop facility, the**
 11 **facility shall thereafter be permitted to retain the number of devices for which**
 12 **the facility qualified in the prior calendar year of operation, not to exceed forty**
 13 **devices, if the facility meets a minimum fuel sales requirement of not less than**
 14 **thirty thousand gallons per month. However, such qualified truck stop facility**
 15 **shall be required to comply with the provisions of Paragraph (1) of this**
 16 **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 ~~D.(1) The fuel facility shall offer, in the regular course of business, fuel sales~~
 20 ~~for individual vehicle consumption.~~

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

25 ~~(3)(2)~~ To be considered a fuel facility at a qualified truck stop facility for the
 26 purpose of licensing that qualified truck stop to operate video draw poker devices,
 27 the fuel facility shall not be subject to the fuel sales requirements provided for in
 28 Subpart E of Part VIII of Chapter 1 of Title 51 of the Louisiana Revised Statutes of
 29 1950, comprised of R.S. 51:421 through 427, and the requirements of Chapter 13 of
 30 Title 51 of the Louisiana Revised Statutes of 1950.

1 ~~(4)~~**(3)** The provisions of this Subsection provide for the fuel sales
2 requirements for the purpose of licensing criteria for the operation of video draw
3 poker devices at a qualified truck stop facility.

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

7 ~~(6)~~**(5)** The provisions of this Subsection shall not be construed to repeal,
8 limit, or supercede the authority of the office of the attorney general to enforce the
9 Unfair Trade Practices or Consumer Protection Law or the authority of any district
10 attorney to prosecute violations of Subpart E of Part VIII of Chapter 1 of Title 51 of
11 the Louisiana Revised Statutes of 1950, comprised of R.S. 51:421 through 427.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____