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HOUSE FLOOR AMENDMENTS

2019 Regular Session

Amendments proposed by Representative Mack to Reengrossed House Bill No. 459 by Representative Talbot

1 AMENDMENT NO. 1

2 On page 1, line 2, change "and 308," to "308, and 309,"

3 AMENDMENT NO. 2

4 On page 1, line 5, after "licenses;" and before "and" insert "to provide penalties for allowing
5 persons under twenty-one years of age to be a fantasy sports contest player;"

6 AMENDMENT NO. 3

7 On page 1, line 8, after "307," delete the remainder of the line

8 AMENDMENT NO. 4

9 On page 1, at the beginning of line 9, change "308" to "308, and 309"

10 AMENDMENT NO. 5

11 On page 5, between lines 25 and 26, insert the following:

12 "§309. Allowing underage persons to play fantasy sports contests; penalties;
13 revocation hearing

14 A.(1) No person licensed pursuant to the provisions of this Chapter,
15 or any agent or employee thereof, shall allow a person under the age of
16 twenty-one to be a fantasy sports contest player.

17 (2) No person licensed pursuant to the provisions of this Chapter, or
18 any agent or employee thereof, shall allow a person to participate in a fantasy
19 sports contest in a parish in which, at the election held pursuant to R.S.
20 27:303, a majority of the qualified electors in the parish voting on the
21 proposition to authorize fantasy sports contests in the parish voted against the
22 proposition.

23 B.(1) The person licensed pursuant to the provisions of this Chapter
24 shall withhold all winnings from fantasy sports contest players who are
25 determined to be under the age of twenty-one and from fantasy sports contest
26 players participating in a fantasy sports contest in a parish in which, at the
27 election held pursuant to R.S. 27:303, a majority of the qualified electors in
28 the parish voting on the proposition to authorize fantasy sports contests in the
29 parish voted against the proposition.

30 (2) The person licensed pursuant to the provisions of this Chapter
31 shall each quarter report and remit to the division all winnings withheld from
32 fantasy sports contest players pursuant to the provisions of this Section.

33 C.(1) Violations of Paragraph (A)(1) of this Section shall be
34 penalized by the division as follows:

35 (a) If the licensee, his employee, or agent reasonably believed that
36 the person was twenty-one years of age or older:

1 (i) For a first or second violation, a fine of one thousand dollars shall
 2 be imposed.

3 (ii) For a third or subsequent violation, a license revocation hearing
 4 shall be conducted at which time the board shall determine whether or not
 5 there are extenuating circumstances pursuant to which a license suspension
 6 or revocation should not be imposed. At the conclusion of the hearing, the
 7 board may revoke or suspend the license or, in lieu of the revocation or
 8 suspension of a license, the board may impose a civil penalty not to exceed
 9 fifty thousand dollars for each violation. Payment of the civil penalty shall
 10 be a requirement for the retention of the license held by the entity.

11 (b) If the licensee, his employee, or agent is shown to have known
 12 or reasonably believed he was allowing a person under the age of twenty-one
 13 years to be a fantasy sports contest player, or for allowing a person under the
 14 age of fifteen years to be a fantasy sports contest player regardless of what
 15 the licensee, his employee, or agent knew or reasonably believed about the
 16 age of that person:

17 (i) For a first or second violation, license revocation may be imposed.

18 (ii) For a first or second violation, a fine of one thousand dollars shall
 19 be imposed if the license is not revoked.

20 (iii) For a third or subsequent violation, a license revocation hearing
 21 shall be conducted at which time the board shall determine whether or not
 22 there are extenuating circumstances pursuant to which a license suspension
 23 or revocation should not be imposed. At the conclusion of the hearing, the
 24 board may revoke or suspend a license or, in lieu of the revocation or
 25 suspension of a license, the board may impose a civil penalty not to exceed
 26 fifty thousand dollars for each violation. Payment of the civil penalty shall
 27 be a requirement for the retention of the license held by the entity.

28 (2) Violations of Paragraph (A)(2) of this Section shall be penalized
 29 by the division as follows:

30 (a) For a first or second violation, license revocation may be
 31 imposed.

32 (b) For a first or second violation, a fine of one thousand dollars shall
 33 be imposed if the license is not revoked.

34 (c) For a third or subsequent violation, a license revocation hearing
 35 shall be conducted at which time the board shall determine whether or not
 36 there are extenuating circumstances pursuant to which a license suspension
 37 or revocation should not be imposed. At the conclusion of the hearing, the
 38 board may revoke or suspend a license or, in lieu of the revocation or
 39 suspension of a license, the board may impose a civil penalty not to exceed
 40 fifty thousand dollars for each violation. Payment of the civil penalty shall
 41 be a requirement for the retention of the license held by the entity.

42 D.(1) A licensee shall be provided notice of the charged violation
 43 and may concede the violation and accept the penalty or may deny the
 44 violation and demand a hearing be held, pursuant to R.S. 27:25, to make a
 45 determination regarding the charge.

46 (2) A violation shall have occurred only if the charged violation is
 47 conceded by the licensee to have occurred or is found to have occurred at a
 48 hearing held for that purpose.

49 (3) For the purposes of determining whether a second or subsequent
 50 violation has occurred, every violation shall have occurred on a separate
 51 occasion, at the same licensed location, and only violations that have
 52 occurred within a one-year period, regardless of when they were charged,
 53 conceded, or found to have occurred, shall be considered.

54 (4) For persons having more than one license issued pursuant to the
 55 provisions of this Chapter, license revocation as provided in this Subsection,
 56 shall only apply to the license of the fantasy sports contest operator of the
 57 platform on which the violation occurred.

58 E.(1) It is unlawful for any person under twenty-one years of age to
 59 be a fantasy sports contest player.

1 (2) Whoever violates the provisions of this Subsection shall be fined
2 not more than one hundred dollars.
3 (3) Any person apprehended while violating the provisions of this
4 Subsection may be issued a citation by the apprehending law enforcement
5 officer, which shall be paid in the same manner as provided for the offenders
6 of local traffic violations."