

Regular Session, 2012

SENATE BILL NO. 575

BY SENATOR MORRELL AND REPRESENTATIVE LOPINTO

VIDEO POKER. Provides with respect to the Video Draw Poker Devices Control Law.
(8/1/12)

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AN ACT

To amend and reenact R.S. 14:90(C), R.S. 27:20(A)(1)(d)(ii), and Chapter 8 of Title 27 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 27:401 through 457, to enact Chapter 9 of Title 27 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 27:501 and 502, and to repeal Chapter 6 of Title 27 of the Louisiana Revised Statutes of 1950 , comprised of R.S. 27:301 through 326, relative to the licensing and operation of video draw poker devices; to provide for a comprehensive reorganization of the Video Draw Poker Devices Control Law; to provide for definitions; to provide for the types of licensed establishments which may be issued for the operation of video draw poker devices; to provide for limits on the number of devices which may be offered at those licensed establishments; to provide for specifications of video draw poker devices; to provide for the types of games which may be played on video draw poker devices; to provide for progressive jackpots; to provide with respect to suitability criteria for the issuance of video draw poker devices; to provide for criteria and amenities which shall be offered at different licensed establishments; to provide for the calculation of fuel sales at qualified truck stop facilities; to provide with respect to the construction and location

1 of qualified truck stop facilities; to provide for the temporary operation of video
 2 draw poker devices; to provide with respect to force majeure; to provide for
 3 applicability; to provide for exceptions; to provide with respect to leasing qualified
 4 truck stop facilities; to repeal statutory provisions which have become obsolete; to
 5 provide with respect to the sale or transfer of a license; to provide for tax clearances
 6 for the granting or renewal of a license to operate video draw poker devices; to
 7 provide for the application process for three machine locations; to provide for
 8 issuance of licenses by the office of state police for three machine locations; to
 9 provide for the regulation and enforcement regarding the operation of video draw
 10 poker devices; to provide for rulemaking; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 14:90(C) is hereby amended and reenacted to read as follows:

13 §90. Gambling

14 * * *

15 C. The conducting or assisting in the conducting of gaming activities or
 16 operations upon a riverboat at the official gaming establishment, by operating an
 17 electronic video draw poker device, by a charitable gaming licensee, or at a pari-
 18 mutuel wagering facility, conducting slot machine gaming at an eligible horse racing
 19 facility, or the operation of a state lottery which is licensed for operation and
 20 regulated under the provisions of Chapters 4 and 11 of Title 4, Chapters 4, 5, ~~6, and~~
 21 **7, and 8** of Title 27, or Subtitle XI of Title 47 of the Louisiana Revised Statutes of
 22 1950, is not gambling for the purposes of this Section, so long as the wagering is
 23 ~~done~~ **conducted** on the premises of the licensed establishment.

24 * * *

25 Section 2. R.S. 27:20(A)(1)(d)(ii) and Chapter 8 of Title 27 of the Louisiana Revised
 26 Statutes of 1950, comprised of R.S. 27:401 through 457, are hereby amended and reenacted
 27 and Chapter 9 of Title 27 of the Louisiana Revised Statutes of 1950, comprised of R.S.
 28 27:501 and 502, is hereby enacted to read as follows:

29 §20. Department of Public Safety and Corrections, office of state police

1 A.(1) The Department of Public Safety and Corrections, office of state
2 police, shall:

3 * * *

4 (d) Issue the following licenses and permits in accordance with rules adopted
5 by the board:

6 * * *

7 (ii) ~~Renewals~~ **New licenses and the renewal** of licenses for the operation
8 of video draw poker devices at facilities with no more than three video draw poker
9 devices at their licensed establishments.

10 * * *

11 **CHAPTER 8. VIDEO DRAW POKER DEVICES CONTROL LAW**

12 **PART I. GENERAL PROVISIONS**

13 **§401. Short title**

14 **This Chapter shall be known and may be cited as the "Video Draw**
15 **Poker Devices Control Law"**.

16 **§402. Definitions**

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

19 **(1) "Board" means the Louisiana Gaming Control Board, as established**
20 **by R.S. 27:11.**

21 **(2) "Certified technicians level one" means qualified service personnel**
22 **trained by a manufacturer, distributor, or other qualified entity, or in a training**
23 **program approved by the board or division, where applicable, who are capable**
24 **of clearing paper or money jams, changing paper contained within the video**
25 **draw poker devices, or retrieving money from video draw poker devices.**

26 **(3) "Certified technicians level two" means qualified service personnel**
27 **trained by a manufacturer, distributor, or other qualified entity, or in a training**
28 **program approved by the board or division, where applicable, who are capable**
29 **of clearing paper or money jams, changing paper contained within the video**

1 draw poker devices, or retrieving money from video draw poker devices,
2 performing any repairs, parts replacements, maintenance, cleaning, and other
3 matters related to servicing of video draw poker devices.

4 (4) "Device operation" means the privilege of operating a video draw
5 poker device in accordance with the provisions of this Chapter.

6 (5) "Device owner" means a person other than a distributor, who owns
7 and operates, maintains, repairs, or services one or more video draw poker
8 devices in licensed establishments.

9 (6) "Distributor" means any person who buys, sells, leases, services, or
10 repairs video draw poker devices and provides a facility for the inspection of
11 those devices as required by the board or division, where applicable.

12 (7) "Division" shall have the same meaning as that term defined in R.S.
13 27:3.

14 (8) "Hotel" or "motel" means an operating commercial establishment
15 which possesses all appropriate licensing as a hotel or motel and which is
16 engaged primarily in the renting of rooms, generally at a daily rate basis, which
17 provides overnight lodging to the general public.

18 (9) "Institutional investor" means a person that is:

19 (a) A plan or trust established and maintained by the United States
20 government, a state, a political subdivision of a state for the benefit of their
21 respective employees.

22 (b) An investment company that is registered under the Investment
23 Company Act of 1940.

24 (c) A collective investment trust organized by a bank under Part Nine
25 of the rules of the Comptroller of the Currency.

26 (d) A closed end investment trust registered with the United States
27 Securities and Exchange Commission.

28 (e) A mutual fund.

29 (f) A life insurance company or property and casualty insurance

1 company.

2 (g) A federal or state bank.

3 (h) An investment advisor registered under the Investment Advisors Act
4 of 1940.

5 (10) "Licensed establishment" means an establishment that has a Class
6 A-General retail permit or a Class A-Restaurant permit as defined in Part II of
7 Chapter 1 or Part II of Chapter 2 of Title 26 of the Louisiana Revised Statutes
8 of 1950, for the sale of alcoholic beverages for on-premises consumption or a
9 Louisiana state racing commission licensed race track, pari-mutuel wagering
10 facility, or offtrack wagering facility, or a qualified truck stop facility as defined
11 in R.S. 27:416. Licensed establishment shall not include any premises leased to
12 or utilized by a bona fide nonprofit organization for the conducting of
13 charitable gaming nor any convenience store, quick-stop, food-mart, service
14 station, grocery store, barber shop, laundromat/washateria, package or
15 discount liquor/cigarette establishment, movie theater, or beauty shop.

16 (11) "Manufacturer" means any person who manufactures or assembles
17 and programs video draw poker devices for use in this state.

18 (12) "Net device revenue" means the gross revenue of a device less the
19 value of prizes paid as shown on the meters of the device.

20 (13) "Person" shall have the same meaning as that term defined in R.S.
21 27:3.

22 (14) "Restaurant, bar, tavern, cocktail lounge, or club" means an
23 operating establishment primarily engaged in the retail sale of prepared foods
24 or the sale of alcoholic beverages for on-premises or immediate consumption
25 that has been granted a Class A-General retail permit or a Class A-Restaurant
26 permit, as defined in Part II of Chapter 1 or Part II of Chapter 2 of Title 26 of
27 the Louisiana Revised Statutes of 1950, for the sale of alcoholic beverages for
28 on-premises consumption.

29 (15) "Service entity" means any person other than a distributor or

1 device owner who repairs, services, inspects, or examines video draw poker
2 devices in the presence of a device owner or owner's employee.

3 (16) "Suitability", "suitable", or "suitability requirements" means the
4 criteria provided for in R.S. 27:427.

5 (17) "Video draw poker device" means any unit, mechanism, or device
6 authorized pursuant to the provisions of this Chapter, that, upon insertion of
7 cash, is available to play or simulate the play of the game of draw poker, or
8 other card games approved by the board or division, where applicable, utilizing
9 a video display and microprocessors in which the player may win games or
10 credits that can be redeemed for cash only. The term does not include a device
11 that directly dispenses coins, cash, tokens, or any thing else of value, except the
12 ticket voucher required in accordance with the provisions of this Chapter. The
13 term does not include any device authorized to be used in the conducting of
14 charitable gaming. The term does not include video line up games, mechanical
15 reel games, or any combination thereof, or any slot machine as defined in R.S.
16 27:353(14).

17 (18) "Video draw poker" means any card game approved by the board
18 or division, where applicable, that utilizes one deck of cards per hand with
19 multiple hands permitted per game.

20 (19) "Video draw poker employee" means a person issued a permit
21 pursuant to the provisions of R.S. 27:445.

22 §403. Video draw poker device operation not gambling; license is a privilege

23 A. Notwithstanding any provision of law to the contrary, the placement,
24 operation, maintenance, and play of approved video draw poker devices in
25 accordance with the provisions of this Section is legal, and such devices shall not
26 be considered gambling devices.

27 B. Any license applied for, granted, or issued under the provisions of
28 this Chapter is a pure and absolute privilege, the awarding, denial, or
29 withdrawal of which is solely within the discretion of the board or division,

1 where applicable, and, except as provided in this Chapter, without recourse at
2 law. Any license issued or renewed under the provisions of this Chapter is not
3 property or a protected interest under the constitutions of either the United
4 States or the state of Louisiana.

5 §404. Service entity

6 A service entity shall not perform any accounting functions, including
7 but not limited to recording meter readings or handling or transporting funds
8 procured from the video draw poker device. A service entity shall not perform
9 any actions which would fulfill state reporting requirements other than those
10 directly related to the physical repair of video draw poker devices.

11 PART II. VIDEO DRAW POKER DEVICES

12 §405. Description and specifications of devices

13 A. Each video draw poker device shall:

14 (1) Be inspected by the board or division, where applicable, or its
15 designee for certification and compliance.

16 (2) Be connected with a system consisting of player operated terminals
17 and a self-contained control computer.

18 (3) Not have any device or program that will alter the reading of the
19 values or amounts of play to reflect values or amounts other than actually
20 played or any switches, jumpers, wire posts, or any other means of
21 manipulation that could affect the operation or outcome of a game.

22 (4) Not have any device, switch, program, or function that can alter the
23 readings of the actual amounts or values relating to any function or occurrence
24 of the device.

25 (5) Have separate secure areas with locking doors for the game logic
26 board and software, the cash compartment, and the meters as required by the
27 rules and regulations of the board or division, where applicable. These areas
28 must be locking and separated. Access to one from the other must not be
29 allowed at any time.

1 **(6) For card games, use a display with images of cards that closely**
2 **resemble standard poker playing cards.**

3 **(7) Not have any functions or parameters adjustable by or through any**
4 **separate video display or input codes, except for the adjustment of features that**
5 **are wholly cosmetic.**

6 **(8) Have a circuit-interrupting device, method, or capability which will**
7 **disable the machine if the board or division, where applicable, approved**
8 **program is accessed or altered.**

9 **(9) Have a serial number or other identification number permanently**
10 **affixed to the device by the manufacturer.**

11 **(10) Have nonresettable meters housed in a secure compartment that**
12 **keep a permanent record of all of the following:**

13 **(a) Total credits accepted.**

14 **(b) Total credits played by players.**

15 **(c) Total credits won by players.**

16 **(d) Total credits printed out by the ticket voucher printer.**

17 **(e) The device must contain electronic metering using meters that record**
18 **all of the following:**

19 **(f) Total credits in, total credits played, total credits won, and total**
20 **credits paid.**

21 **(g) Total hands of poker played and total hands of poker won.**

22 **B. Each video draw poker device shall be linked by telecommunication**
23 **to a central computer for purposes of polling or reading device activities and for**
24 **central computer remote shutdown of device operations; however, if the central**
25 **computer system fails as a result of a malfunction or catastrophic event, the**
26 **device may remain in operation until the central computer system is restored.**

27 **C. Each video draw poker device shall offer the game of draw poker or**
28 **such other card games as are approved by the board or division, where**
29 **applicable, and have the following method of operation:**

1 **(1) The cards must be shuffled after each hand is dealt.**

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

6 **(3) After shuffling, a required number of cards must be dealt from the**
7 **top of the deck.**

8 **(4) Any discarded cards must be replaced by remaining cards in the**
9 **deck, starting with the next subsequent card and using the cards in the order of**
10 **the deck.**

11 **(5) The game must display the hands for which won games or credits**
12 **will be awarded and the number of won games or credits for each hand, not to**
13 **exceed the value of one thousand dollars.**

14 **(6) Notwithstanding the provisions of Paragraphs (2), (3), and (4) of this**
15 **Subsection when they are in conflict, multi-hand games shall be an authorized**
16 **game for play when approved by an authorized device testing laboratory and**
17 **the board or division, where applicable, provided that, with respect to any video**
18 **draw poker device located in Orleans Parish, no multi-hand game is or may be**
19 **authorized unless it has been determined by the Louisiana Gaming Control**
20 **Board that permitting such game in Orleans Parish will not violate any of the**
21 **terms or provisions of Section 1.3 of the Amended and Renegotiated Casino**
22 **Operating Contract entered into pursuant to R.S. 27:201 et seq., on October 30,**
23 **1998, as amended, effective October 19, 1999, March 29, 2001, March 31, 2001,**
24 **February 14, 2005, and December 16, 2005. Any authorization of a multi-hand**
25 **game by the board or division, where applicable, in violation of this Paragraph**
26 **shall be null and void.**

27 **D. A video draw poker device may have a mechanism that accepts cash**
28 **in the form of bills with a denomination not to exceed twenty dollars.**

29 **E. The board or division, where applicable, may provide for additional**

1 specifications for devices to be approved and authorized pursuant to the
2 provisions of this Chapter as it deems necessary to maintain the integrity of
3 video draw poker devices and operations. The board or division, where
4 applicable, shall not provide for any additional specifications which would have
5 the effect of reducing to fewer than four the number of manufacturers who
6 make devices that meet the specifications of this Chapter.

7 §406. Ticket vouchers and accounting tickets

8 A. Each video draw poker device must be capable of printing a ticket
9 voucher for the player at the completion of each game. If credits are owed the
10 player, the ticket must contain each of the following:

11 (1) The name of the licensed establishment.

12 (2) The address of the establishment.

13 (3) The value of the prize in numbers.

14 (4) The value of the prize in words.

15 (5) The time of day, in hours and minutes in a twenty-four-hour format.

16 (6) The date.

17 (7) The device license number or serial number up to eight digits.

18 (8) The sequential number of the ticket voucher.

19 (9) An encrypted validation number from which the validity of the prize
20 can be determined.

21 B. An exact copy of each printed ticket voucher must be printed and
22 retained within the device, or other means of capturing and retaining an
23 electronic copy of the ticket data as approved by the board or division, where
24 applicable, for a minimum of five thousand tickets. If a thermal printer is used
25 and the duplicate information is stored electronically in the device, any
26 duplicate voucher printed by the device must have the prominent word
27 "DUPLICATE" printed on the face of the voucher.

28 C. Each video draw poker device must issue, by activation of an external
29 switch, an accounting ticket containing a performance synopsis of the device.

1 **The ticket must contain:**

2 **(1) The name of the licensed establishment.**

3 **(2) The address of the establishment.**

4 **(3) The license number of the device.**

5 **(4) The time of day, in hours and minutes in a twenty-four-hour format.**

6 **(5) The date.**

7 **(6) The electronic meter readings required by this Chapter.**

8 **§407. Games without minimum wager; Orleans excepted**

9 **A. Notwithstanding any provision of law to the contrary, video draw**
10 **poker devices in any facility licensed pursuant to this Chapter, in any parish**
11 **other than Orleans, may schedule games with no minimum wager. A video**
12 **draw poker device may accept coins in the amount of the minimum wager**
13 **offered by that device. Video draw poker devices may accept coins or currency**
14 **of denominations of multiples of the minimum wager but shall provide one**
15 **game for each amount of the minimum wager deposited in that video draw**
16 **poker device. The provisions of this Subsection shall not be construed to affect**
17 **the limitations on the amount of money played and the limitation on the value**
18 **of prizes established in R.S. 27:410.**

19 **B. Video draw poker devices in any facility licensed pursuant to this**
20 **Chapter located in Orleans Parish may schedule games with such minimum**
21 **wager as may be approved by the board or division, where applicable, provided**
22 **it has been determined by the Louisiana Gaming Control Board that permitting**
23 **such minimum wager in Orleans Parish will not violate any of the terms or**
24 **provisions of Section 1.3 of the Amended and Renegotiated Casino Operating**
25 **Contract entered into pursuant to R.S. 27:201 et seq., on October 30, 1998, as**
26 **amended, effective October 19, 1999, March 29, 2001, March 31, 2001,**
27 **February 14, 2005, and December 16, 2005. Any change to the minimum wager**
28 **in violation of this Subsection shall be null and void.**

29 **§408. Progressive jackpots**

1 A progressive jackpot may be offered for play at a licensed facility if the
2 video draw poker devices are located at the same facility. The video draw poker
3 devices at a licensed facility may be linked in order to offer a pooled or
4 progressive jackpot. This jackpot shall not exceed the current single game
5 payout maximum provided for in R.S. 27:410. Multi-tiered progressive shall be
6 permitted as long as the progressive value does not exceed the single game
7 payout maximum.

8 §409 through 411. (Reserved)

9 PART III. LICENSING AND TYPES OF LICENSES

10 §412. State license qualifications; types of licenses

11 A.(1) The legislature hereby recognizes the importance of a controlled
12 gaming industry to the development of the economy of the state of Louisiana.
13 The legislature further recognizes that the success and growth of gaming are
14 dependent upon public confidence and trust that gaming activities and
15 particularly video draw poker gaming activities are conducted honestly and are
16 free from criminal and corruptive elements.

17 (2) The state of Louisiana has a legitimate interest in providing strict
18 regulation of all persons, practices, associations, and activities related to the
19 operation of licensed establishments licensed to offer video draw poker devices,
20 and the manufacture, supply, or distribution of video draw poker gaming
21 devices and supplies, in order to maintain public confidence and trust in the
22 video draw poker gaming industry.

23 (3) The legislature hereby finds that the types of establishments which
24 may place video draw poker devices at their licensed establishments each
25 possess unique features, some of which are volume of business, number of
26 establishments, and hours required of the board or division, where applicable,
27 to ensure suitability prior to licensing. Therefore, in order to provide the most
28 effective regulation and control of the video draw poker gaming industry, it is
29 necessary to develop three categories of licenses which may be issued to

1 qualified establishments for the privilege of operating video draw poker devices.

2 B. The three categories of licenses which may be issued to qualified
3 establishments for the operation of video draw poker devices are as follows:

4 (1) A license to operate a maximum of three video draw poker devices
5 at establishments licensed to sell alcoholic beverages for consumption on the
6 premises of the establishment as provided for in R.S. 27:413.

7 (2) A license to operate a maximum of fifty video draw poker devices at
8 qualified truck stop facilities as provided for in R.S. 27:416.

9 (3) A license to operate an unlimited number of video draw poker
10 devices at a licensed pari-mutuel wagering facility or an offtrack wagering
11 facility as provided for in R.S. 27:415.

12 C. A licensee may not have on the premises or make available for play
13 on the premises of the licensed establishment more video draw poker devices
14 than as provided in this Section.

15 §413. Licenses to operate video draw poker devices at certain alcoholic
16 beverage facilities; multiple facilities

17 A. A person who has been granted a Class A-General retail permit or
18 a Class A-Restaurant permit, as defined in Part II of Chapter 1 or Part II of
19 Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, to sell alcoholic
20 beverages for consumption on the premises of a restaurant, bar, tavern, cocktail
21 lounge, club only, or such an establishment located within a motel or hotel only
22 may be granted a license for the placement of not more than three video draw
23 poker devices in his licensed establishment.

24 B. A person who is the owner of more than one restaurant, bar, tavern,
25 cocktail lounge, or club which is located within a single building or structure,
26 and who has been granted a Class A-General retail permit or a Class A-
27 Restaurant permit, as defined in Part II of Chapter 1 or Part II of Chapter 2 of
28 Title 26 of the Louisiana Revised Statutes of 1950, to sell alcoholic beverages for
29 consumption on the premises of each such facility, may make available for play

1 not more than three video draw poker devices at each separate facility, not to
2 exceed a total of nine video draw poker devices for the single building or
3 structure, if that person and each facility complies with all other requirements
4 of this Chapter and of the administrative rules that are applicable to the
5 operation of video draw poker devices. The limitation on the number of
6 facilities contained in this Subsection shall not apply to any person or entity who
7 owns and operates multiple facilities which are located in a publicly owned and
8 operated transportation facility offering any transportation to interstate and
9 international destinations.

10 C. For purposes of Subsection B of this Section, a person shall be
11 deemed to own more than one restaurant, bar, tavern, cocktail lounge, or club
12 located within a single building or structure when the person has an ownership
13 interest in each restaurant, bar, tavern, cocktail lounge, club, or other facility
14 located within the single building or structure.

15 D. Except as provided in Subsection B or C of this Section or R.S.
16 27:414, when a restaurant, bar, tavern, cocktail lounge, or club is owned by one
17 person, each establishment shall be physically separate and noncontiguous in
18 order to qualify for a license to operate video draw poker devices at each such
19 establishment.

20 **§414. Hotel and motel facilities; criteria**

21 A licensee owning or leasing a licensed establishment which is a hotel or
22 motel which has more than one lounge or facility and which has a Class A-
23 General retail permit or a Class A-Restaurant permit, as defined in Part II of
24 Chapter 1 or Part II of Chapter 2 of Title 26 of the Louisiana Revised Statutes
25 of 1950, to sell alcoholic beverages for on-premises consumption on a single
26 licensed premises may make available for play not more than three video draw
27 poker devices at each lounge or separate facility, not to exceed a total of twelve
28 video draw poker devices for the hotel or motel, if all other requirements of this
29 Chapter are met. Each separate lounge or facility shall meet the following

1 **criteria:**

2 **(1) It must be a physically separate noncontiguous facility.**

3 **(2) It must have separate and independent beverage preparation areas.**

4 **(3) It must prepare, dispense, and sell alcoholic beverages for on-**
5 **premises consumption.**

6 **(4) It must have a person whose primary duty is tending bar on duty**
7 **while the lounge or facility is open for business and have a permanently affixed**
8 **wet bar facility including plumbing and sinks.**

9 **(5) It must be able to accommodate a minimum of twenty-five patrons.**

10 **§415. Pari-mutuel wagering facility or offtrack wagering facility; no minimum**
11 **wager**

12 **A person owning a Louisiana State Racing Commission licensed pari-**
13 **mutuel wagering facility or an offtrack wagering facility may be granted a**
14 **license for the placement of video draw poker devices in his facility if all other**
15 **requirements of this Chapter are met. There shall be no limit on the number**
16 **of video draw poker devices which may be placed at the facility.**
17 **Notwithstanding any provision of law to the contrary, video draw poker devices**
18 **in these facilities may schedule games with no minimum wager.**

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

20 **A. A person owning or leasing a qualified truck stop facility may be**
21 **granted a license for the placement of not more than fifty video draw poker**
22 **devices in his facility based on the fuel sales as provided in Subsection C of this**
23 **Section, in an area separated for adult patronage only, if all other requirements**
24 **of this Chapter are met. There shall be only one license granted for the**
25 **operation of video draw poker devices at each qualified truck stop facility.**

26 **B. The qualified truck stop facility shall be owned or leased by a person**
27 **who meets all the personal qualifications for a Class A-General retail permit or**
28 **a Class A-Restaurant permit, as defined in Part II of Chapter 1 or Part II of**
29 **Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, to serve or sell**

1 alcoholic beverages for on-premises consumption; however, when no such
2 permit is obtainable or available, no such permit shall be required.

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

9 (1) One hundred thousand gallons of fuel of which forty thousand
10 gallons are diesel - not more than fifty devices.

11 (2) Seventy-five thousand gallons of fuel of which thirty thousand
12 gallons are diesel - not more than forty devices.

13 (3) Fifty thousand gallons of fuel of which ten thousand are diesel - not
14 more than thirty-five devices.

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

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

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

28 (4) The provisions of this Subsection provide for the fuel sales
29 requirements for the purpose of licensing criteria for the operation of video

1 draw poker devices at a qualified truck stop facility.

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

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

11 **§417. Qualified truck stop criteria; amenities**

12 A. As used in this Chapter, a qualified truck stop facility shall mean a
13 facility covering at least five developed contiguous acres which sells fuel and
14 which also meets all of the following criteria:

15 (1) It must be located adjacent to a major state or interstate highway,
16 as defined by the board or division, where applicable, through rules and
17 regulations adopted by the board or division, where applicable, for this purpose,
18 subject to legislative oversight.

19 (2) It must have an onsite restaurant which, for the purposes of
20 qualifying as a qualified truck stop facility, shall be required to have only the
21 following features:

22 (a) Provides seating for at least fifty patrons, with all seats located
23 within a centralized area.

24 (b) Is open at least twelve hours a day.

25 (c) Offers a varied menu.

26 (d) Operates a fully equipped kitchen which includes but is not limited
27 to a range, or an oven, and refrigerated storage appliances used for the
28 preparation of foods for on-premises or immediate consumption.

29 (3) It must have parking areas with each of the following:

1 **(a) For issuance of the initial license, a stable parking area for at least**
2 **fifty eighteen-wheel tractor-trailer motor vehicles, either paved or concrete, to**
3 **support eighteen-wheel tractor-trailer motor vehicles and their loads,**
4 **constructed according to industry specifications, subject to approval by board**
5 **or the division where applicable. All other parking areas not paved or concrete**
6 **must be certified by an authorized company and proof provided that**
7 **compaction tests were conducted, subject to approval by the division. Once the**
8 **division has approved the parking area and issued a license for the operation of**
9 **video draw poker devices, the continued maintenance of the parking area shall**
10 **not be subject to approval or review by the division.**

11 **(b) Parking of sufficient size is allowed for safe ingress and egress.**

12 **(c) Parking areas for other vehicles around business entrance ways and**
13 **exits shall not constitute parking areas for eighteen-wheel tractor-trailer motor**
14 **vehicles.**

15 **(4) It must have diesel and gasoline fuel facilities.**

16 **(5) It must have onsite repair service facilities for eighteen-wheel**
17 **tractor-trailer motor vehicles. The onsite repair service may be in the form of**
18 **contracted services from a business which regularly offers this type of service.**
19 **A copy of any contractual agreement shall be submitted with the application for**
20 **review and processing.**

21 **(6) It must have at least four of the following amenities, except for**
22 **reason of force majeure affecting the ability to maintain the amenities for a**
23 **reasonable period of time, as determined by the board or division, where**
24 **applicable, following the interruption of such ability:**

25 **(a) A separate truckers' television lounge.**

26 **(b) A full-service laundry facility located in a convenient area for**
27 **truckers' use.**

28 **(c) Private showers for men and women and not located in an area open**
29 **to general public restroom facilities.**

1 (d) A travel store with items commonly referred to as truckers' supplies
2 (items commonly used only by commercial motor vehicles).

3 (e) Truck scales.

4 (f) Separate truckers' telephones.

5 (g) Permanent storage facilities for fuel.

6 (7) It must have an area separated for adult patronage only.

7 B. If, for reason of force majeure, the truck stop facility loses the ability
8 to maintain one or more of the amenities or criteria required in Subsection A
9 of this Section, it may continue to operate the video draw poker devices for a
10 reasonable period of time as determined by the board or division, as may be
11 applicable, provided that the owner or lessor of the truck stop facility makes
12 every effort to restore the affected amenities as soon as practicable.

13 C.(1) The criteria and amenity requirements for a qualified truck stop
14 facility provided for by this Section shall be suspended for that criteria or
15 amenity if any portion of the property upon which a qualified truck stop is
16 located is expropriated by the state of Louisiana or one of its political
17 subdivisions. The suspension for that criteria or amenity shall remain in effect
18 until such time as it is possible for the licensee to meet the requirements of this
19 Section. During the period of suspension the licensee may continue to operate
20 video draw poker devices without meeting the requirements for that particular
21 criteria or amenity affected by the expropriation as otherwise provided for by
22 this Section if all other provisions of this Chapter are met.

23 (2) The provisions of this Subsection shall not be construed to adversely
24 affect parish boundary surveys or good faith reliance upon those surveys as
25 provided for in R.S. 27:454.

26 D. Except as provided for in Subsections B and C of this Section, the
27 criteria and amenities required for a qualified truck stop facility shall be
28 operational and maintained in working condition.

29 §418. Leasing or subleasing restaurant and convenience stores at qualified

1 **truck stops; holiday operation**

2 **A. An owner or lessor of a qualified truck stop facility may lease or**
3 **sublease any restaurant, convenience store, fuel facility, or any other business**
4 **operation located on the premises of the qualified truck stop facility to another**
5 **person, provided that such person executes a written lease which contains a**
6 **requirement that the lessee or sublessee comply with the laws and regulations**
7 **which govern the operation of video draw poker devices. If such lease or**
8 **sublease is granted, the owner or lessor of such qualified truck stop facility shall**
9 **maintain ultimate supervision and control of his entire truck stop premise. No**
10 **such lessee or sublessee shall be required to meet suitability requirements unless**
11 **he receives, as a result of the lease, any video draw poker device operation**
12 **revenue or unless he exercises some management or control over video draw**
13 **poker devices. Any violation of the laws and regulations which govern the**
14 **operation of video draw poker devices by such lessee or sublessee shall be**
15 **considered a violation by the licensee.**

16 **B. No financial lending institution or pawnshop shall be located on the**
17 **premises of a qualified truck stop facility. Nothing herein shall prohibit the**
18 **placement of automatic teller machines on the premises of a qualified truck**
19 **stop.**

20 **C. Notwithstanding any other provision of law to the contrary, the**
21 **owner or lessor of a qualified truck stop facility may close the restaurant on the**
22 **premises of the qualified truck stop facility during a legal holiday as defined in**
23 **R.S. 1:55(B)(1)(a).**

24 **§419. Truck stop construction; advertising; notice of intent to construct**

25 **A. Any person applying for a license for the placement of video draw**
26 **poker devices at a truck stop facility shall have, prior to any required rezoning,**
27 **construction application, or construction of the truck stop which the applicant**
28 **seeks to establish as a qualified truck stop facility, publish a notice of his**
29 **intention to build a truck stop that may qualify for a license to operate video**

1 draw poker devices as a qualified truck stop facility.

2 B. The notice shall be published on two separate days in the official
3 journal of the parish where the facility is to be located and in another
4 newspaper with a larger circulation within the parish than the official journal
5 of the parish, if there is one. All costs associated with publication of this notice
6 shall be borne by the person seeking application for a licensed truck stop
7 facility.

8 C. Requirements for the notice required in this Section shall be
9 prescribed by the Louisiana Gaming Control Board, which requirements shall
10 include:

11 (1) Prominent placement in the newspaper in a section other than the
12 classified advertisement or public notice section.

13 (2) Formatting in a box with a bolded outline.

14 (3) A size of not less than two inches by four inches.

15 (4) Print in bold face type.

16 (5) The additional publications in the official journal as required by this
17 Subsection shall be provided by the official journal at a charge not in excess of
18 the rates assessed and charged for regular commercial advertising.

19 (6) Failure to timely accomplish such publication shall make an
20 application for a licensed truck stop null, void, and of no effect until the person
21 seeking application has fully complied with the requirements of advertising
22 pursuant to this Section.

23 (7) Each person required to publish public notice pursuant to this
24 Section shall also provide notice to the local governing authority in its parish or
25 district as the case may be.

26 D. In addition to the requirements for publication provided for in this
27 Section, the person seeking application shall issue a press release to newspapers
28 with substantial distribution within the parish where the facility is to be located
29 and to area broadcast media.

1 **§420. Rezoning notice**

2 **No license shall be granted for the establishment of a qualified truck stop**
3 **facility at a location that requires or required rezoning to accommodate the**
4 **establishment of the facility unless any signage required to be posted under the**
5 **rezoning requirements in the parish contains in clear and easily readable form**
6 **the information that the rezoning is proposed for consideration to provide for**
7 **the establishment of a qualified truck stop facility.**

8 **§421. Temporary placement of twenty-five video draw poker devices**

9 **A. Any person applying for a truck stop facility license must meet all**
10 **requirements provided by this Chapter prior to licensing. Upon a**
11 **determination by the board that a truck stop facility meets the licensing and**
12 **amenity requirements provided for by this Chapter, up to twenty-five video**
13 **draw poker devices shall be temporarily placed at that facility without the**
14 **requirement that the facility meet the fuel sale requirements as provided for in**
15 **R.S. 27:416(C) for three calendar months. At the end of the first three calendar**
16 **months of fuel sales, the number of video draw poker devices placed at the**
17 **qualified truck stop facility shall be based on the average monthly fuel sales.**
18 **Monthly fuel sales shall be calculated quarterly, using four sets of three**
19 **calendar months, for the first year. For each calendar year thereafter, the**
20 **number of video draw poker devices placed at the qualified truck stop facility**
21 **shall be based upon the average fuel sales calculated annually as provided for**
22 **in this Subsection.**

23 **B. If after a qualified truck stop facility is licensed and an initial**
24 **determination has been made to authorize the placement and operation of**
25 **devices at the facility based upon the average of the fuel sales reports for three**
26 **months, and the qualified truck stop facility thereafter becomes unable to sell**
27 **a sufficient number of gallons of fuel to permit the minimum number of devices**
28 **to be operated at the facility, for reasons of force majeure or due to other**
29 **noncommercial circumstances, such as road or other governmental construction**

1 projects contiguous to, or otherwise directly affecting the fuel sales of the
2 qualified truck stop facility as determined by the board or division, where
3 applicable, the facility shall continue to be authorized to place and operate the
4 number of devices based upon the last average calculation of monthly fuel sales
5 reports prior to the interruption in the fuel sales. Upon resolution of the
6 reasons causing the reduction in fuel sales, the board or division, where
7 applicable, shall use the next three months of monthly fuel sales reports to
8 determine the number of devices authorized to be placed and operated at the
9 facility.

10 §422. Truck stop location; prohibited distances; prohibited structures

11 A. No license shall be granted to any qualified truck stop facility located,
12 at the time application is made for a license to operate video draw poker
13 devices, within one mile from any property on the National Historic Registry,
14 any public playground, any residential property, or a building used primarily
15 as a church, synagogue, public library, or school. The measurement of the
16 distance shall be a straight line from the nearest point of the truck stop facility
17 to the nearest point of the property on the National Historic Registry, the public
18 playground, residential property, church, synagogue, public library, or school.

19 B. After application, the subsequent construction, erection, development,
20 or movement of a property identified in Subsection A of this Section which
21 causes the location of a qualified truck stop facility to be within the prohibited
22 distance shall not be cause for denial of an application or revocation of a license.

23 C. The prohibition in Subsection A of this Section shall not apply to the
24 location of a qualified truck stop facility which applied for a license or was
25 issued a license on or before June 1, 2010. Such location shall be eligible for a
26 qualified truck stop facility license without reference to the prohibition in
27 Subsection A of this Section unless a qualified truck stop facility has not been
28 licensed at that location for thirty-six consecutive months and application for
29 licensing is not made within that thirty-six-month period.

1 **D. The prohibition in Subsection A of this Section shall not apply to the**
2 **location of a qualified truck stop facility which has a certificate of compliance**
3 **as required by R.S. 27:452(C) or valid building permit issued by the**
4 **appropriate authority but has not constructed a truck stop. For these locations,**
5 **if application for licensing is made on or before December 31, 2012, the**
6 **prohibited distance shall be in accordance with the following:**

7 **(1) For facilities applying for a certificate of compliance or a building**
8 **permit on or before January 1, 2008, five hundred feet from any property on**
9 **the National Historic Registry, any public playground, or a building used**
10 **primarily as a church, synagogue, public library, or school.**

11 **(2) For facilities applying for a certificate of compliance or a building**
12 **permit after January 1, 2008, but on or before June 1, 2010, two thousand five**
13 **hundred feet from any property on the National Historic Registry, any public**
14 **playground, residential property, or a building used primarily as a church,**
15 **synagogue, public library, or school.**

16 **E. If application for licensing is made after December 31, 2012, the**
17 **prohibition in Subsection A of this Section shall apply.**

18 **F. "Residential property" shall mean any property which is wholly or**
19 **partly used for or intended to be used for living or sleeping by human occupants**
20 **and which includes one or more rooms, including a bathroom and complete**
21 **kitchen facilities. Residential property shall include a mobile home or**
22 **manufactured housing, provided that it shall have been in its present location**
23 **for at least sixty days. Residential property shall not include any hotel or motel.**

24 **§423. Termination of lease of truck stop; effect on operation of devices**

25 **A. If the lease of a truck stop facility, which is a licensed establishment**
26 **for the operation of video draw poker devices, expires or is terminated without**
27 **legal cause by the lessor, then, in either event, neither the lessor nor a new lessee**
28 **shall have the right to apply for a video draw poker device license at the same**
29 **truck stop location for a period of six years from the date of expiration or**

1 **termination of the lease.**

2 **B. The former lessee/licensee shall have any of the following rights:**

3 **(1) To continue operations at the licensed facility by agreement with the**
4 **lessor or the new lessee.**

5 **(2) To transfer the existing license to any other new or existing truck**
6 **stop facility which meets all of the qualifying requirements contained in this**
7 **Chapter, except:**

8 **(a) That such former lessee/licensee shall not be required to wait before**
9 **making application and commencing video draw poker operation at a new or**
10 **existing facility.**

11 **(b) That such former lessee/licensee shall be required to perform at the**
12 **new facility any existing sublease or other contracts with licensed device**
13 **owners/operators in effect at the time of expiration or termination of the lease.**

14 **C. Nothing herein shall affect or apply to any truck stop facility in which**
15 **the lessor is the holder of the license for the operation of video poker devices.**

16 **§424. Sale or transfer of license; continued operation of devices**

17 **A. When a licensed establishment which requires an alcoholic beverage**
18 **license as a condition of the receipt of a video draw poker device license is sold**
19 **or transferred, the video gaming devices shall be allowed to continue to operate**
20 **if the new owner applies for a state Class "A" license within fifteen days of**
21 **purchasing the business, and upon issuance of a state Class "A" license, the new**
22 **owner applies for a video draw poker license within fifteen days.**

23 **B. The video draw poker devices shall be allowed to be continued in**
24 **operation under the old license until the issuance of a video draw poker license**
25 **in the name of the owner, until any of the following occur:**

26 **(1) A determination by the board or division, where applicable, that the**
27 **new applicant is unsuitable.**

28 **(2) Denial of the new license application.**

29 **(3) The passage of one hundred eighty days from submission of the**

1 application to the board or division, where applicable. The provisions of this
2 Subsection shall not apply to new owner applicants for a video draw poker
3 license who are licensed at the time of such application; however, if the
4 applicant fails to provide requested information to the board or division, where
5 applicable, in a timely manner, the devices may be disabled after one hundred
6 eighty days have elapsed.

7 C. The board or division, where applicable, shall adopt and promulgate
8 rules to implement this Section.

9 D. All establishment licensees shall within five days of the change in
10 ownership notify the board or division, where applicable, in writing, of any facts
11 which indicate that the licensed establishment has had a change in ownership.
12 This notification requirement shall only apply to device owners when they have
13 been given notice by certified mail of the change in ownership. The device
14 owner when given notice by certified mail of the change in ownership shall
15 notify the board or division, where applicable, within five days of receipt of the
16 notice of the change in ownership of the licensed establishment.

17 §425. Tax clearance

18 A. Each applicant for a license or renewal of a license shall provide to
19 the board or division, where applicable, in addition to the application form a
20 signed sales tax clearance from the secretary of the Department of Revenue,
21 which clearance request shall be processed within seven business days.

22 B. No license shall be granted to any applicant unless he has submitted
23 proof to the board or division, where applicable, as required in this Section, that
24 he does not owe the state or local governing authority of the parish or
25 municipality in which the establishment is located any delinquent sales taxes,
26 penalties, or interest, excluding items under formal appeal or protest as
27 provided by law.

28 C. When an applicant for a license files its application with the board
29 or division, where applicable, the applicant shall send notice with a copy of the

1 application to the local governing authority and submit evidence of the
2 notification to the board or division, where applicable.

3 §426. Affidavit application for three machine locations

4 A. Prior to the expiration of the license term, a licensee who is licensed
5 under the provisions of this Chapter for the placement of not more than three
6 video draw poker devices in an approved, qualified establishment shall apply
7 for renewal of the license by completing an affidavit in a form approved by the
8 Louisiana Gaming Control Board that certifies that there have been no changes
9 in the prior qualification and suitability information previously furnished to the
10 board. This affidavit shall be executed by the licensee and each person required
11 to meet qualification and suitability requirements under R.S. 27:427, provided
12 that the licensee or person previously submitted all information required by the
13 board in its initial suitability determination. Notwithstanding the above, the
14 licensee and all persons required to meet suitability shall furnish such releases,
15 affidavits, and documents as may be required by the board. Additionally, the
16 licensee shall furnish with each renewal application all of the following:

17 (1) A current local sales tax clearance certificate.

18 (2) A current local governing authority and taxing authority
19 notification.

20 (3) A current state sales tax clearance certificate.

21 (4) A Class A-General retail permit or a Class A-Restaurant permit, as
22 defined in Part II of Chapter 1 or Part II of Chapter 2 of Title 26 of the
23 Louisiana Revised Statutes of 1950, to sell alcoholic beverages for consumption
24 on the premises.

25 B. Failure to disclose changes in prior qualification and suitability
26 information shall result in denial of the renewal application or revocation of the
27 video draw poker gaming license.

28 C.(1) It shall be unlawful for any person intentionally to submit a false
29 affidavit under this Subsection or to make or cause to be made or aid, assist, or

1 procure another to make or submit a false affidavit.

2 (2) Whoever is convicted of violating the provisions of this Subsection
3 shall be imprisoned, with or without hard labor, for not more than ten years or
4 be fined not more than ten thousand dollars, or both.

5 D. The provisions of this Section shall not apply to, and affidavits shall
6 not be used for renewal of, a license for the operation of video draw poker
7 devices at a hotel or motel, a Louisiana State Racing Commission licensed pari-
8 mutuel wagering facility, an offtrack wagering facility, or a qualified truck stop
9 facility.

10 PART IV. SUITABILITY

11 §427. Suitability requirements

12 A. No person may be eligible to apply or be granted a license under the
13 provisions of this Chapter if he has been convicted in any jurisdiction of any of
14 the following offenses within ten years prior to the date of the application or less
15 than ten years has elapsed between the date of application and the successful
16 completion or service of any sentence, deferred adjudication, or period of
17 probation or parole for any of the following:

18 (1) Any offense punishable by imprisonment for more than one year.

19 (2) Theft or any crime involving false statements or declarations.

20 (3) Gambling as defined by the laws or ordinances of any municipality,
21 any parish, any state, or the United States.

22 B.(1) No person shall be granted a license under the provisions of this
23 Chapter unless the applicant has demonstrated to the board or division, where
24 applicable, that he is suitable for licensing. For purposes of this Chapter,
25 suitability means the applicant or licensee is:

26 (a) A person of good character, honesty, and integrity.

27 (b) A person whose prior activities, arrest or criminal record if any,
28 reputation, habits, and associations do not pose a threat to the public interest
29 of this state or to the effective regulation of video draw poker, and do not create

1 or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and
2 operations in the activities authorized by this Chapter and financial
3 arrangements incidental thereto.

4 (c) Likely to conduct business as authorized by this Chapter in complete
5 compliance with the provisions of this Chapter.

6 (d) Not prohibited from making application or disqualified from
7 licensure under the provisions of Subsection A of this Section.

8 (e) A person who does not owe the state or local governing authority of
9 the parish or municipality in which the establishment is located any delinquent
10 sales taxes, penalties, or interest, excluding items under formal appeal or protest
11 as provided by law.

12 (2) An applicant who is not disqualified from making application or
13 licensure as a result of Subsection A of this Section shall still be required to
14 demonstrate to the board or division, where applicable, that he otherwise meets
15 the remaining requirements for suitability, particularly those contained in
16 Subparagraphs (1)(a), (b), and (c) of this Subsection. Evidence of or relating
17 to an arrest, summons, charge, or indictment of an applicant, or the dismissal
18 thereof, shall be considered by the board or division, where applicable, even if
19 the arrest, summons, charge, or indictment results in acquittal, deferred
20 adjudication, probation, parole, or pardon.

21 (3) Any person who has been granted a Class-A General Retail permit
22 or a Class-A Restaurant permit as defined in Part II of Chapter 1 or Part II of
23 Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, and meets the
24 other requirements within this Chapter shall be granted a license, including
25 renewals, by the board or division, where applicable, to operate a maximum of
26 three video draw poker devices at a restaurant, bar, tavern, or cocktail lounge
27 under the provisions of this Section without having to additionally meet any
28 other suitability requirements found in Subsections A, B, D, F, and G of this
29 Section. The provisions of this Paragraph shall apply only to licenses to operate

1 a maximum of three video draw poker devices as provided for in R.S.
2 27:412(B)(1).

3 C. All licensees and persons required to be qualified under this Chapter
4 shall have a continuing duty to inform the board or division, where applicable,
5 of any action which they believe would constitute a violation of this Chapter.
6 No person who so informs the board or division, where applicable, shall be
7 discriminated against by an applicant or licensee because of supplying such
8 information.

9 D. Every person who has or controls directly or indirectly more than a
10 five percent ownership, income, or profit interest in an entity which has or
11 applies for a license in accordance with the provisions of this Chapter, or who
12 receives more than five percent revenue interest in the form of a commission,
13 finder's fee, loan repayment, or any other business expense related to the
14 gaming operation, or who has the ability, in the opinion of the board or division,
15 where applicable, to exercise a significant influence over the activities of a
16 licensee authorized or to be authorized by this Chapter, shall meet all suitability
17 requirements and qualifications for licensees. For the purposes of this Chapter,
18 all gaming related associations, outstanding loans, promissory notes, or other
19 financial indebtedness of an applicant or licensee must be revealed to the board
20 or division, where applicable, for the purposes of determining significant
21 influence and suitability.

22 E. A person whose application for a license has been denied, or whose
23 license has been issued subject to a condition or suspended or revoked, or
24 against whom a fine has been levied has the right to a hearing in accordance
25 with the provisions of R.S. 27:25 and 26.

26 F. Notwithstanding the provisions of Subsection D of this Section, if any
27 person required to be found qualified or suitable pursuant to Subsection D of
28 this Section fails to provide all or part of the documents or information required
29 by the Louisiana Gaming Control Board or the board or division, where

1 applicable, and if, as a result, any person holding a license issued pursuant to
2 the provisions of this Chapter is not or may no longer be qualified or suitable,
3 the board shall issue, under penalty of revocation of the license, a condition
4 naming the person who failed to provide all or part of the documents or
5 information required by the board or the division, where applicable, and
6 declaring that such person may not:

7 (1) Receive dividends or interest on securities of a corporation holding
8 a license, if the person has or controls directly or indirectly more than a five
9 percent ownership, income, or profit interest in such corporation.

10 (2) Exercise directly, or through a trustee or nominee, a right conferred
11 by securities of a corporation holding a license, if the person has or controls
12 directly or indirectly more than a five percent ownership, income, or profit
13 interest in such corporation.

14 (3) Receive remuneration or other economic benefit from any person
15 holding a license issued pursuant to the provisions of this Chapter.

16 (4) Exercise significant influence over the activities of a person holding
17 a license issued pursuant to the provisions of this Chapter.

18 (5) Continue owning or holding a security of a corporation holding a
19 license if the person has or controls directly or indirectly more than a five
20 percent ownership, income, or profit interest in such corporation.

21 G.(1) An institutional investor otherwise required to be found suitable
22 or qualified pursuant to the provisions of this Chapter and the rules adopted
23 pursuant thereto shall be presumed suitable or qualified upon submitting
24 documentation sufficient to establish qualifications as an institutional investor
25 as provided herein, and upon certifying that:

26 (a) It owns, holds, or controls publicly traded securities issued by a
27 licensee or permittee or a holding, intermediate, or parent company of a licensee
28 or permittee in the ordinary course of business for investment purposes only.

29 (b) It does not exercise influence over the affairs of the issuer of such

1 securities or over any licensed or permitted subsidiary of the issuer of such
2 securities.

3 (c) It does not intend to exercise influence over the affairs of the issuer
4 of such securities, or over any licensed or permitted subsidiary of the issuer of
5 such securities, in the future, and that it agrees to notify the board in writing
6 within thirty days if such intent should change.

7 (2) The exercise of voting privileges with regard to publicly traded
8 securities shall not be deemed to constitute the exercise of influence over the
9 affairs of a licensee.

10 (3) The provisions of this Subsection shall not be construed to preclude
11 the Louisiana Gaming Control Board or the board or division, where
12 applicable, from investigating the suitability or qualifications of an institutional
13 investor should the Louisiana Gaming Control Board or division become aware
14 of facts or information which may result in such institutional investor being
15 found unsuitable or disqualified.

16 H.(1) On or after August 15, 2009, a licensee who employs a designated
17 representative at a licensed qualified truck stop facility, Louisiana State Racing
18 Commission licensed pari-mutuel wagering facility, or an offtrack wagering
19 facility shall do all of the following prior to employing the person:

20 (a) Obtain conviction records of an applicant seeking employment as a
21 designated representative pursuant to the provisions of R.S. 15:587(E).

22 (b) Determine that, based upon those conviction records, the applicant
23 meets the suitability requirements provided for in Subsection A of this Section.

24 (2) The licensee shall have a continuing duty to inform the board or
25 division, where applicable, of any action taken by the designated representative
26 which they believe would constitute a violation of this Chapter.

27 (3) The licensee shall maintain the information required by the
28 provisions of this Subsection and have it readily available for inspection by the
29 board or division, where applicable.

1 **§428. (Reserved)**

2 **PART V. REGULATION AND ENFORCEMENT**

3 **§429. Regulation of video draw poker devices; Louisiana Gaming Control**
4 **Board; gaming division**

5 **A. The Louisiana Gaming Control Board shall perform the duties and**
6 **functions as authorized by the provisions of this Chapter and the regulatory**
7 **authority with respect to the regulation of video draw poker devices as provided**
8 **by R.S. 27:15.**

9 **B. The Department of Public Safety and Corrections, office of state**
10 **police, gaming division, shall perform the duties and functions as authorized by**
11 **the provisions of this Chapter and the provisions of R.S. 27:20.**

12 **§430. Rules and regulations; reporting to board or division**

13 **A. The board or division, where applicable, shall promulgate rules and**
14 **regulations for the counting and collecting of all net device revenues and for the**
15 **timely payment of all license fees and penalties. The board or division, where**
16 **applicable, may institute proceedings for the collection of fees and penalties.**

17 **B. Each month, the device owner must give the board or division, where**
18 **applicable, a report containing the:**

19 **(1) Serial number of each video draw poker device.**

20 **(2) Name and address of the establishment where each device is located.**

21 **(3) Computer printouts of the net revenue of each device taken directly**
22 **from the device's electronic accounting devices, if requested by the board or**
23 **division, where applicable.**

24 **C. The board or division, where applicable, may require any device**
25 **owner to maintain or submit any data, information, record, or reports required**
26 **by this Chapter in any computer form, program, or storage consistent with its**
27 **recordkeeping or computer system or access. Any rule or regulation**
28 **promulgated pursuant to this Subsection shall apply to the records of all device**
29 **owners.**

1 D. Video draw poker devices placed in a licensed establishment which
2 is a restaurant shall be operated and played only in a designated area, as
3 approved by the board or division, where applicable, which is separated from
4 restaurant patrons seated in the dining area of the restaurant.

5 E. Except for a uniform logo and advertising notice approved by the
6 board or division, where applicable, the board or division, where applicable,
7 may promulgate rules to prohibit licensed establishments from advertising
8 video gaming activities on the outside of the premises where video gaming
9 devices are located.

10 F.(1) The board or division, where applicable, may establish by rule
11 criteria for the physical placement of video draw poker devices within a licensed
12 establishment.

13 (2) Any establishment which allows minors to enter the area where video
14 draw poker devices are located or operated shall separate any video draw poker
15 devices from the sight of any minor by placing a partition of at least five feet in
16 height between the video draw poker devices and in any area where a minor
17 may be present.

18 §§431 - 434. (Reserved)

19 PART VI. FRANCHISE PAYMENTS, FEES, DISTRIBUTION OF REVENUE

20 §§435 - 439. (Reserved)

21 PART VII. CRIMES AND PROHIBITED CONDUCT

22 §§440 - 444. (Reserved)

23 PART VIII. VIDEO DRAW POKER EMPLOYEE PERMITS

24 §§445 - 450. (Reserved)

25 PART IX. MISCELLANEOUS

26 §§451 - 457. (Reserved)

27 CHAPTER 8: 9. MISCELLANEOUS GAMING PROVISIONS

28 ~~§401.~~ 501. Potential problems with gaming and gambling; educational program

29 A. The Department of Health and Hospitals, office of behavioral health, shall

1 develop and fund a program for educating students in public and nonpublic
2 elementary and secondary schools about the potential problems associated with
3 gaming and gambling.

4 B. The state Department of Education shall implement the program in public
5 elementary and secondary schools and shall make the program available to nonpublic
6 elementary and secondary schools.

7 C. The program may be implemented through or in association with the
8 statewide D.A.R.E. program or a similar program.

9 ~~§402.~~ **502.** Raffles under two hundred fifty dollars

10 A. Notwithstanding any provision of law to the contrary, a raffle or raffles
11 may be conducted by any person twenty-one years of age or older for any purpose
12 provided that the value of the prize played for does not exceed two hundred fifty
13 dollars.

14 B. For purposes of this Section, "raffle" or "raffles" means any game of
15 chance played by drawing for prizes or the allotment of prizes by chance, by the
16 selling of shares, tickets, or rights to participate in such game or games, or by
17 conducting the game or games accordingly.

18 Section 3. Chapter 6 of Title 27 of the Louisiana Revised Statutes of 1950,
19 comprised of R.S. 27:301 through 326, is hereby repealed in its entirety.

20 Section 4. The Louisiana Legislature hereby renumbers and redesignates the
21 following provisions in the reserved provisions of this Act as follows: R.S. 27:303 as R.S.
22 27:409, R.S. 27:304 as R.S. 27:410, R.S. 27:305 as R.S. 27:411, R.S. 27:311.7 as R.S.
23 27:428, R.S. 27:308 as R.S. 27:431, R.S. 27:308.1 as R.S. 27:432, R.S. 27:308.2 as R.S.
24 27:433, R.S. 27:313 as R.S. 27:434, R.S. 27:311 as R.S. 27:435, R.S. 27:311.9 as R.S.
25 27:436, R.S. 27:312 as R.S. 27:437, R.S. 27:318 as R.S. 27:438, R.S. 27:323 as R.S. 27:439,
26 R.S. 27:309 as R.S. 27:440, R.S. 27:315 as R.S. 27:441, R.S. 27:316 as R.S. 27:442, R.S.
27 27:319 as R.S. 27:443, R.S. 27:322 as R.S. 27:444, R.S. 27:311.1 as R.S. 27:445, R.S.
28 27:311.2 as R.S. 27:446, R.S. 27:311.3 as R.S. 27:447, R.S. 27:311.4 as R.S. 27:448, R.S.
29 27:311.5 as R.S. 27:449, R.S. 27:311.6 as R.S. 27:450, R.S. 27:314 as R.S. 27:451, R.S.

1 27:324 as R.S. 27:452, R.S. 27:320 as R.S. 27:453, R.S. 27:326 as R.S. 27:454, R.S. 27:317
2 as R.S. 27:455, R.S. 27:325 as R.S. 27:456, and R.S. 27:311.8 as R.S. 27:457.

3 Section 5. The Louisiana State Law Institute is hereby directed to make technical
4 changes to statutory laws as necessary to reflect the name changes provided for in this Act.

The original instrument was prepared by Cathy R. Wells. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

DIGEST

Morrell (SB 575)

Present law provides for the operation of video draw poker devices.

Present law provides for the regulation of video draw poker device operations by the La. Gaming Control Board and the office of state police, gaming division.

Proposed law retains present law.

Present law authorizes DPS&C, state police gaming division, to issue renewals of licenses for the operation of video draw poker devices at facilities with no more than three video draw poker devices at their licensed establishments.

Proposed law authorizes the issuance of new licenses as well as license renewals of three machine locations.

Present law provides that a person who has an alcoholic beverage permit for on premises consumption of alcohol may be granted a license to operate no more than three video draw poker devices at that premises.

Present law provides suitability requirements for the issuance of video draw poker licenses and qualification criteria for the issuance of permits for the consumption of alcoholic beverages on the premises of a restaurant or bar.

Proposed law retains the provisions of present law and further provides that if a person has met the qualifications for the granting of a permit to sell alcoholic beverages on the premises of a restaurant or bar, they are not required to meet the suitability requirements for the issuance of a video draw poker license to operate three video draw poker devices.

Present law defines a "video draw poker device" as any unit, mechanism, or device authorized that, upon insertion of 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 cathode ray tube or video display screen and microprocessors in which the player may win games or credits that can be redeemed for cash only.

Proposed law changes present law to provide that games other than card games may be authorized by the La. Gaming Control Board or the division, and excludes line up games, mechanical reel games, and slot machines from the definition of a video draw poker device.

Present law provides for specifications of video draw poker devices.

Proposed law deletes the requirement that meters in video draw poker devices be mechanical meters and removes certain present law specifications for video draw poker devices which have become technologically obsolete and otherwise retains present law regarding device

specifications.

Present law provides that no multi-hand games or minimum wager may be authorized with respect to any video draw poker device located in Orleans Parish unless it has been determined by the Louisiana Gaming Control Board that permitting such game or wager in Orleans Parish will not violate the terms or provisions of the land based casino contract, as entered into on October 30, 1998, and amended effective October 19, 1999, March 29, 2001, and March 31, 2001.

Proposed law retains present law and adds the February 14, 2005, and December 16, 2005, amendments to the land based casino contract.

Present law provides that a qualified truck stop shall mean a facility covering at least five developed contiguous acres which sells fuel, lubricating oil, and other vehicular merchandise, such as batteries, tires, or vehicle parts for eighteen-wheeler tractor-trailers, and which meet certain criteria.

Proposed law removes present law requirement that facility sell lubricating oil and other vehicular merchandise.

Present law, among other criteria, requires that a qualified truck stop provide seating for at least 50 patrons.

Proposed law requires that such seating be centralized.

Present law requires that qualified truck stop facilities have stabilized parking areas as a criteria for licensing as a qualified truck stop.

Proposed law provides that the parking requirements are mandatory for initial licensing, but that once the division has approved the parking area and issued a license for the operation of video draw poker devices, the continued maintenance of the parking area shall not be subject to approval or review by the division.

Present law allows a qualified truck stop to temporarily continue operating video draw poker devices for a reasonable period of time as determined by the La. Gaming Control Board or the gaming division of the office of state police, if, for reason of force majeure, the truck stop facility loses the ability to maintain one or more of the required amenities.

Proposed law retains present law and adds a similar allowance if the qualified truck stop facility loses the ability to maintain one or more of the required criteria by reason of force majeure.

Proposed law provides for the statutory reorganization of the provisions of present law regarding the licensing and operation of video draw poker devices.

Effective August 1, 2012.

(Amends R.S. 14:90(C), R.S. 27:20(A)(1)(d)(ii) and R.S. 27:401-457; adds R.S. 27:501-502; repeals R.S. 27:301-326)

Summary of Amendments Adopted by Senate

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

1. Adds to the restrictions provided for the land based casino contract, the 2005 February and December amendments to such contract.

2. Deletes requirement that a truck stop facility must sell lubricating oil and other vehicular merchandise as a qualification for video draw poker devices.
3. Adds requirement to the criteria for a qualified truck stop that the seating for at least 50 patrons must be located in a centralized area.
4. Adds allowance for temporarily continuing operation of video draw poker devices by a qualified truck stop facility when, for reason of force majeure, the facility loses its ability to maintain one or more of the required criteria.