

SENATE BILL NO. 575

BY SENATOR MORRELL AND REPRESENTATIVE LOPINTO

1 AN ACT

2 To amend and reenact R.S. 14:90(C), R.S. 27:20(A)(1)(d)(ii), and Chapter 8 of Title 27 of
3 the Louisiana Revised Statutes of 1950, to be comprised of R.S. 27:401 through 457,
4 to enact Chapter 9 of Title 27 of the Louisiana Revised Statutes of 1950, to be
5 comprised of R.S. 27:501 and 502, and to repeal Chapter 6 of Title 27 of the
6 Louisiana Revised Statutes of 1950, comprised of R.S. 27:301 through 326, relative
7 to the licensing and operation of video draw poker devices; to provide for a
8 comprehensive reorganization of the Video Draw Poker Devices Control Law; to
9 provide for definitions; to provide for the types of licensed establishments which
10 may be issued for the operation of video draw poker devices; to provide for limits
11 on the number of devices which may be offered at those licensed establishments; to
12 provide for specifications of video draw poker devices; to provide for the types of
13 games which may be played on video draw poker devices; to provide with respect
14 to suitability criteria for the issuance of video draw poker devices; to provide for
15 criteria and amenities which shall be offered at different licensed establishments; to
16 provide for the calculation of fuel sales at qualified truck stop facilities; to provide
17 with respect to the construction and location of qualified truck stop facilities; to
18 provide for the temporary operation of video draw poker devices; to provide with
19 respect to force majeure; to provide for applicability; to provide for exceptions; to
20 provide with respect to leasing qualified truck stop facilities; to repeal statutory
21 provisions which have become obsolete; to provide with respect to the sale or
22 transfer of a license; to provide for tax clearances for the granting or renewal of a
23 license to operate video draw poker devices; to provide for the application process
24 for three machine locations; to provide for issuance of licenses by the office of state
25 police for three machine locations; to provide for the regulation and enforcement
26 regarding the operation of video draw poker devices; to provide for rulemaking; and

1 to provide for related matters.

2 Be it enacted by the Legislature of Louisiana:

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

4 §90. Gambling

5 * * *

6 C. The conducting or assisting in the conducting of gaming activities or
7 operations upon a riverboat at the official gaming establishment, by operating an
8 electronic video draw poker device, by a charitable gaming licensee, or at a pari-
9 mutuel wagering facility, conducting slot machine gaming at an eligible horse racing
10 facility, or the operation of a state lottery which is licensed for operation and
11 regulated under the provisions of Chapters 4 and 11 of Title 4, Chapters 4, 5, ~~6, and~~
12 **7, and 8** of Title 27, or Subtitle XI of Title 47 of the Louisiana Revised Statutes of
13 1950, is not gambling for the purposes of this Section, so long as the wagering is
14 ~~done~~ **conducted** on the premises of the licensed establishment.

15 * * *

16 Section 2. R.S. 27:20(A)(1)(d)(ii) and Chapter 8 of Title 27 of the Louisiana Revised
17 Statutes of 1950, comprised of R.S. 27:401 through 457, are hereby amended and reenacted
18 and Chapter 9 of Title 27 of the Louisiana Revised Statutes of 1950, comprised of R.S.
19 27:501 and 502, is hereby enacted to read as follows:

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

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

23 * * *

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

26 * * *

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

30 * * *

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

2 **PART I. GENERAL PROVISIONS**

3 **§401. Short title**

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

6 **§402. Definitions**

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

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

11 **(2) "Certified technicians level one" means qualified service personnel**
12 **trained by a manufacturer, distributor, or other qualified entity, or in a training**
13 **program approved by the division, who are capable of clearing paper or money**
14 **jams, changing paper contained within the video draw poker devices, or**
15 **retrieving money from video draw poker devices.**

16 **(3) "Certified technicians level two" means qualified service personnel**
17 **trained by a manufacturer, distributor, or other qualified entity, or in a training**
18 **program approved by the division, who are capable of clearing paper or money**
19 **jams, changing paper contained within the video draw poker devices, or**
20 **retrieving money from video draw poker devices, performing any repairs, parts**
21 **replacements, maintenance, cleaning, and other matters related to servicing of**
22 **video draw poker devices.**

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

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

28 **(6) "Distributor" means any person who buys, sells, leases, services, or**
29 **repairs video draw poker devices and provides a facility for the inspection of**
30 **those devices as required by the division.**

1 (7) "Division" shall have the same meaning as that term defined in R.S.

2 27:3.

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

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

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

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

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

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

17 (e) A mutual fund.

18 (f) A life insurance company or property and casualty insurance
19 company.

20 (g) A federal or state bank.

21 (h) An investment advisor registered under the Investment Advisors Act
22 of 1940.

23 (10) "Licensed establishment" means an establishment that has a Class
24 A-General retail permit or a Class A-Restaurant permit as defined in Part II of
25 Chapter 1 or Part II of Chapter 2 of Title 26 of the Louisiana Revised Statutes
26 of 1950, for the sale of alcoholic beverages for on-premises consumption or a
27 Louisiana state racing commission licensed race track, pari-mutuel wagering
28 facility, or offtrack wagering facility, or a qualified truck stop facility as defined
29 in R.S. 27:417. Licensed establishment shall not include any premises leased to
30 or utilized by a bona fide nonprofit organization for the conducting of

1 charitable gaming nor any convenience store, quick-stop, food-mart, service
2 station, grocery store, barber shop, laundromat/washateria, package or
3 discount liquor/cigarette establishment, movie theater, or beauty shop.

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

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

8 (13) "Person" shall have the same meaning as that term defined in R.S.
9 27:3.

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

17 (15) "Service entity" means any person other than a distributor or
18 device owner who repairs, services, inspects, or examines video draw poker
19 devices in the presence of a device owner or owner's employee.

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

22 (17) "Video draw poker device" means any unit, mechanism, or device
23 authorized pursuant to the provisions of this Chapter, that, upon insertion of
24 cash, is available to play or simulate the play of the game of draw poker, or
25 other card games approved by the division utilizing a video display and
26 microprocessors in which the player may win games or credits that can be
27 redeemed for cash only. The term does not include a device that directly
28 dispenses coins, cash, tokens, or any thing else of value, except the ticket
29 voucher required in accordance with the provisions of this Chapter. The term
30 does not include any device authorized to be used in the conducting of

1 charitable gaming. The term does not include video line up games, mechanical
2 reel games, or any combination thereof, or any slot machine as defined in R.S.
3 27:353(14).

4 (18) "Video draw poker" means any card game approved by the
5 division that utilizes one deck of cards per hand with multiple hands permitted
6 per game.

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

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

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

14 B. Any license applied for, granted, or issued under the provisions of
15 this Chapter is a pure and absolute privilege, the awarding, denial, or
16 withdrawal of which is solely within the discretion of the board or division,
17 where applicable, and, except as provided in this Chapter, without recourse at
18 law. Any license issued or renewed under the provisions of this Chapter is not
19 property or a protected interest under the constitutions of either the United
20 States or the state of Louisiana.

21 §404. Service entity

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

27 PART II. VIDEO DRAW POKER DEVICES

28 §405. Description and specifications of devices

29 A. Each video draw poker device shall:

30 (1) Be inspected by the division or its designee for certification and

1 compliance.

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

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

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

11 (5) Have separate secure areas with locking doors for the game logic
12 board and software, the cash compartment, and the mechanical meters as
13 required by the rules and regulations of the division. These areas must be
14 locking and separated. Access to one from the other must not be allowed at any
15 time.

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

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

21 (8) Have a circuit-interrupting device, method, or capability which will
22 disable the machine if the board approved program is accessed or altered.

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

25 (10) Have nonresettable mechanical meters housed in a secure
26 compartment that keep a permanent record of all of the following:

27 (a) Total credits accepted.

28 (b) Total credits played by players.

29 (c) Total credits won by players.

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

1 (e) The device must contain electronic metering using meters that record
2 all of the following:

3 (i) Total credits in, total credits played, total credits won, and total
4 credits paid.

5 (ii) Total hands of poker played and total hands of poker won.

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

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

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

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

19 (3) After shuffling, a required number of cards must be dealt from the
20 top of the deck.

21 (4) Any discarded cards must be replaced by remaining cards in the
22 deck, starting with the next subsequent card and using the cards in the order of
23 the deck.

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

27 (6) Notwithstanding the provisions of Paragraphs (2), (3), and (4) of this
28 Subsection when they are in conflict, multi-hand games shall be an authorized
29 game for play when approved by an authorized device testing laboratory and
30 the division, provided that, with respect to any video draw poker device located

1 in Orleans Parish, no multi-hand game is or may be authorized unless it has
2 been determined by the Louisiana Gaming Control Board that permitting such
3 game in Orleans Parish will not violate any of the terms or provisions of Section
4 1.3 of the Amended and Renegotiated Casino Operating Contract entered into
5 pursuant to R.S. 27:201 et seq., on October 30, 1998, as amended, effective
6 October 19, 1999, March 29, 2001, March 31, 2001, February 14, 2005, and
7 December 16, 2005. Any authorization of a multi-hand game by the division in
8 violation of this Paragraph shall be null and void.

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

11 E. The division may provide for additional specifications for devices to
12 be approved and authorized pursuant to the provisions of this Chapter as it
13 deems necessary to maintain the integrity of video draw poker devices and
14 operations. The division shall not provide for any additional specifications
15 which would have the effect of reducing to fewer than four the number of
16 manufacturers who make devices that meet the specifications of this Chapter.

17 §406. Ticket vouchers and accounting tickets

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

21 (1) The name of the licensed establishment.

22 (2) The address of the establishment.

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

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

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

26 (6) The date.

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

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

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

1 B. An exact copy of each printed ticket voucher must be printed and
2 retained within the device, or other means of capturing and retaining an
3 electronic copy of the ticket data as approved by the division for a minimum of
4 five thousand tickets. If a thermal printer is used and the duplicate information
5 is stored electronically in the device, any duplicate voucher printed by the
6 device must have the prominent word "DUPLICATE" printed on the face of the
7 voucher.

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

10 The ticket must contain:

11 (1) The name of the licensed establishment.

12 (2) The address of the establishment.

13 (3) The license number of the device.

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

15 (5) The date.

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

17 §407. Games without minimum wager; Orleans excepted

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

28 B. Video draw poker devices in any facility licensed pursuant to this
29 Chapter located in Orleans Parish may schedule games with such minimum
30 wager as may be approved by the division, provided it has been determined by

1 the Louisiana Gaming Control Board that permitting such minimum wager in
 2 Orleans Parish will not violate any of the terms or provisions of Section 1.3 of
 3 the Amended and Renegotiated Casino Operating Contract entered into
 4 pursuant to R.S. 27:201 et seq., on October 30, 1998, as amended, effective
 5 October 19, 1999, March 29, 2001, March 31, 2001, February 14, 2005, and
 6 December 16, 2005. Any change to the minimum wager in violation of this
 7 Subsection shall be null and void.

8 §408 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
 30 qualified establishments for the privilege of operating video draw poker devices.

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

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

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

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

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

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

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

23 **B. A person who is the owner of more than one restaurant, bar, tavern,**
24 **cocktail lounge, or club which is located within a single building or structure,**
25 **and who has been granted a Class A-General retail permit or a Class A-**
26 **Restaurant permit, as defined in Part II of Chapter 1 or Part II of Chapter 2 of**
27 **Title 26 of the Louisiana Revised Statutes of 1950, to sell alcoholic beverages for**
28 **consumption on the premises of each such facility, may make available for play**
29 **not more than three video draw poker devices at each separate facility, not to**
30 **exceed a total of nine video draw poker devices for the single building or**

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

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

13 D. Except as provided in Subsection B or C of this Section or R.S.
14 27:414, when a restaurant, bar, tavern, cocktail lounge, or club is owned by one
15 person, each establishment shall be physically separate and noncontiguous in
16 order to qualify for a license to operate video draw poker devices at each such
17 establishment.

18 §414. Hotel and motel facilities; criteria

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

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

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

1 (3) It must prepare, dispense, and sell alcoholic beverages for on-
 2 premises consumption.

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

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

7 §415. Pari-mutuel wagering facility or offtrack wagering facility; no minimum
 8 wager

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

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

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

23 B. The qualified truck stop facility shall be owned or leased by a person
 24 who meets all the personal qualifications for a Class A-General retail permit or
 25 a Class A-Restaurant permit, as defined in Part II of Chapter 1 or Part II of
 26 Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, to serve or sell
 27 alcoholic beverages for on-premises consumption; however, when no such
 28 permit is obtainable or available, no such permit shall be required.

29 C. Except as provided in R.S. 27:421, the number of video draw poker
 30 devices placed at a qualified truck stop facility shall be based on the average

1 monthly fuel sales calculated quarterly, using four sets of three calendar
2 months, for the first year of operation and thereafter shall be based upon the
3 average monthly fuel sales calculated annually, using a calendar year, as
4 follows:

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

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

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

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

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

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

24 (4) The provisions of this Subsection provide for the fuel sales
25 requirements for the purpose of licensing criteria for the operation of video
26 draw poker devices at a qualified truck stop facility.

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

30 (6) The provisions of this Subsection shall not be construed to repeal,

1 limit, or supercede the authority of the office of the attorney general to enforce
 2 the Unfair Trade Practices or Consumer Protection Law or the authority of any
 3 district attorney to prosecute violations of Subpart E of Part VIII of Chapter
 4 1 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:421
 5 through 427.

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

7 **A. As used in this Chapter, a qualified truck stop facility shall mean a**
 8 **facility covering at least five developed contiguous acres which sells fuel,**
 9 **lubricating oil, and other vehicular merchandise, such as batteries, tires, or**
 10 **vehicle parts for eighteen-wheel tractor-trailers, and which also meets all of the**
 11 **following criteria:**

12 **(1) It must be located adjacent to a major state or interstate highway, as**
 13 **defined by rules adopted by the board for this purpose, subject to legislative**
 14 **oversight.**

15 **(2) It must have an onsite restaurant, except for reason of force majeure**
 16 **affecting the ability to maintain the on-site restaurant for a reasonable period**
 17 **of time as determined by the division following the interruption of such ability,**
 18 **which for the purposes of qualifying as a qualified truck stop facility, shall be**
 19 **required to have only the following features:**

20 **(a) Provides seating for at least fifty patrons, with all seats located**
 21 **within a centralized area.**

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

23 **(c) Offers a varied menu.**

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

27 **(e) In Orleans Parish, qualified truck stop facility restaurants shall**
 28 **provide full table service for sit-down meals.**

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

30 **(a) A stable parking area for at least fifty eighteen-wheel tractor-trailer**

1 motor vehicles, either paved or concrete, to support eighteen-wheel tractor-
2 trailer motor vehicles and their loads, constructed according to industry
3 specifications, subject to approval by the division, except for reason of force
4 majeure affecting the ability to maintain the stable parking area for a
5 reasonable period of time as determined by the division following the
6 interruption of such ability. All other parking areas not paved or concrete must
7 be certified by an authorized company and proof provided that compaction tests
8 were conducted, subject to approval by the division.

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

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

13 (4) It must have diesel and gasoline fuel facilities as provided for in R.S.
14 27:416.

15 (5) It must have onsite repair service facilities for eighteen-wheel
16 tractor-trailer motor vehicles, except for reason of force majeure affecting the
17 ability to maintain the onsite repair service for a reasonable period of time as
18 determined by the division following the interruption of such ability. The onsite
19 repair service may be in the form of contracted services from a business which
20 regularly offers this type of service. A copy of any contractual agreement shall
21 be submitted with the application for review and processing.

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

26 (a) A separate truckers' television lounge.

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

29 (c) Private showers for men and women and not located in an area open
30 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.(1) The criteria and amenity requirements for a qualified truck stop
8 facility provided for by this Section shall be suspended for that criteria or
9 amenity if any portion of the property upon which a qualified truck stop is
10 located is expropriated by the state of Louisiana or one of its political
11 subdivisions. The suspension for that criteria or amenity shall remain in effect
12 until such time as it is possible for the licensee to meet the requirements of this
13 Section. During the period of suspension the licensee may continue to operate
14 video draw poker devices without meeting the requirements for that particular
15 criteria or amenity affected by the expropriation as otherwise provided for by
16 this Section if all other provisions of this Chapter are met.

17 (2) The provisions of this Subsection shall not be construed to adversely
18 affect parish boundary surveys or good faith reliance upon those surveys as
19 provided for in R.S. 27:456.

20 C. Except as provided for in Subsection B of this Section, the criteria
21 and amenities required for a qualified truck stop facility shall be operational
22 and maintained in working condition.

23 §418. Leasing or subleasing restaurant and convenience stores at qualified
24 truck stops; holiday operation

25 A. An owner or lessor of a qualified truck stop facility may lease or
26 sublease any restaurant, convenience store, fuel facility, or any other business
27 operation located on the premises of the qualified truck stop facility to another
28 person, provided that such person executes a written lease which contains a
29 requirement that the lessee or sublessee comply with the laws and regulations
30 which govern the operation of video draw poker devices. If such lease or

1 sublease is granted, the owner or lessor of such qualified truck stop facility shall
2 maintain ultimate supervision and control of his entire truck stop premise. No
3 such lessee or sublessee shall be required to meet suitability requirements unless
4 he receives, as a result of the lease, any video draw poker device operation
5 revenue or unless he exercises some management or control over video draw
6 poker devices. Any violation of the laws and regulations which govern the
7 operation of video draw poker devices by such lessee or sublessee shall be
8 considered a violation by the licensee.

9 B. No financial lending institution or pawnshop shall be located on the
10 premises of a qualified truck stop facility. Nothing herein shall prohibit the
11 placement of automatic teller machines on the premises of a qualified truck
12 stop.

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

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

18 A. Any person applying for a license for the placement of video draw
19 poker devices at a truck stop facility shall have, prior to any required rezoning,
20 construction application, or construction of the truck stop which the applicant
21 seeks to establish as a qualified truck stop facility, publish a notice of his
22 intention to build a truck stop that may qualify for a license to operate video
23 draw poker devices as a qualified truck stop facility.

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

30 C. Requirements for the notice required in this Section shall be

1 prescribed by the Louisiana Gaming Control Board, which requirements shall
2 include:

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

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

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

7 (4) Print in bold face type.

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

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

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

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

22 **§420. Rezoning notice**

23 No license shall be granted for the establishment of a qualified truck stop
24 facility at a location that requires or required rezoning to accommodate the
25 establishment of the facility unless any signage required to be posted under the
26 rezoning requirements in the parish contains in clear and easily readable form
27 the information that the rezoning is proposed for consideration to provide for
28 the establishment of a qualified truck stop facility.

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

30 A. Any person applying for a truck stop facility license must meet all

1 requirements provided by this Chapter prior to licensing. Upon a
2 determination by the board that a truck stop facility meets the licensing and
3 amenity requirements provided for by this Chapter, up to twenty-five video
4 draw poker devices shall be temporarily placed at that facility without the
5 requirement that the facility meet the fuel sale requirements as provided for in
6 R.S. 27:416(C) for three calendar months. At the end of the first three calendar
7 months of fuel sales, the number of video draw poker devices placed at the
8 qualified truck stop facility shall be based on the average monthly fuel sales.
9 Monthly fuel sales shall be calculated quarterly, using four sets of three
10 calendar months, for the first year. For each calendar year thereafter, the
11 number of video draw poker devices placed at the qualified truck stop facility
12 shall be based upon the average fuel sales calculated annually as provided for
13 in this Subsection.

14 B. If after a qualified truck stop facility is licensed and an initial
15 determination has been made to authorize the placement and operation of
16 devices at the facility based upon the average of the fuel sales reports for three
17 months, and the qualified truck stop facility thereafter becomes unable to sell
18 a sufficient number of gallons of fuel to permit the minimum number of devices
19 to be operated at the facility, for reasons of force majeure or due to other
20 noncommercial circumstances, such as road or other governmental construction
21 projects contiguous to, or otherwise directly affecting the fuel sales of the
22 qualified truck stop facility as determined by the division, the facility shall
23 continue to be authorized to place and operate the number of devices based
24 upon the last average calculation of monthly fuel sales reports prior to the
25 interruption in the fuel sales. Upon resolution of the reasons causing the
26 reduction in fuel sales, the division shall use the next three months of monthly
27 fuel sales reports to determine the number of devices authorized to be placed
28 and operated at the facility.

29 §422. Truck stop locations; prohibited distances; prohibited structures

30 A. No license shall be granted to any qualified truck stop facility located,

1 at the time application is made for a license to operate video draw poker
2 devices, within one mile from any property on the National Register of Historic
3 Places, any public playground, any residential property, or a building used
4 primarily as a church, synagogue, public library, or school. The measurement
5 of the distance shall be a straight line from the nearest point of the truck stop
6 facility to the nearest point of the property on the National Register of Historic
7 Places, the public playground, residential property, or a building used primarily
8 as a church, synagogue, public library, or school.

9 B. After an application is filed with the division, the subsequent
10 construction, erection, development, or movement of a property identified in
11 Subsection A of this Section which causes the location of a qualified truck stop
12 facility to be within the prohibited distance shall not be cause for denial of an
13 initial or renewal application or revocation of a license.

14 C. The prohibition in Subsection A of this Section shall not apply to the
15 location of a qualified truck stop facility which applied for a license or was
16 issued a license on or before June 1, 2010, or which applied for or was issued a
17 certificate of compliance as required by R.S. 27:452(C) or a valid building
18 permit on or before June 1, 2010, and subsequently issued a license. Such
19 location shall be eligible for a qualified truck stop facility license without
20 reference to the prohibition in Subsection A of this Section unless after having
21 obtained a license, a qualified truck stop facility has not been licensed at that
22 location for thirty-six consecutive months and application for licensing is not
23 made within that thirty-six-month period.

24 D.(1) For locations on which a truck stop facility has not been
25 completely constructed, if application for licensing is made on or before August
26 1, 2012, the prohibited distance shall be in accordance with the following:

27 (a) For facilities which applied for or were issued a certificate of
28 compliance or a valid building permit on or before January 1, 2008 - five
29 hundred feet from any property on the National Register of Historic Places, any
30 public playground, or a building used primarily as a church, synagogue, public

1 library, or school.

2 (b) For facilities which applied for or were issued a certificate of
3 compliance or a valid building permit after January 1, 2008, but on or before
4 June 1, 2010 - two thousand five hundred feet from any property on the
5 National Register of Historic Places, any public playground, or a building used
6 primarily as a church, synagogue, public library, or school.

7 (c) For facilities which applied for or were issued a certificate of
8 compliance or a building permit after June 1, 2010 - one mile from any property
9 on the National Register of Historic Places, any public playground, residential
10 property, or a building used primarily as a church, synagogue, public library,
11 or school.

12 (2) The measurement of the distances shall be a straight line from the
13 nearest point of the truck stop facility to the nearest point of the property on the
14 National Register of Historic Places, the public playground, residential
15 property, or a building used primarily as a church, synagogue, public library,
16 or school.

17 E. If a parish or municipality does not have a zoning ordinance which
18 designates certain property within their jurisdiction as residential property, the
19 governing authority of the parish or municipality shall have the authority to
20 designate to certain areas of their jurisdiction as residential districts for the
21 purpose of this Section.

22 F. If application for licensing is made after August 1, 2012, the
23 prohibition in Subsection A of this Section shall apply.

24 G. "Residential property" shall mean any property which is wholly or
25 partly used for or intended to be used for living or sleeping by human occupants
26 and which includes one or more rooms, including a bathroom and complete
27 kitchen facilities. Residential property shall include a mobile home or
28 manufactured housing, provided that it shall have been in its present location
29 for at least sixty days. Residential property shall not include any hotel or motel.

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

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

7 B. The former lessee or licensee shall have any of the following rights:

8 (1) To continue operations at the licensed facility by agreement with the
9 lessor or the new lessee.

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

13 (a) That such former lessee or licensee shall not be required to wait
14 before making application and commencing video draw poker operation at a
15 new or existing facility.

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

20 C. Nothing herein shall affect or apply to any truck stop facility in which
21 the lessor is the holder of the license for the operation of video draw poker
22 devices.

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

24 A. When a licensed establishment which requires an alcoholic beverage
25 license as a condition of the receipt of a video draw poker device license is sold
26 or transferred, the video draw poker devices shall be allowed to continue to
27 operate if the new owner applies for a state Class "A" license within fifteen days
28 of purchasing the business, and upon issuance of a state Class "A" license, the
29 new owner applies for a video draw poker license within fifteen days.

30 B. The video draw poker devices shall be allowed to be continued in

1 operation under the old license until the issuance of a video draw poker license
2 in the name of the owner, until any of the following occur:

3 (1) A determination by the division that the new applicant is unsuitable.

4 (2) Denial of the new license application.

5 (3) The passage of one hundred eighty days from submission of the
6 application to the division. The provisions of this Subsection shall not apply to
7 new owner applicants for a video draw poker license who are licensed at the
8 time of such application; however, if the applicant fails to provide requested
9 information to the division in a timely manner, the devices may be disabled
10 after one hundred eighty days have elapsed.

11 C. The board shall adopt and promulgate rules to implement this
12 Section.

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

21 **§425. Tax clearance**

22 A. Each applicant for a license or renewal of a license shall provide to
23 the division in addition to the application form, a signed sales tax clearance
24 from the secretary of the Department of Revenue, which clearance request shall
25 be processed within seven business days.

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

1 C. When an applicant for a license files its application with the division,
 2 the applicant shall send notice with a copy of the application to the local
 3 governing authority and submit evidence of the notification to the division.

4 §426. Affidavit application for three machine locations

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

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

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

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

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

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

29 C.(1) It shall be unlawful for any person intentionally to submit a false
 30 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 that he is suitable
 24 for licensing. For purposes of this Chapter, suitability means the applicant or
 25 licensee is:

26 (a) A person of good moral 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
 30 or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and

1 operations in the activities authorized by this Chapter and financial
2 arrangements incidental thereto.

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

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

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

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

20 (3) Any person who has been granted a Class-A General Retail permit
21 or a Class-A Restaurant permit as defined in Part II of Chapter 1 or Part II of
22 Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, shall be deemed
23 to satisfy the requirements of this Section which are duplicative of the suitability
24 standards in Title 26 of the Louisiana Revised Statutes of 1950, without the
25 necessity of the division conducting an additional suitability determination. The
26 division shall determine that the applicant meets all other requirements for the
27 issuance of a video draw poker license as otherwise required by this Chapter
28 before granting a license, including renewals, to operate a maximum of three
29 video draw poker devices at a restaurant, bar, tavern, or cocktail lounge under
30 the provisions of this Section. The provisions of this Paragraph shall apply only

1 to licenses to operate a maximum of three video draw poker devices as provided
2 for in R.S. 27:412(B)(1). The board shall adopt rules to implement the
3 provisions of this Paragraph.

4 C. All licensees and persons required to be qualified under this Chapter
5 shall have a continuing duty to inform the division of any action which they
6 believe would constitute a violation of this Chapter. No person who so informs
7 the division shall be discriminated against by an applicant or licensee because
8 of supplying such 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 to exercise
15 a significant influence over the activities of a licensee authorized or to be
16 authorized by this Chapter, shall meet all suitability requirements and
17 qualifications for licensees. For the purposes of this Chapter, all gaming related
18 associations, outstanding loans, promissory notes, or other financial
19 indebtedness of an applicant or licensee must be revealed to the board for the
20 purposes of determining significant influence and suitability.

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

25 F. Notwithstanding the provisions of Subsection D of this Section, if any
26 person required to be found qualified or suitable pursuant to Subsection D of
27 this Section fails to provide all or part of the documents or information required
28 by the Louisiana Gaming Control Board and if, as a result, any person holding
29 a license issued pursuant to the provisions of this Chapter is not or may no
30 longer be qualified or suitable, the board shall issue, under penalty of

1 revocation of the license, a condition naming the person who failed to provide
2 all or part of the documents or information required by the board and declaring
3 that such person may not:

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

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

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

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

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

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

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

26 (b) It does not exercise influence over the affairs of the issuer of such
27 securities or over any licensed or permitted subsidiary of the issuer of such
28 securities.

29 (c) It does not intend to exercise influence over the affairs of the issuer
30 of such securities, or over any licensed or permitted subsidiary of the issuer of

1 such securities, in the future, and that it agrees to notify the board in writing
2 within thirty days if such intent should change.

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

6 (3) The provisions of this Subsection shall not be construed to preclude
7 the Louisiana Gaming Control Board from investigating the suitability or
8 qualifications of an institutional investor should the Louisiana Gaming Control
9 Board become aware of facts or information which may result in such
10 institutional investor being found unsuitable or disqualified.

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

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

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

19 (2) The licensee shall have a continuing duty to inform the division of
20 any action taken by the designated representative which they believe would
21 constitute a violation of this Chapter.

22 (3) The licensee shall maintain the information required by the
23 provisions of this Subsection and have it readily available for inspection by the
24 division.

25 §428. (Reserved)

26 PART V. REGULATION AND ENFORCEMENT

27 §429. Regulation of video draw poker devices; Louisiana Gaming Control
28 Board; gaming division

29 A. The Louisiana Gaming Control Board shall perform the duties and
30 functions as authorized by the provisions of this Chapter and the regulatory

1 authority with respect to the regulation of video draw poker devices as provided
2 by R.S. 27:15.

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

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

7 A. The board shall promulgate rules and regulations for the counting
8 and collecting of all net device revenues and for the timely payment of all license
9 fees and penalties. The board or division, where applicable, may institute
10 proceedings for the collection of fees and penalties.

11 B. Each month, the device owner must give the division a report
12 containing the:

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

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

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

18 C. The division may require any device owner to maintain or submit any
19 data, information, record, or reports required by this Chapter in any computer
20 form, program, or storage consistent with its recordkeeping or computer system
21 or access. Any rule or regulation promulgated pursuant to this Subsection shall
22 apply to the records of all device owners.

23 D. Video draw poker devices placed in a licensed establishment which
24 is a restaurant shall be operated and played only in a designated area, as
25 approved by the division, which is separated from restaurant patrons seated in
26 the dining area of the restaurant.

27 E. Except for a uniform logo and advertising notice approved by the
28 board, the board may promulgate rules to prohibit licensed establishments from
29 advertising video gaming activities on the outside of the premises where video
30 gaming devices are located.

1 **F.(1) The board may establish by rule criteria for the physical placement**
2 **of video draw poker devices within a licensed establishment.**

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

8 **§431. Powers and duties of the board or division; restrictions; permits**

9 **A. The board shall promulgate rules and regulations necessary to**
10 **facilitate implementation of this Chapter and specifically to:**

11 **(1) Provide permit, application, and licensing procedures.**

12 **(2) Prescribe necessary application and reporting forms.**

13 **(3) Establish qualifications and duties of certified technicians.**

14 **(4) Provide for the protection of legitimate economic interests of**
15 **licensees, creditors, and other parties involved in the operation, financing,**
16 **manufacture, distribution, sale, and servicing of video draw poker devices and**
17 **equipment.**

18 **B.(1) The board or division, as may be applicable, may deny or**
19 **condition any license or permit applied for or issued pursuant to the provisions**
20 **of this Chapter for any violation of the provisions of this Chapter, Chapter 2 of**
21 **this Title, or any rule of the board. The board or division, as may be applicable,**
22 **shall not levy a penalty against, condition the license or permit of, or reinstate**
23 **the license or permit of, any person or the approval of any device unless and**
24 **until the person or device meets all the criteria and requirements to be licensed**
25 **or approved for play.**

26 **(2) Notwithstanding the provisions of Paragraph (1) of this Subsection,**
27 **no sanction or denial of a license renewal application, revocation of a license, or**
28 **license suspension shall be imposed for a period in excess of ten calendar days**
29 **against any person to whom a license for the operation of video draw poker**
30 **devices has been issued for the failure to disclose all criminal charges resulting**

1 in any misdemeanor conviction, provided that the person has not previously
2 been cited for the same nondisclosure regulatory offense within a one-year
3 period prior to the current regulatory offense. However, the failure to disclose
4 all charges resulting in any misdemeanor conviction may be considered and
5 utilized within the provisions set forth under R.S. 27:427, and there shall be no
6 limitation as to the sanction imposed.

7 (3) The board or division, as may be applicable, may initiate an
8 administrative action as defined in R.S. 27:3 and may revoke or suspend the
9 license of any person or approval of any device issued pursuant to the provisions
10 of this Chapter for violations as provided for in R.S. 27:433(A).

11 (4) The board or division, as may be applicable, shall allow a licensee to
12 temporarily turn in his license for reason of force majeure affecting the ability
13 to operate the business described in the application for an indefinite period of
14 time as determined by the division. During the time the license is turned in, the
15 licensee shall be eligible to renew the license. When the licensee is able to
16 resume business operations and is in compliance with all applicable physical
17 amenities and permit requirements, the license shall be returned to the licensee
18 within ten days of completion of a compliance inspection by the division.

19 (5) The board or division, as may be applicable, shall terminate the
20 device operation fees paid pursuant to R.S. 27:435(A)(5) when a licensed video
21 draw poker device is destroyed as the result of force majeure. In such a case, the
22 device operation fees shall terminate in the quarter following the quarter in
23 which the device was destroyed.

24 C. The board or division, as may be applicable, may initiate an
25 administrative action as defined in R.S. 27:3 against any licensee issued a
26 license, permit, or approval and may revoke or suspend the license or permit
27 of any person or approval of any device issued pursuant to the provisions of this
28 Chapter if the board finds that the person licensed or permitted or device
29 approved did not meet, at the time of application, or does not continue to meet
30 the suitability requirements provided for in this Chapter, Chapter 2 of this

1 Title, or in any rules adopted by the board and promulgated in Chapter III or
2 XI of Title 42 of the Louisiana Administrative Code governing the operation of
3 video draw poker devices which provide for suitability criteria.

4 D. For a period of five years from the date of the revocation of the
5 license, no license authorized by this Chapter may be granted to any person
6 whose previous license was revoked by the division.

7 E. The division and its agents may:

8 (1) Inspect and examine all premises where video draw poker devices
9 are offered for play or where video draw poker devices or equipment are
10 manufactured, sold, or distributed.

11 (2) Inspect all video draw poker devices and related equipment and
12 supplies in, upon, or about such premises.

13 (3) Summarily seize and remove from such premises and impound any
14 video draw devices, equipment, or supplies for the purpose of examination and
15 inspection.

16 (4) Request that the board promulgate rules and regulations requiring
17 licensees or former licensees to maintain specified records, including financial
18 and income records, of video draw poker devices and operations.

19 (5) Request that the board promulgate rules and regulations to provide
20 for minimum physical security standards at licensed establishments to maintain
21 safety and integrity within the gaming area.

22 F. The board or the division, as may be applicable, shall have the
23 authority to issue subpoenas and to compel the attendance of witnesses before
24 it, to administer oaths at its official proceedings, to require testimony under
25 oath, and to punish as contempt the failure to obey its orders. Appeals of an
26 action by the board or division, where applicable, holding a person in contempt
27 shall be taken to the Nineteenth Judicial District Court.

28 G. The board or division, where applicable, within ten days after
29 granting a license for the placement of video draw poker devices in a licensed
30 establishment, shall notify the local governing authority of the municipality or,

1 if not in a municipality, of the parish where the licensed establishment is located
2 of the approval and granting of the license.

3 H. When an establishment licensed to operate video draw poker devices
4 requests the division to disable such devices, such licensee shall also provide the
5 notice of such request to the owner of the devices. The board shall adopt rules
6 to implement this process.

7 §§432 - 434. (Reserved)

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

9 §§435 - 439. (Reserved)

10 PART VII. CRIMES AND PROHIBITED CONDUCT

11 §§440 - 444. (Reserved)

12 PART VIII. VIDEO DRAW POKER EMPLOYEE PERMITS

13 §§445 - 450. (Reserved)

14 PART IX. MISCELLANEOUS

15 §§451 - 457. (Reserved)

16 CHAPTER 8: 9. MISCELLANEOUS GAMING PROVISIONS

17 ~~§401.~~ 501. Potential problems with gaming and gambling; educational program

18 A. The Department of Health and Hospitals, office of behavioral health, shall
19 develop and fund a program for educating students in public and nonpublic
20 elementary and secondary schools about the potential problems associated with
21 gaming and gambling.

22 B. The state Department of Education shall implement the program in public
23 elementary and secondary schools and shall make the program available to nonpublic
24 elementary and secondary schools.

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

27 ~~§402.~~ 502. Raffles under two hundred fifty dollars

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

1 dollars.

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

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

8 Section 4. The Louisiana Legislature hereby renumbers and redesignates the
9 following provisions in the reserved provisions of this Act as follows: R.S. 27:303 as R.S.
10 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.
11 27:428, R.S. 27:308.1 as R.S. 27:432, R.S. 27:308.2 as R.S. 27:433, R.S. 27:313 as R.S.
12 27:434, R.S. 27:311 as R.S. 27:435, R.S. 27:311.9 as R.S. 27:436, R.S. 27:312 as R.S.
13 27:437, R.S. 27:318 as R.S. 27:438, R.S. 27:323 as R.S. 27:439, R.S. 27:309 as R.S. 27:440,
14 R.S. 27:315 as R.S. 27:441, R.S. 27:316 as R.S. 27:442, R.S. 27:319 as R.S. 27:443, R.S.
15 27:322 as R.S. 27:444, R.S. 27:311.1 as R.S. 27:445, R.S. 27:311.2 as R.S. 27:446, R.S.
16 27:311.3 as R.S. 27:447, R.S. 27:311.4 as R.S. 27:448, R.S. 27:311.5 as R.S. 27:449, R.S.
17 27:311.6 as R.S. 27:450, R.S. 27:314 as R.S. 27:451, R.S. 27:324 as R.S. 27:452, R.S.
18 27:320 as R.S. 27:453, R.S. 27:326 as R.S. 27:454, R.S. 27:317 as R.S. 27:455, R.S. 27:325
19 as R.S. 27:456, and R.S. 27:311.8 as R.S. 27:457.

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

22 Section 6. The provisions of this Act shall become effective August 1, 2012.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____