

Regular Session, 2012

HOUSE BILL NO. 445

BY REPRESENTATIVE LOPINTO

GAMBLING/VIDEO POKER: Authorizes video draw poker device owners to hold franchise payments in trust until franchise payment is remitted to the state

1 AN ACT

2 To enact R.S. 27:311(D)(5) and (6), relative to video draw poker; to provide for the holding  
3 of franchise payments in a constructive trust until remitted to the state; to provide for  
4 liability of device owners and shareholders, officers, directors, partners, managers,  
5 and managing members for payment of the franchise payment to the state of  
6 Louisiana; to provide for rulemaking; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 27:311(D)(5) and (6) are hereby enacted to read as follows:

9 §311. Licensing by division; fees; franchise payments; enforcement activities

10 \* \* \*

11 D.

12 \* \* \*

13 (5) The franchise payment authorized by the provisions of this Section shall  
14 be held by the device owner in a constructive trust on behalf of the state of  
15 Louisiana, until such time as the franchise payment is remitted to and received by the  
16 division. While held in constructive trust, the device owner and its shareholders,  
17 officers, and directors if a corporation, its partners if a partnership, and its members,  
18 managers, and managing members if a limited liability company, shall be jointly and  
19 severally liable for the franchise payment until it is remitted to and received by the  
20 division.

