
SENATE COMMITTEE AMENDMENTS

2019 Regular Session

Amendments proposed by Senate Committee on Judiciary B to Re-Reengrossed House Bill No. 459 by Representative Talbot

1 AMENDMENT NO. 1

2 On page 1, line 2, after "27:302" insert "and 304"

3 AMENDMENT NO. 2

4 On page 1, line 2, after "27:306" delete the comma "," and delete the remainder of the line
5 and insert "through 316, relative"

6 AMENDMENT NO. 3

7 On page 1, line 7, after "player;" delete the remainder of the line and insert the following:
8 "to provide relative to administrative rules; to provide relative to winnings
9 of players with outstanding child support orders; to provide for periodic
10 reporting; to provide relative to civil penalties; to provide relative to
11 revocation or suspension of a license; to provide relative to investigations;
12 to provide for obligations to participants; to provide for inactive accounts;"

13 AMENDMENT NO. 4

14 On page 1, at the beginning of line 8, delete "legislative intent;"

15 AMENDMENT NO. 5

16 On page 1, line 10, after "27:302" delete "is" and insert "and 304 are"

17 AMENDMENT NO. 6

18 On page 1, line 10, after "27:306" delete the comma "," and delete the remainder of the line
19 and insert "through 316"

20 AMENDMENT NO. 7

21 On page 1, at the beginning of line 11, delete "and 309"

22 AMENDMENT NO. 8

23 On page 3, between lines 11 and 12, insert the following:

24 "§304. Gaming Control Board; duties and powers
25 A. The board shall perform the duties and functions as authorized by
26 the provisions of this Chapter and the regulatory authority with respect to the
27 regulation of fantasy sports contests as provided by R.S. 27:15.
28 B. The board shall adopt, pursuant to the Administrative Procedure
29 Act, all rules necessary to implement, administer, and regulate fantasy sports
30 contests as authorized in this Chapter. The rules shall include but not be
31 limited to the following:
32 (1) The issuance of any license, contract, or permit authorized by this
33 Chapter, subject to regulation of the board.
34 (2) The methods of and forms and procedures for making an
35 application for a license, contract, or permit to be considered by the board.
36 (3) The methods of and forms for providing to the board information
37 concerning a person's family, habits, character, associates, criminal record,
38 business activities, and financial affairs.

1 (4) Enforcement of this Chapter, gaming laws administered by the
 2 board, and rules of the board, including imposition and collection of fines,
 3 penalties, and other sanctions which may be imposed by the board against an
 4 operator or any other licensee or permittee of the board.

5 (5) A procedure requiring the withholding of winnings of persons
 6 who have outstanding child support arrearages or owing child support
 7 overpayments. Winnings shall only include payments for which the operator
 8 licensed under this Chapter is required to file form W2-G, or a substantially
 9 equivalent form, with the United States Internal Revenue Service.

10 (a) The board may require that the agency reporting current child
 11 support arrearages or overpayments provide information relating to such
 12 arreages or overpayments in a manner, format, or record approved by the
 13 board that gives the operator licensed under the Chapter real-time or
 14 immediate electronic database access to the information. If the information
 15 relating to such arreages or overpayments by the agency reporting current
 16 child support arrearages or overpayments is not available through real-time
 17 or immediate electronic database access, the operator shall not be responsible
 18 for withholding cash gaming winnings in accordance with the provisions of
 19 this Subparagraph.

20 (b) The board or operator licensed under this Chapter, including any
 21 of its officers, employees, attorneys, accountants, or other agents, shall not
 22 be civilly or criminally liable to any person, including any player, for any
 23 disclosure of information made in accordance with this Section, for
 24 encumbering or surrendering assets in response to information provided by
 25 the Department of Children and Family Services, or for any claims for
 26 damages arising from withholding or failing to withhold any winnings, based
 27 upon information provided to it.

28 (c) If any operator licensed under this Chapter determines that the
 29 winner is a player who has outstanding child support arrearages or owes child
 30 support overpayments, the operator licensed under this Chapter shall deduct
 31 the child support arrearage or child support overpayment from the payment
 32 of the winnings. The deducted amount shall be forwarded to the Department
 33 of Children and Family Services within seven days and the operator licensed
 34 under this Chapter shall pay the remainder to the player who has outstanding
 35 child support arrearages or owes child support overpayments. If the
 36 remainder is equal to or less than zero, the player who has an outstanding
 37 child support arrearage or child support overpayment shall not receive a
 38 payment.

39 (d) Any operator licensed under this Chapter may deduct an
 40 administrative fee from each payment of winnings, of players who have
 41 outstanding child support arrearages or owe child support overpayments per
 42 singular or periodic payment, not to exceed thirty-five dollars.

43 (e) The board shall also require that the operator licensed under this
 44 Chapter to adopt procedures designed to prevent employees from willfully
 45 failing to withhold payments of winnings from players who have outstanding
 46 child support arrearages or child support overpayments, based upon the
 47 information provided by the Department of Children and Family Services
 48 that allows the operator to identify such persons.

49 (f) Not later than July 1, 2019, the board shall institute rulemaking
 50 procedures as necessary to implement the provisions of this Paragraph.

51 C.(1) Subject to the provisions of Article VII, Section 2.1 of the
 52 Constitution of Louisiana, and in accordance with the Administrative
 53 Procedure Act, the board may assess and provide for the imposition and
 54 collection of such fees as may be necessary to defray administrative costs
 55 associated with the application for and the investigation, granting, or renewal
 56 of licenses and permits.

57 (2) Any fine or other monetary penalty collected by the board or its
 58 staff shall be remitted to state treasury for deposit into the state general fund.

59 D. Upon direction of the board, the office of state police and the
 60 attorney general shall submit proposed rules to the board for consideration,
 61 modification, and promulgation as provided in this Section.

1 (2) Any hearing officer of the board shall review the penalty schedule
 2 provided for in Subsection A of this Section to determine whether a penalty
 3 provided for in the penalty schedule and issued by the board or division, as
 4 may be applicable, is appropriate and applicable to a particular violation.

5 C. A civil penalty shall not exceed fifty thousand dollars for each
 6 violation of any provision of this Chapter or rule of the board.

7 D.(1) For the purposes of this Chapter violations shall be determined
 8 as follows:

9 (a) An operator shall be provided notice of the charged violation and
 10 may admit the violation and accept the penalty or may deny the violation and
 11 demand a hearing be held, pursuant to R.S. 27:25, to make a determination
 12 regarding the charge.

13 (b) For the purposes of determining whether a second or subsequent
 14 violation has occurred, each violation of the same rule or statutory provision
 15 shall have occurred on a separate occasion, by the same operator, and only
 16 violations that have occurred within a one-year period, regardless of when
 17 they were charged, admitted, or found to have occurred, shall be considered.

18 (2) For operators having more than one license issued pursuant to the
 19 provisions of this Chapter, civil penalties as provided in this Subsection shall
 20 only apply to the license incurring the violation.

21 E.(1) Payment of the civil penalty shall be a requirement for the
 22 retention of any permit or license held by the entity which violated any such
 23 provisions.

24 (2)(a) Failure to remit civil penalties shall result in the shutdown of
 25 the platform of the operator who refused to remit the civil penalty. The
 26 provisions of this Subparagraph shall apply only in those instances where no
 27 administrative hearing has been timely requested.

28 (b) Upon payment of the penalty, the platform may be reactivated.

29 F. If the operator contests the imposition of the civil penalty, the
 30 penalty shall be imposed only after an adjudicatory hearing is conducted
 31 pursuant to R.S. 27:25 and a basis for imposition of the penalty is determined
 32 to exist.

33 §313. Revocation or suspension of a license; civil penalty

34 A. The board or division, as may be applicable, shall initiate an
 35 administrative action and may revoke or suspend the license or permit of any
 36 person or the approval of any device issued pursuant to the provisions of this
 37 Chapter for any of the following:

38 (1) The failure to meet the requirements of suitability as defined in
 39 this Chapter or in any rules adopted by the board.

40 (2) The failure to meet the requirements for the issuance of a license
 41 as provided for in this Chapter or in any rules adopted by the board.

42 (3) Repeated violations of any of the provisions of this Chapter or
 43 any rule of the board governing this Chapter. "Repeated violations" shall
 44 mean three violations of the same rule or statutory provision which have
 45 occurred on separate occasions by the same operator within a one-year
 46 period. The date of a violation shall be considered to be the date the citation
 47 for that violation is issued.

48 B. For all other violations not listed in Subsection A of this Section,
 49 the board or division, as may be applicable, may issue a civil penalty
 50 pursuant to the provisions of R.S. 27:313.

51 C. In addition to or in lieu of the revocation or suspension of a
 52 license issued pursuant to the provisions of this Chapter, the board or
 53 division, as may be applicable, may impose a civil penalty not to exceed fifty
 54 thousand dollars for each violation of any provision of this Chapter or any
 55 rule of the board governing this Chapter.

56 D. In lieu of revocation or suspension of a license, the licensee may
 57 enter into a consent agreement or settlement to pay a penalty not to exceed
 58 fifty thousand dollars. No consent agreement or settlement shall exceed fifty
 59 thousand dollars.

60 E. No suspension imposed pursuant to the provisions of this Chapter
 61 shall exceed a period of thirty days.

1 §314. Investigations and violations

2 A. The division shall conduct such investigations, hearings, and
3 inquiries as it deems necessary to fulfill its responsibilities under the
4 provisions of this Chapter. A license may be suspended prior to a hearing
5 upon a written finding of danger to public health and welfare.

6 B. As a condition of receiving a license under the provisions of this
7 Chapter, each operator agrees that the division and its agents and employees
8 shall have unrestricted access and the right to inspect any premises under the
9 control of the operator in which any activity relating to the provisions of this
10 Chapter is conducted.

11 §315. Limitation on active accounts; obligations to participants

12 An operator shall:

13 (1) Limit each authorized player to one active and continuously used
14 account.

15 (2) Publish and facilitate parental control procedures to allow parents
16 or guardians to exclude minors from access to any contest or platform. The
17 procedures shall include a toll-free number to call for help in establishing
18 such parental controls.

19 (3) Make clear conspicuous statements that are not inaccurate or
20 misleading concerning the chances of winning and the number of winners
21 when referencing the chances or likelihood of winning.

22 (4) Permit any authorized player to permanently close an account
23 registered to the player, on any and all platforms supported by the operator
24 or registrant, at any time and for any reason.

25 (5) Identify all highly experienced players in any contest by a symbol
26 attached to the players' username, or by other visible means, on all platforms
27 supported by the operator or registrant.

28 (6) Disclose the number of entries a single authorized player may
29 submit to each contest.

30 (7) Disclose the maximum number of total entries allowed for each
31 contest.

32 (8) Implement measures to protect the privacy and online security of
33 authorized players, their account, and their personal financial information.

34 §316. Charging for inactive accounts

35 A. An operator shall not charge players for inactive accounts.

36 B. An operator shall only charge players for entry fees placed or
37 contests entered. No player shall be charged for failure to enter on a fantasy
38 sports contest or for failure to deposit certain amounts of cash or cash
39 equivalent into any account."

40 AMENDMENT NO. 11

41 On page 9, delete lines 5 through 11 in their entirety

42 AMENDMENT NO. 12

43 On page 9, change "Section 4." to "Section 2."