

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 6—[Operation of the Riverboat] Safety and Environment Standards and Inspections**

**PROPOSED AMENDMENT**

**11 CSR 45-6.020 Safety Standards.** The commission is amending and renumbering sections (1), (2), (3), and (4).

*PURPOSE: This amendment changes the definition for certificate of inspection, provides for compliance with local, state and federal building and fire codes, and deletes references to the United States Coast Guard standards and inspections.*

(1) For the purposes of this [11 CSR 45-6.020] **chapter**, the following definitions shall apply:

(A) Certificate of inspection—*[a vessel subject to United States Coast Guard passenger-carrying capacity regulation]* **a finding of compliance with requirements of all applicable laws and regulations that is issued to a licensee operating an excursion gambling boat by a third-party examiner;**

(D) Third party examiner—an individual or entity specifically approved by the commission to conduct safety inspections as required by Missouri laws and rules.

**(2) Third Party Examiner.**

(A) At a minimum the third party examiner must provide evidence of experience with similar inspection services on similar vessels, financial responsibility in a minimum amount of one (1) million dollars each in general liability insurance, Worker’s Compensation and longshoreman’s insurance (if required by law), and meet at least the following criteria:

1. Inspectors for superstructure and life safety systems must have at least five (5) years **of** experience in work directly relating to the design and/or fabrication and/or inspection of similar vessels, and knowledge of the fire safety standards of the Missouri laws and rules, as well as the building and fire codes adopted within the jurisdiction where the structure will be placed into service [*, or a recognized building and fire code approved by the commission,*] and be one of the following:

A. An architect licensed in the state of Missouri with at least five (5) years of experience in work directly relating to the design and/or inspection of similarly sized vessels; [*or*]

B. A professional engineer licensed in the state of Missouri with at least five (5) years of experience in work directly relating to the design and/or inspection of similarly sized vessels; or

C. An architect or qualified engineer with a regulatory and review agency [*, such as the American Bureau of Shipping (or affiliate)*]; **and**

2. Marine surveyors for hull inspections must have at least ten (10) years of experience in marine surveying work associated with the inspection of similar vessels and be one of the following criteria:

A. An architect licensed in the state of Missouri; [*or*]

B. A professional engineer licensed in the state of Missouri; or

C. A marine surveyor with a regulatory and review agency. [*, such as the American Bureau of Shipping (or affiliate).*]

[(2)] **(3) Fire Safety and Building Code Standards .**

(A) Any [establishment to be constructed for dockside gaming that will be permanently moored or] **excursion gambling boat that is** continuously [moored] **docked pursuant to section 313.805(16), RSMo** will be required to meet—

[1)] **1.** the fire safety standards of the Missouri laws and rules;[,] and

[2)] **2.** the building and fire codes adopted within the jurisdiction where the structure will be placed into service[, or if there is no locally adopted code then a nationally recognized building and fire code approved by the commission].

[(3)] **(4) Certification of Passenger-Carrying Capacity.**

(A) A stability test shall be conducted by the licensee in accordance with 46 CFR, subchapter S, part 170[, subpart F]. This test shall be witnessed by a third party examiner [approved by the commission]. In lieu of a stability test, the licensee may elect to perform a Deadweight Survey to determine the Lightweight Displacement and Longitudinal Center of Gravity. The Vertical Center of Gravity shall be determined by a conservative estimate, subject to approval by a third party examiner [approved by the commission].

[(B) The intact stability characteristics for each vessel must comply with the following criteria:

1. 46 CFR, subchapter S, part 170, subpart E; sections 170.160, 170.170 and 170.173;

2. In lieu of compliance with 170.173, the licensee may elect to comply with alternate criteria for Vessels of Unusual Proportion and Form, as may be acceptable at that time to the United States Coast Guard, for certified passenger vessels; and

3. 46 CFR, subchapter S, part 171, subpart C, section 171.050.]

[(C)] **(B)** All permanently moored or continuously moored vessels shall be required to comply with—

**1.** one (1) compartment standard of flooding, as outlined in 46 CFR **section** 171.070, regardless of the passenger capacity of the vessel[.]; **and**

[(D) All permanently moored or continuously moored vessels shall be required to comply with]

**2.** Damage Stability Standards of 46 CFR[, subchapter S, part 171, subpart C,] section 171.080.

Additionally, all vessels must comply with requirements for Stability After Damage (Damaging Righting Energy Criteria) as may be acceptable at that time to the United States Coast Guard, for certified passenger vessels.

[(E)] **(C)** All stability calculations required by [subsection [(2)(D)] **this rule** shall be furnished by the licensee to a third party examiner [approved by the commission], for review and approval by that examiner. All vessels must have a letter from [the approved] a third party examiner stating compliance with these criteria.

[(4)] **(5) Certification of Certain Barges, Floating Platforms and Vessels Other Than Excursion Gambling Boats.**

(A) All barges, floating platforms and vessels that will be used in conjunction with a riverboat gaming operation shall be **inspected and** certified as suitable for their intended use prior to being placed into service, and annually thereafter. The certification shall be performed by a third party examiner [approved by the commission]. **The minimum standards for floating platform and/or hull integrity shall be found in Title 46 CFR, Chapter I.**

(B) Any structure constructed on any barge, floating platform, or vessel that will be normally occupied by persons, and used in conjunction with a riverboat gaming operation shall *[conform to]* **meet** the building and fire codes adopted within the jurisdiction where the structure will be placed into service. *[, except those vessels originally designed, and constructed as a vessel subject to inspection by the United States Coast Guard authority, and inspection, and issued a certificate of inspection by the United States Coast Guard and the vessel has not been changed since the issuance of the certificate. Facilities not required to hold a certificate of inspection issued by the United States Coast Guard and which are located in an area where there is no locally adopted building or fire code shall be in compliance with Missouri laws and rules and a nationally recognized building and fire code approved by the commission.*

(C) Any structure constructed on a barge, floating platform, or vessel that will be normally occupied by persons and used in conjunction with a riverboat gaming operation shall be inspected for compliance with the building, and fire codes of the local jurisdiction where the structure will be placed into service by an authority approved by the commission prior to being placed into service and, annually thereafter. Facilities not required to hold a certificate of inspection issued by the United States Coast Guard and which are located in an area where there is no locally adopted building or fire code shall be in compliance with Missouri laws and rules and a nationally recognized building and fire code approved by the commission.]

*[(D)]* (C) The certification conformance and inspections required *[in subsections (4)(A)–(C) of]* **by** this rule shall be submitted in writing to the commission prior to the barge, floating platform, vessel or structure being placed into service, and annually thereafter.

*[(E)]* (D) All costs and expenses associated with the certification conformance and inspections required in *[subsections [(4)(A)–(C) of]* **this** rule shall be paid by the Class *[A]* **B** applicant or licensee requesting to place such barge floating platform, vessel or structure into service.

*AUTHORITY: sections 313.004, 313.805 and 313.824, RSMo [2000] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Emergency amendment filed May 22, 1995, effective June 1, 1995, expired Sept. 28, 1995. Amended: Filed May 22, 1995, effective Dec. 30, 1995. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Dec. 7, 2001, effective July 30, 2002. Amended: Filed April 26, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*