

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 45-6.025 Safety Inspections. The commission is amending sections (1)–(3).

PURPOSE: This amendment changes safety policies for excursion gambling boats.

(1) Each excursion gambling boat shall comply with all applicable federal, state and local *[law]* laws related to safety and— *[with one (1) of the following:*

(A) Undergo an inspection prior to licensure and annually thereafter by the United States Coast Guard resulting in the issuance of a “Certificate of Inspection”; or]

[(B)] (A) Undergo an inspection prior to licensure and annually thereafter by a third party examiner [approved by the commission] resulting in a finding of safety and suitability for its intended purpose; [provided that such excursion gambling boat must also meet the following:

1. If within the jurisdiction of the United States Coast Guard, obtain approval from the United States Coast Guard or its designee for its permanent mooring or continuous mooring system and maintain such approval in good standing;] and

[2. If previously the holder of a “Certificate of Inspection” issued by the United States Coast Guard or regulatory and review agency, obtain] (B) Obtain approval by a third party examiner prior to licensure and annually thereafter of a plan for fire fighting and the protection and evacuation of personnel and maintain staff sufficiently trained as required to execute the plan.

(2) Each excursion gambling boat **as that term is defined in section 313.800.1(4), RSMo**, for which the commission has granted continuous docking status, shall comply with **all applicable** standards for safety, design, construction, inspection, survey, and moorings of permanently moored or continuously moored excursion gambling boats. *[submitted by a third party examiner and approved by the commission; except that this requirement shall not apply to vessels designed and constructed as a motor vessel under the rules and regulations of the United States Coast Guard and which have or have had a “Certificate of Inspection” issued by the United States Coast Guard or regulatory and review agency.]*

(A) Any construction or modification of any portion of the excursion gambling boat shall require a third party examiner to conduct a review of the plans and to perform code inspections.

(B) Any plan review or code inspections required for construction or modification of structures off the excursion gambling boats, including areas through which gaming patrons may egress, shall be conducted by the local jurisdiction’s building inspector, fire inspector, and any other applicable local officials.

(3) Hull inspections by third party examiners *[approved by the commission]* shall comply with the standards set forth in 11 CSR 45-6.020 and shall meet the following requirements:

(A) An annual survey shall be conducted of permanently moored vessels by a third party examiner as defined in 11 CSR 45-6.020 to determine if structural changes exist which may affect the stability of the vessel. The survey shall consist of the following:

1. General inspection of the superstructure and layout of outfitting to ensure there are no changes to the approved arrangement that may affect the stability of the vessel;
2. Inspection of the underdock spaces to ensure watertight integrity of the vessel is maintained;
3. Inspection and report on the condition of the hull and watertight bulkheads;
4. Inspection and report on the condition of watertight doors and watertight bulkhead penetration;
5. Inspection and report on the condition of ventilator, hatch covers, and manhole covers; [*This annual survey does not apply to United States Coast Guard certified vessels that are subject to United States Coast Guard regulatory inspections;*]
6. [*Permanently moored vessels*] **Excursion gambling boats** shall undergo dry-dock and internal structural examinations at intervals in accordance with 46 CFR **section** 71.50-3 or present evidence of compliance with alternative methods of hull examination as may be deemed acceptable at the time[,] by the United States Coast Guard; [*, for vessels that operate in fresh water;*]
7. Inspection of permanently moored vessels having steel, [*or*] aluminum, **or concrete** hulls may be performed in dry-dock or in-the-water. In-the-water inspections shall consist of an internal structural examination and a detailed nondestructive examination of the vessel's hull. The non-destructive hull examination may be performed by underwater inspection methods or from inside the vessel if all compartments are safely accessible. "Safely accessible" shall be dependent upon the issuance of a "gas free certificate" by a certified marine chemist or an individual otherwise qualified to issue such certificate;
8. All hull structural and in-the-water examinations and inspections of permanently moored vessels shall be under the direction of a third party examiner [*approved by the commission as provided in 11 CSR 45-6.020*]. Expertise of the [*approved*] third party examiner shall include knowledge of nondestructive testing methods and procedures for the materials being tested and the nature of testing being accomplished;
9. The inspection techniques must be under the general direction of an American Society for Nondestructive Testing (ASNT) Level III nondestructive certified technician. Inspections and measurements must be performed by an ASNT Level II (or higher) nondestructive certified technician;
10. The inspection results must be maintained in a format [*approved by the commission*] that will allow for examination by the commission's representatives, including comparison of results from the previous inspections;
11. Repairs using underwater welding shall be subject to periodic re-evaluation at subsequent inspections. Such repairs shall be completed in accordance with the standards found in the American Welding Society's "Specifications for Underwater Welding" **adopted by the jurisdiction where the structure is located; and**
12. The commission may require immediate dry-docking of the vessel if structural examinations and underwater inspections or repair work are not conducted in accordance with these rules, [*; and*]
13. *All work shall be governed by and construed according to Missouri law effective on the execution date.*] **or damage to the hull is extensive and compromises the structural integrity of the hull.**

(B) Written documentation of compliance with the requirements of subsection (3)(A) [of this section] shall be furnished to the commission by the licensee. A third party examiner [approved by the commission] shall certify such documentation.

(C) Written documentation of all findings, recommendations or suggestions made by a third party examiner shall be furnished to the commission by the licensee. A third party examiner [approved by the commission] shall certify such documentation.

[1.] (D) In the event the licensee retains a subsequent third party examiner [approved by the commission], within fifteen (15) days the licensee shall:

[(a)] 1. Notify the commission; and

[(b)] 2. Furnish the most recent findings, recommendations or suggestions of the previous third party examiner [the] to the subsequent third party examiner.

AUTHORITY: sections 313.004, 313.805, and 313.824, RSMo [2000]2016. Emergency rule filed June 25, 1996, effective July 5, 1996, expired Dec. 31, 1996. Original rule filed June 25, 1996, effective Feb. 28, 1997. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed Dec. 7, 2001, effective July 30, 2002. Amended: 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.*