



Rules of
Department of Public Safety
Division 45—Missouri Gaming Commission
Chapter 6—Operation of the Riverboat

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY**

**Division 45—Missouri Gaming
Commission**

Chapter 6—Operation of the Riverboat

11 CSR 45-6.010 Safety and Environment

PURPOSE: This rule establishes requirements for safety and environment.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) The licensee shall maintain the excursion gambling boat in a physically safe and environmentally sound manner so as to protect the health and welfare of all employees and passengers as well as the environment and water quality. The minimum standards for safety and environment shall be those provided by the United States Coast Guard, United States Army Corp of Engineers, United States Environmental Protection Agency and Chapter 306, RSMo.

(2) The licensee shall provide the commission annually with a safety and environmental plan for the operation of the excursion gambling boat. The plan shall include the following:

(A) Compliance with all applicable federal and state laws, including, but not limited to, the United States Coast Guard safety rules and Chapter 306, RSMo;

(B) Training of all crew members to insure the life safety of the public and the protection of the environment and water quality;

(C) Self-inspection procedures to insure compliance with public safety and the environmental standards;

(D) Procedures to insure disabled persons access to the boat; and

(E) Procedures to insure safe methods for sewage treatment and discharge and disposal of solid waste.

AUTHORITY: sections 313.004 and 313.824, RSMo 1994. 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. Amended: Filed March 18, 1996, effective Oct. 30, 1996.*

**Original authority: 313.004, RSMo 1993, amended 1994 and 313.824, RSMo 1991, amended 1993.*

11 CSR 45-6.020 Safety Standards

PURPOSE: This rule establishes safety standards.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

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

(A) Certificate of inspection—a vessel subject to United States Coast Guard passenger-carrying capacity regulation;

(B) Permanently moored vessel—a vessel out of navigation that has become substantially a land structure mounted on a floating platform and subject to land based building codes rather than marine inspection laws;

(C) Continuously moored vessel—a vessel formerly self-propelled which previously cruised navigable waters but has now been determined by the United States Coast Guard to be continuously docked and removed from navigation; and

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

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) Fire Safety Standards. Any establishment to be constructed for dockside gaming that will be permanently moored or continuously moored will be required to meet—1) the fire safety standards of the Missouri laws and rules, and 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) 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) All permanently moored or continuously moored vessels shall be required to comply with one (1) compartment standard of flooding, as outlined in 46 CFR 171.070, regardless of the passenger capacity of the vessel.

(D) All permanently moored or continuously moored vessels shall be required to comply with 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) All stability calculations required by subsection (2)(D) 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 third party examiner stating compliance with these criteria.

(4) 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 certified as suitable for their intended use prior to being placed into service, and annually thereafter. The certification shall be performed by third party examiner approved by the commission.

(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 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) The certification conformance and inspections required in subsections (4)(A)–(C) of 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) 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 applicant or licensee requesting to place such barge floating platform, vessel or structure into service.

*AUTHORITY: sections 313.004 and 313.824, RSMo 2000. * 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.*

**Original authority: 313.004, RSMo 1993, amended 1994 and 313.824, RSMo 1991, amended 1993.*

11 CSR 45-6.025 Safety Inspections

PURPOSE: This rule establishes certain safety policies for excursion gambling boats.

(1) Each excursion gambling boat shall comply with all applicable federal, state and local law 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) 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 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 for which the commission has granted continuous docking status, shall comply with 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.

(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 shall undergo dry-dock and internal structural examinations at intervals in accordance with 46 CFR 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 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 non-destructive examination of the vessel's hull. The nondestructive 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) non-destructive 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 reevaluation at subsequent inspections. Such repairs shall be completed in accordance with the standards found in the American Welding Society's "Specifications for Underwater Welding";

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.

(B) Written documentation of compliance with the requirements of subsection (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. In the event the licensee retains a subsequent third party examiner approved by the commission, within fifteen (15) days the licensee shall:

(a) Notify the commission; and

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

AUTHORITY: sections 313.004 and 313.805, RSMo 2000. 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.*

**Original authority: 313.004, RSMo 1993, amended 1994 and 313.805, RSMo 1991, amended 1993, 1994, 2000.*

11 CSR 45-6.030 Firearms on the Riverboat

PURPOSE: This rule prohibits firearms on boats.

(1) The only individuals who may carry a firearm on an excursion gambling boat without the approval of the owner or general manager of the excursion gambling boat are commission agents, law enforcement officials as

described in section 571.030.2, RSMo, security personnel authorized by the excursion gambling boat and security personnel under contract with Class A licensees to transport money. Any other person must obtain approval from the owner or general manager of the excursion gambling boat prior to carrying any firearm on an excursion gambling boat. Any owner or general manager giving permission for a person to carry a firearm onto an excursion gambling boat shall notify the commission agent on duty in writing on a form approved by the commission immediately upon granting permission. Such notice to the commission agent shall identify the person to whom the permission was granted, verify that the person to whom permission was granted is in possession of a current, valid concealed carry endorsement issued pursuant to section 571.094, RSMo, and contain the signature of the owner or general manager. Each Class A licensee shall provide to the commission a current list of all persons authorized to execute on its behalf the notice required by this section.

(2) Excursion gambling boat licensees shall notify the commission of the licensee's security personnel who have been authorized by the licensee to carry firearms. Such security personnel must be in compliance with applicable state and local requirements regarding the carrying of firearms.

AUTHORITY: sections 313.004 and 313.805, RSMo 2000. 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. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Amended: Filed Sept. 2, 1997, effective March 30, 1998. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed April 28, 2004, effective Dec. 30, 2004.*

**Original authority: 313.004, RSMo 1993, amended 1994 and 313.805, RSMo 1991, amended 1993, 1994, 2000.*

11 CSR 45-6.040 Five Hundred Dollar-Loss Limit

(Rescinded April 30, 2009)

AUTHORITY: sections 313.004 and 313.805, RSMo 1994. 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. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Emergency



rescission filed Oct. 29, 2008, effective Nov. 15, 2008, expired May 13, 2009. Rescinded: Filed Oct. 29, 2008, effective April 30, 2009.

11 CSR 45-6.050 Limited License

PURPOSE: This rule establishes requirements for limited licenses.

(1) A Class A licensee may be granted a limited license to operate at a dock other than its home dock. The licensee must file a separate Class A application for this limited license.

(2) A limited license will be effective for only so long as the commission approves.

(3) The fee for a limited license shall be the same as a Class A license.

AUTHORITY: sections 313.004, 313.805 and 313.807, RSMo Supp. 1993. 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.*

**Original authority: 313.004, RSMo 1993 and 313.805 and 313.807, RSMo 1991, amended 1993.*

11 CSR 45-6.060 Excursions During Inclement Weather or Mechanical Difficulties

PURPOSE: This rule establishes procedures for boat operations in inclement weather or when there is mechanical difficulties.

(1) If a riverboat captain on cruising riverboats reasonably determines that either of the following circumstances exist, the captain shall either not leave the dock or immediately return to the dock:

(A) The captain deems it unsafe to transport passengers on the waterway due to inclement weather, river conditions; or

(B) The riverboat has been rendered temporarily inoperable by mechanical or structural difficulties of the boat. In the case of mechanical or structural difficulties of the boat, the holder of a Class A license shall make all reasonable effort to remedy the problem promptly.

(2) If a riverboat captain reasonably determines for reasons of safety that although seaworthy, the riverboat should not leave the dock or should return immediately to the dock, due to either of the conditions listed in section (1), a gaming excursion may com-

mence or continue as if a continuously docked excursion.

(3) Once a riverboat captain has determined that circumstances set forth in section (1) have occurred, the riverboat shall not depart from the dock for the scheduled excursion or the remainder of an excursion period, whichever is applicable.

(4) If a riverboat captain deems it necessary to take either of the actions specified in section (1) of this rule, the holder of a Class A license, within seven (7) days, shall file with the director a report detailing the basis for the action.

(5) If a riverboat captain is unable to cruise because of restrictions placed on navigation by any governmental entity with jurisdiction, the riverboat captain shall file a report with the commission detailing the action by the governmental entity and advise the commission of the anticipated length of time that navigation will not be allowed. The captain shall further inform the commission when that governmental entity has lifted the restriction on navigation.

AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo Supp. 1993. 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.*

**Original authority: 313.004, RSMo 1993 and 313.800 and 313.805, RSMo 1991, amended 1993.*