# 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.


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:

   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

(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.


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 nondestructive 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) 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 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 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.


11 CSR 45-6.030 Firearms on the Riverboat

PURPOSE: This rule prohibits firearms on boats.

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.

11 CSR 45-6.040 Five Hundred Dollar Loss Limit

(Rescinded April 30, 2009)


11 CSR 45-6.050 Limited License
(Rescinded July 30, 2018)


11 CSR 45-6.060 Excursions During Inclement Weather or Mechanical Difficulties
(Rescinded July 30, 2018)