



Rules of
Department of Public Safety
Division 45—Missouri Gaming Commission
Chapter 6—Safety and Environment Standards
and Inspections

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY**

**Division 45—Missouri Gaming
Commission**

**Chapter 6—Safety and Environment
Standards and Inspections**

11 CSR 45-6.010 Safety and Environment

PURPOSE: This rule establishes requirements for safety and environment.

(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.

(2) The licensee shall provide annually to the commission a safety plan for the operation of the excursion gambling boat. The safety plan shall comply with all applicable federal, state, and local laws, and shall include the following:

(A) Training of designated employees to ensure the life safety of the public, to include:

1. A description of the training;
2. The frequency of the training; and
3. Documentation of all training;

(B) Self-inspection procedures to ensure compliance with life safety standards;

(C) Procedures to ensure disabled persons access to the boat; and

(D) An Emergency Operations/Response Plan (EOP) that ensures the safety and, when applicable, evacuation of excursion gambling boat employees and guests, to include the disabled, in the event of an emergency within or immediately around the excursion gambling boat. The EOP shall include, but not be limited to, response plans to the following:

1. Medical emergency;
2. Fire;
3. Explosion;
4. Elevator failure;
5. Chemical/biological threat;
6. Person overboard;
7. Tornado and/or severe weather;
8. Flooding;
9. Earthquake;
10. Power failure;
11. Civil disturbance;
12. Bomb threat;
13. Armed intruders/robbery/hostage situations; and
14. Terrorism.

(3) The licensee shall provide annually to the commission an environmental plan for the operation of the excursion gambling boat. The environmental plan shall comply with all

applicable federal, state, and local laws, and shall include the following:

(A) Training of designated employees to ensure the protection of the environment and water quality;

(B) Self-inspection procedures to ensure compliance with environmental and water quality standards; and

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

AUTHORITY: sections 313.004, 313.805, and 313.824, RSMo 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. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Amended: Filed April 26, 2018, effective Dec. 30, 2018.*

**Original authority: 313.004, RSMo 1993, amended 1994, 2014; 313.805, RSMo 1991, amended 1993, 1994, 2000, 2008, 2010; and 313.824, RSMo 1991, amended 1993.*

11 CSR 45-6.020 Safety Standards

PURPOSE: This rule establishes safety standards.

(1) For the purposes of this chapter, the following definitions shall apply:

(A) Certificate of inspection—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;

(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.

(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 and be one (1) 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;

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; 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 (1) of the following criteria:

A. An architect licensed in the state of Missouri;

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

C. A marine surveyor with a regulatory and review agency.

(3) Fire Safety and Building Code Standards.

(A) Any excursion gambling boat that is continuously docked pursuant to section 313.805(16), RSMo 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.

(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. This test shall be witnessed by a third party examiner. 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.

(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

2. Damage Stability Standards of 46 CFR 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.

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

(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. 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 meet the building and fire codes adopted within the jurisdiction where the structure will be placed into service.

(C) The certification conformance and inspections required 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.

(D) All costs and expenses associated with the certification conformance and inspections required in this rule shall be paid by the Class 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 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, effective Dec. 30, 2018.

**Original authority: 313.004, RSMo 1993, amended 1994, 2014; 313.805, RSMo 1991, amended 1993, 1994, 2000, 2008, 2010; 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 laws related to safety and—

(A) Undergo an inspection prior to licensure and annually thereafter by a third party examiner resulting in a finding of safety and suitability for its intended purpose; and

(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.

(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 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;

6. 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;

7. Inspection of permanently moored vessels having steel, 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. Expertise of the 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 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, 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) shall be furnished to the commission by the licensee. A third party examiner 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 shall certify such documentation.

(D) In the event the licensee retains a subsequent third party examiner, within fifteen (15) days the licensee shall—

1. Notify the commission; and

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

AUTHORITY: sections 313.004, 313.805, and 313.824, RSMo 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: Filed April 26, 2018, effective Dec. 30, 2018.*

**Original authority: 313.004, RSMo 1993, amended 1994, 2014; 313.805, RSMo 1991, amended 1993, 1994, 2000, 2008, 2010; and 313.824, RSMo 1991, amended 1993.*

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 B 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 sections 571.101 to 571.121, RSMo, and contain the signature of the owner or general manager. Each Class B 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, 313.805, 313.824, and 571.107, RSMo 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. 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. Amended: Filed April 26, 2018, effective Dec. 30, 2018.*

**Original authority: 313.004, RSMo 1993, amended 1994, 2014; 313.805, RSMo 1991, amended 1993, 1994, 2000, 2008, 2010; 313.824, RSMo 1991, amended 1993; and 571.107, RSMo 2003, amended 2010, 2011, 2013, 2014.*

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

(Rescinded July 30, 2018)

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. Rescinded: Filed Dec. 7, 2017, effective July 30, 2018.

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

(Rescinded July 30, 2018)

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. Rescinded: Filed Dec. 7, 2017, effective July 30, 2018.