
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.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(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 publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(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; and

(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.

(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, 2) the fire safety standards contained in the National Fire Protection Association, *NFPA Standard 307, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharfs*, and 3) the NFPA Life Safety Code.

(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 the American Bureau of Shipping, or another regulatory and review agency or private contractor designated 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, sub-

ject to approval by the American Bureau of Shipping or another regulatory and review agency designated 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 the American Bureau of Shipping (ABS) or another regulatory and review agency designated by the commission, for review and approval by that agency. All vessels must have a letter from the designated agency stating compliance with this 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 a regulatory and review agency 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.

(C) Any structure constructed on a barge, floating platform, or vessel that will be normally occupied by persons and used in conjunction with 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.

(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 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. 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.*

**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 or regulatory and review agency resulting in the issuance of a “Certificate of Inspection”; or

(B) Undergo an inspection prior to licensure and annually thereafter by a regulatory and review agency 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 United States Coast Guard, or regulatory and review agency, approval 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 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 regulatory and review agency 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.

AUTHORITY: sections 313.004 and 313.805, RSMo 1994. 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.*

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

11 CSR 45-6.030 Weapons on the Riverboat

PURPOSE: This rule prohibits firearms on boats.

(1) The only individuals who may carry a weapon on an excursion gambling boat are commission agents, law enforcement officials acting in their official capacities, 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 commission prior to carrying any weapon on an excursion gambling boat. 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 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. Amended: Filed Sept. 2, 1997, effective March 30, 1998. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

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

11 CSR 45-6.040 Five Hundred Dollar-Loss Limit

PURPOSE: This rule establishes enforcement of five hundred dollar-loss limits.

(1) The Class A licensee of an excursion gaming boat shall insure through internal controls that no person shall lose more than five hundred dollars (\$500) during each gambling excursion. The internal controls shall specify the manner in which the five hundred dollar (\$500) limit is enforced.

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.*

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

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 commence 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 commis-

sion 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.*