
DIGEST

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HB 488 Engrossed

2023 Regular Session

Farnum

Abstract: Relative to riverboat gaming, provides relative to the definition of "riverboat" and provides relative to inspections of riverboat landside facilities by the state fire marshal.

Present law defines "riverboat" as a vessel or facility which:

- (1) Carries a valid Certificate of Inspection issued by the U.S. Coast Guard with regard to the carriage of passengers on designated rivers or waterways within or contiguous to the boundaries of the state.
- (2) Carries a valid Certificate of Inspection from the U.S. Coast Guard for the carriage of a minimum of 600 passengers and crew.
- (3) Has a minimum length of 100 feet.
- (4) Is of such type and design so as to replicate as nearly as practicable historic La. river borne steamboat passenger vessels of the 19th century era.
- (5) Is approved by the La. Gaming Control Bd. (board) and a portion of its designated gaming area is located within 1,200 feet of a riverboat's licensed berth.

Proposed law amends the present law definition of "riverboat" to provide that the term is one of the following:

- (1) A vessel that carries a valid Certificate of Inspection issued by the U.S. Coast Guard with regard to the carriage of passengers on designated rivers or waterways within or contiguous to the boundaries of the state and for the carriage of a minimum of 600 passengers and crew.
- (2) A non-certificated vessel that carries a valid certificate of compliance issued by the board based on the recommendation of an approved third-party inspector.
- (3) A landside facility that is approved by the board and a portion of its designated gaming area is located within 1,200 feet of a riverboat's licensed berth. Requires such facilities to be inspected and issued a certificate pursuant to proposed law.

Present law (R.S. 27:44.1) authorizes the board to approve that non-certificated vessels are inspected by a third-party inspector including but not limited to the American Bureau of Shipping or its

affiliates.

Proposed law provides that the third-party inspector is named and approved by the board.

Proposed law provides that to ensure public health and safety, riverboat facilities shall be inspected prior to the commencement of gaming operations, annually, and as requested by the board. Authorizes the board to issue a certificate of compliance to a licensee or applicant for its riverboat landside facility based on a recommendation of a third-party inspector approved by the board, including the state fire marshal or his designee.

Proposed law requires the recommendation to be based on compliance of all of the following:

- (1) Applicable provisions of the National Fire Protection Association Life Safety Code (NFPA 101) as adopted by the state.
- (2) Applicable provisions of the International Building Code as adopted by the state.
- (3) An inspection report by the state fire marshal, or his designee.
- (4) Applicable provisions of the local and state building codes and laws.
- (5) Issuance of a certificate of occupancy.

Proposed law provides that when the state fire marshal is acting as a third-party inspector, he is only required to inspect a riverboat landside facility in accordance with any law for which he is given responsibility for supervision or enforcement.

Proposed law further requires the third-party inspector to submit a report to the board with its findings. Provides that when the state fire marshal acts as a third-party inspector, the inspection report shall be sufficient for the purposes of complying with the requirements in proposed law.

Proposed law requires fees imposed by a third-party inspector to be paid by the licensee or applicant. Provides that such fees are nonrefundable.

Proposed law authorizes the state fire marshal to collect fees for each riverboat landside facility inspection according to the following schedule:

- (1) Annual riverboat landside facility inspections shall not exceed \$15,000.
- (2) Additional inspections deemed necessary by the board or the state fire marshal shall not exceed \$5,000.

Present law (R.S. 40:1563) provides relative to the powers and duties of the state fire marshal.

Proposed law adds that the state fire marshal, or his designee, shall, as an approved third-party

inspector by the board, have the authority to conduct inspections of a riverboat landside facility licensed or seeking licensure or certificates of compliance by the board.

(Amends R.S. 27:44(24) and 44.1(B)(1) and R.S. 40:1563(M) and (N); Adds R.S. 27:44.2 and R.S. 40:1563(O))