

2023 Regular Session

HOUSE BILL NO. 488

BY REPRESENTATIVE FARNUM

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

GAMBLING/RIVERBOAT: Provides relative to inspections of riverboats

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AN ACT

To amend and reenact R.S. 27:44(24) and 44.1(B)(1) and R.S. 40:1563(M) and (N) and to enact R.S. 27:44.2 and R.S. 40:1563(O), relative to riverboat gaming; to provide relative to the definition of riverboat; to provide relative to inspections by third-party inspectors; to provide relative to inspections of riverboat landside facilities by the state fire marshal; to provide relative to fees for inspections of the riverboat landside facilities; to provide relative to the Louisiana Fire Marshal Fund; to provide relative to the powers and duties of the state fire marshal; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:44(24) and 44.1(B)(1) are hereby amended and reenacted and R.S. 27:44.2 is hereby enacted to read as follows:

§44. Definitions

When used in this Chapter, the following terms shall mean:

* * *

(24) "Riverboat" means ~~a vessel or facility which~~ one of the following:

(a) ~~Carries~~ A vessel that carries a valid Certificate of Inspection issued by the United States Coast Guard with regard to the carriage of passengers on designated rivers or waterways within or contiguous to the boundaries of the state of Louisiana and for the carriage of a minimum of six hundred passengers and crew.

1 (b) ~~Carries a valid Certificate of Inspection from the United States Coast~~
2 ~~Guard for the carriage of a minimum of six hundred passengers and crew. A non-~~
3 certificated vessel that carries a valid certificate of compliance issued by the board
4 based on the recommendation of an approved third-party inspector pursuant to R.S.
5 27:44.1. The non-certificated vessel shall meet the following requirements:

6 (e) (i) Has a minimum length of one hundred fifty feet.
7 (d) (ii) Is of such type and design so as to replicate as nearly as practicable
8 historic Louisiana river borne steamboat passenger vessels of the nineteenth century
9 era. It shall not, however, be a requirement that the vessel be:

10 (f) (aa) Steam-propelled or maintain overnight facilities for its passengers.

11 (f) (bb) Paddlewheel-driven or have an operable paddlewheel.

12 (e) (c) A landside facility that is ~~is~~ approved by the board and a portion of
13 its designated gaming area is located within one thousand two hundred feet of a
14 riverboat's licensed berth. Such landside facilities shall be inspected and issued a
15 certificate pursuant to R.S. 27:44.1(D)(1)(b) R.S. 27:44.2.

16 * * *

17 §44.1. Riverboat inspections; alternative inspections when certificate of inspection
18 not issued; inspections for non-certificated vessels

19 * * *

20 B. To ensure the public health and safety of the public the Louisiana Gaming
21 Control Board may approve that the non-certificated vessels be inspected by a
22 combination of the following:

23 (1) A third-party inspector ~~including but not limited to the American Bureau~~
24 of Shipping or its affiliates named and approved by the board.

25 * * *

26 §44.2. Riverboat inspections for landside facilities; state fire marshal

27 A. To ensure public health and safety, the riverboat landside facilities shall
28 be inspected prior to the commencement of gaming operations, annually, and as
29 requested by the board. The licensee or applicant shall receive a valid certificate of

1 compliance issued by the board in order to operate or continue to operate. The board
2 may issue a certificate of compliance to a licensee or applicant for its riverboat
3 landside facility based on the recommendation of a third-party inspector approved
4 by the board, including the state fire marshal or his designee.

5 B.(1) The recommendation shall be based on compliance of all of the
6 following from the riverboat landside facility:

7 (a) Applicable provisions of the National Fire Protection Association Life
8 Safety Code (NFPA 101) as adopted by the state.

9 (b) Applicable provisions of the International Building Code as adopted by
10 the state.

11 (c) An inspection report by the state fire marshal, or his designee.

12 (d) Applicable provisions of the local and state building codes and laws.

13 (e) Issuance of a certificate of occupancy.

14 (2) When acting as the third-party inspector, the state fire marshal shall only
15 be required to inspect a riverboat landside facility in accordance with any law for
16 which he is given responsibility for supervision or enforcement, including but not
17 limited to R.S. 40:1561 et seq.

18 (3) Items not in compliance with the inspection standards described in this
19 Section shall be identified by the third-party inspector who shall establish a time
20 period for the discrepancies to be remedied by the licensee or applicant. Failure to
21 remedy any discrepancy timely shall be reported to the division and the Louisiana
22 Gaming Control Board who may impose sanctions, including a civil penalty, upon
23 the licensee or applicant. Nothing in this Section shall limit the ability of the state
24 fire marshal to enforce and apply the provisions of any law for which he is given
25 responsibility for supervision or enforcement, including but not limited to R.S.
26 40:1561 et seq.

27 (4) The third-party inspector shall submit a report to the board with its
28 findings. The third-party inspector shall inform the board in writing whether the
29 licensee or applicant is eligible for a certificate of compliance or a temporary

1 certificate of compliance. When the state fire marshal acts as the third-party
2 inspector, the inspection report shall be sufficient for the purposes of complying with
3 the requirements of this Section.

4 C.(1) Fees imposed by a third-party inspector shall be paid by the licensee
5 or applicant. Under no circumstance shall the state or any of its political
6 subdivisions, boards, or agencies be responsible for the payment of such inspection
7 fees as required by this Section. Inspection fees shall be used to pay for the costs of
8 the inspection of the riverboat landside facility. Inspection fees shall be paid prior
9 to the inspection in a time and manner determined by the state fire marshal. Such
10 fees are nonrefundable.

11 (2) The state fire marshal is authorized to collect fees for each riverboat
12 landside facility inspection according to the following schedule:

13 (a) Annual riverboat landside facility inspections not to exceed fifteen
14 thousand dollars.

15 (b) Each additional inspection as deemed necessary by the board or state fire
16 marshal not to exceed five thousand dollars.

17 (3) All fees collected by the state fire marshal pursuant to this Section shall
18 be deposited into the Louisiana Fire Marshal Fund.

19 D. The licensee shall conduct quarterly inspections using criteria required
20 by the division, shall document in writing the results of such quarterly inspection,
21 and shall make the results available to the division and the board.

22 * * *

23 Section 2. R.S. 40:1563(M) and (N) are hereby amended and reenacted and R.S.
24 40:1563(O) is hereby enacted to read as follows:

25 §1563. Powers and duties generally; use of deputies; responsibilities of local
26 governing authorities with fire prevention bureaus; open structures and
27 process structures; fees

28 * * *

1 M. The state fire marshal, or his designee, shall, as an approved third-party
 2 inspector by the Louisiana Gaming Control Board, have the authority to conduct
 3 inspections of a riverboat landside facility licensed or seeking licensure or
 4 certificates of compliance by the Louisiana Gaming Control Board pursuant to R.S.
 5 27:44.2.

6 ~~M. N.~~(1) The fire marshal, or his designee, shall have the authority to require
 7 the owner or lessee of a structure that was in existence as of August 1, 2014, and is
 8 utilized as a hotel to install a carbon monoxide alarm system when he determines,
 9 as a result of a plan review, investigation, or inspection, that a carbon monoxide
 10 source within or attached to the building or structure poses a threat of carbon
 11 monoxide poisoning. The source of carbon monoxide may include but not be limited
 12 to an attached enclosed garage or fossil-fuel burning appliance or appliances.

13 (2) For purposes of this Subsection, the following terms mean:

14 (a) "Attached enclosed garage" means a structure or portion of a structure
 15 without openings or openings on only one side that is used for the parking or storage
 16 of private motor vehicles.

17 (b) "Hotel" means a building or structure that was in existence as of August
 18 1, 2014, which is utilized as a residential occupancy building containing sleeping
 19 units where the occupants are primarily transient in nature, including boarding
 20 houses, hotels, and motels.

21 ~~N. O.~~ The fire marshal shall take all steps necessary and proper to perform
 22 inspections as required by R.S. 40:2009.25.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 488 Reengrossed

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.

Proposed law further provides that any fees collected pursuant to proposed law shall be deposited into the La. Fire Marshal Fund.

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))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Provide that fees collected by the state fire marshal for riverboat landside facility inspections shall be deposited into the La. Fire Marshal Fund.