

# ACT No. 126

2023 Regular Session

HOUSE BILL NO. 488

BY REPRESENTATIVE FARNUM

1 AN ACT

2 To amend and reenact R.S. 27:44(24) and 44.1(B)(1) and R.S. 40:1563(M) and (N) and  
3 1563.5 and to enact R.S. 27:44.2 and R.S. 40:1563(O), relative to riverboat gaming;  
4 to provide relative to the definition of riverboat; to provide relative to inspections by  
5 third-party inspectors; to provide relative to inspections of riverboat landside  
6 facilities by the state fire marshal; to provide relative to fees for inspections of the  
7 riverboat landside facilities; to provide relative to the Louisiana Fire Marshal Fund;  
8 to provide relative to the powers and duties of the state fire marshal; and to provide  
9 for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 27:44(24) and 44.1(B)(1) are hereby amended and reenacted and R.S.  
12 27:44.2 is hereby enacted to read as follows:

13 §44. Definitions

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

15 \* \* \*

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

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

21 (b) ~~Carries a valid Certificate of Inspection from the United States Coast~~  
22 ~~Guard for the carriage of a minimum of six hundred passengers and crew.~~ A non-

1 certificated vessel that carries a valid certificate of compliance issued by the board  
2 based on the recommendation of an approved third-party inspector pursuant to R.S.  
3 27:44.1. The non-certificated vessel shall meet the following requirements:

4 ~~(e)~~ (i) Has a minimum length of one hundred fifty feet.

5 ~~(d)~~ (ii) Is of such type and design so as to replicate as nearly as practicable  
6 historic Louisiana river borne steamboat passenger vessels of the nineteenth century  
7 era. It shall not, however, be a requirement that the vessel be:

8 ~~(i)~~ (aa) Steam-propelled or maintain overnight facilities for its passengers.

9 ~~(ii)~~ (bb) Paddlewheel-driven or have an operable paddlewheel.

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

14 \* \* \*

15 §44.1. Riverboat inspections; alternative inspections when certificate of inspection  
16 not issued; inspections for non-certificated vessels

17 \* \* \*

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

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

23 \* \* \*

24 §44.2. Riverboat inspections for landside facilities; state fire marshal

25 A. To ensure public health and safety, the riverboat landside facilities shall  
26 be inspected prior to the commencement of gaming operations, annually, and as  
27 requested by the board. The licensee or applicant shall receive a valid certificate of  
28 compliance issued by the board in order to operate or continue to operate. The board  
29 may issue a certificate of compliance to a licensee or applicant for its riverboat

1 landside facility based on the recommendation of a third-party inspector approved  
2 by the board, including the state fire marshal or his designee.

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

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

7 (b) Applicable provisions of the International Building Code as adopted by  
8 the state.

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

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

11 (e) Issuance of a certificate of occupancy.

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

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

25 (4) The third-party inspector shall submit a report to the board with its  
26 findings. The third-party inspector shall inform the board in writing whether the  
27 licensee or applicant is eligible for a certificate of compliance or a temporary  
28 certificate of compliance. When the state fire marshal acts as the third-party  
29 inspector, the inspection report shall be sufficient for the purposes of complying with  
30 the requirements of this Section.

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

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

10                    (a) Annual riverboat landside facility inspections not to exceed fifteen  
 11                    thousand dollars.

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

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

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

19                    \*           \*           \*

20                    Section 2. R.S. 40:1563(M) and (N) and 1563.5 are hereby amended and reenacted  
 21                    and R.S. 40:1563(O) is hereby enacted to read as follows:

22                    §1563. Powers and duties generally; use of deputies; responsibilities of local  
 23                    governing authorities with fire prevention bureaus; open structures and  
 24                    process structures; fees

25                    \*           \*           \*

26                    M. The state fire marshal, or his designee, shall, as an approved third-party  
 27                    inspector by the Louisiana Gaming Control Board, have the authority to conduct  
 28                    inspections of a riverboat landside facility licensed or seeking licensure or  
 29                    certificates of compliance by the Louisiana Gaming Control Board pursuant to R.S.  
 30                    27:44.2.

