

**NATURAL RESOURCE COMMISSION[571]**

**Notice of Intended Action**

**Proposing rulemaking related to permanently moored vessels  
and providing an opportunity for public comment**

The Natural Resource Commission (Commission) hereby proposes to rescind Chapter 48, “Inspection of Permanently Moored Vessels,” Iowa Administrative Code, and to adopt a new chapter with the same title.

*Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code sections 99F.7 and 462A.20.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code sections 99F.7 and 462A.20.

*Purpose and Summary*

Proposed Chapter 48 establishes procedures to inspect excursion boats used for gambling that have been removed from navigation and designated as permanently moored vessels by the United States Coast Guard. This inspection oversight ensures a high level of safety for the public on these vessels, which are moored on the dynamic and ever-changing waters of the Mississippi and Missouri Rivers. This chapter has been reviewed and edited consistent with Executive Order 10 (2023).

*Regulatory Analysis*

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 4, 2024. A public hearing was held on the following date(s):

- September 24, 2024

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rulemaking, no impact on jobs has been found.

*Waivers*

This rulemaking is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

*Public Comment*

Any interested person may submit comments concerning this proposed rulemaking, which must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on February 11, 2025. Comments should be directed to:

Craig Cutts  
Iowa Department of Natural Resources  
6200 Park Avenue, Suite 200  
Des Moines, Iowa 50321  
Email: [craig.cutts@dnr.iowa.gov](mailto:craig.cutts@dnr.iowa.gov)

Free language assistance: if you speak a non-English language, we offer you language assistance services free of charge. Contact the Department at [craig.cutts@dnr.iowa.gov](mailto:craig.cutts@dnr.iowa.gov).

Servicios gratuitos de asistencia lingüística: si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el Departamento al [craig.cutts@dnr.iowa.gov](mailto:craig.cutts@dnr.iowa.gov).

### *Public Hearing*

Public hearings at which persons may present their views orally will be held as follows:

January 31, 2025 11 a.m.	Via videoconference call
February 11, 2025 11 a.m.	Via videoconference call

Persons who wish to attend a public hearing or make oral comments at the public hearing should contact Craig Cutts via email prior to the hearing to receive a conference call number.

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Free language assistance: if you need assistance in a language other than English, contact the Department at [craig.cutts@dnr.iowa.gov](mailto:craig.cutts@dnr.iowa.gov) or [civilrights@dnr.iowa.gov](mailto:civilrights@dnr.iowa.gov) or by telephone at 515.571.4010 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al [craig.cutts@dnr.iowa.gov](mailto:craig.cutts@dnr.iowa.gov) o [civilrights@dnr.iowa.gov](mailto:civilrights@dnr.iowa.gov) o por teléfono a 515.571.4010 al menos siete días antes del evento.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 571—Chapter 48 and adopt the following **new** chapter in lieu thereof:

## CHAPTER 48 INSPECTION OF PERMANENTLY MOORED VESSELS

**571—48.1(462A) Purpose.** This chapter is intended to establish the procedures for compliance with the inspection requirements of Iowa Code sections 99F.7(14) and 462A.20.

### **571—48.2(462A) Definitions.**

“*Commission*” means the Iowa racing and gaming commission.

“*Critical systems*” on a PMV means fire safety systems, systems that protect against flooding and progressive flooding, emergency power systems, emergency lighting systems, emergency ventilation shutdown systems, and fuel and sewage discharge prevention systems.

“*Permanently moored vessel*” or “*PMV*” means an excursion boat used for gambling that is removed from navigation and defined as a vessel under 46 CFR, Subchapter K or H (June 1, 2024), that would have previously required a United States Coast Guard Certificate of Inspection.

**571—48.3(462A) Inspection requirements.** All PMVs shall be inspected by a qualified inspector to determine compliance with the “State of Iowa Permanently Moored Vessel Inspection Requirements,” 2005, as adopted by reference herein.

**571—48.4(462A) Inspectors.** Inspections of PMVs shall be conducted by a person or persons meeting the criteria set forth in this rule.

**48.4(1) Qualifications.** An inspector shall:

*a.* Have prior experience as a U.S. Coast Guard marine inspector or as a classification society (recognized by the U.S. Coast Guard) surveyor; or

*b.* Be a classification surveyor acting on behalf of a classification society; or

*c.* Be a professional engineer licensed by one of the 50 states; or

*d.* Be a professional naval architect or marine engineer.

**48.4(2) Minimum documented work experience.** An inspector shall:

*a.* Have obtained three years’ experience in the examination of steel or aluminum vessels of similar design; and

*b.* Be familiar with the regulations and standards under which the PMV was built; and

*c.* Be familiar with permanent mooring arrangements and ship structures supporting the same; and

*d.* Have experience in marine emergency response operations and planning that is sufficient for the individual to competently review emergency action plans required by these rules; and

*e.* Have experience in the investigation of reportable occurrences as described in the “State of Iowa Permanently Moored Vessel Inspection Requirements,” 2005.

**571—48.5(462A) Statewide inspection contract.** If the department determines that the administration of this chapter could best be effectuated through a contract with one or more third parties, the state may award such a contract or contracts pursuant to the provisions of 561—Chapter 8, as adopted by reference in 571—8.1(17A).

**48.5(1)** A statewide inspection contract shall authorize an inspection program coordinator to conduct the inspections required by this chapter, prepare and submit the required reports, and engage in such other activities as may be necessary for the administration of the PMV inspection program.

**48.5(2)** A contract entered into pursuant to this rule shall establish fees to be paid by PMV operators to the inspection program coordinator for the inspection of PMVs. There shall be a fixed fee established by contract for inspections and administration of the program by the inspection program coordinator. The contract may establish additional fees to be charged by the inspection program coordinator for work related to addressing deficiencies or other noncompliance by a PMV operator. Said fees shall be the sole source of payment to the inspection program coordinator.

**48.5(3)** In the event that a statewide inspection contract is executed by the department, all submissions required by these rules shall be sent to the inspection program coordinator established by the contract.

**571—48.6(462A) Submission.** Any person making application to the commission for the licensing of a PMV shall submit proof to the department that the PMV has been inspected by a qualified inspector and that the PMV satisfies all of the requirements of the “State of Iowa Permanently Moored Vessel Inspection Requirements,” 2005. All PMVs licensed pursuant to Iowa Code chapter 99F shall submit to the department quarterly and annual reports in compliance with all of the requirements of the “State of Iowa Permanently Moored Vessel Inspection Requirements,” 2005.

**571—48.7(462A) Notification to the commission.** If a PMV operator fails to cure an inadequacy in an inspection report or to comply with a correction report for a critical system or maritime security deficiency within the applicable time period, a determination of inadequacy shall be forwarded to the commission and shall be subject to the appeal and contested case procedures of the department as established by 561—Chapter 7 and adopted by reference at 571—7.1(17A).

**48.7(1) Inspection reports.** The department shall, within 60 days of receipt of an initial inspection, quarterly or annual report, determine the adequacy of the report and shall notify the submitting party of

such determination. The submitting party shall be given a minimum of 60 days to cure any inadequacy not involving critical systems or maritime security.

**48.7(2)** *Correction reports.* To minimize safety and maritime security risks to the public, the environment and the PMV itself, deficiencies found in critical systems or security systems shall be immediately reported to the department. After consulting with the PMV operator, the department may issue a correction report if the deficiency was not immediately corrected. The correction report will direct the PMV operator to take corrective action within a specific period of time that is based on the nature and severity of the deficiency.

These rules are intended to implement Iowa Code sections 99F.7(14) and 462A.20.