

CHAPTER 48
INSPECTION OF PERMANENTLY MOORED VESSELS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

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 for the inspection of excursion boats used for gambling that have been removed from navigation and designated as permanently moored vessels by the United States Coast Guard.

571—48.2(462A) Definitions.

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

“*Correction report*” means a written requirement issued by, or on behalf of, the department and directing a PMV operator to correct a safety or maritime security deficiency within a specified period of time.

“*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.

“*Department*” means the Iowa department of natural resources.

“*Inspection program coordinator*” means a third-party contractor retained pursuant to 567—48.5(462A) to conduct inspections on PMVs and administer the PMV inspection program.

“*Permanently moored vessel*” or “*PMV*” means an excursion boat used for gambling, which is removed from navigation and defined as a vessel under Title 46, Code of Federal Regulations, Subchapter K or H, 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 rule 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 a required 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.

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