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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Permanently Moored Craft Fire Prevention and Safety
- 2) Code Citation: 41 Ill. Adm. Code 149
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
149.10	Amendment
149.20	Amendment
149.30	Amendment
149.40	Amendment
149.50	Amendment
149.60	Amendment
149.70	Amendment
149.80	Amendment
149.90	Amendment
149.100	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 9 of the Fire Investigation Act [425 ILCS 25].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed amendments would clarify and update the regulatory requirements for Permanently Moored Crafts (PMCs) in the State. Specifically, the proposed amendments would modify and clarify the inspection requirements for PMCs. Currently required to be conducted annually, the proposed amendments would instead create a staggered inspection cycle in which the various inspections would be completed across a five-year period, depending on the type of PMC. This addresses concerns raised by the regulated public about the difficulty of meeting current requirements while maintaining a safe and stable structure. The proposed amendments would also update requirements for those who provide these inspections, update referenced standards, and revise and clarify terminology. Overall, the proposed amendments provide additional clarity and direction for the regulated public.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this proposed rulemaking contain incorporations by reference? Yes, numerous standards have been incorporated by reference and are available for public inspection at:

Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703

- 10) Are there any other proposed rulemakings pending on this Part? No

- 11) Statement of Statewide Policy Objectives: These amendments are not expected to create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Blake Fawns, Administrative Rules Coordinator
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, IL 62703

Phone: (217) 720-2964
SFM.Rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:

- A) Description of the type of small business, not for profit corporations or small municipalities subject to the proposed amendments: PMC owners would be subject to the proposed amendments. This rulemaking could have an impact on those small businesses, not for profit entities, and small municipalities that own and operate PMCs.
- B) Description of the proposed reporting, bookkeeping and other procedures required for compliance with the proposed amendments: The proposed amendments would require PMC owners and PMC inspection companies to maintain written documentation of compliance with inspection requirements. Such documentation would need to be maintained for the life of the PMC. Further, PMC owners and

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PMC inspection companies would be required to submit such written documentation to the Office of the State Fire Marshal (OSFM).

- C) Description of the types of professional skills necessary for compliance:
Required inspections of PMCs would have to be conducted by a qualified individual who is employed by a qualified PMC examiner (the inspection company or business). The qualified individual would be required to be either (i) a professional engineer or (ii) a certified or accredited marine surveyor and possess the required knowledge and experience to perform PMC inspections as set forth in the proposed amendments.
- 14) Small Business Economic Impact Analysis:
- A) Types of businesses subject to the proposed amendments:
- 48-49 Transportation and Warehousing;
 - 54 Professional, Scientific, and Technical Services;
 - 71 Arts, Entertainment, and Recreation;
 - 72 Accommodation and Food Services;
 - 81 Other Services (except Public Administration).
- B) Estimated number of small business subject to the proposed amendments:
Approximately 10-15 small businesses would be subject to the proposed amendments.
- C) Categories that the agency reasonably believes the rulemaking will impact, including:
- ii. regulatory requirements;
 - viii. record keeping.
- D) Projected reporting, recordkeeping and other administrative costs for compliance with the proposed amendments: Compliance with the proposed amendments is not anticipated to impact reporting, recordkeeping, or other administrative costs.
- E) Type of professional skills necessary for preparation of any report or record required for compliance with the proposed amendments: Inspections of PMCs and applicable inspection reports would need to be completed by a professional engineer or a certified or accredited marine surveyor.

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- F) Statement of the probable positive or negative economic effect on small business:
The proposed amendments are expected to relieve some of the financial burden imposed on PMC owners due to the frequency of required inspections while still ensuring that life safety standards are evaluated and met. In addition to introducing a staggered inspection cycle, the proposed amendments would also modify and clarify the requirements for who can perform the inspections. Such modification and clarification is expected to provide more competition in the field and reduce costs for PMC owners.
- G) Description of any less intrusive or costly alternative methods of achieving the purposes of the amendments: In addition to introducing a staggered inspection schedule, the proposed amendments would allow for exemptions and alternate inspection protocols if certain conditions are met.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2026
- 16) Any other information or justification for the proposed rule or amendment that the agency believes would be helpful to the public regarding the proposed rule or amendment. For example, a discussion or analysis of the benefits of the proposed rule or amendment is projected to have on the Illinois public, consumers, investors or other similar groups.

These amendments will provide clarity and direction for PMC owners as it relates to required inspections, including who can perform them. Further, introducing a staggered inspection cycle is anticipated to ease some of the financial burden imposed on PMC owners, while still ensuring life safety standards are evaluated and met.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 149

PERMANENTLY MOORED CRAFT FIRE PREVENTION AND SAFETY

Section

149.10	Introduction
149.20	Definitions
149.30	Jurisdiction, Powers, Penalties, and Right of Entry
149.40	Adoption and Incorporation of Nationally-Recognized Standards
149.50	Applicability to New and Existing Permanently Moored Craft
149.60	Requirements
149.70	Inspections and Examinations
149.80	Requirements <u>Qualifications</u> for PMC <u>Third-Party</u> Examiners
149.90	Permanently Moored Craft Used as Assembly Occupancies
149.100	Responsibility of <u>PMC</u> Owners
149.110	Appeal of an Administrative Action
149.120	Severability

AUTHORITY: Implementing and authorized by Section 9 of the Fire Investigation Act [425 ILCS 25].

SOURCE: Adopted at 43 Ill. Reg. 10033, effective January 1, 2020; amended at 50 Ill. Reg. _____, effective _____.

Section 149.10 Introduction

Pursuant to authority conferred upon the Office of the State Fire Marshal (OSFM) by Section 9 of the Fire Investigation Act [425 ILCS 25/9], this Part governs the investigation and prevention of fire and dangerous conditions in ~~or~~, on Permanently Moored Craft (PMC) ~~and near permanently moored craft~~ located within the State of Illinois. This Part also applies to systems intended to provide utilities and services to the PMC such as moorings, ramps, gangways, stairs, and shore ties for utilities (e.g. electrical, water, sewage, and communications).

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 149.20 Definitions

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"Act" means the Fire Investigation Act [425 ILCS 25].

"Annual Inspection" means an inspection of the PMC to be conducted and documented by the PMC owner within 12 months of the initial inspection or the previous annual inspection for the purpose of confirming that the PMC is still operating safely under the conditions of approval documented during the initial inspection.

"Assembly Occupancy" means an occupancy used:

for a gathering of 50 or more persons for deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation or similar uses; or

as a special amusement building, regardless of occupant load.

"Authority Having Jurisdiction" or "AHJ" means OSFM and local government authorities.

"Craft" means any artificial contrivance designed to float or operate on waterways, including but not limited to, lakes, ponds, rivers, canals, streams, or creeks in the State of Illinois, regardless of whether the waterway is navigable. This definition does not apply to "vessels" as defined by the U.S. Coast Guard (USCG).

"Drydock Inspection" means an inspection process that is conducted in accordance with Section 149.70(d), wherein the PMC is hauled out of the water or placed in a drydock or slipway, such that the portion of the PMC typically submerged is visible for examination.

"Fire Safety Evaluation System" means a fire risk indexing approach to determining equivalencies to NFPA 101 for certain occupancies.

"Floating Dock System" means a platform or deck extending into a waterway, including but not limited to, a lake, pond, river, canal, stream, or creek that is buoyant and adjusts with changing water level. The system is typically supported by flotation pontoons secured to a top deck and anchored against lateral and environmental forces by cantilever anchor piles or anchor lines to the bottom.

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Design considerations for floating dock systems include dead loads, live loads, environmental loads, freeboard and stability, anchorage, and maintenance.

"Hull Integrity Inspection" means a thorough internal structural examination of the PMC's hull and hull structures, including main strength members, internal framing, hull plating, welds, voids, and tanks. Hull integrity inspections may comprise a combination of internal visual examination, non-destructive testing methods, and an overall hull condition assessment and shall be documented in a report.

"Initial Inspection" means a series of inspections intended to be conducted during the construction of a new PMC, during the transfer of a vessel into PMC status, or upon bringing an existing craft into regulated PMC status. The purpose of the initial inspection is to confirm that the PMC is designed and constructed according to applicable standards and to assess the PMC's ability to operate safely for the conditions necessary for its occupancy and use, in its location or proposed location. An initial inspection includes a complete inspection of the structure, the machinery and piping systems, electrical systems, fire protection and life safety systems, and a stability assessment to be conducted by the PMC examiner.

"Local Government Authorities" means those organizations that are the political governing unit of a county, district or municipality that enforce laws, regulations or ordinances within their specific geographical area.

"Marine Surveyor" means a certified or accredited marine surveyor, possessing the required knowledge and experience to perform the inspections set forth in Section 149.70. Evidence of knowledge and experience may include membership in, or certification or accreditation by, the Society of Accredited Marine Surveyors, the National Association of Marine Surveyors, Inc., or the Association of Certified Marine Surveyors, Inc.

"Naval Architect/Marine Engineer" means a professional engineer registered or licensed in any U.S. state by examination via the Naval Architecture and Marine Engineering exam given by the National Council of Examiners for Engineering and Surveying (NCEES).

"NFPA" means the National Fire Protection Association.

"OSFM" means the Office of the State Fire Marshal.

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"Permanently Moored Craft" or "PMC" (formerly referred to in OSFM rules as permanently moored vessel or PMV) means a craft of design and mooring arrangement such that it does not have a practical capability of being used as transportation on the water, and shall be applied to any ship, barge or other craft permanently fixed to a foundation or mooring, and used for occupancy as defined in and described by NFPA 101, except for one- and two-family dwelling units~~that, by virtue of its design and mooring arrangement, lacks the practical capability of being used as transportation on the water.~~ Examples of PMCs may include, but are not limited to, showboats, theaters, hotels, gaming sites, casinos, restaurants, museums, attractions, merchant shops, and business offices, and may be either self-propelled or not. If a PMC is "self-propelled" it is generally understood that the propulsion systems will never be used for transportation on the water but may be occasionally or routinely used for onboard power, maintenance purposes, or demonstration for educational or entertainment purposes (e.g., demonstrating the operation of a classic steam engine for historical education purposes). By definition, as a matter of federal law (1 ~~U.S.C.~~^{USC} 3), these craft are not vessels for purposes of admiralty jurisdiction and are, thus, not directly subject to Coast Guard regulation or inspection. (See: Stewart v. Dutra Construction Co.; 543 U.S. 481, 494 (2005); U.S. Department of Homeland Security, Coast Guard, Notice of Policy on Craft Routinely Operated Dockside; 74 Fed. Reg. 21814 (May 11, 2009).)

"PMC Examiner" means an independent company or business that employs a qualified individual and which meets the minimum requirements of Section 149.80.

"PMC Owner" means the owner, occupant, or other person with a legal interest in the PMC.

"Professional Engineer" means a person registered or licensed to practice professional engineering in any U.S. state. For the purposes of this Part, professional engineers may be licensed in any engineering discipline including, but not limited to, civil, structural, mechanical, electrical, fire protection, or naval architecture and marine engineering.

"Qualified Individual" means a person who meets the minimum requirements for performing PMC inspections, is employed by a PMC examiner, and meets the minimum requirements of Section 149.80.

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"Self-Propelled" means that a PMC has:

its own means of propulsion, which can include machinery or sails;

the ability to navigate on its own; and

a permanent propulsion and steering system and does not rely solely on an external force (e.g. tugboat).

"State Fire Marshal" means the Illinois State Fire Marshal and his or her deputies, inspectors or designees.

"Underwater Survey" means the inspection of a PMC by a qualified diver or remotely operated vehicle (ROV) operator while the PMC remains in the water.

"Vessel" means a watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, as defined in 1 U.S.C. 3.

"Waterline" means the portion of the hull that is in contact with the top surface of the water in which the PMC is floating. ~~"Third-Party Examiner" means an independent third-party individual who meets the qualifications set forth in Section 149.80 and 46 CFR 71.50-1.~~

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 149.30 Jurisdiction, Powers, Penalties, and Right of Entry

a) Jurisdiction

- 1) This Part applies to localities and PMCs located within the State of Illinois, pursuant to State and federal law.
- 2) *All local officers charged with the duty of investigating fires shall enforce this Part, under the direction of OSFM, except in those localities that have adopted fire prevention and safety standards equal to or higher than the standards in this Part [425 ILCS 25/9].*

b) Powers

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- 1) OSFM is authorized and directed to enforce this Part.
- 2) OSFM may make, or cause to be made, inspections of PMCs based upon:
 - A) OSFM's own initiative;
 - B) Requests from agencies of the State and local government;
 - C) Letters received from the Coast Guard Officer in Charge, Marine Inspection (OCMI) determining that a particular craft is a PMC and is no longer a vessel within the Coast Guard's jurisdiction (see USCG COMDTINST 16000.71);
 - D~~E~~) Complaints from the public;
 - E~~D~~) Known or observed violations;
 - F~~E~~) Known or observed potential for loss of lives or damage to property from fire;
 - G~~F~~) Prevention of fire; or
 - H~~G~~) Ensuring the safety of life during any emergency requiring evacuation.
- 3) Under the direction of OSFM, the chief of the local fire department is empowered and directed to make inspections in the geographical area of that chief's responsibility.
- 4) The inspections will be conducted in accordance with this Part, subject to available resources.
- 5) When any inspection discloses a violation of this Part, OSFM or the local fire chief shall notify the PMC owner, ~~occupant or other interested party, as provided in Section 9 of the Act,~~ to correct the violation. Violations shall be corrected within the time limit stated by OSFM or the local fire chief.

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- c) Penalties
The penalties for violation of this Part shall be those stated in the Act.
- d) Right of Entry
OSFM, and the officers of cities, villages, towns and fire protection districts charged with the duty of investigating fire by the Act, shall, under the direction of OSFM, inspect and examine, at reasonable hours, any PMC located within the State of Illinois to determine whether there are any violations of this Part or the local ordinances for the protection of life and property from fire or other emergency. Local officials having jurisdiction are empowered and directed to invoke any provisions of this Part to enforce correction of any condition hazardous to life and property from fire or other emergency.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 149.40 Adoption and Incorporation of Nationally-Recognized Standards

- a) OSFM incorporates by reference the following nationally-recognized standards:

- 1) National Fire Protection Association
1 Batterymarch Park
Quincy MA 02169-7471

[NFPA 10: Standard for Portable Fire Extinguishers \(Edition currently incorporated by OSFM at 41 Ill. Adm. Code 251\)](#)

NFPA 101: Life Safety Code (Edition currently incorporated by OSFM at 41 Ill. Adm. Code 100)

NFPA 101A: Guide on Alternative Approaches to Life Safety (Edition currently incorporated by OSFM at 41 Ill. Adm. Code 100)

~~NFPA 307: Standard for the Construction and Fire Protection of Marine Terminals, Piers and Wharves (2016)~~

- 2) American Welding Society
8669 Doral Boulevard, Suite 130
Doral, Florida 33166

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[AWS D1.1/D1.1M: Structural Welding Code – Steel \(2020 Edition\)](#)

[D1.2/D1.2M: Structural Welding Code – Aluminum \(2014 Edition\)](#)

[AWS D3.6M: Underwater Welding Code \(2017 Edition\)](#)

- b) OSFM hereby incorporates by reference the following United States Coast Guard ~~notice regulations and related notices:~~

~~46 CFR 71.50: Drydocking~~

~~46 CFR 170: Stability Requirements for All Inspected Vessels~~

~~46 CFR 171: Special Rules Pertaining to Vessels Carrying Passengers~~

[Federal Register, Vol. 74, No. 89, May 11, 2009, pp. 21814-21816: Notice of Policy on Craft Routinely Operated Dockside, Coast Guard, DHS](#)

- c) The materials incorporated by reference in this Section are incorporated as of the date specified, for the limited purposes explicitly cited elsewhere in this Part, and include no later amendments or editions. ~~The federal regulations incorporated by reference in subsection (b) apply notwithstanding the Coast Guard's lack of direct regulatory and inspection authority over PMCs. These materials are on file with OSFM at the following locations:~~

~~1035 Stevenson Drive
Springfield IL 62703-4259~~

~~100 W. Randolph Street, Suite 4-600
Chicago IL 60601~~

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 149.50 Applicability to New and Existing Permanently Moored Craft

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All PMCs located within the State of Illinois shall be required to comply with this Part. This Part shall apply to both new and existing PMCs, except as otherwise provided by statute or modifications within this Part. This Part does not apply to "vessels" as defined in Section 149.20.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 149.60 Requirements

- a) PMCs shall comply with the requirements of this Part, including requirements of this Section, and applicable requirements of referenced standards and codes (e.g. NFPA 101 and NFPA 101A)~~307~~.
- b) ~~The intact and damage stability characteristics for each PMC shall comply with the applicable provisions of:~~
 - 1) ~~46 CFR 170; and~~
 - 2) ~~46 CFR 171, except that all PMCs shall only be required to comply with a one-compartment standard of flooding, as outlined in that regulation, regardless of the passenger capacity of the PMC.~~
- be) If a PMC does not meet the prescriptive code requirements of NFPA 101, the PMC owner may elect to prove that an equivalent or higher level of safety is being achieved through a fire safety evaluation system using NFPA 101A, if an evaluation is available for that occupancy.
- c) The subdivision and stability characteristics for each PMC shall be documented, sealed, and signed by a naval architect/marine engineer, shall be maintained with the PMC's construction documents and plans, and shall be available for review by OSFM and the PMC examiner. The stability calculations for the PMC shall include intact and damage stability characteristics, if applicable, and shall include requirements for a stability test, if applicable. If a stability test has been conducted on the PMC, then the results of the stability test shall also be maintained with the PMC's construction documents and plans.
 - 1) With regard to subdivision and stability, all PMCs shall only be required to comply with a one-compartment standard of flooding, regardless of the occupant load of the PMC.

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- 2) When equipment is moved or added to the PMC to the extent that stability of the PMC may be impacted, the PMC owner shall ensure the stability calculations are updated by a naval architect/marine engineer.
- d) Mooring arrangements for the PMC shall be designed to mitigate risk to the port, waterway, or shore structures, and must be capable of withstanding wind, ice, and water conditions (e.g. tides and currents) encountered at the location, including special consideration for extreme weather, flooding, or high water. Moorings and structures associated with moorings for the PMC shall be adequate for support of the design loads specified by a naval architect/marine engineer, structural engineer, or civil engineer. Mooring points (e.g. cleats, bits, bollards, and foundations) and mooring systems (e.g. lines, cables, chains, spuds, spars, mooring booms, I-beams, or pilings) shall be suitable for the effects of concentrated loads imposed by the PMC in all expected weather conditions.
- e) Hull markings shall be provided on the PMC. PMCs shall have draft marks at each end of the PMC, showing the distance from the waterline to the bottom-most portion of the hull or any protrusions from the hull such as propellers, rudders, keels, or skegs. Draft marks shall be permanent and visible from the shore-side of the PMC and the outboard water-side of the PMC. Draft marks shall be in increments not exceeding six inches.
- f) Shore ties between the PMC and shore-side utility systems shall be designed to be permanent and shall be suitable for the environment to which they will be exposed, including flexibility and physical integrity for all expected conditions of tide and current. Shore ties include, but are not limited to, connections for electrical power, communications (e.g. telephone and internet), potable water, fire protection water, sewage, and fuel. Emergency shutoff valves or switches shall be provided and shall be clearly marked with signage identifying the system type and emergency shutoff for use by emergency responders.
- g) Water-based fire protection systems on the PMC shall be provided with a fire department connection in accordance with NFPA 13, as referenced in 41 Ill. Adm. Code 109. The fire department connection shall be located on shore, not onboard the PMC.
- h) Means of access/egress shall be via gangways, brows, stairs, ramps, or other means permitted by NFPA 101, and shall be designed to operate safely in all expected environmental conditions, including tides and currents. Redundant

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means for securing the means of access/egress shall be provided to ensure that the means of access/egress will not disconnect from the PMC due to failed connections. Safety nets are required below the means of access/egress where they transit above water.

- i) A minimum of two ring life buoys with lines must be provided on the PMC. If the PMC operates at night, ring life buoys must be outfitted with lights. Additional ring life buoys are required if the PMC exceeds 200 feet in length along the waterline such that a ring life buoy is within 100 feet of walking distance from any point along the deck length of the PMC.
- j) Portable fire extinguishers shall be provided in accordance with NFPA 10.
- k) For a PMC which has more than one deck or which permits occupants to go into spaces below the waterline, an emergency action plan shall be provided in accordance with NFPA 101. The plan may include the use of a public address system or a fire alarm system.
- l) PMCs shall be inspected. Inspections shall be conducted in accordance with Section 149.70 and shall typically include:
 - 1) Initial inspection by PMC examiner;
 - 2) Annual inspections by PMC owner;
 - 3) 30-month hull integrity inspections by PMC examiner, except as exempted under Section 149.70(c)(3);
 - 4) 60-month drydock/underwater surveys and 30-month hull integrity inspections by PMC examiner, except as permitted to utilize alternative methods under Section 149.70(d)(5).
- m) Following an incident or event wherein a PMC may have been damaged (including, but not limited to, fire, allision, collision, flooding, sinking, or severe weather event), OSFM may require the PMC owner to conduct additional inspections as prescribed in Section 149.70.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

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Section 149.70 Inspections~~and Examinations~~

The following inspections~~and examinations~~ shall be performed in accordance with this Part~~the applicable code or standard~~ by a PMC examiner~~third-party examiner~~ who meets the requirements of Section 149.80 or the PMC owner, as applicable. The qualified individual from the PMC examiner agency shall be present for the initial inspection, hull integrity inspections, and drydock/underwater surveys.~~:~~

- a) An initial inspection~~annual inspection~~ shall be conducted on PMCs by a PMC examiner~~of PMCs to determine if structural changes exist that may affect the stability of the PMC. The inspection shall consist of the following:~~
- 1) Existing PMCs that have passed inspections as required by the previous provisions of this Part on or after January 1, 2026 shall be considered as having had the initial inspection.~~General inspection of the superstructure and layout of outfitting to ensure there are no changes to the approved arrangement that may affect the stability of the PMC;~~
 - 2) The initial inspection shall occur during the construction of a new PMC, during the transfer of a vessel into PMC status, or upon bringing an existing craft into regulated PMC status. The initial inspection shall ensure that the installation and operation of all systems, sub-systems, and components of the PMC and its equipment conform to the approved plans or construction documents and are in all respects satisfactory and that the PMC complies with this Part and any applicable codes, standards, statutes, and regulations.~~Inspection of the underdock spaces to ensure watertight integrity of the PMC is maintained;~~
 - 3) Submission of plan documents in accordance with this subsection (3) shall occur prior to the initial inspection. Plans, construction documents, shop drawings, and material submittals shall be submitted by the PMC owner to the PMC examiner and the OSFM. OSFM will review the plans for life safety and fire protection system for compliance with NFPA 101. The PMC examiner will review the portions of the plans related to naval architecture and marine engineering for the purpose of establishing a plan for inspection for the PMC compliant with this Part.
 - 4) During initial inspection a PMC examiner shall:

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- A) Conduct a structure and hull integrity inspection of the PMC, including the superstructure, bridge, masts, antennae, towers, railings, walkways, ladders, decks and bulkheads, hull interior, exterior, and bottom; internal structures; and storage tanks (e.g. water, oil, fuel, wastewater, sewage). The inspection shall include an inspection of the below-deck spaces, the condition of the hull and watertight bulkheads and decks, watertight doors and penetrations through decks and bulkheads, ventilation, hatch covers, and manhole covers to ensure that all are intact and watertight. The hull integrity inspection is comprised of a combination of internal visual inspection, non-destructive testing (NDT) methods, and an overall hull condition assessment. NDT methods shall be used to ascertain thickness of hull materials for comparison to previous and subsequent measurements, and for detecting any potential fractures in the hull material.
- B) Confirm that PMC systems and machinery, including internal combustion engines, turbines, motors, rudder and stern tube bearings, fire protection systems, heating ventilation and air conditioning equipment, pumps, and associated piping systems have been inspected, as applicable, by others as may be required by other codes, standards, manufacturers' requirements, or State laws and regulations, for the safety of the PMC.
- C) Confirm, if the PMC has any boilers or pressure vessels in service, that the boilers and pressure vessels are registered and inspected in accordance with the Boiler and Pressure Vessel Safety Act [430 ILCS 75] and the Board of Boiler and Pressure Vessel Rules (41 Ill. Adm. Code 2120), as applicable.
- D) Inspect all electrical systems, including generators, transformers, power distribution panels, switchboards, and circuit breaker panels.
- E) Inspect mooring systems and arrangements.
- F) Inspect shore tie connections and markings for emergency shutoffs.
- G) Inspect means of access/egress.

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- H) Inspect all lifesaving appliances (e.g. ring life buoy).
 - I) Complete a stability assessment for the PMC to evaluate and document that all equipment is installed per the plans submitted in subsection (3). This includes, but is not limited to, any fixed or moveable equipment such as machinery, kitchen equipment, gaming equipment, entertainment equipment, storage areas or shelving, guest seating, interior bulkheads, walls, and compartments.
 - J) Document draft marks at the waterline of the PMC with the PMC in a fully loaded condition with all liquid and dry storage and equipment fully outfitted, but without passengers or guests.
- b) An annual inspection shall be conducted on PMCs.
- 1) Annual inspections are a self-certification process to be provided and documented by the PMC owner.
 - 2) Annual inspections shall be completed within 12 months of the previous initial inspection or annual inspection.
 - 3) The annual inspection shall comprise a visual, walk-through inspection of all spaces and compartments in the PMC to ensure there are no changes to the arrangements as noted during the most recent inspection as listed in Section 149.60(l), and that life safety systems, fire protection systems, and means of egress remain in compliance with the requirements of NFPA 101. Any changes in location of major equipment which may affect the stability of the PMC shall be documented and the PMC owner shall ensure the stability calculations are updated by a naval architect/marine engineer. The annual inspection includes a visual inspection of the structure, machinery and piping systems, electrical systems, and fire protection and life safety systems to verify that they are in safe operating condition.
 - 4) The annual inspection shall confirm that any alterations performed on the PMC have been approved by OSFM, are properly documented, and that the stability assessment has been reviewed and remains current.

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- 5) During the annual inspection:
 - A) Draft marks at the waterline of the PMC shall be documented with the PMC in a fully loaded condition with all liquid and dry storage and equipment fully outfitted, but without passengers or guests.
 - B) A visual inspection of all interior spaces and the interior of the PMC's hull shall be conducted. This includes the bilges, the condition of any through-hull fittings, sea chests, valves, and piping that connects directly to the hull.
- 6) If damage, deterioration, or hull leakage is identified during the annual inspection, OSFM may require the PMC owner to conduct a new hull integrity inspection as described in subsection (c) or a new drydock/underwater survey inspection as described in subsection (d).
 - A) If a new hull integrity inspection is called for by OSFM and completed, this will restart the 30-month interval cycle for the hull integrity inspection. The 60-month drydock/underwater survey inspection will remain on the established cycle.
 - B) If a new drydock/underwater survey inspection is called for by OSFM and completed, this will restart the 30-month hull integrity inspection interval cycle and the 60-month drydock/underwater survey inspection interval cycle.
- 7) The PMC owner shall submit the annual PMC inspection checklist form to the OSFM, utilizing the form as prescribed by OSFM.
- c) Hull integrity inspections shall be conducted on PMCs by a PMC examiner at intervals not exceeding 30 months.
 - 1) Hull integrity inspections shall include the following and shall be documented in a report to be submitted to OSFM:
 - A) Thorough internal structural examination of the hull and hull structures, including main strength members, internal framing, hull plating, voids, tanks, through-hull fittings, and watertight fittings, hatches, and doors.

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- B) Condition assessment of paints and coatings.
 - C) Condition assessment of cathodic protection systems, including impressed current systems or sacrificial anodes.
 - D) A combination of internal visual examination, non-destructive testing (NDT) methods, and an overall hull condition assessment. NDT methods shall be used to ascertain thickness of hull materials for comparison to previous and subsequent measurements, and for detecting any potential fractures in the hull material.
- 2) Upon completion of the hull integrity inspection, the PMC examiner shall provide a report to OSFM with the results of the hull integrity inspection, including a listing of any needed repairs or a statement that no repairs are needed.
- 3) Hull integrity inspection exemption. PMCs meeting either of the following listed conditions are exempt from the 30-month hull integrity inspection. A PMC owner's annual inspection will serve in lieu of the 30-month hull integrity inspection for such PMCs. To maintain this exemption, the PMC owner shall annually certify to OSFM the existence of the applicable conditions for their PMC by including this information in their annual PMC inspection checklist form.
- A) PMCs constructed on floating dock systems, which shall be inspected and maintained in accordance with the floating dock system designer's and manufacturer's instructions.
 - B) PMCs which are not accessible to the public, have a primary occupancy of business, storage, or industrial (as defined in NFPA 101), and have an occupant load less than 50 (as calculated per NFPA 101).
- d) Drydock/underwater surveys shall be conducted on PMCs by a PMC examiner at intervals not exceeding 60 months. This drydock/underwater survey shall include all the components of the 30-month hull integrity inspection in accordance with subsection (c), plus either a drydock inspection or an underwater survey inspection in accordance with this Section.

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- 1) All accessible parts of the PMC's underwater body and all through-hull fittings, including the hull plating, welds, planking, appendages, propellers, shafts, bearings, rudders, sea chests, sea valves, and sea strainers shall be examined, and their condition documented. Sea chests, sea valves, and sea strainers must be opened for examination from the inside of the PMC to help facilitate a complete underwater survey insofar as is practicable and feasible. Drydock/underwater survey inspections are to be witnessed and reviewed by a PMC examiner. On wooden-hulled or fiberglass reinforced plastic (FRP) hulled PMCs, fasteners may be required to be removed for examination.
- 2) The underwater surveys shall be conducted by a diver or underwater remotely operated vehicle (ROV), or a combination of the two. The underwater survey shall consist of the following, at a minimum:
 - A) Ultrasonic thickness gauge measurements, as directed by the PMC examiner.
 - B) A recording of the entire underwater survey with video recording equipment. If utilizing divers, a recording of the entire underwater survey with audio and video recording equipment to ensure that communications between the divers and PMC examiner are recorded. If underwater visibility is poor, the diver shall use appropriate equipment, such as a clear water box, to provide the camera with a clear view of the hull.
- 3) Drydock or underwater survey inspections shall be conducted on PMCs at the following intervals:
 - A) Wooden-hulled PMCs of any length or size shall be hauled out of the water for a drydock inspection at intervals not exceeding five years.
 - B) Fiberglass reinforced plastic (FRP) hulled PMCs of any length or size shall be hauled out of the water for a drydock inspection at intervals not exceeding five years.

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- C) Steel-hulled PMCs of any length or size shall have a drydock inspection or an underwater survey at intervals not exceeding five years.
 - D) Aluminum-hulled PMCs of any length or size shall have a drydock inspection or an underwater survey at intervals not exceeding five years.
 - E) PMCs constructed on floating dock systems shall be inspected and maintained in accordance with the floating dock system designer's and manufacturer's instructions and shall receive an underwater survey inspection at intervals not exceeding five years (no drydock required).
- 4) Upon completion of the drydock/underwater survey inspection, the PMC examiner shall provide a report to the OSFM with the results of the drydock/underwater survey and hull integrity inspection, including a listing of any needed repairs or a statement that no repairs are needed.
- 5) Drydock/underwater survey alternatives.
 - A) Hull integrity inspection conducted in lieu of a drydock/underwater survey inspection.
 - i) PMCs which are not accessible to the public, have a primary occupancy of business, storage, or industrial (as defined in NFPA 101), and have an occupant load less than 50 (as calculated per NFPA 101) are permitted to have a hull integrity inspection conducted in lieu of a drydock/underwater survey inspection at the 60-month milestone. However, drydock/underwater survey inspections for such PMCs shall be conducted at intervals not to exceed 10 years.
 - ii) To maintain this alternative, the PMC owner shall annually certify to the OSFM the existence of the applicable conditions described in subsection (d)(5)(A)(i) for their PMC. PMC owners shall include this information in their

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annual PMC inspection checklist form or in another format approved by the OSFM.

B) Alternative drydock/underwater survey protocol.

i) If a PMC's hull is not accessible for drydock/underwater surveys due to the conditions described below, a proposed alternative inspection protocol that provides an equivalent level of safety may be submitted by the PMC owner for approval by OSFM.

- The PMC is floating in shallow water, which makes an underwater survey impracticable; and
- Drydocking is impracticable due to the PMC's location or due to being landlocked in its waterway.

ii) Criteria for determining equivalency of the alternative inspection protocol shall be determined by the OSFM and a PMC examiner hired by the PMC owner. The PMC owner shall be consulted during the equivalency analysis.

e) Reports with the results of hull integrity inspections and drydock/underwater surveys, including comparison of results from the PMC's previous inspections, must be maintained in a format that will allow for examination by OSFM representatives.

f) Written documentation of compliance with the requirements of this Section and Section 149.80 shall be maintained for the life of the PMC. A copy of the inspection report shall be furnished to the OSFM by the PMC owner.

g) All repair work shall comply with Illinois law effective on the completion date of the work. All repair, renovation, and remodeling work on the PMC shall comply with this Part and shall be included in revised stability calculations.

h) Repairs to underwater sections of the hull shall be completed in accordance with the American Welding Society's Underwater Welding Code, incorporated by reference in Section 149.40.

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- 3) ~~Inspection of the condition of the hull and watertight bulkheads;~~
- 4) ~~Inspection of the condition of watertight doors and watertight bulkhead penetration; and~~
- 5) ~~Inspection of the condition of ventilator, hatch covers and manhole covers.~~
- b) ~~PMCs shall undergo dry dock and internal structural examinations at intervals in accordance with 46 CFR 71 or present evidence of compliance with alternative methods of hull examination as prescribed in that regulation.~~
- c) ~~All repair work shall comply with Illinois law effective on the completion date of the work.~~
- d) ~~Written documentation of compliance with the requirements of this Section and Section 149.80 shall be maintained until the next inspection. A copy shall be furnished to OSFM by the owner of the PMC. The documentation shall be certified by a third party examiner meeting the qualifications set forth in Section 149.80.~~
- e) ~~Hull inspection results, including comparison of results from the subject PMC's previous inspections, must be maintained in a format that will allow for examination by OSFM representatives.~~
- f) ~~Repairs using underwater welding shall be subject to periodic reevaluation at subsequent inspections. Repairs shall be completed in accordance with the American Welding Society's Underwater Welding Code, incorporated by reference in Section 149.40.~~

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 149.80 Requirements~~Qualifications~~ for PMC~~Third-Party~~ Examiners

PMC examiners shall be the company or business that employs one or more qualified individuals who meet the minimum requirements of this Section.

- a) PMC examiners shall meet the following requirements:

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- 1) All PMC examiners must be approved by OSFM prior to being engaged by any PMC owner to provide required inspections.
 - 2) All PMC examiners shall employ one or more qualified individuals who meet the requirements of this Section. PMC examiners shall provide to OSFM proof of the qualifications of the qualified individuals.
 - 3) All PMC examiners shall annually provide to the OSFM evidence of financial responsibility in the amount of \$1 million in general liability insurance, workers' compensation and longshoreman's insurance (if required by law), hull and protection and indemnity insurance, and environmental insurance.
- b) Qualified individuals shall be considered qualified if they are:
- 1) A professional engineer possessing the required knowledge and experience to perform the inspections set forth in Section 149.70; or
 - 2) A certified or accredited marine surveyor, possessing the required knowledge and experience to perform the inspections set forth in Section 149.70.
- c) Qualified individuals should have a thorough knowledge of watercraft structures, design features, nomenclature, and the applicable regulations, codes, standards, and other relevant requirements. This includes requisite knowledge and familiarity with non-destructive testing (NDT) equipment and procedures, diving operations, cameras, communications, and other equipment used during underwater hull inspections and surveys.

~~Third-party examiners are individuals who meet the minimum requirements to adequately advise OSFM as to the conformance of a PMC with the conditions set forth in this Part.~~

- a) ~~The required knowledge base and/or certifications for a third-party examiner to perform the inspections and examinations set forth in Section 149.70 are provided in 46 CFR 71.50-1.~~
- b) ~~All third-party examiners must annually provide to OSFM evidence in writing of financial responsibility in the amount of \$1 million in general insurance, workers'~~

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~~compensation and longshoreman's insurance, hull and protection and indemnity insurance, and environmental insurance.~~

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 149.90 Permanently Moored Craft Used as Assembly Occupancies

PMCs defined as assembly occupancies in accordance with NFPA 101 shall comply with all of the following:

- a) Be equipped with an ~~on-board~~ electrical generator, sized and installed to be capable of supplying emergency back-up power to any required fire alarm systems, fire suppression equipment, emergency lighting circuits, communication equipment, bilge pumps, or craft propulsion equipment (if the propulsion system is used for control should the PMC be set adrift). The emergency generator may be located onboard the PMC or on adjacent land with electrical connections serving the PMC, and designed and installed such that power will transfer automatically to the PMC if normal power is lost;
- b) Be staffed by personnel trained to initiate shipboard/craft firefighting and evacuation duties;
- c) Provide a method of controlling the PMC in the event of an emergency that causes the PMC to be set adrift; and
- d) Where required by NFPA 101, the PMC shall have a fire alarm system. This fire alarm system shall be~~Have fire alarm systems~~ interconnected with the fire alarm system of adjacent occupancies, including other adjacent PMCs, if any of the required paths of egress from the adjacent occupancy traverse the PMC or if the paths of egress from the system cause the other occupancy's fire alarm system to activate.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 149.100 Responsibility of PMC Owners

It is the responsibility of the PMC owner ~~of a PMC~~ to comply with this Part.

(Source: Amended at 50 Ill. Reg. _____, effective _____)