



LAWS OF ALASKA

1970

Source

Chapter No.

FCCS SCSHB 619

106

AN ACT

Relating to marine pilots; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

(18) Board of Marine Pilots.

* Sec. 2. AS 08 is amended by adding a new chapter to read:

CHAPTER 87. MARINE PILOTS.

ARTICLE 1. BOARD OF MARINE PILOTS.

Sec. 08.87.010. CREATION AND MEMBERSHIP OF BOARD. There is created the Board of Marine Pilots. It consists of two pilots licensed under this chapter who have been actively engaged in piloting on vessels subject to this chapter, two agents or managers of vessels subject to this chapter, and the commissioner or his designee. Not more than one pilot and one agent or manager shall be from any one judicial district. All members of the board shall be residents of the state.

Sec. 08.87.020. APPOINTMENT AND TERM OF OFFICE. The governor shall appoint the pilot and agent or manager members of the board, subject to confirmation by a majority of the members of the legislature in joint session, for terms of four years, or until their successors are appointed. The first members shall be initially appointed for one, two, three and four year terms.

Sec. 08.87.030. MEETINGS. The board shall hold a regular annual meeting. The board may hold special

meetings at the call of the chairman with prior approval of the governor.

Sec. 08.87.040. POWERS AND DUTIES. (a) The board shall

(1) provide for the maintenance of efficient and competent pilot service on all waters covered by this chapter to assure protection of shipping and the safety of human life and property;

(2) consistent with the law, adopt regulations, subject to the Administrative Procedure Act (AS 44.62), establishing the qualifications of pilots and providing for the examination of pilots and the issuance of original or renewal pilot licenses to qualified persons;

(3) keep a register of licensed pilots, vessels, operators, agents, and managers;

(4) regulate pilotage fees;

(5) make available, upon request, copies of this chapter and the regulations adopted under it.

(b) The board may, by regulation, make any other provision for proper and safe pilotage upon the waters covered by this chapter and for the efficient administration of this chapter.

ARTICLE 2. LICENSING.

Sec. 08.87.080. LICENSE REQUIREMENT. No person may pilot a vessel subject to this chapter unless he is licensed under this chapter.

Sec. 08.87.090. APPLICATION. (a) A person who desires to be licensed under this chapter shall apply in writing to the department.

(b) The application shall provide the information and be made on a form prescribed by the board.

Sec. 08.87.100. QUALIFICATIONS. A person is entitled to a license under this chapter if he

(1) is of good moral character;

(2) is a citizen of the United States;

(3) passes the examination given by the board;
and

(4) qualifies under the regulations adopted under sec. 50(a)(2) and (b) of this chapter.

Sec. 08.87.110. PREVIOUS LICENSURE. A license that was issued under AS 30.10 shall be considered as having been issued under this chapter.

Sec. 08.87.120. DURATION, RENEWAL. A license issued under this chapter shall be renewed biennially on dates

set by the department. A license issued under AS 30.10 lapses at the end of the calendar year in which this chapter becomes effective. A license issued between the effective date of this chapter and the end of the calendar year in which this chapter becomes effective shall be issued for a fee of \$100. A license shall be renewed without examination upon the payment of the biennial license fee.

Sec. 08.87.130. LAPSED LICENSE. A lapsed license may be reinstated if it has not remained lapsed for more than two years. If the license is lapsed for more than two years and the board has reason to believe that the person applying for reinstatement of his license is incapable or incompetent to carry out the duties of a licensed marine pilot, the board may require the applicant to take and pass the examination given by the board.

Sec. 08.87.140. FEES. The following fees shall be imposed under this chapter when applicable:

- (1) application fee \$ 10
- (2) biennial license fee 200

Sec. 08.87.150. DENIAL, REVOCATION OR SUSPENSION. (a) The board, after compliance with the Administrative Procedure Act (AS 44.62), may deny, revoke or suspend the license of a person who

- (1) is incompetent in the performance of his pilotage duties;
- (2) is habitually intoxicated;
- (3) illegally uses or sells narcotic or hallucinogenic drugs;
- (4) makes a false statement to obtain a license;
- (5) violates a provision of this chapter or a regulation adopted under it; or
- (6) is guilty of misconduct during the course of his employment.

(b) A license denied, revoked or suspended under (a) of this section may not be granted or reinstated until

- (1) the reason for the license denial, revocation or suspension has been remedied; and
- (2) the period of suspension has been served and all fines imposed under this chapter have been paid.

ARTICLE 3. GENERAL PROVISIONS.

Sec. 08.87.160. MANDATORY EMPLOYMENT OF LICENSED PILOTS. A vessel subject to this chapter navigating the inside coastal waters of Alaska as determined by regulation shall employ a pilot holding a valid license under this chapter.

Sec. 08.87.170. PILOT'S LIEN FOR COMPENSATION. Each vessel, its tackle, apparel and furniture and the owner of the vessel are jointly and severally liable for the compensation of a pilot employed on the vessel and the pilot has a lien on the vessel, her tackle, apparel and furniture for his compensation.

Sec. 08.87.180. EXEMPTIONS. This chapter does not apply to

- (1) vessels under enrollment;
- (2) fishing vessels registered in the United States or in British Columbia, Canada;
- (3) motorboats as defined in sec. 1 of the federal Motor Boat Act of 1940 (54 Stat. 163; 46 U.S.C. sec. 526 et seq.);
- (4) vessels and tow boats of United States registry and vessels owned by the State of Alaska, engaged exclusively
 - (A) on the rivers of Alaska, or
 - (B) in the coastwise trade on the west coast of the United States including Alaska, Hawaii, and British Columbia, Canada;
- (5) vessels of Canada, including Canadian cruise ships, engaged in frequent trade between British Columbia and Alaska, provided that reciprocal exemptions are granted by Canada to vessels owned by the State of Alaska and those of United States registry; and
- (6) pleasure craft.

Sec. 08.87.190. PENALTY. A master or owner of a vessel required by this chapter to employ a licensed pilot who fails to do so when a licensed pilot is available, unless the perils or hazards of the sea prevent the employment of a pilot, is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not less than \$500 nor more than \$1,000. A person who violates any other provision of this chapter or a regulation adopted under it is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not less than \$500 nor more than \$1,000.

Sec. 08.87.200. DEFINITIONS. In this chapter

- (1) "board" means the Board of Marine Pilots;
- (2) "commissioner" means the commissioner of the Department of Commerce;
- (3) "department" means the Department of Commerce;
- (4) "vessel" means all vessels not exempt under sec. 180 of this chapter.

* Sec. 3. AS 44.62.330(a) is amended by adding a new

paragraph to read:

(33) Board of Marine Pilots.

* Sec. 4. AS 30.10 and AS 44.62.330(a)(32) are repealed.

* Sec. 5. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.