

HOUSE BILL NO. 260

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Introduced: 3/15/95

Referred: Transportation, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to marine pilots and the Board of Marine Pilots; extending the
2 termination date of the Board of Marine Pilots; and providing for an effective
3 date."

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

5 * **Section 1.** AS 08.03.010(c)(13) is amended to read:

6 (13) Board of Marine Pilots (AS 08.62.010) -- June 30, 1999 [1994];

7 * **Sec. 2.** AS 08.62.010 is amended to read:

8 Sec. 08.62.010. CREATION AND MEMBERSHIP OF BOARD. There is
9 created the Board of Marine Pilots. It consists of two pilots licensed under this
10 chapter who have been actively engaged in piloting on vessels subject to this chapter,
11 two industry representatives [AGENTS OR MANAGERS OF VESSELS SUBJECT
12 TO THIS CHAPTER], two public members in accordance with AS 08.01.025, and the
13 commissioner or the commissioner's designee. A person who is appointed to the
14 board as an industry representative shall be an owner, manager, or agent, or an

1 employee of an owner, manager, or agent, of a vessel subject to this chapter and
2 shall be actively engaged in obtaining pilotage services for vessels subject to this
3 chapter. Not more than one pilot and one industry representative [AGENT OR
4 MANAGER] shall be from any one pilotage region established by the board
5 [JUDICIAL DISTRICT]. All members of the board shall be residents of the state.

6 * **Sec. 3.** AS 08.62.040(b) is amended to read:

7 (b) The board may, by regulation, make any other provision for proper and
8 safe pilotage upon the inland and coastal water of and adjacent to the state and for the
9 efficient administration of this chapter, including establishing

10 (1) different licensing criteria for a pilotage region if justified by
11 regional differences in piloting;

12 (2) a mandatory [RANDOM] drug and alcohol testing program,
13 including random tests, post-incident tests, and tests based upon reasonable cause,
14 for pilots licensed under this chapter; the board may delegate responsibility for
15 administration of all or a portion of a testing program to pilot organizations;

16 (3) criteria for trainee selection and for training programs conducted by
17 pilot organizations; and

18 (4) standards under which a pilot may receive a license or an
19 endorsement to a license to pilot vessels in more than one pilotage region under
20 AS 08.62.080(b).

21 * **Sec. 4.** AS 08.62.040 is amended by adding a new subsection to read:

22 (e) The board may delegate duties to the marine pilot coordinator as necessary
23 to assist the board in administering and enforcing this chapter.

24 * **Sec. 5.** AS 08.62.050 is amended by adding a new subsection to read:

25 (c) In addition to other duties as may be assigned by the board, the marine
26 pilot coordinator may review applications for examination and licensure to ascertain
27 whether the applicant satisfies the applicable requirements.

28 * **Sec. 6.** AS 08.62.080(b) is amended to read:

29 (b) A pilot may not be licensed in more than one pilotage region at one time
30 [,] unless the commissioner [BOARD] determines that an actual or imminent,
31 chronic shortage of licensed pilots exists in a [IT IS IN THE BEST INTERESTS OF

1 THE STATE TO LICENSE PILOTS FOR PARTS OF MORE THAN ONE] pilotage
2 region. **If the commissioner makes the determination described in this subsection,**
3 **the board may, after consultation with the recognized pilot organizations in the**
4 **affected pilotage region, issue temporary licenses for the affected pilotage region**
5 **to pilots who already hold a license for another pilotage region. The board shall**
6 **ensure that sufficient pilots are available to provide pilotage services in the**
7 **affected pilotage region to all vessels required to employ a pilot under this**
8 **chapter. A temporary license issued under this subsection is valid for a period**
9 **of not more than one year.**

10 * **Sec. 7.** AS 08.62.090(b) is amended to read:

11 (b) The application shall provide the information and be made on a form
12 prescribed by the **department** [BOARD].

13 * **Sec. 8.** AS 08.62.093(b) is amended to read:

14 (b) A person who applies for a deputy marine pilot license under this chapter
15 shall provide proof satisfactory to the board of the following experience:

16 (1) one year of service as a master on ocean or coastwise vessels while
17 holding a **United States Coast Guard** license as master of ocean steam or motor
18 vessels of any gross tons;

19 (2) two years of service as a master on vessels **of not less than 1,000**
20 **gross tons** or tug and tow of not less than 1,600 combined gross tons while holding
21 **at least a United States Coast Guard** [A] license as master of **steam or motor**
22 vessels of not **more** [LESS] than 1,600 gross tons;

23 (3) two years of service as a chief officer on ocean or coastwise vessels
24 of not less than 1,600 gross tons while holding a **United States Coast Guard** license
25 as master of ocean steam or motor vessels of any gross tons;

26 (4) two years of service as commanding officer of United States
27 commissioned vessels of not less than 1,600 gross tons **and hold a United States**
28 **Coast Guard** [WHILE HOLDING A] license as master of ocean steam or motor
29 vessels of any gross tons; [OR]

30 (5) three years of experience as a member of a professional pilot's
31 organization, during which the person actively engaged in piloting while holding at

1 least a United States Coast Guard license as a master of steam or motor vessels
2 [FREIGHT OR TOWING VESSEL] of not more than 1,600 gross tons; or

3 (6) five years of experience gained in a board approved deputy
4 marine pilot apprenticeship program in the pilotage region for which the deputy
5 marine pilot license is sought and hold at least a United States Coast Guard
6 license as master of steam or motor vessels of not more than 1,600 gross tons.

7 * **Sec. 9.** AS 08.62.093(d) is amended to read:

8 (d) A person licensed as a deputy marine pilot under this section may, except
9 as otherwise provided by the board, pilot vessels of 25,000 [20,000] gross tons or less
10 in a marine pilotage region for which the license is issued.

11 * **Sec. 10.** AS 08.62.097(b) is amended to read:

12 (b) A person who supervises the training of persons who are seeking a deputy
13 marine pilot license under this chapter shall

14 (1) hold a marine pilot license issued under AS 08.62.100; however,
15 if the board finds that there are no marine pilots licensed in a pilotage region who
16 are available to supervise training under this section, the board may authorize a
17 person who is licensed in that pilotage region as a deputy marine pilot to
18 supervise the training of persons who are seeking a deputy marine pilot license
19 in that pilotage region;

20 (2) receive prior authorization from the board to supervise the training
21 of those persons;

22 (3) maintain a written log and evaluation on a form provided by the
23 board of the training and progress of the person being supervised.

24 * **Sec. 11.** AS 08.62.120(a) is amended to read:

25 (a) In order to renew a marine pilot license, a person who is licensed under
26 AS 08.62.100 shall

27 (1) submit an application for renewal of the license on a form provided
28 by the department [BOARD];

29 (2) submit proof of continued qualification under AS 08.62.100 to
30 receive a marine pilot license;

31 (3) provide evidence of satisfactory completion of a physical

1 examination by a licensed physician within 60 days before the date of renewal of the
2 license;

3 (4) submit proof satisfactory to the board that the person has

4 (A) engaged in piloting vessels subject to this chapter in the
5 marine pilotage region for which the license is to be renewed during at least
6 120 days [60 DAYS OF EACH CALENDAR YEAR] in the licensing period
7 immediately preceding the licensing period for which renewal is sought; or

8 (B) completed the minimum number of familiarization trips
9 required by the board for renewal of a marine pilot license for a marine
10 pilotage region for which the license is to be renewed.

11 * **Sec. 12.** AS 08.62.150(a) is amended to read:

12 (a) The board shall impose a disciplinary sanction on a person licensed under
13 this chapter when the board finds that the person

14 (1) is incompetent in the performance of pilotage duties;

15 (2) is chemically impaired;

16 (3) illegally possesses, uses, or sells narcotic or hallucinogenic drugs;

17 (4) makes a false statement to obtain a license;

18 (5) violates a provision of this chapter or a regulation adopted under

19 this chapter [IT];

20 (6) is guilty of misconduct during the course of employment;

21 (7) has had the person's United States Coast Guard pilot license
22 conditioned, suspended, or revoked; or

23 (8) charges, collects, or receives an amount for pilotage services that
24 is [IN EXCESS OF THE MAXIMUM TARIFF ESTABLISHED BY THE BOARD
25 OR] different from the amount set [TARIFF ADOPTED] by the pilot organization of
26 which the person is a member.

27 * **Sec. 13.** AS 08.62.155(b) is amended to read:

28 (b) The board [DEPARTMENT] may impose a civil fine not to exceed \$5,000
29 on a marine pilot organization recognized by the board [,] if the organization violates
30 this chapter or a regulation adopted under this chapter. The board may also suspend
31 or revoke the recognition of a pilot organization that fails to comply with its

1 articles, bylaws, and rules, so as to no longer satisfy the minimum standards for
2 recognition by the board.

3 * **Sec. 14.** AS 08.62.165(a) is amended to read:

4 (a) A pilot licensed under this chapter is not liable for damages in excess of
5 \$250,000 per incident for damages or loss occurring as a result of the error, omission,
6 fault, or neglect of the pilot in performing pilotage services, except that the limitation
7 does not apply in a case where

8 (1) the pilot is either grossly negligent or guilty of wilful misconduct;
9 or

10 (2) the error, omission, fault, or neglect of the pilot constitutes an act
11 for which the board shall impose a disciplinary sanction under **AS 08.62.150(a)(2) or**
12 **(3)** [AS 08.62.150(a)(1), (2), (3), (5), (6), OR (7)].

13 * **Sec. 15.** AS 08.62.175(c) is amended to read:

14 (c) A pilot organization recognized by the board shall

15 (1) promote a safe and reliable system of marine pilotage for the region
16 in which the organization is recognized;

17 (2) provide for the dispatch of pilots who are members of the
18 organization;

19 (3) **enter into agreements with the master, owner, operator, or**
20 **agent of a master, owner, or operator of a vessel concerning the terms and**
21 **conditions under which the pilot organization will provide** [ADOPT AND REVISE
22 TARIFFS FOR THE PROVISION OF] pilotage services [BY THE MEMBERS OF
23 THE ORGANIZATION];

24 (4) **subject to the membership application and approval provisions**
25 **contained in the articles and bylaws of the organization,** be open to membership
26 by all persons licensed under this chapter to pilot vessels in the pilotage region in
27 which the organization is recognized;

28 (5) operate or participate in a training program for pilots and deputy
29 pilots that is approved by the board;

30 (6) cooperate with and assist the board in implementing this chapter.

31 * **Sec. 16.** AS 08.62.175 is amended by adding a new subsection to read:

1 (d) A pilot organization or the owner of a vessel, or the owner's authorized
2 representative, may submit a controversy to arbitration under AS 09.43.010 -
3 09.43.180, if the controversy concerns the terms or conditions, including the amount
4 of compensation, of an agreement under which the pilot organization provides pilotage
5 services. An agreement to submit a controversy arising under an agreement to provide
6 pilotage services is an implied provision of the agreement to provide pilotage services.
7 The parties to an agreement for the provision of pilotage services may, consistent with
8 AS 09.43.010 - 09.43.180, establish procedures under which arbitration will be
9 conducted.

10 * **Sec. 17.** AS 08.62.180 is amended to read:

11 Sec. 08.62.180. EXEMPTIONS. This chapter does not apply to

12 (1) vessels subject to federal pilot requirements under 46 U.S.C. 8502
13 except as provided in AS 08.62.185;

14 (2) fishing vessels, including fish processing and fish tender vessels,
15 registered in the United States or in British Columbia, Canada;

16 (3) vessels propelled by machinery and not more than 65 feet in length
17 over deck, except tugboats and towboats propelled by steam;

18 (4) vessels of United States registry of less than 300 gross tons and
19 towboats of United States registry and vessels owned by the State of Alaska, engaged
20 exclusively

21 (A) on the rivers of Alaska; [,] or

22 (B) in the coastwise trade on the west coast of the United States
23 including Alaska, Hawaii, and British Columbia, Canada;

24 (5) vessels of Canada, built in Canada and manned by Canadian
25 citizens including Canadian cruise ships, engaged in frequent trade between British
26 Columbia and Alaska, if reciprocal exemptions are granted by Canada to vessels
27 owned by the State of Alaska and those of United States registry; [AND]

28 (6) pleasure craft of United States registry; and

29 (7) pleasure craft of foreign registry of less than 300 gross tons as
30 measured under 46 C.F.R. 69.51 - 69.75.

31 * **Sec. 18.** TRANSITION. (a) Notwithstanding AS 08.62.010, as amended by sec. 2 of

1 this Act, the current members of the Board of Marine Pilots shall continue to serve for the
2 term to which they were appointed.

3 (b) As the terms of the current marine pilot members and current agent or manager
4 members of the Board of Marine Pilots expire, the governor shall appoint marine pilot
5 members and industry representative members to the board in accordance with the
6 qualifications set out in AS 08.62.010, amended by sec. 2 of this Act.

7 (c) In this section, the current members of the board are those persons serving on the
8 Board of Marine Pilots on the day before the effective date of this Act.

9 * **Sec. 19.** AS 08.62.093(e) is repealed.

10 * **Sec. 20.** This Act takes effect July 1, 1995.