

CS FOR HOUSE BILL NO. 260(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered: 4/7/95

Referred: Labor and Commerce

Sponsor(s): HOUSE TRANSPORTATION COMMITTEE

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 three [TWO] pilots licensed under
10 this chapter who have been actively engaged in piloting on vessels subject to this
11 chapter, three industry representatives [TWO AGENTS OR MANAGERS OF
12 VESSELS SUBJECT TO THIS CHAPTER], two public members in accordance with
13 AS 08.01.025, and the commissioner or the commissioner's designee. A person who
14 is appointed to the board as an industry representative shall be an owner,

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

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

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

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

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

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

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

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

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

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

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

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

30 (b) A pilot may not be licensed in more than one pilotage region at one time
31 [,] unless the commissioner [BOARD] determines that an actual or imminent

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

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

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

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

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

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

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

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

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

1 (5) three years of experience as a member of a professional pilot's
2 organization, during which the person actively engaged in piloting while holding at
3 least a United States Coast Guard license as a master of steam or motor vessels
4 [FREIGHT OR TOWING VESSEL] of not more than 1,600 gross tons; or

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

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

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

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

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

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

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

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

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

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

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

31 (2) submit proof of continued qualification under AS 08.62.100 to

1 receive a marine pilot license;

2 (3) provide evidence of satisfactory completion of a physical
3 examination by a licensed physician within 60 days before the date of renewal of the
4 license;

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

6 (A) engaged in piloting vessels subject to this chapter in the
7 marine pilotage region for which the license is to be renewed during at least
8 120 days [60 DAYS OF EACH CALENDAR YEAR] in the licensing period
9 immediately preceding the licensing period for which renewal is sought; or

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

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

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

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

17 (2) is chemically impaired;

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

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

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

21 this chapter [IT];

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

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

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

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

30 (b) The board [DEPARTMENT] may impose a civil fine not to exceed \$5,000
31 on a marine pilot organization recognized by the board [,] if the organization violates

1 this chapter or a regulation adopted under this chapter. **The board may also suspend**
2 **or revoke the recognition of a pilot organization that fails to comply with its**
3 **articles, bylaws, and rules, so as to no longer satisfy the minimum standards for**
4 **recognition by the board.**

5 * **Sec. 14.** AS 08.62.157 is amended by adding a new subsection to read:

6 (c) A person licensed under this chapter shall provide pilotage services to a
7 vessel upon being dispatched by the pilot organization of which the person is a
8 member.

9 * **Sec. 15.** AS 08.62.165(a) is amended to read:

10 (a) A pilot licensed under this chapter is not liable for damages in excess of
11 \$250,000 per incident for damages or loss occurring as a result of the error, omission,
12 fault, or neglect of the pilot in performing pilotage services, except that the limitation
13 does not apply in a case where

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

15 or

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

19 * **Sec. 16.** AS 08.62.175(c) is amended to read:

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

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

23 (2) provide for the dispatch of pilots who are members of the
24 organization;

25 (3) **subject to the membership application and approval provisions**
26 **contained in the articles and bylaws of the organization,** [ADOPT AND REVISE
27 TARIFFS FOR THE PROVISION OF PILOTAGE SERVICES BY THE MEMBERS
28 OF THE ORGANIZATION;

29 (4)] be open to membership by all persons licensed under this chapter
30 to pilot vessels in the pilotage region in which the organization is recognized;

31 **(4)** [(5)] operate or participate in a training program for pilots and

1 deputy pilots that is approved by the board;

2 (5) [(6)] cooperate with and assist the board in implementing this
3 chapter.

4 * **Sec. 17.** AS 08.62.175(d) is amended to read:

5 (d) A pilot organization recognized by the board may not begin operating until
6 the articles, bylaws, and rules of the pilot organization are approved by the board on
7 the basis of

8 (1) uniform and nondiscriminatory application of the articles, bylaws,
9 and rules to marine pilots and deputy marine pilots licensed under this chapter and
10 trainees for marine pilot licenses;

11 (2) compliance with applicable laws; and

12 (3) effectiveness in

13 (A) promoting an efficient, reliable, and professional marine
14 pilotage system in the region;

15 (B) maintaining a sufficient number of qualified pilots available
16 for dispatch to serve the needs of vessels visiting the region during each hour
17 of the day and each day of the year to the extent that it is reasonably possible
18 given the size of the membership of the pilot organization;

19 (C) promoting training programs, **that may include deputy**
20 **marine pilot apprenticeship programs,** for marine pilots and deputy marine
21 pilots that are approved by the board.

22 * **Sec. 18.** AS 08.62.175 is amended by adding new subsections to read:

23 (e) Subject to the prior approval of the apprenticeship program by the board,
24 a pilot organization may establish a deputy marine pilot apprenticeship program for the
25 pilotage region in which the organization is recognized.

26 (f) A pilot organization recognized by the board may enter into agreements
27 with the master, owner, operator, or agent of a master, owner, or operator of a vessel,
28 concerning the terms and conditions under which the pilot organization will provide
29 pilotage services.

30 * **Sec. 19.** AS 08.62.180 is amended to read:

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

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

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

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

7 (4) vessels of United States registry of less than 300 gross tons and
8 towboats of United States registry and vessels owned by the State of Alaska, engaged
9 exclusively

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

11 (B) in the coastwise trade on the west **or north** coast of the
12 United States including Alaska **and** [,] Hawaii, and **including** British
13 Columbia, **Yukon Territory, and Northwest Territories,** Canada;

14 (5) vessels of Canada, built in Canada and manned by Canadian citizens
15 [INCLUDING CANADIAN CRUISE SHIPS], engaged in frequent trade between

16 (A) British Columbia and **Southeastern** Alaska **south of 58**
17 **degrees, 10 minutes North latitude,** if reciprocal exemptions are granted by
18 Canada to vessels owned by the State of Alaska and those of United States
19 registry; **or**

20 (B) **northern Alaska north of 68 degrees, 7 minutes North**
21 **latitude and Yukon Territory or Northwest Territories;** [AND]

22 (6) pleasure craft **of United States registry; and**

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

25 * **Sec. 20.** TRANSITION. (a) Notwithstanding AS 08.62.010, as amended by sec. 2 of
26 this Act, the current members of the Board of Marine Pilots shall continue to serve for the
27 term to which they were appointed.

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

1 (c) Notwithstanding AS 08.01.035, the governor shall make appointments to fill the
2 new pilot and industry representative positions created on the Board of Marine Pilots by
3 AS 08.62.010, as amended by sec. 2 of this Act, by appointing

4 (1) one pilot member to the board for an initial three-year term beginning
5 June 1, 1995; and

6 (2) one industry representative member to the board for an initial four-year
7 term beginning June 1, 1995.

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

10 * **Sec. 21.** AS 08.62.093(e) is repealed.

11 * **Sec. 22.** This Act takes effect July 1, 1995.