

CS FOR HOUSE BILL NO. 260(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 4/29/95
Referred: Finance

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 two pilots licensed under this chapter
10 who have been actively engaged in piloting on vessels subject to this chapter, two
11 industry representatives [AGENTS OR MANAGERS OF VESSELS SUBJECT TO
12 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 safe
8 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 regional
11 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 pilot
26 coordinator may review applications for examination and licensure to ascertain whether
27 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 shortage
31 of licensed pilots exists in a [IT IS IN THE BEST INTERESTS OF THE STATE TO
32 LICENSE PILOTS FOR PARTS OF MORE THAN ONE] pilotage region. If the

1 commissioner makes the determination described in this subsection, the board may,
2 after consultation with the recognized pilot organizations in the affected pilotage
3 region, issue temporary licenses for the affected pilotage region to pilots who
4 already hold a license for another pilotage region. The board shall ensure that
5 sufficient pilots are available to provide pilotage services in the affected pilotage
6 region to all vessels required to employ a pilot under this chapter. A temporary
7 license issued under this subsection is valid for a period of not more than one year,
8 but may be renewed or reissued for subsequent periods of not more than one year
9 if the commissioner determines that the actual or imminent shortage of licensed
10 pilots continues to exist.

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]

32 (5) three years of experience as a member of a professional pilot's

1 organization, during which the person actively engaged in piloting while holding at
2 least a United States Coast Guard license as a master of steam or motor vessels
3 [FREIGHT OR TOWING VESSEL] of not more than 1,600 gross tons; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (2) is chemically impaired;

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

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

19 (5) violates a provision of this chapter or a regulation adopted under
20 **this chapter** [IT];

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

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

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

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

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

1 or revoke the recognition of a pilot organization that fails to comply with its
2 articles, bylaws, and rules, so as to no longer satisfy the minimum standards for
3 recognition by the board.

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

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

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

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

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

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

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

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

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

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

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

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

30 (4) [(5)] operate or participate in a training program for pilots and
31 deputy pilots that is approved by the board;

1 (5) [(6)] cooperate with and assist the board in implementing this
2 chapter.

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

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

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

10 (2) compliance with applicable laws; and

11 (3) effectiveness in

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

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

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

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

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

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

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

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

31 (1) vessels subject to federal pilot requirements under 46 U.S.C. 8502

1 except as provided in AS 08.62.185;

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

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

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

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

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

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

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

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

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

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

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

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

31 (c) In this section, the current members of the board are those persons serving on the

- 1 Board of Marine Pilots on the day before the effective date of this Act.
- 2 * **Sec. 21.** AS 08.62.093(e) is repealed.
- 3 * **Sec. 22.** This Act takes effect July 1, 1995.