

SENATE BILL NO. 130

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATOR PEARCE

Introduced: 3/14/95

Referred: RES, FIN

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 agents or managers of vessels subject to this chapter, two public members in
12 accordance with AS 08.01.025, and the commissioner or the commissioner's designee.
13 Not more than one pilot and one agent or manager shall be from any one **pilotage**
14 **region established by the board** [JUDICIAL DISTRICT]. All members of the board

1 shall be residents of the state.

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

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

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

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

12 (3) criteria for trainee selection and for training programs conducted by
13 pilot organizations; and

14 (4) standards under which a pilot may receive a license or an
15 endorsement to a license to pilot vessels in more than one pilotage region **under**
16 **AS 08.62.080(b).**

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

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

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

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

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

25 (b) A pilot may not be licensed in more than one pilotage region at one time
26 [.] unless the **commissioner** [BOARD] determines that **an actual or imminent,**
27 **chronic shortage of licensed pilots exists in a** [IT IS IN THE BEST INTERESTS OF
28 THE STATE TO LICENSE PILOTS FOR PARTS OF MORE THAN ONE] pilotage
29 region. **If the commissioner makes the determination described in this subsection,**
30 **the board may, after consultation with the recognized pilot organizations in the**
31 **affected pilotage region, issue temporary licenses for the affected pilotage region**

1 to pilots who already hold a license for another pilotage region. The board shall
2 ensure that sufficient pilots are available to provide pilotage services in the
3 affected pilotage region to all vessels required to employ a pilot under this
4 chapter. A temporary license issued under this subsection is valid for a period
5 of not more than one year.

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

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

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

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

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

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

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

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

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

30 (6) five years of experience gained in a board approved deputy
31 marine pilot apprenticeship program in the pilotage region for which the deputy

marine pilot license is sought and hold at least a United States Coast Guard license as master of steam or motor vessels of not more than 1,600 gross tons.

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) engaged in piloting vessels subject to this chapter in the

1 marine pilotage region for which the license is to be renewed during at least
2 120 days [60 DAYS OF EACH CALENDAR YEAR] in the licensing period
3 immediately preceding the licensing period for which renewal is sought; or

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

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

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

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

11 (2) is chemically impaired;

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

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

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

15 this chapter [IT];

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

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

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

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

24 (b) The board [DEPARTMENT] may impose a civil fine not to exceed \$5,000
25 on a marine pilot organization recognized by the board [,] if the organization violates
26 this chapter or a regulation adopted under this chapter. The board may also suspend
27 or revoke the recognition of a pilot organization that fails to comply with its
28 articles, bylaws, and rules, so as to no longer satisfy the minimum standards for
29 recognition by the board.

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

31 (a) A pilot licensed under this chapter is not liable for damages in excess of

1 \$250,000 per incident for damages or loss occurring as a result of the error, omission,
2 fault, or neglect of the pilot in performing pilotage services, except that the limitation
3 does not apply in a case where

- 4 (1) the pilot is either grossly negligent or guilty of wilful misconduct;
5 or
6 (2) the error, omission, fault, or neglect of the pilot constitutes an act
7 for which the board shall impose a disciplinary sanction under **AS 08.62.150(a)(2) or**
8 **(3)** [AS 08.62.150(a)(1), (2), (3), (5), (6), OR (7)].

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

- 10 (c) A pilot organization recognized by the board shall
11 (1) promote a safe and reliable system of marine pilotage for the region
12 in which the organization is recognized;
13 (2) provide for the dispatch of pilots who are members of the
14 organization;
15 (3) **enter into agreements with the master, owner, operator, or**
16 **agent of a master, owner, or operator of a vessel concerning the terms and**
17 **conditions under which the pilot organization will provide** [ADOPT AND REVISE
18 TARIFFS FOR THE PROVISION OF] pilotage services [BY THE MEMBERS OF
19 THE ORGANIZATION];
20 (4) **subject to the membership application and approval provisions**
21 **contained in the articles and bylaws of the organization,** be open to membership
22 by all persons licensed under this chapter to pilot vessels in the pilotage region in
23 which the organization is recognized;
24 (5) operate or participate in a training program for pilots and deputy
25 pilots that is approved by the board;
26 (6) cooperate with and assist the board in implementing this chapter.

27 * **Sec. 16.** AS 08.62.180 is amended to read:

- 28 Sec. 08.62.180. EXEMPTIONS. This chapter does not apply to
29 (1) vessels subject to federal pilot requirements under 46 U.S.C. 8502
30 except as provided in AS 08.62.185;
31 (2) fishing vessels, including fish processing and fish tender vessels,

1 registered in the United States or in British Columbia, Canada;

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

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

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

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

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

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

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

17 * **Sec. 17.** TRANSITION. (a) Notwithstanding AS 08.62.010, as amended by sec. 2 of
18 this Act, the current members of the Board of Marine Pilots shall continue to serve for the
19 term to which they were appointed.

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

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

26 * **Sec. 18.** AS 08.62.093(e) is repealed.

27 * **Sec. 19.** This Act takes effect July 1, 1995.