

CS FOR SENATE BILL NO. 209(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 5/9/03

Referred: Finance

Sponsor(s): SENATORS BEN STEVENS, Therriault

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to exemption of certain foreign pleasure craft from the mandatory**
2 **pilotage requirement and to civil fines imposed on the owner or operator of a pleasure**
3 **craft of foreign registry; and providing for an effective date."**

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

5 *** Section 1.** AS 08.62.040 is amended by adding a new subsection to read:

6 (f) The board may impose a civil fine on the owner or operator of a pleasure
7 craft of foreign registry who, in violation of this chapter, fails to employ a pilot
8 licensed under this chapter or fails to comply with the pilotage requirement under
9 AS 08.62.180(b). Notwithstanding AS 08.01.075, the amount of the civil penalty may
10 not exceed \$10,000 for each violation. Each entry into state water in violation of this
11 chapter or AS 08.62.180(b) is a separate violation.

12 *** Sec. 2.** AS 08.62.140 is amended by adding a new subsection to read:

13 (b) The fee for an application for a waiver under AS 08.62.180(b) from the
14 mandatory pilotage requirement of this chapter is \$1,500 plus \$50 for each whole foot

1 in overall length of the vessel that exceeds 60 feet.

2 * **Sec. 3.** AS 08.62.180 is amended to read:

3 **Sec. 08.62.180. Exemptions.** This chapter does not apply to

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

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

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

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

13 (A) on the rivers of Alaska; or

14 (B) in the coastwise trade on the west or north coast of the
15 United States including Alaska and Hawaii, and including British Columbia,
16 Yukon Territory, and Northwest Territories, Canada;

17 (5) vessels of Canada, built in Canada and manned by Canadian
18 citizens, engaged in frequent trade between

19 (A) British Columbia and Southeastern Alaska on the inside
20 water of Southeastern Alaska south of 59 degrees, 29 minutes North latitude, if
21 reciprocal exemptions are granted by Canada to vessels owned by the State of
22 Alaska and those of United States registry; or

23 (B) northern Alaska north of 68 degrees, 7 minutes North
24 latitude and Yukon Territory or Northwest Territories;

25 (6) pleasure craft of United States registry;

26 (7) pleasure craft of foreign registry of **60 feet or less in overall**
27 **length** [LESS THAN 300 GROSS TONS AS MEASURED UNDER 46 C.F.R. 69.51
28 - 69.75]; and

29 (8) vessels of the Canadian Navy or Canadian Coast Guard that have a
30 home port in British Columbia, Canada, while navigating the inside water of
31 Southeastern Alaska.

1 * **Sec. 4.** AS 08.62.180 is amended by adding a new subsection to read:

2 (b) Upon written application and payment of the application fee for a waiver
3 by the owner or operator of the pleasure craft, the board may grant a waiver from the
4 pilotage requirement of this chapter to a pleasure craft of foreign registry that is more
5 than 60 feet in length overall, but not more than 173 feet in overall length. The
6 application for a waiver must be submitted to the board at least 30 days before the
7 vessel enters the state. The board shall approve or deny an application for a waiver
8 within 30 days after the application is received by the board. The 30-day period for
9 action by the board to approve or deny a request for a waiver is suspended while the
10 board is awaiting a response to a request by the board for additional information from
11 the applicant. The board may delegate responsibility for reviewing, approving, or
12 denying an application for a waiver under this subsection to the marine pilot
13 coordinator. An application for a waiver must contain the name, address, and
14 telephone number of the applicant; the name, address, and telephone number of the
15 owner of the vessel; a general description of the vessel; and other information that the
16 board may require by regulation. If the waiver is granted by the board, the operator of
17 the vessel shall (1) before entering state water beyond Alaska pilot stations, take
18 onboard a pilot licensed under this chapter and shall proceed to a port of entry
19 designated by the board; and (2) before leaving state water, take onboard a pilot
20 licensed under this chapter at a port designated by the board and shall proceed to an
21 Alaska pilot station. Except as otherwise provided by this subsection or by the board
22 by regulation, while in state water, a vessel that has been granted a waiver under this
23 subsection is not required to employ a pilot licensed under this chapter. The board
24 may revoke a waiver granted under this subsection if the vessel is not operated in
25 compliance with this subsection or with the terms under which the waiver is granted.
26 A waiver granted by the board under this subsection may be subject to such conditions
27 as the board considers appropriate to protect human life, property, and the marine
28 environment. The board may adopt regulations as the board considers necessary to
29 implement this subsection.

30 (c) In this section,

31 (1) "for hire" means for consideration, whether directly or indirectly, to

1 the owner, charterer, operator, agent, or other person having an interest in the vessel;
2 (2) "pleasure craft" means a vessel that does not carry passengers or
3 freight for hire.

4 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).