

505

Introduced: 2/6/70  
Referred: State Affairs  
and Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 619

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to marine pilots; and providing  
7 for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

10 (18) Board of Marine Pilots.

11 \* Sec. 2. AS 08 is amended by adding a new chapter to read:

12 CHAPTER 87. MARINE PILOTS.

13 ARTICLE 1. BOARD OF MARINE PILOTS.

14 Sec. 08.87.010. CREATION AND MEMBERSHIP OF BOARD. There is a  
15 Board of Marine Pilots. It consists of two pilots licensed under  
16 this chapter, two agents or managers of vessels subject to this  
17 chapter and the commissioner or his designee.

18 Sec. 08.87.020. APPOINTMENT AND TERM OF OFFICE. The governor  
19 shall appoint the pilot and agent or manager members of the board,  
20 subject to confirmation by a majority of the members of the legis-  
21 lature in joint session, for terms of four years, or until their  
22 successors are appointed. The first members shall be initially  
23 appointed for one, two, three and four year terms.

24 Sec. 08.87.030. MEETINGS. The board shall hold a regular  
25 annual meeting. The board may hold special meetings at the call  
26 of the chairman with prior approval of the governor.

27 Sec. 08.87.040. REGULATIONS. The board shall adopt regulations  
28 subject to the Administrative Procedure Act (AS 44.62) relating to  
29 the examination and licensing of marine pilots, and competent and

1 safe pilotage upon the waters covered by this chapter. The board  
2 may amend or repeal regulations.

3 Sec. 08.87.050. POWERS AND DUTIES. The board shall

4 (1) keep a register of licensed pilots and of vessels,  
5 operators and agents;

6 (2) make available, upon request, copies of this chapter  
7 and the regulations adopted under it; and

8 (3) issue and renew licenses.

9 ARTICLE 2. LICENSING

10 Sec. 08.87.080. LICENSE REQUIREMENT. No person may pilot a  
11 vessel subject to this chapter unless he is licensed under this  
12 chapter.

13 Sec. 08.87.090. APPLICATION. (a) A person who desires to  
14 be licensed under this chapter shall apply in writing to the  
15 department.

16 (b) The application shall provide the information and be made  
17 on a form prescribed by board regulation.

18 Sec. 08.87.100. QUALIFICATIONS. A person is entitled to a  
19 license under this chapter if he

20 (1) is at least 25 years of age;

21 (2) is of good moral character;

22 (3) is a citizen of the United States; and

23 (4) passes the examination given by the board.

24 Sec. 08.87.110. PREVIOUS LICENSURE. A license that was issued  
25 under AS 30.10 shall be considered as having been issued under this  
26 chapter.

27 Sec. 08.87.120. DURATION, RENEWAL. A license issued under  
28 this chapter lapses at the end of the calendar year for which it  
29 was issued. A license issued under AS 30.10 lapses at the end of

1 the calendar year in which this chapter becomes effective. A license  
2 shall be renewed without examination upon the payment of the annual  
3 license fee.

4 Sec. 08.87.130. LAPSED LICENSE. A lapsed license may be rein-  
5 stated if it has not remained lapsed for more than two years. If  
6 the license is lapsed for more than two years and the board has  
7 reason to believe that the person applying for reinstatement of  
8 his license no longer has sufficient knowledge to carry out the  
9 duties of a licensed marine pilot, the board may require the applicant  
10 to take and pass the examination given by the board.

11 Sec. 08.87.140. FEES. The following fees shall be imposed  
12 under this chapter when applicable:

- 13 (1) application fee . . . . . \$ 10  
14 (2) annual license fee. . . . . 100

15 Sec. 08.87.150. DENIAL, REVOCATION OR SUSPENSION. (a) The  
16 board, after compliance with the Administrative Procedure Act  
17 (AS 44.62), may deny, revoke or suspend the license of a person who

- 18 (1) is incompetent in the performance of his pilotage duties  
19 (2) is habitually intoxicated;  
20 (3) illegally uses or sells narcotic or hallucinogenic  
21 drugs;  
22 (4) makes a false statement to obtain a license; or  
23 (5) violates a provision of this chapter or a regulation  
24 adopted under this chapter.

25 (b) A license denied, revoked or suspended under (a) of this  
26 section may not be granted or reinstated until

- 27 (1) one year from the date of a final order of denial,  
28 revocation or suspension;  
29 (2) the reason for the license denial, revocation or

1 suspension has been remedied; and

2 (3) all fines imposed under this chapter have been paid.

3 ARTICLE 3. GENERAL

4 Sec. 08.87.160. MANDATORY EMPLOYMENT OF LICENSED PILOTS. A  
5 vessel subject to this chapter navigating the inland waters of  
6 Alaska shall employ a pilot holding a valid license issued under  
7 this chapter.

8 Sec. 08.87.170. PILOT'S LIEN FOR COMPENSATION. Each vessel,  
9 its tackle, apparel and furniture and the owner of the vessel are  
10 jointly and severally liable for the compensation of a pilot  
11 employed on the vessel and the pilot has a lien on the vessel, her  
12 tackle, apparel and furniture for his compensation.

13 Sec. 08.87.180. EXEMPTIONS. The provisions of this chapter  
14 do not apply to

15 (1) vessels under enrollment;

16 (2) fishing vessels registered in the United States or  
17 in British Columbia, Canada;

18 (3) motorboats as defined in sec. 1 of the federal Motor  
19 Boat Act of 1940 (54 Stat. 163; 46 U.S.C. sec. 526 et seq.);

20 (4) vessels and tow boats, other than vessels of Canada,  
21 engaged exclusively in the coastwise trade on the west coast of the  
22 United States, British Columbia, Canada and Alaska;

23 (5) vessels of Canada, including cruise ships, engaged  
24 in frequent trade between British Columbia and Alaska, provided  
25 that reciprocal exemptions are granted by Canada to vessels owned  
26 by the State of Alaska and those of United States' registry; and

27 (6) pleasure craft.

28 Sec. 08.87.190. PENALTY. A person who violates a provision  
29 of this chapter or a regulation adopted under this chapter is guilty

1 of a misdemeanor and, upon conviction, is punishable by a fine of  
2 not less than \$500 nor more than \$1000.

3 Sec. 08.87.200. DEFINITION. In this chapter

4 (1) "board" means Marine Pilots Board;

5 (2) "department" means the Department of Commerce;

6 (3) "commissioner" means commissioner of the Department  
7 of Commerce;

8 (4) "vessel" means all vessels not exempt under sec. 180  
9 of this chapter.

10 \* Sec. 3. AS 44.62.330(a) is amended by adding a new paragraph to read:

11 (33) Board of Marine Pilots.

12 \* Sec. 4. AS 30.10 and AS 44.62.330(a)(32) are repealed.

13 \* Sec. 5. This Act takes effect on the day after its passage and  
14 approval or on the day it becomes law without approval.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29