

Original sponsor: Rules Committee by
request of the Governor

Offered: 4/9/70
Referred: Rules

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 SENATE CS FOR 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 for
7 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
15 created the Board of Marine Pilots. It consists of two pilots licensed
16 under this chapter who have been actively engaged in piloting on vessels
17 subject to this chapter, two agents or managers of vessels subject to
18 this chapter, and the commissioner or his designee. Not more than one
19 pilot and one agent or manager shall be from any one judicial district.
20 All members of the board shall be residents of the state.

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

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

1 Sec. 08.87.040. REGULATIONS. The board shall adopt regulations
2 subject to the Administrative Procedure Act (AS 44.62) relating to
3 pilotage fees and the examination and licensing of marine pilots. The
4 board may amend or repeal regulations.

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

6 (1) keep a register of licensed pilots and of vessels,
7 operators and agents;

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

10 (3) issue and renew licenses; and

11 (4) review and approve all pilotage fees and charges.

12 ARTICLE 2. LICENSING.

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

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

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

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

21 (1) is of good moral character;

22 (2) is a citizen of the United States;

23 (3) passes the examination given by the board; and

24 (4) qualifies under the regulations adopted under sec. 40 of
25 this chapter.

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

29 Sec. 08.87.120. DURATION, RENEWAL. A license issued under this

1 chapter lapses at the end of the calendar year for which it was issued.
2 A license issued under AS 30.10 lapses at the end of the calendar year
3 in which this chapter becomes effective. A license shall be renewed
4 without examination upon the payment of the annual license fee.

5 Sec. 08.87.130. LAPSED LICENSE. A lapsed license may be rein-
6 stated if it has not remained lapsed for more than two years. If the
7 license is lapsed for more than two years and the board has reason to
8 believe that the person applying for reinstatement of his license is
9 incapable or incompetent to carry out the duties of a licensed marine
10 pilot, the board may require the applicant to take and pass the examina-
11 tion given by the board.

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

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

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

- 19 (1) is incompetent in the performance of his pilotage duties;
20 (2) is habitually intoxicated;
21 (3) illegally uses or sells narcotic or hallucinogenic

22 drugs;

- 23 (4) makes a false statement to obtain a license; or
24 (5) violates a provision of this chapter or a regulation

25 adopted under this chapter.

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

- 28 (1) the reason for the license denial, revocation or suspen-
29 sion has been remedied; and

1 (2) the period of suspension has been served and all fines
2 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 coastal waters of Alaska
6 shall employ a pilot holding a valid license issued under this chapter.

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

12 Sec. 08.87.180. EXEMPTIONS. This chapter does not apply to

13 (1) vessels under enrollment;

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

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

18 (4) vessels and tow boats of United States registry and
19 vessels owned by the State of Alaska, engaged exclusively

20 (A) on the rivers of Alaska, or

21 (B) in the coastwise trade on the west coast of the
22 United States including Alaska, Hawaii, and British Columbia,
23 Canada.

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

28 (6) pleasure craft.

29 Sec. 08.87.190. PENALTY. A person who violates a provision

1 of this chapter or a regulation adopted under this chapter is guilty
2 of a misdemeanor and, upon conviction, is punishable by a fine of
3 not less than \$500 nor more than \$1,000.

4 Sec. 08.87.200. DEFINITION. In this chapter

5 (1) "board" means the Board of Marine Pilots;

6 (2) "coastal waters" means all portions of the sea within the
7 territorial jurisdiction of the state and all inland waters navigable
8 in fact in which the tide ebbs and flows, but excludes lakes and
9 navigable rivers;

10 (3) "commissioner" means the commissioner of the Department
11 of Commerce;

12 (4) "department" means the Department of Commerce;

13 (5) "vessel" means all vessels not exempt under sec. 180 of
14 this chapter.

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

16 (33) Board of Marine Pilots.

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

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