

Original sponsor: Rules Committee by
request of the Governor

Offered: 4/25/70

1 IN THE HOUSE BY THE FREE CONFERENCE COMMITTEE
2 FREE CONFERENCE CS FOR 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. POWERS AND DUTIES. (a) The board shall

2 (1) provide for the maintenance of efficient and competent
3 pilot service on all waters covered by this chapter to assure protec-
4 tion of shipping and the safety of human life and property;

5 (2) consistent with the law, adopt regulations, subject
6 to the Administrative Procedure Act (AS 44,62), establishing the
7 qualifications of pilots and providing for the examination of pilots
8 and the issuance of original or renewal pilot licenses to qualified
9 persons;

10 (3) keep a register of licensed pilots, vessels, operators,
11 agents, and managers;

12 (4) regulate pilotage fees;

13 (5) make available, upon request, copies of this chapter
14 and the regulations adopted under it.

15 (b) The board may, by regulation, make any other provision for
16 proper and safe pilotage upon the waters covered by this chapter and
17 for the efficient administration of this chapter.

18 ARTICLE 2. LICENSING.

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

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

24 (b) The application shall provide the information and be made
25 on a form prescribed by the board.

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

28 (1) is of good moral character;

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

- 1 (3) passes the examination given by the board; and
- 2 (4) qualifies under the regulations adopted under sec. 50-
- 3 (a)(2) and (b) of this chapter.

4 Sec. 08.87.110. PREVIOUS LICENSURE. A license that was issued
5 under AS 30.10 shall be considered as having been issued under this
6 chapter.

7 Sec. 08.87.120. DURATION, RENEWAL. A license issued under this
8 chapter shall be renewed biennially on dates set by the department.
9 A license issued under AS 30.10 lapses at the end of the calendar year
10 in which this chapter becomes effective. A license issued between
11 the effective date of this chapter and the end of the calendar year
12 in which this chapter becomes effective shall be issued for a fee
13 of \$100. A license shall be renewed without examination upon the
14 payment of the biennial license fee.

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

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

- 24 (1) application fee..... \$ 10
- 25 (2) biennial license fee..... 200

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

- 29 (1) is incompetent in the performance of his pilotage duties

- 1 (2) is habitually intoxicated;
- 2 (3) illegally uses or sells narcotic or hallucinogenic
- 3 drugs;
- 4 (4) makes a false statement to obtain a license;
- 5 (5) violates a provision of this chapter or a regulation
- 6 adopted under it; or
- 7 (6) is guilty of misconduct during the course of his
- 8 employment.

9 (b) A license denied, revoked or suspended under (a) of this

10 section may not be granted or reinstated until

11 (1) the reason for the license denial, revocation or suspen-

12 sion has been remedied; and

13 (2) the period of suspension has been served and all fines

14 imposed under this chapter have been paid.

15 ARTICLE 3. GENERAL

16 Sec. 08.87.160. MANDATORY EMPLOYMENT OF LICENSED PILOTS. A

17 vessel subject to this chapter navigating the inside coastal waters

18 of Alaska as determined by regulation shall employ a pilot holding

19 a valid license under this chapter.

20 Sec. 08.87.170. PILOT'S LIEN FOR COMPENSATION. Each vessel, its

21 tackle, apparel and furniture and the owner of the vessel are jointly

22 and severally liable for the compensation of a pilot employed on the

23 vessel and the pilot has a lien on the vessel, her tackle, apparel

24 and furniture for his compensation.

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

- 26 (1) vessels under enrollment;
- 27 (2) fishing vessels registered in the United States or in
- 28 British Columbia, Canada;
- 29 (3) motorboats as defined in sec. 1 of the federal Motor

1 Boat Act of 1940 (54 Stat. 163; 46 U.S.C. sec. 526 et seq.);

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

4 (A) on the rivers of Alaska, or

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

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

12 (6) pleasure craft.

13 Sec. 08.87.190. PENALTY. A master or owner of a vessel required
14 by this chapter to employ a licensed pilot who fails to do so when a
15 licensed pilot is available, unless the perils or hazards of the sea
16 prevent the employment of a pilot, is guilty of a misdemeanor and,
17 upon conviction, is punishable by a fine of not less than \$500 nor
18 more than \$1,000. A person who violates any other provision of this
19 chapter or a regulation adopted under it is guilty of a misdemeanor
20 and, upon conviction, is punishable by a fine of not less than \$500
21 nor more than \$1,000.

22 Sec. 08.87.200. DEFINITIONS. In this chapter

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

24 (2) "commissioner" means the commissioner of the Department
25 of Commerce;

26 (3) "department" means the Department of Commerce;

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

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

1 (33) Board of Marine Pilots.

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

3 * Sec. 5. This Act takes effect on the day after its passage and approv-
4 al or on the day it becomes law without approval.

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