

**HOUSE BILL NO. 194**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVES C.DAVIS, G.Phillips, Hudson, Koponen, B.Davis, Taylor, Choquette**

**Introduced: 3/6/91**

**Referred: Transportation, Labor & Commerce, Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the Board of Marine Pilots, marine pilots, and marine pilot  
2 organizations; and providing for an effective date."

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

4 \* Section 1. FINDINGS. The legislature finds that

5 (1) the first and paramount duty of marine pilots licensed by the state is to provide for  
6 the public safety and the protection of the marine environment;

7 (2) marine pilots operating independently of the shipping industry have provided and will  
8 continue to provide essential service to the state;

9 (3) licensing and regulation of marine pilots have protected and will continue to protect  
10 the public from the consequences of marine accidents;

11 (4) the compulsory use of licensed marine pilots to pilot certain vessels in certain waters  
12 of and adjacent to the state is necessary in order to prevent the loss of life and property and to protect  
13 the marine environment;

14 (5) marine pilots must be highly trained and regulated to assure that only qualified

1 persons are responsible for navigating vessels in and adjacent to water of the state;

2 (6) the Board of Marine Pilots must have broad authority to regulate marine pilots,  
3 including authority to establish marine pilotage regions, tariffs, and training and licensing criteria for  
4 marine pilots;

5 (7) marine pilot organizations have provided, and will continue to provide, important  
6 service to the public and to protect lives and property and the marine environment;

7 (8) marine pilot organizations should share in the responsibility for maintaining safe and  
8 reliable marine pilotage systems established by the Board of Marine Pilots.

9 \* Sec. 2. AS 08.62.020 is amended to read:

10 Sec. 08.62.020. APPOINTMENT AND TERM OF OFFICE. The governor shall appoint  
11 the pilot, [AND] agent or manager, and public members of the board, subject to confirmation  
12 by a majority of the members of the legislature in joint session, for terms of four years [,] or  
13 until their successors are appointed. A person, with the exception of the commissioner or the  
14 commissioner's designee, may not be appointed to the board for more than two consecutive  
15 terms.

16 \* Sec. 3. AS 08.62.030 is amended to read:

17 Sec. 08.62.030. MEETINGS. The board shall hold at least four [A] regular meetings  
18 each year [ANNUAL MEETING]. The board may hold special meetings at the call of the chair  
19 or at the request of a majority of the members of the board [CHAIRMAN WITH PRIOR  
20 APPROVAL OF THE GOVERNOR].

21 \* Sec. 4. AS 08.62.040 is repealed and reenacted to read:

22 Sec. 08.62.040. POWERS AND DUTIES. (a) The board shall

23 (1) provide for

24 (A) the examination of applicants for marine pilot and deputy marine pilot  
25 licenses; and

26 (B) issuance and renewal of marine pilot and deputy marine pilot licenses  
27 for each pilotage region;

28 (2) place qualifications or limitations on marine pilot and deputy marine pilot  
29 licenses based on the characteristics of a marine pilotage region in which the licensee will operate  
30 and the experience and training of the licensee;

31 (3) recognize regional marine pilot organizations to promote, administer, and

1 manage an efficient, reliable, and safe pilotage system within each marine pilotage region;

2 (4) keep a register of licensed marine pilots, licensed deputy marine pilots, and  
3 agents;

4 (5) establish pilotage tariffs for each marine pilotage region, and charges for  
5 training and other purposes;

6 (6) establish a mandatory random drug and alcohol testing program for persons  
7 licensed under this chapter;

8 (7) establish standards for training of marine pilots and deputy marine pilots and  
9 review training programs conducted by regional marine pilot organizations and approve the  
10 training program if the board finds that the program is consistent with standards established by  
11 the board;

12 (8) make available, upon request, copies of this chapter and the regulations  
13 adopted under this chapter;

14 (9) review the articles, bylaws, and operating rules of regional marine pilot  
15 organizations recognized by the board and approve the articles, bylaws, and rules, if the board  
16 finds that they are consistent with this chapter, regulations adopted under this chapter, and other  
17 applicable law;

18 (10) audit regional marine pilot organizations recognized by the board for  
19 compliance with applicable law; and

20 (11) impose disciplinary sanctions under AS 08.01.075 on persons licensed under  
21 this chapter;

22 (12) establish by regulation marine pilotage regions.

23 (b) The board may, by regulation, make other provisions for proper and safe pilotage  
24 upon the waters covered by this chapter and for the efficient administration of this chapter.

25 (c) The board may, for good cause, require a person licensed under this chapter or an  
26 applicant for a license issued under this chapter to submit to a physical or mental examination  
27 to determine the person's fitness to perform the duties of a marine pilot.

28 \* Sec. 5. AS 08.62 is amended by adding a new section to article 1 to read:

29 Sec. 08.62.050. MARINE PILOT COORDINATOR. The department may, after  
30 consultation with the board, employ a marine pilot coordinator approved by the board to  
31 administer and enforce this chapter. The coordinator may not be an active member of a regional

1 marine pilot organization in the state and may not serve as a marine pilot except as necessary to  
2 perform the duties of marine pilot coordinator.

3 \* Sec. 6. AS 08.62.080 is repealed and reenacted to read:

4 Sec. 08.62.080. LICENSE REQUIREMENT. (a) A person may not pilot a vessel  
5 subject to this chapter unless the person is licensed under this chapter to pilot a vessel of that  
6 type or size within that marine pilotage region.

7 (b) Notwithstanding AS 08.01.100(a), marine pilot and deputy marine pilot licenses  
8 expire on December 31 of each even-numbered year.

9 \* Sec. 7. AS 08.62.090(a) is amended to read:

10 (a) A person who desires to be licensed under this chapter shall apply in writing to the  
11 department. A person must apply to take an examination at least 60 days before the  
12 scheduled date of an examination in order to take the examination on that date.

13 \* Sec. 8. AS 08.62.090 is amended by adding a new subsection to read:

14 (c) The board shall establish and publish dates for future examinations.

15 \* Sec. 9. AS 08.62.100 is repealed and reenacted to read:

16 Sec. 08.62.100. QUALIFICATIONS FOR A MARINE PILOT LICENSE. The board  
17 shall issue a marine pilot license for a marine pilotage region to a person who

- 18 (1) is a citizen of the United States;  
19 (2) passes written and oral examinations that may be required by the board;  
20 (3) successfully completes a training program that has been approved by the  
21 board.

22 \* Sec. 10. AS 08.62 is amended by adding new sections to read:

23 Sec. 08.62.113. QUALIFICATIONS FOR DEPUTY MARINE PILOT LICENSE. (a)

24 The board shall issue a deputy marine pilot license for a marine pilotage region to a person who

- 25 (1) is a citizen of the United States;  
26 (2) passes the written and oral examinations that may be required by the board;  
27 (3) has completed training requirements established by the board; and  
28 (4) satisfies (b) and (c) of this section.

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

- 31 (1) one year of sea service as a master on ocean or coastwise vessels while holding

1 a license as master of ocean steam or motor vessels of any gross tons;

2 (2) two years of sea service as a master on vessels or tug and tow of not less than  
3 1,600 combined gross tons while holding a license as master of vessels of not less than 1,600  
4 gross tons;

5 (3) two years of sea service as a chief officer on ocean or coastwise vessels of not  
6 less than 1,600 gross tons while holding a license as master of ocean steam or motor vessels of  
7 any gross tons;

8 (4) two years of sea service as commanding officer of United States commissioned  
9 vessels of not less than 1,600 gross tons while holding a license as master of ocean steam or  
10 motor vessels of any gross tons; or

11 (5) three years of experience as a member of a professional pilot's organization,  
12 during which the person actively engaged in piloting while holding at least a license as a master  
13 of freight or towing vessel of not more than 1,600 gross tons.

14 (c) A person who applies for a deputy marine pilot license under this section shall  
15 possess an endorsement of first class pilotage on the person's United States Coast Guard license  
16 without tonnage restrictions for the pilotage region for which the person seeks the deputy marine  
17 pilot license.

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

21 (e) In this section, "sea service" has the meaning given to the term by the United States  
22 Coast Guard under 46 C.F.R. 10.

23 Sec. 08.62.117. TRAINING PROGRAMS. (a) The board shall establish standards for  
24 training programs for a marine pilot license. The standards may include requirements for

25 (1) supervised familiarization and training trips on vessels subject to this chapter;

26 (2) supervised dockings, undockings, and tug assisted maneuvers;

27 (3) special training or experience necessary to qualify for a marine pilot license  
28 for a particular marine pilotage region;

29 (4) completion of the training program within a specified period;

30 (5) other training or experience that the board considers appropriate.

31 (b) The board shall establish standards for training programs for a deputy marine pilot

1 license, as the board may consider appropriate.

2 (c) A person who supervises the training of persons who are seeking a license under this  
3 chapter shall

4 (1) hold a marine pilot license issued under AS 08.62.100;

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

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

9 \* Sec. 11. AS 08.62.120 is repealed and reenacted to read:

10 Sec. 08.62.120. RENEWAL OF LICENSES. (a) In order to renew a marine pilot license,  
11 a person who is licensed under AS 08.62.100 shall

12 (1) submit an application for renewal of the license on a form provided by the  
13 board;

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

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

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

19 (A) has engaged in piloting vessels subject to this chapter during at least  
20 60 days in the licensing period immediately preceding the licensing period for which  
21 renewal is sought; or

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

25 (b) The board shall establish criteria for the renewal of deputy marine pilot licenses.

26 \* Sec. 12. AS 08.62.130 is repealed and reenacted to read:

27 Sec. 08.62.130. LAPSED LICENSES. (a) The board shall reinstate a lapsed marine  
28 pilot license if the former licensee satisfies the requirements of AS 08.62.100 and completes two  
29 familiarization trips under the supervision of a licensed marine pilot approved by the board for  
30 each year that the license has been lapsed to each major port and waterway, defined by the board,  
31 in the pilotage region for which the license is to be reissued and, if the license has been lapsed

1 for a year or more, passes an examination administered by the board.

2 (b) The board shall establish criteria for reinstatement of a lapsed deputy marine pilot  
3 license.

4 \* Sec. 13. AS 08.62.150(a) is amended to read:

5 (a) The board may impose a disciplinary sanction on a person licensed under this chapter  
6 when the board finds that the person

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

8 (2) is [HABITUALLY] intoxicated during the performance of pilotage duties  
9 due to alcohol;

10 (3) illegally uses or sells narcotic or hallucinogenic drugs;

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

12 (5) violates a provision of this chapter or a regulation adopted under this chapter  
13 [IT];

14 (6) is guilty of misconduct during the course of employment; [OR]

15 (7) charges, collects, or receives an amount for marine pilot services that is  
16 different from the tariff established by the board; or

17 (8) has suffered revocation of federal licensure as a pilot.

18 \* Sec. 14. AS 08.62.160 is amended to read:

19 Sec. 08.62.160. MANDATORY EMPLOYMENT OF LICENSED PILOTS. A vessel  
20 subject to this chapter navigating the water of or adjacent to, to the extent permitted by  
21 federal law, the state [INSIDE COASTAL WATERS OF ALASKA] as determined by  
22 regulation shall employ a marine pilot holding a valid license under this chapter.

23 \* Sec. 15. AS 08.62 is amended by adding a new section to read:

24 Sec. 08.62.165. LIABILITY. (a) A person who is licensed under this chapter is not  
25 liable in excess of \$5,000 for damage or loss occurring as a consequence of the person's error,  
26 fault, omission, or neglect in performing services for which a license is required under this  
27 chapter. The limitation of liability under this subsection does not apply if the person's error,  
28 fault, omission, or neglect is wilful.

29 (b) This section does not limit the liability of a vessel, its cargo, the owner of the vessel,  
30 or the operator of the vessel for damage or loss caused by the vessel because the vessel was  
31 piloted by a person licensed under this chapter or the damage or loss was a consequence of the

1 error, fault, omission, or neglect of a person licensed under this chapter while the person was  
2 piloting the vessel.

3 (c) A regional organization of marine pilots recognized by the board under this chapter  
4 is not liable for damage or loss arising from the error, fault, omission, or neglect of the  
5 organization or a member of the organization who is licensed under this chapter that is, directly  
6 or indirectly, related to the pilotage of a vessel.

7 (d) A person licensed under this chapter is not liable, directly or indirectly or as a  
8 member of a regional organization of marine pilots recognized by the board under this chapter,  
9 for loss or damage arising from the error, fault, omission, or neglect of another marine pilot or  
10 the regional organization of marine pilots relating to pilotage of a vessel.

11 (e) This section does not limit the liability of the owner or operator of a pilot boat for  
12 loss or damage arising from the ownership or operation of a pilot boat or the transportation of  
13 marine pilots to and from vessels.

14 \* Sec. 16. AS 08.62.170 is repealed and reenacted to read:

15 Sec. 08.62.170. PILOT'S LIEN FOR COMPENSATION. Each vessel, the owner of the  
16 vessel, and the master of the vessel are jointly and severally liable for the compensation of a  
17 person licensed under this chapter who is employed as a marine pilot on the vessel. A person  
18 licensed under this chapter has a lien on the vessel and the vessel's tackle, apparel, and furniture  
19 for compensation for marine pilot services.

20 \* Sec. 17. AS 08.62 is amended by adding a new section to read:

21 Sec. 08.62.175. REGIONAL ORGANIZATIONS OF MARINE PILOTS. (a) To the  
22 extent permitted under federal and state law, persons licensed under this chapter may form an  
23 organization of marine pilots for each marine pilotage region.

24 (b) The board may recognize one organization of marine pilots within each marine  
25 pilotage region.

26 (c) An organization of marine pilots recognized by the board shall promote a safe and  
27 reliable system of marine pilotage for the region in which the organization is established,  
28 including dispatching and training of marine pilots and deputy marine pilots and other functions  
29 that the organization may assume. The articles, bylaws, and rules of each organization of marine  
30 pilots recognized by the board are subject to approval by the board on the basis of

31 (1) uniform and nondiscriminatory application of the articles, bylaws, and rules

- 1 to marine pilots and deputy marine pilots licensed under this chapter;
- 2 (2) compliance with applicable laws; and
- 3 (3) effectiveness in
- 4 (A) promoting an efficient, reliable, and professional marine pilotage
- 5 system in the region;
- 6 (B) maintaining a sufficient number of qualified pilots to serve the needs
- 7 of vessels visiting the region;
- 8 (C) maintaining a training program for marine pilots and deputy marine
- 9 pilots that is approved by the board.
- 10 \* Sec. 18. AS 08.62.180 is amended to read:
- 11 Sec. 08.62.180. EXEMPTIONS. This chapter does not apply to
- 12 (1) coastwise vessels exempt from state pilot laws by federal law [VESSELS
- 13 UNDER ENROLLMENT, EXCEPT AS PROVIDED IN AS 08.62.185];
- 14 (2) fishing vessels registered in the United States or in British Columbia, Canada;
- 15 (3) vessels propelled by machinery and not more than 65 feet in length over deck,
- 16 except tugboats and towboats propelled by steam;
- 17 (4) vessels of United States registry of less than 300 gross tons and tow boats of
- 18 United States registry and vessels owned by the State of Alaska, engaged exclusively
- 19 (A) on the rivers of Alaska, or
- 20 (B) in the coastwise trade on the west coast of the United States including
- 21 Alaska, Hawaii, and British Columbia, Canada;
- 22 (5) vessels of Canada, built in Canada and manned by Canadian citizens
- 23 including Canadian cruise ships, engaged in frequent trade between British Columbia and Alaska,
- 24 if reciprocal exemptions are granted by Canada to vessels owned by the State of Alaska and
- 25 those of United States registry; and
- 26 (6) pleasure craft.
- 27 \* Sec. 19. AS 08.62.187 is amended to read:
- 28 Sec. 08.62.187. REGISTRATION OF AGENTS REQUIRED. A person may not act as
- 29 an agent of a vessel subject to this chapter unless the person's name appears on the register of
- 30 agents kept by the board under AS 08.62.040(a) [AS 08.62.040(a)(3)].
- 31 \* Sec. 20. AS 08.62.190 is amended to read:

1           Sec. 08.62.190. PENALTY. (a) A master or owner of a vessel required by this chapter  
2 to employ a licensed pilot who fails to do so when a licensed pilot is available, unless the perils  
3 or hazards of the sea prevent the employment of a pilot, is guilty of a misdemeanor and, upon  
4 conviction, is punishable by a fine of not less than \$5,000 [\$1,000] nor more than \$15,000 for  
5 the first offense and not less than \$10,000 nor more than \$30,000 for each subsequent  
6 offense [\$5,000].

7           **(b)** A person who violates any other provision of this chapter or a regulation adopted  
8 under this chapter [IT] is guilty of a misdemeanor and, upon conviction, is punishable by a fine  
9 of not less than \$1,000 [\$500] nor more than \$5,000 [\$1,000].

10 \* Sec. 21. AS 08.62 is amended by adding a new section to read:

11           Sec. 08.62.201. SHORT TITLE. This chapter may be cited as the Alaska Marine Pilotage  
12 Act.

13 \* Sec. 22. AS 39.25.120(c) is amended by adding a new paragraph to read:

14           (21) marine pilot coordinator of the Board of Marine Pilots.

15 \* Sec. 23. AS 45.50.572(a) is amended to read:

16           (a) AS 45.50.562 - 45.50.596 do not forbid the existence or operation of labor,  
17 agricultural, [OR] horticultural, or licensed marine pilot organizations created for the purpose  
18 of mutual help, and not conducted for profit, or forbid or restrain members of those organizations  
19 from lawfully carrying out the legitimate objectives of them; nor are these organizations or  
20 members illegal combinations or conspiracies in restraint of trade under the provisions of  
21 AS 45.50.562 - 45.50.596.

22 \* Sec. 24. TRANSITION; MARINE PILOT LICENSE. (a) Marine pilot licenses issued under  
23 AS 08.62.100 before the effective date of sec. 9 of this Act shall be valid for the period for which the  
24 licenses were issued and may be renewed until December 31, 1994, without examination upon payment  
25 of the marine pilot license fee.

26           (b) A person who has applied for or made a substantial effort toward qualifying for, as  
27 determined by the Board of Marine Pilots, a marine pilot license under AS 08.62.100 before the effective  
28 date of sec. 9 of this Act, may receive a marine pilot license under the requirements for licensure as they  
29 existed before the effective date of sec. 9 of this Act and may renew the license until December 31,  
30 1994, without examination upon payment of the marine pilot license fee.

31           (c) A person may not hold a marine pilot license after December 31, 1994, without satisfying

1 the requirements of AS 08.62.100, as amended by sec. 9 of this Act.

2 (d) Notwithstanding AS 08.62.080(a), as amended by sec. 6 of this Act, a marine pilot license  
3 issued under AS 08.62.100 before the effective date of sec. 9 of this Act or under (b) of this section, and  
4 for subsequent renewals of the license, entitles the licensee to pilot vessels in any marine pilotage region  
5 in the state until December 31, 1994.

6 \* Sec. 25. AS 08.62.155 is repealed.

7 \* Sec. 26. Sections 1 - 5, 13 - 23, and 25 of this Act take effect July 1, 1991.

8 \* Sec. 27. Sections 6 - 12 and 24 of this Act take effect January 1, 1992.