

CS FOR HOUSE BILL NO. 194 (FINANCE)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 5/15/91

Referred: Rules

Sponsor(s): REPRESENTATIVES C.DAVIS, G.Phillips, Hudson, Koponen, B.Davis, Taylor, Choquette, Baker, Sharp

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Board of Marine Pilots, marine pilots, investigations of marine
2 accidents, and training fees; and extending the termination date of the Board of Marine
3 Pilots."

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

5 * Section 1. AS 08.03.010(c)(12) is amended to read:

6 (12) Board of Marine Pilots (AS 08.62.010) -- June 30, 1995 [1991];

7 * Sec. 2. AS 08.62.040 is amended to read:

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

9 (1) provide for the maintenance of efficient and competent pilotage [PILOT]
10 service on all inland and coastal water of the state [WATERS COVERED BY THIS
11 CHAPTER] to assure the protection of shipping, [AND] the safety of human life and property,
12 and the protection of the marine environment;

13 (2) consistent with the law, adopt regulations, subject to the Administrative
14 Procedure Act (AS 44.62), establishing the qualifications of and required training for pilots and

1 providing for the examination of pilots and the issuance of original or renewal pilot licenses to
2 qualified persons;

3 (3) keep a register of licensed pilots [,] and agents;

4 (4) adopt regulations under the Administrative Procedure Act (AS 44.62)
5 establishing standards by which pilotage fees may be established, and pay for audits whenever
6 an audit is necessary to collect information needed to apply the standards in the regulations;

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

9 (6) impose civil fines under AS 08.62.190 for violations of this chapter or
10 regulations adopted under this chapter [IT].

11 (b) The board may, by regulation, make any other provision for proper and safe pilotage
12 upon the inland and coastal water of the state [WATERS COVERED BY THIS CHAPTER]
13 and for the efficient administration of this chapter, including establishing a mandatory random
14 drug and alcohol testing program for pilots licensed under this chapter.

15 * Sec. 3. AS 08.62.040 is amended by adding a new subsection to read:

16 (c) The board may require a pilot licensed under this chapter to submit to a physical or
17 mental examination to determine the pilot's fitness to perform the duties of a pilot.

18 * Sec. 4. AS 08.62 is amended by adding new sections to article 1 to read:

19 Sec. 08.62.050. MARINE PILOT COORDINATOR. The department may, after
20 consultation with the board, employ a marine pilot coordinator approved by the board to
21 administer and enforce this chapter. The coordinator may not be a member of a regional marine
22 pilot organization in the state and may not serve as a pilot except as necessary to perform the
23 duties of marine pilot coordinator.

24 Sec. 08.62.055. TRAINING PROGRAMS FOR PILOT LICENSE. (a) The board shall
25 establish standards for training programs for a pilot license. The standards may include
26 requirements for

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

28 (2) dockings, undockings, and tug assisted maneuvers;

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

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

31 (b) The board may not establish standards under this section that have the effect of

1 unreasonably restricting entry into the profession by any person.

2 * Sec. 5. AS 08.62.080 is amended by adding a new subsection to read:

3 (b) The board shall establish dates for license examinations and shall provide public
4 notice of the dates for license examinations.

5 * Sec. 6. AS 08.62.090 is amended by adding a new subsection to read:

6 (c) In order to be eligible to take the next scheduled examination, a person shall file the
7 application with the board at least 30 days before the date of the examination.

8 * Sec. 7. AS 08.62.100 is repealed and reenacted to read:

9 Sec. 08.62.100. QUALIFICATIONS FOR LICENSE. (a) The board shall issue a pilot
10 license to a person if the person is a citizen of the United States, passes the written examinations
11 given by the board, qualifies under regulations adopted by the board, and meets the qualifications
12 in (b) - (c) of this section.

13 (b) In addition to the qualifications in (a) of this section, an applicant may not receive
14 a license under this section unless the applicant provides documentation to the board of the
15 following service:

16 (1) one year of service as a master of ocean or coastwise vessels while holding
17 a license as the master of ocean steam or motor vessels of any gross tons;

18 (2) two years of service as a master of freight on a towing vessel while holding
19 a license as the master of freight and towing vessels of not less than 1,600 gross tons;

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

23 (4) two years of service as commanding officer of United States government
24 vessels of not less than 1,600 gross tons while holding a license as the master of ocean steam
25 or motor vessels of any gross tons; or

26 (5) three years of experience as a professional pilot during which the candidate
27 was actively engaged in piloting.

28 (c) An applicant for a license under this section shall possess an endorsement of first
29 class pilotage on the applicant's United States Coast Guard license with no tonnage restrictions.

30 * Sec. 8. AS 08.62.120 is repealed and reenacted to read:

31 Sec. 08.62.120. RENEWAL. Licenses issued under this chapter expire on December 31

1 of each even-numbered year. In addition to complying with the requirements of AS 08.01.100,
2 in order to renew a license a pilot shall

3 (1) submit a renewal application on a form provided by the board;

4 (2) meet the minimum qualifications set out in AS 08.62.100 and the regulations
5 adopted by the board under AS 08.62.100; and

6 (3) on a form approved by the board, provide evidence of a satisfactory physical
7 examination by a licensed physician within 60 days before the date of renewal.

8 * Sec. 9. AS 08.62.130 is repealed and reenacted to read:

9 Sec. 08.62.130. LAPSED LICENSE. The board shall reinstate a lapsed license if, in
10 addition to complying with the requirements of AS 08.01.100(a) - (c) and AS 08.62.120, the pilot
11 takes and passes a written examination if the license has been lapsed one year or more.

12 * Sec. 10. AS 08.62.150(a) is amended to read:

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

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

16 (2) is [HABITUALLY] intoxicated during the performance of pilotage duties
17 due to alcohol, a controlled substance, or other drug;

18 (3) illegally possesses, uses, or sells controlled substances [NARCOTIC OR
19 HALLUCINOGENIC DRUGS];

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

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

23 (6) is guilty of misconduct during the course of employment; or

24 (7) has had the person's United States Coast Guard pilot license conditioned,
25 suspended, or revoked [SUFFERED REVOCATION OF FEDERAL LICENSURE AS A
26 PILOT].

27 * Sec. 11. AS 08.62.155 is repealed and reenacted to read:

28 Sec. 08.62.155. DISCIPLINARY SANCTIONS. The board may take disciplinary action
29 under AS 08.01.075.

30 * Sec. 12. AS 08.62.160 is amended to read:

31 Sec. 08.62.160. MANDATORY EMPLOYMENT OF LICENSED PILOTS. A vessel

1 subject to this chapter navigating inland and coastal water of the state [THE INSIDE
2 COASTAL WATERS OF ALASKA] as determined by the board in regulation shall employ a
3 pilot holding a valid license under this chapter. A vessel in the mandatory pilotage water of
4 the state shall be under the conduct of a pilot licensed under this chapter during movement
5 of the vessel, unless the pilot is removed by the master for cause.

6 * Sec. 13. AS 08.62.185 is repealed and reenacted to read:

7 Sec. 08.62.185. PILOTS REQUIRED FOR OIL TANKERS. (a) An oil tanker of 50,000
8 dead weight tons or greater that is not required by federal law to be under the direction and
9 control of a federally licensed pilot shall employ a pilot licensed by the state under this chapter
10 when navigating in state inland or coastal water beyond Alaska pilot stations.

11 (b) The pilot required in (a) of this section shall control the vessel during all docking
12 operations.

13 * Sec. 14. AS 08.64.190 is repealed and reenacted to read:

14 Sec. 08.62.190. CIVIL FINE. (a) A master or owner of a vessel required by this chapter
15 to employ a licensed pilot who fails to do so when a licensed pilot is available, unless the perils
16 or hazards of the sea prevent the employment of a pilot, is subject to a civil fine imposed by the
17 board of not less than \$5,000 nor more than \$15,000 for the first violation and not less than
18 \$10,000 nor more than \$30,000 for each subsequent violation.

19 (b) Except as provided in (a) of this section, a person who violates a provision of this
20 chapter or a regulation adopted under this chapter is subject to a civil fine imposed by the board
21 of not less than \$1,000 nor more than \$5,000.

22 (c) Each day on which a violation described in this section occurs is a separate violation.

23 * Sec. 15. AS 39.25.120(c) is amended by adding a new paragraph to read:

24 (22) marine pilot coordinator of the Board of Marine Pilots.

25 * Sec. 16. TRANSITION; PILOT LICENSE. (a) A pilot license issued under AS 08.62.100 before
26 the effective date of this Act shall be valid for the period for which the license was issued and may be
27 renewed until December 31, 1994, without examination upon payment of the pilot license fee.

28 (b) A person may not hold a pilot license after December 31, 1994, without satisfying the
29 requirements of AS 08.62.100, as amended by sec. 7 of this Act.

30 (c) Notwithstanding (a) - (b) of this section, a person licensed under AS 08.62 who applies for
31 a change, amendment, or an endorsement for the person's pilot license must qualify for the change,

1 amendment, or endorsement under AS 08.62, as amended by this Act and implementing regulations
2 adopted by the Board of Marine Pilots.

3 * **Sec. 17. INVESTIGATION OF MARINE ACCIDENTS.** The marine pilot coordinator of the Board
4 of Marine Pilots shall cooperate with federal and state agencies responsible for regulation of marine
5 pilots and the investigation of marine accidents to develop guidelines for, and a system of timely,
6 thorough, and fair investigations of, marine accidents involving death or injury to a person or damage
7 to property. The marine pilot coordinator shall submit a report on the guidelines and system developed
8 to investigate marine accidents and on recommendations for legislation necessary to provide for the
9 investigation of marine accidents to the legislature on the first legislative day of the Second Regular
10 Session of the Seventeenth Alaska State legislature.

11 * **Sec. 18.** The Department of Commerce and Economic Development, notwithstanding AS 08.01.065,
12 may establish a one-time assessment on persons licensed under AS 08.62 and applicants for licenses
13 under AS 08.62 to pay for additional training required under this Act before the next period for renewal
14 of marine pilot licenses.