
By: Chairman, Economic Matters Committee (Departmental - Labor, Licensing and Regulation)

Introduced and read first time: January 25, 1996

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Pilots - Licensing, Disability, Retirement, and Compensation of Pilots**

3 FOR the purpose of altering provisions relating to the regulation of pilots; adding a third
4 category of limited license; setting a duration of validity for all limited licenses;
5 establishing a fee for a limited license; creating a certain limited license; providing
6 reduced retirement payments for inactive pilots within a certain range of years of
7 service; providing for physicians to certify disability of a pilot; altering the rate of
8 compensation for a detained pilot; making a stylistic change; and generally relating
9 to pilots.

10 BY repealing and reenacting, with amendments,

11 Article - Business Occupations and Professions

12 Section 11-101, 11-402, 11-403, 11-406, 11-407, 11-408, 11-504, 11-505, 11-506,
13 and 11-602

14 Annotated Code of Maryland

15 (1995 Replacement Volume and 1995 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Business Occupations and Professions**

19 11-101.

20 (a) In this title the following words have the meanings indicated.

21 (b) "Apprentice pilot" means an individual who is engaged in training, under the
22 supervision of a licensed pilot, to provide pilotage.

23 (c) "Association" means the Association of Maryland Pilots.

24 (d) "Board" means the State Board of Pilots.

25 (e) (1) "License" means, unless the context requires otherwise, a license issued
26 by the Board to provide pilotage.

27 (2) "License" includes, unless the context requires otherwise, a limited
28 license.

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1 (f) (1) "Licensed pilot" means a pilot who is licensed by the Board to provide
2 pilotage.

3 (2) "Licensed pilot" includes the holder of a limited license.

4 (g) (1) "Limited license" means a license issued by the Board to provide
5 pilotage as limited by § 11-407 of this title.

6 (2) "Limited license" includes A 37-FOOT-DRAFT LIMITED LICENSE,a
7 34-foot-draft limited [license] LICENSE, and a 28-foot-draft limited license.

8 (h) "Pilot" means an individual who provides pilotage.

9 (i) (1) "Provide pilotage" means to pilot a vessel under the provisions of this
10 title when the vessel is underway on the navigable waters of the State,including when the
11 vessel is towing or being towed by another vessel.

12 (2) "Provide pilotage" does not include:

13 (i) maneuvering a vessel during berthing or unberthing operations; or

14 (ii) shifting a vessel within a port with tug assistance and a docking
15 master aboard the vessel.

16 11-402.

17 Subject to the provisions of this subtitle, the Board may issue:

18 (1) a license;

19 (2) A 37-FOOT-DRAFT LIMITED LICENSE;

20 [(2)] (3) a 34-foot-draft limited license; and

21 [(3)] (4) a 28-foot-draft limited license.

22 11-403.

23 (a) To qualify for a limited license, an applicant shall be an individual who meets
24 the requirements of this section.

25 (b) An applicant shall have trained as an apprentice pilot for at least 2 years.

26 (c) An applicant shall possess sufficient ability, skill, and experience for a
27 28-foot-draft limited license [or], a 34-foot-draft limited license, ORA
28 37-FOOT-DRAFT LIMITED LICENSE as determined by the Board through observation of
29 the applicant's performance providing pilotage.

30 11-406.

31 (a) If an applicant qualifies for a license under this subtitle, theBoard shall send
32 the applicant a notice that states that:

33 (1) the applicant has qualified for a license; and

34 (2) the Board will issue the appropriate license to an applicant on receipt of
35 a license fee of:

3

1 (i) \$600 for a license other than a limited license;

2 (II) \$400 FOR A 37-FOOT-DRAFT LIMITED LICENSE;

3 [(ii)] (III) \$300 for a 34-foot-draft limited license; or

4 [(iii)] (IV) \$200 for a 28-foot-draft limited license.

5 (b) On payment of the license fee, the Board shall issue an appropriate license to
6 each applicant who meets the requirements of this subtitle.

7 (c) The Board shall seal each license that the Board issues with its official seal.

8 11-407.

9 (a) While a license, other than a limited license, is in effect, it authorizes the
10 licensee to provide pilotage for vessels of any draft.

11 (b) (1) WHILE A 37-FOOT-DRAFT LIMITED LICENSE IS IN EFFECT, IT
12 AUTHORIZES THE LICENSEE TO PROVIDE PILOTAGE FOR VESSELS NOT EXCEEDING
13 37-FOOT-DRAFT.

14 (2) While a 34-foot-draft limited license is in effect, it authorizes the
15 licensee to provide pilotage for vessels not exceeding 34-foot-draft.

16 [(2)] (3) While a 28-foot-draft limited license is in effect, it authorizes the
17 licensee to provide pilotage for vessels not exceeding 28-foot-draft.

18 11-408.

19 (a) Unless a license is renewed for a 2-year term as provided in this section, the
20 license expires on the first May 30 that comes:

21 (1) after the effective date of the license; and

22 (2) in an even-numbered year.

23 (b) At least 1 month before a license expires, the Board shall mail to the licensee,
24 at the last known address of the licensee:

25 (1) a renewal application form; and

26 (2) a notice that states:

27 (i) the date on which the current license expires;

28 (ii) the date by which the Board must receive the renewal application
29 for the renewal to be issued and mailed before the license expires; and

30 (iii) the amount of the renewal fee.

31 (c) Before a license expires, the licensee periodically may renew it for an
32 additional 2-year term, if the licensee:

33 (1) applies for renewal in April or May of the year in which the license is
34 due to expire, unless the Board in its discretion allows otherwise;

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1 (2) otherwise is entitled to be licensed;

2 (3) pays to the Board a renewal fee of:

3 (i) \$600 for a license other than a limited license;

4 (II) \$400 FOR A 37-FOOT-DRAFT LIMITED LICENSE;

5 [(ii)] (III) \$300 for a 34-foot-draft limited license; or

6 [(iii)] (IV) \$200 for a 28-foot-draft limited license; and

7 (4) submits to the Board a renewal application on the form thatthe Board
8 provides.

9 (d) The Board shall renew the license of a licensee who meets the requirements of
10 this section.

11 (E) A LIMITED LICENSE SHALL BE VALID FOR A 2-YEAR PERIOD BEGINNING
12 ON THE DATE OF ITS ISSUANCE BY THE BOARD.

13 11-504.

14 (a) [A pilot is eligible for payments as an inactive pilot under § 11-506 of this
15 subtitle if:

16 (1) the pilot is at least 70 years old; and

17 (2) before becoming inactive, the pilot was:

18 (i) a member in good standing of the Association; and

19 (ii) licensed by the Board to provide pilotage for vesselsof any draft.

20 (b)] A pilot is eligible for payments as an inactive pilot under § 11-506 of this
21 subtitle if the pilot:

22 (1) chooses to be placed on the list of inactive pilots maintained by the
23 Association; and

24 (2) has been, for at least 25 years:

25 (i) a member in good standing of the Association; and

26 (ii) licensed by the Board to provide pilotage for vesselsof [any]

27 UNLIMITED draft.

28 (B) A PILOT IS ELIGIBLE FOR REDUCED PAYMENTS AS AN INACTIVE PILOT
29 UNDER § 11-506 OF THIS SUBTITLE IF THE PILOT:

30 (1) CHOOSES TO BE PLACED ON THE LIST OF INACTIVE PILOTS
31 MAINTAINED BY THE ASSOCIATION; AND

32 (2) HAS BEEN, FOR AT LEAST 20 YEARS:

33 (I) A MEMBER IN GOOD STANDING OF THE ASSOCIATION; AND

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1 (II) LICENSED BY THE BOARD TO PROVIDE PILOTAGE FOR
2 VESSELS OF UNLIMITED DRAFT.

3 11-505.

4 (a) A pilot is eligible for payments as a permanently disabled pilot under § 11-506
5 of this subtitle if:

6 (1) the pilot has:

7 (i) been certified to be permanently incapable of providing pilotage by
8 [2 doctors] TWO PHYSICIANS chosen by the Board; or

9 (ii) had a federal or State pilot's license revoked for physical disability;
10 and

11 (2) before becoming permanently disabled, the pilot was:

12 (i) a member in good standing of the Association; and

13 (ii) licensed by the Board to provide pilotage for vessels of any draft.

14 (b) Eligibility for payments as a permanently disabled pilot shall cease if:

15 (1) a pilot who was declared permanently incapable of providing pilotage
16 becomes capable of providing pilotage; or

17 (2) a pilot who had a federal or State pilot's license revoked for physical
18 disability has the license reissued.

19 11-506.

20 (a) Each month, the Association shall distribute the pilotage fees that the
21 Association collects in the following order:

22 (1) within 10 days after the close of each month, the Association shall pay to
23 the Board for that month an amount determined under [subsection (b)] SUBSECTIONS
24 (B) AND (C) of this section for distribution to the pilots who, at the beginning of that
25 month, were eligible for payments as inactive or permanently disabled pilots; and

26 (2) the balance of the pilotage fees collected shall be:

27 (i) first, used by the Association to pay its expenses;

28 (ii) second, paid to the Maintenance and Replacement Fund under §
29 11-507 of this subtitle; and

30 (iii) finally, in accordance with the bylaws of the Association, paid to
31 the regularly working licensed pilots who are members in good standing of the
32 Association.

33 (b) (1) The amount to be paid by the Association to the Board for distribution
34 to eligible inactive [and permanently disabled] pilots WHO FOR AT LEAST 25 YEARS
35 HAVE BEEN MEMBERS IN GOOD STANDING OF THE ASSOCIATION AND LICENSED BY

6

1 THE BOARD TO PROVIDE PILOTAGE FOR VESSELS OF UNLIMITED DRAFT shall be
2 computed by:

3 (i) determining the greater of:

4 1. \$200; or

5 2. 40% of the share payable under this subtitle for the month
6 for which the payment is to be made to a regularly working licensed pilot; and

7 (ii) multiplying the figure determined under item (i) of this paragraph
8 by the number of pilots in the Association who, at the beginning of the month for which
9 the payment is to be made, were eligible for payments as inactive [or permanently
10 disabled] pilots UNDER THIS SUBSECTION.

11 (2) [Within 10 days after the Board receives the amount paid under
12 paragraph (1) of this subsection, the Board shall distribute that amount equally to those
13 pilots who, at the beginning of the month for which the payment is made, were eligible for
14 payments as inactive or permanently disabled pilots.] THE AMOUNT TO BE PAID BY THE
15 ASSOCIATION TO THE BOARD FOR DISTRIBUTION TO ELIGIBLE INACTIVE PILOTS
16 WHO BECOME INACTIVE WITH AT LEAST 20 YEARS BUT LESS THAN 25 YEARS AS
17 MEMBERS IN GOOD STANDING OF THE ASSOCIATION AND LICENSED BY THE BOARD
18 TO PROVIDE PILOTAGE FOR VESSELS OF UNLIMITED DRAFT SHALL BE COMPUTED
19 AS FOLLOWS:

20 (I) FOR EACH PILOT DETERMINING THE SUM OF:

21 1. 32% OF THE SHARE PAYABLE UNDER THIS SUBTITLE FOR
22 THE MONTH FOR WHICH THE PAYMENT IS TO BE MADE TO A REGULARLY WORKING
23 LICENSED PILOT; AND

24 2. 1.6% OF THE SHARE PAYABLE UNDER THIS SUBTITLE FOR
25 THE MONTH FOR WHICH THE PAYMENT IS TO BE MADE TO A REGULARLY WORKING
26 LICENSED PILOT IN ADDITION FOR EACH YEAR OF SERVICE IN EXCESS OF 20 YEARS
27 AND UP TO 25 YEARS; AND

28 (II) TOTALLING THE SUMS DETERMINED UNDER ITEM (I) OF THIS
29 PARAGRAPH FOR EACH PILOT IN THE ASSOCIATION WHO, AT THE BEGINNING OF
30 THE MONTH FOR WHICH THE PAYMENT IS TO BE MADE, WAS ELIGIBLE FOR
31 PAYMENT AS AN INACTIVE PILOT UNDER THIS SUBSECTION.

32 (C) (1) THE AMOUNT TO BE PAID BY THE ASSOCIATION TO THE BOARD FOR
33 DISTRIBUTION TO PERMANENTLY DISABLED PILOTS SHALL BE COMPUTED BY:

34 (I) DETERMINING THE GREATER OF:

35 1. \$200; OR

36 2. 40% OF THE SHARE PAYABLE UNDER THIS SUBTITLE FOR
37 THE MONTH FOR WHICH THE PAYMENT IS TO BE MADE TO A REGULARLY WORKING
38 LICENSED PILOT; AND

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1 (II) MULTIPLYING THE FIGURE DETERMINED UNDER ITEM (I) OF
2 THIS PARAGRAPH BY THE NUMBER OF PILOTS IN THE ASSOCIATION WHO, AT THE
3 BEGINNING OF THE MONTH FOR WHICH THE PAYMENT IS TO BE MADE, WERE
4 ELIGIBLE FOR PAYMENTS AS PERMANENTLY DISABLED PILOTS.

5 (2) WITHIN 10 DAYS AFTER THE BOARD RECEIVES THE AMOUNT PAID
6 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL DISTRIBUTE THAT
7 AMOUNT:

8 (I) EQUALLY TO THOSE PILOTS WHO, AT THE BEGINNING OF THE
9 MONTH FOR WHICH THE PAYMENT IS MADE, WERE ELIGIBLE FOR PAYMENTS AS
10 INACTIVE OR PERMANENTLY DISABLED PILOTS UNDER PARAGRAPH (1) OF THIS
11 SUBSECTION OR SUBSECTION (B)(1) OF THIS SECTION; AND

12 (II) IN THE AMOUNTS AS ADJUSTED PURSUANT TO SUBSECTION
13 (B)(2) OF THIS SECTION TO INACTIVE PILOTS WITH AT LEAST 20 YEARS BUT LESS
14 THAN 25 YEARS AS A MEMBER IN GOOD STANDING OF THE ASSOCIATION AND
15 LICENSED BY THE BOARD TO PROVIDE PILOTAGE FOR VESSELS OF UNLIMITED
16 DRAFT.

17 11-602.

18 (a) If a licensed pilot is detained for any reason on a vessel that has employed the
19 pilot to provide pilotage, the master of the vessel shall pay the cost of the pilot's
20 maintenance and [\$75 per day] THE DAILY RATE OF PAY FOR AN UNLIMITED
21 LICENSE PILOT AS DETERMINED BY THE BYLAWS OF THE ASSOCIATION for each day
22 the pilot is detained.

23 (b) If a licensed pilot is quarantined by order of a health officer because of
24 conditions on a vessel that has employed the pilot to provide pilotage, the master of the
25 vessel shall pay the pilot the cost of the pilot's maintenance and [\$75per day] THE
26 DAILY RATE OF PAY FOR AN UNLIMITED LICENSE PILOT AS DETERMINED BY THE
27 BYLAWS OF THE ASSOCIATION for each day that the pilot is quarantined.

28 (c) If a master of a vessel carries a licensed pilot to sea under circumstances that
29 are beyond the control of the pilot, the master shall:

30 (1) pay the pilot [\$75 per day] THE DAILY RATE OF PAY FOR AN
31 UNLIMITED LICENSE PILOT AS DETERMINED BY THE BYLAWS OF THE ASSOCIATION
32 until the return [or death] of the pilot;

33 (2) provide first class accommodations and maintenance for the pilot; and

34 (3) at the first opportunity, return the pilot by first class passage to the
35 home port of the pilot.

36 (d) The master, owner, charterer, and agent of a vessel shall be jointly and
37 severally liable for any payments due under this section.

38 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
39 October 1, 1996.