

SENATE BILL 580

Unofficial Copy  
C2

2002 Regular Session  
(21r0004)

**ENROLLED BILL**

-- Education, Health, and Environmental Affairs/Economic Matters --

Introduced by **Chairman, Education, Health, and Environmental Affairs  
Committee (Departmental - Labor, Licensing and Regulation)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER 475

1 AN ACT concerning

2 **State Board of Docking Masters**

3 FOR the purpose of ~~altering the membership of the State Board of Docking Masters;~~  
4 establishing a trainee docking master program; authorizing the Board to issue  
5 certain limited docking master licenses; establishing certain limited license  
6 qualifications and fees; altering the ~~hearing~~ provisions for certain disciplinary  
7 actions by the Board; authorizing the Board to impose certain civil penalties;  
8 defining certain terms; and generally relating to the State Board of Docking  
9 Masters.

10 BY renumbering

11 Article - Business Occupations and Professions  
12 Section 5.5-301 through 5.5-307 and the subtitle "Subtitle 3. Licensing";  
13 5.5-401 through 5.5-405 and the subtitle "Subtitle 4. Employment and  
14 Payment of Docking Masters"; 5.5-501 through 5.5-503 and the subtitle  
15 "Subtitle 5. Prohibited Acts; Penalties"; 5.5-601 and 5.5-602 and the

1 subtitle "Subtitle 6. Short Title; Termination of Title", respectively  
2 to be Section 5.5-401, 5.5-403, and 5.5-405 through 5.5-409 and the subtitle  
3 "Subtitle 4. Licensing"; 5.5-501 through 5.5-505 and the subtitle "Subtitle  
4 5. Employment and Payment of Docking Masters"; 5.5-601 through  
5 5.5-603 and the subtitle "Subtitle 6. Prohibited Acts; Penalties"; 5.5-701  
6 and 5.5-702 and the subtitle "Subtitle 7. Short Title; Termination of Title",  
7 respectively  
8 Annotated Code of Maryland  
9 (2000 Replacement Volume and 2001 Supplement)

10 BY adding to  
11 Article - Business Occupations and Professions  
12 Section 5.5-301 through 5.5-306, inclusive, to be under the new subtitle  
13 "Subtitle 3. Trainee Docking Masters"; 5.5-402 and 5.5-404  
14 Annotated Code of Maryland  
15 (2000 Replacement Volume and 2001 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Business Occupations and Professions  
18 Section 5.5-101, ~~5.5-202(a)~~, and 5.5-206  
19 Annotated Code of Maryland  
20 (2000 Replacement Volume and 2001 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article - Business Occupations and Professions  
23 Section 5.5-403, 5.5-406, 5.5-407, 5.5-408, and 5.5-602  
24 Annotated Code of Maryland  
25 (2000 Replacement Volume and 2001 Supplement)  
26 (As enacted by Section 1 of this Act)

27 BY repealing and reenacting, without amendments,  
28 Article - Business Occupations and Professions  
29 Section 5.5-401, 5.5-405, and 5.5-409  
30 Annotated Code of Maryland  
31 (2000 Replacement Volume and 2001 Supplement)  
32 (As enacted by Section 1 of this Act)

33 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
34 MARYLAND, That Section(s) 5.5-301 through 5.5-307 and the subtitle "Subtitle  
35 3. Licensing"; 5.5-401 through 5.5-405 and the subtitle "Subtitle 4. Employment  
36 and Payment of Docking Masters"; 5.5-501 through 5.5-503 and the subtitle "Subtitle  
37 5. Prohibited Acts; Penalties"; 5.5-601 and 5.5-602 and the subtitle "Subtitle  
38 6. Short Title; Termination of Title", respectively, of Article - Business Occupations  
39 and Professions of the Annotated Code of Maryland be renumbered to be Section(s)  
40 5.5-401, 5.5-403, and 5.5-405 through 5.5-409 and the subtitle "Subtitle

1 4. Licensing"; 5.5-501 through 5.5-505 and the subtitle "Subtitle 5. Employment  
 2 and Payment of Docking Masters"; 5.5-601 through 5.5-603 and the subtitle "Subtitle  
 3 6. Prohibited Acts; Penalties"; 5.5-701 and 5.5-702 and the subtitle "Subtitle  
 4 7. Short Title; Termination of Title", respectively.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 6 read as follows:

7 **Article - Business Occupations and Professions**

8 5.5-101.

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

10 (b) (1) "Association" means an association of State licensed docking masters  
 11 established by a majority of the individuals who satisfy the licensure requirements of  
 12 this title on October 1, 2000.

13 (2) An individual who does not meet the licensure requirements of this  
 14 title may not be a member of the Association.

15 (c) "Board" means the State Board of Docking Masters.

16 (d) "Docking master" means an individual who provides docking services.

17 (e) (1) "LICENSE" MEANS A DOCKING MASTER LICENSE ISSUED BY THE  
 18 BOARD.

19 (2) "LICENSE", UNLESS THE CONTEXT REQUIRES OTHERWISE,  
 20 INCLUDES A LIMITED DOCKING MASTER LICENSE.

21 (F) "Provide docking services" means:

22 (1) to maneuver a vessel during berthing or unberthing operations with  
 23 tug assistance; or

24 (2) to shift a vessel within a port, with tug assistance.

25 ~~5.5-202.~~

26 ~~(a) (1) The Board consists of [5] 7 members.~~

27 ~~(2) Of the [5] 7 members of the Board:~~

28 ~~(i) 1 SHALL BE THE PRESIDENT OF THE ASSOCIATION;~~

29 ~~(ii) 2 shall be licensed docking masters;~~

30 ~~(iii) (iii) 1 shall be a representative of a towing boat company~~  
 31 ~~serving the Port of Baltimore; [and]~~



1 (6) HAVE A MINIMUM OF 5 YEARS' EXPERIENCE IN THE MARITIME  
2 INDUSTRY WORKING ON VESSELS IN THE DECK DEPARTMENT AS A LICENSED  
3 MASTER OR MATE ON TUGS OR INSPECTED VESSELS, OF WHICH AT LEAST 2 YEARS'  
4 EXPERIENCE SHALL BE OPERATING A SHIP ASSIST HARBOR TUG AS A LICENSED  
5 MASTER;

6 (7) PASS ANY MENTAL OR PHYSICAL EXAMINATION THAT THE BOARD  
7 REQUIRES TO VERIFY THAT THE APPLICANT IS MENTALLY AND PHYSICALLY  
8 CAPABLE OF PROVIDING DOCKING SERVICES; AND

9 (8) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE BOARD.

10 5.5-304.

11 TO QUALIFY AS AN APPLICANT FOR APPOINTMENT BY THE BOARD AS A  
12 TRAINEE DOCKING MASTER, THE APPLICANT SHALL:

13 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM PROVIDED  
14 BY THE BOARD;

15 (2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD; AND

16 (3) MEET THE REQUIREMENTS ESTABLISHED UNDER § 5.5-303 OF THIS  
17 SUBTITLE.

18 5.5-305.

19 (A) THE BOARD SHALL PLACE THE NAME OF EACH APPLICANT WHO MEETS  
20 THE REQUIREMENTS OF THIS SUBTITLE ON THE LIST OF QUALIFIED APPLICANTS.

21 (B) FROM THE LIST OF ~~TRAINEE DOCKING MASTERS~~ QUALIFIED APPLICANTS,  
22 THE BOARD MAY CHOOSE AND APPOINT THE NUMBER OF ~~QUALIFIED APPLICANTS~~  
23 TRAINEE DOCKING MASTERS THAT THE BOARD CONSIDERS NECESSARY TO  
24 PROMOTE THE SAFETY AND WELL-BEING OF OPERATIONS IN THE PORTS OF  
25 MARYLAND.

26 5.5-306.

27 APPOINTMENT AS A TRAINEE DOCKING MASTER AUTHORIZES THE INDIVIDUAL  
28 TO ENGAGE IN TRAINING, UNDER THE SUPERVISION OF A DOCKING MASTER  
29 HOLDING AN UNLIMITED DOCKING MASTER LICENSE.

30 5.5-401.

31 (a) Except as otherwise provided in this subtitle, an individual shall be  
32 licensed by the Board before the individual may provide docking services.

33 (b) If a vessel fails to employ a licensed docking master to provide docking  
34 services as required under this article, the vessel and its master, owner, charterer,  
35 and agent shall be jointly and severally liable for payment of the full fee as if a  
36 licensed docking master had been employed.

1 5.5-402.

2 SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, THE BOARD MAY ISSUE:

- 3 (1) AN UNLIMITED DOCKING MASTER LICENSE;
- 4 (2) A 37-FOOT-DRAFT LIMITED DOCKING MASTER LICENSE; AND
- 5 (3) A 43-FOOT-DRAFT LIMITED DOCKING MASTER LICENSE.

6 5.5-403.

7 (a) To qualify for a 37-FOOT-DRAFT LIMITED docking master license, an  
8 applicant shall:

- 9 (1) [be at least 21 years old;
- 10 (2) be a citizen of the United States;
- 11 (3) provide the Board with proof of recent satisfactory completion of the  
12 physical requirements for a first-class pilot license, as determined by the U.S. Coast  
13 Guard;
- 14 (4) agree to participate in a U.S. Coast Guard approved random drug  
15 testing program;
- 16 (5)] possess the following U.S. Coast Guard licenses and accreditations:
- 17 (i) a first-class pilot license for steam and motor vessels of  
18 unlimited tonnage for the waters on which the applicant will operate;
- 19 (ii) a U.S. Coast Guard issued masters license for steam or motor  
20 vessels;
- 21 (iii) unlimited radar observer endorsement;
- 22 (iv) certification by the U.S. Coast Guard of successful completion of  
23 an accredited bridge resource management program; and
- 24 (v) Automatic Radar Piloting Aid (ARPA) certification;
- 25 [(6) have a minimum of 5 years' experience in the maritime industry  
26 working on vessels in the deck department as a licensed master or mate on tugs or  
27 inspected vessels, of which at least 2 years' experience shall be operating a ship assist  
28 harbor tug as a licensed master;
- 29 (7)] (2) complete THE TRAINING PROGRAM APPROVED BY THE BOARD,  
30 INCLUDING the following training requirements [determined by the Board,  
31 including]:

1 (i) observation from the bridge of a vessel of a minimum of 300  
2 dockings or undockings in the Port of Baltimore, with at least 25% occurring at night;  
3 and

4 (ii) [performing] SUCCESSFUL PERFORMANCE OF a minimum of  
5 250 dockings, shiftings, or undockings in the Port of Baltimore under the supervision  
6 of a licensed docking master[,], with at least 25% occurring at night[, at least 100 of  
7 which shall be performed in the 24 months preceding the applicant's application to  
8 the Board, with at least 25% occurring at night]; and

9 [(8)] (3) meet the physical requirements for the UNLIMITED docking  
10 [pilots] MASTER license, as determined by the Board[, and submit to an annual  
11 physical examination.]; AND

12 (4) POSSESS SUFFICIENT ABILITY, SKILL, AND EXPERIENCE FOR A  
13 37-FOOT-DRAFT LIMITED DOCKING MASTER LICENSE AS DETERMINED BY THE  
14 BOARD THROUGH OBSERVATION OF THE APPLICANT'S PERFORMANCE PROVIDING  
15 SUPERVISED DOCKING MASTER SERVICES.

16 (b) (1) Verification of the training trips required under subsection [(a)(7)]  
17 (A)(2) of this section shall be attested to and signed by a licensed docking master.

18 (2) For an applicant who has completed 250 dockings, shiftings, or  
19 undockings required for licensure as a docking master on or before October 1, 2000,  
20 independent verification of the number of dockings shall be provided to the Board by  
21 the applicant.

22 (C) TO QUALIFY FOR A 43-FOOT-DRAFT LIMITED DOCKING MASTER LICENSE,  
23 AN APPLICANT SHALL:

24 (1) SATISFY THE LICENSING AND ACCREDITATION REQUIREMENTS OF  
25 SUBSECTION (A) OF THIS SECTION;

26 (2) HOLD A 37-FOOT-DRAFT LIMITED LICENSE FOR AT LEAST 1 YEAR;

27 (3) MEET THE PHYSICAL REQUIREMENTS FOR THE UNLIMITED  
28 DOCKING MASTER LICENSE, AS DETERMINED BY THE BOARD; AND

29 (4) POSSESS SUFFICIENT ABILITY, SKILL, AND EXPERIENCE FOR A  
30 43-FOOT-DRAFT LIMITED DOCKING MASTER LICENSE AS DETERMINED BY THE  
31 BOARD THROUGH OBSERVATION OF THE APPLICANT'S PERFORMANCE WHILE  
32 PROVIDING DOCKING MASTER SERVICES.

33 (D) TO QUALIFY FOR AN UNLIMITED DOCKING MASTER LICENSE, AN  
34 APPLICANT SHALL:

35 (1) SATISFY THE LICENSING AND ACCREDITATION REQUIREMENTS OF  
36 SUBSECTION (A) OF THIS SECTION;

1 (2) HOLD A 43-FOOT-DRAFT LIMITED DOCKING MASTER LICENSE FOR  
2 AT LEAST 1 YEAR;

3 (3) MEET THE PHYSICAL REQUIREMENTS FOR THE UNLIMITED  
4 DOCKING MASTER LICENSE, AS DETERMINED BY THE BOARD; AND

5 (4) POSSESS SUFFICIENT ABILITY, SKILL, AND EXPERIENCE FOR AN  
6 UNLIMITED DOCKING MASTER LICENSE AS DETERMINED BY THE BOARD THROUGH  
7 OBSERVATION OF THE APPLICANT'S PERFORMANCE WHILE PROVIDING DOCKING  
8 MASTER SERVICES.

9 5.5-404.

10 (A) WHILE AN UNLIMITED DOCKING MASTER LICENSE IS IN EFFECT, THE  
11 LICENSEE IS AUTHORIZED TO PROVIDE DOCKING SERVICES FOR VESSELS OF ANY  
12 DRAFT WITHIN THE STATE.

13 (B) WHILE A 37-FOOT-DRAFT LIMITED DOCKING MASTER LICENSE IS IN  
14 EFFECT, THE LICENSEE IS AUTHORIZED TO PROVIDE DOCKING SERVICES TO  
15 VESSELS NOT EXCEEDING 37-FOOT-DRAFT AT ALL LOCATIONS EXCEPT THE  
16 PETROLEUM FACILITY AT PINEY POINT AND THE LIQUEFIED NATURAL GAS FACILITY  
17 AT COVE POINT.

18 (C) WHILE A 43-FOOT-DRAFT LIMITED DOCKING MASTER LICENSE IS IN  
19 EFFECT, THE LICENSEE IS AUTHORIZED TO PROVIDE DOCKING SERVICES TO  
20 VESSELS NOT EXCEEDING 43-FOOT-DRAFT AT ALL LOCATIONS EXCEPT THE  
21 LIQUEFIED NATURAL GAS FACILITY AT COVE POINT.

22 5.5-405.

23 The Board shall determine the number of docking master licenses to be issued  
24 based upon the safety and well-being of operations in the Ports of Maryland.

25 5.5-406.

26 (a) To apply for a docking master license, an applicant shall submit to the  
27 Board an application on the form that the Board provides.

28 (b) The Board shall establish an application fee for a docking master license.

29 (c) If the applicant qualifies for a license under this title, and the Board  
30 determines that additional licenses are necessary based upon the safety and  
31 well-being of operations in the Ports of Maryland, the Board shall send the applicant  
32 a notice stating that:

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

34 (2) the Board will issue a license to the applicant on receipt of a license  
35 fee of [\$600]:

36 (I) \$600 FOR AN UNLIMITED DOCKING MASTER LICENSE;

1 (II) \$300 FOR A 37-FOOT-DRAFT LIMITED DOCKING MASTER  
2 LICENSE; AND

3 (III) \$300 FOR A 43-FOOT-DRAFT LIMITED DOCKING MASTER  
4 LICENSE.

5 (d) (1) On payment of the license fee, the Board shall issue an appropriate  
6 license to each applicant who meets the requirements of this title and is a member in  
7 good standing of the Association.

8 (2) The Association shall accept as a member each docking master who  
9 receives notice under subsection (c) of this section and pays the license fee required  
10 under subsection (c)(2) of this section.

11 (e) The Board shall seal each license that the Board issues with its official  
12 seal.

13 5.5-407.

14 (a) A docking master license shall be effective for 2 years from the date issued.

15 (b) At least 60 days before a docking master license expires, the Board shall  
16 mail to the docking master licensee, at the last known address of the licensee:

17 (1) a renewal application form; and

18 (2) a notice that states:

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

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

22 (iii) the amount of the renewal fee.

23 (c) From the date of expiration of a docking master license, a docking master  
24 licensee who qualifies for licensure under [§ 5.5-302] § 5.5-403 of this subtitle shall  
25 have a 1-year grace period within which to renew the docking master license without  
26 completing an application for a new docking master license.

27 5.5-408.

28 (a) Subject to subsection (b) of this section, the Board may suspend or revoke  
29 any docking master license upon determination [that evidence from a U.S. Coast  
30 Guard investigation provides satisfactory proof] that a licensed docking master:

31 (1) has willfully violated any of the regulations adopted under this title;

32 (2) has acted in a grossly negligent manner with respect to any vessel  
33 under the docking master's care; or

1 (3) is mentally or physically unfit to carry out the duties of a docking  
2 master.

3 (b) (1) Before any disciplinary action may be taken concerning a complaint  
4 against a licensed docking master, the Board shall:

5 (i) review the facts of the incident giving rise to the complaint; and

6 (ii) if the Board finds sufficient cause to proceed with disciplinary  
7 action against the docking master, notify the docking master to appear before the  
8 Board [and show cause why the disciplinary action should not be taken] FOR A  
9 HEARING.

10 (2) The notice required under paragraph (1)(ii) of this subsection shall:

11 (i) be in writing;

12 (ii) specify the nature and substance of the complaint against the  
13 docking master; and

14 (iii) be served on the docking master at least 15 days prior to the  
15 hearing date:

16 1. in person; or

17 2. by certified mail addressed to the docking master's last  
18 known address.

19 ~~(C)~~ IF A COMPLAINT AGAINST A LICENSED DOCKING MASTER INVOLVES A  
20 MATTER THAT HAS BEEN INVESTIGATED BY THE U.S. COAST GUARD, THE BOARD  
21 SHALL DETERMINE WHETHER THE EVIDENCE FROM THAT INVESTIGATION  
22 PROVIDES SATISFACTORY PROOF THAT A VIOLATION UNDER SUBSECTION (A) OF  
23 THIS SECTION HAS OCCURRED PRIOR TO TAKING DISCIPLINARY ACTION AGAINST  
24 THE LICENSED DOCKING MASTER.

25 ~~(e)~~ (D) (1) A docking master whose license has been revoked or suspended  
26 shall immediately surrender the docking master's license to the Board, which shall  
27 retain the docking master license until the period of suspension expires.

28 (2) If a docking master whose license has been revoked or suspended  
29 fails to immediately surrender the docking master's license to the Board on demand  
30 or continues to provide docking services while the license is suspended or revoked, the  
31 docking master shall be subject to the penalties established in [§ 5.5-503] § 5.5-603 of  
32 this title.

33 ~~(d)~~ (E) If a docking master whose license has been suspended is otherwise  
34 qualified for licensure at the time the docking master applies for reinstatement of the  
35 license, the Board shall reinstate the docking master's license when the suspension  
36 period expires.

1 ~~(E)~~ (F) (1) INSTEAD OF OR IN ADDITION TO SUSPENDING OR REVOKING A  
2 LICENSE UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD MAY IMPOSE A  
3 PENALTY NOT TO EXCEED \$2,000 FOR EACH VIOLATION.

4 (2) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER  
5 THIS SUBSECTION, THE BOARD SHALL CONSIDER:

- 6 (I) THE SERIOUSNESS OF THE VIOLATION;  
7 (II) THE HARM CAUSED BY THE VIOLATION;  
8 (III) THE GOOD FAITH OF THE LICENSEE; AND  
9 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE LICENSEE.

10 5.5-409.

11 (a) In this section, "contested case" has the meaning stated in § 10-202 of the  
12 State Government Article.

13 (b) Any person aggrieved by a final decision of the Board in a contested case  
14 under this title may take an appeal as allowed in §§ 10-222 and 10-223 of the State  
15 Government Article.

16 5.5-602.

17 The master of a vessel may not fail to employ a docking master as required  
18 under [§ 5.5-401] § 5.5-501 of this title.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
20 effect October 1, 2002.