

HOUSE BILL 1111

Unofficial Copy
R2

1998 Regular Session
8r1664
CF 8r1663

By: **Delegates Krysiak, Love, Kach, Cadden, Fulton, Kirk, Branch, DeCarlo,
Mossburg, Harkins, and Ports**

Introduced and read first time: February 13, 1998

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Port Commission - Ports of Maryland - Creation of Licensing**
3 **Program for Harbor Pilots**

4 FOR the purpose of providing for the issuance by the Maryland Port Commission of a
5 harbor pilot license; establishing the qualifications for a harbor pilot license;
6 requiring certain vessels using tug assistance to employ licensed harbor pilots;
7 defining certain terms; making certain stylistic changes; requiring the Port
8 Commission to determine the number of harbor pilot licenses; requiring the Port
9 Commission to establish applications fees; requiring the Port Commission to
10 issue notices to inform harbor pilots about certain license renewal information;
11 providing for a grace period for expired licenses; authorizing the Port
12 Commission to suspend or revoke a harbor pilot license upon the showing of
13 certain events; providing certain criminal penalties for a licensee's failure to
14 return suspended or revoked licenses; providing for an appeal process from
15 certain decisions of the Port Commission; providing for certain individuals
16 currently performing the service of harbor pilots to be issued a license by the
17 Commission; and generally relating to the licensing of harbor pilots.

18 BY repealing and reenacting, with amendments,
19 Article - Business Occupations and Professions
20 Section 11-501
21 Annotated Code of Maryland
22 (1995 Replacement Volume and 1997 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article - Business Occupations and Professions
25 Section 11-702
26 Annotated Code of Maryland
27 (1995 Replacement Volume and 1997 Supplement)

28 BY adding to
29 Article - Transportation
30 Section 6-601 through 6-610 to be under the new subtitle "Subtitle 6. Harbor

1 Pilots"
2 Annotated Code of Maryland
3 (1993 Replacement Volume and 1997 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article - Business Occupations and Professions**

7 11-501.

8 (a) Except as otherwise provided in this section, each American vessel
9 engaged in foreign trade and each foreign vessel shall employ a licensed pilot to pilot
10 the vessel when it is underway on the navigable waters of the State, including when
11 the vessel is towing or being towed by another vessel.

12 (b) Subsection (a) of this section does not apply to a vessel:

13 (1) maneuvering during berthing or unberthing operations; or

14 (2) shifting within a port with:

15 (I) tug assistance; and

16 (II) a [docking master] LICENSED HARBOR PILOT, AS REGULATED
17 BY THE MARYLAND PORT COMMISSION UNDER TITLE 6, SUBTITLE 6 OF THE
18 TRANSPORTATION ARTICLE, aboard the vessel.

19 (c) A vessel that is not required to employ a licensed pilot under subsection (a)
20 of this section may voluntarily employ a licensed pilot when the vessel is underway on
21 the navigable waters of the State.

22 11-702.

23 Unless authorized under this title OR UNDER TITLE 6, SUBTITLE 6 OF THE
24 TRANSPORTATION ARTICLE to provide pilotage, a person may not represent to the
25 public, by use of a title, including "pilot", "bay pilot", "licensed pilot", "State licensed
26 pilot", or "Maryland pilot", by description of services, methods, or procedures, or
27 otherwise, that the person is authorized by the State to provide pilotage.

28 **Article - Transportation**

29 SUBTITLE 6. HARBOR PILOTS.

30 6-601.

31 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
32 INDICATED.

33 (B) "COMMISSION" MEANS THE MARYLAND PORT COMMISSION.

1 (C) "HARBOR PILOT" MEANS AN INDIVIDUAL WHO PROVIDES PILOTAGE.

2 (D) "PORTS OF MARYLAND" SHALL INCLUDE THE PORT OF BALTIMORE,
3 ANNAPOLIS, PINEY POINT, COVE POINT, AND CAMBRIDGE.

4 (E) "PROVIDE PILOTAGE" MEANS:

5 1. TO PILOT A VESSEL WHEN THE VESSEL IS UNDERWAY IN ANY OF THE
6 PORTS OF MARYLAND, WITH TUG ASSISTANCE;

7 2. MANEUVERING A VESSEL DURING BERTHING OR UNBERTHING
8 OPERATIONS WITH TUG ASSISTANCE; OR

9 3. SHIFTING A VESSEL WITHIN A PORT, WITH TUG ASSISTANCE, WHILE
10 A HARBOR PILOT IS ABOARD THE VESSEL.

11 6-602.

12 ANY VESSEL MOTOR, STEAM, OR SAIL DRIVEN OF ANY GROSS TONS USING TUG
13 ASSISTANCE SHALL EMPLOY A HARBOR PILOT LICENSED UNDER THIS SUBTITLE TO
14 PROVIDE PILOTAGE.

15 6-603.

16 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL
17 SHALL BE LICENSED BY THE COMMISSION BEFORE THE INDIVIDUAL MAY PROVIDE
18 PILOTAGE.

19 (B) IF A VESSEL FAILS TO EMPLOY A LICENSED HARBOR PILOT TO PROVIDE
20 PILOTAGE AS REQUIRED UNDER THIS ARTICLE. THE VESSEL AND ITS MASTER,
21 OWNER, CHARTERER, AND AGENT SHALL BE LIABLE FOR PAYMENT OF THE FULL
22 PILOTAGE FEE AS IF A LICENSED HARBOR PILOT HAD BEEN EMPLOYED.

23 6-604.

24 TO QUALIFY FOR A HARBOR PILOT LICENSE, AN APPLICANT SHALL:

25 (1) BE AT LEAST 21 YEARS OLD;

26 (2) BE A CITIZEN OF THE UNITED STATES;

27 (3) PROVIDE THE COMMISSION WITH PROOF OF RECENT SATISFACTORY
28 COMPLETION OF THE PHYSICAL REQUIREMENTS FOR A FIRST-CLASS PILOT
29 LICENSE, AS DETERMINED BY THE U.S. COAST GUARD;

30 (4) AGREE TO PARTICIPATE IN A U.S. COAST GUARD-APPROVED RANDOM
31 DRUG TESTING PROGRAM;

32 (5) POSSESS THE FOLLOWING U.S. COAST GUARD LICENSES AND
33 ACCREDITATIONS:

1 (I) A FIRST-CLASS PILOT LICENSE FOR STEAM AND MOTOR
2 VESSELS OF UNLIMITED TONNAGE FOR THE WATERS ON WHICH THE APPLICANT
3 SHALL OPERATE;

4 (II) A U.S. COAST GUARD ISSUED MASTERS LICENSE FOR STEAM OR
5 MOTOR VESSELS;

6 (III) UNLIMITED RADAR OBSERVER ENDORSEMENT;

7 (IV) CERTIFICATION BY THE U.S. COAST GUARD OF SUCCESSFUL
8 COMPLETION OF AN ACCREDITED BRIDGE RESOURCE MANAGEMENT PROGRAM; AND

9 (V) AUTOMATIC RADAR PILOTING AID (ARPA) CERTIFICATION.

10 (6) HAVE A MINIMUM OF 5 YEARS EXPERIENCE IN THE MARITIME
11 INDUSTRY WORKING ON VESSELS IN THE DECK DEPARTMENT AS A LICENSED
12 MASTER OR MATE ON TUGS OR INSPECTED VESSELS, AT LEAST 2 YEARS OF WHICH
13 EXPERIENCE SHALL BE OPERATING A SHIP ASSIST HARBOR TUG AS A LICENSED
14 MASTER, PREFERABLY ONE OF WHICH SHALL BE IN THE BALTIMORE HARBOR;

15 (7) COMPLETE THE FOLLOWING TRAINING REQUIREMENTS
16 DETERMINED BY THE COMMISSION, INCLUDING:

17 (I) OBSERVATION FROM THE BRIDGE OF A SHIP OF A MINIMUM OF
18 125 DOCKINGS OR UNDOCKINGS, WITH AT LEAST 25% OCCURRING AT NIGHT; AND

19 (II) PERFORMING A MINIMUM OF 100 DOCKINGS, SHIFTINGS, OR
20 UNDOCKINGS UNDER THE SUPERVISION OF A LICENSED HARBOR PILOT, WITH AT
21 LEAST 25% OCCURRING AT NIGHT; AND

22 (III) VERIFICATION OF THESE TRAINING TRIPS SHALL BE ATTESTED
23 TO AND SIGNED BY A LICENSED HARBOR PILOT.

24 (8) MEET THE PHYSICAL REQUIREMENTS FOR THE HARBOR LICENSE, AS
25 DETERMINED BY THE COMMISSION, AND SUBMIT TO AN ANNUAL PHYSICAL
26 EXAMINATION.

27 (9) PRODUCE A LETTER OF RECOMMENDATION FROM A LOCAL HARBOR
28 PILOTS ASSOCIATION ATTESTING TO FULFILLMENT OF THESE REQUIREMENTS AND
29 QUALIFYING THIS EXPERIENCE.

30 (10) PRODUCE A LETTER OF RECOMMENDATION FROM A TUGBOAT
31 COMPANY PRESENTLY PERFORMING SHIP ASSIST BUSINESS IN MARYLAND
32 ATTESTING TO THE EXPERIENCE AND CAPABILITIES OF THE INDIVIDUALS.

33 6-605.

34 TO APPLY FOR A HARBOR PILOT LICENSE, AN APPLICANT SHALL SUBMIT TO THE
35 COMMISSION AN APPLICATION ON THE FORM THAT THE COMMISSION PROVIDES.

1 6-606.

2 (A) THE COMMISSION SHALL DETERMINE THE NUMBER OF HARBOR PILOT
3 LICENSES TO BE ISSUED BASED UPON THE SAFETY AND WELL BEING OF
4 OPERATIONS IN THE PORTS OF MARYLAND.

5 (B) THE COMMISSION SHALL ESTABLISH AN APPLICATION FEE FOR A HARBOR
6 PILOT LICENSE.

7 (C) A HARBOR PILOT LICENSE SHALL BE EFFECTIVE FOR 5 YEARS FROM THE
8 DATE ISSUED.

9 (D) AT LEAST 1 MONTH BEFORE A HARBOR PILOT LICENSE EXPIRES, THE
10 COMMISSION SHALL MAIL TO THE HARBOR PILOT LICENSEE, AT THE LAST KNOWN
11 ADDRESS OF THE LICENSEE:

12 (1) A RENEWAL APPLICATION FORM; AND

13 (2) A NOTICE THAT STATES:

14 (I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

15 (II) THE DATE BY WHICH THE COMMISSION MUST RECEIVE THE
16 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE
17 LICENSE EXPIRES; AND

18 (III) THE AMOUNT OF THE RENEWAL FEE.

19 (E) FROM THE DATE OF EXPIRATION OF A HARBOR PILOT LICENSE, THERE
20 SHALL EXIST A 1-YEAR GRACE PERIOD WITHIN WHICH THE HARBOR PILOT LICENSE
21 MAY BE RENEWED WITHOUT COMPLETING AN APPLICATION FOR A NEW HARBOR
22 PILOT LICENSE, BUT ALL OTHER REQUIREMENTS OF § 6-604 OF THIS SUBTITLE
23 SHALL APPLY.

24 6-607.

25 (A) THE COMMISSION MAY SUSPEND OR REVOKE ANY HARBOR PILOT
26 LICENSE UPON DETERMINATION THAT EVIDENCE FROM A U.S. COAST GUARD
27 INVESTIGATION PROVIDES SATISFACTORY PROOF THAT A HARBOR PILOT:

28 (1) HAS WILLFULLY DISOBEYED OR VIOLATED ANY OF THE
29 REGULATIONS ADOPTED UNDER THIS SUBTITLE;

30 (2) HAS ACTED IN A GROSSLY NEGLIGENT MANNER WITH RESPECT TO
31 ANY VESSEL UNDER THE HARBOR PILOTS CARE; OR

32 (3) IS SO MENTALLY OR PHYSICALLY INCAPABLE AS TO BE UNFIT TO
33 CARRY OUT THE DUTIES OF A HARBOR PILOT.

34 (B) BEFORE ANY DISCIPLINARY ACTION MAY BE TAKEN AGAINST A HARBOR
35 PILOT LICENSED UNDER THIS SUBTITLE, THE HARBOR PILOT SHALL BE NOTIFIED IN

1 WRITING TO APPEAR BEFORE THE COMMISSION. AN INCIDENT PREVIEW AND
2 DISCIPLINARY COMMITTEE OF 3 COMMISSIONERS AND 3 HARBOR PILOTS WILL
3 REVIEW EACH INCIDENT.

4 (2) THE NOTICE SHALL SPECIFY THE NATURE AND SUBSTANCE OF THE
5 COMPLAINT AND SHALL BE SERVED PERSONALLY OR BY CERTIFIED MAIL
6 ADDRESSED TO THE HARBOR PILOT AT THE LAST KNOWN ADDRESS AT LEAST 15
7 DAYS PRIOR TO THE HEARING DATE.

8 (C) (1) A HARBOR PILOT WHOSE LICENSE HAS BEEN REVOKED OR
9 SUSPENDED SHALL IMMEDIATELY SURRENDER THE HARBOR PILOT'S LICENSE TO
10 THE COMMISSION, WHICH SHALL RETAIN THE HARBOR PILOT LICENSE UNTIL THE
11 PERIOD OF SUSPENSION EXPIRES.

12 (2) A SUSPENDED HARBOR PILOT WHO FAILS TO IMMEDIATELY
13 SURRENDER THE HARBOR PILOT'S LICENSE ON DEMAND OR CONTINUES TO PROVIDE
14 PILOTAGE SHALL BE SUBJECT TO THE PENALTIES ESTABLISHED IN § 6-608 OF THIS
15 SUBTITLE.

16 (D) ANY HARBOR PILOT WHOSE LICENSE HAS BEEN SUSPENDED SHALL BE
17 ENTITLED TO THE REINSTATEMENT OF THE HARBOR PILOT'S LICENSE AFTER THE
18 PERIOD OF SUSPENSION HAS EXPIRED, PROVIDED THAT THE HARBOR PILOT
19 POSSESSES THE QUALIFICATIONS REQUIRED AT THE TIME OF APPLICATION FOR
20 REINSTATEMENT.

21 6-608.

22 A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A
23 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000
24 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

25 6-609.

26 (A) IN THIS SECTION, "CONTESTED CASE" HAS THE MEANING STATED IN §
27 10-202 OF THE STATE GOVERNMENT ARTICLE.

28 (B) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE COMMISSION IN A
29 CONTESTED CASE UNDER THIS SUBTITLE MAY TAKE AN APPEAL AS ALLOWED IN §§
30 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.

31 6-610.

32 A LIST OF ALL INDIVIDUALS WHO POSSESS THE LICENSES REQUIRED IN 6-604(5)
33 THIS SUBTITLE CURRENTLY PERFORMING DUTIES OF HARBOR PILOTS AS OF JULY 1,
34 1998, SHALL BE SUBMITTED TO THE COMMISSION BY THE DOCKING PILOTS
35 ASSOCIATION IN THE STATE OF MARYLAND DULY CERTIFIED, SIGNED, AND
36 NOTARIZED BY AN OFFICER OF THE ASSOCIATION CONTAINING THE NAMES OF
37 THOSE INDIVIDUALS SO QUALIFIED AND A SIMILARLY CERTIFIED LISTING OF THOSE
38 INDIVIDUALS WHO DO NOT POSSESS ALL OF THE QUALIFICATIONS, BUT WHO, IN THE
39 OPINION OF THE SPONSORING ASSOCIATION, POSSESS EQUIVALENT

1 QUALIFICATIONS AND HAVE BEEN PERFORMING THE SERVICE OF A HARBOR PILOT
2 IN MARYLAND WATERS. THESE INDIVIDUALS CURRENTLY PERFORMING THE
3 SERVICES OF HARBOR PILOT SHALL BE ISSUED A LICENSE BY THE COMMISSION
4 WITHOUT COMPLETING THE PROVISIONS OF THIS SUBTITLE. WHEREAS THIS
5 PROFESSION IS INTRICATELY LINKED TO THE COORDINATION OF SHIP MOVEMENT
6 AND TUG ASSISTANCE, A THOROUGH KNOWLEDGE OF TUGBOATS AND THEIR
7 LIMITATIONS AN CAPABILITIES IS ESSENTIAL BOTH TO THE SAFETY OF THE SHIP
8 AND THE TUGBOAT. THEREFORE, AN ACCOMPANYING LETTER OF
9 RECOMMENDATION FROM A LOCAL SHIP ASSIST TUGBOAT COMPANY MUST
10 ACCOMPANY THESE INDIVIDUALS, REITERATING THEIR COMPETENCY.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 1998.