

SENATE BILL 601

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1998 Regular Session
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By: **Senators Collins, Craig, Fry, and Jimeno**
Introduced and read first time: February 6, 1998
Assigned to: Economic and Environmental Affairs

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 and 11-702
21 Annotated Code of Maryland
22 (1995 Replacement Volume and 1997 Supplement)

23 BY adding to
24 Article - Transportation
25 Section 6-601 through 6-610 to be under the new subtitle "Subtitle 6. Harbor
26 Pilots"
27 Annotated Code of Maryland
28 (1993 Replacement Volume and 1997 Supplement)

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

1 **Article - Business Occupations and Professions**

2 11-501.

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

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

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

9 (2) shifting within a port with:

10 (I) tug assistance; and

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

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

17 11-702.

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

23 **Article - Transportation**

24 SUBTITLE 6. HARBOR PILOTS.

25 6-601.

26 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
27 INDICATED.

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

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

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

32 (E) "PROVIDE PILOTAGE" MEANS:

1 (1) TO PILOT A VESSEL WHEN THE VESSEL IS UNDERWAY IN ANY OF THE
2 PORTS OF MARYLAND, WITH TUG ASSISTANCE;

3 (2) MANEUVERING A VESSEL DURING BERTHING OR UNBERTHING
4 OPERATIONS WITH TUG ASSISTANCE; OR

5 (3) SHIFTING A VESSEL WITHIN A PORT, WITH TUG ASSISTANCE, WHILE
6 A HARBOR PILOT IS ABOARD THE VESSEL.

7 6-602.

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

11 6-603.

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

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

19 6-604.

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

21 (1) BE AT LEAST 21 YEARS OLD;

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

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

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

28 (5) POSSESS THE FOLLOWING U.S. COAST GUARD LICENSES AND
29 ACCREDITATIONS:

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

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

- 1 (III) UNLIMITED RADAR OBSERVER ENDORSEMENT;
- 2 (IV) CERTIFICATION BY THE U.S. COAST GUARD OF SUCCESSFUL
3 COMPLETION OF AN ACCREDITED BRIDGE RESOURCE MANAGEMENT PROGRAM; AND
- 4 (V) AUTOMATIC RADAR PILOTING AID (ARPA) CERTIFICATION.
- 5 (6) HAVE A MINIMUM OF 5 YEARS' EXPERIENCE IN THE MARITIME
6 INDUSTRY WORKING ON VESSELS IN THE DECK DEPARTMENT AS A LICENSED
7 MASTER OR MATE ON TUGS OR INSPECTED VESSELS, AT LEAST 2 YEARS OF WHICH
8 EXPERIENCE SHALL BE OPERATING A SHIP ASSIST HARBOR TUG AS A LICENSED
9 MASTER, PREFERABLY ONE OF WHICH SHALL BE IN THE BALTIMORE HARBOR;
- 10 (7) COMPLETE THE FOLLOWING TRAINING REQUIREMENTS
11 DETERMINED BY THE COMMISSION, INCLUDING:
- 12 (I) OBSERVATION FROM THE BRIDGE OF A SHIP OF A MINIMUM OF
13 125 DOCKINGS OR UNDOCKINGS, WITH AT LEAST 25% OCCURRING AT NIGHT;
- 14 (II) PERFORMING A MINIMUM OF 100 DOCKINGS, SHIFTINGS, OR
15 UNDOCKINGS UNDER THE SUPERVISION OF A LICENSED HARBOR PILOT, WITH AT
16 LEAST 25% OCCURRING AT NIGHT; AND
- 17 (III) VERIFICATION OF THESE TRAINING TRIPS SHALL BE ATTESTED
18 TO AND SIGNED BY A LICENSED HARBOR PILOT;
- 19 (8) MEET THE PHYSICAL REQUIREMENTS FOR THE HARBOR LICENSE, AS
20 DETERMINED BY THE COMMISSION, AND SUBMIT TO AN ANNUAL PHYSICAL
21 EXAMINATION;
- 22 (9) PRODUCE A LETTER OF RECOMMENDATION FROM A LOCAL HARBOR
23 PILOTS ASSOCIATION ATTESTING TO FULFILLMENT OF THESE REQUIREMENTS AND
24 QUALIFYING THIS EXPERIENCE; AND
- 25 (10) PRODUCE A LETTER OF RECOMMENDATION FROM A TUGBOAT
26 COMPANY PRESENTLY PERFORMING SHIP ASSIST BUSINESS IN MARYLAND
27 ATTESTING TO THE EXPERIENCE AND CAPABILITIES OF THE INDIVIDUALS.

28 6-605.

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

31 6-606.

32 (A) THE COMMISSION SHALL DETERMINE THE NUMBER OF HARBOR PILOT
33 LICENSES TO BE ISSUED BASED UPON THE SAFETY AND WELL-BEING OF
34 OPERATIONS IN THE PORTS OF MARYLAND.

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

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

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

6 (1) A RENEWAL APPLICATION FORM; AND

7 (2) A NOTICE THAT STATES:

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

9 (II) THE DATE BY WHICH THE COMMISSION MUST RECEIVE THE
10 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE
11 LICENSE EXPIRES; AND

12 (III) THE AMOUNT OF THE RENEWAL FEE.

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

18 6-607.

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

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

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

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

28 (B) (1) BEFORE ANY DISCIPLINARY ACTION MAY BE TAKEN AGAINST A
29 HARBOR PILOT LICENSED UNDER THIS SUBTITLE, THE HARBOR PILOT SHALL BE
30 NOTIFIED IN WRITING TO APPEAR BEFORE THE COMMISSION. AN INCIDENT PREVIEW
31 AND DISCIPLINARY COMMITTEE OF 3 COMMISSIONERS AND 3 HARBOR PILOTS WILL
32 REVIEW EACH INCIDENT.

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

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

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

9 (D) ANY HARBOR PILOT WHOSE LICENSE HAS BEEN SUSPENDED SHALL BE
10 ENTITLED TO THE REINSTATEMENT OF THE HARBOR PILOT'S LICENSE AFTER THE
11 PERIOD OF SUSPENSION HAS EXPIRED, PROVIDED THAT THE HARBOR PILOT
12 POSSESSES THE QUALIFICATIONS REQUIRED AT THE TIME OF APPLICATION FOR
13 REINSTATEMENT.

14 6-608.

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

18 6-609.

19 (A) IN THIS SECTION, "CONTESTED CASE" HAS THE MEANING STATED IN §
20 10-202 OF THE STATE GOVERNMENT ARTICLE.

21 (B) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE COMMISSION IN A
22 CONTESTED CASE UNDER THIS SUBTITLE MAY TAKE AN APPEAL AS ALLOWED IN §§
23 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.

24 6-610.

25 (A) A LIST OF ALL INDIVIDUALS WHO POSSESS THE LICENSES REQUIRED IN §
26 6-604(5) OF THIS SUBTITLE CURRENTLY PERFORMING DUTIES OF HARBOR PILOTS AS
27 OF JULY 1, 1998, SHALL BE SUBMITTED TO THE COMMISSION BY THE DOCKING
28 PILOTS ASSOCIATION IN THE STATE OF MARYLAND DULY CERTIFIED, SIGNED, AND
29 NOTARIZED BY AN OFFICER OF THE ASSOCIATION CONTAINING THE NAMES OF
30 THOSE INDIVIDUALS SO QUALIFIED AND A SIMILARLY CERTIFIED LISTING OF THOSE
31 INDIVIDUALS WHO DO NOT POSSESS ALL OF THE QUALIFICATIONS, BUT WHO, IN THE
32 OPINION OF THE SPONSORING ASSOCIATION, POSSESS EQUIVALENT
33 QUALIFICATIONS AND HAVE BEEN PERFORMING THE SERVICE OF A HARBOR PILOT
34 IN MARYLAND WATERS.

35 (B) THESE INDIVIDUALS CURRENTLY PERFORMING THE SERVICES OF
36 HARBOR PILOT SHALL BE ISSUED A LICENSE BY THE COMMISSION WITHOUT
37 COMPLETING THE PROVISIONS OF THIS SUBTITLE. WHEREAS THIS PROFESSION IS
38 INTRICATELY LINKED TO THE COORDINATION OF SHIP MOVEMENT AND TUG
39 ASSISTANCE, A THOROUGH KNOWLEDGE OF TUGBOATS AND THEIR LIMITATIONS
40 AND CAPABILITIES IS ESSENTIAL BOTH TO THE SAFETY OF THE SHIP AND THE

1 TUGBOAT. THEREFORE, AN ACCOMPANYING LETTER OF RECOMMENDATION FROM A
2 LOCAL SHIP ASSIST TUGBOAT COMPANY MUST ACCOMPANY THESE INDIVIDUALS,
3 REITERATING THEIR COMPETENCY.

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