

HOUSE BILL 493

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C2

1999 Regular Session
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By: **Delegates Guns and McHale**

Introduced and read first time: February 10, 1999

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Pilots of Vessels - Special Duty Assignments**

3 FOR the purpose of prohibiting an individual from providing certain pilotage without
4 certain licenses or a certain certification; including a special duty license within
5 a certain list of licenses issued to pilots in this State; specifying certain
6 qualifications for acquisition of a special duty license; exempting an applicant
7 for a special duty license from certain qualifications applicable to the acquisition
8 of certain other licenses; authorizing a certain qualified and licensed applicant
9 to be certified by the State Board of Pilots to perform pilotage for a special duty
10 assignment if the applicant meets certain requirements; specifying a certain fee
11 for acquisition and renewal of a certain license; providing for the scope of a
12 certain license or certification; repealing certain exceptions to the requirement
13 that certain American and foreign vessels employ a certain licensed pilot under
14 certain circumstances; excluding a special duty license pilot from a certain
15 eligibility for certain payments as an inactive or permanently disabled pilot;
16 providing for the eligibility of a special duty license pilot for certain other
17 payments as an inactive or permanently disabled pilot; altering and adding
18 certain definitions; and generally relating to certain requirements concerning
19 pilots of vessels.

20 BY repealing and reenacting, with amendments,
21 Article - Business Occupations and Professions
22 Section 11-101, 11-401, 11-402, 11-404, 11-406 through 11-408, 11-501,
23 11-502, 11-504, and 11-505
24 Annotated Code of Maryland
25 (1995 Replacement Volume and 1998 Supplement)

26 BY adding to
27 Article - Business Occupations and Professions
28 Section 11-403.1
29 Annotated Code of Maryland
30 (1995 Replacement Volume and 1998 Supplement)

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

3 **Article - Business Occupations and Professions**

4 11-101.

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

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

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

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

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

12 (2) "License" includes, unless the context requires otherwise, a limited
13 license OR A SPECIAL DUTY LICENSE.

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

16 (2) "Licensed pilot" includes the holder of a limited license OR A SPECIAL
17 DUTY LICENSE.

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

20 (2) "Limited license" includes a 37-foot-draft limited license, a
21 34-foot-draft limited license, and a 28-foot-draft limited license.

22 (3) "LIMITED LICENSE" DOES NOT INCLUDE A SPECIAL DUTY LICENSE.

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

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

27 (2) "Provide pilotage" [does not include:

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

30 (ii) shifting a vessel within a port with tug assistance and a docking
31 master aboard the vessel] INCLUDES A SPECIAL DUTY ASSIGNMENT.

32 (J) "SPECIAL DUTY ASSIGNMENT" MEANS:

1 (1) MANEUVERING A VESSEL DURING A BERTHING OR UNBERTHING
2 OPERATION; OR

3 (2) SHIFTING A VESSEL WITHIN A PORT WITH TUG ASSISTANCE.

4 (K) "SPECIAL DUTY LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO
5 PROVIDE PILOTAGE LIMITED TO A SPECIAL DUTY ASSIGNMENT.

6 (L) "SPECIAL DUTY LICENSE PILOT" MEANS A PILOT WHO IS LICENSED BY THE
7 BOARD TO PROVIDE PILOTAGE LIMITED TO A SPECIAL DUTY ASSIGNMENT.

8 11-401.

9 (a) Except as otherwise provided in this subtitle, an individual shall be
10 licensed by the Board before the individual may provide pilotage in the State.

11 (b) An individual may provide pilotage to a vessel in distress until a licensed
12 pilot comes on board and offers to provide pilotage.

13 (C) AN INDIVIDUAL MAY NOT PROVIDE PILOTAGE FOR A SPECIAL DUTY
14 ASSIGNMENT UNLESS THE INDIVIDUAL HOLDS:

15 (1) A SPECIAL DUTY LICENSE ISSUED UNDER § 11-403.1 OF THIS
16 SUBTITLE; OR

17 (2) A LICENSE AND A SPECIAL DUTY ASSIGNMENT CERTIFICATION
18 ISSUED UNDER § 11-404 OF THIS SUBTITLE.

19 [(c)] (D) A person who provides pilotage without a license is liable for any
20 damages that result.

21 11-402.

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

23 (1) a license;

24 (2) a 37-foot-draft limited license;

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

26 (4) a 28-foot-draft limited license; AND

27 (5) A SPECIAL DUTY LICENSE.

28 11-403.1.

29 TO QUALIFY FOR A SPECIAL DUTY LICENSE, AN APPLICANT SHALL:

30 (1) BE AT LEAST 18 YEARS OLD;

1 (2) BE A FULL-TIME DOCKING MASTER WHO, ON OR BEFORE JANUARY 1,
2 1999:

3 (I) MEETS THE REQUIREMENTS OF THIS SECTION; AND

4 (II) HAS PERFORMED A SPECIAL DUTY ASSIGNMENT:

5 1. FOR AT LEAST 500 VESSELS IN THE PORT OF BALTIMORE
6 AFTER JANUARY 1, 1994; AND

7 2. FOR AT LEAST 100 VESSELS IN THE PORT OF BALTIMORE
8 FROM JANUARY 1, 1998, THROUGH JANUARY 1, 1999;

9 (3) BE A CITIZEN OF THE UNITED STATES;

10 (4) PROVIDE THE BOARD WITH PROOF OF RECENT SATISFACTORY
11 COMPLETION OF THE PHYSICAL REQUIREMENT FOR A FIRST-CLASS PILOT LICENSE,
12 AS DETERMINED BY THE UNITED STATES COAST GUARD;

13 (5) AGREE TO PARTICIPATE IN A RANDOM DRUG TESTING PROGRAM
14 APPROVED BY THE UNITED STATES COAST GUARD, AS SPECIFIED IN THE BYLAWS OF
15 THE ASSOCIATION;

16 (6) POSSESS THE FOLLOWING LICENSES AND CERTIFICATIONS ISSUED
17 BY THE UNITED STATES COAST GUARD:

18 (I) A FIRST-CLASS PILOT LICENSE FOR STEAM AND MOTOR
19 VESSELS OF ANY GROSS TONS FOR THE WATERS ON WHICH THE APPLICANT INTENDS
20 TO OPERATE UNDER A SPECIAL DUTY LIMITED LICENSE;

21 (II) A MASTERS LICENSE FOR STEAM OR MOTOR VESSELS UPON
22 INLAND WATERS;

23 (III) UNLIMITED RADAR OBSERVER ENDORSEMENT;

24 (IV) CERTIFICATION OF SUCCESSFUL COMPLETION OF AN
25 ACCREDITED BRIDGE RESOURCE MANAGEMENT PROGRAM; AND

26 (V) CERTIFICATION OF SUCCESSFUL COMPLETION OF THE
27 AUTOMATIC RADAR PILOTING AID (ARPA) PROGRAM;

28 (7) HAVE A MINIMUM OF 5 YEARS EXPERIENCE IN THE MARITIME
29 INDUSTRY WORKING ON VESSELS IN THE DECK DEPARTMENT AS A LICENSED
30 MASTER OR A MATE ON TUGS OR INSPECTED VESSELS:

31 (I) AT LEAST 2 YEARS OF WHICH SHALL BE AS AN OPERATOR OF A
32 SHIP ASSIST HARBOR TUG AS A LICENSED MASTER; AND

33 (II) WITH 1 OF THE 2 YEARS PREFERABLY AS AN OPERATOR OF A
34 SHIP ASSIST HARBOR TUG IN BALTIMORE HARBOR;

1 (8) COMPLETE A TRAINING REQUIREMENT SPECIFIED BY THE BOARD;

2 (9) POSSESS SUFFICIENT ABILITY, SKILL, AND EXPERIENCE AS THE
3 BOARD DETERMINES THROUGH OBSERVATION OF THE PERFORMANCE OF THE
4 APPLICANT IN PROVIDING PILOTAGE LIMITED TO A SPECIAL DUTY ASSIGNMENT;
5 AND

6 (10) APPLY TO THE BOARD ON OR BEFORE DECEMBER 31, 1999.

7 11-404.

8 (a) To qualify for a license other than a limited license OR A SPECIAL DUTY
9 LICENSE, an applicant shall be an individual who meets the requirements of this
10 section.

11 (b) An applicant shall be at least 18 years old.

12 (c) An applicant shall have held a limited license and have provided pilotage
13 for at least 3 years.

14 (d) An applicant shall possess sufficient ability, skill, and experience for the
15 license as determined by the Board through observation of the applicant's
16 performance providing pilotage.

17 (E) AN APPLICANT WHO IS QUALIFIED AND LICENSED UNDER THIS SECTION
18 MAY BE CERTIFIED BY THE BOARD TO PERFORM PILOTAGE FOR A SPECIAL DUTY
19 ASSIGNMENT IF THE APPLICANT:

20 (1) HAS UNDERTAKEN TRAINING THE BOARD MAY REQUIRE FOR A
21 SPECIAL DUTY ASSIGNMENT; AND

22 (2) POSSESSES SUFFICIENT ABILITY, SKILL, AND EXPERIENCE FOR
23 CERTIFICATION AS THE BOARD DETERMINES THROUGH OBSERVATION OF THE
24 PERFORMANCE OF THE APPLICANT IN PROVIDING PILOTAGE ON A SPECIAL DUTY
25 ASSIGNMENT.

26 11-406.

27 (a) If an applicant qualifies for a license under this subtitle, the Board shall
28 send the applicant a notice that states that:

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

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

32 (i) \$600 for a license other than a limited license OR A SPECIAL
33 DUTY LICENSE;

34 (II) \$300 FOR A SPECIAL DUTY LICENSE;

1 [(ii)] (III) \$300 for a 37-foot-draft limited license;

2 [(iii)] (IV) \$300 for a 34-foot-draft limited license; or

3 [(iv)] (V) \$200 for a 28-foot-draft limited license.

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

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

8 11-407.

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

11 (b) (1) While a 37-foot-draft limited license is in effect, it authorizes the
12 licensee to provide pilotage for vessels not exceeding 37-foot-draft.

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

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

17 (C) WHILE A SPECIAL DUTY LICENSE OR A SPECIAL DUTY ASSIGNMENT
18 CERTIFICATION IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO PROVIDE PILOTAGE
19 FOR VESSELS:

20 (1) MANEUVERING DURING BERTHING OR UNBERTHING OPERATIONS;
21 OR

22 (2) SHIFTING WITHIN A PORT WITH ASSISTANCE OF A TUG.

23 11-408.

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

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

27 (2) in an even-numbered year.

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

30 (1) a renewal application form; and

31 (2) a notice that states:

- 1 (i) the date on which the current license expires;
- 2 (ii) the date by which the Board must receive the renewal
3 application for the renewal to be issued and mailed before the license expires; and
- 4 (iii) the amount of the renewal fee.

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

- 7 (1) applies for renewal in April or May of the year in which the license is
8 due to expire, unless the Board in its discretion allows otherwise;
- 9 (2) otherwise is entitled to be licensed;
- 10 (3) pays to the Board a renewal fee of:
- 11 (i) \$600 for a license other than a limited license OR A SPECIAL
12 DUTY LICENSE;
- 13 (II) \$300 FOR A SPECIAL DUTY LICENSE;
- 14 [(ii)] (III) \$300 for a 37-foot-draft limited license;
- 15 [(iii)] (IV) \$300 for a 34-foot-draft limited license; or
- 16 [(iv)] (V) \$200 for a 28-foot-draft limited license; and
- 17 (4) submits to the Board a renewal application on the form that the
18 Board provides.

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

21 (e) A limited license shall be valid for a 2-year period beginning on the date of
22 its issuance by the Board.

23 (f) The Secretary may determine that licenses issued under this subtitle shall
24 expire on a staggered basis.

25 11-501.

26 (a) [Except as otherwise provided in this section, each] EACH American vessel
27 engaged in foreign trade and each foreign vessel shall employ a licensed pilot to pilot
28 the vessel when it is underway on the navigable waters of the State, including when
29 the vessel is towing or being towed by another vessel.

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

- 31 (1) maneuvering during berthing or unberthing operations; or

1 (2) shifting within a port with tug assistance and a docking master
2 aboard the vessel.

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

6 11-502.

7 (a) The Public Service Commission shall establish pilotage fees in accordance
8 with § 4-303 of the Public Utility Companies Article.

9 (b) (1) Regardless of whether the employment is required under § 11-501(a)
10 of this subtitle or voluntary under [§ 11-501(c)] § 11-501(B) of this subtitle, a vessel
11 that employs a licensed pilot to provide pilotage shall pay the licensed pilot the full
12 pilotage fee.

13 (2) Regardless of whether the vessel uses the services of the pilot for the
14 entire pilotage, a vessel that employs a licensed pilot to provide pilotage shall pay the
15 licensed pilot the full pilotage fee.

16 (c) Notwithstanding any contract between a licensed pilot who has provided
17 pilotage for a vessel and the master, owner, charterer, or agent of the vessel or any
18 other party, the vessel, its tackle, apparel, and furniture, and the master, owner,
19 charterer, and agent of the vessel shall be jointly and severally liable for payment of
20 the pilotage fee to the licensed pilot.

21 (d) A licensed pilot who has provided pilotage for a vessel shall have a lien for
22 the amount of the pilotage fee due, enforceable in a court of competent jurisdiction, on
23 the vessel and its tackle, apparel, and furniture.

24 (e) If a vessel fails to employ a licensed pilot to provide pilotage as required
25 under § 11-501(a) of this subtitle, the vessel and its master, owner, charterer, and
26 agent shall be jointly and severally liable for payment of the full pilotage fee as if a
27 licensed pilot had been employed.

28 11-504.

29 (a) A pilot, OTHER THAN A SPECIAL DUTY LICENSE PILOT, is eligible for
30 payments as an inactive pilot under § 11-506 of this subtitle if the pilot:

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

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

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

35 (ii) licensed by the Board to provide pilotage for vessels of unlimited
36 draft.

1 (b) A pilot, OTHER THAN A SPECIAL DUTY LICENSE PILOT, is eligible for
2 reduced payments as an inactive pilot under § 11-506 of this subtitle if the pilot:

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

5 (2) has been, for at least 20 years:

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

7 (ii) licensed by the Board to provide pilotage for vessels of unlimited
8 draft.

9 (C) A SPECIAL DUTY LICENSE PILOT IS ELIGIBLE FOR PAYMENT AS AN
10 INACTIVE PILOT AS SPECIFIED IN THE BYLAWS OF THE ASSOCIATION IF THE PILOT:

11 (1) CHOOSES TO BE PLACED ON THE LIST OF INACTIVE PILOTS THAT
12 THE ASSOCIATION MAINTAINS;

13 (2) IS A MEMBER IN GOOD STANDING OF THE ASSOCIATION; AND

14 (3) IS LICENSED BY THE BOARD TO PROVIDE PILOTAGE FOR A SPECIAL
15 DUTY ASSIGNMENT.

16 11-505.

17 (a) A pilot, OTHER THAN A SPECIAL DUTY LICENSE PILOT, is eligible for
18 payments as a permanently disabled pilot under § 11-506 of this subtitle if:

19 (1) the pilot has:

20 (i) been certified to be permanently incapable of providing pilotage
21 by two physicians chosen by the Board; or

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

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

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

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

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

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

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

1 (C) A SPECIAL DUTY LICENSE PILOT IS ELIGIBLE FOR PAYMENT AS A
2 PERMANENTLY DISABLED PILOT AS SPECIFIED IN THE BYLAWS OF THE
3 ASSOCIATION.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 1999.