

SENATE BILL 237

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2000 Regular Session  
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By: **Senators Blount, Bromwell, and Hollinger**  
Introduced and read first time: January 27, 2000  
Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 14, 2000

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vessels - Pilots - 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 requirements for a special duty license; authorizing the State Board of Pilots to  
7 certify certain licensed individuals to perform pilotage for a special duty  
8 assignment if the applicant meets certain requirements; specifying the scope of  
9 a special duty license and a special duty assignment certification; providing for  
10 the eligibility of a special duty license pilot for certain payments as an inactive  
11 or permanently disabled pilot; repealing certain exceptions to the requirement  
12 that certain American and foreign vessels employ a certain licensed pilot under  
13 certain circumstances; requiring the holder of a special duty license or a special  
14 duty assignment certification to charge certain fees when performing a special  
15 duty assignment until the Public Service Commission adopts certain  
16 regulations; expanding the membership of the State Board of Pilots; defining  
17 certain terms; altering certain definitions; providing for a delayed effective date  
18 for a portion of this Act; and generally relating to certain requirements  
19 concerning pilots of vessels.

20 BY repealing and reenacting, with amendments,  
21 Article - Business Occupations and Professions  
22 Section 11-101, 11-202(a), 11-401, 11-402, 11-404, 11-407, 11-501, 11-502,  
23 and 11-504 through 11-506  
24 Annotated Code of Maryland  
25 (1995 Replacement Volume and 1999 Supplement)

26 BY adding to

1 Article - Business Occupations and Professions  
2 Section 11-403.1  
3 Annotated Code of Maryland  
4 (1995 Replacement Volume and 1999 Supplement)

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

7 **Article - Business Occupations and Professions**

8 11-101.

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

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

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

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

14 (e) "FULL MEMBER" MEANS A PILOT WHO IS LICENSED BY THE BOARD FOR A  
15 PERIOD OF 3 YEARS OR MORE.

16 (F) (1) "License" means, unless the context requires otherwise, a license  
17 issued by the Board to provide pilotage.

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

20 [(f)] (G) (1) "Licensed pilot" means a pilot who is licensed by the Board to  
21 provide pilotage.

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

24 [(g)] (H) (1) "Limited license" means a license issued by the Board to provide  
25 pilotage as limited by § 11-407 of this title.

26 (2) "Limited license" includes a 37-foot-draft limited license, a  
27 34-foot-draft limited license, and a 28-foot-draft limited license.

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

29 [(h)] (I) "Pilot" means an individual who provides pilotage.

30 [(i)] (J) (1) "Provide pilotage" means to pilot a vessel under the provisions  
31 of this title when the vessel is underway on the navigable waters of the State,  
32 including when the vessel is towing or being towed by another vessel.

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

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

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

6 (K) "SPECIAL DUTY ASSIGNMENT" MEANS:

7 (1) MANEUVERING A VESSEL DURING A BERTHING OR UNBERTHING  
8 OPERATION WITH TUG ASSISTANCE; OR

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

10 (L) "SPECIAL DUTY LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO  
11 PROVIDE PILOTAGE LIMITED TO A SPECIAL DUTY ASSIGNMENT.

12 (M) "SPECIAL DUTY LICENSE PILOT" MEANS A PILOT WHO IS LICENSED BY THE  
13 BOARD TO PROVIDE PILOTAGE LIMITED TO A SPECIAL DUTY ASSIGNMENT.

14 11-202.

15 (a) (1) The Board consists of [9] 10 members.

16 (2) Of the [9] 10 members of the Board:

17 (i) 1 shall be the Secretary, as an ex officio member, or a designee  
18 of the Secretary;

19 (ii) 1 shall be the President of the Association;

20 (iii) 3 shall be retired or licensed pilots who have at least 5 years'  
21 experience providing pilotage;

22 (iv) 2 shall be members of the steamship industry who actively  
23 employ pilots; [and]

24 (v) 2 shall be consumer members; AND

25 (VI) 1 SHALL BE AN INDIVIDUAL WHO HOLDS A SPECIAL DUTY  
26 LICENSE OR IS CERTIFIED FOR SPECIAL DUTY ASSIGNMENTS.

27 (3) The Governor shall appoint each member under paragraph (2)(iii),  
28 (iv), [and] (v), AND (VI) of this subsection with the advice of the Secretary.

29 11-401.

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

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

3 (c) AN INDIVIDUAL MAY NOT PROVIDE PILOTAGE FOR A SPECIAL DUTY  
4 ASSIGNMENT UNLESS THE INDIVIDUAL HOLDS:

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

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

9 (D) A person who provides pilotage without a license is liable for any damages  
10 that result.

11 11-402.

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

13 (1) a license;

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

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

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

17 (5) A SPECIAL DUTY LICENSE.

18 11-403.1.

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

20 (1) BE AT LEAST 18 YEARS OLD;

21 (2) (1) BE A FULL-TIME DOCKING MASTER WHO, ~~ON OR BEFORE~~  
22 ~~JANUARY 1, 2000:~~

23 ~~(1)~~ 1. MEETS THE REQUIREMENTS OF THIS SECTION; ~~AND~~

24 ~~(2)~~ 2. HAS PERFORMED A SPECIAL DUTY ASSIGNMENT:

25 ~~1.~~ A. FOR AT LEAST 500 VESSELS IN THE PORT OF BALTIMORE  
26 AFTER JANUARY 1, 1995; AND

27 ~~2.~~ B. FOR AT LEAST 100 VESSELS IN THE PORT OF BALTIMORE  
28 FROM JANUARY 1, 1999 THROUGH JANUARY 1, 2000; AND

29 3. APPLIES TO THE BOARD ON OR BEFORE DECEMBER 31,  
30 2000; OR

- 1                   (II)    BE A PART-TIME DOCKING MASTER AS OF JANUARY 1, 2000,  
2 WHO:
- 3                    1.    MEETS THE REQUIREMENTS OF THIS SECTION;
- 4                    2.    HAS PERFORMED A SPECIAL DUTY ASSIGNMENT:
- 5                    A.    FOR AT LEAST 175 VESSELS IN THE PORT OF BALTIMORE  
6 FROM JANUARY 1, 1994 THROUGH JANUARY 1, 2000; AND
- 7                    B.    FOR AT LEAST 500 VESSELS IN THE PORT OF BALTIMORE  
8 FROM JANUARY 1, 2000 THROUGH JANUARY 1, 2003; AND
- 9                    3.    APPLIES TO THE BOARD ON OR BEFORE DECEMBER 31,  
10 2002;
- 11               (3)    BE A CITIZEN OF THE UNITED STATES;
- 12               (4)    PROVIDE THE BOARD WITH PROOF OF RECENT SATISFACTORY  
13 COMPLETION OF THE PHYSICAL REQUIREMENT FOR A FIRST-CLASS PILOT LICENSE,  
14 AS DETERMINED BY THE UNITED STATES COAST GUARD;
- 15               (5)    AGREE TO PARTICIPATE IN A RANDOM DRUG TESTING PROGRAM  
16 APPROVED BY THE UNITED STATES COAST GUARD, AS SPECIFIED IN THE BYLAWS OF  
17 THE ASSOCIATION;
- 18               (6)    POSSESS THE FOLLOWING LICENSES AND CERTIFICATIONS ISSUED  
19 BY THE UNITED STATES COAST GUARD:
- 20                   (I)    A FIRST-CLASS PILOT LICENSE FOR STEAM AND MOTOR  
21 VESSELS OF ANY GROSS TONS FOR THE WATERS ON WHICH THE APPLICANT INTENDS  
22 TO OPERATE UNDER A SPECIAL DUTY LIMITED LICENSE;
- 23                   (II)   A MASTERS LICENSE FOR STEAM OR MOTOR VESSELS UPON  
24 INLAND WATERS;
- 25                   (III)  UNLIMITED RADAR OBSERVER ENDORSEMENT;
- 26                   (IV)  CERTIFICATION OF SUCCESSFUL COMPLETION OF AN  
27 ACCREDITED BRIDGE RESOURCE MANAGEMENT PROGRAM; AND
- 28                   (V)    CERTIFICATION OF SUCCESSFUL COMPLETION OF THE  
29 AUTOMATIC RADAR PILOTING AID (ARPA) PROGRAM; AND
- 30               (7)    HAVE A MINIMUM OF 5 YEARS EXPERIENCE IN THE MARITIME  
31 INDUSTRY WORKING ON VESSELS IN THE DECK DEPARTMENT AS A LICENSED  
32 MASTER OR MATE ON TUGS OR INSPECTED VESSELS; ~~AND~~
- 33               (8)    ~~APPLY TO THE BOARD ON OR BEFORE DECEMBER 31, 2000.~~

1 11-404.

2 (a) To qualify for a license other than a limited license OR A SPECIAL DUTY  
3 LICENSE, an applicant shall be an individual who [meets the requirements of this  
4 section.]:

5 [(b)] (1) [An applicant] shall be at least 18 years old[.];

6 [(c)] (2) [An applicant] shall have held a limited license and have provided  
7 pilotage for at least 3 years[.]; AND

8 [(d)] (3) [An applicant] shall possess sufficient ability, skill, and experience  
9 for the license as determined by the Board through observation of the applicant's  
10 performance providing pilotage.

11 (B) AN APPLICANT WHO IS QUALIFIED AND LICENSED UNDER THIS SECTION  
12 MAY BE CERTIFIED BY THE BOARD TO PERFORM PILOTAGE FOR A SPECIAL DUTY  
13 ASSIGNMENT IF THE APPLICANT:

14 (1) HAS UNDERTAKEN ANY TRAINING THE BOARD MAY REQUIRE FOR A  
15 SPECIAL DUTY ASSIGNMENT; AND

16 (2) POSSESSES SUFFICIENT ABILITY, SKILL, AND EXPERIENCE FOR  
17 CERTIFICATION AS THE BOARD DETERMINES THROUGH OBSERVATION OF THE  
18 PERFORMANCE OF THE APPLICANT IN PROVIDING PILOTAGE ON A SPECIAL DUTY  
19 ASSIGNMENT.

20 11-407.

21 (a) While a license, other than a limited license OR A SPECIAL DUTY LICENSE,  
22 is in effect, it authorizes the licensee to provide pilotage for vessels of [any]  
23 UNLIMITED draft.

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

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

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

30 (C) WHILE A SPECIAL DUTY LICENSE OR A SPECIAL DUTY ASSIGNMENT  
31 CERTIFICATION IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO PROVIDE PILOTAGE  
32 FOR VESSELS OF UNLIMITED DRAFT:

33 (1) MANEUVERING DURING BERTHING OR UNBERTHING OPERATIONS  
34 WITH TUG ASSISTANCE; OR

35 (2) SHIFTING WITHIN A PORT WITH TUG ASSISTANCE.

1 11-502.

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

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

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

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

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

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

23 11-504.

24 (a) A pilot is eligible for payments as an inactive pilot under § 11-506 of this  
25 subtitle if the pilot:

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

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

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

30 (ii) licensed by the Board to provide pilotage for vessels of unlimited  
31 draft OR TO PROVIDE PILOTAGE LIMITED TO A SPECIAL DUTY ASSIGNMENT.

32 (b) A pilot is eligible for reduced payments as an inactive pilot under § 11-506  
33 of this subtitle if the pilot:

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

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

1 (i) a FULL member in good standing of the Association; and  
2 (ii) licensed by the Board to provide pilotage for vessels of unlimited  
3 draft OR TO PROVIDE PILOTAGE LIMITED TO A SPECIAL DUTY ASSIGNMENT.  
4 11-505.

5 (a) A pilot is eligible for payments as a permanently disabled pilot under §  
6 11-506 of this subtitle if:

7 (1) the pilot has:

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

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

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

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

14 (ii) licensed by the Board to provide pilotage for vessels of [any]  
15 UNLIMITED draft OR TO PROVIDE PILOTAGE LIMITED TO A SPECIAL DUTY  
16 ASSIGNMENT.

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

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

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

22 11-506.

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

25 (1) within 10 days after the close of each month, the Association shall  
26 pay to the Board for that month an amount determined under subsections (b), (c), and  
27 (d) of this section for distribution to the pilots who, at the beginning of that month,  
28 were eligible for payments as inactive or permanently disabled pilots; and

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

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

31 (ii) second, paid to the Maintenance and Replacement Fund under  
32 § 11-507 of this subtitle; and



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

4 (b) The amount to be paid by the Association to the Board for distribution to  
5 eligible inactive pilots who for at least 25 years have been FULL members in good  
6 standing of the Association and licensed by the Board to provide pilotage for vessels of  
7 unlimited draft OR TO PROVIDE PILOTAGE LIMITED TO A SPECIAL DUTY  
8 ASSIGNMENT shall be computed by:

9 (1) determining the greater of:

10 (i) \$200; or

11 (ii) 40% of the share payable under this subtitle for the month for  
12 which the payment is to be made to a regularly working licensed pilot; and

13 (2) multiplying the figure determined under item (1) of this subsection  
14 by the number of pilots in the Association who, at the beginning of the month for  
15 which the payment is to be made, were eligible for payments as inactive pilots under  
16 this subsection.

17 (c) The amount to be paid by the Association to the Board for distribution to  
18 eligible inactive pilots who become inactive with at least 20 years but less than 25  
19 years as FULL members in good standing of the Association and licensed by the Board  
20 to provide pilotage for vessels of unlimited draft OR TO PROVIDE PILOTAGE LIMITED  
21 TO A SPECIAL DUTY ASSIGNMENT shall be computed as follows:

22 (1) for each pilot determining the greater of:

23 (i) \$200; or

24 (ii) 1. 32% of the share payable under this subtitle for the month  
25 for which the payment is to be made to a regularly working licensed pilot; and

26 2. 1.6% of the share payable under this subtitle for the  
27 month for which the payment is to be made to a regularly working licensed pilot in  
28 addition for each year of service in excess of 20 years and up to 25 years; and

29 (2) totalling the sums determined under item (i) of this paragraph for  
30 each pilot in the Association who, at the beginning of the month for which the  
31 payment is to be made, was eligible for payment as an inactive pilot under this  
32 subsection.

33 (d) The amount to be paid by the Association to the Board for distribution to  
34 permanently disabled pilots shall be computed by:

35 (1) determining the greater of:

36 (i) \$200; or

1 (ii) 40% of the share payable under this subtitle for the month for  
2 which the payment is to be made to a regularly working licensed pilot; and

3 (2) multiplying the figure determined under item (i) of this paragraph by  
4 the number of pilots in the Association who, at the beginning of the month for which  
5 the payment is to be made, were eligible for payments as permanently disabled pilots.

6 (e) Within 10 days after the Board receives the amounts paid under  
7 subsections (b), (c), or (d) of this section, the Board shall distribute those amounts:

8 (1) equally to those pilots who, at the beginning of the month for which  
9 the payment is made, were eligible for payments as inactive or permanently disabled  
10 pilots under subsections (b) and (d) of this section; and

11 (2) in the amounts as adjusted in accordance with subsection (c) of this  
12 section to inactive pilots with at least 20 years but less than 25 years as a member in  
13 good standing of the Association and licensed by the Board to provide pilotage for  
14 vessels of unlimited draft OR TO PROVIDE PILOTAGE LIMITED TO A SPECIAL DUTY  
15 ASSIGNMENT.

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

18 **Article - Business Occupations and Professions**

19 11-501.

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

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

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

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

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

31 SECTION 3. AND BE IT FURTHER ENACTED, That after the effective date of  
32 this Act and until the Public Service Commission adopts fees for Special Duty  
33 Assignments pursuant to § 11-502(a) of the Business Occupations and Professions  
34 Article as enacted by this Act, any holder of a special duty license or a special duty  
35 assignment certification shall charge the same fees for performing special duty  
36 assignments as such holder was entitled to charge, pursuant to contract or otherwise,  
37 prior to the effective date.

1 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
2 take effect January 1, 2001.

3 SECTION 5. AND BE IT FURTHER ENACTED, That except as provided in  
4 Section 4 of this Act, this Act shall take effect October 1, 2000.