

SENATE BILL 580

Unofficial Copy
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2002 Regular Session
2lr0004
CF 2lr0190

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

Introduced and read first time: February 1, 2002
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 13, 2002

CHAPTER _____

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
16 subtitle "Subtitle 6. Short Title; Termination of Title", respectively
17 to be Section 5.5-401, 5.5-403, and 5.5-405 through 5.5-409 and the subtitle
18 "Subtitle 4. Licensing"; 5.5-501 through 5.5-505 and the subtitle "Subtitle
19 5. Employment and Payment of Docking Masters"; 5.5-601 through
20 5.5-603 and the subtitle "Subtitle 6. Prohibited Acts; Penalties"; 5.5-701
21 and 5.5-702 and the subtitle "Subtitle 7. Short Title; Termination of Title",
22 respectively
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2001 Supplement)

1 BY adding to
2 Article - Business Occupations and Professions
3 Section 5.5-301 through 5.5-306, inclusive, to be under the new subtitle
4 "Subtitle 3. Trainee Docking Masters"; 5.5-402 and 5.5-404
5 Annotated Code of Maryland
6 (2000 Replacement Volume and 2001 Supplement)

7 BY repealing and reenacting, with amendments,
8 Article - Business Occupations and Professions
9 Section 5.5-101, 5.5-202(a), and 5.5-206
10 Annotated Code of Maryland
11 (2000 Replacement Volume and 2001 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Business Occupations and Professions
14 Section 5.5-403, 5.5-406, 5.5-407, 5.5-408, and 5.5-602
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2001 Supplement)
17 (As enacted by Section 1 of this Act)

18 BY repealing and reenacting, without amendments,
19 Article - Business Occupations and Professions
20 Section 5.5-401, 5.5-405, and 5.5-409
21 Annotated Code of Maryland
22 (2000 Replacement Volume and 2001 Supplement)
23 (As enacted by Section 1 of this Act)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That Section(s) 5.5-301 through 5.5-307 and the subtitle "Subtitle
26 3. Licensing"; 5.5-401 through 5.5-405 and the subtitle "Subtitle 4. Employment
27 and Payment of Docking Masters"; 5.5-501 through 5.5-503 and the subtitle "Subtitle
28 5. Prohibited Acts; Penalties"; 5.5-601 and 5.5-602 and the subtitle "Subtitle
29 6. Short Title; Termination of Title", respectively, of Article - Business Occupations
30 and Professions of the Annotated Code of Maryland be renumbered to be Section(s)
31 5.5-401, 5.5-403, and 5.5-405 through 5.5-409 and the subtitle "Subtitle
32 4. Licensing"; 5.5-501 through 5.5-505 and the subtitle "Subtitle 5. Employment
33 and Payment of Docking Masters"; 5.5-601 through 5.5-603 and the subtitle "Subtitle
34 6. Prohibited Acts; Penalties"; 5.5-701 and 5.5-702 and the subtitle "Subtitle
35 7. Short Title; Termination of Title", respectively.

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

Article - Business Occupations and Professions

2 5.5-101.

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

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

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

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

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

11 (e) (1) "LICENSE" MEANS A DOCKING MASTER LICENSE ISSUED BY THE
12 BOARD.

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

15 (F) "Provide docking services" means:

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

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

19 5.5-202.

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

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

22 (i) 1 SHALL BE THE PRESIDENT OF THE ASSOCIATION;

23 (II) 2 shall be licensed docking masters;

24 [(ii)] (III) 1 shall be a representative of a towing boat company
25 serving the Port of Baltimore; [and]

26 (IV) 1 SHALL BE A MEMBER OF THE STEAMSHIP INDUSTRY SERVING
27 THE PORT OF BALTIMORE ACTIVELY EMPLOYING DOCKING MASTERS; AND

28 [(iii)] (V) 2 shall be consumer members.

29 (3) The Governor shall appoint each member UNDER PARAGRAPH (2)(II),
30 (III), (IV), AND (V) with the advice of the Secretary and the advice and consent of the
31 Senate.

1 5.5-206.

2 The Board shall receive all fees and other charges collectible under [§§ 5.5-304
3 and 5.5-305] §§ 5.5-406 AND 5.5-407 of this title.

4 SUBTITLE 3. TRAINEE DOCKING MASTERS.

5 5.5-301.

6 AN INDIVIDUAL SHALL BE APPOINTED BY THE BOARD BEFORE THE INDIVIDUAL
7 MAY SERVE AS A TRAINEE DOCKING MASTER.

8 5.5-302.

9 THE BOARD SHALL KEEP A LIST OF ALL APPLICANTS WHO QUALIFY TO BE
10 TRAINEE DOCKING MASTERS.

11 5.5-303.

12 TO BE INCLUDED ON THE LIST OF APPLICANTS WHO QUALIFY TO BE TRAINEE
13 DOCKING MASTERS, AN APPLICANT SHALL:

14 (1) BE AT LEAST 21 YEARS OLD;

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

16 (3) PROVIDE THE BOARD WITH PROOF OF RECENT SATISFACTORY
17 COMPLETION OF THE PHYSICAL REQUIREMENTS FOR A FIRST-CLASS PILOT
18 LICENSE, AS DETERMINED BY THE U.S. COAST GUARD;

19 (4) AGREE TO PARTICIPATE IN A U.S. COAST GUARD APPROVED RANDOM
20 DRUG TESTING PROGRAM;

21 (5) POSSESS THE FOLLOWING U.S. COAST GUARD LICENSES AND
22 ACCREDITATIONS:

23 (I) A U.S. COAST GUARD ISSUED MASTERS LICENSE FOR STEAM OR
24 MOTOR VESSELS; AND

25 (II) UNLIMITED RADAR OBSERVER ENDORSEMENT;

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

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

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

2 5.5-304.

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

5 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM PROVIDED
6 BY THE BOARD;

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

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

10 5.5-305.

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

13 (B) FROM THE LIST OF ~~TRAINEE DOCKING MASTERS~~ QUALIFIED APPLICANTS,
14 THE BOARD MAY CHOOSE AND APPOINT THE NUMBER OF ~~QUALIFIED APPLICANTS~~
15 TRAINEE DOCKING MASTERS THAT THE BOARD CONSIDERS NECESSARY TO
16 PROMOTE THE SAFETY AND WELL-BEING OF OPERATIONS IN THE PORTS OF
17 MARYLAND.

18 5.5-306.

19 APPOINTMENT AS A TRAINEE DOCKING MASTER AUTHORIZES THE INDIVIDUAL
20 TO ENGAGE IN TRAINING, UNDER THE SUPERVISION OF A DOCKING MASTER
21 HOLDING AN UNLIMITED DOCKING MASTER LICENSE.

22 5.5-401.

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

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

29 5.5-402.

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

31 (1) AN UNLIMITED DOCKING MASTER LICENSE;

32 (2) A 37-FOOT-DRAFT LIMITED DOCKING MASTER LICENSE; AND

33 (3) A 43-FOOT-DRAFT LIMITED DOCKING MASTER LICENSE.

1 5.5-403.

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

4 (1) [be at least 21 years old;

5 (2) be a citizen of the United States;

6 (3) provide the Board with proof of recent satisfactory completion of the
7 physical requirements for a first-class pilot license, as determined by the U.S. Coast
8 Guard;

9 (4) agree to participate in a U.S. Coast Guard approved random drug
10 testing program;

11 (5)] possess the following U.S. Coast Guard licenses and accreditations:

12 (i) a first-class pilot license for steam and motor vessels of
13 unlimited tonnage for the waters on which the applicant will operate;

14 (ii) a U.S. Coast Guard issued masters license for steam or motor
15 vessels;

16 (iii) unlimited radar observer endorsement;

17 (iv) certification by the U.S. Coast Guard of successful completion of
18 an accredited bridge resource management program; and

19 (v) Automatic Radar Piloting Aid (ARPA) certification;

20 [(6) have a minimum of 5 years' experience in the maritime industry
21 working on vessels in the deck department as a licensed master or mate on tugs or
22 inspected vessels, of which at least 2 years' experience shall be operating a ship assist
23 harbor tug as a licensed master;

24 (7)] (2) complete THE TRAINING PROGRAM APPROVED BY THE BOARD,
25 INCLUDING the following training requirements [determined by the Board,
26 including]:

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

30 (ii) [performing] SUCCESSFUL PERFORMANCE OF a minimum of
31 250 dockings, shiftings, or undockings in the Port of Baltimore under the supervision
32 of a licensed docking master[,] with at least 25% occurring at night[, at least 100 of
33 which shall be performed in the 24 months preceding the applicant's application to
34 the Board, with at least 25% occurring at night]; and

1 [(8)] (3) meet the physical requirements for the UNLIMITED docking
2 [pilots] MASTER license, as determined by the Board[, and submit to an annual
3 physical examination.]; AND

4 (4) POSSESS SUFFICIENT ABILITY, SKILL, AND EXPERIENCE FOR A
5 37-FOOT-DRAFT LIMITED DOCKING MASTER LICENSE AS DETERMINED BY THE
6 BOARD THROUGH OBSERVATION OF THE APPLICANT'S PERFORMANCE PROVIDING
7 SUPERVISED DOCKING MASTER SERVICES.

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

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

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

16 (1) SATISFY THE LICENSING AND ACCREDITATION REQUIREMENTS OF
17 SUBSECTION (A) OF THIS SECTION;

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

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

21 (4) POSSESS SUFFICIENT ABILITY, SKILL, AND EXPERIENCE FOR A
22 43-FOOT-DRAFT LIMITED DOCKING MASTER LICENSE AS DETERMINED BY THE
23 BOARD THROUGH OBSERVATION OF THE APPLICANT'S PERFORMANCE WHILE
24 PROVIDING DOCKING MASTER SERVICES.

25 (D) TO QUALIFY FOR AN UNLIMITED DOCKING MASTER LICENSE, AN
26 APPLICANT SHALL:

27 (1) SATISFY THE LICENSING AND ACCREDITATION REQUIREMENTS OF
28 SUBSECTION (A) OF THIS SECTION;

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

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

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

1 5.5-404.

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

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

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

14 5.5-405.

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

17 5.5-406.

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

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

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

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

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

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

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

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

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

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

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

6 5.5-407.

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

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

10 (1) a renewal application form; and

11 (2) a notice that states:

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

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

15 (iii) the amount of the renewal fee.

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

20 5.5-408.

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

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

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

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

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

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

32 (ii) if the Board finds sufficient cause to proceed with disciplinary
33 action against the docking master, notify the docking master to appear before the

1 Board [and show cause why the disciplinary action should not be taken] FOR A

2 HEARING.

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

4 (i) be in writing;

5 (ii) specify the nature and substance of the complaint against the
6 docking master; and

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

9 1. in person; or

10 2. by certified mail addressed to the docking master's last
11 known address.

12 (c) (1) A docking master whose license has been revoked or suspended shall
13 immediately surrender the docking master's license to the Board, which shall retain
14 the docking master license until the period of suspension expires.

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

20 (d) If a docking master whose license has been suspended is otherwise
21 qualified for licensure at the time the docking master applies for reinstatement of the
22 license, the Board shall reinstate the docking master's license when the suspension
23 period expires.

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

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

29 (I) THE SERIOUSNESS OF THE VIOLATION;

30 (II) THE HARM CAUSED BY THE VIOLATION;

31 (III) THE GOOD FAITH OF THE LICENSEE; AND

32 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE LICENSEE.

1 5.5-409.

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

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

7 5.5-602.

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

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